

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JUNE 25, 2025

A. CALL TO ORDER:

The meeting was called to order by Mayor Rolf Hechler at 4:00 p.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 was absent
Hon. Ingo Hoeppner, 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
Luis Tavizon, Chief of Police
Katy Martinez, Deputy City Clerk

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. He asked everyone to keep Commissioner Fahl and her husband in their thoughts and prayers. He is in the hospital again and he has had a rough time over the past few weeks. We wish him a speedy recovery.

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 made a motion to approve the agenda with the amendment to change the wording application to agreement on items E7 through E13. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. COMMISSION COMMENTS:

None.

6. STAFF COMMENTS:

Jocelyn Holguin, Finance Director: I would like to introduce our new procurement officer, Carlos Miyagishima.

C. CONSENT CALENDAR:

1. Acknowledge Subrecipient FY 24/25 4th Quarter Reports.

Mayor Pro-Tem Forrister made a motion to approve the Consent Calendar as submitted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously. Had lapsed

D. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Approve Resolution 52 24/25 Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation and Execute Grant Agreement Co-Op Project Fund.

Assistant City Manager Alvarez: The City has received an award offer from the 2025/2026 Local Government Road Fund Co-op Program for a total project amount of \$86,456.00. \$64,842 is a grant and \$21,614.00 is a match. The scope of the project is for 2nd Avenue from Date Street to Ash Street for a full depth roadway reconstruction. The application submitted was for a full project cost of \$190,477.91. It is the intent for the city to complete the full project using local bond funds to make up the difference.

Commissioner Mitchell made a motion to approve Resolution 52 24/25 Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation and Execute Grant Agreement Co-Op Project Fund. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Approve Resolution 53 24/25 Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation Municipal Arterial Project Funds and Execute Grant Agreement.

Assistant City Manager Alvarez: The City has received an award offer from the 2025/2026 Local Government Road Fund Municipal Arterial Program for a total project amount of \$229,777.00. \$172,333.00 is a grant and \$57,444.00 is match. The scope of the project applied for is for Pershing Street (from Main Street to 2nd Street) and 2nd Street (from Pershing Street to Date Street) for Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Construction Management, Drainage and Misc. Improvements. The city applied for a total project cost estimate of \$744,472.31. Staff has reduced the termini to include 276 feet of roadway improvements with sidewalk on east side of streets to fit within the funding award.

Mayor Pro-Tem Forrister: I think it is important to note that when we have a match, those funds come from our bond funds.

Assistant City Manager Alvarez: In the last item, the match for that is actually in-kind services. If there was a difference, that would come from our bond funds. In this case there is no in-kind allowed so it's a cash match.

Mayor Hechler: Even though we don't get any in-kind services, will our streets department be involved?

Assistant City Manager Alvarez: We haven't received confirmation on that yet.

Mayor Pro-Tem Forrister made a motion to approve R Resolution 53 24/25 Participation in Local Government Road Fund Program Administered by New Mexico Department of Transportation Municipal Arterial Project Funds and Execute Grant Agreement. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 55 24/25 Gardner Learning Center Rental Fees.

City Clerk Torres: We have four meeting rooms at the Gardner Learning Center that we're wanting to rent out to the public, so we are bringing this resolution to you so we can establish fees for that. The rental fees will include \$75 per room per day if the room is being rented for one day. \$50 per room per day if the room is being rented for two consecutive days, and \$30 per room per day if the rental is three or more days. We also added a key deposit of \$100, and all fees will be waived for governmental entities if they are using the room for the benefit of the public. The rentals will be made through the Clerk's Office, and the keys will be issued through our office as well.

Mayor Pro-Tem Forrister: Is this something that is in need?

City Clerk Torres: Yes. Heather Williams will be using the rooms for the driving school courses and the Police Department will also be using the rooms for various trainings.

Commissioner Mitchell: Since the building has been recently renovated, each room has a smart screen and projector.

Mayor Pro-Tem Forrister: We should put it on our city page so the public will know that the rooms are available.

Mayor Hechler: I see that there is a section that refers to liability insurance. When is that required?

City Clerk Torres: I don't really have any specific scenarios that come to mind. We just wanted it in there in case we needed it.

Mayor Hechler: So, it's up to your discretion. If you deem that there is an event that may not be normal, liability insurance may be required.

City Clerk Torres: Correct.

City Attorney Rubin: I like that it is a discretionary matter. So, if you are renting the room for two consecutive days, it's \$50 plus \$50, but if it is rented for 3 days then it would be \$30 plus \$30 plus \$30, so it would be \$90. So that would be cheaper.

Mayor Pro-Tem Forrister: So, do \$35 per room.

Commissioner Mitchell: Is this for a whole day?

City Clerk Torres: They will be issued keys, and the rental is for a 24-hour period.

Mayor Pro-Tem Forrister: You could also make the two consecutive days \$60 per room, then that would be \$120 for the two days and then you can leave the \$30 how it is.

City Manager Whitehead: Our contention is to not rent out the red room anymore as a meeting space and we can get the Civic Center to be more of a place for the seniors on those business days so we won't have to relocate them, and they can use the red room.

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 55 24/25 Gardner Learning Center Rental Fees with the amendments as noted. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 56 24/25 Credit Card Policy.

Jocelyn Holguin, Finance Director: City Clerk Torres and I have been working with the Finance team to develop this finance policy for credit cards. The credit cards are currently being issued through the Clerk's Office, but after today if this is approved, they will then go through the finance department.

City Clerk Torres: We currently have 5 credit cards, so what we are going to do is issue each department their own card, and before they are issued their card, they will have to sign the credit card policy. They will still have to enter a Purchase Order through finance for each transaction, the main thing that will change with that is that they won't have to check out a card through the Clerk's Office anymore. Finance also now has the ability to adjust the limit on the card if there is an approved purchase that exceeds the credit amount on the card.

Jocelyn Holguin, Finance Director: We were also able to increase the threshold as well. So, we estimated a cap for each department based on need and usage, but if we have to increase the credit limit for a particular card we can. Each department will also have online access to help them manage their purchases. And if another department thinks that they may need a card, we can order a card for them.

Mayor Hechler: How often are these cards used now.

City Clerk Torres: On a daily basis.

City Manager Whitehead: All uses will be authorized through the purchase order process.

Mayor Hechler: On page 2 of the contract where it states, "*The following purchases are not allowed, Personal items of loans*". I think it should say "*personal items or loans*".

Commissioner Mitchell made a motion to approve Resolution No. 56 24/25 Credit Card Policy with the amendment noted by Mayor Hechler. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution 57 24/25 Adopting the FY 2027-2031 Infrastructure Capital Improvement Plan (ICIP).

Yvette Bayless, SCCOG: I am requesting the approval of Resolution No. 57 24/25 adopting the ICIP project summary list as presented. The project order will remain unchanged, although the financial figures on some items will be adjusted. As updates and cost estimates are received, the final draft will be submitted for review before the ICIP is sent to the state.

Mayor Pro-Tem Forrister made a motion to approve Resolution 57 24/25 Adopting the FY 2027-2031 Infrastructure Capital Improvement Plan (ICIP). Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Resolution No. 58 24/25 City of Truth or Consequences accepting the ADA Transition Plan.

Assistant City Manager Alvarez: An updated ADA transition plan is required to be on file with NMDOT Construction and Civil Rights Bureau. This is a recording process that we do for grant funding through NMDOT, as well as our Recreation and Trails funding. The purpose of this plan is to update any obstacles, so the citizens have access to city programs and activities and services and in a fashion that is reasonable as possible making areas ADA accessible. Within the plan you will note that there is a description of each office building or facility that the city owns. We noted anything that may need some potential ADA upgrades with some potential cost. We also have a street listing as well that lists areas of our roads that we need ADA transition on. This is just a planning document. It was originally done in 2014, so they are requesting that we update it to current. With that being said, there are a couple of minor changes that I saw here. Where it lists the existing facilities and our parks, we need to add Rotary Park onto there because that park is not listed, so I'll make that change with the request if the Commission approves that they will approve it with the changes noted. There is also a reference to the tables where it says tables listing identified issues recommended corrections and estimated costs are included in Appendix A for facilities and Appendix B for streets. That actually should be Appendix A for facilities and parks, and Appendix B for streets. And then on our opinion of probable cost, I need to update the date from 2017 to 2025 costs.

Mayor Hechler: So, how do we go through this process, do we actually go out and inspect every facility for ADA compliance?

Assistant City Manager Alvarez: Correct. David Johnson with facilities updated this because this plan had been made in 2014, so he was able to go to each one of our different facilities to see what changes have been made. One of them was the Clerk's Office restroom. They updated their personnel restroom to become ADA compliant a couple of years ago. Dave went through and made changes that were needed and noted where we still need to make changes. Some of our facilities are not open to the public so we don't have to make that transition because of that. This is supposed to be reviewed and updated on an annual basis, which is news to me, so that is something that is now on my sightline.

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 58 24/25 City of Truth or Consequences accepting the ADA Transition Plan with the amendments mentioned by Assistant City Manager Alvarez. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

E. NEW BUSINESS:

1. Discussion/Action: 709 Broad St. Property Abatement Extension Request.

Bibiana Gower, Applicant: I think it was about 2 weeks ago, so I have numbers two votes left on that, one of them I actually just got rid of the same day I sent the email out. So, I have one boat left and I was actually just talking to my friend Nicholas. I think we're going to throw the boat away. I have the titles and I'm just going to keep one of those boats because we have racks that we are going to use. He's talking to David Madrid, he's trying to get where he can borrow, I guess she has equipment to clean up the whole property. My friend Nicholas wants to level out everything and put it all into a dump. So what's left up there is, I had somebody try and help me out, he got all the metal right there in the front upper deck, the upper lot over by the fence, so that looks really horrible. But I don't have a truck right now to get rid of that so we're waiting for someone to pick that up and take it with their metal. Then, we just need to get all that trash put into dumpsters. I guess he had a dump trailer, so we can start putting that in, but that's all money, and it's a little bit more time, and my friend Nicholas is trying to make arrangements for paying a couple hundred dollars a month to do, just because of the portability and whatnot. So we're looking to get an extension. There has been a little less progress lately than there has been in the past.

Mayor Hechler: Miss Gower, would a three-month extension be sufficient?

Bibiana Gower, Applicant: Well, 3-6 months. Nicholas was asking if it's possible, we can have everything done in 6 months, I guarantee. 3 months more... we're still trying to work on that with David. I say we, but he's trying to work on that. I have recruited a local down there that is a good friend that wants to help me out, and we have some trade, I have a pontoon for him he's all ready to take off my hands. So I am just trying to get help. You guys, I guess, might know him. I was going to see if you wanted to talk to him over the phone as well.

Mayor Hechler: I don't think we'll need to do that. I'm going to ask you to stand by for a second, we will hear from our Code Enforcement Officer, then after that we'll make a decision, okay?

Bibiana Gower, Applicant: I appreciate that, but if you guys could really consider, I really appreciate the time that you've given me and like I said, it's been a slow process this last month, I did get rid of one boat. There're three camper shells still on there, those camper shells, as I stated on the email, they're not required to be registered, but I just aesthetically want them gone. I did post on a Facebook forum, and I actually got really great responses, that's how I got rid of that last boat, I have somebody who wants to take this boat too, but my friend Nicholas wants to keep that. Like I said, I have other vessels that we want to bring from here, that would be registered from here in Rio Rancho, to T or C. So, we're going to keep that trailer and that one boat. He has the truck and the ability to haul that

over there as soon as he can get a rim to match the other rim, I don't know what's wrong with it but he went to go look at it, and then we need two tires to get rid of that last boat. Then it's really just gathering up the trash around there and putting it in the dump. I just really appreciate if you guys could give us 6 months, I really do, I really feel that it will be done. I have another friend Roger, sometime in July, he's hauling from Missouri, his tractor or whatever equipment it is, there's another secondary person also, because what we can get done for free from our friend Roger would be easier, better, and quicker than having to get out and make payment arrangements with the other gentleman, David. I appreciate your consideration, thank you.

Mayor Hechler: Okay, stand by for a second, please. Mr. Knull?

Code Enforcement Officer Knull: As Miss Gower said, a lot of work has been done on the property and I'm almost at a point where I can call her compliant with the code. Of course, there are a few things, but almost every property I go to in the city has something I can find if I look for it. She's basically at a point where I can call her completely compliant. I am willing to give her an extension, I understand that money, things like that, everybody works with it, she's kind of been the poster child for what we want with gaining compliance; staying in contact with me, staying in contact with you guys and requesting extensions, rather than just letting it fall through the cracks. It has been pretty consistent over there, and I don't see any further issues. I would say with this last extension, she could be completely off of our radar.

Mayor Pro-Tem Forrister: No, I think Mr. Knull hit it right on the head, that she's our poster child. We've been with her since day 1 on this situation, and she is always in contact with us and with Code, and I think that's exactly what we're looking for. We're not here to make anybody's lives miserable, it's all about compliance. I think it's a good thing and I'm willing to do the 6 months as well.

Mayor Hechler: Miss Gower, I want to personally thank you for your persistence in this regard, and staying on top of it, you've been a pleasure to work with, you continue to be, and I wish everybody took these projects as seriously as you have. I really appreciate your efforts and your work. Standby, and we will have a motion here in a moment and let you know what's going on.

Bibiana Gower, Applicant: I appreciate it everyone, thank you so much.

Mayor Pro-Tem Forrister made a motion to approve the extension request for a 6 month period. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Kennel Permit at 412 Elm Street.

Assistant City Manager Alvarez: This was heard at the June 9th Planning & Zoning Commission by public hearing. The request is for a Kennel Permit. A Kennel Permit is for temporary housing of animals. The applicant submitted all the required documents, paid their fees, public hearing was held, we had no proponents, but we did have one opponent; the neighboring property, there was some discussion within the Planning & Zoning Commission with both the applicant, as well as the neighboring property owner. In the end, the request was made for them to move their kennels to the back side of the house for the purpose of noise reduction for when the dogs are out there barking. The applicant agreed to do that, so the Planning & Zoning Commission is requesting to give them a temporary permit, and have it go back to the Planning & Zoning Commission next month to see if they've moved the kennels and fencing area over. They have been in contact with our Code Enforcement, and he has done an inspection. The area for the animals for the housing is in clean condition, very happy with where the animals are kept. So, it was just a concern with the neighboring property. Code Enforcement, animal control, is here, as well as our applicant, if there are any further questions.

Animal Control Officer Tyler Knull: We inspected the property, and the applicant has stated that he does not wish to get any more animals; he is currently at 7 animals. He doesn't wish to get any more and actually hopes to get that number of animals down. The only reason he is getting this permit is to stay in compliance with the ordinance, and not to keep these dogs long-term. I could be misinterpreting this, but from my understanding, he works with Desert Haven to house and foster animals on a temporary basis but plans to get them all off of his property sooner rather than later. The way the kennel is set up is very clean, I don't see any issues with the dogs getting out, we haven't received any complaints about the dogs getting out. We haven't received complaints about barking dogs, we haven't received any complaints about foul smells. I understand that the opponent had brought this to the attention of the Planning & Zoning Commission, however, Code Enforcement has never received any complaints regarding the property. I checked with Central Dispatch, who haven't received any calls for service regarding the property, so there's no history of these issues existing. The Planning & Zoning board did say that they wished to have the kennel moved to a different part of the property, however, where the kennel is at now is currently compliant. If the applicant wishes to move it, I don't see why he wouldn't be able to do so, but I don't see any reason for preventing the permit from going through and issuing a temporary permit, because he is currently compliant now, even if he doesn't move the kennel as the Planning & Zoning Commission wished. There are no current violations.

Mayor Pro-Tem Forrister: I'm going to go on and say the same thing, if our code is saying they can keep their kennel where they wish to keep it, I don't see why we need to issue a temporary permit to make sure they move it. That's just micromanaging their personal property.

Commissioner Mitchell: Well, we're not mandating that they move the kennel, we're just issuing them an actual permit, correct?

Mayor Pro-Tem Forrister: That's what I would like to do.

City Attorney Rubin: I think that's all that's before you anyway.

Mayor Pro-Tem Forrister: But they wanted us to issue a temporary.

City Clerk Torres: Planning & Zoning did.

Assistant City Manager Alvarez: Planning & Zoning gave them a temporary approval pending the moving of the fence. The applicant is supposed to go back to Planning & Zoning next month, and the fence is supposed to be moved. At that time, they would consider a permanent allowance for a Kennel Permit, which is on an annual renewal. So, the approval of the Kennel Permit was contingent on them moving the kennels, at the Planning & Zoning Commission level, that was their recommendation.

Mayor Pro-Tem Forrister: Right, but we can change that?

Assistant City Manager Alvarez: Correct, I just wanted to make sure you understood.

City Attorney Rubin: I think you can just do what you're saying, approve the temporary, it's still going to come back in 30 days anyway, to Planning & Zoning.

Mayor Hechler: So, if we allow the temporary permit, is it going to come back to us later one more time?

Assistant City Manager Alvarez: Yes.

Mayor Pro-Tem Forrister: But why are we doing the temporary permit?

Assistant City Manager Alvarez: Because I think the consensus of the Planning & Zoning Commission would have had the potential of not approving the Kennel Permit at all because we had an opponent with a concern regarding the noise from the animals. However, the applicant offered to move the kennels, so the opponent said they wouldn't object if they were willing to move the kennels. With that, the Planning & Zoning Commission decided that they would approve the Kennel Permit as a temporary, as long as the kennels were moved.

Mayor Hechler: So, I don't know if we need to get involved with it. Here's my take on it, first of all, I want to really commend the Planning & Zoning Commission for following this through, they were very detailed in their questioning, they spent a lot of time. I read everything they said, and they did a nice job. We had one opponent, he's not really an opponent, but the reason he is an opponent is because the kennels are right below his bedroom window. Because of that, when the dogs bark or make noise, it bothers him, so

he said he's an opponent *but* he's really for what the applicant is doing, if he will just move the kennels to the other side of the house, then he can support that. They've already agreed that, and I appreciate the work of the commission, I think we should adhere to what they recommend in this instance, and then we will see it again later on. I think it is a good move. The person that complained about it is right below his bedroom window, so I think he has a right to that even though it meets the criteria. They're both working it out and are amiable about it. The owner and the neighbor can work it out, I don't want to interfere with that or cause any rift, let them continue to work it out and we will get out of the way and let them take care of business. That's my piece.

Mayor Pro-Tem Forrister: Is the applicant here?

Assistant City Manager Alvarez: I thought that was him, but I guess not.

Mayor Pro-Tem Forrister: That's fine, but if he wants to move the kennel, that's a courtesy thing. Yes, it would be nice if he would be courteous to do that, but if he is in compliance, I don't think we need to say he has to do that. It would be great if he is courteous to his neighbor and they work that out, I get that part, but if he is in compliance and everything is fine, I don't think we should force him to do that. That's my take.

Mayor Hechler: And we're not going to force him through a motion to do that. I would like to make a motion to grant a temporary permit for 30 days to this individual for his permit, to go back to the Planning & Zoning Commission, then they can make a further recommendation to us from there.

Commissioner Mitchell: I would second that.

Mayor Pro-Tem Forrister: And then it'll come back to us for a final approval?

Mayor Hechler: Yes.

City Clerk Torres: So, a 30-day temporary permit?

Mayor Hechler: Mr. Knull, is that what we wanted?

Assistant City Manager Alvarez: I think it was 60 because we have to have the time frame for Planning & Zoning.

City Clerk Torres: We have to re-publish it.

Code Enforcement Officer Knull: If you guys want to do a temporary permit, I am definitely willing to go and re-inspect it, I was simply stating the facts of what we have right now. They're in compliance, I see no reason why, if you guys don't want to do a temporary permit, why you couldn't instead do a full permit, I'm fine with that.

Mayor Hechler: Mr. Knull, what is your stance on that?

Code Enforcement Officer Knull: I think he's going to move the kennel anyway. I would say so, the neighbor and the applicant seem to have reached an agreement that he is willing to move it, and I think he had planned to move it before his neighbor even brought this to his attention. I understand where the neighbor is coming from, but the facts of the situation are that we have no calls for service regarding noise or anything. I think it is just more like Mayor Pro-Tem Forrister said, it's more of a courtesy move than anything.

Mayor Hechler: So, I'll retract my motion if someone wants to rephrase the motion in a way that will allow for a permanent permit, then we won't see it again. But that's if you're confident, 100%, that they're going to do it anyway.

Code Enforcement Officer Knull: And I believe that they will, the applicant has stated that he will reach out to me when he does so, just so that I can do a re-inspection to make sure they're still in compliance for what we require for a Kennel Permit.

City Attorney Rubin: I have one legal question. What was the application itself? Was the application for a temporary or permanent?

Code Enforcement Officer Knull: The application itself was for a full Kennel Permit, no temporary. As far as I'm aware, we don't issue, on a legal basis, a temporary permit unless it's the decision of the Commission.

City Attorney Rubin: So, our action would be consistent with the application.

Mayor Pro-Tem Forrister: If he chooses to move it, that's a courtesy thing for him to do, but it's not required of him.

Mayor Hechler: Planning & Zoning probably wouldn't have allowed it if he didn't.

City Manager Whitehead: Remember, the permit does have to come back in a year, as well. They have to apply every year, and I would echo in support of the mayor in that, if Planning & Zoning attempted to negotiate the best agreement between the two parties, the neighbors have to be considered in zoning, that's kind of what the ordinance says. We should try to honor that, but I do think even granting it for the year, if they made the deal that he will move the fence, if he doesn't, the neighbor can start complaining, and in a year, you would then be able to say, we have complaints, and potentially we couldn't honor it. I think the fact that they tried to work out the best amicable deal between the neighbors should be honored in the Zoning board.

Code Enforcement Officer Knull: And if we approve it, the city does reserve the right, at any other Commission meeting, to revoke that Permit at any time. So, if we come back next month and we have received 12 complaints, we can revoke the permit at that time.

Commissioner Mitchell made a motion to approve the Kennel Permit at 412 Elm Street for a one year period. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion Action: Accepting the City of T or C Title VI Plan.

Assistant City Manager Alvarez: This is another plan that is required by NMDOT's Construction and Civil Rights Bureau in order for us to be eligible for the NMDOT funding and the Rec and Trails funding. The purpose is to show the city's commitment to non-discrimination. It is very similar to the items that you approved in the CDBG funding.

Mayor Pro-Tem Forrister made a motion to approve the City of T or C Title VI Plan. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: RFP #2025-05-002 Annual Legal Services Contract Award- Jaime F. Rubin, LLC.

Jocelyn Holguin, Finance Director: Contracts for our legal services were about to expire, so I issued an RFP. Based on the two that submitted and the evaluation that the evaluation committee provided, we would like to continue services. There are two contracts, but it is just two different sections. I am just going to knock them both out. Jay's is the first contract, and his is to be capped at \$65,000 at \$200 an hour. Because we utilize his great mind more than we do Coppler, the caps are different. I attached the score sheets to them as well so you can see the differences. The other contract is a little lower in the threshold. If there are changes or any other items in the next fiscal year, we would do an addendum around this time of year to have it ready for the next fiscal year.

Mayor Hechler: I have a couple of questions. One is, what were the legal services total last year? I know it was about \$65,000. Didn't we go back to the Commission and ask for an additional sum?

Jocelyn Holguin, Finance Director: I wasn't here last year.

City Attorney Rubin: I don't think it was that much, I think the cap was in the neighborhood, but I don't think the actual billing was that much. I think we had his cap here but at \$200 an hour, which is actually what I'm asking for in this particular contract for the first year, we're usually around \$4,000 a month, \$4,500 somewhere in that neighborhood.

Mayor Hechler: So, we stayed under the \$65,000? Okay. I noted that in next year, are we approving the increase to \$220 an hour for next year?

Jocelyn Holguin, Finance Director: Yes.

Mayor Hechler: And what's the justification or that?

Jocelyn Holguin, Finance Director: Jay is increasing his rates.

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Mayor Hechler: That's a 10% increase, we don't give that 10% increase to anyone else on our staff.

Jocelyn Holguin, Finance Director: I don't think he's had an increase in a while, so I think that's what he was considering.

City Attorney Rubin: That's correct, I actually kept the hourly rate for the first year exactly what it's already been.

Mayor Hechler: And what does that do to the cap? I guess it doesn't affect the cap of \$65,000?

City Manager Whitehead: The cap would still be the same.

Commissioner Mitchell: So you're saying he gets to make the same amount of money, just work less.

Mayor Hechler: As long as you keep under the cap.

Jocelyn Holguin, Finance Director: And really, he can exceed the cap because it was an RFP but this was just the agreement.

Mayor Hechler: I noticed that in the Coppler Law Firm, he didn't have an increase next year or the year after.

Jocelyn Holguin, Finance Director: He said we don't utilize him as much. If you notice on the score sheets, there were zeroes where there are dollar amounts, because they both submitted based on the prior RFP. So, I had a discussion with both law firms. When I spoke with John, he stated that we don't use them as often as we would Jay so that's why he stated that rate.

Mayor Hechler: The reason I'm asking the question, let me first just say this, I know we're getting our money's worth with Jay because there's nobody that knows the history of our community more than Jay does. With that, I know that he gets things done quicker than any other attorney does because he has the history, he has the archives, he knows what's happening, for instance, with the Hot Springs land development thing. He was with that since the beginning, and I know that he was able to answer those questions and deal with those issues very quickly. So, he's worth it, but I thought it would be important to let the public know what the salary is and that we're also talking about increasing it to \$220 an hour. I think it's important for disclosure to get that out.

Jocelyn Holguin, Finance Director: And it's disclosed in the contract. Also, I just wanted to say, that when I came in, my understanding was that they were sending these 4 year renewals every year to be updated, and we technically don't have to do that, it was just something the prior administration was doing. This automatically renews based on the terms and conditions.

City Attorney Rubin: And there's nothing to stop you at any time during the term, put it on the agenda if you have any questions or concerns, we can revisit it. I'm right here.

Mayor Hechler: So, will we be back at this again next year to approve the year after? Or are we approving the \$220 an hour now?

Jocelyn Holguin, Finance Director: It automatically renews.

Mayor Hechler: So that's what we're doing now is what I'm understanding?

City Manager Whitehead: That's correct.

Mayor Hechler: Then I guess we need to know what we're approving. So, it's \$200 an hour for Mr. Rubin now and then \$220 an hour henceforth starting next year?

Jocelyn Holguin, Finance Director: Right. And the 3 consecutive years stated as according.

Commissioner Mitchell made a motion to approve the RFP #2025-05-002 Annual Legal Services Contract Award to Jaime F. Rubin, LLC. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

City Attorney Rubin: As a final point, I would just like to point out most importantly, that it is an honor and a privilege to be the legal representative of the city where I have been working. It's really something, it's hard to describe, really, but it's fantastic, it's a good feeling. I thank the Commission for approving the contract.

5. Discussion/Action: RFP #2025-05-002 Annual Legal Services Contract Award- Coppler Law Firm, P.C.

Mayor Hechler: You've already briefed us on that, it's pretty much the same thing, we use him a lot less. The cap on that was \$24,000, and it stays at \$200 per hour for the next full year.

City Manager Whitehead: If I can just make a comment. We do use Coppler. Jay is a local attorney and at times he does have local constituents that also are his clients. Jay is very good at indicating conflicts of interest, he's done it before. Very transparent, he doesn't cross that line, and in those instances, we would immediately contact our secondary advisor who is as knowledgeable on our community as Jay is. There have also been times where both of them are available to give us their opinions on matters. That's the real value of having Mr. Coppler as well.

City Attorney Rubin: I'll take it a step further, there are times when I call him up and ask for a second opinion, I like having that option.

Mayor Pro-Tem Forrister made a motion to approve the RFP #2025-05-002 Annual Legal Services Contract Award to Coppler Law Firm, P.C. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

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

Jocelyn Holguin, Finance Director: This is an itemized list of what's to start for the new fiscal year through the finance department. In July, we'll have the other departments, but these are the primary services. I do want to note on item E it should be \$500,000, but I copied and pasted the two numbers.

Mayor Hechler: Yeah, I was wondering what \$869,000 was for.

Jocelyn Holguin, Finance Director: Yeah. So basically, these are services we have to conduct to run the city. The reason they're on the agenda is because they are over \$60,000. We did it and added it for your review and approval. The only thing I don't have on this one that will be on the next agenda, for example, the electric department needs, or any other departments where it is \$60,000 and over for our changes.

Jocelyn Holguin, Finance Director: It's all the departments, cell phones and desktops and that is an estimated costs based on what we expensed this fiscal year. That's where we got these numbers.

Mayor Pro-Tem Forrister: What do we use TDS for?

Jocelyn Holguin, Finance Director: Internet.

Mayor Pro-Tem Forrister: How about the desktop phones?

Jocelyn Holguin, Finance Director: So, we need TDS to use the desktop phones.

Mayor Hechler: So, everything's the same except for item E, which should be \$500,000, is that what you're saying?

Jocelyn Holguin, Finance Director: Yes sir.

City Manager Whitehead: And just to clarify, we process the Sierra Vista Hospital gross receipt tax as a passthrough. It comes through, we get the report, and we just pass it right on through, but we do need a purchase order so that as it goes they can pay that bill.

Mayor Hechler: And it may not be that much throughout the next year, right?

Jocelyn Holguin, Finance Director: The ones that are 100% are for Sierra Vista, the Capital One, the loan, and the airport. The ones that are flexible are Verizon & TDS. Those are the estimated costs.

Commissioner Mitchell made a motion to approve the Purchase Requisitions over \$60,000 with the noted change. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for Geronimo Trail Scenic Byway.

Mayor Pro-Tem Forrister: I do have a question before we get started on all of these. I know we had talked about maybe having a certain amount that we were going to allocate and break up between these, what did we decide? I guess I wasn't here during that meeting during budget.

City Manager Whitehead: The Commission, through the budget process, agreed that \$50,000 would be the cap to divide amongst what ended up being 5 community partnerships that we wanted to create. So that's the total and we fit that in on those grants. The other portion would come from the Lodger's Tax part. And what we've tried to do to make the process simpler, is I've asked the Clerk's office to be the keeper of the record for that. Not only Lodger's tax, but also what we're calling the Subrecipients. So, they'll all report the same, and they'll all come to the Clerk, who will be keeping the reporting for all those projects.

Deputy Clerk Martinez: On June 13th, the clerk staff and the city manager met to discuss the fiscal year 2024-2025 subrecipient agreements which are included in your packet along with the application that was submitted. The layout of the agreement is the same as it is every year, apart from the allotted amount. In the agreements, we list the amount we wish to allot each applicant along with the breakdown of what the funds should be used for, and which funds it will be taken out of. Another thing we added is that the Clerk will also accept invoices and reports via email to help make it easier for the applicants to submit their documents. I stand for any questions.

Mayor Hechler: Are you going to go through each one for us?

City Clerk Torres: On each agenda request form, I broke it down, it's also on the agreement of how much they are allotted, and how much is going out of each fund, and what each amount is used for.

Commissioner Mitchell: It looks good, I think we just go with the amounts on each one and then discuss.

City Attorney Rubin: It occurs to me, since you're agreeing to all 6 amounts, then as long as you're not changing the amounts, you can do it all in one motion.

Mayor Hechler made a motion to approve the FY 25/26 Sub-Recipient Grant Agreements for the following items:

- **E7. Geronimo Trail Scenic Byway Subrecipient agreement in the amount of \$31,000.**
- **E8. Sierra County Historical Society (Geronimo Springs Museum) Subrecipient agreement in the amount of \$6,500.**
- **E9. MainStreet Truth or Consequences Subrecipient agreement in the amount of \$85,000.**
- **E10. The Club of Sierra County Subrecipient agreement in the amount of \$10,000.**
- **E11. Sierra Joint Office on Aging Subrecipient agreement in the amount of \$25,000.**
- **E12. Domestic Abuse Intervention Center Subrecipient agreement in the amount of \$3,500.**
- **E13. Companion Animal Action Team Subrecipient agreement in the amount of \$1,500**

Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for Sierra County Historical Society (Geronimo Springs Museum).

Item was discussed and voted on in E7.

9. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for MainStreet Truth or Consequences.

Item was discussed and voted on in E7.

10. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for The Club.

Item was discussed and voted on in E7.

11. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for Sierra Joint Office on Aging (SJOA).

Item was discussed and voted on in E7.

12. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for Domestic Abuse Intervention Center (DAIC).

Item was discussed and voted on in E7.

13. Discussion/Action: FY 25/26 Sub-Recipient Grant Agreement for Companion Animal Action Team (CAAT).

Item was discussed and voted on in E7.

14. Discussion/Action: Approve and Accept JPA Sierra County Regional Dispatch Authority.

Chief Tavizon: What I have before you is the JPA for the Sierra County Regional Dispatch Authority. I believe it's been some time since there was an agreement, 2010 was the last one. This is just an updated JPA that outlines the authority, the members of SCRDA, and where the payment comes from. A percentage of it comes from the GRT 901. The director is here if we have any questions that we would like to direct towards her. We do pay a percentage of that as well for the entity for the calls of service that we receive from our community. They dispatch all safety emergencies to us county and other entities. With this agreement I ask that you approve it, so that we can continue to work in collaboration with them to provide public safety to our community members.

Mayor Hechler: Can we go into the compensation part a little bit, and how that is broken down. What I'm looking for specifically is the cost breakdown and maybe a year to year comparison for a couple of years to kind of give our audience an idea of how much these services cost us.

Michelle Atwell, SCRDA Director: The way that SCRDA was created, the last update was done in 2015. I presented to the board, this new one, with only two changes and we will review it every 3-5 years now, 10 years is way too long. The changes were that SCRDA no longer dispatches for New Mexico State parks, so we took that name off the JPA. Also, we included our fiscal agent, we're part of their audit now. At yesterday's county commission meeting, we just signed a fiscal agreement with the county so we have all that updated. The way that SCRDA works for all entities, we dispatch for all city entities, county, and emergency services in SVH. The county has the emergency communications GRT. There are three entities that get those funds; SCRDA, I believe, gets 96% of that. It is a county GRT that was created for emergency communications and every year it is a guessing game of how our GRT's go. We've been very strong the last couple of years. I believe last year SCRDA received about \$700,000 for GRT for our operations. The GRT goes toward SCRDA's operations. I don't have it in front of me, I apologize, but I think I put down for our GRT to be about \$650,000 this year. We got a lot of GRT last year for the roundabouts, the bridge construction, and all of that. What happens is, I work the operating budget for SCRDA, I present it to the SCRDA board, they're the authority over the finances of SCRDA. I'll throw a number out there for an example, so say my budget is \$1 million. I get \$700,000 of GRT, so the entities that pay into SCRDA, have to share

the remaining \$300,000. We do that on percentage based usage. So, SCRDA and all of our entities, they get their call volumes every month. At the end of the year, we tally it up. Whatever that leftover percentage is, that entity pays into that \$300,000. T or C is one of our higher usages of calls, we get more calls in the city than we do in the county, but the county actually came up this year. My third highest is Sierra Vista Hospital with their EMS. I hope I simplified that.

Mayor Hechler: Chief, what's our trend in call volumes? I know we've made some changes with our doppler system with the water. That should have knocked it down a little bit, what's our trend?

Chief Tavizon: It didn't knock it down quite a bit, with the utility calls going to that doppler system, they have been pretty consistent, as far as calls for service for the officers and code enforcement as well. It's been pretty steady, we are the primary call entity. We're the highest call volume for the SCRDA board.

Mayor Pro-Tem Forrister: IF you're not dispatching for state parks, what happens there?

Michelle Atwell, SCRDA Director: In legislation, approximately 4-5 years ago, state agencies such as New Mexico Game and Fish, New Mexico State Parks, which is under emergency minerals and natural resources, will be dispatched out of New Mexico State Police. So, State Parks is being dispatched out of State Police. We are in discussions, because I feel there is a delay issue in that. You should be aware, we still receive all the 911 calls. So, when we receive a 911 call from State Parks, we have to transfer it to state police, then they have to dispatch back. The issues I'm coming across is if it's a medical call, my dispatchers are emergency medical dispatch certified, licensed through the state EMS bureau. So, by law we can't transfer that call, we have to work that call. SCRDA has more dispatchers on duty so their partner will call State Police and say, "Hey, we're working a scene." And then they'll have to dispatch. It's a big concern of mine, and it's a big concern of my board. We still get the 911 calls, and we still dispatch all the EMS, fire services, or if that agency is requesting backup or whatever. It's not only a slight delay, but we're not being compensated for all the work that SCRDA dispatchers are doing. I'm proud to say that most of my dispatchers are raised here, they know local state parks better than anybody else, so you get a 911 call and someone says, "I'm in smiley cove.", my dispatchers know where that is. Where, New Mexico State Police dispatchers are wanting GPS coordinates, and under an emergency, people don't know what their GPS coordinates are.

Mayor Pro-Tem Forrister: So, you get a call, someone on the beach, something happened, they call in, you receive the call, so you have to dispatch it to state police, they're turning around and dispatching it back to you through our county?

Michelle Atwell, SCRDA Director: Back to their State Park rangers. So, we handle all the first responders for Sierra County that would respond to state parks such as Fire, EMS, Elephant Butte Fire, SVH EMS, or if it's a major incident, any incident, any entity in Sierra County. We're still working the calls, we still get the 911 calls.

Mayor Pro-Tem Forrister: They just aren't having to get paid.

Michelle Atwell, SCRDA Director: They're not paying us anymore. I have to have, on high holiday weekends like 4th of July, I have to bring in dispatchers for overtime to cover the call volume. Everybody knows those are the busy times at the lake. During 4th of July, we will get 110,000 people there and it's just my dispatchers working that.

Commissioner Hoeppner: So honestly what I think, the data, the calls you are taking for the state, maybe we collect that and we go up to Santa Fe, we can show how many calls, maybe we can ask for them to pay them.

Mayor Hechler: We will need a discussion about that it seems.

Michelle Atwell, SCRDA Director: Your police chief and the manager are on the SCRDA board, we're beginning that process. We just want to make it as politically soft as we can, because we do work together, it is another dispatch agency, I'm not trying to ruffle any feathers or anything.

Mayor Hechler: It's all about service to our customers.

Michelle Atwell, SCRDA Director: My concern is, first and foremost my first responders' safety, and of course public safety, and we should never have a delay for any reason. So, we're working on it.

Mayor Pro-Tem Forrister made a motion to approve the JPA Sierra County Regional Dispatch Authority. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Approve and Accept 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Contingency Funding.

Chief Tavizon: What you have here in front of you is basically a notice of funding that we were awarded through the 2024 Edward Byrne Memorial Assistance Grant, the \$12,025 is specific to cover some of the security mandates that CJIS had put out there, and the FBI, for being able to access leads which the officers utilize on the streets to run license plates and people. They get all the information back on that system. We had a mandate that was non-funded by the state and by the FBI. So that we wouldn't have to pay out of our budget for it, I went ahead and applied for the funding that was available and they granted that funding to us based off of our history with JAG and being in good graces with them. So, they did award us with the full amount I requested, which should cover the multi-authentication process for accessing the government websites.

Mayor Pro-Tem Forrister: Thank you for coming up with a solution to a problem.

CITY COMMISSION JUNE 25, 2025 REGULAR MEETING MINUTES

Chief Tavizon: This isn't the only obstacle that we will have in front of us, so we will try to do what we can to mitigate it being taken out of our budget.

Commissioner Mitchell made a motion to approve the 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Contingency Funding. Commissioner Hoepfner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. ADJOURNMENT:

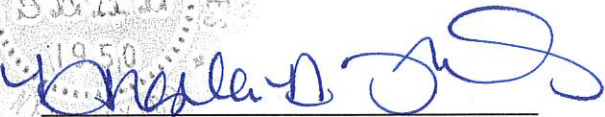
Mayor Hechler adjourned the meeting at 5:17 p.m.

Passed and Approved this 9th day of July, 2025.



Rolf Hechler, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk