

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, AUGUST 13, 2025

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. Amanda Forrister, Mayor Pro-Tem
Hon. Destiny Mitchell, Commissioner
Hon. Merry Jo Fahl, Commissioner
Hon. Ingo Hoepfner, Commissioner

Also Present: Gary Whitehead, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer
Jocelyn Holguin, Finance Director
Bo Easley, Electric Division Director
Conrad Jacquez, Police Sergeant
Tyler Knull, Code Enforcement
OJ Hechler, Community Services Director
Tara Manning, Animal Shelter Manager
Wes Myers, Sanitation Supervisor

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

2. SILENT MEDITATION:

Mayor Hechler called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

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

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister moved to approve the agenda as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS

1. Verizon Wireless Upgrade Presentation.

City Manager Whitehead: Let me introduce the presenters today and brief you, as we were working through the budget, one of the items that came up was our Verizon bill, it's a significant amount of money within the budget. Sonya in our Utilities office manages the Verizon account, the phone throughout the whole city. At the same time, she'd indicated that we were up for upgrades for our phone system, so I thought it was timely that we would begin that process, and then have Verizon come back and present to you, kind of what the service is, why we pay for Verizon, for sure the cost, to give you that presentation, but let you know all the services that Verizon provides to us. With that, I don't know if Sonya has anything she'd like to add and if we've got the presenter ready to go, I think we would just hear from Verizon on the services that they provide to you and to the city.

Angelique Williams, Technology Advisor, SLED gave an overview of the Verizon Wireless upgrade. (Presentation is attached hereto and made a part hereof.)

Mayor Hechler: I have one question, if I may, do we extend Verizon Wireless to our employees, do they get a discount in any way if they also are Verizon customers?

Angelique Williams, Technology Advisor: There are a lot of restrictions with government accounts and they don't allow that with these kind of accounts.

2. MainStreet Wayfinding Plan Update.

Becca Eza, MainStreet T or C Director: I'm Becca Eza, director of MainStreet Truth or Consequences, and I am here with a team of folks from New Mexico MainStreet. I'll say first, as part of the New Mexico MainStreet community, we get services from the state folks at no cost to us. They have a variety of specialists, we call them revitalization specialists, in different areas, like community planning, landscape design, graphic design, other things, that we are able to ask them for assistance in various projects. We have been working with these folks since last fall on developing a wayfinding plan. Some of the projects that we do have to be focused on, the MainStreet district downtown, this one, since we are a geographically small community, we're developing a wayfinding plan that is city-wide, that will have signage directing to important parts of all of T or C. We're just here today with updates on where we are, what we've done so far

with the plan, and where we're going, so I am going to turn it over to Amy Bell and let her talk more with you guys.

Amy Bell, Revitalization Specialist: My name is Amy Bell, I'm with Anthropopolus Design and Planning, and we are also a New Mexico MainStreet revitalization specialist. I'm joined by Daniel Gutierrez and Maren Neldam from my office, they're helping with the wayfinding plan, doing awesome work, and then I also want to introduce Jessica Roybal who is a MainStreet Revitalization Specialist in Property Redevelopment. We have a Foch Street update at the end of the presentation and Jessica will be working on that with us as well.

Amy Bell, Revitalization Specialist, New Mexico MainStreet, gave an overview of the MainStreet Wayfinding Plan Update. (Presentation is attached hereto and made a part hereof.)

Commissioner Fahl: The signage where you're showing the Fairgrounds, Veterans Park, and the library, are you anticipating having these similar signs at those same locations also, or are you just going to point them out from downtown?

Amy Bell, Revitalization Specialist: It depends. We looked at, like the Civic Center and the Senior Center. Looking at those yesterday, we thought it would be really nice to replace these arrival signs or add an arrival sign just to make it clearer, like "You're here." Some of the other locations, if there already is, like the Fairgrounds, has the really cool metal painted signs, it may not be necessary to add an additional sign, so I think for some locations, yes, and for others where we don't want to remove a sign that is special to the community...

Becca Eza, MainStreet T or C Director: But as far as directing to them, from Broadway and from Date we plan to have signage all along Broadway and Date through town, at the closest point to that spot. So, there won't just be signs in downtown, these will be, as you come into town from exit 79 and you're driving down Date, then you see a sign for the schools because there's a lot of outside people coming in for sports games there, and a little further down for the Senior Center and Civic Center. It will be all up and down Date and Broadway.

Commissioner Fahl: Good, and then it would say so many minutes even from the Fairgrounds to the historic district, is it going to say that?

Becca Eza, MainStreet T or C Director: Maybe we can, it could be explored, because so many of those are just a few blocks off of the main drive.

Commissioner Fahl: But the Fairgrounds to downtown, I think showing them, because that's right off the exit, that would be a good thing to say, well it's not that far to go do that. And just one other point, the Veteran's Park, a long time ago, the city put a wayfinding sign there that's double sided, it's in pretty poor shape, so I'm hoping you'll include that, it needed to be re-done anyways.

Amy Bell, Revitalization Specialist: Thank you, yeah, we did look at that one yesterday. That one, and there's a couple other signs I think we'd like to work with the project committee to figure out, can we relocate or replace some of them, because again, we don't want to remove things that are important to the community, but we also don't want to add clutter and just want to make it a clear system.

Mayor Hechler: Well, thank you. The signs are really recognizable, I think that's great, and we're going to be looking for those signs and hope people will look for those signs because I know if they recognize that sign, they're going to look for the next one, so I think that was really a good catch. I love the idea that you integrated our vibrant artist community with some of these signs, I think that's important to let folks know what we have in our community, so thank you for that part of it. The personalization to these signs is really important, so I think you guys did a good job.

Amy Bell, Revitalization Specialist: Thank you, it's been a really fun process.

Becca Eza, MainStreet T or C Director: Moving onto Foch Street, it's not really so much of an update that we have for you guys since you have been very much involved in the process of moving forward and selecting a contractor for this. This is just more to introduce that we are going to be having a team from New Mexico MainStreet help with communication with the businesses that are impacted mainly, and also just with the community as a whole as far as putting together a resource guide that is going to have details on, for example, if you're a business on that street, what do you do if your water suddenly isn't working, or if there's an issue with construction, how do you reach out. We'll have timelines that are available, we'll have some drawings of what the finished product might look like, and we'll revise these things as we get into the project, but being able to put out to the community what the final result will be so that we can get through the difficult process of construction because we know that does bring challenges and it is going to bring some disruption to the businesses along Foch. We have been working with the city, we have gone and made contact with all of the businesses on the street, just to let them know that the project will be moving forward and that we will give them more details as soon as they are available.

Commissioner Fahl: I just have to say, I've been on the MainStreet board, Destiny and I both have, all this is like, "it's really going to happen after all this time, yay!" and the people on that street in the community, when they've seen these pictures over the years, they're like, "Oh yeah, sure." Well, it's really going to happen, people, and we're really excited, so thank you!

Mayor Pro-Tem Forrister: I'll believe it when I see it.

Commissioner Fahl: Well, that's what we've been thinking for years, so it's exciting.

3. Sanitation Fleet Presentation.

Wes Myers, Sanitation Supervisor presented. (Presentation is attached hereto and made a part hereof.)

Mayor Pro-Tem Forrister: So, from our studies, it says that these trucks should only be lasting 5-6 years and we have almost a 30-year truck?

Wes Myers, Sanitation Supervisor: Yes, ma'am.

Mayor Pro-Tem Forrister: Cool.

Wes Myers, Sanitation Supervisor: Sometimes the tailgate doesn't want to operate properly, and we have to go out there while we're dumping it and we'll have to pry on the hydraulic valve to get the tailgate to go up. Every once in a while, I don't know what it is, it's just temperamental.

Wes Myers, Sanitation Supervisor continued his presentation.

Mayor Hechler: How long is the warranty on these?

Wes Myers, Sanitation Supervisor: The warranty is about 5 years.

Mayor Hechler: Is it a depreciating warranty?

Wes Myers, Sanitation Supervisor: I believe it has a certain amount of miles.

Mayor Pro-Tem Forrister: Traci, is Andy a stickler on servicing your personal vehicles like this?

Assistant City Manager Alvarez: Slightly, yes.

Mayor Pro-Tem Forrister: Well good, because we have some trucks in there that have been there a minute. I think, like you said, it has a lot to do with maintenance and servicing.

Commissioner Fahl: I don't think they're that old.

Mayor Pro-Tem Forrister: They're old.

Wes Myers, Sanitation Supervisor: Yes. I know for a fact it is the 5-year warranty.

Mayor Hechler: And I imagine parts are prevalent when they're brand new, right?

Wes Myers, Sanitation Supervisor: Oh yes.

Mayor Hechler: But after 5 years, they start to disappear.

Wes Myers, Sanitation Supervisor: Yes, they start slowing down, but there will a better stock than 18 years down the road.

Commissioner Mitchell: 29

Wes Myers, Sanitation Supervisor: yeah, 29 years.

Mayor Pro-Tem Forrister: What a great presentation, it's nice to know some days over 700 polycarts are being picked up, that is insane.

Wes Myers, Sanitation Supervisor: It is, it's a lot and we love it. Trash is money. Thank you so much, guys.

D. PUBLIC COMMENT (3 Minute Rule Applies)

Michael Hutchens addressed the commission with comments related to:

- Good morning commissioners, my name is Michael Hutchins, and I am a resident of T or C.
- In 2023, the city removed several large trees in the historic downtown district to facilitate a waterline improvement project. It was sad to see shade removed and not replaced, but having our water infrastructure improved really was a good thing.
- Last night I sat in on the presentation led by Becca Eza with MainStreet and learned the city has received \$2.9 million for the Foch Street Project. This is really good news. I also learned that planting trees in the new green spaces is not part of this project. I believe this needs to be rectified. Trees increase shade in cities, lowering temperatures, provide clean air, habitat, and improve our quality of life. Planting trees needs to be part of the Foch Street project and all similar infrastructure improvement projects in the city. It is a positive and affordable investment in our future. Mayor Hechler, you addressed volunteers at our first Tree New Mexico planting up at the golf course last fall, and you said it was a vision of yours to see 1,000 trees planted in T or C, I think that this is a good chance to help move that goal forward.

Alice Hutchens addressed the commission with comments related to:

- This has been the most interesting city council meeting that I have ever been to, so this is great. Thanks for your time and effort on behalf of our community.
- Last night, I was at the same meeting Michael was. I attended the very first Foch Street project, which felt like a million years ago in 2018, and it's so exciting to see it finally becoming shovel ready. But I was also very disappointed that the schematics did not show added trees as part of the landscaping. This \$2.9 million endeavor, it asks people to get out of their cars, take a stroll with their kids, with their dogs, linger downtown wandering from one little shop to another, it's an

endeavor that's all about beautification and walkability, and creating a visually pleasing entrance into the Healing Waters Plaza and the historic downtown. It's been said that the trees cause some damage to the water pipes so that no trees can be planted downtown anymore. If you take 15 minutes to do research, you will see that tree roots creep into pipes that are already broken. Tree roots are shallow, they spread out, they do not wrap around pipes like anacondas, they don't have that kind of strength. Foch Street thankfully, has a beautiful, upgraded infrastructure, so several drought-resistant trees in that landscaping will not be an issue. What do some of the world's most loved cities and small towns have in common? Trees. Beautifully shaded streets where people walk, gather, visit, love to linger. Then, as Michael said, there's a whole cooling, wildlife, scrubbing, Co2 emissions, which is so important in the desert. The landscaping aspect of the Foch Street project will be the last to be installed, so there is still time to adjust the plans for the better if you choose to do so. So, my mother told me, "Never beg. It's not dignified, dear." But I am begging you, don't let the opportunity to add to the beauty and walkability of our downtown pass you by. Do the right thing, plant a couple of trees. Thank you.

Kathleen Sloan addressed the commission with comments related to:

- Kathleen Sloan, 708 Oliva. I ask that you not approve the \$291,000 purchase under the over \$60,000 purchases on the agenda for the Solid Waste Department. I would like some questions to be answered. For instance, what is this truck for? Is it for the commercial dumpsters? Polycarts? It wasn't stated what it was for. If it is for the commercial dumpster customers then that customer category should pay for it. The asset management plan, I think the public spent \$100 - you never stated how much these studies were by next gen Park Hill. I saw \$186,000 on the budget for professional services 2023, \$40,000 for 2024, I don't know what it is for fiscal year 2025, but in this budget, I think you have \$75,000 for professional services. That's a lot of money. So, you know, Park Hill put together an asset management plan, or at least a schedule, but you haven't related it to that asset management plan, and one of the out of whack - it got out of whack because the city wasn't keeping records of the different customer categories. My reading of the park hill numbers is that the polycart users are paying an enormous amount of money, not just for their service, but to subsidize all the other services. The presentation today said that the park hill study says that the trucks are supposed to last 5-6 years, but if you look at the park hill document, that is a city assumption. The park hill assumption is 7 years, but I've googled it twice now and looked at several sources, and these sideloader trucks are supposed to last 10-11 years. So, I wonder why ours is twice, because, of course, that doubles the cost of our vehicle purchases. The resale –

Becca Eza addressed the commission with comments related to:

- Good morning again, Mayor, Mayor Pro-Tem, city commissioners, city staff, I have a few additional things I wanted to update you guys and the community on for MainStreet.

- Our Dancing in the Streetlight concert that we have been working together with the city to organize and put on, our first one is coming up this Friday, the 15th from 6:00pm-10:30pm near Healing Waters Plaza. We plan on setting the stage up right beside the city annex office, having food trucks over on Sims Street. We've got 2 food trucks confirmed, plus a kettle corn vendor. We are asking people just to bring out lawn chairs, we're not setting up any kind of seating. Just come, hang out, bring your dancing shoes, bring your lawn chairs, bring your friends, please help spread the word, and we're also going to have a similar event on September 27th, and I hope to be able to announce those bands very soon. This Friday, Stevie Bluetone is playing at 6:00pm and the Southern Blend Band is playing at 8:00pm, so please help spread the word and come out to that.
- Along the lines of music, we applied for a Levitt Music Series Grant, which is a 3-year grant that would bring concerts to Ralph Edwards Park. Free, outdoor concerts that are meant to attract the whole community, different genres of music every month. We are a finalist, so over 300 non-profits applied across the country, we are one of 100 moving on to the next round, which is public voting. We need to be one of the top 50 in public votes. The voting period is the beginning of September. September 5th-15th. We are working on strategies to get the word out everywhere in the community that we can. We'll let you guys know how to spread the word on that. If we're one of the top 50, then they assess the entire application again, so it's not just based on votes, but we need to get into that top 50 and then they'll look at everything for us.
- Our curb appeal applications are open, any business owner or building owner in the downtown district can apply for a micro-grant of between \$200 and \$1,200, and they have to match it with a 50% cash match, for exterior improvements to their building or business. So that could be painting, lighting, new signs, new planters for right outside their door that they commit to maintaining plants in, just anything to help spruce up the appearance of downtown. The application deadline is September 1st, we'll be awarding grants mid-September, work to be done by end of November.
- We will have other things, a stall, as usual, trick-or-treat downtown, Small Business Saturday, Old Fashioned Christmas, so I'll update you guys as they come closer, thank you.

E. REPORTS:

City Manager Whitehead reported the following:

- Good morning, everyone, it seems to be a happy crowd here, as August is getting started, a lot of fun things are happening. Let's get started, we'll do my report and then we'll move into the departments. I'll try to go quickly this morning. Budget's done, so we've changed focus, we're trying to get the things that we committed to off on a good track.
- Human Resources and myself, we've spent a couple of days meeting as we talk about the payroll study, we begin to look at every nuance of the study, and every employee. We will continue to work on that plan to make sure that everybody fits.

Alona is doing detailed work, spending time, if you remember from the presentation, they talked about a payroll calculator, so we're really putting every employee through that, making sure things match up. We will continue to work on that. Our plan would be to understand the financial side of it first, then we will begin to work on some of the policies. We want to implement an evaluation process as we move forward, we want to implement a continuing education process, and then we also want to look at the job descriptions and make sure they tie to the specific jobs, and those kinds of things. It's going really well, and we're taking that really seriously.

- We've started working with the road department, our goal is to do 11 road projects this year, all the way from potential re-paving to some chip seals. We are really proud of the road team, Brenden and Buster are really working hard to look at the picture and assess how we can do things timely, so we're really focused on that. I expected, and I had really hoped today to tell you, and you would have been able to say, "Wow we saw a street sweeper." We've issued a purchase order to rent a street sweeper. We're going to try that for a couple of months and see if we can't create a process by which we could take care of the streets in the monsoon season and create some work and potentially save some money. It might be a little better investment. It's about \$30,000 a month versus about \$300,000 on the investment side. We will see, when we get it here, how it works, how active we can be, was it worth our time to do that and make a presentation, but we are trying. The streets crew they're trying to use the old equipment we have to keep that going, so really happy with that.
- I'd also like to say that we've entered into a contract at the roundabouts with a vendor that's going to take care and cleaning, hopefully you all saw that the roundabouts look fantastic this week, they're cleaning that up, we are using some chemicals, but we are also using manual cleaning as well. The information is available on our website, but the landscaper is very aware as well of the processes to protect the plants that are growing and get rid of the weeds. They'll be taking care of the piping, the watering, the cleaning, and taking care of that. We're excited to have that, and that's a streets project.
- On a personal note, we continue to try to meet with citizens when they call, I really try to maintain an open-door policy, it created a little bit of extra work, but we do try to get out and talk to people, and make sure that they know if they call with a situation, we are going to take that seriously and try and resolve those things. The staff is really performing well, we're all going together, and I think we're making some end roads on some issues that have lingered for a while. Some of those times, the answer is no, the request is just impossible, but I think when we face those face-to-face, it's easier than just, they never came back. We're working really hard to try and answer and help citizens where we can.
- It would be remiss of me not to talk about the major water leak we had a couple of weeks ago. We really apologize to the citizens, the school, the hospital, it turned out to be a tougher day than we expected, we had some challenges throughout the day. But across the board, every department was there, the electric crew was there, the streets crew, the water crew just did the best they could. They ended up having to repair the line, what they would call, live, we just

could not get the water to shut off, so we had some leaks happening from other places that created the situation that lowered the pressure. That's why we couldn't get the pressure back up, but they stayed vigilant. If you saw, from the great video that was created, it showed that the pipe was not damaged based on the age of the system. That was a good piece of 12 inch pipe that moves water from our well fields to our tanks, it just failed. It was about a 10-foot crack on the bottom of the pipe, and it was not anything we would say was caused by the poor infrastructure. I've already met with the leadership team, we're going to do another assessment, we'll bring in the full crew and find out what we could have done better that day, we'll make sure that we identify the valves that we need to find so that we might have potentially missed. We accept the responsibility for that day and we'll do better to make sure that the next time we don't end up in that situation. We should not have had to close down the schools that day, we should have been able to find that, isolate it. Maybe the schools, because it was still going to take up to 4 hours to repair that no matter what. Once we shut the water off, it would have taken a while for it to get to a spot. Anyways, the crew did a great job and I'm really proud of them, they don't quit, and we're lucky to have them. Thank you to those men and women.

Mayor Pro-Tem Forrister: It was a good ease into the first week of school because they got to have a little break, so that's alright.

City Manager Whitehead: It could have happened the week before, probably would have been better.

Mayor Pro-Tem Forrister: My kids were very thankful.

City Manager: Well, we understand it was a disruption to the community, we apologize.

- We continue to work with Love's, I think we are inching closer to having a process where they're going to go ahead and execute on their agreement to purchase and move forward. We'll continue to be diligent with that, we're in the final steps of figuring out the electrical side, it's a big piece, we have a lot of work to do to move electricity to them, it's a big cost, and we continue to negotiate with them on finding ways to potentially help them with some costs, they're doing some things that are helping us on our water side. I will be meeting this afternoon with Bo and the team, we will be talking about what we can do to potentially assist them, but make sure we are getting coverage. We're excited to help them, they've come to 2 planning meetings, they've met with the planning team, so we think that project continues to go forward.
- Becca stole my thunder, I was going to talk about the street festival, but she deserves to, she's really done the work. The dream, again, as I've said, in my interview when you brought me on, one of the things I've always imagined is that in downtown T or C, there would be two events every month, starting from Fiesta and ending with Christmas. It's one of those personal dreams of mine where

Fiesta kicks us off and then Art Walk is there as one, so this'll be a test run to see how well this goes, and it's something not only to bring tourists, but it's a celebration for our citizens. Our friends and family can come down, sit down in the park, and have a free concert. Hopefully we're building something, we'll see where this goes, but really thankful to Becca with MainStreet for helping this dream come alive, I appreciate that.

- Thanks to the volunteers that have helped us at the golf course. We've had two volunteer events where we've had over 10 people come. I've got to say thanks to a lot of my friends that don't live here in town that I roped into coming that kind of grew up on the golf course. We have effectively changed about 120 valves on the golf course. I can safely say now that we are in control of the water so we can deliver it, we can turn water on and off in places, we have a long way to go. Bob, who's helping manage for us, he said to me last night, "Gary, we have a golf course." And again, we need some more help, it'll take a minute, but it's definitely green and I hope the community sees that. We're going to make it continuously better.
- We'll be meeting next week with the NM Environment Department. The primary focus will be to get approval to move forward on the Vac station repairs. We have a grant to do those repairs, we need to extend the contract, and they've already verbally given us permission that it shouldn't be a problem. We have to go out to RFP for the engineering services for that in particular, but our dream would be that we're going to improve the line on Hagen Street, we know we can do that, we have a bid, we're going to be able to do that. And then we're going to repair all 51 of the pits that are on there, we're going to reseal them, resecure them, and get them so they don't flood. Being able to fix the vacuum side as well, I've already executed a purchase order and the pump is now, so we have a third backup pump, a major motor, so both pumps are functioning and the team has a third one so if it goes out, we can easily repair it. We understand the Vac station is one of our weakest links in wastewater, and we'll be continuing to work on that.
- You'll see some items on the agenda today for some capital outlay, we just continue to wait for the capital outlay from the governor on the wastewater plant, and then we'll begin to execute on doing a major repair for wastewater that we're needing to get done.

a. Police Department Update.

Sergeant Conrad Jacquez reported the following:

- Calls for Service for Last Month: 1,058
- Officer Involved Calls for Service: 667
- Animal Control: 127
- Motor Vehicle Accidents: 6, none downtown
- New School Resource Officer Eilers started at the schools.
- DWI's This Month: 3
- Cold Citations: 3
- Traffic Stops: 206

- Citations: 102
- Arrests: 26
- No issues with our downtown area. We were having that issue of people in the bike lane, but it looks like it's been clearing up.
- We still have 2 officers at academy right now. They will be there until November.

Commissioner Mitchell: I did have one question, I didn't hear you say it, but do you have data on how many sky reports you guys had?

Sergeant Jacquez: Sky reports, we had 4. Also, for the upcoming dance on Friday, we will put out a couple extra officers just for that. It will be our first one so we will see how it goes but we will throw a couple extra guys out there that way we can make sure everything is good to go.

City Manager Whitehead: If I could just piggyback, we have asked all city staff to help us with blocking off the roads, Andy and his crew will bring some polycarts, and then the police. I think the chief is also doing a raffle for the shop with a cop and those kinds of things, so we will set it up as a community event where they can do that, and it is an alcohol-free event, just so everybody knows. I forgot to add, last week, because it was a hot week, we set up a cooling station in the Civic Center, we did keep it open, the seniors were there in the morning with no problem, and then from 3:30pm-6:00pm we kept the facility open. We didn't have any takers, but I think it was a good test run for us, and everybody participated. I really want to thank Carrie and the crew for making that happen. We'll continue to work and make that work so we have it if we need it for other facilities.

b. Department Head Report.

Bo Easley, Electric Division Director reported the following:

- We received a grant from DOT for electric car charging stations. As you know, I've been working on this project for a while, I would like to thank SCOG for helping us with this project. We were awarded \$642,000 to put this one charger in, it will charge two cars. The plan was always to put it downtown between the annex office and the Sierra Grande Lodge on city property. We've already had it surveyed and everything. This will also give our citizens a way to charge their cars here, and for people that come from out of town, they can park, charge their cars, go downtown to local shops, Sierra Grande Lodge is there, Davis Fleck is there, the bank, go to our local restaurants and everything.

Commissioner Fahl: When I read about that, it was exciting, I was shocked about the cost, who had any idea they cost that much money? Does this mean that it pays for, like you have to bring in a bunch of power, or we have to build a whole mini generator?

Electric Director Easley: No ma'am, we have power there already, if you can see, there on the bottom of the map, the pole there.

Commissioner Fahl: Oh, that? We already had that and it still costs \$600,000?

Electric Director Easley: We'll be getting a transformer, then the charging station, they're going to build a ramp and everything, we will put cement there for the cars, one will be an ADA car charging station. Down the line, if we needed to, we can go ahead and add another charging station to do 4 cars.

Commissioner Fahl: Well, that's good foresight, I was just shocked at how much it cost, no wonder they're not everywhere across the United States.

Mayor Hechler: You said that we could expand it up to 4 stations?

Electric Director Easley: Yes sir.

Mayor Hechler: 2 isn't very much, I can see that filling up pretty quick down the road. And how are folks going to access that area? You're going to build a ramp, is that over the top of the sidewalk or are they going to drive around where the lodge is?

Electric Director Easley: It would curve up over the sidewalk and then they'll park on the other side of the sidewalk there.

Commissioner Fahl: There on the dirt lot then, basically?

Electric Director Easley: Yes. Then we have plenty of room going towards the annex building to add more.

Commissioner Mitchell: I just had a concern about if it would affect our street dances, fiestas, any of those festivals happening downtown, will they still be able to access these stations? Will they be taking power from that area by the Healing Waters Plaza or anything like that?

Electric Director Easley: If we block off the street then yes it will interfere with the car charging stations, yes.

Mayor Hechler: We'll have to keep them open.

Commissioner Mitchell: I don't run Fiesta.

City Manager Whitehead: It would affect the charging station, but it would not affect it the other way, because it will be up on the side, so it will be just like a parking stall, the street won't be changed, you would actually just pull into the parking lot. It's at the end, where Bo has it sited to go, you'd be able to just move the road closure over a little bit, so it would not affect the street festival, but we would affect it.

Commissioner Hoepfner: I want to say thank you for that, because I try to help a lot of electric car vehicle owners who were lost in downtown driving in a circle, and I said, "We don't have one." I found out that Black Range has a charging station for their guests but not a public one, so they were absolutely lost trying to find that one charging station.

Electric Director Easley: Yes, I get a lot of calls about the car charging station.

Commissioner Hoepfner: I'm just happy here that we are moving forward with the plan, that we are getting at least two here, that will help downtown and people will be more encouraged to come into town because they go on the interstate and see, "Oh, there is a public car charger." And they will stop and check us out. Wonderful news for downtown businesses. Thank you very much for that.

Electric Director Easley: Yes sir, there is another car charging station up behind Denny's, we just powered it up, but usually they'll just charge and get back on the interstate and keep going.

Commissioner Hoepfner: Having it in downtown is positive for us, they can check us out and see what we all have.

Commissioner Mitchell: Thanks to all the new wayfinding signs downtown.

Commissioner Fahl: Make sure that's on there. I mean, how do you let people know that we're going to have one? Put a sign on the interstate?

Electric Director Easley: So, I need y'all to buy an electric car now. Moving on to my next topic, we've been talking about a new substation. We have been talking about putting it up at the North end of the golf course for future planning, you know, we've got Love's probably coming in, and that also all that property around Love's, hopefully will start selling, people will start building houses and everything. So, I have been working with David Gustin from Tri-State. He is aware of it and now Gary and I will have to sit down with Sierra Electric Co-op and have a discussion with them, being that we do get our power from Sierra Electric Co-op. We'll start working with the guy from Sierra Electric Co-op and start seeing if we can get moving on that, probably going to have to get an engineer and everything. Any questions on the substation?

City Manager Whitehead: Let me just point out, piggyback on him again, this golf course is the right location because the transmission line runs right overhead there, if we can locate it close to that, it makes sense for us, it saves dollars and just makes it more practical. We have some spots there that could handle that, so we'll continue to mature that project as Bo moves forward.

Commissioner Fahl: That'll be good.

- Just to move onto projects and work that we've been doing, the TND study is just about done. We have one more meeting with them on August 21st, and then they

will be coming to the Commission to give their report to you the first Commission meeting in September.

- As I said earlier, the electric car charging station behind Denny's is fully operational, we got that powered up.
- Love's Truck Stop, as Gary touched base earlier, we've been working with them on the quotes and everything, getting that all done.
- The Pershing storm damage that happened a couple weeks ago, all that work has been completed. We got everything done there.
- 910 North Silver, we set 7 new poles for a line extension up there for a new homeowner.
- We've replaced 17 poles here lately
- 20 new services for customers
- I'm also working with electricians right now for the Williamsburg bridge, they are installing license plate readers for DOT.
- The Sierra County Fairbarns should be getting ready to start putting in new pad mount transformer for that, they've got the CNET port, they should start building that pretty soon, so we will be updating that service.
- I've been working with a new electrician for a new Dollar General to be built, so that project is coming along.

Mayor Pro-Tem: Another Dollar General? Where?

Electric Director Easley: Third and Date where the old Anderson mobile home was.

- Also, we've been working with Paloma Springs nursery up there on Silver, the one that they shut down, they're fixing to go in there and get that all out, probably going to be doing a new service there too, so hopefully we can get that going pretty soon. Other than that, we've been staying busy.

OJ Hechler, Community Services Director reported the following:

- I'm not here for an official report today, but more of an update. Let's talk about bathrooms. This last week at Ralph Edwards Park, we've kept our basketball court bathrooms unlocked all week. We haven't had any issues. We want to move forward, we want to keep that bathroom unlocked in the mornings when the guys come in and make their rounds, we will lock them up whenever we lock up at night when we lock the cemeteries and the facilities up. The one at Family Park, we want to do the same thing with, we want them to be unlocked for the public, they should be unlocked for the public. If we do have any issues, we will call, make a police report, and then we'll communicate that with the management team, and see what our process will be moving forward, but we do want to do that. We do currently unlock the bathrooms for events, Farmer's Market, things of that nature. On busy weekends, we've been keeping them unlocked and we have not had any issues so far, so I wanted to give that update to the Commission, to the community, to let them know that we're trying to keep these bathrooms

unlocked, we want to keep them unlocked, so there you have it. I'll stand for any questions.

Commissioner Fahl: Is that all, are you going to talk some more about Ralph Edwards?

- I can, so as you all know, the contractors have started work for our shade structure project, it's a 66 x 66 structure that will put shade over the entire playground. There are what I call skylights, there will be 6 skylights on the structure, so you can still have some light that will come in through that. My initial schedule I got from the contractor was for one month. The last schedule he sent me was through the beginning of October. I've been sending the schedule out to Carrie so we can keep that posted, and keep the community informed on that. So that has started.
- You'll see later on the agenda, our Ralph Edwards Park boat dock project that we will discuss a little later, we're working on that as well.
- Our skatepark's going to happen here pretty soon too. As you all know, in the next few months at Ralph Edwards Park, we're going to be jamming over there. For that park, we're going to have an entire new facility over there, and we're excited. We're going to be proud of it, so that's where we're at for Ralph Edwards Park. I'll stand for any more questions.

Commissioner Mitchell: Can you give us an update on the swimming pool?

- Commissioner Mitchell and Jesse Robinson, they've done a great job with managing that facility this year. Our numbers are up, I think we're up over \$12,000 for the year so far. Last year for the entire year, our total revenue was somewhere between \$5,000 and \$7,000. We are looking at extending our pool season. As you know, we start on Memorial Day and close on Labor Day, and our goal is to extend it through October 5th. We have to modify our schedule a little bit. We have lost some lifeguards, we are going to lose a couple more, we will try to bring on a couple more to extend our season, but we want to finish strong and we want to keep it open. I've had conversations with Commissioner Mitchell about maybe opening our pool up a little earlier next year. Obviously, if we feel like we can do that, we'll update the Commission on that, we'll go through Gary, and we'll try and see if maybe we can open up in April sometime next year.

Commissioner Fahl: That's exciting, and what a big change for the pool, that's great.

City Manager Whitehead: Not only are we trying to keep the bathrooms open, but Jocelyn brought in a technology company this week that we met with, talking about access control. I think that's the way for us to move where we could put electronic locks on the bathroom doors with some cameras, and that would be really nice to where OJ or the staff could unlock them at 8 in the morning electronically. We think that's step 2, once we find out if they can be open. We've talked about it in the office for a long time, so I really wanted him to share that, it's important, we get it. At the next Commission meeting, we will bring a proposal to you to potentially extend our seasonal worker

program. We've had some wins and losses in that, we've really not spent, we weren't able to keep a full staff working the whole time, so we have some cost savings, and that's where we want to say, can we extend the seasonals a few more weeks, keep some lifeguards going, and help at the parks where we could finish out the year, and get the parks in good healthy shape to go into winter. Trying to make things positive there.

Tara Manning, Animal Shelter Manager reported the following:

- I know everyone has probably read the paper, but I will still let you all know, as of June, we got a call from Best Friends saying that we are officially a no-kill shelter. So we are completely excited by that, we decided to celebrate even more, we had a really random donation of a blowup bouncy house, and I was like, "What are we going to do with this?" and then we found out we were a no-kill shelter, and we were like, "Blow it up and have a party for the dogs." So we did, we had a huge party, the water was going.

Mayor Pro-Tem Forrister: With their claws it popped?

Animal Shelter Manager Manning: Actually, it didn't, I was surprised. The puppies were jumping all around, but it never popped, it's still working. We took a ton of pictures. We posted on Facebook. Best Friends saw it, and they are going to put it in one of their monthly magazines that is coming up in the next few months. So that's super exciting because I guess they've never really talked about a New Mexico shelter before, as far as doing that, so we're super excited. Now for the boring stuff, all my data and numbers for you.

- This time last year, our save rate was at 87.95, not bad, not great. This year we're at 95.21, so we are doing an amazing job making sure that everyone is being saved, we have our medical grant from Best Friends that we have definitely utilized quite well to be able to save a good amount of animals, which is super exciting.
- Our adoption rates are down from last year, last year we did 163. This year we've done 114. So it's kind of sad, in that aspect, but we are joining the group, there's a ton of shelters across the country that are doing a clear the shelter event for the whole month of August, and we have decided to jump on the bandwagon, so we are doing discounted adoption fees for cats and dogs to help empty the shelter, in hopes that we can bring those adoption numbers back up to where they should be.
- The other exciting thing is last year, we did 72 rescues, that's it. This year we're up to 121, so we've almost doubled it. That really helps out with Project Fetch and Best Friends. With the amount of cat rescues and Desert Haven stepping up and really helping us out, we've been able to really save more animals than in years past.
- Our stray rates are a little bit down compared to years past, so that's nice. Not by a whole lot, only by 4 compared to last year, for example. But I give a big thanks to our Animal Control officers. Any animal that has a tag or a microchip, they're bringing them straight home. So that's really been helping us, and as far as the

adoptions, getting everyone microchipped before they leave the building, that's really helping. Offering a better deal for our microchips for citizens, that's helping a lot, because they're like, "Can I come in?" we microchip them, they walk out the door, Animal Control picks them up, they bring them right home. So that's been really nice.

- We've had our 15th litter of dumped puppies this year, so that stinks. We are currently working on getting a spay and neuter grant to be able to help not just the shelter animals, but we're going to look into options where we can open it up to the public, so that's something that OJ, Gary, and I will have to sit down and figure out the details on how to make that happen, so that hopefully we will have less puppies coming into the building. And kittens, but kittens are about the same compared to years past.

Commissioner Fahl: Could you tell the public again what the fees are for the microchipping if they come in?

Animal Shelter Manager Manning: \$20, we microchip them on the spot, we register it on their behalf, and it is a lifetime membership. Some shelters and vets, I believe our local vet charges a little extra, but they charge \$20 a year for it. Ours is a lifetime membership, so you can move a million times in that animal's life, login online, so you don't even have to talk to a person, which is probably one of our favorite things nowadays sometimes is not sitting on hold, and you can update all your information online and it updates instantly.

Commissioner Fahl: And if your dog has already been microchipped, you think, but maybe not, you can just check.

Animal Shelter Manager Manning: You can bring them by the shelter, we'll check for you, if it is microchipped, we'll give you the number, let you know what company it's with, so you can update the information.

Commissioner Fahl: That's good info, thank you.

Mayor Hechler: I don't know if the rest of you have noticed or not, but the more successful you are, the more successful you're going to get, because everybody wants to be part of the winning team, you're doing a good job.

Gary Whitehead, City Manager reported the following on behalf of Facilities:

City Manager Whitehead: Facilities is working, keeping the lights on, keeping things working, we've got some projects, we've got an auction coming up, we will try to get some items out of storage that need to go to the auction in November. We are going to try to work on the Civic Center, that pool table, there are two pool tables there, we're going to get those to auction so we can open up that kitchen area and kind of get that project started. David and the team, they've been really busy, it's kind of a short crew, a

lot of air conditioner work throughout the year, so they're really busy and hopping. We want to thank them for what they're doing.

City Commission reports:

Commissioner Hoepfner reported the following:

- I am glad that there are more people visiting our downtown area.
- When it comes to trees downtown, they have those removable planters that we could add along the sidewalk and that will help the trees to mature before we plant them in our parks.
- I am happy that the Foch Street project is moving forward, it will be a nice addition.
- It's good to see that the Healing Waters Plaza is being utilized more to bring people together.

Commissioner Mitchell reported the following:

- The Fall fiesta is going to be happening the second weekend in September. It was kind of a mini-Fiesta idea. It will be out in the paper this week, but we've got all the bands lined up, vendor applications out, we've got games and contests on the plaza, we're bringing in a fiesta bowling tournament, a horseshoe tournament, and just a whole bunch of stuff the 12th, 13th, and 14th of September. It's going to be like Fiesta, food trucks and vendors and stuff but just not the full scale of it. We had a lot of requests for Fiesta t-shirts and merchandise, so we will have a table setup all weekend and just get one more rendition of our 75th anniversary. We will be doing the second game show on that Saturday, and we will be putting a call out for contestants. Truth or Consequences live game show, so we are looking forward to that at El Cortez.
- With what OJ said about the pool, it's been great, the water is perfect. People are coming, normally we have busy times when we have to be more alert because there are lots of kids and swimmers, so it's been a lot of fun and I'm looking forward to hopefully having it open earlier next year.

Commissioner Fahl: How did the swimming lessons go?

- Swim lessons were great. We had over 80 children take advantage of the swimming lessons this year. I actually had to push 20 of them off until later in the season because I just didn't have time, but we had a very successful swim lesson program this year. Thanks to the swimming team for stepping up and helping. We are hoping we can do it again next year because it's super important for everybody in our community to learn how to swim, we have the lake, the river, the hot springs, there's no real excuse. You should be able to have access to that and have it for free. We did charge a pool admission fee for lessons, but they didn't actually have to pay for the lessons themselves.
- We also partnered with a retired international cliff diver, Sam Hernandez, he joined with us this year and has been offering free diving lessons for the kids, so that's been really exciting too.

Commissioner Fahl reported the following:

- Just a brief note that the Turtleback Trail Network Group still continues to meet, we just met yesterday, and we continue to focus on working towards securing land and easements for the footbridge.
- The sign committee for the interpretive signs are meeting next week, and hopefully we will have the draft verbiage of what we're going to have for the signs put together. Once we have that, it shouldn't be long after that that we'll get someone local to help us design what they will look like and get them ordered, so hopefully this fall I can get the signs ordered, so that'll be really exciting to get a real visual thing to see for our 9 years of meetings.

Mayor Pro-Tem Forrister reported the following:

- I wanted to clarify why those trees were removed in the downtown area, due to lots of the water lines and the private commercial property damage and sidewalk damage that was done, and now it's my understanding that DOT won't allow for trees within their right of way. Just some things to consider with the trees.

Mayor Hechler: But I like the planter idea. To contain those trees within an object, then we might be able to do something.

Commissioner Fahl: And you know, you can get more shallow-rooted trees that would still provide shade.

Mayor Pro-Tem Forrister: And I'm sure CR Soil and maybe Tree New Mexico –

Commissioner Mitchell: June Russett just posted on our live feed that if we go down and talk, their next Tree New Mexico event I think is in November this year, if we go ask, we can get free trees. We just have to get an inspection and they have to get permission.

Mayor Pro-Tem Forrister: Perfect. I think MainStreet needs to form a tree committee.

Commissioner Mitchell: Tree New Mexico, they hire people locally to start working with them, to do the tree-or-c planting, so they've done two so far, and they are going to continue that program. I think the city and OJ has probably had some of the trees in the Parks Department already, and I know we did the golf course last time. We could definitely get on there and utilize those free trees and beautify downtown.

- I attended the P&Z meeting on Monday. There was discussion about looking at codes, I am in agreement that our codes probably need to be looked at and updated. I don't know how that process is going, if they're just going to bring up codes as they see them, but if at all possible, and I don't know if it's legal to do this or not, but I think we should have workshops. I don't want them to come to us with all these changes, and we haven't ever sat down and had communication about it and have to make our decision.

City Clerk Torres: Right now, what they're doing is, they are doing workshops. We have two options, you guys could attend their workshops, so next time we would just send an invite to all of you guys when they do have the workshops, and you could attend, or after they're done completing a section, then we could bring it to you guys and you could have your own workshop, or you could do both.

City Attorney Rubin: It might work better if we did a piece now, I think. There's a lot there.

Mayor Hechler reported the following:

- NMDOT is finalizing design plans for the striping lane modifications. They have secured the funding, so that's forthcoming, they will start advertising soon, and they'll have a couple of meetings. Construction could begin as early as next year, so it's moving along, they're doing what they're supposed to be doing, they've secured the funding and I think that's the important thing.
- I'm involved pretty heavily in the hospital CEO selections, we had 42 resumes submitted. With the help of Ovation Healthcare, the list was reduced to 8 well-qualified candidates. Our committee reviewed, at length, these resumes and reduced the list to 5, and we will hold virtual initial interviews soon, spending between one and one and a half hours per candidate. It will be a lengthy process to get through those 5 candidates. Once we get through those 5 candidates, hopefully we will invite one or two to our community, introduce them to our hospital staff, to our boards, everybody in the city that could possibly be involved, and hopefully we will make a final selection. We are moving pretty quickly on this thing, the interim CEO gave us between 6 months and a year before he wants to return, he's doing a good job for us, we're shooting for that 6-month level to get our new CEO, and hopefully we will find one that will last with us for a while.

Commissioner Mitchell: A note on that, I just remembered that Spaceport is having their open house on September 21st, and right now, there is a call for vendors. I believe that you just have to register online to go out there and check it out.

City Attorney Reports:

City Attorney Rubin reported the following:

- I will just mention, I am mindful that a few months ago, I did give the City Commission several updates on some of the cases we were involved in, I'm hoping by the next time we meet I'll be able to bring it back in closed session and give you some favorable updates.

F. CONSENT CALENDAR:

1. City Commission Regular Minutes, July 9, 2025
2. City Commission Regular Minutes, July 23, 2025
3. City Commission Special Minutes, July 30, 2025
4. Acknowledge Regular Lodgers Advisory Board Minutes, June 23, 2025
5. July 2025 Accounts Payable

Mayor Pro-Tem Forrister moved to approve the Consent Calendar as submitted. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 09 25/26 for fees and regulations for the use of city canopy tents.

City Manager Whitehead: We've had a request to use some tents we've purchased through lodger's tax that have been used for Fiesta and some other events. The Spaceport is having their event and they've asked if they can use the tents, so we've come up with a concept here, we're asking for your permission to utilize the tents for government to government events only, we're really not looking to rent these tents out to the public, we don't think A) they're capable of doing it and B) we really don't have the staff to be in the rental business. But in this case, we can be supportive to the Spaceport. We are asking you to grant us permission to use these in a government-to-government situation at no cost to the government entity, which would be under a normal MOU, we are allowed to do so. The entity would be responsible for replacing them if they were completely damaged, we put the cost of those in there, and we are asking that the agency that is going to use them would have to have the staff to install them, to put them up, and then we would just provide one of our staff, Community Services knows how to do it, and we would provide one person to coach and help the staff put them up, get them down, and we'd like to do that at no cost to see how well that works. That's the idea here, and only the Spaceport has asked to use them, so really it would be just for that event. Angela and her staff have put that together and I think OJ's been in a little bit of the conversation, so we would stand for any questions.

City Attorney Rubin: If I could just expand on that, I agree with Gary that we're talking about government-to-government use, but we also expanded it so that the rental is approved by the Lodger's Tax Advisory Board. That's in the resolution.

City Clerk Torres: And that's for non-governmental entities.

Mayor Pro-Tem Forrister: So governmental entities can be approved through admin?

City Clerk Torres: At the Clerk's office, the City Manager, and Community Development.

Mayor Pro-Tem Forrister: And if they aren't governmental, they can go to Lodger's Tax and they can decide?

City Clerk Torres: Yeah, and then they'll request it through the board.

Mayor Pro-Tem Forrister: And I'm assuming we will have a credit card on file or a prepayment of the \$1,200?

Commissioner Fahl: Well, it's a government so they're not going to run out. I would just say if they tear them, then we bill them. A government can't prepay. They have to wait for services to be rendered. We would invoice them, and they would have to pay for it.

City Clerk Torres: And Jay will go after them.

Mayor Hechler: Talking about appropriate use of these tents, I think that's fine. We had this conversation, Mr. Whitehead, that we know these are not commercial-grade tents, and therefore, I would like to suggest that we use some Lodger's Tax down the road and purchase some commercial-grade tents, maybe replace these one or two at a time through the next 3 or 4 years, however we want to do it, so that if we're going to do things like this, then we'll have appropriate merchandise that we can put up and that'll last, that we can put up and not worry about them. These, you put them up and you worry about them, so it would be nice to get to that point if we're going to do this.

Mayor Pro-Tem Forrister moved to approve Resolution No. 09 25/26 for fees and regulations for the use of city canopy tents. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Publication of Ordinance No. 771 amending Chapter 3 of the Municipal Code of Ordinances pertaining to animals.

Tyler Knull, Code Enforcement Officer: Just to preface some things a little bit, you guys all have this nice thick packet, I hope it's all in color for you guys because the colors are important. Anything in red is an addition, anything that's black with nothing through it is unchanged, and anything that's green currently exists in our Code of Ordinances and is being moved. So even if it shifted a line, it's now green. We also added some comments to show where things were referenced from, where I got the idea from. This has been a very collaborative project, and I hope to keep it that way. This is by no means what I plan to put out there to the books, I want to keep it collaborative, I've worked with Manager Whitehead on making sure that it stays collaborative and the community is involved with any changes that we have. That being said, we have really big changes. The first one, being on page 18, penalties: Right now, courts do not want to enforce our Animal Control Ordinance, they enforce very basic things, but they really don't want to because there's no set penalty. It's very up in the air of what they can and can't do. Article 3 penalties on page 18, and I'm hoping that you guys don't have double sided and I'm giving you a wrong page. So the new penalties article is created mostly out of section 1-10 which is our general penalty for all city ordinances, but it also includes a couple different sections under that article, one for restitution, which allows the judge to allow a conviction to go straight back to a victim, so say an animal bites someone, and there are damages and things like that, rather than the judge fining a perpetrator, that money instead of a fine, will go straight back to the victim to pay for medical costs, rather than the victim having to go through a separate civil case. What I've found is

restorative justice is a really big thing for a growing community, and the community wants to feel like they're getting some sort of justice with what's going on. A lot of the time, people don't want to get someone in trouble, they just want to go to court, get money for any damages caused, and call it that. This restitution section under our new penalty section would allow a judge to do that. The penalty will not change from what it currently is, this is just specifying for this chapter, these are the penalties based on what already exists. Penalties are not getting stronger with this revision, I just want to add that as well because I know the community will be looking at that. They're not getting any more harsh. I've been working with Tara and Angela on things like this revision to ensure that we are helping out the shelter the best we can. Some new things that you'll see added into the revision is a companion animal microchip requirement. What a lot of cities are doing is replacing their current city animal license process with a microchip requirement. The reason that they're doing this is because microchips are permanent, once you register them, it's consistently there. What I plan to bring to you guys, and you guys can shut this down completely, but Tara has already explained that we scan every animal that we pick up for a microchip. If every animal has a microchip, that means less animals going into the shelter, that means more room for owner surrenders at the shelter, more room for bite cases, more room for the rest of the county to house animals that go in. So we want to make sure that every animal has a microchip that we can scan and get the animal home, instead of someone having to go pay impound fees, that'll help the community out greatly. The reason this could replace a city animal license is like I said, because it's permanent. What people would do is go to the City Clerk's office, file their microchip number and registration information, they can use any company they like, they just file that with the Clerk's office, the Clerk's office will keep it consistently updated, and all you'd have to do rather than updating your animal license is go continue to ensure that your contact information on that registration is up to date. Then you don't have to pay an annual or bi-annual licensing fee for your animal, it's a onetime fee for your microchip, and then you just keep your information up to date with the Clerk's office.

Mayor Hechler: What identifies a companion animal? Is it the person that identifies it is it the city that identifies it?

Tyler Knull, Code Enforcement Officer: We actually added a bunch of new definitions to clarify a lot of these things. Companion Animal is defined on page 4 under the definitions. A Companion Pet or Companion Animal means a dog or cat that is not a hybrid, and if it's a pet it's a companion animal. We're not calling it a pet anymore, it's just a Companion Animal, that way it clarifies some things within the ordinance from exotic animals, wild animals, a ferret isn't a companion animal, you're not taking it around, it's considered an exotic animal. We've defined companion birds and exotic animals, wild animals, per what the state code has for those things. We've added a lot of different definitions to help clarify some things in the code because we have loopholes in the code the size of elephants, I even found sections of the ordinance that still reference the Police Department handling the Animal Shelter and being in charge of that, that's how out of date this code is. Another big change you'll see is the Multi-Animal Site Permit, I know there's been talk in the past, and this may not be where the

commission stands on it now, but I know there's been talk in the past instead of bringing Kennel Permits and Multi-Animal Site Permits to the Commission every single time, we would only bring the initial application, and then if anything changes we would bring it back to the Commission. They would just continue to update us, we would continue doing annual inspections, and then we wouldn't bring it back to the commission unless major changes have been done to the site. We've also changed sections for the impounding and safekeeping sections to help the Animal Shelter with their current practices. Currently they're holding for 5 days for an incarceration hold, and 10 days for a medical hold. Our current ordinance says that you hold for 3 days, that's it. We're updating it to get with the Animal Shelter's best practices. The entire point of revising this code is to be more community-oriented with things like safekeeps, Animal Shelter numbers getting down, things like that. This is going to be really controversial, I know that revising an entire code, the community wants to know why we think this is necessary. Well, like I said, we're still finding sections that reference the Police Department being in charge of the Animal Shelter, there's still stuff that says we have to dispose of animals after 3 days which means euthanize the animal, so we're just trying to update the code, and the intent with this is to be a living, breathing, document where we bring it back, not to the Commission every year, but we review it at least once a year, and see what's working for us and what isn't working for us. The last time this was revised was in 2022. Other sections, the Repeat Offenders section was added, so if you have 3 separate counts of animal cruelty, you are deemed a repeat offender, and the court can convict you of repeat offender, and remove your animal from your property for a certain amount of time. I think if you have three animal cruelty convictions and you are on a fourth one, you probably shouldn't have the animal, that's my opinion, but this would allow for the court to remove the animal in that specific circumstance. Also, with the Animals Disturbing the Peace section, we have clarified a lot of things in there. We clarified what intermittent, persistent, and continuous barking are, and we've clarified some specific times for that barking. So, dogs bark, cat's meow, chickens make noises, right, animals make noises. Right now, we can get a call at any time of the day, right now the other Animal Control Officers can be responding and going to a barking dog complaint right now. We know that animals make noise, and we want to ensure that it's clarified that we can allow animals to make noise, but we're specifying what's considered reasonable, because on top of that, we have no weekend coverage for Animal Control. Law enforcement officers are currently responding and saying, "We have no ground to stand on here. Our noise ordinance is too vague for animals disturbing the peace." and not even a judge wants to enforce it, because someone could call right now and say, "This dog's been barking for 5 minutes and it's keeping me awake." We have to be reasonable with the ordinance, so we've clarified a lot of things in that specific section. Animals in Vehicles; currently we have a vague ordinance on that, saying that you can't have an animal in a vehicle unless there's cross-ventilation. That's all it says.

Mayor Pro-Tem Forrister: What's cross-ventilation?

Tyler Knull, Code Enforcement Officer: Exactly. We have clarified that an animal cannot be inside a vehicle with temperatures 80 degrees or higher without air conditioning

being turned on in that vehicle. A dog can actually go into heat stroke after 15 minutes of being in the heat. If it's in an 80-degree car, that's maybe not very bad for us, but animals have fur and sometimes animals have thick fur, and sometimes that animal's being left in a car for an hour while someone's shopping in Walmart. If the temperature is above 80 degrees, the interior of the vehicle, which we have tools we use to check the temperatures of the vehicles, then you have to have air conditioning. If you don't have air conditioning turned on for that animal, it's evidence of a violation of that section and you can be charged with animal cruelty for leaving your animal in a vehicle. It also states that you have to make sure, no matter the temperature, the animal is protected from inclement weather, whether it is extreme cold, extreme heat, wind, anything. So, if you're transporting an animal, you can't just leave it in the back of a truck and leave it to fend for itself while you're shopping in Walmart. You wouldn't do it with your kid, you shouldn't do it with your animal, to an extent. We also added some new section to the Care and Maintenance section of the ordinance, identifying what's considered adequate space. I reference this from Las Cruces because they have specifications for each size of animal for a minimum requirement per animal. Currently, our Multi-Animal site permit doesn't clarify what adequate space is. Our Cruelty, Care and Maintenance section doesn't clarify what adequate space is, it's really vague. It was even brought up at the Planning & Zoning meeting, what is considered adequate space? So we've identified what adequate space is, if you look at page 30, page 214 in your packet, that's our new Care and Maintenance section. Basically, with our entire animal cruelty article, I've split up what cruelty is and given it separate sections that way it closes some enforcement gaps and reduces some misinterpretation of that section. If you go two more pages on page 216 in the packet, where it says space, so we've identified that the minimum space required for cats is a minimum of 4 square feet of flat floor space and 22 inches of vertical space. You'll also see for each dog weighing less than 30 pounds, over 30 pounds, and up to 65 pounds, we have separate space requirements. And then for birds, saying that birds have to have an adequate amount of space to fully stretch their wings.

Commissioner Fahl: What about chickens?

Tyler Knull, Code Enforcement Officer: They're considered birds, right? So, we're making sure that all animals have space because right now we have people putting dogs in crates and constantly leaving them there. That's not really fair to the animal, we want to make sure that animals have enough room to have fun, move around, and be active. Under the Cruelty Care and Maintenance section; we also have included a section for Environmental Enrichment. Environmental enrichment is extremely important to animals. An example would be a cat scratch pole for a cat. How many people do you think have animals that don't provide them with any nourishment environmental-wise. They don't have toys, they don't have scratch poles, they don't have space to move around.

Commissioner Fahl: They have shoes.

Tyler Knull, Code Enforcement Officer: That could be considered one. If someone wants to use a shoe as a toy for an animal, they could say it is one. But if it's not a working dog, we have people that just throw their dog out in their yard and give them the bare minimum. Bare minimum should be having a toy for an animal because it reduces aggression in animals, if an animal doesn't have a toy to play with or even a companion to play with, it can be aggressive or become aggressive because it's bored. That's how you can see animals starting to lash out, especially trying to get out of the yard because they're bored and want to go for a walk, so environmental enrichment is important. Environmental enrichment is defined as allowing the animal to have a toy or something to allow it to groom itself (cat scratch poles for example), stimulate its mental abilities, and stimulate its physical abilities. Just like humans, environmental enrichment is important for animals.

Commissioner Fahl: Saying about a shoe, I mean, I have that for my pets because we spoil our pets, but some people don't have those kinds of funds, so I think when they're looking at that, you can't, "Well it has to be a cat" because maybe they can't afford that, they can take care of the cat but they can't afford basic expensive toys.

Tyler Knull, Code Enforcement Officer: That was simply an example, something that can be environmental nourishment. My dog will be happy if I tie a rope to a tree and she can tug on it, so something like that.

Commissioner Fahl: Something they can play with.

Tyler Knull, Code Enforcement Officer: Yeah, exactly. A couple of other big changes that were added, an Intact Animal Permit. So, if you don't want to get your animal spade or neutered, that's fine, you can get a permit from the Clerk's office that basically says, "I don't have my animal spade or neutered." The fees can be set by resolutions, so it can be as low or as high as we want. Basically, that's just a way for us to keep track of who doesn't have a spade or neutered animal because we want to know which animals are going to go into heat and be attracting other animals. We also want to know which other people are not fixing their animals and potentially using their animals for hobby breeding. Like Tara said, they're on their 15th litter of dumped puppies. We get a lot of calls of, "My dog just had puppies, I don't want them, what do I do with them?" so they either keep the animals, and now they're failing to comply with our Multi-Animal Site Permit requirements, or they're dumping them in a box, or they're taking them to the shelter, and throwing them at the shelter and saying, "This is your problem now."

Mayor Pro-Tem Forrister: That one scares me a little bit. I feel like the people that are going to comply with that aren't the ones that are calling Tara. The ones that are having those situations, they're not going to be applying, they're not purposely breeding those animals.

Tyler Knull, Code Enforcement Officer: Right, this is intended to be more of an incentive to get your animals spade or neutered because that reduces the amount of unwanted animals, this isn't to say you have to do it, that's why there's the ability to say, "I don't

want to do it, I'm just going to go get a permit from the Animal Shelter." And yes, of course there's always going to be that argument where they're not going to comply, they already don't comply, so they're not going to in the future, but we can make that argument with any part of the section. This is mostly an incentive to get your animals fixed so we can reduce the amount of it.

Mayor Pro-Tem Forrister: Yeah, and then I think Tara offered, there were some dogs running loose out in the county, and I think we, as a city, spayed and neutered them for free is my understanding, because we were getting numerous puppies out of that one parent.

Tara Manning, Animal Shelter Manager: Was that a few years ago?

Mayor Pro-Tem Forrister: Probably 2 years ago.

Tara Manning, Animal Shelter Manager: There was 4 moms, the same dad for all 4 litters, and it ended up being 34 puppies from all 4. We did accept the puppies in on the terms that he had to get the animal fixed and bring them a little over time because 34 puppies is a lot for a shelter.

Mayor Pro-Tem Forrister: Well, it's cheaper for us to pay for the neutering.

Tara Manning, Animal Shelter Manager: And he gave me information for CAAT and SCARS, CAAT paid for 2, SCARS paid for the other 2 of the animals. So, we do have those organizations that are helping to get animals fixed at pretty much a very low cost, if anything. And then Desert Haven has their program to help with animals getting fixed at a very low cost, so it's very easy to get a dog fixed even for those that are struggling. For example, SCARS only asks for a \$20 donation to get their animals fixed so they can continue paying it forward to everyone else.

Mayor Pro-Tem Forrister: I just feel like that's going to give us some headaches down the road.

Tyler Knull, Code Enforcement Officer: That's exactly why I want to keep this entire revision a collaborative thing between the community, I invite people to call up the office at the Police Station and request to speak with me regarding questions about this. I encourage you guys to email me or call me and ask questions on it.

Mayor Pro-Tem Forrister: How long are we going to keep this open and revise it and bring it back? When are you planning on it?

Tyler Knull, Code Enforcement Officer: So if you guys approve it for publication, this is going to go for publication for 60 days, that's what I discussed with Manager Whitehead, and we plan to have a minimum of one town hall meeting on it, but if we see a lot of interest in it, then we'll have multiple town halls to invite the community to come and express their concerns, maybe they really like part of it but they wish we would change

another part, things like that. Not everything was changed, and I've worked with Best Friends Animal Society as well, they've reached out to me because they saw the revision and wanted to include some things. They've also brought up some things like community cat programs, which I didn't include in this revision because I know in the past we've brought that up, and it's a very divisive issue, but if the community ends up wanting community cat programs, I'm not against it, and I'm not against putting things like that into this revision before we publish it. The intent is to stay very collaborative with the community, I don't want people to be surprised like, "This just came out of nowhere, why are we doing this?" I want people to be aware of it.

Mayor Pro-Tem Forrister: And then I'm assuming legal will look at it. I saw somewhere in there about if the officer feels like a dog is being neglected, they can take that dog on the spot? Is that legal?

City Attorney Rubin: I'll give general comment on this.

Mayor Pro-Tem Forrister: And then, I know I'm jumping ahead, and I'll let you get back in just a minute, but livestock; can we overrule a state law?

Tyler Knull, Code Enforcement Officer: We cannot.

Mayor Pro-Tem Forrister: So, state law says that it's a fence-out state, but the revision is saying if livestock is going.

Tyler Knull, Code Enforcement Officer: The way that ordinances work, and it's the same way with state law and federal law, you can be more strict, but not less strict. The state says yes, it's a fence-out state, but we can require that animals are fenced-in on a property and they can't be allowed to run at large and cause a nuisance. State law says that animal cruelty is hitting a dog, and that's not exactly what it says, but state law for animal cruelty is very vague, we can say that animal cruelty is not providing a clean-living space for your animal, not providing adequate space. So, we can be more strict, but not less strict than state law.

Mayor Pro-Tem Forrister: I understand. I know a lot of the times when the river is down, we have cattle coming across and things like that. I also wanted us to err on the side of common sense, and if that is happening, I don't think that that rancher should be cited for those things.

Tyler Knull, Code Enforcement Officer: And I will state that though it has caused a very big nuisance in the past, and I know we have a lot of community members that get upset with cows crossing the river, I haven't cited for that, personally. We normally can contact the livestock owner, and they come pick it up, and that's the biggest thing with any violation of this section, if we can get compliance, we're probably not going to cite you for it, as long as we can get the compliance, and it's reasonable. We know that New Mexico is a fence-out state, we understand that we're in a rural area, citing might be a little bit too harsh unless there's some extenuating circumstances like a cow causing

property damage or being a big nuisance rather than just crossing the river and munching on some cactus.

Mayor Pro-Tem Forrister: And fertilizing the baseball fields.

Tyler Knull, Code Enforcement Officer: Right. So that's with anything in this section, we tend to err on the side of discretion with it, and this ordinance revision definitely opens it up for us to be a lot more discretionary with it, and allows the Animal Control Officer to not only know exactly what the violation is, because it's a lot less vague, but allows them to have their discretion exercised and decide to either cite or not cite depending on what they feel is necessary at the time. But the violations are very clear in this revision.

Commissioner Fahl: Well I want to follow up on Amanda's point about livestock, as in cattle, I would say that's what we're really talking about, and we say, "Well yeah, he's the permittee and if they get out, he'll go get them." but then the next person comes along and says, "Well we don't like that rancher and I don't like livestock so I'm going to fine them out the wazoo." And I don't want us to go down that path, this is an agriculture community and if we're turning into a city where people can fine a rancher for having a cow over here, then that's not who we are. So, when you're saying that's up to interpretation, we don't want that kind of door to be open so that Animal Control Officer or the City Manager, the Commission, says, "Well we don't like cows because I'm from New York and I don't want cows in my yard." I don't want us to have the reputation as a community that we've lost our roots that far.

Tyler Knull, Code Enforcement Officer: Our current livestock ordinance for running at large is section 3-99 and it says that an animal owner or livestock owner can be cited for allowing livestock to run at large, regardless of the origin of that animal.

Commissioner Fahl: So, it already exists?

Tyler Knull, Code Enforcement Officer: It already says that.

Commissioner Fahl: But we haven't done that.

Tyler Knull, Code Enforcement Officer: We haven't, no, because they haven't created enough of a nuisance every single time to where we felt like it was necessary to cite them. They're very responsive with us and they come pick it up.

Mayor Pro-Tem Forrister: Again, it's up the interpretation of the officer.

Tyler Knull, Code Enforcement Officer: Right. I haven't touched that one in this revision because that was one that I really wanted to talk with the community about and see what they felt. Like I said, our current section says that a livestock owner can be cited for allowing livestock to run at large, regardless of the origin of the animal. So even if the animal runs from Hatch and comes here, which I'm not saying is possible, but it

could, then they can still be cited in Hatch for violating our city ordinance. That's the way it's written now and I haven't touched that in this section, and I haven't touched a lot of things in here because I want the community to come forward and say, "You know what we like the way that is." or "We don't like it, we should adjust it this way." And you've already brought up a great point.

Commissioner Fahl: We don't want to lose our roots.

Tyler Knull, Code Enforcement Officer: Right. So those are the biggest changes, and I know that there's 71 pages of things here, that's simply because it doesn't actually take anything out, it just crosses it out if I'm deleting it. There's probably only 30 pages of changes here in this entire code. But the biggest changes, like I said, were the microchip permit, to get your microchips for your animals, and potentially replace our current city licensing process with that, I haven't taken out the licensing section because I wanted to bring that forward and see if the community likes the current licensing process or if they want to replace it with a permanent solution like microchipping like a lot of other cities. We've also included one other, probably very controversial, section regarding guard dogs. We haven't run into it yet, but I have tried to go through and future-proof our ordinance just in case we have something that comes up, that way we have something regulating it. So, guard dogs are a common thing that cities are starting to regulate now, basically it's not a companion animal, it's a type of working animal that you're using to guard a premises, only on your premises, not allowing it to walk around. If I have a commercial business that I want to have a dog at, I can have a dog protecting my commercial interests like a junkyard dog, for example, and this allows someone to get a permit to regulate that potential liability for that person. That's a very detailed section and I encourage you guys to look at it, see if there are any changes, but some stipulations that are required are: you can't be within 500 feet of a school, public park, or dog park, you have to have proof of liability insurance for that animal, and a bunch of other things that I took specifically from Las Cruces and Santa Fe county that regulate guard dogs already.

Commissioner Fahl: We do appreciate that you have it in different colors so that everybody can see what you're striking and what's new, it's very easy to follow along with the changes.

Mayor Pro-Tem Forrister: So red is what you're adding?

Tyler Knull, Code Enforcement Officer: Anything in red is an addition, anything that has a black strike through, I'm deleting it, anything in green currently exists in the document but it's just moved. You might even see some blue in there, which is a format change, but other than that those are the three main colors.

Mayor Hechler: I want to make just a couple of comments. I spent a little time with this last night and made about 3 or 4 pages of notes. Now that I know we have 60 days to report all, I won't labor everybody with all those notes. I want to say that this covered virtually everything within the city, you did a very comprehensive plan, it covers

everything, but it also lends itself that if somebody wanted to, you could write 100 tickets a day because there's a lot of violations that currently exist and will exist within the city, so officer discretion is going to be very important here. Education for our public is going to be very important here. We're going to have to roll this thing out. And the third thing I'm going to say is we're going to have to contact our magistrate judge and apprise him of our new ordinances, let him know what's going on, and get their take to see what they're going to want us to enforce, and how they're going to deal with it.

Tyler Knull, Code Enforcement Officer: Exactly.

Mayor Hechler: Remember that a citation isn't the end of it, it's a report to the court. So, if you have an officer that writes 30 tickets because there's 30 cows in the park, that's only a ticket, it doesn't mean anything. You go to court and the judge will make the final decision about whether that citation is going to stand or what the direction's going to be. So that's kind of our checks and balances of the system. So, I think the judge component is going to be an important thing too, especially if you apprise a judge of what we're having issues with and ask him for support, that could help our situation. That way I don't have to go through all this, I think I'm just going to say, we have 60 days for comment, we need to make sure that everybody gets a hold of this thing, we need to get with the public and get through feedback, and then we can take a look at this thing.

Tyler Knull, Code Enforcement Officer: And like I said, I encourage people to ask me questions. I encourage people to ask you guys questions that you can bring to me. However people want to voice their concerns, I'll be working with Carrie as well to see if maybe we can get something, like an online QR code, that people can scan and look at this and say, "Hey I really don't like that." And we can look at it. To an extent, I know that people maybe don't want to change certain things, but certain things do need to be changed. We still have places that say that the municipal court is in charge of enforcing this, and we don't have a municipal court. So certain things do need to be changed regardless of how people feel about it, because technicality-wise it just needs to be, and certain things need to be kept in there because of legality terms and things like that, so there's some extents that we can't go, but I would love to hear what the community thinks on any changes that we make here.

Mayor Pro-Tem Forrister: And I would just like to say, thank you for taking this on. It looks like you've put a lot of time in here. Being the boots on the ground, you're seeing what needs to be changed the most and how that goes, and having these public forums where you can explain where you're coming from on things, what law is, and certain things of that nature. Again, with Rolf, I have questions and comments too, and I'm glad we have 60 days to kind of look through this. I do want to just point out, maybe the county's not as pertinent to this, but Elephant Butte and Williamsburg are cities and how are we going to enforce certain things on them through our Animal Shelter, and things like that.

Tyler Knull, Code Enforcement Officer: I'm sure you guys are aware that we currently have MOU's with them where we enforce ordinances that they've adopted. So currently, Elephant Butte and Williamsburg mirror our ordinances, which can turn into an issue because we have some issues with our ordinance, which is why we're revising it. Anything that has to do with the Animal Shelter, once it's there, it's in our jurisdiction and we have the ability to enforce it.

Mayor Pro-Tem Forrister: I guess, maybe more my thing was going back to the intact thing, we want them to come in and apply through the city, but they're their own cities, so are they going to adopt that too, and then have to go and apply for an intact animal permit? So just things like that. And of course we can keep talking about this for hours.

Mayor Hechler: We are certainly going to share this ordinance once it's approved with those other communities and see if they'll want to make those changes.

Tyler Knull, Code Enforcement Officer: Exactly.

City Attorney Rubin: I'd like to make some comments. Thank you, Officer Knull, and I was not involved, actually, putting this together, but in order to be prepared today, I did actually go through this yesterday. So, I have a general idea of where things are. So, as I understand it, the first 14 pages are definitions, and then I think it's pages 15-52 that are basically the general ordinance revisions, and then I saw pages 53-71 are all deletions. So, here's my question, if I am understanding how to read it, the green text is not really a change, it's basically that you're putting it in a different position.

Tyler Knull, Code Enforcement Officer: Correct. One of the big things that you see, and why there's a lot of red and these pages just full of deletions is because the entire ordinance was restructured to have a better flow. So there are a lot of things that may even be in red that aren't actually changed, they currently exist, they're marked red but everything is just in a different location for improving flow.

City Attorney Rubin: My question is, I saw in pages 53-71, there is a lot of green text. I was trying to understand, why would something be moved to that part and then be deleted?

Tyler Knull, Code Enforcement Officer: The original place that it was moved from has a green strikethrough. So, if it has a green strikethrough, that's where it originally existed, so if you look on the very first page, for example, administration of the chapter is crossed out and that's all in green. That's the original location of where administration of the chapter would be, and it has a green underline for the new location, so it's really hard to tell exactly where it was moved to, but it was moved.

City Attorney Rubin: I just didn't understand why we are moving something to a different section when we can just delete it right where it was?

Tyler Knull, Code Enforcement Officer: So that's kind of what Microsoft Word did, I kind of saved myself some time and I downloaded and edited the current ordinance to match formatting, but then I allowed AI to basically go through and make sure all of the changes that were removed are strikethroughs, anything added is in red, so AI did that which is why it looks a little bit wonky, but I did go through and confirm that nothing was taken out that shouldn't have been by AI, because we know that there can be errors. I did go through and do some quality control to make sure none of that happened, but it does just end up looking a little off, so formatting-wise, this is not the best thing to look at.

City Attorney Rubin: Well, what I did yesterday is I read the definitions, and I wrote down about 10 of them that I think might deserve future discussion. It's really important, the definitions are always really vital because, really, that sets the tone for the rest of the ordinance, as these words appear in the actual laws itself. I went through those. I did not read word-for-word the body of the ordinance from page 15-53. What I did, using my experience from handling these cases in municipal court, I wrote down the sections that I know are going to be coming up in court, they come up all the time. I'm prepared to at least tell the commission where these things are to be found, I can do that. Let me give you an idea as to why the definitions are so important. In fact, the very first page, page 1: Abandonment of Animals, it says "Abandonment of animals means to desert deliberately and/or to relinquish the supervision of care of any animal, regardless of age or condition, on one's premises or property other than one's own without permission." For example, using the word deliberately is very important, because now we're talking about intent. The way abandonment of animals was written before is you didn't actually have to show intent, if an animal was abandoned or had not been provided sufficient food or water for a period of time, that in itself was abandonment. Now, by using the word deliberately, now you're talking about a person's state of mind, and it's like that throughout all these definitions. I want to just caution, well I say caution, you did a great job, but there are things here that we really need to look at, as to how it's going to be interpreted by the court. Like I said, I wrote down the ordinance numbers I thought were really important, such as Seizure of Animals 3-8, Restraint of Animals 3-7, Animals Disturbing the Peace 3-91, and there are more that I wrote down. I just want you to know that I went through that. It will be helpful to the Commission, because I know there's a lot to read here, there's a lot going on, I wouldn't mind writing a memorandum to Gary if you wanted me to, and I could basically say, "Here's where I think are the things you might want to be focusing on, and the things I found." I'm not necessarily going to say I disagree with this particular ordinance or anything, because I want to hear from the Commission, I want to hear from the workshops, but I'm willing to say, "These are the things that I saw that might deserve further discussion." I just want you to know, I'm open to if you want me to.

Tyler Knull, Code Enforcement Officer: The person that I worked with at Best Friends Animal Society is actually their legal representative, they serve on their legal team, and she went through and reviewed everything. She's familiar with animal law, and I took what she said with a grain of salt to an extent because I understand that she's not our lawyer, I understand that she's not our legal team, but she did have some really good

points that made me go through and look at things. For example, what Jay brought up, now we're talking about someone's state of mind with "deliberately" abandoning the animal, so now if someone doesn't intend to abandon their animal, but does abandon their animal, it's now deemed an Uncared-for Animal, if you look at the Uncared-for Animal section, where we can apply for a warrant to seize the animal or pick it up as a safekeep, which is kind of currently the process that we have.

City Attorney Rubin: The definitions are also important because they intertwine with each other, we were talking about Companion a little while ago. Now actually, companion uses the word hybrid, and then there's really in that definition of the word hybrid here, I did see a definition for Feline Hybrid. Reading one definition sometimes needs to be compared to another definition to make sure that they're compatible.

Tyler Knull, Code Enforcement Officer: Right, exactly.

Mayor Hechler: Did you say you wanted to –

City Attorney Rubin: I'm happy to do it for you is what I'm saying.

Mayor Hechler: I think if you have some concerns, I think we'd like to iron out those concerns. So, if you wouldn't mind presenting a document, to Mr. Knull or to the City Manager, and just say, "These are my concerns and perhaps those can be addressed."

City Attorney Rubin: Let me reiterate, I think you did a wonderful job, and I appreciate your efforts, I really do, I just saw things that maybe could be problematic down the road.

Tyler Knull, Code Enforcement Officer: Yes, that's exactly why I wanted to make this collaborative.

Mayor Pro-Tem Forrister: And it's really nice you put your reference from where you were getting these things. You did a really good job. Now we've seen it, now we all have to read it.

Tyler Knull, Code Enforcement Officer: Yes. This is simply version 1 and I will be doing changes probably even before the town hall based on what you guys send me and ask me, that way we can continue through with what the community is thinking.

Mayor Hechler: So, if we go through a motion for publication of ordinance, we're not going to enforce this for at least 60 days, and until we get final approval. This is just a learning right.

City Clerk Torres: Yeah, we'll bring it back on October 8th for the final adoption and public hearing, but we are going to do the workshops in between.

Mayor Pro-Tem Forrister: And then October 8th, they can still –

City Clerk Torres: They'll still have the public hearing, so they can still speak during that and you guys can make any other changes you need to at that point as well.

Tyler Knull, Code Enforcement Officer: I'd just like to say, too, even if we do approve this right now as-is, which I know we're not going to, but even if we were to approve this right now and say, "This is our new ordinance." We wouldn't even enforce it for, probably, 30 days. We would allow the public to catch up and go in with education rather than enforcement, minus a few things. Running at large is always going to be a violation.

Commissioner Mitchell: I just realized that during our Fall Fiesta, we are going to have an adoption event with the shelter, Desert Haven, CAAT, and SCARS, and this would be a great opportunity for Officer Knull to bring this information to disseminate to the public as-is.

Tyler Knull, Code Enforcement Officer: And I definitely do plan to be out, spreading the word on this.

Commissioner Mitchell: Yeah, I'll give you a free booth.

Mayor Pro-Tem Forrister: How nice of you, so generous.

City Manager Whitehead: Just a couple of points, I really want to thank the team here, I really want to thank Officer Knull. When he presented this to me, it felt like the right thing to do was to put it out in its form, not to attempt to send it, let everybody begin to tear it apart, let's go through the process. The team was in agreement that time is needed. You know, the ordinance only has to be posted for 15 days, but we think this, and when we talk about zoning, we need to do a little better, so this is going to be a good template for us to prepare for those items. I would also remind you, during the 60-day period, if the document changes significantly and it needs more time, we're not going to be required, so we would have two opportunities: A) It's ready to go for a final public hearing in October, or B) we simply publish it for 15 days according to the law, and then it gets its final vote 15 days from the time it's ready. So we just opened the door for feedback, public comment, we'll do a public workshop, and I think the team's got a good handle on it, Officer Knull has done a good job, and I think out of this will come a good, improved document, so I am really supportive and happy with the team and what they've all done. We would encourage and ask that you support and go ahead and publish the ordinance as presented.

Commissioner Fahl made a motion to approve Publication of Ordinance No. 771 amending Chapter 3 of the Municipal Code of Ordinances pertaining to animals. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. NEW BUSINESS:

1. Discussion/Action: Special Use Permit and Variance request for 400-406 VanPatten for the development of a Recreational Vehicle Park.

Assistant City Manager Alvarez: The application request was heard by our Planning & Zoning Commission at their meeting on July 14th. The Planning & Zoning Commission voted on a 4-1, we had one abstain because the member is a neighbor to the property, so they voted 4 to recommend approval for the Special Use Permit and Variance Request. The request is for a 2-spot RV Park. The Commission may remember, a while back, this location was actually a Summary Plat Amendment that had come to the Commission, it was a large mobile home RV Park back in the day, and the applicant didn't necessarily want the entire parcel, so she did a Summary Plat and split the lot. Well as soon as she split the lot, that negated the old Special Use Permit that it had been approved for way back in the day. So, she didn't realize that upon starting development of the property. It was brought to my attention, I contacted the property owner, she immediately stopped, processed all paperwork, didn't realize she had to come back for a secondary Special Use Permit. She's been very cooperative with bringing in documents, so she wants to put in two RV spaces, which is the Special Use Permit, and the Variance Request is because these are going to be self-contained RV's, people will come in, park their RV, stay for a couple days, they'll leave, so she doesn't necessarily want to provide the outdoor facility for showers, restrooms, and laundry. The applicant is here in the audience and available if the Commission has any questions. With that, I will also stand for any questions.

Commissioner Fahl: Seemed pretty easy to understand during the meeting and the presentation that was made, doesn't seem too complex.

Mayor Hechler: It was an RV park before, right?

Assistant City Manager Alvarez: Yes, it was a mobile home/RV Park. There were RV's in it. Per our municipal code, a Mobile Home Park can have RV's. I think it was called Petunia's Mobile Home Park, I think her intent is to keep that name from past history of the park. If you look at the overall maps that I included in the agenda packet originally, there are RV parks around the area and it is allowed by our code via Special Use Permit in the R3 area.

Mayor Hechler: I think you did a nice job overall with the presentation, I did read all the notes from the Planning & Zoning Commission, I think it's very well put together, they asked the right questions, I don't have an issue with it.

Mayor Pro-Tem Forrister moved to approve the Special Use Permit and Variance request for 400-406 VanPatten for the development of a Recreational Vehicle Park. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Request for Extension of Variance at 1095 E. Riverside.

Assistant City Manager Alvarez: The request for the extension to approve an extension of the Variance was heard by our Planning & Zoning Commission on the July 14th meeting as well, the Planning & Zoning Commission motioned to recommend approval of the extension by a 3-2 vote. This Variance request was originally approved both by the Planning & Zoning Commission, as well as the City Commission, for a site build at 1095 E Riverside. The applicant had not had an opportunity to obtain his business license and proceed with the Variance. Per our municipal code, he is requesting an extension for this, he experienced some delays that are identified within the meeting minutes and the agenda request form. With this, we are requesting an extension for his Variance. If it is improved, he will be able to obtain the permit and start building, as he has gone through all the other requirements and approval processes.

Mayor Hechler: Let me just remind the commission that this was somewhat controversial when we approved it a few months ago because it's a small lot on Riverside, I think many of us have driven by there, but we're not deliberating that today. All we're deliberating today is whether we are going to grant an extension or not, we're not going to revisit the whole story, so with that, let's keep our discussion to the extension itself, and if we have any discussion I'd like to hear it now.

Commissioner Fahl: Just one question, since I read this a day or two ago, how long is the extension request for?

Assistant City Manager Alvarez: I believe we're requesting an additional 90 days.

Mayor Hechler: When we give an extension request, if we do, is that to start construction?

Assistant City Manager Alvarez: To obtain their building permit.

City Manager Whitehead: I disagree just a little bit, this is one of those areas in the zoning code that's really not clear, both Traci and I debated this for a couple of hours one day. The code says the applicant on a successful Variance must have a building permit within 90 days or have started construction within 180 days. So, the question becomes, which one is more relevant? We erred on the side of caution to say, it really should go back to the 90 days because that seemed to be the more relevant one. So, the extension is really for up to 180 days, that construction has to be happening on the site, or the Variance becomes inactive. So that's what the extension really is for 90 days, and it's theoretically a little bit of a gray area.

Commissioner Fahl moved to approve the request for Extension of Variance at 1095 E. Riverside. Commissioner Mitchell and Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

**3. Discussion/Action: New Mexico Capital Outlay Grant Agreement 25-J3166
Animal Shelter Renovation Project.**

Assistant City Manager Alvarez: As you know, we requested Capital Outlay, obviously City Management, and the Mayor and Commissioners did a great job advocating for the needs. We did receive the grant agreement for the Animal Shelter, the total award was \$500,000, which is what we had requested. Of that, \$495,000 will be for renovation funds, and similar to our last award, we have art in public places allocation of \$5,000. That'll go through the same process the other one went through for selection of art, and we will keep the Commission posted on that. With that, I stand for any questions.

Commissioner Fahl: It's about time.

Mayor Pro-Tem Forrister: Give money to the Animal Shelter, I'm all in.

Mayor Hechler: I just want to make one comment, and that's the \$5,000 for art. I hope that some of our galleries and artists in this community have registered with the state so that we can pick art from our community. We'll have to follow that up, but we're kind of stuck on going to this one website to pick out the art, and sometimes the artists aren't from here and they have to travel here to put up the art. I would hope that some of our galleries have registered and put some art up that might be suitable for this project. You know, it's \$5,000, it would be a nice little project for somebody and we have one later on for \$3,600. So, these things are recurring, so I guess this is my attempt to get some folks from our galleries to submit.

Assistant City Manager Alvarez: Mayor, I have sent an email out to the state to see if I could find out the information on where our local artists would go to obtain the information to be able to submit. So as soon as I get that information, I will get it off to MainStreet and the Arts Council.

Commissioner Mitchell: I was going to say, I can volunteer to go to the Arts Council meeting to present that, where they need to go.

Commissioner Fahl: That would be awesome.

Mayor Hechler: Thank you, that's important.

City Attorney Rubin: What I like about this agreement and also the next item on the agenda is that you have a date of June 30th, 2029 to do what you need to do, so it gives you plenty of time. There is an early termination provision, but it can't be terminated without cause, there has to be reason, some violation, in order to warrant a termination, so I think we're in pretty good shape.

Commissioner Mitchell moved to approve the New Mexico Capital Outlay Grant Agreement 25-J3166 Animal Shelter Renovation Project. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: New Mexico Capital Outlay Grant Agreement 25-J3167 Police Dept. Renovation Project.

Assistant City Manager Alvarez: Similar to the last one, a Capital Outlay request was submitted for funding to renovate, not our existing Police Department, but as you guys well know, City Commission approved the purchase of 210 Main Street, the old PNC Bank, for the purpose of relocating our Police Department, that building is going to require renovations prior to the Police Department being able to relocate there. We've put in a funding request for Capital Outlay, we were awarded \$360,000. \$356,400 is for renovation of the building, and \$3,600 is for art in public places. With that, I will throw the City Manager on the spot for a second, because I think there's a plan moving forward with these funds and other funds, so I'll turn it over to you.

City Manager Whitehead: Thank you. I would just say, this brings the third piece of the puzzle for the renovation. As you know, in our budget, we put aside \$200,000 in general funds, we've put \$250,000 and we plan to use \$200,000 of that from the Police Department gross receipts tax, and now this pot of money gets us to \$760,000 of the million we intended for renovation. We've started a process to hire an architect, we are going to use a design build process, we're not going out to bid for this, we're going to bring in an architect who has already started the process, the chief and the architect are in the process of doing - we're going to let them do their internal designs, kind of come up with those plans, then the Mayor will get involved, we're bring that out to the public so we can get public input on what their goals and ideas are, but again, our architect's initial conversation feels like the budget is more than sufficient to do the renovations that are needed inside that building, because it's just really a good building, it doesn't need a lot. We're excited, the fourth piece would then be to decide what we're going to do with the current Police Department. The proposal that I presented early this year was that potentially we would liquidate that building and use those funds to then add back to this renovation if needed. We will let that mature as we see the costs, but I would just like to say a real big congratulations to the Mayor, he worked hard in Santa Fe to get this pot of money to come together, and it's really coming together and I think we're going to get the Police Department in. And that would lead into the art idea, so the vision of the chief is that the center of the building would be treated as an art gallery, so when the public goes into the center to either go where the officers go or the public goes, we're going to do a lot of art. Our vision would be that we would take the Animal Shelter's \$5,000 art requirement and the Police Department's and really do that art project in there, so we've come up with some good ideas on how that would work. Excited today the PNC Police Department Building is on track, it's off the rails, it's going.

Mayor Pro-Tem Forrister: Again, it's been a long time coming. Good job Mayor.

Mayor Hechler: Good team effort all the way around.

Commissioner Fahl: I have a question Gary, Traci, and also for the Animal Shelter, so for the Police Station, once we get the documents in place, what kind of timeline are you thinking? 18 months? A year? 9 months? 2 years? Or what are you thinking for the Police Station?

City Manager Whitehead: I think 18 months is really on the outside, you know, Jocelyn has put together the contract with the architect, they're already started, it'll take a while, it's a qualifications-based RFP to see who. I think the timeline I put together would be, in March we would be in construction, and projected 180 days, so that gives Jocelyn 3 or 4 months to get the procurement side of it done, so 18 months, I think on the outside. And then our plan is similar on the Animal Shelter, so if you know, the architect was hired, the Animal Shelter was designed, it was a 1,200 square foot building for \$1.5 million. We're just not going down that track, we're going to design a campus, we've found a company that does prefab Animal Shelters we've found for about \$40,000, they're about 3,000 square feet, they're designed, so we're going to use the same architect to come back in and create a campus for us where we can actually do it, and potentially for the \$1 million we have, build a facility that could hold upwards of 100 animals. So again, the team is excited, we've got it in a spot, but we've asked Jocelyn and the finance team to focus on the PD first, let's get all that in order, and then we'll move to that, because it takes a minute to put all these documents together, and I'm pushing on them pretty hard, so I have to give her a little bit of a break. Anyway, that's the dream, so I would think 18 months on the Police Department, maybe 2 years total for the Animal Shelter. And the Animal Shelter could go faster because it would really be pouring pads, erecting metal buildings, so they could both come out at the same time.

Commissioner Fahl moved to approve the New Mexico Capital Outlay Grant Agreement 25-J3167 Police Dept. Renovation Project. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: PNC Building 2024 Property Tax.

City Manager Whitehead: Well, when you own property, you have to pay property tax. All the information's in your packet, so when the building was purchased, we did receive a tax bill for \$14,000 from the county. I certainly made the same comment that I think I just heard from the Commission, why? Technically, we are tax-exempt, however, state law does not allow that tax exempt position to happen until the first day of January of the preceding year after the purchase is made. That would be to the private sector as well, so if you bought a property that had a Veteran's exemption or a Head of Household exemption, that exemption would remain on the property for the full year, and then the next year those exemptions would go away. So, we are now currently tax-exempt on the property, however, the property taxes for 2024 were enforced, so we

owe the tax. When we did the close at PNC, the seller did provide a credit to the city for \$7,300. That estimate was figured on the number of days that PNC owned the building at the date of close, which would be technically correct in any transaction that you would do, however, because the 2024 taxes were not available at the time, they estimated them based on the 2023 taxes. 2024 taxes were the first time the GO Bond from the city was on the new tax rolls, so you're actually paying property tax, and you tax yourselves. So the ask today is, first of all, we are accruing interest and penalty because we are late for paying this by the time we got the notice, so we would like to ask permission to expend some of the funds from either the general fund on the building side, or the Police Department building, so we're going to pay those. After reading the closing documents, I'll let Jay speak to this, but we will make a request back to the sellers for their portion of this. It's vague, I'll let Jay speak to the terms of the contract.

City Attorney Rubin: Well yeah, I think the key is actually what you talked about, that the 2023 year actually was applicable at the moment when we did this. There is a discussion about prorate of taxes, it's always an easy agreement, so we are going to make a claim to get some reimbursement. Whether it's going to be successful or not, I don't know if I really want to go into detail about that at this point, it's just a question of, we'll throw it out there and see how it plays out.

Mayor Hechler: We can ask.

Commissioner Fahl: Never hurts to ask.

City Manager Whitehead: So technically, under the agreement, PNC paid their portion of 7, we would have owed 3 by law, but the tax in 2024 was higher, so our bill is about \$2,000 more than we owe, and PNC potentially could reimburse us up to \$2,000, and then that would close this particular issue.

Mayor Pro-Tem Forrister: I have a question. I think it's silly that this has to come to us and we sit here and accrue penalties and late fees. Why wouldn't this be an admin thing that you guys could roll with? Because it's only \$7,000 right?

City Manager Whitehead: It is, however, with the PNC being a recent purchase, it having some issues of controversy, I chose to just be conservative here and just bring it.

Mayor Pro-Tem Forrister: And that's fine, I was just making sure that it wasn't a have-to.

City Manager Whitehead: I think we absolutely could have, but it took a while to get it worked through when we got the notice that we were late, so I just felt it was prudent –

Mayor Pro-Tem Forrister: No that's fine, I'm not questioning your decision, I was just making sure it was up to you and not like it had to come to us to pay taxes.

Mayor Pro-Tem Forrister moved to approve the PNC Building 2024 Property Tax. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: FY 25 Electric Vehicle Infrastructure Grant Funds Award Letter.

City Manager Whitehead: I think our Electric Director, Bo, did a great job presenting this to you in his presentation. We are excited to have been awarded the grant, we would ask that you approve and accept. One thing to remind the community, this is a level 3 charger, this will be a DC fast charge, where somebody will pay, we will receive revenue, you would be able to charge your car in somewhere between 20 and 40 minutes. A level 2 charger is a 220 charger that you would put in your house that does it in about 9 hours, or you plug into 110 and it charges in about 1 day. So this is a fast charger, that's its intent, and we will receive revenue on this product as well. We ask for approval.

Commissioner Fahl: I glanced through it but I didn't read every word, is there a match required or this is all free money?

Bo Easley, Electric Division Director: It's all free money.

Mayor Pro-Tem Forrister moved to approve the FY 25 Electric Vehicle Infrastructure Grant Funds Award Letter. Commissioner Hoppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of Purchase Requisitions over \$60,000.

a. Contract #2025-06-005 Highland Enterprises Inc.-ITB #2025-06-005 Ralph Edwards Park Boat Ramp and Dock Award.

Jocelyn Holguin, Finance Director: The city went out for bid on the boat and dock ramp for the Ralph Edwards Park. We had two bidders, the lowest bid was Highland Enterprises, they still came in a little bit higher than what we have left to spend. I'm going to ask that we get this approved under the condition that we will have to tap into some general funds in order to cover the shortfall, but that being said, it would prevent us from reverting more money and it'll complete the grants, and basically, we already had our communications with the Bureau of Reclamation and the Army Corps because of the river flow, and then it stops at a certain time, and we have to coordinate with them, as it's going to open back in April, and then the funds revert back in June. We're trying to time this out and get it all done prior to that, with that I'll stand for any questions or I will let Gary jump in and help me out on this one.

Mayor Hechler: I'd like to know the value of the shortfall, and what the plans are to make that up, if we could discuss those two things.

City Manager Whithead: I think the first document to really draw your attention to, if you look in the packet, you can see the engineer's estimate. These projects have been on the books for a minute, as you've been working through them. The engineer's estimate was \$163,000 for everything, our low bid came in at \$230,000. There were some reimbursements that came through, we started with the shade structure, so the city was allowed to change some of the processes on what we were using the funds for to be able to build the shade structure, that came in a little better than expected because we did the same design build process, we didn't hire an engineer, we did that internally, so we were able to get some cost savings, we hoped the boat dock would come in closer to bid, but it didn't. Where we are on this particular project is, we're about \$87,000 short. What we would be asking for today is that you allow us to use \$90,000 of general fund money, we would have to do a budget adjustment, I've brought the numbers on that you can see. You just finished the final budget, in that budget we have what we project to be additional cash above our needs of \$936,000 at the end of the year, that would be ending cash over the required reserves. So, if we spend everything that we spent, and we did budget the expense out of the house on this, we just did a budget again for a revenue source, so we have \$1.64 million, would be the general fund ending cash balance projected. That's why we would ask that you would approve us and grant us the ability to use \$90,000 additionally of the general fund to finish the project. Again, as Jocelyn pointed out, by not doing the project, the last bit of the funds to revert, we would potentially lose that, and then if we tried to wait for funding, we're going to miss on the permit process. The river's down, we have the permit from the core of engineers to get in, so we're just in one of those times when we just need to go ahead and do that. The third piece, where I would try to give us some comfort, OJ was contacted by DFA and there were a lot of communities that did not spend all their trails and grant money. They asked us to identify any projects that we were short. We feel pretty confident that we will probably receive, we asked for \$160,000 in additional funding because we're also short on the skate park, which we'll present at the next one, but we're \$30,000 short on the skate park. I have enough cash in the Lodger's Tax on the facility side of the house that we can cover the \$30,000 on the skatepark. We felt like when we made the decision to move forward, we were close enough there that it wouldn't really cause a problem, but when we got here, we recognized that we're \$87,000 short, and I'll stand for questions on funding those programs.

Commissioner Fahl: It's crazy what things cost now, but the longer you wait the more it's going to cost.

Mayor Pro-Tem Forrister: I know, it's like a rock and a hard place, it sucks.

Mayor Hechler: We had a discussion, if we wait another year, the price is going to increase so next year it'll be \$110,000

Mayor Pro-Tem Forrister: Well and I like that they're thinking of ways to maybe get the money back.

Mayor Hechler: Well I think it's needed by the community to cheer them up.

Commissioner Fahl: And even if we don't get that money, it's still worth the investment, it's just shocking when you see how much things cost.

City Manager Whitehead: I think we would want to make sure that we left you with an impression that we should not anticipate receiving any funds, we would be asking for this, it would be an expenditure. If we get it, it's a bonus, but these are dollars that we would be taking out of our fund. And to give you the right picture, brand new shade cover, brand new boat dock, brand new skate park. Over \$650,000 worth of projects, it's going to cost us another \$90,000, \$120,000 when we add what we need from the Lodger's Tax, but we think it's the right investment. And we've taken every step we can to save dollars, this isn't going into engineering, this is going into product for the community.

Mayor Pro-Tem Forrister: Yeah, I like that. Thank you for the clarification.

Commissioner Fahl moved to approve Contract #2025-06-005 Highland Enterprises Inc.-ITB #2025-06-005 Ralph Edwards Park Boat Ramp and Dock Award and use \$90,000 of General Fund money to finish the project. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

b. Lonestar Freightliner Group LLC-CES-Direct Purchase- Sanitation/Solid Waste.

Jocelyn Holguin, Finance Director: This is just moving forward with the follow up from the presentation that Solid Waste presented for the purchase of the "Blue Demon".

City Manager Whitehead: The blue tiger truck.

Mayor Pro-Tem Forrister: Just put a whole tiger on there.

City Manager Whitehead: I think that is really a cool idea, we should do that.

Commissioner Mitchell: And then I think we should put it in the Fiesta parade.

Mayor Pro-Tem Forrister: Maybe if we just get a kid to paint it, free.

Jocelyn Holguin, Finance Director: So this is just to get Commission approval to purchase, and it has been budgeted and discussed, the presentation was a formality.

Mayor Hechler: So, for this project, if we do approve it, what's the timeline? So that we understand where the budget's going to come from and when we're going to pay it.

City Manager Whitehead: As you saw in the presentation, the staff feels like 6-8 months, that's what they've been told. This is a CES purchase, but realistically, I'm not anticipating it to come in until the end of our fiscal year, so April, May, June that we should see this. That would be the time that we would be actually expending the funds.

Jocelyn Holguin, Finance Director: We'll carry it forward.

City Manager Whitehead: And if it doesn't come in, again as Jocelyn said, we would carry the cash forward.

Mayor Hechler: That is important.

Mayor Pro-Tem Forrister: We heard a presentation this morning on why this is needed, and what it does for our community. We also heard public comment on denying it for some odd reason, because she thought it wasn't needed. You did a really good job this morning, I think we are pushing our trucks way past what their lifespan is, even at 10 years. So, you guys are doing a great job.

City Manager Whitehead: I would just point out that in the budget, we did budget, we have significant transfers, this year would be the final year of the payment on the facility. We also have, through the Parkhill study, they recommended that the city do what we call rolling stock. You've approved a couple of adjustments where we didn't move that cash last year, and then you gave us permission to move that cash. We have \$1 million in cash in our fund as cash reserves, we need about \$800,000 to deal with about a 90-day supply of cash, so the plan would be, we order the truck, we won't do any moves of any cash from the system until the end of the year, so if the truck comes in in this budget cycle, we'll pay for the truck, we won't do rolling stock. If the truck doesn't come in, potentially we will do rolling stock, get that put into the CD, and then pay for the truck in the next year. We're not going to do both, it's a big adjustment of cash, we'll manage cash, but we do agree, I thought the presentation today was great to really just show the value so you could see the value, the hours, the time, everything that goes into those trucks. It's time to purchase that, and we're hopeful that you'll do that, we recommend approval of this.

Mayor Pro-Tem Forrister moved to approve Lonestar Freightliner Group LLC-CES-Direct Purchase- Sanitation/Solid Waste. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

- 8. Discussion/Action: MOU between the City of Truth or Consequences Public Library and the Geronimo Springs Alternative Pathway Program for the use of the Gardner Learning Center.**

City Clerk Torres: We're bringing you this today in efforts to try and help those individuals who would like to work for the city but they don't have their high school diploma or GED. Our vision is to hire those applicants with the stipulation that they get their GED within 90 days of being hired. So, I pitched this to the representatives of the Geronimo Springs Alternative Pathway and Pat O'Hanlon from our library. They think it's a great idea. The Geronimo Springs Alternative Pathway, they offered to do free classes for those individuals, and other people from the community that need those services as well, they're welcome to attend. Pat O'Hanlon from the library offered one of our rooms at the Gardner Learning Center to let them use it, and she also offered to buy some books too if we need it. If this is approved today, I will work with City Manager Whitehead and Alona from HR to add this stipulation to our city personnel policy, and that will be brought to you at a later date. I'll stand for any questions.

City Attorney Rubin: I would also add that this agreement contemplates would be a subsequent agreement, if you look at B2, these other specifics would create a need to actually include it, as discussions are already ensuing this to really, things like class times and warm-up procedures, etc.

Mayor Hechler: Do we have any potential students already in this program we are considering for hiring?

City Clerk Torres: I think we do, I know that we've had a lot of applicants that would be really great at the job that they're applying for, it's just that we can't hire them because they don't have the GED and it's required by the city. So yeah, I think we'll have a good turnout on that.

Mayor Hechler: Great, I think that's important, thank you.

Mayor Pro-Tem Forrister: Well and just being in the classroom last year, lots of these jobs that were coming open, I thought would be nice for some of those high school students, especially seniors that are working those half days or whatever the case may be, but they couldn't apply because they haven't had their high school diploma yet.

Commissioner Fahl: I was going to ask, so this program, they've been using the Club, I think, for classrooms, so would that mean that they would be able to... I'm hoping this is opening the door for them to move their whole program there, that would be great.

City Clerk Torres: Yeah, that's the hope.

Commissioner Fahl: That would be great, that's such a nice location, it might be harder for some of the kids to get to, but probably a lot of those people already have their driver's licenses.

Commissioner Mitchell: And I think the GSAPP has a partnership with the Sierra Driving School and Workforce Connections where there's a way that they can find them

transportation and/or pay for their driver's education so that they can get those resources that they need.

City Clerk Torre: Because Heather does use those classrooms for her driving school.

Commissioner Fahl: That's great.

Commissioner Mitchell: Originally, she was using the GSAPP classroom until those got renovated, which was awesome, they're very nice. To answer your question, I believe there was one person who applied or interviewed for a city position and recently graduated yesterday. So, it's already happening.

Mayor Hechler: Good news, good program.

Commissioner Fahl moved to approve the MOU between the City of Truth or Consequences Public Library and the Geronimo Springs Alternative Pathway Program for the use of the Gardner Learning Center. Commissioner Hoeppner seconded the motion. Commissioner Mitchell abstained. Roll call was taken by the Clerk-Treasurer. Motion carried with 4 in favor.

9. Discussion/Action: Re-appointment of Angie D. Torres to the Library Advisory Board.

City Clerk Torres: Just to save time, I'm going to do these next three all together, and then you can vote on them individually. Angie Torres is currently on our Library Advisory Board, she's been serving on there for many years, and we think she's an asset. We would like for you to approve the re-appointment so she can serve another 2-year term on the board.

Commissioner Mitchell: This is not you, though?

City Clerk Torres: No. The other Angie Torres. And then, Don Armijo and Gil Avelar, they're both on our Public Utility Board, they've been members for quite a while too, and we also would like for you to approve their re-appointment as well, for 2-year terms.

Commissioner Fahl: I'm grateful these people still want to contribute.

City Clerk Torres: Yeah, it's hard to get anybody to apply, so I am very grateful that they continue to want to serve on our boards.

Commissioner Mitchell moved to approve the re-appointment of Angie D. Torres to the Library Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Re-appointment of Don Armijo to the Public Utility Advisory Board.

Commissioner Mitchell moved to approve the re-appointment of Don Armijo to the Public Utility Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

11. Discussion/Action: Re-appointment of Gil Avelar to the Public Utility Advisory Board.

Commissioner Mitchell moved to approve the re-appointment of Gil Avelar to the Public Utility Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

12. Discussion/Action: Review, Approve and/or Allocate Funds to the Veterans Memorial Park & Museum for Billboard Advertisement.

City Clerk Torres: This is our annual application from the Veteran's Memorial Park. They requested \$4,273.84 for their billboards, and the Lodger's Tax Board recommended the approval of the entire amount, so we recommend approval.

Mayor Hechler: We've been doing this for quite a few years.

Commissioner Mitchell: Where's the billboard at?

Commissioner Fahl: It's the Palomas Creek, I notice there's a new one there. We're supposed to redesign the billboard, so she's working with Gina to help them come up with a new design, but we've got to pay the rent on the billboard, because that lease is up, and we can replace the sign.

City Attorney Rubin: And I'll recommend the motion should include, actually we're approving the contract that's inside the packet.

Mayor Pro-Tem Forrister made a motion to allocate funds to the Veterans Memorial Park & Museum for Billboard Advertisement in the amount of \$4,273.84. Commissioner Hoeppner seconded the motion. Commissioner Fahl abstained. Roll call was taken by the Clerk-Treasurer. Motion carried with 4 in favor.

13. Discussion/Action: Review, Approve and/or Allocate Funds to MainStreet Truth or Consequences for the Redefine Marketing Campaign.

City Clerk Torres: This application is from MainStreet. Their application request was for \$37,780. The board only approved \$5,257 because there was a confusion at the meeting. The board didn't think they had enough money to approve the entire amount, so they only approved the Film Shark Media portion of it. We will be meeting with Gina and another representative from the board to get that cleared up, they do have plenty of money, so Becca can come back at a later time to request additional funds.

Mayor Hechler: Okay good, thank you for that clarification.

Mayor Pro-Tem Forrister: I want to point out that how the recommendation reads is, five dollars and twenty-five-seven cents.

City Clerk Torres: That was a typo, sorry. It should be \$5,257.

Mayor Pro-Tem Forrister made a motion to allocate funds to the MainStreet Truth or Consequences for the Redefine Marketing Campaign in the amount of \$5,257. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Review, Approve and/or Allocate Funds to the Sierra County Rock & Gem Society for the 2026 Rock & Gem Show.

City Clerk Torres: On June 23rd, the Sierra County Rock and Gem Society went to the Lodger's Tax Board to request \$6,800 for the rock and gem show, and the board approved the entire amount, so I do recommend approval.

Mayor Hechler: It's been a great show for us every year.

Commissioner Fahl made a motion to allocate funds to the Sierra County Rock & Gem Society for the 2026 Rock & Gem Show in the amount of \$6,800. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Review, Approve and/or Allocate Funds to the Sierra County Rock & Gem Society for application 2 of the 2026 Rock & Gem Show.

City Clerk Torres: On July 28th, the Sierra County Rock and Gem Society brought back another application for additional funding for things that they wanted to add. It was kind of the same situation, the board didn't think that they had enough money so the applicant requested \$23,700, but the board only approved \$15,000, and it's outlined in your packet of everything that they approved and the amounts. I recommend approval and stand for questions.

Commissioner Fahl made a motion to allocate funds to the Sierra County Rock & Gem Society for application 2 of the 2026 Rock & Gem Show in the amount of \$15,000. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 12:45 p.m.

Passed and Approved this 10th day of September, 2025.



Rolf Hechler, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk

CITY OF TRUTH OR CONSEQUENCES

Thank you for your **25 years** of partnership with Verizon.

verizon
business

Advantages and Q3 Promotions

- **Cost Savings:**
 - **20% decrease** in monthly billing for VOIP services.
- **Enhanced Features:**
 - **Network Priority Slicing (VFNS)**, a unique feature no other carrier offers.
 - **Hotspot capabilities** and **TravelPass**.
- **Equipment Upgrades:**
 - **Replaced and updated** all VOIP phones.



Emergency and Loss of Service

- **Fixed Wireless Options:**
 - Available for immediate connectivity needs.
- **Dedicated Emergency Support:**
 - **Verizon Response Team** available **24/7**.
 - Resources include **mobile cell sites** and **satellite connections** (AST mobile space satellite service).
- **Emergency Hotline:**
 - Contact **800.981.9558** for support.



Verizon Commitment

- Streamlining business operations with "white-glove treatment."
- Committed to ensuring mission-critical communications remain operational during emergencies.





WAYFINDING

Connecting People with Places



anthropos
DESIGN • PLANNING

Lm.

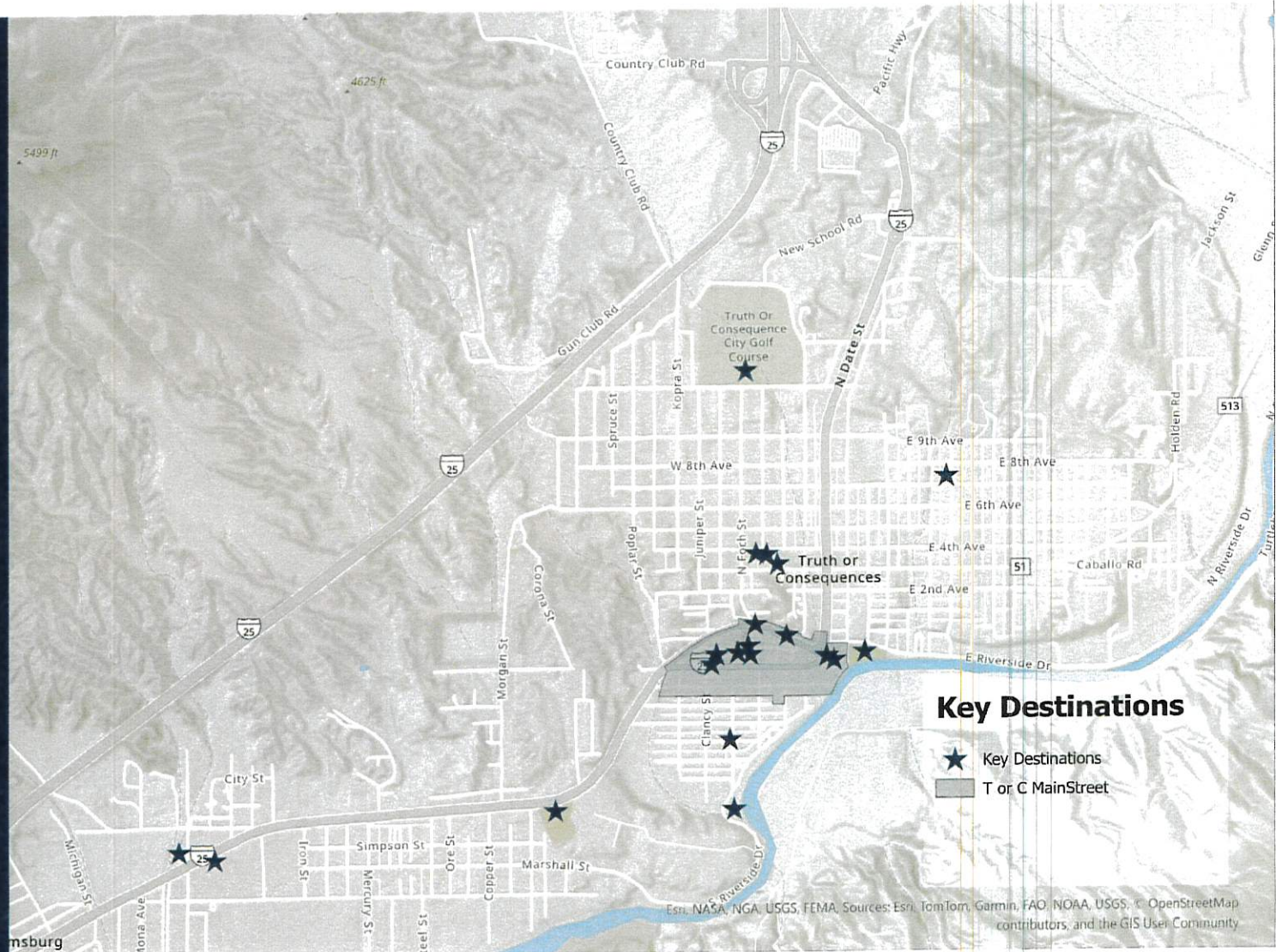


PREVIOUSLY...

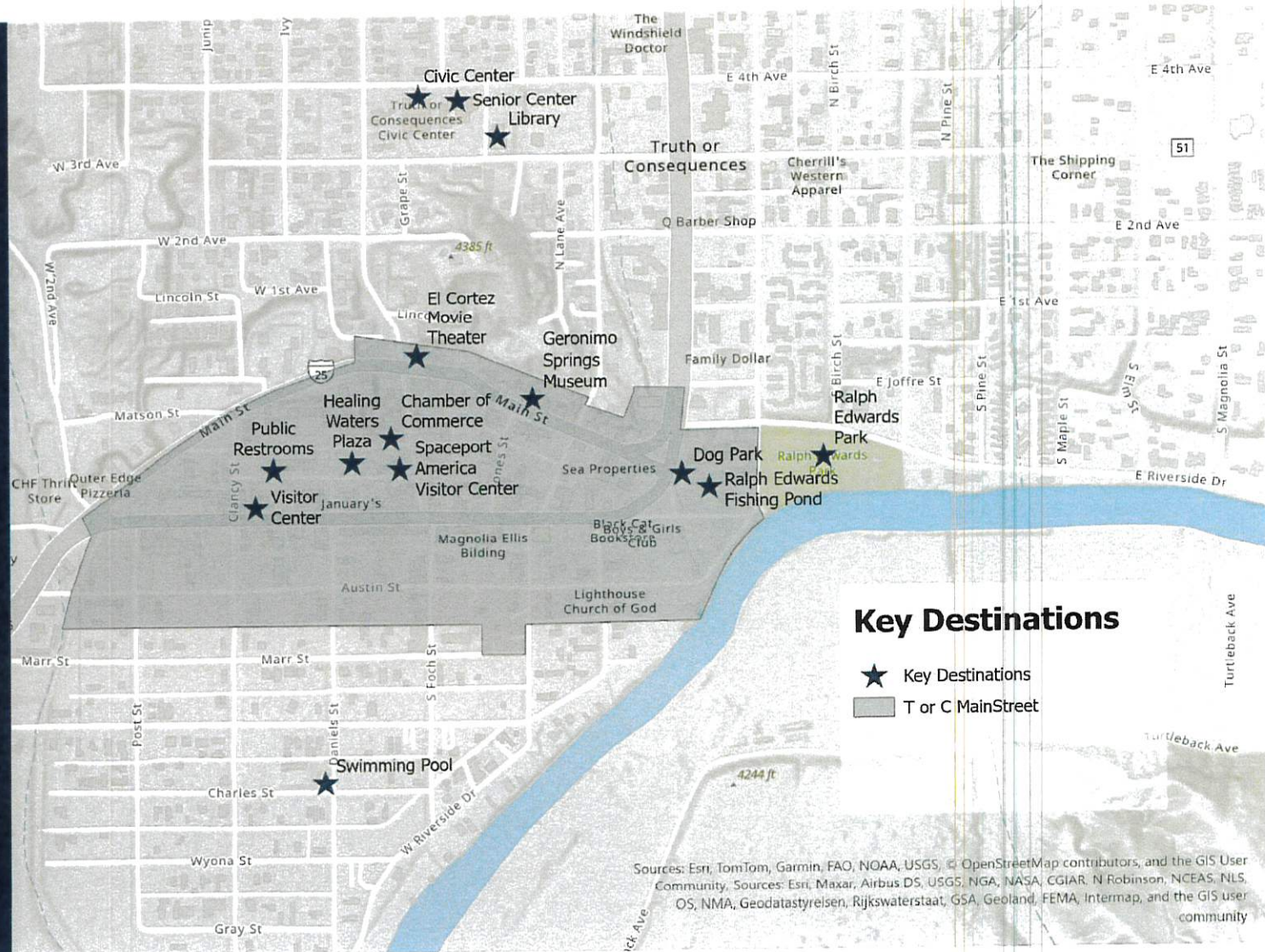
Let's catch you up!

**ON-SITE INVENTORY
PUBLIC MEETING
PUBLIC SURVEY
SIGN DESIGN
PUBLIC MEETING
PUBLIC SURVEY**

KEY DESTINATIONS



KEY DESTINATIONS MAINSTREET DISTRICT

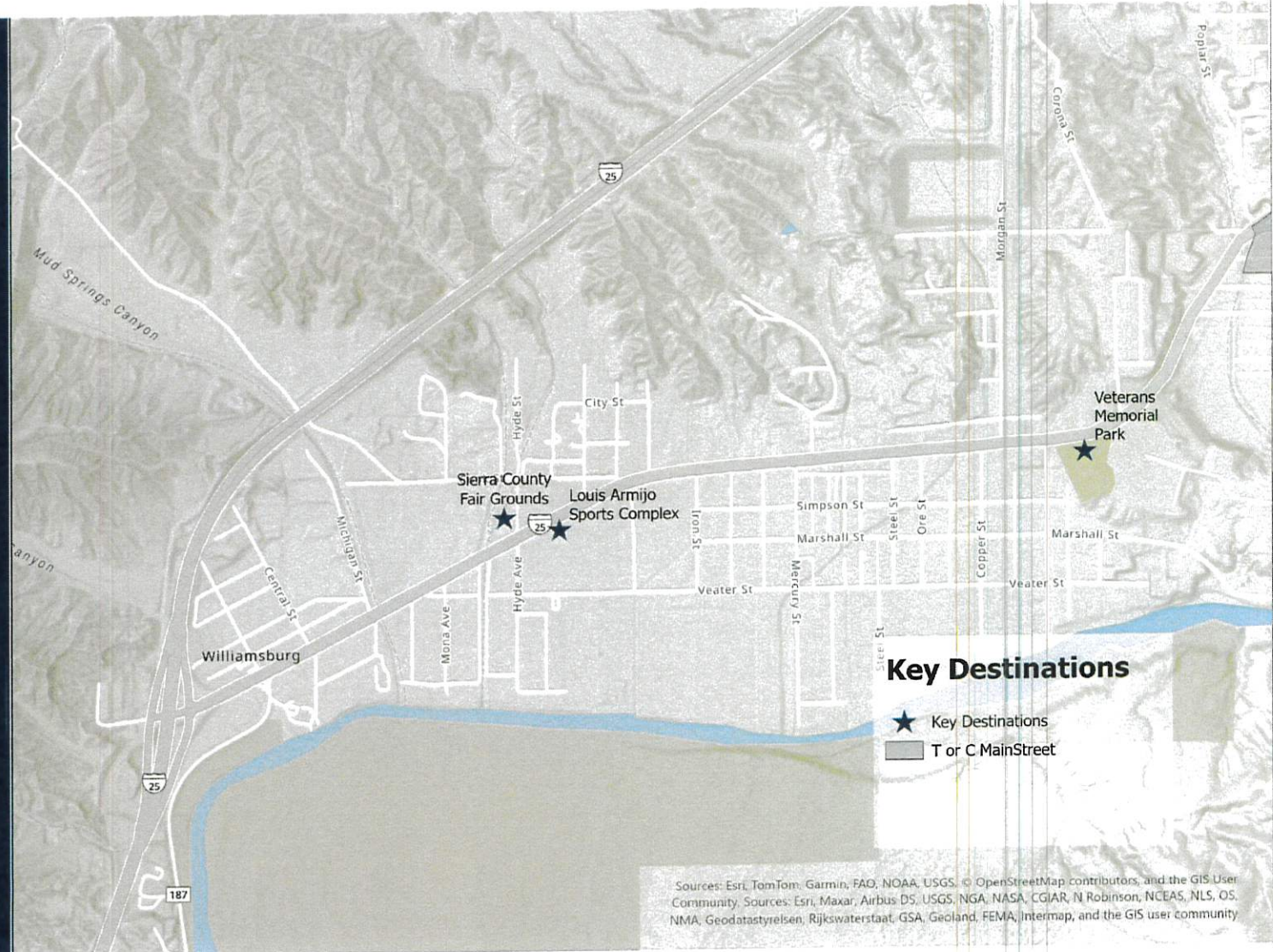


Key Destinations

- ★ Key Destinations
- T or C MainStreet

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community. Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyreisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

KEY DESTINATIONS





A SUCCESSFUL WAYFINDING SYSTEM:

- Connects people to places
- Simple
- Celebrates identity
- Supports park once/active transportation
- Accessible/equitable



Meet the Logo.

The Truth or Consequences logo was thoughtfully developed and designed from extensive volunteer community input with the help of MainStreet Truth or Consequences and New Mexico MainStreet.

What Does It Mean?

The primary graphic element represents the blending and overlapping of rancher and artist lifestyles.

The movement of the logo represents the movement of wind, water, and the journey of wellness and healing.

The two primary color palettes (named warm day & cool night) represent the duality of small city charm and big city amenities that TorC has to offer in both day and night settings.

Desert Rose

Oasis Orange

Fresh Brew

Spa Blue

Medicinal Blue

Space Blue

Espresso

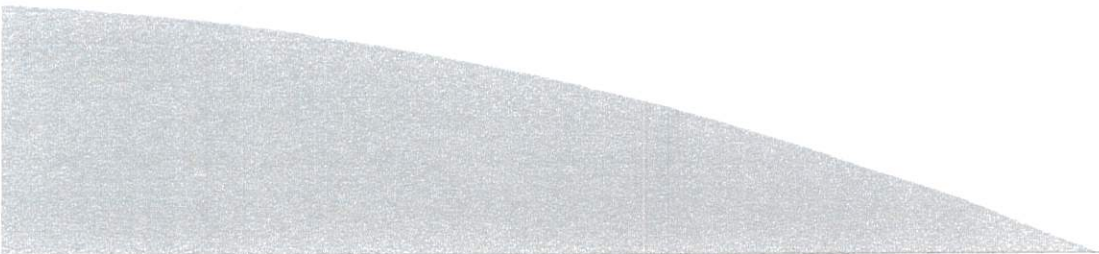
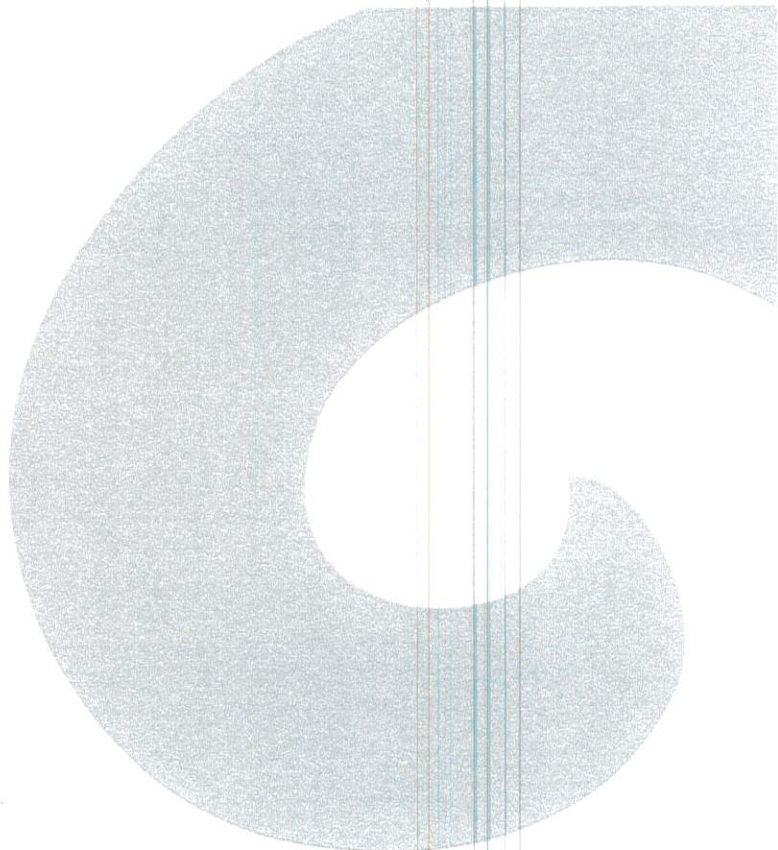
Charcoal

TorC Black

LATO

LORA

PUBLIC SURVEY 2 TOP RESULTS



TOP ANSWERS



Which of the following sign design options best represents the Truth or Consequences brand?

OPTION B - 58%

OPTION A - 38%

CITY HALL



Water Table OK Pan Fact about Library
Lorem ipsum dolor sit amet, consectetur
Lorem ipsum dolor sit amet, consectetur

LIBRARY



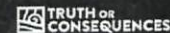
Water Table OK Pan Fact about Library
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Lorem ipsum dolor sit amet, consectetur

MAINSTREET DISTRICT

SHOPPING ↑

DOG PARK →

LIBRARY ←
MUSEUM ←



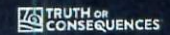
TRUTH or
CONSEQUENCES

▲
DOWNTOWN
3 Minutes

SHOPPING ↑

CITY HALL →

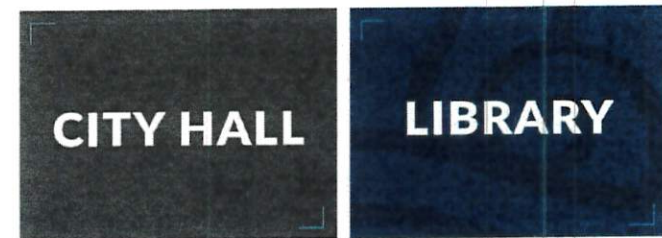
LIBRARY ←
MUSEUM ←



TRUTH or
CONSEQUENCES



OPTION B - 58%



OPTION A - 38%

What about the design option you selected best represents the brand?

Effective use of brand colors

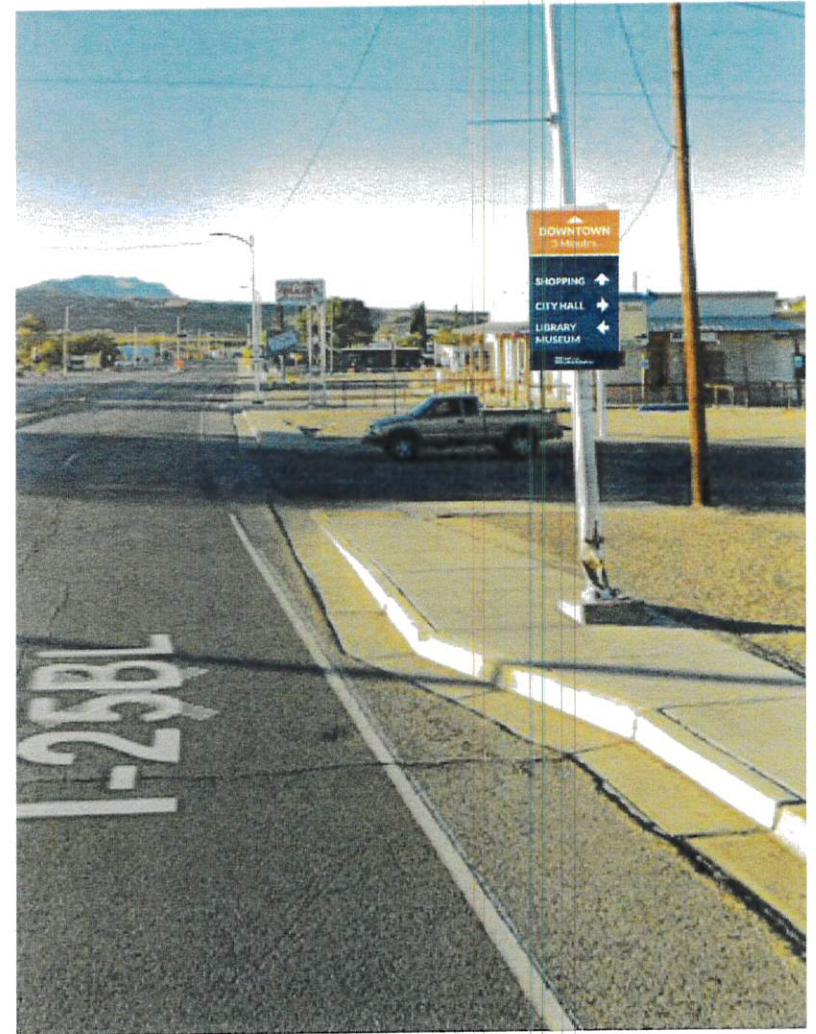
It's unique and stands out

It's recognizable

Successful wayfinding signage should be simple, clear, and effective at rapidly communicating information.

Which of the following design options would be easiest to read while driving through T or C in a car?

OPTION B - 80%



What about this design option is effective at clearly and rapidly communicating information?

High visual contrast

Bold color usage

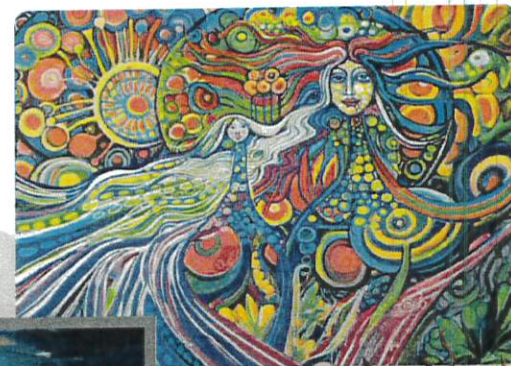
Text is large and easy to read

Artistic Add-Ons

A way to celebrate voices of local artists.

Provide program guidance to MainStreet TorC as needed.

Riders, Slips, and Back Prints



SIGN

SIGN

Additional Survey Input:

- appreciation/thanks
- combination designs
- keep it simple! adding art may distract from effectiveness and purpose of signage; we have murals for art
- hot springs district call out vs. symbolism
- addressing one-way streets
- prominently featuring art

REVISED **SIGN DESIGNS**

Based on the survey & the MUTCD regulations



TRUTH OR
CONSEQUENCES™

LIBRARY

Fun Fact about Library
Lorem ipsum dolor sit amet, consectetur
Lorem ipsum dolor sit amet, consectetur

DOWNTOWN
3 Minutes

SHOPPING



CITY HALL



**LIBRARY
MUSEUM**



TRUTH OR
CONSEQUENCES™



 **MORE SHOPS**
THIS WAY

MAINSTREET DISTRICT

SHOPPING 

DOG PARK 

LIBRARY 
MUSEUM

Historic Hot Springs District |  **TRUTH OR CONSEQUENCES™**

 **TRUTH OR CONSEQUENCES™**

CITY HALL

Fun Fact about City Hall
Lorem ipsum dolor sit amet, consectetur
Lorem ipsum dolor sit amet, consectetur

COMPLETED STEPS

- ☒ Sign Inventory
- ☒ Survey
- ☒ Steering Committee Meetings
- ☒ Initial Community Meetings
- ☒ Sign Design
- ☒ Ongoing Public Engagement & Transparency



STORY MAP

<https://bit.ly/TorCStoryMap>

WHAT'S NEXT?

- ☐ Finalize Routes
- ☐ Design Intent Drawings
- ☐ Signage Placement Plan
- ☐ Wayfinding Plan Development
- ☐ Fabrication & Installation
- ☐ Ongoing Public Engagement & Transparency

FOCH ST.
PROJECT UPDATE

FOCH ST. PROJECT UPDATE





Foch Street Makeover

bit.ly/FochStreet

Thank You!

Amy Bell + Maren Neldam

[Anthropopulus](#)

amy@anthropop.com

Julia + Cam Wilde

[Lm.](#)

hello@leighton-moon.com

Becca Eza

[MainStreet Truth or Consequences](#)

director@torcmainstreet.org



nmmainstreet.org



TRUTH OR NEW MEXICO CONSEQUENCES

SANITATION FLEET

ALL FLEET TRUCKS OF THE
SANITATION AND RECYCLING
CENTER

We have nine trucks in our trash truck fleet

- Four side load dumpster trucks
- Three polycart trucks
- One flatbed truck
- One brush truck



Dumpsters and Polycarts

- We have roughly 3340 Polycarts
- 300-700 Polycarts picked up daily depending on the day
- We have roughly 600 dumpsters
- 150 or more dumpsters picked up daily per dumpster route



Years of service

- As per NewGen and Parkhill our trash trucks lifespan is between five to six years.
- Our trucks have been lasting us longer due to exceptional work from our drivers of preventative maintenance and proper care. For example, greasing, washing, cleaning inside and out, and walk arounds.
- The long-term stop and go action on our routes can cause damage on tires, brakes, engines, and transmissions.
- The constant pick up and put down puts a lot of strain on the loading mechanisms.
- The older the trucks get the harder it is to find parts, and the more expensive the repairs begin to cost.

6218 Flatbed with crane

- 1996 F-800
- 29 years old
- Has 1137 hours
- Used to move dumpsters, refrigerators, poly carts, and more.



6618

- 2000 International 4900
- Used as a secondary back up
- No heat or ac
- Ol' Reliable
- 25 years old
- Unknow hours since the instrument panel is dysfunctional



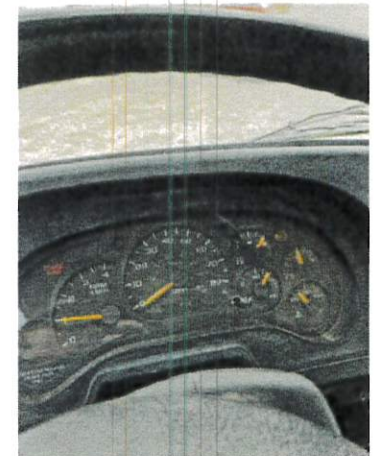
1918

- 2002 Sterling rear load brush truck
- 23 years old
- Used to pick up debris or wood chips
- “last resort for trash pickup”
- Has 4239 hours



1218

- 2008 GMC side load dumpster truck
- 17 years old
- Main back up
- No AC
- Discontinued truck with no parts being made
- Has 7063 hours



2018

- 2011 Autocar Expedito polycart truck
- 14 years old
- Used as secondary back up
- Has 7732 hours



6918

- 2015 Peterbilt polycart truck
- 10 years old
- Used as main back up
- Has 7962 hours



6518

- 2019 Freightliner side load dumpster truck
- Six years old
- Has 2817 hours



62618

- 2021 Freightliner polycart truck
- Four years old
- Has 4477 hours



62818

- 2023 Freightliner side load dumpster truck
- Two years old
- Has 3029 hours



1018

- 2006 GMC side load dumpster truck
- 19 years old
- Goes into limp mode
- Was used as a spare but is even harder to find parts for than the 2008
- Being auctioned off to bring back revenue to the Sanitation Department
- Was sent off for repairs multiple times, but problem was never found other than possible wiring harness



Blue Demon

- 2009 Peterbilt poly cart truck
- Was used as secondary back up before 62618
- Can't grip the poly carts fully so they will fall into the packer of the truck
- No AC
- Being auctioned off to bring back revenue to the Sanitation Department



2026 Freightliner

- New 2026 Freightliner dumpster truck
- Would replace 1018
- Would have more capacity for trash with it being a square body
- Has cameras like 62818 for safety and efficiency
- With it being new it wouldn't have any mechanical issues
- Parts are readily available for new trucks
- Approximately takes 6-8 months to be completed once purchase is approved



Questions?