CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Monday, April 11, 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, April 11, 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

Absent was:

Hon. Glen Stevenson, Commissioner

Also present:

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 Montgomery called for the Pledge of Allegiance.

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

Mr. JD Norby, Assistant City Manager proposed that they delete under VI (G) – Invitation for bids for Annual Unit Price Contract for Road Construction Materials.

Mayor Rainey asked why, and Mr. Norby stated the issue that was in question, he stated he called DFA and spoke with them and they confirmed the answer they needed.

He stated this item is strictly to go out to bid at this time and is not for approval of any bid, and indicated they will put it out to bid and bring it back to the Commission.

"Commissioner Black moved that they delete item (G), under IV."

Seconded by Commissioner Montgomery.
Motion carried unanimously.
“Commissioner Montgomery moved approval of the Agenda as amended.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

APPROVAL OF Mayor Rainey called for review and approval of the minutes of the Regular Meeting held March 28, 2005.

“Commissioner Montgomery moved approval of the minutes of the Regular Meeting held March 28, 2005, as presented.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Mr. Leonardo T. Rivera came before the Commission and stated that he resides at 1415 Nickel Street. He stated he realizes that they cannot take any action, as he is not on the Agenda, but wanted them to hear his problem.

He indicated that 3 weeks ago he called the City Manager about his problem between his fence and the road that they are supposed to take care of and keep clean.

Mr. Rivera stated they did some work in that area and he indicated that he had it nice and level where he could run his lawn mower.

He stated he called three weeks ago and they told him they would put him on the list, and stated he guesses the first word for that list starts with an S because he has not heard anymore.

Mr. Rivera stated he has tried to get a hold of Mr. Rainey and he is not listed, and indicated that he talked to the road department and did not get an answer from them.

He stated he understands that they are responsible to keep the area clean, and that he cannot do it as he has ruined one lawn mower because it is not level.

He stated it would not take more than ten minutes for a grader to run a blade through there and leave it the way he had it, as he has had it that way for many years and that grass had grown, and indicated that now it looks crappy, and is afraid if he gets a citation for it someone is going to answer to it and its not going to be him.

Mr. Rivera stated he has been more than fair in trying to get this resolved, and it has not been done. He indicated that today is Monday and if by Friday nothing has been done next Monday he will hire somebody to do the work and he guesses he will send the City the bill.

He stated this could not go on he has had it long enough, and appreciates and thanks them for their time.

Mr. Steve Green came before the Commission and stated the banners around town give color, joy, and a sense of festivity to our community.

He suggested during budget they look at the City’s portion of lodger’s tax so that they those banners stay up all year long, and see if they can purchase additional banners so the town looks alive, colorful and cheerful.
Mr. Green indicated they are the first thing that people see driving around.

He stated they also have a new Truth or Consequences/Sierra County Visitor’s Guide backed up with a new accommodations and facility guide.

Mr. Green stated this was produced by Geronimo Trails and the Sierra County Advisory Tourism Board, and asked that they keep them in their vehicles and give them one of these brochures which represent our community and that it will do a million dollars worth of good.

He stated they have 50,000 copies of these produced, and indicated they would update the new accommodations and facility guide every six months, which would include adult recreation, boat rental information, marinas, fishing guides, and outfitters which are all valuable assets that help market our community.

Mr. Green stated when you come into town from either end you pass 2 gas stations and 11 restaurants before they realize they have a Visitor’s Center from the North, and from the South they pass 3 gas stations and a couple of restaurants.

He stated it would be nice if someone with the initiative approach the Highway Department and place a small blue sign with the letter H, 4 miles, in the median as they come in from Williamsburg, so that if someone is in trouble they know that in 4 miles they can be at the hospital.

Mr. Green stated they fund through a service contract the upkeep and maintenance for the Visitor’s Center, and ask the Highway Department for a similar sign that states, Visitor’s Center, 3 miles ahead from that direction, or 1 mile ahead from this direction.

He stated that would get people into our town and stay in town for about 4 hours and the economic impact is $35.00.

Ms. Linda Bean from 511 Fir came before the Commission and indicated she was an avid scanner listener. She stated over the year’s they have listened to the police calls, and indicated her husband was a retired policeman, and she hopes when the police department or sheriff’s department come forward and request things they need or require that the City take care of them and give them what they need.

BOARD COMMITTEE REPORTS:

& PLANNING & ZONING BOARD – Special Use Application, 406 Main.

Mr. Chris Nobes, Building Inspector came before the Commission and explained that this application is in keeping with the building code whereby a dwelling is a permitted use in a C-1 Zoning District, except along the main arteries along the Main Street of Broadway & Date.

He stated they purchased the building at 406 Main, the Planning & Zoning Board held a Public Hearing on April 5th, they did not receive any negative comments, and during their regular meeting they recommended approval of this Special Use Application.

City Attorney Rubin stated in reading his memo where it reads... They assured the board that if commercial activity in that area
increased sufficiently to justify it, they are willing to restore the building to full commercial use.

He stated he and the Assistant City Manager were talking about and that perhaps they should put a time limit on the application, and look at this in three years.

Mr. Charles Bennett came before the Commission and stated they purchased the building at 406 Main Street three years ago in a C-1 zone.

He stated it is presently his place of business and is using what was the showroom as the office for the freelance articles that he does for various magazines including the New Mexico Magazine.

Mr. Bennett stated they have a strong interest in historic preservation, and indicated they have restored the building to the original 1930 exterior and expressed they want to leave the building a commercial building.

He stated they appreciate the professional guidance of Mr. Nobes and the Planning & Zoning Board through this process.

Commissioner Black commented on the extra paperwork that was included and that it was excellent and appreciated it.

"Commissioner Renfro moved approval of the Special Use Application, as submitted by Mr. Charles Bennett for 406 Main Street."

Seconded by Commissioner Montgomery.
Motion carried unanimously.

RECREATION ADVISORY BOARD – Proposal – Youth Center

Dr. Greg D'Amour, Chairman with the Recreation Advisory Board came before the Commission to present a proposal for the management of the Youth Center.

He stated they feel that the City Recreation Department should maintain the management of the Youth Center and one person responsible for the operation.

Dr. D'Amour indicated that DWI previously submitted a proposal for the management of the Youth Center and that they have a number of programs to offer the youth.

He stated they would like to form a Youth Center Board consisting of a seven-member board to include one member at large, one city recreation board member, one DWI member, 4 youths, 2 from the high school, one from the middle school, and one from the elementary school.

Dr. D'Amour stated that volunteers would be an important part in the program, and encouraged organizations to get involved.

Assistant City Manager Norby stated that he would like to commend Greg and the board for the work they have done, and that he had an opportunity to discuss this and that it is a viable option.

He stated they could look at this and look at the technical issues that were brought up and the different programs that are being
proposed and bring it back to the Commission to take action.

City Attorney Rubin indicated that he had several discussions with Greg over the last couple of days, and his concern was going out for an RFP. He indicated he appreciated that Greg has elaborated on some of the legal issues, and to summarize what they are talking about is that the City will maintain the managerial control at no cost to the City.

Mayor Rainey asked if they could work out the details by the next meeting.

City Attorney Rubin stated absolutely.

Assistant Manager Norby stated he would have to qualify that, as he is not sure what programs are being proposed, and he could not tell them if they could have it by the next meeting with all the issues that need cleared up.

Commissioner Black suggested they postpone this.

Dr. D’Amour stated he would like to make a point that came up strong and clear from the community input they received, and that they would like to see getting the doors open.

Assistant Manager Norby stated he is thinking of the liability issues.

Greg stated that is a two-week job and guaranteed that it could be done.

Mr. Norby stated he agreed with Greg, but he did not know with all the issues if they could clean it up in the next two weeks.

Mayor Rainey suggested that they table this.

The following portion of the minutes are verbatim –

Commissioner Montgomery stated she had a couple of questions and a couple of issues that stands out in her mind. If they are going to do a memorandum of understanding, she has a couple of issues that she would like to have addressed.

First on the youth center board and working with the DWI group is that going to be an advisory capacity to the DWI individuals that will be manning the center, and will the kids present their ideas to the DWI employees that would be running the center in an advisory capacity.

Greg – The ideas would go to the City Recreation... Commissioner Montgomery – To your board and then filter down..., Greg – And run through our recreation department in collaboration with DWI.

Commissioner Montgomery – Secondly, the issue of adult individuals at the Youth Center, if there are... and she wants to put this carefully, and if there are individuals in the community that possibly may not be welcome at the Youth Center, but may have issues with another office at the Youth Center maybe they don’t want that inter-action to be with their kids.

She stated if there is somebody going in there for one reason or another that is doing business with DWI or whoever else that might
be in that building, and she thinks they have to be real careful how they mix the adults and the kids in the Youth Center.

Greg – One thing that did come out the programs themselves would be for the youth, and not for adults, but if they have a youth program, they would like parents, and family participation.

Commissioner Montgomery – Yes, that’s a “no brainer” she agrees with that completely, and the last issue is she would like to ask somebody to address how they are going to screen the volunteers in the community to make sure they are a match with their kids.

Greg – Stated they go through a volunteer profile with the Police Department.

Commissioner Montgomery – With those questions answered she agrees with Greg, and she thinks of the issues that the community was very adamant about being open for Fiesta, and they are talking about of couple of weeks.

“Commissioner Montgomery moved that they direct the City Manager to get on this right away and come up with a memorandum of understanding, and she does not see why it should take a couple of weeks so it can be approved at their next meeting.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

End of verbatim minutes.

PUBLIC HEARINGS:

None.

T OR C Assistant City Manager Norby stated that the T or C Community Theatre is a non-profit organization and they are requesting the waiver of fee and cleaning deposit for the use of the Senior Recreation Center.

Mr. Leroy Henderson a representative for the T or C Community Theatre came before the Commission and pointed out that they won Best Play and Best Director for the State of New Mexico at the competition in Artesia, New Mexico.

He stated they have the opportunity to compete in the Regional Competition in Lawton, Oklahoma, April 21-23, 2005.

Mr. Henderson stated they are here asking for the support of the City of T or C to waive the $50.00 rental fee for the use of the Senior Recreation Center.

He stated they have checked with Ms. Jennie Bustamante and she is willing to waive the cleaning deposit of $250.00.

“Commissioner Renfro stated they’re to be commended and moved to waive the rental fee of $50.00 for the use of the Senior Recreation Center.”

Seconded by Commissioner Montgomery.

Commissioner Black stated it is wonderful that they will be going to Oklahoma and representing the City of T or C.
Motion carried unanimously.

Assistant City Manager Norby stated they have a request from the Sierra County Senior Olympics requesting a $150.00 donation in sponsoring and support of this group.

He stated they feel a more appropriate way to handle this is a recommendation to the Commission is to increase their funding for the SJOA as they receive funds from the City of T or C as a grant to sub-recipients.

Mr. Norby stated this way the event could be sponsored by SJOA, otherwise there could be the issue of the anti-donation.

Ms. Linda Knall, Chair with the Sierra County Senior Olympics Board came before the Commission and thanked Mr. Norby for informing her of the anti-donation clause, as she was not aware of the procedure.

She explained that this is her first year to chair this event and they are looking for sponsorship to purchase equipment that is antiquated in order for them to participate in the events.

"Commissioner Montgomery moved to follow the advice of Mr. Norby and increase the budget for SJOA for $150.00."

Seconded by Commissioner Renfro.
Motion carried unanimously.

Ms. Sharon Finarelli with the T or C Housing Authority came before the Commission and explained that we were one of seven cities in the state that is being asked for public input on how to spend $2 million that the State of New Mexico is receiving for housing and community development.

She stated that much of T or C’s housing stock is old and expressed that rehab money is needed in T or C.

Ms. Finarelli indicated that our city is a host for the first of seven meetings in the state, and she feels it is vitally important that they have representation to voice our needs.

She stated the Housing Authority is aware that there is a rehab concern in our county and they feel they need to document it appropriately.

Ms. Finarelli is requesting that attendance of our civic leaders as well as the citizens attend the meeting scheduled for tomorrow, April 12th, at 10:00 a.m., at the City Commission Chambers.

She stated they would have representation from the NM Mortgage Finance Authority as well as the Local Government Division to receive comments and ideas in order to plan for fund disbursements.

Mayor Rainey asked Commissioner Black if she would be the representative for the City and attend that meeting.

No action required.

Detective Ron Huff with the T or C Police Department came before the Commission, and stated he would like official action of support
and approval to proceed with this grant from the Commission for the grant request he previously submitted on the March 28th Commission Meeting.

He previously explained in detail that they would like to purchase car video equipment and computers, and indicated they had some changes from the previous grant.

Det. Huff stated they have decided to purchase a digital in-car video camera unit as these can be programmed to record from 0-3 minutes, and explained this would be essential for DWI stops. He stated there are many advantageous issues to the digital cameras; however, they are a lot more expensive.

He also explained that the purpose areas of this particular grant is they can supplement law enforcement programs which is what they will try and do for the purpose of new radar equipment.

Det. Huff stated in researching the Police Department budget that 14 years ago, the budget was $806,000, and currently the Police Department budget is about $896,000.

He again expressed that there are no matching funds required for this grant, and stated one of the requirements is that it will help supplement the current grant funds such as the LLEBG.

Det. Huff stated the only change when they submit the grant on April 28th is for the Program Narrative where it refers to two in-car video cameras that will be changed to one because of the cost of the digital camera.

City Attorney Rubin made the comment that having the video cameras will really help in Court.

"Commissioner Renfro moved approval for Det. Huff to proceed with the Justice Assistance Grant for the Police Department."

Seconded by Commissioner Montgomery.
Motion carried unanimously.

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MS. NOLA KENT:
Assistant City Manager Norby stated that Ms. Nola Kent submitted a Memorandum of Agreement through the CDWI Program between the County and the City, and that the City would act as the fiscal agent.

He indicated that the Sierra County Commission has already approved this MOA.

"Commissioner Renfro moved approval of the MOA between the City and the County for the CDWI Program."

Seconded by Commissioner Montgomery.
Motion carried unanimously.

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NMDOT:
Assistant City Manager Norby stated they were provided with the Grant Agreement No. 1045 and explained that this is 5% funds provided by the State Highway Department in the amount of $14,200, which is half of the total of 10% for federal funding that they received from the FAA, and that FAA Grant is $540,000.

He stated to complete the total match would also require $14,200, and stated this is the State's share and requests their approval.
Mr. Norby stated the work that would be done with this grant would be the reconstruction of the taxiways and apron maintenance.

Commissioner Montgomery asked if this money was set aside and available.

Mr. Norby stated they would have to budget that amount.

“Commissioner Black moved approval of Grant Agreement No. 1045.”

Seconded by Commissioner Renfro.

Motion carried unanimously.

OLD BUSINESS: None.

REPORTS:

CITY MANAGER—

Assistant City Manager Norby reported on the Accounts Payable for March 2005, Posted Accounts Payable, $306,378.30, Sub-Total Disbursed Checks, $780,954.12, for a Total Disbursement for March 2005, $1,087,332.42.

He also reported that SCEDO has contacted his office and has asked for cooperation from the City in some joint efforts for a Citywide clean up on Saturday, April 16th.

Mr. Norby stated they have asked for help in picking up trash bags if they were centrally located, and he has coordinated that with the Sanitation Department and they will assist them.

He stated they would also provide them with 200 trash bags, and in connection with the clean up that Mr. Nobes is working on some issues that the Commission had asked about in reference to junk vehicles.

Mr. Norby stated they would advertise to inform the public about the ordinances and they would be looking at these issues for the next few months.

He indicated that he was also asked about the lack of watering of Armijo Park and the ball fields, and he reported they are looking at the pumps as they are out of service, and that they are looking at repairing them and the cost to purchase back-up pumps.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Black stated that she would like everyone to know that the Riverside Drive neighborhood is interested in forming a neighborhood association, and they have contacted her.

She stated she informed them that she would get with the Assistant City Manager and he stated he would meet with them to help guide them.

Commissioner Black stated that she, Commissioner Renfro and Commissioner Stevenson attended a Municipal League District Meeting in Las Cruces and that they were informed on the actions that the Legislature took regarding municipalities. She stated it was
a good meeting.

She also informed the Commission and the public about a meeting that would be held on Tuesday, April 12th at 7:00 p.m., at the Charles Motel regarding a very serious matter.

Commissioner Black stated that the NM Administration Code has created new rules that are designed to regulate the health conditions for swimming pools and included spas and baths in the general provision.

She stated the cost of permitting retrofitting, and hiring additional staff, etc., would be cost prohibitive for most of the spa owners and bath owners, and would force them to close their doors.

Commissioner Black stated these new regulations became effective April 1st, 2005.

She stated there is great concerns among the bath house owners in the community, and that it should be a concern for all the rest of them, as this could have a tremendous impact on our town, and is pleading with everybody to attend this very important meeting tomorrow evening.

Mr. Steve Green came before the Commission and commended Commissioner Black of this critical and crucial issue, and pointed out that this is a very important meeting.

Commissioner Montgomery stated she was glad to hear about the Citywide clean up, as that is something she wanted to bring up and have done before Fiesta.

She also would like to remind everybody that Fiesta kicks off this Saturday with the Miss Fiesta Contest at the Civic Center.

Commissioner Montgomery stated this has been a long-standing tradition for the community and that a couple of civic organizations have put this on every year, and they have quite a production.

She stated the girls practice for quite some time and they put on a very nice show for the community, which fills the Civic Center.

Commissioner Montgomery stated she was a little disappointed to receive a complaint from the civic organization, and that the group would not be allowed to enter the Civic Center until Thursday.

She indicated that normally they have it for the week prior to the event for practice with the runway and dance routine, however, there have been three events scheduled at the same time, which allows them only 2 days to prepare for a show that usually takes a week.

Commissioner Montgomery stated they are having to seek accommodations elsewhere in the community to practice, but indicated it is not the same as doing it at the Civic Center where they will be performing.

She stated she has asked the group to forward this to Mr. Ramsey and have him talk to the SCEDO board about this, and she feels they still have a few traditions in the community that they need to stick with, and that the Miss Fiesta Contest and the Civic Organizations that put this on is one of those traditions that she
would hate to see them loose for not being able to accommodate them.

Commissioner Montgomery stated she understands the need for SCEDO to book events in the Civic Center to raise money for their group, and she is whole-heartedly in favor of that.

She stated however they go for months and months and don’t have a lot of big productions, and then all of a sudden they have four in one week is just amazing to her, and stated... which is good, but she thinks it can be accommodated a little bit differently, and she would hope that Mr. Ramsey takes this forward to the SCEDO Board, at least from her prospective.

Commissioner Renfro stated she had no report, other than agreeing with Commissioner Montgomery, as she is aware that for Miss Fiesta Contest they generally practice for a week, and she thinks this needs to be looked into.

Mayor Rainey stated that the Citywide clean up is for the entire City and he encourages everyone to get out and clean-up.

EXECUTIVE SESSION:  
“Commissioner Black moved that the meeting be closed for Executive Session – Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8).”

Seconded by Commissioner Montgomery.  
Motion carried unanimously.

OPEN MEETING:  
“Commissioner Montgomery stated that the Commission was now in Open Session.”

CERTIFICATION  
“Commissioner Montgomery certified that only matters pertaining to Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8), were discussed in Executive Session.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

“Commissioner Montgomery moved that the City Manager and Assistant City Manager proceed with amending the contract with Elite Manufacturing and prepare a rental agreement for equipment stored at the City warehouse properties.”

Seconded by Commissioner Renfro.  
Motion carried unanimously.

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

APPROVAL:  
PASSED AND APPROVED this 25TH day of April 2005, on motion duly made by Commissioner Montgomery, seconded by Commissioner Montgomery, and carried.

ATTEST:  
MARY B. PENNER, CITY CLERK