

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, OCTOBER 22, 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
Hon. Ingo Hoepfner, Commissioner

MR. MAYOR, WE HAVE A QUORUM

Also Present: Gary Whitehead, City Manager
Traci Alvarez, Assistant City Manager
Jay Rubin, City Attorney
Angela A. Torres, City Clerk-Treasurer

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 Commissioner Hoepfner to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister moved to approve the agenda with the removal of item D1 as it is not ready at this time. It will be brought back at the November 19th meeting. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. COMMISSION COMMENTS

Mayor Hechler: Copper Flats Mine I called Steven Crosby earlier today, I believe he's the vice president of operations. They're still going through the permitting process with the state. There is some opposition, but not as much as there was before, so they're moving forward. For instance, I think I can say this, the Ladder Ranch will no longer oppose the mine coming in, EBID is opposed, and they'll probably continue to be opposed, that's their history, and we understand that everybody has to look out for themselves. The company itself is going private, instead of publicly traded, which has opened the door to a lot more investors. Obviously, with the price of copper and precious minerals nowadays, you can see why the private sector is ready to invest and doing so. Mr. Crosby seems very optimistic that the construction will start mid next year, which is a lot quicker than we thought. They've solved the water issue, evidently. I know they're going to dry stack, but they needed a couple hundred-acre feet more than what they had, but I think they've solved that problem. I didn't get into the nuts and bolts of what they did to solve those problems. However, I did invite him to speak to our Commission, and I think we will wait until right after the 1st of the year, mainly because I'm hoping we reach the next milestone and he has some good news for us, or he has news for us. If that's the case, I'll give a call Commissioner Fahl. So that's just kind of in a nutshell of what's going on. Things are moving pretty fast in that regard.

Commissioner Fahl: Thank you for checking. It was concerning when they were updating and having problems with the water lines, I'd hoped they would stay on schedule, so it sounds good.

6. STAFF COMMENTS

City Manager Whitehead: First, just to remind everybody and just to talk a little bit, we've had a tough challenge with water leaks. We get it, we're trying to get a process, it works for a minute and then it doesn't, we're kind of lucky because they're really small leaks but we did a mathematical assessment, and even these small leaks, they're a big problem. If you drive around, you can see we're marking them, we're trying to get them located. The vac truck has been down, so we don't have a vac truck, so it's just a challenge. The crew's working hard, really proud of the team. But just to let you know, it doesn't go a day without us having a conversation about where we are with leaks and how we can fix them. We're definitely not ignoring them, they're just winning right now. I just want to keep that fresh. Just a couple of things, we are paying attention to

Facebook when we get relevant information. I would point out that we had a citizen concerned about the lower end of Veater Street, we did a lot of recon and found out that that particular road was our road, we have done a complete repair/restoration on that road, you should drive down and take a look at it. The road crews and Buster did a fabulous job. We've redirected it to channel the water, so the water should flow clearly to our drainage. We had a drainage in that area, we had an easement to clean, they have fixed all of it. Really good repair, and I'm really proud of the team for recognizing good information on Facebook that led us to fixing it. There was another one about the golf course and the weeds, we've mowed those down, and again, we'll try to do a better job on the streets. Just a lot of moving pieces, but good request for assistance, we're paying attention and trying to be responsive.

C. CONSENT CALENDAR:

1. 1st Quarter Subrecipient Reports
2. Purchase report of items between \$20,000 and \$60,000

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

D. PUBLIC HEARINGS (5 Minute Rule Applies)

1. Public Hearing/Discussion/Action: Public hearing and final Adoption of Ordinance No. 772 G.O. Bond.

Item was tabled until the November 19th meeting.

E. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 20 25/26 Budget Adjustment Request.

City Manager Whitehead: In your packet today, you'll see a budget adjustment resolution for \$26,000. These are capital outlay funds to SJOA, so this would be the addition of those revenues into the budget and then setting them up for expenditure. These funds will be going to renovate their refrigeration system. Truly for our budget, just an in and an out, and adding them to our budget for DFA.

Commissioner Mitchell moved to approve Resolution No. 20 25/26 Budget Adjustment Request. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 21 25/26 Sale of Surplus Property to be sold at the November 22, 2025, Willard Hall Auction.

City Clerk Torres: In your packet, we have two side loaders and some poles that we want to sell in the November 22nd Willard Hall Auction. On May 14th, you approved a bunch of items to go up for sale at the JJ Kane Auction, six of those items did not sell, so we're also going to add those to the Willard Hall Auction. It's not listed here because it's already been approved, but we are going to try to get rid of those.

Mayor Pro-Tem Forrister: Do we remember what they are?

City Clerk Torres: I'll list them right now, and I'll also have it in the advertisement, and then Carrie will have it online as well. I will also get pictures, so that will help everybody. We have a 2011 Ford F250, a 2011 Ford Ranger, 2001 Ford Crew Cab 4x4, 2006 GMC Truck, and two 2003 Firetrucks.

Mayor Pro-Tem Forrister: I don't know about getting rid of a fire.

Mayor Hechler: Sounds like yard art to me.

City Clerk Torres: Well, Willard said he can get rid of it.

Mayor Pro-Tem Forrister: Willard says it, I believe it.

Commissioner Fahl: The county fire departments didn't want them?

City Clerk Torres: No. We tried to donate them, we've tried everything.

City Attorney Rubin: I'll just mention, the resolution is word for word from the state statute, calls for a publication.

Mayor Pro-Tem Forrister moved to approve Resolution No. 21 25/26 Sale of Surplus Property to be sold at the November 22, 2025, Willard Hall Auction. Commissioner Hoeppe seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. NEW BUSINESS:

1. Discussion/Action: Memorandum of Understanding between the City of Truth or Consequences and the Village of Williamsburg for road maintenance.

City Manager Whitehead: In front of you is a Memorandum of Understanding. For years, the City of Truth or Consequences has served in support of Williamsburg in multiple areas: road improvements, we provide water, we also process their wastewater. They handle the collection system, but the water system is ours. We also provide solid waste

through our trucks, and animal control. Off and on throughout the years, we've either been the Police Department for them or not, currently the Sheriff is. For me, being a partner with Williamsburg is important to me, I want to make sure, you know we had an understanding when I came on board, this particular agreement was already expired, and then there were just some vague issues on how we handle things, when we should go. If you'll look at this agreement, we've cleaned it up to basically say, "The city road department would respond when Williamsburg – the mayor or the clerk – contact us." The biggest part of it is taking a look at the inventory costs, so we identified what each item would cost if we needed to do repairs, they wanted to see what the cost of signs would be. So again, in this particular agreement, you could buy a stop sign, it would cost us \$90, that's what they would pay, and then they would pay us \$75 to go install that. Something that we've added to the agreement is in the beginning of the budget process, for the mayor to be able to present to our road department a list of items they want done. They should be able to go say, "Hey we have \$5,000 we want to change these signs, here's a list of what we want to do." And execute a purchase order to us. So, it'll be really clear, so we'll hopefully get that. And furthermore, when they find potholes, and those kinds of things. The agreement was a one-year contract, so it always expired. It's an MOU, it's a government-to-government contract, we don't have certain limitations like we would with a contractor, so what I did is made this contract a four-year, that's pretty standard, even if we were doing it with the private sector, so it's a four-year agreement, we would be able to change the inventory cost annually. So, if we had a price escalator and the signs, we would then just present that, and then just every four years, it would come back for renewal. I cleaned up the language to take the name of the city manager out and the name of the mayor, so each party could sign it. Council Jay noticed that we had listed our staff by name in the inventory, so we'll clean that up. What we'd ask is approval of the agreement, we will clean that up and take out the names, it would just be: supervisor, laborer, and those kinds of things. Again, how this would work is, everything is by the hour, so if they said, "Hey, we need the road repaired:" Buster would be able to say, "I'm going to send three guys, the loader, the dump truck, it'll take us two hours, this is what your cost will be." And that's what the mayor really wanted, was just to be able to know what their costs would be, and to be able to direct the work that they wanted done. The road department has reviewed this, Brenden has helped put this together, staff like it, so we would ask for adoption. The mayor of Williamsburg has already approved the agreement.

Mayor Pro-Tem Forrister: I think this is great, I like that we have it laid out on what's getting paid where. My only concern is our manpower and when we are busy and they need something done right away, how is that going to flow?

City Manager Whitehead: I think it's just going to have to be, we would let our department head handle that. This gives Buster the tools, it's not ambiguous in what he has to do, what he's capable of. He would just have to say, "I can't get there until this time." I think we just let him solve that problem.

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Mayor Pro-Tem Forrister: I just want him to know that it's fine for him to say those things when we have our own stuff going on, and our own potholes to deal with, as opposed to going and dealing with somebody else's.

City Manager Whitehead: Absolutely. I would say, in fairness, the mayor of Williamsburg never indicated that there was a problem of timing. The question always was, "How do we get billed for this?" and then the bill might have come in and it was really high, and there was a question of, "Well how did that happen?" so hopefully we don't have that problem, but Buster is fully capable of managing the staff and getting them out there.

Mayor Pro-Tem Forrister: Right, and I know that we currently provide those services anyway.

Mayor Hechler: Manager Whitehead, at what level is the final decision made of whether we will provide this service or not? Is it the department head or is it your level?

City Manager Whitehead: It's at the department head level. At this point, I call Buster out by name as our department head, they would just, Amanda actually, the clerk, would be able to contact Buster and say, "Hey, here's a list of the signs." Or "There's a pothole." Or "There's a pile of some flooding cane, could you bring a loader?" so that's where it would happen, it would happen between the staff.

Mayor Hechler: Will they agree on the cost before the action is taken, or is that something that we find afterwards?

City Manager Whitehead: It's going to be field afterwards in some cases, but again, with the signs, the mayor and clerk could take a look at this and budget, and say, "We want to replace ten signs at \$75, and these are the signs, and here's the cost of those signs." So, they are going to know what their costs are upfront. Let's say we have a flooding issue, and the street is full of dirt, and we have to go send a loader and a dump truck, that is just going to be the time and material, but they will know what the per-hour cost is, if that makes any sense.

Mayor Hechler: That makes sense.

City Manager Whitehead: And I would protect the Village, you know, we wouldn't send the whole road crew, we aren't going to bill for everybody that's on there. It should be a couple of staff, this piece of equipment, that piece of equipment.

Mayor Hechler: Sometimes you incur other issues, for instance, you could break a water line, or you find there's bedrock where you're digging instead of something else, and all of a sudden, that \$200 fix is a \$700 or \$800 fix. What's the contingency for that, or is there one?

City Manager Whitehead: Well in a water line leak, it would be kind of a different situation, because we own the water line. So, if a water line breaks, currently we have

two there and we fixed one last night, that's on us. We have to dig and get to it, we have to cover it, we have to patch it. So that's not on them.

Mayor Hechler: But there will be that level of communication if you go and say, "Hey it's going to cost a little bit more because we ran into this or that."

City Manager Whitehead: I would think so.

Mayor Hechler: I remember being involved in this contract before, and there were some billing issues in the past that we had to get past, so I wanted to make sure that it was a clear path.

City Manager Whitehead: My vision is that by putting these numbers clearly in the contract that there will be some practical application to it. I think what's happened in the past, what I've heard is, "We thought they were there two hours, and then we got a bill for \$10,000." I'm just making that up, but it didn't seem like that was fair, and I wasn't here, so I don't know, I just wanted to fix it. I have to hope that actually having these numbers, it should balance itself out where it's pretty clear. And they can argue over an hour, right now they're arguing over a unit. "Were you really there for five hours, if you billed me for five hours?" "Were there really ten people there? When we drove by, there were two people." I think they could discuss that.

Mayor Hechler: I think some of that was the rhetoric in the past, and I'm hopeful we're past all that.

City Manager Whitehead: I think so. My intention while I'm here is to have a good relationship with Williamsburg and be a good partner. Their citizens depend on us and we should take care of them.

Mayor Hechler: I agree 100%.

Commissioner Fahl: It's just good to have it all laid out right there, so there's no surprises. Thank you for doing that.

Commissioner Hoeppe moved to approve Memorandum of Understanding between the City of Truth or Consequences and the Village of Williamsburg for road maintenance with the amendment of the removal of names from the department staff. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: NM Capital Outlay Grant Agreement A25-J2035 Aging and Long-Term Services Department.

Assistant City Manager Alvarez: This is the capital outlay grant agreement for the Ken James Senior Center; this is for \$26,000 for them to purchase the walk-in freezers and refrigerators. We're the fiscal agents, it's 100% grant, no match required, nothing required on the city's side, front the money up, and submit for reimbursement.

Mayor Hechler: Thank you, that's pretty cut and dry.

Mayor Pro-Tem Forrister moved to approve NM Capital Outlay Grant Agreement A25-J2035 Aging and Long-Term Services Department. Commissioner Hoeppner seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

**3. Discussion/Action: Approval of Purchase Requisitions over \$60,000.
a. ITB #2025-09-007 Shovel Ready Project 1-Notice of Award- J & H Services Inc.**

Assistant City Manager Alvarez: We are finally ready to start one of our large water projects. A really quick background – this is our shovel-ready water project, so it's all the various projects that were designed other funding sources, but we didn't have enough funding to cover it, so we went out for shovel-ready, we got the \$4.8 million from Colonius, and the \$4.4 million in capital outlay, the project has been designed and it's gone out to bid, we had four responsive bidders. The lowest bidder was J&H Services for a total contract price of \$5,765,435.12. We are requesting the Commission to accept the notice of award, award the contract to J&H Services, and authorize the City Manager to execute the project documents that are applicable so we can proceed with the project. That's going to include our extra water tank over there at Cook Street, as well as almost 17,000 linear feet of pipeline going in the ground.

Commissioner Fahl: This contract, they are allowed 370 days to complete that, and that seems like an excessively long amount of time. Why do they think, or why do we think it's going to take that long?

Assistant City Manager Alvarez: Some of the lead time, even just for the water tank itself, I'm sure there's an excessive lead time on the water tank and 17,000 feet of water line throughout the city is a lot of water line to put in the ground, as well.

Commissioner Fahl: Over a year is a long time too. So, I was concerned about that.

City Manager Whitehead: Let me try to answer, because I didn't ask that specific question, I didn't get too much, what I've been concerned about is what the pot of money is, and how well the engineers estimate, because if you think back in time, that's

been a problem. The engineer's estimate to do this job was \$6.5 million, or \$6.3 million. The bids came in right on \$6.3 million, actually the lowest bid is \$800,000 below. We have \$1.8 million in surplus on this project. I'm going to trust the engineer, as I said when I came on, I understood that Wilson & Company, Mark Nassey, has a good understanding of our water system, he really does, and I think his estimate is probably based on some calculation of that many linear feet of line for the number of days that would happen. It does seem like a long time, but I think they'll probably use all of it.

Commissioner Fahl: Okay.

City Manager Whitehead: I feel like I'm just advocating for the engineer's estimate is that, and he's been pretty spot-on and it feels pretty good. These would be his numbers. This would be what was estimated within the contract bid. That's what they bid on, based on that, and the number of days they had to complete the project.

Commissioner Fahl: Okay, question two was about the selection of the contractor. I know invitation, was it RFP or invitation to bid?

Assistant City Manager Alvarez: Invitation to bid, it's based on low bid.

Commissioner Fahl: So that's what I had thought, but my concern, just for awareness, based on some problems that the county just recently experienced, did they provide references on how well they get things done on time? Because we don't want to be caught like the county was.

Assistant City Manager Alvarez: Our engineer did reach out for references as well, and they came back with great references, with some other municipalities that they've done work with, as well as another engineer that they worked for with the municipalities, so they did have favorable references.

Commissioner Fahl: Good. Yeah, invitation to bid is a good way, but sometimes not depending on how the results end up.

Assistant City Manager Alvarez: It is sometimes dictated by our funding sources.

Commissioner Fahl: It's just that you never know. One other thing I think would be helpful for me, I don't know about the other Commissioners, and also for the public, at some point, Traci, you've probably done this in the past, but for this project, can we post on our website a map of where all these are going?

Assistant City Manager Alvarez: It's actually all posted on our city website under [city blueprint](#), under water projects, there's [shovel ready](#), it gives a really good description of what the project is, and if you scroll down, Carrie has done an amazing job putting maps. You click on the map and it shows each area.

Commissioner Fahl: I think that'll be good for everyone. And I'll look on there, so I know when people ask me.

Mayor Pro-Tem Forrister: And she'll push that out, probably the link on Facebook, just so people can be aware of it? Put an ad on social media so that the public will be aware of where that construction is happening.

Assistant City Manager Alvarez: Yeah, this will definitely be on social media. Carrie will be back tomorrow and I think she'll be updating.

Commissioner Fahl: That'd be great.

Assistant City Manager Alvarez: Pursuant to the Commission approving.

City Manager Whitehead: I would also add, I'll push one step further, we will make a point to notify every resident of every street.

Mayor Pro-Tem Forrister: That would be nice.

City Manager Whitehead: We've done that on Foch street, we've walked the street, we have one more set for tomorrow where we knock one very door, I don't know that we'll get to that level, but we should be able to send a letter to everybody that's on that street that says what's happening, the time frame, and where they can find information on our website. We will make sure that we're doing what we can, we hear you on that. We need to do a better job.

Commissioner Fahl: Awesome. Okay those were my questions.

Mayor Pro-Tem Forrister: Mine was kind of the same as Commissioner Fahl's, just concerning the company. I was wondering if they had references because the other one that came in was not so far off from them, and it is a company we all well know around here. They know our water lines, our citizens, and we know they do good work for us, so that was just my concern. Would it be beneficial to maybe spend a little bit more money and get somebody that is well known here that also knows our water lines and has worked on them as well. But if the other company has been vetted and they're going to come, I just don't want to get caught in the situation that we're in with the county right now.

Assistant City Manager Alvarez: Under our funding sources, we don't have as much of a choice. We'd have to have a very good reason not to award the lowest bidder.

Commissioner Fahl: And the reason would be if they didn't have good references.

Mayor Pro-Tem Forrister: Right, that was my concern. So, if they're vetted, then let's roll.

Assistant City Manager Alvarez: The good thing is, one of the things I updated to Our Utility Board on Monday was, given the government shutdown, we are waiting on government shutdown for USDA, but we're getting ready time-wise, we're going to be going out for WSPI-1 and WSPI-2 around the same time, that's going to be around \$40 million – well a little bit less because you have engineering in there – but roughly \$40 million that we've been awarded that's been engineered, designed, and going to be going in the ground. So, we have two more very large projects that'll be going out for bid, that's lot for one contractor to have that much manpower.

Mayor Pro-Tem Forrister: Very true.

Mayor Hechler: You answered my question, Gary, about the engineering bid. It's very refreshing that the engineering bid actually comes up a little bit higher than what our actual bids are, it hasn't been that way in the past, they'd be we're in a trend, I'm hoping. Especially when it comes to future projects, so I'll have my fingers crossed. Good job, I'm looking forward to getting this done.

City Manager Whitehead: And I would just comment that the engineer who did the review of all of them said that everybody came back good. There are four good, competitive bids. Smithco and this company, I get that we know both of them, but they were close enough to each other that it gives me a little comfort, that this is a good bid. Smithco would have been hungry to get this job, they would have bid it as close to the vest as they could, so for J&H to beat them a little bit and be that competitive. The outlier put a big number on. So, I feel really good, and the other projects are coming in where the engineer's estimate is a little bit below the funding we have, so that feels really good too. Maybe costs are getting in line, and products are available.

Mayor Pro-Tem Forrister: Where is J&H out of?

City Manager Whitehead: Albuquerque, I think.

Commissioner Fahl moved to approve Purchase Requisitions over \$60,000 as presented, accept the notice of award, award the contract, and authorize the city manager to execute applicable documents. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

I. ADJOURNMENT:

Mayor Hechler adjourned the meeting at 4:30 p.m.

Passed and Approved this 19th day of November, 2025.

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Rolf Hechler, Mayor

ATTEST:



Angela A. Torres, CMC, City Clerk