

**CITY COMMISSION
AUGUST 11, 2015
WORKSHOP
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 for a workshop in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, August 11, 2015, with the workshop starting at 5:00 P.M.

Mayor Sandra Whitehead called the workshop regarding:

1. Discussion/Input: Infrastructure Capital Improvement Plan (ICIP); Bill Slettom, Assistant City Manager/Community Development Director.

Mayor Sandra Whitehead called for Bill Slettom, ASM/CDD.

Bill Slettom, ASM/CDD, stated that the ICIP is a plan of priorities and they go through it every year updating the plan they submit to Local Government Division of the Department of Finance Administration. He discussed the different types of projects you can use this plan for and how they go about making the plan. ICIP is an absolute requirement for legislative capital outlay. He discussed the projects that were on the ICIP last year and how they collaborated with the County on a couple of the projects. The ongoing projects for this year are the Healing Waters Plaza, city-wide broadband, electric main feeder upgrades, poll replacement program, and golf course expansion. He stated that they can get an update on the animal shelter project from the Chief of Police and the electric improvements project from Bo Easley, Electric Department Director.

Commissioner Kathy Clark mentioned that there is a big push for the Healing Waters Plaza to be finished by June 2016 and asked why in the budget it was set up for 2018.

Bill Slettom explained that the year part of that has already been changed by Local Government Division and that we need to update on the years and amounts on our side of the paperwork.

Juan Fuentes, City Manager, mentioned that it is important to remember that this is a state program database that Bill enters the information and they update it every year.

Commissioner Kathy Clark asked if they are obligated to the dates that are on the dates that are listed.

Bill Slettom stated that they are not obligated to those dates. He stated that the form just needs to be updated in the database.

Commissioner Kathy Clark asked what the golf course expansion project was going to entail and if it's possible to change it and make it into something a little bit different. She just wants to know what the money would be used for if they were to get it.

City Manager, Juan Fuentes stated that the original plan was to expand the golf course underneath the freeway and stated that they can reprioritize this project and modify it.

Commissioner Kathy Clark stated that in her opinion it is critical to continue with the water/wastewater projects. She questioned whether the golf course project could be renamed to the recreation project and possibly include a new clubhouse, the swimming pool, badminton courts, and other recreation projects.

Bill Slettom stated that they can do that. This is the time to be discussing these ideas so that they can get these on to the ICIP. They need to get all the details about their ideas so they know exactly what kind of funding they are asking for.

Commissioner Kathy Clark asked about the convention center improvement fund and if it needed to still be on the list for 2020 since they should reach their goal sooner than that.

City Manager Juan Fuentes stated that it wouldn't hurt to keep it on the list, it's just a wish list, and the real priorities are going to be the 2017 numbers. He stated that in the future they can use the revenue the city has generated as a match to ask for other funding from CDBG.

Commissioner Jeff Richter commented that some of the items on the list seem pretty trivial compared to the water/wastewater line improvements and electrical improvements. He would recommend that these items receive priority over those that are not as important.

Commissioner Russ Peterson stated that he agrees with most of everything that has already been said and has no further questions or comments.

City Manager Juan Fuentes asked Electric Department Director Bo Easley and Police Chief Lee Alirez to give the commissioners an update on their projects since their projects were the top priorities.

Bo Easley, Electric Department Director, stated that T&D is finishing up the system study which should be done between the middle to end of September and they are finishing up the model of the whole town with all of the electric poles and lines. Once they get this done they will instruct us on what needs to be replaced first and stated that they can go out and get grants for other improvements that they cannot fund in-house.

Commissioner Jeff Richter questioned which improvement project would be more important, the water/wastewater line improvements or the electrical improvements.

Bo Easley stated that he thinks the electric improvements are more important, but the water/wastewater line improvements are also important.

Police Chief Lee Alirez stated that the current contract they are in is not due to expire until July 2017 so they basically have a year and a half to work on getting everything done. He stated that they have been collecting data for the whole County about the amount of animals taken in to the shelter and researching options for developing a multi-phase implementation plan for the animal shelter. Their goal is to build and manage a full service Truth or Consequences Police Department/Animal Shelter to provide humane care and housing for domesticated animals in Sierra County. One option would be to create an interim short term housing kennel for the animals to be reunited with their owners and if they cannot be rehomed in a short period of time, will then be transferred to a bona fide shelter. He stated that they have already acquired property where the armory is and there is already an aluminum building that could be used as an interim animal kennel with a few upgrades. This project will cut down the City's expenditures significantly. He stated that the director from Socorro County will be coming next week to do the site visit. They are getting a lot of information from other counties about their operating costs so that we can get a better idea of what this animal shelter is going to cost the City.

Commissioner Kathy Clark questioned whether this project can be renamed to include the regional law enforcement center.

Bill Slettom stated that at this time we can frame the project as we choose and roll out the numbers to match that.

Police Chief Lee Alirez asked if they receive the capital outlay funding from the state, and questioned if it would change their ability to access these funds if they renamed the project.

Commissioner Kathy Clark stated they did receive the funding and it shouldn't affect their ability to access the funds if they change the name.

Commissioner Peterson stated that one thing he does not like about the current situation is that they have no control over it at all.

City Manager Juan Fuentes recommended that the city commission support the County's number one project which is the jail and asked that it be placed on the City's ICIP to show them support.

Police Chief Lee Alirez stated that there has also been discussion with the County about possibly building the detention facility with the regional public safety center. It would make it a very environment and would be very cost effective.

Mayor Sandra Whitehead called for comments from the public. With no comments from the public the work shop was closed.

**CITY COMMISSION
AUGUST 11, 2015
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, August 11, 2015, with the meeting starting immediately following the workshop.

PRESIDING OFFICER: The meeting was called to order by Mayor Sandra Whitehead, who presided and Angela A. Torres, Interim City Clerk acted as Secretary of the meeting.

ROLL CALL: 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. Kathy Clark, Commissioner
Hon. Russ Peterson, Commissioner

Also Present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
Angela A. Torres, Interim City Clerk

QUORM: 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 Commissioner Police Chief Lee Alirez to lead the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Sandra Whitehead called for a motion to approve the agenda.

“Mayor pro-Tem Steve Green moved for approval of the Agenda of the city commission meeting of August 11, 2015 as presented.”

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for further comments or questions, with none, the Mayor called for a Vote.

Motion Carried Unanimously.

COMMENTS FROM
THE PUBLIC:

Mayor Sandra Whitehead called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Sue Penner, Finance Director at SJOA approach the podium and stated that she wanted to let the commission know what their money went towards. This last July they served in-house 346 meals, at Hacienda Aguella 69 meals were served, Arrey 32 meals were served, home delivered an array served 11 meals, 12 weekend meals, transportation meals served 217, home delivered lunches served 441, and home delivered weekend meals served 90. This was a total of 1515 individuals were served in the month of July. She thanked the Commission's continued support.

RESPONSE TO
PUBLIC COMMENT:

Mayor Sandra Whitehead thanked the SJOA for continuing to serve our community.

PORCLOMATION:

Mayor Sandra Whitehead called for the next item on the agenda: Elephant Butte Dam Celebration Day October 19, 2016.

Mayor Sandra Whitehead read the proclamation which is as follows:

City of Truth or Consequences proclamation. Elephant Butte Dam celebration Day October 19, 2016. Whereas, Elephant Butte Dam will celebrate its hundredth year birthday in 2016 and whereas dedication for the dam's completion took place on October 19, 1916 and whereas as part of the Rio Grande project, the dam would be used to impound water that would not only tame the floodwaters of the Rio Grande, but would store water that could be used by farmers for irrigation of their crops during the dry seasons. And whereas in 1971, farmers retired the debt of Elephant Butte Dam and, whereas, the City of Truth or Consequences is proud to join was Sierra County to celebrate Elephant Butte Dam's 100th birthday. Now therefore, the Mayor, on behalf of the City Commission of the City of Truth or Consequences, Sierra County New Mexico, hereby proclaims October 19, 2016 to be Elephant Butte Dam celebration day and encourage all to join in on this observation. Dated this 11th day of August 2015 by Sandra Whitehead, Mayor.

Mayor Sandra Whitehead presented the proclamation to Sherry Fletcher

CONSENT
CALENDAR:

Mayor Sandra Whitehead called for the next item on the agenda which is the accounts payable for July 2015 and the Lodger's Tax Advisory Board meeting minutes from May 28, 2015.

Mayor Sandra Whitehead pointed out that before they accept these items, there is one mistake on the Lodger's Tax meeting minutes and asked that that correction be noted and made to the minutes.

“Mayor Pro-Tem Steve Green moved that the items on the consent calendar be approved as they were presented by the Mayor.”

Commissioner Russ Peterson seconded.

Motion carried unanimously.

**UNFINISHED
BUSINESS:**

Mayor Sandra Whitehead called for the next item on the agenda,
Discussion/Action: Resolution #01 15/16 Open Meetings Act; Jay Rubin, City
Attorney.

Attorney Jay Rubin approached the podium and stated that they received a copy of the compliance guide from the Attorney General's Office and he relied on that heavily to come up with the resolution being proposed tonight. He emphasized a couple points in the resolution such as paragraph 3A, regular meetings, and stated that there has been question as to when the agenda needs to be posted and he thinks this paragraph makes it clear. He then went over the paragraph discussing emergency meetings and noted that he took that almost word for word from compliance guide. He also added a new section for executive sessions since it was in the compliance guide he thought it would be a good idea for us to have it in our resolution. He noted that the commission has already been following this rule for executive session. He and from the commissioners that he drafted two versions of this ordinance, one follows the city commission meeting times that they follow now, the other states a new city commission meeting schedule of one meeting a month on the fourth Thursday at 9 AM.

Mayor Sandra Whitehead turned this portion of the meeting over to City Manager Juan Fuentes for his thoughts and comments.

City Manager Juan Fuentes discussed that it was proposed and discussed at the last meeting about possibly changing the City Commission meetings to once a month starting at 9 AM. He stated that he spoke with city staff and a majority of them support the idea. They felt that 9 AM was a good time to start because there is other business that needs to be taken care of early in the morning.

Mayor Sandra Whitehead commented that 9 AM would work well and that it gives City staff time to do any last minute preparing for the meeting. She asked her fellow commissioners what their considerations and thoughts are on this subject.

Commissioner Kathy Clark stated that she sees pros and cons on this matter. She commented on previous months where only one meeting was held a month and stated that it seemed like she didn't know what was going on in the city unless she stopped by City Hall every day. She stated that she wouldn't be opposed to testing this idea to see if in fact it is a workable solution.

Commissioner Jeff Richter stated that he is all for one meeting a month.

Commissioner Russ Peterson

Commissioner Russ Peterson stated that when he was at the county the daytime meeting worked well but they did have two a month. He's not really in favor of limiting it to one a month. He would also like to give it a trial run.

Mayor pro-tem Steve Green stated that his thoughts have been expressed by Commissioner Kathy Clark and Commissioner Russ Peterson but he does have a couple questions. He asked how the meetings would work if a workshop was included.

Mayor Sandra Whitehead stated that would be up to Manager Fuentes and how he would want to handle that. She stated that there is a lot of options and nothing asked to be set in stone.

Mayor Pro-Tem Steve Green commented that he also sees the possible need for special meetings under certain circumstances. He stated that this decision was staff driven he would vote for it in the second, but since Juan didn't say it was unanimous, he assumed that there are some staff that are not on board with this idea. He said with that in mind and with what his fellow commissioners stated, they would give this idea a try. He asked attorney Rubin is there is a requirement for the minutes to be done in a certain time period after the meeting because he is concerned about the amount of time it would take to finish the minutes of a meeting being held once a month since they would be pretty lengthy.

Attorney Jay Rubin stated that in the open meetings act it says the draft meeting minutes must be available within 10 working days after the City Commission meeting and be approved at the next City Commission meeting.

Mayor Sandra Whitehead commented that during the last few months the Commission has bombarded the Clerk's office with minutes. This is why she suggested going to one meeting a month, to let them catch up on things in the office.

Commissioner Kathy Clark thanked to Mayor Whitehead for recognizing the staff. She asked Attorney Jay Rubin about how they can call a special meeting if it requires three of them, but three of them cannot be together at one time unless there is a potential quorum notice.

Attorney Jay Rubin stated that historically it has worked by one member of the Commission calling the Clerk's office and stating they want to have a special meeting, which in turn the Clerk's office would call the rest of the commission to see if they agree.

Commissioner Russ Peterson stated that he doesn't see how they would be saving anytime, it's the same amount of typing and same amount of projects going on. The only difference he sees is the amount of time they have to prepare for the meeting. He commented that it would be the same amount of paperwork, just shoved into one meeting instead of spread out into two.

Mayor Sandra Whitehead moved to approve resolution #01 15/16 open meetings act going to one meeting a month starting at 9 AM.

Commissioner Jeff Richter seconded the motion.

Atty. Jay Rubin noted that before they vote he would like to mention that he would also need to bring an ordinance for amending which states the meeting times of the City Commission.

With no further comments, Mayor Sandra Whitehead called for a Roll Call Vote.

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

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

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

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

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

Motion Dies.

Mayor pro tem Steve Green motioned for approval of resolution #01 15/16 open meetings act which includes that the city commission would meet every second and fourth Tuesday of the month unless otherwise noted.

Commissioner Kathy Clark seconded.

With no further comments, Mayor Sandra Whitehead called for a Roll Call Vote.

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

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

Hon. Jeff Richter responded NAY 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.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Resolution #03 15/16 Amending Rule 17 7-17-15 Actions for "Comments from the Public" or a Public Hearing; Jay Rubin, City Attorney.

Attorney Jay Rubin stated that this was brought forward at the previous city commission meeting and needed a few changes, so it is being brought back for their approval today. He noted that the wording was changed to say that the public comment documents be deposited into a receptacle designated by the

chair. The other change was made to say anyone who violates the rules of conduct may be subject to having their speaking privileges removed at a future City Commission meeting or may be subject to removal from that particular meeting.

Commissioner Kathy Clark asked if it would be possible to shut down the public comment portion of the meeting if they felt it was necessary during the meeting.

City Attorney Jay Rubin stated that the problem would be if somebody didn't get their chance to speak because of another person was being disorderly.

Mayor Sandra Whitehead commented that she can call for a recess if she feels necessary, so that everybody can calm down and return to the meeting.

Mayor Pro-Tem Steve Green moved to approve resolution #03 15/16 Amending Rule 17 of the city commission rules of procedure with the language that was discussed with the attorney to be added to item 6.

Commissioner Kathy Clark seconded.

With no further discussion, 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.

NEW BUSINESS:

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Infrastructure Capital Improvement Plan (ICIP), Bill Slettom, Assistant City Manager/Community Development Director.

Bill Slettom stated that in the Workshop held before this meeting there was some interesting discussion on the ICIP as it was presented. He commented that there was some discussion about their top five items from last year and discussed how they can modify some of the other items on the ICIP to better fit some of the recommendations of the Commission with the expansion of the golf course and the animal shelter project. There was also discussion on supporting the County's project of the detention Center. At this point they can further discuss the items or a resolution can be submitted at the next meeting with their top five items to be submitted to the a ICIP.

City Manager Juan Fuentes recommended that the commissioners give support for the project to go in that direction so that they can move forward with this.

Mayor Sandra Whitehead called for the next item on the agenda

Discussion/Action: Resolution NO 06 15/16, A Resolution approving the FYE 2015 4th Quarter Revenue and Expenditure Report. Juan Fuentes, City Manager.

City Manager Juan Fuentes stated that he presented the fourth quarter report at the previous budget meeting and it is required to be approved by resolution which was not previously provided at the budget meeting. The numbers have not changed since the budget meeting workshop.

Mayor Pro-Tem Steve Green moved to approve Resolution #06 15/16, a resolution approving the FYE 2015 4th Quarter Revenue and Expenditure Report.

Commissioner Kathy Clark seconded.

With no further comments, 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 the next item on the agenda
Discussion/Action: Resolution NO 07 15/16, A Resolution finding the property at 518 Elm Street, Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition. Robbie Travis, Building Inspector.

Robbie Travis, Building Inspector commented that this property has been a problem for many years. The owner of the property has passed away and a friend of the family has been taking care of it. Initially he thought this person was the owner of the property, but she cannot obtain legal proof that it does belong to her and she cannot keep it maintained. He noted that they have followed the procedure and it is now up to the commission to approve the demolition of this property.

Commissioner Kathy Clark questioned if this property should be advertised since there is a possibility it could be tied up in escrow.

City Attorney Jay Rubin stated that as far as he knows there has been no probate filings on this property. He commented that the reason Robbie sent the letters to the deceased owners is because the County Assessor's office still shows them as the owners and stated that they are following due process. He also mentioned that if they were to approve the resolution tonight it would then be published and then anybody who has interest in the property would be served, which may include this friend who was given the property in allow them to speak up and claim the property.

Mayor Pro-Tem Steve Green moved to approve resolution number 07 15/16, a Resolution finding the property at 518 Elm St., Truth or Consequences, NM to be a dangerous and unsafe structure and authorizing demolition with the date change to signify today's date.

Commissioner Kathy Clark seconded.

With no further comments, 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 the next item on the agenda
Discussion/Action: Appointment of Absentee and Precinct Board to Serve on
Election Day, September 22, 2015; Angela Torres, Deputy City Clerk.

Angela Torres, Interim City Clerk approached the podium stated that State Statute requires the Commission to appoint a Precinct Board for each polling place to serve on election day. She stated that Jenny Chavez was elected to serve as the Election Judge/Clerk Translator, Lisa Perez and Mary Helen Martinez as the Election Judge Clerks, and the Alternate of Carol Wheeler. Her recommendation is to approve the appointment of the names to serve on the precinct Board.

Mayor Pro-Tem Steve Green moved for approval of the appointment of Absentee and Precinct Board members to serve on election day, September 22, 2015.

Commissioner Peterson seconded.

Motion Carried Unanimously.

REPORTS:

Mayor Sandra Whitehead asked for reports from the commission.

City manager Juan Fuentes commented that some City staff, the Rotary club, and Sierra Soccer Association have started work installing posts this last weekend at the sports complex for the new fields and he wanted to commend them on their work.

City Attorney Jay Rubin, no report.

Commissioner Peterson, no report.

Commissioner Jeff Richter, no report.

Mayor Sandra Whitehead, no report.

Mayor Pro-Tem Steve Green, read a letter from Joe McClintock commemorating Jane Green.

Commissioner Kathy Clark, commented that she was a great lady and she was an absolute excellent example of giving back to the community.

Mayor Pro-Tem Steve Green suggested that a plaque be purchased and placed on the computer lab on 4th street.

**EXECUTIVE
SESSION:**

Mayor Sandra Whitehead moved to the next item on the agenda is Executive Session, Pending or Threatened Litigation 10-15-1H (7), Amezcua, HSLD, Torres, and Schraner.

Mayor pro tem Steve Green motioned to go into executive session.

Commissioner Kathy Clark seconded.

Mayor Sandra Whitehead called for a Roll Call Vote.

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

Motion carried, the meeting will go into executive session.

OPEN SESSION:

Mayor Pro-Tem Steve Green stipulated that the commission went into executive session for pending or threatened litigation 10 – 15 – 1H (7), Amezcua, HSLD, Torres, and Schraner. Discussion occurred and no action was taken.

ADJOURNMENT:

Mayor Sandra Whitehead called for any further comments or questions. With none coming forward, she called for a motion to adjourn.

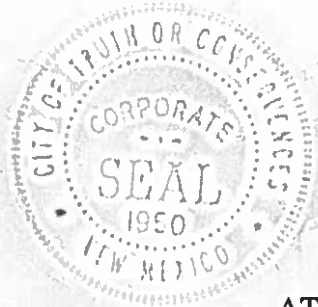
“Mayor Pro-Tem Steve Green made the motion to adjourn. “

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead asked for any further questions or comments, with none coming forward, the Commission adjourned.

CERTIFICATION:

PASSED AND APPROVED this 29th day of September, 2015, on a motion duly made by commissioner Steve Green and seconded by Commissioner Kathy Clark and carried.



A handwritten signature in cursive script, appearing to read "S. Whitehead", written over a horizontal line.

Sandy Whitehead, Mayor Pro-Tem

ATTEST:

A handwritten signature in cursive script, appearing to read "Angela A. Torres", written over a horizontal line.

Angela A Torres, Interim City Clerk

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
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