

17

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
APRIL 28, 2015

PUBLIC HEARING

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 a Public Hearing, in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City, April 28, 2015; 5:00 P.M., in the Commission Chambers, 400 W. Fourth, Truth or Consequences, New Mexico.

(Note: Mayor Sandra Whitehead called for those wishing to sign up to speak in the Public Hearings, as a proponent, opponent, staff or other members of the public who wished to speak they needed to sign up for the Public Hearings to be held tonight)

Mayor Sandra Whitehead welcomed everyone, and stated the purpose of this Public Hearing this afternoon is Liquor license #0000 – application #944266 – World Class Gourmet International, Inc. doing business as The Restaurant at Sierra Grande, 501 McAdoo Street, Truth or Consequences, New Mexico: Clerk Harris

Judy Harris, City Clerk, approached and stated that the Director of Alcohol & Gaming Division has reviewed the referenced application, and granted the preliminary approval. She explained what that means is now it has to come to the Commission for final approval before she can sent it back to the State for their approval. Ms. Harris explained the Applicant is seeking a Restaurant Liquor License, and this is for the Sierra Grande, as you know it's doing business as the Sierra Grande; it's Word Class Gourmet International, Inc. The Commission/Governing Body may disapprove the issuance of transfer of the license if: the proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws, the issuance or transfer would be in violation of a zoning or other ordinances of the Governing Body, the issuance would be detrimental to the public health, safety, or morals of the residents of the Local District. Disapproval by the governing body on public health, safety, or morals must be based on and support substantial evidence pertaining to the specific prospective transferee. If the governing body fails to approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director will give Final Approval to the issuance or transfer of the license. Ms. Harris explained that when Sierra Grande/ World Class Gourmet International, Incorporated, filled out the paperwork they did state they are not by a school, not by a church and they filled out the relevant information for that. If we do have any questions tonight, Tatsu who is here from the Sierra Grande or World Class Gourmet. Ms. Harris stood for questions

Mayor Sandra Whitehead thanked Clerk Harris.

Mayor Sandra Whitehead called for Commissioner Richer, asking if he had any questions or comments.

Commissioner Jeff Richter answered no.

Mayor Sandra Whitehead called for Commissioner Russ Peterson, asking if he had any questions or comments.

Commissioner Russ Peterson noted he felt that the information they were given was adequate.

Mayor Pro-Tem Steve Green noted that beer and wine were good for his moral.

Commissioner Kathy Clark noted better hers.

Mayor Sandra Whitehead stated at this time she has no questions or comments.

Mayor Sandra Whitehead noted there were four proponents; she asked those to approach the bench, please, or the microphone.

Mayor Sandra Whitehead called for Mr. Tatsu to approach.

Mr. Tatsu, World Class Gourmet Incorporated, approached.

Mayor Sandra Whitehead called on Mr. Tatsu if he had any questions or comments.

Mr. Tatsu, World Class Gourmet Incorporated, said "no, I don't have any".

Mayor Sandra Whitehead asked Yesenia Palms-Dominguez if she had any questions or comments.

Yesenia Palma-Dominguez, Word Class Gourmet Incorporated, answered "no" she didn't.

Mayor Sandra Whitehead thanked Mr. Tatsu and Ms. Palma-Dominguez.

Mayor Sandra Whitehead called for Klaus Whitten to approach.

Klaus Whittern approached and told the Commission good afternoon; he stated he was fully in favor of it, the issuance of the license, in particular because it's a beer and wine, he stated he did not have a problem with a full liquor license, either, but he thought, in this particular case it fits the environment very well.

Mayor Sandra Whitehead thanked Mr. Whittern.

Melanie Shade approached and stated that she didn't know it would require her to speak. She stated she would encourage any approval of this license, because it will increase the economic value, and that Lodge needs to be preserved.

Mayor Sandra Whitehead called for Yesenia Palma-Dominguez, Word Class Gourmet Incorporated, answered no she didn't.

Ms. Yesenia Palma-Dominguez explained she already spoke.

Mayor Sandra Whitehead asked for any further Public Comment from the public. No comments or questions came forward.

With no further questions or comments, Mayor Sandra Whitehead asked the City Manager for any comments.

Juan Fuentes, City Manager, stated that for those in audience, this is just the part of the Public Hearing, later on in the agenda they will act on your request, and he did not believe it would require their attendance, explaining he just wanted to make that clear.

Mayor Sandra Whitehead agreed and closed the Public Hearing at 5:05

**CITY COMMISSION
WORKSHOP
APRIL 28, 2015**

The Truth or Consequences City Commission held a Workshop, on Tuesday, the 28th day of April, 2015, in the City Commission Chambers, 405 West 3rd, Truth or Consequences, New Mexico, following the Public Hearing, with the Workshop starting at

Mayor Sandra Whitehead stated the Workshop was for Water Conservation and Water Meter Testing Program Workshop; Scott Griffith, Senior Energy Solution, YEAROUT Energy Services Company.

Scott Griffith approached; he stated to the Commission that he really appreciated them having him down here. He introduced himself as Scott Griffith, he works with YEAROUT Energy Service out of Albuquerque; Mr. Griffith explained that what we are going to talk about tonight is a water conservation act or program and a water meter replacement program. Mr. Griffith explained that what we looked at some weeks ago when we spoke initially to have a workshop about water meter replacement. Mr. Griffith explained he brought in to experts, and he has two other which were financial; explaining they were running behind because they had a meeting in Dona Ana, and should be here in about 20 minutes. He explained that he brought two experts in and introduced Toby Leafgreen, Retro Tech Systems, and Don Shuler, Retro Tech Systems, noting that Don Shuler is in charge of doing all the auditing for our program. He noted they were great persons to talk to as they have over 221 projects beneath their belt. Mr. Griffith explained water the topic right now. From the Governor, on down, that is the main topic of conversation, Water. Everywhere you look water infrastructures. Mr. Griffith explained that conservation was at the upmost importance right. Mr. Griffith noted that most of the City's meters were at least 20 years old and have reached the end of their useful life. Water meters typically have a useful life of 15 to 20 years. The mechanics of a water meter slow down over time due to age and wear which results in the water meter not registering water usage accurately; your losing water and you don't know where it's going. He noted the project would be on-going over the year, there is no charge to T or C water customer for the meter replacement and work is being performed as part of a no cost performance contract, under the Energy Performance

Contracting Public Facility Energy Efficiency and Water conservation Act NMSA 1978 Statue. So where are you at? Mr. Griffith explained that water was an asset to our community and went into explanations as to why the City is considering replacing the water meters?

Mr. Scott Griffith explained the Preliminary Water Audit Data shows the total revenue recovery is \$110K to \$140K, the average billed water is 435,994 kgal, water produce loss 27% equals 118,215 kgal, the new meter accuracy is 99.9% making a recovery of 32,000 to 55,000 kgal, which is a guaranteed revenue generation, the State requires them to do an investment grade audit. The steps were discussed as to the water meter audit, and how meters work. Mr. Griffith showed several photos on the screen which depicted old meters and the problems which occur with age, noting that trash collects and the meter operation is slowed reducing the water measurements, also reducing revenue. Mr. Griffith explained the difference between AMR Automatic Meter Reading by Radio or AMI Automatic Meter reading by internet. Regarding the current City of Truth or Consequences preliminary water audit data, the recovered savings would be in the range, with guaranteed savings with a 15 year term, water meters \$110 to \$140k equals \$1.6 million to 2.1 million. He stated the total cost of project is financed by the savings, guaranteed by YESCO ESPC contracting does not impact the Cities Budget or Bonding rate; the investment grade audit proves the guaranteed savings per year. There is not a lot of surface water here, it's important we conserve it. Mr. Griffith showed numerous photos of meters from other communities, explaining each photo showing age and wear on several meters. Mr. Griffith explained the process would proceed with a project development agreement, engineering study, comprehensive analysis. This would consist of survey large meters, develop statistical sample of small meters, and develop a scope of work, finalizing savings and project costs. Next would be to present solutions and/or approvals, the scope of work, the final project costs, cash flows and financing methods, and then execute a contract. Mr. Griffith had both Don Shuler and Toby Leafgreen speak of methods used to check the meters, and how the meters would be chosen, what those results would give in results, the actual meter accuracy of your entire system, he explained there was a large amount of data that would be taken into consideration. Mr. Shuler described the slight interruption of service to the customer, as they replace the meter while the testing is being down. He thought they were to test 60 meters on the board; explaining the way they tested the meters and from there they go into a detailed numbers.

Commissioner Russ Peterson asked about the older meters which could be broken, due to their age, what happens then?

Don Shuler explained that they had contingencies for that, or for any other problem that occurred, with minimal effect to the customer; stating that his crews would repair lines or whatever the problem should be is something should happen.

Mr. Griffith estimated to replace all the meters at once it would be approximately 4 months. He asked how do we do this, how do we replace all the meters and how do we pay for it. Mr. Griffith introduced Neal Skiver,

Mr. Neal Skiver, Senior Vice President who spoke about the financing aspect, noting the State requirements for a savings to the community. He explained there is an application process at the State Board of Finance, with ideas and instructions for how a community could finance with a qualified provider, and then contract someone. He explained the bonding process, the City would follow. Mr. Skiver showed a presentation on the big screen. He explained the allocations

for New Mexico, and noted one requirement was a IRS were, and the rates that would be required to be paid.

Mayor Pro-Tem Steve Green asked about the subsidy for the treasurer, about bonds and rates.

Neal Skiver noted the date you sign the paperwork it would set the rate, on that date. He also explained some of the tax credits, and energy savings, and a subsidy rate of about 3% right now.

YESCO staff left a complete packet of information regarding this matter, which is made a part hereof.

Mayor Sandra Whitehead opened the Workshop for public comment.

George Szigeti approached, noting that he is here both as member of the Public Utility Advisory Board, he stated they heard this presentation before. Today Mr. Szigeti was speaking about his own opinion, his own thoughts, not the Board in Mr. Szigeti stated he liked the idea for many reasons, his example was two years ago, his meter is ready around the first of the month, and we noticed we got the bill about 10 days later. He explained they noticed that their water use was about 8,000 gallons more than usual. So sometime earlier in the week our water had sprung a leak, and been dumping water out on to the ground; he thought they lost 20,000 gallons by the by the time it was fixed. With these automatic meters would read the substantial change, we could have saved a substantial amount of money. Mr. Szigeti noted another reason was we have a lot of snowbirds here, what happens if they have a water leak and if they comeback every 6 months, there could be damage to the house, being able to quickly verify the leak could save a lot of money and water. We are losing about 27% of our water; we don't know what's happening to that 27%, where does it go. We suspect a fair amount of that loss, the meters aren't reading them accurately, you can account for some of that, some of that water is used for flushing hydrants, fighting fires and such other things, and we know that some of them are leaking pipes. Being able to quantify how much of that water use is, and verifying that amount is to upgrade our infrastructure. However, if we don't get the new meters, we cannot actually measure the consumption, we're going to have to charge more, per the units that were actually measurer. Mr. Szigeti stated that they can probably see that he is for this. Mr. Szigeti noted that it's not that the rates are going to go up, the rates will have to go up, but we would be more accurately billed, it would inform the customer of how much their using. Mr. Szigeti noted it's always good to upgrade the infrastructure any amount is good. Mr. Szigeti stated, I guess you can see I'm in favor of it. He noted all our infrastructure is aging.

Mike Sparks noted his concern was the meters itself, they cost from \$8 to \$300 so when you're talking about the difference in meters. He noted his only concern is what the meter is. He noted they did not tell us what those meters would be.

Scott Griffith answered that they look at the needs of the City, the accuracy of the meters, the longevity of the meter. He noted they were looking for the meter which would be the one for the City.

Klaus Whittern, 618 Charles, he noted he was in favor of upgrades, as they have been neglected in the past. He spoke about time periods of the process from year to year and we never get

ahead. He hopes they have a way to get this project accomplished, he thought we should take a time out and do more research. He stated we all know there is nothing for free, and some ways better than other. What would be the internal rate of return? He felt there were a lot of things the Commission and Staff needed to do, because they need to verify the information.

Melony Shade approached and stated she would urge the Commission to consider the home owner, she explained that a lot of her neighbors were on limited income. She could see where the meter but when you look at the meters, you may say you have to replace those pipes going into their home, she knows she would have trouble affording it, as would her neighbors. It would be important to know what it's going to require from the homeowners. She explained that she didn't know what it would cost, and how are those that can't – how are they going to pay for it.

Scott Griffith explained that was a great question, they have budgeted in their project so that there is not a cost to the resident at all, the study would be doing is to tell them which ones need to be replaced, what the problem is, we have an idea what will need to be done, then we can present that to the commission for them to decide what they wish to do. He also told the public they have a licensed plumber on contract and if anything was going to be a problem they would know right away. The process requires them to do a very thorough assessment and give the City a number which will be and how much of that needs to be fixed.

Mayor Sandra Whitehead closed the Workshop, thanking everyone and announced the Regular Meeting would start in five minutes.

**CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
APRIL 28, 2015
REGULAR MEETING
ACTION MINUTES**

TIME & PLACE: The Mayor Pro-Tem and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City on the date of April 28, 2015, following the Workshop, with the meeting starting at 6:11 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
Hon. Russ Peterson, Commissioner

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

CEREMONY: Mayor Sandra Whitehead called for Silent Meditation, asking to keep all the people in Nepal and in Baltimore in our thoughts.

Mayor Sandra Whitehead called for the Pledge of Allegiance; requesting that Commissioner Kathy Clark lead the Pledge.

APPROVAL OF AGENDA:

Mayor Sandra Whitehead called for approval of the Agenda.

“Mayor Pro-Tem Steve Green stated -Madam Mayor I move for approval of the Agenda; but in my motion I’m going ask that under New Business, Item #6 be deleted from the Agenda.”

Seconded by Mayor Sandra Whitehead.

Mayor Sandra Whitehead stated she had a motion and a second, to approve the Agenda with the correction of the deletion of Item H6, under New Business, is there further comment.

Mayor Sandra Whitehead called for a vote.

Motion Carried Unanimously.

COMMENTS FROM THE PUBLIC:

Howie Tucker, 685 Marie Street, approached, he invited everyone to the Golf Course and made comments about 56 Players that would be attending, 42 of those were from out of town; noting they should come out a visit with the players.

Linda DeMarino, Executive Director of MainStreet, approached and made comments about various activities going on during Fiesta; stating that there was some coming from out of town. She noted they do a downtown business directory, explaining we need banners for downtown, and mentioning they only received \$7,000 from Lodgers Tax. She also made comments regarding a Bureau of Economic Research would be May 28, 2015 starting at 5:00 P.M., at the museum, she explained it was the presentation of our local economy.

Klaus Whittern, 618 Charles, he noted the Work Session coming up; he believed

it would be a full day. Mr. Whittern stated that he wished to urge the Commission to encourage Staff to make the data available, 24 hours/36 hours before the presentation because it's very difficult for the public to make informed comments without having seen the data. He urged to alter the proceeding and allow comments on the front end and on the back end; Mr. Whittern also commented on enterprise funds not being charged for services they provide. He mentioned the Commission was not in compliance with GASBY 34.

Audon Trujillo, 506 West 3rd, approached and made comments regarding the Senior Activities being canceled on May 7, 8 & 9th; he mentioned the wording on the agreements, he noted all the material he had given to the Commission, urging them to do the same thing. He spoke submitting a lot of material to the Commission and hoped it wasn't too boring, noting he learned a lot, he stated he had never gone thru it in that much detail. He mentioned the intention to displace seniors. He stated we have a Fire Department, but we really don't have a Fire Department, he learned we have Departments that are on the City Website, but the Ordinances don't support those Departments. He stated he hoped there were resolutions, but the more he learns; it's like whoa, how did this happen. He told the Commission to look at it, and noted he would be giving them more information about the organizational chart; information to show how there is a big disparity in the two. The two most important things to him that the City can work on are personnel policies on hiring, critical; you gotta get people who are really good in those positions and he hoped they can task the City Manager to look into those kinds of things. He noted a new rating cycle now, and he hoped that would happen. Mr. Trujillo explained he was at a loss, because he thinks work objectives are extremely important for the City Manager and everyone and staff of the City, that's and he hopes they can work that in too, he is shocked it's not there.

Ed Williams, Williamsburg & soon to be retired, he wished to say that Management and you all as Commissioners are moving in the right direction, with their projects the ideas that are coming forth, he thinks we need to continue driving in that direction, it may be slow, but we need to keep moving forward. As Mr. Williams's his time draws near, he is going to miss the interaction with everyone, this is basically his second home, and he wants to see it succeed. Mr. Williams thanked his wife Elaine of 32 years, for her support and he thanked the Commission and stated they should keep moving forward.

Mayor Sandra Whitehead called for further Public Comments.

**RESPONSE TO
PUBLIC
COMMENTS:**

With no further comments, Mayor Sandra Whitehead called for Response to Public Comments. The Mayor asked the City Manager asked the City Manager if he could answer any of the questions or if he could have an answer next meeting, or if he had any information regarding the Civic Center.

Juan Fuentes, City Manager, noted probably for the next meeting, he did not have a response at this time.

Mayor Sandra Whitehead noted they would have responses to the questions at the next meeting.

Mayor Pro-Tem Steve Green explained (addressing Audon Trujillo's question on the Civic Center fees) he had asked the City Clerk's to put on the first meeting in May to look at it, the verbiage and how it's structured.

Mayor Pro-Tem Steve Green asked Howie Tucker a question, but first he thanked Mr. Tucker about the Golf Course having golfers coming in, when would be the best time for a Commissioner go to the Golf Course, and what date.

Howie Tucker answered the 2nd and 3rd, noting that Tee off time was at 8:30 in the morning and will be there all day. Mr. Tucker said to be sure and come out and look at the Golf Course.

CONSENT CALENDAR:

Mayor Sandra Whitehead called for approval of the Consent Calendar, consisting of City Commission meeting Minutes for 3/17/2015 & 3/24/2015 and the second item is the Golf Course Advisory Board Meeting minutes for January 14, 2015.

Mayor Pro-Tem Steve Green stated "So Moved"

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for further comments.

With no further comments Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

PRESENTATION:

Mayor Sandra Whitehead called for the next item, F.1. Service Award, requesting for Ed Williams, to approach. The Commission stood with Mr. Williams; Mayor Sandra Whitehead

On behalf of the City she was presenting an award, an appreciation award to Ed Williams, Electric Utility Director for the City of Truth or Consequences, New Mexico, from October 1, 1982 to April 30, 2015, for your hard work and dedicated service to the City of Truth or Consequences.

PUBLIC HEARINGS

Mayor Sandra Whitehead called for Item G. Public Hearing. Mayor Sandra Whitehead opened the Public Hearing at 6:29 P.M., if there is anyone here that needs to sign in; speaking as Staff, Proponent, an Opponent or the Public, please sign in if you haven't already done so.

Jay Rubin, City Attorney, said "Madam Mayor, as I mentioned when we had the resolution on the agenda last month, due to conflict of interest, he had to recuse himself from proceedings, he would be recusing himself from the Public Hearing and from H.2., when that is discussed by the Commission."

Mayor Sandra Whitehead stated thank you Attorney Rubin.'

Jay Rubin, City Attorney, stated he understood, however, if legal questions do arise, he has arraigned for legal counsel to be available. He explained Mr. Fuentes has the contact of other counsel who is available if there were questions. City Attorney Rubin left the room.

Mayor Sandra Whitehead announced the Public Hearing; Jeremia Vernon Kent, objection of a resolution requiring the prompt removal of a nonconforming recreational vehicle (Fifth-Wheel Trailer) from residentially zoned land at the end of West Second Street, Truth or Consequences, New Mexico; the Mayor then called Robbie Travis, Building Inspector, to approach.

City Manager Juan A. Fuentes explained to Mr. Jeremia Kent, just for clarification, the process we are going to be undertaking first is going to require a presentation from staff and then you will be called upon to question or to comment.

Mayor Sandra Whitehead stated she wished to advise that we would be using the battershell process for this Public Hearing, and she would let Mr. Travis explain what we are here for and then she will explain the process when we get to that point.

Robbie Travis, City Building Inspector, approached and explained that on March 10th we passed a resolution, or you all passed a resolution to remove this fifth-wheel from this property on West Second Street, in the Resolution. Mr. Travis gave the Commission handout which is copy of the Resolution. Mr. Travis asked the Commission to skim back to page three, number 4, it says that if the Owners, or any of them, any occupant of the property or agent or Owner of the Property objects to this Resolution or any provision thereof such Owner, occupant or agent may, within ten (10) days following service of this Resolution as provided herein, file a written objection in the office of the City Clerk of Truth or Consequences will thereupon provide for a hearing before the Governing Body to consider this Resolution and the objections, in accordance with Section 3-18-5(D), NMSA 1978. Mr. Travis stated we sent out notifications out to all the homeowner within a hundred feet of this property, registered letters, sent one to Mr. Kent, to appear and he did come in and object to it, a few days past, he

thought it was the 12th day or so, but we went ahead and talked to Mr. Appel, our Attorney, and said go ahead and let him file an objection to that, so with that, do you have any questions that he can answer?

Mayor Sandra Whitehead called for Commission questions or comments.

Mayor Pro-Tem Steve Green had no questions.

Commissioner Kathy Clark asked "just right off the top of your head could you read me the paragraph for Planning and Zoning that says where you can or cannot have a fifth wheel on a piece of property".

Building Inspector Robbie Travis answered "Sure. It is Section 11-11-6 Recreational Vehicles, boats, camping, travel trailer, truck campers as dwellings. recreational vehicles, boats, camping and travel trailers, & truck campers shall not be used as a permanent dwelling, or a mobile living quarters, utility connections except for temporary electric service are permitted for said units only within a recreational vehicle park and manufactured home parks. The use of said units or other temporary living quarters shall not exceed six months at single location and shall be restricted to R.V. parks, mobile home parks or lots upon which a permanent dwelling is being constructed."

Mayor Sandra Whitehead called for Commissioner Peterson for questions or comments.

Commissioner Russ Peterson stated "not at this time".

Mayor Sandra Whitehead called for Commissioner Richter for questions or comments.

Commissioner Jeff Richter said shook his head and stated no.

Mayor Sandra Whitehead noted she had no questions.

Mayor Sandra Whitehead noted that at this time we have one opponent, Jeremia Kent to step down to the podium and stated that at this time our Clerk will have to administer an Oath, she asked Mr. Kent to raise his right hand.

Judy Harris, City Clerk, stated the Oath to Mr. Kent; "Do you swear to tell the truth and nothing but the truth?"

Mr. Jeremia Kent answered "yes".

Mayor Sandra Whitehead told Mr. Kent "go ahead and give us your concerns and your comments regarding this matter."

Mr. Kent stated "I wanted to say for the Record unconstitutional, due process vagueness and equal protection; I'm going to claim that now, in case this goes

any further. So this happened last year, April, I come into town, back and forth, take care of my father's dealings, lots of them, I have a fifth wheel on a piece of property which I stay when I come here, that's it, there's no permanent dwelling or nothing. By Law, I'm allowed to be there for six months, by law, six months, I am R3 District, so I can have a motor home park a RV park or anything I want there. I just need (inaudible). And my neighbor happens to be the City Attorney who tried to buy the property from me when I inherited when my father passed away, I told him no, I don't know. Anytime I try to do anything with my property, here comes the Attorney and here come whoever else he wants there. And I will not stand for it. I will not be bullied, to make me sell my property, oh no you have to do this, you have to do that; I don't think so. It's not fair, it's illegal and this right here; let's see what we got right here. He's saying I don't have power, sewage, anything like that, I'm off the grid, I have solar, there's solar there's solar rights in this state. I should a septic tank as you said, well I apologize, I don't feel like putting my waste in the ground, I can easily turn it to manure and have the best garden. My human waste is maybe four months of the year, at what, two weekends. And I'm getting hounded left and right, I've lost probably four or five thousand dollars past year, to come back to this town to deal with more court hearing and court hearings. In this resolution where he says that The Honorable Sanders, had ruled against me, he said; the last time we were there she said she didn't want to see us back in front of her courtroom, and told him to follow due process. So due process has already been violated right there. And on this, here's the very first, ah, I guess my action required, 4/23/2014, violation Section 11-11-6 recreational vehicle as a dwelling is a violation of City Code – that's it. Now I get this new one 3/12/15, Section 11-11-6 and Section 11-9-5, so he's adding more stuff after it's already been to the Court and she threw it out and told him don't come back in my court. He doesn't tell you that. She didn't rule against me, threaten me with fines, I missed the her court appearance twice and she didn't hold me in contempt or nothing, cause she knew my situation, and I told her in the beginning, I'm barely even here, when I am here this is where I'm staying. If you want me to do the improvements on it you call the EPA, you tell them they can pay for it, because my Father, he let the City dump there for years upon years, I don't know what's under there. I'm hearing stories back in the 80s they used to go back there and shoot up the transformers out there, so if I start digging in there, I get fined for touching it. I don't know what you guys put on my property. I don't know what to do. This is pure harassment.

Mayor Sandra Whitehead thanked Mr. Kent and called Mr. Travis to approach; and raise his right hand to take the Oath, asking him to raise his right hand.

Judy Harris, City Clerk, administered the Oath to Mr. Travis; Do you swear to tell the truth, the whole truth and nothing but the truth?

Robbie Travis, Building Inspector answered "I do".

Robbie Travis, Building Inspector stated "I have the Municipal Court Sentencing Judgment and Sentencing, right here, saying he did loose in court, and for us to

try to work it out with him, we tried to work it out with him, we went ahead, we got him prices, he wanted to do a RV park, and we got him prices, on power, sewer, water, to bring it to his place up there, he wanted the City to do it for free, the City doesn't do line extensions for free, so we couldn't do that, he's saying now we are bringing up other stuff into the letter, well the other stuff is stuff he said in Court, that he can have an RV there without a residence, and you're not allowed to have an RV without a residence. You can have an RV at your residence with nobody living in it, or somebody that comes in on a weekend or something, but they have to have a residence there, you can't have an RV with no utilities, and living in permanently. Mr. Travis explained when he first went met Mr. Kent, and went to talk to him; I asked him if this is a permanent or temporary situation? He told me it was a temporary situation. I said okay, I can give you thirty days, 45 days, whatever you need to stay here, I said how long is the temporary situation? He said as long as I want it to be. I said well no, I can't do that, I'll have to put you in Court if that's your answer, if it's temporary, it's temporary, but if it's permanent that's another thing. If it's permanent I'll have to put you in court, then it's some other things. Mr. Travis asked the Commission if there were any other questions they could think of that he could answer."

Mayor Sandra Whitehead stated she did not have questions.

Mayor Sandra Whitehead called for Commissioner Clark if she had any questions for the proponent or staff.

Commissioner Kathy Clark stated just two questions, Mr. Kent referred to two other sections, of something, asking Mr. Travis if he could explain what those other sections of something are.

Robbie Travis, Building Inspector explained we started with the one, then he brought that the other one up in court about the R-3 zone, it's stating, 'cause he's saying that he's allowed to have an RV there, the R-3 zone you are allowed to have an RV there, but it has to be with a residence. And so he's violating, there is no residence, there, that is his residence, no utilities there.

Commissioner Kathy Clark asked if this was what went to the court then, about that specific issue.

Robbie Travis, Building Inspector answered No, we started with the one, but then he brought the others saying that he's allowed to have an RV in an R-3 Zone. So we brought up in a R-3 zone you have to have a residence, to be able to have an RV there.

Commissioner Kathy Clark asked and that argument went through Court Room?

Robbie Travis, Building Inspector, stated that I don't know that if we got to that with the Court System, but we actually won with the other one; so it really didn't really matter what was in there, the Court ruled in our favor, and he was to

remove it, the Judge pretty well threw her hands up and said I can't do anything with this, you guys are going to have to take it to the Commission and handle it that way.

Commissioner Kathy Clark stated "So the decision we're making is on the original one that went thru the Court Room, none of this other stuff that will be in the letter of Mr. Kent."

Robbie Travis, Building Inspector answered "Yes".

Mayor Sandra Whitehead asked each Commissioner for questions or comments.

Mayor Sandra Whitehead called Mr. Kent back to the podium.

Mr. Jeremia Kent stated he says I can't have a motor home on my property, which is unconstitutional hold production (inaudible word) lets tell Howard Bartoo he can't have his trailers on his property on Main, Billy Howell's mother who lives in her trailer right next to Honorable Sanders which she even said, yeah, how do you enforce this. By neighbors, the only way you enforce this is if someone complains, which would be Jay Rubin, that's unconstitutional. Holding a piece of paper, he stated right here it says purpose, permitted use defined; a permitted use which is listed as permitted by right of the district. Non specified uses which are similar to those specified are also permitted by right. And the one you're saying I don't have the right to have it or anything, well it says right here in R3 District, I'm allowed a recreational vehicle, one on the side and as many as I want in the back. It does not say anywhere, oh no - it has to have a dwelling on it. Nowhere. The only reason why they put the dwelling in there is so you don't have twenty people with five RVs sitting in front of the house, you can have as many as you want in back, just for street ordinance, and like that, public fare, only one up front. But they turn it to, oh no, you have to have a dwelling. And the 11-9-5(C) that he's talking about, that he threw in there, that you asked about, it's a R-4 District. I'm not even R-4, I'm R-3, so he's bringing something in from another district and applying it to me. What he's saying is public right of way requirements and standards is one listed guys right, in order to maintain the integrity of the rural atmosphere there shall be no curb or gutter, or sidewalks in R-4 District except to providing herein. So you just keep throwing things at me, I got him here, I've got him there, and in the resolution there is nothing to enforce this, it's unconstitutional. I have property; I can have a fifth-wheel on it. I abide by all standards. Solar right, and forgive me, I believe in eco green, I care about my kids future, look at California, outa water and we'll soon be there too.

Mayor Sandra Whitehead called Commissioner Peterson for questions or comments.

Commissioner Russ Peterson asked Mr. Kent: Do you think there's a conspiracy with the City Attorney, the Building Inspector, and the Judge?

Mr. Kent answered: "No, the Judge said, the Judge was not on their side at all".

Commissioner Russ Peterson stated "The Judge found you guilty".

Mr. Kent stated No I told her yes I stayed there whenever I come into town, and she said well I have to find you guilty because you said this.

Commissioner Russ Peterson asked "So she found you guilty just because she had nothing else to say?"

Mr. Kent stated "Honestly she didn't know what to do with it. I don't know what you want me to do with this, and told him this, and she told me I had you guys bent over backwards over a barrel because she said how do you guys enforce this? And he said with neighbors. Okay I thought this is America, neighbors can't tell me how to live, I can't go over your house hey I don't like the rocks in your yard, that's a hazard, that's a nuisance, I don't like it."

Commissioner Russ Peterson stated "When someone has a barking dog, (Mr. Kent answered Mm-Hum) and the neighbor's going crazy, guess who calls, it's not the cop who lives across town that's complaining, he goes and writes possibly a citation, but it's was a neighbor, everything starts with a neighbor. Then who is standing in front of you writing you up, so." (Mr. Kent answered "Mm-Hum")

Mayor Sandra Whitehead stated she had one question; "Do you live there permanently?"

Mr. Jeremia Kent answered "No, I've been saying that for the past year, I keep getting called back here, left and right, left and right. You know I should be up in Ruidoso right now, building a house, that's what I do. That's right, he keeps bringing me back here, it's unconstitutional, I'll fight this it all the way to the Supreme Court."

Mayor Sandra Whitehead thanked Mr. Kent.

Mayor Sandra Whitehead closed the Public Hearing stating "we will make our decision later on in the Agenda. Public Hearing Closed at 6:46 P.M."

(Mr. Travis did provide copies of the handout to the Commission, which is attached herein and made part hereof the record.)

NEW BUSINESS:

Mayor Sandra Whitehead called for New Business: Discussion/Action:
Appointment of Jia Apple to the Public Arts Advisory Board.
Mayor Whitehead called for City Manager Juan Fuentes.

City Manager Juan Fuentes requested that Jia Apple come to the podium. He stated Jia Apple had submitted a letter of interest, e-mail actually, expressing interest in serving in our Public Arts Advisory Board. We held a meeting last week and the members brought that to my attention, and he thinks they're excited to have her come on board and serve on the Committee, they will be working on an Art Project this coming year, and he thinks her expertise will certainly be welcomed.

Ms. Jia Apple thanked the Commission and explained she owned property in Williamsburg and in T. or C., I'm a business owner at Passion Pie Café, and recently opening another business here very soon. She has done several Public Art installations, three of them have been for Military Museum, the Hamilton Military Museum, I also worked with the late Jane Cane, at the thrift store, or what was the thrift store, or what was the thrift store location. She has been involved with the Young de Vinci's; where we did a teaching program with them, how to do outside murals. She noted it was a lot of work and a lot of learning. She offered her services, even consulting as far as future projects. Ms. Apple stated she cared a lot about art, a lot about our community, and she is willing to put herself out there.

Mayor Sandra Whitehead called on Mayor Pro-Tem Steve Green for comments.

Mayor Pro-Tem Steve Green stated he thought Jia would be a great, great addition to the Public Art Board, without question. He thanked her for raising her hand.

Commissioner Russ Peterson thanked Ms. Apple.

Mayor Sandra Whitehead thanked Ms. Apple.

"Mayor Pro-Tem Steve Green made the motion for appointment of Jia Apple to the Public Arts Advisory Board"

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead noted she had a motion and a second, asking for further comments.

With no further comments, Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Jeremia Vernon Kent objection of resolution requiring the prompt removal of a nonconforming recreational vehicle (Fifth-Wheel trailer) from residentially zoned land at the end of West Second Street, Truth or Consequences, N.M.
Mayor Whitehead called for Robbie Travis, to step back to the podium.

(City Attorney Jay Rubin left the building.)

Robbie Travis, Building Inspector approached the podium.

Mayor Sandra Whitehead stated that this matter was previously addressed during the Public Hearing; at this time she would ask are there any further questions or comments, from the Commissioners, regarding this matter. .

Mayor Pro-Tem Steve Green stated he did have one question, "Robbie, I just want to make sure I understand, the way our Ordinance reads right now, you have to have a permanent dwelling on a piece of property, to have a Fifth Wheel, RV whatever you want to call it, adjacent to it, so located somewhere on that, is that correct?

Robbie Travis, Building Inspector answered "That's Correct." If we didn't then we'd get; we get people all the time wanting to move in a Fifth Wheel and see if they like it, and then to move out, so yeah we do require a residence there, to have a recreational vehicle there. Unless it's in a recreational vehicle park, that's what those are for, then you can move in there and do that. But yes it does have to have a residence there.

Mayor Pro-Tem Steve Green stated "so then my second question is; well I guess you just answered it so if they had water, sewage, and utility services, if that was the only abode that had wheels on it, on that property, that still would be illegal according to our Code.

Robbie Travis answered "Correct".

Mayor Pro Tem Steve Green stated, So it's not an issue, the electric, the solar, the green waste going into the ground or into a sewer and that is not the issue. The issue is there is no permanent residence on that property for this Fifth Wheel to be there.

Robbie Travis answered "Correct."

Mayor Pro-Tem Steve Green said thank you.

Commissioner Russ Peterson asked Building Inspector Robbie Travis if he had some sort of vendetta for this man.

Robbie Travis answered Not at all.

Commissioner Peterson asked: why are you, is there any others in this town that you have ever cited for this same thing.

Mr. Travis said yes, many.

Commissioner Russ Peterson asked Mr. Travis, did they end up going all the way to court?

Mr. Travis answered No.

Commissioner Russ Peterson asked "and the Judge said guilty, in your mind, what else did she say after guilty; what did she find in your opinion?"

Robbie Travis answered "she found him guilty, and I believe she even said it to him, that this is the Code; the only way to get around this is to go to the Commission and get the Code changed. But this is the Code and she had to rule in that favor, because he told her he was living there."

Commissioner Russ Peterson asked why was it that she could not do any more than find him guilty.

Robbie Travis answered; "I think she's had some past history with him, and believed that putting him in jail would do any good, and fining him, I don't think he has any money, so he couldn't pay it anyway; she didn't feel those avenues would work, she recommended it come back to the City and the City take action through Resolution, and let the Commissioners decide, make that decision.

Mayor Sandra Whitehead had one question – if he was not living in that recreational vehicle, would it still be allowed to be on that property, I know that you said it didn't have a permanent dwelling around it; but could it still remain on the property?

Robbie Travis answered: Because he violated, if he hadn't violated or if he had worked with us and said it was just temporary he just comes on the weekends. That's not what he told me originally. I know he did go ahead and go to Ruidoso and work. Mr. Travis said he knew he did go to Ruidoso and work, about six months or so after, he had gone, then he was trying to use it and he wanted to leave it there and come back and stay. Mr. Travis stated that since he had already violated the Code already, John Appel and I felt, we don't wanna let this, we need to go ahead and move it to an RV park, whatever you need to do, if that's what your gonna do, because what will happen then we'll be starting all over again. If he loses his job in Ruidoso, comes back here, he's going to be living in for six months till he finds a job here, whatever it might be, that's the reason we felt it was better to go ahead and "hey, you can't even have it here", that's where all the other stuff came up about the R-3 zone; you can't have a recreational vehicle there unless you have a residence there. And because you

have no residence there, you'd have people all over town doing the same thing.

Mayor Sandra Whitehead called for further questions.

Commissioner Kathy Clark stated "This is turning into a subject that's very, very familiar to one of my kids, and I'm feeling very uncomfortable in being able to make a decision on this one, at this awkward moment, I'd like to recuse herself from any more conversation and I'll go meet the lawyer. (Commissioner Clark left the room.)

Mayor Sandra Whitehead noted that at this time if there is no further questions or comments, she asked if she had a motion for sustain the objection or to overrule the objection. She stated "let me explain to you what this process does; if we sustain, we find in favor of Mr. Kent, and the Resolution will not be enforced. If we overrule we are finding in favor of the Staff, and the Resolution will remain in full force and effect.

"Mayor Pro-Tem Steve Green stated "Madam Mayor I motion that we Over Rule Mr. Kent's Objection of the Resolution.

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead stated she had a motion to overrule and a second called for further comments.

Mayor Sandra Whitehead called for the vote.

Motion Carried (four) to 0 (Commissioner Clark recused)

Mr. Jeremia Kent left the building very upset.

Commissioner Kathy Clark and City Attorney Jay Rubin returned to the meeting.

Mayor Sandra Whitehead called for Discussion/Action: Liquor License #0000 – Application #944266 – World Class Gourmet International, Inc., dba/Sierra Grande, 501 McAdoo Street, Truth or consequences, New Mexico.

Mayor Sandra Whitehead called for Judy Harris, City Clerk.

Judy Harris, City Clerk, explained a Public Hearing had been done before the workshop, World Class Gourmet International, Inc. has made an application to the State of New Mexico for a beer and wine license. Ms. Harris explained the Commission can deny the application and explained the conditions, stated she recommended approval; and stood for questions.

Mayor Sandra Whitehead explained this process was part of a Public Hearing, so

we know what it's all about.

Mayor Sandra Whitehead asked for further from the Commission.

Mayor Sandra Whitehead asked City Manager Fuentes for comments or his recommendation.

Juan A. Fuentes, City Manager, stated recommendation for approval for a beer and wine license.

"Mayor Pro-Tem Steve Green made the motion to approve Liquor License #0000 – Application #944266 – World Class Gourmet International, Inc., dba/the Restaurant at Sierra Grande, 501 McAdoo Street, Truth or consequences, New Mexico."

Seconded by Commissioner Russ Peterson.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Resolution #35 14/15 A Resolution declaring Surplus Property to be nonessential for Public or Government Functions to be sold pursuant to §3-54-2 NMSA.
Mayor Sandra Whitehead called for Judy Harris.

Judy Harris, City Clerk, approached and explained that the City is in need of having an auction, explaining that the Commission had previously approved a list of items for the auction, since that time, a few items have become available to add to the surplus auction, May 23rd. Ms. Harris explained one of the items is the Caterpillar D6H Track Type Tractor, which we received an appraisal from Wagner Equipment. The price range estimated for the equipment is \$55,000 to \$60,000. Ms. Harris wished to recommend setting a reserve price that does not go below 55. It may not sell, but staff is looking at other options, such as different advertisements and such. Ms. Harris noted that Staff recommends setting a reserve price on the Caterpillar D6H at \$55,000 for the auction. Staff recommends approval of Resolution #35 14/15, Ms. Harris stood for questions.

Commissioner Russ Peterson asked if this is a piece of equipment we are going to use to offset the cost.

Ms. Harris answered, No Sir; it's actually too big, it's a very large piece of equipment, that we used at the landfill, and we have tried several ways to do something with it, right now it's the auction.

Commissioner Kathy Clark asked City Manager Fuentes if this is the one we

were trying to do something with the County.

City Manager Juan Fuentes stated we did receive a purchase order for the John Deere from Las Cruces, that's the one we going to sell and use it to purchase the new poly cart truck. And we are working on the other piece, which is too large for the City to use, so we are working with the County. The third piece is the scraper at the landfill and Andy is looking at disposal. "Auction, Yes."

Commissioner Kathy Clark made comments about the purchase price and depreciation of the equipment.

City Manager Juan Fuentes also stated this is the third piece of equipment, and explained the Scraper is also too large, we're in negotiation with the County and the third nobody has a use for, it's too large the City or the County. And that's the one Andy's recommending for auction.

Commissioner Kathy Clark noted she should assume it was fully depreciated due to age.

City Manager Juan Fuentes said "correct".

Jay Rubin, City Attorney, asked if the corrected Resolution had been given out.

Ms. Harris answered Yes.

City Manager Juan A. Fuentes explained that in the packet they did include the old resolution, he asked Attorney Rubin to address, for the sake of the Public.

Jay Rubin, City Attorney, noted in the second Whereas in the Resolution, originally had the phrase "which property value does not exceed the value of \$10,000.00", I suggested that language be deleted, due to the fact we have this Caterpillar.

Mayor Sandra Whitehead called City Manager Juan Fuentes for questions, comments or his recommendation.

City Manager Juan A. Fuentes stated recommendation to approve the Resolution as amended.

"Commissioner Russ Peterson stated "So Moved."

Seconded by Mayor Pro-Tem Steve Green.

Mayor Sandra Whitehead stated she had a motion and a second, to approve Resolution #35 14/15 A Resolution declaring Surplus Property to be nonessential for Public or Government Functions to be sold pursuant to §3-54-2 NMSA. Mayor Sandra Whitehead called for further discussion.

Mayor Pro-Tem Steve Green had a comment; if the Caterpillar doesn't sell at auction, you might want to consider, to reach out to Socorro, they have landfill, And they might need the equipment.

"Commissioner Russ Peterson moved to approve."

Seconded by Mayor Pro-Tem Steve Green.

Mayor Sandra Whitehead asked if we needed to include in our motion; to set a reserve cap on that price.

City Attorney Jay Rubin stated yes, that would be a good idea.

Juan A. Fuentes, City Manager answered Yes.

Commissioner Russ Peterson stated he would "amend his motion."

Mayor Sandra Whitehead stated to amend your motion to include a reserve price of \$55,000.00."

Amended Seconded by Mayor Pro-Tem Steve Green.

Mayor Sandra Whitehead noted she had a motion and a second to approve Resolution #35 14/15, A Resolution declaring surplus property to be nonessential for Public or Government functions to be sold pursuant to §3-54-2 NMSA; with the amendment to include a reserve price of \$55,000.00.

With no further comments, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

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

Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Resolution #36 14/15 Authorizing Investing General and Water Funds with the State Treasurers Office Local Government Investment Pool Fund.
Mayor Sandra Whitehead called for Clerk Harris.

Judy Harris, City Clerk explained that this subject was brought up at our last meeting and the Commission did approve the information for moving the money,

noting that DFA requires a Resolution to be completed to record the transaction.

“Mayor Pro-Tem Steve Green made the motion to approve Resolution #36 14/15 Authorizing Investment of monies in local short term investment fund.”

Seconded by Commissioner Kathy Clark.

With no further comments, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

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

Hon. Russ Peterson responded NAY to a Roll Call Vote.

Motion Carried 4 to 1; With Commissioner Russ Peterson voting Nay.

Mayor Sandra Whitehead noted next was H.7. Discussion/Action Independent Public Accountant (IPA) Contract with Accounting & Consulting Group for Fiscal Year Ending 2015, calling for City Manager Juan Fuentes.

Juan A. Fuentes, City Manager, note that Accounting and Consulting Group has performed the City audits since 2011, the audit services provided by ACG have been performed in compliance with Audit Rule Guidelines, Municipalities are required to submit a recommendation for an IPA to the Office of the State Auditor (OSA) by May 15, including GRT. He explained the contract for fiscal year ending June 30, 2015; the fee under the agreement will remain the same at \$53,393.00 including GRT.

“Mayor Pro-Tem Steve Green moved for approval of Independent Public Accountant (IPA) Contract with Accounting & Consulting Group for Fiscal Year Ending 2015”.

Seconded by Commissioner Kathy Clark.

With no further comments, Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

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

Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for discussion/action Golf Course Professional & Management Services, RFP #14-15-4303-0126-599, calling for Pat Wood, Procurement.

Pat Wood, Procurement, stated we went out for RFP's for the Golf Course Professional and Management Services; until March 17, 2015, at 2 PM. We received one proposal, and that was from Mr. Richard Garcia, PGA Professional, Golf Professional, we were negotiating with Mr. Garcia and on April 15th he withdrew his proposal; so we have no more proposals.

City Manager Juan Fuentes stated what we are recommending to the Commissions to postpone this item, the request for proposal, he'd like to recommend to the Commission to let staff go back, meet with staff, he had the opportunity to speak with Les, he noted discussion with several golfers, and Les, and explained there were several ideas, and request the Commission to postpone the item, until other items and concerns. City Manager Juan Fuentes explained we're closing this RFP and there are several options moving forward. He would like for staff to look at this and bring it back on the 12th, with some options. He explained the RFP process and noted that the information could not be discussed before he brought the information to the Commission; he explained there are other options out there, but nothing has been formalized. And that's why I'm asking the Commission we'll put it back on the agenda on May 12th; and we will present all these different options. City Manager Fuentes stated and we'll come back to the Commission with something more formal.

Les Dufour asked if that would be in a workshop for that discussion, or would it be just a regular..... Mr. Dufour explained he did play today and spoke to several players, and spoke of their concerns for the next four months. Mr. Dufour also explained that would give him more time to look. He noted keeping the two workers with the expertise and playability of the course over the next four months.

Mayor Sandra Whitehead stated we will let you know.

Commissioner Russ Peterson

Commissioner Kathy Clark spoke regarding the Golf Course Advisory Board being involved in the RFP. She noted she thought they should be involved and they should make a recommendation. She spoke of the purpose of the Golf Advisory Board. She stated she did notice something else that bothered her, the RFP that went out, Pat, and that is it had John Mulcahy's name as Mayor and

Mary Penner's name as City Clerk. That it went out publicly and hadn't been corrected, I don't know how we missed that little item. But if someone was going to respond to it and wanted to talk to a Mayor that no longer exists. She stated she that little oversight, she felt her Mayor's name should be on that, and her name's Sandra Whitehead.

Pat Wood, Procurement, answered we just didn't change the contract. Ms. Wood also noted that the Mayor wouldn't be able to answer questions on this.

Commissioner Russ Peterson said "sort of on the same line with Kathy", he doesn't know if we hear enough of the recommendations, from a particular board or body. He would like to start asking those boards for their recommendation, and we have two members of the Board here tonight. It'll be a good time to get their opinion. He explained it would be nice to hear from Boards they appoint.

Mayor Sandra Whitehead called Les Dufour to approach and comment.

Les Dufour, Chairman of the Golf Course Advisory Board, approached and is thrilled to work with Juan and Pat on the long term. He noted he and Juan have been brainstorming, and appreciates that he asked for his help. He stated we need to get started at once and work quickly with a plan where we want to go in the long run. He noted he had current concerns, the course, the employees working there now, hoping the City would be able to retain every bit of knowledge we can on the water system. He stressed the concern is getting something in place as soon as possible, and explained the Advisory Board had no recommendations. Mr. Dufour explained he really doesn't know what the alternatives really are. He stressed playability.

Commissioner Russ Peterson asked what the water problem Commissioner Russ Peterson asked what the water problem was.

City Manager Juan Fuentes explained Jesus was in the audience and would approach and explain better than he could, about the water, the effluent. And then maybe a little bit on the project.

Jesus Salayandia, Waste Water Treatment Plant (WWTP) Director, explained the water issues, the pump station, the effluent water was. He explained their getting plenty of water, we're working on that new pump station, he told the Commission of parts and material he had ordered. Mr. Salayandia stated he was hoping to have the station open in about two weeks, to be able to get that station running. Mr. Salayandia explained the use of the old pump and the drawbacks, stuffs happening out there and right now their working, their functioning; he stated the guys have kept it running, he noted working with Dave and Benny at the Golf Course, stating: "they keep it going"; he explained the process. They go in there, they prime it and they are getting close to 300,000 gallons a day and they've been getting it.

Commissioner Peterson asked a maintenance question.

Mr. Salayandia explained that the old station wasn't built right, it wasn't designed right. It was just put in there in a hole. It's working, but it's not designed to keep working. He explained they guys have done miracles, to keep it going, he explained working with Dave and Benny, from the golf course, we've been working together, and we've been able to keep it going. Explaining they are getting over 300,000 a day, and that's a lot of water; he then told the Commission a few of the problems, explaining the turn on process and the process to turn off.

Commissioner Russ Peterson made comments regarding the water, maintenance and the distribution. He told of about the installation of the system.

City Manager Juan Fuentes stated "if I may, one of the real reasons why, is because the effluent pond is higher than the new pump station, and that's creating the airlock, and it's creating loss of prime. So that's what the proposed project that Jesus was just talking about, with the assistance of Jeff Dornbush, and Staff, are proposing to solve that solution and use the new station. City Manager Fuentes explained when it was a longer term project when it was built to include transfer water to the cemetery, and that would have provided the prime needed, because they are a higher elevation, that never happened, and we have the elevation that's the real problem, and Staff has done a tremendous job, just trying to manage the new system and the old system.

Mayor Sandra Whitehead asked if action was needed on this item.

City Manager Juan Fuentes asked Pat Wood, Procurement, if the Commission need to take any action.

City Attorney Rubin stated he didn't think so."

Commissioner Kathy Clark asked "we don't need to close it?"

OLD BUSINESS:

Discussion/Action: Authorizing submission of an application for airport aid to the Federal Aviation Administration (FAA) and New Mexico Department of Transportation (NMDOT) Aviation Division for airport improvement projects related to Runway 13-31 Apron and Taxiway B Repair. He explained he would discuss both items, and then they would need to take action separately.

Authorizing submission of an application for airport aid to the Federal Aviation Administration (FAA) and NMDOT Aviation Division for obligation of sponsor matching funds and authorizing to accept the resulting grant offer. The project shall consist of Runway 13-31, Apron, Taxiway B, and Hanger area payment repair.

Discussion/Action: Authorizing Submission of an application for airport aid to the Federal Aviation Administration (FAA) and New Mexico Department of Transportation (NMDOT) Aviation Division for airport improvement projects related to T-Hanger Area Pavement Repair.

Scope of work would include pavement crack filling, seal coating, pavement marking, engineering services, and construction inspection.

Mr. Slettom explained the work required and the City's match.

Estimated Cost:

Runway 13-31, Taxiway B, Apron:

Construction	\$545,000.00
FAA Share (90%)	\$490,500.00
NM DOT Aviation	\$27,250.00
City of T or C	\$27,250.00

T-Hangers:

Construction	\$100,000.00
NM DOT Aviation (90%)	\$10,000.00
City of T or C	\$10,000.00

The FAA process would include:

- Independent Fee Estimate (IFE) for the proposed Task Order
- Airspace Study (FAR Part 77)
- Revised Overall Development Objective (ODO)
- Project Schedule
- Bid Documents
- Bid Award
- Construction

A complete copy of information provided hereto and made part hereof.

Mr. Slettom, ACM/CDD explained he presented both items together.

City Attorney Jay Rubin suggested a separate vote on each item.

Mayor Sandra Whitehead called for questions and answers.

“Mayor Pro-Tem Steve Green moved to approve Authorizing submission of an application for airport aid to the Federal Aviation Administration (FAA) and New Mexico Department of Transportation (NMDOT) Aviation Division for airport improvement projects related to Runway 13-31 Apron and Taxiway B Repair”

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for further comments/questions.

With no further comments or questions, Mayor Whitehead called for the vote.

Motion Carried Unanimously.

Discussion/Action: Authorizing Submission of an application for airport aid to the Federal Aviation Administration (FAA) and New Mexico Department of Transportation (NMDOT) Aviation Division for airport improvement projects related to T-Hanger Area Pavement Repair.

“Mayor Pro-Tem Steve Green moved to approve Authorizing Submission of an application for airport aid to the Federal Aviation Administration (FAA) and New Mexico Department of Transportation (NMDOT) Aviation Division for airport improvement projects related to T-Hanger Area Pavement Repair.

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for further comments/questions.

With no further comments or questions, Mayor Whitehead called for the vote.

Motion Carried Unanimously.

REPORTS:

City Manager Juan A. Fuentes noted a calendar for May 5th for the Budget. He informed the Commission that the Armory Board has approved handing over the property to the City. The Armory to the City of Truth or Consequences, for the law enforcement and animal shelter. He also commended Andy for the sale of equipment to Las Cruces.

City Attorney no report.

City Commission Russ Peterson made comments about the Budget hearings, noting that is a day after his surgery, but he hopes to be in attendance.

Commissioner Jeff Richter no report.

Commissioner Kathy Clark no report.

Mayor Pro-Tem Steve Green wished Commissioner Peterson the best of luck with his surgery. He spoke about getting calls regarding the waste water rates and the need for recycling.

Mayor Sandra Whitehead no report.

EXECUTIVE
SESSION:

Mayor Sandra Whitehead requested a motion for executive session.

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

1. Personnel 10-14-1H (7)
 - a. Related to City Manager Annual Performance Evaluation pursuant to Section V of Contract.
2. Pending or Threatened Litigation 10-15-1J (7)
 - a. Related to HSLD
 - b. Related to Henson
 - c. Related to Riedemann

Mayor Sandra Whitehead called for a motion to go into executive session after a five minute break.

“Mayor Pro-Tem Steve Green moved to go into executive session.”

Seconded by Commissioner Kathy Clark

Mayor Sandra Whitehead called for a Roll Call Vote.

Hon. Sandra Whitehead responded AYE to a Roll Call Vote.

Hon. Steve Green responded AYE to a Roll Call Vote.

Hon. Jeff Richter responded AYE to a Roll Call Vote.

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

Hon. Russ Peterson responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

OPEN MEETING:

Mayor Sandra Whitehead called to open the meeting.

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

1. Personnel 10-14-1H (7)
 - a. Related to City Manager Annual Performance Evaluation pursuant to Section V of Contract.
2. Pending or Threatened Litigation 10-15-1J (7)
 - a. Related to HSLD
 - b. Related to Henson

c.

Mayor Sandra Whitehead recused herself, turning the meeting over to Mayor Pro-Tem Steve Green and she left the room.

d. Related to Riedemann

Were discussed in executive session, no decisions were made.

"Mayor Pro-Tem Steve Green made the motion regarding:

1. Pending or Threatened Litigation 10-15-1J (7)

a. Related to HSLD

"the Commission authorized Staff to get in touch with Attorney Sullivan and send a letter."

Seconded by Commissioner Kathy Clark.

Motion Carried unanimously.

b. Related to Henson

"The Commission authorized staff to proceed forward with resolutions to bring back to the Commission.

Mayor Pro-Tem Steve Green moved to approve.

Seconded by Commissioner Kathy Clark.

e. Related to Riedemann

"Mayor Pro-Tem Steve Green made the motion for the Commission moved to proceed forward with Resolutions pertaining to the property."

Seconded By Commissioner Jeff Richter

Motion Carried Unanimously.

ADJOURNMENT:

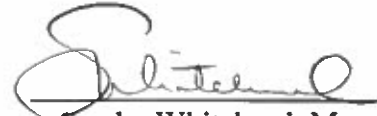
With no further to come before the Commission, Mayor Pro-Tem Steve Green called for a motion to adjourn.

"Commissioner Jeff Richter moved to adjourn."

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously.

Passed & approved this 26 day of May, 2015, on a motion made by
Commissioner Steve Green and seconded by Commissioner Jeff Ritter,
and carried.


Sandra Whitehead, Mayor

ATTEST:


Judy M. Harris, City Clerk



Handwritten text, likely bleed-through from the reverse side of the page.