

CITY COMMISSION  
TUESDAY MAY 26, 2015  
REGULAR MEETING MINUTES

The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and the State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the City Commission Chambers, on Tuesday, May 26, 2015, starting at 6:00 P.M.

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

Upon calling the roll, the following Commissioners were reported present.

Hon. Sandra Whitehead  
Hon. Steve Green  
Hon. Jeff Richter  
Hon. Kathy Clark (Via. Telephone)  
Hon. Russ Peterson

Also Present:

Juan A. Fuentes, City Manager  
Jay Rubin, City Attorney

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

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead led the Pledge.

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

Jay Rubin, City Attorney, made the suggestion to move items 1.4, 5, 6 and 7 we deal with those Resolutions after we come out of Closed Session. And there was something about item 8.

City Manager Juan A. Fuentes stated it has been requested that Item 1.8 be taken off the Agenda.

Mayor Sandra Whitehead asked: "Totally removed?"

City Manager Juan A. Fuentes stated: "Yes".

Mayor Sandra Whitehead asked for an Amended Motion.

Mayor Pro-Tem Steve Green moved to Amend his motion to delete 1.8 (1.8.Discussion/Action: Authorization to exchange property/equipment with Sierra County) from the Agenda, and to move 1.4, 5, 6, 7 back in open session, after our Executive Session."

"Seconded by Commissioner Jeff Richter."

Mayor Sandra Whitehead called for further comments or questions, with no comments or questions, she called for the vote.

Motion Carried Unanimously.

**PUBLIC  
COMMENTS:**

Mayor Sandra Whitehead called for Public Comments, noting the three minute rule, we ask you approach the podium, state your name and address, any items you have need to be placed in the black box next to the podium.

Klaus Wittern, 618 Charles, approached and made comments regarding the (PDA) project development agreement for water and infrastructure evaluation agreement, he suggested several changes and left a handout for (Complete copy attached hereto and made part hereof.)

Ron Fenn, 316 N. Foch, approached and made comments regarding a packet he sent the Commission and read a letter into the Record, related to the Lee Belle Johnson Senior Center vs. the Interim Spaceport Visitor Center. Mr. Fenn noted "we have been duped, leading you to commit violations, of law and code, for naught." Mr. Fenn noted he had attached a cost analysis which testifies to this money losing nature of this space tourism effort". (Complete copy attached hereto and made part hereof.)

David Webster, Volunteer for Matthew 25, approached and made comments regarding the sub-recipient funding, noting several

people here for the meeting, if the Commission has questions when it comes up in the Agenda.

George Salgeti, 913 Spruce, approached and made comments regarding the petition against the lease of the Lee Belle Johnson Center, he noted his surprise of the opposition to use of the Lee Belle Johnson Center as the Visitor Center. He also noted the benefits for the City with this move, and the upgrades and interior improvements, much being paid for by Follow The Sun. He noted there were no -violations of law, as noted by Mayor Pro0  
Generating GRT,

RESPONSE TO  
PUBLIC  
COMMENTS:

Ron Pacourek, T. or C., approached and made comments regarding the Convention Center, he state he went there on Thursday to use the facility and it was locked, the phone number didn't answer, so he could not use the facility. He also spoke of the sewage usage, why hasn't the 30% increase not been applied. He also requested to know who would be paying that fee.

Mayor Sandra Whitehead called for Response to Public Comments.

Mayor Pro-Tem Steve Green he wished to respond to a request made by Ron Fenn, in the form of a question. Noting he took a very conservative look at this, and noted this Cost Benefit Analysis was his own words, no one else's. He explained the Cost Benefit Analysis which shows the revenue that would start to market not only business, about our down town. He noted the raise in GRT over the year, and the visitor center gives out City something else to put out on their guides. The Mayor Pro-Tem read from his Analysis and noted the measurable exposure to the Town. Mayor Pro-Tem Steve Green noted he prepared a Cost Benefit Analysis. He noted we would we would have two billboards for marketing. He spoke of visitors staying in the City for events, getting food, gas, a soak at a spa, possibly making retail purchases. He stated: "If you total all this up, you get \$3,176,160 dollars, generating \$269,973.00 in GRT." He explained it would be nice to keep all that money here, but we have to send it up to Santa Fe where they dole a little of that money, but most of it comes back here, he continued to explain the cost benefit analysis, "So exposure of town and free publicity - measurable, jobs retained - measurable, new businesses opened and jobs created - measurable, Houses purchased and or rented - measurable, increase in population due to city exposure - measurable, and the harm of doing nothing - measurable.

(Complete copy attached hereto and made part hereof.)

Mayor Sandra Whitehead called for further comments or questions.

Commissioner Kathy Clark, asked to speak. She wished to complement the Mayor Pro-Tem for his effort to put together the Cost Benefit Analysis, she noted how she would have added a couple of thousand to it and how important it is for every dollar that comes into this Community.

Commissioner Russ Peterson stated that he asked at the Spaceport once operation begins, will the tours stop. He was told no, the day tours will be continuing, and they would have plenty of time for launches, it'll be a totally set of hours that there will be tours and a total set of time for launches without having to juggle schedules, and once the spaceport is totally functional they will continue to happen. He stated he didn't know where that information was gained, but there would be tours every day, while it's in operation, so whoever is putting that out or where that information was gained, but the tours will still be going on; there will be tours every day while it's in operation.

Mayor Sandra Whitehead invited everyone to get out there, take the tour, it's beautiful and it's well worth the trip.

CONSENT  
CALENDAR:

Mayor Sandra Whitehead called for a motion to approve the Consent Calendar, consisting of the City Commission Meeting Minutes from 4/14/2015, 4/28/2015 and 5/5/2015. The Public Utility Advisory Board Meeting Minutes for 4/20/2015.

"Mayor Pro-Tem Steve Green moved for approval of the Consent Calendar, as presented by the Consent Calendar as presented."

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead called for further comments or questions, with none, she called for the vote.

Motion Carried Unanimously.

NEW BUSINESS:

Mayor Sandra Whitehead called for Discussion/Action: Municipal Court Contract for services, noting three; "Ms. Isabel Jerabek, Attorney, Mr. Lee Deschamps, Attorney, and Mr. Pedro Pineda, Attorney, she requested City Attorney Rubin.

Jay Rubin, City Attorney explained these are standard contracts, we have three separate contracts they all three have been there for the

indigent in court, explaining that the scope of work was the same, noting there were three of them.

Mayor Sandra Whitehead asked Attorney Rubin if each needed a separate vote.

Attorney Rubin said no she would do them all at the same time.

Commissioner Russ Peterson stated "So Moved."

Seconded by Commissioner Jeff Richter

Mayor Sandra Whitehead called for further comment, with none, she called for a vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Discussion/Action: Municipal Court Alternate Judge, Judge Bobby Sanders.

Municipal Court Judge Bobby Sanders approached and stated she had fought long and hard about this and at the Municipal Judges Conference this year, she spoke to Municipal League Council and explained to them that I thought the Courts needed an alternate Judge. Judge Sanders explained that she had received approval from the Commission for her Court Administrator, Margaret Clanton and she wanted to add Becky Gutierrez to an Alternate Judge in the event she is not available to be present. Noting she had accepted Margaret Clanton but want to add Becky Gutierrez to the Alternate Judge list. She noted she believed the two thoroughly loved their job, have thoroughly invested themselves and had learned their jobs very well and have been learning; she believed they would know what to do, stating the work in Muni Court should not be stalled, and they would serve their job very well if she couldn't be there. , she also pointed out this would be one of their duties.

Mayor Sandra Whitehead thanked Judge Sanders, and asked Commissioner Russ Peterson if he had questions or comments.

Russ Peterson, Commissioner, asked Municipal Judge Sanders if that was her recommendation.

Bobby Sanders, Municipal Court Judge, answered yes.

Attorney Jay Rubin stated that the Judge actually made the appointment.

"Mayor Sandra Whitehead answered yes, she then moved to approve the Application be submitted to the Judge for consideration."

Seconded by Mayor Pro-Tem Steve Green.

Mayor Sandra Whitehead called for further comments, with none, she called for a vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead noted next was Discussion/Action: Resolution #44 14/15 A Resolution requiring prompt removal of accumulated rubbish, wreckage, and debris from the property at 731 Wyona, calling on Robbie Travis.

Robbie Travis, City Building Inspector, approached and explained this Resolution #44 14/15 A Resolution requiring prompt removal of accumulated rubbish, wreckage, and debris from the property at 731 Wyona, Truth or Consequences, New Mexico; finding that the presence of the rubbish, wreckage and debris is a menace to the public comfort, health, safety and welfare, providing that the owner, occupant or agent in charge of the property may file written objections to the resolution and seek a hearing before the Governing Body, provided by statute, authorizing the City Manager to remove the accumulated rubbish, wreckage and debris from the property and dispose of it if the owner, occupant or agent in charge of the property does not timely do so; providing that the City of Truth or Consequences shall recover its costs incurred for the removal and disposal of the rubbish, wreckage and debris as and to the extent provided by Statute. He noted it just goes on, he noted the owner of the property is George A. Henson the IV, it states our Code violation, and it's Section 5-72. He noted portions of the Resolution; Whereas for the foregoing reasons the Governing Body finds that the presence of the accumulated rubbish, wreckage and debris constitutes a menace to the public comfort, health, safety and welfare, due to the fire hazard on the Property and the risk imposed on adjacent properties and public rights of way in the event of fire or other emergency, and must therefore be removed from the property to protect the public health, safety and welfare.

In number 3. In the event that the removal is not done in a timely manner the City can go in and remove that, and according to that Section there, and according to Section 3-18-5 NMSA 1978, it says there we can put a lien on the property if we need to recover those costs. He stated "and then the fourth one has within 10 days from the time past or deliver the Resolution to it, he can object then. He then stood for questions.

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

Mayor Pro-Tem Steve Green asked Mr. Travis if this had already gone to Municipal Court yet.

Robbie Travis, Building Inspector, answered yes.

Mayor Pro-Tem Steve Green asked "and did we win or lose."

Robbie Travis, Building Inspector answered: "We won."

Mayor Pro-Tem Steve Green asked if he had any explanation, did he just plead no contest.

Robbie Travis, Building Inspector answered "he really just can't seem to get it done, he doesn't see to be able to get the process done, our City Attorney, John Appel, from Santa Fe is working on this, and he gave him 60 days last Court hearing, and he's done some stuff out front, and he's working on it, he just can't seem to get it done, it's a big undertaking and I think Ray Chavez has been working on it for about three years now, it's been awhile, and he just can't see to get it done, can't seem to get it cleaned up.

Mayor Sandra Whitehead and Mayor Pro-Tem Green thanked Mr. Travis.

Commissioner Russ Peterson asked if he was here.

Robbie Travis, Building Inspector answered "Tonight?" "I don't believe so" and looked around the room.

Kathy Clark, Commissioner (Via Telephone) asked if Mr. Travis, "My question to you would be has the Fire Chief actually gone into Court also and made the comment that he feels it is a fire hazard? The way the property is set up and off of these extra encroachments Mr. Henson has collected, she asked again did the Fire Chief ever make a statement to Municipal Court or was it just you?"

Robbie Travis, Building Inspector. "Yes he did, this is actually Ray's case, so I don't know all the details, but I'm on it, also with the Fire Chief and I believe in one of the first Court Hearings, me and the Fire Chief were present, and he did say that it is a hazard, and you know pretty much the Fire Chief said if something like that caught on fire, he would have to just, he would not let any of his men go in there and be harmed, that he would stay back and just make sure it doesn't spread to another property, it's so bad. There's like a little path up just to get up to the door way, and that's it. The stuff is packed pretty high in there, so he doesn't want to risk any of his Fire Fighters getting hurt in there if something would happen."

Commissioner Kathy Clark noted that was her concern; noting the concern for health and safety of others, she thanked Mr. Travis and the Mayor.

Mayor Sandra Whitehead stated the only question she had, well it's not a question, but a correction; I gave the wrong Resolution Number 14 14/15, its Number 44, and that's all I wanted to make note for the record. She then asked City Manager Fuentes if he had questions or comments, and what was his recommendation.

City Manager Juan A. Fuentes answered "Commissioners, I have no questions, comments and recommendation is approval of the Resolution and allow Staff to proceed."

"Mayor Pro-Tem Steve Green moved for Approval of Resolution #44 14/15 A Resolution requiring prompt removal of accumulated rubbish, wreckage, and debris from the property at 731 Wyona, Truth or Consequences, New Mexico."

Seconded by Commissioner Jeff Richter.

Mayor Sandra Whitehead called for further comments or questions, with none, she 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. Russ Peterson responded AYE to a Roll Call Vote.  
Hon. Kathy Clark responded AYE to a Roll Call Vote (Via Phone)

Motion Carried Unanimously.



Mayor Sandra Whitehead noted next on the Agenda was Item 19. Project Development Agreement between the City of Truth or Consequences and Yearout Energy Services Company, LLC. (YESCO); Attorney Jay Rubin.

Jay Rubin, City Attorney, explained the Agreement in front of the Commission was a Project Development Agreement that was drafted by YESCO, noting they did meet with their Representatives. He read portions of the Agreement noting highlights: YESCO agrees to undertake an evaluation study for the City to evaluate and jointly determine the optimal set of water infrastructure improvements that can reduce the Customer's operations costs. YESCO will conduct a water audit and savings analyses in order to develop a quantifiable list of improvement measures for Customer's consideration. So, YESCO will perform the following tasks;

A Meter Audit and testing Study, Smart Meter & City Infrastructure. Which will consist of develop overall intent with Customer, which is us of course, confirm project is desirable, Evaluate water infrastructure in regards to deployment of Smart Metering systems. Select the most appropriate technology based on finding and water loss. Cost deployment and payback of measures and develop and Implementation plan. Attorney Jay Rubin noted then on the next page you'll see records and data access. He explained there were several tasks the City would be required to fulfill; but they had a meeting with YESCO and YESCO acknowledged the last sentence there; that YESCO acknowledges that customer has already provided to YESCO the aforesaid records and data. Attorney Rubin moved to price and payment terms; noting the three bullet points there:

- Customer, which is again the City has no obligation to pay YESCO if within 60 calendar days following YESCO's delivery of findings, YESCO and Customer enter into an implementation agreement. So we enter into an agreement with YESCO.
- Customer has no obligation to pay YESCO if a project cannot be developed whereby the anticipated cash flow would be insufficient to pay for the project scope. So you have that as a safety clause.
- Customer is not required to make any upfront payment prior to initiate this study.

Attorney Rubin continued; So looking at the balance of the Agreement, we feel it's beneficial to the City, he noted he was here if they had any questions but he helped develop the Agreement, so he's in favor of it. Attorney Rubin stood for questions.

Mayor Sandra Whitehead called on Manager Fuentes for questions or comments.

Juan A. Fuentes, City Manager, explained that Scott Griffin, from YESCO, in the audience, to stand for any questions the Commission may have.

Mayor Sandra Whitehead called on Commissioner Clark for comments or questions.

Kathy Clark, Commissioner, answered noting she had several pages of questions and comments on this particular issue. The first one she posed to Manager Fuentes; We've got Smith Engineering, I understand, doing a hundred thousand dollar study on the water systems for a water system for the City of Truth or Consequences, is that correct?

Juan A. Fuentes, City Manager answered: "That is correct, they are working on a Water Line Asset Plan."

Kathy Clark, Commissioner: explaining she was not there when the scope of work was put together, explaining she thought when the look at water one would assume that one would do a study is to look at the water system, that you would break out looking at the meters, looking for loss and blockage, but wouldn't Smith Engineering, in a water study like that, want to break out, do a study, see what the average loss from our meters and pipes, so they can determine what is missing from our pipes and etcetera and an authorized use. Wouldn't that make sense?

Juan A. Fuentes, City Manager, answered: What he could tell the Commission is that that this was very specific, to develop a not only the Asset Plan but also a PER, this was specifically for the Water Lines Infrastructure. The Study will be brought back and we're looking for a joint meeting with the Public Utility Advisory Board for the next week, so we can, maybe even June 9<sup>th</sup>, we can present it to you, and at that time go into more detail, what was the focus work, the lines so you can see, the water, the wells, the water meters, it was very project specific. We focused on the water line infrastructure.

Juan A. Fuentes, City Manager, we are hoping to meet again on July 9<sup>th</sup> and the work was specific.

Kathy Clark noted the amount of meters which need to be replaced which would suggest we are looking at an additional debt we are going to be putting on top of us, even though it's insured. That's a lot of debt to be putting on, what does it do to our borrowing ability, She also had questions on payback, the age of meters, the possibility to look at a 15-year mortgage. Have we looked at what happened if we did in fact fund those meters ourselves, and instead of paying that money to someone else, have we looked at what we could save ourselves. She noted she didn't feel they did look enough on the numbers. She stated she felt they didn't do enough analysis on this.

Jeff Richter, Commissioner, stated his comments were the same as Commissioner Clark's and the most we're looking for today is a PER, basically. We're going to get an Engineering Report that cost us somewhere near \$14,000.00. He had hoped that something like this would be part of a bigger study of our Infrastructure Improvement Plan. To be part of it, not a standalone project, this is definitely a standalone project. He stated he had all the same questions as Commissioner Clark had, the addition debt load, unknown, regarding the payoff he asked at what term it would be paid off that will all be known after the PER. He stated he could not see how we could proceed on this, we're already paying for an Engineering Report that covers water lines and I had hoped that this would all be part of a larger plan, processing system, well we're going to do the meters today, in the long run we'll do the water lines, then we'll do this and then we'll do that.

Mayor Sandra Whitehead called Commissioner Russ Peterson with questions or comments.

Russ Peterson, Commissioner, noted no.

Mayor Sandra Whitehead called for Mayor Pro-Tem Steve Green with questions or comments.

Steve Green, Mayor Pro-Tem, stated he did have the same concerns as his fellow Commissioners. He wished to explore a couple of items with Scott.

Scott Griffin, YESCO, approached the podium.

Mayor Pro-Tem Steve Green noted we determine how much water is being sold right now to our customers, tell me when I go off the tracks here, you are sampling so many homes and so many businesses, and extrapolate from that sampling, how much is actually being used to how much as to how much is being charged. The difference now, with the new meters, we will increase a revenue load, selling the same amount of water. Is that the reason why you say it can reduce the customer's operational cost?

Scott Griffin, YESCO, noted it is similar to that, it's like a domino effect, his example, and meters are like the odometer for a car. No matter what you do, your meters are not registering what they are using. Noting that we are actually delivering more water than we are charging for.

Mayor Pro-Tem Steve Green asked how do you as a guarantor on this loan, knowing that our population is decreased, that we're not getting any wealthier as a Community, our waste water prices have gone up, will be going up thirty percent, therefore people might be using less water to save money. How do you agree to such a number?

Scott Griffin, YESCO, noted that was a great question, he explained what they do, they follow AWA Standards, he noted they were signed by a certified Engineer. He explained they were doing an engineering report that was guaranteed, unlike Smith Engineering. Mr. Griffin explained how they acquire the numbers to find out how the meters are reacting, they can measure. They take a look at all the Commercial Meters and the Residential Meters and we can tell what they are using. We have to guarantee those numbers without engineers. It's a way to get the meters without going into Capital Funds. Is it the cheapest way to go, no it is not? You can self fund it and you do 10 year and 10 years. We are actually trying to take your trash register and get them up to date and see that you are charging what you are putting out.

City Manager Juan Fuentes explained the borrowing of debt will still be on our books as a whole. The funding agencies don't look at the books, they look at how you are going to pay it. There are a number of different agencies for funding, that's what really determines can you afford that debt. So I can tell you when the Water PER, you are going to see some staggering numbers there. He discussed working with financing companies, grants and bonds. He noted it really depends on projected savings, and not on how much current debt we have. He explained he could guarantee when they saw the PER they were going to see some staggering

numbers there. And it's going to require some serious investment, and that's just on the water side. We're not talking about the water station, the tanks.

Mayor Sandra Whitehead noted she had no questions.

"Mayor Pro-Tem Steve Green moved for approval, to go on to the next step, a project development agreement for water and infrastructure evaluation, between Truth or Consequences and Yearout Energy Services Company, LLC.

Jay Rubin, City Attorney, asked if he was speaking of the Project Development Agreement.

Mayor Pro-Tem Steve Green answered yes, he wished to trigger the next.

Seconded by Commissioner Russ Peterson.

Mayor Sandra Whitehead called for further Discussion. With no further discussion she called for the vote.

"Mayor Whitehead stated "Motion dies for the lack of, motion dies, right?"

Several yes answers were heard from the Commission.

Mayor Whitehead stated "The Motion Failed".

Mayor Sandra Whitehead asked if we just go on to the next item.

The answer was yes.

Mayor Sandra Whitehead called for the next item.  
Discussion/Action: Sub recipient Grant Allocations for Fiscal Year Ending 2016, called on City Manager Juan Fuentes to present.

Juan A. Fuentes, City Manager, explained that in the packet they have the applications, there is a worksheet created by Linda Sparks, Executive Secretary, and we also have some of the quarterly reports, he then projected the worksheet on the screen, noting the Organizations that received funding last year for Fiscal Year 2015, and you have in the second column, for this Fiscal year, what they're requesting, he noted we have two Organizations that are

first time applicants, Companion Animal Action Team (CAAT) and Open Arms Pregnancy Center. City Manager Juan Fuentes explained the Organizations names were at the top section of the spreadsheet are funded by the General Fund, line item number 1000725. This Fiscal Year's Budget has an amount of \$43,000.00, and the amount requested is \$97,832. The bottom section has some additional Organizations that requested funding, and those are funded through Lodger's Tax as well as the Cemetery Fund, as you can see by the line items. He then explained that this year we have \$42,000 this year's request are \$56,500.00, explaining it showed those received who utilities, noting the line item for utilities. He then explained the Commission had the Applications in front of them, explained it was similar to what they did with Lodgers Tax and noted some of the Organizations were here in the audience, then stood for questions.

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

Jeff Richter, Commissioner, stated his opinion on this is quite open, on sub recipient grants, he doesn't think we should be giving any money to sub-recipients, he noted looking at the spread sheet compiled by the Manager's Office, and noted we have a couple of Organizations which receive in-kind Utilities and in addition, they are asking for additional money besides that. Commissioner Jeff Richter noted what we have is a Group or Organization that is more favored than others, it's not good public policy, and you have a favored constituency, a group or Organization that's more, noting we shouldn't be paying utilities any more. Commissioner Richter noted the summary of Grant Applicants, listing each applicant and the deficiencies in each application. Several have not proof of non-profit status. A lot of these Organizations are taking these grant applications for granted. Also we have those who fail to present their quarterly reports. This money is not money dropped off in a donation box, this money comes from the General Fund, and we all know where that comes from. That money comes from a transfer in from the utility fund, we have some of the higher fees. His opinion is that none of these Organizations should get any money.

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

Mayor Pro-Tem Steve Green wanted to first thank all the Organizations he was looking at, for performing the type of service that they do for the community. He explained that some of these need federal and state grants and have to have funding to get those

grants. He noted he respected Commissioner Richter's point, but until someone could prove to him that others could do the job. He questioned Friends of Elephant Butte State Park, \$1,000.00, he thought we gave them \$700 of Lodger's Tax.

Juan Fuentes, City Manager answered that the other funding is marketing funds for the Lodgers Tax, every year these are the same.

Mayor Sandra Whitehead called for Commissioner Kathy Clark's questions or comments.

Kathy Clark, Commissioner, asked if City Manager Juan Fuentes if he knew the ball park figure for the yearly cost of utilities for Lee Belle, so maybe \$5,000 per year.

Juan Fuentes, City Manager answered he thought it was \$350 and \$400 a month.

Kathy Clark, Commissioner asked what the cost of maintenance would be.

Juan Fuentes, City Manager, answered it would be just regular janitorial services, is all we have done, less than \$2000 per year.

Kathy Clark, Commissioner asked for the amount for payroll.

Juan Fuentes, City Manager, answered about \$5,000 a year.

Kathy Clark, Commissioner asked if it only takes 12,000 a year to run the Lee Belle Center. Asking for how many seniors used the building. She asked for figures on how many people you serve daily.

Joe McClintock, SJOA, answered there are about 300 in meals and 75 for ancillary, homemakers, Senior Employment people.

Kathy Clark used the numbers to explain how it was okay to use money for SJOA, she noted she was not getting a justification.

Russ Peterson, Commissioner, explained that when we had the Lodger's Tax reports we found discrepancy's and I made a statement back then "you don't meet the guidelines you don't put your hand out." So his comment would be the same on this particular item.

Jay Rubin, noted he wished to make a comment, you can decide what allocations, he then explained the contract which included

deadlines which had to be met, some we are getting something in exchange,

Mayor Sandra Whitehead asked, "If they don't do their quarterly reports they don't get their money, correct?" So the quarterly reports are mandatory and need to be turned in, on a timely manner, in order to get refunded, correct?

Jay Rubin, Attorney, answered YES.

Mayor Sandra Whitehead asked where the money was coming from.

Juan Fuentes, City Manager explained funding came from the preliminary budget, it's the will of the Commission.

Mayor Pro-Tem Steve Green explained that Open Arms Pregnancy Center just came before us, let's give them a chance to prove their metal and maybe they might want to come back next year. What he would like to consider, the Health Council is not in good standing, we did fund them last year, and they put out a very valuable item, I would suggest we take \$500 and put it under the Companion Action Team and then take \$500 from the Boys and Girls Club

"Mayor Pro-Tem Steve Green made the suggestion to fund as follows:

Boys and Girls Club of Sierra County	\$9,500.00
Companion Animal Actin Team (CAAT)	\$1,000.00
Domestic Abuse Intervention Center (DAIC)	\$2,500.00
Matthew 25 Food Pantry	\$5,000.00
Sierra Joint Office on Aging	\$24,000.00
The Bountiful Alliance	Utilities only

Coming to the total of \$43,000.00, with contracts by the Attorney to come back to the Commission.

Seconded by Mayor Sandra Whitehead.

Mayor Sandra Whitehead called for further comments or questions, with no further, Mayor Whitehead called for the Vote.

Motion Carried 4 to 1 with Commissioner Richter voting Nay

Mayor Sandra Whitehead called for the Organizations on the bottom of the page.



"Mayor Pro-Tem Steve Green moved for the following:

Hot Springs cemetery Association	\$4,000.00
Friends of Elephant Butte State Park	\$1,000.00
Geronimo Museum	\$3,500.00
Geronimo Trail Scenic byway	\$3,500.00
MainStreet Truth or Consequences	\$30,000.00

Mayor Pro-Tem Steve Green noted the total of \$38,000.00."

Seconded by Mayor Sandra Whitehead.

Motion carried 4 to 1 with Commissioner Richter voting Nay.

Mayor Sandra Whitehead called for the next item on the Agenda; Discussion/Action: Amendment to the Lease Agreement between the City of truth or Consequences and Follow the Sun Tours, Inc., she requested City Manager Fuentes to explain.

Jay Rubin, Attorney, read the revised amendment.

Mayor Sandra Whitehead called for questions or comments from City Manager Juan Fuentes.

"Mayor Pro-Tem Steve Green moved for approval of the Lease Agreement between the City of **truth** or Consequences and Follow the Sun Tours, Inc."

Seconded by Commissioner Russ Peterson.

Mayor Sandra Whitehead called for further comments or questions, with none she called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda, Discussion/Action: Authorization to designate Terry Taylor as the interim resident agent for the City Governmental Liquor License No. 9057; Juan Fuentes, City Manager

Juan Fuentes, City Manager, explained that the Commission Action Form showed Howie was the resident agent for the last several year, with the changes, we are required to set a name of who that resident agent is going to be. He noted they would have to come

back with the agreement on the liquor, but at least this names the resident agent, and the process. He explained a past problem with taxes for Howie Tucker, we are working that out.

Mayor Sandra Whitehead called for questions or comments.

Russ Peterson, Commissioner, asked Attorney Rubin if he had a problem with this.

Jay Rubin, City Attorney answered no.

Kathy Clark, asked about the last sentence what Manager Fuentes had said.

Juan Fuentes, City Manager, noted he had the opportunity to speak to the agent in charge, and was told there was an outstanding GRT under Howie's name to clear that up. He noted we would follow up before any payment on the contract is done, until this is clear.

Commissioner Kathy Clark asked if until this loan is there, can we use the liquor license. She explained how she questions if this is the way that whole thing is to be operated. She thought we needed some sort of protection for the City.

City Manager Juan Fuentes noted he didn't have an answer at this time. He noted on line training that Mr. Taylor had to do

"Mayor Pro-Tem Steve Green moved for authorization to name Terry Taylor as resident agent for the city Governmental Liquor License No. 9057."

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for Old Business,  
Discussion/Action: Resolution #49 14/15 A Resolution adopting fees, deposits and regulations for use of the Civic Center, Mayor Pro-Tem Green.

Pro-Tem Steve Green explained they looked at this several times, he noted changes he wished to make;

In Non-Profit Organizations Criteria we added Any Non-Profit holding an event that requires at least two consecutive days rent will be eligible for 100% reduction on fees.

The hours should be 7:00 A.M. to 3:00 P.M. and is dedicated for Senior use.

Only the city Manager may impose other use regulations as he/she may deem necessary as long as those regulations do not subvert the intent of this policy.

Mayor Sandra Whitehead called for questions or comments.

"Mayor Pro-Tem Steve Green moved for approval of Resolution #49 14/15."

Seconded by Commissioner Russ Peterson.

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. Russ Peterson responded AYE to a Roll Call Vote.

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

Motion Carried Unanimously.

Mayor Sandra called for Reports.

City Manager Juan Fuentes noted he would be attending a Recycling Grant with Andy Alvarez. He noted he did submit the Preliminary Budget, noting we would work on the final budget due in August.

Commissioner Kathy Clark thanked the Mayor for being allowed to call in and putting up with the situation. She also thanked City Manager Fuentes.

Commissioner Jeff Richter, No Report.

Commissioner Russ Peterson, No Report.

Mayor Pro-Tem Steve Green wished to comment on an article in page nine of last week's newspaper, regarding and article by Ron

Fenn. He noted the daily flights in the near future, other revenue streams. He explained the wonderful tour at the Spaceport, noting there were no other motels and such. He noted all the commercials which were made at the Spaceport. He noted they purchase gas, food and lodging here in T or C. He noted a meeting in which the Mayor Pro-Tem referred to the minutes from Monday the 18, 2008, three things were on the agenda. One of the votes was for the subdivision master plan of Hot Springs Land Development. He noted that in the roll call vote four Commissioners voted yes, and one Commissioner (himself) voted NO. He noted Mr. Fenn's words again "I always check the facts". The last comments were about a Commissioner not running unopposed. He spoke of moving forward with what was best for the Citizens of the Community.

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

"Mayor Pro-Tem Steve Green moved to go into executive session regarding Pending or threatened litigation 10-15-1H (7) related to Riedemann."

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

Motion Carried Unanimously.

Mayor Sandra Whitehead stated she would be recusing herself for the rest of the meeting and turning it over to Mayor Pro-Tem Steve Green. Mayor Sandra Whitehead called for a five minute break before the executive session.

"Mayor Pro-Tem Steve Green stated the Commission was back in open session.

"Mayor Pro-Tem Steve Green stipulated that in Executive Session related to Pending or threatened litigation; discussion were made and no vote taken. Mayor Pro-Tem Steve Green moved to Authorize City Attorney and the City Staff to notify New Mexico

Municipal League, and to reach out for their advice and council, regarding Riedermann. And in reaching out give them the relevant information."

Seconded by Commission Jeff Richter.

Mayor Pro-Tem Steve Green asked for any further questions or comments.

Mayor Pro-Tem Steve Green noted we were not on Item number 4, Discussion/Action: Resolution #45 14/15 A Resolution requiring the prompt removal of accumulated rubbish, wreckage and debris from the property at Charlie's Lane, turning the meeting over to City Attorney Jay Rubin.

Jay Rubin, City Attorney, explained these are identical to the ones we did a couple of weeks ago, involving two properties, on Charlie Lane, Wade and Gibson, and one deals with junk vehicles and the other deals with rubbish.

Mayor Pro-Tem Steve Green started with Resolution #46 Discussion/Action: A Resolution requiring the prompt removal of junked automobiles from the property at Charlie's Lane.

"Russ Peterson, Commissioner, stated "so Moved".

Seconded by Commissioner Kathy Clark.

Mayor Pro-Tem Steve Green called for 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. Russ Peterson responded AYE to a Roll Call Vote.  
Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Resolution # 47 14/15 A Resolution requiring the prompt removal of junked automobiles from residential zoned land at Wade and Gibson.

"Jeff Richter, Commissioner, moved for approval of Resolution #47 14/15."

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for 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. Russ Peterson responded AYE to a Roll Call Vote.  
Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Discussion/Action: Resolution #48 14/15 A Resolution requiring the prompt removal of rubbish, wreckage, and debris from the property at Wade and Gibson.

"Jeff Richter, Commissioner, moved for approval of Resolution #48 14/15."

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for 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. Russ Peterson responded AYE to a Roll Call Vote.  
Hon. Kathy Clark responded AYE to a Roll Call Vote.

Motion Carried Unanimously.

Mayor Pro Tem Steve Green requested a motion to adjourn.

"Jeff Richter, Commissioner, moved to adjourn."

Seconded by Commissioner Kathy Clark.

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

PASSED AND APPROVED this 23 day of May, 2015 on  
a motion duly made by Commissioner Steve Green,  
seconded by Commissioner Russ Peterson, and carried.



  
Sandra Whitehead, Mayor

ATTEST:  
  
Judy M. Harris, City Clerk