

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, July 27, 2010

REGULAR MEETING

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, July 27, 2010 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Pro-tem Renfro who presided and Mary B. Penner, City Clerk acted as Secretary of the meeting.

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

Hon. Evelyn B. Renfro, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Frances Sanchez, Commissioner
Hon. Freddie Torres, Commissioner

Absent was:

Hon. Lori S. Montgomery, Mayor

Also present:

Dave Weiser, City Manager
Jay Rubin, City Attorney
Mary B. Penner, City Clerk

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

CEREMONY: Mayor Pro-tem Renfro called for fifteen seconds of Silent Meditation.

Commissioner Sanchez called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Pro-tem Renfro called for approval of the Agenda, and understands they have a correction under Executive Session, and stated they needed to delete the item under C – Business Park Proposal.

“Commissioner Sanchez moved approval of the Agenda as amended.”

Seconded by Commissioner Green.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS Mr. Charles Kuhne came before the Commission with comments.

FROM THE PUBLIC: Ms. Nola Kent came before the Commission with comments.

Mr. Bradley Grower came before the Commission with comments.

CONSENT CALENDAR: Mayor Pro-tem Renfro stated they have two items under the Consent Calendar – Minutes of the City Commission Meeting – Regular – July 13, 2010 and DWI Grant/Distribution Progress Report 09/10.

“Commissioner Green moved approval of the Consent Calendar as presented.”

Seconded by Commissioner Sanchez.
Motion carried unanimously.

DRAFT MINUTES: Mayor Pro-tem Renfro stated the following are draft minutes from various boards provided to the Commission for their information, and are non-action items.

“Commissioner Sanchez moved to accept these minutes as presented.”

Seconded by Commissioner Green.
Motion carried unanimously.

BOARD COMMITTEE REPORTS: & None.

PUBLIC HEARINGS: None.

SCEDO QUARTERLY REPORT: Mr. John Mulcahy, SCEDO Executive Director came before the Commission to update the Commission on what they have going on, and stated he has met with 77 businesses, and most every committee at some point or another. He stated he has worked with the USDA, SBA, Dona Ana, WNMU Colleges, and both of the Chambers of Commerce...the Senior Center, and has met with all of the representatives from Congress, and has worked with the schools, and with Spaceport America.

He stated that some of their initiatives as an organization, and indicated he is re-designing the web-site which will be far more site selector oriented so that someone who is interested in doing business in Sierra County can get data, and facts without visiting.

Mr. Mulcahy stated he is working with the SBA to come every month, and will be sending an e-mail to all the businesses in hoping to have good attendance, and would like all the businesses in Sierra County to be aware of the funding that is available, and the opportunities and loans that are available.

He stated the number one issue in his mind currently in Sierra County in terms of economic development is workforce, and stated he has joined the Higher Education Learning Council in Sierra County, and that he will be meeting with President Huerta with the Dona Ana College, and stated they need to figure out a way to get our workforce increased and trained, and retain from coming out of high school, and in addition they need to take advantage of our fantastic large and smart senior community, and indicated that 30% of the population is over 65...40% of the population is over 60.

Mr. Mulcahy stated he is also working with people with home based businesses, and is trying to expand that, and trying to get them to join and use best practices. He stated he is working with Jane Green with the computer lab, and stated what they are going to do is get more people selling products from their home, and services from their homes to people outside Sierra County.

He stated he is involved with the Main Street Committee, and that they are working very hard to support downtown.

Mr. Mulcahy stated he would like to thank them for their willingness to support SCEDO, and thank them on the efforts for beautification, and asked the Commission...what do they want from him?

He stated he has been working for 2 months with the St. Cloud Mine, and worked hard to talk about their products and how they can use them elsewhere in the nation, and indicated one of the things that came up is the opportunity for them to use zeolite which is a very strong absorbent that attaches itself to oil that can't be separated without heat, and thinks they can use that in the Gulf of Mexico, and stated he would like to put that proposal forward and try to get some traction on that.

Commissioner Green stated he likes the business incentives to lure and entice new businesses and hopes working with the Commission and City Manager that he would test the waters to see what is out there that other communities and counties are offering, and that he would task him to do the research...what are other communities in our area and state doing...what are they doing for economic development...and why are they getting businesses to come into their towns and we are not.

Commissioner Sanchez stated she would like to commend him on his enthusiasm and hard work so far, and thanked him for giving them a report, and that it is very nice to hear what SCEDO is doing.

RESOLUTION
#03-10/11 –
FINAL BUDGET
FOR FY – 10/11:

Mr. Juan Fuentes, Finance Officer came before the Commission to present Resolution #03-10/11 – Final Adoption of Budget for FY 2010-2011.

Mr. Fuentes stated they were provided with a Commission Action Form, and stated on the back page there is a highlighted final amendments in which he will be going over them, and stated the purpose of this presentation he will go over the summary of the changes to the Preliminary Budget that they adopted Tuesday, May 25th 2010.

He indicated that he changed the format in which the budget is presented, and feels that the format is more user friendly and more flexible, and stated in the future it will allow him to provide them data whether it is by charts, graphs, and give them some visuals.

At this time he went over the changes with explanations, and stated the first 3 changes were per the DFA letter, and indicated DFA approved the Preliminary Budget, but however they did ask that once the ending cash balances were reconciled for June 30th that the adjusted totals agree with the detailed pages, and stated that has been done. (Complete copy attached hereto and made a part hereof.)

He stated also that DFA requires that all investments to be shown in

an investment column, and they will see in the new budget recap in comparison of the old recap...the 2nd column that is the investment column, and the 1st column is the un-audited beginning cash balances for each of the funds, and indicated that is one of the changes.

“Commissioner Torres moved approval Resolution #03-10/11 for Final Adoption of the Budget for FY 2010-2011.”

Seconded by Commissioner Green.
Motion carried unanimously.

NAME – JR T OR C POLICE OFFICER PROGRAM: Chief Gallagher came before the Commission to draw a name for a new member of the JR, T or C Police Officer Program, and drew the name of Abby Delgado, and stated the car was donated by Sierra Auto Parts & Car Quest.

He stated they will also have representatives at “National Night Out.”

REPORTS: **CITY MANAGER –**

City Manager Weiser stated at our last meeting there was discussion about Bank of America credit card, and he has asked Juan to look into this and will report back to them.

He stated there was a question concerning a transfer of \$700,000 into the Morgan Street account because they are finished with that project, and explained the reason it was still labeled Morgan Street account is that is the name on the checking account, and they cannot change the name so that is why is was still labeled Morgan Street account, and stated the \$700,000 is the stimulus money...the ARRA funds for the Broadway and Main Street re-paving project.

City Manager Weiser reported that the pump has been installed at the Ralph Edwards Park, and that they are waiting for the river to clear up before they put water into it. He stated he is meeting with the parks department and will bring up the issue of some type of screen or something to protect the pump.

He stated the repairs are underway at the Louis Armijo Park restrooms as they were vandalized, and indicated some of the rain related issues that they have had over the last few days, and that they have had some leaky roofs, and that facility management is taking care of them.

City Manager Weiser also reported they had water leaking into the police department, and they think they have that traced to a plugged drain, and will be taking care of that. He stated the street crews are cleaning debris from roads, and had crews filling sand bags.

He stated over the last couple of weeks he has had a number of employees stop by thanking the City Commission for approving raises in the budget, and that they were very much appreciated.

City Manager Weiser reported on the ongoing projects...pool cover the RFP will be ready this week or early next week to include the design and construction on the cover...tennis courts the purchase order for the soil tests are going out this week...ball field lighting...the specs are due this week from the electrical contractors, and the road and street projects...the bids are due next Tuesday, and stated they will start milling and chip sealing on some

of the streets early next week.

Commissioner Torres stated they get criticized for chip and seal, and he would like for the City Manager to let them know why they are going with chip and seal.

City Manager Weiser stated the idea behind...as they know they are planning to do 17 ½ miles of road, and that 3-3 ½ miles is actually asphalt with the rest chip/seal, and the reason behind the chip/seal is they can cover a lot more territory, and that is has to be maintained on a regular basis, and that is what they need to concentrate on, and stated chip/seal is cheaper.

Commissioner Renfro stated the most important thing is maintenance, and has always gone for pot hole patching crews that they had established at one time...then they got rid of them...then they got them back in...and I guess they disappeared again, but then they got the pot hole patching machine, and she thinks during the budget hearings they suggested that the tank for the oil be ordered, and asked what the status was on that.

City Manager Weiser stated he believes it has been ordered, and may be waiting for the final budget, and stated that Don is on that.

CITY ATTORNEY -

City Attorney Rubin reported that he has two hearings in District Court tomorrow...at 1:15 there is a hearing regarding an appeal that Ms. Audette and Ms. Toomey filed...they appealed the City Commission decision that Audette & Toomey were not aggrieved parties, and thus had a standing challenge Bartoo's licensing operations. He indicated Audette & Toomey hired Counsel, and their Attorney had sought a change of venue from Sierra County, and he filed a response opposing that motion...but in the mean time there Attorney has filed a motion to withdraw from the case...although he is not opposing that motion...the Court is scheduled to hear that tomorrow at 1:15.

He also reported he has a hearing at 1:45 on the Sheppard's Zone change case...and stated last summer the City Commission approved Sheppard's application for a zone change...and Ms. Audette appealed that decision...the District Court has already upheld the City Commission decision...but Ms. Audette has filed a motion for re-consideration before the Court tomorrow.

COMMISSIONERS –

Commissioner Green stated two suggestions...I know it's an unusual event the last couple of days that they got hit with this type of rain and downtown our retailers...our store owners and store renters paid a horrific price for what's happening, and he would like to suggest that the City produce signs that says...Deep Water...what is happening...I went down there, and it's fun to see how big of wake you can throw that goes over the curbs under the doors and into the stores...now what happens...it degrades the buildings...potential mold starts growing within your walls in which you'll never get out...inventory is lost...business interruption is lost...I would like to see signs placed out that says...Deep Water next 5 blocks...Speed Limits 15 miles an hour, and he knows it's a State Highway...I know they don't have the right to do that, but I think the right to protect our citizens is greater than what Deming says, and it is easy to do something, and let them

slap them on the hands, and say you can't do that, but that's one suggestion I would like the City Manager to consider, and the other is the water runs into the river anyway, and it accumulates at certain points...runs out of Main and Broadway becomes a lake...why can't they have the fire department there with the pumper to pump up the water, and lay down the hose going towards the river and pump it directly into the river...even if they have to go into the market place and buy used hosing...I think to protect the structures of downtown, and the business people of downtown...we have got to do something...obviously they can't come up with a drainage system...we don't have 15 or 20 million dollars to rip up the whole City and do it...short of that I think they should leave no turn...no rock unturned to do everything they can to protect them, and he would like to John Mulchay for helping downtown delivering sand bags and putting them around.

He stated at our last Commission meeting two weeks ago they voted on something that came out of a City board that they did not have the minutes to...they just got the minutes for this meeting...for Yucca taking the 3 lots making into 2...the papers did a wonderful job reporting on it, and in our packet it indicated it was an unanimous vote...one of the papers said it was not an unanimous vote from the P & Z Commissioners...so that might have been a typo or whatever, but I think unless it is an absolute unbelievable emergency...nothing should come out of a City Board that is going to come before them for a vote...it should not be put on the agenda until they get a chance to look at the minutes...look at the discussion that went back and forth...the proponents...the opponents...what the Commissioners questions that they asked because that is why they have that board, and they value their recommendations to them, But I for one as a Commissioner...I'd like to see what is going on. And stated they have been advised not to go to those meetings for obvious reasons of conflict or just our presence...so the only way they have an opportunity to gain knowledge is through the proper recording of what happens at our City boards, and so I am asking that the City Manager consider that as well.

Commissioner Sanchez stated she would like to commend the street crews on their diligence yesterday in repairing the streets, and continuing their work today. She stated she also went downtown to look, and thinks if they would have been able to have police officers down there to slow the traffic during when all the water was flowing towards the river it may have helped detour some of the damage that was done...otherwise in a matter of an hour all the water that could go was gone.

Commissioner Torres – No report.

Commissioner Renfro – No report.

EXECUTIVE SESSION: None.

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

APPROVAL: PASSED AND APPROVED this _____ day of _____, 2010, on motion duly made by Commissioner _____, seconded by Commissioner _____, and carried.

EVELYN B. RENFRO
MAYOR PRO-TEM

ATTEST:

MARY B. PENNER, CITY CLERK