

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 8, 2026

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 9:00 a.m., who presided and Angela A. Torres, City Clerk-Treasurer, acted as Secretary of the meeting.

B. INTRODUCTION:

1. ROLL CALL:

Upon calling the roll, the following Commissioners were reported present.

Hon. Rolf Hechler, Mayor
Hon. Destiny Mitchell, Mayor Pro-Tem
Hon. Amanda Forrister, Commissioner was absent
Hon. Ingo Hoepfner, Commissioner
Hon. Chaz Glines, Commissioner

Also Present: Gary Whitehead, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Jocelyn Holguin, Chief Financial Officer
Luis Tavizon, Chief of Police
OJ Hechler, Community Services Director
Tyler Knull, Code Enforcement Of
Andy Alvarez, Sanitation Director
Wes Myers, Sanitation Supervisor

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

2. SILENT MEDITATION:

Mayor Pro-Tem Mitchell: A local artist, Rob Lower, passed away. He had a great heart.

Mayor Hechler: Let's keep Rob Lower in our prayers and our thoughts. Also, we just finished with our nation's 250th anniversary. Let's keep our nation and the future of our nation in mind for 15 seconds, please.

Mayor Hechler called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Hechler called for Mayor Pro-Tem Mitchell to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Hechler made a motion to move items G2 and G3 after public comment. Mayor Pro-Tem Mitchell seconded the motion. Motion carried unanimously.

C. PUBLIC COMMENT (3 Minute Rule Applies):

There were no comments from the public.

G2 and G3 were moved before D1.

G. ORDINANCES/RESOLUTIONS/ZONING:

**2 Discussion/Action: Resolution No. 02 26/27 Series 2026 General
Obligation bonds**

Mark Valenzuela and Nathaniel Gomez-Valenzuela, Bosque Advisors, LLC, presented. A copy of the presentation is attached hereto and made a part hereof.

Chris Muirhead, Modrall Sperling: The first action item on your agenda is the resolution, which is item G2. This is a resolution that is required by the New Mexico Finance Authority, to keep that option on the table, as Mark indicated, that's the likely outcome we go through there. They require the governing body to show their backing of an application to be submitted. This is consistent with what you've done in the past, so approving this just allows the staff, with the consultants, to make sure that application gets in and moves forward.

City Attorney Rubin: I'm glad you said that, when I was looking at section 2, it sounded like the application already was submitted.

Chris Muirhead, Modrall Sperling: It has not. We can take out "ratified", if doing that is approved and confirmed. But yeah, you're right, thanks Jay.

City Attorney Rubin: I would've called you, by the way, if it wound up –

Chris Muirhead, Modrall Sperling: Oh no, I didn't even see that. So, we can say we're ratifying all the good things we thought about the application. So that's what this resolution does, if you want to take action on that, or I can go on and explain the second item, which is the ordinance. This is just the first reading of that ordinance so that it approves publication, and coming back in Mark's calendar shows August 5th, I think it was, for actual consideration of that ordinance. This is consistent with the ordinances

that have been in place in the past, for the three other GO Bonds that are outstanding, in '23, '24, and '25. This one is \$630,000 so it maximizes the full \$3 million that was approved in the November 2022 election for the roads, water, and wastewater system, in keeping those projects going. So this would maximize all of that authority, get all that money out and working, and set you up for, as Mark indicated, the option to send another question back to the voters if you want to do that. No action on the ordinance, other than to approve the publication. The resolution is just to approve the application to the Finance Authority.

Mayor Pro-Tem Mitchell made a motion to approve Resolution No. 02 26/27 Series 2026 General Obligation bonds, with the change of removing the word "ratified", as well as authorizing the Mayor and City Manager to execute applicable documents. Commissioner Glines seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3 Discussion/Action: Publication of Ordinance No. 774 General Obligation Bonds, Series 2026.

City Manager Whitehead: I would give some local presentation on the validity of the need for the bond. Again, we have a \$680,000 remaining that we'll be issuing. One of the requirements is that we have 5% either spent or allocated within the first six months, and then the final done within three years. This fourth bond, as we presented to you at the last meeting, will use the wastewater/water side to match the last grant that we did receive for \$256,000. We need \$256,000 in a match for the NMFA Water Trust Board grant that we received for the wastewater plant. The fourth bond will then already be allocated for that particular expenditure. Currently, we are working through the bonds. The biggest issue that we have holding us up are the roads, as we're trying to figure out how to get a number of the roads paved, and how to get those done quickly through contractors, but we are on track with the bond, we're on track with spending those bonds, and probably by the time we get this resolution done for the approval of this item, we'll need to start discussing the move-forward process for our next bond. I think, again, we should go back to the voters and request reauthorization. We have the opportunity to continue with water/wastewater/streets if that's the Commission's intent, or to change the scope of work for the bond and the capacity of that. What I will point out, the reason one of the items that we made with DFA on getting the bond rate lowered to 3.5 was that we would put off paying ourselves back for a period of time until we had enough excess revenue to more than cover the debt payment. If you look at the schedule that was presented to you, that's probably going to be in the 28 time frame, when it looks like we would then have somewhere around \$250,000 in excess revenue, somewhere in that period. The 28 or 29, we might look at bringing back that first payment that we made on behalf of the general fund in putting those funds back. Again, I think we're going to be able to stay at about the 3.5 mill levy at this point. I always like to say, "What happens if the voters don't approve?" and the mill levy needs to get paid off, if you do the math, you look down, there'll be more than excess revenue, and the term of the bond, then would be paid off sooner than the twenty years. DFA would then

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require that we start sending more of the excess reserves to pay the debt off, so that the \$3 million is paid off. So, we're not going to end up with \$5 million left on a \$3 million bond. That would be the process.

Mayor Hechler: As we move forward and we get our final bonds issued, there's going to be a report at the end of how we leveraged our bond money against what we received, right? A final report to show that that money exponentially provided services for our community that we would not be able to get otherwise. I think that's going to be a big selling point for when we go to our new bond request, if we decide to do so next year.

City Manager Whitehead: Absolutely, we'll prepare that. I can clearly tell you that \$256 is turning into \$2.7 million additional project that we're using from this fund. So yes, we'll show you the way we've leveraged. We've used almost \$1 million to match, so one match will go to the \$4.5 million we received from capital outlay, that's currently going into the ground on shovel-ready, approximately \$100 is going to the water meter project under CDBG, we have some match for Colonias, which is going to work on the vac station, and then the \$256 which is coming for the wastewater plant. So we're easily at \$1 million, which will leverage us to almost \$10 million at this point. But we will make a full presentation, we try to be as transparent with the bonds and what we're using as we can.

Mayor Hechler: What would the mechanism be to change our bonding initiatives for next year?

Chris Muirhead, Modrall Sperling: That would be in the election resolution that you would adopt next year, to put it on the ballot. In 2022, the decision was made, generally, broad language, hitting the streets and alleys or water/wastewater. If you wanted to do something different for governmental purposes that fit, that you thought was more pressing, we would just change that language so that the voters were then approving using it for x instead of y. It would be at that point that you make that change.

Mayor Hechler: And we would hold public meetings and things of that nature to see what the community wanted to do?

City Manager Whitehead: That would be correct. We had two opportunities to put this back on for the voters within this November. Speaking with Mark and Nathaniel, we felt that it was a little short to get everything together, so our last opportunity would be at the next municipal election, which would be next November. Our vision would be to get this set in motion, and then we would begin spending the next six months to a year preparing and talking with the voters, making sure we get the resolution on and are ready for the municipal election to see if we would get authorization to continue. That's our plan.

Mayor Pro-Tem Mitchell made a motion to approve the publication of Ordinance No. 774 General Obligation Bonds, Series 2026. Commissioner Glines seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

D. REPORTS:

City Manager Whitehead reported the following:

- Welcome, everybody, to July and the start of our new fiscal year. Just a shoutout to the Finance team, I know Carlos has really been jumping through hoops this week trying to get purchase orders. I think the public may not realize how much you have to pause, restart, and make sure that we're capable of paying bills, so it's been a little bit of a process, and we fumble a little bit. Thank s to the team for working hard, I know it's tough but we'll get through it and get things going. Just a reminder, the next meeting will have the presentation of our final budget, we will be working on those numbers. We do need to discuss some adjustments that we'll be making, and we'll se ethe final numbers in cash, and then I'll be presenting a recommendation on the water/wastewater rates and how that budget will look. I've been working on that, so hopefully we'll get that wrapped up this week so we can get all this to the Finance team so they have a couple of weeks to prepare.
- To bring you up to speed on water projects, we have two active water projects going now. We are in the \$20 million expenditure range, WSP1-1 is ongoing thanks to that crew that are working diligently around the schools. They committed to bringing two crews in and trying to get the schools done during the summer so that we don't have any issues. We did have a water break, we found a surprise 4" water line in the ground that went nowhere, that's just part of what we deal with. We did have some challenges shutting off the high school area, so we were fortunate school was out, it happened in the evening, but we've resolved that, so we're good there, thanks to those guys. The first project is going well.
- If you drive to the South side of town, you'll see the new water tank is complete, I think we are getting it sanitized and hopefully we'll get that online pretty quick. The crew is working from Cook Street coming to Morgan Street. When I drove in this morning, I saw that they are really ready to start working on the shoulder. Again, they will not be tearing up and working in the DOT road or right of way. DOT did not authorize that, so the new water line will be going in on the shoulder, and you'll see, they're working with the local businesses there, making sure they can get through. That is going really well.
- Thanks to the Streets crew, they're really working hard cleaning up sidewalks, cutting trees, cleaning ditches, and that's work that often goes unnoticed, but I appreciate what they're trying to do. Again, our vision is to really make that team more of a maintenance organization, where we're really just taking care of those things, and we're trying to find innovative ways to get our roads built instead of us trying to do that.
- You approved us having a new employee structure, I will again tell you that's in full bloom, we're active. The administration, my office, Human Resources, and

the PIO, have moved into the old municipal court building. We kind of envisioned that as maybe a temporary landing spot for us, but we're there now, so the best part is Human Resources is fully in there, so our employees can come in to see and take care of their business one-on-one in that structure, and we have enough space there, we will come up with some ways we can do some training. We are going to learn how to take Human Resources to another level if we can, changing that up. Thank you for that.

- Water-wise, we have 20 active water leaks this morning. The team is working as hard as we can, we've brought in the contractor, we've had the exit of some employees, so we're down a few hands, but Jesse Cole, who is our 4x4 water contractor, in his agreement, he's capable of doing some water projects for us. He's been handling what we call the medium/small projects, and then the team has been out trying to deal with the bigger leaks. We just continue to struggle with Magnolia, Elm, and Maple. That area seems to get hit every time we shut a water valve off upstream, it seems to get the water hammer and it's just a challenge. We don't have any solution at this point, until we can get these pressure relief valves in, and hopefully stabilize and get going. Bo, as our new Public Works Director, and his team, are looking at ways we can start organizing the team, but we do have to fill a couple of positions.
- To bring you up to speed on Foch Street, we anticipate that by Friday, we should be at what we're calling substantial completion. This week, the electricians are on-site, the landscapers are on-site finishing the last two items. We know the street will not be complete. Under the contract, they have 30 days to finish the punch list, so the pavement will be what we're calling a punch list item. We'll get the landscapers off the street, we'll get the electricians off the street, and then the subcontractor for doing the street paving will be in, and have about 10 days in which they'll get it. They have already got it ready, so if you've walked or seen, they've removed and excavated down to what they think the base is, so it will really just be about building the road back up. Today, all the concrete is poured, we are going to be removing a section of the concrete to rebuild and recreate a driveway and a drive path, but other than that, the project is closer than it looks at this point. It's kind of like its last minute where it's really coming together. The electricians are working hard hooking everything up, so we're excited. We think by the end of July we should be doing the final walkthroughs on that. We will be in time, Traci and I met with them again, we go over the budget on a weekly basis, we are still in budget, we're still working on a few pennies in excess, but we feel like we're going to make it in contract time and on budget with this particular project.
- We're excited, we had a successful bid process for our Police Department. We had four opportunities, the team is working, we're in what we hope are the final stretches of our design build process, to bring forth a proposal to the Commission to look on. We're excited, we think the Police Department should get started in the next 30-45 days. We're really close, and I want to thank the team. We're kind of working through the design build process, it takes us a little while, and I want to thank Jocelyn for being patient with us on that. We should hopefully get that to you soon.

- August 25th-28th, the New Mexico Municipal League will be hosting their annual conference in Las Cruces. I would encourage departments – if you have staff that has not attended the conference, this is a good opportunity, it's close, some people might be able to attend 1-2 days, we might be able to figure out how to split the schedule, but it's a good opportunity with it being that close. So I encourage those that need to go, the Clerk, I mean, there are definitely spots within that, Finance, etc. It's good to attend the Municipal League, this is a good spot to go. Johanna will handle the registration for the Commissioners, and then I would ask each department to schedule their own attendance and travel, and get those purchase orders turned in.
- Last week, I did attend and we rejoined the Manager's Association Affiliate with the New Mexico Municipal League. It was really worth my time, I had a good time in being in a room with 13 other managers, a few mayors, a few treasurers, and Williamsburg's Mayor and Clerk went. It was a very good meeting to realize that every single issue that we have, they have. Every single one of them. They could fit in here and I could fit in there, it was amazing to hear how they talked about everything. We had good presentations on abandoned and nuisance properties, that really good and I was excited to hear that. We had good presentations from Clovis and Rio Rancho on how they manage those, our process is very similar, they just added some ideas that I'll bring to the team as we start thinking about it. You have some of that on our agenda today. We talked a lot about housing, a very, very good presentation on IPRA, I look forward to meeting with the Clerk to go over what I learned and see what we can do – again, we already have a great process, it works, but it was really helpful to see how they handle those. We talked a lot about revenue and revenue generation. I'll remind all of you, even though we just passed a bond and we're doing a property tax, that's not our source of revenue. We live on gross receipts tax, and we live on dollars that we get back through the state legislature that come, generally, from gross receipts tax. The New Mexico Municipal League talked a lot about the work that they do to make sure they preserve that path of income that we have. Then, of course, we had a nice DOT presentation on roads and those items, and then we wrapped up with some economic development. It was a great meeting, I learned a lot, it's always fun when you're not just sitting in a conference, and you're talking to other individuals in my space, it was good to hear their concerns and kind of talk about ideas. That is my wrap-up of the last couple of weeks. Going forward, we'll start trying to figure out our department head meetings, all that is changing. Hopefully in August, we'll get back to where we'll have the cadence of the department heads coming to visit with you, I still think that's important and relevant. With that, I'll stand for any questions.

Mayor Hechler: Am I seeing that the electric vehicle charging station is starting up?

City Manager Whitehead: Correct, the electric car charger that we were awarded the grant for is coming online now. It should be a 6-week process to get that going. The charger is already on-site, so they're not waiting on anything, they've just go to build it out.

Mayor Hechler: Are you going to develop a standard operating procedure for that charging station? Are we going to put any employees in charge of it? What comes to mind is, I know how much trouble they have with electronic payments. For instance, when at the car wash, they're trying to fix things. And I'm hoping this isn't the case, but once we get this started, you know how things get messed up and people lose their credit cards or something shuts down. We'll have to have some kind of procedure to deal with that, right?

City Manager Whitehead: We're going to pass a resolution that none of that can happen. Just kidding. I think that again, we will absolutely work through that. We were excited to get the grant, and again, we haven't seen how the mechanism works, we haven't had training on that, so as soon as we do, we'll get that resolved. It leans into one of the items we've discussed, coming up with a better credit card payment system. This will be part of how that works, and we will work through all those issues. The Electric Department will be in charge of the car charger at this point.

Mayor Hechler: Great, thank you.

Mayor Pro-Tem Mitchell: I was at the SCRTAB meeting yesterday, and the members had asked about the status of the Lee Belle Johnson building was, as far as going out for RFP for anything. I was just curious if you had an update on that?

City Manager Whitehead: Great question. At this point, we have yet to receive the grant from the legislature that we achieved in January, that contract will come in. So we've not technically started. That will go under the Community Services Director and Facilities. We've talked about it in-house and again, our vision there is to use the design build concept to get a contractor in to then tell us how they can repair the footings in that building and get it back in compliance for occupancy. When I was at the conference in Ruidoso, there was a design builder there at the site. I have their card, they're out of Albuquerque, they're in New Mexico, Utah, and Colorado. They were interested, they asked us about projects, I talked with them, and they're under CES, so they're under a contract, so I might bring them down to have a look. And we will be as innovative and as quick as we can to try to get somebody in there to do that. And the same, we haven't received that grant on Marie Street, either. So, we're waiting for Lee Belle and Marie Street contracts for those funding before we can get started. Traci has also just informed me that we did receive the award letter from Colonias on the Marie Street project. We definitely have the contract for the \$1.3 million, and then we have the \$350,000 for Marie Street. So again, we have \$1.7 million for Marie, and we'll get started on that soon as well.

Mayor Hechler: That's like five major projects in our community.

City Manager Whitehead: Yes, sir.

Mayor Hechler: We haven't seen that type of activity in quite a while, usually it's one or two. There's a lot going on all at once.

City Manager Whitehead: It's a lot, and I think the challenge we're having – I'm having, I'll just put it on my shoulders – is figuring out the fastest process to get these done. How do I get people on the road? It doesn't feel like we want to go to bid, and I don't mean to be disingenuous, but I need to be quicker, so finding CES contractors that are capable of coming in and doing the work, doing it fairly, and finding enough of them that I can spread the work out and get multiple contracts in. We'll continue to work on that process next.

Mayor Hechler: Okay. You might have to clone yourself. Thank you for that report.

a. Police Department Update.

Chief Tavizon reported the following:

- For the month of June, the department had:
 - 1,075 calls for service
 - 115 Animal Control calls for service
 - Motor vehicle accidents are down, at 26 the prior month, down to 8.
 - 10 sky referrals
 - 54 follow-ups on various cases
 - 1 DWI
 - Code Enforcement had 14 cases they were actively working
 - 245 traffic stops
 - 205 citations issued
 - 7 arrests
- I wanted to talk a little bit about the grant that we work, the SAFER grant, some of the community members don't understand why we have to notify the public via social media or through our local news organizations. Our calls for service or the amount of officers we have is pretty high, so a lot of times we can't do a lot of directed patrols for some of the traffic enforcement issues we have. These various grants New Mexico provides and that we participate in help us pay officers overtime, that doesn't come out of our budget. It's all grant money, to hit these directed patrol areas. So we can hit these high-complaint areas, whether it's downtown with people in the crosswalks not yielding for cross-pedestrians, or speeders in various areas. That money is solely directed towards that, and I think it's a win-win for the community, because we can try to bring these crashes down, hopefully to zero at some point, and then it's not coming out of the general fund, it's money that's provided through the state. Just to clarify that, there were some questions on that.
- We're also working on a COPS grant, to try to get CALEA accredited. We're seeking out the New Mexico Municipal League accreditation, through the NM Association of Chiefs of Police. That's kind of in limbo right now, so until they decide to go forward with the program, we decided to go for the national accreditation. They have a tier 1, it's a little bit more costly up-front, so that's why

we put in for the grant. The regional manager that oversees – I believe it's Arizona, New Mexico, Texas, and Colorado – he just recommended us for that grant, so we're just waiting to see if we get an award letter from them or not. Then that will be a process, we could start the admin side, and then as we're moving into the building and it's getting built, we can start integrating that as well. We're hoping that we can achieve that, it's quite an accomplishment if we can get that national accreditation. So that's something we're looking forward to.

- We held an active shooter course, we hosted it here, the schools have been very generous in letting us use the middle school. We opened it up to other organizations, so we had other entities in the community going through that training as well. I think it's important that we always have our fingers on the pulse, so to speak, on that topic. That way we're well-prepared. Hopefully that never happens and we never have to deal with that, but in the event that we do, we are prepared and can take care of it adequately.
- We just recently had a 4th of July parade, I believe that was the first one in a while, and it was quite successful, we didn't have any incidents on the police side. From what I hear, other than the heat being tremendous and hoping that they could move it later into the evening if they do it again, we had no complaints. It was a breath of fresh air, I enjoy 4th of July parades. With that, I'll stand for any questions you may have.

Mayor Hechler: Thank you. Are you excited for your new building?

Chief Tavizon: Absolutely, can't wait. We are extremely thankful for that.

Mayor Pro-Tem Mitchell: What is the time frame to start construction on that?

City Manager Whitehead: We don't know. I was just informing that we had a successful opportunity. Jocelyn and the finance team are still working on the final contracts and those things. So we won't know until we get that done. But sooner than you'd expect. Before the end of the year. That concludes our department head reports as we work through this new process, and we will revisit in August. I will piggyback off the Chief's report by thanking the Police Department on the parade. It did come off really nice in the evening, but it was hot. Becca with MainStreet and I talked a little bit, we stayed the whole evening. We have some ideas for next year to maybe do it a little differently, and make it a little bit later into the evening. But it was very nice, it was well-attended, people enjoyed the music, they were walking in and out, coming from all over. So it was one of the better Dancing in the Streetlight events we've had. I think 4th of July had a lot to do with it, getting people out. Good on all of our for allowing us to have a 4th of July celebration for the 250th anniversary. Thank you.

b. Department Head Reports.

There were no department head reports at this time.

2. City Commission Reports.

Commissioner Glines reported the following:

- Good morning everyone, happy belated 4th of July. It was really awesome seeing everybody come together for that parade. Festivities and music downtown really brought everybody together. Volunteers, organizers, and city staff, thank you all.
- The certified municipal official training was really valuable, going up to Albuquerque with everybody. We're doing our best to learn everything we can to be able to serve our community better. On the infrastructure side, I'm glad to see we're making progress on the roads and water projects. I know the work causes temporary headaches, I've been hearing about it, and I'm sure our other Commissioners are as well, but it's important for safer streets and reliable utilities going forward; even if that means water pipes blocking Broadway.
- I'm still hearing from residents about top priorities, which are water leaks, road repairs, traffic safety, and I just want to make it clear that we are doing everything we can to get that ball rolling for the future. Please keep ideas and solutions coming, email me any time, I do read them all, or come find me. Thank you.

Commissioner Hoepfner reported the following:

- Good morning, everything has pretty much been said. Like I've said before, I'm also open before every Commission meeting on Mondays from 1-2pm for citizens to walk in and let me know about any concerns they may have. Please let me know so that we can have a more detailed meeting afterwards.
- Art Hop is coming up, please come downtown to support us, it will be an amazing weekend like it is every time. Stay cool in the heat.

Mayor Pro-Tem Mitchell reported the following:

- To add onto Commissioner Hoepfner's report, my quote for that is, "Stay cool at the city pool!"
- It has been a whirlwind of a summer, with attending all the other meetings I've done on behalf of the City Commission. Yesterday was the Sierra County Recreation and Tourism Advisory Board meeting, which is a quarterly meeting. We got a lot of updates from different partners in the community, working on tourism and recreation. Lots of great ideas; reports about visitors coming in, to our websites, to our visitor's center, where they're coming in, who's coming, we're up from last year, etc. Thus far, in the history of the visitor's center, we've had visitors from every single state in the United States except for Rhode Island, and I don't know why. Maybe because nobody lives there.
- I also attended the Sustainable T or C meeting last week. We are working on an educational outreach program for recycling, to help keep recyclable materials from getting dumped, such as scrap metal, etc. The free dump days that we had last month, the volunteers and staff were just taking metal out of the loads, people were just going to throw away metal that we can actually recycle. So we're working on an educational campaign to let the public know that, "Hey, that cardboard box your cereal came in, you can recycle that under mixed paper."

"Hey, that cat food can that's made out of tin, you can recycle that and we can get money for that." And all the money that we save on recycling means that the city doesn't have to pay to dump it. That board is really putting together a major campaign to get the information out there, and encourage people to recycle.

- I was instrumental in organizing part of the July 3rd parade, it was the easiest parade I've ever done in my life. It was so great, everyone showed up, parked, and then left. I didn't really have to do anything. I got to see some videos of people lining the streets, and I thought, you know, for it being triple digits outside, we actually have a decent turnout. The Dancing in the Streetlights was great, I got to introduce Miss Fiesta to the community. Tudy and the Silver Bullet Band is one of my favorites, they were taking requests from the audience, it was great. People were just chilling out in their camp chairs in the shade on the plaza, and it was a really great event.
- I am super excited for the Foch Street project to be complete, considering it is literally at my back door/front door/side door. I did see asphalt out there in a big pile, so just waiting for it to get laid that way I can actually walk across to my work again.
- The swimming pool is doing great, the guards are amazing. We've got a new pool manager, things are settling down. We're starting the lifeguard of the week awards, and the swim team is gearing up for their districts next week, and state championships on July 18th. Speaking of Art Hop, they are having a fundraiser at the T or C Brewery this Saturday night, a baked potato bar, to support the kids going to state and nationals. That's pretty much all I've been doing for the past two weeks. Thank you.

Mayor Hechler reported the following:

- Congratulations to MainStreet for receiving the Clean & Beautiful grant again this year. It's a little over \$10,000 which will have to be expended between now and June 30th, 2027. That's some good cash, they're an annual recipient and it seems to do some good for our community.
- On June 25th, I had the pleasure of meeting with Mayor Holcomb and Chairman Paxton, and entertain Secretary Black along with David White and Evan Pilings from the economic development division. Also present were Gary Whitehead and Laura Whiteside, who is the acting manager of Elephant Butte. We talked about several initiatives, including the completion of the divided well road and ash canyon, the road to the Spaceport, Elephant Butte conservation pool, affordable housing, and industrial expansion at the airport including the airport itself and the area across the highway for a potential industrial park. Found some good revenue sources that potentially could help us in that area. We discussed a multi-use recreational center, we discussed the possibility of an OB development park on private property, we also talked about the regionalization of solid waste transfer station. All these topics were discussions only, if any of these gain traction, we will bring them back to the Commission for action. But we've got some good ideas, and we'll see if they pan out. If they do, we'll bring them to your guys to see what we can get done for our county general.

- On June 26th, I met with the Sierra County Council of Governments in Vato, New Mexico. This was a quarterly meeting where we approved the new budget. It looks like the Council of Governments will be building their own office. It's great to hear that they're going to build it in Sierra County because they want to be centrally located. They've been renting for 20 years, so they'll be building their own office here in our town. One of the important things I learned there was that this year, again, Colonias will have \$92 million. Last year, they had \$92 million, this year they'll have another \$92 million. This is a substantial revenue source for us to get some completions done, like Marie Street. So, I'm hoping we can go back for that, see what we can get from Colonias this year to better our community. I'm looking forward to that.
- On July 14th, we will be hosting the Legislative Transportation Infrastructure Revenue Subcommittee (TIRS) for their meeting. I, along with Mayor Holcomb and Mayor Stubblefield have been invited to present our transportation structure needs. So, we can get that program together now, they'll give us 10-15 minutes each to talk about what we need in our community, and see if we can get some additional funding and assistance. We're looking forward to that opportunity. That concludes my report.

3. City Attorney Reports:

City Attorney Rubin reported the following:

- It occurs to me that I haven't given a report in the last couple of months, it doesn't mean I'm not doing anything. In fact, typically Gary or Traci may send me some routine work to do, and I just refer back to Gary and Traci. If they feel it requires the attention of the Commission, that's up to them, but I usually let them handle that decision. I just want you to know that this is one of the situations where no news is good news.

Mayor Hechler: I feel like if we had a report from the attorney every time we met, you might be in trouble.

City Attorney Rubin: That's right. I appreciate it appearing on the agenda, and the opportunity to report if I have anything.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, June 10, 2026**
- 2. City Commission Regular Minutes, June 24, 2026**
- 3. June 2026 Accounts Payable**

Mayor Hechler made a motion to approve the Consent Calendar as submitted. Mayor Pro-Tem Mitchell seconded the motion. Motion carried unanimously.

F. NEW BUSINESS:

1. Discussion/Action: NMDOT Aviation Grant Agreement.

Assistant City Manager Alvarez: Recently, we had Delta Airport Consultants in, they presented the full project that we were going to be applying for. That was going to be the Airport Layout Plan for our Municipal Airport. During that meeting, we did let you know that they issue the grant agreements very quickly via Docusign with a quick turnaround. So this is the request for the Commission to accept the signed grant agreement, because we already sent off Docusign to the mayor, and it was executed by the state. I gave you guys a handout, I know Cheryl presented a lot of information to you, so I broke it down in a simplified form of what the fund is going to be used for, which is the Airport Layout Plan update, the airport rules and regulations, and then the airport minimum standards. This funding is for the state funding source, which is a \$301,190 state grant with a local match of \$6,810 for both the state as well as the federal funds, the federal grant agreement hadn't come through yet, we're hoping it will come through in the next month or so, but the allocation for that will be the \$274,000 so it will be a total project cost of \$582,000 which is what Cheryl presented. With that, I will let the City Manager brief you.

City Manager Whitehead: I just wanted to kind of reaffirm. So, the Airport Layout Plan will re-evaluate what the airport's going to look like into the future, and one of the items we've asked for is if we could potentially eliminate two dirt runways. We have opportunities for landing in other areas that would open up an area on the airport for us to potentially build out some additional economic development; either hangars or places where we could conduct some kind of industrial business. What I wanted to brief the Commission on was that the plan will look at those items to see if they're possible. During the economic development meeting, Secretary Black presented us with information on their site-readiness program, that would cost the community nothing for them to come and evaluate, so we have gone ahead and submitted that application for this location. The idea would be that we would have area on the airport that would be accessible from the street, as well as from the airport so that somebody could potentially use it as a fly-in type business or a drive-in access off the highway. The second part of that industrial park would come on the East side of the highway, where we have the area outside. By eliminating those two runways, it opens up some land that we could take out of the height restriction from the FAA. I do want to be clear, we recognize that we are sewer and water deprived in that area. The vision here would be to find those businesses that do not require significant water or sewer in those areas. That would be the vision, and it was exciting to know there's an evaluation program out there, that site-readiness, which may support that it's a good spot, or it may tell us that it's not the right spot. Nonetheless, even if we took out the two dirt runways at the airport, it would open the area for more potential private hangar rentals, we could develop it for lots of uses if we needed to. I just wanted to brief you on that item. I support Assistant City Manager Alvarez, the airport is near and dear to her, she's worked hard on it, so we're excited to be supporting her on these issues. We will stand for any questions and recommend approval of the grant.

City Attorney Rubin: I reviewed the agreement, and I'm in favor of it. I did note, under paragraph 2 where it says "the sponsor shall..." there are about 15 different requirements the city has to fulfill, but in speaking with Traci, it seemed like basically routine matters that we're already used to handling, so I don't see any issues here.

Mayor Hechler: This might be a little off the wall, but doesn't the airport sit on a brackish aquifer of some sort over there?

Assistant City Manager Alvarez: The airport water well that's out there is part of our municipal water system, and it does get tested. For a long time, people referred to it as non-potable, however, in going through the drinking water bureau, it should be noted that it's going through its regular testing and it is considered potable water, it's just not, as they say, aesthetically pleasing. But you can drink it, it's fine, it meets all the requirements.

Mayor Hechler: Just tastes bad. Is there any potential use, for industrial purposes, for instance? Just a question. I wonder if this report would clear some of that stuff up.

City Manager Whitehead: Certainly, I wouldn't want to try to answer that question, if there are other uses. The water there, I know from when we worked with Talon for their septage system and the environment department said, "That's such a great location because the water table seems to be 400-500 feet deep. So the depth there seems to be a significant issue of getting to ground water. But the quality and quantity of it, all those things would need to be measured and determined. Again, the vision would be that we have that, we know that it's being tested, it's part of our water system now, so the vision here would be figuring out how we can get more of that, facilities there that would use them just for regular, daily activities, not for some abundant water use. We wouldn't see that. But I don't have an answer of what else brackish water, if that's what it's called, would have a use for.

Mayor Hechler: For lack of a better term. Okay thank you.

Mayor Pro Tem Mitchell made a motion to approve the NMDOT Aviation Grant Agreement. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Vector Control Services Agreement between City of Elephant Butte and City of Truth or Consequences.

OJ Hechler, Community Services Director: This agreement will kind of mirror Sierra County's agreement that we approved a few weeks ago. It will establish a 5-year term between the City of Truth or Consequences and the City of Elephant Butte. Compensation would be \$12,200 annually, and it would be broken down into a 4-month operational season of \$3,050 per month from July-October. In this agreement, there is also an equipment reserve of \$1,000 if something were to happen to our equipment,

they have that to support the use of the fogger and things of that nature. That fogger, they run about \$12,000 for them. So, if anything should happen there, kind of what I'm envisioning is all the logs, reports, and all of that will be turned in at the time of invoicing, so the city will have those documents. The no-spray list, all those things. Mosquito season is generally July-October, but I've been thinking that we may want to expand that term because there may be some years where spring hits sooner, and we may have to start spraying in June. That's just something for us to consider, to think about. The final thing I would say is that if you look at article 7, it says "there will be an emphasis during mosquito-control season, *generally* occurring from July 1st - October 31st." so that word, generally, may give us some leeway there in that contract, but if we want to modify it a bit, we can.

City Manager Whitehead: OJ had some family business yesterday and was out. When we went through our legal meeting, I did bring this up with Jay because I was surprised when the mayor asked if it was only for 4 months. With this particular contract, we added language that effectively says that the contract is for an annual basis, it's from July 1st - June 30th of every year. If the City of Elephant Butte wants to hire us to spray in December, it's their choice, and OJ and his team would then have the ability to enter into this contract. Then what we might do is go back and look at the other 2 we've done, and maybe present an amendment to you. That way, it gives his team the ability to have a broad scope, if it started earlier, say we have mosquitos in April. So we just wanted to clear that up, we felt like when you asked that question, sometimes you don't see things at those angles, so we wanted to make sure we addressed that. This contract is an annual contract, the payers could hire us to do the service any time they wanted, and that's all we're trying to say here. We think we added language to this one, I'll let Jay or Angela talk on how we just added some verbiage to make sure that OJ had a year-wide contract on this.

City Attorney Rubin: I think you addressed it. Yep, we changed the first paragraph of article 7 to give you more leeway and it's not limited to a 4-month period. It's an annual contract, the general emphasis would be during that 4-month period, but still that doesn't preclude us from going out there when we need to. Also, in support of that, I would point out that under article C, exhibit C, that's the compensation schedule, and you'll see that it's a \$12,200 contract, and the payments are actually made during that 4-month period, but it's still an annual contract.

Mayor Hechler: So, this completes the entire county now, right? We have vector control services everywhere?

OJ Hechler, Community Services Director: That's correct. And our contractor is here if there are any questions for him. He may be able to actually reiterate more about mosquito season, the amount of chemical he's allowed to spray in a zone or a section throughout the year.

Ryan Lawler, Superior Weed & Pest Control: I will be doing the vector services for the city and the county. I will stand for any questions or concerns you guys have.

Mayor Hechler: And the reason we get to use your services is because you're certified, right?

Ryan Lawler, Superior Weed & Pest Control: Yes, sir.

Mayor Hechler: Is there anything you'd like to tell us about your services that might let the public be at ease a little bit? I know some people don't want to be sprayed, some people do. How does that mix and match in certain neighborhoods?

Ryan Lawler, Superior Weed & Pest Control: I'm glad you brought that up. There are areas that do not want to be sprayed. Definitely contact the City Clerk's office, they will give that information to our company so that we can get you on a list to basically not provide the service in that area. There is a 400-foot radius, so we have to be conscientious about that. If you elect to be sprayed, you go on a list to request a spray, and if that's something that we can do, we will do it. If we can't, we can't, so just give us a call and we will go from there.

Mayor Hechler: And people don't necessarily have to request to be sprayed, you're going to go out and actually spray areas just as your general job description.

Ryan Lawler, Superior Weed & Pest Control: Correct.

Mayor Hechler: And then, if there are specific areas, people can call and ask for that?

Ryan Lawler, Superior Weed & Pest Control: That's correct.

City Manager Whitehead: And let me just wrap up to say, the innovative part about this is that the city is the owner of the vector machine, so we've put together this contract which would allow the private contractor to use the equipment, there is some liability and other items included there. The Clerk will be the keeper of the records of the individuals that do not want to be sprayed, and we're going to honor the 400-foot radius – so we're not just going to take out a block, it's in that circle – and then we've also required that the contractor not do any private spraying using our equipment at anyone's – because he has his own business and could effectively say, "Well I'll just do that on our own contract." But if it's in the 400-foot radius, he cannot use the public's equipment to spray. We've attempted to cover those that don't want it, and also give him the ability to do so, and at the end of this contract, it's really exciting to have everybody on board, and we'll get a good taste and feel of how it worked, how well it worked, what our costs were, and then it might look a little different next year, we're building it out. At some point, the private contractor may buy his own service equipment and begin to do that. We're excited to offer it, we need it, we know it's important, and the team did great work on this, I want to thank OJ and Ryan for stepping up and figuring this out.

Mayor Pro Tem Mitchell made a motion to approve the Vector Control Services Agreement between City of Elephant Butte and City of Truth or Consequences. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Approval of Purchases \$60,000 and over.

Carlos Miyagishima, CPO: I have quite a few items here I'm requesting approval for. The first one is for SCSWA (South Central Solid Waste Authority) in the amount of \$780,000 for waste disposals. This is with a contract they have with the organization they just mentioned. The contract number is 2024-14, and this is a yearly requisition that gets processed every fiscal year. I will defer to Andy Alvarez if you have any further questions, as he's more familiar with this than I am.

Jocelyn Holguin, CFO: I forgot to add it to the agenda last time, so we're adding it today.

Mayor Hechler: Now this is just a running total throughout the year for our waste processes?

Jocelyn Holguin, CFO: Yes, it's annual.

Carlos Miyagishima, CPO: Yes, the vendor is from the City of Las Cruces.

Mayor Hechler: Okay. Do we have others?

City Manager Whitehead: let me just assist Carlos, I would like to suggest the Commission votes on all of these in one motion. What I'd like to do is take the next item, which is the freightliner truck, I will have Solid Waste do a presentation on this for you today, and I am going to ask that you table this particular item, and I'd like to bring it back on the July 22nd meeting. I forgot to address something within that issue, I don't have the contract number in the purchase order, so I will get that cleared up by the next meeting. However, I would like to do the presentation, that way you're aware of what we're trying to do and where they're going. With that, I'll let Wes present.

Wes Myers, Sanitation Supervisor, presented. A copy of the presentation is attached hereto and made a part hereof.

Mayor Hechler: What happens to the old garbage trucks – do you retire it? Do you put it up for auction? Do you sell it? What do you do with it?

Wes Myers, Sanitation Supervisor: Yes, sir. When we retire it, we'd be looking at auction as an option to send it back out. With the costs and trying to get things replaced, it's just not feasible. The auction would be where it would be headed.

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City Manager Whitehead: And what I would ask is to table this item, we'd like to bring this back at the next meeting, I need to get the proper contract number for the vendor. We would want to be using CES or statewide price agreement, it's not on the purchase documents we presented to you today. So I just need to go back and work with Carlos to finish that and get it done correctly.

Mayor Hechler: Is everything done at one vendor, or do you get the chassis one place and then get the other equipment somewhere else?

City Manager Whitehead: It would be at one vendor.

Andy Alvarez, Sanitation Director: It's going to be 2 quotes put into one. So one is through Lonestar Freightliner out of Albuquerque, that's for the chassis. The body is another quote from Pete's Equipment, which builds the attachments, the arms and stuff. Then it's combined into one quote.

Mayor Hechler: And is it manufactured in one place, or is it moving around?

Andy Alvarez, Sanitation Director: 2 different places, there are a few states, it's all put together.

Mayor Hechler: The reason I'm asking is if there is a warranty issue, where do you take it?

Andy Alvarez, Sanitation Director: Back to Freightliner Lone Star.

Mayor Hechler: Okay. And it's a 5-year warranty, what if it's down for 6 months? What happens? Do we lose 6 months or do they extend the warranty for 6 months?

Andy Alvarez, Sanitation Director: That's a good question.

Wes Myers, Sanitation Supervisor: That's something we can look up and get back to you.

Mayor Hechler: I think I would like to find that out, because it seems like sometimes we're down for several months with this other equipment.

Andy Alvarez, Sanitation Director: Several months, this last truck took 6 months to get it back up and running due to ordering parts.

Mayor Hechler: Yeah, I'd like to know if there's a warranty issue with our trash truck for several months, if we can extend the warranty.

Andy Alvarez, Sanitation Director: That's a really good question, we'll look into that.

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City Manager Whitehead: And again, on that particular item, you can do it at the end, a motion to table it. With that, I will turn the meeting back over to Carlos to finish presenting.

Carlos Miyagishima, CPO: Thank you for helping me out with that item, I still have a few more. The next one is from Wex bank. This is a statewide price agreement. The contract is 20-00000-22-00058 in the total amount of \$60,000 which would be used to supply the vehicles and equipment with fuel. This would be throughout the whole year. Obviously, this is from the Solid Waste Department, and if you have any further questions on this one, I will defer to Andy Alvarez for clarification.

Jocelyn Holguin, CFO: So, the city currently uses Wex as a general. But because these are requests that are \$60,000 and over, Wex is under the statewide price agreement, so we added it to the agenda for approval instead of continuously doing change orders to increase them, this will help minimize that workload for it to just be set at a higher rate and move forward, because of the statewide price agreement. That will be the same for the Police Department on the bottom of the page. The 2 are utilizing the Wex agreement to exceed the \$60,000 process.

Mayor Hechler: The first \$60,000 is just in support of the Sanitation Department. How about the rest of our vehicle fleet?

Jocelyn Holguin, CFO: That's the PD, but the other ones typically go under \$60,000 so we just open PO's for the annual amount they utilize, and then we close them out on final invoicing per fiscal year.

Mayor Hechler: Our employees, when they use their Wex card, do they have a choice where they want to go, or do we have a preferred vendor? Or do we go wherever we can get a discount?

Jocelyn Holguin, CFO: They are able to go anywhere they are accepting credit, debit, or fuel cards. However, Wex has those big fuel spots, they usually don't take them there. It's on their contract but I can't remember the name of the exact one. But most places accept them.

Mayor Hechler: Yeah, I know going out of town, we don't have a choice, but in town, are we trying to get bids from vendors or anything or we just go wherever is convenient?

Jocelyn Holguin, CFO: Because it's a fuel card, they can go anywhere, and it's under the price agreement, so it's not restricted.

City Manager Whitehead: The vendors are the ones that have to choose to accept the Wex process, and in that process, they accept and provide us some type of a discount on that purchase, so that is how that would be done. There would be some kind of a procurement process that they would agree, just like any other procurement where they would offer some kind of a discount. But the user has full access to buy fuel wherever

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the card is accepted. There are some local vendors that individual departments also work with, so we do issue some PO's directly to particular local shops that don't accept Wex. It looks like the city's tried to share the wealth where they can on fuel purchases. But for general purposes, the credit card would give the user the ability if the company took Wex, and any discounts would come through that program.

Carlos Miyagishima, CPO: The next item is from the vendor Sunny 505, this is fiscal year 26/27 city advertising and marketing agreement. This is for a total amount of \$132,869.92 and they would be using the 2026-2027 contract. It is an open PO to do city advertisement and marketing throughout the fiscal year, and if you have any further questions, I will defer to Angela Torres on this one.

City Clerk Torres: Yeah, this is the contract you previously approved.

Mayor Hechler: Yeah, we've been through it several times, we're good.

City Manager Whitehead: I would just add that in those dollars, that also includes the New Mexico True match, that we process through Sunny 505 to get on the state. \$65,000 I think goes to the state, and then they match it 2:1.

Carlos Miyagishima, CPO: The next one is for Jaime F Rubin, Attorney at Law. This is an open PO drawdown for the legal services. We used an RFP for that last year, and this would be a renewal for this year, we have up to 3 years, I think until 2028-2029. But this current fiscal year would be the first renewal year, so the second year total. Total amount of \$65,000.

Mayor Hechler: Did we stay under last year?

City Manager Whitehead: Yes.

City Attorney Rubin: It says \$65,000 but I'm actually working on an hourly basis and I think we're pretty significantly less. I think we work together pretty well and we're trying to be efficient.

Mayor Hechler: It's been good. If we happen to go over, is there a mechanism for it?

City Manager Whitehead: Well it's based on usage so absolutely it could go over if we had issues, but again, we seem to be keeping it in the \$4,000-\$5,000 range monthly with the items.

Jocelyn Holguin, CFO: And because this was an RFP, it would be alright to do that because we went through the process.

City Manager Whitehead: Correct.

Carlos Miyagishima, CPO: And then the last one is from Wex bank again, this would be for the PD, it's an open PO in the total amount of \$69,000. It would be using the statewide price agreement. The contract is to supply the vehicles and equipment with fuel throughout this fiscal year, and I will defer to Chief Tavizon for any questions you may have on this item. That is all from me.

Mayor Pro Tem Mitchell made a motion to approve the Purchase Requisitions \$60,000 and over with the removal of the Lonestar Freightliner to table it until the next meeting. Commissioner Glines seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING:

**1. Discussion/Action: Resolution No. 01 26/27 Open Meetings Act Resolution.
City Clerk Torres**

City Clerk Torres: This is the resolution that we bring to the first Commission meeting of the fiscal year. This resolution mirrors our Open Meetings Act. On the resolution, I kept it the same on paragraph 1 where we have our meetings at 9am, and our second meetings at 4pm. However, I will open it up so you guys can have a discussion on if you'd like to change it or leave it how it is. I stand for any questions.

Mayor Pro-Tem Mitchell: I think we should make both the meetings at 9am for consistency's sake, and because we've tried for the past 6 months having a 4pm meeting, trying to increase public comment, and I don't think we saw that increase. I think we should move it back to where they're both at 9am each month. I know Ingo wants to sleep in, but you have Tuesdays, you can sleep in on Tuesdays.

Commissioner Hoeppner: I'm fine with that. Then are we adding public comment on both meetings again?

City Clerk Torres: Yes.

Commissioner Hoeppner: Okay, good.

City Clerk Torres: Yeah, we have it like that now.

Mayor Hechler: I like the format of having one business meeting and one regular open meeting where we have everything. I think that expedites the second meeting a little bit. I know that we're fresher in the mornings than we are in the afternoons, speaking for myself anyway. And I know that sometimes we keep the staff in late, and after a full day that kind of tires things out. Additionally, if we have a special meeting and we have to keep people from out of town here, that might cause some issues from time to time. I think going back to the 9am meeting has its benefits. It doesn't take care of everything, but I think it might be better for this body if we decided to do that. That's my opinion.

Commissioner Glines: I'm comfortable with that.

Commissioner Hoepfner: I'm fine with that.

Mayor Pro Tem Mitchell made a motion to approve the Open Meetings Act Resolution No. 01 26/27 with the amendment of changing both meetings to 9:00 a.m. Commissioner Glines seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

City Clerk Torres: For our next meeting, we have it advertised as 4pm. Would you like to change the next meeting to 9am or would you like to start the 9am meetings in August?

Mayor Hechler: Let's keep the next one at 4pm and start at 9am in August.

City Clerk Torres: The new schedule will begin at our August 12th meeting.

- 2. Discussion/Action: Resolution No. 02 26/27 Series 2026 General Obligation bonds. Chris Muirhead, Modrall Sperling & Mark Valenzuela, Bosque Advisors, LLC**

This item was moved before reports.

- 3. Discussion/Action: Publication of Ordinance No. 774 General Obligation Bonds, Series 2026. Chris Muirhead, Modrall Sperling & Mark Valenzuela, Bosque Advisors, LLC**

This item was moved before reports.

- 4. Discussion/Action: Resolution No. 03 26/27 Abatement of Dangerous Structure at 825 Morgan Street.**

Commissioner Glines recused himself from this item.

Tyler Knull, Code Enforcement Officer: The property I'm bringing before you for this resolution is 825 Morgan Street. This property began the process of being notified of violations on the property, specifically dangerous structure and unsanitary premises, in December of 2025. The property was posted with a notice of violation and notice of violations were sent to the listed property owner at the primary address, and the address 825 Morgan via certified mail. We did not receive responses on those certified letters notifying the property owner. The property was reposted on December 22nd, 2025 at the address. Again, no response was received. The property is unsecured and is in violation of our city code 4-229, specifically section 1 where we have unsecured doors and windows on the property, and section 7 where we have an attractive nuisance to unhoused people, vagrants, criminals, or children. It's simply not a safe structure to, at the very least, have boarded up in some manner. Like I said, we've received no response. Attorney Rubin has done a title search on the property, all interested parties have been notified via certified mail. Again, still no response. We've had meetings with

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City Manager Whitehead, Assistant City Manager Alvarez, and Attorney Rubin regarding this property. We feel comfortable moving forward with the resolution. Once the resolution is passed, should it be passed, all interested parties from the title search and listed property owners from the Sierra County tax assessor website will be notified and served with that notice, to continue to try to gain a response. If there is no response within a given timeframe, then we'll move forward on the resolution, should it be passed today.

Mayor Pro-Tem Mitchell: And what does it mean to move forward on the resolution?

Tyler Knull, Code Enforcement Officer: To pass the resolution.

City Attorney Rubin: We would pass the resolution, but then if we go through the process we're talking about, we would demolish the building. Of course, this is all in the resolution, but we would then put a lien on the property for the reasonable cost of the demolition for the removal of the debris. I really like Officer Knull's presentation because what we're emphasizing is notice.

Tyler Knull, Code Enforcement Officer: Correct.

City Attorney Rubin: And that's why we did a title search, because you always want to know who had an interest or has an interest in the property. The title search revealed that there was a gentleman who is deceased, and there was a probate opened. The person's representative is in Lincoln, New Mexico. I believe you sent a certified letter there, it was returned unclaimed.

Tyler Knull, Code Enforcement Officer: Correct.

City Attorney Rubin: And that's why the resolution says that the certified letter was not claimed. Nevertheless, even though we had that happen, if we pass the resolution, then we have to give notice again that we passed the resolution. So, we will try again to get ahold of the individual. The title search also revealed that at one time, the PNC bank has a mortgage interest in the property, this goes back more than 20 years ago. We don't see that it was ever released, so we will also try to reach out to one of the successor branches, maybe in Las Cruces for example, and let them know what we're doing. I had a meeting yesterday with Mr. Knull and Mr. Whitehead. Gary made a really excellent point, notification is the key here. Again, this is a very important step, we're talking about demolishing someone's building so we want to make sure that people are being properly notified. That's what this is designed to do.

Tyler Knull, Code Enforcement Officer: And just to further clarify, should we receive a response once we notify that this resolution has been passed, then we will hold off, at least on my end, and I'll speak with Manager Whitehead and Attorney Rubin on what our next steps should be to continue to give any interested party an opportunity to resolve any violations on the property before we move forward with anything.

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Tyler Knull, Code Enforcement Officer: Yeah, the resolution even sets forward that once we serve someone, that individual would then have 10 days to file an objection to the City Clerk and request a hearing in front of the Commission.

Mayor Hechler: Once we go through this whole process, and there's no action from the other party, we move forward with demolition and cleaning it up. That price is attached to the value of the property under a lien?

City Manager Whitehead: We do have an opportunity to ask that if somebody was to demolish it, that particular company could accept the property in lieu of charging the city. That's an option that we would have available to us. But to work it back, let's just say that the city did go in and do the demolition, then we would file a lien, but then we would be required to foreclose on the property. So the lien wouldn't become active, so at some point, in these cases we would file that lien. Again, remember that the lien process requires we file within 4 years. Attorney Rubin and I will be discussing some of the things I brought back from the Municipal League about the length of that lien. But once we foreclose, then the property technically would belong to the city, and we would begin to look for ways to sell it, liquidate it, and use it for other purposes.

Mayor Hechler: Do I have to wait 4 years in order to do that?

City Manager Whitehead: No, not necessarily. I'll let Attorney Rubin chime in.

City Attorney Rubin: You have to do it before 4 years. So no, if we get to the point where we're demolishing the building, as soon as we have a price tag for how much that costs us and we had a reasonable cost of the demolition and removal of the debris, we would record our lien right away, so it would be public record. And then we would decide, during the next 4 years, what are we going to do with our lien? Do we want to foreclose it? Do we want to try and find a buyer? Or whatever the case may be.

City Manager Whitehead: Part of our discussion yesterday was that we want to recognize the hard work that Tyler has to do, going out and dealing with this. My concern is notice, notice, notice. We have another process that we did a few months back that we're still waiting for a secondary – you know, we tried on a vacated property, we wanted to reach out additionally to make sure we were sure, so we're kind of taking that same approach. Again, by passing the resolution today, you authorize the process for us to move forward. The individuals have up to 10 days to either come forth and let Tyler know that they're going to begin cleaning it, or that they are going to protest. That protest would be scheduled and come to you, so that's going to take some time, you would then make your decision, if they're still not happy with your decision, then they would have an opportunity to take that decision to district court. If they protest, it will take some time, so what we've kind of agreed to as a team is we're going to give this notification about 6 months. If we still get the same responses by December of this year, we would begin moving forward to clean the property up ourselves. We're not going to let it linger, but we are going to give Tyler the ability to have a little more space to find a solution without that.

Mayor Hechler: Sound like a plan.

City Manager Whitehead: We support the efforts here and we would recommend approval of the resolution as presented.

Mayor Pro Tem Mitchell made a motion to approve Resolution No. 03 26/27 Abatement of Dangerous Structure at 825 Morgan Street. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried with a 3-0 vote and 1 recusal.

City Manager Whitehead: Things that we say in here matter. I'd also just like to state that the 6 months isn't a deadline and a term. If we get all the responses back in a month and nobody wants to do anything, Mr. Knull could present to me and the team and we would say, "Okay let's just go ahead and start now." But we're going to say that if we don't have a resolution in the positive by that point of time, we've given it enough and we need to move on. That's effectively what we're saying. And we would take the same approach on the next one we're presenting, that's why I wanted to mention that.

5. Discussion/Action: Resolution No. 04 26/27 Abatement of Dangerous Structure at 304 North Joffre Street.

Tyler Knull, Code Enforcement Officer: Similar to the last property – and I'll restate since Commissioner Glines is now present – The property came to my attention in November of 2025. I began my notification process in December of 2025. The same thing as the last property, all interested parties were sent certified letters with a notice of violation, and the property was posted with a notice of violation as well. I did not receive responses on any of those, and reposted the property again on December 22, 2025 with the notice of violation. Since November, we've had reports of unhoused people, criminals, vagrants, in the property. Law enforcement hasn't seen that, but neighbors have been reporting it. The property originally came to my attention when the Fire Department reported a fire at the property, and believed that the structure was a fire danger. I was unable to receive a letter of support from the Fire Department, however they did provide pictures, and they are all labelled. They did have a lot more, but I didn't feel the need to include all 150 pictures that they took of the property. Those are just the main ones that they took, basically documenting what they believed were concerns on their part. Again, no responses have been received on my certified letters, a title search was conducted by Attorney Rubin, certified letters were sent again, no responses. However, recently on July 1st of this year, I did go by to get further updated pictures of the property and I did observe this roll-off dumpster out front of the property. I still have not received a response, but that roll-off dumpster tells me something. However I believe that we could still go with this resolution and continue to try to get ahold of whomever put that roll-off dumpster there and is cleaning it up and just say, "Hey, look we're still trying to get this property cleaned up, this still matters to us, we'd like to work with you on this property." just as we have on the last property.

Mayor Hechler: Attorney Rubin, were there any findings on the title search?

City Attorney Rubin: There is an estate, and I believe what Mr. Knull is referring to, he sent these letters to I think the beneficiaries of the decedents, and those are the ones who have not responded to you. And for Commissioner Glines, what I discussed during the last matter was that notification is always the key here, that's why we do a title search to see who had any interest in the property, we give notice to whomever the title search reveals to have had an interest, and after the resolution is passed, we're still not done with the notification process. As the resolution points out, we still have to give notice to the interested parties, other resolutions, and they would have 10 days to file an objection, if they wish, and request a hearing in front of the Commission.

City Manager Whitehead: I want to point out 2 items in this, if you'll take a look at the pictures, there's a picture of the door that shows the posting of the nuisance structure and then the notice, if you'll see at the bottom, the white paper which is the notice, and if you scroll to the next picture, you can see that the notice has been removed from the door, so again that would give us some indication that somebody did receive the information. That's one, and then if you go to the dumpster that's on-site, again by passing the resolution today, that opens the door for the property owner to have 10 days to begin abatement. In this case, if they've started abatement and they can verify with Mr. Knull that they have started the process and they're going to take care of it, then he has actions he can deal with under the resolution and the terms. They could either come to us, or he could provide them with some window of opportunity to say, "Get it cleaned within this period of time and I'll go back to the Commission." So he would have that opportunity. So you wouldn't be changing any of the process just by the fact that somebody has started to clean it, it would be consistent within the process. Hopefully, if you sent the resolution, somebody would say, "I'm going to clean the property and understand your action." By doing so today, you would not hinder or change the process that may ultimately end up needing to happen.

Mayor Hechler: If someone comes forth, what is a reasonable amount of time that we would give them?

Tyler Knull, Code Enforcement Officer: It would really just depend on what kind of documentation they can provide me. Some people can get things cleaned up really quickly, some people it takes a little bit longer. With costs being high, I don't know how much it costs to bring a roll-off dumpster, I'm assuming that's not going to be the only one they need, so as long as they're providing me documentation, then I usually give as much time as they're requesting.

Mayor Hechler: Yeah. Pretty good flexibility there. We did that with Ms. Gower.

Tyler Knull, Code Enforcement Officer: Right. I do require that any time they're requesting an extension on time that they come in and fill out a form or give me a written request for an extension, provide documentation that I can utilize to show that they're making some sort of progress. "Hey, we have a receipt." "Hey, we have a

landscaper scheduled." Or whatever might be needed to clean up the property. So as long as they can provide documentation, give me a reasonable request of time, and provide that written request, then I'm usually willing to work with people on most of these things.

Mayor Pro-Tem Mitchell: I just had a question, could you have called Dumpster Dudes and asked them?

Tyler Knull, Code Enforcement Officer: So I haven't done that yet, that was something that was brought up in the meeting I had with Manager Whitehead and Attorney Rubin. We are planning to reach out to Dumpster Dudes to see if they will provide the information on who requested the dumpster to be placed there. Hopefully I can get in contact with them, and if they're a now interested party that's not listed anywhere else, then we can start notifying them as well. I'm going to do that as soon as we're done with this meeting today.

Mayor Pro Tem Mitchell made a motion to approve Resolution No. 04 26/27 Abatement of Dangerous Structure at 304 North Joffre Street. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. EXECUTIVE SESSION

- 1. Threatened & Pending Litigation (*Sean Barnes*) pursuant to 10-15-1(H.7).**

Mayor Hechler recused himself from Threatened & Pending Litigation (*Sean Barnes vs. City of T or C*) pursuant to 10-15-1(H.7).

Commissioner Forrister made a motion to go into executive session at 11:51 a.m. to discuss Threatened & Pending Litigation (*Sean Barnes vs. City of T or C*) pursuant to 10-15-1(H.7). Mayor Pro-Tem Mitchell seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Pro-Tem Mitchell reconvened the meeting in open session at 12:09 p.m.

Mayor Pro-Tem Mitchell certified that only matters pertaining to Threatened & Pending Litigation (*Sean Barnes vs. City of T or C*) pursuant to 10-15-1(H.7) were discussed in Executive Session and no action was taken in executive session.

I. RETURN TO REGULAR SESSION; ACTION (if any)

- 1. Threatened & Pending Litigation (*Sean Barnes*) pursuant to 10-15-1(H.7).**

No action was taken on the matter.

I. ADJOURNMENT:

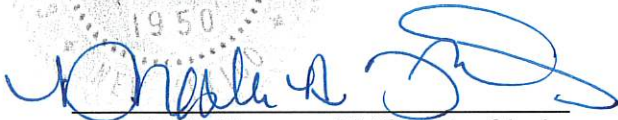
Mayor Hechler adjourned the meeting at 12:11 p.m.

Passed and Approved this 12th day of August, 2026.



Rolf Hechler, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk