

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, MARCH 25, 2014

WORKSHOP

Minutes

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 Tuesday, March 25, 2014 at 4:00 P.M., in the Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico.

Mayor Sandra Whitehead opened the Workshop for Discussion/Public Input notice two items for the Work Shop; the first to be Discussion/Public Input: Proposed Ordinance of the City of Truth or Consequences related 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 and the second Work Shop to be regarding to Discussion/Public Input: Proposed Ordinance of the City of Truth or Consequences Amending by Sections 6-78, 6-82 and 6-83 of the Nuisance Chapter and Repealing Section 6-79 of said Chapter; and noted at 5:30 a public Hearing regarding a Request for Special Use Permit, 1002 North Hyde Street, Truth or Consequences, Applicants are Frank & Deann Chavez, to be held at 5:30. She explained there was a signup sheet on the table for Proponents, Opponents, Staff and Members of the Public.

Mayor Whitehead announced the first item in the Work Shop:

1. Discussion/Public Input: Proposed Ordinance of the City of Truth or Consequences related 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 and the second Work Shop; turning the meeting over to City Manager Fuentes.

City Manager Juan Fuentes explained that City Attorney John Appel has been working with the Commission to create the Proposed Ordinance for Discharge or Disposal of Geothermal waters; noting he was going to call Mr. Appel on conference call for the Work Session.

At this time Commissioner Kathy Clark removed herself from the Commission and took a seat in the audience for this discussion.

City Manager Juan Fuentes noted to Mr. Appel that the Commission was in session and asked him to go over the proposed changes.

City Attorney John Appel explained the proposed change in the Ordinance, noting the fourth Whereas in the proposal and the change made, Section 14-17 Discharge or Disposal of Geothermal waters suggestion made by the Commission. Following Subsection D proposed apply domestic not granted by State Engineer. Section E1 it was suggested it clarified that entities who want to apply for permit. Auto renewal of permits within a three month period prior to expiration of permit. E-2 fee for discharge is the same for discharge methods, paragraph three, and meter report to State Engineer you don't want them to report to the City also. Paragraph four if property is sold, fee is \$25, must file notice of change of ownership, and must come in within month of acquiring the property. Section F-1 made relates to homes and business not tied to nature of business. Fees are same as already set. Item 3 reports to State no separate reports to the City. Mr. Appel stood for questions regarding the Proposed Ordinance.

Commissioner Ruben Olivas asked about the 5 years taken out; and why must they renew 5 years.

City Attorney Appel stated no, its valid 5 years anytime within last three months before renewal they must get the permit. He noted the purpose of the 5 year renewal was so we don't lose control.

City Manager Juan Fuentes used the Business License Registration as an example, noting the need for record keeping. He also explained the application fee and the current fees will be the same \$7.50.

City Attorney John Appel noted the Commission needed to evaluate the need for the Ordinance. The amount actually withdrawn, if the City can get the data needed, if resource not overused and confidential maintenance of the hot ditch Ordinance is not needed.

Commissioner Steve Green said the #1 fact is to keep track out in 5, it says Staff is to enter premise, he reads renewable upon. Why have #1; as it devalues or puts hesitation because they get rid of the discharge some way. Spas revenues, rooms collect Lodgers Tax, what happens if we have problem with the Waste Water Treatment Plant, we don't need the closing of business that are so much a part of the Community.

City Attorney John Appel said he thinks Commissioner Green has ligament concerns; up to the Commission to decide if we can in fact be confident what is discharged to the hot ditch. In F-1 if the City is confident quality of discharge and can treat it at the Waste Water Treatment Plant; that the provision is not necessary; it would be important to direct those questions to the utility operators.

Mayor Sandra Whitehead opened the floor to the Public:

Sid Bryan noted he had not been contacted about the meeting, and found out at the last minute, he suggested the item be removed from the Agenda and that the Commission has more workshops on the proposed Ordinance. Mr. Bryan state he would like to see the Ordinance go away, if not then the five year requirement needs to go away.

Lee Foerstner, Riverbend, questioned the purpose of the Ordinance. He gets that the City needs good understanding by metering domestic, and stated that the Commercial was already done. He spoke of the hot ditch. Gave the Commission a handout which related the Lodgers Tax amounts for T or C.;

he noted because of State requirements he felt that he didn't see the reason or purpose to keep commercial in the wording. Mr. Foerstner stated he felt there was more discussion on this, and what the City wished to accomplish. (Handout attached as part of the Record)

Jeff Dobush (unsure of last name) approached and noted his question of treatment of the geothermal waters. Noting his worry of the overload to the Waste Water Treatment Plant; what if metering was not accurate, what contaminants are in the discharge, he also noted regulating language, he felt it should not be sent to the Waste Water Treatment Plant as the system was already old and needed work

Commissioner Ruben Olivas asked what brought this Proposed Ordinance up in the first place.

Commissioner Jeff Richter stated the City had a study done; he noted some of the finding of the study and stated that the purpose was to protect the resource.

City Attorney John Appel also noted the Commission had requested that the general requirement to protect the resource was to meter the wells, and the discharge would have to be a decision the Commission was to decide.

Commissioner Steve Green noted the Contract put out for the Study, and the study recommended we needed to meter and permit wells to protect the valuable resource.

City Manager Juan Fuentes noted in regard to the Ordinance, party of the study recommends to quantify how much is drawn, non-Commercial well owners are 80% domestic out of 15%.

City Attorney John Appel noted it started with the study from NM Tech; noting the maximum permitted amount most commercial accounts, we are not able to tell actually how much is drawn.

Mayor Sandra Whitehead asked where the permit was from.

City Attorney John Appel noted that it came from the lack of data. Noting the work started under the former Mayor's concerns.

Klaus Whittern approached and stated his concerns. He said he wished to correct misperceptions which exist; as the study lists 733 acre ft. of water, which is false, not permitted is declared, he noted the use of aquifer instead of district. He recognized permitting and declared, and guessed probably million gallons, ¼ to be 400 to 450 thousand, not much higher than the 1942 report, noting that less than 400 acre feet is permitted so if 1700 acre feet is produced. He also suggested more discussion and Work Shops on the Ordinance was needed.

Richard Epstein, Fire Water Lodge Owner, approached and stated he felt there was no added burden to the City, noting the ditch is a natural creek, no matter what. His establishment had nothing that goes to the ditch and the Ordinance is fine without it. The State Engineer is doing a good job, no advantage to change that, no reason. For 20 years we have had no complaints, it's a useless Ordinance.

Lee Foerstner approached and stated that the Riverbend files shows information, showing a look at the neighborhood 700 feet is permitted both domestic and commercial, he stated he sees no need for alarm.

City Manager Juan Fuentes thanked City Attorney John Appeal, and the connection was concluded.

Mayor Sandra Whitehead closed the Work Shop regarding the matter.

Commissioner Kathy Clark joined the Commission, taking her seat.

Mayor Sandra Whitehead stated the next item in the Work Shop was Discussion/Public Input Proposed Ordinance of the City of Truth or Consequences Amending by Sections 6-78, 6-82 and 6-83 of the Nuisance Chapter and Repealing Section 6-79 of said Chapter; and turned the meeting over to Bill Slettom and Jay Rubin.

City Attorney Jay Rubin explained this subject was looked at by the Previous Commission, so passed and the portion before the Commission tonight was in keeping with Sierra & Water, Conservation Service. Attorney Rubin explained the changes to the list of Weeds, noting the need for the Repeal of 6-79. He explained the Sierra Soil and Water Conservation list of Weeds and conforming to their requirements.

Commissioner Steve Green noted his dislike for the Ordinance; he wondered how the Code Enforcement would have to take a book to compare what was in yards. He feels removal of all would create a dust bowl, what about erosion, winds. He stated he did support what the City was trying to do, but feels it is unenforceable.

Commissioner Kathy Clark agreed with Commissioner Green's statements, she noted she was unfamiliar with the weeds, names of weed; asking who knew every single weed's name. Noting her own park, and noting some are pretty she would be upset by pulling them. She ended by saying she had a problem with this.

Mayor Sandra Whitehead stated she doesn't like that the City is not cleaning its own yards, and that should be done before enforcing it on others.

City Manager Juan Fuentes stated THE Ordinance is what is stricken out and replaced in red, which came from the Sierra Soil & Conservation list.

Bill Slettom, Assistance City Manager/CDD, explained the list of weeds came from the State of New Mexico and the Sierra Soil and Water District, regarding the issue of Noxious Weeds, noting the City has signed on to this, along with numerous others, the Department of Agriculture and NMSU, he again noted that the City was already participating with Sierra Soil and Water, as we had signed the paperwork.

Commissioner Jeff Richter noted that we can cooperate or not, and what it goes the court next, fines, what?

City Attorney Jay Rubin noted the City submits a notice to the property owner first, and then gives those 15 days or so.

Commissioner Steve Green noted that in essence the City is not responsible, and Sierra Soil and Water is?

Bill Slettom, ACM/CDD stated it was on a matter of scale, where highly concentrated weeds the Sierra Soil and Water would enforce.

Commissioner Steve Green asked if the list would go to realtors, Citizens, so they would know what was acceptable.

Bill Slettom noted that the extension service had the information.

With no further comments Mayor Sandy Whitehead closed the Work Shop.

PUBLIC HEARING

At 5:30 P.M., Mayor Sandra Whitehead noted the signup sheets on the table, stating anyone wishing to speak on the matter was required to sign up at this time, as this was the last chance to voice their opinion; the Mayor stated the Public Hearing would be conducted under the Batter shell Procedure.

Mayor Sandra Whitehead asked those who signed up; Proponents - Frank & Deann Chavez, noting no Opponents signed up, Robbie Travis as Staff and Member of the Public Doris Terrazas, to stand and voice the Oath.

City Clerk Judy Harris administered the Oath.

Building Inspector Robbie Travis explained the Approval of Special Use Permit at 1200 Hyde, Truth or Consequences, New Mexico. As per Section 11-5-6 applicants may request a Special use Permit subject to the following provisions:

- a. There will be no increase in congestion of streets or right of way.
- b. No diminishment of safety from fire, panic or other dangers
- c. No diminishment to health and general welfare of the public
- d. No degradation of light and air to any properties in the immediate area, no increase of overcrowding of land and no undue concentrations of populations
- e. No adverse effects on provisions for transportation, water, sere, schools, parks, or other public facilities or increase in the effects of natural hazards
- f. No increase of facilitation of the unlawful use of structures, buildings, and land, and
- g. Does not promote the use of waste of energy in the use of structures, buildings and land.

Building Inspector Robbie Travis explained the History of the Property was owned by the same family since 1962, with no changes. He stated Staff did recommend approval of the Application.

Mayor Sandra Whitehead asked the Commission if they had any questions for Building Inspector Travis.

Commissioner Ruben Olivas asked if their City Business License was up to date.

City Manager Juan Fuentes noted this is part of the process and they would check on it.

With no further questions for the Building Inspector, Mayor Sandra Whitehead called Frank Chavez as the First Proponent to approach.

Mr. Frank Chavez approached, he stated his family had owned the property since 1962, he noted there are no changes; he wished to change the Property to Commercial so he would keep his equipment on the Property.

Mayor Sandra Whitehead asked if there were questions from the Commission.
Mayor Sandra Whitehead asked if there were questions from the Staff.

With no questions, Mayor Sandra Whitehead asked if Deann Chavez wished to speak.

Mrs. Deann Chavez stated she would just say the same and had no further to add.

Mayor Sandra Whitehead asked if there were questions from the Commission.
Mayor Sandra Whitehead asked if there were questions from the Staff.

With no questions, Mayor Sandra Whitehead asked Doris Terrazas, as Member of the Public, to approach.

Ms. Doris Terrazas approached, she stated she had no problem with the Permit, the on concern she had was if it would affect taxes.

City Attorney Jay Rubin stated no, it was not a change in zoning.

Commissioner Steve Green asked if the permit stays with the property, to owners or use of the property.

City Attorney Jay Rubin stated he would research and have the answer for the next session of the meeting.

City Manager Juan Fuentes noted with the particular property – existing operation.

With nothing further for the Public Hearing, Mayor Sandra Whitehead closed the Public Hearing at 5:41 P.M. (Signup sheets and paperwork provided for the record)

Mayor Sandra Whitehead noted the Regular Meeting would start at 6 P.M., following a short break.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, March 25, 2014

**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, March 25, 2014, following the Work Shop, with the meeting starting at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Sandra Whitehead who presided and Judy M. Harris, City Clerk acted as Secretary of the meeting.

ATTENDANCE: Upon calling the roll the following Commissioners were reported present:

Hon. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-tem
Hon. Jeff Richter, Commissioner
Hon. Ruben Olivas, Commissioner
Hon. Kathy Clark, Commissioner

Also present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
Judy M. Harris, City Clerk

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

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

Mayor Sandra Whitehead called for the Pledge of Allegiance with City Commissioner Ruben Olivas leading the Pledge.

APPROVAL OF
AGENDA:

Mayor Sandra Whitehead called for approval of the Agenda.
"Commissioner Steve Green moved to approve the Agenda."

Seconded by Commissioner Kathy Clark.

Motion carried unanimously.

COMMENTS FROM
THE PUBLIC:

Mayor Sandra Whitehead called for anyone wishing to make Public Comment to approach.

Ron Fenn, 316 North Foch, approached and made comments regarding an email published as a Guest Editorial he wrote in the Herald on page 15, he read a portion of his writings. (*Paperwork provided for the Record*)

Audon Trujillo, 506 West Third, approached the podium and spoke congratulations to the newly elected Officials. He Commented on meetings of Friends of the Park, voiced his opinions on improvements needed, the City Mangers review and the City's policy on hiring.

CONSENT
CALENDAR:

"Mayor Sandra Whitehead motioned approval on the Consent Calendar, consisting of City Commission Meeting Minutes 3/11/2014, Recreation Advisory Board 12/2/2013 & 1/6/2014, Golf Advisory Board Minutes 2/24/2014 and Domestic Abuse Report for February 2014."

Seconded by Commissioner Steve Green.

Motion Carried Unanimously.

OLD BUSINESS:

Commissioner Kathy Clark recused herself and left the room prior to discussion;

Mayor Sandra Whitehead noted Old Business was Discussion/Action Proposed Ordinance for Publication of the City of Truth or Consequences related 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 separated 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. Mayor Whitehead turned the meeting over to City Manager Fuentes.

City Manager Juan Fuentes explained what occurred in the Work Shop, and other previous meetings regarding the Ordinance. He explained the intent was to quantify the

domestic use, noting 120 domestic wells and the fact we have no idea how much is used.

Commissioner Ruben Olivas noted that if they are metering and paying to dump there was no need for the ordinance.

Commissioner Steve Green asked City Manager Fuentes about the other Ordinance regarding repealing drilling of wells, he questioned metering domestic wells, what is required, he suggested drafting a another document to protect the City.

Mayor Sandra Whitehead agreed with Commissioner Steve Green, fix and return with a working document.

City Manager Juan Fuentes noted did they wished to clarify only apply to domestic.

“Commissioner Ruben Olivas made a motion to table the Proposed Ordinance, he noted the document needed to be amended leaving domestic; return the document to the Commission for reconsideration.”

Seconded by Commissioner Steve Green.

Motion passed with four Commissioners voting Aye.

Commissioner Kathy Clark returned to the meeting.

Mayor Sandra Whitehead noted next was Discussion/Action regarding Proposed Ordinance for Publication of the City of Truth or Consequences Amending by Sections 6-78, 6-82 and 6-83 of the Nuisance Chapter and Repealing Section 6-79 of said Chapter. Mayor Whitehead turned the meeting over to City Attorney Rubin.

City Attorney Jay Rubin noted the just competed Work Shop regarding the matter; he explained the previous Commission had passed a similar Ordinance; due to the Sierra Water and Conservation list of weeds, the City need to amend the list of weeds.

Bill Sletton, ACM/CDD, explained the Soil and Conservation was working on an MOA with the City of T or C in 1987, and noted the list of weeds came from their Department and the New Mexico Department of Agriculture, noting that the City had already signed the MOA.

“Commissioner Jeff Richter moved to approve Publication of the Proposed Ordinance.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

NEW BUSINESS:

Mayor Sandra Whitehead announced New Business; with Discussion/Action: Resolution #29 13/14 Budget Adjustment, she called Leo Silva to approach.

Leo Silva, Finance Director, approached; he explained the first two items were for the Library, noting the Library was short on funds due to the monthly Re-Imbursements not being received; noting that the onetime re-imbusement was paid then the funds will be transferred back. Regarding the General Fund the additional \$13,180 would be allocated to the Municipal Court from the new Mexico Administrative Office of the Court and the \$11,560.97 for Legal Services.

City Manager Juan Fuentes stated the \$11,560.97 was reimbursement for our legal fees.

Leo Silva, Finance Director explained the Wastewater transfer out and in was due to the Wastewater repair of two lift station pumps.

“City Commissioner Steve Green moved to approve Resolution # 29 13/14 Budget Adjustment.”

Seconded by Commissioner Jeff Richter.

Mayor Sandra 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. Ruben Olivas responded Aye to a Roll Call Vote.

Hon. Kathy Clark responded Aye to a Roll Call Vote.

Motion Carried Unanimously.

Prior to the next item; Commissioner Jeff Richer recused himself from the discussion and left the room.

Mayor Sandra Whitehead noted next was Discussion/Action: Vacate Sewer to 900 Marshall, properties being owned by Clay and Chari Spears; calling for City Attorney Jay Rubin to explain.

City Attorney Jay Ruben explained Clay and Cindy Spear were requesting the City remove the unused sewer easement through their property. Noting the Water and Wastewater Departments had reviewed records and found no existing sewer lines through said easement. Furthermore, staff review has determined that there will be no future need for this easement and recommend vacating this easement.

“Commissioner Steve Green moved to Approve Vacate Sewer to 900 Marshall.”

Motion Passed with four Commissioners voting Aye.

Commissioner Jeff Richter returned to the Meeting.

Mayor Sandra Whitehead noted next was Discussion/Action Approval of Law Enforcement Protection Fund (LEFP) Application for FY 2014/2015; Calling Police Chief Priscilla Mullins to approach.

Priscilla Mullins, Police Chief approached and explained the purpose of the Law Enforcement Protection Fund (LEFP) is to provide the equitable distribution of funds to municipal police for maintaining and improving those department in order to enhance the efficiency and effectiveness of law enforcement services. Each year the State of New Mexico Department of Finance and Administration, Local Government Division requires the law enforcement agencies of the State to submit an application for funding. She noted the amount Each department is eligible for is outlined in Section 29-13-4, B1 NMSA 1978.

“Commissioner Steve Green moved to Approve Law Enforcement Protection Fund LEFP Application for funding FY 2014/2015.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next was Discussion/Action Request for Special Use Permit, 1002 North Hyde Street, Truth or Consequences, Applicants are Fran & Deann Chavez.

Bill Slettom, ACM/CDD approached and explained the Public Hearing that had been held prior to the meeting, he noted that this was not a change in zoning for the area, he noted no opponents and read Section 11-5-6, noting:

- a. There will be no increase in congestion of streets or right of way.
- b. No diminishment of safety from fire, panic or other dangers
- c. No diminishment to health and general welfare of the public
- d. No degradation of light and air to any properties in the immediate area, no increase of overcrowding of land and no undue concentrations of populations
- e. No adverse effects on provisions for transportation, water, sere, schools, parks, or other public facilities or increase in the effects of natural hazards
- f. No increase of facilitation of the unlawful use of structures, buildings, and land, and

- g. Does not promote the use of waste of energy in the use of structures, buildings and land.

ACM/CDD Bill Slettom noted the family has owned the property since 1962.

“Commissioner Steve Green Moved to approve the Request for Special use permit for 1002 North Hyde Street, owned by Frank and Deann Chavez, noting the map and letter contained with the Agenda Packet.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next was Discussion/Action: Awarding of RFP and Authorization to negotiate Power Purchase Agreement (PPA) for Solar Generation Project; she turned the presentation over to City Manager Fuentes.

City Manager Juan Fuentes started by introducing Steve House, Triple H Solar Engineer; City Employees Gil Avelar, Ed Williams, Electric and Pat Wood from Purchasing.

Steve House, Triple H Solar Engineer approached and gave a PowerPoint presentation.
(Complete copy attached hereto and made part hereof.)

Mayor Sandra Whitehead asked for questions and comments.

Commissioner Jeff Richter asked what there was to negotiate.

Steve House answered that it would be negotiating for rate and escalates.

Commissioner Steve Green explained to the new Members of the Commission that the previous Commission had approved that he and Commissioner Mike Kertesz look into the Solar to see if it was a fit for the City, he noted they worked with several entities and spoke of Hydro Electric Production. *(Complete Copy attached hereto and made part hereof.)*

“Commissioner Steve Green moved to approve moving ahead with the RFP and negotiate the best Power Purchase Agreement for the Solar Generation Project.”

Seconded by Commissioner Kathy Clark.

Motion passed with a Three (3) to Two (2) vote, with Commissioners Richter and Olivas voting Nay.

Mayor Sandra Whitehead noted next was Discussion/Action Closeout/Final Change Order for the J.A. Hodges Municipal Pool Project; she asked City Manager Fuentes to explain.

City Manager Juan Fuentes showed a PowerPoint Presentation and explained that this was the close out and final change order regarding the pool. He noted the items on the final change order were complete, noting items that had been required that were not in the planning of the cover. He explained CID added things and demanded items, which the presentation broke down. He noted this would close out the contract regarding the pool cover.

Commissioner Ruben Olivas asked about the Contract and if the Company had been watch, noting he had heard the original pool cover cost was \$70,000 what happened.

City Manager Juan Fuentes explained that was not true this was only a 9.3% change from the original Contract; totaling \$408,846.25. He also explained the items were required for them to open the Pool.

Commissioner Jeff Richter voice his feelings on Change Orders

Commissioner Ruben Olivas agreed with Commissioner Richter, noting his work and times he has dealt with change orders and the fact that he doesn't like the change orders.

Commissioner Steve Green noted the history of the pool cover, he noted CID added things and demanded things we were not expecting and were not in the original contract.

Commissioner Kathy Clark asked what would happen if we do not pay.

City Manager Juan Fuentes noted that the work was already complete, explaining the City had to complete the work in order to get the certification to open the pool. He told the Commission that they would look at the budget soon and find a way to operate the pool. He added that he felt the change order was reasonable.

“Commissioner Ruben Olivas moved to pay the Change Order.”

Seconded by Commissioner Steve Green.

Motion carried with a four (4) to one (1) vote, with Commissioner Jeff Richter voting Nay.

REPORTS:

City Manager Juan Fuentes noted that in the last Commission Meeting a gentleman in the audience asked for an additional fire hydrant to be put on Riverside in the area of his home. City Manager Fuentes stated he had spoken to Fire Chief Tooley and City Workers, who had already planned to put an additional fire hydrant in the area. City Manager Fuentes spoke of a complaint made by Hans Townsend of the Chamber of Commerce at the last meeting; noting he met with Hans last week and was working on

the information requested.

Chief Paul Tooley approached and noted they pulled out a hydrant from Riverside and planned to put in two new hydrants on Riverside.

City Attorney Jay Ruben – No Report.

Commissioner Ruben Olivas noted he was working with the boys and girls club, seeking to find what was wanted, noting they have a good program. He mentioned that next week on the 31st there was to be a meeting of the Arts Council, stating they are bringing the Opera to town. Commissioner Ruben Olivas invited the Commission to attend the meeting, if they intend to come to let the Clerk know to make a quorum notice.

Commissioner Jeff Richter – No Report.

Mayor Pro-Tem Steve Green stated that there had been a New Mexico DOT meeting in town last week; he thanked MainStreet, the Chamber of Commerce and Geronimo Springs Scenic Byways for their participation and help. Commissioner Steve Green spoke about the food problem in the Community noting Coordinated Health was told they would have to pay their own insurance, which was a lot. He received an email from Destiny regarding a workshop about the pool, noting he recommends the workshop. Commissioner Green asked Commissioner Kathy Clark to speak about the impact the Supreme Court lawsuit about who owns water. He also noted his disappointment in the vote for the Solar, as they were only testing the waters, when it would not cost anything to do.

Commissioner Kathy Clark stated that she could say the metering requests from the State Engineer; in the 2006 lawsuit we lost water from Elephant Butte to the South. The State Engineer regulates surface to pump ground water, and those in-between, the Supreme Court has decided to hear the case, which could affect water rights in the Community and for others.

Mayor Sandra Whitehead stated that a couple of weeks ago she met with the Friends of the Park, noting their concern about the repair of the Skate Ramp, she noted she spoke to staff who is working on the repairs and hope to be done, and have the ramp ready for Fiesta.

RESPONSE TO
PUBLIC COMMENT:

None.

EXECUTIVE
SESSION:

“City Commissioner Steve Green moved that the meeting be closed for Executive Session pertaining to

1. Purchase, Acquisition or Disposal of Real Property 10-15-1(8)
 - a. Related to the Public Safety Complex
2. Personnel 10-15-1H(2)
 - a. Related to the Finance Department

Seconded by Commissioner Ruben Olivas.

Mayor Sandra 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. Ruben Olivas responded Aye to a Roll Call Vote
Hon. Kathy Clark responded Aye to a Roll Call Vote

Motion Carried Unanimously

OPEN SESSION: "Mayor 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 10-15-1(8)
 - a. Related to the Public Safety Complex

2. Personnel 10-15-1H(2)
 - b. Related to the Finance Department

"were discussed in Executive Session, no decisions were made."

"Commissioner Steve Green moved that related to the Public Safety Complex; the Commission Authorize Staff to get information and report back to the Commission on Options and alternatives on the following – pertaining to the proposed Police Complex:

1. Doing the whole project
2. Phasing in project
3. Disposal and Sale of Police Building."

Seconded by Commissioner Jeff Richter

Motion Carried Unanimously.

ADJOURNMENT: 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

Judy M. Harris, City Clerk

The... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)

... (mirrored text)