

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
MARCH 24, 2015

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 March 24, 2015, following the Workshop, 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 called the roll the following Commissioners were reported present:

Hon. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Russ Peterson, Commissioner

Also present:

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

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

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead called for Commissioner Russ Peterson to lead the Pledge.

**APPROVAL OF
AGENDA:**

Mayor Sandra Whitehead called for approval of the Agenda.

“Commissioner Kathy Clark requested to swap items H & I, moving the Oath of Office for Commissioner Russ Peterson prior to the Consent Calendar.”

“Mayor Pro-Tem Steve Green moved to move Executive Session item regarding Purchase Acquisition or Disposal of Real Property 10-15-1H (8), regarding 2007 John Deere Dozer 850, to move this item to Old Business, removing from Executive Session.”

“Commissioner Kathy Clark amended her motion to swap H & I and to move the John Deere Dozer discussion to Old Business.”

Seconded by Mayor Pro-Tem Steve Green.

Motion Carried Unanimously.

OATH OF OFFICE: Mayor Sandra Whitehead called for the Oath of Office for Russ Peterson, who is the Position III Commissioner.

Municipal Judge Beatrice Sanders administered the Oath of Office to Russ Peterson.

COMMENTS FROM THE PUBLIC: Joe McClintock, Executive Director to the Senior Joint Office on Aging (SJOA), approached and explained a requested letter of support for SJOA, before their deadline of April 1st; he needed a letter of support. He noted they were asking for \$25,500 and understood the Commission was looking at the Budget at this time. Mr. McClintock noted that SJOA was not doing so well, and in the last couple of month, with the help of the Community, Staff and Board of Directors, is back on flat footing. He stated that it is a very stable program not, financially on budget. He noted they had broken records with the amount of people utilizing their services. Mr. McClintock explained they would come back later with the request for money.

Ron Pacourek, 603 N. Riverside, approached and made comments regarding an Agenda item J.2. Renewable Energy; he noted there was no determination on who would be deciding the appropriate size of unit (oversized); no mention of adding an additional unit and noted the phrase of “supplement”, the wording “final bill”, and the lack of mention for State requirements.

Klaus Whittern, 618 Charles, approached and made remarks on urging the Commission to hold a Workshop item J.1. Water Meter Replacement Project. Mr. Whittern noted item number two was in reference to statements made by Ron Pacourek comments on J.2. Renewable Energy Program, he urged the Commission to consider the item more. Mr. Whittern made remarks to the purchase of a new trash truck, asking the Commission to wait on a decision until the budget for that department is known.

George Szigeti, Spruce Street, making remarks regarding the Visitor Center at the Lee Belle Johnson Center; he wanted everyone to consider what people are going to see when going to the Center. He noted the back of businesses, septic tank pump truck parked, and businesses that are closed downtown when travelers are coming through. His last remark was that Sims and McAdoo need paving.

**RESPONSE TO
PUBLIC COMMENTS:**

Mayor Sandra Whitehead called for response to public comments.

Commissioner Kathy Clark asked for Staff to compose a letter supporting SJOA for Mr. McClintock. She also encouraged Mr. McClintock return for the budget process.

Mayor Sandra Whitehead noted she would request Staff to write a letter of support, although we do not know what kind of monetary support the City will be able to give, but they do have our support. Mayor Whitehead asked City Attorney Rubin if that was okay.

Jay Rubin, City Attorney, noted he wouldn't take action on this. He explained that Commissioner Clark made her feelings known, and the City Manager was in attendance and knew their feelings.

Mayor Pro-Tem Steve Green agreed with Commission Clark's and Mayor Sandra Whitehead's comments; he also would like to see a letter of support.

Commissioner Russ Peterson noted he agreed.

**CONSENT
CALENDAR:**

Mayor Sandra Whitehead noted the Consent Calendar consists of three items: City Commission Meeting Minutes 3/2/2015, Recreation Advisory Board Meeting Minutes 3/2/15, and the Lodgers Tax Advisory Board Meeting Minutes 8/28/2014.

"Mayor Pro-Tem Steve Green moved for approval of the Consent Calendar as presented."

Seconded by Commissioner Kathy Clark.

Commissioner Kathy Clark asked why the Lodgers Tax Minutes were from August of 2014.

Juan Fuentes, City Manager, explained that the Lodgers Tax Advisory Board was meeting on a quarterly basis. He also noted the Lodgers Tax Advisory Board were to visit the meeting schedules.

Mayor Sandra Whitehead called for the Vote.

Motion Carried Unanimously.

NEW BUSINESS:

Mayor Sandra Whitehead called for new business; noting Water Meter Replacement Project; Scott Griffith, YEAROUT Energy Services. Scott Griffith approached; he introduced himself and stated he worked with

YEAROUT Energy Services, out of Albuquerque. He noted he wished to discuss the Water System the City, which he has been working with the City on upgrading infrastructure. Mr. Griffith explained that 6-21-1 under NM Statutes and explained performance contracting. In regards to replacing water meters, he noted small towns often find they need to replace or repair, and upgrade the system.

Mr. Griffith stated the preliminary water audit data showed there would be recovered water savings = \$11,000 to \$140,000. He explained the total cost of the project is financed by the savings and guaranteed by YESCO. He explained the ESPC contracting does not impact the Cities budget or bonding rate, and stated the investment grade audit IGA (Investment Grade Audit) the guaranteed savings per year, guaranteed by the Company.

Mr. Griffith explained steps in the process as: Project development Agreement (engineering Study), Comprehensive analysis would survey large meters, develop statistical model for sampling, remove and test statistical samples of small meters, develop the scope of work and finalize savings and project costs.

Mr. Griffith noted one of the issues they found is that some of the meters are 45 years old, some only a couple of months old. He explained that we are not billing for the use, because the meter cannot calculate the amounts. Mr. Griffith provided a presentation in hard copy for the Commission. A complete copy attached hereto and made part hereof. They found the City's water meters are 7 to 45 years old, one problem we have is the City deliver water but we do not bill for the actual water delivered, because of the meter not working properly. Mr. Griffith explained how meters work, problems inherent with the design of a meter and contact points for moving parts showing wear points, Automatic Meter Reading by Radio-Internet. He explained funding, the mobile testing involved, and noted the audit and meter testing takes a full week. They bring in a mobile testing unit so that the homeowner is disrupted only for about an hour or so.

The Commission asked several questions.

Commissioner Jeff Richter asked about growth or loss in public.

Mr. Griffith noted they look at that growth pattern, and there is insurance for anything happens.

Mayor Sandra Whitehead noted she felt a workshop on this would be beneficial for the public to understand, she noted it would be a good idea to have a workshop.

Commissioner Russ Peterson commented that a workshop would be

Mayor Pro-Tem Steve Green also noted the meters are not accurate. He asked the reporter to put something in the front of the paper, and the City put a notice out.

Mayor Sandra Whitehead called for a motion.

“Mayor Pro-Tem Steve Green moved to schedule a workshop”.

Seconded by Mayor Sandra Whitehead

Motion Carried Unanimously.

Mayor Sandra Whitehead noted that next was Discussion/Action: City of T or C Renewable Energy Program, Ed Williams.

Ed Williams, Electric, approached and explained that after numerous discussion between the Public utility Board, staff and public about what is the City’s Renewable Program a solution was arrived at. We found that the City’s net metering involved and constituted, this resulted in the City of Truth or Consequences Renewable Energy Customer Program. Mr. Williams stated that the Public Utility Advisory Board made the recommendation to proceed. Giving an overview, Mr. Williams explained the City of T or C renewable energy customer program is available to any City customer, residential or commercial that installs a qualified renewable energy system sized for the average monthly usage and has it interconnected to the City’s power grid. The City reserves the right to deny interconnection for oversized systems. Mr. Williams explained the procedure to describe the unit size, he described the kWh banking, and kWh credits.

Commissioner Kathy Clark spoke about a conversation the Commission had on buying back from the customer, purchasing power and the public questions on purchasing extra power. She asked if we were telling people we don’t want their extra power, she was wondering, what we are telling them.

Juan Fuentes, City Manager, explained that when this first started he asked Jimmy Capps what is the position of Sierra Electric Coop, if the City begins to buy back power from residential and commercial customers. Manager Fuentes explained that most of the residential was small amounts, if it came to Commercial and they used a lot, then the difference may matter; he explained Wal-Mart is not over sized; it’s sized to produce at a certain percentage. We are going basically on a case by case, we don’t want to take a position that will hurt us, we have an agreement with Sierra Electric, for these smaller ones it won’t matter, but if we should get something larger like another Walmart , then we need to address it. City Manager Fuentes noted that this came from the Public Utility Advisory Board; they looked at this and recommended it be brought in front of the Commission.

Commissioner Jeff Richter spoke about tax credits.

George Szigeti approached and explained there is a state credit and a tax credit, he noted that the Public Utility Advisory Board had researched this and made the recommendation to the Commission. Mr. Szigeti stated that the cost had gone

down substantially in the last years. Mr. Szigeti noted the renewable energy credits getting paid back to the customers.

Commissioner Russ Peterson remarked on the use and asked questions regarding usage.

Mayor Sandra Whitehead asked what the benefits of the program and who would be benefitting from it?

Ed Williams, Electric, noted the benefit is to the customer of the city by offsetting their typical usage, he noted it was never the intent to buy.

City Manager Fuentes noted that if the Commission wished to proceed forward we would begin the drafting of an ordinance for codifying, for public hearing and adoption.

“Mayor Pro-Tem Steve Green moved to authorize staff to do the necessary paperwork, create an ordinance and bring it back to the Commission, for the Renewable Energy Program”.

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next was Discussion/Action: MOU between the T or C Recycle and Collection Center and the T or C Housing Authority, Andy Alvarez.

Andy Alvarez, Sanitation Director, approached and explained that he wished to ask for approve for the MOU with T or C Housing Authority. Mr. Alvarez stated the City of T or C will provide a one recycle trail and six bins for the Housing Authority to use at their facilities. The Housing Authority will be able to move the bins throughout the housing, noting that some of the residents are disabled and unable to bring the recyclables in. Once the bins are full the authorized person from the Housing Authority will transport the trailer to and from the collection center. The City will receive all recyclables collected in the bins and the revenue generated from the recyclables materials, as well as cutting down on the trash we receive. Mr. Alvarez noted that the City has similar agreements have been approved by the City Commission with the City of Elephant Butte and Sierra County in 2012.

Commissioner Kathy Clark asked if we had to buy a recycle trailer to do this or do we have one? She also asked Mr. Alvarez his projection if we would break even on this?

Mr. Alvarez answered that we have one (recycle trailer), which is already paid for, the bins are paid for and painted, they will deliver. He noted there should be

no cost to the City.

Mayor Pro-Tem Steve Green noted he liked Andy's new title, as Director, congratulating Mr. Alvarez on his new position. Mayor Pro-Tem Green explained that this idea came up at a recycling committee meeting with Bountiful Alliance. He explained the Housing would move the trailer, the MOU makes them responsible, and noting all the protection the City had with the MOU. He noted there was no cost to the City. He noted the older people can get to our recyclable center; we're bringing it to them.

With no further comments, Mayor Sandra Whitehead congratulated Mr. Alvarez on his promotion and called for a motion.

"Mayor Pro-Tem Steve Green moved for approval of the MOU between the City of T or C Recycling Center and the T or C Housing Authority."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next was Discussion/Action: MOU between the T or C Recycle and Collection Center and the Sierra County; Andy Alvarez.

Andy Alvarez, Sanitation Director, explained he was requesting approval for a MOU between the City of T or C Recycle and Collection Center and Sierra County to partner on cleanup of Illegal Dumping and request funds provided by RAID (Recycle and Illegal Dumping) Grant. Mr. Alvarez explained that they will work with the Recycling Coalition and Andy Daniels of Rural Water to submit an application for the Raid Grant obtaining funds to clean up specified illegal dumps outlined in the grant application process within the City and County area. Mr. Alvarez noted the MOU is an agreement with the City and county to work together, to prevent Illegal Dumping.

Mr. Alvarez introduced Andy Daniels of the NM Rural Solid Waste Division, noting that Mr. Daniels helped them with the application for the grant.

Andy Daniel, NM Rural Solid Waste, approached and asked if there were questions. He explained that it help to show partnership when applying for the Grant to the State, and explained the purpose of the MOU. He notes putting up illegal dump signs on sites as in kind for the grant.

Jay Rubin, City Attorney, noted that we will have further when the Grant comes in.

Mr. Andy Daniel explained the funds would come through the City and the County and the City will help putting the signs out.

Commissioner Kathy Clark asked if we knew prices for cameras, fencing.

Mr. Daniel explained that he had already done that, he got quotes and things; he explained he had done a lot of leg work on this. Mr. Daniels explained he worked about six months with T or C and stated that in order to do the RAVE Grant you have to have three quotes, noting that for services they used T or C businesses, to keep the money in town. Mr. Daniel also stated the RAVE Grant is a reimbursement; meaning there is a five day period on all quotes, when the project is complete the check will be cut and postdated.

Commissioner Kathy Clark stated so this is going to cost us no money. She stated she liked that. She also requested that Mr. Daniel verify that \$140 would be paying local services; we're not sending that out.

Mr. Daniel responded "No Money". Noting that all total combined we are looking about \$140,000 in grants. The only local item he could not find was the fencing services, as they could not find one locally.

Mayor Pro-Tem Steve Green spoke about using and finding a grappling truck.

Commissioner Jeff Richter asked is the grant would pay for private lands? He also noted property belonging to the City; he made several comments about making it easy for people to dump their trash.

Mr. Daniels responded no.

Commissioner Russ Peterson thanked Mr. Daniel, he spoke of fencing.

Mayor Sandra Whitehead thanked them for their work, and then called for a motion.

"Mayor Pro-Tem Steve Green moved for approval of an MOU between the T or C Recycle and Collection Center and the Sierra County, for an application on the RAVE Grant."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted Discussion/Action: Application for Law enforcement Protection Funds (LEPF) for FY 2015-2016; Lee Alirez.

Lee Alirez, Chief of Police, approached and explained the paperwork before the Commission was the application for Law Enforcement Protection Funds or LEPF for FY 2015/2016. He noted this year we are submitting an application for \$28,400. Chief Alirez noted we had 14 sworn officers, we missed the deadline with one officer in the academy, he noted the deadline for the application had to be postmarked by March 31.

Commissioner Russ Peterson noted these were the same forms for years.

With no further questions or comments, Mayor Sandra Whitehead called for motion.

“Mayor Pro-Tem Steve Green moved for approval of submitting an application for Law Enforcement Protection Funds (LEPF) for FY 2015-2016”.

Seconded by Commissioner Russ Peterson.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Resolution #31 14/15 Authorizing and approving submission of a completed application for financial assistance and project approval to the New Mexico finance Authority for a Water Conservation Plan; Traci Burnette.

Traci Burnette, Water/Waste Water, approached and explained she was here to request a Resolution of the NMFA Planning Grant Funding application for a Water Conservation Plan. She noted the preliminary analysis that was done by NMFA does recommend us for 100% funding; once the funding is awarded we will use the funds to complete a Water Conservation Plan and a Drought Contingency plan. She noted beside the need for the plans, most funding requires you have a Water Conservation Plan and a Drought Contingency plan, which will provide for Water and Wastewater projects. She stated the application deadline is tomorrow, 3/25/2015.

Commissioner Kathy Clark asked about the submission, was it the previous paperwork, or would they get help in this.

Traci Burnette stated it would be a very comprehensive Drought contingency and Water Conservation plan, and they would have help.

Mayor Pro-Tem Steve Green asked if heard right that it's 100% funding, and no cost to the City?

Traci Burnette answered yes, no match from the City.

With no further comments or questions, 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. Kathy Clark responded AYE to a Roll Call Vote.

Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Resolution #32 14/15 Authorizing and Approving of submission of a completed application for financial assistance to the New Mexico Water Trust Board; Bill Slettom.

Bill Slettom, ADM/CDD, approached and explained this application, which requires a Resolution, is also to the Water Trust Board, we are seeking funding for water line renovations, and replacement. He noted preliminary work which has been completed. He noted that with the help of Engineers Inc, we developed some sites which need funding. He noted the attached ICIP, which shows this as priority number three. We will probably be seeking funding for some of this through Colonias also. Mr. Slettom presented the Commission with a handout, a complete copy attached hereto and made part hereof.

Commissioner Kathy Clark asked if this is debt money. She also wished to know if they just had to take what we get.

Mr. Slettom noted when apply to the Water Trust Board, we apply for a project and we attach an amount to it; then they come back and tell us we'll give you this much as a grant and this much as a loan, that's the way we got out water a & p, per, that's the way the Water Trust Board is, you won't know until they make the awards. Mr. Slettom noted if you are going to take, you have to take it on those terms.

City Manager Juan Fuentes noted that we would not be applying for two million dollars, and ultimately it will come back to the Commission.

Mr. Slettom stated it does come in phases. Estimating it as a \$2 million in funding, so we will be going back for this.

Mayor Pro-Tem Steve Green stated so this application is just notifying them that we will be coming back, and then they will determine the specific job and decide on funding.

Mr. Slettom answered if we get the call, they put it through an engineering study, then they look to see about the funding and loans.

City Manager Juan Fuentes noted time frames and the boards making the decisions.

Commissioner Jeff Richter asked a question on the funding and severance tax bond money, speaking of debt and starting to save money for infrastructure improvements. He encouraged Staff to look at mechanizes to pay for these item, and that need to be presented at the time we approve projects.

City Manager Juan Fuentes made note of the Capital Outlay bill no passing this

year. He explained that funding, especially 100 percent is rare. He also stated that State funding is very limited anymore.

Commissioner Russ Peterson spoke of receiving partial funding, and leaving projects being left undone.

Mr. Slettom stated that the State has been very vocal on taking back the money if the project is languished.

City Manager Juan Fuentes stated that the Commission ultimately has to approve, and you can always deny the money.

With no further comments or questions, 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. Kathy Clark responded AYE to a Roll Call Vote.

Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Appointment to Sierra County Tourism Board; Kathy Clark, Commissioner.

Commissioner Kathy Clark noted she has been on the Board on the since 2006, she noted the seat was now City Manager Fuentes, and he has a very busy schedule; so she is asking to be put on the Board as the City Representative instead of a hotel representative.

Mayor Pro-Tem Steve Green noted he supported this.

“Mayor Pro-Tem Steve Green moved for approval for appointment to put Kathy Clark as the City Representative on the Sierra County Tourism Board.”

Seconded by Mayor Sandra Whitehead.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Appointment to JPC; Steve Green, Mayor Pro-Tem.

Steve Green, Mayor Pro-Tem, explained that JPC is the Joint Powers Committee,

which is a representative force from all the owners of the Hospital. He noted they must all be elected officials; we are entitled to have three representatives on that board, presently we have the Mayor and himself; so they are missing one vote, one voice. He noted they meet on a quarterly basis unless there is an emergency. Mayor Pro-Tem Steve Green stated he hoped one of the Commissioners would volunteer for the third slot. He noted they were tasked with the financial oversight of the hospital.

Russ Peterson volunteered to serve.

“Mayor Pro-Tem Steve Green moved to approve Russ Peterson to be one of the three representatives on the JPC, for the City of Truth or Consequences.”

Seconded by Commissioner Kathy Clark.

Mayor Pro-Tem Steve Green requested that City Manager Juan Fuentes contact Kathy at the Hospital; and give her all of Commissioner Russ Peterson’s contact information.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Lodgers Tax Guidelines; Janice Gray, Lodgers Tax Advisory Board Member.

Janice Gray, Lodgers Tax Advisory Board, approached and explained that she was asked to come tonight on behalf of the Lodgers Tax Advisory Board, to present the guidelines, they have been going through trying to revise some of the guidelines. She noted they made a table of contents and the major change on page 9; they added the verbiage for Facebook and other social media advertisement would also be allowable expenses. On page ten they added the last bullet point; rejected payments can be submitted to the Lodgers Tax Advisory Board for consideration and recommendation for submission to the City Commission. Ms. Gray noted next was page 13; some of the vendors are submitted electronic tear sheets, rather than paper bills. The Major change they wanted to see happen, was to completely do away with the quarterly work spending report being required. When bills are submitted they ask for reimbursement for what they have been previously approved for. The majority of the Lodgers Tax Board thought that this would be enough, but it is her understanding that these reports are required, so this is something to consider. On page 17, in the middle, the status of the task, after reporting period, it was suggested that may need to be removed, depending on the decision of the Commission.

Commissioner Kathy Clark commended the idea of resubmitting, and noted the quarterly reports; Lodgers Tax is matched up with money from the state. She noted that in order to track monies being spent for advertising, and one of the item she used was the quarterly reports.

Mayor Pro-Tem Steve Green had a challenge for the Lodgers Tax; noting procedures and process. He noted he agreed with Commissioner Clark, whatever makes sense to accomplish, it is to bring people in to the City; and no less than 60% is to be spent outside of Sierra County. Mayor Pro-Tem Green stated he would like to see that amount increased to 70%. He explained that some communities have zero to advertisement. He asked if they were using New Mexico True, do they have a reliable tracking system, and do have two hour events or longer, is that in your recommendation, and lastly he would like to see where their advertising dollars are going, and how smartly they are spending. He asked the City Manager to check with Joanie Griffin to see if they have inside pricing with the media.

City Manager Juan Fuentes noted the item on the screen.

Mayor Sandra Whitehead stated the quarterly report is very important and even though it is time consuming, it is important information, and should be part of the package.

Juan Fuentes, City Manager, noted if the Commission would entertain moving forward with this, because we want to get the guidelines out. He noted that under the existing guidelines it is a requirement they be nonprofit. He noted that was explained and listed on the second page, this is a recommendation from the Lodgers Tax Advisory Board. Any applications received have to show the nonprofit status.

Commissioner Kathy Clark asked about those who are not nonprofit, can they use one that is.

Janice Gray, Lodgers Advisory Board, said yes, they did allow it, using the example of Fiesta who lost their status and used someone else to fund them.

“Mayor Pro-Tem Steve Green made a motion for approval of the Lodgers Tax Guidelines FYE 201, with the change of a quarterly report being required, and showing that 75% of the funds must be spent outside the City.”

“Commissioner Kathy Clark moved to amend and asked if they wanted the percentage removed from the report.

Seconded by Commissioner Kathy Clark and Commissioner Russ Peterson.

With no further comments or questions, Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Water and Wastewater employee payroll increase; Jesus Salayandia, Water & Waste Water Director, approached with Julie Garcia, Water Department.

Jesus Salayandia, Waste Water/Water Department Director, approached and explained that what they are proposing is a wage increase for both Waste Water and Water employees. The Water Department is eliminating one position, and we will divide that salary between those Departments. He explained that Waste Water also had one position open for two years; it's a high paying position. He explained they advertised, but did not use the salary for the position. He stated they are asking to give those employees that increase.

Commissioner Kathy Clark noted that with both of these positions open, were they included in last year's budget? She then asked where did that money go.

Jesus Salayandia, Waste Water/Water, answered yes.

City Manager Juan Fuentes also answered that the money stays in the funds, any vacancy that could not be filled, just stayed in the fund.

Julian Garcia, Water Department, noted they had only spent 56% of their budget for the end of February. He also noted their percentages are lower. He noted they lost three guys, who are trying to do the best they can. He explained they are short three people.

Jesus Salayandia, Waste Water/Water, noted they cross train with everyone.

Commissioner Kathy Clark asked if this need to be done as part of the budget, and what are we doing with the other departments.

City Manager Juan Fuentes noted the struggle to fill qualified positions.

City Commissioner Kathy Clark asked Andy Alvarez why he had not brought this before the Commission for his department.

Andy Alvarez, Sanitation Director, noted he was looking at that and noted he had asked for a truck for Poly-carts.

Jesus Salayandia spoke of certification for employees; sending them to schools, for qualifications.

Mayor Pro-Tem Steve Green noted that as long as we use this for merit, and if you as heads feel comfortable doing this with less in their department then God bless you.

Commissioner Jeff Richter asked why this was even on the agenda, it is between staff, it's strictly an administrative matter and there is no need to micromanage. He noted that is they work within the constraints they have, then they don't have to bring it to us.

Commissioner Russ Peterson noted he agreed if they have the money.

Mayor Sandra Whitehead stated they really appreciate them, and appreciate all they do.

“Mayor Pro-Tem Steve Green moved for approval of the Water and Wastewater employee payroll increase.”

Commissioner Kathy Clark stated she agreed with Commissioner Richter. She noted we are doing merit increases with the Department Heads making the decisions based on what your budget will allow you to do. She stated she liked that.

Julian Garcia noted we started this about six months ago; he also noted we have the help we just want to keep the help.

Commissioner Jeff Richter noted that he did not feel we should have this; it’s the decision of Staff.

Commissioner Russ Peterson spoke of prior knowledge of keeping the budget, and if they have it in their funds, then they can.

With no further comments or questions, Mayor Sandra Whitehead called for a motion.

“Mayor Pro-Tem Steve Green moved to approve Water and Wastewater employee payroll increases as presented.”

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for further discussion.

Commissioner Kathy Clark explained she agreed with Commissioner Richter, that this does not need to go before the Commission.

Mayor Sandra Whitehead called out to City Attorney Rubin asking if we need to move on this.

Jay Rubin, City Attorney, noted he thought it could be referred back to the City Manager; yes it is an administrative action; and no action taken by the Commission.

Mayor Sandra Whitehead noted that if Mayor Pro-Tem Steve Green will pull his motion and Mayor Whitehead will pull her second, and we can move on.

OLD BUSINESS:

Mayor Sandra Whitehead called for Old Business, Discussion/Action: Purchase of a Poly-Car Truck; Andy Alvarez, Sanitation Director.

Andy Alvarez, Sanitation Director, approached and explained he was here to recommend the purchase of a new poly cart truck to continue to service the needs of the City as we continue the transition from dumpsters to poly carts. He stated that as requested by the Commission in a previous meeting, he researched availability on purchasing a used truck; he explained he called Patrick Peck who at this time does not recommend purchasing any of his used fleet, because we do not know what previous issues the truck may have. Typically a used truck comes with little to no warranty and could possibly only service the City for a short time. The Truck would be operating on a daily basis. Mr. Alvarez recommended the purchase a vehicle of dependability and recommends of a Peterbilt Chassis from Rush Truck Center in the amount of \$110,661.58 and the purchase of a New Way 31 yard automated body from Clark are Trucking in the amount of \$109,970.28. The total purchase cost of the new truck would be \$220,581.86. At this current time, Mr. Alvarez explained they have a current available balance of the NMFA Loan in the amount of \$163,284.05 which would leave the amount needed of \$57,297.81.

Commissioner Kathy Clark recommended we sell the Dozer first, and that you have cash in the bank, as opposed to after.

Mayor Pro-Tem Steve Green asked Mr. Alvarez if he checked with the City of Las Cruces to check.

Mr. Alvarez noted he did speak to them, they explained that they have nothing we could use, and their poly carts are only for commercial, which were set up to do larger bins.

Commissioner Jeff Richter noted this is a large capital purchase, and it was suggested that we postpone this and so we can put it in the budget. He suggested this to be part of the next budget.

Commissioner Russ Peterson explained that back when the Police Department purchased cars from South Lake City Utah who would sell the used cars when they reached 22,000 miles, and relatively in good shape. They were getting rid of them for liability factors, everything is pretty rough on those vehicles, he compared to a trash truck, noting they would use it until it costs too much to repair. He explained if we have the money fine, buy it, if we don't too bad.

Mayor Pro-Tem Steve Green asked about the note on the paperwork about them buying the 850 Dozer we have for sale; would they write us a check or will they give the solid waste department credit for the amount?

Juan Fuentes, City Manager, answered that's why they moved it here instead of executive session, because the intent here was not only to proceed forward with the purchase of a new truck; but to also as staff to dispose of this equipment which is a sale from government to government which can be done pursuant to our State Statues, that we can do a direct transaction, for the sale of this equipment. He explained they would write a check to the City which will be deposited into the solid waste funds; which will then make up the difference we

need to buy the new truck. He noted we were also working with the County on a similar transaction on the 615 scraper, and the other piece of equipment is two-fold, we're going to sell the equipment and then purchase the truck. Manager Fuentes stated he they could not make the purchase when the money arrived, they would come back with a budget adjustment.

Commissioner Kathy Clark asked why a budget adjustment.

Juan Fuentes, City Manager, answered that it is new money; we will need to transfer it into the account; then we can move forward with the purchase.

Mayor Sandra Whitehead asked the Commission to get back to the discussion, she likes the idea to sell the dozer first, and she also like Commissioner Richter's suggestion to put it in the budget, eventually down the road you will have a new truck.

"Commissioner Kathy Clark made the motion to sell the John Deere 850 Dozer."

Seconded by Mayor Pro-Tem Steve Green.

With no further comments, Mayor Sandra Whitehead called for a vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Purchase of Poly-Cart truck, Andy Alvarez, Sanitation Director.

"Mayor Pro-Tem Steve Green made the motion that if we get the \$95,000 for the dozer, we go ahead and purchase the Poly-Cart truck."

Seconded by Commissioner Kathy Clark.

With no further discussion, Mayor Sandra Whitehead called for the vote.

Motion Carried 4 to 1, with Commissioner Jeff Richter voting nay.

REPORTS:

City Manager Juan Fuentes reported that the City Crews have been working on the BMX Track, next to the Service Center. We were able to use some of the fill from the Solar Farm. Hopefully that project will be completed soon. Staff is also working on applying for an YCC Grant to make improvements and install horse stalls at the Rodeo Arena. He explained that he a Pat completed the

Procurement Training last week; it was a requirement by the State that all entities designate a Certified Official, both Pat and he passes the exam. He noted a quick update on the Visitor Center, the floors have been cleaned of lines, and all the panels have been removed from the walls. The frames have been removed for painting. He stated that Capital Outlay died in the Senate.

City Attorney Rubin; No Report.

Commissioner Kathy Clark explained she had walked outside and saw her neighbor beating the soup out of his dog; she noted she had a problem with that, she stated there is nothing in the ordinance about this; it is not something she wished to condone.

Mayor Pro-Tem Steve Green wanted to thank those who helped keep the Fiesta events this year, Mayor Whitehead, Commissioner Clark and Manager Fuentes.

Commissioner Jeff Richter: No Report.

Commissioner Russ Peterson wished also thank those who saved the day for Fiesta.

Mayor Sandra Whitehead noted she was invited to the Gila Forest Plan Community Conversation, regarding the Forest plan, meeting on March 12, 2015, she explained it was very informative. She explained the forest does a lot for us; it benefits the City a lot. She requested we send them a Comprehensive Plan, so they work on their plan.

EXECUTIVE SESSION:

Mayor Sandra Whitehead called for a motion for Executive Session; prior to executive session they will take a five minute break.

“Mayor Pro-Tem Steve Green moved that the Commission go into executive session regarding:

1. Personnel 1-15-1H (2)
 - a. Related to Finance Director”

Seconded by Commissioner Kathy Clark.

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. Kathy Clark responded AYE to a Roll Call Vote.

Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

OPEN SESSION: Mayor Sandra Whitehead stated the Commission was back in Open Session.
Mayor Pro-Tem Steve Green noted that in executive session discussion incurred, no action taken.”


ADJOURNMENT: Mayor Sandra Whitehead called for a motion to adjourn.

“Mayor Pro-Tem Steve Green moved to adjourn.”

Seconded by Commissioner Kathy Clark.

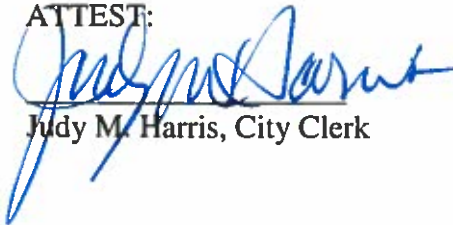
Motion Carried Unanimously.

CERTIFICATION: PASSED and APPROVED this 28 day of April, 2015; on a motion made by Commissioner Green and seconded by Commissioner Whitehead.



Sandra Whitehead, Mayor

ATTEST:



Judy M. Harris, City Clerk