

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
NOVEMBER 17, 2014

Action Minutes

The Truth or Consequences City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met for Advisory Board Interviews, in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, November 17, 2014 at 4:00 P.M., in the Commission Chambers, 400 W. Fourth, Truth or Consequences, New Mexico.

Mayor Sandra Whitehead opened by explained we were here regarding Interviews for Advisory Board Positions.

Mayor Sandra Whitehead stated Interviews for Advisory Board Position for the Senior Joint Office on Aging (SJOA) Board of Directors, One Position Open; noting there were five applications received for the position. Mayor Whitehead noted the first candidate was to be David Webster; acknowledging that Mr. Webster was not present, the Commission would allow ten minutes time prior to continuing to the next candidate. Mr. Webster did not arrive by 4:10 PM.

Mayor Sandra Whitehead noted the next candidate Anne C. Whitney was not present at this time, and allowed wait time prior to continuing. Ms. Whitney did not arrive.

Mayor Sandra Whitehead called Connie Langdon to approach.

Connie Langdon introduced herself and explained she came to Sierra County in May of 2006, she noted her experience in Grant Writing, and being a CPA, she explained her reasons for wishing to be on the SJOA Board of Directors.

Mayor Sandra Whitehead called upon Paul Johnson to approach.

Paul Johnson approached and introduced himself, he noted he went by the name of "Ed", he explained his work of over 35 years with the Forest Service, and Government Experience; he explained his reasons for wishing to be on the SJOA Board of Directors.

John Wheeler approached and introduced himself; he noted he owns apartments in town, lives in Palomas Canyon, noting he practiced law, married and that his wife is in a nursing home currently. He explained his reasons for wishing to be on the SJOA Board of Directors.

Mayor Sandra Whitehead thanked those who wished to be appointed to the SJOA Board, noting the decision for appointment would be made in tonight's meeting.

Mayor Sandra Whitehead explained interviews for one open position on the Golf Advisory Board, she asked Larry Mullenax to approach.

Larry Mullenax approached and introduced himself; he noted he has been in the area for 8 years, has an accounting degree, CPA, worked with Department of Finance and an auditor, plays Golf three or four times a week; and when asked explained his handicap of 14. He explained the reason he volunteered to be on the Golf Advisory Board.

Mayor Sandra Whitehead thanked Mr. Mullenax for attending.

CITY COMMISSION
WORKSHOP
NOVEMBER 17, 2014

Action Minutes

Mayor Sandra Whitehead noted the first workshop this evening would be Discussion/Public Input regarding Branding and marketing Truth or Consequences. She called upon Commissioner Kathy Clark to address the matter.

Commissioner Kathy Clark acknowledged she had requested this item on the Agenda, she noted the issues to discuss were how to Brand our County, she noted struggles with naming a Brand and the fact that Elephant Butte was pulling away going on to create their own brand, she explained we needed a Brand that defines us. She noted the Downtown Master Plan and the Comprehensive Plan; she acknowledged 26% entertainment, 17% art and 13% retail. Commissioner Clark stated the GRT has been flat the last four years; with Lodgers Tax up with a steady increase. Noting the average age of 60; she spoke of tourism and retirement, and the need to come up with a slogan.

Commissioner Jeff Richter acknowledged that Sierra County is a large County, Truth or Consequences is a dot, we do a lot in the County but not in the City; he explained we need to decide first what the market is; Spaceport and holiday Express, the Unique Hot Mineral Water.

Mayor Pro-Tem Steve Green stated we need to create a pot of money to support the Senior Joint Office on Aging, the Golf Course. We need to decide where we are, where we wish to go, and where we want to be.

Mayor Sandra Whitehead noted we needed to move forward, lead and let the others follow.

City Manager Juan Fuentes noted the need for opportunity using limited resources; he spoke of Lodgers Tax monies and how to better use them.

Mayor Sandra Whitehead opened the comments to the Public.

Ariel Dougherty noted that Commissioner Clark was right, we have to focus; she spoke about Natural Wonders, hiking, biking and birding; a natural model study in the aging population and sustainability of food and housing.

Commissioner Jeff Richter spoke of the City having a consultant for this and which direction they wished to take.

City Manager Juan Fuentes explained that Joanie Griffen worked County wide for Sierra County Tourism.

Mayor Pro-Tem Steve Green stated the City always waits for someone to fix us, we need to create our own dream, he explained the definition of a Tourist is someone who travels 75 miles, he noted we need to decide what is our marketing message.

Commissioner Kathy Clark explained we need to take one step and focus on something, making an action plan.

Mayor Sandra Whitehead noted the second workshop was regarding discussion/action of the proposed Ordinance for publication, an Ordinance granting to New Mexico Gas Company, Inc., a Delaware corporation, it's legal Representatives, successors, lessees and assigns, grantee herein, certain powers, license, right of way, privileges And franchise to construct, operate and maintain in the city of Truth or Consequences, New Mexico. Mayor Whitehead requested that City Manager Fuentes address the matter.

City Manager Juan Fuentes explained the City has had a franchise agreement and this is a standard agreement throughout New Mexico for use of right of way, the previous agreement with them was for 2% fee, the new agreement would increase that from 2% fee to 3% fee. He stated that New Mexico Gas has agreed to the increase.

Commissioner Jeff Richter asked how the Gas Company recoups its costs.

City Manager Juan Fuentes answered that the fee is passed on the customers.

Commissioner Kathy Clark asked who negotiated this, did we reach out and ask if they would be willing to increase from 2 to 3; she also asked the difference between Deming and T or C, was the cost the same.

City Manager Juan Fuentes explained that all franchise fees go to the General Fund, which is typical in New Mexico.

Commissioner Kathy Clark questioned if it would be better to raise GRT instead of taxes.

Mayor Pro-Tem Steve Green commented that TYCO is buying NM Gas, and has stated they would keep the price level for five years, freezing pricing for five years.

Commissioner Jeff Richter asked is this a tax on consumables, and if the increase in tax is not going to increase quality of life. He stated if you care about your community think about this.

City Manager Juan Fuentes noted the goal in this year budget, to narrow the gap, and proposed financial agreement whether 2% or 3%, where we are sending the money to or from.

Commissioner Kathy Clark asked about taking money back from the Hospital, we already raised the Waste Water rates, she also mentioned Lodgers Tax GRT, stating that 3% is not worth the concept.

Mayor Pro-Tem Steve Green said he understood that franchise fee is not added on for customers, as they promised to not increase the cost for five years, he wished for more information to confirm that it was a fixed gas price.

Mayor Sandra Whitehead opened the discussion to the audience.

Ariel Dougherty approached and noted we are running into a brick wall with accumulated issues.

Mayor Sandra Whitehead closed the workshops at 5:56; noting the start of the regular meeting at 6PM.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES
November 17, 2014

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, November 17, 2014, following the Workshop, with the meeting starting at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Sandra Whitehead, who presided and Judy M. 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. Kathy Clark, Commissioner

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

ABSENT:
Hon. Ruben Olivas
Jay Rubin, City Attorney

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

CEREMONY: Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.
Mayor Sandra Whitehead called for the Pledge, with Commissioner Jeff Richter leading the Pledge.

APPROVAL OF AGENDA: Mayor Sandra Whitehead called for approval of the Agenda.
Mayor Pro-Tem Steve Green moved for approval of the Agenda.”
Commissioner Kathy Clark wished to change item #2 regarding Branding to Discussion Only.
“Mayor Pro-Tem Steve Green moved to amend the Agenda with item #2 regarding Branding to be Discussion Only.”
Seconded by Commissioner Kathy Clark.
Motion Carried Unanimously.

COMMENTS FROM THE PUBLIC: Mayor Sandra Whitehead called for Comments from the Public.
Ariel Dougherty approached and made remarks regarding the Public Utility Advisory Board Agenda, the City’s Website needing to be updated, and conflicts when meetings were scheduled at the same date and time, Advisory Boards and questioned if the Public Utility Advisory Board had reviewed the FastWave item on the Agenda.
Les DuFour approached and noted he was here to represent the Golf Course Advisory Board for item #3 in Old Business, and the Golf Course in general.
Ron Pacourek, North Riverside, approached and made comments on the Ordinance for Solar for residential use, requesting a status update on the matter.

CONSENT
CALENDAR:

Mayor Sandra Whitehead called for approval of the Consent Calendar.

“Mayor Pro-Tem Steve Green moved to approve the Consent Calendar as received.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

PRESENTATION:

Mayor Sandra Whitehead noted next was a Presentation, requesting that George Shaw approach. Mayor Whitehead read a certificate of Appreciation presented to George Shaw in appreciation for his dedication and service on the city of Truth or Consequences Senior Joint Office on Again Board of Directors.

Mayor Pro-Tem Steve Green announced that he wished to recognize the AmeriCorps Group in attendance for their work on poly carts, and other entities in the City, noting they were to return to work on poly carts again over the weekend. Mayor Pro-Tem Green noted his appreciation for all the work the teenagers were accomplishing.

PUBLIC HEARING:

Mayor Sandra Whitehead announced the Public Hearing regarding the New Utility Ordinance Declaration of Lien & Recovery of Past Due Bills.

City Manager Juan Fuentes noted this item was before the Commission previously and was now a Final presentation for adding the Utility Code to be able to declare Lien and Recovery of Past Due Bills, adding this would give the City the opportunity to collect past due amounts due.

Mayor Sandra Whitehead stated that no one had signed up as opponent or proponent on the item. She then Closed the Public Hearing.

NEW BUSINESS:

Mayor Sandra Whitehead called for New Business regarding an Ordinance for publication, an Ordinance granting to New Mexico Gas Company, Inc., a Delaware corporation, it's legal Representatives, successors, lessees and assigns, grantee herein, certain powers, license, right of way, privileges And franchise to construct, operate and maintain in the City of Truth or Consequences, New Mexico.

City Manager Juan Fuentes explained the item was discussed in the

workshop prior to this meeting, he noted that the City currently has a Franchise Agreement with New Mexico Gas Company for 2% and noted that this item was to increase that amount to 3%.

Commissioner Jeff Richter stated he said his piece in the workshop.

Commissioner Kathy Clark questioned who pays the 1% addition, is it passed to the citizen. She stated she was uncomfortable with another tax on people

Mayor Pro-Tem Steve Green asked for clarification, requesting we reach out to NM Gas company to see if the franchise fee is calculated in unit of gas. Requesting the item be tabled and staff bring it back.

“Mayor Pro-Tem Steve Green moved to table the item, bring it back December 9th, getting additional information if gas pricing will go up due to this change.”

Seconded by Mayor Sandra Whitehead.

Motion Carried three (3) to one (1), with Commissioner Jeff Richter Voting nay.

Discussion: Branding and Marketing Truth or Consequences.

Commissioner Kathy Clark stated the City needed to make a determination and take on the task of finding which way they wished to go with marketing the City; she wished this item to open the dialog on the matter.

Commissioner Jeff Richter stated we need to implement the plan now.

Commissioner Kathy Clark stated then let's do it.

Mayor Pro-Tem Steve Green stated we need to determine who we are, what are we, what we want to be. We need to plan incrementally and move on this.

Mayor Sandra Whitehead agreed we need to move forward, and bring this back on December 9th for action.

Commissioner Kathy Clark stated we could see what we can do ourselves, and just do one item, like a bike lane.

Discussion/Action: Advisory Board Positions.

a. Sierra Joint Office On Aging

“Mayor Pro-Tem Steve Green stated that he wished there were three positions open on the Board as we had three excellent candidates interview. He moved to appoint John Wheeler.

“Seconded by Commissioner Kathy Clark; she noted she had spent time with the SJOA Board the last couple of months and noted that all would bring contributions, she stated that she had a feeling Mr. Wheeler’s perception and needs could determine issues ongoing now.

Mayor Sandra Whitehead called for the vote.

Motion Carried to appoint John Wheeler to the Senior Joint Office On Aging Board of Directors to represent the City of Truth or Consequences.

b. Golf Advisory Board Position

“Mayor Pro-Tem Steve Green moved to appoint Larry Mullenax to the Golf Advisory Board.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

OLD BUSINESS:

Mayor Sandra Whitehead announced Discussion/Action: Final Adoption Ordinance #656 New Utility Ordinance Declaration of Lien and Recovery of past Due Bills; she noted the item was covered in the Public Hearing earlier and called for further discussion. With no further discussion, Mayor Whitehead called for the 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.

Motion Carried Unanimously.

Discussion/Action: Contract for Tower Co-Location on Water Tank Hill with FastWave Biz.

City Manager Juan Fuentes explained this item was postponed with a tie vote at

the last meeting. He noted FastWave would be providing service to seven of the City departments, he stated that FastWave had approached the City, and explained that there was another company wishing to also locate the tower in the same location, and that this item would be coming to the Commission in a future meeting.

Commissioner Jeff Richter questioned why we had to pay \$1,000 for them to hook up their equipment.

Bob Hupp, IT, addressed the Commission and explained the interim required equipment to be secure; explaining we would be paying more like \$1,400, but the reduction of what we pay Windstream we would save approximately \$4,000 per year in the long run.

Commissioner Jeff Richter stated he was not in favor for paying for it.

Commissioner Kathy Clark asked if the radio frequency would increase; and turning to City Manager Fuentes she asked if this is the same as the Deming agreement.

“Mayor Pro-Tem Steve Green moved to approve the Agreement; then Amended the motion to add that the equipment be defined, agreeing with Commissioner Jeff Richter that we try to bring it to zero monies out of City pockets, negotiate and tell us the next meeting if not approved then return back to the Commission December 9th.”

Seconded by Mayor Sandra Whitehead.

Motion Carried Unanimously.

Discussion/Action: Golf Course Management Contract.

City Manager Juan Fuentes stated this item had been tabled the last meeting. He acknowledged that Golf Pro Howie Tucker had been ill. City Manager Fuentes explained that Mr. Tucker had submitted his resignation, which would take effect in December of 2014. He explained the lease of the Liquor License under the City's name, and that Mr. Tucker paid \$100 per month to the City for the lease. Speaking about the current contract, City Manager Juan Fuentes explained that the City had recently signed an amendment to extend the contract on May 22, 2014, for an additional year (year two of four), and after that extension, on October 1st, Mr. Tucker had submitted his resignation, with a 90 day notice. He explained that Mr. Tucker has expressed interest in amending the current agreement regarding compensation and management, under State Procurement, the current agreement was based on competitive RFP, and amendment to the current agreement that significantly alter the terms and conditions would be in

violation of the procurement code. City Manager Fuentes told the Commission that Mr. Tucker was awarded the contract based on the terms and conditions of the RFP. it was their decision as which course to take next, explaining that the current contract cannot be negotiated as it was a RFP, he noted Staff is recommending re-issuing a RFP or finding an alternate option to manage the Golf Course,

Commissioner Jeff Richter stated to put it out again, look at what it takes to run the Course, the equipment needed to do so; he then questioned what equipment was there currently

Howie Tucker came to the podium and explained the equipment at the Golf Course, what equipment was still needed; he also spoke of the pump problems plaguing the Golf Course. Mr. Tucker acknowledged two full time employees and two others which helped at the clubhouse. He explained the initial RFP bid he submitted which was \$89,000 per year, and that was the amount he estimated it would take to run the Course, along with other needed equipment.

Commissioners questioned Mr. Tucker and City Manager Juan Fuentes with questions regarding the equipment and buildings at the Golf Course, along with the needs and requirements to run the Course.

City Manager Juan Fuentes acknowledged that regarding the new RFP we need to consider resources as any with any contract, the majority of funding for the Golf Course comes from the General Fund; and there were not funds set aside for the Golf Course.

“Mayor Pro-Tem Steve Green moved to Authorize City Manager Fuentes and Staff to issue an RFP for Golf Course Management.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

REPORTS:

City Manager Juan Fuentes, No Report.

Commissioner Jeff Richter, No Report.

Mayor Pro-Tem Steve Green wished all a healthy and happy Thanksgiving.

Mayor Sandra Whitehead dittoed Mayor Pro-Tem Green’s wish for everyone to have a healthy and happy Thanksgiving.

RESPONSE TO
PUBLIC COMMENT: None.

ADJOURNMENT: "With no further discussion, Mayor Sandra Whitehead called for Adjournment."

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

ATTEST:

Sandra Whitehead, Mayor

Judy M. Harris, City Clerk