CITY COMMISSION  
AUGUST 25, 2015  
REGULAR MEETING

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, August 25, 2015, with the meeting starting at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Sandra Whitehead, who presided and Angela A. Torres, Interim City Clerk, acted as Secretary of the meeting.

ROLL CALL: Upon calling the roll, the following Commissioners were reported present.

Hon. Sandra Whitehead, Mayor  
Hon. Steve Green, Mayor Pro-Tem  
Hon. Jeff Richter, Commissioner  
Hon. Kathy Clark, Commissioner  
Hon. Russ Peterson, Commissioner

Also Present:

Juan Fuentes, City Manager  
Jay Rubin, City Attorney  
Angela A. Torres, Interim City Clerk

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

CEREMONY: Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead called for Commissioner Kathy Clark to lead the Pledge of Allegiance.

APPROVAL OF AGENDA: Mayor Sandra Whitehead called for a motion to approve the agenda as amended.

Mayor Sandra Whitehead noted that item F1, an ordinance amending the City Code by adding Section 14.4.B pertaining to customer generated renewable energy, needs to be postponed and returned to City staff and legal for review. Item E4 City Commission meeting minutes of July 28, 2015 needs to be postponed and returned to the City Clerk for review and corrections.
Commissioner Kathy Clark noted that the Commission had asked for the July 14, 2015 meeting minutes to be on this agenda, and they are not, and also the ICIP needed to be reworded and re-categorized. She also noted that there was supposed to be a couple of positions added to executive session and they are not there.

Mayor Sandra Whitehead called for further comments or questions.

"Mayor Pro-Tem Steve Green moved for approval of the Agenda as outlined by the Mayor."

Seconded by Commissioner Russ Peterson.

Motion Carried Unanimously.

COMMENTS FROM THE PUBLIC:

Mayor Sandra Whitehead called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Michael Hogue, 516 Austin St. He stated that he thinks Commissioner Steve Green’s response to public comment on July 28, 2015 about closing Hacienda Arguello was misguided. He recommended that the Commissioners take a minute to state their response to the public comment. He has been talking with Joe McClintock about the closure of Hacienda Arguello and the financial burden SJOA has to keep this open. He believes that SJOA was financially mishandled for many years which resulted in the documented loss of hundreds of thousands of dollars. He wants the City Commissioners support along with the SJOA Board Members in making financial decisions.

Mayor Sandra Whitehead called for the next speaker.

Ron Fenn, 316 N. Foch. He mentioned that he emailed all of the Commissioners a form which is in each one of their mailboxes. Ron Fenn has done some research on the Civic Center utility bill for the past six months and stated it has been mismanaged. He stated that for February the electric bill for the Civic Center, which is about 1500 ft.², cooled to about 72°, and is illuminated most of the day, was only $.65 for that month. For March it was $1.20, April was $3.14, May was $6.67, and last month’s bill was $546.34 for 63 kW on the meter. He stated that as he was doing his research and taking pictures of the meters over the six months, the seals on the electric meters were different, which means someone from the Electric Department was changing something on the meter. He made an offer to the Commissioners to swap meters with him because his meter reads about 500 kW a month for 900 ft.². He stated that the gas bill for the Lee Belle Johnson Center is billed to 110 North Foch St. which does not exist.

Mayor Sandra Whitehead called for the next speaker.

George Szigeti, 913 Spruce St. He stated that during his time with the Public
Utility Advisory Board they have drafted many ordinances, which has not been an easy task. He stated that they draft an ordinance and edit it before a final version is agreed-upon. He stated that during this process members of the public are free to comment on the ordinance and apply their input. The final ordinance then goes before the City Commission for either approval for publication, disapproval, or is sent back for additional changes. If it is approved, it will then be brought up again before the next City Commission meeting at a formal public hearing which is a long process with public input available throughout it. Ordinance #665, however, was cobbled together by a group of amateurs who believe they know the law better than the City staff, the State Attorney General, the Secretary of State, and the Municipal League. When it was discussed at a City Commission meeting, the only people who spoke about it were the authors. George Szigeti wants to know where the discussions, the public hearings, checks and balances and legalities were for this ordinance. What we have is a poorly worded draft document open to multiple interpretations and contradicting other portions of our Municipal Code. He gave the example of the ordinance calling for the Lee Belle Johnson Center to the restored to the condition it was on January 1, 2015 and how the taxpayers probably wouldn't be too happy with the City workers undoing $40,000 worth of improvements to that building. He stated that if this draft document is approved by the voters, it will plunge the City into a legal debate which will probably result in an ordinance being struck down as unenforceable. He stated if your purpose is to cause legal trouble for the City and cost the taxpayers even more money in legal fees, then vote for the ordinance. If you want to preserve our City and move it forward and support economic development, he had no choice but to vote against the ordinance.

Mayor Sandra Whitehead called for the next speaker.

Klaus Whittern, 618 Charles. Klaus Whittern stated that he is concerned with an item on the agenda with the ICIP ranking of the projects. In his opinion, we as citizens need a good operating water utility. It is currently working, but no one can agree that it is good. PER recently estimated that there might be as many as $25 million worth of improvements necessary to bring the water system back up to functional. He stated that the other projects are important but not as important as having a good functioning water system. The City needs to reflect the need for this water system in their documents. The Governor has stated that projects not listed on the ICIP do not get funded, and he does not think it is good to have the most important project listed as third.

Mayor Sandra Whitehead called for the next speaker.

Ron Pacourek, T or C New Mexico. He has comments about the item number F1 that has been postponed from this meeting. He has asked the Public Utility Advisory Board to come up with an ordinance about the renewable energy and it has been over a year and this has not been done. There are no rules or regulations regarding renewable energy. He stated he spoke to Bo Easley, head of the Electric Department to explain to him about the renewable energy. He is being credited for renewable energy at the same rate as he is being charged for it. He stated that he doesn't believe he should be credited in that way, it should be credited at a wholesale price, not a retail price.
Mayor Sandra Whitehead called for the next speaker.

Audon Trujillo, 506 W. 3rd St. He stated that he was excited to see the City looking into updating the City website. He emailed all of the Commissioners talking to them about how the website is behind on City Commission meeting minutes, it is missing the minutes from July 14, 2015 until now. He is glad to see that the City is talking about different departments during executive session. It shouldn’t have taken the City this long to get the position or the City Clerk advertised in the newspaper. He stated that people need to be experts in their subject matter before they are hired for positions and he doesn’t see that happening with the City staff. The City needs competent people with the right education. He talked briefly about the City Attorney contract and that it is coming due in November, and that he is concerned that the attorney has overstepped his bounds with the election. He hopes to discuss this more with the City Manager and Commissioners.

RESPONSE TO PUBLIC COMMENT: Commissioner Kathy Clark commented that she also gets frustrated not having the previous meeting minutes or at least a copy of the audio to listen to before the next meeting.

With no further response to public comment, Mayor Sandra Whitehead thanked all of the speakers for public comment and moved on to the next item on the agenda.

CONSENT CALENDAR:

Mayor Sandra Whitehead called for the approval of the Lodgers Tax Advisory Board meeting minutes of April 30, 2015, the Golf Course Advisory Board meeting minutes of July 10, 2015, and the Public Arts Advisory Board meeting minutes of July 21, 2015.

“Mayor Pro-Tem Steve Green moved for approval of the consent calendar as presented.”

Commissioner Kathy Clark seconded.

Motion carried unanimously.

OLD BUSINESS:

Item postponed until next City Commission meeting.

NEW BUSINESS:

Mayor Sandra Whitehead called for the next item, Discussion/Action: Request by the Geronimo Trail Scenic Byway, Inc. to modify the Sub-recipient contract for FYE 2016. LaRena Miller.

LaRena Miller approached the podium and stated that she is really pleased to be working with the City with the Visitor Center in the Lee Belle Johnson building.
They were able to purchase uniforms for all their staff with all of the donations from local businesses they received. She stated that for the past several years they receive a sub-recipient contract from the City for $3500 a year which is distributed quarterly, but over the past few years they have requested it be distributed monthly. It would be easier for them with all of the bills they have and things they do on a daily basis to get the checks at the end of the month for all the bills that are coming in during that month. She stated it would be easier for their cash flow to receive it on a monthly basis.

Commissioner Jeff Richter asked if they turn in invoices every month.

La Rena Miller stated that they do turn in invoices which are itemized with a quarterly report.

Commissioner Kathy Clark stated that she recently went into the Visitor Center and it looked very nice. She stated she doesn’t see any reason why the City should not be paying monthly to take the burden off of the workers.

Mayor Pro-Tem Steve Green agrees with Kathy Clark’s comments and would just like to thank La Rena and her staff for their hard work and knowledge.

Mayor Sandra Whitehead thanked La Rena for all the hard work she does.

Attorney Jay Rubin asked if they are still keeping the reports on a quarterly basis or change it to monthly.

City Manager Juan Fuentes stated that it is reasonable to accept the monthly invoices with the quarterly reports and present them to the Lodgers Tax Advisory Board.

“Mayor Pro-Tem Steve Green moved for approval of the request by Geronimo Trail Scenic Byway to be reimbursed on a monthly basis with the understanding that they will still be required to come up with the quarterly report.”

Commissioner Kathy Clark seconded.

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Appointment of members to serve on the Public Arts Advisory Board.

City Manager Juan Fuentes stated that there is an application in their packets from Sid Bryan, Eduardo Alicea, and James Durham. These members have been serving on the Public Arts Advisory Board for a number of years. The position has been advertised for several months and these were the only applicants for the Board. They are currently working on an art project to go downtown where the old Buckhorn was and they will be presented to the City Commission at the next meeting. His recommendation would be to appoint these three members to serve on the Public Arts Advisory Board.
“Mayor Pro-Tem Steve Green moved for reappointment of the Public Arts Advisory Board for Sid Bryan, Eduardo Alicea, and James Durham.”

Commissioner Russ Peterson seconded.

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Resolution No. 06 15/16, a resolution adopting the 2017-21 Infrastructure Capital Improvement Plan (ICIP); Bill Sletton.

Bill Sletton stated that they held their workshop at the last meeting for discussion, and the purpose for this meeting is to prioritize the items and submit it to DFA this week. He stated that they can go to the list he handed out and prioritize the items. The County prioritized their list with number one being the Detention Center, number two being the animal shelter, and number three being road equipment for the landfill, which are also some of the ones we are looking at. We do not have to have the items listed in the same order as the County, but we will use the same ID number for the items. Bill’s let him asked what the Commissioners’ top priorities are.

Commissioner Jeff Richter stated that the electric system improvements and water line improvements need to be at least in the top five, since most of the other projects on the list are already partially funded.

Commissioner Kathy Clark stated that it seems we’re making a huge mistake by not having water and wastewater at the top of the list and also move electric up on the list, so she agrees with Commissioner Jeff Richter.

Mayor Pro-Tem Steve Green stated that he agrees with the other two Commissioners who have already spoken. He commented that they have been pushing for two years for the animal safety complex and have been funded partially for this and he would hate to see it not up and running when Dr. Dawkins refuses any more animals. He would like to leave number one where it is, move the landfill demolition down on the list and the water line improvements up on the list. He also thinks the electrical system should be moved up in place of the signage item.

Commissioner Russ Peterson stated that he couldn’t say it any better than Mayor Pro-Tem Steve Green just did. He is also more concerned with infrastructure upgrades than the other items on the list, however, there are a lot of things on the list that have to do with economic development. But if infrastructure is in there, you might as well kiss all the economic development goodbye.

City Manager Juan Fuentes stated that when this list gets turned into the Legislature, they really just want to make sure the items are on the list and not weighted to the numbers. He stated that they are going after other funding for the water/wastewater line improvements from USDA. He stated that some of these projects require way more money than what the Legislature can give out which is
why they need to continue looking for funding sources for other items as well. He stated that they can make the changes they wish to the list.

Mayor Sandra Whitehead asked Mayor Pro-Tem Steve Green to go over one more time the number order they should be in.

Mayor Pro-Tem Steve Green stated that number one will be the animal shelter/safety complex, number two would be the water/wastewater line improvements, number three should be the electric mean feeders upgrade, number four should be C&D, and number five would be the Healing Waters Plaza. He stated that he doesn’t think the City will be getting a large amount of money, but at least this list will give them a chance to present the items to the Legislature and invite them into the community to see what needs to be done.

Mayor Sandra Whitehead asked for a motion to accept the order of items for the ICIP.

“Mayor Pro-Tem Steve Green moved to approve the order of items for the ICIP.”

Mayor Sandra Whitehead seconded.

Mayor 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 NAY to a Roll Call Vote.
Hon. Kathy Clark responded AYE to a Roll Call Vote.
Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion carried four to one.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Resolution No. 07 15/16, a resolution approving the application to the New Mexico Main Street Program for Fiscal Year 2016 for the Healing Water Plaza; Bill Slettom.

Bill Slettom, ACM/CDD made his presentation noting that MainStreet has been very generous with special appropriation for bricks and mortar projects around the State. The competitive request for proposal process has been opened in Artesia and the application is due by September 25th and one of the requirements for the application is that there is a resolution of support from the City for the project and committing to the match of the project. There is also a resolution of support being produced by MainStreet. The City can apply for up to $150,000 and the project will be the Healing Waters Plaza since it is a shovel ready project and that is what they are looking for. The MainStreet program has already supported this project in a number of ways. The City is asking for $150,000.

Mayor Pro-Tem Steve Green wanted to thank Bill Slettom for representing the City in Artesia.
City Manager Juan Fuentes recommended approval of Resolution No. 07 15/16.

"Mayor Pro-Tem Steve Green moved for approval of resolution #07 15/16, a resolution approving the application to the New Mexico Main Street program for the fiscal year 2016 for the Healing Waters Plaza."

Commissioner Kathy Clark seconded.

Mayor 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. Kathy Clark responded AYE to a Roll Call Vote.
Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Resolution No. 08 15/16, a resolution finding the property at 613 Gold St. to be a dangerous and unsafe structure; Robbie Travis, Building Inspector.

Robbie Travis, Building Inspector, noted that this property has been abandoned for many years and they have not been able to contact any of the owners of the property. He stated that the property that was brought to the Commission last month at 518 Elm, will be demolished by the person who has been taking care of the property and paying the taxes so the City will not have to put out any money for that demolition. He is hoping that the owners of this property will do the same. He noted that the property is falling down and it is all open and there is children in this neighborhood. He commented that the staff recommends the approval of the demolition.

Mayor Pro-Tem Steve Green asked if they go to the County to find out who the tax bills are sent to.

Robbie Travis, Building Inspector commented that he does check the County records and on this property the land taxes are being paid, but it's by a credit card and there is no information available. He stated that he has done online research as well as trying to get a hold of previous owners of the property. He's hoping that by publishing it in the paper someone will come forward and take responsibility.

Commissioner Kathy Clark asked if we are just going to smash down the house if we don't find out who owns it.

Robbie Travis, Building Inspector, stated that, yes, they will give 10 days after the notice is published and posted for someone to respond.
Attorney Jay Rubin stated that they are following due process, not only our Ordinance, but State Statute 3 – 18 – 5 where they bring the resolution to the City Commission and then tried to serve the property owners with a notice and within the 10 days if the property owner comes forward they can file an objection to the Ordinance which will then turn into a public hearing.

City Manager Juan Fuentes recommended the approval of Resolution No. 08 15/16, a resolution finding the property at 613 Gold St. to be a dangerous and unsafe structure.

"Mayor Pro-Tem Steve Green moved for approval of Resolution No. 08 15/16, a resolution finding the property at 613 Gold St. to be a dangerous and unsafe structure."

Commissioner Jeff Richter seconded.

Mayor 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. Kathy Clark responded AYE to a Roll Call Vote.
Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Alternate Summary Procedure to re-plat an existing file plat at 1041 Turtle View Road; Robbie Travis, Building Inspector.

Commissioner Jeff Richter recused himself from this item and vacated the building.

Robbie Travis, Building Inspector, reviewed the Summary Plat noting that all lots that were created have direct legal unobstructed access, direct access in the city maintained street, and the applicant complies with all other rules and regulations in the Code. These two properties were joined together a few years back, but the surveyor who did it did not change the legal description so the property owners had to pay to get this redone. The staff recommendation would be the approval of the Alternate Summary Procedure.

City Manager Juan Fuentes stated that his recommendation is to approve the Alternate Summary Procedure for 1041 Turtle View Rd.

"Mayor Pro-Tem Steve Green moved for approval of the application for the Alternate Summary Procedure at 1041 Turtle View Rd."

Commissioner Russ Peterson seconded.
Motion carried unanimously.

Commissioner Jeff Richter joined the Commissioners for the meeting.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Action: Vacation of Alley at 1225 Simpson Street; Robbie Travis, Building Inspector.

Robbie Travis, Building Inspector, reviewed the Vacation of Alley noting it was initiated in 1984, but the City had never signed the document. There was nothing in the City records pertaining to the vacation of the alley. The house at 1225 Simpson St. was built 2 to 3 feet into the alley many years ago. The vacation of the alley appears on the county maps and on all the surveys, so they believe this is just an administrative error that it did not get signed. The owner of 1225 Simpson and the owner of the property adjacent are both in agreement with this vacation. Staff recommends the approval of this Vacation of Alley.

Attorney Jay Rubin stated that in the application he did not include exact footage or any specifics on the legal description because the owners already agreed to these terms and they have been fenced off for quite some time now.

Mayor Pro-Tem Steve Green suggested that the date be changed where the Mayor’s signature will go on the document.

City Manager Juan Fuentes recommended approval of the vacation of alley at 1225 Simpson St.

“Mayor Pro-Tem Steve Green moved for approval of the vacation of the alley at 1225 Simpson St.”

Commissioner Russ Peterson seconded.

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the agenda, Discussion/Update: Redesign and re-implementation of the City’s Website. Lori Montgomery, Finance Director, and Bob Hupp, Information System Specialist.

Lori Montgomery, Finance Director, noted that a committee was formed with the City and reviewed different proposals for an update on the website for the City. The proposed City webpage is very user friendly for City staff as well as to the public. The information that is updated is live instantly and certain City employees will be able to make changes to the website.

Bob Hupp, Information System Specialist, presented the website to the City Commissioners and discussed some highlights about the new company the City will be using for the website.
Mayor Pro-Tem Steve Green asked how much the system would cost, where the money would come from and who maintains it, and is there a training for staff in the contract.

Bob Hupp, Information System Specialist, stated that there is free training for the staff and also training online which include formal training courses.

Lori Montgomery, Finance Director, stated that there was money set aside in the budget for this project. They have a purchase requisition to turn in with the three required quotes and reviews from the three companies.

Bob Hupp, Information System Specialist, stated that the website company that they are going with would be the host of the website.

Commissioner Kathy Clark asked how long it would take to get this website up and running.

Bob Hupp, Information System Specialist, stated that the timeframe they're looking at on this will begin next week and can take anywhere from three months to a year. He stated that they want to make sure the design and the setup of everything is something they want to stick with and keep.

Commissioner Kathy Clark asked if they had called any of the other municipalities that are using this to get some feedback about how user-friendly it is.

Bob Hupp, Information System Specialist, stated he contacted different cities to find out about their interaction with it. He received all good feedback with the exception of one municipality.

**REPORTS:**

Mayor Sandra Whitehead called for the next item on the agenda, reports.

City Manager Fuentes introduced Police Chief Alirez to the podium.

Police Chief Alirez noted that he just wanted to recognize one of his officers for taking an escaped fugitive into custody. He also wanted to give kudos to his men and women of law enforcement.

City Manager Juan Fuentes noted that the City is extending the part where the old firehouse used to be and there has been some proposals for a dog park or a walking area. He also wanted to comment that the fencing at the soccer field in the Louis Armijo Sports Complex has been installed. They are working on getting grass planted and the water system put in. He also noted that the $200,000 set aside in the budget for small projects will need to be discussed soon with the Commissioners so they can decide on what project to fund.

Mayor Pro-Tem Steve Green, asked about the procedure for the City Commission meeting that falls the same day as the election.
City manager Juan Fuentes stated that what they have done in the past is canceled the meeting and rescheduled it for another day unless there is any urgent things that need to be taken care of right away.

City Attorney Jay Rubin reported that the City is involved in litigation with Hot Springs Land Development and are being defended by the law firm of Brandon Sullivan in Santa Fe. This City has filed a motion to dismiss some of the claims and the hearing is tomorrow in the Sierra County Courthouse and it is open to the public at 1:15 PM.

Commissioner Russ Peterson, no reports.

Commissioner Jeff Richter, no reports.

Commissioner Kathy Clark reported that she had a conversation with City Manager Juan Fuentes about what the utilities for the Lee Belle Johnson Center might go up to since there are tenants in it. She stated that from her calculations it should go from about $334 to about $477 for a 30 day period. She stated that it is not as much of an increase as she thought it would be.

Mayor Pro-Tem Steve Green thanked Commissioner Kathy Clark for bringing that up since discussion about this matter has been going around town. He also wanted to thank the Bountiful Alliance and the Arts Council for their event with music in the park last week. He hopes that we have more of those events in the future.

Mayor Sandra Whitehead, no reports.

EXECUTIVE SESSION:

Mayor Sandra Whitehead called for a motion for Executive Session; prior to Executive Session they will take a five minute break.

"Mayor Pro-Tem Steve Green moved that the Commission go into Executive Session regarding:

1. Personnel Matters Pursuant to Section 10-15-1H (2) NMSA
   a. Utility Office
   b. Electric Department
   c. Water Department
   d. City Clerk Office

Seconded by Commissioner Kathy Clark.

Mayor 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. Kathy Clark responded AYE to a Roll Call Vote.
Hon. Russ Peterson responded AYE to a Roll Call Vote.
Motion carried unanimously.

OPEN SESSION: Mayor Sandra Whitehead stated the Commission was back in Open Session.

"Mayor Pro-Tem Steve Green noted that in Executive Session discussion incurred, no action taken."

ADJOURNMENT: Mayor Sandra Whitehead called for any further comments or questions. With none coming forward, she called for a motion to adjourn.

"Mayor Pro-Tem Steve Green made the motion to adjourn."

Seconded by Commissioner Kathy Clark.

Mayor Pro-Tem Steve Green asked for any further questions or comments, with none coming forward, the Commission adjourned.

CERTIFICATION: PASSED AND APPROVED this 13th day of October, 2015, on a motion duly made by Commissioner Steve Green and seconded by Commissioner Kathy Clark, and carried.

Sandy Whitehead, Mayor Pro-Tem

ATTEST:

Angela A. Torres, Interim City Clerk