

City of Socorro Regular City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
August 4, 2014

Mayor Ravi Bhasker called the meeting to order at 6:00 p.m. Pat Salome, City Clerk, took roll call. Members present at roll call were: Mayor Ravi Bhasker, Councilor Donald Monette, Councilor Toby Jaramillo, Councilor Michael Olguin and Councilor Mary Ann Chavez-Lopez. Councilor Gordy Hicks, Councilor Peter Romero, Councilor Ernest Pargas and Councilor Nick Fleming were absent.

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF AUGUST 4, 2014 CITY COUNCIL MEETING AGENDA

Councilor Monette made a motion to approve the agenda as presented. Seconded by Councilor Jaramillo, motion passed unanimously.

CONSIDERATION OF MINUTES

a. July 21, 2014

Councilor Monette made a motion to approve the minutes as presented. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Monette stated that at the previous City Council meeting, in regards to the final budget approval, he requested the Chapter be changed from 4 to 13. Councilor Monette stated that the reference to Chapter 4 is correct and does not need to be changed.

PUBLIC FORUM

a. Benny Barreras – Comments on City Water Rights Lease

Mr. Barreras spoke against diverting water from the San Augustine Plains to other outside areas. Mr. Barreras stated that he thought the City would be doing the same thing with the City's water. Mr. Salome explained that the City would be leasing the water rights to local farmers in order to use the unused City water rights to bring water into the area. Mayor Bhasker stated that the Kokopelli Ranch applied to claim water rights to sell water like the San Augustine Plains proposal and that this would actually infringe on the City's watershed. Mayor Bhasker stated that the Kokopelli Ranch did not get adjudicated all the water rights that they asked for and the request was severely cut. Mayor Bhasker stated that NM Tech protested the request and he feels it is important for people to protest if they feel that they have an opposing view. Mayor Bhasker stated that he feels water rights are the same as property rights. Mr. Salome stated that by leasing the City's water rights (to local area residents), it will bring more water into the area and allow farmers who may not have water rights with their property to continue farming.

b. Santos Aragon – Comments Regarding the SEC

Santos Aragon, an SEC member/owner of District 1 (northern Socorro County), stated that in a survey done by Touchstone Energy in 2012, the SEC rated below the national benchmark on several items including "handles problems promptly", "good value for the money" and "a name you can trust". Mr. Santos stated that the survey also showed a low customer satisfaction rating. Mr. Santos stated that he feels people opposed to SEC policy are fighting for fairness. Mr. Santos stated that he was disgusted by the last SEC meeting where the SEC Board wanted to censor Trustee Charlie Wagner. Mr. Santos stated that when a motion was made to vote on the censorship even though Mr. Wagner was not there, the motion was immediately seconded and passed with little discussion which he feels was not right. Mr. Santos stated that in 2013, his son applied for an SEC scholarship (\$1,000 per year). Mr. Santos stated that the SEC, which normally only awards one scholarship in Belen, awarded 2 scholarships, both to family members of SEC Board of Trustee Leo Cordova. Mr. Santos stated that when he contacted SEC Trustee Leo Cordova, Mr. Cordova stated that he never knew Mr. Santos' son applied for the scholarship. Mr. Santos stated that he contacted other cooperatives in New Mexico for their cost per kilowatt of electricity. Mr. Santos stated that the SEC has the highest cost per kilowatt. Mr. Santos stated that when he questioned the rates, "they (co-op management) blew me off" and stated the information was wrong. Mr. Santos stated that there is no honesty and no self-regulation. Mr. Santos stated that he has sent letters regarding the scholarship and has not received a response. Mr. Santos stated that he has also filed a complaint with the PRC. The material

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provided to the City Council by Mr. Santos has been filed under the heading "Aragon, Santos (SEC)" in the City Clerk's Office.

Mayor Bhasker stated that the City has requested the member/owners have a meeting and vote on the direction that should be taken.

Councilor Hicks arrived.

Mayor Bhasker stated that there are seven tenants of cooperatives that are not being fulfilled and how do we get the SEC to modify their behavior to get them to operate this co-op within the tenants. Mayor Bhasker stated that the City Administration is meeting with the consulting firm hired by the SEC on August 27th at which time the Administration plans to give them the information it has gathered regarding the SEC. Mr. Wagner explained how the SEC became a member of Touchstone Energy and the results of the survey mentioned by Mr. Santos earlier.

Marie Watkins stated that the SEC's general manager came to Socorro from the Salt River Project. Ms. Watkins stated that after some investigation, she found that customers were dissatisfied during his tenure there. Ms. Watkins provided a handout with information regarding compensation of the SEC trustees from 2006 to 2010. Ms. Watkins stated that in regards to capital credits, there is a statement about the credits in the Enchantment Magazine that states members are entitled to their capital credits (Ms. Watkins read the statement).

Charlene Wagner gave a handout with contact information for the consulting firm hired by the SEC as well as contact information for the City of Socorro. Ms. Wagner stated that the members need the information in case they choose to provide documentation regarding the SEC. Ms. Wagner stated that the contract between the SEC and the consulting firm stated a link with the information would be on the SEC's website but that the link is not there.

Councilor Olguin asked about the goal of the consulting firm. Ms. Wagner stated that the firm was hired through NRECA to look into the SEC practices. Ms. Wagner stated that the firm will look at all of the data collected about the SEC and make recommendations, per the contract, to the members. Ms. Wagner stated that there is a bank/company that could give the SEC funds to fight a municipal acquisition. Mayor Bhasker reiterated that the City would like to see a meeting of the member/owners to vote on the direction that they would like the co-op to take.

Councilor Olguin asked how the SEC determines their rates. Mr. Wagner stated that a consultant develops new rates for the SEC. Mr. Wagner stated that the Board of Trustees then votes on whether or not to implement the rates. Mr. Wagner stated the rates are then sent to the PRC. Mr. Wagner stated that if 25 people object to the rates, the PRC freezes the current rates and does a cost of service analysis to determine if the rates are fair. Mr. Wagner stated that the PRC will then make a decision regarding the rates. Mr. Wagner stated that if 25 people do not object, the SEC moves forward with publishing and implementing the new rates. Mr. Wagner stated that the last rate increase occurred because the SEC was in "constructive default".

Councilor Olguin asked how often the general manager's contract is reviewed by the Board of Trustees. Mr. Wagner stated that the Board of Trustees has 2 important jobs – hiring a general manager and overseeing the performance of the manager. Mr. Wagner stated that when he has tried to "oversee" the manager, he "gets in trouble" and nobody wants to hear the complaints. Mr. Wagner stated he feels a strategic plan should have been created and given to the manager and the manager's compensation should be based on whether or not he complies with the strategic plan. Mr. Wagner stated that everything the SEC does is based on how well the manager is meeting his obligations.

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Rachel Lucero, along with her mother Mary Lucero, stated that her electric bill is high and she has been unable to get an explanation from the SEC as to how the rates are calculated. Ms. Lucero stated that she feels uninformed as to what her options are in trying to get answers from the SEC and that is why she attended the City Council meeting. Mayor Bhasker asked Ms. Lucero to provide her concerns in writing so that it can be submitted to the consulting firm and to make sure to document who she speaks to when she calls the SEC offices. Mr. Salome stated that he feels it is a failure on the part of the management of the SEC that customers feel disconnected and do not understand their role.

Eric Stargardt stated that he feels the Co-op is an easy target to go after. Mr. Stargardt stated that he likes the fact that Socorro has a co-op. Mr. Stargardt stated that he doesn't feel going through PNM or any other party would be ideal in giving the members more of a voice. Mr. Stargardt stated that he feels there is room for improvement in the SEC. Mr. Stargardt stated that he has gone into SEC offices and was able to speak to a manager and get answers to his questions. Mr. Stargardt stated that he would like to see changes in the SEC disconnect policy. Mr. Stargardt stated that there are problems with regards to getting and maintaining a quorum at member meetings. Mr. Stargardt stated that hiring a private mediator to run the meetings might help. Mr. Stargardt stated that he feels the employees at the SEC will work with customers and that the linemen do a good job. Mayor Bhasker agreed that a mediator may help in the running of the meetings. Mayor Bhasker agreed that the linemen do a terrific job. Mayor Bhasker stated that he would like to see some dialogue but the SEC has been unwilling to get a dialogue started.

c. Infrastructure Capital Improvements Plan (ICIP) – Public Input

Mayor Bhasker stated that the City is currently working on its ICIP and asked anyone who would like a project added to the ICIP to present their information to the City for consideration. Mr. Salome provided a ranking sheet and asked the City Council to rate their top five priorities as they would like to see them appear on the list. Mayor Bhasker stated that he would like to see the rodeo arena/soccer fields remain as the top priority as the project is ongoing and approximately \$500,000 is needed to complete the project. Councilor Monette asked if the \$583,700 in loan funds for wastewater treatment plant improvements will complete the project. Lloyd Martinez, Wastewater Superintendent, stated that it will upgrade the plant to last 10 to 15 more years.

SECOND READING OF ORDINANCES – CONSIDERATION OF APPROVAL

a. Ordinance No. 14-07-07 – Wastewater Treatment Plant Improvements Loan

Mayor Bhasker presented Ordinance No. 14-07-17 which, if approved, will authorize the City of Socorro to enter into a loan agreement with the New Mexico Environment Department for the purpose of obtaining wastewater construction loan funds in the amount of \$583,700. Mayor Bhasker stated that it has been 20 years since the plant was rehabilitated and the changes are necessary.

Councilor Hicks made a motion to go into public hearing. Seconded by Councilor Monette, motion passed unanimously.

Mr. Martinez stated that the loan funds will go towards replacing the bar screen, influent pumps, panel and blowers. Mable Gonzales, City Treasurer, stated that the loan will be paid with revenues from the Joint Enterprise Fund.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Councilor Hicks made a motion to approve Ordinance No. 14-07-07. The motion was seconded by Councilor Monette. After a roll call vote, motion passed unanimously.

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DISCUSSION AND DELIBERATION

a. Public Hearing – Liquor License Application – Restaurant Beer and Wine License with On Premise Consumption Only – Twisted Chile Brewing Co.

Councilor Olguin made a motion to go into public hearing. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker stated that Twisted Chile Brewing Co. has requested a Restaurant Beer and Wine License with On Premise Consumption Only which has to be approved by the local Governing Body. KC and Stephanie McFadden, the owners of Twisted Chile Brewing Co., thanked the community for their support of the new business. Ms. McFadden stated that the business has already received their Small Brewer's License.

Councilor Hicks made a motion to go back into regular session. Seconded by Councilor Olguin, motion passed unanimously.

Councilor Hicks made a motion to approve the Restaurant Beer and Wine License with On Premise Consumption Only for Twisted Chile Brewing Co. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Diana Holzheu – Request to Create Public Access

Ms. Holzheu did not attend the meeting.

c. Resolution No. 14-08-04 – 5311 Rural & Small Urban Public Transportation Program

Mayor Bhasker presented Resolution No. 14-08-04 which, if approved, allows the City to request funding for a public transportation system through the 5311 Rural and Small Urban Public Transportation Program. Mayor Bhasker stated that in making the request, the City will commit and have a funding match which will be funded through the City's general fund. Mayor Bhasker stated that the amount of matching funds to the City is \$129,465.90.

Councilor Monette made a motion to approve Resolution No. 14-08-04. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Construction Bid Award – Waterline Replacement Project

Mayor Bhasker stated that the low bid for the waterline replacement project did not comply with the State's requirements regarding certain documents. Mayor Bhasker stated that the third lowest bidder, J & D Construction, did comply. Mayor Bhasker stated that the Administration is recommending that the City Council accept the base bid from the third lowest bidder. Mayor Bhasker stated that NMED and the NMFA asked the City to decline the first and second lowest bidder as their bids were nonresponsive. Councilor Monette stated that according to Procurement Code, J & D Construction was the lowest responsive bidder and the other two bidders were nonresponsive. Mayor Bhasker stated that the approval should be contingent upon NMED's approval for the base bid only. Mr. Martinez stated that the reference checks were completed for J & D Construction and they were all good. Mr. Martinez stated that if J & D Construction is not willing to honor the prices they presented, the entire project will go out for re-bid.

Councilor Hicks made a motion to award the construction bid to J & D Construction for the base bid only contingent upon NMED's approval for the base bid. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

Councilor Olguin stated that he has been in contact with the NM Finance Authority in regards to applying for grants for economic development planning. Councilor Olguin stated that he will provide the information to the City Council once it is received.

NEW BUSINESS

None.

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OLD BUSINESS

Councilor Hicks showed a photo of the new van acquired by the El Camino Real Housing Authority.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. New Mexico Municipal League – Voting Delegate

Councilor Jaramillo made a motion to appoint Councilor Hicks as the voting delegate for the City for the 2014 Annual NM Municipal League Conference. Seconded by Councilor Monette, motion passed unanimously. Councilor Romero was named as the alternate voting delegate.

b. Developing a Dispatch Department

Mayor Bhasker presented a flow chart for a newly-proposed Dispatch Department. Mayor Bhasker stated that many other entities have their dispatch center separate from their Police Department. Mayor Bhasker stated that in separating the dispatch center from the Police Department, he feels communication with the Police Department will be more responsive and communicative. Mr. Salome stated that the dispatch center will continue to be located at the Police Department and that the separation is administrative in nature only.

Councilor Monette made a motion to approve the Administration moving forward with the separation of the dispatch center from the Police Department. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

c. Reporting on Personnel Changes

Councilor Hicks motioned to approve the personnel changes as read by Mayor Bhasker:

Josh Gonzales – 8-14-14 – Fire – Resignation

Peter Gonzales – 8-4-14 – Police – Completed Probation – A-35 to A-37

David Montoya – 8-18-14 – Landfill – New Hire (Landfill Operator II) – A-32

Joe Gonzales – 7-1-14 – Fire – Additional Job Duties - \$5221/mo to \$5686/mo

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

d. Business Registrations

Councilor Hicks motioned to approve the business registrations as read by Mayor Bhasker:

G & T Products – Out of Town – Veguita, NM – Theresa Sanchez – Sales

Nail Technology Career Center – C-2 – 508 ½ California Street – Nail Technology School

Lucero Tree – R-4 (Approved by P&Z) – 606 Memory Lane – Manuel Lucero – Tree/Yard Service

Seconded by Councilor Monette, motion passed unanimously.

e. Next City Council Meeting Announcement

Mayor Bhasker stated that the next City Council meeting would be held on Monday, August 18, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 7:49 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Monette, motion passed unanimously.

