

CITY COMMISSION MEETING MINUTES
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO
CITY COMMISSION CHAMBERS, 405 W. 3RD St.
WEDNESDAY, SEPTEMBER 22, 2021

A. CALL TO ORDER:

The meeting was called to order by Mayor Sandra Whitehead at 9:00 a.m., who presided and Dawn Barclay, Deputy City Clerk, acted as Secretary of the meeting.

B. 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
Hon. Frances Luna, Commissioner via teleconference

Also Present: Bruce Swingle, City Manager
Traci Alvarez, Assistant City Manager
Dawn Barclay, Deputy City Clerk
Jay Rubin, City Attorney
Carol Kirkpatrick, Finance Director

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 Commissioner Aragon to lead the Pledge of Allegiance.

4. APPROVAL OF AGENDA:

Mayor Pro-Tem Forrister moved to approve the agenda with the removal of items F.2 & G.9. Commissioner Baca seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

C. PRESENTATIONS (10 Minutes):

1. Certificate of Appreciation to Linda DeMarino for serving MainStreet since 2009:

Mayor Whitehead presented a certificate of appreciation to Linda DeMarino for diligently serving MainStreet Truth or Consequences since 2009.

D. PUBLIC COMMENT (3 Minute Rule Applies):

Sophia Peron addressed the Commission with comments related to:

- (1) The Transmission line construction on a two mile stretch, along Ash Street from 1st to 9th street.

Rick Dumiak addressed the Commission with comments related to:

- (1) Why he is being charged the \$8 customer charge, and the \$50 meter reading fee. (Copy of reference attached hereto and made a part hereof).

OJ Hechler addressed the Commission with comments related to:

- (1) A cat & dog adoption program at the Animal Shelter.
- (2) Spay & Neuter program at the Animal Shelter.

Tara Manning addressed the Commission with comments related to:

- (1) A cat & dog adoption program at the Animal Shelter.

Audon Trujillo addressed the Commission with comments related to:

- (1) Personnel Policies.
- (2) Selection Committee for a City Attorney. (Complete copy attached hereto and made a part hereof).

David Koonce addressed the Commission with comments related to:

- (1) Various Comments. (Complete copy attached hereto and made a part hereof).

Tana Spouses addressed the Commission with comments related to:

- (1) How to access information for people running for local elections.
- (2) She requested a copy of the City Comprehensive Plan.
- (3) She recommended that ramifications of climate change be added to the City of Truth or Consequences Personnel Policy.

Ariel Dougherty addressed the Commission with comments related to:

- (1) Various Comments. (Complete copy attached hereto and made a part hereof).



TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequence, NM 87901



RICHARD M DUMIAK
RICHARD M DUMIAK
705 CHARLES
TRUTH OR CONSEQUENCES, NM 87901

Account Number	AMOUNT DUE
4170-18998-02	\$270.55
Due Date	After Due Date Pay
9/14/2021	\$274.56
Billing Date	Penalty Date
8/31/2021	9/16/2021
Service From	Service To
6/23/2021	7/23/2021
Service Address	
705 CHARLES AVE	

PREVIOUS BALANCE	\$301.63
PAYMENTS	(\$303.95)
PENALTIES	\$2.32
ADJUSTMENTS	\$0.00
PAST DUE AMOUNT	\$0.00

	PREVIOUS READING	CURRENT READING
Wat	727	729
Elec	655	2,024
Elec		
Sew		Sewer Average
Ref		

USAGE

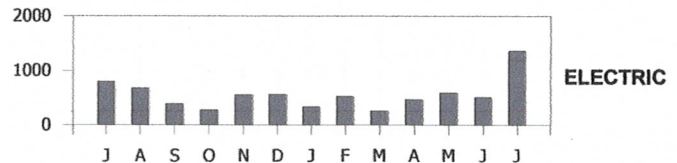
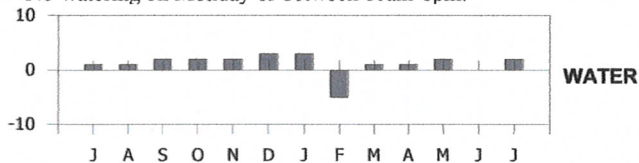
2	WATER TOTAL CHARGE	15.50
1,369	ENERGY COST ADJ	56.68
	EL TOTAL CHARGE	131.21
1	SEWER TOTAL CHARGE	16.54
	TRASH CHARGE	31.47
	Tax	\$19.15
	CURRENT BILL	\$270.55
	AMOUNT DUE	\$270.55
	AMOUNT DUE AFTER 09/14/2021	\$274.56

CITY OF TRUTH OR CONSEQUENCES WATER CONSERVATION IS IN EFFECT FROM APRIL-SEPTEMBER.

Even address Tuesday, Thursday and Saturday

Odd address Wednesday, Friday and Sunday

No watering on Monday or between 10am-6pm.



CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS



TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequence, NM 87901



TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequence, NM 87901

There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

Account Number	AMOUNT DUE
4170-18998-02	\$270.55
Due Date	After Due Date Pay
9/14/2021	\$274.56
Account Name	
RICHARD M DUMIAK	
Service Address	
705 CHARLES AVE	
Amount Enclosed	

City of Truth or Consequence

ELECTRIC					
		CUSTOMER		LV1	.09 PER kw
DESCRIPTION		CHARGE		CHG	
Residential		\$ 8.00		0.1314	per kwh
City Departments				0.108	per kwh
City Street Lights				4.750	per light
Mims Street Lights		\$ 2.12			
Small Commercial 1 Phase		\$ 10.00		0.136	per kwh
Small Commercial 3 Phase		\$ 12.00		0.136	per kwh
Large Commercial 1 Phase		\$ 23.25		0.118	per kwh
Large Commercial 3 Phase		\$ 25.50		0.118	per kwh
Demad - Large Commercial				\$8.00	per kw
YardLight		\$ 5.57			
WATER					
		CUSTOMER	MIN	LV1	LV1
DESCRIPTION		CHARGE 0-2000	CHARGE	USE	CHG
Residential		\$ 15.50		2001-7000	\$ 2.71
Commercial		\$ 15.50		2001-7000	\$ 2.71
City - Landscaping					\$ 0.64
Industrial		\$ 91.91	\$ 91.91	for first 50K gallons	
WMBG Residential		\$ 15.50		2001-7000	\$ 2.71
WMBG Commercial		\$ 15.50		2001-7000	\$ 2.71
City Water		\$ 15.50		2001-7000	\$ 2.71
Outside City Limits			\$ 15.50	for first 3,000 gallons	
Effluent Water			\$1.35	per 1,000 gallons + \$25.0	
SEWER					
		CUSTOMER	LV1		
DESCRIPTION		CHARGE	CHG		
Commercial		\$ 12.36	\$ 4.18	per 1,000 gallons	
SW Residential Averaged		\$ 12.36	\$ 4.18	per 1,000 gallons	
SW WMBG Commercial		\$ 19.72	\$ 4.18	per 1,000 gallons	
SW WMBG - Residential Average		\$ 19.72	\$ 4.18	per 1,000 gallons	
SW Bathhouse Commercial		\$ 41.21			
SW Residential Bathhouse		\$ 13.41			
SANITATION			SANITATION PO		
		CUSTOMER			
DESCRIPTION		CHARGE			
Residential Poly Cart		\$ 31.47		Dumpster	
Commercial Class 1		\$ 63.10		Residential Additional Poly C	
Commercial Class 2		\$ 100.56		Basic Commercial Poly Cart	
Commercial Class 3		\$ 147.30		Commercial Additional Poly	
Commercial Class 4		\$ 197.28			
Commercial Class 5		\$ 568.05			

Torres, Angela

From: Audon Trujillo <audont@yahoo.com>
Sent: Wednesday, September 22, 2021 8:46 AM
To: TorC City Clerk; Torres, Angela
Subject: Public Comment for T or C City Commission Meeting 9-22-2021

Please include this in the City's official record of the minutes of today's City Commission Meeting.

Audon Trujillo, Jr.
Cell Phone (575) 740-7855

Bruce Swingle our City Manager told me yesterday afternoon that - on the recent selection committee composed of three individuals selecting a lawyer for the city - he qualified as "the" subject matter expert on the committee. The other two individuals serving on the selection committee were Tracy Alvarez (Community Development Director) and Angela Torres (City Clerk).

Here are common definitions of the term "subject matter experts".

A subject-matter expert (SME) is a person who is an authority in a particular area or topic.

A subject matter expert has a deep understanding of a particular topic and can help improve products, solve problems, or meet technical challenges.

The subject matter expert (SME) provides the knowledge and expertise in a specific subject, business area, or technical area for a project/program.

Bruce is not a qualified SME for selecting a lawyer! You, as our commissioners, have the authority and responsibility to ensure that the personnel policies being followed by the city will yield highly qualified employees. As such is incumbent upon you to ensure that the written personnel policies include subject matter expert's in our employee selection committees.

David Koonce
217 B, North Cedar Street
T or C, NM. 87901

Mayor, Sandra Whitehead
505 Sims Street
T or C, NM. 87901

Dear, Mayor Whitehead

Please share this letter with City Counsel .

I have been in Truth or Consequences now for nine years by doctor's orders to move to the drier climate of Arizona, due to my crippling arthritis. Being from a small town in Southern Louisiana that is similar to Truth or Consequences, I thought this was a nice town, but then again I was only here for less than a week.

After going to the library, and explaining that I was from "out of state" and given the third degree for not having a New Mexico ID, I was finally allowed to use the computer to learn a little more about Truth or Consequences. I learned that Truth or Consequences is just as dry as Arizona, so I decided that this small town would be better than the larger city that I was planning to go too.

I found an apartment, a church, made awesome friends. After a while, my friends wondered why I kept calling the city by its full name {Truth or Consequences} when everyone called it (T or C). In the same conversation, I was told "don't be fooled, T or C, does not mean Truth or Consequences. It really means Trashed and Corrupt. Where the city is Trashed and the city officials are Corrupt (along with all the city departments)."

In the nine years that I have been here in Truth or Consequences, it is getting harder and harder to see the honesty in the city, however, the Trashed and Corrupt part seems to be showing up more and more in my eyes.

I can not, nor will I try to speak for the residents of Sierra County. This is something that I would like to see happen. Please develop a "Report Card" for the city that has the City Departments like a School with different Subjects. With space so residents can give a reason for the grade and a space on how things can be improved.

Being hearing impaired myself, my ways of contacting people is by text message, US Mail, Face to Face (without Masks) because I lip read. Due to Covid-19, I understand why the state and city shut down. Now everything is with masks or online. I do not have internet service due to it being overpriced, since I am on a fixed income.

How can I get involved? How can I make a difference to turn Trashed and Corrupt, N.M. back into Truth or Consequences. Or would you rather keep it the way it is as Trashed and Corrupt?

David Koonce

Public Comment – Truth or Consequences City Commission – September 22, 2021
Ariel Dougherty – Caballo Road

At the last Commission meeting, a new member of our community, Mr. Bauers, rose to encourage collaboration. He noted that we citizens possess many skills to improve our circumstances and fix problems that face our City. I wholeheartedly agree. It is in your hands, Mayor and Commissioners, to embrace the input citizens offer and foster tranquillity for our City.

On the issue of the City's personnel policy discussed in a Public Hearing September 8th, there were many nodding heads among you Commissioners that the CONSIDERABLE contributions from Audon Trujillo be considereed. He provided you a book. You projected that he would be called upon to weigh in and provide his many years of experience in finalizing the personnel policy. Did that happen? Simply, no. That proposed policy ITEM F. 3. is again on your agenda today. Are deliberations and input of the last meeting incorporated? Please, table the issue for further input with Mr. Trujillo.

Item G.2 is a contract approval for almost \$1.2 million for the new transformer. Isn't this the issue that at the last meeting you just gave permission to ask for a loan from the NMFA? Such a loan can not have been approved yet. I recommend you wait to sign this contract when the necessary funds you seek are actually in place.

The RFP process for a lawyer is deeply disappointing and disturbing, ITEM G. 3 & 4. Three weeks is not a sufficient bid time for a complicated application process. It is no WONDER that only three applicants responded, a very poor response, in my opinion. Especially as 2/3s of the applicants have already been working for the City I call into question the City's outreach process. Mr. Roh only had direct input with one of the evaluators which challenges the fairness of the process. What are the legal backgrounds of the three City employees in making this recommendation? Nada. You as a Commission are going to need fresh legal eyes as you tumble into deeper problems in the future.

Water leaks abound throughout the City. It is very distressing. Most of us can get by without electricity. We can not survive without water. *Water Is Life.*

Last, what on earth could have been in the City's head to craft such a bizarre and untruthful full page ad in the Sentinel on September 10th? Here's a correction to those untruths. See all this pink? No AMI meters were ever discussed in any of these meetings. And again to spend over \$1M of rate payer funds without any Public Hearings on the so-called smart meters lacks accountability.

unsigned

DATE		STAFF NOTES
3/16/2015	PUAB	Prsentation a Water Meter Replacement Project. Board voted to send it to Commission
3/24/2015	Commission	YESCO presentation Water Meter Replacement Project and Performance Contracting. Commission voted for a public workshop presentation
4/28/2015	Commission Workshop/Public Hearing	Workshop Presentation by YESCO Staff; discussed funding the project, water loss preliminary numbers, and informational gathering. Public was given opportunity to speak
5/26/2015	Commission	Staff presented a Project Development Agreement, discussed Water Audit and what it entails. Staff directed to gather more information
9/18/2015	Commission	Staff presented pictures/video of obstacles and dangers they face attempting to read meters showing the need for AMI.
9/21/2015	PUAB	YESCO presented a Letter of Authorization to proceed with gathering data and formulating various financial options for the meter project
10/13/2015	Commission/PUAB Joint Workshop	YESCO presented different Metering Options for both Electric and Water including the Utility Infrastructure Data System and various finance options were discussed. YESCO to continue gathering data from Water and Electric Departments. Public Comment was received.
12/21/2015	PUAB	Opened discussion for amending code regarding property access pertaining to meters
1/12/2016	Commission	Ord. 669 Amending property access presented to Commission, Ord approved for publication
2/9/2016	Commission	Ord 669 Public Hearing/Final Adoption - Commission ord back to staff for verbage revisions. Public Comment received that automatic meters would be better option
3/21/2016	PUAB	Revised Ord. 669 Amending property access presented to board. Approved to send to Commission for approval
4/12/2016	Commission	Ord 669 postponed until next meeting at Commission request pending receipt of additional information.
4/18/2016	PUAB	Revised Ord. 669 Amending property access presented to board. Approved to send to Commission for approval
5/16/2016	PUAB	Revised Ord. 669 Amending property access presented to board. Approved to send to Commission for approval
5/24/2016	Commission	Ord. 669 Amending property access presented to Commission, Ord approved for publication
6/14/2016	Commission	Final Adoption of Ord 669. YESCO Project Development Agreement presented and tabled
8/23/2016	Commission	YESCO Project Development Agreement approved.
10/1/2016	Water Meter Testing - Electric Meter Testing	YESCO performed tests on meters during the month of October. Public notices printed and posted.
Oct 2016 - June 2017	PUAB	Updated PUAB board on progress of YESCO studies and data as available at various PUAB Meetings
6/28/2017	Commission/PUAB Joint Workshop	YESCO Presented Water & Electric Project - Commission sent information back to PUAB for review. Meter Vendors presented various meter options and answered questions. Public comment taken
7/17/2017	PUAB	YESCO Presented Water & Electric Project - No Action Taken - PUAB requested to review information longer
8/21/2017	PUAB	YESCO Presented Water & Electric Project and finance options. PUAB voted not to recommend to Commission due to the financial aspect
10/25/2017	Commission	YESCO Presented Water & Electric Project and finance options. Commission voted to send it back to PUAB for financial review and more information/explanation
11/20/2017	PUAB	YESCO Presented Project with more financial information and explanation on project cost. PUAB board voted against project due to the cost to implement both Water and Electric Meters as presented
12/13/2017	Commission	YESCO Presented Project with more financial information and explanation on project cost. Commission voted for Staff to move to next step providing all financial costs and savings without obligating the City - Information request only No AMI mentioned,
2/28/2018	Commission	City Staff proposed continuing with Meter Project, but not proceeding forward with the Financing thru YESCO. Commission Approved and directed staff to proceed forward in house financing or other means.
3/2018 - 7/2018	Internal Research	Electric Department researched and did outreach to fund Electric Meter Project in-house looking at a scaled down drive by system
8/20/2018	NO AMI Mention PUAB	PUAB recommended to forward the Electric AMR Drive-by Meter Reading System to the City Commission for approval but requested he also present AMI as suggested by public comment One Public Comment
12/12/2018	1st AMI Mention Commission	Electric Department presented option for AMR or AMI Meter Project. Commission approved for Electric to proceed with costs for AMI Project and bring back to Commission.
5/10/2019	RFP Advertisement 5/10-6/11	Jan - April Electric Departement worked with Finance Office to draft an RFP for Electric AMI Project - RFP was advertised from 5/10 - 6/11 No Public involvement in this process
7/24/2019	Commission	Staff updated the Commission on receipt of proposals received. Commission Approved staff to proceed forward with negotiation of award and bring back to Commission for final approval
8/27/2019	Commission RFP Award	Electric Department presented an overview of the reason for AMI meters, as well as the process and background that brings him to the current request for approval of RFP Award. Commission approved award of contract to Land Gyrs. NO contract submitted or mentioned for approval
9/16/2019	Contract Signed	Contract signed and Land Gyrs began working with the Electric Department

Contract never submitted to Commission for approval, yet signed by Mayor Whitehead.

This factual analysis presented by "a small group of people" to counter the City's continuing misrepresentation of the timeline for public awareness about when AMI was discussed in public meetings. Most significantly there were never Public Hearings on the AMI installations.

NOTE: The area in pink does not include any mention of AMI and hence is irrelevant hyperbole on the part of the City to justify its actions.

E. CONSENT CALENDAR:

- 1. City Commission Regular Minutes, September 8, 2021**
- 2. Accounts Payable, August 2021:**

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

F. ORDINANCES/RESOLUTIONS/ZONING:

- 1. Discussion/Action: Resolution No. 22 21/22 Budget Adjustment Resolution:**

Carol Kirkpatrick, Finance Director reviewed the Budget Adjustments that were included in the packet.

Mayor Pro-Tem Forrister moved to approve Resolution No. 22 21/22 Budget Adjustment Resolution. Commissioner Baca seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Repeal Resolution 40 18/19 Establishing Fees for Fuel Charges at the Airport:**

Item was removed from the agenda.

- 3. Discussion/Action: Approval of Ordinance No. 719, Personnel Policy for the City of Truth or Consequences, NM:**

City Manager Swingle explained that this is the final draft of Ordinance No. 719 which is the Personnel Policy for the City of Truth or Consequences, NM. State law allows municipalities to establish a Personnel Merit System for hiring, promoting, discharge, and general regulations of municipal employees. The city has a right, and a responsibility to the tax payers to implement level performance standards for behavioral expectations for the employment and staff. This policy is an extremely good one. Notwithstanding the comments that you heard today, and at our last meeting. He reviewed the concerns, and the issues with some of the add-ins that were recommended, and clearly these are not comments of somebody who is involved in Human Resources, or who has experience at it. He strongly suggests that the Commission approve this policy today. It is a very good policy, and it is light years ahead of what we currently have. We cannot follow much of our current policy because several sections are in violation of law. The proposed policy is current, and correct with case law, as well as ordinances.

City Attorney Rubin also explained that this was on the agenda at the last meeting, we already had our Public Hearing, and we allowed Mr. Trujillo to submit his suggestions, and recommendations. He (*City Attorney Rubin*) and City Manager Swingle reviewed the recommendations, and they did not feel that there were anything in the suggestions that would warrant them to make any changes to the proposed ordinance. Therefore, the Ordinance that is before you today is the same one that was presented at the last meeting. Since we are not recommending any changes, he does not feel that we need to go through the process of another Public Hearing, and you can proceed with final adoption if you wish to do so.

Mayor Pro-Tem Forrister moved to approve Ordinance No. 719, Personnel Policy for the City of Truth or Consequences, NM. Commissioner Baca seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Resolution No. 23 21/22 Approval of Procurement Policy:

City Manager Swingle explained that this policy applies to expenditures for the City of Truth or Consequences for procurement of tangible personal properties, services, and construction. The purpose of the policy is to provide for the fair, and amiable treatment of all persons involved in public procurement, and to maximize the purchasing value of public funds to provide safeguards for maintaining a procurement system with quality and integrity. This policy is consistent with state law, and state requirements for procurement. The city has not ever had a procurement policy in place. We have had policies on various components of it, but we haven't ever had a comprehensive policy.

Commissioner Baca moved to approve Resolution No. 23 21/22 Approval of Procurement Policy. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Resolution No. 24 21/22 Approval of Risk Control Program:

City Manager Swingle explained that this is a Risk Control Program to replace our existing Safety Policy. The Safety Policy that we currently have is a bit dated. It was created in 1988, and a lot of things have changed since then. This doesn't just address safety. It addresses the total risk control efforts of the city to protect its assets, and to protect the public, our capital resources, human resources, and financial resources.

Commissioner Baca moved to approve Resolution No. 24 21/22 Approval of Risk Control Program. Commissioner Aragon seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

G. NEW BUSINESS:

- 1. Discussion/Action: Award recommendation of Proposal (RFP) #20-21-012 for the North Transformer Replacement. Recommendation of Award is to American Electrical Testing:**

Carol Kirkpatrick, Finance Director explained that a lot of thought and hard work goes into these processes for RFP's. With that being said, we are recommending that the award go to American Electrical Testing. The total amount with gross receipts tax is \$1,188,815.53, and this is pending financing which the contractor is well aware of.

Mayor Pro-Tem Forrister moved to approve the award recommendation of Proposal (RFP) #20-21-012 for the North Transformer Replacement. Recommendation of Award is to American Electrical Testing, pending Financing from the New Mexico Finance Authority. Commissioner Baca seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

- 2. Discussion/Action: Approval of Contract with American Electrical Testing as a result of RFP #20-21-012 for the North Transformer Replacement:**

Carol Kirkpatrick, Finance Director explained that this is a follow up to the award recommendation. We have a contract in place, and ready for you to sign to move forward.

Commissioner Baca moved to approve the Contract with American Electrical Testing as a result of RFP #20-21-012 for the North Transformer Replacement. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

- 3. Discussion/Action: Award recommendation of Proposal (RFP) #21-22-002 for Annual Legal Services. Recommendation of Award is to Jaime F. Rubin, LLC Attorney at Law:**

Carol Kirkpatrick, Finance Director explained that we went through the request for proposal process, and evaluations. The evaluation committee was composed of people who use these legal services on a regular basis. We recommend the award to Jaime F. Rubin, LLC Attorney at Law.

City Manager Swingle also explained, after reviewing each bid we had a very confident law firm who submitted a proposal. However, the proposal left a lot of questions on what the real cost was going to be. They were the lowest bidder according to their fee schedule. However, when we contacted them it boiled down to higher costs, and additional fees if we had a resolution or an ordinance that they would have to write, or if

they would have to do legal research on data that they didn't already have. We are an entire city from Law Enforcement, to Utilities, to Animal Control. We are the full spectrum of city services, and at the end of the day we had no idea of what that cost was going to be, and they had no way of explaining to us what they had in their database or what we could rely on as being part of the initial fee that they were going to charge. Our lawyers write and review documents every day. There was no way we could rely on what they had or didn't have in their database. That was not in the best interest of this community, or the tax payers, so we went with the next candidate who happened to be Jay Rubin.

Mayor Pro-Tem Forrister made a motion to award Proposal (RFP) #21-22-002 for Annual Legal Services. Recommendation of Award is to Jaime F. Rubin, LLC Attorney at Law. Commissioner Baca seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

4. Discussion/Action: Approval of Contract with Jaime F. Rubin, LLC Attorney at Law as a result of RFP#21-22-002 for Annual Legal Services:

Carol Kirkpatrick, Finance Director explained that this is a follow up to the award recommendation you just now approved. These services will be from October 1, 2021 until September 30, 2022.

Commissioner Baca moved to approve the Contract with Jaime F. Rubin, LLC Attorney at Law as a result of RFP#21-22-002 for Annual Legal Services. Commissioner Aragon seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

5. Discussion/Action: Approval of Contract with Coppler Law Firm for Miscellaneous Legal Services:

Carol Kirkpatrick, Finance Director explained that this contract is to extend services with Coppler Law Firm from October 1, 2021 until June 30, 2022. These are for miscellaneous items that our regular attorney may not handle, or needs assistance with. We don't know exactly how much it will be, but it will not be the full amount of the contract.

Mayor Pro-Tem Forrister made a motion to approve the Contract with Coppler Law Firm for Miscellaneous Legal Services. Commissioner Baca seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

6. Discussion/Action: Approval of Contract Extension with Tech 45 Services, LLC for Airport Management Services:

Carol Kirkpatrick, Finance Director explained that this is to extend the contract with Tech 45 Services, LLC for Airport Management Services from October 1, 2021 to December 31, 2021. We are working diligently on an RFP, but it is a rather technical and complicated one, so we are hoping to get that in place to give our vendors the opportunity to build their proposal.

Commissioner Baca moved to approve the Contract Extension with Tech 45 Services, LLC for Airport Management Services. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

7. Discussion/Action: Approval of Contract Extension with Integrated Technologies Group for Information Technologies Services:

Carol Kirkpatrick, Finance Director explained that this is a contract extension to get us to December 31, 2021. This is another RFP that we are working on, and trying to get out so we can give our vendors time to prepare their proposals.

Mayor Pro-Tem Forrister made a motion to approve the Extension with Integrated Technologies Group for Information Technologies Services. Commissioner Aragon seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

8. Discussion/Action: Authorizing Code Enforcement Officer Jamie Sweeney as designated representative to act on behalf of the City Manager and Designated Zoning Official for the enforcement of Municipal Code Property and Building Violations:

Traci Alvarez, Assistant City Manager explained that there are various sections of our Municipal Code that reference Property and Building Violations that require the Manager or his/her designated representative, and/or specify the duty to a designated Zoning Administrator or his/her designee to enforce various sections of the Municipal Code. Staff wishes to designate Code Enforcement Officer Jamie Sweeney to act on their behalf.

Commissioner Baca moved to approve the authorization of Code Enforcement Officer Jamie Sweeney as the designated representative to act on behalf of the City Manager and Designated Zoning Official for the enforcement of Municipal Code Property and Building Violations. Mayor Pro-Tem Forrister seconded the motion. Roll call was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

9. Discussion/Action: MainStreet Truth or Consequences Foch Street Renovation Project Grant Application:

Item was removed from the agenda.

H. REPORTS:

City Manager Swingle reported the following:

- Information has been sent out to the public that the liquid dump station at the Louis Armijo Park has been closed due to unknown items being dumped into it. We are looking for a new location where the items can be monitored.
- He gave kudos to all of city staff for all of their hard work. They have very little to work with, and they are all doing the best they can with what they have.
- He thanked David Johnson for vector spraying because there are a lot of environmental issues that he has to address, as well as communication issues. If there are individuals who don't want the vector control to be sprayed on their property, David has to stop a certain distance from that residence (*and it is a very substantial distance*) before he can spray again, so then you have pockets throughout the city where mosquitos are able to flourish.
- Wes Owens is doing an excellent job at the Municipal Golf Course. The Golf Course is looking amazing.
- Traci Alvarez completed the ICIP into the system. It is not an easy task, and she got it done. The city will benefit from her efforts.
- We had a Sierra Vista Hospital Governing Board meeting yesterday. Finances are looking really good. The Interim CEO started on Monday.
- We completed the initial course of the professionalism training for the city staff.
- The first leadership training for our supervisors will start on September 29th at 9:00 a.m. in the Civic Center Red Room.
- There will be a Sierra Electric Cooperative's annual meeting on October 2, 2021 at 11:00 a.m. at the Hot Springs High School gym.
- The city's water infrastructure needs attention. It is old and dated. The city has been soliciting millions of dollars a year to make improvements into the water system. However, we still average between 15-20 water leaks a week, and that is not going to change anytime soon. The city has to prioritize the water leaks. If we have a leak that is trickling a couple of gallons an hour we might not get to that as quickly as a leak that is gushing hundreds of gallons a minute that needs our immediate attention. This issue didn't happen overnight, and it is not going to get resolved overnight. It will take years for the city to get into a position to where major improvements can be made to the water system.
- The public comment we hear in Commission Meetings is not having the desired effect that the individuals making public comment want. It is tearing this community apart. We had a comment today that the city is corrupt. If so, please give him an example of the corruption, and he will address the issue. We have some problems, but we are moving forward to address those problems at every

level. These comments are not healthy for this community, or government. There was also a comment regarding only 3 law firms submitting a proposal. That is better than a lot of our procurements that we submit in this community. We submit RFP's, and it is not un-common to have 3 or less respondents in a procurement. The trash that goes on in these meetings also affects how many people apply for job openings because why would anyone want to subject themselves to these meetings. He hopes at some point these individuals recognize how un-healthy this behavior is.

City Attorney Rubin reported the following:

- They have started the process of filing paperwork for Rotary Park.

City Commission Reports:

Commissioner Luna had no reports.

Commissioner Baca reported the following:

- He addressed Sophia Peron's comment about the Tri-State power outage by saying that the information was included in her utility bill.
- He takes offence to the comment that the city is trashed, and corrupt. If you don't like it here, then move. The city looks great. We are not perfect, but we are working on it.

Mayor Pro-Tem Forrister reported the following:

- She gave City Manager Swingle kudos for being a great leader, and leading from the front.
- She addressed the letter that they received judging the city, and Commissioners. You can judge on Election Day which is November 3, 2021.

Mayor Whitehead reported the following:

- She gave kudos to city staff. Everyone is working as hard as they can, and as well as they can with what they have. They also deserve respect from the public. It is hard when you have to make a living and go to work every day, and you can't be happy because somebody is going to gripe at you, or complain about you. That is weighing down a lot of our employees. They work very hard to keep our community going, and they deserve respect.
- She touched on Sophia Peron's comment about the Tri-State power outage, and stated that she is sure there is a plan in place so that people will not be without electric for very long.
- She gave kudos to City Manager Swingle for the Professionalism Training he has given to city staff.

Commissioner Aragon reported the following:

- City Attorney Rubin is always available, and follows through with a response.
- In regards to all of the negative comments they have been receiving, if you want to make a difference, then jump on board because election time is coming up.
- He appreciates that the Mayor sticks up for staff when someone says something unkind.
- He announced his resignation as Commissioner. He is moving back to Texas to pursue an opportunity that he could not pass up. It has been a great honor to serve the community. The passion that we have on the Commission is incredible, and we have a fantastic City Manager. He thanked his fellow Commissioners and City Manager Swingle.

I. EXECUTIVE SESSION:

6. Purchase Acquisition or Disposal of Real Property pursuant to 10-15-1(H.8):

Commissioner Baca made a motion to go into executive session at 10:45 a.m. to discuss Purchase Acquisition or Disposal of Real Property pursuant to 10-15-1(H.8). Mayor Pro-Tem Forrister seconded the motion. Roll call vote was taken by the Deputy Clerk-Treasurer. Motion carried unanimously.

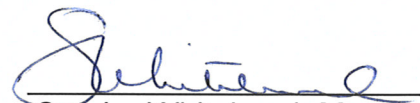
Mayor Whitehead reconvened the meeting in open session at 10:55 a.m.


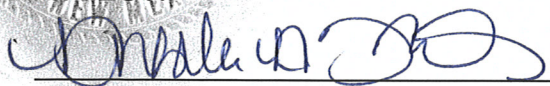
Mayor Pro-Tem Forrister certified that only matters pertaining to Purchase Acquisition or Disposal of Real Property pursuant to 10-15-1(H.8) was discussed in Executive Session and no action was taken.

J. ADJOURNMENT:

Mayor Pro-Tem Forrister moved to adjourn at 10:58 a.m. Commissioner Baca seconded the motion. Motion carried unanimously.

Passed and approved this 13th day of October, 2021.


Sandra Whitehead, Mayor


ATTEST:

Angela A. Torres, CMC, City Clerk