

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, APRIL 8, 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, April 8, 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; Item #1. Discussion/Public Input: Swimming Pool Hours and Cover for summertime use; and Item #2. Discussion/Public Input: Proposed Ordinance of the City of Truth or Consequences 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; providing for fees to cover City expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the City.

Work Shop #1.) Discussion/Public Input – Swimming Pool Hours and Cover for summertime use:
Mayor Sandra Whitehead turned the meeting over to Mayor Pro-Tem Steve Green.

Mayor Pro-Tem Steve Green explained that the work shop tonight is to receive public comment regarding the use of the pool, hours of operation of the pool, leaving the cover on or taking the cover off during the summer. Noting a letter from Destiny Mitchell, regarding pool issues, Mayor Pro-Tem Green asked to have the hours projected on the screen.

City Manager Juan Fuentes noted he would have comments later in the discussion; he put the hours of operation for the pool on the screen. He stated the current schedule is based on three certified personnel and allocated budget.

Destiny Mitchell approached, she noted a handout (complete copy attached and made part hereof), she had three items of comment; 1)the pool opening is not conducive to hour which people work. 2)Why cover the pool during the summer; in order to save money on the utilities necessary when the cover is up. She also noted the need to have a facility to store the cover.

Colly Sue Lawson approached and noted she had heard the City had software to look for grants, but no one who knew how to search for them. She stated the City needed to generate grant money to help with the pool and other things.

Matt Sokolow, a City Pool employee, approached and stated the Crew at the pool is doing the best they can, noting 10 hour work days and stating the split shifts are hard on guards. He gave a description of those who work at the pool and hours they work, stating it make it hard to have any type of afterhours recreation.

Ron Fenn approached and the removal of the cover would be expensive, to take it off would possibly destroy or damage the cover. He stated it was time someone needed to calculate what the City needs. Explained the City needed to be heated with geothermal waters, needed to be the size to prove for swimming meets. He stated the current pool is not economical. He also spoke of grants or bond issues for a pool.

Dana Berkstresser approached and noted she has three kids on the swim team, and that because of work she is not able to attend. She requested different hours with more access to pool was needed and after school activities at the pool.

Linda Larson approached; she noted she worked at the pool before the cover was put on. She stated there was a vindictive person who continuously called the EPA to complain about inconsequential complaints of the pool. She also noted that split shifts were hard on employees.

Christy Konklin approached and noted the pool cover cost a lot, and needed to be a win/win for all. She noted the difficulty for those who work until 5; she thought the City lost money to private parties. Noting the pool need longer hours and more lifeguards. She also noted the need for a speed sensor on the door, before someone gets injured.

Millie McLeod approached and said she had many phone calls regarding the hours of the pool, most wishing to go the pool after five pm. She stated the City needed to accommodate those who use the pool. And find a way to compensate for the loss in money.

Wendy Evanson, a citizen for over 17 years, thanked the Commission for opening the pool. She noted the process and issues, stating that the pool needed to be open on Sundays. She noted family health, family, and the need for a kiddie pool. Ms. Evanson noted we are doing a disservice to the younger kids, 0-3 is a development time for children, people need to grow. She also stated that there are less places since the youth center was torn down.

Amy Klauson approached and stated she was representing two others, who were unable to attend. One of those wished to see more summer hours and the cover removed for the summer. The other person complemented the lifeguards on earlier hours, suggested they consider raising the fee one dollar more. Noting the hours for the pool was very difficult for she and her husband to attend. Suggesting a pole be taken as to the hours requested, noting they counted 123 swimmers on free days. They also noted the capacity with the cover is limited. Ms. Klauson left a handout. (Complete copy attached herein for the record)

Mayor Sandra Whitehead opened the floor for Commission Comments:

Mayor Pro-Tem Steve Green wondering if any other locations have similar pool covers and how they handled the problems stated. He suggested reaching out for suggestions. He noted split shifts are hard on people and that the City had spent a lot of money and needed to have the money to continue the pool use. He also mentioned finding the right hours for our community.

Commissioner Kathy Clark stated she was agreeable to removing the cover for summer, she also agreed with Saturday and Sunday hours for the pool. Noting we need to be considerate of the lifeguards. She asked Destiney Mitchell a few questions about volunteer guards.

Destiny Mitchell answered that volunteers could be used if they are qualified.

City Manager Juan Fuentes noted that he and Public Works Director Don Armijo meet with Amy and they made some calls finding they can use volunteer guards but they require the same qualifications. He noted they were looking into available financial resources, and was reaching out to company who runs pools, thinking outside the box. He agreed with comments regarding 10-12 hour schedules. Noting that budget workshops to come and funding for the pool to be determined

Commissioner Ruben Olivas asked how many lifeguards the City has currently; if we can generate enough money and revenue to ala cover, asking if the cover was made to be removed and stored, if so where was it to be stored. Commissioner Olivas also asked about the kiddie pool.

City Manager Juan Fuentes answered three which are certified, and that was currently what we can afford. At this time there was no way to pay for 2 more guards. City Manager Fuentes noted the cover was bolted to a frames, and was made to remove. He mentioned it took a number of people to take down and put up the cover, and the first time we would need to have the company come in and help us. He noted the size was large and that the cover came on a large truck and had to be moved with a forklift. He stated that mold would be an issue and also damage while removing and replacing the cover would be an issue. As far as the kiddie pool, he noted the pumps were not working, the kiddie pool has not been used in ages and would take a lot of work to repair.

Mayor Sandy Whitehead noted she was pleased they finally had the pool cover, and apologized for the time it had taken to get it. Noting the long hours the guards were working now, thanking them for their hard work. She noted we can't please everyone, spoke of looking at the budget for long term use of the pool, and looking at all the resources for the pool. She explained that only 20 people per certified guard were allowed in the pool, hoping to able to get two other guards certified soon. She asked that everyone be patient, noted that the cover may have to stay up, see how it stands in the weather and hoped that everyone would eventually enjoy the covered pool.

City Manager Juan Fuentes stated that staff is now working on the preliminary budget. He encouraged the public to be there for preliminary budget workshops to look at the pool, parks, streets, and noting the City would do all within its means.

Commissioner Steve Green noted he served with the Mayor of Alamogordo on several boards, and if the Commission did not mind he would be willing to pick his brains on how they managed the Covered Pool.

Mayor Sandra Whitehead thanked the public for their participation and asked them to bare with the Commission in working this out. With that she closed the first work shop.

Mayor Sandra Whitehead introduced Work Shop #2. Discussion/Public Input: Proposed Ordinance of the City of Truth or Consequences 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. She turned the meeting over to City Attorney Rubin.

City Attorney Jay Rubin explained the discussion of this matter has been before the Commission many times, noting the last meeting and changes requested by the Commission, in removing the Commercial portions of the draft Ordinance. Attorney Rubin explained changes on the first page, 7th Whereas, 1st four of the Whereas are the same as prior, He noted the 5th Whereas, the 6th Whereas and the last Whereas. He noted areas in the subject matter which the wording Commercial were removed. He stood for questions.

Mayor Sandra Whitehead opened the discussion to the audience for comments.

Mr. Ron Fenn approached and noted confusion in the application in Section D, disposal by infestation; noting anyone reading the Ordinance would require a PHD to understand the wording an purpose of the Ordinance. He noted Section D referred to Section 26 3105 or other applicable Regulations. He questioned fees. He noted he was troubled the City may deny any application within 1000 foot lateral of another well or take a look at what the City has done, and will do wash garbage tanks, Medical Waste and other substances into the well fields, He also noted language in the Ordinance was troubling.

Klaus Whittern, 618 Charles, approached and noted a few concerns he had with the Ordinance. He noted one was the misunderstanding of need to change aquifer to district. Only downtown less than 160 acres. Talking of aquifer, done an analysis on individual wells noting 706 acre feet of water. 239 acre feet metered Commercial acre feet, only 1230 declared, no permitted or metered – just declared. He stated 200 plus acre feet or the balance on domestic side, unlike those ever exceed, some are metered some are not. He believes the meter is not expensive, and not unreasonable burden. He noted one sentence on Page 3-4 discharge to hot ditch monthly.

Dianna Tiddle approached and noted she was a part time resident and new to town, and had concerns. She had a couple of questions; is the Ordinance retroactive to domestic wells and at the meeting two weeks ago noted the commercial being done, not 120 domestic wells.

Mayor Pro-Tem Steve Green questioned the previous Ordinance that passed and asked if it applied to new and present owners; regarding meter on wells.

City Manager Juan Fuentes noted he believed the 1st Ordinance addressed drilling, and the second Ordinance addressed discharge. He noted the removal of Commercial establishments from the discharge Ordinance, requiring domestic well owners to seek a City permit for water well expected to produce geothermal water, and require method of discharge to the Wastewater Treatment Plant only.

Mayor Pro-Tem Steve Green asked if it mentioned existing wells.

City Manager Juan Fuentes found the previous Ordinance on his laptop and showed portions on the screen, noting the new Ordinance requires measurements to meter, the intent is to measure how much is discharged and to where it is discharged.

Dianne Tiddle approached and noted if it was only existing wells and asked what if it is French drain.

City Manager Juan Fuentes noted he believed any discharge to the hot ditch is in the language, under Section F proposed discharge to utility, any well required addressed to existing wells.

Commissioner Kathy Clark addressed her question to Attorney Rubin; noting page 2B the 3rd sentence – noting verbage was improper. In order to get license prove to put to beneficial use; domestic permit any one applies can get. Noting Mr. Appel didn't put the wording back, why was it taken out; she noted she felt it should be put back in.

Attorney Jay Rubin stated he didn't know the reasoning why it was removed.

Mayor Pro-Tem Steve Green stated he thought because of the overload on the treatment plant.

Commissioner Jeff Richter noted the Ordinance, and questions never thought about. He stated the Ordinance is short sided like the pool Ordinance. He questioned if all Commercial providers are reporting. Are they dumping into the hot ditch, if not are they paying to dispose to the Water Treatment Plant. He explained this Ordinance was meant to weed out those who were not. The Ordinance has been gutted until it is worthless; noting the reason the study was done. Wanted to be able to monitor, now the thing no one foresees the future of who comes to town and drilled a well.

Millie McLeod from the audience questioned the change rate outflow.

Commissioner Jeff Richter noted knowing what comes out of the ground now; and questioned enforcing the Ordinance.

Klausa Whittorn stated no commercial permits available today, permits current license are about 240 acre feet out of 700.

Ron Fenn commented one thing that bothers him is the shrinking business population loss, and to look at control.

Commissioner Ruben Olivas asked how much commercial wells are using, and how much domestic.

Several more comments were made by the Commission, regarding metering.

Mayor Sandra Whitehead closed the work shop at 5:50 and gave a notice of the meeting to start at 6:00 P.M.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, APRIL 8, 2014
REGULAR MEETING

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, April 8, 2014, following the Work Shops , 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 . 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 Harris, City Clerk

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

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

Mayor Sandra Whitehead called for the Pledge of Allegiance with Mayor Pro-Tem Steve Green leading the pledge.

APPROVAL Of Mayor Sandra Whitehead called for approval of the Agenda.

AGENDA: "Mayor Pro-Tem Steve Green moved to approve the agenda with the correction of Item F being instead

Numbered 1 to 5.

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

COMMENTS
FROM
THE PUBLIC:

Mayor Sandra Whitehead called for Comments from the Public.

Ron Fenn approached and made comments regarding the State Highway sidewalk project concerned with the roundabouts in the sidewalk causing problems.

Carol Wheeler approached and made comments about new street signs needed.

Jagger Gustin, Representative of the Arts Council, approached and made comments thanking the Commission for their Support, thanking Steve Green for spearheading Scholarships. He also noted the Santa Fe Opera coming to town and invited all to attend the world class event. He noted his thanks to the City Clerk.

Ron Pacourek, 603 N. Riverside, approached and made comments regarding fire hydrants on Riverside Drive, stripping of the streets and budget concerns.

CONSENT
CALENDAR:

Mayor Sandra Whitehead called for approval of the Consent Calendar.

“Mayor Pro-Tem Steve Green moved for approval of the Consent Calendar as presented; City Commission two Work Shops, Public Hearing and regular Meeting Minutes for 3/25/2014; Lodgers /Tax Advisory Board Minutes 1/23/2014, Airport Advisory Board Minutes from and Accounts Payable for March 2014.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

UNFINISHED
BUSINESS:

Mayor Sandra Whitehead noted next was Unfinished Business, Discussion/Action Proposed Ordinance, for publication, of the City of Truth or Consequences relating to the 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 the city expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the city, she asked City Attorney Jay Rubin to explain the item.

City Attorney Jay Rubin stated this item was discussed at previous meetings, and tonight during the Work Shop. He noted the Ordinance change removed the wording Commercial, as requested by the Commission.

City Manager Juan Fuentes noted the Commission had options regarding the Ordinance; approve, amend, postpone or reject the Ordinance.

“Commissioner Steve Green stated he wished to get discussion on the Ordinance Started and for that he would motion for Publication of the Ordinance with the Exclusion of page two second line the word, City, deleting. He suggested looking at the Ordinance, permit by City, State Engineering Control, , talk about what we have and how much we are using.”

Commissioner Kathy Clark agreed, noting she questioned the wording regarding Domestic use.

Seconded by Commissioner Ruben Olivas.

Motion Carried with a vote of 4 to 1;
With Commissioner Jeff Richter Voting Nay.

NEW
BUSINESS:

Mayor Sandra Whitehead noted next was Discussion-Action: Appointment of Commissioner to serve with Steve Green and Juan Fuentes as contact from City For NMSA and Virgin Galactic; Mayor Whitehead turned the meeting over to Mayor Pro-Tem Steve Green.

City Manager Juan Fuentes noted last year, the City Commission appointed or authorized Mayor Pro-Tem Steve Green and Commissioner Mike Kertesz to work with the City Manager on matters related to NMSA & Virgin Galactic. Over the course of the year, the City will increase efforts and activities to prepare for the first New Mexico SpacePort Authority, and Virgin Galactic flight.

Mayor Pro-Tem Steve Green explained the loss of Commissioner Mike Kertesz on the three person team which attends business regarding NMSA and Virgin Galactic. He explained that the three person team is necessary to keep the Commission updated on actions required and then they report back to the Commission to keep everyone in the loop, He asked for a volunteer to fill the gap. Mayor Pro-Tem Steve Green then moved that Commissioner Kathy Clark volunteer to serve as contact."

Seconded by Commissioner Ruben Olivas.

Commissioner Kathy Clark volunteered to serve on the team.

"Mayor Sandra Whitehead moved to appoint Commissioner Ruben Olivas as alternate on the team."

"Mayor Pro-Tem Steve Green amended his motion to appoint Commissioner Kathy Clark as team member, and Commissioner Ruben Olivas to serve as alternative."

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted Discussion-Action: Appointment of Board Member Sazi Marri to Lodgers Tax Advisory Board.

City Manager Juan Fuentes explained in the last Lodgers Tax Advisory Board Meeting the Lodgers Tax Advisory Board had recommended appointment of Sazi Marri to serve as Board Member for the Advisory Board. He noted Ms. Marri had worked at Sierra Grande and had experience with Lodgers Tax.

"Mayor Pro-Tem Steve Green moved to appoint Sazi Marri to the Lodgers Tax Advisory Board."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted Discussion-Action: Approval of Auditing Firm for Audit Services for FYE 2014/2014; asking Finance Director Leo Silva to approach.

Leo Silva, Finance Director, noted they were at a point where we have to choose an Audit firm for 2013/2014. He stated that based on what he saw and the performance of Accounting & Consulting Group (ACG) Certified Public Accountants, staff was recommending approval of renewal.

City Manager Juan Fuentes added that if approved, it would still have to go to the State Auditor for approval. He noted a multi-contract for audit services with ACG was entered into beginning in FYE 2011, the initial contract was for three years. The last year under the multi-year contract was FYE 2013. Manager Fuentes stated the State Auditor authorizes the use of the same auditors for a period no to exceed seven years, and the procurement code allows entities to enter into an agreement for professional services under \$60,000.00. Noting the City received a proposal from ACG for FYE 2014 for approximately \$53,393, and the Staff recommendation is to approve a one year auditing services contract with ACG.

Mayor Sandra Whitehead asked if this would qualify as a small purchase.

City Attorney Jay Rubin answered yes, this cost was a small purchase.

Commissioner Kathy Clark asked if this was in mind with last year's cost.

Leo Silva, Finance Director, added yes, it was about \$1,000 more.

"Commissioner Ruben Olivas moved to approve Accounting and Consulting Group as Auditing Firm for Audit Services for FYE 2013/2014."

Seconded by Mayor Pro-Tem Steve Green.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted Discussion/Action: Rejection of Bids for Airport Fuel Farm, Phase I, IFB: 13-14-8403-1212-840, calling Pat Wood, Purchasing, to approach.

Pat Wood, Purchasing and Bill Slettom, ACM, approached and Ms. Wood explained The request to reject as over bid and then to redesign and do phases of the project. She explained this is the third time this item has gone to RFP, and each time is was well over the estimated cost, which was the reason they decided to bid in phases, to be able to do the work.

City Manager Juan Fuentes explained that the fuel farm bid had come in higher than available funds. He noted the project will be revisited by engineers, staff and the Airport Advisory Board, for a recommendation. He stated that the Airport Advisory Board had been advised of the overbid. Manager Fuentes noted that the project was in the works for years and the bids were well over the amounts expected. He noted we need to revisit with the Airport Advisory Board and Staff and take a closer look at what was needed, and what items could be changed; noting that Staff recommendation is to reject the bids due to funding.

Mayor Pro-Tem Steve Green asked is this was an open ended grant?

Pat Wood, Purchasing, answered that it was a State Grant for 90/10, yes open ended.

Commissioner Jeff Richer asked if he heard right that this was the third time for the bids, and if WH Pacific was the problem, or is problem the funding; if they have been paid for their work even though it was not getting us the results needed.

Bill Slettom, ACM, answered yes this is the third time. Due to money issues it was then portioned in phases, he also noted we are not the only ones having trouble with funding as other locations were also having the same problems. Mr. Slettom also noted we would rescope the project and rebid.

City Manager Juan Fuentes noted the need for sufficient funding for the project.

Mayor Pro Tem Steve Green asked if we would continue to use WH Pacific on the Project.

Bill Slettom, ACM, answered yes, we would continue to use WH Pacific, we would rescope and look at what is needed.

“Commissioner Kathy Clark moved to approve.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next was Discussion - Action: Resolution #30 13/14 Declaring Surplus Property to be nonessential for Public or Government Function to be Sold Pursuant to 3-54-2 NMSA, she requested the City Clerk to explain.

Judy Harris, City Clerk, explained that Resolution #30 13/14 was a Resolution declaring Surplus Property to be nonessential for Public or Government Functions. She noted that the City would use the services of Willard Hall Auctions to sell various surplus properties belonging to the City. Stating that the previous auction was successful, but unfortunately the Clerk did not have the required titles to sell several vehicles. Noting that Staff recommendation was to move forward with the Auction.

“Mayor Pro-Tem Steve Green moved to approve Resolution #30 13/14.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

REPORTS:

City Manager Juan Fuentes reported the Skate Park was repaired and is once again open for use.

City Attorney Jay Rubin reported he met with the Mayor, City Manager and city Clerk regarding using the Roll Call system if there are split votes on items.

Mayor Pro-Tem Steve Green reported he met with the ad hoc food committee and they took an assest assessment of food providers, with David Crater of the SJOA taking the lead; he noted national volumes, food distribution, Coordinated Home Health Roadrunner food bank distribution on the 17th. He mentioned the SJOA new letter and stated he was proud of the Staff for SJOA and their loss of health insurance & employee benefits with the result of cuts so the Senior population in the community can be fed. He noted that for the past 5 years the SJOA Staff and employees (16 employees), went without pay increases, and lost benefits in order to keep the program running.

Commissioner Kathy Clark reported after the Virgin Galactic presentation last week, they learned of service jobs. She thanked volunteers and Hans Townsend as point person for the help in assisting with new businesses and tourism. Commissioner Clark stated that the State had a PowerPoint presentation which showed only Alamo, and they have now added the lake and Hot Springs district to the presentation.

Commissioner Ruben Olivas reported he went to Proclamation Day which was a wonderful event, he was proud to be able to attend. He noted he spoke to teachers at the High School and students are working on projects to get businesses to come here. He noted he would keep the Commission updated in meetings to come.

Commissioner Jeff Richter – No report.

RESPONSE TO
PUBLIC COMMENT:

None.

EXECUTIVE
SESSION:

“Mayor Pro-Tem Steve Green moved that the meeting be closed dfor Executive Session pertaining to:

1. Pending or Threatened Litigation 10-15-1H(7)
 - a. Hot Springs Land Development”

Seconded by Commissioner Ruben Olivas

OPEN SESSION:

Mayor Sandra Whitehead stated that the Commission was now in Open Session.

“Mayor Pro-Tem Steve Green certified that only matters pertaining to Pending or threatened Litigation 10-15-1H(7) were discussed in Executive Session, no decisions were made.”

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.

Sandra Whitehead, Mayor

ATTEST: _____
Judy M. Harris, City Clerk

