

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Friday, September 26,, 2014

SEPCIAL MEETING
ACTION 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 Special Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, on Friday, September 26, 2014 at 3:00 P.M.

PRESIDING OFFICER: 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.

ATTENDANCE: 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. Ruben Olivas, Commissioner
Hon. Kathy Clark, 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 Sandra Whitehead called for fifteen second of Silent Meditation; noting that the Community lost Lois Reaver-Black, former Mayor and City Commissioner, asking to keep her family in their thoughts.

Mayor Sandra Whitehead called for the Pledge of Allegiance with Commissioner Ruben Olivas leading the Pledge.

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

“Mayor Pro-Tem Steve Green made a motion suggesting item F.3., be removed

from discussion, as it is not a City Board, he also mentioned interviews.

Commissioner Kathy Clark agreed, noting she was working with Sierra Joint Office On Aging, and thought it was too quick to put the item of the Agenda.

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

COMMENTS
FROM THE
PUBLIC:

Audon Trujillo, 506 W. 3rd Street, approached and made comments regarding the purchase of the Financial System, the Finance Officer Position, Procurement, and Directors Work Objectives. (Information provided for the record.)

Ariel Dougherty approached and made comments regarding the Swimming Pool Task Force, the Swimming Pool expense and programs, the Financial System purchase, the Finance Officer Position and the Visitor Center Resolution.

Sophia Peron, Joffre Street, approached and made comments regarding agreeing with Ariel Dougherty, she remarked on the Welcome Center and the Meeting to be held in October in Las Cruces, and recommended a change in wording the Resolution #12 14/14.

Howie Tucker, 685 Marie Street, approached and made comments about City wide concerns, Flooding, issues at the Golf Course and City, Insurance and Insurance deductibles, Flood Control. He thanked Commissioner Richter and Commissioner Olivas for visiting the Golf Course.

CONSENT
CALENDAR:

“Mayor Sandra Whitehead made motion to approve the Consent Calendar.”

Seconded by Mayor Pro-Tem Steve Green.

Motion Carried Unanimously.

PROCLAMATION:

Mayor Sandra Whitehead read a Proclamation claiming October 23, 2014 as “Lights On Afterschool Day”.

NEW BUSINESS:

Discussion/Action Resolution #07 14/15 Extension of Pool Advisory Task Force to November 22, 2014.

City Manager Juan Fuentes explained the Pool Advisory Task Force has been working with staff to develop a plan to address the cost of running the pool. They have also been working on assisting staff to develop policies and procedures for the

pool. The members have not completed their work and are requesting an extension of 60 days.

Commissioner Kathy Clark asked if the Pool Task Force ask for Policy and Procedures on a Resolution.

City Manager Juan Fuentes answered, not specifically, they made a reference to add to the Resolution and found they needed to have this before continuing to do the work of the Task Force.

Mayor Sandra Whitehead stated she wished to know the progress to date, requesting that the Task Force come to the next meeting and update the Commission on their progress.

“Mayor Pro-Tem Steve Green moved to approve Resolution 07 14/15 Extension of Pool Advisory Task Force to November 22, 2014.”

Seconded by Commissioner Ruben Olivas.

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. Ruben Olivas responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Discussion/Action: Recommendation for appointment to Public Utility Advisory Board.

Judy Harris, City Clerk, explained the Public Utility Advisory Board had three current Members on a Board which is allowed 5 total Members. The Public Utility Advisory Board is recommending appointment of Daryle Jan Bennett and Jeff Dornbusch. Both applicants were present at the Public Utility Advisory Board Meeting or introduction and to present a brief overview of their background. The applicants have working knowledge of Water and Wastewater Operations, and will provide some working knowledge to the Public Utility Advisory Board that will serve well to the Board and City.

“Mayor Pro-Tem Steve Green moved to approve the recommendation of appointments by the Public Utility Advisory Board and appoint Daryle Jan Bennett

and Jeff Dornbusch.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

Discussion/Action: Appointment for Senior Joint Office on Ageing Board Of Directors. Item Removed from Agenda.

Discussion/Action: Authorization to Deposit, Withdraw and/or Re-Invest Balance Amounts of Maturing Certificates of Deposit for the Capital Improvement, Electric Construction, Waste Water Repair and Emergency Repair Accounts.

City Manager Juan Fuentes explained staff is recommending re-investing the public funds set aside by City Code.

Mayor Pro-Tem Steve green asked if we intended to keep this in town.

City Manager Juan Fuentes answered yes, they are for a 12 month period.

“Mayor Pro-Tem Steve Green made a motion to authorize balance amounts of maturing certificates of Deposits for the Capital Improvement, Electric Construction, Waste Water Repair and Emergency Repair Accounts.”

Seconded By Commissioner Ruben Olivas.

Motion Carried Unanimously.

Discussion/Action: Authorization to proceed with Acquisition of Financial System Software.

City Manager Juan Fuentes explained the City’s current Financial Accounting System (ADG) has been in place since 2000. Over the years, staff has expressed the need to upgrade our Financial Accounting System to meet the reporting needs of the state and state auditor. Tyler/Incode is a nationwide company that specializes in small municipalities to provide them with a robust Financial Accounting System. City Manager Juan Fuentes explained that on September 16th staff attended aa demonstration of the Tyler Financial Accounting System; he noted

the proposed cost and explained in a PowerPoint presentation. He noted the City's IT person, Bob Hupp, in the audience, and explained that Commissioner Kathy Clark had also attended the demonstration. City Manager Juan Fuentes gave several project costs, noting implementation & data conversion, License Fees, Annual Fees and two options; server for on premise option and the purchase, set-up, maintenance of an on-site server approximately every four years. He noted the difference in pricing was only \$14,000 or so; with the total and difference Hosted vs. on premise, totaling from 341,175.00 to 355,219.00. Manager Fuentes explained it is the recommendation of staff to procure the hosted Tyler Accounting system, with the initial investment estimated around 151,000. He noted the first year of financing would be 70,000 from Electric Division, 30,000 from Finance Department, 20,000 from Water, 20,000 from Solid Waste and 10,000 from savings within the General Fund. He also stated that in subsequent years, annual fees are to be shared amount the five major funds.

Mayor Pro-Tem Steve Green noted the savings from the Finance Director position.

City manager Fuentes noted that this fiscal year and also looking at assets.

Commissioner Kathy Clark noted the training was an informative day, in her opinion the system is absolutely fabulous. She noted the City should look at the additional option of a Construction program, which Tyler provides. She felt it was in the best interest to NOT make a decision without a cost beneficial analysis.

Commissioner Ruben Olivas agreed with the cost beneficial analysis; noting the advantages to have one, he also agreed we need policies.

Commissioner Jeff Richter noted the Construction portion, noting we need it, asking if it would be separate for that. He also spoke for a Resolution for the Cost Benefit Analysis.

City Manager Juan Fuentes answered yes, there is a separate add on for the Construction program.

Mayor Pro-Tem Steve Green asked if this passes, what is the time frame.

Bob Hupp, IT, sated basically both systems will completely operate on parallel.

City Manager Juan Fuentes noted that the transition could be accomplished mostly by the end of this fiscal year, and possibly complete by next fiscal year. Noting it was important to note the system with adjustments.

Bob Hupp, IT, noted the current adjustment process and trying to terminate the version we are on pushing out the time frame.

Commissioner Ruben Olivas asked how old our system is.

Bob Hupp answered it is a 2000 and went live in 2001.

Commissioner Kathy Clark noted that within 6 to 9 months we can be fully operational, the date of the next fiscal year, which means all the problem we have had will go away. She also noted the quarterly reports we send to Santa Fe, with this system we can type up the report we want and send it off.

City Manager Fuentes stated that is the goal, and hope it can be accomplished this fiscal year.

“Mayor Pro-Tem Steve Green moved to authorize staff to proceed with acquiring Financial Accounting System from Tyler Systems.”

Seconded by Mayor Sandra Whitehead.

Motion Carried with a four (4) to one (1) vote, with Commissioner Kathy Clark voting NAY.

Discussion/Action: Discussion/Action: Temporary License Agreement with Affordable Solar Installation, Inc., for Construction Activities.

Jay Rubin, City Attorney explained the City Commission approved the PPA and lease agreement for the construction of the solar farm. The lease agreement adopted on September 9th does not go into effect until 45 days from the date of adoption. Affordable Solar would like to proceed with preliminary work during the 45 day waiting period. The proposed License agreement will authorize Affordable Solar to proceed forward with some work on the project site.

Item 8.Option to Extend was discussed, and noting that item could be removed from the Agreement, then renumber items. On item 1.Term, it was noted the number should be 61 and not 60 days.

“Mayor Pro-Tem Steve Green moved to approve the Temporary License Agreement with Affordable Solar Installation, Inc., for Construction Activities, amended to 61 days, beginning on October 1 to November, for the sum of \$1000, deleting item number 8 and renumbering items.”

Seconded by Commissioner Ruben Olivas.

Motion Carried with a vote of four (4) to one (1), with Commissioner Jeff Richter voting NAY.

Discussion/Action: Designation of Construction Account for Street Sweeper & Discussion/Action Designation of Construction Account for Waste Water Treatment Plant.

City Manager Juan Fuentes stated he would discuss both items together. He explained that in order to proceed with the accounts the city must meet several conditions, one of those items was to Open Construction accounts for both.

City Manager Juan Fuentes explained that staff has identified two dormant checking accounts that can be closed and transfer balances to the two new USDA Construction Accounts for the Street Sweeper and Waste Water Treatment Plant, he explained that both accounts have been dormant for the past two years.

“Mayor Pro-Tem Steve Green moved to approve Designation of Construction Account for Street Sweeper.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

“Mayor Pro-Tem Steve Green moved to approve Designation of Construction Account for the Waste Water Treatment Plant.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Discussion/Action: Resolution #13 14/15 Authorization to seek Interim Financing with RCAC for the Waste Water Treatment Plant.

City Manager Juan Fuentes explained that the USDA Letter of Conditions requires that the City submit for review and approval the plans, design and construction plans for the project before releasing funds. An interim loan is required to authorize Smith Engineering to proceed with the plans, design and construction documents. City Manager Fuentes noted USDA will reimburse all costs associated with the interim financing. RCAC works regularly with USDA to provide interim financing for USD applicants, he estimated the amount to be 400,000 and we did receive state 135,000. He noted that Bill Slettom was in attendance if the Commission had questions.

Mayor Pro-Tem Steve Green asked about a fiscal agent.

City Manager Juan Fuentes stated he reached out to Jay (SCCOG) for fiscal agent.

Commissioner Jeff Richter stated that when we prepare the legal documents we should use full legal names. (Rural community Assistance Corporation)

“Mayor Pro-Tem Steve Green moved to approve Resolution #13 14/15 Authorization to seek Interim Financing with RCAC for the Waste Water Treatment Plant Project.”

Seconded by Commissioner Ruben Olivas.

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. Ruben Olivas responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Discussion/Action: Authorization to Close Accounts #48116 and #48117.

City Manager Juan Fuentes explained that staff had identified two dormant checking accounts, in the Bank of the Southwest, that can be closed and transfer fund balances to the two new USDA Construction accounts for the Waste Water Treatment Project. He noted the accounts as #48116 - Local DWI Account \$22.51; and #48117 - DWI UA Screening \$1,321.55 have been dormant for the past two years.

“Mayor Pro-Tem Steve Green moved to authorize staff to close accounts #48116 and #48117.”

Seconded by both Commissioner Ruben Olivas and Mayor Sandra Whitehead.

Motion Carried Unanimously.

Discussion/Action: Resolution #11 14/15 Budget Adjustment.

City Manager Juan Fuentes explained the budget resolution accounts for the activity related to the USDA Construction accounts/funds. The Resolution amends the budget to close two funds and establish two new construction funds; he noted

that fund #63 for the USDA Sweeper and fund #64 for the USDA Waste Water Treatment Plant Project.

“Mayor Pro-Tem Steve Green moved to approve Resolution #11 14/15 Budget Adjustment.”

Seconded by Commissioner Ruben Olivas.

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. Ruben Olivas responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Discussion/Action: Resolution #12 14/15 Resolution Supporting Construction of a Visitor Center.

City Manager Juan Fuentes explained the purpose of this Resolution is to purpose an interim Visitor Center; it is anticipated that the first flight will happen the first half of 2015. Plans to open the Welcome Center in T or C have been delayed and it is not expected to be constructed by the time the first couple of flights take place. He noted there will be an influx of activity during those flights; there is interest in the community to establish an interim Spaceport Information Hub while NMSA gets the financing and construct the facility in Truth or Consequences. This Resolution calls for NMSA to collaborate with the City and other organizations to establish the interim Spaceport Information Hub.

Mayor Pro-Tem Steve Green thanked Commissioner Jeff Richter and Commissioner Kathy Clark, he noted that the Public Comment reference had been made to change the third Whereas to “in the near future” and removed the date of March 2015; he noted a document sent to Ms. Anderson.

Commissioner Kathy Clark noted she heard 6.5 million, then 8 million, and 6.5.

Mayor Sandra Whitehead agreed.

“Mayor Pro-Tem Steve Green made a motion to approve resolution 12 13/14 in Support of Construction of a Visitor Center; with a change to the third Whereas to read in the near future instead of by March 2015.”

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. Ruben Olivas responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

EXECUTIVE
SESSION:

“Mayor Sandra Whitehead moved that the meeting be closed for Executive Session pertaining to:

1. Purchase, Acquisition or Disposal Real Property 10-15-1H (8)
 - a. Related to Property at 1310 Nickel Street.”

Seconded by Mayor Pro-Tem Steve Green.

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. Ruben Olivas responded AYE to a Roll Call Vote.

Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

OPEN SESSION:

“Mayor Sandra Whitehead noted the Commission was back in Session; stating that only items related to:

1. Purchase, Acquisition or Disposal Real Property 10-15-1H (8)
 - a. Related to Property at 1310 Nickel Street.”

“Mayor Pro-Tem Steve Green moved to approve the generous offer and authorize staff to accept and proceed with the purchase acquisition.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

ADJOURNMENT: With no further business to come before the Commission, Mayor Sandra Whitehead called for a motion to adjourn.

“Commissioner Kathy Clark moved to adjourn.”

Seconded by Commissioner Ruben Olivas.

Motion Carried Unanimously.

CERTIFICATION: Passed and approved this _____ day of _____, 2014, on a motion made by Commissioner _____, and seconded by Commissioner _____, and carried.

Sandra Whitehead, Mayor

Judy M. Harris, City Clerk

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, March 26, 2013 at 6:00 P.M.

The meeting was called to order by Mayor Mulcahy who presided and Mary B. Penner, City Clerk acted as Secretary of the meeting.

Upon calling the roll the following Commissioners were reported present:

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

Also present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
Mary B. Penner, City Clerk

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

Mayor Mulcahy called for fifteen seconds of Silent Meditation.

Mayor Mulcahy called for the Pledge of Allegiance with Commissioner Kertesz leading the Pledge of Allegiance.

1.

Mayor Pro-tem Sandra Whitehead turned the meeting over to City Manager Juan Fuentes.

City Manager Fuentes noted this was just a follow-up Work Session from our last meeting, on the two proposed Ordinances; stating that John Appel would be on the phone again for the discussion, and noting Mr. Appel would be going over the discussed changes proposed in the previous meeting. City Manager Fuentes also noted we had two people in the audience from the New Mexico Environmental Department present tonight; John Rebar and Daniel Valenta, they are on hand to discuss any questions we may have. City Manager Fuentes broke to call Mr. Appel. Manager Fuentes noted that John Appel would be going over the proposed changes, noting the Ordinances would be projected on the screen with corrections in red.

Mr. Appel thought that was a good idea and a provision was in the Ordinance for that, noting he would look at the Ordinance. He noted it was in the other Ordinance and should be added in this one as well.

Klaus Written approached and spoke asking if there has there been a meeting date for the State Engineer or Environment Department present. He also spoke of problems of additional wells on properties.

1. An Ordinance relating to discharge or disposal of geothermal waters from the hot springs aquifer system; providing alternative methods for the discharge of

geothermal waters; requiring a City permit for the discharge of geothermal waters to facilities owned and operated by the City; and providing for fees to cover City expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the City.

John Appel noted this Ordinance was relating to the Discharge or Disposal of Geothermal waters that are derived from the hot springs aquifer system; and there are three ways this can be done. This is an effort to supplement the existing City and State Regulations. Mr. Appel explained the proposed changes in the second Whereas, he added a technical specification by adding “or locations”. On the second page, item (b) he noted two word changes “both”: and “and” instead of or. On Page three, item E, he added the fee of one hundred dollars. In item E.1.), he added “as long as the property for which the permit issued does not change ownership during that period, and will be” In item E.2.) he added “one hundred twenty dollars for each point of discharge to the Hot Ditch from a private residence, and an annual fee of three hundred sixty dollars, and “bathhouse or other commercial facility.” In item E.4. “Permits for discharge to the Hot Ditch are personal. If a property is sold or otherwise transferred to a different owner or owners any permit issued to the former owners becomes void and the new owners shall apply for a permit within one month following the change of ownership:.. Mr. Appel stood for questions.

City Manager invited John Rebar for a broad overview of the NMED.

Mr. Rebar, with the NM ED Ground Water Quality Bureau, noted he wished to go over some of the regulations covered under the NM Water Quality Act 20.6.2, it is specifically for discharge. He spoke regarding the permitting; Mr. Rebar explained that the forms are available on line through the NMED for discharge. Mr. Rebar explained the permitting process. Noting the Ground Water Quality Bureau website has the applications on line for discharge. Mr. Rebar explained the Bureau takes the information and makes a determination if a permit is required. Mr. Rebar explained the different situations which would require a permit; also noting that all the appropriate information was available on line through their website. Mr. Rebar noted some of the required information for the application process; and the requirements involved for permitting.

Mr. John Appel broke in and asked to be excused to attend another meeting.

Mr. Rebar explained the discharge permit, some of the events regarding a permit; he spoke of notifications posted in the newspapers. This requires plans and specs be submitted to them for any project.

Mayor Pro-tem Whitehead explained Mr. Rebar would be allowed to speak a few minutes more, and then we must start our regular meeting.

Commissioner Kertesz asked how the NMED coordinates with the City.

Mr. Rebar stated the discharge permit would be issued to the City, and then the technical

review could begin.

Commissioner Green asked if the City was notified in this case.

Mr. Rebar noted yes, the Department notifies the City, there are notifications placed in the paper. The City will be on the interested parties list for notification.

City Manager Fuentes noted the paperwork that states that the City is notified.

Mayor Pro-tem Whitehead asked for public comment.

Kathy Clark approached and asked about the public notice.

Mr. Rebar stated yes, and you can be added to the interested parties list regarding the project, and then you would be contacted.

CITY OF TRUTH OR CONSEQUENCES
TUESDAY, DECEMBER 10, 2013
REGULAR MEETING

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 for regular meeting in full conformity with the law and ordinances of said commission in the city commission chambers of said city, on Tuesday, December 10, 2013, at 6:05 p.m.

PRESIDING
OFFICER:

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

ATTENDANCE:

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
John J. Rebar Jr, Environmental Scientist
Daniel Valenta, New Mexico Environment Department
Kevin Bassalleck, Affordable Solar
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 seconds of Silent Meditation.

Mayor Pro-tem Sandra Whitehead called for the Pledge of Allegiance with Commissioner Steve Green leading the Pledge

APPROVAL OF AGENDA: Mayor Pro-tem Sandra Whitehead head noted the items on the Agenda, asking for a motion to approve.

Commissioner Steve Green noted he wished to delete the draft minutes from the Public Utility Board, the Draft Minutes form the Planning and Zoning Commission from 9/3; and the draft Minutes for the 1st of October, also from the Planning and Zoning Commission.

Seconded by Commissioner Kertesz.

Motion carried unanimously.

COMMENTS FROM THE PUBLIC: Klaus Wittern approached the podium and commented regarding the Work Shop information, hoping to have more time in the Regular Meeting to address the Commission.

Howie Tucker, Golf Pro, approached the podium and encouraged the new Police Officers to visit and play at the City Course.

CONSENT CALENDAR: Mayor Pro-tem Sandra Whitehead called for a motion to approve the Consent Calendar.

Commissioner Steve Green moved to approve the Consent Calendar, with removal of all draft minutes.”

Seconded by Commissioner Mike Kertesz

PRESENTATIONS:

POLICE DEPARTMENT:

Chief of Police Priscilla Mullins presented Officers of the Truth or Consequences Police Department; noting service and accomplishments.

DOWNTOWN MASTER PLAN:

Assistant City Manager/Community Development Director Bill Slettom introduced a PowerPoint presentation on the Downtown Master Plan.

(Information provided for the Record.)

Mr. Slettom stated that last week the first meeting was attended well, noting that they went through approximately half of the Agenda, and would meet again next week.

Commissioner Mike Kertesz asked what the wording in the scope of work Asset Inventory consisted of.

Asset Inventory part of the Downtown plan is a survey of built assets and cultural assets downtown.

Commissioner Green asked about the meeting coming up the 16th, wondering if notifications were sent out, and if the survey could be put in the paper.

POLY-CART PHASE I:

Sanitation Director Leonard Carrillo explained they had received 500 of the poly-carts, noting they came disassembled as far as the tires and the axels. We started assembling them, and then the Bountiful Alliance came and helped assemble them. He noted they had gone house to house, taking inventory of how many homes, where to place the carts, noting they spoke to many residents. Noting December 16th they would start distribution on Arrowhead going towards Rodeo Arena. Mr., Carrillo noted they were going to document houses with addresses and number the carts, so carts can be accounted for. Mr. Carrillo noted that this would enable them to keep track of the poly-carts and better serve when residents moved or relocated. Mr. Carrillo noted residents that wished more than one poly-cart would be able to have more than one, they would be numbered. Residents would be made aware of the prices; and noted the start dates and removal of dumpsters from the area. If residents wished to keep dumpsters, it would be allowed, the resident would have to pay the fee for the dumpster.

Commissioner Kertesz asked what happened when someone left the area how does the new owner receive service.

Mr. Carrillo noted they were working with the Utility Department with removal for those who moved and placement for new residents, in coordination with the Utilities.

(Information provided for the Record)

OLD BUSINESS: Mayor Pro-tem Whitehead noted next was *Proposed Ordinance for Publication: An Ordinance relating to discharge or disposal of geothermal waters from the hot springs aquifer system; providing alternative methods for the discharge of geothermal waters; requiring a City permit for the discharge of geothermal waters to facilities owned and operated by the City; and providing for fees to cover City expenses incurred for the collection and treatment of geothermal waters discharged to facilities of the City.*

City Manager Fuentes asked the Commission to address both Ordinances at once as was done in the Work Shop.

Mayor Pro-tem noted the second *Proposed Ordinance for Publication: An Ordinance relating 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 Fuentes noted that there were still questions from the Public and requested they be allowed to speak.

Kathy Clark, Charles Motel, approached with her concern with the Ordinance for Discharge. She noted her worry was that Commercial Properties would be required to have a permit and the fact that in five years they would have to re-apply. Ms. Clark noted and questioned the charges being proposed. Ms. Clark's other concern was ditch testing for grey water and questioned if administrative criteria was ready or being worked on.

City Manager Fuentes noted no they had not been working on that.

Klaus Wittern asked to be able to submit written questions for review and discussion at a different time. He asked if there was a target date for publication.

City Manager Fuentes noted additional comments and depending on how the Commission felt about moving forward, noting it would be brought back in the January meeting.

Mr. Wittern noted his concern was mixing commercial with residential waters, and felt it was not good public policy, noting contamination would be hard to detect. He strongly urged the Commission to attempt to separate the two, which would extend the life of the hot ditch for some time. He noted the City needed to know the potential amount of discharge to the system.

George Szigeti approached and agreed with Mr. Wittern about combining the Commercial and residential, noting how hard it would be to measure the discharge. He questioned the two gentlemen from NMED, under certain circumstances a permit would not be required, what would those circumstances be?

Mr. Rebar, NMED, answered that it would depend if the proposed discharge met with any exceptions. He noted technical analysis of discharge.

Mr. Szigeti asked about his concern with the hot ditch connections, noting grandfather wells and now allowing new connections.

With no further questions, Mayor Pro-tem Whitehead turned the discussion over to City Manager Fuentes.

City Manager Fuentes noted that to make sure we covered everything, we might check if there are any further questions on the second Ordinance

Jay Rubin noted questions and changes on the Ordinance regarding the Moratorium.

City Manager Fuentes noted several suggestions that had been made.

Commissioner Green questioned that the Moratorium is set to expire; and if we had the time to bring this back with the expiration coming.

City Manager Fuentes noted February 28, 2014, and we do have time.

Commissioner Green questioned if we had enough time to answer the questions raised prior to the expiration of the Ordinance, he also noted that we need to do this right, if we have to change this and bring this back later with questions answered it would be better.

City Manager Fuentes noted the Commission had time to find the answers and bring this back before the expiration of the Moratorium.

Mayor Pro-tem Whitehead asked for further questions.

Commissioner Richter had two comments on the Ordinance for the Discharge of geothermal waters. He thought they needed to remember, on both of these Ordinances, why we are doing this, we had a study done to protect our resources, and what we are trying to do is to qualify the demand on resource and find a diversion, on how much water is being put out. Commercial user's charges, noting that it wish to base the charges on the discharge.

Commissioner Green wished a point of clarification on page two, regarding the degradation of water to be disposed. He questioned if reading or testing would be done to make that decision.

City Manager Fuentes deferred the question, and will find the answer to that.

Mayor Pro-tem Whitehead noted the two Proposed Ordinances and asked the Commission if they wished to do them one at a time.

City Manager Fuentes asked the Commission to postpone both items, and bring them back at the next meeting, January 14th.

“Commissioner Steve Green moved to postpone both Ordinances, one relating to the

Discharge and one relating to Permitting.”

Seconded by Commissioner Mike Kertesz.

Motion Carried unanimously.

Amended Election Resolution March 4, 2014 Election

City Clerk Judy Harris explained the Amended Resolution was due to a mistake in the date in item F. Absentee Voting; noting the change of date from March 4th to the corrected date of February 28, 2014 for applications for absentee ballots to be completed and accepted by the Municipal Clerk.

“Commissioner Steve Green moved to approve Amended Resolution #15 13/14, in English and in Spanish.”

Seconded by Commissioner Mike Kertesz.

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.

Recommendation by Golf Course Advisory Board for Restrooms at the Golf Course;

City Manager Fuentes noted this was brought up in the last meeting with a recommendation from the Golf Course Advisory Board. He noted that Howie Tucker, the Golf Pro was in the audience.

Howie Tucker, Golf Professional approached and asked if there were any questions from the Commission.

Commissioner Mike Kertesz asked about the costs provided in the bids.

Mr. Tucker noted this was a portable toilet, and the Golf Course would do the hook ups and foundation.

Commissioner Kertesz noted the high costs, and asked if it was the only handicapped toilet at the Golf Course.

Commissioner Green noted that the contract calls for payment up front, asking if the

Company was investigated prior to acceptance.

City Manager Juan Fuentes noted we can make progress payments, we do not pay in advance, and we can make progress payments, but the City does not pay in advance.

Commissioner Steve Green asked if the funds were coming out of the one dollar fund.

Mr. Tucker answered that this is coming out of the Golf Advisory Board funds

Commissioner Richter asked about set up.

Mr. Tucker noted his staff would be doing most of the work, except the foundation.

City Manager Fuentes noted that the Public Works Department would be assisting with the foundation, and all the funding was coming from the Capital Improvement fund.

“Commissioner Steve Green moved to approve the project with the bid to go to Porta-John Industries”.

(Information provided for the Record)

Mayor Pro-tem Whitehead noted and thanked City Employees in the audience.

NEW BUSINESS:

Resolution #17 13/14 Budget Adjustment

Finance Director Leo Silva approached and explained the two Budget Adjustments, noting the first was the one just spoken about, the \$19,000 for the Golf Course Restrooms; he noted the second was a Fire Department Grant awarded to them for equipment in the amount of \$115,000. Mr. Silva stood for questions.

“Commissioner Green moved for approval of Resolution #17 13/14 Budget Adjustment.”

Seconded by Commissioner Mike Kertesz.

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.

Authority to Proceed issuing required professional service for Electric Utility Distribution System.

City Manager Juan Fuentes noted the purpose is to issue an RFP to Improve the Infrastructure of the City. He noted a previous study was done in 2003. Explaining items still needed to be done regarding the study. Manager Fuentes noted that we are working with the engineers on the water systems and water study report, we also did the Solid Waste, and what we are doing is looking at the needs of the system for improvements, noting the funds are available for the study. Manager Fuentes noted that Gil and Ed from the Electric Department were here in the audience to address any questions from the Commission.

Commissioner Mike Kertesz addressed the executive summaries asking where we are on the list of deficiencies.

Gil Avelar Electric Department answered the Commission had the list of deficiencies.

Commissioner Richter asked about the differences of deficiencies, asking about dollar amounts on some of the deficiencies.

Gil Avelar and Ed Williams, Electric Department, answered that it depends, but some of the deficiencies had been done, but with the change of times, they needed to be updated; and answering several questions and noting that some items had been fixed.

Commissioner Green questioned cost from 2003.

Gil Avelar replied it was about ten grand.

City Manager Juan Fuentes noted it could be between \$150,000.00 and the cost of the water study, noting that the study was over 10 years old, and we are attempting to improve the system, and plan phases and what improvements are needed.

Ed Williams noted that the system has grown in the 10 years, and needs have changed.

Commissioner Jeff Richter questioned several items in the old study and the costs involved.

Gil Avelar answered several items in questions and noted some of the items had been addressed and some where only partially addressed.

Ed Williams also addressed several items, and explained various reasons that changes in times had created the need for updating the study.

Commissioner Green noted deficiencies and questioned items and costs of the 2003 Study.

Gil Avelar and Ed Williams both noted some of the instances that questions had been

raised, and how isolation of several problems had made them consider updates to the system, noting this study would address those and other problems.

City Manager Juan Fuentes noted that this study would enable us to better plan the long term look of the system, the costs could be similar to the water study.

“Commissioner Steve Green moved to approve the request for the RFP to proceed with the Study.”

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem called for the vote.

Motion Carried Unanimously.

Interconnect & Net Metering Program

Mayor Pro-tem Whitehead noted the subject matter and called Electrical Department Supervisors Gil Avelar and Ed Williams both approached the podium.

Mr. Avelar explained that the City had requested that WH Pacific look at the Metering possibilities for the City in light of the fact that solar had wanted to be put in the City and we told them we didn't have a way to meter them properly, so looking to the future we asked them to look at the study and we came up with this solution that is before you today.

Mr. Avelar noted that we can install the metered system that WH Pacific came up with; what we do know is we only have one system up in the City and this is what we propose to do.

Mayor Pro-tem Whitehead asked the Commission if they had questions.

Commissioner Kertesz noted since we have a partner who provides us electric, which is Sierra Electric Co-op, would it be a good idea to pass this through them.

Ed Williams noted he did not feel this needed to go to Sierra Electric Co-op for this, as it did not deal with what they provide; when it comes to the Solar Farm it would make a difference then, for generation.

Gil Avelar noted that they are well aware of this proposal, and they didn't not have any problem with it.

Commissioner Richter noted items in the Contract which noted the Customer is responsible for the actual cost of the interconnect, what does that amount to, money wise and then material wise.

Both Mr. Avelar and Mr. Williams asked George Szigeti to approach and explain his costs, as he has the only system so far.

Mr. Szigeti noted when they put in their system in they had to upgrade the service connection from the pole, as he recalls, he noted it depended on the distance to the pole, his cost was about \$150.00, which may differ in newer homes, as updates may not be needed. He stated it is not a huge cost.

Commissioner Richter questioned indemnification and insurance costs, is it on homeowners insurance or is it a different coverage.

Mr. Szigeti noted it depended if it was under 10kw or over 10kw, and he was not sure which section that was under.

City Manager Fuentes noted that we had Kevin Bassalleck with Affordable Solar Energy who would speak on the next item on the Agenda, but perhaps he could answer some questions regarding this.

Kevin Bassalleck spoke about the process and language and that they were familiar with the work of WH Pacific and the State; noting it would cover safety issues, and the technical specifications were covered under the building codes. As for cost, it would depend on if it's residential or commercial, requirements of upgrades needed or not, he explained some interconnection costs were based on the size of the interconnect project.

Commissioner Green asked about item 6 regarding interconnect and noted it was optional, was that an oversight.

Mr. Bassalleck considered but was not sure of the answer in that instance.

City Manager Fuentes noted this was a recommendation to the Commission to act on approval of the Interconnection and new Metering Program. as recommended by staff, and also by the Public Utility Advisory Board.

“Commissioner Steve Green moved to approve the two documents, Interconnection and New Metering Program for both, one which covers 10kw and the other over 10kw with the exclusion of the word optional next to the word indemnification.

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Whitehead called for the vote.

Motion Carried Unanimously.

Interconnection and Net Metering Application Wal-Mart Solar Project

Mayor Pro-tem Whitehead noted the subject matter and asked Gil Avelar, Electric Division to approach.

Mr. Avelar noted documents which were in front of the Commissioners, he noted several items which needed to be addressed and he stated he didn't know if that had happened, but otherwise we are good to go.

Mayor Pro-tem Whitehead asked the Commission if they had any questions

Commissioner Mike Kertesz asked about whether Sierra Electric Co-op was aware and had they reviewed this agreement, and if they had any concerns.

Mr. Avelar stated they had spoken to them and was not sure if they had reviewed the documents, noting they did not have any problems.

City Manager Fuentes noted Mr. Basset in the audience, who was in charge of this project for Wal-Mart; he noted that also the Commission had previously amended the Code in an earlier meeting, so we could proceed with the project, in the Code it requires they come before the Commission for approval.

Mr. Bassalleck spoke of the application form, noting it was the same form that Electric Companies and others used. Noting they would be obligated under the State to be involved in the process. Noting that he believed that in the agreement, it stated The safe for used for up to 10mw is familiar to the Co-op and the State, to allow that system. It states the technical requirements and screening process, which identifies cost to interconnect the systems, it identifies upgrades needed.

Commissioner Mike Kertesz asked about the primary disconnects.

Mr. Basset answered yes; they would provide that, we would provide the meter for the construction as well. All of our systems interconnect is on the customer side and all is regulated and provided through the Code.

Commissioner Green noted he had no questions but stated that, if approved, the City will be the only one in the State of New Mexico to have this project, noting that the only one with a Solar covered parking at Wal-Mart. As the project moves forward it would be prudent to advise our public relations, Griffin and Associates of this project, because it is phenomenal marketing and advertising for the City.

City Manager Juan Fuentes noted that City Staff was recommending approval of the project, so that we can proceed with the technical aspects of the project with Wal-Mart.

“Commissioner Steve Green moved to approve the Interconnection and Net Metering application for the Wal-Mart Solar Project.”

Seconded by Commissioner Jeff Richter.

Mayor Pro-tem Whitehead called for the vote.

Motion Carried Unanimously.

City Economic Development Coordination

Mayor Pro-tem noted the subject matter and requested Commissioner Green present.

Commissioner Steve Green stated he wished to give a history on where we are right now; as the Mayor, John, has moved on, and was the Director of SCEDO, and we are getting a lot of press on SpacePort and when the inquires come in we handle the ball and proceed in a professional manner; Commissioner Green noted the amount of press the City has received.

Commissioner Green noted the visit by Virgin Galactic to the Airport, since nothing was said about the visit, Commissioner Green had gone to the Airport only to find out that Mayor Mulcahy had been in attendance, but had not said anything about the visit. Noting we must not be top driven. The second one, Virgin Galactic had a tour and used the facilities at the Civic Center and was run by invitation only, if the Mayor was a party to, If John had spoken up the Commission could have made arrangements to prepare gift baskets, telling why they should come here, He also noted they brought in coffee and food items, from Las Cruces, noting there would have been many here who would have been able to provide services. Commissioner Green noted his wish to put together an Economic team, so we are ready when that phone call comes in we are ready and will follow up on that and share it with the Commission. He noted he wished to put together a team, who is going to field the phone call, who will show the potential customer around the City, who's going to be the responsible person and share it, who is going to be the one to show the demographics, we have a year and a half, and the preparation time is now. . Stating he wished to put together a team, two commissioners, because if there are three they have to worry about a quorum, working with the go to person on staff. What are our strengths and what are our weaknesses. Noting he would volunteer to be on that team, but we all need to consider who would be on the Committees. He requested that the City Manager put it on the January meeting.

Commissioner Mike Kertesz asked about the two Boards, the Economic Committee and the Citizens Advisory Board.

Commissioner Green noted one was the Economic Development and the other was a Citizens Advisory Board which had a start date and an end date. Commissioner Green asked again to have this on the January meeting.

Commissioner Mike Kertesz asked that Staff look at the positions that John Mulcahy had served on, so we may redistribute them.

Commissioner Green noted that he thought he was on the JPC and he was the City's representative to SCEDO, noting that SCEDO was not longer a consideration as they had disbanded. Commissioner Green asked City Manager Fuentes if that was correct. Another thing Commissioner Green thought each of the Commissioners should consider reporting anything going on that they were aware of, so to enlighten the Commission as a whole.

Mayor Pro-tem Sandra Whitehead noted she wished for more notice when something of importance was to occur in which she needed to attend, giving more notice to prepare, including all the Commission needed to have notice in advance of any event.

REPORTS:

City Manager: Reported that the City had received the Certificate of Occupancy, for the Swimming Pool, from Municipal CID, noting the emergency gate needs to be installed then the final walkthrough would be done, and would hopefully have a date for the grand opening. Manager Fuentes noted they received approval from New Mexico Department of Finance and Administration to dispose of or demolish the of the mobile home trailers, staff will be doing that soon. Manager Fuentes noted concerns of a resident regarding the trees being removed at the Civic Center, he supported staff's recommendation of the removal of the tree; noting staff did their job as they were supposed to, and he supported their position in their decision to remove the tree.

Attorney Jay Rubin – No report.

Commissioner Mike Kertesz – No report.

Commissioner Jeff Richter: Reported that he and City Manager Fuentes had met with Karen Webber, the Program Director at Western New Mexico at the Gardner Learning center, noting that pursuant with the MOU with WNMU regarding goals, and how they were preceding, their goals and if they are meeting the goals of the Community, to be better aware of their goals and if they were meeting the needs of the Community. One of the things that came out of that meeting was that they have about 60 enrolled in the University, and they are working on 25 GEDs right now. One of their goals is to possibly offer a BA in Business Administration; they did say is the program was to meet the needs of the Community, whatever they may be. Right now they want to offer some community education classes which would have some heavy instances of math and writing, one other thing the community has asked for is classes in customer service, noting we are lacking employees with customer service.

Commissioner Steve Green noted Commissioner Richter's report and expanded on the Customer Service training, noting the need for training. Commissioner Green wished all a good Holiday's. He thanked those who put together the 340 Poly-Carts last week; he noting they would do the balance of 110 tomorrow. He requested from Staff, not to have anything brought before the City Commission that comes from a City Board that they have not had the privilege to read the minutes first, Commissioner Green spoke of the

Boards making decisions. Put on Agenda for January 14th, a moratorium on new Billboards, and he wished to take a look at the variance, for future discussion. Wants to call Caroline Windsor for information on the tour which went to SpacePort what they learned what they heard and come here to tell the Commission what was learned. Commissioner Green noted he attended ribbon cutting, in Las Cruces for the new inter-terminal Bus, for the South Central Regional Transit District. As a comment he noted the City Web site is not serving us well at all, noting money constraints, he stated we have got to upgrade the City's website, to serve us better.

RESPONSE TO
PUBLIC
COMMENT: None

EXECUTIVE
SESSION: Mayor Pro-tem Sandra Whitehead moved that the meeting be closed for Executive Session pertaining to:

1. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8)
Related to Disposition of Real Property – Cook Street

Seconded by Commissioner Steve Green.

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.

OPEN SESSION: Mayor Pro-tem Sandra Whitehead stated that the Commission was now in Open Session.

“Commissioner Steve Green certified that only matters pertaining to:

1. Purchase, Acquisition or Disposal of Real Property 10-15-1H(8)
Related to Disposition of Real Property – Cook Street

Was discussed and no action taken.”

“Commissioner Steve Green moved to authorize Staff to move forward with disposal of property on Cook Street to interested party, offer to sell property on Cook Street.”

Seconded by Commissioner Mike Kertesz.

Mayor Pro-tem Sandra Whitehead called for the vote.

Motion Carried Unanimously.

ADJOURNMENT: “Commissioner Mike Kertesz called for Adjournment.”

Motion Carried Unanimously.

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

CERTIFICATION: PASSED AND APPROVED this _____ day of _____, 2014, on a motion duly made by Commissioner _____, seconded by Commissioner _____, and carried.

ATTEST:

Sandra Whitehead, Mayor Pro-tem

JUDY M. HARRIS, CITY CLERK