

*Steven Green
Mayor*

*Sandra Whitehead
Mayor Pro-Tem*

*Kathy Clark
Commissioner*



*Rolf Hechler
Commissioner*

*Joshua Frankel
Commissioner*

*Juan A. Fuentes
City Manager*

*505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 ♦ F: 575-894-0363
www.torcnm.org*

REGULAR MEETING

THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO, IS TO BE HELD IN THE COMMISSION CHAMBERS, 405 W. 3RD ST., ON TUESDAY, AUGUST 23, 2016; TO START AT 9:00 A.M.

A. CALL TO ORDER

B. INTRODUCTION

1. ROLL CALL

Hon. Steve Green, Mayor
Hon. Sandra Whitehead, Mayor Pro-Tem
Hon. Rolf Hechler, Commissioner
Hon. Kathy Clark, Commissioner
Hon. Joshua Frankel, Commissioner

2. SILENT MEDITATION

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

C. COMMENTS FROM THE PUBLIC (3 Minute Rule Applies)

D. RESPONSE TO PUBLIC COMMENTS

E. PRESENTATIONS

1. Presentation for the pink patch project, breast cancer awareness and fund raiser for cancer research. Lee Alirez, Police Chief
2. Presentation for Review of the Parks Renewal Plan. Recreation Advisory Committee. Greg D'Amour, Recreation Advisory Board Chair

F. CONSENT CALENDAR

1. Public Utilities Advisory Board Minutes, June 20, 2016
2. Public Arts Advisory Board Minutes, June 20, 2016

CONSENT CALENDAR *(continued)*

3. Recreation Advisory Board Minutes for:
 - A. February 1, 2016
 - B. March 3, 2016
 - C. April 4, 2016
 - D. June 6, 2016
4. Lodgers Tax 4th Quarter Reports for FY 15/16

G. ORDINANCES/RESOLUTIONS/ZONING

1. Discussion/Action: Resolution No. 06 16/17 adopting the 2018-22 Infrastructure Capital Improvement Plan (ICIP).
2. Discussion/Action: For publication ordinance change proposed by the Public Utility Advisory Board for Discounted Utility Rates for large businesses. George Szigeti, PUAB Chairman

H. UNFINISHED BUSINESS

1. Discussion/Action: To accept and approve the Water Conservation Plan. Traci Burnette, Grant Projects Coordinator and Sarah Garduño, Engineers, Inc.
2. Discussion/Action: Acceptance of donation of property to the city by Catherine and Marcia Burford and authorization to pay the outstanding taxes. Juan Fuentes, City Manager
3. Discussion/Action: To accept and approve a Project Development Agreement (PDA) to allow Yearout Energy Service Company (YESCO) to perform an Investment Grade Audit to integrate Automatic Reading Water and Electric Meters for a Self Funding Energy Performance Contract Under State Contract 15-05759. Pursuant to NMSA 1978 6-23. Juan Fuentes, City Manager
4. Discussion/Action: Authorizing staff to work on a Policy for late application submittals and quarterly reports for Subrecipient Grants & Lodger's Tax awards. Steve Green, Mayor

I. NEW BUSINESS

1. Discussion/Action: Appointment to Housing Authority Board for Christopher O'Rourke. Steven Rice, Executive Director
2. Discussion/Action: Appointment to the Recreation Advisory Board for Christie Conklin. Greg D'Amour, Recreation Board Chair man
3. Discussion/Action: Appointment to the Public Utilities Advisory Board of Gil Avelar. George Szigeti, PUAB Board Chairman

J. REPORTS

1. City Manager
2. City Commission

K. EXECUTIVE SESSION

1. Limited Personnel Matters - City Manager Evaluation. *Pursuant to NMSA, 1978 10-15-1(H.2)*

L. ADJOURNMENT

NEXT CITY COMMISSION MEETING SEPTEMBER 13, 2016



E.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Presentation, Pink Patch Project Breast Cancer Awareness & Fund Raiser

BACKGROUND:

The Pink Patch Project is an innovative public awareness campaign designed to bring attention to the fight against breast cancer and to support breast cancer research organizations in combating this devastating disease. It is estimated that approximately 1 in 8 women will be diagnosed with breast cancer in her lifetime. This disease can have a profound impact on the patient and her loved ones. It is a disease however that can be effectively treated with surgery, radiation therapy, hormone therapy and chemotherapy. We have the simple goal of increasing awareness about the life-saving benefits of early detection and intervention in the fight against breast cancer. In addition to our public education efforts, we have the added goal of raising funds from the sale of Pink Patch Project items to go directly to fund the research, treatment and education needed to help find a cure.

This is a collaborative effort between several public safety agencies. These agencies have partnered together to combat breast cancer by raising public awareness and to raise funds for breast cancer research and treatment. The program centers on vibrant pink versions of the public safety officer's uniform patch. These bright pink patches have been specially designed by each participating agency specifically for the Pink Patch Project campaign. Officers at each of the participating agencies will wear these pink patches on their regular uniforms for the entire month of October each year during "Breast Cancer Awareness Month."

The Truth or Consequences Police Department has partnered with a cancer research organization in New Mexico in respective to our community.

STAFF RECOMMENDATION: N/A

SUPPORT INFORMATION: See Attached

Lee Alirez, Chief of Police Name of Presenter:	Police Department Department:	August 23, 2016 Meeting date:
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Truth or Consequences Police (NM) - PINK PATCH



08/12/16



This artwork may have been slightly modified to more effectively reproduce your design in embroidery. Every effort will be made to match colors perfectly. However, due to texture, brilliance, colors and shades available, and dye lot differences, there may be a slight variation in color or shade.

Note: RGB printed colors vary from printer to printer, therefore we do not guarantee color matching





E.2

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Presentation for Review of the Parks Renewal Plan. Recreation Advisory Board.

BACKGROUND:

Greg D'Amour, Recreation Advisory Board Chair will make the presentation. Attached is the Commission Agenda Application.

STAFF RECOMMENDATION:

None. Presentation only.

Submitted by: Renee Cantin, City Clerk

Meeting date: 08/23/2016



CITY OF TRUTH OR CONSEQUENCES

CITY CLERK'S OFFICE

505 SIMS STREET

TRUTH OR CONSEQUENCES, NEW MEXICO 87901

PHONE: (575) 894-6673 EXT#1301 FAX: (575) 894-7767

RECEIVED
8/16/16

APPLICATION FOR LISTING ON CITY COMMISSION AGENDA

DATE: 8-15-16

DATE OF MEETING YOU ARE REQUESTING TO BE LISTED UNDER: 8-23-16

NAME OF APPLICANT/ORGANIZATION: TorC Recreation Advisory Committee

ADDRESS: _____

PHONE: 575 497 9032 E-MAIL: gda-health@btinternet.com

REQUEST: (ATTACH WRITTEN REQUEST AND/OR DOCUMENTS IF AVAILABLE)

Read letter from TorC resident Bernardo Rodriguez (local student)
Review Plan for Parks renewal -

WHAT RESOURCES DO YOU REQUIRE: Overhead projection of Google Map

ESTIMATED TIME FOR PRESENTATION: 10 minutes SIGNATURE: [Signature]

CITY MANAGER ACTION

APPROVED FOR COMMISSION AGENDA OF: _____

DENY - REASON FOR DENIAL: _____

IF YOUR REQUEST WAS DENIED AND YOU WISH TO APPEAL, YOU MAY:

- appear personally before the City Commission on the day of the meeting and during the "Comments from the Public" ask that the Commission place your item on the next available agenda (usually in 2 weeks); or,
- appeal directly to any one of the City Commissioner by contacting them (see reverse side for contact information). Any Commissioner may place your item on the agenda by notifying the City Clerk at least 7 days prior to the Commission meeting.



F.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Approve the Public Utility Advisory Board Minutes for the June 20, 2016 Meeting.

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

Submitted by: Renee Cantin, City Clerk

Meeting date: 08/23/2016

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD MINUTES
MONDAY, JUNE 20, 2016
REGULAR MEETING**

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, June 20, 2016 at 5:30 P.M.

INTRODUCTION:

ROLL CALL:

George Szigeti, Chairman
Jeff Dornbusch, Vice-Chairman
Alvin Siffring, Member
Ron Pacourek, Member

ABSENT: Grant Montgomery, Member

ALSO PRESENT:

Juan Fuentes, City Manager
Jesus Salayandia, Water/Wastewater Director
Bo Easley, Electric Division Director
Andy Alvarez, Sanitation Director
Traci Burnette, Water/Wastewater Admin. Assistant
Renee Cantin, City Clerk

APPROVAL OF AGENDA:

Member Al Siffring moved to approve the agenda.

Member Pacourek said at the last meeting he requested the sewer rates be included on this agenda and it's not on there.

Chairman Szigeti said we will have to put it on the next agenda. City Manager Fuentes asked him to submit it in writing to staff.

Member Pacourek said if he has requested an item it should be included on the agenda.

City Manager Fuentes said it helps staff to give them something in writing.

Vice-Chairman Dornbusch seconded the motion. Motion carried unanimously.

APPROVAL OF MINUTES:

Regular meeting of Monday, May 16, 2016:

"Member Siffring moved to approve the May 16th minutes."

Vice-Chairman Dornbusch seconded the motion. Motion carried unanimously.

COMMENTS FROM THE PUBLIC:

None.

Discussion/Action: To accept & approve the ditch metering agreement, lower Rio Grande Water Master District:

Water & Wastewater Director Salayandia read an email.

Vice-Chairman Dornbusch had questions regarding the overflow into the River.

Water & Wastewater Director Salayandia noted that they want to measure what goes into that pond.

Vice-Chairman Dornbusch feels they would be measuring evaporation.

Member Siffring and other members did not have page two of the agreement. Chairman Szigeti gave an overview of what it said from the working file originals.

Member Siffring asked if we have ever had an agreement like this before. Water & Wastewater Director Salayandia said no.

Vice-Chairman Dornbusch asked how long it pumps. Water & Wastewater Director Salayandia noted that he'll have to pull up the numbers, but he thought it was 10 million a month.

Vice-Chairman Dornbusch is concerned they could take away our water rights for the pond. He is in favor of keeping track of where the water goes.

Chairman Szigeti had some concerns about measuring water.

Chairman Szigeti doesn't see a problem as long as they measure what is going in and what is going out.

City Manager Fuentes said the city has a lease agreement with Mr. Bill Buhler for those rights. He's not sure if it's consistent with those.

"Vice-Chairman Dornbusch moved to approve passing this on to the City Commission."

Chairman Szigeti asked if we know the amount of water we are allowed. W/WW Admin. Assistant Burnette said we have been metering this and it's been reported. All we are doing is replacing our meter with their meter.

Chairman Szigeti seconded the motion. Motion carried unanimously.

(This item was presented before the action above.)

Discussion/Update: Water/Wastewater Department:

Water & Wastewater Director Salayandia showed the Board an upgrade at the plant. He added on Phase 2b, and they are planning to amend and put the lift stations in there for Clancy, Nickel, and North Date Streets.

Chairman Szigeti went back to the previous item for action.

Discussion/Update: Solid Waste Department:

Sanitation Director Alvarez gave an update on Recycling; Gas Prices are going up; hoping for a Good Monsoon Season; just hired two more to help; one more Dump Truck; things have really picked up at the Collection Center; Poly Carts (there are 225 left).

Vice-Chairman Dornbusch asked if we have plans for the old dumpsters.

Sanitation Director Alvarez noted that he put a few back because some commercial customers wanted them back.

Discussion/Update: Electric Department:

Electric Department Director Easley gave an update on the Steel Pole at Cedar and Riverside: Substation Testing; Replacing Poles & Trimming Trees.

Chairman Szigeti asked if any property owners are giving grief about trimming trees away from lines. Electric Department Director Easley responded no, they don't give any trouble.

Vice-Chairman Dornbusch asked how the Solar Array is doing and if it's putting out juice now. Electric Department Director Easley said they are real good. He sent an email to them about the weeds.

Chairman Szigeti said it would be nice to see the figures of the solar farm on a quarterly basis. We use to get a monthly report of water and electric use. We don't need monthly but a quarterly report would be nice.

Member Siffring asked if we had some numbers for the Walmart Solar.

Discussion/Update: Utility Billing and Red Tag process:

Interim Utility Office Manager Sonya Williams gave an update on the Cycles and where they are with the schedules.

City Manager Fuentes said with some of the issues, staff has been able to get everything caught up and getting back on track. However, because of the issues and the conversion we have not been going after red tags for past due bills. Sonya generated a report for some of the past due bills. We are going to start the Red Tag process again and we will give them a reasonable period and start with the higher bills and go from there.

Chairman Szigeti asked about putting the information back on the bills that we lost. City Manager Fuentes responded the first thing was getting the bills up to date. Now the next phase will be going into Tyler to see what else we can do with the System. They will take one step at a time.

Chairman Szigeti understands from the YESCO presentation, the new meter system would be compatible with Tyler.

Member Pacourek added he sat down with Sonya and she was very helpful and he appreciates that. Now the right things are being done even though there are still discrepancies. He gave some examples. Ms. Williams spoke to Tyler about putting the Solar Readings on the Bills and they seemed to think it should be fairly easy to add that information. Member Pacourek mentioned Budget Billing and Ms. Williams is working on that.

Discussion/Action: Re-appointment of members to Public Utility Advisory Board; Alvin Siffring, George Szigeti, and Jeff Dornbusch:

Chairman Szigeti said there are three who are up for reappointment this year. Member Siffring has indicated he will need to step down after many years of service.

"Member Siffring moved to approve recommending to the Commission the reappointment of Chairman Szigeti and Vice-Chairman Dornbusch."

Member Pacourek seconded the motion. Motion carried unanimously.

Member Pacourek asked what the process is for a vacancy. City Clerk Cantin said we would publish the vacancy and bring it back to the board.

Discussion/Action: Re-organization of Chairman and Vice-Chairman:

"Member Pacourek moved to approve leaving it the way it is."

Member Siffring seconded the motion. Motion carried unanimously.

Discussion/Action: Ordinance 664 for renewable energy:

Member Pacourek said in your packet you have an update he feels should be applied to that ordinance. He reviewed his suggestions.

Vice-Chairman Dornbusch commented on paying the customer at the wholesale rate vs. KWh. Discussion was held by Member Siffring to the need for having this included in the ordinance. Chairman Szigeti said he doesn't think he is looking out for the customers with this change.

Member Pacourek then read the section of the current ordinance related to Section 3.e. Chairman Szigeti feels it's such an uncommon event to change it from Sierra Electric Coop. Member Siffring commented about the changes.

Member Pacourek asked if they feel there should be changes in the original ordinance. Vice-Chairman Dornbusch and Chairman Szigeti agreed there may be a need for some changes, but they haven't reviewed it.

Vice-Chairman Dornbusch feels he is confusing the dollar amounts with Kilowatts. Member Pacourek said let's talk about 3.c, then do we just take out the retail rate.

Ms. Williams responded when a refund is due we usually do it within 30 days. Chairman Szigeti said with that explained he doesn't see any reason to change the original ordinance in that section.

Member Pacourek agreed to take wholesale rates out of all of it.

Chairman Szigeti said if we choose to drop it, we don't need to make a motion.

COMMENTS FROM THE BOARD:

None.

COMMENTS FROM STAFF:

None.

ADJOURNMENT:

There being no further business to come before the Public Utility Advisory Board, George Szigeti, Chairman, declared the meeting adjourned.

APPROVAL:

PASSED AND APPROVED this 15th day of August, 2016,
on motion duly made by Ken Pacourek, seconded
by Jeff Dornbusch and carried.


George Szigeti, Chairman
Public Utility Advisory Board



CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363

F.2

COMMISSION ACTION FORM

ITEM:

Public Arts Advisory Board Minutes for June 20, 2016

PURPOSE OF ACTION:

Approval of Minutes

BACKGROUND:

Minutes were approved by the Public Arts Advisory Board at their August 15, 2016 meeting.

OPTION/ALTERNATIVES:

Not Applicable

STAFF RECOMMENDATION:

Respectfully request approval.

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 8/23/16
E-mail: lsparks@torcnm.org	Phone: 575-894-6673 Ext. 320	

PUBLIC ARTS ADVISORY BOARD MEETING

June 20, 2016

MINUTES

TIME & PLACE:

The Public Arts Advisory Board of the City of Truth or Consequences, New Mexico met in the conference room in the Administration Annex at 401 McAdoo, Truth or Consequences, New Mexico on Monday, June 20, 2016 at 4:00 P.M.

PRESIDING OFFICER:

The meeting was called to order at 4:11 PM by James Durham.

ATTENDANCE:

James Durham, Sierra Arts Council
Eduardo Alicea, Art Representative
Jia Apple, Business Community
Sid Bryan, Tourism
Juan Fuentes, City Manager

Other Staff Present: Linda Sparks, Secretary

Visitors Present: Jeff Barbour, Jagger Gustin

QUORUM: There being a quorum present, the Board proceeded with the meeting.

APPROVAL OF MINUTES:

A motion to approve the minutes of the May 16, 2016 meeting was made by Eduardo Alicea, seconded by Jia Apple, and it carried.

COMMENTS FROM THE PUBLIC: None.

REED ROCKETS PROJECT UPDATE:

After approving the minutes, James suggested adjourning the meeting in the conference room in order to accommodate the site visit to Jeff's shop where we can actually view the latest version of the reed rockets and Jeff can explain all the mechanics.

Juan asked Jeff how different is the current design from the last proposal and if he could give us a quick rundown on what changes are being made compared to what the City Commission approved.

Jeff answered that because he has not been able to prevent any wear on the fiberglass rods, he had to go to a spring system that will create the same motion. It's now all steel and will last forever, so it's an improvement.

Juan asked what kind of spring he is using. Are they manufactured specifically for this purpose?

Jeff answered they're steel compression springs, 4 compression springs on the base. He will be getting the springs from a spring manufacturer. The springs will be about 1½" in diameter and about 3" tall and have a compression force of close to 100-150 pounds.

Juan, referring to a photo of the latest version that Jeff provided the Board at the last meeting, asked Jeff what it was.

Jeff explained that it was something that he had to change. He replaced the exhaust manifold with a spring. The spring will be open to the environment. Questions immediately arose as to whether hands can get caught on the spring. Jeff answered, no. There are no gaps in the spring. The spring at the bottom will be covered by sheet metal. The spring will be painted silver.

Juan expressed his concern over the number of changes made to the original design. He asked Jeff whether he has a model of what we are actually getting. Jeff answered, yes. He explained that the changes were necessary because he started out with a certain motion in mind and he had not been able to achieve that motion without wear to the fiberglass rods, not even with the industrial shrink wrap designed for abrasive applications.

Juan stated he's had enough of the changes. Jeff assured him that what he's got now works, it's all steel from the top to the bottom, nothing will wear out, it's got the motion that he wants and it looks good. It's way safer because it's all steel.

The Board proceeded to Jeff's shop to view the 3 reed rockets that he has up in his yard.

Site Visit:

At the site, Jeff explained how it is put together and how it all works. He expounded on the changes he made and the reasons he made them. The Board was satisfied with the safety measures Jeff incorporated and with the overall cleaner appearance of the Reed Rocket. The Board voted unanimously to approve the new design.

The photos provided by Jeff for the meeting are attached to the minutes. One photo is of the finished product.

COMMENTS FROM THE PUBLIC ARTS ADVISORY BOARD:

No other comments were made other than those made above.

TIME, PLACE AND DATE OF NEXT MEETING:


The next meeting of the Board shall be scheduled upon word from Jeff that the reed rockets are ready for installation. He expects to have them completed by mid-July.

ADJOURN:

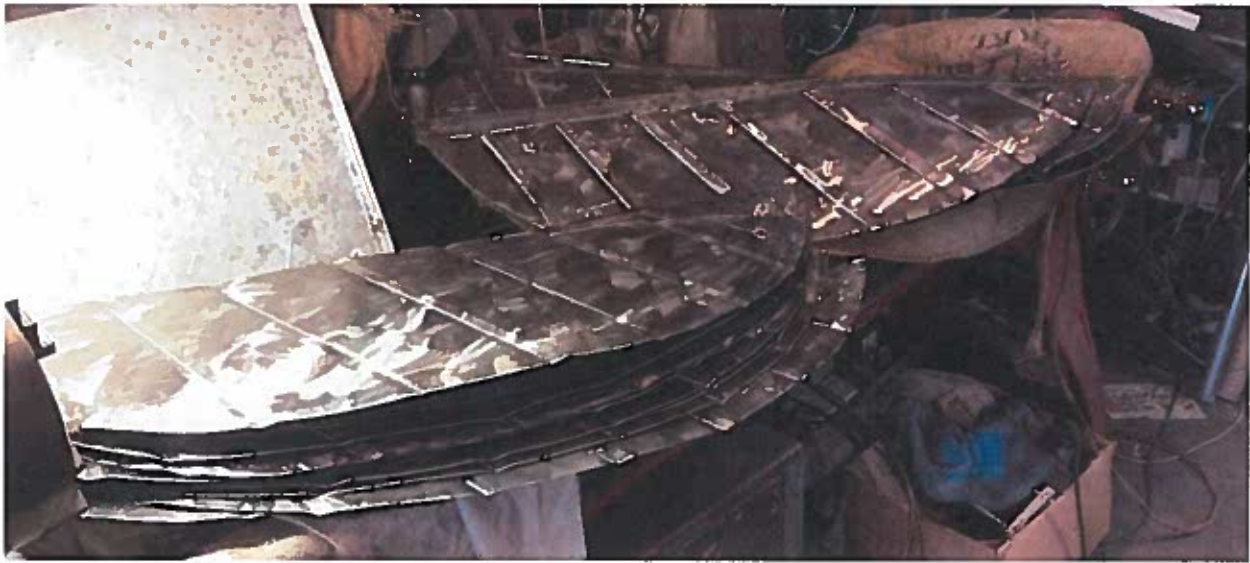
There being no further business to come before the Board, the meeting was adjourned at 4:58 P.M. Jia Apple moved to adjourn, seconded by Eduardo Alicea, and it carried.

ATTEST:

Minutes were approved on August 15, 2016 on a motion made by Sid Bryan and seconded by Eduardo Alicea, and it carried.



Linda Sparks
Secretary









F.3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Recreation Advisory Board Minutes for January – July 2016:

- A. February 1, 2016
- B. March 3, 2016
- C. April 4, 2016
- D. June 6, 2016

BACKGROUND:

None.

STAFF RECOMMENDATION:

Approve the minutes.

City of Truth or Consequences
Recreation Advisory Board
Regular Meeting
6/6/2016 6 PM
Minutes

Regular Meeting of the Recreation Advisory Board of the City of Truth or Consequences, New Mexico to be held at the Recreation Department Building, 2800 S. Broadway, Truth or Consequences, New Mexico.

INTRODUCTION:

ROLL CALL: Greg D'Amour, Chair, Destiny Mitchell, Isabelle Sheele, Jesse Robinson (Absent), Ed Ragsdale

Community Present: Chuck Wentworth, Sentinel reporter; Angela Madrid, Girl Scout leader Troop 285

Meeting began at 6:07 pm. Agenda approved. April 2016 Minutes approved.

Comments from the Public: : There seems to be a need of some type of recreation/event planning committee with a designated director for all recreational events to provide fluency and be beneficial to all those involved. Especially at times when more than one non-profit organization is involved (i.e. main street and fiesta board plans of events using fiesta court) At the next city commission meeting a Gold Award Presentation will be discussed. The Gold Award is the highest award a girl scout can achieve and it is given when a girl scout plans and implements a sustainable community project. Karina Gonzales will be presenting her Gold Award Project.

Recreation Department Needs Assessment/Update: Rodeo Arena will be installing drip line to the 40 trees now planted skirting the arena. The ball fields renewal project dependent upon a budget approval and possible grants. The renewal will need a total of \$50000-\$60000 to be able to fix the existing field conditions and upgrades to fields A,B, and C and t-ball field development. The renewal project would take about 2-3 yrs. to complete with field C and t-ball field to be started the first year and fields A and B to follow. A grant writer is still needed to obtain grants that would help with the development of this project. A presentation of the renewal project will be made on July 26th as part of the Field Maintenance presentation. A recommendation for all adult softball leagues to have their rules and bylaws submitted to the city before the start of their respective seasons will be expressed due to the conflicts in past years.

Swimming Pool Update: The swimming pool will be losing a lifeguard and a year round full time position will be open. Resurfacing and other enhancements will be on hold due to the new school pool project.

Recreation/Facility Use Agreement review: No discussion

Discussion/Other Business:

Presented by Vice Chair Destiny Mitchell: MainStreet TorC may be partnering with the development of the dog park and use of the location at Fire Hydrant Park.

Destiny Mitchell and Isabelle Sheele have turned in their applications to keep their positions on the Recreation Advisory Board leaving one position open to replace Jesse Robinson.

A look in to the Recreation Board Calendar to determine if monthly meetings are beneficial or if an adjustment to quarterly meetings would be more suitable.

Adjournment: 6:54pm

NEXT RECREATION BOARD MEETING

July 11th, 2016

Recreation Department Building

2800 S. Broadway

6 PM

A handwritten signature in black ink, consisting of a stylized, cursive script. The signature is written over a horizontal line that extends across the width of the signature.

City of Truth or Consequences
Recreation Advisory Board
Regular Meeting
4/4/2016 6 PM
Minutes

Regular Meeting of the Recreation Advisory Board of the City of Truth or Consequences, New Mexico to be held at the Recreation Department Building, 2800 S. Broadway, Truth or Consequences, New Mexico.

INTRODUCTION:

ROLL CALL: Greg D'Amour, Chair, Destiny Mitchell, Isabelle Sheele, Jesse Robinson (Absent), Ed Ragsdale

Community Present: Chuck Wentworth, Sentinel reporter; Angela Madrid, Public Attendee.

Meeting began at 6:03 pm.

Agenda approved. March 2016 Minutes approved.

Comments from the Public: None

Recreation Department Needs Assessment/Update: Presented by member Ed Ragsdale. Painting at Rodeo Arena is complete. Light usage on the ball fields will be reevaluated and discussed in the future. The soccer field has been laser leveled, no water line plans in yet. The Little League Tee Ball Field project is on hold at this time. The facelift/rejuvenation of the ball fields at Louis Armijo Sports Complex was presented at the city commission and accepted however, the budget at this time is not allowing for improvements. A reevaluation of the budget will be looked at in the future, looking into other possible options for funding will be done.

Swimming Pool Update: Presented by Vice Chair Destiny Mitchell. The pool will be closed for a week for repairs. A date has not yet been set for the removal of the pool cover

Ball field Update:

Recreation/Facility Use Agreement review: Discussion: After further discussion it has been decided that the agreement will need to be looked at in the near future with a clear view on comparisons to other cities' recreation agreements to help solve issues with needs of T or C recreation agreement.

Discussion/Other Business: RAB positions expire soon this year in June. At the May meeting announcement of open positions will be presented to the commission. Possibly 2-3 positions will be open with Destiny Mitchell and Isabelle Sheele reapplying to

expiring positions. Unknown at this time if Jesse Robinson will reapply for his expiring position. Applications will be presented to the commission.

Adjournment: 6:24pm

NEXT RECREATION BOARD MEETING

May 2nd, 2016

Recreation Department Building

2800 S. Broadway

6 PM

A handwritten signature in black ink, appearing to be 'J. Robinson', is written over the meeting details.

City of Truth or Consequences
Recreation Advisory Board
Regular Meeting
3/3/2016 6 PM
Minutes

Regular Meeting of the Recreation Advisory Board of the City of Truth or Consequences, New Mexico to be held at the Recreation Department Building, 2800 S. Broadway, Truth or Consequences, New Mexico.

INTRODUCTION:

ROLL CALL: Greg D'Amour, Chair, Destiny Mitchell, Isabelle Sheele, Jesse Robinson (Absent), Ed Ragsdale

Community Present: Chuck Wentworth, Sentinel reporter; Annette Garcia, Womens Softball League-president & Co-Ed Softball League-coach

Agenda approved. February Minutes approved.

Comments from the Public: Use of lights at fields for practices was an issue that Ms. Garcia wanted some clarification and brought more questions. Such as "Who would have access to the light switch?" "What are the requirements and purpose for light use?" It was mentioned that the Little League had access to the lights for their games last year. Which was necessary for convenience since the Little League games were held every Monday, Tuesday, Thursday, and Friday from 6pm-10pm. All Little League practices were held during the daylight hours. Some persons from the adult softball league approached the city about having lights turned on for practices when their players were more available

Recreation Department Needs Assessment/Update: The recreation department is still looking for the monies to get started on upgrades for the fields, which is to be presented to the city commission March 22nd. A new gate was hung at Ralph Edwards park to keep people from driving on the grass. The cemetery is doing well and aerating.

Swimming Pool Update: Pool will be closed for 1 week, 3 leaks were found and repaired. Gallons lost before leaks were fixed varied greatly to those lost after repair. (22000/28000->1000). The cover to come off April 20ish. 1 lifeguard hired and 1 position still open. A lifeguard certification class is upcoming. One-Stop-Shop and possible partnership with the school will be discussed in a workshop on Thursday and Friday this week.

Ball field Update: No new news for the soccer and/or t-ball field.
Review Armijo park ball field renewal: Review on ball field renewal/upgrade
Dog Park development: The dog park development is holding for funding.

Recreation/Facility Use Agreement review: No new news for the recreation/facility agreement review. Scheduling Activities at Luis Armijo Park

Discussion/Other Business: Jessie Robinson's and Isabelle Sheele's appointments to the board expires on June 31st. For April applicants for 3 spots to be ready by June to take positions by July. Revise by-laws after review.

Adjournment: 6:45pm

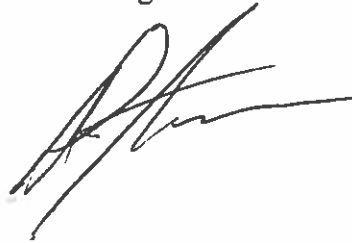
NEXT RECREATION BOARD MEETING

April 5th, 2016

Recreation Department Building

2800 S. Broadway

6 PM

A handwritten signature in black ink, appearing to be a stylized 'A' followed by a long horizontal stroke.

City of Truth or Consequences
Recreation Advisory Board
Regular Meeting
2/1/2016 6 PM
Minutes

Regular Meeting of the Recreation Advisory Board of the City of Truth or Consequences, New Mexico to be held at the Recreation Department Building, 2800 S. Broadway, Truth or Consequences, New Mexico.

INTRODUCTION:

ROLL CALL: Greg D'Amour, Chair, Destiny Mitchell, Isabelle Sheele, Jesse Robinson (Absent), Ed Ragsdale

Community Present: Chuck Wentworth, Sentinel reporter;

Agenda approved. December 2015 Minutes approved. No meeting minutes for January since meeting was cancelled due to lack of quorum.

Comments from the Public: None

Recreation Department Needs Assessment/Update: Presented by Ed Ragsdale: The department has a new scraper and seeder. The department has just finished the cleaning of the new cemetery. Fire station park is not completed due to money and materials. The recreation department has a new part-time employee but still feels the need for more manpower. The recreation department would like a recommendation to postpone the start of the adult softball season till June to possibly rework field C and leave fields A and B alone until soccer and little league are finished with their seasons to rework those fields. A workshop has been scheduled for all parties that will be affected on February 15 @ 6 p.m. for comments and suggestions and calendar adjustments.

Swimming Pool Update: Presented by Vice Chair Destiny Mitchell. Pool now has 2 full time and 2 part time lifeguards and employees. The aerobics program is still going strong. New pool policies have been updated due to a recent incident. Hopes for the removal for the pool cover sometime in April. Also plans to fix the heater for the pool and all leaks is in the works. Verification of possibility to empty the pool for acid wash and resealing the bottom of the pool before next inspection will be done by Ms. Mitchell.

Ball field Update: No new news for the soccer and/or t-ball field.
Review Armijo park ball field renewal: Review on ball field renewal/upgrade
Dog Park development: The dog park development is holding for funding.

Recreation/Facility Use Agreement review: Ms. Mitchell hopes to get more info from new city clerk Ms. Canton for the revisement. Presently more research of how other cities have their agreements set is needed to provide the best model to suit T or C's needs. Ms. Mitchell will also talk with the city clerk about the time the RAB meetings should being held at 6 instead of the 5:30 time advertised.

Mr. D'Amour would like the commission and city manager to present the bylaws of the RAB and recommendation for changes and replacement of the RAB members and to think about the term expirations corresponding with the city's fiscal year.

Discussion/Other Business: Jessie Robinson's and Isabelle Sheele's appointments to the board expires on June 31st. For April applicants for 3 spots to be ready by June to take positions by July. Revise by-laws after review.

Adjournment: 6:26pm

NEXT RECREATION BOARD MEETING

March 3rd, 2016

Recreation Department Building

2800 S. Broadway

6 PM

A handwritten signature in black ink, appearing to be a stylized 'A' or 'J' followed by a flourish.



CITY OF TRUTH OR CONSEQUENCES
CITY MANAGER'S OFFICE
505 SIMS STREET
TRUTH OR CONSEQUENCES, NEW MEXICO 87901
PHONE: (575) 894-6673 EXT 320 FAX: (575) 894-0363

F.4

COMMISSION ACTION FORM

ITEM:

Fourth Quarter Lodgers Tax Reports

PURPOSE OF ACTION:

Review

BACKGROUND:

Contract requires that recipients of Lodgers Tax Grants submit a quarterly report to the City by the 15th of the month following the quarter.

STAFF RECOMMENDATION:

Not Applicable

SUPPORT INFORMATION:

Fourth Quarter Reports and Summary Sheet

Name of Drafter: Linda Sparks	Department: City Manager's Office	Meeting: 8/23/16
E-mail: lsparks@torcnm.org	Phone: 575-894-6673 Ext. 320	

LODGERS' TAX RECIPIENTS**FISCAL YEAR: 2015/2016**

Reports due by 15th of month following quarter.

NAME OF ORGANIZATION	ALLOTMENT	1ST QTR. REPORT		2ND QTR. REPORT		3RD QTR. REPORT		4TH QTR. REPORT	
		YES	NO	YES	NO	YES	NO	YES	NO
Chamber of Commerce	\$11,500	X	10/07	X	01/19	X	04/06		X
Friends of Elephant Butte LK ST PK	\$700	X	9/28	Zero Balance		Zero Balance		Zero Balance	
Geronimo Springs Museum	\$9,500	X	9/25	X	01/14	X	04/13	X	06/10
MainStreet Truth or Consequences	\$7,900	X	10/06	X	01/08	X	04/15	X	06/02
New Mexico Old Time Fiddlers	\$2,500	X	11/23	X	01/28	X	05/02	X	08/05
T or C Fiesta, Inc.	\$5,000	X	10/08	X	01/07	X	04/05	X	07/14
The Bountiful Alliance/Farmers Mkt.	\$1,000	X	10/13	X	01/12	X	04/18	X	05/31
Veterans Memorial Pk/Museum	\$6,000	X	11/02	X	02/03	X	04/22		X
Geronimo Trail Scenic Byway	Coop Grant	X	10/13	X	01/07	X	04/06	X	07/13
Sierra County Recreation & Tourism	Coop Grant	X	10/02	X	01/05	X	04/07	X	05/02

1ST QTR: JUL, AUG, SEP

2ND QTR: OCT, NOV, DEC

3RD QTR: JAN, FEB, MAR

4TH QTR: APR, MAY, JUN

Updated: 08/05/16

FY: 2015/16

RECEIVED
6/10/68

Rev. 3/2015

ATTACHMENT FOR LODGERS' TAX QUARTERLY WORK/SPENDING REPORT

4-16-16	#3	KCHS/SENTINEL	\$53.69	#4182
4-16-16	#4	HERALD	\$75.00	#4195
4-16-16	#5	HERALD	\$65.10	#4223
4-16-16	#6	KCHS/SENTINEL	\$85.50	#4224
4-16-16	#7	SKYWEST MEDIA/KNFT	\$217.50	#4262
4-16-16	#8	SKYWEST MEDIA/Q92	\$195.00	#4263
4-16-16	#9	HERALD	\$65.10	#4260
4-16-16	#10	HERALD	\$391.77	#4260
4-16-16	#11	HERALD	\$65.10	#4301
4-16-16	#12	KCHS/SENTINEL	\$213.75	#4302
4-16-16	#13	ARTIST DIRECTORY	\$150.00	#4281
4-16-16	#14	HERALD	\$117.18	#4301
4-16-16	#15	KCHS/SENTINEL	\$193.00	#4254
5-18-16	#16	RUANNA WALDRUM (WEB PAGE)	\$499.99	#4334
5-08-16	#17	EL DEFENSOR CHIEFTAIN	\$337.25	#4331
5-08-16	#18	HERALD	\$211.57	#4332 (CHAP GUIDE-OUT OF TOWN AD)
5-08-16	#19	CHAMBER OF COMMERCE (SC GUIDEBOOK)	\$1122.00	#4333
5-08-16	#20	MOONDOG PUBLISHING	\$723.52	#4336 (2016 MUSEUMS \$ HISTORIC SITES)
5-08-16	#21	TRUE WEST	\$900.00	#4335
5-08-16	#22	HERALD	\$330.00	#4341 (CHAP GUIDE-OUT OF TOWN AD)
5-24-16	#23	XACTA	\$1785.00	#4349 (POST CARDS/POSTER-PROMOTION-CENT)
5-24-16	#24	M GRAPHICS	\$490.00	#4352 (DESIGN WORK)
5-24-16	#25	LAVEN PUBLISHING	\$560.00	#4351 (CENTENNIAL AD-FT BLISS)

mp

LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT

FY: 2015/16

NAME OF GRANTEE: MainStreet Truth or Consequences

THREE MONTH PERIOD OF REPORT: 04/01/16 TO 06/30/16
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
(If no work has been done, explain why work has not begun.)

The biggest thing we did over the past two months was the Hot Springs Festival. We utilized our
Lodgers Tax monies to promote this event in Northern and southern New Mexico, Tucson, and El
Paso. The media we used included newspapers, print, radio, and internet. We also promoted the
Second Saturday Art Hop.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>Print</u>	\$ <u>650.00</u>
<u>Radio</u>	\$ <u>500.00</u>
<u>Graphic Design/website</u>	\$ <u>793.02</u>
<u>Advertising</u>	\$ <u>3,652.19</u>
	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ <u>5,595.21</u> s/b \$7,895.21 J. Sparks

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

Jennifer A. Espino
SIGNATURE

740-6180
CONTACT PHONE NUMBER

05/31/16
DATE

RECEIVED

LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT

FY: 2015/16

NAME OF GRANTEE: T OR C FIESTA

THREE MONTH PERIOD OF REPORT: 04/01/16 TO 06/30/16
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

2016 Fiesta held in May and included a parade, rodeo, golf tournament, music in the park, skateboard competition, fishing derby, horseshoes, basketball, music in the park, various vendors, turtle race, junk boat race and more.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<i>Publish</i>	\$ <u>3,133.25</u>
<i>Print</i>	\$ <u>500.00</u>
<i>Radio</i>	\$ <u>601.14</u>
<i>Other-Talon Septic</i>	\$ <u>500.00</u>
	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ <u>4,734.39</u> OK/R. Sparks

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<i>complete</i>	

SIGNATURE

575-894-8948
CONTACT PHONE NUMBER

07/14/16
DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

FY: 2015/16

NAME OF GRANTEE: Sierra County Farmers Market/The Bountiful Alliance

THREE MONTH PERIOD OF REPORT: 03/31/16 TO 06/30/16
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

31-05-16P01:58 RCVD

We advertised in Herald and Sentinel for start of SCFM.

The Sentinel contributed the advertising so we did not have to pay.

The advertising in the El Paso area has definitely continued to increase our out of town visitors.

The April Event at Civic Center was a huge success for SCFM, City and Vendors. Many customers from reporting that saw the advertising in El Paso Visitor Center, Ft Bliss and Airport

Opening day at SCFM brought repeat customers from out of town who attended the April event

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
	\$
<u>printing for El Paso venues</u>	\$ <u>500.00</u>
<u>advertising in Sentinel (Dona Ana) and Herald local</u>	\$ <u>125.91</u>
<u>Other ads we thought we would have to pay for were donated</u>	\$
<u>by Sentinel, and private sponsors</u>	\$
NM GRT	\$ (if applicable)
TOTAL	\$ <u>625.91</u> OK/LS

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
-------------	------------------------------------

Completed promotions with opening of SCFM 5/28/16

Colleen Jave

SIGNATURE

575-894-9375

CONTACT PHONE NUMBER

05/31/16

DATE

**LODGERS' TAX
QUARTERLY WORK/SPENDING REPORT**

FY: 2015/16

NAME OF GRANTEE: Sierra County Recreation & Tourism Advisory Board

THREE MONTH PERIOD OF REPORT: 04/01/16 TO 06/30/16
(mm/dd/yy) (mm/dd/yy)

02-05-16A10:28 RCVD

LS

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.

(If no work has been done, explain why work has not begun.)

Tourism Website updates, maintenance, correction, additions to Tourism website, blog, twitter
account, Facbook, Trip Advisor Banner Ads. Online advertising. Reprint "I" Brochure.

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED
DURING PERIOD:

<u>ITEMS(S)</u>	<u>AMOUNT</u>
<u>website maintenance, advertising, updates Trip Advisor</u>	<u>\$ 3,207.60</u>
<u>Print</u>	<u>\$ 2,764.98</u>
<u></u>	<u>\$ 0.00</u>
<u></u>	<u>\$</u>
<u></u>	<u>\$</u>
<u></u>	<u>\$</u>
<u>NM GRT</u>	<u>\$ 507.67 (if applicable)</u>
TOTAL	<u>\$ 6,480.25</u>

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
<u>Website updates, maintenance, advertising</u>	<u>05/01/16</u>
<u>Print</u>	<u>05/01/16</u>
<u></u>	<u></u>
<u></u>	<u></u>


SIGNATURE

740-1777
CONTACT PHONE NUMBER

05/02/16
DATE



G.1

CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: RESOLUTION NO. 06-16/17 ADOPTING THE 2018-2022 INFRASTRUCTURE CAPITAL IMPROVEMENT PLAN (ICIP).

BACKGROUND:

The ICIP is a plan that establishes planning priorities for future projects for the city. The Department of Finance and Administration (DFA) encourages municipal entities to annually review, reprioritize and adopt by resolution the new plan.

Attached is a summary sheet of the current projects with last year's rankings and a proposed list of projects for 2018-22 from staff and the public. Staff will be presenting a brief overview of each of the proposed projects presented. After the presentation, the City Commission can add, amend or delete projects from the list provided. Next, the Commission must rank each of the projects for each fiscal year starting with 2018 and ending with 2022. Finally the list must be adopted by the City Commission by approving Resolution No. 06-16/17.

Staff will update the ICIP database online to reflect the approved projects and ranking. The deadline for submitting the ICIP is September 1st by 5:00 p.m.

SUPPORT INFORMATION:

- Resolution No. 06-16/17
- Proposed ICIP List for 2018-2022

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 08/23/16
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	



CITY OF TRUTH OR CONSEQUENCES

RESOLUTION NO. 06-16/17

A RESOLUTION ADOPTING AN INFRASTRUCTURE CAPITAL IMPROVEMENTS PLAN (ICIP), 2018-2022

WHEREAS, the City of Truth or Consequences recognizes that the financing of public capital projects has become a major concern in New Mexico and nationally; and

WHEREAS, in times of scarce resources, it is necessary to find new financing mechanisms and maximize the use of existing resources; and

WHEREAS, systematic capital improvements planning is an effective tool for communities to define their development needs, establish priorities and pursue concrete actions and strategies to achieve necessary project development; and

WHEREAS, this process contributes to local and regional efforts in project identification and selection in short and long range capital planning efforts.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF TRUTH OR CONSEQUENCES THAT:

1. The City of Truth or Consequences has adopted the attached Infrastructure Capital Improvements Plan, and
2. It is intended that the Plan be a working document and is the first of many steps towards improving rational, long range capital planning and budgeting for New Mexico's infrastructure.
3. This Resolution supersedes Resolution No. 06-15/16.

PASSED, APPROVED AND ADOPTED by the City Commission this 23rd day of September 2016.

ATTEST:

Steve Green
Mayor

Renee Cantin
City Clerk-Treasurer

Project Year		Project Title	Project Year	Project Title	PUBLIC RECOMMENDATIONS
2017			2018		
1		Regional Safety Complex/Animal Shelter		Regional Safety Complex/Animal Shelter Phase 1	Street Improvemets
2		Water/Wastewater Line Replacement		Airport Fuel Farm	City Wide Storm Drainage Study
3		Hospital Expansion		Wastewater Treatment Plant Phase 2B & 3	Downtown Drainage Improvements
3		Electrical Main Feeders Upgrade		Cook Pump Station Improvements	Park Improvements
4		Construction & Demolition Landfill		South Broadway Sidewalk & ADA curbs	Dog Park
5		Healing Waters Plaza		Automated Meter Replacement System	New School Road/Date Traffic Lights
6		Regional Detention Center		Electrical Feeders Upgrade	
7		Wastewater Treatment Plant Renovation		Regional Detention Center	
2018				Construction & Demolition Landfill Phase 1	
1		Multi-purpose Recreation Complex	2019		
2		Airport Fuel Farm			
3		Dog Park			Regional Safety Complex/Animal Shelter Phase 2
4		Civic Center Improv/Renovation			Water Line Replacement
5		Citywide Broadband			Multi-purpose Recreation Complex
6		Pole Replacement Program			Construction & Demolition Landfill Phase 2
7		Storm Drain Improvements In Downtown			Civic Center Improv/Renovation
8		Citywide Sidewalks and Signage			Citywide Broadband
9		New City Hall/Commission Chambers			Pole Replacement Program
2019				Storm Drain Improvements In Downtown	
1		Senior Citizens' Complex		Citywide Sidewalks and Signage	
2		Water Well North		City Hall Complex Phase 1 - Land Acquisition	
3		Transfer Station	2020		
4		ADA Restrooms For Armijo Park			Senior Citizens' Complex
5		Water Tank Repair			Water Well North
2020					Transfer Station
1		Effluent Water to Cemetery			ADA Restrooms For Armijo Park
2021				Water Tank Repair	
1		Library expansion		Capacitor Upgrades	
			2021		
					Effluent Water to Cemetery
					New and Upgraded Circuit Switches
				Battery/Enclosure Replacement @ Substation	
			2022		
					Library expansion
					Corona & Camino Del Cielo Underground Upgrades
				South Broadway Sidewalk & ADA curbs	



G.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Discussion/Action: For publication ordinance change proposed by the Public Utility Advisory Board for Discounted Utility Rates for large businesses. George Szigeti, PUAB Chairman

BACKGROUND:

The Public Utility Advisory Board approved the attached proposal to come to the City Commission for action. The proposal is to change Section 14-52 relate to Discounted utility rates.

If the Commission wishes to proceed staff will need to draft an ordinance and have legal counsel review it prior to publishing any ordinance. The Commission may choose to approve the ordinance for publication so staff can proceed with the publication and the ordinance will come back to the Commission for final adoption after the two week requirement has been met.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk

Meeting date: 08/23/2016

This replaces Sec. 14-52 in its entirety.

Sec. 14-52. Discounted utility rates.

1. Definitions. The definitions of the following terms are given as used within this section.

eligible large business – Any manufacturing, industrial or large retail business that employs 8 or more full-time employees or employs sufficient full- and part-time employees such that total payroll hours exceed 500 hours per week.

Owner/proprietor – The owner of a business who also serves as its full-time, on-site manager.

utilities – All city owned utilities, electric, water, waste water, and solid waste.

2. Applicability.

a. Any new eligible businesses opening within the city limits are eligible for discounted utility rates, as described below, for 18 months after opening. The discount will be applied to the first 18 utility bills after the business opens. The discount is applied to the base utility bill prior to taxes.

b. The business must remain within the city limits for 36 months after the opening date, and maintain the required level of employment through that period, or the discounted utility payments must be paid back to the City Utility Department.

c. The eligible business must contact the City Utility Office prior to opening and submit a written request for the discounted utility rates. The agreement will be formalized via an addendum to the customer's contract for City utility services.

3. Discounted rates.

a. Large Business Discount. Any new eligible large business will receive a 20% discount on utility payments for the first 18 months after opening.



H.1

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION DISCUSSION/UPDATE FORM**

ITEM:

TO ACCEPT AND APPROVE THE WATER CONSERVATION PLAN

BACKGROUND:

On March 24th, 2015, the City Commission passed and approved resolution 31-14/15 approving submission of a completed Planning Grant Application to the NMFA for a Water Conservation Plan. On April 28th the NMFA Board of Directors met and approved the application. Planning Grant Funding was approved at 100% up to \$50,000.00 for the completion of a Water Conservation Plan. On September 29, 2015 the City Commission entered into an agreement with Engineers Inc. for the completion of a Water Conservation Plan. On December 15th a public hearing was held to update the public and the Commission and receive input and suggestion on the contents of the water conservation plan.

The Water Conservation Plan was created using Planning Guide Technical Report 53 provided by the NM Office of the State Engineer, utility data collection, results and analysis, water conservation goals, public involvement, AWWA audit and GPDC calculator, and education and outreach goals suggested and agreed to by Commissioners and PUAB Members. Draft copies were provided to the Commission and PUAB Members and comments and suggestions were discussed and integrated into the plan. Final comments and suggestions from the Commissioners and PUAB Members were received by the end of February and a Final Draft was submitted to OSE for approval in March.

On July 27th OSE approved the Water Conservation Plan

SUPPORT INFORMATION:

OSE Approval Letter and Recommendations
OSE Approved Water Conservation Plan

STAFF RECOMMENDATION:

- Accept and Approve the Water Conservation Plan

Name of Drafter: Traci Burnette	Department: Community Development.	Meeting date: 08-23-16
E-mail: tburnette@torcnm.org	Phone: 575-894-7331	Presenters: Traci Burnette and Sarah Garduno of Engineers Inc.



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
CONCHA ORTIZ Y PINO BUILDING, 130 SOUTH CAPITOL, SANTA FE, NM 87501
TELEPHONE: (505) 827-6091 FAX: (505) 827-3806

TOM BLAINE, P.E.
STATE ENGINEER

July 27, 2016

Mailing Address:
P.O. Box 25102
Santa Fe, NM 87504-5102

Jim Perry
Sr. Program Administrator
New Mexico Finance Authority
207 Shelby Street
Santa Fe, New Mexico 87501

Re: City of Truth or Consequences Water Conservation Plan

Dear Mr. Perry,

The City of Truth or Consequences (T or C) submitted an application for a Water Master Planning Grant (3313 PG) through the Local Government Planning Fund provided by the New Mexico Finance Authority (NMFA). T or C requested, in accordance with NMFA's requirements, that the New Mexico Office of the State Engineer's Water Use and Conservation Bureau review their Water Conservation Plan, a work product of the grant.

This review only applies to the water conservation plan as submitted for the City of T or C's 3313-PG Water Master Planning Grant and does not apply to future water right permit applications. This office reserves the right to request additional information related to future water right permit applications.

Based on the information provided, this office has determined that T or C's Water Conservation Plan is adequate; therefore the plan is approved for the purposes of the aforementioned Planning Grant. A staff memorandum providing specific comments and recommendations is attached for your information.

If you have any questions, or need any assistance, please contact Julie Valdez at (505) 827-6790 or julie.valdez@state.nm.us.

Sincerely,

A handwritten signature in cursive script that reads "Molly Magnuson".

Molly Magnuson, P.E.
Water Use and Conservation Bureau Chief

cc: Engineers Inc. on behalf of T or C

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

DATE: July 27, 2016
TO: Molly Magnuson, P.E. Water Use and Conservation Bureau Chief
FROM: Julie Valdez, Senior Water Resource Specialist *QMN*
Charles Lawler, Senior Water Resource Specialist *CRL*
SUBJECT: Truth or Consequences Water Conservation Plan Review

Introduction

The City of Truth or Consequences (T or C) submitted an application for a Water Master Planning Grant (3313 PG) through the Local Government Planning Fund provided by the New Mexico Finance Authority (NMFA) for the development of a Water Conservation Plan (WCP). NMFA requires that the New Mexico Office of the State Engineer's (NMOSE) Water Use and Conservation Bureau (WUCB) review and approve water conservation plans prior to any funding of the applications.

WCPs are expected to conform to the standards and follow the template set forth in NMOSE's Technical Report 53 - *New Mexico's Water Conservation Planning Guide for Public Water Suppliers* (TR-53). The WCP may also incorporate standards set forth in the American Water Works Association (AWWA) Standard, *Water Conservation Program Operation and Management* (ANSI/AWWA G-480-13). The AWWA standard, while not the governing document for the review, provides another source of generally accepted industry practices that are intended to improve a utility's overall operations and service, and establish management and operation guidelines. In addition, NMOSE relies on AWWA's Water Audits and Loss Control Programs Manual (AWWA M36, 4th Edition) in evaluating a WCP.

The WUCB reviewed T or C's *Spring 2016* WCP. This memorandum summarizes the review of the WCP and issues that have been identified within the plan.

Municipal Water Supply

T or C currently has six production wells in operation which are permitted for approximately 2,751 acre-feet per annum. The source of water supply comes from the Lower Rio Grande and Hot Springs Artesian Groundwater basins. In the past five years T or C has diverted an average of 1,200 acre-feet of water per year. T or C has an estimated population of 6,246.

American Water Works Association (AWWA) Water Audit

The AWWA's Water Audit is one of the tools specified in TR-53 for developing a WCP. Instructions for conducting an audit are found in TR-53 and a detailed description can be found in AWWA M36.

The AWWA audit allows utilities to systematically track supply side water use. It also tracks the validity of the audit input data by including a data validity score. This score provides the utility with priority areas for attention and recommendations including how to improve the system's management of data and measurement of water use.

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

T or C provided copies of their AWWA Audit results for 2014 and 2013. The analysis of these results has led T or C to identify operational strategies to improve meter inaccuracies as well as develop record keeping practices that will lead to better data validity scores.

Figure 8 of the WCP, *Non-Revenue Water as Percent of Water Supplied*, illustrates the non-revenue water (all water that is not sold, including losses) as a percent of the total volume of water supplied for 2012 through 2014. This performance indicator is useful to assess overall water supply management but only on a high-level financial basis. It does not provide a specific understanding of the level of apparent loss or real loss management and it is skewed by the varying levels of customer consumption (AWWA, M36). A percent by volume indicator "should not be used for year to year operational performance tracking by water utilities nor by water utilities to compare or benchmark their operational performance with other utilities. This performance indicator should not be used in any type of regulatory rulemaking" (AWWA, M36).

According to Figure 8, the non-revenue water as a percent of the total volume increased from 24.6% in 2012 to 35.3% in 2013 then decreased in 2014 to 30.2%. T or C believes the high values of non-revenue water are a result of faulty equipment or water leaks.

The data validity scoring assessment identifies many areas where the confidence in the audit data is limited. This kind of assessment provides appropriate direction to the utility to improve the quality of the data, which at a minimum leads to effective identification of the real water losses. The AWWA Audit scoring assessment provides ideas for future supply side water conservation programs.

T or C's data validity score for the 2014 audit is 46 out of 100 with the following priority areas identified for attention:

- volume from own sources,
- billed metered, and
- customer metering inaccuracies.

The Audit's *Water Loss Control Planning Guide* (WLCPG) provides recommendations that can help reduce water loss. Recommendations are based on groupings corresponding to the level of validity of the water audit. Five ranges of data validity exist: 1) Level I (0-25), 2) Level II (26-50), 3) Level III (51-70), Level IV (71-90), and 5) Level V (91-100) (AWWA, M36). T or C is in the WLCPG Level II category with the following recommendations (see WCP Appendix B page 23):

- Analyze business process for customer metering and billing functions and water supply operations. Identify data gaps.
- Conduct loss assessment on a sample portion of the system: customer meter testing, leak survey, unauthorized consumption, etc.

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

- Begin to assess long-term needs requiring large expenditure: customer meter replacement, water main replacement program, new customer billing system or Automatic Meter Reading (AMR) system.

Gallons Per Capita Per Day Calculator

Gallons Per Capita Per Day (GPCD) is the measurement of the rate of water use on a per capita basis (AWWA, 2006). A system total GPCD is calculated using the system's total diversions divided by the total population served. The system total GPCD includes all system uses such as residential use, transmission losses, commercial and industrial uses, and water treatment. GPCDs may also be calculated within subcategories such as Single Family Residential (SFR). This approach uses water billed in the SFR category divided by population housed in single family dwelling units.

The NMOSE has standardized the calculations within the GPCD Calculator to provide a reasonable and consistent approach. The NMOSE methodology determines a current population served based on the number of single family and multi-family connections, the United States Census Bureau's (Census) Average Household Size in persons per household, and Group Quarters population. Additionally, the NMOSE's method incorporates the Census' vacancy rates to adjust the population based on occupied connections only. By utilizing the number of active or occupied connections, the NMOSE method produces a reasonable estimate of those currently being served by the public water system regardless of location and eliminates persons counted in the census area that obtain water from other sources (such as private wells).

T or C completed the GPCD Calculator for 2010 through 2014 and included partial data for 2015. The GPCD calculated for 2015 is not accurate since only data from January through July was utilized. Partial year data should not be used in the GPCD Calculator as it can misrepresent the GPCD. Figure 9 in the WCP (*Annual GPCD for Single Family Residential Sector*) illustrates a fluctuating GPCD for single family residents from 2010 through 2015. The GPCD increased from 73 in 2010 to 118 in 2015. Possible explanations for any increases were not provided.

T or C reported multi-family residential as commercial and should consider the inclusion of a best management practice to program new meters to establish different customer classes. If this happens, data used in future GPCD Calculator applications will be more specific, and can be used to create demand-side water conservation programs.

Figure 15 in the WCP (*Annual GPCD for Total System*) illustrates a total system GPCD that steadily increases from 142 in 2010 to 205 in 2013 then decreases to 189 in 2015. Possible explanations for this overall increase were not provided, and again partial year data should not be used in the GPCD Calculator.

Water Conservation Goals

The most important step in setting water conservation goals is stating objectives and the reasons for developing a WCP. Goals should be clear and measurable and include targets and timelines.

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

Goals should be prioritized by considering immediate program deficiencies, funding, resources, and timelines. The highest priority goal should address the Village's objective.

T or C has developed the following five short-term water conservation goals with timeframes ranging from six months to five years in the priority shown:

1. Improve overall health and safety of system as well as flow proportion
2. Create a water rate structure
3. Improve water supply
4. Lower percent error from production side
5. Improve system management and validity scores

Goals number 1 and 3, while related to system planning and operation, may not truly relate to conservation and their inclusion here could be re-considered.

T or C should consider reassessing the priority of their short-term goals. TR-53 suggests that "If the validity score is below 50, the PWS should assess using the Audit's WLCPG to help improve their score." AWWA M36 recommends that water utilities ranking within Level II "should concentrate heavily on improving data generation and collection, and not risk decision making on higher functional focus areas when the integrity of the data exists at a relatively crude level."

T or C has also developed the following four long-term water conservation goals, with timeframes ranging from six to twelve years:

1. Minimize the amount of water losses
2. Improve water system performance
3. Revise City ordinance for the inclusion of low flow fixtures and retrofit program
4. Increase the amount of reuse accounts

Best Management Practices

The WCP describes Best Management Practices (BMPs) and some include potential water savings that may be expected from implementation. The following BMPs are being considered or have been adopted by T or C:

- Conversion of existing water meters to automatic reading meters
- Leak detection program
- Replacement of infrastructure
- Calibration of equipment and well meters
- Revise billing structure

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

- Effluent water reuse for irrigation
- Inspection of equipment on a regulated timeline
- Implementation of water conservation ordinance
- Rebates programs
- Water shortage emergency ordinance
- Educational seminars
- Public Involvement, Education, and Outreach

Proposed Water Conservation Programs

A water conservation program is an essential component of a WCP and it is necessary to successfully determine how to achieve water conservation goals. T or C has already implemented a number of steps and or subprograms essential to the formation of an overall Water Conservation Program. These include:

- Development of ordinances with conservation elements (watering restrictions, landscaping regulations emphasizing xeriscaping, irrigation system requirements, effluent reuse program, drought management plan, etc.),
- Implementation of increasing block water rates,
- Formation of a planning committee,
- Solicitation of public input, and
- Development of a draft Water Conservation Plan.

T or C has also proposed the following water conservation programs in the WCP to further reduce water use:

- Public Information Program – This program is discussed in Section 4 of the WCP and includes three elements:
 1. Conservation education pamphlets in monthly bills
 2. Improvements to the City website showing results of AWWA Audit, GPCD Calculator, information regarding leak detection program, and goals T or C would like to achieve
 3. Collaboration with local civil groups to disseminate conservation information
- Outreach Program
 1. Designation of Water Conservation Week for outreach to schools
 2. Use of the City's website or the school system's website for educational outreach

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

One challenge in implementing a water conservation program can be resource constraints. T or C states at the end of Section 5.5 that "...the current proposed programs have not been executed and may change accordingly due to budget restrictions, participation or resources." Therefore, if T or C decides to change or not implement the proposed water conservation programs presented, an update shall be submitted to this office as required by New Mexico Statute 72-14-3.2.F.

Since T or C has identified goals that could potentially become programs, they should consider adding the following programs to their WCP:

- Meter replacement program
- Leak detection and repair program
- Retrofit program

Deficiency/Missing Information

- The Water Audit resulted in a relatively low Data Validity Score. [deficiency]
- There was no data related to Multi-Family Residential (MFR) water use in the GPCD WCP. [missing information]
- Data for the entire year was not utilized in the 2015 GPCD Calculator for both SFR and ICI categories. [deficiency]
- Possible explanations for the increasing trend of SFR GPCD shown in the results of the GPCD Calculator were not provided. [missing information]
- Possible explanations for the increasing trend of Total System GPCD shown in the results of the GPCD Calculator were not provided. [missing information]
- Ordinance 443-96 Section 14-44 included in the WCP as Appendix C does not reflect "water rates based on usage type, as well as discounted rates for users who utilize the effluent water provided by the City" as indicated in Section 5.0 of the WCP. [missing information] It should be noted that the City website does indicate an increasing block rate billing structure.
- New Mexico Statute 72-14-3.2 states that "The water conservation plan shall contain a section that references the regional water plans in the area that have been accepted by the Interstate Stream Commission. The section shall cite conservation guidelines mentioned in the regional plan that have been adopted into the covered entity's water conservation plan." The WCP does not address this requirement. [missing information]

Conclusions/Recommendations

The WCP follows the template recommended in TR-53 and provides a discussion of their water conservation efforts and includes future goals.

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

After reviewing the WCP, this office recommends that T or C address the following:

- T or C should reassess the priority of their goals.
- T or C should make data collection improvement a priority in order to improve its Data Validity Score.
- T or C should update the 2015 GPCD calculator's SFR and ICI categories utilizing data for the entire year.
- The WCP should provide possible explanations for the increasing trend in SFR GPCD reflected in the GPCD Calculator results.
- The WCP should provide possible explanations for the increasing trend in Total System GPCD reflected in the GPCD Calculator results.
- T or C should make the water audit an annual practice. Consistent with AWWA M36, "the water auditing process should be instituted as a standard, annual business practice.....a two-fold goal should exist to both compile the water audit and to incrementally use bottom-up activities to improve the quality, completeness, and timeliness of the data."
- T or C should consider the inclusion of a BMP to refine the billing and data collection to reflect MFR use.
- T or C should implement BMPs to the maximum extent practicable recognizing the financial and staffing constraints that exist.
- The WCP should describe the regulatory basis of the increasing block rate structure used by the City and include as an appendix any related City ordinance.
- If T or C elects to change the proposed water conservation programs presented in the *Spring 2016 WCP*, the proposed changes shall be submitted to NMOSE as required by New Mexico Statute 72-14-3.2.F.
- T or C should develop additional programs that align with T or C's goals such as a water loss control program, meter replacement program, leak detection and repair program, retrofit program, etc. Implementation of programs should be accompanied by information collection to allow evaluation of program effectiveness.
- The WCP should include a reference to conservation guidelines mentioned in the Lower Rio Grande Regional Plan.

MEMORANDUM
New Mexico Office of the State Engineer
Water Use and Conservation Bureau

Bibliography

AWWA, 2006. *Water Conservation Programs A Planning Manual*. American Water Works Association. Manual Of Water Supply Practices M52, First Edition.

AWWA Standard, 2013. *Water Conservation Program Operation and Management*. ANSI/AWWA G480-13 First Edition.

AWWA, M36. *Water Audits and Loss Control Programs*. American Water Works Association. Manual Of Water Supply Practices M36, Forth Edition.

H.2



CITY OF TRUTH OR CONSEQUENCES

COMMISSION ACTION FORM

ITEM:

DISCUSSION/ACTION: ACCEPTANCE OF DONATION OF PROPERTY TO THE CITY BY CATHIE AND MARCIA BURFORD AND AUTHORIZATION TO PAY OUTSTANDING PROPERTY TAXES.

BACKGROUND:

Cathie and Marcia Buford desire to donate property belonging to their late husbands. Our city attorney has spoken to Cathie Buford and has been provided with a copy of the quitclaim deeds. They have disclosed that the property taxes have not been paid since 2013 and if approved and in consideration for the donation the City would pay the outstanding taxes.

During the initial discussion with Mrs. Buford, their only request if the property was to be sold was to recognize their husbands with a memorial plaque wherever the proceeds of the funds would be used. If the property is sold, the proceeds could be used to improve the Louis Armijo Park with benches, trees and ballfield re-seeding.

CITY COMMISSION MEETING OF AUGUST 9TH

During the City Commission of August 9th, the Commission asked staff to research the appraised value of the property and cost to perfect the title for public sale. Sierra County website records dated 9/30/2015 shows the full value of the land at **\$61,587** with the taxable/net value listed at \$20,529. Our legal counsel estimates it will cost \$3,000 to \$6,000 for a quiet title lawsuit.

SUPPORT INFORMATION:

- Sierra County Property Value Record
- July 20, 2016 correspondence from Brad Springer.
- Quitclaim Deeds.

Name of Drafter: Juan A. Fuentes	Department: City Manager	Mtg: 08/23/16
E-mail: jafuentes@torcnm.org	Phone: 575-894-6673 Ext. 320	



Assessor Lookup Main County Web Site

#



- Search by
- Owner #
- Owner Name
- Mailing Zip Code
- Property Code
- Physical Address
- Subdivision
- Metes
- Assessor Parcel's Lookup

Owner Information

Owner # 16327 District 6 IN
BURFORD JAMES S & BURFORD MICHAEL

PO BOX 5379
MOHAVE VALLEY AZ 86446

Recap Value Information

Central Full Value	0	Full Value	61587
Land Full Value	61587	Taxable Value	20529
Improvements Full value	0	Exempt Value	0
Personal Property Full Value	0	Net Value	20529
Manufactured Home Full Value	0		
Livestock Full Value	0		

Property Information

Property Code 3020078455056
Book 97 Page 465 Reception# 200203443
Physical Address
Bldg Apt
Section 35 Township 13 S Range 4 W

2.96 ACRES IN NW4NW4

Property Value Information

142 Non-Residential Land 2.96 0.00 61587



Blaine T. Mynatt
Damian L. Martínez
Bradley A. Springer*
Casey B. Fitch
Benjamin J. Young
Sara E. Woods
Alan J. Dahl

Of Counsel
Matthew P. Holt
David McNeill, Jr.
Stephen A. Hubert
William A. Walker, Jr.
*Also licensed in Texas
**Only licensed in Texas

July 20, 2016

VIA EMAIL ONLY

Juan Fuentes
City Manager
505 Sims Street
Truth or Consequences, NM 87901
jafuentes@torcnm.org

RE: Burford Donation of Vacant Property

Dear Juan:

I write to provide you with an update concerning the above referenced matter. We have spoken with Cathie Burford and confirmed her desire to donate her deceased husband and brother-in-law's Truth or Consequences property to the City. We received clarification from Mrs. Burford on the status of the brothers' estates, and both she and her sister-in-law, Marcia Burford, have agreed to sign quitclaim deeds granting the property to the City. A copy of the quitclaim deed drafts are attached for your review and approval. Please review the legal descriptions with Mr. Travis, as we are unable to locate a street address.

Also, the property taxes have not been paid since 2013. According to a letter from the City Attorney dated October 1, 2015, the taxes owed at that time were \$1,203.34. Mrs. Burford also stated that she received a letter indicating the property would be sold at auction if the property taxes were not paid soon. Regardless, there will be taxes due on the land which the City may be responsible for paying once the donation takes place. Please confirm that this is acceptable to the City.

Additionally, there are varying property descriptions in a Warranty Deed recorded October 7, 2002 and a Quitclaim Deed recorded April 1, 2004. We believe the descriptions address the same or contiguous parcels. Copies of each are enclosed for your review. The title search performed September 30, 2015 did not disclose the Quitclaim Deed and we only know of it from Cathie Burford, who provided a copy of such. As a result, we will ask Cathie and Marcia Burford to each execute two separate quitclaim deeds, one for each parcel. With the pending tax issue and her desire to have resolution on the property, Mrs. Burford has made it clear to us that time is of the essence so we want to cover all possibilities with regard to potential parcels belonging to the Burfords. Once the deeds are executed and recorded, we recommend an updated survey to clarify any discrepancies.

Finally, we cannot guarantee the quitclaim deeds conveying the land to the City will be sufficient marketable title for a future conveyance. A "quitclaim" deed provides no warranty to title. In the event the City uses the property as a city park, for example, there may not be much concern. However, if the City plans to sell the property, private buyers and lenders will require an insurable title, and we may need to take steps to cure any title defects. One remedy is "quiet title" in the District Court, the goal of which is to provide the City with title to the property free and clear of any known and unknown liens or claimants. We addressed this option along with anticipated costs in our correspondence dated March 31, 2016.

The good news is once we receive the executed quitclaim deeds from Cathie and Marcia Burford, we will have time to address the tax issue, legal description, and review the options in quieting title. We will inform you as events progress in this matter. In the meantime, if you have any questions please give me a call.

Sincerely,

HOLT MYNATT MARTÍNEZ P.C.



BRADLEY A. SPRINGER

BAS/scw/2003-004

Encl. as noted

cc: R. Travis (via e-mail only)

QUITCLAIM DEED

Catherine Burford (Grantor) for consideration paid, quitclaims to the City of Truth or Consequence, (Grantee), whose address is 505 Sims Street, Truth or Consequences, New Mexico, all of Grantor's right, title, and interest in the following described real estate in the County of Sierra, New Mexico:

A Tract of land in the Pedro Armendaris Grant No. 33 being part of the excluded Lots and Blocks of Mims Third Subdivision, recorded October 18, 1991 Plat No. 321, Sierra County Records, In Projected Section 35, Township 13 South, Range 4 West, N.M.P.M., Truth or Consequences, Sierra County, New Mexico described as consisting of portions of the east half of Block 7, all of Block 3, and further described as joining the west right-of-way line of New Mexico State Highway 51 and more particularly described as follows to wit:

Beginning at the northwest corner of the tract herein described, Whence the closing corner between Sections 27 and 34, Township 13 South, Range 4 West, N.M.P.M., a concrete monument found in place, bears N27°20'00" E a distance of 200.00 feet, and Thence N36°57'39" W a distance of 765.33 feet;

Thence from the point and place of beginning S62°40'00" E a distance of 430.00 feet to the westerly right-of-way line of said New Mexico State Highway 51;

Thence S27°20'00" W, along said right-of-way line, a distance of 550.00 feet to the north line of a fifty-foot wide street (as platted) and the southeast corner;

Thence N62°40'00" W, along the north line of said 50-foot wide street, a distance of 430.00 feet to the east line of a tract owned now or formerly by Kenneth P. Smith and Dale Hopkins (recorded in Warranty Deed Book 65 Page 764, Sierra County Records) and the southwest corner;

Thence N27°20'00" E, along the east line of a tract owned now or formerly by Kenneth P. Smith and Dale Hopkins (recorded in Warranty Deed Book 65 Page 764, Sierra County Records), a distance of 550.00 feet to the point and place of beginning, and containing 5.429 acres, more or less.

The above described tract is subject to the following easement:

Ten-foot (10') wide utility easement recorded: 11/12/91, Plat of Easement, Book 1 #322
Thirty-foot (30') wide road easement recorded: 6/10/98, Plat of Survey Book 1 #1574
Fifteen-foot (15') wide utility easement recorded: 11/12/91, Plat of Easement, Book 1 #322
Thirty-foot (30') wide electric line right of way easement recorded: Misc. Book W page 546-547

and other easements, restrictions, and reservations of record and easements as may exist on the ground.

WITNESS my hand and seal this _____ day of July, 2016.

Catherine Burford

STATE OF _____)

) ss.

COUNTY OF _____)

This instrument was acknowledged before me this ____ day of July, 2016, by Catherine Burford.

Notary Public

My Commission Expires:

QUITCLAIM DEED

Catherine Burford (Grantor) for consideration paid, quitclaims to the City of Truth or Consequence, (Grantee), whose address is 505 Sims Street, Truth or Consequences, New Mexico, all of Grantor's right, title, and interest in the following described real estate in the County of Sierra, New Mexico:

Lots One (1), Two (2), Three (3), Four (4) and Five (5) in Block Four (4), and the East One-half (E ½) of Block Eight (8), Section 35, Township 13 South, Range 4 West.

Save and except:

A certain tract of land situate within projected Section 35, Township 13 South, Range 4 West, NMPM, Pedro Armendaris Grant No. 33, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

Parts of Lots 4 & 5, Block 4, Mims III Subdivision (unapproved), and being further described as follows:

Beginning at the northwest corner, WHENCE the closing corner between Sec. 27 & 34, T13S, R4W, a point on the West Line of Pedro Armendaris Grant No. 33 bears N.42°49'03" W, 977.67 Feet:

Thence S 62°40'00" E, 200.00 feet

Thence S 27°20'00" W, 200.00 feet

Thence N 62°40'00" W, 200.00 feet

Thence N 27°20'00" E, 200.00 feet to the point of beginning

A certain tract of land situate within projected Section 35, Township 13 South, Range 4 West, NMPM Petro Armendaris Grant No. 33, City of Truth or Consequences, New Mexico and being more particularly described as follows:

Parts of Lots 7 & 9, Block 8 Mims III Subdivision (unapproved), and being further described as follows:

Beginning at the northwest corner, WHENCE the closing corner between Sec. 27 & 34, T13S, R4W, a point on the West Line of Pedro Armendaris Grant No. 33 bears N.36°57'39" W, 765.33 Feet:

Thence S 62°40'00" E, 230.00 feet

Thence S 27°20'00" W, 200.00 feet

Thence N 62°40'00" W, 230.00 feet

Thence N 27°20'00" E, 200.00 feet to the point of beginning.

The above described property is subject to easements and restrictions of record, including a thirty (30) foot wide road easement for the use of the grantor.

More commonly known as:

Sierra County Assessor Property Description:
Property Code 3020078455056
Book 97, Page 465 Reception# 200203443
Section-35 Township-13S Range-04W
2.96 acres in NW4NW4

WITNESS my hand and seal this _____ day of July, 2016.

Catherine Burford

STATE OF _____)

) ss.

COUNTY OF _____)

This instrument was acknowledged before me this ____ day of July, 2016, by Catherine Burford.

Notary Public

My Commission Expires:

QUITCLAIM DEED

Marcia Burford (Grantor) for consideration paid, quitclaims to the City of Truth or Consequence, (Grantee), whose address is 505 Sims Street, Truth or Consequences, New Mexico, all of Grantor's right, title, and interest in the following described real estate in the County of Sierra, New Mexico:

Lots One (1), Two (2), Three (3), Four (4) and Five (5) in Block Four (4), and the East One-half (E ½) of Block Eight (8), Section 35, Township 13 South, Range 4 West.

Save and except:

A certain tract of land situate within projected Section 35, Township 13 South, Range 4 West, NMPM, Pedro Armendaris Grant No. 33, City of Truth or Consequences, Sierra County, New Mexico and being more particularly described as follows:

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Thence N 27°20'00" E, 200.00 feet to the point of beginning

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Parts of Lots 7 & 9, Block 8 Mims III Subdivision (unapproved), and being further described as follows:

Beginning at the northwest corner, WHENCE the closing corner between Sec. 27 & 34, T13S, R4W, a point on the West Line of Pedro Armendaris Grant No. 33 bears N.36°57'39" W, 765.33 Feet:

Thence S 62°40'00" E, 230.00 feet

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The above described property is subject to easements and restrictions of record, including a thirty (30) foot wide road easement for the use of the grantor.

More commonly known as:

Sierra County Assessor Property Description:
Property Code 3020078455056
Book 97, Page 465 Reception# 200203443
Section-35 Township-13S Range-04W
2.96 acres in NW4NW4

WITNESS my hand and seal this _____ day of July, 2016.

Marcia Burford

STATE OF _____)

) ss.

COUNTY OF _____)

This instrument was acknowledged before me this ____ day of July, 2016, by Marcia Burford.

Notary Public

My Commission Expires:

QUITCLAIM DEED

Marcia Burford (Grantor) for consideration paid, quitclaims to the City of Truth or Consequence, (Grantee), whose address is 505 Sims Street, Truth or Consequences, New Mexico, all of Grantor's right, title, and interest in the following described real estate in the County of Sierra, New Mexico:

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Beginning at the northwest corner of the tract herein described, Whence the closing corner between Sections 27 and 34, Township 13 South, Range 4 West, N.M.P.M., a concrete monument found in place, bears N27°20'00" E a distance of 200.00 feet, and Thence N36°57'39" W a distance of 765.33 feet;

Thence from the point and place of beginning S62°40'00" E a distance of 430.00 feet to the westerly right-of-way line of said New Mexico State Highway 51;

Thence S27°20'00" W, along said right-of-way line, a distance of 550.00 feet to the north line of a fifty-foot wide street (as platted) and the southeast corner;

Thence N62°40'00" W, along the north line of said 50-foot wide street, a distance of 430.00 feet to the east line of a tract owned now or formerly by Kenneth P. Smith and Dale Hopkins (recorded in Warranty Deed Book 65 Page 764, Sierra County Records) and the southwest corner;

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Thirty-foot (30') wide road easement recorded: 6/10/98, Plat of Survey Book 1 #1574
Fifteen-foot (15') wide utility easement recorded: 11/12/91, Plat of Easement, Book 1 #322
Thirty-foot (30') wide electric line right of way easement recorded: Misc. Book W page 546-547

and other easements, restrictions, and reservations of record and easements as may exist on the ground.

WITNESS my hand and seal this _____ day of July, 2016.

Marcia Burford

STATE OF _____)

) ss.

COUNTY OF _____)

This instrument was acknowledged before me this ____ day of July, 2016, by Marcia Burford.

Notary Public

My Commission Expires:



H.3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

TO ACCEPT AND APPROVE A PROJECT DEVELOPMENT AGREEMENT (PDA) TO ALLOW YEAROUT ENERGY SERVICES COMPANY (YESCO) TO PERFORM AN INVESTMENT GRADE AUDIT TO INTEGRATE AUTOMATIC READING WATER AND ELECTRIC METERS FOR A SELF FUNDING ENERGY PERFORMANCE CONTRACT UNDER STATE CONTRACT 15-05759. PURSUANT TO (NMSA 1978 6-23)

BACKGROUND:

In September of 2015 the Water/Wastewater Department furnished YESCO information to perform a preliminary water loss study in order to evaluate the self- funding potential of installing more accurate automatic reading water meters. In the process of evaluation it has been recommended to incorporate and integrate automatic reading electric meters so that the city can share the same data infrastructure which could save the city substantial money by sharing data bases and billing systems.

The Commission approved a Letter of Agreement (LOA) that allowed YESCO to work with the Energy, Minerals and Natural Resources Department (EMNRD) and the Office of the State Engineer (OSE) to evaluate the integration of installing automatic reading water and electric meters and integrating the data bases for each system. This process will also evaluate the most efficient equipment and software systems to allow billing to be more accurate, timely and efficient. YESCO worked for the last several months with the EMNRD and OSE set the acceptable standards for the Project Development Agreement (PDA), pursuant under (NMSA 1978 6-23). The EMNRD and OSE require YESCO to perform and Investment Grade Audit (IGA) which will verify both stipulated and realized savings for the project.

YESCO will review the preliminary data derived from the LOA with Commission based on the findings review with OSE and EMNRD. This project will be overseen by both agencies and YESCO has reviewed the preliminary findings so that all PDA data will be in compliance with (NMSA 1978 6-23).

The PDA will evaluate the integration of the engineering studies from Smith Engineering and T&D Electric to determine what further audit scope will be required to meet Energy Performance Statues under State Contract 15-05759 so that the project can meet self- funding objectives and minimize impact to the City budget.

The PDA will be written in such a manner so that the City of Truth or Consequences can utilize Qualified Energy Conservations Bonds (QECB's) that will allow the project to proceed with guaranteed savings and the lowest possible cost of capital.

CITY COMMISSION MEETING OF JUNE 14TH:

Scott Griffith, YESCO, gave a presentation on the proposed project to implement an Automated Meter Reading system for both electric and water meters. The PDA would allow YESCO to perform an Investment Grade Audit (IGA) that would comply with the provisions of the Qualified Energy Conservation Bonds (QECB) for low to no interest funding for the project. The preliminary analysis performed by YESCO does indicate sufficient savings and recovery of lost revenue to proceed forward with this project. In addition, the savings to pay the QECB would be guaranteed by YESCO.

During the presentation and action item, the Commission asked good questions such with regards to a cost benefit analysis, cost and savings to the city, term of the project, city or contracted project and incorporating the project with other elements of our utility system (i.e. water and sewer lines, meters, roads, electric lines, etc.). The Commission also asked what other communities are doing with this type of project.

Staff is will be presenting a PowerPoint presentation on their findings with respect to other communities and provide some preliminary information to address some of the other questions raised at the June 14th meeting.

SUPPORT INFORMATION:

- Project Development Agreement

STAFF RECOMMENDATION:

- To accept and approve Project Development Agreement

Name of Drafter: Scott Griffith; Traci Burnette and Juan Fuentes		Meeting date: 08-23-2016



Project Development Agreement

THIS PROJECT DEVELOPMENT For WATER And INFRASTRUCTURE EVALUATION AGREEMENT (this "Agreement") is made and entered into in this ____ day of _____, 2016 by and between The City of Truth or Consequences, New Mexico ("Customer") and Yearout Energy Services Company, LLC. ("YESCO").

This PDA agreement will have phased steps so that Customer will have time to agree on the approach of technology and deployment of new technology and the creation of a sustainable business model. This will require specific training for the ongoing operation of the City Infrastructure and distribution of Energy Conservation and Water Resources. This approach will ensure both parties are involved and agree to the scope and direction of the project development.

The parties agree as follows:

1. EVALUATION STUDY, DEVELOPMENT ACTIVITIES, FACILITIES.

YESCO agrees to undertake an evaluation study for the Customer to evaluate and jointly determine the optimal set of water and electric meter improvements that can reduce the Customer's operational costs and improve the ability to accurately read delivered utilities. This will be completed with studies for onsite upgrades and improvements to the operational performance and efficiency of Customer's facilities, systems, and infrastructure. Customer agrees to provide its full and timely cooperation to assist YESCO in conducting and completing the project development activities described herein.

YESCO will conduct cost and savings analyses in order to develop a list of improvement measures for Customer's consideration. This information, along with a preliminary financial analysis, will be reviewed with Customer and recommendations will be made with respect to the optimal bundle of improvement measures.

YESCO will review the following:

Meter Audit and Testing Study (Smart Meter and City Infrastructure)

- Develop overall intent with Customer
- Confirm project is desirable
- Evaluate water and electric infrastructure in regards to deployment of Smart Metering systems
- The City and YESCO will jointly select the most appropriate technology based on findings and water loss
- Cost deployment and payback of measures
- Develop Implementation plan

2. **RECORDS AND DATA ACCESS.** During the evaluation study, Customer will furnish to YESCO accurate and complete data concerning energy usage and operational expenditures for the water and electric utilities. This will include the following data for the most recent two years prior to the effective date of this Agreement: 1) Data regarding water and electric infrastructure, production, consumption, losses, cost, and billings. 2) Sewer infrastructure, treatment, cost, and billing data. Additional information may include: 1) accurate electrical consumption rates to apply to electrical generation grid, 2) occupancy and usage information 3) descriptions of any changes in the building structure, heating, cooling, lighting, or other systems, and their energy requirements, 4) descriptions of all energy consuming or energy-saving equipment used on the Facilities, 5) descriptions of energy/water management and other relevant operational or maintenance procedures utilized by the Customer, 6) summary of expenditures for outsourced maintenance, repairs, or replacements, 7) copies of representative current tenant leases, 8) prior energy/water audits or studies of the Facilities. Customer will provide YESCO access to all applicable locations and facilities to enable YESCO to perform its obligations hereunder.
3. **CONFIDENTIALITY.** Each party's performance may require the exchange of data and information considered proprietary and/or confidential ("Confidential Information"). To the extent that such data or information is so identified by the disclosing party at the time of exchange, the receiving party agrees to hold such Confidential Information in the strictest confidence for a period of two (2) years from the date of information exchange. The parties further agree that within that period of time, it will not use any such Confidential Information except in connection to its efforts hereunder, and will not disclose any such Confidential Information to any third party (except to its own subsidiaries, affiliates, agents, or employees of any of the foregoing as necessary in connection with its performance hereunder and marked with appropriate restrictions) unless authorized in writing by the party originally furnishing such Confidential Information. The provisions of this paragraph shall survive the expiration or earlier termination of this Agreement.
4. **PRICE AND PAYMENT TERMS.** This unique project scope has extensive initial engineering costs. Upon delivery of the Project Development Agreement, the Customer agrees to pay to YESCO the cost outlined below; however, Customer has no obligation to pay YESCO the Development Payment if within 60 calendar days following YESCO's delivery of the development phase findings, YESCO and Customer enter into an Implementation Agreement. This agreement contracts YESCO to deliver and manage the construction of the improvement measures set forth in the proposal prepared in connection with the development phase, in which case the development payment shall be incorporated into the cost of such implementation agreement.

Meter Audit and Testing Study (Smart Meter for Electrical and Water Infrastructure)

- Develop overall intent with Customer
- Confirm project is desirable
- Evaluate water and electric infrastructure in regards to deployment of Smart Metering systems
- The City and YESCO will jointly select the most appropriate technology based on findings and water loss
- Cost deployment and payback of measures
- Develop Implementation plan

Cost: \$49,500.00 + NMGR

5. **YESCO'S INTELLECTUAL PROPERTY.** YESCO shall retain all right, title, and interest in and to any: (a) deliverables it provides to Customer hereunder including, without limitation, all software source and object code, documentation, technical information or data, proposals, reports, studies, specifications and designs, and any changes, improvements, or modifications thereto or derivatives thereof ("Deliverables"), (b) know-how employed by YESCO in the creation of the Deliverables or performance of the work, whether known to YESCO prior to, or developed, discovered, or acquired in connection with the performance of its obligations hereunder. In the event the parties do not enter into an implementation agreement, whereby YESCO is contracted to deliver and manage the construction of the improvement measures developed pursuant to this Agreement, and provided customer has paid all amounts owed to YESCO under this Agreement, YESCO will grant to Customer a nonexclusive license to reproduce and use the Deliverables without warranty on an as-is where-is basis, for its own purposes. Furthermore, that in such event Customer hereby releases YESCO from any liability associated with Customer's use of the Deliverables and shall indemnify and hold YESCO harmless from any claims arising out of or associated with Customer's or any of Customer's other contractors use of the Deliverables.
6. **REPRESENTATIONS AND WARRANTIES.** Each party represents and warrants to the other that (i) it has all requisite power and authority to execute and deliver this Agreement and perform its obligations hereunder, (ii) all corporate, board, body politic, or other approvals necessary for its execution, delivery, and performance of this Agreement have been obtained, and (iii) this Agreement constitutes its legal, valid, and binding obligation.

* * * * *

IN WITNESS WHEREOF, the parties hereto have caused this Project Development and Infrastructure Evaluation Agreement to be executed in one or more counterparts by their duly authorized representatives as of the day and year first above written.

City of Truth or Consequences

Signature: _____

Printed Name: _____

Title: _____

Yearout Energy Services Company

Signature:  _____

Printed Name: Colby Geer

Title: YESCO G.M.



Field Collection System

Itron's latest generation mobile meter data collection software

Field Collection System (FCS) is meter data collection software designed specifically for today's utilities. FCS is a state-of-the-art, open-architecture software solution that works with Itron mobile technologies, field-proven ERT modules and meters for electric, gas and water utilities. FCS seamlessly integrates with Itron networks, existing enterprise billing systems and advanced meter data management systems for flexible and ease-of-use data sharing and management capabilities. FCS combines all the best features from decades of experience with innovative new features that will fulfill your meter data collection needs, now and into the future.

FCS is a client/server application and is Microsoft® .NET-connected. FCS represents Itron's commitment to open software architecture that "plays well with others". XML, a widely-used programming standard, ensures interoperability between

different software applications running on a variety of platforms. Standard file import-export features connect directly to established interfaces.

FCS transfers meter data to and from mobile computers using the TCP/IP

communication protocol. The speed of TCP/IP gets employees to the field quickly which immediately increases daily productivity. The flexible and reliable FCS communication system opens the door for utilities to use a wide array of wired and wireless data backhaul options.



CENTRON® Bridge Meter



METRIS® Meter with 100G ERT® Module



100W ERT Module

ARCHITECTURE

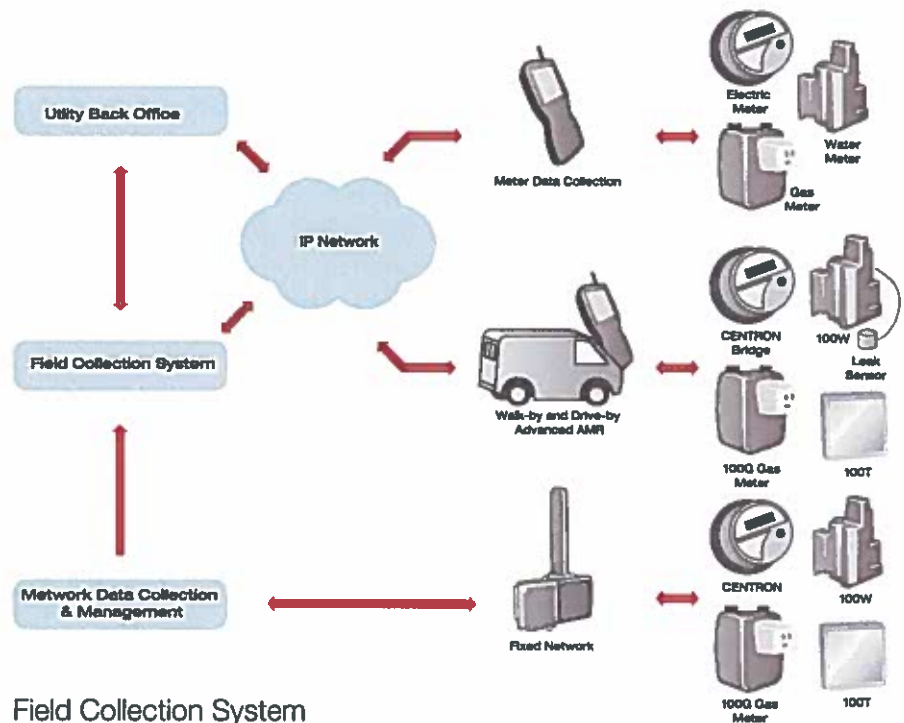
The FCS application server software imports and assigns routes to handheld and mobile collection devices, manages data collected in the field and prepares routes to be exported for billing. The FCS handheld application software provides field employees with an efficient means for collecting meter readings, other valuable data, and performing related work in the field, using rugged mobile devices.

Flexibility

FCS is off-the-shelf software that is highly configurable allowing the utility to configure the business rules for office and field processes.

Security

The FCS security system simplifies user and password management by leveraging existing Microsoft Windows® user accounts. Role based security allows office managers and field managers to easily manage operational rights of groups and individual users.



Field Collection System

Database

FCS stores system parameters, routes and statistics in a relational database. FCS supports Oracle® and Microsoft SQL Server® databases. These open database systems allow utilities to mine the data in the FCS database to satisfy a variety of business needs.

Automation

The integrated Unattended scheduling system reduces office work requirements by using flexible and intelligent tasks automatically at any time of day. Job status notifications improve reaction times and reduce time spent monitoring the system.

Reports

Over 40 standard reports and templates are available along with the tools and ability to customize reports according to specific business needs.

Networking

FCS provides a variety of features to improve operations related to network based metering systems. ChoiceConnect Fixed Network reading data can be imported and applied without changing the monthly route based billing process. FCS filtering dispatches only meters not collected by the network or through out-of-route readings.

Integration

FCS interfaces seamlessly to existing customer information and billing systems using XML, Premierplus4 and MV-RS® import/export file interfaces. A variety of other interfaces link FCS directly to powerful applications such as Itron Security Manager, RouteSmart®, MV-90 xi and Itron Enterprise Edition™ to provide an easy migration path to value-added customer services that are required when business needs evolve.

DATA COLLECTION

FCS transfers data to and from data collections devices with Internet Protocol (IP) based communications offering a flexible array of backhaul options, such as wired and wireless networks, public telephone, and broadband Internet. IP-based communications can transfer data over four times faster than collection systems that require serial communications, getting employees to the field as quickly as possible. Automated network data transfer replaces manual file transfers reducing human error and reducing labor.

Handheld

FCS utilizes ultra-rugged Itron FC300 handheld computers to collect meter data from electricity, gas, and water meters and other field assets. FCS provides handheld meter readers with an expansive suite of account and meter information, allowing for safe and efficient data collection. FCS can process manual readings, optical or touch probe readings, and advanced meter data from Itron radio-based endpoints.

Mobile Collector Lite

FCS with MC Lite provides a low-cost, flexible hybrid solution for rural AMR deployments or where AMR is not fully deployed. The MC Lite uses a low-cost mobile radio unit and an FC300 as the data processor. The FC300 can toggle between standard walking mode and MC Lite drive-by mode for reading AMR-equipped meters. While in walking mode, keyed and probed reads can be collected or reads can be collected via walk-by AMR when using an FC300SR.

Mobile Data Collection

FCS supports the Itron Mobile Collection System, including the MC3, the most widely-used mobile automatic meter reading technology in the world and the most cost-effective way to collect meter readings. FCS integrates seamlessly with Mobile Collection System software via wired or wireless networks to transfer valuable route information quickly and reliably. The ability to collect large volumes of advanced meter data safely and efficiently makes mobile collection a very attractive option. Available with a GPS mapping system for graphical display of meters and mobile routes, Mobile Collection System and FCS are the automatic meter reading choice for utilities that need accurate, reliable and cost-effective meter data.

ADVANCED RADIO TECHNOLOGY

Itron radio technology has taken huge leaps forward in recent years allowing Itron to provide products to meet the rapidly evolving needs of today's utilities. FCS supports two-way radio communications with a new generation of endpoints including the CENTRON Bridge meter, 100W, and 100G Datalogging ERT modules enabling utilities to collect 40 days of time synchronized daily or hourly meter readings. This data can be used to fulfill a wide variety of utility needs and eliminate special trips to the field releasing field service personnel to perform more important tasks. Itron has extended value beyond meter reading with 100T endpoints for monitoring cathodic protection, pressure correction and more. Utilities can also use FCS with radio equipped mobile devices to remotely connect and disconnect service for electric, gas and water. The utility may assign these tasks to specialist employees or perform these tasks automatically as part of existing meter reading operations.



FC300 Handheld Computer



Mobile Collector Lite



MC3 - Mobile Collection System

BENEFITS

Performance

Today's growing utilities face challenges such as managing a variety meter reading systems connected to various customer information databases. FCS provides the power and flexibility to consolidate operations and connect to those systems through various file interfaces—all automatically—and all on a single system. Through a scalable architecture, FCS provides a combination of power and nimbleness not found in any other system.

Improved Data Security

FCS supports advanced user authentication, as well as role-based functional security, so utilities can secure FCS based on specific business requirements. Each collection device is authenticated by FCS prior to downloading data. FCS can limit data access based on the utility's organizational structure and individual employee rights. Upper-level managers may view all data, while office employees see only data relevant to their office. FCS has the ability to read and interact with Itron's latest generation radio-based endpoints in an enhanced security mode where radio transmissions are encrypted and authenticated enhancing security for utilities and their customers.

Increased Field Safety

When used for automated meter reading, FCS enhances employee safety by significantly reducing encounters with potential obstacles such as dogs, irate customers, especially important when reading meters and disconnecting services. FCS also enables the employee to locate the meter efficiently. Account and meter-specific information can be proactively

displayed on the collection devices to provide updates or cautions to meter readers along their route. Meter readers can be notified of this critical information using audible tones or through handheld vibration for the hearing impaired and to avoid potentially alerting dogs to their presence.

Reduced Operational and Equipment Costs

With its IP-based communications, FCS can download routes and upload data from any data collection device given a connection to the utility network. These features eliminate the need for dedicated PCs at every utility office. The FCS software horizontal scaling architecture allows utilities to accommodate an expanding utility and customer base by adding additional servers, rather than replacing existing servers with bigger, more expensive servers. Also, with the ability to set more than 400 processing options, utilities can deploy FCS without costly internal IT or third-party software customizations. When using the FC300 handheld, a utility has access to multiple applications on a single tool for improved workforce automation and field service.

Increased Operational Efficiency

Automated meter reading is significantly faster and more reliable than traditional key-in meter reading, reducing the number of resources devoted to meter reading and reducing the number of attempts to access a meter due to locked gates, dogs and other meter reading obstacles. Through its seamless communications with data collection devices, FCS provides meter readers with the information that enables them to quickly find and process electricity, gas and water meters. FCS and the

multi-purpose FC300 handheld computer enable field employees to perform a variety of tasks allowing the utility to do more with less. Enhanced FCS reports provide managers multiple export formats and data that is automatically summed by office and cycle. FCS collects, stores and matches out-of-route readings to unprocessed meters reducing work dispatched to the field by exploiting readings already collected. When combined with datalogging, telemetry and other capabilities, FCS reduces special trips to the field and gives the field employee the tools to use that time to perform other valuable work.

Guaranteed Investments

FCS guarantees that your current investment in Itron technologies will be protected going forward. FCS is compatible with all Itron mobile collection systems, the FC300 and FC200 handheld computers, all models Itron's industry-leading AMR endpoints, and Itron telemetry endpoints. FCS and Itron advanced endpoints allow the utility to take advantage of AMR and even AMI features today then migrate to a fixed network system for all or just some of the utility territory. This unique combination of backwards compatibility and migration features enables the utility to get the most from investments made in the past, exploit new technology now and perfectly position the utility for the future. Itron's commitment to the scalability and extensibility of our software means that no matter where your business is with respect to AMR, AMI or Smart Grid adoption, Itron's solutions can take you where you want to go.



Itron is a global technology company. We build solutions that help utilities measure, manage and analyze energy and water. Our broad product portfolio includes electricity, gas, water and thermal energy measurement and control technology; communications systems; software; and professional services. With thousands of employees supporting nearly 8,000 utilities in more than 100 countries, Itron empowers utilities to responsibly and efficiently manage energy and water resources.

Join us in creating a more resourceful world; start here: www.itron.com

CORPORATE HEADQUARTERS

2111 N Molter Road
Liberty Lake, WA 99019
USA

Phone: 1.800.635.5461
Fax: 1.509.891.3355



H.4

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Authorizing staff to work on a Policy for late application submittals and quarterly reports for Subrecipient Grants & Lodger's Tax awards.

BACKGROUND:

Mayor Steve Green requested this item to be added to the agenda. He will present it.

STAFF RECOMMENDATION:

None.

Submitted by: Renee Cantin, City Clerk

Meeting date: 08/23/2016

City of Truth or Consequences

Lodgers' Tax

FYE 2016 Funding Guidelines

Approved by City Commission 3/24/15

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Overview of Lodgers' Tax

- **Sec. 7-196. Title of article.**

- This article shall be known as and may be cited as "The Lodgers' Tax Ordinance." (Ord. No. 442, § 1, 8-12-96)

- **Sec. 7-197. Purpose of article.**

- The purpose of this article is to impose a tax which will be borne by persons using commercial lodging accommodations which tax will provide revenues for the purpose of advertising, publicizing and promoting tourist-related attractions, facilities and events, and acquiring, establishing and operating tourist-related facilities, attractions or transportation systems, as authorized in section 17 of this article.

- **Sec. 7-199. Imposition of tax.**

- There is hereby imposed an occupancy tax of **five percent** of gross taxable rent for lodging within the municipality paid to vendors.

Overview of Lodgers' Tax

Eligible Uses

- **Sec. 7-212. Eligible uses of lodgers' tax proceeds.**
 - (a) The Municipality may use the proceeds from the tax to defray the costs of:
 - (1) collecting and otherwise administering the tax, including the performance of audits required by the Lodgers' Tax Act pursuant to guidelines issued by the Department of Finance and Administration;
 - (2) establishing, operating, purchasing, constructing, otherwise acquiring, reconstructing, extending, improving, equipping, furnishing or acquiring real property or any interest in real property for the site or grounds for tourist-related facilities, attractions or transportation systems of the Municipality, the county in which the Municipality is located or the county;
 - (3) the principal of and interest on any prior redemption premiums due in connection with and any other charges pertaining to revenue bonds authorized by section 3-38-23 or 3-38-24 NMSA 1978;

Overview of Lodgers' Tax *Eligibility*

- (4) advertising, publicizing and promoting tourist-related attractions, facilities and events of the Municipality or county and tourist facilities or attractions within the area;
- (5) providing police and fire protection and sanitation service for tourist-related events, facilities and attractions located in the Municipality; or
- (6) any combination of the foregoing purposes or transactions stated in this section, but for no other municipal purpose.

Additionally: (#7 is not part of Sec. 7-212.)

- (7) Grant recipients are required to be nonprofits.
 - A certificate of this status must be submitted with the initial grant application only.
 - Subsequent changes in status must be reported to the Lodgers Tax Advisory Board.

Grant Agreement

- Lodgers' Tax contracts between the City and Contractor are for Advertising & Promotion.
- Section 2 of the Contract requires contractors to:
 - “Advertise, publicize and promote the City and its facilities as a tourism attraction. Such publicizing and promoting shall include but not be limited to the advertising of the Fairgrounds, Civic Center, Museums, Convention Center and other City and area resources and attractions.”
- The purpose of the Tax is to bring visitors to the City.
- No less than seventy-five percent (75%) must be spent OUTSIDE of Sierra County.

Grant Agreement

- Promotion and advertising shall be adhered to per the approved application submitted by the Contractor and attached as 'Exhibit A' to the Grant Agreement.
- 'Exhibit A' shall be known as the 'Scope of Work' which represents the approved manner that the allocated funds can be spent.
- The contractor shall designate a representative and an alternate to serve as the point of contact and authorized representative to spend funds.
 - The representative may be called upon to attend Lodgers' Tax meetings or meet with city staff to answer questions regarding their activities and/or submittals.

Payment Reimbursements

- Print media, television ads, billboards, radio ads, and online ads of the Contractor which are paid for from Lodgers' Tax monies shall include the following:
 - Paid in part by "Truth or Consequences Lodgers' Tax."
 - Include the City of Truth or Consequences logo.
 - Please contact the City Clerk's office, torcclerk@torcnm.org for City logo.



Payment Reimbursements

- Radio ads shall include the following verbiage:
 - Paid in part by Truth or Consequences Lodgers' Tax.
 - The invoice shall include the radio advertisement.
- Websites – costs related to design and maintenance are eligible costs.
- Facebook and other Social Media – advertisements are allowable expenses.

Payment Reimbursements

- The City determines which expenditures are allowable and are in compliance with the purpose of this contract. (Sec. 4 a)
- If determined to be an eligible purchase, the City will pay the Contractor for reimbursement. (Sec. 4 b)
- Rejected payments can be submitted to the Lodgers Tax Board for consideration and recommendation for submission to the City Commission.

Payment Reimbursement Requirements

- All invoices must be presented to the City Manager's Office for review and approval.
 - All funds must be spent and invoices turned into the City Manager's Office **no later than the last business day in May.**
 - Invoices submitted after that date **WILL NOT BE PAID** and will be the responsibility of the Contractor.
- For advertisements and/or publications, provide a tear sheet. A **tear sheet** is a page cut or torn from a publication to prove to the client that the advertisement was published.
- Invoices, checks and form amounts **must all match.**
- Reimbursements can be submitted as frequent as needed.

Eligible Costs

Media placement: cost of insertion of ads in media including print, electronic, web/Internet and outdoor; rental of billboard, home page on the internet, information applied to Kiosks, and other automated forms of advertising.

Printing: cost of printing and distribution of promotional materials including media packets, promotional brochures, posters, etc. Reprints shall meet current criteria. In the case ad sales have been made on any brochures, vacation guides and similar publications, the Department requires reporting of revenue generated in ad sales and cost of printing, the difference is eligible reimbursement.

Registration fees and booth rental: costs for conferences where representation by the Organization is clearly a part of the marketing plan.

Ineligible Costs

Commissions: Advertising agency commissions

Fulfillment costs: Envelopes and supplies

Communications: Telephone expenses

Administration: Salaries, over-run, overhead, entertainment, meals, beverages, supplies, taxes and other categories, not specifically allowed in eligible costs.

Items for sale: Promotional items produced for sale such as Videos/CD's/DVD's, brochures, t-shirts, posters, calendars, etc.

Equipment: Any purchase of equipment and/or furnishings.

Eligible Costs

Video/CD-ROM/DVD's: Production of a community, partnership, or statewide promotional video/CD-ROM/DVD that is part of the organization's marketing effort for use in various broadcast media. **(The video/CD-ROM cannot be offered for sale.)**

Mailing lists: Cost for purchase of targeted marketing mailing lists.

Sales Missions and Trade Show participation: Costs for registration and booth space; Department sponsored; through the Department's Domestic and International tour trade programs when space is available and the Department opens participation.

Production costs: Costs of producing an advertisement, brochure, internet data and graphics, website development (including hosting), typesetting, photography, rendered art, purchase of trade show booth.

Fulfillment costs: Shipping as it applies to fulfilling requests for visitor information.

Public Relations: Public relation services related to tourism promotion.

Promotional Items: Key rings, pins, calendars, litter bags, posters, and similar items not to exceed 20% of the total amount funded. T-shirts not to exceed 50% of the total amount funded.

Contractor Responsibilities

- It is the responsibility of the Contractor:
 - to keep a running total of their unused and available Lodgers' Tax award.
 - to assign a signatory authority and responsible financial representative.
 - to sign all reimbursement forms or requests for payment.
 - Requests must be submitted in writing using the City's form.
 - to notify the City their "remit to" address where they want the check sent.

Reimbursement Request Form

LODGERS' TAX REIMBURSEMENT REQUEST

A. Grantee: _____

Remit to: City of Truth or Consequences

B. Contact: _____

Attn: _____

Address: _____

505 Sims Street

C. Reimbursement Request No. _____ FY: _____

Truth or Consequences, NM 87901

CATEGORY	Budget	Current Expenditures Requested for Reimbursement from Grant Funds	Cumulative Expenditures Total Current Request + Previous Grant Fund Expenditures	Remaining Project Balance
	Grant Funds	Grant Funds	Grant Funds	Grant Funds
Print				
Publish				
Advertise				
TV				
Radio				
Website				
Other Costs (Specify)				
TOTALS				

Under penalty of law, I certify that all the above expenditures are true and correct and are for appropriate purposes in accordance with the terms and conditions of the pertinent Grant and that payment has not been received.

Signature of Authorized Official	Typed or Printed Name	Date
----------------------------------	-----------------------	------

**LODGERS' TAX
REIMBURSEMENT REQUEST**

A. Grantee: Pie in the Sky Enterprises Remit to: City of Truth or Consequences
 B. Contact: Jane Doe / 894-1234 Attn: Linda Sparks
 Address: 56 Skyline RD, T-or-C, NM 87901 505 Sims Street
 C. Reimbursement Request No. 1 FY: 13/14 Truth or Consequences, NM 87901

CATEGORY	Budget	Current Expenditures Requested for Reimbursement from Grant Funds	Cumulative Expenditures Total Current Request + Previous Grant Fund Expenditures	Remaining Project Balance
	Grant Funds	Grant Funds	Grant Funds	Grant Funds
Print	\$1,000.00			\$1,000.00
Publish	\$500.00			\$500.00
Advertise	\$1,500.00			\$1,500.00
TV	\$500.00			\$500.00
Radio	\$500.00			\$500.00
Website	\$1,000.00			\$1,000.00
Other Costs (Specify)				\$0.00
(Use these add'l 3 spaces				\$0.00
to list special events.)				\$0.00
				\$0.00
TOTALS	\$5,000.00	\$0.00	\$0.00	\$5,000.00

Under penalty of law, I certify that all the above expenditures are true and correct and are for appropriate purposes in accordance with the terms and conditions of the pertinent Grant and that payment has not been received.

Signature of Authorized Official	Typed or Printed Name	Date
	Jane Doe	04/01/13

Quarterly Work/Spending Report

LODGERS' TAX QUARTERLY WORK/SPENDING REPORT

NAME OF GRANTEE: _____

THREE MONTH PERIOD OF REPORT: _____ TO _____
(mm/dd/yy) (mm/dd/yy)

PLEASE PROVIDE A DETAILED STATUS OF ACTIVITY FOR REPORTING PERIOD.
(If no work has been done, explain why work has not begun.)

ITEMS AND AMOUNTS FOR WHICH REIMBURSEMENT FUNDS WERE REQUESTED DURING PERIOD:

<u>ITEMS(\$)</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
NM GRT	\$ _____ (if applicable)
TOTAL	\$ 0.00

ANTICIPATED COMPLETION DATES OF TASKS NOTED ABOVE:

<u>TASK</u>	<u>ANTICIPATED COMPLETION DATE</u>
_____	_____
_____	_____
_____	_____

SIGNATURE _____

CONTACT PHONE NUMBER _____

DATE _____

Nov. 3/2015

Quarterly Work/Spending Report

- Reports are due by the 15th of the month following the quarter. First quarter (July, August, September) ends September 30th. Second quarter (October, November, December) ends December 31st. Third quarter (January, February, March) ends March 31st. Fourth quarter (April, May, June) ends June 30th.
- **Must submit a report even if no work has been done with an explanation of why work has not begun.**
- Reports are used to gauge activity and ensure grant compliance with agreement.
- **Failure to report can affect future grant funding requests.**

Amendments

CAN

- Budget Categories*
 - Funds may be moved from one category to another category.
- Scope of Work*

*** Must have prior approval from the Lodgers' Tax Advisory Board and/or City Manager's Office.**

CANNOT

- Request extension of time.
- Request increase in budget.
- Request transfer of funds to another organization.

Contacts

- Linda Sparks, lsparks@torcnm.org 894-6673 Ext. 320
 - Review payment request for compliance with agreement and forward eligible request to Finance Office.
- Priscilla Fuentes, pfuentes@torcnm.org 894-6673 Ext. 301
 - Forward quarterly and grant balance report to Lodgers Tax Advisory Board.
 - Place on the LTAB calendar request for changes to grant agreement and/or use of funds.

Questions?





I.1

CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM

ITEM:

Appointment to Housing Authority Board for Christopher O'Rourke. Steven Rice, Executive Director

BACKGROUND:

Attached you have the recommendation by the Housing Authority Board to appoint Mr. Christopher O'Rourke to serve as the Resident Board Member. This position has been published and Mr. O'Rourke is the only applicant.

STAFF RECOMMENDATION:

Approve the appointment of Christopher O'Rourke to the Housing Authority Board.

Submitted by: Renee Cantin, City Clerk

Meeting date: 08/23/2016



August 2, 2016

The Honorable Steven Green
Mayor
City of Truth or Consequences
505 Sims
Truth or Consequences, NM 87901

Re: Appointment to Housing Board of Commissioners

Dear Mayor Green:

The Board of Commissioners of the Truth or Consequences Housing Authority (Housing Authority) requests the appointment of Mr. Christopher O'Rourke to the Housing Authority Board.

The Housing Authority is required by the Quality Housing and Work Responsibility Act of 1998 to annually notify program participants of the opportunity to serve on the Housing Authority Board of Commissioners. A Resident Board Member will help the Board of Commissioners to receive valuable input from the very people the Housing Authority was created to serve. In the past we have not received a response to our posting and this requirement was waived by HUD. This year a program participant, Mr. O'Rourke, has shown an interest in serving on the Housing Board of Commissioners.

We recommend that Mr. O'Rourke be appointed to the T or C Housing Authority Board of Commissioners and thank you in advance for your favorable consideration.

Respectfully,



Greg D'Amour
Chairperson

Truth or Consequences Housing Authority Board of Commissioners

Cc: City Commission
City Manager
City Clerk



NAME: Christopher R. O'Rourke

ADDRESS: 1230 E 3rd Ave. Apt. D, Truth or Consequences, New Mexico 87901-6011

PHONE: 575-297-4049 (home – answering machine responds in French if I am not at home)

575-652-9721 (cell – please try home number first)

I am interested in serving as a member of the Truth or Consequences Housing Authority Board.

My qualifications are as follows:-

B.A. in Social and Political Philosophy – S.U.N.Y. Empire State, New York, NY.

Extensive Subsequent Studies in Conventional and Alternative Economics,

Efficient Applications in Alternative Energy, Comparative Analysis of Micro and Macro Economic Systems
and their Applied Synthesis in Classical, Neoclassical, and Alternative Economic Scenarios.

Bookkeeping, Accounting, Auditing, General Management Skill-sets

Economic Researching, Legal and Statistical Fact-finding and Verification

Economic Correlation and Analysis, Community Cost-Benefit Analysis

Web Site Design and Site Efficiency Consultant, Form Designer, Editing and Proofing

Academic and General Editing and Proofing

Reason why you are interested in serving on this board?

I have lived in T or C for 7 ½ years, and having more recently benefited and been served with fairness
and efficiency by the PHA, I feel a strong desire to give back by lending my knowledge, skills, and
values which resonate well with the general mission of HUD and the local PHA in particular. I am
always hungry to learn how abstract principles are applied in the real world and how principles,
objectives, and practical realities transform over time with changes in economic conditions as both
social needs and technology develop and change.

Comments:

I have no personal agenda other than to learn about and help facilitate the general mission of PHA. I
currently lack the experience and direct knowledge of this institution to function in any other way than
to provide my knowledge and potential and past research as a sounding board and to help with
continued research and development. I would be happy to engage in new research projects and analysis
that would be useful to personnel involved in planning and ongoing current efficiency analysis.

Signature: _____

Date: 6/27/16



I.2

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Appointment to the Recreation Advisory Board for Christie Conklin. Greg D'Amour, Recreation Board Chairman

BACKGROUND:

Attached you have Application for an agenda item and the applications for Christie Conklin and Buddy Montoya. The recommendation by the Recreation Advisory Board is to appoint Christie Conklin to serve on this committee.

This position has been published and Christie Conklin and Buddy Montoya were the only two applicants. Both applicants have been invited to attend the meeting if the Commission wishes to ask them any questions.

STAFF RECOMMENDATION:

Approve the appointment to the Recreation Advisory Board.



CITY OF TRUTH OR CONSEQUENCES

CITY CLERK'S OFFICE

505 SIMS STREET

TRUTH OR CONSEQUENCES, NEW MEXICO 87901

PHONE: (575) 894-6673 EXT#1301 FAX: (575) 894-7767

APPLICATION FOR LISTING ON CITY COMMISSION AGENDA

DATE: 8-15-16

RECEIVED
8/16/16

DATE OF MEETING YOU ARE REQUESTING TO BE LISTED UNDER: 8-23-16

NAME OF APPLICANT/ORGANIZATION: Too C Recreation Advisory Committee

ADDRESS: _____

PHONE: 575 497 9032 E-MAIL: gda-health@hotmail.com
greg

REQUEST: (ATTACH WRITTEN REQUEST AND/OR DOCUMENTS IF AVAILABLE)

Recommendation for removal of
filling position on Advisory Committee

WHAT RESOURCES DO YOU REQUIRE: _____

ESTIMATED TIME FOR PRESENTATION: 3 minutes SIGNATURE: [Signature]

CITY MANAGER ACTION

APPROVED FOR COMMISSION AGENDA OF: _____

DENY – REASON FOR DENIAL: _____

IF YOUR REQUEST WAS DENIED AND YOU WISH TO APPEAL, YOU MAY:

- appear personally before the City Commission on the day of the meeting and during the "Comments from the Public" ask that the Commission place your item on the next available agenda (usually in 2 weeks); or,
- appeal directly to any one of the City Commissioner by contacting them (see reverse side for contact information). Any Commissioner may place your item on the agenda by notifying the City Clerk at least 7 days prior to the Commission meeting.

City of Truth or Consequences Advisory Board

Recommendation to City Commission

Appointment of Vacant position

At the meeting of the Recreation advisory board on 8/1/16, discussion concerning the two applicants, Buddy Montoya and Christie Conklin, for the vacant position was held.

It is the recommendation of the committee that the position be filled by Christie Conklin due to her current involvement with the youth programs and the interest shown there. We recognize Mr. Montoya's ongoing involvement, however we feel a new insight from Ms. Conklin would facilitate our board.

This opinion was unanimous from current Board members.

Thank You for your consideration



Greg D'Amour

Board Chair



City of Truth or Consequences

City Board Application

Name: Christie Conklin

Address: 510 W 3rd Ave.
TorC NM 87701

Phone: 360-672-5444

Email: clestuff@yahoo.com

I am interested in serving as a member of Recreation Advisory Board.

My qualifications are:

Life long resident of Sierra County, mom
of children involved in youth activities previous
Department of NM Junior Activities chair for American
Legion Auxiliary. Youth, military and senior advocate.

Reason why I am interested in serving on this board:

To better gain knowledge of the inner
workings in my city. To hopefully contribute to
the betterment of TorC.

Additional comments: Thank you for considering

Signature: Christie Conklin

Received by Debby Mather
on Monday 8/11/10 @ 4:00pm.



City of Truth or Consequences

City Board Application

RECEIVED
5/31/16

Name: Buddy Montoya

Address: 1304 Copper St
TorC NM 87901

Phone: 575-740-2705

Email: MontoyaBuddy@yahoo.com

I am interested in serving as a member of Recreation Advisory Board.

My qualifications are:

Former Advisory Board member, knowledge of Open meetings Act.
Have sat on several boards in different positions including Chair or
down to member. Am active in Youth and Adult activities
in and around surrounding areas.

Reason why I am interested in serving on this board:

I believe I have a lot of Ideas that can be
shared and helpful to the community in different areas
including All sports and activities within the Community.

Additional comments: I have applied to this board over
5 times and feel that I should be allowed on this
board not because of who I am but what I can offer
which is positive input and solutions.

Signature:  5-31-16



I.3

**CITY OF TRUTH OR CONSEQUENCES
COMMISSION ACTION FORM**

ITEM:

Appointment to the Public Utilities Advisory Board of Gil Avelar. George Szigeti, PUAB Board Chairman.

BACKGROUND:

This position has been published and Randy Ashbaugh and Gil Avelar were the only two applicants. The recommendation by the Public Utility Advisory Board is to appoint Gil Avelar to serve on this committee.

Both applicants have been invited to attend the meeting if the Commission wishes to ask them any questions.

STAFF RECOMMENDATION:

Approve the appointment to the Public Utility Advisory Board.

Submitted by: Renee Cantin, City Clerk

Meeting date: 08/23/2016



City of Truth or Consequences

City Board Application

Name: Jay Gilbert Avelar

Address: 1402 Steel st.

Phone: 575-740-1234

Email: gavelartorc@gmail.com

I am interested in serving as a member of utility Board.

My qualifications are:

I was employed by the city electric dept. for
30+ years. 13 years as the division head.
10 years in the mining and construction field.

Reason why I am interested in serving on this board:

After 32 years I realized I'm not finished
assisting the city utilities.

Additional comments: The electric dept (rwh cow) is in good
shape, solid waste is on its way. Water & Waste water need
help.

Signature: _____



RECEIVED
8/5/16

City of Truth or Consequences

City Board Application

8-05-2016

Name: RANDALL ASHBAUGH

Address: 1023 POPLAR ST
P.O. DRAWER 591
TORC, N.MEX 87901

Phone: 575-740-0555

Email: ASHBAUGHCCI@HOTMAIL.COM

I am interested in serving as a member of UTILITY Board.

My qualifications are:

35+ YEAR EXPERIENCE IN DEVELOPMENT
AND UTILITY WORK.

Reason why I am interested in serving on this board:

CITY NEEDS EXPERIENCE ON THE
BOARD

Additional comments: WILL NOT MISS ANY
MEETINGS W/O A VERY GOOD EXCUSE

Signature:

RANDALL ASHBAUGH