

City of Socorro
Regular Scheduled City Council Meeting
December 16, 2013

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 Ernest Pargas, Councilor Nick Fleming, Councilor Mary Ann Chavez-Lopez, Councilor Peter Romero, Councilor Michael Olguin and Councilor Toby Jaramillo. Councilor Donald Monette and Councilor Gordy Hicks were absent.

PLEDGE OF ALLEGIANCE

Mayor Ravi Bhasker led all present in the Pledge of Allegiance.

APPROVAL OF DECEMBER 16, 2013 CITY COUNCIL MEETING AGENDA

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

CONSIDERATION OF MINUTES

a. December 2, 2013

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

PUBLIC FORUM

Kim Schaeffer, a teacher at Cottonwood Valley Charter School, stated that she attended a City Council meeting in October in order to invite City employees to go to the school and read to the students in her reading program. Ms. Schaeffer stated that the program is going great. Ms. Schaeffer stated that there is one City employee as well as several other Socorro residents that are participating. Ms. Schaeffer invited the City Council to participate in the program. Ms. Schaeffer stated that the Chamber of Commerce will be putting information regarding the reading program in their newsletter. Mayor Bhasker thanked Ms. Schaeffer for the update.

Joe Torres, a resident of Fisher Street, requested that speed bumps be placed on Fisher Street. Mr. Torres stated that speeding has become a problem on the street. Mayor Bhasker asked Mike Winders, Assistance Police Chief, to have officers patrol the area and stated that he would look into the placement of speed bumps in the area.

Sherry Maguire thanked the City of Socorro for providing a space at Finley Gym for yoga classes. Ms. Maguire requested that the City provide staff for cleaning as the area is not being cleaned regularly. Mayor Bhasker stated that he would address the matter.

Nadine Ulibarri-Kellar stated that the Bountiful Baskets program is a food co-op (fresh produce) sponsored by Healthy Kids Socorro County. Ms. Ulibarri-Kellar stated that deliveries will be made January 10th in Magdalena at the Magdalena School building. Ms. Ulibarri-Kellar stated that interested parties order and pay online and that anyone can participate. Ms. Ulibarri-Kellar stated that the program will be coming to Socorro in the future.

DISCUSSION AND DELIBERATION

a. Public Comment – Socorro Electric Cooperative Franchise Agreement

Mayor Bhasker stated that this is an opportunity for the public to comment on the franchise agreement process between the City of Socorro and the Socorro Electric Cooperative (SEC).

Audrey Clifford read a letter that she sent to the SEC on May 3, 2011 regarding a request for capital credits. Ms. Clifford stated that she never received a response from the SEC. Ms. Clifford provided a copy of the letter to the Mayor. Mayor Bhasker thanked Ms. Clifford for her comments. Ms. Clifford's letter will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Collette Foard gave a history of Trails End Market, a business (corporation) that she owned and closed in May 2012. Ms. Foard stated that she had over \$26,000 in capital credits with the SEC for the years 1993 through 2012. Ms. Foard stated that she met with Eileen Latasa, of the SEC, and requested a refund and was informed that she had to "die" in order for the capital credits to be collected.

Councilor Hicks arrived.

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Ms. Foard stated that she followed up in-person with an e-mail to the SEC to which she received a reply that said only upon death of a member may the SEC Board authorize payment. Ms. Foard stated that she then went to her attorney who sent a letter to the SEC requesting the payment. Ms. Foard stated that after several letters between her attorney and the SEC attorney, her request was ultimately denied. Ms. Foard stated that she wrote a letter to the State of New Mexico Attorney General's Office who, in turn, wrote a letter to the SEC stating that "it could be considered an unfair trade practice if SEC refuses to retire such credits". Ms. Foard stated that the SEC has still refused to return her capital credits. Ms. Foard stated that at present time, she has filed a complaint with the Secretary of States office and is awaiting a reply. Ms. Foard stated that she also contacted the PRC and RUS with her concerns but was told there was nothing they could do to help. Ms. Foard provided a handout with copies of all her documentation. Ms. Foard's documentation will be filed in the City Clerk's Office under "Socorro Electric Cooperative Franchise 2013".

Ms. Foard stated that the funds belong to the corporation and in order for her to dissolve the corporation, she must collect all assets or the assets will be forfeited. Ms. Foard stated that she feels the SEC attorney would like to go to court on the matter in order to make money. Ms. Foard stated that she does not want to sue the SEC for the payment because the SEC members will ultimately have to pay the legal fees. Ms. Foard stated that she received an anonymous letter telling her to "beware of SEC employees and trustees" and that she is being treated "cold" by some of the people associated with the SEC. Ms. Foard stated that the bylaws are very black and white and that she is owed the money.

Councilor Pargas stated that after the last City Council meeting, where this same topic of discussion took place, an SEC employee approached him at his place of work in an angry manner. Councilor Pargas stated that the SEC employee impeded his ability to work and when attempts were made to remove her from the situation she "went off". Councilor Pargas stated that he was also mentioned in a Letter to the Editor in the local newspaper. Councilor Pargas stated that he does not feel this treatment is warranted. Councilor Pargas stated that trust and good customer service are lacking when it comes to the SEC. Councilor Jaramillo stated that he also was unable to get his capital credits from the business he closed.

Ms. Foard stated that she thinks changes by the SEC need to be done by leverage. Ms. Foard stated that she feels the franchise agreement between the City and the SEC should be done for a one-year term. Ms. Foard stated that she spoke with Board member Ann Dorough and she was not aware of Ms. Foard's situation. Mr. Salome pointed out that the letter the SEC's attorney wrote to the Attorney General's Office states that the "Board" denied Ms. Foard's payment. Mr. Salome asked Charlie Wagner, another SEC Board member who was at the meeting, if he had voted on the matter. Mr. Wagner stated that he had not ever heard the matter at a meeting but that a vote could have taken place during executive session and he was not allowed in executive session.

Mayor Bhasker stated that he would like to see the SEC's bottom line, how the funds are dispersed and whether or not the SEC informs members of their total amount of capital credits.

Ben Hall, PRC Commissioner for District 5 and PRC Chairman, stated that the PRC cannot regulate co-ops other than rates and fees. Mr. Hall stated that the PRC used to be able to look at co-op financials but that the Legislature no longer allows it. Mr. Hall stated that the PRC does listen to all complaints and that he is the one who referred Ms. Foard to the Attorney General's Office. Mr. Hall stated that the PRC will do what it can to help in this situation but that they cannot get involved in the franchise agreement process. Mr. Hall stated that in 2011, the SEC had approximately \$19 million in capital credits. Mr. Hall stated that in 2013, the SEC paid approximately \$1.5 million in capital credits. Mr. Hall stated that the fund should have approximately \$18 million in it but he does not believe the money is there. Mr. Hall stated that the utility bills from the SEC should have each member's capital credit amount listed on the bill. Mr. Hall stated that the PRC does get a copy of the SEC's budget every year but that there is nothing the PRC can do with it. Mr. Hall stated that for rate increase, 25 people can protest and then the PRC can get involved with rate increase matters. Mr. Hall stated that the SEC currently has \$42 million in debt. Mayor Bhasker thanked Mr. Hall for his comments.

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Charlie Wagner, District 2 SEC Trustee, provided a handout to the Mayor and Council. Mr. Wagner stated that he feels all customers should be given a copy of the SEC by-laws. Mr. Wagner read the section of the by-laws that pertain to capital credits. Mr. Wagner stated that when a refund is requested, SEC staff should make the appropriate calculation and present it to the Board to ensure the SEC will not be negatively affected. Mr. Wagner stated that the capital credits are provided by the patrons. Mr. Wagner stated that the SEC, in the past, violated IRS code by not reporting the amount of capital credits to the customers. Mr. Wagner stated that he feels the new trustees, Melissa Amaro and Ann Dorough, will be assets to the board. Mr. Wagner stated that he feels the new board will help create a user-friendly Co-Op and will recognize that the members are in charge. Mr. Wagner stated that the RUS has announced a loan process in support of energy efficient programs sponsored and implemented by electric utilities for the benefit of its customers. Mr. Wagner stated that he feels this change will result in increased employment at the SEC, create economic growth and reduce utility bills.

Mr. Wagner stated that forfeited capital credits go into a Scholastic Scholarship Foundation and that only the SEC Board can award the scholarships. Mr. Wagner stated that he does not know how much is in the Foundation but that it does have an audit done very year. Mr. Wagner stated that if someone can prove they are entitled to funds that have been placed in the Foundation, they will be refunded from the monies in the Foundation. Mr. Wagner stated that customers have a two year period to claim their funds before they are placed in the Foundation.

Mayor Bhasker asked Mr. Wagner to make Eileen Latasa aware that she is more than welcome to address the City Council during a public meeting but that addressing a City Councilor at his place of employment is inappropriate. Mayor Bhasker stated that he sent a letter to the manager, Joseph Herrera, regarding the incident. Mr. Wagner stated that he would follow up on the matter. Mayor Bhasker stated that the Administration would be creating an outline in January to submit to the City's attorney handling the franchise agreement process. Mayor Bhasker thanked everyone for their comments.

b. Engineering Task Order #13-04 – JO Gallegos Road – Final Phase

Mr. Salome presented Task Order #13-04 from Dennis Engineering which includes design and construction phase services to complete the reconstruction of JO Gallegos Road. Mr. Santillanes stated that the amounts for the task order are \$3,220.00 for design phase services, \$27,600.00 for construction phase services and \$1,720.00 for additional services.

Councilor Hicks made a motion to approve Task Order #13-04 from Dennis Engineering. Seconded by Councilor Romero, motion passed unanimously.

c. Legislative Capital Outlay Request

Mayor Bhasker presented a 2014 legislative briefing sheet for the rodeo and athletic facility. Mayor Bhasker also presented a request for the Wastewater Treatment Plant. Mayor Bhasker stated that there would be a meeting on December 17th at 9:30 a.m. at City Hall with Senator Morales, Senator Sanchez and Representative Tripp and that he would like to provide them with the City's requests at that time. Councilor Olguin asked if the two items were on the City's ICIP. The two items are on the City's ICIP in the second (WWTP) and third (Rodeo/Soccer) positions.

Councilor Hicks made a motion to approve the 2014 legislative requests. Seconded by Councilor Romero, motion passed unanimously.

d. OptumHealth Substance Abuse Service Grant Award

Nadine Ulibarri-Kellar stated that the Mayor's Drug Task Force/SCOPE received a \$400,000 grant to be used for prevention relating to underage drinking, underage drinking and driving, adult binge drinking, adult drinking and prescription drug abuse. Ms. Ulibarri-Kellar stated that the grant is for \$100,000 per year for four years. Ms. Ulibarri-Kellar stated that the first six months will consist mainly of training. Councilor Pargas stated that he will present more information at the next City Council meeting.

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COMMITTEE REPORTS

None.

DEPARTMENT DIRECTOR REPORTS

Councilor Hicks asked Lloyd Martinez, Parks/Production/Water/Special Projects Superintendent about a water leak to which Mr. Martinez replied the City is working on fixing the leak. Councilor Hicks asked what the City was doing in regards to recent natural gas shortages. Mr. Salome stated that the City has been installing bigger natural gas lines in the area of concern (Bullock Avenue) to help alleviate the problem. Mr. Salome also stated that natural gas flow to Dicaperl is being monitored and stopped when necessary. Councilor Hicks stated that he received a complaint regarding the dry weeds in an empty lot on College Avenue. Mike Czosnek, Building Inspector, stated that he would contact the property owner regarding the weeds.

Mable Gonzales, Finance Director, stated that the City has reached the end of the lease/purchase agreement for the dozer at the landfill and will be determining whether to turn the dozer in or purchase the dozer.

Jennifer Gonzales, Tourism Director, stated that La Pastorela will be held on December 20th at 6:30 p.m. Ms. Gonzales stated that the No Limits Car Show/Toy Drive will be held December 21st at Smith's. Ms. Gonzales stated that the Mariachi Christmas event will be held on December 21st at NM Tech.

Terry Tadano, Chamber of Commerce President, stated that he is retiring and his replacement would be Deb Caldwell. Mr. Tadano stated that Ms. Caldwell will start January 6th and that he will introduce her at the next City Council meeting. Mayor Bhasker stated that he appreciates all of the work Terry has done for the City.

NEW BUSINESS

Councilor Jaramillo stated that his annual food drive would distribute food on December 21st.

Councilor Romero stated that the annual DAV Christmas feast would be held on December 23rd from 11:00 a.m. to 3:00 p.m. and invited everyone to attend.

Mayor Bhasker thanked the City of Belen for providing a bucket truck and two employees to assist the City in placing Socorro's Christmas decorations.

OLD BUSINESS

None.

EXECUTIVE SESSION

None.

MAYOR'S REPORT

a. Reporting on Personnel Changes

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

Christopher Hobough – 11-29-13 – Sanitation – Resignation

Wesley Mauldin – 12-9-13 – Police – Resignation

Alfredo Benavidez – 12-16-13 – Landfill – Obtained Landfill Certification – B-22 to B-24

Temporary New Hires: Jeremy Chavez, Brittany McDaniel

Temporary Renewals: Emena Gonzales, Rick Griego, Daniel Chavez, Paul Marquez, Carlos Alvarado, Ramiro Garza, Albert Hernandez, George Romero, Mike Jojola, Elias Jacquez, Dolores Medina, Regina Valencia, Sergio Cuevas, Nancy Bohling, Michael Padilla

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

Referees (7), Zumba (2)

Seconded by Councilor Jaramillo, motion passed unanimously.

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e. Business Registrations

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

Allen Douglas Construction – Out of Town – Belen, NM – Corporation – Construction
Girly Girl – C-2 – 101 Manzanares – Vicki Wall – Women’s Clothing
L & R Comm. and Construction Inc. – Out of Town – Los Lunas, NM – Corporation – Communications
Diebold Inc. – Out of Town – N. Canton, OH – Corporation – Sales & Service of Financial Equipment

Seconded by Councilor Chavez-Lopez, motion passed unanimously.

f. Voucher Run

Councilor Hicks made a motion to approve vouchers 128416 to 128714 in the amount of \$616,143.34, plus Payroll Transfers (\$295,558.66), for a total of \$911,702.00. Seconded by Councilor Romero, motion passed unanimously.

g. Next City Council Meeting Announcement

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

ADJOURNMENT

At 8:05 p.m., Councilor Hicks motioned to adjourn. Seconded by Councilor Jaramillo, motion passed unanimously.

THE CITY OF SOCORRO – a municipal corporation

/s/ _____
Ravi Bhasker, Mayor

ATTEST:

/s/ _____
Pat Salome, City Clerk