

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
TUESDAY, JUNE 24, 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, June 24 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. Mayor Sandra Whitehead thanked those in attendance.

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

Hon. Sandra Whitehead, Mayor
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.

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

CEREMONY:

Mayor Sandra Whitehead called for the Pledge of Allegiance with City Commissioner Kathy Clark leading the Pledge.

APPROVAL OF
AGENDA:

Mayor Sandra Whitehead called for approval of the Agenda.

“Mayor Pro-Tem Steve Green moved to approve the Agenda as presented.”

Seconded by Commissioner Jeff Richter.

Motion carried unanimously.

COMMENTS
FROM THE
PUBLIC:

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

George (Inaudible last name), 406 Copper, approached and made comments about having a trash can for over two years, and not using it, noting he recycled only, and should not have to pay for something he does not use.

Klaus Whittern, 618 Charles approached and made comments concerning the Electric RFP on the Agenda, noting he felt a work session should be done prior to discussion in the meeting or the issuance of RFP; noting one example was the current age of the system.

Audon Trujillo, 506 West 3rd, approached and made comments regarding the Open Forum, commending the Commission for putting the Forum on. He also made comments regarding four River ramps, his presentation over two weeks ago regarding the Convention & Tourism Board, and a proclamation for Hispanic Heritage month.

Linda DeMarino, Mainstreet T or C, approached and commented on the downtown clean up by Lee Belle Johnson Senior Center. She noted three separate groups coming to town, in October the Geological Society, in October an Architect Group and New Mexico MainStreet having their quarterly meeting the 1st week in August.

CONSENT
CALENDAR:

Mayor Sandra Whitehead called for a motion to approve the Consent Calendar. Mayor Sandra Whitehead Abstained from the vote as she was not present for the Meeting of 5/27/2014.

“Mayor Pro-Tem Steve Green moved for approval of the Amended City Commission Work Shop and Regular Meeting Minutes for 5/27/2014.”

Seconded by Commissioner Jeff Richter.

Motion carried with Four Unanimous Votes.

NEW BUSINESS: Mayor Sandra Whitehead noted Discussion/Action Award Airport Engineering Contract; she asked ACM Bill Slettom to explain.

Bill Slettom, ACM/CDD approached explaining that the City had issued an RFP for the Engineering Contract for the City Municipal Airport; and Staff recommended approval for Delta Airport Consultants Inc. He explained the paperwork, noting that there were two representatives from Delta Airport Consultants, Inc were in the audience; David C. Ploeger, Office Director and Kenneth W. Moody, P.E. Vice President.

City Attorney Jay Rubin asked questions on the contract regarding item 3.3 and 3.4; where it stated the Owner Responsibility.

Bill Slettom, AQCM/CDD answered that each items would be done be Task Orders for Improvements to runway, and that maintaining runways were 90/10 funded by FAA. He noted the wish to improve the road into the Airport.

Mayor Pro-Tem Steve Green asked is all three projects were 90/10.

Bill Slettom answered that FAA work was 90/10, Aviation 90/10 no less than 50/50, NMFA to determine. He also stated all work orders come before the Commission for approval prior to the work.

“Mayor Pro-Tem Steve Green moved to approve Award Airport Engineering Contract to Delta Airport Consultants, Inc.”

Seconded by Commissioner Jeff Richter.

Motion Carried Unanimously.

Discussion/Action: Contract between City of Truth or Consequences and Transmission & Distribution Services, LLC; for Electrical System Distribution Study.

Ed Williams, City Electric and Steve House, Triple H Engineer approached and explained the last study was done in 2003, with growth another study is necessary, as the Electric System has been burdened with more load that strains existing infrastructure. Being good stewards of the City of T or C Residents monies mandates that we take a proactive approach to upgrading and maintaining our Electric System.

Steve House introduced Eric and Rick, both from Transmission & Distribution Services LLC; the study was explained.

Commissioner Ruben Olivas asked since the last study done, how much work was completed.

Ed Williams answered that some work was done, approximately 50% was completed. Mr. Williams noted more load up north, and noted spikes in the System last week,

stating we needed to make the system reliable.

Commissioner Jeff Richter asked about the scope of work, data collection and GIS form. He also questioned the economic analysis and repairs.

Aaron, from T & D, answered yes, its PNZ file, the GIS System without cost. He explained the use of files to determine the analysis.

Rick, from T & D, answered they look at existing system to make the determination.

Commissioner Jeff Richter questioned the contract allocation risk at 15.03 (exceed \$) why limit liability to design.

Aaron, T & D, answered this was decided by legal counsel; he noted they have not had a claim in the last 7 years.

Mayor Pro-Tem Steve Green asked when this would start.

Aaron, from T & D, answered they would start a timeline.

Ed Williams noted a project kickoff as soon as possible.

A Copy of handout was provided for the record. Noting two crews about one month.

Mayor Pro-Tem Steve Green asked about GSA5 term of agreement was it year to year.

Jay Rubin asked Steve House if he would explain specifics.

Steve House, Triple H Engineer, answered he could change the period.

“Commissioner Jeff Richter moved to approve with the provision of 1 year with possible extension.

City Manager Juan Fuentes noted the clarification of time line; noting it could just be *Not to exceed time line.*

“Commissioner Jeff Richter reworded his motion to read: Move to approve with the provision that the project would not exceed the time line.”

Seconded by Mayor Pro-Tem Steve Green.

Motion Carried Unanimously.

Discussion/Action: Solar Farm Power Purchase Agreement (PPA) between the City of Truth or Consequences and Affordable Solar.

Ed Williams, Electric Department and Steve House, Triple H Engineer, approached and explained that this item was introduced in several previous meetings; noting that

this was to approve the PPA.

Steve House, Triple H Engineer, noted the process is to develop renewal resource, explained the negotiations, the benefit to the Community as a whole.

Commissioners questioned the provision for Flood Insurance and noted the need to insert into the Contract that the PPA with Affordable Solar covers any insurance. They also noted the performance bond, flood zones, fencing and further negotiations.

City Manager Juan Fuentes explained the Land Lease and the Agreement with Sierra County Co-op would be coming before the Commission within the next few meetings.

“Mayor Pro-Tem Steve Green made the Motion to approve with the insert into the Contract of “Affordable Solar will cover any insurance.”

Seconded by Commissioner Ruben Olivas.

Motion Carried with a 4 to 1 vote, with Commissioner Richter voting Nay.

Discussion/Action: Attorney Contract for Municipal Court.

City Attorney Jay Rubin explained there were four contracts in front of the Commission for approval. He noted contracts fall within the small purchase for the City and all have been used and are being used at the present time. He listed the submissions for Ms. Isabel Jerabek, Mr. Steven Sage, Mr. Lee Deschamps, and Pedro Pineda; for consideration. Staff recommendation was to approve.

“Mayor Pro-Tem Steve Green moved for approval of Ms. Isabel Jerabek, Mr. Steven Sage, Mr. Lee Deschamps and Pedro Pineda for Attorney Contract with Municipal Court.”

Seconded by Commissioner Jeff Richter.

Motion Carried Unanimously.

Discussion/Action: Sub-recipient Grant Allocations for FY 2014/2015.

City Manager Juan Fuentes noted the decision was made in the previous meeting to allocate \$43,000 to Sub-recipients. He explained that the Commission had applications from:

- 1.)The Boys and Girls Club of Sierra County
- 2.)Domestic Abuse Intervention Center (DAIC)
- 3.)Matthew 25 Food Pantry
- 4.)Sierra Health Council (SHC)

5.)Sierra Joint Office on Aging (SJOA)

City Attorney Jay Rubin explained the question of the Anti-Donation Clause, noting that each entity has listed the use of the monies and how the funds will be used, he noted the benefit to the Community be each group. When asked about being able to provide a workable contract, Attorney Rubin noted he could do so.

Commissioner Jeff Richter made comments regarding the contract, noting revisions needed to be made, he also stated that the applications must be made on time, reports are due on time, and they must prove they meet the statutory requirements, prove their plan and play by the rules, so that this is not a total handout.

Commissioner Kathy Clark agreed with Commissioner Richter, noted we need to get reports and penalize those who do not, noting it needs to be stated out in the Contract.

Commissioners asked for a representative for each group to approach and describe their applications for allocations.

Suzie Swope, Matthew 25 Food Pantry, approached and explained they were using the Methodist Church but had recently leased the old electric Building. She noted the amount of people they fed at approximately 315 local households. She noted that Matthew 25 exists on donations only, from community individuals and community businesses. She noted rent is \$600 per month, and \$300 for utilities, liability insurance was also paid, She noted the number of food recipients are growing, noted they depend on food donations from Bullocks and Walmart, noting they must supplement that donated food with purchased food from the Roadrunner Food Bank in Albuquerque, which they must pay shipping fees for. They boast over 15 volunteers representing 90 volunteer hours per week, and stated there is no paid staff.

Jenny Shepard approached from the Boys and Girls Club, she noted they provide youth access during business hours for GED Classes and tests, provide WIA youth access to computer labs for testing and job preparation and applications; they provide youth recognition, promote Club opportunities within the community. They train staff in areas related to job roles and duties. She noted that based on 2013 attendance, they project to serve 200 unduplicated youth with a goal to serve 75 youth within 30 days or more with high quality programming.

Domestic Abuse Intervention Center (DAIC) No one was in attendance to speak.

Reilly-Hamil, Sierra Health Council (SHC), approached and explained that Sierra Health Council requests funding to continue operations. She noted they are a 501©3 Nonprofit, charitable Organization that has an active membership representing most of the federal, state and local agencies in Sierra County. They facilitate opportunities for communication and collaboration pertaining to health concerns among the community. They provide Round table discussions, forums, resources, head start, and ad other Community Health needs assessments.

David Crader, Sierra Joint Office on Aging (SJOA), approached noting the proposed funds will be used to help meet our community needs with congregate Meals, Home Delivered Meals, and Transportation, respite and homemaker services. They proposed to use the funding for Congregate Meals, Home Delivered Meals, Transportation and

Respite and Homemaker Services. He noted they are serving 29,511 breakfasts and lunches, 18,711 home delivered meals, 6,877 trips, 516 units of services provided for Respite Care and 7,694 units of Homemaker Services were made possible. He thanked the Commission and noted any funding would be welcomed.

Commissioners discussed various suggestions, noting they thought it would be prudent to cut everyone's request in half, noting they only had access to \$43,000 when \$82,000 had been requested.

Commissioners again spoke about allocations, enforcement of the contract management, based on how the money is to be used.

"Commissioner Ruben Olivas moved to approve half of the amount requested contingent on a new contract that everyone can agree on with specifics not to exceed \$43,000, contingent on Contract approval."

Seconded Mayor Pro-Tem Steve Green.

Mayor Sandra Whitehead noted the following amounts for allocations:

<i>1. Boys & Girls Club of Sierra County</i>	
<i>\$10,000.00</i>	
<i>2. Domestic Abuse Intervention Center</i>	<i>\$ 2,500.00</i>
<i>3. Matthew 25 Food Pantry</i>	<i>\$ 5,800.00</i>
<i>4. Sierra Health Council</i>	<i>\$ 4,500.00</i>
<i>5. Sierra Joint Office on Aging</i>	<i><u>\$20,000.00</u></i>
<i>Total Allocations contingent on Contract Approval</i>	<i>\$43,000.00</i>

Discussion/Action: Resolution #36 13/14 Authorizing Investment of Monies in Local Short-Term Investment Funds.

City Manager Juan Fuentes explained this Resolution would authorize the city to establish an account with the State Treasurer and designate the Mayor, City Clerk/Treasurer and Finance Director to deposit or withdraw funds. He explained that currently the City has been investing in certificate of Deposits at a rate less than .5% for 12 months, the rate between a CD and LGIP is about the same, however an advantage of the LGIP is the ability of participating members to access and deposit funds when needed. Deposits or withdraws usually takes 48 hours or less to process.

Commissioner Jeff Richter noted it was just another way to stash cash.

City Manager Juan Fuentes answered yes, but the ability of access was much better, if we have a disaster occur we have immediate access to the money.

"Mayor Pro-Tem Steve Green moved to approve Resolution #36 13/14 Authorizing Staff to Invest Monies in Local Short Term Investment Funds."

Seconded by Commissioner Kathy Clark.

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.

Discussion/Action: Resolution #37 13/14 Authorizing the manner in which all meetings of the city commission, it's Boards, Commission and Committees will be held and the method of Public Notification.

Judy Harris, City Clerk, explained that Resolution # 37 13/14 was designating the manner in which all meetings of the city Commission, it's Boards, Commission and Committees will be held and the method of Public notification. She noted that our current Open Meetings act does not allow Commission Members who may be unable to attend in person to participate in meeting by conference telephone, stating that Resolution #37 13/14 does include such provisions to the Open Meetings Act.

"Mayor Pro-Tem Steve Green moved to approve Resolution #37 13/14, Authorizing the manner in which all meetings of the City Commission, it's Boards, Commission and Committees will be held and the method of Public Notification."

Seconded by Commissioner Ruben Olivas.

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.

Discussion/Action: Resolution #38 13/14 Establishing a task Force to research, study and address J.D. Hodges Municipal Pool Hours and Operational Costs.

Mayor Pro-Tem Steve Green noted that after seeing the interest for Pool issues, he believes a Task Force would be able to study change of several matters for the Pool, noting that several members had already met regarding the matter and had formed a group "Friends of the Pool". He noted he felt a Task Force should be able to ascertain the best hours for the Community, when to remove the Cover, how to support the Pool

with the current Budget.

Commissioner Kathy Clark stated she wished to see the amount of money to run the Pool shrunk.

Mayor Pro-Tem Steve Green noted the Task Force would be able to study the issues and make it open and fair to those who wish to use the Pool, and be able to make the decision on when to remove the cover. He asked the City Manager how the City would get the workers needed at the Pool.

City Manager Juan Fuentes answered they would let those know by word of mouth, and would advertise in the local newspapers.

“Mayor Pro-Tem Steve Green moved to approve Resolution #38 13/14 Establishing a Task Force to research, Study and Address J. D. Hodges Pool Hours and Costs.”

Seconded by Commissioner Kathy Clark.

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.

Discussion/Action: Approval of Proposed Summer Pool Schedule.

City Manager Juan Fuentes explained that he had met with a Group interested in the Pool and they had come up with a Proposed Schedule, he noted that there were some of the group in the audience and invited them to approach and speak on the Schedule.

Jane Green and Millie McLeod approached and spoke regarding the schedule being recommended. Ms. McLeod stated the group had a joint meeting with the Parks and Recreation Board and had made some suggestions as to what schedule those in the Community would like to see at the Pool. They went over the proposed schedule noting times, lifeguards and cashiers; they included discussion of removal of the Pool Cover.

“Commissioner Jeff Richter moved to approve the Summer Pool Schedule as presented, subject to the City Manager being authorized to modify the schedule as needed.”

Seconded by Commissioner Steve Green and Commissioner Kathy Clark.

Motion Carried Unanimously.

Discussion/Action: Resolution #39 13/14 Authorizing Staff to Draft a Proposed Ordinance Increasing the Wastewater Rates by 20% to meet the conditions under the USDA Application for the Wastewater Treatment Plant Project.

City Manager Juan Fuentes noted the Commission had met in a Work Shop on the 18th for a presentation from Olga Morales regarding the Rate structure for Wastewater. He explained the intent would be to implement the increase in phases.

Commissioner Jeff Richter stated he wished for a clause in the Resolution which would state there would be no transfers out of the fund.

Commissioner Kathy Clark noted that she looked at billing and it appears there has been no increase since 1997 Ordinance. She asked where the ½ million dollar amount came from.

City Manager Juan Fuentes explained the loan component as phases of the work, the State Colonias was 75,000, and opportunities to do the project and use existing funds or take out a loan, we have several options. He noted we would look at 90/10 rolled into fees, and interim financing, USDA to pay funds.

“Commissioner Jeff Richter moved to approve Resolution #39 13/14 Authorizing Staff to Draft a Proposed Ordinance Increasing the Wastewater Rates by 20% to meet the conditions under the USDA Application for the Wastewater Treatment Plant Project, with the inclusion of wording that No transfers of funds be made.”

Seconded by Commissioner Kathy Clark.

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.

City Manager Juan Fuentes; No Report.

City Attorney Jay Rubin, No Report

Commissioner Ruben Olivas reported on the Open Forum held last week, noting there were fun discussions, stating he enjoyed the items discussed and hoped to have Open Forum Meetings again every 3 to 4 months.

REPORTS:

Commissioner Jeff Richter reported on his recent Holiday Travel; he noted he was in the Blackhills and went to see the Crazy Horse Memorial Visitor Center, he stated he paid eleven dollars to get into the visitor Center and could have gone to a tour of

Crazy Horses nostrils. He stated that we (the Community) are losing out by not having the promised SpacePort Visitor Center, noting the loss of income that could be coming to our Community right now if the Visitor Center was up and running.

Mayor Pro-Tem Steve Green reported he rode the free Bus to Las Cruces on Monday. He spoke about Café Bellaluca supporting different Organizations with luncheon proceeds, stating that the proceeds for Thursday would go to the Friends of the Pool. He spoke of notification when the Pool would be closed, so the public would know what is going on. He mentioned a meeting regarding the new CEO of the Hospital, Michael Zimmerman, hoping the City Manager would invite him to come and introduce himself and update the Commission on actions at the Hospital. He also noted an award to City Employee Robert Waldrum, noting the honor bestowed on him.

Mayor Sandra Whitehead thanked Mayor Pro-Tem Green for filling in for her during her recent absence, during the hospitalization of her father and then his passing; and while she attended MOLI training. She addressed the Public Forum and noted it was well worth for those who attended, noting it was pleasant and hoped it would lead to a good working relationship with the Public.

None.

RESPONSE TO
PUBLIC
COMMENT:

Mayor Sandra Whitehead asked for a motion to go into Executive Session.

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

- a. Pending or Threatened Litigation 10-15-1H(7)
 1. HSLD vs. City of Truth or Consequences”

EXECUTIVE
SESSION:

Seconded by Commissioner Ruben Olivas.

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.

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

“Mayor Pro-Tem Steve certified that only matters pertaining to:

a. Pending or Threatened Litigation 10-15-1H(7)

1. HSLD vs. City of Truth or Consequences

OPEN SESSION: Were discussed in Executive Session, discussion incurred, no decisions were made.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Commissioner Ruben Olivas moved to adjourn

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

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

CERTIFICATION

:

Sandra Whitehead, Mayor

Judy M. Harris, City Clerk

ATTEST:

