

**CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
FEBRUARY 10, 2015**

The Mayor and City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met, prior to the Regular Session, for an interview for Alternate Municipal Court Judge.

Mayor Sandra Whitehead called for candidate Margaret Clanton.

Ms. Margaret Clanton approached and introduced herself, noting she worked at the Municipal Courts as Court Administrator since July of 2013. She noted she was interested in the position of Alternate Judge. She noted her work at the Municipal Courts since May of 2011; under the guidance of Municipal Court Judge Beatrice Sanders during that time.

It was note, by Commissioner Jeff Richter, that Ms. Clanton met the qualifications per City Code Section 2-375; as she is a registered voter residing within the City limits.

Mayor Sandra Whitehead closed the interview session and noted the Regular Meeting would begin at 6:00 P.M.

**CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
FEBRUARY 10, 2015
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 Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City February 10, 2015, 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
Jay Rubin, City Attorney
Judy M. Harris, City Clerk

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

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead called for Commissioner Jeff Richter to lead the Pledge.

Mayor Sandra Whitehead called for a motion to approve the Agenda.

“Mayor Pro-Tem Steve Green moved for approval for the City Commission, February 10, 2015.”

Ron Fenn called out Point Of Order and approached the podium stating that the City, by approving this Agenda, will be in violation of the Open Meetings Act; concerning executive session, item #2 which is regarding the Visitor Center which is not a purchase, acquisition, or disposition; which is the only item that can be used under that; and this will be reported to the Attorney General’s Office tomorrow, along with the two previous violations of December 9th and January 13th.

City Manager Juan Fuentes noted we respectfully disagree with Mr. Fenn’s interpretation, we have consulted with legal and are good to proceed forward, at this time item on the Agenda is approval of the Agenda, we should focus on that item. He stated he wished to make the recommendation to move some items on the Agenda.

Sandra Whitehead, Mayor, noting she wished to move item G.3; discussion/action Resolution no. 27 14/15 amending the Civic Center fees and item H2; under old business is discussion/action agreement between the City of Truth or Consequences and Follow The Sun Tours; and move them on the

Agenda after we come out of Executive Session. Mayor Whitehead asked Mayor Pro Tem Steve Green if he would amend his motion.

“Mayor Pro-Tem Steve Green move G.3 and H.2., to a position on the Agenda after we come out of executive session.”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

PUBLIC COMMENT: Ron Fenn approached and made comments regarding the Open Meetings Act; he referenced the date of January 13th; the Visitor Center, recusal of one of the Commission. He made comments regarding the operation and need for a new trash truck for.

Les DuFour, Golf Advisory Board, approached and made comments regarding item 7 on the Agenda, the Public Utility Advisory Board, the Golf Course Pump location, cheaper methods for this. The request to be included on the RFP for the Golf Course, noting his disappointment in not being included. He stated that Larry had shot a 72.

Cary “Jagger” Gustin, Sierra County Arts Chairman approached and made comments stating that the Sierra County Arts 94 Members of the Art Community, we encourage the Commission to move forward with the Plans for the Visitor Center.

Klaus Whittern, 618 Charles, approached and made comments regarding the Trash Truck, noting Las Cruces phase out their old trucks, and then sell them, and they would be willing to discuss this with the City of T or C, or renting a truck or a loaner truck.

Captain James Morgan, Police Department, approached and made comments regarding new technology to be used by the Department, the system will notify anyone who signs up of any emergency, road closures, missing adults or children, he noted more information would be coming in the near future on this matter.

Steve Zeschke, 1019 Parway, approached and made comments regarding word of mouth spreading word, he encouraged better communications getting the word outside of the State and expressed that he was impressed by the MainStreet girl (Linda DeMarino), noting she has specifics and people coming in and spending money, she is very sharp, and items moved to after the executive session being very Chicago.

Wendy (unknown last name), approached and noted that at first she was not happy about the Visitor Center, she was worried because they already lost one, and now another, worried about community space; she spoke about multi use

space and being creative. She encouraged setting aside a multi-use space for children and makes it interesting 7 days a week.

Linda DeMarino, MainStreet, approached and noted they were doing a membership party, she also explained that MainStreet did support the City Commission that Lee Belle Senior Center be used for the Interim Visitor Center, noting it would boost the local economy.

Ron Pacourek approached and made comments regarding a comment from a previous meeting about empty homes in our community. He noted a magazine with advertisements. He made reference to taxes, advertising, and advertising to get people to move here. He asked the question what are we doing to get people to move here, so we can grow this.

Randal Lawson, 701 Poplar, approached and made comments regarding trash and better routing for the trucks.

Larry Mullenax, Golf Advisory Board, approached and made comments regarding the need for improvements at the Golf Course, RFPs and not being consulted; he noted he thought that was part of the Golf Advisory Board, what they did. He stated he did shoot a 72 today.

Hans Townsend, Chamber of Commerce and Desert View Inn, approached and noted he is excited about moving forward with the Visitor Center, he mentioned advisory committees, the Lodgers Tax Advisory Board and the last time they met. Regarding the item on the agenda for Griffin & Associates, he asked the Commission to remember that the Chamber had sent out 25,000 visitor guides to all over.

Mario Portillo approached and noted he supported the Visitor Center, after looking at pros and cons, he felt the pros were more than the cons and he offered support.

Betty Brannon approached and stated she thought it was a fabulous idea; she thanked the Commission for their progress.

Sissy Hyde, 417 Broadway, approached and made comments stating she lived above her business and told the Commission to do anything they can to bring in tourism and foot traffic into town.

**RESPONSE TO
PUBLIC COMMENT:**

Mayor Pro-Tem Steve Green commented that Steve, Ron and Hans all spoke about agreeing with their statements and noted they were right on point. He noted we are tourism, he explained the GRT is necessary for growth. Noting we have to expand our market. For Hans, he suggested they go to Joe McKlintock at SJOA at the meal site, and give those Seniors going back home the Chamber guides to take back with them.

Juan Fuentes, City Manager, noted he wished to address comments regarding the Golf Advisory Board and the RFP for Golf. The Advisory Boards look at policies and needs of infrastructure of all of your utilities, not day to day responsibility, that's the decision of the City Manager. We have followed what we have in the past, having the RFP, lodgers Tax allocations. He noted the Lodgers Tax Board meets quarterly; we are scheduled to have a meeting this month regarding policy and the allocations of money for the next fiscal year. He noted that regarding the Golf, we had assistance from a PGA from Las Cruces assist us. He noted they would certainly use outside help when evaluating.

Mayor Sandra Whitehead thanked everyone for their comments.

**CONSENT
CALENDAR:**

Mayor Sandra Whitehead called for approval of the Consent Calendar consisting of two items:
City Commission Meeting Minutes for January 27, 2015 and February 3, 2015 and Accounts Payable January 2015.

"Mayor Pro-Tem Steve Green moved to approve the Consent Calendar as presented."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

PRESENTATION:

Mayor Sandra Whitehead called for Certificates of Appreciation noting they were for the Pool Task Force, noting the Commission. She read out the names and had those in attendance approach.

List of those who participated in the Swimming Pool Task Force:
Dana Berkstresser, Susan Gants , Jane Greene, Collysue Lawson, Randle Lawson, Scott McKenzie, Millie McLeod , Destiny Mitchell, and Trevor Whitehead,

Mayor Sandra Whitehead cert of app for the T or C Fire Department asking those present to come forward, noting this was for their contribution in acquiring a Class II Certification.

List of those who participated in the Truth or Consequences Volunteer Fire Department:

Firefighters:

Peter Baca, Dee Brown, Malissa Cordell, Stacy Davis, Scott Huron, Jared

Jankowski, Mark Jankowski, Timothy Johnson, David Knull, Jason Knull, Doug Kohler, Kristal Kohler, Ernie Luna, Danny Mena, Patrick Montoya, Duffy Purdom, Ed Rodriguez, Richard Sainz, Jamie Sanders, Sheryl Scott, Carl Teston, Stephen Wagner, Denny Womack, and Anthony Zagorski; Fire Chief Paul Tooley, 1st Captain Brad Spencer, 2nd Captain Neal Weeks and Assistant Chief Ron Hoskins.

NEW BUSINESS: Discussion/Action: Audit Report

AJ Bowers, Manager with Accounting & Consulting Group, LLP.; approached and explained he was here to present some of the highlights of the Financial Statement and just go through a couple with them; over the June 14 financial statement.

He explained there are two reports in a Financial Statement, the first one is the independent audit report, and there are three types of opinion you can get on that. The type you received is unmodified which mean there are no material clauses that came to our attention that would cause concern. This is the highest form. Going through the book, he noted several highlights, explaining internal control and audit procedures. Mr. Bowers explained accounting policy, the estimation process and some of the audit adjustments. Mr. Bowers explained adjusting journal entries and touched on fund balances. Moving to case for investments he noted NMFA cash. Noting that during the audit procedures of the entity, there was one adjustment which was above paper pass but under tolerable misstatement for the fund involved. The adjustment was for accrued payroll. By not posting the proposed entry liabilities and expenditures are understated. Mr. Bowers went through the summary of internal control related matters. Regarding deficiency in internal control, Mr. Bowers noted a significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. He explained noted material weaknesses. Explaining a significant deficiency is a deficiency, or a combination of deficiencies, in internal control. Mr. Bower explained future grants may have changed what you may or may not purchase on those grants. Mr. Bowers went thru Government Auditing Standards Board (GASB), which are new this year. Mr. Bower went thru the debt, liability and upcoming items which will be affected this year, so we will have to check with the State to see what they are going to do on those. He noted changes in PERA. Mr. Bowers noted that during their audit procedures of the City, there was one adjustment which was above paper pass but under tolerable misstatement for the fund involved. The adjustment was for accrued payroll. By not posting the proposed entry liabilities and expenditures are understated. He noted several changes for this year. Explaining that the City's internal control that of all the conditions in its internal control that interfere with its ability to record financial data reliably and issue financial statements free of material misstatement. Mr. Bower spoke about a subsequent event was the agreement for the 25 year power purchase, and that is included in the financials, and we'll see how it will affect financials. Mr. Bower went over three significant findings. Noting the summary of internal control

related matters, noting 3 material weaknesses, and one significant deficiency finding of less severe than a material weakness, yet important enough to merit attention by those charged with governance. He stated that the findings are in the back, they were discussed in detail in the exit conference, read those; he stated that in New Mexico we have to report everything. Every item must be reported. There were three new findings in the current year, all of those which are other matters, which are required to be reported but do not rise to the level of material weakness. He explained that new this year there's going to be the implementation of GASB 68 and 71, the deferred inflow; that is going to be the deferred inflow and deferred outflow section on the based on the financial statement; 468 & 71 for the implementation of the Pension standard, explaining that this year the City will have underfunded liability based on what our portion is; we're still waiting on the State to get with us on how they want to implement that moving forward. The other doesn't affect us too much, because we don't have Federal awards, but for the Federal as of December 26, 2014, there was a change in guidance in association with the administrative principles and the cost guidelines. He explained that any new funding we receive from the Federal Government or any additional funding on existing grants, just know that some of the requirements may have changed, as well as what you can and cannot purchase with those grants.

A complete copy attached hereto and made part hereof.

City Manager Juan Fuentes thanked Accounting & Consulting Group and noted they are always helpful, and very considerate of the Cities financials, and one of the best firms in New Mexico. He noted we have this for the City for six years.

Mayor Pro-Tem Steve Green asked several questions of Mr. Bower regarding federal requirements. If you give a state agency NMDOT Federal money given to the state, they City of Truth or Consequences

Discussion/Action: Agreement between the City of Truth or Consequences and Griffin and Associates

Juan Fuentes, City Manager, noting that the Agreement was similar to those we have had in the past and explained that this contract was a continuation of the work being done by Joanie Griffin, to promote the City and other entities. He explained the total was \$25,000, for marketing and promoting the City. Only the City and Sierra County opted to go with Griffin, because the RFP was written in such a matter, they are not part of this contract and they did not contribute.

Mayor Pro-Tem Steve Green noted that the paperwork for the City of Elephant Butte it shows them contributing 5,000, I believed they had gone on their own, have they decided to go with us?

"Mayor Pro-Tem Steve Green moved to approval of the Contract between the City of Truth or Consequences and Griffin and Associates for the next year."

Seconded by Commissioner Kathy Clark.

Commissioner Kathy Clark asked City Manager Juan Fuentes

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Resolution No. 27 14/15 Amending Civic Center Fees; This item moved to after closed session.

Mayor Sandra Whitehead called for Discussion/Action: Recommendation for Alternate Municipal Court Judge calling for City Manager Fuentes to present.

Juan Fuentes, City Manager, noted the interview held prior to the meeting and the required qualifications; he then noted the Commission is to make a recommendation to the Municipal Judge for the Alternate Municipal Court Judge, noting the Interview held prior to the meeting.

Mayor Sandra Whitehead explained that earlier this evening we interview Margaret Clanton, she made the recommendation to submit Ms. Clanton's name as a qualified applicant to the Municipal Judge.

"Mayor Sandra Whitehead moved to submit the name of Margaret Clanton to the Municipal Judge as a qualified candidate as Alternate Municipal Court Judge."

Mayor Pro-Tem Steve Green recused himself, as he was not present for the interview.

Seconded by Commissioner Kathy Clark

Motion Carried Unanimously.

Discussion/Action: Project Proposal for FYE 2015/2016 Local Government Road Fund (LGRF)

Don Armijo, Public Works Director, approached and explained the purpose of this action was to pick one of the Street recommendations for the 2016 LGRF (Local Government Road Fund). Mr. Armijo presented a PowerPoint presentation showing the following streets: Simpson, Marshal, Kruger, City Street, Veater or Locust. He explained the City received 68,147.00 last year. Showing the pictures on the screen and describing the roads considered and

pricing on each. Photos shown: Simpson & Tungsten to Aluminum; which is a continuation of the 25015 LFGR, Curb & gutter, sidewalk and hot mix, the area is 350 foot long and 32 foot wide, cost estimate of \$31,300. Simpson and Aluminum to Iron, which would be a continuation of t2015. Curb, gutter, sidewalk and hot mix are needed, the area is 350 foot long and 32 foot wide, cost estimate is \$31,300, If included 1 & 2 for a total of \$62,600. Veater, Iron to Arroyo would consist of base course and chip seal, area is 600 ft. long and 30 foot wide, cost estimate is \$16,200, this street receives heavy traffic and would help with dust in the windy season. Veater, Hyde to Arroyo this area would have curb and gutter and sidewalk. The area is 954 foot long and 30 foot wide, cost estimate is \$43,200. This street would go together with street number 3 for heavy traffic and dust control for a total of \$59,400. City Street, dead end to Myrtle this area would consist of curb, gutter and sidewalk on one side of road and hot mix. Area is 240 foot long and 23 foot wide, cost estimate is \$18,500. This street serves two houses b t owners always ask to be included on the list. City Street, Myrtle to Henson this area would consist of curb and gutter and sidewalk on one side of the road and hot mix. Area is 316 foot long and 23 foot wide, cost estimate is \$33,620, this street could be included with street 5 & 7. City Street, Henson to Radium this area would consist of curb, gutter and sidewalk on one side of the road and hot mix. Area is 322 foot long and 23 foot wide. Cost estimate is \$34,000; this street could be included with street 5 and 6 for a total of \$86,120. Marshal, Platinum to Tin this area would consist of tight blade and chip seal, area is 205 foot long and 36 foot wide, cost estimate is \$9,900. This street would start the ground work for River Road. Marshal, Tin to Coal area would consist of tight blade and chip seal, area is .350 foot long and 36 foot wide, cost estimate is \$11,500. This street would start the ground work for River Road and go along with 8. River Road, Tin to bottom of hill this area would consist of new base and chip seal. Area is 1800 foot long and 36 foot wide. Cost estimate is \$48,400. This street would start the ground work for River Road and go along with 8 & (for around \$69,600. West Riverside, Wyona to Daniels are would consist of new base and chip seal, area is 545 foot long and 22 foot wide. Cost estimate is \$10,500. This street would start the River Road from the north side and help with dust from River Road. Kruger, Third to Fifth area consists of curb, gutter, sidewalk and hot mix. Area is 105 foot long and 34 foot wide. The cost estimate is \$9,900. This street would help with dust control and heavy traffic and go along with 13. Kruger, Fifth to Sixth area would consist of curb, gutter, sidewalk and hot mix; area is 320 foot long and 34 foot wide. Cost estimate is \$29,000. This street would help with dust control and heavy traffic and go along with 12 for a total of \$38,900. Locust, Sixth to Seventh Streets consist of curb gutter, sidewalk and hot mix. Area is 310 feet long and 32 foot wide. Cost estimate is \$28,100. Locust, Sixth to Fifth Streets consist of curb, gutter, sidewalk and hot mix. Area is 310 foot long and 32 foot wide. Cost estimate is \$28,100.00 and go along with 14 for a total of \$88,900. Locust, Fifth to Fourth Streets consist of curb, gutter, sidewalk and hot mix. Area is 360 foot long and 32 foot wide. Cost estimate is \$32,700 and would go along with 14 and 15.

“Mayor Pro-Tem Steve Green moved to approve the Project Proposal for FYE 2015/2016 Road Fund, for the completion of Simpson Street project, as per Mr. Armijo’s recommendation.”

Seconded by Kathy Clark.

Motion Carried Unanimously.

Complete copy of the PowerPoint presentation attached hereto and made part hereof, of the Record.

Discussion/Action: City of Truth or Consequences Fiscal Year End (FYE) Financial Report

City Manager Juan Fuentes stated he would go through this report briefly, noting that he had it on the screen for the public. He explained starting with the major highlights, in regards to our operating on an actual cash basis, we have the General Fund

And this is as of Dec, 2014; which the budget should be at 50% both in the Revenue and Expenses. Noting that the General fund revenue is 1.7 million dollars in revenue, we have 1.8 Million in Unrealized revenue, and we should be at 50%; noting this is on track, one the biggest revenues is the Small City's Assistance which of those was about 200 and some thousand; which we should receive about March. Which will move our revenue collects up for the third quarter. Going into the expenditure side we budgeted 4.9 million and we have spent 2.4; which represents 49% of the budget, we should be at 50%. Manager Fuentes commended department heads for maintaining their expenses, and keeping them in line. He stated that unfortunately we all know revenues in the general fund are not equal to the expenditures, we have more expenditures than we have revenues, that why you have a net loss of 724 thousand dollars, and that loss is made up by the transfer from the electric division coming in. Moving on the Special Revenue; noting that those all lump summed with all of these different funds we have; which are fire protection, recreation, corrections, Law Enforcement Protection Fund, Lodgers Tax, Solid Waste Collection Center, Street, Municipal Pool and other small minor funds. City Manager Fuentes explained he highlighted the Solid Waste Collection Center, because that's fund 42, we have rec 60% of revenues, which is good compared to last year, and we spent only 24% the majority of that is because we also budgeted the amount that we thought we would be spending in regard to the transfer of waste to Las Cruces, noting that has come substantially less., so it has a small net at the of 52% thousand dollars which is good, also in the solid waste center, this is where we account for the landfill closure, we have that amount budgeted which is \$500 thousand dollars, which will take a couple of years to complete, that's why it shows 224%. Going back to the Capital Projects, some see little activity, giving the example of the Airport, we are working on grants for the airport, we have 100 thousand for the Animal Shelter, and the Waste Water, Joint Utility same thing on the expenditure side, we do have expenses waste water, poly carts. Going back to the Utility Office is just our clerks that receive all our revenues for

all the enterprise funds, they don't have a big revenue item, but they have collected about \$32 thousand and they have spent about 52% of their budget, he explained that the loss was covered by transfers in. On the Electric Division we are 52% over the budget in collections which is good, on the expenditures were just about 50%; water we have collected 54% revenue, on the expenditure they are a little under at 40%; wastewater at 53% in revenue and expenditures at 47%, which is good; he took a moment to explained that they vacant positions in that department. Solid Waste we have collected 49% of budget revenue, which is good and expenditures they have spent only 44%, we have two positions that are vacant. As far as the Golf Course, we are at 47% revenues and expenditures are 44% the majority of the expenses in that fund have to do with the contract we have with the Golf Course Manager. Moving on to the Cemetery we have collected 48% and expenditures are at 27%. The Airport revenue is at 58% and we have spent, we are about 5% over at 55% in expenses. It's not uncommon to be a little bit over, and that's okay, we monitor items and make sure that they don't go over, adjusting numbers and watching to make sure; if it becomes necessary it requires that we come to the Commission and request budget adjustments; but we monitor these funds to make sure none of them go over. Debt Service we collected 53% of revenue and paid out 43%, this fund we use to pay part of our debt. And we have a small internal service fund, this is like the fleet service department as well and they have 34% revenue and 21% expenditures. City Manager Fuentes went over the graphs which were on the screen, explaining second quarter General Fund Revenues, prior vs. current GRT, current Lodger's Tax Revenue, General Fund fiscal year end net, Revenues and Expenditures, General and Enterprise Fund expenditures for the 2nd quarter, and GRT by category for the 2nd quarter year to date. He explained that GRT is our biggest revenue source for operating the General Fund, for operating the City that is why it's so important to get people in to pay the GRT, so we can grow the community. He noted a very good number for Lodgers Tax, as we were up from last year, explaining that they came into town and eats and hopefully spent some money; he stated that overall we have seen an increase. Maintain steady on expenses and the revenue has been growing. We did implement a GRT 2 years ago, we are getting more GRT. We need to increase our GRT. City Manager Juan Fuentes spoke of the Veteran's new addition. He stood for questions.

With no further questions, Mayor Sandra Whitehead asked if action was needed. City Manager Juan Fuentes stated no, it was a presentation only.

Complete copy attached hereto and made part hereof.

Discussion/Action: Recommendation to move the operation and maintenance of the Golf Course Irrigation System from the Waste Water Fund to the General Fund

Jesus Salayandia approached and noted that if they do decide to do this, separate the operations and maintenance and let us just take care of the pond itself; he

came up with a maintenance program, which he didn't have last time; noting he would read it out to them. Daily visual observation, removing floating debris as needed, check for vandalism, cut weeds as needed; and this is daily. Quarterly we would check the buildup on the pond, see how much is on the bottom and that part of our discharge plan, that NMED requires for us to do; and also to keep any growth from going into the actual liner, which can cause ground water contamination because it's lower. Also we'll schedule to drain the pond, just low enough to inspect the flush line, swivel and screen, get a pressure washer down there somehow and do the screen, make sure it's functioning properly. . . . Semiannually we'd like to drain the pond completely, go in there and clean it out, normally what we do is connect a fire hose to one of the fire hydrant and get our rubber boots and we get in there and just clean it out; it gets slick, it's very slippery. By doing that and removing the maintenance it'll give more time to take care of the pond, which is part of our discharge plan permit it's stated with NMED, and lately we haven't been able to do that because were working on the pump stations.

City Manager Juan Fuentes noted that a couple of meetings ago Staff presented showing visual pictures of the conditions of manholes and some of the needs and upgrades that need taking care of at the waste water treatment plant which need attention, just the whole system. One of the things that was brought to our attention was that time that staff is allocating to an irrigation system that when it was initially thought of it was going to be a system the irrigation system to pump water to the Cemetery, well that never materialized and the pump at the Golf Course has essentially become the Golf Course Pump Station, and that's it; nothing else. He noted the Public Utility Advisory Board meeting discussed this whether to keep this as it is not a waste water system, as you'' see in the recommendation in the minutes the Public Utility Advisory Board moved to recommend to the City Commission the separation of the Golf Course Irrigation System from the Waste Treatment Plant as a possible or short term solution. He noted this way Waste Water can concentrate on their matters. He finished by noted that is why the recommendation from the Public Utility Advisory Board was before of them.

Mayor Pro-Tem Steve Green asked Jesus Salayandia, if we were to move the O&M, your department would just take care of the pond and everything in the pond. The cost from the irrigation system will be removed from your budget and put into the capital fund, so what department does O&M for the irrigation system.

City Manager Juan Fuentes answered that we can handle that one of two ways. We do have departments which handle maintenance other system or we can also go thru a RFP. It is one of the items in the RFP, just the operation of the system was not putting that burden on them, and the City will still take care of that. Noting the RFP does mention the irrigation system, and in the past we have spoken of contracting that out. Hopefully with the fix in the system, we can dress it in different ways. What really belongs should be at waste water, and what fees that we collect for waste water should be for waste water. That's in the recommendation you see from the Public Utility Advisory Board.

Commissioner Kathy Clark noted that one of the ideas that came out of the meetings was to have the City responsible for the effluent pond and after it would be part of the contractor's responsibility. What that the cost the Golf Advisory Board had. (She spoke to Les DuFour in the audience); asking if that was what the Board he meant about separating those two

It seems to her one of the idea was to do just exact what you said, Mr. Fuentes, and that is to have the city responsible for the effluent pond to the point where it gets to the drain and the screen and then the part of would be the contractors responsibility.

Les DuFour, Golf Course Advisory Board answered from the audience and said yes.

Mayor Sandra Whitehead called for Mr. DuFour to approach to be heard.

Mr. DuFour explained yes they would support the Utility Board recommendation, yes in evaluating how the system works the Advisory Board felt that the Management team would have a better understanding of what went down, so we certainly support, he spoke about thing the City shouldn't be doing, and make that the responsibility of the Management team under the new RFP.

Commissioner Kathy Clark asked Mr. DuFour, this is very expensive equipment, how you would be able to make sure that the Contractor has the knowledge to keep that equipment serviced properly. Commissioner Clark mentioned that she agreed with Jesus that he didn't need to be in the irrigation business.

Les DuFour answered certainly they would have to be in coordination with Jesus. He noted different issues and said it wouldn't take long to train, noting that Jesus and his people could certainly train and show what needs done and what the process is; and confer with Jesus before so they know what it is they need to do. He spoke about determining the value.

Commissioner Jeff Richter noted that this is all fine and dandy; if this goes to the general fund needs to be a line item, right now we don't know what we spent on pumps, down time, labor, we have no idea; a line item will track what we're doing.

"Mayor Pro-Tem Steve Green moved for approval to transfer the O&M of the Golf Course System from the Waste Water Fund to the General Fund, with the Golf Advisory Board providing \$15,000 towards the project."

City Manager Juan Fuentes explained one of the reasons why we can handle that system, in-house, contract or RFP; I want to give that flexibility to the Commission. Because it really depends on what resources we have available to allocate towards this contract. .

Mayor Pro-Tem Steve Green so when will this go into effect?

Commissioner Kathy Clark questioned the cost.

City Manager Juan Fuentes answered that by approving it, you're telling Staff we are going to implement it, it won't happen tomorrow, first we're going to look at the RFP, first we're going to see what we get back from the RFP, if for any reason that number is unattainable that we can negotiate some elements of that contract. Can we accommodate this contractor, at the golf course? Whatever the cost is, which we will see later, then I make the recommendation that we share that cost with waste water. His recommendation was when we get to the next item, whatever the direction is or whatever the cost is, that it still be shared with some of the funds from the Golf. The Golf I make the recommendation that we share that cost with the waste water, but once we put that in place, we'll pass that on and consecrate on waste water. Noting he discussed this with Jesus, whatever direction the Commissioners decide we will continue to maintain the Golf Course; once we have someone in place, they will slowly fade away.

With no further questions, Mayor Sandra Whitehead noted a motion on the floor and called for a second.

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Discussion/Action: Joint Powers Agreement between the City of Truth or Consequences and Village of Williamsburg for Police Protection Services

Captain James Morgan approached and noted before them was the joint powers agreement between the City and Williamsburg, noting they have been in contract and providing services with Williamsburg since 2007, almost 10 years, we would like to continue this agreement, and in order to do so we need your approval, in order to get this to DFA, Williamsburg will receive their law enforcement

Captain Morgan and City Attorney Rubin asked is this is the same agreement we signed in 2013.

Captain Morgan answered yes, it is the same agreement signed in 2013.

"Mayor Pro-Tem Steve Green moved to approve the Joint Powers Agreement between the City of T or C and Williamsburg, for Police Protection Services."

Seconded By Commissioner Kathy Clark.

Motion Carried Unanimously.

UNFINISHED
BUSINESS:

Discussion/Action: Purchase of New Poly-Cart Truck

Andy Alvarez, Interim Sanitation Director, approached and noted he was before them to recommend the purchase of a new poly cart truck to continue to service the needs of our City as we continue the transition from dumpsters to poly carts. He recommended the purchase of a Peterbilt Chassis from Rush Truck Center in the amount of \$110,661.58 and the purchase of a New Way 31 yard automated body from Clark's Trucking in the amount of \$109,970.28. The total purchase cost of the new truck would be \$220,581.86. He explained that both Rush Truck Center and Clark's are under CES contract. He stated that at that at this time the current available balance of the NMFA Loan amount is \$163,284.05, leaving the amount needed of \$57,297.81. He has approximately 1000 to 1500 more carts to put out in the City. Once the transaction is complete there will be approximately 3000 to 3500 poly carts, noting he needed the second truck in order to service the entire City. He noted routes and phases, noting how many phases one truck could handle and why a seconded truck was necessary. Mr. Alvarez explained the truck they were currently using was not designed to cover a route and in some area it is unable to access due to power, cable or phone lines. He explained the truck they had to use required a hand crafted attachment made to do the poly carts, men would have to do hand lifting and retrieving carts, using multiple men attending. He stated that both trucks would run daily in order to pick up all the carts in the City in a normal work week; he explained the attachment which had to be used in order for the truck to be able to pick up the carts. He explained that a new truck would require three to six months to get the truck from the manufacture.

City Manager Juan Fuentes noted he wished to address the presentation. We were going to show you all the pictures of the trucks we have, I forgot to save the pictures. In regard to the parameters of the bond money which is still available, under Ordinance #623 which was is the Ordinance we used to authorize the City to issue a solid waste revenue bond, was to finance the acquisition and construction and equipping of a system; we're talking about the Solid Waste System. He explained the City used the Bond proceeds to construct the Solid Waste Collection Center, purchase and install weight scale, purchase poly carts, the 2013 solid waste poly cart truck and the tipping floor and the bob cat refuse loader (which he noted he thought was purchased through a grant) the installation of dock doors; and other upgrades, so we have used the proceeds on several projects. He explained that in defining the equipment left from the closed Landfill; which is the D6H Loader valued at \$45,000, Willard Hall Auctioneers has expressed interest to sell them at auction, Judy has been in contact with him but because other opportunities, we withdrew them from the auction. Now the 615 Scraper, estimated at \$65,000, Sierra County has shown interest in the Scraper. We haven't received anything formal, but there is interest, maybe the County can use it, he explained it was too big for City use, even Public Works. South Central Solid Waste has shown interest in the John Deere H50 Dozer estimated at \$95,000; last week they sent a consultant to evaluate its condition, and it came back that it was in good condition. We can't use it

anywhere else. The truck that we are using now, the City purchased a new poly cart truck December 2013 for \$233,669. With remaining bond proceeds, the other vehicles we have are not designed as poly cart trucks, he noted an attachment required to pick up the poly carts. He showed photos of the truck which was used with a homemade attachment. When in service this extension cannot reach the cart, so the driver or someone has to move the cart for pickup. He noted when it works its awesome, when it doesn't then we have problems. He noted they came up with an invention and they designed a dumpster they can deploy, with the back cut out and they push two poly carts inside and they will pick them up, dispose of them and tip them over. If the other one is behind they activate this one. It's slow, not very efficient, but if the other poly cart is down or behind, it's difficult.

Mr. Alvarez explained how he had to schedule people if that happened, noting a lot of extra walking involved in one day.

City Manager Juan Fuentes stated so those are the vehicles we currently have, and a new vehicle would certainly help. The new poly cart truck is very efficient, but when it goes down, the other truck with the attachment has to be deployed. It was also noted that the truck is down right now. City Manager Juan Fuentes explained the actions of not buying another truck and waiting to fully deploy all the poly carts, he addressed workers comp if any get injured. City Manager Juan Fuentes showed photos of trucks to illustrate the attachment made by Staff. Once the poly carts are deployed, we will need a second truck for the purpose of picking up poly carts. Noting the pictures Manager Fuentes explained that they should get the picture, additional staff, man-hours, the risk of injury, and all reasons for allocating a second truck.

Mayor Pro-Tem Steve Green noted the new truck is still under warrantee and it is down, do we fix or does it require it to go north; is there a guess on the time it will be down.

Andy Alvarez answered that it depends on what is wrong with it.

Commissioner Kathy Clark noted she had better information now. How long are we keeping our dumpsters? She noted several different instances on how far we would be when we get behind. She asked if we could get trucks from Las Cruces.

Andy Alvarez answered that they use dumpsters for business, for instance McDonalds uses 5. He noted that when you purchase a used truck you lose the warrantee, you don't know the care or what kinds of use the truck has been through, we don't know the history of the vehicle.

Commissioner Jeff Richter explained that we need to find another option, a cheaper option.

Mayor Pro-Tem Steve Green mentioned the department being down two people, the budget, if they go with a new truck, would be better option. We also have to consider the health and welfare of our trash.

Juan Fuentes explained I think we made progress; also we will look at other options as well. He noted having a meeting with Patrick Beck soon, and if there is interest there for one of our vehicles. So we can explore that option, we made progress and there is a need for a second truck. He noted there are pros and cons with this, and he appreciates the Commission wishing other options.

Mayor Pro-Tem Steve Green asks we take someone qualified to look at the intricacies if we buy second hand we are not buying someone else's problem.

"Mayor Pro-Tem Steve Green moved to authorize Staff to proceed with the expiration of looking at the possibility of buying and appropriate piece of side loading poly cart equipment from Las Cruces and/or any place else that has the equipment we can look at, and return to the Commission."

Seconded by Commissioner Kathy Clark.

Mayor Pro-Tem Steve Green thanked Klaus Whittern for his recommendation.

Motion Carried Unanimously.

Discussion/Action: Agreement between the City of Truth or Consequences And Follow The Sun Tours. This item moved after the executive session.

Discussion/Action: Golf Course Pump Station

Jesus Salayandia, Waste Water Director, explained that this is a continuation from the last time, and I have been working with Jeff here and there, hoping to come up with a cheaper to solve the priming problems for the Golf Course. At the last Public Utility Advisory Board, he gave a presentation. Mr. Salayandia turned the mic over to Mr. Dornbusch.

Jeff Dornbusch noted the pictures he drew, noting the way the Pump Station was set up currently. The purpose of the pump station was brought to pump water to the Cemetery; which is at a greater elevation and about a mile away. The 6 inch line would have contained about 7000 gallons of water, which would have added pressure to the check valves, helping to seal them.

City Manager Juan Fuentes broke in and put pictures on the screen, noting that way they can visualize, look at the pictures.

Mr. Dornbusch stated his diagram was a very rough diagram. Pump number 3 there was designed to maintain pressure in the discharge line, meaning that they had already acknowledged that these check valves would leak and the pressure

would decrease, so that pump number 3 was put there to maintain pressure in that line. Noting on the next picture, he stated his proposal would take that and re-plumb pump number 3 to use it to pull water from a storage tank and pump that water into the intake of the main pump, thus priming the pumps and allowing it to pump water from the pond to the Golf Course. The operation of this tank set up would require the opening and closing of two valves, and that would be the addition to the operational procedure. The big elephant in the room is the check valve in the inlet there, we have pictures after they have been in water for some time, he noted the deposits which made the check valves non serviceable; beside using scored water to prime the pumps, would be to relocate the check valve, he didn't have anything else on that. He discussed problems which may or may not occur.

City Manager Juan Fuentes asked if this is a long term or short term.

Mr. Dornbusch noted it could very well be a long term, or a short term; because the amount of change to the pump station is minimal. He stated it would be a good thing to leave the station where it is.

City Manager Juan Fuentes asked what the total investment would be.

Mr. Dornbusch answered that it would be a little over 1500 without the check valve, with the check valve and manhole we're looking at 9 or 10, he explained he didn't know that information when we started this.

Mayor Pro-Tem Steve Green asked about potable water.

Mr. Dornbusch explained that will come out after the initial filling of the tank, when the tank is close pump operation will continue in the same order.

Commissioner Jeff Richter made several comments about delivering water and contractual agreements.

Mayor Pro-Tem Steve Green noted he was going to pass to Commissioner Richter since he has been dealing with this for three years.

"Commissioner Jeff Richter moved to approve Golf Course Station Improvements, as presented by Jesus and Jeff; to include purchase of a check valve and include the manhole, cost split Golf Course Improvement fund and the Waste Water fund."

Seconded by Mayor Pro-Tem Steve Green.

Motion Carried Unanimously.

REPORTS:

City Manager, No Report

City Attorney, No Report

Commissioner Jeff Richter, No Report

Commissioner Kathy Clark, No Report

Mayor Pro-Tem Steve Green announced the 12th Annual Clint Benjamin Event to be held this weekend.

Mayor Sandra Whitehead, No Report.

**EXECUTIVE
SESSION:**

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

“Mayor Pro-Tem Steve Green moved the meeting be closed for Executive Session pertaining to:

1. Pending or Threatened Litigation 10-15-1H (7)
 - a. Related to 518 Elm
 - b. Related to 808 Maple
 - c. Related to 613 Gold.
2. Purchase Acquisition or Disposal of real Property 10-15-1H (8)
 - a. related to T or C Visitor Center

Seconded by Commission 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.

Motion Carried Unanimously.

OPEN SESSION:

“Mayor Sandra Whitehead stated the Commission was now in Open Session”.

Mayor Pro-Tem Steve Green certified that only matters pertaining to:

1. Pending or Threatened Litigation 10-15-1H (7)
 - a. Related to 518 Elm
 - b. Related to 808 Maple
 - c. Related to 613 Gold.
2. Purchase Acquisition or Disposal of Real Property 10-15-1H (8)
 - a. Related to T or C Visitor Center

Discussion incurred and no vote was taken.”

“Mayor Pro-Tem Steve Green made the motion; regarding:

1. Pending or Threatened Litigation 10-15-1H (7)
 - a. Related to 518 Elm – “*Staff to proceed to move forward and start with a title search.*”

- b. Related to 808 Maple - *“Staff to proceed to move forward and start with a title search.”*
- c. Related to 613 Gold – *“Staff to proceed to move forward and start with a title search.”*

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Discussion/Action: Lease between the City of Truth or Consequences and Follow the Sun Tours Inc.

City Attorney Jay Rubin noted the next item is discussion/action a proposed lease between the City of Truth or Consequences and Follow the Sun Tours, Inc., he explained the packet information, noting consideration related to the T or C Visitor Center. He proposed three additions, which he received from Chris Anderson, Spaceport America. On paragraph 7; we will have the following sentence: Property of the New Mexico Spaceport Authority, or State of New Mexico located on the premises will remain the property of the New Mexico Spaceport Authority, for the State of New Mexico, and cannot be transferred to tenant or landlord by operation or otherwise. The property shall remain the property of Spaceport America at the end of the lease. On paragraph 11; the New Mexico Spaceport Authority and the State of New Mexico are not using the premises for the purpose of this lease. And on 24c New Mexico Spaceport Authority and the State of New Mexico, and do not bear the obligations on this lease.

City Manager Juan Fuentes explained the Commission adopted a Resolution back in September of 2014 their wish to establish an interim Space Visitor Center, that will be housed by the City; this fulfills that as a great opportunity as we move forward.

“Mayor Pro-Tem Steve Green made the motion for the City of T. or C. to enter into a lease agreement with Follow In The Sun Tours, for a portion of the property located at 301 S. Foch Street in the City of Truth or Consequences.”

Seconded by Commissioner Kathy Clark

Motion Carried Unanimously.

- 2. Purchase Acquisition or Disposal of real Property 10-15-1H (8)
 - a. Related to T or C Visitor Center

“Mayor Pro-Tem Steve Green made the motion for the City of T or C to enter into a lease agreement with Follow The Sun Tours, for a portion of the property at 301 S. Foch.”

Seconded by Commission Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for item G3; Discussion/Action: Resolution No. 27 14/15 Amending Civic Center Fees; This item moved to after closed session.

City Clerk Judy Harris explained that with the use of Lee Belle Johnson Senior Center for the Interim Visitor Center, Staff was tasked by the Commission to change the pricing on the Civic Center to match the prices used for Lee Belle.

Mayor Pro-Tem Steve Green noticed we used to charge for a sound system and a security system deposit which do not appear on this Resolution. He noted we also charge for breakout or meeting rooms, and he did not see it reflected in the new Resolution; so I think we need to change that. In our last City Commission meeting that any nonprofit when held an event which ran consecutively two days that non-profit would receive the facility for free, but they would still be required to put the deposit down.

City Manager Juan Fuentes stated that with the changes, we should table this and bring this back to the Commission with corrections.

Commissioner Kathy Clark agreed there are changes needing to be made.

"Mayor Pro-Tem Steve Green moved to table Resolution #27 14/15 to be brought back to our next Commission Meeting. Also to have Commissioner Clark give her changes to Staff so we don't bring it back again."

Seconded by Commission Kathy Clark.

Motion Carried Unanimously.

ADJOURNMENT:

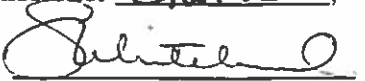
With no further to come before the Commission;
"Mayor Sandra Whitehead made a motion to adjourn."

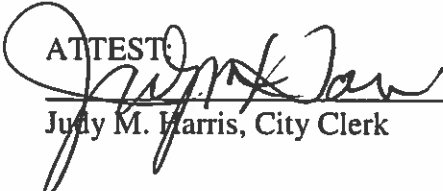
Seconded by Commissioner Clark and Commissioner Richter.

Motion Carried Unanimously.

CERTIFICATION:

Passed and Approved this 10th day of March, 2015, on a motion made by Commissioner Green and seconded by Commissioner Clark, and carried.


Sandra Whitehead, Mayor

ATTEST:

Judy M. Harris, City Clerk

20.02

10.04

10.03

10.03

10.03