# CITY COUNCIL
# AGENDA

**Monday, October 7, 2024 at 1:00 PM**
**Council Chambers**

Mayor
Eric Enriquez

Mayor Pro Tem
Johana Bencomo

Councilors
Cassie McClure
William Mattiace
Becki Graham
Becky Corran
Yvonne Flores

CITY OF LAS CRUCES

CITY HALL
P.O. BOX 20000
LAS CRUCES, NM 88004

700 N. Main St.
PHONE (575) 541-2067

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If you need an accommodation for a disability to enable you to fully participate in this event please contact us 72 hours before this event at 541-2115/V.

**CONSENT AGENDA**

Minutes and Items on the Consent Agenda Are Considered Routine Items and Will Be Voted on with One Motion Unless a Councilor Requests That a Specific Item Be Removed. There Will Be No Discussion.

Page

**1. OPENING CEREMONIES**

1.1. Pledge of Allegiance - Mayor Enriquez.

1.2. Presentation of Certificates of Appreciation/Proclamations - Mayor Enriquez.

1.3. Jobs of the Week.

1.4. Pets of the Week.

**2. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27 (E)(2)**

**3. PUBLIC PARTICIPATION**

**4. READ CLOSED MEETING STATEMENT**

4.1. Read September 30, 2024 Closed Meeting Statement into the record.

4.2. Read October 7, 2024 Closed Meeting Statement into the record.

**5. ACCEPTANCE OF AGENDA**

**6. CITY COUNCIL MINUTES**

6.1. Regular City Council Meeting of September 3, 2024. 4 - 22

City Council - Sep 03 2024 - Minutes - Pdf

6.2. Work Session of September 9, 2024. 23 - 30
Work Session - Sep 09 2024 - Minutes - Pdf

6.3. Regular City Council Meeting of September 16, 2024. 31 - 54
City Council - Sep 16 2024 - Minutes - Pdf

**7. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

7.1. RESOLUTION NO. 25-039: A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND JARDIN DE LOS NINOS (JARDIN) FOR THE JARDIN DE LOS NINOS ROOF REPLACEMENT PROJECT AND AMEND THE FY2025 CAPITAL IMPROVEMENTS PROGRAM (CIP). 55 - 115
Resolution No. 25-039 - Pdf

**8. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

8.1. RESOLUTION NO. 25-040: A RESOLUTION APPROVING AN AMENDED SERVICE AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND MESILLA VALLEY COMMUNITY OF HOPE (MVCH) FOR THE EXPANSION OF THE HOMELESS OUTREACH PROGRAM AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON CITY'S BEHALF. 116 - 139
Resolution No. 25-040 - Pdf

8.2. RESOLUTION NO. 25-041: A RESOLUTION APPROVING THE EAST MESA PUBLIC RECREATION COMPLEX PUBLIC ART PROJECT. 140 - 297
Resolution No. 25-041 - Pdf

8.3. RESOLUTION NO. 25-042: A RESOLUTION APPROVING THE FIRE STATION 1 AND 6 PUBLIC ART PROJECTS. 298 - 474
Resolution No. 25-042 - Pdf

8.4. RESOLUTION NO. 25-043: A RESOLUTION THAT THE CITY OF LAS CRUCES STANDS IN OPPOSITION TO THE LITIGATION POSITION OF THE UNITED STATES IN THE CASE OF TEXAS V. NEW MEXICO & COLORADO, ORIGINAL, NO. 141. 475 - 479
Resolution No. 25-043 - Pdf

8.5. RESOLUTION NO. 25-044: A RESOLUTION DETERMINING THE CONDEMNATION OF A PORTION OF THAT PARCEL KNOWN AS 2240 EAST LOHMAN, LAS CRUCES, NEW MEXICO WILL SERVE THE PUBLIC INTEREST; AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN TO CONDEMN SUCH PROPERTY FOR A PUBLIC PURPOSE; AUTHORIZING CITY STAFF TO ACCOMPLISH ALL DEEDS NECESSARY TO CARRY OUT THE PURPOSE OF THIS RESOLUTION. 480 - 484
Resolution No. 25-044 - Pdf

**9. BOARD APPOINTMENTS**

**10. NOTICE OF PROPOSED ORDINANCE(S)**

1) There will be no public discussion.
2) A Councilor may ask staff for clarification on the proposed ordinance(s).

10.1. COUNCIL BILL NO. 25-014; ORDINANCE NO. 3085: AN ORDINANCE REPEALING AND REPLACING CHAPTER 38, ARTICLE V, SECTION 38-46, LAS CRUCES INNOVATION AND INDUSTRIAL PARK OVERLAY ZONE DISTRICT, OF THE CITY OF LAS CRUCES MUNICIPAL CODE (LCMC) IN ITS ENTIRETY. SUBMITTED BY THE CITY OF LAS CRUCES (CASE ZCA-24-01). 485 - 585

Ordinance No. 3085 - Pdf

**11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT**

**12. CITY MANAGER REPORT**

**13. ADJOURNMENT**

# MINUTES
## City Council
**Tuesday, September 3, 2024 @ 1:00 PM**
City Council Chambers, City Hall

**PRESENT:** Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores

**ABSENT:** Councilor Becki Graham

**1. OPENING CEREMONIES**

**1.1 PLEDGE OF ALLEGIANCE - COUNCILOR CORRAN.**

**1.2 PRESENTATION OF CERTIFICATES OF APPRECIATION/PROCLAMATIONS - COUNCILOR CORRAN.**

None.

**1.3 JOBS OF THE WEEK.**

None.

**1.4 PETS OF THE WEEK.**

Carol Nielson, Animal Services Center of the Mesilla Valley presented Pets of the Week.

**2. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27 (E)(2)**

**2.1**

None.

**3. PUBLIC PARTICIPATION**

**3.1**

Juan Garcia, Member of the Public said today I am going to talk about political hypocrisy, reset, and weird. In my opinion Friday's KFox interview with two of our

councilors about MMC cancer care denial was a jaw dropping display of evasion, hypocrisy, and outright negligence. For nearly four years the council and commission turned a blind eye to the suffering of cancer patients countlessly ignoring the pleas for help exposed by Yoli Diaz. Now with the AG involved they faint outrage and pursue action with excused like, “there is nothing the council can do, this giant healthcare crisis was at our door and what could city council really do about it?” The council’s dismissive response years past through Hispanic owned businesses begging for action against skyrocketing crime. Had you not ignored and looked into it or just read Yoli’s emails starting in 2021, in my opinion you had a legal obligation because of the lease agreement. This issue is much more than a local healthcare crisis. The council deflected from its responsibility. Now it is a local government crisis. The brazen claim that today is what matters and it is about reset is a shocking attempt to sweep the suffering or death of countless citizens under the rug. In other words, they don’t matter. This dangerous practice of ignoring problems until they explode into scandals like the rise in crime leading to the murder of the LCPD officer is not new to this council’s tenure. There is staff where councilors don’t have to personally review 400 pages of documents.  So why not engage with and request documents from MMC two to three years ago like you did Friday and take action. The answer is chilling because you either didn’t care or deemed the lives of poor Hispanic cancer patients expandable. The lack of action reeks of insincerity, damage control, and a callous disregard for human suffering to further highlight the display of politically charged t-shirts only adds to the surreal weirdness of some of the council. The negligence of the council and commission over the past three or four years including when Councilor now Representative Vasquez was on the dais is inexcusable. Stop the empty promises of resets and take real accountability and action. Who knew of the allegations around 2015 when MMC discontinued outpatient oncology and chemo services. The people deserve to know.

Sarah Smith, Member of the Public said I continue to be concerned about the upcoming Amador Crossing Homeless Housing Project which you are planning to allocate $10 to $15 million for. With 50 units, that equates to $200,000 to $300,000 per unit even though the majority of these apartments are going to be single room efficiency apartments. I understand that you are considering having only 14 of the units dedicated to sober living. However, this is not enough. We need to be aiming for as many people as possible to be rehabilitated instead of enabling people to continue their self-destructive drug addiction by giving them free housing, free medical care, free food, and cash disability payments from the government every month with no requirements for sobriety or accountability. Housing people who are trying to get sober right next to those who are allowed to continue using drugs is horribly short sighted. We have already seen the results of that at the Desert Hope Homeless Housing Project on the corner of Pecos and Foster. Although some have come before council recently saying that the problems at Desert Hope were in the long distant past, I want to remind you that just last summer in 2023 there was yet another drug dealer living in those apartments. Residents living at Desert Hope reported there being chaos and fighting all day and night. These were people trying to turn their lives around and trying to break free of addiction and they had people coming back over and over again offering them drugs. According to the San Antonio Haven for Hope which serves 7,000 homeless people yearly, “Housing First only works for 15% of people, 85% of people need different kinds of stability before they move into housing”.

It is not compassionate to enable people to continue destroying their lives and health with drugs. We need to look at whether the people that we are supposedly helping are actually reforming their lives, becoming free of their drug addiction, and moving towards independence. Will you please consider making the entire Amador Crossing Project dedicated to sober living alongside job readiness training and supportive services. That is what they do in the Work First Program at Boulder Bridge House in Colorado. After one year people graduate from that program ready for employment and permanent housing. That program has a 74% success rate in having people maintain employment and independence. According to Dustin who was formally homeless and addicted to drugs Ready to Work, “teaches you how to be responsible and accountable for your behavior. The work first part builds self efficacy by actually doing something with yourself, that is what works”. We should be aiming for improvement rehabilitated lives for the homeless so that they can become responsible members of our community. Will you please use this huge investment of taxpayer dollars to ensure that we are rehabilitating as many people as possible for the good of everyone?

Eddie Thomas, Member of the Public said Mayor Pro Tem Bencomo, I didn’t see your t-shirt today. You didn’t wear your t-shirt emblazoned with.

Mayor Enriquez said Mr. Thomas please, again these public participation is to remain.

Eddie Thomas said it’s not personal.

Mayor Enriquez said yes you are calling out and you are being personal. Just stick to facts in your presentation, thank you.

Eddie Thomas said the fact is that there is a t-shirt with Decriminalize Poverty worn by one of the council members. I couldn’t agree more. We shouldn’t be criminalizing poverty. It is not against the law to be poor. However, I criminalize criminals and criminality. Especially the violent type like the one that murdered a young officer by the name of Jonah Hernandez. Recently we had an impromptu discussion outside these doors, Mayor Pro Tem in which my takeaway was that if I wanted street improvements and drainage for my neighborhood, I would have to support your GRT increase. That is tantamount to extortion in my view. Your primary job is the safety of your constituents, the citizens of Las Cruces.

Councilor Mattiace asked Mayor, may I have your okay to speak?

Mayor Enriquez said no, not at this time.

Councilor Mattiace said I think you are perfectly right about not personal attacks. I think we have to have decorum and we have to have respect.

Eddie Thomas said I couldn’t agree with you more. Like I was saying, prosperity is your second obligation to the citizens of Las Cruces. Your first is safety which is why we are talking about criminality here in Las Cruces. Nothing says poverty like the eyesores and the blights in Las Cruces. The abandoned homes. The padlock doors.

The shuttered businesses. The plywood windows. Okay so you have a problem with the look of Las Cruces. It looks like poverty and that doesn't help our image and it doesn't help any efforts which primarily I think look more like pro-crime and anti-business.

Frank Lopez, Member of the Public said I would like to make a few comments about the shopping cart ordinance that was passed last month but before I do that a little bit of background. In my younger days I was an attorney, and I went to law school to do community work and so for the past 25 years I have been an Executive Director and a Capacity Builder and during that time I have done a lot of studying and analysis on impact and effectiveness. My understanding of the shopping cart ordinance is that the shopping carts on the streets created a nuisance and a potential hazard to health, welfare and safety to the public. I am curious as to how the city evaluates its ordinances. In other words, is it effective? Does it work? Does it accomplish what its objectives were? This is a new ordinance it was just passed but over time the city should evaluate its ordinance and ask some difficult questions like, as a result of the ordinance have we improved the welfare and wellbeing of our residents? As a result of the ordinance have we improved public safety? Have we addressed the homeless situation that gave rise to the ordinance? Evaluation includes hard questions and data analysis. Intuitively we all know that at the heart of homelessness is poverty access to mental health care and housing. I know the city, you guys have been putting a lot of time into housing and I applaud and really commend you for that work but I have a suggestion though with regards to ordinances such as the one that was just passed and here is the suggestion that the ordinance include an evaluation component so that it is not just an ordinance that states here is what we are trying to solve and here is the punishment or whatever an ordinance can include but also include an evaluation component. So over time the ordinance can be evaluated and if it is working great, you will find that out with evidence and if it is not working the ordinance can be amended or removed from the books. I share all of that by way of acknowledging that the city has limited resources. We all know that. You all know that better than anyone and I for one would rather have our law enforcement work and spend time on much more important matters than stopping the homeless people for their shopping cart for being homeless and on another day, I will come back and share some ideas on what we can do in that respect.

Lonnie Montgomery, Member of the Public said I am a follower of Jesus Christ. I am here to pray that the council makes wise decisions in today and other times. I understand that I can speak on anything but today I only have like two questions. Quite of bit of people have called and I have seen on TV the fifteen minute community and I wondered what happened? Is that an ordinance that is already in effect or is it going to be effect in the future or is it being snuck in the back door by other things? I just want to know what happened to that particular thing. Another thing I would like to see is that we meet at like 6 or 7 o'clock at night. Seems like a pretty good democratic idea to me. We who are retired can come anytime we want to. One o'clock is convenient to me although I did rush lunch a little. I think at that time you would be more in contact with the constituents that you are representing, and they could be here to find out what you are doing for them or to them and find out what is happening. I understood in the 15-minute thing you had that you had to have dispensary and you had to have a bar. Well, how about a church? If we had one of

those in each thing pedestrians could walk, but it also goes to the fact that we have a lot of speeders in this town and if we got those in each neighborhood you have a better chance, but you nearly have a dispensary on every corner the speeders are going to be DUI. I appreciate what the police are trying to do for that. We might do like Albuquerque and put up the speed radars to catch those going up Highway 70 in the 45 zone and 75/85 miles an hour but that is my two questions, and I don't expect an answer now. I can talk to Mr. Mattiace, he is my councilor. Maybe I can get a copy of the ordinance of the 15-minute community or something like that.

George Pearson, Member of the Public said I am Vice President of VeloCruces, your local bike/ped advocacy non-profit. I was able to attend the 2024 New Mexico Transportation Safety Summit put on by NMDOT last week in Albuquerque. A lot of information was shared at the summit. We heard about the safe system approach, the enforcement of high traffic fatality rates, and how high crashes disproportionately impact people of color, lower income populations, and bicyclists and pedestrians. New Mexico has the sad distinction of having the highest per capita pedestrian fatality rate for several years. NMDOT is embracing Vision Zero. They are calling it Target Zero, but it is otherwise directly aligned with Vision Zero goals. Speakers at the summit included New Mexico Secretary of Transportation Ricky Serna, Representatives from the Federal Highway Administration, the National Highway Traffic Safety Administration, and private and non-profit experts of traffic safety and design. We were also privileged to have Senator Ben Ray Lujan attend and address the summit. He shared his personal experience with traffic violence involved with an intoxicated driver. Southern New Mexico is well represented at the summit with several participants from NMDOT District 1, including the district engineer, the MPO was there, as was Las Cruces Public Schools, and Dona Ana County was represented by the Undersheriff and one of her deputy's. Unfortunately, there was no attendance from the City of Las Cruces. This was a missed opportunity because we all need to learn best practices to improve traffic safety. I am looking forward to the promised Vision Zero Work Session and the upcoming Safe Streets for All Grant funded update to the Active Transportation Plan plus the scheduled MRA workshop that must surely also look at traffic safety. We have been talking a lot about traffic safety it is time that we start identifying action items and to start to make Las Cruces a safe city for all modes of transportation.

## 4. ACCEPTANCE OF AGENDA

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to accept the agenda as presented.**

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|---|---|
| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

## 5. CITY COUNCIL MINUTES

**5.1 REGULAR CITY COUNCIL MEETING OF AUGUST 5, 2024.**

**5.2 WORK SESSION OF AUGUST 12, 2024.**

**6. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

**6.1 RESOLUTION NO. 25-025: A RESOLUTION REAPPOINTING MEMBERS TO THE NEW MEXICO MUNICIPAL ENERGY ACQUISITION AUTHORITY BOARD OF DIRECTORS.**

**6.2 RESOLUTION NO. 25-026: A RESOLUTION TO APPROVE THE SUBMISSION OF THREE (3) UTILITIES GRANT APPLICATIONS TO THE NEW MEXICO FINANCE AUTHORITY (NMFA), WATER TRUST BOARD (WTB), FOR THE FISCAL YEAR 2025.**

**6.3 COUNCIL BILL NO. 25-012; ORDINANCE NO. 3083: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) TO R-1AM (SINGLE-FAMILY MEDIUM DENSITY MOBILE) FOR A PROPERTY ENCOMPASSING APPROXIMATELY 0.99 ACRES AND LOCATED AT 6175 LEMO ROAD. SUBMITTED BY SUPREME INVESTMENTS, LLC., REPRESENTATIVE. (24ZO0500053).**

**7. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

**7.1 PUBLIC HEARING REQUIRED. RESOLUTION NO. 25-027: A RESOLUTION APPROVING THE REQUEST FOR A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTER-LOCAL LIQUOR LICENSE NO. 2604 WITH ON PREMISES CONSUMPTION ONLY WITH PATIO SERVICE TO SANOMA AQUA VITAE, LLC., D/B/A SI SENOR RESTAURANT LOCATED AT 4130 WHITE SAGE ARC., LAS CRUCES, NM 88001.**

Public hearing began at 1:26 p.m. There was no one for or against. Public hearing ended at 1:27 pm.

Adam Ochoa, Senior Urban Planner gave the overhead presentation.

Councilor Corran asked is the applicant here by chance? I am asking because while this is in Councilor Flores's district this is one of the most asked about signs in my district which is adjacent. Folks are asking, when is this happening? I feel like they have been watching that sign for a long time. I am sure that this is one of the steps related to that. I am curious if the applicant can shed any light on the timing, if they are not here that is okay, but I always tell people I don't know but I am sure that it is coming.

Adam Ochoa said they may not be here. To give you a little bit of a timeline, they do have a building permit. They are undergoing inspections as we speak but actual finalization of the restaurant has not been done yet. After construction is done their business registration will be released as well and we will be ready to go.

Mayor Enriquez asked would Mr. Larry Nichols have any idea on the timeline?

Larry Nichols, Community Development Director said we have not heard anymore from the contractor or developer as to their scheduling for completion of the project. They are ready to make move on it. I think they are waiting to make sure this transfer is completed and then they will be more active I believe.

**Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 25-027.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Johana Bencomo |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.2 PUBLIC HEARING REQUIRED. RESOLUTION NO. 25-028: A RESOLUTION APPROVING THE REQUEST FOR A TRANSFER OF OWNERSHIP OF INTER-LOCAL DISPENSER LIQUOR LICENSE NO. 2515 WITH ON PREMISES CONSUMPTION ONLY WITH PATIO SERVICE TO SI SENOR FIREWATER, LLC., D/B/A SI SENOR RESTAURANT LOCATED AT 1551 E. AMADOR AVENUE, LAS CRUCES, NM 88001.**

Public hearing began at 1:30 p.m. There was no one for or against. Public hearing ended at 1:31 p.m.

Adam Ochoa, Senior Urban Planner gave the overhead presentation.

Councilor Flores asked how is it that this question comes up about the proximity of the school to a business that sells liquor? Why now?

Adam Ochoa said it is part of their application that shows that they are at least 300 feet away from a school, military institution, or religious institution I believe is the three. With that being said there is no real guidance as to why the state to the city has to guidelines whether to approve or whether to deny because of that distance requirement. They kind of leave it up to health, safety, welfare if you will and if there is any outstanding issues with the property if you will. Like I stated before Police Department and Fire Department didn't recognize no issues and provided no comment that they had any potential issues in the past. This restaurant currently already has a liquor license. This is kind of just a changing of ownership of it. So, it has already gotten an approval for the waiver in the past as well, but staff did go ahead and recognize the distance requirement and did go ahead and did send out letters to the surrounding property owners within the 300 feet just to let them know of the proposed liquor license coming before council today.

Councilor Flores asked did anyone from the school contact your department about this?

Adam Ochoa said no they did not. I was the contact person for it, so I was not contacted.

Councilor Flores asked did you get any calls from the constituents there?

Adam Ochoa said absolutely none.

**Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 25-028.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Johana Bencomo |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.3 PUBLIC HEARING REQUIRED. RESOLUTION NO. 25-029: A RESOLUTION APPROVING THE REQUEST FOR A RESTAURANT A – BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY WITH PATIO SERVICE TO 3 CROSSES CHARCUTERIE, LLC., D/B/A FIG AND BRIE LAS CRUCES LOCATED AT 901 E. UNIVERSITY AVENUE, BUILDING 985, SUITE B, LAS CRUCES, NM 88001.**

Public hearing began at 1:35 p.m.

Jeff Waugh, Member of the Public I am the one that is supporting, it is my wife's business. So, I am one who was off today. She is also a midwife, so she is delivering babies, and I am over here supporting whatever if you have any questions, I am here to answer them.

Public hearing ended at 1:36 p.m.

Adam Ochoa, Senior Urban Planner gave the overhead presentation.

Councilor Flores asked the University does have the power to say yay or nay to this?

Adam Ochoa said no. They were notified about the proposal including everybody else as of 300 feet of the proposed liquor license. Staff received no public input at all.

**Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 25-029.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Johana Bencomo |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.4 RESOLUTION NO. 25-030: A RESOLUTION TO ACCEPT THE 2024 FIREFIGHTER RECRUITMENT FUND AGREEMENT FROM THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (NMDFA), IN**

**A TOTAL AMOUNT OF $262,500.00, OVER 3 YEARS, WITH NO MATCH REQUIRED.**

Crystal Silva, Associate Grant Development and Compliance Specialist gave the overhead presentation.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Resolution No. 25-030.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.5 RESOLUTION NO. 25-031: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FISCAL YEAR (FY) 2025 BUDGET, THE FY2025 CAPITAL IMPROVEMENTS PROGRAM (CIP), AND FY2025 VEHICLE ACQUISITION FUND (VAF).**

Joe Padilla, Budget Analyst gave the overhead presentation.

Luis Vela, Fleet Administrator continued the overhead presentation.

Cynthia Campo, CIP Analyst continued the overhead presentation.

Councilor Bencomo asked on slide 5, on the match, that is on our end, right? Has that been completed?

Joe Padilla said that was already budgeted at the beginning of the year, so we are good on the match portion.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Resolution No. 25-031.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.6 RESOLUTION NO. 25-032: A RESOLUTION APPROVING THE FIRE STATION 9 PUBLIC ART PROJECT.**

Ceci Vasconcellos, Public Art Coordinator gave the overhead presentation.

**Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 25-032.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |

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|---|---|
| **SECONDER:** | Councilor Johana Bencomo |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.7 RESOLUTION NO. 25-033: A RESOLUTION APPROVING AN AMENDMENT TO PROFESSIONAL SERVICES AGREEMENTS WITH AKS ARCHITECTURE P.C., ASA ARCHITECTS P.C., DESERT PEAK ARCHITECTS, MOLZEN CORBIN, VIGIL & ASSOCIATES ARCHITECTURAL GROUP, WILSON & COMPANY, INC ALL OF LAS CRUCES, NM, HUITT-ZOLLARS, INC. OF ALBUQUERQUE, NM, AND MASS DESIGN GROUP OF BOSTON, MA., TO INCREASE THE ANNUAL NOT-TO-EXCEED AMOUNT TO $2,000,000 PLUS APPLICABLE TAXES PER VENDOR, SUBJECT TO APPROVED BUDGET APPROPRIATIONS (20-21-052 ARCHITECTURAL & ENGINEERING SERVICES).**

Virginia Barela, Buyer II gave the overhead presentation.

Councilor Flores asked can you go back to page 5 please? So, the part I quite don't understand is the annual not to exceed amount of $2 million plus gross receipts tax annually per vendor, that would be ad infinitum? That would be until we would say no by virtue of going through this process?

Virginia Barela said the $2 million is basically setting the new capping amount of how much we can use these vendors for preapproved projects where the budget has already been approved for the projects. So, the projects have already gone to council through the budget process through CIP, or by approval of grants or acceptance of legislative funds or a variety of different funding reasons. Council approves the city to move forward with specific projects and we require the utilization of specific engineering vendors for a variety of different things whether it is electrical, structural, or in this case architectural so it is allowing the city to move forward with these preapproved projects to be able to utilize the vendors at the new amount because currently we are running into instances where we have to stop and not be able to move forward with projects because we reach the current capping limit with projects that were preapproved in previous years that are carrying on to current fiscal years. So, we have projects that were initiated in 2023 that are still going forward so the funds that weren't charged out in 2023 are being applied to the contract that we can charge out now which is limiting how we can use the contracts for current projects. We are moving the goal post so we can still continue to work on projects that have already been approved.

Councilor Flores said the way I understand it is that the amount that we authorize before isn't enough to carry out this distribution of funds to the vendors. It says, the very last bullet, says subject to approved budget appropriations. So, would that come after the fact? After we vote today and that is the part, it is almost like putting the cart before the horse type of thing?

Virginia Barela said for the approved budget appropriations it is the projects that are approved in the CIP. So, some of them have already been approved by council and

the ones for previous CIP fiscal years, the current fiscal year that we are in and then for future fiscal years for like the next final year of this contract, any of the projects that are approved by the CIP through the budget process will be able to utilize these contracts.

Councilor Mattiace asked it would have been nice because I know how detailed you are with these presentations, do you have a handy list of the projects that are having complexities and quality or quantity of the projects with their complexities, do you have a list available?

Virginia Barela said I would have to confer with Public Works to get a list of all the projects they are currently utilizing these vendors for.

**Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 25-033.**

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|---|---|
| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Johana Bencomo |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.8 RESOLUTION NO. 25-034: A RESOLUTION APPROVING A SERVICE AGREEMENT FOR METROPOLITAN REDEVELOPMENT AREA SERVICES RELATED TO THE WEST PICACHO CORRIDOR WITH STANTEC CONSULTING SERVICES, INC. IN AN AMOUNT NOT TO EXCEED $232,000.00 PLUS APPLICABLE TAXES ANNUALLY FOR A PERIOD OF TWO (2) YEARS, SUBJECT TO APPROVED BUDGET APPROPRIATIONS. (PROCUREMENT NO. 23-24-063).**

Greg Gonzales, Buyer gave the overhead presentation.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Resolution No. 25-034.**

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|---|---|
| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.9 COUNCIL BILL NO. 25-011; ORDINANCE NO. 3082: AN ORDINANCE AUTHORIZING REPAYMENT TO THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT (NMEDD) FOR THE LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) PROJECT TO ARTICO COLD STORAGE NEW MEXICO LLC, IN THE AMOUNT OF $600,000.00 FOR THE TERMINATION OF THE PROJECT PARTICIPATION AGREEMENT AND MATCH REQUIREMENT OF $281,400.00 IN THE FORM OF A LEDA FORGIVABLE LIEN.**

Elizabeth Teeters, Economic Development Director gave the overhead presentation.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Ordinance No. 3082.**

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|---|---|
| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

**7.10 COUNCIL BILL NO. 25-013; ORDINANCE NO. 3084: AN ORDINANCE REPEALING AND REPLACING CHAPTER 2, ARTICLE III., DIVISION 6. ACCOUNTABILITY IN GOVERNMENT OF THE LAS CRUCES MUNICIPAL CODE (LCMC), 1997 AS AMENDED.**

Brad Douglas, City Attorney gave the overhead presentation.

Councilor McClure asked when would we be putting in nominations for new members?

Brad Douglas said hopefully as soon as possible. We really wanted to go ahead and like I said loosen the restrictions on those potential candidates. It is my understanding that if and when this passes, we have a pool of candidates to look into so our goal is to right away begin filling those vacancies and have the Oversight Committee fulfill its function.

Councilor Flores said there is some language that is not entirely clear to me. I think it is on page 4 or maybe 5. The part that is missing here as far as I am concerned is that it really doesn't state what the function would be. Or did I miss that?

Brad Douglas said it is probably not as clear as it should be in the PowerPoint presentation as it should be which I realize is ironic considering that this is an ordinance about transparency and accountability but the purpose of the Inspector General is to investigate allegations of fraud, waste, and/or abuse within the city and now proposed technically still within the city but with regard to any contractors or subcontractors or lower tier contractors doing work on behalf of the city. So that second part does not currently exist in the accountability and government ordinance. We have added that so that the office of the Inspector General has more authority if there is an allegation of fraud, waste, and/or abuse from a city contractor to subpoena those documents to request those documents and if the contractors are not forthcoming with that information, well then there are penalties and we as a city can decide what to do at that point. It could look like not working with that contractor in the future if they don't cooperate.

Councilor Flores asked the IG would be reporting all of this to our City Manager? There is no real guidelines as to what is to be reported, how often it is reported? The other thing that is missing is that it doesn't really identify or explain or define what the Oversight Committee, the real goal there and how? Do they have subpoena power? How do they gather their information? And who are the member? Are they in the

community? I know that the Oversight Committee that was here before only allowed two councilors, I don't even know if that would even be appropriate. Who is going to be on that Oversight Committee?

Brad Douglas said really what the IG would be doing if there was an allegation of fraud, waste, and/or abuse the Office of the Inspector General would complete their investigation and once their report and the same applies to internal audit. If there was an audit that was conducted and let's say there was fraud, waste, and/or abuse for the IG example, the Inspector General would do their investigation, when complete they would just write up a report involving their findings and that report would go to the Oversight Committee and the Oversight Committee which is currently not active but hopefully will be very, very soon would review the findings of the Inspector General and make comments. Now and recommendations, their comments and recommendations actually become part of the report at the end of the process and so with regard to reporting to the City Manager technically the Office of the Inspector General under the revised ordinance would report to the City Manager but most of their work would go through the Oversight Committee. I am struggling to think of a time when it would not actually.

Councilor Flores said it sounds like there is a huge or the onus responsibility would be on the Oversight Committee, and I would like to know who the members would be, and I am not saying City Council should be on that. I am just saying you would have to have someone who would have access.

Brad Douglas said as you know we do have vacancies on the Oversight Committee right now. Hopefully we will fill them very, very soon but with regard to the process the City Auditor just reminded me that yes whenever the IG is doing an investigation and their report is complete it would go to the City Manager as well as myself actually for review and then a copy of the completed investigation would be served on the target of that investigation but then the Oversight Committee would have an opportunity to comment and make recommendations and their recommendations do become part of the finalized report.

Councilor Flores asked the composition of the Oversight Committee, you touched on the function but it's going to be residents, it's going to be anybody who would like to be on the Oversight? Would it have to be a resident of the city of Las Cruces?

Brad Douglas said that is correct. There will be ex-officio non-voting members from City Council but then the other applicants will have a background in either audit or I believe finance, accounting or an IG background or legal law enforcement or business background.

Councilor Corran said like many city committees we had sort of created positional spaces of things that people were not able to do for instance accountants can command $100 an hour for their work and this is a volunteer committee like all city committees that are uncompensated so it is a high bar to ask for someone who can get $100 an hour to come to volunteer committees. This is a really good example of why I think we struggle sometimes in thinking about our public participation and

committee functions and balancing professional experiences with an all-volunteer sort of group of folks and I think about this in all of our committees, P&Z, Animal Services, all of these committees where folks are giving an inordinate amount of time and expertise and I think in this case specifically where we had very narrowly defined things we were really precluding a lot of folks who might be good public servants to volunteer or be able to qualified on it so I just wanted to clarify that it is not that we are lowering the bar necessarily for folks whose experiences is expected it is really just specific professional roles named as committee members are a difficult thing to fill across the board and we have experienced this a lot. So, I thank anyone who has applied and considering it and I hope folks will consider applying now and given the broader opening to be able to be participating.

Brad Douglas said so under the ordinance the way it is written right now arguably someone would have to be an active certified public accountant. It doesn't matter if they 30 years of experience as a CPA if they are not an accountant right now then they would not qualify to be on the board and under the revised version that person would be.

Councilor Bencomo said I am glad the petty misdemeanor was removed. I think that is a really important step in compliance. I also think it is really important that the Inspector General is under the City Manager, that was up in the air for a little while. I understand that that may be somewhat complicated at times so that is one of my questions in terms of I couldn't find language in here or do we need to specify what happens if the Inspector General is investigating any complaint regarding the City Manager and so at that point does the Inspector General go to the City Attorney or the Auditor?

Brad Douglas said excellent question and it is one that we contemplated when we were going through the ordinance so let's say the City Manager was under investigation it would obviously be a conflict of interest for the IG to do that investigation because he or she would ultimately report to the City Manager so that is not just a possible conflict of interest that is a direct conflict of interest and so what we would do in that instance is we would refer to the Code of Ethics and we would stand up the Ethics Enforcement Board and so the IG would not be involved in that investigation.

Councilor Bencomo asked the IG would not be involved?

Brad Douglas said no.

Councilor Bencomo asked that language is somewhere already? We don't have to respecify it here again?

Brad Douglas said that is right. It is in our City Code now.

Councilor Bencomo asked in terms of the Oversight Committee, right now do we have three open seats? I was actually going to suggest that because we have redone the whole process that if there was any members currently still on that they actually

reapply. In terms of the applicants will you ensure that council gets their applications as well? Who is going to be selecting them?

Brad Douglas said we can certainly do that so my responsibility in vetting these applicants has always just been to ensure that they meet minimum requirements and then of course they are forwarded on. The revised ordinance states that as vacancies on the committee occur the council shall appoint new members and all appointment shall be subject to council approval.

Councilor Bencomo said generally some of these committees we are appointing folks at a district level we know and so they sort of come with an additional recommendation but because these are At-large, these are three At-large we might not know them I would just request that we get those in advance of a voting day. I am looking at our City Clerk because I think that would be under her responsibility so that would just be my request on that. I do note on here because we will have three new members and they should be serving three-year terms and they be staggered that some of those will be appointed initially for one year or two years. Correct?

Brad Douglas said believe that is correct.

Christine Rivera, City Clerk said they are initially staggered and then after that stagger they serve a three-year term.

Councilor Bencomo asked who is the point staff person for the Oversight Committee? Who will make sure after today things will keep moving? I just think just like we have PRCs, there was like one staff person who is sort of the heading up that particular subject matter of PRC there has to be a staff person assigned to that or otherwise it will fall through the cracks.

Ikani Taumoepeau, City Manager said that is something that we will have to get back and at this time we have a few thoughts right now, but we just need some time to finalize that after this meeting.

Councilor Flores said I know we don’t want to delay this, and it has been a long time coming. There is no provision as to the point Councilor Bencomo brought up. It has not been addressed so would it be in the ordinance or where would it be?

Brad Douglas said we thought that we had considered everything. We have had conversations about a point person. I don’t believe it is something that would need to be in the ordinance, literally per se. I think that it is something that we could coordinate internally. In the past Legal has kind of taken point on that and we could do that, if need be, but I don’t necessarily think that it is fatal, or I hope it is not to the passage of today’s revisions.

Ikani Taumoepeau said this is something as we are talking about this it’s a great question because it is something that honestly the decision is administrative. When we talk about lead and we talk about point person, this is the liaison to facilitate. That is something that honestly what is going through my mind right now is could it be

Charles, could it be Viola, could it be Brad, could it be a representative from the CMO, City Manager's Office? So, there are all these options, so it isn't something that as Brad mentioned we do not have to from my perspective assign this in the ordinance. It is something on preference. Whoever is in this seat talking to the CMO who we feel should be facilitating these meetings. Typically, that person is facilitating so the position that we really wanted the perimeters for were the perimeters that were mentioned this position is more of a facilitator so that is why I wasn't going to assign that in the ordinance but it was more administrative function of support and facilitating being the liaison so that is my thought and I just wanted to share that. Obviously, you Councilor Flores and the dais, Mayor, Mayor Pro Tem you let us know if you would like to weigh in on that.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Ordinance No. 3084.**

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|---|---|
| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Becki Graham |

## 8. BOARD APPOINTMENTS

**8.1**

None.

## 9. NOTICE OF PROPOSED ORDINANCE(S)

1) There will be no public discussion.
2) A Councilor may ask staff for clarification on the proposed ordinance(s).

**9.1**

None.

## 10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

### 10.1 COUNCILOR MCCLURE

As much as I am chronically online, I also missed the New Mexico Transportation Summit and only saw it through Velo Las Cruces posting so thank you for that. I would like to have that on my calendar for next year, but I also want to suggest that it might also be a good place to do recruiting for HR to get an Active Transportation Specialist. Events like that seem very crucial to hire these sorts of high-level positions.

### 10.2 COUNCILOR MATTIACE

None.

### 10.3 COUNCILOR CORRAN

I do want to follow up a little bit on the conversation about that and as it relates to the MPO which we know has been part of the city and which is now branching off and I

just want to again thank all of the folks throughout the city institution who have worked really hard on developing the MOU and the JPA, figuring out the functions of the MPO as it becomes independent of the City of Las Cruces and the folks who are in the MPO board with me I just want to mention that those new drafts are up for a first read at our next meeting which is next Wednesday. I do just want to reiterate that there are a lot of folks in the city who worked really hard to, including CAO Bencomo and Andrew Wray and folks in insurance and IT and Finance and so I really just want to thank those folks for all that you have done to contribute to developing those documents and helping to support the MPO to becoming a new and independent organization and just to give folks a heads up that will be coming to us as a council pretty soon for approval and that is a positive progress for us all.

### 10.4 COUNCILOR FLORES

None.

### 10.5 COUNCILOR BENCOMO

I just really wanted to thank Economic Development staff especially but anybody who was involved in getting the MRA for West Picacho to today and then Mayor and City Manager I guess my next request would be that even if we aren't going to start really hiring contractors and consultants for other MRAs that we start designating other MRAs. I have had that conversation with Chris Faivre from Economic Development so that they can start accumulating revenue. So like Albuquerque has like 20 designated MRAs and I think they are not necessarily working on all of them as much as we will be working on these two but at least they are designated and accumulating revenue and will be ready for when we are ready when the council is ready to move on those so I would just ask that we get those on a Work Session or on the agenda.

Councilor Flores said there is an announcement, and I want to thank Councilor Mattiace for passing his postcard about Community Design Workshop. You are invited. They begin on Monday, September 9th and they go for several months. I want you to go to the website and get the details on this, a lot of people will benefit from that.

### 10.6 MAYOR ENRIQUEZ

September 13th  is the First Annual Paws, Claws, and Hooves fundraising event and I share that because this individual Dr. Dawn Duncan came to me, to my office to talk about how do we help raise funds for an emergency hospital for animals and how do we get better care and instead of just complaining she stepped up to have her First Annual Paws, Claws, and Hooves and it will be September 13th at the Farm and Ranch and to me it is just a beautiful thing when the community steps up and says what can we do to make a difference and they have stepped up and I really appreciate that. That is why I acknowledged her today and wanted to share that event takes place on September 13th. They will also be having a silent auction.

The other thing I wanted to bring up was public comment. Public comment again is a privilege. It is an opportunity for the public to come up and voice their concerns. It is not a time to debate. It is not a time to get into discussion and definitely it is not a time to attack anybody personally or to be rude and we have to be respectful and polite. I

just reiterate that about public comment.

## 11. CITY MANAGER REPORT

### 11.1 IKANI TAUMOEPEAU

Just a few announcements from Parks & Rec, Keep Las Cruces Beautiful Program will be providing a neighborhood dumpster on Saturday, September 14th from 8 to noon at the following locations Tony Gomez Park, Henry Benavidez Community Center, East Mesa Rec Center. The community can dump yard waste, household trash and other permittable items. For more information feel free to contact KLCB. Item number two from Parks & Rec, the East Mesa Sports Complex grand opening and ribbon cutting will be held September 13th at 3 p.m. at 4660 Sonoma Springs Avenue. This is the first phase of a multi-phase GO Bond project that includes two baseball fields, two multi use projects, two multi use sports fields, and eight pickleball courts. Join us for refreshments, games, and music. As part of the celebration with the city will host a two-day pickleball tournament. Registration can be done online at the city website under Parks & Rec. Lastly for Parks & Rec, movies in the park this Saturday, September 7th at Young Park will be showing Element, rated PG. Movie starts at dusk.

For Economic Development, Community Design Workshops for the El Paseo and Solano MRA will be held September 9th through the 11th from 5:30 to 7 p.m. at the Real Life Church. Draft scenarios for the future of MRA plus discussions on ideas for catalytic projects will be presented.

For Community Development we will be hosting multiple opportunities to inform the public about proposed changes to the development code, Realize Las Cruces, September 10th from 1 to 4 at the East Mesa Public Safety Complex, September 11th from 9 to 12 here at City Hall, and September 12th from 2 to 5 at the Benavidez Community Center.

For VLC, we had one of our own staff Sergio Salinas from Visit Las Cruces participated in Colorado Springs Balloon Festival Labor Day Liftoff by showcasing the Las Cruces RC Hot Air Balloon and promoting our city to thousands of spectators from across the country.

## 12. ADJOURNMENT

### 12.1

**Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to adjourn at 2:38 p.m.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Johana Bencomo |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

| | |
|---|---|
| **ABSENT:** | Councilor Becki Graham |

Mayor

City Clerk

# MINUTES
## Work Session
**Monday, September 9, 2024 @ 1:00 PM**
City Council Chambers, City Hall

**PRESENT:** Councilor Johana Bencomo, Councilor Yvonne Flores, Councilor Becki Graham, Councilor Becky Corran, Mayor Eric Enriquez, and Councilor Cassie McClure

**ABSENT:** Councilor William Mattiace

**1. PETS OF THE WEEK**

**1.1**

Carol Nielson, Animal Services Center of the Mesilla Valley presented Pets of the Week.

**2. AGENDA ITEM**

**2.1 THE AMERICAN RESCUE PLAN ACT (ARPA) UPDATE.**

Leeanne DeMouche, Finance Director gave the overheard presentation.

Liam Beasley, Accountant II continued the overhead presentation.

Jason Smith, Fire Chief continued the overhead presentation.

Lorena Lozano, Marketing Director continued the overhead presentation.

Carl Clark, Assistant Utilities Director continued the overhead presentation.

David Sedillo, Public Works Director continued the overhead presentation.

Gaby Prats, Grants Manager continued the overhead presentation.

Natalie Green, Housing & Neighborhood Service Revitalization Administrator continued the overhead presentation.

Celina Morales, Interim Deputy Director Economic Development continued the overhead presentation.

Irene Para, Business Development Administrator continued the overhead presentation.

Liam Beasley continued the overhead presentation.

Leeann DeMouche continued the overhead presentation.

Councilor Flores asked if you could go to page 28, please? This is for MVEDA. When money is allocated to an entity it was very clear what the outcomes were for a lot of the organizations that did receive money, but we don't have any outcomes for MVEDA, and I want to know why we don't have a report on that? What I have deducted is that there has not been any achievement.

Leeann DeMouche said when we brought these to council it was very close to the end of the fiscal year but since that fiscal year was ending, we were working with all these participants in the workforce programs to get them all set them up as a vendor in our system and so they are all set up. We have opened POs for all of these. Except for one, we still have one that we are working on right now to set them up totally into a vendor and then they have received their POs and should be working on that. So, the next update that we have for you, you should be seeing some results on all of these workforce programs.

Councilor Flores asked there is a reason in terms of the administration of the funding that was provided?

Leeann DeMouche said yes. It is administrative or just our internal controls. We do have to look after this money. That is one of the reasons why we reached out and contracted with CLA is to make sure that we do everything correctly being that this is money from the US Treasury. We did have to set them all up as a vendor and that took a little bit of longer time than we had expected.

Councilor Flores asked when was this money distributed or the agreements reached?

Leeann DeMouche said it was June when the resolution came before you and our fiscal year ended on June 30th. So, we have been working on getting them set up as vendor and getting the POs open after the fiscal year.

Councilor Flores asked you will report to us that yes, all this stuff has been done, we have the apprenticeship program going and we are going to have all these little geniuses with jobs? I have a question for Carl. On the sewer work that has been done at Hacienda Acres, there were some homes within those plats that hadn't been serviced, do you know why? Did they do their own?

Carl Clark said yes, some of them selected not to participate. We sent out plenty of letters and we only had 77 that replied. I think there is 150 I showed on there. It was kind of a strange thing that they didn't want the free money. We had people directly tell us no we are not interested.

Councilor Flores asked what about north of Highway 70? I know there were people at the last big meeting that the city held. There were a lot of people north of 70 who wanted to know why they had been left out. I am still wondering. Did letters go out to everybody in that area?

Carl Clark said letters when out to everybody that we went out and installed the septic sewer main in front of their property and it just went out to those because if they don't have a sewer main I wasn't able to connect them to municipal sewer. So they had to have a sewer main out in front of the roadway there, so like Rising Sun, Calle de Ranchero, those all had sewer installed with the legislative funding that we received and so there was something that they could connect to now and then at that point we reached out to everybody that was along the sewer main that had not connected and we sent them a letter and some responded and some did not. We even especially in Hacienda Acres went and knocked on doors on those that we didn't get anything back. We also found people that connected illegally.

Councilor Flores asked when it is illegal what does that mean?

Carl Clark said they did not notify us of a connection. Somehow, they hired a plumber that did not go through permitting.

Councilor Flores said well this is just ARPA money reporting so I am still concerned about funding for that and I know you will keep an eye out and I know so will Leeann.

Carl Clark said we will continue to ask for legislative funding for future projects. We want to word it in there so we can try and get that we can not only install the sewer mains, but we can also get them to convert from their septics over to that, it's a big expense for them but we are working with the state to make sure we are allowed to do that, and the anti-donation doesn't come into play.

Councilor Flores said we should be allowed to do it because you can't have people randomly getting rid of their septic tank.

Councilor Bencomo said I think last time you all presented, gosh I don't remember at this point when that was, but I remember feeling really confident at the end of that meeting regarding the timeline of obligated funds. Today I am a little bit nervous. Four million dollars is a big chunk of money. I don't want to send a single penny back and so I am just curious if you could speak to that because this $4.3ish million in obligated funds doesn't mean that we have money for because I have plenty of ideas, so I think a lot of us do. That is not what it means, right? Like those four million dollars are designated somewhere?

Leeann DeMouche said if you will see like when Mr. Clark was talking, he is already

giving you updates because he is continuously spending this money. What Mr. Beasley was showing you was at the end of June, June 30th which was at the end of our fiscal year. So, we are constantly moving on this. As you know our funds are moving all the time. I just did a program with the Storefront Repair where we found a way through the US Treasury, we talked with them of how we can obligate the Storefront Repair because we have to open an individual PO with every single individual business. So, we never know who is going to walk in and say I need these funds. So, in order to be able to obligate that we did an MOU that our City Manager had signed with Elizabeth, our Economic Development Director and so we are able to obligate those so trust me Councilor I am on it, I am obligating it.

Councilor Bencomo said you figured out a way with the Treasury's permission to say we can't possibly know every individual business that is going to come in here, but it has been obligated to a specific program.

Leeann DeMouche said it has been obligated and I am not quite sure I think on like with Irene's presentation all of those workforce we just opened the POs for all of those except Ngage just last week. So, all of that has been obligated since June 30th so I will honestly tell you that I have made a commitment to make sure that every dime is obligated.

Councilor Bencomo said thank you so much. I think the workforce development programs are the ones that make me the most nervous. We went through a little bit of a situation with that to finally get us to this moment but Leeann you are exuding a lot of confidence, and I deeply appreciate that. Three months you are saying yes?

Leeann DeMouche said yes.

Councilor Bencomo said I have a question for Nicole on the Landlord Mitigation Fund. Nicole, I wondered if you could tell us a little bit about those 18 landlords? Are they individual housing units? Are they landlords of apartment complexes? They were brand new landlords to Community of Hope, those kind of questions.

Nicole Martinez, Member of the Public said I am with Mesilla Valley Community of Hope. It is a mix of landlords. Mostly existing landlords. We have seen a reduction in landlords that we have been partnering with over the last few years just in terms of the affordability of the rents. So, whenever we have damages in excess of what the security deposit might cover, and then we can turn to the landlord risk mitigation. It is mostly existing landlords. We have been able to incentivize bring on at least one new landlord. We have spent more since we sent in that original data and also ours was kind of behind because while there were some ARPA issues with the city and the contracts we went after private funding for it because we had already done that with a foundation and we had asked them to reinvest in that program because it was so successful, so they did. We were waiting until we expended those funds to start kicking in using the city funds.

Councilor Bencomo said Dawn, just a couple questions for you about the Family Prosperity Program. I am wondering how many months the program has been going

already. I know that you had a ton of application, and that process was long. I was wondering if you could talk about that a little bit?

Dawn Hummer, Member of the Public said I am with Community Action Agency. We initiated our first payment in March, our sixth month payment will go out in September.

Councilor Bencomo asked can you tell us of the selection process of the 150?

Dawn Hummer said what we did is we had some big launch events that we did but we also sent flyers. We did a lot of outreach to kind of cover the whole city and what we did was we set up a very simplistic online applications that had the questions. What income was? Geographic location? Whether or not there was a child in the home under 16 that just listed the criteria and then what we did from that is everyone who passed that initial process we assigned them numbers. We sent the numbers to our research partners, which is our Crimson Research partner, they randomly selected whether or not they were going to be in the comparison group which is normally called the treatment group. We just try and stay away from that word, so we have a comparison, and we have an active. The active receive the payments, the comparison is more like the control group and so, they just randomly picked until we had it. Once we had that, that is when we went in and got all the documentation and did orientation and worked with the families because otherwise it would have been 2,000 people that we would have been doing that with. I do just want to say that this program has been absolutely just unreal because of some of the delays that we had in the ARPA Funding we had a little bit of funding and some research dollars, and we started a pilot program in Hatch with 12 families. It is not a lot but 12 is better than zero and the success stories that we have just out of 12 families is absolutely unreal and even with this my colleague was talking to me about a participant in the Las Cruces project that started a home visiting program with her siblings, she is enrolled back at DACC, so it has been wonderful.

Councilor Bencomo said my last question is for the Lift Up Fund.

Leeann DeMouche said those funds have already been spent. The last update that we gave they has spent all of their funds, so they are not here today.

Councilor Bencomo asked is that information in the link that you showed me in Open Gov?

Leeann DeMouche said yes, it is in there.

Sandy Smith, Member of the Public said I am from Cruces Creatives. Last time I came in I brought some stuff for you to touch. I wanted to do that again just so that you could kind of see what is going on. So, Cruces Creatives has been working on some educational programs. This cool little guy that I am going to put on the tray is a robot design that is getting ready to go to the robot combat club. This particular one is being designed by a 7-year-old and you will notice the grading on the little front they are learning how to change the 3-D printer colors. This is a project that we have fourth and fifth graders working on right now. So, they do the design digitally, then the laser

or the cricket cuts them out. The kids then do the sewing and the stuffing, and they do the soldering to get the lights going. One of the fun things that we get to do after we have cut out the outside, we shred the extra felt and it goes in on the inside. This is one we are doing with older students. It is called a layered resin painting. I don't have the cells with me today but we also have another batch of the layered resin that are focused on plant cell and an animal cell with each of the components of the cell and it has a lid over the top of it that labels it but this is a sneaky way to teach some engineering and advanced thinking because you have to actually start painting in reverse while you are doing this one. As a person who works with physical things I think it is just fun to share. Thank you all.

Councilor Flores said I want to thank you for everything that you do at Cruces Creatives. It is just a wonderful place. I encourage everyone to go and visit. It is almost like a museum with a workshop.

Sandy Smith said we tend to think of it more like gym only instead of exercise equipment it is making equipment and if anybody wants to come take a field trip and take a tour, I am happy to do that for you. The ARPA funding allows us to do a lot of the youth programing but overall, we are also serving the broader community.

Ashley Echavarria, Member of the Public said I am with the Boys and Girls Club. I just wanted to come up and thank you guys once again for the ARPA funding and give you all a quick update. You saw kind of where we are at in the middle of a capital campaign. We were also very excited to also receive some funding designated by Gabe Vasquez in the amount of $1.466 million and I just got that contract, so that is going through HUD. We are deep into the architecture. We pretty much have the entire layout of the building finalized. I am at a point now where I am picking door by door, it is a lot of fun but of course we have a lot of money to raise to get the project complete. We were hoping to get some demolition done this year. That might be on hold because we are in the middle of that environmental assessment and so we are just waiting for boxes to get checked and I think the city and the HUD Department has been super helpful and guiding us through this process. Once that is all clear then we would like to get the interior demolition done. That will more than likely spend out the rest of the ARPA funding but that was kind of the plan for it for the pre-construction. All the while we are still working to raise money. I am waiting and should hear any day on a funder that could take us over the halfway mark of our goal, so that is exciting, and we will continue to be out in the community asking for support. Most of you are aware of the longtime partnership with Lou and Mary Henson and so to honor their legacy we are going to be hopefully naming the basketball court, Lou and Mary Henson Court and so we will be doing a little kickoff event for that later this month and then we are always searching for capital campaign committee members, and we have a pretty small but mighty committee right now but we are looking to add to that because those are the ones that are really making it happen, going out talking to people and trying to get support. We are still hopeful to be opening the doors and welcoming kids into the building in 2026. I am just not going to say if it is going to be January or December, we will see where we are with raising the funds.

Councilor Flores asked are all those theaters going to be gutted but the structure will

remain as it is? It will be gutted and redesigned?

Ashley Echavarria said the outside structure will remain. We will cut some windows to let some sunlight in because it was a dark building because it was a theater and then a complete remodel inside and then the goal is to also add a gymnasium. The theaters were just too narrow to get a gym out of it so we would be adding a gym and then of course we will have outdoor play space and then green space for the kids to run around and then hopefully the renderings if you have not seen them, you can find them on our website.

Councilor Flores asked how many acres?

Ashley Echavarria said it sits on almost 4 acres.

Lori Martinez, Member of the Public said I work for Ngage New Mexico. We are working on the Child Care Accelerator Project that is specifically to support our home childcare providers. We have since received some updated data. Just to show you some updated numbers on the need for this project. Our data partners at center for Community Analysis at NMSU were looking at the numbers between 2022 and 2023, so this project is to support our home base providers specifically because what we saw happen during the pandemic, there is a child care crisis across the country particularly with infant and toddler providers but what we saw in Dona Ana County during the pandemic was that in New Mexico we allow for licensed centers and also home based providers who can be registered or licensed and so during the pandemic we lost a lot of providers in both centers and home and the center based providers bounced back. We are back at pre-pandemic levels actually higher, but our home-based providers didn't come back. They are going away, and they are staying away. Hence the need for this project so we are super grateful to the city and Irene in the Economic Development Department for noticing that need. They presented data to you last October what we ran in December, we have updated data between 2022 and 2023. Now we run our data by school district not by the city boundaries but what we can tell you from 2023 compared to 2022 is that in 2022 in the Las Cruces Public School district we had 245 providers by 2023 that had dropped to 230, that is center and home based but we lost 102 registered home slots and 264 licensed center slots. We did increase in some of our home provider license slots and so what our goals for this project are as we get our home-based providers to license status. When you hear focus or five stars it is the same thing as a childcare provider that provides some sustainability for them because they receive much higher reimbursement levels for the state but also it is a much higher quality of care for the kids that are in the program and so there are a number of efforts that are going on. One reason this effort stands out because statewide there is finally the attention starting to be paid to child care that it deserves and that it needs for our kids but also for the state of New Mexico's economy and so what you will be seeing and hearing more within the next year is the attempts to implement, multi fund and implement a wage and career ladder so that child care workers are paid fair and dignified wages. It is critically important that that wage and career ladder as it is implemented takes into account not only the child care educators education but the years of experience and so the state you will see during the upcoming legislative session you will see that likely coming up and so it is really

important at the state level that they are seeing that out local communities and local governments are making these investments in child care as well. So, I just wanted to impress upon you the importance of this kind of work.

## 3. ADJOURNMENT

### 3.1

**Councilor Yvonne Flores moved, seconded by Councilor Becky Corran, to adjourn at 2:12 p.m.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Yvonne Flores |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Councilor Johana Bencomo, Councilor Yvonne Flores, Councilor Becki Graham, Councilor Becky Corran, Mayor Eric Enriquez, and Councilor Cassie McClure |
| **ABSENT:** | Councilor William Mattiace |

Mayor

City Clerk

# MINUTES
## City Council
**Monday, September 16, 2024 @ 1:00 PM**
City Council Chambers, City Hall

**PRESENT:** Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores

**ABSENT:**

**1. OPENING CEREMONIES**

**1.1 PLEDGE OF ALLEGIANCE - COUNCILOR FLORES.**

**1.2 PRESENTATION OF CERTIFICATES OF APPRECIATION/PROCLAMATIONS - COUNCILOR FLORES.**

Mayor Enriquez recognized the Mayor's Top Teens.

Mayor Enriquez presented Tony Lara with a Certificate of Appreciation.

Councilor Flores presented Ashleigh Curry with a proclamation for International Walk to School Days.

Councilor Flores presented Deborra Hale with a proclamation for Constitution Week.

Councilor Flores presented Lorenzo Alba with a proclamation for Hunger Awareness Month.

Councilor Flores presented Michael Chang with a proclamation for Las Cruces Symphony Association Day.

Councilor Flores presented Rio Lopez with a proclamation for Hispanic Heritage Month.

**Councilor Becky Corran moved, seconded by Councilor Yvonne Flores, to allow**

**Councilor McClure to participate via Zoom.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Yvonne Flores |
| **AYES:** | Mayor Eric Enriquez, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |
| **ABSENT:** | Councilor Cassie McClure and Councilor William Mattiace |

### 1.3 JOBS OF THE WEEK.

Sarah Raney, New Mexico Workforce Connection presented Jobs of the Week.

### 1.4 PETS OF THE WEEK.

Carol Nielson, Animal Services Center of the Mesilla Valley presented Pets of the Week.

## 2. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27 (E)(2)

**2.1**

None.

## 3. PUBLIC PARTICIPATION

**3.1**

Tim Jenkins, Member of the Public said at the end of this last week I witnessed 7 to 8 of our outreach officers alongside Mano y Mano at the dirt lot across from Craig en Taggert, clearing the lot, cleaning up all the trash, and interacting with the homeless to see how we could help them out. I witnessed many of these homeless people literally picking up their tents and putting them on carts and wheels and driving their entire tent away around the corner from our officers. Friday afternoon I drove back by, and the entire lot was clean and not a single tent or a piece of trash was left. I left town for work early Saturday morning and returned Sunday midday, when I drove by on Sunday not only were there tents set back up but trash all over the place again and about 10 or 12 homeless camping out in front of Casa de Peregrinos with a hammock set up in front of the front entrance of the store. It seems to me that we are all pushing as hard and as fast as we possibly can for housing for these individuals when they are not even willing to help themselves. I truly believe in my heart that we are putting the cart before the horse, and we really need to focus on the mental health and the drug addiction of these individuals. It literally makes my heart hurt to see what this city has become. We are here to help and support you guys in whatever way we can, please help us.

Charles Wendler, Member of the Public said I didn’t know we was going to be preempted here but the Daughters of the American Revolution gave a proclamation, I didn’t know that was on the agenda but anyway here I am and I would like to add a little bit more to it. My good friend Larry Sedillo is here to help me because my eyes. Let’s see if we can add a little bit more to this critical document that we call the Constitution. Daughters of the American Revolution, they started about 1955, they petitioned Congress and by 1956, August the 2nd they got that passed through Congress, that resolution. On that date they did sign into law, Public Law 915, which

says, any institution in our country that receives federal funds, and I imagine there is a good number, I don't know what the percentage here in Las Cruces is receiving federal funds, New Mexico State University, our public schools, etcetera, etcetera. They are suggested very strongly by that Public Law to observe it by having a program in place for the employees to etcetera, etcetera. I am wondering if that is really being done? I hope that maybe next time that this council meets the first Monday of next month if we will be able to get a report of what activities they had for the employees here to observe this critical document. It has been in existence for 237 years, thank God. With that being said Larry will you read for me?

Larry Sedillo, Member of the Public said these are the aims of the weeks Constitution celebrations are to emphasize citizens responsibilities for protecting and defending the Constitution. Inform people that the Constitution is the basis for America's great heritage and the foundation of our way of life. Encourage the study of the historical events which led to the framing of the Constitution in September 1787. Constitution Week is a great time to learn more about this important document and celebrate the freedoms it gave us. Get involved by encouraging young people to sign the Constitution Week Proclamation Pledge and ask your local community officials to issue a proclamation about the Constitution, thank you very much.

Terry Miller, Member of the Public said I am a board member of the Children's Reading Alliance. We serve children and their families throughout Dona Ana County but our office is located at Community Action Agency and thanks to the generosity of CEO Dawn Hummer, CRA has been able to store its books and materials in CAA's warehouse for the past 13 years and that is why I am here today. For the past many years CRA has received numerous used book donations and purchased new books for our three programs and for the past many years these books have been piling up in the warehouse because we simply didn't have the woman or manpower to get them organized. However, a couple of months ago CRA's board President Rorie Measure attended a Diersen Charities meeting and had a chance to talk about CRA and its programs. After the meeting Pat Acosta, the Supervisor of the Youth Development and Diversion Learning Center spoke with Rorie about finding opportunities for our two programs to work together and the first co-project they came up with were the books in the warehouse. So, on Saturday, September 7th, four staff members from the Youth Development and Diversion Learning Center pulled up in a van with 4 teenage program participants and they were all ready to work. Two students and two staff members worked with our board member Duncan Smith shelving new books according to grade level and two students and two staff members worked with me going through boxes and boxes of donated books and deciding which books to keep, which books to donate to Coas and which books had lived a good life but were ready to be discarded. All four students took their job seriously and got to work. I was really impressed with the students who were tasks in deciding what to do with the used books and watched how they looked at each book carefully before deciding their fate and within two hours all of the used books had been touched and placed where they needed to go. Then the icing on the cake is when the staff offered to drop off all those Coas boxes on their way back to the learning center which saved Duncan and me much time and energy. The thing is that I have never heard of this wonderful program and the good it does for our youth who have had some minor brushes with the law. I had no idea it was part of the Parks & Recreation Program and funded by both the

City of Las Cruces and New Mexico's Children, Youth, and Families Department and it was exciting to learn of a program that provides early intervention opportunities to work on community service projects that really make a difference in both our lives and the lives of the students who participated. So, I am here today to talk not only about how I am not only grateful I am for this program but to thank you Mayor, Mayor Pro Tem Bencomo, Councilors, and the Parks & Recreation Department for supporting the Youth Development and Diversion Learning Center and it's amazing, dedicated staff. Henry Ford is quoted in saying, "coming together is a beginning, keeping together is progress, working together is success", and I want to add for us all.

Veteran Chavez, Member of the Public said we have Hispanic Heritage Month but no national holiday honoring Hispanics or Latinos. Back on June 2016, the city established Ordinance 2784, where it states the City of Las Cruces established a Veterans Advisory Board for the purpose of advising city council in matters effecting Veterans and to propose solutions to alleviate and remedy the needs of local Veterans. Don't take personal what I am about to say. I would like to know what the major Veteran's needs or issues this advisory board is working on? I don't see them listed anywhere. Where can I find them if they exist and what are the issues? What is the city and this board doing to address these issues if they do exist? I see these meetings and staff meeting with each Veteran organization and chair providing what they have done during the past month, but I don't see any significant issues that have been identified by this board and what steps are being taken by this board to address them. Is there a one-year plan that lists the goals and priorities of this board? In my opinion there should be a minimum of 10 issues this board will work on for next year in 2025. The board should meet to identify and prioritize these issues around the October time frame and farm them out to wherever the board decides is a POC to start coordination and identifying whatever resources they may need in 2025 to accomplish their assigned task or tasks. Whatever resources are needed should be determined and finalized by the end of this year, 2024 that way the board has a clear understanding of what assistance and resources they may need to request from the city and if the task itself can be accomplished. The Coalition of Conservatives in Action has an initiative that they identify Veterans that need their American Flags replaced do to wear and tear and they go and replace these flags at no cost to Veterans. Does the City of Las Cruces have such a program in place? This could serve as an initiative or a priority for next year. The city could provide a flag exchange program for Veterans that need their flags replaced. Veterans could turn in their flags or their tattered flags for a new one at no cost to them. Also, the city could provide a flag to Veteran's families upon the death of a Veteran when a Veteran is not entitled to a military funeral. Whose responsibility is it to provide guidance to the board? Is it city council and do they communicate directly with the board or is it through the liaison? Or is the board supposed to identify Veteran's issues through the liaison and this information is communicated to city council? To me and other Veterans this is not very clear and transparent. Collectively it is going to take city council, the Veterans Advisory Board, and the liaison to make this a viable platform. Maybe it is time to develop and issue a survey to the community to identify Veterans issues and then prioritize the issues the city and board plan to address. The Veterans corner I understand it is on the city webpage to provide information to Veterans and I don't see anything listed on this page that is helpful to Veterans aside from the Veteran's liaison and the names of the Veterans Advisory Board. At minimum, there should be links to

this page that takes the city ordinance establishing this board, the monthly minutes of this board, and the agenda, Veteran's calendar events and Veteran's issues that this board is working on.

Marshall McCarty, Member of the Public said I live in District 2. I am an artist, a father, a community member, a youth advocate. Today I would like to propose to the city council an idea I have for a mural in honor of Officer Hernandez at the police substation adjacent to the dog park as the location I would like to do it. As we all know Officer Hernandez honorably sacrificed himself in service to our community. My vision for this mural is to honor Officer Hernandez and all other law enforcement Officers in a way that attracts community and attention, beautifies the city and encourages relationships between civilians and law enforcement professionals and invites youth. I brought some reference materials of some of my other murals I have done. I estimate that it would cost anywhere between $800 and $1,000 to get it done. I would be willing to do this all out of my own effort. I am disabled so I have more than enough time on my hands to help the community. It is something as a survivor of a stabbing it is something that I think about every day that I look in the mirror. It is something I would love to do for the community.

Chris Pipsack, Member of the Public said I am a District 5 resident. As Marshall was explaining we have the idea for the mural. He had brought a portfolio of some of the work he does. Along with some contact information and I was curious if the council, Mayor, or Police Chief might have any sort of advice on what our next steps would be to coordinate with the city and possibly complete a formal proposal, submit some sketches and drafts and see if we can work together on a public art project to honor fallen Officer Hernandez.

Susan Cabello, Member of the Public said I am the Executive Director of the Las Cruces Downtown Partnership. I was not here last time because we were onboarding some new board members. Justin Dermyer, a local luthier, which is a French word for a guitar maker and Brisa Byford, our first legacy board member. Her father was one of the founders of DLCP and she came down as a child to work with him. Really excited about having our two new board members on. I hope you get to meet them soon. Kind of also what I want to speak with you today is an opportunity to learn some of the stories of downtown. I would love for any of you who would like to go on a walk along with me of downtown and talk to some of your businesses. Kind of hear from them. I would just love for you guys to have the opportunity that I have to speak with our businesses every day and just hear it from them. So, if that is something that you would like to do with me and some of my board members if you would contact me let me know, make sure you get it straight from the horse's mouth downtown. Hopefully it won't be as exciting as a ride along with Chief Story but hopefully as informative. Really show you guys that downtown isn't really a District 1 thing. Downtown is for everyone in Las Cruces.

Dolores Lucero, Member of the Public said do you really want a city council that takes their time in getting things done because they are so wrapped in the social issues that cannot be controlled from this dais? In many years past there was so much for the council to concentrate on that involved the everyday lives of the citizens that should

be represented. Safety in our neighborhoods, outreach to our seniors, mental health, children's programs and well paved roads in everyone's neighborhood. Now we see in the paper that we have a high rate of car theft and burglaries throughout our city. The unemployment rate is higher than that of the state and we don't have many new jobs that pay more than minimum wage coming to Las Cruces. In fact, back in 2003, I was talking about our students leaving our community for better opportunities and how we needed to stop the drain. Here we are 14 years later and every elected official is still talking about stopping the drain. Seems to me that we have no priorities in place for this task. We have so many talk about mental health and how much help is needed but we can't fund a facility, not even the one that is run by the county and shut down several times. The Just Weed It Program some of you might remember that is a great gesture is a great way of clearing weeds and trash as stated in the manager's letter but yet we have a tent city that continues to grow, homeless children and senior centers such as Mesilla Park that has at its best days 20 seniors at any time. I read this to you because I wrote this on October 9, 2017, and it was printed in the Las Cruces paper at that time. Does many of these things still sound familiar to you? Are they still happening? Are we still talking about them every single day? Just today you had some amazing people here, students, children, and people working for the community, volunteers but this budget has grown substantially over the last 7 years that I wrote this. There have been salaries increased, almost doubled since the last city manager that I worked for. The problem is not money. The problem is dedicating the time that it takes to get it done one project at a time. Many of us have stood here and talked to you about the homeless, about the senior citizens. It is sad to me to hear Lorenzo Alba talk about increasing food every single year. We should be sad about that. I give him big kudos, he has worked hard at feeding our community across this county, but these situations continue to grow and until we target them and make them 100% priority in our community. This is my hometown and not something I am very proud of right now.

## 4. ACCEPTANCE OF AGENDA

**Councilor Johana Bencomo moved, seconded by Councilor Becki Graham, to accept the agenda as presented.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becki Graham |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

## 5. CITY COUNCIL MINUTES

### 5.1 REGULAR CITY COUNCIL MEETING OF AUGUST 19, 2024.

### 5.2 WORK SESSION OF AUGUST 26, 2024.

## 6. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA

## 7. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION

**7.1 RESOLUTION 25-035: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT A GRANT AWARD FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT).**

Crystal Silva, Associate Grant Development & Compliance Specialist gave the overhead presentation.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Resolution No. 25-035.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

**7.2 RESOLUTION NO. 25-036: A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND SIERRA NORTE DEVELOPMENT, INC., FOR CONSTRUCTION OF A NEIGHBORHOOD PARK LOCATED IN THE METRO VERDE ARCADIA PHASE 3 SUBDIVISION, IN AN AMOUNT NOT TO EXCEED $525,000.00.**

Cathy Mathews, Landscape Architect gave the overhead presentation.

Councilor Flores asked the reimbursement goes which way?

Cathy Mathews said the reimbursement is to the developer of Park Impact Fees paid. So, the development pays the Park Impact Fees and in exchange for design and construction of a neighborhood park the city will reimburse.

**Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Approve Resolution No. 25-036.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becki Graham |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

**7.3 RESOLUTION NO. 25-037: A RESOLUTION MAINTAINING THE EXISTING PARK LAND USE ASSUMPTIONS AND PARK DEVELOPMENT IMPACT FEES AND CONTINUING THE COLLECTION AND EXPENDITURE OF PARK IMPACT FEES UNDER THE CURRENT STRUCTURE NOT TO EXCEED A DATE OF JUNE 30, 2025, FOR THE PURPOSES OF COORDINATING WITH THE ADOPTION OF REALIZE LAS CRUCES.**

Katherine Harrison-Rogers, Parks Plan & Construction Administrator gave the overhead presentation.

Councilor Bencomo asked you mentioned the end of the fiscal year, that is the timeline that we have right now for the extension?

Katherine Harrison-Rogers said yes, because we have had a significant amount of study, and we have been working with TischlerBice and we are waiting for the

culmination of Realize the end of the fiscal year for our purposes related to the Park Impact Fees and land use assumptions will be June 30, 2025.

Councilor Bencomo asked between now and then will we be having some work sessions on this?

Katherine Harrison-Rogers said I do anticipate that we can have some work sessions just to explain what we are doing, the results of Realize and how they impact one another and I am happy to add that to the schedule once we are a little bit more clear in terms of how Realize is moving forward and we are hoping of course that it will be sooner than later this fall and then ultimately in the winter.

Councilor Corran said thank you for this presentation. I am really invested in Park Impact Fees and the ongoing conversation because I do want us to have really a deep dive even the previous agenda item really begs this conversation so I would like for us to have a very serious conversation to make sure we have a lot of inputs before we sort of do the updating so I am hoping in the spring we can have this conversation because I will just go on the record and say I don't think our Park Impact Fees are enough and I know it is an unpopular position but I am going to put it out there and I hope the conversation can really help make sure that we are understanding what our needs are what our service is and how we are affecting sort of our overall park infrastructure in the city. So, I will state my unpopular opinion now and ask for more study in the spring.

Councilor Mattiace asked I would just like a little history on the impact fees, where we are on the balance, and are the impact fees strictly dedicated to the parks? Is it restricted to parks improvement only?

Katherine Harrison-Rogers said the Park Impact Fees were originally established in 1995. They have according to our studies not ever been quite enough to account for continuing what we consider our level of service. Basically, the amount of park acreage per resident in the city. They have gone up incrementally and in 2013 we saw the largest increase to the $2,600 that we see today and that has been maintained for over a decade now. Those fees again are utilized to maintain a high level of service in park land. We can use them for any park related facility. It can be used for trails, for acquiring land and it can be used for planning and designing of those parks and for improvements in those parks and so the resolution that you saw just before this one we were utilizing those Park Impact Fees that have been collected to then purchase essentially the improvements of that park in Metro Verde.

Councilor Bencomo asked acreage per person and what is that?

Katherine Harrison-Rogers said when the master plan was done in 2019, what they do as part of their level of services as part of the land use assumptions is we look at all of the park types and the amount of acreage per person in the city and for neighborhood parks it is .89 acres per 1,000 people if I am correct.

**Councilor Becky Corran moved, seconded by Councilor Becki Graham, to Approve Resolution No. 25-037.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becky Corran |
| **SECONDER:** | Councilor Becki Graham |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

**7.4 RESOLUTION NO. 25-038: A RESOLUTION REVERSING AN APPROVAL RECOMMENDATION BY THE PLANNING AND ZONING COMMISSION REGARDING A ZONE CHANGE REQUEST SEEKING A CHANGE FROM R-1A (SINGLE-FAMILY MEDIUM DENSITY) TO R-2C (MULTI-DWELLING LOW DENSITY - CONDITIONAL) FOR PROPERTY LOCATED AT 2795 N. ROADRUNNER PARKWAY. SUBMITTED BY THE COMMUNITY OF MORNING STAR DRIVE.**

Christine Rivera, City Clerk said Adam I will do you first. Do you swear or affirm that the testimony that you are about to give is the truth and nothing but the truth under penalty of law?

Adam Ochoa, Senior Planner said yes, I do.

Christine Rivera said thank you.

Adam Ochoa said thank you, Adam Ochoa, Community Development for the record. Before you we have essentially it is an appeal to a recommendation for a zone change done by the Planning and Zoning Commission for a property located at 2795 Roadrunner Parkway. To give you a little bit of background from the beginning of what we are dealing with here. The subject property itself is located on the southwest corner of what is Roadrunner Parkway and Morning Star Drive and it is approximately five acres in size. It is currently zoned R-1a single family medium density. The property is located though within the suburban neighborhood place type as called out by Elevate Las Cruces Comprehensive Plan. It is characterized low to moderate density residential intermixed with areas of commercial. Inclusive land uses include single family uses, multifamily apartments, commercial office, schools, quasi-institutional, religious institutions, and so forth like that. The property is currently vacant or undeveloped. It is not part of any master plan area in that area. This is kind of a stand-alone place. The remainder of the subdivision in those areas were all master planned essentially and that is why essentially it is just a sea of single-family homes with some quasi-institutional and then some multi-family further south on Roadrunner. Utilities are available directly adjacent to the site. There are some significant terrain and grade that exist on the property. There is definitely a lot of groundwork will have to be done whenever it gets developed or whatever it gets developed with. Surrounding land uses include single family residential including large single family residential neighborhood to the west, quasi-institutional, a church, there is offices in institutional uses, there is a school, there is open space, flood control, the Las Cruces Dam is pretty close by there, some multifamily and some other institutional in the broader area.

Showing you here, that is that property zoned R-1a, as you can see it is completely surrounded by single family there. There is multi-family located here northeast of the

property. That is a religious institution, the Las Cruces Dam over here. Here some area if you can see that a little bit better and again single-family homes, church here, and the dam and that is that property. You can kind of see some of that terrain differences how it goes up and down if you will so definitely an issue for this area when this property gets developed. Here are some photos of the surrounding road network. This is on Roadrunner Parkway looking south at Morning Star Drive, that intersection right there. This area is Morning Star and this intersection of Morning Star Drive and Roadrunner looking north along Roadrunner and this is looking directly west of Morning Star Drive you can see going into that single family residential neighborhood to the west. Originally the applicant proposed the zone change to R-4 which is multi dwelling high density limited retail and office. The development focus is really conceptual at this time which was subject to change with the developer. Just wanted to see what he can and cannot do since under the R-4 zoning district you can kind of set your maximum densities as what is allowed by code that would be something they would be working out with staff but essentially what he came forward with a 96 unit apartment complex which would actually give him about a 92.2 dwelling units per acre density and related ancillary uses, offices, playgrounds, workout facilities. There are two points of ingress and egress along each frontage. The main entrance being proposed along Morning Star Drive itself, they were proposing two- or three-story apartment buildings with a clustering or groupings of 8 to 12 units together because staff did see potential issues from the surrounding property owners so per code staff is allowed to request the applicant to provide early notification to surrounding property owners. I don't know if you remember but six, seven, eight, maybe nine months ago people were coming with we got these letters, who sent these letters, those were the letters that the property owner sent out.

So, because of the early notification essentially what resulted was a neighborhood meeting that took place. It took place at the Morning Star United Methodist Church. The one that is directly northeast of this property on April 9, 2024. That meeting was very well attended. A couple of staff, the applicant was there, the property owner and a number of concerned citizens of course. Concerns brought up at that meeting were issues of speeding, congestion in the area, poor line of sight for the street work that is there, potential accidents, lack of signalization, on street parking, pedestrian safety, noise issues, decrease of property values, privacy, etcetera, etcetera. This is kind of a conceptual layout of what the applicant was looking to do. Here is Roadrunner Parkway, Morning Star Drive with the main entrance off of Morning Star Drive. Here are just some conceptual elevations of what those buildings would look like. The clustering is 8 to 12 units per building. Once staff did their analysis, they really saw no health, safety, or welfare issues identified when we were doing our review. We did deem though the R-4 request a bit excessive for the neighborhoods considering the large amount of nothing but single-family residential homes in the area. With that being said, staff did put a number of conditions on that R-4 zoning to be considered to achieve kind of a higher degree of consistency and compatibility with the area to still allow the multi family, just try to be a little more compatible with the area when it comes to densities for the neighborhood. The proposal is consistent with the suburban neighborhood place type for Elevate Las Cruces which actually calls out for growth densities and multifamily of 15 to 30 dwelling units per acre. Elevate Las Cruces does speak of the development of land and housing diversity, balanced growth integrating a new development with surrounding build environment with

potential for job, housing balances, mixed use neighborhoods achieved in the attainable housing which is something that Elevate Las Cruces really speaks of as well. Elevate also speaks of consistency and compatibility when in proximity of developed areas again why staff placed those conditions to try to hold back on what could potentially be developed on the property. Staff did recommend conditions that would be aligned with all existing policy to try to achieve this proposal. Public notice was provided as per code by staff to the surrounding property owners. Staff did receive several phone calls, walk in inquiries, multiple emails, a petition, I believe that petition was of the part of you packet as well in opposition of the proposal. Some additional calls and input was also received by staff actually in favor of the request.

So, on May 28, 2024, the Planning & Zoning Commission did take this proposal under their consideration, and they did go ahead and recommend an approval with conditions by a vote of four to one. They did though add or even more restrict the zoning on the property. They actually lowered the zoning designation that was being proposed. So instead of R-4 they changed it to R-2C, which is multi dwelling low density conditional uses limited to multiple family or single family residential uses as a primary use only, limited unit clustering. Density was limited to a 12 dwelling units per acre, total max of 60 units max for the property so a third less than what the applicant was proposing to do. Additional landscape and buffering requirements were placed on the conditions, architectural elements, building design elements and additional parking requirements to assure that whoever is living there will use the onsite parking instead of on street parking. Findings that were essential that were discussed was the property request for five acres for 96 units was dropped down to 60 per the Planning and Zoning Commission. Lesser zoning designation can be considered by P&Z for example if R-4 is deemed excessive, R-2 or R-3 could potentially align with Elevate Las Cruces in a built environment. Subject property is within the suburban place type character with lower to moderate density which is essentially what this apartment complex would achieve. The proposed zone change is supported by Elevate Las Cruces comprehensive plan and meets the purpose and intent of the 2001 zoning code as amended. Surrounding area consist of larger single family residential homes but there is quasi-institution, office institution and other open space and multifamily in the area. Zoning also aligns with that with R-1a zoning, A1, A2 zoning, office zoning, R-4 zoning in the area.  Per Elevate the development/redevelopment of the property when in proximity of existing development should consider design measures that bring about greater levels of compatibility and per Elevate that the development/redevelopment of the property when in proximity to an existing development, that’s the same one. My apologies. So, with that, that was the recommendation made by the Planning and Zoning Commission.

We did receive an appeal for that recommendation on June 11th of 2024. Recommendations from the Planning and Zoning Commission aren’t typically appealed because that is not under purview for final action. Typically, per code what is appealed is final action not a recommendation. City Council actually has final action on zone change cases so. This a situation where staff believes the appeal should have come after you all made your decision on the zone change. With the appeal essentially asserts nine arguments. They state there is no beneficial use deprevation, no public interest served by this proposed zone change, alternative parcels are available for development, there is no change in the conditions of the property

requiring a zone change, uniformity and comprehensive planning is considered spot zoning, conditional zoning, quality of life, population and traffic density, and so on and so forth with something like that but I will let the appellants elaborate more on what their appeal is. With that just to clarify for you all. Your options would be one to vote yes. This will approve the appeal thereby reversing the decision of the Planning and Zoning Commission and the existing R-1a zoning will remain. Two to vote no and deny the appeal and this affirms the zone change decision made by the Planning and Zoning Commission. The ordinance will then come before you all for the actual zone change itself on a later date. Three to amend the resolution or four to table and postpone and direct staff accordingly. That is the conclusion of my presentation. I believe the appellants are here with a representative for them, but I stand for questions.

Mayor Enriquez said okay, thank you Adam. We will go and see if the council. Councilor Flores, have any questions?

Councilor Flores said yes, I do. Thank you and thank you Mr. Ochoa for the presentation. This is a tough one and I will tell you why because it used to be my district. It is now Councilor Graham's after the redistricting pursuant to the census, whatever, 2020, and I have spoken to some of my former constituents, and I understand and sympathize and, but I do applaud the Planning Commission for lowering the number of residences or housing units. Lowering it to, did you say 60? From 90 something like that.

Adam Ochoa said Councilor Flores, Mayor Enriquez that is correct. Sixty, maximum of 12 dwelling units per acre is what they are allowed under their conditions.

Councilor Flores asked yes and then there were also some restrictions or on parking and the units will have parking spaces to eliminate that clutter in that area?

Adam Ochoa said Councilor Flores, Mayor Enriquez yes, essentially, they increased the minimum number of parking stalls required on site because they want basically if you live there, you park there and not on the street trying to lessen the traffic and the parking on the streets so that is why they increased the number of parking stalls on site itself.

Councilor Flores asked okay, would that be two per unit or?

Adam Ochoa said that is correct, ma'am.

Councilor Flores said okay, perhaps this is a little dicey but when there is an empty lot adjacent to a property, especially a residential area that is already established is there any way of either the city taking the responsibility because I don't know if contractors or the land owners would be required to do anything but for the city to let the prospective buyers of the homes that would be effected if that empty lot to be developed. If there be any notice given at that time and the reason is because when people buy a home they figure, oh we have this beautiful empty corner lot there, but it is not really walkable or anything. It is not like the community park where you can walk

it, but nonetheless I don't know if the city has the onus or if it doesn't, would it be able to ask the builders or the landowners as to what their plans are and I like to just share this little story. When I was campaigning for the first time, and I was met by people who were very angry over by the East Mesa because when they bought their home, they were led to believe that there would be no further development and some of them have moved away, and they were very upset because the view of the Organ Mountains had been blocked. So, the question I asked them was, who told you that? They said the realtor, the real estate person. I said well, ya they want to sell a house and I said it would have been better for you to ask who the owner is or who the developer, or the owner of the land and go that route but you know it is too late. What is it, the chicken has already left the coop, or whatever. I don't know what the expression is. But I said that very cocky and you know I thought well you know there are about four or five people there who gave me really dirty looks and I said okay well don't vote for me, you know whatever. All that being said I do sympathize with the people who live there. What I do applaud is our Planning Department, our Community Development Department to have gone in and have had an impact on the amount and our Planning Commission to reduce the number of homes there and given the shortage of homes that we have these would be more affordable. Would it take care of the homeless issue? Absolutely not. Would it provide housing for the missing middle? I am hopeful that it would, but I don't have that crystal ball. So, I sympathize with the people from that area because, but I just wanted to share my sentiments with you and the residents from that area and I do want to share that I think that the development there has been lessened. It has so maybe the homes or units will be a little bit bigger so there is less whatever, not 90 but 60. But I just wanted to share those thoughts, and I wanted to also clarify but thank you Mr. Ochoa. Thank you, Mayor.

Mayor Enriquez said Councilor Mattiace.

Councilor Mattiace said thank you. Mr. Ochoa can you tell me whether how the vote goes either denied or approved, what is the impact of Realize New Mexico? The new land usage code that will occur if this was to come up for? Are they allowed a second appeal? Or can they bring it forward again? And how would that Realize New Mexico change the landscaping there if any?

Adam Ochoa said Mayor, Councilor Mattiace it is still under review right now. There is a potential that the densities and the land usage would be permitted on this property of what they are proposing sir, but nothing has been finalized yet so multifamily could still potentially go on this property when we finalize Realize Las Cruces considering its size and the zoning that it will be sir, but nothing has been 100% finalized just yet, sir under Realize right now.

Councilor Mattiace said okay thank you.

Adam Ochoa said yes, sir.

Councilor Flores said Mr. Mayor I have another question.

Mayor Enriquez said go ahead, Councilor Flores.

Councilor Flores said Mr. Ochoa based on Councilor Mattiace's question my understanding was that Realize that this would be in conformity with Realize and it was and there wouldn't be any change. Am I wrong?

Adam Ochoa said Councilor Flores that is correct. The actual densities though have not been finalized yet. So, the land uses is something that is being permitted on the property but the actual densities not completely 100% finalized just yet ma'am but it would be a permitted land use, yes.

Councilor Flores said yes but the density I think when you said there would be 60 units instead of 90, that is like a third or two thirds of what or instead of the full 90. I mean that is a big difference, but you are saying that that is not the case. Or is it already? Wait a minute, I am sorry. P&Z reduced it to 60 so that will stay? It depends? It is already established?

Adam Ochoa said Mayor, Councilor Flores that is correct if the applicant wishes to continue with his zone change and the ordinance for it that would be the condition on the property ma'am.

Councilor Flores said okay, thank you, thank you very much. Thank you, Mayor.

Mayor Enriquez said seeing none others. We have the spokesperson for the Community of Morning Star Drive, is that Ms. Sandy Bein? Ya, the City Clerk will swear you in.

Christine Rivera said hi Sandy.

Sandy Bein, Member of the Public said hi.

Christine Rivera said do you swear or affirm that the testimony that you are about to give is the truth and nothing but the truth under penalty of law?

Sandy Bein said I do.

Christine Rivera said thank you.

Sany Bein said Mr. Mayor and city council thank you for the opportunity to speak with you today and for the extra time since I am representing so many. My name is Sandy, and I am not here just to speak for myself but for all the people in the community that you see before you as well as a great many more that couldn't be here today. We are here with a request to reverse the approval recommendation made by the Planning and Zoning Commission for the property detailed in your packet. We do not believe that the Planning and Zoning Commission recommendation demonstrates an understanding of our concerns. We are here in support of a no zoning change to this property and there is a plethora of reasons our community is opposed to any zoning

change. I will be highlighting many with the intention that it will help you understand our position and ultimately agree with it. This property has been zoned R-1a single family medium density for more than 28 years and perhaps it has always been zoned that way. I am not sure. I bought my home five years ago. Some of my neighbors bought their homes more than 25 years ago. All of us checked the zoning before purchasing and based part of our decisions to live in this neighborhood on the single-family home zoning status. This is a neighborhood of all single-family homes. Anything else on the property would not be compatible with the current neighborhood. It would have a negative impact on those of us who live here and whose expectation is that only single-family homes would be built at the five-acre property. Changing the zoning on this land would not fit into the expressed position of the zoning ordinance Section 38.2. which states consideration of the general welfare of the community and purpose of improving citizens lives. This in no way would improve our quality of life. It in fact would be detrimental. Some find it so detrimental that they would consider selling their homes and moving if apartment buildings were put up on those five acres. We bought our homes in this neighborhood for a reason and with the expectation that only single-family homes would be built on that land. Let me share some of the ways that this would be a detriment to our neighborhood. Traffic is a big concern. Roadrunner is a very busy thoroughfare between Lohman and Highway 70, and we have already many apartment complexes on Roadrunner to the south and more would elevate traffic concerns. Exiting and entering either Stellar or Morning Star is already difficult. Camino Real Middle School is across the street and just a few blocks north. Car and pedestrian traffic during drop off and pick up times is a huge concern and our children's safety must be considered. Parking though addressed previously it is still a problem. Even if only two spots are allocated many apartments have more than two drivers and certainly when friends and people come to visit it would spill over on to Morning Star. The east portion of Morning Star is a feeder street and our end of Morning Star is not it is in fact a cul-de-sac with no outlet at the of the property in question. Adding traffic and parking would be an undesirable feature for those of us who call this neighborhood our home. Parking on the street because there is no overflow from any proposed apartment complex would overburden an already crowded street create a dangerous situation for our children and an unwelcomed one for the rest of us. Other concerns related to having apartments on this property to consider. Well, if you have not seen this piece of property for yourself, I strongly encourage you to do so. My home for example backs up to the property separated by a four-foot rock wall. Same situation for many of my neighbors. If a zoning change is approved it would be very likely that right across that rock wall where I sit in my back yard or on my hammock would be dumpsters, cars, and the back side of the apartment complex. Would you want that in your neighborhood, in your backyard? I sure don't. Some homes that surround this property are actually elevated yet border the property and they are concerned about the stability of their homes to construction of this nature begin. Other concerns include privacy issues. Even two-story buildings will create privacy issues for some of the homes. Buildings will have apartments looking right into existing backyards as well as blocking the view of the mountains, an increase of trash necessitating dumpsters, would not just be distasteful but also noisy. There are concerns about water runoff, flooding, property values declining, noise levels increasing, traffic accidents and incidents increasing. We are community that is greatly concerned about the negative impact to rezone could have on our lovely neighborhood and on our quality of life. There seems to be a lot of community

concern and upset regarding zoning changes around the city. We have seen other yellow signs around town. In some cases these signs indicate that Elevate Las Cruces is being properly used for new development but in a few such as ours where we are established neighborhoods it does not. We have our doubts that changing zoning in these areas are the intended use for the program. There are so many thoughtful and wonderful programs and initiatives that the city provides please extend the same thoughtfulness to this situation. Careful consideration and concerns should be given to all the residents in the city in situations like ours. We understand that the city council has an obligation to protect the wellbeing and financial investments of the residents of Las Cruces. We are asking you to do exactly that in this situation and deny any rezoning request for this land. We are asking for compliance with Code 38.2 L which states, ensure that development proposals are sensitive to the character of existing neighborhoods. Our neighborhood is a single-family home only neighborhood, please, please respect that. Elevate Las Cruces was designed to promote diversity in new neighborhoods or redeveloping neighborhoods. This is an old established community that should remain single family homes. I know that you all have copies of the appeal of Planning and Zoning decision keeping in mind the general health, safety, and welfare of our community, please be reminded that the goal is to improve each citizen's quality of life. Apartments in this area would not accomplish that but work in direct opposition. I ask that you carefully review the appeal, consider my words, the needs and the best interest of our neighborhood and do the right thing. Do not allow any zoning change on this property. Thank you so much.

Mayor Enriquez said thank you Sandy. Any questions by council? Adam was there anything else?

Adam Ochoa said no sir, I will just stand for any additional questions you all might have.

Mayor Enriquez said ya, I will go ahead and allow some public comments if there is more members of the public that want to speak. We will give you two minutes since there is a large crowd. Catrina, can you assist and help out with escorting?

Jim Hurst, Member of the Public said my name is Jim Hurst. I am not, I don't live in the affected area, but I am a citizen of this community. The principle of democracy is the greatest good for the greatest number. To the people of that community, being a property owner does not entitle you to a world that doesn't change around you. It doesn't entitle you to keep poor people out. There is a lot of poor people in this world and there is a housing shortage in this community. So, you have an obligation to help your neighbors by helping to provide a place for them to live. This is not your world. You bought a home not a world. Thank you. Two other things, you can move, we can't. The city can't move. If you don't like it here you can go somewhere else, growing cities grow property value. Population increases means property value increases. So, population growth is to your interest and second, you are going to be gone someday and the city is still going to be here. So, the city has to think of itself first and its residents second because that is how cities grow, and growing cities are valuable cities and healthy cities. Thank you.

Jesus Torres, Member of the Public said my name is Jesus Torres. Just an observation from the gentleman that said this is not our world. I realize that but this property where I live.

Mayor Enriquez said sir, can you come a little closer to the microphone?

Jesus Torres said okay. What I said is that the gentleman said that this is not our world but it is our official land where we own that property the way it was and what I am asking is first of all when I saw all those school children that were walking around in here I remember seeing a lot of school kids because there is a school right there within a block of where they want to build all these supposedly beautiful apartments and it is really sad to see school children running across the street because of the traffic coming you know. There is a hill on one side where you can't see the cars until the right coming down, there is a curve on the other side that really blocks the traffic. So what I am saying and I want to ask is all of the city council, all of you is first of all think of the safety of the children and think if the safety of pedestrians that walk there and the big traffic congestion and as you live there and drive in and out on a daily basis you don't really know what it is like especially during traffic hour and every sixty or fifty, whatever they cut it down to is still going to add all of those vehicles going in and out every day and Roadrunner, Morning Star is not a through street. You have to turn around and come back to able to get out of there. What I am asking is please, please keep it the way it is. God bless you and thank you so much.

Joni Highsmith, Member of the Public said when I moved here.

Mayor Enriquez said ma'am can you state your name please?

Joni Highsmith said oh sorry, Joni Highsmith and when I moved here, I believed this was a community that we had zoning rules. So, I checked zoning rules before I moved to the area. I don't happen to live in this area, but I don't understand what the benefit to the town is in changing a neighborhood into it. All down Morning Star there is so much property available so what you are telling me is somebody can buy a piece of property knowing it is zoned as one and then they can make a bigger profit on it. If I didn't think there was any land available in the area, I would totally say yes we need to change this because we need housing but I am seeing all of this happening on Roadrunner and I see all the empty places that are all the way down Morning Star heading there. So, it doesn't make sense to me why you think this is in the best interest. What it is telling the people is when you come to Las Cruces, oh top community to live in, don't worry because we are just going to change things whenever we want without a reason and this does not have a reason. You talk about two parking spaces, if you have ever driven on Morning Star and tried to get back out on Roadrunner, if those cars are parked on the right side of the road to the guest, for the people who have children, who have teenage cars, we won't be able to see. It's not wide enough to have cars parked on one side of Morning Star and parked on the other if you are looking at parking you need to allocate at least four places for each place so that you have plenty of extra things. There is just no benefit to this. I have tried to walk across from Morning Star, and I have done it with little kids in strollers, it

is scary because people are flying down. So maybe you need to look at other areas.

Mayor Enriquez said ma'am, thank you, your time is up. Thanks.

Richard Griffin, Member of the Public said my name is Richard Griffin. I have lived there for 28 years. I think I am the longest living resident in that neighborhood. I am handicapped. I have two autistic kids. My now twenty-year-old daughter used to literally have to run across Roadrunner. It is not his problem, but they are failing, the police are failing. There is no crossing guard, children are walking across the street every day and cars are going by at 60 or 70 miles per hour around a blind intersection. There is no adequate, how many houses could go in there? Twenty, thirty? And you are going to do sixty? That is probably 100 cars. You know there is no way of having exiting. That is a cul-de-sac neighborhood. Everything is going to come in and out the street. I don't know if anyone of you have seen that intersection near the middle school during drop off time? You guys all need to consider one of these kids is going to die and I don't want it to be my granddaughters. You guys have no idea how much impact it is going to be on us. He needs to get a cop out there and literally stop those people going 70 miles an hour. Get a crossing guard at the school. You guys have blood on your hands if you vote for this and I don't mean to be rude. How many houses can go in there? Put houses there. Why are you going to congest that whole neighborhood? You are going to kill somebody. You are going to add to the congestion. There are accidents on that street corner weekly and you are going to have apartment buildings there? You all if you vote for this you will have blood on your hands, literally. My kids literally ran to school to cross Roadrunner. Put a light up. Get a cop there. If you have a cop, there right now maybe one day a week. Do something about it. Don't vote for this.

Francis Philip Brennan, Member of the Public said Mayor, council members. Thank you for this opportunity. My name is Francis Philip Brennan. I do not live in the road in question here, but I do live on Moonlight Ridge Arc, and I can attest to this previous gentleman's comments about lack of police enforcement. You are waiting for an accident to happen. That drop off zone in the morning and in the afternoon, you have vehicles backed up onto travel lanes which neck down two lanes to one. You have children as I said literally running across the roadway because there is no traffic crossing guard. There is nobody there. You have morning traffic and afternoon traffic Monday through Friday literally running down, speeding down the road because there is no police enforcement on that road. You are waiting for an accident to happen to a child, or somebody get runover and damage for life if not killed outright. Thank you.

Davis Davidson, Member of the Public said good afternoon I will try to be as quick as I can. My name is Davis Davidson I do live in this community. I had a quick question as to the density it is currently zoned at? How many single-family homes can you get on there per acre? So how many is that five acres? Okay, so the difference between 40 and 60, they are asking you to increase 20 units, correct? Pretty much over what we currently have zoned. So, the question is, is 40 enough or do we absolutely need 60? Sixty changes the community inherently. Forty leaves our community exactly the same. Your goals are met. You have increased housing. You don't destroy our community, you don't increase traffic, people will stop yelling at the Chief, right? That

is the inherent question. It is not, hey they did a good thing going 90 to 60. The developer shot for the moon and asked for 90. They got lucky and got 60, he probably expected less. Let's leave it at 40. Forty homes in that community is fantastic. We will take that. We are a diverse community. We are quiet. We like our community. Let's leave it that. Find a place to put those other 20. The other thing in the Zoning Commission was really heavy when they voted on it is they said it was walkable. These apartments will not be walkable to any amenities. There is no grocery stores, no convenience stores, there is nothing. There is an insurance agency and a church and a middle school. To get to Walmart which is the closest one is a horrible walk up Roadrunner where you guys have put the sidewalks right on the curb probably a little over a mile is the closest, so it is not walkable, and two they argued that it was affordable. This is not affordable housing in any way, shape, or form. Those apartments will cost more than any of our mortgages. So, if you want affordable housing, you want to keep our community safe. We want to meet you guys' goal for growth. We want 40 homes in there. We want it to look like the community we bought. We have a pediatrician from India, we have a nurse from New York, it's a diverse community. Leave it how it is. And we will accept your 40 homes.

Mayor Enriquez said okay, thank you. Okay thank you for your comments. Is there any other questions? Council? Go ahead Adam, what are the options again and if you could? Let me just clarify what the options and know what the options are.

Adam Ochoa said sure thing Mayor. So, your options today is one to vote yes. This will approve the appeal. Thereby reversing the decision made by the Planning and Zoning Commission. Two to vote no, this will deny the appeal and affirm the zoning decision made by the Planning and Zoning Commission and the ordinance will come before you on a later date.

Mayor Enriquez said go ahead Christine.

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Approve Resolution No. 25-038.**

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| **RESULT:** | **DEFEATED.** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor William Mattiace, and Councilor Yvonne Flores |
| **NAYS:** | Councilor Cassie McClure, Councilor Becki Graham, Councilor Johana Bencomo, and Councilor Becky Corran |

## 8. BOARD APPOINTMENTS

### 8.1 CHADI EL-KHOURY

**Councilor Becki Graham moved, seconded by Councilor Becky Corran, to appoint Chadi El-Koury to the City Art Board.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becki Graham |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, |

| | |
|---|---|
| | Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

### 8.2 ALEXANDRA MCKENNEY

**Councilor Becki Graham moved, seconded by Councilor Becky Corran, to appoint Alexandra McKenney to the Lodger's Tax Advisory Board.**

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| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Becki Graham |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

## 9. NOTICE OF PROPOSED ORDINANCE(S)

1) There will be no public discussion.
2) A Councilor may ask staff for clarification on the proposed ordinance(s).

### 9.1

None.

## 10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

### 10.1 COUNCILOR MATTIACE

None.

### 10.2 COUNCILOR GRAHAM

None.

### 10.3 COUNCILOR CORRAN

I wanted to give a quick shoutout to Dawn Duncan and Animal Companions of Las Cruces for their fundraiser on Friday which was really a very extraordinary event. I appreciated seeing a lot of folks there and the commitment and the can-do attitude of Dawn and team to improve the lives of animals and their companions in Las Cruces. So, I just wanted to share my gratitude for that event and tomorrow afternoon at 3 p.m., we will have the groundbreaking for Fire Station 9 which will be at the corner of Sonoma Ranch and Central. This is a GO Bond project, and I really appreciate the voters having us put the first fire station north of Highway 70. So, I am looking forward to the groundbreaking at 3 p.m.

### 10.4 COUNCILOR FLORES

The South Central Regional Transit District, it goes all over southern New Mexico and into El Paso is doing very, very well. The numbers were good before the Covid and then the numbers now, they are just off the chart. It is just amazing. David Armijo, the fellow that heads that has been doing a fantastic job getting federal grants and making sure that this part of the USA gets a fair share of the federal funds.

### 10.5 COUNCILOR BENCOMO

Ultimately you know I think I am very concerned about the traffic issues that folks

keep raising here. I think we have a laundry list of streets where folks are telling us that they absolutely need traffic calming. The budget for traffic calming is not more than $80,000 a year, I think maybe less and so this is clearly an issue that keeps coming up. I look and hoping that Vision Zero is coming to a Work Session soon, but the reality is in the last 20 to 30 years, we have built this city to be a car centric city. It is truly not walkable. It is completely around the needs of drivers and vehicles and that is a sad reality that we should address that I think is related but separate from housing development. I think in the last almost five years that I have been on this council there has not been a time where someone has not been against an apartment complex. Even items that don't come to council people will email me about their concerns about apartment complexes and I think we really have to explore the deeper meaning of that. What it really means for people to be against apartment complexes and multifamily dwellings because it has been an issue every single year and it doesn't, the excuse hardly matters at this point. It is either traffic or those people that we don't like living in our neighborhood but the reality is that every time an apartment complex has come to council people have wanted us to vote against it and so we definitely have to separate the two conversations but continue the conversation around traffic calming and this reality that we have a very much car centric community that impacts the very wellbeing of our neighborhoods. That is just a couple of comments I wanted to make regarding that last item.

Speaking of traffic calming, we are having a meeting right here in city chambers regarding the South Melendres traffic calming efforts that we have been discussing the last couple of years. That meeting is going to be held right here in city chambers Thursday, September 26th, at 5:30 for about an hour. I will be here. Our constituent services folks will be here, city staff, Public Works. We will have a conversation about South Melendres and that is September 26th and then this Saturday, September 21st from 9 to 12 a.m. we will be holding a neighborhood cleanup event for the Branding Iron Circle neighborhood and I just really want to thank Catrina and the constituent services team for setting that up and Catrina and Andres, my Intern went and did door hangers and everything last week inviting folks to participate in that neighborhood so I just really wanted to say thank you all and hopefully that event is successful.

Then just lastly, I participated in the MRA discussions last week. I was only able to go to two but the first one I went to was on Monday and it was really well attended. There was a lot of engagement. It was really exciting and then I went for the last day on Wednesday and I just have to say that the questions, the engagement, the conversation just felt so fruitful and someone even said I just experienced so much joy coming to these last three meetings and I think that is what happens when we really focus in on an area that deeply needs it and an area that has been historically neglected like El Paseo/South Solano and I am just really excited. I am most excited to really dig deeper on the conversation and the plans that they presented. I really think we have an opportunity to do some short-term planning and very much long term visionary planning but at the same time while we are doing that is really keeping the spirit of all of this intact which is ultimately the redevelopment of El Paseo as a corridor and South Solano as a corridor. They presented so many incredible things from a bunch of other areas in the MRA which are really exciting and incredible, and I don't want to lose focus of ultimately the spirit of the MRA which was really honing in on that redevelopment and revitalization of El Paseo and the South Solano corridor. So, thank you to staff so much, Economic Development, all the staff for getting us here.

**10.6 MAYOR ENRIQUEZ**

I just want to say again congratulations to the City of Las Cruces and voting yes on the GO Bond on Friday there is a grand opening for the East Mesa Sports Complex, the baseball fields, the soccer fields, multi-use fields, practice fields and the pickleball courts that are there. It is a great thing for the community. Again, we thank all the residents that said yes. That is something that has been accomplished and still continuing to grow but it was a great event. It is a great thing for Las Cruces to have a sports complex in that area. So, congratulations to Las Cruces. Again, thank you to Parks & Rec, Public Works, and everyone else that worked on that campaign and on that project.

The other thing that I want to mention is that we had the Walk to School Proclamation as Ashleigh mentioned. The last couple of Thursdays I have taken upon myself to walk with Hermosa Heights Elementary. I think Chief Smith remembers, I am not sure maybe he wasn't on yet, but we had Adopt a School back in the day. So my challenge was when I had a fire station was each crew or each shift would adopt a school and that was our school that we adopted and we would go and we would mentor and read or play in the playground and that was our school that we adopted as fire fighters and I took that upon myself as a Mayor to adopt Hermosa and go walk with them in the morning. I challenge council to adopt a school in your district. Walk with them. Go visit with them. It means so much to them that when they see leadership of this community showing an interest in them and showing them that we value them and I have to tell you the security guard told me the second time I was there he said I am glad you are here because a little girl just asked, the Mayor, is he coming again or is it just a onetime deal? They are very pleased to see us more often. So, if you all take that challenge, adopt a school as Mayor and council and walk with them, read to them, talk to them, whatever you can do. I know they will receive you well.

## 11. CITY MANAGER REPORT

### 11.1 IKANI TAUMOEPEAU

For Parks & Rec, Thursday, September 19th at 6 p.m. the advisory board meeting, there will be dog park rules presentation after which the public may comment on the rules during the meeting. Also, the last movie in the park of the season will held this Saturday, September 21st at Young Park. We will be showing the Little Mermaid which is rated PG. Movie starts at dusk.

Also, the P&R Department will offer a two-week camp during Las Cruces Public Schools fall break and intersession Monday, September 23rd through Friday, October 4th. The camp will be open to youth in grades Kinder to 12th grade. Camp hours will be from 7:30 to 5:30 p.m. Monday through Friday. Cost is $20 per participant. For more information call 541-2550.

Lastly for the department the Aquatics team will be offering swim lessons throughout October. Swim lessons registration will be held Saturday, September 28th from 9 a.m. to 11 a.m. at the Regional Aquatic Center.

VLC of Las Cruces is hosting the New Mexico Outdoor Economic Conference on September 23rd through 25th at the Las Cruces Convention Center. The Mesilla

Valley Balloon Rally is back and will be held on January 17th to 20th in 2025 at the Field of Dreams. So, there was a rumor, and I believe it's true, or I would like to believe it is true that before the balloon festival was up north it started here in the south. In the real New Mexico this is where it started. So, in a way it has returned to its original home. Hats off to VLC, to Rochelle and her team for talking to the right community of stakeholders to make that happen.

Update from the Finance Department regarding minimum wage based on the latest CPI increase of 2.35%. The Finance Department calculated the new minimum wage to be $12.65 an hour and the new tip wage to be $5.06 an hour. The current minimum wage is actually $12.36 an hour and tip wage is $4.95 an hour. The state minimum wage remains flat at $12 an hour. The Communication team will be working on the required notification to be posted on the website in October and the new minimum wage will go into effect January 2025.

For the City Manager's Office, Catrina and her team we appreciate them. They have started along with various departments the Know Your City Seminar Series which have begun and takes place each Wednesday evening and already has taken place, session one and two has passed but we are upcoming for session three on September 18th, 2024, that touches on the city's financial services. This is located here in City Council Chambers from 6 to 8 p.m. on Wednesday. There is no registration needed. Just drop in and learn more about your government. If you attend all you can receive city council recognition. The schedule is available online. There are a few highlights as mentioned third session will be September 18th, this Wednesday here in this room and next week it will be September 25th on Wednesday, Economic Development, Transit Department both will be highlighted.

For Public Works we have the completion of the Bellamah Drive Reconstruction Project. This is between Luna Street and Lees Drive, project cost about $3.4 million. Project is to be completed within the contracted time. Improvements include green infrastructure with the storm catchments of Locust Street, pedestrian safety with wider sidewalks, reduce street crossing exposure, with realignment of Locust Street, increased street lighting, ADA improvements along the entire project limits and Midway Avenue Reconstruction Project, this is between Gasline Road and Mesa Drive. Gasline Road is a private easement over a large petroleum transmission line. Project cost about $1 million. Improvements include connectivity over privately owned easement, closing sidewalk gaps, no sidewalks before new curb and gutter, improving drainage roadway, added new street lighting, and ADA improvements.

In Quality of Life, construction in continuing on repairing the entry particles, vigas, and other wood architectural elements to the historic Branigan Cultural Center. Work should be completed by the end of October and for Utilities a Griggs Walnut Superfund Project open house is Thursday, the 19th from 10 a.m. to 1 p.m. and is located south of the baseball field. Entrance is off Walnut and there will be signs. Everyone gets a commemorative cup while supplies last. The tour is very informative and educational. Hope to see you there.

## 12. ADJOURNMENT

### 12.1

**Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to adjourn at 3:41 p.m.**

| | |
|---|---|
| **RESULT:** | **Carried** |
| **MOVER:** | Councilor Johana Bencomo |
| **SECONDER:** | Councilor Becky Corran |
| **AYES:** | Mayor Eric Enriquez, Councilor Cassie McClure, Councilor William Mattiace, Councilor Becki Graham, Councilor Johana Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores |

Mayor

City Clerk

**25-039**

**Type of Action:**
**☒ Resolution**
**☐ Ordinance**
**☐ TIDD Resolution**

# City Council Action and Executive Summary

| | | | |
|---|---|---|---|
| **District:** | **☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A** | | |
| **1st Reading:** | | **Adopted:** | October 7, 2024 |
| **Drafter:** | Ray Burchfield | **Department:** | City Manager's Office |
| **Program:** | Housing & Neighborhood Services | **Line of Business:** | Housing & Neighborhood Services |

**Title:** **A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND JARDIN DE LOS NINOS (JARDIN) FOR THE JARDIN DE LOS NINOS ROOF REPLACEMENT PROJECT AND AMEND THE FY2025 CAPITAL IMPROVEMENTS PROGRAM (CIP).**

**TYPE OF ACTION:** **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

**PURPOSE(S) OF ACTION:**
Approve CDBG Agreement.

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**
The City of Las Cruces (City) has received program funds from the United States government under Title I of the Housing and Community Development Act of 1974 which created the Community Development Block Grant (CDBG) Program. The CDBG Program provides the City the opportunity to administer a federally funded program in accordance with the goals of the City's 2021-2025 Consolidated Plan which address low-income areas and residents' community development needs.

On May 6, 2024, City Council approved Resolution No. 24-109, thereby adopting the Program Year 2024 Action Plan. The 2024 Action Plan outlines how the City's CDBG funds will be spent. The 2024 Action Plan allocated $250,000 in CDBG funding to Jardin de Los Ninos (Jardin) for this project. Jardin has also been awarded $28,500 in Program Year 2021 CDBG funding through an action plan amendment approved by R-24-108 for a total award of $278,500. This project has also been awarded $250,000 in 2023 (FY24) New Mexico Legislative Capital Outlay funds.

Jardin operates the Children's Daycare program for homeless and near homeless children in Las Cruces, New Mexico on the Mesilla Valley Community of Hope campus. This project will replace the aging roof on this building.

In order to comply with CDBG regulations a CDBG agreement and a Land Use Restriction Agreement between the City and Jardin, as shown in Exhibit "A" is required to be executed.

The CIP is also being amended for approval as shown in Exhibit "B".

**SUPPORT INFORMATION:**

EXHIBIT "A" CDBG Agreement
Exhibit "B" FY2025-2030 CIP

**PLAN(S):**
City Council Strategic Plan, Other, Department Strategic Business Plan, 2021-2025 Consolidated Plan, Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**
None

**DOES THIS AMEND THE BUDGET?:**
☐ Yes
☒ No

**BUDGET / FISCAL IMPACT:**

| BUDGETED AMOUNT: | AVAILABLE AMOUNT: | EXPENDITURE AMOUNT: |
|---|---|---|
| $528,500.00 | $528,500.00 | $528,500.00 |

**Funding Source(s):**
Community Development Block Grant (FUND 2000) 20430002-801000-23983 ($250,000). Community Development Block Grant (FUND 2000) 20430214-801000-23983 ($28,500) State Capital Fund (FUND 4100) 40255005-801000-23983 ($250,000)

**Overall Budget Impact:**
Funding is budgeted for FY2025

**Does this action amend the Capital Improvement Plan (CIP)?**
☒ Yes
☐ No

**Does this action align with Elevate Las Cruces?**
☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**
1. Vote "Yes"; this will approve the Resolution and approve the CDBG grant agreement between the City and Jardin De Los Ninos and amend the CIP.
2. Vote "No"; this will not approve the Resolution and will not approve the CDBG grant agreement or amend the CIP.
3. Vote to "Amend"; this would modify the Resolution based on City Council's direction and then vote "Yes" on the amended Resolution.
4. Vote to "Table"; this would delay the Resolution and would require further direction from City Council.

**REFERENCE INFORMATION:**
1. Resolution No: 24-108
2. Resolution No: 24-109

**RESOLUTION 25-039**

**A RESOLUTION APPROVING A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND JARDIN DE LOS NINOS (JARDIN) FOR THE JARDIN DE LOS NINOS ROOF REPLACEMENT PROJECT AND AMEND THE FY2025 CAPITAL IMPROVEMENTS PROGRAM (CIP).**

**WHEREAS,** the City of Las Cruces (City) has CDBG program funds from the U.S. Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, which created the Community Development Block (CDBG) Program; and

**WHEREAS**, the CDBG program provides the City the opportunity to administer these federal funds in accordance with the City's adopted Consolidated Plan to address community development needs in low-income areas or for low-income residents; and

**WHEREAS**, on May 6, 2024, the Las Cruces City Council approved Resolution No. 24-109, adopting the 2024 Action Plan, which outlined how CDBG funds will be expended; and

**WHEREAS**, the 2024 Action Plan allocated $250,000.00 in CDBG funds to Jardin de Los Ninos for the Roof Replacement project; and

**WHEREAS**, Resolution 24-108 approved Action Plan 2021 Amendments to allocate $28,500.00 in CDBG funds to Jardin de Los Ninos for the Roof Replacement project; and

**WHEREAS**, in order to comply with CDBG regulations, a CDBG grant agreement between the City and Jardin is required to be executed.

**NOW, THEREFORE**, Be it Resolved by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the CDBG grant agreement between the City of Las Cruces and the Jardin de Los Ninos, as shown in Exhibit "A" attached hereto and made a part of this Resolution, is hereby approved

**(II)**

**THAT** the Assistant City Manager as the official representative of the City, in accordance with Resolution 21-147, is hereby authorized to execute the CDBG Grant Agreement with Jardin on the City's behalf.

**(III)**

**THAT** the FY2024 Capital Improvements Program, is hereby amended as outlined in Exhibit "B", attached hereto and made a part of this Resolution, are hereby approved.

**(IV)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**

**EXHIBIT "A"**

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND JARDIN DE LOS NINOS (JARDIN) FOR THE ROOF REPLACEMENT PROJECT**

THIS AGREEMENT is entered into this ____ day of September, 2024, between the City of Las Cruces, a New Mexico municipal corporation with a principal mailing address of P.O. Box 20000, Las Cruces, New Mexico 88004 (hereinafter called the "City") and Jardin de Los Ninos (Jardin), a non-profit agency, whose mailing address is 999 W. Amador Ave., Building 2, Las Cruces, New Mexico 88005 (hereinafter called the "Sub-recipient"), under CDBG Grant Number **B-24-MC-35-0002**.

WHEREAS, the City has received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, Title 24 of the Code of Federal Regulations (CFR) and Catalogue of Federal Domestic Assistance No. 14.218; Munis Project #20430002 -801000-23032; IDIS Activity #1335.

WHEREAS, the City will have performed all the steps necessary to obtain U.S. Department of Housing and Urban Development (HUD) approval of the City's 2021-2025 Consolidated Plan, including the 2024 Action Plan, approved by City Council Resolution R-24-109, which includes funding for this project in the amount of **$250,000.00** for FY 2025 and City Council Resolution R-24-108 which reallocates $**28,500.00** of PY21 CDBG funds to this project for the total award of **$278,500.00**; and

WHEREAS, the City wishes to engage the Sub-recipient to assist the City in utilizing such funds;

NOW, THEREFORE, it is agreed between the parties hereto that.

## I. SCOPE OF SERVICE

### A. National Objectives

The Sub-recipient certifies that the activities it carries out with funds provided under this Agreement will meet the CDBG Program's National Objective (check one):

____ In accordance with 24 CFR 570.208 (a) (1) of benefiting all census blocks with the highest proportion of low and moderate persons, specifically census tract: block group(s) of ___ (i.e. Area Benefit); or

____ In accordance with 24 CFR Part 570.208 (a) (2) (i) (A), of benefiting clientele who are generally presumed to be principally low and low-moderate income persons in specific presumed groups, singularly or in combination of categories approved by the City and qualifying under this Section. Presumed benefit group to be served: severely disabled adults (i.e. Presumed Benefit); or

____ In accordance with 24 CFR Part 570.208 (a) (2) (i) (B) of benefiting low/moderate income persons by requiring information on family size and income so that at least 51 percent of the clientele are low and moderate income families, but only low and moderate income families will be qualified for the CDBG funds (i.e. Low-Mod Limited Client, Income Verification Required); or

____ In accordance with 24 CFR Part 570.208 (a) (2) (i) (C) have income eligibility requirements which limit the activity exclusively to low- and moderate-income persons, (i.e. Low-Mod Income Clientele, Income Verification Required, Exclusive Activity): or

__X__ In accordance with 24 CFR Part 570.208 (a) (2) (i) (D) be of such nature and be in such location that it may be concluded that there is presumed benefit and the activity's clientele will primarily be low and moderate income persons. The nature and location of the activity must be officially documented by the City in advance of services (i.e. nature and location).

___ In accordance with 24 CFR Part 570.208 (a) (3) Housing activities: An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low- and moderate-income households.

**B. Activities**

The Sub-recipient will benefit from the Roof Replacement project and agrees to complete the project in a manner satisfactory to the Grantee and consistent with any standards that comply with HUD regulations and City/State requirements required as a condition of providing these funds. The CDBG program is regulated by 24 CFR part 570, and the Sub-recipient hereby agrees to complete the approved project activity in compliance with these regulations.

The program will include the following activities eligible under the Community Development Block Grant Program:

1. Program Description:

   The program includes: the complete replacement of the roof at 999 W. Amador Ave., Suite E, in the City of Las Cruces. This is the phase II building at the Mesilla Valley Community of Hope campus and is home to the childcare facility operated by Jardin de Los Ninos. The scope of activity includes design, materials, contract procurement, construction and management oversight, completion, and all reporting requirements. The renovated spaces (hereinafter known as the "premises"), are intended to be used by the Sub-recipient in a manner that complies with HUD CDBG Regulations at Sections 570.201(c), and any other Grantee requirements specified herein.

   The total project cost is estimated to be $800,000.00. The CDBG Grant will be used as match funding and, the project will be managed by the City's Facilities Department due to this being a city owned property. There is an additional allocation from the State Capital Outlay in the amount of $250,000.

2. Program Type: Public Facility Improvements
   Program Title: Roof Replacement project

3. Management: The program will be managed by the City's Facilities Management since this is a city owned building. This will include procurement and all construction management and management of funds.

**C. Levels of Accomplishment**

In addition to the normal administrative services required as part of this Agreement, the Sub-recipient acknowledges that funds will be disbursed for eligible expenses in conjunction with the project and agrees to provide the following level of program services during PY 2024:

Activity

Jardin de Los Ninos operates a daycare for homeless and near-homeless children for Las Cruces, NM. Jardin is a 5-star early childhood education program for the ages of six weeks to ten years. They also operate afterschool and summer programs.

**D. Staffing**

The program grant will be managed by the Executive Director of the Subrecipient. Any changes in the Key Personnel assigned or their general responsibilities under this project are subject to the prior approval of the Grantee.

**E. Performance Monitoring**

The City will monitor the performance of the Sub-recipient against goals and performance standards required herein. The Sub-recipient is expected to complete the project within eighteen months from the date of the execution of the agreement. Substandard performance as determined by the Grantee, will constitute noncompliance with this Agreement. If action to correct such substandard performance is not taken by the Sub-recipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures may be initiated.

## II. TIME OF PERFORMANCE

A. Term of the Agreement

This Agreement shall start on the Effective date of this Agreement which is the date of the last person to sign or the date on which the United States Department of Housing and Urban Development releases funds to the City for Grant B-24-MC-35-0002, whichever is later. The period of performance will continue for twenty-four (24) months after the Effective date of the Agreement.

**B. Eligible Payment Period**

All eligible expenses and purchases approved by this Agreement and incurred during the grant period beginning from the effective date of this agreement and 24 months thereafter are eligible for payment. The term of this Agreement and the provisions herein shall not be extended unless deemed necessary by the grantee, which is managing the project. Such an extension may be granted by the Assistant City Manager (HUD Certifying Official), or her designee, provided that such an extension is for cause beyond the Sub-recipient's control, and in accordance with the same terms and conditions of the original agreement. All other extensions or changes in scope, performance, or approved responsibility to this Agreement shall be by the City's governing body and the Sub-recipient in writing.

## III. BUDGET

Sub-recipient is required to expend funds in a timely manner. Sub-recipient should expend 100% of the funds within 24 months of the Agreement Start date. Funds that are not expended by the end of the term of the Agreement will be held by the City and will not be available to the Sub-recipient.

Payments will be made for the line items listed below:

| EXPENDITURE CLASSIFICATION | DESCRIPTION OF ITEM | APPROVED BUDGET |
|---|---|---|
| PY2024 CDBG | Jardin Roof Replacement, including design, procurement, construction, & materials. | $250,000.00 |
| PY2021 CDBG | Jardin Roof Replacement, including design, procurement, construction, & materials. | $28,500.00 |
| | | |
| | **TOTAL** | **$278,500.00** |

A detailed description of each line item above may be requested of the Sub-recipient as a condition of contract execution and will be included as Attachment F.
Detailed description requested: _____ Yes __X__ No

If necessary, up to 25% of the total funding of the grant may be moved within already approved line item categories during the course of the grant. All changes to approved budget lines will require written requests for change, to be submitted on the provided Budget Line Item Revision Request by the Sub-recipient. Any budget changes must be limited to comply with the administrative scope of the program/project as defined by Part I, Scope of Service of this Agreement and the line items listed in this section. Adjustments between the individual line items above may be approved by the Housing and Neighborhood Revitalization Administrator or her designee. All other adjustments or amendments in excess of 25% or any change to the scope must be approved by the Las Cruces City Council and the Sub-recipient in writing, excluding the adjustments between budget line items.

## IV. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the City under this Agreement shall not exceed **$278,500.00**. The payment of eligible expenses shall be made for only the line item budgets specified in Section III herein and in accordance with the scope of service. Payments are contingent upon adherence to all administrative requirements as specified in Section VII of this Agreement.

The Grantee shall disburse grant proceeds for approved budget items only after the Grantee has approved the project plans, reviewed and approved of both procurement and contracting award procedures, and ascertained that all the necessary and proper permits have been obtained by the recipient at each phase prior to the beginning of construction. Other documents may be needed during construction specified in writing by the Grantee to the Sub-recipient. Notwithstanding anything in this Agreement, the Grantee also reserves the right to

request and approve documentation supporting any requests for disbursement to verify reasonableness and validity of such costs and the Sub-recipient's budget may be modified by the Grantee accordingly. Funds expected to be spent during the last 30 days of the grant will be presented for payment consideration to the Grantee within 60 days of the end of the grant period. Any funds that are not expended by the end of the 60-day period after the end of the grant will be held by the Grantee and not be available to the Sub-recipient, unless an Agreement extension is approved in accordance with Section II, (B).

## V. NOTICES

Communication and details concerning this Agreement shall be directed to the following Agreement representatives:

| CITY | SUB-RECIPIENT |
|---|---|
| Raymond Burchfield, Neighborhood Programs Specialist<br>Housing and Neighborhood Services<br>City of Las Cruces<br>P.O. Box 20000<br>Las Cruces, NM 88004<br>Phone: (575) 528-3094<br>E-mail: rburchfield@las-cruces.org | Michelle Saenz-Adames, CEO<br>Jardin de Los Ninos, Inc.<br>1300-G El Paseo Road, PMB #272<br>Las Cruces, NM 88001<br>Phone: (575) 522-2111<br>E-mail: michelle.adames@jardinlc.org |

## VI. GENERAL CONDITIONS

### A. General Compliance

The Sub-recipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the U.S. Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)) including subpart K of these regulations, except that (1) the Sub-recipient does not assume the recipient's environmental responsibilities described in 24 CFR 570.604 and (2) the Sub-recipient does not assume the recipient's responsibility for initiating the review process under the provisions of 24 CFR Part 52. The Sub-recipient also agrees to comply with all other applicable Federal, State and local laws, regulations, and policies governing the funds provided under this contract. The Sub-recipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

### B. Independent Contractor

Nothing contained in this Agreement is intended to, nor shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Sub-recipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The City shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance, as the Sub-recipient is an "independent contractor."

### C. Hold Harmless

The Sub-recipient agrees to defend, indemnify and save harmless the City and its officers, agents and employees from any and all suits, actions and claims of any character brought

because of any injury or damage received or sustained by any person, persons or property arising out of or resulting from negligence of the Sub-recipient under this Agreement; however, this hold harmless clause shall not extend to liability, claims, damages, losses or expenses, including attorney fees arising out of:

1. The preparation or approval of maps, drawings, opinion, reports, surveys, change orders, designs or specification by the City, or its agents or employees; or

2. The giving of or failure to give directions or instructions by the City, or its agents or employees, where such giving or failure to give directions or instructions is the primary cause of bodily injury to persons or damage to property.

In the event the City, or its officers, agents or employees actively participate in such negligence, (a) the Sub-recipient is relieved of its obligation to defend the City, and (b) the Sub-recipient's obligation to indemnify and save harmless is limited to the amount representing the Sub-recipient's comparative share of negligence as between the Sub-recipient and the City.

**D. Workers' Compensation**

The Sub-recipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this Agreement.

**E. Insurance and Bonding**

The Sub-recipient shall carry sufficient insurance coverage to protect Agreement assets from loss due to theft, fraud, and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the City.

All Sub-recipients located within or providing services within a City of Las Cruces-owned facility are required to include the City as an additional insured with the same coverage as the Sub-recipient on the Sub-recipient's liability insurance policies.

The Sub-recipient shall comply with the bonding and insurance requirements of 2 CFR Part 200, Subpart D, Post Federal Award Requirements, Procurement Standards.

**F. Grantee Recognition**

The Sub-recipient shall insure recognition of the role of the Grantor agency in providing services through this Agreement. All activities, facilities and items utilized pursuant to this Agreement shall be prominently labeled as to funding source. In addition, the Sub-recipient will include a reference to the support, provided herein, in all publications made possible with funds made available under this Agreement.

**G. Amendments**

The Grantee or Sub-recipient may amend the budget, scope of work, or this Agreement at any time, provided that such amendments make specific reference to this Agreement, and are

executed in writing, signed by a duly authorized representative of both organizations, and approved by the City's governing body except as provided in Section III. Such amendments shall not invalidate nor relieve or release the City or Sub-recipient from its obligations under this Agreement.

The City may, in its discretion, amend this Agreement to conform with Federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of the Agreement, such modifications will be incorporated only be a written amendment signed by both City and Sub-recipient.

### H. Suspension or Termination

Either party may terminate this Agreement at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial terminations of the approved Scope of Service may only be undertaken with the prior approval of the City. In the event of any termination for convenience in accordance with 2 CFR 200.339, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Sub-recipient under this Agreement shall become the property of the City, and the Sub-recipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

In accordance with 2 CFR 200, Subpart D, Remedies for Noncompliance, the City may also suspend or terminate this Agreement, in whole or in part, if the Sub-recipient materially fails to comply with any term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and the City may declare the Sub-recipient ineligible for any further participation in the City's Agreements, in addition to other remedies as provided by law. In the event there is probable cause to believe the Sub-recipient is in noncompliance with any applicable rules or regulations, the City may withhold up to fifteen (15) percent of said Agreement's funds or such amount that the City may determine as appropriate. Such suspension will last until such time as the Sub-recipient is found to be in compliance by the City or is otherwise adjudicated to be in compliance.

## VII. ADMINISTRATIVE REQUIREMENTS

### A. Financial Management

The Sub-recipient agrees to comply with 2 CFR Part 200, Subpart D, Financial Program Management, and agrees to adhere to the accounting principles and procedures required therein, utilize adequate internal controls, and to maintain necessary source documentation for all costs incurred. The Sub-recipient shall administer its program in conformance with 2 CFR part 200.

### B. Applicable Laws

The Sub-recipient shall comply with all applicable federal, state and local laws, rules, and regulations dealing with property rehabilitation and quality standards whether they are presently or subsequently promulgated. The Sub-recipient agrees to comply with any and all CDBG regulations, as amended from time to time whether set forth herein or not and agrees to execute or amend documents as necessary to be in compliance forthwith. The Sub-

recipient shall also comply with all other applicable federal, state or local statutes, ordinances, rules and regulations including, but not limited to, all applicable provisions of the City's Municipal, Building and Zoning Codes and the New Mexico State Environmental Requirements for rehabilitation of offices and community services spaces.

**C. Documentation and Record-Keeping**

1. Records to be Maintained

As applicable, the Sub-recipient shall maintain all records required by Federal regulations, State law, local ordinances and City requirements that are pertinent to the activities to be funded under this Agreement, including 24 CFR Part 570 and 2 CFR Part 200. Such records shall include but not be limited to:

a. Records providing a full description of each activity undertaken and demonstrating that each activity undertaken meets one of the National Objectives of the CDBG Program;
b. Records necessary to determine the eligibility of activities;
c. Records documenting compliance with the fair housing and equal opportunity components of the CDBG Program in 24 CFR Part 8, which implements Section 504 of the Rehabilitation Act of 1973;
d. Financial records as required by 24 CFR Part 570.502 and 2 CFR Part 200, Subpart, Financial and Program Management;
e. Other records necessary to document compliance with 24 CFR 570 Subpart K;
f. Records of the ethnicity, race, gender and disability status of all eligible clients;
g. For those Sub-recipients not covered by 24 CFR part 570.208 (a) (2) (i) (A) or (D), disclosure of family income, individual income, annual income and as adjusted income.

2. Required Documents for Regular City Submissions:

| REPORTS and/or DOCUMENTATION | SUBMITTED TO CITY | RETAINED N CLIENT FILES |
|---|---|---|
| Client Verification (Intake) Forms | | |
| Verification of Las Cruces residency | | |
| Monthly Expenditure Report | X | |
| Client List | | |
| Monthly Summary Progress Report | X | |
| Monthly Request for Payment w/back-up documentation | | |
| Final (Annual) Report | X | |

3. Retention and Inspection of Records

a. The Sub-recipient shall retain all records pertinent to expenditures incurred under this Agreement for a period of three (3) years after the termination of all activities funded under this Agreement. Records for non-expendable property acquired with funds under this Agreement shall be retained for three (3) years after final disposition of such property. Records for any displaced person must be kept for three (3) years after he/she has received final payment. Notwithstanding the above, if there is

litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the three-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the three-year period, whichever occurs later.

b. The Sub-recipient agrees to include in first-tier subcontracts under this agreement, a clause substantially the same as paragraph (a) above, "Subcontract," as used in this clause, excludes purchase orders not exceeding $10,000.00

The periods of access and examination in paragraphs (A) and (B) above for records relating to appeals, litigation or settlement of claims arising from the performance of the contract to which the City, HUD, or Comptroller General or any of their duly authorized representatives has taken exception shall continue until disposition of such appeals, litigations, claims, or exceptions.

4. Close-Outs

The Sub-recipient's obligation to the City shall not end until all close-out requirements are completed. Activities during this close-out period shall include, but are not limited to: making final payments, submission of Final Report, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the City), and determining the custodianship of records. Notwithstanding the foregoing, the terms of this Agreement shall remain in effect during any period that the Sub-recipient has control over CDBG funds, including program income.

5. Audits and Inspections

All Sub-recipient records with respect to any matters covered by this Agreement shall be made available to the City, grantor agency, their designees or the Federal Government, at any time during normal business hours, as often as the City or grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data.

One copy of the Sub-recipient's reporting package shall be submitted to the City 30 days after receipt of an auditor's report or 9 months after the end of the audit period, whichever occurs first. The reporting package shall include:

1. Financial statement,
2. Schedule of prior year audit findings,
3. Auditor's report, and
4. Corrective action plan that addresses each audit finding.

Any deficiencies noted in audit reports must be fully cleared by the Sub-recipient within 30 days after receipt by the Sub-recipient. Failure of the Sub-recipient to comply with the above audit requirements will constitute a violation of this Agreement and may result in the withholding of future payments. The Sub-recipient

hereby agrees to have an annual agency audit conducted in accordance with current City policy concerning Sub-recipient audits, and 2 CFR 200 subpart F (Audit Requirements for Federal Awards), as applicable.

**D. Reporting and Payment Procedures**

1. Program Income

In accordance with 24 CFR 570.504, no program income is anticipated by this Agreement by the Sub-recipient. If such program income is collected/awarded, said program income shall be paid to the City.

2. Indirect Costs

If indirect costs are charged, the Sub-recipient will develop an indirect cost allocation plan for determining the appropriate Sub-recipient's share of administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.

3. Payment Procedures

The City will make all payments under this program directly to the contracted vendors consistent with any approved budget and City policy concerning payments. Payments will be made for eligible expenses actually incurred by the project, and not to exceed actual cash requirements. Payments will be adjusted by the City in accordance with advance funds and program income balances available (if any) in Sub-recipient accounts. In addition, the City reserves the right to liquidate funds available under this Agreement for costs incurred by the City on behalf of the Sub-recipient.

4. Monthly Reports

The Sub-recipient shall submit regular Progress Reports by the 15th of each month even if there is no monthly billing. For reports with no payment requested, an indication shall be made in writing "no billing for this month."

**E. Procurement**

1. Compliance

The City shall comply with current City policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this Agreement.

2. Standards

The City shall procure all materials, property, or services in accordance with the requirements of 2 CFR Part 200 Subpart D, Procurement Standards (200.213 – 200.326) and shall subsequently follow 2 CFR part 200 Subpart D, Property Standards (200.310 – 200.316), Property Management Standards, as modified by 24 CFR 570.502 (b) (6) covering utilization and disposal of property.

3. Travel (*Check one)*

The Sub-recipient shall obtain written approval from the City for any travel outside the State of New Mexico, excepting El Paso County, Texas, with funds provided under this agreement.

__X__ Travel is NOT included as part of this Agreement.

F. Use and Reversion of Assets

Upon expiration of this Agreement, the Sub-recipient shall transfer to the Grantee any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. The Grantee and Sub-recipient and Grantee hereby acknowledge that the real property under the Sub-recipient's control that has been acquired or improved in whole or in part with CDBG funds meets the national objective criteria at §570.208 (2), Limited Clientele Activities.

## VIII. PERSONNEL AND PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Sub-recipient agrees to comply with local and state civil rights ordinances and with Title VI of the Civil Rights Act of 1964, as amend; Title VIII of the Civil Rights Act of 1968, as amended; Section 104 (b) and Section 109 of Title I of the Housing and Community Development Act of 1974, as amended; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Age Discrimination Act of 1975; Executive Order 11063; and with Executive Order 11246, as amended by Executive Orders 11375 and 12086.

2. Non-discrimination/EEO-AA Statement

The Sub-recipient agrees to comply with the non-discrimination in employment and contracting opportunities laws, regulations, and executive orders referenced in 24 CFR 570.607, as revised by Executive Order 13279. The applicable non-discrimination provisions in Section 109 of the HCDA are still applicable. Attachment "C" Certification is required of all Sub-recipients as part of the entire Agreement.

3. Land Covenants/ Land Use Restriction Agreement

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and 24 CFR 570.601 and 570.602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Sub-recipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the

United States are beneficiaries of and entitled to enforce such covenants. The Sub-recipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate. See Attachment "A" of this agreement and made a part hereof.

4. Drug-Free Workplace

The Sub-recipient shall maintain a drug-free workplace and so place signs in appropriate places indicating such to clients, staff, and applicants. See Attachment "B" of this agreement and made a part hereof.

5. Section 504

The Sub-recipient agrees to comply with any Federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any Federally assisted program.

6. Americans with Disabilities Act.

a. Contracts to Conduct Programming

The Sub-recipient shall ensure that all programs, services and activities are accessible to and useable by persons with disabilities in accordance with the Americans with Disabilities Act, including but not limited to, equal opportunity to participate and benefit, equally effective communication for persons with speech, hearing or cognitive disabilities, integrated seating and the provision of reasonable modifications and/or accommodations and to maintain, and provide to the City upon request, a record of all such requests received, granted and/or denied and the reason for any denials.

b. Operational Duties and Responsibilities

The Sub-recipient shall post one or more signs containing facility hours, rules, warning signs and emergency telephone numbers, anti-drug policy, EEO, New Mexico Workforce and Fair Housing Posters as appropriate. The Sub-recipient shall make such postings available in alternate formats upon request. The Sub-recipient shall adhere to the City of Las Cruces Communication Policy when publicizing events, activities, programs or services.

c. Bid Specifications for Products, Design and/or Construction

The Sub-recipient shall insure all proposed products, services, or activities contained as a part of this Agreement comply with the requirements of the Americans with Disabilities Act and ADAAG requirements, ANSI Accessibility Guidelines and NMBC Accessibility Requirements (when applicable) to ensure accessibility to persons with disabilities.

**B. Affirmative Action**

1. Approved Plan

The Sub-recipient agrees to be committed to and carry out the City's specifications pursuant to an Affirmative Action Program (AAP) in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. Each Sub-recipient must have an Affirmative Action Plan/Program filed with the City within 30 calendar days of the signing of this Agreement or certify that there is an AAP on file with the City from another activity undertaken by the Sub-recipient within the last five (5) years. State the activity:

If the Sub-recipient does not have an AAP, it must develop one. The Sub-recipient shall develop and submit a plan for approval within 60 calendar days of the signing of the Agreement.

2. Women/Minority Business Enterprises

The Sub-recipient will use its best efforts to afford minority-owned and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this Agreement. As used in this Agreement, the term "minority and female business enterprise" means a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, a "minority group members" are African--Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian-Americans, and Native Americans. The Sub-recipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Sub-recipient shall furnish and cause each of its own Sub-recipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Sub-recipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Sub-recipient's commitments hereunder, and shall post copies of the notice in conspicuous, easily accessible places available to employees and applicants for employment.

5. Sub-contract Provisions

If the Sub-recipient decides to sub-contract part of the scope of work in this Agreement, it must get prior written authorization from the City. The Sub-recipient

also must include the provisions of Attachment "C" (Equal Employment Opportunity/Affirmative Action Clause) of this agreement made a part hereof, in every sub-contract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own sub-contractors.

Additionally, the Sub-recipient will include the Section 3 Clause, in any sub-contract and will take appropriate action pursuant to the sub-contract upon a finding that the sub-contractor is in violation of regulations issued by the grantor agency. The Sub-recipient will not sub-contract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 75 and will not execute any sub-contract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

The Sub-recipient shall furnish and cause each of its own sub-contractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

1. Approvals

The Sub-recipient shall not enter into any sub-contracts with any agency or individual in the performance of this Agreement without the written consent of the City, prior to the execution of such agreement.

2. Monitoring

The Sub-recipient will monitor any sub-contracted services on a regular basis to assure Agreement compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of non-compliance. These reports will be submitted to the City within 45 calendar days of completed correction of the non-compliance matter.

3. Content

The Sub-recipient shall cause all of the provisions of this Agreement in its entirety to be included in and made a part of any sub-contract executed in the performance of this Agreement.

4. Selection Process

The Sub-recipient shall undertake to insure that any sub-contracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all sub-contracts shall be forwarded to the City along with documentation concerning the selection process.

**C. Employment Restrictions**

1. Prohibited Activity

The Sub-recipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities, sectarian or religious activities, lobbying, political patronage, and nepotism activities.

2. Labor Standards

a. The Sub-recipient shall comply with all applicable provisions of the Davis-Bacon Act (40 U.S.C. 201, et. Seq.) and it's implementing labor regulations at 29 CFR Part 5. The Sub-recipient shall also comply with the Contract and Work Hours and Safety Standards Act (40 U.S.C. Section 327-332), Fair Labor Standards Act (29 U.S.C. 201, et seq.) and other Federal laws and regulations pertaining to labor standards and HUD Handbook 1344.2, as applicable.

b. The Sub-recipient shall ensure that the Federal Labor Standards Provision, HUD form 4010, is included in the Bid Documents.

c. During the duration of construction, the Grantee will conduct at least 2 employee interviews monthly and include them with each request for payment to the Grantee.

d. The City will be responsible for the collection of the Certified Payrolls from the Prime Contractor. If there are any Sub-Contractors, it is the responsibility of the Prime Contractor to collect all Certified Payrolls and to deliver them to the Grantee. These payrolls are due no later than 1 week after an employee is paid for a given pay period.

e. When the Grantee receives a pay request from the Prime Contractor, and before payment is made, the Grantee will evaluate for work completed, and ensure Davis Bacon compliance through the Certified Payrolls. At that time, the Grantee, after certifying that the Contractors are in compliance with the Davis Bacon Act will attach the Davis Bacon Compliance Certification form to the pay request. At this time payment can be made to the Prime Contractor. This process is necessary to ensure contractor compliance with the Davis Bacon Act.

2. "Section 3" Clause

The Sub-recipient hereby agrees to comply with "Section 3," regulations set forth in 24 CFR 75. The Sub-recipient further agrees to comply with the "Section 3" requirements and to include the language of Attachment "E", Sections A, B, and D in all sub-contracts executed under the Agreement. The Sub-recipient certifies and agrees that no contractual or other legal incapacity exists which would prevent compliance with these requirements. Sub-recipient shall sign Attachment "E" as a condition of receiving this grant.

3. Copeland "Anti-Kickback" Act:

As applicable, the Sub-recipient shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C. §874), as supplemented by the Department of

**D. Conduct**

1. Assignability

The Sub-recipient shall not assign or transfer any interest in this Agreement without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Sub-recipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals:

The Sub-recipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring:

The Sub-recipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content:

The Sub-recipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process:

The Sub-recipient shall undertake to ensure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis in accordance with applicable procurement requirements. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Assignability

The Sub-recipient shall not assign or transfer any interest in this Agreement without the prior written consent of the City thereto; provided, however, that claims for money due or to become due to the Sub-recipient from the City under this Agreement

may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to

4. Debarment and Suspension

No contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension." This list contains the names of parties debarred, suspended, or otherwise excluded by agencies, and contractors declared ineligible under statutory or regulatory authority other than Executive Order 12549. Contractors with awards that exceed the small purchase threshold shall provide the required certification regarding its exclusion status and that of its principal employees.

5. Hatch Act

The Sub-recipient agrees that no funds provided, nor personnel employed under this Agreement, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of the Title V United State Code.

6. Lobbying

The Sub-recipient hereby certifies that federally appropriated funds have not been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence any award action. Attachment "E" Certification is required of the Sub-recipients as part of the entire Agreement.

7. Conflict of Interest

The Sub-recipient agrees to abide by the provisions of 570.611 including the acknowledgement of the Conflict of Interest Statement in Exhibit "F" made a part of this Agreement.

8. Copyright

If this Agreement results in any copyrightable material or inventions, the City reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for government purposes.

9. Religious Organizations

The Sub-recipient agrees that all funds and/or programs under this Agreement, which includes faith-based organizations, are subject to the requirements specified in 24 CFR Part 570.200 (j), as amended.

10. Federal Changes

The Sub-recipient shall at all times comply with all applicable HUD regulations, policies, procedures and directives, including without limitation those listed directly or by reference by the Master Agreement between the City and HUD, as they may be

amended or promulgated from time to time during the term of the agreement. Sub-recipient's failure to so comply shall constitute a material breach of this contract.

## IX. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Sub-recipient agrees to comply with the following requirements insofar as they apply to the performance of this Agreement:

- Clean Air Act, 42 U.S.C., 7401, *et seq*.;
- Federal Water Pollution Control Act, as amended, 33 U.S.C., 1251, *et seq.*, as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder;
- Environmental Protection Agency (EPA) regulations pursuant to 40 CFR Part 50, as amended.

1) Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001), the Sub-recipient shall assure that for activities located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

## X. WAIVER

The Grantee's failure to act with respect to a breach by the Sub-recipient does not waive its right to act with respect to subsequent or similar breaches. The failure of the Grantee to exercise or enforce any right or provision shall not constitute a waiver of such right or provision.

## XI. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between the Grantee and the Sub-recipient for the use of funds received under this Agreement and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral, or written between the Grantee and the Sub-recipient with respect to this Agreement.

## XII. GOVERNANCE AND SEVERABILITY

**A.** This agreement shall be governed by the laws of the State of New Mexico.

**B**. If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby, and all other parts of this Agreement shall nevertheless be in full force and effect.

**C.** All attachments are part of this Agreement have the same weight and importance as the initial Sections I through VIII.

**D.** All certifications in Attachments "A" through "E" shall be signed by the Sub-recipient as part of this Agreement.

**IN WITNESS WHEREOF,** the parties hereto do mutually execute the Agreement as of the date first written:

Jardin de Los Ninos, Inc.

_____
Signature

Michelle Saenz-Adames
Printed Name

CEO
Title

_____
Date

**CITY OF LAS CRUCES**

_____
Sonya Delgado, Assistant City Manager

APPROVED AS TO FORM:

for BD 8/30/2024

_____
City Attorney

**REQUIRED CERTIFICATIONS FOR EXECUTION AS PART OF THIS AGREEMENT:**

1. Attachment A. Land Use Restrictions Agreement

2. Attachment B. Drug-Free Workplace.

3. Attachment C. EEO/AA Clause.

4. Attachment D. Certification Regarding Lobbying

4. Attachment E. Required City and Federal Clauses and Certifications:

Protest Procedures
Conflicts of Interest
Breaches and Dispute Resolution/ Rights and Remedies
Contracting with Small and Minority Firms, Women's
Business Enterprise and Labor Surplus Area Firms
Bidder's Certification of Energy Conservation, Air Quality and Clean Water Compliance
Retention and Inspection of Records
No Government Obligation to Third Parties
False or Fraudulent Statements of Claims
Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
Lower Tier Covered Transactions
Instructions for Certification
Privacy Act
Termination
State and Local Law Disclaimer
Civil Rights Requirements
Age Discrimination Act
Copeland "Anti-Kickback"
Davis-Bacon Act
Contract Work Hours and Safety Standards Act

# COMMUNITY DEVELOPMENT BLOCK GRANT
# LAND USE RESTRICTION AGREEMENT

THIS LAND USE RESTRICTION AGREEEMENT, dated as of _____2023__, is by and between__Jardin de Los Ninos___(the Lessee) and the City of Las Cruces, a New Mexico municipal corporation.

WITNESSETH:

WHEREAS, the Lessee/Owner operates the Homeless Daycare, a facility (the Project), which is used for daycare and afterschool care for homeless and near-homeless children, located on lands in the City of Las Cruces, County of Dona Ana, State of New Mexico, more particularly described in Exhibit A hereto; and

WHEREAS, the Lessee/Owner applied with the City of Las Cruces for Community Development Block Grant (CDBG) funds from Program Year 2024__ in the amount of $250,000____for the project and has made certain representations to the City about the Project, as to the nature of the project, including the number of Low-Income clients to be served and what the property shall be used for, which the City of Las Cruces relied in considering the application and committing funds to the project; and

WHEREAS, the CDBG regulations at 24 CFR 570.505, Use of Real Property, require that standards of the use of the property apply from the date CDBG funds are first spent for the property; and

WHEREAS, the Lessee/Owner, under this Agreement, intends, declares and covenants the use and occupancy of the Project shall be and are covenants running with the Project land and shall be binding upon all subsequent owners of the Project for such term until there is a change of use granted following the processes outlined below and the City of Las Cruces has filed a Release of this Agreement with the Office of the County Clerk of Dona Ana County.

NOW, THEREFORE, in consideration of the mutual promises and covenants hereinafter set forth, and of other valuable consideration, the Lessee/Owner and the City of Las Cruces agree as follows:

Representations, Covenants and Warranties of the Owner/Lessee

(a) The Owner/Lessee may not change the use or planned use of any such property including beneficiaries of such use from that for which the acquisition or improvement was made unless the Owner/Lessee provides, though coordination with the City's Community Development Department, affected citizens with reasonable notice of, and opportunity to comment on, and proposed change, and either:
    1. The new use of such property qualifies as meeting one of the national objectives in §570.208 (formerly §570.901) and is not a building for the general conduct of government; or
    2. The requirements in paragraph (b) of this section are met.
(b) If the Owner/Lessee determines, after consultation with affected citizens, that it is appropriate to change the use of the property to a use which does not qualify under paragraph (a)(1) of this section, it may retain or dispose of the property for the changed use if the City's CBDG program is reimbursed in the amount of the current fair market value of the property, less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of and improvements to, the property.
(c) If the change in use occurs after closeout, the provisions governing income from the disposition of the real property in §570.504 (b)(4) or (5), as applicable, shall apply to the use of the funds reimbursed.
(d) Following the reimbursement of the CDBG program in accordance with paragraph (b) of the section, the property no longer will be subject to any CDBG requirements.

Miscellaneous

(a) All notices to be given pursuant to the Agreement shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate in writing.

To the City of Las Cruces: City of Las Cruces
Housing & Neighborhood Services
700 N Main St.
Las Cruces, NM 88001

To the Lessee: Jardin de Los Ninos_____
999 W. Amador Ave., Ste E_____
Las Cruces, NM 88005_____
_____

The City and the Lessee may, by notice given hereunder, designate any further or different, addresses to which subsequent notices, certificates or other communications shall be sent.

(b) The Agreement shall be governed by the laws of the State of New Mexico and, where applicable, the laws of the United State of America.

IN WITNESS WHEREOF, the parties have caused this agreement to be signed by their respective duly authorized representatives, as the day and year first written above.

**LESSEE** _____ (SEAL)

By:_____

Its:_CEO_____

State of New Mexico )
City of Las Cruces ) ss.
County of Dona Ana )

This instrument acknowledged before me this _____day of _____, 20__ by _____
of _____ its_____.

**CITY OF LAS CRUCES** (SEAL)

By:_____

Its:_____

State of New Mexico )
City of Las Cruces ) ss.
County of Dona Ana )

This instrument acknowledged before me this _____day of _____, 20__ by _____
of _____ its_____.

APPROVED AS TO FORM

_____for BD 8/30/24__
City Attorney

**ATTACHMENT "B"**

**CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

This certification set out below is a material representation upon which reliance is placed by the City of Las Cruces and the U.S. Department of Housing and Urban Development (HUD) in awarding this Grant. If it is later determined that the Sub-recipient knowingly rendered a false certification or otherwise violates the requirements of the Drug-Free Workplace Act, the City's Community Development Department and/or HUD, in addition to any other remedies available to the federal government, may take action authorized under the Drug-Free Workplace Act. The Sub-recipient will comply with the other provisions of the Act and with other applicable laws.

CERTIFICATION

1. The Sub-recipient certifies that it will provide a drug-free workplace by:

   A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Sub-recipient's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

   B. Establishing an ongoing drug-free awareness program to inform employees about:

      1. The dangers of drug abuse in the workplace;
      2. The Sub-recipient's policy of maintaining a drug-free workplace;
      3. Any available drug counseling, rehabilitation and employee assistance programs; and
      4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

   C. Making it a requirement that each employee be engaged in the performance of the grant is given a copy of the statement required by Paragraph "A."

   D. Notifying the employee in the statement required by Paragraph "A" that, as a condition of employment under the Grant, the employee would:

      1. Abide by the terms of the statement; and
      2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.

   E. Notify the City's Housing & Neighborhood Services section and/or HUD in writing within ten (10) calendar days after receiving notice under Subparagraph (D) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant.

F. Taking one of the following actions, within 30 calendar days of receiving notice under Subparagraph (D) (2), with respect to any employee who is so convicted:

1. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency.

G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E) and (F).

2. The Sub-recipient shall insert in the space provided on the attached "Place of Performance" form the site(s) for the performance of work to be carried out with the Grant funds (including street address, city, county, state, zip code and total estimated number of employees). The Sub-recipient further certifies that, if it is subsequently determined that additional sites will be used for the performance of work under the Agreement, it shall notify the City's Housing & Neighborhood Services section and/or HUD immediately upon the decision to use such additional sites by submitting a revised "Place of Performance" form.

**PLACE OF PERFORMANCE**
**FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS**

**Name of Sub-recipient:** Jardin de Los Ninos, Inc.

**Program Name:** Daycare for Homeless Children_____

**Date: _____**

The Sub-recipient shall insert in the space provided below the site(s) expected to be used for the performance of work under the Grant covered by the certification:

Place of Performance includes street address, city, county, state, zip code for each site:

Check _____ if there are work places on file that are not identified here.

By: _____ Date: _____

**ATTACHMENT "C"**

**EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION CLAUSE FOR CONTRACTS NOT SUBJECT TO EXECUTIVE ORDER 11246**

In carrying out this Agreement, the Sub-recipient and its contractors and subcontractors, if any, shall not discriminate against any employee or applicant for employment because of race, age, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, physical or mental handicap or serious medical condition, or status with regard to public assistance. The Sub-recipient shall take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices shall include, but not be limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Sub-recipient shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Government setting forth the provisions of this non-discrimination clause. The Sub-recipient shall state in all solicitations or advertisement for employees placed by or on behalf of the Sub-recipient that it is an Equal Opportunity or Affirmative Action employer.

By: _____ Date: _____

**ATTACHMENT "D"**

**CERTIFICATION OF**

**RESTRICTIONS ON LOBBYING**

31 U.S.C. 1352; 49 CFR Part 19; & 49 CFR Part 20

I, _Michelle Saenz-Adames_____, hereby certify on behalf of _ Jardin de Los Ninos., that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form- "Disclosure Form to Report Lobbying", in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subgrants, loans, and cooperative agreement) which exceed $100,000, and that all such Sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. As required by 49 CFR part 20, "New Restrictions on Lobbying," I will disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on my behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Executed this _____ day of _____, of 2024.

Company Name: __Jardin de Los Ninos_____

Title of Person Authorized to Sign this Form: _CEO_____

Date: _____

Signature: _____

**ATTACHMENT "E"**

## PROTEST PROCEDURES

Protests concerning this proposal can be filed as per Las Cruces Municipal Code Section 24-286 and 24CFR85.36 (b) (12) (i) (ii). A protestor must exhaust all administrative remedies with the City before pursuing protest with a Federal agency. Reviews of protests by the Federal agency will be limited to:

1. Violations of the City's protest procedures for failure to review a complaint or protests.
2. Violations of Federal law or regulations and the standards of 24CFR85.36

Protests received by a Federal agency other than those specified above will be referred to the City.

Company Name's: Jardin de Los Ninos, Inc.

Title of Person Authorized to Sign this Form: CEO

Date:_____

Signature:_____

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## CONFLICTS OF INTEREST

Based in part on federal regulations 2 CFR 200 and Contract agreement between the Owner and HUD, no employee, officer, or agent of the Owner (HUD grantee) shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,
(ii) Any member of his or her immediate family,
(iii) His or her partner, or
(iv) An organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

(a) The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from Proposers, or parties to sub-agreements. Grantees and subgrantee's may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and sub grantee's officers, employees, or agents or by Proposers or their agents.

(b) The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest. Neither the Owner nor any of its proposers or their sub proposers shall enter into any Contract, subcontract, or agreement, in connection with any Project or any property included or planned to be included in any Project, in which any member, officer, or employee of the Owner, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the Owner was activated, or in any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his/her tenure or for one year thereafter has any interest, direct or indirect.

1. If any such present or former member, officer, or employee of the Owner, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his/her tenure any such interest, and if such interest is immediately disclosed to the Owner and such disclosure is entered upon the minutes of the Owner, the Owner, with the prior approval of the Government, may waive the prohibition contained in this subsection: Provided, That any such present member, officer, or employee of the Owner shall not participate in any action by the Owner relating to such contract, subcontract, or arrangement.

Company Name: Jardin de Los Ninos, Inc.

Title of Person Authorized to Sign this Form: CEO

Date:_____

Signature:_____

## BREACHES AND DISPUTE RESOLUTION

**Applicability to Contracts** - All contracts in excess of $100,000 shall contain provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. This may include provisions for bonding, penalties for late or inadequate performance, retained earnings, liquidated damages or other appropriate measures.

**Flow Down** - The Breaches and Dispute Resolutions requirements flow down to all tiers.

**Disputes** - Disputes arising in the performance of this Contract which are not resolved by agreement of the parties shall be decided in writing by the authorized representative of the City. This decision shall be final and conclusive unless within ten (10) days from the date of receipt of its copy, the Contractor mails or otherwise furnishes a written appeal to the City. In connection with any such appeal, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the City shall be binding upon the Contractor and the Contractor shall abide be the decision.

**Performance During Dispute** - Unless otherwise directed by the City, Contractor shall continue performance under this Contract while matters in dispute are being resolved.

**Claims for Damages** - Should either party to the Contract suffer injury or damage to person or property because of any act or omission of the party or of any of his employees, agents or others for whose acts he is legally liable, a claim for damages therefore shall be made in writing to such other party within a reasonable time after the first observance of such injury of damage.

**Remedies** - Unless this contract provides otherwise, all claims, counterclaims, disputes and other matters in question between the City and the Contractor arising out of or relating to this agreement or its breach will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State in which the City is located.

**Rights and Remedies** - The duties and obligations imposed by the Contract Documents and the rights and remedies available thereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. No action or failure to act by the City or Contractor shall constitute a waiver of any right or duty afforded any of them under the Contract, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

Company Name: Jardin de Los Ninos

Title of Person Authorized to Sign this Form: CEO_____

Date: _____

Signature:_____

**CONTRACTING WITH SMALL AND MINORITY FIRMS,**
**WOMEN'S BUSINESS ENTERPRISE AND LABOR SURPLUS AREA FIRMS**

(1) The Prime Contractor will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.
(2) Affirmative steps shall include:

(i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce.

Company Name: Jardin de Los Ninos
Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature:_____

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**BIDDER'S CERTIFICATION OF ENERGY CONSERVATION**
**AIR QUALITY AND CLEAN WATER COMPLIANCE**

Company/Organization Name: Jardin de Los Ninos, Inc.

The third party Contractor named above hereby certifies compliance with the requirements listed below and regulations issued by the Environmental Protection Agency (EPA), Federal Highway Administration, Federal Transit Administration (FTA) and other agencies of the Federal Government as well as future regulations, guidelines, standards, orders, directives or other requirements that may affect this procurement contract.

The above named Contractor will:

1. Comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C., 7401 et seq.
2. Comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Act, as amended, 33 U.S.C., 1251 et seq.
3. Comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.
4. Report any violation of these requirements by a sub recipient or itself, resulting from completing the required manufacturing and delivery of vehicles included with this contract to HUD and the appropriate United States EPA Regional Office.
5. Agrees to include these requirements in each subcontract exceeding $100,000 financed in whole or in part with assistance provided by HUD.

Company Name: Jardin de Los Ninos

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature: _____

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## RETENTION AND INSPECTION OF RECORDS

A. Jardin de Los Ninos, the City, HUD, or Comptroller General of the United States, or any of their duly authorized representatives shall, until 3 years after final payment under this contract, have access to and the right to examine any of the Proposer's directly pertinent books, documents, papers or other records involving transactions related to this contract for the purpose of making audit, examination, excerpts, and transcriptions.

B. The Proposer agrees to include in first-tier subcontracts under this contract a clause substantially the same as paragraph (a) above, ""Subcontract," as used in this clause, excludes purchase orders not exceeding $10,000.

The periods of access and examination in paragraphs (A) and (B) above for records relating to appeals, litigation or settlement of claims arising from the performance of the contract to which the City, HUD, or Comptroller General or any of their duly authorized representatives has taken exception shall continue until disposition of such appeals, litigation, claims, or exceptions.

**ACCESS TO RECORDS**
The Contractor agrees to provide the Purchaser, the HUD Administrator, the Comptroller General of the United States or any of their authorized representatives access to any books, documents, papers and records of the Contractor which are directly pertinent to the contract for the purposes of making audits, examinations, excerpts and transcriptions.

**FEDERAL CHANGES**
Contractor shall at all times comply with all applicable HUD regulations, policies, procedures and directives, including without limitation those listed directly or by reference by the Master Agreement between the City and HUD, as they may be amended or promulgated from time to time during the term of the contract. Contractor's failure to so comply shall constitute a material breach of this contract.

**COPYRIGHTS AND RIGHTS IN DATA**
The City shall have exclusive ownership of all proprietary interest in, and the right to full and exclusive possession of all information, materials, designs and documents discovered or produced by Proposer pursuant to the terms of the contract, including but not limited to reports, memoranda or letters concerning the research and reporting tasks of the Contract.

Company Name: Jardin de Los Ninos

Title of Person Authorized to Sign this Form: CEO_____

Date: _____

Signature: _____

## NO GOVERNMENT OBLIGATION TO THIRD PARTIES

(1) The City of Las Cruces and Contractor acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations or liabilities to the City of Las Cruces, Contractor, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.
(2) The Contractor agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO _____

Date: _____

Signature:_____

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## FALSE OR FRAUDULENT STATEMENTS OR CLAIMS

The Contractor acknowledges and agrees that:
(1) The Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. §§ 3801 *et seq*. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its activities in connection with the Project. Accordingly, by executing the Grant Agreement or Cooperative Agreement, the Recipient certifies or affirms the truthfulness and accuracy of each statement it has made, it makes, or it may make in connection with the Project covered by the Grant Agreement or Cooperative Agreement. In addition to other penalties that may apply, the Recipient also acknowledges that if it makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986, as amended, on the Recipient to the extent the Federal Government deems appropriate.
(2) If the Recipient makes a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government in connection with an urbanized area formula project financed with Federal assistance authorized for 49 U.S.C. § 5307, the Government reserves the right to impose on the Recipient the penalties of 18 U.S.C. § 1001 and 49 U.S.C. § 5307(n)(1), to the extent the Federal Government deems appropriate

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature: _____

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## CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

**(BEFORE COMPLETING CERTIFICATION, READ ATTACHED NSTRUCTIONS WHICH ARE AN INTEGRAL PART OF THE CERTIFICATION)**

(1) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
(2) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature:_____

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## INSTRUCTIONS FOR CERTIFICATION

1. By signing and submitting this proposal, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Department of Transportation (DOT) may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by HUD.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligible and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the List of Parties Excluded from Procurement or Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in the transaction, in addition to other remedies available to the Federal Government, the DOT may pursue available remedies, including suspension and/or debarment.

## PRIVACY ACT

The Proposer agrees to comply with all applicable terms in the Privacy Act of 1974; will notify the government when the Proposer anticipates operating a system of records on behalf of the government in order to implement the bid if such system contains information about individuals retrievable by the individual's name or other identifier; and will include in any subcontract the Privacy Act notifications above.

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature:_____

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## TERMINATION

**Flow Down**

The termination requirements flow down to all contracts in excess of $10,000, with the exception of contracts with nonprofit organizations and institutions of higher learning.

**a.** **Termination for Convenience (General Provision)** The City may terminate this contract, in whole or in part, at any time by written notice to the Contractor when it is in the Government's best interest. The Contractor shall be paid its costs, including contract close-out costs, and profit on work performed up to the time of termination. The Contractor shall promptly submit its termination claim to the City to be paid the Contractor. If the Contractor has any property in its possession belonging to the City, the Contractor will account for the same, and dispose of it in the manner the City directs.

**b.** **Opportunity to Cure (General Provision)** The City in its sole discretion may, in the case of a termination for breach or default, allow the Contractor [an appropriately short period of time] in which to cure the defect. In such case, the notice of termination will state the time period in which cure is permitted and other appropriate conditions

If Contractor fails to remedy to the City's satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within ten (10) days after receipt by Contractor of written notice from the City setting forth the nature of said breach or default, the City shall have the right to terminate the Contract without any further obligation to Contractor. Any such termination for default shall not in any way operate to preclude the City from also pursuing all available remedies against Contractor and its sureties for said breach or default.

**c.** **Termination for Default (Supplies and Service)** If the Contractor fails to deliver supplies or to perform the services within the time specified in this contract or any extension or if the Contractor fails to comply with any other provisions of this contract, the City may terminate this contract for default. The City shall terminate by delivering to the Contractor a Notice of Termination specifying the nature of the default. The Contractor will only be paid the contract price for supplies delivered and accepted, or services performed in accordance with the manner or performance set forth in this contract.

If, after termination for failure to fulfill contract obligations, it is determined that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the City.

Company Name: Jardin de Los Ninos

Title of Person Authorized to Sign this Form: CEO_____

Date: _____

Signature:_____

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## STATE AND LOCAL LAW DISCLAIMER

**Flow Down** - The Disclaimer has unlimited flow down.

**State and Local Law Disclaimer -** The use of many of the suggested clauses are not governed by Federal law, but are significantly affected by State law.

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature:_____

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**CIVIL RIGHTS REQUIREMENTS**
**29 U.S.C. § 623, 42 U.S.C. § 2000; 42 U.S.C. § 6102, 42 U.S.C. § 12112;**
**42 U.S.C. § 12132, 49 U.S.C. § 5332; 29 CFR Part 1630; & 41 CFR Parts 60 et seq.**

**Flow Down** - The Civil Rights requirements flow down to all third party contractors and their contracts at every tier.

**Civil Rights -** The following requirements apply to the underlying contract:

(1) Nondiscrimination - In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements HUD may issue.

(2) Equal Employment Opportunity - The following equal employment opportunity requirements apply to the underlying contract:

(a) Race, Color, Creed, National Origin, Sex - In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal transit laws at 49 U.S.C. § 5332, the Contractor agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq ., (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The Contractor agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Contractor agrees to comply with any implementing requirements HUD may issue.

(b) Age - In accordance with section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § § 623 and Federal transit law at 49 U.S.C. § 5332, the Contractor agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Contractor agrees to comply with any implementing requirements HUD may issue.

(c) Disabilities - In accordance with section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the Contractor agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements HUD may issue.

(3) The Contractor also agrees to include these requirements in each subcontract financed in whole or in part with Federal assistance provided by HUD, modified only if necessary to identify the affected parties.

**The Remainder Of This Certification Continues on the Next Page**

## AGE DISCRIMINATION ACT

The Contractor shall comply with all the requirements of the Age Discrimination Act of 1975 42 U.S.C. 6101 et seq. or with respect to otherwise qualified handicapped persons as provided in section 504 of The Rehabilitation Act of 1973 29 U.S. C. 794.

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature: _____

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## COPELAND "ANTI-KICKBACK"

Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR part 3). (Applies to all contracts and subgrants for construction or repair)

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO _____

Date: _____

Signature: _____

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## DAVIS-BACON ACT

Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a-7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of $2000 awarded by grantees and sub-grantees when required by Federal grant program legislation)

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO_____

Date: _____

Signature: _____

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## CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts awarded by grantees and sub-grantees in excess of $2000, and in excess of $2500 for other contracts which involve the employment of mechanics or laborers)

Company Name: Jardin de Los Ninos, Inc._____

Title of Person Authorized to Sign this Form: CEO

Date: _____

Signature: _____

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## SECTION 3 CLAUSE – SUBRECIPIENTS AND CONTRACTORS

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 75, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 75 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 Clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 75.

E. The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 75.

F. Noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

**Signatures on next page**

**ATTEST:**

**By: _____ Date: _____**

**By: _____ Date: _____**

Exhibit "2"

# City of Las Cruces
## Capital Improvements Program
## FY 2025-2030

Amended: 10/7/2024

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **ACTIVE TRANSPORTATION** | | **7,044,938** | **(975,000)** | **809,000** | **635,000** | **635,000** | **635,000** | |
| **Active Transportation - Newly Funded** | | **500,000** | - | - | - | - | - | |
| Trails + | Parks and Recreation | 500,000 | | | | | | **Grants** |
| **Active Transportation - Carryover Projects** | | **6,544,938** | **(1,050,000)** | **635,000** | **635,000** | **635,000** | **635,000** | |
| Active Transportation Program | | 5,577,515 | (1,840,000) | 135,000 | 135,000 | 135,000 | 135,000 | **Bonds,** Grants**, Taxes** |
| Active Transportation Projects | Public Works | 4,840,778 | | | | | | **Bonds,** Grants |
| *2024 Legislative Appropriations* | | | *350,000* | | | | | |
| *Pending Design Approval* | | | (2,325,000) | | | | | |
| Pedestrian Safety Improvements | Public Works | 736,737 | 135,000 | 135,000 | 135,000 | 135,000 | 135,000 | **Taxes, Telshor** |
| Dona Ana Move Trail | Parks and Recreation | 400,000 | | | | | | **Grants, Taxes** |
| *2024 Legislative Appropriations ( R )* | | | *290,000* | | | | | |
| Las Cruces Lateral RTP Trail | Parks and Recreation | 467,423 | | | | | | **Grants** |
| Trail Renovations | Parks and Recreation | 100,000 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **Grants**, Taxes |
| **Active Transportation - Future Projects** | | - | **75,000** | **174,000** | - | - | - | |
| Tortugas Trail | Parks and Recreation | | | | | | | Grants |
| *2024 Legislative Appropriations ( R )* | | | *75,000* | | | | | |
| Green Cool Corridors for Bicycles | Sustainability | | | 174,000 | | | | Grants, Taxes |
| **AIRPORT** | | **2,577,509** | **19,107,903** | **15,020,000** | **3,600,000** | **2,700,000** | **24,320,000** | |
| **Airport - Carryover Projects** | | **2,437,709** | - | - | - | - | - | |
| LRU Runway Improvements | Las Cruces Airport | 2,437,709 | | | | | | **Grants,** Taxes |
| LRU Runway 4/22 Rehabilitation | Las Cruces Airport | 2,437,709 | | | | | | **Grants,** Taxes |
| **Airport - Annual Projects** | | **139,800** | **200,000** | **200,000** | **200,000** | **200,000** | **200,000** | |
| LRU Pavement Maintenance Program | Las Cruces Airport | 64,800 | 125,000 | 125,000 | 125,000 | 125,000 | 125,000 | **Taxes** |
| LRU Pavement Striping/Marking Maintenance Program | Las Cruces Airport | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | **Taxes** |
| **Airport - Future Projects** | | - | **18,907,903** | **14,820,000** | **3,400,000** | **2,500,000** | **24,120,000** | |
| LRU Airport Rotating Beacon | Las Cruces Airport | | 170,000 | | | | | Grants, Taxes |
| LRU Airport Automated Weather Observation System (AWOS) | Las Cruces Airport | | 415,000 | | | | | Grants |
| LRU Maintenance Facility Design and Construction | Las Cruces Airport | | 500,000 | | | | | Grants |
| LRU Airline Ground Support Equipment Facility Design & Construction | Las Cruces Airport | | | | | | | Grants |
| LRU Airport Maintenance Equipment | Las Cruces Airport | | 850,000 | | | | | Grants, Taxes |
| LRU Commercial Hangar Design and Construction | Las Cruces Airport | | 2,800,000 | | | | | Grants, Taxes |
| LRU Runway Improvements | Las Cruces Airport | - | 14,172,903 | - | - | - | 12,850,000 | Grants |
| LRU Runways 8/26 and 12/30 Blast Pads | Las Cruces Airport | | 410,000 | | | | | Grants, Taxes |
| LRU Runway 12/30 Extension | Las Cruces Airport | | 13,500,000 | | | | | Grants |
| *2024 Legislative Appropriations ( R )* | | | *262,903* | | | | | |
| Runway 8/26 Extension | Las Cruces Airport | | | | | | 12,850,000 | Grants, Taxes |
| LRU ARFF (Airport Rescue & Fire Fighting) Index B Equip Upgrades | Las Cruces Airport | | | 1,600,000 | | | | Grants, Taxes |
| LRU Passenger Terminal Parking Design and Construction | Las Cruces Airport | | | 1,600,000 | | | | Grants, Taxes |
| LRU Fuel Farm Relocation and Expansion | Las Cruces Airport | | | 1,900,000 | | | | Grants |
| LRU Infrastructure Extensions/Improvements | Las Cruces Airport | | | 4,500,000 | | | | Grants |
| LRU Passenger Terminal Design and Construction | Las Cruces Airport | - | | 5,220,000 | | | | Grants**,** Taxes |
| LRU Taxi Lane Extensions/Improvements | Las Cruces Airport | | | | 3,400,000 | | | Grants |
| LRU Multi-Modal Public Passenger Transit Facility | Las Cruces Airport | | | | | 2,500,000 | | Grants |
| LRU Apron West Rehabilitation | Las Cruces Airport | | | | | | 70,000 | Grants, Taxes |
| LRU East Road Extensions/Improvements | Las Cruces Airport | | | | | | 11,200,000 | Grants |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **ATTAINABLE/AFFORDABLE HOUSING** | | **10,137,334** | **9,975,000** | **4,000,000** | **4,000,000** | **4,000,000** | **4,000,000** | |
| **Attainable/Affordable Housing - Newly Funded Projects** | | **5,872,334** | **-** | **-** | **-** | **-** | **-** | |
| GO Bond 2024 - Affordable Housing Development | Neighborhood Housing | 5,872,334 | | | | | | **Bonds** |
| **Attainable/Affordable Housing - Carryover Projects** | | **4,265,000** | **5,975,000** | **-** | **-** | **-** | **-** | |
| MV Community of Hope - Campus Extension (Amador Crossing) | Neighborhood Housing | 4,265,000 | | | | | | **Grants, Taxes, Telshor** |
| *2024 Legislative Appropriations* | | | *5,975,000* | | | | | |
| **Attainable/Affordable Housing - Future Projects** | | **-** | **4,000,000** | **4,000,000** | **4,000,000** | **4,000,000** | **4,000,000** | |
| MV Community of Hope - Master Plan Implementation | Neighborhood Housing | | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | Grants, Taxes |
| Paseos Verdes | Neighborhood Housing | | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | 2,000,000 | Grants, Bonds, Taxes |
| **CITY OPERATIONAL FACILITIES** | | **346,000** | **8,039,500** | **505,500** | **505,500** | **505,500** | **505,500** | |
| **City Operational Facilities - Newly Funded** | | **346,000** | **-** | **-** | **-** | **-** | **-** | |
| Well Monitoring | Public Works | 346,000 | | | | | | **Telshor** |
| **City Operational Facilities - Annual Projects** | | **-** | **255,500** | **255,500** | **255,500** | **255,500** | **255,500** | |
| Safety, Health, Environmental & Emergency | Facilities Management | - | 255,500 | 255,500 | 255,500 | 255,500 | 255,500 | Taxes |
| Safety, Health, Environmental, & Emergency | Facilities Management | | 255,500 | 255,500 | 255,500 | 255,500 | 255,500 | Taxes |
| **City Operational Facilities - Future Projects** | | **-** | **7,784,000** | **250,000** | **250,000** | **250,000** | **250,000** | |
| General Facilities Improvements | | - | 7,500,000 | - | - | - | - | Bonds, Taxes |
| City Hall Expansion | Facilities Management | | 7,500,000 | | | | | Bonds, Taxes |
| HVAC Upgrade Program | | - | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | Taxes |
| HVAC Upgrade Program | Facilities Management | | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | Taxes |
| Refuse & Recycling Buffer Program | | - | 84,000 | 50,000 | 50,000 | 50,000 | 50,000 | Taxes |
| Refuse & Recycling Buffer Program | Facilities Management | | 84,000 | 50,000 | 50,000 | 50,000 | 50,000 | Taxes |
| **EQUIPMENT & IT** | | **-** | **137,000** | **92,000** | **92,000** | **-** | **-** | |
| **Equipment & IT - Future Projects** | | **-** | **137,000** | **92,000** | **92,000** | **-** | **-** | |
| Audio and Visual Equipment Upgrades for City Hall | Facilities Management | | 137,000 | 92,000 | 92,000 | | | Taxes |
| **NON-PROFIT** | | **6,017,040** | **15,850,746** | **1,300,000** | **-** | **-** | **-** | |
| **Non-Profit - Carryover Projects** | | **6,017,040** | **13,580,000** | **500,000** | **-** | **-** | **-** | |
| Arts and Cultural District Improvements | Non-Profit | 1,875,623 | | | | | | **Bonds, Taxes** |
| MV Community of Hope - Building 1, Solar Project | Non-Profit | 400,000 | 600,000 | | | | | **Grants** |
| MV Community of Hope - Expansion Remodel | Non-Profit | 1,171,268 | 500,000 | 500,000 | | | | **Grants** |
| MVCoH Flooring | Non-Profit | 10,317 | | | | | | **Grants** |
| MVCoH Health Facility | Non-Profit | 164,832 | 330,000 | - | - | - | - | **Grants** |
| MVCoH Health Facility Improvements | Non-Profit | 164,832 | 330,000 | | | | | **Grants** |
| MV Community of Hope - Jardin de los Niños Re-Roof | Non-Profit | 528,500 | 150,000 | | | | | **Grants** |
| MV Community of Hope - The Kitchens | Non-Profit | 1,866,500 | 10,850,000 | | | | | **Grants** |
| *2024 Legislative Appropriations* | | | *1,150,000* | | | | | |
| **Non-Profit - Future Projects** | | **-** | **2,270,746** | **800,000** | **-** | **-** | **-** | |
| Children's Museum Facility | Quality of Life | - | | | | | | Grants |
| *2024 Legislative Appropriations ( R )* | | | *690,746* | | | | | |
| La Casa, Inc. Safety and Security Improvements | Non-Profit | | - | | | | | Grants |
| *2024 Legislative Appropriations* | | | *580,000* | | | | | |
| MVCoH Patio to Office Remodel | Non-Profit | | 1,000,000 | | | | | Grants |
| MV Community of Hope - Jardin de los Niños Security Improvements | Non-Profit | | | 200,000 | | | | Grants |
| MVCoH Solar Parking Structure | Non-Profit | | | 600,000 | | | | Grants |
| **OTHER** | | **2,736,816** | **7,235,000** | **1,755,000** | **1,755,000** | **1,755,000** | **1,755,000** | |
| **Other - Carryover Projects** | | **2,736,816** | **280,000** | **280,000** | **280,000** | **280,000** | **280,000** | |
| GO Bond - ARPA | Public Works | 435,047 | | | | | | **Bonds** |
| Villa Mora Dam Park Study | Parks and Recreation | 250,000 | | | | | | **Bonds** |
| Downtown Shade Structures | Economic Development | 600,000 | | | | | | **Bonds, Taxes** |
| Mesquite Historical District Renovations | Public Works | 1,025,000 | | | | | | **Grants** |
| Senior Programs Kitchen Equipment/Senior Programs Vehicles | Quality of Life | 426,769 | 280,000 | 280,000 | 280,000 | 280,000 | 280,000 | Taxes, **Grants** |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **Other - Future Projects** | | **-** | **6,955,000** | **1,475,000** | **1,475,000** | **1,475,000** | **1,475,000** | |
| General Facilities Improvements | | - | 145,000 | - | - | - | - | Grants, Taxes |
| Senior Programs Master Plan | Quality of Life | | 145,000 | | | | | Grants, Taxes |
| LCIIP Gateway Signage & Pocket Park | Economic Development | - | 335,000 | | | | | Bonds, Grants, **Taxes** |
| LCIIP Infrastructure Improvements | Economic Development | | 5,000,000 | | | | | Other |
| Safety, Health, Environmental & Emergency | | - | 1,475,000 | 1,475,000 | 1,475,000 | 1,475,000 | 1,475,000 | Taxes |
| City Vacant /Abandoned Lots | Facilities Management | | 825,000 | 825,000 | 825,000 | 825,000 | 825,000 | Taxes |
| Rehabilitation and Demolition of Vacant/Condemned Buildings | Facilities Management | | 650,000 | 650,000 | 650,000 | 650,000 | 650,000 | Taxes |
| **PARK IMPROVEMENTS** | | **13,329,488** | **10,675,485** | **67,575,000** | **4,100,000** | **4,101,000** | **4,101,000** | |
| **Park Improvements - Newly Funded** | | **804,215** | **550,000** | **-** | **-** | **-** | **-** | |
| Benavidez Community Center Park Improvements | Parks and Recreation | 734,599 | 1,265,401 | | | | | Bonds, **Grants**, **PIF,** Taxes |
| Park Construction/Enhancements | Parks and Recreation | 400,000 | | | | | | **Telshor** |
| Soldados Field Restroom | Parks and Recreation | 404,215 | 550,000 | | | | | Grants, Bonds, **PIF**, Taxes |
| **Park Improvements - Carryover Projects** | | **8,452,023** | **2,689,494** | **125,000** | **-** | **-** | **-** | |
| A. Fielder Memorial Safe Haven Renovations | Parks and Recreation | 43,400 | | | | | | **Taxes** |
| Apodaca Park Aquatic Playground and Multi-Use Path | Parks and Recreation | 1,387,484 | | | | | | **Grants,Taxes, PIF** |
| Chandler Tank Park | Parks and Recreation | 1,071,192 | | | | | | **PIF, Taxes** |
| Gallagher Park Improvements | Parks and Recreation | 26,377 | | | | | | **Other** |
| Highland Park | | 2,027,275 | | | | | | **Bonds , Other , PIF** |
| GO Bond 2018- Park & Sport Field Improvements & Additions | Public Works | 30,874 | | | | | | **Bonds** |
| GO Bond 2022- Parks Improvements | Public Works | 1,915,919 | | | | | | **Bonds** |
| GO Bond 2018 - Walking, Jogging, Biking Trails Improvements & Additions | Public Works | 4,413 | | | | | | **Bonds** |
| Klein Park Improvements | Parks and Recreation | 210,000 | | | | | | **Grants,** PIF |
| Parks and Recreational Facilities Structural Renovations | Parks and Recreation | 300,000 | 585,000 | 125,000 | | | | **Grants, Taxes** |
| *2024 Legislative Appropriations (Lift Up)* | | | *100,000* | | | | | |
| Park Drinking Fountains | Parks and Recreation | 279,326 | 55,000 | | | | | Grants, **Taxes** |
| Pioneer Women's Park improvements | Parks and Recreation | 660,000 | | | | | | **Grants** |
| *2024 Legislative Appropriations ( R )* | | | *175,669* | | | | | |
| Skate Park Renovation & Improvements | Parks and Recreation | 248,263 | | | | | | **Grants, PIF** |
| *2024 Legislative Appropriations ( R )* | | | *773,825* | | | | | |
| Veteran's Memorial Park Enhancements | Parks and Recreation | 247,500 | 1,000,000 | | | | | **ARPA, Bonds, Grants, Taxes** |
| **Park Improvements - Annual Projects** | | **4,073,250** | **4,249,000** | **4,250,000** | **4,100,000** | **4,101,000** | **4,101,000** | |
| Parks Shade Structures | | 23,250 | 24,000 | 25,000 | 25,000 | 26,000 | 26,000 | **Taxes** |
| Park Structure Replacement | Parks and Recreation | 23,250 | 24,000 | 25,000 | 25,000 | 26,000 | 26,000 | **Taxes** |
| Playground Renovations | Parks and Recreation | 1,500,000 | 1,825,000 | 1,825,000 | 1,825,000 | 1,825,000 | 1,825,000 | Grants, **Telshor** |
| Legacy Park Renovations | Parks and Recreation | 2,550,000 | 2,400,000 | 2,400,000 | 2,250,000 | 2,250,000 | 2,250,000 | ARPA, Bonds, Grants, PIF, Taxes,**Telshor** |
| **Park Improvements - Future Projects** | | **-** | **3,186,991** | **63,200,000** | **-** | **-** | **-** | |
| Albert Johnson Park Electrical Improvements | Parks and Recreation | | 70,000 | | | | | Taxes, Grants |
| Ballfield/Multi-Use Field Renovations & Upgrades | Parks and Recreation | | 144,000 | 3,200,000 | | | | ARPA, Bonds, Grants, Taxes |
| *2024 Legislative Appropriations ( R )* | | | *662,991* | | | | | |
| Soldados Field Lighting | Parks and Recreation | | 1,200,000 | | | | | Grants, Bonds, PIF, Taxes |
| Light Poles at Maag | Facilities Management | | 1,010,000 | | | | | Bonds, Grants, Taxes |
| Valley View Park - Heske Garden Lighting Replacement | Parks and Recreation | | 100,000 | | | | | Grants |
| Multi-Use Recreation Center | Parks and Recreation | | | 60,000,000 | | | | Bonds, Grants, Taxes |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **PARKS - NEW** | | **9,457,126** | **3,600,000** | **8,855,000** | **1,500,000** | **2,700,000** | **1,500,000** | |
| **Parks - New - Carryover Projects** | | **6,032,797** | **800,000** | **500,000** | **500,000** | **500,000** | **500,000** | |
| GO Bond 2022- East Mesa Public Recreation Complex | Public Works | 3,316,762 | | | | | | **Bonds** |
| E. Mesa Public Recreational Complex | Public Works | 2,096,221 | | | | | | **Bonds, PIF,** Grants |
| *2024 Legislative Appropriations* | | | *300,000* | | | | | |
| Metro Verde Neighborhood Parks | Parks and Recreation | 619,814 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **PIF** |
| **Parks - New - Annual Projects** | | **3,424,329** | **1,000,000** | **1,000,000** | **1,000,000** | **1,000,000** | **1,000,000** | |
| Land Acquisition, Planning, and Design for Parks | Parks and Recreation | 1,919,000 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **Taxes** |
| Neighborhood Parks | | 614,709 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **PIF** |
| Neighborhood Parks | Parks and Recreation | 614,709 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **PIF** |
| New Skate Park- Plan and Design | Parks and Recreation | 445,310 | | | | | | **Grants** |
| **Parks - New - Future Projects** | | **-** | **1,800,000** | **7,355,000** | **-** | **1,200,000** | **-** | |
| *2024 Legislative Appropriations ( R )* | | | *100,000* | | | | | |
| Bike Park/Trail | Parks and Recreation | | 1,700,000 | 1,400,000 | | | | ARPA, Bonds, Grants, PIF |
| Four Field Baseball/Softball Complex | Parks and Recreation | | | 5,955,000 | | | | Grants, Taxes |
| Waterfalls Park | Parks and Recreation | | | | | 1,200,000 | | Grants, Bonds, PIF, Taxes |
| **PUBLIC FACILITIES** | | **17,572,163** | **30,308,013** | **32,438,796** | **12,387,396** | **38,988,396** | **13,382,396** | |
| **Public Facilities - Carryover Projects** | | **1,311,506** | **4,000,000** | **-** | **-** | **-** | **-** | |
| Branigan Cultural Center Improvements | Quality of Life | 260,232 | 1,000,000 | | | | | **Taxes**, TIDD |
| GO Bond 2018 - New Animal Shelter Facility | Public Works | 33,520 | | | | | | **Bonds** |
| GO Bond 2022- Public Art | Quality of Life | 340,000 | | | | | | **Bonds** |
| Public Art Program | Quality of Life | 97,199 | | | | | | **Grants** |
| Regional Rec & Aquatic Cntr - Ph II - Community Pool Construction | Parks and Recreation | 33,476 | | | | | | **Bond** |
| Various Park Restroom Replacement/Repairs & Upgrades | Parks and Recreation | 580,555 | 3,000,000 | | | | | **Grants** |
| **Public Facilities - Annual Projects** | | **16,260,657** | **7,997,017** | **18,639,700** | **2,054,700** | **6,039,700** | **6,039,700** | |
| ADA Compliance | Facilities Management | | 101,200 | 101,200 | 101,200 | 101,200 | 101,200 | **Taxes** |
| Convention Center FF&E | Facilities Management | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | **Taxes** |
| Downtown Parking Lots Renovation | Facilities Management | 2,199,404 | 280,500 | 280,500 | 280,500 | 280,500 | 280,500 | **TIDD** |
| Downtown Parking Lot Program | Facilities Management | 2,199,404 | 280,500 | 280,500 | 280,500 | 280,500 | 280,500 | **TIDD** |
| Roof Replacement Program | Facilities Management | 2,255,000 | 438,000 | - | - | - | - | **Other** |
| Meerscheidt Center Re-roof | Facilities Management | 540,000 | | | | | | **Bonds** |
| Municipal Court Re-roof | Facilities Management | 350,000 | | | | | | **Bonds** |
| Railroad Museum Re-roof | Facilities Management | 150,000 | | | | | | **Bonds,** Grants, Taxes |
| Rio Grande Theater Re-roof | Facilities Management | 400,000 | 118,000 | | | | | **TIDD** |
| Museum of Art and Museum of Nature and Science Re-roof | Facilities Management | 815,000 | | | | | | |
| Roof Inspections | Facilities Management | - | 100,000 | | | | | Taxes |
| Police Department Main Building - Re-roof | Facilities Management | | 110,000 | | | | | Taxes |
| Police Department Academy - Re-roof | Facilities Management | | 110,000 | | | | | Taxes |
| Parks Parking Lots | | 2,403,013 | - | - | - | - | - | **Grants, Taxes** |
| BMX Track Parking Lot & ADA Improvements | Parks and Recreation | 1,275,000 | - | - | - | - | - | **Grants, Taxes** |
| Paz Ball Field Parking Lot Improvements | Parks and Recreation | 650,000 | | | | | | **Taxes** |
| Tony Gomez Park Parking Lot Improvements | Parks and Recreation | 200,000 | | | | | | **Grants** |
| Veterans' Park Parking Lot | Parks and Recreation | 278,013 | | | | | | **Grants, Taxes** |
| Safety, Health, Environmental & Emergency | | 8,448 | 1,015,500 | 330,500 | 345,500 | 330,500 | 330,500 | **Grants, Taxes** |
| City Hall Security Upgrades | Facilities Management | 8,448 | 270,500 | 255,500 | 270,500 | 255,500 | 255,500 | **Taxes** |
| Parks Sidewalk Replacement | Facilities Management | - | 75,000 | 75,000 | 75,000 | 75,000 | 75,000 | Grants, Taxes |
| Fire Alarm & Security Upgrades | Facilities Management | | 670,000 | | | | | Taxes |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| General Facilities Improvements Program | | 9,319,792 | 5,179,317 | 17,100,000 | 1,000,000 | 5,000,000 | 5,000,000 | **Bonds, Grants, Taxes, Telshor** |
| General Facilities Improvements | Facilities Management | 1,000,000 | | | | | | **Telshor** |
| Amador Hotel Renovation | Quality of Life | 2,989,993 | 1,000,000 | 1,000,000 | 1,000,000 | 5,000,000 | 5,000,000 | **Taxes, TIDD** |
| *2024 Legislative Appropriations ( R )* | | | *74,783* | | | | | |
| Benavidez Center Renovations | Quality of Life | 126,225 | - | | | | | **Grants,** Taxes |
| Branigan Library - Expansion Phase II/Branch | Quality of Life | 77,808 | 1,750,000 | 15,750,000 | | | | **Grants**, Taxes |
| Communication and Cashier Offices Construction | Facilities Management | 398,900 | | | | | | **Taxes** |
| Frank O'Brien Papen Center Dining Room Floor | Quality of Life | 35,000 | | | | | | **Grants** |
| Meerscheidt Center | Facilities Management | 2,000,000 | | | | | | **Bonds** |
| Meerscheidt Recreation Center Improvements | Parks and Recreation | 157,678 | | | | | | **Taxes** |
| Munson Senior Center Renovations | Quality of Life | 2,279,375 | | | | | | **Grants**, Taxes |
| Museum of Nature and Science - Improvements | Quality of Life | 254,813 | 75,000 | 175,000 | - | - | - | **Grants, Taxes** |
| Atrium Redesign | Quality of Life | 44,813 | | | | | | **Grants** |
| Technology Improvements | Quality of Life | 210,000 | | | | | | **TIDD** |
| Nature Center Redesign | Quality of Life | | 75,000 | 175,000 | | | | Grants, Taxes |
| Sage Café Expansion | Quality of Life | - | 2,204,534 | | | | | Taxes |
| *2024 Legislative Appropriations ( R )* | | | 840,119 | | | | | |
| **Public Facilities - Future Projects** | | **-** | **18,310,996** | **13,799,096** | **10,332,696** | **32,948,696** | **7,342,696** | |
| Generator Buffer Program | Facilities Management | - | 50,000 | 15,000 | 15,000 | 15,000 | 15,000 | Taxes |
| Generator Buffer Program | Facilities Management | | 50,000 | 15,000 | 15,000 | 15,000 | 15,000 | Taxes |
| Veterans Memorial Park Restroom Plumbing Repairs and Upgrades | Parks and Recreation | | 134,000 | | | | | Grants, Taxes |
| HVAC Upgrade Program | Facilities Management | | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | Taxes |
| Generator Replacement Program | Facilities Management | - | 40,500 | 463,000 | 40,500 | 40,500 | 40,500 | Taxes |
| Generator Replacement Program | Facilities Management | | 40,500 | 40,500 | 40,500 | 40,500 | 40,500 | Taxes |
| Sage Café Backup Generator | Quality of Life | | | 422,500 | | | | Grants, Taxes |
| Parks and Recreational Facilities Structural Renovations | Parks and Recreation | | 685,000 | 125,000 | | | | Other |
| Eastside Senior Center Purchase and Renovation | Quality of Life | | 775,000 | 1,000,000 | | | | Grants |
| General Facilities Improvements | | - | 12,818,996 | 11,243,596 | 9,784,696 | 32,440,696 | 6,834,696 | Grants, Bonds, Taxes |
| City Hall Furnishings | Facilities Management | - | 80,000 | 80,000 | 80,000 | 80,000 | 80,000 | Taxes |
| Museum of Art Improvements | Quality of Life | | 130,000 | 485,000 | 200,000 | | | Grants, Taxes |
| Frank O'Brien Papen Community Center | Facilities Management | | 224,400 | 224,400 | | | | Taxes |
| WIA Rehabilitation | Facilities Management | | 236,470 | 151,470 | 156,470 | 151,470 | 156,470 | Taxes |
| Railroad Museum Exterior Improvements | Quality of Life | | 249,900 | | | | | Grants, Taxes |
| Hadley Ave Complex Recreation Rehabilitation | Parks and Recreation | | 315,000 | 3,185,000 | | | | Grants, Other |
| Munson Center Floor | Quality of Life | | 750,000 | | | | | Grants, Taxes |
| Plugged in for Good Community Energy Center | Sustainability | | 1,215,000 | | | | | Grants |
| Municipal Court Rehabilitiation | Facilities Management | | 6,618,226 | 6,618,226 | 6,598,226 | 6,598,226 | 6,598,226 | Bonds, Grants, Taxes |
| Museum of Art/MoNaS Remodel | Quality of Life | | 3,000,000 | | | 15,000,000 | | Grants, Bonds, Taxes |
| Branigan Library Renovation | Facilities Management | | | 249,500 | 2,750,000 | 1,111,000 | | Grants, Bonds, Taxes |
| Munson Center Bathrooms | Quality of Life | | | 250,000 | | | | Grants, Taxes |
| Museum Collections Storage Facility | Quality of Life | | | | | 9,500,000 | | Bonds, Grants, Taxes |
| Facility Parking Lot Program | Facilities Management | | 907,500 | 752,500 | 252,500 | 252,500 | 252,500 | Taxes |
| Facility Parking Lot Program | Facilities Management | | 907,500 | 752,500 | 252,500 | 252,500 | 252,500 | Taxes |
| Solar Array | RoadRunner Transit | | 2,700,000 | | | | | Grants |
| New Sand Volleyball Courts | Parks and Recreation | | | | 40,000 | | | Grants, Taxes |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **PUBLIC SAFETY** | | **13,772,483** | **13,036,000** | **1,340,000** | **14,925,000** | **57,000,000** | **-** | |
| **Public Safety - Carryover Projects** | | **13,772,483** | **7,950,500** | **-** | **-** | **-** | **-** | |
| Fire Station Maintance and Improvements | Fire Department | 382,689 | 950,000 | - | - | - | - | **Grants** |
| Fire Dept. Administration Building Improvements | Fire Department | 82,689 | | | | | | **Grants** |
| Fire Station 2 Bay Remodel | Fire Department | 100,000 | | | | | | **Grants** |
| Fire Station 6 Repairs | Fire Department | 100,000 | | | | | | **Grants** |
| Fire Station 5 | Fire Department | 100,000 | | | | | | **Grants** |
| Fire Department CIT and MIH Building | Fire Department | 51,638 | 1,450,000 | | | | | **ARPA**, Grants |
| *2024 Legislative Appropriations* | | | *2,550,000* | | | | | |
| Fire Station 9 | Fire Department | 11,735,615 | 1,100,000 | | | | | **Bonds,** Grants, **Telshor** |
| GO Bond 2022 - New Fire Station | Fire Department | 9,514,372 | | | | | | **Bonds** |
| *2024 Legislative Appropriations* | | | *100,000* | | | | | |
| GO Bond 2018 - New Fire Station No. 3 Building | Fire Department | 19,407 | | | | | | **Bonds** |
| Police Department Building Renovation | Police Department | 15,134 | 400,000 | | | | | **Grants, Taxes** |
| Police Department Equipment | Police Department | 468,000 | 500,500 | - | - | - | - | **Grants** |
| Public Safety Regional Radio Communication System | Police Department | 468,000 | 500,500 | | | | | **Grants** |
| Safety, Health, Environmental & Emergency | | 1,100,000 | 900,000 | - | - | - | - | Grants |
| Real Time Crime Center (RTCC) | Police Department | 1,100,000 | 250,000 | | | | | **Grants** |
| *2024 Legislative Appropriations* | | | *650,000* | | | | | |
| **Public Safety - Annual Projects** | | **-** | **1,340,000** | **1,340,000** | **240,000** | **-** | **-** | |
| Fire Department Vehicles and Equipment | Fire Department | | 1,100,000 | 1,100,000 | | | | Bonds |
| Fire Station equipment | Fire Department | | 240,000 | 240,000 | 240,000 | | | Grants |
| **Public Safety - Future Projects** | | **-** | **3,745,500** | **-** | **14,685,000** | **57,000,000** | **-** | |
| Police North Parking Lot Fencing | Police Department | | 20,000 | | | | | Taxes |
| Solar Canopy protective screen | Police Department | | 20,000 | | | | | Taxes |
| Police Parking Lot Resurfacing | Police Department | | 25,000 | | | | | Taxes |
| Public Safety Vehicle SWAT Command Vehicle | Police Department | | 100,000 | | | | | Grants |
| Public Safety Vehicles - Bearcat | Police Department | | 350,000 | | | | | Grants |
| Public Safety Vehicle - Rook | Police Department | | 450,000 | | | | | Grants |
| Police Department Mobile Operation Command Vehicle | Police Department | | 750,000 | | | | | Grants |
| Police Department Equipment | Police Department | - | 800,500 | - | 2,100,000 | - | - | Grants, PSIF, Taxes |
| Technology Equipment | Police Department | | 100,000 | | | | | Grants, Taxes |
| Police Department Equipment - Mobile Data Terminals | Police Department | | 500,500 | | | | | Grants |
| Police/Fire Training Facility - Furniture, Fixtures, and Equipment | Police Department | | | | 2,100,000 | | | Grants, PSIF, Taxes |
| Public Safety Smart Technology | Police Department | | 200,000 | | | | | Grants |
| Police Emergency Vehicles | Police Department | | 1,230,000 | | | | | Grants, PSIF, Taxes |
| Police/Fire Training Facility - Design/Construct | Police Department | | | | 6,900,000 | | | Bonds, Grants, PSIF, Taxes |
| Southwest Station Build | Fire Department | | | | 5,685,000 | | | Other |
| Downtown Public Safety Complex | Police Department | | | | | 57,000,000 | | Bonds, Taxes |
| **PUBLIC TRANSIT** | | **15,400,779** | **5,421,800** | **3,340,000** | **70,000** | **70,000** | **70,000** | |
| **Public Transit - Carryover Projects** | | **15,370,297** | **-** | **-** | **-** | **-** | **-** | |
| Active Transportation | | 15,370,297 | - | - | - | - | - | **Grants, Taxes** |
| Municipal Service Center - Transit | RoadRunner Transit | 15,370,297 | | | | | | **Grants, Taxes** |
| **Public Transit - Annual Projects** | | **30,482** | **75,000** | **190,000** | **70,000** | **70,000** | **70,000** | |
| Active Transportation | | 30,482 | 75,000 | 190,000 | 70,000 | 70,000 | 70,000 | **Grants** |
| Transit Facilities Improvement Program | RoadRunner Transit | 30,482 | 75,000 | 190,000 | 70,000 | 70,000 | 70,000 | **Grants** |
| **Public Transit - Future Projects** | | **-** | **5,346,800** | **3,150,000** | **-** | **-** | **-** | |
| Resiliency | | - | 5,346,800 | 3,150,000 | - | - | - | Grants |
| Battery Storage | RoadRunner Transit | | | 3,150,000 | | | | Grants |
| MVITT Inductive Charging | RoadRunner Transit | | 5,346,800 | | | | | Grants |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **RESILIENCY** | | **6,882,274** | **1,000,000** | **500,000** | **500,000** | **500,000** | **500,000** | |
| **Resiliency - Carryover Projects** | | **214,152** | **-** | **-** | **-** | **-** | **-** | |
| Resiliency | | 214,152 | - | - | - | - | - | **Bonds** |
| Solar Energy Photo Voltaic Projects | Sustainability | 214,152 | | | | | | **Bonds** |
| **Resiliency - Annual Projects** | | **6,668,122** | **600,000** | **500,000** | **500,000** | **500,000** | **500,000** | |
| Resiliency Program | | 6,668,122 | 600,000 | 500,000 | 500,000 | 500,000 | 500,000 | **Other, Taxes** |
| Resiliency | P&I | 1,390,000 | | | | | | |
| Drainage Infrastructure Improvements | Public Works | 3,568,122 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **Other** |
| Storm Water System Mapping | Public Works | 100,000 | 100,000 | | | | | **Other, Taxes** |
| Casa Linda Acres Reconstruction | Public Works | 650,000 | | | | | | **Bonds** |
| East Mesa Roads and Drainage (Cortez Rd) | Public Works | 960,000 | | | | | | **Bonds** |
| **Resiliency - Future Projects** | | **-** | **400,000** | **-** | **-** | **-** | **-** | |
| DC Fast Chargers for Electric Vehicles | Sustainability | | 200,000 | | | | | Grants, Taxes |
| Public Electric Vehicle Chargers | Sustainability | | 200,000 | | | | | Grants, Taxes |
| **STREETS - NEW** | | **-** | **40,424,000** | **8,424,000** | **-** | **-** | **-** | |
| **Streets - New - Future Projects** | | **-** | **40,424,000** | **8,424,000** | **-** | **-** | **-** | |
| High Mesa Road | Economic Development | | 32,000,000 | | | | | Grants, Bonds, Taxes |
| Transit Loop Road | Economic Development | | 8,424,000 | 8,424,000 | | | | Grants, Bonds, Taxes |
| **STREETS IMPROVEMENTS** | | **45,866,792** | **41,390,376** | **33,838,200** | **28,619,000** | **26,225,000** | **36,715,000** | |
| **Streets Improvements - Carryover Projects** | | **21,806,429** | **5,280,000** | **600,000** | **600,000** | **600,000** | **600,000** | |
| Bellamah Drive - Lees Drive to Luna Street | Public Works | 1,983,277 | | | | | | **Bonds, Taxes** |
| Casa Linda Acres Reconstruction | Public Works | 2,984,760 | | | | | | **ARPA, Taxes** |
| Downtown Street Improvements | | 6,986,630 | - | - | - | - | - | **TIDD** |
| Campo Street Design and Reconstruct | Public Works | 6,986,630 | - | | | | | **TIDD** |
| East Mesa Recreation Complex Roads | Public Works | 385,364 | | | | | | **Bonds, Taxes** |
| Madrid Ave Extension - Evelyn St to N Triviz Dr | Public Works | 2,832,250 | | | | | | **Bonds, Grants, Taxes** |
| *Active Transportation* | | | *1,000,000* | | | | | *Bonds* |
| Midway Ave - Gas Line Rd to Mesa Dr. | Public Works | 344,301 | | | | | | **Bonds, Taxes** |
| South Main St - Avenida de Mesilla to Boutz | Public Works | 3,299,983 | | | | | | **Bonds, Grants, Taxes** |
| *Active Transportation* | | | *1,000,000* | | | | | *Bonds* |
| Telshor Spruce Intersection Improvements | Public Works | 391,160 | 2,200,000 | | | | | **Grants, Bonds, Taxes** |
| University Ave. Complete Street Improvements-Design | Public Works | 385,770 | 480,000 | | | | | **Grants** |
| Unpaved Roads | Public Works | 250,000 | | | | | | **Taxes** |
| Voluntary Assessment District Phase II | Public Works | 1,330,313 | | | | | | **Bonds** |
| **Streets Improvements - Annual Projects** | | **24,060,363** | **15,486,552** | **17,715,000** | **17,715,000** | **13,215,000** | **13,215,000** | |
| Complete Streets Program | | 7,660,000 | 2,479,500 | 4,500,000 | 4,500,000 | - | - | **Bonds** |
| Complete Streets | | 6,323,563 | | | | | | |
| East Mesa Roads and Drainage (Cortez Rd) | Public Works | 1,100,000 | | | | | | **Bonds** |
| University Area Complete Streets- Design Study | Public Works | 236,437 | 500,000 | 4,500,000 | 4,500,000 | | | **Grants,** Bonds, Taxes |
| Idaho Ave. | Public Works | | | | | | | Grants, Bonds, Taxes |
| El Paseo Rd. | Public Works | | | | | | | Grants, Bonds, Taxes |
| Melendres Ave - Hadley to Picacho | Public Works | | | | | | | Bonds, Taxes |
| *Pending Design Approval* | | | *1,979,500* | | | | | |
| East Mesa Roads and Drainage (Cortez Rd) | Public Works | 1,710,493 | 292,052 | 500,000 | 500,000 | 500,000 | 500,000 | **Grants, Bonds, Taxes** |
| *2024 Legislative Appropriations ( R )* | | | *292,052* | | | | | |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| Lift Up Las Cruces - Streets Improvements | Public Works | 567,774 | 600,000 | 600,000 | 600,000 | 600,000 | 600,000 | **Bonds, Taxes** |
| M.A.P. Match | Public Works | 65,000 | 150,000 | 150,000 | 150,000 | 150,000 | 150,000 | **Taxes** |
| Materials Testing | Public Works | 240,000 | 240,000 | 240,000 | 240,000 | 240,000 | 240,000 | **Taxes** |
| CO-OP Match | Public Works | 80,000 | 80,000 | 80,000 | 80,000 | 80,000 | 80,000 | **Taxes** |
| Land Acquisition - Public Works | Public Works | 350,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | **Taxes** |
| Flood Control | | 250,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | **Taxes** |
| Rights of Way | | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | **Taxes** |
| Median Landscaping | Parks and Recreation | 1,127,844 | 1,120,000 | 1,120,000 | 1,120,000 | 1,120,000 | 1,120,000 | **Grants,** Taxes |
| Median Improvements | Parks and Recreation | 715,888 | | | | | | **Taxes** |
| Lohman Ave & Roadrunner Parkway Medians | Parks and Recreation | 411,956 | - | - | - | - | - | **Grants** |
| Neighborhood Traffic Calming Program | Public Works | 60,000 | 60,000 | 60,000 | 60,000 | 60,000 | 60,000 | **Taxes** |
| Neighborhood Traffic Calming Program | Public Works | 60,000 | 60,000 | 60,000 | 60,000 | 60,000 | 60,000 | **Taxes** |
| Pavement Condition Index Improvements | Public Works | 8,140,481 | 6,300,000 | 6,300,000 | 6,300,000 | 6,300,000 | 6,300,000 | **Taxes** |
| Pavement Condition Index Improvements | Public Works | 8,140,481 | 6,300,000 | 6,300,000 | 6,300,000 | 6,300,000 | 6,300,000 | **Taxes** |
| Pavement Marking Program | Public Works | 169,000 | 169,000 | 169,000 | 169,000 | 169,000 | 169,000 | **Taxes** |
| Pavement Marking Program | Public Works | 169,000 | 169,000 | 169,000 | 169,000 | 169,000 | 169,000 | **Taxes** |
| Roadway Maintenance Program | Public Works | 1,705,119 | 1,846,000 | 1,846,000 | 1,846,000 | 1,846,000 | 1,846,000 | **Taxes** |
| Chip Seal Program | Public Works | 220,000 | 220,000 | 220,000 | 220,000 | 220,000 | 220,000 | **Taxes** |
| Roadway Maintenance Program | Public Works | 1,267,569 | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | 1,500,000 | **Taxes** |
| Weed Control & Maintenance Program | Public Works | 217,550 | 126,000 | 126,000 | 126,000 | 126,000 | 126,000 | **Taxes** |
| Street Lighting & Traffic Signal Maintenance Program | Public Works | 1,096,291 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | Grants, **Taxes** |
| Street Lighting and Traffic Signal Maintenance | Public Works | 1,096,291 | 500,000 | 500,000 | 500,000 | 500,000 | 500,000 | **Taxes** |
| Traffic Signal Program | Public Works | 88,361 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | **Taxes** |
| Traffic Signal | Public Works | 23,514 | 450,000 | 450,000 | 450,000 | 450,000 | 450,000 | **Taxes** |
| Bataan Memorial at Rinconada | Public Works | 64,847 | | | | | | **Taxes** |
| Transportation System Modernization ITS | Public Works | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 | **Taxes** |
| **Streets Improvements - Future Projects** | | **-** | **20,623,824** | **15,523,200** | **10,304,000** | **12,410,000** | **22,900,000** | |
| McClure Rd & Carlyle Dr | Public Works | | 300,000 | 1,800,000 | 2,700,000 | 1,500,000 | | Taxes |
| Advancement Ave Expansion | Economic Development | | 516,384 | | | | | Taxes |
| S Alameda Blvd-W Amador Ave to W Las Cruces Ave | Public Works | | 659,400 | | | | | Taxes |
| Armijo St - W Picacho Ave to Parker Rd | Public Works | | 684,000 | | | | | Bonds, Taxes |
| Alameda Blvd Design and Construct | Public Works | | 750,000 | | | | | **TIDD** |
| Venture Blvd Expansion | Economic Development | | 900,000 | | | | | Grants, Taxes |
| Ethel Ave/Houma St- N Miranda St to N Alameda Blvd | Public Works | | 718,250 | | | | | Bonds, Taxes |
| *Active Transportation* | | | *325,000* | | | | | |
| Mountain Vista Parkway Expansion | Public Works | | 1,200,474 | | | | | Grants, Taxes |
| Mountain Ave - Melendres St to Armijo St | Public Works | | 1,368,000 | | | | | Bonds, Taxes |
| Evelyn St - Madrid Ave to Ash Ave | Public Works | | 1,710,000 | | | | | Bonds, Grants, Taxes |
| Johnson St - Rouault Ave to Topley Dr | Public Works | | 1,712,000 | | | | | Bonds, Taxes |
| Sacramento St - Poplar Ave to Oasis Ave | Public Works | | 1,500,000 | | | | | Grants, Bonds, Taxes |
| Med Park Ave - Idaho to Perkins Ave | Public Works | | 1,824,000 | | | | | Bonds, Taxes |
| Rocket Drive Expansion | Economic Development | | 5,956,316 | | | | | Bonds, Grants, Taxes |
| Sixth St- Hayner Ave to W. Hadley Ave | Public Works | | | 484,000 | | | | Bonds, Taxes |
| La Fonda Dr - Idaho Ave to E.O.P. | Public Works | | | 726,000 | | | | Bonds, Taxes |
| Poplar Ave - Mesquite St to Santa Fe St | Public Works | | | 871,200 | | | | Bonds, Taxes |
| Armijo St - W Organ Ave to W Mountain Ave | Public Works | | | 1,331,000 | | | | Bonds, Taxes |
| Kilmer St - Spruce Ave to Ash Ave | Public Works | | | 1,391,000 | | | | Bonds, Taxes |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| Traffic Signal Program | | - | - | 1,500,000 | - | - | - | Taxes |
| Lohman at Walnut and Walton Signal Improvement | Public Works | | | 1,500,000 | | | | Taxes, Grants |
| Sequoia Ave - Valley Dr to EOP | Public Works | | | 2,420,000 | | | | Bonds, Taxes |
| Scoggins Ave-Sixth St to Sweet St | Public Works | | | | 652,800 | | | Bonds, Taxes |
| Mountain Ave - Water St to Alameda Blvd | Public Works | | | | 640,000 | | | Bonds, Taxes |
| Rigsby Rd - Barker to Valley Dr | Public Works | | | | 768,000 | | | Bonds, Taxes |
| Miranda Ave - Picacho Ave to Court Ave | Public Works | | | | 1,664,000 | | | Bonds, Taxes |
| South Valley Dr Reconstruction - Avenida de Mesilla to Boutz | Public Works | | | | 3,379,200 | | | Bonds, Taxes |
| Street Lighting & Traffic Signal Maintenance Program | Public Works | - | 500,000 | 5,000,000 | 500,000 | 5,050,000 | 5,000,000 | Bonds, Taxes |
| Street Lighting Management System | Public Works | | 500,000 | 5,000,000 | 500,000 | 5,000,000 | 5,000,000 | Taxes |
| Targeted Road and Lighting Improvements - Design | Public Works | | | | | 50,000 | | Bonds, Taxes |
| Sweet St- Hayner Ave to W. Hadley Ave | Public Works | | | | | 568,000 | | Bonds, Taxes |
| Parkview Dr - Espina St to E.O.P | Public Works | | | | | 972,000 | | Bonds, Taxes |
| Westgate St - Amador Ave to Cul de Sac | Public Works | | | | | 1,350,000 | | Bonds, Taxes |
| Aspen Ave-Sequioa Ave to S Valley Dr | Public Works | | | | | 2,970,000 | | Bonds, Taxes |
| Elm St from Aspen Ave to Sequoia Ave | Public Works | | | | | | 1,300,000 | Bonds, Taxes |
| Tamarack St from Aspen Ave to Sequoia Ave | Public Works | | | | | | 1,600,000 | Bonds, Taxes |
| Solano Dr- Missouri to Lohman | Public Works | | | | | | 15,000,000 | Bonds, Taxes |
| **UTILITIES** | | **13,712,479** | **104,655,574** | **27,939,881** | **3,130,000** | **3,340,000** | **2,770,000** | |
| **Utilities - Carryover Projects** | | **13,712,479** | **50,310,265** | **27,939,881** | **3,130,000** | **3,340,000** | **2,770,000** | |
| 2020 Wastewater Bond Projects | Utilities | 220,001 | | | | | | **Other** |
| 2020A Water Utilities Projects | Utilities | 2,165,201 | | | | | | **Other** |
| Gas Admin Building Improvements | Utilities | 553,333 | 549,750 | 673,998 | 125,000 | 125,000 | 125,000 | **Other** |
| Gas Development | Utilities | 146,055 | 780,455 | 1,468,364 | 300,000 | 300,000 | 300,000 | **Other** |
| Gas Miscellaneous | Utilities | 304,284 | 361,748 | 175,000 | 175,000 | 175,000 | 175,000 | **Other** |
| Gas Rehabilitation | Utilities | 1,906,857 | 6,135,724 | 3,463,396 | 360,000 | | | **Other** |
| Solid Waste Building Improvements | Utilities | 628,333 | 1,990,478 | 2,173,998 | | | | **Other** |
| Wastewater Building Improvements | Utilities | 50,000 | 424,750 | 548,998 | 50,000 | 50,000 | 50,000 | **Other** |
| Wastewater Development | Utilities | 656,000 | 100,000 | 100,000 | 100,000 | 100,000 | 100,000 | **Other** |
| Wastewater Miscellaneous | Utilities | 155,966 | 396,569 | 230,000 | 230,000 | 230,000 | 230,000 | **Other** |
| Wastewater Rehab | Utilities | 328,406 | 6,290,463 | 760,000 | 510,000 | 760,000 | 510,000 | **Other** |
| Wastewater Septic Systems (WW Dev) | Utilities | 1,389,046 | | | | | | **Other, Grants** |
| *2024 Legislative Appropriations ( R )* | | | *348,451* | | | | | |
| Wastewater Street Utility Rehabilitation | Utilities | 1,890,017 | 4,017,628 | 400,000 | 200,000 | 400,000 | 200,000 | **Other** |
| Water Building Improvements | Utilities | 185,511 | 549,750 | 673,998 | 125,000 | 125,000 | 125,000 | **Other** |
| Water Development | Utilities | 154,224 | | | | | | **Other** |
| Water Miscellaneous | Utilities | 75,000 | 744,461 | 125,000 | 105,000 | 125,000 | 105,000 | **Other** |
| Water Rehab | Utilities | 2,138,870 | 22,438,644 | 5,914,864 | 850,000 | 950,000 | 850,000 | **Other** |
| Water Rehab (NMFA) | Utilities | 34,941 | | | | | | **Other** |
| WW23 Projects | Utilities | 730,434 | 5,181,394 | 11,232,265 | | | | **Other** |
| **Utilities - Future Projects** | | **-** | **54,345,309** | **-** | **-** | **-** | **-** | |
| Belt Filter Press Drainage Improvement | Utilities | | 93,000 | | | | | Other, Grants |
| Primary Digester Sludge Pump Upgrade | Utilities | | 93,000 | | | | | Other, Grants |
| Lift Station Stationary Generator Installation | Utilities | | 100,000 | | | | | Other, Grants |
| Pressure Reducing Valve Rehabilitation | Utilities | | 100,000 | | | | | Other, Grants |
| Water Valve Replacements | Utilities | | 120,000 | | | | | Other, Grants |
| Elevated Airport Water Storage Tank Rehab | Utilities | | 3,000,000 | | | | | Other |
| Transite Pipe Identification & Replacement | Utilities | | 5,000,000 | | | | | Other |
| Wastewater Treatment Plant | Economic Development | | 45,839,309 | | | | | Bonds, Grants, Taxes |

| Projects | Department | FY 2025 | FY 2026 | FY 2027 | FY 2028 | FY 2029 | FY 2030 | Funding Source(s) |
|---|---|---|---|---|---|---|---|---|
| **ALL DEPARTMENTS** | | | | | | | | |
| **Total Annual Projects** | | **54,657,003** | **31,203,069** | **44,090,200** | **26,135,200** | **25,381,200** | **25,381,200** | |
| **Total Carryover Projects** | | **102,673,670** | **89,815,259** | **30,579,881** | **5,145,000** | **5,355,000** | **4,785,000** | |
| **Total Future Projects** | | **-** | **188,313,069** | **133,062,296** | **44,538,696** | **111,783,696** | **60,087,696** | |
| **Total Newly Funded Projects** | | **1,246,000** | | | | | | |
| **GRAND TOTAL** | | **158,576,673** | **309,331,396** | **207,732,377** | **75,818,896** | **142,519,896** | **90,253,896** | |

**Abbreviations:**

ARPA - American Rescue Plan Act
Bonds - Includes Bonds and Loans
Grants - Includes Local, State, Federal, or private entity
Other - Includes Fees, State Entitlements, Leases, Developer Contributions, and Donations
PIF - Park Impact Fees
PSIF - Public Safety Impact Fees
Telshor - Telshor Fund
TIDD - Tax Increment Development District
WIF - Water Impact Fees
WWIF - Wastewater Impact Fees

**Notes**

Indicates a Change
Indicates newly submitted

*Pending funding noted in italic*
*( R ) Leg. Appropriations Reauthorizations*

**Current funding sources noted in bold**

**25-040**

**Type of Action:**
**☒ Resolution**
**☐ Ordinance**
**☐ TIDD Resolution**

# City Council Action and Executive Summary

| | | | |
|---|---|---|---|
| **District:** | **☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A** | | |
| **1st Reading:** | | **Adopted:** | October 7, 2024 |
| **Drafter:** | Isaac Holguin | **Department:** | City Manager's Office |
| **Program:** | Housing and Neighborhood Services | **Line of Business:** | Housing and Neighborhood Services |

**Title:** **A RESOLUTION APPROVING AN AMENDED SERVICE AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND MESILLA VALLEY COMMUNITY OF HOPE (MVCH) FOR THE EXPANSION OF THE HOMELESS OUTREACH PROGRAM AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON CITY'S BEHALF.**

**TYPE OF ACTION:** **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

**PURPOSE(S) OF ACTION:**
Approve an amended service agreement

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**
In response to the unprecedented challenges posed by the COVID-19 pandemic in 2021, the City of Las Cruces recognized the urgent need to address the growing issue of housing instability. The economic and social hardships brought on by the pandemic significantly increased the number of individuals and families facing housing insecurity. The pandemic-induced inflation, coupled with a limited inventory of homes, exacerbated the housing crisis, making it increasingly difficult for many residents to find and afford stable housing.

The Mesilla Valley Community of Hope (MVCH), a local nonprofit organization, has been at the forefront of addressing this issue. MVCH provides various essential services including:

- Day shelter
- Shower program
- Acquisition of personal identification
- Laundry
- Mano Y Mano (day labor program).

The Homeless Outreach Program will directly engage with people experiencing homelessness, and provide street-based educational outreach, needs assessment, and resource linkage. This program is particularly vital as it reaches out to individuals who may not be aware of or have access to these services. The Homeless Outreach Program aligns with the City's Elevate Las Cruces goals by coordinating with community organizations such as the MVCH to expand resources for the homeless population.

As a part of the FY2025 budget, City council allocated funding for the Homeless Outreach Program. City Council action is required for contracts over $100,000.00 in accordance with the procurement code. This

agreement if approved would be for a term of one (1) year with the option to extend for four (4) additional one-year terms, subject to annual renewals and budget appropriations. If approved, the City Manager will sign the amended agreement on the City's behalf.

**SUPPORT INFORMATION:**

Exhibit "A" Amended Contract FY25
Attachment "A" Original Contract FY25

**PLAN(S):**

Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**

None

**DOES THIS AMEND THE BUDGET?:**

☐ Yes
☒ No

**BUDGET / FISCAL IMPACT:**

**BUDGETED AMOUNT:** $164,000 **AVAILABLE AMOUNT:** $164,000 **EXPENDITURE AMOUNT:** $164,000

**Funding Source(s):**

Health Care Fund (2700): 20430051-721080-12315

**Overall Budget Impact:**

Funding is Budgeted in FY25

**Does this action amend the Capital Improvement Plan (CIP)?**

☐ Yes
☒ No

**Does this action align with Elevate Las Cruces?**

☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this action will approve the Resolution and approve the amended agreement between the City and MVCH for the Homeless Outreach program.
2. Vote "No"; this will deny the Resolution and not approve the amended agreement between the City and MVCH for the Homeless Outreach program.
3. Vote to "Amend"; this action would require further direction from City Council.
4. Vote to "Table"; this action would require further direction from City Council.

**REFERENCE INFORMATION:**

1. Resolution 24-121

# RESOLUTION 25-040

**A RESOLUTION APPROVING AN AMENDED SERVICE AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND MESILLA VALLEY COMMUNITY OF HOPE (MVCH) FOR THE EXPANSION OF THE HOMELESS OUTREACH PROGRAM AND AUTHORIZING THE CITY MANAGER TO SIGN SAID AGREEMENT ON CITY'S BEHALF.**

The City Council is informed that:

**WHEREAS**, the COVID-19 pandemic has led to unprecedented economic and social challenges, significantly increasing the number of individuals and families facing housing instability; and

**WHEREAS**, the Mesilla Valley Community of Hope (MVCH) provides essential services to unhoused individuals and runs the critical Homeless Outreach Program; and

**WHEREAS,** on May 20, 2024, the Las Cruces City Council allocated $75,000 for the Homeless Outreach Program and redirected an additional $300,000 from the Telshor Facility Fund to MVCH, with $89,000 specifically designated for the Homeless Outreach Program, totaling $164,000; and

**WHEREAS**, Council approval of the agreement is required in accordance with the City's procurement code.

**NOW, THEREFORE,** Be it Resolved by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the amended agreement between the City and MVCH, attached hereto as Exhibit “A”, and made a part of this Resolution, is approved and the City Manager is authorized to execute the agreement on the City’s behalf.

**(II)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____

ATTEST:

_____

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**

CITY OF LAS CRUCES

Exhibit "A"

# AMENDED SERVICE AGREEMENT

THIS AMENDED AGREEMENT made and entered into on this ___ day of September 2024 by and between the City of Las Cruces, New Mexico, hereinafter called "CITY" and **Mesilla Valley Community of Hope, of 999 W Amador, Las Cruces, NM 88001**, hereinafter called "CONTRACTOR".

1. PROJECT DESCRIPTION
MVCH will assist 100 people experiencing homelessness. MVCH must directly engage with people experiencing homelessness, and provide street-based educational outreach, needs assessments, and resource linkage.

The City is purchasing services from the CONTRACTOR as specified within this Agreement in accordance with the City of Las Cruces Procurement Code, LCMC Ch. 24, Article I, § 24-4 (7).

2. SCOPE OF SERVICES
In a satisfactory and proper manner, the CONTRACTOR shall perform SERVICES, as set forth in Exhibit A, attached hereto and made a part of this Agreement.

3. APPROPRIATIONS
The terms of this Agreement are contingent on sufficient appropriations and authorization being made by the City Council for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the City Council, this Agreement shall terminate upon written notice given by the CITY to CONTRACTOR. The CITY'S decision as to whether sufficient appropriations and authorizations exist shall be accepted by CONTRACTOR and shall be final.

4. COMPENSATION
The CITY shall compensate CONTRACTOR for the performance of SERVICES under this Agreement an amount not to exceed $164,000.00, as set forth in Exhibit "A", unless otherwise approved by Council through annual budget allocations. CONTRACTOR shall perform the SERVICES upon receipt of a purchase order or written Notice to Proceed from the CITY. The CITY cannot authorize costs to be incurred prior to such written Notice to Proceed.

CONTRACTOR is responsible for payment of State of New Mexico Gross Receipts Tax levied on the amounts payable under this Agreement. CONTRACTOR agrees to comply with all federal and state tax payments and report all items of gross receipts as income from the operations of its business.

5. DEVOTION OF ADEQUATE TIME
CONTRACTOR will devote the necessary hours each week to the performance of project that is required by the CITY, and it will serve the CITY diligently and faithfully, and according to its best ability in all respects and will promote the best interests of the CITY.

6. TERM AND SCHEDULE
This Agreement shall become effective on September ___, 2024 for a term of one (1) year and has four (4) one-year renewable options to be exercised at the discretion of the City upon mutual written consent. CONTRACTOR shall perform the SERVICES in accordance with the time set forth as agreed upon by the CITY and CONTRACTOR in Exhibit B.

7. EXTENSIONS, CHANGES, AND AMENDMENTS
This Agreement shall not be extended, changed, or amended except by instrument in writing executed by the parties. The CITY shall not be liable for payment of any extra services, nor shall CONTRACTOR be obligated to perform any extra services except upon such written agreement. Such written approval shall indicate the date said extension, change, or amendment is effective and shall be signed by the parties to this Agreement. In the event that the parties cannot reach agreement as to a particular change, the issue shall be resolved pursuant to Article 21.

8. CHANGES AND EXTRA SERVICES BY THE CITY
The CITY may make changes within the general scope of the SERVICES plus may also request CONTRACTOR to perform other extra services not incorporated within the Services set forth in this Agreement. If the CONTRACTOR is of the opinion that such change causes an increase or decrease in the cost and/or the time required for performing the changes or other services required by the City, CONTRACTOR shall so notify the CITY of that fact within five (5) business work days from the date of receipt of change by the CITY. The CITY shall provide written response to the CONTRACTOR within five (5) business work days from the date of receipt of CONTRACTOR'S written notification.

9. CHANGES AND EXTRA SERVICES BY THE CONTRACTOR
In the event a condition is identified by the CONTRACTOR which, in the opinion of the CONTRACTOR, changes the services, costs, and/or time required for performance under this Agreement, the CONTRACTOR shall provide written notification to the CITY within five (5) business work days of such identification. The CITY shall respond in writing to such notification within five (5) business work days from the date of receipt of CONTRACTOR'S notification.

10. DELAYS
In the event that performance of SERVICES is delayed by causes beyond reasonable control of CONTRACTOR, and without the fault or negligence of CONTRACTOR, the time and total compensation for the performance of the SERVICES may be equitably adjusted by written agreement to reflect the extent of such delay. CONTRACTOR shall provide the CITY with written notice of delay pursuant to Article 9 including therein a description of the delay and the steps contemplated or actually taken by CONTRACTOR to mitigate the effect of such delay. The CITY will make the final determination as to reasonableness of delays.

11. TERMINATION
This Agreement may be terminated by either party hereto upon fifteen (15) calendar days

written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement through no fault of the terminating party. This Agreement may also be terminated by the CITY for its convenience or because the PROJECT has been permanently abandoned, but only upon fifteen (15) calendar days written notice to CONTRACTOR.

In the event of termination, CONTRACTOR shall be compensated for all services performed and costs incurred up to the effective date of termination for which CONTRACTOR has not been previously compensated.

Upon receipt of notice of termination from the CITY, CONTRACTOR shall discontinue the SERVICES unless otherwise directed and upon final payment from the CITY deliver to the CITY the required number of copies of all data, drawings, reports, estimates, summaries, and such other information and materials as may have been accumulated by CONTRACTOR in the performance of this Agreement, whether completed or in process.

12. RECORDS AND AUDITS

CONTRACTOR will maintain records indicating dates, length of time, and services rendered. The CITY has the right to audit billings both before and after payment and contest any billing or portion thereof. Payment under this Agreement does not foreclose the CITY'S right to recover excessive or illegal payments.

13. DISCLOSURE AND OWNERSHIP OF DOCUMENTS, PRODUCTS, DESIGN, ELECTRONIC FILES

All technical data, electronic files, and other written and oral information not in the public domain or not previously known, and all information, electronic files, and data obtained, developed, or supplied by the CITY will be kept confidential and CONTRACTOR will not disclose to any other party, directly or indirectly, without the CITY'S prior written consent unless required by lawful order.

All technical data, electronic files, products developed, operational parameters, blueprints, and other information and work of the CONTRACTOR shall be the sole property of the CITY and shall be delivered to the CITY when requested and at the end of the Agreement.

14. INDEPENDENT CONTRACTOR

CONTRACTOR represents that it has, or will secure, at its own expense, all personnel required in performing the SERVICES under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with the CITY. CONTRACTOR, consistent with its status as an independent contractor, further agrees that its personnel will not hold themselves out as, nor claim to be officers or employees of the CITY by reason of this Agreement.

To the extent that CONTRACTOR employs any employees, CONTRACTOR shall be solely responsible for providing its own form of insurance for its employees and in no event shall CONTRACTOR's employees be covered under any policy of the CITY.

CONTRACTOR'S retention hereunder is not exclusive. Subject to the terms and provisions of this Agreement: (i) CONTRACTOR is able, during the Term hereof, to perform services for other parties; and (ii) CONTRACTOR may perform for its own account other professional services outside the scope of this Agreement.

CONTRACTOR is and shall be an Independent Contractor and shall be responsible for the management of its business affairs. In the performance of the work under this Agreement, CONTRACTOR will at all times be acting and performing as an Independent Contractor, as that term is understood for federal and state law purposes, and not as an employee of the CITY. Without limitation upon the foregoing, CONTRACTOR shall not accrue sick leave, jury duty pay, retirement, insurance, bonding, welfare benefits, or any other benefits, which may or may not be afforded employees of the CITY. CONTRACTOR will not be treated as an employee for purposes of: Workers' Compensation benefits; the Federal Unemployment Tax Act; Social Security; other payroll taxes, federal or any state income tax withholding; or the employee benefit provisions described in the Internal Revenue Code of 1986, as amended. Neither the CITY, nor its agents or representatives, shall have the right to control or direct the manner, details, or means by which CONTRACTOR accomplishes and performs its services. Nevertheless, CONTRACTOR shall be bound to fulfill the duties and responsibilities contained in the Agreement.

15. NO JOINT VENTURE OR PARTNERSHIP

Nothing contained in this Agreement shall create any partnership, association, joint venture, fiduciary or agency relationship between CONTRACTOR and CITY. Except as otherwise specifically set forth herein, neither CONTRACTOR nor CITY shall be authorized or empowered to make any representation or commitment or to perform any act which shall be binding on the other unless expressly authorized or empowered in writing.

16. ASSIGNMENT

CONTRACTOR shall perform all the services under this Agreement and shall not assign any interest in this Agreement or transfer any interest in same or assign any claims for money due or to become due under this Agreement without the prior written consent of the CITY.

17. INSURANCE

CONTRACTOR shall obtain and maintain insurance at its own cost and expense during the life of this Agreement, and shall require Subcontractors, if any, to maintain during the life of his subcontract:

1. General Liability Insurance
   a. $1,000,000 per occurrence / $2,000,000 aggregate
   b. Coverage must include premises and operations, products and completed operations, and personal and advertising injury.
   c. The City of Las Cruces must be named as an Additional Insured for all coverages listed above on endorsements acceptable to the City.

d. Coverage must be primary and non-contributory.
e. Coverage must be per project or per location.
f. Coverage must be on an occurrence form.
g. Subrogation must be waived.

2. Commercial Auto Liability
   a. $1,000,000 per occurrence
   b. Coverage must be for "owned, leased, hired, and non-owned autos" or "any autos."

3. Workers Compensation and Employers Liability
   a. Statutory Limits
   b. Employer liability – $1,000,000 each accident, $1,000,000 each employee by disease, $1,000,000 policy limit
   c. Subrogation must be waived.

4. Professional Liability: $1,000,000 per claim

Endorsements for additional insured coverage and waivers of subrogation must be provided as a condition of this Agreement and shall be noted on the certificate.

CONTRACTOR shall furnish the CITY with a certificate(s) of insurance showing CONTRACTOR and Subcontractors, if any, have complied with this Article. The CONTRACTOR shall provide insurance certificates before work is to start on the project and shall provide the CITY thirty (30) days written notification of cancellation of such policies.

18. INDEMNITY AND LIMITATION

CONTRACTOR shall indemnify, defend, and hold harmless the CITY from and against any and all claims, suits, actions, judgments, demands, losses, costs, expenses, damages, and liability caused by, resulting from, or arising out of the negligent acts, errors, or omissions of CONTRACTOR, its officers, employees, agents, or representatives in the performance of SERVICES under this agreement.

19. APPLICABLE LAW

This Agreement and the rights and obligations of the parties shall be governed by and construed by the laws of the State of New Mexico applicable to Agreements between New Mexico parties made and performed in that state, without regard to conflicts of law principles. Venue shall be in the Third Judicial District, State of New Mexico.

CONTRACTOR shall abide and be governed by all applicable state law, CITY ordinances, and laws regarding the CONTRACTOR'S services or any work done pursuant to this Agreement.

20. BREACH

In the event CONTRACTOR breaches any obligation contained in this Agreement, prior to instituting any action or dispute resolution procedure, the CITY shall give

CONTRACTOR written notice of such breach. In the event CONTRACTOR fails to remedy the breach within five (5) working days of receiving such written notice, the CITY, at its sole discretion, without any obligation to do so and in addition to other remedies available under applicable law, may remedy CONTRACTOR'S breach and recover any and all costs and expenses in so doing from CONTRACTOR.

21. DISPUTE RESOLUTION
In the event that a dispute arises between CITY and CONTRACTOR under this Agreement or as a result of breach of this Agreement, the parties agree to act in good faith to attempt to resolve the dispute.

22. NOTIFICATION
All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if served by Registered Mail addressed as follows:

TO CITY:
City of Las Cruces
PO Box 20000
Las Cruces, NM 88004
ATTENTION: City Manager's Office
Housing and Neighborhood Services

TO CONTRACTOR:
Mesilla Valley Community of Hope
999 W Amador
Las Cruces, NM 88001
ATTENTION: Nicole Martinez, Executive Director

23. SCOPE OF AGREEMENT
This Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof and that all such covenants, agreements, and understandings have been merged into this written agreement. No prior agreement or understanding verbal or otherwise of the parties or their agents shall be valid or enforceable unless embodied in this agreement.

24. SEVERABILITY
The parties agree that each provision of this Agreement is severable and the invalidity or unenforceability of any one or more of the provisions of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

25. CONFLICT OF INTEREST
CONTRACTOR represents and warrants that CONTRACTOR has no business, professional, personal, or other interest, including, but not limited to, the representation of other clients, that would conflict in any manner or degree with the performance of its obligations under this Agreement. If any such actual or potential conflict of interest arises under this Agreement, CONTRACTOR shall immediately inform the CITY in writing of such conflict. If, in the reasonable judgement of the CITY, such conflict poses a conflict

to and with the performance of CONTRACTOR'S obligations under this Agreement or is otherwise a violation of the CITY'S current policy or ordinances, then the CITY may terminate the Agreement immediately upon written notice to CONTRACTOR; such termination of the Agreement shall be effective upon the receipt of such notice by CONTRACTOR.

**MESILLA VALLEY COMMUNITY OF HOPE**

BY: _____
Nicole Martinez
Executive Director

_____
Date

**CITY OF LAS CRUCES**

BY: _____
Ikani Taumoepeau
City Manager

_____
Date

APPROVED AS TO FORM

9/11/24
City Attorney

# EXHIBIT A

**MESILLA VALLEY COMMUNITY OF HOPE (MVCH)**
**Amended Scope of Work- FY 2025**
**Program: Homeless Outreach Program**

**OBJECTIVE:** The Mesilla Valley Community of Hope will expend one hundred sixty-four thousand dollars ($164,000) to assist 100 people experiencing homelessness. Directly engage with people experiencing homelessness, provide street-based educational outreach, needs assessments, and resource linkage.

## I. DELIVERABLES/OUTPUTS:

a. Execute and implement a Street Outreach Program.
b. Provide street-based educational outreach.
c. Assess needs, provide linkage, and transportation to other needed resources, connect clients with services, and referrals, and assist with employment-related activities.
d. Maintain partnerships with police departments, probation, parole, correctional facilities, schools, hospitals, community-based organizations, faith-based organizations, the business community, and other government agencies.
e. The Street Outreach Workers will employ such engagement tools as Motivational Interviewing, Trauma Informed Care techniques as well as utilizing supports and collaboration with other agencies and teams within MVCH's agency in order to provide culturally sensitive, trauma-informed skill set in order to form positive and trusting relationships.
f. Outreach services will occur in the Community 75% of the time.
g. Continue to log data for statistical research and mapping tools to understand how to better serve our clients.

## II. PERFORMANCE MEASURES:

| APPROVED BUDGET | Unit of Service |
|---|---|
| $164,000.00 | Approx. 100 clients |

## III. REPORTING

a. Monthly reports of the number of eligible client count, and financial expenditures in accordance with the approved budget line items; Invoice, permanent positions-full and part-time, other miscellaneous costs.
b. Annual report submitted to the City of Las Cruces by July 10, 2025, showing actual cost of service provided (expenditures and units served) for the previous twelve months, and program narrative of how goals, objectives and activities were accomplished.

Exhibit "A"

IV. **RESOURCES**

a. Payment will be made by the City of Las Cruces to **Mesilla Valley Community of Hope** after receipt of a properly executed Monthly Invoice and Monthly Expenditure Summary Report for financial expenditures in accordance with the approved budget line items. Reimbursement requests must be submitted to the Housing and Neighborhood Services Section on a monthly basis by the 15th of each month.

V. **EVALUATION**

a. **Mesilla Valley Community of Hope** will submit monthly and annual reports for review and evaluation by City staff. Information from the monthly and annual reports may be provided to Internal Audit, Health and State of New Mexico and City Council, as requested.

Exhibit "A"

# EXHIBIT B

## AMENDED RATE STRUCTURE & CONFORMED BILLING

**OBJECTIVE:** As per the agreement between the City and Mesilla Valley Community of Hope, the table below outlines the billing categories which will be used when invoicing the City pursuant to the Scope of Services outlined within the Agreement. Any conditions or changes to these categories shall be agreed upon in advance by both parties.

I. **TOTAL CONTRACT NOT TO EXCEED** $164,000 (unless otherwise approved by Council through annual budget allocations) to provide services to the homeless population of Las Cruces.

II. **COST OF SERVICES PROCURED:**

| Use of Appropriated Funds | Amount |
|---|---|
| Personnel Expenses | $164,000 |
| Total Amount of Funds Expended | $164,000 |

III. **CHANGES TO BUDGET ALLOCATION:**
Any changes to budget must be requested in writing to the City for approval and should include the changes requested along with justification.

# CITY OF LAS CRUCES

## SERVICE AGREEMENT

THIS AGREEMENT made and entered into on this 01 day of July, 2024 by and between the City of Las Cruces, New Mexico, hereinafter called "CITY" and Mesilla Valley Community of Hope/Abode Inc., of 999 W. Amador Ave. Ste. A, Las Cruces, NM 88005, hereinafter called "CONTRACTOR".

1. PROJECT DESCRIPTION
MVCH will assist 100 people experiencing homelessness. MVCH must directly engage with people experiencing homelessness, and provide street-based educational outreach, needs assessments, and resource linkage.

The City is purchasing services from the CONTRACTOR as specified within this Agreement in accordance with the City of Las Cruces Procurement Code, LCMC ch. 24, Article I, § 24-4

2. SCOPE OF SERVICES
In a satisfactory and proper manner, the CONTRACTOR shall perform SERVICES as forth in Exhibit A, attached hereto and made a part of this Agreement.

3. APPROPRIATIONS
The terms of this Agreement are contingent on sufficient appropriations and authorization being made by the City Council for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the City Council, this Agreement shall terminate upon written notice given by the CITY to CONTRACTOR. The CITY'S decision as to whether sufficient appropriations and authorizations exist shall be accepted by CONTRACTOR and shall be final.

4. COMPENSATION
The CITY shall compensate CONTRACTOR for the performance of SERVICES under this Agreement an amount not to exceed $99,999. CONTRACTOR shall perform the SERVICES upon receipt of a purchase order or written Notice to Proceed from the CITY. The CITY cannot authorize costs to be incurred prior to such written Notice to Proceed. CONTRACTOR shall submit invoices monthly. CITY shall pay invoices Net 30 days upon receipt of undisputed invoice.

CONTRACTOR is responsible for payment of State of New Mexico Gross Receipts Tax levied on the amounts payable under this Agreement. CONTRACTOR agrees to comply with all federal and state tax payments and report all items of gross receipts as income from the operations of its business.

5. DEVOTION OF ADEQUATE TIME
CONTRACTOR will devote the necessary hours each week to the performance of project that are required by the CITY, and it will serve the CITY, diligently and faithfully, and according to its best ability in all respects and will promote the best interests of the CITY.

6. TERM AND SCHEDULE
This Agreement shall become effective on July 1st, 2024, for a term of one (1) year through June 30th, 2025. CONTRACTOR shall perform the SERVICES in accordance with the time set forth as agreed upon by the CITY and CONTRACTOR in Exhibit A.

7. EXTENSIONS, CHANGES, AND AMENDMENTS
This Agreement shall not be extended, changed, or amended except by instrument in writing executed by the parties. The CITY shall not be liable for payment of any extra services nor shall CONTRACTOR be obligated to perform any extra services except upon such written agreement. Such written approval shall indicate the date said extension, change, or amendment is effective and shall be signed by the parties to this Agreement. In the event that the parties cannot reach agreement as to a particular change, the issue shall be resolved pursuant to Article 21.

8. CHANGES AND EXTRA SERVICES BY THE CITY
The CITY may make changes within the general scope of the SERVICES plus may also request CONTRACTOR to perform other extra services not incorporated within the Services set forth in this Agreement. If the CONTRACTOR is of the opinion that such change causes an increase or decrease in the cost and/or the time required for performing the changes or other services required by the CITY, CONTRACTOR shall so notify the CITY, of that fact within five (5) business work days from the date of receipt of change by the CITY. The CITY shall provide written response to the CONTRACTOR within five (5) business work days from the date of receipt of CONTRACTOR'S written notification.

9. CHANGES AND EXTRA SERVICES BY THE CONTRACTOR
In the event a condition is identified by the CONTRACTOR which, in the opinion of the CONTRACTOR, changes the services, costs, and/or time required for performance under this Agreement, the CONTRACTOR shall provide written notification to the CITY within five (5) business work days of such identification. The CITY shall respond in writing to such notification within five (5) business work days from the date of receipt of CONTRACTOR'S notification.

10. DELAYS
In the event that performance of SERVICES is delayed by causes beyond reasonable control of CONTRACTOR, and without the fault or negligence of CONTRACTOR, the time and total compensation for the performance of the SERVICES may be equitably adjusted by written agreement to reflect the extent of such delay. CONTRACTOR shall provide the CITY, with written notice of delay pursuant to Article 9 including therein a description of the delay and the steps contemplated or actually taken by CONTRACTOR to mitigate the effect of such delay. The CITY will make the final determination as to reasonableness of delays.

11. TERMINATION
This Agreement may be terminated by either party hereto upon fifteen (15) calendar days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement through no fault of the terminating party. This Agreement

may also be terminated by the CITY, for its convenience or because the PROJECT has been permanently abandoned, but only upon fifteen (15) calendar days written notice to CONTRACTOR.

In the event of termination, CONTRACTOR shall be compensated for all services performed and costs incurred up to the effective date of termination for which CONTRACTOR has not been previously compensated.

Upon receipt of notice of termination from the CITY, CONTRACTOR shall discontinue the SERVICES unless otherwise directed and upon final payment from the CITY, deliver to the CITY, the required number of copies of all data, drawings, reports, estimates, summaries, and such other information and materials as may have been accumulated by CONTRACTOR in the performance of this Agreement, whether completed or in process.

12. RECORDS AND AUDITS

CONTRACTOR will maintain records indicating dates, length of time, and services rendered. The CITY has the right to audit billings both before and after payment and contest any billing or portion thereof. Payment under this Agreement does not foreclose the CITY'S, right to recover excessive or illegal payments. CONTRACTOR will retain records for five (5) years after the completion of the project.

13. DISCLOSURE AND OWNERSHIP OF DOCUMENTS, PRODUCTS, DESIGN, ELECTRONIC FILES

All technical data, electronic files, and other written and oral information not in the public domain or not previously known, and all information, electronic files, and data obtained, developed, or supplied by the CITY, will be kept confidential and CONTRACTOR will not disclose to any other party, directly or indirectly, without the CITY'S, prior written consent unless required by lawful order.

All technical data, electronic files, products developed, operational parameters, blueprints, and other information and work of the CONTRACTOR shall be the sole property of the CITY, and shall be delivered to the CITY, when requested and at the end of the Agreement.

14. INDEPENDENT CONTRACTOR

CONTRACTOR represents that it has, or will secure, at its own expense, all personnel required in performing the SERVICES under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with the CITY, CONTRACTOR, consistent with its status as an independent contractor, further agrees that its personnel will not hold themselves out as, nor claim to be officers or employees of the CITY, by reason of this Agreement.

To the extent that CONTRACTOR employs any employees, CONTRACTOR shall be solely responsible for providing its own form of insurance for its employees and in no event shall CONTRACTOR's employees be covered under any policy of the CITY.

CONTRACTOR'S retention hereunder is not exclusive. Subject to the terms and provisions of this Agreement: (i) CONTRACTOR is able, during the Term hereof, to perform services for other parties; and (ii) CONTRACTOR may perform for its own account other professional services outside the scope of this Agreement.

CONTRACTOR is and shall be an Independent Contractor and shall be responsible for the management of its business affairs. In the performance of the work under this Agreement, CONTRACTOR will at all times be acting and performing as an Independent Contractor, as that term is understood for federal and state law purposes, and not as an employee of the CITY. Without limitation upon the foregoing, CONTRACTOR shall not accrue sick leave, jury duty pay, retirement, insurance, bonding, welfare benefits, or any other benefits, which may or may not be afforded employees of the CITY. CONTRACTOR will not be treated as an employee for purposes of: Workers' Compensation benefits; the Federal Unemployment Tax Act; Social Security; other payroll taxes, federal or any state income tax withholding; or the employee benefit provisions described in the Internal Revenue Code of 1986, as amended. Neither the CITY, nor its agents or representatives, shall have the right to control or direct the manner, details or means by which CONTRACTOR accomplishes and performs its services. Nevertheless, CONTRACTOR shall be bound to fulfill the duties and responsibilities contained in the Agreement.

15. NO JOINT VENTURE OR PARTNERSHIP

Nothing contained in this Agreement shall create any partnership, association, joint venture, fiduciary or agency relationship between CONTRACTOR and CITY. Except as otherwise specifically set forth herein, neither CONTRACTOR nor CITY, shall be authorized or empowered to make any representation or commitment or to perform any act which shall be binding on the other unless expressly authorized or empowered in writing.

16. ASSIGNMENT

CONTRACTOR shall perform all the services under this Agreement and shall not assign any interest in this Agreement or transfer any interest in same or assign any claims for money due or to become due under this Agreement without the prior written consent of the CITY.

17. INSURANCE

CONTRACTOR shall obtain and maintain at least the following insurance at its own cost and expense during the life of this Agreement, and shall require Subcontractors, if any, to maintain the same insurance during the life of the subcontracted work:

1. Commercial General Liability Insurance
   a. $1,000,000 per occurrence / $2,000,000 aggregate
   b. Coverage must include premises and operations, products and completed operations, and personal and advertising injury.
   c. The City of Las Cruces must be named as an Additional Insured for all coverages listed above on endorsements acceptable to the City.
   d. Coverage must be primary and non-contributory.

e. Coverage must be per project or per location.
f. Coverage must be on an occurrence form.
g. Subrogation must be waived.

2. Commercial Auto Liability
   a. $1,000,000 per occurrence
   b. Coverage must be for "owned, leased, hired, and non-owned autos" or "any autos."
3. Workers' Compensation and Employers Liability
   a. Statutory Limits
   b. Employer liability – $1,000,000 each accident, $1,000,000 each employee by disease, $1,000,000 policy limit
   c. Subrogation must be waived.

Endorsements for additional insured coverage and waivers of subrogation must be provided as a condition of this Agreement and shall be noted on the certificate.

CONTRACTOR shall furnish the CITY with a certificate(s) of insurance showing CONTRACTOR and Subcontractors, if any, have complied with this Article. The CONTRACTOR shall provide insurance certificates before work is to start on the project and shall provide the CITY thirty (30) days written notification of cancellation of such policies.

18. INDEMNITY AND LIMITATION

CONTRACTOR shall indemnify, defend, and hold harmless the CITY, from and against any and all claims, suits, actions, judgments, demands, losses, costs, expenses, damages, and liability caused in whole or in part by, resulting in whole or in part from, or arising in whole or in part out of the negligent acts, errors, or omissions of CONTRACTOR, its officers, employees, agents, or representatives in the performance of SERVICES under this agreement.

19. APPLICABLE LAW

This Agreement and the rights and obligations of the parties shall be governed by and construed by the laws of the State of New Mexico applicable to Agreements between New Mexico parties made and performed in that state, without regard to conflicts of law principles. Venue shall be in the Third Judicial District, State of New Mexico.

CONTRACTOR shall abide and be governed by all applicable state law, CITY ordinances, and laws regarding the CONTRACTOR'S services or any work done pursuant to this Agreement, including anti-discrimination.

20. BREACH

In the event CONTRACTOR breaches any obligation contained in this Agreement, prior to instituting any action or dispute resolution procedure, the CITY, shall give CONTRACTOR written notice of such breach. In the event CONTRACTOR fails to remedy the breach within five (5) working days of receiving such written notice, the CITY, at its sole discretion, without any obligation to do so and in addition to other remedies

available under applicable law, may remedy CONTRACTOR'S breach and recover any and all costs and expenses in so doing from CONTRACTOR.

21. DISPUTE RESOLUTION
In the event that a dispute arises between CITY and CONTRACTOR under this Agreement or as a result of breach of this Agreement, the parties agree to act in good faith to attempt to resolve the dispute.

22. NOTIFICATION
All notices required or permitted under this Agreement shall be in writing and shall be deemed sufficiently served if served by Registered Mail addressed as follows:

| | |
|---|---|
| TO CITY: | City of Las Cruces<br>PO Box 20000<br>Las Cruces, NM 88004<br>ATTENTION: (Housing & Neighborhood Services) |
| With Copies to: | Purchasing Manager |
| TO CONTRACTOR: | Mesilla Valley Community of Hope/ Abode, Inc.<br>999 W. Amador Ave.<br>Las Cruces, NM 88005<br>ATTENTION: Nicole Martinez, Executive Director |

23. SCOPE OF AGREEMENT
This Agreement incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof and that all such covenants, agreements, and understandings have been merged into this written agreement. No prior agreement or understanding verbal or otherwise of the parties or their agents shall be valid or enforceable unless embodied in this agreement.

24. SEVERABILITY
The parties agree that each provision of this Agreement is severable and the invalidity or unenforceability of any one or more of the provisions of this Agreement shall not affect the validity or enforceability of any other provision of this Agreement, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

25. CONFLICT OF INTEREST
CONTRACTOR represents and warrants that CONTRACTOR has no business, professional, personal, or other interest, including, but not limited to, the representation of other clients, that would conflict in any manner or degree with the performance of its obligations under this Agreement. If any such actual or potential conflict of interest arises under this Agreement, CONTRACTOR shall immediately inform the CITY in writing of such conflict. If, in the reasonable judgement of the CITY, such conflict poses a conflict to and with the performance of CONTRACTOR'S obligations under this Agreement, or is

otherwise a violation of the CITY'S current policy or ordinances, then the CITY may terminate the Agreement immediately upon written notice to CONTRACTOR; such termination of the Agreement shall be effective upon the receipt of such notice by CONTRACTOR.

MESILLA VALLEY COMMUNITY OF HOPE

BY: _____

Nicole Martinez
Executive Director

7-10-24
Date

CITY OF LAS CRUCES

BY: _____

Ikani Taumoepeau
City Manager

7/15/24.
Date

APPROVED AS TO FORM

for Brad Douglas 7/10/24

City Attorney

Revised: June 2023

# EXHIBIT A

**MESILLA VALLEY COMMUNITY OF HOPE (MVCH)**
**Scope of Work- FY 2025**
**Program: Homeless Outreach Program**

**OBJECTIVE:** The Mesilla Valley Community of Hope will expend ninety-nine thousand nine hundred ninety-nine dollars ($99,999) to assist 100 people experiencing homelessness. Directly engage with people experiencing homelessness, provide street-based educational outreach, needs assessments, and resource linkage.

## I. DELIVERABLES/OUTPUTS:

a. Develop, execute, and implement a Street Outreach Program.
b. Provide street-based educational outreach.
c. Assess needs, provide linkage, and transportation to other needed resources, connect clients with services, referrals, and assist with employment-related activities.
d. Develop and maintain partnerships with police departments, probation, parole, correctional facilities, schools, hospitals, community-based organizations, faith-based organizations, the business community, and other government agencies.
e. The Street Outreach Worker will employ such engagement tools as Motivational Interviewing, Trauma Informed Care techniques as well as utilizing supports and collaboration with other agencies and teams within MVCH's agency in order to provide culturally sensitive, trauma-informed skill set in order to form positive and trusting relationships.
f. Outreach services will occur in the Community 75% of the time.
g. Continue to log data for statistical research and mapping tools to understand how to better serve our clients.

## II. PERFORMANCE MEASURES:

| APPROVED BUDGET | Unit of Service |
|---|---|
| $99,999.00 | Approx. 100 clients |

## III. REPORTING

a. Monthly reports of the number of eligible client count, and financial expenditures in accordance with the approved budget line items; Invoice, permanent positions-full and part-time, other miscellaneous costs.
b. Annual report submitted to the City of Las Cruces by July 10, 2025, showing actual cost of service provided (expenditures and units served) for the previous twelve months, and program narrative of how goals, objectives and activities were accomplished.

IV. **RESOURCES**

a. Payment will be made by the City of Las Cruces to **Mesilla Valley Community of Hope** after receipt of a properly executed Monthly Invoice and Monthly Expenditure Summary Report for financial expenditures in accordance with the approved budget line items. Reimbursement requests must be submitted to the Housing and Neighborhood Services Section on a monthly basis by the 15th of each month.

V. **EVALUATION**

a. **Mesilla Valley Community of Hope** will submit monthly and annual reports for review and evaluation by City staff. Information from the monthly and annual reports may be provided to Internal Audit, Health and State of New Mexico and City Council, as requested.

# EXHIBIT B

## RATE STRUCTURE & CONFORMED BILLING

**OBJECTIVE:** As per the agreement between the City and Mesilla Valley Community of Hope, the table below outlines the billing categories which will be used when invoicing the City pursuant to the Scope of Services outlined within the Agreement. Any conditions or changes to these categories shall be agreed upon in advance by both parties.

I. TOTAL CONTRACT NOT TO EXCEED $99,999 to provide services to the homeless population of Las Cruces. Funds unexpended by June 30th, 2025 will be reverted to the State of New Mexico.

II. **Cost of services procured:**

| Use of Appropriation Funds | Amount |
|---|---|
| Personnel Expenses | $99,999 |
| Total Amount of Funds Expended | $99,999 |

III. **Changes to budget allocation:**

a. Any changes to budget must be requested in writing to the City for approval and should include the changes requested along with justification.

Revised: June 2023

**25-041**

**Type of Action:**
**☒ Resolution**
**☐ Ordinance**
**☐ TIDD Resolution**

# City Council Action and Executive Summary

| | | | |
|---|---|---|---|
| **District:** | **☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ N/A** | | |
| **1st Reading:** | | **Adopted:** | October 7, 2024 |
| **Drafter:** | Ceci Vasconcellos | **Department:** | Quality of Life |
| **Program:** | Public Art | **Line of Business:** | Director's Office |

| | |
|---|---|
| **Title:** | **A RESOLUTION APPROVING THE EAST MESA PUBLIC RECREATION COMPLEX PUBLIC ART PROJECT.** |

**TYPE OF ACTION:** **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

## PURPOSE(S) OF ACTION:

Approve art concept for public art for the East Mesa Public Recreation Complex.

## BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

A call for artists was initiated in May 2024, under the auspices of the East Mesa Public Recreation Complex (EMPRC) art competition project, to create an outdoor, site-specific, public art sculpture to be installed in the 10-acre park that is part of the recreation complex. Funds for the project were appropriated from a two-percent allocation of the General Obligation budget as mandated by ordinance.

The EMPRC art competition call was open to artists nationwide. The commission required the artwork to be a site specific artwork that could include elements of activity, energy, light and shadow, playfulness, or youthfulness. It could provide a photo opportunity for visitors, add identity to the area, and be visible from several vantage points. Budget for the project is $100,000.

The art selection committee, a subcommittee appointed by the Las Cruces Public Art program, juried 155 submissions, and narrowed the selection to five finalists, including two local artists, to present. Finalists were invited to create a design art concept, including fabrication plan, budget, and maintenance recommendations. They presented their proposals to the selection committee, who scored each finalist on project criteria. Four artists presented excellent designs. (One artist did not present due to being out of the country.) Today's recommended art design concept was the top-scoring proposal by artist James Moore.

The recommended design concept proposes a three-piece sculpture, *Dance of Life*, that symbolizes stylized figures in various poses. It explores themes of Balance, *Estirase* (Spanish for stretch), and Flexibility. The stylized figures leave room for viewers to imagine themselves being represented in the artwork, and delivers a visual experience that's accessible to viewers of all ages and backgrounds. James also suggested a community engagement component that allows the public to choose inspirational words for each plinth.

## SUPPORT INFORMATION:

Exhibit_"A"_James_Moore_Letter_of_Interest
Exhibit_"B"_EMPRC_James_Moore_Concept
Exhibit_"C"_EMPRC_Sculpture_Garden_Site_Plan

Attachment _"A"_EMPRC_Recommendation_Memo_Approved
Attachment _"B"_CAB_Draft_Minutes_September_12
Attachment __"C"___QOL_FY25_Strategic_Business_Plan
Attachment __"D"__Las_Cruces_Public_Art_Master_Plan

**PLAN(S):**
Other, Department Strategic Business Plan, Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**
City Art Board

**DOES THIS AMEND THE BUDGET?:**
☐ Yes
☒ No

**BUDGET / FISCAL IMPACT:**

**BUDGETED AMOUNT:** $100,000 **AVAILABLE AMOUNT:** $100,000 **EXPENDITURE AMOUNT:** $100,000

**Funding Source(s):**
4231 - GO Bond Q1 - EMPRC
Account Number: 4231-40154014-801000-23783

**Overall Budget Impact:**
N/A

**Does this action amend the Capital Improvement Plan (CIP)?**
☐ Yes
☒ No

**Does this action align with Elevate Las Cruces?**
☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**
1. Vote "Yes"; this will approve the Resolution and the recommendation of James Moore art concept.
2. Vote "No"; this will not approve the Resolution nor the recommendation of James Moore art concept.
3. Vote to "Amend"; this may delay the City's ability to complete the project in a timely matter and will require direction to staff.
4. Vote to "Table"; this will delay the installation of the recommended art concept.

**REFERENCE INFORMATION:**
N/A

**RESOLUTION 25-041**

**A RESOLUTION APPROVING THE EAST MESA PUBLIC RECREATION COMPLEX PUBLIC ART PROJECT.**

The City Council is informed that:

**WHEREAS**, the City Art Board initiated a public art competition to select an artist to develop and install a public art piece in the EMPRC; and

**WHEREAS**, the City Art Board created an art selection committee from members of the public, City staff, and the City Art Board; and

**WHEREAS,** the City Art Board's art selection committee evaluated art submissions and recommended a finalist; and

**WHEREAS,** the City Art Board accepted the art selection committee's recommendation of the artist design concept at its meeting on September 10, 2024.

**NOW, THEREFORE,** Be it Resolved by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the City accepts the Art Board recommendation of James Moore public art proposal for the EMPRC, as shown in Exhibit "A" , Exhibit "B" and Exhibit "C" attached hereto and made part of this Resolution.

**(II)**

**THAT**City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**

Dear Las Cruces Public Art Committee,

I am thrilled about the opportunity presented by this project; I feel that it aligns perfectly with my purpose, expertise, and artistic vision. Guided by the values and interests of the communities I work with, my primary goal in public sculpture is to enrich that community with engaging and inclusive visual experiences. I believe that public art should be accessible to everyone, regardless of age or background, and should serve as a source of inspiration and pride for the community it inhabits.

Throughout my career spanning over 40 years, I have honed a distinct visual language that seamlessly blends figurative and abstract elements. This approach ensures that my work is not only visually striking but also invites viewers to engage with it on multiple levels, drawing upon their own life experiences – no matter the viewer's age or background.

My sculptures often feature dynamic forms that suggest movement and energy. For this project, I envision sculptures that embody the vitality and activity of the recreation complex, possibly incorporating elements that create engaging light and shadow play that respond to environmental conditions. The rich history of the site, particularly its prehistoric past with fossils of giant jellyfish and horseshoe crabs, offers a fascinating narrative. I am excited to explore ways to integrate these historical elements into the artwork, perhaps through abstract representations or textural details that reflect the ancient landscape.

Environmental sustainability is a key consideration in my work. I am committed to using durable, eco-friendly materials that ensure the longevity of the piece while minimizing maintenance. This aligns with the project's requirements for UV/sun resistance and other environmental criteria. Understanding the importance of creating a focal point that is visible from multiple vantage points, I aim to design a sculpture that not only captures attention but also provides a memorable photo opportunity for visitors, with the majestic Organ Mountains as a backdrop.

I have a proven track record of activating public spaces with sculptures that are engaging, uplifting, and accessible for the entire community. From city parks to educational campuses, I have successfully collaborated with diverse stakeholders to bring art to public spaces in a way that resonates with local values and interests. In terms of process, I work closely with a skilled team that includes a structural engineer, 3D designer, and metal fabricators. Together, we bring concepts to life through detailed renderings and maquettes, ensuring that the final artwork meets both artistic and practical requirements.

I feel inspired by this project because of its ability to enhance community health through physical activity and the social engagement that comes with those activities. If selected as a finalist, my proposal would avoid sports-specific themes in favor of broader, more universal themes celebrating life, physical movement, and social engagement.

This project fits within the scope of the commissions I've successfully completed. I feel confident that my experience, artistic vision, and collaborative approach make me a strong candidate.

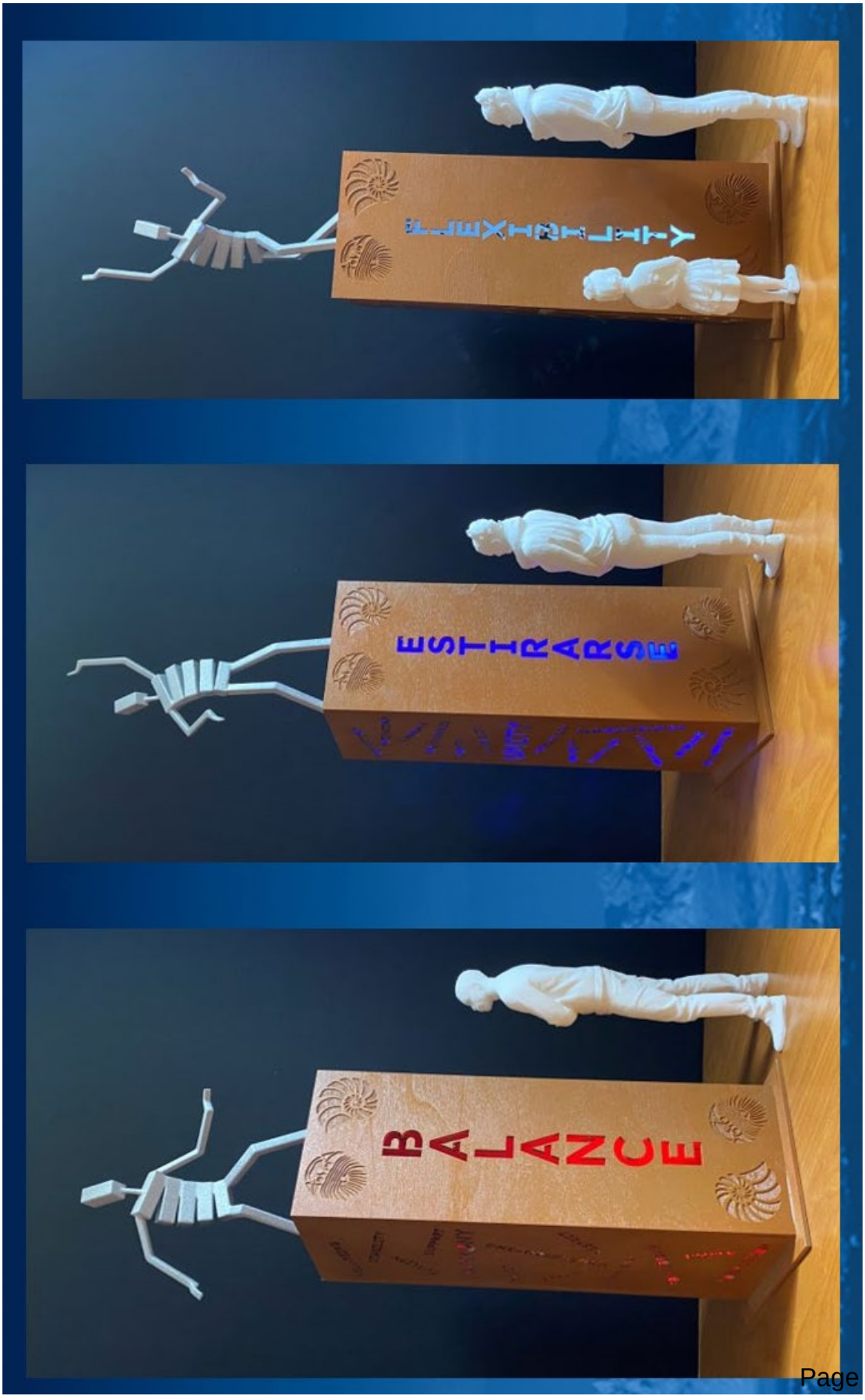
Thank you for reviewing my materials. I look forward to the possibility of contributing to the vibrant community of East Las Cruces.

Sincerely,

James Moore

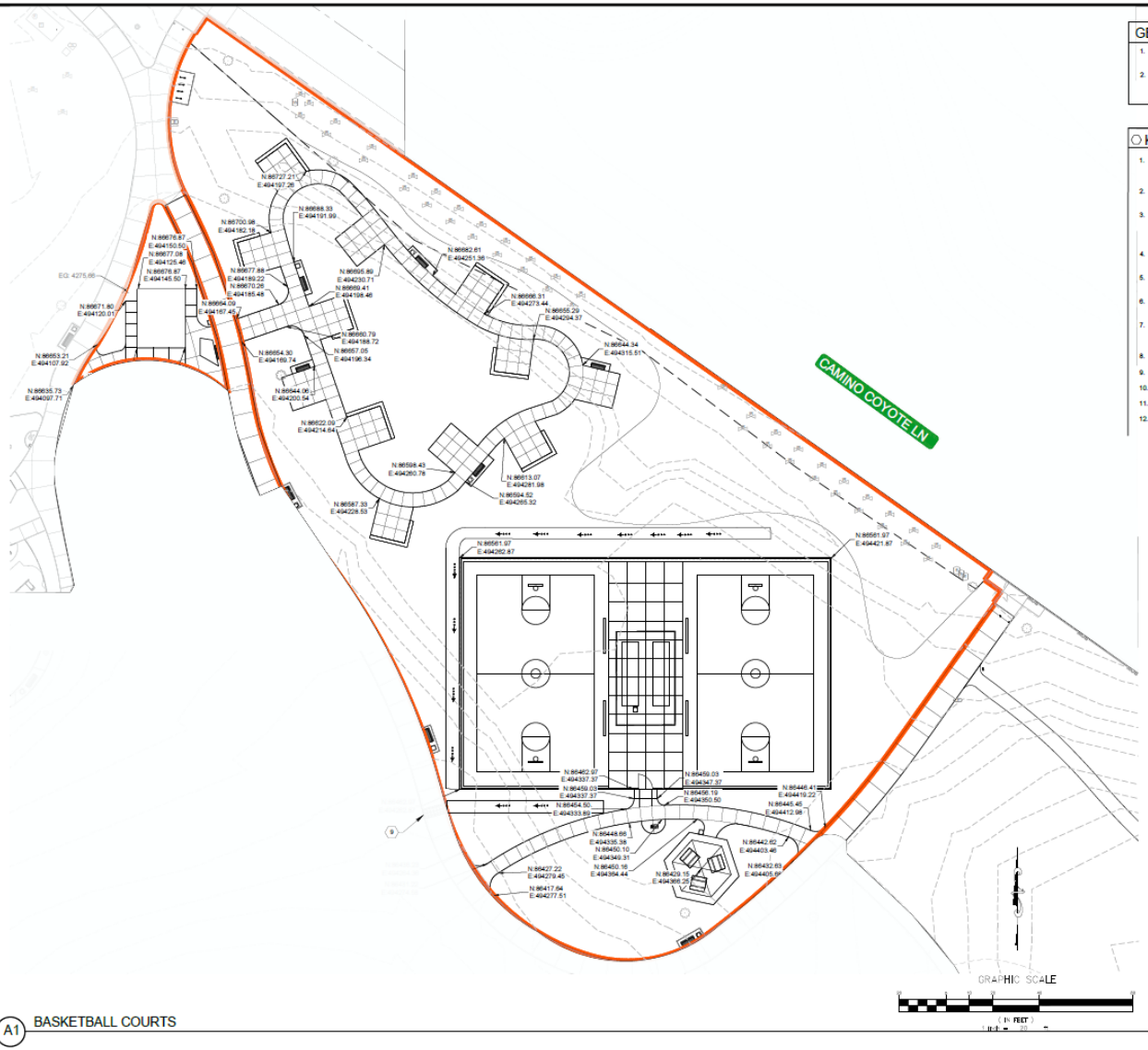
Exhibit "B"

"Dance of Life" Design Concept



Site Plan – Public Art Sculpture Garden

Exhibit "C"




A1 BASKETBALL COURTS

## GENERAL NOTES

1. ALL STATIONING REFERS TO THE CENTERLINE OF CONSTRUCTION AND ALL ELEVATIONS ARE FLOWLINE ELEVATIONS UNLESS OTHERWISE NOTED.
2. CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND POWER POLES. ALL EXISTING UTILITIES SHALL REMAIN IN SERVICE, PROTECT IN PLACE.

## KEYNOTES

1. INSTALL 6" TYPE "J" CURB & GUTTER PER PER CITY OF LAS CRUCES STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION (LATEST EDITION), SEE SHEET C-900, DETAIL G7
2. INSTALL 4" SIDEWALK PER CITY OF LAS CRUCES STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION (LATEST EDITION), SEE SHEET C-900 DETAIL A7
3. INSTALL 5" CONCRETE PAVEMENT PER CITY OF LAS CRUCES STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION (LATEST EDITIONSEE SHEET C-900, DETAIL E7. SEE ALSO SHEET C-901 DETAIL G8 ADA PARKING SIGN & STRIPING.
4. INSTALL BASE COURSE CITY OF LAS CRUCES STANDARD SPECIFICATIONS FOR ROAD CONSTRUCTION (LATEST EDITION). SEE SHEET C-900, DETAIL G7
5. INSTALL ADA CURB RAMP w/ DETECTABLE WARNING SURFACE SEE NMDOT SERIES 608-001-1 THRU 608-001-12.
6. INSTALL BOLLARD AND CABLE FENCING PER NMDOT. ALSO SEE DETAIL SHEET C-901
7. INSTALL ASPHALT PAVEMENT PER CITY OF LAS CRUCES STANDARDS SPECIFICATIONS OFR ROAD CONSTRUCTION (LATEST EDITION), SEE SHEET C-900, DETAIL H9
8. CURB CUTS SEE SHEET C900, DETAIL H4
9. INSTALL SIDEWALK CULVERT, SEE SHEET C900
10. INSTALL 36" CMP PIPE EXTENSION, SEE SHEET C-904 FOR SECTION VIEW
11. BUILD 36" CMP END SECTION @ 4:1 SLOPE
12. INSTALL 8.0' W x 14.25' l x 1.5' D - TYPE I RIPRAP

KEY MAP

HORIZONTAL CONTROL

BMF, P.E.

JDH, E.I.T.

JM, E.I.T.

JUNE 2024

CITY OF LAS CRUCES
Public Works / Engineering & Surveying

EAST MESA PUBLIC RECREATION COMPLEX – PHASE II
CLC PROJECT NO. XX-XXX-XXXX-XXL
HORIZONTAL CONTROL CONSTRUCTION DOCUMENTS

| REVISIONS | BY |
|---|---|
| | |

PRELIMINARY PLANS NOT FOR CONSTRUCTION

C-102

CITY OF LAS CRUCES

# MEMORANDUM

**To:** City Art Board

**From:** EMPRC Selection Committee

**Date:** September 10, 2024

**Subject:** EMPRC Public Art Finalist Recommendation to the City Art Board

*"Las Cruces Public Art (LCPA) seeks an artist or artist team to create a site-specific outdoor art piece to be designed and installed at the new East Mesa Public Recreation Complex (EMPRC). LCPA wishes to commission an art piece that will be installed in the new 10-acre park located in East Las Cruces." (caFÉ.org)*

The Selection Committee, made up of one community member, two City Art Board members, Quality of Life Department staff members, and the Landscape Architect for the Parks and Recreation Department for the City of Las Cruces evaluated 155 submissions from artists nationwide using the CallforEntry.org (caFÉ) online platform. Five artists, including two local artists, were chosen to present a design to the Selection Committee on September 10, 2024. Four of the five finalists created maquettes of their proposed designs, presented their qualifications and previous works to substantiate craftsmanship, and described the suitability of their work for the project and the site. (The fifth artist withdrew due to being out of the country.) It was a very tough choice due to the excellence of each proposal, but after much deliberation, the Selection Committee chose the proposal we felt fit the project best.

We recommend James Moore for the commissioned artwork to be installed at the new EMPRC 10-acre park based on the presentation of his concept design. His proposed three-piece sculpture, *Dance of Life*, symbolizes human forms in various poses. It explores themes of Balance, *Estirase* (Spanish for stretch), and Flexibility. The stylized figures leave room for viewers to imagine themselves being represented in the artwork, and delivers a visual experience that's accessible to viewers of all ages and backgrounds. James also suggested a community engagement component that allows the public to choose the words for each plinth.

Materials used in the sculpture are laser-cut Corten steel for the plinths and stainless steel for the stylized figures. The laser-cut words in the columns are lit from within with fossils and other shapes embedded in the steel. The stainless steel has swirl patterns rather than shiny. The size is approximately 14'h x 2.5'w x 2.5'd. Although the Selection Committee felt that James's proposal met the requirements of artwork, which includes that it is site-specific to EMPRC, and creates a work that

is large enough in scale and scope to provide a focal point, they would like to see a modification to the design, as listed below.

**Modification:**

1. Shorten or modify the columns so the figures are more interactive.
2. Consider placing larger scale figures directly on ground to be more interactive, but retain the words/community input in a different way.

**Chairperson:** _____
(acting)

**Attachment "B"**

# CITY OF LAS CRUCES

The following are minutes for the meeting of the **City Art Board** held at 4:30 p.m. on September 12, 2024, at City Hall, 700 N. Main St., Las Cruces, NM, Conference Room 2007-A.

**MEMBERS PRESENT:**
Melanie Grey Brown, Vice-Chair
Susan Polka, Member
Cecilia Vargas, Secretary
Dr. Adam Amador, Member

**MEMBERS ABSENT:**
Chantelle Yazzie-Martin, Chair
Angel Velasquez, Member

**OTHERS PRESENT:**
Ceci Vasconcellos, Public Art Coordinator
Rebecca Slaughter, Assistant Director, Quality of Life
Cathy Mathews, Landscape Architect, Parks & Recreation
Megan Connolly, Public Art CoOp
Carlos Melendez, resident

**1. CALL TO ORDER**

Melanie Brown called the meeting to order.

**2. INTRODUCTIONS**

Those present introduced themselves.

**3. APPROVAL OF THE AGENDA**

The agenda was accepted as presented.

**4. APPROVAL of August 8, 2024 MINUTES**

The minutes were unanimously accepted as presented.

**5. PUBLIC INPUT**

None.

**6. STAFF UPDATE AND ACTION**

DRAFT

- Ceci Vasconcellos, Public Art Coordinator
  - GO Bond Projects
    - Fire Station 9
  - Art Stop Exhibit
    - Call for Artists
  - FY2025 Annual Plan
  - Art in Public Places Award DAARTS Partnership

Ceci Vasconcellos reported that the contract for artist Christopher Fennell to work on the Fire Station #9 public art project has been drafted and forwarded for approval so it can be sent to the artist for his signature.

Megan reported that she has drafted the call for artists for the Art Stop Exhibit. It is very similar to last year's call. It will include more specific instructions for size and subject matter. Each of the six artists will receive a stipend of $500. Deadline for applications is September 30, 2024. The pieces will be installed and ready in December and January, then revealed at the beginning of February for Love of Art Month and be on display for one year from installation. Previous winners will be accepted after two years from their last submission going on display. Artists must be regional, 18 years old or older, and register as a vendor with the City of Las Cruces. The call will be posted on CaFE and advertised on social media, the Art Stop webpage, the Las Cruces Bulletin, and in the media. The theme is "Best of Your Las Cruces." A suggestion was made to clarify what that is supposed to mean, with a few examples. The Board plans to hold an artists' reception for the unveiling of the art.

Ceci Vasconcellos presented the new draft of the FY2025 Annual Plan. It includes all the projects for this year including the QR Code project. That project will be discussed in more detail at another meeting. "Public Art piece for permanent collection" refers to the CIP funds that have been in the account for some time now. There is about $65,000 or so left. About $40,000 has been earmarked for another park project, leaving about $20,000 that needs to be spent. Ceci Vasconcellos hopes to use that money to get a new piece this year.

Cecilia L. Vargas suggested that the Board get involved in a project that allows people to use their home spaces to exhibit art. Melanie Brown suggested discussing it at the next Executive Board meeting and getting it onto a Board meeting agenda later. Susan Polka asked about the progress on getting sculpture and art for City Hall. Ceci Vasconcellos reported that the contracts at New Mexico Arts have been signed and artists are calling to find out when they can come install the works. She estimates that all of them will be installed around December. Ceci Vasconcellos asked Cecilia L. Vargas to bring a detailed report of the project she is interested in and present to the Board after getting it on the agenda sometime soon.

The FY2025 Annual Plan was unanimously accepted as presented.

Ceci Vasconcellos reported on the Art in Public Places Award DAARTS Partnership. She called the new Executive Director at DAARTS and discussed the background of this award. The new Executive Director was unsure of what to do with it. She was more concerned with the upcoming Renaissance Faire in November. Ceci Vasconcellos indicated that the Board is fine with not participating as long as DAARTS is not counting on that participation. The new Executive Director promised to call back but has not yet. Melanie Brown reported that the DAARTS website is still showing their 2023 programs, so it does not seem like the Community Arts Award Program will even be presented this year. All Board Members agreed to not even worry about it unless DAARTS calls up and asks for help.

## 7. ACTION ITEMS

- East Mesa Public Recreation Complex Recommendations - Ceci Vasconcellos, Melanie Brown, Adam Amador

  Ceci Vasconcellos discussed the plans for the park and location for the new artwork with concept drawings, site plan, and photos. The Board received 155 applications and chose five to present to the Selection Committee. She reviewed the criteria for the artwork and membership of the Committee. “Dance of Life” by James Moore was chosen. It will be made of stainless and COR-TEN steel and include lighting. The three proposed columns will be 14 feet tall each. The artist suggested a community engagement component to the project that invites members of the public to suggest phrases to be displayed on the piece. The Committee was concerned about the columns catching trash and things and the lack of public interactions with the figures at the top. The artist and the Committee will work on that after the contract has been settled. Board Members felt that the proposed piece will be durable and hard for vandals and vagrants to damage.

  It was moved and seconded to accept “Dance of Life” for the East Mesa PRC. Passed unanimously.

- Fire Station 6 - Ceci Vasconcellos
- Fire Station 1 - Ceci Vasconcellos

Ceci Vasconcellos presented the recommendation for art at Fire Station 6 and Fire Station 1. The Fire Station 9 Selection Committee was extremely impressed with the two artists not chosen for Fire Station 9 and have chosen to offer the project for Fire Station 1 to Jason Butler and Fire Station 6 to Trevor O’Toole. Both agreed to be considered.

Ceci Vasconcellos discussed the location and site plan of Fire Station 1. Jason Butler is currently working on a project for the Anchorage, Alaska Police Department that incorporates the Department's shield. Mr. Butler will be collaborating with the City to create the art. It will have lights. For Fire Station 6, Trevor O'Toole has designed a 10 x 10 foot sculpture inspired by the service of firefighters. He works from photos of actual currently active firefighters. It will be made of steel and painted.

It was moved and seconded to accept these two artists for Fire Station number 6 and Fire Station number 1. Passed unanimously.

- Scavenger Hunt for Public Art Month

Melanie Brown discussed last year's scavenger hunt in October to raise awareness for Public Art Month. She asked if this was possible for next month and if the Board wanted to do it. Ceci Vasconcellos discussed that it would be excessively difficult and it may be a better idea to do it next year so the planning and prizes can be done properly. Chantelle Yazzie-Martin was supposed to be working on the proclamation for Public Art Month, but Board Members have yet to see it. Melanie Brown suggested not doing the scavenger hunt for this year's Public Art Month, but plan properly for next year's event. Board Members and staff were asked to think about how to do this and bring suggestions. This item will be added as a discussion item for the next meeting.

It was moved and seconded to put off the scavenger hunt until next year's Public Art Month. Passed unanimously.

**8. DISCUSSION ITEMS**

- Murals with a Message - Melanie Brown

Melanie Grey Brown and Carlos Melendez discussed his proposals for a project called Murals with a Message. Mr. Melendez had provided a master plan to the Board. Melanie Brown had compared Mr. Melendez's plan with the CAB's plan and found that they align very well. There are three main problems that will prevent the Board from funding the project: All the murals are on private property, excluding them from the City Public Art Collection; all the murals will be privately commissioned rather than through the City's process; and the State's Anti-Donation Clause prohibits the City from funding the project. Ms. Brown suggested using City-owned properties, which would allow the City to help with funding. She also suggested finding partners among other groups such as the environmental groups if the mural includes an environmental theme, etc. A suggestion was made to look into New Mexico Arts for a grant. Mr. Melendez continued to hope the CAB and DAARTS can help fund the project. The Board sadly informed him that the Anti-Donation Clause would definitely stop that activity and reiterated the suggestion to seek grants with New Mexico Arts.

- Chalk the Walk - Melanie Brown

  Melanie Brown discussed revamping the chalk art project and volunteered to be part of the committee for it. She mentioned that someone from that committee will need to meet with Brian from Museums. Susan Polka also volunteered to join the committee. Everyone agreed that more of the Board needs to be present before selecting committee members and making more solid plans. Ceci Vasconcellos asked which Board Member to invite if Brian with Museums schedules a meeting for this project. Melanie Brown planned to speak with Chantelle Yazzie-Martin and others to find the three members of the committee and then she promised to tell Ceci Vasconcellos the names afterwards.

- Equity Guidelines - Adam Amador

  Dr. Amador had nothing to report yet, but requested to keep the subject on the agenda.

- Proclamation: October Public Art Month

  The proclamation should be read on Tuesday, October 7, 2024 at 1:00 p.m. in the City Council chambers. Melanie Brown requested as many Board Members to attend as possible.

  Adam Amador requested permission to attend meetings remotely since he is required to attend things at the State. Ceci Vasconcellos indicated that it is allowed.

**9. COMMITTEE UPDATES**

- Engagement and Public Outreach
- Research and Development

  Cecilia L. Vargas reported that the Outreach Committee met and discussed the updated timeline. Ms. Vargas has searched online for mentions of the CAB and could not find as much current information as she was hoping for. The committee plans to meet one week prior to each Board meeting.

  Melanie Brown reported that the Research and Development Committee has not been doing much other than working on the signage and QR code for next year and researching information for Mr. Melendez.

  Cecilia L. Vargas reported that Chantelle Yazzie-Martin had spoken to the administrators for the Farmers' Market and the training should begin later in September. Chantelle Yazzie-Martin will have people get the training to be

able to attend for the CAB. She also plans to look into the artisan flea market that happens on Fridays.

Ceci Vasconcellos asked if the Board had voted on the call for artists for the Art Stop exhibit to go forward.

It was moved and seconded to move forward with the call for artists for the Art Stop exhibit as proposed. Passed unanimously.

**10. BOARD COMMENTS**

Dr. Amador had a great meeting and was glad to see everyone. He hoped the Board could figure something out to help Mr. Melendez.

Cecilia L. Vargas needed to be reminded of the proclamation date. It will be Tuesday, October 7, 2024.

Ceci Vasconcellos reported that City Council is expected to appoint a new Board Member at their meeting on Monday.

**11. NEXT MEETING – October 10, 2024**

**12. ADJOURNMENT**

It was moved and seconded to adjourn the meeting. Passed unanimously.

_____

Chairperson

DRAFT

ATTACHMENT "C"

CITY OF LAS CRUCES

**Department Strategic Business Plan**

**Department: Quality of Life**

**Date of Final Changes: December 15, 2023**

**Final Review Date: December 20, 2023**

**Approved By**

**City Innovation & Strategy Manager** Srijana Basnyat Srijana Basnyat (Dec 21, 2023 16:21 MST) **Date** _____

**Assistant City Manager** _____ **Date** 1/8/24

**City Manager** _____ **Date** 1/2/2024

## Changes to the Quality of Life Department Strategic Business Plan

I. The Quality of Life Department is proposing to split the Visitor Experience Program into two programs as follows:

1. Visitor Experience
2. Exhibits

Each Program will have:

a) A Program Manager as approved in the FY24 Budget
b) An appropriately split Family of Measures (See memo for details)

II. The Volunteer Network Program has been removed as it was moved to the City Manager's Office in FY24

* Please note, an error in the Circulation & Media Services Program Family of Measures was corrected

## MEMORANDUM – DETAILED DESCRIPTION OF REVISIONS

From: Rebecca Slaughter, Quality of Life Assistant Director
Date: December 12, 2023

Request the following change to the Quality of Life Strategic Plan to keep up with ongoing current business processes for the Museum's service to the community. These changes were discussed with Srijana Basnyat, City Innovation & Strategy Manager as all updates to Department Strategic Plans require. The beginning of this process was started in the FY24 budget process in requesting and receiving permission to hire a Visitor Experience Manager in anticipation of a fourth Program being added to the Museums Line of Business.

These changes include splitting the current Museums Line of Business' Visitor Experience Program into two separate Programs: **Visitor Experience** and **Exhibits**. This split falls in line with the Museum Master Plan that was adopted in 2021 by City Council. The Performance Measures (PMs) currently in the Visitor Experience Program are easily split between the two new programs, as is the budget.

Visitor Experience Program:

- Performance Measures:
  - QOL-VE.3 – QOL-VE.6 which will be renumbered to QOL-VE.1-QOL-VE.4.
  - These measures are those that pertain to public engagement through facilities, community engagement, or other public facing contact.
- Staff and area of work:
  - The Museum System is currently vetting candidates for the new Visitor Experience Manager, who would lead that Visitor Experience Program.
  - Four Office Assistants (who also serve as receptionists) who greet all visitors, register students for all classes, programs, camps, and studio programs, answer questions, process all paperwork coming in and out of the museums, sell items in the museum store, as well as the Curator II and our Outreach Specialist who work closely with the Community Schools, our community partners, serve as the outreach staff for offsite programs, and take the lead for public engagement events.

Exhibits Program:

- Performance Measures:
  - QOL-VE.1 and QOL-VE.2 which will become QOL-EX.1 and QOL-EX.2.
  - These measures are geared more towards the development and presentation of exhibition and exhibition components. The budgets for each Program will be split to go with their respective duties.
- Staff and area of work:
  - The Museum System has a new Exhibits Manager, who would lead the Exhibits Program, set to start the first week of January.
  - Two Curator I, the Preparator, and two Museum Assistants who all work to produce 20+ temporary exhibits per year, as well as maintaining the permanent exhibitions at the Railroad Museum and Museum of Nature and Science Museum, and produce the technology components for all four museums.

If this change is approved, new accounts will be requested for the new Exhibit Program and the funds will be split according to the staffing and the areas of work they perform. We will also request these changes be reflected in the work for the upcoming FY25 Budget.

On a side note, the other major change in the Quality of Life Strategic Plan was to remove the Volunteer Network as it has moved to the City Manager's Office.

## INTRODUCTION

The City of Las Cruces embarked on a process whereby each city department created strategic business plans identifying goals and initiatives that are included in *Elevate Las Cruces* and the strategic themes of the *City of Las Cruces Strategic Plan.*

## OVERVIEW & MISSION

The Quality of Life department is committed to improving the overall quality of life of city's residents, visitors, businesses, and communities. Bringing together art & culture, library services, and senior programming.

The mission of the Quality of Life Department is to provide diverse, customer-focused social and cultural services that enrich the lives of residents, businesses, and guests.

## BACKGROUND

The City of Las Cruces is home to more than 111,000 people and thousands of visitors annually. It is unique in character, diverse in makeup, and a great city in which to live, work, and play. The quality of life of our residents, businesses, and visitors has never been more important and the leadership of Las Cruces prioritized improving the community's overall quality of life when it created the Quality of Life Department in early 2017. Bringing together art & culture, library services, and senior programming under one streamlined service delivery model creates a singular focus, and builds greater community trust, enhances diversity, and deepens the experiences for our residents, visitors, and guests. Our department reaches "beyond our walls" to fulfill our mission and improve the quality of life of people in this area.

Our Las Cruces Museum System (LCMS) is comprised of four separate museums (Museum of Nature & Science, Museum of Art, Branigan Cultural Center, and the Railroad Museum). The LCMS exhibits and programs reflect the culture, art, history, and natural beauty of our US/Mexico Borderlands region, leveraging our strong community and cultural identity.

The Thomas Branigan Memorial Library has been providing literacy programs for more than 80 years. It acts as a "smart hub" providing a wide range of programs and services in one central location meeting critical needs for the community.

Senior Programs is comprised of five senior center sites (Munson, Eastside, Benavides, Sage Café, and Frank O'Brien Papen) providing meals, recreation, and long-term care services. Our support and services for seniors are constantly growing and evolving as the number of aging residents increases and seeks more robust opportunities to engage and interact.

In addition to the lines of business above, we also provide opportunities for residents to volunteer, giving back to areas that interest them; and we support a lively public art program where our community grows deeper in connection to the region through art.
As a result of the unprecedented COVID-19 pandemic, we have intentionally adjusted our reach and have adapted, taking full advantage of the opportunity to review our mission with fresh eyes. Business can no longer be "as usual" – our world is changed and so is the expectation; flexibility is key to continue providing a broad array of services for our diverse community.

The performance measures outlined in the plan below, and the data gathered is the foundation for all we continue to do into the future. Our performance measures work together to help us answer these vital questions about our services:

How much did we do?
How well did we do it?
Is anyone better off?

We use the answers to the questions and our data working together with our city partners, external stakeholders, and enthusiastic patrons to improve our services and continue to enrich the lives of those we serve.

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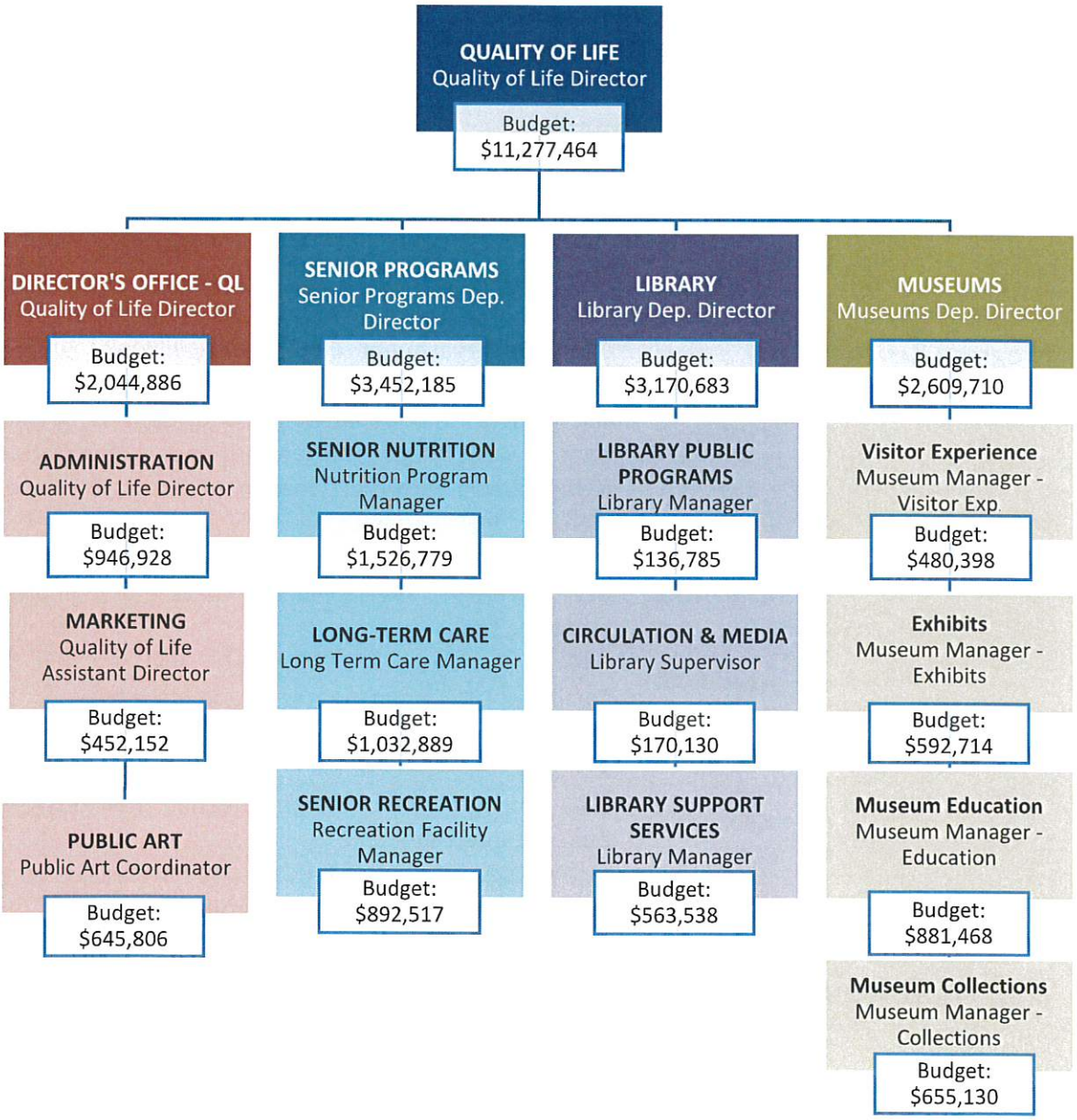
## DEPARTMENT ORGANIZATIONAL CHART & BUDGET



| LINE OF BUSINESS: | DIRECTOR'S OFFICE |
|---|---|
| **Line of Business Purpose** | The purpose of the Director's Office line of business is to provide overall coordination, guidance, and leadership services to the entire Quality of Life Department, so they can manage resources, achieve results, market programs, expand services, and effectively serve their customers. |

| PROGRAM: | ADMINISTRATION |
|---|---|
| **Program Purpose** | The purpose of the Administration program is to provide communication, administrative support, guidance, performance management, budget alignment, and ensure timely reporting of all department functions. |

| | | |
|---|---|---|
| **Program Results** | **QOL-AD.1** | 100% of department employees will know what is expected of them and how they align and contribute to the goals of the department as evidenced by their annual work plans and performance conversations being aligned with the Department Strategic Business Plan |
| | **QOL-AD.2** | 80% of Quality of Life Program Managers will actively use strategic performance data to improve performance |
| | **QOL-AD.3** | 65% of Quality of Life employees who say that the Quality of Life Department is a good place to work |
| | **QOL-AD.4** | Departmental vacancies (FTEs) will be under 10% annually |
| | **QOL-AD.5** | 90% Quality of Life programs meeting their quarterly budget targets annually |
| | **QOL-AD.6** | By FY 2026, Las Cruces families will have access to an interactive children's museum facility |

**Program Outputs**

- # of vacancies filled
- # of employee engagement opportunities

**Program Demands**

- # of vacancies needing to be filled
- # of employee engagement opportunities expected to be provided

## PROGRAM: MARKETING

**Program Purpose**

The purpose of the Marketing program is to provide coordinated outreach and advertising services to Quality of Life programs so that they can effectively communicate their services to increase participation.

Marketing serves the Quality of Life department by increasing public awareness of the programs and services offered by the Department through public awareness campaigns in a variety of media. These services are provided in conjunction with graphic designers, publishers, reporters, as well as other city departments, especially the Communications Department. The marketing program also monitors and reviews the effectiveness of our media and delivery processes.

**Program Results**

| | |
|---|---|
| **QOL-MKT.1** | 15% annual increase in Quality of Life website traffic |
| **QOL-MKT.2** | 10% annual increase in Quality of Life integrated marketing campaigns |
| **QOL-MKT.3** | 15% annual overall increase in participation in all Quality of Life programs and services annually |

**Program Outputs**

- # of integrated marketing campaigns in Quality of Life
- # of visitors to the QOL website pages

**Program Demands**

- # of Quality of Life integrated marketing campaigns expected to be developed
- # of expected visitors to the QOL website

| PROGRAM: | PUBLIC ART | |
|---|---|---|
| Program Purpose | The Las Cruces Public Art program commissions and cares for a collection of public artworks, promotes the community's access to and engagement with public art, and supports the growth of public art practice in Las Cruces. The program's vision is for Las Cruces Public Art to reinforce the fundamental link between creative expression and quality of life – shining a light on the city's culture, creative community, and creative economy; improving the visual identity of public spaces; and creating opportunities for all Las Cruces to engage with art. | |
| Program Results | QOL-PA.1 | By FY 2024, 35% of survey respondents will report that public art improves their quality of life |
| | QOL-PA.2 | By FY 2023, 100% completion of condition assessments of all public art pieces located within the City of Las Cruces limits |
| | QOL-PA.3 | By FY 2023, the Public Art Program will create a public art maintenance schedule |
| | QOL-PA.4 | By FY 2026, five (5) new permanent public artworks and three (3) community collaborative public art projects will be installed in the City of Las Cruces (ELC, CL-1.2.3, CL-13.1, CL-13.1.3) |
| | QOL-PA.5 | By FY 2024, one (1) completed public art project will be installed in each of the council districts (ELC, CL-1.2.3) |

**Program Outputs**

- # of public artworks maintained
- # of public artwork commissions
- # of community collaborative projects
- # of public input opportunities held

**Program Demands**

- # of public artworks expected to be installed
- # of public artworks expected to be maintained
- # of community collaborative projects expected
- # of public input opportunities expected to be held

| LINE OF BUSINESS: | SENIOR PROGRAMS |
|---|---|
| **Line of Business Purpose** | The purpose of the Senior Programs line of business is to provide nutrition, recreation, social and wellness services to adults age 50 and over so they can maintain and improve health, engage in social opportunities, and prolong independence at home. |

| PROGRAM: | SENIOR NUTRITION |
|---|---|
| **Program Purpose** | The purpose of the Senior Nutrition program is to provide balanced meal services to eligible seniors aged 60 and older in a congregate and home-delivered meal setting. |

**Program Results**

| | |
|---|---|
| **QOL-SN.1** | 75% of seniors surveyed annually, will rate meals as highly satisfying |
| **QOL-SN.2** | By FY 2021, an additional home-delivered meals route will be added (ELC, CP-11.1.1) |
| **QOL-SN.3** | Annually, an increase of 20% of eligible seniors will have their nutrition and health needs met through home delivered and congregate meal programs (ELC, CP-11.1.1, CP-11.1.4) |
| **QOL-SN.4** | By FY 2023, supplemental meal options will be offered in Senior Programs (ELC, CP-11.1.1) |
| **QOL-SN.5** | By FY 2023, a new computerized check-in system for Senior Nutrition will be implemented |

**Program Outputs**

- # of congregate meals served
- # of home-delivered meals served
- # of supplemental meals provided
- # of clients served

**Program Demands**

- # of congregate meals expected to be served
- # of home-delivered meals expected to be served
- # of Senior Nutrition Program clients expected to be served

| PROGRAM: | LONG-TERM CARE | |
|---|---|---|
| **Program Purpose** | The Long Term Care program provides home care services, respite services, Grandparents Raising Grandchildren, case management, assessments, information, and referral services to eligible seniors prolonging their independence at home. | |
| **Program Results** | **QOL-LTC.1** | 20% of Long-Term Care participants living at home will report sufficient home services to avoid institutional placement (ELC, CP-11.1.3, CP-11.1.4) |
| | **QOL-LTC.2** | 75% of home-care clients will report increased satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.3** | 75% of respite care caregivers will report increased Satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.4** | By FY 2026, 5% increase in respite services to include high-risk clients (ELC, CP-11.1.3) |
| | **QOL-LTC.5** | By FY 2026, there will be increased senior transportation options available to eligible seniors (ELC, CP-11.1.4) |
| **Program Outputs** | • # of home care hours provided (ELC, CP-11.1.3)<br>• # of respite care hours provide (ELC, CP-11.1.3)<br>• # of new assessments completed monthly (ELC, CP-11.1.3)<br>• # of customer files closed monthly<br>• # of children served through Grandparents Raising Grandchildren (ELC, CP-11.1.3) | |
| **Program Demands** | • # of home care hours expected to be requested<br>• # of respite care hours expected to be requested | |

| PROGRAM: | SENIOR RECREATION | |
|---|---|---|
| **Program Purpose** | The purpose of the Senior Recreation program is to provide educational, social, and fitness services to eligible participants, 50 years of age and older so they can maintain and improve health and engage in social opportunities. | |
| **Program Results** | **QOL-SR.1** | By FY 2026, 50% increase in participant satisfaction with senior recreational programs (ELC, CP-11.1.4) |
| | **QOL-SR.2** | 10% increase in eligible participants attending two or more senior recreational activities annually (ELC, CP-11.1.2, CP-11.1.4) |

**Program Outputs**

- # of participants in Senior Recreation programs (ELC, CP-11.1.2, CP-11.1.4)
- # of Senior Recreation programs offered (ELC, CP-11.1.2, CP-11.1.4)
- # of participants in physical fitness programs (ELC, CP-11.1.2, CP-11.1.4)
- # of physical fitness program offered (ELC, CP-11.1.2, CP-11.1.4)

**Program Demands**

- # of Senior Recreation programs expected to be provided

| LINE OF BUSINESS: | LIBRARY SYSTEM |
|---|---|
| **Line of Business Purpose** | The purpose of the Library System line of business is to provide educational, literacy, and technology services to residents, businesses, and guests, so they can be inspired to learn, connect, and explore. |

| PROGRAM: | LIBRARY PUBLIC PROGRAMS |
|---|---|
| **Program Purpose** | Library Public Programs provides educational, cultural, artistic, social experiences and opportunities throughout the Las Cruces community. These services enhance, enrich, and provide valuable learning opportunities to people of all ages and backgrounds creating a hub for resources, interaction, and collaboration. |

**Program Results**

| | |
|---|---|
| **QOL-LP.1** | Four (4) collaborative programs for all ages with Las Cruces Museum System annually |
| **QOL-LP.2** | By FY 2023, 25% increase in programs for adult literacy, technology, and education |
| **QOL-LP.3** | By FY 2023, 25% increase in participation in Library Teen programs (ELC, CP-11.3.1) |
| **QOL-LP.4** | 10% of teens will assist in library program development annually (ELC, CP-11.3.1) |
| **QOL-LP.5** | By FY 2023, 10% increase in library online engagements, programs, outreach, and reference services |
| **QOL-LP.6** | By FY 2026, community will have access to one full-service branch library in the East Mesa area, co-located with multiple other services |

**Program Outputs**

- # adult programs provided
- # reference questions
- # children and teen program participants served (ELC, CP-11.3.1)
- # children and teen programs provided (ELC, CP-11.3.1)
- # outreach programs provided
- # of programs related to the history and culture of Las Cruces (ELC, CL-13.1.2)

| PROGRAM: | LIBRARY PROGRAMS (continued) |
|---|---|
| **Program Demands** | • # of adult programs expected to be offered<br>• # of adult education class registrations or attendance<br>• # of children and teens programs expected to be provided<br>• # of children and teen participants expected to sign up for programs<br>• # of outreach programs expected to be offered |

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| PROGRAM: | CIRCULATION & MEDIA SERVICES | |
|---|---|---|
| Program Purpose | The purpose of the Circulation & Media Services program is to provide library materials to residents, businesses, and guests so that they can have access to a wealth of information.<br>The program creates a robust and diverse collection to meet the needs of the City of Las Cruces community members and strives to reduce barriers for patrons, extend the reach of the library through digital services, and other accessible options. | |
| Program Results | QOL-CM.1 | By 2023, 35% increase in library material circulation |
| | QOL-CM.2 | By 2023, 5% increase in new library cards issued |
| | QOL-CM.3 | 80% patrons surveyed report satisfaction with customer service provided at Circulation and Media service points |
| Program Outputs | • # library cards issued (Performance Indicator - Elevate Las Cruces)<br>• # of checkouts on the self check out machine<br>• # monthly visitors/door counts<br>• # of items circulated monthly | |
| Program Demands | • # of library cards expected to be issued<br>• # visitors expected monthly<br>• # of items expected to be circulated monthly | |

| PROGRAM: | LIBRARY SUPPORT SERVICES | |
|---|---|---|
| **Program Purpose** | The purpose of the Library Support Services Program is to provide residents and guests access to library materials, internet, computer services, and digital databases so they can connect the community to the information and resources needed to live, learn, and work. | |
| **Program Results** | **QOL-LSS.1** | By FY 2023, 25% increase in electronic materials purchased for the library collection |
| | **QOL-LSS.2** | By FY 2023, 15% increase in library database usage |

**Program Outputs**

- # computer sessions/logins
- # Library database sessions/logins
- # holds requested
- # materials added to the Library collection (non-electronic)
- # electronic materials added to the Library collection
- # materials (electronic and non-electronic) added to the Library collection related to the history and culture of Las Cruces (ELC, CL-13.1.2)

**Program Demands**

- # materials expected to be added to the Library collection
- # computer sessions expected
- # holds expected to be placed

| LINE OF BUSINESS: | MUSEUM SYSTEM |
|---|---|
| **Line of Business Purpose** | The purpose of the Museum System line of business is to provide diverse and holistic experiences to residents, businesses, and guests, so they can be inspired to learn, connect, and explore. |

| PROGRAM: | VISITOR EXPERIENCE |
|---|---|
| **Program Purpose** | The Visitor Experience Program actively serves the community by providing excellent customer service, well maintained facilities, and a diverse assortment of experiences for our visitors.<br>The experiences presented reflect the program's commitment to equitable engagements that offer the participant a way to learn, connect, and explore the world around them. |

| | | |
|---|---|---|
| **Program Results** | **QOL-VE.1** | By FY 2025, LCMS facilities maintenance plans will be developed with CLC Facilities |
| | **QOL-VE.2** | By FY 2026, the community will have access to the Las Cruces Museum System through regular Sunday and evening hours |
| | **QOL-VE.3** | 10% increase in participation in community forums |
| | **QOL-VE.4** | By FY 2025, 25% of the processes for obtaining accreditation by American Alliance of Museum will be completed |

**Program Outputs**

- # of community forums offered
- # of community special events
- # of exhibits, community forums, and community special events related to the history and culture of Las Cruces (ELC, CL-13.1.2)

**Program Demands**

- # of community forums expected to be offered
- # of community special events expected to be offered
- # of exhibits, community forums, and community special events related to the history and culture of Las Cruces expected to be offered

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| LINE OF BUSINESS: | MUSEUM SYSTEM |
|---|---|
| **Line of Business Purpose** | The purpose of the Museum System line of business is to provide diverse and holistic experiences to residents, businesses, and guests, so they can be inspired to learn, connect, and explore. |

| PROGRAM: | EXHIBITS | |
|---|---|---|
| **Program Purpose** | The Exhibits Program serves the community by providing excellent, relevant, and a diverse assortment of exhibitions. The exhibitions and dynamic experiences presented reflect the program's commitment offering visitors a way to learn, connect, and explore the world around them. | |
| **Program Results** | **QOL-VE.1** | 10% increase in visitor satisfaction with exhibit presentations annually |
| | **QOL-VE.2** | There will be a 10% increase in the number of people visiting three or more exhibitions on site |

**Program Outputs**

- # of attendees to temporary exhibits
- # of attendees to permanent exhibits
- # of temporary exhibits offered
- # of community forums offered

**Program Demands**

- # temporary exhibits expected to be offered
- # of attendees expected to attend temporary exhibits
- # of attendees expected at permanent exhibits

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| PROGRAM: | EDUCATION | |
|---|---|---|
| Program Purpose | The Museum Education Program embraces the idea that learning is engaging, full of discovery, and feeds curiosity. Education offers programs, events, and experiences that reflect these characteristics and facilitate a collective flow of ideas, values, and interests and to provide equitable access to the arts, culture, history, and science. | |
| Program Results | QOL-ME.1 | Museum Education will have 15% increase in collaboration with City and non-City organizations annually (ELC, CP-4.3.6, CL-13.1.3) |
| | QOL-ME.2 | Museum Education will have four (4) collaborative programs with Thomas Branigan Memorial Library per year |
| | QOL-ME.3 | Museum Education will have a 10% increase in people attending education programs annually (ELC, CL-13.1.2) |
| | QOL-ME.4 | By FY 2023, 10% increase in participation in Museum programs for teens (ELC, CP-11.3.1) |
| | QOL-ME.5 | By FY 2023, 10% teens who participate in leadership roles in museum program development (ELC, CP-11.3.1) |
| | QOL-ME.6 | Museum Education will collaborate in one (1) education program annually with community schools. (ELC, CP-6) |

**Program Outputs**

- # children and teen programs provided (ELC, CP-11.3.1)
- # children and teen participants served (ELC, CP-11.3.1)
- # of programs offered
- # of programs related to the history and culture of Las Cruces (ELC, CL-13.1.2)
- # of adult participants served

**Program Demands**

- # programs expected to be offered
- # Children and Teens programs expected to be provided
- # Children and Teens participants expected to sign up for programs
- # of adult participants expected to participate

## PROGRAM: MUSEUM COLLECTIONS

**Program Purpose**

The Collections program provides stewardship for the museum collections, living collections, and historic structures. The program ensures equitable access to the arts, history, culture, nature, and science through preserving and cataloging museum collections, facilitating research requests, creating online exhibits and databases, generating Nature Center programming and outreach, caring for Chihuahuan desert species, and training staff and students.

**Program Results**

| | |
|---|---|
| **QOL-MC.1** | By FY 2024, 30% of the permanent collection will be appraised |
| **QOL-MC.2** | Museum Collections will have 75% of new items accessioned annually |
| **QOL-MC.3** | The Nature Center will hold desert safety workshops twice per year |
| **QOL-MC.4** | Museum Collections will have a 10% increase in attendance at Nature Center programs (ELC, CL-13.1.2) |
| **QOL-MC.5** | By FY 2024, 50% of preservation plans for BCC & RRM will be completed |
| **QOL-MC.6** | By FY 2024, Museum Collections Policy will be updated and approved |
| **QOL-MC.7** | By FY 2024, a sustainability plan for the LCMS will be developed |
| **QOL-MC.8** | By FY 2024, 25% of the permanent collection will be stored and cataloged according to American Alliance of Museums standards |

**Program Outputs**

- # collection pieces stored to archival standards and catalogued
- # of research requests fulfilled (ELC, CP-13.1.2)
- # of items accessioned
- # of Nature Center programs
- # of Nature Center programs related to the history and culture of Las Cruces (ELC, CL-13.1.2)
- # of Nature Center program attendees

**Program Demands**

- # accessioned items expected
- # of research requests expected to be fulfilled
- # of Museum Collections public programs expected to be offered
- # of Nature Center programs expected to be offered

## CITY OF LAS CRUCES STRATEGIC PLAN

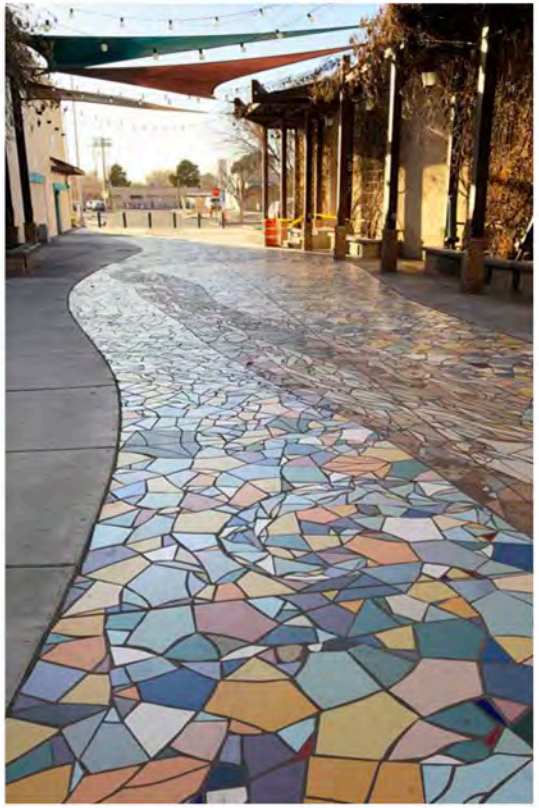
The following table lists the department goals that align with the *City of Las Cruces Strategic Plan* themes and references *Elevate Las Cruces* goals when applicable.

| STRATEGIC THEME 1: | COMMUNITY PROSPERITY | |
|---|---|---|
| **DESIRED OUTCOMES:**<br>• Expanded housing options for all income levels<br>• Enhanced economic diversity and business strength | **QOL-SN.2** | By FY 2021, an additional home-delivered meals route will be added (ELC, CP-11.1.1) |
| | **QOL-SN.3** | Annually, an increase of 20% of eligible seniors in Las Cruces will have their nutrition and health needs met through home delivered and congregate meal programs (ELC, CP-11.1.1, CP-11.1.4) |
| | **QOL-SN.4** | By FY 2023, supplemental meal options will be offered in Senior Programs (ELC, CP-11.1.1) |
| | **QOL-LTC.1** | 20% of Long-Term Care participants living at home will report sufficient home services to avoid institutional placement (ELC, CP-11.1.3, CP-11.1.4) |
| | **QOL-LTC.2** | 75% of home-care clients will report increased satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.3** | 75% of respite care caregivers will report increased Satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.4** | By FY 2026, 5% increase in respite services to include high-risk clients (ELC, CP-11.1.3) |
| | **QOL-LTC.5** | By FY 2026, there will be an increase in senior transportation options available to eligible seniors (ELC, CP-11.1.4) |
| | **QOL-SR.1** | By FY 2026, 50% increase in participant satisfaction with senior recreational programs (ELC, CP-11.1.4) |
| | **QOL-SR.2** | 10% increase in eligible participants attending two or more senior recreational activities annually (ELC, CP-11.1.2, CP-11.1.4) |
| | **QOL-LP.3** | By FY 2023, 25% increase in participation in Library Teen programs (ELC, CP-11.3.1) |
| | **QOL-LP.4** | 10% of teens will assist in library program development annually (ELC, CP-11.3.1) |
| | **QOL-LP.5** | By FY 2023, 10% increase in library online engagements, programs, outreach, and reference services |
| | **QOL-ME.1** | Museum Education will have 15% increase in collaboration with City and non-City organizations annually (ELC, CP-4.3.6, CL-13.1.3) |

| | | |
|---|---|---|
| | **QOL-ME.3** | Museum Education will have a 10% increase in people attending education programs annually (ELC, CL-13.1.2) |
| | **QOL-ME.4** | By FY 2023, 10% increase in participation in Museum programs for teens (ELC, CP-11.3.1) |
| | **QOL-ME.5** | By FY 2023, 10% teens who participate in leadership roles in museum program development (ELC, CP-11.3.1) |
| | **QOL-PA.4** | By FY 2026, five (5) new permanent public artworks and three (3) community collaborative public art projects will be installed in the City of Las Cruces (ELC, CL-1.2.3, CL-13.1, CL-13.1.3) |
| | **QOL-PA.5** | By FY 2024, one (1) completed public art project will be installed in each of the council districts (ELC, CL-1.2.3) |
| | **QOL-MC.4** | Museum Collections will have a 10% increase in attendance at Nature Center programs (ELC, CL-13.1.2) |
| **STRATEGIC THEME 2:** | **EDUCATION AND COMMUNITY SERVICES** | |
| **DESIRED OUTCOMES:**<br>• Enhanced physical and mental health resources<br>• Improved access to healthy food options | **QOL-ME.6** | Museum Education will collaborate in one (1) education program annually with community schools. (ELC, CP-6) |
| **STRATEGIC THEME 3:** | **ENVIRONMENTAL SUSTAINABILITY** | |
| **DESIRED OUTCOMES:**<br>• Achieve the goals included in the Climate Action Plan adopted in 2020<br>• Promote balanced growth | **QOL-MC.7** | By FY 2024, a sustainability plan for the LCMS will be developed |

| STRATEGIC THEME 4: | CAPITAL IMPROVEMENT AND INFRASTRUCTURE | |
|---|---|---|
| **DESIRED OUTCOMES:**<br>• Quality infrastructure that meets the community's needs<br>• Expanded transit access and options, including pedestrian and bicycle improved road and pavement condition | **QOL-PA.2** | By FY 2023, 100% completion of condition assessments of all public art pieces located within the City of Las Cruces limits |
| | **QOL-PA.3** | By FY 2023, the Public Art Program will create a public art maintenance schedule |
| | **QOL-VE.1** | By FY 2023, LCMS facilities maintenance plans will be developed with CLC Facilities |
| | **QOL-VE.2** | By FY 2026, the community will have access to the Las Cruces Museum System through regular Sunday and evening hours |
| | **QOL-AD.6** | By FY 2026, Las Cruces families will have access to an interactive children's museum facility |
| | **QOL-MC.5** | By FY 2024, 50% of preservation plans for BCC & RRM will be completed |
| **STRATEGIC THEME 5:** | **COMMUNICATION, INVOLVEMENT AND FOLLOW-UP** | |
| **DESIRED OUTCOMES:**<br>• Robust communication channels with residents between City departments<br>• Timely and consistent follow-up by City staff to residents and the public | **QOL-MKT.1** | 15% annual increase in Quality of Life website traffic |
| | **QOL-MKT.2** | 10% annual increase in Quality of Life integrated marketing campaigns |
| | **QOL-PA.1** | By FY 2024, 35% of survey respondents will report that public art improves their quality of life |
| | **QOL-SN.1** | 75% of seniors surveyed annually, will rate meals as highly satisfying |
| | **QOL-EX.1** | 10% increase in visitor satisfaction with exhibit presentations annually |
| | **QOL-VE.3** | By FY 2024, there will be a 10% increase in participation in community forums |
| **STRATEGIC THEME 6:** | **PUBLIC SAFETY** | |
| **DESIRED OUTCOMES:**<br>• A more humane criminal justice system<br>• A safe and secure community | | *The Quality of Life department does not have specific results related to these desired outcomes.* |

# CITY OF LAS CRUCES PUBLIC ART MASTER PLAN



CITY OF LAS CRUCES

Las Cruces PUBLIC ART

On the cover, clockwise from left:
Mural Camp participant working on *Evolution of Loss* led by Sean Carpenter and Shaunna Foster;
Glenn Schwaiger, *Earth and Cosmos;*
Olin Calk, *Recycled Roadrunner;*
Cliff Flint, *The Power of Difference*

# CONTENTS


**EXECUTIVE SUMMARY** 3
Las Cruces Public Art 4
Implementation Guidelines 5
Public Art Opportunities 7
Public Art Programs 9
Communications 9
Conclusion 9

**INTRODUCTION** 11
Why Plan for Public Art? Why Now? 11
Methodology 12
How to Use this Plan 13

**LAS CRUCES PUBLIC ART: THE CITY OF LAS CRUCES' PUBLIC ART PROGRAM** 15
A Mission and Vision for Public Art 15
Goals and Strategies 16

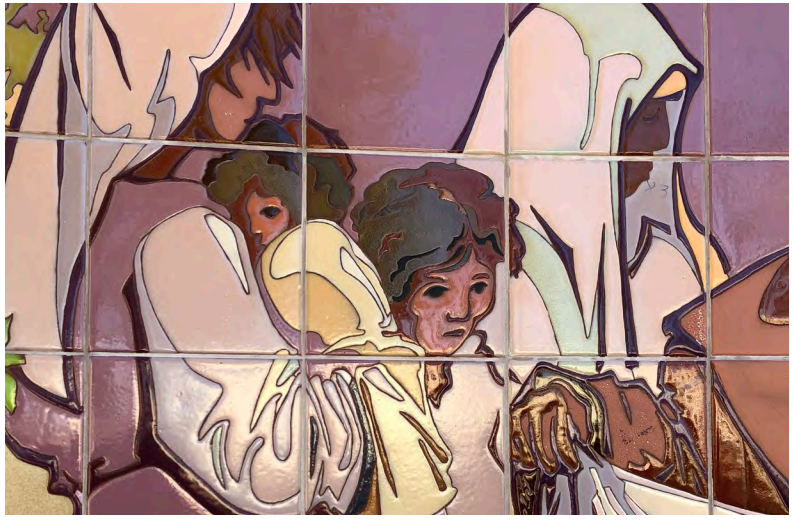
**PUBLIC ART IMPLEMENTATION GUIDELINES** 21
Roles and Responsibilities 22
Funding Public Art 29
Planning for Public Art 32
The Standard Public Art Commissioning Process 34
The Purchase Process 40
Review and Acceptance of Donations of Public Art, Monuments and Memorials 42
Review and Acceptance of Public Art Loans 46
Review Criteria 48
Public Art in Private Development 52
Collection Management 54

**PUBLIC ART OPPORTUNITIES** 63
Parks and City Facilities 64
Landmark Public Art Projects 71
Community Engaged Collaborations 76
Las Cruces Stories 80

**PUBLIC ART PROGRAMS** 85
Artist Professional Development 85
Mural Best Practices Guide 87

**COMMUNICATIONS** 89
Message and Identity 90
Presence in the Community 90
Public Art Catalog 90
Project-Specific Communications Strategy 91
Programs to Promote Engagement with the Public Art Collection 91

**APPENDICES** 93
Appendix A: Acknowledgements 93
Appendix B: Definitions 95
Appendix C: Survey Results 99
Appendix D: Artist Solicitation Methods 112
Appendix E: Sample Project Plan Outline 115
Appendix F: Standard Commissioning Process – Summary Chart 116



Clockwise from top:
SUM Artist, *Meerscheidt Recreation Center Mural;*
Tony Pennock, *Quail Morning;*
Tony Pennock with Shan Nichols, *La Entrada* (detail)

# EXECUTIVE SUMMARY

Las Cruces is increasingly becoming recognized as a cultural destination and a great place to live – and the arts are a driving force behind these changes. The arts are playing an important role in bolstering civic pride, helping to grow the creative economy, and supporting overall quality of life. The recent approval by the State of New Mexico of Las Cruces' Arts and Cultural District is only one example of the recognition being afforded to the rich cultural and artistic offerings found in Las Cruces.

In 2013, City Council established the City Art Board to advise City Council on matters related to public art, making clear that public art was a priority for Las Cruces. Recently, the City's first full-time Art Program Coordinator was hired. As interest in public art continued to grow in Las Cruces, the City Art Board and the City of Las Cruces decided they needed a Public Art Master Plan to guide their work.

The City of Las Cruces' Public Art Master Plan was commissioned to provide guidance that will ensure sustainable funding sources for public art, make the most of the City's resources, and ensure that the City's public art activities make an impact on Las Cruces and respond to the community's needs. This plan is meant to be a valuable and often-consulted tool for the City Art Board, City staff, and anyone interested in collaborating with the City on public art. It establishes a vision and provides administrative and programmatic recommendations to guide Las Cruces through the exciting – and at times challenging – work of building and caring for a public art collection that reflects and supports the importance of the arts in Las Cruces.

A community member reviews potential goals for public art in Las Cruces at the National Night Out event in August 2019.

## Las Cruces Public Art

First, this plan establishes that *Las Cruces Public Art* (LCPA) is the City of Las Cruces' public art program and is the mechanism through which all of the City's public art activities take place. The City Art Board works with LCPA to develop a work plan each year, reviews and approves projects, and advises City Council on these matters.

### MISSION

*Las Cruces Public Art* commissions and cares for a collection of contemporary public artworks, promotes the community's access to and engagement with public art, and supports the growth of public art practice in Las Cruces.

### VISION

*Las Cruces Public Art* reinforces the fundamental link between creative expression and quality of life – shining a light on the city's culture, creative community and creative economy; improving the visual identity of public spaces; and creating opportunities for all Las Crucens to engage with art.

### GOALS

1: Elevate Las Cruces as the Arts Capital of Southern New Mexico

2: Add Visual Interest and Beauty to the City

3: Activate Public Spaces

4: Improve Visual Identity; and

5: Make Art and Culture a Way of Life

Lorenzo Zepeda and the Murals Arts Program, *The Path of Choice;*
Glenn Schwaiger, *Entrada del Sol*

# Implementation Guidelines

The plan recommends step-by-step procedures and specific tools for LCPA and the City Art Board to use in accomplishing their work.

## ROLES AND RESPONSIBILITIES

*Las Cruces Public Art* is responsible for building and caring for the City of Las Cruces Public Art Collection, an important asset of the City. The City Art Board serves in an advisory capacity to City Council on all matters related to *Las Cruces Public Art* and makes formal recommendations to the City Council relative to the acquisition of public art, the de-accession of public art, the stewardship of the Las Cruces Public Art Collection, and policies and guidelines that guide these responsibilities. *Las Cruces Public Art* is professionally staffed by the Art Program Coordinator, who resides in the Quality of Life Department. LCPA works with many City departments, most notably Public Works and Parks and Recreation, to ensure the seamless integration of public art into Las Cruces' built environment.

## FUNDING PUBLIC ART

The City of Las Cruces should support *Las Cruces Public Art* through a combination of funding sources. The City should adopt, by ordinance, a Percent for Art policy to support public art related to new capital projects. Program administration and other projects and programs should be supported through the General Fund. The City should also proactively write grants and solicit funding to support LCPA's goals.

## PLANNING FOR PUBLIC ART

*Las Cruces Public Art* should thoughtfully plan for public art, both through an Annual Public Art Work Plan process and by developing specific plans for each new public art commission being led by LCPA. In addition, LCPA should work closely with Public Works, Parks and Recreation, Community Development, Economic Development, as well as other City departments, to include strategies for public art in other City plans and planning processes.

## COMMISSIONING AND PURCHASING PROCESSES

New public art acquired by LPCA will, with rare exceptions, be site-specific commissions where an artist is selected to develop a project for Las Cruces that is informed by the context of the site. In certain cases, the City Art Board may instead determine that it is best to purchase an artwork directly from an artist or from a gallery. The Standard Commissioning Process and the Purchasing Process lay out step by step processes, led by the City Art Board and managed by the Art Program Coordinator.

## REVIEW PROCESSES FOR DONATIONS AND LOANS

From time to time, private individuals, foundations, corporations or other organizations may wish to donate or loan a work of art to the City of Las Cruces for public display. While these donations and loans can be a great way to enrich public spaces, it is important to consider carefully whether the donation or loan meets the City's vision for public art and ensure that the related costs and risks of the donation or loan are understood.

## REVIEW CRITERIA

The processes for commissioning, purchasing and accepting donations and loans include careful review and consideration by City Art Board, by ad-hoc Art Selection Committees and by City staff, prior to recommendations being made to City Council. LCPA should consistently use criteria for Site and Design Review and Technical Review when deliberating.

## PUBLIC ART IN PRIVATE DEVELOPMENT

Many of the anticipated private development projects in Las Cruces will potentially offer opportunities for publicly accessible artwork. In the near term, the City of Las Cruces and LCPA should encourage developers to include art in their development projects. In the future, as the City's development code is updated, the City should consider ways to include public art as a possible benefit in certain circumstances that can be written into development agreements with the City. If a developer is being reimbursed by the City to develop a park, and the developer includes public art, then the artwork should be commissioned through LCPA's Standard Commissioning Process. If the developer is not being reimbursed by the City, but the park will become a City-owned park, the review process for donations of artwork should be followed.

## COLLECTION MANAGEMENT

*Las Cruces Public Art* will work to ensure that the City of Las Cruces Public Art Collection is properly maintained and preserved, that a periodic assessment of conservation needs is made, and that proper records regarding the works in the collection are kept. The City Art Board will review and make decisions regarding the de-accession or relocation of works in the Public Art Collection, using a strict set of criteria, subject to final approval of City Council.

## Public Art Opportunities

The plan outlines four specific categories of public art opportunities that LCPA should focus its energy and resources on for the next five to ten years to begin to build a collection that achieves its vision.

### PARKS AND CITY FACILITIES

The City of Las Cruces has renewed its focus on improving community places and public spaces built by the City for the use of all residents. Public art should be included in construction of City facilities and parks demonstrating the City's commitment to incorporating art into everyday life. This will help to make Las Cruces known as a place where you can encounter art in your daily routine and will elevate parks and facilities from purely functional to engaging places that bring people together. Existing parks and City facilities should also be considered for new public art projects as part of larger community improvement initiatives.

LCPA should continue to work with the Parks and Recreation Department, the Department of Public Works and other departments to explore opportunities for public art in capital projects listed in the Capital Improvement Program. LCPA should work to have artists selected early on in the design development process for capital projects, so artwork can be physically and aesthetically integrated into the facility or park.

### LANDMARK PUBLIC ART PROJECTS

Las Cruces has stunning natural landmarks that help orient oneself and an iconic collection of highway-scaled water tank murals, which, along with the *Recycled Roadrunner* on I-10, provide moments of welcoming and wayfinding. But the interior of the city lacks such landmarks to establish overall unity or orientation. LCPA should focus on public art projects that serve as landmarks and can assist with wayfinding. These projects should be considered for major entry points to specific areas or neighborhoods or at major decision points for drivers. Opportunities exist for highly visible landmark projects at the highway scale and the corridor scale and in the Arts and Cultural District, as well as other neighborhoods.

### COMMUNITY ENGAGED COLLABORATIONS

*Las Cruces Public Art* should build on existing interest and understanding in the community and within City departments that art can be used to help achieve community development goals. LCPA should work with other City departments as well as community organizations as active partners in public art projects that are beneficial to both partners and to the public. LCPA should pursue opportunities to partner with other City departments and external partners on public art projects that provide hands-on public art experiences to the community, harnessing the power of art to engage the public and achieve community development goals.

Opportunities include working with the Parks and Recreation Department on community-created murals; developing studio space within Community and Recreation Centers for resident artists to work with the community on public art projects; working with the Office of Sustainability on low-cost, temporary beautification projects that address neighborhood needs; and collaborating with the Quality of Life Department on public art projects that extend the reach of City Museums' exhibits.

## LAS CRUCES STORIES

Las Cruces Stories are special opportunity public art projects that highlight aspects of the unique history and present-day cultures of Las Cruces. Not necessarily tied to City capital projects, Las Cruces Stories projects should be initiated periodically and would, in many cases, be in collaboration with organizations or community groups in Las Cruces. A Las Cruces Stories project could, however, be an appropriate approach for Landmarks or Parks and City Facilities projects.

Opportunities include public art projects that reveal and explore people or groups that are under-represented in the public art collection or in public spaces, such as African Americans or indigenous peoples; public art projects related to aspects of the natural environment that shape the culture of Las Cruces; or public art projects that explore the idea of Las Cruces as a past, present and future crossroads.

Lorenzo Zepeda and the Juvenile Citation Program, *Jardin de la Forteleza*

## Public Art Programs

In addition to its work commissioning public art, LCPA will lead or partner with others to develop and implement a discrete number of programs aimed at supporting local artists in developing public art as part of their practice. Programs will provide training and mentorship opportunities to help local artists grow their own practice in public art and will provide practical tools and resources, such as a mural best practices guide, for use by others interested in commissioning public art.

## Communications

*Las Cruces Public Art* should develop and implement a communications strategy to clearly communicate its vision and purpose to the public. This strategy should be focused on communicating the message that LCPA is the City's public art program, while raising awareness about LCPA's work, public art in the city, and the role of the City Art Board. This will involve developing print, web and social media, including maintaining a public-facing catalog of the collection and identifying all works with plaques; developing programs to engage the public with the collection; having a presence at select community events; and carrying out project-specific communications strategies for each project LCPA undertakes.

## Conclusion

This plan charts an exciting future for public art in the City of Las Cruces, creating a path for the City Art Board to thoughtfully plan for and advance the City's investments in public art. Using this plan as a guide, *Las Cruces Public Art* can build a collection that affirms the fundamental role that the arts play in Las Cruces by improving the quality of life for all residents, shaping the visual identify of public spaces and creating important opportunities for engagement, connectivity and community building.

A young artist helps paint windows for the *Ventanas Vivas* event in partnership with the Arts and Cultural District and the Downtown Las Cruces Partnership.

Clockwise from left:
Beverly Penn-Baron, *Unity in Diversity;*
Barios Caballeros, *EJ & Mable;*
Glenn Schwaiger, *Earth and Cosmos* (detail)

# INTRODUCTION

## Why Plan for Public Art? Why Now?

There is no denying that Las Cruces is a special place. With its breathtaking backdrop of the Organ Mountains, its standing as both a center of agriculture and a cultural crossroads, and its growing reputation as an epicenter for industries from film to space travel – Las Cruces is the heart of southern New Mexico.

In recent years, many of the cultural, historic and natural assets that make Las Cruces such a special place to live and visit have received increased recognition and support. From the establishment of the Organ Mountains-Desert Peaks National Monument in 2014 to the state-authorized approval of the Arts and Cultural District in 2018, Las Crucens are working together to support and highlight the importance of arts and culture to the city's identity, economic development, and quality of life.

Public art is no exception. Las Cruces is home to more than 50 public artworks on City property, including the much-loved water tank murals, the iconic Recycled Roadrunner on I-10, artworks in various media in City parks and facilities, and many more murals and sculptures throughout the city. City leaders – both elected officials and tireless volunteers – have recognized the role public art can play in improving quality of life for all residents and supporting economic development and cultural tourism.

In 2013, City Council established the City Art Board to advise City Council on matters related to public art. In 2015, the City Art Board drafted a strategic plan, outlining its goals and focus areas. The first public artwork commissioned with the City Art Board's approval – *Pride,* a sculpture by Karen Yank outside the East Mesa Public Safety Complex – was installed in 2018. In 2019, the City Art Board selected an artist and a concept for a new work of art that will be installed in City Hall.

As they dove into their work, the City Art Board and the City of Las Cruces found themselves faced with many decisions about funding, commissioning and stewarding public art in Las Cruces. As a result, they decided to commission a public art master plan that would help guide the City's growing public art program. In particular, the City and the City Art Board wanted a plan that would include a mission and a vision for public art in Las Cruces, an assessment of public art opportunities, procedural recommendations around acquisition and maintenance of public art, recommended funding sources, and ways to engage the public. After conducting a national search for a public art master planning consultant in the summer of 2018, the City selected Via Partnership, working with Robert A. González, Ph.D, AIA, to facilitate the development of the plan.

## Methodology

Throughout the planning process, the consultants worked closely with the City Art Board, City staff (including the Art Program Coordinator, a newly established position in the Quality of Life Department), a Community Advisory Committee comprised of community stakeholders, and a Steering Committee comprised of City staff from departments that will have a role in the successful implementation of the plan.

Public input was gathered through an online survey, launched in early spring 2019, that was designed to solicit information regarding people's awareness and preferences of existing public art in Las Cruces, to learn more about people's perceptions of the city, and to allow the public to respond to a broad set of possible directions for public art in Las Cruces. City staff, City Art Board members, and the planning team also hosted hands-on activities at National Night Out in August 2019 to gather input for the plan and engage the public in conversations about public art and the master planning process. Early on in the process, the consultants worked with El Paso's public art program to lead a tour of public art in El Paso for the City Art Board, Community Advisory Committee, Steering Committee, and other stakeholders that included meetings with El Paso public art staff and City Councilors.

The planning team reviewed relevant City plans and documents, conducted benchmarking research about public art programs in New Mexico and neighboring states, facilitated one-on-one interviews with key stakeholders and staff, and hosted a roundtable discussion for artists in collaboration with the Branigan Cultural Center, as well.

As part of the planning process, Las Cruces artists participated in a roundtable discussion (left) and the public participated in hands-on activities and shared their thoughts about what public art in Las Cruces should be (center and right).

## How to Use this Plan

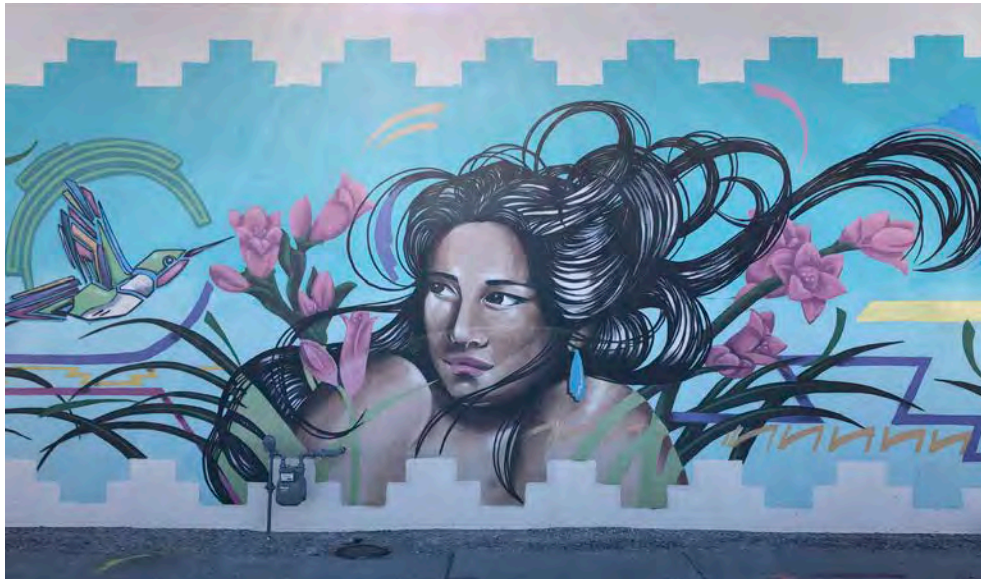
This plan is intended to be a living document that can be consulted by *Las Cruces Public Art* staff and the City Art Board as they do their day-to-day work of planning for public art and managing individual projects, as well as by City Council and other City staff, including partnering departments and the City Manager's Office, as they as plan and carry out larger City priorities, goals, and initiatives.

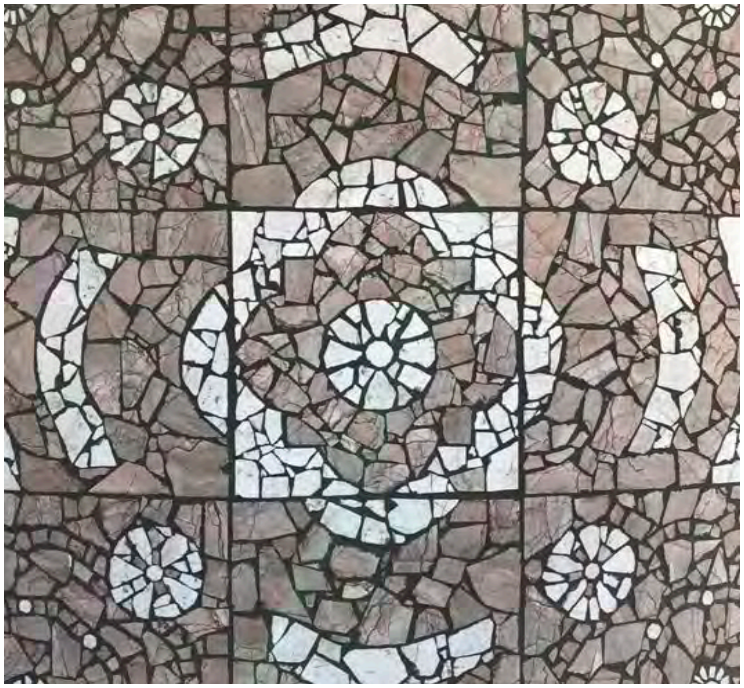
The plan lays out a mission and vision for public art that are meant to ensure the program's work is relevant and responsive to the community's needs and values and then provides specific tools that can be used to guide decision-making throughout the course of planning for, commissioning, acquiring, and caring for public art. At its most fundamental level, the plan establishes that all public art projects commissioned on City property or with City funds should be administered by *Las Cruces Public Art*, with the review and approval of the City Art Board and City Council.

Roles and responsibilities are outlined, detailing how the many individuals and entities involved in the process should work together, including the City Art Board, City staff members, the City Council, Art Selection Committee members, and other organizations who may be involved in projects, such as the Arts and Cultural District Coordinating Council and New Mexico Arts.

The tools provided in this plan can be used by City staff and the City Art Board on an ongoing basis – from the early stages of identifying and prioritizing project opportunities, to managing artist selection processes and individual projects, to carrying out ongoing care and maintenance of a growing collection. In addition to these resources that can be used to guide City-commissioned projects, the plan also provides criteria and procedures for reviewing and making decisions about donations and loans from outside entities.

Ultimately, this plan aims to give *Las Cruces Public Art*, the City Art Board, and anyone interested in working with the City to support public art in Las Cruces the tools they need to build a robust public art program that is an asset to the community and reflects and bolsters the city's vibrant and unique culture. Using this plan, *Las Cruces Public Art* and the City Art Board will make clear the fundamental link between public art, quality of life, and economic development, highlighting and strengthening all that the city has to offer in making public art an expected and valued part of everyday life in Las Cruces.





Clockwise from top:
Nani Chacon, *All Between Land and Air;*
Tony Pennock with Shan Nichols, *La Entrada* (detail);
Olin Calk, *Recycled Roadrunner*

# LAS CRUCES PUBLIC ART:
## THE CITY OF LAS CRUCES' PUBLIC ART PROGRAM

*Las Cruces Public Art* (LCPA) is the City of Las Cruces' public art program. It is professionally staffed, currently by a full-time Art Program Coordinator, a position that resides in the City's Quality of Life (QOL) Department. City Council established the City Art Board by Ordinance in 2013 to advise City Council on all matters related to public art. LCPA and the City Art Board work together to ensure the success of public art in Las Cruces.

*Las Cruces Public Art* is the mechanism through which all of the City's public art activities take place. If a City department is interested in commissioning public art, they work with LCPA to manage the artist selection and follow the procedures outlined in this plan, including facilitating review and approval of the project by the City Art Board. Similarly, if an individual or non-City entity wishes to place public art on City property or collaborate with the City on a public art project, they work with LCPA to have the project reviewed and approved by the City Art Board.

### A Mission and Vision for Public Art

The mission and vision of *Las Cruces Public Art* are designed to provide focus to the program and guide the work of City staff and the City Art Board. All work undertaken by LCPA should resonate with the program's mission and vision, ensuring that the program is relevant and responsive to the community's values and needs.

#### MISSION

*Las Cruces Public Art* commissions and cares for a collection of contemporary public artworks, promotes the community's access to and engagement with public art, and supports the growth of public art practice in Las Cruces.

#### VISION

*Las Cruces Public Art* reinforces the fundamental link between creative expression and quality of life – shining a light on the city's culture, creative community and creative economy; improving the visual identity of public spaces; and creating opportunities for all Las Crucens to engage with art.

## Goals and Strategies

Every project that *Las Cruces Public Art* supports should further the program's vision and impact one or more of the Goals for Public Art outlined here. These goals should be used by staff and the City Art Board to help guide decision-making about what projects to prioritize and undertake and will also provide a framework to envision, develop and refine future project ideas. By focusing their efforts on achieving the following goals, LCPA can make the most impact with its resources.

The strategies listed are broad approaches that LCPA can employ to achieve each goal. Specific recommendations throughout the plan support each strategy and represent prioritized, concrete ways to put the strategies into action. As time goes on, LCPA can continue to use these goals and strategies to develop future projects, programs, and activities.

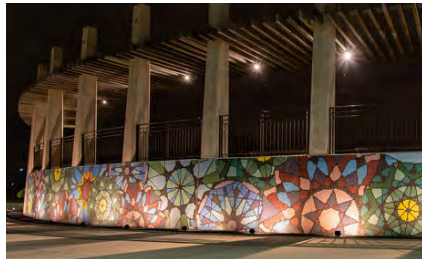
## Goal 1

### ELEVATE LAS CRUCES AS THE ARTS CAPITAL OF SOUTHERN NEW MEXICO

Public art will raise awareness around the many dimensions of Las Cruces' rich cultures, heritages, and creative communities, promoting the city – the second largest city in New Mexico – as a cultural destination for both locals and visitors from farther afield.

### STRATEGIES

- Focus public art on places and ideas that are part of what makes Las Cruces and its region unique.
- Develop public art projects that support visitorship to the Arts and Cultural District and to local arts and culture destinations.
- Develop public art projects that support, grow and promote the local creative economy.
- Commission artworks that become a destination in themselves.
- Develop public art projects that play to the strengths of the local arts community and help them develop their practice in public art.
- Develop programs to support artists new to the public art field.
- Attract regional artists to want to create projects in Las Cruces.
- Promote and raise awareness of Las Cruces' growing public art collection.



Left to right: Rude Calderón and Roberto Delgado, *Nature's Light,* San Diego, CA, Photo: Rude Calderón;
Vanessa Alvarado, Margarita Paz-Pedro and Cassandra Reid with ALMA Apprentices, *Giver of Water, Essence of Life,* Albuquerque, NM, Photo: Keith Scott;
RE:Site Studio, *Interlacing Patterns,* Sugar Land, TX, Photo: Pablo Gimenez Zapiola

## Goal 2

### ADD VISUAL INTEREST AND BEAUTY TO THE CITY

City facilities, parks, and public spaces will incorporate art as a standard practice, making these places more visually interesting, attractive, and stimulating for their users and passersby. High quality design and the involvement of artists will be expected when these spaces are being renovated, constructed or envisioned.

### STRATEGIES

- When the City builds a high-profile or public-facing facility, park or new public space – incorporate high quality public art.
- Commission artwork that makes a positive impact on the overall design of public spaces and on people's experience of the public realm.
- Partner with Parks and Recreation, Public Works, and other City departments on community improvement and beautification projects.
- Encourage developers to incorporate public art into public space within their own projects.
- Develop criteria and a process to review donations of artwork to the City.
- Provide guidance and resources for artists, arts organizations, and private property owners to initiate their own public art projects.

Left to right: Roberto Behar & Rosario Marquardt, *Rhode Island Intermodal Station,* Warwick, RI, Photo: © R&R Studios; David Franklin and Aaron Whelton, *Drift Inversion,* Denver, CO, Photo: Aaron Whelton; Pete Beeman, *Alphabet Soup,* Albuquerque, NM, Photo: Pete Beeman; Marc Fornes/TheVeryMany, *Marquise,* El Paso, TX, Photo: NARRO

## Goal 3
### ACTIVATE PUBLIC SPACES

Public art will help bring energy and engagement to places where people gather, creating vital public spaces where people want to be.

### STRATEGIES

- Focus public art on community gathering places, such as parks, community centers, and recreation centers.
- Commission works that are interactive and playful.
- Work with community organizations to envision public artworks that are supportive of community traditions.

## Goal 4
### IMPROVE VISUAL IDENTITY

Public art will help people make sense of the growing city by creating landmarks, defining corridors and neighborhoods, and supporting navigation.

### STRATEGIES

- Commission key, large scale, memorable projects at major gateways and on major corridors.
- Commission public art projects that help people navigate downtown and the Arts and Cultural District.
- Commission public art that brings identity to not yet identifiable corridors and neighborhoods.

Top left to right: CJRDesign, *Skatespace,* Seattle, WA, Photo: CJRDesign; Jen Lewin, *Ascent,* Coral Springs, FL, Photo: Jen Lewin; Sextaferia, *Umbrella Sky,* Coral Gables, FL, Photo: City of Coral Gables; Jessica Witte, *Seed the Change,* St. Louis, MO, Photo: Jeffrey Bruce

## Goal 5

### MAKE ART AND CULTURE A WAY OF LIFE

With time, art will be part of everyone's everyday experience, and people of all ages and backgrounds will have opportunities to engage with artmaking and artists. Las Cruces will be known as a place that values access to the arts.

### STRATEGIES

- Develop programs that engage and educate young people.
- Encourage artists who are doing projects in neighborhoods to include a community engagement component as part of their process.
- Commission artists to develop projects that bring the community together, including artists who incorporate community engagement into their project development process.
- Distribute public art throughout the city with an emphasis on projects in Las Cruces' neighborhoods.

Top to bottom:
Koryn Rolstad, *Mandala Sunrise,*
El Paso, TX,
Photo: Aurelio Fernandez Photography;
Greg Reiche, *Big-1 Icon Wall,*
Albuquerque, NM,
Photo: Greg Reiche;
Vicki Scuri, *Airway,* El Paso, TX,
Photo: Jesse Ramirez

Clockwise from left:
Ellie Balk, *Visualize Pi Perspective,*
Brooklyn, NY, Photo: Ellie Balk;
Pepon Osario, *I have a story to tell you...,*
Philadelphia, PA,
Photo: James Abbott ©2004,
courtesy Association for Public Art;
Vivian Beer, *Dressed Up and Pinned,*
Arlington, VA, Photo: Vivian Beer;
Bob Cassilly, *Turtle Playground,*
St. Louis, MO, Photo: Meridith McKinley

Clockwise from top left:
Tony Pennock with Shan Nichols, *La Entrada* (detail);
Anahy Nunez, Aaron Valenzuela, Christina Ballew and youth volunteers, *Color Me Cruces;*
Andrew Nagem, *Refuge*

# PUBLIC ART IMPLEMENTATION GUIDELINES

This section of the plan recommends procedures and protocols that *Las Cruces Public Art*, the City Art Board, and all collaborators should follow to accomplish their work. First, lays out the roles and responsibilities of City Council, the City Art Board, City staff and other entities, as they pertain to public art. Then, it provides step-by-step processes to guide the program's work, including a Standard Commissioning Process with variations; tools for planning ahead and evaluating potential public art opportunities; guidance for working with NMArts, private developers, and others; criteria for reviewing City commissioned projects, as well as for reviewing and accepting donations and loans; and recommended best practices for collection management. Key terms used throughout the plan are defined in Appendix B.

Eugenia "AO" Carmona,
*Thomas Branigan Library Mural;*
Shaunna Foster,
Lorenzo Zepeda and
the Mural Arts Program,
*Sacred Rain Arrow*

# Roles and Responsibilities

City Council, the City Art Board, Art Selection Committees, the City Manager, various City departments, the Parks and Recreation Advisory Board, and New Mexico Arts all play important roles in the activities of *Las Cruces Public Art* and ensuring the success of projects. The following lists each entity's recommended roles and responsibilities, as they pertain to LCPA.

## CITY COUNCIL

### Description

The Las Cruces City Council is comprised of seven members elected by the voters in their respective districts. Once elected, Council members choose the Mayor Pro Tem from among the elected members. City councilors serve alternating four-year terms.

The role of the City Council is to develop a long-term vision for the City and to seek input from and communicate with residents, businesses and other stakeholders. The City Council is charged with making policy, approving the City budget, and the employment of the City Manager. The City Council is also responsible for issuing and selling municipal bonds, purchasing and selling property, and setting the City's tax rate.

### Responsibilities

- Appoints members to the City Art Board.
- Approves annual City budget that includes Percent for Art funds and General Fund allocations to support *Las Cruces Public Art*.
- Reviews and approves the Annual Public Art Work Plan.
- Reviews Project Plans.
- Reviews the recommendations of the City Art Board regarding the selection of artists and artwork for public property.
- Approves new public art acquisitions with a budget of $20,000 or greater and public art contracts over $75,000.
- Approves public art policies.
- Approves donations of works of art with an insurance value of $20,000 or greater.
- Approves de-accession of works of art.

## CITY ART BOARD

### Description

The City Art Board is a seven-member advisory board created by City Council in 2013 with the passing of Ordinance 2674; its duties were modified with the passing of Ordinance 2862 in June 2018. The City Art Board serves in an advisory capacity to City Council on all matters related to *Las Cruces Public Art* and makes formal recommendations to the City Council relative to the acquisition of public art, the de-accession of public art, the stewardship of the *Las Cruces Public Art* Collection, and policies and guidelines that guide these responsibilities.

Members are appointed at-large by the mayor with advice and consent of City Council and serve four-year terms. A member of City Council is an ex-officio member of the Board. City Art Board members should have a history of professional and/or volunteer experience in the visual arts, architecture, landscape architecture, urban planning, art or architectural history, and/or design. At least one member should be a visual artist. The composition of the City Art Board should include members who bring a variety of cultural backgrounds and spectrum of life experiences, striving especially to insure inclusive representation in regard to age, cultural background, and gender.

### Responsibilities

- Promote close cooperation between the City and private citizens, institutions, organizations and agencies interested in activities related to public art in the city, so that all available public art resources may be coordinated to maximize promotion and support of public art in the city.
- Make recommendations to City Council regarding guidelines, rules, policies and/or procedures pertaining to the display and presentation of public art, the acquisition and de-accession of public art, collections management including maintaining and conserving public art, the acceptance by the City of donated public art, and selection criteria for the selection of artists and artwork in public places.
- Provide periodic reports to the Mayor and City Council pertaining to the activities of the City Art Board.
- Review and recommend the Annual Public Art Work Plan and present it to the Mayor and City Council for approval.
- Based on the Annual Public Art Work Plan, work with the Art Program Coordinator to develop a budget line in the annual City Budget for the operation of *Las Cruces Public Art*.
- Make formal recommendations to the City Council relative to the location, acquisition and commissioning of any and all public art installations, including:
  - Reviewing and approving Project Plans.
  - Participating on Art Selection Committees.
  - Reviewing and approving artist selection and artist Concept Proposal for commissioned artworks and making a recommendation to City Council for contract approval for Final Design, Fabrication and Installation.
  - Conducting Site and Aesthetic Review for proposed donations of artwork, including works of art that serve as monuments and memorials, and make a recommendation to City Council.
- Review and make recommendations to City Council regarding de-accession of artwork or re-siting of site-specific artwork from the City of Las Cruces Public Art Collection.
- Promote communication and coordination between the City, artists, and art and culture groups to improve visibility and promotion of the arts and culture in Las Cruces.

## ART SELECTION COMMITTEES

### Description

Art Selection Committees are ad hoc committees formed for each public art project undertaken by *Las Cruces Public Art*. Each committee is comprised of five to seven members, including at least one and up to two members of the City Art Board, one member of each applicable board or commission, local artists or members of the arts community (arts administrator, historian, curator, educator or appreciator), one representative from the City department where the art is to be sited, and one representative that is a user of the site where the art is to be located and/or a representative of a nearby neighborhood or business district. The Chair of the City Art Board may attend Art Selection Committees as an ex officio member. For public art projects related to capital projects, members of the project design team (architects, landscape architects) should be invited to take part in committee discussions as non-voting members. The City Art Board is committed to participation by artists of different cultural background in public art. Therefore, the CAB will ensure that Art Selection Committees reflect the diversity of the population of the City.

### Responsibilities

- Participate in an orientation meeting to be briefed on the project.
- Review artist qualifications and select finalists.
- Review artist concepts/interview artists and recommend final selection to City Art Board.

## CITY MANAGER

### Description

The City Manager is responsible for the day-to-day business of City operations and is appointed by the Mayor and City Council.

### Responsibilities

- Oversees the budgeting process.
- Approves contracts under a certain dollar value threshold as outlined in the City Procurement Code.
- Brings matters to City Council.

## QUALITY OF LIFE DEPARTMENT

### Description

The Quality of Life (QOL) Department provides customer-focused transportation, library, museum, and senior services to residents, businesses, and guests in Las Cruces. The QOL Department, through its museums' responsibilities, is the City's lead department in providing Las Crucens with arts, history, culture and science learning and experiences and has developed expertise in managing and stewarding various City collections.

### Responsibilities

- Oversees the Art Program Coordinator.
- Submits General Fund requests for LCPA as part of yearly budgeting process.
- Advocates for LCPA.

## ART PROGRAM COORDINATOR

### Description

The Art Program Coordinator is the primary staff person responsible for managing *Las Cruces Public Art* and serves as the staff liaison to the City Art Board. The position resides in the Quality of Life Department.

### Responsibilities

- Maintain relationship and communication with the City Art Board as their liaison, updating them on City and staff news, issues, requests, and changes. Is the point-of-contact for other City staff to communicate with the City Art Board. Regularly communicates and meets with the Chair of the City Art Board.
- Draft the Annual Public Art Work Plan in consultation with other City departments and in collaboration with the City Art Board.
- Work with the City Art Board, the Public Works Department, the Parks and Recreation Department, and the QOL Department to prepare the annual budget request to support LCPA based on the approved Annual Public Art Work Plan.
- Manage all aspects of commissioning and purchasing works of art in collaboration with the City Art Board, including:
  - Draft Project Plans.
  - Draft and issue RFQs and RFPs.
  - Organize artist responses.
  - Organize and facilitate Art Selection Committee meetings.
  - Maintain communication with stakeholders.
  - Prepare and negotiate contracts.
  - Perform technical review of concept proposals; convene other necessary staff for technical reviews.
  - Inspect artwork at fabrication stage.
  - Coordinate scheduling of installation with artist.
- Serve on Regional Buying Committees for NMArts Purchase projects.
- Serve as Local Selection Committee Project Director for NMArts Commission projects.
- Collaborate with other City departments, the City Art Board, and/or community partners on developing Community Engaged Collaborations and develop the artist's scope of work, manage the artist selection process, and provide public art project management expertise.
- Ensure that the City's public art policies and procedures are followed.
- Ensure that the City of Las Cruces Public Art Collection is properly documented, maintained, and conserved.
- Develop materials and programs to inform and engage the public about the City's public art collection.
- Assist in writing grants to support the mission and goals of *Las Cruces Public Art*.
- Oversee the review of proposed donations and loans of works of art.
- Advise on placement and display of Portable Works.
- Oversee the review of works being considered for de-accession or re-siting.
- Serve as the first point of contact for inquiries about public art from members of the public.

## PUBLIC WORKS DEPARTMENT

### Description

The Public Works Department oversees the design and construction of all Capital Improvement Projects for the City and the maintenance of City facilities.

### Responsibilities

- Meet with the Art Program Coordinator to review upcoming CIP projects, including GO Bond-funded projects, that may be candidates for public art. Discuss public art goals, siting opportunities, level of artist involvement, project timelines, maintenance considerations, etc. Provide Art Program Coordinator with appropriate documents related to the project.
- Outline the expectations around artist involvement in the project when selecting the Prime Consultant for a Capital Project. Keep the selected Prime Consultant informed about the details of the artist's involvement in the project.
- Serve as a member or ex officio members of Art Selection Committees based on Committee composition outlined in the approved Project Plan.
- Provide Art Program Coordinator and selected artist(s) with appropriate documents needed to develop preliminary and final designs, such as architectural design drawings and specifications, structural, electrical or mechanical drawings, etc.
- Participate in technical review of artists' concepts and final designs and consult with appropriate parties regarding safety, liability, timelines, code requirements, installation schedules, etc.
- Ensure that special maintenance needs for the completed artwork (as documented by the artist and on file with *Las Cruces Public Art*) are communicated to the proper person/entity.
- Conduct routine maintenance of artwork in City Facilities and contact *Las Cruces Public Art* when a work of art has special conservation needs.

## PARKS AND RECREATION DEPARTMENT

### Description

The Las Cruces Parks and Recreation Department is responsible for providing recreational facilities, services, and programs to the residents of Las Cruces and visitors to the city. In addition, the Department is responsible for the maintenance of rights-of-way, alleys, municipal grounds, miscellaneous landscaped areas, and several playing fields.

### Responsibilities

- Meet with the Art Program Coordinator to review upcoming CIP projects, including GO Bond-funded projects, related to Parks and Recreation Department facilities, park space or landscape areas that may be candidates for public art. Coordinate conversations with Public Works, as needed. Discuss public art goals, siting opportunities, level of artist involvement, project timelines, maintenance considerations, etc. Provide Art Program Coordinator with appropriate documents related to the project.
- Serve as ex officio members of Art Selection Committees for projects at Parks, Recreation Facilities, other areas maintained by Parks and Recreation, and other projects as requested.
- Recommend a member to Art Selection Committees for public art projects in parks, recreation facilities and other property maintained by the Parks and Recreation Department.
- Participate in technical review of artists' concepts and final designs for public art projects and gifts and loans of artwork or monuments and memorials at Parks, Recreation Facilities, other areas maintained by Parks and Recreation, and consult with appropriate parties regarding siting, safety, liability, timelines, code requirements, installation schedules, etc.
- Ensure that special maintenance needs for the completed artwork (as documented by the artist and on file with *Las Cruces Public Art*) are communicated to the proper person/entity within the Parks and Recreation Department.
- Conduct routine maintenance of artwork in City parks, recreation centers, and other Parks and Recreation Department-maintained property and contact *Las Cruces Public Art* when a work of art has special conservation needs.
- Collaborate with *Las Cruces Public Art* on developing Community Engaged Collaborations and provide adequate budget and staff for the Department's contribution to those projects.
- Act as a liaison between LCPA and the Parks and Recreation Advisory Board, including providing updates to the Parks and Recreation Advisory Board regarding public art projects in City parks, recreation centers, and other Parks and Recreation Department-maintained property.

## PARKS AND RECREATION ADVISORY BOARD

### Description

The Parks and Recreation Advisory Board consists of seven members appointed by the mayor and City Councilors, who each appoint one member of this board. This Board advises the Mayor and City Council on matters dealing with parks and recreation activities.

### Roles and Responsibilities

- Review and endorse Concept Proposals for public art projects in parks, recreation facilities and other property maintained by the Parks and Recreation Department.
- Review and endorse proposals for donations and loans of artwork to be sited on property maintained by the Parks and Recreation Department.

## NEW MEXICO ARTS (NMARTS)

### Description

The state arts agency and a division of the Department of Cultural Affairs. Advised by the 15-member governor-appointed New Mexico Arts Commission. NMArts primarily functions to provide financial support for arts services and programs to non-profit organizations statewide and to administer the 1% public art program for the state of New Mexico.

### Responsibilities

- Establishes policies and procedures for the commission and acquisition of art through the NMArts Art in Public Places program.
- Convenes and facilitates Regional Buying Committees and Local Selection Committees.
- Works with Local Selection Committee to develop project prospectus.
- Distributes calls for artists for NMArts projects and organizes artist submissions.
- Guides Local Selection Committee through artist selection process.
- Processes payments to artists for NMArts projects.

# Funding Public Art

Funding for public art should come from a diversity of sources. The City should immediately adopt, by ordinance, a Percent for Art policy to support public art related to new capital projects. LCPA should make a request each year from the General Fund to support other project types and the administration of the program, and the City should proactively write grants and solicit funding to support LCPA's goals.

## SOURCES OF FUNDS

### Percent for Art

Percent for Art is a common funding mechanism for public art in peer cities across the United States, as well as in communities throughout New Mexico.

The City of Las Cruces should adopt a Percent for Art Ordinance that provides for the funding of public art related to City capital projects. The Las Cruces Percent for Art Ordinance should include the following provisions:

- Two percent of the total of each General Obligation Bond and Municipally Backed Bond is set aside for public art, excluding bonds issued to fund utility Capital Projects and Capital Projects which involve primarily the purchase of equipment, machinery, personal or real property, furnishings, goods, vehicles or other tangibles but do not involve a major capital construction component. It should not apply to bonds issued to support Capital Projects which involve only the purchase of services, preliminary studies, and professional consulting. In addition, two percent of the total of each Park Impact Fee and Public Safety Impact Fee contribution is set aside for public art in Parks and Public Safety buildings.
- Percent for Art should be calculated and included in the Capital Improvement Program in the City Budget during the budget development process.
- Percent for Art funds should be set aside in a separate City of Las Cruces Public Art Fund.
- Funds should be expended to acquire public art in conjunction with the Bond-funded or Impact Fee-funded Capital Project that generated the two percent, so long as the site and opportunity meet the criteria in the Public Art Master Plan. Otherwise, funds should be pooled to acquire public art at another City park, facility or public space that meets the criteria.

### General Fund

*Las Cruces Public Art* should also, through the City's annual budgeting process, request General Fund support for the following items. The amount for the request and how those funds would be used would be outlined in the Annual Public Art Work Plan and Budget.

- Conservation and restoration of works of art in the Civic Collection, the Legacy Collection, the Community Collection, and the Portable Works Collection, including regular examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator.

- Operation and administration of *Las Cruces Public Art*, which may include staffing from the Quality of Life Department, funding for events and programs, education, planning, publicity, communications, marketing, public involvement, and related programs.
- Special project funding for public art projects recommended by the City Art Board that support the vision and goals for public art outlined in this plan, including Landmarks, Community Collaborations, and Las Cruces Stories.

### Grants

*Las Cruces Public Art*, working in collaboration with related City departments and partners, can seek grants to help support the activities of LCPA. In addition, when the City seeks grant funds for Capital Improvement Projects of $100,000 or more, the grant application should include an amount for public art equal to 2% of construction costs, when permissible.

### Private Fundraising

The City should consider seeking support from individuals, corporations, foundations, and other granting organizations to support the commissioning and purchase of public art, as well as activities necessary to the success of *Las Cruces Public Art*, such as education, community engagement, maintenance, and conservation.

## PUBLIC ART ACCOUNTS

### Public Art Fund

The City should maintain its existing Public Art Fund in the Capital Improvement Program (CIP). This account should hold public art project funding from Percent for Art as well as any other resources allocated for capital expenditures. Funds in the Public Art Fund would roll over each fiscal year, but would still need to be expended according to the timeline dictated by the funding source.

The Public Art Fund should be used for:

- Artist fees and artist travel and expenses that are related to the commissioning of a work of art.
- Artwork fabrication, storage, and installation.
- Purchase of existing works of art, when recommended by the City Art Board.
- Required permits and insurance during the fabrication and installation of the artwork.
- Artist selection costs such as artist travel and honoraria.
- Curatorial services.
- Public art planning related to specific public art projects.
- Project consultants and contracted services, if related to the commissioning or purchase of artwork.

### Public Art Program Fund

This fund is a separate program in the Quality of Life Department Operating Budget. It includes contributions from the General Fund and other sources of funds dedicated to the operation and administration of the public art program, including funding for:

- Staffing and consultants to support the management of LCPA.
- Events and programs related to engaging with and educating people about LCPA and the Las Cruces Public Art Collection.
- Education, outreach and publicity for a specific public art project, including collateral materials, symposia, and special events.
- Educational programs aimed at assisting local and emerging artists develop the skills and connect to resources to develop public art projects.
- Educational and informational materials related to public art best practices.
- Planning for specific public art projects or programs.
- Publicity, communications, and marketing of LCPA projects and programs.
- Programs aimed at encouraging public involvement in the art selection process.
- Other expenses to support of the operations *Las Cruces Public Art*.

### Public Art Conservation Fund

The City should also maintain a Public Art Conservation Fund within the Quality of Life Department Operating Budget. This fund should hold funding dedicated to the conservation and repair of works of art in the Civic Collection, the Legacy Collection, the Community Collection, and the Portable Works Collection. This fund would include annual contributions from the General Fund and from other sources earmarked for conservation such as contributions from artwork donors, from grants, and from private fundraising. Funds in the Public Art Conservation Fund should roll over each fiscal year.

### NEW MEXICO ARTS – ART IN PUBLIC PLACES PROGRAM

Annually the State of New Mexico generally appropriates funding for a number of Capital Projects in Las Cruces. State funds for these Capital Projects are subject to the Art in Public Places (AIPP) Program of New Mexico Arts (NMArts). The AIPP Act has specific eligibility requirements for the withholding of One Percent for Art funds.

The primary provision in the AIPP Act is that "all agencies shall allocate … one percent or $200,000, whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding $100,000 to be expended for the acquisition of … art."

The one percent must be deposited into the State of New Mexico Art in Public Places (AIPP) fund, managed by NMArts, after the issuance of the appropriate bonds or release of general funds. The City of Las Cruces has lost funding for public art in years past because the City did not re-allocate monies to the AIPP fund.

Public art projects funded through this policy are administered by New Mexico Arts.

# Planning for Public Art

*Las Cruces Public Art* should thoughtfully plan for public art, both through an Annual Public Art Work Plan process and by developing specific plans for each new public art commission being led by LCPA. In addition, LCPA should work closely with Public Works, Parks and Recreation, Community Development, Economic Development, as well as other City departments, to include strategies for public art in other City plans and planning processes.

## ANNUAL PUBLIC ART WORK PLAN AND EVALUATION

Each year *Las Cruces Public Art* should articulate an Annual Public Art Work Plan. The Work Plan should provide a detailed description of LCPA priorities and anticipated income and expenditures for the coming fiscal year and projections for the following five fiscal years. The Annual Public Art Work Plan should list projects that are expected to begin in the coming fiscal year, projects that are carrying over from previous fiscal years, and special projects such as coordination with planning and development processes. It should also indicate how projects will be resourced, in terms of funding and staffing. It should indicate any internal and external partnerships necessary for the successful completion of the project.

Concurrent with the Annual Public Art Work Plan, LCPA should develop an Evaluation for the previous fiscal year and current fiscal year to-date. The Evaluation would document the accomplishments in the period, including number of projects accomplished, funds expended, locations of projects, number of artists hired, programs and program attendance, and other relevant data to describe program achievements.

To develop the Annual Public Art Work Plan and Evaluation:

**A** The Art Program Coordinator will collect information regarding potential public art opportunities, as well as program opportunities and conservation needs, and present this to the City Art Board for discussion.

**B** The Art Program Coordinator will document the accomplishments from the past fiscal year and the current fiscal year to-date.

**C** The Art Program Coordinator will then draft a Work Plan and Evaluation for City Art Board review and recommendation.

**D** Once approved by the City Art Board, the Work Plan and Evaluation is presented to City Council for approval.

The Annual Public Art Work Plan informs LCPA's annual budget request, including Percent for Art funds in the Capital Improvement Program and funds for operations, programs, conservation, and communications in the General Fund. This funding request is incorporated into the City's Annual Budget presented to City Council for approval.

## PROJECT PLANS

*Las Cruces Public Art* should undertake careful planning for each public art project that it implements to ensure that all projects are well conceived. This planning should include identifying the opportunity; finding project partners; understanding potential hurdles with permissions, permitting or construction; establishing realistic budgets and timelines; and communicating with project partners at an early stage about the intent and scope of the project.

For each public art project, LCPA should adopt a Project Plan, which is a foundational document that guides the planning and execution of a project. A Project Plan should set out the basic framework of a project, including:

- A description of the project's location and other information regarding the proposed siting.
- The project's expected lifespan, if temporary.
- The project goals and how the project relates to the overall vision for public art in Las Cruces.
- Evaluation criteria against which the artist selection and Concept Proposal can be evaluated.
- The budget and funding sources.
- The project schedule.
- Internal and external stakeholders.
- The artist's scope of work.
- The artist solicitation method and artist selection method.
- Recommended Art Selection Committee members with alternates.
- A communications and marketing strategy.
- A community engagement strategy.
- Potential partners and needed agreements.

Project Plans should be developed by LCPA staff with input from project partners and the City Art Board. Projects plans are approved by the City Art Board and presented to City Council by the City Art Board chair. The process for developing a Project Plan is outlined in the Standard Commission Process section (see page 36). A sample Project Plan outline is provided as Appendix E.

## OTHER CITY PLANS

Other City plans, developed by the Planning Department's Community Development Section or Parks and Recreation Department, or created as part of a complex Capital Project, are important tools for identifying public art opportunities as public spaces are being planned. They can take into account specific community interests and provide a better understanding of future infrastructure and development patterns as they pertain to a specific area, use, or program.

LCPA should be engaged in planning initiatives where there are potential opportunities for public art. LCPA staff should work through the planning and community engagement process in place for the planning effort to identify and include public art recommendations in the plan.

# The Standard Public Art Commissioning Process

The following outlines the standard process for *Las Cruces Public Art* to use when commissioning a work of art, with an emphasis on defining the roles that staff and the City Art Board will play. This process applies to permanent and temporary public art projects that are funded in whole or part with City funds and/or managed by City staff.

New public art projects commissioned by LPCA will, with rare exceptions, be site-specific commissions where an artist is selected to develop a project for Las Cruces that is informed by the context of the site. The Standard Public Art Commissioning Process will serve as a starting point for how to commission artwork, with the exact details outlined in each Project Plan. Variations are provided that can be used for temporary projects and/or projects with smaller budgets, when deemed appropriate by LCPA staff and the City Art Board.

In the Standard Public Art Commissioning Process, interested artists submit a letter, resumé, references and images of previously completed projects to be considered for a project. If selected as a finalist, the artist participates in an interview or is paid to develop a Concept Proposal.

## 1. DEVELOP A PROJECT PLAN

The first step for commissioning a public art project is to define the general parameters of the opportunity in a Project Plan. The Project Plan includes information about the site, goals, budget, stakeholders, schedule, artist solicitation method, artist selection method, and proposed Art Selection Committee members.

This Project Plan is drafted by the Art Program Coordinator in collaboration with the City Art Board and with input from other City staff and project partners.

**A** The Art Program Coordinator collects information regarding the specific project opportunity.

**B** The project is discussed at a City Art Board meeting for input prior to drafting the Project Plan.

**C** The Art Program Coordinator drafts the Project Plan.

**D** The City Art Board reviews and approves the Project Plan.

**E** The City Art Board Chair presents the Project Plan to City Council at a Work Session.

A sample Project Plan outline is included as Appendix E in this document.

## 2. CONVENE AN ART SELECTION COMMITTEE

For each project, LCPA and the City Art Board should convene an Art Selection Committee specific to the project. Each committee is comprised of five to seven members, including at least one and up to two members of the City Art Board, one member of each applicable board or commission, local artists or arts professionals, one representative from the City department where the art is sited, and one representative that is a user of the site where the art is to be located and/or a representative of a nearby neighborhood or business district. For projects where there is anticipated to be a youth audience, a member of the City's Youth Advisory Board can be included as a voting member of the Art Selection Committee. For public art projects related to capital projects, members of the design team (architects, landscape architects) should be invited to take part in Committee discussions as non-voting members.

The Committee should be convened prior to developing an artist pool for an orientation meeting, during which the Art Program Coordinator should brief them on the project and its goals, the Committee's role, and the process they will follow for artist selection.

### 3. DEVELOP THE ARTIST POOL

LCPA has different artist solicitation methods from which it can choose, depending on the nature of the project. In most cases, LCPA will issue a Request for Qualifications (RFQ – also referred to as a Call for Artists) to develop an artist pool. The City can issue the RFQ as an Open Call or an Invitational. If LCPA has a current juried Artist Roster, it can be used in lieu of an RFQ. In some cases, the City Art Board may recommend directly selecting an Artist for a project without going through a solicitation. Appendix D outlines these artist solicitation methods in more detail.

**A** If using an Open Call or an Invitational, the Art Program Coordinator develops, and the City issues, a Request for Qualifications / Call for Artists based on the approved Project Plan. The RFQ should include context, project goals, budget, timeline, artist scope of work and submission instructions, as well as any standard requirements of the City's public purchasing processes.

**B** Interested artists submit qualifications packages (generally a cover letter, resume, images of past work with descriptions, and references).

**C** If using an Artist Roster as the solicitation method, the Art Program Coordinator (working in consultation with the capital project manager, if applicable) reviews the artists in the Roster and selects a subset of appropriate artists to be considered by the Art Selection Committee.

### 4. SELECT FINALISTS BASED ON QUALIFICATIONS

The Artist Selection Committee reviews the artists in the Artist Pool and selects finalists (typically 3 – 5) to be considered for the project. The Art Selection Committee should consider both the general criteria for artist selection outlined elsewhere in this plan, as well as specific criteria outlined in the Project Plan.

## 5. SELECT THE ARTIST BASED ON INTERVIEW OR CONCEPT PROPOSAL

The next step of the process is narrowing down from finalists to the selected artist. This can be accomplished through an Interview-Based Selection or through a Concept Proposal-Based Selection. In general, LCPA should use an Interview-Based Selection Process, as it allows the selected artist more time to develop a deeper understanding of the site and community and/or work with the project's design team, before developing a proposal. Interview-Based Selections are also appropriate for projects that depend on the artist engaging with the community to develop their work, such as a residency or other community-engaged project. However, there may be instances when staff and/or City Art Board feel that seeing proposals from three or more artists is the best approach for the project. These factors, as well as the project timeline, should be taken into account when selecting which process to use for this phase of the artist selection.

### Interview-Based Selection

In an interview-based selection, the Art Selection Committee makes a recommendation based on qualifications, interview and reference checks. Once the selected artist has developed a Concept Proposal, the Art Selection Committee reviews that as well and makes a recommendation for acceptance to the City Art Board. After the City Art Board approves the Concept Proposal it would also be forwarded to applicable boards and commissions for their review and endorsement.

**A** The Art Program Coordinator checks references for finalists and arranges for artist interviews.

**B** The Art Selection Committee interviews each artist. The interview generally includes time for the artist to elaborate on their past work and their interest in the project and time for the Committee to ask a set of questions about how the artist would approach this project and the artist's past experience.

**C** The Art Selection Committee recommends selection of an artist based on qualifications, the interview and reference checks. The recommendation of the Committee goes to the City Art Board for review and approval.

**D** The selected artist is then placed under a design contract to proceed with developing a Concept Proposal, including a physical representation of the work (a rendering or three-dimensional model), a written project description, a description of materials and fabrication techniques, expectations regarding site preparation and infrastructure needs, and a detailed budget and timeline. The artist may conduct one or more site visits and do extensive research and/or community engagement as part of their Concept Proposal development process.

**E** The Art Program Coordinator, staff from the City department in charge of the site where the art will be located, and other applicable City staff review a draft of the Concept Proposal to identify any technical concerns and provide feedback to the artist.

**F** The artist then presents their Concept Proposal to the Art Selection Committee for their review and recommendation.

**G** The recommendations of the Art Selection Committee and technical review are presented to the City Art Board. The City Art Board reviews and approves the Concept Proposal and forwards their recommendation to City Council for contract approval.

**H** The Art Program Coordinator shares the recommended Concept Proposal with applicable board(s) or commission(s) for review.

**I** City Council approves the artist selection for projects with a budget of $20,000 or greater.

### Concept Proposal Based Selection

In a Concept Proposal-Based Selection, all of the finalists would be invited to develop a site-specific Concept Proposal for the project. Finalists would be paid a stipend for their participation in the process, which includes developing a Concept Proposal and presenting it to the Art Selection Committee.

**A** The Art Program Coordinator checks references for finalists and develops and issues a Request for Proposals (RFP) to the finalists that outlines the requirements for their Concept Proposal.

**B** The finalists may participate in an in-person or virtual tour of the site and/or a briefing prior to development of their proposals.

**C** Each finalist develops a Concept Proposal, which should include a physical representation of the work (a rendering or three-dimensional model), a written project description, a description of materials and fabrication techniques, expectations regarding site preparation and infrastructure needs, and a detailed budget and timeline.

**D** The Art Program Coordinator, staff from the City department in charge of the site where the art will be located, and other applicable City staff review the draft Concept Proposals from each finalist to identify any technical concerns and provide feedback to the finalists.

**E** The finalists present their Concept Proposals to the Art Selection Committee. The Art Selection Committee reviews Concept Proposals based upon criteria outlined in this master plan and in the approved Project Plan and makes a recommendation to the City Art Board.

**F** The recommendations of the Art Selection Committee and technical review are presented to the City Art Board. The City Art Board reviews and approves the Concept Proposal and forwards their recommendation to City Council.

**G** The Art Program Coordinator shares the recommended Concept Proposal with applicable board(s) or commission(s) for review and endorsement.

**H** City Council approves the artist selection and Concept Proposal for projects with a budget of $20,000 or greater.

### 6. EXECUTE THE ARTIST AGREEMENT

Once the Concept Proposal is approved, the City enters into an agreement with the artist to develop the Final Design, and to fabricate and install the artwork. Depending on the dollar amount of the contract, the agreement would be approved by the City's Purchasing Program or by City Council, following the City's Procurement Code.

Contracts should follow, to the extent possible, the format provided by the Americans for the Arts, a national organization that serves local arts agencies throughout the United States and works with public art programs nationwide to establish best practices in the field. In particular, the City should recognize artists' intellectual property and moral rights as provided for in federal copyright law and in the Visual Artists Rights Act.

### 7. MONITOR FINAL DESIGN AND FABRICATION

Prior to fabrication, the artist would take the concept through Final Design, further refining the design, fabrication techniques, materials, budget and similar technical details. If necessary, the artist would be required to have elements of their design reviewed and stamped by a licensed engineer in the State of New Mexico. The artist should also submit the Final Design, including any documentation necessary for permitting or other approvals, to City staff for further technical review.

LCPA staff would keep in regular contact with the artist through the fabrication of the work, including inspecting the work (via photographs or in person) prior to installation.

### 8. OVERSEE INSTALLATION

LCPA staff would work with the artist to ensure that all necessary site permissions and permits are obtained prior to installation and that any site preparation or other infrastructure that is not being provided by the artist is in place (these details should be worked out in the Project Plan, design documents, and artist agreement). LCPA staff would also be involved in coordinating the scheduling of the installation and coordinating with necessary City departments and property owners.

## 9. PROJECT CLOSE OUT

When the project is installed, LCPA staff should ensure that administrative aspects of the project are finalized. These tasks include:

- Obtain from the artist a maintenance protocol for the artwork, as well as documentation of manufacturers' warranties for specific components (if applicable), materials and fabricators used in the creation of the artwork.
- Obtain from the artist a transfer of title for the artwork to document the transfer of ownership of the artwork from the artist to the City.
- Obtain from the artist any other outstanding documentation of the project, including high-resolution digital photography.
- Complete the installation of on-site interpretive signage.
- Enter the project into the collection database and include the project in any public-facing information developed by LCPA about public art in Las Cruces.
- Celebrate the completion of the project through a dedication or other public event.

## COMMUNITY ENGAGEMENT IN THE ARTIST SELECTION AND CONCEPT DEVELOPMENT PROCESS

Interview-Based Selections and Concept Proposal-Based Selections both allow for community engagement in the selection process. Finalists who are being asked to participate in interviews or develop proposals can participate in an orientation to the site prior to being interviewed or developing their proposals; this orientation can include a tour of the neighborhood or site led or joined by key stakeholders. Finalist proposals can also be put on view for public comment, which can be taken into consideration by the Art Selection Committee.

In addition, artists who are selected based on their qualifications and interviews, can engage with the community prior to developing their concept proposal through artist meet and greets, artist talks, or other activities designed to gather information or develop an understanding of the community in ways that may be part of the artist's practice.

## VARIATIONS TO THE STANDARD COMMISSIONING PROCESS

There may be times when LCPA and the City Art Board deem it appropriate to alter the Standard Commissioning Process. Generally, these variations would be intended to streamline the solicitation and selection process and could be appropriate when the project has a lower budget, is temporary in nature, and/or needs to be fast-tracked. This would be outlined in the Project Plan and approved by the City Art Board.

Options for altering the solicitation and selection processes include:

- Having the City Art Board serve as the Art Selection Committee rather than convening a separate Art Selection Committee or having LCPA staff recommend an artist for approval by the City Art Board.
- Using an Artist Roster eliminates the need to issue a project-specific RFQ. It saves time for artists and for staff.
- Selecting the artist based upon qualifications eliminates the step of having multiple artists develop Concept Proposals, which can be time intensive for the finalists, staff, the Art Selection Committee and the City Art Board.

Variations would need to comply with City procurement code. Once the artist or concept is selected, the Standard Commissioning Process would be followed.

## The Purchase Process

In certain cases, the City Art Board could determine that it is in the best interest of LCPA to purchase an artwork directly from an artist or from a gallery rather than commissioning an artist to create a site-specific work. The reasons for purchasing a work instead of commissioning would be outlined in the Project Plan.

When LCPA wishes to consider purchasing an artwork, it should follow the procedures as outlined in the Standard Commissioning Process, with the following modifications.

### 1. DEVELOP A PROJECT PLAN

Use the same process as outlined above under *Standard Commissioning Process.*

### 2. CONVENE AN ART SELECTION COMMITTEE

Use the same process as outlined above under *Standard Commissioning Process.*

### 3. SELECT THE ART

In lieu of the steps in the *Standard Commissioning Process* to develop the artist pool, select finalists and select artist and artist concept, the Purchase Process moves directly to selecting a work of art.

In this step LCPA invites artists and/or galleries to submit images and descriptions of existing and available artwork. The information should include the artist's basic qualifications (résumé or bio, portfolio), an image or images of the artwork, dimensions, weight, materials, date fabricated, condition, provenance and asking price.

The Art Selection Committee is convened to review submissions of existing work based on the goals and criteria outlined in the Project Plan and makes a recommendation to the City Art Board.

The Art Program Coordinator, staff from the City department in charge of the site where the art will be located, and other applicable City staff, review the recommended selection to identify any technical concerns. Concerns are addressed with the seller. If concerns cannot be addressed, the Art Selection Committee will be asked to re-review submissions and make a new recommendation.

Prior to forwarding a recommendation for purchase to the City Council, the City Art Board may choose to obtain an independent, qualified appraisal of the fair market value of the artwork and a professional art conservator's report on the condition of the artwork.

The City Art Board may approve projects with a budget under $20,000. For projects of $20,000 or greater, the City Art Board forwards their recommendation to City Council for approval.

### 4. EXECUTE THE AGREEMENT

The City enters into an agreement of sale with the seller. Depending on the dollar amount of the contract, the agreement would be approved by the City's Purchasing Program or by City Council, following the City's Procurement Code. The transaction will include a transfer of title from the seller to the City and an indemnification regarding past and future claims related to the provenance of the artwork.

### 5. OVERSEE INSTALLATION

Depending on the nature of the agreement with the seller, the City may have to take full or partial responsibility for site preparation, design of foundations, landscape and hardscape, shipping and installation.

### 6. PROJECT CLOSE OUT

Use the same process as outlined above under *Standard Commissioning Process.*

# Review and Acceptance of Donations of Public Art, Monuments and Memorials

The City Art Board and City staff have an important role to play in the review of donations of permanent public art to the City, including monuments and memorials that are works of art. The Art Program Coordinator should help facilitate the review and approval process, while the City Art Board should play a role in the Site and Aesthetic Review to ensure that public art sited on City property is of high quality and is appropriate to its site.

Donations of public art can be an important way of building the City of Las Cruces' Public Art Collection. The City's procedures for accepting donations should be designed to:

- Ensure that new public art is in keeping with *Las Cruces Public Art*'s vision.
- Ensure the quality of public art accepted into the City of Las Cruces Public Art Collection.
- Ensure that works are sited appropriately in terms of media, scale, site usage and aesthetics.
- Anticipate technical concerns and hidden costs such as installation, lighting, insurance, easements, maintenance, conservation and safety.
- Ensure fairness and transparency in the decision-making process.
- Prevent City property from being used by a donor to promote an artist, gallery, business, or other entity or person for future financial gain.

This process only pertains to works of art donated to the City of Las Cruces Public Art Collection. It does not apply to the Museum Art Collection, the Library Art Collection, Monuments or Memorials in Veteran's Park, Gifts of State, or monuments or memorials that are not works of art.

## ACCEPTANCE CONDITIONS FOR DONATIONS OF ARTWORK

1 Donations of permanent artwork should follow all requirements outlined in the Criteria for Review of Donations and Loans in this plan.

2 All expenses for the donation and review should be the responsibility of the individual or group proposing the gift. No City money should be used for the production, shipping, insuring, siting, appraising, installation, or lighting of the donation. If the donor requests funding and/or project management from the City, the City becomes a co-sponsor of the project and the project should be reviewed as a City-commissioned project, rather than a donation.

3 Funds equal to 10 percent of the commission cost/value of the donated artwork should be paid into the Public Art Conservation Fund at the time of installation. If, in the opinion of City staff, the donation is likely to incur high conservation and maintenance costs, staff can request a larger contribution to the Public Art Conservation Fund. If the City accepts the donation without the Conservation Fund contribution (or with a partial contribution) the City should commit to funding on-going conservation and maintenance of the artwork from the City's General Fund.

4 Gifts of State, defined as items given to the City by a domestic or foreign government official as an expression of goodwill, are not subject to these procedures as they are maintained and managed by the Office of the Mayor.

## PROCEDURES FOR REVIEW OF DONATIONS OF PERMANENT ARTWORK

The following steps should be taken for review of donations of public art.

1 The Donor should begin the process by conferring with the Art Program Coordinator about the requirements and process for proposed donations of artworks.

2 The Donor should submit a proposal with information about the artwork that has sufficient detail for Technical Review and Site and Aesthetic Review.

3 LCPA staff, in collaboration with other relevant City department staff, should undertake the proper stakeholder consultation, at their discretion, to ensure the artwork is not widely controversial or offensive.

4 Technical Review should be conducted by LCPA staff, the staff of the City department responsible for the site where the artwork is proposed to be sited, and other relevant bodies that have jurisdiction over the location where the work is proposed to be sited.

5 After Technical Review, proposals should be forwarded to the City Art Board for review and approval in regard to site and aesthetics. For major works or significant sites, the City Art Board may decide to convene an ad hoc panel with art expertise and site stakeholder representation to review the work and make a recommendation back to the City Art Board. Proposals for donations of artwork can be held and reviewed together by the City Art Board once a year or once every six months to allow the City Art Board to be aware of all current proposals when making a decision.

6 If the donation is to be located on property managed by the Parks and Recreation Department, the proposal should then be forwarded to the Parks and Recreation Advisory Board for their review and endorsement.

7 The City Art Board, Parks and Recreation Advisory Board (if applicable), and staff reports should be forwarded to the City Council for final approval.

8 The City creates documentation of the transfer of ownership, signed by both the donor and the City.

## PROPOSAL FOR DONATIONS OF ARTWORK

The Donor's proposal for the Donation should consist of written and visual information that includes:

- Drawings, renderings, photos and written descriptions of the artwork(s) proposed for donation. This should include size, colors, weight, materials, and any information that will establish that the item has the requisite physical integrity to be placed on public display and withstand exposure to the natural elements.
- Background on the artist, or an explanation of the method of recruiting and selecting artists for a competition.
- A description of the proposed location, method of display and required site improvements (including any necessary hardscaping, landscaping, buildings, utilities, security devices, anchoring or other information necessary to ensure public safety).
- Cost estimates for installing the item(s) for public display, including but not limited to: foundation or other anchoring methods; retrofit of existing buildings or improvements; landscaping, seating, lighting and other site improvements.
- Written explanation of legal issues, including but not limited to: certifying the current legal owner of the artwork(s) and the existence of any copyrights, patents or other title rights in or to the artwork(s); and an explanation of any conditions or limitations on the donation of the artwork(s), such as any interests to remain with the Artist.
- The estimated fair market value or insurance value of each Artwork (including appraisals of the artworks(s) if over $10,000).
- The anticipated date for the donation to occur.
- For existing works, condition report prepared by a conservator. For proposed works to be commissioned, a statement from the artist or conservator regarding anticipated maintenance and conservation needs of the piece.
- Any additional information City staff deem necessary or appropriate.

## MONUMENTS AND MEMORIALS

Creating a monument or memorial to a person, group, organization, idea, principle or event on City property is an important decision. The content and placement of permanent monuments and memorials is a reflection of the community's values and will last generations into the future. Currently, the City of Las Cruces does not have guidelines or a process for making decisions as to whether or not a particular monument or memorial – and what it is commemorating – is appropriate for City property and should be accepted by the City. At times, the Art Program Coordinator and the City Art Board have been enlisted to help with review and approval of monuments and memorials proposed for donation to the City, but they should only be called on to review monuments and memorials that take the form of public art and their role should only go so far as to perform a technical and site and aesthetic review using the Criteria for Review of Donations and Loans below. The review of monuments and memorials that are not public art, such as plaques, benches and other items not designed by artists, is not LCPA or the City Art Board's responsibility.

Moreover, this planning process has identified the need for the City of Las Cruces to establish guidelines and procedures for reviewing and accepting monuments and memorials beyond the technical and aesthetic review of commemorative artwork that LCPA and the City Art Board can provide.

For all monuments and memorials, larger decisions should be made regarding whether what the proposed monument or memorial is commemorating is an appropriate use of City property. It is important for Las Cruces to carefully consider the appropriateness of each proposed monument or memorial, as public monuments and memorials reflect the values of the community. Over time, the City may also find that there are many individuals and groups who want to use City parks or other public spaces for monuments and memorials, which may conflict with other uses of the space. The City should determine whose responsibility it is to make these decisions and develop a policy for determining the appropriateness of proposed monuments and memorials on City property and a process for reviewing and acceptance. This policy should also include a process for reviewing and making decisions regarding any concerns about existing monuments and memorials.

The following issues should be addressed when developing a policy and process for review of monuments and memorials:

1. What entity or body will be responsible for carrying out the policy and making decisions?
2. How will the process ensure that new memorials do not duplicate or conflict with existing monuments and memorials?
3. How will the process ensure that new memorials do not conflict with, lessen or prohibit existing and planned uses of public spaces?
4. How will the process ensure fairness and transparency?
5. What will the process be for considering changes to or requests to remove existing monuments and memorials?

In addition, specific criteria should be adopted against which proposals for monuments and memorials can be evaluated. The City of Las Cruces should take into consideration the following generally accepted criteria regarding public monuments and memorials:

1. For ideas, principles or events, proposals for monuments and memorials should not generally be considered until at least twenty years after the occurrence of the event. In the case of individuals, ten years should pass following the death of the individual before he/she may be considered for commemoration. Where a clear city consensus exists for commemoration, proposals may be considered before these periods have passed.
2. For individuals or organizations, the subject of monuments or memorials should have been active in the city or the surrounding area. The subject should have been tangibly and directly associated with events, ideas or beliefs of significance to the city as a whole.
3. A person, group, organization, idea, principle or event to be considered for commemoration in public space should have cultural significance for the city and be of historic or social value. In addition, ideas, principles and concepts should be commemorated only if they are accepted as exemplary and a positive influence on the life of the city's residents.

4 The site and the subject of monuments or memorials should have a historical or a thematic association with each other.

5 Specific disasters, whether natural or man-made, and health-related themes should not normally be the subject of a monument or memorial on public property unless it can be demonstrated that their long-term impact has shaped local history.

6 A monument or memorial should not duplicate the themes or subject matter of an existing monument or memorial site.

7 In no instance should monuments or memorials depict subjects that are trademarked or commercially licensed.

## Review and Acceptance of Public Art Loans

Loans of public art on City property can bring new, high-quality artwork to Las Cruces' public spaces. If the City were to be offered art on loan, the following are best practices and guidelines the City should follow. The review process for loans of public art on City property is designed to:

- Ensure the quality of artwork on display on City property.
- Prevent the City from incurring unexpected costs related to the loan.
- Prevent conflicting uses of City property.
- Ensure fairness and transparency in the decision-making process.
- Prevent City property from becoming a place to showcase works of art for sale.
- Meet the vision and goals of *Las Cruces Public Art*.

This review process is only for when an individual or organization approaches the City to loan a work of art. If the City wishes to proactively seek out existing artwork for temporary exhibition, it should use the process for acquiring artwork. This review process does not pertain to loans of art or exhibitions at any of the City's museums.

### ACCEPTANCE CONDITIONS FOR PUBLIC ART LOANS ON CITY PROPERTY

1 Proposals for loans on City property should follow all requirements outlined in the Criteria for Review of Gifts and Loans in this plan.

2 The term of loans should generally be less than five years. Loans of five years or longer will be reviewed following the process for donations of public art (above).

3 Loans should not be listed for sale while they are on public property.



Agenda Item #8.2.
Page 226 of 585

## PROCEDURES FOR REVIEW OF TEMPORARY LOANS ON CITY PROPERTY

1 The Lender should begin the process by conferring with LCPA staff about the requirements and process for proposed temporary loans.

2 The Lender should submit information in their proposal with sufficient detail for Technical Review and Site and Aesthetic Review.

3 Technical Review should be conducted by the Art Program Coordinator and the staff of the City department where the work is to be sited.

4 Site and Aesthetic Review should be conducted by the City Art Board.

5 LCPA staff and the Department overseeing the site give final approval.

## PROPOSAL FOR PUBLIC ART LOANS

The Lender should submit a proposal for the Loan with written and visual information that includes:

- Drawings, renderings, photos and written descriptions of the artwork(s) proposed for loan. This should include size, colors, weight, materials, and any information that will establish that the item has the requisite physical integrity to be placed on public display and withstand exposure to the natural elements, if applicable.
- Background on the artist.
- A description of the proposed location, method of display and required site improvements.
- Cost estimates for installing the item(s) for public display, including but not limited to: foundation or other anchoring methods; retrofit of existing buildings or improvements; landscaping, seating, lighting and other site improvements.
- The insurance value of each artwork (including appraisals of the artworks(s) if over $10,000).
- The anticipated period for the loan to occur.
- Any additional information City staff deem necessary or appropriate.

# Review Criteria

The processes for commissioning and purchasing artwork and accepting donations and loans include careful review and consideration by City Art Board, by ad-hoc Art Selection Committees and by City staff, prior to recommendations being made to City Council. LCPA should consistently use criteria for Technical Review and Site and Aesthetic Review when deliberating.

## CRITERIA FOR REVIEW OF CITY-COMMISSIONED PROJECTS

The Standard Commissioning Process (see page 36) details the roles that the City Art Board, Art Selection Committees and City staff play in reviewing artists' qualifications and concepts for City-commissioned projects, including permanent and temporary projects that are funded in whole or in part by City funds and/or managed by City staff. For each project, a Project Plan will outline the specific criteria against which the artist selection and artist concept can be evaluated during the selection and review process. The following criteria should serve as a starting point for developing specific criteria for each project.

### Criteria for Evaluating Artist Qualifications

When evaluating artist qualifications for a City-commissioned public artwork, the Art Selection Committee should consider the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- Artistic excellence and innovation as demonstrated by the artist's past work.
- The capability of the artist to develop a project that is consistent with LCPA's vision and specific project goals outlined in the Request for Qualifications.
- A demonstrated understanding of and interest in creating work for the specific site.
- Artist's experience with projects of similar scale and budget.
- Established proficiency in the use of materials appropriate for a public installation.

### Criteria for Technical Review of Artist Concept Proposals

Prior to review of the concept by the Art Selection Committee, the Art Program Coordinator should work with City staff from the Department responsible for the site and/or the related capital project to conduct a technical review of the concept. Technical reviews should focus on the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- Capacity to meet all safety and maintenance requirements as agreed upon by the City of Las Cruces.
- Feasibility of the Concept Proposal to satisfy the budgetary limits set forth by LCPA.
- Ability to meet the project timeline.
- Consideration of all stages of fabrication and installation.
- Consideration of site issues such as permitting, installation staging, and availability of electrical or other utilities.
- Positive track record of delivering quality projects on schedule and on budget, as determined by past work and references from previous clients.

### Criteria for Site and Aesthetic Review of Artist Concept Proposals

When evaluating artist Concept Proposals for a City-commissioned public artwork, the Art Selection Committee should consider the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- The concept demonstrates artistic excellence, maintaining high quality, innovation, creativity and clarity of vision.
- Overall understanding of the project and the ability of the Concept Proposal to respond to its goals.
- A clear understanding of the site, including how the artwork will be set into the physical environment.

## CRITERIA FOR REVIEW OF PURCHASED ARTWORK

The process for purchasing a work of art (see page 42) details the roles that the City Art Board, Art Selection Committees and City staff play in reviewing the purchase of an artwork. For each project, a Project Plan will outline the specific criteria against which the artist selection and artist concept can be evaluated during the selection and review process. The following criteria should serve as a starting point for developing specific criteria for each project.

### Site and Aesthetic Criteria for Purchases of Public Art

When using the purchase process to acquire public art, the Art Selection Committee and City Art Board should consider the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- The artwork clearly responds to the City's vision for public art.
- The artwork satisfies the project's goals as outlined in the Project Plan.
- The artwork demonstrates excellence in aesthetic quality, workmanship, innovation and creativity.
- The artwork is appropriate in scale and form and is of materials and/or media suitable for the site.

## TECHNICAL REVIEW CRITERIA FOR PURCHASES OF PUBLIC ART

Prior to approval by the City Art Board, the Art Program Coordinator should work with the City department that oversees the site where the art is to be located and other Departments or outside agencies that have a role in the site to conduct a Technical Review. Technical reviews should focus on the following criteria. Additional criteria could be developed based upon the specific needs of the purchase.

- The artwork can be legally sold to the City by the seller.
- All costs related to the shipping and installation of the artwork are known and can be covered by the project budget.
- The work is durable and poses no safety or liability concerns.
- A report from the artist or a qualified conservator's report indicating anticipated conservation and maintenance needs is provided, and the City is comfortable with the artwork's conservation and maintenance needs.

## CRITERIA FOR REVIEW OF DONATIONS AND LOANS

This plan outlines the role that LCPA and the City Art Board play in the review and acceptance of proposed donations of artwork and loans of artwork on City property and the process that should be followed. The following criteria should be used to conduct Technical Review and Site and Aesthetic Review of proposed donations and loans on City property.

### Criteria for Technical Review

Prior to review of the donation or loan by the City Art Board, LCPA staff and staff of the City department where the work is to be sited should conduct a Technical Review of the artwork. Technical Reviews should focus on the following criteria. Additional criteria could be developed by the City department responsible for the site.

- If the donor or lender is offering an existing work of art, the donor or lender should document that the work of art can be legally loaned or donated to the City.
- The donor or lender should document that they have adequately anticipated and can meet financial costs connected with donating or loaning the work, including, but not limited to, shipping, shipping insurance, site preparation, installation (and de-installation for loans and temporary works), proper signage, insurance, site restoration, landscaping, and lighting.
- The work should be durable and poses no safety or liability concerns.

- A report from the artist or a qualified conservator's report indicating anticipated conservation and maintenance needs should be provided for permanent donations. For loans, the donor should commit to routine maintenance of the artwork for the duration of the display, unless otherwise agreed upon in writing by the City.
- The proposed site should be available and appropriate for the installation of artwork. Necessary electric, plumbing or other utility requirements should be defined and available. Internal Department plans may determine if a specific site is appropriate for artwork.
- The City is able to insure the artwork for liability and damages for the duration of its exhibition.

### Criteria for Site and Aesthetic Review

Site and Aesthetic Review should be conducted by the City Art Board or by an ad hoc panel appointed by the City Art Board that includes specific artistic expertise and/or stakeholder representation. Site and Aesthetic Review should take into consideration the following criteria. Additional criteria could be developed by the City department responsible for the site.

- The proposed donation or loan is consistent with the vision of *Las Cruces Public Art*.
- The proposed donation or loan demonstrates artistic excellence, maintaining high quality, innovation, creativity and clarity of vision. If the work is to be commissioned by the donor or lender, the review should consider the artist's ability and potential to execute the proposed work, based on previous artistic achievement and experience. If an existing work of art, the review should consider the quality of the executed work.
- For permanent donations, the proposed donation should contribute to the diversity of the Las Cruces Public Art Collection.
- For permanent donations, artworks should be one-of-a-kind or part of an original series.

The proposed site should be appropriate to the artwork's content, scale and media. The analysis should take into account the visibility and access to the site, public use patterns of the site, and public realm and future development plans for the site, if any.

# Public Art in Private Development

Many of the anticipated private development projects in Las Cruces will potentially offer opportunities for publicly accessible artwork. In the near term, the City of Las Cruces and LCPA should encourage developers to include art in their development projects. In the future, as the City's development code is updated, the City should consider ways to include public art as a possible benefit in certain circumstances that can be written into development agreements with the City. In addition, any public art that is being commissioned or acquired for a park that will be given to the City should be reviewed and approved by the City Art Board, then the Parks and Recreation Advisory Board and then presented to City Council.

## ENCOURAGING PUBLIC ART IN PRIVATE DEVELOPMENT

The City of Las Cruces can be proactive in encouraging private developers to voluntarily commission or purchase public art as part of new development projects.

### Options for Supporting Public Art

Developers wanting to voluntarily support public art have different options.

1 *Pay into the Public Art Fund.* Funds would be spent to commission public art projects in keeping with the vision and opportunities outlined in the Public Art Master Plan.

2 *Directly Commission or Acquire Art On-site.* The developer would take the lead in commissioning or acquiring art for their development.

3 *Outsource Commissioning of Art to Las Cruces Public Art.* LCPA would select an artist and manage the project using the City's implementation guidelines, with the developer funding the project and involved both as a stakeholder and having final approval over artist selection and all phases of design.

### Expectations

LCPA's priority is for the public art commissioned or acquired by developers to reflect the vision and opportunities outlined in this plan. The financial commitment to public art by developers should take into account both the scale of the development and the type of development that is occurring.

### Recognition

The City of Las Cruces should pursue opportunities to recognize private developments that install public art on private property. Recognition opportunities could include a plaque/medallion placed near the artwork to recognize their contribution to public art in Las Cruces and/or promotion of the art and the business's contribution in City publications and social media.



Agenda Item #8.2.
Page 232 of 585

## PUBLIC ART AS A PUBLIC BENEFIT

In the future, as the City reviews and updates its development code, consideration should be given to allowing developers to incorporate public art into their development projects as a formal public benefit. This will give the City more leverage to work with developers to incorporate artwork that helps fulfill the City's overall vision and goals for public art.

Should public art be a public benefit outlined in a development agreement with the City, then LCPA and the City Art Board should have a direct role in working with the Community Development department in creating guidelines and review processes that ensure compliance with the developer's agreement with the City. These guidelines should be developed to ensure that:

- The proposed project supports the City's vision and goals for public art.
- The artist is qualified to undertake the project.
- The Concept Design is vetted against agreed-upon criteria between the developer and the City.
- The artwork as proposed conforms to the development agreement.

## PUBLIC ART IN DEVELOPER-BUILT NEIGHBORHOOD PARKS

It has been a recent practice in the City of Las Cruces for private developers of residential subdivisions to design and build neighborhood-scaled parks and then transfer ownership of these parks to the City. The developer receives reimbursement from the City for their costs.

If a developer is being reimbursed by the City to develop a park, and the developer includes public art, then the artwork should be commissioned through LCPA's Standard Commissioning Process (see page 36). The developer would serve on the Art Selection Committee as a stakeholder.

If the developer is not being reimbursed by the City, but the park will become a City-owned park, then the public art project should be reiewed by LCPA as a gift of artwork and follow the procedures outlined in this document for the review of donations (see page 44).

# Collection Management

LCPA should adopt practices for the documentation, conservation, maintenance, and de-accessioning or re-siting of artworks in the Las Cruces Public Art Collection. LCPA will ensure that artwork in its care is properly maintained and preserved, that a periodic assessment of conservation needs is made, that proper records regarding the works in the collections are kept, and that decisions regarding de-accession, removal or re-siting of artworks are carefully considered.

## THE CITY OF LAS CRUCES PUBLIC ART COLLECTION

*Las Cruces Public Art* is responsible for all works of art in the City of Las Cruces Public Art Collection, which consists of four sub-collections, acquired in various ways. The City of Las Cruces Public Art Collection does not include works of art in the Museum Art Collection, Library Art Collection, monuments and memorials in Veterans Park, Gifts of State, or monuments and memorials that are not works of art. The sub-collections within the City of Las Cruces Public Art Collection are defined as follows:

- **Civic Collection**
  Public art on City property or in City facilities that was approved by the City Art Board. This includes permanent and temporary works commissioned by *Las Cruces Public Art*, as well as gifts of artwork reviewed and accepted by the City Art Board.
- **Community Collection**
  Works of public art created through the Mural Arts Program or other community-based projects commissioned by *Las Cruces Public Art*. These works are temporary in nature, with a lifespan agreed upon at the outset of the project.
- **Legacy Collection**
  Permanent works of public art owned by the City that pre-date the City Art Board and permanent works of art that were commissioned or donated without City Art Board approval.
- **Portable Works Collection**
  Smaller scale, non-site-specific artwork, generally displayed in City facilities.

## CONSERVATION AND MAINTENANCE OF THE LAS CRUCES PUBLIC ART COLLECTION

Public art is a community asset that should be properly maintained. The City should undertake conservation and routine maintenance to preserve the Las Cruces Public Art Collection in the best possible condition.

Information on each work of art commissioned, acquired, donated, loaned or owned outright by the City should be kept on file with the City on a standardized maintenance and conservation worksheet. Works of art on loan should be maintained and conserved in accordance with the requirements of, and in collaboration with, the lender.

### Conservation

Conservation is the regularly scheduled examination, documentation, treatment and preventative care of public art conducted by a professional art conservator.

*Las Cruces Public Art* will regularly conduct, or hire a professional conservator to conduct, a survey of the condition of each work in the *Las* Cruces Public Art Collection and make recommendations for conservation, cost estimates, and a recommended schedule for implementation.

In addition, the City will take steps to identify conservation needs prior to the fabrication and installation of new works. The City will require, when necessary, that artists consult with a conservator during the design development phase of the project to identify the conservation needs of the project. Alternately, the City could have design documents reviewed by a conservator hired by the City prior to executing the fabrication and installation portion of a contract. For commissioned works, the artist should provide the City with a worksheet that identifies the conservation and maintenance needs of the work, including the frequency, methods and materials recommended.

For newly commissioned or purchased works of art, artists should guarantee the work of art against any repairs for at least one year (unless otherwise stipulated in the contract).

LCPA has the right to determine, after consultation with a professional conservator, when and if repairs and restorations to works of art in the Las Cruces Public Art Collection shall be made. To the extent practical, the artist who created the artwork, during the artist's lifetime, should be given the opportunity to make or personally supervise significant repairs and restorations and should be paid a reasonable fee for any such services, provided that the City of Las Cruces and the artist agree upon the artist's fee. If the artist fails to approve any reasonable repairs or restorations, or if an agreement cannot be reached regarding a reasonable artist's fee, then the City of Las Cruces will have the right to make or contract for such repairs or restorations. In the event that the City makes repairs or restorations not reviewed and approved by the artist, the artist should have the right to disclaim authorship of the Work and have the artist's name and association with the work removed.

All repairs and restorations should be made in accordance with recognized principles of conservation.

### Routine Maintenance

Routine maintenance is the care of public art that does not require specialized expertise (i.e.: dusting, washing, lubrication of moving parts). If indicated by the artist as part of the maintenance and conservation worksheet, routine maintenance can generally be managed by the department that maintains the facility and/or site where the art is located. The City department should not conduct any non-routine maintenance (as indicated on the maintenance and conservation worksheet) or conservation unless requested by *Las Cruces Public Art*. The department responsible for maintaining the facility where the art is located should notify the Art Program Coordinator immediately if an artwork is damaged or stolen, or if the City department plans to move the artwork or in any way alter its site. Any work that is recommended for relocation or de-installation would be subject to the de-accession policy.

Works of art should be maintained in a manner outlined in the above-mentioned maintenance and conservation worksheet, appropriate to the medium and characteristics of the artwork, and in accordance with the Visual Artists Rights Act of 1990.

## THE PORTABLE COLLECTION

The City of Las Cruces owns several works of art that comprise the Portable Collection – smaller, non-site-specific works that are generally meant for indoor display and are sited in City buildings.

Most of the works in the Portable Collection are the result of donations of artwork to the City. Any gift of artwork to the City that would become a part of the Portable Collection should be reviewed using the process and criteria for the review of gifts of artwork described above.

## DOCUMENTATION OF THE COLLECTION

An important part of collection management and, ultimately, long-term maintenance of public art is keeping accurate, updated records. The main aspects of this are identifying the project on site, keeping accurate records for each project, and maintaining a comprehensive inventory of the collection.

LCPA, working with the assistance of the City departments that manage the sites where art is located, will be responsible for keeping records of the City of Las Cruces Public Art Collection, including updating, or in some cases, developing records for existing work, and documenting new works entering the collection.

### Project Identification

Each new artwork should be identified with a plaque provided by LCPA stating the artist's name, the artwork title, the media, the date the work was created, and that it is part of a Las Cruces Public Art Collection. The plaque should be placed in an appropriate location near the artwork that can be easily viewed by pedestrians.

Over time, plaques should be created or updated for existing works in all collections to ensure that the works are recognized as belonging to the City and that people can learn about the work and about LCPA.

### Project Records

A file should be maintained in a single location for each commission or acquisition that contains information such as:

- A copy of the artist contracts, donation records, or purchase records.
- A copy of project correspondence.
- The maintenance instructions provided by the artist or donor and subsequent conservation records.
- Plans and drawings generated by the artist during the commissioning process.
- Hard copy images.
- Media clippings.

### Collection Inventory

LCPA should maintain a full inventory or database of all artworks in its collections, including works that have been de-accessioned. This inventory should include information such as (when available or applicable):

- Name of artist
- Title of work
- Location (kept in a format compatible with the City's GIS system, plus more detail for Portable Works)
- Year completed/installed; year de-installed for temporary works
- Which collection it belongs to
- Owner of work, if a long-term loan
- Donor, if applicable
- Media
- Dimensions
- Budget/cost and source of funds
- A brief description of the work suitable for publication
- Maintenance and conservation needs, as defined by the artist and conservation assessments
- Schedule of maintenance or conservation needs
- Conservation history
- A unique number assigned to each work of art that can be used for cross-referencing with hard files and other digital files
- Digital photograph of the work

## DE-ACCESSION, RE-SITING, AND REMOVAL FROM DISPLAY

While the majority of the artworks in the Las Cruces Public Art Collection are intended for long term public display, circumstances and/or conditions may arise that make it prudent for *Las Cruces Public Art*, on behalf of the public interest, to remove an artwork in its collection from display, re-site an artwork, or de-accession an artwork.

De-accessioning is a procedure to formally and permanently remove an artwork from the City of Las Cruces Public Art Collection by selling, donating or destroying it. De-accessioning is an important decision and should only be undertaken after a thorough review process. Similarly, re-siting of artwork should be carefully considered if the work is considered site-specific and relocating the work would damage the work or alter the work from what the artist intended. Removal from display is an option if, for any reason, the City does not want to de-accession the work from the collection but would like to remove it from display, and there are resources to properly store the artwork.

Consideration of de-accession, re-siting, or removal from display should involve the same degree of careful review as a decision to commission a work of art. The City of Las Cruces should institute a review process to ensure that de-accessioning or re-siting will be a seldom-employed action that operates from a strong presumption against removing artwork from the public art collection and insulates the collection from fluctuations in aesthetic taste or popularity.

The City should not remove any site-specific artwork from the site for which it was selected, nor remove it from display, without prior review by the City Art Board. Recommendations regarding re-siting of site-specific works or de-accessioning or removal from display of artworks should be made by the City Art Board directly to City Council. De-accessioning Portable Works requires only the approval of the City Art Board and any other relevant boards and commissions. Portable Works may be re-located as part of a routine rotation by LCPA without the review of the City Art Board.

### Procedure

1 The City Art Board reviews the circumstances surrounding the proposed de-accession, re-siting, or removal from display to determine if the artwork meets one or more of the criteria listed below. The City Art Board may choose to hold a public meeting for the purpose of gathering community feedback on a proposed de-accession or relocation or may choose to gather community input through other methods.

**Criteria for De-accessioning, Re-siting or Removal**

- The site is being eliminated.
- The use, character, or design of the site has been or is being altered such that the artwork is no longer compatible with the site.
- The security of the artwork can no longer be reasonably guaranteed at its current site.

- The artwork has become a danger to public safety.
- Maintaining or repairing the artwork or updating the artwork's operation technology is cost prohibitive or unfeasible.
- Significant adverse reaction to the artwork from the community has continued for an extended period of time (at least two years).
- The work is of inferior quality or is judged to have little aesthetic and/or cultural value.
- A suitable location for the artwork has been identified that better satisfies the original goals of the project.
- The artist requests removal due to concerns listed above.

**2** If the City Art Board determines that the artwork meets one or more of the Criteria above LCPA staff should, in accordance with the 1990 Visual Artists Rights Act, make a good faith effort to notify the artist that his or her work is being considered for de-accession or relocation (if a site-specific work).

If the artist does not agree to proposed re-siting, s/he will have the right to prevent the use of her/his name as the author of the artwork or to buy back the work as addressed in the artist contract.

**3** If a site-specific artwork is recommended for re-siting, LCPA should prepare a written report detailing the reason for the decision and the proposed new site for the artwork for approval by the City Art Board and City Council. This report should also include the costs associated with re-siting and the proposed funding source, as well as any other pertinent information.

**4** If an artwork is recommended to be de-accessioned, LCPA staff should:

- Commission a written appraisal by a qualified, disinterested third party for each proposed de-accessioned artwork with an estimated value exceeding ten thousand dollars ($10,000.00).
- Prepare a written report of the reasons for the proposed de-accessioning and a recommendation for the method of disposal.
- Submit the report, and the recommendation of the City Art Board to City Council, which must approve any de-accessioning.
- If an artwork is de-accessioned, all rights will revert to the artist, where consistent with contractual agreements. If the artist waives those rights, LCPA will dispose of the artwork.

**5** During the review process, unless there is imminent danger to the public, the artwork shall remain accessible to the public in its original location. If the structural integrity or condition of an artwork, in the opinion of the LCPA staff and the City Art Board, presents an eminent threat to public safety, the Quality of Life Director may authorize its immediate removal, without City Council action or the artist's consent. The director will place the work in temporary storage. The artist and City Council must be notified of this action within 30 days. The City Art Board will then recommend options for disposition (e.g. repair, reinstallation, maintenance provisions or de-accessioning) for approval, as necessary, by City Council.

**6** In the event that the artwork cannot be removed without being irreparably damaged or destroyed, and if artist rights are not waived in the contractual agreement, the LCPA staff must make a good faith effort to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the Quality of Life Director will proceed according to the advice of the City's Legal Department.

**7** De-accession, re-siting or removal of artwork shall be done in a manner that complies with all other applicable City, state and federal procedures, policies and regulations. For example, de-accession, relocation and removal actions must comply with applicable procedures and laws relating to the disposition of City property and with laws protecting artists' rights, such as the Visual Artists Rights Act. Artworks will not be de-accessioned directly or indirectly or in any manner that would personally benefit City employees, members of the City Art Board or of the City Council. No works will be given to or sold to City of Las Cruces staff, City Art Board members, or City Council.

8 De-accession, relocation or removal of works commissioned or purchased through New Mexico Arts Art in Public Places Program must comply with NMArts' De-Accession Policy.

9 Funds from artworks sold as a result of de-accession must be placed into the Public Art Fund.

## Monuments and Memorials

The reasons for de-accessioning, re-siting or removing monuments or memorials may differ from those outlined above. Decisions regarding whether to de-accession, re-site or remove a monuments or memorials should follow the procedures above, if the monument or memorial is a work of art in the City of Las Cruces Public Art Collection, but should also take into consideration additional criteria developed by the City regarding the review of monuments and memorials.

Clockwise from top left:
Tony Pennock with Shan Nichols, *La Entrada;*
Peter Toth, *Dineh;*
Lea Anne and Tom Askman, *Royal Road* (detail)

# PUBLIC ART OPPORTUNITIES

For the next five to ten years, *Las Cruces Public Art* should focus its energy on pursuing four specific categories of public art opportunities identified here. These categories include public art connected to the construction of parks and City facilities, a special category of Landmark public art projects, a focus on partnering with other City departments and external partners on projects that engage the community, and projects designed to tell important stories about the people and places that make Las Cruces unique. Focusing on these project types will help develop an expectation for public art in a variety of public places and will help establish the program's role and relationships with its City and community partners, as well as its reputation in the broader community. The resulting artworks will build a collection that reinforces the fundamental link between creative expression and quality of life by highlighting the city's culture and creative economy and community, improving the visual identity of public spaces, and creating opportunities for all residents to engage with art.

**Project Categories:**

- Parks and City Facilities
- Landmarks
- Community Engaged Collaborations
- Las Cruces Stories

The projects identified below in each of these categories represent the best opportunities for public art that could be anticipated at the time of the writing of this plan, as well as guidance on identifying and evaluating other opportunities as they arise. The viability of these specific opportunities may change over time, and new opportunities will arise. Each year *Las Cruces Public Art* will produce, and the City Art Board will approve, an Annual Public Art Work Plan that will identify specific opportunities for the coming year. The Work Plan will be informed and guided by this Public Art Master Plan, as well as updated Capital Improvement Programs and other City plans.

Ruben Garcia, *Aguacito*

## Parks and City Facilities

There has been a renewed focus in the City of Las Cruces on improving community places and public spaces built and maintained by the City for the benefit of all its residents.

In 2018, the voters in Las Cruces passed an ambitious General Obligation Bond program to fund needed capital projects, including parks and recreation facilities, public facilities including a new Fire Station and Animal Service Center, and other infrastructure improvements such as roads, sidewalks, trails, and drainage facilities. The Bond funding adds additional resources towards the City's concerted effort to provide quality public spaces.

These types of City-built community places – parks and City facilities – are places where people come to play, socialize, engage in civic activities, and do business. As places that are frequented by residents and often located either in downtown or in the center of neighborhoods, these parks and facilities provide excellent locations for public art.

In the future, when a major capital project is underway, the City should incorporate public art projects that enhance places that are at the center of community life. Existing parks and City facilities should also be considered for new public art projects as part of larger community improvement initiatives.

Barbara Grygutis, *WAVE,*
West Palm Beach, FL,
©Barbara Grygutis 2009,
Photo: J. Christopher

### Public art at parks and City facilities will achieve the following goals for *Las Cruces Public Art:*

**GOAL 1**
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- The City demonstrates its commitment to art and artists with each new park and facility it builds.
- Las Cruces becomes known as a place where you can encounter art in everyday places.

**GOAL 2**
**Add Visual Interest and Beauty**

- Public art can elevate the appearance and experience of frequently used City facilities and parks for users, as well as passersby.

**GOAL 3**
**Activate Public Spaces**

- Public art can elevate a City facility or park from a purely functional place to an engaging place that helps bring people together.

**GOAL 4**
**Improve Visual Identity**

- Works of public art become well-known icons, denoting and creating a unique identity for parks and facilities.

**GOAL 5**
**Make Art and Culture a Way of Life**

- Integrating public art into City facilities and parks creates opportunities for people to experience art in their everyday lives.
- Incorporating art as part of City facilities and parks can communicate Las Cruces' identity as a place that values the arts, quality design, and the contributions of artists, increasing civic pride for residents.

## Parks

Parks, trails, and open spaces are an important part of the character of Las Cruces and provide both recreational and social spaces for residents to enjoy. Access to these amenities contribute to the high quality of life boasted by Las Crucens.

The City's parks system has already been a primary location for public art. Of the approximately fifty works of art currently owned by the City, more than a third are in City parks. When asked about preferred locations for future public art, respondents to the survey conducted as part of the public art master planning process also showed a strong preference for public art in parks – fifty percent of survey respondents listed parks as one of their top choices, the second highest response after neighborhood gathering places (see Appendix C).

The newly adopted *Parks and Recreation Master Plan* calls for building new parks to keep up with population growth and ensure equitable distribution of park amenities, including a new Community Park and inclusion of Civic Parks in new developments. These new park developments may provide an excellent opportunity to integrate permanent public art into the overall park design. Although City parks host much of the current public art collection, there are still many existing parks that do not currently have artwork for the public to enjoy, which could be sites for new projects.

Holly Young-Kincannon and Joseph Drummond Kincannon, *Blackbird,* Austin, TX, Photo: Kincannon Studios, LLC

## CRITERIA FOR EVALUATING PUBLIC ART OPPORTUNITIES IN PARKS

*Las Cruces Public Art* should consider the following when determining whether to pursue a public art project in a City park.

- Priority should be given to parks where there is a major capital improvement, such as new construction or major renovation that is taking place and would enable the public art to be integrated into the overall construction project.
- Priority should be given to Regional Parks and Community Parks that serve a broad swath of the community.
- Priority should be given to Civic Parks, including Greens, Squares, Plazas, and Parkways, that provide important community focal points.
- Priority should be given to trailheads in parks and/or where a park includes a significant stretch of the citywide multi-use path and trail system.
- Priority should be given to parks where public art has been identified by the community as a goal in a park or community planning process.

Additional opportunities for temporary and community-engaged public art projects in parks are discussed in the section on Community Engaged Collaborations.

## SPECIFIC OPPORTUNITIES FOR ART IN PARKS

### Near Term

Public art is one of the key components of the Klein Park Master Plan, developed in 2015. The Parks and Recreation Department will be implementing some of the recommendations in this master plan in the 2019 fiscal year. *Las Cruces Public Art* is beginning work with the Parks and Recreation Department and the Arts and Cultural District to commission artwork for the park.

### Intermediate Term

*Las Cruces Public Art* should track upcoming Capital Improvement Program (CIP) projects and upcoming development projects that may result in City-funded and -owned park projects that meet the above criteria. The Art Program Coordinator should discuss potential opportunities related to the CIP with the Parks and Recreation Department and, if applicable, the Public Works Department. If there is a clear path to developing a public art project, these opportunities should be incorporated into the Annual Public Art Work Plan. For potential opportunities related to City-owned parks built by private developers and reimbursed by the City, the Art Program Coordinator should meet with both Parks and Recreation Department staff and Community Development Department staff to determine the best way to proceed with the developer.

## FUNDING PUBLIC ART IN PARKS

When there will be new construction or major renovation of a Park funded by a General Obligation Bond, a Municipally Backed Bond, or Park Impact Fees, public art should be funded through Percent for Art (see page 31).

Presently, there are some cases where private developers are designing and building parks and being reimbursed by the City. These parks are eventually donated to the City and become City Parks. Developers should be encouraged to commission public art if the park they are developing meets one or more of the above criteria.

Public art in existing City parks should be funded through the General Fund or through grants and fundraising.

## PROJECT DEVELOPMENT PROCESS FOR PUBLIC ART AT PARKS

For public art projects funded by the City, use the Standard Commissioning Process (see page 36).

When the public art is part of a larger capital project, *Las Cruces Public Art* staff should meet with Capital Project managers early in the project development process to discuss the project goals, audiences, timeline, and potential public art opportunities. When possible, an artist should be selected early in the design development process so that the artwork can be physically and aesthetically integrated into the facility or park. In most cases this will mean having an artist selected and a concept design approved prior to the completion of construction documents.

For public art projects commissioned by developers that are designing and building a park and being reimbursed by the City, *Las Cruces Public Art* should manage the entire project, including artist selection, using the Standard Commissioning Process. If the developer is designing and building the park without being reimbursed by the City, the artwork should be reviewed following the process for review and acceptance of donations of artwork.

Left to right:
Jeff Laramore, *Rocket,* Richardson, TX, Photo: Jeff Laramore;
Bob Cassilly, *Turtle Playground,* St. Louis, MO, Photo: Meridith McKinley

## City Facilities

The City of Las Cruces works diligently to repair, replace and construct facilities that provide vital services to the community. City facilities, such as fire stations, recreation and community centers, senior centers, and other City-owned buildings, are located throughout Las Cruces, often in prominent locations, and are frequented by people from throughout the community. As such, they are a prime location for public art and will be a key way LCPA achieves many of its goals.

*Las Cruces Public Art* has commissioned one work for a City facility, *Pride* by Karen Yank at the East Mesa Public Safety Complex. In 2019 *Las Cruces Public Art* selected an artist and a concept for a site-specific artwork for the central pillar of the main lobby of City Hall. This project will be installed in 2020.

Artwork at City facilities can include integrated artworks that are seamlessly incorporated into the design of the building, functional elements where artists are commissioned to create an element of the design that would ordinarily be built to standard specifications or ordered from a catalogue, freestanding artwork such as sculpture, and murals that could take on a variety of media and styles.

Left to right: Anne Marie Karlsen, *Subdivisions,* Lawndale, CA, Photo: XXX; Olalekan Jeyifous, *Durham in Continuum,* Durham, NC, Photo: Olalekan Jeyifous; Christopher Fennel, *Rail Ladder Fire,* Allen, TX, Photo: Blackmon 2012

## CRITERIA FOR EVALUATING PUBLIC ART OPPORTUNITIES IN CITY FACILITIES

Though many of Las Cruces' City facilities are good candidates for public art, not all will be. The following criteria should be used to prioritize which facilities should be considered for public art projects.

- Priority should be given to City facilities where there is a major capital improvement, such as new construction or major renovation that is taking place and would enable the public art to be integrated into the overall construction project.
- Priority should be given to City facilities that are purpose-built for community use.
- City facilities that are not purpose-built for community use, but are in a prominent, highly visible, gateway location with a high volume of car or pedestrian traffic should be considered for public art projects.

## SPECIFIC OPPORTUNITIES FOR ART IN CITY FACILITIES

### Near Term

The 2018 General Obligation Bonds approved by the voters did not include Percent for Art funding. However, the City has committed to commissioning public art at the Animal Service Center and Fire Station 3, and LCPA is working with the Department of Public Works to incorporate art into these facilities.

### Intermediate Term

Projects in the current CIP (FY 2020 – 26) that meet the above criteria and that may be eligible for Percent for Art funding based upon the recommendations in this plan include: Airport Terminal Renovation, Aquatic Center, Branigan Library Expansion, a new Branigan Library Branch, Cinematic Infrastructure and Soundstage, Convention Center Expansion (Phase 2), Downtown Parking Garage, East Mesa Recreation Complex, Meerscheidt Recreation Center Remodel, Municipal Service Center, the Municipal Court and future Public Safety Facilities including new Fire Stations and a Fire Department Administration Building. *Las Cruces Public Art* should work with the City departments responsible for these projects to explore opportunities for public art in these projects.

In the future, *Las Cruces Public Art* should participate in the CIP process to be aware of projects that may be good candidates for public art and to incorporate art into the planning stages of eligible City facilities.

### New Mexico Arts Related Opportunities

In addition, the following projects' budgets include funds from the state of New Mexico and as such are eligible for funding and inclusion of public art through New Mexico Arts' Art in Public Places (AIPP) program: Amador Hotel, Behavioral Health Facility, Branigan Cultural Center (Phase 2), Children's Museum, Dental Clinic Community of Hope, Downtown Parking Garage, Mesilla Valley Community Campus, and Las Cruces International Airport. LCPA should work with NMArts and relevant City Departments to include public art in these projects following NMArts' procedures.

## FUNDING PUBLIC ART AT CITY FACILITIES

Public art at Civic Facilities should be funded through Percent for Art (see page 31) and New Mexico Arts' Art in Public Places Program for State of New Mexico funded capital projects.

Based on the criteria above, the City Art Board may determine that the facility is not a good candidate for public art. If this is the case, Percent for Arts funds should be pooled to be used at another location, as allowable by the funding source.

Capital expenditures made by the State of New Mexico are eligible for inclusion of public art through the State's Art in Public Places Program.

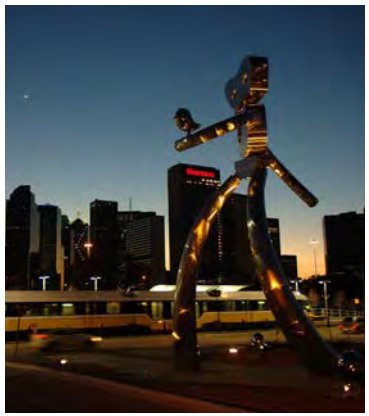
## PROJECT DEVELOPMENT PROCESS FOR PUBLIC ART AT CITY FACILITIES

For public art projects funded by the City, use the Standard Commissioning Process (see page 36).

*Las Cruces Public Art* staff should meet with Capital Project managers early in the project development process to discuss the project goals, audiences, timeline, and potential public art opportunities. When possible, an artist should be selected early in the design development process so that the artwork can be physically and aesthetically integrated into the facility. In most cases this will mean having an artist selected and a concept design approved prior to the completion of construction documents.

For public art projects at state-funded facilities, artist selection will be managed by the State of New Mexico Art in Public Places Program.

## Landmark Public Art Projects



Clockwise from top left:
Bill Fitzgibbons, *Light Channels,* San Antonio, TX,
Photo: Bill Fitzgibbons;
Brad Oldham and Brandon Oldenberg, *Traveling Man,* Dallas, TX,
Photo: Steve Rainwater;
Blessing Hancock, *Biota,* Aurora, CO, Photo: Scott Bolton

Las Cruces is a city reached by three bordering highways (I-10, I-25 and U.S. Route 70), with the downtown and newly designated Las Cruces Arts and Cultural District situated between the north-south Rio Grande River (to the west) and the historic El Camino Real de Tierra Adentro (to the east).

Las Cruces has magnificent natural landmarks. The Organ Mountains, Doña Ana Mountains, Picacho Peak, the Robledo Mountains and the Rio Grande shape the identity of the region. The community survey conducted as part of the public art master planning process found that a majority of respondents feel that the Organ Mountains and the area's environmental and natural features – the sky, sunsets, desert climate, and more – are the first thing that come to mind when thinking about Las Cruces. These natural features also provide a way for people orient themselves as they navigate the city.

In addition to these natural features, highway entry to Las Cruces presents the city's two most recognized public art pieces: a collection of highway-scaled water tank murals along Hwy 70 and I-25 and the *Recycled Roadrunner* along I-10/Hwy 70. But as one enters the city's interior, it is the mountains that serve as the best way to orient oneself. The main corridors traverse the city without obvious destinations to guide, without landmarks along the way to establish hierarchy, or way-finding systems to present overall unity and district marking. When one eventually finds the city's core – the history-filled Arts and Cultural District (ACD), with its Main Street and the central Plaza de Las Cruces – there is little sense of re-connection with any major artery.

Taking a cue from the highway-scaled public artworks, public art projects can serve as landmarks that assist with wayfinding and are deployed to welcome people to Las Cruces and guide locals and visitors alike through the city's distinct districts and neighborhoods.

## Landmark Public Art Projects will help achieve the following goals for *Las Cruces Public Art:*

### GOAL 1
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- Landmark projects can become icons and destinations in themselves, and in some cases can help drive visitorship to local arts and culture destinations such as the ACD and the city's museums.
- Landmarks can welcome people to Las Cruces and let them know that they are in a place that values art and culture.
- Landmarks can reflect an aspect of Las Cruces' landscape, history and/or culture, creating a stronger sense of place and cultural identity.

### GOAL 2
**Add Visual Interest and Beauty**

- Landmark public artworks can make roadways and corridors more aesthetically pleasing.

### GOAL 4
**Improve Visual Identity**

- Landmarks can help define corridors, neighborhoods, and district entrances and help visitors and locals navigate throughout the city.
- Landmarks can create a stronger and more visually interesting sense of arrival to Las Cruces or to areas within the city.
- Landmarks can address the experience of moving through the city in a vehicle, on bike, or on foot, both day and night.
- Landmarks can help build distinct identities for Las Cruces' many neighborhoods.

### GOAL 5
**Make Art and Culture a Way of Life**

- Highly visible landmark artworks create opportunities for people to experience art in their everyday lives.
- Landmark artworks communicate Las Cruces' identity as a place that values the arts and quality design.

### CRITERIA FOR EVALUATING LANDMARK PUBLIC ART OPPORTUNITIES

Criteria for evaluating whether a site should be considered for a Landmark Public Art Project should include:

- The site marks a major entry point to the city, the arrival at a specific area or neighborhood, and/or a major decision point.
- The site is highly visible with a large audience and with a significant view corridor likely to be seen by many people.
- The site is part of a larger improvement project, allowing the artwork to be fully integrated into the overall design of the site.
- The site lends itself well to the incorporation of artwork, both visually and technically.
- The site would not be better served with traditional wayfinding or signage, but instead warrants a creative or artistic solution.
- If the site requires partners, such as the New Mexico Department of Transportation (NMDOT), they are willing to collaborate.
- There are sufficient funds to create a work that would be appropriate for the site.

## SPECIFIC OPPORTUNITIES FOR LANDMARK PUBLIC ART PROJECTS

The following categories emerged through review of various City plans, visual analysis of the city and through the community engagement process conducted during this planning process. These sites are not inclusive of all opportunities, but may be locations that warrant further study by *Las Cruces Public Art* in collaboration with other City departments and stakeholders.

Ken Williams, *Gateway to the Southwest* (rendering), Pueblo, CO, Image: City of Pueblo, CO

### Highway Scale

Highway scale art should be seen from a distance from a fast approaching vehicle. In some cases, as with *Recycled Roadrunner,* it could warrant a stopping point for closer inspection, although it is not necessary.

**Near Term**

*I-25 and University Avenue Roundabouts.* NMDOT is reconstructing the I-25 at University Avenue Bridge and exits. Construction is slated to begin in 2020. The project includes creating a new underpass for Triviz under University Avenue and two roundabouts on Triviz, one on each side of University Avenue. These round-abouts present opportunities for large-scale public artworks that serve as landmarks. New Mexico State University (NMSU) is already planning to commission an artwork for the roundabout south of University Avenue. *Las Cruces Public Art* should commission a work for the north roundabout. LCPA and NMSU should work collaboratively so that the works of art are complementary.

**Intermediate Term**

*I-10 and I-25 Split.* This is a major gateway to Las Cruces for drivers entering from the south along I-10, as well as a major decision point for people whose destination is Las Cruces or for drivers who are just passing through. The City owns property at this location and has long considered it as a potential location for a city entry monument. This could prove to be a very important landmark for the city.

*I-10 and Avenida de Mesilla.* This major intersection marks the arrival to Las Cruces driving east on I-10. Avenida de Mesilla, which leads to the historic town of Mesilla, is one of Las Cruces' historic corridors and this intersection could be a candidate for public art.

*I-25 and Lohman.* The Lohman exits are the most traversed entrances into the city's interior and could be good candidates for art near the exits or once a driver reaches Lohman.

*I-25 at I-70.* This is another important gateway for drivers and could be a potential location for a landmark artwork.

*I-70 and the Eastern City Limits.* Drivers entering Las Cruces on I-70 from the east get a dramatic view of Las Cruces as they descend into the valley. This could be a potential location for a scenic overlook. An artwork similar in spirit to the Recycled Roadrunner at the western entrance to the city on I-10 could be a good approach.

## Corridor Scale

Corridor scale art is seen by both fast approaching vehicles and pedestrians. It is meant to be seen from far away and up close.

**Intermediate Term**

*Lohman/Amador (East and West).* Lohman Avenue changes from a two-way street to a one-way street at S. Doña Ana Street. Amador Avenue changes from a two-way street to a one-way street at S. Miranda Street. The places where the streets change from two-way to one-way create triangular areas. These areas are owned by the City and already boast attractive landscaping maintained by the Parks and Recreation Department. These locations mark the entrance to the Arts and Cultural District and could potentially be future locations for public art.

*Solano Avenue.* Solano is a major North-South corridor in the city. North of Lohman, parks facing Solano, including Apodaca Park, the Aquatic Center and the Hadley Recreation Complex, could be sites for public art facing Solano visible from the street. South of Lohman, opportunities exist to work with property owners to create a critical mass of murals or other projects, such as artist-designed street banners that make a corridor-wide impact.

*Main Street at Solano Avenue.* Another important site is the intersection of Main Street and Solano, where passers-by can currently see the three crosses that represent the historic crosses for which the city may have been named. This site is in the Apodoca Blueprint planning area and will potentially be redeveloped, raising the question of what kind of public art is appropriate in the places where the crosses sit.

*University Avenue at El Paseo.* This intersection marks a western gateway into NMSU and the entrance to the Las Cruces Convention Center.

*Roadway Bridges.* Areas where major corridors cross arroyos, canals, and the Rio Grande are potential locations for a series of related works of art that mark or draw attention to the intersecting natural and man-made water network, experienced daily.

## Arts and Cultural District

**Near Term**

*Roundabout.* The roundabout at the northern end of downtown, where Main Street, Church Street and Water Street intersect, is an ideal location for a signature artwork that becomes a symbol for Las Cruces and its Arts and Cultural District.

**Intermediate Term**

*Main Street between Lohman and Bowman.* This zone along Main Street could also be a location for an artist-designed gateway to downtown, perhaps spanning over the roadway.

*Main Street north of Picacho.* This stretch is a major entry to the Arts and Cultural District and could be enhanced with banners, murals or other artistic enhancements.

*Main Street south of Lohman.* This stretch is also a major entry to the Arts and Cultural District. In addition to banners or murals, medians could be a location for artistic enhancement.

*Amador/Lohman Corridor.* This corridor, from roughly Solano to Melendres, should let people know that they are entering the Arts and Cultural District. This could be accomplished through encouraging public art and murals on private property, through public art projects in key City-owned areas (see Amador/Lohman split above), or through serial works, such as artist-design banners, that signal that you are entering the Arts and Cultural District.

*Picacho/Spruce Corridor.* Similarly, the Picacho/Spruce corridor is an important east-west corridor into the downtown area and could be a focus area for public art or serial works.

## FUNDING LANDMARK PUBLIC ART PROJECTS

Landmark Public Art Projects would be funded through the General Fund as special appropriations in the City's annual budget. The City could also write grants to fund specific projects in this category.

## PROJECT DEVELOPMENT PROCESS FOR LANDMARK PUBLIC ART PROJECTS

Candidates for Landmark Public Art Projects will emerge through City planning as well as in the development of Capital Projects that impact major roadways and gateways. Some sites may also require a partnership with the State of New Mexico Department of Transportation. *Las Cruces Public Art* should monitor the development of City plans and Capital Projects and bring forward potential opportunities to the City Art Board through the Annual Public Art Work Plan process.

Due to the potential complexity of Landmark Public Art Projects, the process of developing the Project Plan (see page 36) should include an in-depth study of the site and a detailed description of the art opportunity and the artist's scope of work.

In most cases, the artist selection for Landmark Public Art Projects should utilize an open call or an invitational process (described in Appendix D). An invitational process would ensure that the pool of artists being reviewed includes artists that have the capability to design, fabricate and install a work of art of substantial scale in a potentially complicated area.

## Community Engaged Collaborations

Many of the City's existing public art projects have grown out of work being done by the Parks and Recreation Department, though programs such as the Mural Arts Program and Keep Las Cruces Beautiful, with the dual goals of beautifying public space and engaging Las Crucens in actively learning and participating in artistic activities. Other City departments, such as the Sustainability Office in the Department of Economic Development, have worked with community-based nonprofit organizations to explore the power of public art to both enhance public space and bring people together. In addition, some community-based nonprofits are proactively engaging with the City to help realize ideas for public art projects that are being generated by artists and the community.

*Las Cruces Public Art* should build on this interest and understanding that art can be used to help achieve community development goals. LCPA should work with other City departments as well as community organizations as active partners in public art projects that are beneficial to both partners and to the public. Employing the partners' community relationships and outreach expertise, these projects should be specifically designed to engage Las Cruces youth or members of the general public in the development and execution of a public art project. For its part, *Las Cruces Public Art* can bring to the table valuable expertise in scoping out public art projects and selecting artists, as well as funds to supplement artist fees, ensuring that artists are qualified and that the resulting artwork is a valuable addition to the City's collection.

Ellie Balk, *Visualize Pi Perspective,* Brooklyn, NY, Photo: Ellie Balk

### Community Engaged Collaborations will help achieve the following goals for *Las Cruces Public Art:*

**GOAL 1**
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- These projects can be ideal for local artists who can engage deeply with the community over an extended period of time to develop the project and/or create the artwork.
- Collaborations with the City's museums can support visitorship to these institutions and help promote Las Cruces' cultural offerings.

**GOAL 2**
**Add Visual Interest and Beauty**

- Through interdepartmental collaborations, public art can beautify existing elements of the built environment, including parks, streetscapes, and other neighborhood infrastructure.

### GOAL 3
### Activate Public Spaces

- Artists who engage the community in the project development process can help the community take ownership of public spaces and help build a sense of pride in Las Cruces' neighborhoods and public spaces.

### GOAL 5
### Make Art and Culture a Way of Life

- Through these projects, community members can engage directly with artists and artmaking.
- Participating in these projects can build Las Crucens' appreciation for public art through hands-on experiences.
- Interdepartmental and community collaborations can help ensure that public art is present in all of Las Cruces's neighborhoods and that all residents have a chance to see art in their everyday lives.

## CRITERIA FOR EVALUATING COMMUNITY ENGAGED COLLABORATION PUBLIC ART OPPORTUNITIES

When reviewing potential opportunities to develop a Community Engaged Collaboration in partnership with another City department or organization, *Las Cruces Public Art* should consider the following:

- There is a willing partner that is able to dedicate staff time and financial resources to supporting the project.
- *Las Cruces Public Art* has adequate funding for the selection process and artist fee, and the partner has resources for the creation of the artwork and related community engagement.
- The partner is already engaged in doing work in the neighborhood/community and has strong relationships there or has a plan and the resources to develop the necessary relationships.
- *Las Cruces Public Art* and the partner share a clear vision for the public art project and its goals and outcomes and there is buy-in from all levels of the partnering Department or Organization.
- The project is on City property.
- The project aligns with *Las Cruces Public Art*'s vision and goals.

Over time, *Las Cruces Public Art* can strengthen its relationships with partners and discover new ways of working together.

Tracy Silva Barbosa, *Azulejos on Belleville,* New Bedford, MA, Photo: Tracy Silva Barbosa

## SPECIFIC OPPORTUNITIES FOR COMMUNITY ENGAGED COLLABORATIONS

The following represent potential opportunities that surfaced during the planning process. LCPA should track these projects, as well as continue conversations with potential partners to uncover new ideas.

**Near Term**

*Tunnel Mural.* The Parks and Recreation Department is interested in working with the community to install a mural in the (Alameda Arroyo) Multi-use Trail Tunnel under I-25. LCPA should work with Parks and Recreation to develop a draft Project Plan that also outlines the division of responsibilities for the project.

*Mural Arts Program.* LCPA should work with Parks and Recreation to grow and strengthen this existing program for youth.

**Intermediate Term**

*Community Art Residencies.* LCPA should work with Parks and Recreation to explore the idea of creating studio space in a Recreation or Community Center for an artist to work with community groups and individuals on public art projects.

*Community Schools.* LCPA should explore opportunities to partner with the Parks and Recreation Department to support public art in schools and/or engage students in public art projects through its Community Schools program and After School Program.

*Tactical Urbanism.* LCPA should continue conversations with the City's Office of Sustainability to explore how to support communities interested in low-cost, temporary beautification projects.

*Museum Exhibitions.* LCPA should continue conversations with Quality of Life Department staff about potential public art projects related to museum exhibitions that can extend the reach beyond the Museum's walls and promote visiting the Museum.

## FUNDING FOR COMMUNITY ENGAGED COLLABORATIONS

*Las Cruces Public Art* should make an annual request for General Fund support for Community Engaged Collaborations. LCPA's contribution to most projects would be staff time, funding an artist selection process, and paying artist fees. The partner(s) would fund materials and supplies and other expenses related to project execution.

Community members work with artist David Best to build *The Temple of Time.* Photo: City of Coral Springs, FL

## PROJECT DEVELOPMENT PROCESS FOR COMMUNITY ENGAGED COLLABORATIONS

When it is time to begin the project development process, the Art Program Coordinator should develop a Project Plan in collaboration with the partner. The Project Plan would be approved by the City Art Board as well as the appropriate staff and/or oversight body of the partner. The City Art Board would then present the Project Plan to City Council.

In most cases, *Las Cruces Public Art* would take the lead on managing artist selection and concept design approval. The process would be managed by the Art Program Coordinator and the review and approval process would come through the City Art Board.

If a large number of these projects are anticipated to be murals, *Las Cruces Public Art* may want to consider developing a juried Mural Artist Roster. Art selection committees would utilize this roster to select artists. For other projects, an open or invitational call may be appropriate.

Other elements of project management, including community engagement and project implementation would be managed by the partner. Artwork created through Community Engaged Collaborations would become part of the Community Collection. Some of these pieces, because of the nature of the materials or the nature of the site, should be temporary in nature. At the time of commissioning an expected lifespan should be established and a plan for de-installation should be included in the Project Plan. These projects would be maintained and conserved by LCPA.

Jessica Witte, *Seed the Change,* St. Louis, MO,
Photo: Meridith McKinley;
Valerie Theberge, *Emerge,* Reston, VA,
Photo: Reston Association

## Las Cruces Stories

Las Cruces Stories are special opportunity public art projects that illuminate aspects of the unique history and present-day cultures of Las Cruces. Not necessarily tied to City capital projects, Las Cruces Stories projects would be initiated periodically and would, in many cases, be in collaboration with organizations or community groups in Las Cruces. A Las Cruces Stories project could, however, be an appropriate approach for Landmarks or Parks and City Facilities projects. What makes a public art project a Las Cruces Stories project is the intentional focus on creating a public art project that expresses or explores a specific facet of Las Cruces' past, present and future.

### Las Cruces Stories projects can help achieve the following goals for *Las Cruces Public Art:*

**GOAL 1**
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- Las Cruces Stories projects can highlight aspects of what make Las Cruces unique, helping to create a sense of place and pride in community.
- These projects can create platforms for sharing Las Cruces' rich cultures with both locals and visitors, reinforcing Las Cruces' identity as a cultural destination.
- The City's museums can be ideal collaborators for Las Cruces Stories projects, and the projects can, in turn, promote visitorship to those destinations.

**GOAL 3**
**Activate Public Spaces**

- Las Cruces Stories projects can be interactive and engaging, asking the viewer to participate in some way.

**GOAL 5**
**Make Art and Culture a Way of Life**

- These projects can bring the community together in sharing, reflecting, remembering the past or envisioning the future.
- Through their focus on local stories, these projects can be distributed throughout neighborhoods across Las Cruces.

Mary Beth Meehan, *Carlos* (from the *Seeing Newnan* series), Newnan, GA, Photo: Mary Beth Meehan

## CRITERIA FOR EVALUATING LAS CRUCES STORIES PUBLIC ART OPPORTUNITIES

Ideas for Las Cruces Stories will typically come out of conversations with other City departments and other community partners. The City Art Board should use the following criteria to evaluate whether an idea is a good fit for a Las Cruces Stories public art project:

- The idea brings to light a story about Las Cruces that is not already widely represented in the public art collection or in other highly visible and accessible public spaces.
- There is an appropriate site available to create an artwork and the site supports the subject of the artwork.
- There is a willing community partner that brings knowledge and expertise around the subject matter being explored.
- There is sufficient funding available to create an artwork at the chosen site.

## SPECIFIC OPPORTUNITIES FOR LAS CRUCES STORIES

There are numerous elements of Las Cruces' past, present and future that could be explored through public art.

Projects could be commissioned that reveal and explore people or groups that are under-represented in Las Cruces' public art or public spaces. Examples might include exploring the African American history of Las Cruces by partnering with initiatives such as the African American Historical Research Endowment at the Community Foundation of Southern New Mexico, or exploring the history and contemporary influence of the indigenous peoples in Las Cruces.

Artists could explore the cultural and physical impact of the Rio Grande and the acequias on the past, present and future of Las Cruces. Or artists could explore other aspects of the natural environment that have had a unique impact on the community, such as the region's National Monuments – Organ Mountains-Desert Peaks (OMDPNM), Prehistoric Trackways, and White Sands – and other elements of the unique desert ecosystem that shape the culture of Las Cruces. Possible partners for environmental topics could include Friends of OMDPNM, Southwest Environmental Center, Asombro Institute, Native Plant Society, Cruces Creatives, and others.

Las Cruces' place as a crossroads is an idea that spans its history to the present day. The area was part of a major thoroughfare and trade route for indigenous peoples prior to the arrival of Europeans. The Camino Real, built during the Spanish colonial era, passed right through the heart of present-day Las Cruces. Las Cruces is a crossroads today, as well, with the University bringing people from all over the world to Las Cruces to learn and exchange ideas. And it is also a major pathway for migrants and asylum seekers coming from the south to seek a better life.

That idea of crossroads could even extend to Las Cruces' emerging role in space travel. Spaceport and other space related activities could impact the future of the region. Celebrating and exploring this narrative through public art could be done with those partners or perhaps in collaboration with the Las Cruces Space Festival.

## FUNDING FOR LAS CRUCES STORIES

Las Cruces Stories public art projects would be funded through the General Fund as special appropriations in the City's annual budget. The City could also write or partner on grants to specifically fund projects in this category and ask partners to contribute funds. Las Cruces Stories projects could also be Parks and Community Facility projects, as described above, and funded through Percent for Art.

## PROJECT DEVELOPMENT PROCESS FOR LAS CRUCES STORIES

Through the process of developing the Annual Public Art Work Plan, the Art Program Coordinator would review potential opportunities with the City Art Board and, when the right opportunity and partnership surfaces, include it in the Annual Public Art Work Plan.

Las Cruces Stories public art projects should be commissioned using the Standard Public Art Commissioning Process outlined in this plan.

Thomas Agran, *Park CR Murals,* Cedar Rapids, IA, Photo: Thomas Agran

Clockwise from left: Michael Naranjo, *Eagle Man;*
Vela, *Rio Grande Theatre;*
Lorenzo Zepeda with Alma Arts and the Murals Arts Program, *When Trees Play*

# PUBLIC ART PROGRAMS

In addition to its work commissioning public art, LCPA will lead or partner with others to develop and implement a discrete number of programs. Overall, these programs are aimed at supporting local artists in developing public art as part of their practice – a key part of LCPA's mission. Programs will provide training and mentorship opportunities to help local artists grow their own practice in public art and will provide practical tools and resources for use by others interested in commissioning public art.

## Artist Professional Development

### TRAINING

LCPA should collaborate with other entities to provide training workshops and other resources for artists interested in pursuing public art. There are many institutions and organizations in the region that have expertise in professional development for artists or serve artists' needs and who may be interested in developing joint programming, including the Dona Ana Arts Council, NMArts, NMSU Department of Art and Art Museum, the City of El Paso's Museum and Cultural Affairs Department and its Public Art Program, and public art programs throughout New Mexico. Collaborating with these entities can help reach a larger audience and will bring more resources to the table.

Topics to cover in artist training workshops can include responding to Calls for Artists, insurance and other business and legal topics, working with fabricators and installers, developing contracts and budgets, documenting and marketing your work, and more.

In addition to curriculum-based workshops, LCPA can work with other regional commissioning and exhibiting entities, such as NMArts, NMSU, and El Paso Public Art, to offer artist talks with experienced, nationally recognized artists who may be in the region for a project. These artist talks could focus on the "behind-the-scenes" aspects of developing a public art project from the artist's point of view, and can help demystify the commissioning and project development process for artists new to public art.

There may also be opportunities to record these workshops and talks and make them available online for a broader audience. These and other existing materials can be catalogued and made available on LCPA's website.

## MENTORSHIP

LCPA should develop a mentorship program to provide local artists new to the field of public art with the opportunity to assist experienced artists with LCPA commissions. The goal of the mentorship would be to provide opportunities for artists to gain technical and administrative experience needed to compete within the field of public art locally and nationally, as well as to build their public art resume.

LCPA should determine on a case-by-case basis what commissions would be appropriate for a mentorship. Usually this will depend on the budgets for new commissions and the scope of work for the artist. The mentoring component should be included in the original RFQ for the project and the mentoring responsibilities should be built into the scope of work in the lead artist's contract.

LCPA should invite local artists to apply for the mentorship opportunity through an open Request for Qualifications/Call for Artists. If a large number of mentorship opportunities are anticipated, LCPA could establish a juried Mentee Artist Roster of local artists to draw from. The Selection Committee for the public art project would review qualifications and narrow the list down to 3 – 5 candidates for the lead artist to choose from. The lead artist would select a mentee artist based on a review of qualifications and an interview.

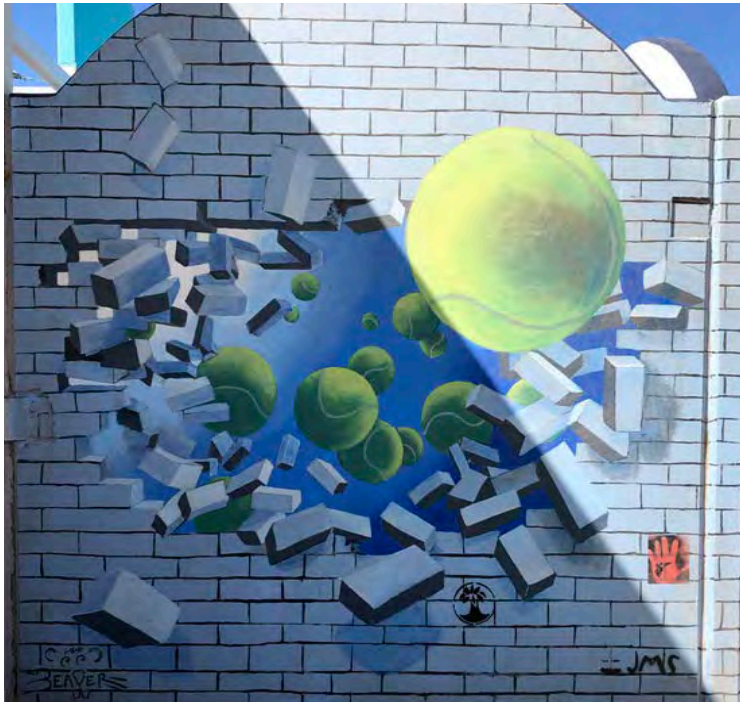
The lead artist would establish a scope of work for the mentee artist. The responsibilities of the mentee artist might include attending planning and community meetings; conducting research regarding materials, design issues and building codes; and other duties that relate to the design, fabrication and installation of the artwork.

The mentee artist would be paid a fee directly by LCPA.

## Mural Best Practices Guide

Murals are a popular form of public art in Las Cruces and speak to the region's cultural heritage and artistic heritage. Many entities in Las Cruces, such as the Downtown Las Cruces Partnership (DLCP), the Arts and Cultural District, Doña Ana Communities United, local businesses and galleries, Las Cruces Arts Association, Murals of Las Cruces, Cruces Creatives and other community organizations, are interested in commissioning murals to improve facades, revitalize neighborhoods, and support the arts. While some of the projects LCPA commissions on public property may be murals, LCPA can also play a role supporting murals on private property by developing and making accessible a best practices guide to assist private property owners and community groups interested in commissioning murals, as well as local mural artists. This guide would focus on the key issues that should be considered when commissioning murals – such as permissions, project lifespans, contracts, and artist's rights – as well as considerations regarding materials, wall preparation, and other technical issues.

Eugenia "AO" Carmona, *Thomas Branigan Library Mural,* Las Cruces, NM, Photo: Meg G. Freyermuth; Erik T. Burke, *Walk Before Ya Run,* Reno, NV, Photo: Erik T. Burke



Clockwise from left:
Shaun Carpenter, Shaunna Foster and the Mural Arts Program, *Evolution of Loss*; Lorenzo Zepeda and the Mural Arts Program, *The Path of Choice;* Karen Yank, *Pride.*

# COMMUNICATIONS

*Las Cruces Public Art* should make itself and the City Art Board known within the community and with its City colleagues as the City program responsible for commissioning, purchasing, and approving public art for City property. Effectively communicating its role, as well as its vision, to both the general public and to City colleagues will be vital to the success of the program.

*Las Cruces Public Art* should develop and implement an effective communications strategy that serves to:

- Raise the profile of LCPA, individual projects, and the Las Cruces Public Art Collection, as well as all public art that is accessible throughout the City.
- Build a greater understanding around the role of the City Art Board and create a level of transparency around the process for creating new public art projects.
- Encourage people to get involved on the City Art Board or on an Art Selection Committee, or to participate in Community Engaged Collaborations or other public art projects.
- Engage with local artists, encouraging them to apply for projects and learn more about public art practice.
- Educate people about individual works of public art, the artists who create them, the processes they use, etc.
- Draw attention to Las Cruces as a destination for high quality public art.
- Engage people with the works in the Las Cruces Public Art Collection.

## Message and Identity

*Las Cruces Public Art* should be the umbrella under which all of the City's public art activities take place. It should be understood that if a City department is interested in commissioning public art, they work with LCPA to manage the artist selection and follow the procedures outlined in this plan.

The name *Las Cruces Public Art* should be used in all communications, including print materials, press releases, website, social media and identification labels.

When developing materials, LCPA should also consider developing key messages that are reinforced through all communications channels. Potential key messages are:

- Celebrate the talents of commissioned artists.
- Promote the role that the community has played in the selection of the artist or creation of the work.
- Relate projects back to the mission and vision of the program.
- Underscore that the approach taken toward planning, funding and implementation is related to best practices in public art.

## Presence in the Community

As part of its overall communications strategy, LCPA should identify opportunities to participate in existing community events with the goal of raising awareness about LCPA and public art in Las Cruces. Annual events such as National Night Out or the Las Cruces Space Festival could be good opportunities to share information with the public about the program and, potentially, engage the public in the development of a public art project, such as a temporary mural, street painting or other hands-on collaborative activities. LCPA can also consider having a presence at more frequent events such as the Farmers & Crafts Market.

## Public Art Catalog

LCPA should continue to maintain and update a full inventory of all work in the Las Cruces Public Art Collection, including high-quality images and descriptions that are accessible to the public via the City Art Tour on the City's website. LCPA can also consider adding public art in the city to national public art websites such as Westaf's Public Art Archive or the Museum without Walls. Print brochures providing an overview of the collection, outlining a self-guided tour and/or about specific works in the collection can also be a resource that is distributed at community facilities and via Visit Las Cruces and shared with people interested in public art in Las Cruces.

## Project-Specific Communications Strategy

The Art Program Coordinator should develop, and include in the Project Plan, a communications strategy for each public art project that includes communications, stakeholder engagement and community involvement opportunities during the commissioning process through the unveiling of the artwork. The strategy should identify target audiences, messages, and vehicles for communication, as well as a timeline linked to the public art project milestones.

### MEET THE ARTIST SESSIONS

For all new public art commissions, LCPA should work with the artist to design one or more open meetings that invite the public to meet the artist and learn about his or her practice and for the artist to learn about the community. These sessions should be organized and facilitated by LCPA.

### ARTIST-DESIGNED ENGAGEMENT

For some new commissions, LCPA may also require that the artist develop their own engagement process to inform their project.

## Programs to Promote Engagement with the Public Art Collection

LCPA should develop partnerships to bring the City's public art to life. Projects could include walking tours of public art in different parts of the city, curriculum materials focused on specific public artworks, engaging performing artists or musicians to create new work in response to public artworks, photography workshops focused on the public art collection, and more.

Clockwise from left:
Barios Caballeros, *EJ & Mable;*
C.M. Djorojieski, *Albert Norris Johnson Sr.;*
mural at Art Obscura

# APPENDIX A:
# ACKNOWLEDGEMENTS

This public art master plan could not have been developed without the thoughtful input and dedicated work of the following people:

**Mayor**
Ken Miyagishima

**City Council**
Jack Eakman
Yvonne M. Flores
Kasandra A. Gandara
Greg Z. Smith
Gill M. Sorg
Gabriel Vasquez

**Interim City Manager**
William F. Studer, Jr.

**Quality of Life Department Staff**
Lynn Gallagher, *Director*
Rebecca Slaughter, *Deputy Director*
Garland Courts, *Museum Manager*
Lorenzo Zepeda, *Art Program Coordinator*
Leticia Soto, *Office Assistant*
Norma Chairez, *Exhibits Curator*

**City Staff**
David Dollahon
*Assistant City Manager*
Sonya Delgado
*Director, Parks & Recreation Department*
David Maestas
*Director, Public Works Department*
Cathy Matthews
*Landscape Architect, Parks & Recreation Department*
Franco Granillo
*Parks Administrator, Parks & Recreation Department*
Lisa LaRocque
*Sustainability Officer*

**City Art Board**
Meg Freyermuth, *Chair*
Rebecca Courtney, *Vice Chair*
Susan Frary, *Secretary*
Christina Ballew
Robin Hutchins
Susan McNeill
Edward Schmitt
Ricardo Gonzales
Councilor Greg Smith

**Community Advisory Committee**
Councilor Gabriel Vasquez
Margaret Bernstein
*Las Cruces Art Association*
David Chavez
*Chair, Arts and Cultural District*
Dan Lere
*Board Chair, Doña Ana Arts Council*
Marisa Sage
*Director & Head Curator, NMSU Art Gallery*
Noel Sandino
*President, ArtForms Artist Association*

**Steering Committee**

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Garland Courts
*Quality of Life Department*
Paul Dahlgren
*Economic Development Department*
Sonya Delgado
*Parks & Recreation Department*
Lynn Gallagher
*Quality of Life Department*
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*Community Engagement Office*
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*Quality of Life Department*
Rebecca Slaughter
*Quality of Life Department*
Liz Vega
*Economic Development Department*

**Consultants**

Meridith McKinley, Via Partnership
Aliza Schiff, Via Partnership
Robert A. González
Eleanor Safe, Design

**Artist Roundtable Participants**

*March 27, 2019 – Branigan Cultural Center*
Kathleen Albers
Christina Ballew
Sandra Bender
Carolyn Bunch
Karen Conley
Rebecca Courtney
Shaunna Foster
Susan Frary
Meg Freyermuth
Emma Henderson
Logan Howard
Jack LeSage
Susan McNeill
Anahy Nuñez
Richard Parra
Tony Pennock
Niko Radtke
Deret Roberts
Greg Smith
Michael Taylor
Gail Gash Taylor
Aaron Valenzuela
Roy van der Aa

Special thanks to Aidee Cosme and Ben Fyffe of the City of El Paso's Museums and Cultural Affairs Department for arranging our tour of El Paso's public art and to Bill Helm, Peter Svarzbein, and Mitsu Overstreet for sharing their knowledge during the tour.

# APPENDIX B:
# DEFINITIONS

The following key terms are used throughout the Las Cruces Public Art Master Plan.

**Acquisition**
An artwork that is added to the City of Las Cruces Public Art Collection through commission, purchase, or donation. Acquisitions are one-of-a-kind, not mass-produced or off-the-shelf, unless part of a limited edition.

**Annual Public Art Work Plan**
Plan developed by the Arts Program Coordinator, in collaboration with the City Art Board, that outlines public art projects, programs and other activities for the coming fiscal year. Approved by the City Art Board and presented to City Council as an informational item.

**Artist**
An individual generally recognized by critics and peers as a professional practitioner of the visual, performing and/or language arts, based on his or her body of work, educational background, experience, exhibition history, publication and/or creation of artworks. For commissioning and acquisition purposes, an artist cannot be a City employee, a member of the City Art Board or the relevant Art Selection Committee. If part of a Capital Project, the artist cannot be a member of the Prime Consultant's firm or team.

**Art Selection Committee**
An ad-hoc committee of the City Art Board charged with reviewing artists' qualifications and artist Concept Proposals and making recommendations back to the City Art Board.

**Artist Roster**
A pre-qualified list of artists that could be utilized by Art Selection Committees and/or the City Art Board for artist selection processes. Rosters are developed through an RFQ process and are approved by the City Art Board.

**Artwork**
An aesthetic creation of permanent or temporary medium or combination of media resulting from the skill and creativity of an artist or artists.

**Call for Artists**
General term for a request for artists to apply for a public art commission.

**Capital Improvement Program**
A City budget document that outlines City Capital Projects for the coming fiscal year and projects upcoming Capital Projects for the coming five years.

**Capital Projects**
Building and renovation projects outlined in the Capital Improvement Program.

**City of Las Cruces Public Art Collection**
Public art owned and cared for by the City of Las Cruces, and located on City property, including works in the Civic Art Collection, the Community Collection, the Legacy Collection and the Portable Works Collection. Does not include works of art in the Museum Art Collection, the Library Art Collection, monuments and memorials in Veteran's Park, Gifts of State, or monuments and memorials that are not works of art.

**Civic Art Collection**
Public art on City property or in City facilities that was approved by the City Art Board. This includes permanent and temporary works commissioned by Las Cruces Public Art as well as gifts of artwork reviewed and accepted by the City Art Board. Part of the City of Las Cruces Public Art Collection.

**Commission**
An artwork, permanent or temporary, that is created by an artist at the request of LCPA and under contract with the City of Las Cruces specifically for a site and/or community.

**Community Collection**
Works of public art created through the Mural Arts Program or other community-based projects commissioned by Las Cruces Public Art. These works are typically temporary in nature, with a lifespan agreed upon at the outset of the project. Part of the City of Las Cruces Public Art Collection.

**Concept Proposal**
The phase of a public art project in which an artist creates an initial proposal, including diagrams or a maquette, and conducts a preliminary cost estimate.

**Conservation**
The regularly scheduled examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator.

**De-accessioning**
The permanent removal of a work from the City of Las Cruces Public Art Collection by selling, donating or destroying it.

**Donation**
Art donated to the City of Las Cruces Public Art Collection from a private individual, institution or other outside source and accepted by the City Art Board. Donations are sometimes referred to as gifts.

**Donor**
An individual or entity that donates an artwork to the City or makes a monetary contribution to the Public Art Fund.

**Final Design**
The phase of a public art project in which the artist finalizes the design, placement, installation specifications and cost estimate, and has relevant components prepared and stamped by a licensed engineer.

**General Fund**
The City's main operating budget, includes all resource inflows and outflows that are not associated with special-purpose funds.

**General Obligation (G.O.) Bonds**
Debt instruments authorized by a vote of the electorate to finance capital improvements. The bonds are subject to covenants and the issuance of bonds is based on the full faith and credit of the City.

**Gifts of State**
Items given to the City of Las Cruces by a domestic or foreign government official as an expression of goodwill. These items are not part of the City of Las Cruces Public Art Collection.

**Impact Fee**
Fees imposed on property developers by the City for new infrastructure that must be built or increased due to new property development.

**Landmark**
An object or feature that is easily seen and recognized from a distance, especially one that enables someone to establish their location.

**Las Cruces Public Art**
The name of the City of Las Cruces' public art program.

**Legacy Collection**
Works of public art owned by the City that pre-date the City Art Board and works of art that were commissioned or donated without City Art Board approval. Part of the City of Las Cruces Public Art Collection.

**Lender**
An artist, organization or other entity that loans a work of public art to the City.

**Loan**
Public artworks provided to the City of Las Cruces for its use for a period of time, to be returned to the owner after the loan period expires.

**Maintenance**
The routine care and repair of works of public art that does not require specialized expertise (i.e.: dusting, washing, changing light bulbs, lubrication of moving parts, etc.).

**Memorial**
A structure that is established to remember a person or people who have died.

**Monument**
A structure (plaque, artwork and/or other item) sited in a public location that is established to honor, preserve the memory of, or commemorate a deceased person(s), an event that occurred in the past, or an important idea that has shaped or impacted the community.

**Mural**
A painting or other work of art executed directly on a wall.

**Percent for Art**
A public art funding mechanism in which a certain percent of capital project funds are set aside for the commissioning of public art.

**Portable Works Collection**
Smaller scale, non-site-specific artwork, generally displayed in City facilities. Part of the City of Las Cruces Public Art Collection.

**Prime Consultant**
The lead designer for a City Capital Project. Typically an architecture, landscape architecture or engineering firm.

**Project Plan**
A document developed by the Art Program Coordinator with input from the City Art Board which outlines the work that must be done to undertake a specific public art commission or purchase and establishes the goals against which the project will be reviewed. The Project Plan is approved by the City Art Board and presented to City Council at a Work Session by the City Art Board Chair.

**Public Art**
Elements of a public place that are designed by a professional artist or artist team. Public art can be permanent, temporary and/or functional. Public art can be stand-alone or integrated into the architecture, landscape or infrastructure such as public buildings, bridges and parks. Public art can be the sole creation of the artist or it may result from a design team approach in which artists work on project teams with architects, engineers, landscape architects and others to design and create public places. Public Art, for the purposes of acquisitions by Las Cruces Public Art, does not include mass produced work, with the exception of limited editions controlled by the artist.

**Public Art Fund**
A separate fund established by the City to hold funds allocated for public art from Percent for Art, the general fund, grants, and private fundraising.

**Qualifications**
Materials sent by an artist upon request of the City of Las Cruces that demonstrate the capabilities of the artist. Qualifications generally include images of the artist's relevant previous artwork with a corresponding image list, a resume, cover letter or statement of interest, and references.

**Request for Qualifications (RFQ)**
Term for a document soliciting qualifications from artists for a specific public art project or for an artist roster.

**Request for Proposals (RFP)**
Term for a document soliciting Concept Proposals from artists for a specific public art project.

**Site-Specific Artworks**
Artworks that are inspired by and created to fit the context of a particular place.

**Temporary Public Art**
Works of art that are created to be in a public place for a limited period of time, as agreed upon at the outset of the project.

**Visual Artists Rights Act (VARA)**
A United States law (17 U.S.C. § 106A) granting certain rights to artists. VARA guarantees to authors of fine art the right to claim or disclaim authorship in a work; limited rights to prevent distortion, mutilation, or modification of a work; and the right, under some circumstances, to prevent destruction of a work that is incorporated into a building.



Agenda Item #8.2.
Page 278 of 585

# APPENDIX C:
# SURVEY RESULTS

## Purpose and Methodology

As part of the outreach process of developing the Las Cruces Public Art Master Plan, the City of Las Cruces and the City Art Board, working with project consultant Via Partnership, conducted an online survey. The survey was designed to gather input on a broad set of possible directions for public art as well as to learn more about people's perceptions of Las Cruces. The survey is one of several tools being used to gather input for the development of the Plan. The survey was launched on February 15 and was up through May 15, 2019. The survey received 226 complete and an additional 97 partial responses.

The survey asked five questions related to people's preferences for public art:

- *Which examples are you familiar with?* Please click on each image you recognize. (Respondents were shown 26 examples of artwork in Las Cruces).

- (Respondents were shown 24 examples of public art from other cities). *Of these projects, pick up to five that you think are visually interesting and represent the type of art that you think would be successful in Las Cruces.*

- *What is the IMPACT that public art should have in Las Cruces?* (Respondents were asked to indicate five preferences from a list of 14 options)

- *What TYPES of artwork would you like to see in Las Cruces?* (Respondents were asked to indicate four preferences from a list of 11 options)

- *What are the priority LOCATIONS in Las Cruces for new public artworks?* (Respondents were asked to indicate four preferences from a list of 13 options)

We also asked:

- *What is the first thing that comes to mind when you think about Las Cruces?*

- What places in Las Cruces do you take people to show them what Las Cruces is all about?

- Tell us about something unique about Las Cruces that a visitor or newcomer might not know about.

# Findings

Several themes emerge from the survey results that cut across multiple questions and help us understand people's preferences related to public art, as well as their perceptions of Las Cruces.

## COLORFUL, BIG, AND BOLD ARTWORK

First, survey respondents were attracted to art that is big, bold, and colorful and they want this kind of art for Las Cruces. Of the Las Cruces artworks shown on the survey, people were most familiar with large-scale, prominently located works such as Tony Pennock's water tank mural *Jornada del Muerto* on Triviz and Griggs (93.9%) and *Recycled Roadrunner* by Olin Calk at the 1-10 Rest Area (87.9%).

These types of large, colorful, iconic artworks were most popular among the examples of public art in other cities, as well. Survey respondents were asked to choose artworks from other cities that represent the type of artwork they think would be successful in Las Cruces from a set of images. The three most popular artworks were *Reflections on the Brazos* by Ryah Christensen – a colorful 4'x40' glass and stone mosaic embedded in the sidewalk along a street corner in Austin; *Enchanted Promenade* by TILT – a series of 10 giant peony bouquets temporarily installed in a pedestrian walkway in Houston that glow with color-changing LED lighting; and *Marquise* by Marc Fornes – a massive, dramatic, brightly colored canopy at the entrance to El Paso's Westside Natatorium building. And when asked to elaborate on why they chose the artworks they did, the most frequent responses were: 1) colorful (69 answers) and 2) big/bold (28).

These are the type of artworks that can serve as "memorable, highly recognizable landmarks," and indeed that was a popular selection for the impact that public art should have in Las Cruces, with 41.7% of respondents selecting this choice. Furthermore, 43.8% of respondents selected "artwork that is large-scale and iconic" as a type of artwork they would like to see more of in Las Cruces.

## LOCAL RELEVANCE

Second, survey respondents also showed a strong preference for artwork that is meaningful and specific to the community and context of Las Cruces. After colorful and big/bold, the third most popular reason people chose the artworks they did from the examples from other cities was because they were culturally significant, locally relevant and show the culture of the area (23 answers). This supports a survey-wide finding showing a strong desire that public art in Las Cruces should reflect local narratives, histories, and stories and should be culturally relevant. Forty-two percent of respondents felt the impact that public art should have in Las Cruces is to "give voice to history and cultural heritage," making this impact the fourth most popular choice from the 14 options provided. And when respondents were asked to tell something unique about Las Cruces, by far the most popular type of answer was a story related to local history and culture, supporting the idea that the local culture and heritage can provide fertile ground for exploration by artists who are making work for Las Cruces in the future.

Survey respondents also feel artwork should be appropriate to the environmental and physical context of Las Cruces – its landscape and its sense of place as a New Mexican and Southwestern city. Following closely behind cultural relevance as a reason why people chose the artworks they did from other cities, was the artworks' perceived appropriateness to the region or fit with the landscape/ environment of Las Cruces or the Southwest (21 answers).

Throughout the survey responses there was a strong sense that Las Cruces has a special mix of cultures; that people in Las Cruces are, and have historically been, from all over; and that this is what makes Las Cruces what it is. This is related to the preference for artwork that shows the local culture of the area and that is appropriate to the natural environment, because it shows that people have a strong sense of what Las Cruces is, grounded in its cultural heritage, history, and physical surroundings – all narratives that can be woven throughout the public art program for artists to explore.

## BEAUTIFYING EVERYDAY PLACES

People are also interested in art that beautifies and enhances the appearance of everyday places. This was the number one impact that survey respondents felt public art should have, with more than 57% of people stating that public art should enhance the visual appearance of streets and beautify public infrastructure. Artist-designed functional elements in the streetscape, such as benches, bike racks, crosswalks, manhole covers, etc. was the second most popular type of artwork that people would like to see in Las Cruces (after "artwork by local and regional artists"). People are interested in art that improves streetscapes and serves a purpose while doing so.

People are also interested in art that is interactive or activates public spaces. This was selected by 37.9% of respondents as an impact public art should have and was also a popular choice from the types of public artwork provided (41.3% chose "interactive and playful"), as well as a common reason for liking artworks from other cities (interactive or immersive was mentioned 19 times).

## SUPPORTING LOCAL CREATIVE CULTURE

Throughout the survey, strong support for Las Cruces' local artists and local creative culture was shown. Just over 50% of respondents selected "enhances the visibility of Las Cruces' local creative culture" as the impact public art should have, making it the second most popular answer to that question. In addition, "artwork by local and regional artists" was the number one type of artwork people would like to see in Las Cruces, as mentioned above. Throughout the survey, including in many write-in answers, strong support for and pride in Las Cruces' local artists was shown.

Taken together the survey responses help provide a picture of the types of public art that people would like to see in Las Cruces and what they believe public art should achieve for the city and its residents.

1. Below is a small sampling of public artwork already existing in Las Cruces. Which examples are you familiar with? Please click on each image you recognize.

| Artwork | Percent |
|---|---|
| "Jornada del Muerto," Tony Pennock, Triviz & Griggs | 93.9 |
| "Recycled Roadrunner," Olin Calk, I-10 Rest Area | 87.9 |
| "Dineh," Peter Toth, Apodaca Park | 82.1 |
| "Earth and Cosmos," Glenn Schwaiger, Main & Organ Callecita | 75.4 |
| "Mabel," Barios Caballeros, Las Cruces City Hall | 75.4 |
| "Journey to Tlalocan," Tony Pennock, S. Sonoma Ranch & Canyon Point | 71.1 |
| "Valley of the Moon," Tony Pennock, Roadrunner & Millennium | 67.9 |
| "Celebrate," Bob Diven, Las Cruces City Hall | 66.1 |
| "The Royal Road," Tom Askman, Thomas Branigan Memorial Library | 66.1 |
| "Eagle Man," Michael Naranjo, Las Cruces Museum of Art | 65.0 |
| "Color me Cruces," Anahy Nunez, Aaron Valenzuela and Christina Ballew, 318 N Main | 63.9 |
| "Entrada del Sol," Glenn Schwaiger, Hadley & N. Manzanita | 63.2 |
| "Rio Grande Time," Tony Pennock, Plaza de Las Cruces | 63.2 |
| "La Entrada," Tony Pennock, Albert Johnson Memorial Park | 58.6 |
| "Unity in Diversity," Beverly Penn-Barron, Albert Johnson Memorial Park | 58.2 |
| "Day of the Dead," VELA, Hwy 28 and Union Ave. | 47.5 |
| "Albert Johnson," C.M. Djorojieski, Albert Johnson Memorial Park | 44.6 |
| "Refuge," Andrew Nagem, Lions Park / Laabs Pool | 40.7 |
| "Quail Morning," Tony Pennock, East Lohman | 40.4 |
| "Katchina, Bullfighter and Roadrunner Mosaics," Artist Unknown, Main and Picacho | 40.0 |
| "Untitled," SUM Artist, Meerscheidt Recreation Center | 33.2 |
| "Pride," Karen Yank, East Mesa Public Safety Facility | 31.1 |
| "Tree of Life," ALMA & CLC Mural Arts, Parks & Rec Casteneda Building | 29.3 |
| "Laabs Pool Fence," Shaunna Foster & Lorenzo Zepeda, Laabs Pool | 22.9 |
| "Roadrunner," Ruben Garcia, I-10 and Crawford Blvd. | 16.1 |
| "Sacred Rain Arrow," Shauna Foster & Lorenzo Zepeda, Archery Range | 10.0 |

2. Of these projects, pick up to five that you think are visually interesting and represent the type of art you think would be successful in Las Cruces.

| Artwork | Percent |
|---|---|
| “Reflections on the Brazos,” Ryah Christensen, Austin, TX | 45.7 |
| “Enchanted Promenade,” TILT, Houston, TX | 44.1 |
| “Marquise,” Mark Fornes / TheVeryMany, El Paso, TX | 39.3 |
| “Snakes at Mesa del Sol,” George Radvonich, Albuquerque, NM | 30.8 |
| “Ballroom Luminoso,” Blessing Hancock and Joe O’Connell, San Antonio, TX | 27.5 |
| “Solaris Light Tree,” Lawrence Argent and Jen Lewin, Vail, CO | 27.1 |
| “67th Avenue Bus Shelter,” Leticia Huerta, Phoenix, AZ | 23.9 |
| “Dineh,” Allan Houser, Santa Fe, NM | 23.5 |
| “Fall Of The Ten Suns,” Jessica Angel, Albuquerque, NM | 21.9 |
| “Over Continents and Oceans (projection),” Tiffany Carbonneau, Crete, NE | 20.6 |
| “River Road,” Vicki Scuri, Tucson, AZ | 19.8 |
| “47Stories,” Shira Walinsky and Laura Deutch, Philadelphia, PA | 18.2 |
| “Triumph,” Richard Deutch, Palo Alto, CA | 16.2 |
| “Rustician,” Karl Unnasch, Montevideo, MN | 15.8 |
| “Riverine,” Stacy Levy, Niigata, Japan | 15.4 |
| “Double Play,” Robin Brailsford, Frisco, TX | 15.4 |
| “Your Essential Magnificence,” James Edward Talbot, Austin, TX | 15.0 |
| “Seen/Unseen,” Mary Beth Meehan, Providence, RI | 13.4 |
| “Drift Inversion,” David Franklin, Denver, CO | 12.6 |
| “Cuerpos Celestiales,” Rolando Briseno, Frisco, TX | 11.7 |
| “Ferrocarrilero,” Art Garcia, El Paso, TX | 11.3 |
| “Morning,” Ann Gardner, Washington, DC | 7.7 |
| “Arcs in Motion,” Catherine Woods, Pinellas, FL | 6.9 |
| “Kinloch Basketball Mural,” William LaChance, Kinloch, MO | 6.1 |

3. Of the projects you chose, what do you like about them?

| Artwork | Response Number |
|---|---|
| Colorful | 69 |
| Big, bold | 28 |
| Culturally significant / locally relevant/shows culture of area | 23 |
| Appropriate to region / fits with LC and SW | 21 |
| Interactive / Immersive | 19 |
| Accessible / inclusive / let people see art in everyday life | 19 |
| Light / interest at night | 17 |
| Fun, whimsical, playful | 13 |
| Functional artwork, beautifying everyday items (particularly providing shade) | 12 |
| Enhancing existing space / well-integrated into spaces | 12 |
| Beautify boring areas | 11 |
| Inspirational, positive, uplifting, happy | 11 |
| Different than what we already have | 6 |
| Just wanted to choose a variety of types of work | 6 |
| Durable/easy to maintain | 5 |
| Murals | 5 |
| Selfie / photo op | 4 |
| Tells our story / history | 4 |
| Reflects nature | 4 |
| Dynamic / can change | 3 |
| Welcoming | 3 |
| Motion / Kinetic | 3 |
| Makes a social statement | 2 |
| Beautifies from a distance | 2 |
| Provokes the imagination | 2 |
| Done by local artists | 2 |
| No political message, uses recycled materials, gets people out, realism not abstract, texture, gives a sense of identity | 1 |

4. What is the IMPACT that public art should have in Las Cruces? (pick your top five)
I would like to see public art in Las Cruces that …

| Answer | Percent |
|---|---|
| Enhances the visual appearance of streets and beautifies public infrastructure. | 57.9 |
| Enhances the visibility of Las Cruces' local creative culture. | 50.2 |
| Reinforces Las Cruces as a unique cultural destination. | 47.2 |
| Gives voice to the history and cultural heritage of Las Cruces. | 42.6 |
| Creates memorable, highly recognizable landmarks. | 41.7 |
| Activates public spaces. | 37.9 |
| Welcomes people to Las Cruces, creating a positive first impression. | 34.9 |
| Creates an outlet for community creativity and expression through hands on involvement. | 29.8 |
| Provide opportunities for people to connect to art that enriches their lives. | 26.0 |
| Increases pride in Las Cruces. | 25.5 |
| Encourages people to explore different neighborhoods. | 22.1 |
| Raises awareness and sparks dialogue about important issues impacting the community. | 21.7 |
| Anchors focal points or community gathering places throughout the community. | 20.9 |
| Enhances the identity of important nodes or areas of the community. | 10.2 |

Other:

- Shade structures with beauty
- Opportunities of local artists
- Increase public access to fine art
- Provide a point of beauty
- Leverage other public goals like traffic calming
- Has to be good, not bullshit modern
- Blends and brings surprise to the landscape
- Photo op next to art, with Las Cruces name on the art. branding
- Included FOOD for everyone events DAILY and throughout the City!
- Create interactive art spaces
- Encourages people to be kind to each other
- Artwork that is all inclusive.
- Bring new vision and get inspired.
- Provide a strong sense of community and unity for the art community already existing in Las Cruces (specifically the younger generation – just because we live in the southwest, that doesn't mean all artwork needs to represent that)
- Honors women/women of color that have made impact on third communities
- Covers the horrible architecture in Las Cruces – such as the new bus station what an ugly building
- More 'nature' into surrounding area
- Don't worry about art for tourism. Local culture will shine and attract as part of our civic program.
- No modern crap
- Fanciful, conversation starters, no more tile
- Includes images of people with disabilities
- Raise people's awareness to live up-to-date (ecology, socially, educationally, etc.)
- Pay local artists. I do not want any artist from outside of Las Cruces to get our tax money when there are thousands of artists living here.

5. What TYPES of artwork would you like to see in Las Cruces? (pick your top four)
I would like to see more …

| Answer | Percent |
|---|---|
| Artwork by local and regional artists. | 63.0 |
| Artist-designed functional elements in the streetscape (benches, bike racks, crosswalks, manhole covers). | 57.0 |
| Murals. | 45.1 |
| Artwork that is large-scale and iconic. | 43.8 |
| Interactive and playful artworks. | 41.3 |
| Illuminated/Light-based projects. | 39.1 |
| Artwork that creates pedestrian-scale visual surprises. | 31.1 |
| Public art festivals. | 23.4 |
| Artwork by nationally or internationally recognized artists. | 15.7 |
| Temporary installations that come and go. | 14.5 |
| Video projection and media-based artworks. | 4.3 |

Other:

- Good art
- Utility box murals that relate to each area
- There is a lot of talent locally. It's my belief that working with local artists on these projects will increase pride in the city.
- Mosaics, I.e. the works of Gaudi in Barcelona
- Shade structures
- Conceptual design
- Good art
- Increased Awareness to Health Nodes of Access for Everyone as a response to caring for the poor, transient, or sick.
- Illuminated, murals
- Sculptures
- More ceramic based artwork (See Santa Teresa Tile in Tucson)
- Contemporary Southwest Art
- Art work from students from lcps
- Private property art for the public
- Sculptures
- Art projects that include hands involvement by community not just "artists."
- Community exhibitions like Chicago CowParade or Berlin Buddy Bears. Las Cruces Chile's?
- Good art
- Playful functional interactive streetscape art
- Nice
- Cultural relevance – no more Eagle Dancer or misappropriated cultural art

6. What are the priority LOCATIONS in Las Cruces for new public artworks? (pick your top four)
Public art in Las Cruces should be located ...

| Answer | Percent |
|---|---|
| At neighborhood gathering places. | 54.7 |
| In parks. | 50.0 |
| Along streets and roadway corridors. | 44.0 |
| Throughout the Arts and Culture District / Downtown Las Cruces. | 42.7 |
| At gateways to the City. | 42.2 |
| At sites important to Las Cruces' history. | 41.8 |
| Along walking/biking trails (such as La Llorona Park and Trails). | 31.0 |
| At gateways to the Arts and Culture District / Downtown Las Cruces. | 26.7 |
| At Bus Stops. | 17.7 |
| At recreation and aquatic centers. | 9.1 |
| Inside of City buildings. | 7.8 |
| At City Hall. | 6.0 |
| At Thomas Branigan Memorial Library. | 4.3 |

Other:

- Outside City buildings
- Wherever there is an abundance of bland and drab buildings/structures.
- Or would be nice to replace the current crosses for a nicer monument.
- Along busy roadways like Lohman, Solano, Valley, and University.
- The City building is cold and unfriendly. Needs color and art
- Tourist locations
- EVERYWHERE. Let's pack it in, all of it. Leave no areas behind, like so much of the city is right now.
- Not TOO BIG for top $, more so creative in scale to help direct travelers, and avoid incessant history knowledge...
- Along the Freeway
- Any and all of the above!
- Public places throughout the city.
- Scale priority is the three freeway intersections: 10/25, 25/70, and 10/Picacho.
- Along Lohman, Las Cruces real downtown
- Everywhere in Las Cruces
- Near or at schools on the outside
- On city buses, limited time, series variety on different buses
- Landmark recognition.
- Inside of school buildings on the walls

7. What is the first thing that comes to mind when you think about Las Cruces?

| Answer | Response Number |
|---|---|
| Organ Mountains | 53 |
| Cultural Diversity / mix of cultures / cultural crossroads | 32 |
| Landscape / environment (sunsets, sky, desert, etc.) | 35 |
| Friendly, welcoming community | 20 |
| Good weather / climate / sunshine | 18 |
| Chile | 11 |
| Home | 8 |
| Food | 7 |
| Three Crosses | 7 |
| Family | 6 |
| City that loves the arts | 5 |
| Still growing | 5 |
| Hispanic | 5 |
| Retirement community | 4 |
| Historical | 3 |
| Farmers Market | 3 |
| College town | 3 |
| Roadrunner | 2 |
| Adobe houses | 2 |
| Agriculture | 2 |
| Music | 2 |
| Zia | 2 |
| Creativity | 2 |
| One mention: pecans, talavera pottery, calm & quiet, clean, charming, cheap, childhood, youthful, tradition, outdoor activities, incredible artists, indigenous people, public land, the next Austin, original townsite, tourism | |
| Negative impressions<br>Includes: bad weather (6), undersells itself (3), dusty old town/ behind the times (3), needs walkability (2), poor (2), traffic/roadwork (2), rundown (1), bland (1), isolation (1), trash everywhere (1), no taste (1), unsure about identity (1) | 24 |

8. What places in Las Cruces do you take people to show them what Las Cruces is all about?

| Answer | Response Number |
|---|---|
| Downtown | 85 |
| Mesilla | 83 |
| Organ Mountains / Dripping Springs/OMDPM | 70 |
| Farmers Market | 53 |
| Local Restaurants | 47 |
| NMSU | 35 |
| City of Las Cruces Museums | 28 |
| White Sands | 19 |
| Farms / Orchards | 19 |
| Parks | 18 |
| Mesquite District | 18 |
| Rio Grande | 16 |
| Hiking | 13 |
| Galleries | 9 |
| Alameda Depot Neighborhood | 8 |
| Roadrunner | 8 |
| COAS Bookstore | 6 |
| Downtown Art Ramble | 6 |
| Five or fewer mentions: live theater (5); A Mountain (5); Soledad Canyon (3); the library (2); city entry points (2); townsite (2); Chile Pepper Institute (2); sporting events (2); Baylor Canyon (2); Mesilla Park (2); painted water tanks (2); and Space Center (2) | |
| One mention: Sonoma Ranch, Trampoline Park, Three Crosses, Trackways, Cruces Creatives, Beck's Coffee, Ft. Seldon, car races, churches, Inn of the Arts, Masonic Cemetery, golf courses, the Aquatic Center, and antique shops on Picacho | |

9. Tell us about something unique about Las Cruces that a visitor or newcomer might not know about.

   - It could be a person – someone who's famous, or someone who's just interesting.
   - It could be a place that is special, but perhaps only known to locals.
   - It could be an event that isn't something you'd find just anywhere.
   - It could be a tradition that is important to the city or a group of people in the city.
   - It could be an unusual business, or a fascinating aspect of a business in Las Cruces.

| Answer | Response Number |
|---|---|
| Local history / stories (includes meaning of city name, Gadsden Purchase, was a Mexican colony, Monk of La Cueva story, Railroad history, Piro Manso history / struggles, Pat Garret / Billy the Kid stories, Camino Real history, story of townsite / Mesquite / adobe houses) | 43 |
| Farmers Market is great | 13 |
| Large artistic community / lots of local artists | 11 |
| Organ Mountains | 9 |
| Great Mexican food | 6 |
| Clyde Tombaugh / Pluto discovered here | 6 |
| Great museums | 6 |
| COAS Bookstore | 6 |
| Mix of cultures / people come from all over | 5 |
| Importance of Agriculture, pecans, produce | 5 |
| Under 5 mentions: Organ Mountains Desert Peaks Monument status (4); Spaceport (4); Art Forms For the Love of Art Month (4); NMSU Zuhl Collection (4); Dia de los Muertos celebrations (3); Chile roasting (3); Music scene (3); Mark Medoff (3); Great people (3); Organ Mountain Outfitters (3); Great weather (2); Theater (2); Denise Chavez (2); The light & views (2); J. Paul Taylor helping refugees (2); Farm & Ranch museum (2); the Roadrunner (2); Progressive politics (2); Hiking (2); NASA (2); White Sands (2); Murals on water tanks(2); Light Parade (2); Renaissance Faire (2); Unsolved bowling alley murder case (2); Whole Enchilada Festival (2); Zombie Walk (2) | |
| One mention each: Community of Hope; MHS vs LCHS rivalry; Chopes Bar; Coyote Traders; Cricket Coogler; Casa Camino Bookstore; Cruces Creatives; Brewpubs; birth of AI; Art Walk; Highway 28; Tortugas; dominant Mexican culture rather than Native American; night market; Chile Institute; Trackways; good food trucks; yoga class in Organ Mts; jobs are mostly government; 2nd largest city in NM; St. Clair Bistro; Nopalito's; Mesilla; military history; traditions; music in the parks series; Arts District; indigenous celebrations; Bob Diven; Southwest Environmental Center; Spirit Winds; racial divisions/history of racism; lacking in fiestas/traditions; named Most Playful City USA; wineries; not just a retirement or college town; Fountain Theater; 4 Points Perspective Gallery; Kardashian mural; there's opportunity here; decorations on overpasses; no border crisis here; Alameda neighborhood | |

10. What is your zip code?

| Zip | Percent |
|---|---|
| 88011 | 28 |
| 88005 | 23 |
| 88001 | 18 |
| 88012 | 13 |
| 88007 | 11 |
| Other | 7 |

11. Do you live in Las Cruces? If so, how long have you lived here?

| Time | Percent |
|---|---|
| More than 20 years | 36.3 |
| 10 to 20 years | 22.0 |
| 4 to 6 years | 11.7 |
| 7 to 9 years | 10.3 |
| 1 to 3 years | 8.1 |
| I do not live in Las Cruces | 4.5 |
| I used to live in Las Cruces | 4.0 |
| Less than 1 year | 3.1 |

12. What is your age (optional)?

| Age | Percent |
|---|---|
| 65 or older | 27.6 |
| 35 – 44 | 22.9 |
| 25 – 34 | 17.8 |
| 55 – 64 | 14.5 |
| 45 – 54 | 13.6 |
| 18 – 24 | 3.3 |
| Younger than 18 | 0.5 |

# APPENDIX D:
# ARTIST SOLICITATION METHODS

Las Cruces Public Art can select from the following artist solicitation methods for each project they commission. LCPA should select an approach to recruiting and selecting artists that is specific to each project, reflecting the specific goals of each project and offering the greatest chance of finding the best artist. Selection processes should be competitive, except in situations where City staff and City Art Board determine there are extraordinary circumstances, as expressed in the approved Project Plan, and a non-competitive process has been approved by the City's procurement office.

## OPEN COMPETITION

In an Open Competition, any artist may submit his or her qualifications, subject to any requirements established in the Request for Qualifications, such as geographic location. The call should be sufficiently detailed to allow artists to determine whether their qualifications are appropriate for consideration.

An Open Competition allows for the broadest range of possibilities and can bring in new, otherwise unknown, and emerging artists. However, Open Competitions can consume a large amount of staff and volunteer resources, and sometimes discourage established artists who prefer to respond to limited competitions or to be directly selected for projects.

## INVITATION

In an Invitation process, several pre-selected artists are invited to submit their qualifications and/or proposals. This method may be appropriate when looking for a small group of experienced artists, for larger-scale projects, when there is a limited time frame, or if the project requirements are so specialized that only a limited number of already identified artists would be eligible. It is possible that this list of artists would come from a Roster.

## ARTIST ROSTER

One tool LCPA has the option to choose is to develop a pre-qualified pool of artists, or Artist Roster, from which it can choose artists for future projects. Each roster would be developed based on a comprehensive review of qualifications from artists who responded to an Open Request for Qualifications. The review and selection of artists for the roster could be conducted by the City Art Board or by an Art Selection Committee convened for this purpose. A roster could be focused on a specific set of opportunities or could be used broadly for a range of commissions. If LCPA decides to develop a roster, they could keep the roster application open and review new submissions on a regular basis to allow new artists to be considered and for roster artists to update their materials.

Developing an Artist Roster requires upfront work and ongoing management, but it allows for artist selection for specific projects to proceed much more quickly and it allows artists to submit their qualifications once and be considered for multiple opportunities. A roster would be a viable strategy if Las Cruces were anticipating a large number of commissions over a short period of time. A Mural Artist Roster may be appropriate to develop a pool of artists who can be considered for mural projects both by the City and other entities who want to commission murals in Las Cruces.

## DIRECT SELECTION

On occasion, LCPA staff and the City Art Board may choose to directly recommend an artist for a project. Direct selection may be useful on projects where there is an urgent timeline, low budget, or when very specific project requirements exist. It is possible that this artist would come from a previously developed Artist Roster.  Such selection would need to be consistent with City of Las Cruces procurement procedures and be approved as part of the Project Plan.

# APPENDIX E:
# SAMPLE PROJECT PLAN OUTLINE

### Introduction
- Introduce the commissioning process, the concept of developing a Project Plan for each project approved in the Annual Work Plan, the City Art Board's role in approving Project Plans, and briefly what the Project Plan will cover.

### Site and Context
- Description of the project's location and other information regarding the proposed siting, such as any relevant capital projects or plans.

### Goals
- The project goals and how the project relates to the overall vision for public art in Las Cruces set forth in the Master Plan.
- Evaluation criteria against which the artist selection and Concept Proposal will be evaluated.

### Artist's Scope of Work
- Description of work artist will be expected to perform (design, fabricate, install; work as part of design team; etc.).

### Selection Process
- Description of proposed method for soliciting artists (open call, invitation, etc.).
- Description of proposed method of selecting artist and approving concept (how many finalists, will they be asked to develop concept proposals or is it an interview-based selection, etc.).
- Names and affiliations of proposed Art Selection Committee members, with alternates.

### Project Schedule
- Detailed schedule for artist and concept selection.
- Anticipated schedule for design, fabrication, installation.

### Budget and Funding Sources
- Total art budget, including any proposal fees or costs associated with the artist selection; design, fabrication, and installation; any programming or outreach; and contingency.
- Sources of funds.

### Community Engagement, Marketing and Communications
- Strategies that will be used to engage the community in the project (if applicable).
- Communications and marketing strategies that will be employed for the artist selection phase and other project phases.
- List of internal and external stakeholders.
- List of potential partners and needed agreements.

# APPENDIX F:
## STANDARD COMMISSIONING PROCESS – SUMMARY CHART

| 1. Develop a Project Plan | 2. Convene an Artist Selection Committee | 3. Develop the Artist Pool | 4. Select Finalists | 5a. Select the Artist (interview option) |
|---|---|---|---|---|
| Art Program Coordinator develops the Project Plan with input from the City Art Board and City staff | Art Program Coordinator invites the Selection Committee based on the Project Plan | Art Program Coordinator develops the RFQ based on the approved Project Plan | Selection Committee reviews artist qualifications and selects finalists | Finalists participate in interview |
| City Art Board Reviews and approves Project Plan | Selection Committee attends project orientation | Art Program Coordinator distributes RFQ based on the approved Project Plan | Art Program Coordinator notifies finalists and non-finalists | Selection Committee recommends artist based on interview |
| City Art Board Chair presents Project Plan to City Council at work session | | | | City Art Board reviews and approves selection |
| | | | | Selected artist develops Concept Proposal |
| | | | | City staff conducts technical review of Concept Proposal |
| | | | | Selection Committee reviews and recommends Concept Proposal |
| | | | | City Art Board reviews and recommends Concept Proposal |
| | | | | City Council approves Concept Proposal (for projects greater than $20,000) |

**RESPONSIBILE PARTY**

- City Council
- City Art Board
- Selection Committee
- Art Program Coordinator / City
- Artist

| **5b. Select the Artist** (concept proposal option) | **6. Execute Artist Agreement** | **7. Monitor Final Design and Fabrication** | **8. Oversee Installation** | **9. Project Closeout** |
|---|---|---|---|---|
| Finalists develop Concept Propsal | City staff develops artist contract | Artist develops schematic and final design | Artist installs art | Art Program Coordinator completes final project documentation |
| City staff conducts technical review of Concept Proposal | City Council or Procurement Officer approves contract | Art Program Coordinator reviews at benchmarks and manages review by other City Departments | Art Program Coordinator reviews and approves final installed art | |
| Selection Committee reviews concept proposals and recommend selection | | Artist fabricates art | | |
| City Art Board reviews and recommends selection of artist and Concept Proposal | | | | |
| City Council approves Concept Proposal (for projects greater than $20,000) | | | | |

**25-042**

**Type of Action:**
**☒ Resolution**
**☐ Ordinance**
**☐ TIDD Resolution**

# City Council Action and Executive Summary

| | | | |
|---|---|---|---|
| **District:** | **☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ N/A** | | |
| **1st Reading:** | | **Adopted:** | October 7, 2024 |
| **Drafter:** | Ceci Vasconcellos | **Department:** | Quality of Life |
| **Program:** | Public Art | **Line of Business:** | Director's Office |

| | |
|---|---|
| **Title:** | **A RESOLUTION APPROVING THE FIRE STATION 1 AND 6 PUBLIC ART PROJECTS.** |

**TYPE OF ACTION:** **☒ Administrative** **☐ Legislative** **☐ Quasi-Judicial**

## PURPOSE(S) OF ACTION:

Approve art concepts for public art for Fire Station 1 and 6 using Public Safety GO Bond 2% funding.

## BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

A call for artists was initiated in April 2024, under the auspices of the Fire Station 9 art competition project, to create an outdoor, site-specific, public art sculpture to be installed at the corner location of the new fire station facility on 3900 E. Central Ave. The Las Cruces Public Art program also had two additional public safety projects planned as part of the GO Bond funding: 1) Fire Station 1 with a budget of $25,000, and 2) Fire Station 6 with a budget of $75,000. Funds for the project were appropriated from a two-percent allocation of the General Obligation budget as mandated by ordinance.

The art competition call was open to artists nationwide. The criteria for the art commission required that it reflect the ethos of the local firefighting community, add identity to the fire station and neighborhood, activate the exterior public space and streetscape, and resonate with the general public, neighborhood, and fire station staff.

The art selection committee thought the two artists not chosen for Fire station 9 had concepts that were a good fit for Fire Station 1 and Fire Station 6. They voted to offer Fire Station 1 to Jason Butler and Fire Station 6 to Trevor O'Tool based not only on their concepts but also on their scope of work. Both artists have agreed to be considered for these projects.

The recommended design concept for Fire Station 1 proposes a 3-D art piece to be placed on the street-facing exterior wall of the station located at 201 E Picacho Ave. The concept for Fire Station 6 is a free standing sculpture symbolizing a fire fighter measuring 10 feet x 10 feet. It will be located on the corner of Northrise Dr. and Roadrunner Parkway.

## SUPPORT INFORMATION:

Exhibit_"A"_Fire_Station_1_Concept
Exhibit_"B"_Trevor_OTool_Art_Proposal
Exhibit_"C"_Fire_Station_1_Site
Exhibit_"D"_Fire_Station_6_Site

Attachment_"A"_CAB_Approved_Minutes_Aug._8
Attachment_"B"_CAB_Draft_Minutes_September_12
Attachment__"C"___QOL_FY25_Strategic_Business_Plan
Attachment__"D"__Las_Cruces_Public_Art_Master_Plan

**PLAN(S):**
Other, Department Strategic Business Plan, Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**
City Art Board

**DOES THIS AMEND THE BUDGET?:**
☐ Yes
☒ No

**BUDGET / FISCAL IMPACT:**

**BUDGETED AMOUNT:** $100,000 **AVAILABLE AMOUNT:** $100,000 **EXPENDITURE AMOUNT:** $100,000

**Funding Source(s):**
4231 - GO Bond Q1 - Public Safety
Account Number: 4231-40154014-801000-23780

**Overall Budget Impact:**
N/A

**Does this action amend the Capital Improvement Plan (CIP)?**
☐ Yes
☒ No

**Does this action align with Elevate Las Cruces?**
☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**
1. Vote "Yes"; this will approve the Resolution and the recommendation of Jason Butler and Trevor O'Tool art concepts.
2. Vote "No"; this will not approve the Resolution nor the recommendation of Jason Butler and Trevor O'Tool art concepts.
3. Vote to "Amend"; this may delay the City's ability to complete the project in a timely matter and will require direction to staff.
4. Vote to "Table"; this will delay the City's ability to complete the project in a timely matter.

**REFERENCE INFORMATION:**
N/A

# RESOLUTION 25-042

## A RESOLUTION APPROVING THE FIRE STATION 1 AND 6 PUBLIC ART PROJECTS.

The City Council is informed that:

**WHEREAS**, the City Art Board initiated a public art competition to select an artist to develop and install public art pieces in Public Safety Facilities; and

**WHEREAS**, the City Art Board created an art selection committee from members of the public, City staff, and the City Art Board; and

**WHEREAS,** the City Art Board's art selection committee evaluated art submissions and recommended finalists; and

**WHEREAS,** the City Art Board accepted the art selection committee's recommendation of the artist design concept at its meeting on September 12, 2024.

**NOW, THEREFORE,** Be it Resolved by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the City accepts the Art Board recommendation of Jason Butler and Trevor O'Tool's public art proposal for Fire Station 1 and Fire Station 6 as shown in Exhibit "A", Exhibit "B", Exhibit "C" and Exhibit "D" attached hereto and made part of this Resolution.

**(II)**

**THAT**City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____
Mayor

ATTEST:

_____
City Clerk

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**

CITY OF LAS CRUCES

Fire Station 1 Public Art Concept

Exhibit “A”

EXHIBIT "B"

# Trevor O'Tool

1445 E Hampton Street
Tucson AZ 85719
Cell: 928-208-7836
Email: otool.trevor@gmail.com Website: trevorotool.com

Letter of Interest
**Las Cruces Station 6 Public Artwork**
August 7, 2024

It is with great enthusiasm that I write to express my interest in serving as the artist designated to create the artwork for the new Fire Station 6 there in Las Cruces. It would be an honor to help celebrate the station with a sculpture that captures the bravery and strength that so many of those heroes provide. As a city of a vibrant and growing community, motorists and pedestrians will be invited to view and personally interact with the new sculpture and ever-expanding art collection of Las Cruces.

Firefighters are an integral part of our lives. Whether it be their sheer willingness to protect their communities or help those in need, it is very inspiring to witness the perseverance and dedication of those who are firefighters and who serve. The goal is to reflect the same hard work and altruism in a sculpture, similar to my previous work. The sculpture will be made from bronze/stainless steel, which is a sturdy and strong material that will withstand both weather and time. The sculpture will be presented in a dynamic pose that will attract the viewers' attention and generate a lasting impression on the new fire station and the community.

I am a firm believer that public art is a collective need of all communities. In the same way that people need smooth roads to drive on, public art is essential to enhance the daily lives of people, simply by enriching their environment. I have been very fortunate to be selected to create art for many public projects, each a collaborative effort with a sharpened focus on a specific community. All have reportedly been well-received and loved by local residents. Most recently, I completed a project for the City Avondales' new Aquatic Center, and another was for Marana Reginal Airport.

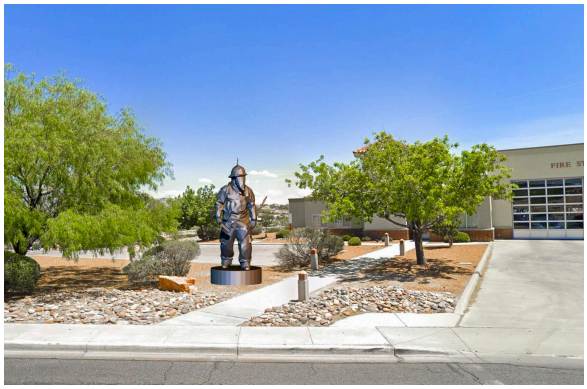
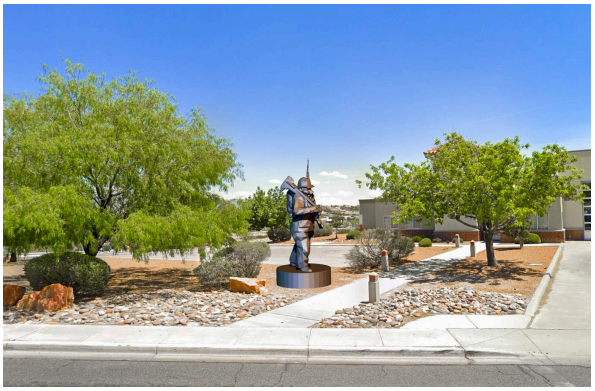
I have consistently been motivated by a love of traditional media; stainless steel and steel fabrication techniques, lost wax casting, and woodworking. The satisfaction of communication between my completed work and the audience is paired with the exhilaration I find in the lengthy process of creating. Working closely with project managers to ensure that the project is completed and successfully installed is another triumph I experience in the process. My overriding goal is always to include the native surroundings, history, and community in order to create a visual that will inspire generations to come.

Thank you for your consideration and the opportunity to become a part of the new Fire Station #6 project. I look forward to hearing from you.

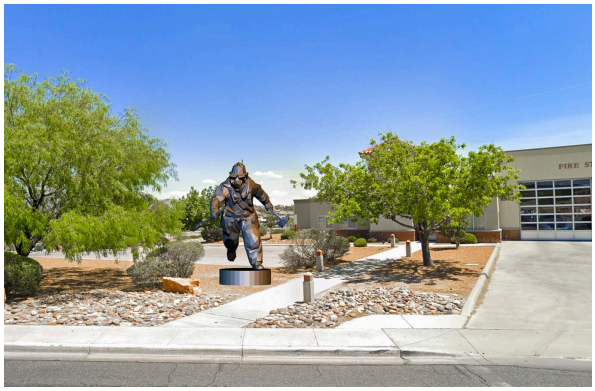
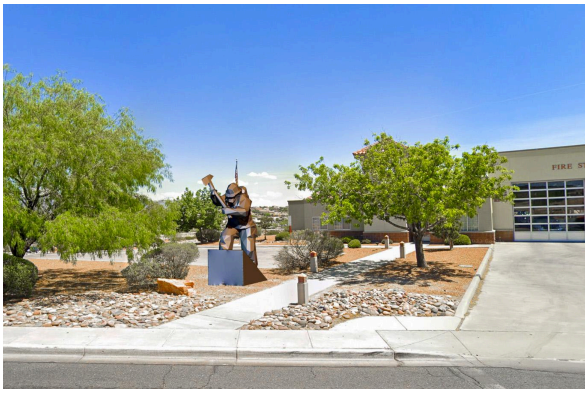
Best Regards,

Trevor O'Tool

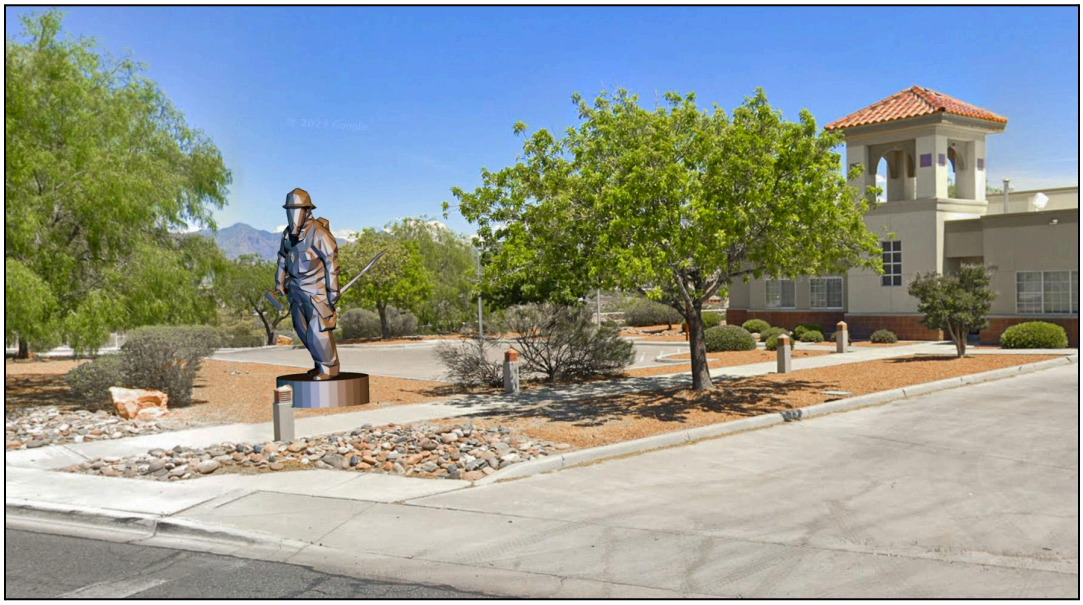
**Concepts:**

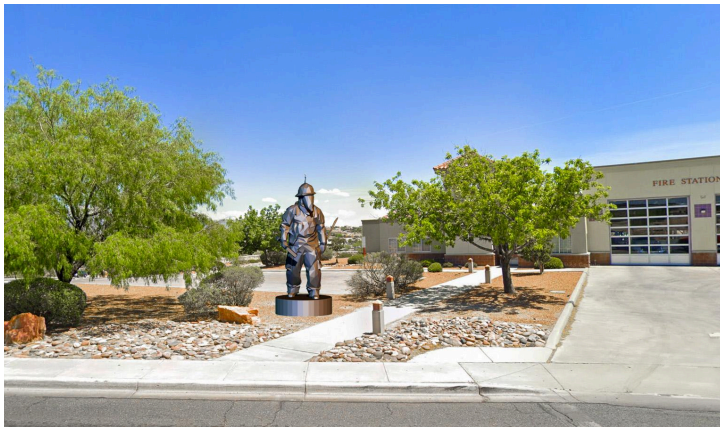



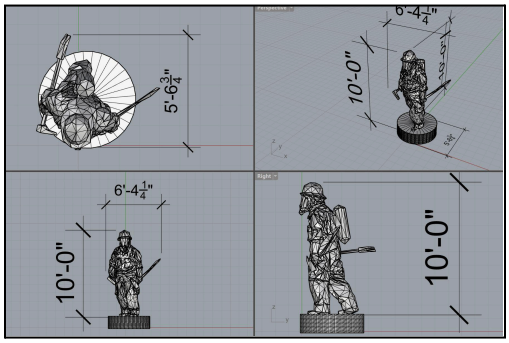
- Constructed from Stainless Steel in a Low-poly/faceted style.
- A model will be scanned in the desired position to make it more realistic/organic.
- The sculpture will be painted a color that will best represent the Station.
- Open to any alterations or suggested poses that best represent the firefighter.

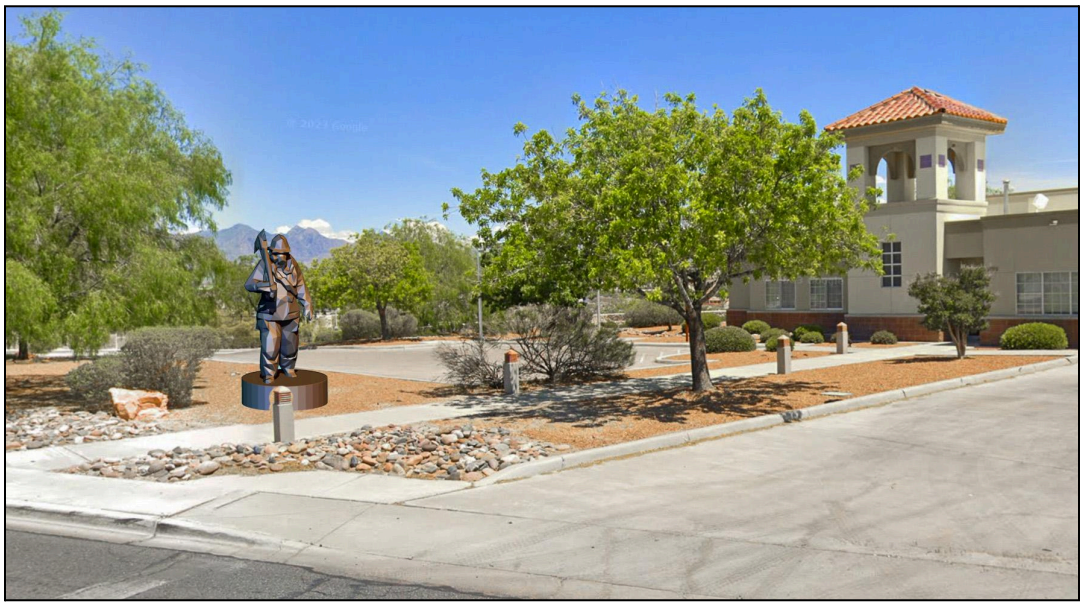



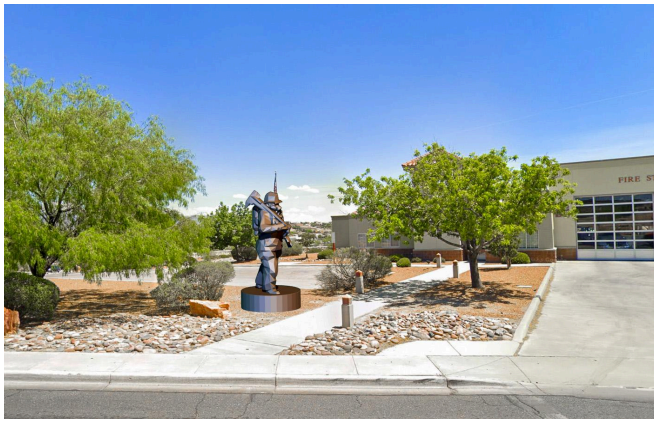
- The sculpture will be installed before December 2025.
- The sculpture is designed to stay within a 10x10ft radius.
- Uplighting will be installed near or on the foundation.

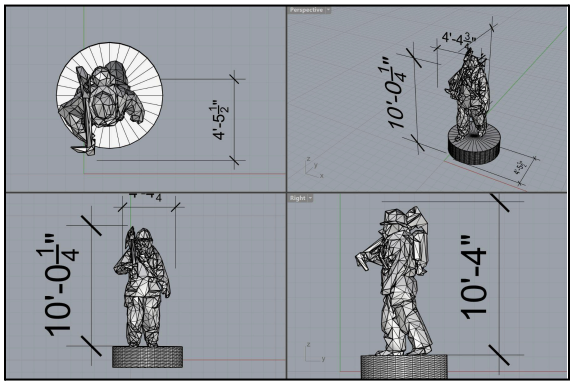


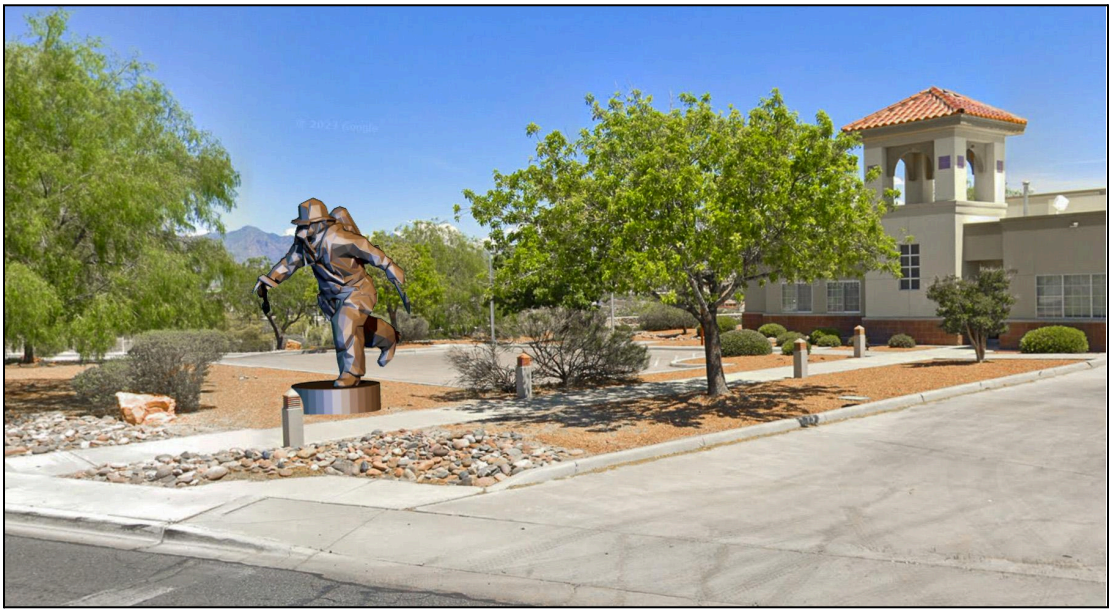

FIRE STATION

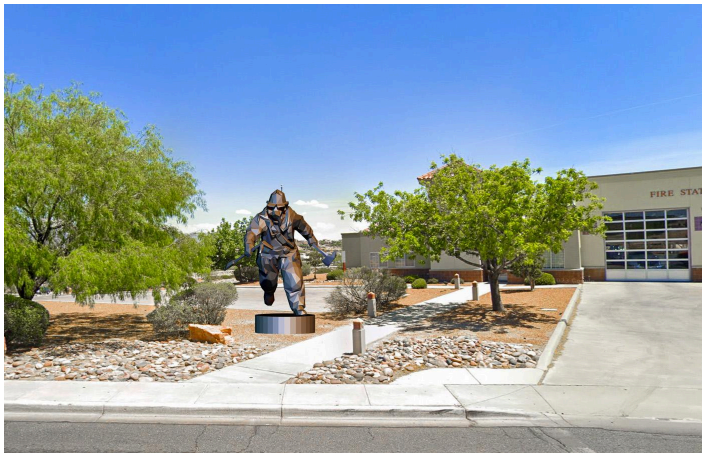

5'-6 3/4"
6'-4 1/4"
10'-0"
6'-4 1/4"
10'-0"
10'-0"

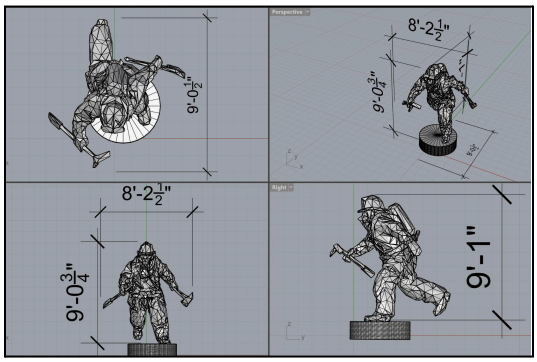


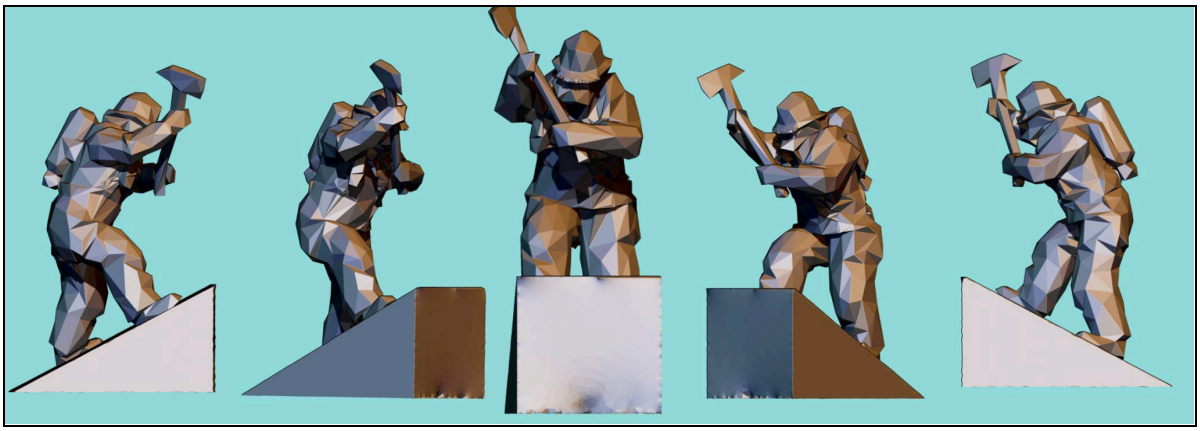


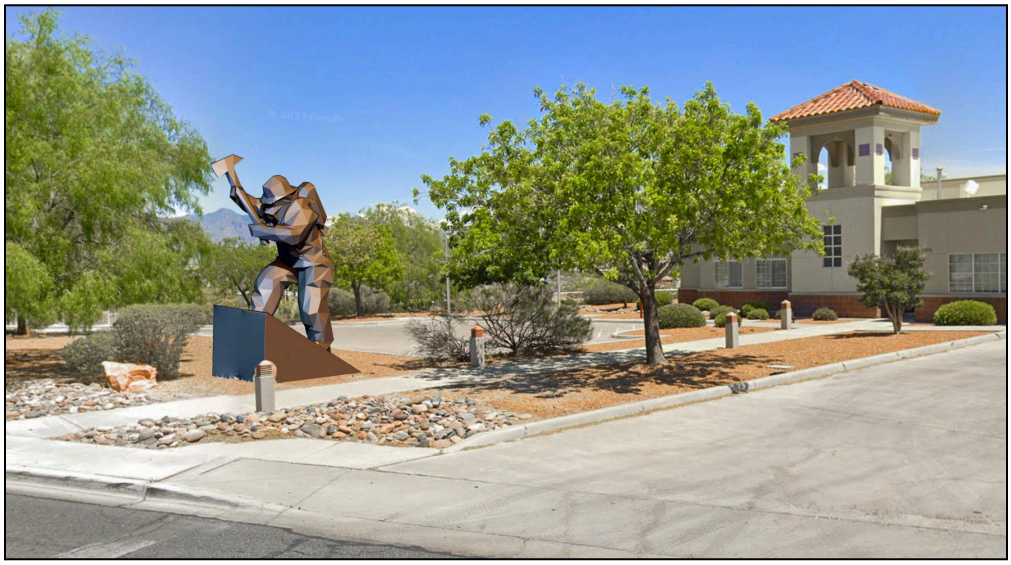

4'-5½"
10'-0¼"
4'-4³⁄₈"
10'-0¼"
10'-4"

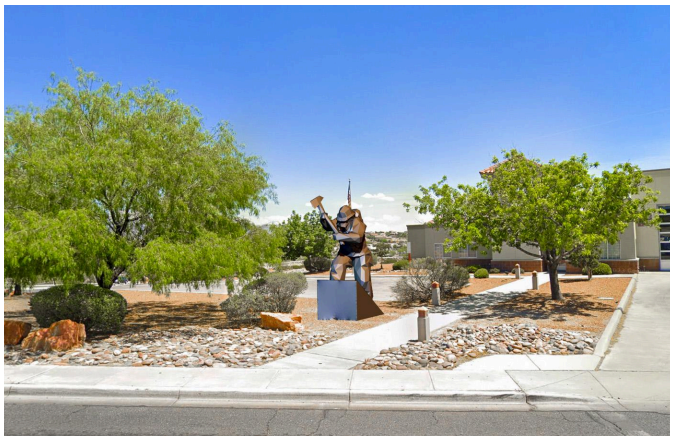


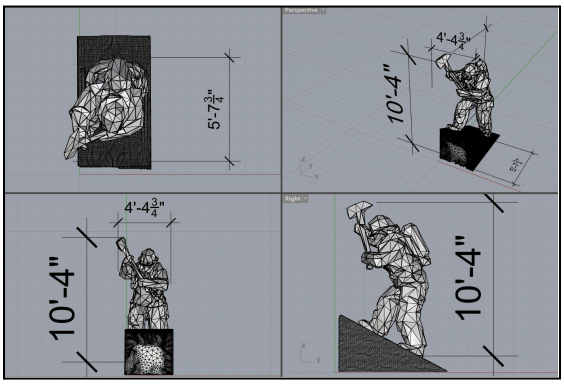

FIRE STA


8'-2 1/2"
9'-0 1/2"
8'-2 1/2"
9'-0 3/4"
9'-1"








5'-7 3/4"
4'-4 3/4"
10'-4"
4'-4 3/4"
10'-4"
10'-4"

## Trevor O'Tool: Artist Fee For Design & Fabrication - Las Cruces Fire Station 6 Sculpture

| | |
|---|---|
| 3D Scanning: | $500.00 |
| CNC Plasma Cutting Fee: | $5,000.00 |
| CAD Engineering Fee: | $4,500.00 |
| Structural Engineering: | $5,000.00 |
| | |
| Materials: | |
| -Stainless steel: 10 GA. 4'x8' ($566.00) x 8 = | $4,528.00 |
| -Square tubing: 2"x2"x 11G—24' ($65.00) x 6 = | $390.00 |
| -Welding Consumables(shielding gas, nozzles, rod, etc): | $2,150.00 |
| -Abrasives(Grinding disks, Flap wheels, Die Grinder pads): | $1,400.00 |
| -Hardware and anchors for installation | $200.00 |
| | |
| Finishing(paint): | $7,000.00 |
| Equipment: | |
| -Argon Shielding Gas Tank: | $600.00 |
| -Angle Grinders: 2 x 4.5" and 1 x 7": | $450.00 |
| -Hand Tools: | $500.00 |
| Lighting: | $2,000.00 |
| Safety(safety glasses, welding hoods, gloves, respirators, etc): | $500.00 |
| Transportation/Instalation: | $3,000.00 |
| Foundation: | $2,000.00 |
| Miscellaneous: | $1,500.00 |
| | |
| **Total:** | **$41,218.00** |
| Artist stipend: | $22,391.00 |
| Assistant stipend: | $11,391.00 |
| **Total:** | **$75,000.00** |

**Scope of work**:

•Fabrication of (1) stainless steel larger lifesize figures.

•This quote is for the materials and labor associated with the scope of work for this project.

•Approximately 4-7 months to complete the sculpture; installation date is November 2025.

**SPECIFICATIONS OF WORK**
**TIMELINE**

**Start Date: Dependent on approval of the contract**

**Phase 1: Research/Pre-Production:**
Description: To be completed 1-2 months after the approval of the contract.

- Scanning of a model in the Las Cruces Fire Fighter uniform for greater detail.
- During this phase, minor tweaks and corrections to the approved model will be made to ensure a successful build.
- The CAD engineer will scale the sculpture to the appropriate height and width, and precisely gather the measurements for each side of the individual triangular shapes.
- While the CAD Engineer is working on cut paths/blueprints, I will be ordering all the supplies, equipment, and metal to ensure a smooth transition into the production phase.
- Determine the foundation with the project manager to ensure a smooth installation.
- In addition to determining the foundation, the color of each sculpture will be selected.
- Site visit along with a formal introduction with city representative or city.

**Phase 2: Production**
Description: To be completed 3-5 months after phase 1 processes.

- Once the engineer has finished the measurements, it will be taken over to the CNC to cut each of the individual pieces out.
- Working off of structural support, the panels to create the shape will be added.
- Additional structural support will be added during the assembly process to add extra rigidity.
- After the sculpture has been fully assembled, welding of all seams will be done and ground down, allowing for an overall smooth appearance.
- When the entire sculpture is ground to a seamless appearance, I will deliver it to the painting company. Where the sculptures will be sandblasted and painted in the selected colors.
- Work with the project manager to find a local construction company to pour the foundation for the sculpture and arrange installation.

**Phase 3: Transportation/ Installation**
Description: To be completed upon arrival taking 1-2 days. (unless a specific install date is established).

- I will be transporting the sculpture to the site location.
- Upon arrival, the sculpture will be unloaded from the truck with either a crane or a forklift(depending on on-site location and site accessibility).
- Collaboration with the City of Las Cruces and the project manager(Ceci) to ensure installation is planned out prior to the installation.
- The concrete foundations will be poured before arriving to ensure speedy installation.

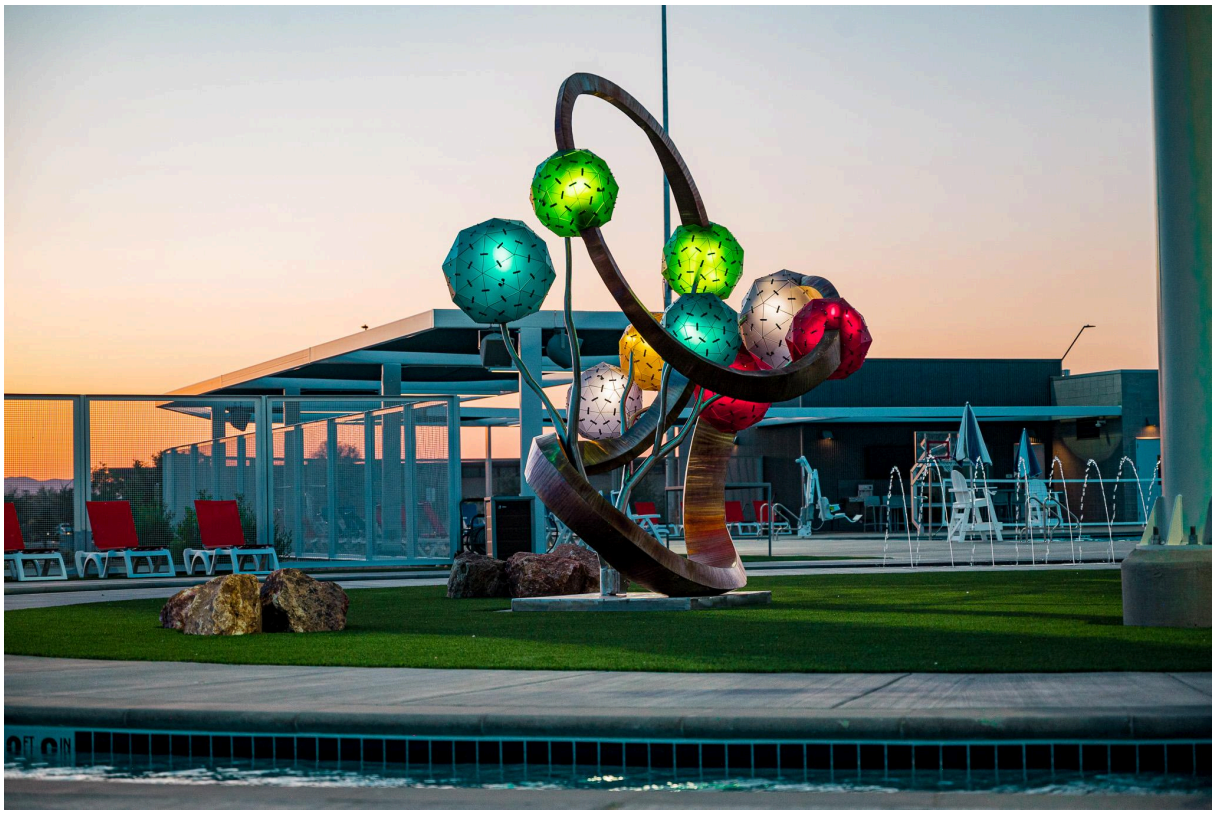
**End Date: TBD ~Dec 2025**

**Past Projects:**

**“Hero”. Bronze. 6’x2’x3’. 2021. Fire-Medical Station 304. City of Surprise, AZ.**

**“Balancing Act”. Painted Stainless steel. 16’x5’x6’. 2022. Self-storage Businesses. Oro Valley, AZ.**

**“Wise Elephant”. Bronze. 10’x5’x5’. 2019. Cameron Park Zoo. Waco, TX.**



**“HumbleRoots”. Stainless Steel, Polycarbonate. 13’x8’x6’. 2024. Avondale Aquatic Center. Avondale, AZ.**

**“Cannonball!!!”. Aluminum. 7’x6’x3’. 2023. Oklahoma City Zoo and Botanical Garden. Oklahoma, OK.**

**“Playful Pups”. Painted Corten Steel. 6’x7’x3’. 2023. Dutchman Dog Park. Apache Junction, AZ.**

**“Speedy”. Bronze. 10’x6’x5’. 2019. Flying Lark. Grants Pass, OR.**

**“Lazy Day Bear”. Painted Stainless Steel. 6’x6’x6’. 2020. Richard Nixon Presidential Library and Museum. Orange County, CA.**

# Artwork Maintenance Plan

Title of Artwork: TBD

Artist(s): Trevor O'Tool

Type of Artwork: Fabrication of Stainless steel

Location of Artwork: Fire Station 6 Las Cruces NM

**Primary Artist** (primary contact with authority to make decisions regarding maintenance of artwork)

Contact Person: Trevor O'Tool

Address: 1445 E Hampton St. Tucson AZ 85719

Email: otool.trevor@gmail.com

Telephone: 928-208-7836

Website: trevorotool.com

## Maintenance Plan Document

Please include a document describing the medium and technique, installation, environmental factors, desired appearance, and maintenance/conservation instructions. When possible, please supply the brand names of materials used; product sheets; color codes; etc. Be as specific as possible. Below is a guide for what information to include in your document.

**Medium and Technique**

1. Principle materials used in fabrication, described in detail (i.e. specific metal, brand name, source, manufacturer, etc.) If applicable, describe any electrical component used; their operation, and supplier.
   **The Main material will be either Stainless Steel**
2. Other materials used, such as screws, nails, glue, armatures, etc.
   **Stainless Steel All-Thread is used to mount the sculpture to the concrete footers that were poured.**
3. Equipment used in construction
   **Mig Welder with Tri mix/ Argon gas will be used to weld the steel, as well as a variety of hand tools.**
4. Final work methods described in detail (i.e., cast, welded, carved, modeled, thrown, assembled, etc.)
   **The process of creating the sculpture involved a multiple-step process all originating from the computer the selected sculpture will be sculpted on my computer software once that is completed the models were sent over to my engineer who gathered the information for each triangle or sent off the enlargement. That information was sent to the CNC to be cut out or the robot to be carved from foam, after everything was cut out cleaned, and labeled we started the assembly process. When all seams are welded and blended properly, the sculpture is Painted a selected color. For the bronze process, it will go through a multi-step process using lost wax casting to create the bronze sculpture.**
5. Describe how the final surface/patina is achieved
   **Different hand tools, flap disks, and painted details will be provided at a later date.**
6. Protective coating and method of application
   **The painting of the clear coat will be UV resistant to protect the color.**

7. Where was work completed (i.e. name of studio, foundry, etc.)
   **In my studio/ foundry, O'Tool Studios.**
8. Date work was completed
   **TBD**
9. Any additional comments or information
   **It would be an honor to create a sculpture for the new Las Cruces Fire Station 6.**

**Installation (if applicable)**

Are there any special installation considerations, (i.e., viewing height, measured distances from relative objects, etc.)? If work is comprised of more than one piece requiring special assembly, supply documentation on how to install correctly, please provide photographs or sketches.

**The sculpture is permanently installed using ¾ Stainless steel all-thread and industrial mounting epoxy; if the sculpture needs to be relocated the all-thread needs to be cut at the bottom of the foot. Once cut, the remaining all-thread nut needs to be removed and replaced. The replacement should be a minimum of 8 inches, with at least 6 inches in the epoxy/drilled hole.**

**Environmental Factors**

1. Describe existing environmental factors that may affect the condition of the artwork and any precautionary measures that should be taken (e.g., direct sunlight, extremes of annual rain, temperature, air moisture or dryness, acidity of rainfall. Flooding, wind, vibrations, air pollutants, vehicular and/or pedestrian traffic; animal interaction with artwork – potential for nesting, droppings, etc.; human interaction with artwork – touching, sitting, climbing, vandalism)
   **Stainless Steel is a very durable material, Stainless Steel is a very long-lasting material it will rust but it would take a flood and be submerged for years to rust away. Seeing how New Mexico is similar to Arizona weather should minimize any metal erosion that would occur. The Paint will need to be repainted at a minimum of 10 years but could last longer than that.**

2. Describe normal changes in the materials that may occur as part of the normal process of being exposed to the environment
   **Stainless steel may develop rust but the paint should protect against that. More likely the paint will fade or start to flake over time/ if not taken care of properly then the sculpture will need maintenance to counter the fading or re-painted.**

**Desired Appearance**

1. Describe in specific terms and, if necessary, with drawings or photographs, the physical qualities for which the responsible agency should strive to maintain the artist's intent (e.g., matte rather than glossy luster, color of patina). As related to the natural aging of materials, what may be an acceptable alteration in form, surface, texture, and coloration?
   **Autobody paint similar to a car needs to be taken care of, power washing and drying. If the original color is the desired finish repaint may need to be done. Scuffing of the paint surface and reapplying paint and clear coat.**

2. If the work is site-specific, describe in detail the particular relationship of the work to its site, including any significant physical aspect of the site that if altered would significantly alter the intended meaning and/or appearance of the work. (e.g., landscaping, the addition of new public artworks, seating, etc)
   **The artwork is site-specific as it pertains to Las Cruces Fire Station 6 and the sculpture design is specifically for the Fire Station to best represent the city and station. Sculpture will be a 1/1**

3. If resighting is necessary in the future, what considerations should staff consider in selecting a new location for the artwork?
   **If resighting is necessary, a foundation greater than the weight of the sculpture is required to counter the weight of the sculpture or if anyone decides to climb or hang it.**

**Maintenance/Conservation Instructions**

Please provide detailed instructions regarding the methods and frequency of maintenance for the artwork (with observations regarding the permanency/durability of materials and techniques).

1. Routine maintenance (e.g., removing dust and dirt; maintaining protective surfaces; tightening, adjusting, oiling, etc.)
   **Maintenance is very minimal if any for Painted stainless steel may need to be washed and cleaned twice a year or more frequently if the sculpture is dirty or has bird droppings. Power washing is the most efficient way to clean the sculptures.**
2. Cyclical maintenance (less frequent and more extensive preventive measures, e.g., disassembly and inspection; reapplication of protective sealers, repainting, etc.)
   **Painted stainless steel will need to be maintained like a car, light power washing and waxing will ensure the longevity of the paint.**

**Maintenance/Conservation recommendations**

If you have recommendations for individuals, conservationists, artists, etc. to complete maintenance work please share their name and contact information.

**If any major/minor maintenance needs to be completed you can call me anytime to discuss repair or perform maintenance fees or budget (928)-208-7836 or otool.trevor@gmail.com). I would be more than happy to help revitalize the sculpture.**

CITY OF LAS CRUCES

Fire Station 1 Public Art Site

Exhibit “C”

CITY OF LAS CRUCES

Fire Station 6 Public Art Location

Exhibit “D”

Attachment "B"

# CITY OF LAS CRUCES

The following are minutes for the meeting of the **City Art Board** held at 4:30 p.m. on August 8, 2024, at City Hall, 700 N. Main St., Las Cruces, NM, Conference Room 2007-A.

**MEMBERS PRESENT:**
Chantelle Yazzie-Martin, Chair
Melanie Brown, Vice-Chair
Cecilia Vargas, Secretary
Angel Velasquez, Member

**MEMBERS ABSENT:**
Adam Amador, Member
Susan Polka, Member

**OTHERS PRESENT:**
Ceci Vasconcellos, Public Art Coordinator
Carlos Melendrez, Member of the public
Rebecca Slaughter, Assistant Director, Quality of Life
Carol Brey, Director, Quality of Life
Cassie McClure, City Councilor, District 1
Jason Smith, Chief, Fire Department

## 1. CALL TO ORDER

Chair Chantelle Yazzie-Martin called the meeting to order.

## 2. INTRODUCTIONS

Those present introduced themselves.

## 3. APPROVAL OF THE AGENDA

Equity Guidelines discussion was removed as Dr. Adam Amador was not present.

Moved and seconded to approve the agenda as amended. Motion passed.

## 4. APPROVAL of July 11, 2024 MINUTES

Melanie Brown moved and Cecilia L. Vargas seconded to approve the minutes as presented. Motion passed.

## 5. PUBLIC INPUT

There was none.

## 6. STAFF UPDATE AND ACTION

- Ceci Vasconcellos, Art Project Coordinator
  1. GO Bond Projects
     - EMPRC Public Art Presentations
     - Public Safety Public Art Projects Part 2
       - Fire Station 6
       - Fire Station 1
     - Art Stop Exhibit
       - Call for Artists
     - Ceci Vasconcellos 2025 Annual Plan

Ceci Vasconcellos reported that the East Mesa Public Recreation Complex (EMPRC) presentations have been moved from August to Tuesday, September 10, 2024 starting at 1:00 p.m. until 4:00 p.m. There will be four artists presenting. Ms. Vasconcellos has already sent the calendar invitations.

The remaining GO Bond Public Safety funds will be distributed between Fire Station 1 and Fire Station 6. Fire Station 6 will receive $75,000 and Fire Station 1 will receive $25,000 for art. The selection committee for Fire Station 9 thought the two artists who were not chosen for that project should be considered for those projects. Ceci Vasconcellos requested a motion to move forward with inviting those two artists to submit proposals for Fire Station 1 at $25,000 and Fire Station 6 at $75,000. Melanie Brown moved and Angel Velasquez seconded. Motion passed.

Ceci Vasconcellos has turned over the coordination of the call for artists for the Art Stop Exhibit to Megan. It has been updated and the timeline is in progress. This item will be on the agenda for the next meeting for action.

Ceci Vasconcellos will have the final plan ready at the next meeting for the 2025 Annual Plan vote.

## 7. ACTION ITEMS

- Fire Station 9 Public Art Recommendations - Ceci Vasconcellos, Susan Polka, Chantelle Yazzie-Martin

Ceci Vasconcellos displayed the site map for the new fire station with the location for the artwork marked. Call for artists was released in May 2024 and there were 115 submissions. After review by the Fire Station 9 Selection Committee, three finalists were invited to present their proposals at City Hall on July 23, 2024 in a public meeting. Selection Committee Members were Chief Jason Smith, City Council Member Becky Corran, City Art Board Members

Chantelle Yazzie-Martin and Susan Polka, and Community Member Joshua Vaughan. Staff and members of the public were also present to give input. Presenting artists were Jason Butler, Trevor O'Tool, and Christopher Fennell. The Committee scored the artists based on published criteria. "Fire Sentries" by Christopher Fennell scored highest. The Committee made a few suggestions and the artist agreed.

Ceci Vasconcellos requested a motion to approve the concept and design by Christopher Fennell and take this recommendation to the City Council for final approval at their September 3, 2024 meeting. Melanie Brown moved and Angel Velasquez seconded. Motion passed.

- Art in Public Places Award Partnership Status - Melanie Brown

Melanie Brown suggested that the collaboration with Dona Ana Arts Council (DAARTS) be discontinued as it seems to have stalled, and there has been no recent communication from DAARTS.

Melanie Brown moved to formally end the collaboration with Dona Ana Arts Council and Cecilia L. Vargas seconded. Motion passed.

## 8. DISCUSSION ITEMS

- Historic Mural Project - Carlos Melendres

Carlos Melendres presented some of his research into the history of Las Cruces and his family. He discussed a practice of meeting for trade and socialization called "Mitote" near where Mesquite Street is now. The term refers to a round dance. He hopes to reinstate the practice of Mitote and has been collaborating with the Farm and Ranch Heritage Museum. He discussed his group's art project "Murals with a Message." His group has run short of funds to complete the project and he hopes to get $26,000 from the Board to finish that. He also suggested making a partnership with the Art Department at NMSU and that the City provide $10,000 per year to keep the murals sharp for years to come. Board Members and staff were concerned about the cost of maintenance. Mr. Melendres reported that the money would go to a 501(c)(3) to track the funding. There are already several murals in place on private property across town. There is not a formal plan for this project. Mr. Melendres does not like to approach property owners until he has funding for the mural. Board Members requested a plan with the historical stories he plans to illustrate that can be broken into smaller parts so that funding could be provided piecemeal.

- Chalk the Plaza: Planning for 2025 - Melanie Brown

Melanie Brown reminded the Board that at the last meeting it was voted to discontinue the current Chalk the Plaza activity, even though the Board wishes

to continue with something similar. Museums has invited the Board to participate in their Chalk Walk event. Ms. Brown suggested creating a committee to research how Museums runs their event and how the Board should change the "Chalk the Something" event to fit in. Ceci Vasconcellos reported that Museums staff is excited about partnering for their annual event. Lorenzo Zepeda helps oversee the program for Museums. He is also a muralist. Board Members agreed that a committee is a good idea but wished to wait until everyone is present before choosing committee members.

## 9. COMMITTEE UPDATES

- Engagement and Public Outreach
- Research and Development

Chair Yazzie-Martin presented a proposal for a timeline of communication and training opportunities as well as prep work for various activities throughout the next several months. She continues to work on the QR code for the Board and the photo collage of public artwork. She reported that the children enjoy the coloring pages when Board Members hand them out. Ceci Vasconcellos reported that Megan has been working on creating a coloring book of the artwork around Las Cruces. Board Members discussed starting work on the proclamation for Public Art Month in October so it will look nice. The Board has to do that. Ceci Vasconcellos suggested having a table at the Fine Art Flea Market to get to know the artists there. Chair Yazzie-Martin will update the timeline and e-mail it to Board Members.

Melanie Brown did not have anything new to report.

There was general discussion regarding the presentation and project by Carlos Melendres, historical commentary and controversy, and whether it would even be legal to donate to him.

Rebecca Slaughter expressed concern regarding contracts for projects that are on private property, and reminded the Board that the definition of "public art" in the Master Plan is that it is on City-owned/public property. There was general discussion regarding the definition of public art and maintenance of the proposed mural project.

## 10. BOARD COMMENTS

Cecilia L. Vargas did research and relationship-building while she was gone for the month. She will find out from Ceci Vasconcellos how to convey her findings. Chair Yazzie-Martin suggested adding it to the agenda.

Ceci Vasconcellos indicated that the Annual Plan should be mostly ready by December so that any additional budget requests can be included in the new fiscal

year Quality of Life budget that is presented to Council at their budget retreat in January.

Chair Yazzie-Martin was happy to be able to use the runners-up from the artwork for Fire Station 9 to create the art for the two new fire stations. She had been unaware that that was possible.

Angel Velasquez had no comments.

Melanie Brown thanked everyone for their hard work.

**11. NEXT MEETING – September 12, 2024**

**12. ADJOURNMENT**

Motion by Angel Velasquez, second by management. Motion passed.

Melanie G Brown

Chairperson (acting)

**Attachment "B"**

# CITY OF LAS CRUCES

The following are minutes for the meeting of the **City Art Board** held at 4:30 p.m. on September 12, 2024, at City Hall, 700 N. Main St., Las Cruces, NM, Conference Room 2007-A.

**MEMBERS PRESENT:**
Melanie Grey Brown, Vice-Chair
Susan Polka, Member
Cecilia Vargas, Secretary
Dr. Adam Amador, Member

**MEMBERS ABSENT:**
Chantelle Yazzie-Martin, Chair
Angel Velasquez, Member

**OTHERS PRESENT:**
Ceci Vasconcellos, Public Art Coordinator
Rebecca Slaughter, Assistant Director, Quality of Life
Cathy Mathews, Landscape Architect, Parks & Recreation
Megan Connolly, Public Art CoOp
Carlos Melendez, resident

**1. CALL TO ORDER**

Melanie Brown called the meeting to order.

**2. INTRODUCTIONS**

Those present introduced themselves.

**3. APPROVAL OF THE AGENDA**

The agenda was accepted as presented.

**4. APPROVAL of August 8, 2024 MINUTES**

The minutes were unanimously accepted as presented.

**5. PUBLIC INPUT**

None.

**6. STAFF UPDATE AND ACTION**

DRAFT

- Ceci Vasconcellos, Public Art Coordinator
  - GO Bond Projects
    - Fire Station 9
  - Art Stop Exhibit
    - Call for Artists
  - FY2025 Annual Plan
  - Art in Public Places Award DAARTS Partnership

  Ceci Vasconcellos reported that the contract for artist Christopher Fennell to work on the Fire Station #9 public art project has been drafted and forwarded for approval so it can be sent to the artist for his signature.

  Megan reported that she has drafted the call for artists for the Art Stop Exhibit. It is very similar to last year's call. It will include more specific instructions for size and subject matter. Each of the six artists will receive a stipend of $500. Deadline for applications is September 30, 2024. The pieces will be installed and ready in December and January, then revealed at the beginning of February for Love of Art Month and be on display for one year from installation. Previous winners will be accepted after two years from their last submission going on display. Artists must be regional, 18 years old or older, and register as a vendor with the City of Las Cruces. The call will be posted on CaFE and advertised on social media, the Art Stop webpage, the Las Cruces Bulletin, and in the media. The theme is "Best of Your Las Cruces." A suggestion was made to clarify what that is supposed to mean, with a few examples. The Board plans to hold an artists' reception for the unveiling of the art.

  Ceci Vasconcellos presented the new draft of the FY2025 Annual Plan. It includes all the projects for this year including the QR Code project. That project will be discussed in more detail at another meeting. "Public Art piece for permanent collection" refers to the CIP funds that have been in the account for some time now. There is about $65,000 or so left. About $40,000 has been earmarked for another park project, leaving about $20,000 that needs to be spent. Ceci Vasconcellos hopes to use that money to get a new piece this year.

  Cecilia L. Vargas suggested that the Board get involved in a project that allows people to use their home spaces to exhibit art. Melanie Brown suggested discussing it at the next Executive Board meeting and getting it onto a Board meeting agenda later. Susan Polka asked about the progress on getting sculpture and art for City Hall. Ceci Vasconcellos reported that the contracts at New Mexico Arts have been signed and artists are calling to find out when they can come install the works. She estimates that all of them will be installed around December. Ceci Vasconcellos asked Cecilia L. Vargas to bring a detailed report of the project she is interested in and present to the Board after getting it on the agenda sometime soon.

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The FY2025 Annual Plan was unanimously accepted as presented.

Ceci Vasconcellos reported on the Art in Public Places Award DAARTS Partnership. She called the new Executive Director at DAARTS and discussed the background of this award. The new Executive Director was unsure of what to do with it. She was more concerned with the upcoming Renaissance Faire in November. Ceci Vasconcellos indicated that the Board is fine with not participating as long as DAARTS is not counting on that participation. The new Executive Director promised to call back but has not yet. Melanie Brown reported that the DAARTS website is still showing their 2023 programs, so it does not seem like the Community Arts Award Program will even be presented this year. All Board Members agreed to not even worry about it unless DAARTS calls up and asks for help.

## 7. ACTION ITEMS

- East Mesa Public Recreation Complex Recommendations - Ceci Vasconcellos, Melanie Brown, Adam Amador

  Ceci Vasconcellos discussed the plans for the park and location for the new artwork with concept drawings, site plan, and photos. The Board received 155 applications and chose five to present to the Selection Committee. She reviewed the criteria for the artwork and membership of the Committee. “Dance of Life” by James Moore was chosen. It will be made of stainless and COR-TEN steel and include lighting. The three proposed columns will be 14 feet tall each. The artist suggested a community engagement component to the project that invites members of the public to suggest phrases to be displayed on the piece. The Committee was concerned about the columns catching trash and things and the lack of public interactions with the figures at the top. The artist and the Committee will work on that after the contract has been settled. Board Members felt that the proposed piece will be durable and hard for vandals and vagrants to damage.

  It was moved and seconded to accept “Dance of Life” for the East Mesa PRC. Passed unanimously.

- Fire Station 6 - Ceci Vasconcellos
- Fire Station 1 - Ceci Vasconcellos

Ceci Vasconcellos presented the recommendation for art at Fire Station 6 and Fire Station 1. The Fire Station 9 Selection Committee was extremely impressed with the two artists not chosen for Fire Station 9 and have chosen to offer the project for Fire Station 1 to Jason Butler and Fire Station 6 to Trevor O’Toole. Both agreed to be considered.

Ceci Vasconcellos discussed the location and site plan of Fire Station 1. Jason Butler is currently working on a project for the Anchorage, Alaska Police Department that incorporates the Department's shield. Mr. Butler will be collaborating with the City to create the art. It will have lights. For Fire Station 6, Trevor O'Toole has designed a 10 x 10 foot sculpture inspired by the service of firefighters. He works from photos of actual currently active firefighters. It will be made of steel and painted.

It was moved and seconded to accept these two artists for Fire Station number 6 and Fire Station number 1. Passed unanimously.

- Scavenger Hunt for Public Art Month

Melanie Brown discussed last year's scavenger hunt in October to raise awareness for Public Art Month. She asked if this was possible for next month and if the Board wanted to do it. Ceci Vasconcellos discussed that it would be excessively difficult and it may be a better idea to do it next year so the planning and prizes can be done properly. Chantelle Yazzie-Martin was supposed to be working on the proclamation for Public Art Month, but Board Members have yet to see it. Melanie Brown suggested not doing the scavenger hunt for this year's Public Art Month, but plan properly for next year's event. Board Members and staff were asked to think about how to do this and bring suggestions. This item will be added as a discussion item for the next meeting.

It was moved and seconded to put off the scavenger hunt until next year's Public Art Month. Passed unanimously.

**8. DISCUSSION ITEMS**

- Murals with a Message - Melanie Brown

Melanie Grey Brown and Carlos Melendez discussed his proposals for a project called Murals with a Message. Mr. Melendez had provided a master plan to the Board. Melanie Brown had compared Mr. Melendez's plan with the CAB's plan and found that they align very well. There are three main problems that will prevent the Board from funding the project: All the murals are on private property, excluding them from the City Public Art Collection; all the murals will be privately commissioned rather than through the City's process; and the State's Anti-Donation Clause prohibits the City from funding the project. Ms. Brown suggested using City-owned properties, which would allow the City to help with funding. She also suggested finding partners among other groups such as the environmental groups if the mural includes an environmental theme, etc. A suggestion was made to look into New Mexico Arts for a grant. Mr. Melendez continued to hope the CAB and DAARTS can help fund the project. The Board sadly informed him that the Anti-Donation Clause would definitely stop that activity and reiterated the suggestion to seek grants with New Mexico Arts.

- Chalk the Walk - Melanie Brown

  Melanie Brown discussed revamping the chalk art project and volunteered to be part of the committee for it. She mentioned that someone from that committee will need to meet with Brian from Museums. Susan Polka also volunteered to join the committee. Everyone agreed that more of the Board needs to be present before selecting committee members and making more solid plans. Ceci Vasconcellos asked which Board Member to invite if Brian with Museums schedules a meeting for this project. Melanie Brown planned to speak with Chantelle Yazzie-Martin and others to find the three members of the committee and then she promised to tell Ceci Vasconcellos the names afterwards.

- Equity Guidelines - Adam Amador

  Dr. Amador had nothing to report yet, but requested to keep the subject on the agenda.

- Proclamation: October Public Art Month

  The proclamation should be read on Tuesday, October 7, 2024 at 1:00 p.m. in the City Council chambers. Melanie Brown requested as many Board Members to attend as possible.

  Adam Amador requested permission to attend meetings remotely since he is required to attend things at the State. Ceci Vasconcellos indicated that it is allowed.

**9. COMMITTEE UPDATES**

- Engagement and Public Outreach
- Research and Development

  Cecilia L. Vargas reported that the Outreach Committee met and discussed the updated timeline. Ms. Vargas has searched online for mentions of the CAB and could not find as much current information as she was hoping for. The committee plans to meet one week prior to each Board meeting.

  Melanie Brown reported that the Research and Development Committee has not been doing much other than working on the signage and QR code for next year and researching information for Mr. Melendez.

  Cecilia L. Vargas reported that Chantelle Yazzie-Martin had spoken to the administrators for the Farmers' Market and the training should begin later in September. Chantelle Yazzie-Martin will have people get the training to be

able to attend for the CAB. She also plans to look into the artisan flea market that happens on Fridays.

Ceci Vasconcellos asked if the Board had voted on the call for artists for the Art Stop exhibit to go forward.

It was moved and seconded to move forward with the call for artists for the Art Stop exhibit as proposed. Passed unanimously.

**10. BOARD COMMENTS**

Dr. Amador had a great meeting and was glad to see everyone. He hoped the Board could figure something out to help Mr. Melendez.

Cecilia L. Vargas needed to be reminded of the proclamation date. It will be Tuesday, October 7, 2024.

Ceci Vasconcellos reported that City Council is expected to appoint a new Board Member at their meeting on Monday.

**11. NEXT MEETING – October 10, 2024**

**12. ADJOURNMENT**

It was moved and seconded to adjourn the meeting. Passed unanimously.

_____

Chairperson

DRAFT

ATTACHMENT "C"

CITY OF LAS CRUCES

**Department Strategic Business Plan**

**Department: Quality of Life**

**Date of Final Changes: December 15, 2023**

**Final Review Date: December 20, 2023**

**Approved By**

**City Innovation & Strategy Manager** Srijana Basnyat Srijana Basnyat (Dec 21, 2023 16:21 MST) **Date** _____

**Assistant City Manager** _____ **Date** 1/8/24

**City Manager** _____ **Date** 1/2/2024

## Changes to the Quality of Life Department Strategic Business Plan

I. The Quality of Life Department is proposing to split the Visitor Experience Program into two programs as follows:

1. Visitor Experience
2. Exhibits

Each Program will have:

a) A Program Manager as approved in the FY24 Budget
b) An appropriately split Family of Measures (See memo for details)

II. The Volunteer Network Program has been removed as it was moved to the City Manager's Office in FY24

* Please note, an error in the Circulation & Media Services Program Family of Measures was corrected

## MEMORANDUM – DETAILED DESCRIPTION OF REVISIONS

From: Rebecca Slaughter, Quality of Life Assistant Director
Date: December 12, 2023

Request the following change to the Quality of Life Strategic Plan to keep up with ongoing current business processes for the Museum's service to the community. These changes were discussed with Srijana Basnyat, City Innovation & Strategy Manager as all updates to Department Strategic Plans require. The beginning of this process was started in the FY24 budget process in requesting and receiving permission to hire a Visitor Experience Manager in anticipation of a fourth Program being added to the Museums Line of Business.

These changes include splitting the current Museums Line of Business' Visitor Experience Program into two separate Programs: **Visitor Experience** and **Exhibits**. This split falls in line with the Museum Master Plan that was adopted in 2021 by City Council. The Performance Measures (PMs) currently in the Visitor Experience Program are easily split between the two new programs, as is the budget.

Visitor Experience Program:

- Performance Measures:
  - QOL-VE.3 – QOL-VE.6 which will be renumbered to QOL-VE.1-QOL-VE.4.
  - These measures are those that pertain to public engagement through facilities, community engagement, or other public facing contact.
- Staff and area of work:
  - The Museum System is currently vetting candidates for the new Visitor Experience Manager, who would lead that Visitor Experience Program.
  - Four Office Assistants (who also serve as receptionists) who greet all visitors, register students for all classes, programs, camps, and studio programs, answer questions, process all paperwork coming in and out of the museums, sell items in the museum store, as well as the Curator II and our Outreach Specialist who work closely with the Community Schools, our community partners, serve as the outreach staff for offsite programs, and take the lead for public engagement events.

Exhibits Program:

- Performance Measures:
  - QOL-VE.1 and QOL-VE.2 which will become QOL-EX.1 and QOL-EX.2.
  - These measures are geared more towards the development and presentation of exhibition and exhibition components. The budgets for each Program will be split to go with their respective duties.
- Staff and area of work:
  - The Museum System has a new Exhibits Manager, who would lead the Exhibits Program, set to start the first week of January.
  - Two Curator I, the Preparator, and two Museum Assistants who all work to produce 20+ temporary exhibits per year, as well as maintaining the permanent exhibitions at the Railroad Museum and Museum of Nature and Science Museum, and produce the technology components for all four museums.

If this change is approved, new accounts will be requested for the new Exhibit Program and the funds will be split according to the staffing and the areas of work they perform. We will also request these changes be reflected in the work for the upcoming FY25 Budget.

On a side note, the other major change in the Quality of Life Strategic Plan was to remove the Volunteer Network as it has moved to the City Manager's Office.

## INTRODUCTION

The City of Las Cruces embarked on a process whereby each city department created strategic business plans identifying goals and initiatives that are included in *Elevate Las Cruces* and the strategic themes of the *City of Las Cruces Strategic Plan.*

## OVERVIEW & MISSION

The Quality of Life department is committed to improving the overall quality of life of city's residents, visitors, businesses, and communities. Bringing together art & culture, library services, and senior programming.

The mission of the Quality of Life Department is to provide diverse, customer-focused social and cultural services that enrich the lives of residents, businesses, and guests.

## BACKGROUND

The City of Las Cruces is home to more than 111,000 people and thousands of visitors annually. It is unique in character, diverse in makeup, and a great city in which to live, work, and play. The quality of life of our residents, businesses, and visitors has never been more important and the leadership of Las Cruces prioritized improving the community's overall quality of life when it created the Quality of Life Department in early 2017. Bringing together art & culture, library services, and senior programming under one streamlined service delivery model creates a singular focus, and builds greater community trust, enhances diversity, and deepens the experiences for our residents, visitors, and guests. Our department reaches "beyond our walls" to fulfill our mission and improve the quality of life of people in this area.

Our Las Cruces Museum System (LCMS) is comprised of four separate museums (Museum of Nature & Science, Museum of Art, Branigan Cultural Center, and the Railroad Museum). The LCMS exhibits and programs reflect the culture, art, history, and natural beauty of our US/Mexico Borderlands region, leveraging our strong community and cultural identity.

The Thomas Branigan Memorial Library has been providing literacy programs for more than 80 years. It acts as a "smart hub" providing a wide range of programs and services in one central location meeting critical needs for the community.

Senior Programs is comprised of five senior center sites (Munson, Eastside, Benavides, Sage Café, and Frank O'Brien Papen) providing meals, recreation, and long-term care services. Our support and services for seniors are constantly growing and evolving as the number of aging residents increases and seeks more robust opportunities to engage and interact.

In addition to the lines of business above, we also provide opportunities for residents to volunteer, giving back to areas that interest them; and we support a lively public art program where our community grows deeper in connection to the region through art.
As a result of the unprecedented COVID-19 pandemic, we have intentionally adjusted our reach and have adapted, taking full advantage of the opportunity to review our mission with fresh eyes. Business can no longer be "as usual" – our world is changed and so is the expectation; flexibility is key to continue providing a broad array of services for our diverse community.

The performance measures outlined in the plan below, and the data gathered is the foundation for all we continue to do into the future. Our performance measures work together to help us answer these vital questions about our services:

How much did we do?
How well did we do it?
Is anyone better off?

We use the answers to the questions and our data working together with our city partners, external stakeholders, and enthusiastic patrons to improve our services and continue to enrich the lives of those we serve.

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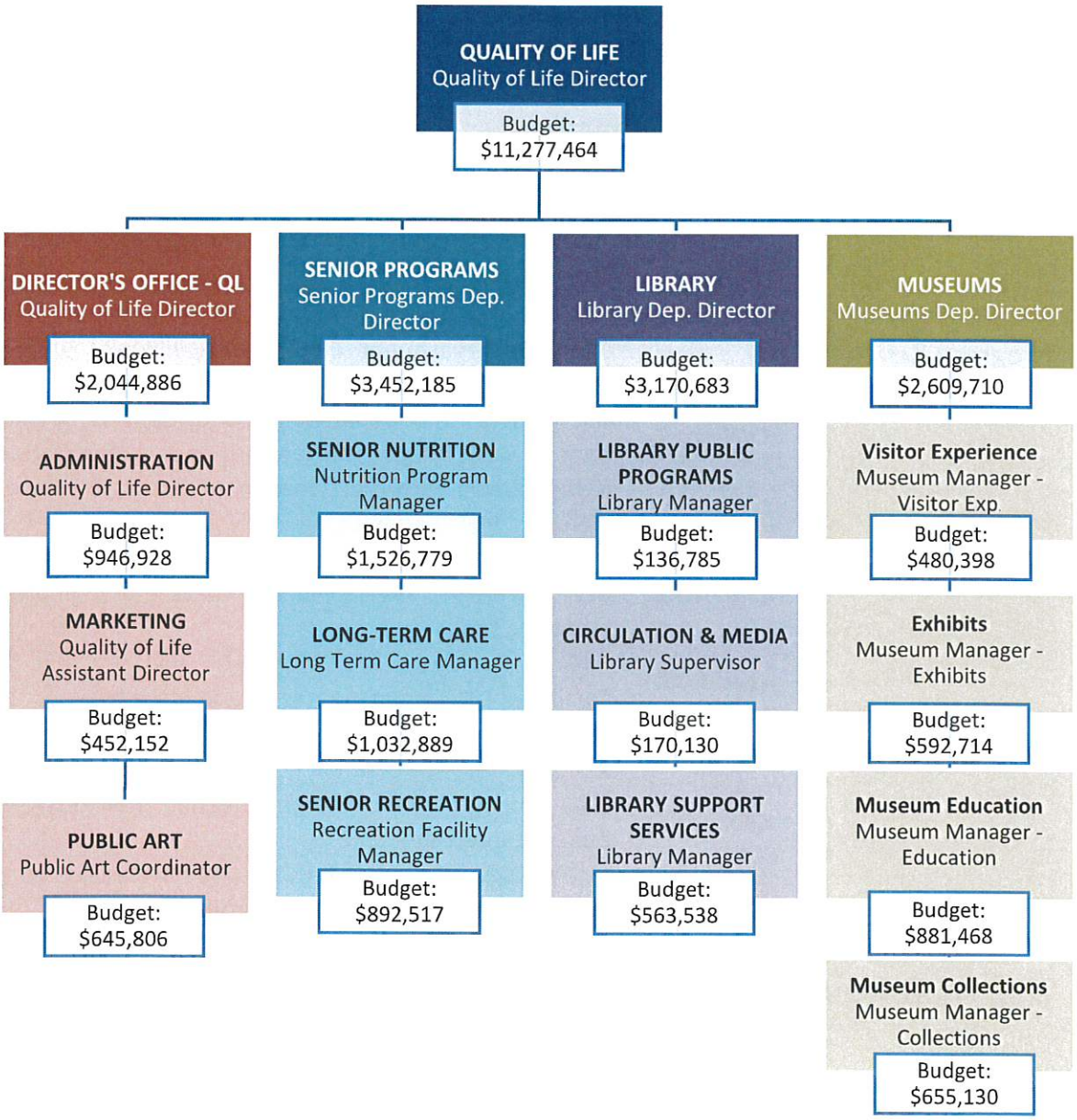
## DEPARTMENT ORGANIZATIONAL CHART & BUDGET



| LINE OF BUSINESS: | DIRECTOR'S OFFICE |
|---|---|
| **Line of Business Purpose** | The purpose of the Director's Office line of business is to provide overall coordination, guidance, and leadership services to the entire Quality of Life Department, so they can manage resources, achieve results, market programs, expand services, and effectively serve their customers. |

| PROGRAM: | ADMINISTRATION |
|---|---|
| **Program Purpose** | The purpose of the Administration program is to provide communication, administrative support, guidance, performance management, budget alignment, and ensure timely reporting of all department functions. |

| | | |
|---|---|---|
| **Program Results** | **QOL-AD.1** | 100% of department employees will know what is expected of them and how they align and contribute to the goals of the department as evidenced by their annual work plans and performance conversations being aligned with the Department Strategic Business Plan |
| | **QOL-AD.2** | 80% of Quality of Life Program Managers will actively use strategic performance data to improve performance |
| | **QOL-AD.3** | 65% of Quality of Life employees who say that the Quality of Life Department is a good place to work |
| | **QOL-AD.4** | Departmental vacancies (FTEs) will be under 10% annually |
| | **QOL-AD.5** | 90% Quality of Life programs meeting their quarterly budget targets annually |
| | **QOL-AD.6** | By FY 2026, Las Cruces families will have access to an interactive children's museum facility |

| | |
|---|---|
| **Program Outputs** | • # of vacancies filled<br>• # of employee engagement opportunities |
| **Program Demands** | • # of vacancies needing to be filled<br>• # of employee engagement opportunities expected to be provided |

## PROGRAM: MARKETING

**Program Purpose**

The purpose of the Marketing program is to provide coordinated outreach and advertising services to Quality of Life programs so that they can effectively communicate their services to increase participation.

Marketing serves the Quality of Life department by increasing public awareness of the programs and services offered by the Department through public awareness campaigns in a variety of media. These services are provided in conjunction with graphic designers, publishers, reporters, as well as other city departments, especially the Communications Department. The marketing program also monitors and reviews the effectiveness of our media and delivery processes.

**Program Results**

| | |
|---|---|
| **QOL-MKT.1** | 15% annual increase in Quality of Life website traffic |
| **QOL-MKT.2** | 10% annual increase in Quality of Life integrated marketing campaigns |
| **QOL-MKT.3** | 15% annual overall increase in participation in all Quality of Life programs and services annually |

**Program Outputs**

- # of integrated marketing campaigns in Quality of Life
- # of visitors to the QOL website pages

**Program Demands**

- # of Quality of Life integrated marketing campaigns expected to be developed
- # of expected visitors to the QOL website

| PROGRAM: | PUBLIC ART | |
|---|---|---|
| Program Purpose | The Las Cruces Public Art program commissions and cares for a collection of public artworks, promotes the community's access to and engagement with public art, and supports the growth of public art practice in Las Cruces. The program's vision is for Las Cruces Public Art to reinforce the fundamental link between creative expression and quality of life – shining a light on the city's culture, creative community, and creative economy; improving the visual identity of public spaces; and creating opportunities for all Las Cruces to engage with art. | |
| Program Results | QOL-PA.1 | By FY 2024, 35% of survey respondents will report that public art improves their quality of life |
| | QOL-PA.2 | By FY 2023, 100% completion of condition assessments of all public art pieces located within the City of Las Cruces limits |
| | QOL-PA.3 | By FY 2023, the Public Art Program will create a public art maintenance schedule |
| | QOL-PA.4 | By FY 2026, five (5) new permanent public artworks and three (3) community collaborative public art projects will be installed in the City of Las Cruces (ELC, CL-1.2.3, CL-13.1, CL-13.1.3) |
| | QOL-PA.5 | By FY 2024, one (1) completed public art project will be installed in each of the council districts (ELC, CL-1.2.3) |
| Program Outputs | • # of public artworks maintained<br>• # of public artwork commissions<br>• # of community collaborative projects<br>• # of public input opportunities held | |
| Program Demands | • # of public artworks expected to be installed<br>• # of public artworks expected to be maintained<br>• # of community collaborative projects expected<br>• # of public input opportunities expected to be held | |

| LINE OF BUSINESS: | SENIOR PROGRAMS |
|---|---|
| **Line of Business Purpose** | The purpose of the Senior Programs line of business is to provide nutrition, recreation, social and wellness services to adults age 50 and over so they can maintain and improve health, engage in social opportunities, and prolong independence at home. |

| PROGRAM: | SENIOR NUTRITION |
|---|---|
| **Program Purpose** | The purpose of the Senior Nutrition program is to provide balanced meal services to eligible seniors aged 60 and older in a congregate and home-delivered meal setting. |

**Program Results**

| | |
|---|---|
| **QOL-SN.1** | 75% of seniors surveyed annually, will rate meals as highly satisfying |
| **QOL-SN.2** | By FY 2021, an additional home-delivered meals route will be added (ELC, CP-11.1.1) |
| **QOL-SN.3** | Annually, an increase of 20% of eligible seniors will have their nutrition and health needs met through home delivered and congregate meal programs (ELC, CP-11.1.1, CP-11.1.4) |
| **QOL-SN.4** | By FY 2023, supplemental meal options will be offered in Senior Programs (ELC, CP-11.1.1) |
| **QOL-SN.5** | By FY 2023, a new computerized check-in system for Senior Nutrition will be implemented |

**Program Outputs**

- # of congregate meals served
- # of home-delivered meals served
- # of supplemental meals provided
- # of clients served

**Program Demands**

- # of congregate meals expected to be served
- # of home-delivered meals expected to be served
- # of Senior Nutrition Program clients expected to be served

| PROGRAM: | LONG-TERM CARE | |
|---|---|---|
| **Program Purpose** | The Long Term Care program provides home care services, respite services, Grandparents Raising Grandchildren, case management, assessments, information, and referral services to eligible seniors prolonging their independence at home. | |
| **Program Results** | **QOL-LTC.1** | 20% of Long-Term Care participants living at home will report sufficient home services to avoid institutional placement (ELC, CP-11.1.3, CP-11.1.4) |
| | **QOL-LTC.2** | 75% of home-care clients will report increased satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.3** | 75% of respite care caregivers will report increased Satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.4** | By FY 2026, 5% increase in respite services to include high-risk clients (ELC, CP-11.1.3) |
| | **QOL-LTC.5** | By FY 2026, there will be increased senior transportation options available to eligible seniors (ELC, CP-11.1.4) |
| **Program Outputs** | • # of home care hours provided (ELC, CP-11.1.3)<br>• # of respite care hours provide (ELC, CP-11.1.3)<br>• # of new assessments completed monthly (ELC, CP-11.1.3)<br>• # of customer files closed monthly<br>• # of children served through Grandparents Raising Grandchildren (ELC, CP-11.1.3) | |
| **Program Demands** | • # of home care hours expected to be requested<br>• # of respite care hours expected to be requested | |

| PROGRAM: | SENIOR RECREATION | |
|---|---|---|
| **Program Purpose** | The purpose of the Senior Recreation program is to provide educational, social, and fitness services to eligible participants, 50 years of age and older so they can maintain and improve health and engage in social opportunities. | |
| **Program Results** | **QOL-SR.1** | By FY 2026, 50% increase in participant satisfaction with senior recreational programs (ELC, CP-11.1.4) |
| | **QOL-SR.2** | 10% increase in eligible participants attending two or more senior recreational activities annually (ELC, CP-11.1.2, CP-11.1.4) |

**Program Outputs**

- # of participants in Senior Recreation programs (ELC, CP-11.1.2, CP-11.1.4)
- # of Senior Recreation programs offered (ELC, CP-11.1.2, CP-11.1.4)
- # of participants in physical fitness programs (ELC, CP-11.1.2, CP-11.1.4)
- # of physical fitness program offered (ELC, CP-11.1.2, CP-11.1.4)

**Program Demands**

- # of Senior Recreation programs expected to be provided

| LINE OF BUSINESS: | LIBRARY SYSTEM |
|---|---|
| **Line of Business Purpose** | The purpose of the Library System line of business is to provide educational, literacy, and technology services to residents, businesses, and guests, so they can be inspired to learn, connect, and explore. |

| PROGRAM: | LIBRARY PUBLIC PROGRAMS |
|---|---|
| **Program Purpose** | Library Public Programs provides educational, cultural, artistic, social experiences and opportunities throughout the Las Cruces community. These services enhance, enrich, and provide valuable learning opportunities to people of all ages and backgrounds creating a hub for resources, interaction, and collaboration. |

**Program Results**

| | |
|---|---|
| **QOL-LP.1** | Four (4) collaborative programs for all ages with Las Cruces Museum System annually |
| **QOL-LP.2** | By FY 2023, 25% increase in programs for adult literacy, technology, and education |
| **QOL-LP.3** | By FY 2023, 25% increase in participation in Library Teen programs (ELC, CP-11.3.1) |
| **QOL-LP.4** | 10% of teens will assist in library program development annually (ELC, CP-11.3.1) |
| **QOL-LP.5** | By FY 2023, 10% increase in library online engagements, programs, outreach, and reference services |
| **QOL-LP.6** | By FY 2026, community will have access to one full-service branch library in the East Mesa area, co-located with multiple other services |

**Program Outputs**

- # adult programs provided
- # reference questions
- # children and teen program participants served (ELC, CP-11.3.1)
- # children and teen programs provided (ELC, CP-11.3.1)
- # outreach programs provided
- # of programs related to the history and culture of Las Cruces (ELC, CL-13.1.2)

| PROGRAM: | LIBRARY PROGRAMS (continued) |
|---|---|
| **Program Demands** | • # of adult programs expected to be offered<br>• # of adult education class registrations or attendance<br>• # of children and teens programs expected to be provided<br>• # of children and teen participants expected to sign up for programs<br>• # of outreach programs expected to be offered |

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| PROGRAM: | CIRCULATION & MEDIA SERVICES | |
|---|---|---|
| **Program Purpose** | The purpose of the Circulation & Media Services program is to provide library materials to residents, businesses, and guests so that they can have access to a wealth of information.<br>The program creates a robust and diverse collection to meet the needs of the City of Las Cruces community members and strives to reduce barriers for patrons, extend the reach of the library through digital services, and other accessible options. | |
| **Program Results** | **QOL-CM.1** | By 2023, 35% increase in library material circulation |
| | **QOL-CM.2** | By 2023, 5% increase in new library cards issued |
| | **QOL-CM.3** | 80% patrons surveyed report satisfaction with customer service provided at Circulation and Media service points |
| **Program Outputs** | • # library cards issued (Performance Indicator - Elevate Las Cruces)<br>• # of checkouts on the self check out machine<br>• # monthly visitors/door counts<br>• # of items circulated monthly | |
| **Program Demands** | • # of library cards expected to be issued<br>• # visitors expected monthly<br>• # of items expected to be circulated monthly | |

| PROGRAM: | LIBRARY SUPPORT SERVICES | |
|---|---|---|
| **Program Purpose** | The purpose of the Library Support Services Program is to provide residents and guests access to library materials, internet, computer services, and digital databases so they can connect the community to the information and resources needed to live, learn, and work. | |
| **Program Results** | **QOL-LSS.1** | By FY 2023, 25% increase in electronic materials purchased for the library collection |
| | **QOL-LSS.2** | By FY 2023, 15% increase in library database usage |

**Program Outputs**

- # computer sessions/logins
- # Library database sessions/logins
- # holds requested
- # materials added to the Library collection (non-electronic)
- # electronic materials added to the Library collection
- # materials (electronic and non-electronic) added to the Library collection related to the history and culture of Las Cruces (ELC, CL-13.1.2)

**Program Demands**

- # materials expected to be added to the Library collection
- # computer sessions expected
- # holds expected to be placed

| LINE OF BUSINESS: | MUSEUM SYSTEM |
|---|---|
| **Line of Business Purpose** | The purpose of the Museum System line of business is to provide diverse and holistic experiences to residents, businesses, and guests, so they can be inspired to learn, connect, and explore. |

| PROGRAM: | VISITOR EXPERIENCE |
|---|---|
| **Program Purpose** | The Visitor Experience Program actively serves the community by providing excellent customer service, well maintained facilities, and a diverse assortment of experiences for our visitors.<br>The experiences presented reflect the program's commitment to equitable engagements that offer the participant a way to learn, connect, and explore the world around them. |

| | | |
|---|---|---|
| **Program Results** | **QOL-VE.1** | By FY 2025, LCMS facilities maintenance plans will be developed with CLC Facilities |
| | **QOL-VE.2** | By FY 2026, the community will have access to the Las Cruces Museum System through regular Sunday and evening hours |
| | **QOL-VE.3** | 10% increase in participation in community forums |
| | **QOL-VE.4** | By FY 2025, 25% of the processes for obtaining accreditation by American Alliance of Museum will be completed |

**Program Outputs**

- # of community forums offered
- # of community special events
- # of exhibits, community forums, and community special events related to the history and culture of Las Cruces (ELC, CL-13.1.2)

**Program Demands**

- # of community forums expected to be offered
- # of community special events expected to be offered
- # of exhibits, community forums, and community special events related to the history and culture of Las Cruces expected to be offered

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| LINE OF BUSINESS: | MUSEUM SYSTEM |
|---|---|
| **Line of Business Purpose** | The purpose of the Museum System line of business is to provide diverse and holistic experiences to residents, businesses, and guests, so they can be inspired to learn, connect, and explore. |

| PROGRAM: | EXHIBITS |
|---|---|
| **Program Purpose** | The Exhibits Program serves the community by providing excellent, relevant, and a diverse assortment of exhibitions. The exhibitions and dynamic experiences presented reflect the program's commitment offering visitors a way to learn, connect, and explore the world around them. |

**Program Results**

| | |
|---|---|
| **QOL-VE.1** | 10% increase in visitor satisfaction with exhibit presentations annually |
| **QOL-VE.2** | There will be a 10% increase in the number of people visiting three or more exhibitions on site |

**Program Outputs**

- # of attendees to temporary exhibits
- # of attendees to permanent exhibits
- # of temporary exhibits offered
- # of community forums offered

**Program Demands**

- # temporary exhibits expected to be offered
- # of attendees expected to attend temporary exhibits
- # of attendees expected at permanent exhibits

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| PROGRAM: | EDUCATION | |
|---|---|---|
| Program Purpose | The Museum Education Program embraces the idea that learning is engaging, full of discovery, and feeds curiosity. Education offers programs, events, and experiences that reflect these characteristics and facilitate a collective flow of ideas, values, and interests and to provide equitable access to the arts, culture, history, and science. | |
| Program Results | QOL-ME.1 | Museum Education will have 15% increase in collaboration with City and non-City organizations annually (ELC, CP-4.3.6, CL-13.1.3) |
| | QOL-ME.2 | Museum Education will have four (4) collaborative programs with Thomas Branigan Memorial Library per year |
| | QOL-ME.3 | Museum Education will have a 10% increase in people attending education programs annually (ELC, CL-13.1.2) |
| | QOL-ME.4 | By FY 2023, 10% increase in participation in Museum programs for teens (ELC, CP-11.3.1) |
| | QOL-ME.5 | By FY 2023, 10% teens who participate in leadership roles in museum program development (ELC, CP-11.3.1) |
| | QOL-ME.6 | Museum Education will collaborate in one (1) education program annually with community schools. (ELC, CP-6) |

**Program Outputs**

- # children and teen programs provided (ELC, CP-11.3.1)
- # children and teen participants served (ELC, CP-11.3.1)
- # of programs offered
- # of programs related to the history and culture of Las Cruces (ELC, CL-13.1.2)
- # of adult participants served

**Program Demands**

- # programs expected to be offered
- # Children and Teens programs expected to be provided
- # Children and Teens participants expected to sign up for programs
- # of adult participants expected to participate

## PROGRAM: MUSEUM COLLECTIONS

**Program Purpose**

The Collections program provides stewardship for the museum collections, living collections, and historic structures. The program ensures equitable access to the arts, history, culture, nature, and science through preserving and cataloging museum collections, facilitating research requests, creating online exhibits and databases, generating Nature Center programming and outreach, caring for Chihuahuan desert species, and training staff and students.

**Program Results**

| | |
|---|---|
| **QOL-MC.1** | By FY 2024, 30% of the permanent collection will be appraised |
| **QOL-MC.2** | Museum Collections will have 75% of new items accessioned annually |
| **QOL-MC.3** | The Nature Center will hold desert safety workshops twice per year |
| **QOL-MC.4** | Museum Collections will have a 10% increase in attendance at Nature Center programs (ELC, CL-13.1.2) |
| **QOL-MC.5** | By FY 2024, 50% of preservation plans for BCC & RRM will be completed |
| **QOL-MC.6** | By FY 2024, Museum Collections Policy will be updated and approved |
| **QOL-MC.7** | By FY 2024, a sustainability plan for the LCMS will be developed |
| **QOL-MC.8** | By FY 2024, 25% of the permanent collection will be stored and cataloged according to American Alliance of Museums standards |

**Program Outputs**

- # collection pieces stored to archival standards and catalogued
- # of research requests fulfilled (ELC, CP-13.1.2)
- # of items accessioned
- # of Nature Center programs
- # of Nature Center programs related to the history and culture of Las Cruces (ELC, CL-13.1.2)
- # of Nature Center program attendees

**Program Demands**

- # accessioned items expected
- # of research requests expected to be fulfilled
- # of Museum Collections public programs expected to be offered
- # of Nature Center programs expected to be offered

## CITY OF LAS CRUCES STRATEGIC PLAN

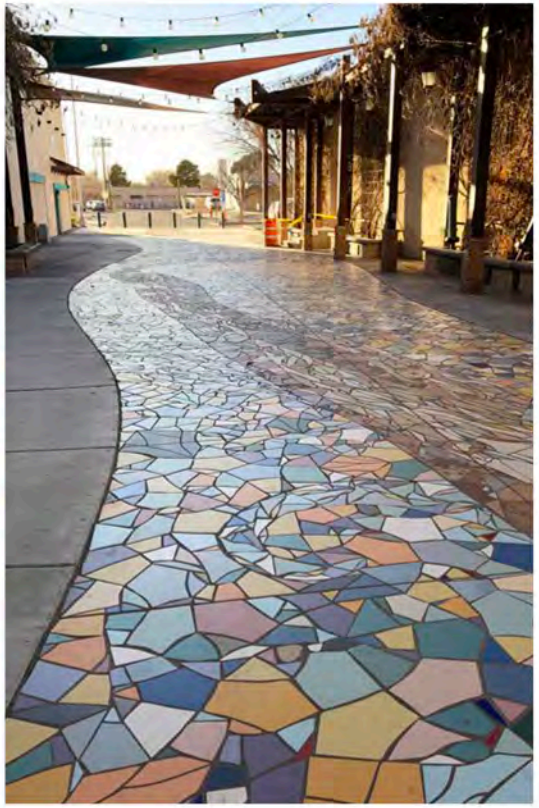
The following table lists the department goals that align with the *City of Las Cruces Strategic Plan* themes and references *Elevate Las Cruces* goals when applicable.

| STRATEGIC THEME 1: | COMMUNITY PROSPERITY | |
|---|---|---|
| **DESIRED OUTCOMES:**<br>• Expanded housing options for all income levels<br>• Enhanced economic diversity and business strength | **QOL-SN.2** | By FY 2021, an additional home-delivered meals route will be added (ELC, CP-11.1.1) |
| | **QOL-SN.3** | Annually, an increase of 20% of eligible seniors in Las Cruces will have their nutrition and health needs met through home delivered and congregate meal programs (ELC, CP-11.1.1, CP-11.1.4) |
| | **QOL-SN.4** | By FY 2023, supplemental meal options will be offered in Senior Programs (ELC, CP-11.1.1) |
| | **QOL-LTC.1** | 20% of Long-Term Care participants living at home will report sufficient home services to avoid institutional placement (ELC, CP-11.1.3, CP-11.1.4) |
| | **QOL-LTC.2** | 75% of home-care clients will report increased satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.3** | 75% of respite care caregivers will report increased Satisfaction with their quality of life (ELC, CP-11.1.3) |
| | **QOL-LTC.4** | By FY 2026, 5% increase in respite services to include high-risk clients (ELC, CP-11.1.3) |
| | **QOL-LTC.5** | By FY 2026, there will be an increase in senior transportation options available to eligible seniors (ELC, CP-11.1.4) |
| | **QOL-SR.1** | By FY 2026, 50% increase in participant satisfaction with senior recreational programs (ELC, CP-11.1.4) |
| | **QOL-SR.2** | 10% increase in eligible participants attending two or more senior recreational activities annually (ELC, CP-11.1.2, CP-11.1.4) |
| | **QOL-LP.3** | By FY 2023, 25% increase in participation in Library Teen programs (ELC, CP-11.3.1) |
| | **QOL-LP.4** | 10% of teens will assist in library program development annually (ELC, CP-11.3.1) |
| | **QOL-LP.5** | By FY 2023, 10% increase in library online engagements, programs, outreach, and reference services |
| | **QOL-ME.1** | Museum Education will have 15% increase in collaboration with City and non-City organizations annually (ELC, CP-4.3.6, CL-13.1.3) |

| | | |
|---|---|---|
| | **QOL-ME.3** | Museum Education will have a 10% increase in people attending education programs annually (ELC, CL-13.1.2) |
| | **QOL-ME.4** | By FY 2023, 10% increase in participation in Museum programs for teens (ELC, CP-11.3.1) |
| | **QOL-ME.5** | By FY 2023, 10% teens who participate in leadership roles in museum program development (ELC, CP-11.3.1) |
| | **QOL-PA.4** | By FY 2026, five (5) new permanent public artworks and three (3) community collaborative public art projects will be installed in the City of Las Cruces (ELC, CL-1.2.3, CL-13.1, CL-13.1.3) |
| | **QOL-PA.5** | By FY 2024, one (1) completed public art project will be installed in each of the council districts (ELC, CL-1.2.3) |
| | **QOL-MC.4** | Museum Collections will have a 10% increase in attendance at Nature Center programs (ELC, CL-13.1.2) |
| **STRATEGIC THEME 2:** | **EDUCATION AND COMMUNITY SERVICES** | |
| **DESIRED OUTCOMES:**<br>• Enhanced physical and mental health resources<br>• Improved access to healthy food options | **QOL-ME.6** | Museum Education will collaborate in one (1) education program annually with community schools. (ELC, CP-6) |
| **STRATEGIC THEME 3:** | **ENVIRONMENTAL SUSTAINABILITY** | |
| **DESIRED OUTCOMES:**<br>• Achieve the goals included in the Climate Action Plan adopted in 2020<br>• Promote balanced growth | **QOL-MC.7** | By FY 2024, a sustainability plan for the LCMS will be developed |

| STRATEGIC THEME 4: | CAPITAL IMPROVEMENT AND INFRASTRUCTURE | |
|---|---|---|
| **DESIRED OUTCOMES:** | | |
| • Quality infrastructure that meets the community's needs<br>• Expanded transit access and options, including pedestrian and bicycle improved road and pavement condition | **QOL-PA.2** | By FY 2023, 100% completion of condition assessments of all public art pieces located within the City of Las Cruces limits |
| | **QOL-PA.3** | By FY 2023, the Public Art Program will create a public art maintenance schedule |
| | **QOL-VE.1** | By FY 2023, LCMS facilities maintenance plans will be developed with CLC Facilities |
| | **QOL-VE.2** | By FY 2026, the community will have access to the Las Cruces Museum System through regular Sunday and evening hours |
| | **QOL-AD.6** | By FY 2026, Las Cruces families will have access to an interactive children's museum facility |
| | **QOL-MC.5** | By FY 2024, 50% of preservation plans for BCC & RRM will be completed |
| **STRATEGIC THEME 5:** | **COMMUNICATION, INVOLVEMENT AND FOLLOW-UP** | |
| **DESIRED OUTCOMES:** | | |
| • Robust communication channels with residents between City departments<br>• Timely and consistent follow-up by City staff to residents and the public | **QOL-MKT.1** | 15% annual increase in Quality of Life website traffic |
| | **QOL-MKT.2** | 10% annual increase in Quality of Life integrated marketing campaigns |
| | **QOL-PA.1** | By FY 2024, 35% of survey respondents will report that public art improves their quality of life |
| | **QOL-SN.1** | 75% of seniors surveyed annually, will rate meals as highly satisfying |
| | **QOL-EX.1** | 10% increase in visitor satisfaction with exhibit presentations annually |
| | **QOL-VE.3** | By FY 2024, there will be a 10% increase in participation in community forums |
| **STRATEGIC THEME 6:** | **PUBLIC SAFETY** | |
| **DESIRED OUTCOMES:** | | |
| • A more humane criminal justice system<br>• A safe and secure community | | *The Quality of Life department does not have specific results related to these desired outcomes.* |

# CITY OF LAS CRUCES PUBLIC ART MASTER PLAN



CITY OF LAS CRUCES

Las Cruces PUBLIC ART

On the cover, clockwise from left:
Mural Camp participant working on *Evolution of Loss* led by Sean Carpenter and Shaunna Foster;
Glenn Schwaiger, *Earth and Cosmos;*
Olin Calk, *Recycled Roadrunner;*
Cliff Flint, *The Power of Difference*

# CONTENTS


**EXECUTIVE SUMMARY** 3
Las Cruces Public Art 4
Implementation Guidelines 5
Public Art Opportunities 7
Public Art Programs 9
Communications 9
Conclusion 9

**INTRODUCTION** 11
Why Plan for Public Art? Why Now? 11
Methodology 12
How to Use this Plan 13

**LAS CRUCES PUBLIC ART: THE CITY OF LAS CRUCES' PUBLIC ART PROGRAM** 15
A Mission and Vision for Public Art 15
Goals and Strategies 16

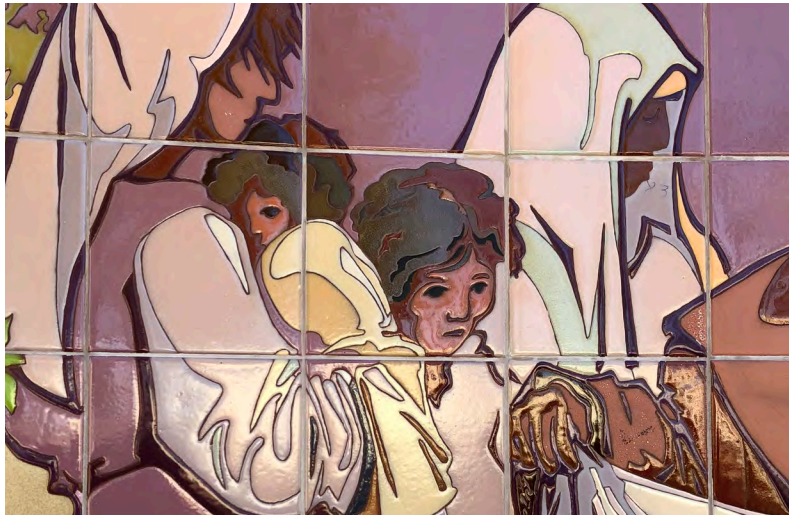
**PUBLIC ART IMPLEMENTATION GUIDELINES** 21
Roles and Responsibilities 22
Funding Public Art 29
Planning for Public Art 32
The Standard Public Art Commissioning Process 34
The Purchase Process 40
Review and Acceptance of Donations of Public Art, Monuments and Memorials 42
Review and Acceptance of Public Art Loans 46
Review Criteria 48
Public Art in Private Development 52
Collection Management 54

**PUBLIC ART OPPORTUNITIES** 63
Parks and City Facilities 64
Landmark Public Art Projects 71
Community Engaged Collaborations 76
Las Cruces Stories 80

**PUBLIC ART PROGRAMS** 85
Artist Professional Development 85
Mural Best Practices Guide 87

**COMMUNICATIONS** 89
Message and Identity 90
Presence in the Community 90
Public Art Catalog 90
Project-Specific Communications Strategy 91
Programs to Promote Engagement with the Public Art Collection 91

**APPENDICES** 93
Appendix A: Acknowledgements 93
Appendix B: Definitions 95
Appendix C: Survey Results 99
Appendix D: Artist Solicitation Methods 112
Appendix E: Sample Project Plan Outline 115
Appendix F: Standard Commissioning Process – Summary Chart 116



Clockwise from top:
SUM Artist, *Meerscheidt Recreation Center Mural;*
Tony Pennock, *Quail Morning;*
Tony Pennock with Shan Nichols, *La Entrada* (detail)

# EXECUTIVE SUMMARY

Las Cruces is increasingly becoming recognized as a cultural destination and a great place to live – and the arts are a driving force behind these changes. The arts are playing an important role in bolstering civic pride, helping to grow the creative economy, and supporting overall quality of life. The recent approval by the State of New Mexico of Las Cruces' Arts and Cultural District is only one example of the recognition being afforded to the rich cultural and artistic offerings found in Las Cruces.

In 2013, City Council established the City Art Board to advise City Council on matters related to public art, making clear that public art was a priority for Las Cruces. Recently, the City's first full-time Art Program Coordinator was hired. As interest in public art continued to grow in Las Cruces, the City Art Board and the City of Las Cruces decided they needed a Public Art Master Plan to guide their work.

The City of Las Cruces' Public Art Master Plan was commissioned to provide guidance that will ensure sustainable funding sources for public art, make the most of the City's resources, and ensure that the City's public art activities make an impact on Las Cruces and respond to the community's needs. This plan is meant to be a valuable and often-consulted tool for the City Art Board, City staff, and anyone interested in collaborating with the City on public art. It establishes a vision and provides administrative and programmatic recommendations to guide Las Cruces through the exciting – and at times challenging – work of building and caring for a public art collection that reflects and supports the importance of the arts in Las Cruces.

A community member reviews potential goals for public art in Las Cruces at the National Night Out event in August 2019.

## Las Cruces Public Art

First, this plan establishes that *Las Cruces Public Art* (LCPA) is the City of Las Cruces' public art program and is the mechanism through which all of the City's public art activities take place. The City Art Board works with LCPA to develop a work plan each year, reviews and approves projects, and advises City Council on these matters.

### MISSION

*Las Cruces Public Art* commissions and cares for a collection of contemporary public artworks, promotes the community's access to and engagement with public art, and supports the growth of public art practice in Las Cruces.

### VISION

*Las Cruces Public Art* reinforces the fundamental link between creative expression and quality of life – shining a light on the city's culture, creative community and creative economy; improving the visual identity of public spaces; and creating opportunities for all Las Crucens to engage with art.

### GOALS

1: Elevate Las Cruces as the Arts Capital of Southern New Mexico

2: Add Visual Interest and Beauty to the City

3: Activate Public Spaces

4: Improve Visual Identity; and

5: Make Art and Culture a Way of Life

Lorenzo Zepeda and the Murals Arts Program, *The Path of Choice;*
Glenn Schwaiger, *Entrada del Sol*

# Implementation Guidelines

The plan recommends step-by-step procedures and specific tools for LCPA and the City Art Board to use in accomplishing their work.

## ROLES AND RESPONSIBILITIES

*Las Cruces Public Art* is responsible for building and caring for the City of Las Cruces Public Art Collection, an important asset of the City. The City Art Board serves in an advisory capacity to City Council on all matters related to *Las Cruces Public Art* and makes formal recommendations to the City Council relative to the acquisition of public art, the de-accession of public art, the stewardship of the Las Cruces Public Art Collection, and policies and guidelines that guide these responsibilities. *Las Cruces Public Art* is professionally staffed by the Art Program Coordinator, who resides in the Quality of Life Department. LCPA works with many City departments, most notably Public Works and Parks and Recreation, to ensure the seamless integration of public art into Las Cruces' built environment.

## FUNDING PUBLIC ART

The City of Las Cruces should support *Las Cruces Public Art* through a combination of funding sources. The City should adopt, by ordinance, a Percent for Art policy to support public art related to new capital projects. Program administration and other projects and programs should be supported through the General Fund. The City should also proactively write grants and solicit funding to support LCPA's goals.

## PLANNING FOR PUBLIC ART

*Las Cruces Public Art* should thoughtfully plan for public art, both through an Annual Public Art Work Plan process and by developing specific plans for each new public art commission being led by LCPA. In addition, LCPA should work closely with Public Works, Parks and Recreation, Community Development, Economic Development, as well as other City departments, to include strategies for public art in other City plans and planning processes.

## COMMISSIONING AND PURCHASING PROCESSES

New public art acquired by LPCA will, with rare exceptions, be site-specific commissions where an artist is selected to develop a project for Las Cruces that is informed by the context of the site. In certain cases, the City Art Board may instead determine that it is best to purchase an artwork directly from an artist or from a gallery. The Standard Commissioning Process and the Purchasing Process lay out step by step processes, led by the City Art Board and managed by the Art Program Coordinator.

## REVIEW PROCESSES FOR DONATIONS AND LOANS

From time to time, private individuals, foundations, corporations or other organizations may wish to donate or loan a work of art to the City of Las Cruces for public display. While these donations and loans can be a great way to enrich public spaces, it is important to consider carefully whether the donation or loan meets the City's vision for public art and ensure that the related costs and risks of the donation or loan are understood.

## REVIEW CRITERIA

The processes for commissioning, purchasing and accepting donations and loans include careful review and consideration by City Art Board, by ad-hoc Art Selection Committees and by City staff, prior to recommendations being made to City Council. LCPA should consistently use criteria for Site and Design Review and Technical Review when deliberating.

## PUBLIC ART IN PRIVATE DEVELOPMENT

Many of the anticipated private development projects in Las Cruces will potentially offer opportunities for publicly accessible artwork. In the near term, the City of Las Cruces and LCPA should encourage developers to include art in their development projects. In the future, as the City's development code is updated, the City should consider ways to include public art as a possible benefit in certain circumstances that can be written into development agreements with the City. If a developer is being reimbursed by the City to develop a park, and the developer includes public art, then the artwork should be commissioned through LCPA's Standard Commissioning Process. If the developer is not being reimbursed by the City, but the park will become a City-owned park, the review process for donations of artwork should be followed.

## COLLECTION MANAGEMENT

*Las Cruces Public Art* will work to ensure that the City of Las Cruces Public Art Collection is properly maintained and preserved, that a periodic assessment of conservation needs is made, and that proper records regarding the works in the collection are kept. The City Art Board will review and make decisions regarding the de-accession or relocation of works in the Public Art Collection, using a strict set of criteria, subject to final approval of City Council.

## Public Art Opportunities

The plan outlines four specific categories of public art opportunities that LCPA should focus its energy and resources on for the next five to ten years to begin to build a collection that achieves its vision.

### PARKS AND CITY FACILITIES

The City of Las Cruces has renewed its focus on improving community places and public spaces built by the City for the use of all residents. Public art should be included in construction of City facilities and parks demonstrating the City's commitment to incorporating art into everyday life. This will help to make Las Cruces known as a place where you can encounter art in your daily routine and will elevate parks and facilities from purely functional to engaging places that bring people together. Existing parks and City facilities should also be considered for new public art projects as part of larger community improvement initiatives.

LCPA should continue to work with the Parks and Recreation Department, the Department of Public Works and other departments to explore opportunities for public art in capital projects listed in the Capital Improvement Program. LCPA should work to have artists selected early on in the design development process for capital projects, so artwork can be physically and aesthetically integrated into the facility or park.

### LANDMARK PUBLIC ART PROJECTS

Las Cruces has stunning natural landmarks that help orient oneself and an iconic collection of highway-scaled water tank murals, which, along with the *Recycled Roadrunner* on I-10, provide moments of welcoming and wayfinding. But the interior of the city lacks such landmarks to establish overall unity or orientation. LCPA should focus on public art projects that serve as landmarks and can assist with wayfinding. These projects should be considered for major entry points to specific areas or neighborhoods or at major decision points for drivers. Opportunities exist for highly visible landmark projects at the highway scale and the corridor scale and in the Arts and Cultural District, as well as other neighborhoods.

### COMMUNITY ENGAGED COLLABORATIONS

*Las Cruces Public Art* should build on existing interest and understanding in the community and within City departments that art can be used to help achieve community development goals. LCPA should work with other City departments as well as community organizations as active partners in public art projects that are beneficial to both partners and to the public. LCPA should pursue opportunities to partner with other City departments and external partners on public art projects that provide hands-on public art experiences to the community, harnessing the power of art to engage the public and achieve community development goals.

Opportunities include working with the Parks and Recreation Department on community-created murals; developing studio space within Community and Recreation Centers for resident artists to work with the community on public art projects; working with the Office of Sustainability on low-cost, temporary beautification projects that address neighborhood needs; and collaborating with the Quality of Life Department on public art projects that extend the reach of City Museums' exhibits.

## LAS CRUCES STORIES

Las Cruces Stories are special opportunity public art projects that highlight aspects of the unique history and present-day cultures of Las Cruces. Not necessarily tied to City capital projects, Las Cruces Stories projects should be initiated periodically and would, in many cases, be in collaboration with organizations or community groups in Las Cruces. A Las Cruces Stories project could, however, be an appropriate approach for Landmarks or Parks and City Facilities projects.

Opportunities include public art projects that reveal and explore people or groups that are under-represented in the public art collection or in public spaces, such as African Americans or indigenous peoples; public art projects related to aspects of the natural environment that shape the culture of Las Cruces; or public art projects that explore the idea of Las Cruces as a past, present and future crossroads.

Lorenzo Zepeda and the Juvenile Citation Program, *Jardin de la Forteleza*

## Public Art Programs

In addition to its work commissioning public art, LCPA will lead or partner with others to develop and implement a discrete number of programs aimed at supporting local artists in developing public art as part of their practice. Programs will provide training and mentorship opportunities to help local artists grow their own practice in public art and will provide practical tools and resources, such as a mural best practices guide, for use by others interested in commissioning public art.

## Communications

*Las Cruces Public Art* should develop and implement a communications strategy to clearly communicate its vision and purpose to the public. This strategy should be focused on communicating the message that LCPA is the City's public art program, while raising awareness about LCPA's work, public art in the city, and the role of the City Art Board. This will involve developing print, web and social media, including maintaining a public-facing catalog of the collection and identifying all works with plaques; developing programs to engage the public with the collection; having a presence at select community events; and carrying out project-specific communications strategies for each project LCPA undertakes.

## Conclusion

This plan charts an exciting future for public art in the City of Las Cruces, creating a path for the City Art Board to thoughtfully plan for and advance the City's investments in public art. Using this plan as a guide, *Las Cruces Public Art* can build a collection that affirms the fundamental role that the arts play in Las Cruces by improving the quality of life for all residents, shaping the visual identify of public spaces and creating important opportunities for engagement, connectivity and community building.

A young artist helps paint windows for the *Ventanas Vivas* event in partnership with the Arts and Cultural District and the Downtown Las Cruces Partnership.

Clockwise from left:
Beverly Penn-Baron, *Unity in Diversity;*
Barios Caballeros, *EJ & Mable;*
Glenn Schwaiger, *Earth and Cosmos* (detail)

# INTRODUCTION

## Why Plan for Public Art? Why Now?

There is no denying that Las Cruces is a special place. With its breathtaking backdrop of the Organ Mountains, its standing as both a center of agriculture and a cultural crossroads, and its growing reputation as an epicenter for industries from film to space travel – Las Cruces is the heart of southern New Mexico.

In recent years, many of the cultural, historic and natural assets that make Las Cruces such a special place to live and visit have received increased recognition and support. From the establishment of the Organ Mountains-Desert Peaks National Monument in 2014 to the state-authorized approval of the Arts and Cultural District in 2018, Las Crucens are working together to support and highlight the importance of arts and culture to the city's identity, economic development, and quality of life.

Public art is no exception. Las Cruces is home to more than 50 public artworks on City property, including the much-loved water tank murals, the iconic Recycled Roadrunner on I-10, artworks in various media in City parks and facilities, and many more murals and sculptures throughout the city. City leaders – both elected officials and tireless volunteers – have recognized the role public art can play in improving quality of life for all residents and supporting economic development and cultural tourism.

In 2013, City Council established the City Art Board to advise City Council on matters related to public art. In 2015, the City Art Board drafted a strategic plan, outlining its goals and focus areas. The first public artwork commissioned with the City Art Board's approval – *Pride,* a sculpture by Karen Yank outside the East Mesa Public Safety Complex – was installed in 2018. In 2019, the City Art Board selected an artist and a concept for a new work of art that will be installed in City Hall.

As they dove into their work, the City Art Board and the City of Las Cruces found themselves faced with many decisions about funding, commissioning and stewarding public art in Las Cruces. As a result, they decided to commission a public art master plan that would help guide the City's growing public art program. In particular, the City and the City Art Board wanted a plan that would include a mission and a vision for public art in Las Cruces, an assessment of public art opportunities, procedural recommendations around acquisition and maintenance of public art, recommended funding sources, and ways to engage the public. After conducting a national search for a public art master planning consultant in the summer of 2018, the City selected Via Partnership, working with Robert A. González, Ph.D, AIA, to facilitate the development of the plan.

## Methodology

Throughout the planning process, the consultants worked closely with the City Art Board, City staff (including the Art Program Coordinator, a newly established position in the Quality of Life Department), a Community Advisory Committee comprised of community stakeholders, and a Steering Committee comprised of City staff from departments that will have a role in the successful implementation of the plan.

Public input was gathered through an online survey, launched in early spring 2019, that was designed to solicit information regarding people's awareness and preferences of existing public art in Las Cruces, to learn more about people's perceptions of the city, and to allow the public to respond to a broad set of possible directions for public art in Las Cruces. City staff, City Art Board members, and the planning team also hosted hands-on activities at National Night Out in August 2019 to gather input for the plan and engage the public in conversations about public art and the master planning process. Early on in the process, the consultants worked with El Paso's public art program to lead a tour of public art in El Paso for the City Art Board, Community Advisory Committee, Steering Committee, and other stakeholders that included meetings with El Paso public art staff and City Councilors.

The planning team reviewed relevant City plans and documents, conducted benchmarking research about public art programs in New Mexico and neighboring states, facilitated one-on-one interviews with key stakeholders and staff, and hosted a roundtable discussion for artists in collaboration with the Branigan Cultural Center, as well.

As part of the planning process, Las Cruces artists participated in a roundtable discussion (left) and the public participated in hands-on activities and shared their thoughts about what public art in Las Cruces should be (center and right).

## How to Use this Plan

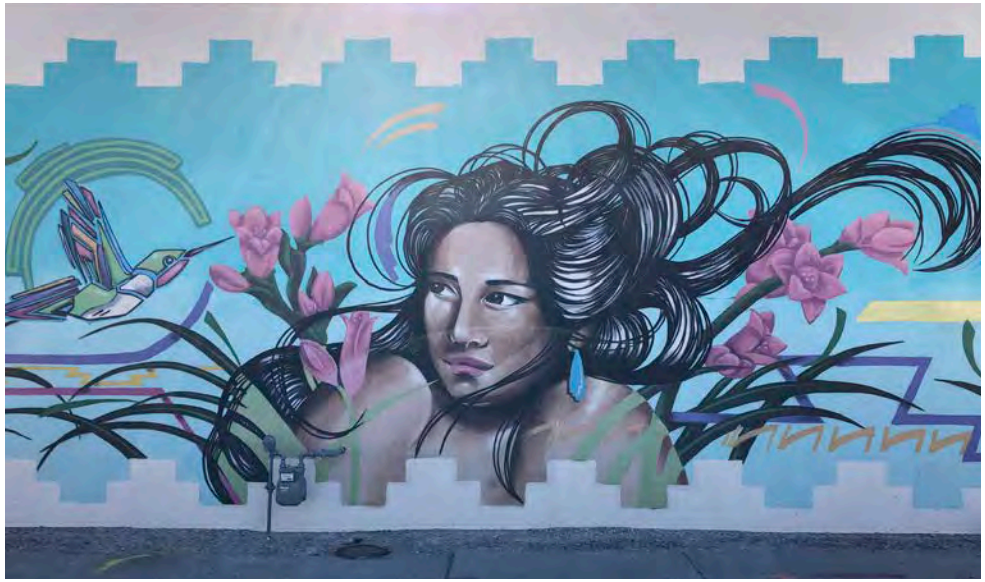
This plan is intended to be a living document that can be consulted by *Las Cruces Public Art* staff and the City Art Board as they do their day-to-day work of planning for public art and managing individual projects, as well as by City Council and other City staff, including partnering departments and the City Manager's Office, as they as plan and carry out larger City priorities, goals, and initiatives.

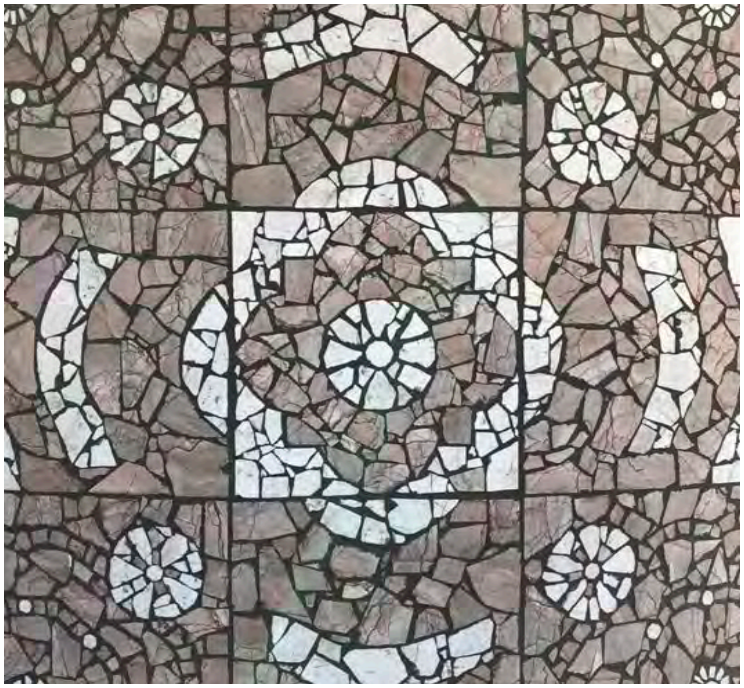
The plan lays out a mission and vision for public art that are meant to ensure the program's work is relevant and responsive to the community's needs and values and then provides specific tools that can be used to guide decision-making throughout the course of planning for, commissioning, acquiring, and caring for public art. At its most fundamental level, the plan establishes that all public art projects commissioned on City property or with City funds should be administered by *Las Cruces Public Art*, with the review and approval of the City Art Board and City Council.

Roles and responsibilities are outlined, detailing how the many individuals and entities involved in the process should work together, including the City Art Board, City staff members, the City Council, Art Selection Committee members, and other organizations who may be involved in projects, such as the Arts and Cultural District Coordinating Council and New Mexico Arts.

The tools provided in this plan can be used by City staff and the City Art Board on an ongoing basis – from the early stages of identifying and prioritizing project opportunities, to managing artist selection processes and individual projects, to carrying out ongoing care and maintenance of a growing collection. In addition to these resources that can be used to guide City-commissioned projects, the plan also provides criteria and procedures for reviewing and making decisions about donations and loans from outside entities.

Ultimately, this plan aims to give *Las Cruces Public Art*, the City Art Board, and anyone interested in working with the City to support public art in Las Cruces the tools they need to build a robust public art program that is an asset to the community and reflects and bolsters the city's vibrant and unique culture. Using this plan, *Las Cruces Public Art* and the City Art Board will make clear the fundamental link between public art, quality of life, and economic development, highlighting and strengthening all that the city has to offer in making public art an expected and valued part of everyday life in Las Cruces.





Clockwise from top:
Nani Chacon, *All Between Land and Air;*
Tony Pennock with Shan Nichols, *La Entrada* (detail);
Olin Calk, *Recycled Roadrunner*

# LAS CRUCES PUBLIC ART:
## THE CITY OF LAS CRUCES' PUBLIC ART PROGRAM

*Las Cruces Public Art* (LCPA) is the City of Las Cruces' public art program. It is professionally staffed, currently by a full-time Art Program Coordinator, a position that resides in the City's Quality of Life (QOL) Department. City Council established the City Art Board by Ordinance in 2013 to advise City Council on all matters related to public art. LCPA and the City Art Board work together to ensure the success of public art in Las Cruces.

*Las Cruces Public Art* is the mechanism through which all of the City's public art activities take place. If a City department is interested in commissioning public art, they work with LCPA to manage the artist selection and follow the procedures outlined in this plan, including facilitating review and approval of the project by the City Art Board. Similarly, if an individual or non-City entity wishes to place public art on City property or collaborate with the City on a public art project, they work with LCPA to have the project reviewed and approved by the City Art Board.

### A Mission and Vision for Public Art

The mission and vision of *Las Cruces Public Art* are designed to provide focus to the program and guide the work of City staff and the City Art Board. All work undertaken by LCPA should resonate with the program's mission and vision, ensuring that the program is relevant and responsive to the community's values and needs.

#### MISSION

*Las Cruces Public Art* commissions and cares for a collection of contemporary public artworks, promotes the community's access to and engagement with public art, and supports the growth of public art practice in Las Cruces.

#### VISION

*Las Cruces Public Art* reinforces the fundamental link between creative expression and quality of life – shining a light on the city's culture, creative community and creative economy; improving the visual identity of public spaces; and creating opportunities for all Las Crucens to engage with art.

## Goals and Strategies

Every project that *Las Cruces Public Art* supports should further the program's vision and impact one or more of the Goals for Public Art outlined here. These goals should be used by staff and the City Art Board to help guide decision-making about what projects to prioritize and undertake and will also provide a framework to envision, develop and refine future project ideas. By focusing their efforts on achieving the following goals, LCPA can make the most impact with its resources.

The strategies listed are broad approaches that LCPA can employ to achieve each goal. Specific recommendations throughout the plan support each strategy and represent prioritized, concrete ways to put the strategies into action. As time goes on, LCPA can continue to use these goals and strategies to develop future projects, programs, and activities.

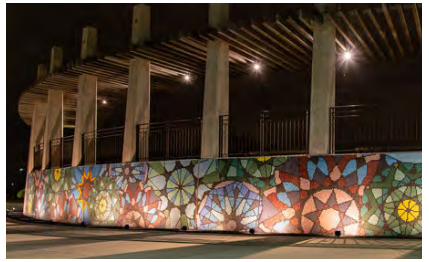
## Goal 1

### ELEVATE LAS CRUCES AS THE ARTS CAPITAL OF SOUTHERN NEW MEXICO

Public art will raise awareness around the many dimensions of Las Cruces' rich cultures, heritages, and creative communities, promoting the city – the second largest city in New Mexico – as a cultural destination for both locals and visitors from farther afield.

### STRATEGIES

- Focus public art on places and ideas that are part of what makes Las Cruces and its region unique.
- Develop public art projects that support visitorship to the Arts and Cultural District and to local arts and culture destinations.
- Develop public art projects that support, grow and promote the local creative economy.
- Commission artworks that become a destination in themselves.
- Develop public art projects that play to the strengths of the local arts community and help them develop their practice in public art.
- Develop programs to support artists new to the public art field.
- Attract regional artists to want to create projects in Las Cruces.
- Promote and raise awareness of Las Cruces' growing public art collection.



Left to right: Rude Calderón and Roberto Delgado, *Nature's Light,* San Diego, CA, Photo: Rude Calderón;
Vanessa Alvarado, Margarita Paz-Pedro and Cassandra Reid with ALMA Apprentices, *Giver of Water, Essence of Life,* Albuquerque, NM, Photo: Keith Scott;
RE:Site Studio, *Interlacing Patterns,* Sugar Land, TX, Photo: Pablo Gimenez Zapiola

## Goal 2

### ADD VISUAL INTEREST AND BEAUTY TO THE CITY

City facilities, parks, and public spaces will incorporate art as a standard practice, making these places more visually interesting, attractive, and stimulating for their users and passersby. High quality design and the involvement of artists will be expected when these spaces are being renovated, constructed or envisioned.

### STRATEGIES

- When the City builds a high-profile or public-facing facility, park or new public space – incorporate high quality public art.
- Commission artwork that makes a positive impact on the overall design of public spaces and on people's experience of the public realm.
- Partner with Parks and Recreation, Public Works, and other City departments on community improvement and beautification projects.
- Encourage developers to incorporate public art into public space within their own projects.
- Develop criteria and a process to review donations of artwork to the City.
- Provide guidance and resources for artists, arts organizations, and private property owners to initiate their own public art projects.

Left to right: Roberto Behar & Rosario Marquardt, *Rhode Island Intermodal Station,* Warwick, RI, Photo: © R&R Studios; David Franklin and Aaron Whelton, *Drift Inversion,* Denver, CO, Photo: Aaron Whelton; Pete Beeman, *Alphabet Soup,* Albuquerque, NM, Photo: Pete Beeman; Marc Fornes/TheVeryMany, *Marquise,* El Paso, TX, Photo: NARRO

## Goal 3
### ACTIVATE PUBLIC SPACES

Public art will help bring energy and engagement to places where people gather, creating vital public spaces where people want to be.

### STRATEGIES

- Focus public art on community gathering places, such as parks, community centers, and recreation centers.
- Commission works that are interactive and playful.
- Work with community organizations to envision public artworks that are supportive of community traditions.

## Goal 4
### IMPROVE VISUAL IDENTITY

Public art will help people make sense of the growing city by creating landmarks, defining corridors and neighborhoods, and supporting navigation.

### STRATEGIES

- Commission key, large scale, memorable projects at major gateways and on major corridors.
- Commission public art projects that help people navigate downtown and the Arts and Cultural District.
- Commission public art that brings identity to not yet identifiable corridors and neighborhoods.

Top left to right: CJRDesign, *Skatespace,* Seattle, WA, Photo: CJRDesign; Jen Lewin, *Ascent,* Coral Springs, FL, Photo: Jen Lewin; Sextaferia, *Umbrella Sky,* Coral Gables, FL, Photo: City of Coral Gables; Jessica Witte, *Seed the Change,* St. Louis, MO, Photo: Jeffrey Bruce

## Goal 5

### MAKE ART AND CULTURE A WAY OF LIFE

With time, art will be part of everyone's everyday experience, and people of all ages and backgrounds will have opportunities to engage with artmaking and artists. Las Cruces will be known as a place that values access to the arts.

### STRATEGIES

- Develop programs that engage and educate young people.
- Encourage artists who are doing projects in neighborhoods to include a community engagement component as part of their process.
- Commission artists to develop projects that bring the community together, including artists who incorporate community engagement into their project development process.
- Distribute public art throughout the city with an emphasis on projects in Las Cruces' neighborhoods.

Top to bottom:
Koryn Rolstad, *Mandala Sunrise,*
El Paso, TX,
Photo: Aurelio Fernandez Photography;
Greg Reiche, *Big-1 Icon Wall,*
Albuquerque, NM,
Photo: Greg Reiche;
Vicki Scuri, *Airway,* El Paso, TX,
Photo: Jesse Ramirez

Clockwise from left:
Ellie Balk, *Visualize Pi Perspective,*
Brooklyn, NY, Photo: Ellie Balk;
Pepon Osario, *I have a story to tell you...,*
Philadelphia, PA,
Photo: James Abbott ©2004,
courtesy Association for Public Art;
Vivian Beer, *Dressed Up and Pinned,*
Arlington, VA, Photo: Vivian Beer;
Bob Cassilly, *Turtle Playground,*
St. Louis, MO, Photo: Meridith McKinley

Clockwise from top left:
Tony Pennock with Shan Nichols, *La Entrada* (detail);
Anahy Nunez, Aaron Valenzuela, Christina Ballew and youth volunteers, *Color Me Cruces;*
Andrew Nagem, *Refuge*

# PUBLIC ART IMPLEMENTATION GUIDELINES

This section of the plan recommends procedures and protocols that *Las Cruces Public Art*, the City Art Board, and all collaborators should follow to accomplish their work. First, lays out the roles and responsibilities of City Council, the City Art Board, City staff and other entities, as they pertain to public art. Then, it provides step-by-step processes to guide the program's work, including a Standard Commissioning Process with variations; tools for planning ahead and evaluating potential public art opportunities; guidance for working with NMArts, private developers, and others; criteria for reviewing City commissioned projects, as well as for reviewing and accepting donations and loans; and recommended best practices for collection management. Key terms used throughout the plan are defined in Appendix B.

Eugenia "AO" Carmona,
*Thomas Branigan Library Mural;*
Shaunna Foster,
Lorenzo Zepeda and
the Mural Arts Program,
*Sacred Rain Arrow*

# Roles and Responsibilities

City Council, the City Art Board, Art Selection Committees, the City Manager, various City departments, the Parks and Recreation Advisory Board, and New Mexico Arts all play important roles in the activities of *Las Cruces Public Art* and ensuring the success of projects. The following lists each entity's recommended roles and responsibilities, as they pertain to LCPA.

## CITY COUNCIL

### Description

The Las Cruces City Council is comprised of seven members elected by the voters in their respective districts. Once elected, Council members choose the Mayor Pro Tem from among the elected members. City councilors serve alternating four-year terms.

The role of the City Council is to develop a long-term vision for the City and to seek input from and communicate with residents, businesses and other stakeholders. The City Council is charged with making policy, approving the City budget, and the employment of the City Manager. The City Council is also responsible for issuing and selling municipal bonds, purchasing and selling property, and setting the City's tax rate.

### Responsibilities

- Appoints members to the City Art Board.
- Approves annual City budget that includes Percent for Art funds and General Fund allocations to support *Las Cruces Public Art*.
- Reviews and approves the Annual Public Art Work Plan.
- Reviews Project Plans.
- Reviews the recommendations of the City Art Board regarding the selection of artists and artwork for public property.
- Approves new public art acquisitions with a budget of $20,000 or greater and public art contracts over $75,000.
- Approves public art policies.
- Approves donations of works of art with an insurance value of $20,000 or greater.
- Approves de-accession of works of art.

## CITY ART BOARD

### Description

The City Art Board is a seven-member advisory board created by City Council in 2013 with the passing of Ordinance 2674; its duties were modified with the passing of Ordinance 2862 in June 2018. The City Art Board serves in an advisory capacity to City Council on all matters related to *Las Cruces Public Art* and makes formal recommendations to the City Council relative to the acquisition of public art, the de-accession of public art, the stewardship of the *Las Cruces Public Art* Collection, and policies and guidelines that guide these responsibilities.

Members are appointed at-large by the mayor with advice and consent of City Council and serve four-year terms. A member of City Council is an ex-officio member of the Board. City Art Board members should have a history of professional and/or volunteer experience in the visual arts, architecture, landscape architecture, urban planning, art or architectural history, and/or design. At least one member should be a visual artist. The composition of the City Art Board should include members who bring a variety of cultural backgrounds and spectrum of life experiences, striving especially to insure inclusive representation in regard to age, cultural background, and gender.

### Responsibilities

- Promote close cooperation between the City and private citizens, institutions, organizations and agencies interested in activities related to public art in the city, so that all available public art resources may be coordinated to maximize promotion and support of public art in the city.
- Make recommendations to City Council regarding guidelines, rules, policies and/or procedures pertaining to the display and presentation of public art, the acquisition and de-accession of public art, collections management including maintaining and conserving public art, the acceptance by the City of donated public art, and selection criteria for the selection of artists and artwork in public places.
- Provide periodic reports to the Mayor and City Council pertaining to the activities of the City Art Board.
- Review and recommend the Annual Public Art Work Plan and present it to the Mayor and City Council for approval.
- Based on the Annual Public Art Work Plan, work with the Art Program Coordinator to develop a budget line in the annual City Budget for the operation of *Las Cruces Public Art*.
- Make formal recommendations to the City Council relative to the location, acquisition and commissioning of any and all public art installations, including:
  - Reviewing and approving Project Plans.
  - Participating on Art Selection Committees.
  - Reviewing and approving artist selection and artist Concept Proposal for commissioned artworks and making a recommendation to City Council for contract approval for Final Design, Fabrication and Installation.
  - Conducting Site and Aesthetic Review for proposed donations of artwork, including works of art that serve as monuments and memorials, and make a recommendation to City Council.
- Review and make recommendations to City Council regarding de-accession of artwork or re-siting of site-specific artwork from the City of Las Cruces Public Art Collection.
- Promote communication and coordination between the City, artists, and art and culture groups to improve visibility and promotion of the arts and culture in Las Cruces.

## ART SELECTION COMMITTEES

### Description

Art Selection Committees are ad hoc committees formed for each public art project undertaken by *Las Cruces Public Art*. Each committee is comprised of five to seven members, including at least one and up to two members of the City Art Board, one member of each applicable board or commission, local artists or members of the arts community (arts administrator, historian, curator, educator or appreciator), one representative from the City department where the art is to be sited, and one representative that is a user of the site where the art is to be located and/or a representative of a nearby neighborhood or business district. The Chair of the City Art Board may attend Art Selection Committees as an ex officio member. For public art projects related to capital projects, members of the project design team (architects, landscape architects) should be invited to take part in committee discussions as non-voting members. The City Art Board is committed to participation by artists of different cultural background in public art. Therefore, the CAB will ensure that Art Selection Committees reflect the diversity of the population of the City.

### Responsibilities

- Participate in an orientation meeting to be briefed on the project.
- Review artist qualifications and select finalists.
- Review artist concepts/interview artists and recommend final selection to City Art Board.

## CITY MANAGER

### Description

The City Manager is responsible for the day-to-day business of City operations and is appointed by the Mayor and City Council.

### Responsibilities

- Oversees the budgeting process.
- Approves contracts under a certain dollar value threshold as outlined in the City Procurement Code.
- Brings matters to City Council.

## QUALITY OF LIFE DEPARTMENT

### Description

The Quality of Life (QOL) Department provides customer-focused transportation, library, museum, and senior services to residents, businesses, and guests in Las Cruces. The QOL Department, through its museums' responsibilities, is the City's lead department in providing Las Crucens with arts, history, culture and science learning and experiences and has developed expertise in managing and stewarding various City collections.

### Responsibilities

- Oversees the Art Program Coordinator.
- Submits General Fund requests for LCPA as part of yearly budgeting process.
- Advocates for LCPA.

## ART PROGRAM COORDINATOR

### Description

The Art Program Coordinator is the primary staff person responsible for managing *Las Cruces Public Art* and serves as the staff liaison to the City Art Board. The position resides in the Quality of Life Department.

### Responsibilities

- Maintain relationship and communication with the City Art Board as their liaison, updating them on City and staff news, issues, requests, and changes. Is the point-of-contact for other City staff to communicate with the City Art Board. Regularly communicates and meets with the Chair of the City Art Board.
- Draft the Annual Public Art Work Plan in consultation with other City departments and in collaboration with the City Art Board.
- Work with the City Art Board, the Public Works Department, the Parks and Recreation Department, and the QOL Department to prepare the annual budget request to support LCPA based on the approved Annual Public Art Work Plan.
- Manage all aspects of commissioning and purchasing works of art in collaboration with the City Art Board, including:
  - Draft Project Plans.
  - Draft and issue RFQs and RFPs.
  - Organize artist responses.
  - Organize and facilitate Art Selection Committee meetings.
  - Maintain communication with stakeholders.
  - Prepare and negotiate contracts.
  - Perform technical review of concept proposals; convene other necessary staff for technical reviews.
  - Inspect artwork at fabrication stage.
  - Coordinate scheduling of installation with artist.
- Serve on Regional Buying Committees for NMArts Purchase projects.
- Serve as Local Selection Committee Project Director for NMArts Commission projects.
- Collaborate with other City departments, the City Art Board, and/or community partners on developing Community Engaged Collaborations and develop the artist's scope of work, manage the artist selection process, and provide public art project management expertise.
- Ensure that the City's public art policies and procedures are followed.
- Ensure that the City of Las Cruces Public Art Collection is properly documented, maintained, and conserved.
- Develop materials and programs to inform and engage the public about the City's public art collection.
- Assist in writing grants to support the mission and goals of *Las Cruces Public Art*.
- Oversee the review of proposed donations and loans of works of art.
- Advise on placement and display of Portable Works.
- Oversee the review of works being considered for de-accession or re-siting.
- Serve as the first point of contact for inquiries about public art from members of the public.

## PUBLIC WORKS DEPARTMENT

### Description

The Public Works Department oversees the design and construction of all Capital Improvement Projects for the City and the maintenance of City facilities.

### Responsibilities

- Meet with the Art Program Coordinator to review upcoming CIP projects, including GO Bond-funded projects, that may be candidates for public art. Discuss public art goals, siting opportunities, level of artist involvement, project timelines, maintenance considerations, etc. Provide Art Program Coordinator with appropriate documents related to the project.
- Outline the expectations around artist involvement in the project when selecting the Prime Consultant for a Capital Project. Keep the selected Prime Consultant informed about the details of the artist's involvement in the project.
- Serve as a member or ex officio members of Art Selection Committees based on Committee composition outlined in the approved Project Plan.
- Provide Art Program Coordinator and selected artist(s) with appropriate documents needed to develop preliminary and final designs, such as architectural design drawings and specifications, structural, electrical or mechanical drawings, etc.
- Participate in technical review of artists' concepts and final designs and consult with appropriate parties regarding safety, liability, timelines, code requirements, installation schedules, etc.
- Ensure that special maintenance needs for the completed artwork (as documented by the artist and on file with *Las Cruces Public Art*) are communicated to the proper person/entity.
- Conduct routine maintenance of artwork in City Facilities and contact *Las Cruces Public Art* when a work of art has special conservation needs.

## PARKS AND RECREATION DEPARTMENT

### Description

The Las Cruces Parks and Recreation Department is responsible for providing recreational facilities, services, and programs to the residents of Las Cruces and visitors to the city. In addition, the Department is responsible for the maintenance of rights-of-way, alleys, municipal grounds, miscellaneous landscaped areas, and several playing fields.

### Responsibilities

- Meet with the Art Program Coordinator to review upcoming CIP projects, including GO Bond-funded projects, related to Parks and Recreation Department facilities, park space or landscape areas that may be candidates for public art. Coordinate conversations with Public Works, as needed. Discuss public art goals, siting opportunities, level of artist involvement, project timelines, maintenance considerations, etc. Provide Art Program Coordinator with appropriate documents related to the project.
- Serve as ex officio members of Art Selection Committees for projects at Parks, Recreation Facilities, other areas maintained by Parks and Recreation, and other projects as requested.
- Recommend a member to Art Selection Committees for public art projects in parks, recreation facilities and other property maintained by the Parks and Recreation Department.
- Participate in technical review of artists' concepts and final designs for public art projects and gifts and loans of artwork or monuments and memorials at Parks, Recreation Facilities, other areas maintained by Parks and Recreation, and consult with appropriate parties regarding siting, safety, liability, timelines, code requirements, installation schedules, etc.
- Ensure that special maintenance needs for the completed artwork (as documented by the artist and on file with *Las Cruces Public Art*) are communicated to the proper person/entity within the Parks and Recreation Department.
- Conduct routine maintenance of artwork in City parks, recreation centers, and other Parks and Recreation Department-maintained property and contact *Las Cruces Public Art* when a work of art has special conservation needs.
- Collaborate with *Las Cruces Public Art* on developing Community Engaged Collaborations and provide adequate budget and staff for the Department's contribution to those projects.
- Act as a liaison between LCPA and the Parks and Recreation Advisory Board, including providing updates to the Parks and Recreation Advisory Board regarding public art projects in City parks, recreation centers, and other Parks and Recreation Department-maintained property.

## PARKS AND RECREATION ADVISORY BOARD

### Description

The Parks and Recreation Advisory Board consists of seven members appointed by the mayor and City Councilors, who each appoint one member of this board. This Board advises the Mayor and City Council on matters dealing with parks and recreation activities.

### Roles and Responsibilities

- Review and endorse Concept Proposals for public art projects in parks, recreation facilities and other property maintained by the Parks and Recreation Department.
- Review and endorse proposals for donations and loans of artwork to be sited on property maintained by the Parks and Recreation Department.

## NEW MEXICO ARTS (NMARTS)

### Description

The state arts agency and a division of the Department of Cultural Affairs. Advised by the 15-member governor-appointed New Mexico Arts Commission. NMArts primarily functions to provide financial support for arts services and programs to non-profit organizations statewide and to administer the 1% public art program for the state of New Mexico.

### Responsibilities

- Establishes policies and procedures for the commission and acquisition of art through the NMArts Art in Public Places program.
- Convenes and facilitates Regional Buying Committees and Local Selection Committees.
- Works with Local Selection Committee to develop project prospectus.
- Distributes calls for artists for NMArts projects and organizes artist submissions.
- Guides Local Selection Committee through artist selection process.
- Processes payments to artists for NMArts projects.

# Funding Public Art

Funding for public art should come from a diversity of sources. The City should immediately adopt, by ordinance, a Percent for Art policy to support public art related to new capital projects. LCPA should make a request each year from the General Fund to support other project types and the administration of the program, and the City should proactively write grants and solicit funding to support LCPA's goals.

## SOURCES OF FUNDS

### Percent for Art

Percent for Art is a common funding mechanism for public art in peer cities across the United States, as well as in communities throughout New Mexico.

The City of Las Cruces should adopt a Percent for Art Ordinance that provides for the funding of public art related to City capital projects. The Las Cruces Percent for Art Ordinance should include the following provisions:

- Two percent of the total of each General Obligation Bond and Municipally Backed Bond is set aside for public art, excluding bonds issued to fund utility Capital Projects and Capital Projects which involve primarily the purchase of equipment, machinery, personal or real property, furnishings, goods, vehicles or other tangibles but do not involve a major capital construction component. It should not apply to bonds issued to support Capital Projects which involve only the purchase of services, preliminary studies, and professional consulting. In addition, two percent of the total of each Park Impact Fee and Public Safety Impact Fee contribution is set aside for public art in Parks and Public Safety buildings.
- Percent for Art should be calculated and included in the Capital Improvement Program in the City Budget during the budget development process.
- Percent for Art funds should be set aside in a separate City of Las Cruces Public Art Fund.
- Funds should be expended to acquire public art in conjunction with the Bond-funded or Impact Fee-funded Capital Project that generated the two percent, so long as the site and opportunity meet the criteria in the Public Art Master Plan. Otherwise, funds should be pooled to acquire public art at another City park, facility or public space that meets the criteria.

### General Fund

*Las Cruces Public Art* should also, through the City's annual budgeting process, request General Fund support for the following items. The amount for the request and how those funds would be used would be outlined in the Annual Public Art Work Plan and Budget.

- Conservation and restoration of works of art in the Civic Collection, the Legacy Collection, the Community Collection, and the Portable Works Collection, including regular examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator.

- Operation and administration of *Las Cruces Public Art*, which may include staffing from the Quality of Life Department, funding for events and programs, education, planning, publicity, communications, marketing, public involvement, and related programs.
- Special project funding for public art projects recommended by the City Art Board that support the vision and goals for public art outlined in this plan, including Landmarks, Community Collaborations, and Las Cruces Stories.

### Grants

*Las Cruces Public Art*, working in collaboration with related City departments and partners, can seek grants to help support the activities of LCPA. In addition, when the City seeks grant funds for Capital Improvement Projects of $100,000 or more, the grant application should include an amount for public art equal to 2% of construction costs, when permissible.

### Private Fundraising

The City should consider seeking support from individuals, corporations, foundations, and other granting organizations to support the commissioning and purchase of public art, as well as activities necessary to the success of *Las Cruces Public Art*, such as education, community engagement, maintenance, and conservation.

## PUBLIC ART ACCOUNTS

### Public Art Fund

The City should maintain its existing Public Art Fund in the Capital Improvement Program (CIP). This account should hold public art project funding from Percent for Art as well as any other resources allocated for capital expenditures. Funds in the Public Art Fund would roll over each fiscal year, but would still need to be expended according to the timeline dictated by the funding source.

The Public Art Fund should be used for:

- Artist fees and artist travel and expenses that are related to the commissioning of a work of art.
- Artwork fabrication, storage, and installation.
- Purchase of existing works of art, when recommended by the City Art Board.
- Required permits and insurance during the fabrication and installation of the artwork.
- Artist selection costs such as artist travel and honoraria.
- Curatorial services.
- Public art planning related to specific public art projects.
- Project consultants and contracted services, if related to the commissioning or purchase of artwork.

### Public Art Program Fund

This fund is a separate program in the Quality of Life Department Operating Budget. It includes contributions from the General Fund and other sources of funds dedicated to the operation and administration of the public art program, including funding for:

- Staffing and consultants to support the management of LCPA.
- Events and programs related to engaging with and educating people about LCPA and the Las Cruces Public Art Collection.
- Education, outreach and publicity for a specific public art project, including collateral materials, symposia, and special events.
- Educational programs aimed at assisting local and emerging artists develop the skills and connect to resources to develop public art projects.
- Educational and informational materials related to public art best practices.
- Planning for specific public art projects or programs.
- Publicity, communications, and marketing of LCPA projects and programs.
- Programs aimed at encouraging public involvement in the art selection process.
- Other expenses to support of the operations *Las Cruces Public Art*.

### Public Art Conservation Fund

The City should also maintain a Public Art Conservation Fund within the Quality of Life Department Operating Budget. This fund should hold funding dedicated to the conservation and repair of works of art in the Civic Collection, the Legacy Collection, the Community Collection, and the Portable Works Collection. This fund would include annual contributions from the General Fund and from other sources earmarked for conservation such as contributions from artwork donors, from grants, and from private fundraising. Funds in the Public Art Conservation Fund should roll over each fiscal year.

### NEW MEXICO ARTS – ART IN PUBLIC PLACES PROGRAM

Annually the State of New Mexico generally appropriates funding for a number of Capital Projects in Las Cruces. State funds for these Capital Projects are subject to the Art in Public Places (AIPP) Program of New Mexico Arts (NMArts). The AIPP Act has specific eligibility requirements for the withholding of One Percent for Art funds.

The primary provision in the AIPP Act is that "all agencies shall allocate … one percent or $200,000, whichever is less, of the amount of money appropriated for new construction or any major renovation exceeding $100,000 to be expended for the acquisition of … art."

The one percent must be deposited into the State of New Mexico Art in Public Places (AIPP) fund, managed by NMArts, after the issuance of the appropriate bonds or release of general funds. The City of Las Cruces has lost funding for public art in years past because the City did not re-allocate monies to the AIPP fund.

Public art projects funded through this policy are administered by New Mexico Arts.

# Planning for Public Art

*Las Cruces Public Art* should thoughtfully plan for public art, both through an Annual Public Art Work Plan process and by developing specific plans for each new public art commission being led by LCPA. In addition, LCPA should work closely with Public Works, Parks and Recreation, Community Development, Economic Development, as well as other City departments, to include strategies for public art in other City plans and planning processes.

## ANNUAL PUBLIC ART WORK PLAN AND EVALUATION

Each year *Las Cruces Public Art* should articulate an Annual Public Art Work Plan. The Work Plan should provide a detailed description of LCPA priorities and anticipated income and expenditures for the coming fiscal year and projections for the following five fiscal years. The Annual Public Art Work Plan should list projects that are expected to begin in the coming fiscal year, projects that are carrying over from previous fiscal years, and special projects such as coordination with planning and development processes. It should also indicate how projects will be resourced, in terms of funding and staffing. It should indicate any internal and external partnerships necessary for the successful completion of the project.

Concurrent with the Annual Public Art Work Plan, LCPA should develop an Evaluation for the previous fiscal year and current fiscal year to-date. The Evaluation would document the accomplishments in the period, including number of projects accomplished, funds expended, locations of projects, number of artists hired, programs and program attendance, and other relevant data to describe program achievements.

To develop the Annual Public Art Work Plan and Evaluation:

**A** The Art Program Coordinator will collect information regarding potential public art opportunities, as well as program opportunities and conservation needs, and present this to the City Art Board for discussion.

**B** The Art Program Coordinator will document the accomplishments from the past fiscal year and the current fiscal year to-date.

**C** The Art Program Coordinator will then draft a Work Plan and Evaluation for City Art Board review and recommendation.

**D** Once approved by the City Art Board, the Work Plan and Evaluation is presented to City Council for approval.

The Annual Public Art Work Plan informs LCPA's annual budget request, including Percent for Art funds in the Capital Improvement Program and funds for operations, programs, conservation, and communications in the General Fund. This funding request is incorporated into the City's Annual Budget presented to City Council for approval.

## PROJECT PLANS

*Las Cruces Public Art* should undertake careful planning for each public art project that it implements to ensure that all projects are well conceived. This planning should include identifying the opportunity; finding project partners; understanding potential hurdles with permissions, permitting or construction; establishing realistic budgets and timelines; and communicating with project partners at an early stage about the intent and scope of the project.

For each public art project, LCPA should adopt a Project Plan, which is a foundational document that guides the planning and execution of a project. A Project Plan should set out the basic framework of a project, including:

- A description of the project's location and other information regarding the proposed siting.
- The project's expected lifespan, if temporary.
- The project goals and how the project relates to the overall vision for public art in Las Cruces.
- Evaluation criteria against which the artist selection and Concept Proposal can be evaluated.
- The budget and funding sources.
- The project schedule.
- Internal and external stakeholders.
- The artist's scope of work.
- The artist solicitation method and artist selection method.
- Recommended Art Selection Committee members with alternates.
- A communications and marketing strategy.
- A community engagement strategy.
- Potential partners and needed agreements.

Project Plans should be developed by LCPA staff with input from project partners and the City Art Board. Projects plans are approved by the City Art Board and presented to City Council by the City Art Board chair. The process for developing a Project Plan is outlined in the Standard Commission Process section (see page 36). A sample Project Plan outline is provided as Appendix E.

## OTHER CITY PLANS

Other City plans, developed by the Planning Department's Community Development Section or Parks and Recreation Department, or created as part of a complex Capital Project, are important tools for identifying public art opportunities as public spaces are being planned. They can take into account specific community interests and provide a better understanding of future infrastructure and development patterns as they pertain to a specific area, use, or program.

LCPA should be engaged in planning initiatives where there are potential opportunities for public art. LCPA staff should work through the planning and community engagement process in place for the planning effort to identify and include public art recommendations in the plan.

# The Standard Public Art Commissioning Process

The following outlines the standard process for *Las Cruces Public Art* to use when commissioning a work of art, with an emphasis on defining the roles that staff and the City Art Board will play. This process applies to permanent and temporary public art projects that are funded in whole or part with City funds and/or managed by City staff.

New public art projects commissioned by LPCA will, with rare exceptions, be site-specific commissions where an artist is selected to develop a project for Las Cruces that is informed by the context of the site. The Standard Public Art Commissioning Process will serve as a starting point for how to commission artwork, with the exact details outlined in each Project Plan. Variations are provided that can be used for temporary projects and/or projects with smaller budgets, when deemed appropriate by LCPA staff and the City Art Board.

In the Standard Public Art Commissioning Process, interested artists submit a letter, resumé, references and images of previously completed projects to be considered for a project. If selected as a finalist, the artist participates in an interview or is paid to develop a Concept Proposal.

## 1. DEVELOP A PROJECT PLAN

The first step for commissioning a public art project is to define the general parameters of the opportunity in a Project Plan. The Project Plan includes information about the site, goals, budget, stakeholders, schedule, artist solicitation method, artist selection method, and proposed Art Selection Committee members.

This Project Plan is drafted by the Art Program Coordinator in collaboration with the City Art Board and with input from other City staff and project partners.

**A** The Art Program Coordinator collects information regarding the specific project opportunity.

**B** The project is discussed at a City Art Board meeting for input prior to drafting the Project Plan.

**C** The Art Program Coordinator drafts the Project Plan.

**D** The City Art Board reviews and approves the Project Plan.

**E** The City Art Board Chair presents the Project Plan to City Council at a Work Session.

A sample Project Plan outline is included as Appendix E in this document.

## 2. CONVENE AN ART SELECTION COMMITTEE

For each project, LCPA and the City Art Board should convene an Art Selection Committee specific to the project. Each committee is comprised of five to seven members, including at least one and up to two members of the City Art Board, one member of each applicable board or commission, local artists or arts professionals, one representative from the City department where the art is sited, and one representative that is a user of the site where the art is to be located and/or a representative of a nearby neighborhood or business district. For projects where there is anticipated to be a youth audience, a member of the City's Youth Advisory Board can be included as a voting member of the Art Selection Committee. For public art projects related to capital projects, members of the design team (architects, landscape architects) should be invited to take part in Committee discussions as non-voting members.

The Committee should be convened prior to developing an artist pool for an orientation meeting, during which the Art Program Coordinator should brief them on the project and its goals, the Committee's role, and the process they will follow for artist selection.

### 3. DEVELOP THE ARTIST POOL

LCPA has different artist solicitation methods from which it can choose, depending on the nature of the project. In most cases, LCPA will issue a Request for Qualifications (RFQ – also referred to as a Call for Artists) to develop an artist pool. The City can issue the RFQ as an Open Call or an Invitational. If LCPA has a current juried Artist Roster, it can be used in lieu of an RFQ. In some cases, the City Art Board may recommend directly selecting an Artist for a project without going through a solicitation. Appendix D outlines these artist solicitation methods in more detail.

**A** If using an Open Call or an Invitational, the Art Program Coordinator develops, and the City issues, a Request for Qualifications / Call for Artists based on the approved Project Plan. The RFQ should include context, project goals, budget, timeline, artist scope of work and submission instructions, as well as any standard requirements of the City's public purchasing processes.

**B** Interested artists submit qualifications packages (generally a cover letter, resume, images of past work with descriptions, and references).

**C** If using an Artist Roster as the solicitation method, the Art Program Coordinator (working in consultation with the capital project manager, if applicable) reviews the artists in the Roster and selects a subset of appropriate artists to be considered by the Art Selection Committee.

### 4. SELECT FINALISTS BASED ON QUALIFICATIONS

The Artist Selection Committee reviews the artists in the Artist Pool and selects finalists (typically 3 – 5) to be considered for the project. The Art Selection Committee should consider both the general criteria for artist selection outlined elsewhere in this plan, as well as specific criteria outlined in the Project Plan.

## 5. SELECT THE ARTIST BASED ON INTERVIEW OR CONCEPT PROPOSAL

The next step of the process is narrowing down from finalists to the selected artist. This can be accomplished through an Interview-Based Selection or through a Concept Proposal-Based Selection. In general, LCPA should use an Interview-Based Selection Process, as it allows the selected artist more time to develop a deeper understanding of the site and community and/or work with the project's design team, before developing a proposal. Interview-Based Selections are also appropriate for projects that depend on the artist engaging with the community to develop their work, such as a residency or other community-engaged project. However, there may be instances when staff and/or City Art Board feel that seeing proposals from three or more artists is the best approach for the project. These factors, as well as the project timeline, should be taken into account when selecting which process to use for this phase of the artist selection.

### Interview-Based Selection

In an interview-based selection, the Art Selection Committee makes a recommendation based on qualifications, interview and reference checks. Once the selected artist has developed a Concept Proposal, the Art Selection Committee reviews that as well and makes a recommendation for acceptance to the City Art Board. After the City Art Board approves the Concept Proposal it would also be forwarded to applicable boards and commissions for their review and endorsement.

**A** The Art Program Coordinator checks references for finalists and arranges for artist interviews.

**B** The Art Selection Committee interviews each artist. The interview generally includes time for the artist to elaborate on their past work and their interest in the project and time for the Committee to ask a set of questions about how the artist would approach this project and the artist's past experience.

**C** The Art Selection Committee recommends selection of an artist based on qualifications, the interview and reference checks. The recommendation of the Committee goes to the City Art Board for review and approval.

**D** The selected artist is then placed under a design contract to proceed with developing a Concept Proposal, including a physical representation of the work (a rendering or three-dimensional model), a written project description, a description of materials and fabrication techniques, expectations regarding site preparation and infrastructure needs, and a detailed budget and timeline. The artist may conduct one or more site visits and do extensive research and/or community engagement as part of their Concept Proposal development process.

**E** The Art Program Coordinator, staff from the City department in charge of the site where the art will be located, and other applicable City staff review a draft of the Concept Proposal to identify any technical concerns and provide feedback to the artist.

**F** The artist then presents their Concept Proposal to the Art Selection Committee for their review and recommendation.

**G** The recommendations of the Art Selection Committee and technical review are presented to the City Art Board. The City Art Board reviews and approves the Concept Proposal and forwards their recommendation to City Council for contract approval.

**H** The Art Program Coordinator shares the recommended Concept Proposal with applicable board(s) or commission(s) for review.

**I** City Council approves the artist selection for projects with a budget of $20,000 or greater.

### Concept Proposal Based Selection

In a Concept Proposal-Based Selection, all of the finalists would be invited to develop a site-specific Concept Proposal for the project. Finalists would be paid a stipend for their participation in the process, which includes developing a Concept Proposal and presenting it to the Art Selection Committee.

**A** The Art Program Coordinator checks references for finalists and develops and issues a Request for Proposals (RFP) to the finalists that outlines the requirements for their Concept Proposal.

**B** The finalists may participate in an in-person or virtual tour of the site and/or a briefing prior to development of their proposals.

**C** Each finalist develops a Concept Proposal, which should include a physical representation of the work (a rendering or three-dimensional model), a written project description, a description of materials and fabrication techniques, expectations regarding site preparation and infrastructure needs, and a detailed budget and timeline.

**D** The Art Program Coordinator, staff from the City department in charge of the site where the art will be located, and other applicable City staff review the draft Concept Proposals from each finalist to identify any technical concerns and provide feedback to the finalists.

**E** The finalists present their Concept Proposals to the Art Selection Committee. The Art Selection Committee reviews Concept Proposals based upon criteria outlined in this master plan and in the approved Project Plan and makes a recommendation to the City Art Board.

**F** The recommendations of the Art Selection Committee and technical review are presented to the City Art Board. The City Art Board reviews and approves the Concept Proposal and forwards their recommendation to City Council.

**G** The Art Program Coordinator shares the recommended Concept Proposal with applicable board(s) or commission(s) for review and endorsement.

**H** City Council approves the artist selection and Concept Proposal for projects with a budget of $20,000 or greater.

### 6. EXECUTE THE ARTIST AGREEMENT

Once the Concept Proposal is approved, the City enters into an agreement with the artist to develop the Final Design, and to fabricate and install the artwork. Depending on the dollar amount of the contract, the agreement would be approved by the City's Purchasing Program or by City Council, following the City's Procurement Code.

Contracts should follow, to the extent possible, the format provided by the Americans for the Arts, a national organization that serves local arts agencies throughout the United States and works with public art programs nationwide to establish best practices in the field. In particular, the City should recognize artists' intellectual property and moral rights as provided for in federal copyright law and in the Visual Artists Rights Act.

### 7. MONITOR FINAL DESIGN AND FABRICATION

Prior to fabrication, the artist would take the concept through Final Design, further refining the design, fabrication techniques, materials, budget and similar technical details. If necessary, the artist would be required to have elements of their design reviewed and stamped by a licensed engineer in the State of New Mexico. The artist should also submit the Final Design, including any documentation necessary for permitting or other approvals, to City staff for further technical review.

LCPA staff would keep in regular contact with the artist through the fabrication of the work, including inspecting the work (via photographs or in person) prior to installation.

### 8. OVERSEE INSTALLATION

LCPA staff would work with the artist to ensure that all necessary site permissions and permits are obtained prior to installation and that any site preparation or other infrastructure that is not being provided by the artist is in place (these details should be worked out in the Project Plan, design documents, and artist agreement). LCPA staff would also be involved in coordinating the scheduling of the installation and coordinating with necessary City departments and property owners.

## 9. PROJECT CLOSE OUT

When the project is installed, LCPA staff should ensure that administrative aspects of the project are finalized. These tasks include:

- Obtain from the artist a maintenance protocol for the artwork, as well as documentation of manufacturers' warranties for specific components (if applicable), materials and fabricators used in the creation of the artwork.
- Obtain from the artist a transfer of title for the artwork to document the transfer of ownership of the artwork from the artist to the City.
- Obtain from the artist any other outstanding documentation of the project, including high-resolution digital photography.
- Complete the installation of on-site interpretive signage.
- Enter the project into the collection database and include the project in any public-facing information developed by LCPA about public art in Las Cruces.
- Celebrate the completion of the project through a dedication or other public event.

## COMMUNITY ENGAGEMENT IN THE ARTIST SELECTION AND CONCEPT DEVELOPMENT PROCESS

Interview-Based Selections and Concept Proposal-Based Selections both allow for community engagement in the selection process. Finalists who are being asked to participate in interviews or develop proposals can participate in an orientation to the site prior to being interviewed or developing their proposals; this orientation can include a tour of the neighborhood or site led or joined by key stakeholders. Finalist proposals can also be put on view for public comment, which can be taken into consideration by the Art Selection Committee.

In addition, artists who are selected based on their qualifications and interviews, can engage with the community prior to developing their concept proposal through artist meet and greets, artist talks, or other activities designed to gather information or develop an understanding of the community in ways that may be part of the artist's practice.

## VARIATIONS TO THE STANDARD COMMISSIONING PROCESS

There may be times when LCPA and the City Art Board deem it appropriate to alter the Standard Commissioning Process. Generally, these variations would be intended to streamline the solicitation and selection process and could be appropriate when the project has a lower budget, is temporary in nature, and/or needs to be fast-tracked. This would be outlined in the Project Plan and approved by the City Art Board.

Options for altering the solicitation and selection processes include:

- Having the City Art Board serve as the Art Selection Committee rather than convening a separate Art Selection Committee or having LCPA staff recommend an artist for approval by the City Art Board.
- Using an Artist Roster eliminates the need to issue a project-specific RFQ. It saves time for artists and for staff.
- Selecting the artist based upon qualifications eliminates the step of having multiple artists develop Concept Proposals, which can be time intensive for the finalists, staff, the Art Selection Committee and the City Art Board.

Variations would need to comply with City procurement code. Once the artist or concept is selected, the Standard Commissioning Process would be followed.

## The Purchase Process

In certain cases, the City Art Board could determine that it is in the best interest of LCPA to purchase an artwork directly from an artist or from a gallery rather than commissioning an artist to create a site-specific work. The reasons for purchasing a work instead of commissioning would be outlined in the Project Plan.

When LCPA wishes to consider purchasing an artwork, it should follow the procedures as outlined in the Standard Commissioning Process, with the following modifications.

### 1. DEVELOP A PROJECT PLAN

Use the same process as outlined above under *Standard Commissioning Process.*

### 2. CONVENE AN ART SELECTION COMMITTEE

Use the same process as outlined above under *Standard Commissioning Process.*

### 3. SELECT THE ART

In lieu of the steps in the *Standard Commissioning Process* to develop the artist pool, select finalists and select artist and artist concept, the Purchase Process moves directly to selecting a work of art.

In this step LCPA invites artists and/or galleries to submit images and descriptions of existing and available artwork. The information should include the artist's basic qualifications (résumé or bio, portfolio), an image or images of the artwork, dimensions, weight, materials, date fabricated, condition, provenance and asking price.

The Art Selection Committee is convened to review submissions of existing work based on the goals and criteria outlined in the Project Plan and makes a recommendation to the City Art Board.

The Art Program Coordinator, staff from the City department in charge of the site where the art will be located, and other applicable City staff, review the recommended selection to identify any technical concerns. Concerns are addressed with the seller. If concerns cannot be addressed, the Art Selection Committee will be asked to re-review submissions and make a new recommendation.

Prior to forwarding a recommendation for purchase to the City Council, the City Art Board may choose to obtain an independent, qualified appraisal of the fair market value of the artwork and a professional art conservator's report on the condition of the artwork.

The City Art Board may approve projects with a budget under $20,000. For projects of $20,000 or greater, the City Art Board forwards their recommendation to City Council for approval.

### 4. EXECUTE THE AGREEMENT

The City enters into an agreement of sale with the seller. Depending on the dollar amount of the contract, the agreement would be approved by the City's Purchasing Program or by City Council, following the City's Procurement Code. The transaction will include a transfer of title from the seller to the City and an indemnification regarding past and future claims related to the provenance of the artwork.

### 5. OVERSEE INSTALLATION

Depending on the nature of the agreement with the seller, the City may have to take full or partial responsibility for site preparation, design of foundations, landscape and hardscape, shipping and installation.

### 6. PROJECT CLOSE OUT

Use the same process as outlined above under *Standard Commissioning Process.*

# Review and Acceptance of Donations of Public Art, Monuments and Memorials

The City Art Board and City staff have an important role to play in the review of donations of permanent public art to the City, including monuments and memorials that are works of art. The Art Program Coordinator should help facilitate the review and approval process, while the City Art Board should play a role in the Site and Aesthetic Review to ensure that public art sited on City property is of high quality and is appropriate to its site.

Donations of public art can be an important way of building the City of Las Cruces' Public Art Collection. The City's procedures for accepting donations should be designed to:

- Ensure that new public art is in keeping with *Las Cruces Public Art*'s vision.
- Ensure the quality of public art accepted into the City of Las Cruces Public Art Collection.
- Ensure that works are sited appropriately in terms of media, scale, site usage and aesthetics.
- Anticipate technical concerns and hidden costs such as installation, lighting, insurance, easements, maintenance, conservation and safety.
- Ensure fairness and transparency in the decision-making process.
- Prevent City property from being used by a donor to promote an artist, gallery, business, or other entity or person for future financial gain.

This process only pertains to works of art donated to the City of Las Cruces Public Art Collection. It does not apply to the Museum Art Collection, the Library Art Collection, Monuments or Memorials in Veteran's Park, Gifts of State, or monuments or memorials that are not works of art.

## ACCEPTANCE CONDITIONS FOR DONATIONS OF ARTWORK

1 Donations of permanent artwork should follow all requirements outlined in the Criteria for Review of Donations and Loans in this plan.

2 All expenses for the donation and review should be the responsibility of the individual or group proposing the gift. No City money should be used for the production, shipping, insuring, siting, appraising, installation, or lighting of the donation. If the donor requests funding and/or project management from the City, the City becomes a co-sponsor of the project and the project should be reviewed as a City-commissioned project, rather than a donation.

3 Funds equal to 10 percent of the commission cost/value of the donated artwork should be paid into the Public Art Conservation Fund at the time of installation. If, in the opinion of City staff, the donation is likely to incur high conservation and maintenance costs, staff can request a larger contribution to the Public Art Conservation Fund. If the City accepts the donation without the Conservation Fund contribution (or with a partial contribution) the City should commit to funding on-going conservation and maintenance of the artwork from the City's General Fund.

4 Gifts of State, defined as items given to the City by a domestic or foreign government official as an expression of goodwill, are not subject to these procedures as they are maintained and managed by the Office of the Mayor.

## PROCEDURES FOR REVIEW OF DONATIONS OF PERMANENT ARTWORK

The following steps should be taken for review of donations of public art.

1 The Donor should begin the process by conferring with the Art Program Coordinator about the requirements and process for proposed donations of artworks.

2 The Donor should submit a proposal with information about the artwork that has sufficient detail for Technical Review and Site and Aesthetic Review.

3 LCPA staff, in collaboration with other relevant City department staff, should undertake the proper stakeholder consultation, at their discretion, to ensure the artwork is not widely controversial or offensive.

4 Technical Review should be conducted by LCPA staff, the staff of the City department responsible for the site where the artwork is proposed to be sited, and other relevant bodies that have jurisdiction over the location where the work is proposed to be sited.

5 After Technical Review, proposals should be forwarded to the City Art Board for review and approval in regard to site and aesthetics. For major works or significant sites, the City Art Board may decide to convene an ad hoc panel with art expertise and site stakeholder representation to review the work and make a recommendation back to the City Art Board. Proposals for donations of artwork can be held and reviewed together by the City Art Board once a year or once every six months to allow the City Art Board to be aware of all current proposals when making a decision.

6 If the donation is to be located on property managed by the Parks and Recreation Department, the proposal should then be forwarded to the Parks and Recreation Advisory Board for their review and endorsement.

7 The City Art Board, Parks and Recreation Advisory Board (if applicable), and staff reports should be forwarded to the City Council for final approval.

8 The City creates documentation of the transfer of ownership, signed by both the donor and the City.

## PROPOSAL FOR DONATIONS OF ARTWORK

The Donor's proposal for the Donation should consist of written and visual information that includes:

- Drawings, renderings, photos and written descriptions of the artwork(s) proposed for donation. This should include size, colors, weight, materials, and any information that will establish that the item has the requisite physical integrity to be placed on public display and withstand exposure to the natural elements.
- Background on the artist, or an explanation of the method of recruiting and selecting artists for a competition.
- A description of the proposed location, method of display and required site improvements (including any necessary hardscaping, landscaping, buildings, utilities, security devices, anchoring or other information necessary to ensure public safety).
- Cost estimates for installing the item(s) for public display, including but not limited to: foundation or other anchoring methods; retrofit of existing buildings or improvements; landscaping, seating, lighting and other site improvements.
- Written explanation of legal issues, including but not limited to: certifying the current legal owner of the artwork(s) and the existence of any copyrights, patents or other title rights in or to the artwork(s); and an explanation of any conditions or limitations on the donation of the artwork(s), such as any interests to remain with the Artist.
- The estimated fair market value or insurance value of each Artwork (including appraisals of the artworks(s) if over $10,000).
- The anticipated date for the donation to occur.
- For existing works, condition report prepared by a conservator. For proposed works to be commissioned, a statement from the artist or conservator regarding anticipated maintenance and conservation needs of the piece.
- Any additional information City staff deem necessary or appropriate.

## MONUMENTS AND MEMORIALS

Creating a monument or memorial to a person, group, organization, idea, principle or event on City property is an important decision. The content and placement of permanent monuments and memorials is a reflection of the community's values and will last generations into the future. Currently, the City of Las Cruces does not have guidelines or a process for making decisions as to whether or not a particular monument or memorial – and what it is commemorating – is appropriate for City property and should be accepted by the City. At times, the Art Program Coordinator and the City Art Board have been enlisted to help with review and approval of monuments and memorials proposed for donation to the City, but they should only be called on to review monuments and memorials that take the form of public art and their role should only go so far as to perform a technical and site and aesthetic review using the Criteria for Review of Donations and Loans below. The review of monuments and memorials that are not public art, such as plaques, benches and other items not designed by artists, is not LCPA or the City Art Board's responsibility.

Moreover, this planning process has identified the need for the City of Las Cruces to establish guidelines and procedures for reviewing and accepting monuments and memorials beyond the technical and aesthetic review of commemorative artwork that LCPA and the City Art Board can provide.

For all monuments and memorials, larger decisions should be made regarding whether what the proposed monument or memorial is commemorating is an appropriate use of City property. It is important for Las Cruces to carefully consider the appropriateness of each proposed monument or memorial, as public monuments and memorials reflect the values of the community. Over time, the City may also find that there are many individuals and groups who want to use City parks or other public spaces for monuments and memorials, which may conflict with other uses of the space. The City should determine whose responsibility it is to make these decisions and develop a policy for determining the appropriateness of proposed monuments and memorials on City property and a process for reviewing and acceptance. This policy should also include a process for reviewing and making decisions regarding any concerns about existing monuments and memorials.

The following issues should be addressed when developing a policy and process for review of monuments and memorials:

1. What entity or body will be responsible for carrying out the policy and making decisions?
2. How will the process ensure that new memorials do not duplicate or conflict with existing monuments and memorials?
3. How will the process ensure that new memorials do not conflict with, lessen or prohibit existing and planned uses of public spaces?
4. How will the process ensure fairness and transparency?
5. What will the process be for considering changes to or requests to remove existing monuments and memorials?

In addition, specific criteria should be adopted against which proposals for monuments and memorials can be evaluated. The City of Las Cruces should take into consideration the following generally accepted criteria regarding public monuments and memorials:

1. For ideas, principles or events, proposals for monuments and memorials should not generally be considered until at least twenty years after the occurrence of the event. In the case of individuals, ten years should pass following the death of the individual before he/she may be considered for commemoration. Where a clear city consensus exists for commemoration, proposals may be considered before these periods have passed.
2. For individuals or organizations, the subject of monuments or memorials should have been active in the city or the surrounding area. The subject should have been tangibly and directly associated with events, ideas or beliefs of significance to the city as a whole.
3. A person, group, organization, idea, principle or event to be considered for commemoration in public space should have cultural significance for the city and be of historic or social value. In addition, ideas, principles and concepts should be commemorated only if they are accepted as exemplary and a positive influence on the life of the city's residents.

4 The site and the subject of monuments or memorials should have a historical or a thematic association with each other.

5 Specific disasters, whether natural or man-made, and health-related themes should not normally be the subject of a monument or memorial on public property unless it can be demonstrated that their long-term impact has shaped local history.

6 A monument or memorial should not duplicate the themes or subject matter of an existing monument or memorial site.

7 In no instance should monuments or memorials depict subjects that are trademarked or commercially licensed.

## Review and Acceptance of Public Art Loans

Loans of public art on City property can bring new, high-quality artwork to Las Cruces' public spaces. If the City were to be offered art on loan, the following are best practices and guidelines the City should follow. The review process for loans of public art on City property is designed to:

- Ensure the quality of artwork on display on City property.
- Prevent the City from incurring unexpected costs related to the loan.
- Prevent conflicting uses of City property.
- Ensure fairness and transparency in the decision-making process.
- Prevent City property from becoming a place to showcase works of art for sale.
- Meet the vision and goals of *Las Cruces Public Art*.

This review process is only for when an individual or organization approaches the City to loan a work of art. If the City wishes to proactively seek out existing artwork for temporary exhibition, it should use the process for acquiring artwork. This review process does not pertain to loans of art or exhibitions at any of the City's museums.

### ACCEPTANCE CONDITIONS FOR PUBLIC ART LOANS ON CITY PROPERTY

1 Proposals for loans on City property should follow all requirements outlined in the Criteria for Review of Gifts and Loans in this plan.

2 The term of loans should generally be less than five years. Loans of five years or longer will be reviewed following the process for donations of public art (above).

3 Loans should not be listed for sale while they are on public property.



Agenda Item #8.3.
Page 403 of 585

## PROCEDURES FOR REVIEW OF TEMPORARY LOANS ON CITY PROPERTY

1 The Lender should begin the process by conferring with LCPA staff about the requirements and process for proposed temporary loans.

2 The Lender should submit information in their proposal with sufficient detail for Technical Review and Site and Aesthetic Review.

3 Technical Review should be conducted by the Art Program Coordinator and the staff of the City department where the work is to be sited.

4 Site and Aesthetic Review should be conducted by the City Art Board.

5 LCPA staff and the Department overseeing the site give final approval.

## PROPOSAL FOR PUBLIC ART LOANS

The Lender should submit a proposal for the Loan with written and visual information that includes:

- Drawings, renderings, photos and written descriptions of the artwork(s) proposed for loan. This should include size, colors, weight, materials, and any information that will establish that the item has the requisite physical integrity to be placed on public display and withstand exposure to the natural elements, if applicable.
- Background on the artist.
- A description of the proposed location, method of display and required site improvements.
- Cost estimates for installing the item(s) for public display, including but not limited to: foundation or other anchoring methods; retrofit of existing buildings or improvements; landscaping, seating, lighting and other site improvements.
- The insurance value of each artwork (including appraisals of the artworks(s) if over $10,000).
- The anticipated period for the loan to occur.
- Any additional information City staff deem necessary or appropriate.

# Review Criteria

The processes for commissioning and purchasing artwork and accepting donations and loans include careful review and consideration by City Art Board, by ad-hoc Art Selection Committees and by City staff, prior to recommendations being made to City Council. LCPA should consistently use criteria for Technical Review and Site and Aesthetic Review when deliberating.

## CRITERIA FOR REVIEW OF CITY-COMMISSIONED PROJECTS

The Standard Commissioning Process (see page 36) details the roles that the City Art Board, Art Selection Committees and City staff play in reviewing artists' qualifications and concepts for City-commissioned projects, including permanent and temporary projects that are funded in whole or in part by City funds and/or managed by City staff. For each project, a Project Plan will outline the specific criteria against which the artist selection and artist concept can be evaluated during the selection and review process. The following criteria should serve as a starting point for developing specific criteria for each project.

### Criteria for Evaluating Artist Qualifications

When evaluating artist qualifications for a City-commissioned public artwork, the Art Selection Committee should consider the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- Artistic excellence and innovation as demonstrated by the artist's past work.
- The capability of the artist to develop a project that is consistent with LCPA's vision and specific project goals outlined in the Request for Qualifications.
- A demonstrated understanding of and interest in creating work for the specific site.
- Artist's experience with projects of similar scale and budget.
- Established proficiency in the use of materials appropriate for a public installation.

### Criteria for Technical Review of Artist Concept Proposals

Prior to review of the concept by the Art Selection Committee, the Art Program Coordinator should work with City staff from the Department responsible for the site and/or the related capital project to conduct a technical review of the concept. Technical reviews should focus on the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- Capacity to meet all safety and maintenance requirements as agreed upon by the City of Las Cruces.
- Feasibility of the Concept Proposal to satisfy the budgetary limits set forth by LCPA.
- Ability to meet the project timeline.
- Consideration of all stages of fabrication and installation.
- Consideration of site issues such as permitting, installation staging, and availability of electrical or other utilities.
- Positive track record of delivering quality projects on schedule and on budget, as determined by past work and references from previous clients.

### Criteria for Site and Aesthetic Review of Artist Concept Proposals

When evaluating artist Concept Proposals for a City-commissioned public artwork, the Art Selection Committee should consider the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- The concept demonstrates artistic excellence, maintaining high quality, innovation, creativity and clarity of vision.
- Overall understanding of the project and the ability of the Concept Proposal to respond to its goals.
- A clear understanding of the site, including how the artwork will be set into the physical environment.

## CRITERIA FOR REVIEW OF PURCHASED ARTWORK

The process for purchasing a work of art (see page 42) details the roles that the City Art Board, Art Selection Committees and City staff play in reviewing the purchase of an artwork. For each project, a Project Plan will outline the specific criteria against which the artist selection and artist concept can be evaluated during the selection and review process. The following criteria should serve as a starting point for developing specific criteria for each project.

### Site and Aesthetic Criteria for Purchases of Public Art

When using the purchase process to acquire public art, the Art Selection Committee and City Art Board should consider the following criteria. Additional criteria could be developed based upon the specific needs of the project.

- The artwork clearly responds to the City's vision for public art.
- The artwork satisfies the project's goals as outlined in the Project Plan.
- The artwork demonstrates excellence in aesthetic quality, workmanship, innovation and creativity.
- The artwork is appropriate in scale and form and is of materials and/or media suitable for the site.

## TECHNICAL REVIEW CRITERIA FOR PURCHASES OF PUBLIC ART

Prior to approval by the City Art Board, the Art Program Coordinator should work with the City department that oversees the site where the art is to be located and other Departments or outside agencies that have a role in the site to conduct a Technical Review. Technical reviews should focus on the following criteria. Additional criteria could be developed based upon the specific needs of the purchase.

- The artwork can be legally sold to the City by the seller.
- All costs related to the shipping and installation of the artwork are known and can be covered by the project budget.
- The work is durable and poses no safety or liability concerns.
- A report from the artist or a qualified conservator's report indicating anticipated conservation and maintenance needs is provided, and the City is comfortable with the artwork's conservation and maintenance needs.

## CRITERIA FOR REVIEW OF DONATIONS AND LOANS

This plan outlines the role that LCPA and the City Art Board play in the review and acceptance of proposed donations of artwork and loans of artwork on City property and the process that should be followed. The following criteria should be used to conduct Technical Review and Site and Aesthetic Review of proposed donations and loans on City property.

### Criteria for Technical Review

Prior to review of the donation or loan by the City Art Board, LCPA staff and staff of the City department where the work is to be sited should conduct a Technical Review of the artwork. Technical Reviews should focus on the following criteria. Additional criteria could be developed by the City department responsible for the site.

- If the donor or lender is offering an existing work of art, the donor or lender should document that the work of art can be legally loaned or donated to the City.
- The donor or lender should document that they have adequately anticipated and can meet financial costs connected with donating or loaning the work, including, but not limited to, shipping, shipping insurance, site preparation, installation (and de-installation for loans and temporary works), proper signage, insurance, site restoration, landscaping, and lighting.
- The work should be durable and poses no safety or liability concerns.

- A report from the artist or a qualified conservator's report indicating anticipated conservation and maintenance needs should be provided for permanent donations. For loans, the donor should commit to routine maintenance of the artwork for the duration of the display, unless otherwise agreed upon in writing by the City.
- The proposed site should be available and appropriate for the installation of artwork. Necessary electric, plumbing or other utility requirements should be defined and available. Internal Department plans may determine if a specific site is appropriate for artwork.
- The City is able to insure the artwork for liability and damages for the duration of its exhibition.

### Criteria for Site and Aesthetic Review

Site and Aesthetic Review should be conducted by the City Art Board or by an ad hoc panel appointed by the City Art Board that includes specific artistic expertise and/or stakeholder representation. Site and Aesthetic Review should take into consideration the following criteria. Additional criteria could be developed by the City department responsible for the site.

- The proposed donation or loan is consistent with the vision of *Las Cruces Public Art*.
- The proposed donation or loan demonstrates artistic excellence, maintaining high quality, innovation, creativity and clarity of vision. If the work is to be commissioned by the donor or lender, the review should consider the artist's ability and potential to execute the proposed work, based on previous artistic achievement and experience. If an existing work of art, the review should consider the quality of the executed work.
- For permanent donations, the proposed donation should contribute to the diversity of the Las Cruces Public Art Collection.
- For permanent donations, artworks should be one-of-a-kind or part of an original series.

The proposed site should be appropriate to the artwork's content, scale and media. The analysis should take into account the visibility and access to the site, public use patterns of the site, and public realm and future development plans for the site, if any.

# Public Art in Private Development

Many of the anticipated private development projects in Las Cruces will potentially offer opportunities for publicly accessible artwork. In the near term, the City of Las Cruces and LCPA should encourage developers to include art in their development projects. In the future, as the City's development code is updated, the City should consider ways to include public art as a possible benefit in certain circumstances that can be written into development agreements with the City. In addition, any public art that is being commissioned or acquired for a park that will be given to the City should be reviewed and approved by the City Art Board, then the Parks and Recreation Advisory Board and then presented to City Council.

## ENCOURAGING PUBLIC ART IN PRIVATE DEVELOPMENT

The City of Las Cruces can be proactive in encouraging private developers to voluntarily commission or purchase public art as part of new development projects.

### Options for Supporting Public Art

Developers wanting to voluntarily support public art have different options.

1 *Pay into the Public Art Fund.* Funds would be spent to commission public art projects in keeping with the vision and opportunities outlined in the Public Art Master Plan.

2 *Directly Commission or Acquire Art On-site.* The developer would take the lead in commissioning or acquiring art for their development.

3 *Outsource Commissioning of Art to Las Cruces Public Art.* LCPA would select an artist and manage the project using the City's implementation guidelines, with the developer funding the project and involved both as a stakeholder and having final approval over artist selection and all phases of design.

### Expectations

LCPA's priority is for the public art commissioned or acquired by developers to reflect the vision and opportunities outlined in this plan. The financial commitment to public art by developers should take into account both the scale of the development and the type of development that is occurring.

### Recognition

The City of Las Cruces should pursue opportunities to recognize private developments that install public art on private property. Recognition opportunities could include a plaque/medallion placed near the artwork to recognize their contribution to public art in Las Cruces and/or promotion of the art and the business's contribution in City publications and social media.



Agenda Item #8.3.
Page 409 of 585

## PUBLIC ART AS A PUBLIC BENEFIT

In the future, as the City reviews and updates its development code, consideration should be given to allowing developers to incorporate public art into their development projects as a formal public benefit. This will give the City more leverage to work with developers to incorporate artwork that helps fulfill the City's overall vision and goals for public art.

Should public art be a public benefit outlined in a development agreement with the City, then LCPA and the City Art Board should have a direct role in working with the Community Development department in creating guidelines and review processes that ensure compliance with the developer's agreement with the City. These guidelines should be developed to ensure that:

- The proposed project supports the City's vision and goals for public art.
- The artist is qualified to undertake the project.
- The Concept Design is vetted against agreed-upon criteria between the developer and the City.
- The artwork as proposed conforms to the development agreement.

## PUBLIC ART IN DEVELOPER-BUILT NEIGHBORHOOD PARKS

It has been a recent practice in the City of Las Cruces for private developers of residential subdivisions to design and build neighborhood-scaled parks and then transfer ownership of these parks to the City. The developer receives reimbursement from the City for their costs.

If a developer is being reimbursed by the City to develop a park, and the developer includes public art, then the artwork should be commissioned through LCPA's Standard Commissioning Process (see page 36). The developer would serve on the Art Selection Committee as a stakeholder.

If the developer is not being reimbursed by the City, but the park will become a City-owned park, then the public art project should be reiewed by LCPA as a gift of artwork and follow the procedures outlined in this document for the review of donations (see page 44).

# Collection Management

LCPA should adopt practices for the documentation, conservation, maintenance, and de-accessioning or re-siting of artworks in the Las Cruces Public Art Collection. LCPA will ensure that artwork in its care is properly maintained and preserved, that a periodic assessment of conservation needs is made, that proper records regarding the works in the collections are kept, and that decisions regarding de-accession, removal or re-siting of artworks are carefully considered.

## THE CITY OF LAS CRUCES PUBLIC ART COLLECTION

*Las Cruces Public Art* is responsible for all works of art in the City of Las Cruces Public Art Collection, which consists of four sub-collections, acquired in various ways. The City of Las Cruces Public Art Collection does not include works of art in the Museum Art Collection, Library Art Collection, monuments and memorials in Veterans Park, Gifts of State, or monuments and memorials that are not works of art. The sub-collections within the City of Las Cruces Public Art Collection are defined as follows:

- **Civic Collection**
  Public art on City property or in City facilities that was approved by the City Art Board. This includes permanent and temporary works commissioned by *Las Cruces Public Art*, as well as gifts of artwork reviewed and accepted by the City Art Board.
- **Community Collection**
  Works of public art created through the Mural Arts Program or other community-based projects commissioned by *Las Cruces Public Art*. These works are temporary in nature, with a lifespan agreed upon at the outset of the project.
- **Legacy Collection**
  Permanent works of public art owned by the City that pre-date the City Art Board and permanent works of art that were commissioned or donated without City Art Board approval.
- **Portable Works Collection**
  Smaller scale, non-site-specific artwork, generally displayed in City facilities.

## CONSERVATION AND MAINTENANCE OF THE LAS CRUCES PUBLIC ART COLLECTION

Public art is a community asset that should be properly maintained. The City should undertake conservation and routine maintenance to preserve the Las Cruces Public Art Collection in the best possible condition.

Information on each work of art commissioned, acquired, donated, loaned or owned outright by the City should be kept on file with the City on a standardized maintenance and conservation worksheet. Works of art on loan should be maintained and conserved in accordance with the requirements of, and in collaboration with, the lender.

### Conservation

Conservation is the regularly scheduled examination, documentation, treatment and preventative care of public art conducted by a professional art conservator.

*Las Cruces Public Art* will regularly conduct, or hire a professional conservator to conduct, a survey of the condition of each work in the *Las* Cruces Public Art Collection and make recommendations for conservation, cost estimates, and a recommended schedule for implementation.

In addition, the City will take steps to identify conservation needs prior to the fabrication and installation of new works. The City will require, when necessary, that artists consult with a conservator during the design development phase of the project to identify the conservation needs of the project. Alternately, the City could have design documents reviewed by a conservator hired by the City prior to executing the fabrication and installation portion of a contract. For commissioned works, the artist should provide the City with a worksheet that identifies the conservation and maintenance needs of the work, including the frequency, methods and materials recommended.

For newly commissioned or purchased works of art, artists should guarantee the work of art against any repairs for at least one year (unless otherwise stipulated in the contract).

LCPA has the right to determine, after consultation with a professional conservator, when and if repairs and restorations to works of art in the Las Cruces Public Art Collection shall be made. To the extent practical, the artist who created the artwork, during the artist's lifetime, should be given the opportunity to make or personally supervise significant repairs and restorations and should be paid a reasonable fee for any such services, provided that the City of Las Cruces and the artist agree upon the artist's fee. If the artist fails to approve any reasonable repairs or restorations, or if an agreement cannot be reached regarding a reasonable artist's fee, then the City of Las Cruces will have the right to make or contract for such repairs or restorations. In the event that the City makes repairs or restorations not reviewed and approved by the artist, the artist should have the right to disclaim authorship of the Work and have the artist's name and association with the work removed.

All repairs and restorations should be made in accordance with recognized principles of conservation.

### Routine Maintenance

Routine maintenance is the care of public art that does not require specialized expertise (i.e.: dusting, washing, lubrication of moving parts). If indicated by the artist as part of the maintenance and conservation worksheet, routine maintenance can generally be managed by the department that maintains the facility and/or site where the art is located. The City department should not conduct any non-routine maintenance (as indicated on the maintenance and conservation worksheet) or conservation unless requested by *Las Cruces Public Art*. The department responsible for maintaining the facility where the art is located should notify the Art Program Coordinator immediately if an artwork is damaged or stolen, or if the City department plans to move the artwork or in any way alter its site. Any work that is recommended for relocation or de-installation would be subject to the de-accession policy.

Works of art should be maintained in a manner outlined in the above-mentioned maintenance and conservation worksheet, appropriate to the medium and characteristics of the artwork, and in accordance with the Visual Artists Rights Act of 1990.

## THE PORTABLE COLLECTION

The City of Las Cruces owns several works of art that comprise the Portable Collection – smaller, non-site-specific works that are generally meant for indoor display and are sited in City buildings.

Most of the works in the Portable Collection are the result of donations of artwork to the City. Any gift of artwork to the City that would become a part of the Portable Collection should be reviewed using the process and criteria for the review of gifts of artwork described above.

## DOCUMENTATION OF THE COLLECTION

An important part of collection management and, ultimately, long-term maintenance of public art is keeping accurate, updated records. The main aspects of this are identifying the project on site, keeping accurate records for each project, and maintaining a comprehensive inventory of the collection.

LCPA, working with the assistance of the City departments that manage the sites where art is located, will be responsible for keeping records of the City of Las Cruces Public Art Collection, including updating, or in some cases, developing records for existing work, and documenting new works entering the collection.

### Project Identification

Each new artwork should be identified with a plaque provided by LCPA stating the artist's name, the artwork title, the media, the date the work was created, and that it is part of a Las Cruces Public Art Collection. The plaque should be placed in an appropriate location near the artwork that can be easily viewed by pedestrians.

Over time, plaques should be created or updated for existing works in all collections to ensure that the works are recognized as belonging to the City and that people can learn about the work and about LCPA.

### Project Records

A file should be maintained in a single location for each commission or acquisition that contains information such as:

- A copy of the artist contracts, donation records, or purchase records.
- A copy of project correspondence.
- The maintenance instructions provided by the artist or donor and subsequent conservation records.
- Plans and drawings generated by the artist during the commissioning process.
- Hard copy images.
- Media clippings.

### Collection Inventory

LCPA should maintain a full inventory or database of all artworks in its collections, including works that have been de-accessioned. This inventory should include information such as (when available or applicable):

- Name of artist
- Title of work
- Location (kept in a format compatible with the City's GIS system, plus more detail for Portable Works)
- Year completed/installed; year de-installed for temporary works
- Which collection it belongs to
- Owner of work, if a long-term loan
- Donor, if applicable
- Media
- Dimensions
- Budget/cost and source of funds
- A brief description of the work suitable for publication
- Maintenance and conservation needs, as defined by the artist and conservation assessments
- Schedule of maintenance or conservation needs
- Conservation history
- A unique number assigned to each work of art that can be used for cross-referencing with hard files and other digital files
- Digital photograph of the work

## DE-ACCESSION, RE-SITING, AND REMOVAL FROM DISPLAY

While the majority of the artworks in the Las Cruces Public Art Collection are intended for long term public display, circumstances and/or conditions may arise that make it prudent for *Las Cruces Public Art*, on behalf of the public interest, to remove an artwork in its collection from display, re-site an artwork, or de-accession an artwork.

De-accessioning is a procedure to formally and permanently remove an artwork from the City of Las Cruces Public Art Collection by selling, donating or destroying it. De-accessioning is an important decision and should only be undertaken after a thorough review process. Similarly, re-siting of artwork should be carefully considered if the work is considered site-specific and relocating the work would damage the work or alter the work from what the artist intended. Removal from display is an option if, for any reason, the City does not want to de-accession the work from the collection but would like to remove it from display, and there are resources to properly store the artwork.

Consideration of de-accession, re-siting, or removal from display should involve the same degree of careful review as a decision to commission a work of art. The City of Las Cruces should institute a review process to ensure that de-accessioning or re-siting will be a seldom-employed action that operates from a strong presumption against removing artwork from the public art collection and insulates the collection from fluctuations in aesthetic taste or popularity.

The City should not remove any site-specific artwork from the site for which it was selected, nor remove it from display, without prior review by the City Art Board. Recommendations regarding re-siting of site-specific works or de-accessioning or removal from display of artworks should be made by the City Art Board directly to City Council. De-accessioning Portable Works requires only the approval of the City Art Board and any other relevant boards and commissions. Portable Works may be re-located as part of a routine rotation by LCPA without the review of the City Art Board.

### Procedure

1 The City Art Board reviews the circumstances surrounding the proposed de-accession, re-siting, or removal from display to determine if the artwork meets one or more of the criteria listed below. The City Art Board may choose to hold a public meeting for the purpose of gathering community feedback on a proposed de-accession or relocation or may choose to gather community input through other methods.

**Criteria for De-accessioning, Re-siting or Removal**

- The site is being eliminated.
- The use, character, or design of the site has been or is being altered such that the artwork is no longer compatible with the site.
- The security of the artwork can no longer be reasonably guaranteed at its current site.

- The artwork has become a danger to public safety.
- Maintaining or repairing the artwork or updating the artwork's operation technology is cost prohibitive or unfeasible.
- Significant adverse reaction to the artwork from the community has continued for an extended period of time (at least two years).
- The work is of inferior quality or is judged to have little aesthetic and/or cultural value.
- A suitable location for the artwork has been identified that better satisfies the original goals of the project.
- The artist requests removal due to concerns listed above.

**2** If the City Art Board determines that the artwork meets one or more of the Criteria above LCPA staff should, in accordance with the 1990 Visual Artists Rights Act, make a good faith effort to notify the artist that his or her work is being considered for de-accession or relocation (if a site-specific work).

If the artist does not agree to proposed re-siting, s/he will have the right to prevent the use of her/his name as the author of the artwork or to buy back the work as addressed in the artist contract.

**3** If a site-specific artwork is recommended for re-siting, LCPA should prepare a written report detailing the reason for the decision and the proposed new site for the artwork for approval by the City Art Board and City Council. This report should also include the costs associated with re-siting and the proposed funding source, as well as any other pertinent information.

**4** If an artwork is recommended to be de-accessioned, LCPA staff should:

- Commission a written appraisal by a qualified, disinterested third party for each proposed de-accessioned artwork with an estimated value exceeding ten thousand dollars ($10,000.00).
- Prepare a written report of the reasons for the proposed de-accessioning and a recommendation for the method of disposal.
- Submit the report, and the recommendation of the City Art Board to City Council, which must approve any de-accessioning.
- If an artwork is de-accessioned, all rights will revert to the artist, where consistent with contractual agreements. If the artist waives those rights, LCPA will dispose of the artwork.

**5** During the review process, unless there is imminent danger to the public, the artwork shall remain accessible to the public in its original location. If the structural integrity or condition of an artwork, in the opinion of the LCPA staff and the City Art Board, presents an eminent threat to public safety, the Quality of Life Director may authorize its immediate removal, without City Council action or the artist's consent. The director will place the work in temporary storage. The artist and City Council must be notified of this action within 30 days. The City Art Board will then recommend options for disposition (e.g. repair, reinstallation, maintenance provisions or de-accessioning) for approval, as necessary, by City Council.

**6** In the event that the artwork cannot be removed without being irreparably damaged or destroyed, and if artist rights are not waived in the contractual agreement, the LCPA staff must make a good faith effort to gain such written permission before proceeding. In the event that this cannot be accomplished before action is required in order to protect the public health and safety, the Quality of Life Director will proceed according to the advice of the City's Legal Department.

**7** De-accession, re-siting or removal of artwork shall be done in a manner that complies with all other applicable City, state and federal procedures, policies and regulations. For example, de-accession, relocation and removal actions must comply with applicable procedures and laws relating to the disposition of City property and with laws protecting artists' rights, such as the Visual Artists Rights Act. Artworks will not be de-accessioned directly or indirectly or in any manner that would personally benefit City employees, members of the City Art Board or of the City Council. No works will be given to or sold to City of Las Cruces staff, City Art Board members, or City Council.

**8** De-accession, relocation or removal of works commissioned or purchased through New Mexico Arts Art in Public Places Program must comply with NMArts' De-Accession Policy.

**9** Funds from artworks sold as a result of de-accession must be placed into the Public Art Fund.

## Monuments and Memorials

The reasons for de-accessioning, re-siting or removing monuments or memorials may differ from those outlined above. Decisions regarding whether to de-accession, re-site or remove a monuments or memorials should follow the procedures above, if the monument or memorial is a work of art in the City of Las Cruces Public Art Collection, but should also take into consideration additional criteria developed by the City regarding the review of monuments and memorials.

Clockwise from top left:
Tony Pennock with Shan Nichols, *La Entrada;*
Peter Toth, *Dineh;*
Lea Anne and Tom Askman, *Royal Road* (detail)

# PUBLIC ART OPPORTUNITIES

For the next five to ten years, *Las Cruces Public Art* should focus its energy on pursuing four specific categories of public art opportunities identified here. These categories include public art connected to the construction of parks and City facilities, a special category of Landmark public art projects, a focus on partnering with other City departments and external partners on projects that engage the community, and projects designed to tell important stories about the people and places that make Las Cruces unique. Focusing on these project types will help develop an expectation for public art in a variety of public places and will help establish the program's role and relationships with its City and community partners, as well as its reputation in the broader community. The resulting artworks will build a collection that reinforces the fundamental link between creative expression and quality of life by highlighting the city's culture and creative economy and community, improving the visual identity of public spaces, and creating opportunities for all residents to engage with art.

**Project Categories:**

- Parks and City Facilities
- Landmarks
- Community Engaged Collaborations
- Las Cruces Stories

The projects identified below in each of these categories represent the best opportunities for public art that could be anticipated at the time of the writing of this plan, as well as guidance on identifying and evaluating other opportunities as they arise. The viability of these specific opportunities may change over time, and new opportunities will arise. Each year *Las Cruces Public Art* will produce, and the City Art Board will approve, an Annual Public Art Work Plan that will identify specific opportunities for the coming year. The Work Plan will be informed and guided by this Public Art Master Plan, as well as updated Capital Improvement Programs and other City plans.

Ruben Garcia, *Aguacito*

## Parks and City Facilities

There has been a renewed focus in the City of Las Cruces on improving community places and public spaces built and maintained by the City for the benefit of all its residents.

In 2018, the voters in Las Cruces passed an ambitious General Obligation Bond program to fund needed capital projects, including parks and recreation facilities, public facilities including a new Fire Station and Animal Service Center, and other infrastructure improvements such as roads, sidewalks, trails, and drainage facilities. The Bond funding adds additional resources towards the City's concerted effort to provide quality public spaces.

These types of City-built community places – parks and City facilities – are places where people come to play, socialize, engage in civic activities, and do business. As places that are frequented by residents and often located either in downtown or in the center of neighborhoods, these parks and facilities provide excellent locations for public art.

In the future, when a major capital project is underway, the City should incorporate public art projects that enhance places that are at the center of community life. Existing parks and City facilities should also be considered for new public art projects as part of larger community improvement initiatives.

Barbara Grygutis, *WAVE,*
West Palm Beach, FL,
©Barbara Grygutis 2009,
Photo: J. Christopher

### Public art at parks and City facilities will achieve the following goals for *Las Cruces Public Art:*

**GOAL 1**
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- The City demonstrates its commitment to art and artists with each new park and facility it builds.
- Las Cruces becomes known as a place where you can encounter art in everyday places.

**GOAL 2**
**Add Visual Interest and Beauty**

- Public art can elevate the appearance and experience of frequently used City facilities and parks for users, as well as passersby.

**GOAL 3**
**Activate Public Spaces**

- Public art can elevate a City facility or park from a purely functional place to an engaging place that helps bring people together.

**GOAL 4**
**Improve Visual Identity**

- Works of public art become well-known icons, denoting and creating a unique identity for parks and facilities.

**GOAL 5**
**Make Art and Culture a Way of Life**

- Integrating public art into City facilities and parks creates opportunities for people to experience art in their everyday lives.
- Incorporating art as part of City facilities and parks can communicate Las Cruces' identity as a place that values the arts, quality design, and the contributions of artists, increasing civic pride for residents.

## Parks

Parks, trails, and open spaces are an important part of the character of Las Cruces and provide both recreational and social spaces for residents to enjoy. Access to these amenities contribute to the high quality of life boasted by Las Crucens.

The City's parks system has already been a primary location for public art. Of the approximately fifty works of art currently owned by the City, more than a third are in City parks. When asked about preferred locations for future public art, respondents to the survey conducted as part of the public art master planning process also showed a strong preference for public art in parks – fifty percent of survey respondents listed parks as one of their top choices, the second highest response after neighborhood gathering places (see Appendix C).

The newly adopted *Parks and Recreation Master Plan* calls for building new parks to keep up with population growth and ensure equitable distribution of park amenities, including a new Community Park and inclusion of Civic Parks in new developments. These new park developments may provide an excellent opportunity to integrate permanent public art into the overall park design. Although City parks host much of the current public art collection, there are still many existing parks that do not currently have artwork for the public to enjoy, which could be sites for new projects.

Holly Young-Kincannon and Joseph Drummond Kincannon, *Blackbird,* Austin, TX, Photo: Kincannon Studios, LLC

## CRITERIA FOR EVALUATING PUBLIC ART OPPORTUNITIES IN PARKS

*Las Cruces Public Art* should consider the following when determining whether to pursue a public art project in a City park.

- Priority should be given to parks where there is a major capital improvement, such as new construction or major renovation that is taking place and would enable the public art to be integrated into the overall construction project.
- Priority should be given to Regional Parks and Community Parks that serve a broad swath of the community.
- Priority should be given to Civic Parks, including Greens, Squares, Plazas, and Parkways, that provide important community focal points.
- Priority should be given to trailheads in parks and/or where a park includes a significant stretch of the citywide multi-use path and trail system.
- Priority should be given to parks where public art has been identified by the community as a goal in a park or community planning process.

Additional opportunities for temporary and community-engaged public art projects in parks are discussed in the section on Community Engaged Collaborations.

## SPECIFIC OPPORTUNITIES FOR ART IN PARKS

### Near Term

Public art is one of the key components of the Klein Park Master Plan, developed in 2015. The Parks and Recreation Department will be implementing some of the recommendations in this master plan in the 2019 fiscal year. *Las Cruces Public Art* is beginning work with the Parks and Recreation Department and the Arts and Cultural District to commission artwork for the park.

### Intermediate Term

*Las Cruces Public Art* should track upcoming Capital Improvement Program (CIP) projects and upcoming development projects that may result in City-funded and -owned park projects that meet the above criteria. The Art Program Coordinator should discuss potential opportunities related to the CIP with the Parks and Recreation Department and, if applicable, the Public Works Department. If there is a clear path to developing a public art project, these opportunities should be incorporated into the Annual Public Art Work Plan. For potential opportunities related to City-owned parks built by private developers and reimbursed by the City, the Art Program Coordinator should meet with both Parks and Recreation Department staff and Community Development Department staff to determine the best way to proceed with the developer.

## FUNDING PUBLIC ART IN PARKS

When there will be new construction or major renovation of a Park funded by a General Obligation Bond, a Municipally Backed Bond, or Park Impact Fees, public art should be funded through Percent for Art (see page 31).

Presently, there are some cases where private developers are designing and building parks and being reimbursed by the City. These parks are eventually donated to the City and become City Parks. Developers should be encouraged to commission public art if the park they are developing meets one or more of the above criteria.

Public art in existing City parks should be funded through the General Fund or through grants and fundraising.

## PROJECT DEVELOPMENT PROCESS FOR PUBLIC ART AT PARKS

For public art projects funded by the City, use the Standard Commissioning Process (see page 36).

When the public art is part of a larger capital project, *Las Cruces Public Art* staff should meet with Capital Project managers early in the project development process to discuss the project goals, audiences, timeline, and potential public art opportunities. When possible, an artist should be selected early in the design development process so that the artwork can be physically and aesthetically integrated into the facility or park. In most cases this will mean having an artist selected and a concept design approved prior to the completion of construction documents.

For public art projects commissioned by developers that are designing and building a park and being reimbursed by the City, *Las Cruces Public Art* should manage the entire project, including artist selection, using the Standard Commissioning Process. If the developer is designing and building the park without being reimbursed by the City, the artwork should be reviewed following the process for review and acceptance of donations of artwork.

Left to right:
Jeff Laramore, *Rocket,* Richardson, TX, Photo: Jeff Laramore;
Bob Cassilly, *Turtle Playground,* St. Louis, MO, Photo: Meridith McKinley

## City Facilities

The City of Las Cruces works diligently to repair, replace and construct facilities that provide vital services to the community. City facilities, such as fire stations, recreation and community centers, senior centers, and other City-owned buildings, are located throughout Las Cruces, often in prominent locations, and are frequented by people from throughout the community. As such, they are a prime location for public art and will be a key way LCPA achieves many of its goals.

*Las Cruces Public Art* has commissioned one work for a City facility, *Pride* by Karen Yank at the East Mesa Public Safety Complex. In 2019 *Las Cruces Public Art* selected an artist and a concept for a site-specific artwork for the central pillar of the main lobby of City Hall. This project will be installed in 2020.

Artwork at City facilities can include integrated artworks that are seamlessly incorporated into the design of the building, functional elements where artists are commissioned to create an element of the design that would ordinarily be built to standard specifications or ordered from a catalogue, freestanding artwork such as sculpture, and murals that could take on a variety of media and styles.

Left to right: Anne Marie Karlsen, *Subdivisions,* Lawndale, CA, Photo: XXX; Olalekan Jeyifous, *Durham in Continuum,* Durham, NC, Photo: Olalekan Jeyifous; Christopher Fennel, *Rail Ladder Fire,* Allen, TX, Photo: Blackmon 2012

## CRITERIA FOR EVALUATING PUBLIC ART OPPORTUNITIES IN CITY FACILITIES

Though many of Las Cruces' City facilities are good candidates for public art, not all will be. The following criteria should be used to prioritize which facilities should be considered for public art projects.

- Priority should be given to City facilities where there is a major capital improvement, such as new construction or major renovation that is taking place and would enable the public art to be integrated into the overall construction project.
- Priority should be given to City facilities that are purpose-built for community use.
- City facilities that are not purpose-built for community use, but are in a prominent, highly visible, gateway location with a high volume of car or pedestrian traffic should be considered for public art projects.

## SPECIFIC OPPORTUNITIES FOR ART IN CITY FACILITIES

### Near Term

The 2018 General Obligation Bonds approved by the voters did not include Percent for Art funding. However, the City has committed to commissioning public art at the Animal Service Center and Fire Station 3, and LCPA is working with the Department of Public Works to incorporate art into these facilities.

### Intermediate Term

Projects in the current CIP (FY 2020 – 26) that meet the above criteria and that may be eligible for Percent for Art funding based upon the recommendations in this plan include: Airport Terminal Renovation, Aquatic Center, Branigan Library Expansion, a new Branigan Library Branch, Cinematic Infrastructure and Soundstage, Convention Center Expansion (Phase 2), Downtown Parking Garage, East Mesa Recreation Complex, Meerscheidt Recreation Center Remodel, Municipal Service Center, the Municipal Court and future Public Safety Facilities including new Fire Stations and a Fire Department Administration Building. *Las Cruces Public Art* should work with the City departments responsible for these projects to explore opportunities for public art in these projects.

In the future, *Las Cruces Public Art* should participate in the CIP process to be aware of projects that may be good candidates for public art and to incorporate art into the planning stages of eligible City facilities.

### New Mexico Arts Related Opportunities

In addition, the following projects' budgets include funds from the state of New Mexico and as such are eligible for funding and inclusion of public art through New Mexico Arts' Art in Public Places (AIPP) program: Amador Hotel, Behavioral Health Facility, Branigan Cultural Center (Phase 2), Children's Museum, Dental Clinic Community of Hope, Downtown Parking Garage, Mesilla Valley Community Campus, and Las Cruces International Airport. LCPA should work with NMArts and relevant City Departments to include public art in these projects following NMArts' procedures.

## FUNDING PUBLIC ART AT CITY FACILITIES

Public art at Civic Facilities should be funded through Percent for Art (see page 31) and New Mexico Arts' Art in Public Places Program for State of New Mexico funded capital projects.

Based on the criteria above, the City Art Board may determine that the facility is not a good candidate for public art. If this is the case, Percent for Arts funds should be pooled to be used at another location, as allowable by the funding source.

Capital expenditures made by the State of New Mexico are eligible for inclusion of public art through the State's Art in Public Places Program.

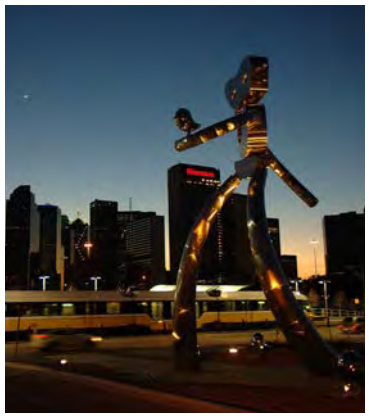
## PROJECT DEVELOPMENT PROCESS FOR PUBLIC ART AT CITY FACILITIES

For public art projects funded by the City, use the Standard Commissioning Process (see page 36).

*Las Cruces Public Art* staff should meet with Capital Project managers early in the project development process to discuss the project goals, audiences, timeline, and potential public art opportunities. When possible, an artist should be selected early in the design development process so that the artwork can be physically and aesthetically integrated into the facility. In most cases this will mean having an artist selected and a concept design approved prior to the completion of construction documents.

For public art projects at state-funded facilities, artist selection will be managed by the State of New Mexico Art in Public Places Program.

## Landmark Public Art Projects



Clockwise from top left:
Bill Fitzgibbons, *Light Channels,* San Antonio, TX,
Photo: Bill Fitzgibbons;
Brad Oldham and Brandon Oldenberg, *Traveling Man,* Dallas, TX,
Photo: Steve Rainwater;
Blessing Hancock, *Biota,* Aurora, CO, Photo: Scott Bolton

Las Cruces is a city reached by three bordering highways (I-10, I-25 and U.S. Route 70), with the downtown and newly designated Las Cruces Arts and Cultural District situated between the north-south Rio Grande River (to the west) and the historic El Camino Real de Tierra Adentro (to the east).

Las Cruces has magnificent natural landmarks. The Organ Mountains, Doña Ana Mountains, Picacho Peak, the Robledo Mountains and the Rio Grande shape the identity of the region. The community survey conducted as part of the public art master planning process found that a majority of respondents feel that the Organ Mountains and the area's environmental and natural features – the sky, sunsets, desert climate, and more – are the first thing that come to mind when thinking about Las Cruces. These natural features also provide a way for people orient themselves as they navigate the city.

In addition to these natural features, highway entry to Las Cruces presents the city's two most recognized public art pieces: a collection of highway-scaled water tank murals along Hwy 70 and I-25 and the *Recycled Roadrunner* along I-10/Hwy 70. But as one enters the city's interior, it is the mountains that serve as the best way to orient oneself. The main corridors traverse the city without obvious destinations to guide, without landmarks along the way to establish hierarchy, or way-finding systems to present overall unity and district marking. When one eventually finds the city's core – the history-filled Arts and Cultural District (ACD), with its Main Street and the central Plaza de Las Cruces – there is little sense of re-connection with any major artery.

Taking a cue from the highway-scaled public artworks, public art projects can serve as landmarks that assist with wayfinding and are deployed to welcome people to Las Cruces and guide locals and visitors alike through the city's distinct districts and neighborhoods.

## Landmark Public Art Projects will help achieve the following goals for *Las Cruces Public Art:*

### GOAL 1
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- Landmark projects can become icons and destinations in themselves, and in some cases can help drive visitorship to local arts and culture destinations such as the ACD and the city's museums.
- Landmarks can welcome people to Las Cruces and let them know that they are in a place that values art and culture.
- Landmarks can reflect an aspect of Las Cruces' landscape, history and/or culture, creating a stronger sense of place and cultural identity.

### GOAL 2
**Add Visual Interest and Beauty**

- Landmark public artworks can make roadways and corridors more aesthetically pleasing.

### GOAL 4
**Improve Visual Identity**

- Landmarks can help define corridors, neighborhoods, and district entrances and help visitors and locals navigate throughout the city.
- Landmarks can create a stronger and more visually interesting sense of arrival to Las Cruces or to areas within the city.
- Landmarks can address the experience of moving through the city in a vehicle, on bike, or on foot, both day and night.
- Landmarks can help build distinct identities for Las Cruces' many neighborhoods.

### GOAL 5
**Make Art and Culture a Way of Life**

- Highly visible landmark artworks create opportunities for people to experience art in their everyday lives.
- Landmark artworks communicate Las Cruces' identity as a place that values the arts and quality design.

### CRITERIA FOR EVALUATING LANDMARK PUBLIC ART OPPORTUNITIES

Criteria for evaluating whether a site should be considered for a Landmark Public Art Project should include:

- The site marks a major entry point to the city, the arrival at a specific area or neighborhood, and/or a major decision point.
- The site is highly visible with a large audience and with a significant view corridor likely to be seen by many people.
- The site is part of a larger improvement project, allowing the artwork to be fully integrated into the overall design of the site.
- The site lends itself well to the incorporation of artwork, both visually and technically.
- The site would not be better served with traditional wayfinding or signage, but instead warrants a creative or artistic solution.
- If the site requires partners, such as the New Mexico Department of Transportation (NMDOT), they are willing to collaborate.
- There are sufficient funds to create a work that would be appropriate for the site.

## SPECIFIC OPPORTUNITIES FOR LANDMARK PUBLIC ART PROJECTS

The following categories emerged through review of various City plans, visual analysis of the city and through the community engagement process conducted during this planning process. These sites are not inclusive of all opportunities, but may be locations that warrant further study by *Las Cruces Public Art* in collaboration with other City departments and stakeholders.

Ken Williams, *Gateway to the Southwest* (rendering), Pueblo, CO, Image: City of Pueblo, CO

### Highway Scale

Highway scale art should be seen from a distance from a fast approaching vehicle. In some cases, as with *Recycled Roadrunner,* it could warrant a stopping point for closer inspection, although it is not necessary.

**Near Term**

*I-25 and University Avenue Roundabouts.* NMDOT is reconstructing the I-25 at University Avenue Bridge and exits. Construction is slated to begin in 2020. The project includes creating a new underpass for Triviz under University Avenue and two roundabouts on Triviz, one on each side of University Avenue. These round-abouts present opportunities for large-scale public artworks that serve as landmarks. New Mexico State University (NMSU) is already planning to commission an artwork for the roundabout south of University Avenue. *Las Cruces Public Art* should commission a work for the north roundabout. LCPA and NMSU should work collaboratively so that the works of art are complementary.

**Intermediate Term**

*I-10 and I-25 Split.* This is a major gateway to Las Cruces for drivers entering from the south along I-10, as well as a major decision point for people whose destination is Las Cruces or for drivers who are just passing through. The City owns property at this location and has long considered it as a potential location for a city entry monument. This could prove to be a very important landmark for the city.

*I-10 and Avenida de Mesilla.* This major intersection marks the arrival to Las Cruces driving east on I-10. Avenida de Mesilla, which leads to the historic town of Mesilla, is one of Las Cruces' historic corridors and this intersection could be a candidate for public art.

*I-25 and Lohman.* The Lohman exits are the most traversed entrances into the city's interior and could be good candidates for art near the exits or once a driver reaches Lohman.

*I-25 at I-70.* This is another important gateway for drivers and could be a potential location for a landmark artwork.

*I-70 and the Eastern City Limits.* Drivers entering Las Cruces on I-70 from the east get a dramatic view of Las Cruces as they descend into the valley. This could be a potential location for a scenic overlook. An artwork similar in spirit to the Recycled Roadrunner at the western entrance to the city on I-10 could be a good approach.

## Corridor Scale

Corridor scale art is seen by both fast approaching vehicles and pedestrians. It is meant to be seen from far away and up close.

**Intermediate Term**

*Lohman/Amador (East and West).* Lohman Avenue changes from a two-way street to a one-way street at S. Doña Ana Street. Amador Avenue changes from a two-way street to a one-way street at S. Miranda Street. The places where the streets change from two-way to one-way create triangular areas. These areas are owned by the City and already boast attractive landscaping maintained by the Parks and Recreation Department. These locations mark the entrance to the Arts and Cultural District and could potentially be future locations for public art.

*Solano Avenue.* Solano is a major North-South corridor in the city. North of Lohman, parks facing Solano, including Apodaca Park, the Aquatic Center and the Hadley Recreation Complex, could be sites for public art facing Solano visible from the street. South of Lohman, opportunities exist to work with property owners to create a critical mass of murals or other projects, such as artist-designed street banners that make a corridor-wide impact.

*Main Street at Solano Avenue.* Another important site is the intersection of Main Street and Solano, where passers-by can currently see the three crosses that represent the historic crosses for which the city may have been named. This site is in the Apodoca Blueprint planning area and will potentially be redeveloped, raising the question of what kind of public art is appropriate in the places where the crosses sit.

*University Avenue at El Paseo.* This intersection marks a western gateway into NMSU and the entrance to the Las Cruces Convention Center.

*Roadway Bridges.* Areas where major corridors cross arroyos, canals, and the Rio Grande are potential locations for a series of related works of art that mark or draw attention to the intersecting natural and man-made water network, experienced daily.

## Arts and Cultural District

**Near Term**

*Roundabout.* The roundabout at the northern end of downtown, where Main Street, Church Street and Water Street intersect, is an ideal location for a signature artwork that becomes a symbol for Las Cruces and its Arts and Cultural District.

**Intermediate Term**

*Main Street between Lohman and Bowman.* This zone along Main Street could also be a location for an artist-designed gateway to downtown, perhaps spanning over the roadway.

*Main Street north of Picacho.* This stretch is a major entry to the Arts and Cultural District and could be enhanced with banners, murals or other artistic enhancements.

*Main Street south of Lohman.* This stretch is also a major entry to the Arts and Cultural District. In addition to banners or murals, medians could be a location for artistic enhancement.

*Amador/Lohman Corridor.* This corridor, from roughly Solano to Melendres, should let people know that they are entering the Arts and Cultural District. This could be accomplished through encouraging public art and murals on private property, through public art projects in key City-owned areas (see Amador/Lohman split above), or through serial works, such as artist-design banners, that signal that you are entering the Arts and Cultural District.

*Picacho/Spruce Corridor.* Similarly, the Picacho/Spruce corridor is an important east-west corridor into the downtown area and could be a focus area for public art or serial works.

## FUNDING LANDMARK PUBLIC ART PROJECTS

Landmark Public Art Projects would be funded through the General Fund as special appropriations in the City's annual budget. The City could also write grants to fund specific projects in this category.

## PROJECT DEVELOPMENT PROCESS FOR LANDMARK PUBLIC ART PROJECTS

Candidates for Landmark Public Art Projects will emerge through City planning as well as in the development of Capital Projects that impact major roadways and gateways. Some sites may also require a partnership with the State of New Mexico Department of Transportation. *Las Cruces Public Art* should monitor the development of City plans and Capital Projects and bring forward potential opportunities to the City Art Board through the Annual Public Art Work Plan process.

Due to the potential complexity of Landmark Public Art Projects, the process of developing the Project Plan (see page 36) should include an in-depth study of the site and a detailed description of the art opportunity and the artist's scope of work.

In most cases, the artist selection for Landmark Public Art Projects should utilize an open call or an invitational process (described in Appendix D). An invitational process would ensure that the pool of artists being reviewed includes artists that have the capability to design, fabricate and install a work of art of substantial scale in a potentially complicated area.

## Community Engaged Collaborations

Many of the City's existing public art projects have grown out of work being done by the Parks and Recreation Department, though programs such as the Mural Arts Program and Keep Las Cruces Beautiful, with the dual goals of beautifying public space and engaging Las Crucens in actively learning and participating in artistic activities. Other City departments, such as the Sustainability Office in the Department of Economic Development, have worked with community-based nonprofit organizations to explore the power of public art to both enhance public space and bring people together. In addition, some community-based nonprofits are proactively engaging with the City to help realize ideas for public art projects that are being generated by artists and the community.

*Las Cruces Public Art* should build on this interest and understanding that art can be used to help achieve community development goals. LCPA should work with other City departments as well as community organizations as active partners in public art projects that are beneficial to both partners and to the public. Employing the partners' community relationships and outreach expertise, these projects should be specifically designed to engage Las Cruces youth or members of the general public in the development and execution of a public art project. For its part, *Las Cruces Public Art* can bring to the table valuable expertise in scoping out public art projects and selecting artists, as well as funds to supplement artist fees, ensuring that artists are qualified and that the resulting artwork is a valuable addition to the City's collection.

Ellie Balk, *Visualize Pi Perspective,* Brooklyn, NY, Photo: Ellie Balk

### Community Engaged Collaborations will help achieve the following goals for *Las Cruces Public Art:*

**GOAL 1**
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- These projects can be ideal for local artists who can engage deeply with the community over an extended period of time to develop the project and/or create the artwork.
- Collaborations with the City's museums can support visitorship to these institutions and help promote Las Cruces' cultural offerings.

**GOAL 2**
**Add Visual Interest and Beauty**

- Through interdepartmental collaborations, public art can beautify existing elements of the built environment, including parks, streetscapes, and other neighborhood infrastructure.

**GOAL 3**
**Activate Public Spaces**

- Artists who engage the community in the project development process can help the community take ownership of public spaces and help build a sense of pride in Las Cruces' neighborhoods and public spaces.

**GOAL 5**
**Make Art and Culture a Way of Life**

- Through these projects, community members can engage directly with artists and artmaking.
- Participating in these projects can build Las Crucens' appreciation for public art through hands-on experiences.
- Interdepartmental and community collaborations can help ensure that public art is present in all of Las Cruces's neighborhoods and that all residents have a chance to see art in their everyday lives.

## CRITERIA FOR EVALUATING COMMUNITY ENGAGED COLLABORATION PUBLIC ART OPPORTUNITIES

When reviewing potential opportunities to develop a Community Engaged Collaboration in partnership with another City department or organization, *Las Cruces Public Art* should consider the following:

- There is a willing partner that is able to dedicate staff time and financial resources to supporting the project.
- *Las Cruces Public Art* has adequate funding for the selection process and artist fee, and the partner has resources for the creation of the artwork and related community engagement.
- The partner is already engaged in doing work in the neighborhood/community and has strong relationships there or has a plan and the resources to develop the necessary relationships.
- *Las Cruces Public Art* and the partner share a clear vision for the public art project and its goals and outcomes and there is buy-in from all levels of the partnering Department or Organization.
- The project is on City property.
- The project aligns with *Las Cruces Public Art*'s vision and goals.

Over time, *Las Cruces Public Art* can strengthen its relationships with partners and discover new ways of working together.

Tracy Silva Barbosa, *Azulejos on Belleville,* New Bedford, MA, Photo: Tracy Silva Barbosa

## SPECIFIC OPPORTUNITIES FOR COMMUNITY ENGAGED COLLABORATIONS

The following represent potential opportunities that surfaced during the planning process. LCPA should track these projects, as well as continue conversations with potential partners to uncover new ideas.

**Near Term**

*Tunnel Mural.* The Parks and Recreation Department is interested in working with the community to install a mural in the (Alameda Arroyo) Multi-use Trail Tunnel under I-25. LCPA should work with Parks and Recreation to develop a draft Project Plan that also outlines the division of responsibilities for the project.

*Mural Arts Program.* LCPA should work with Parks and Recreation to grow and strengthen this existing program for youth.

**Intermediate Term**

*Community Art Residencies.* LCPA should work with Parks and Recreation to explore the idea of creating studio space in a Recreation or Community Center for an artist to work with community groups and individuals on public art projects.

*Community Schools.* LCPA should explore opportunities to partner with the Parks and Recreation Department to support public art in schools and/or engage students in public art projects through its Community Schools program and After School Program.

*Tactical Urbanism.* LCPA should continue conversations with the City's Office of Sustainability to explore how to support communities interested in low-cost, temporary beautification projects.

*Museum Exhibitions.* LCPA should continue conversations with Quality of Life Department staff about potential public art projects related to museum exhibitions that can extend the reach beyond the Museum's walls and promote visiting the Museum.

## FUNDING FOR COMMUNITY ENGAGED COLLABORATIONS

*Las Cruces Public Art* should make an annual request for General Fund support for Community Engaged Collaborations. LCPA's contribution to most projects would be staff time, funding an artist selection process, and paying artist fees. The partner(s) would fund materials and supplies and other expenses related to project execution.

Community members work with artist David Best to build *The Temple of Time.* Photo: City of Coral Springs, FL

## PROJECT DEVELOPMENT PROCESS FOR COMMUNITY ENGAGED COLLABORATIONS

When it is time to begin the project development process, the Art Program Coordinator should develop a Project Plan in collaboration with the partner. The Project Plan would be approved by the City Art Board as well as the appropriate staff and/or oversight body of the partner. The City Art Board would then present the Project Plan to City Council.

In most cases, *Las Cruces Public Art* would take the lead on managing artist selection and concept design approval. The process would be managed by the Art Program Coordinator and the review and approval process would come through the City Art Board.

If a large number of these projects are anticipated to be murals, *Las Cruces Public Art* may want to consider developing a juried Mural Artist Roster. Art selection committees would utilize this roster to select artists. For other projects, an open or invitational call may be appropriate.

Other elements of project management, including community engagement and project implementation would be managed by the partner. Artwork created through Community Engaged Collaborations would become part of the Community Collection. Some of these pieces, because of the nature of the materials or the nature of the site, should be temporary in nature. At the time of commissioning an expected lifespan should be established and a plan for de-installation should be included in the Project Plan. These projects would be maintained and conserved by LCPA.

Jessica Witte, *Seed the Change,* St. Louis, MO,
Photo: Meridith McKinley;
Valerie Theberge, *Emerge,* Reston, VA,
Photo: Reston Association

## Las Cruces Stories

Las Cruces Stories are special opportunity public art projects that illuminate aspects of the unique history and present-day cultures of Las Cruces. Not necessarily tied to City capital projects, Las Cruces Stories projects would be initiated periodically and would, in many cases, be in collaboration with organizations or community groups in Las Cruces. A Las Cruces Stories project could, however, be an appropriate approach for Landmarks or Parks and City Facilities projects. What makes a public art project a Las Cruces Stories project is the intentional focus on creating a public art project that expresses or explores a specific facet of Las Cruces' past, present and future.

### Las Cruces Stories projects can help achieve the following goals for *Las Cruces Public Art:*

**GOAL 1**
**Elevate Las Cruces as the Arts Capital of Southern New Mexico**

- Las Cruces Stories projects can highlight aspects of what make Las Cruces unique, helping to create a sense of place and pride in community.
- These projects can create platforms for sharing Las Cruces' rich cultures with both locals and visitors, reinforcing Las Cruces' identity as a cultural destination.
- The City's museums can be ideal collaborators for Las Cruces Stories projects, and the projects can, in turn, promote visitorship to those destinations.

**GOAL 3**
**Activate Public Spaces**

- Las Cruces Stories projects can be interactive and engaging, asking the viewer to participate in some way.

**GOAL 5**
**Make Art and Culture a Way of Life**

- These projects can bring the community together in sharing, reflecting, remembering the past or envisioning the future.
- Through their focus on local stories, these projects can be distributed throughout neighborhoods across Las Cruces.

Mary Beth Meehan, *Carlos* (from the *Seeing Newnan* series), Newnan, GA, Photo: Mary Beth Meehan

## CRITERIA FOR EVALUATING LAS CRUCES STORIES PUBLIC ART OPPORTUNITIES

Ideas for Las Cruces Stories will typically come out of conversations with other City departments and other community partners. The City Art Board should use the following criteria to evaluate whether an idea is a good fit for a Las Cruces Stories public art project:

- The idea brings to light a story about Las Cruces that is not already widely represented in the public art collection or in other highly visible and accessible public spaces.
- There is an appropriate site available to create an artwork and the site supports the subject of the artwork.
- There is a willing community partner that brings knowledge and expertise around the subject matter being explored.
- There is sufficient funding available to create an artwork at the chosen site.

## SPECIFIC OPPORTUNITIES FOR LAS CRUCES STORIES

There are numerous elements of Las Cruces' past, present and future that could be explored through public art.

Projects could be commissioned that reveal and explore people or groups that are under-represented in Las Cruces' public art or public spaces. Examples might include exploring the African American history of Las Cruces by partnering with initiatives such as the African American Historical Research Endowment at the Community Foundation of Southern New Mexico, or exploring the history and contemporary influence of the indigenous peoples in Las Cruces.

Artists could explore the cultural and physical impact of the Rio Grande and the acequias on the past, present and future of Las Cruces. Or artists could explore other aspects of the natural environment that have had a unique impact on the community, such as the region's National Monuments – Organ Mountains-Desert Peaks (OMDPNM), Prehistoric Trackways, and White Sands – and other elements of the unique desert ecosystem that shape the culture of Las Cruces. Possible partners for environmental topics could include Friends of OMDPNM, Southwest Environmental Center, Asombro Institute, Native Plant Society, Cruces Creatives, and others.

Las Cruces' place as a crossroads is an idea that spans its history to the present day. The area was part of a major thoroughfare and trade route for indigenous peoples prior to the arrival of Europeans. The Camino Real, built during the Spanish colonial era, passed right through the heart of present-day Las Cruces. Las Cruces is a crossroads today, as well, with the University bringing people from all over the world to Las Cruces to learn and exchange ideas. And it is also a major pathway for migrants and asylum seekers coming from the south to seek a better life.

That idea of crossroads could even extend to Las Cruces' emerging role in space travel. Spaceport and other space related activities could impact the future of the region. Celebrating and exploring this narrative through public art could be done with those partners or perhaps in collaboration with the Las Cruces Space Festival.

## FUNDING FOR LAS CRUCES STORIES

Las Cruces Stories public art projects would be funded through the General Fund as special appropriations in the City's annual budget. The City could also write or partner on grants to specifically fund projects in this category and ask partners to contribute funds. Las Cruces Stories projects could also be Parks and Community Facility projects, as described above, and funded through Percent for Art.

## PROJECT DEVELOPMENT PROCESS FOR LAS CRUCES STORIES

Through the process of developing the Annual Public Art Work Plan, the Art Program Coordinator would review potential opportunities with the City Art Board and, when the right opportunity and partnership surfaces, include it in the Annual Public Art Work Plan.

Las Cruces Stories public art projects should be commissioned using the Standard Public Art Commissioning Process outlined in this plan.

Thomas Agran, *Park CR Murals,* Cedar Rapids, IA, Photo: Thomas Agran

Clockwise from left: Michael Naranjo, *Eagle Man;*
Vela, *Rio Grande Theatre;*
Lorenzo Zepeda with Alma Arts and the Murals Arts Program, *When Trees Play*

# PUBLIC ART PROGRAMS

In addition to its work commissioning public art, LCPA will lead or partner with others to develop and implement a discrete number of programs. Overall, these programs are aimed at supporting local artists in developing public art as part of their practice – a key part of LCPA's mission. Programs will provide training and mentorship opportunities to help local artists grow their own practice in public art and will provide practical tools and resources for use by others interested in commissioning public art.

## Artist Professional Development

### TRAINING

LCPA should collaborate with other entities to provide training workshops and other resources for artists interested in pursuing public art. There are many institutions and organizations in the region that have expertise in professional development for artists or serve artists' needs and who may be interested in developing joint programming, including the Dona Ana Arts Council, NMArts, NMSU Department of Art and Art Museum, the City of El Paso's Museum and Cultural Affairs Department and its Public Art Program, and public art programs throughout New Mexico. Collaborating with these entities can help reach a larger audience and will bring more resources to the table.

Topics to cover in artist training workshops can include responding to Calls for Artists, insurance and other business and legal topics, working with fabricators and installers, developing contracts and budgets, documenting and marketing your work, and more.

In addition to curriculum-based workshops, LCPA can work with other regional commissioning and exhibiting entities, such as NMArts, NMSU, and El Paso Public Art, to offer artist talks with experienced, nationally recognized artists who may be in the region for a project. These artist talks could focus on the "behind-the-scenes" aspects of developing a public art project from the artist's point of view, and can help demystify the commissioning and project development process for artists new to public art.

There may also be opportunities to record these workshops and talks and make them available online for a broader audience. These and other existing materials can be catalogued and made available on LCPA's website.

## MENTORSHIP

LCPA should develop a mentorship program to provide local artists new to the field of public art with the opportunity to assist experienced artists with LCPA commissions. The goal of the mentorship would be to provide opportunities for artists to gain technical and administrative experience needed to compete within the field of public art locally and nationally, as well as to build their public art resume.

LCPA should determine on a case-by-case basis what commissions would be appropriate for a mentorship. Usually this will depend on the budgets for new commissions and the scope of work for the artist. The mentoring component should be included in the original RFQ for the project and the mentoring responsibilities should be built into the scope of work in the lead artist's contract.

LCPA should invite local artists to apply for the mentorship opportunity through an open Request for Qualifications/Call for Artists. If a large number of mentorship opportunities are anticipated, LCPA could establish a juried Mentee Artist Roster of local artists to draw from. The Selection Committee for the public art project would review qualifications and narrow the list down to 3 – 5 candidates for the lead artist to choose from. The lead artist would select a mentee artist based on a review of qualifications and an interview.

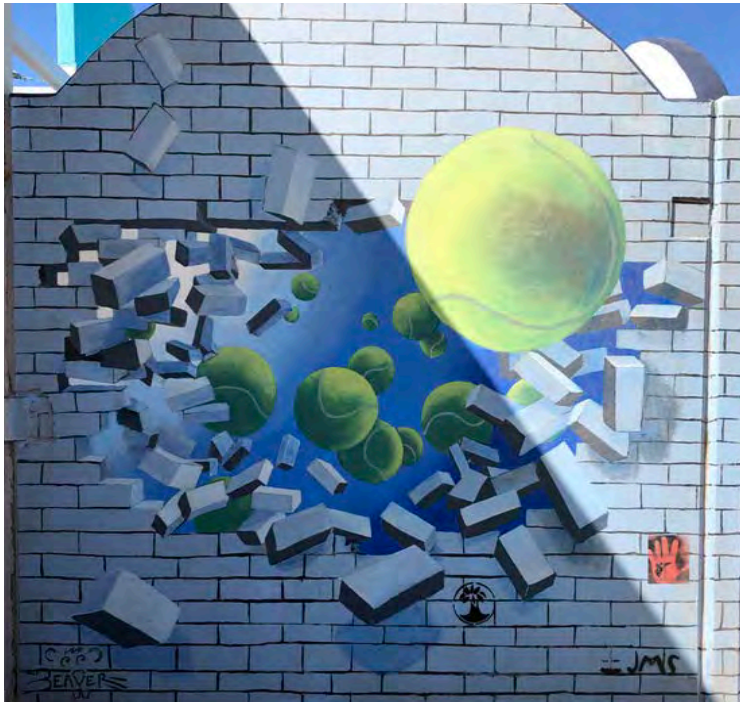
The lead artist would establish a scope of work for the mentee artist. The responsibilities of the mentee artist might include attending planning and community meetings; conducting research regarding materials, design issues and building codes; and other duties that relate to the design, fabrication and installation of the artwork.

The mentee artist would be paid a fee directly by LCPA.

## Mural Best Practices Guide

Murals are a popular form of public art in Las Cruces and speak to the region's cultural heritage and artistic heritage. Many entities in Las Cruces, such as the Downtown Las Cruces Partnership (DLCP), the Arts and Cultural District, Doña Ana Communities United, local businesses and galleries, Las Cruces Arts Association, Murals of Las Cruces, Cruces Creatives and other community organizations, are interested in commissioning murals to improve facades, revitalize neighborhoods, and support the arts. While some of the projects LCPA commissions on public property may be murals, LCPA can also play a role supporting murals on private property by developing and making accessible a best practices guide to assist private property owners and community groups interested in commissioning murals, as well as local mural artists. This guide would focus on the key issues that should be considered when commissioning murals – such as permissions, project lifespans, contracts, and artist's rights – as well as considerations regarding materials, wall preparation, and other technical issues.

Eugenia "AO" Carmona, *Thomas Branigan Library Mural,* Las Cruces, NM, Photo: Meg G. Freyermuth; Erik T. Burke, *Walk Before Ya Run,* Reno, NV, Photo: Erik T. Burke



Clockwise from left:
Shaun Carpenter, Shaunna Foster and the Mural Arts Program, *Evolution of Loss*; Lorenzo Zepeda and the Mural Arts Program, *The Path of Choice;* Karen Yank, *Pride.*

# COMMUNICATIONS

*Las Cruces Public Art* should make itself and the City Art Board known within the community and with its City colleagues as the City program responsible for commissioning, purchasing, and approving public art for City property. Effectively communicating its role, as well as its vision, to both the general public and to City colleagues will be vital to the success of the program.

*Las Cruces Public Art* should develop and implement an effective communications strategy that serves to:

- Raise the profile of LCPA, individual projects, and the Las Cruces Public Art Collection, as well as all public art that is accessible throughout the City.
- Build a greater understanding around the role of the City Art Board and create a level of transparency around the process for creating new public art projects.
- Encourage people to get involved on the City Art Board or on an Art Selection Committee, or to participate in Community Engaged Collaborations or other public art projects.
- Engage with local artists, encouraging them to apply for projects and learn more about public art practice.
- Educate people about individual works of public art, the artists who create them, the processes they use, etc.
- Draw attention to Las Cruces as a destination for high quality public art.
- Engage people with the works in the Las Cruces Public Art Collection.

## Message and Identity

*Las Cruces Public Art* should be the umbrella under which all of the City's public art activities take place. It should be understood that if a City department is interested in commissioning public art, they work with LCPA to manage the artist selection and follow the procedures outlined in this plan.

The name *Las Cruces Public Art* should be used in all communications, including print materials, press releases, website, social media and identification labels.

When developing materials, LCPA should also consider developing key messages that are reinforced through all communications channels. Potential key messages are:

- Celebrate the talents of commissioned artists.
- Promote the role that the community has played in the selection of the artist or creation of the work.
- Relate projects back to the mission and vision of the program.
- Underscore that the approach taken toward planning, funding and implementation is related to best practices in public art.

## Presence in the Community

As part of its overall communications strategy, LCPA should identify opportunities to participate in existing community events with the goal of raising awareness about LCPA and public art in Las Cruces. Annual events such as National Night Out or the Las Cruces Space Festival could be good opportunities to share information with the public about the program and, potentially, engage the public in the development of a public art project, such as a temporary mural, street painting or other hands-on collaborative activities. LCPA can also consider having a presence at more frequent events such as the Farmers & Crafts Market.

## Public Art Catalog

LCPA should continue to maintain and update a full inventory of all work in the Las Cruces Public Art Collection, including high-quality images and descriptions that are accessible to the public via the City Art Tour on the City's website. LCPA can also consider adding public art in the city to national public art websites such as Westaf's Public Art Archive or the Museum without Walls. Print brochures providing an overview of the collection, outlining a self-guided tour and/or about specific works in the collection can also be a resource that is distributed at community facilities and via Visit Las Cruces and shared with people interested in public art in Las Cruces.

## Project-Specific Communications Strategy

The Art Program Coordinator should develop, and include in the Project Plan, a communications strategy for each public art project that includes communications, stakeholder engagement and community involvement opportunities during the commissioning process through the unveiling of the artwork. The strategy should identify target audiences, messages, and vehicles for communication, as well as a timeline linked to the public art project milestones.

### MEET THE ARTIST SESSIONS

For all new public art commissions, LCPA should work with the artist to design one or more open meetings that invite the public to meet the artist and learn about his or her practice and for the artist to learn about the community. These sessions should be organized and facilitated by LCPA.

### ARTIST-DESIGNED ENGAGEMENT

For some new commissions, LCPA may also require that the artist develop their own engagement process to inform their project.

## Programs to Promote Engagement with the Public Art Collection

LCPA should develop partnerships to bring the City's public art to life. Projects could include walking tours of public art in different parts of the city, curriculum materials focused on specific public artworks, engaging performing artists or musicians to create new work in response to public artworks, photography workshops focused on the public art collection, and more.

Clockwise from left:
Barios Caballeros, *EJ & Mable;*
C.M. Djorojieski, *Albert Norris Johnson Sr.;*
mural at Art Obscura

# APPENDIX A:
# ACKNOWLEDGEMENTS

This public art master plan could not have been developed without the thoughtful input and dedicated work of the following people:

**Mayor**
Ken Miyagishima

**City Council**
Jack Eakman
Yvonne M. Flores
Kasandra A. Gandara
Greg Z. Smith
Gill M. Sorg
Gabriel Vasquez

**Interim City Manager**
William F. Studer, Jr.

**Quality of Life Department Staff**
Lynn Gallagher, *Director*
Rebecca Slaughter, *Deputy Director*
Garland Courts, *Museum Manager*
Lorenzo Zepeda, *Art Program Coordinator*
Leticia Soto, *Office Assistant*
Norma Chairez, *Exhibits Curator*

**City Staff**
David Dollahon
*Assistant City Manager*
Sonya Delgado
*Director, Parks & Recreation Department*
David Maestas
*Director, Public Works Department*
Cathy Matthews
*Landscape Architect, Parks & Recreation Department*
Franco Granillo
*Parks Administrator, Parks & Recreation Department*
Lisa LaRocque
*Sustainability Officer*

**City Art Board**
Meg Freyermuth, *Chair*
Rebecca Courtney, *Vice Chair*
Susan Frary, *Secretary*
Christina Ballew
Robin Hutchins
Susan McNeill
Edward Schmitt
Ricardo Gonzales
Councilor Greg Smith

**Community Advisory Committee**
Councilor Gabriel Vasquez
Margaret Bernstein
*Las Cruces Art Association*
David Chavez
*Chair, Arts and Cultural District*
Dan Lere
*Board Chair, Doña Ana Arts Council*
Marisa Sage
*Director & Head Curator, NMSU Art Gallery*
Noel Sandino
*President, ArtForms Artist Association*

**Steering Committee**

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Garland Courts
*Quality of Life Department*
Paul Dahlgren
*Economic Development Department*
Sonya Delgado
*Parks & Recreation Department*
Lynn Gallagher
*Quality of Life Department*
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*Community Engagement Office*
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*Quality of Life Department*
Rebecca Slaughter
*Quality of Life Department*
Liz Vega
*Economic Development Department*

**Consultants**

Meridith McKinley, Via Partnership
Aliza Schiff, Via Partnership
Robert A. González
Eleanor Safe, Design

**Artist Roundtable Participants**

*March 27, 2019 – Branigan Cultural Center*
Kathleen Albers
Christina Ballew
Sandra Bender
Carolyn Bunch
Karen Conley
Rebecca Courtney
Shaunna Foster
Susan Frary
Meg Freyermuth
Emma Henderson
Logan Howard
Jack LeSage
Susan McNeill
Anahy Nuñez
Richard Parra
Tony Pennock
Niko Radtke
Deret Roberts
Greg Smith
Michael Taylor
Gail Gash Taylor
Aaron Valenzuela
Roy van der Aa

Special thanks to Aidee Cosme and Ben Fyffe of the City of El Paso's Museums and Cultural Affairs Department for arranging our tour of El Paso's public art and to Bill Helm, Peter Svarzbein, and Mitsu Overstreet for sharing their knowledge during the tour.

# APPENDIX B:
# DEFINITIONS

The following key terms are used throughout the Las Cruces Public Art Master Plan.

**Acquisition**
An artwork that is added to the City of Las Cruces Public Art Collection through commission, purchase, or donation. Acquisitions are one-of-a-kind, not mass-produced or off-the-shelf, unless part of a limited edition.

**Annual Public Art Work Plan**
Plan developed by the Arts Program Coordinator, in collaboration with the City Art Board, that outlines public art projects, programs and other activities for the coming fiscal year. Approved by the City Art Board and presented to City Council as an informational item.

**Artist**
An individual generally recognized by critics and peers as a professional practitioner of the visual, performing and/or language arts, based on his or her body of work, educational background, experience, exhibition history, publication and/or creation of artworks. For commissioning and acquisition purposes, an artist cannot be a City employee, a member of the City Art Board or the relevant Art Selection Committee. If part of a Capital Project, the artist cannot be a member of the Prime Consultant's firm or team.

**Art Selection Committee**
An ad-hoc committee of the City Art Board charged with reviewing artists' qualifications and artist Concept Proposals and making recommendations back to the City Art Board.

**Artist Roster**
A pre-qualified list of artists that could be utilized by Art Selection Committees and/or the City Art Board for artist selection processes. Rosters are developed through an RFQ process and are approved by the City Art Board.

**Artwork**
An aesthetic creation of permanent or temporary medium or combination of media resulting from the skill and creativity of an artist or artists.

**Call for Artists**
General term for a request for artists to apply for a public art commission.

**Capital Improvement Program**
A City budget document that outlines City Capital Projects for the coming fiscal year and projects upcoming Capital Projects for the coming five years.

**Capital Projects**
Building and renovation projects outlined in the Capital Improvement Program.

**City of Las Cruces Public Art Collection**
Public art owned and cared for by the City of Las Cruces, and located on City property, including works in the Civic Art Collection, the Community Collection, the Legacy Collection and the Portable Works Collection. Does not include works of art in the Museum Art Collection, the Library Art Collection, monuments and memorials in Veteran's Park, Gifts of State, or monuments and memorials that are not works of art.

**Civic Art Collection**
Public art on City property or in City facilities that was approved by the City Art Board. This includes permanent and temporary works commissioned by Las Cruces Public Art as well as gifts of artwork reviewed and accepted by the City Art Board. Part of the City of Las Cruces Public Art Collection.

**Commission**
An artwork, permanent or temporary, that is created by an artist at the request of LCPA and under contract with the City of Las Cruces specifically for a site and/or community.

**Community Collection**
Works of public art created through the Mural Arts Program or other community-based projects commissioned by Las Cruces Public Art. These works are typically temporary in nature, with a lifespan agreed upon at the outset of the project. Part of the City of Las Cruces Public Art Collection.

**Concept Proposal**
The phase of a public art project in which an artist creates an initial proposal, including diagrams or a maquette, and conducts a preliminary cost estimate.

**Conservation**
The regularly scheduled examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator.

**De-accessioning**
The permanent removal of a work from the City of Las Cruces Public Art Collection by selling, donating or destroying it.

**Donation**
Art donated to the City of Las Cruces Public Art Collection from a private individual, institution or other outside source and accepted by the City Art Board. Donations are sometimes referred to as gifts.

**Donor**
An individual or entity that donates an artwork to the City or makes a monetary contribution to the Public Art Fund.

**Final Design**
The phase of a public art project in which the artist finalizes the design, placement, installation specifications and cost estimate, and has relevant components prepared and stamped by a licensed engineer.

**General Fund**
The City's main operating budget, includes all resource inflows and outflows that are not associated with special-purpose funds.

**General Obligation (G.O.) Bonds**
Debt instruments authorized by a vote of the electorate to finance capital improvements. The bonds are subject to covenants and the issuance of bonds is based on the full faith and credit of the City.

**Gifts of State**
Items given to the City of Las Cruces by a domestic or foreign government official as an expression of goodwill. These items are not part of the City of Las Cruces Public Art Collection.

**Impact Fee**
Fees imposed on property developers by the City for new infrastructure that must be built or increased due to new property development.

**Landmark**
An object or feature that is easily seen and recognized from a distance, especially one that enables someone to establish their location.

**Las Cruces Public Art**
The name of the City of Las Cruces' public art program.

**Legacy Collection**
Works of public art owned by the City that pre-date the City Art Board and works of art that were commissioned or donated without City Art Board approval. Part of the City of Las Cruces Public Art Collection.

**Lender**
An artist, organization or other entity that loans a work of public art to the City.

**Loan**
Public artworks provided to the City of Las Cruces for its use for a period of time, to be returned to the owner after the loan period expires.

**Maintenance**
The routine care and repair of works of public art that does not require specialized expertise (i.e.: dusting, washing, changing light bulbs, lubrication of moving parts, etc.).

**Memorial**
A structure that is established to remember a person or people who have died.

**Monument**
A structure (plaque, artwork and/or other item) sited in a public location that is established to honor, preserve the memory of, or commemorate a deceased person(s), an event that occurred in the past, or an important idea that has shaped or impacted the community.

**Mural**
A painting or other work of art executed directly on a wall.

**Percent for Art**
A public art funding mechanism in which a certain percent of capital project funds are set aside for the commissioning of public art.

**Portable Works Collection**
Smaller scale, non-site-specific artwork, generally displayed in City facilities. Part of the City of Las Cruces Public Art Collection.

**Prime Consultant**
The lead designer for a City Capital Project. Typically an architecture, landscape architecture or engineering firm.

**Project Plan**
A document developed by the Art Program Coordinator with input from the City Art Board which outlines the work that must be done to undertake a specific public art commission or purchase and establishes the goals against which the project will be reviewed. The Project Plan is approved by the City Art Board and presented to City Council at a Work Session by the City Art Board Chair.

**Public Art**
Elements of a public place that are designed by a professional artist or artist team. Public art can be permanent, temporary and/or functional. Public art can be stand-alone or integrated into the architecture, landscape or infrastructure such as public buildings, bridges and parks. Public art can be the sole creation of the artist or it may result from a design team approach in which artists work on project teams with architects, engineers, landscape architects and others to design and create public places. Public Art, for the purposes of acquisitions by Las Cruces Public Art, does not include mass produced work, with the exception of limited editions controlled by the artist.

**Public Art Fund**
A separate fund established by the City to hold funds allocated for public art from Percent for Art, the general fund, grants, and private fundraising.

**Qualifications**
Materials sent by an artist upon request of the City of Las Cruces that demonstrate the capabilities of the artist. Qualifications generally include images of the artist's relevant previous artwork with a corresponding image list, a resume, cover letter or statement of interest, and references.

**Request for Qualifications (RFQ)**
Term for a document soliciting qualifications from artists for a specific public art project or for an artist roster.

**Request for Proposals (RFP)**
Term for a document soliciting Concept Proposals from artists for a specific public art project.

**Site-Specific Artworks**
Artworks that are inspired by and created to fit the context of a particular place.

**Temporary Public Art**
Works of art that are created to be in a public place for a limited period of time, as agreed upon at the outset of the project.

**Visual Artists Rights Act (VARA)**
A United States law (17 U.S.C. § 106A) granting certain rights to artists. VARA guarantees to authors of fine art the right to claim or disclaim authorship in a work; limited rights to prevent distortion, mutilation, or modification of a work; and the right, under some circumstances, to prevent destruction of a work that is incorporated into a building.



Agenda Item #8.3.
Page 455 of 585

# APPENDIX C:
# SURVEY RESULTS

## Purpose and Methodology

As part of the outreach process of developing the Las Cruces Public Art Master Plan, the City of Las Cruces and the City Art Board, working with project consultant Via Partnership, conducted an online survey. The survey was designed to gather input on a broad set of possible directions for public art as well as to learn more about people's perceptions of Las Cruces. The survey is one of several tools being used to gather input for the development of the Plan. The survey was launched on February 15 and was up through May 15, 2019. The survey received 226 complete and an additional 97 partial responses.

The survey asked five questions related to people's preferences for public art:

- *Which examples are you familiar with?* Please click on each image you recognize. (Respondents were shown 26 examples of artwork in Las Cruces).

- (Respondents were shown 24 examples of public art from other cities). *Of these projects, pick up to five that you think are visually interesting and represent the type of art that you think would be successful in Las Cruces.*

- *What is the IMPACT that public art should have in Las Cruces?* (Respondents were asked to indicate five preferences from a list of 14 options)

- *What TYPES of artwork would you like to see in Las Cruces?* (Respondents were asked to indicate four preferences from a list of 11 options)

- *What are the priority LOCATIONS in Las Cruces for new public artworks?* (Respondents were asked to indicate four preferences from a list of 13 options)

We also asked:

- *What is the first thing that comes to mind when you think about Las Cruces?*

- What places in Las Cruces do you take people to show them what Las Cruces is all about?

- Tell us about something unique about Las Cruces that a visitor or newcomer might not know about.

# Findings

Several themes emerge from the survey results that cut across multiple questions and help us understand people's preferences related to public art, as well as their perceptions of Las Cruces.

## COLORFUL, BIG, AND BOLD ARTWORK

First, survey respondents were attracted to art that is big, bold, and colorful and they want this kind of art for Las Cruces. Of the Las Cruces artworks shown on the survey, people were most familiar with large-scale, prominently located works such as Tony Pennock's water tank mural *Jornada del Muerto* on Triviz and Griggs (93.9%) and *Recycled Roadrunner* by Olin Calk at the 1-10 Rest Area (87.9%).

These types of large, colorful, iconic artworks were most popular among the examples of public art in other cities, as well. Survey respondents were asked to choose artworks from other cities that represent the type of artwork they think would be successful in Las Cruces from a set of images. The three most popular artworks were *Reflections on the Brazos* by Ryah Christensen – a colorful 4'x40' glass and stone mosaic embedded in the sidewalk along a street corner in Austin; *Enchanted Promenade* by TILT – a series of 10 giant peony bouquets temporarily installed in a pedestrian walkway in Houston that glow with color-changing LED lighting; and *Marquise* by Marc Fornes – a massive, dramatic, brightly colored canopy at the entrance to El Paso's Westside Natatorium building. And when asked to elaborate on why they chose the artworks they did, the most frequent responses were: 1) colorful (69 answers) and 2) big/bold (28).

These are the type of artworks that can serve as "memorable, highly recognizable landmarks," and indeed that was a popular selection for the impact that public art should have in Las Cruces, with 41.7% of respondents selecting this choice. Furthermore, 43.8% of respondents selected "artwork that is large-scale and iconic" as a type of artwork they would like to see more of in Las Cruces.

## LOCAL RELEVANCE

Second, survey respondents also showed a strong preference for artwork that is meaningful and specific to the community and context of Las Cruces. After colorful and big/bold, the third most popular reason people chose the artworks they did from the examples from other cities was because they were culturally significant, locally relevant and show the culture of the area (23 answers). This supports a survey-wide finding showing a strong desire that public art in Las Cruces should reflect local narratives, histories, and stories and should be culturally relevant. Forty-two percent of respondents felt the impact that public art should have in Las Cruces is to "give voice to history and cultural heritage," making this impact the fourth most popular choice from the 14 options provided. And when respondents were asked to tell something unique about Las Cruces, by far the most popular type of answer was a story related to local history and culture, supporting the idea that the local culture and heritage can provide fertile ground for exploration by artists who are making work for Las Cruces in the future.

Survey respondents also feel artwork should be appropriate to the environmental and physical context of Las Cruces – its landscape and its sense of place as a New Mexican and Southwestern city. Following closely behind cultural relevance as a reason why people chose the artworks they did from other cities, was the artworks' perceived appropriateness to the region or fit with the landscape/ environment of Las Cruces or the Southwest (21 answers).

Throughout the survey responses there was a strong sense that Las Cruces has a special mix of cultures; that people in Las Cruces are, and have historically been, from all over; and that this is what makes Las Cruces what it is. This is related to the preference for artwork that shows the local culture of the area and that is appropriate to the natural environment, because it shows that people have a strong sense of what Las Cruces is, grounded in its cultural heritage, history, and physical surroundings – all narratives that can be woven throughout the public art program for artists to explore.

## BEAUTIFYING EVERYDAY PLACES

People are also interested in art that beautifies and enhances the appearance of everyday places. This was the number one impact that survey respondents felt public art should have, with more than 57% of people stating that public art should enhance the visual appearance of streets and beautify public infrastructure. Artist-designed functional elements in the streetscape, such as benches, bike racks, crosswalks, manhole covers, etc. was the second most popular type of artwork that people would like to see in Las Cruces (after "artwork by local and regional artists"). People are interested in art that improves streetscapes and serves a purpose while doing so.

People are also interested in art that is interactive or activates public spaces. This was selected by 37.9% of respondents as an impact public art should have and was also a popular choice from the types of public artwork provided (41.3% chose "interactive and playful"), as well as a common reason for liking artworks from other cities (interactive or immersive was mentioned 19 times).

## SUPPORTING LOCAL CREATIVE CULTURE

Throughout the survey, strong support for Las Cruces' local artists and local creative culture was shown. Just over 50% of respondents selected "enhances the visibility of Las Cruces' local creative culture" as the impact public art should have, making it the second most popular answer to that question. In addition, "artwork by local and regional artists" was the number one type of artwork people would like to see in Las Cruces, as mentioned above. Throughout the survey, including in many write-in answers, strong support for and pride in Las Cruces' local artists was shown.

Taken together the survey responses help provide a picture of the types of public art that people would like to see in Las Cruces and what they believe public art should achieve for the city and its residents.

1. Below is a small sampling of public artwork already existing in Las Cruces. Which examples are you familiar with? Please click on each image you recognize.

| Artwork | Percent |
|---|---|
| "Jornada del Muerto," Tony Pennock, Triviz & Griggs | 93.9 |
| "Recycled Roadrunner," Olin Calk, I-10 Rest Area | 87.9 |
| "Dineh," Peter Toth, Apodaca Park | 82.1 |
| "Earth and Cosmos," Glenn Schwaiger, Main & Organ Callecita | 75.4 |
| "Mabel," Barios Caballeros, Las Cruces City Hall | 75.4 |
| "Journey to Tlalocan," Tony Pennock, S. Sonoma Ranch & Canyon Point | 71.1 |
| "Valley of the Moon," Tony Pennock, Roadrunner & Millennium | 67.9 |
| "Celebrate," Bob Diven, Las Cruces City Hall | 66.1 |
| "The Royal Road," Tom Askman, Thomas Branigan Memorial Library | 66.1 |
| "Eagle Man," Michael Naranjo, Las Cruces Museum of Art | 65.0 |
| "Color me Cruces," Anahy Nunez, Aaron Valenzuela and Christina Ballew, 318 N Main | 63.9 |
| "Entrada del Sol," Glenn Schwaiger, Hadley & N. Manzanita | 63.2 |
| "Rio Grande Time," Tony Pennock, Plaza de Las Cruces | 63.2 |
| "La Entrada," Tony Pennock, Albert Johnson Memorial Park | 58.6 |
| "Unity in Diversity," Beverly Penn-Barron, Albert Johnson Memorial Park | 58.2 |
| "Day of the Dead," VELA, Hwy 28 and Union Ave. | 47.5 |
| "Albert Johnson," C.M. Djorojieski, Albert Johnson Memorial Park | 44.6 |
| "Refuge," Andrew Nagem, Lions Park / Laabs Pool | 40.7 |
| "Quail Morning," Tony Pennock, East Lohman | 40.4 |
| "Katchina, Bullfighter and Roadrunner Mosaics," Artist Unknown, Main and Picacho | 40.0 |
| "Untitled," SUM Artist, Meerscheidt Recreation Center | 33.2 |
| "Pride," Karen Yank, East Mesa Public Safety Facility | 31.1 |
| "Tree of Life," ALMA & CLC Mural Arts, Parks & Rec Casteneda Building | 29.3 |
| "Laabs Pool Fence," Shaunna Foster & Lorenzo Zepeda, Laabs Pool | 22.9 |
| "Roadrunner," Ruben Garcia, I-10 and Crawford Blvd. | 16.1 |
| "Sacred Rain Arrow," Shauna Foster & Lorenzo Zepeda, Archery Range | 10.0 |

2. Of these projects, pick up to five that you think are visually interesting and represent the type of art you think would be successful in Las Cruces.

| Artwork | Percent |
|---|---|
| “Reflections on the Brazos,” Ryah Christensen, Austin, TX | 45.7 |
| “Enchanted Promenade,” TILT, Houston, TX | 44.1 |
| “Marquise,” Mark Fornes / TheVeryMany, El Paso, TX | 39.3 |
| “Snakes at Mesa del Sol,” George Radvonich, Albuquerque, NM | 30.8 |
| “Ballroom Luminoso,” Blessing Hancock and Joe O’Connell, San Antonio, TX | 27.5 |
| “Solaris Light Tree,” Lawrence Argent and Jen Lewin, Vail, CO | 27.1 |
| “67th Avenue Bus Shelter,” Leticia Huerta, Phoenix, AZ | 23.9 |
| “Dineh,” Allan Houser, Santa Fe, NM | 23.5 |
| “Fall Of The Ten Suns,” Jessica Angel, Albuquerque, NM | 21.9 |
| “Over Continents and Oceans (projection),” Tiffany Carbonneau, Crete, NE | 20.6 |
| “River Road,” Vicki Scuri, Tucson, AZ | 19.8 |
| “47Stories,” Shira Walinsky and Laura Deutch, Philadelphia, PA | 18.2 |
| “Triumph,” Richard Deutch, Palo Alto, CA | 16.2 |
| “Rustician,” Karl Unnasch, Montevideo, MN | 15.8 |
| “Riverine,” Stacy Levy, Niigata, Japan | 15.4 |
| “Double Play,” Robin Brailsford, Frisco, TX | 15.4 |
| “Your Essential Magnificence,” James Edward Talbot, Austin, TX | 15.0 |
| “Seen/Unseen,” Mary Beth Meehan, Providence, RI | 13.4 |
| “Drift Inversion,” David Franklin, Denver, CO | 12.6 |
| “Cuerpos Celestiales,” Rolando Briseno, Frisco, TX | 11.7 |
| “Ferrocarrilero,” Art Garcia, El Paso, TX | 11.3 |
| “Morning,” Ann Gardner, Washington, DC | 7.7 |
| “Arcs in Motion,” Catherine Woods, Pinellas, FL | 6.9 |
| “Kinloch Basketball Mural,” William LaChance, Kinloch, MO | 6.1 |

3. Of the projects you chose, what do you like about them?

| Artwork | Response Number |
|---|---|
| Colorful | 69 |
| Big, bold | 28 |
| Culturally significant / locally relevant/shows culture of area | 23 |
| Appropriate to region / fits with LC and SW | 21 |
| Interactive / Immersive | 19 |
| Accessible / inclusive / let people see art in everyday life | 19 |
| Light / interest at night | 17 |
| Fun, whimsical, playful | 13 |
| Functional artwork, beautifying everyday items (particularly providing shade) | 12 |
| Enhancing existing space / well-integrated into spaces | 12 |
| Beautify boring areas | 11 |
| Inspirational, positive, uplifting, happy | 11 |
| Different than what we already have | 6 |
| Just wanted to choose a variety of types of work | 6 |
| Durable/easy to maintain | 5 |
| Murals | 5 |
| Selfie / photo op | 4 |
| Tells our story / history | 4 |
| Reflects nature | 4 |
| Dynamic / can change | 3 |
| Welcoming | 3 |
| Motion / Kinetic | 3 |
| Makes a social statement | 2 |
| Beautifies from a distance | 2 |
| Provokes the imagination | 2 |
| Done by local artists | 2 |
| No political message, uses recycled materials, gets people out, realism not abstract, texture, gives a sense of identity | 1 |

4. What is the IMPACT that public art should have in Las Cruces? (pick your top five)
I would like to see public art in Las Cruces that …

| Answer | Percent |
|---|---|
| Enhances the visual appearance of streets and beautifies public infrastructure. | 57.9 |
| Enhances the visibility of Las Cruces' local creative culture. | 50.2 |
| Reinforces Las Cruces as a unique cultural destination. | 47.2 |
| Gives voice to the history and cultural heritage of Las Cruces. | 42.6 |
| Creates memorable, highly recognizable landmarks. | 41.7 |
| Activates public spaces. | 37.9 |
| Welcomes people to Las Cruces, creating a positive first impression. | 34.9 |
| Creates an outlet for community creativity and expression through hands on involvement. | 29.8 |
| Provide opportunities for people to connect to art that enriches their lives. | 26.0 |
| Increases pride in Las Cruces. | 25.5 |
| Encourages people to explore different neighborhoods. | 22.1 |
| Raises awareness and sparks dialogue about important issues impacting the community. | 21.7 |
| Anchors focal points or community gathering places throughout the community. | 20.9 |
| Enhances the identity of important nodes or areas of the community. | 10.2 |

Other:

- Shade structures with beauty
- Opportunities of local artists
- Increase public access to fine art
- Provide a point of beauty
- Leverage other public goals like traffic calming
- Has to be good, not bullshit modern
- Blends and brings surprise to the landscape
- Photo op next to art, with Las Cruces name on the art. branding
- Included FOOD for everyone events DAILY and throughout the City!
- Create interactive art spaces
- Encourages people to be kind to each other
- Artwork that is all inclusive.
- Bring new vision and get inspired.
- Provide a strong sense of community and unity for the art community already existing in Las Cruces (specifically the younger generation – just because we live in the southwest, that doesn't mean all artwork needs to represent that)
- Honors women/women of color that have made impact on third communities
- Covers the horrible architecture in Las Cruces – such as the new bus station what an ugly building
- More 'nature' into surrounding area
- Don't worry about art for tourism. Local culture will shine and attract as part of our civic program.
- No modern crap
- Fanciful, conversation starters, no more tile
- Includes images of people with disabilities
- Raise people's awareness to live up-to-date (ecology, socially, educationally, etc.)
- Pay local artists. I do not want any artist from outside of Las Cruces to get our tax money when there are thousands of artists living here.

5. What TYPES of artwork would you like to see in Las Cruces? (pick your top four)
I would like to see more …

| Answer | Percent |
|---|---|
| Artwork by local and regional artists. | 63.0 |
| Artist-designed functional elements in the streetscape (benches, bike racks, crosswalks, manhole covers). | 57.0 |
| Murals. | 45.1 |
| Artwork that is large-scale and iconic. | 43.8 |
| Interactive and playful artworks. | 41.3 |
| Illuminated/Light-based projects. | 39.1 |
| Artwork that creates pedestrian-scale visual surprises. | 31.1 |
| Public art festivals. | 23.4 |
| Artwork by nationally or internationally recognized artists. | 15.7 |
| Temporary installations that come and go. | 14.5 |
| Video projection and media-based artworks. | 4.3 |

Other:

- Good art
- Utility box murals that relate to each area
- There is a lot of talent locally. It's my belief that working with local artists on these projects will increase pride in the city.
- Mosaics, I.e. the works of Gaudi in Barcelona
- Shade structures
- Conceptual design
- Good art
- Increased Awareness to Health Nodes of Access for Everyone as a response to caring for the poor, transient, or sick.
- Illuminated, murals
- Sculptures
- More ceramic based artwork (See Santa Teresa Tile in Tucson)
- Contemporary Southwest Art
- Art work from students from lcps
- Private property art for the public
- Sculptures
- Art projects that include hands involvement by community not just "artists."
- Community exhibitions like Chicago CowParade or Berlin Buddy Bears. Las Cruces Chile's?
- Good art
- Playful functional interactive streetscape art
- Nice
- Cultural relevance – no more Eagle Dancer or misappropriated cultural art

6. What are the priority LOCATIONS in Las Cruces for new public artworks? (pick your top four)
Public art in Las Cruces should be located ...

| Answer | Percent |
|---|---|
| At neighborhood gathering places. | 54.7 |
| In parks. | 50.0 |
| Along streets and roadway corridors. | 44.0 |
| Throughout the Arts and Culture District / Downtown Las Cruces. | 42.7 |
| At gateways to the City. | 42.2 |
| At sites important to Las Cruces' history. | 41.8 |
| Along walking/biking trails (such as La Llorona Park and Trails). | 31.0 |
| At gateways to the Arts and Culture District / Downtown Las Cruces. | 26.7 |
| At Bus Stops. | 17.7 |
| At recreation and aquatic centers. | 9.1 |
| Inside of City buildings. | 7.8 |
| At City Hall. | 6.0 |
| At Thomas Branigan Memorial Library. | 4.3 |

Other:

- Outside City buildings
- Wherever there is an abundance of bland and drab buildings/structures.
- Or would be nice to replace the current crosses for a nicer monument.
- Along busy roadways like Lohman, Solano, Valley, and University.
- The City building is cold and unfriendly. Needs color and art
- Tourist locations
- EVERYWHERE. Let's pack it in, all of it. Leave no areas behind, like so much of the city is right now.
- Not TOO BIG for top $, more so creative in scale to help direct travelers, and avoid incessant history knowledge...
- Along the Freeway
- Any and all of the above!
- Public places throughout the city.
- Scale priority is the three freeway intersections: 10/25, 25/70, and 10/Picacho.
- Along Lohman, Las Cruces real downtown
- Everywhere in Las Cruces
- Near or at schools on the outside
- On city buses, limited time, series variety on different buses
- Landmark recognition.
- Inside of school buildings on the walls

7. What is the first thing that comes to mind when you think about Las Cruces?

| Answer | Response Number |
|---|---|
| Organ Mountains | 53 |
| Cultural Diversity / mix of cultures / cultural crossroads | 32 |
| Landscape / environment (sunsets, sky, desert, etc.) | 35 |
| Friendly, welcoming community | 20 |
| Good weather / climate / sunshine | 18 |
| Chile | 11 |
| Home | 8 |
| Food | 7 |
| Three Crosses | 7 |
| Family | 6 |
| City that loves the arts | 5 |
| Still growing | 5 |
| Hispanic | 5 |
| Retirement community | 4 |
| Historical | 3 |
| Farmers Market | 3 |
| College town | 3 |
| Roadrunner | 2 |
| Adobe houses | 2 |
| Agriculture | 2 |
| Music | 2 |
| Zia | 2 |
| Creativity | 2 |
| One mention: pecans, talavera pottery, calm & quiet, clean, charming, cheap, childhood, youthful, tradition, outdoor activities, incredible artists, indigenous people, public land, the next Austin, original townsite, tourism | |
| Negative impressions<br>Includes: bad weather (6), undersells itself (3), dusty old town/ behind the times (3), needs walkability (2), poor (2), traffic/roadwork (2), rundown (1), bland (1), isolation (1), trash everywhere (1), no taste (1), unsure about identity (1) | 24 |

8. What places in Las Cruces do you take people to show them what Las Cruces is all about?

| Answer | Response Number |
|---|---|
| Downtown | 85 |
| Mesilla | 83 |
| Organ Mountains / Dripping Springs/OMDPM | 70 |
| Farmers Market | 53 |
| Local Restaurants | 47 |
| NMSU | 35 |
| City of Las Cruces Museums | 28 |
| White Sands | 19 |
| Farms / Orchards | 19 |
| Parks | 18 |
| Mesquite District | 18 |
| Rio Grande | 16 |
| Hiking | 13 |
| Galleries | 9 |
| Alameda Depot Neighborhood | 8 |
| Roadrunner | 8 |
| COAS Bookstore | 6 |
| Downtown Art Ramble | 6 |
| Five or fewer mentions: live theater (5); A Mountain (5); Soledad Canyon (3); the library (2); city entry points (2); townsite (2); Chile Pepper Institute (2); sporting events (2); Baylor Canyon (2); Mesilla Park (2); painted water tanks (2); and Space Center (2) | |
| One mention: Sonoma Ranch, Trampoline Park, Three Crosses, Trackways, Cruces Creatives, Beck's Coffee, Ft. Seldon, car races, churches, Inn of the Arts, Masonic Cemetery, golf courses, the Aquatic Center, and antique shops on Picacho | |

9. Tell us about something unique about Las Cruces that a visitor or newcomer might not know about.

   - It could be a person – someone who's famous, or someone who's just interesting.
   - It could be a place that is special, but perhaps only known to locals.
   - It could be an event that isn't something you'd find just anywhere.
   - It could be a tradition that is important to the city or a group of people in the city.
   - It could be an unusual business, or a fascinating aspect of a business in Las Cruces.

| Answer | Response Number |
|---|---|
| Local history / stories (includes meaning of city name, Gadsden Purchase, was a Mexican colony, Monk of La Cueva story, Railroad history, Piro Manso history / struggles, Pat Garret / Billy the Kid stories, Camino Real history, story of townsite / Mesquite / adobe houses) | 43 |
| Farmers Market is great | 13 |
| Large artistic community / lots of local artists | 11 |
| Organ Mountains | 9 |
| Great Mexican food | 6 |
| Clyde Tombaugh / Pluto discovered here | 6 |
| Great museums | 6 |
| COAS Bookstore | 6 |
| Mix of cultures / people come from all over | 5 |
| Importance of Agriculture, pecans, produce | 5 |
| Under 5 mentions: Organ Mountains Desert Peaks Monument status (4); Spaceport (4); Art Forms For the Love of Art Month (4); NMSU Zuhl Collection (4); Dia de los Muertos celebrations (3); Chile roasting (3); Music scene (3); Mark Medoff (3); Great people (3); Organ Mountain Outfitters (3); Great weather (2); Theater (2); Denise Chavez (2); The light & views (2); J. Paul Taylor helping refugees (2); Farm & Ranch museum (2); the Roadrunner (2); Progressive politics (2); Hiking (2); NASA (2); White Sands (2); Murals on water tanks(2); Light Parade (2); Renaissance Faire (2); Unsolved bowling alley murder case (2); Whole Enchilada Festival (2); Zombie Walk (2) | |
| One mention each: Community of Hope; MHS vs LCHS rivalry; Chopes Bar; Coyote Traders; Cricket Coogler; Casa Camino Bookstore; Cruces Creatives; Brewpubs; birth of AI; Art Walk; Highway 28; Tortugas; dominant Mexican culture rather than Native American; night market; Chile Institute; Trackways; good food trucks; yoga class in Organ Mts; jobs are mostly government; 2nd largest city in NM; St. Clair Bistro; Nopalito's; Mesilla; military history; traditions; music in the parks series; Arts District; indigenous celebrations; Bob Diven; Southwest Environmental Center; Spirit Winds; racial divisions/history of racism; lacking in fiestas/traditions; named Most Playful City USA; wineries; not just a retirement or college town; Fountain Theater; 4 Points Perspective Gallery; Kardashian mural; there's opportunity here; decorations on overpasses; no border crisis here; Alameda neighborhood | |

10. What is your zip code?

| Zip | Percent |
|---|---|
| 88011 | 28 |
| 88005 | 23 |
| 88001 | 18 |
| 88012 | 13 |
| 88007 | 11 |
| Other | 7 |

11. Do you live in Las Cruces? If so, how long have you lived here?

| Time | Percent |
|---|---|
| More than 20 years | 36.3 |
| 10 to 20 years | 22.0 |
| 4 to 6 years | 11.7 |
| 7 to 9 years | 10.3 |
| 1 to 3 years | 8.1 |
| I do not live in Las Cruces | 4.5 |
| I used to live in Las Cruces | 4.0 |
| Less than 1 year | 3.1 |

12. What is your age (optional)?

| Age | Percent |
|---|---|
| 65 or older | 27.6 |
| 35 – 44 | 22.9 |
| 25 – 34 | 17.8 |
| 55 – 64 | 14.5 |
| 45 – 54 | 13.6 |
| 18 – 24 | 3.3 |
| Younger than 18 | 0.5 |

# APPENDIX D:
# ARTIST SOLICITATION METHODS

Las Cruces Public Art can select from the following artist solicitation methods for each project they commission. LCPA should select an approach to recruiting and selecting artists that is specific to each project, reflecting the specific goals of each project and offering the greatest chance of finding the best artist. Selection processes should be competitive, except in situations where City staff and City Art Board determine there are extraordinary circumstances, as expressed in the approved Project Plan, and a non-competitive process has been approved by the City's procurement office.

## OPEN COMPETITION

In an Open Competition, any artist may submit his or her qualifications, subject to any requirements established in the Request for Qualifications, such as geographic location. The call should be sufficiently detailed to allow artists to determine whether their qualifications are appropriate for consideration.

An Open Competition allows for the broadest range of possibilities and can bring in new, otherwise unknown, and emerging artists. However, Open Competitions can consume a large amount of staff and volunteer resources, and sometimes discourage established artists who prefer to respond to limited competitions or to be directly selected for projects.

## INVITATION

In an Invitation process, several pre-selected artists are invited to submit their qualifications and/or proposals. This method may be appropriate when looking for a small group of experienced artists, for larger-scale projects, when there is a limited time frame, or if the project requirements are so specialized that only a limited number of already identified artists would be eligible. It is possible that this list of artists would come from a Roster.

## ARTIST ROSTER

One tool LCPA has the option to choose is to develop a pre-qualified pool of artists, or Artist Roster, from which it can choose artists for future projects. Each roster would be developed based on a comprehensive review of qualifications from artists who responded to an Open Request for Qualifications. The review and selection of artists for the roster could be conducted by the City Art Board or by an Art Selection Committee convened for this purpose. A roster could be focused on a specific set of opportunities or could be used broadly for a range of commissions. If LCPA decides to develop a roster, they could keep the roster application open and review new submissions on a regular basis to allow new artists to be considered and for roster artists to update their materials.

Developing an Artist Roster requires upfront work and ongoing management, but it allows for artist selection for specific projects to proceed much more quickly and it allows artists to submit their qualifications once and be considered for multiple opportunities. A roster would be a viable strategy if Las Cruces were anticipating a large number of commissions over a short period of time. A Mural Artist Roster may be appropriate to develop a pool of artists who can be considered for mural projects both by the City and other entities who want to commission murals in Las Cruces.

## DIRECT SELECTION

On occasion, LCPA staff and the City Art Board may choose to directly recommend an artist for a project. Direct selection may be useful on projects where there is an urgent timeline, low budget, or when very specific project requirements exist. It is possible that this artist would come from a previously developed Artist Roster.  Such selection would need to be consistent with City of Las Cruces procurement procedures and be approved as part of the Project Plan.

# APPENDIX E:
# SAMPLE PROJECT PLAN OUTLINE

### Introduction
- Introduce the commissioning process, the concept of developing a Project Plan for each project approved in the Annual Work Plan, the City Art Board's role in approving Project Plans, and briefly what the Project Plan will cover.

### Site and Context
- Description of the project's location and other information regarding the proposed siting, such as any relevant capital projects or plans.

### Goals
- The project goals and how the project relates to the overall vision for public art in Las Cruces set forth in the Master Plan.
- Evaluation criteria against which the artist selection and Concept Proposal will be evaluated.

### Artist's Scope of Work
- Description of work artist will be expected to perform (design, fabricate, install; work as part of design team; etc.).

### Selection Process
- Description of proposed method for soliciting artists (open call, invitation, etc.).
- Description of proposed method of selecting artist and approving concept (how many finalists, will they be asked to develop concept proposals or is it an interview-based selection, etc.).
- Names and affiliations of proposed Art Selection Committee members, with alternates.

### Project Schedule
- Detailed schedule for artist and concept selection.
- Anticipated schedule for design, fabrication, installation.

### Budget and Funding Sources
- Total art budget, including any proposal fees or costs associated with the artist selection; design, fabrication, and installation; any programming or outreach; and contingency.
- Sources of funds.

### Community Engagement, Marketing and Communications
- Strategies that will be used to engage the community in the project (if applicable).
- Communications and marketing strategies that will be employed for the artist selection phase and other project phases.
- List of internal and external stakeholders.
- List of potential partners and needed agreements.

# APPENDIX F:
## STANDARD COMMISSIONING PROCESS – SUMMARY CHART

| 1. Develop a Project Plan | 2. Convene an Artist Selection Committee | 3. Develop the Artist Pool | 4. Select Finalists | 5a. Select the Artist (interview option) |
|---|---|---|---|---|
| Art Program Coordinator develops the Project Plan with input from the City Art Board and City staff | Art Program Coordinator invites the Selection Committee based on the Project Plan | Art Program Coordinator develops the RFQ based on the approved Project Plan | Selection Committee reviews artist qualifications and selects finalists | Finalists participate in interview |
| City Art Board Reviews and approves Project Plan | Selection Committee attends project orientation | Art Program Coordinator distributes RFQ based on the approved Project Plan | Art Program Coordinator notifies finalists and non-finalists | Selection Committee recommends artist based on interview |
| City Art Board Chair presents Project Plan to City Council at work session | | | | City Art Board reviews and approves selection |
| | | | | Selected artist develops Concept Proposal |
| | | | | City staff conducts technical review of Concept Proposal |
| | | | | Selection Committee reviews and recommends Concept Proposal |
| | | | | City Art Board reviews and recommends Concept Proposal |
| | | | | City Council approves Concept Proposal (for projects greater than $20,000) |

**RESPONSIBILE PARTY**

- City Council
- City Art Board
- Selection Committee
- Art Program Coordinator / City
- Artist

| **5b. Select the Artist** (concept proposal option) | **6. Execute Artist Agreement** | **7. Monitor Final Design and Fabrication** | **8. Oversee Installation** | **9. Project Closeout** |
|---|---|---|---|---|
| Finalists develop Concept Propsal | City staff develops artist contract | Artist develops schematic and final design | Artist installs art | Art Program Coordinator completes final project documentation |
| City staff conducts technical review of Concept Proposal | City Council or Procurement Officer approves contract | Art Program Coordinator reviews at benchmarks and manages review by other City Departments | Art Program Coordinator reviews and approves final installed art | |
| Selection Committee reviews concept proposals and recommend selection | | Artist fabricates art | | |
| City Art Board reviews and recommends selection of artist and Concept Proposal | | | | |
| City Council approves Concept Proposal (for projects greater than $20,000) | | | | |

**25-043**

**Type of Action:**
☒ **Resolution**
☐ **Ordinance**
☐ **TIDD Resolution**

# City Council Action and Executive Summary

| | | | |
|---|---|---|---|
| **District:** | ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A | | |
| **1st Reading:** | | **Adopted:** | October 7, 2024 |
| **Drafter:** | Melissa Westbrook | **Department:** | Utilities |
| **Program:** | Utilities Administration | **Line of Business:** | Utilities Administration |

| | |
|---|---|
| **Title:** | **A RESOLUTION THAT THE CITY OF LAS CRUCES STANDS IN OPPOSITION TO THE LITIGATION POSITION OF THE UNITED STATES IN THE CASE OF TEXAS V. NEW MEXICO & COLORADO, ORIGINAL, NO. 141.** |

**TYPE OF ACTION:** ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

## PURPOSE(S) OF ACTION:

To oppose the litigation position of the United States in the case of Texas v. New Mexico.

## BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In 1938, the Rio Grande Compact was approved by Congress as an interstate agreement that apportions the waters of the Rio Grande among Colorado, New Mexico, and Texas. In 2008, The United States Bureau of Reclamation, Elephant Butte Irrigation District and El Paso County Water Improvement District No. 1 agreed to a new operating agreement methodology to allocate water released from Elephant Butte Reservoir between the two irrigation districts. New Mexico protested the adoption of the new methodologies in federal district court. Texas filed the current original action in the United States Supreme Court in response. The Supreme Court assigned a Special Master to conduct trial proceedings, and a Consent Decree was agreed upon by all three states. The Special Master recommended that the United States Supreme Court accept the Consent Decree. The United States objected to the Consent Decree and the United States Supreme Court decided to not accept the Consent Decree. Negotiations or a trial will be held to adjudicate the matter. The United States is advocating for a 1938 water use baseline condition, which the New Mexico Attorney General opposes, and the City of Las Cruces concurs that a 1938 baseline condition would be detrimental and catastrophic for Las Cruces' current and future use of water.

## PLAN(S):

None

## COMMITTEE/BOARD REVIEW:

None

## DOES THIS AMEND THE BUDGET?:

☐ Yes
☒ No

**Does this action amend the Capital Improvement Plan (CIP)?**

☐ Yes
☒ No

**Does this action align with Elevate Las Cruces?**

☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Resolution and approve the City of Las Cruces to stand in opposition to the litigation position of the United States in the case of TX v. NM.
2. Vote "No"; this will deny the Resolution and deny the City of Las Cruces the ability to stand in opposition to the litigation position of the United States in the case of TX v. NM.
3. Vote to "Amend"; this could allow the City Council to modify the Resolution as deemed appropriate.
4. Vote to "Table"; this could allow the City Council to table the Resolution and direct staff accordingly.

**RESOLUTION 25-043**

**A RESOLUTION THAT THE CITY OF LAS CRUCES STANDS IN OPPOSITION TO THE LITIGATION POSITION OF THE UNITED STATES IN THE CASE OF TEXAS V. NEW MEXICO & COLORADO, ORIGINAL, NO. 141.**

The City Council is informed that:

**WHEREAS**, the States of New Mexico, Texas, and Colorado, as sovereigns and parties to the Rio Grande Compact, 53 Stat. 785, found common ground and agreed, through a comprehensive consent decree, to a settlement of Original, No. 141 and an equitable division of Rio Grande water between Texas and New Mexico; and

**WHEREAS**, the consent decree was accepted by the Special Master appointed by the Supreme Court; and

**WHEREAS,** the United States objected to the proposed consent decree and advocated for a different baseline condition consistent with the use and allocation of water in 1938; and

**WHEREAS,** the City of Las Cruces was founded in 1849 and is currently serving a population of approximately 115,000 people including the Pueblo of Tortugas; and

**WHEREAS,** the City of Las Cruces uses approximately 7% of all groundwater pumped within the Lower Rio Grande and returns approximately 47% as effluent to the Rio Grande that reduces the effects on the river; and

**WHEREAS,** the City of Las Cruces economic activity, measured by total gross receipts, for all industries sector is over $1.9 Billion; and

**WHEREAS,** the City of Las Cruces provides water to 18 elementary, four (4) middle, four (4) high, and ten (10) private/charter schools; and

**WHEREAS,** the City of Las Cruces provides emergency backup water to the Town of Mesilla and Dona Ana Mutual Domestic Water Consumers Association; and

**WHEREAS,** the impact of a return to the 1938 baseline that requires the city to reduce its water use by 89% would be crippling and devastating for the community in southern New Mexico; and

**WHEREAS,** since 1978, the Rio Grande Compact has been administered by the U.S. Bureau of Reclamation according to the “D-2” equation which recognizes the validity of Las Cruces groundwater pumping during the period 1952-1978, and upon which the City has relied in addition to other ground water rights, which has continued detrimental effects for current and future municipal growth unless supplemented by depletion credits on the Rio Grande from the City’s vested water rights; and

**WHEREAS,** the City of Las Cruces would not have enough water to maintain its current size much less accommodate residential or economic growth under a 1938 standard; and

**WHEREAS,** the estimated cost of creating access to a different source of groundwater for pumping is over $1 billion and would take approximately 15 years to implement.

**NOW, THEREFORE,** Be it Resolved by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the City of Las Cruces stands in opposition to the litigation position of the United States in the case of *Texas v. New Mexico.*

**(II)**

**THAT** City staff is hereby authorized to prepare correspondence and supporting documentation demonstrative of the herein above for dispersal to the appropriate federal agencies.

**(III)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____

ATTEST:

_____

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**

**25-044**

**Type of Action:**
☒ **Resolution**
☐ **Ordinance**
☐ **TIDD Resolution**

# City Council Action and Executive Summary

| | | | |
|---|---|---|---|
| **District:** | ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A | | |
| **1st Reading:** | | **Adopted:** | October 7, 2024 |
| **Drafter:** | Melissa Westbrook | **Department:** | Utilities |
| **Program:** | Utilities Administration | **Line of Business:** | Utilities Administration |

**Title:** **A RESOLUTION DETERMINING THE CONDEMNATION OF A PORTION OF THAT PARCEL KNOWN AS 2240 EAST LOHMAN, LAS CRUCES, NEW MEXICO WILL SERVE THE PUBLIC INTEREST; AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN TO CONDEMN SUCH PROPERTY FOR A PUBLIC PURPOSE; AUTHORIZING CITY STAFF TO ACCOMPLISH ALL DEEDS NECESSARY TO CARRY OUT THE PURPOSE OF THIS RESOLUTION.**

**TYPE OF ACTION:** ☒ **Administrative** ☐ **Legislative** ☐ **Quasi-Judicial**

**PURPOSE(S) OF ACTION:**
To determine the condemnation of a portion of the parcel located at 2240 East Lohman.

**SUPPORT INFORMATION:**
Attachment A - Map of location

**DOES THIS AMEND THE BUDGET?:**
☐ Yes
☒ No

**Does this action amend the Capital Improvement Plan (CIP)?**
☐ Yes
☒ No

**Does this action align with Elevate Las Cruces?**
☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**
1. Vote "Yes" to authorize the use of eminent domain to condemn parcel known as 2240 East Lohman.
2. Vote "No" to not authorize the use of eminent domain to condemn parcel known as 2240 East Lohman.
3. Vote to "Amend" to allow the City Council to modify the Resolution as deemed appropriate.
4. Vote to "Table" to allow the City Council to table the Resolution and direct staff accordingly.

**RESOLUTION 25-044**

**A RESOLUTION DETERMINING THE CONDEMNATION OF A PORTION OF THAT PARCEL KNOWN AS 2240 EAST LOHMAN, LAS CRUCES, NEW MEXICO WILL SERVE THE PUBLIC INTEREST; AUTHORIZING THE EXERCISE OF THE POWER OF EMINENT DOMAIN TO CONDEMN SUCH PROPERTY FOR A PUBLIC PURPOSE; AUTHORIZING CITY STAFF TO ACCOMPLISH ALL DEEDS NECESSARY TO CARRY OUT THE PURPOSE OF THIS RESOLUTION.**

The City Council is informed that:

**WHEREAS**, the United States Environmental Protection Agency (the "EPA") named the City as a potentially responsible party under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") with regard to the Griggs & Walnut Ground Water Plume Superfund Site, at which perchloroethylene ("PCE") is alleged to have caused groundwater contamination; and

**WHEREAS**, PCE is classified as a possible human carcinogen by the EPA. Prolonged exposure can lead to serious health issues, including liver and kidney damage, neurological effects, and respiratory problems; and

**WHEREAS,** the EPA has taken the position that the City, together with others, is responsible for certain remedial, monitoring and response costs associated with the Griggs & Walnut Ground Water Plume Superfund Site and clean-up of the PCE; and

**WHEREAS,** the City via its consultants, has prepared remedial, monitoring and response work obligations detailed in numerous technical reports including the revised 2022 System Operation and Remedial Action Progress Report ("Revised Report") for the Site, dated March 15, 2024 and a work plan dated June 28, 2024 ("Work Plan"). EPA has approved the Revised Report and Work Plan; and

**WHEREAS,** the Revised Report and Work Plan contemplate the drilling of two (2) new monitoring wells ("New Wells") to provide additional resolution of the PCE plume in this area, to confirm changes in groundwater flows at City well CLC 27 and to define the PCE plume southeast of City Well CLC 27. The New Wells are deemed by EPA to be crucial for assessing environmental impact and planning remediation efforts for the benefit of the health, safety and welfare of City and area residents; and

**WHEREAS,** given the above criteria, a 20-foot by 40-foot area located in a parking lot at 2240 East Lohman, Las Cruces, New Mexico was selected by the City's expert consultant for the New Wells; and

**WHEREAS,** a temporary construction easement of 55 feet by 175 feet will also be necessary to accomplish work related to the New Well installation and access to the site; and

**WHEREAS,** the Work Plan calls for installation of the New Wells in October 2024 with a draft as-built report to EPA due December 2024, or thirty (30) days following receipt of final laboratory reports; and

**WHEREAS,** the owner of 2240 EAST LOHMAN, LAS CRUCES, NEW MEXICO has not been responsive to multiple efforts by the City to purchase the 20-foot by 40-foot site; and

**WHEREAS**, Article One, Sec. 1.03. of the Home Rule Charter for the City of Las Cruces, New Mexico provides in part:

> (c) The city may exercise its power of eminent domain to condemn private property, real and personal, which is employed for a public purpose where by resolution the city council determines that such condemnation will serve the public interest.

**NOW, THEREFORE,** Be it Resolved by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** the condemnation of a 20-foot by 40-foot area located in a parking lot at 2240 EAST LOHMAN, LAS CRUCES, New Mexico, also known as LOT 2C, WALGREEN'S ADDITION, CITY OF LAS CRUCES, DONAANA COUNTY, NEW MEXICO, as the same is shown and designated on the plat of record, filed in the office of the clerk of said county on October 9, 2002 in plat book20, page 148-147, along with a temporary construction easement of 55 feet by 175 feet located on the same lot, will serve the public interest. An aerial depiction of the property is attached as Attachment A.

**(II)**

**THAT** in accordance with Article One, Sec. 1.03 of the Home Rule Charter of the City, the City Council hereby authorizes the exercise of the power of eminent domain to condemn the immediately aforementioned property for a public purpose.

**(III)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____

ATTEST:

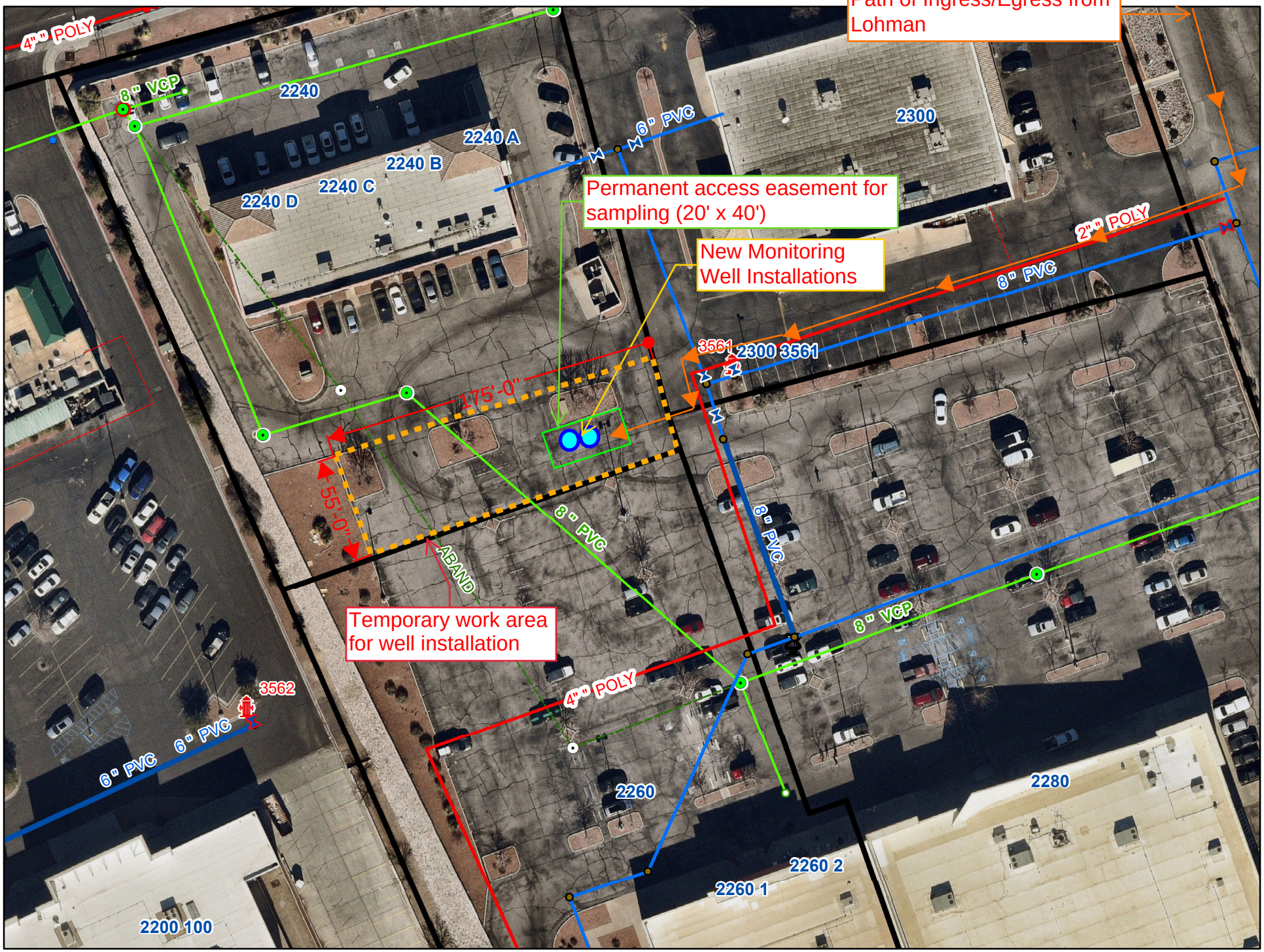
_____

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**


Path of Ingress/Egress from Lohman
Permanent access easement for sampling (20' x 40')
New Monitoring Well Installations
Temporary work area for well installation
4" POLY
8" VCP
2240
2240 A
2240 B
2240 C
2240 D
6" PVC
2300
2" POLY
8" PVC
3561
2300 3561
175'-0"
55'-0"
ABAND
8" PVC
8" PVC
8" VCP
4" POLY
3562
6" PVC
6" PVC
2260
2260 2
2260 1
2280
2200 100
110
55
0
110 Feet

# City Council Action and Executive Summary

**3085; Council Bill 25-014**

**Type of Action:**
☐ **Resolution**
☒ **Ordinance**
☐ **TIDD Resolution**

| | | | |
|---|---|---|---|
| **District:** | ☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A | | |
| **1st Reading:** | October 7, 2024 | **Adopted:** | October 21, 2024 |
| **Drafter:** | Sara Gonzales | **Department:** | Economic Development |
| **Program:** | Land Management and Real Estate Services | **Line of Business:** | Land Management and Real Estate Services |

**Title:** **AN ORDINANCE REPEALING AND REPLACING CHAPTER 38, ARTICLE V, SECTION 38-46, LAS CRUCES INNOVATION AND INDUSTRIAL PARK OVERLAY ZONE DISTRICT, OF THE CITY OF LAS CRUCES MUNICIPAL CODE (LCMC) IN ITS ENTIRETY. SUBMITTED BY THE CITY OF LAS CRUCES (CASE ZCA-24-01).**

**TYPE OF ACTION:** ☐ **Administrative** ☒ **Legislative** ☐ **Quasi-Judicial**

**PURPOSE(S) OF ACTION:**
Amend the Las Cruces Municipal Code.

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**
City Council is required to review and take final action on Zoning Code Amendments per Section 38-10 B. 2. b. and 38-13 A. of the 2001 Zoning Code (aka Las Cruces Municipal Code Chapter 38).

On August 16, 2021, City Council through Ordinance No. 2982, repealed and replaced Chapter 38, Article 5, Section 38-46, West Mesa Industrial Park Overlay Zone District (WMIP) to Las Cruces Innovation and Industrial Park Overlay Zone District (LCIIP).

The Las Cruces Innovation and Industrial Park Overlay Zone District has received several opportunities for new development, but some regulations make the project unfeasible. By reviewing and addressing the regulations every few years staff can identify what improvements can be made to encourage economic growth.

The proposed amendments focus on employees, visitors, and developers that use the park daily, while taking into consideration the City's adopted plans, policies and goals. The proposed amendments include changes to the permitted land uses, parking calculations, sidewalk installation, landscaping, and signage requirements. In order to be competitive with the growing industrial market staff should be updating model codes every few years to ensure new technologies, materials and methods, as well as better approaches to health and safety, can be incorporated into the next generation of buildings and development with sufficient time for proof of performance.

On August 27, 2024, the Planning & Zoning Commission (P&Z), per Section 38-10 B. 2. b. of the 2001 Zoning Code, as amended, recommended approval with one condition by a vote of 6-0-0 (one Commissioner absent). P&Z's condition was to leave the no parking minimum standards as currently outlined within the Las Cruces Innovation and Industrial Park Overlay Zone District. The justification stated by P&Z is that each development

will dictate what their specific parking needs will be to conduct business. The case was publicly noticed in accordance with the City's notification provisions; staff received no public input regarding the proposal.

City Council will consider the recommendation of the P&Z Commission and will decide whether the requested zoning code amendment is appropriate. If deemed suitable based upon the evidence presented, City Council will make a final determination on the request. City Council may modify the recommendation by removing or adding conditions.

**SUPPORT INFORMATION:**

Exhibit "A" - LCMC Chapter 38, Article V, Section 38-46 (Updated Version)
Attachment "A" - LCMC Chapter 38, Article V, Section 38-46 (Redline Version)
Attachment "B" - Staff Report to the P&Z for Case ZCA-24-01
Attachment "C" - Minutes from the August 27, 2024, P&Z meeting

**PLAN(S):**

Department Strategic Business Plan, Elevate Las Cruces

**COMMITTEE/BOARD REVIEW:**

P&Z

**DOES THIS AMEND THE BUDGET?:**

☐ Yes
☒ No

**Does this action amend the Capital Improvement Plan (CIP)?**

☐ Yes
☒ No

**Does this action align with Elevate Las Cruces?**

☒ Yes
☐ No

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will affirm the P& Z recommendation for approval and will repeal the current LCMC Chapter 38, Article V, Section 38-46 and will replace it with the updated LCMC Chapter 38, Article V, Section 38-46.
2. Vote "No"; this will retain the current LCMC Chapter 38, Article V, Section 38-46; no modifications will occur.
3. Vote to "Amend"; this would allow City Council to modify the proposed Ordinance.
4. Vote to "Table"; this would allow City Council to table/postpone the Ordinance and direct staff accordingly.

**REFERENCE INFORMATION:**

Ordinance No. 2982

**ORDINANCE 3085; COUNCIL BILL 25-014**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 38, ARTICLE V, SECTION 38-46, LAS CRUCES INNOVATION AND INDUSTRIAL PARK OVERLAY ZONE DISTRICT, OF THE CITY OF LAS CRUCES MUNICIPAL CODE (LCMC) IN ITS ENTIRETY. SUBMITTED BY THE CITY OF LAS CRUCES (CASE ZCA-24-01).**

The City Council is informed that:

**WHEREAS**, the proposed amendments will allow the City of Las Cruces to be competitive with the growing industrial market; and

**WHEREAS**, the proposed amendments will ensure new technologies, materials and methods, as well as better approaches to health and safety, can be incorporated into the next generation of buildings and development with sufficient time for proof of performance; and

**WHEREAS,** the Planning and Zoning Commission, after conducting a public hearing on August 27, 2024, recommended approval with conditions that Section 38-46, " Las Cruces Innovation and Industrial Park Overlay Zone District " be repealed and replaced in its entirety by a vote of 6-0- (one Commissioner absent).

**NOW, THEREFORE,** Be it Ordained by the Governing Body of the City of Las Cruces:

**(I)**

**THAT** Section 38- 46, " Las Cruces Innovation and Industrial Park Overlay Zone District" is repealed and replaced in its entirety with Las Cruces Innovation and Industrial Park Overlay Zone District, as shown in Exhibit " A", attached hereto and made part of this Ordinance.

**(II)**

**THAT** City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

**DONE AND APPROVED this** day of

APPROVED

_____

ATTEST:

_____

**Moved by:**

**Seconded by:**

**AYES**

**NAYS**

## Sec. 38-46. LCIIP—Las Cruces Innovation and Industrial Overlay Zone District.

A. *Purpose.* The purpose of the Las Cruces Innovation and Industrial Park Overlay Zone District is to guide development within the Park and implement the policies found in the LCIIP Master Plan. It aims to promote the natural and existing environment within the Park, and encourage employment options for residents while enhancing the overall aesthetic features of the Park.

B. *Applicability of Industrial Park Overlay Zone District boundaries.* The Las Cruces Innovation and Industrial Park Overlay Zone District shall apply to all properties within the Overlay Zone District as identified in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts" below. Most of the Park is regulated by the Overlay Zone District requirements except a few parcels, as indicated in "Figure 2. Las Cruces Innovation and Industrial Park Zoning Designations." The Overlay Zone District includes permitted and prohibited uses along with development standards for site, architecture, landscape, and parking.

C. *Land Use Districts.* As established in Elevate Las Cruces, "Business Park and Industrial areas are reserved for concentrations or warehousing, trade, transportation, research and development, manufacturing, and industrial uses" (Elevate Las Cruces, Volume I, pg. 35).

The goal of the Land Use Framework is to accommodate a range of uses, with the intent of creating synergy between businesses with similar or complementary activities. The Land Use Framework also establishes a commercial district adjacent to Interstate 10. Uses such as restaurants and retail are permissive here to provide and encourage services to the local workforce. The Land Use Framework establishes four districts with specific permissive land uses. Since the Las Cruces Innovation and Industrial Park Overlay Zone District allows a wide variety of uses and covers almost all the land area within the Park boundary, the Land Use Framework establishes land use districts to group similar or complementary uses to provide a more organized built environment. The Land Use Framework, as illustrated in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts," breaks the Park down into four districts:

1. Value added agriculture;
2. Manufacturing/warehousing/distribution;
3. Aerospace/aviation/defense; and
4. Commercial.

The Value-Added Agriculture district is located south of Interstate 10 in the southeastern portion of the Park. It is intended to accommodate agriculture-related manufacturing and other processes that enhance the value of basic agricultural commodities. Most of the parcels are larger in size to provide sufficient land for these types of activities.

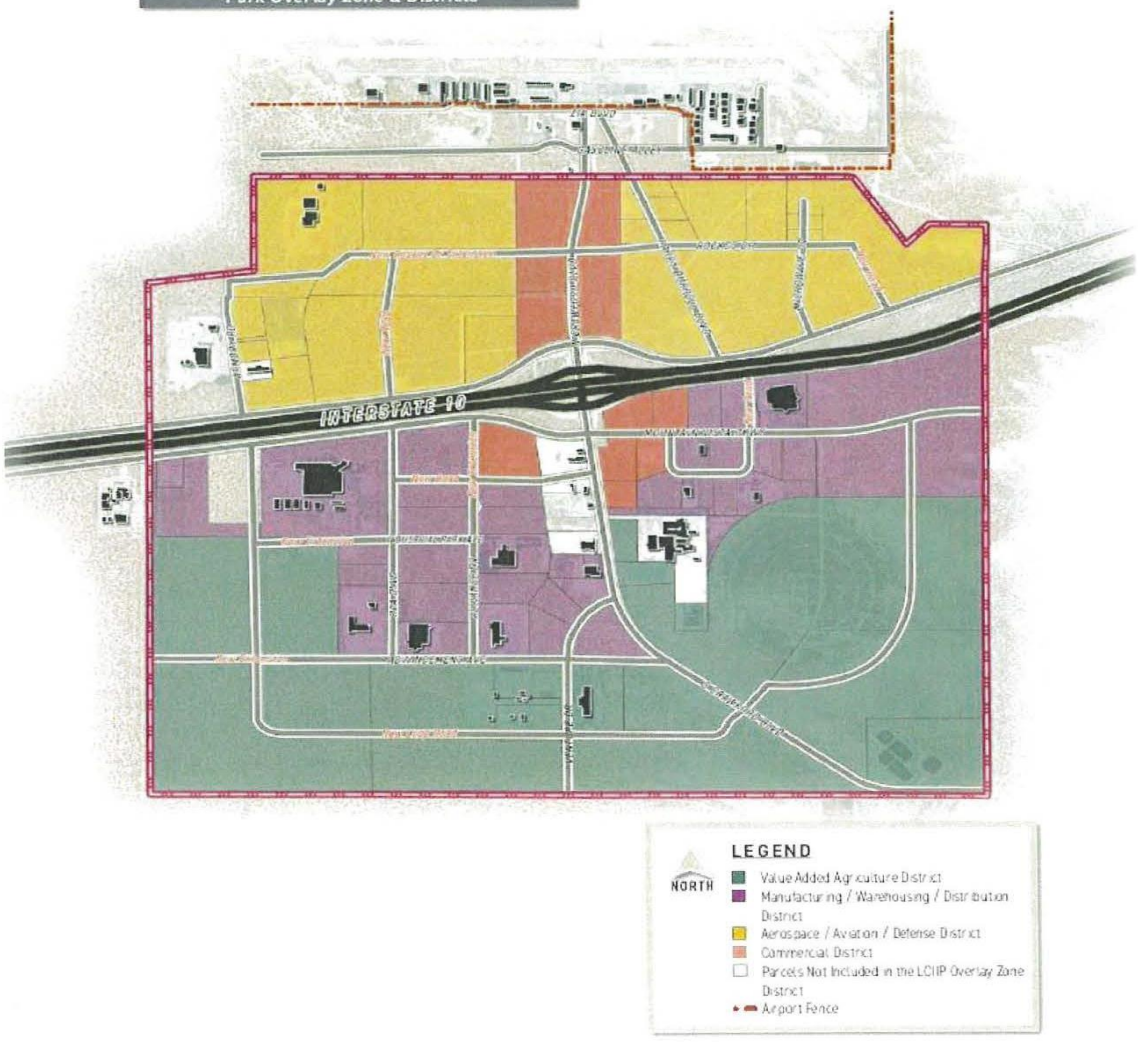
The Manufacturing/Warehousing/Distribution district is located south of Interstate 10 in the southwestern portion of the Park. It is intended to accommodate manufacturing, warehousing, and distribution types of uses. It offers a range of parcel sizes and has good access to the interstate.

The Aerospace/Aviation/Defense district is located north of Interstate 10 and is adjacent to the Las Cruces International Airport. It is intended to accommodate aviation- and defense-related uses and offers a range of parcel sizes with direct access to the airport.

The Commercial district is located adjacent to Crawford Boulevard, on both sides of the Interstate 10 interchange. It is intended to accommodate commercial uses that offer services to the local workforce and interstate-associated business opportunities. This district has smaller parcel sizes more suited for uses like restaurants, with good visibility and access from the interchange.

D. *Development Process.* All development within the Overlay Zone District shall follow the applicable City of Las Cruces development processes.

FIGURE 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts



E. *Land uses.* "Table 1. Use Table" allocates uses into four Land Use Districts. A dash ("-") indicates the use is not permitted while a "P" indicates that a use is permitted. An "A" indicates that a use is accessory. Associated Conditional Use Standards are indicated with an "X" and detailed in Section "Conditional Use Standards." This indicates that a use is permitted with conditions. Uses not specified in "Table 1. Use Table" will be determined by the City of Las Cruces Community Development Director in consultation with the City of Las Cruces Economic Development Director.

| **TABLE 1. Use Table** | | | | | |
|---|---|---|---|---|---|
| — = Not permitted<br>P = Permitted Use<br>A = Accessory Use<br>X = Existing Conditional Use Standard(s) | **Commercial District** | **Manufacturing/ Warehousing** | **Aerospace/ Aviation/ Defense District** | **Value Added Agriculture District** | **Conditional Use Standards** |
| **RESIDENTIAL USES** | | | | | |
| All Residential Uses (except accessory dwelling units as outlined under the Accessory Use category) | — | — | — | — | |

| | | | | | |
|---|---|---|---|---|---|
| **CIVIC AND INSTITUTIONAL USES** | | | | | |
| Higher Education, Vocational School | P | P | P | P | |
| Fire and Police Station | P | P | P | P | |
| Military and Law Enforcement Agency | — | P | P | P | |
| Parks and Open Space | P | P | P | P | |
| **COMMERCIAL USES** | | | | | |
| **Agriculture & Animal Related** | | | | | |
| General Agriculture | — | P | — | P | X |
| Small Animal Facilities | P | P | — | P | X |
| **Food, Beverage, Entertainment & Lodging** | | | | | |
| Brewery, Microbrewery Facilities, Tasting Rooms | P | P | — | P | X |
| Food, Beverage, Hotel or Motel | P | — | — | — | |
| Indoor Entertainment/Recreation Venues | P | — | — | — | |
| Nightclub and Bar | P | — | — | — | |
| **Motor Vehicle-Related** | | | | | |
| Freight House or Truck Terminal | — | P | P | P | |
| Vehicle Services | P | P | — | P | X |
| **Offices and Commercial Services** | | | | | |
| Offices and Research Facility | P | P | P | P | |
| Commercial Services and General Retail | P | — | — | — | |
| Construction Contractor Facility and Yard | — | P | P | P | X |
| **Outdoor Entertainment** | | | | | |
| Outdoor Entertainment | *P* | *P* | - | - | *X* |
| **INDUSTRIAL USES** | | | | | |
| **Manufacturing, Fabrications & Assembly** | | | | | |
| Cannabis Cultivation, Infused Products Manufacturing | — | P | — | P | X |
| Light Manufacturing | P | P | P | P | X |
| Heavy Manufacturing | — | P | P | P | X |
| Special Manufacturing | — | P | — | P | X |
| Natural Resource Extraction | — | P | — | — | |
| Recycling Sort Facilities and Electronics Recycling (paper/plastic/metal sorting-only and electronics recycling) | — | P | — | — | |
| **Film and Media Production** | | | | | |
| Film and Media Production | P | P | P | P | |
| **Telecommunications, Towers, and Utilities** | | | | | |
| Drainage & Major Utility, other | P | P | P | P | |
| Solar Energy Generation | — | — | P | P | X |
| Telecommunications, towers, and utilities | P | P | — | P | X |
| **Wholesaling and Storage** | | | | | |
| Outdoor Storage | — | P | P | P | X |
| Warehousing, Logistics, and Distribution | — | P | P | P | |
| **TEMPORARY USES** | | | | | |
| Construction Staging Area, Trailer, or Office | P | P | P | P | |
| Seasonal Outdoor Sales, Events | P | — | — | — | |
| **ACCESSORY USES** | | | | | |
| Commercial/Office Uses | A | A | A | A | X |

| | | | | | |
|---|---|---|---|---|---|
| Residential Use—Non-Primary | A | A | A | A | X |
| Parking Garage with/without Liner Building | A | A | A | A | |
| Recreational Vehicle Parking Stalls/ Hook-Ups | P | — | — | — | X |

1. *Prohibited Uses.* The following uses are prohibited:
    a. All uses prohibited under FAA regulations;
    b. All adult amusement establishments;
    c. All residential uses, except as established under the accessory use category.
2. *Conditional Use Standards.*
    a. *Aerospace/Aviation/Defense District.*
        1) All uses in the Aerospace & Aviation District shall comply with all applicable FAA regulations.
    b. *Commercial Uses.*
        1) Agriculture and Animal Related.
            a) General Agriculture.
                i. Animals shall be confined to graze within the appropriate boundaries and cannot graze on surrounding properties and streets.
                ii. The keeping of large and small livestock animals shall comply with the City of Las Cruces Municipal Code.
            b) Small Animal Facilities.
                i. Kennels must be conducted within fully enclosed building. Outdoor pens shall be enclosed on all sides by a wall or fence at least six feet high.
                ii. This use must be screened as required by section "Walls, Fences and Screening."
        2) Food, Beverage, Hotel or Motel.
            a) Brewery and micro-brewery facilities, including tasting rooms.
                i. Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements.
        3) Motor Vehicle-Related.
            a) Vehicle Services.
                i. This use must be screened as required by section "Walls, Fences and Screening."
                ii. Vehicle repair, servicing, and maintenance shall be conducted within a fully enclosed building.
                iii. Recreational Vehicle Parking Stalls/ Hook-ups are ancillary to the primary use and cannot be a standalone land use.
        4) Offices and Commercial Services.
            a) Construction Contractor Facility and Yard.

i. This use must be screened as required by section "Walls, Fences and Screening."

5) Outdoor Entertainment.

a) Outdoor Entertainment.

i. Drive-In Theater use shall be enclosed with a wall, fence, or vegetative screen of at least six feet in height. A screen located less than 500 feet from Interstate 10 shall be shielded so that the picture surface cannot be seen from Interstate 10.

ii. All other outdoor entertainment uses shall include fencing or screening meeting the standards established in section "Walls, Fences, and Screening" designed to prevent any objects from passing beyond the property line and onto surrounding properties and streets. Uses shall be limited to one acre in size.

3. *Industrial Uses.*

a. *Manufacturing, Fabrications & Assembly.*

1) Cannabis cultivation, Infused Products Manufacturing.

a) This use shall comply with all New Mexico State law requirements.

2) Light Manufacturing.

a) All activities in this use shall be conducted within a fully enclosed building unless a Special Use Approval is obtained pursuant to the City of Las Cruces Special Use Permit Process.

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

c) This use may include a sales/display room for items manufactured on the property.

3) Heavy Manufacturing.

a) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

4) Special Manufacturing.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

b) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b. *Telecommunications, Towers, and Utilities.*

1) Solar Energy Generation.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

2) Telecommunications, Towers, and Utilities.

a) This use shall comply with the City of Las Cruces Municipal Code.

c. *Wholesaling and Storage.*

1) Outdoor Storage.

a) This use must be screened as required by section "Walls, Fences and Screening."

4. *Accessory Uses.*

a. *Accessory Commercial Uses.*

1) In all districts, all uses listed under the 'Food, Beverage, Entertainment & Lodging' use and 'Offices and Commercial Services' use category shall be permissive as an accessory use not to exceed a maximum of 40 percent of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use.

b. *Accessory Residential Use—Non-Primary.*

1) Residential use—non-primary is allowed for caretakers of the primary non-residential use and may be attached or detached.

F. *Administration and Enforcement.*

1. *Applicability.* The following development standards shall apply to all parcels located within the Overlay Zone District's boundary as identified on "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts." City of Las Cruces Municipal Code standards shall apply unless otherwise stated in the document.

2. *Non-Conforming.*

a. Uses and structures that are non-conforming with the standards of the Las Cruces Innovation and Industrial Park Overlay Zone District shall comply with this section.

1) There are two instances of non-conformance:

a) Instance 1: A non-conforming use/structure which was initiated/constructed prior to the adoption of the Overlay Zone District standards.

b) Uses that are classified as instance 1 may continue in perpetuity unless the use ceases for a period of no less than 12 consecutive months. However, the use/structure cannot be expanded, enlarged, or extended.

c) Instance 2: A non-conforming use/structure initiated/constructed after the adoption of the Overlay Zone District standards.

d) Uses that are classified as instance 2 shall be brought into compliance immediately and shall not be permitted to expand.

G. *General Development Standards.*

1. *Streets and Public Right-of-Way.*

a. All streets within Las Cruces Innovation and Industrial Park must adhere to City of Las Cruces Design And Roadway Construction Standards currently amended/adopted.

b. Property owners shall provide dedicated right-of-way including easements for trail corridors and pedestrian facilities.

c. The property owner is responsible to provide landscaping in accordance with standards outlined in this section in contiguous parkways and medians at the time of site development.

d. All additions, rehabilitation, remodeling, or structural modifications to existing buildings with a value of $100,000.00 or more, including all new parking lots require installation of parkway and median landscaping.

e. Landscape in parkways and medians shall be maintained by the property owner of the contiguous property.

2. *Dimensional Standards.*

a. All buildings and structures within Las Cruces Innovation and Industrial Park will be limited to the following development requirements:

| **TABLE 2. Dimensional Standards** | |
|---|---|
| Minimum Lot Width | 60 feet |
| Minimum Lot Depth | 70 feet |
| Front Setback, Minimum | 25 feet |
| Secondary Front Setback, Minimum | 25 feet |
| Side Yard Setback, Minimum | 20 feet |
| Rear Setback, Minimum | 25 feet |
| Building Height, Maximum | 100 feet |

3. *Site Layout.*

a. Orient building entries, office areas, showrooms and/or lobbies, and amenities to front the primary public street.

b. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on- or off-site) and/or pedestrian areas.

c. Outdoor lighting shall follow the regulations provided in the City of Las Cruces Outdoor Lighting Ordinance.

d. Provide on-site pedestrian walkways at a minimum six-foot clear width that are separate from drive aisles to connect to primary building entrances.

e. A public space such as an outdoor patio space, plaza, or courtyard shall be provided for any buildings greater than or equal to 75,000 square feet. For lots with more than one building, shared public spaces are permitted.

f. Sidewalk installation is required with any development located on the north side of Interstate 10.

g. Sidewalk installation is not required with any development located on the south side of Interstate 10.

4. *Parking.*

a. Parking requirements for automobiles and bicycles are set for land uses as noted in the adopted Land Use Table. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Economic Development Director or designee.

b. Accessible parking shall be provided according to Federal ADA parking standards.

c. Landscaped islands and medians shall be incorporated into parking areas to provide shade, define parking areas and pedestrian access, and allow for passive water harvesting. See "Landscaping" for requirements.

d. Surface runoff in parking lots shall be directed to landscaped passive water harvesting areas.

e. A minimum of 20 percent of parking spaces provided shall use previous materials such as previous concrete, previous asphalt, permeable pavers, compacted gravel or gravel. If gravel is used, a minimum of four-inch base course that is compacted to ensure stabilization of gravel is required.

f. Carports, including solar carport canopies, are allowed within surface parking lots, provided the materials are compatible with the building architecture.

g. Fleet vehicle parking and loading docks shall not be located along the site main frontage. The placement of such facilities shall be located in the rear half of the site, secondary front, or behind the principal structure.

h. Outdoor storage areas used for fleet vehicles shall be paved or use a similarly compacted material that is stable and does not produce dust.

i. Bike parking shall be located at the primary entrance of the primary building.

5. *Architecture.*

a. *Building Materials.*

1) Buildings shall be designed to incorporate contemporary architectural styles and materials to create the appearance of a state-of-the-art industrial park. Common elements such as architectural style, color, materials and ornamentation shall be used to create a cohesive park identity.

2) Permitted materials include:

a) Exterior plaster or stucco.

b) Architectural metal; decorative panels, structural elements and decorative support or trim members.

c) Precast concrete and tilt-up wall systems.

d) Textured, patterned and/or integrally colored cast-in-place concrete.

e) Integrally colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

f) Brick.

g) Natural stone.

h) Glass curtain wall systems.

3) Higher quality materials shall be utilized to draw attention to the office areas and entrances. Higher quality materials include architectural metal, decorative panels, structural elements and decorative support or trim members, brick and natural stone, among others.

4) The use of reflective or shiny metallic roofs shall be prohibited.

b. *Massing.*

1) Building heights, massing and setbacks shall be varied, to define the different functions within a building such as offices and warehousing.

2) Primary buildings shall have clearly defined entries. To emphasize entries, one or a combination of the following elements shall be applied; portals, overhangs, fenestration, canopies, material and color changes. The "large box" components of the industrial buildings that are visible from a public right-of-way shall feature both vertical and horizontal articulation and be compatible with the more articulated office area.

3) Metal structures are acceptable; however, they must visually tie to other building elements, such as the office, storage areas, etc.

4) Temporary or portable buildings shall be limited in use for construction purposes only.

c. *Screening.*

1) Exposed industrial systems and equipment shall be architecturally integrated or screened unless otherwise determined by the Community Development Director upon consultation with the Economic Development Director.

2) All heavy industrial processing, assembling of materials shall be conducted within an enclosed structure or be screened according to "Walls, Fences and Screening."

6. *Landscaping.*

a. *General Provisions.*

1) Landscaping Calculations and Definitions. For all developments within the Las Cruces Innovation and Industrial Park, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

| Lot Size | Percentage Landscaped |
|---|---|
| 1.00 to 4.00 acres | 12% |
| 4.01 to 8.00 acres | 10% |
| 8.01 to 12.00 acres | 8% |
| >= 12.01 acres | 6% |

2) One-fourth of the total area required to be landscaped shall be located within the front setback area of the property.

3) Where the site exceeds one acre, only the portion of the site that includes the operational area where the primary building is situated and is being developed/disturbed shall be calculated. If the area to be left undeveloped/undisturbed is disturbed during construction, replacement of vegetation is required.

4) Passive water harvesting drainage swales shall be considered and installed when possible within landscape areas to capture runoff from impervious surfaces as illustrated in "Figure 4. Drainage Swales."

5) Impervious areas shall be graded to drain into drainage swales. Drainage swales shall be designed as follows:

a) Swale channel alignments and side slopes must be designed in close coordination with civil engineers to ensure that they convey stormwater while minimizing erosion damage.

b) Swales shall capture at minimum the first flush of a storm event.

c) Swale side slopes shall not exceed 4:1. Where adjacent to walkways or accessible hardscape areas they shall not exceed 6:1.

d) Runoff that enters the swale in a sheet flow fashion requires that the edge of the swale be flush with grade. Where curbs are necessary, intermittently spaced curb cuts shall be installed to allow runoff to enter the swale. Curb cuts shall be at least 18 inches wide and spaced from three to 15 feet apart.

6) For further guidance on design and installation of drainage swales in landscape areas, refer to the NMDOT National Pollutant Discharge Elimination System (NPDES) Manual.

b. *Plant/Landscape Materials.*

1) The Las Cruces Airport Landscape Plan shall be used as a guide for acceptable plant materials.

2) Living plant material shall be provided according to the following:

a) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

b) A minimum of twenty live shrubs shall be provided for every 1,000 square feet of required landscaped area.

c) One hundred square feet of ground-over or ten one-gallon size plants shall be provided for every 1,000 square feet of required landscaped area.

3) Plant substitution is permitted following the CIty of Las Cruces Design Standards.

4) Minimum plant material sizes at the time of installation shall be:

a) Deciduous Canopy Trees and Deciduous Accent Trees—Two-inch Caliper.

b) Evergreen Trees—Ten-foot Minimum height.

c) Shrubs and groundcover—One gallon minimum.

5) Xeriscape or drought tolerant landscaping is required for all provided landscaping areas.

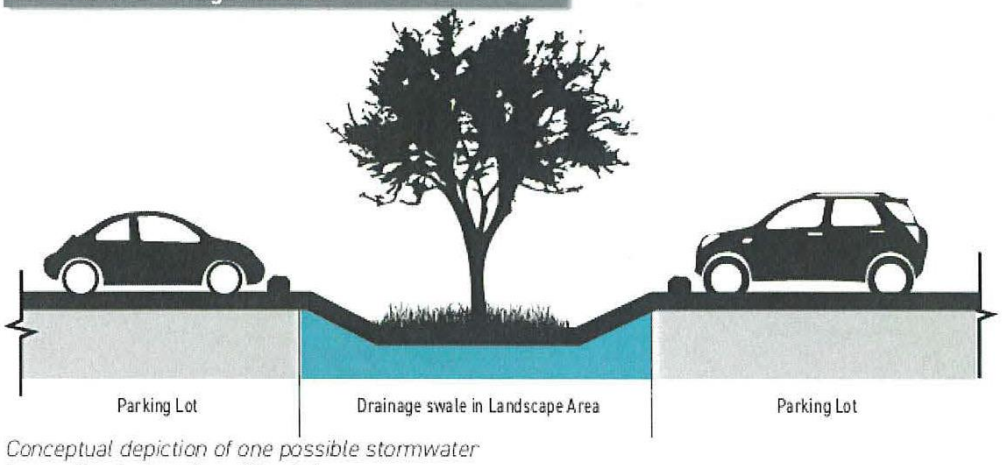
6) Gravel, rock mulch or organic mulch, and similar mulch materials are acceptable within landscape areas. If gravel is used as ground cover, its use shall be limited to a maximum of 75 percent within landscape areas.

7) Gravel, colored rock, and similar mulch materials shall not be permitted north of Interstate 10.

8) All plant material shall be maintained by the owner in a living, attractive condition. All areas shall be free of weeds.

9) If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

**FIGURE 4. Drainage Swales**




*Conceptual depiction of one possible stormwater harvesting feature in parking lot.*

c. *Off-street parking lots.*

1) Off-street parking lots shall have one tree for every ten parking spaces. Where covered carports are utilized, this requirement may be reduced or eliminate the tree requirement within parking lots through a determination of the Community Development Director. The Community Development Director shall consider the overall landscaping plan and the scale of the development to determine if covered carports shall either reduce or eliminate the tree requirement within parking lots.

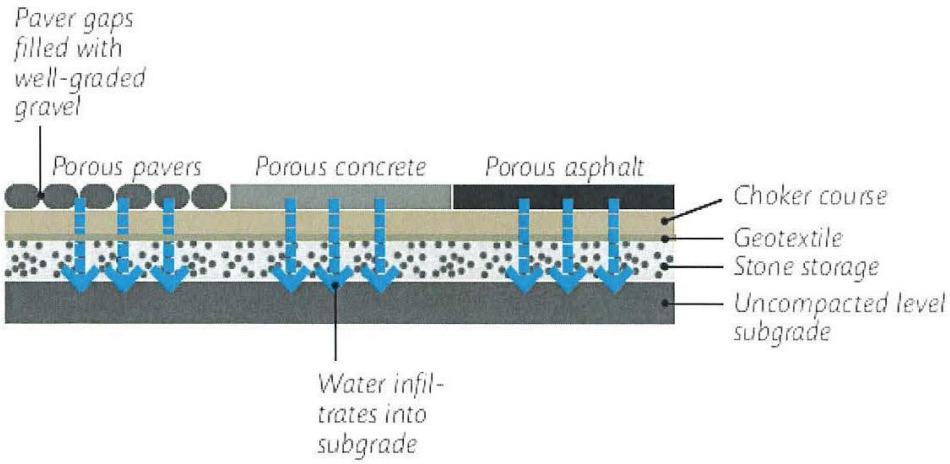
2) The minimum size of tree planters within off-street parking lots shall be 60 square feet per tree.

3) In parking lots of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than eight feet in any dimension.

4) Off-street parking lot landscaping standards do not apply to fleet vehicle parking areas.

5) Any landscaping provided to meet the off-street parking lot standards will be credited towards the overall site ten percent landscape requirement.

**FIGURE 5. Porous Surface with Typical Features**




7. *Walls, Fences and Screening.*

   a. The maximum allowed height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits established in "Table 3. Maximum Wall Height Standards" and illustrated in "Figure 6. Wall Height."

| **TABLE 3. Maximum Wall Height Standards** | |
|---|---|
| Within required primary front yard setback | *8'* |
| Within secondary front yard setback | *10'* |
| Within tertiary front yard setback | *10'* |
| Within required side yard setback | *10'* |
| Within required rear yard setback | *10'* |
| Within the clear sight triangle at the intersections of streets and driveways | 3' |

**FIGURE 6. Wall Height**

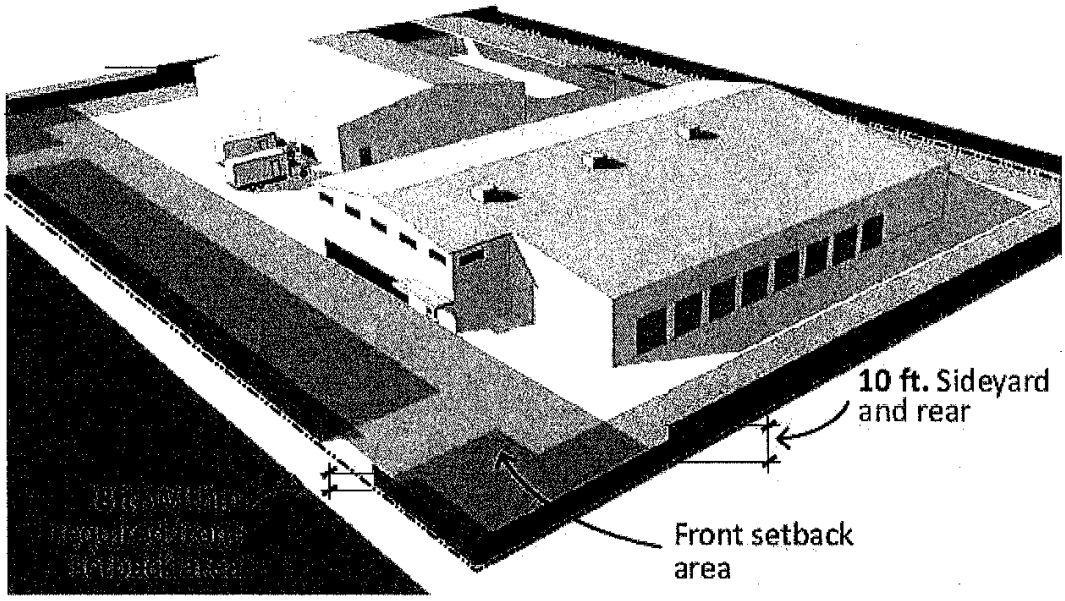



**FIGURE 7. View Fencing in the Front Setback Area**

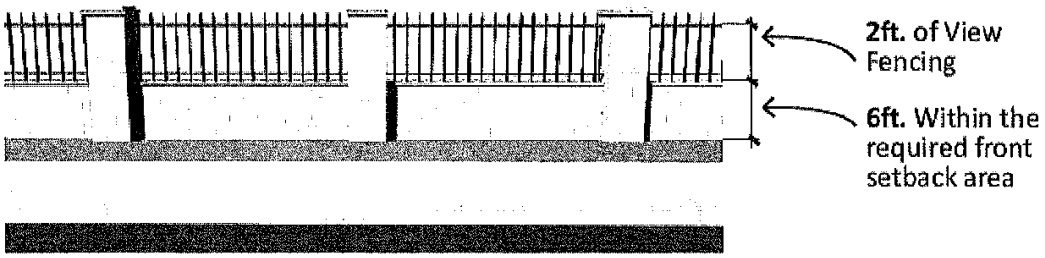
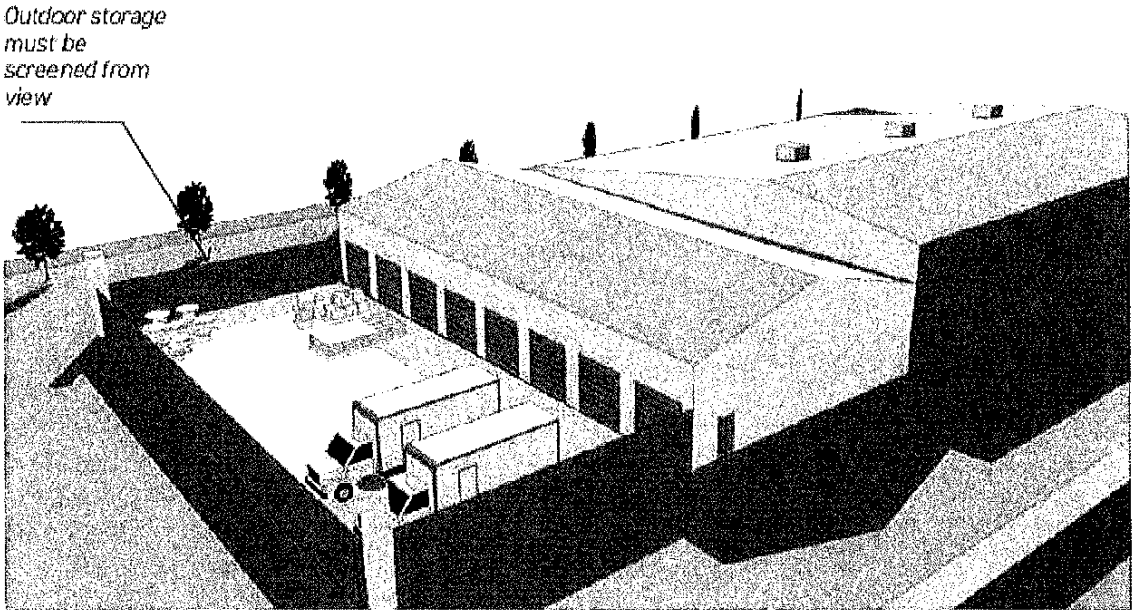


**FIGURE 8. Storage Screening**




b. Within the required front setback area, the maximum allowable fence height is eight feet if two feet consists of view fencing. If opaque fencing is applied, the maximum height is six feet.

c. The finish of walls and fences shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant, which are compatible with the adjacent building(s) in regard to materials, detailing, and color. Acceptable materials include:

   1) Stucco over concrete masonry units (CMU).

   2) Split face block.

   3) Brick.

   4) Stone.

   5) Curved interlock blocks.

   6) Gabions.

   7) Tubular steel, wrought iron bars, or other grill work.

d. Unfinished solid CMU or chain link are acceptable materials, except in areas visible from the public rights-of-way.

e. The use of razor ribbon (concertina), barbed wire, or cyclone fencing is prohibited.

f. Any required screening of mechanical equipment and support/services areas shall be accomplished by one of the following:

   1) An architectural building element, such as a wing wall, that screens the equipment or area being screened;

2) A wall or fence of a height equal to or greater than the height of the equipment or area being screened. Walls or fences shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building; or

3) A vegetative screen planted along the full length of the equipment or area to be screened of a height equal to or greater than the height of the equipment or area to be screened at the time of planting.

8. *Signage.*

a. All signs shall comply with the City of Las Cruces sign code except as outlined below.

b. All signs shall be designed in accordance with the Overlay Zone District's adopted signage plans and regulations.

c. At key locations such as intersections, joint tenant/monument signs shall include language in Spanish, Braille and larger print for sight-impaired populations.

d. Vehicular directional signage within public right-of-way or on City property shall be exempt from signage standards.

e. Freestanding Monument Signs.

1) Freestanding monument signs will be limited to a maximum of one per street frontage.

2) The maximum signage size shall not exceed 450 square feet for lots adjacent to interstate frontage. The maximum signage size for all other lots shall not exceed 50 square feet.

3) The maximum height shall not exceed 80 feet for lots adjacent to interstate frontage. The maximum height for all other lots shall not exceed 18 feet.

4) Monument signs shall match the architectural style, color, materials and ornamentation of the primary building(s).

5) For all lots with more than one monument sign, all signs shall be of uniform design and materials.

6) Free standing monument signage is permissive at the primary park entrances.

7) The maximum height for directional signage is 6 feet.

f. Building Mounted Signs.

1) Building mounted sign size shall not exceed ten percent of the building facade to which it is applied.

2) Building mounted signs may not project more than 15 inches from the wall.

3) Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability, but must blend with the architectural style, color, materials and ornamentation of the main building(s).

4) No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features.

g. Temporary Signage.

1) Temporary construction signs shall be permitted in accordance with the City of Las Cruces sign code, with the following exceptions:

a) For properties less than ten acres, one sign is permitted not to exceed 64 square feet in sign area and eight feet in height.

b) For properties in excess of ten acres, one sign is permitted not to exceed 96 square feet in sign area and eight feet in height.

h. Prohibited Signage.

1) The following sign types are prohibited within the Las Cruces Innovation and Industrial Park:

a) Banners.

b) Billboards.

c) Portable or temporary signs, except for those permitted above.

d) Window Signs.

i. Signage Illumination.

1) Exterior and interior illumination will be allowed for both attached and freestanding signs, provided they comply with the following standards:

a) Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

H. *Definitions.*

*Accessory, commercial/office uses.* Any offices and commercial services and food, beverage uses listed in "Table 1. Use Table." These uses must be incidental to the primary use.

*Accessory, residential use—non-primary.* An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.

*Cannabis cultivation* and *cannabis-infused products manufacturing.* A facility in which cannabis is grown, harvested, dried, cured, or trimmed. This use may also include the process in which a product is infused with cannabis that is intended for use or consumption other than by smoking including but not limited to, edible products, ointments, and tinctures.

*Commercial services* and *general retail.* An establishment providing for the retail sale of general merchandise or food directly to the consumer; this includes, but is not limited to, sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales.

*Construction contractor facility and yard.* A building and related outdoor area used to store and maintain construction equipment and materials including, but not limited to, plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor. Any outside storage is required to be screened with an opaque fence.

*Contemporary style architecture.* The use of innovative and new construction technologies and materials with a focus on steel, reinforced concrete, and glass, clean lines and a form that follows function.

*Drainage and major utility, other.* A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including, but not limited to, major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire park, or a wide area of the park.

*Film and media production.* Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, postproduction facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

*Fire and police station.* A public facility operated by a governmental agency where fire engines and other equipment are housed, and from which calls for emergency fire responses are handled. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles excluding, however, correctional institutions.

*Fleet vehicle.* Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle.

*Fleet vehicle parking.* Parking of fleet vehicles.

*Freight house* or *truck terminal.* Property or building used primarily for freight pick-up or distribution and the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash and loading and unloading from rail spurs.

*General agriculture.* Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. This use may also include the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

*Heavy manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous byproducts, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including, but not limited to, explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the special manufacturing zone.

*Higher education, vocational school.* A private institution that provides full-time or part-time education beyond high school, including college, university and vocational schools that provides specialized training and education beyond the high school level.

*Indoor entertainment/recreation venues.* A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers. This use also includes health club or gyms, and non-medical service establishment intended to maintain or improve the physical condition of persons.

*Light manufacturing.* Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

*Military and law enforcement agency.* A public facility operated by the federal government where engines and other equipment are housed. This use may also include administrative offices, storage of equipment, and grounds for training and practice.

*Natural resource extraction.* On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural

gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives

*Nightclub* and *bar.* An establishment that is devoted to the selling or serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of those beverages, including taverns, nightclubs, cocktail lounges and cabarets.

*Offices* and *research facility.* A premise where professional, clerical, business management or public administration work is carried out and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on. This use may also include a medical or dental clinic for patients that are not lodged overnight and research and testing facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Outdoor entertainment.* An outdoor commercial or entertainment activity that is open to the general public. This use may include outdoor markets, drive-in theater, stadium or other entertainment and recreation activities like batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, or sports courts.

*Outdoor storage.* The keeping of any goods, material, or merchandise outside of a building in the same place.

*Parking garage with/without liner building.* A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at-grade, above grade, or partially below grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features and articulated elements to mitigate blank walls and screen parking.

*Recycling sort facilities* and *electronic recycling.* A facility that sorts reusable materials in preparation for introduction into an industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost. Material is limited to paper, plastic, and metal as well as electronics recycling.

*Small animal facilities.* A facility that serves small animals for their care and treatment. This use may include outdoor pens for temporary animal holding. This use does not include animal raising.

*Solar energy generation.* The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

*Special manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. This use includes processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

*Telecommunications, towers, and utilities.* Any facility used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

*Temporary, construction staging area, trailer, or office.* Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

*Temporary, seasonal outdoor sales, events.* Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales. Incidental sales of food and beverages is allowed.

*Vehicle services.* Commercial services dealing with vehicles. This use may include car wash, vehicle and equipment sales, rental, fueling, recreational vehicle parking stalls and hook-ups, and repair.

*Warehousing, logistics and distribution.* Building or premise in which goods, merchandise or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use.

(Ord. No. 2982 , § (I)(Exh. A), 8-16-21)

Editor's note(s)—Ord. No. 2982 , § (I)(Exh. A), adopted Aug. 16, 2021, repealed the former § 38-46 and enacted a new § 38-46 as set out herein. The former § 38-46 pertained to WMIP—West Mesa Industrial Park Overlay Zone District, and derived from Ord. No. 2354, § I, adopted Jan. 22, 2007.

## Sec. 38-46. LCIIP—Las Cruces Innovation and Industrial Overlay Zone District.

A. *Purpose.* The purpose of the Las Cruces Innovation and Industrial Park Overlay Zone District is to guide development within the Park and implement the policies found in the LCIIP Master Plan. It aims to promote the natural and existing environment within the Park, and encourage employment options for residents while enhancing the overall aesthetic features of the Park.

B. *Applicability of Industrial Park Overlay Zone District boundaries.* The Las Cruces Innovation and Industrial Park Overlay Zone District shall apply to all properties within the Overlay Zone District as identified in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts" below. Most of the Park is regulated by the Overlay Zone District requirements except a few parcels, as indicated in "Figure 2. Las Cruces Innovation and Industrial Park Zoning Designations." The Overlay Zone District includes permitted and prohibited uses along with development standards for site, architecture, landscape, and parking.

C. *Land Use Districts.* As established in Elevate Las Cruces, "Business Park and Industrial areas are reserved for concentrations or warehousing, trade, transportation, research and development, manufacturing, and industrial uses" (Elevate Las Cruces, Volume I, pg. 35).

The goal of the Land Use Framework is to accommodate a range of uses, with the intent of creating synergy between businesses with similar or complementary activities. The Land Use Framework also establishes a commercial district adjacent to Interstate 10. Uses such as restaurants and retail are permissive here to provide and encourage services to the local workforce. The Land Use Framework establishes four districts with specific permissive land uses. Since the Las Cruces Innovation and Industrial Park Overlay Zone District allows a wide variety of uses and covers almost all the land area within the Park boundary, the Land Use Framework establishes land use districts to group similar or complementary uses to provide a more organized built environment. The Land Use Framework, as illustrated in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts," breaks the Park down into four districts:

1. Value added agriculture;
2. Manufacturing/warehousing/distribution;
3. Aerospace/aviation/defense; and
4. Commercial.

The Value-Added Agriculture district is located south of Interstate 10 in the southeastern portion of the Park. It is intended to accommodate agriculture-related manufacturing and other processes that enhance the value of basic agricultural commodities. Most of the parcels are larger in size to provide sufficient land for these types of activities.

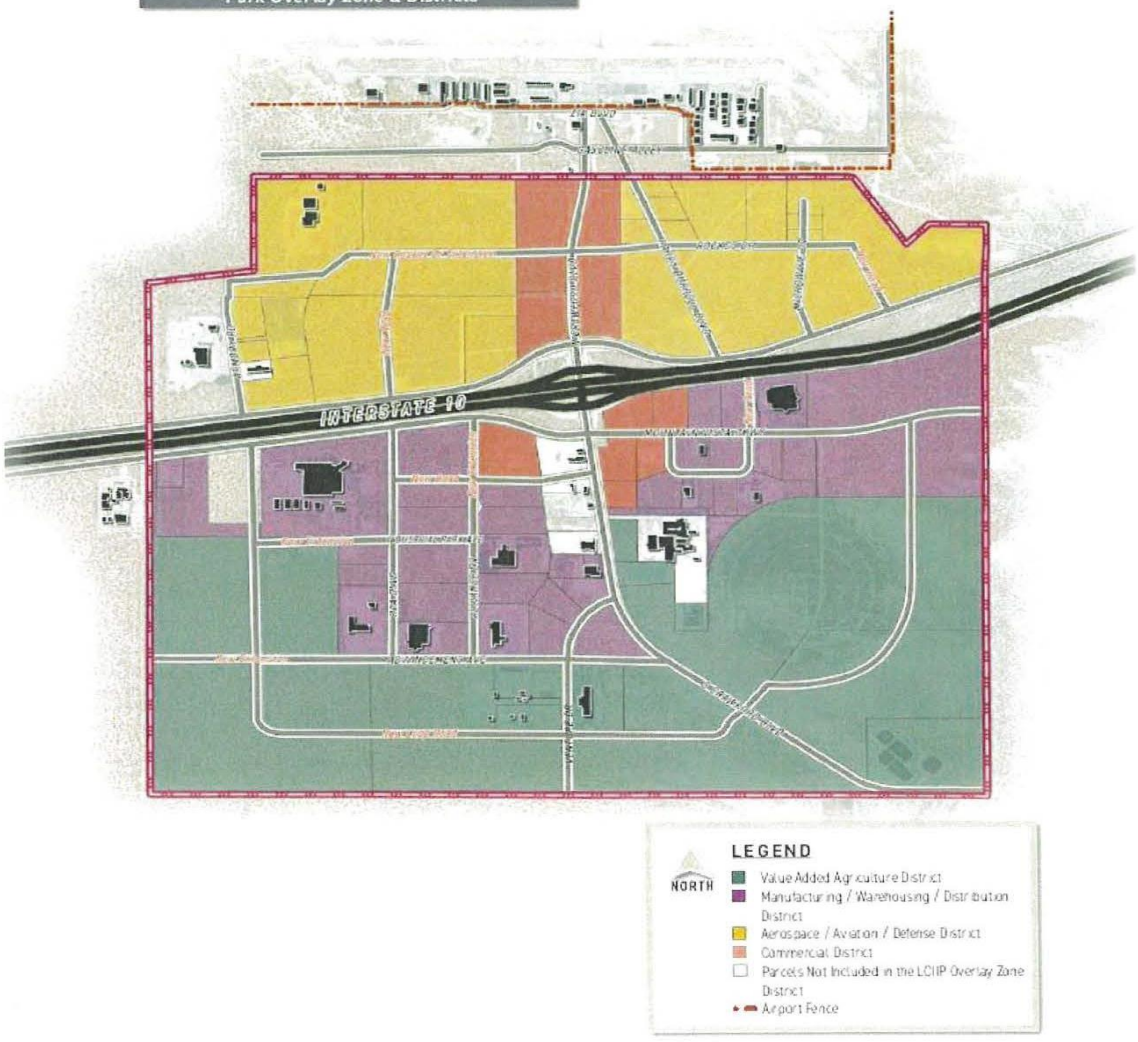
The Manufacturing/Warehousing/Distribution district is located south of Interstate 10 in the southwestern portion of the Park. It is intended to accommodate manufacturing, warehousing, and distribution types of uses. It offers a range of parcel sizes and has good access to the interstate.

The Aerospace/Aviation/Defense district is located north of Interstate 10 and is adjacent to the Las Cruces International Airport. It is intended to accommodate aviation- and defense-related uses and offers a range of parcel sizes with direct access to the airport.

The Commercial district is located adjacent to Crawford Boulevard, on both sides of the Interstate 10 interchange. It is intended to accommodate commercial uses that offer services to the local workforce and interstate-associated business opportunities. This district has smaller parcel sizes more suited for uses like restaurants, with good visibility and access from the interchange.

D. *Development Process.* All development within the Overlay Zone District shall follow the applicable City of Las Cruces development processes.

FIGURE 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts



E. *Land uses.* "Table 1. Use Table" allocates uses into four Land Use Districts. A dash ("-") indicates the use is not permitted while a "P" indicates that a use is permitted. An "A" indicates that a use is accessory. Associated Conditional Use Standards are indicated with an "X" and detailed in Section "Conditional Use Standards." This indicates that a use is permitted with conditions. Uses not specified in "Table 1. Use Table" will be determined by the City of Las Cruces Community Development Director in consultation with the City of Las Cruces Economic Development Director.

| **TABLE 1. Use Table** | | | | | |
|---|---|---|---|---|---|
| — = Not permitted<br>P = Permitted Use<br>A = Accessory Use<br>X = Existing Conditional Use Standard(s) | **Commercial District** | **Manufacturing/ Warehousing** | **Aerospace/ Aviation/ Defense District** | **Value Added Agriculture District** | **Conditional Use Standards** |
| **RESIDENTIAL USES** | | | | | |
| All Residential Uses (except accessory dwelling units as outlined under the Accessory Use category) | — | — | — | — | |

| | | | | | |
|---|---|---|---|---|---|
| **CIVIC AND INSTITUTIONAL USES** | | | | | |
| Higher Education, Vocational School | P | P | P | P | |
| Fire and Police Station | P | P | P | P | |
| Military and Law Enforcement Agency | — | P | P | P | |
| Parks and Open Space | P | P | P | P | |
| **COMMERCIAL USES** | | | | | |
| **Agriculture & Animal Related** | | | | | |
| General Agriculture | — | P | — | P | X |
| Small Animal Facilities | P | P | — | P | X |
| **Food, Beverage, Entertainment & Lodging** | | | | | |
| Brewery, Microbrewery Facilities, Tasting Rooms | P | P | — | P | X |
| Food, Beverage, Hotel or Motel | P | — | — | — | |
| Indoor Entertainment/Recreation Venues | P | — | — | — | |
| Nightclub and Bar | P | — | — | — | |
| **Motor Vehicle-Related** | | | | | |
| ~~Freighthouse~~Freight House or Truck Terminal | — | P | P | P | |
| Vehicle Services | P | P | — | P | X |
| **Offices and Commercial Services** | | | | | |
| Offices and Research Facility | P | P | P | P | |
| Commercial Services and General Retail | P | — | — | — | |
| Construction Contractor Facility and Yard | — | P | P | P | X |
| **Outdoor Entertainment** | | | | | |
| Outdoor Entertainment | *P* | *P* | - | - | *X* |
| **INDUSTRIAL USES** | | | | | |
| **Manufacturing, Fabrications & Assembly** | | | | | |
| Cannabis Cultivation, Infused Products Manufacturing | — | P | — | P | X |
| Light Manufacturing | P | P | P | P | X |
| Heavy Manufacturing | — | P | P | P | X |
| Special Manufacturing | — | P | — | P | X |
| Natural Resource Extraction | — | P | — | — | |
| Recycling Sort Facilities and Electronics Recycling (paper/plastic/metal sorting-only and electronics recycling) | — | P | — | — | |
| **Film and Media Production** | | | | | |
| Film and Media Production | P | P | P | P | |
| **Telecommunications, Towers, and Utilities** | | | | | |
| Drainage & Major Utility, other | P | P | P | P | |
| Solar Energy Generation | — | — | P | P | X |
| Telecommunications, towers, and utilities | P | P | — | P | X |
| **Wholesaling and Storage** | | | | | |
| Outdoor Storage | ~~P~~ — | P | P | P | X |
| Warehousing, Logistics, and Distribution | — | P | P | P | |
| **TEMPORARY USES** | | | | | |
| Construction Staging Area, Trailer, or Office | P | P | P | P | |
| Seasonal Outdoor Sales, Events | P | — | — | — | |
| **ACCESSORY USES** | | | | | |
| Commercial/Office Uses | A | A | A | A | X |

| | | | | | |
|---|---|---|---|---|---|
| Residential Use—Non-Primary | A | A | A | A | X |
| Parking Garage with/without Liner Building | A | A | A | A | |
| Recreational Vehicle Parking Stalls/ Hook-Ups | P | — | — | — | X |

1. *Prohibited Uses.* The following uses are prohibited:
   a. All uses prohibited under FAA regulations;
   b. All adult amusement establishments;
   c. All residential uses, except as established under the accessory use category.
2. *Conditional Use Standards.*
   a. *Aerospace/Aviation/Defense District.*
      1) All uses in the Aerospace & Aviation District shall comply with all applicable FAA regulations.
   b. *Commercial Uses.*
      1) Agriculture and Animal Related.
         a) General Agriculture.
            i. Animals shall be confined to graze within the appropriate boundaries and cannot graze on surrounding properties and streets.
            ii. The keeping of large and small livestock animals shall comply with the City of Las Cruces Municipal Code.
         b) Small Animal Facilities.
            i. Kennels must be conducted within fully enclosed building. Outdoor pens shall be enclosed on all sides by a wall or fence at least six feet high.
            ii. This use must be screened as required by section "Walls, Fences and Screening."
      2) Food, Beverage, Hotel or Motel.
         a) Brewery and ~~micro brewery~~micro-brewery facilities, including tasting rooms.
            i. Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements.
      3) Motor Vehicle-Related.
         a) Vehicle Services.
            i. This use must be screened as required by section "Walls, Fences and Screening."
            ii. Vehicle repair, servicing, and maintenance shall be conducted within a fully enclosed building.
            iii. Recreational Vehicle Parking Stalls/ Hook-ups are ancillary to the primary use and cannot be a standalone land use.
      4) Offices and Commercial Services.
         a) Construction Contractor Facility and Yard.

i. This use must be screened as required by section "Walls, Fences and Screening."

5) Outdoor Entertainment.

a) Outdoor Entertainment.

i. Drive-In Theater use shall be enclosed with a wall, fence, or vegetative screen of at least six feet in height. A screen located less than 500 feet from Interstate 10 shall be shielded so that the picture surface cannot be seen from Interstate 10.

ii. All other outdoor entertainment uses shall include fencing or screening meeting the standards established in section "Walls, Fences, and Screening" designed to prevent any objects from passing beyond the property line and onto surrounding properties and streets. Uses shall be limited to one acre in size.

3. *Industrial Uses.*

a. *Manufacturing, Fabrications & Assembly.*

1) Cannabis cultivation, Infused Products Manufacturing.

a) This use shall comply with all New Mexico State law requirements.

2) Light Manufacturing.

a) All activities in this use shall be conducted within a fully enclosed building unless a Special Use Approval is obtained pursuant to the City of Las Cruces Special Use Permit Process.

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

c) This use may include a sales/display room for items manufactured on the property.

3) Heavy Manufacturing.

a) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

4) Special Manufacturing.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

b) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b. *Telecommunications, Towers, and Utilities.*

1) Solar Energy Generation.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

2) Telecommunications, Towers, and Utilities.

a) This use shall comply with the City of Las Cruces Municipal Code.

c. *Wholesaling and Storage.*

1) Outdoor Storage.

a) This use must be screened as required by section "Walls, Fences and Screening."

4. *Accessory Uses.*

a. *Accessory Commercial Uses.*

1) In all districts, all uses listed under the 'Food, Beverage, Entertainment & Lodging' use and 'Offices and Commercial Services' use category shall be permissive as an accessory use not to exceed a maximum of 40 percent of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use.

b. *Accessory Residential Use—Non-Primary.*

1) Residential use—non-primary is allowed for caretakers of the primary non-residential use and may be attached or detached.

F. *Administration and Enforcement.*

1. *Applicability.* The following development standards shall apply to all parcels located within the Overlay Zone District's boundary as identified on "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts." City of Las Cruces Municipal Code standards shall apply unless otherwise stated in the document.

2. *Non-Conforming.*

a. Uses and structures that are non-conforming with the standards of the Las Cruces Innovation and Industrial Park Overlay Zone District shall comply with this section.

1) There are two instances of non-conformance:

a) Instance 1: A non-conforming use/structure which was initiated/constructed prior to the adoption of the Overlay Zone District standards.

b) Uses that are classified as instance 1 may continue in perpetuity unless the use ceases for a period of no less than 12 consecutive months. However, the use/structure cannot be expanded, enlarged, or extended.

c) Instance 2: A non-conforming use/structure initiated/constructed after the adoption of the Overlay Zone District standards.

d) Uses that are classified as instance 2 shall be brought into compliance immediately and shall not be permitted to expand.

G. *General Development Standards.*

1. *Streets and Public Right-of-Way.*

a. All streets within Las Cruces Innovation and Industrial Park must adhere to City of Las Cruces Design And Roadway Construction Standards currently amended/adopted.

b. Property owners shall provide dedicated right-of-way including easements for trail corridors and pedestrian facilities.

c. The property owner is responsible to provide landscaping in accordance with standards outlined in this section in contiguous parkways and medians at the time of site development.

d. All additions, rehabilitation, remodeling, or structural modifications to existing buildings with a value of $100,000.00 or more, including all new parking lots require installation of parkway and median landscaping.

e. Landscape in parkways and medians shall be maintained by the property owner of the contiguous property.

2. *Dimensional Standards.*

a. All buildings and structures within Las Cruces Innovation and Industrial Park will be limited to the following development requirements:

| **TABLE 2. Dimensional Standards** | |
|---|---|
| Minimum Lot Width | 60 feet |
| Minimum Lot Depth | 70 feet |
| Front Setback, Minimum | 25 feet |
| Secondary Front Setback, Minimum | 25 feet |
| Side Yard Setback, Minimum | 20 feet |
| Rear Setback, Minimum | 25 feet |
| Building Height, Maximum | 100 feet |

3. *Site Layout.*

a. Orient building entries, office areas, showrooms and/or lobbies, and amenities to front the primary public street.

~~b. Conceal loading docks, service areas, and mechanical equipment with the placement of buildings and circulation from primary streets.~~

~~c. Public and visitor areas shall be separated from truck delivery and maneuvering areas, as illustrated in "Figure 3. Site Orientation."~~

bd. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on- or off-site) and/or pedestrian areas.

ce. Outdoor lighting shall follow the regulations provided in the City of Las Cruces Outdoor Lighting Ordinance.

df. Provide on-site pedestrian walkways at a minimum six-foot clear width that are separate from drive aisles to connect to primary building entrances.

eg. A public space such as an outdoor patio space, plaza, or courtyard shall be provided for any buildings greater than or equal to 75,000 square feet. For lots with more than one building, shared public spaces are permitted.

f. Sidewalk installation is required with any development located on the north side of Interstate 10.

g. Sidewalk installation is not required with any development located on the south side of Interstate 10.

4. *Parking.*

a. ~~No parking supply minimums are required.~~Parking requirements for automobiles and bicycles are set for land uses as noted in the adopted Land Use Table. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Economic Development Director or designee.

b. Accessible parking shall be provided according to Federal ADA parking standards.

~~c. Motorcycle and bicycle parking spaces shall be provided according to the Off-Street Parking Regulations of the City of Las Cruces Municipal Code.~~

c~~d~~. Landscaped islands and medians shall be incorporated into parking areas to provide shade, define parking areas and pedestrian access, and allow for passive water harvesting. See "Landscaping" for requirements.

d~~e~~. Surface runoff in parking lots shall be directed to landscaped passive water harvesting areas.

e~~f~~. A minimum of 20 percent of parking spaces provided shall use previous materials such as previous concrete, previous asphalt, permeable pavers, compacted gravel or gravel. If gravel is used, a minimum of four-inch base course that is compacted to ensure stabilization of gravel is required.

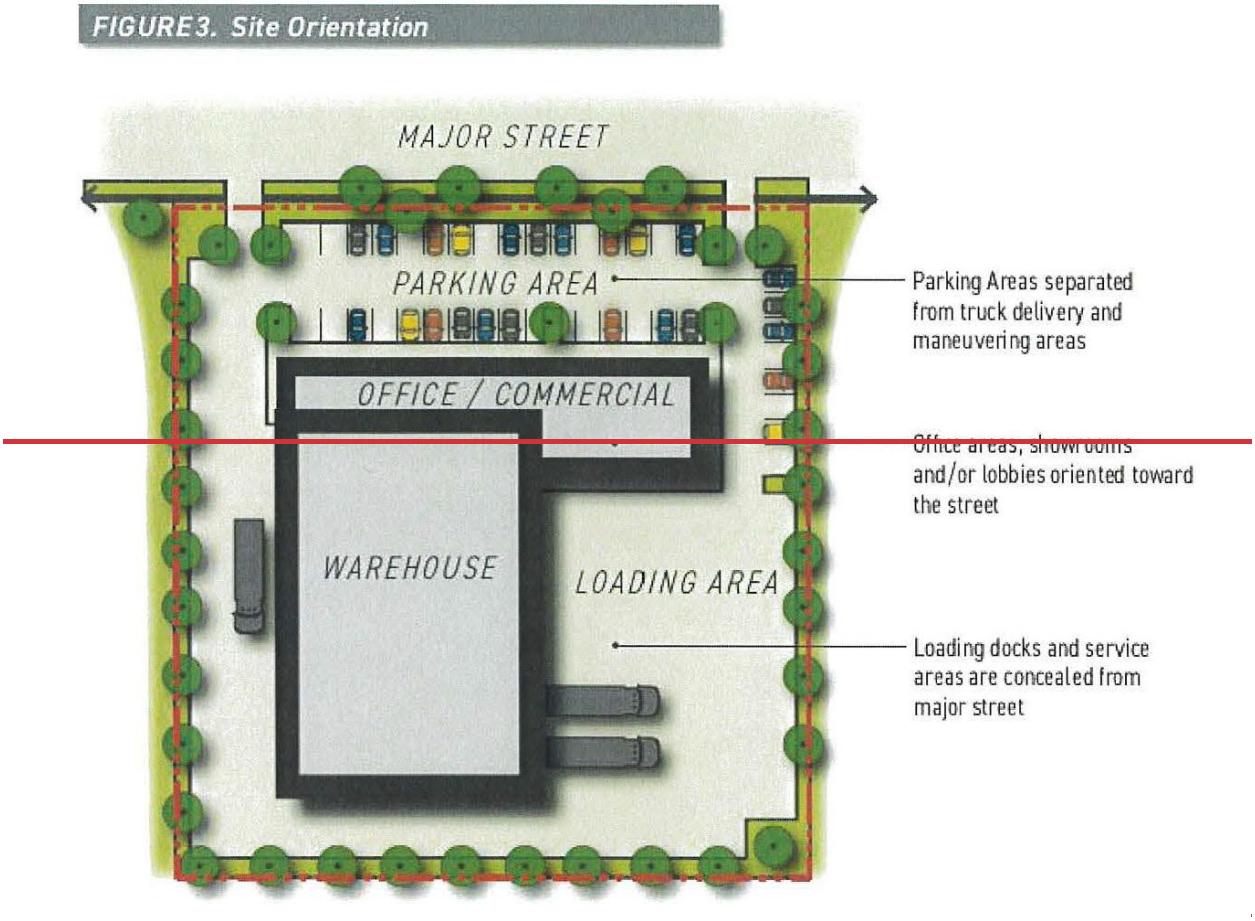
f~~g~~. Carports, including solar carport canopies, are allowed within surface parking lots, provided the materials are compatible with the building architecture.

g~~h~~. Fleet vehicle parking and loading docks shall not be located along the site main frontage. The placement of such facilities shall be located in the rear half of the site, secondary front, or behind the principal structure. ~~For corner lots, the frontage that includes the main entrance to the building shall serve as the site main frontage.~~

h~~i~~. Outdoor storage areas used for fleet vehicles shall be paved or use a similarly compacted material that is stable and does not produce dust.

~~j. Bike racks shall be provided per the City of Las Cruces Municipal Code which requires two bicycle parking spaces per 20 employees on maximum shift.~~

i~~k~~. Bike parking shall be located at the primary entrance of the primary building.




5. *Architecture.*

   a. *Building Materials.*

      1) Buildings shall be designed to incorporate contemporary architectural styles and materials to create the appearance of a state-of-the-art industrial park. Common elements such as architectural style, color, materials and ornamentation shall be used to create a cohesive park identity.

      2) Permitted materials include:

         a) Exterior plaster or stucco.

         b) Architectural metal; decorative panels, structural elements and decorative support or trim members.

         c) Precast concrete and tilt-up wall systems.

         d) Textured, patterned and/or integrally colored cast-in-place concrete.

         e) Integrally colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

         f) Brick.

g) Natural stone.

h) Glass curtain wall systems.

3) Higher quality materials shall be utilized to draw attention to the office areas and entrances. Higher quality materials include architectural metal, decorative panels, structural elements and decorative support or trim members, brick and natural stone, among others.

4) The use of reflective or shiny metallic roofs shall be prohibited.

b. *Massing.*

1) Building heights, massing and setbacks shall be varied, to define the different functions within a building such as offices and warehousing.

2) Primary buildings shall have clearly defined entries. To emphasize entries, one or a combination of the following elements shall be applied; portals, overhangs, fenestration, canopies, material and color changes. The "large box" components of the industrial buildings that are visible from a public right-of-way shall feature both vertical and horizontal articulation and be compatible with the more articulated office area.

3) Metal structures are acceptable; however, they must visually tie to other building elements, such as the office, storage areas, etc.

4) Temporary or portable buildings shall be limited in use for construction purposes only.

c. *Screening.*

1) Exposed industrial systems and equipment shall be architecturally integrated or screened unless otherwise determined by the Community Development Director upon consultation with the Economic Development Director.

2) All heavy industrial processing, assembling of materials shall be conducted within an enclosed structure or be screened according to "Walls, Fences and Screening."

6. *Landscaping.*

a. *General Provisions.*

1) ~~A minimum of ten percent of the site must be landscaped.~~ Landscaping Calculations and Definitions. For all developments within the Las Cruces Innovation and Industrial Park, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

| Lot Size | Percentage Landscaped |
|---|---|
| 1.00 to 4.00 acres | 12% |
| 4.01 to 8.00 acres | 10% |
| 8.01 to 12.00 acres | 8% |
| >= 12.01 acres | 6% |

2) One-fourth~~half~~ of the total area required to be landscaped shall be located within the front setback area of the property.

3) Where the site exceeds one acre, only the portion of the site that includes the operational area where the primary building is situated and is being developed/disturbed shall be calculated. If the area to be left undeveloped/undisturbed is disturbed during construction, replacement of vegetation is required.

~~4) Where buildings occupy corner lots, double fronting lots or triple fronting lots, a minimum of one-fourth of the required landscaping shall be located within each of the front setback areas.~~

4~~5~~) Passive water harvesting drainage swales shall be ~~installed~~considered and installed when possible within landscape areas to capture runoff from impervious surfaces as illustrated in "Figure 4. Drainage Swales."

5) Impervious areas shall be graded to drain into drainage swales. Drainage swales shall be designed as follows:

a) Swale channel alignments and side slopes must be designed in close coordination with civil engineers to ensure that they convey stormwater while minimizing erosion damage.

b) Swales shall capture at minimum the first flush of a storm event.

c) Swale side slopes shall not exceed 4:1. Where adjacent to walkways or accessible hardscape areas they shall not exceed 6:1.

d) Runoff that enters the swale in a sheet flow fashion requires that the edge of the swale be flush with grade. Where curbs are necessary, intermittently spaced curb cuts shall be installed to allow runoff to enter the swale. Curb cuts shall be at least 18 inches wide and spaced from three to 15 feet apart.

6~~7~~) For further guidance on design and installation of drainage swales in landscape areas, refer to the NMDOT National Pollutant Discharge Elimination System (NPDES) Manual.

b. *Plant/Landscape Materials.*

1) The Las Cruces Airport Landscape Plan shall be used as a guide for acceptable plant materials.

2) Living plant material shall be provided according to the following:

a) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

b) A minimum of twenty~~20~~ live shrubs shall be provided for every 1,000 square feet of required landscaped area.

c) One hundred square feet of ground-over or ten one-gallon size plants shall be provided for every 1,000 square feet of required landscaped area.

3) ~~A minimum of five species must be used in the landscaped area.~~ Plant substitution is permitted following the CIty of Las Cruces Design Standards.

4) Minimum plant material sizes at the time of installation shall be:

a) Deciduous Canopy Trees and Deciduous Accent Trees—Two-inch Caliper.

b) Evergreen Trees—Ten-foot Minimum height.

c) Shrubs and groundcover—One gallon minimum.

5) Xeriscape or drought tolerant landscaping is required for all provided landscaping areas.

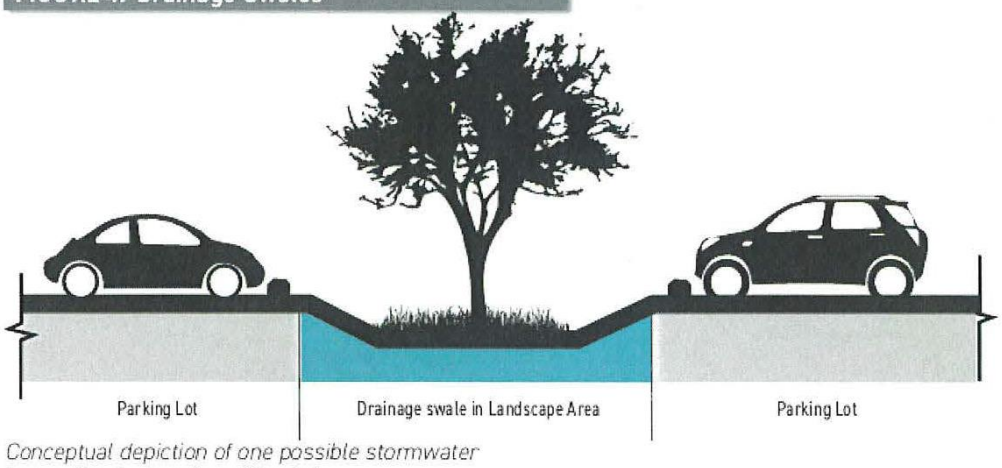
6) Gravel, rock mulch or organic mulch, and similar mulch materials are acceptable within landscape areas. If gravel is used as ground cover, its use shall be limited to a maximum of 75 percent within landscape areas.

7) Gravel, colored rock, and similar mulch materials shall not be permitted north of Interstate 10.

8) All plant material shall be maintained by the owner in a living, attractive condition. All areas shall be free of weeds.

9) If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

**FIGURE 4. Drainage Swales**




*Conceptual depiction of one possible stormwater harvesting feature in parking lot.*

c. *Off-street parking lots.*

1) Off-street parking lots shall have one tree for every ten parking spaces. Where covered carports are utilized, this requirement may be reduced or eliminate the tree requirement within parking lots through a determination of the Community Development Director. The Community Development Director shall consider the overall landscaping plan and the scale of the development to determine if covered carports shall either reduce or eliminate the tree requirement within parking lots.

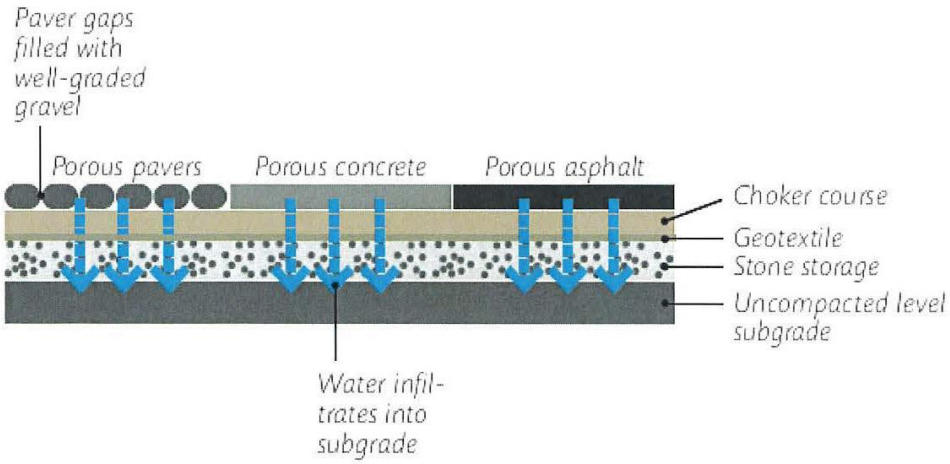
2) The minimum size of tree planters within off-street parking lots shall be 60 square feet per tree.

3) In parking lots of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than eight feet in any dimension.

4) Off-street parking lot landscaping standards do not apply to fleet vehicle parking areas.

5) Any landscaping provided to meet the off-street parking lot standards will be credited towards the overall site ten percent landscape requirement.

**FIGURE 5. Porous Surface with Typical Features**




7. *Walls, Fences and Screening.*

   a. The maximum allowed height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits established in "Table 3. Maximum Wall Height Standards" and illustrated in "Figure 6. Wall Height."

| **TABLE 3. Maximum Wall Height Standards** | |
|---|---|
| Within required primary front yard setback | *8'* |
| Within secondary front yard setback | *10'* |
| Within tertiary front yard setback | *10'* |
| Within required ~~sideyard~~side yard setback | *10'* |
| Within required ~~rearyard~~rear yard setback | *10'* |
| Within the clear sight triangle at the intersections of streets and driveways | 3' |

**FIGURE 6. Wall Height**

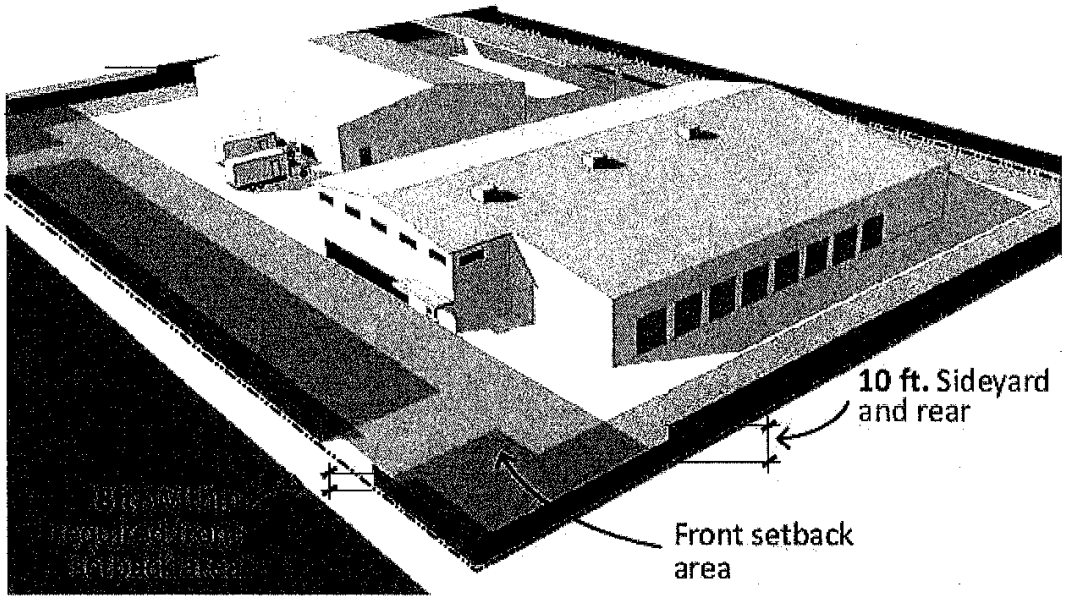



**FIGURE 7. View Fencing in the Front Setback Area**

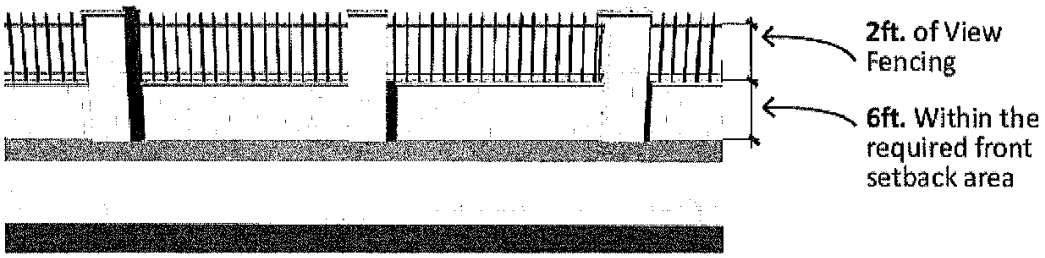
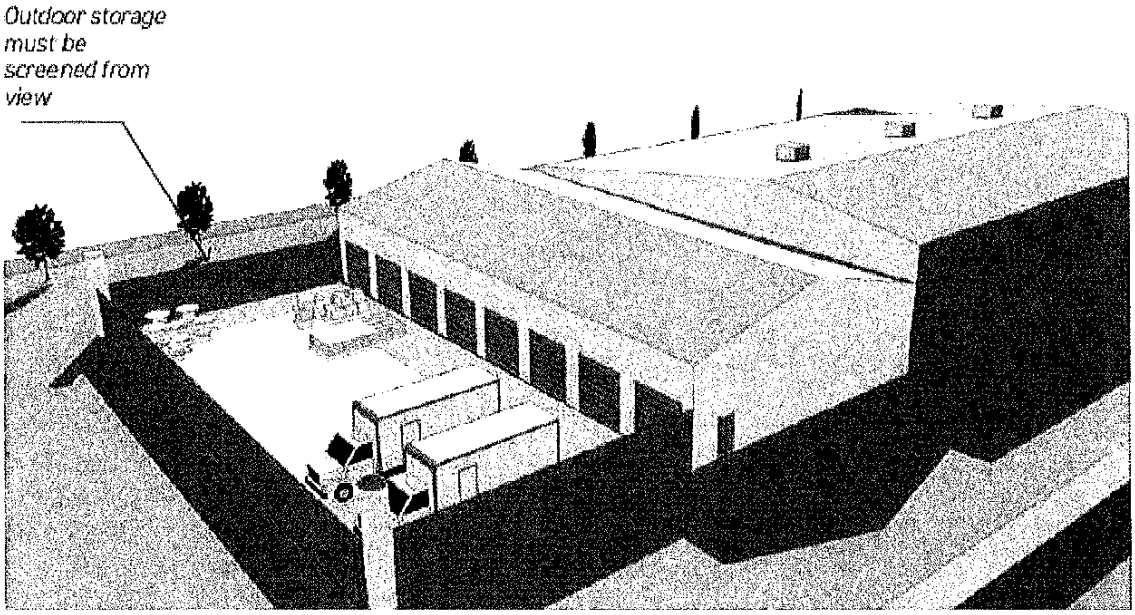


**FIGURE 8. Storage Screening**




b. Within the required front setback area, the maximum allowable fence height is eight feet if two feet consists of view fencing. If opaque fencing is applied, the maximum height is six feet.

c. The finish of walls and fences shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant, which are compatible with the adjacent building(s) in regard to materials, detailing, and color. Acceptable materials include:

   1) Stucco over concrete masonry units (CMU).

   2) Split face block.

   3) Brick.

   4) Stone.

   5) Curved interlock blocks.

   6) Gabions.

   7) Tubular steel, wrought iron bars, or other grill work.

d. Unfinished solid CMU or chain link are acceptable materials, except in areas visible from the public rights-of-way.

e. The use of razor ribbon (concertina), barbed wire, or cyclone fencing is prohibited.

f. Any required screening of mechanical equipment and support/services areas shall be accomplished by one of the following:

   1) An architectural building element, such as a wing wall, that screens the equipment or area being screened;

2) A wall or fence of a height equal to or greater than the height of the equipment or area being screened. Walls or fences shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building; or

3) A vegetative screen planted along the full length of the equipment or area to be screened of a height equal to or greater than the height of the equipment or area to be screened at the time of planting.

8. *Signage.*

a. All signs shall comply with the City of Las Cruces sign code except as outlined below.

b. All signs shall be designed in accordance with the Overlay Zone District's adopted signage plans and regulations.

c. At key locations such as intersections, joint tenant/monument signs shall include language in Spanish, Braille and larger print for sight-impaired populations.

d. Vehicular directional signage within public right-of-way or on City property shall be exempt from signage standards.

e. Freestanding Monument Signs.

1) Freestanding monument signs will be limited to a maximum of one per ~~100 feet of~~ street frontage.

2) ~~The maximum signage size shall not exceed 50 square feet.~~ The maximum signage size shall not exceed 450 square feet for lots adjacent to interstate frontage. The maximum signage size for all other lots shall not exceed 50 square feet.

3) ~~The maximum height of monument signs shall not exceed 12 feet.~~ The maximum height shall not exceed 80 feet for lots adjacent to interstate frontage. The maximum height for all other lots shall not exceed 18 feet.

4) Monument signs shall match the architectural style, color, materials and ornamentation of the primary building(s).

5) For all lots with more than one monument sign, all signs shall be of uniform design and materials.

6) Free standing monument signage is permissive at the primary park entrances.

7) The maximum height for directional signage is 6 feet.

f. Building Mounted Signs.

~~1) One building mounted sign per tenant is permitted.~~

~~2) Buildings that front more than one public right-of-way may have one (1) building mounted sign per facade facing one public right-of-way.~~

1~~3~~) Building mounted sign size shall not exceed ten percent of the building facade to which it is applied.

2~~4~~) Building mounted signs may not project more than 15 inches from the wall.

3~~5~~) Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability, but must blend with the architectural style, color, materials and ornamentation of the main building(s).

4~~6~~) No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features.

g. Temporary Signage.

1) Temporary construction signs shall be permitted in accordance with the City of Las Cruces sign code, with the following exceptions:

a) For properties less than ten acres, one sign is permitted not to exceed 64 square feet in sign area and eight feet in height.

b) For properties in excess of ten acres, one sign is permitted not to exceed 96 square feet in sign area and eight feet in height.

h. Prohibited Signage.

1) The following sign types are prohibited within the Las Cruces Innovation and Industrial Park:

a) Banners.

b) Billboards.

c) Portable or temporary signs, except for those permitted above.

d) Window Signs.

i. Signage Illumination.

1) Exterior and interior illumination will be allowed for both attached and freestanding signs, provided they comply with the following standards:

a) Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

H. *Definitions.*

*Accessory, commercial/office uses.* Any offices and commercial services and food, beverage uses listed in "Table 1. Use Table." These uses must be incidental to the primary use.

*Accessory, residential use—non-primary.* An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.

*Cannabis cultivation* and *cannabis-infused products manufacturing.* A facility in which cannabis is grown, harvested, dried, cured, or trimmed. This use may also include the process in which a product is infused with cannabis that is intended for use or consumption other than by smoking including but not limited to, edible products, ointments, and tinctures.

*Commercial services* and *general retail.* An establishment providing for the retail sale of general merchandise or food directly to the consumer; this includes, but is not limited to, sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales.

*Construction contractor facility and yard.* A building and related outdoor area used to store and maintain construction equipment and materials including, but not limited to, plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor. Any outside storage is required to be screened with an opaque fence.

*Contemporary style architecture.* The use of innovative and new construction technologies and materials with a focus on steel, reinforced concrete, and glass, clean lines and a form that follows function.

*Drainage and major utility, other.* A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including, but not limited to, major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire park, or a wide area of the park.

*Film and media production.* Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, postproduction facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

*Fire and police station.* A public facility operated by a governmental agency where fire engines and other equipment are housed, and from which calls for emergency fire responses are handled. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles excluding, however, correctional institutions.

*Fleet vehicle.* Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle.

*Fleet vehicle parking.* Parking of fleet vehicles.

*Freight house* or *truck terminal.* Property or building used primarily for freight pick-up or distribution and the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash and loading and unloading from rail spurs.

*General agriculture.* Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. This use may also include the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

*Heavy manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous byproducts, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including, but not limited to, explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the special manufacturing zone.

*Higher education, vocational school.* A private institution that provides full-time or part-time education beyond high school, including college, university and vocational schools that provides specialized training and education beyond the high school level.

*Indoor entertainment/recreation venues.* A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers. This use also includes health club or gyms, and non-medical service establishment intended to maintain or improve the physical condition of persons.

*Light manufacturing.* Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

*Military and law enforcement agency.* A public facility operated by the federal government where engines and other equipment are housed. This use may also include administrative offices, storage of equipment, and grounds for training and practice.

*Natural resource extraction.* On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives

*Nightclub* and *bar.* An establishment that is devoted to the selling or serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of those beverages, including taverns, nightclubs, cocktail lounges and cabarets.

*Offices* and *research facility.* A premise where professional, clerical, business management or public administration work is carried out and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on. This use may also include a medical or dental clinic for patients that are not lodged overnight and research and testing facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Outdoor entertainment.* An outdoor commercial or entertainment activity that is open to the general public. This use may include outdoor markets, drive-in theater, stadium or other entertainment and recreation activities like batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, or sports courts.

*Outdoor storage.* The keeping of any goods, material, or merchandise outside of a building in the same place.

*Parking garage with/without liner building.* A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at-grade, above grade, or partially below grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features and articulated elements to mitigate blank walls and screen parking.

*Recycling sort facilities* and *electronic recycling.* A facility that sorts reusable materials in preparation for introduction into an industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost. Material is limited to paper, plastic, and metal as well as electronics recycling.

*Small animal facilities.* A facility that serves small animals for their care and treatment. This use may include outdoor pens for temporary animal holding. This use does not include animal raising.

*Solar energy generation.* The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

*Special manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such

as lubricating oils, plastics, resins. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. This use includes processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

*Telecommunications, towers, and utilities.* Any facility used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

*Temporary, construction staging area, trailer, or office.* Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

*Temporary, seasonal outdoor sales, events.* Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales. Incidental sales of food and beverages is allowed.

*Vehicle services.* Commercial services dealing with vehicles. This use may include car wash, vehicle and equipment sales, rental, fueling, recreational vehicle parking stalls and hook-ups, and repair.

*Warehousing, logistics and distribution.* Building or premise in which goods, merchandise or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use.

(Ord. No. 2982 , § (I)(Exh. A), 8-16-21)

Editor's note(s)—Ord. No. 2982 , § (I)(Exh. A), adopted Aug. 16, 2021, repealed the former § 38-46 and enacted a new § 38-46 as set out herein. The former § 38-46 pertained to WMIP—West Mesa Industrial Park Overlay Zone District, and derived from Ord. No. 2354, § I, adopted Jan. 22, 2007.

CITY OF LAS CRUCES

CODE AMENDMENT

# Planning & Zoning Commission 08/27/2024

## CASE ZCA-24-01: Zoning Code Amendment

| | |
|---|---|
| **STAFF CONTACT:** | Sara Gonzales, (575) 528-3471, sgonzales@lascruces.gov |
| **OWNER:** | N/A |
| **REPRESENTATIVE:** | N/A |
| **DISTRICT:** | Council District 4 |
| **REQUEST:** | Repeal and Replace the Las Cruces Municipal Code Section 38-46, Las Cruces Innovation and Industrial Overlay Zone District (LCIIP) |
| **RELATED APPLICATIONS:** | N/A |
| **RECOMMENDATION:** | Approval |

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**SUMMARY OF REQUEST CASE ZCA-24-01**

The City of Las Cruces is requesting to repeal and replace Chapter 38, Article V, Section 38-46, Las Cruces Innovation and Industrial Overlay Zone District, of the City of Las Cruces Municipal Code (LCMC). The amendments include changes to the land uses, parking, sidewalks, landscaping, and signage requirements. LCIIP replaced the West Mesa Industrial Park on August 16, 2021, via Ordinance 2982.

**SUMMARY OF RECOMMENDATION:**

**Approval** based on the findings listed below:

- The proposed amendments will continue to allow the region to be competitive with the rising industrial market.
- The proposed amendments take into consideration the economic stakeholder's analysis and allow for staff to implement the necessary changes for future growth.
- Updating model codes every few years is optimal to ensure new technologies, materials and methods, as well as better approaches to health and safety, can be incorporated into the next generation of buildings and development with sufficient time for proof of performance.

## PROPOSAL

**PROJECT RESEARCH:**

New policies and plans should be evaluated and compared to other jurisdictions to ensure healthy growth as development increases. Since the adoption of the Las Cruces Innovation and Industrial Park Overlay Zone District several opportunities for new development have been proposed, but some regulations make the project unfeasible. By reviewing and addressing the regulations every few years staff can identify what improvements can be made to encourage economic growth.

As part of staff's research related to industrial parks we came across guidelines for "Planning and Managing Sustainable Industrial Parks" published by the United Nations Industrial Development Organization (UNIDO) along with Michigan State University in 2017. The guidelines distinguished between the end users, land uses, and the necessary improvements for development to be successful. The industrial park is configured into three categories: research and development, manufacturing and warehousing, and agro-industrial. The improvements for each category differ based on the end users and are outlined below.

Research and Development are multi-functional to include offices, labs, research facilities, technology with light manufacturing and limited storage. This area should have walkable space, increased landscaping on graded areas, connections between structures, enhanced building design, quality utility services, and oriented to pedestrian traffic.

Manufacturing and warehousing require loading bays, easy parking lot circulation, large metal structures, basic utilities, and minimum landscaping. There is a low ratio of employees to space, so the site is oriented around large vehicle traffic such as 18-wheelers.

Agro-Industrial are regional farms that will need utilities for processing, storage, packaging, marketing, distributions, and selling. The facilities can be small and medium sized farming operations with heavy vehicle traffic.

The proposed succession plan outlined by UNIDO guided staff to consider that the layout for the industrial park can be separated by north and south. The north side is oriented to technology, science, research, office and lab uses. It is pedestrian oriented by adding sidewalks and trail systems to get between buildings whenever possible. The south side is oriented to manufacturing, distribution, and processing. It is oriented more toward large vehicle traffic and requires proper site circulation. Overall, the proposed amendments align with improving development while meeting the needs of the end users.

## PROPOSED STANDARDS

**Land Uses:**

Removing Outdoor Storage from Commercial- commercial is limited in the industrial park and staff is encouraging retail, restaurants, and hotels to complement the airport.

Adding Recreational Vehicle Parking Stalls/ Hook-Ups- ancillary to vehicle services to provide parking and utility services for interstate travelers.

**Parking:**

Parking requirements for automobiles and bicycles are set for land uses as noted in the adopted Land Use Table. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Economic Development Director or designee. Staff is requesting to list minimum standards to provide direction to design professionals with flexibility of reducing the parking if the minimum is not necessary and preserve the natural environment.

**Sidewalks:**

Sidewalk installation is required with any development located on the north side of Interstate 10. Creating a walkable area for research, technology, educational, and office land uses based on the recommendations of UNIDO.

Sidewalk installation is not required with any development located on the south side of Interstate 10. Creating a manufacturing distribution area for large vehicle traffic with appropriate circulation based on the recommendations of UNIDO.

*Loves Travel Center was granted a variance and did not have to install sidewalks on Crawford Blvd. or Robert Larson on July 15, 2024, by City Council after a work session outlined the research drafted in this report.

**Landscaping:**

A scale was used in the West Mesa Industrial Park Plan but not implemented in the Las Cruces Innovation and Industrial Overlay Zone District. Due to its effectiveness, the scale has been added back to the LCIIP with an increase in vegetation. The land to required landscaping ratio allows for more flexibility, accomplishes landscaped sites, and supports the efforts of natural features to remain.

**Signage:**

Increase the height and square footage for signs adjacent to the interstate to 80 feet and 450 square feet.

Increase the height and square footage for signs not adjacent to the interstate to 18 feet and 50 square feet.

Increase height for directional signs to 6 feet due to 18-wheeler's visibility.

*The Planning and Zoning Commission has approved two variances to the height and square footage for proposed signs based on the analysis provided by the applicant. The analysis shows that visibility from the interstate in necessary to attract their customers.

## ZONING DECISION CRITERIA AND POLICIES

| POLICY | DOES IT COMPLY? |
|---|---|
| **Elevate Las Cruces Comprehensive Plan** | Yes |
| **Purpose and Intent of the Code: Section 38-2** | Yes |
| **Criteria for Decisions: Section 2-382** | Yes |

**COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:**

According to the Future Development Map in the Elevate Las Cruces Comprehensive Plan, the subject parcel falls within the Business Park and Industrial place type. This place type is characterized as areas that are reserved for concentrations of warehousing, trade, transportation, research and development, manufacturing, and industrial uses.

This place type allows for the development of supporting infrastructure for freight traffic, water and sewer service needs.

The following goals, polices, and actions from Elevate Las Cruces are relevant to the staff recommendation as it relates to the proposed modifications to the zoning code request:

- Goal CP-4 - Diversification: Seek a balance of business recruitment, retention, and expansion to diversify economic opportunities.
    - Policy CP-4.1: Focus and coordinate efforts to recruit businesses and industries to Las Cruces that enhance economic vitality and standard of living.
        - Action CP-4.3.3: Continue coordination efforts with regional economic development entities to attract, retain, and expand businesses within identified target industries that may include healthcare, energy, digital media, aerospace, manufacturing, defense, transportation and logistics, and value-added agriculture.
        - Action CP-4.1.5: Update the West Mesa Industrial Park master plan and development strategy and overlay to create a cohesive strategy and entice additional business development in the area.
    - Policy CP-4.2: Support efforts to be regionally and nationally competitive in regards to retaining and growing businesses, jobs, and students.
        - Action CP-4.2.2: Improve administrative process and procedures to eliminate barriers that impede the expansion of office, commercial or industrial developments.
    - Policy CP-4.4: Support efforts to be regionally and nationally competitive in regards to attracting economic development.
        - Action CP-4.4.4: Coordinate with regional economic development stakeholders such as Doña Ana County, New Mexico Border Authority, Borderplex Alliance, and Border Industrial Association to implement economic development strategies for the border.
        - Action CP-4.4.7: Impower city staff to recommend improvements to the existing policy framework to make Las Cruces more competitive in attracting new businesses, growing existing businesses, fostering entrepreneurship, and increasing job opportunities.

- Goal CE-2 – Areas of Special Consideration: Integrate new development into the community in a manner that complements significant built and natural features.
    - Policy CE-2.5: Support additional industry and business growth in the West Mesa Industrial Park.
        - Action CP-2.5.1: Update the West Mesa Industrial Park master plan and development strategy and overlay to develop strategies to stimulate business development in the area.

Elevate Las Cruces listed several goals and policies to encourage development within the LCIIP. The plan was to be reviewed and modified as needed to increase development

and be competitive with other markets. There were also some considerations to the installation of infrastructure within the Business Parks and Industrial place types. The plan stated that the "streets are designed to accommodate high volumes of large and heavy vehicle traffic in concentrated areas. Examples within Las Cruces includes the industrial park and airport complexes. Industrial street design standards differ from a typical thoroughfare by including wider curve radii to accommodate truck turning motions; thicker pavement to withstand heavier loads; and wider lanes to accommodate truck traffic." The proposed amendments will allow staff to implement the goals and policies in the adopted comprehensive plan.

**CONSISTENCY WITH PURPOSE AND INTENT OF THE ZONING ORDINANCE:**
Per Section 38-2: The intent of the Zoning Code is to encourage the most appropriate use of land and to promote the health, safety, and general welfare of the community for the purpose of improving each citizen's quality of life.
The relevant purpose and intent statements to the proposed amendments are:

A. Ensure that all development is in accordance with this Code and the Elevate Las Cruces Comprehensive Plan and its elements.
B. Encourage innovations in land development and redevelopment.
C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
H. Encourage the conservation of energy in the use of structures, buildings, and land.
I. Minimize adverse environmental impacts of development.
J. Improve the design, quality, and character of new development.
K. Encourage development of vacant properties within established areas.
L. Ensure that development proposals are sensitive to the character of existing neighborhoods.
N. Conserve the value of buildings and land.
O. Promote health, safety, and general welfare by regulating and restricting the
    1. Height, number of stories and size of buildings and other structures,
    2. Percentage of a lot that may be occupied,
    3. Size of yards, courtyards and other open space,
    4. Density of population,
    5. Location and use of buildings, structures and land for trade, industry, residence or other purposes.

The proposed modifications to this section of the zoning code do not conflict with any of the purpose or intent statements of the code. The adjustments would increase the potential for development in an area of the city that was Master Planned in 1996 and code requirements adopted in 1997. Furthermore, the proposed modifications will focus on the employees, visitors, and developer needs to increase business growth.

**CRITERIA FOR DECISIONS:**
Per Section 2-382 of the Las Cruces Municipal Code, the Planning and Zoning Commission shall determine the following:

The Planning and Zoning Commission shall review the comprehensive plan, and other applicable plans and codes and determine whether the request will:

- Impairment of adequate supply of light and air to adjacent property;

- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot zone; or the
- Contradiction of the purpose and intent of the zoning code, sign code, design standards and other companion codes.

The proposed amendments do not pose any negative impacts on public health, safety, and welfare of the city. The industrial park's natural features mitigate noise, light and air quality. The code clarifications and proposed amendments reinforce adopted city policies and expands the potential for economic growth within the Las Cruces Innovation and Industrial Park.

**ATTACHMENTS:**

1. LCMC Chapter 38, Article V, Section 38-46 (Redline Version)
2. LCMC Chapter 38, Article V, Section 38-46 (Updated Version)

## Sec. 38-46. LCIIP—Las Cruces Innovation and Industrial Overlay Zone District.

A. *Purpose.* The purpose of the Las Cruces Innovation and Industrial Park Overlay Zone District is to guide development within the Park and implement the policies found in the LCIIP Master Plan. It aims to promote the natural and existing environment within the Park, and encourage employment options for residents while enhancing the overall aesthetic features of the Park.

B. *Applicability of Industrial Park Overlay Zone District boundaries.* The Las Cruces Innovation and Industrial Park Overlay Zone District shall apply to all properties within the Overlay Zone District as identified in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts" below. Most of the Park is regulated by the Overlay Zone District requirements except a few parcels, as indicated in "Figure 2. Las Cruces Innovation and Industrial Park Zoning Designations." The Overlay Zone District includes permitted and prohibited uses along with development standards for site, architecture, landscape, and parking.

C. *Land Use Districts.* As established in Elevate Las Cruces, "Business Park and Industrial areas are reserved for concentrations or warehousing, trade, transportation, research and development, manufacturing, and industrial uses" (Elevate Las Cruces, Volume I, pg. 35).

The goal of the Land Use Framework is to accommodate a range of uses, with the intent of creating synergy between businesses with similar or complementary activities. The Land Use Framework also establishes a commercial district adjacent to Interstate 10. Uses such as restaurants and retail are permissive here to provide and encourage services to the local workforce. The Land Use Framework establishes four districts with specific permissive land uses. Since the Las Cruces Innovation and Industrial Park Overlay Zone District allows a wide variety of uses and covers almost all the land area within the Park boundary, the Land Use Framework establishes land use districts to group similar or complementary uses to provide a more organized built environment. The Land Use Framework, as illustrated in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts," breaks the Park down into four districts:

1. Value added agriculture;
2. Manufacturing/warehousing/distribution;
3. Aerospace/aviation/defense; and
4. Commercial.

The Value-Added Agriculture district is located south of Interstate 10 in the southeastern portion of the Park. It is intended to accommodate agriculture-related manufacturing and other processes that enhance the value of basic agricultural commodities. Most of the parcels are larger in size to provide sufficient land for these types of activities.

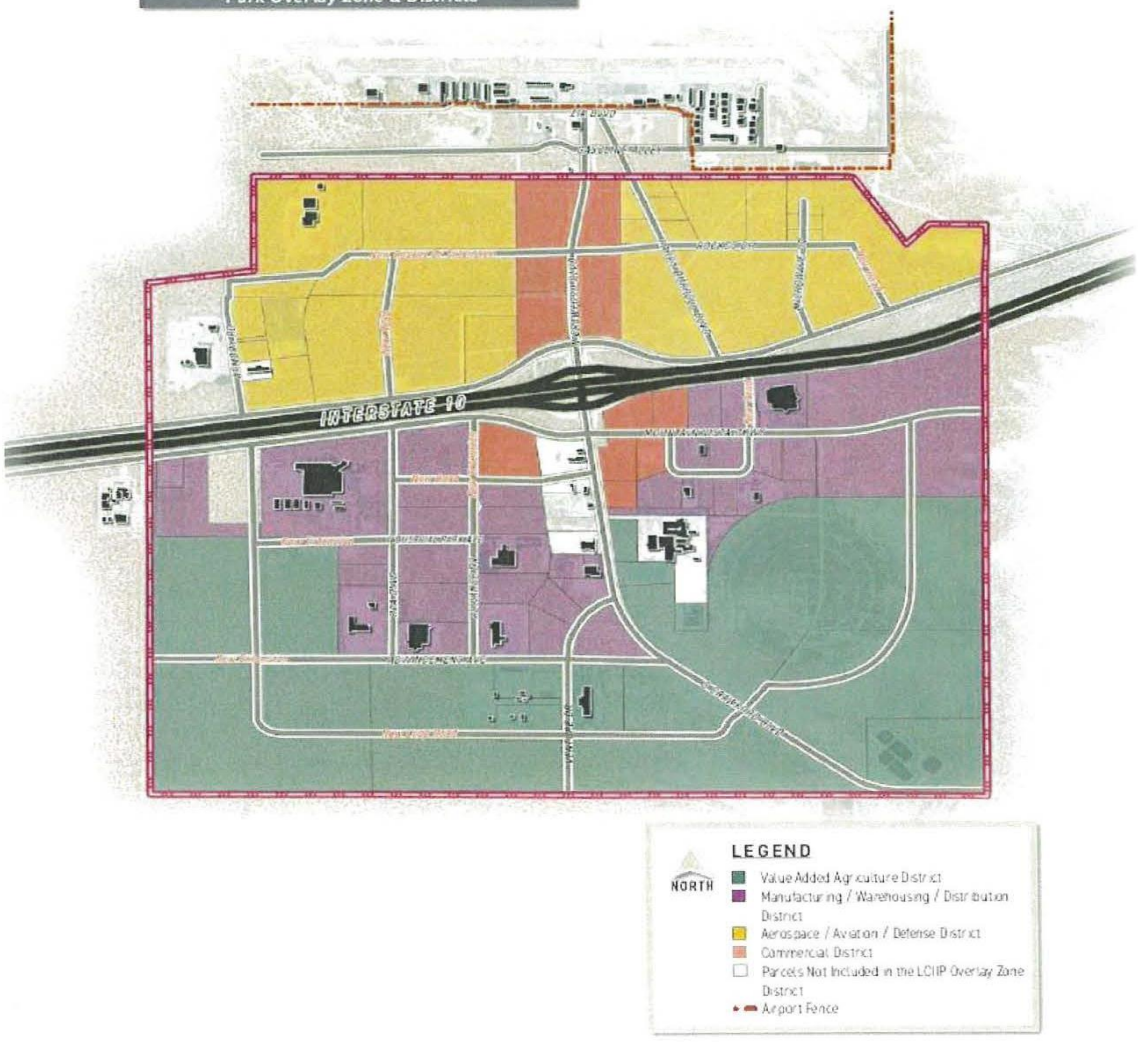
The Manufacturing/Warehousing/Distribution district is located south of Interstate 10 in the southwestern portion of the Park. It is intended to accommodate manufacturing, warehousing, and distribution types of uses. It offers a range of parcel sizes and has good access to the interstate.

The Aerospace/Aviation/Defense district is located north of Interstate 10 and is adjacent to the Las Cruces International Airport. It is intended to accommodate aviation- and defense-related uses and offers a range of parcel sizes with direct access to the airport.

The Commercial district is located adjacent to Crawford Boulevard, on both sides of the Interstate 10 interchange. It is intended to accommodate commercial uses that offer services to the local workforce and interstate-associated business opportunities. This district has smaller parcel sizes more suited for uses like restaurants, with good visibility and access from the interchange.

D. *Development Process.* All development within the Overlay Zone District shall follow the applicable City of Las Cruces development processes.

**FIGURE 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts**



E. *Land uses.* "Table 1. Use Table" allocates uses into four Land Use Districts. A dash ("-") indicates the use is not permitted while a "P" indicates that a use is permitted. An "A" indicates that a use is accessory. Associated Conditional Use Standards are indicated with an "X" and detailed in Section "Conditional Use Standards." This indicates that a use is permitted with conditions. Uses not specified in "Table 1. Use Table" will be determined by the City of Las Cruces Community Development Director in consultation with the City of Las Cruces Economic Development Director.

| **TABLE 1. Use Table** | | | | | |
|---|---|---|---|---|---|
| — = Not permitted<br>P = Permitted Use<br>A = Accessory Use<br>X = Existing Conditional Use Standard(s) | **Commercial District** | **Manufacturing/ Warehousing** | **Aerospace/ Aviation/ Defense District** | **Value Added Agriculture District** | **Conditional Use Standards** |
| **RESIDENTIAL USES** | | | | | |
| All Residential Uses (except accessory dwelling units as outlined under the Accessory Use category) | — | — | — | — | |

| | | | | | |
|---|---|---|---|---|---|
| **CIVIC AND INSTITUTIONAL USES** | | | | | |
| Higher Education, Vocational School | P | P | P | P | |
| Fire and Police Station | P | P | P | P | |
| Military and Law Enforcement Agency | — | P | P | P | |
| Parks and Open Space | P | P | P | P | |
| **COMMERCIAL USES** | | | | | |
| **Agriculture & Animal Related** | | | | | |
| General Agriculture | — | P | — | P | X |
| Small Animal Facilities | P | P | — | P | X |
| **Food, Beverage, Entertainment & Lodging** | | | | | |
| Brewery, Microbrewery Facilities, Tasting Rooms | P | P | — | P | X |
| Food, Beverage, Hotel or Motel | P | — | — | — | |
| Indoor Entertainment/Recreation Venues | P | — | — | — | |
| Nightclub and Bar | P | — | — | — | |
| **Motor Vehicle-Related** | | | | | |
| ~~Freighthouse~~Freight House or Truck Terminal | — | P | P | P | |
| Vehicle Services | P | P | — | P | X |
| **Offices and Commercial Services** | | | | | |
| Offices and Research Facility | P | P | P | P | |
| Commercial Services and General Retail | P | — | — | — | |
| Construction Contractor Facility and Yard | — | P | P | P | X |
| **Outdoor Entertainment** | | | | | |
| Outdoor Entertainment | *P* | *P* | - | - | *X* |
| **INDUSTRIAL USES** | | | | | |
| **Manufacturing, Fabrications & Assembly** | | | | | |
| Cannabis Cultivation, Infused Products Manufacturing | — | P | — | P | X |
| Light Manufacturing | P | P | P | P | X |
| Heavy Manufacturing | — | P | P | P | X |
| Special Manufacturing | — | P | — | P | X |
| Natural Resource Extraction | — | P | — | — | |
| Recycling Sort Facilities and Electronics Recycling (paper/plastic/metal sorting-only and electronics recycling) | — | P | — | — | |
| **Film and Media Production** | | | | | |
| Film and Media Production | P | P | P | P | |
| **Telecommunications, Towers, and Utilities** | | | | | |
| Drainage & Major Utility, other | P | P | P | P | |
| Solar Energy Generation | — | — | P | P | X |
| Telecommunications, towers, and utilities | P | P | — | P | X |
| **Wholesaling and Storage** | | | | | |
| Outdoor Storage | ~~P~~ — | P | P | P | X |
| Warehousing, Logistics, and Distribution | — | P | P | P | |
| **TEMPORARY USES** | | | | | |
| Construction Staging Area, Trailer, or Office | P | P | P | P | |
| Seasonal Outdoor Sales, Events | P | — | — | — | |
| **ACCESSORY USES** | | | | | |
| Commercial/Office Uses | A | A | A | A | X |

| | | | | | |
|---|---|---|---|---|---|
| Residential Use—Non-Primary | A | A | A | A | X |
| Parking Garage with/without Liner Building | A | A | A | A | |
| Recreational Vehicle Parking Stalls/ Hook-Ups | P | — | — | — | X |

1. *Prohibited Uses.* The following uses are prohibited:
    a. All uses prohibited under FAA regulations;
    b. All adult amusement establishments;
    c. All residential uses, except as established under the accessory use category.
2. *Conditional Use Standards.*
    a. *Aerospace/Aviation/Defense District.*
        1) All uses in the Aerospace & Aviation District shall comply with all applicable FAA regulations.
    b. *Commercial Uses.*
        1) Agriculture and Animal Related.
            a) General Agriculture.
                i. Animals shall be confined to graze within the appropriate boundaries and cannot graze on surrounding properties and streets.
                ii. The keeping of large and small livestock animals shall comply with the City of Las Cruces Municipal Code.
            b) Small Animal Facilities.
                i. Kennels must be conducted within fully enclosed building. Outdoor pens shall be enclosed on all sides by a wall or fence at least six feet high.
                ii. This use must be screened as required by section "Walls, Fences and Screening."
        2) Food, Beverage, Hotel or Motel.
            a) Brewery and ~~micro brewery~~micro-brewery facilities, including tasting rooms.
                i. Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements.
        3) Motor Vehicle-Related.
            a) Vehicle Services.
                i. This use must be screened as required by section "Walls, Fences and Screening."
                ii. Vehicle repair, servicing, and maintenance shall be conducted within a fully enclosed building.
                iii. Recreational Vehicle Parking Stalls/ Hook-ups are ancillary to the primary use and cannot be a standalone land use.
        4) Offices and Commercial Services.
            a) Construction Contractor Facility and Yard.

i. This use must be screened as required by section "Walls, Fences and Screening."

5) Outdoor Entertainment.

a) Outdoor Entertainment.

i. Drive-In Theater use shall be enclosed with a wall, fence, or vegetative screen of at least six feet in height. A screen located less than 500 feet from Interstate 10 shall be shielded so that the picture surface cannot be seen from Interstate 10.

ii. All other outdoor entertainment uses shall include fencing or screening meeting the standards established in section "Walls, Fences, and Screening" designed to prevent any objects from passing beyond the property line and onto surrounding properties and streets. Uses shall be limited to one acre in size.

3. *Industrial Uses.*

a. *Manufacturing, Fabrications & Assembly.*

1) Cannabis cultivation, Infused Products Manufacturing.

a) This use shall comply with all New Mexico State law requirements.

2) Light Manufacturing.

a) All activities in this use shall be conducted within a fully enclosed building unless a Special Use Approval is obtained pursuant to the City of Las Cruces Special Use Permit Process.

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

c) This use may include a sales/display room for items manufactured on the property.

3) Heavy Manufacturing.

a) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

4) Special Manufacturing.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

b) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b. *Telecommunications, Towers, and Utilities.*

1) Solar Energy Generation.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

2) Telecommunications, Towers, and Utilities.

a) This use shall comply with the City of Las Cruces Municipal Code.

c. *Wholesaling and Storage.*

1) Outdoor Storage.

a) This use must be screened as required by section "Walls, Fences and Screening."

4. *Accessory Uses.*

a. *Accessory Commercial Uses.*

1) In all districts, all uses listed under the 'Food, Beverage, Entertainment & Lodging' use and 'Offices and Commercial Services' use category shall be permissive as an accessory use not to exceed a maximum of 40 percent of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use.

b. *Accessory Residential Use—Non-Primary.*

1) Residential use—non-primary is allowed for caretakers of the primary non-residential use and may be attached or detached.

F. *Administration and Enforcement.*

1. *Applicability.* The following development standards shall apply to all parcels located within the Overlay Zone District's boundary as identified on "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts." City of Las Cruces Municipal Code standards shall apply unless otherwise stated in the document.

2. *Non-Conforming.*

a. Uses and structures that are non-conforming with the standards of the Las Cruces Innovation and Industrial Park Overlay Zone District shall comply with this section.

1) There are two instances of non-conformance:

a) Instance 1: A non-conforming use/structure which was initiated/constructed prior to the adoption of the Overlay Zone District standards.

b) Uses that are classified as instance 1 may continue in perpetuity unless the use ceases for a period of no less than 12 consecutive months. However, the use/structure cannot be expanded, enlarged, or extended.

c) Instance 2: A non-conforming use/structure initiated/constructed after the adoption of the Overlay Zone District standards.

d) Uses that are classified as instance 2 shall be brought into compliance immediately and shall not be permitted to expand.

G. *General Development Standards.*

1. *Streets and Public Right-of-Way.*

a. All streets within Las Cruces Innovation and Industrial Park must adhere to City of Las Cruces Design And Roadway Construction Standards currently amended/adopted.

b. Property owners shall provide dedicated right-of-way including easements for trail corridors and pedestrian facilities.

c. The property owner is responsible to provide landscaping in accordance with standards outlined in this section in contiguous parkways and medians at the time of site development.

d. All additions, rehabilitation, remodeling, or structural modifications to existing buildings with a value of $100,000.00 or more, including all new parking lots require installation of parkway and median landscaping.

e. Landscape in parkways and medians shall be maintained by the property owner of the contiguous property.

2. *Dimensional Standards.*

a. All buildings and structures within Las Cruces Innovation and Industrial Park will be limited to the following development requirements:

| **TABLE 2. Dimensional Standards** | |
|---|---|
| Minimum Lot Width | 60 feet |
| Minimum Lot Depth | 70 feet |
| Front Setback, Minimum | 25 feet |
| Secondary Front Setback, Minimum | 25 feet |
| Side Yard Setback, Minimum | 20 feet |
| Rear Setback, Minimum | 25 feet |
| Building Height, Maximum | 100 feet |

3. *Site Layout.*

a. Orient building entries, office areas, showrooms and/or lobbies, and amenities to front the primary public street.

~~b. Conceal loading docks, service areas, and mechanical equipment with the placement of buildings and circulation from primary streets.~~

~~c. Public and visitor areas shall be separated from truck delivery and maneuvering areas, as illustrated in "Figure 3. Site Orientation."~~

bd. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on- or off-site) and/or pedestrian areas.

ce. Outdoor lighting shall follow the regulations provided in the City of Las Cruces Outdoor Lighting Ordinance.

df. Provide on-site pedestrian walkways at a minimum six-foot clear width that are separate from drive aisles to connect to primary building entrances.

eg. A public space such as an outdoor patio space, plaza, or courtyard shall be provided for any buildings greater than or equal to 75,000 square feet. For lots with more than one building, shared public spaces are permitted.

f. Sidewalk installation is required with any development located on the north side of Interstate 10.

g. Sidewalk installation is not required with any development located on the south side of Interstate 10.

4. *Parking.*

a. ~~No parking supply minimums are required.~~Parking requirements for automobiles and bicycles are set for land uses as noted in the adopted Land Use Table. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Economic Development Director or designee.

b. Accessible parking shall be provided according to Federal ADA parking standards.

~~c. Motorcycle and bicycle parking spaces shall be provided according to the Off-Street Parking Regulations of the City of Las Cruces Municipal Code.~~

c~~d~~. Landscaped islands and medians shall be incorporated into parking areas to provide shade, define parking areas and pedestrian access, and allow for passive water harvesting. See "Landscaping" for requirements.

d~~e~~. Surface runoff in parking lots shall be directed to landscaped passive water harvesting areas.

e~~f~~. A minimum of 20 percent of parking spaces provided shall use previous materials such as previous concrete, previous asphalt, permeable pavers, compacted gravel or gravel. If gravel is used, a minimum of four-inch base course that is compacted to ensure stabilization of gravel is required.

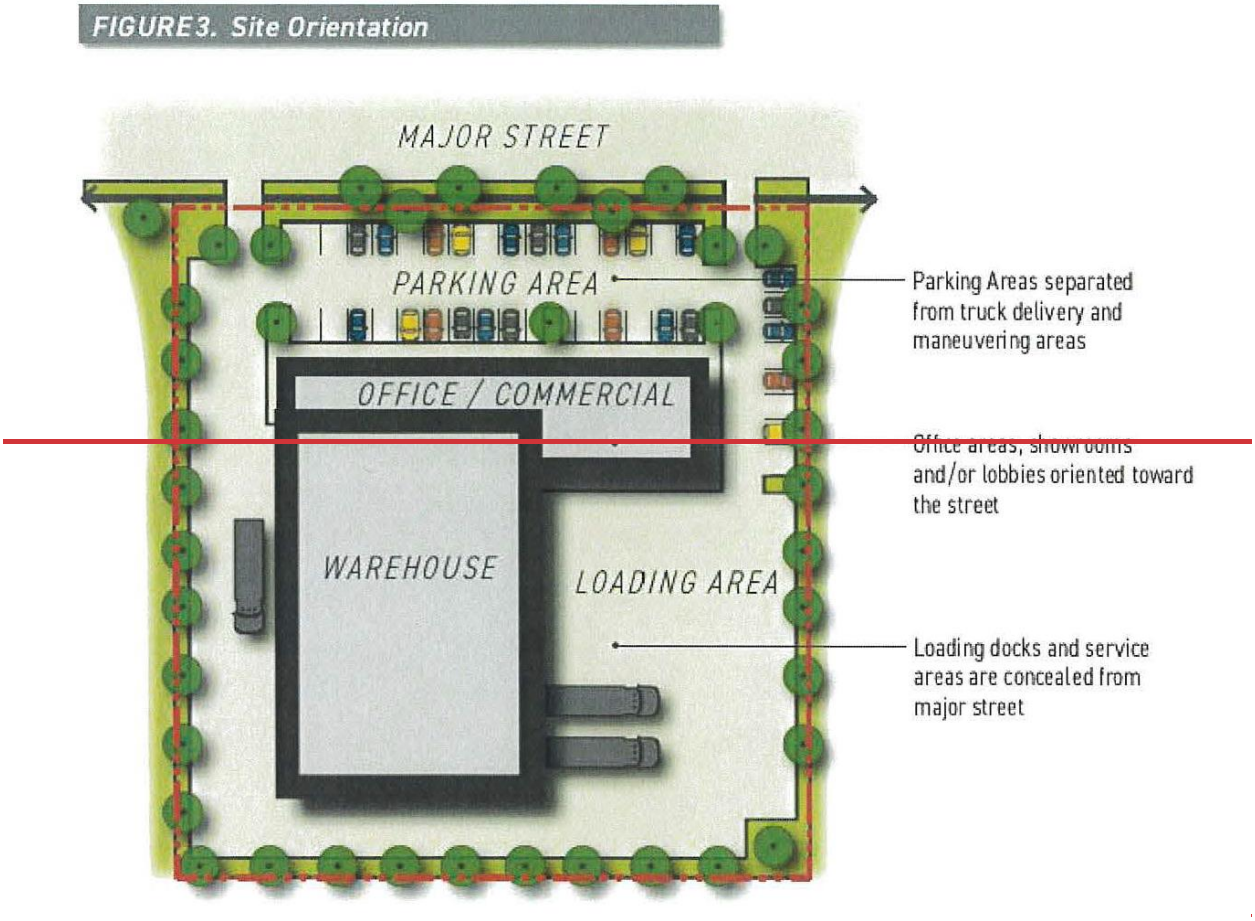
f~~g~~. Carports, including solar carport canopies, are allowed within surface parking lots, provided the materials are compatible with the building architecture.

g~~h~~. Fleet vehicle parking and loading docks shall not be located along the site main frontage. The placement of such facilities shall be located in the rear half of the site, secondary front, or behind the principal structure. ~~For corner lots, the frontage that includes the main entrance to the building shall serve as the site main frontage.~~

h~~i~~. Outdoor storage areas used for fleet vehicles shall be paved or use a similarly compacted material that is stable and does not produce dust.

~~j. Bike racks shall be provided per the City of Las Cruces Municipal Code which requires two bicycle parking spaces per 20 employees on maximum shift.~~

i~~k~~. Bike parking shall be located at the primary entrance of the primary building.




5. *Architecture.*

   a. *Building Materials.*

      1) Buildings shall be designed to incorporate contemporary architectural styles and materials to create the appearance of a state-of-the-art industrial park. Common elements such as architectural style, color, materials and ornamentation shall be used to create a cohesive park identity.

      2) Permitted materials include:

         a) Exterior plaster or stucco.

         b) Architectural metal; decorative panels, structural elements and decorative support or trim members.

         c) Precast concrete and tilt-up wall systems.

         d) Textured, patterned and/or integrally colored cast-in-place concrete.

         e) Integrally colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

         f) Brick.

g) Natural stone.

h) Glass curtain wall systems.

3) Higher quality materials shall be utilized to draw attention to the office areas and entrances. Higher quality materials include architectural metal, decorative panels, structural elements and decorative support or trim members, brick and natural stone, among others.

4) The use of reflective or shiny metallic roofs shall be prohibited.

b. *Massing.*

1) Building heights, massing and setbacks shall be varied, to define the different functions within a building such as offices and warehousing.

2) Primary buildings shall have clearly defined entries. To emphasize entries, one or a combination of the following elements shall be applied; portals, overhangs, fenestration, canopies, material and color changes. The "large box" components of the industrial buildings that are visible from a public right-of-way shall feature both vertical and horizontal articulation and be compatible with the more articulated office area.

3) Metal structures are acceptable; however, they must visually tie to other building elements, such as the office, storage areas, etc.

4) Temporary or portable buildings shall be limited in use for construction purposes only.

c. *Screening.*

1) Exposed industrial systems and equipment shall be architecturally integrated or screened unless otherwise determined by the Community Development Director upon consultation with the Economic Development Director.

2) All heavy industrial processing, assembling of materials shall be conducted within an enclosed structure or be screened according to "Walls, Fences and Screening."

6. *Landscaping.*

a. *General Provisions.*

1) ~~A minimum of ten percent of the site must be landscaped.~~ Landscaping Calculations and Definitions. For all developments within the Las Cruces Innovation and Industrial Park, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

| Lot Size | Percentage Landscaped |
|---|---|
| 1.00 to 4.00 acres | 12% |
| 4.01 to 8.00 acres | 10% |
| 8.01 to 12.00 acres | 8% |
| >= 12.01 acres | 6% |

2) One-fourth~~half~~ of the total area required to be landscaped shall be located within the front setback area of the property.

3) Where the site exceeds one acre, only the portion of the site that includes the operational area where the primary building is situated and is being developed/disturbed shall be calculated. If the area to be left undeveloped/undisturbed is disturbed during construction, replacement of vegetation is required.

~~4) Where buildings occupy corner lots, double fronting lots or triple fronting lots, a minimum of one-fourth of the required landscaping shall be located within each of the front setback areas.~~

4~~5~~) Passive water harvesting drainage swales shall be ~~installed~~considered and installed when possible within landscape areas to capture runoff from impervious surfaces as illustrated in "Figure 4. Drainage Swales."

5) Impervious areas shall be graded to drain into drainage swales. Drainage swales shall be designed as follows:

a) Swale channel alignments and side slopes must be designed in close coordination with civil engineers to ensure that they convey stormwater while minimizing erosion damage.

b) Swales shall capture at minimum the first flush of a storm event.

c) Swale side slopes shall not exceed 4:1. Where adjacent to walkways or accessible hardscape areas they shall not exceed 6:1.

d) Runoff that enters the swale in a sheet flow fashion requires that the edge of the swale be flush with grade. Where curbs are necessary, intermittently spaced curb cuts shall be installed to allow runoff to enter the swale. Curb cuts shall be at least 18 inches wide and spaced from three to 15 feet apart.

6~~7~~) For further guidance on design and installation of drainage swales in landscape areas, refer to the NMDOT National Pollutant Discharge Elimination System (NPDES) Manual.

b. *Plant/Landscape Materials.*

1) The Las Cruces Airport Landscape Plan shall be used as a guide for acceptable plant materials.

2) Living plant material shall be provided according to the following:

a) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

b) A minimum of twenty~~20~~ live shrubs shall be provided for every 1,000 square feet of required landscaped area.

c) One hundred square feet of ground-over or ten one-gallon size plants shall be provided for every 1,000 square feet of required landscaped area.

3) ~~A minimum of five species must be used in the landscaped area.~~ Plant substitution is permitted following the CIty of Las Cruces Design Standards.

4) Minimum plant material sizes at the time of installation shall be:

a) Deciduous Canopy Trees and Deciduous Accent Trees—Two-inch Caliper.

b) Evergreen Trees—Ten-foot Minimum height.

c) Shrubs and groundcover—One gallon minimum.

5) Xeriscape or drought tolerant landscaping is required for all provided landscaping areas.

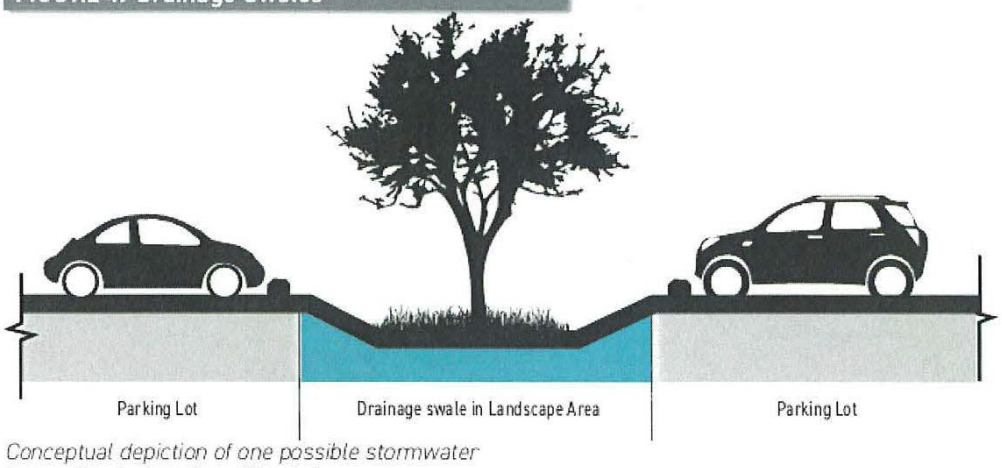
6) Gravel, rock mulch or organic mulch, and similar mulch materials are acceptable within landscape areas. If gravel is used as ground cover, its use shall be limited to a maximum of 75 percent within landscape areas.

7) Gravel, colored rock, and similar mulch materials shall not be permitted north of Interstate 10.

8) All plant material shall be maintained by the owner in a living, attractive condition. All areas shall be free of weeds.

9) If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

**FIGURE 4. Drainage Swales**




*Conceptual depiction of one possible stormwater harvesting feature in parking lot.*

c. *Off-street parking lots.*

1) Off-street parking lots shall have one tree for every ten parking spaces. Where covered carports are utilized, this requirement may be reduced or eliminate the tree requirement within parking lots through a determination of the Community Development Director. The Community Development Director shall consider the overall landscaping plan and the scale of the development to determine if covered carports shall either reduce or eliminate the tree requirement within parking lots.

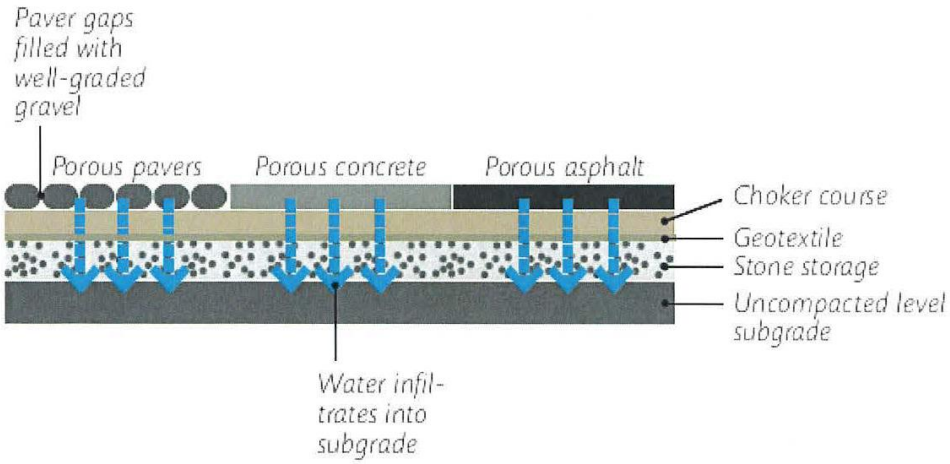
2) The minimum size of tree planters within off-street parking lots shall be 60 square feet per tree.

3) In parking lots of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than eight feet in any dimension.

4) Off-street parking lot landscaping standards do not apply to fleet vehicle parking areas.

5) Any landscaping provided to meet the off-street parking lot standards will be credited towards the overall site ten percent landscape requirement.

**FIGURE 5. Porous Surface with Typical Features**




7. *Walls, Fences and Screening.*

   a. The maximum allowed height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits established in "Table 3. Maximum Wall Height Standards" and illustrated in "Figure 6. Wall Height."

| **TABLE 3. Maximum Wall Height Standards** | |
|---|---|
| Within required primary front yard setback | *8'* |
| Within secondary front yard setback | *10'* |
| Within tertiary front yard setback | *10'* |
| Within required ~~sideyard~~side yard setback | *10'* |
| Within required ~~rearyard~~rear yard setback | *10'* |
| Within the clear sight triangle at the intersections of streets and driveways | 3' |

**FIGURE 6. Wall Height**

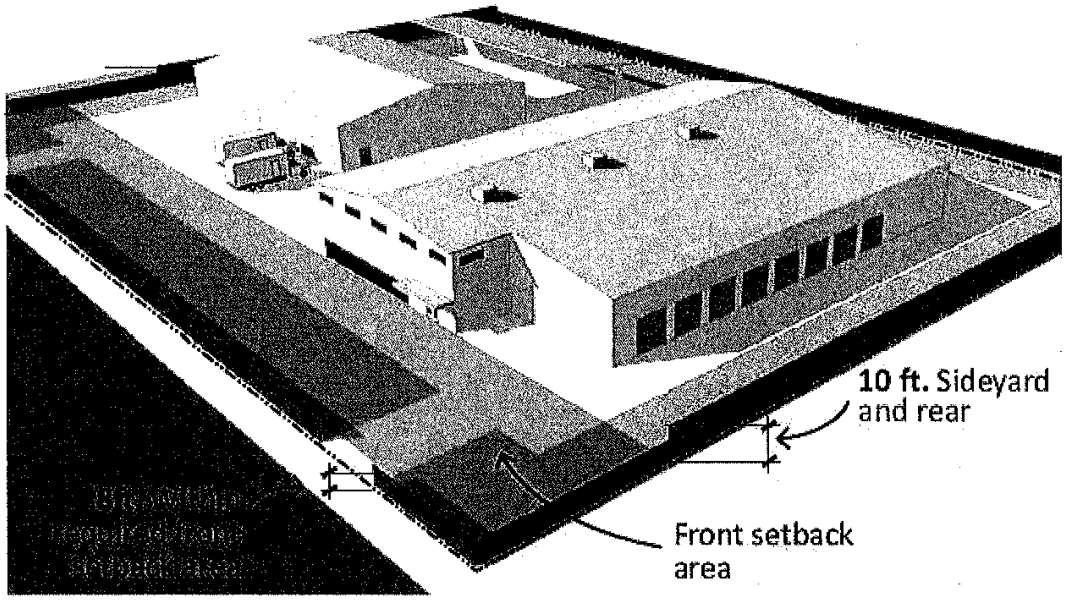



**FIGURE 7. View Fencing in the Front Setback Area**

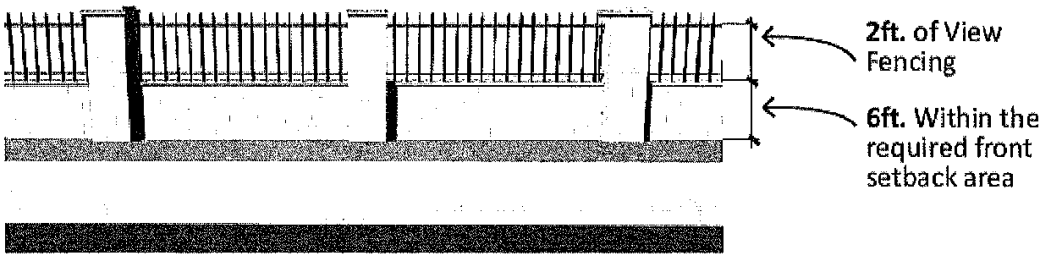
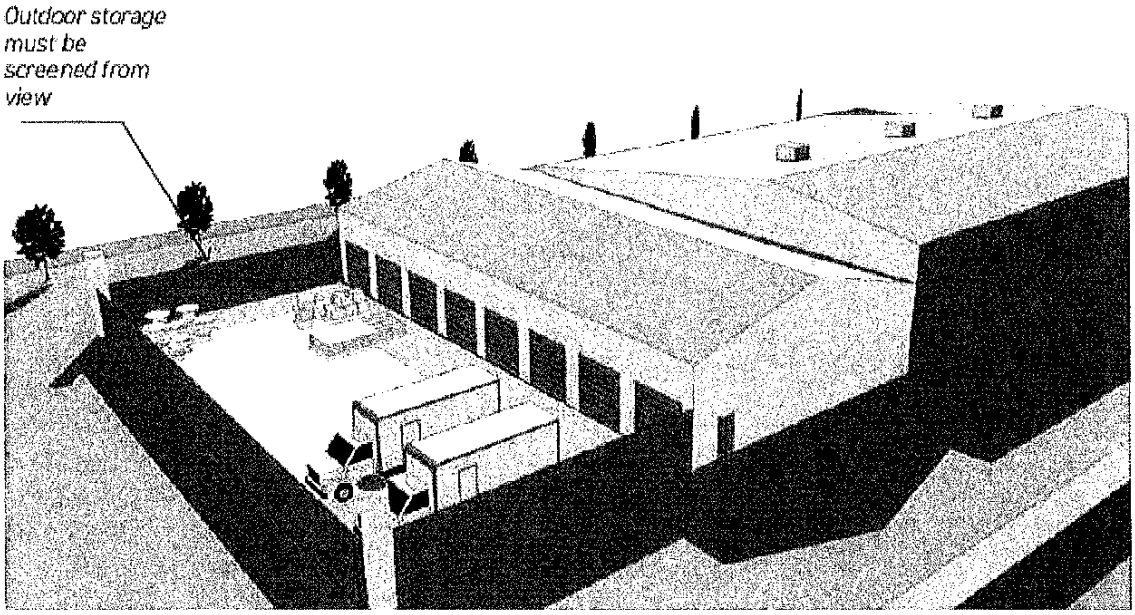


**FIGURE 8. Storage Screening**




b. Within the required front setback area, the maximum allowable fence height is eight feet if two feet consists of view fencing. If opaque fencing is applied, the maximum height is six feet.

c. The finish of walls and fences shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant, which are compatible with the adjacent building(s) in regard to materials, detailing, and color. Acceptable materials include:

   1) Stucco over concrete masonry units (CMU).

   2) Split face block.

   3) Brick.

   4) Stone.

   5) Curved interlock blocks.

   6) Gabions.

   7) Tubular steel, wrought iron bars, or other grill work.

d. Unfinished solid CMU or chain link are acceptable materials, except in areas visible from the public rights-of-way.

e. The use of razor ribbon (concertina), barbed wire, or cyclone fencing is prohibited.

f. Any required screening of mechanical equipment and support/services areas shall be accomplished by one of the following:

   1) An architectural building element, such as a wing wall, that screens the equipment or area being screened;

2) A wall or fence of a height equal to or greater than the height of the equipment or area being screened. Walls or fences shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building; or

3) A vegetative screen planted along the full length of the equipment or area to be screened of a height equal to or greater than the height of the equipment or area to be screened at the time of planting.

8. *Signage.*

a. All signs shall comply with the City of Las Cruces sign code except as outlined below.

b. All signs shall be designed in accordance with the Overlay Zone District's adopted signage plans and regulations.

c. At key locations such as intersections, joint tenant/monument signs shall include language in Spanish, Braille and larger print for sight-impaired populations.

d. Vehicular directional signage within public right-of-way or on City property shall be exempt from signage standards.

e. Freestanding Monument Signs.

1) Freestanding monument signs will be limited to a maximum of one per ~~100 feet of~~ street frontage.

2) ~~The maximum signage size shall not exceed 50 square feet.~~ The maximum signage size shall not exceed 450 square feet for lots adjacent to interstate frontage. The maximum signage size for all other lots shall not exceed 50 square feet.

3) ~~The maximum height of monument signs shall not exceed 12 feet.~~ The maximum height shall not exceed 80 feet for lots adjacent to interstate frontage. The maximum height for all other lots shall not exceed 18 feet.

4) Monument signs shall match the architectural style, color, materials and ornamentation of the primary building(s).

5) For all lots with more than one monument sign, all signs shall be of uniform design and materials.

6) Free standing monument signage is permissive at the primary park entrances.

7) The maximum height for directional signage is 6 feet.

f. Building Mounted Signs.

~~1) One building mounted sign per tenant is permitted.~~

~~2) Buildings that front more than one public right-of-way may have one (1) building mounted sign per facade facing one public right-of-way.~~

1~~3~~) Building mounted sign size shall not exceed ten percent of the building facade to which it is applied.

2~~4~~) Building mounted signs may not project more than 15 inches from the wall.

3~~5~~) Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability, but must blend with the architectural style, color, materials and ornamentation of the main building(s).

46) No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features.

g. Temporary Signage.

1) Temporary construction signs shall be permitted in accordance with the City of Las Cruces sign code, with the following exceptions:

a) For properties less than ten acres, one sign is permitted not to exceed 64 square feet in sign area and eight feet in height.

b) For properties in excess of ten acres, one sign is permitted not to exceed 96 square feet in sign area and eight feet in height.

h. Prohibited Signage.

1) The following sign types are prohibited within the Las Cruces Innovation and Industrial Park:

a) Banners.

b) Billboards.

c) Portable or temporary signs, except for those permitted above.

d) Window Signs.

i. Signage Illumination.

1) Exterior and interior illumination will be allowed for both attached and freestanding signs, provided they comply with the following standards:

a) Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

H. *Definitions.*

*Accessory, commercial/office uses.* Any offices and commercial services and food, beverage uses listed in "Table 1. Use Table." These uses must be incidental to the primary use.

*Accessory, residential use—non-primary.* An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.

*Cannabis cultivation* and *cannabis-infused products manufacturing.* A facility in which cannabis is grown, harvested, dried, cured, or trimmed. This use may also include the process in which a product is infused with cannabis that is intended for use or consumption other than by smoking including but not limited to, edible products, ointments, and tinctures.

*Commercial services* and *general retail.* An establishment providing for the retail sale of general merchandise or food directly to the consumer; this includes, but is not limited to, sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales.

*Construction contractor facility and yard.* A building and related outdoor area used to store and maintain construction equipment and materials including, but not limited to, plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor. Any outside storage is required to be screened with an opaque fence.

*Contemporary style architecture.* The use of innovative and new construction technologies and materials with a focus on steel, reinforced concrete, and glass, clean lines and a form that follows function.

*Drainage and major utility, other.* A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including, but not limited to, major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire park, or a wide area of the park.

*Film and media production.* Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, postproduction facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

*Fire and police station.* A public facility operated by a governmental agency where fire engines and other equipment are housed, and from which calls for emergency fire responses are handled. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles excluding, however, correctional institutions.

*Fleet vehicle.* Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle.

*Fleet vehicle parking.* Parking of fleet vehicles.

*Freight house* or *truck terminal.* Property or building used primarily for freight pick-up or distribution and the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash and loading and unloading from rail spurs.

*General agriculture.* Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. This use may also include the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

*Heavy manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous byproducts, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including, but not limited to, explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the special manufacturing zone.

*Higher education, vocational school.* A private institution that provides full-time or part-time education beyond high school, including college, university and vocational schools that provides specialized training and education beyond the high school level.

*Indoor entertainment/recreation venues.* A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers. This use also includes health club or gyms, and non-medical service establishment intended to maintain or improve the physical condition of persons.

*Light manufacturing.* Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

*Military and law enforcement agency.* A public facility operated by the federal government where engines and other equipment are housed. This use may also include administrative offices, storage of equipment, and grounds for training and practice.

*Natural resource extraction.* On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives

*Nightclub* and *bar.* An establishment that is devoted to the selling or serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of those beverages, including taverns, nightclubs, cocktail lounges and cabarets.

*Offices* and *research facility.* A premise where professional, clerical, business management or public administration work is carried out and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on. This use may also include a medical or dental clinic for patients that are not lodged overnight and research and testing facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Outdoor entertainment.* An outdoor commercial or entertainment activity that is open to the general public. This use may include outdoor markets, drive-in theater, stadium or other entertainment and recreation activities like batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, or sports courts.

*Outdoor storage.* The keeping of any goods, material, or merchandise outside of a building in the same place.

*Parking garage with/without liner building.* A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at-grade, above grade, or partially below grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features and articulated elements to mitigate blank walls and screen parking.

*Recycling sort facilities* and *electronic recycling.* A facility that sorts reusable materials in preparation for introduction into an industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost. Material is limited to paper, plastic, and metal as well as electronics recycling.

*Small animal facilities.* A facility that serves small animals for their care and treatment. This use may include outdoor pens for temporary animal holding. This use does not include animal raising.

*Solar energy generation.* The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

*Special manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such

as lubricating oils, plastics, resins. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. This use includes processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

*Telecommunications, towers, and utilities.* Any facility used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

*Temporary, construction staging area, trailer, or office.* Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

*Temporary, seasonal outdoor sales, events.* Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales. Incidental sales of food and beverages is allowed.

*Vehicle services.* Commercial services dealing with vehicles. This use may include car wash, vehicle and equipment sales, rental, fueling, recreational vehicle parking stalls and hook-ups, and repair.

*Warehousing, logistics and distribution.* Building or premise in which goods, merchandise or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use.

(Ord. No. 2982 , § (I)(Exh. A), 8-16-21)

Editor's note(s)—Ord. No. 2982 , § (I)(Exh. A), adopted Aug. 16, 2021, repealed the former § 38-46 and enacted a new § 38-46 as set out herein. The former § 38-46 pertained to WMIP—West Mesa Industrial Park Overlay Zone District, and derived from Ord. No. 2354, § I, adopted Jan. 22, 2007.

## Sec. 38-46. LCIIP—Las Cruces Innovation and Industrial Overlay Zone District.

A. *Purpose.* The purpose of the Las Cruces Innovation and Industrial Park Overlay Zone District is to guide development within the Park and implement the policies found in the LCIIP Master Plan. It aims to promote the natural and existing environment within the Park, and encourage employment options for residents while enhancing the overall aesthetic features of the Park.

B. *Applicability of Industrial Park Overlay Zone District boundaries.* The Las Cruces Innovation and Industrial Park Overlay Zone District shall apply to all properties within the Overlay Zone District as identified in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts" below. Most of the Park is regulated by the Overlay Zone District requirements except a few parcels, as indicated in "Figure 2. Las Cruces Innovation and Industrial Park Zoning Designations." The Overlay Zone District includes permitted and prohibited uses along with development standards for site, architecture, landscape, and parking.

C. *Land Use Districts.* As established in Elevate Las Cruces, "Business Park and Industrial areas are reserved for concentrations or warehousing, trade, transportation, research and development, manufacturing, and industrial uses" (Elevate Las Cruces, Volume I, pg. 35).

The goal of the Land Use Framework is to accommodate a range of uses, with the intent of creating synergy between businesses with similar or complementary activities. The Land Use Framework also establishes a commercial district adjacent to Interstate 10. Uses such as restaurants and retail are permissive here to provide and encourage services to the local workforce. The Land Use Framework establishes four districts with specific permissive land uses. Since the Las Cruces Innovation and Industrial Park Overlay Zone District allows a wide variety of uses and covers almost all the land area within the Park boundary, the Land Use Framework establishes land use districts to group similar or complementary uses to provide a more organized built environment. The Land Use Framework, as illustrated in "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts," breaks the Park down into four districts:

1. Value added agriculture;
2. Manufacturing/warehousing/distribution;
3. Aerospace/aviation/defense; and
4. Commercial.

The Value-Added Agriculture district is located south of Interstate 10 in the southeastern portion of the Park. It is intended to accommodate agriculture-related manufacturing and other processes that enhance the value of basic agricultural commodities. Most of the parcels are larger in size to provide sufficient land for these types of activities.

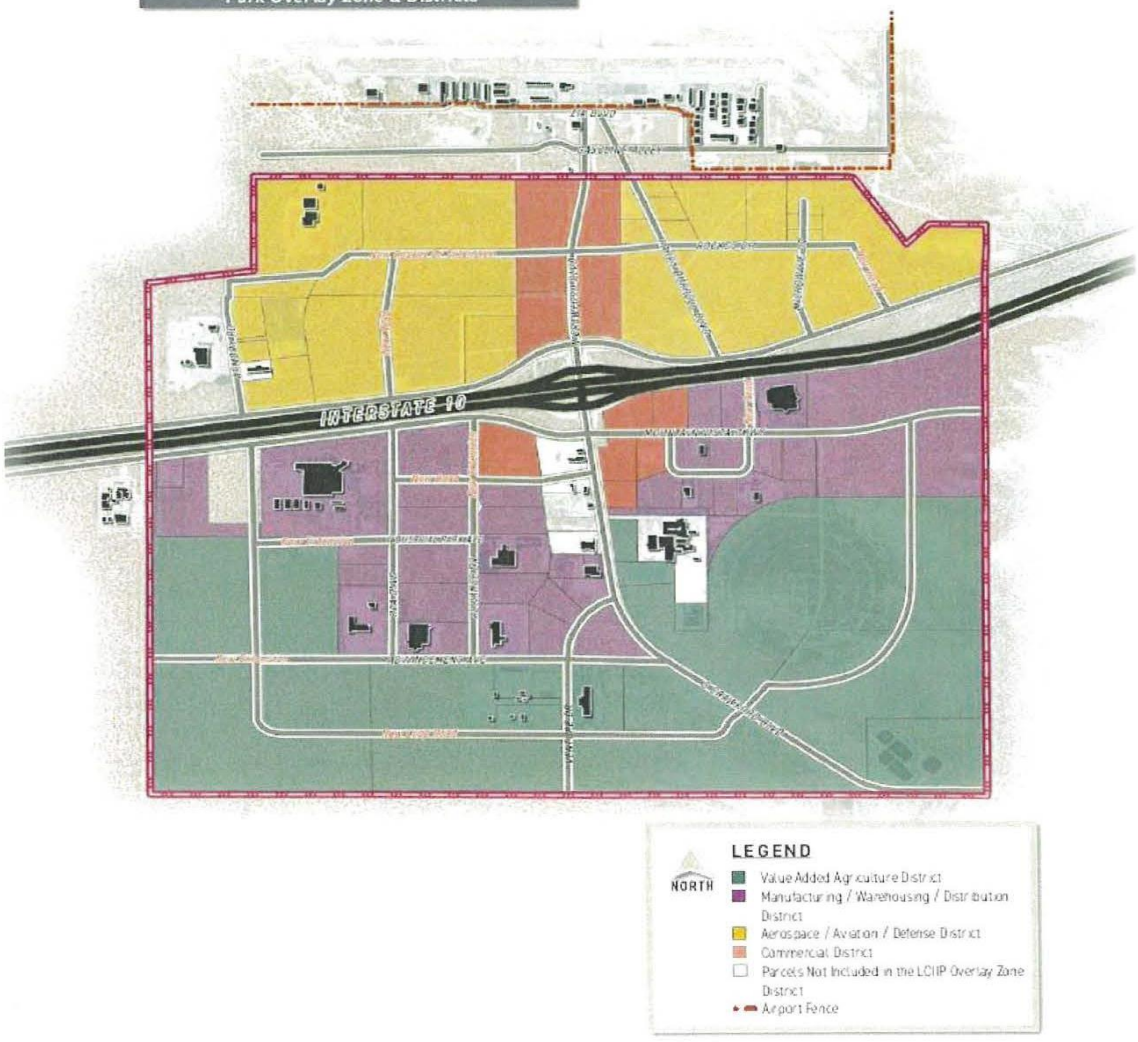
The Manufacturing/Warehousing/Distribution district is located south of Interstate 10 in the southwestern portion of the Park. It is intended to accommodate manufacturing, warehousing, and distribution types of uses. It offers a range of parcel sizes and has good access to the interstate.

The Aerospace/Aviation/Defense district is located north of Interstate 10 and is adjacent to the Las Cruces International Airport. It is intended to accommodate aviation- and defense-related uses and offers a range of parcel sizes with direct access to the airport.

The Commercial district is located adjacent to Crawford Boulevard, on both sides of the Interstate 10 interchange. It is intended to accommodate commercial uses that offer services to the local workforce and interstate-associated business opportunities. This district has smaller parcel sizes more suited for uses like restaurants, with good visibility and access from the interchange.

D. *Development Process.* All development within the Overlay Zone District shall follow the applicable City of Las Cruces development processes.

FIGURE 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts



E. *Land uses.* "Table 1. Use Table" allocates uses into four Land Use Districts. A dash ("-") indicates the use is not permitted while a "P" indicates that a use is permitted. An "A" indicates that a use is accessory. Associated Conditional Use Standards are indicated with an "X" and detailed in Section "Conditional Use Standards." This indicates that a use is permitted with conditions. Uses not specified in "Table 1. Use Table" will be determined by the City of Las Cruces Community Development Director in consultation with the City of Las Cruces Economic Development Director.

| **TABLE 1. Use Table** | | | | | |
|---|---|---|---|---|---|
| — = Not permitted<br>P = Permitted Use<br>A = Accessory Use<br>X = Existing Conditional Use Standard(s) | **Commercial District** | **Manufacturing/ Warehousing** | **Aerospace/ Aviation/ Defense District** | **Value Added Agriculture District** | **Conditional Use Standards** |
| **RESIDENTIAL USES** | | | | | |
| All Residential Uses (except accessory dwelling units as outlined under the Accessory Use category) | — | — | — | — | |

| | | | | | |
|---|---|---|---|---|---|
| **CIVIC AND INSTITUTIONAL USES** | | | | | |
| Higher Education, Vocational School | P | P | P | P | |
| Fire and Police Station | P | P | P | P | |
| Military and Law Enforcement Agency | — | P | P | P | |
| Parks and Open Space | P | P | P | P | |
| **COMMERCIAL USES** | | | | | |
| **Agriculture & Animal Related** | | | | | |
| General Agriculture | — | P | — | P | X |
| Small Animal Facilities | P | P | — | P | X |
| **Food, Beverage, Entertainment & Lodging** | | | | | |
| Brewery, Microbrewery Facilities, Tasting Rooms | P | P | — | P | X |
| Food, Beverage, Hotel or Motel | P | — | — | — | |
| Indoor Entertainment/Recreation Venues | P | — | — | — | |
| Nightclub and Bar | P | — | — | — | |
| **Motor Vehicle-Related** | | | | | |
| Freight House or Truck Terminal | — | P | P | P | |
| Vehicle Services | P | P | — | P | X |
| **Offices and Commercial Services** | | | | | |
| Offices and Research Facility | P | P | P | P | |
| Commercial Services and General Retail | P | — | — | — | |
| Construction Contractor Facility and Yard | — | P | P | P | X |
| **Outdoor Entertainment** | | | | | |
| Outdoor Entertainment | *P* | *P* | - | - | *X* |
| **INDUSTRIAL USES** | | | | | |
| **Manufacturing, Fabrications & Assembly** | | | | | |
| Cannabis Cultivation, Infused Products Manufacturing | — | P | — | P | X |
| Light Manufacturing | P | P | P | P | X |
| Heavy Manufacturing | — | P | P | P | X |
| Special Manufacturing | — | P | — | P | X |
| Natural Resource Extraction | — | P | — | — | |
| Recycling Sort Facilities and Electronics Recycling (paper/plastic/metal sorting-only and electronics recycling) | — | P | — | — | |
| **Film and Media Production** | | | | | |
| Film and Media Production | P | P | P | P | |
| **Telecommunications, Towers, and Utilities** | | | | | |
| Drainage & Major Utility, other | P | P | P | P | |
| Solar Energy Generation | — | — | P | P | X |
| Telecommunications, towers, and utilities | P | P | — | P | X |
| **Wholesaling and Storage** | | | | | |
| Outdoor Storage | — | P | P | P | X |
| Warehousing, Logistics, and Distribution | — | P | P | P | |
| **TEMPORARY USES** | | | | | |
| Construction Staging Area, Trailer, or Office | P | P | P | P | |
| Seasonal Outdoor Sales, Events | P | — | — | — | |
| **ACCESSORY USES** | | | | | |
| Commercial/Office Uses | A | A | A | A | X |

| | | | | | |
|---|---|---|---|---|---|
| Residential Use—Non-Primary | A | A | A | A | X |
| Parking Garage with/without Liner Building | A | A | A | A | |
| Recreational Vehicle Parking Stalls/ Hook-Ups | P | — | — | — | X |

1. *Prohibited Uses.* The following uses are prohibited:
    a. All uses prohibited under FAA regulations;
    b. All adult amusement establishments;
    c. All residential uses, except as established under the accessory use category.
2. *Conditional Use Standards.*
    a. *Aerospace/Aviation/Defense District.*
        1) All uses in the Aerospace & Aviation District shall comply with all applicable FAA regulations.
    b. *Commercial Uses.*
        1) Agriculture and Animal Related.
            a) General Agriculture.
                i. Animals shall be confined to graze within the appropriate boundaries and cannot graze on surrounding properties and streets.
                ii. The keeping of large and small livestock animals shall comply with the City of Las Cruces Municipal Code.
            b) Small Animal Facilities.
                i. Kennels must be conducted within fully enclosed building. Outdoor pens shall be enclosed on all sides by a wall or fence at least six feet high.
                ii. This use must be screened as required by section "Walls, Fences and Screening."
        2) Food, Beverage, Hotel or Motel.
            a) Brewery and micro-brewery facilities, including tasting rooms.
                i. Alcohol sales for on-premises consumption is allowed, provided that the establishment complies with all New Mexico State law requirements.
        3) Motor Vehicle-Related.
            a) Vehicle Services.
                i. This use must be screened as required by section "Walls, Fences and Screening."
                ii. Vehicle repair, servicing, and maintenance shall be conducted within a fully enclosed building.
                iii. Recreational Vehicle Parking Stalls/ Hook-ups are ancillary to the primary use and cannot be a standalone land use.
        4) Offices and Commercial Services.
            a) Construction Contractor Facility and Yard.

i. This use must be screened as required by section "Walls, Fences and Screening."

5) Outdoor Entertainment.

a) Outdoor Entertainment.

i. Drive-In Theater use shall be enclosed with a wall, fence, or vegetative screen of at least six feet in height. A screen located less than 500 feet from Interstate 10 shall be shielded so that the picture surface cannot be seen from Interstate 10.

ii. All other outdoor entertainment uses shall include fencing or screening meeting the standards established in section "Walls, Fences, and Screening" designed to prevent any objects from passing beyond the property line and onto surrounding properties and streets. Uses shall be limited to one acre in size.

3. *Industrial Uses.*

a. *Manufacturing, Fabrications & Assembly.*

1) Cannabis cultivation, Infused Products Manufacturing.

a) This use shall comply with all New Mexico State law requirements.

2) Light Manufacturing.

a) All activities in this use shall be conducted within a fully enclosed building unless a Special Use Approval is obtained pursuant to the City of Las Cruces Special Use Permit Process.

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

c) This use may include a sales/display room for items manufactured on the property.

3) Heavy Manufacturing.

a) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b) Incidental outdoor storage is permitted but must comply with section "Walls, Fences and Screening."

4) Special Manufacturing.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

b) This use may be conducted outside of a building, provided the activities are screened from view according to section "Walls, Fences and Screening."

b. *Telecommunications, Towers, and Utilities.*

1) Solar Energy Generation.

a) This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the activity.

2) Telecommunications, Towers, and Utilities.

a) This use shall comply with the City of Las Cruces Municipal Code.

c. *Wholesaling and Storage.*

1) Outdoor Storage.

a) This use must be screened as required by section "Walls, Fences and Screening."

4. *Accessory Uses.*

a. *Accessory Commercial Uses.*

1) In all districts, all uses listed under the 'Food, Beverage, Entertainment & Lodging' use and 'Offices and Commercial Services' use category shall be permissive as an accessory use not to exceed a maximum of 40 percent of the gross floor area of the building for commercial purposes associated with that specific industrial or manufacturing use.

b. *Accessory Residential Use—Non-Primary.*

1) Residential use—non-primary is allowed for caretakers of the primary non-residential use and may be attached or detached.

F. *Administration and Enforcement.*

1. *Applicability.* The following development standards shall apply to all parcels located within the Overlay Zone District's boundary as identified on "Figure 1. Las Cruces Innovation and Industrial Park Overlay Zone & Districts." City of Las Cruces Municipal Code standards shall apply unless otherwise stated in the document.

2. *Non-Conforming.*

a. Uses and structures that are non-conforming with the standards of the Las Cruces Innovation and Industrial Park Overlay Zone District shall comply with this section.

1) There are two instances of non-conformance:

a) Instance 1: A non-conforming use/structure which was initiated/constructed prior to the adoption of the Overlay Zone District standards.

b) Uses that are classified as instance 1 may continue in perpetuity unless the use ceases for a period of no less than 12 consecutive months. However, the use/structure cannot be expanded, enlarged, or extended.

c) Instance 2: A non-conforming use/structure initiated/constructed after the adoption of the Overlay Zone District standards.

d) Uses that are classified as instance 2 shall be brought into compliance immediately and shall not be permitted to expand.

G. *General Development Standards.*

1. *Streets and Public Right-of-Way.*

a. All streets within Las Cruces Innovation and Industrial Park must adhere to City of Las Cruces Design And Roadway Construction Standards currently amended/adopted.

b. Property owners shall provide dedicated right-of-way including easements for trail corridors and pedestrian facilities.

c. The property owner is responsible to provide landscaping in accordance with standards outlined in this section in contiguous parkways and medians at the time of site development.

d. All additions, rehabilitation, remodeling, or structural modifications to existing buildings with a value of $100,000.00 or more, including all new parking lots require installation of parkway and median landscaping.

e. Landscape in parkways and medians shall be maintained by the property owner of the contiguous property.

2. *Dimensional Standards.*

a. All buildings and structures within Las Cruces Innovation and Industrial Park will be limited to the following development requirements:

| **TABLE 2. Dimensional Standards** | |
|---|---|
| Minimum Lot Width | 60 feet |
| Minimum Lot Depth | 70 feet |
| Front Setback, Minimum | 25 feet |
| Secondary Front Setback, Minimum | 25 feet |
| Side Yard Setback, Minimum | 20 feet |
| Rear Setback, Minimum | 25 feet |
| Building Height, Maximum | 100 feet |

3. *Site Layout.*

a. Orient building entries, office areas, showrooms and/or lobbies, and amenities to front the primary public street.

b. On-site circulation shall have an adequate length of stacking for industrial facilities, e.g. loading docks, terminals, etc. that do not interfere with the movement of traffic (on- or off-site) and/or pedestrian areas.

c. Outdoor lighting shall follow the regulations provided in the City of Las Cruces Outdoor Lighting Ordinance.

d. Provide on-site pedestrian walkways at a minimum six-foot clear width that are separate from drive aisles to connect to primary building entrances.

e. A public space such as an outdoor patio space, plaza, or courtyard shall be provided for any buildings greater than or equal to 75,000 square feet. For lots with more than one building, shared public spaces are permitted.

f. Sidewalk installation is required with any development located on the north side of Interstate 10.

g. Sidewalk installation is not required with any development located on the south side of Interstate 10.

4. *Parking.*

a. Parking requirements for automobiles and bicycles are set for land uses as noted in the adopted Land Use Table. Requests to reduce parking requirements shall be evaluated on a case-by-case basis by the Economic Development Director or designee.

b. Accessible parking shall be provided according to Federal ADA parking standards.

c. Landscaped islands and medians shall be incorporated into parking areas to provide shade, define parking areas and pedestrian access, and allow for passive water harvesting. See "Landscaping" for requirements.

d. Surface runoff in parking lots shall be directed to landscaped passive water harvesting areas.

e. A minimum of 20 percent of parking spaces provided shall use previous materials such as previous concrete, previous asphalt, permeable pavers, compacted gravel or gravel. If gravel is used, a minimum of four-inch base course that is compacted to ensure stabilization of gravel is required.

f. Carports, including solar carport canopies, are allowed within surface parking lots, provided the materials are compatible with the building architecture.

g. Fleet vehicle parking and loading docks shall not be located along the site main frontage. The placement of such facilities shall be located in the rear half of the site, secondary front, or behind the principal structure.

h. Outdoor storage areas used for fleet vehicles shall be paved or use a similarly compacted material that is stable and does not produce dust.

i. Bike parking shall be located at the primary entrance of the primary building.

5. *Architecture.*

a. *Building Materials.*

1) Buildings shall be designed to incorporate contemporary architectural styles and materials to create the appearance of a state-of-the-art industrial park. Common elements such as architectural style, color, materials and ornamentation shall be used to create a cohesive park identity.

2) Permitted materials include:

a) Exterior plaster or stucco.

b) Architectural metal; decorative panels, structural elements and decorative support or trim members.

c) Precast concrete and tilt-up wall systems.

d) Textured, patterned and/or integrally colored cast-in-place concrete.

e) Integrally colored, precast CMU (concrete masonry units), provided that surfaces are molded, serrated or treated to give wall surfaces a three-dimensional texture.

f) Brick.

g) Natural stone.

h) Glass curtain wall systems.

3) Higher quality materials shall be utilized to draw attention to the office areas and entrances. Higher quality materials include architectural metal, decorative panels, structural elements and decorative support or trim members, brick and natural stone, among others.

4) The use of reflective or shiny metallic roofs shall be prohibited.

b. *Massing.*

1) Building heights, massing and setbacks shall be varied, to define the different functions within a building such as offices and warehousing.

2) Primary buildings shall have clearly defined entries. To emphasize entries, one or a combination of the following elements shall be applied; portals, overhangs, fenestration, canopies, material and color changes. The "large box" components of the industrial buildings that are visible from a public right-of-way shall feature both vertical and horizontal articulation and be compatible with the more articulated office area.

3) Metal structures are acceptable; however, they must visually tie to other building elements, such as the office, storage areas, etc.

4) Temporary or portable buildings shall be limited in use for construction purposes only.

c. *Screening.*

1) Exposed industrial systems and equipment shall be architecturally integrated or screened unless otherwise determined by the Community Development Director upon consultation with the Economic Development Director.

2) All heavy industrial processing, assembling of materials shall be conducted within an enclosed structure or be screened according to "Walls, Fences and Screening."

6. *Landscaping.*

a. *General Provisions.*

1) Landscaping Calculations and Definitions. For all developments within the Las Cruces Innovation and Industrial Park, the following formula shall be used to calculate the amount of landscape area is required:

Total Lot Area multiplied by the following percentages, not exclusive of building area:

| Lot Size | Percentage Landscaped |
|---|---|
| 1.00 to 4.00 acres | 12% |
| 4.01 to 8.00 acres | 10% |
| 8.01 to 12.00 acres | 8% |
| >= 12.01 acres | 6% |

2) One-fourth of the total area required to be landscaped shall be located within the front setback area of the property.

3) Where the site exceeds one acre, only the portion of the site that includes the operational area where the primary building is situated and is being developed/disturbed shall be calculated. If the area to be left undeveloped/undisturbed is disturbed during construction, replacement of vegetation is required.

4) Passive water harvesting drainage swales shall be considered and installed when possible within landscape areas to capture runoff from impervious surfaces as illustrated in "Figure 4. Drainage Swales."

5) Impervious areas shall be graded to drain into drainage swales. Drainage swales shall be designed as follows:

a) Swale channel alignments and side slopes must be designed in close coordination with civil engineers to ensure that they convey stormwater while minimizing erosion damage.

b) Swales shall capture at minimum the first flush of a storm event.

c) Swale side slopes shall not exceed 4:1. Where adjacent to walkways or accessible hardscape areas they shall not exceed 6:1.

d) Runoff that enters the swale in a sheet flow fashion requires that the edge of the swale be flush with grade. Where curbs are necessary, intermittently spaced curb cuts shall be installed to allow runoff to enter the swale. Curb cuts shall be at least 18 inches wide and spaced from three to 15 feet apart.

6) For further guidance on design and installation of drainage swales in landscape areas, refer to the NMDOT National Pollutant Discharge Elimination System (NPDES) Manual.

b. *Plant/Landscape Materials.*

1) The Las Cruces Airport Landscape Plan shall be used as a guide for acceptable plant materials.

2) Living plant material shall be provided according to the following:

a) A minimum of one live tree shall be provided for every 1,000 square feet of required landscaped area.

b) A minimum of twenty live shrubs shall be provided for every 1,000 square feet of required landscaped area.

c) One hundred square feet of ground-over or ten one-gallon size plants shall be provided for every 1,000 square feet of required landscaped area.

3) Plant substitution is permitted following the CIty of Las Cruces Design Standards.

4) Minimum plant material sizes at the time of installation shall be:

a) Deciduous Canopy Trees and Deciduous Accent Trees—Two-inch Caliper.

b) Evergreen Trees—Ten-foot Minimum height.

c) Shrubs and groundcover—One gallon minimum.

5) Xeriscape or drought tolerant landscaping is required for all provided landscaping areas.

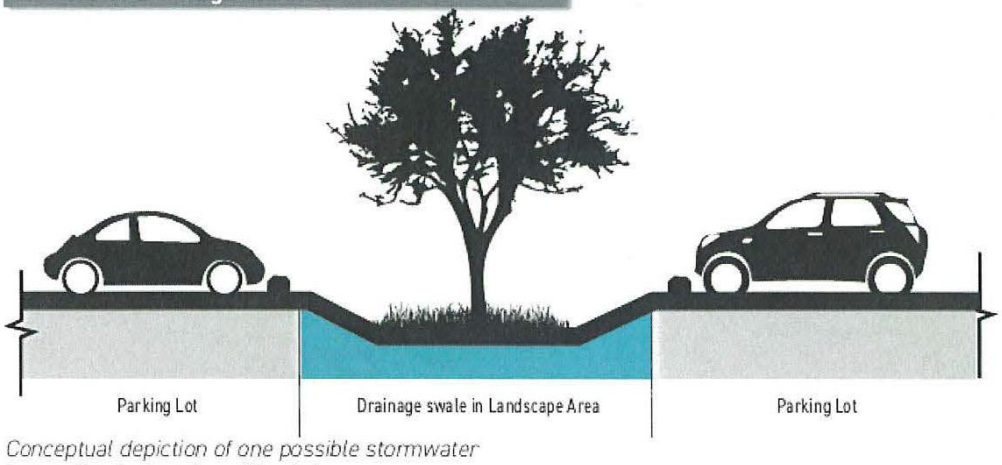
6) Gravel, rock mulch or organic mulch, and similar mulch materials are acceptable within landscape areas. If gravel is used as ground cover, its use shall be limited to a maximum of 75 percent within landscape areas.

7) Gravel, colored rock, and similar mulch materials shall not be permitted north of Interstate 10.

8) All plant material shall be maintained by the owner in a living, attractive condition. All areas shall be free of weeds.

9) If used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

**FIGURE 4. Drainage Swales**




*Conceptual depiction of one possible stormwater harvesting feature in parking lot.*

c. *Off-street parking lots.*

1) Off-street parking lots shall have one tree for every ten parking spaces. Where covered carports are utilized, this requirement may be reduced or eliminate the tree requirement within parking lots through a determination of the Community Development Director. The Community Development Director shall consider the overall landscaping plan and the scale of the development to determine if covered carports shall either reduce or eliminate the tree requirement within parking lots.

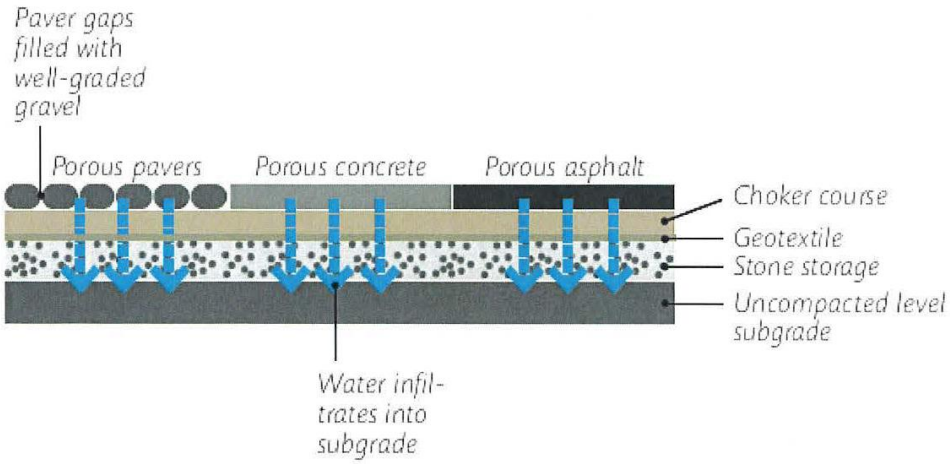
2) The minimum size of tree planters within off-street parking lots shall be 60 square feet per tree.

3) In parking lots of 100 spaces or more, the ends of parking aisles shall be defined as landscaped islands no narrower than eight feet in any dimension.

4) Off-street parking lot landscaping standards do not apply to fleet vehicle parking areas.

5) Any landscaping provided to meet the off-street parking lot standards will be credited towards the overall site ten percent landscape requirement.

**FIGURE 5. Porous Surface with Typical Features**




7. *Walls, Fences and Screening.*

   a. The maximum allowed height for a fence depends on where the fence is located on a property. All fences and walls shall comply with the height limits established in "Table 3. Maximum Wall Height Standards" and illustrated in "Figure 6. Wall Height."

| **TABLE 3. Maximum Wall Height Standards** | |
|---|---|
| Within required primary front yard setback | *8'* |
| Within secondary front yard setback | *10'* |
| Within tertiary front yard setback | *10'* |
| Within required side yard setback | *10'* |
| Within required rear yard setback | *10'* |
| Within the clear sight triangle at the intersections of streets and driveways | 3' |

**FIGURE 6. Wall Height**

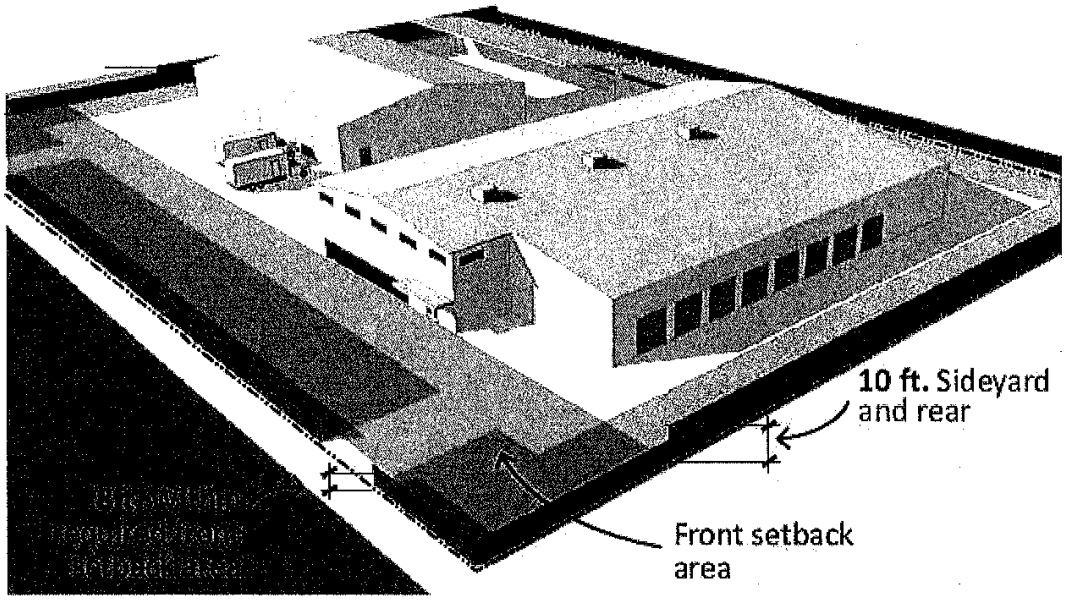



**FIGURE 7. View Fencing in the Front Setback Area**

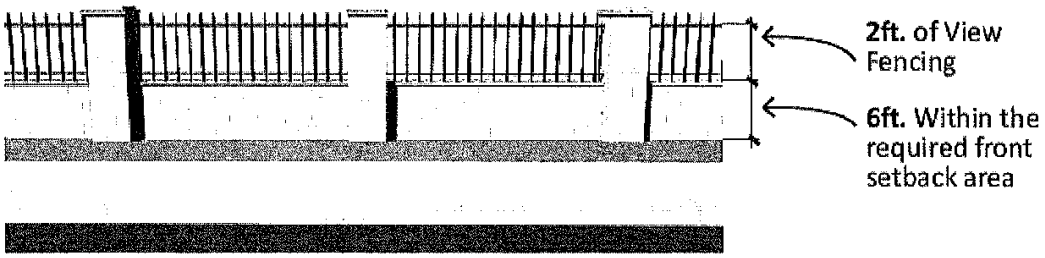
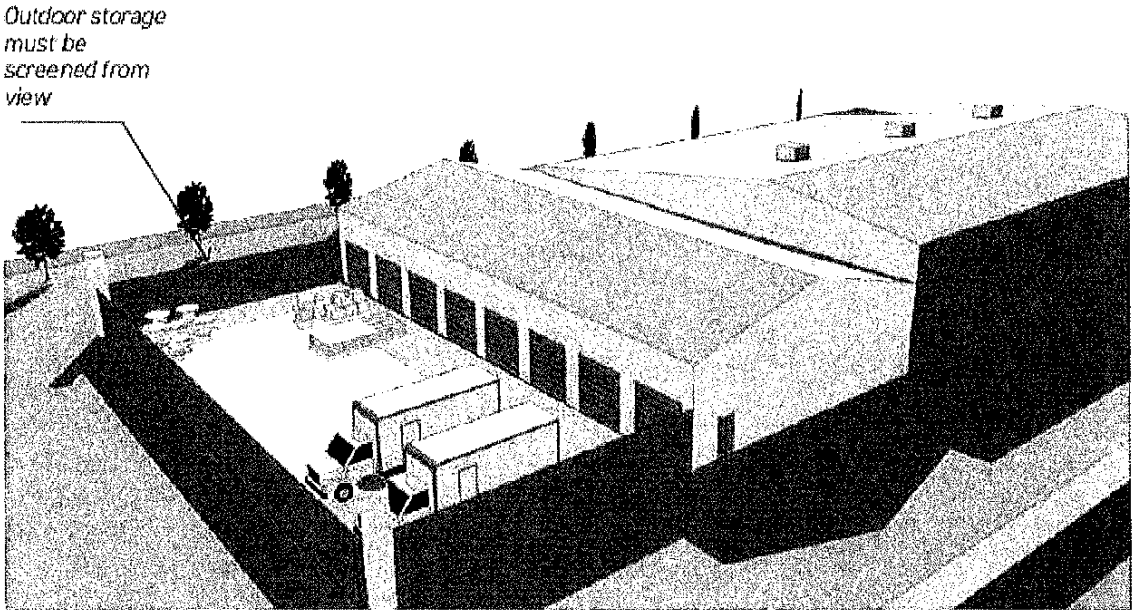


**FIGURE 8. Storage Screening**




b. Within the required front setback area, the maximum allowable fence height is eight feet if two feet consists of view fencing. If opaque fencing is applied, the maximum height is six feet.

c. The finish of walls and fences shall be constructed of durable materials manufactured for exterior use and shall be weather and decay-resistant, which are compatible with the adjacent building(s) in regard to materials, detailing, and color. Acceptable materials include:

   1) Stucco over concrete masonry units (CMU).

   2) Split face block.

   3) Brick.

   4) Stone.

   5) Curved interlock blocks.

   6) Gabions.

   7) Tubular steel, wrought iron bars, or other grill work.

d. Unfinished solid CMU or chain link are acceptable materials, except in areas visible from the public rights-of-way.

e. The use of razor ribbon (concertina), barbed wire, or cyclone fencing is prohibited.

f. Any required screening of mechanical equipment and support/services areas shall be accomplished by one of the following:

   1) An architectural building element, such as a wing wall, that screens the equipment or area being screened;

2) A wall or fence of a height equal to or greater than the height of the equipment or area being screened. Walls or fences shall incorporate at least one of the primary materials and colors of the nearest wall of the primary building; or

3) A vegetative screen planted along the full length of the equipment or area to be screened of a height equal to or greater than the height of the equipment or area to be screened at the time of planting.

8. *Signage.*

a. All signs shall comply with the City of Las Cruces sign code except as outlined below.

b. All signs shall be designed in accordance with the Overlay Zone District's adopted signage plans and regulations.

c. At key locations such as intersections, joint tenant/monument signs shall include language in Spanish, Braille and larger print for sight-impaired populations.

d. Vehicular directional signage within public right-of-way or on City property shall be exempt from signage standards.

e. Freestanding Monument Signs.

1) Freestanding monument signs will be limited to a maximum of one per street frontage.

2) The maximum signage size shall not exceed 450 square feet for lots adjacent to interstate frontage. The maximum signage size for all other lots shall not exceed 50 square feet.

3) The maximum height shall not exceed 80 feet for lots adjacent to interstate frontage. The maximum height for all other lots shall not exceed 18 feet.

4) Monument signs shall match the architectural style, color, materials and ornamentation of the primary building(s).

5) For all lots with more than one monument sign, all signs shall be of uniform design and materials.

6) Free standing monument signage is permissive at the primary park entrances.

7) The maximum height for directional signage is 6 feet.

f. Building Mounted Signs.

1) Building mounted sign size shall not exceed ten percent of the building facade to which it is applied.

2) Building mounted signs may not project more than 15 inches from the wall.

3) Building mounted signs shall have contrasting colors from the background and text height and font that ensures readability, but must blend with the architectural style, color, materials and ornamentation of the main building(s).

4) No building mounted sign shall intrude upon architectural features including windows, columns, or canopies or decorative features.

g. Temporary Signage.

1) Temporary construction signs shall be permitted in accordance with the City of Las Cruces sign code, with the following exceptions:

a) For properties less than ten acres, one sign is permitted not to exceed 64 square feet in sign area and eight feet in height.

b) For properties in excess of ten acres, one sign is permitted not to exceed 96 square feet in sign area and eight feet in height.

h. Prohibited Signage.

1) The following sign types are prohibited within the Las Cruces Innovation and Industrial Park:

a) Banners.

b) Billboards.

c) Portable or temporary signs, except for those permitted above.

d) Window Signs.

i. Signage Illumination.

1) Exterior and interior illumination will be allowed for both attached and freestanding signs, provided they comply with the following standards:

a) Signs that are illuminated shall have concealed lighting fixtures. This provision applies also to neon tubing and fluorescent fixtures.

H. *Definitions.*

*Accessory, commercial/office uses.* Any offices and commercial services and food, beverage uses listed in "Table 1. Use Table." These uses must be incidental to the primary use.

*Accessory, residential use—non-primary.* An accessory dwelling on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day.

*Cannabis cultivation* and *cannabis-infused products manufacturing.* A facility in which cannabis is grown, harvested, dried, cured, or trimmed. This use may also include the process in which a product is infused with cannabis that is intended for use or consumption other than by smoking including but not limited to, edible products, ointments, and tinctures.

*Commercial services* and *general retail.* An establishment providing for the retail sale of general merchandise or food directly to the consumer; this includes, but is not limited to, sale of general merchandise, clothing and other apparel, flowers and household plants that are not grown on-site, dry goods, convenience and specialty foods, hardware and similar consumer goods, or other retail sales.

*Construction contractor facility and yard.* A building and related outdoor area used to store and maintain construction equipment and materials including, but not limited to, plumbing, electrical, carpentry, roofing, and landscaping, and facilities customarily required in the building trade by a construction contractor. Any outside storage is required to be screened with an opaque fence.

*Contemporary style architecture.* The use of innovative and new construction technologies and materials with a focus on steel, reinforced concrete, and glass, clean lines and a form that follows function.

*Drainage and major utility, other.* A facility regulated as a public utility or common carrier by the state or other relevant jurisdiction or agency, including, but not limited to, major telephone facilities, natural gas facilities, water treatment plants, water pump stations, sewage treatment plants, stormwater drainage facilities, irrigation facilities, or similar public services. Major facilities are those sized or designed to serve the entire park, or a wide area of the park.

*Film and media production.* Outdoor or enclosed entertainment-related facilities including, without limitation, movie studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, postproduction facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations.

*Fire and police station.* A public facility operated by a governmental agency where fire engines and other equipment are housed, and from which calls for emergency fire responses are handled. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of patrol vehicles excluding, however, correctional institutions.

*Fleet vehicle.* Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle.

*Fleet vehicle parking.* Parking of fleet vehicles.

*Freight house* or *truck terminal.* Property or building used primarily for freight pick-up or distribution and the temporary parking of trucks of common or contract carriers during loading or unloading, including necessary warehouse space for storage of transitory freight. May also include intermodal distribution facilities for truck or shipping transport. Accessory uses may include, but are not limited to, a truck wash and loading and unloading from rail spurs.

*General agriculture.* Any use of land for the purpose of production of crops and horticulture specialties, the raising of livestock and poultry, and the processing, packaging, storage and sale of agricultural products which are raised on the premises, and including all the types of structures normally associated with these uses, such as storage bins, barns, sheds, tool houses, greenhouses, garages, and any other use or facility ancillary to farming or open land. This use may also include the growing of plants for wholesale or retail sales, which may take place outside or in greenhouses. Outdoor sales of plants are allowed.

*Heavy manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. However, this use does not include processes that input or create hazardous byproducts, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including, but not limited to, explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas. These processes are covered under the special manufacturing zone.

*Higher education, vocational school.* A private institution that provides full-time or part-time education beyond high school, including college, university and vocational schools that provides specialized training and education beyond the high school level.

*Indoor entertainment/recreation venues.* A commercial indoor entertainment venue where food, nonalcoholic beverages or other refreshments may be obtained for consumption on the premises and where floor shows, bands or other forms of entertainment may be provided for customers. This use also includes health club or gyms, and non-medical service establishment intended to maintain or improve the physical condition of persons.

*Light manufacturing.* Assembly, fabrication, or processing of goods and materials, primarily conducted within an enclosed building, which is designed, built and maintained so as to prevent smoke, noise, glare, dust, odors or other development impacts from being detected beyond the boundaries of the property. Assembly, fabrication, or processing may include compounding, processing, assembling, packaging or testing of goods. This use does not include any use that meets the definition of Heavy Manufacturing or Special Manufacturing.

*Military and law enforcement agency.* A public facility operated by the federal government where engines and other equipment are housed. This use may also include administrative offices, storage of equipment, and grounds for training and practice.

*Natural resource extraction.* On-site extraction of surface or subsurface mineral products or natural resources, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural

gases. Uses may include quarries, borrow pits, sand and gravel operation, mining, soil mining, rock crushing, screening, and the accessory storage of explosives

*Nightclub* and *bar.* An establishment that is devoted to the selling or serving of alcoholic beverages for consumption by patrons on the premises and in which the serving of food is only incidental to the consumption of those beverages, including taverns, nightclubs, cocktail lounges and cabarets.

*Offices* and *research facility.* A premise where professional, clerical, business management or public administration work is carried out and where the sale of merchandise on the premises is totally absent or a very limited activity in support of the work being carried on. This use may also include a medical or dental clinic for patients that are not lodged overnight and research and testing facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Outdoor entertainment.* An outdoor commercial or entertainment activity that is open to the general public. This use may include outdoor markets, drive-in theater, stadium or other entertainment and recreation activities like batting cages, golf driving ranges, miniature golf courses, go-cart tracks, skating rinks, skateboard parks, swimming pools, tennis courts, or sports courts.

*Outdoor storage.* The keeping of any goods, material, or merchandise outside of a building in the same place.

*Parking garage with/without liner building.* A combination of structures for parking and a mix of uses (commercial, residential, office) where parking is designed to be concealed from view and levels of parking are at-grade, above grade, or partially below grade (but not fully underground). A liner building is a specialized building that may be built as part of the parking structure or separate; it is parallel to the street and designed to conceal a parking structure from the street with active ground floor uses such as retail shops or residential stoops. A parking garage may be designed without a liner building provided that it is designed in such a way so as to incorporate active ground floor uses, architectural features and articulated elements to mitigate blank walls and screen parking.

*Recycling sort facilities* and *electronic recycling.* A facility that sorts reusable materials in preparation for introduction into an industrial process by which the material is transformed into a new product in such a manner that the original identity as a product is lost. Material is limited to paper, plastic, and metal as well as electronics recycling.

*Small animal facilities.* A facility that serves small animals for their care and treatment. This use may include outdoor pens for temporary animal holding. This use does not include animal raising.

*Solar energy generation.* The use of land or buildings as locations for mounting of solar collectors or other devices that rely on sunshine as an energy source and are capable of collecting, distributing, or storing the sun's radiant energy.

*Special manufacturing.* Mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins. This use ordinarily creates a greater than average impact on the environment or has significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards. This use includes processes that input or create hazardous by-products, as defined by federal regulation, in the course of manufacturing, assembly, fabrication, or materials treatment, or that uses manufacturing, assembly, fabrication, or treatment processes that create potentially hazardous impacts including but not limited to explosions or leakage of nuclear or electromagnetic radiation into the environment or surrounding areas.

*Telecommunications, towers, and utilities.* Any facility used for wireless communications, usually consisting of a support structure for antennas, equipment shelters or cabinets, and/or other transmission and reception devices used for business or commercial purposes.

*Temporary, construction staging area, trailer, or office.* Temporary use of a structure, including a mobile office, as a construction site office by a building contractor while a specific project is under construction, or as a real estate office during the construction and initial marketing phase of a new development.

*Temporary, seasonal outdoor sales, events.* Temporary outdoor or indoor retail display and sales of new or used goods, produce, and/or handcrafts or services associated with the season or a cultural event such as sales of fireworks, pumpkins, Christmas trees, or other seasonal items; semi-annual sales of art or handcrafted items in conjunction with community festivals or art shows; sidewalk or parking lot sales. Incidental sales of food and beverages is allowed.

*Vehicle services.* Commercial services dealing with vehicles. This use may include car wash, vehicle and equipment sales, rental, fueling, recreational vehicle parking stalls and hook-ups, and repair.

*Warehousing, logistics and distribution.* Building or premise in which goods, merchandise or equipment are stored and frequent heavy trucking activity may occur. Open storage of material, or nuisances such as dust, noise, and odors may be part of this use.

(Ord. No. 2982 , § (I)(Exh. A), 8-16-21)

Editor's note(s)—Ord. No. 2982 , § (I)(Exh. A), adopted Aug. 16, 2021, repealed the former § 38-46 and enacted a new § 38-46 as set out herein. The former § 38-46 pertained to WMIP—West Mesa Industrial Park Overlay Zone District, and derived from Ord. No. 2354, § I, adopted Jan. 22, 2007.

# CITY OF LAS CRUCES

**PLANNING AND ZONING COMMISSION**
**FOR THE**
**CITY OF LAS CRUCES**
**City Council Chambers**
**August 27, 2024 at 6:00 p.m.**

**BOARD MEMBERS PRESENT:**

Scott Kaiser, Chair
Enrico Smith, Vice-Chair
Jeannette Acosta, Member
Joaquin Acosta, Member
Connor Murray, Member
Kent Thurston, Member

**BOARD MEMBERS ABSENT:**

Vanessa Porter, Member

**STAFF PRESENT:**

Larry Nichols, Director Community Development Department
David Weir, Deputy Director Community Planning
Adam Ochoa, Senior Planner/Building Inspection Supervisor
Vincent Banegas, Interim Planner
John Castillo, Planner
Mark Dubbin, Fire Department
Jocelyn Garrison, City Attorney

## 1. CALL TO ORDER (6:00)

Kaiser: All right. Good evening, ladies and gentlemen. We'll go ahead and call this meeting to order. It is 6:00 p.m. on August 27th. This is the City of Las Cruces Planning and Zoning Commission meeting. I guess welcome back from the little summer hiatus, since we didn't have a meeting in July. And I also want to welcome two new Commissioners to the dais this evening. I'm really excited to finally have a full Commission, although we're missing one Commissioner tonight who's out of town. But going forward we should have seven Commissioners. So very excited to have both of you here and excited to work with you all over the next couple of years.

**10.1 Case 2ZCA-24-01:** A request to repeal and replace Chapter 38, Article V, Section 38-46, Las Cruces Innovation and Industrial Overlay Zone District, of the City of

Las Cruces Municipal Code (LCMC). The amendments include modifications to land uses, parking, sidewalks, landscaping, and signage requirements. Council District 4.

Kaiser: All right, moving on to item 10.1. This is a request to appeal and replace Chapter 38, Article V, Section 38-46 of Las Cruces Innovation and Industrial Overlay Zone District in the City of Las Cruces Municipal Code. I'll turn it over to staff.

Ochoa: Covered here for whatever Economic Development staff that is out, unfortunately. But this is an amendment to the existing zoning code, which is what the section for the Las Cruces Innovation and Industrial Park Overlay, or LCIIP, as we like to call it. Showing the area here, roughly about 913 acres in size, relatively large area. Essentially, what staff was looking at is when we adopted the LCIIP we saw several opportunities for new development, for proposals to be going into that area, but when some of those proposals came before us, it was difficult to follow some of the requirements of the LCIIP in that area. So doing that, staff did take some time to see what changes we could do to this section of the code to help make it work a little better for development, and still kind of follow the original intent of what was the LCIIP. With that we did look into an article of Planning and Managing Suitable Industrial Park, which is published by the United Nations Industrial Development Organization or UNIDO, is what I call it. And they had like specific guidelines and requirements what industrial parks should be. With that they did kind of a breakup different types of what is an industrial park. The first one being kind of a research and development type of industrial park with technology and science type of uses, maybe universities, research centers in that area, multiple functioning labs, offices, commercial conference rooms, that type of use in that area. Need for state of the art infrastructure is definitely something that this area is typically what you see in these types of industrial parks. Well-designed buildings, good landscaping. Connectivity is another big thing as well, and doesn't really cater to what is heavy truck traffic for that area, a little more of a light industrial if you will is what we look for those areas.

The second area we look at that they described was a manufacturing warehousing area. This is the more large structure, big bulk, large type of development. There's adequate transportation networks, basic utilities, minimum landscaping, loading bays, kind of easy circulation for large semitrucks to get through your wide streets and those sidewalks, because those trucks don't play well with sidewalks; they bust them all the time. And then low ratio employment space, so large buildings, little number of employees.

The third one is what we call the agro industrial park. This is kind of a regional park used for regional farms, pardon me, used for processing, storage, packaging, so on and so forth like that. They range in size from small to medium sized farms. And again, large vehicle traffic is what we look for in these areas. So when staff read this document we looked into potential amendments that we could do to the LCIIP to make it a little more fit within what our needs, and not only our needs, but also for potential future development. We looked at the existing land uses that are permitted and not permitted, parking requirements, sidewalk requirements, landscaping, and signage requirements as well.

So the first item we're looking at is land uses. What we're looking at doing, what this amendment is essentially allowing for indoor entertainment recreational venues. This is what we're looking for in what we call our aerospace area. I'll have a map before you here in a minute just explaining the three different land uses. We are not allowing for wholesale or outside storage for commercial use in the commercial area. And we'd also like to allow for RV parking and hookups in the commercial area for stalls of the water, sewer, and electrical hookups. To give you a better idea of where we're talking about, the first item we're looking at allowing is in the aerospace area here, shown here closer to the airport on the north side of what was the West Mesa Industrial Park. Commercial area here in the center, that is where we're eliminating that second one of the outdoor storage for commercial, and then adding the use for RV hookups makes a lot of sense, especially since you're right off of the interstate here. As you can see here like the Love's proposed for RV stalls here with hookups for people who get off the interstate, they could stay overnight, hook up to the RVs, and they're off on their journey the next day.

Additional thing we looked at is parking requirements. Currently there are no parking supply minimums required. What we're looking at doing is essentially just allow whatever use goes into the LCIIP is to follow what is currently adopted on our current land use table. Currently under 2001 Zoning Code we have a slew of land uses that are permitted, and it actually gives you a guideline as to the number of parking stalls that are required for that property. If a development for some reason can explain or justify if you will, the need for reduced parking stalls, the amendment to the LCIIP essentially states that the economic development director or designee could potentially wave or allow for the reduction of the number of parking stalls for a particular development, that'll be on a case-by-case scenario though. Third thing we're looking at here is essentially the installation of sidewalks. If you go back to the two different ones, the two different scenarios of an industrial Park that I spoke about before, a research development area, that is what we look at potentially being what is the north side of Interstate 10. That area we definitely want to keep sidewalks in there, because it asked for connectivity, asked for pedestrian mobility in that area. And then

essentially in the southern side, which is the manufacturing warehousing area where we're expecting more bulk trucks, large trucks, semitrucks, even if you go out there now you'll see a number of them just lined up along Crawford Drive and some of the roadways around there, that side of Interstate 10, the southern side, essentially not requiring for sidewalks in that area anymore.

So to better explain, here the north side closer to the airport, that is where we want to keep sidewalk requirements to allow for that connectivity. And the southern side here, south of Interstate 10, this will be the more manufacturing warehousing area where we would not require sidewalks in that area anymore. Currently, the majority of the roads out there roughly anywhere between 50 to 60 feet wide in pavement with a large shoulder on the side. And as I stated before, if you do head out there you could see a number of trucks just pull off the freeway and use that area. And I don't know if anybody's seen sidewalks where there is a number of trucks, they don't work hand in hand because they get destroyed pretty easily.

The fourth item we're looking at amending is landscaping requirements. Currently, the LCIIP calls out for a minimum of 10% for any type of development in that area. What we're looking at doing is going back to what we used to have with what was our West Mesa Industrial Park Overlay, the one before this one, which is kind of a scaled type of landscaping requirements, where the total area of your property depends on the size of your property is the percentage that you'll have to provide. So for the smaller lots we still want to see that more landscape area. So if a property is anywhere between one to four acres in size, we're asking about 12% of the area to be landscaped. For properties four to eight acres in size, about 10% of the property. Eight to 12 acres in size, 8%. And then any really large piece of property that's about 12 acres in size, we're looking at about a 6% landscape area for that development. Those type of ones we typically see large, enclosed, fenced in areas in the back and just offices in the front, so we at least want to have that landscaping in that area to have some type of frontage if you will, some type of appearance of landscaping in the front along the streets.

The last item I believe that we have for amendment is the signage requirements in that area. Currently, there is a maximum height requirement in the entire LCIIP of … I'll start again, in the entire LCIIP there is a maximum sign height requirement of 12 feet right now. I believe some of you all were here when a couple of developments went into that area that they looked for taller signs, larger signs for the purpose of being seen off of the freeway. So that is the reason for this. So what we're proposing is 80 foot, a maximum of 80 feet tall for lots adjacent to Interstate 10 only, and then 18 feet tall for all other lots essentially bringing those signs up an additional six feet is what we're looking for. Additionally, we'll be changing

the maximum signage requirements. Currently it is capped at 50 square feet for any type of development. We're looking at going at 450 square feet for lots adjacent to the interstate frontage, and maintain a 50 foot - we are looking at maintaining a 50 foot square foot sign for all other lots. Let's see here additionally on top of that we have the ability for directional signs. Currently it is not to exceed four feet in height. We're looking to bump that up to six feet, essentially for the purpose of trucks and so forth to see them and not get run over essentially which is a lot of the issues that we get from some developers out in that area when directorial signs are limited, and that much limited in height they tend to get run over unfortunately.

So, to kind of show you here what we're talking about, this was the Love's that was approved, variance was approved for the sign by the Planning and Zoning Commission not too long ago. Eighty foot tall sign, this one actually got a variance for even larger sign, a square footage of 1,189 square feet. Additionally, there was an Allsup's sign that was also approved by you all that was 80 feet in height and 340 square feet in size. So this sign would actually be legal when it comes to the new requirements by the LCIPP in that area. And this was kind of an excerpt from that variance if you all remember, there was a study that they actually had not only the sign developer but they got together with the Department of Transportation explaining how a taller sign off the interstate makes it safer for people while they're on the freeway to see it at a better, see it easier from a farther distance to be able to exit properly and exit safely off the interstate to get to their establishments. So this right here, showing this property going off of I-10, you could just see that sign here, that's what that side would look like at the 80 feet tall sign off of the interstate, just as an example. There it is. Right over here.

Those are essentially all the amendments we're looking at doing to the section of the zoning code. So your options are, one, to vote "yes" and approve the proposed amendment. This will go before, that recommendation will go before the City Council for their final consideration. Two vote "no" and deny the proposed amendment. To vote to amend or add conditions as deemed appropriate by the Planning and Zoning Commission, or four to table, postpone and direct staff accordingly.

Kaiser: Thank you. Any questions from the Commission?

Thurston: I got one. Can you go to the page where it shows the agriculture area? So grew up in Hatch a little and they had like the onion sheds. They had other things like that. They had some chili plants that all the farmers would grab everything and put in one local spot, right, like the onion sheds, where they would dry the onions out. Well, those are normally like larger buildings, and something like that if I looked in here at your allowable buildings, it doesn't allow for like a metal building. Would that be allowed? Would metal

buildings be allowed in this area? Or am I just misunderstanding what I'm reading? Let me see if I could get to it, it was under the architectural …in page 10, so it's in your architectural building materials. No, I guess it is. I skipped over that, that would be under B right there, architectural metal, so you can do that in there. Sorry. Then my comment is, I will hold off on that one, because I was like, that's what we need over there is the big buildings.

Ochoa: And Mr. Chair, Commissioner Thurston. In the past we have kind of have compromises with that before as well where we would allow the metal buildings, but then they would just have to texture them or finish them in a different way in order for them not just to be a big metal box out there, have some type of definition, stucco, something, some type of exterior to kind of blend in a little bit better with the area, sir.

Kaiser: Any other questions? Just out of curiosity, so prior to this, these proposed changes, there was no parking minimum. There's no minimum parking requirement. Why? Why do we suddenly need one?

Ochoa: So Chairman Kaiser. The way I that I discussed this with staff who wrote this up essentially is you want to have some type of parking out there where it's not just, I'm just going to build something and put absolutely no parking in the area, and then having that issue flow onto other properties possibly or the street. So now we're just looking, currently there's not, there's just a minimum right now. There's no maximum, so it's just allowing people now to actually have a number that they could reach. And then again, they could always reduce that. Say you're building a very large warehouse where you have minimal staff, with current code you were required to provide a minimum of one parking space for every 500 square feet, so you'd be on hook for like, say 200 parking stalls. If you could justify to the Economic Development Director that, I don't have that much staff, this is my actual occupancy, then that's a reduction that we could definitely look at, sir. The reduction is a big one that staff is looking at doing to allow for the development in the future, sir.

Kaiser: Okay. I guess I'm a little confused because the parking requirements that we currently have are, it's all pseudoscience, not based on anything. We don't have parking requirements in downtown. People still build parking lots. I'm assuming that there's been development out here. So I guess what's the rationale, I mean they're obviously building parking lots, so why do we need to change course here? I mean we even acknowledge that the amount of parking we need is minimal because of the uses. I guess I just don't understand why we wouldn't just let the market dictate how many parking spaces they feel they need to make their project financially viable.

Ochoa: Mr. Chair. Understood. And staff did discuss that further. The biggest thing we do see though, this area is still largely, the only way you can really get

there is by automobile. So by doing some type of minimum parking stalls, parking requirements, that's kind of what we're trying to take into effect to have some type of parking for all the commuters that'll be going to this area, because that's essentially who will be working out there are commuters, sir.

Kaiser: All right. Thank you. Going to public comment. Anybody in the audience who wishes to speak on this item this evening? That's a fascinating topic. All right. Coming back to the Commission. If there's no final comments or questions? Yes, Commissioner.

Thurston: I agree with you on the parking because I think the market will dictate it out there. Is there a way to change that to reflect a no parking as it was before, and then agree to the other changes that they have?

Kaiser: Yes, I think there's probably a couple of options. But to that point just one, I guess additional question, are there any prohibitions on on-street parking in this area?

Ochoa: Mr. Chair. Per City standards, typically the only roads where on street parking is prohibited are along collector roadways and thoroughfares if you will, sir. The majority of these are all local roadways so on street parking technically is permitted, sir.

Kaiser: Okay. So, on this map here that we're seeing. I'm not sure if these are conceptual roads. But the roads that we're looking at right now, those would be the collectors I guess, fair statement.

Ochoa: Mr. Chair. No, these are actually the roadways are located in there. The only real collector I believe is Crawford, the one that runs north and south between both sides. The majority of them all around here are all local roadways, essentially, sir.

Kaiser: Okay. Thank you. So my thought process there being that if you can park on the street and we're expecting minimal parking, seems like that's going to be more than sufficient. So I think the way that we would go about striking that particular change would be I think, it wouldn't be a condition, it would be a motion to, yes, someone explain to us.

Ochoa: I could clarify that for you in a minute, Chair. I believe we have our Economic Development Director who might actually add something for you, please.

Kaiser: Okay. Yes, please go ahead. Please state your name for the record and you may begin.

Teeters: Mr. Chair, Commission members. My name is Elizabeth Teeters, and I am the Economic Development Director here at the City of Las Cruces. I worked with Sara Gonzalez to do these changes. When it comes to parking on the street out at the industrial park, we actually recently met with Saputo Cheese, which is the biggest business out there, and they have concerns because there are trucks that park out there off of Crawford which is the main thoroughfare, and they have people coming and going at all hours of the night, because they run three shifts, and it's very unsafe. So it is not recommended by them at least to have any parking on the street, because you have big trucks that drive in and out, you have employees that are coming in all hours of the day as well.

Kaiser: Okay. I mean the way I see it is then a property owner/developer would build parking. That they believe they need it, they'll build it. So I don't know why we need to put you know arbitrary numbers on what they're required to do. So I think if that's something that we were going to do then I think it would be a motion to strike the proposed language and keep the original language. So that would be how we address that, if that's something we wanted to do,

Ochoa: And just for point of clarification, Chair Kaiser. Yes, so it'd be a condition to vote to approve with the condition that the proposed language for parking you'd strike and keep the original language when it comes to referring to parking, is what we're looking at, sir.

Kaiser: Okay. Got that?

Thurston: Yes. I just didn't want to, one of the reasons for that is, if we, a lot of these buildings are going to be oversized, and so when I've done anything when it comes to parking requirements, we normally go the size of the building. And so I can just see in the future if a large building comes in we're going to have to be dealing with the reduction anyways. So we're putting, you're just going to make more work for the applicant to come in and get that reduction when they should be able to just come in and put the required parking as the market demands for what they're going to use it for.

Kaiser: All right. So with that, looking for a motion to approve. And Commissioner Thurston if you want to make the motion with the condition to keep the old parking language and remove the proposed, that would be a condition, or that would be the motion, and then someone second, we'll take a vote.

Thurston: I make a motion to approve 10.1 with the condition of keeping the old parking requirements.

Smith: I second.

Ochoa: Sorry about that. Alrighty. Commissioner Thurston.

Thurston: Yes. I'm trying to find the reason why to say yes.

Ochoa: I'm sorry. Point of order, Chair. So instead of saying as stated before, recommend, vote to approve with recommendation by staff. It's a quick change is I vote to approve based on findings provided by staff. Because there are facts of findings in your staff report that staff provided you. Those are the findings you could definitely state are as your findings essentially, or just staff's findings.

Thurston: Thank you. So yes based on the findings that staff has recommended. Okay, is that, that will work. Yes, that works.

Ochoa: Commissioner Acosta.

Jo. Acosta: I vote yes to approve based off of I guess findings from the Commission here.

Ochoa: Commissioner Smith.

Smith: I vote yes based on its consistency with purpose and intent of the zoning ordinance.

Ochoa: Commissioner Acosta.

Je. Acosta: Yes, based on staff findings, facts and findings.

Ochoa: Thank you. Commissioner Murray, please.

Murray: Yes, based on staff findings and the proposed use of the industrial park.

Ochoa: And Chair Kaiser.

Kaiser: Yes, based on staff findings and consistency with Elevate Las Cruces. Motion passes.

Ochoa: Thank you all.