

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, JULY 28, 2021

CALL TO ORDER:

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

A. INTRODUCTION:

1. ROLL CALL:

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

Hon. Sandra Whitehead, Mayor
Hon. Amanda Forrister, Mayor Pro-Tem
Hon. Paul Baca, Commissioner
Hon. Randall Aragon, Commissioner- ABSENT
Hon. Frances Luna, Commissioner VIA TELECONFERENCE

Also Present: Bruce Swingle, City Manager
Angela A. Torres, City Clerk-Treasurer

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

2. SILENT MEDITATION:

Mayor Whitehead called for fifteen seconds of silent meditation.

3. PLEDGE OF ALLEGIANCE:

Mayor Whitehead 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 Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

B. PRESENTATIONS (10 Minutes):

1. Proclamation celebrating the 105th Birthday of Ms. Thelma Dickenson Clark:

Mayor Whitehead read a summary of Ms. Thelma Dickenson Clark's life, and presented her daughter with a Proclamation celebrating Ms. Dickenson Clark's 105th Birthday on July 13, 2021.

C. PUBLIC COMMENT:

Rick Dumiak approached the Commission with comments related to his objection to Resolution No. 05 21/22 (the imposition of a \$50 monthly fee to retain a digital meter). He explained that the \$50 monthly fee would be a hardship for him, and asked that the fee be lowered.

Sophia Peron approached the Commission with rude comments toward three of our current Commissioners, and she noted that the upcoming Election is in November. There will be three (3) City Commissioner seats on the ballot, and she encouraged the public to run for office.

D. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, July 14, 2021**
- 2. Acknowledge Regular Planning & Zoning Minutes, June 7, 2021**
- 3. Acknowledge Regular Public Utility Advisory Board Minutes, June 21, 2021**

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

E. PUBLIC HEARINGS:

- 1. Public Hearing/Discussion/Action: Pursuant to Chapter 15 Subdivision, Sec. 15-18, applicant is requesting the City to vacate an undeveloped designated alley at 400 Lucky Street, Truth or Consequences, NM:**

Traci Alvarez, Community Development Director explained that the applicant is requesting that we vacate a designated alley way that has not been developed. It is in front of her lot at 400 Lucky Street, and she is under contract to purchase the lot next door. This is the only section of alley way in the area of Lucky Street that hasn't been vacated, and it is the only access she has to her property. All adjacent property owners within a 300 ft. radius have been notified, and there have been no oppositions. There are no concerns on utilities, all utility offices have signed off, and staff recommends the said vacation.

Proponents:

Applicant Debra Trujillo stated that she purchased the land at 400 Lucky in April of this year. It is a Church that was used for several years. When she purchased the property, she had it surveyed, and nobody other than the surveyor seemed to know that there was this right of way in front of the building. It does follow the entire length of the block, and there are only two lots on the entire block (her home, and the home next door). It is about 30ft. wide, and it is the only access to both buildings.

Opponents:

None.

Mayor Whitehead then closed the public hearing.

Mayor Pro-Tem Forrister made a motion to approve the vacation of alley on the undeveloped designated alley at the 400 block of Lucky Street, Truth or Consequences, NM. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

F. ORDINANCES/RESOLUTIONS/ZONING:

1. Discussion/Action: Resolution No. 02 21/22 adopting fees for the City of T or C Golf Course Club House:

Wes Owens, Golf Course Manager reviewed the proposed resolution to adopt fees for the City of T or C Golf Course Club House. We currently do not have an agreement for the Golf Course Club House, and they have been receiving inquiries about rentals. The resolution allows alcohol to be served if served by a vendor with a "picnic license". He also explained that non-profit organizations will receive a 50% reduction in rental fees by providing their non-profit status paperwork. However, all deposits must be paid in full. They eventually want to do some upgrades to the building to make it more pleasant for those who would want to rent it.

Mayor Pro-Tem Forrister moved to approve Resolution No. 02 21/22 adopting fees for the City of T or C Golf Course Club House. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Action: Resolution No. 07 21/22 final fiscal year 2020-2021 Budget Adjustments:

Carol Kirkpatrick, Finance Director explained that we have the opportunity at the end of the year to adjust any budgets that need to be adjusted, and we only have two. On the first document we received two donations for the Swimming Pool that totaled up to

\$5,355, and we wanted to get that put into last year's budget to match our cash. On the second document we missed the transfer portion of a cash transfer that was approved on March 24, 2020 so we are just following up, and getting all of our documents we need on that.

Commissioner Baca moved to approve Resolution No. 07 21/22 final fiscal year 2020-2021 Budget Adjustments. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

3. Discussion/Action: Resolution No. 08 21/22 approval of 4th quarter financial reports for fiscal year 2020/2021:

Carol Kirkpatrick, Finance Director explained that the Department of Finance requires that we pass a resolution for our 4th quarter financial reports. In the packet is our cash balance, revenues, expenses, and transfers. This will be sent to the Department of Finance by June 30, 2021.

Commissioner Baca moved to approve Resolution No. 08 21/22 approval of 4th quarter financial reports for fiscal year 2020/2021. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 09 21/22 final adoption of fiscal year 2021/2022 Budget:

Carol Kirkpatrick, Finance Director explained that we have submitted our final budget, and we have the opportunity from the preliminary budget to the final budget to make a few last minute changes. Any cash balances have to be reported as actuals. She then reviewed some of the cash balances, revenues, and changes as noted in the packet.

Mayor Pro-Tem Forrister moved to approve Resolution No. 09 21/22 final adoption of fiscal year 2021/2022 Budget. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 10 21/22 amending fees, and regulations for the use of the Civic Center:

City Clerk Torres explained that this resolution is to amend the current fees and regulations for the Civic Center. Most of the fees increased by \$50, and all security deposits will remain the same. We are also eliminating the portion on the prior resolution that allows 100% reductions in fees for all organizations holding an event that requires at least two consecutive days. The purpose of that portion on the prior resolution was to try and get heads in beds, and to try and get people to stay in our

community overnight. However, that has not been the case. 98% of the rentals who received the 100% reduction in fees were locals, and the events did not promote tourism. We are also adding a clause that states TULIP Insurance may be required for scheduled events. That is something we don't currently require. However, we feel it's important to have.

City Attorney Rubin asked for a revision in the portion under **Criteria** in which the event must be scheduled 45 hours prior to the event. It should read: All rental fees must be paid in full no later than 48 hours prior to the event. We need at least a 48 hour notice prior to any scheduled event.

Mayor Pro-Tem Forrister moved to approve Resolution No. 10 21/22 amending fees, and regulations for the use of the Civic Center with the amendment as noted. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Resolution No. 11 21/22 authorizing the submission of a New Mexico Community Development Block Grant Program application:

Traci Alvarez, Community Development Director explained that this is a requirement in the application process for the New Mexico Community Development Block Grant Program. Staff is requesting approval of the resolution. This is for planning funds, and if awarded the funds would be used for the update to the Comprehensive Plan. The planning fund award would be \$50,000, with a \$5,000 cash match. The cost of the upgrade to the Comprehensive Plan wouldn't be determined until after we received the award, and went out for quotes or proposals.

Commissioner Baca moved to approve Resolution No. 11 21/22 authorizing the submission of a New Mexico Community Development Block Grant Program application. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Resolution No. 12 21/22 approval of the City of Truth or Consequences Take Home Vehicle Policy:

City Manager Swingle reviewed the new Take Home Vehicle Policy which reviewed:

- I. PROGRAM
- II. GENERAL REQUIREMENTS
- III. MAINTENANCE REGULATIONS

Discussion ensued regarding Section II. - GENERAL REQUIREMENTS (H) It shall be the policy of the City of Truth or Consequences that employees shall not be assigned a motor vehicle or motorized equipment on a twenty-four-hour basis unless such employee resides within ten (10) miles of the City, excluding law enforcement officers.

The Commission decided to change Section II. - GENERAL REQUIREMENTS (H) to read: "Employees shall not be assigned a motor vehicle or motorized equipment on a twenty-four-hour basis unless such employee resides **within thirty (30) miles** of the City, excluding law enforcement officers." All cases will need to be approved by the Commission.

Mayor Pro-Tem Forrister made a motion to approve Resolution No. 12 21/22, the approval of the City of Truth or Consequences Take Home Vehicle Policy with the amendment noted under Section II H of the policy. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Resolution No. 13 21/22 setting a method by which Lodgers Tax is allocated on a yearly basis:

City Manager Swingle explained that we currently have about four (4) resolutions addressing Lodgers Tax, and the distribution of the Lodgers Tax revenue. All of the resolutions conflict with one another so this proposed resolution is intended to provide one document that explains all of the distributions for Lodgers Tax revenue.

Commissioner Baca moved to approve Resolution No. 13 21/22 setting a method by which Lodgers Tax is allocated on a yearly basis. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

1. Discussion/Action: Approval of Purchase Requisitions over \$20,000:

Carol Kirkpatrick, Finance Director explained that this in light of the Resolution No. 46 20/21. The purchase orders before you are for \$20,000 or greater which exceed the City Manager's authority, and need to be approved by the Commission. Amounts of the Purchase Requisitions are provided in the packet.

Mayor Pro-Tem Forrister moved to approve the Purchase Requisitions over \$20,000. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

2. Discussion/Update: Review of July 13th Recreation Advisory Board Workshop:

Greg D'Amour, Recreation Advisory Board Chairman reviewed the details of the July 13th Recreation Advisory Board Workshop. Some of the ideas discussed included:

- Ralph Edwards Park Phase I review.
- Ralph Edwards Park Phase II discussion: moving the skate park, clean up the river bank, new bathrooms, and new trees to replace those that died and those that appear weak, and options for completing the gazebo.
- Re-doing the volley ball court, and adding Horseshoe pits, and Cornhole pits in an adjacent area at Ralph Edwards Park.
- Lighting in the various sport activity areas at Ralph Edwards Park, and possibly installing "pay" lights or solar lights.
- Discussion of certain areas at the Louis Armijo Sports Complex which were either underused, or not being used at all.
- Future hopes of a Community Recreation Center.

Public Suggestions during the workshop included:

- Moving the parking along the river, and the dirt area to the city yard across the street from the park.
- Separating the senior activities from the Civic Center back to Lee Belle Johnson Center.
- The lack of shade at the Healing Waters Plaza.
- Clearing of the riverbank for a trail along the river through T or C for public use.
- Potential for Lacrosse to be offered if the soccer field is brought up to standard.
- A batting cage at the Louis Armijo Sports Complex, and additional parking for when we host tournaments.

3. Discussion/Action: Re-appointment of Greg D'Amour to the Recreation Advisory Board:

City Clerk Torres explained that Greg D'Amour is currently the Chairman of the Recreation Advisory Board. His term expired in June 2020. However, due to the COVID-19 Pandemic, the board only met a few times last year and did not do the re-appointment in 2020. Our city code states that current members shall continue to hold office until their successor is appointed and qualified. In June 2021, Mr. D'Amour submitted his application to continue to serve on the board. On July 13, 2021, the Recreation Advisory Board unanimously voted to re-appoint Mr. D'Amour to serve a 1-year term on the board. Vacancies for the board were advertised in our local newspaper, and posted on the City Clerk's Office bulletin Board.

Commissioner Luna moved to approve the re-appointment of Greg D'Amour to the Recreation Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Re-appointment of Carole Wheeler to the Recreation Advisory Board:

City Clerk Torres explained that Carole Wheeler is a current member on the Recreation Advisory Board. Her term expired in June 2020. However, due to the COVID-19 Pandemic, the board only met a few times last year and did not do the re-appointment in 2020. Our city code states that current members shall continue to hold office until their successor is appointed and qualified. In June 2021, Ms. Wheeler submitted her application to continue to serve on the board. On July 13, 2021, the Recreation Advisory Board unanimously voted to re-appoint Ms. Wheeler to serve a 1-year term on the board. Vacancies for the board were advertised in our local newspaper and posted on the City Clerk's Office bulletin Board.

Commissioner Luna moved to approve the re-appointment of Carole Wheeler to the Recreation Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Re-appointment of Jeni Neeley to the Recreation Advisory Board:

City Clerk Torres explained that Jeni Neeley is a current member on the Recreation Advisory Board. Her term expired in June 2021. On July 13, 2021, the Recreation Advisory Board unanimously voted to re-appoint Ms. Neeley to serve a 2-year term on the board. Vacancies for the board were advertised in our local newspaper, and posted on the City Clerk's Office bulletin Board.

Commissioner Baca moved to approve the re-appointment of Jeni Neeley to the Recreation Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Re-appointment of Ingo Hoepfner to the Recreation Advisory Board:

City Clerk Torres explained that Ingo Hoepfner is also a current member on the Recreation Advisory Board. His term expired in June 2021. On July 13, 2021, the Recreation Advisory Board unanimously voted to re-appoint Mr. Hoepfner to serve a 2-year term on the board. Vacancies for the board were advertised in our local newspaper and posted on the City Clerk's Office bulletin Board.

Commissioner Baca moved to approve the re-appointment of Ingo Hoepfner to the Recreation Advisory Board. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Appointment of David Dawdy to serve as a member on the Recreation Advisory Board. Angela Torres, City Clerk

City Clerk Torres explained, in 2020 Christie Conklin resigned from the Recreation Advisory Board. On September 24, 2020 we received a board member application from David Dawdy, and on July 13, 2021, the Recreation Advisory Board unanimously voted to appoint Mr. Dawdy to serve a 2-year term on the board.

Mayor Pro-Tem Forrister moved to approve the appointment of David Dawdy to serve as a member on the Recreation Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Re-appointment of Sid Bryan to the Public Arts Advisory Board:

City Clerk Torres explained that Sid Bryan is a current member on the Public Arts Advisory Board. His term expired in June 2021, and on June 15, 2021, the Public Arts Board unanimously voted to re-appoint him to serve a 2-year term on the board. We currently have one vacancy on the board and that seat is being advertised. However, we recently received a board member application from Susanne Carlstedt and her application will go before the public arts board at their next scheduled meeting.

Mayor Pro-Tem Forrister moved to approve the re-appointment of Sid Bryan to the Public Arts Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously

9. Discussion/Action: Re-appointment of Eduardo Alicea to the Public Arts Advisory Board:

City Clerk Torres explained that Eduardo Alicea is a current member on the Public Arts Advisory Board. His term expired in June 2021, and on June 15, 2021, the Public Arts Board unanimously voted to re-appoint him to serve a 2-year term on the board.

Mayor Pro-Tem Forrister moved to approve the re-appointment of Eduardo Alicea to the Public Arts Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

10. Discussion/Action: Re-appointment of Cary “Jagger” Gustin to the Public Arts Advisory Board:

City Clerk Torres explained that Cary “Jagger” Gustin is a current member on the Public Arts Advisory Board. His term expired in June 2021, and on June 15, 2021, the Public Arts Board unanimously voted to re-appoint him to serve a 2-year term on the board.

Commissioner Baca moved to approve the re-appointment of Cary “Jagger” Gustin to the Public Arts Advisory Board. Commissioner Luna seconded the motion. Roll call was taken by the Clerk-Treasurer.

Hon. Frances Luna, Commissioner voted aye.

Hon. Amanda Forrister, Mayor Pro-Tem abstained from the vote.

Hon. Paul Baca, Commissioner voted aye.

Hon. Sandra Whitehead, Mayor voted aye.

Motion carried with a 4-0 vote.

11. Discussion/Action: Re-appointment of Andy Underwood to the Public Arts Advisory Board:

City Clerk Torres explained that Andy Underwood is a current member on the Public Arts Advisory Board. His term expired in June 2021, and on June 15, 2021, the Public Arts Board unanimously voted to re-appoint him to serve a 2-year term on the board.

Mayor Pro-Tem Forrister moved to approve the re-appointment of Andy Underwood to the Public Arts Advisory Board. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously

12. Discussion/Action: Adoption of written procedures pertaining to the Utility Service appeal process in Section 14-30(e) of the Municipal Code:

City Clerk Torres explained that Section 14-30(e) of the Municipal Code gives any person disputing a disconnect notice or other action related to utility service a reasonable opportunity to present an appeal. In your packet is a copy of Section 14-30(e). Currently we do not have any written procedures for this type of appeal, so we drafted a written policy for the Utility Service appeal process.

City Manager Swingle stated that there is a typo on item 1, page to that needs to be changed. The word “than” should be inserted.

Mayor Pro-Tem Forrister moved to approve the adoption of written procedures pertaining to the Utility Service appeal process in Section 14-30(e) of the Municipal Code with the addition of the word than mentioned by City Manager Swingle. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

13. Discussion/Action: Approval of Summary Plat Amendment Lot Split at 2103 S. Broadway:

Traci Alvarez, Community Development Director explained that the Summary Plat Amendment for a lot split at 2103 S. Broadway was done by Public Hearing at the Planning & Zoning meeting on July 12, 2021. The Planning & Zoning Commission recommended approval by a 2-1 vote to approve the lot split pending utility verifications. Currently both lots share water and sewer, and there is no electric easement. Staff would recommend approval of this only if the water and sewer are separated, and easements are written in for all utilities as needed.

Commissioner Baca moved to approve the Summary Plat Amendment Lot Split at 2103 S. Broadway with the stipulation mentioned by Traci Alvarez. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

14. Discussion/Action: Approval of State of New Mexico Tourism Department Litter Control and Beautification "Clean & Beautiful" Grant Program Agreement offer:

Traci Alvarez, Community Development Director explained that staff applied for, and has received a notice of award for a "Clean & Beautiful" Grant in the amount of \$5,040.38 for litter prevention signs, waste receptacles, and bench and tables. There is a 25% cash match requirement in the amount of \$1,260.10 for a total of \$6,348. Staff requests approval to accept the award and to enter into the grant agreement. The signs and waste receptacles are planned to be focused in the area of Rotary Park once everything is finalized on ownership.

Mayor Pro-Tem Forrister moved to approve the State of New Mexico Tourism Department Litter Control and Beautification "Clean & Beautiful" Grant Program Agreement offer. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

15. Discussion/Action: Award project Truth or Consequences Rehabilitate Runway 13/31 and enter into Contract with Maxwell Asphalt, Inc.:

Traci Alvarez, Community Development Director explained that the next project at our Airport is the re-habilitation of Runway 13/31. This will include crack seal and seal coat. The project went out to bid, and we are requesting to issue the Notice of Award to Maxwell Asphalt, Inc., and enter into a contract with them. The project is 100% fully funded by FAA, as you will see in the next item on the agenda.

Mayor Pro-Tem Forrister moved to approve the Award project Truth or Consequences Rehabilitate Runway 13/31 and enter into Contract with Maxwell Asphalt, Inc. Commissioner Baca seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

16. Discussion/Action: Approval of FAA Airport Improvement Program (AIP) Grant Agreement:

Traci Alvarez, Community Development Director explained that this is the FAA Airport Improvement Program (AIP) Grant Agreement offer in the amount of \$347,631. This would cover 100% of the costs associated with the re-habilitation of Runway 13/31. In the packet is the NMDOT grant agreement. The state agreement came through first. Typically that is only a percentage of the cost, and FAA will pick up the larger percentage of the cost, and then the city would have a cash match similar to last year, but FAA is funding 100% of the cost on this project so the state grant money will be back absorbed, and if we are lucky we will get some additional state funds for other items.

Commissioner Baca moved to approve the FAA Airport Improvement Program (AIP) Grant Agreement. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.

H. REPORTS:

City Manager Swingle reported the following:

- On Thursday, July 29, 2021 Senator Heinrich's staff will hold a session at the T or C Library from 9:30 a.m. to 10:30 a.m.
- National Night Out will be held on August 3, 2021 from 5:00 p.m. to 9:00 p.m. at the Albert Lyon Event Center. Commissioners are encouraged to go and participate. It is a great event every year. Especially for the kids.
- We have done some re-arranging of office staff. We moved Jamie Sweeney from Safety to Code Enforcement. Our Code Enforcement Officer is retiring. The Chief would like to consolidate that Code Enforcement also do evidence tech work. Most of Ms. Sweeney's attention will be on Code Enforcement because staff has

clear direction that we need to clean this city up. Code Enforcement will be very active. The Chief of Police and Ms. Sweeney have a very good understanding of the community and what the needs are. We will eliminate the Safety Officer position because an entity this small does not necessarily need a Safety Officer. However, we do need to develop a safety committee, and safety will fall under the responsibility of the Department Heads and Directors.

- We want to re-schedule the finance and budget workshop to August 9, 2021 at 9:00 a.m. here in the Commission Chambers. We need to look at revenue shortfalls as well as financial issues, and figure out a long term strategy and how we can generate more revenue.
- The Animal Shelter has been in crisis mode for a couple of months now where they have too many animals in the facility. The intake of animals in 2018 was 497 with an average of 55 animals per month. In 2019 that number almost doubled to 870 with an average of 72 animals per month. In 2020 that number went up to 962 with an average of 80 animals per month. This year to date we have already had over 644 animals with an average of 95 animals per month. The Shelter was never designed to have this many animals in it. There are a lot of processes and practices that we are doing that is creating the problem. One is the safe keeping of animals. We are taking in quarantine animals, and keeping them for an extended period of time, and we need to address that. OJ and staff are working on procedures right now to reduce that number. Right now we do not charge a fee to harbor animals at the shelter, and we are basically running a Kennel, and that is not the intent of this shelter. We have a lot of repeat offenders who surrender dogs, and in 2-3 months they return that dog, and then 6 months later they come back and get another dog, and repeat the process. Staff at the Animal Shelter knows who these repeat offenders are, and we will have to make some calls on policy. Our goal is to be a no kill shelter at some point, but we are far from that. We are not doing badly, and the animals that are being put down are mostly feral or aggressive, but we want to continue to do better and improve in that matter.

City Attorney Rubin had no reports.

City Commission Reports:

Commissioner Baca reported the following:

- Thanked City Manager Swingle for all of the hard work he does.
- He also thanked all of the city employees for all of their hard work as well.

City Manager Swingle stated that we have a great staff on board and they work very hard. He mentioned that there were a few personal attacks towards staff at the Recreation Advisory Board Workshop, and there is no place for that. That is not how we get anything accomplished. Some of that went on today. Elected Officials are elected to put up with a lot, but the staff does not need that, and they don't deserve that. We can't be everything to everybody. We just don't have the financial resources in this

community to deal with that. There is a place where manners are important, and public meetings is a place where manners are important.

Commissioner Luna had no reports.

Mayor Pro-Tem Forrister reported the following:

- The attacks that happened this morning are ridiculous, and if that person was in attendance at the Recreation Advisory Workshop, she could probably assume who was giving them. She would also hope that person would run again for office because maybe then they would get more than 12 people to vote for them next time.

Mayor Whitehead reported the following:

- She failed to report during silent meditation that we had a tragic incident in our community/Sierra County. Last week one of our Caballo Firefighters was fatally injured. She asked that everyone please to pray for Janet Tracy's Family, Friends and Community.

I. EXECUTIVE SESSION:

1. Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7):

Commissioner Baca made a motion to go into executive session at 10:49 a.m. to discuss Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7). Mayor Pro-Tem Forrister seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.

Mayor Whitehead noted that she will recuse herself on the Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7) item because Michael Lanford is her son in-law.

Mayor Pro-Tem Forrister reconvened the meeting in open session at 11:04 a.m.

Commissioner Luna certified that only matters pertaining to Threatened & Pending Litigation (Erica Baker & Michael Lanford) pursuant to 10-15-1(H.7) was discussed in Executive Session and no action was taken.

J. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 11:06 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and Approved this 11th day of August, 2021.



A handwritten signature in blue ink, appearing to read "Sandra Whitehead".

Sandra Whitehead, Mayor

A handwritten signature in blue ink, appearing to read "Angela A. Torres".

Angela A. Torres, CMC, City Clerk