

City of Socorro Regular Scheduled City Council Meeting
City Hall, 111 School of Mines Road, Socorro, NM 87801
June 16, 2014

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

PLEDGE OF ALLEGIANCE

Mayor Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF JUNE 16, 2014 CITY COUNCIL MEETING AGENDA

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

CONSIDERATION OF MINUTES

a. May 19, 2014

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

Mayor Bhasker stated that at the last City Council meeting, Councilor Olguin requested an amendment to the May 19, 2014 minutes. Mayor Bhasker read the amendment which pertains to the existence of an outline of a franchise agreement with SEC prepared by the City Attorney, Nann Winter. Mayor Bhasker stated that while Ms. Winter stated she has an outline of a franchise agreement between the City and SEC, to his knowledge, the City Administration does not have a copy of the outline. Mr. Salome stated that she may have been referring to a base model and not an outline specific to the City and the SEC. Mayor Bhasker stated that the Administration could verify if the outline exists.

b. June 2, 2014

Councilor Romero made a motion to approve the minutes as presented. Seconded by Councilor Hicks, motion passed unanimously.

PUBLIC FORUM

Marie Watkins read from a handout she states was recently sent out by the SEC. Ms. Watkins stated that the SEC Board has not had the members meet to discuss an acquisition by the City and that the members are ignored. Ms. Watkins stated that the only individuals the SEC Board consults with are their attorneys and the SEC manager. Ms. Watkins stated that there is no input sought from the member-owners and feels it is time to "move on".

Mayor Bhasker stated that the SEC Manager requested a meeting with himself along with Councilors Romero and Olguin. Mayor Bhasker stated that he agreed to a meeting (with himself, the City Clerk, Mr. Herrera and Ms. Dorough as it is not appropriate to only invite 2 City Councilors) and requested an agenda from Mr. Herrera. Mayor Bhasker stated that the agenda provided by Mr. Herrera included a discussion about a franchise agreement. Mayor Bhasker stated that he replied that a meeting about a franchise agreement would not be necessary as there would be a discussion at the June 16th City Council meeting about a feasibility study for acquisition of SEC assets by the City. Mayor Bhasker read Ms. Dorough's e-mail which was sent to the SEC Board Members, the SEC Manager, his secretary and the SEC attorney regarding the unnecessary June 17th meeting. Ms. Dorough's e-mail read as follows:

"Twice, Joseph has, at my behest, contacted Mayor Ravi Bhasker and requested that we might meet in private to discuss the benefits to everyone of pursuing a franchise agreement instead of an expensive takeover. At first the Mayor agreed to the meeting and then changed his mind. He appears to prefer to make provocative remarks in public about sending signals to the "uncooperative" board members and shuns a written request for a productive meeting without an audience.

The Socorro Electric Cooperative takes this matter seriously and refuses to participate in this charade. There will be no official spokesperson attending this circus. Board members are reminded that only the President or the General Manager can speak on behalf of the cooperative.

Ann Dorough – President
District 5 Trustee

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Socorro Electric Cooperative
(575) 772-2989

Mayor Bhasker stated that he prefers that the discussions take place in public. Charlie Wagner, SEC Board Member, stated that while he cannot speak on behalf of the SEC, he can voice his opinion. Mr. Wagner stated that federal law says that members should have control of the cooperative. Mr. Wagner stated that in 2011 there was no quorum at the meeting. Mr. Wagner stated that in 2012, there was a quorum but that SEC attorneys would not allow the Board to make their presentations which, in his opinion, is a violation of the law. Mayor Bhasker stated that a quorum of SEC members should be brought together and polled as to whether they would like the City to acquire the SEC. Mr. Wagner stated that the power should be taken out of the hands of the Board members and placed into the hands of the owners.

David Torres described two incidents (one occurred on June 13th and the other on June 14th) involving himself and the Socorro Police Department. Mr. Torres stated that he feels the police used excessive force on him during both incidents and medical attention was needed after both incidents. Mr. Torres stated that he is seeking pain and suffering from the City of Socorro. Mr. Torres stated that he feels police brutality is a problem in Socorro. Mayor Bhasker stated that he will talk to the Police Chief regarding the specifics of the incident.

Doug May stated that he hopes the City and the SEC can work out a franchise agreement. Mr. May stated that if the entities are unable to do so, he hopes that the options available to residents in the City will also be available to those in the County. Mayor Bhasker stated that the matter is not only a City-wide problem but a County-wide issue. Mayor Bhasker stated that the City is aware the potential acquisition would affect County residents. Mayor Bhasker asked Mr. May if he had mentioned his concern to the SEC Board of Trustees or attended an SEC board meeting to voice his concern. Mr. May stated that he has attended board meetings but has not mentioned his concern at a meeting. Mayor Bhasker stated that the SEC's rate structure is one of the highest in the State. Mayor Bhasker stated that the SEC's rate structure does not provide for any type of innovation.

Michael Hanauer stated that he feels the potential acquisition by the City is a good idea. Mr. Hanauer stated that he feels the high rates punish all customers. Mr. Hanauer stated that Socorro has a lot of sun and solar plants have looked at coming into Socorro but the SEC responds that they are a distributor not a producer. Mr. Hanauer stated that now is the opportunity to move forward with innovative ideas. Mayor Bhasker stated that the City does have experience operating a utility company. Mayor Bhasker also stated that the City Administration realizes the lineman at the SEC do a specialized job and should be recognized as having special skills.

Cathy Muncy introduced her son, Leon Fountain, who participates in rodeo and recently won the State championship in the saddle bronc event. Ms. Muncy stated that he will now be going to the nationals in Wyoming. Ms. Muncy stated that rodeo is a good sport and the students can get scholarships for participating. Mayor Bhasker stated that the City's rodeo facility should be completed soon and asked Ms. Muncy if she would like to take information regarding Socorro to the national's event.

PROCLAMATIONS AND AWARDS

a. Retirement – George Van Winkle

Mayor Bhasker presented a retirement plaque to George Van Winkle who retired as the City's Police Chief on May 31, 2014. Mayor Bhasker read the plaque which recognizes Chief Van Winkle's 24 years of law enforcement and 6 years as Chief for the City of Socorro. Chief Van Winkle thanked the City for providing him the opportunity to work for the City and serve as the Chief. Also in attendance were Chief Van Winkle's wife, son and daughter in law.

DISCUSSION AND DELIBERATION

a. NM True and Archaeology Presentation

Mayor Bhasker introduced Michael Bletzer, an archaeologist with Jornada Research who has been doing research and finding artifacts around Socorro since 1999. Mr. Bletzer stated that he found a site south of Luis Lopez that was probably the original settlement of Socorro. Mr. Bletzer stated that last year, he started digging around San Miguel looking for remains of the Pilabo Pueblo. Mr. Bletzer stated that there have been ceramics found dating back to the 1200's. Mr. Bletzer stated that the church would like him to continue and in order to do so, he will be applying for funding through New Mexico True. Mr. Bletzer stated that New

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Mexico True requires an endorsement from the community. Mr. Bletzer stated that any artifacts found remain in Socorro as the property of the church.

Councilor Hicks made a motion to provide Mr. Bletzer with a letter of support for his project. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Consideration of Special Use Permit – Gita Ganjawala – 1009 N. California Street – Transient Vendors

Mike Czosnek, Building Inspector, stated that the Planning and Zoning Commission heard a request for a special use permit (for 1009 N. California Street) from Gita Ganjawala on May 22, 2014. Mr. Czosnek stated that Mr. Ganjawala would like to allow transient vendors to use his parking lot. Mr. Czosnek stated that the Planning and Zoning Commission voted unanimously to recommend approval of the special use permit to the City Council.

Councilor Hicks made a motion to approve the Special Use Permit for Gita Ganjawala. Seconded by Councilor Fleming, motion passed unanimously.

c. Resolution – Feasibility of Acquiring that Portion of Socorro Electric Cooperative Serving the City of Socorro

Mayor Bhasker presented Resolution No. 14-06-16 which, if approved, authorizes the City Administration to receive complaints concerning Socorro Electric Cooperative and investigate the feasibility of acquiring that portion of the SEC serving the City of Socorro.

Councilor Hicks made a motion to approve Resolution No. 14-06-16. The motion was seconded by Councilor Chavez-Lopez.

Councilor Monette requested that an item be added that states that the City Administration is also authorized to evaluate/explore the possibility of having another franchisee become the provider of services for the entire SEC service area. Councilor Hicks provided a friendly amendment. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

Mayor Bhasker read portions of the seven cooperative principles in an effort to point out where the SEC is not meeting its obligations as a cooperative. Mayor Bhasker stated that he met with PNM who is a very community-oriented company that is also interested in innovative alternate energy ideas. Mayor Bhasker stated that PNM provided the City with a list of users to compare costs of services against and stated that he felt, based on public documents, that the cost in the City could be about 13.5 cents per kilowatt. Councilor Romero asked about the cost of the feasibility study. Mayor Bhasker stated that the appraisal will cost between \$20,000 and \$25,000. Mayor Bhasker stated that the City has already requested public information from the SEC regarding assets and that City staff will be inspecting those records soon.

Councilor Olguin asked if the funds were already in the budget for the feasibility study to which Mayor Bhasker replied it would come from cash reserves. Councilor Olguin stated that he agrees with Councilor Monette's amendment to the resolution. Councilor Olguin stated that he would have liked to see a good faith effort towards negotiations for a franchise agreement with acquisition by the City being a last resort. Councilor Olguin stated that most municipalities do a feasibility study, as well as speak to other companies, one year before the franchise expires. Councilor Olguin stated that Century Link has a Facebook page full of complaints about rates and customer service issues and asked if when the City considers a new franchise agreement with them, does the City do a feasibility study to get into telemarketing. Councilor Olguin stated that he is interested to see the results from the feasibility study including how the City plans to pay for the acquisition and is it feasible to move forward with the acquisition. Councilor Olguin stated that he does not want to isolate the City in a way that it hurts a certain group of people in the long run.

Mayor Bhasker stated that in regards to a good faith effort towards negotiations for a franchise agreement, the City has been working on the matter for a year with no response from anyone at the SEC. Mayor Bhasker stated that PNM does not seem interested in the City, should the City put it out to bid for a franchise agreement as the hard assets belong to the SEC and they would not be interested in acquiring those assets from the SEC. Mayor Bhasker stated that he believes PNM has an existing contractual agreement with the SEC and they do not want to

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be involved in actions between the City of Socorro and the SEC. Councilor Olguin stated that he agrees something has to be done and that the members are suffering due to rates and customers service issues. Councilor Olguin stated that the City is in a good position to help the members. Charlene West stated that there have been issues for 8 years and a lot of people do not have electricity because they cannot afford the cost. Councilor Pargas stated that it is time to address the matter as the SEC has been unresponsive. Mayor Bhasker stated that change only comes from public discussion. Some discussion followed.

Mr. Salome took a roll call vote. Councilor Michael Olguin, Councilor Peter D. Romero, Councilor Gordy Hicks, Councilor Ernest Pargas, Councilor Mary Ann Chavez-Lopez, Councilor Donald Monette and Councilor Nick Fleming voted yes. Motion passed unanimously.

d. Construction Contract Award – Hope Farms Wastewater System Expansion

Steve Williams, from Dennis Engineering, stated that bids were received for the Hope Farms Wastewater System Expansion Project on June 10, 2014. Mr. Williams stated that the low bid, which includes Base Bid Schedule I and Additive Bid Schedule I, was from NM Underground Contractors Inc. for the amount of \$1,056,428.51. Mr. Williams stated that total funding available for the project is \$1,400,000.00. Mr. Williams stated that Dennis Engineering recommends the construction bid be awarded to NM Underground Contractors Inc. in the amount of \$1,056,428.51. Councilor Monette asked if the connection payment plan option was still available for customers. Ms. Gonzales stated that USDA required an ordinance outlining a payment plan but that the Clean Water Revolving Loan Fund has not established that requirement. Mr. Salome stated that the City can pass a resolution stating the City will continue to offer the payment plan option that has been used on other projects.

Councilor Hicks made a motion to award the construction bid for the Hope Farms Wastewater System Expansion Project to NM Underground Contractors Inc. for the amount of \$1,056,428.51. Seconded by Councilor Pargas, motion passed unanimously.

e. Memorandum of Agreement – City of Socorro and County of Socorro

Mayor Bhasker presented a Memorandum of Understanding between the City of Socorro and Socorro County which, if approved, allows Socorro County to distribute \$32,000 to the City for the purchase of a new ambulance and allows the City to distribute \$32,000 to the County who will apply the funds towards maintenance and operation of the Socorro County Detention Center. Mayor Bhasker stated that the MOA also states that Socorro County will grant the City of Socorro \$26,000 to be used for the purchase of new gurney/stretchers for the City's ambulance service.

Councilor Monette made a motion to approve the Memorandum of Understanding between the City of Socorro and Socorro County. Seconded by Councilor Romero, motion passed unanimously.

f. In-House Budget Resolutions 103 and 104

Ms. Gonzales explained that In-House Budget Resolutions 103 and 104 are adjustments within a department which are needed to allow for expenditures through the end of the fiscal year. The adjustments move funds from one line item to another within the same department. Budget Resolutions 103 and 104 include adjustments in the Fire, Parks and Gas departments. Councilor Monette stated that the date on In-House Budget Resolution 103 needs to be corrected to reflect the date of June 16, 2014.

Councilor Monette made a motion to approve In-House Budget Resolutions 103 and 104. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

COMMITTEE REPORTS

Mayor Bhasker stated that he would like the Utility Committee to meet.

DEPARTMENT DIRECTOR REPORTS

Councilor Chavez-Lopez stated that the utility cut near NAPA Auto needs to be repaired.

Mr. Salome stated that the codification ordinance is on the agenda for the July 7, 2014 City Council meeting and can still be inspected at City Hall or on the City's website.

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NEW BUSINESS

None.

OLD BUSINESS

None.

EXECUTIVE SESSION

Councilor Monette made a motion to go into executive session. Seconded by Councilor Hicks, motion passed unanimously.

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

Mr. Salome reported out of executive session the discussion of one personnel matter and the personnel change list. No action was taken.

MAYOR'S REPORT

a. Police Department Goals and Objectives

Mayor Bhasker stated that with the help of a committee made up of Councilors Chavez-Lopez, Pargas and Jaramillo, a list of goals and objectives for the Police Department had been created. Mayor Bhasker stated that the public will be well-represented with the list.

Councilor Monette made a motion to approve the list of goals and objectives for the Police Department with the understanding that the document can be changed if needed. Seconded by Councilor Chavez-Lopez, motion passed unanimously.

b. Personnel Changes

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

Rhonda Malone – 7-5-14 – Police – Resignation

Eric Sewell – 6-16-14 – Library – New Hire (Reference Manager) – A-24

Mike Winders – 6-1-14 – Police – Appointed as Police Chief – Q-52 to Q-60

Temporary New Hires: Elizabeth Dunning, Ibrahim Maiga

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Tony Silva, Regina Valencia, Sergio Cuevas, Angelica Vega, Michael Padilla, Jeremy Chavez, Brittany McDaniel, Ryan Romero, Eric Sewell, Shaina Lopez, Jared Marquez

Student Workers: Matthew Jojola, Tamera Chavez, Maria Alderete, Giovanna Rosas, Deanna Blair, Samantha Maldonado, Geir Hareland

Referees (9), Zumba (2), Lifeguards (12), Summer Youth (95)

Seconded by Councilor Romero, motion passed unanimously.

b. Business Registrations

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

Senn City Fireworks – C-2 – 317 S. California Street – Stephen Senn - Fireworks

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

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c. Voucher Run

Councilor Monette made a motion to approve vouchers 123207 to 123049 in the amount of \$727,591.79, plus Payroll Transfers (\$312,561.88), for a total of \$1,040,153.67. Seconded by Councilor Fleming, motion passed unanimously.

d. Announcement – Next City Council Meeting Date and Time – July 7, 2014 @ 6:00 p.m.

Mayor Bhasker stated that the next regular City Council meeting would be held on July 7, 2014 at 6:00 p.m. in the City Hall Council Chambers.

ADJOURNMENT

At 8:02 p.m., Councilor Monette motioned to adjourn. Seconded by Councilor Fleming, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/
Ravi Bhasker, Mayor

ATTEST:

/s/
Pat Salome, City Clerk