CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, June 12, 2007

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, June 12, 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 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.

Commissioner Renfro called for the Pledge of Allegiance.

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

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

Seconded by Commissioner Torres. Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: None.

COMMENTS FROM THE PUBLIC: Cary "Jagger" Gustin President with the Sierra County Arts Council came before the Commission and stated that it was his pleasure tonight to provide them with a copy of their latest Art Guide for 2007.

He stated it is available at Visitor's Centers throughout the State.
and available throughout our town, and at this time he introduced their graphic designer, Ms. Becky Speakes, and thanked the Commission.

Mr. Steve Green came before the Commission on behalf of Sierra County Tourism Board and stated they would like to extend a heartfelt “Thank-you” to Mayor Montgomery, Commissioner Stagner, Commissioner Rainey, City Manager Aguilera, Commissioners Coslin, Whitehead, Mayor Bob Barnes, & Councilor Adrienne Podlesney, Mayor Gordon Mishler, Congressman Steve Pearce, & Representative Dianne Hamilton, and he just must say that T or C is her second home, and special thanks to all the honored guests that came, speakers, exhibitors, businesses, representatives of the press, and everyone for attending their first Media Day Event held this past Saturday.

He indicated the speakers were being video taped and the gentleman who was doing the video taping went around other locations and he plans to condense it down and ship it to all of the attendees that they invited who did not come for them to envision next year as they plan to do this same event here in T or C at the Ralph Edwards Park.

Ms. Paula Green representative for the board of the Sierra County Arts Council came before the Commission and mentioned the transfer of the ownership of the sculptured “Joy” to the City this evening and that it will mark the completion of the Arts Councils most recent public art project...the first project to make use of the 1% lodger’s tax fund which the City Commission allocated for public art installations.

She stated the board of Sierra County Arts Councils believes this is the time to think about developing a long range plan for the beautification of our City, and they request that Mayor Montgomery consider appointing a task force to develop a set of recommendations for the Commissions approval that would designate appropriate locations for future art installations, design and integrated City wide landscape plans and to identify additional funding sources to implement future projects.

Ms. Green stated the board of Sierra Arts Council continues to commit itself to working with the City in any and all capacity to promote the beautification of Truth or Consequences, and thanked them.

CONSENT CALENDAR: Mayor Montgomery stated they have two items under the Consent Calendar, Minutes of the Regular Meeting of the City Commission of May 22, 2007, and Accounts Payable for May 2007.

"Commissioner Stagner moved approval of the Consent Calendar as presented."

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.
MOU – SIERRA COOP. WEED MGMT. AREA - City Manager Aguilera stated this MOU is a non-binding agreement between all of the agencies listed including the City of T or C, and indicated they agree to cooperate on issues having to do with noxious weed abatement. He stated there is no financial obligation and can be terminated at any time, and the recommendation is for approval of the MOU.

Mayor Montgomery stated that Mr. Sallee was at their last meeting and presented the information on this, but the MOU was not attached at that point.

“Commissioner Renfro moved approval of the MOU for the Sierra Cooperative Weed Management Area.”

Seconded by Commissioners Stagner/Torres.
Motion carried unanimously.

LEASE OF PROPERTY – 523 BDWY: City Manager Aguilera stated this is the property that is leased by the DWI Program, and that the City leases the property from the Bank of The Southwest and they sub-lease it to the DWI for $600.00 a month.

He indicated it has to be renewed yearly because of the funding that DWI receives, and stated this lease is a little different from the prior lease, and that they added a termination clause and recommendation is for approval.

“Commissioner Rainey moved approval of the Lease of Property at 523 Bdwy.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

DWI GRANT AGREEMENT NO. 08-D-J-G-28 City Manager Aguilera stated this is the yearly grant agreement for the DWI Program from DFA.

Ms. Nola Kent DWI Coordinator came before the Commission and stated this funding is for $100,000, and indicated it is $5,000 more than they received last year. She stated the distribution amount has also increased for over $74,000.

She stated it is a pretty standard agreement and has a few changes on the reporting process.

“Commissioner Stagner moved approval of the DWI Grant Agreement No. 08-D-J-G-28.”

Seconded by Commissioners Rainey/Renfro.
Motion carried unanimously.

RESOLUTION #38-06/07: City Manager Aguilera stated this is a continuation of the process by which they apply for FAA Grants and they have now been awarded the grant in the amount of $921,196.00. He indicated the City is responsible for a 2 ½% match, and following this item is another resolution in which they are increasing the amount of a grant they are receiving from another source also the Department of Transportation Airport Division.

He explained this grant will be used for apron improvements for both asphalt and concrete aprons that are around the hangar areas, and recommendation is for approval of the resolution accepting the
grant.

"Commissioner Renfro moved approval of Resolution #38-06/07 — Acceptance of FAA Grant for Airport Improvements."

Seconded by Commissioner Rainey.
Motion carried unanimously.

RESOLUTION #39-06/07:

City Manager Aguilera stated this is a grant from the Department of Transportation, and indicated at one time it was a cooperative grant, and is now a local government road fund grant.

He indicated last year they received $65,000, and this year it is less...$56,000. and stated this is the money they use to improve local roads, and this will be for Foch Street and West 2nd and recommendation is for approval.

Commissioner Stagner asked how far of an area would this cover.

City Manager Aguilera stated he believes it is from Main Street to 6th or 7th Street.

"Commissioner Rainey moved approval of Resolution #39-06/07 — Participation in LGRF Program."

Seconded by Commissioner Stagner.
Motion carried unanimously.

RESOLUTION #40-06/07:

City Manager Aguilera stated this is a grant related to the Airport, and explained they previously received $19,000 and approved a resolution accepting that. He stated they were notified that they were eligible to receive an additional $5,000 for a total of $24,242.00 from the NMDOT Aviation Division, and recommendation is for approval of resolution.

"Commissioner Renfro moved adoption of Resolution #40-06/07 — Amendment No. 1 to NMAD Grant #TCS-07-003."

Seconded by Commissioner Rainey.
Motion carried unanimously.

AGREEMENT — STATE NAT’L BANK & CITY OF T OR C:

City Manager Aguilera stated this relates to the public comments made earlier by Ms. Paula Green.

He stated there was an agreement by State National Bank and the Arts Council for leasing a piece of property where the art sculpture was placed, and explained the Arts Council does not have the capability of providing the insurance that was required by the bank, and they changed things so the agreement is now with the City of T or C in which the City will take over the lease of $1.00 a year.

City Manager Aguilera stated the work of art will be transferred to the City, and they will own the work of art and have a place for it which is on this leased land. He indicated there is a 6 months cancellation clause, and that is in case the bank has to have the property for what ever reason, and that would give the City enough time to look for a location, and recommendation is for approval of the agreement.

"Commissioner Renfro moved approval of the Agreement with the State National Bank & the City of T or C."
Seconded by Commissioners Torres/Rainey.  
Motion carried.  
Commissioner Stagner abstained.

CONSIDER MTG.  
VET. MUSEUM PROJECT:  

City Manager Aguilera stated the City received additional funding this year thanks to Representative Hamilton. He stated Representative Hamilton proposed $150,000 last year and it was approved by legislature, but vetoed by the Governor.

He indicated this year she re-submitted a request for $200,000 thinking the other $150,000 was gone, so they now have an additional $350,000 to finish the museum.

City Manager Aguilera stated the City had in hand $250,000 and that some of that has been spent on design, and that they have a total of about $550,000. He indicated they have bid the projects twice, and both times they only received one bid.

He spoke with the architect last week and asked him to submit a proposal to amend the bid package to add additional items, as they have the funding to do all these things.

City Manager Aguilera stated the designs put together were done in cooperation with some of the Veterans from the Veterans Park Organization. He indicated they never had a public hearing to review the drawings, and he thinks it would be a good idea to get in touch with all the Veterans in Sierra County to look at the drawings and get them involved, so the recommendation is to schedule a public meeting 30 days from now.

He stated that Mayor Montgomery has a list of local Veterans, and he spoke with Representative Hamilton, and she indicated she would be interested in attending this meeting to review the Veterans Museum Project.

Commissioner Torres indicated they need to work closer with Bobby Allen.

Mayor Montgomery stated she agrees that there needs to be a meeting as it belongs to all the Veterans, and indicated they need a chance to take a look at this and thinks this would be the perfect opportunity for them to look at those renderings and give their input.

Commissioner Rainey stated he thinks it is a great idea to have the Veterans there, and he also believes this park is to honor the Veterans and the citizens, and it should be an open meeting for everyone.

"Commissioner Rainey moved to direct staff to schedule a public meeting to review the Veteran’s Museum Project.”  

Seconded by Commissioner Renfro.  
Motion carried unanimously.

OLD BUSINESS:  None.

REPORTS:  

CITY MANAGER  

City Manager Aguilera reported that they shaved off another $50,000 debt of the Morgan Street drain. He explained that the City agreed to put in some of the railing which saved them $20,000,
and that he met with the NRCS people and talked about removing some non-necessary items off of the areas the City was responsible for, and he indicated they ended up saving a total of $50,000.

He reported the work on the medians adding the red crusher fine and that they have been receiving nice compliments from the downtown businesses.

City Manager Aguilera indicated that Mr. Ray Chavez Code Enforcement Officer, and who is in charge of the beautification program is the one who spear headed that project and managed to get Bartoo to sell the City the crusher fine at a reduced cost, and was also successful in getting a couple of truckloads donated by Bartoo.

He stated that he also received a donation from one of the Veterans Organizations of $500.00, and that they will use that to put crusher fine in front of the Veterans Park, or if they prefer they will utilize the first island on the north side on Date Street going north.

City Manager Aguilera stated when he was in Hobbs he noticed they have some nice directional signs as you come into their City, and that he spoke with one of our local sign companies on the cost to do a couple of the signs to be located at the north end of town showing the way to the downtown area. He stated today he received some engineering drawings from Hobbs, and indicated he would get with Mr. Gustin on the cost for these signs.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Stagner – No report.

Commissioner Rainey – No report.

Commissioner Torres – No report.

Commissioner Renfro – No report.

Mayor Montgomery stated in listening to City Manager Aguilera earlier commenting on Bartoo and the donations, and that it is very gratifying to listen to people and businesses on how this community comes together helping out the City and fellow citizens.

She stated that the scholarships that were given by the community during graduation…$91,000…that's amazing for the size of this community…how the businesses and community pull together, and stated that will never change, and it is very gratifying to hear things like that over and over again.

Mayor Montgomery thanked the Media Day, and that it was an excellent event and well planned. She stated she followed that event with the Chili Cook-Off, and mentioned there were more than 500 people that went through the gate and purchased tickets to get into the event, and expressed that it was an excellent event.

She indicated that she has recently been appointed to the NMML Community & Economic Development Committee and will be attending meetings with the first one being on June 23rd and that the City Clerk will also be attending.
Mayor Montgomery stated she recently met with Rick Homans, Mike Holston, Jim Hayhoe and Mayor Nordyke regarding the money that the Spaceport Group has received for the Welcome Centers, and stated that T or C and Hatch will be fighting for a Welcome Center, and thinks it is a guaranteed thing that T or C will get one of the Welcome Centers, and reported they received a million dollars for both centers.

She proposes that she will be having a meeting with SCEDO and the Tourism Board to discuss those plans, and that there is some logistical things that need to be discussed over the next couple of months.

Mayor Montgomery stated they will be putting that out to bid for the construction for the building soon, and that the plans will probably be done within 30-60 days.

She indicated she had the honor of attending the Independent Electrical Contractors Graduation from the Apprenticeship Program in Las Cruces on Friday night, and she would like to extend her congratulations to Israel Oros from Luchini Electric who graduated through a 4-year program through the Dona Ana Branch College, and expressed that it was a wonderful event and that she was representing the City, and stated that Mayor Mattice and Congressman Pearce were also in attendance who made a speech to the graduates.

Mayor Montgomery stated she brought this up as she would like to remind the community that the Sierra County Higher Education Council will be meeting on June 28th at the Commission Chambers, and explained this group which was formed by individuals from the City Commission, County, Village of Williamsburg, Elephant Butte, and the school board, and indicated they sit on a committee that oversees the university programs. She stated at this meeting on the 28th they are looking for at large board members to serve on that board, and appointing those members, finalizing the by-laws, and more important looking to the community and individuals for projects or programs that they would like to see the university offer.

She stated they cannot do any of the expansion in the community that they see coming without supporting our kids, and our individual citizens in the community with continuing education in whatever form that is.

**EXECUTIVE SESSION:**

City Attorney stated he would like to make it clear that they will not be discussing the merits of this mater it's basically some procedural issues and some legal aspects that they will be discussing which may necessitate taking action in the open meeting for the item listed on the agenda when they come out.

“Commissioner Stagner moved that the meeting be closed for Executive Session – Personnel 10-15-1H(2) to consider the request for a hearing from Robert Bustos.”

Seconded by Commissioner Rainey.
All 5 responded 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), in reference to procedural issues were discussed in Executive Session.”

Seconded by Commissioner Stagner. Motion carried unanimously.

“Commissioner Stagner moved that the City Commission adopt the exact rules of procedure that the Personnel Board follows for the City.”

Seconded by Commissioner Rainey. Motion carried unanimously.

“Commissioner Renfro moved that they schedule the hearing for Ms. Bustos on Monday July 23, 2007 at 5:00 P.M., in the Commission Chambers with July 25th being an alternate day if necessary.”

Seconded by Commissioner Torres. Motion carried unanimously.

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

APPROVAL: PASSED AND APPROVED this day of July 2007, on motion duly made by Commissioner Stagner, seconded by Commissioner Rainey and carried.

ATTEST:

MARY B. PENNER
CITY CLERK