THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES
REGULAR MEETING
TUESDAY, FEBRUARY 11, 2014

Prior to the start of the meeting, Mayor Pro-tem Sandra Whitehead stated that there would be a Public Hearing in the meeting, noting that anyone wishing to sign up either as a proponent or opponent should sign up to speak.

TIME & PLACE: The Mayor Pro-tem 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, February 11, 2014 at 6:00 P.M.

CEREMONY: The meeting was called to order by Mayor Pro-tem Sandra Whitehead who presided and Judy Harris, City Clerk acted as Secretary of the meeting.

Upon calling the roll the following Commissioners were reported present:

Hon. Sandra Whitehead, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Jeff Richter, Commissioner
Hon. Mike Kertesz, Commissioner

Also present:
Juan Fuentes, City Manager
Jay Rubin, City Attorney
Judy M. Harris, City Clerk

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

CEREMONY: Mayor Pro-tem Sandra Whitehead called for fifteen second of Silent Meditation.

Mayor Pro-tem Sandra Whitehead called for the Pledge of Allegiance with Commissioner Mike Kertesz leading the Pledge.
APPROVAL OF THE AGENDA:
Mayor Pro-tem Sandra Whitehead called for approval of the Agenda.

“Commissioner Steve Green moved for approval of the Agenda.”

Seconded by Commissioner Mike Kertesz.

Motion Carried Unanimously.

COMMENTS FROM THE PUBLIC:
Ron Fenn approached the podium and spoke of the inconsistencies of the Recycle report in the newspaper. Mr. Fenn gave the Commission a handout; copy included for the record. .

Klaus Wittern, 618 Charles, approached the podium and spoke regarding the assessment of the Water System, noting the City should contact NMSU to see if students could do the assessment instead of paying for such an expensive study.

Linda DeMarino, MainStreet program, spoke of an open house to discuss the Downtown Master Plan, an event which took place in Santa Fe and noted that MainStreet had graduated to State Certified.

Ron Perkins approached the podium and spoke regarding Poly Carts on both sides of the Street and asked for another Fire Hydrant be placed on North Riverside.

Leroy Henderson, Cuchillo Community Action Group, approached and agreed with Ron who spoke prior, he also noted the NM Tech Water Study, noting the Ordinance and mistakes in the report.

CONSENT CALENDAR:
Mayor Pro-tem Sandra Whitehead called for the approval of the Consent Calendar.

“Commissioner Steve Green moved for approval of the Consent Calendar, consisting of:
1. City commission Minutes Regular Meeting 1/28/2014
2. Accounts Payable January 2014.”

Seconded by Commissioner Mike Kertesz.

Motion Carried Unanimously.
PRESENTATIONS: Chief of Police Priscilla Mullins and Captain Morgan approached for the Presentation of the Police Department Annual Awards Ceremony.

Chief Mullins first presented the Chief’s Award of Merit to David Koonce, noting his volunteer work for the Police Department.

Chief Mullins presented the Chief’s Award of Merit to the Sierra County Winter Quilters Guild; which made over 300 quilts for the Police Department to issue to children, CYFD and the Community.

Chief Mullins presented Kaylee Brownwood with a Certificate of Appreciation for her volunteer work at the Police Department.

PUBLIC HEARING:

Prior to the start of the Public Hearing, Mayor Pro-tem stated that anyone wishing to sign up as proponent or opponent to do so at this time.

PUBLIC HEARING: Proposed Ordinance – Final Adoption – an Ordinance of the City of Truth or Consequences related to domestic water wells; repealing the moratorium on drilling of new domestic water wells; requiring a municipal permit for new domestic water wells; and imposing limitations on the number and location of new domestic water wells to ensure protection of geothermal ground water resources.

City Manager Juan Fuentes noted this item was discussed previously by the Commission, noting changes that had been made on the Ordinance. Manager Fuentes explained that the Ordinance replaces new well drilling moratorium set to expire on February 28th. He noted the Ordinance will require a permit for domestic water well after approval for a water well permit from the OSE. Manager Fuentes stated there would be a permit fee of $100.00. Explaining the Ordinance prohibits any cross connection of water from well and the City utility system; and stating that new wells will be required to install a meter and the owner shall record monthly readings and report to the City annually no later than February 1st each year.

Mayor Pro-tem Sandra Whitehead noted that two persons had signed up as proponents, and one of those who signed up as proponent, Klaus Witten had also signed up at an Opponent. Mayor Pro-tem Whitehead asked City Attorney Jay Rubin how to proceed.

City Attorney Rubin explained the length of time for Public Comments was 5 minutes, noting it would be unfair for one person to have 10 minutes of discussion.

Klaus Witten noted he felt it was necessary to speak both as opponent and
proponent because he felt some items in the Ordinance were good, but some were not. He also stated he had no problem splitting his 5 minutes on both subjects.

The Commission approved Mr. Wittern be given a total of 5 minutes for his discussion.

Klaus Wittern explained as proponent he commended the Commission for tackling such a task. As opponent he stated the study was not accurate.

Leroy Henderson stated the Ordinance was good, the report from New Mexico Tech and the separation of Domestic and Thermal waters, to protect the Thermal Waters.

City Manager Juan Fuentes noted the fee of $100 prohibits cross connections; that any new well required installation of a meter.

The Commission had no questions or comments.

Mayor Pro-tem Sandra Whitehead closed the Public Hearing.

OLD BUSINESS:

Mayor Pro-tem Sandra Whitehead noted the Old Business was Proposed Ordinance #651– Final Adoption – an Ordinance of the City of Truth or Consequences related to domestic water wells; repealing the moratorium on drilling of new domestic water wells; requiring a municipal permit for new domestic water wells; and imposing limitations on the number and location of new domestic water wells to ensure protection of geothermal ground water resources.

“Commissioner Steve Green moved to approve Final Adoption of Ordinance #651 an Ordinance of the City of Truth or Consequences related to domestic water wells; repealing the moratorium on drilling of new domestic water wells; requiring a municipal permit for new domestic water wells; and imposing limitations on the number and location of new domestic water wells to ensure protection of geothermal ground water resources. “

Seconded by Commissioner Jeff Richter.

Mayor Pro-tem Whitehead called for a Roll Call Vote.
Hon. Sandra Whitehead responded AYE to a Roll Call Vote. 
Hon. Steve Green, responded AYE to a Roll Call Vote. 
Hon. Jeff Richter responded AYE to a Roll Call Vote. 
Hon. Mike Kertesz responded AYE to a Roll Call Vote. 

Motion Carried Unanimously. 

NEW BUSINESS: Mayor Pro-tem Sandra Whitehead noted next was discussion/action Audit Report by Accounting and Consulting Group LLC. 

Ray Roberts, CPA and Managing Partner at Accounting and Consulting Group LLC; explained the present audit report, noting that this is the third year for his group to complete the Audit; he noted the quality of the City's work and their work to provide the information necessary for his Group to complete the audit report. He noted six of last year’s finding were resolved; he also noted repeat finding of the 2009 inventory listing, fixed assets and payroll journal entries, financial statement and accounting for inventory. 

Commissioner Jeff Richter questioned if the housing authority is encumbered; the difference of revenue or expenditures on page 18, shortfalls and recommendations from a CPA firm. 

Mr. Roberts answered no regarding the housing authority; and it would be prudent for the City to take a fresh look at policy. 

Commissioner Steve Green asked for points of clarification regarding the 2009 assets He asked City Finance Officer Leo Silva about accounting procedures. 

Finance Officer Leo Silva noted that he was looking at new accounting procedures; had started on an action plan, and was looking at the assets for the City. Already working on the findings. 

City Manager Juan Fuentes explained that New Mexico Audit rule requires the municipalities review and acceptance of the annual audit during a regular Commission meeting. He noted the Auditor will provide an overview of the financial statements and review the audit findings. Manager Fuentes noted the challenge with resources and that the Inventory was a big project, noting that Staff was doing the best we can with the resources we have, noting that additional support was needed. 

Commissioner Steve Green stated it might be possible to get qualified persons from Colleges to assist.
“Commissioner Steve Green moved to approve the Audit Report as presented.”

Seconded by Commissioner Mike Kertesz.

Motion Carried Unanimously.

Mayor Pro-tem Sandra Whitehead noted the next item is discussion/action of the Municipal Court Attorney Contracts for Pedro Pineda and Les Deschamps, she asked Attorney Jay Rubin to explain.

City Attorney Jay Rubin noted that the Municipal Court contracts annually with public defenders to provide legal services to those that can’t otherwise afford an attorney. He explained the Contracts are standard and similar to last year’s agreements, he noted that both Pineda and Deschamps have been working with the Municipal Courts for some time now and this is just renewals of contracts.

Commissioner Mike Kertesz asked if the qualifications for both had been checked.

City Attorney Jay Rubin noted that both had been with the Municipal Courts and this is renewals of contracts for both.

“Commissioner Steve Green moved to accept the contract for Pedro Pineda.”

Seconded by Commissioner Mike Kertesz.

Motion Carried Unanimously.

“Commissioner Steve Green moved to accept the contract for Les Deschamps.”

Seconded by Commissioner Jeff Richter.

Motion Carried Unanimously.

Mayor Pro-tem Sandra Whitehead noted the next item is discussion/action approval of contract renewal with Griffin and Associates.

City Manager Juan Fuentes explained this was a renewal for one more year with Griffin and Associates, he noted that Joanie Griffin had updated the Commission in the last meeting, noting items completed and ongoing projects to advertise the City of Truth or Consequences. He explained the contract between the City and Griffin and Associates was for one year. Manager Fuentes explained that during
the first year, Griffin and Associated worked on a detailed marketing plan, street lamp banners, design and placement of ads, and Co-Op grant administration.

Commissioners Mike Kertesz and Steve Green both noted they were pleased with the progress made by Griffin and Associates in behalf of the City.

"Commissioner Steve Green moved to approve renewal of the contract for Griffin and Associates."

Seconded by Commissioner Mike Kertesz.

Motion Carried Unanimously.

Mayor Pro-tem Sandra Whitehead noted next was discussion/action of Resolution #25 13/14 New Mexico Water Trust Board Project #292-WTB.

City Manager Juan Fuentes explained last year, the New Mexico Water Trust board awarded the City $160,000 planning grant/loan for a Water Preliminary Engineering Report and asset Management Plan. He noted that New Mexico Finance Authority administers the planning funds on behalf of the Water Trust board; and the New Mexico Finance Administration requires City approval on the various documents loan/grant agreement, resolution, ROW Certificate and final opinion of legal counsel and litigation certificate. Manager Fuentes noted that Assistant City Manager Bill Slettom was working with Smith Engineering on projects.

Commission Jeff Richter asked about the costs to the City.

Assistant City Manager Bill Slettom explained the local match, $2000 is the 10%

Commissioner Mike Kertesz asked about the ranking.

City Manager Juan Fuentes explained the most critical/the worst is the primary goal.

Commissioner Steve Green stated whoever negotiated the loan did a great job, noting the great interest rate.

City Manager Fuentes noted the work was done by Bill Slettom and David Laughlin with Smith Engineering.

"Commissioner Steve Green moved to approve Resolution #25 13/14 New
Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Sandra Whitehead asked for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.
Hon. Steve Green responded AYE to a Roll Call Vote.
Hon. Jeff Richter responded AYE to a Roll Call Vote.
Hon. Mike Kertesz responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Pro-tem Sandra Whitehead explained next was Resolution #26 13/14 Declaring Surplus property to be Nonessential for Public or Government Functions to be sold pursuant to §3-54-2 NMSA; she asked City Clerk Harris to explain.

City Clerk Harris stated that the State statutes require Municipalities to adopt a Resolution when wishing to dispose of public property. She noted that Resolution #26 13/14 declares the attached list of property as obsolete and eligible for auction, noting the City has contracted with Willard Hall to dispose of the public property. City Clerk Harris explained the date for the Public Auction was to be March 22nd; and noted a list of items was attached to the Resolution; and asked for approval to move forward with the process for the sale of Surplus items.

Commissioner Jeff Richter commented that was good, fewer items to tag for inventory.

Commissioner Mike Kertesz asked if items had been reviewed by the Manager.

City Manager Juan Fuentes explained items were reviewed, he noted that Staff was considering the purchase of the three SJOA vans as there were in better condition than the vehicles currently in use.

“Commissioner Steve Green moved to approve Resolution #26 13/14 Declaring Surplus Property to be nonessential for public/government functions to be sold pursuant §NMSA.”

Seconded by Commissioner Mike Kertesz.
Mayor Pro-tem Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.
Hon. Steve Green responded AYE to a Roll Call Vote.
Hon. Jeff Richter responded AYE to a Roll Call Vote.
Hon. Mike Kertesz responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Pro-tem Sandra Whitehead noted the next item was Resolution #27 13/14 Dangerous building/Problem Property at 1325 East Third Street.

ACM/CDD Bill Sletton approached and explained the City has identified 1325 E. Third Street to contain a dangerous building and blighted property. He noted that State Statues require the City to adopt a Resolution with the finding and to be forwarded to the property owner. Mr. Sletton explained the Property owner will have an appeal period before final determination and action for removal. Mr. Sletton stated that there has already been two fires at the Property and it is severely damaged.

Commissioner Mike Kertesz asked if the fires were in the back of the building, and if the building is fenced.

ACM/CDD Sletton answered yes to both questions.

Commissioner Steve Green asked for a time frame for removal and if City crews would do the work.

ACM/CDD Sletton answered that he Resolution would be published and then posted on the property, and then there are 10 days to file. Mr. Sletton noted the City personnel is quite busy at this time, and did not have the proper equipment or personnel to undertake the demolition, the City would probably get someone outside to do the work.

"Commissioner Steve Green move forward with the publication and Resolution."

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.
Hon. Steve Green responded AYE to a Roll Call Vote.
Hon. Jeff Richter responded AYE to a Roll Call Vote.
Hon. Mike Kertesz responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Pro-tem Sandra Whitehead noted next was discussion/presentation of 2nd quarter financial report for FYE2014.

City Manager Juan Fuentes explained a brief review of the 2nd Quarter and showed a PowerPoint presentation; explaining a review of the revenues and expenditures for various funds, noting they would be watched for any changes or problems. City Manager Fuentes stated no vote was necessary this was a review only.

Complete copy attached to record and made part herein.

Commissioner Jeff Richter explained he wished to see a separate line item for the Swimming Pool, to track revenues.

Commissioner Steve Green agreed with Commissioner Richter, explaining it would be helpful to have the Pool put its own line item so it can be tracked easier.

REPORTS:

Mayor Pro-tem Sandra Whitehead called for Reports.

City Manager Juan Fuentes reported that the New Mexico Environment Department had given the go ahead on the Swimming Pool. City Manager Fuentes explained there were a couple of items which Staff would be finishing next week, and that we are moving forward, noting more information on the opening would be forthcoming.

City Manager Fuentes explained that with the change to Poly-Carts he wished to remind those that the new system would not allow solid waste next to dumpsters and with the transition out crews would be finishing the pickup of items next to the dumpsters.

City Attorney Rubin: No Report.

City Commissioner Mike Kertesz: No Report
City Commissioner Jeff Richter: No Report, he asked the Clerk about use of the Civic Center

City Clerk Harris explained several large groups were coming into town to use the Civic Center, noting the NRA and a Gun Show in May which consist of 60 vendors.

City Commissioner Steve Green reported regarding the Pool Schedule. He noted contacting groups using the Civic Center. Commissioner Green stated that 8 people had put together Poly-Carts, thanking them for their time. Commissioner Green spoke about the article in the Sentinel regarding ‘a perfect storm’, noting meal service programs in the community which are no longer able to serve meals due to funding issues. Commissioner Green hoped the Community would come forward to help the needs of those needing assistance.

Mayor Pro-tem Sandra Whitehead: No Report.

RESPONSE TO PUBLIC COMMENT:

None.

EXECUTIVE SESSION:

Mayor Pro-tem Sandra Whitehead called for a motion to go into Executive Session.

“Commissioner Steve Green moved that the meeting be closed for Executive Session, pertaining to:

1. Pending or Threatened Litigation 10-15-1H(7)
   a. Related to Property on Cook Street
   b. Related to Former T or C Landfill, BLM Lease & Turtle Back Golf Course

2. Personnel 10-15-1H(2)
   a. Related to the Annual review of the City Manager “

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Sandra Whitehead asked for the Roll Call Vote.

Hon. Sandra Whitehead, Mayor Pro-tem
Hon. Steve Green, Commissioner
Hon. Jeff Richter, Commissioner
Hon. Mike Kertesz, Commissioner
Motion Carried Unanimously.
OPEN SESSION: Commissioner Steve Green stated that the Commission was now in Open Session.”

CERTIFICATION: Commissioner Steve Green certified that only matters pertaining to:

1. Pending or Threatened Litigation 10-15-1H(7)
   a. Related to Property on Cook Street
   b. Related to Former T or C Landfill, BLM Lease & Turtle Back Golf Course
2. Personnel 10-15-1H(2)
   a. Related to the Annual review of the City Manager;

Stating the above items were discussed in Executive Session and No decisions were made.”

Seconded by Commissioner Mike Kertesz.

“Commissioner Steve Green stated that relating to 1.a.)Property on Cook Street 10-15-1H(7); he moved that the Commission approve the paperwork for Mayor Pro-tem to sign subject to Claim of Exemption, and for Staff to move forward on the Purchase Agreement with County Approval.”

Seconded by Commissioner Mike Kertesz.

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 __________, 2014, on motion duly made by Commissioner __________, seconded by Commissioner __________, and carried.

ATTEST: SANDRA WHITEHEAD, MAYOR PRO-TEM

Judy M. Harris, City Clerk