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, January 9, 2007 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Montgomery 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. Lori S. Montgomery, Mayor
Hon. Jerry Stagner, Mayor Pro-tem
Hon. Jimmy Rainey, Commissioner
Hon. Evelyn B. Renfro, Commissioner
Hon. Freddie J. Torres, Commissioner

Also present:
Jaime R. Aguilera, 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 Montgomery called for fifteen seconds of Silent Meditation.

Mayor Montgomery called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Montgomery called for approval of the Agenda.

City Manager Aguilera stated he would like to remove item A under other business, and indicated that the County Manager has requested that they continue this item to the February 13th, 2007 meeting.

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

Seconded by Commissioner Rainey. Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS FROM THE PUBLIC: None.
CONSENT CALENDAR:
Mayor Montgomery stated they have two items under the Consent Calendar – Minutes of the Regular Meeting of the City Commission – December 12, 2006, Accounts Payable – December 2006.

"Commissioner Torres moved approval of the Consent Calendar."

Seconded by Commissioner Renfro.
Motion carried unanimously.

BOARD & COMMITTEE REPORTS:
Mayor Montgomery stated the following are draft minutes from various boards provided to the Commission and are for information only and are non-action items.

PUBLIC HEARINGS:
None.

LETTER OF SUPPORT – Geronimo Trail Scenic BYWAY:
City Manager Aguilera stated they received a letter from Ms. Larena Miller, Executive Director from Geronimo Trails, and is present to address this issue.

Ms. Larena Miller came before the Commission and indicated that Geronimo Trail Scenic Byway is applying for a second allowable $25,000 seed grant for funding for projects to promote the trail in conjunctions with these directives in the original corridor management plan.

She stated they are applying for funds for marketing and directional signage and that they want to produce a new full color brochure of the trail for distribution to visitors, potential visitors, and to post them at State Welcome Centers and Visitors Centers around the State and to put in informational packets to be handed out at conferences and meetings.

Ms. Miller stated they plan to have some litter bags printed with the Geronimo Trail logo to be available for free for distribution at conventions and meetings and to give out at the Visitor Center. She stated they would like to obtain other free give-away marketing items with the trail logo to be able to distribute to get the logo out in the public eye.

She indicated there is a need for additional signage along the trail that has not been implemented, and explained that this project will be for signs directing people to specific locations and sites of interest along the trail and that this will facilitate travelers in finding their way to the rural places they want to visit such as Chloride getting off 152 into Kingston, and finding the old courthouse ruins in Hillsboro.

Ms. Miller stated they appreciate the continued support of the City of Truth or Consequences and the efforts to increase tourism along the byway and thanked them for their time.

Commissioner Stagner asked where the grant was from, and Ms. Miller replied the Federal Highway Administration Scenic Byways Program.

"Commissioner Renfro moved to grant a letter of support for Geronimo Trails Scenic Byway."

Seconded by Commissioner Torres.
Motion carried unanimously.

Ms. Miller also provided a booklet that was put out by the US Department of Transportation Federal Highway Administration National Scenic Byways Program, and indicated they will find the Geronimo Trail National Scenic Byway included in the section on New Mexico.

**RESOLUTION #20-06/07:**

City Manager Aguilera stated they received this fax from the City of Sunland Park. He stated they sent this to other cities in Southern New Mexico and explained that the border crossing does not affect them directly but does affect the economy of the State of New Mexico by bringing in more vehicles through a New Mexico border crossing as opposed to El Paso, Texas.

He explained this border crossing happens to be between the Santa Teresa border crossing that already exists and the downtown El Paso border crossings, and that this would be in the middle.

City Manager Aguilera stated it is slated to be a non-commercial border crossing so only non-commercial vehicles would cross through there, and would recommend that the Commission approve the resolution, and not based on the fact that it affects them directly, but it is a positive step for the State of New Mexico.

"Commissioner Rainey moved to approve Resolution #20-06/07 supporting the City of Sunland Park, New Mexico."

Seconded by Commissioner Torres.

Motion carried unanimously.

**RESOLUTION #21-06/07:**

City Manager Aguilera stated this is a follow-up to the last time this was brought to the Commission when Ellen Evans was the finance director. He indicated the process was never finished. He explained they had a change in personnel, and that Helen Belis the acting finance director has completed the process and prepared this for them.

He stated the changes are within the same department, and explained that some of the changes are to add money to each of the departments, and went on to explain the adjustments.

Police Department – Page 3 – He explained that this was an oversight, under non-capital equipment there is $5,000, and indicated that money was in the original budget but somehow never posted to their budget.

City Manager Aguilera stated it was discussed during the budget sessions but somehow was left off, and that this is a correction of that process. He stated there is also an addition of the police dog and stated that was on the next page, other capital purchases, police canine, $4,125. He stated he talked to Captain Mullins who had more conversations about this police dog with the border patrol, and indicated that the border patrol is willing to provide the dog and the training at a lesser price than what they had been told from a private provider. He stated she is still developing that scenario and how that is going to work, and that it will require more time for her to go through training at the Border Patrol Academy, but the dog and the training will be less, and the other positive portion of that is the border patrol will guarantee the dog as a dog that will have creditability in court.
Mayor Montgomery stated she sees all these changes are incorporated in reducing the worker’s comp premiums, City Manager Aguilera, right, and the other changes are internal to that department.

Municipal Recreation stated that is again moving money within the department.

Building Inspector the same.

Facilities Management stated this is an item that was discussed some time ago when WNMU had asked that the City pick-up utilities, that $6,000 is an addition to this budget for the balance of the fiscal year.

The end of page 6 the hospital, and stated there is an increase in the GRT estimate, and he indicated they had estimated there were going to receive $169,000, and if they recall he asked for a cap and that did not occur so the new projected amount will bump up our contribution to the hospital to $240,000.

General Fund transfers are the money... this is the money that has increased... the GRT that they have increased, or the projection that they have increased, and money that they are transferring from the utilities, and they will see that later on having to do with increase in the street department budget.

Page 8 law enforcement transfers on the bottom of the page is the $23,000 for the extra police vehicle that they discussed earlier in the year. And showing the building renovations donations on the top of page 9 for the police department.

Lodgers Tax bottom of page 9 they are showing an $86,000 appropriation...a new appropriation, and explained there was $14,000 allocated from lodgers tax to Civic Center improvements. He indicated the $86,000 would bring the total appropriation to the Civic Center up to $100,000.

Commissioner Renfro asked what the plans are for the $86,000, and City Manager Aguilera explained that the $86,000 comes from unappropriated funds, and referred to the front page under lodgers tax fund #25 there is $85,686 that is beginning cash balance, and indicated what has happened to that fund over the years is that every year that they appropriate lodgers tax they do an estimate, and that they spend the money they estimated they were going to have at the end of the year, and indicated they have been having a surplus and that the surplus gets rolled over, and pointed out that has now accumulated to an amount of $85,000 plus.

City Manager Aguilera stated what he is proposing is... and indicted first of all that money can only be spent on the golf course, civic center or sent out to the lodger’s tax board to be reappropriated or recommended to some other public agencies. He stated what he is recommending is that they move that money into the Civic Center account.

He stated they recently received a letter from the State Fire Marshal indicating that the sprinkler system has been shut off and inoperative and needs to be repaired, and that the curtains were a fire hazard and that they have been removed and that the front curtains are passed the date that they are considered to be fire retardant, but they were not as adamant about those curtains, as he was about the
rearranged curtains, and they also have an electrical insufficiency in the kitchen area, and some changes that need to be made to the seating in the rate seating area because those seats were originally fit for children.

Commissioner Torres and Commissioner Renfro stated those were not designed for kids and that those were put in when it was remodeled, and City Manager Aguilera stated then it was not done right. He stated John has looked at the problem and he has figured out a way to rearrange how they are bolted on and he believes he can redo them.

City Manager Aguilera stated they also need to remove the area for storage and turn it into a breakout room as there is a need for additional breakout rooms. He indicated SCEDO has been redesigning their space with the Chamber of Commerce and it will create another breakout room for them by moving the office where Zelma is to another part of that office area, and that office will become a small conference room which can also serve as another breakout room, and stated he does not have a budget for that yet and cannot tell them what the cost will be, and is asking SCEDO and the Tourism Board for comments and suggestions about what they can do to make the Civic Center a viable conference center.

He stated once he has all that information he will come back to the Commission with a plan as to how to spend the money, and for the time being they will upgrade the electrical, the sprinkler system, the curtains, the seating, and some of the room repairs, and any other improvements he will bring back to the Commission for review.

Mayor Montgomery asked for the sprinkler system is it just a matter of re-hooking the system up that was shut off, or do they have to go through and re-do the entire system and City Manager Aguilera stated he thinks it is just repairing what is there.

Commissioner Torres asked if they could move the Chamber of Commerce to the old police building, and indicated that is where the Chamber used to be.

City Manager Aguilera stated he was going to bring that up later but will go ahead and get into that now. He stated they are in the process of refurbishing the old police building, and explained the original plan was to take DWI and move them into that building and the HR Department and have them share that building, and stated that would give them a gain in rent of $600.00 a month that DWI currently pays the Bank of the Southwest, but it turns out that DWI does not want to move.

He stated they need to move the HR Department because they need to be in a permanent city location, and at a SCEDO Meeting he mentioned that they might want to think about moving their offices and the Chamber to that building, and SCEDO thought their current location is good for them, however the Chamber Board has indicated an interest in maybe taking up part of the old police building, and when he met with the HR personnel and facilities management he also invited the Chamber President to look at that space.

City Manager Aguilera stated that Ms. Lola Polley who is the Chamber President liked the area in front of the building. He explained there is a natural separation at about 1,000 sq. feet and that the entire building is a little over 3,000 sq. feet, and he proposed to them if they want that 1,000 sq. feet the City would put
in the air conditioning system which they want to do anyway for that building re-roof the entire building, and put in new windows, and they would be responsible for the interior re-modeling, and in exchange the City would give them credit for the rent for the amount they spent on the re-modeling.

City Manager Aguilera asked if this Commission is interested in this arrangement, and if he could start negotiations with the Chamber to do this, or do they want to reconsider this at a later meeting.

Mayor Montgomery thinks this should be put on the next agenda to discuss, and to be done formally and give him direction, and Commissioner Renfro and City Attorney Rubin agreed.

He went on with the budget, and on the Joint Utility office expense explained there is an additional $1,500 and indicated that was used in the transition from the prior director leaving and hiring a new director, and explained that he authorized an hourly contract with the previous director to help in the transition.

City Manager Aguilera stated the others are internal changes.

On page 15 at the top of the page they are moving that $15,000 out of this account, and explained the $15,000 was budgeted so that they could begin the process of engineering the Broadway Industrial Park site, formerly the Elite Shutters site to subdivide that land, and indicated they have not done that and it turns out that they needed to cover a shortfall in the street department, and he will explain that when he gets to that department as to why that happened, and explained that they are moving that money out of this account and into the street utility department.

He stated the changes that they see on the bottom of the page for the Veterans Wall and Veterans Wall expenses indicated those are all internal movements of the same money and that it doesn’t increase or reduce any of that budget.

Mayor Montgomery but the shortage for the Columbarium... that’s not having to be offset for an expense anywhere, $7,750 to the right.

City Manager Aguilera stated they will see that again on page 17 lower middle of the page that is where that money is going to... under perpetual care, and explained they are moving it out of this line item and replacing it in line item 51388.

DWI grant expenses stated that is a grant that was returned to the State it was unexpended.

He stated at the bottom of page 17 they will see large amounts of money having to do with the grants, and explained these accounts are being moved from one account to another because they were listed in the wrong location.

On page 18 close to the bottom of the page this is the $336,000 that they did not know they needed to budget and explained after they estimated the amount of revenue that they will get from GRT it does cover that amount. He stated they took 6 months out of last year and up to the current 5 months, and projected what the end income would be at the end of the year, and indicated that was the number she used and it was not enough to cover that amount, and
stated this would be the last phase of the Morgan Street project.

City Manager Aguilera stated on the next grant construction cost – TPZ-0051 DOT grant, indicated it was budgeted at $57,000 and stated that was an error and that the actual grant amount is $187, and this is a correction, and that it was incorrectly stated at the beginning of the year so they are adding the $129,505.

Airport on page 19 they will see the $14,200 is actually moved from one line item to another, and the $1,382 is a grant that they have but was not listed in the original budget, and the last grant $52,000 and it was listed as a $42,000 grant, but they were told by FAA that it is a $52,535 grant so they changed that to correspond with the actual grant amount.

City Manager Aguilera reminded the Commission that they sold the property on Marshall Street which sold for $98,000, and stated they put that money in the Airport account, $85,000 towards the purchase of the Pippen building and $13,000 towards the renovation of that building. He stated the line item above that they will see the Marshall land sale.

Commissioner Torres asked what they were going to do with that building.

City Manager Aguilera stated this was another item that he was going to bring up later. He stated they do not have a plan yet, but Mr. Bernard Romero came in and indicated he has two airplanes currently housed at the Airport, and that he would like to lease some land from the City and build a hangar, or he would like to buy this hangar and use it for his personal use, and of course that would have to be at the appraised value.

Mayor Montgomery stated they need to put it on their next agenda to open it up for discussion to see what ideas they have for that building.

At the top of page 20 this is where those grants have been re-applied that go into the water account.

“Commissioner Rainey moved approval Resolution #21-06/07 – 2nd Quarter Budget Adjustment.”

Seconded by Commissioner Stagner.
Motion carried.
Commissioner Renfro abstained.

Commissioner Renfro stated she would like to make a request and does not know if the rest of the Commission feels the same way, but she would like to request any time they have anything to do with the budget that they receive the paperwork at the same time they get their agenda packets so they can have sufficient time to study them.

**CITY MANAGER**

City Manager Aguilera stated the Bernard Romero/Pippen Building and the Chamber of Commerce that they would place on a future agenda.

He stated the other item is the letter they received from the State regarding the CDBG Grant, and he does not know if they want to
discuss it at this point.

Mayor Montgomery does not think they should discuss it at this point but thinks they should put it on the agenda for the next meeting to address it, and maybe there would be additional information provided on where they are at with the audit findings, deficiency findings on the grant, and what steps are they going to take to ensure that doesn't happen again, and what are they going to do with the contract agency, etc., etc.

Commissioner Torres stated they might have them here to explain it to them.

CITY ATTORNEY — No report.

COMMISSIONERS —

Commissioner Stagner — No report.
Commissioner Rainey — No report.
Commissioner Torres — No report.
Commissioner Renfro — No report.

Mayor Montgomery reported on the Sierra County Higher Education Council. She stated this is the committee that was formed by the different entities regarding the WNMU Program. She stated there will be a second meeting that will be held on January 11th at 5:30 p.m., and that the location has not been decided yet and thinks they will be meeting at the high school, but will let the newspapers know.

She indicated they have had one organizational meeting and will be looking at some by-laws, and requesting some copies from the City on different councils that the City has so they do not have to re-create the wheel, and that maybe there are some by-laws that they can take a look at.

Mayor Montgomery mentioned that the Legislative Session is coming up, and would encourage the Commission to take a fiscal irresponsibly stand and not sending too many people to Santa Fe, but if there are individuals that will be going representing the City anyway, and maybe take a look at that because they will be making the presentation for the hospital on behalf of all the entities and then presenting the capital projects, and would just encourage people to look a little fiscally responsible in that area and not send a whole bunch of people to Santa Fe.

EXECUTIVE SESSION:

"Commissioner Renfro moved that the meeting be closed for Executive Session — Personnel 10-15-1H(2), Alice McCans/Chief Peterson."

Seconded by Commissioner Torres.
All responded Yes to a Roll Call Vote.
Motion carried unanimously.

OPEN MEETING:

"Mayor Montgomery stated that the Commission was now in Open Session."

CERTIFICATION

"Commissioner Rainey certified that only matters pertaining to Personnel 10-15-1H(2), were discussed in Executive Session, and
no official action was taken."

Seconded by Commissioners Stagner/Renfro.
Motion carried unanimously.

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

APPROVAL: PASSED AND APPROVED this 26th day of
February, 2007, on motion duly made by
Commissioner Stagner, seconded by
Commissioner Renfro, and carried.

LORI S. MONTGOMERY, MAYOR

MARY B. PENNER
MARY B. PENNER, CITY CLERK