CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday, November 25, 2008

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, November 25, 2008 at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Montgomery who presided and Hazel F. Peterson, Deputy 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. Steve Green, Commissioner
Hon. Evelyn B. Renfro, Commissioner
Hon. Freddie Torres, Commissioner

Also present:

Jaime R. Aguilera, City Manager
Jay Rubin, City Attorney
Hazel F. Peterson, Deputy City Clerk

QUORUM: There being a quorum present the Commission proceeded with the business at hand.

CEREMONY: Mayor Montgomery called for fifteen seconds of Silent Meditation.

Mayor Montgomery called for the Pledge of Allegiance.

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

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

Seconded by Commissioner Green.
Motion carried unanimously.

RESPONSE TO PUBLIC COMMENT: City Manager Aguilera stated the City Attorney has a response to the comments.

City Attorney Jay Rubin stated he spoke with Commissioner Green and he would defer this to Commissioner Green to make a couple of comments and then he will make a remark after that.

Commissioner Green stated "recently he was accused of unethical behavior by April Schmidlapp that was supposedly committed nine months ago. To this baseless allegation I would like to separate the truth from fiction."
Last February I along with other volunteers was asked to work the Democratic Presidential Caucus which I had every legal right to do and was assured that doing so would not compromise my own election campaign. During the hours that I worked I never, let me repeat, never spoke to anyone about the upcoming election, municipal campaign, or my candidacy.

In these uncertain times it is more important than ever to set aside old grievances that are distractions and come together as a community. I want to assure my fellow citizens, commissioner’s and the city manager that I will continue to devote my time and energy in serving our city as I was elected to do in these challenging and troubling times.”

City Attorney Rubin stated he would just comment to the effect there was a comment made at the last meeting made by Ms. Schmidlapp asking for Commissioner Green’s resignation and that the commission should consider that. He stated this is obviously not the appropriate forum for us to do that and therefore no action should be taken in that regard.

COMMENTS FROM THE PUBLIC: Mayor Montgomery reminded the public that she has been directed by the City Commission to limit items to the items on the agenda that are business items.

Mr. Mark Thornton approached the podium and complemented the City Commission and City Clerk Mary Penner on their help and presented a Certificate of Appreciation and a plaque. He stated this certificate was from the Legion Riders Chapter 5, Elephant Butte, New Mexico in cooperation with American Legion Post 44.

CONSENT CALENDAR: Mayor Montgomery stated they have only one item under the Consent Calendar – Minutes of the Regular Meeting – City Commission – 11/12/08.

“Commissioner Stagner moved approval of the Consent Calendar as presented.”

Seconded by Commissioner Green.
Motion carried unanimously.

DRAFT MINUTES: Mayor Montgomery stated the following are draft minutes from various boards provided to the Commission for their information, and are non-action items.

BOARD & COMMITTEE REPORTS: City Manager Aguilera stated there was a report from Bill Howell, Chairman of the Planning & Zoning Commission recommending approval of the preliminary & final plat of Phase III. The master plan had already been approved by this commission and the only conditions on Mr. Ashbaugh are that he finish the street lighting improvements on Phase I be completed before any building permits are issued in the Phase III area. And that a storm water easement for Lot 5 and Block 4 be provided across Lot 6, Block 4.

He stated Staff recommendation is for approval.
“Commissioner Renfro moved approval of the recommendation from the Planning & Zoning Commission and Public Utility Board be approved with conditions stated therein.”

Seconded by Commissioner Torres
Motion carried unanimously.

PUBLIC HEARINGS:
None.

PRESENTATION BY MR. AL WILKINSON—BOUNTIFUL ALLIANCE:
Mr. Wilkinson approached the podium and stated he was representing an organization called the Bountiful Alliance. He stated he wanted to express his appreciation for the cooperation of City Manager Aguilera who has been very helpful in the projects that they have undertaken and to the City Commissioner's in so far as they are aware of their activities.

Mr. Wilkinson gave a little history of the Bountiful Alliance and some of the projects they have been involved in.

CONTRACT DWI PREVENTION & OFFICE PERSONNEL:
City Manager Aguilera stated Nola Kent has submitted a request for a new contract for the DWI office personnel and in reviewing the contract with City Attorney Jay Rubin they find that it is the same as the other previous contracts that the City has approved and even though the city is the fiscal agent that keeps the city at an arms length and without liability which was what the city was looking for.

Mr. Aguilera stated recommendation is for approval.

Nola Kent stated this contract replaces 4893599-08 which was just a prevention contract for Nadine who she has convinced to take over some part-time work in the office because they lost Kalrene Rich who resigned for health reasons. She stated this just added some duties to Nadine's previous contract and increased her amount of pay.

“Commissioner Green moved approval of the Truth or Consequences/Sierra County LDWI Program Professional Services Contract #4803599-09.”

Seconded by Commissioner Renfro.
Motion carried unanimously.

AGREEMENT—CITY & COUNTY FOR THE INCARCERATION OF PRISONERS:
City Manager Aguilera stated he meant to ask that this be removed from the agenda because the agreement that was submitted was the wrong agreement and he has had a conversation with Jan Porter-Carrejo about this so he will have to bring it back at another meeting.

He stated recommendation is to remove it from the agenda.

“Commissioner Renfro moved approval to remove the Agreement between the City & County for the incarceration of prisoners and bring it back to another meeting.”

Seconded by Commissioner Green.
Motion carried unanimously.

SUB-LEASE—CITY OF T OR C & SIERRA
City Manager Aguilera stated this is the second sub-lease of the Armory and it is worded almost exactly the same as the other sub-lease that the city recently did. He stated the first sub-lease has
COMMUNITY COUNCIL: 
been sent to the National Guard for review, their attorney called back and apparently had no problem with it. He stated she just asked us to send her the original because she noticed some typographical errors that she wants to correct.

He stated this is for the Sierra Community Council to run the program that they have been working on for about a year. He stated the city will be getting the first payment from the cable company franchise this month and this now gives the ability of the other agreement that we have with the Sierra Community Council that they are the one that are going to run that local access channel.

Discussion ensued.

Mr. Aguilera stated recommendation is for approval.

"Commissioner Stagner moved approval of the Sub-Lease between the City of T or C and Sierra Community Council."

Seconded by Commissioner Green
Motion carried unanimously.

CONSIDER RESOLUTION TO RE-NAMe HOLDEN ROAD: City Manager Aguilera stated Holden Road goes north and takes a curve and goes west. He stated Holden Road actually goes straight and continues on to the property that is at the end of Holden Road.

He stated that for whatever reason in the past the road was originally shown as curving to the west and we would like to correct that now by keeping Holden Road as a north/south road and then create a new name for that small piece that goes east/west. He stated the new name would be McKenzie Road which is archery equipment, and also happens to be the name of the child of one of the people that live on that road, but it is the name of archery equipment and so they thought that was appropriate.

Mr. Aguilera stated recommendation is for approval of Resolution No. 21-08/09.

"Commissioner Stagner moved approval of Resolution No. 21-08/09."

Seconded by Commissioner Green.
Motion carried unanimously.

DISCUSSION 2ND COMMISSION MEETING IN DECEMBER: City Manager Aguilera stated two things are happening around the time of the last Commission meeting in December one being it's just before the Christmas holidays and the other is that Jay Rubin is going to be out of the country on that day so the commission can move that date to the last week in December and Jay will be back or they can skip a meeting entirely and just have the first meeting in January.

Discussion ensued.

It was the consensus of the Commission to cancel the second meeting in December unless something arises on the December 9th agenda or comes to their attention that a meeting needed to be scheduled.

AMENDED RESOLUTION #20-08/09: City Manager Aguilera stated it was his understanding that this resolution was approved subject it coming back to the commission to make them aware of the date in Item B stating that persons
desiring to register to vote at the special recall election, must register with the Sierra County Clerk no later than February 6, 2009, at 5:00 P.M., with February 6, 2009 being the date in question and no action needs to be taken.

OLD BUSINESS: None.

REPORTS:

CITY MANAGER—

City Manager Aguilera stated they opened the response to proposals for the pool architect today and there were five proposals received. Several people from Albuquerque, one from Las Cruces and one local. He stated he will be putting this on the agenda for the Recreation Board meeting of December 2nd and asking them to review and narrow down to a single selection and then a recommendation to the City Commission, probably the first meeting in January he would hope.

He stated the way the RFP went out was they were hiring somebody for the pool, to design the pool enclosure, and they may also use them to do other work as required, keeping in mind that the other work is going to be the other work they may need to implement the loan that they are getting such as designing park equipment, designing the tennis courts and so forth.

He stated the reason it went out that way was because the city currently has a hundred thousand dollars that is to be used for the pool cover only, so that’s why it was in there that way.

He stated also we will be having a museum ground breaking ceremony fairly soon. They are trying to set it up with the contractor and he will be sending out a notice saying they have a ground breaking ceremony finely for the Veteran’s Memorial Museum.

CITY ATTORNEY – No report.

COMMISSIONERS –

Commissioner Stagner – No report.

Commissioner Green stated he would like to welcome a new business to town up on N. Date Street, called Coco Re’al and another business that was on Main Street that closed down and now has reopened up on Broadway called Whimsical Cottage Boutique and he wishes them longevity and do a lot of business, wish them well.

He stated two weeks ago he attended a SCCOG meeting down in Mesilla and also found out that there was a NM Finance Authority Workshop held in Las Cruces and he went to that which was incredibly enlightening and there was some interesting information that he requested that they send to Manager Aguilera about innovative ways for funding for business districts.

Commissioner Torres – No report.

Commissioner Renfro – No report.

Mayor Montgomery – No report.
EXECUTIVE SESSION: None.

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

APPROVAL: PASSED AND APPROVED this 9th day of December 2008, on motion duly made by Commissioner [signature], seconded by Commissioner [signature], and carried.

LORI S. MONTGOMERY, MAYOR

ATTEST:

HAZEL F. PETERSON,
DEPUTY CITY CLERK