CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, April 25, 2006

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, April 25, 2006 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. Aguiler, 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.

Commissioner Renfro called for the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Montgomery called for approval of the Agenda. She indicated they have one change.

City Manager Aguiler stated he would like to remove item H, the change in City policy related to the benefits for non-City employees, and stated he would like to continue that for the next meeting as the Court has requested a meeting with himself and City Attorney Rubin.

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

Seconded by Commissioner Renfro.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: City Manager Aguiler stated this was a question posed at their last meeting having to do with paving on Riverside Drive, and he has asked the Street Superintendent Mr. Don Armijo to be present so that he could give a full accounting of how that project is going to proceed.
Mr. Don Armijo came before the Commission, and it is his understanding that the Riverside Drive Alliance Group has once again made accusation that the City has used the monies from the Local Government Road Fund for something other than it was intended for.

He indicated that once again he would like to assure the public that this is not possible as they have not yet asked for the funds, and explained that first of all the funds available to the City are $65,481.52, and that this is the State’s share of 75%, and that the City’s share is $21,827.17 and is not available until next years budget beginning in July of 2006.

Mr. Armijo stated in the first week of July he intends to start the process and give the notice of award to Bartoo Sand & Gravel the City Street Department, and Precision Engineering as this is required by the State, and it involves a lot of paperwork.

He stated this process will follow by a notice to proceed and to request the funds from the State, LGRF monies, and once this is done the process takes about 1-1 ½ weeks.

Mr. Armijo stated while the paperwork is taking place they will begin to prepare the road surface by fixing the pot holes, water cuts, and sweeping the surface, and this will take up to two weeks, and see if Bartoo can produce the hot mix during that time.

He stated once they receive the funds from the State they will proceed when Bartoo can get a crew down to place the asphalt, and stated now for the good news and is sure everyone is aware of the prices of oil are continuing to rise everyday.

Mr. Armijo stated when they originally estimated the price for the next stage of this project asphalt was $61.50 per ton, and the price now is $69.75, and that this is about a 12% increase. He stated they are expected to increase again in August of this year, and explained with the new increase they will have to reduce the distance by 508’, and indicated if they are not done by the end of July they will have to decrease it further due to the increase expected in August.

City Manager Aguilara stated that overall they are expecting to complete about 80% this year with the funds they receive minus the increasing cost of asphalt.

Mr. Armijo stated the original plan was 4,450 feet, and now it is 3,945 feet which is 500 feet shorter, and this is going to be because of the 12% increase.

City Manager Aguilara stated what would happen in the following year, and explained that this is 2006-2007 money, and 2007-2008 money they will finally complete the project, and indicated whatever money is left over from that will be used to start other paving projects.

Mr. Armijo stated they are getting close to the end of the project, and stated with the prices of oil and diesel going up they will get what they can done, and hopes to be done by the end of next year, and explained that they have to spend these monies by the end of December, and the ones they put in for should be approved and available by July, and they will have until next December to spend those funds.
Commissioner Torres wanted to know if they could come up with some money somewhere to finish the job, and wondered how many dollars would it be.

Mr. Armijo indicated with the new increase it would be somewhere around $85-$90,000.

City Manager Aguilera stated this is money they get from the State on a yearly basis, and explained they get under $60,000 and the City's match brings them up to $85,000 or so. He stated that is what they have been spending every year, and indicated they could front the money, but they would have to find some money in the budget, and he would not recommend that.

Ms. Nola Kent with the DWI Program came before the Commission. She stated that on April 5th they had a town hall meeting on Underage Drinking with close to 100 in attendance.

She handed out information to the Commission at this time.

Ms. Kent stated at the meeting they had a special investigator, Mr. Doug Slavens from SID, and he reported that Sierra County has a big problem that is getting bigger where our kids are concerned and concerned being the key word.

She reported they had over 115 citations, and charges filed within the last year for minor in possession, selling and distributing to a minor and other charges around our children in this community.

Ms. Kent stated that the stats show that our kids are drinking by age 11, and indicated this can cause problems in school, family, medical and criminal problems, and other problems for these kids. She reported they most will become alcohol dependent when they become adults if they start that young, and stated this is going to be a growing problem in our community if they don't start looking at this.

She reported giving alcohol to minors or selling to minors can result in a 3rd degree felony charge, $5,000 in fines, and up to 18 months in prison and probation, and as fiscal agents for the DWI Prevention Program she hopes as Commissioners they will continue to be aware of this and to help stop this problem in our community.

Mayor Montgomery stated they have several items under the Consent Calendar – Minutes of the Regular Meeting of the City Commission – April 11, 2006, Workshop of the City Commission – April 19, 2006, and 2 requests for the Quarterly Report/Grant & Distribution for the Local DWI Grant Program.

Commissioner Renfro stated that on the minutes for the Workshop of April 19, 2006 she thinks they need to note that they made some changes and asked if they were going to have a Resolution for their next meeting listing the changes that they made.

Mayor Montgomery stated possibly, and indicated the changes that they made in that document are being prepared and probably will need to be looked at before they can bring it forward for a resolution. She stated in the next couple of meetings they will have something to bring forward.

Commissioner Renfro stated these minutes do not reflect that they had made any changes, and she would like to state that they did.
“Commissioner Renfro moved approval of the Consent Calendar.”

Seconded by Commissioner Stagner.

City Attorney Rubin stated if they have a concern here that the minutes do not reflect the actions that were taken that night they can always revise the minutes and bring them back at the next meeting.

Mayor Montgomery and Commissioner Renfro stated it was a workshop, and Commissioner Renfro stated that they indicate no action was taken, and although they did not vote on it, but they were all in agreement that there were some changes to be made.

Commissioner Renfro stated it satisfies her as long as these minutes will reflect that this was brought up and there will be a record of it.

Mayor Montgomery stated there will be something in her report on that also.

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.

Lodgers Tax Advisory Board – Allocation Adjustment Request

City Manager Aguilera stated the Lodger’s Tax Board is requesting that the City Commission make a change in the allocation that was given to SCEDO and Civic Center. He indicated initially that money was to be used for brochures and magazine advertising, and they are now requesting that it be changed to the purchase of billboard space, and explained the reason they are doing this is because they have run up against the end of the fiscal year, and have not spent the money.

He mentioned the quickest way they can do this and still get a good impact for advertising our City is to use the billboard space, and that it seems to be a good recommendation from the board and the recommendation is for approval.

Commissioner Rainey wanted to know which billboards are they talking about and where will they be located.

City Manager Aguilera stated he did not have that information.

Commissioner Stagner stated he thinks one is on I-40, and one coming South on I-25.

Mayor Montgomery stated is there the ability to make that purchase at that time, and was it going to be timely since it is a large purchase whether or not it could be spent in that amount of time, and she was assured that was “yes.”

“Commissioner Rainey moved approval of the request by the Lodgers Tax Advisory Board for the allocation request for SCEDO and the Civic Center.”

Seconded by Commissioner Renfro.

Motion carried unanimously.
City Manager Aguilera stated that the SJOA has had a resignation from their board from Ms. Lela Anderson, and they are requesting that the Commission approve a new appointment of Ms. Carol Woods.

He indicated that Ms. Woods has served on the board in the past, and recommendation is approval of Ms. Carol Woods for appointment to the board.

“Commissioner Renfro moved the appointment of Ms. Carol Woods to the SJOA Board.”
Seconded by Commissioner Torres.
Motion carried unanimously.

City Manager Aguilera stated the City is eligible to receive approximately $6,000 for the United Way Grant in the near future however the City needs to form a local board consisting of at least one government member.

He stated when he spoke with Ms. Donna Sanchez she indicated she had already spoken with Commissioner Rainey who had agreed to serve in that position, and the recommendation is that Commissioner Rainey be appointed to serve on that new board so that they can apply for the money and distribute it per the federal guidelines.

Commissioner Rainey explained that the one local food bank in town is getting out of the food business, and indicated this will leave absolutely nothing as emergency food as far as this nature in our community. He stated with this grant it will give them the opportunity to form another food bank, and that it is an on going grant that they can continue to draw on.

He stated with that grant and the donations they should be able to put a viable food bank back in.

Mayor Montgomery thanked Commissioner Rainey for volunteering to serve on this board.

“Commissioner Torres moved to appoint Commissioner Rainey to serve on this board.”
Seconded by Commissioner Renfro.
Motion carried unanimously.

Ms. Nola Kent, DWI Coordinator came before the Commission and stated this contract is with Lucille Benda to work in the DWI Offices part-time with hopes to be full-time in July. She indicated they lost their office personnel recently.

She explained this is a remainder from the previous contract which is not to exceed $5,000, at $10.00 an hour paid every two weeks.

City Attorney Rubin stated it looks like the rest of the provisions are the standard language that they use on the other contracts, correct, and Ms. Kent replied, “correct.”

“Commissioner Renfro moved approval of the Professional
Services Contract with the City of T or C and Lucille Benda for the
DWI Program.”

Seconded by Commissioner Stagner.
Motion carried unanimously.

Ms. Nola Kent stated this is for the CDWI Grant Application 06/07,
and stated she has re-done this because of the Authorizing Official
and Title, and indicated it is for the same amount of money.

She explained on the Contractual Services for $2,168.00 will be
going to the NM State Police for overtime saturations, and for our
County they will be asking for $2,000 of the CDWI Fund, and
handed out the corrected copies.

“Commissioner Renfro moved approval of the CDWI Grant
Application 06/07.”

Seconded by Commissioner Torres.
Motion carried unanimously.

City Manager Aguilera stated this Resolution was continued from a
prior meeting, and the reason is staff did not provide the entire list
of items to be auctioned.

He stated they have provided the list, and indicated some items
have been removed due to transfers within the different
departments, and that the list will be forwarded to DFA along with
the Resolution.

He indicated that City Attorney Rubin mentioned that the members
of the Commission need to be present.

Mayor Montgomery pointed out that the rules and regulations of
the Statutes of the State of New Mexico state that the Commission
member or the Commission need to be present when there is an
auction of this type. She stated they felt it would be appropriate to
have one Commissioner present during the stages of the auction,
and not having just one person there for the entire auction, and felt
it would be appropriate to have 2 hour blocks, so one person does
not have to stay for the auction the entire day.

She stated she is proposing that two hour blocks be set aside, and
that they can sign up with Mary at the Clerk’s Office, and it will be
on May 20th, and begins at 9:00 A.M., and indicated she will take
the last block of time in case the auction goes later into the evening,
so first come first served.

City Attorney Rubin stated he thinks in paragraph 3 they need to
name the 3 people now he believes, and Mayor Montgomery
indicated it would be each one of the Commissioners, but each one
will act independently at the auction and have the authority of the
Commission in case there are any changes during the auction.

Commissioner Stagner asked if they are there only to observe, and
Mayor Montgomery stated that was correct, and if there is an issue
that arises with anything that is involving the property or anything
that the staff completing the auction needs to address with the
Commissioners they will approach them at that time.

At this time the Commission chose the 1st, 2nd, 3rd, 4th, blocks at
they will get the exact times and split it up, and it may not be
exactly 2 hours, but they will split it up so it is from 9:00 – 5:00.

“Commissioner Torres moved approval of Resolution #20-05/06 – Sale & Disposition of Surplus Property.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

RESOLUTION
#23-05/06:

City Manager Aguilera stated these fees for the City Cemeteries were discussed previously, and indicated the Commission has approved a Proposed Ordinance for the rules and regulations of the Vista Memory Gardens Cemetery.

He pointed out once that ordinance is in place then the next step is to bring to the Commission an ordinance for the Hot Springs Cemetery and a Resolution for the fees that are going to be charged.

City Manager Aguilera stated they have previously discussed the fees, and that the fees being charged for the opening and closing of the cemetery plots are for the two cemeteries, and indicated it cost the City a lot more in man hours and machinery. He stated staff is proposing an increase for the opening and closing of the lots as well as increasing some of the other fees to make them more real and what it is costing the City to maintain the Cemetery.

He indicated that the sale of lots are also at very low prices, and when they discussed the sale of lots and increasing fees he got the feeling that the Commissioners wanted an incremental increase so that it wouldn’t hit people all at once, so that is what they have before them. (Complete copy attached hereto and made a part hereof.)

City Manager Aguilera stated the other major issue before them is the Veteran’s Park Cemetery, and indicated they have never addressed the fees they charge, and went on to explain their fees. (Complete copy attached hereto and made a part hereof.)

He explained not everything goes to the City, and indicated part of the fees go to the funeral home, approximately $50.00 goes to the funeral home for setting of the headstone, and $60.00 for opening and closing of the column burial, and a 10% commission to anyone that is involved in the sale of the Niche.

City Manager Aguilera stated there is also a deposit that is allowed, and stated what they see before them is the current practice, and they do not have to follow that, and indicated it seems reasonable to him. He stated they are allowing a non-refundable deposit of $124.00 with full payment due in 6 months, and if they are not paid in full the people would loose the deposit amount, and the recommendation is to approve the Resolution.

Commissioner Renfro wanted clarification of the 10% commission, and stated some individual involved with the Park can sell a Niche and get 10%.

City Manager Aguilera stated that is how they have that set up now.

Commissioner Renfro stated she has a problem with that.

Commissioner Torres stated they get people to go out and sell them to other Veterans, and that maybe they need to have Bobby come
before the Commission to explain this.

Mayor Montgomery, so are these individual’s under an informal contract with the board of the Veteran’s Park to do this.

Commissioner Torres, yes, they had Jim Strong selling them and he resigned, and he does not know who Bobby has now.

Mayor Montgomery, so it’s not just anybody off the street, Commissioner Torres, no, no, no, Mayor Montgomery, so it’s not just anybody off the street that says I referred, x, y, z to you, and you owe me 10%, Commissioner Torres, right, Mayor Montgomery, so it’s people that are in contractual obligations with the park, Commissioner Renfro, and there is a contract, Mayor Montgomery, okay that’s a little different.

Commissioner Rainey, actually Freddie that’s the way it works, there are two salesman that are on contract that goes out to sell the Niches and for their salary or their labor, they’re paid 10%, and indicated no one else is authorized to sell them.

Mayor Montgomery stated that is her understanding also.

Commissioner Torres would you like to table this.

Commissioner Renfro that it up to the Commission.

Commissioner Stagner, what does our Attorney say, is this okay to do?

City Attorney Rubin let me ask you this, do they agree on what is said on the Hot Springs Cemetery and Vista Memory Gardens, before they get to the Veteran’s Park.

Mayor Montgomery stated she thinks that Commissioner Renfro when this was brought to them the first time she expressed concern about the hike in the fees, and asked if this is more in line with what you had in mind.

Commissioner Renfro stated is was more in line, and indicated it is still climbing pretty steeply, and asked the City Manager if there is still some thoughts in mind about the City eventually providing everything with these prices going up as high as there are going, because the funeral home has to charge the $265.00 and on top of what the people are paying the City for the opening and closing.

She stated when they start tabulating all that she thinks it hits everybody pretty hard, and with the prices climbing as steeply as they are she is wondering if he has given any thought to the fact that somewhere along the road the City would be providing the services to where at least the $265.00 that the funeral homes charge for the set-up wouldn’t be there.

City Manager Aguilera stated he does recall Commissioner Renfro mentioning that, and thinking about that during this time he would rather not have the City get involved in providing other funeral services. He indicated if it was a matter of the City providing that or charging less then he would rather charge less if that was the case.

He stated the City is not suppose to be making money at any of its ventures and in most case they loose money such as the parks, and
From: Jaime Raul Aguilera, City Manager

Subject: Consider Adoption Of A Resolution Amending The Fees For The City Cemeteries

BACKGROUND:

The Commission had previously considered the issue of readjusting the fees that are charged for Cemetery services. The Commission instructed staff to return at a later date with a resolution once the Rules and Regulations for the Cemeteries had been reviewed by the Commission. Attached hereto is a proposed Resolution for the Commission’s consideration.

RECOMMENDATION: Staff recommends the City Commission approve the attached Resolution amending the fees charged for Cemetery services.
RESOLUTION No. 23-05/04

A RESOLUTION OF THE CITY OF TRUTH OR CONSEQUENCES CITY COMMISSION AMENDING AND ESTABLISHING APPROPRIATE FEES FOR CEMETERY SERVICES

WHEREAS, the collection of fees are needed in order recover some of the costs related to the provision of services by the City related to City Cemeteries

NOW THEREFORE, be it resolved by the City Commission of the City of Truth or Consequences Governing Body, that the following fees are to be collected by the City Clerk in relation to the provision of the below-listed Cemetery services:

<table>
<thead>
<tr>
<th>HOT SPRINGS CEMETERY</th>
<th></th>
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<tbody>
<tr>
<td>Opening and Closing</td>
<td>$100.00 effective on 7/1/2006</td>
</tr>
<tr>
<td></td>
<td>$150.00 effective on 7/1/2007</td>
</tr>
<tr>
<td></td>
<td>$200.00 effective on 7/1/2008</td>
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<tr>
<td></td>
<td>$250.00 effective on 7/1/2009</td>
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<tr>
<td></td>
<td>$300.00 effective on 7/1/2010</td>
</tr>
<tr>
<td>Weekends and Holidays*</td>
<td>$50 effective on 7/1/2006</td>
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<tr>
<td>(The City does not set headstones in this cemetery and there are no lots available.)</td>
<td></td>
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<table>
<thead>
<tr>
<th>VISTA MEMORY GARDENS CEMETERY</th>
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<tbody>
<tr>
<td>Sale of Lots</td>
<td>$200.00 effective on 7/1/2006</td>
</tr>
<tr>
<td></td>
<td>$250.00 effective on 7/1/2007</td>
</tr>
<tr>
<td></td>
<td>$300.00 effective on 7/1/2008</td>
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<td></td>
<td>$350.00 effective on 7/1/2009</td>
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<tr>
<td></td>
<td>$400.00 effective on 7/1/2010</td>
</tr>
<tr>
<td>Sale of Baby Lots</td>
<td>$50.00 effective on 7/1/2006</td>
</tr>
<tr>
<td>Opening and Closing*</td>
<td>$100.00 effective on 7/1/2006</td>
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<tr>
<td></td>
<td>$150.00 effective on 7/1/2007</td>
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<td>$250.00 effective on 7/1/2009</td>
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<td></td>
<td>$300.00 effective on 7/1/2010</td>
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<tr>
<td>Service</td>
<td>Fee</td>
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<td>----------------------------------------</td>
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</tr>
<tr>
<td>Opening &amp; Closing (baby lot)*</td>
<td>$50.00</td>
</tr>
<tr>
<td>Opening and Closing (Ashes)*</td>
<td>$40.00</td>
</tr>
<tr>
<td>Setting of Headstones</td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>$40</td>
</tr>
<tr>
<td>Double</td>
<td>$50</td>
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<tr>
<td>Bronze</td>
<td>$60</td>
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<tr>
<td>Transfer of title</td>
<td>$20.00</td>
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</table>

* A $50.00 fee will be charged on weekends and holidays in addition to the amount normally charged for opening and closing.

VETERAN'S PARK CEMETERY

Sale of Column Burial Niche                   $775.00 effective on 7/1/2006, (the City allows a non-refundable deposit of $124.00 with full payment due in 6 months. There is also a 10% commission paid to the seller of the Niche to be paid by City upon full payment of the Niche)

Setting of Headstones-Single                  $50.00** effective on 7/1/2006

Opening and Closing (Ashes)*                  $60.00** effective on 7/1/2006

** These fees are included in the $775.00 and are to be paid to others by City upon burial.

PASSED, APPROVED AND ADOPTED this ___ day of __________, 2006.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

By: LORI S. MONTGOMERY - Mayor

ATTEST:

MARY PENNER - City Clerk
the golf course because it is a service they are providing, however in this case it is a very specific service for an individual or family, and indicated it is not like the parks where they provide for the entire community which takes advantage of it, and that is why he felt is should pay for itself at least pay the City’s cost for the labor and equipment as opposed to also subsidizing it.

City Manager Aguilera stated it is a gradual increase, and indicated inflation will eat some of this up between now and the year 2010, and again this is presented as a recommendation, I don’t know that it is set in stone.

Commissioner Renfro once again expressed that they increase other things, such as utility rates and different things like that. She stated she knows that they subsidize other recreational facilities within the City, and indicated that is fine as she is not complaining about that, but to her the recreation like the golf course, and that they subsidize that maybe $60,000 a year, and stated that is something the people can either choose to go or not to go, if they don’t have the money they don’t have to go, or the swimming pool.

She stated this is something people do not have the choice, and that it is not a very specific group of people, and indicated it is the people within our community, it is our citizens that are needing these services, and I just… think they need to be a little bit careful when they start… it’s a very tragic time for the families anyway, and I think Mary can vouch to this and a lot of times people have a hard time meeting the expenses when they are buying the lot, and they have to worry about the opening and closing, and the services at the funeral home… I mean it’s really, really difficult… and she just hates to contribute too heavily towards that, but it’s whatever the Commission wants.

Commissioner Stagner, when they look at these prices even though in some things doubling it is still not very expensive compared to some of the cemeteries he has seen across the state, and indicted they are really cheap. He asked how many more plots they have before they have to allocate more land, and do they have an idea of what the inventory is.

Commissioner Renfro stated they have more land at the new cemetery and that the old cemetery is filled up and City Clerk Penner stated they are still in the first area that was developed, and still have the additional acreage.

Commissioner Stagner stated he thinks they are reasonable, and realizes they need to keep the cost down but thinks they need to get closer to paying for what it costs the City.

“Commissioner Stagner moved approval of Resolution #23-05/06 – Amending and Establishing fees for Cemetery Services.”

Seconded by Commissioner Rainey,
Commissioners Stagner, Rainey, Torres & Mayor Montgomery – Voted Aye
Commissioner Renfro – Voted Nay
Voted 4-1

PROPOSED ORDINANCES – HOT SPRINGS CEMETERY:

City Manager Aguilera stated the rules and regulations for the Hot Springs Cemetery are almost identical to the rules and regulations that they adopted for the Vista Memory Gardens with some exceptions.
He indicted in the Hot Springs Cemetery the headstones are not uniform and set ground level as they are in the new cemetery, so any reference to the size and type of headstone has been deleted in this proposed ordinance.

City Manager Aguilera referenced Paragraph 9-57, and indicated that entire section needs to be deleted in order to more closely resemble what is actually going at the Hot Springs Cemetery. He stated one other change is on the first page, Section 9-51(d), and reads the Cemetery will be managed by a City staff member as designated by the City Manager, and in actuality the Cemetery is managed by the Hot Springs Cemetery Association, so it should read... The Cemetery will be managed by the Hot Springs Cemetery Association in conjunction with a City staff member as designated by the City Manager, because they do provide the management services in the Office of the City Clerk, and maintenance and burial opening and closing of lots.

He stated with those two changes he would recommend approval for publication of the Proposed Ordinance.

City Attorney Rubin stated the rest of the language is similar to what they did with the Vista Memory Gardens, and that he agrees with the City Manager.

“Commissioner Torres moved approval of the Proposed Ordinance for publication for the rules and regulations regarding the Hot Springs Cemetery.”

Seconded by Commissioner Rainey.
Motion carried unanimously.

OLD BUSINESS: None.

REPORTS: CITY MANAGER –

City Manager Aguilera stated the clean-up campaign that the City has started, and they have hired a person in the Code Enforcement Division. He stated Mr. Chavez has started doing a proactive Code Enforcement, although they are calling it Code Compliance because it sounds a little nicer, and indicated he is going out and looking for code issues, and has started on Date and Broadway, and so far he has issued 60-70 notices, and explained the notice gives the individual 15 days to clean-up, and if they show progress he might give them additional time.

He stated the first notices that have come due in the first 15 days are complying very well, and indicated the program is working too well, and reported that the sanitation department is now inundated with people putting stuff out next to the dumpster, and that they are having to work some overtime.

City Manager Aguilera reported on the Police Department building and as they recall they have been waiting on an architect, and stated that Mr. Jack Whitt has been kind enough to provide them the free services of an architect to design the interior of the building. He stated the architect is now working on the plans, and they expect that they will be finished within the next week, and then they can submit them to the State CID Department for approval, and start reconstruction again within 3 weeks.

He stated the new utility billing has started, and reported there were
some glitches, and most of the calls they received is that the bills went out late, and by the time they received the bill they only had 4 days to pay the bill, and it was explained to the people that was not correct and had the full 10 days to pay, and hopes that in 30 days everything should be down to normal, and that they are getting a good feedback from most people saying that they like the new bills.

Commissioner Stagner asked where they were on the level pay feature that they will be offering for the utility billing.

City Manager Aguilera stated that is something that he was going to start soon, but unfortunately with Brit leaving he is going to have to hold off for 2-3 months until they get someone on board and gets their feet wet then they can start on that.

He stated on the Booster Pump Station Project which is going to take water from the lower 3 million gallon tank and move it up to the upper tanks will be going to bid in mid-June, and explained that would put another pipeline adjacent to the effluent line, and that it would not be going into the same trench but next to it.

City Manager Aguilera stated he is mentioning this especially for the people on Marie or travel on Marie Street, and for the inconvenience they are going through because they left the trench in un-paved fashion. He explained the reason they did that is because it would have been a waste of money to cap the trench/asphalt it and then dig it up again in a couple of months time, and stated probably by July or August they will be in there again digging it up, and once they do all that they will put in a whole new cap on the street, and have a better street altogether and would ask the citizens to be patient with them.

He stated the City received a Clean & Beautiful Grant and unfortunately some of the work that should have been done hasn’t been done, and indicated now that Joanne left he got stuck with it, and it is one of those grants that is very, very small and takes a huge amount of paperwork, and explained what they are going to do is that they are going to hire the 4-H Club to do clean-up after the Fiesta.

City Manager Aguilera stated that will take half of the money which is $650.00. He indicated the original plan was to do landscaping in the medians at the proposed Wal-Mart area, and explained those medians may be going away or become smaller because of traffic improvements that have to take place on Date.

He stated they shifted to the area of the medians that are by the Bullock’s area, and they found out that those medians have asphalt underneath, so they cannot landscape those.

City Manager Aguilera stated they are going to borrow from an idea in Las Cruces, and asked if they have seen the cactus made out of metal right at the off ramp at Lohman. He asked Jim McAfoos if he could do those, and he went and looked at them, and had one for display for the Commission to view, and stated he has also made the howling coyote, and will put in red gravel in the median, and stated these would be maintenance free.

He stated one of the criteria NMDOT has because they have to go through their permitting process is that they do not want to put something that would cause someone harm if they crash into it, and indicated these will just fold over.
City Manager Aguilera provided the Commission information on the proposed banners for the downtown area that they discussed previously. He stated he is not asking for a decision at this point as it is not on the Agenda, however what he would like to hear from the Commission is are they going in the right direction, and is this something they would like to see for the downtown area.

He indicated they just had the screen and project installed, and at this time he gave a power point presentation. The Commissioners seemed to like banner #2 which was the banner that read… Welcome to Truth or Consequences with the picture of Turtleback Mountain.

City Manager Aguilera indicated they can have more than one banner. He stated he would make some minor changes and bring them back for our next meeting for final approval.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Stagner – No report.
Commissioner Rainey – No report.
Commissioner Torres – no report.

Commissioner Renfro stated she would like to congratulate two of our employees who have reached a milestone this month. Jimmy Schraner with Facilities Mgmt., for 15 years, and Ernest Chavez, Jr. with the Electric Department for 20 years.

She stated this is great, but the only thing about it is that the more years they are here the closer they are to retirement.

Mayor Montgomery reported that the Commission held a workshop last week, and they discussed the meeting format, and some changes to the rules and procedures of the Commission. She stated they are in the process of getting those printed up, and will be brought back at a future meeting for review, and that these would also be available for the public.

She stated this week-end is the Fiesta Golf Tournament to start off our Fiesta followed by all the activities the first week-end in May, and would encourage everybody to get out and participate and spend their money in the community and appreciates that very much.

EXECUTIVE SESSION: **“Commissioner Stagner moved that the meeting be closed for Executive Session – Personnel 10-15-1H(2), Police Department, Pending or Threatened Litigation 10-15-1H(7), Estate of Sultemeier v. City of T or C, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8), Elite Shutters.”**

Seconded by Commissioner Rainey
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), Pending or Threatened Litigation 10-15-1H(7), Purchase, Acquisition or Disposal of Real Property or Water Rights 10-15-1H(8), were discussed in Executive Session, and no official action was taken.

Seconded by Commissioner Stagner. Motion carried unanimously.

“Commissioner Rainey moved that they change the position for the Police Chief from an “At Will Position” to a classified employee.”

Motion failed due to a lack of a second.

“Mayor Montgomery moved that they instruct the City Attorney to proceed as directed for Sultemeier v. City of T or C.”

Seconded by Commissioners Renfro/Torres. Motion carried unanimously.

“Mayor Montgomery stated the Commission and the City of T or C, received information on Elite Shutters, no action required.”

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

APPROVAL: PASSED AND APPROVED this 9th day of May, 2006, on motion duly made by Commissioner Rainey, seconded by Commissioner Renfro, and carried.