

**CITY COMMISSION MEETING MINUTES  
CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO  
CITY COMMISSION CHAMBERS, 405 W. 3<sup>RD</sup> St.  
WEDNESDAY, MARCH 23, 2022**

**A. CALL TO ORDER:**

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

**B. INTRODUCTION:**

**1. ROLL CALL:**

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

Hon. Amanda Forrister, Mayor  
Hon. Rolf Hechler, Mayor Pro-Tem  
Hon. Destiny Mitchell, Commissioner  
Hon. Merry Jo Fahl, Commissioner  
Hon. Shelly Harrelson, Commissioner

Also Present: Bruce Swingle, 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 Pro-Tem Forrister called for fifteen seconds of silent meditation.

**3. PLEDGE OF ALLEGIANCE:**

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

**4. APPROVAL OF AGENDA:**

Mayor Pro-Tem Hechler asked that item I1 be moved after approval of the agenda.

**Mayor Pro-Tem Hechler made a motion to approve the agenda with the changes as noted. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously. Check to see who seconded the motion.**

**C. PRESENTATIONS:**

**1. Discussion/Update: Spaceport America Update (Noted as New Business I1 on the agenda:**

Scott McLaughlin & Chris Lopez gave an update on the New Mexico Authority Status. (Complete copy attached hereto and made a part hereof).

**2. Fiesta Weekend 2022 Update:**

Nick Williams, Fiesta Board Chairman reviewed the planned activities for the upcoming Fiesta event which included:

**Pre-Fiesta Events:**

**Sunday, March 20, 2022:**

- Taste of TorC Brunch, TorC Brewing Co.
- Silent Auction, Live "Truth or Consequences" performance, and a tour of local cuisines.

**Saturday, April 2, 2022:**

- Fiesta Cash Party, Civic Center, Featuring the Yarbrough Band, doors open at 6, cash bar, dinner, \$125.00 per ticket, reverse raffle to win \$10,000.

**Friday, April 8, 2022:**

- "Mr. Fiesta" at the TorC Brewing Company.

**Saturday, April 9, 2022:**

- 70th Annual Miss Fiesta Pageant, 6pm, Civic Center, \$5.00 entry, proceeds towards scholarships.

**Friday, April 29, 2022:**

- Fiesta NUF party at BOSW with food, games, and drinks.

**Saturday, April 30, 2022:**

- Annual Fiesta Golf Tournament 4 man scramble.

**Fiesta Weekend:**

**Friday, May 7, 2022:**

- 4-H sponsored "Ag Day" at the Fairground for the kids. Open to public from 12pm-5pm. Information booths, games, animals, agriculture, etc.
- Geronimo Springs Museum open to public, "Free Admission all day.
- Fiesta Alley Party! 422 Broadway - 414 Broadway Alleys, Bullocks Cash Bar, free food, dance music. Drum circle from 8pm-9pm.
- VIP Party Fiesta Kickoff Party at BSC 420 Broadway.
- Out-of-State DJ's, \$20.00 at the door.

**Saturday, May 8, 2022**

- 9am-5pm- Geronimo Springs Museum open to public, "Free Admission all day!
- 9:00am- Disk Golf Tourney at City of TorC Municipal Golf Course
- Fiesta Parade
- After parade join us at City Hall, HWP, and BOSW for Live Music, Vendors, Arts & Crafts, TorC Brewing Beer Garden, Corn Hole contest.



# NM Spaceport Authority Status

for

## Truth or Consequences - City Commission

Commission33 Chambers

March 23, 2022

Scott McLaughlin, Executive Director

Chris Lopez, Director of Site Operations



**SPACEPORT AMERICA**

THE SPACE TO BE...



# OUTLINE

- Budget Review and Legislative Session
- Site and Customer Status
- Business Development Update
- Capital Projects Update



# NMSA BUDGET

T or C - City Commission - March 23, 2022





# NMSA BUDGET

- After analysis, the NM Legislature concluded it was in the best interest of the state to replace the excess pledged revenue (EPR) previously used for operations.
- A \$1M supplemental was appropriated for shortfalls this year, with \$1.7M appropriated from the GF for FY23.
- Filling the budget allows the Spaceport to continue 24/7 site activities, hire to approved FTE levels, and continue work on non-revenue generating goals such as STEM, workforce development outreach, as well as supporting other aerospace economic growth initiatives in the state.
- A shortage of employees has been our main impediment to handling increased business development tasks and operations.



# NMSA BUDGET VS ACTUAL (THOUSANDS)

Item	FY21 Actual	FY22 Projected	FY23 Budgeted	Notes
Operating Revenue	5,603	6,743	6,859	From customers (fees, leases, utilities, fuel)
General Fund	1,917	2,091	3,791	FY23 includes increased appropriation
<b>Revenue Total</b>	<b>7,520</b>	<b>8,834</b>	<b>10,650</b>	
200 Personal Services	2,120	2,282	2,607	
300 Contract Services	4,550 (1,750)*	4,478	5,638	Expenses transferred to capital fund
400 Other Costs	1,968	2,591	2,405	
<b>Expense Total</b>	<b>6,888*</b>	<b>9,351</b>	<b>10,650</b>	
Supplemental		1,000		To replace GRT EPR
Net Result	632	483		

SPA is projecting to be 64% customer funded for FY23

\* Partial contractual expenses in the amount of \$1,750M were transferred to Capital Projects Fund, as directed by Legislature. Actual expenses for FY21 were \$8,638



# STAFFING



- Difficulty filling some positions... common in current hiring environment, but aerospace engineers are also a 'hot commodity'
- New Director of Business Development started Jan. 10
- New Aerospace Engineer starting in a few weeks (but one is retiring in a few weeks)
- Advertising for Aerospace Engineers (both BD & Ops)
- Advertising for Flight Control Specialist
- With filled budget, can hire to about 28 FTE's (we are at about 21 right now)
- Will staff up first to cover *critical* operations, meaning those positions that are critical for customer operations



# RECENT ACTIVITY

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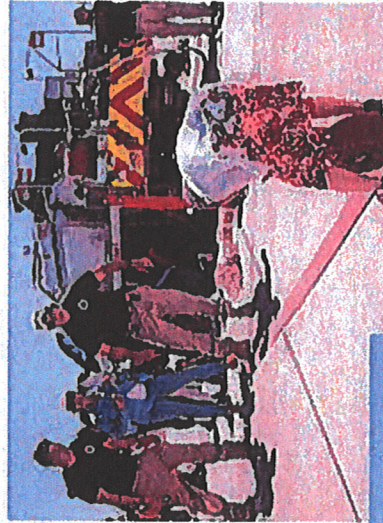
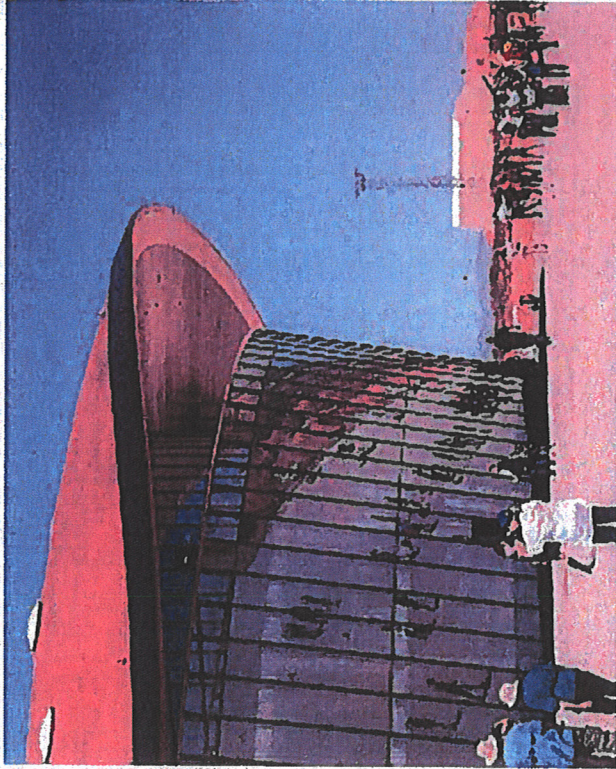


## RECENT AND PLANNED ACTIVITY

- **SpinLaunch** has continued high-energy kinetic test flights
- **USAF Thunderbirds** completed 2 ½ weeks of winter training, which included over 70 persons in hotels for over 2 weeks
- **New Ascent STEM** “chipsat” tests
- **AeroVironment** small UAV training and testing
- Rental of runway for **aerodynamics testing** of race car
- New HAPS (**High Altitude Platform System**) customer
- **STEM Outreach** including virtual, site tours/demos etc.
- Comprehensive **site security review** was conducted
- Two other **race car runway** tests planned
- Working toward 3+ **university rocket** tests
- **Virgin Galactic** flight activities later in the year
- Partnership with **NMSU regolith** material rocket engine tests
- **Open House** on April 10 in conjunction with **LC Space Festival**
- Preparations for **Spaceport America Cup** underway (June 21-25)
- **Spaceport activities** review: [www.youtube.com/c/SpaceportAmerica](http://www.youtube.com/c/SpaceportAmerica)



# SPA OPEN HOUSE



April 10, 2022; 10 AM – 2 PM. In cooperation with Virgin Galactic, about 1,500 visitors planned, fly-in event (30-40 planes), two F-16's on display, walk-thru of portion of GTS hangar and viewing of VSS Unity, food vendors and 27+ partner groups and vendors.

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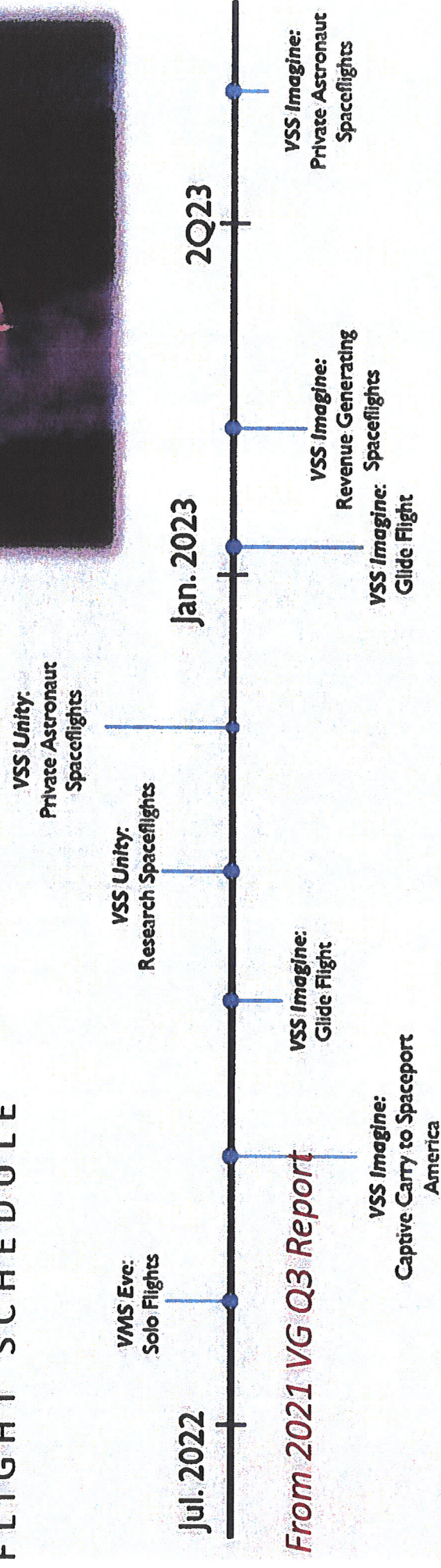


# VIRGIN GALACTIC STATUS

From 2021 Q4, released Feb. 22, 2022

- Began enhancements of current fleet
- Commercial service for VMS Eve and VSS Unity on track for Q4 2022
- Commercial service for VSS Imagine on track for 1H 2023
- Work toward manufacturing of new class of spaceships

## FLIGHT SCHEDULE






# VG FLEET EXPANSION TIMELINE



## FLEET EXPANSION & TIMELINE

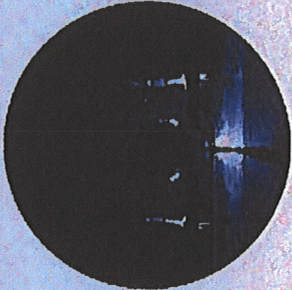
**VSS UNITY**



**1<sup>st</sup> Spaceship In Fleet**  
Enters Commercial Service  
– Q4 2022 est.

**Estimated Turnaround Time:**  
Monthly

**VSS IMAGINE**

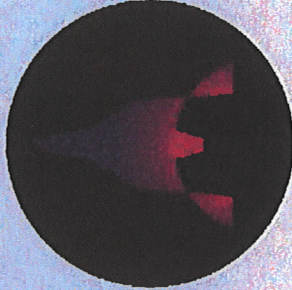


**2<sup>nd</sup> Spaceship In Fleet**  
Enters Commercial Service  
– 1H 2023 est.

**Estimated Turnaround Time:**  
2 Weeks

- > Test flights begin Q3 2022 est.
- > Higher flight cadence
- > Lower cost per flight

**DELTA CLASS**



**Production Model**  
Enters Commercial Service  
2025 – 2026 est.

**Estimated Turnaround Time:**  
1 Week

- > Revenue research flights 2025 est.
- > Higher flight cadence
- > Lowest cost per flight



Fourth Quarter and Full Year 2021 Financial Presentation

12

From 2021 Q4 Report

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# SPINLAUNCH



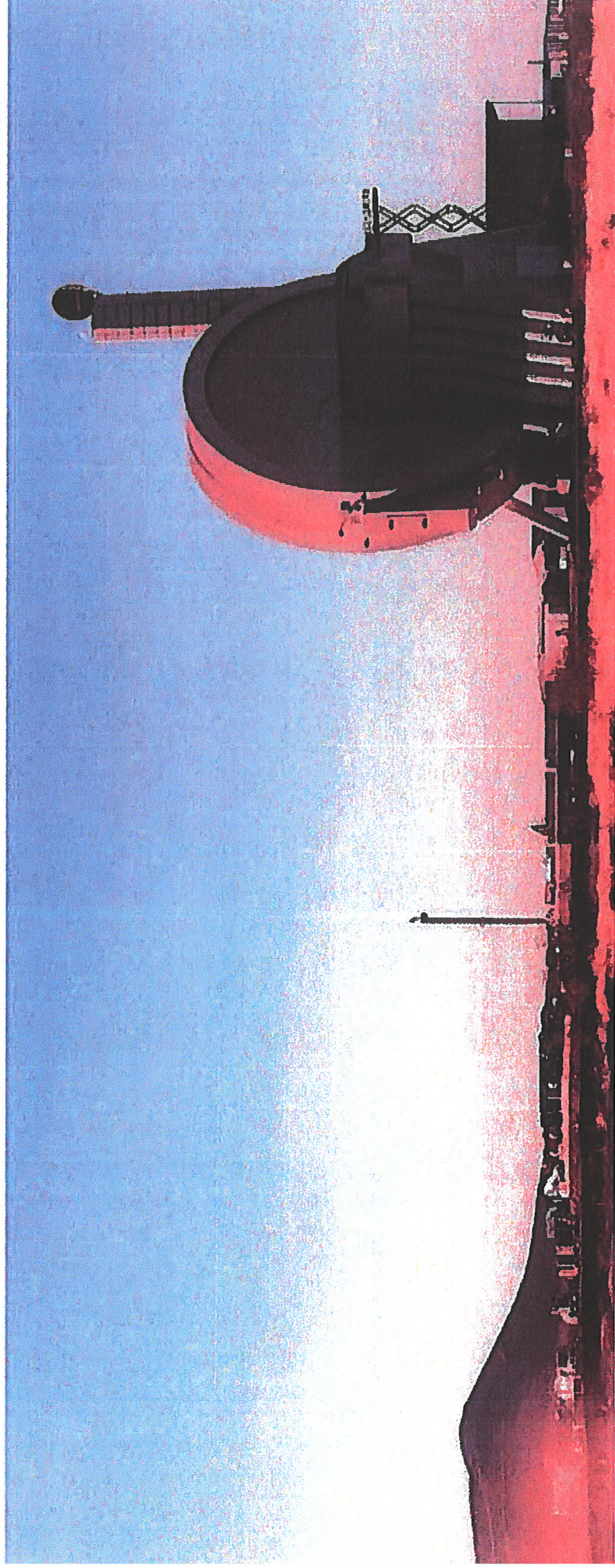
- Completed 6 test flights so far
- Construction phase essentially done
- Moving toward continuous test operations cadence

## IEEE Spectrum

FOR THE TECHNOLOGY INSIDER

**Spin Me Up, Scotty—Up Into Orbit** >SpinLaunch is building centrifuges to whip satellites from Earth into orbit—by 2025

BY MICHAEL P. ROGERS | 21 JAN 2022 | 9:10 AM EST



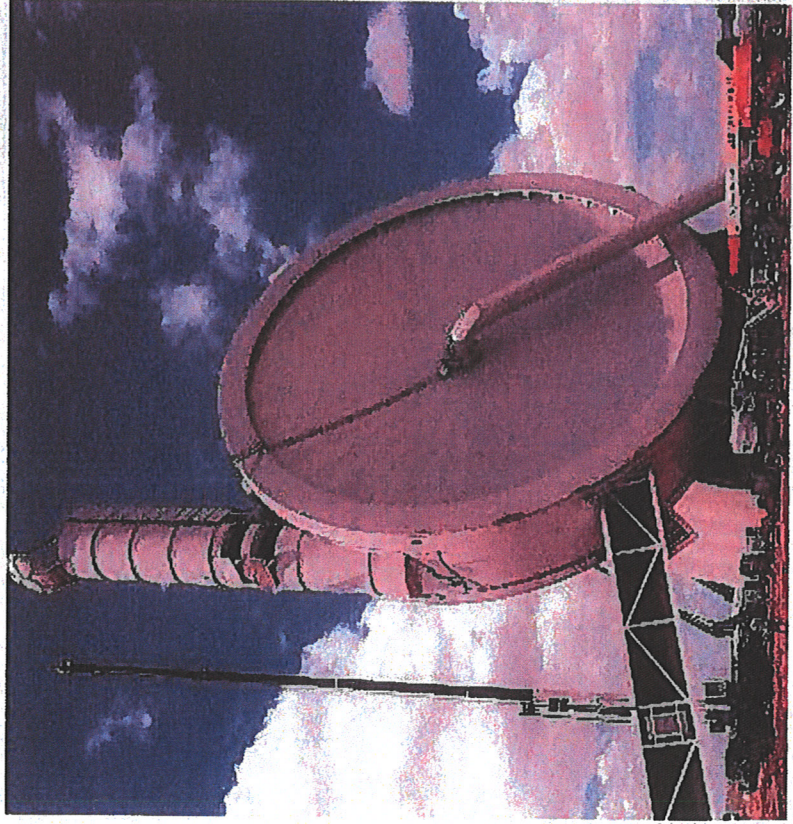


## SPACENEWS

### State Fight: New Mexico's growing reputation as a space state

by Debra Werner — February 19, 2022

Federal space funding flows to New Mexico. The state is home to the U.S. Air Force Research Laboratory, the U.S. Space Systems Command Innovation and Prototyping Directorate, the U.S. Space Force Rapid Capabilities Office and the U.S. Army White Sands Missile Range. Additional space-related research is conducted at the Energy Department's Sandia and Los Alamos National Laboratories.



Still, New Mexico was not often in the conversation about key space states until Virgin Galactic named Spaceport America its flight operations center in 2009. The nonprofit NewSpace New Mexico was established in 2018 to encourage the growing commercial space ecosystem.

"New Mexico has a lot of research and development, but it needs to be put into play to help companies move from concept to products to sales to money," said Casey DeRaad, NewSpace New Mexico founder and CEO.

That's the idea behind Unite and Ignite Space, a small satellite innovation hub in Albuquerque



# AEROVIRONMENT / HAPSMOBILE

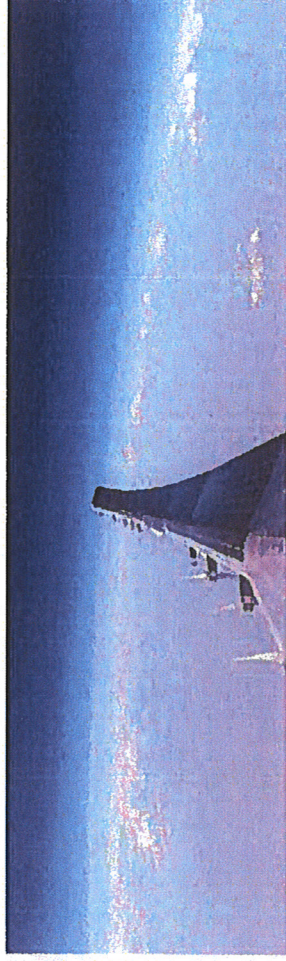


## HAPS Alliance

HIGH ALTITUDE PLATFORM STATION

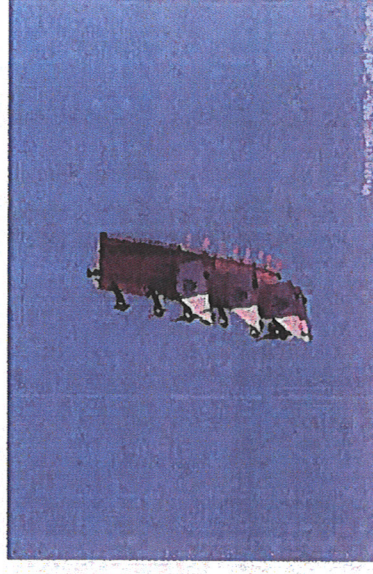
**Bridging the Digital Divide  
with Aviation in the  
Stratosphere**

Plans to be back in 2023



**From white paper: *Bridging the  
Digital Divide with Aviation in  
the Stratosphere*, Dec. 23, 2021;  
HAP Alliance**

**(<https://hapsalliance.org>)**



Provided by HAPSMobile Inc.

## Section 2. Preparations for High-altitude Test Flight

Following the successful low-altitude test flights that verified basic safety, HAPSMobile took the next steps required to prepare for high-altitude test flights. Spaceport America (SpA), located in New Mexico, USA, was chosen as the venue. Ahead of transporting the aircraft, the airport's facilities were reserved and prepared for exclusive use. As a stratospheric flight tends to be a long-hours mission, various facilities were also prepared for the crew, making certain that appropriate measures had been taken and everything was in place.



# UP AEROSPACE & LOS ALAMOS

## NATIONAL LABORATORIES



*“Normally, these tests are made over the Pacific Ocean. And to test a new piece of technology on a rocket takes years of planning with the DOD and can cost more than \$100 million. But by partnering with private companies, the Lab can conduct these tests much more frequently and at a fraction of the cost within the State of New Mexico. The flight at New Mexico’s Spaceport America on August 11, cost only \$1 million and occurred only 15 months after the initial concept.”*

**Bob Webster**  
Deputy Director, Weapons - LANL

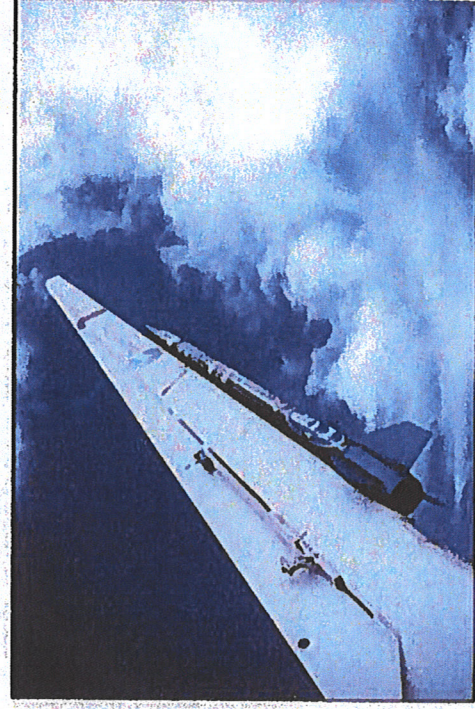
Official Newspaper of Record in Los Alamos County

Member  
National Newspaper Association

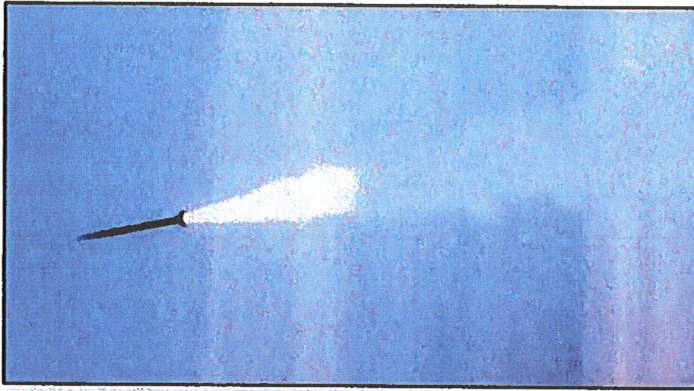
Member  
New Mexico Press Association

**Spaceport America: LANL And UP Aerospace Partner On Suborbital Flight Experiment**

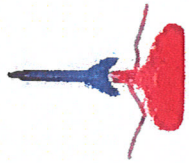
Submitted by Carla A. Clark on 8/4/2021 - 2:53 pm



UP Aerospace Spaceflight Experiment on the roof of Spaceport America. Courtesy: Spaceport America







## SPACEPORT AMERICA® CUP



- Premier event hosted by Spaceport America since 2017
- 2019 Cup included 122 teams, about 1500 students in attendance (representing 14 different countries), 80 sponsors, 100 judges.
- 2020 cancelled, 2021 successfully held virtually; 2022 Scheduled for June 21-25
- *The in-person event delivers an estimated \$1.5 million in economic impact (hotels, restaurants, etc.) and realizes large earned media and marketing windfall for the Spaceport, Las Cruces, and New Mexico.*



2019 SA Cup Participants

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# STEM OUTREACH & WORKFORCE DEVELOPMENT



- Ongoing production of educational videos with aerospace related science
- Podcasts on social media
- Visits to local schools
- Student visits to SpA and partnership with tenants
- Work to create excitement about STEM and cultivate ongoing workforce pipeline for spaceport customers
- Foster entrepreneurship and keep young New Mexicans in New Mexico
- 8 elementary classroom visits
- 2 visits by LCPS Middle School to site





# BUSINESS DEVELOPMENT

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# BUSINESS DEVELOPMENT



GLOBAL  
**SPACEPORT**  
ALLIANCE

**SPACECOM**  
THE GLOBAL COMMERCIAL SPACE CONFERENCE & EXHIBITION



SPACE  
SYMPOSIUM

- Attended Global Spaceport Alliance meeting
- Exhibited at 2-day SpaceCom exhibition
- Attended FAA Commercial Space Transportation (CST) Conf.
- Will attend Space Symposium in April
- Considering attending: [www.spacetourismconf.com](http://www.spacetourismconf.com)
- Working several new leads for **small rocket launch tests** (note list of developers here: <https://spacefund.com/launch-database>)
- New **liquid rocket engine** test customer in final negotiations
- **Return customers** back for **small rocket** suborbital flights and other small **UAV, balloon-borne, aviation, rocket engine** tests
- Working on **long-term lease** for new tenants on site
- With full staff and budget, will be able to execute on marketing plan and other delayed BD efforts
- Intent is to promote SpA as well as New Mexico's **Space Valley**



# 37TH SPACE SYMPOSIUM, COLORADO SPRINGS



- April 4-7; "...premier U.S. space policy and program forum..."
- <https://www.spacesymposium.org>
- Around 14,000 attendees and over 200 exhibitors
- SpA is sharing booth space with the New Mexico Partnership
- We are setting up meetings with key aerospace developers
- Hosting a "New Mexico Luncheon" to bring together proponents of NM's Space Valley



# CAPITAL IMPROVEMENTS

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# CAPITAL IMPROVEMENTS; P. 1/2



- Two new **project managers** focused solely on capital projects
- **SOC Repair** procurement currently underway
- **Launch Rail** procurement completed, contract start date soon
- **Improving roads** in Vertical Launch Area (VLA)
- **Extending electricity** to several locations in VLA
- Working toward design-build on **STARC building**
- **Master Plan RFP** will be released soon
- Gearing up for **Supplemental EIS** which will cover **reentry license**
- Legislature approved FY23 ICIP\* included \$2M to start work on **taxiway** and \$1.5M for **general infrastructure upgrades**
- Finalized **EDA BBB Space Valley Coalition** grant for the VPROF

\*Infrastructure Capital Improvement Plan



# CAPITAL IMPROVEMENTS; P. 2/2



- **Public Viewing Lot**
- **Fiber optic to VLA**
- **Water well at VLA**
- Improved cellular service (benefit for customers and safety)
- Improved visitor experience at T or C and (new) LC at **Tour Depots**
- Rail car siding to handle commodities (fuel and oxygen) and larger rocket stages
- If Space Valley does on win on EDA BBB grant, rocket and payload processing facilities at VLA
- AC power for Advanced Technology Area (ATA)



# VERTICAL PAYLOAD & ROCKET PROCESSING FACILITY



## EDA BBB Space Valley Coalition



### NM vying for \$200M for space, tech industries

BY KEVIN ROBINSON-AVILA AND STEPHEN HAMWAY / JOURNAL STAFF WRITERS

PUBLISHED: FRIDAY, DECEMBER 17TH, 2021 AT 10:05PM

UPDATED: SATURDAY, DECEMBER 18TH, 2021 AT 12:05AM

New Mexico's space and creative technology industries could get a \$200 million boost from the U.S. Economic Development Administration's "Build Back Better Regional Challenge." The EDA short-listed grant proposals from two community coalitions — one led by Central New Mexico Community College and the other by the Albuquerque Hispano Chamber of Commerce — as finalists for up to \$100 million each.

<https://www.abqjournal.com/2455159/nm-vying-for-200m-for-space-tech-industries.html>

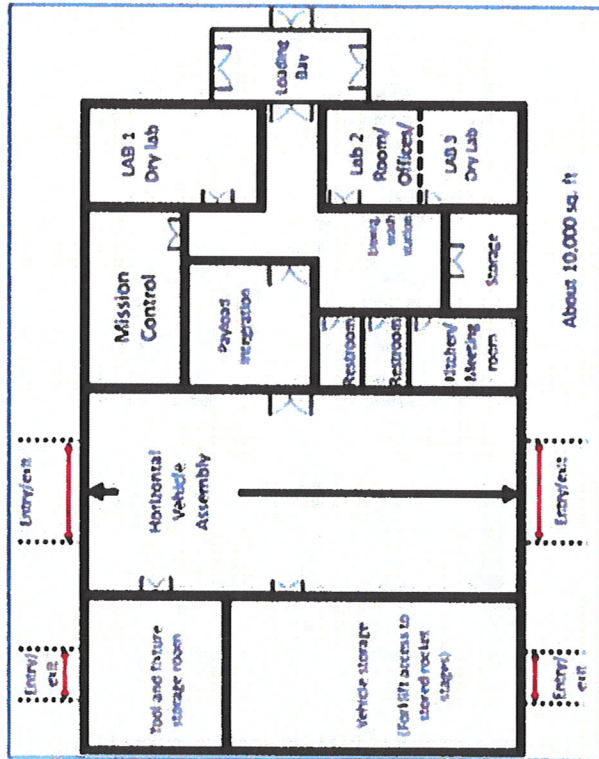


Figure 2. Notional/functional layout of the VPROF.

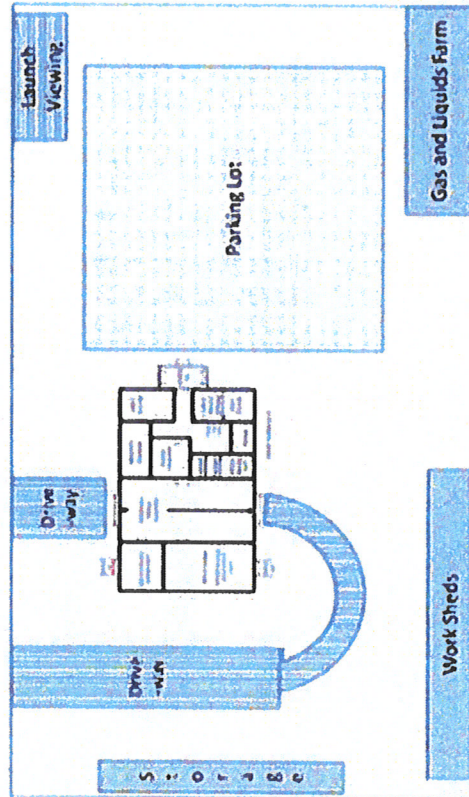
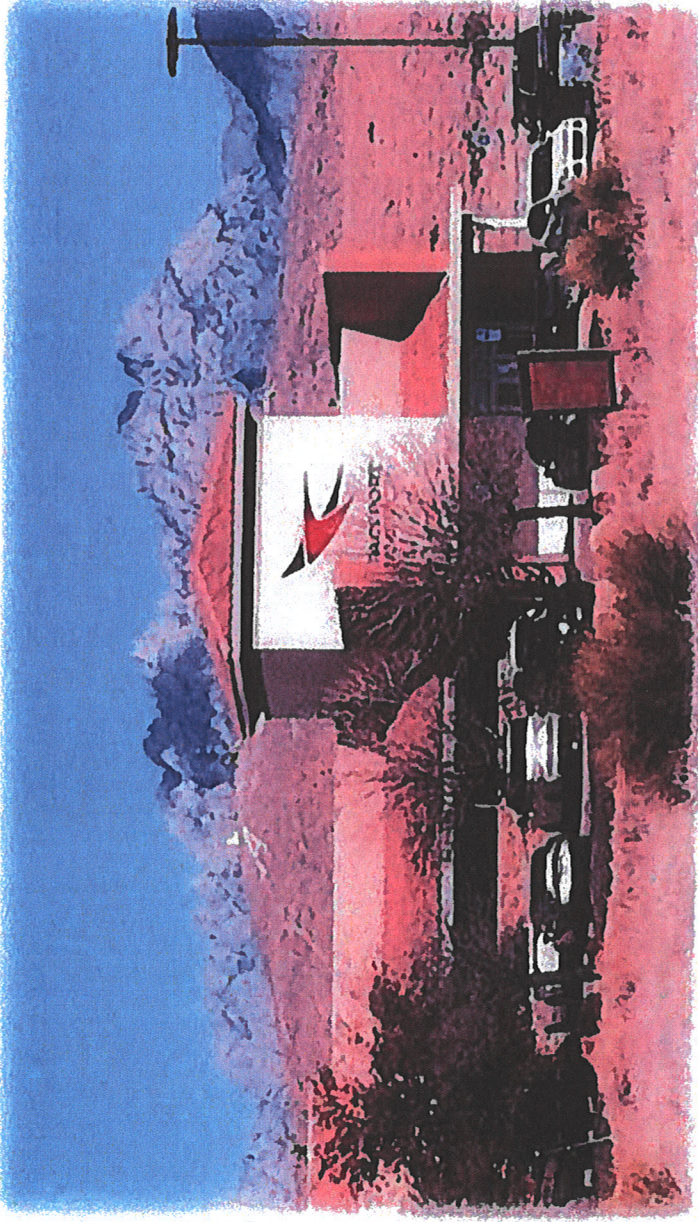


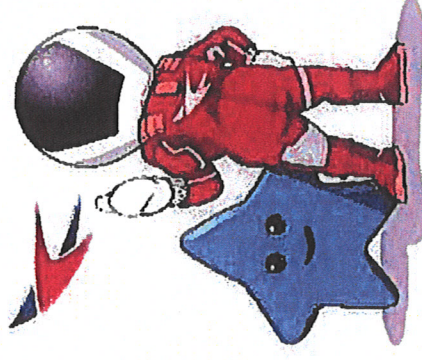
Figure 3. Overall site plan for VPROF.



# THANK YOU.



- URL: [www.spaceportamerica.com](http://www.spaceportamerica.com)
- Email: [scott.mclaughlin@spaceportamerica.com](mailto:scott.mclaughlin@spaceportamerica.com)
- Main Phone: (575) 267-8500
- Google Earth Link to Site: <https://tinyurl.com/y4grkvca>



**THE SPACE TO BE...**



## CITY COMMISSION MARCH 23, 2021 REGULAR MEETING MINUTES

### **Saturday, May 8, 2022 Continued...**

- 3X3 Basketball Tournament.
- They are working on a car show.
- Free Live Music.

### **Sunday, May 9, 2022:**

- Events at Ralph Edwards Park
  - Kids Fishing Derby
  - Volleyball Tournament
  - Skateboard Competition
  - Junk Boat Races
  - The Club Duck Races
- FFA Rodeo at Punk Greer Arena.
- LIVE MUSIC Downtown.
  - Prickly Pear
  - Coyote Lunch
  - Boggs
  - Chocolate George

### **D. PUBLIC COMMENT (3 Minute Rule Applies):**

Ron Fenn addressed the Commission with comments related to:

- (1) His comments pertained to the \$50 trip fee and the costs to the city associated with the lawsuit. He would like the Commission to include the public when decisions are being made.

Rick Dumiak addressed the Commission with comments related to:

- (1) He also commented on the \$50 trip fee, and he hopes that the Commission can remove the fee, and then the lawsuit will probably go away.

Commissioner Mitchell read a comment submitted by William Troup. (Complete copy attached hereto and made a part hereof).

### **E. REPORTS:**

#### **City Manager Swingle reported the following:**

- We still have vacancies on various city boards. We have two vacancies for the Airport Advisory Board. We have five vacancies on the Golf Course Advisory Board. We have two vacancies on the Lodgers Tax Advisory Board. We have two vacancies on the Impact Fee Advisory Board, and we have two vacancies on the Planning & Zoning Commission.
- The MSD Water Project RFP has been out, and the proposals are due March 31<sup>st</sup>. We are hoping to bring the item of the successful candidate to the first Commission meeting in April for a decision. If things go well construction can start the end of May or the 1<sup>st</sup> of June.



To City Commission  
3-28-22

Ron Fenn's Public Comment

**MILLER STRATVERT P.A.  
LAW OFFICES**

500 Marquette NW Suite 1100  
P.O. Box 25687  
Albuquerque, NM 87102

Telephone: (505) 842-1950  
(800) 424-7585

Facsimile: (505) 243-4408  
Federal I.D.: 1527

Please Remit All Payments & Inquiries to the Albuquerque Office  
Make Checks Payable to MILLER STRATVERT P.A.

New Mexico Self-Insurer's Fund  
Rosa Quintana  
New Mexico Municipal League  
PO Box 846  
Santa Fe, NM 87504-0846

February 07, 2022

Client: 002195  
Matter: 052285  
Invoice #: 20080092

RE: Ronald Fenn, pro se v. City Commission of Truth or Consequences  
Claim Number: 2021028070

For Professional Services Rendered Through January 31, 2022

**Account Summary**

Invoice #	Matter Name	Previous Balance	Current Invoice	Payments	Total Due
20080092	Ronald Fenn, pro se v. City Commission of Truth or Consequences	8,081.53	9,369.95	0.00	17,451.48

Please return with all remittance for proper credit. Thank You.

Amount of Payment

**TO PAY BY CREDIT CARD**

VISA / Mastercard / American Express / Discover (circle one)

Card Holder's Name (as it appears on card):

Account No:

Expiration Date:

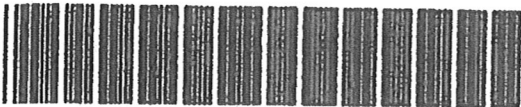
Security Card Code:

Amount:

Signature of Authorization:



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



# Ron Lenn's Public Comment

RON W FENN  
316 N FOCH ST  
TRUTH OR CONSEQ, NM 87901

	PREVIOUS READING	CURRENT READING	USAGE
Elec	14,096	14,537	441
Elec			
Elec	20,279	21,022	743

Origination Date: 03/08/2022

TRIP FEE

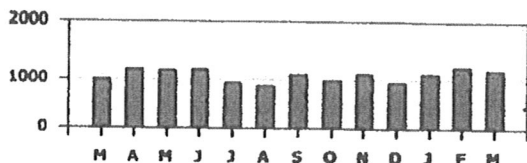
CONTINUED LACK OF  
PROPER DATA "TROUBLING"

PREVIOUS BALANCE	(\$313.87)
PAYMENTS	\$0.00
PENALTIES	\$0.00
ADJUSTMENTS	\$0.00
CREDIT BALANCE	(\$313.87)

ENERGY COST ADJ	18.26
EL TOTAL CHARGE	47.69
SOLAR CREDITS	-97.63
TRIP FEE IS THEFT!	\$0.00
Tax	\$5.61
CURRENT BILL	\$25.93
CREDIT BALANCE	(\$289.94)
AMOUNT DUE IMMEDIATELY	(\$313.87)

3 HOUR 1376  
\$0.68

City of Truth or Consequences Wastewater Department is giving away free compost during the hours of 10 am to 3 pm Monday through Friday



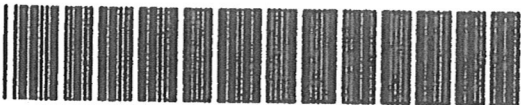
ELECTRIC

SHOULD BE  
-302 THIS MONTH

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	CREDIT BALANCE
2006-03625-00	\$289.94-
Due Date	After Due Date Pay
4/1/2022	\$289.94-
Account Name	
RON W FENN	
Service Address	
316 N FOCH St # SOLAR	
Amount Enclosed	



**Public Comment 3/23/2022**

Good morning,

My name is William Troup, and I am from Truth or Consequences, NM. I have spent most of my life here, and consider this place home. This region is known for its resources, including many recreational activities, and today I would like to discuss one of these resources.

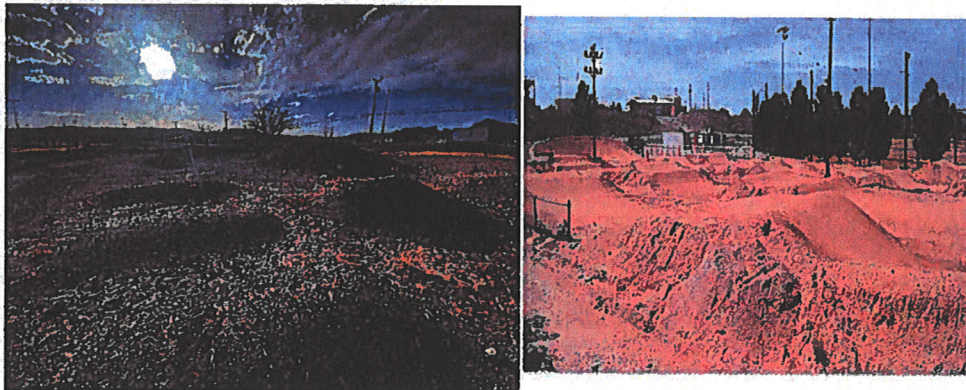
[Click here for park photos](#)

Louis Armijo Park is host to a BMX track, that according to my research was put into place late 2014-early 2015. (Google Earth historic images show that this track was not in place in 2014 and was in 4/15). The track consists of several piles of dirt, arranged in a track.

These piles of dirt are not composed or configured appropriately, with the dirt apparently being un-graded fill dirt from the nearby solar project (also completed in this same time frame, per the same evidence above.)

In reaching out to the local community to discuss this park, several community members relayed their experiences in trying to go use this facility and having their children's bicycles damaged, with one person reporting that they had even taken a video of their child getting hurt due to the lack of initial build-effort and following maintenance.

Below is a picture of the T or C BMX track, followed by another regional BMX track in Las Cruces, NM.



I reached out to several regional BMX tracks to provide some images of our track and get possible feedback.

Jordan Rupe, Recreation supervisor for Durango, Co, had this to say about the track

*"-that is some rocky dirt! And if its sand in between that is the worst for BMX and/or bike parks. The rocks make for a bump and potentially hazardous Experience while the sand doesn't compact and nothing holds shape and offers poor traction."*

He goes on to say

*"It's clearly not a track designed for BMX racing with Start hill and Finish line."*



## Truth or Consequences, NM BMX Track

It is apparent that the best interest of our community is not being served with this resource. While the path from what sits in piles at Armijo Park and an ABA BMX track is long and unlikely, I am here to suggest an alternative solution.

A community built and maintained (with the correct supplies, and dirt, as well as input from individuals familiar with this sort of facility) pump track, consisting of one or two larger, smooth hills at each end of the park, and several smaller features in the center region, creating a 'bike park' similar to those that exist in Bernalillo and the like.

Below you will find an image of the public-maintained Bernalillo bike park.



[Here](#) you will find a link to a public website used to show the effort and progress at the Bernalillo Bike Park.

In this setting, the city provides the correct dirt (graded, free from rocks and cinderblocks, and of the right composure to build with), piles it, and it is shaped by local volunteers, an effort I believe could be emulated with great success in Truth or Consequences.

We as a community have a tremendous breadth and depth of knowledge and abilities. We absolutely have the resources, ideas, and technology to make our community better, one resource at a time, and I hope to encourage these efforts.

Thank you for your time,  
William Troup  
[me@williamtroup.com](mailto:me@williamtroup.com)

## Truth or Consequences, NM BMX Track

Attached you will find a link to more pictures of the track in question.

[Click here for more park photos](#)



## CITY COMMISSION MARCH 23, 2021 REGULAR MEETING MINUTES

- We are waiting on quotes for the Mainstreet Foch Street Project. We had an architect provide a design, and the cost of design and project was a little more than what Mainstreet was able to solicit so they went out and got additional funding for that project. We actually reduced the scope of the project, as well as increased the funding to make sure that we have sufficient funding for the project.
- Utility billing is continuing to be problematic. We have a consultant auditing firm coming in to assist us with that. They are experts in utility audits, as well as the Tyler program. We tried a pilot with an individual with solar, and it was a disaster in billing. Not only did it not work out with the solar account, but it also impacted water accounts, and other things that weren't even involved in the scope of the work. There are some issues that we need to get through, and the auditors will help us a lot in identifying what those challenges are.
- We have been involved in the budget process for a couple of months now. Staff is working with departments, and will be refining budgets, and getting prepared for the budget workshop with the Commission in the very near future. The budget is the most important policy decision that the Commission will engage in on an annual basis.
- At the last meeting we talked about installing a porta potty at the dog park. We are looking at about \$300 a month for a handicap accessible porta potty at the dog park. Our cost will go up to \$15,600 annually for porta potties within the city.
- The softball league wants to start their season, and we have had some issues out there. He would like to get the Commissioners thoughts on how they would like to proceed.

### **City Attorney Rubin reported the following:**

- He reported on the money that was found by the Police Department. They received a call from a concerned citizen alerting us to the fact that there was a suspicious package at the Rotary Park. It was found that there was \$47,000 in the package. The money stayed in the Police Department evidence for the last few years, and when City Manager Swingle and Chief Rodriguez came on board, they took a proactive stance to do something with the money. We found that there is a state statute under 29-1-14 that addresses this type of issue. We published a notice in the local newspaper for two consecutive weeks that said that anyone who had a claim to this money had to show up at the Police Department on such and such date, and show proof of identity and ownership. Nobody showed up, so the next step was for him to file a petition with the Sierra County District Court asking for a disposition of the found money stating that once we completed the process, the funds would revert to the city to be used for general purposes. He gave his presentation to the District Court, and an Order of Disposition was entered that same day for the found money to be paid to the City Clerk-Treasurer of the City of Truth or Consequences to be credited into the General Fund.
- He reported on the process of condemned properties, and liens we put on the property for costs associated with removing the debris from the premises. He

## CITY COMMISSION MARCH 23, 2021 REGULAR MEETING MINUTES

explained that there are several instances where he will file a lawsuit to ask to foreclose on the liens after liens are filed.

- He commented on Ron Fenn's comment regarding the lawsuit, and explained when we get a lawsuit it is automatically referred to the New Mexico Self Insurers Fund, and once that happens it is really up to the New Mexico Self Insurers Fund to determine how the defense is going to be handled. Most of the time their attorneys handle the cases, but he is kept current with the case.

City Manager Swingle stated that City Attorney Rubin did a great job of presenting his argument regarding the \$47,000 that was found at Rotary Park.

### **City Commission Reports:**

#### **Commissioner Mitchell reported the following:**

- The Fiesta brunch was very successful. They almost sold out, and they are working on setting up the cash party.
- William Troup contacted her regarding the BMX track, and she saw many suggestions on Facebook about the BMX track.

#### **Commissioner Fahl reported the following:**

- She asked if they could carpool to the Newly Elected Officials Training.
- Jornada has been leading the Turtleback Trails Network Project. They have been meeting for 3 years now, and most of that time has been with public outreach. They are getting down to writing the various components of the plan. There is a section on the actual trails portion on the other side of the river, and John Masterson is completing that. There is a group called The River Trail, and they are almost done with their plan which covers places to get in and get out of the river, and what some of the obstacles are. Her section has to do with natural resources, and education section which is almost completed. Emergency response has also been discussed with Police Chief Rodriguez and Fire Chief Tooley. John Masterson found somebody local to write the plan, and he said he would fork out half of the money to pay for it. However, someone from the National Parks Service offered to pay for writing the whole thing.

#### **Commissioner Harrelson had no reports.**

#### **Mayor Pro-Tem Hechler reported the following:**

- We may have a rodeo during Fiesta weekend on Friday and Saturday night from 7pm – 9pm. It will complement our Fiesta Events because it will be over by 9pm, and then folks can join us for the Fiesta activities.

#### **Mayor Forrister reported the following:**

- She thanked everyone who is involved in Fiesta. A lot of people are talking about it, and they are excited about it.
- She went on the department tour, and she thanked the departments and the department heads. They are really doing the best they can with what they have.

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She asked that the community be patient while we try to address issues that didn't happen overnight.

- She spoke with our local Children Youth & Families (CYFD) Supervisor, and she indicated that we do not have any licensed Foster Homes here in Sierra County, so if anyone is interested in becoming a licensed foster parent, please contact them and make a difference for our local children.

### **F. CONSENT CALENDAR:**

- 1. City Commission Regular Minutes, March 9, 2022**
- 2. Acknowledge Regular Lodgers Tax Advisory Board Minutes, January 24, 2022**
- 3. Take-home vehicle form for Animal Control**
- 4. Volunteer Firefighters Annual PERA Reporting Form**

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

### **G. PUBLIC HEARINGS:**

- 1. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 728 authorizing the sale of Real Property on 2<sup>nd</sup> and Locust (Section 33, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property:**

Assistant City Manager Alvarez explained that the city received an offer to purchase real property owned by the city. The proposed purchase price is \$64,600.00, which is equal to the appraised value. Pursuant to Section 3-54-1, the proposed agreement must be approved by ordinance. The ordinance was approved for publication on February 23, 2022, and now it is being presented for a public hearing and final adoption.

Mayor Forrister opened the public hearing.

City Attorney Rubin explained that the statutory provisions that guides this type of transaction under 3-54-1 requires that you go through the ordinance procedure when you have a public sale of property at an appraised value in excess of \$25,000. We published this ordinance a month ago, and now we are coming back for a public hearing and final approval. The rule once the Commission approves the ordinance is that there is a 45 day waiting period before it becomes effective. He reviewed a problem he noticed when he was getting ready for this. There is a street on the north east corner which comes in off of Second Avenue, and it comes into the property about 1/3 of the way down, and then it curves and exits out where Lincoln Street is. Lincoln Street leads you into Matson Street, and eventually into Broadway. He thinks that portion is a dedicated street, and it is a street that is frequently used for vehicular traffic and foot traffic. He explained that there should have been a sentence added to the legal description that says that it saves and accepts that particular street. The buyer is aware of the situation, and we will be able to come back with a legal description that addresses



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the issue. However, we can still go through with the public hearing today, and during the 45 day period we will work with the Surveyor to incorporate the correct language into the legal description.

### **Proponents:**

There were no proponents.

### **Opponents:**

There were no opponents.

Mayor Forrister closed the public hearing.

**Mayor Pro-Tem Hechler moved to approve Ordinance No. 728 authorizing the sale of Real Property on 2nd and Locust (Section 33, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property contingent on the proposal that was mentioned by City Attorney Rubin. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

### **2. Public Hearing/Discussion/Action: Final Adoption of Ordinance No. 729 authorizing the sale of Real Property on 3rd Street (Section 35, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property:**

Assistant City Manager Alvarez explained that the city received an offer to purchase real property owned by the city. The proposed purchase price is \$94,501.00, which is above appraised value of \$94,500.00. Pursuant to Section 3-54-1, the proposed agreement must be approved by ordinance. *(The property was donated to the city in 2016 by Cathie and Marcia Burford with the condition that in the event the property is sold the city will memorialize the donation by using funds to purchase 3 benches to be installed at a city park bearing the names of Scott Burford, Michael Burford and Morry Burford).* The ordinance was approved for publication on February 23, 2022, and it is now being presented for a public hearing and final adoption.

Mayor Forrister opened the public hearing.

### **Opponents:**

There were no opponents.

### **Proponents:**

There were no proponents.

Mayor Forrister closed the public hearing.

**Commissioner Mitchell moved to approve adoption of Ordinance No. 729 authorizing the sale of Real Property on 3rd Street (Section 35, Township 13 South, Range 4 West) Pursuant to Section 3-54-1 NMSA 1978; Sale of Real Property. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

#### **H. ORDINANCES/RESOLUTIONS/ZONING:**

##### **1. Resolution No. 50 21/22 Budget Adjustment Resolution:**

Traci Alvarez, Assistant City Manager reviewed the Budget Adjustments provided in the packet.

**Commissioner Fahl moved to approve Resolution No. 50 21/22 Budget Adjustment Resolution. Commissioner Mitchell seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

##### **2. Resolution No. 51 21/22 Approval for the City of Truth or Consequences to participate in the New Mexico Department of Transportation Municipal Arterial Program:**

Assistant City Manager Alvarez explained that this is a 2022 NMDOT MAP application confirming that the City of Truth or Consequences participate in the New Mexico Department of Transportation Municipal Arterial Program Local Government Road Fund Program as defined in Attachment A which is the Scope of Work Project for the area of Riverside Drive from South Date Street to South Pine Street.

**Commissioner Mitchell moved to approve the City of Truth or Consequences to participate in the New Mexico Department of Transportation Municipal Arterial Program. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

#### **I. NEW BUSINESS:**

##### **1. Discussion/Action: Approval of the Law Enforcement Protection Funds Application:**

City Manager Swingle explained that this is the statutory compliance certification the city has to complete. All the entities in New Mexico have to complete this certification to be eligible for Law Enforcement Protection Funds. The state upped the amount of funds we will be eligible for. It used to be \$20,000 and now it is \$45,000 plus \$1,000 per Officer.



We are looking at a total of \$58,000 that we will get from the State of New Mexico for Law Enforcement. It can be used for equipment and training of our Law Enforcement Personnel.

**Commissioner Mitchell moved to approve the Law Enforcement Protection Funds Application. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**2. Discussion/Action: Approve and Execute Utility Cooperative Agreement with NMDOT for the relocation of Water Line and Sanitary Sewer as part of the I-25 Business Loop Project:**

Assistant City Manager Alvarez explained that the city has agreed to partner with the State for the relocation of Water Lines and Sanitary Sewer Lines as part of the State's I-25 Business Loop Roundabout Project, and it will reimburse the state by providing a one lump sum payment for the entire amount.

**Mayor Pro-Tem Hechler made a motion to approve and execute the Utility Cooperative Agreement with NMDOT for the relocation of Water Line and Sanitary Sewer as part of the I-25 Business Loop Project. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**3. Discussion/Action: Approval of Contract with Bohannon Huston:**

Assistant City Manager Alvarez explained that an award recommendation was presented to the Commission on April 20, 2021 for RFP #20-21-011 for Multiple Engineering and Architecture Projects under a single contract. The original contract was submitted to the Commission for approval on November 17, 2021. The contractor requested language changes in the contract. Therefore, it is before you for approval of the change to the language by the contractor.

**Commissioner Mitchell made a motion to approve the contract with Bohannon Huston. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**4. Discussion/Action: Review, Approve, and Allocate Fiscal Year 2021/2022 Lodgers Tax Funding for A.C.T.:**

Before the presentation began, Mayor Pro-Tem Hechler and Commissioner Mitchell stated that they will recuse themselves from voting on this item due to their involvement in Fiesta.

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City Manager Swingle explained that this is a request from Acknowledge Create Teach Corp. (A.C.T.). They requested \$16,995 for funding for Fiesta Weekend 2022, and the Lodgers Tax Advisory Board approved \$11,600.

**Commissioner Fahl made a motion to approve and allocate Fiscal Year 2021/2022 Lodgers Tax Funding for A.C.T. in the amount of \$11,600. Commissioner Harrelson seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried with a 3-0 vote with 2 recusals.**

**Hon. Merry Jo Fahl, Commissioner voted aye**

**Hon. Shelly Harrelson, Commissioner voted aye**

**Hon. Amanda Forrister, Mayor voted aye**

**Hon. Rolf Hechler, Mayor Pro-Tem recused himself from the vote.**

**Hon. Destiny Mitchell, Commissioner recused herself from the vote.**

**5. Discussion/Action: Review, Approve, and Allocate Fiscal Year 2021/2022 Lodgers Tax Funding for Geronimo Trail Scenic Byway (GTSB):**

City Manager Swingle explained that this is a request from Geronimo Trail Scenic Byway (GTSB). They requested \$700 for funding to fabricate the "Entering Hot Springs Historic District" sign located at Triangle Park. The Lodgers Tax Advisory Board approved \$700 for the project.

**Commissioner Mitchell made a motion to approve and allocate Fiscal Year 2021/2022 Lodgers Tax Funding for Geronimo Trail Scenic Byway (GTSB). Mayor Pro-Tem Hechler seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

**6. Discussion/Action: Review, Approve, and Allocate Fiscal Year 2021/2022 Lodgers Tax Funding for MainStreet T or C:**

City Manager Swingle explained that this is a request from MainStreet for funding of \$4,000 for a Hot Springs District Mural to be designed and painted on the side of Bullock's Grocery Store. The request was reviewed, and the entire amount was approved by the Lodgers Tax Advisory Board.

Mayor Forrister asked City Manager Swingle to explain where we get the Lodgers Tax funds from, and who would be eligible for funding.

City Manager Swingle explained that the fund is generated through Airbnb's and people staying in our hotels. There is a percentage that the city charges and collects on a monthly basis. The city divides that funding into two shares. 60% of the funding goes to the Lodgers Tax Board to be allocated, the city keeps 40% for city lodgers tax uses, and 1% of the city's portion goes to the Arts Board so they can do public arts. The lodger's



## CITY COMMISSION MARCH 23, 2021 REGULAR MEETING MINUTES

tax funds have to be used within 3 years of the time that they are collected. You have a lot of marketing that is paid for out of our percentage. Sierra County, Elephant Butte, and the City of Truth or Consequences use the same marketing company that does the promotions on a state wide, and national level. The Lodgers Tax Board uses their portion on projects from local groups who are interested in using lodgers tax funding. Their applications are submitted to the city, and reviewed by the Lodgers Tax Board, and they make a decision on whether or not they will fund the project. They may also reduce the funding based on their understanding of the project, and then the board's recommendation comes to the Commission for final approval. The city's lodgers tax fund requests come directly to the Commission for approval.

**Commissioner Mitchell made a motion to approve and allocate Fiscal Year 2021/2022 Lodgers Tax Funding for MainStreet T or C. Commissioner Fahl seconded the motion. Roll call was taken by the Clerk-Treasurer. Motion carried unanimously.**

### **J. EXECUTIVE SESSION:**

#### **1. Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2):**

**Mayor Pro-Tem Hechler made a motion to go into executive session at 11:51 a.m. to discuss Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2). Commissioner Fahl seconded the motion. Roll call vote was taken by the Clerk-Treasurer. Motion carried unanimously.**

Mayor Forrister reconvened the meeting in open session at 12:21 p.m.

**Mayor Pro-Tem Hechler certified that only matters pertaining Limited Personnel Matters (City Manager) Pursuant to 10-15-1(H.2) was discussed in Executive Session.**

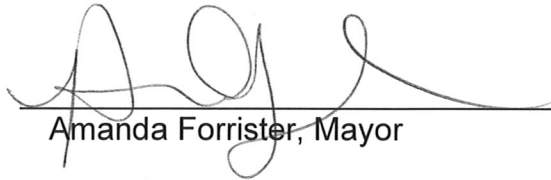
No action was taken.

### **K. ADJOURNMENT:**

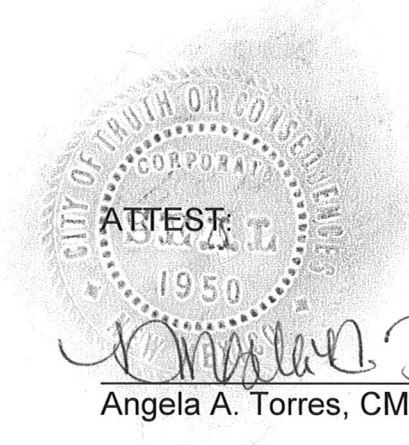
**Commissioner Mitchell moved to adjourn at 12:22 p.m. Commissioner Harrelson seconded the motion. Motion carried unanimously.**

**Passed and Approved this 13th day of April, 2022.**

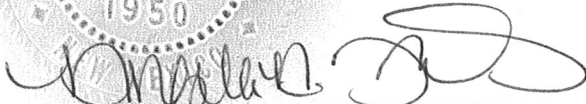
CITY COMMISSION MARCH 23, 2021 REGULAR MEETING MINUTES



Amanda Forrister, Mayor



ATTEST:



Angela A. Torres, CMC, City Clerk