

PUBLIC HEARING
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
Tuesday September 29, 2015

TIME & PLACE: The City of Truth or Consequences held a Public Hearing in the City Commission Chambers of said City, Tuesday, September 29, 2015 at 10:00 5:00 P.M.

PURPOSE OF PUBLIC HEARING:

1. Application #962829 - Bedroxx Entertainment LLC: DBA: Point Blanc Winery, 820 N Cedar St Truth or Consequences, New Mexico; Angela A. Torres, Interim City Clerk
2. Discussion/Public Input: To inform the public of the City's intent to file an application with USDA/RUS Colonia Program to seek funding for Water Line Improvements. Bill Slettom, CDD/ACM and Traci Burnette, W/WW Admin. Assistant

ATTENDANCE: The following were reported present:

Mayor Sandra Whitehead
Mayor Pro-Tem Steve Green
Commissioner Russ Peterson
Commissioner Jeff Richter
Commissioner Kathy Clark
Juan A. Fuentes, City Manager
Angela Torres, City Clerk

PUBLIC HEARING: Mayor Sandra Whitehead recused herself from the meeting in regards to Item number 1 on the agenda, leaving Mayor-Pro Tem Steve Green to lead the meeting.

Angela Torres brought forth an application for a beer and wine liquor license, for approval. Ms. Torres stated that they had sent out the proper notifications and that it was approved by the Building Inspector, meeting the requirements. Angela Torres stated that Gary Whitehead was available to answer any questions.

Gary Whitehead stated that he had taken on a new project and he purchased the Bowling Alley property with the sole intent of using it for the car dealership. Gary stated they decided to split the parking lot and try to bring the bowling alley back to life. He also stated that the state and the legislation came together and merged 2 liquor laws, calling it the Reciprocity Bill, which states if you are a wine grower producing wine or a brewer, you can sell any New Mexico wines/beer. Gary stated

that they will be specifically selling New Mexico products only.

Commissioner Russ Peterson asked if any of our local winery/vineyards still produce wine.

Gary Whitehead stated that there is one full winery in Sierra County, located in Caballo. He also stated that they are still growing grapes out in Engle, which are just sold as grape products to different wineries.

Commissioner Kathy Clark made a comment about inviting a bunch of different breweries from the state to come down and present their beers. She then questioned if he could do that out of his bowling alley area, and will Gary Whitehead be able to have a picnic license where they could possibly use their beer and wine some other place in the city when they are having a convention, to expand on what they are already doing.

Gary Whitehead said he will take any ideas, this is a new venture for him and thinks there's a lot of great ideas. The license does limit him so he's not able to go down to Caballo and buy their product from them unless he has a whole salers license, he could sell to a distributor and Bedroxx in turn would be able to buy from that distributor. As for the Picnic License they would only be able to picnic on a public celebration so he could not cater any private parties, only at a public celebration.

Mayor Pro-Tem Steve Green questioned if Gary would be buying the grapes from St. Claire's.

Gary Whitehead stated the process that has been approved for them, they will be buying the grape juice from them.

Mayor Pro-Tem Steve Green asked about the name 'Point Blanc Winery'.

Gary Whitehead stated that the name Whitehead translated into French, you get Point Blanc.

Mayor Pro-Tem thanked Gary Whitehead and wished him the best of luck and success.

With no other proponents or opponents Mayor Pro-Tem Steve Green called Mayor Sandra Whitehead back into the room.

Mayor Sandra Whitehead called for item number 2, Discussion/Public Input: To inform the public of the City's intent to file an application with USDA/RUS Colonia Program to seek funding for Water Line Improvements. Bill Slettom, CDD/ACM and Traci Burnette, W/WW Admin. Assistant

Traci Burnette stated many components of the existing T.or.C Municipal water system are old, requiring replacement or rehabilitation. She state the asset management plan came in and stated the cost of that would be around 6.7 million, which means they will have to go out for funding, which they would like to look at putting out funding for USDA, in hopes that they will receive a good chunk to get started on that project.

Mayor Sandra Whitehead opened up the public hearing asking for any proponents or opponents speaking on behalf of the item.

With no comments Mayor Sandra Whitehead closed the Public Hearing.

Commissioner Russ Peterson questioned if Smith Engineering should be approved before the item.

Traci Burnette said no because Smith Engineering is related to Waste Water.

Commissioner Kathy Clark questioned if it was just a small match for us and most of what USDA would fund would be around 80-90%.

Bill Slettom stated when they went into the process several years ago for Waste Water, we go into the projects not knowing what proportion of the grant will go into the loan. After USDA reviews all of their financials and the application, they will come back to us and say we qualify for this much grant monies and this much as a loan component. Bill Slettom also stated that a lot of that was based on how much was available to the whole state. He stated the wild card right now was the Congressional Legislation will determine how much New Mexico is going to get. Because they are Colonia's they do qualify for up to 100% grant. But they will not find out until they get in to the process, which in some ways makes it difficult for us when we're doing financials because we have to show what it will cost if we take the entire amount as a loan.

Commissioner Kathy Clark expressed her concern because of the extraordinary amount of money but knowing that we desperately need it. Commissioner Clark wanted to ask Lori Montgomery if we did have to pay on a 6 million dollar loan can/how would we do that and are we spinning our wheels looking for 6 million dollars when we might have to come up with 2 and are we going to be able to afford it and can they say no if they only match them 50/50.

Bill Slettom stated that they can say no when it gets to that, he also stated another step in the process is going through a rate analysis, so they will be asking their CAC to come back and do the same kind of rate analysis they did for Waste Water. With that there may be a similar requirement to adjust the water rates just as they did for wastewater. They will be looking at their revenue stream and seeing what we can afford.

Mayor Pro-Tem stated he had the same concerns as Kathy Clark, and said if they

are going to have the same ground rules as the wastewater treatment plan that the rates state the government who is going to give us a big hunk of money for free and a small loan had to make sure that the rates themselves could carry the debt on the loan plus 20 or 30 percent of contingency fund. Mayor Pro-Tem Steve Green questioned when they can get the numbers.

Bill Slettom there was no way they could go into this showing anything but what our financials look like right now. He stated it wouldn't pay for them to second guess what the USDA would do, because in many ways they are still trying to second guess what congress is going to do with the Agriculture bill. He stated they are in a good place because they are in Colonia's, Colonia's has been pretty well funded over the years, adding that they will keep their fingers crossed for that. Because they are Colonia's they qualify for a much higher grant to loan ratio. Bill Slettom stated that they needed to proceed with applications like this, if we want to do the project and it comes in that 50/50, we can take a hard look at it. He stated that USDA is the best game in town.

Mayor Pro-Tem Steve Green stated he appreciated the attitude of staff to be fully thinking and trying to make some hay where the sun shines, and see if they can get their hands on some money so they can have an impact on the upgrade of the infrastructure of the community.

1. Mayor Sandy Whitehead called for the next item on the Agenda, Discussion/Public Input: Proposed Ordinance Providing Amending the Code of Ordinances, Chapter 14, Article III, Section 14-90 thru 14-94, Village of Williamsburg Wastewater Treatment Charges. Jesus Salayandia, W/WW Director and Traci Burnette, W/WW Admin. Assistant

Traci Burnette stated the Ordinance is an increase to the Village of Williamsburg, we charge them their wastewater treatment charges, they in act a fee to their customers to actually pay to the utility. We have proposed to them that we need to bring their cost up from \$1.68 to \$3.12 which is what they've estimated out the cost per thousand gallons to treat the wastewater. The ordinance only has a few changes, bringing the cost up from \$1.68 to \$3.12, and reflecting a 5% increase so they will be in line with what they are charging our customers as well. They will also have a residential call out fee, right now the wastewater/water department goes out to the Village of Williamsburg and provide services. To date they have never charged the Village of Williamsburg for that, however that is coming out of our revenue, and their departments are paying for our employees to go out and take care of that. That would be a fee we would add in there if/when that happens. Per the Village of Williamsburg meeting they did request and old agreement where we pay a sewer line use fee, we have a group of residents that live within the city of TorC, however they are hooked up to the sewer line of the Village of Williamsburg, so we pay them a flat monthly fee for our customers to use their

sewer line for that waste to travel from their house to our treatment plant, so we did a 30 % increase on that, which is the same as the 30% increase they have been raising for our sewer rates. They did remove the section that shall not be revised or altered without their prior written consent, reason being because with the automatic 5% increase every year, we wouldn't have to come in front of commissioners and council members to automatically increase that. The Village of Williamsburg was in complete agreeance with this and has already gone in front of their council and it has been approved and believes it has gone out for publication.

Commissioner Kathy Clark stated she stated she had a concern about the less than 5% raise every year without having to go to the commission, because the woman who did wastewater said less than 5% can be an automatic increase every year, but it didn't say 5% exactly.

Mayor Pro-Tem wanted clarification on the last item of the first page Section 14-92 talks about a maintenance fee of \$90 a month for the lift station, what happens if a part breaks, is that our cost or theirs.

Jesus Salayandia stated that would be Williamsburg, they just do the repairs.

Traci Burnette stated if you look at 14-92-D call out services shall be performed only at the request of Sierra County Dispatch. The last line states regular maintenance and call out services include labor and equipment only, parts are not included.

Mayor Sandra Whitehead called for their regular meeting.

CITY COMMISSION
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
SEPTEMBER 29, 2015
ACTION MINUTES

TIME & PLACE: The Mayor and the City Commission of the City of Truth or Consequences in the County of Sierra, and State of New Mexico met in Regular Session in full conformity with the law and ordinances of said Commission in the Commission Chambers of said City September 29, 2015, starting at 6:00 P.M.

PRESIDING OFFICER: The meeting was called to order by Mayor Sandra Whitehead, who presided and Angela A. Torres, Interim City Clerk acted as Secretary of the meeting.

ROLL CALL: Upon calling the roll the following Commissioners were reported present:

Hon. Sandra Whitehead, Mayor
Hon. Steve Green, Mayor Pro-Tem
Hon. Jeff Richter, Commissioner
Hon. Kathy Clark, Commissioner

Also present:

Juan Fuentes, City Manager
Jay Rubin, City Attorney
Angela A. Torres, Interim City Clerk

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

CEREMONY:

Mayor Sandra Whitehead called for fifteen seconds of Silent Meditation.

Mayor Sandra Whitehead called for Mayor Pro-Tem Steve Green to lead the Pledge.

**APPROVAL OF
AGENDA:**

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

“Mayor Pro-tem Steve Green made a motion for approval of the September 29, 2015 agenda.”

Seconded by Commissioner Russ Peterson.

Commissioner Kathy Clark moved to take the city commission meetings of July 14, 2015 off the consent calendar and discuss them separately.

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

Motion carried unanimously.

**COMMENTS FROM
THE PUBLIC:**

Mayor Sandra Whitehead called for Public Comment, noting those wishing to comment would get three minutes, may only approach the podium once, and any material for the Commission was to be left in the black box by the podium.

Randy Ashbaugh, 1023 Poplar, stated he wanted to thank the city for cracking down on the weeds. Mr. Ashbaugh stated he had previously donated trees and would like donate a few more. He also stated that he felt it was important for the city to focus on the golf course as well. He also requested a sidewalk on Marie Street and street lights be put on Foch Street.

Mary Szegetti, 418 N. Foch, thought the clean-up twice a year was an excellent idea and also placed some more suggestions in the black box.

Diane Lombardo President of the Companion Animal Action Team stated she wanted to thank the community for a successful Fur Fest.

George Szigetti suggested the building inspector/code enforcer come down quarterly and give a summary of their activities to educate the public and present it on a regular basis.

Boaz Easley presented Willie Montoya with a certificate for going above and beyond his duties.

Lee Alirez read a letter to the Police Department and commended Dave Cook and other city employees for going above and beyond their line of duty.

Les Dufour Sierra County Men's Golf Association gave an overview of the course and expressed the SCMGA's concerns. He stated there needs to be more man power; in addition they lost some of their greens. He stated the men's league wanted him to encourage the commissioners to consider maintaining the golf course and getting it back.

**RESPONSE TO
PUBLIC COMMENT:**

Mayor Sandra Whitehead called for response to public comments.

Mayor Pro-Tem Green commended Chief Alirez for helping out a couple from Arizona who had left a pocket book at Blake's Lotta Burger and returned their belongs back to them.

Chief Alirez also commended William McNutt the manager of Blake's Lotta Burger for turning in the purse.

Mayor Sandra Whitehead called for further questions or comments.

Commissioner Clark stated she was concerned about the Golf Course and had questions about a fungus that was going on at the Golf Course and other neighboring cities.

Mayor Sandra Whitehead called for further questions or comments, there being none Mayor Whitehead moved on to the next item on the Agenda.

CONSENT
CALENDAR:

Mayor Sandra Whitehead called for a motion to approve the Consent Calendar, consisting of item E1 Public arts Advisory board meeting minutes August 19, 2015, E2. Golf Course Advisory Board Meeting Minutes August 13, 2015, E3 Public Utility Advisory Board Meeting Minutes July 20, 2015, E4 City Commission Meeting Minutes July 14, 2015, E5 City Commission Meeting Minutes July 20, 2015, E6 City Commission Meeting Minutes August 11, 2015, E7 Discussion/Action Authorization for Agreement for safekeeping or pledged securities, First Savings Bank; Lori Montgomery, Finance Director, E8 Discussion/Action: Authorization for Agreement with Newman Outdoor Advertising; Juan Fuentes, City Manager, E9 Discussion/Action: Authorizing Agreement with New Mexico Works; Juan Fuentes, City Manager, E10 Discussion Action: Authorization of Location release Agreement; Juan Fuentes, City Manager.

Commissioner Kathy Clark stated she asked for July 14, 2015 Minutes to be removed as she felt she needed to recuse herself from a vote on the Newman Outdoor Advertising, Item E8. Commissioner Kathy Clark asked to remove item E8 from the consent calendar and allow her to recuse herself from that item.

“Mayor Pro-Tem Steve Green moved for approval of the Consent Calendar, as noted by Mayor Sandra Whitehead.”

Seconded by Commissioner Kathy Clark.

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

Motion Carried Unanimously.

Mayor Sandra Whitehead called for approval of the July 14, 2015 City Commission Minutes.

“Commissioner Russ Peterson made a motion for approval of the July 14, 2015 City Commission Minutes”

Seconded by Mayor Pro-Tem Steve Green.

Mayor Sandra Whitehead called for the vote.

Motion carried unanimously.

Commissioner Kathy Clark and Mayor Sandra Whitehead both noted that they would like to be abstained from voting on the item because they were both not present for the meeting

Mayor Sandra Whitehead called for approval of the Discussion/Action of Authorization for Agreement with Newman Outdoor Advertising.

“Mayor Pro-Tem Green moved for approval of the Newman Outdoor Advertising”

Seconded by Commissioner Russ Peterson.

Mayor Sandra Whitehead called for the vote

Commissioner Kathy Clark went on the record to make it known that she recused herself from the vote on that particular item.

Motion Carried Unanimously.

NEW BUSINESS:

Mayor Sandra Whitehead called for the next item on the Agenda; Item F.1 under New Business: Discussion Action: Application #962829- Bedroxx Entertainment LLC; DBA: Point Blanc Winery, 820 N Cedar St., Truth or Consequences NM; Angela A. Torres, Interim City Clerk

Mayor Sandra Whitehead turned the meeting over to Mayor Pro-Tem Steve Green and recused herself.

Mayor Pro-Tem Steve Green asked Angela to Begin her presentation and walk them through it.

Angela Torres stated she was bringing in Gary Whitehead for any additional questions the Board may have.

Mayor Pro-Tem Steve Green noted he wanted to let the audience in attendance know that there was a workshop previous to the Commission Meeting, there was one proponent which was the applicant Gary Whitehead, no opponents.

Mayor Pro-Tem Green called for further questions or comments, there being none.

“Commissioner Russ Peterson motioned to approve Application #962829 Bedroxx Entertainment LLC; DBA: Point Blanc Winery, 820 N Cedar St., Truth or Consequences NM 4:23???”

Seconded by Commissioner Kathy Clark.

Motion Carried Unanimously

Mayor Pro-Tem Steve Green thanked Gary Whitehead for making our community that much better.

Mayor Sandra Whitehead called for item F2.

Discussion/action: Resolution no. 10 15/16, finding the property at 808 maple to be a dangerous and unsafe structure; Robbie Travis, Building Inspector

Robbie stated the build has been abandoned for many years and a squatter had begun staying on the property in an RV. They had been in touch with the actual owner of the property, but could not get the owner to respond anymore. They have posted condemned signs on the building because it had gone up on the tax sale to warn potential buyers that they would have to do something with the property. The owner did come back and pay the back taxes however the owner still hasn't responded to any notices. If he does not respond they will move forward and clean up the property. Staff recommendation would be to remove the dangerous condition supported by documents like the resolution, inspection report, and the final notice.

Commissioner Clark made a comment about sending notices to dead people and questioned what the policies are for sending out notices.

Robbie Travis stated that their policy is to send to the registered owner, which is what they've done. He also stated that her brother is on as the registered person in charge. The brother is the one they've been dealing with (John).

Mayor Pro-Tem Green had a question about the RV that was on the property and what they would do with it and could they possibly get back some revenue from it.

Robbie Travis stated that he spoke with Manager Fuentes and stated that they are looking to see what they can do to recapture that money and possibly put it into a fund to help clean up other properties. Essentially what they would do is get the stuff that's of value and per their code use that money to pay someone to clean up the property so they do not have to put out money. Robbie said he was going to speak with the city attorney to try and get it resolved and presented to the commissioners with a plan.

With no further comments "Mayor Pro-Tem Steve Green made a motion to move for approval of Resolution No. 10 15/16, Finding the property at 808 Maple St. to be a dangerous and unsafe structure and authorizing demolition"

Seconded by Commissioner Jeff Richter

With no further questions or comments Mayor Sandra Whitehead called for a Roll Call Vote:

Hon. Sandra Whitehead, responded YES to a Roll Call Vote

Hon. Steve Green, responded YES 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 YES to a Roll Call Vote

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item on the agenda: F3 Discussion/Action Authorization to deposit, withdraw and/or reinvest balance amounts of maturing certificates of deposits for the Capital Improvement Reserve, Emergency Repair Reserve, Waste Water Reserve, Electrical Construction Reserve Accounts; Lori Montgomery, Finance Director.

Lori Montgomery stated that the CD's will be coming up for maturity on October 3rd. The documents she gave them included a standard form that they receive every year to seek their guidance on whether or not they are going to reinvest the funds or what they would like to do with those amounts in each one of the accounts. The documents contained the amounts along with the interest through maturity. Lori stated she was looking to the commission for direction to see what they wanted to do with those accounts. In addition Lori said she had contacted the banks and only one had responded, and the other banks were not interested in public funds at the time.

Commissioner Richter wanted to know who the deposits were with and who had reinvested.

Lori Montgomery replied the deposits were with BBVA Compass and that BBVA Compass will not invest so their other option is First Savings Bank.

Mayor Pro-Tem Steve Green wanted to know if Lori was suggesting we would buy CD's for 1 year or longer periods of time and assumed that they would leave the interest accrued within the account and not get a check and get a better rate.

Lori Montgomery stated that is correct, she also pointed out that First Savings Bank did give her different rates for 12, 18 & 24 months, if the Commission is interested. .35% on the 12 month, .40% on the 18 month, .50% on the 24 month with no early withdrawal penalties.

Commissioner Clark stated she would leave it to Lori Montgomery's discretion, and that she would be happy going with the 2 year First Savings.

Lori Montgomery stated she would defer to the City Manager on that decision.

Commissioner Russ Peterson said he was very confident with what was documented.

City Manager Juan Fuentes recommended as suggested by Commissioner Kathy Clark is the 24 months with the First Savings Bank.

“Mayor Pro-Tem Steve Green moved for authorization to move the CD’s that have matured at the BBVA Compass bank to the First Savings Bank and to invest in a 2 year CD for each one of the 4 accounts with the understanding that there are no penalties for early withdrawal”

Seconded by Commissioner Kathy Clark

Mayor Sandra Whitehead called for the vote.

Motion Carried Unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda: F4 Discussion/Action: to accept and approve for publication Ordinance #667 amending the Code of Ordinances, Chapter 14, Article III, Section 14-90 through 14-94, Village of Williamsburg Wastewater Treatment charges; Jesus Salayandia, W/WW director and Traci Burnette, W/WW Adm. Assistant.

Traci Burnette stated that in the workshop they discussed amending Chapter 14 of the Village of Williamsburg wastewater treatment charges providing for an increase in sewer treatment charges, an increase from \$1.68 per thousand gallons average of their customers to \$3.12 which is the same rate our customers are paying now. The original agreement was established in 2004 and it hasn’t been increased since 2004. Traci Burnette’s recommendation is to approve and accept the publication of ordinance #667 with the increase to the Village of Williamsburg.

With no further questions or comments Manager Fuentes recommended for approval for publication of ordinance #667.

“Mayor pro tem Steve Green moved for publication of ordinance #667”

Seconded by Commissioner Kathy Clark.

Mayor Sandra Whitehead called for the Vote.

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda: F5 Discussion/Action: to Accept the NMFA Planning Grant Award for up to \$50,000 for the completion of a Water Conservation Plan; Traci Burnette, W/WW Adm. Assistant

Traci Burnette stated that on March 24 the city commission passed and approved a resolution approving the submission of a completed planning grant application to NMFA. The NMFA board of directors approved their application for 100% funding of up to \$50,000 for the completion of a water conservation plan. Traci Burnette's recommendation is to accept the grant award.

Commissioner Kathy Clark stated that it seemed interesting to her that New Mexico finance would fund something when this is a Western water state and we are encouraged not to conserve water in this state, we are encouraged to use everything that we are given as a water owner for example and said it seemed like there is a disconnect somehow and was wondering if something happened in Santa Fe that said to the State Engineer's office that we need to have a conservation of water in our program now because up until now she had known that conservation is not something that you want to do if you are water rights owner.

Traci Burnette stated that she didn't know of anything going on Santa Fe but that she did know that a lot of funding sources are now requiring water conservation plans that are not just simple plans within our ordinance but something that actually goes by the AWWA audit and the GBCP calculator to implement and plan and see where maybe there water losses are and to see if there are things they can do to help prevent unnecessary water loss.

Manager Juan Fuentes stated that one of the requirements that the NMFA is requesting this plan is because part of what they are going to do is also applying for Water Trust Board money but in order to apply for Water Trust Board money for water lines we need this water conservation plan as well. This is what some of the funding agencies are now requiring. So this will be our plan to say we've done some due diligence on this side for the future.

City manager Juan Fuentes recommended for approval of the agreement with the NMFA planning grant award for \$50,000.

"Mayor pro tem Steve Green made a motion to approve the agreement with the an NMFA planning grant award for \$50,000"

Seconded by Commissioner Kathy Clark

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

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda: F6

Discussion/Action: To enter into an agreement with Engineers Inc. for the completion of a water conservation Plan; Traci Burnette W/WW Adm. Assistant

Traci Burnette stated that this item tighten to the previous item. There is an agreement between the city of TorC and Engineers Inc. for professional services to complete a water conservation plan. They will be completing that plan using the planning guide technical report 53 that is provided by the New Mexico office of the State Engineer. Those services would include debit collections, result analysis, water conservation goals, public involvement, education outreach and developing a water conservation program using the AWWA audit and the GBCP calculator. These services would be paid for 100% by the planning grant that has been awarded.

Commissioner Russ Peterson asked how Engineers Inc. was chosen.

Traci Burnette stated that engineers Inc. was chosen on a CES contract and they were the ones who had assisted them on their own with the submission of the water application. Because they were already familiar with our water production we chose to go with them because we only had a short timeframe to use the funding for NMFA.

Commissioner Kathy Clark asked if they have to put an RFP out when they do those kinds of deals.

City manager Juan Fuentes stated that for some of these small professional services agreements the procurement code does not require them to go through an RFP process.

Mayor pro tem Steve Green stated he may have found a typo on the effective date, should have been September 29, 2015

Mayor Sandra Whitehead consulted with attorney J Reuben and asked if they could change the date.

City attorney Jay Ruben stated that would be okay

City manager Juan Fuentes recommended for approval of the agreement with engineers Inc. for the completion of the water conservation plan.

Mayor pro tem Steve Green move for approval of the agreement with the understanding that they are going to change the effective date to September 29, 2015

Seconded by Commissioner Russ Peterson.

With no further discussion Mayor Sandra Whitehead called for the vote.
Motion carried unanimously

Mayor Sandra Whitehead called for the next item on the Agenda:F7
Discussion/action: to enter into an agreement with Smith engineering company for the design and construction of phase 2A– Wastewater Treatment Plant Improvements Traci Burnette W/WW Administrative Assistant

Traci Burnette stated that on June 21, 2013 the commissioners agreed to accept and enter into a contract with Smith engineering for wastewater engineering services for the construction and design of our wastewater treatment plant for funding purposes. It was broken up into a phase project. The agreement they have been given is the agreement for the phase 2 part of the upgrades to the plant. Each funding source requires an agreement that is more specific to the funding that they are receiving for phase 1. They have already and to an RFP with Smith engineering that received the contract that the commissioners voted on.

Mayor Sandra Whitehead noted that all the information was dated September 8, 2015 and question if they can change that date to September 29, 2015.

Mayor pro tem had a question on the last line and quoted “a removal of the two existing secondary clarifier structures”. He stated he assumed that there is some metal involved there. Who owns and who gets that metal.

Bill Slettom stated that that’s the kind of detail that gets worked out in the RFP for construction services which does in fact mean that they own it unless it has been excluded.

Commissioner Russ Peterson question if this included a 50% rate hike.

Traci Burnette stated no, that they had taken care of the wastewater rate increased from the phase 1 beginning funding. For this process it is just the annual increase implement, which is the 5%.

Manager Juan Fuentes made a comment that in the future when additional funding for the future phases of this project will be coming back to the commission for a similar approval of an agreement. The rates for the wastewater side have already been implemented because of the USDA. But this funding is actually from the Colonial Board which didn't require us to do any rate increases so you will see some future action because it is part of an \$8 million project and we are about halfway through. Manager Juan Fuentes recommended approval for the agreement with Smith engineering.

Commissioner Kathy Clark wanted to confirm that the \$126,000 was already in the budget.

Manager Juan Fuentes confirmed that the \$126,000 is in the budget.

Bill's Slettom stated that this is just an agreement separate from the two grants that they have gone from 2-A. He stated that they have to NMFA colonials' infrastructure fund grants. Which is what's paying for the whole 2-A project.

Commissioner Kathy Clark just wanted to confirm that this is another phase of something that was already approved by commission two years ago.

"Mayor pro tem Steve Green move for approval of moving into an agreement with Smith engineering company to design and construction of phase 2-A of our wastewater treatment plant improvement phase 2-A"

Seconded by Commissioner Jeff Richter.

With no further discussion Mayor Sandra Whitehead called for the vote.
Motion carried unanimously

Mayor Sandra Whitehead called for the next item on the Agenda: F8
Discussion/Action: to accept the grant award from Community Development Block Grant Program in the amount of \$500,000 for the purpose of rehabilitating and replacing manholes within the city; Traci Burnette W/WW administrative Assistant.

Traci Burnette stated that on December 30, 2014 they held two public meetings regarding going out and looking at the CBDG grant program and what they could apply the grant to. From her understanding there were very few that showed up. She stated that they spoke with the commissioners regarding what they could implement that money towards if they got a grant. The manholes within their main trunk line within the sewer and other manholes within the city were in desperate need of repair. On March 10, 2015 the commissioners signed the resolution approving the submission of the application to the community Block development grant

program, and they received an award letter awarding them that money on June 16th. Traci Burnette stated that she is there to ask if they can accept the grant and move forward to getting the replacement on the manholes.

Commissioner Kathy Clark questioned why it took so long to say yes to this grant if it arrived in June.

Traci Burnette stated that they had only received the letter and that it took some time to receive the mail.

Manager Juan Fuentes stated that the agreements have to come from the FA so even though they have given us the award and the commission actually approved this amount to be in budget as well, we just wait until the awards get here.

Mayor pro tem Steve Green asked for clarification as to whether the city was going to be the fiscal agent or do they have to go out and get a fiscal agent on this grant.

Manager Juan Fuentes stated that he believed in the past they've used scholar? if they are required. The agreement is still with the city and they will execute it and if they need the scholar? assistance we will be using them, and Jay Armijo is aware of that because he is also part of the CBDG Council.

Manager Juan Fuentes recommended approval of the grant award for the wastewater system improvements.

"Mayor Pro-Tem Steve Green moved for acceptance of the \$500,000 CBDG grant award for the wastewater systems improvement manhole rehabilitation replacement"

Seconded by Commissioner Russ Peterson.

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

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda:F9
Discussion/action: to approve submission of an application to USDA/RUS
Colonials Program to seek funding for Water Line Improvements and
authorize City Manager, Juan Fuentes, to execute and sign and submit
documents related to said application; Traci Burnette, W/WW
administrative Assistant

Traci Burnette stated as stated in the public meeting they would like to look at going out for grant money through USDA and other grant options but this one specifically for USDA to see what kind of funding they could get for water line replacement. Traci stated the USDA applications are very generic that just requires a signature saying that we go by the drug-free workplace requirements, equal opportunity agreements and other forms as such. Traci's request is for the commissioners to approve her submission for them to submit paperwork towards the application for USDA and for city manager Juan Fuentes to sign and execute and submit those documents.

Commissioner Russ Peterson directed his question toward city manager Juan Fuentes and asked him what the difficulty of obtaining approval from the commission versus Manager Juan Fuentes just approving.

Manager Juan Fuentes stated that a lot of times the USDA requires generic forms and asks them to file within a short period of time. So sometimes there is not enough time to be able to call a special meeting or wait for the next commission meeting. So if we give that discretion to move forward so we don't lose the opportunity to provide funding. But again they are all standard agreements.

Manager Fuentes recommended approval of authorization to submit the application to USDA RUS colonials program for funding for the water line improvement project and authorize the city manager to execute any necessary agreement or documents.

“Mayor pro tem Steve Green made a motion that was expounded by city Manager Fuentes ”

Seconded by Commissioner Jeff Richter.

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

Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda:F10
Discussion/action: to approve the contract for professional services with Triple H Solar; Bo Easley, Electric Director

Bo Easley stated that he brought forward a professional services contract with triple H solar with Steve Hauss. Bo Easley stated that Steve house has done previous work with the solar array. Steve will assess us was needed help in obtaining grants for needed projects. Steve is a registered PE solar engineer with 25+ years of very diverse experience from planning to construction management, existing relationships locally and around New Mexico, consulting with regulatory agencies and can provide mentorship

opportunities for project management and engineering, excellent people skills and provide support for engineering expertise and analysis.

Commissioner Richter stated he felt this is a very good deal.

Mayor pro tem Steve Green asked for clarification on whether the \$60,000 was for 4 years or \$60,000 for one year of services. In addition he asked if the contractor goes out and brings in a million-dollar grant is he going to get an administration fee to administer that grant or can we do that in house and his just serve as a fee as \$65 for billable hours.

Manager Fuentes stated that in regards to the grant he will not be administering a grant. If we do get a grant we will try to administer in-house so he wouldn't get in administration fee on top of this. As for the clarification on the 60,000 for four years or 60,000 for one year of services we will have to revisit that. Manager Juan Fuentes's recommendation was to postpone item F10.

"Mayor pro tem Steve Green made a motion to take item F10 off and not be voted on so that there can be further research or information available."

Seconded by Commissioner Russ Peterson.

With no further discussion Mayor Sandra Whitehead called for the vote.
Motion carried unanimously.

Mayor Sandra Whitehead called for the next item on the Agenda:F11
Discussion/action: to approve the new job position and description of Electric Administrative Assistant; Juan Fuentes, City Manager

Manager Juan Fuentes stated the vision of this position to provide Bo with clerical assistance that he needs to also be able to oversee some of the projects that they are anticipating. They are hoping with the support of Steve Hauss they will have a good team to go after some of those projects. In addition he stated he felt it presented an excellent opportunity to be able to start structuring the electric department in providing the resources that they need. The descriptions similar to the wastewater assistant in addition to general job descriptions.

Commissioner Russ Peter felt that it is a needed position and he appreciated them bringing it to the commission to be approved.

Commissioner Jeff Richter question if they had budgeted this in the budget process for employees.

Manager Juan Fuentes stated yes it is in the budget and will not require a budget increase.

Commissioner Kathy Clark stated as long as it's in the budget and wanted to know if the person being hired was going to be a person with electrical background.

Bo Easley stated that it depends on the applicants.

Manager Fuentes's recommendation is for approval of the job description for the electric administrative Assistant.

"Mayor pro tem Steve Green move for approval of the request to create the new job position and description of electric administrative Assistant".

Seconded by Commissioner Russ Peterson.

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

Motion carried unanimously

Mayor Sandra Whitehead called for the next item on the Agenda:F12
Discussion/Action: authorization to proceed with contract for design development and bid documents of the healing Waters Plaza to MRWM Landscapes Architects Bill Slettom, CDD/ACM

Bill Slettom stated that this will be in some ways an extension of their agreement with Baker Morrow for the design development and construction bid documents for the healing Waters Plaza. Bill Slettom went over a slideshow with the commissioners.

Commissioner Kathy Clark asked if they could figure this out by themselves instead of hiring someone.

Bill Slettom stated that they would still have to go out and hire a mechanical engineer, an electrical engineer, and a landscape architect for stamp drawings in order to build it ourselves.

Mayor pro tem Steve Green asked if everything works out and they get help from New Mexico State Main Street program and private funding can we anticipate having this done for our Centennial celebration on June 7, 2016.

Bill Slettom stated there is a packet that contains a schedule that shows the bid opening around the middle of December with a construction start of mid-January and a 120 day construction day schedule which would put us right into April/May. Baker Morrow's aware that this is going to be sight of our Centennial celebration and will take all measures necessary to make sure that they get that.

Bill Slettom also stated that he did deliver the grant application to Santa Fe.

Mayor pro tem Steve Green asked if Bill could tell them when they would find out if they are a recipient of an award.

Bill Slettom stated that by October 16 they should know if they are a finalist.

Commissioner Russ Peterson question if they will need more personnel or equipment to take care of the things we have for going after more.

Commissioner Jeff Richter asked what percentage of consultant fees percentage of the total of the construction generally speaking.

Bill Slettom stated dealing with landscape architects is different than dealing with engineers. Based on the construction estimate this is about a 13% design fee that wouldn't be including those construction observation parts to it. 15 to 17% is not unusual to see people ask for. Most entities are heavy hitters so they can actually set the fee and tell the engineer that the design and architect that this is what they will pay you.

Bill Slettom stated that they are going to be looking to large-caliber trees, the biggest that they can move. They also feel that her budget is healthy enough to get those larger trees.

Commissioner Kathy Clark had an additional comment about the attachment that has the 320 on it, and stated that that included the state fees but wanted to know where they were at.

Bill Slettom stated that was a construction budget.

Commissioner Kathy Clark stated that they were looking at a \$400,000 project with small trees.

Bill Slettom did confirm that yes this is a project pushing \$400,000.

Mayor Pro-Tem Steve Green stated that they are selling bricks that people can sign, the bricks will be sold at a higher rate and the additional amount will be donated to the city to establish a maintenance program and the replacement program. Mr. Green estimated the amount to be about \$60,000 depending on how many bricks are sold.

Manager Juan Fuentes recommended is for authorization to proceed with the contract for design development and bid documents for the healing Waters Plaza.

"Mayor pro tem Steve Green moved for authorization as manager Fuentes noted"
Seconded by Commissioner Russ Peterson.

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

Motion carried unanimously

REPORTS:

Mayor Sandra Whitehead called for the next item on the agenda, reports.

Mayor Pro-Tem Steve Green said he was sad and happy at the outcome of the vote. His happiness was because the community rallied together and became proactive and wanted to plot the citizens. His sadness was due to the waste of time and money and doesn't want the voters to feel like the commission threw them under the bus. Mr. Green stated that he wanted to the community know that they hear them that they are going to do the best that they possibly can dollar wise and facility wise to make as many people happy and continue to be happy as we possibly can.

EXECUTIVE SESSION:

"Mayor Pro-Tem Steve Green moved to go into executive session".
Seconded by Commissioner Russ Peterson.

Mayor Sandra Whitehead called for a roll call vote.

Mayor Sandra Whitehead , responded YES to a Roll Call Vote
Mayor Pro-Tem Steve Green , responded YES to a Roll Call Vote
Commissioner Jeff Richter , responded AYE to a Roll Call Vote
Commissioner Kathy Clark , responded AYE to a Roll Call Vote
Commissioner Russ Peterson , responded YES to a Roll Call Vote
Our

Mayor Sandra Whitehead called for a motion for Executive Session; prior to executive session they will take a five minute break.

OPEN SESSION:

Mayor Sandra Whitehead stated the Commission was back in Open Session.

"Mayor Pro-Tem Steve Green noted that in Executive Session discussion incurred, no action taken."

ADJOURNMENT:

Mayor Sandra Whitehead called for any further comments or questions. With none coming forward, she called for a motion to adjourn.

"Mayor Pro-Tem Steve Green made the motion to adjourn. "

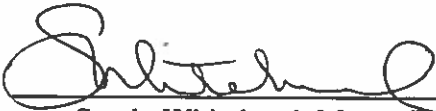
Seconded by Commissioner Kathy Clark.

Mayor Pro-Tem Steve Green asked for any further questions or comments, with none coming forward, the Commission adjourned.

CERTIFICATION:

PASSED AND APPROVED this 23rd day of November, 2015, on a motion duly made by commissioner Green and seconded by Commissioner Clark, and carried.




Sandy Whitehead, Mayor Pro-Tem

ATTEST:


Angela A Torres, Interim City Clerk