CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Monday, March 28, 2005

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 Monday, March 28, 2005 at 7:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Rainey 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. Jimmy L. Rainey, Mayor
Hon. Lois Reaver-Black, Mayor Pro-tem
Hon. Lori S. Montgomery, Commissioner
Hon. Evelyn B. Renfro, Commissioner
Hon. Glen E. Stevenson, Commissioner

Also present:

Richard R. Ramsey, City Manager
JD Norby, Assistant 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 Rainey called for fifteen seconds of Silent Meditation.

Commissioner Renfro called for the Pledge of Allegiance.

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

City Manager Ramsey stated they have a request, under Executive Session, Pending or Threatened Litigation, that they address Elite Shutters first, and the Cindy Torres-Harris, second.

Commissioner Renfro stated that is based on the fact that she excused herself for the Cindy Torres-Harris issue, but would like to be in on the Elite Shutters issue.

"Commissioner Montgomery moved approval of the Agenda as amended."

Seconded by Commissioners Stevenson/Black.

Motion carried unanimously.

APPROVAL OF MINUTES: Mayor Rainey called for review and approval of the minutes of the Regular Meeting held March 14, 2005.

City Attorney Rubin stated on page 4, under the first paragraph
where he begins his comments, he felt there may have been a mistake, as when he read it, it did not make sense.

Where it reads... On Page 2, paragraph D, to read...not to exceed 24 clients, at a cost of $250.00 per client including NMGRT.

"Commissioner Black moved approval of the minutes of the Regular Meeting held March 14, 2005, as amended."

Seconded by Commissioner Montgomery.
Motion carried unanimously.

Detective Ron Huff with the T or C Police Department came before the Commission to inform the Commission that they would be soliciting the Department of Justice for a grant from the Bureau of Justice Assistance.

He stated the name of the grant is the Justice Assistant Grant, referred to as JAG, in the amount of $10,819.00, and explained that it is a recurring grant that they received last year.

Detective Huff stated they increased it to a 4-year grant cycle, so they will get that money every 4 years. He indicated that the purpose of this grant would be to improve and enhance the computers at the Police Department since their current budget does not allow for that.

He explained that their current and past budgets have not allowed or given them the opportunity, and will assist them to purchase in car video cameras.

Det. Huff stated he sat down with the Chief and they decided to purchase 2 in car video cameras a year for the next 4 years, and 2 computers a year for the next 4 years for a total of 8 cameras and computers.

He stated the computers would be up-dated and allow them to run smoothly the records management and the federal requirement of reporting the uniform crime reporting to the FBI and the Federal Government.

Det. Huff stated the in car video cameras would assist the police department to re-but claims of officer misconduct, excessive force, wrongful arrest, and also document video and audio evidence for incidents of DWI arrests, traffic violations, or any other criminal incident that would require any documentation for video and audio.

He stated that in the past they have held fundraisers, and indicated that this grant would allow them to speed it along and purchase additional equipment.

Det. Huff stated the requirements are they have to submit this on line along with three attachments, a program summary of what they are going to do, what they are going to buy, and when they are going to purchase it. The other attachment is a budget outline on how much each item will cost and how many they are going to purchase throughout the year, and over the next four years. The third document would be a summary of how this is going to affect the City of T or C, citizens, and the Police Department.

He stated one of the grant requirements is that they inform the
governing body of the City of T or C of their intentions, and they have to do that 30 days prior to submitting their application.

Det. Huff stated within in the next 30 days they would submit the application, and indicated they have to leave it open for public comment if they have a problem with the police department for the purchase of the cameras or computers. He stated he encourages them to call him beginning next week at the Police Department.

Commissioner Black asked if there was any match required from the City, and Det. Huff replied, "there was not."

BOARD COMMITTEE REPORTS:

PUBLIC HEARINGS:

FINAL ADOPTION – ORDINANCE #542 – Amending Section 14-35 & ADDING 14-36 (m) – PERTAINING TO BILLING PROCEDURES FOR UTILITIES

City Attorney Rubin stated they addressed this previously, and stated that the current Section 14-36 consists of 12 sub-sections, a-l, and they are seeking to amend two of the sub-sections, c & d, and add a new sub-section (m).

He read sub-section (b), All bills are net and payable within 10 days from date of bill and are delinquent 30 days from date of bill, and stated in sub-section (c), and it indicates that the customer had an opportunity to repay the arrears within 3 months.

City Attorney Rubin stated what they are seeking to do is change that to read... Customers are required to pay the entire past due amount of their delinquent utility bills, and amend sub-section (d) to read... Exceptions may be granted on a case-by-case basis upon showing good cause before the City Manager provided that a reasonable repayment plan can be agreed upon.

He stated that in sub-section (d), the current ordinance reflects the City Commission, and this changes it properly to the City Manager.

City Attorney Rubin stated they are seeking to add sub-section (m) to read... In order for utilities to be turned on at a property where they were disconnected for nonpayment, the City must receive a sworn statement from the owner or owner’s authorized designee of the property that the person(s) for which utilities were disconnected for nonpayment are no longer residing or paying rent at the property.

He explained this would take effect in 5 days, but the people who are under the old schedule would be working under the 3-month payment plan, and this would affect the ones that fall delinquent after the effective date of this ordinance.

Mayor Rainey asked if there was anyone who would like to speak for or against the ordinance. No comments were received, and the Public Hearing was closed.

FINAL ADOPTION ORD.# 542:

Mayor Rainey stated they held a Public Hearing and did not receive any objections on the Final Adoption of Ordinance #542.
“Commissioner Renfro moved approval of Ordinance #542.”
Seconded by Commissioner Stevenson.

Commissioner Montgomery pointed out a typographical error, 4th line down, Consequences was misspelled.

Motion carried unanimously.

APPLETREE PRESENTATION: Ms. Rebecca Dow with AppleTree Educational Center came before the Commission, indicated they are in their 6th year of operation, and would like to share the services that they provide.

She explained that they are private non-profit within the community, and indicated the services that they provide are on behalf of the City, County and State.

Ms. Dow explained the many various services and programs that they provide. She stated they also serve youth from pre-school age through teenage, and offer services to families within the community.

She stated they employ 18 full time workers, and 12 part-time workers, and that this year they will exceed a payroll in excess of $350,000.00.

Ms. Dow pointed out that they receive funding from the State Department of Health and Labor, private donations, and foundations.

She also reported that they were selected as 1 of 10 outstanding pre-schools in the state.

The Commission thanked her and stated that they were doing a good job.

BID AWARD WATER LINE MATERIALS: City Manager Ramsey stated this is an annual award for O&M materials for the water department.

He went through each bidder and the total amount of each bidder and would recommend approval.

“Commissioner Black moved approval of the bid award for the following bidders, Hughes Supply Co., $3,446.25, Baker Utility Supply, $987.90, National Waterworks, $5,426.00, and Morrison Supply, $7,067.40 for a bid total of $16,927.55.”
Seconded by Commissioner Renfro.

Motion carried unanimously.

OLD BUSINESS: None.

REPORTS: CITY MANAGER –
City Manager Ramsey reported that Legislature approved a Capital Outlay Bill which awarded the City of T or C 1.1 million dollars, and explained that $500,000 is for the water/wastewater fund for rehabbing the old water tanks

He stated that $600,000 is to work on the effluent water recycle project, and stated they asked for $748,000, and would be a little
short, but indicated they would make do.

City Manager Ramsey stated he was informed late last week that during the CDBG hearings in Tucumcari that the City of T or C was awarded $450,000 for their electric system.

He reported that the Governor's bill for a million dollars to support the Spaceport was passed.

City Manager Ramsey also reported that Sierra Vista Hospital Finance Committee would meet on March 29th at 4:00 P.M., and the Governing Board would meet on March 30th at 4:00 P.M.

He stated there would also be a Recreation Board Meeting on Thursday, March 31st, at 6:30 P.M., at the Youth Center, 300 S. Daniels to receive input and receive recommendations to present to the City Commission to see how the public feels as to whether the Youth Center should be operated by the City of T or C, or outside management.

Mr. JD Norby, Assistant City Manager reported on some on going construction projects.

He reported on the Effluent Water Line Project by ASCG, and that they were to provide plans and 90% completion and specifications submitted to the City, and indicated they received those last Friday.

Mr. Norby stated that tomorrow they would be meeting with their engineers to review the project, do a plan in hand review, and walk through the alignments and specifications. He indicated it would probably take a week and a half for the plan review, and that they would be sent to other agencies, and with NRCS to coordinate with that project.

He stated on the second project with SDG for the fresh water line that is being planned, and reported that they are in the process of preparing the preliminary engineering report, and that they are looking at the final routes.

Mr. Norby stated they would return and walk through some of the final routes with the City of T or C, and review some of the last details and then submit it.

City Manager Ramsey stated on the last project they would be using the balance of the loan money they had for the new water tanks.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Black stated she was informed earlier from the representative from the Herald that there are indeed fish in the pond at Ralph Edward’s Park, and indicated they provided her with a photograph.

She stated she apologized for any misinformation that she was spreading around.

Commissioner Black also reported that she attended the Library Board Meeting this evening, as she is the liaison to the board, and indicated that at their last meeting she reported they had problems
at the Library with people borrowing books and not returning them.

She stated the day after their meeting people were returning books to the library, and announced if there were any still out it was not too late to return them.

Commissioner Montgomery – No report.

Commissioner Renfro – No report.

Commissioner Stevenson – No report.

Mayor Rainey stated the Legislature was nice to T or C this year, hopefully the Governor signs them, and then they can start with their programs.

EXECUTIVE SESSION:
City Attorney Rubin stated they have two items to discuss that are listed on the Agenda, and are both listed under Pending or Threatened Litigation 10-15-1H(7), Cindy Torres-Harris, with discussion with Mr. Ed Zendel with Self Insurer’s Fund and Elite Shutters.

He explained that they can properly close the Elite Shutters under Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8), since they are talking about land lease, and indicated there are two possible ways to close the meeting.

"Commissioner Black moved that the meeting be closed for Executive Session – Pending or Threatened Litigation 10-15-1H(7)."

Seconded by Commissioners Montgomery/Stevenson.
Motion carried unanimously.

OPEN MEETING:
"Commissioner Black stated that the Commission was now in Open Session."

CERTIFICATION
"Commissioner Black certified that only matters pertaining to Pending or Threatened Litigation 10-15-1H(7), were discussed in Executive Session."

Seconded by Mayor Rainey.
Motion carried unanimously.

"Commissioner Black moved that no action be taken."

Seconded by Commissioner Stevenson.
Motion carried unanimously.

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

APPROVAL: PASSED AND APPROVED this 11th day of April, 2005, on motion duly made by Commissioner Montgomery, seconded by Commissioner Black, and carried.