

CITY COUNCIL AGENDA

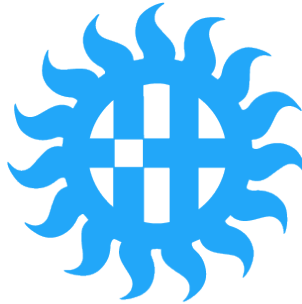
Mayor
Eric Enriquez

Monday, April 15, 2024 at 1:00 PM
Council Chambers

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

Mayor Pro Tem
Johana Bencomo

Councilors
Cassie McClure
William Mattiace
Becki Graham
Becky Corran
Yvonne Flores



CITY OF LAS CRUCES

700 N. Main St.
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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. 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 April 8, 2024 Closed Meeting Statement into the record.

5. ACCEPTANCE OF AGENDA

6. CITY COUNCIL MINUTES

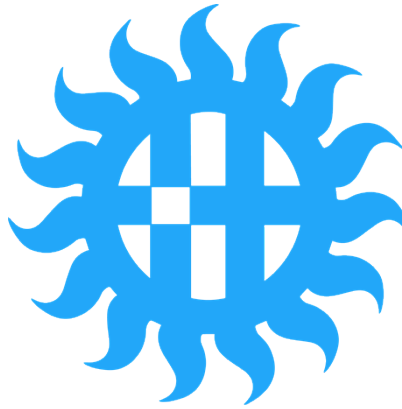
- 6.1. Work Session of March 11, 2024. 4 - 15
[Work Session - Mar 11 2024 - Minutes - Pdf](#)
- 6.2. Regular City Council Meeting of March 18, 2024. 16 - 41
[City Council - Mar 18 2024 - Minutes - Pdf](#)

6.3.	Work Session of March 25, 2024. Work Session - Mar 25 2024 - Minutes - Pdf	42 - 53
7.	<u>RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA</u>	
7.1.	<u>RESOLUTION NO. 24-102: A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAS CRUCES (CITY) TO ACCEPT THIRD QUARTER BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET, AND THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP).</u> Resolution No. 24-102 - Pdf	54 - 85
8.	<u>OLD BUSINESS</u>	
8.1.	<u>COUNCIL BILL NO. 24-023; ORDINANCE NO. 3065: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO R-4 (MULTI-DWELLING HIGH DENSITY LIMITED RETAIL AND OFFICE) FOR PROPERTY ENCOMPASSING 2.908 + ACRES AND LOCATED AT 712 AND 722 HENDEE PLACE AND 725 BASHA ARCH. SUBMITTED BY M&M BUILDING SOLUTIONS, REPRESENTATIVE. (23ZO0500143).</u> Ordinance No. 3065 - Pdf	86 - 108
9.	<u>RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION</u>	
9.1.	<u>COUNCIL BILL NO. 24-024; ORDINANCE NO. 3066: AN ORDINANCE CONFIRMING THE SUCCESSFUL COMPLETION OF THE LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) PROJECT WITH X2NSAT, INC., AND AUTHORIZING ITS TERMINATION, TO INCLUDE THE PROJECT PARTICIPATION AGREEMENT, INTERGOVERNMENTAL AGREEMENT AND THE RELEASE OF THE \$150,000 GUARANTY THAT HAS SERVED AS SECURITY FOR THE PROJECT.</u> Ordinance No. 3066 - Pdf	109 - 164
10.	<u>BOARD APPOINTMENTS</u>	
11.	<u>NOTICE OF PROPOSED ORDINANCE(S)</u>	
	1) There will be no public discussion. 2) A Councilor may ask staff for clarification on the proposed ordinance(s).	
11.1.	<u>COUNCIL BILL NO. 24-025; ORDINANCE NO. 3067: AN ORDINANCE AMENDING ORDINANCE NO. 3054, UPDATING THE PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY AND 828 PRODUCTIONS, LLC., TO ADD CLARIFYING LANGUAGE FOR THE USE OF THE \$2,800,000 IN LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) FUNDS DEDICATED TO THE RENOVATIONS OF MULTIPLE FACILITIES.</u> Ordinance No. 3067 - Pdf	165 - 275
12.	<u>CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT</u>	
13.	<u>CITY MANAGER REPORT</u>	

13.1. [Presentation request Taxable GO Series 2024](#)

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14. **ADJOURNMENT**



MINUTES

Work Session

Monday, March 11, 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, Councilor Cassie McClure, and Councilor William Mattiace

ABSENT:

1. JOBS OF THE WEEK

1.1

Sarah Raney and Jacen Bernal Workforce Connections presented Jobs of the Week.

2. PETS OF THE WEEK

2.1

Amy Defelix, ASCMV presented Pets of the Week.

3. AGENDA ITEM

3.1 5TH SEMI-ANNUAL POLICE AUDIT REPORT PRESENTED BY THE OIR GROUP.

Stephen Connolly, OIR Group gave an overhead presentation.

Teresa Magula, OIR Group continued overhead presentation.

Stephen Connolly continued overhead presentation.

Teresa Magula continued overhead presentation.

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Stephen Connolly continued overhead presentation.

Teresa Magula continued overhead presentation.

Councilor Flores said on page 15 could you please explain what directed training means, you said it was occurring more frequently and there was release of information and fraternization? What does that mean, they can't be friends, they can't socialize with each other, they can't talk to each other, what does that mean?

Teresa Magula said to your first question the directed training would be if through the course of investigation it was determined that misconduct occurred and sometimes even if misconduct didn't occur. They identify the officer might need a little refresher on a certain topic, those officers are directed by command to attend a certain type of training. It could be as simple as, perhaps you need to go to a class on report writing so you can be a better report writer. The officer will take that class it will be logged in their training record and hopefully that issue is remediated through that directive training. Fraternization is as Stephen mentioned is the structure of this organization is such that there are ranks and so if a supervisor is having a relationship, meaning of a romantic nature typically someone who is a subordinate or vice versa. That can create some challenges for the reporting structure, for assignments, could indicate or give the indication of preferential treatment and so on. Policy around that essentially is telling those members who wish to engage in those types of relationships, of course of their choosing, the types of reporting that they have to do. So for example, let's command know that we're in a relationship. I should not be reporting to this person, they should not be in my direct chain of command for example.

Councilor Flores said so those person's involved would be reassigned or whatever.

Teresa Magula said it would be up to the department how to manage that most appropriately.

Councilor Flores said you also mentioned promising new developments, so you saw there were promising new developments insofar as the findings in procedural matters or just generally?

Teresa Magula said that was referring to the alternative complaint resolution model that Stephen spoke of so to us that is something of a new development to the department and one that we think that will really payoff both for the community as well as for the department.

Councilor Graham said I think your first report was one of my first Council meetings so we all kind of came on at the same time and it's been interesting to watch this develop. One thing I do always like to point out if it doesn't show up in the slide show is that you share in the larger report, numbers of external complaints versus calls for service. It is always such an illuminating number so for this 6 month period 85,908 calls for service. So in half a year almost 86,000 calls for service with 12 external complaints. I always think that sometimes it's going to be overwhelming when you're reading everything after, after everything and it's so illustrative to see this is a

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vanishing small number of calls for service that end up with these kind of complaints. Overall I think this report more that any is starting to reflect the shifts in culture that I think we've all been really happy to see and just wanted to shout out our leadership, thank you so much for what you're doing as we try to grow and evolve.

Councilor Flores said so there is a lot of intermittent training. I know there is a law firm that comes down, in fact they're in Los Angeles. How often is that and how does that work with what OIR does? I think that kind of training that they do reflects a lot of the improvements here, I might be wrong.

Chief Jeremy Story, LCPD said when it comes to training that is a very broad topic, so I'll narrow it, well it's happening weekly. Really with briefing training is happening daily. When it comes to legal training, which I think is what you're asking about the firm we brought in from Southern California for specific classes but our New Mexico attorney we've retained is doing stuff all the time, so he's teaching things like report writing, search and seizure update, his regular search and seizure class, use of force. He's taking part in scenarios, he's doing briefing training, he's doing the bathroom bulletins, so we are already seeing the fruits of that, in a year or two it's really going to show how much of a benefit that's had, because it does take time, it's a lot of information. I don't that we can increase the frequency much more without completely breaking the system. We're pushing him pretty hard and the staff and the supervisors pretty hard to get all this training done.

Councilor Flores asked how long have you had that outside firm do their training? I think the fire department is also involved with that, right?

Chief Jeremy Story said not with the legal side of things, but I've been bringing them in for classes for three years, but we've only had them for less than a year, probably six or seven months with an actual contract where the frequencies are a lot more.

Councilor Bencomo asked can you give us an update on the CALEA certification process?

Chief Jeremy Story said we are making our way through the proofs right now and just for context we have been accredited by the Municipal League for the past ten, eleven years. So, it's not the first time seeking accreditation, CALEA is kind of the next level, and it is more cumbersome, but my guess would be approximately fifty percent through proofs. We have dedicated more people to that section and just change the accreditation manager so that delayed things a little bit, but I think it's going to speed things up in the long run.

Councilor Bencomo asked on the report the LCPD management response is that usually from Chief? That is, ok. On the community meetings will you be reporting to us in a similar manner?

Teresa Magula said yeah the intent is to hopefully combine the community sessions with a report like this so that we would report to you, we would meet with community, we would be able to report that back to you about what community might be

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concerned with. Really we're looking at having it be a pretty fluid process where this all comes together.

Councilor Bencomo said I just wanted to say in relation to the mental health crises calls that I think for the mission originally for me bringing you all on was around accountability and transparency. I think more and more I also feel like it's a lot of policy learnings for us as well. I think even as I hear Chief Smith with the fire department talking about how much their field is changing. How more and more they're responding to behavioral health calls. We've been having a big conversation about fentanyl and what that does to peoples bodies and minds. The reality that both fire and police are sort of the frontlines of that. I think that for me it's important to hear these things too because I think it gives us an important insight on, it's not just their jobs to handle this. This is really a community effort and so we have to understand also what the resources is that they need. I think Project LIGHT has been transformative frankly and I think we have a lot of work to do around opioid crisis and responding to mental crises in that way. I do just want to reiterate my gratitude towards you all and to the police department for the collaborative effort that I think has brought about a lot of important policy changes and I think a lot more to come as well, especially when it relates to this session.

Mayor Enriquez said I would just like to echo what Councilor Graham said. I've seen some of these reports, come this is the fifth one. I see the progress. I see the work in progress going in and the partnership the collaborating looks well, very good. I just want to ask Chief Story or Staff if they wanted to add anything else on this presentation on their perspective on the internal and how it's going?

Chief Jeremy Story said I will give kind of my big picture on OIR, and we have many conversations that we don't always agree on everything, we go back and forth. The way I see it, I've given this metaphor before. When you plant a tree and you're trying to make it stronger you know, you stake it, so the wind doesn't uproot it. But you don't want to push too hard because then the tree would either be uprooted or wouldn't grow. If you stake it so tight that it cannot move it has no pressure, the tree doesn't get strong either. Hopefully that makes sense. What I'm saying is pressure force you, to think about things differently, ultimately it does make you stronger as long as it's with balance. OIR has done that for us, I think if you zoom out for this entire period you'll see a lot of positive change, that resulted because of our relationship with OIR, that might not have happened otherwise. I still am appreciative of this relationship, and I actually enjoy the conversations we have, even when we don't agree.

3.2 FISCAL YEAR 2024-2025 BUDGET REVIEW.

Leeann DeMouche, Finance Director gave an overhead presentation.

Josie Trevino, Interim Finance Deputy Director continued overhead presentation.

Barbara Bencomo, Chief Administrative Officer continued overhead presentation.

Leeann DeMouche continued overhead presentation.

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Councilor Flores said I have a question that goes to the services of the Telshor Fund and the entities that receive the benefit of that fund. I have a constituent who asked me, how was it that the different 501(c)(3)s, the recipients were determined and whether those that do fall under the categories listed, they all go a lot to health and what not. How exactly is it publicized and how often is it publicized and is there a call out to 501(c)(3)s to apply and then how are they selected?

Leeann DeMouche said it's my understanding that she puts out an RFP (Request for Proposal) those proposals come in. I think she has an advisory committee that goes through these proposals and then she takes those funds and then she distributes those funds. She has the \$600,000 and she tries to fill as much of that money as she can.

Councilor Flores asked my question goes to who makes the final determination and how is that reached? You said there is an advisory committee so that advisory committee it's not a directive it's an advise. Who ultimately makes the decision, is it only one person that makes that decision?

Leeann DeMouche said this advisory committee I think advises on what they should, she actually brings to Council a resolution. In that resolution it lists who all the proposals and how much they award so at that time you have the opportunity to say yes or no, even at that time at the resolution.

Councilor Flores said I am aware of that. The designees of the recipients are taken from a pool or anyone who qualifies is given the money or receive fund money. So if there's X amount of dollars and then there's ten applications they're reviewed and once they're reviewed, who determines who is going to receive the money and how are the amounts factored in, all that sort of stuff? It is a mystery to me, and I haven't been able to get a clear answer.

Natalie Green, Housing & Neighborhood Services Revitalization Manager said so there is a health related public services program guide with the application so we will make sure you get a copy of that. It has a step by step process on the allocation methodology. It is a competitive process conducted every other year, so we are in the middle of that process right now. There off the top of my head I want to say was about 15 to 18 applicants. Those applications are reviewed by the Health and Human Services Advisory Committee, and they present to that committee and answer any questions. Then that committee votes and makes a recommendation to Council on who should be funded, and that recommendation meeting is either this week, maybe tomorrow I saw the agenda go out and there is a staff liaison that monitors that committee.

Councilor Flores asked and insofar as the applications by the 501(c)(3) that are applying for those funds who reviews them and who makes the ultimate decision? I know you say we make the ultimate decision, but I know what we get is what has been narrowed down at your level. We don't get the bulk of the applicants, we don't review and weigh which entities will be receiving Telshor Funds.

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Natalie Green said the Health and Human Services Advisory Committee made up of seven members appointed by each Councilor on the dais including the Mayor and so it's your representatives who are appointed to that board that review those applications. They see all the applications and make those recommendations to Council for final adoption.

Councilor Flores said but we the Council never see those applications, we just get the whoever, however. But you make the ultimate decision don't you Miss Green?

Natalie Green said the Health and Human Services makes the recommendations because they review the applications. This year's process I myself have not seen the applications. I have another staff member who supervises that process. I do know it's a similar organizations that have previously applied.

Councilor Flores asked when the decision is made to allocate monies or to fund the certain 501(c)(3) who determines the amount that is distributed to them?

Natalie Green said the Council has an investment strategy that they adopt every two to four years. This Council adopted one I believe about two years ago that setup a budgeted amount of \$600,000 for the next four fiscal years, we are now in year three of that 4 year allocation, so it's set by this body and this body also adopts the allocation process.

Councilor Flores said yes but the allocation process that we get is what has been finalized by you or the advisory committee is that correct?

Natalie Green said there's two, one is the final recommendation of who should be funded every budget year, but the overall program policy determination is also set by this body. This Council adopts an application and policy guide that outlines how the program is to be managed and run.

Councilor Flores asked do we get that now or you say something is coming to us soon so when do we get that?

Natalie Green said I can send you a copy of that resolution that adopted that process.

Councilor Flores asked who makes the ultimate decision to where the funds will be going, that \$600,000 and you have different entities applying?

Natalie Green said you'll make that decision on your May 2nd meeting.

Councilor Flores asked ok, how does your committee reach their recommendations? That is what I'd like to see quite frankly, and the reason is because there are 501(c)(3)s that feel that they have not been justly served. That is my concern and it made me think about the process and not really knowing so what you present to us is basically your decision. We don't get to see the final determinations by the advisory committee and they're only advisory so you would be the person perhaps making the

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decision as to who's going to get the money. Then we get to rubber stamp that and that's pretty much how it's been coming.

Natalie Green said on the competitive years staff has puts out a notice of funding opportunities to the public and it's advertised both on our website and through the newspaper. It's a call for applications and then agencies submit what is called a letter of intent to apply and they submit a competitive application with questions and information that's been adopted by Council. Council set those questions, what's the objective of your program, how much money are you asking for x,y,z. There's some mandatory requirements, such as having a financial audit. Again those are all policy decisions that were set by the committee and Council who adopted the application process, and that process is managed by staff. The agencies go through the submission process, they're reviewed for their audits, their fiscal soundness, their program requirements, that was also adopted by Council and then all of that is given to the committee.

Councilor Flores asked how often does that advisory committee meet?

Natalie Green said they meet about four times per year, that is a pretty regulated process and so they're in the middle of that process right now.

Councilor Flores asked how many 501(c)(3) apply for those funds?

Natalie Green said it can vary from year to year typically for the \$600,000 pot we see about twenty agencies apply and the alternate years is our CDBG public services funding, and we only see about 6-7 that apply for that process because it's a much more rigorous financial commitment to run a Community Development Block Grant.

Councilor Flores asked what determines the allocation of those funds, what factors are used in determining whether that particular 501(C)(3) meets the criteria? What is the criteria?

Natalie Green said there is a weighted scoring system that the committee has as part of the questions, off the top of my head I can't tell you the specifics, but they weight anywhere from five to 20 points in each category. They calculate all of their scores then they meet, and I believe it's this week. They will meet at a public meeting, those scores will be presented to both the non-profits and the members of the public and so you'll see all the scores and you can see the committee talk out their recommendations and they'll vote on a final recommendation to come to Council for adoption.

Councilor McClure said so we're getting disbursements and so is the county and I thought to myself each body will have its own priorities, but is there ever a way we would overlap on projects and kind of have a sense on that? If we do, do we want to re-work the wheel or is there things that both of us can benefit at the same time?

Barbara Bencomo said there are so many potential programs or mechanisms for utilizing these funds, that I could definitely see that there would potentially be a

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category of expenditures that could say that both the City and County would want to undertake but in a coordinated manner whether it's education, prevention, etc. I know that the State has already been very specific on what they are spending their funds on and a lot of it is related to treatment. Again we would just be mindful of not wanting to duplicate some of the uses of the funds, but we would certainly want to leverage it if we think that both entities could benefit from whatever recommended uses the Council brings forward and then the Commission and City Council adopt.

Councilor McClure asked who would be the one kind of coordinating with the County in that scenario?

Barbara Bencomo said right now I am the liaison to the opioid settlement advisory council. We have a staff member who is at the County level funded by Vital Strategies which is our non-profit partner in addressing the harms of opioid use disorder and that person is coordinating for example, all of our council meetings, the documentation, resources required, the NMSU Crimson Research data collection process, etc. We do have some support at the County level for this and it was the County that reached out to us to ask for a joint committee so that we could move forward in a coordinated manner. We're just trying at this point to make sure that we bring forth options for you all that are beneficial for our entire community. I think that once the recommended uses are agreed upon by both governing bodies as I mentioned we need to have an implementation plan so then that could potentially involve other City resources, depending on the use of funds. I'm afraid the answer to your question is it depends at this point what the uses will be, but we're certainly trying to keep all manner of possible uses available to the community and keeping in mind that we want to be as transparent and accountable as possible, that's why I mentioned we will also be regularly reporting this out as part of our transparency efforts on our website.

Councilor Bencomo said I did just want to gently push back on the idea that one staff person decides who the Telshor Fund Grants go to. The committee is our committee, the Health and Human Services Committee currently has a couple of vacancies and it's my understanding that the committee often struggles with quorum issues. I would highly encourage each of you to check in with your person and make sure this is something they're really interested in doing because if there's any concern that maybe one person is making those decisions really it comes down to this committee. If this committee is not engaged then it does leave a lot of that work to a couple of members of the committee. I know that I picked my person very intentionally for this committee and that they're a very engaged member. I would just encourage you all to check in with each of your appointed folks and revisit their interest in being part of that committee and being part of this process. Honestly at one point I think it should have a review it put a lot of burden on non-profits, and we should consider looking at it, but I did want to note that I was not comfortable with some of that conversation. There was but a program on there that I think the very bottom one, the homeless opportunities. I think it's outreach can you talk more about this?

Natalie Green said that is the homeless outreach program, that's our mobile street outreach program. It's two staff members that go out and encounter folks where they're living across the community, make sure that they have things they need, that

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they're accessing services, that they're meeting with housing navigators. Then often times they assist them in gently moving to other areas when they're in places they don't need to be in. They collaborate very intentionally with our Mano Y Mano hotspot truck so that's been a fairly successful program, the street outreach.

Councilor Bencomo said I often use this program, like the other day I called because I saw an elderly woman who looked unhoused and I was very concerned about her safety, so I called them, and they went in and checked on her. I thought that's what it was. I've been saving this article that I found, I swear months ago. I've been saving it on one of my tabs. It's the Center for American Progress had a great article a while ago about community based violence intervention programs. Proven strategies to reduce crime and I would love to see, obviously I would want to bring them into a conversation we can't just tell Community of Hope what to do. I would love to bring them into a conversation about actually expanding this program. I think it does a lot of good work and I think it has potential to do a lot more. I talked to you briefly about what it would look like to do a model like Mano Y Mano where it was an outreach program that was peer to peer for folks who have been there, like there is no better strategy or intervention in violence, addiction, in anything that's proven that peer to peer support is really powerful. If we did sort of a Mano Y Mano model where these weren't just volunteer, peer to peer, they were paid folks who are part of street outreach, who are conducting surveys or conducting one to one with folks. I mean this article, I will send this to Christine so she can send it around to everybody. But community based violence intervention programs work to reduce homicides, shootings, through trusted partnerships with community stakeholders, individuals most affected by this kind of violence. The programs connect individuals most at risk of committing or experiencing violence or crime with community members who have walked a similar path, with whom they trust and respect. There's many kinds of models out there. I would just love to have a conversation about how we could grow this model that is already working and exists. Especially as we talk about Municipal Court and having them do outreach court. What it would look like to have a really vibrant peer to peer violence intervention street model. Obviously there would be a lot of training, a lot of safety issues. I don't know if it will happen by May probably not, but I would like to at least continue this conversation. While you were here I wanted to name that and name that publicly. Thank you for mentioning both cannabis and Telshor, just to clarify I had heard that by the end of fiscal year it might be on cannabis \$2 million is that correct or did I hear wrong?

Josie Trevino said the projected at the end of the fiscal year, this fiscal year June we're projecting about \$1.8, so we're looking at another \$300,000 from here to then.

Councilor Bencomo said that is still a solid great number.

Josie Trevino said we're looking at FY 2024 and 2025 about the same number for the fiscal year.

Councilor Bencomo said I would really like to see a dedicated Work Session for the possible uses, I've been really intrigued by the idea and have talked to folks about utilizing cannabis for the MRA's for jump starting the MRA's so funding wouldn't have

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to stay there permanently because the MRA's will start eventually building their own revenue. I would really love to see a dedicated Work Session for this, and I know in conversations with Chief and the Mayor that the Real Time Crime Center could be an allowable expense out of here. I know that we are about \$500,000 short on that currently, right? My ask is that we have a dedicated Work Session for this. Just given how the Budget Retreat ended with the Parks presentation that I think struck a chord within all of us and as you were reading the Telshor Fund the current by Ordinance mission or definition that I very much feel like supporting Parks through the Telshor fund fits this already on a physical, mental, and social well-being aspect and as I said at the Budget Retreat specifically for who primarily uses our parks and I think that is a lot of our low to moderate income families. I would also really love a dedicated Work Session for that conversation.

Josie Trevino said so the cannabis is unrestricted which means anything is allowable. If you wanted to restrict then you could do that by resolution, and it would get done by Council. The other thing the Telshor Fund this description right here was approved in 2005, so this can always be looked at and be reworded or added if that is what Council would like to do or keep the same. What we do now is it's usually the \$600,000 that Natalie brings in. If we have other uses for it we will bring a resolution so they could allow for other uses for the Telshor Fund. This one is restricted to this, but we can add but those are done by resolution.

Leeann DeMouche said by resolution we're also supposed to bring to Council on an annual basis the report, the financials for Telshor and at that time we always do ask if there is any changes in the definition that you would like to have at that time as well. Also too as far as the cannabis for, that you mentioned you would like to see a separate Work Session. I'm pretty sure that I'm looking at either, Elizabeth and Chris they're planning a Work Session for the MRA in May 13.

Councilor Bencomo asked for the MRA specifically or cannabis?

Leeann DeMouche said strictly for cannabis but that could be one of the possible uses that they may bring up at that time as well.

Councilor Bencomo said I think it would be important to do, this is for Mayor. Some context given that recently Chief Story sent us hotspot maps honestly a lot of those hotspots are in the designated MRA's. I think often they're community members have been coming to us and asking for solutions to safety, often we get really narrow on what those look like. But I do think that the Metropolitan Redevelopment Areas and revitalizing historically blighted neighborhoods is community safety. I think it's actually deeply intersectional and deeply intertwined in the conversation around the Real Time Crime Center and what it could do. I think it would be great to have that conversation together as a community safety or well-being conversation Mayor. The more I think about this the more I think it would be a great and rich discussion. I know Barbara sends us updates on the opioid settlement and I look forward to the potential session in the summertime where they'll be coming to give us recommendations. Actually on this do you think it will be a joint session or do we expect it to be separately?

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Barbara Bencomo said actually we will take direction from which how you would like us to conduct that. Certainly if you think that it would be beneficial to have a joint session with County Commission then certainly the Mayor can make that outreach, we could as well assist with that. Again your decisions will be made for the amount of funds we have, they will be deciding for their own funds. But if we want to ask questions about the needs assessment that was done and about the potential recommendations in one forum we could certainly go in that direction and can facilitate that for you all.

Councilor Bencomo said that could be really interesting given Councilor McClure’s questions as well. I think it’s important that we forge the path forward together and in alignment. I think divvying up the funds will go less far. I think it’s really imperative that we do have a combined strategy. I know it’s happening Barbara but perhaps they would be open to the idea of a joint session.

Mayor Enriquez said I just wanted to add yes I’m open to a joint session. Great question Councilor McClure, if there’s any overlapping we want to make sure to maximize the resources all the funds that we’re receiving until the whole county and city that we’re do our thing and they’re doing theirs and we’re spending the same amount of money and then getting different results. We want to maximize those resources. I was taking notes, so I was calling it kind of a Work Session in the future community livability that it fits one of the themes. We can address the Telshor Fund, and the cannabis, the opioid and look at some of the things that were addressed at the Budget Retreat such as the Parks, the MRA, the Real Time Crime Center and Municipal Court. Also in conjunction that was some of the comments that came during public comments was the request was to have a Work Session on what are the next steps. What is the City going to do and putting the funds to some of the problems that we have in the community and instilling safety but enhancing our community as well. I think this would be a great time to if we could schedule that and open it up so that the public can know that we are listening to their comments and we are addressing it with a Work Session, that ties into the budget and their concerns. I will get with the City Manager on that.

4. ADJOURNMENT

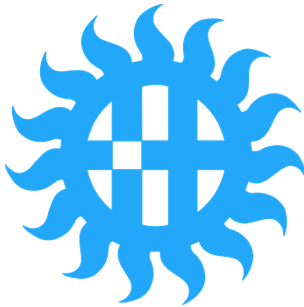
4.1

Councilor Johana Bencomo moved, seconded by Councilor Becky Corran, to Adjourn at 2:56 p.m.

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

Mayor

City Clerk



MINUTES

City Council

Monday, March 18, 2024 @ 1:00 PM

City Council Chambers, City Hall

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

ABSENT: Mayor Eric Enriquez

1. OPENING CEREMONIES

1.1 PLEDGE OF ALLEGIANCE - COUNCILOR FLORES.

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

None.

1.3 JOBS OF THE WEEK.

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

1.4 PETS OF THE WEEK.

Amy Defelix, 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

Russ Smith, Member of the Public gave an overhead presentation regarding shade in the Downtown Plaza. Retractable shade has come of age. The idea of building has been proven the idea of the concept is finding economies, and a limited RFP could be

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drawn together and brought to bear to prove that it is a good idea.

Mayor Pro Tem Bencomo said thank you and I appreciate it. I am going to suggest that you speak to Chris Faivre down there, he is with our Economic Development Department, and we have had this conversation before at other TIDD meetings so maybe he can give you an update.

Craig Gerkson, Member of the Public said I am the President of the Homeowners Association for Del Prado Condominiums. We are located just up above Dona Ana Community College. We are only half a block from Sam Graft Park on Sedona Hills Parkway, and our neighborhood loves that park, and it is well used. You always see kids playing in the playground with their parents who are watching, teenagers playing basketball. It's really in constant use, or at least half of it is. All of those active activities take part on the western half of the park. The eastern half of the park is just grass and it is very nice to walk through and people like me walking my dog, I love to do that, but we do see people who are playing with their dogs not on a leash which could be dangerous because the entire park is surrounded by streets. So, my proposal or ask of the city would be to consider fencing that eastern half of the park where there is already grass, there is sidewalks complete to create an off-leash park for people who would like to bring their dogs there. My neighbor calculated that over 60 dogs regularly use that park as part of their daily exercise and so it would be well used. The park is literally surrounded by over 1,000 homes that are within walking distance of that park. So, my request would be to consider that. Consider creating an off-leash park there by simply fencing the eastern half of that park. Councilor Flores, I believe this is in your district. I would be happy to meet with you there at the park and walk through what my proposal is and besides that I would be happy to answer any questions that any of the council might have.

Donna Stryker, Member of the Public said it is real short and sweet I have been watching the councilor's comments after the meeting. I am not always able to stay because I pick up my grandkids and things like that but after at least a couple of meetings one of the things I took away from the council is that we as citizens and a lot of the people that I am working with in Businesses for a Safer Las Cruces, we need to take some responsibility and do something. This flyer is just a result in one week of what our group was able to come up with. We have been working with Chief Story. He had a great presentation for our group on things that we need to do to support the police and back the blue and so this is going to go out to as many small businesses here in Las Cruces as we can get. We have a wonderful community member, Beth Johnson who has given us these and printed them on her own time and her own money so that we can get it out to businesses so that we can all work together for a better and a safer Las Cruces.

Dr. Kyle Schumacher, Member of the Public said I am managing DVM at Schumacher Veterinary Clinic on Valley Drive. I last spoke to council on February 20th in the immediate aftermath of the murder of LCPD Officer Jonah Hernandez. I am well aware that my views, my politics, and my agenda is not necessarily the same as yours, nor as the same as the folks sitting in the audience next to me but I do feel that as a group we shared many similar and harrowing experiences and expressed our

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overwhelming concern regarding the ongoing problems with homelessness, illegal drugs, crime, and the daily threats to our personal and public safety. I hazard there has not been individuals that come to stand and speak who hasn't had the realization that we, I, could have just as easily suffered that fatal consequence. I also feel that the majority of the business owners who have spoken made sincere efforts to be respectful and work towards constructive solutions. I was unable to stay until the end of that meeting or to attend the next as such listening to the comments afterwards I was shocked to hear how quickly some sought to deflect blame and blithely dismiss our concerns. I am acutely aware that the current situation is not the responsibility of one or all council members and that there are numerous issues which require attention at higher levels and in different branches of government. However, I do maintain that you are responsible for safety and welfare of the people who live and work in your districts. Even if these immediate solutions may be distant or beyond your personal control. I am grateful for the first very few efforts, weeks later to reach out to local citizens and business owners but these have been few and far between. I continue to deal with these issues on a daily basis. My doctors and staff are frightened, my clients are concerned for their safety, citizens and local businesses in our area have been frankly terrorized and have suffered permanent damages as a result. My fears is that I am no longer safe in my place of business, that I am unable to work and to serve the community, these should be your responsibilities. I will go off script and say that I do very much appreciate Councilor Bencomo approached me before the meeting and she has made some offers to come out and meet with me and that is much appreciated. I know that offers have been extended before but I will repeat it here, I would encourage any council member, member of city management or other public official who has an interest in helping us to overcome these challenges to spend some time with myself or any of the other small business owners here. Honestly, I am there after dark there a lot so I will appreciate the company. I do hope you take this personally because I take this personally, we take this personally.

Vic Villalobos, Member of the Public said I think Dr. Schumacher kind of summed it up for everybody. I do want to say that I truly appreciate Councilor Bencomo last week reached out to me and we were able to spend a little over an hour together and I will say to my surprise I think we had more in common then I think we did opposite of each other, and I truly did enjoy my conversation. I do encourage all of the city council, you know we talked about the fact that we are all busy but the fact that she reached out to do that was very appreciative so I would encourage all the councilors to take a few minutes and reach out to those people. I know for me it made a big difference to get a little bit of a different attitude towards what is in front of me, so I do encourage that to everybody. On a completely separate note I do want to say also that I am the head of Mesilla Valley Search and Rescue and I would like to say my thanks to Chief Smith because the Fire Department here has always been very encouraging to us and very supportive in our training efforts and this last weekend we did that again and had a very long and strenuous training with the Fire Department so I want to thank Chief Smith for supporting that when we are always out there.

Beverly Hogan, Member of the Public said I am a resident of Las Cruces. I do want to address and ask you not to move public input to the end of City Council meetings. Mr. Mattiace suggested in my response to my email that I appreciate those of you who responded to my email that possibly the Mayor has something else in mind but it

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might be a different venue, it may not involve councilors which is kind of sad but I just want to know why you decided that?

That after April all citizen input would be at the end of the council meeting. You all are elected to represent us. Freedom of speech is a First Amendment and I really truly value that. I am a retired middle school and social studies teacher. I knowingly accepted that teaching job for decades understanding that I might be exposed to harsh criticism from some parents. Just like all of you I think that when you run for politics, I don't think I would have a thick enough skin to do that. I did have a thick enough skin to be a school teacher and middle school but you have to accept that people may not always be happy with what you are saying but I am pleased to hear that many of you have responded and reached out and did talk to the people who had concerns and that I think is valuable which is again why we need to have something like this. I think that in many respects it might have been a knee jerk reaction to a couple of folks who spoke at that one meeting but honestly, I think 90% of those people were giving constructive criticism and that is how I have always looked at it when parents would suggest something to me it is just constructive criticism. I just don't think that all the citizens of Las Cruces should be punished for the Mayor's attempt to partly suppress our right to free speech knowing that citizens will then have to wait anywhere from two to six hours to speak. Many of them have children or grandchildren or work. Such a rule in effect would remove almost every citizen from ever having the right to exercise their freedom of speech at these meetings. I am asking again to please ensure that public comment remains that the beginning of the city council and have the kind of dialogue that I see here today which I see as very positive.

Stan Engle, Member of the Public said I am here because Mr. Roy Parra died allegedly at the hands of a drunk driver who was speeding last information I saw. I was here maybe like a month, two months ago and my initial moment was that our infrastructure was actively hostile towards life, and I think this proves that. We have designed the city where unless you are traveling in a car and even then, you can still be unsafe because we have infrastructure that encourages our worst impulses. It encourages speeding. We have no enforcement that discourages cell phone usage, distracted driving, and no enforcement that I can see that does anything about speed. I asked you all, challenged you to go out and stand on our roads and our streets and to see how miserable it is to see how fast traffic is. How many people are using their cell phones. How many people are speeding and to see how many people are now driving obscenely large trucks. The trucks have gotten so big I am starting to feel like we are just going to go to tanks. I feel like it has robbed our independence. I have mentioned in the past to city council that I like to take my kid to school on his bike. I want him to be independent in our community and I feel like maybe a lot of people want that too but unless we can do something to limit the amount of vehicular violence, I don't think that will ever happen. We are going to have a society, a community of children in this generation that are going to go from home to car to school, back to car, back to shopping without ever actually exploring their environment because their parents rightly so are too scared that they might get hurt. So here I am challenging you all again to start taking our infrastructure seriously because it does encourage our worst impulses. It is unsafe for our children and for ourselves.

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Rick Reynaud, Member of the Public said I am here today to recommend to not change the public comment order in council meetings unless you move it to the first item and the first reason is that Mayor Pro Tem Bencomo did a great job shepherding the speakers at the last meeting and then this meeting. I think you worked yourself into a job assisting the Mayor. The second reason is that I observed dozens of first timers at public comments for the past two years. You can tell. I was once one also, a first timer. They have brought outlandish stories, filmed encounters, and still things have become progressively worse. Downtown business owners are again using the term fed up about the continuing crime. Even after the local tragedy and now a state police officer. I know of one downtown business owner who has to close shop to run around back here to attend the public comment. I am going a little bit off script here, but I need to let the new councilors know and the Mayor about the Desert Hope Apartments. The housing first model does not work. We have proven that. It has to be intervention first. I have an office near the Desert Hope Apartments. My wife was trapped in my office. It was my wife, a Fentanyl guy and her phone for twenty seconds. Not good for mental health. A direct quote from a resident who wrote a book on his experiences at the Desert Hope Apartments. "This place has become the very pit of hell, full of drugs and drug use, a cesspool of mentally ill persons". Mental illness and drug use are the main causes of a local tragedy and now the Crisis Triage Center is closed. A whole lot of fanfare about a year ago. The city and county could ultimately manage the center and the Desert Hope Apartments through the Mesilla Valley Public Housing Authority. I learned that from an interchange with Becki Graham when I found out who managed the Desert Hope Apartments. Bear responsibility along with every local rep and senator for the tragedy experienced here. Again, back to the first recommendation is keep public comment first.

Juan Garcia, Member of the Public said first of all I would like to recognize Catrina and Grace for a superb job for planning and executing the Neighborhood Leadership Academy. All citizens should participate and learn of the different functions of the city government. Now let's take a trip down memory lane to the 3 April 2023, when this chambers were packed, standing room only with the additional police presence and the who is who of progressive politics. Senators, Commissioners, and even the County Clerk were here to "pay homage and shower the women of the council with adulation and praise". Senator Hamblen insulted men with her comment which referred to men as "petite Richards". No issue, she attempted to link the woman of the council with Rosa Parks and other female luminaries. While good, what prompted this massive turn out? About 1 April, one of our councilors who frequently speaks of misinformation, practiced the same on public media to incite a progressive massive reaction in this chamber. The coalition was going to force the council to resign. Public comment lasted about three hours and fifteen minutes in total session of about four hours and twenty-nine minutes. Was anyone insulted? No. Did our progressive friends have a right to honor the woman of the council? Absolutely. Did the council feel that they were being bashed, no. Did the Mayor attempt to suppress public comment, no. Fast forward to 20 February, about fifteen businesses and victims of Las Cruces criminal element petitioned a councilor for help and response by the council was to circle their wagons and express how there was a bashing and that they are being picked on and the Mayor who in my opinion presented his proposed change of public input in order to suppress or reduce public input that was not "friendly to the council". It is not a secret that council doesn't like criticism. This in my opinion is retaliation, yes

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retaliation. Citizens honor the council. Citizens petition their leaders to address crime and that is immediate retaliation. I am going to punish you. We are going to try to suppress. Both groups of citizens have the right to speak to their public officials. Is there a bit of hypocrisy here? Of course there is. The optics are horrible, but your message is very clear.

Eddie Thomas, Member of the Public said this move to move the public input to the back of the city council agenda will give the appearance of evasion. It is not a good look. It will produce the opposite of what you so desperately need right now, transparency. It will look like you are trying to shield the city council from the big bad constituency, the very people they need to hear from. I am sorry if it is not always nice and sweet, but it is the job that you signed up for. So, I would tell Mayor Enriquez to resist his first impulse as fireman and protect you all from the heat. You need to hear from the people that you represent. These people are scared and angry and they have a right to be. Despite what the general crime statistics show we still feel it when crime makes us the victim and you all would say that it would hurt you as well if you were the victim. It hurts when you have to shut your business down or when a loved one becomes a victim of a mugging or some other carjacking incident or some kind of violence. You all need to do something about that. I would suggest that you take Chief Story's recommendations on what to do to steer the city back to a safe condition. I would heartily ask you all to consider that so that something positive can be done in the city to make us feel safe.

Jorge Aguirre, Member of the Public said I am a Las Cruces resident, small business owner, and employer. I am here because a man on a bicycle was killed by a driver last week. This driver did not kill a person out of spite or because they were evil, or they were doing what their infrastructure naturally incentivizes drivers to do which is to go as fast as possible to their destination. That is how most people drive and that accident could have happened to any of us because the problem is car centric infrastructure. Our city has been built for decades for cars but not for citizens. Our roads are wide, they even have a shoulder, but they make drivers feel comfortable, even safe when speeding. The lengthy sidewalks built adjacent to the road make it dangerous to exist outside of a car in our city. Most citizens are coerced into sacrificing a large portion of their income to purchase a car. Cars cost a fortune. I think they exceeded \$12,000 to own a new car last year and they come with additional cost like insurance and financing, and maintenance, and other hidden costs like tolls, and speeding tickets, and parking permits that consume a significant portion of most people's income some people even get enormous tires. Similarly, most cities also spend a large portion of their budget just in maintaining their existing asphalt and it is never enough, just ask anyone. Nobody likes their pavement in front of their house. Cities spend a lot of money to build, expand, and maintain free roads and the citizens have to spend a lot of money to use those free roads. Everybody loses but it is all about money. Car centered infrastructure is a failed strategy because it produces high infrastructure maintenance cost combined with lower tax revenue for the city. Lastly in the last session there were debates over zoning changes in the Mesquite neighborhood. Residents opposed the zoning change and the reasons they listed got my attention. They didn't want increased auto traffic or changes in the traffic pattern or car noise or traffic noises. They said they were opposed to the zoning change but really, they were opposed to cars. They didn't want to be honked at or rushed in their

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own neighborhood and to have to dodge speeding drivers. Many were unnecessarily opposed to business but to increased noise and nuisance of car traffic. Pedestrian traffic often increases retail sales because people have a chance to see things that they wouldn't have seen if they zoomed by in a car.

William Gilman, Member of the Public said I am here to talk about, obviously there are a lot of challenges facing our city which always seems to be the case and in addition to very legitimate safety concerns about homelessness, and mental health issues, and drug abuse. As my colleague pointed out a person was hit and killed just while in a crosswalk on the sidewalk. They were also on a bike and that is what I want to talk about. The development plan for Las Cruces says it wants to prioritize vibrant neighborhoods, but we can't really have vibrant neighborhoods if people can't walk down the sidewalk safely. I live up by Roadrunner and that road at least once a week you hear drag racing and it is just really really easy to go fast. For a person with a hammer everything looks like a nail. When you build something that looks like a highway through a residential neighborhood people innocuously treat it that way. Even myself, going 40 miles an hour there when the speed limit is 35 allegedly feels like you are just creeping along and so that is a huge part of the problem and the sidewalks are so narrow and right next to the road. There was a walking field trip that one of the schools took and they had to have two police car just slowly cruising along by them because we don't trust drivers to drive safely. Not because our drivers are terrible people but that is just how we built this system is that it makes it so easy, so I think we need to address that, right? People lament about how kids spend all their time on their phone and all the time on the internet, but parents don't actually let them go outside because we don't trust them to cross the street. Not because the kids aren't capable or responsible but because we just don't trust the drivers. We need to do something about that. There is a proposal to expand the sidewalk on the corridor between Solano and Main, on Lohman and Amador, I think the city needs to move on that. We need to make this city more walkable, more bikeable because that is good for business. Those restaurants are going to get a lot more business with the foot traffic. The neighborhoods are actually going to be vibrant if people can walk to services nearby and as my colleague said you have to fork over a bunch of money to get a car. I was just run off the road on the interstate. My car was totaled. I had to buy a new one. I had to spend twenty-seven and half thousand dollars to get a new car. That could have easily been a down payment on a house but instead that is going to have to wait because we prioritize cars over our citizens.

Lisa Parrot, Member of the Public said I am a resident of District 6. I wish to address public input and if I have time, I might address the vehicular situation. It deeply saddens me that two letters to the in this week's Bulletin portrays citizens exercising their constitutional rights of redress as a jovial and consequential and laughable matter. Do you require the Constitution of the State of New Mexico to force you to allow us to have public input or do you want to do it because it is the right thing to do? Is moving public input to the end of your meetings only the first step of eliminating it totally? Please keep it at the beginning of your meetings. Regarding the vehicle situation. It is very much the people driving the vehicles who are responsible for their actions the same way it is for the people who carry firearms to be responsible for their actions. It is not the gun, it is not the car.

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John Castillo-Guerra, Member of the Public said I am a new resident of Las Cruces, and I came here for the nice weather and the nice sized town and being proximal the Chihuahuan Desert. It's a beautiful place and I like the people. I get generally a good feel here. I have certainly witnessed unsettling scenes around Las Cruces as I have moved about. Especially up and down Valley and Main and other parts of the city. This tragic incident that resulted in the death of Officer Hernandez as well as his assailant is a very sad situation that I really can't stop thinking about and as I read about the incident I learned that the assailant, Mr. Silva appeared to be setting up camp for the night and he was seen on surveillance video by someone in an office somewhere and a decision was made that he needed to move and so an officer was dispatched to his location to carry out that task and it obviously did not go the way the officer intended. It probably did not go the way Mr. Silva intended. It was a tragic situation that we cannot help but reflect on and when we reflect on this situation, we see this enormous disparity of wealth within the city. Again, an unsettling scene to see as you drive around Las Cruces and you go up into these ritzy subdivisions with big houses on sprawling lots with perfectly manicured landscapes of native plants, xeriscaped beautifully. Really attractive places and then you just go a few miles down hill and you see people without housing, without food, without clean clothes, and you have to wonder how did we get to this point. This disparity in wealth, this inequality in Las Cruces is not unique to Las Cruces. I will conclude by saying that is the core of the issue and we cannot police our way out of this problem of inequality.

Karen Landino, Member of the Public said I am really not prepared to say anything but after listening to comments I am disappointed that the Mayor is not here because I would like to ask him to not move the public input to the end of the meetings. The supreme court is listening to arguments today about censorship from big tech and I believe that when you move the comment, public comments to the end of the meetings that is basically what you are trying to do is censor us because a lot of us don't have time to come and wait that long. A lot of us have to work. I have to work. I come here on my lunch hour, and I feel like it is censorship and I really wish you would rethink that and as to some of the comments about being afraid to walk down the street. I can't walk down the street in my neighborhood because there are people on Fentanyl or drugs or whatever and they are screaming. I hear them Sunday mornings at 7 a.m. I am afraid to go out and walk in my neighborhood you know and it's not because of the cars, it's because of the drug problem and it is not because of homeless people. Well part of it is but when you talk about the homeless people a lot of it is because of a lack of personal responsibility. They don't want to follow the rules, they don't want to work because we are going to give them a basic guaranteed income. Who wants to go to work when you can sit at home and smoke pot and do whatever. It's silly to me.

Yoli Diaz, Member of the Public said I urge you to investigate Memorial Medical Center, MMC abdication of its legal responsibility to approve access even to indigents to professional hospital care. MMC leases the hospital from Dona Ana County and City of Las Cruces. It is a New Mexico Safety Net Care Pool Hospital operated by Life Point Health which is owned by private equity firm Apollo Global Management. This lease contains requirements regarding mental health care and provision of care to indigents which MMC has too often ignored. As both public entities and landlords the city and county have a duty too oversee MMC and hold it to the condition stated in the

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lease. The public interest demands a thorough investigation of the lease between Dona Ana County, City of Las Cruces, and Memorial Medical Center and compliance with NMSA 1978, Chapter 27, Article V. As you know I have been advocating for access to needed health care especially cancer treatment of chemotherapy and radiation at Memorial Medical Center since my first official meeting in October 2021 with County Manager Macias, that included then Mayor Ken Miyagishima and Dona Ana County Health and Human Services, Director Jamie Michael. I followed up with email communication and a request for calls to action, solutions, and more. I have done research and requested IPRA's record request. I am concerned and dissatisfied with County Manager's and City Manager's inaction, their duty to take action, the communication and findings, therefore as there has been no action provided to me to resolve access to needed health care or a direct written navigation for all Dona Ana County residents to access needed health care at Memorial Medical Center I am providing you the courtesy to know that I am distributing a letter urging to investigate including submission to federal entities and US Senators investigating Apollo Global Management. My concerns are described. It includes that in our disenfranchised area, high poverty area with only three for profit hospitals, of these three to our major US health systems that these same three, two to who are owned by private equity firms and of these same three two are rated the top fifth in highest charge to cost ratio hospitals in New Mexico in a national report. Memorial and Mountain View have high charge costs ratios in that report, Three Crosses wasn't in the report. Memorial and Three Crosses are owned by private equity firms. These hospitals of New Mexico have the highest proportion of private equity owned hospitals in the nation, 38%. Their focus is maximizing profits and minimizing patient care. The only real action I know is that my advocacy in Albuquerque Journal article reached the Senior Financial Investigative Reporter for NBC, Universal from New York City Gretchen Morgenson, who is a prize winning journalist. I look forward to her media regarding Memorial Medical Center because I know she will bring forward more issues than what I advocate for.

Sidney Webb, Member of the Public said I am a long term Las Cruces resident for many years here and now I am retired, and a member of the Audubon Society and I want to bring up the topic of Veteran's Park and construction that is ongoing at this time and I want to say that it looks like a great project but as they got started it decimated a lot of environments used by the birds. It is very hard in the spring, the migrating situation on the roadrunners and the quail and it is an ongoing project and I am here with Dolores, and a lot of them might come up in a speakers forum but we would like the city to think about this issue and be sure that in the future they do everything they can to save the birds. What I would have to say is on the one hand I think we could have done it better this time around and saving the birds is very important, not just to Audubon Society but to the world in general. On the other hand I think the project of the Veteran's Park is a great project. It has been under review for almost five years now and it's going to add a pond and it's going to have more space for the park and I think it is a great project and I don't want you to stop it and maybe what we can learn from this in the future is that when there is similar project being considered that we use the same intervention as in federal projects and have a review before it begins so that we can mitigate any property destruction and this is something the next speaker may speak about. Don't forget the birds.

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Dolores Bernal, Member of the Public said I am a resident of Las Cruces, District 3. I am a cyber security professional. I work for a company based out of DC, but I was a former journalist. I used to work for the Sun News. I used to cover NMSU back in the early 2000's. So, birds are singing in back yards and front yards of people's homes in Las Cruces. Spring is here and from mid-March to late May these birds including roadrunners reproduce by laying eggs just beneath desert shrubs that are all around us. Unfortunately, not a lot of people know when roadrunner breeding season is and it shows. The expansion of Veteran's Park is taking place right now at the height of mating season for roadrunners and quail. In over 2 acres of their habitat has been bulldozed, destroying countless nests and eggs. To prevent such a lapse in judgement on the part of officials who approve these projects I and others, including Sid are asking you today members of the city council to seriously begin requiring environmental impact studies or assessments before approving public and private construction projects. Before green lighting construction you should be more informed. An environmental impact study will provide you with crucial information to lessen the impact on our native species including the roadrunner. This is not about stopping construction. This is about lessening the impact on our wildlife. You can learn more about the benefits of these types of studies on our website savetheroadrunner.org. You can't continue to blindly approve projects without taking into consideration the wildlife that makes Las Cruces unique. Why should we wait until species are endangered? Why should we wait until we hear from experts that we only have 100 roadrunners left, that we need to preserve them. We shouldn't wait. We should act now. I invite you to be a proactive government. A proactive government that thinks ahead. A proactive government that other cities, counties and states can follow as an example for good stewardship of the earth.

Fred Huff, Member of the Public said I want to talk about moving the public input to the end of the meeting. I kind of get it. We are talking at you and then at the end of the meeting you are talking at an empty chamber. I did listen to the council's comment on the last March 4th public meeting. I was very impressed with Councilor McClure's suggestions for a legislative team because in my opinion we probably have one of the greatest police chiefs that Las Cruces has ever had sitting here on the dais today and he has made some really good suggestions to help get the city back on track and on that March 4th comments council said most of those suggestions are out of your control. I accept that. I buy that, it's at the state level but you all have the biggest voice of anybody in this room. Councilor McClure suggested a legislative team. Councilor Flores kind of backed that up. I think that is a great idea, Councilor Flores had mentioned the disappointment over SB16 dealing with the competency issue that failed. Maybe a little bit of preplanning on your part and using your voice to talk to our local state representatives because you can talk to them anytime. Talk to them and also have a plan during session where you go up there. I remember one of you mentioned it was quite chaotic and maybe for confusing especially. I love Councilor McClure's comment, this is her first rodeo. Go in with a plan. Go in with some action. You all have some great ideas, let's live up to it and step forward with them. Chief Story has some great ideas, let's do something there. Councilor Bencomo mentioned a panhandling ordinance, let's get one in works. One that meets constitutional luster and go from there. While they are doing that lets address the abandoned grocery cart issue. Get all that litter off of our street. We don't have to reinvent the wheel. Plenty of other cities have done plenty of other stuff. Let's borrow their ordinances and go down

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the road.

Peter Goodman, Member of the Public said listening to Mr. Huff, one of the things that I thought despite all the heat and acrimony I think some light is being shed by both sides, or all sides, however you want to put it and people are beginning to recognize that you folks want to do the best for the city, that many of these things are not within your power, many of the things that Chief Story has quite sensibly recommended are either in progress or beyond the state level. So, I think that is progress of a sort. I want to disagree with the Mayor, without speculating on his motives. I think it is unwise to move public comment later on. I can understand some motives, including the fact that we are an hour into this meeting, and no one is doing agenda business yet. If I were here on some agenda item, I would probably be impatient, but I think this current situation is the best mix between getting your business done and hearing from the public. I want to welcome John and his mention of inequality of any base cause of homelessness. It is in my view the current abuse of our capitalist system and I think it gives a lot of us a basic sympathy with the homeless. I disagree with Carolyn and think the bulk of them are people who either are not called competent to run and keep a household or have one paycheck that put them homeless. On the other hand, I think, I'm progressive like many of the councilors we are beginning to see that this is a red alert. What people are suffering obviously the situation with Jonah Hernandez, and I think you folks are beginning to do the right things about that and I hope that the public is beginning to see that and maybe try to limit some of their comments to good ideas as opposed to, well you are a progressive, so I don't like you.

Lina Smith, Member of the Public said my little brother and I attend class at the downtown mall, and we frequently ride the city bus to get there. I come before you today with a list of things my brother and I have seen and experienced both on the bus and in the downtown area. On the bus there have been several people that were acting like they were on drugs. There was a drunk person at a bus stop that tried to prevent the bus from leaving and there was a man on the bus that was yelling at the other passengers. In the downtown area we have seen graffiti, refuse, broken windows, a man with a sign that said need weed, people illegally smoking cannabis in public in the plaza, and a man screaming while kicking and whacking a wall. Our class in the downtown is a mixed ages class with children as young as nine. Numerous times out the window during our class we have seen two men giving each other pills, drinking hard alcohol shots, smoking cannabis, and trying to smoke what was probably crack or meth. The smell of cannabis has entered the classroom. One day when we were going to our class there was a man standing on our doorstep of the building in which our class is situated. He was smoking cannabis, yelling and gesticulating. My little brother and I quickly back tracked hoping he had not seen us. We walked around the block and entered the building through the back door. There was a young employee inside with a broomstick to defend himself if necessary. Another day there was an attempted theft in the other building while we were having class. On another occasion the mother of one of the children in our class was accosted by a vagrant while she was trying to leave. These instances are becoming more frequent over time. I am calling on all of you to please make dealing with crime a top priority. Our community is counting on you to make Las Cruces a safe place for kids.

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Sarah Smith, Member of the Public said when my daughter told me she wanted to speak to you today I thought you might want to hear her perspective and she did right that comment, go home schooling. As you can imagine from her comments I am very concerned about the safety of my children as well as other families in the downtown mall. You have open usage of illegal drugs as well as vagrants accosting and harassing people. Business owners from this area have also come before you to ask for help including Patricia from the Little Shop on Main who has suffered repeated vandalism, trespassing, stalking, harassment, all of these at her store by vagrants. You may also recall the owner of Dwell Yoga Studio whose employee was attacked with rocks thrown at her car and threatened with being raped and killed. I know that you are paying for security for this area, but this is clearly not enough. I know that there are issues with laws at the state level and I know you don't want to incarcerate our way out of this situation. However, are you able to potentially rework some of our local city ordinances to require mental health or drug treatment as an option in lieu of jail time. Will you please tell us what steps you are taking to make substance abuse and mental health treatment more available right here in Las Cruces? We also need to learn from the mistakes of the Desert Hope Affordable Homeless Housing Project and not repeat them. Will you please make sure the upcoming Amador Crossing Homeless Housing Project is aimed at rehabilitating people's lives instead of enabling them to continue down the path of self-destruction and drug addiction? My other concern today is related to the Mayor's plan to move public input during your meetings. I agree with the previous commentor that Mayor Pro Tem Bencomo has shown that this method works really well and can be managed very well, and I appreciate your cordiality in doing so. Whether it is intended to or not if the Mayor moves public comments to the end of your meetings this will suppress the public's ability to give input. The length of your meetings is unpredictable. You are all being paid to be here for this meeting, but we are all having to miss work and family duties to be here and we cannot afford to sit here for many hours in order to speak. The previous Mayor allowed anyone to speak during the public input period and that made it so that people who wanted to speak about agenda items but could not stay long also had an opportunity to speak at the beginning of the meetings. That method worked very well in supporting the public in being able to speak. I wish Mayor Enriquez was here today, but I will ask him virtually. Mayor Enriquez if you want to make sure the public has a chance to hear the council comments in person will you please move the council comments to the beginning of the meeting right after public input? This would be a reasonable compromise that would allow the public to continue to bring our concerns to you as the leaders elected to represent us.

4. READ CLOSED MEETING STATEMENT

4.1 READ MARCH 11, 2024 CLOSED MEETING STATEMENT INTO THE RECORD.

The Las Cruces City Council met in Closed Session and only discussed those limited items as stated in the posted notice to discuss pending litigation regarding:

1. To discuss pending litigation regarding Francisco Estrada v. City of Las Cruces, et al., D-307-CV-2021-01309, which is closed pursuant to NMSA 1978, Section 10-15-1H(7).

- 2. To discuss pending litigation regarding the Estate of Teresa Gomez, et al. v. City of Las Cruces, et al., 23-CV-952, which is closed pursuant to NMSA 1978, Section 10-15-1H(7).

5. ACCEPTANCE OF AGENDA

Councilor Yvonne Flores moved, seconded by Councilor Becki Graham, to accept the agenda as presented.

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

6. CITY COUNCIL MINUTES

- 6.1 WORK SESSION OF FEBRUARY 12, 2024.
- 6.2 SPECIAL WORK SESSION OF FEBRUARY 16, 2024.
- 6.3 REGULAR CITY COUNCIL MEETING OF FEBRUARY 20, 2024.
- 6.4 WORK SESSION OF FEBRUARY 26, 2024.

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

- 7.1 RESOLUTION NO. 24-091: A RESOLUTION APPROVING THE PURCHASE OF 927.47 SQUARE FEET PORTION OF LAND OWNED BY BLARNEY, LLC, A NEW MEXICO LIMITED LIABILITY COMPANY AT 2135 MARTHA DRIVE IN THE AMOUNT OF SIX THOUSAND TWO HUNDRED SIXTY DOLLARS (\$6,260.00) AS PART OF MADRID AVENUE EXTENSION.
- 7.2 RESOLUTION NO. 24-092: A RESOLUTION AUTHORIZING AN ANNUAL NOT-TO-EXCEED AMOUNT OF \$850,000.00 FOR COMPUTER EQUIPMENT AND PERIPHERAL PURCHASES WITH DELL MARKETING LP OF DALLAS, TEXAS, SUBJECT TO APPROVED BUDGET APPROPRIATIONS. (PROCUREMENT 23-24-077)
- 7.3 RESOLUTION NO. 24-093: A RESOLUTION AUTHORIZING AN ANNUAL NOT-TO-EXCEED AMOUNT OF \$250,000.00 FOR COMMUNICATIONS, RADIO EQUIPMENT, PARTS, ACCESSORIES AND RELATED SERVICES WITH ENCHANTED TECHNOLOGY SOLUTIONS, LLC OF ALBUQUERQUE, NEW MEXICO, SUBJECT TO APPROVED BUDGET APPROPRIATIONS (PROCUREMENT 23-24-078).
- 7.4 RESOLUTION NO. 24-094: A RESOLUTION TO AWARD A CONTRACT FOR VECTOR AND PEST CONTROL SERVICES TO ENTOMOLOGY CONSULTANTS, INC. OF EL PASO, TEXAS, FOR A TERM OF FOUR YEARS, IN AN AMOUNT NOT TO EXCEED \$150,000.00 ANNUALLY PLUS NM GROSS RECEIPTS TAX, SUBJECT TO APPROVED BUDGET

APPROPRIATIONS (PROCUREMENT NO. 23-24-013).

7.5 RESOLUTION NO. 24-095: A RESOLUTION TO AWARD A CONTRACT FOR REPLACEMENT OF SEVEN (7) LIGHT POLES LOCATED AT MAAG FIELD, IN AN AMOUNT NOT TO EXCEED \$163,354.35 PLUS NM GROSS RECEIPTS TAX, TO LYNCO ELECTRIC CO. INC. OF LAS CRUCES, NEW MEXICO, VIA COOPERATIVE EDUCATIONAL SERVICES (CES) CONTRACT NO. 2023-04-R2211-678, AMEND THE FY2024 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR \$177,000.

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

8.1 RESOLUTION NO. 24-096: 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 FY2024 BUDGET.

Joe Padilla, Budget Analyst gave the overhead presentation.

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Approve Resolution No. 24-096.

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

8.2 RESOLUTION NO. 24-097: A RESOLUTION APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND LUTHERAN CHURCH EXTENSION FUND-MISSOURI SYNOD FOR THE PURCHASE OF TWO PARCELS OF LAND TOTALING 21.15 ACRES LOCATED AT THE SOUTHEAST CORNER OF MOTEL BOULEVARD AND BRUINS LANE FOR THE PURCHASE PRICE OF ONE MILLION AND EIGHT HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,815,000) AND CLOSING COSTS OF FOUR THOUSAND (\$4,000) TOTALING ONE MILLION AND EIGHT HUNDRED NINETEEN THOUSAND DOLLARS (\$1,819,000) IN ACCORDANCE WITH PROVISIONS OF LCMC 1997, SECTION 2-1312 AND AMEND THE CITY’S ADOPTED FY2024 BUDGET.

Sara Gonzales, Real Estate Specialist gave the overhead presentation.

Councilor McClure asked I know that there has been a huge demand for soccer fields might that be something that is incorporated in this land especially with all the soccer that is going around there?

Steven Bingham, Park & Recreation Director said yes, that is one of the items that we are looking at and pursuing the possibility of. This piece of property provides us multiple opportunities to consider and could meet a broad range of needs and it was important for us to take this piece of property off the market at this point because there is limited land over in that area.

Mayor Pro Tem Bencomo said I just want to say how excited I am for the potential that this land has for our parks facilities, and I can't wait to get started on that process for what this might look like.

Councilor Corran said I just think for the folks who remain just as a side note I want to give some context just for the idea of Park Impact Fees, that is on all new development. When a home is built in case you don't know those folks pay into a Park Impact Fee. That fund then can only be used for certain type land acquisitions for parks and so I say this as the place where I know that development happens in my district and folks sort of whingeat us but this is part of the collective sort of goal of thinking about parks across the city so just in case you are wondering where this money comes from it comes from every home that is built pays into the Park Impact Fee fund and that is how we sort of do that for the publics information in case that isn't clear.

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Approve Resolution No. 24-097.

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

8.3 RESOLUTION NO. 24-098: A RESOLUTION APPROVING THE REQUEST FOR A VARIANCE TO CHAPTER 26 OF THE LAS CRUCES MUNICIPAL CODE TO ALLOW LOVE'S TRAVEL STOP NOT TO BE REQUIRED TO BUILD SIDEWALKS ALONG TWO ROADWAYS IN THE LAS CRUCES INNOVATION AND INDUSTRIAL PARK.

Tim Pitts, Deputy Director Building Development gave the overhead presentation.

Councilor Graham said so understanding the importance of encouraging walking infrastructure but also asking when and where it makes sense, so I am kind of looking at sidewalks to nowhere. How many employees, business owners in the Innovation and Industrial Park almost kind walk over here?

Tim Pitts said I wouldn't know how many walk. Of course, if there is no sidewalk that might impact whether they would walk or not. I am willing to guess, very few and just as a general rule I know in my days when I use to work in development our rule of thumb was 600 feet was the longest, we would expect an average person to walk. That you would voluntarily go 600 feet. If it was more than that you just wouldn't. One other thing I will mention Loves is proposing to have a dog park. So, if you're coming there will be things within the site to walk to. You don't necessarily have to be walking on the freeway to walk your dog to do its business, you will have a place to do that.

Councilor Graham asked when you walk around a facility like this, and I often travel with dogs and yes dogs are there for a bathroom break and I love the idea that there is going to be a dedicated area for that as opposed to wandering out into the desert.

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Final question, I am intrigued, 60-day sidewalks can be ordered but I am curious can one build a sidewalk in 60 days?

Tim Pitts said you are absolutely right. There is no way that someone could realistically get a contract.

Councilor Graham asked so that 60 days would be in terms of getting things going?

Tim Pitts said yes.

Councilor Graham said that is an intriguing portion of our odd and very arcane authority that I would love to hear more about in the future if that is something you could provide information maybe to send to Christine to distribute to all of us.

Councilor Flores asked why do you come to us for this question when the code already says that there should be sidewalks and the reason I am asking, it's almost rhetorical. Are you familiar with the innovation, the Industrial and Innovation Park plans?

Tim Pitts said I am aware. If you would like for me to answer your first question. Because they have due process to ask for relief from any section of code.

Councilor Flores asked even though you have a code that says you can't say no, that is what the code says? Somehow, we are put into the position of arbitrating that, yes?

Tim Pitts said yes.

Councilor Flores said first of all I think we should adhere to the code and the reason is because the Industrial and Innovation Park has a plan and if you recall it will go down, I don't know if it will go down to Crawford, but it will definitely, Crawford runs perpendicular between the airport and Interstate 10. Then that other road, the frontage road and I believe the long-term plan because I don't believe I am going to see it in my lifetime but the long-term plan is for that industrial park, Innovative Park is to enhance the airline travel. The plan for that area is absolutely beautiful and so I think that having sidewalks and having businesses that adhere to the code make a lot of sense and the part that you said about Crawford and somehow if you have a sidewalk there it will flood or whatever, it seems to me that is an engineering issue but I think it makes sense to apply the code, go by the code, and I think that whole area will be a lot more attractive and walkable and we are encouraging walking. For people who are traveling it might be a way or it's a connection if they are waiting for another flight, they can walk that area because my understanding is that our airport one day will definitely be at least intrastate and get more traffic. So, I am definitely against going against the code.

Councilor McClure said I would be more interested in amending. I don't see a lot of utility for having it on the frontage road, but I do see it as a way to make that area say what we value and if we do value streets with sidewalks that would be great but that said if we are going to be rebuilding it, what is kind of the timeline on that? I wouldn't

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want to throw taxpayer money into curbs and gutter if this is something that is in the near future so if you can give me a sense of that because I would say that the Crawford if Allsup's is going to be doing that they can do that as well and that will all enhance a little bit of what that looks like for those coming to invest in our city.

Tim Pitts said I do not believe this is on the radar in your Capital Improvement Program. I think we would be way out in terms of the city building anything out here. The roads are in quite good condition.

Councilor McClure said just to add a little bit to Councilor Graham's question. I did a series of stories out there and a lot of people actually do walk to Subway, and they were actually kind of sad that there was not more options than Subway. So, I do think that there is especially with the cheese factory that there is, that there are people that would be walking if they had sidewalks. Personally, I would say just an amendment just for Crawford and then considering curb and gutter to protect people would be something we should be doing.

Mayor Pro Tem Bencomo said honestly, I was thinking the exact same thing regarding the frontage road potentially not needing a sidewalk. What gives me pause on Crawford is that Allsup's is saying yea, we will do that. What also gives me pause is that we just redid this whole master plan for the Industrial and Innovation Park, right? What I keep hearing from staff and from MVEDA is that sometimes people are walking away because there is lack of infrastructure. My whole thing this whole time is why doesn't the developer create the infrastructure and so I understand that some of that is on us and some of that should be our responsibility. However, if we are trying to make this industrial park something that is thriving and exciting and sure not a lot of people will walk to work there because it is kind of far and uphill. Maybe we will have public transit that goes out there and people will be able to walk on their lunch time or whatever. I am curious though if the master plan talks about complete streets? Not just our complete streets ordinance but does the master plan for the Innovation Park talk about this kind of infrastructure?

Elizabeth Teeters, Director Economic Development said the Innovation and Industrial Park master plan, it just refers back to the code. However, there is a recommendation in it that states that consideration should be made to put it into the capital improvement to do sidewalks and work like this.

Mayor Pro Tem Bencomo asked on curb and gutter are any other developers responsible for curb and gutter?

Tim Pitts said if they were building the road they would be required to but the sidewalk chapter is kind of the standalone thing that it just talks about sidewalks. Since they are not subdividing or building roads, they are not required to do it, it is usually a subdivision process that that takes place, but the city went through and subdivided all this land out here and then we built the roads back in the 90's.

Mayor Pro Tem Bencomo said so if the responsibility is now on the city to build curb and gutter and maybe in the future, ten years, I don't know how many years that

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would be, if these developers then build a sidewalk will that sidewalk be damaged?

Tim Pitts said along Crawford I don't believe there is any danger of the sidewalk itself being damaged by, there is already concrete there. We have sidewalks like that in other neighborhoods in the city where the sidewalk is just flush with the curb, and it is flushed straight out so it is just a flat area. They would just put down the sidewalk. Along Robert Larson it would be a little harder and I don't know if Mike has any ideas of how we would do it.

Mayor Pro Tem Bencomo said that's okay, I am not totally sold that there needs to be a sidewalk on that frontage road, but Tony Trevino with Public Works wants to come up to the mic.

Tony Trevino, Assistant Director Public Works said the way that the Industrial and Innovation Park was designed initially was with no curb and gutter. There is no on site drainage systems to convey this water anywhere else. So again, if you are going to be putting curb and gutter along Loves and other side, we will have to have a place to divert that water down stream which we don't have right now. This road was designed to do side ponding which I mentioned before is a rural roadway for ponding on the side of the road.

Mayor Pro Tem Bencomo asked would there be any unintended consequences that you foresee if we say yea, let's move forward with sidewalks along Crawford regarding drainage issues?

Tony Trevino said as long as the impervious areas increased. Impervious area is calculated into the ponding area, no.

Mayor Pro Tem Bencomo said I don't really know what that means.

Tony Trevino said the amount of concrete. So, it is going to take away from the calculation of the runoff through rain with the added concrete so as long as the ponding on the sides of the roadways and the property are adjusted and revised to accommodate that additional water then there will be no consequences from that additional runoff.

Mayor Pro Tem Bencomo said so if we are talking about this internal road for the internal part of the park you know I do feel if we start saying no to one we are going to have to, we set then a precedence for then the remaining lots where people will come in and want to do development and if we said no to one then why wouldn't we say no to another and I don't want to see that. We are already experiencing so much of that on the East Mesa where we are correcting the wrongs of people in our past, so I think we have a chance to do something different. I am in favor of an amendment, Councilor McClure, I will allow you to make that after comment. By code are we able to make this kind of amendment?

Tim Pitts said yes.

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Councilor Flores said my comment on this is that when you go into an area that doesn't have sidewalks whether it is the industrial park, whether it is a frontage road and since that area is, there is a plan for it, there is a plan for growth in that area. We already have the aerial shows and all of that once or twice a year. I think that when you don't have sidewalks in an area it is like not having roads. It really diminishes the look, the value, just the spirit of the place.

Tim Pitts said if I may just comment on the issue about the airport side. Economic Development is planning on bringing back the Las Cruces Innovation and Industrial Park Code. After we have worked with it for a couple of years we find some things to be difficult to accomplish and so we are probably going to bring that back to modify it anyway and so what I think we are going to be recommending is that definitely on the northern side, the side next to the airport so where Crawford and all those trees are on Crawford and you are going north that that area be developed fully. If anybody develops sidewalks, curbs and gutter we will do the whole thing but to the south side down here we are not as sure as to what city council wants so whether we are going to do it all the same down here we can do that too. That is really what we are asking for direction if you are not going to vote no on this, we would like direction on that. Are we talking hey, let's get the sidewalks on Crawford, maybe not on the frontage road which is a perfectly reasonable approach or we say we want them everywhere. We do that elsewhere for instance we do that along Hadley where it was also not built to accommodate sidewalks and it is a very difficult thing to get sidewalks in because the road isn't built in such a way that you can put a sidewalk in, and it just work.

Councilor Flores asked insofar as the southern part of innovation, that area, is it going to be different from what is on the other side of the airport, closer to the airport? Is it going to be used for different purposes?

Elizabeth Teeters said yes. So, there are multiple zonings. There is going to be multiple uses at the industrial park right along Crawford on the north side of I-10. So, from I-10 to the airport is the commercial corridor so the ideal is it will have restaurants and hotels, that kind of thing so that is where you would generally see sidewalks. Now other than where the small area where Loves is and Allsups is going and I think there is a few more parcels, small parcels around there, those are the only commercial lots on the southern part. The rest is all industrial so that is why we are thinking a different recommendation for the southern part of the park because like Mayor Pro Tem was saying earlier about setting precedence. We don't necessarily want to set precedence to put sidewalks in an industrial facility. We want to be able to have flexibility to be able to help bring in the business.

Councilor Flores asked no sidewalks and those are drive up types of businesses, right? So, for truck drivers and travelers, they can deal with no sidewalks? So, is that pretty much the feel?

Mayor Pro Tem Bencomo said I guess I also feel like even if it is industrial, we are talking big warehouses, people will still work there. People will still want to go get delicious Allsups burrito eventually and so I am just wondering that we want to build this place that has people at it, 8-5 and maybe on the weekends and there will be a lot

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of people moving throughout the park is the hope, correct? I guess I am just wondering if this deserves a longer conversation because it seems like I feel like I am getting a contradictory information recommendation regarding sidewalk improvements at the Industrial Park and what we hope it looks like in the future.

Tim Pitts said I think what you are getting is the ambivalence we feel about this application. That on the one hand we agree with Councilor Flores that it says build the sidewalks, build the sidewalks. On the other hand, I am throwing out a number it is probably \$100-\$150 thousand to build the sidewalk. It is a big investment for somebody to and if that is the difference for somebody choosing to come here or not. I think that is where we have our ambivalence.

Mayor Pro Tem Bencomo said yes, I feel like that if I want to you come here, I want you to make an investment in our community that it matters to the people who are working there. That is where at least where I stand anyway.

Councilor Mattiace said listening to the engineering complications of doing the sidewalk that is on Robert Larson, that would be quite an engineering feat and it might exceed the \$150,000 and you still have mud and sand covering that sidewalk after the first rainfall. I support the amendment. I think we could handle the Crawford section pretty easily.

Elizabeth Teeters said on your comment to not wanting to piecemeal it, as Dr. Pitts had mentioned my department is going in and looking at the overlay zone right now because it has been in place for a few years so we are noticing as we are getting development there are certain things, we are finding could potentially have to bring variances and whatnot. So, we are planning on making an amendment. An idea would be to bring it to a Work Session when we come up with our suggestions to have a further discussion on what could and could not work or what you would recommend that we do so that we are following the will of city council.

Mayor Pro Tem Bencomo said that just leaves if we decide to do that just leaves the question of the applicant and does that leave them with any timeline constraints?

Tim Pitts said the requirement is that they have this in place before their occupancy, their certificate of occupancy. That is their last item. They are going to be done with everything. In the code it does allow for timing to be varied. It does require it by C of O, but we have in the past made agreements with people to say we will issue a TC, Temporary Certificate of Occupancy and then you can do the sidewalk later on. I am sure that the applicant wants to know because it goes into their pro forma, whether this a profitable venture or not. But at the same time, I think the worst-case scenario they should be operating under a worst case scenario that they would have to build it and they might get relief after you, that is the way I would recommend them to view it. If you are going to table this if that is what you are looking to do that, we table it and come back with whatever amendments, Economic Development is working towards and if we can come up with a plan that works a little better because one of the things we could do is the city can always participate in any of these things. We can build the curb and gutter and they build the sidewalk and get around the engineering issues

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and we can always contribute but we can't do it right now because it is not in our CIP for this year.

Mayor Pro Tem Bencomo asked you are saying there some is flexibility in timing?

Tim Pitts said it is going to take them a good year to get this building built.

Mayor Pro Tem Bencomo said back to council if we table this for date specific that would be difficult but knowing that we will have a Work Session specifically on the Industrial Park, on all the needs of the Industrial Park but certainly what we hope it looks like in the future. How do you all feel about that?

Councilor Flores said I know that Davin Lopez has pretty much told the city, that it is difficult for him to get businesses to come to Las Cruces and somehow I see that whole area having so much potential and I still stand by my opinion, my view that when you have streets and sidewalks, there is just a lot of value. It looks like a city that really has it together. So, if we do have a presentation, I would ask that it include the Innovative and Industrial Park and the slides that go with it or the presentation that was certainly given to me or those of us on the Airport Advisory Board. I think it is good to just look at the big picture. We have to look at everything holistically in terms of planning in the future.

Councilor Becki Graham moved, seconded by Councilor Yvonne Flores, to Table Resolution 24-098 until July 15, 2024.

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

9. **BOARD APPOINTMENTS**

9.1 **STEVE NEWBY**

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to reappoint Steve Newby to the CIAC.

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

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. 24-023; ORDINANCE NO. 3065: AN ORDINANCE**

APPROVING A ZONE CHANGE FROM R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO R-4 (MULTI-DWELLING HIGH DENSITY LIMITED RETAIL AND OFFICE) FOR PROPERTY ENCOMPASSING 2.908 + ACRES AND LOCATED AT 712 AND 722 HENDEE PLACE AND 725 BASHA ARCH. SUBMITTED BY M&M BUILDING SOLUTIONS, REPRESENTATIVE. (23ZO0500143).

Council agreed to bring it forward.

11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

11.1 COUNCILOR MCCLURE

I did want to share something. We talk a lot about where the unhoused come from and I just got an email this week from someone whose rent went up from \$825 to \$1200 and I wonder about that, and I wondered about given that he is on fixed income with a disabled wife. How do we treat that within our society. That is all I am going to say. I was just kind of disheartened by that this week.

11.2 COUNCILOR MATTIACE

None.

11.3 COUNCILOR GRAHAM

None.

11.4 COUNCILOR CORRAN

I just want to give a quick shout out of appreciation for the Realize Las Cruces Technical Advisory Committee and all of the staff that worked really hard to, I know it has been a year's long process to update our zoning codes. I have been so excited, and I have been reading it enthusiastically and it doesn't put me to sleep at night. I am so excited to see some of the changes that are included in there to see how it will change a number of things both in terms of how we work in terms of how we constantly have to be revisiting things from the deeply outdated 2001 codes but also at how it is looking forward to our future needs in terms of safety and housing and sustainability. It is open for public comment through early April, so I urge folks who are interested in the development code to dig into it. Please do check out the Realize Las Cruces documents that are there and available online and provide feedback. There is a feedback option within that. There is also a summary of major changes so if you are curious of what kinds of things happen in zoning code that is probably the place to start. So, thank you to all the staff that worked really hard on that, the consultants, and the community folks that have given a lot input in that.

11.5 COUNCILOR FLORES

I want to thank Chris Faivre from the bottom of my heart and the Economic Development Department. There was a meeting here Thursday and the New Mexico Finance Authority presented to the public. There were numerous calls to you and numerous calls to the Finance Authority and what the Finance Authority does is help businesses. Max Bower attended and another gentleman and Max Bower actually gave them a tour of the Amador and I joined them in that tour but the point is though that they help people a lot and recently there is all this money that was through ARPA, that is why there was so much money. They actually assisted people in buying homes. ARPA money has pretty much been used up but there is a number that the

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public can call to see if there is any money left over. I know that we have, our city has guidelines and deadlines but a number you can call is 505-308-4206 and if there is anybody interested in starting a business, they will give you the money. It is just that simple. I mean it's a little more complex but if you have a plan and it's viable there is a way that you can have your business set up and the person to contact there would be Mark Montoya 505-629-5078 or his email mmontoya@nmf.net. You can call to get help or call to see if there is any money left over for people who weren't able to get money for loans, insurance on a house, they can direct you.

The other good news is that due to the opioid settlement, this was brought against pharmaceuticals and pharmacies. The share that the city got was \$10 million. It is still unspent. I know that the Assistant City Manager Ikani presented to the Finance Select Committee when we still existed as to possibilities to use that money. The city council will make the final determination, but I just wanted to let people know that we will be making decision on how to use some of that money, \$3.4 and then the remaining \$6.5 million, the rest will filter in through 2038.

The point that Yoli brought up, Yoli Diaz a crusader for cancer patients and the lack of medical care is really outrageous. Here we are one of the most powerful nations in the world, one of the few if not the only first world country that doesn't provide health care. You go to any city in Europe, even South America, Canada where they do have health insurance for people. MMC has been, their practices are questionable, and I hope that we get some clear answers from them. The gentleman gave me, there was a passage of SB17 that I am not familiar with but apparently there is a lot of money there also, but you would have to talk to Representative Doreen Yvonne Gallegos.

11.6 MAYOR PRO TEM BENCOMO

I want to announce that I have two upcoming spring open houses for District 4. I am taking a book from Councilor Graham, take on approach on community meetings that she did last year and the feedback was really positive so I am going to try that and so really what it means is just an open house. Come in any time between 4:30 and 6:30, talk to myself, talk to specific departments that will be there. The most highly requested services are from Public Works, from codes, LCPD will be there. We will have other departments where you can come and just directly go to them and talk to them about your concerns. I will be there, constituent services will be there so it won't be so much a me talking at you presentation style community meeting, it will like I said more of this style open house so the first one is going to be Tuesday, April 2nd from 4:30 to 6:30 at the WIA building near Pioneer Park. The 2nd one is April 9th also Tuesday from 4:30 to 6:30 at Picacho Middle School. So, you don't have to come to both. It will be the exact same format but I guess if you didn't get all your stuff into the departments you can come back the second time. I am very excited. I will be working with PIO to release that information and it will be on my social media as well in case you forget and hopefully, we will be sending out mailers as well and I really want to thank Catrina and Grace for all of their help in setting these up and I am very excited for these to be my first two community meetings of 2024.

I think given that we are hearing more and more speeding related issues I know that we had a conversation a while ago about the potential to bringing in some tools. I think unfortunately and fortunately I think we need to revisit that conversation not so

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much twwhat was necessarily presented last time more so of the mobile unit, but I do think that we need to revisit it. I think it is a pretty serious issue all across the city.

Another piece I want to bring to staff's attention and to my colleagues is that Municipal Court, the position for Judge II is posted so if you know a person who would make an excellent judge who is committed to then running for that position in the future have them apply. We will be making that decision soon to help Judge Filosa do a lot of the things that we have set forth as priority for Municipal Court. One of the other things that has come to my attention is if you go on Section 1-11, Court Cost and Collections, there are several pieces here that talk about court fees. In Section C in particular is very concerning and I believe it is creating a debtor's court. I think this is a piece of the code that we should look at potentially removing but I think it is an important conversation to potentially happen at a Work Session and that should come to us soon. I also know that state mandated fees, I think \$29 state mandated fees are going away July 1st. I am not someone who would advocate for fees at a place like municipal court because I think it creates again a debtor's court, but I would like to understand the impact that this might have on Municipal Court on services, on any of those things and if there are ways to either meet those fees a different way. I do believe there are people who currently cannot pay can sign up to do community service but again this sort of creates a system of people who have and people who don't. I think all of these are important conversations and I do just want to note that July 1st though that some of those mandated state fees are going away but I would like for us to have more of a discussion on that.

It is also my understanding that the ESL classes at the library are no longer happening which I had heard someone say that they were super sad about that because they were great classes and offered at really flexible times and so I would love to know why that is and if that was a matter of funding? I would really advocate that service for our community.

The last thing I want to talk about is that I met with Family Lutheran Services a couple of weeks ago. The organization here that is tasked with receiving and welcoming refugees. So, these are people who are coming to the United States with already a lawful state immigration status and many of them don't stay in our community for many things, lack of community, lack of opportunity but many of them want to. Many of those refugee families want to stay in Las Cruces and many of them are having a hard time finding work because they left their homes, usually war-torn countries, devastating situations. In that situation you really don't think about, I am going to grab my certificate from high school, or my college diploma, right? Like those are really difficult situations and so people come here and I would really love to work with staff on perhaps creating a pilot program for, they have people looking for work and the city has a lot of openings in a lot of departments working to see if we can do some sort of refugee work program that allows people to make a good living, to support their families. Many are coming with children and their families and so I would love to see if there is an opportunity for that because they have tried to apply for jobs here but often there is that high school diploma piece that is limiting them so I would really love to work with staff on seeing if we can create some sort of work program specifically with this organization.

Councilor Flores said this is for Larry Nichols and Community Development. What has happened to the change of name to the street? I have a very dear friend who is Native American who has asked me about that name change and I believe it has not been done. Didn't we agree that it was going to be done?

Larry Nichols, Community Development Director said your question has been visited with my department and the Assistant City Manager Ikani and I think you have brought that question before him. What has happened to the street name change after the decision was rendered, I think it has been over a year and half now or more and basically there has been no further action on that item.

Councilor Flores asked why not? There was a process to go through and that wasn't followed and is it going to be done? It is an embarrassment to us as a city to not take corrective measures.

Larry Nichols said what happened during that conversation, the residents of the street I think there were 20 of them, I think the street is about a block, a block and a half long and the 20 residents came before and discussed it with council.

Mayor Pro Tem Bencomo said Mr. Nichols I don't want to rehash all of this, is it okay if you all to connect and then come back?

Councilor Flores said I want this on the record and the reason is because for someone to have asked for this in our community and not to have an answer I don't want to convey an answer that I would like to hear just a few words Mr. Nichols. This is something that is very concerning to me and should be to the entire city. Did the letters go out to them? Was there something done? What happened?

Mayor Pro Tem Bencomo said I apologize but this is a policy item and not on the agenda and we cannot talk about it. I would encourage you to talk to Assistant City Manager.

Councilor Flores said so it is on the record, and it has been brought up and we cannot discuss it, but I hope that I will get an answer from you Mr. Nichols.

12. CITY MANAGER REPORT

12.1 SONYA DELGADO, ASSISTANT CITY MANAGER

I will start off with some of our members from the Las Cruces Fire Department who took on the ultimate challenge at the Bataan Memorial Death March this past weekend. We had approximately 12 of them and also with our Retired Fire Chief Travis Brown. I thought that was really cool. We had two awards that came through. One Civilian Female Heavy first place was Kristen Wahlen and then our Team Civilian Male Heavy, First Place Charles Roybal, Michael Medina, Forrest Powell, Jesse Johnson, and Robert Lopez. LCFD did a fantastic job and appreciate them participating in that.

I also have some information from Parks and Recreation. Friendly reminder that the Apodaca Park Pool demolition began onsite work two weeks ago and will last approximately two months. This morning the skate park contractors commenced demolition on Hadley and Walnut. The new skate park rebuild is anticipated to completed later this year and the ribbon cutting ceremony for the new playground replacement at A. Fielder Memorial Safe Haven will take place this Friday, March 22nd from 3 to 5 p.m.

Realize Las Cruces from Community Development, the initial draft of the revised Development Code is now available for public review and comment, and it posted online. The initial comment period will be from Wednesday, will run through Friday, April 5th and working draft and public comments can be accessed and submitted at www.realizelascruces.com.

We have Public Works on our pavement management system. We do have a crack seal project that is taking place. It will start March 27th and run through May 22nd. Approximately 40 working days and we have approximately 48 streets. So, if you are interested, I can send those to you.

13. **ADJOURNMENT**

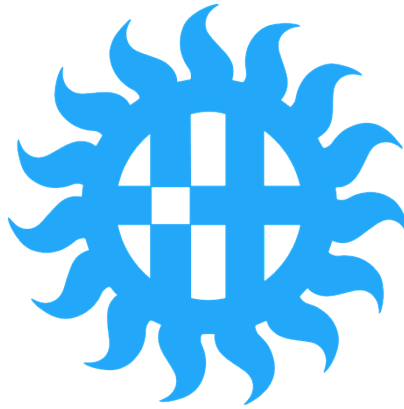
13.1

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to adjourned at 3:28 p.m.

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

Mayor

City Clerk



MINUTES
Work Session
Monday, March 25, 2024 @ 1:00 PM
City Council Chambers, City Hall

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

ABSENT: Councilor Johana Bencomo

1. JOBS OF THE WEEK

1.1

Sarah Raney, Workforce Connections presented Jobs of the Week.

2. PETS OF THE WEEK

2.1

Amy Defelix, ASCMV presented Pets of the Week.

3. AGENDA ITEM

3.1 NUISANCE ABATEMENT TEAM ACTIVITY UPDATE.

Larry Nichols, Director Community Development gave an overhead presentation.

Battalion Chief Mike Landavazo, Fire Marshal LCFD continued overhead presentation.

Larry Nichols continued overhead presentation.

Councilor McClure asked does the workflow change if it's say a contributing building in a historic area, is that something you guys look at?

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Larry Nichols said yes we have several different overlays in the City, South Mesquite District overlay is one of our Historic Districts, Alameda Depot is another. With the process that we have, if we have a property in one of those districts we have a process if it's going to go to demolition 3 City Agencies reviews that, the Building Department which involves inspectors and a building official. It involves the Utility Company looking at the utilities and how they need to be addressed. The third to review is the Historical Preservation Specialist to see if the property is either contributing or non-contributing.

Councilor McClure asked say it is demolished and the land is sitting there, does that just sit there until something else happens to it or until the property owner decides to do something with it?

Larry Nichols said the thing about property ownership is that it does have its privileges and if the property owner determines that they are going to have their property made available for a new structure or a new use in many cases sometimes they ask for a rezoning so they can maybe go into a commercial venture. That decision making about what happens to their property after it's abated is the property owners.

Councilor Mattiace said on the abatement policy I am new to it, I only had three months to read 7,000 pages of different laws. But you do give special consideration for the historical sites, and you do check with the Society, are they part of the reviewing panel?

Larry Nichols said when a property is in a Historic District, the Historical Preservation Specialist, who is the liaison to the Historical Preservation Commission will place it on their agenda for review. It is also taken to the State Historical Preservation Office for a determination if it's unclear through determination if it's a contributing property or not.

Councilor Corran said the places that you all showed us are hazardous and uninhabitable. I'm curious I think there are other situations where places are on the margins I guess where there in the workflow and perhaps in the nuisance abatement conversation that where people are living in those spaces. They maybe old motels like the Kilby but I think there are other parallel ones. Is there a process that accounts for those folks and potentially to support landlords in remediating things to make them habitable or are there other opportunities for them to do that and how the folks that are there, in places that are habitable. We have seen a few homes where it sounded like people were living maybe because they owned it or maybe because they were renting in a very sort of questionable situation. What are the processes when someone is living in a space that might be labeled as a nuisance or in this process?

Larry Nichols said once we have received a complaint and a complaint, as I mentioned earlier it can come from several different sources. But many times the complaint comes from the people that are occupying one of these structures. The complaints are in the nature of I don't have plumbing, or I don't have hot water, or I don't have heating or cooling. So with our adoption of the property maintenance code we are able now to go to the interior and see those conditions and determine how they can be addressed. It would still be the property owners expense to do that. If we

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find that there are conditions that are unsafe, unsanitary, uninhabitable, then we do ask that the occupants vacate the property, until it can be abated or corrected.

Councilor Corran said thank you that is actually a pretty bleak, response but I appreciate understanding what the process is for that and thank you for letting us know what the process is. Are there any supports, you mentioned the property, the interior sort of ability to go in and looking at the interior conditions. Are there any resources that exist for landlords for bringing up their places to habitable, Economic Development related resources, potential funding from I don't know places or if you know of some places, or maybe they don't exist? Do you have any references or avenues for that?

Larry Nichols said I know that the City has I think some from the Economic Development Department. I believe also through the Housing Program they have some resources that they can apply for either grants or funding to take care of the conditions. I think I remember hearing about a number of those over the past year. So those are a couple of the avenues that are available. The NAT team doesn't have that follow through if you will. Once we have made a determination to say, this is what you can do we have some funding available for you, a grant available for you either for relocation or for correcting the deficiencies.

Councilor Graham said following on with what Councilor Corran brought up when we do have these situations where folks are living in these properties in unsafe conditions, what is the process for coordinating both with other departments in the City, looking at you Natalie Green or our amazing external Community Partners looking at you Executive Director Nicole Martinez of Community of Hope. How are we coordinating to find these folks a soft landing place, any kind of landing place? At what point are our partners brought in who are going to help mitigate the collateral damage of people and I recognize these are not conditions that people need to be living? However what's that process?

Larry Nichols said I probably need to defer to either the Housing group or to the Community of Hope. I can relay one experience that we had which was with the Kilby Motel. When we found that those conditions were unsafe and unoccupiable for the inhabitants we did contact the Community of Hope and they came to the site, and they spoke to the residents about having the help with the Community of Hope.

Councilor Graham said how much notice were they given on that I mean the Community Partners because I think my concern, I know there were a few properties in town where I think we're kind of on the precipice of this sort of situation, and I want us to act in good faith as much as possible and give everyone the chance to try to get their resources in place. So I guess, I just if the process is not laid out and set down I would love to see that happen somewhere in that decision tree you know collaboration with Community Partners when there are residents in these facilities or in these properties.

Larry Nichols said in that one example I gave you we began the inspections and the citations on that property, I think during that whole year there were 300 calls for

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service. But we did an inspection in late November, early December of that year and we listed with all of the corrections that needed to be made with the landowner, the property owner. They said they would begin to abate those, and we said we would return in 3 months, we gave them 3 months for them to be worked. We returned in 3 months and found that little or no corrections or deficiencies had been addressed. That is when we took the action, and said we need to have these occupants relocated now. That's when we were contacted, and I believe I'm almost certain about this, but I can say I'll defer to Community of Hope for other answers. But I know that many of those occupants said they were receiving assistance from Community of Hope to be in that location. So I think there was information with their conditions if they were not improved they would have to be relocated.

Councilor Graham said ok understood. I'll check back to see if we can get something more you know codified, written down, set in stone. Just so we make sure that everyone is having the best chance possible for good outcomes.

Councilor Flores said just following up on a question Councilor Corran brought up about any sort of City Ordinance that we might have in regards to landlord/tenant. The Housing Committee when I was first on Council seven going on eight years ago working with another City Attorney. We worked on a landlord/tenant to give the landlord and tenant an equity or balance. For some reason the finger pointing game it never came to light, it never came to City Council. It was blocked and I can only speculate as to what happened. Maybe somewhere in the annals of our safe keeping of proposed legislation, or ordinance we have it somewhere. But we went through it with a fine tooth comb. At the time that and other before Covid we had many people participate in that committee. We had different people, different organizations that were represented, Nicole Martinez was there she's the only one I see here who was present at the time insofar as community. But Rose Garcia participated, many people participated and for the life of me because things get kind of mysterious sometimes, we don't get all the information. But we wanted to avoid the problem of someone being unhoused based on the actions of a landlord, you know a slumlord for a better word and to give the landlord or landlady their equal rights on this. I think that would be helpful. I think that would be able to give people notice. I think that would address the notice process that Councilor Corran brought up and all of that was covered, it was very well balanced. Insofar as the NAT, doesn't NAT have money to help someone to restore their home in the event it is salvageable or is that money gone? Where did that money come from?

Larry Nichols said the NAT Program funding that is available is solely devoted to demolition processing or abatement either boarded and secured or securing the property. There's not monies, funding there for relocation. In fact we have a Council Budget request for monies for NAT Program.

Councilor Flores said ok, you don't have it now, but it has had funds designated specifically to help someone get their home up to code?

Larry Nichols said not through the NAT program.

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Councilor Flores said I don't have the best memory in that regard. I just remember when David Dollahon was here and we attended several meetings, several NAT meetings. I thought there were funds so it might have been from another source. There is no source whatsoever from which someone a landlord or an owner of a home there aren't any funds that are provided by the City to do that?

Larry Nichols said I don't have knowledge of those funds, I know there aren't any allocated to the NAT Program.

Councilor Mattiace asked the Fire Department and the codes in your department have we reviewed all the trailer parks? Are they all safe? Are they on any list for access for ambulances, their roads, their flooding, their propane the tanks and the safety of the trailer parks? Do we have any in Las Cruces that have come on the abatement list?

Larry Nichols said we have had complaints from some tenants of trailer and mobile homes. I don't know that we done a complete trailer park inspection, just kind of an overall inspection. I would maybe ask Officer Roach to rely on some of his experience if he might recall any of those type of inspections that were done.

Officer Michael Roach, Supervisor Codes Department said in reference to any inspections in trailer parks in specific, I don't know of any that have been done. I don't know of any inspections per se directly to a trailer park as a whole. Typically for the NAT Program we're looking specifically at the individual locations or plats. We don't have anything on the NAT list that I'm aware of in a trailer park specifically the NAT Program is looking into.

Mayor Enriquez said I just wanted to add that through my experience with the NAT Program, the NAT team. There's two separate issues we're discussing here. Those structures that are occupied and those that are unoccupied. When we look at unoccupied, vacant and abandoned buildings that's when we're looking at the abatement. That's when we're looking at the demolition because of the unwanted fires, of the illegal entry, of the illegal uses and crime that take place. The police department also gets numerous calls and responds to and codes. Those are the ones that are the worst case scenario and so when we get to the situation where the residents or the occupancy is occupied. In that case it develops into a more sensitive and takes more precautions and notifications and things of that. Just because there has been some lessons learned along the way I will turn it over to our acting City Manager so he can respond to some of those issues. Because I agree with Council we don't want people displaced and things of that nature, but the Nuisance Abatement is definitely there for vacant and abandoned buildings that present a hazard to our community and our responders.

Ikani Taumoepeau, Assistant City Manager said Councilor Graham you mentioned a very critical question on how we approach occupied buildings and other Councilors as well that's a great question. What we have done in learning from the past is we've and thanks to Nicole Martinez who's presented to the Health PRC she presented a presentation back in the fall it was a dialog on how to address unsheltered homelessness and encampments. After watching that presentation, Nicole and I, we've talked I appreciate her entertaining me to meet with her to see and to really

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explain what the presentation is and the philosophies and the principles of it, is something that we've discussed in that meeting, and we've met with police. We've met with fire. We've met with Community Development on how we can implement the same philosophies. On how we approach encampments is the same philosophy on how we approach one of the motels in town that we're dealing with so we can learn from what we've done in the past. In talking with Nicole we're talking about timelines, she preferred more time but she's said if we can give her a least thirty days for her team to share the resources with those so we can find a soft landing. Find another housing opportunity she's mentioned some grant opportunities that other municipalities have won in the past so we're looking into that and other opportunities on how we can find transition funds for those in occupied facilities to find them another transition when it comes to housing. This isn't something that in NAT I want to make it clear that staff is very cognizant and aware that these individuals they have to go to a place of shelter, so we do understand the levers at hand, we're very sensitive to that. We're becoming more aware thanks to Nicole and her partners as we're working through this. I just wanted to let Council be aware that those are things we definitely do have to codify. We are working on that. We appreciate the partners, such as Nicole to enlighten us and make sure we find a place that's right for everyone.

Nicole Martinez, Director of Mesilla Valley Community of Hope said I feel that this is sort of a related topic although housing could take its own work session. So I think just tying into what we're talking about. We're really on a tipping edge of not having enough affordable housing units in our community. This tipping point of having even more people being unhoused in our community. So we're really aware of our housing opportunities and sometimes it means places that we might not think meet our own standards but do pass inspections. Then from that point on sometimes if we have residents that have big challenges the units might deteriorate somewhat, so I did want to point out that there are City ARPA funds that the Community of Hope applied for and was awarded. In those situations you're doing possibly abatement on an occupied apartment complex we have said for anybody that is using a Community of Hope voucher that we can use our ARPA funding to mitigate that risk to the client and the landlord. I know there are some properties right now being looked at, there haven't been great timeline notices, so I think this is just a call to say like let's give some more notice to Community of Hope if these are units where they might have residents there and where possibly Community of Hope could help that landlord bring the units up to code. We would love to be able to do that especially if it was our residents that caused any of those damages. That's what the ARPA funding was for so we could keep them there. I realize that it doesn't mean it could bring all of the units up to standard but those are case by case scenarios seeing how many of them aren't passing inspection and how many we can improve. I just want to make sure that everybody knows that there is that funding for our vouchers. Councilor McClure I believe last week talked about one of her constituents talking about the rising rents and we a just seeing that repeatedly. We've had several apartment complexes that we've been working with raise their rents, doubling the rents with only a few months' notice, pricing many of the people out so units that were once \$550 are now going for \$850. Anybody on Social Security for the first Disability is getting \$943, so well outside of what they can afford. We're not just talking a couple of complexes anymore, we're talking about at least eight complexes that we know of that are 100's of units. We're really interested in keeping what we have and bringing it up to code

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and working as best as we can. Making sure that we have appropriate timelines to find other avenues if we need to. I appreciate the reaching out that we do get so we can help with that so maybe if there is something we can do and there are meetings being had even including Housing Department in those meetings within CLC and making sure they're aware and at those meetings so they can work with us directly as well. We want to be as helpful as possible, of course we also need to call on our Legislators to make sure that we are meeting fair market rents so that we can get some improvements and raise that ceiling for the fair market rents so we can use our vouchers. Because we are really at risk of turning away hundreds of dollars that we apply for every year for vouchers and when those leave the City it's really competitive and hard to get those back. We're looking at losing staffing, looking at losing tons of rental assistance that we've been really successful in getting from HUD and MFA and the VA and the City of Las Cruces. Just a note too, sometimes we're using City funded housing vouchers through the Tenant Based Rental Assistance Program on some of the properties that need some improvements and that's when we'd really look towards our landlords mitigation funds through ARPA to help improve those conditions.

Martha Rodriguez, President of Las Esperanza's said a neighborhood organization in the Mesquite Historic District and I'm here to just offer a word of caution to all of us. Number one of course is to make sure that people who live in those properties do find a resource to find another location and I think that it would be important to include that in the process. Because right now I don't see anything in writing that says ok we're going to do this if somebody's going to be unhoused, then we're going to do this, this is the process we're going to take. The second important part that is the reason that I'm here, is that we want to make sure that Historic Preservation is also up there for all of us in this City. It just makes me so upset and so sad to see buildings that can be restored destroyed. My husband and I restore historic properties. I'm sorry I lost the picture I wanted to show it at least to the Mayor. I wanted to show you a property that was about to be demolished, it was in horrible condition, it was secure though so there wasn't anybody living there or going in there because the property was secured. We were able to restore that property and it's beautiful now. I really wanted you to see these pictures. Every time we destroy one of those historic properties we destroy our history. I mean look at Mesilla, people go to Mesilla, they are drawn to Mesilla. Why? Because of their beautiful preserved historic properties. It is not necessarily because of the food because we have wonderful restaurants here in Las Cruces, we have really good food here too. People go over there to that little town. Why? Because they know how to preserve their history, they know how to preserve their historic properties. Please I encourage you, on this process that we saw today we didn't see anything about historic preservation, even though when asked the response was yes we go to the Historic Preservation person, liaison but it's not in the process. I don't see it written in the process so if somebody is not there that doesn't know what the process is then they go and look at the process it's not part of the steps that are taken for these historic properties. There no steps there to talk about unhoused people that are going to be unhoused. Those two things I encourage you to please ask, put them in the process. Because otherwise we have no assurance that those historic properties are going to be preserved if at all possible and those people who are going to be unhoused are not going to be left out in the cold.

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Deb Dennis, Member of the Public said I'm really delighted with the discussion today and the questions that are being asked and I'm very much encouraged by suggestions that I'm hearing from Council. I'd simply like to encourage what I've heard. One thing I'd like to do real quickly is distinguish between vacant housing and occupied. Understandably there's great concern for individuals in occupied housing that is undergoing abatement. Our concern with historic preservation has to do with the vacant and abandoned housing. Because what ends up happening is people don't pay their property taxes and fall in arear, the City acquires the property and then they let it sit. I gave you an example already of what's happening at 643 East Picacho. What happens is that once the City owns it and they say it needs abatement as with 643 East Picacho they board it up and then they say well the property owner isn't abating it, so we'll just go ahead and demolish it. As you know I've pointed it out that in Chapter 2 they're saying that City owned property does not have to go through the Historic Preservation Commission or any process to be demolished. The real concern of the vacant properties that are City owned in Historic Districts or simply historic properties. Because the other interesting thing about the ordinance is it does not include as you might think all historic property, only properties that are in Historic Districts. So they very cheerfully went out the weekend before Christmas and destroyed a 1920 home on North Tornillo why because they can, it's not in a Historic District. So as long as a property is not in an Historic District the City Development thinks it can do anything they want with it without consultation, as what happened with this North Tornillo property. What I'd like to come back to and is more important is let's find funding for adaptive reuse. Community Development, NAT everything they do is focused on demolition let's find funding for them to do something other than demolition. I would like to suggest let's put the experience and the expertise of Economic Development and specifically the experience of the Neighborhood Services Program together with Community Development and get them working to find the funding and the programing so that houses don't have to be demolished but they can be adapted for reuse.

Councilor Flores said you said that if property isn't in an Historic District no consideration is given to that particular property. Who makes that decision the State or the City?

Deb Dennis said that's correct, the City. If the property is outside a Historic District, the Historic Preservation Commission is not permitted to make any recommendations regarding what happens to a historic property.

Councilor Flores asked if the property is determined to be historic shouldn't it be protected by the Historic Preservation Act or laws or whatever they're called of the State? Wouldn't that supersede whatever the City might have, I would imagine it would.

Deb Dennis said it has to be on the State Register. In this particular case on North Tornillo it was an historic home, but it was not to the level that it was on the State Register. This is part of the problems if you go back and you look at the transcript from November 6th having to do with 643 East Picacho property you were told initially that oh no it's not in the Historic District, so we don't have to consult, we don't have to run it through the Historic Preservation Commission, and they had not. Yet it was on public input that we were able to tell you that, one it was in an Historic District and two

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it did require a consultation by State Law and so Council tabled the issue until February 5th to allow the Historic Preservation Specialist time to consult with Santa Fe with the New Mexico State Historic Preservation Division.

Councilor Flores asked what was the outcome?

Deb Dennis said well we got here on February 5th and Mayor Pro Tem Bencomo said we'll table the issue indefinitely and you voted, and it's been tabled indefinitely. Mr. Nichols said we've taken it off the agenda, we've boarded up the house and we're going to leave it sit. So we have no opportunity to speak to the idea of adaptive reuse. Community Development was asking for \$28,000 dollars to demolish that house and if you look at the photos, I'm sorry it's not in the condition they describe. The neglect is of the City's own doing, it abandoned the property. That is what's so outrageous about this.

Councilor Flores asked is the City the owner?

Deb Dennis said yes, the City has been the owner since 2004. It had been part of the weed and seed program.

Dolores Archuleta, Member of the Public said I was born and raised in a Historic District and that is the reason I'm here. I see so many homes that are still there. I'll tell you a little story. A little boy close to 329 East May where we were born, was choking on a piece of tortilla. The mother said to get my mother to get over there to take care of it because she couldn't handle it. She got the tortilla out and saved his life, that was my husband. Now the buildings are still there, they've been vacant for years and years but why do we continue to get new Councilors in, every time and do the same thing over and over again. It's not your fault, I don't know who's fault or should we blame anybody, it's a big issue. But we need to get this done, please. Thank you.

Judy Berryman, Member of the Public said I would like to make a couple of clarifications just for questions that were answered. As part of the Historic Preservation Commission we have been attempting to have Chapter 40 and now Chapter 2 revised to include all Historic resources to be protected. Currently under Chapter 40 and currently under Chapter 2 only properties that are in a recognized Historic District can be put before the HPC so in this case we are very handicapped in terms of trying to protect historic properties. The second huge concern I have with the NAT Program is that there doesn't seem to be very much community input or community members on the NAT Team. I think that would be very beneficial. When we talk about that they will contact the Historic Preservation Officer that doesn't necessarily mean that the HPC will have an opportunity to review the property that may be demolished. I am also concerned with the NAT budget, everything is oriented to demolition as earlier said before let's find some other alternatives. Certainly Historic Districts, Historic resources are being ignored in terms of economic reliability. As was mentioned before people come into an area because of Historic resources but if we can't respect the Historic resources by not having protection and ordinances then stuff like Realize Las Cruces, Chapter 40, Chapter 2 they really mean nothing. My final remark is in Chapter 2 we've been trying to have changes made and the critical part in

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Chapter 2 is that it gives carte blanche for the City to abolish, to demolish any Historic structure that is owned by the City. That would be under their Section 2F which needs to be changed. So I thank you for the opportunity and I'm open to any questions if you have any.

Jo Ruprecht, Member of the Public said after speaking a lot the last 18 months about Historic Preservation, much of what I've learned in the City about Historic Preservation came from trying to save the Trost Clubhouse at the former Las Cruces Country Club property. In that process I was trying to negotiate between the developers and between the City, which did not own the building, had never owned the building. But also had let it fall into disrepair and become a greater nuisance than it might have been because they allowed the owners to experience a protracted period where they did not have to maintain that property, they didn't have to board it and so when Dr. Nichols talks about three levels of seriousness of a property. The City has in the past even with private properties, Dr. Dennis has focused on City owned properties as well. They have allowed situations that could have been handled at Level 1 or Level 2 to progress to the point where it is a disaster, it is an emergency. That happened with the Trost Clubhouse they were able to demonstrate that they had x number of fires and calls out at that property. The property was still sound because they could cite the number of fire calls. It made it very difficult to argue against the points that the City tried to make on that so the developers could have their way with it. What I want to comment on here is when Dr. Nichols speaks about the processes involved that counts on two basic things, very basic things. One is the processes are articulated clearly and succinctly so people can pick up a folder someplace and see here's what the process is whether that's you as Councilors or us as the public or some out of town owner. There has to be an articulation of the process and it has to be accessible in some way the people can encounter it and use it. I appreciate the suggestion that came from the Councilors in this regard. The other thing is that one of the things that you and we rely on is the honesty and trustworthiness and diligence of City staff and in this respect while Dr. Nichols is talking about his process he is neglecting how the current Historic Preservation Specialist is essentially not doing his job and he is sometimes doing that by omission and he is sometimes doing that by obfuscation and in the case of the most recent situations he's done it by lying and then by being handled by Community Development to the sense of detriment to the building. I can document this to you Dr. Nichols and I don't know how to handle this other than to call it out.

Mayor Enriquez said I just want to again reiterate that the whole nuisance abatement is really worst case scenario. There are some steps and some things that we need to look at as a City and to work on. But to the Council that voted in the Property Maintenance Code thank you. That's a huge step as Miss Archuleta came up and said why do we continue and continue, that was one of the big ones. The International Codes were adopted back in 2003 and this is 2021 code of the Property Maintenance Code that's how you get from Level 3 to Level 2 to Level 1 is now having a code that will help, our City staff, Codes Enforcement, Police, Fire and Community Development address those issues with landlords and property owners. Thank you that was a huge step in going in the right direction to avoiding the worst case scenarios that we're addressing now.

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Councilor Flores asked Mr. Nichols if I recall correctly there was a person who was designated to take care of NAT and in meetings that we had she would be present. Does that position still exist? She was I think the community liaison and I think she was an employee of the City.

Larry Nichols said the history of the NAT had to do with initially, as I mentioned when Mr. Dollahon introduced the programming to acquire housing properties for developing affordable housing. I don't ever recall that a person was designated as a leader or taking leadership on the NAT program until the City Manager's office asked me to take the lead on a program that we now have in place.

Councilor Flores said there was a woman who was designated, and I don't know the history.

Mayor Enriquez said you are correct, Kim Peralta she was assigned and was under legal in somewhat of a case manager position that pretty much kept track of everything and you are correct. That no longer exists, they changed it. It used to be the Neighborhood Action Team, now it's Nuisance Abatement Team so there's a different direction, that's where it's at. That's what kind of the update was today, to update us all on what's going on now and moving forward.

Larry Nichols said Councilor Flores that is correct. Miss Peralta was a legal assistant that made sure the City's legalese in acquiring property were the correct measures to take. But she wasn't doing inspections and that sort of thing.

Councilor Mattiace said I am a new Councilor but just for the record and the truth as the former Mayor I fully supported the Mesquite and Alameda Districts when they became reality.

3.2 GO BOND QUARTERLY UPDATE

4. ADJOURNMENT

4.1

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Adjourn at 2:27 p.m.

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

Mayor

City Clerk



24-102

City Council Action and Executive Summary

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A		
1st Reading:	Adopted: April 15, 2024		
Drafter:	Rocio Gamboa	Department:	Financial Services
Program:	Budget	Line of Business:	Fiscal Management
Title:	A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAS CRUCES (CITY) TO ACCEPT THIRD QUARTER BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET, AND THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP).		

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

PURPOSE(S) OF ACTION:
To request various budget adjustments for compliance and operational needs of the City.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
City staff has prepared the third quarter budget adjustments for the fiscal year starting July 1, 2023, through June 30, 2024. Adjustments include funding for supplies, services, equipment, and projects to meet the demands of a growing community and to align budgets for effective and efficient City of Las Cruces operations. The budget adjustments proposed within this Resolution will not deplete the City's 2/12ths reserve requirement for the General Fund.

SUPPORT INFORMATION:
[Exhibit "A" Fund Summary](#)
[Exhibit "B" FY24-29 CIP](#)
[Attachment "A" Adjustment summary](#)

PLAN(S):
None

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☒ Yes
☐ No

BUDGET / FISCAL IMPACT:

Agenda Item #7.1.

BUDGETED AMOUNT: Various

AVAILABLE AMOUNT: Various

EXPENDITURE AMOUNT:
Various

Funding Source(s):
Various

Overall Budget Impact:
Please refer to Exhibit "A" Fund Summary

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 accept the third quarter budget adjustments as presented and will adjust the City’s FY2024 budget and Capital Improvement Plan (CIP).
2. Vote “No”; this will not approve the Resolution nor accept the third quarter budget adjustments as presented and will not adjust the City’s FY2024 budget and Capital Improvement Plan (CIP).
3. Vote to “Amend”; this may delay the process of spending the funds within the predetermined funding schedule and requires direction to staff.
4. Vote to “Table”; this will impact the City’s ability to utilize funds and may impact programs and services.

REFERENCE INFORMATION:

Attachment "A" Budget Adjustment Summary

RESOLUTION 24-102

A RESOLUTION APPROVING AN AMENDMENT TO THE CITY OF LAS CRUCES (CITY) TO ACCEPT THIRD QUARTER BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET, AND THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP).

The City Council is informed that:

WHEREAS, City staff members have prepared the third quarter budget adjustment for the fiscal year starting July 1, 2023 through June 30, 2024; and

WHEREAS, the third quarter budget adjustment includes funding for supplies, services, equipment, and projects to meet the demands of a growing community and to align budgets for effective and efficient City of Las Cruces operations; and

WHEREAS, this adjustment will not deplete the General Fund 2/12ths reserve requirement.

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

(I)

THAT the FY2024 Third Quarter budget adjustments as indicated in Exhibit "A", attached hereto and made a part of this Resolution, are hereby approved.

(II)

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

(III)

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

DONE AND APPROVED this day of

Agenda Item #7.1.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	1000 GENERAL FUND 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 64,287,294	63,225,528	0	63,225,528
Revenues				
Municipal Gross Receipts Tax	54,285,239	54,285,239	0	54,285,239
Public Safety Gross Receipts Tax	4,880,700	4,880,700	0	4,880,700
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	47,825,436	47,825,436	0	47,825,436
Environmental Gross Receipts Tax	2,259,525	2,259,525	0	2,259,525
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	15,000	15,000	0	15,000
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	825,000	825,000	0	825,000
Lodgers Tax	0	0	0	0
Property Taxes	13,655,649	13,655,649	0	13,655,649
Payment In Lieu of Property Tax	867,573	867,573	0	867,573
Franchise Fees	2,805,951	2,805,951	0	2,805,951
Payment In Lieu of Franchise Fees	1,236,000	1,236,000	0	1,236,000
Licenses, Fees & Permits	3,123,510	3,128,510	0	3,128,510
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	81,100	81,100	0	81,100
Charges For Services	2,367,209	3,922,209	0	3,922,209
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	4,224,128	4,224,128	0	4,224,128
Investment Income	141,000	141,000	0	141,000
Miscellaneous Revenues	140,112	140,112	0	140,112
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	138,733,132	140,293,132	0	140,293,132
TOTAL RESOURCES	\$ 203,020,426	203,518,660	0	203,518,660
Expenditures				
General Government	4,781,377	4,781,377	0	4,781,377
Legislative	519,035	519,035	0	519,035
Municipal Court	2,106,314	2,106,314	0	2,106,314
Chief Administrative Officer	285,228	285,228	0	285,228
City Manager	6,641,813	7,176,563	(216,000)	6,960,563
Legal	2,728,546	2,728,546	0	2,728,546
Las Cruces Police Department	34,427,931	34,495,395	0	34,495,395
Las Cruces Fire Department	21,499,980	23,282,476	0	23,282,476
Utilities	0	0	0	0
Economic Development	4,372,325	4,372,325	188,000	4,560,325
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	3,438,804	3,588,804	0	3,588,804
Financial Services	7,467,508	7,467,508	0	7,467,508
Information Technology	6,352,622	6,355,158	0	6,355,158
Fleet	0	0	0	0
Assistant City Manger-500	9,471,636	9,488,017	28,000	9,516,017
Parks & Recreation	18,511,145	19,276,121	0	19,276,121
Community Development	5,126,792	5,251,217	0	5,251,217
Quality of Life	8,779,933	9,891,796	0	9,891,796
Public Works	10,479,099	10,778,077	0	10,778,077
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 146,990,088	151,843,957	0	151,843,957
Other Resources				
Operating Transfers In	0	400,410	0	400,410
Operating Transfers Out	(19,369,208)	(19,572,957)	0	(19,572,957)
Total Other Resources	\$ (19,369,208)	(19,172,547)	0	(19,172,547)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 36,661,130	32,502,156	0	32,502,156
Required Reserve:				
State Required 1/12th	12,249,174	12,653,664	0	12,653,664
Local CLC 1/12th	12,249,174	12,653,664	0	12,653,664
AVAILABLE BALANCE	\$ 12,162,782	7,194,828	0	7,194,828

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	2100 SPECIAL REVENUE REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 698,496	0	0	0
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	1,538	0	1,538
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	247,000	247,000	(61,500)	185,500
Federal Grants	14,620,646	19,024,511	0	19,024,511
State Grants	5,898,088	14,244,959	47,968	14,292,927
Local Grants	26,065	34,983	0	34,983
Debt Service	0	0	0	0
Total Revenues	20,791,799	33,552,991	(13,532)	33,539,459
TOTAL RESOURCES	\$ 21,490,295	33,552,991	(13,532)	33,539,459
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	10,000,000	13,854,440	0	13,854,440
Legal	0	0	0	0
Las Cruces Police Department	2,707,818	6,746,580	0	6,746,580
Las Cruces Fire Department	1,314,070	1,771,575	0	1,771,575
Utilities	875,000	1,253,926	0	1,253,926
Economic Development	2,497,596	5,647,596	0	5,647,596
Internal Audit	0	0	0	0
Assistant City Manager-400	501,795	581,508	47,968	629,476
Human Resources	0	0	0	0
Financial Services	412,656	375,097	0	375,097
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	300,000	0	300,000
Parks & Recreation	9,793	384,334	0	384,334
Community Development	338,931	268,750	0	268,750
Quality of Life	1,769,141	2,020,289	(61,500)	1,958,789
Public Works	365,000	348,896	0	348,896
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,791,800	33,552,991	(13,532)	33,539,459
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 698,495	0	0	0

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	2300 FIRE FUND 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 316,275	316,275	0	316,275
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	1,487,189	2,092,836	10,260	2,103,096
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,487,189	2,092,836	10,260	2,103,096
TOTAL RESOURCES	\$ 1,803,464	2,409,111	10,260	2,419,371
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	1,487,189	2,092,836	10,260	2,103,096
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	1	0	1
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,487,189	2,092,837	10,260	2,103,097
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 316,275	316,274	0	316,274

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	4100 CAPITAL PROJECTS REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ (0)	0	0	0
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	7,108,138	6,417,825	0	6,417,825
State Grants	12,716,645	22,910,926	(21,420)	22,889,506
Local Grants	851,264	861,264	0	861,264
Debt Service	0	0	0	0
Total Revenues	20,676,047	30,190,015	(21,420)	30,168,595
TOTAL RESOURCES	\$ 20,676,047	30,190,015	(21,420)	30,168,595
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	330,000	730,000	2,730	732,730
Utilities	0	0	0	0
Economic Development	876,147	3,597,861	0	3,597,861
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	370,000	370,000	0	370,000
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	3,323,869	5,842,094	0	5,842,094
Community Development	0	0	0	0
Quality of Life	0	690,746	0	690,746
Public Works	15,776,031	18,959,314	(24,150)	18,935,164
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,676,047	30,190,015	(21,420)	30,168,595
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ (0)	0	0	0

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	4106 PUBLIC PARK DEVELOPMENT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,915,110	6,854,723	0	6,854,723
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	1,600,000	1,600,000	0	1,600,000
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	60,000	60,000	0	60,000
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,660,000	1,660,000	0	1,660,000
TOTAL RESOURCES	\$ 8,575,110	8,514,723	0	8,514,723
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	3,462,463	5,352,093	29,215	5,381,308
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,462,463	5,352,093	29,215	5,381,308
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 5,112,647	3,162,630	(29,215)	3,133,415

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	5010 AIRPORT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 909,363	605,117	0	605,117
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	61,500	61,500	26,509	88,009
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	120,000	120,000	0	120,000
Federal Grants	0	28,949	0	28,949
State Grants	3,148,527	7,061,015	0	7,061,015
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	3,330,027	7,271,464	26,509	7,297,973
TOTAL RESOURCES	\$ 4,239,390	7,876,581	26,509	7,903,090
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	4,876,992	8,886,771	0	8,886,771
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 4,876,992	8,886,771	0	8,886,771
Other Resources				
Operating Transfers In	1,013,000	1,013,000	0	1,013,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 1,013,000	1,013,000	0	1,013,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 375,398	2,810	26,509	29,319

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	5300 WATER OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,710,776	1,813,853	0	1,813,853
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	289,930	289,930	0	289,930
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	20,582,502	20,582,502	0	20,582,502
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	60,000	60,000	0	60,000
Investment Income	5,790	5,790	0	5,790
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	20,938,222	20,938,222	0	20,938,222
TOTAL RESOURCES	\$ 22,648,998	22,752,075	0	22,752,075
Expenditures				
General Government	4,399,656	4,399,656	0	4,399,656
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	15,747,692	17,490,801	0	17,490,801
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,147,348	21,890,457	0	21,890,457
Other Resources				
Operating Transfers In	0	300,000	0	300,000
Operating Transfers Out	(775,000)	(1,075,000)	(25,000)	(1,100,000)
Total Other Resources	\$ (775,000)	(775,000)	(25,000)	(800,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,726,650	86,618	(25,000)	61,618

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	5360 WATER EQUIPMENT REPL RESERVE			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,473,648	1,199,524	0	1,199,524
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	3,027	38,027	0	38,027
Miscellaneous Revenues	5,000	75,000	0	75,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	8,027	113,027	0	113,027
TOTAL RESOURCES	\$ 1,481,675	1,312,551	0	1,312,551
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	2,146,339	1,659,601	25,000	1,684,601
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,146,339	1,659,601	25,000	1,684,601
Other Resources				
Operating Transfers In	675,000	675,000	25,000	700,000
Operating Transfers Out	0	(300,000)	0	(300,000)
Total Other Resources	\$ 675,000	375,000	25,000	400,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 10,336	27,950	0	27,950

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2023-24

Exhibit "A"

	6340 LIABILITY CLAIMS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,541,414	4,028,079	0	4,028,079
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 1,541,414	4,028,079	0	4,028,079
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	7,304,071	7,304,071	1,600,000	8,904,071
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 7,304,071	7,304,071	1,600,000	8,904,071
Other Resources				
Operating Transfers In	6,300,000	6,300,000	0	6,300,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 6,300,000	6,300,000	0	6,300,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 537,343	3,024,008	(1,600,000)	1,424,008

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Exhibit "B"

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
ECONOMIC DEVELOPMENT							
Economic Development - Newly Funded Projects							
Downtown Video Security	100,000						TIDD
Economic Development - Total Newly Funded Projects	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Economic Development - Carryover Projects							
Downtown Plaza Shade Structures	643,400						Taxes
Downtown Callecitas Shade Structure	100,000	400,000					TIDD
Gateway Entry Points Improvements	250,000	230,000	25,000	25,000	25,000	25,000	Bonds, Grants, Taxes
1 - LCIIIP Signage							
2 - LCIIIP Pocket Park							
3 - Gateway Signage							
Parking Lot 7 and Bathrooms	99,404						TIDD
Economic Development - Total Carryover Projects	\$ 1,092,804	\$ 630,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	
Economic Development - Annual Projects							
Downtown Parking Lots Renovation	2,100,000	255,000	255,000	255,000	255,000	255,000	Grants, TIDD
1 - Parking Lot 9/10							
2 - Parking Lot at Campo & Hadley							
Economic Development - Total Annual Projects	\$ 2,100,000	\$ 255,000	\$ 255,000	\$ 255,000	\$ 255,000	\$ 255,000	
Economic Development - Future Projects							
Rocket Drive Expansion		820,000	7,173,000				Grants, Taxes
Transit Loop Road		1,661,000	7,800,000	7,800,000			Grants, Taxes
Economic Development - Total Future Projects	\$ -	\$ 2,481,000	\$ 14,973,000	\$ 7,800,000	\$ -	\$ -	
Total Economic Development	\$ 3,292,804	\$ 3,366,000	\$ 15,253,000	\$ 8,080,000	\$ 280,000	\$ 280,000	
FACILITIES MANAGEMENT							
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	1,690,501						Bonds, Taxes
Facility Parking Lot Program	82,003	250,000	250,000	250,000	250,000	250,000	Taxes
1 - Munson Center							
2 - Henry R Benavidez Community Center							
3 - Train Depot							
Gateway Entry Points Signage Maintenance	7,000	50,000	50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 1,779,504	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Facilities Management - Annual Projects							
General Facilities Improvements	410,485	500,000	500,000	500,000	500,000	500,000	Taxes
1 - Communication and Cashier Offices Construction							
2 - Jardin de Esperanzas							
3 - WIA Rehabilitation							
4 - Arc Flash Plan							
5 - City Hall Furnishings							
6 - Surveillance Camera Upgrades							
7 - Records Center Improvements							
8 - Branigan Library Exterior Re-Stucco							
9 - Frank O'Brien Papen Community Center							
10 - City Hall Building Operations Storage							

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Roof Replacement Program	2,312,166	375,000	375,000	375,000	375,000	375,000	Taxes, TIDD, Bonds
1 - Police Department Main Building							
2 - WIA Building							
3 - Municipal Court							
4 - Meerscheidt Rec Center							
5 - Rio Grande Theater							
6 - Museum of Fine Arts							
7 - Museum of Nature and Science							
8 - Railroad Museum							
9 - Police Department Academy							
10 - Roof Inspections							
Safety, Health, Environmental & Emergency	8,448						Taxes
1 - City Hall Security Upgrades							
2 - Parks Sidewalk Replacement							
3 - Pool Hoist							
4 - Fire Alarm & Security Upgrades							
5 - Pigeon Abatement							
Facilities Management - Total Annual Projects	\$ 2,731,099	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	
Facilities Management - Future Projects							
HVAC Upgrade Program		200,000	200,000	200,000	200,000	200,000	Taxes
Generator Buffer Program		50,000	50,000	50,000	50,000	50,000	Taxes
Fire Stations							
Refuse & Recycling Buffer Program		50,000	50,000	50,000	50,000	50,000	Taxes
Henry R Benavidez Community Center							
Generator Replacement Program		35,000	35,000	35,000	35,000	35,000	Taxes
ADA Compliance		25,000	25,000	25,000	25,000	25,000	Taxes
Facilities Management - Total Future Projects	\$ -	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	
Total Facilities Management	\$ 4,510,603	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	
LAS CRUCES AIRPORT							
Las Cruces Airport - Newly Funded Projects							
LRU Runway 4/22 Rehabilitation	2,710,000	455,000					Grants, Taxes, Other
Las Cruces Airport - Total Newly Funded Projects	\$ 2,710,000	\$ 455,000	\$ -	\$ -	\$ -	\$ -	
Las Cruces Airport - Carryover Projects							
LRU Airport Infrastructure Improvements	519,354						Grants, Taxes, Other
LRU Equipment and Vehicles	450,000						
LRU Passenger Terminal	191,037		8,608,963				Grants, Taxes, Other
LRU Runway 8/26 Extension	219,417				4,200,000	8,400,000	Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							
LRU Runway 12/30 Extension	262,902				13,500,000		Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							
LRU Taxi Lane Improvements	130,982	170,000					Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 1,773,692	\$ 170,000	\$ 8,608,963	\$ -	\$ 17,700,000	\$ 8,400,000	
Las Cruces Airport - Annual Projects							
LRU Striping and Marking Maintenance Program	150,000	75,000	75,000	75,000	75,000	75,000	Taxes, Other
Las Cruces Airport - Total Annual Projects	\$ 150,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Las Cruces Airport - Future Projects							
LRU Utility Infrastructure Improvements		4,500,000					Bonds, Grants, Taxes, Other
LRU Commercial Hangar Design and Construct		2,800,000					Grants, Taxes, Other
LRU Maintenance Facility Design-Construct			650,000				Grants, Taxes, Other
LRU Airport Maintenance Equipment		850,000					Bonds, Grants, Taxes, Other
LRU Airport Automated Weather Observation System (AWOS)		412,460					Grants
LRU Airport Rotating Beacon		170,520					Bonds, Grants, Taxes, Other
LRU Runways 8/26 and 12/30 Blast Pads		166,667					Grants
LRU Pavement Maintenance Program		125,000	125,000	125,000	125,000	125,000	Taxes, Other
LRU Passenger Air Service Infrastructure Revitalization			15,200,000				Grants, Taxes, Other
LRU Fuel Farm Relocation & Expansion			1,900,000				Grants, Taxes, Other
LRU ARFF Index B Equipment Upgrades			1,600,000				Grants, Taxes, Other
LRU Passenger Terminal Parking			1,200,000				Grants, Taxes, Other
LRU Airline Ground Support Equipment Facilities				750,000			Grants, Taxes, Other
LRU Taxilane Extensions				3,400,000			Grants, Taxes, Other
LRU Multi-Modal Public Passenger Transit Facility					2,500,000		Grants, Taxes, Other
LRU East Perimeter Road						11,200,000	Grants, Taxes, Other
LRU Apron West Hangar Rehabilitation						70,000	Grants, Taxes, Other
LRU Apron West Rehabilitation						70,000	Grants, Taxes, Other
Las Cruces Airport - Total Future Projects	\$ -	\$ 9,024,647	\$ 20,675,000	\$ 4,275,000	\$ 2,625,000	\$ 11,465,000	
Total Las Cruces Airport	\$ 4,633,692	\$ 9,724,647	\$ 29,358,963	\$ 4,350,000	\$ 20,400,000	\$ 19,940,000	
NON-PROFIT ORGANIZATIONS							
Non-Profit Organizations - Newly Funded Projects							
Children's Museum Facility	690,746	100,000	400,000	5,500,000			Bonds, Grants
MV Community of Hope - Campus Extension (Amador Crossing)	2,500,000	5,000,000					Grants
MV Community of Hope - The Kitchens	1,866,500	1,125,000	7,000,000	2,700,000			Grants
MV Community of Hope - Flooring	10,317						Grants
MV Community of Hope - Jardin de los Niños Re-Roof	250,000						Grants
Non-Profit Organizations - Total Newly Funded Projects	\$ 5,317,563	\$ 6,225,000	\$ 7,400,000	\$ 8,200,000	\$ -	\$ -	
Non-Profit Organizations - Carryover Projects							
Arts and Cultural District Improvements	2,572,861						Grants
MV Community of Hope - Solar Project	400,000			600,000			Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Whse	651,942	1,847,000					Grants, Other
MV Community of Hope - Expansion Remodel	1,188,500						Grants
MV Community of Hope - Health Facility Improvements	1,853,922						Grants
Non-Profit Organizations - Total Carryover Projects	\$ 6,667,226	\$ 1,847,000	\$ -	\$ 600,000	\$ -	\$ -	
Non-Profit Organizations - Future Projects							
MV Community of Hope - Master Plan Implementation		2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	Grants
Paseos Verdes		2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	Grants
La Clinica de Familia - Behavioral Health Facility							Grants
<i>2023 Legislative Appropriation</i>		922,349					
MV Community of Hope - El Caldito Upgrade			150,000				Grants
MV Community of Hope - Patio to Office Remodel				1,000,000			Grants
MV Community of Hope - Jardin de los Niños Security Improvements				200,000			Grants
Non-Profit Organizations - Total Future Projects	\$ -	\$ 4,922,349	\$ 4,150,000	\$ 5,200,000	\$ 4,000,000	\$ 4,000,000	
Total Non-Profit Organizations	\$ 11,984,789	\$ 12,994,349	\$ 11,550,000	\$ 14,000,000	\$ 4,000,000	\$ 4,000,000	

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
PARKS & RECREATION							
Parks & Recreation - Newly Funded Projects							
Klein Park Improvements	210,000	590,000					Grants, Taxes
Light Poles at Hadley Fields	177,000						Taxes
Parks and Recreational Facilities Structural Renovations	300,000	399,000	125,000				Grants, Taxes
Park Drinking Fountains	279,326	70,000	70,000				Grants, PIF, Taxes
Trail Renovations	100,000	400,000	500,000	500,000	500,000	500,000	Bonds, Grants
Various Park Restroom Replacement/Repairs & Upgrades	435,417	360,000					Grants, PIF
Veterans' Memorial Park Enhancements	247,500	412,500	662,500	662,500	662,500	662,500	Bonds, Grants
Parks & Recreation - Total Newly Funded Projects	\$ 1,749,243	\$ 2,231,500	\$ 1,357,500	\$ 1,162,500	\$ 1,162,500	\$ 1,162,500	
Parks & Recreation - Carryover Projects							
A. Fielder Memorial Safe Haven Renovations	353,635						Taxes
Apodaca Park Aquatic Playground and Multi-Use Path	2,364,000						PIF, Taxes
Ballfield/Soccer Field Renovations & Upgrades	820,236	834,600	144,000	3,200,000			Grants
Chandler Tank Park	1,082,035						Bonds, Taxes
Dona Ana Move Trail	690,000						Grants, Taxes
East Mesa Public Safety Area Park	100,000	100,000		100,000		100,000	Grants, PIF
Gallagher Park Improvements	149,189						Taxes
Highland Park	2,028,552	510,850					Grants, PIF, Taxes
JCP Learning Center Exterior Repairs	257,015						Grants, Taxes
Las Cruces Lateral RTP Trail	489,011						Grants
Las Cruces Regional Aquatic Center HVAC & Dehumidifier	-						Taxes
Meerscheidt Recreation Center - Remodel/Expansion	2,000,000						Bonds, Grants
Meerscheidt Recreation Center Improvements	19,362	312,638					Grants, Taxes
New Skate Park - Plan & Design	550,000	800,000					Grants
Park Drinking Fountains	279,325						
Parks Smart Controllers & Pumps	150,001						Grants, Taxes
Pioneer Women's Park Gazebo Improvements	835,699	600,000	600,000	600,000	600,000	600,000	Grants
Regional Rec & Aquatic Cntr - Ph II - Community Pool Construction	476,026						Bonds, PIF, Taxes
Skate Park Renovation & Improvements	1,070,000	836,500	1,650,000	500,000			Grants, PIF
Tortugas Trail	75,000						Grants
Wayfinding Signage	1,183						Grants, PIF
Parks & Recreation - Total Carryover Projects	\$ 13,790,269	\$ 3,994,588	\$ 2,394,000	\$ 4,400,000	\$ 600,000	\$ 700,000	
Parks & Recreation - Annual Projects							
Land Acquisition, Planning, and Design for Parks	100,000	500,000	500,000	500,000	500,000	500,000	PIF
Median Landscaping	601,383	200,000	200,000	200,000	200,000	200,000	Grants, Loans, Taxes
Metro Verde Neighborhood Parks	619,814	500,000	500,000	500,000	500,000	500,000	PIF, Grants
Neighborhood Parks	539,085	500,000	500,000	500,000	500,000	500,000	PIF, Taxes
Parks Parking Lots	2,640,881	907,500	252,500	272,700	272,700	272,700	Bonds, Grants, Taxes
Veterans' Park Parking Lot							
BMX Track Parking Lot & ADA Improvements							
Paz Ball Field Parking Lot Improvements							
Tony Gomez Park Parking Lot Improvements							
Apodaca Park							
East Mesa Recreation Center							
Maag Ball Park							
Skate Park							
Parks Shade Structures	24,000	24,000	24,000	24,000	24,000	24,000	Taxes
Parks & Recreation - Total Annual Projects	\$ 4,525,164	\$ 2,631,500	\$ 1,976,500	\$ 1,996,700	\$ 1,996,700	\$ 1,996,700	

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Parks & Recreation - Future Projects							
Multi-Use Recreation Center		60,000,000					Bonds, Grants
Indoor/Outdoor Aquatic Amenities		195,000					Grants, Taxes
East Mesa Bataan Memorial Pool - HVAC Replacement		78,000					Grants
Albert Johnson Park Electrical Improvements		70,000					Grants, Taxes
Benavidez Park			500,000				Grants
Veterans' Memorial Park Restroom Plumbing Repairs and Upgrades			134,000				Grants, PIF
Valley View Park - Heske Garden Lighting Replacement			80,000				Grants, Taxes
Laabs Pool - HVAC Replacement			78,000				Grants, Taxes
Hadley Complex Recreation Rehabilitation			31,500	318,500			Grants, Taxes
Four Field Baseball/Softball Complex				5,995,500			Bonds, Grants, PIF
Laabs Pool - Shade Structures				97,500			Bonds, Grants, PIF
New Sand Volleyball Courts					40,000		Grants, PIF
Waterfalls Park						1,200,000	Grants, PIF
Parks & Recreation - Total Future Projects	\$ -	\$ 60,343,000	\$ 823,500	\$ 6,411,500	\$ 40,000	\$ 1,200,000	
Total Parks & Recreation	\$ 20,064,676	\$ 69,200,588	\$ 6,551,500	\$ 13,970,700	\$ 3,799,200	\$ 5,059,200	
PUBLIC SAFETY							
Public Safety - Newly Funded Projects							
Fire Station Alerting System	434,492						Taxes
Fire Station 2 Bay Remodel	100,000						Grants
Fire Station 5	100,000	214,000	230,000				Bonds, Grants, Taxes, Other
1 - North/South Aprons							
2 - Parking Lot							
3 - Improvements							
Fire Station 6 Repairs	100,000						Grants
Fire Department Training tower	99,000	120,000					Grants, Taxes
Public Safety - Total Newly Funded Projects	\$ 833,492	\$ 334,000	\$ 230,000	\$ -	\$ -	\$ -	
Public Safety - Carryover Projects							
Fire Dept. Administration Building Lobby Remodel	199,026	350,000	193,400				Grants, Other
Fire Department CIT and MIH Building	348,895	3,420,315					ARPA, Grants, Taxes, Other
Police Department Building Renovations	37,598	400,000					Grants, Taxes
Public Safety Regional Radio Communication System	468,000	500,000	25,000	25,000	25,000	25,000	Grants, Taxes
Public Safety - Total Carryover Projects	\$ 1,053,519	\$ 4,670,315	\$ 218,400	\$ 25,000	\$ 25,000	\$ 25,000	
Public Safety - Annual Projects							
Fire Department Equipment	330,000	720,000	500,000	500,000	500,000		Grants
Public Safety - Total Annual Projects	\$ 330,000	\$ 720,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ -	
Public Safety - Future Projects							
Fire Department Station 9		5,165,000					Bonds, Grants, Taxes
Police Department Mobile Operations Command Vehicle							Grants
2023 Legislative Appropriation		750,000					
Public Safety Vehicles - Bearcat							Grants
2023 Legislative Appropriation		500,000					
Public Safety Vehicles - Rook							Grants
2023 Legislative Appropriation		500,000					
Police Department Equipment							Grants
Technology Equipment							
2023 Legislative Appropriation		450,000					

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Police Parking Lot Resurfacing		276,000					Grants, Taxes
Fire Stations 4 & 5 Security Fencing and Gates		130,000					Grants, Taxes
Public Safety Vehicles - Critical Incident Command Vehicle		100,000					Grants
Fire Station 4 Restroom Remodel		90,000					Grants, Taxes
Police North Parking Lot Fencing		20,000					Grants
Fire-Energy Efficiency and Sustainability				334,000	330,000	270,000	Grants
Fire Station 2 Replacement 1 - Land Acquisition 2 - Plan, Design, Construct, and FF&E 3 - Demolition					5,165,000		Taxes, Grants
Downtown Public Safety Complex						57,000,000	Bonds, Grants
Police/Fire Training Facility - Design & Construct						6,900,000	Grants
Police/Fire Training Facility - Furniture, Fixtures, & Equipment						2,100,000	Grants
Public Safety - Total Future Projects	\$ -	\$ 7,981,000	\$ -	\$ 334,000	\$ 5,495,000	\$ 66,270,000	
Total Public Safety	\$ 2,217,011	\$ 13,705,315	\$ 948,400	\$ 859,000	\$ 6,020,000	\$ 66,295,000	
PUBLIC WORKS							
Public Works - Newly Funded Projects							
Complete Streets University Ave. Complete Street Improvements El Paseo Rd. Idaho Ave	7,660,000	1,750,000	1,750,000	1,500,000	1,750,000	1,750,000	Bonds
Lift Up Las Cruces - Street Improvements	595,000	600,000	600,000	600,000	600,000	600,000	Grants
Mesquite Historical District Renovations	1,025,000						Grants
Resiliency	3,000,000	1,250,000	1,250,000	1,000,000	1,250,000	1,250,000	Bonds
University Ave. Complete Street Improvements-Design	520,000	480,000					Grants, Bonds, Taxes
Public Works - Total Newly Funded Projects	\$ 12,280,000	\$ 3,600,000	\$ 3,600,000	\$ 3,100,000	\$ 3,600,000	\$ 3,600,000	
Public Works - Carryover Projects							
Amador Hotel	3,086,723	2,950,000	2,950,000	2,950,000			Grants, TIDD
Bellamah Drive - Lees Drive to Luna Street	2,676,899						Bonds, Taxes
Campo Street Design and Reconstruct Hadley Ave. Organ Ave.	1,401,103	4,815,197					TIDD, Taxes
Casa Linda Acres Reconstruction	3,634,760						ARPA, Taxes
Del Rey Blvd Signal Improvements	177,390						Grants, Taxes
East Mesa Recreation Complex	2,000,000						Bonds
East Mesa Recreation Complex Roads	567,698	637,906					Bonds, Taxes
East Mesa Roads and Drainage <i>2023 Legislative Appropriation</i>	1,617,088	550,000	900,000	500,000	500,000	500,000	Grants, Taxes
GO Bonds - ARPA Funding	2,506,687						ARPA
GO Bond 2022 - New Fire Station	9,800,000						Bond
GO Bond 2022 - Parks Improvements	1,960,000						Bond
GO Bond 2022 - East Mesa Recreation Complex	4,900,000						Bond

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

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Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
GO Bond Q1 - Park & Sport Field Improvements & Additions	45,517						GO Bonds, PIF
GO Bond Q2 - New Animal Shelter Facility	49,997						GO Bonds
GO Bond Q3 - New Fire Station No. 3 Building	29,164						GO Bonds
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	7,065						GO Bonds
Madrid Ave Extension - Martha Dr to N Triviz Dr	2,864,997	1,000,000					Grants, Taxes
Midway Ave - Gas Line Rd to Mesa Dr	600,000						Taxes, Grants
Picacho Ave HAWK System	238,652						Grants, Taxes
South Main St - Avenida de Mesilla to Boutz	3,308,139						Bonds
Storm Water System Mapping	100,000	100,000					Taxes
Traffic Signals	1,010,523						Bonds
Hoagland Rd & N Alameda Blvd							
Roadrunner Parkway & Sonora Springs							
Sonoma Ranch Blvd & Northrise							
Telshor ADA Improvements Phase VI	316,659						Grants, Taxes
Telshor Spruce Intersection Improvements	1,236,959	850,000					Grants
Voluntary Assessment District Phase I	69,808						Bonds
Sanitary Sewer Infrastructure							
Sonoma Ranch Blvd Mile 2: Peachtree to Arroyo							
Red Hawk Golf Rd: N.Bound Metro Verde S.P1E to Arroyo Rd							
Regional Drainage Phase 1							
Voluntary Assessment District Phase II	3,196,542						Bonds
Peachtree Hills Rd. East & West							
Regional Drainage							
Sonoma Ranch Blvd to Engler, Mile 1, Mile 2, Mile 3, & Roundabout							
Sonoma Ranch Blvd Landscaping to Engler, Mile 1, Mile 2, & Mile 3							
Villa Mora Dam Park Study	612,588						Grants, Taxes
Walnut-Madrid TAP Bike/Pedestrian Improvements	982,250						Bonds, Grants
Public Works - Total Carryover Projects	\$ 48,997,207	\$ 10,903,103	\$ 3,850,000	\$ 3,450,000	\$ 500,000	\$ 500,000	
Public Works - Annual Projects							
Active Transportation	5,115,779	350,000	350,000	350,000	350,000	350,000	Bonds, Taxes
Bicycle Facilities							
Pedestrian Safety Improvements							
ADA							
Sidewalk Gap							
Chip Seal Program	200,000	200,000	200,000	200,000	200,000	200,000	Taxes
CO-OP Match	80,000	80,000	80,000	80,000	80,000	80,000	Taxes
Drainage Infrastructure Improvements	3,068,122	500,000	500,000	500,000	500,000	500,000	Bonds, Taxes
EBID Drains & Laterals							
Land Acquisition							
Other Improvements							
Land Acquisition - Public Works	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Flood Control							
Rights of Way							
East Mesa							
Other							
M.A.P. Match	165,000	150,000	150,000	150,000	150,000	150,000	Taxes
Materials Testing	240,000	250,000	250,000	250,000	250,000	250,000	Taxes
Neighborhood Traffic Calming Program	60,000	60,000	60,000	60,000	60,000	60,000	Taxes
Pavement Condition Index Improvements	10,238,981	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	Bonds, Taxes
Pavement Condition Index Improvements							
Pavement Overlays							
Pavement Replacement							
Pavement Treatment							

**City of Las Cruces
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Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Pavement Marking Program	169,000	500,000	250,000	500,000	250,000	500,000	Taxes
Roadway Maintenance Program	902,569	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	1,096,291	500,000	500,000	500,000	500,000	500,000	Taxes
Traffic Signal Program Bataan Memorial at Rinconada	514,847	500,000	500,000	500,000	500,000	500,000	Taxes
Transportation System Modernization ITS	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Taxes
Unpaved Roads	250,000	250,000	250,000	250,000	250,000	250,000	Taxes
Weed Control & Maintenance Program City Rights of Way Las Cruces Dam Ponds	95,000	100,000	100,000	100,000	100,000	100,000	Taxes
Public Works - Total Annual Projects	\$ 23,395,589	\$ 11,690,000	\$ 11,440,000	\$ 11,690,000	\$ 11,440,000	\$ 11,690,000	
Public Works - Future Projects							
HWY 70 and Elks/Triviz Intersection Improvements		25,000,000					Grants, Taxes
Melendres Ave - Hadley to Picacho		1,979,500					Loans, Taxes
Johnson St - Rouault Ave to Topley Dr		1,712,000					Loans, Taxes
Ethel Ave - Alameda Blvd to Miranda, and Houma		1,043,250					Loans, Taxes
Pittsburg Ave - Melendres to Cul de Sac		250,000					Loans, Taxes
Med Park Ave - Idaho to Perkins Ave			1,824,000				Loans, Taxes
Evelyn St - Madrid Ave to Ash Ave			1,710,000				Loans, Taxes
Sacramento St - Ash Ave to Oasis Ave			1,482,000				Loans, Taxes
Mountain Ave - Melendres St to Armijo St			1,368,000				Loans, Taxes
Armijo St - Picacho Ave to Parker Rd			684,000				Loans, Taxes
Sequoia Ave - Valley Dr to E.O.P.				2,420,000			Loans, Taxes
Lohman at Walnut and Walton Signal Improvements				1,500,000			Bonds, Loans, Taxes
Kilmer St - Spruce Ave to Ash Ave				1,391,000			Loans, Taxes
Armijo St - Organ Ave to Mountain Ave				1,331,000			Loans, Taxes
Poplar Ave - Mesquite St to Santa Fe St				871,200			Loans, Taxes
La Fonda Dr - Idaho Ave to E.O.P.				726,000			Loans, Taxes
6th Street - Hayner Ave to Hadley Ave				484,000			Loans, Taxes
South Valley Dr Reconstruction - Avenida de Mesilla to Boutz					3,379,200		Loans, Taxes
Miranda Ave - Picacho Ave to Court Ave					1,664,000		Loans, Taxes
Rigsby Rd - Barker to Valley Dr					768,000		Loans, Taxes
Scoggins Ave - 6th St to Sweet St					652,800		Loans, Taxes
Mountain Ave - Water St to Alameda Blvd					640,000		Loans, Taxes
Street Lighting Management System					500,000		Bonds, Loans, Taxes
Aspen Ave - Sequioa Ave to S Valley Dr						2,970,000	Loans, Taxes
Alameda Blvd - Amador Ave to Las Cruces Ave						1,409,400	Taxes, TIDD
Westgate St - Amador Ave to Cul de Sac						1,350,000	Loans, Taxes
Parkview Dr - Espina St to E.O.P.						972,000	Loans, Taxes
Sweet St - Hadley Ave to Hayner St						568,000	Loans, Taxes
Targeted Road and Lighting Improvements - Design						50,000	Taxes
West Mesa Fiber Optics Improvements - Design						50,000	Taxes
Public Works - Total Future Projects	\$ -	\$ 29,984,750	\$ 7,068,000	\$ 8,723,200	\$ 7,604,000	\$ 7,369,400	
Total Public Works	\$ 85,192,796	\$ 56,657,853	\$ 25,958,000	\$ 26,963,200	\$ 23,144,000	\$ 23,159,400	

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
QUALITY OF LIFE							
Quality of Life - Newly Funded Projects							
Museum of Nature and Science - Atrium Redesign	50,000	15,000					Grants, Taxes
Museum System Technology Improvements	210,000						TIDD
Quality of Life - Total Newly Funded Projects	\$ 260,000	\$ 15,000	\$ -	\$ -	\$ -	\$ -	
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements	287,714	93,000	1,000,000	1,000,000	1,200,000		Grants, Taxes
Branigan Library - Expansion Phase II/Branch	64,364	2,615,000	1,650,000				Bonds, Grants, Other
Go Bond 2023 Public Art	340,000						Bond
Munson Center Renovations	885,952						Grants
<i>2023 Legislative Appropriation</i>		2,302,399					
Sage Café Expansion	902,525	3,083,180					Grants
Senior Programs Kitchen Equipment	52,409	150,000					Taxes
Quality of Life - Total Carryover Projects	\$ 2,532,964	\$ 8,243,579	\$ 2,650,000	\$ 1,000,000	\$ 1,200,000	\$ -	
Quality of Life - Annual Projects							
Public Art Program	108,506	300,000	300,000	300,000	300,000	300,000	Taxes
Quality of Life - Total Annual Projects	\$ 108,506	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Quality of Life - Future Projects							
Munson Center Floor		750,000					Bonds, Grants, Taxes
Sage Café Backup Generator		422,500					Bonds, Grants, Taxes
Senior Programs Vehicles		30,000	280,000	280,000			Grants
<i>2023 Legislative Appropriation</i>		310,000					
Senior Programs Existing Kitchen Expansion Assessment		260,000					Taxes
Munson Center Bathrooms		250,000					Bonds, Grants, Taxes
Munson Center Kitchen Expansion		221,000	3,053,100				Bonds, Grants, Taxes
Benavidez Kitchen Expansion			93,800	2,854,800			Bonds, Grants, Taxes
Museum System On-site Server		115,000					Bonds, Grants, Taxes
Frank O'Brien Papen Center - Dining Room Floor			47,140				Grants, Taxes
<i>2023 Legislative Appropriation</i>		35,000					
Museum of Art Improvements		35,000	95,000	320,000	200,000		Bonds, Grants, Taxes
Museum of Art - Gallery Flooring		35,000	165,000				Bonds, Grants, Taxes
Museum of Nature and Science - Nature Center Redesign		25,000	75,000	175,000			Taxes, Grants
Railroad Museum Reinterpretation		25,000	60,000	150,000	75,000		Bonds, Grants, Taxes
Benavidez Center Renovations			38,900				Bonds, Grants, Taxes
<i>2023 Legislative Appropriation</i>		127,500					
Railroad Museum - Exterior Improvements			38,000	60,000	17,500		Bonds, Grants, Taxes
Branigan Library Renovation				209,000	2,750,000	1,111,000	Bonds, Grants, Taxes
Museum of Art Relocation/Remodel						30,000,000	Bonds, Grants, Taxes
Museums Collection Storage Facility						9,500,000	Grants, Taxes
Quality of Life - Total Future Projects	\$ -	\$ 2,641,000	\$ 3,945,940	\$ 4,048,800	\$ 3,042,500	\$ 40,611,000	
Total Quality of Life	\$ 2,901,470	\$ 11,199,579	\$ 6,895,940	\$ 5,348,800	\$ 4,542,500	\$ 40,911,000	

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
ROADRUNNER TRANSIT							
RoadRUNNER Transit - Carryover Projects							
Municipal Services Center - Transit	22,110,608	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 22,110,608	\$ 8,383,338	\$ -	\$ -	\$ -	\$ -	
RoadRUNNER Transit - Annual Projects							
Transit Facilities Improvement Program	75,000	75,000	75,000	75,000	80,000	185,000	Grants, Taxes
RoadRUNNER Transit - Total Annual Projects	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
Total RoadRUNNER Transit	\$ 22,185,608	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
SUSTAINABILITY							
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	214,152						Taxes
Fleet Electric Vehicle Chargers	376,000	-					Grants, Bonds, Taxes
Sustainability - Total Carryover Projects	\$ 590,152	\$ -	\$ -	\$ -	\$ -	\$ -	
Sustainability - Future Projects							
DC Fast Chargers for Electric Vehicles		200,000	200,000				Grants, Bonds, Taxes
Public Electric Vehicle Chargers		200,000	200,000				Grants, Bonds, Taxes
Green Cool Corridors for Bicycles				174,000			Grants, Bonds, Taxes
LMI Housing Retrofits for Resiliency				1,270,000			Grants, Bonds, Taxes
Sustainability - Total Future Projects	\$ -	\$ 400,000	\$ 400,000	\$ 1,444,000	\$ -	\$ -	
Total Sustainability	\$ 590,152	\$ 400,000	\$ 400,000	\$ 1,444,000	\$ -	\$ -	
UTILITIES							
Utilities - Newly Funded Projects							
JHWWTF Rehabilitation	15,111,385						Bonds
Wastewater SCADA	596,277	296,569	196,569	30,000	30,000	30,000	Other
Water Development	163,224	1,469,019					WIF
Utilities - Total Newly Funded Projects	\$ 15,870,886	\$ 1,765,588	\$ 196,569	\$ 30,000	\$ 30,000	\$ 30,000	
Utilities - Carryover Projects							
Wastewater Development	165,000						WWIF
Wastewater Septic Systems	2,171,467	1,472,100	1,619,000				Other, Bonds, Grant
Water Rehabilitation - NMFA	34,941						Loans
Water Utilities Bond Projects 2020A	3,558,786	4,939,151					Bonds
Utilities - Total Carryover Projects	\$ 5,930,194	\$ 6,411,251	\$ 1,619,000	\$ -	\$ -	\$ -	
Utilities - Annual Projects							
Gas Admin Building Improvements	468,323	475,000	125,000	125,000	125,000	125,000	Other
Fiber optic Cable Replacement from Roundtree to JU							
Gas Development - Low & High Pressure	112,444	19,234,390	3,168,364	652,341	300,000	300,000	Other
Gas Rehabilitation - Low & High Pressure	110,000	2,403,244	2,543,189	460,000	250,000	250,000	Other
Gas Rehabilitation - Street Utility Rehabilitation	2,150,425	1,044,223					Other
Gas SCADA	290,871	236,748	236,748	50,000	50,000	50,000	Other
Solid Waste Building Improvements	1,117,906	405,000	125,000	125,000	125,000	125,000	Other
Fiber optic Cable Replacement from Roundtree to JU							

**City of Las Cruces
Capital Improvements Program
FY 2024-2029**

Amended 04/15/2024

Agenda Item #7.1

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Wastewater Building Improvements Fiberoptic Cable Replacement from Roundtree to JU	175,000	1,031,000	75,000	75,000	75,000	75,000	Other
Wastewater JHWWTF	69,219	727,835					Other
Wastewater Lift Station Renovations	50,000	100,000	50,000	100,000	50,000	100,000	Other
Wastewater Rehabilitation - East Mesa Water Reclamation Facility	1,631,309						Other
Wastewater Street Utility Rehabilitation	2,133,558	3,465,381	400,000		400,000		Other
Water Building Improvements Fiberoptic Cable Replacement from Roundtree to JU	245,333	475,000	125,000	125,000	125,000	125,000	Other
Water Rehabilitation - Line Extension	823,106	1,126,230					Other
Water Rehabilitation - Reservoir Rehabilitation	60,068	7,367,011	3,565,500				Other
Water Rehabilitation - Street Utility Rehabilitation	3,071,605	3,098,992	250,000	350,000	250,000	350,000	Other
Water SCADA	89,277	689,214	669,461	50,000	30,000	50,000	Other
Utilities - Total Annual Projects	\$ 12,598,444	\$ 41,879,268	\$ 11,333,262	\$ 2,112,341	\$ 1,780,000	\$ 1,550,000	
Utilities - Future Projects							
Water Transite Pipe ID and replace		5,000,000					Grants
Water Well Buildings		1,800,000					Other
Water Booster Station		1,006,771					Other
Water Pump Station Well Rehab		481,040	2,709,364				Other
Water Rehabilitation - Pump Station Rehabilitation		377,800	100,000	100,000	100,000	100,000	Other
Water Rehabilitation - Pump PRV		324,000					Other
Gas Rehabilitation - Regulator Stations		223,658	2,012,923				Other
Wastewater Jacob Hands Wastewater Treatment Facility		100,000	100,000	100,000	100,000	100,000	Other
Water NMFA Loan		100,000					Bonds
Wastewater East Mesa Water Reclamation		50,000		50,000	50,000	50,000	Other
Wastewater Development Lift Station Upgrades	\$ -		100,000				WWIF
Utilities - Total Future Projects		\$ 9,463,269	\$ 5,072,287	\$ 250,000	\$ 250,000	\$ 250,000	
Total Utilities	\$ 34,399,525	\$ 59,519,376	\$ 18,221,118	\$ 2,392,341	\$ 2,060,000	\$ 1,830,000	
VISIT LAS CRUCES							
Visit Las Cruces - Carryover Projects							
Convention Center FF&E	75,000	75,000	-	-	-	-	Taxes
Visit Las Cruces - Total Carryover Projects	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 39,641,184	\$ 15,106,088	\$ 12,784,069	\$ 12,492,500	\$ 4,792,500	\$ 4,792,500	
Total Carryover Projects	\$ 106,393,140	\$ 45,628,174	\$ 19,665,363	\$ 9,800,000	\$ 20,350,000	\$ 9,950,000	
Total Annual Projects	\$ 46,013,802	\$ 58,500,768	\$ 26,829,762	\$ 17,879,041	\$ 17,301,700	\$ 16,926,700	
Total Future Projects	\$ -	\$ 127,601,015	\$ 57,467,727	\$ 38,846,500	\$ 23,416,500	\$ 131,525,400	
GRAND TOTAL	\$ 192,048,126	\$ 246,836,045	\$ 116,746,921	\$ 79,018,041	\$ 65,860,700	\$ 163,194,600	

Abbreviations and Notes:
 Indicates a Change
Pending Legislative Appropriations noted in italic
Current funding sources noted in bold

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

TIDD - Tax Increment Development
 District
WIF - Water Impact Fees
WWIF - Wastewater Impact Fees

BUDGET ADJUSTMENT SUMMARY

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	City Manager
PROGRAM:	Council Support
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(216,000)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: The purpose of this request is to reallocate unused salary & benefit budget from the Council Support and apply to Facilities Management program operating budget. With the current interim Facilities Manager in place, the program has ramped up their spending toward custodial services, maintenance, and projects. To maintain this momentum and current levels of service, they'll need additional budget to continue to operate.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Facilities Management
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$216,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: The purpose of this request is to reallocate unused salary & benefit budget from the Council Support and apply to Facilities Management program operating budget. With the current interim Facilities Manager in place, the program has ramped up their spending toward custodial services, maintenance, and projects. To maintain this momentum and current levels of service, they'll need additional budget to continue to operate.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Planning & Implementation
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(188,000)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Decrease expenses from Planning & Implementation and transfer funds to Economic Development for the planning process in the Metropolitan Redevelopment Areas (MRA) El Paseo & S. Solano.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Economic Development
PROGRAM:	Office Of the Director
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$188,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Decrease expenses from Planning & Implementation and transfer funds to Economic Development for the planning process in the Metropolitan Redevelopment Areas (MRA) El Paseo & S. Solano.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue/Expenses
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Visit Las Cruces
REVENUE ADJ AMOUNT	\$ 47,968.34
EXPENDITURE ADJ AMOUNT	\$ 47,968.34
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: To adjust grant projections to actual award of \$95,936.67 for VLC FY24 Cooperative advertising.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue/Expenses
DEPARTMENT:	Quality of Life
PROGRAM:	Senior Nutrition
REVENUE ADJ AMOUNT	\$(63,000)
EXPENDITURE ADJ AMOUNT	\$(63,000)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Home Delivered Meals FY24.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue/Expenses
DEPARTMENT:	Quality of Life
PROGRAM:	Long-term Care
REVENUE ADJ AMOUNT	\$ 1,500
EXPENDITURE ADJ AMOUNT	\$ 1,500
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Homemaker FY24.	

FUND NO.	2300
FUND TITLE:	Fire Fund
TYPE OF ADJUSTMENT:	Revenue/Expenses
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Chiefs Executive Office
REVENUE ADJ AMOUNT	\$ 10,260
EXPENDITURE ADJ AMOUNT	\$ 10,260
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Increase in revenue and expenses per State Fire Marshal increasing the Fire Departments Annual Allotment by \$10,260.	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue/Expenses
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Chief's Executive Office
REVENUE ADJ AMOUNT	\$2,729.72
EXPENDITURE ADJ AMOUNT	\$2,729.72
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for 2020 Fire Equipment to spend remaining grant funds.	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue/Expenses
DEPARTMENT:	Public Works
PROGRAM:	Architectural Management
REVENUE ADJ AMOUNT	\$(24,150)
EXPENDITURE ADJ AMOUNT	\$(24,150)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: To adjust several grant projections to actuals for Branigan Cultural Center, Veterans Memorial, MVCOH Facility Renovation, and Economic Workforce.	

FUND NO.	4106
FUND TITLE:	Public Park Development
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$29,215
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Increase in expenses due to increase in scope of cost for Provencio Van Dame Restroom.	

FUND NO.	5010
FUND TITLE:	Airport
TYPE OF ADJUSTMENT:	Revenue
DEPARTMENT:	Assistant City Manager's Off
PROGRAM:	Airport
REVENUE ADJ AMOUNT	\$ 26,509.33
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Increase in revenue for a check received from Attendstar for Air & Space show.	

FUND NO.	5300
FUND TITLE:	Water Operations
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Non-subsection
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$ (25,000)
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Transfer to Water Equipment Repl Reserve fund to cover surcharge on a PO from vendor Don Chalmers Ford Inc.	

FUND NO.	5360
FUND TITLE:	Water Equipment Replace Reserve
TYPE OF ADJUSTMENT:	Expense and Transfer
DEPARTMENT:	Utilities
PROGRAM:	Water Line Maintenance
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$25,000
TRANSFER ADJ AMOUNT	\$25,000
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Transfer from Water Operations fund to cover surcharge on a PO from vendor Don Chalmers Ford Inc.	

FUND NO.	6340
FUND TITLE:	Liability Claims
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Legal
PROGRAM:	Legal Services
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$1,600,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	
REASON FOR ADJUSTMENT: Increase in expenses due to vacant attorney positions caused and increase in legal fees.	



City Council Action and Executive Summary

3065; Council
Bill 24-023

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:	March 18, 2024	Adopted:	April 15, 2024
Drafter:	Adam Ochoa	Department:	Community Development
Program:	Community Planning	Line of Business:	Community Planning
Title:	AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO R-4 (MULTI-DWELLING HIGH DENSITY LIMITED RETAIL AND OFFICE) FOR PROPERTY ENCOMPASSING 2.908 + ACRES AND LOCATED AT 712 AND 722 HENDEE PLACE AND 725 BASHA ARCH. SUBMITTED BY M&M BUILDING SOLUTIONS, REPRESENTATIVE. (23ZO0500143).		

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

PURPOSE(S) OF ACTION:
Zone change.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
The City Council is required to review and take final action on zone changes per Section 38-10 B. 2. b. and 38-13 A. of the 2001 Zoning Code, as amended. A zoning district is a specifically delineated area where land use regulations uniformly govern the use, placement, spacing, density, bulk, height, and size of buildings and/or land.

The applicant is requesting a zone change from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for property approximately 2.908 acres in size and located at 712 and 722 Hendee Place and 725 Basha Arch. The purpose for the proposed zone change is to remove the condition that limited buildings to one story in the R-4 zoning district.

The applicant is seeking to develop three vacant parcels with multi-family dwelling units. The property is zoned R-4C (Multi-Dwelling High Density-Limited Retail and Office-Conditional). The condition limits the construction of the multi-family units to one story. The proposed zone change request will allow for the applicant to build multiple-stories and allowing for additional multi-family units, while meeting the rest of the site design elements required by the Las Cruces Municipal Code. The applicant has provided notification to the new property owners adjacent to the property requesting the zone change via covenants of their intention to remove the condition to allow for more than one-story development on the multi-family properties. The properties are located along Stern Drive, Basha Arch and Hendee Place in an area of the City of Las Cruces where a variety of residential uses exist. Given the mixture of residential uses and building heights in the area, the applicant/property owner anticipates no adverse impact to the surrounding neighborhood in terms of character and compatibility.

The property is located on a suburban neighborhood place type area as shown on the Future Development Map in the Elevate Las Cruces Comprehensive Plan. Suburban neighborhoods are intended to provide for low-

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to-moderate density residential land uses including multi-family dwellings intermixed with areas of commercial development. Predominant land uses include single-family and multi-family development, retail and office uses, and other ancillary institutional and public uses such as schools, parks, and places of worship. Following the description of the suburban place type and the related land use goals and policies, the proposed zone change is supported by the Elevate Las Cruces Comprehensive Plan.

On January 23, 2024, the case was heard by the Planning and Zoning Commission at their regular meeting. The zone change request had no opposition during the meeting. The Planning and Zoning Commission voted 5-0-0 (one Commissioner vacancy, on Commissioner absent) to recommend approval for the proposed zone change.

SUPPORT INFORMATION:

- [Exhibit "A" - Site Plans](#)
- [Exhibit "B" - Findings](#)
- [Attachment "A" - P&Z Staff Report](#)
- [Attachment "B" - Minutes from the January 23, 2024 P&Z Meeting](#)

PLAN(S):

Other, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

P&Z

DOES THIS AMEND THE BUDGET?:

- ☐ Yes
- ☒ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: **AVAILABLE AMOUNT:** **EXPENDITURE AMOUNT:**

Funding Source(s):

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 Ordinance and affirm the P&Z recommendation for approval. The subject properties located at 712 and 722 Hendee Place and 725 Basha Arch will be rezoned from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office).
2. Vote "No"; this will deny the Ordinance and will reject the recommendation made by P&Z. The current R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) zoning designation, and the condition limiting the height of structures on the subject properties will remain.

Agenda Item #8.1.

3. Vote to "Amend"; this could allow the City Council to modify the Ordinance by adding conditions as deemed appropriate.
4. Vote to "Table"; this could allow the City Council to table/postpone the Ordinance and direct staff accordingly.

ORDINANCE 3065; COUNCIL BILL 24-023

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-4C (MULTI-DWELLING HIGH DENSITY & LIMITED RETAIL AND OFFICE-CONDITIONAL) TO R-4 (MULTI-DWELLING HIGH DENSITY LIMITED RETAIL AND OFFICE) FOR PROPERTY ENCOMPASSING 2.908 + ACRES AND LOCATED AT 712 AND 722 HENDEE PLACE AND 725 BASHA ARCH. SUBMITTED BY M&M BUILDING SOLUTIONS, REPRESENTATIVE. (23ZO0500143).

The City Council is informed that:

WHEREAS, M&M Building Solutions, representative, has submitted a request for a zone change from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office); and

WHEREAS, the subject properties are approximately 2.908 acres in size, and are vacant/undeveloped; and

WHEREAS, the proposed R-4 (Multi-Dwelling High Density & Limited Retail and Office) zone is consistent with the Suburban Neighborhood Place Type per the Elevate Las Cruces Comprehensive Plan and will provide additional housing opportunities; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on January 23, 2024, recommended that the zone change request be approved by a vote of 5-0-0 (one Commissioner vacancy and one Commissioner absent).

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

(I)

THAT the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned R-4 (Multi-Dwelling High Density & Limited Retail and Office).

(II)

THAT the zoning is based on the findings contained in Exhibit "B", attached hereto and made part of this Ordinance.

(III)

THAT the zoning of said property be shown accordingly on the City Zoning Atlas.

(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

Agenda Item #8.1.

APPROVED

ATTEST:

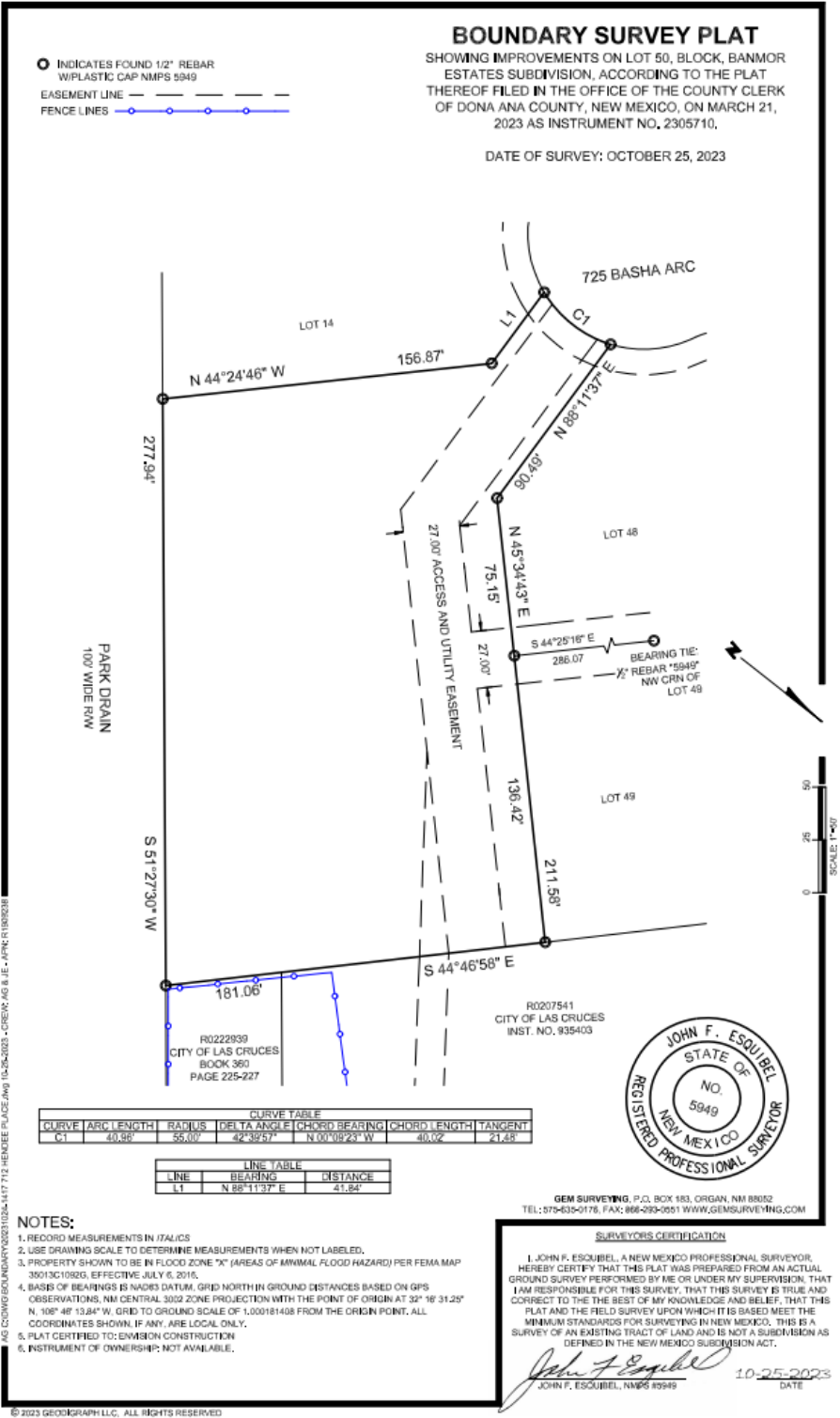
Moved by: Becki Graham

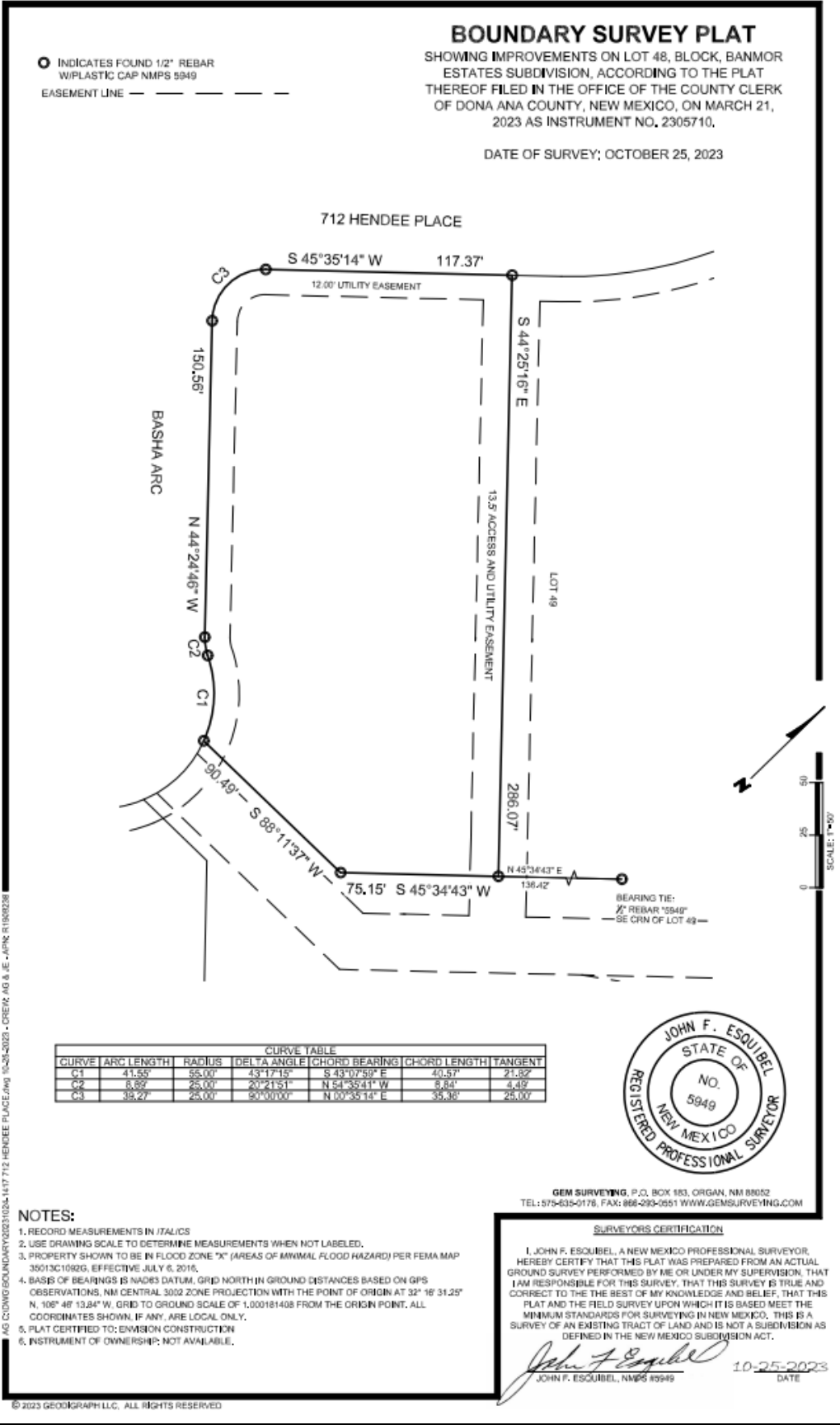
Seconded by: Becky Corran

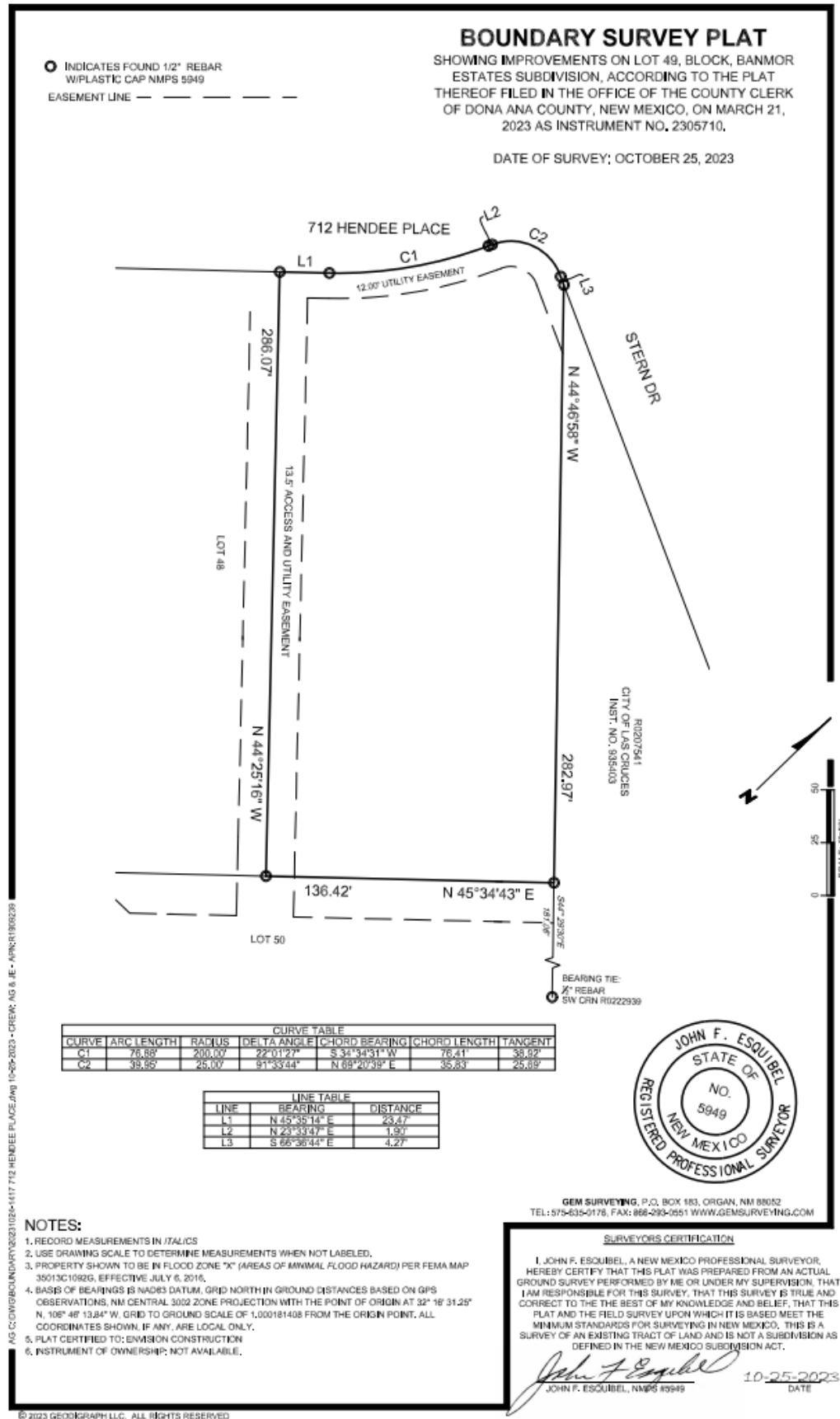
AYES

NAYS

SITE PLANS

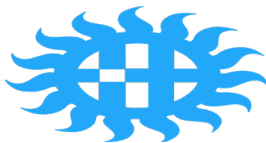






FINDINGS

- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and the 2001 Zoning Code (2001 Zoning Code, Section 38-2).
- The zone change request will allow for the development of vacant properties in an established area of the City of Las Cruces. (2001 Zoning Code, Article 1, Section 38-2K)
- The zone change request will foster a more rational relationship between different residential land uses for the mutual benefit of all.
- The proposed development would be consistent with the residential developments of the surrounding neighborhood. (2001 Zoning Code, Article 4, Section 38-32P)
- The subject property is located on a minor arterial roadway where access to multi-family developments and zoning are encouraged.



**CITY OF
LAS CRUCES**

Planning & Zoning Commission 1/23/2024
CASE 23ZO0500143: Zone Change

STAFF CONTACT:	Christina Abeyta-Corella, (575) 528-3063, cabeyta@las-cruces.org
OWNER:	Banmor Estates, LLC
REPRESENTATIVE:	M&M Building Solutions
DISTRICT:	District #4
SITE ADDRESS:	712 and 722 Hendee Place, and 725 Basha Arc
EXISTING ZONING:	R-4C (Multi-Dwelling High Density Limited Retail and Office-Conditional)
REQUEST:	Rezone to R-4 (Multi-Dwelling High Density & Limited Retail and Office)
CONCURRENT APPLICATIONS:	N/A
RECOMMENDATION:	Approval

SUMMARY OF REQUEST CASE 23ZO0500143:

The applicant is requesting a zone change from R-4C (Multi-Dwelling High Density Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for three parcels encompassing 2.908± acres total. The request is to remove the condition that limited buildings to one story in the R-4 zoning district. The properties are located at 712 and 722 Hendee Place and 725 Basha Arc.

SUMMARY OF RECOMMENDATION:

Staff is recommending **Approval** based on the findings listed below:

- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and the 2001 Zoning Code (2001 Zoning Code, Section 38-2).
- The zone change request will allow for the development of vacant properties in an established area of the City of Las Cruces. (2001 Zoning Code, Article 1, Section 38-2K)
- The zone change request will foster a more rational relationship between different residential land uses for the mutual benefit of all.
- The proposed development would be consistent with the residential developments of the surrounding neighborhood. (2001 Zoning Code, Article 4, Section 38-32P)
- The subject property is located on a minor arterial roadway where access to multi-family developments and zoning are encouraged.

ZONING

PROPOSAL AND LAND USE HISTORY

DETAILED DESCRIPTION:

The applicant is seeking to develop three vacant parcels with multi-family dwelling units. The property is zoned R-4C (Multi-Dwelling High Density-Limited Retail and Office-Conditional). The condition limits the construction of the multi-family units to one story. The proposed zone change request will allow for the applicant to build-up and allowing for additional multi-family units, while meeting the rest of the site design elements required by the Las Cruces Municipal Code.

On a separate note, the applicant provided notification to the new property owners via covenants, their intention of removing the condition to allow for more than one-story development on the multi-family properties.

LAND USE HISTORY:

The subject properties are vacant and located in Banmor Subdivision recorded in 2023. When the original zone change was presented to City Council, a traffic impact analysis was completed, and showed that the traffic original requested through the R-4 zoning could be maintained on the existing streets.

ZONING DECISION CRITERIA AND POLICIES

POLICY	DOES IT COMPLY?
<u>Neighborhood Character and Compatibility</u>	Yes
<u>Elevate Las Cruces Comprehensive Plan</u>	Yes
<u>Mesilla Valley MPO Thoroughfare Plan</u>	Yes
<u>Purpose and Intent of the Code: Section 38-2</u>	Yes
<u>Criteria for Decisions: Section 2-382</u>	Yes

NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

The properties are located along Stern Drive, Basha Arc and Hendee Place in an area of the City of Las Cruces where a variety of residential uses are allowed. Surrounding the three parcels the properties are zoned R-1a (Single-Family Medium Density) and R-2 (Multi-Dwelling Medium Density). Across the Interstate (I-10) the zoning is M-1/M/2 (Industrial Standard).

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

The property is located on a Suburban Place Type as shown on the Future Development Map in the Elevate Las Cruces Comprehensive Plan. Suburban neighborhoods are intended to provide for low-to-moderate density residential land uses intermixed with areas of commercial development. Predominant land uses include single-family and multi-family development, retail and office uses, and other ancillary institutional and public uses such as schools, parks, and places of worship.

- 1. Goal CE-1. Balanced Growth: Encourage efficient land use development patterns that accommodate projected growth in a sustainable manner.
 - a. CE-1.1: Create consistency between the Elevate Las Cruces future development program recommendations and development regulations.

- b. CE-1.1.5: Consider the appropriateness of future development proposals with place type designations and their relationship with surrounding land uses.
- 2. Goal CE-2. Areas of Special Consideration: Integrate new development into the community in a manner that complements significant built and natural features.
 - a. CE-2.1.4: Adhere to the recommended land use patterns and design guidelines contained in previously adopted neighborhood plans, corridor plans, community blueprints, and other special area plans.
 - b. CE-2.4.3: Encourage a range of housing types near the university within the city limits.
- 3. Goal CE-3. Centers and Corridors: Support growth through concentrated development at activity centers and along key corridors.
 - a. CE-3.2: Allow for a mix of development type and intensity along major thoroughfares that reflects surrounding urban, suburban, and rural contexts.
- 4. Goal CE-4. Complete Neighborhoods: Develop mixed-use neighborhoods that incorporate a wide range of recreational, commercial, employment and civic uses.
 - a. CE-4.1: Encourage a variety of housing types into new and redeveloping neighborhoods to provide options for all ages and incomes throughout the city.
 - b. CE-4.1.1: Promote a diversity of residential building types, lot sizes, density ranges, and architectural styles in from all ages and incomes throughout the city.

COMPLIANCE WITH MPO THOROUGHFARE PLAN:

Stern Drive is classified as a minor arterial roadway which is 100 feet in width, improved at the time the subdivision was developed and under the jurisdiction of the New Mexico Department of Transportation (NMDOT). Stern Drive is a minor arterial roadway, and this classification is encouraged for multi-family developments. Both Hendee Place and Basha Arc are classified as a local roadway that provide additional egress/ingress to the proposed development.

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 regulations relevant to the proposed zone change include:

- 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.
- D. Encourage mixed-land uses to decrease the length of trips for work and/or shopping and encourage the consolidation of trips and alternative modes of travel;
- 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.

- M. Foster a more rational relationship between different land uses for the mutual benefit of all.

The proposed zone change will allow development with multi-family residences. The property is undeveloped and will provide additional housing opportunities in a established area of the City of Las Cruces.

CRITERIA FOR DECISIONS:

- 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.

Based on reviews of applicable codes and policies, City Staff did not identify any issues associated with the proposed zone change. Any additional units should not unreasonably increase traffic or endanger the public's safety.

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:

The subject properties are currently undeveloped. Under the current zoning, R-4C (Multi-Dwelling High Density Limited Retail and Office-Conditional), the properties do not have a density limitation; however, the condition limits the height to only single-story.

SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:

The zone change request to remove the condition and follow the R-4 (Multi-Dwelling High Density Limited Retail and Office-Conditional) standards would allow for the proposed development to increase the number of units while meeting the required site design elements such as parking, drainage, setbacks, etc.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

City water, gas and sewer are available and will not be negatively impacted by the zone change request. Basha Arc and Hendee Place provide adequate paved access to the property. Development of these lots will require the installation of sidewalks for the entire length of Hendee Place, and a large portion of Basha to the east. As the properties sit, there is shared access through the three parcels for emergency services.

STAFF AND PUBLIC COMMENTS

PUBLIC NOTIFICATION AND INPUT: Notification letters were mailed to property owners within 500 feet on January 8, 2024. As of January 16, 2024, staff has not received public input.

STAFF COMMENTS:

No reviewing department had any negative comments and there have been no objections to the proposed rezoning.

Agenda Item #8.1.

ATTACHMENTS:

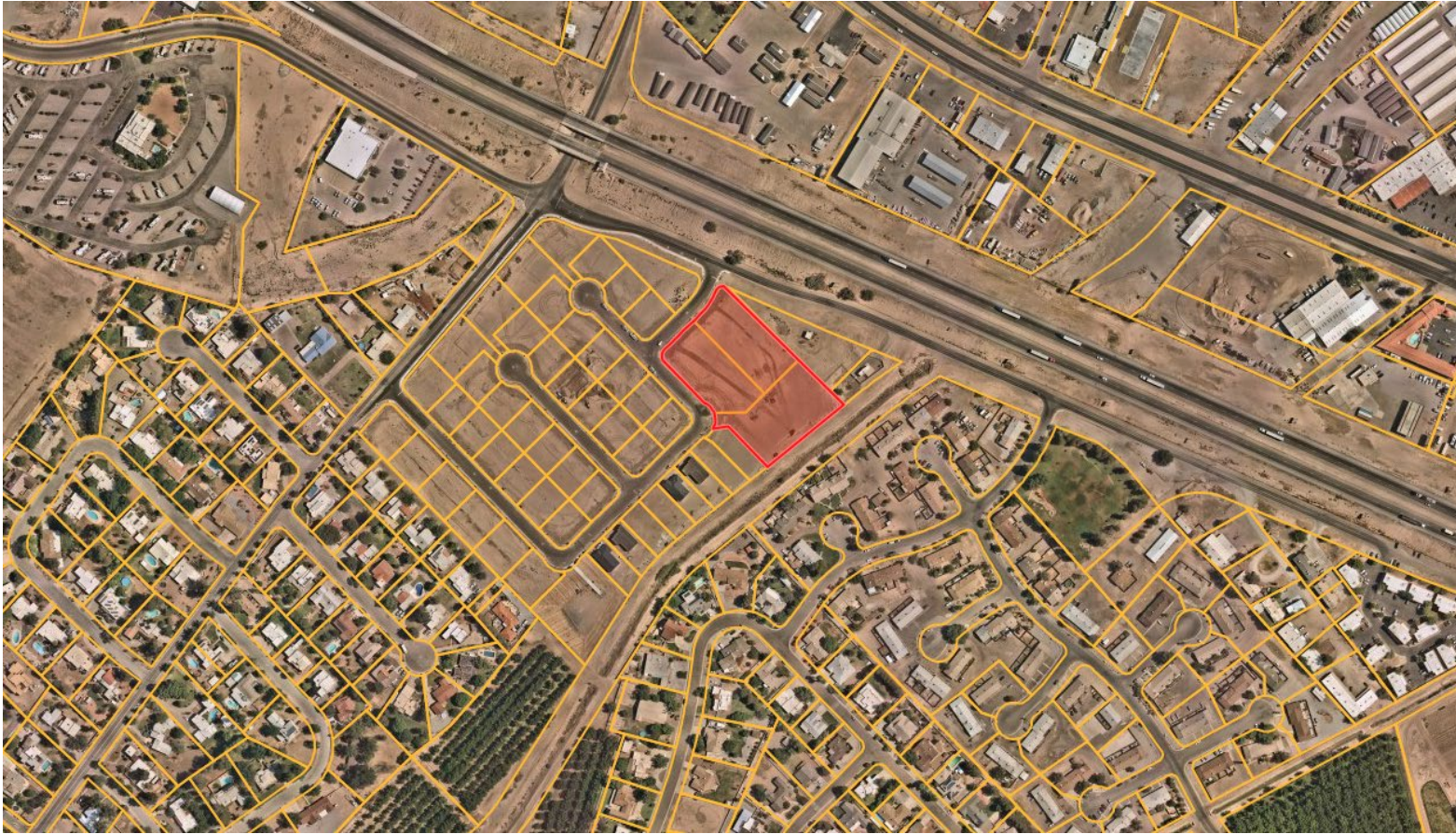
1. Zoning Map
2. Aerial Map
3. Legal Site Plan
4. Department Review Comments

ATTACHMENT 1
Zoning Map

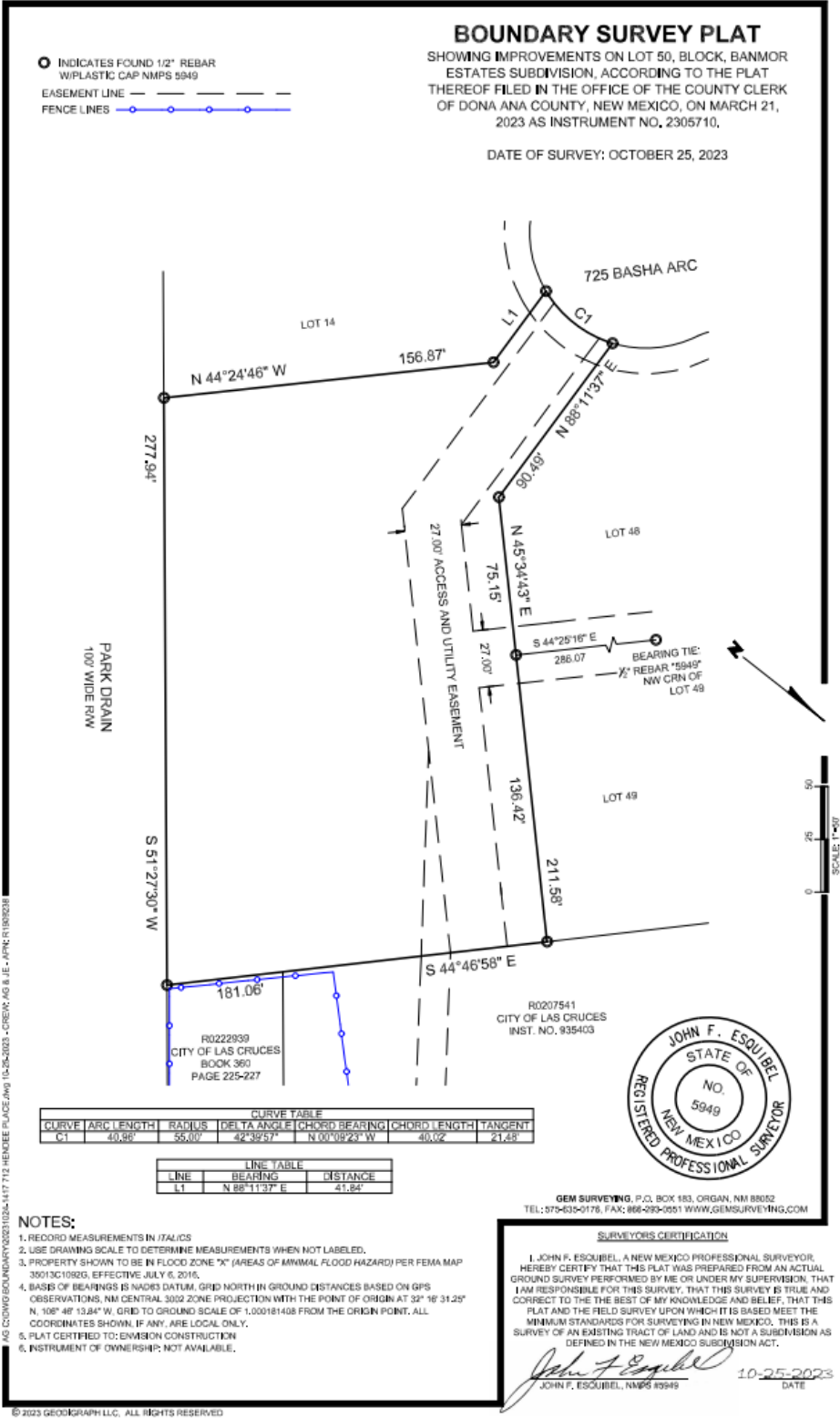


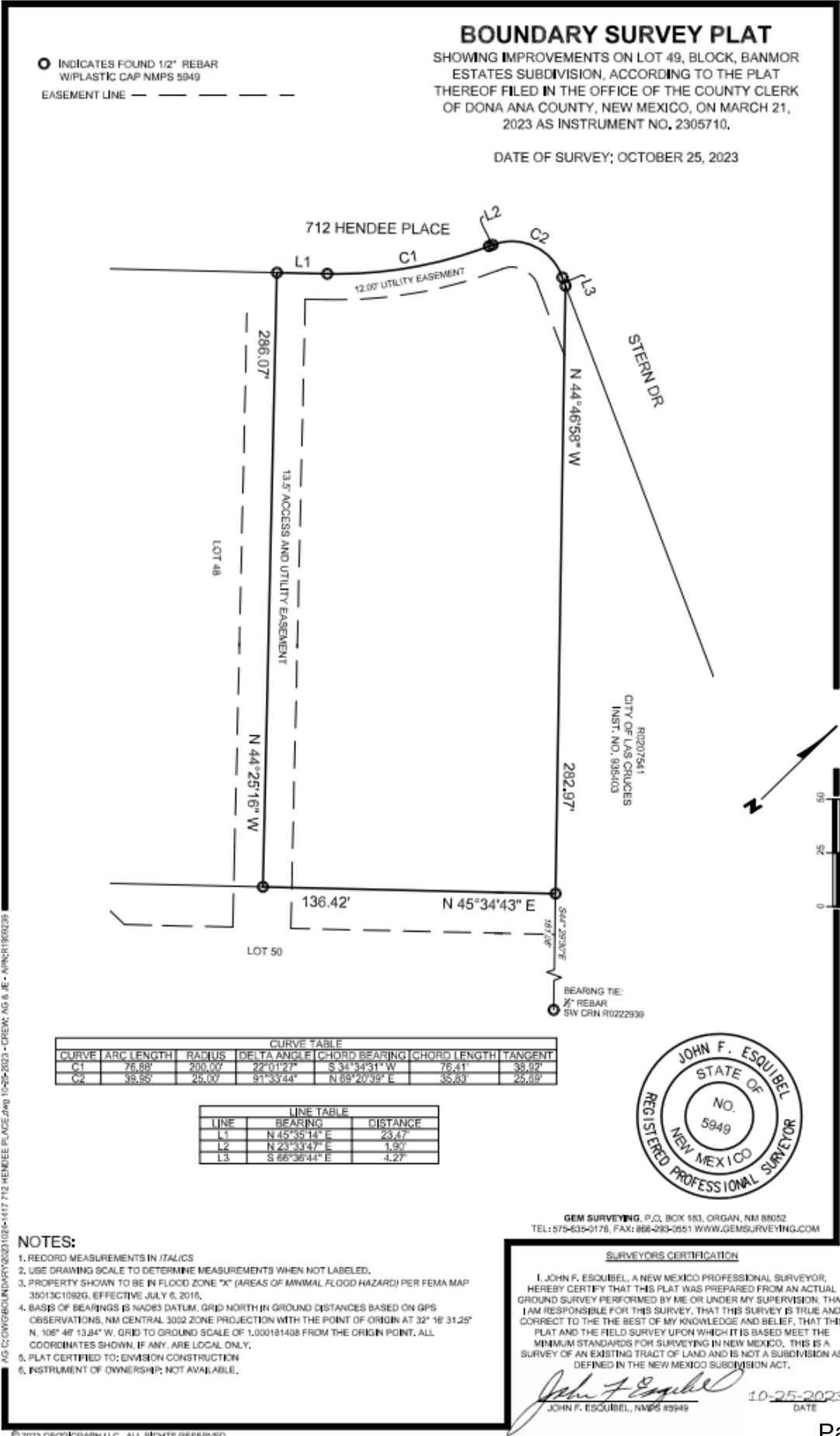
ATTACHMENT 2

Aerial Map



ATTACHMENT 3
Legal Site Plans





ATTACHMENT 4

Department Review Comments

Department: Planning

Status: Approved

Department: Engineering

Status: Not required

Department: Utilities

Status: Approved

Department: Fire

Status: Approved

Department: Parks and Recreation

Status: Approved

Department: Transportation

Status: Not required

Department: Flood Review

Status: Not required



CITY OF LAS CRUCES

PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
January 23, 2023 at 6:00 p.m.

BOARD MEMBERS PRESENT:

Scott Kaiser, Chair
Enrico Smith, Vice-Chair
James Bennett, Secretary
Connor Murray, Member
Vanessa Porter, Member

BOARD MEMBERS ABSENT:

Joaquin Acosta, Member

STAFF PRESENT:

David Weir, Deputy Director Community Planning
Sara Gonzales, Senior Planner
John Castillo, Planner
Christina Abeyta-Corella, Planner
Brad Douglas, City Attorney
Becky Baum, Recording Secretary, RC Creations, LLC

9. NEW BUSINESS

9.3 Case 23ZO0500143: A proposed zone change request from R-4C (Multi-Dwelling High Density & Limited Retail and Office-Conditional) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for three parcels encompassing 2.908 ± acres total. The request is to remove the condition that limited buildings to one story in the R-4 zoning district. The properties are located at 712 and 722 Hendee Place, and 725 Basha Arc. Submitted by M&M Building Solutions, Representative. Council District 4.

Kaiser: Moving onto 9.3. A zone change request from R-4C to R-4 at 712 and 722 Hendee Place. I'll turn it over to staff for a presentation.

Abeyta-Corella: Today I'm going to be presenting on a zone change request for 712, 722 Hendee, and 725 Basha Arc. Currently, the property is zoned R-4C, multifamily high density with limited retail and office space, with a condition. The property is 2.908 acres in size. It is three vacant parcels. The condition right now is the building height is limited to one story.

Here we do have the zoning map showing the three parcels. There's one here, one here, and another one down here. We have the aerial view which shows the parcels here. The applicant is looking to rezone the property from R-4C multi-dwelling high density limited retail and office conditional, to just R-4. They would like to remove the height condition of the one story so they can build up. They want to increase multifamily units. They will meet all of the site design elements. They're just asking to build up. Property owners were advised there'd be a subdivision convenience, so the people that have bought lots around or adjacent to the property were notified via the convenience that they have to sign at the time when they purchased the properties.

Here, we have three different site plans for the parcels. So there's the three that are inclusive of this zone change. There are no health, safety, or welfare issues identified by staff. The proposed zone is compatible with the surrounding neighborhood. It is a suburban place type as per Elevate Las Cruces which has emphasis on land uses which include multifamily, single-family, the retail, office uses, and other ancillary uses.

Notice was sent out to the surrounding properties and we did not receive any input, no inquiries, anything. With that staff's recommendations and findings is approval based on the findings supported by Elevate Las Cruces Comprehensive Plan and the 2001 Zoning Code. The zone change request will allow the development of vacant properties in an established area of the City of Las Cruces. The zone change will foster a more rational relationship between the different residential land uses for mutual benefit of all. The proposed development would be consistent with the residential development of the surrounding neighborhood. And the subject property is located on a minor arterial roadway where access to multifamily development and zoning are encouraged.

With that you can vote "yes" to approve, "no" to deny, "yes" to amend with conditions, or vote to table. If it is a denial, new findings or facts will have to be inclusive.

Kaiser: Thank you. Just curious how high would they be allowed to go under the R-4?

Abeyta-Corella: Sixty feet.

Kaiser: Okay. And the total dwelling unit per acre?

Gonzales: Mr. Chair. At the time that this was approved, it was more recent, it was around 2020, it follows our current standards where there is no maximum set on an R-4 property. You have a minimum of 10 dwelling units. There is no maximum. You can just, as long as you meet all site development design standards then you can build as many as you possibly can on the property.

Agenda Item #8.1.

Kaiser: Awesome. Sounds great. Commissioner Smith.

Smith: I just have one a quick question. Do you know whether the developer, their plan is to build more limited retail space or are they looking to build more residential dwellings?

Abeyta-Corella: Chair, Commissioner. They're looking to build apartments, that's going to be residential.

Smith: Okay. Thank you.

Kaiser: Any other questions? All right. Looking to the public. Anybody here wishes to speak on this item tonight, for the two people that remain?

Gonzales: One's the applicant.

Kaiser: All right. Seeing none. Looking for a motion to approve.

Bennett: I make a motion to approve 9.3.

Murray: I second.

Baum: Board Member Smith.

Smith: Yes, based on staff recommendation and the possibility of much needed housing in this area.

Baum: Board Member Murray.

Murray: Yes, based off of Elevate Las Cruces and staff recommendation.

Baum: Board Member Porter.

Porter: Yes, based on staff recommendations.

Baum: Board Member Bennett.

Bennett: Yes, based on staff recommendation and Elevate Las Cruces.

Baum: Chair Kaiser.

Kaiser: Yes, based on staff recommendation and consistency with Elevate Las Cruces.

Baum: Motion passes.



**3066; Council
Bill 24-024**

City Council Action and Executive Summary

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:	April 1, 2024	Adopted:	April 15, 2024
Drafter:	Elizabeth Teeters	Department:	Economic Development
Program:	Business Development	Line of Business:	Business Development
Title:	AN ORDINANCE CONFIRMING THE SUCCESSFUL COMPLETION OF THE LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) PROJECT WITH X2NSAT, INC., AND AUTHORIZING ITS TERMINATION, TO INCLUDE THE PROJECT PARTICIPATION AGREEMENT, INTERGOVERNMENTAL AGREEMENT AND THE RELEASE OF THE \$150,000 GUARANTY THAT HAS SERVED AS SECURITY FOR THE PROJECT.		

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

PURPOSE(S) OF ACTION:
To confirm successful completion and terminate.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
As indicated in Ordinance 2797, the Las Cruces City Council previously authorized the City of Las Cruces (City) to act as the fiscal agent for Local Economic Development Act (LEDA) project with X2NSat, Inc. The City received funding in the amount of \$300,000 from the New Mexico Economic Development Department (NMEDD) to be distributed to the project. The City provided a local match in the amount of \$150,000 in the form of a lien on the property, for a total of \$450,000 to be distributed to X2NSat, Inc.

The funding was to be used to support the X2NSat, Inc. project to create 30 new full-time jobs pursuant to two Project Participation Agreements (PPA), both fully executed on October 6, 2016, and November 7, 2016, respectively and entered into between X2NSat, Inc. and the City.

On February 28, 2020, X2NSat, Inc., was granted a second extension through an Amendment to their PPA to June of 2023, due to various reasons as detailed in a letter written on January 16, 2020, and included in Attachment "A".

The NMEDD has completed its Economic Impact Analysis (Attachment "B") of the X2NSat Inc, LEDA project and has determined that their operations in Las Cruces have provided the NMEDD and the City of Las Cruces a full return on investment pursuant to submitted documents from the company and alignment with the Intergovernmental Agreement (IGA), as well as the PPA.

SUPPORT INFORMATION:
[Exhibit "A", CLC Project Participation Agreement](#)
[Exhibit "B", Project Participation Agreement and Extension](#)
[Exhibit "C", Guaranty](#)

Agenda Item #9.1.

[Attachment "A", Letter](#)

[Attachment "B", Economic Impact Analysis](#)

[Attachment "C", Project Complete Letter](#)

PLAN(S):

Department Strategic Business Plan, Elevate Las Cruces

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 Ordinance to confirm completion of LEDA project and authorize termination.
2. Vote "No"; this will not approve the Ordinance to confirm completion of LEDA project and authorize termination.
3. Vote to "Amend"; this will delay the City's ability to authorize termination of the project in a timely manner.
4. Vote to "Table"; this will delay the City's ability to authorize termination of the project in a timely manner.

ORDINANCE 3066; COUNCIL BILL 24-024

AN ORDINANCE CONFIRMING THE SUCCESSFUL COMPLETION OF THE LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) PROJECT WITH X2NSAT, INC., AND AUTHORIZING ITS TERMINATION, TO INCLUDE THE PROJECT PARTICIPATION AGREEMENT, INTERGOVERNMENTAL AGREEMENT AND THE RELEASE OF THE \$150,000 GUARANTY THAT HAS SERVED AS SECURITY FOR THE PROJECT.

The City Council is informed that:

WHEREAS, as indicated in Ordinance 2797, the Las Cruces City Council previously authorized the City of Las Cruces (City) to act as the fiscal agent for Local Economic Development Act (LEDA) project with X2NSat, INC.; and

WHEREAS, the City received funding in the amount of \$300,000, from the New Mexico Economic Development Department (NMEDD) to be distributed to the project; and

WHEREAS, the City provided a local match in the amount of \$150,000 in the form of a lien on the property, for a total of \$450,000 to be distributed to X2NSat.; and

WHEREAS, the funding was to be used to support the X2NSat, INC., project to create 30 new full-time jobs pursuant to two Project Participation Agreements (PPA), both fully executed on October 6, 2016 and November 7, 2016 respectively, and entered into between X2NSat, INC, and the City; and

WHEREAS, on February 28, 2020, X2NSat, INC. was granted a second extension through an Amendment to their PPA to June of 2023 due to various reasons as detailed in a letter written on January 16, 2020, and included as Attachment "A"; and

WHEREAS, the NMEDD has completed its Economic Impact Analysis (Attachment "B") of the X2NSat, Inc. LEDA project and has determined that their operations in Las Cruces have provided the NMEDD and the City of Las Cruces a full return on investment pursuant to submitted documents from the company and alignment with the IGA as well as the PPA.

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

(I)

THAT the City is hereby authorized to terminate the Project Participation Agreements (PPA) attached hereto as Exhibits "A", and "B" and made part of this Ordinance.

(II)

THAT the City is authorized to proceed with the termination of the guaranty in the amount of \$150,000, attached hereto as Exhibit "C" and made part of this Ordinance.

(III)

THAT the City, pursuant to NMEDD's request in a letter Re: X2NSat, INC. LEDA Project --- Project # KCI-2017-03, dated February 1, 2024, (Attachment "C") terminate the guaranty related to the State's original funding of \$300,000. toward the X2NSat, INC., project with no further action required for this.

(IV)

Agenda Item #9.1.

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

EXHIBIT A

LOCAL ECONOMIC DEVELOPMENT ACT PROJECT PARTICIPATION AGREEMENT FOR X2nSAT, CORP. and City of Las Cruces

THIS AGREEMENT is made and entered into the 5th day of October, 2016 by and between X2nSAT, Corp., a California Domestic Corporation, whose address is 1310 Redwood Way, Petaluma, CA 94952 and the City of Las Cruces, a New Mexico municipal corporation, who address is P.O. Box 20000, Las Cruces, New Mexico 88004-9002.

WHEREAS, X2nSAT, Corp. provides satellite tracking services from home offices in Petaluma, California and wishes to expand their market with new facilities located in the State of New Mexico; and

WHEREAS, X2nSAT, Corp. is a Qualifying Entity under the Local Economic Development Act (Chapter 5, Article 10, NMSA 1978, as amended) and the Las Cruces Local Economic Development Plan 2014; and

WHEREAS, X2nSAT, Corp. expects an increased demand for its services related to the tracking and management of satellite technology and has determined that the proximity to locally available satellite receiver and communications arrays creates a significant economic advantage to conducting business from the Las Cruces area; and,

WHEREAS, the construction of a new facility located at the Las Cruces West Mesa Industrial Center will greatly enhance the market reach to existing and new customers of X2nSAT, Corp., and

WHEREAS, The City is willing to enter into an agreement to financially support the development of new facilities and the creation of up to 30 new jobs by an agreement reached in accordance with the Local Economic Development Act and a Project Participation Agreement; and will act as the fiscal agent on this same project for the management of the investment of the State of New Mexico in this project under a separate Project Participation Agreement.

NOW THEREFORE, the parties hereto agree as follows:

1. **Project Goals:** The goals of the Economic Development Project described in this Agreement, (the "Project") are (a) to provide a new facility for the tracking and monitoring of satellite communications that is based in the City of Las Cruces, and (b) to enhance the Las Cruces economy by creating a minimum of at least 30 new full-time jobs during the first two years after the facility is ready, and additional jobs during further expansion thereafter.
2. **Project Location:** The Project location is 12.6+ acres of Lots 5 and 9 of the West Mesa Industrial Park No. 22 (GIS parcels 32 and 33) of the Las Cruces West Mesa Industrial Center upon which X2nSAT, Corp. will construct a new facility. X2nSAT, Corp. will hold an option to acquire up to 10 acres of GIS parcel 31 for future expansion needs for a period of two years, renewable at its election for two additional two year periods.
3. **City Contributions:** In order to achieve the goals of this Agreement, the City will sell to X2nSAT, Corp. Lots 5 and 9 of West Mesa Industrial Park No. 22 (GIS parcels 32 and 33) of the Las Cruces West Mesa Industrial Park at a price of \$315,057 for 12.6+ acres and will convey additional lands, as needed, from GIS parcel 31 at a price of \$25,000 per acre, for up to 10 acres, and convey for the right to that acreage a right of first refusal. In addition, the

City will provide LEDA financing in the amount of \$150,000 towards the creation of the facility, acquisition of equipment and the recruiting and retention of employees.

4. **X2nSAT, Corp. Contributions:** In order to achieve the goals of this Agreement, X2nSAT, Corp. will pay \$25,000 per acre for the 12.6+ acres of land it acquires at the Las Cruces West Mesa Industrial Park and \$25,000 per acre for up to 10 acres of additional property it may elect to acquire at that site. Upon purchasing the Project lands, X2nSAT, Corp. will begin construction of the new facility that will house its commercial satellite operations. For the purposes of this Agreement, X2nSAT, Corp. will begin the process of recruitment and retention of personnel to fill up to 30 newly created full-time job positions, with total payroll for those 30 jobs cumulatively paid 20% above the prevailing Dona Ana County median wage as determined by the New Mexico Department of Labor's median salary figure for Dona Ana County. These new employees will be in addition to any persons currently employed by X2nSAT, Corp. within the Las Cruces area as of the date of this Agreement. To the extent possible, positions will be filled by Dona Ana County residents. Those positions will be filled by X2nSAT, Corp. for a period of not less than two consecutive calendar years within the term of this Agreement. A job position created does not require that the same individual hold that position for the two-year period.
5. X2nSat, Corp. shall have a right of First Refusal to acquire up to 10 acres of land within GIS parcel 31 of the West Mesa Industrial Park. That right may be exercised at any time within the first two years after the effective date of this Agreement, and the option may be extended in writing by X2nSAT, Corp. for up to two additional two year periods at its option at the rate of \$25,000 an acre for said property. Parties acknowledge that should X2nSAT, Corp. elect to acquire additional lands from GIS Lot 31 that such land is presently undivided and not specifically identified other than lying within GIS Lot 31 and will require survey and re-platting before specific lands may be transferred. This Option will terminate with the expiration of this Agreement if not formally exercised before that date.
6. X2nSAT will conform to all City Ordinances, existing and hereafter adopted, and all amended zoning and land use ordinances and regulations of the City.
7. **Timeline and Measurable Goals:** The Project includes Phase I construction of the new building and Phase II recruitment and retention of 30 new employees. X2nSAT, Corp. commits to meeting the measurable goals shown in the following table with time frames indicated and failure to meet any of these goals, unless due to force majeure or conditions beyond the control of X2nSAT, Corp. may be deemed a default of X2nSAT, Corp.'s obligations under this Agreement, and the City shall be entitled to recover proportional compensation for a portion of its contribution to the development of the Project.

Event	Contingency	Deadline
Conveyance of property to X2nSAT, CORP.		January 1, 2017
Construction Commences		January 31, 2017
First Measurable Goal: Facility Construction Complete (estimated)		January 1, 2018
Second Measurable Goal: 10 New Jobs Created	90 days after completion of construction	To be maintained for 24 months

Third Measurable Goal: Additional 10 New Jobs Created	180 days after completion of construction	To be maintained for 24 months
Fourth Measurable Goal: 10 Additional New Jobs Created	365 days after completion of construction	To be maintained for 24 months

8. **Security for Performance of Milestones:** X2nSAT, Corp., agrees to provide to the City of Las Cruces a lien on its real property located at the Las Cruces West Mesa Industrial Center and in the amount of not less than \$150,000 to secure the contributions of the City of Las Cruces in the event of default by the X2nSAT, Corp., its successors and assigns, to the terms of this Agreement. Upon the completion of milestones for job creation and the certification that such jobs have been maintained as full-time positions for a minimum of two consecutive calendar years (24 months), the City of Las Cruces will reduce its lien on the following schedule:

Milestone	City Release
Second Milestone: 10 Jobs Created and maintained for twenty-four (24) months.	30% of lien on land
Third Milestone: An additional 10 Jobs Created and maintained for twenty-four (24) months.	30% of lien on land (total of 60%)
Fourth Milestone: The final 10 Jobs Created and maintained for twenty-four (24) months.	40% of lien on land (total of 100%)

The parties recognize and agree that X2nSAT, Corp. may secure a construction loan for the development of their new Facility and that such loan shall have a lien on the Project property that may be prior and senior to the lien of the City thereon. In the event of a material failure by X2nSAT, Corp. to meet its commitments under this Agreement within two (2) years after the completion of Phase I construction of the new facility, the city may recover from X2nSAT, CORP. that portion of the City's \$150,000 contribution that is proportional to the failure of X2nSAT, CORP. to complete its obligations under this Agreement, taking into account the amounts actually expended and the new employees actually hired by X2nSAT, Corp. However, the City's proportional recovery of its contribution, if any, shall be determined based on the extent of completion of all Measurable Goals as of the date that is two (2) years after completion of the Phase I construction.

9. **Performance Review.** Within 30 days of the conveyance of the Property, X2nSAT, Corp. will submit a letter report listing its current employees located within the State of New Mexico, the positions they currently occupy, and any unfilled vacancies. X2nSAT, Corp. will then submit a letter report to the City Manager promptly following completion of Phase I construction (First Measurable Goal), which will include the date that the construction was complete and the project was accepted by X2nSAT, Corp. The letter report will also list the dates for completion of each subsequent Measurable Goal, based on the timetable set forth in this Agreement. Thereafter, within ten (10) days following the date for the completion of each Measurable Goal, X2nSAT, Corp. will submit to the City Manager a letter report advising the City of the number of new positions filled as of the Measurable Goal date, the

name of the employee and the salary range for those positions, and including such other information regarding the filling of the new position as may seem appropriate to X2nSAT, Inc. or as may be reasonably requested by the City. In addition, upon the second anniversary of each Measurable Goal having been met, X2nSAT, Inc. will submit to the City Manager a report with documentation showing that the Measurable Goal has been met, with a request for release of the appropriate portion of the City's lien. If the City concurs that the Measurable Goal has been met, the City will within ten (10) business days after receiving the report release the appropriate portion of the City's lien. If the City does not concur that a given Measurable Goal has been met, the City will promptly contact X2nSAT, Inc. so that the parties may address and resolve the disagreement.

In the event X2nSAT, Inc. fails to meet any Measurable Goal, then on the request of the City, officers of the parties will meet to discuss the matter and determine whether any remedial action may be appropriate to ensure that future goals are met. However, no remedial action shall be implemented except on the mutual agreement of X2nSAT, Inc. and the City.

10. Cost and Fees:

- (a) X2nSAT, Inc. will be solely responsible for all development costs including but not limited to development fees, permits, applications, utility extensions and utility hook-ups.
- (b) If either party to this Agreement is found by a court to have breached this Agreement, the other party may recover reasonable attorney's fees and costs of litigation. Prior to the institution of any litigation, however, the parties have the contractual duty to meet in good faith and attempt to resolve any controversy hereunder at the least possible expense.
- (c) The City of Las Cruces agrees to expedite in a matter of no more than 8 business days all requests for processing of permits and inspections required by the City for building or improving of commercial structures, not including those items that require a longer period of review and approval according to State of New Mexico statutes or regulations.

- 11. Agreement Term:** This Agreement shall become effective upon its execution by the parties following its approval by the City Council of the City of Las Cruces and the Board of Directors or Managing Member of X2nSAT, Inc. This Agreement shall continue in full force and effect until (a) X2nSAT, Inc. has met all of its Measurable Goals as set forth in Section 8 hereof, and (b) the city has fully released its lien on the Project property and has fully released the standby letter of credit as provided herein, at which time this Agreement shall terminate; provided, however that his Agreement shall not terminate and remain in effect while there is any disagreement between the parties as to whether any Measurable Goal has been met, or while any remedial action is under way as a consequence of any failure to meet a Measurable Goal as provided in Section 8 herein; and provided further, than nothing contained in this Agreement shall be construed as a limitation on the City's power or authority to terminate its Local Economic Development Plan and dissolve any projects undertaken in Accordance with it, including the Project, as provided in Section 5-10-12, NMSA 1978.

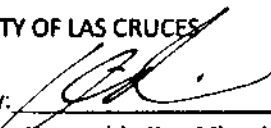
12. **Amendment of Agreement.** This Agreement may be amended only by written amendment executed by the parties hereto with the same formalities as this Agreement, and upon the specific approval of such amendment by the City Council of the City of Las Cruces and by the Board of Directors and President of X2nSAT, Corp.
13. **Non-Assignment.** This Agreement is specific to the City and to X2nSAT, Corp., and shall not be assignable by either party except with the explicit written agreement of the other party hereto, duly approved and adopted as an Amendment to this Agreement.
14. **Binding Effect.** This Agreement shall bind and inure to the benefit of the parties hereto and to their agents, representatives, and legal assigns and successors in interest.
15. **No City Commitments except as Stated Herein:** The parties hereto expressly recognize and agree that the City and its officers, agents and employees undertake no commitments, duties or obligations in connection with this Agreement, except those obligations expressly stated herein. The City expressly reject and disavows any obligations to X2nSAT, Corp. whether implicit or otherwise, except for those commitments and obligations expressly set forth in this Agreement. The City of Las Cruces acknowledges that in addition to its obligation contained herein, that it shall serve as the fiscal agent for that certain LEDA Project Participation Agreement entered into between X2nSAT, Corp. and the State of New Mexico.
16. **Indemnification.** X2nSAT, Corp. shall indemnify and hold harmless and shall defend the City from and against any claim for damages or any other claim that may be asserted by a third party against the City in connection with this Agreement or the Project, to the maximum extent permitted by law.
17. **No Waiver of Tort Claims Act:** Nothing contained in this Agreement shall be deemed to modify or limit any protection or limitation of liability provided to the City under the New Mexico Tort Claims Act (Section 41-4-1 et seq. NMSA 1978).
18. **No Liability of Individual Officers, Agents or Trustees:** No recourse under or upon any obligation, covenant or agreement contained in this Agreement shall be had against any officer, employee, director or member of the City Council of the City, past, present or future, not against any director or officer of X2nSAT, Corp., past, present or future, as an individual so long as such individual was acting in good faith.
19. **X2nSAT, Corp. Not an Agent of the City:** Nothing contained herein shall be deemed to make X2nSAT, Corp. or any of its directors, officers, employees or contractors an agent or employee of the City for any purpose whatsoever. X2nSAT, Corp. and its directors, officers, employees and contractors shall not purport to represent the city in any matter nor to have the authority to bind the city or create any obligation on the part of the City or its officers or employees as to any matter whatsoever, whether under any provision of this Agreement or any other theory of law or equity.
20. **Severability:** In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, and all other provisions of this Agreement shall remain in full force and effect so long as their continuance does not have any unjust or inequitable result for either the City or X2nSAT, Corp.
21. **Integration Clause:** This Agreement constitutes the entire agreement of the parties as to the subject matter hereof, and no prior agreement or understanding between the parties as

to the subject matter hereof, whether oral or written, shall be binding except to the extent explicitly incorporated within this Agreement.

22. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of New Mexico, including without limitation the Local Economic Development Act (Sections 5-10-1 through 5-10-13, NMSA 1978) and the ordinances of the City of Las Cruces. The parties agree that in the event of any dispute requiring resort to courts or arbitration, venue shall be in Dona Ana County, New Mexico. City states it has complied with the requirements of New Mexico Statutes and the Las Cruces Municipal Code and has authorization to sell and convey the Project Site. X2nSAT, Corp. agrees to develop the Project site in accordance with the Las Cruces Zoning Code and the Protective Covenants and Design Standards for the West Mesa Industrial Park.
23. **Caption:** The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which was approved by the City Council of the City of Las Cruces on 11-7-11 and by the President of X2nSAT, Corp. on _____ effective as of the date first written above.

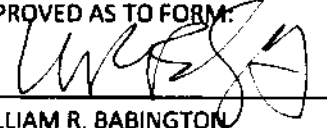
CITY OF LAS CRUCES

By: 
The Honorable Ken Miyagishima, Mayor

ATTEST:


LINDA LEWIS, CMC
CITY CLERK

APPROVED AS TO FORM:


WILLIAM R. BABINGTON
CITY ATTORNEY

X2n SAT, Corporation

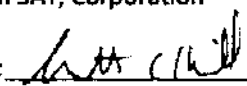
BY: 
Garrett Hill
President

EXHIBIT B

PROJECT PARTICIPATION AGREEMENT

This Project Participation Agreement (this "Agreement") is entered into on 5th day of October 2016 by and between the CITY OF LAS CRUCES, a New Mexico municipal corporation (the "City") and X2NSAT, INC, a California corporation (the "Company" or the "Project Party").

1. Recitals.

A. Pursuant to the Local Economic Development Act, NMSA 1978, Sections 5-10-1 through 5-10-13 ("LEDA"), the City adopted Ordinance No. 2697 (the "Las Cruces Local Economic Development Plan") authorizing the City to consider applications for economic development assistance;

B. As provided in the Local Economic Development Plan Ordinance, the City considered an application from the Company, which proposed that the City serve as local government conduit for \$300,000 of an appropriation from the New Mexico Legislature (the "LEDA Funds") to go toward the Company's construction of a communication gateway in the City (the "x2nSAT Project" or "Project").

C. The City has adopted Ordinance No. _____ finding that the Company is a "qualifying entity" and the Project is an "economic development project" as those terms are defined by LEDA, and approving this Project Participation Agreement (this "Agreement") as meeting the requirements of LEDA.

2. The LEDA Funds.

The State has dedicated \$300,000 in LEDA Funds for use in the Project. The Company may request the disbursement of up to \$300,000 during the period beginning December 1, 2016 and ending December 31, 2017 (the "Disbursement Period"). The City will direct the LEDA Funds to the Company for use in the Project in the following manner:

a. The Company may submit to the City a request for disbursement of the LEDA Funds to reimburse the Company for expenses in connection with the Project, with documentation substantiating such expenses (collectively, a "Disbursement Request").

b. The City will coordinate with the New Mexico Economic Development Department ("NMEDD") to cause the State to deliver the LEDA Funds to the City in a timely manner and to ensure that the LEDA Funds are available for the Project. LEDA funds will be expended for reimbursement of Project expenses only and cannot be advanced to the Company. The City will have no obligation to expend any City funds to make disbursements to the Company pursuant to this Agreement, and the City will only be required to disburse funds to the Company to the extent that the City receives the LEDA Funds from the State.

c. The City may not offset any internal costs or overhead charges for review or processing of the Disbursement Requests against the Disbursement Request or the LEDA Funds.

3. Substantive Contribution from the Company.

The Company will make the following substantive contributions:

a. Project Contribution. The Company anticipates making capital investments in the Project and costs associated therewith (including, for the acquisition of land and equipment, tangible personal property and services associated with the acquisition, construction and equipping of the Project to be located in the West Mesa Industrial Park in Las Cruces (the "Facility")) in the amount of approximately \$1,000,000 by December 31, 2017 (the "Project Contribution"). Although the Company intends to have a long-term presence in the City, for purpose of the contractual obligations of this Agreement, the Company covenants to continue to operate the Project until December 31, 2020.

b. Job Commitment. It is the Company's intention to create 30 new direct jobs at the Facility by December 31, 2020 (the "Job Target"). "Job" means a permanent, full-time employment position offering the employee the full range of benefits offered to other Company full-time employees.

4. Clawbacks. The clawback provisions of this Section ("Clawbacks") are intended to be the exclusive remedies with respect to any breach of this Agreement caused by the occurrence of any of the events described in this Section.

a. Facility Closure Clawback. If the Company ceases operations at the Facility in the City on or before December 31, 2020, the Company will repay to the City all LEDA Funds that the Company actually received from the City as of that date (the "Facility Closure Clawback.")

b. Performance Clawback. If the Company does not achieve the Job Target set forth in Section 3(b) of this Agreement by December 31, 2020 (the "Job Target Date"), the Company shall make a penalty payment to the City (the "Performance Clawback") which will be calculated in the manner specified in the table below:

Portion of Job Target Achieved as of December 31, 2020	Performance Clawback Amount
26 or more jobs	No Performance Clawback Required
16-25 jobs	25% of LEDA Funds received
6-15	75% of LEDA Funds received
Less than 5	100% of LEDA Funds received

If the Company has been required to pay the Facility Closure Clawback, the Company will not be required to pay any Performance Clawback that may come due after the date of such payment.

c. Job Target Date Reporting Requirement. For the purposes of determining compliance with Section 4 above, the Company will provide to the City a copy of Company's Form ES-903, filed with the New Mexico Department of Workforce Solutions and such other data and information on its workforce that is reasonably necessary for the City or its independent contractor to determine whether the

Company has met its Job Target obligations under this Agreement. The Company will provide the City with semi-annual copies of certain of its most recent Form ES-903 report no later than May 1 and November 1 of each year commencing on May 1, 2017 and ending on May 1, 2021.

d. Maximum Clawback. In no event will the Company be required to pay more than the total amount of all LEDA Funds that Company actually receives, for all Clawbacks in the aggregate.

5. Security. No later than the day prior to the date on which the Company receives its disbursement of LEDA Funds, the Company will provide the City with a guarantee in a form acceptable to NMEDD (the "Guarantee"). The maximum obligation secured by the Guarantee (the "Maximum Obligation") will be \$300,000 as of the date the Guarantee is granted. Provided that the Company has not been required to pay any Clawback, the Guarantee will terminate on January 1, 2021. If the Company does not draw the entire amount of the LEDA Funds available upon the expiration of the Distribution Period, the Maximum Obligation will be reduced proportionately to reflect the actual amount of LEDA Funds actually received.

6. Force Majeure. Neither party shall be liable to the other party for any failure to perform any provisions or obligations of this Agreement if such failure is caused by or results directly or indirectly from Force Majeure. If a Force Majeure occurs, the City and Company will work in good faith to determine how to address the impact of the Force Majeure on each party's obligations under this Agreement.

7. Dispute Resolution. The parties will work in good faith to resolve any disputes that arise hereunder, and will submit to mediation with a neutral mediator prior to filing any litigation in relation to this Agreement.

8. Notice. All notices or other written communications, including requests for disbursement, that are required or permitted to be given pursuant to this Agreement must be in writing and delivered personally, by a recognized courier service, by a recognized overnight delivery service, by fax, by electronic mail, or by registered or certified mail, postage prepaid, to the parties at the addresses shown below. If notice is mailed, it will be deemed received on the earlier of actual receipt or on the third business day following the date of mailing. If a notice is hand-delivered or sent by overnight delivery service, it will be deemed received upon actual delivery. If any written notice is sent by facsimile or electronic mail, it will be deemed received upon printed or written confirmation of the transmission. A party may change its notice address by written notice to the other party to this Agreement.

The initial notice addresses for the parties are as follows:

If to the City:

City of Las Cruces
Attention: Economic Development Coordinator
PO Box 20000 Las Cruces NM 88004
700 N Main Street Las Cruces, New Mexico 88007
(575) 541-2286

If to the Company:

X2nSAT, Inc
Attention: Garrett Hill, CEO
1310 Redwood Way Ste C
Petaluma CA 94954
(707) 283-8000

9. Ratification. The City and the Company hereby ratify all actions consistent with this Agreement that they or their respective agents may have taken in furtherance of the Project.

10. Miscellaneous. This Agreement binds and inures to the benefit of the City and the Company and their respective successors and permitted assigns. This Agreement may not be assigned without the written consent of the non-assigning party and the New Mexico Economic Development Department. This Agreement may be amended or modified, and the performance by any party of its obligations under this Agreement may be waived, only in a written instrument duly executed by both parties. This Agreement may be executed in any number of counterparts, each of which is an original and all of which taken together constitute one instrument. This Agreement is governed by and is to be construed in accordance with the laws of New Mexico applicable to agreements made and to be performed in New Mexico.

11. Term of This Agreement. The termination date of this Agreement will be agreed upon by the City and the Company within ninety (90) days after the Company has satisfied the Jobs Requirement in full or has refunded any LEDA funds received as part of a clawback as described in section 4 of this Agreement.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

In witness whereof, the parties hereto set their hands as of the date first appearing above.

CITY:

City of Las Cruces

By [Signature]
Ken Miyagishima, Mayor

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM

[Signature]
William R Babington
City Attorney

COMPANY:

X2nSAT, Inc

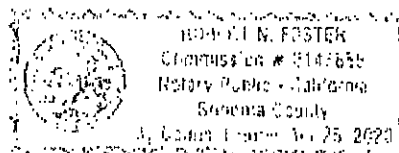
By [Signature]
Garrett Hill, CEO

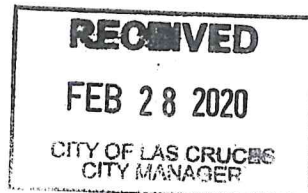
ACKNOWLEDGEMENT FOR CORPORATION

STATE OF CA)
COUNTY OF Sonoma) ss

The foregoing was acknowledge before me on the OCT 06 2016 2016 by Garrett Hill, CEO
of x2nSAT, on behalf of said company.

[Signature]
Notary Public
My Commission expires: 4/25/20



**MEMORANDUM**

To: William F. Studer, Interim City Manager
From: Cruz Ramos, Economic Development Specialist
Date: January 28, 2020
Subject: Review of Request and Signature to Amend X2NSAT LEDA Project Timeline

Initials: 
File #: FE#20-013

X2NSAT, a global satellite communications company that provides services to a wide range of businesses across a variety of industries received \$150,000.00 in LEDA funds from the City to create 30 jobs. They have run into some challenges as outlined in their attached letter. The City's Economic Development department has reviewed the letter and information and recommends extending the project timeline through June of 2023.

An Update and Request to Amend X2NSAT LEDA Project Timeline as established by City of Las Cruces Ordinance #2797 is attached.

Per the recommendation of NMEDD, this is the mechanism used in other municipalities to extend LEDA projects.

Please review the document. If it meets with your approval, please sign and call the Economic Development Office for pick up and final processing. If I may be of further assistance, please contact me at (575) 541-2140 or via email at cramos@las-cruces.org.

Attachments: Update and Request to Amend X2NSAT LEDA Project Timeline.
X2NSAT January 16, 2020 Letter Requesting LEDA Timeline Extension.

cc: Mandy Guss, Business Development Administrator
cc: Griselda Martinez, Economic Development Director
cc: Jennifer Vega-Brown, City Attorney
cc: Barbara De Leon, Interim Assistant City Manager

Initials: 
Initials: 
Initials: 
Initials: 

**Update and Request to Amend X2NSAT LEDA Project Timeline as
established by City of Las Cruces Ordinance #2797, an Economic
Development project**

On November 7, 2016 the City of Las Cruces adopted Ordinance #2797. The Ordinance authorized the City to enter into a Project Participation Agreement (PPA) and Intergovernmental Agreement (IGA) which are incorporated into the Ordinance and made a part thereof by reference.

The Project Participation Agreement, in Section 3, Substantive contribution from the Company, b., Job Commitment., notes that "...It is the Company's intention to create 30 new direct jobs at the Facility by December 31, 2020 (the "Job Target"). X2NSAT now requests in its letter of January 16, 2020 to the City's Economic Development Department, that the City grant a request to push the job creation deadline to June 30, 2023.

Parties, including the State of New Mexico and the City of Las Cruces agree to the extension of the following timeframes requested by X2NSAT as defined in the PPA:

- Job Creation Target Period extended to June 30, 2023
- X2NSAT annual job reporting will continue through a 2023 report due June 30, 2023

All other terms and conditions remain unchanged.

Acknowledged:



William F. Studer, Jr.
Interim City Manager
City of Las Cruces



Alicia J. Keyes
Cabinet Secretary
New Mexico Economic Development Department

Garrett Hill
CEO
X2NSAT



Jan 16, 2020

City of Las Cruces
Cruz A. Ramos
Economic Development Specialist/Economic Development Department

Garrett Hill
CEO
X2nSat Inc.

Cruz,

This letter is to update you on the current status of our Las Cruces LEDA development. Significant progress has been made towards growing our operations in New Mexico.

Below is a table of the approximate investments X2nSat has made in Las Cruces.

Money given directly to the City of Las Cruces (Fees, land, etc.)	~\$240,000
Nights purchased in Las Cruces Hotels	170
Money spent with local contractors and professionals	\$1,700,000
Payroll for NM Employees	~\$750,000
Money spent locally on other items (misc products and services)	\$750,000
Total Money spent by X2nSat to date on development	\$3,400,000



In reference to your request for an updated timeline for our development of our Las Cruces office employee base, I am submitting the following schedule.

Effective Date	Total Headcount
January 2020	4
June 2020	10
August 2020	12
January 2021	15
December 2022	25
June 2023	30

Project development achievements:

- 1) Main office building ~9,000 Sq ft, waiting for final signoff and occupancy permit by City
- 2) JTIP applications almost complete
- 3) Partnership with NMSU going well

Project Setbacks

- 1) Lack of Fiber in business park is reducing our growth opportunities
- 2) The steel needed for the building was delayed and pushed the completion schedule for the office building back ~ five months

Roadblocks to our success in Las Cruces

The fiber infrastructure in the West Mesa business park is insufficient for our requirements, and the requirements of our customers. Several attempts to work with CenturyLink have not resulted in a solution. Without these improvements we predict that we will only be able to accomplish 60-70% of our potential business at this location.

The Economic Development department and other groups have been assisting us to identify other fiber providers and vendors who may be able to help, but nothing thus far has materialized.



In closing I would like to say that I am very impressed with the professionalism and customer service of the City Staff, Economic Development, NMSU, and the vendors in Las Cruces. We remain very excited about growing our business in New Mexico. Although the tax structure in New Mexico is not the best for us, we believe the value we get from the hard work of the people of New Mexico, the decision to grow in Las Cruces is the right one for our company.

I put some photos below of our project so that you can see the construction that recently started and the work of the past few years.

Regards,

A handwritten signature in blue ink that reads 'Garrett C Hill'.

Garrett C Hill, CEO



X2nSat, Inc.
1310 Redwood Way Suite C
Petaluma, CA 94954

T | 707 664 5700
E | sales@X2nsat.com
W | www.X2nsat.com





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GUARANTY

GUARANTY (the "Guaranty"), dated as of November __, 2016 by X2NSAT, INC, a California corporation company having its principal place of business at 1310 Redwood Way, Ste C, Petaluma California (the "Guarantor"), in favor of City of Las Cruces, in Dona Ana County New Mexico (the "Entity").

RECITALS

Whereas, pursuant to the Project Participation Agreement (the "Contract"), dated as of November 7, 2016, between x2nSAT, Inc, (the "Subsidiary") and the Entity, Entity has agreed to pay \$300,000 US dollars to the Subsidiary towards expenses arising from Subsidiary's project (as defined in the Contract), as authorized by the City of Las Cruces Ordinance No. 2797 ("Economic Development Plan Ordinance") and

Bill 17-011
Whereas, Subsidiary has agreed to certain obligations as provided in the Contract which, if not fulfilled, shall require a pro-rata return of the \$300,000; and

Whereas, the Entity has required, as a condition precedent to entering into the Contract, that the Guarantor execute and deliver this Guaranty. The Entity would not enter into the Contract with the Subsidiary but for the execution and delivery of this Guaranty by the Guarantor.

Whereas , Guarantor is the parent of the Subsidiary.

Whereas In furtherance of the business purposes of the Guarantor, the Guarantor desires to guaranty all obligations of the Subsidiary pursuant to the Contract.

NOW, THEREFORE, based upon the foregoing, and in order to induce the Entity to enter into the Contract, the Guarantor hereby agrees as follows:

ARTICLE I

DEFINITIONS

ARTICLE I SECTION 1.1. *Definitions.* Capitalized terms not otherwise defined in this Guaranty shall have the meanings ascribed to them in the Contract, as the same may be amended, supplemented or otherwise modified from time to time. As used in this Guaranty, the following terms have the following meanings unless the context otherwise requires:

"Guaranteed Obligations" has the meaning ascribed to such term in Section 2.1.

"Guaranty" means this Guaranty, as it may be amended, supplemented or otherwise modified from time to time in writing signed by the Guarantor and the Entity.

ARTICLE 2

THE GUARANTY

SECTION 2.1. *The Guaranty.* Except as expressly set forth herein (and subject in particular to the limitations set forth in Section 4.5 below), the Guarantor hereby unconditionally guarantees to Entity the full and punctual performance by the Subsidiary of its obligations under the Contract including but not limited to the payment of damages (excluding indirect and consequential damages or losses), in each case subject to the conditions and limitations expressly set forth in the Contract (the "Guaranteed Obligations"). The Guarantor and the Entity expressly acknowledge that, subject to Section 2.5 below, default by the Subsidiary or the failure of the Subsidiary to perform any Guaranteed Obligation in the time required in each case under the Contract, is a condition of the exercise of this Guaranty.

SECTION 2.2. *Termination of Guaranty.* This Guaranty shall remain in full force and effect until the earliest date on which (i) all of the Guaranteed Obligations have been completely performed and paid in full, or (ii) a replacement guarantor shall have assumed all the rights and obligations of the Guarantor under this Guaranty (whose appointment shall be subject to the prior written consent of the Entity, provided that such consent shall not be unreasonably withheld or delayed, and shall not be necessary for a replacement guarantor with a net worth of at least 1 Billion United States Dollars). The Guarantor's payment of a portion, but not all, of the Guaranteed Obligations shall in no way limit, affect, modify or abridge the Guarantor's liability, as set forth herein, for any portion of the Guaranteed Obligations that has not been completely performed or indefeasibly paid in full. Notwithstanding anything to the contrary, this Guaranty shall expire at the latest on January 1, 2021.

SECTION 2.3. *Guaranty Unconditional.* Except as expressly set forth herein and subject in particular to Section 4.5 below, the Guarantor agrees that the obligations of the Guarantor hereunder shall be unconditional and absolute. Notwithstanding any provision of this Guaranty to the contrary, the Guarantor shall be entitled to assert as a defense to any claim for payment of the Guaranteed Obligations, that (i) such Guaranteed Obligations are not currently due under the terms of the Contract or (ii) that such Guaranteed Obligations have previously been paid in full.

SECTION 2.4. *Waivers of Notices and Defenses.* The Guarantor hereby waives acceptance hereof, presentment, demand, protest and any notice not provided for herein, as well as any requirement that at any time any action be taken by any corporation or person against the Subsidiary or any other corporation or person, except that no payment shall be sought from the Guarantor under this Guaranty unless a notice of default has been served to the Subsidiary with a copy to the Guarantor providing for a minimum cure period of 15 days to remedy such default and indicating the Entity's intention to claim under this Guaranty in the absence of remedy within such cure period.

SECTION 2.5. *Stay.* The Guarantor agrees that, notwithstanding anything to the contrary herein, if the Entity is stayed upon the insolvency, bankruptcy, or reorganization of the Subsidiary from exercising its rights to enforce or exercise any right or remedy with respect to the Guaranteed Obligations, or is prevented from giving any notice or demand for payment or performance or taking any action to realize on any security or collateral or is prevented from collecting any of the Guaranteed Obligations, in any such case, by such proceeding or action, the Guarantor shall pay or render to the Entity upon demand therefor the amount that would otherwise have been due had such rights and remedies been permitted to be exercised by the Entity.

SECTION 2.6. *No Enforcement of Subrogation.* Upon making any payment or performance with respect to any Guaranteed Obligation hereunder, the Guarantor shall be subrogated to the rights of the Entity against the Subsidiary with respect to such payment; *provided* that the Guarantor shall not enforce any payment right by way of subrogation until all Guaranteed Obligations have been paid in full.

ARTICLE 3

REPRESENTATIONS AND WARRANTIES

The Guarantor hereby represents and warrants to the Entity that the following statements are true and correct:

SECTION 3.1. *Binding Obligation.* This Guaranty has been duly and validly executed and delivered by the Guarantor and constitutes the legal, valid and binding obligation of the Guarantor enforceable against the Guarantor in accordance with its terms, except as the enforceability thereof may be limited by bankruptcy, insolvency or other similar laws affecting the enforcement of creditors' rights generally and by equitable principles relating to the availability of equitable remedies.

ARTICLE 4

MISCELLANEOUS

SECTION 4.1 *Notices.* All notices, requests and other communications to any party hereunder shall be in writing (including bank wire, facsimile transmission or similar writing) and shall be given to such party at its address or telecopy number set forth, in the case of the Guarantor, on the signature pages hereof, or in the case of the Entity, in the Contract, or such other address or telecopy number as such party may hereafter specify for the purpose by notice to the other party. Each such notice, request or other communication shall be effective (i) if given by facsimile transmission, when such telecopy is transmitted to the telecopy number specified in this Section and answerback has been received, (ii) if given by any other means (which in the case of mail shall be registered mail or airmail for international mail), when delivered at the address specified in this Section.

SECTION 4.2. *Waivers.* No failure or delay by the Entity in exercising any right, power or privilege hereunder or under the Contract shall operate as a waiver thereof nor shall any single or partial exercise thereof preclude any other or further exercise thereof

or the exercise of any other right, power or privilege. The rights and remedies herein provided shall be cumulative and not exclusive of any rights or remedies provided by law.

SECTION 4.3. *Amendments and Waivers.* This Guaranty constitutes the complete agreement of the Entity and the Guarantor with respect to the subject matter hereof and supersedes all prior or contemporaneous negotiations, promises, covenants, agreements or representations. No amendment, modification, termination or waiver of any provision of this Guaranty, shall in any event be effective without the written consent of the Entity and Guarantor.

SECTION 4.4. *Successors and Assigns.* This Guaranty is a continuing Guaranty and shall be binding upon the Guarantor or its successors and assigns. This Guaranty shall inure to the benefit of the Entity or its successors and assigns permitted under the Contract. Nothing contained in this Guaranty shall be deemed to confer upon anyone other than the parties hereto (and their permitted successors and assigns) any right to insist upon or to enforce the performance or observance of any of the obligations contained herein.

SECTION 4.5. *Limitation on Liability.* Notwithstanding anything to the contrary contained or implied herein, the maximum aggregate liability of Guarantor hereunder shall not in any event exceed the lower of (i) the actual outstanding liability of the Subsidiary under the Contract, or (ii) said amount less amounts previously paid under the Contract to the Entity and/or its successors and assigns by the Subsidiary and/or its successors, assigns and affiliates.

SECTION 4.6. *APPLICABLE LAW.* THIS GUARANTY SHALL BE CONSTRUED IN ACCORDANCE WITH AND GOVERNED BY THE LAW OF THE STATE OF NEW MEXICO.

SECTION 4.7. *JURISDICTION.* ANY ACTION OR PROCEEDING AGAINST THE GUARANTOR RELATING IN ANY WAY TO THIS GUARANTY MAY BE BROUGHT AND ENFORCED IN THE COURTS OF THE STATE OF NEW MEXICO OR OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF NEW MEXICO, AND THE GUARANTOR IRREVOCABLY CONSENTS TO THE JURISDICTION OF EACH SUCH COURT IN RESPECT OF ANY SUCH ACTION OR PROCEEDING. THE GUARANTOR FURTHER IRREVOCABLY CONSENTS TO THE SERVICE OF PROCESS IN ANY SUCH ACTION OR PROCEEDING BY THE MAILING OF COPIES THEREOF BY REGISTERED OR CERTIFIED MAIL, POSTAGE PREPAID, RETURN RECEIPT REQUESTED, TO THE GUARANTOR AT ITS ADDRESS AS PROVIDED FOR NOTICES HEREUNDER. THE FOREGOING SHALL NOT LIMIT THE RIGHT OF THE ENTITY TO SERVE PROCESS IN ANY OTHER MANNER PERMITTED BY LAW OR TO BRING ANY ACTION OR PROCEEDING, OR TO OBTAIN EXECUTION OF ANY JUDGMENT, IN ANY OTHER JURISDICTION.

THE GUARANTOR HEREBY IRREVOCABLY WAIVES ANY OBJECTION THAT

IT MAY NOW OR HEREAFTER HAVE TO THE LAYING OF VENUE OF ANY ACTION OR PROCEEDING ARISING UNDER THIS GUARANTY IN ANY COURT LOCATED IN THE STATE OF NEW MEXICO, AND HEREBY FURTHER IRREVOCABLY WAIVES ANY CLAIM THAT ANY COURT LOCATED IN THE STATE OF NEW MEXICO IS NOT A CONVENIENT FORUM FOR ANY SUCH ACTION OR PROCEEDING.

SECTION 4.8. *Severability.* If any provision in or obligation under this Guaranty shall be invalid, illegal or unenforceable in any jurisdiction, the validity, legality and enforceability of the remaining provisions or obligations, or of such provision or obligation in any other jurisdiction, shall not in any way be affected or impaired thereby.

SECTION 4.9. *Interpretation.* Section headings in this Guaranty are included herein for convenience of reference only and shall not constitute a part of this Guaranty for any other purpose or be given any substantive effect.

SECTION 4.10 *Further Assurances.* At any time or from time to time, upon the request of the Entity, the Guarantor shall execute and deliver such further documents and do such other acts and things as the Entity may reasonably request in order to effect fully the purposes of this Guaranty, in accordance with its terms and subject to all limitations. The Guarantor agrees to be liable for any reasonable expenses incurred by Entity and/or its successors and assigns with respect to any reasonable action or proceeding to enforce this Guaranty.

SECTION 4.11 *Effectiveness.* This Guaranty shall become effective upon the Contract becoming effective.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the Guarantor has executed this Guaranty by its duly authorized officer as of the date first above written.

GUARANTOR:

X2nSAT, Inc

By:

Name: Garrett Hill

Title: CEO

Address: 1310 Redwood Wy
Petaluma CA
94954



Jan 16, 2020

City of Las Cruces
Cruz A. Ramos
Economic Development Specialist/Economic Development Department

Garrett Hill
CEO
X2nSat Inc.

Cruz,

This letter is to update you on the current status of our Las Cruces LEDA development. Significant progress has been made towards growing our operations in New Mexico.

Below is a table of the approximate investments X2nSat has made in Las Cruces.

Money given directly to the City of Las Cruces (Fees, land, etc.)	~\$240,000
Nights purchased in Las Cruces Hotels	170
Money spent with local contractors and professionals	\$1,700,000
Payroll for NM Employees	~\$750,000
Money spent locally on other items (misc products and services)	\$750,000
Total Money spent by X2nSat to date on development	\$3,400,000



In reference to your request for an updated timeline for our development of our Las Cruces office employee base, I am submitting the following schedule.

Effective Date	Total Headcount
January 2020	4
June 2020	10
August 2020	12
January 2021	15
December 2022	25
June 2023	30

Project development achievements:

- 1) Main office building ~9,000 Sq ft, waiting for final signoff and occupancy permit by City
- 2) JTIP applications almost complete
- 3) Partnership with NMSU going well

Project Setbacks

- 1) Lack of Fiber in business park is reducing our growth opportunities
- 2) The steel needed for the building was delayed and pushed the completion schedule for the office building back ~ five months

Roadblocks to our success in Las Cruces

The fiber infrastructure in the West Mesa business park is insufficient for our requirements, and the requirements of our customers. Several attempts to work with CenturyLink have not resulted in a solution. Without these improvements we predict that we will only be able to accomplish 60-70% of our potential business at this location.

The Economic Development department and other groups have been assisting us to identify other fiber providers and vendors who may be able to help, but nothing thus far has materialized.



In closing I would like to say that I am very impressed with the professionalism and customer service of the City Staff, Economic Development, NMSU, and the vendors in Las Cruces. We remain very excited about growing our business in New Mexico. Although the tax structure in New Mexico is not the best for us, we believe the value we get from the hard work of the people of New Mexico, the decision to grow in Las Cruces is the right one for our company.

I put some photos below of our project so that you can see the construction that recently started and the work of the past few years.

Regards,

A handwritten signature in blue ink that reads 'Garrett C Hill'.

Garrett C Hill, CEO





X2nSat, Inc.
1310 Redwood Way Suite C
Petaluma, CA 94954

T | 707 664 5700
E | sales@X2nsat.com
W | www.X2nsat.com





11/27/2023

FISCAL IMPACT ANALYSIS AND ECONOMIC IMPACT OF THE EXPANSION OF X2NSAT

Prepared by:

New Mexico Economic Development Department
Joseph Montoya Building
1100 S. St. Francis Drive
Santa Fe, New Mexico 87505





Purpose and Limitations:

This report and analysis, provided by the New Mexico Economic Development Department, relies on prospective estimates of business activity. These estimates, which are provided by the company, may not be realized due to unforeseen events that are outside the control of the company and unknown to the New Mexico Economic Development Department.

The New Mexico Economic Development Department made reasonable efforts to ensure that the estimates provided by the company, are realistic estimates of future activity.

The model was created by the New Mexico Economic Development Economists and used assumptions to generate the final report. The report and analysis provided by the New Mexico Economic Development Department is not a guarantee that any of the estimates or results contained in this report will actually be achieved.

Introduction:

This report and analysis presents the results of an economic impact analysis performed using a model developed by the New Mexico Economic Development Department. The report estimates the impact that a potential project may have on the state and local economies and estimates the costs and benefits for the state and local economies over a 10-year period. The report and analysis uses RIMS II Multipliers produced by the U.S. Bureau of Economic Analysis (BEA).

Most projects produce a growth in population and/or a growth in the workforce in a City, County and the State of New Mexico. All growth comes at a cost, the additional economic activity and population growth stimulated by the project will generate additional costs in terms of providing basic infrastructure (roadways, bridges and utilities) and public services (including public safety, schools and administrative services). For example, if the applicant hires employees from outside the State, County and City, those workers who end up relocating their residence to within one or all of those areas, the population for which the government must provide services also increases. The costs associated with the expansion are broken down into two categories: 1) New residents to the State, County and City. 2) New Mexican residents hired to work for the company. The analysis assumes that all workers will live in the area of the expansion.

Description of the Company:

0

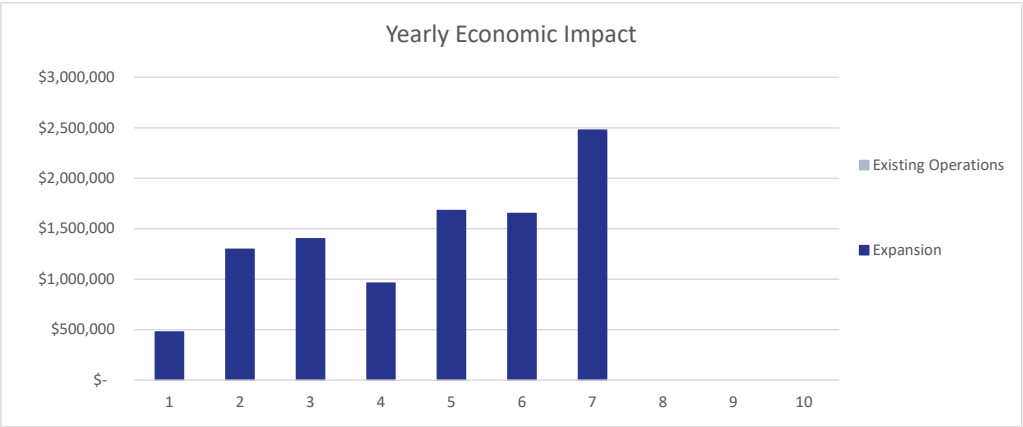
Description of the Project:

0

Economic Impact

Total Economic Impact

	Total
Estimated Economic Impact Over 10 Years:	\$ 9,945,747
Combined Total Incentive Over 10 Years:	\$ 508,105
Economic Impact Rate of Return:	1,857%



Workers and New Residents over 10 years

	Direct	Indirect and Induced
Number of Jobs Created:	19	19
Estimated Number of Construction Workers:	10	
Estimated Number of New Residents to the State:	0	
Estimated Number of New Residents to the County:	0	
Estimated Number of New Residents to the City:	0	

Total Public Impacts

Fiscal Impact of Existing and Expanded Operations Over the Next Ten Years

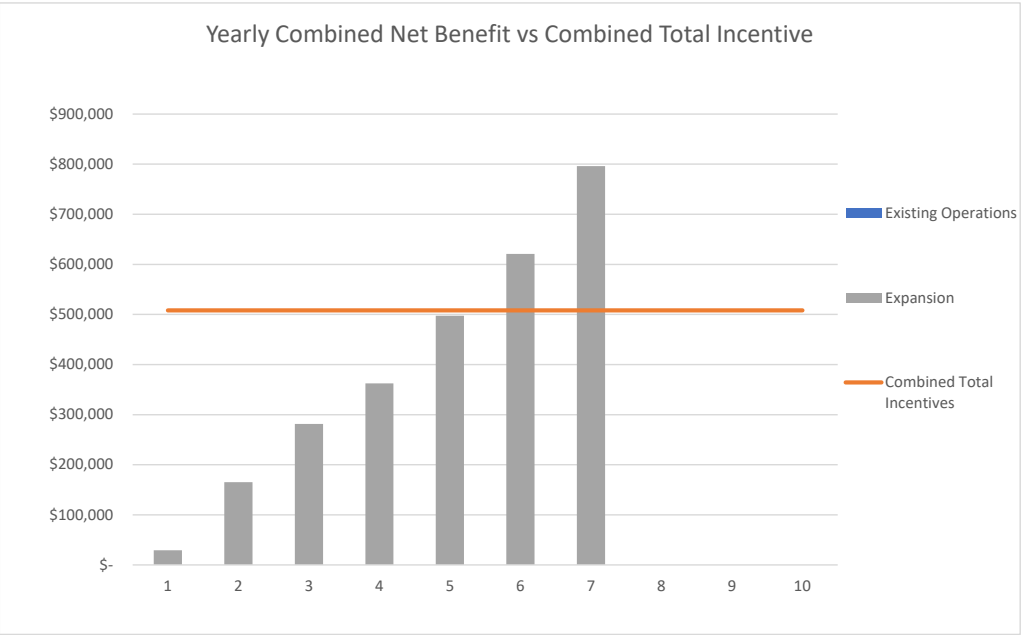
Cumulative Net Benefits					
	Existing Operations		Expansion	Existing & Expanded Operations	Present Value of Net Benefits*
State of New Mexico	\$	-	\$	383,615	\$ 320,862
County	\$	-	\$	151,109	\$ 128,285
City	\$	-	\$	261,503	\$ 223,589
School District	\$	-	\$	58,103	\$ 48,525
Special Taxing District	\$	-	\$	11,485	\$ 9,592
Total	\$	-	\$	865,814	\$ 730,853

* The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5% to make the dollars comparable.

** In the cumulative net benefits of the existing and expanded operations for the State of New Mexico, corporate income tax has been removed from the existing operations total to avoid double counting.

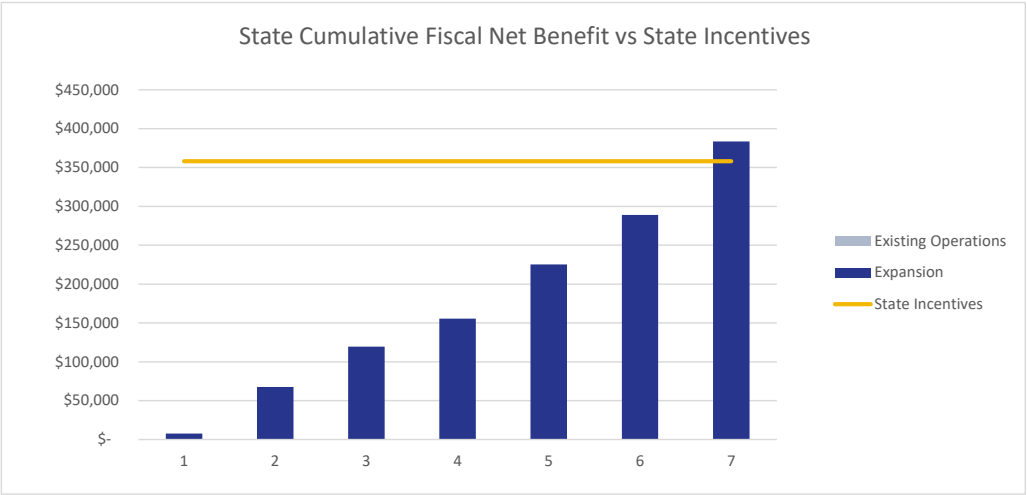
Total Public Net Benefit

	Total
Estimated Total Public Net Benefit Over 10 Years:	\$ 796,227
Combined Total Incentive Over 10 Years:	\$ 508,105
Total Public Net Benefit Rate of Return:	57%



State Impacts





Incentives

Total State Incentive:	\$	358,105
State Incentive Per Job:	\$	18,848

Combined Payback and Return

State Payback Period Combined:	6.73	Years
State Rate of Return Combined:	-10%	

Expansion Only Payback and Return

State Payback Period Expansion:	6.73	Years
State Rate of Return Expansion:	-10%	

State Net Benefits Of Current Operations

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$ -	\$ -	\$ -	\$ -
2	\$ -	\$ -	\$ -	\$ -
3	\$ -	\$ -	\$ -	\$ -
4	\$ -	\$ -	\$ -	\$ -
5	\$ -	\$ -	\$ -	\$ -
6	\$ -	\$ -	\$ -	\$ -
7	\$ -	\$ -	\$ -	\$ -
8	\$ -	\$ -	\$ -	\$ -
9	\$ -	\$ -	\$ -	\$ -
10	\$ -	\$ -	\$ -	\$ -

State Net Benefits Of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	7,603	\$	-	\$	7,603	\$ 7,603
2	\$	60,114	\$	-	\$	60,114	\$ 67,717
3	\$	51,841	\$	-	\$	51,841	\$ 119,558
4	\$	35,973	\$	-	\$	35,973	\$ 155,531
5	\$	69,864	\$	-	\$	69,864	\$ 225,396
6	\$	63,471	\$	-	\$	63,471	\$ 288,867
7	\$	94,748	\$	-	\$	94,748	\$ 383,615
8	\$	-	\$	-	\$	-	-
9	\$	-	\$	-	\$	-	-
10	\$	-	\$	-	\$	-	-

State Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	7,603	\$	-	\$	7,603	\$ 7,603
2	\$	60,114	\$	-	\$	60,114	\$ 67,717
3	\$	51,841	\$	-	\$	51,841	\$ 119,558
4	\$	35,973	\$	-	\$	35,973	\$ 155,531
5	\$	69,864	\$	-	\$	69,864	\$ 225,396
6	\$	63,471	\$	-	\$	63,471	\$ 288,867
7	\$	94,748	\$	-	\$	94,748	\$ 383,615
8	\$	-	\$	-	\$	-	-
9	\$	-	\$	-	\$	-	-
10	\$	-	\$	-	\$	-	-

State Breakdown of Combined Benefits, Costs, and Net Benefits Over the Next 10 Years

Taxes and Revenue

Gross Receipt Taxes	\$	278,186
Personal Income Taxes	\$	304,115
Corporate Income Taxes	\$	-
Misc. Taxes and Revenue	\$	-
Subtotal of Benefits	\$	582,302

Costs

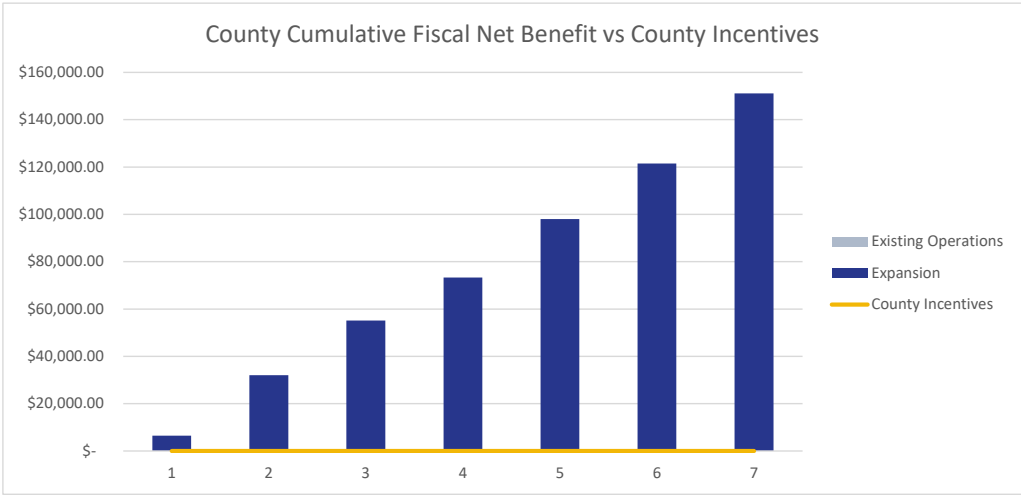
Costs	\$	-
Subtotal of Costs	\$	-

Net Benefits

Net Benefits	\$	582,302
Present Value	\$	320,862

County Impacts





Incentives

Total County Incentive:	\$	-
County Incentive Per Job:	\$	-

Combined Payback and Return

County Payback Period Combined:	-	Years
County Rate of Return Combined:	N/A	

Expansion Only Payback and Return

County Payback Period Expansion:	-	Years
County Rate of Return Expansion:	N/A	

County Net Benefits Of Current Operations

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$ -	\$ -	\$ -	\$ -
2	\$ -	\$ -	\$ -	\$ -
3	\$ -	\$ -	\$ -	\$ -
4	\$ -	\$ -	\$ -	\$ -
5	\$ -	\$ -	\$ -	\$ -
6	\$ -	\$ -	\$ -	\$ -
7	\$ -	\$ -	\$ -	\$ -
8	\$ -	\$ -	\$ -	\$ -
9	\$ -	\$ -	\$ -	\$ -
10	\$ -	\$ -	\$ -	\$ -

County Net Benefits Of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	6,429	\$	-	\$	6,429	\$ 6,429
2	\$	25,564	\$	-	\$	25,564	\$ 31,992
3	\$	23,095	\$	-	\$	23,095	\$ 55,087
4	\$	18,239	\$	-	\$	18,239	\$ 73,326
5	\$	24,663	\$	-	\$	24,663	\$ 97,989
6	\$	23,526	\$	-	\$	23,526	\$ 121,515
7	\$	29,595	\$	-	\$	29,595	\$ 151,109
8	\$	-	\$	-	\$	-	-
9	\$	-	\$	-	\$	-	-
10	\$	-	\$	-	\$	-	-

County Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	6,429	\$	-	\$	6,429	\$ 6,429
2	\$	25,564	\$	-	\$	25,564	\$ 31,992
3	\$	23,095	\$	-	\$	23,095	\$ 55,087
4	\$	18,239	\$	-	\$	18,239	\$ 73,326
5	\$	24,663	\$	-	\$	24,663	\$ 97,989
6	\$	23,526	\$	-	\$	23,526	\$ 121,515
7	\$	29,595	\$	-	\$	29,595	\$ 151,109
8	\$	-	\$	-	\$	-	-
9	\$	-	\$	-	\$	-	-
10	\$	-	\$	-	\$	-	-

County Breakdown of Combined Benefits, Costs, and Net Benefits Over the Next 10 Years

Taxes and Revenue

Gross Receipt Taxes	\$	95,269
Misc. Taxes and Revenue	\$	6,300
Property Taxes	\$	107,349
Subtotal of Benefits	\$	208,918

Costs

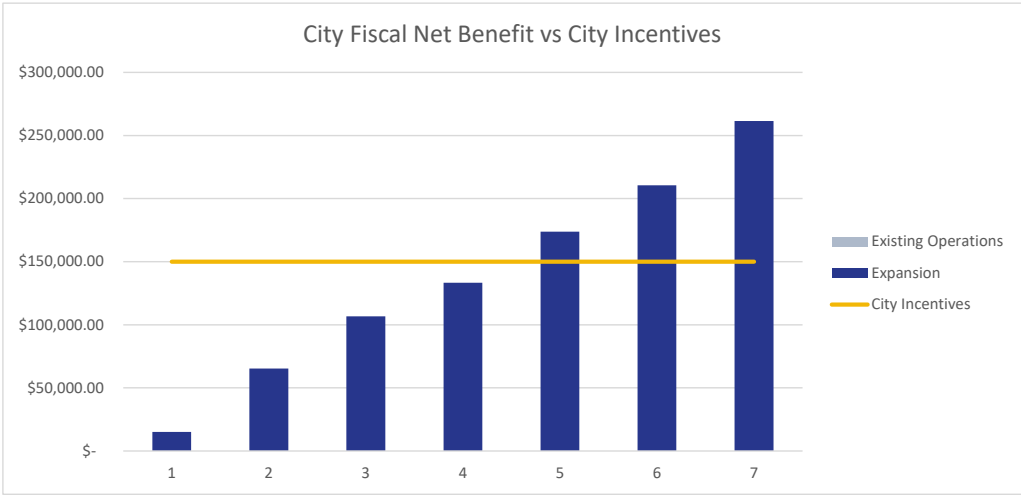
Costs	\$	-
Subtotal of Costs	\$	-

Net Benefits

Net Benefits	\$	208,918
Present Value	\$	128,285

City Impacts





Incentives

Total City Incentive:	\$	150,000
City Incentive Per Job:	\$	7,895

Combined Payback and Return

City Payback Period Combined:	4.41	Years
City Rate of Return Combined:	49%	

Expansion Only Payback and Return

City Payback Period Expansion:	4.41	Years
City Rate of Return Expansion:	49%	

City Net Benefits Of Current Operations

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	-	\$	-	\$	-	\$ -
2	\$	-	\$	-	\$	-	\$ -
3	\$	-	\$	-	\$	-	\$ -
4	\$	-	\$	-	\$	-	\$ -
5	\$	-	\$	-	\$	-	\$ -
6	\$	-	\$	-	\$	-	\$ -
7	\$	-	\$	-	\$	-	\$ -
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

City Net Benefits Of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	15,191	\$	-	\$	15,191	\$ 15,191
2	\$	50,126	\$	(96)	\$	50,222	\$ 65,413
3	\$	41,082	\$	(250)	\$	41,332	\$ 106,745
4	\$	26,369	\$	(240)	\$	26,609	\$ 133,354
5	\$	40,225	\$	(277)	\$	40,502	\$ 173,856
6	\$	36,325	\$	(336)	\$	36,661	\$ 210,516
7	\$	50,608	\$	(378)	\$	50,986	\$ 261,503
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

City Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	15,191	\$	-	\$	15,191	\$ 15,191
2	\$	50,126	\$	(96)	\$	50,222	\$ 65,413
3	\$	41,082	\$	(250)	\$	41,332	\$ 106,745
4	\$	26,369	\$	(240)	\$	26,609	\$ 133,354
5	\$	40,225	\$	(277)	\$	40,502	\$ 173,856
6	\$	36,325	\$	(336)	\$	36,661	\$ 210,516
7	\$	50,608	\$	(378)	\$	50,986	\$ 261,503
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

City Breakdown of Combined Benefits, Costs, and Net Benefits Over the Next 10 Years

Taxes and Revenue

Gross Receipt Taxes	\$	241,031
Misc. Taxes and Revenue	\$	14,500
Property Taxes	\$	82,258
Subtotal of Benefits	\$	337,790

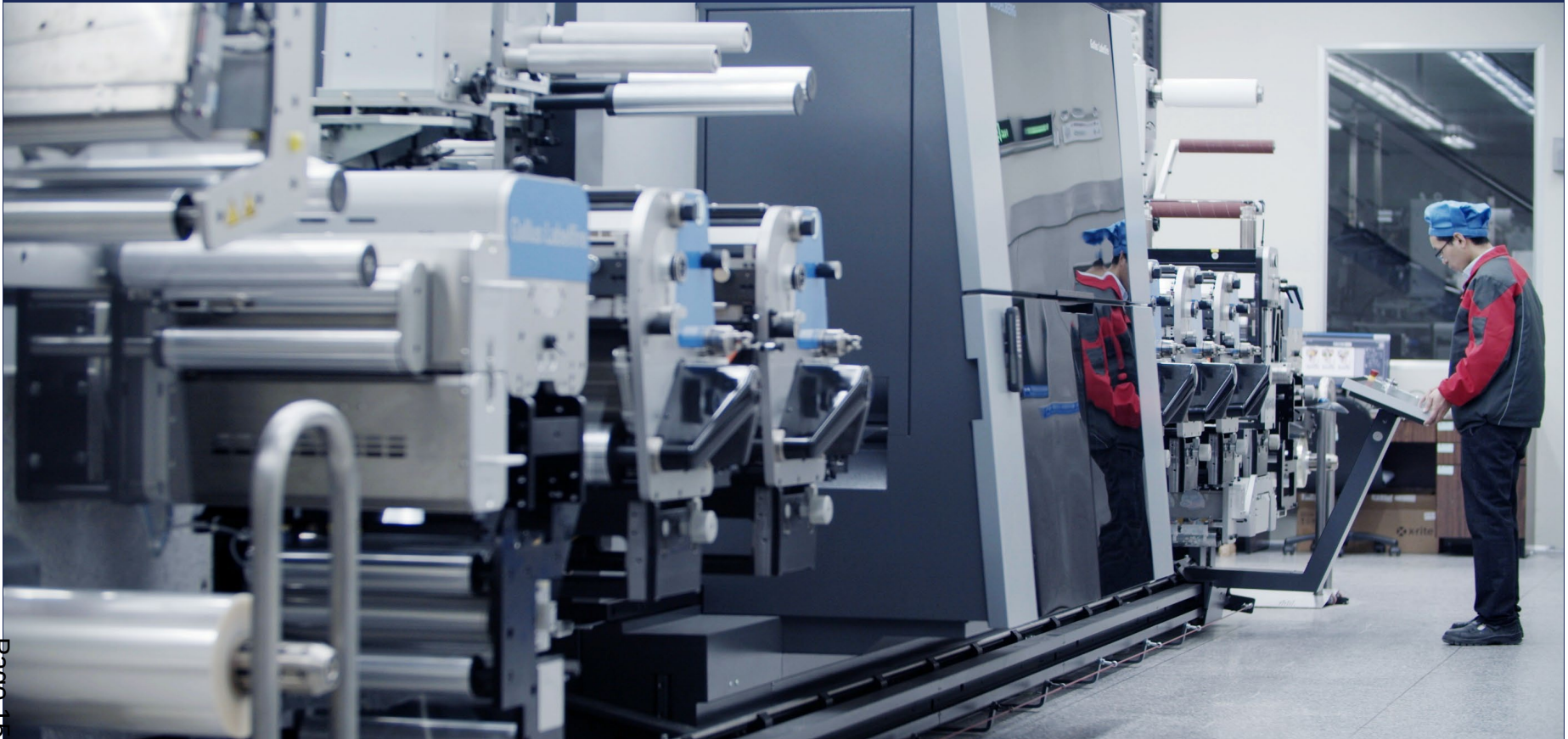
Costs

Costs	\$	(1,577)
Subtotal of Costs	\$	(1,577)

Net Benefits

Net Benefits	\$	339,366
Present Value	\$	223,589

Special Taxing District and Public Schools



Special Taxing District

Special Taxing District Net Benefits of Current Operations

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	-	\$	-	\$	-	\$ -
2	\$	-	\$	-	\$	-	\$ -
3	\$	-	\$	-	\$	-	\$ -
4	\$	-	\$	-	\$	-	\$ -
5	\$	-	\$	-	\$	-	\$ -
6	\$	-	\$	-	\$	-	\$ -
7	\$	-	\$	-	\$	-	\$ -
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Special District Net Benefits of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	308	\$	-	\$	308	\$ 308
2	\$	1,039	\$	-	\$	1,039	\$ 1,347
3	\$	1,647	\$	-	\$	1,647	\$ 2,994
4	\$	1,878	\$	-	\$	1,878	\$ 4,872
5	\$	2,106	\$	-	\$	2,106	\$ 6,978
6	\$	2,203	\$	-	\$	2,203	\$ 9,181
7	\$	2,304	\$	-	\$	2,304	\$ 11,485
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Special District Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	308	\$	-	\$	308	\$ 308
2	\$	1,039	\$	-	\$	1,039	\$ 1,347
3	\$	1,647	\$	-	\$	1,647	\$ 2,994
4	\$	1,878	\$	-	\$	1,878	\$ 4,872
5	\$	2,106	\$	-	\$	2,106	\$ 6,978
6	\$	2,203	\$	-	\$	2,203	\$ 9,181
7	\$	2,304	\$	-	\$	2,304	\$ 11,485
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Public Schools

Public Schools Net Benefits of Current Operations

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	-	\$	-	\$	-	\$ -
2	\$	-	\$	-	\$	-	\$ -
3	\$	-	\$	-	\$	-	\$ -
4	\$	-	\$	-	\$	-	\$ -
5	\$	-	\$	-	\$	-	\$ -
6	\$	-	\$	-	\$	-	\$ -
7	\$	-	\$	-	\$	-	\$ -
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Public Schools Net Benefits of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	1,560	\$	-	\$	1,560	\$ 1,560
2	\$	5,254	\$	-	\$	5,254	\$ 6,814
3	\$	8,334	\$	-	\$	8,334	\$ 15,148
4	\$	9,501	\$	-	\$	9,501	\$ 24,649
5	\$	10,652	\$	-	\$	10,652	\$ 35,301
6	\$	11,144	\$	-	\$	11,144	\$ 46,445
7	\$	11,658	\$	-	\$	11,658	\$ 58,103
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Public Schools Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	1,560	\$	-	\$	1,560	\$ 1,560
2	\$	5,254	\$	-	\$	5,254	\$ 6,814
3	\$	8,334	\$	-	\$	8,334	\$ 15,148
4	\$	9,501	\$	-	\$	9,501	\$ 24,649
5	\$	10,652	\$	-	\$	10,652	\$ 35,301
6	\$	11,144	\$	-	\$	11,144	\$ 46,445
7	\$	11,658	\$	-	\$	11,658	\$ 58,103
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Property Tax Exemptions and Industrial Revenue Bonds



Property Tax Exemptions and Industrial Revenue Bonds

The City and/or the County is considering abating taxes on the Project's property. Below is a table that identifies the types of property that are under consideration for property tax abatement:

Land:	No
Building and Property Improvements:	No
Furniture, Fixtures and Equipment:	No

Property Tax Percentage Exemptions On Land and Building

County	City	Schools	Special Taxing District
0%	0%	0%	0%

Property Tax Percentage Exemptions On Furniture, Fixtures and Equipment

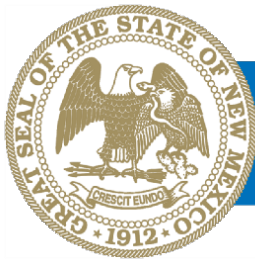
County	City	Schools	Special Taxing District
0%	0%	0%	0%

Value of Exemption Through 10 Years:	\$	-	\$	-	\$	-
*Value of Payment in Lieu of Taxes Through 10 Years:	\$	-	\$	-	\$	-

*The model assumes that the payment in lieu of taxes will be administered to the either the county or city, and the local government will disperse the amounts to the appropriate districts.

Percentage of Gross Receipt Taxes Foregone on Newly Purchased Furniture, Fixtures and Equipment Over 10 Years

Year	State	County	City
1	0%	0%	0%
2	0%	0%	0%
3	0%	0%	0%
4	0%	0%	0%
5	0%	0%	0%
6	0%	0%	0%
7	0%	0%	0%
8	0%	0%	0%
9	0%	0%	0%
10	0%	0%	0%
Value of Exemption			
Through 10 Years:	\$ -	\$ -	\$ -



Michelle Lujan Grisham • Governor
Mark Roper • Acting Cabinet Secretary

February 1, 2024

City of Las Cruces
Attn: Chris Faivre
Deputy Director, Business & Economic Development
P O Box 20000
Las Cruces, NM 88004

Re: X2NSat, Inc. LEDA Project – Project # LCO-2017-03

Dear Mr. Faivre,

As you are aware, the City of Las Cruces, acting on behalf of the State of New Mexico, entered into a LEDA grant agreement with X2NSat, Inc. in November of 2016. The City of Las Cruces accepted from X2NSat and Mr. Garrett Hill as security for this LEDA agreement a corporate guaranty.

NMEDD has reviewed all submitted documents, including the ES903A's, and has confirmed that X2NSat's operations within the City of Las Cruces have provided a full return on investment to the State of New Mexico, Doña Ana County and the City of Las Cruces as per their PPA agreement.

In keeping with the executed PPA and the associated IGA, the New Mexico Economic Development Department is requesting that the City of Las Cruces proceed with terminating the guaranty described above and closing LEDA project no. LCO-2017-03 by passing a repealing ordinance per LEDA statute.

The State of New Mexico would like to thank you for your assistance and efforts toward successfully growing the economy in the City of Las Cruces, Doña Ana County, and the entire State of New Mexico.

Please don't hesitate to reach out if you have any questions.

Respectfully,

A handwritten signature in blue ink that reads "Mark Roper".

Mark Roper
Acting Cabinet Secretary
New Mexico Economic Development Department

cc: Cruz Ramos
Garrett Hill, CEO, X2NSat, Inc.
Kathleen Kellogg, Financial Controller, X2NSat, Inc.



City Council Action and Executive Summary

3067; Council
Bill 24-025

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☒ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:	April 15, 2024	Adopted:	May 6, 2024
Drafter:	Chris Faivre	Department:	Economic Development
Program:	Business Development	Line of Business:	Business Development
Title:	AN ORDINANCE AMENDING ORDINANCE NO. 3054, UPDATING THE PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY AND 828 PRODUCTIONS, LLC., TO ADD CLARIFYING LANGUAGE FOR THE USE OF THE \$2,800,000 IN LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) FUNDS DEDICATED TO THE RENOVATIONS OF MULTIPLE FACILITIES.		

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

PURPOSE(S) OF ACTION:
To amend Ordinance No. 3054 and update the Project Participation Agreement.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
On March 20, 2023, the Las Cruces City Council approved Ordinance No. 3028, as the 828 Productions, LLC., Local Economic Development Act (LEDA) Project Ordinance. The ordinance authorized the City Manager to enter into a Project Participation Agreement (PPA) and Intergovernmental Agreement (IGA) which are incorporated into the Ordinance and made a part thereof by reference.

On December 18, 2023, City Council adopted Ordinance No. 3054 which added an additional \$2.8 million in LEDA funds to the project for the specific and sole purpose of cinematic infrastructure. These funds were specifically allocated for cinematic infrastructure, cannot be used for any other purpose, and must only be spent on the establishment of cinematic infrastructure in Las Cruces.

The purpose of this amendment is to clarify the language of the PPA, to allow for flexibility in how the \$2.8 million can be spent on the properties identified in the agreement. Currently, the PPA specifies how much will be spent on each property, however changes in construction costs and project timelines have required 828 Productions to make changes to the amount of LEDA funding originally assigned to the various 828 Production facilities included in the LEDA agreement.

828 Productions, LLC., will be investing approximately \$75,000,000 and plans to hire 100 full-time persons. They have purchased multiple facilities within Las Cruces which these funds will be going towards to renovate. Details of the proposed use of the different facilities and a breakdown of renovations can be found in Exhibit "A".

Other than the amount of funds spent on each facility, all other terms and conditions remain unchanged.

SUPPORT INFORMATION:

Agenda Item #11.1.

[Exhibit "A" 828 2024 LEDA Amendment](#)

[Attachment "A" 2023 828 LEDA Amendment](#)

[Attachment "B" LEDA Application](#)

[Attachment "C" Executive Summary](#)

[Attachment "D" Inter Governmental Agreement](#)

[Attachment "E" Project Participation Agreement](#)

PLAN(S):

City Council Strategic Plan, Department Strategic Business Plan

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 Ordinance amendment and authorize the City to provide flexibility in how the \$2.8 million can be spent on the properties identified in the 828 Productions, LLC. PPA.
2. Vote "No", this will not approve the Ordinance amendment and authorize the City to provide flexibility in how the \$2.8 million can be spent on the properties identified in the 828 Productions, LLC. PPA.
3. Vote to "Amend", this could delay the Ordinance amendment and would require City Council to provide direction to staff.
4. Vote to "Table", this would delay the Ordinance amendment and require City Council to provide direction to staff.

REFERENCE INFORMATION:

Ordinance No. 3028, Ordinance No. 3054

ORDINANCE 3067; COUNCIL BILL 24-025

AN ORDINANCE AMENDING ORDINANCE NO. 3054, UPDATING THE PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY AND 828 PRODUCTIONS, LLC., TO ADD CLARIFYING LANGUAGE FOR THE USE OF THE \$2,800,000 IN LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) FUNDS DEDICATED TO THE RENOVATIONS OF MULTIPLE FACILITIES.

The City Council is informed that:

WHEREAS, on March 20, 2023, the Las Cruces City Council approved Ordinance No. 3028, as the 828 Productions, LLC., Local Economic Development Act (LEDA) Project Ordinance; and

WHEREAS, the ordinance authorized the City Manager to enter into a Project Participation Agreement (PPA) and Intergovernmental Agreement (IGA) which are incorporated into the Ordinance and made a part thereof by reference; and

WHEREAS, the PPA was based on a preliminary project schedule to designate \$897,596 for cinematic infrastructure through capital outlay funds; and

WHEREAS, on December 18, 2023, City Council adopted Ordinance No. 3054 which added an additional \$2.8 million in LEDA funds to the project for the specific and sole purpose of cinematic infrastructure; and

WHEREAS, the purpose of this amendment is to clarify the language of the PPA, to allow for flexibility in how the \$2.8 million can be spent on the properties identified in the PPA; and

WHEREAS, 828 Productions, LLC., will be investing approximately \$75,000,000 and plan to hire 100 full-time persons; and

WHEREAS, 828 Productions, LLC., has purchased multiple facilities within Las Cruces which these funds will be going towards to renovate the different facilities tied to cinematic infrastructure.

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

(I)

THAT the City hereby enters into an amended Project Participation Agreement, as shown in Exhibit "A" attached hereto and made part of this Ordinance, with 828 Productions, LLC., subject to the requirements of LEDA and the adopted LEDA Plan of the City, for the use of the additional \$2,800,000 in investment in the project.

(II)

THAT other than the amount of funds the City will be providing towards the project, all other terms and conditions remain unchanged.

(III)

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

Agenda Item #11.1.

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

Amendment to Agreements for LEDA Project as established by City of Las Cruces Ordinance No. 3054 approving the amendment to the 828 Productions Local Economic Development Project

On December 18, 2023, the Governing body of the City of Las Cruces approved Ordinance No. 3054, as the 828 Productions LEDA Project Ordinance. The ordinance authorized the City Manager to enter into a Project Participation Agreement (PPA) and Intergovernmental Agreement (IGA) which are incorporated into the Ordinance and made a part thereof by reference.

The Project Agreements were based on a preliminary project funding schedule, however changes in project timelines have required 828 Productions to make changes to the amount of LEDA funding originally assigned to the various 828 Production facilities included in the LEDA agreement.

Parties agree to add flexibility to the allocation of the \$2.8 million in City of Las Cruces LEDA funds dedicated to infrastructure and facility improvements on the grounds of 828 Productions. The updated amounts assigned to each facility are listed below. The company contributions and commitments identified in the PPA will still be met, and the total financial obligation to the City does not exceed the amount stipulated in the PPA.

This amendment will allow 828 Productions to distribute the funds and perform the needed infrastructure improvements to the facilities at the addresses listed below.

828 Production facility addresses:

- 106 S. Miranda
- 100 S. Church
- 300 S. Compress

City of Las Cruces LEDA Disbursement Schedule		
Tranche	Amount of Local Contribution Available for Disbursement/Tranche	Disbursement Performance Milestone
1	\$702,000*	Renovations to 106 S. Miranda**
2	\$240,000*	Renovations to 100 S. Church**
3	\$1,856,000*	Renovations to 300 S. Compress**
*For detailed fund breakdown of renovations, please see Cinematic Infrastructure Funds Expenditure List		
**For a facility breakdown, please see Facility Overview		

All other terms and conditions remain unchanged. Amendments accepted:

Acknowledged:

Ikani Taumoepeau
Acting, City of Las Cruces City Manager

Todd Lundbohm, CEO
828 Productions

Amendment to Agreement for LEDA Project as established by City of Las Cruces Ordinance No. 3028 approving the 828 Productions, LLC., Economic Development Project.

On March 20, 2023, the governing body of the City of Las Cruces approved Ordinance No. 3028, as the 828 Productions, LLC., Local Economic Development Act (LEDA) Project Ordinance. The ordinance authorized the City Manager to enter into a Project Participation Agreement (PPA) and Intergovernmental Agreement (IGA) which are incorporated into the Ordinance and made part thereof by reference.

The PPA was based on a preliminary project schedule to designate \$897,596 for cinematic infrastructure through capital outlay funds. The purpose of this amendment is to designate an additional \$2,800,000 the City has set aside for cinematic infrastructure.

828 Productions, LLC., has purchased multiple facilities within Las Cruces which these funds will be going towards to renovate. A description of each property and their proposed uses can be found in Attachment A. They will be investing approximately \$75,000,000 on these facilities and plan to hire 100 full-time persons. The funds designated for this amendment will be put towards the facility improvements, including:

<i>City of Las Cruces LEDA Disbursement Schedule</i>		
<i>Tranche</i>	<i>Amount of Local Contribution Available for Disbursement/Tranche</i>	<i>Disbursement Performance Milestone</i>
1	\$1,718,000*	Renovations to 1053 Hayner Ave.**
2	\$702,000*	Renovations to 106 S. Miranda**
3	\$240,000*	Renovations to 100 S. Church**
4	\$138,000*	Renovations to 300 S. Compress**
*For detailed fund breakdown of renovations, please see Cinematic Infrastructure Funds Expenditure List		
**For a facility breakdown, please see Facility Overview		

Other than the amount of funds the City will be providing towards the project, all other terms and conditions remain unchanged. This amendment is only for the City of Las Cruces’ contribution, the State of New Mexico’s contribution is unchanged.

Amendment accepted and acknowledged:

Ifo Pili
City of Las Cruces City Manager

Todd Lundbohm, CEO
828 Productions, LLC.



RE: Jonathon Sepp
 106 S. Miranda Las Cruces, NM
 575-323-1895

Cinematic Infrastructure Funds Expenditure List

Address	Facility / Facility Type	Cinematic Infrastructure	Additional Details
1053 Hayner Ave.	30,000sf Building	Consulting	
			Soundstage Management
			Engineering
			Construction
			Fire Safety
		Patch EXT Metal Siding	
			Create "Rat Holes"
			Patch holes
			Metal Art Installation
		Patch EXT Metal Roof	
			Patch Holes
			Exhaust Ports
			Cover Skylights
			Ensure Roof is Waterproof
			Confirm Load Ratings
		INT Floor	
			Repair Cracks
			Resurface and Level
			Install Subfloor
			Confirm Load Ratings
			Ensure Load Ratings Match Needs of Production
		Interior Walls	
			Insulation
			Soundproofing
			Confirm Load Ratings
		INT Seperating Wall	
			Seperate Stage From Mill
			Access Doors
			Sound Proofing
			Insulation
			Additional Doorways
		INT Seperating Wall #2	
			Seperate Mill From Holding Area
			Additional Doorways
		Interior Electric	
			110v Access Through Building
			Transformer Maintenance
			Repair/Install Electrical Panels
		EXT Elephant Door #1	
			Repair Door
			Install New Trim

			Install New Hardware
		EXT Elephant Door #2	
			Repair Door
			Install New Trim
			Install New Hardware
		EXT Elephant Door #3	
			Repair Door
			Install New Trim
			Install New Hardware
		EXT Doors	
			Repair/Replace Doors
			Repair/Replace Hardware
			Upgrade Locks
			Secure Access
		EXT Signage	
			Label & Mark All Entryways
			828 Logo on North and South Side of Building
		EXT Lighting	
			Install Work Lights
			Install Security Lights
		EXT Electric	
			Transformer Maintenance
			Repair/Install Electrical Panels
			Run Power to Lights & Signage
		HVAC	
			Heating & Cooling System/s
			Exhaust
		Plumbing	
			Fire Safety
			EXT Faucets
	40,000sf Building	Patch EXT Metal Siding	
			Patch Holes
			Repair Structural Damage
		Patch EXT Metal Roof	
			Patch Holes
			Ensure Roof is Waterproof
		Entry Ways	
			Close Up Entry Ways
			No Access Signs
	Water Tower		
		Three Sided 828 Logo	
		Signage Lighting	
	Civil Engineering		
		Planning & Design	
		Amador Lot Grading	
		Drainage Throughout Property	
		Parking Lot Maintenance/Repair	
		Parking Additions	
		West Lot Grading	
		North Lot Grading	
		Road Maintenance/Repair	
		Solar Power	
		Above/Below Ground Utilities	
		Maintenance/Repair	
	General Property		

		Planning & Design	
		Concrete/Trash Removal	
		Land Clearing	
		Dirt Work	
		Security	
		Utilities	
		Safety Measures	
	Fence, Wall, & Gate	Planning & Design	
		Fence Extentions	
		Fence Repairs	
		Gate Repairs	
		Additional Gates	
		Signage	
		Lighting/Electric	
		Privacy Walls	
	Consulting	Soundstage Management	
		Engineering	
		Construction	
		Fire Safety	
	Lease Reimbursements		
	1053 Hayner Ave. Submission 1a Total:		\$ 43,000.00
	1053 Hayner Ave. Submission 2a Total:		\$ 170,000.00
	1053 Hayner Ave. Submission 3a Total:		\$ 63,000.00
	1053 Hayner Ave. Submission 4a Total:		\$ 280,000.00
	1053 Hayner Ave. Submission 5a Total:		\$ 525,000.00
	1053 Hayner Ave. Submission 6a Total:		\$ 175,000.00
	1053 Hayner Ave. Submission 7a Total:		\$ 462,000.00
106 S. Miranda			
	General Building	Planning & Design	
		HVAC	
		Heating & Cooling System/s	
		Exhaust	
		Solar Power	
		Solar System Installation	
		Cleaning	
		Deep Clean Facility	
		Security	
		Additional Security Cameras	
		Additional Security Sound Devices	
		Key Fob Maintenance/Repairs	
		Alarm System Maintenance/Repairs	
		Internet	
		High Speed Internet Access	
	Landscaping		
		Landscape Improvements	

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		Security	Exterior Signage
			Additional Security Cameras
			Additional Security Sound Devices
			Key Fob Maintenance/Repairs
			Alarm System Maintenance/Repairs
		EXT Maintenance/Repair	
			Create "Rat Holes"
			Patch holes
			Maintenance
			Metal Art Installation
		INT Remodel	
			Support Structures
			Electric
			Walls/Framing
			Flooring
			Doors
			Furnishing
			Fire Safety
		Utilities	
		HVAC	
			Heating & Cooling System/s
			Exhaust
	Courtyard		
		Planning & Design	
		Remodel	
	Parking Lots	Fence Maintenance/Repair	
		Planning & Design	
		Repair/Maintenance	
		Electric/Lighting	
		Guard Stations	
		Signage	
	Consulting	Landscaping	
	Lease Reimbursements		
	100 S. Church Submission 1c Total:		\$ 30,000.00
	100 S. Church Submission 2c Total:		\$ 50,000.00
	100 S. Church Submission 3c Total:		\$ 30,000.00
	100 S. Church Submission 4c Total:		\$ 40,000.00
	100 S. Church Submission 5c Total:		\$ 60,000.00
	100 S. Church Submission 6c Total:		\$ 20,000.00
	100 S. Church Submission 7c Total:		\$ 10,000.00
	300 S. Compress		
		2,900sf Office	
		INT Remodel	
			Planning & Design

			Repair/Maintenance
			Electric/Ligthing
			Plumbing
			Fire Safety
			Security
			Flooring
			EXT Maintenance/Repair
			Signage
	Fence, Wall, & Gate		Planning & Design
			Fence Extentions
			Fence Repairs
			Gate Repairs
			Additional Gates
			Signage
			Lighting/Electric
			Privacy Walls
	Gin Building		Deep Clean
			Repair/Maintenance
			Security
			Fire Safety
			Signage
	General Property		Safety
			Clean
			Grading
			Security
			Utilities
			Landscaping
	Lease Reimbursements		
	300 S. Compress Submission 1d Total:		\$ 22,000.00
	300 S. Compress Submission 2d Total:		\$ 44,000.00
	300 S. Compress Submission 3d Total:		\$ 22,000.00
	300 S. Compress Submission 4d Total:		\$ 6,000.00
	300 S. Compress Submission 5d Total:		\$ 22,000.00
	300 S. Compress Submission 6d Total:		\$ 22,000.00
	300 S. Compress Submission 7d Total:		\$ -



Facility Overview

106 S. Miranda

Our 106 S. Miranda campus will be the hub of film production in Las Cruces. Internally and externally, this facility will provide the necessary space for administrative office and production support activity, as well as a filming destination and workforce development space.

The administrative office space of a film production company is a microcosm of the creative and collaborative process of filmmaking. It is a space where ideas are born, scripts are developed, budgets are created, and schedules are managed. It is also a space where the nuts and bolts of filmmaking are handled, such as development, sales, legal, and distribution.

The production office space of a film production company is a busy and vibrant place. It is a space where creative ideas are turned into reality, and where the magic of filmmaking happens.

The facility will be divided into several different workspaces, including:

- Executive offices: These are the offices of the company's top executives, such as the producer, director, screenwriter, and showrunner. They are typically spacious and well-appointed, with large desks, comfortable chairs, and plenty of meeting space.
- Production offices: These are the offices of the key members of the production team, such as the production manager, line producer, and various other departments. They are typically smaller and more utilitarian than the executive offices, but they are still comfortable and functional.
- Accounting offices: These are the offices where the finances are handled. They are typically located in a quiet area of the office space, away from the hustle and bustle of the production offices.
- Conference rooms: These are the rooms where meetings are held between executives, producers, and other members of the team. They are typically large enough to accommodate a group of people, and they are equipped with whiteboards, projectors, and other audiovisual equipment.
- Soundstage: This is a flex use space in a pre-existing auditorium where filming, training, and screening will occur.
- Post-Production: 828 Post-Production will supply the film and digital media industry with high-quality post-production and visual effects services, helping them to achieve their creative vision and deliver a finished product that meets or exceeds their expectations.
- Vendor Incubator: 828 Productions will provide space for film-specific vendors to be co-located with many of the 828 divisions and productions based out of this facility.

828 Productions is actively coordinating numerous ways to interact and enhance the film and digital media training available through K-12 and post-secondary education in Las Cruces and Doña Ana County. For post-secondary education, this will include use of our auditorium (sanctuary) for lectures, guest speakers, hands-on exercises, and various other presentation formats. Students in K-12 will have the opportunity to tour our facility and participate in internships through programs like the Doña Ana County Summer Internship. Post-secondary programs in southern New Mexico will have the opportunity to attend lectures, workshops, on-the-job training, and internships at this facility.

1053 Hayner Ave.

1053 Hayner Ave. will be home to 828 Production's first soundstage-specific construction. As we roll out our master plan for a complete overhaul of the site, 828 Productions will fill the construction timeline gap with a unique approach to a soundstage environment that will transition into mill and/or office space as the master plan comes to fruition. 828 Productions has contracted multiple experts to guide our phased approach that will allow us to capture additional production traffic immediately as construction rolls out over the course of multiple years. One of those experts is Rick Clemente, the previous studio operator and pioneer of i25 Studios (now Cinelease Studios), a previous microchip manufacturing facility.

300 S. Compress

As 828 Productions plans to focus the first phase of purpose-built soundstages, office space, and a warehouse retrofit on the 1053 Hayner Ave property, the property at 300 S. Compress will initially focus on ancillary services and needs for the 1053 Hayner Ave property. This will include additional office space, vehicle & trailer parking, vendor support, storage, and various other needs the film production campus may require.

100 S. Church

Located in the heart of Downtown Las Cruces, 100 S. Church will become a beehive of activity for office space tailored to production activity, vendor administrative services, and coworking space. Many of the office-supporting infrastructure listed under 106 S. Miranda will be available here.

The downtown location of the film production's office space provides a number of advantages. First, it is centrally located and easily accessible to clients, partners, and filming locations. Second, it is close to a variety of amenities, such as restaurants, shops, and public transportation. Third, it provides the company with a high-profile presence in the city's business district.

A studio apartment on the second floor will be tailored to hospitality for producers, directors, talent, and various other filmmakers providing them the best access to experience Downtown Las Cruces.

FY22 LEDA Application

Applicant	Todd Lundbohm		
Applicant ID	APP-015963		
Company Name	828 Studio NM, LLC	828 Productions LLC	
Email	todd@828productions.com		
Status	Submitted		
Application Amount	\$0.00		
Funded/Approved	☐		
LEDA Starting Job Count	0		
LEDA PPA Job Count Target	335		

Contact Information

Question: Legal Company Name

828 Productions LLC

Question: Trade Name (dba)

828 Productions LLC

Question: Project Name

828 Studios

Question: Company Street Address

~~100 South Church Street~~ 106 S Miranda St

Question: Company City

Las Cruces

Question: Company State

NM

Question: Company Zip

Agenda Item #11.1.

~~88001~~ 88005

Question: Phone

2089124075

Question: Website

<https://828productions.com/>

Question: Primary Contact Person First Name

Todd

Question: Primary Contact Person Last Name

Lundbohm

Question: Federal Tax ID #

83-2900195

Question: NM State Tax and Revenue (CRS) #

03568111000

Question: City/County Business License Registration will be pursued

☒ Yes

☐ No

Question: NAICS Code(s)

512199

Question: DUNS # (preferred but not required)

Applied For

Question: This Business is organized as a:

☐ C-Corporation

☐ S-Corporation

☒ LLC

☐ Partnership

☐ Sole Proprietorship

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☐ B-Corporation

Question: Incorporation Papers

[828 PRODUCTIONS, LLC - DE - FORMATION.pdf](#) (9/17/2022, 11:10 AM)

Question: Resumes of all principals (owners, partners, directors or officers; required for businesses 1 year or younger)

[Todd bio.pdf](#) (9/17/2022, 11:13 AM)

[SDenton Bio 12 6 21 v3.pdf](#) (9/17/2022, 11:13 AM)

[Mark Andrews Bio.pdf](#) (9/17/2022, 11:13 AM)

Question: Company Contact for Project Administration (if different from above)

Christine Sheppard

Question: Title

Project Coordinator

Question: Telephone

~~575-520-6905~~ 575-323-1895

Question: Cell Phone

~~575-520-6905~~ 575-323-1895

Question: Email

csheppard@828productions.com

Project Information

Please include detailed information such as:

- Executive Summary; Business description and history
- Infrastructure Development/Needs
- Market analysis and strategy
- Summary of competition
- Tax Reporting Status
- Effect on Existing Industry and Commerce during and after Construction

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- Land Acquisition
- Local Purchasing
- Water Conservation
- Relocation of Individuals or Businesses
- Construction Schedule
 - Target Close Date
 - General Contract Signed
 - Construction Start
 - Construction End
 - New Facility Operational Date
- Operations plan; Organizational chart
- Any document or record that the local governing body, in its sole discretion, deems necessary.

Question: Description of the Proposed Development, its product and its timeline.

828 Productions plans to construct a movie studio in Las Cruces, New Mexico (the “Studio”) as well as provide financing for independent films. Construction on the first phase of the project is anticipated to begin in Q4 of 2022 with an estimated construction period of 18 months. Employees started to be hired in May of 2022 and will continue for initial management employees. Start up hiring for the studio operation will begin six months prior to construction completion. The film financing operations are anticipated to begin in Q4 of 2022/ Q1 of 2023.

Question: Provide a detailed scope of work that is specific to the funding request/award and what the funds will be used for.

828 Productions plans to construct a movie studio in Las Cruces, New Mexico (the “Studio”) and will be managing the production of films in Las Cruces as well as in other locations. Over 100 employees in the next 6 years will be hired. The first phase of the studio will include 4 sound stages, office space, mill, etc. Funding will be used for construction as well as start-up payroll for an approximate 6 month period that studio operations ramps up.

Question: Business Plan (required for businesses 1 year or younger)

See supporting documentation - studio model with construction costs as well as start-up budget and estimated revenues and expenses.

Question: Supporting Documentation

[828 Studios Redevelopment Schedule Rev 09 16 22.pdf](#) (9/29/2022, 3:58 PM)

Financial Information

*Upload sources and uses chart; enter N/A and zero for questions that do not apply to your business

Question: Provide detailed assumptions for your project including three years of projected cash flow income statements. If the applicant has been in business less than one year, you may be requested to provide additional financial information after review.

[828 Operating Financials Phase I CONFIDENTIAL Rev 9.10.22.pdf](#) (9/29/2022, 4:01 PM)

Question: Provide financial statements (balance sheet, profit and loss and cash flow) or tax returns for the past three years. Also provide interim statements within 90 days of application date.

[828 Productions financial history description.docx](#) (9/17/2022, 11:31 AM)

Question: What is the collateral/security to be pledged to the funds awarded?

- ☐ Letter of Credit
- ☒ Surety Bond
- ☐ Mortgage Security
- ☐ Security Agreement/Escrow
- ☐ Security Agreement/Lien
- ☐ Security Interest/Lien

Question: What is the method of appraisal for stated security (if Security Mortgage or Lien were selected above)?

N/A

Question: What is the equity investment from the applicant?

\$1,000,000.00

Question: External Equity Investment Sources

Equity raised from outside investors

Question: External Equity Investment Amount

\$25,000,000.00

Question: City/County Funding Source

City of Las Cruces Cinematic Infrastructure funds

Agenda Item #11.1.

Question: City/ County Funding Amount

\$897,596.12

Question: Bank Loan Source (financial institution names), type (commercial, USDA, SBA 504, etc.), and stage (applied or approved)

Currently working on initial discussions with banks

Question: Bank Loans Amount Total

\$25,000,000.00

Question: Other Loans Source

~~828 Media Capital~~ 828 Affiliates

Question: Other Loans Amount

\$20,000,000.00

Question: Other Sources

N/A

Question: Other Sources Amount

\$0.00

Question: Total Project Amount (Sum of above)

\$71,000,000.00

Question: Supporting financial documentation

[LEDA Job Creation Additional Financial Information.pdf](#) (9/30/2022, 1:20 PM)

Company History and Background

Question: How long has the company been in operation, as of the date of application?

828 Productions was formed in 2021 and will begin operations with the beginning of this project 2022

Question: At the time of this application, how many full-time employees do you currently employ? Please provide the most recent Department of Workforce Solutions report below. If no employees, disregard report. Enter 0.

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3.00

Question: List owners with more than 20% ownership stake in the company. Additionally, please list principal directors and/or officers.

Owners

Todd Lundbohm

Directors/officers

Stephanie Denton

Mark Andrews

Question: Are owners and/or officers current with financial obligations/payments to the State of New Mexico or any other Federal or State entity? If no, please explain.

Yes

Question: Does the applicant have any loans or other financial obligations on which payments are not current? If yes, please explain.

No

Question: Please identify any financially affiliated/associated companies in which any of the applicant's owners have a 20% stake.

828 Productions, Inc is the only entity associated with 828 Productions LLC. There are other entities that were formed to lend or invest in, movies specifically, that have not been listed.

~~Please let us know if you need a more detailed list of entities.~~

Community Aspects

Question: At the community level, what are the infrastructure needs not yet in place or in process that will affect this project's application?

TBD

Question: What specific incentives are being REQUESTED from the COMMUNITY? Please explain where the applicant is in this process and provide an idea of a timeline for incentives' deployment.

1. Asking for allocation of funds from the EDD. Application is ongoing. We anticipate deployment of funds in Q4 of 2022/Q1 2023
2. Asking for allocation of funds from JTIP. We anticipate deployment of funds in Q4 of 2022/ Q1 2023
3. Asking for allocation of funds from the City of Las Cruces. We anticipate deployment of funds in Q4 of 2022/ Q1 2023

Question: What specific incentives will be PROVIDED from the COMMUNITY?(e.g. parcel of

Agenda Item #11.1.

land, building lease, waiver of fees, utility access/extension)?

City of Las Cruces Cinematic Infrastructure funds, LEDA funds

Job Creation / Performance

Please download the job creation worksheet to work up the required information for this section.

- [Job Creation Worksheet](#)

Question: Outline the number and types of jobs to be created.

Additoinal part time jobs (annually) depending on production type

Full Time Jobs - total 100 :

Year Round Management

Year Round Studio Staff

Year Round Studio Crew

Year Round VFX, LED, MoCap & Post Team

Year Round Accounting Team

Question: Outline the proposed pay scale and payroll proposed by the entity.

100 jobs with an average salary of \$75,000 per year.

Question: Outline the benefits offered to the employees, including but not limited to health care and retirement.

Permanent employees will be offered PTO, health, dental, and 401(k) with discretionary match.

Question: Outline any efforts being made or proposed by the applicant to hire people within the local employment pool.

We are going to fill as many jobs locally as possible. All efforts will be made to relocate individuals that are needed for employment outside of the local job pool.

Question: Attach job creation worksheet

[828 Job Creation Worksheet Final.pdf](#) (9/30/2022, 1:09 PM)

Question: Starting Headcount (from worksheet above)

0.00

Question: Total new jobs to be created Year 1 (from worksheet above)

62.00

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Question: Total new payroll Year 1 (from worksheet above)

\$4,635,000.00

Question: Total number of new jobs to be created Year 2 (from worksheet above)

28.00

Question: Total new payroll Year 2 (from worksheet above)

\$2,295,000.00

Question: Total number of new jobs to be created Year 3 (from worksheet above)

10.00

Question: Total new payroll Year 3 (from worksheet above)

\$575,000.00

Economic Impact Analysis

NMEDD will perform an Economic Impact Analysis to address the impact to the local tax base, the school system, etc. using the Economic Impact Datasheet provided by the applicant.

Question: Outline any impacts to the environment, positively or negatively.

The studio will be built as sustainably possible with the smallest carbon footprint feasible. Modern building standards will be used with renewable energy sources utilized where feasible(i.e. solar).

Question: Status of permitting/regulatory matters needed for project.

In process with City of Las Cruces

Attachments

Please download the authorization for examination and release of information template and the example employer quarterly wage and contribution report.

- [Authorization for examination and release of information form](#)
- [Employer quarterly wage and contribution report example](#)

If you are a new business, please apply for a NM Tax Identification Number here:

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<http://www.tax.newmexico.gov/Businesses/wage-withholding-tax.aspx>

Please download the LEDA Application Affirmation Template here:

[LEDA Application Affirmation Template](#)

[Click here](#) to view a filled out sample.

Question: New Mexico Economic Development Department authorization for examination and release of information.

[FE Authorization for examination and release of information Notarized.pdf](#) (9/30/2022, 1:13 PM)

Question: Latest New Mexico employer's quarterly wage and contribution report submitted to the Department of Workforce Solutions.

[LEDA NM Quarterly Wage Report.pdf](#) (9/30/2022, 1:18 PM)

Question: Affirmation and any other supporting documents

[FE_2020_LEDA_App_Affirmationpdp.pdf](#) (9/26/2022, 9:21 AM)

Delaware

The First State

Page 1

*I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF FORMATION OF "828 PRODUCTIONS, LLC",
FILED IN THIS OFFICE ON THE NINETEENTH DAY OF DECEMBER, A.D.
2018, AT 7:52 O`CLOCK P.M.*

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

7202282 8100
SR# 20188269978

You may verify this certificate online at corp.delaware.gov/authver.shtml

Authentication: 204150649
Date: 12-20-18

State of Delaware
Secretary of State
Division of Corporations
Delivered 07:52 PM 12/19/2018
FILED 07:52 PM 12/19/2018
SR 20188269978 - File Number 7202282

STATE OF DELAWARE
CERTIFICATE OF FORMATION
OF LIMITED LIABILITY COMPANY

The undersigned authorized person, desiring to form a limited liability company pursuant to the Limited Liability Company Act of the State of Delaware, hereby certifies as follows:

1. The name of the limited liability company is 828 Productions, LLC.

2. The Registered Office of the limited liability company in the State of Delaware is located at 850 New Burton Road, Suite 201 (street), in the City of Dover, Zip Code 19904. The name of the Registered Agent at such address upon whom process against this limited liability company may be served is COGENCY GLOBAL INC..

By: Morgan Sloane
Authorized Person

Name: Morgan Sloane
Print or Type

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Todd Lundbohm is an award-winning filmmaker with broad ranging experience in Development, Production, Postproduction and VFX. He began his career as an Art Director for NXNW Productions, working on several national campaigns before diving headfirst into narrative filmmaking: writing, directing and producing multiple projects, working throughout the US, Mexico, South America and Western Europe. Todd's feature screenplay, *MERIDIAN* has won numerous awards, as well as recognition from the SXSW Film Festival and Francis Ford Coppola's American Zoetrope writing competition.

As Founder and CEO of 828 Media Capital, Todd has financed projects with a total production spend north of \$50 million. 828 is a full-service film finance and production company, whose recent films include millennial murder mystery, ***Helen's Dead***, starring Tyrese Gibson, Anabelle Dexter-Jones, and Emile Hirsch; *Deauville Film Festival Grand Special Prize Nominee* ***The Last Son*** starring Sam Worthington, Colson Baker, Thomas Jane, and Heather Graham; Camille Delmarre's high octane action film, ***Assassin Club***, starring, Henry Golding, Noomi Rapace and Sam Neil; ***The Price We Pay***, from legendary horror director Ryûhei Kitamura, starring Emile Hirsch and Stephen Dorff; Gothic horror ***Raven's Hollow*** starring William Moseley, Melanie Zanetti, Kate Dickie and David Hayman; WWII Submarine movie ***Operation Seawolf*** Starring Dolph Lundgren and Frank Grillo; ***The Requin*** starring Alicia Silverstone and James Tupper; and *SXSW Grand Jury Prize winner* ***The Fallout*** starring Jenna Ortega, Maddie Ziegler, Shailene Woodley, and Julie Bowen.

Stephanie Denton is a feature film and television executive who has headed up acquisitions, sales, and distribution divisions for the industry's leading independent film and television companies, including Lionsgate International, Lakeshore Entertainment, Initial Entertainment Group and Bold Films.

Over the last 25 years, Denton has sold over 250 feature films, worked with legendary filmmakers such as Martin Scorsese, Lasse Halstrom, Sam Rami, Mark Pellington, Jon Amiel, Garry Marshall, Peter Howitt, James Mangold, Stephen Merchant, and James Wan to produce and sell high-profile films out of the independent film sector. Noteworthy releases include *THE AVIATOR*, *UNFINISHED LIFE*, *THE GIFT*, *ARLINGTON ROAD*, *LAWS OF ATTRACTION*, *UNDERWORLD*, *310 TO YUMA*, *WAR*, *HOTEL RWANDA*, *DAYBREAKERS*, *RUNAWAY BRIDE*, *FIGHTING WITH MY FAMILY*, and the box office record-breaking *SAW* franchise.

Denton's steady hand as a film and tv executive was evident in her leadership of the launch of Arc Animation Studios Original I.P. and Sales division during its transition from STARZ Entertainment, and her experience in acquisitions and co-production for WWE Studios in Los Angeles where she drove the company's marketing and production initiative to release brand adjacent content across platforms, and spearheaded a theatrical co-distribution deal in North America with Blumhouse Productions for Festival film favorites, *OCCULUS*, *SLIGHT*, and *BIRTH OF A DRAGON*.

A few of Denton's premier accomplishments include the development and production of Len Wiseman's hugely successful *UNDERWORLD* franchise for Lakeshore Entertainment, sourcing and selling high profile projects such as *WAR* starring Jason Statham and Jet Li, and *DAYBREAKERS* starring Ethan Hawke for Lionsgate Entertainment. She also closed multi-picture domestic distribution deals with Sony/Screen Gems, Universal Pictures, and Paramount Studios.

Denton began consulting for 828 Media in 2020, assisting with the company's expanding lending portfolio, and has since become a member of the 828 Productions team. Utilizing her extensive relationships in Production and Distribution, Denton's main focus will be sourcing co-production and development opportunities, and securing key distribution alliances in both the Domestic and International markets that will establish 828 Productions as an industry leader in the Indie Film space.

BIOGRAPHY

Mark Andrews

Mark started his career in finance & management consulting but his real passion was for film. This passion was realized in 1995 when he invested in his first feature film '**Mainline Run**'. Three years later he took the plunge and became a full time producer, co-writing and producing the feature film '**Distant Shadow**' which made more than 4 times its budget. This led to being hired to produce budgets & schedules for the UK's Spice Factory and oversee production on '**Redemption Road**'.

Seeing the opportunities film financing in the United Kingdom offered, Mark co-founded '**Studio Finance**,' a UK Film tax shelter utilizing the UK Government's Section 48 Tax breaks for film production before going on to consult for another film financing group, '**UKFS**' backed by Guernsey based Channel House Trustees. In their three years of operating, UKFS were responsible for more than \$300 million of tax shelter film financing for the UK film industry. It was here acting as a Senior Finance Executive that he oversaw such films as '**Wake of Death**,' '**Modigliani**,' '**School for Seduction**,' '**Out of Season**' and '**Battle of the Brave**' amongst others.

In 2004 Mark moved to Los Angeles where he began consulting for various production companies, investors and independent producers, was Head of Entertainment for Exemplar Capital an East Coast Investment Bank and Law Firm and was instrumental in forming various film financing structures including a \$150m film fund.

Some of the projects he has been instrumental in developing or setting up at various companies are Animated Horror '**Down Satan**' in partnership with re-known Horror Author '**Clive Barker**'; Supernatural Thriller '**Indelible**' being Directed by National Film Award Winner '**Howard J Ford**' (The Dead 1&2, Never Let Go); '**Kill the Messenger**' from the creator of (RoboCop), '**Michael Miner**,' and the Epic Western '**The Girl With No Name**' in conjunction with **Co-Op Entertainment** and **LegionM** being directed by '**Tanya Wexler**' (Buffaloed, Jolt).

In 2018 Mark produced the movie '**Dead Water**' starring '**Casper Van Dien**' and '**Judd Nelson**,' released by **Saban** in July 2019.

He currently oversees the development, financing and production operations for 828 Productions a west coast full service film finance and production company where he has executive produced and produced such films as **THE FALLOUT** starring Jenna Ortega, Maddie Ziegler, Shailene Woodley and Julie Bowen, **THE LAST SON** starring Sam Worthington, Colson Baker, Thomas Jane and Heather Graham, **THE PRICE WE PAY**, directed by horror legend Ryûhei Kitamura, starring Emile Hirsch and Stephen Dorff, and the recently wrapped **RAVENS HOLLOW** starring William Moseley, Melanie Zanetti, Kate Dickie and David Hayman.

In summary, Mark is a highly accomplished and seasoned writer, producer & production executive with a proven track record of over twenty years of experience in development, financing, production and distribution. He is a high impact contributor and versatile professional with exceptional business and production acumen who is comfortable working alone or managing hundreds of individuals while ensuring timely completion of project deadlines and remaining on, or under budget.

He holds a National Diploma in Business and Finance from the UK and a Certificate of Achievement for Contract Law from HarvardX University.

Mark lives in Colorado Springs with his wife and dog 'Piper'.

PROJECT OVERVIEW

MON 8/15/22 - MON 11/18/24

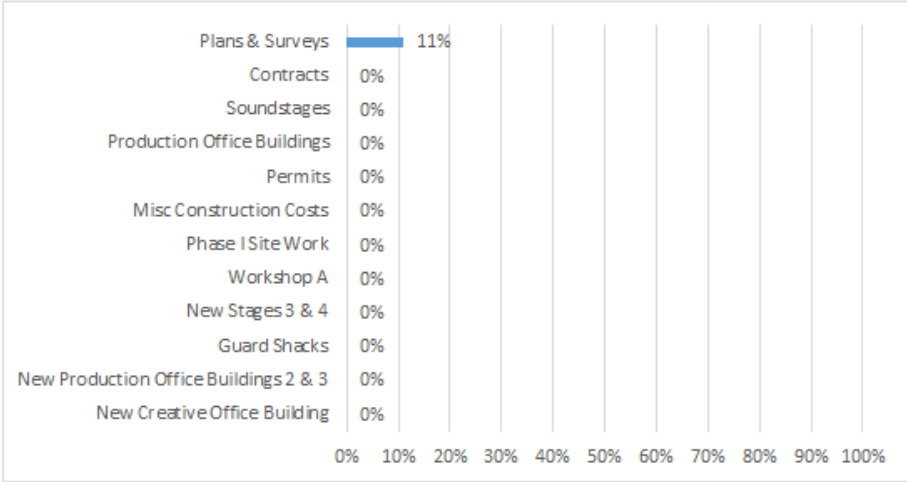


MILESTONES DUE

Milestones that are coming soon.

Name	Finish
Stage 1 COA	Thu 10/26/23
Stage 2 COA	Mon 8/12/24
Workshop A COA	Tue 7/9/24
Stage 3 COA	Fri 12/29/23
Stage 4 COA	Mon 1/8/24

% COMPLETE



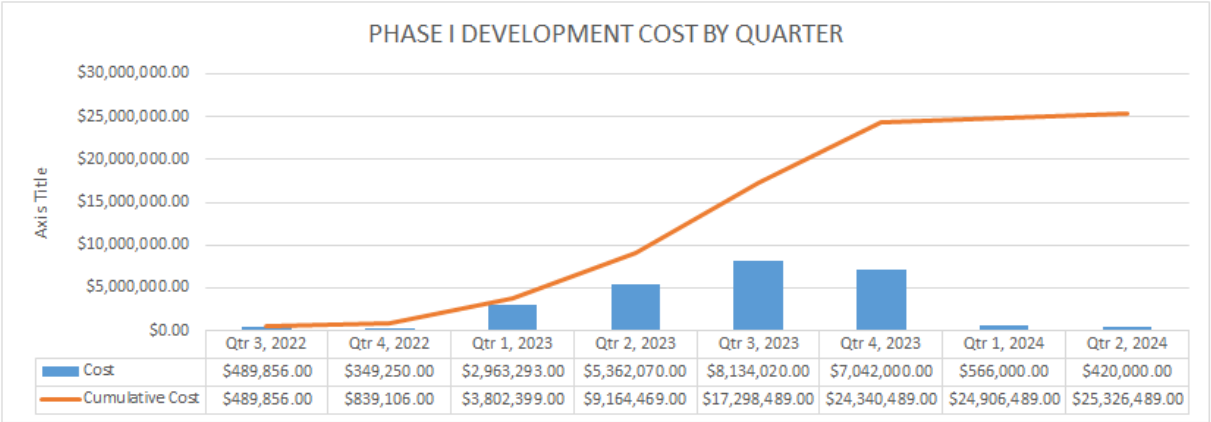
LATE TASKS

Tasks that are past due.

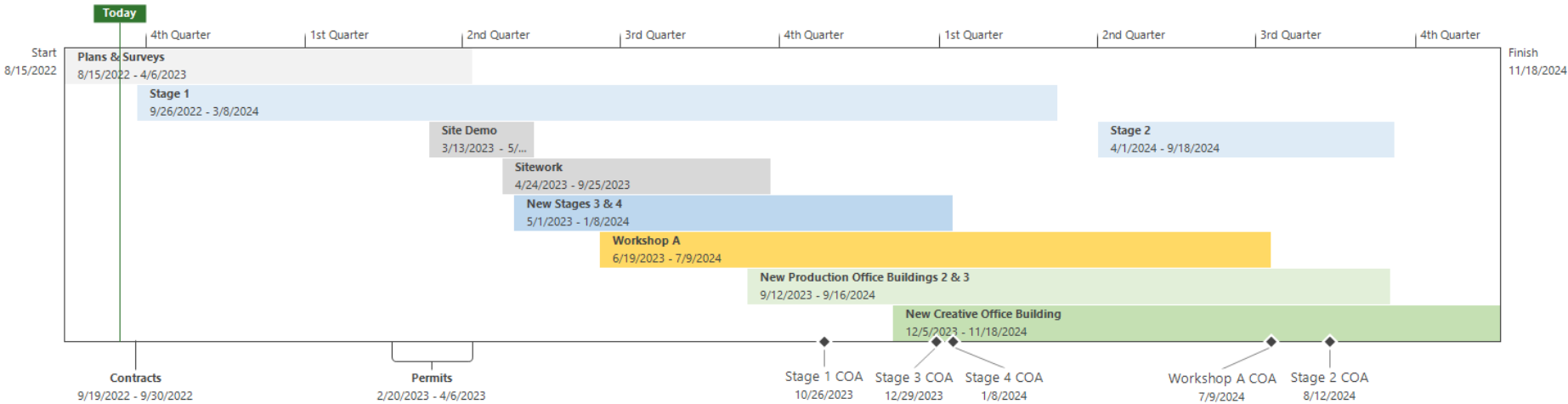
Name	Start	Finish	% Complete
DD Drawings	Mon 9/12/22	Mon 12/26/22	0%

CASH FLOW

Cost	Remaining Cost
\$25,326,489.00	\$25,326,489.00



Name	Cost	Start	Unique ID
828 STUDIOS NM	\$25,326,489.00	Mon 8/15/22	1
RENOVATION	\$9,341,489.00	Mon 8/15/22	171
Contracts	\$0.00	Mon 9/19/22	2
Plans & Surveys	\$532,100.00	Mon 8/15/22	7
Permits	\$103,500.00	Mon 2/20/23	312
Phase I Site Work	\$1,858,393.00	Mon 3/13/23	17
Misc Construction Costs	\$166,141.00	Mon 3/13/23	314
Soundstages	\$4,743,605.00	Mon 9/26/22	68
Workshop A	\$1,846,000.00	Mon 6/19/23	110
Production Office Buildings	\$91,750.00	Tue 11/1/22	157
NEW CONSTRUCTION	\$15,985,000.00	Mon 5/1/23	172
New Stages 3 & 4	\$14,000,000.00	Mon 5/1/23	173
New Production Office Buildings 2 & 3	\$1,280,000.00	Tue 9/12/23	298
New Creative Office Building	\$640,000.00	Tue 12/5/23	141
Guard Shacks	\$65,000.00	Tue 9/5/23	158



Project Timeline and Budgetary Estimates are derived from Highland Enterprises Inc. and Giant Entertainment & Management Inc. with supporting detail located in the appendix of this project summary.

Although preliminary in nature, the following schedule and associated costs are based on prior experience in respective fields. Even so, fixed costs can only be determined after full review of Construction Drawings, still to be developed.

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 11/2	September 15/28	January 17/11	May 112/1	September 3/3	January 4/28	May 16/23	September 8/18	January 11/2	May 12/8	September 13/30
1		828 STUDIOS NM	578 days?	Mon 8/15/22	Mon 11/18/24	\$25,326,489.00														1%
2		RENOVATION	535 days?	Mon 8/15/22	Wed 9/18/24	\$9,341,489.00														1%
3		Contracts	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
4		General Contractor	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
5		Architectural	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
6		Engineering	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
7		Mechanical	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
8		Electrical	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
9		Plumbing	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
10		Structural	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
11		Civil	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
12		Surveys	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
13		Geotech	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
14		Project Management	10 days	Mon 9/19/22	Fri 9/30/22	\$0.00														0%
15		Plans & Surveys	156 days?	Mon 8/15/22	Thu 4/6/23	\$532,100.00														11%

Critical		Task Progress		Baseline		Summary		Inactive Task	
Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone	
Critical Progress		Start-only		Baseline Milestone		Project Summary		Inactive Summary	
Task		Finish-only		Milestone		External Tasks		Deadline	
Split		Duration-only		Summary Progress		External Milestone			

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 11/2	September 10/2	January 11/2	May 13/3	September 10/2	January 11/2	May 13/3	September 10/2	January 11/2	May 13/3
16		Conceptual Site Plans	15 days	Mon 8/15/22	Fri 9/2/22	\$0.00													
17		DD Drawings	76 days	Mon 9/12/22	Mon 12/26/22	\$257,500.00													
18		Construction Drawings	39 days	Tue 12/27/22	Fri 2/17/23	\$257,500.00													
19		Demo Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00													
20		Geotechnical Survey	30 days	Mon 9/26/22	Fri 11/4/22	\$8,000.00													
21		Topographical Survey	10 days	Mon 9/26/22	Fri 10/7/22	\$9,100.00													
22		Stormwater Plans	41 days	Wed 10/19/22	Mon 12/26/22	\$0.00													
23		Materials testing	15 days	Mon 11/7/22	Tue 11/29/22	\$0.00													
24		Traffic Study				\$0.00													
25		Traffic Circulation Plan	15 days	Mon 8/15/22	Fri 9/2/22	\$0.00													
26		Permits	34 days?	Mon 2/20/23	Thu 4/6/23	\$103,500.00													
27		Grading Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00													
28		Underground Utilities Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00													
29		MEP Permits	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00													
30		Structural Building Plans/Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00													

Critical

Critical Split

Critical Progress

Task

Split

Task Progress

Manual Task

Start-only

Finish-only

Duration-only

Baseline

Baseline Split

Baseline Milestone

Milestone

Summary Progress

Summary

Manual Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Deadline

Page 2

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 1 11/2	September 15/28	January 17/1	May 1 1/7	September 3/3	January 4/28	May 1 6/23	September 8/18	January 10/12	May 1 2/2	September 3/30
31		Stormwater Retention Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
32		Landscaping Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
33		Fire Life Safety Permits	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
34		Stage 1 Renovation Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
35		Stage 2 Renovation Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
36		Workshop Renovation Permit	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
37		Creative Office Building Permit				\$0.00														
38		Guard Shack Permits	34 days	Mon 2/20/23	Thu 4/6/23	\$0.00														
39		Phase I Site Work	141 days	Mon 3/13/23	Mon 9/25/23	\$1,858,393.00														
40		Site Demo	45 days	Mon 3/13/23	Fri 5/12/23	\$390,403.00														
41		Tree removal	45 days	Mon 3/13/23	Fri 5/12/23	\$52,096.00														
42		Removal of volcanic rock to Phase 2	45 days	Mon 3/13/23	Fri 5/12/23	\$166,000.00														
43		Removal of tires	45 days	Mon 3/13/23	Fri 5/12/23	\$1,500.00														
44		Removal of trash and debris	45 days	Mon 3/13/23	Fri 5/12/23	\$18,226.00														
45		Removal of RV trailer	45 days	Mon 3/13/23	Fri 5/12/23	\$2,700.00														

Critical

Critical Split

Critical Progress

Task

Split

Task Progress

Manual Task

Start-only

Finish-only

Duration-only

Baseline

Baseline Split

Baseline Milestone

Milestone

Summary Progress

Summary

Manual Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Deadline

Page 3

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2/11	May 12/5/4	September 28/7/23	January 11/12/1/7	May 13/3/4	September 28/6/23	January 18/10/13/12/8	May 12/2/3/30
46		Waste Removal; Stage 1	45 days	Mon 3/13/23	Fri 5/12/23	\$8,650.00										
47		Waste Removal; Stage 2	45 days	Mon 3/13/23	Fri 5/12/23	\$37,100.00										
48		Waste Removal WS-A	45 days	Mon 3/13/23	Fri 5/12/23	\$30,000.00										
49		Clean and expose RR Tracks	45 days	Mon 3/13/23	Fri 5/12/23	\$22,601.00										
50		Demolition - above grade concrete	45 days	Mon 3/13/23	Fri 5/12/23	\$44,830.00										
51		Demo Bagging Equip WS-A	45 days	Mon 3/13/23	Fri 5/12/23	\$6,700.00										
52		Sitework	111 days	Mon 4/24/23	Mon 9/25/23	\$1,467,990.00										
53		Rough Grading	36 days	Mon 4/24/23	Mon 6/12/23	\$0.00										
54		Access road to Stage 1 and Work Shop	30 days	Tue 6/13/23	Mon 7/24/23	\$304,790.00										
55		Asphalt Parking - Lot 4	30 days	Tue 6/13/23	Mon 7/24/23	\$159,100.00										
56		Asphalt Parking - Lot 5	30 days	Tue 6/13/23	Mon 7/24/23	\$167,015.00										
57		Asphalt Parking Work Shop	33 days	Wed 7/12/23	Fri 8/25/23	\$96,144.00										
58		Asphalt Parking - Lot 6	30 days	Tue 6/13/23	Mon 7/24/23	\$172,715.00										
59		Asphalt Parking - Stage 1 Lot	31 days	Mon 8/14/23	Mon 9/25/23	\$83,328.00										
60		Asphalt Parking - POB Lots 2&3	30 days	Tue 6/13/23	Mon 7/24/23	\$119,900.00										

Critical

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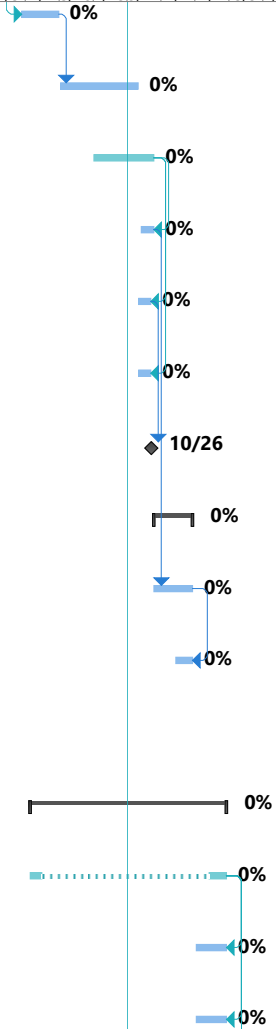
828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 6/26	January 10/21	May 1 11/25	September 7/23	January 11/11	May 1 1/7	September 6/23	January 11/12	May 1 3/30
61		Graveled area temp power plants	30 days	Tue 6/13/23	Mon 7/24/23	\$33,250.00										
62		Cantina Slab	30 days	Tue 6/13/23	Mon 7/24/23	\$7,200.00										
63		Underground Retention Ponds	30 days	Tue 6/13/23	Mon 7/24/23	\$75,000.00										
64		Landscape Phase 1 (12,000 SF)	30 days	Tue 7/25/23	Mon 9/4/23	\$249,548.00										
65		Misc Construction Costs	347 days	Mon 3/13/23	Tue 7/9/24	\$166,141.00										
66		Contractor Fee	347 days	Mon 3/13/23	Tue 7/9/24	\$125,000.00										
67		Temporary Facilities	347 days	Mon 3/13/23	Tue 7/9/24	\$2,100.00										
68		Temporary Utilities	347 days	Mon 3/13/23	Tue 7/9/24	\$19,041.00										
69		Builders Risk Insurance	347 days	Mon 3/13/23	Tue 7/9/24	\$20,000.00										
70		Soundstages	505 days?	Mon 9/26/22	Wed 9/18/24	\$4,743,605.00										
71		Stage 1	367 days?	Mon 9/26/22	Fri 3/8/24	\$4,323,605.00										
72		Remove and replace 9,000 SF of existing floor	30 days	Mon 9/26/22	Wed 4/12/23	\$215,256.00										
73		Replace Roof & Walls	156 days	Mon 3/27/23	Mon 10/30/23	\$2,303,249.00										
74		Add sub-framing as required	10 days	Thu 3/30/23	Wed 4/12/23	\$0.00										
75		Remove Sheeting	30 days	Mon 3/27/23	Fri 5/5/23	\$0.00										

Critical		Task Progress		Baseline		Summary		Inactive Task	
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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 12/5	September 15/28	January 17/11	May 112/1	September 3/3	January 4/28	May 16/23	September 8/18	January 10/12	May 12/8	September 3/30
76		Modify Steel Structure (panel prep)	45 days	Mon 3/27/23	Fri 5/26/23	\$0.00														
77		Install 4 Kingspan Insulated panels	92 days	Tue 5/30/23	Wed 10/4/23	\$0.00														
78		Install 6 interior SIP panels	71 days	Mon 7/24/23	Mon 10/30/23	\$0.00														
79		Install Duct liner on roof and wall interior	15 days	Tue 10/10/23	Mon 10/30/23	\$0.00														
80		1 ea - 18' W x 12' H barn door	14 days	Fri 10/6/23	Wed 10/25/23	\$0.00														
81		3ea - Hollow metal man doors	14 days	Fri 10/6/23	Wed 10/25/23	\$0.00														
82		Stage 1 COA	1 day	Thu 10/26/23	Thu 10/26/23	\$0.00														
83		Mechanical	46 days?	Tue 10/31/23	Tue 1/2/24	\$624,000.00														
84		HVAC - 150 TNS heating and cooling	46 days	Tue 10/31/23	Tue 1/2/24	\$624,000.00														
85		Exhaust Fans	20 days	Wed 12/6/23	Tue 1/2/24	\$0.00														
86		Gas Line (Heating)				\$0.00														
87		Electrical	232 days	Mon 4/10/23	Tue 2/27/24	\$615,100.00														
88		750 KVA Transformer 900 amp, 480V 3P	36 days	Mon 4/10/23	Tue 2/27/24	\$615,100.00														
89		Main Panel	36 days	Tue 1/9/24	Tue 2/27/24	\$0.00														
90		Bull Switches	36 days	Tue 1/9/24	Tue 2/27/24	\$0.00														



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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 6/26	January 10/10	May 1 11/2	September 12/5	January 1 4/2	May 1 5/28	September 7/23	January 1 11/1	May 1 1/7	September 3/3	January 1 4/28	May 1 6/23	September 8/18	January 1 10/12	May 1 2/2	September 3/30
91		high bay lighting	36 days	Tue 1/9/24	Tue 2/27/24	\$0.00																	
92		emergency lighting	36 days	Tue 1/9/24	Tue 2/27/24	\$0.00																	
93		ingress/egress, exterior wall pack lighting	36 days	Tue 1/9/24	Tue 2/27/24	\$0.00																	
94		general purpose 120V outlets through out	36 days	Tue 1/9/24	Tue 2/27/24	\$0.00																	
95		Plumbing	45 days	Mon 1/8/24	Fri 3/8/24	\$566,000.00																	
96		Install Waterline	45 days	Mon 1/8/24	Fri 3/8/24	\$20,000.00																	
97		Fire Sprinkler system	45 days	Mon 1/8/24	Fri 3/8/24	\$546,000.00																	
98		Stage 2	123 days?	Mon 4/1/24	Wed 9/18/24	\$420,000.00																	
99		Stage 2 Renovation	95 days	Mon 4/1/24	Fri 8/9/24	\$420,000.00																	
100		Remove Sheet Metal	19 days	Mon 4/1/24	Thu 4/25/24	\$0.00																	
101		Install 4 Kingspan panels	38 days	Mon 4/29/24	Wed 6/19/24	\$0.00																	
102		Install 6 SIP panels	38 days	Mon 6/10/24	Wed 7/31/24	\$0.00																	
103		Install interior Duct liner	10 days	Thu 7/18/24	Wed 7/31/24	\$0.00																	
104		1 ea - 16' W x 14' H Barn Door	14 days	Tue 7/23/24	Fri 8/9/24	\$0.00																	
105		3ea - Hollow metal man doors	14 days	Tue 7/23/24	Fri 8/9/24	\$0.00																	

Critical		Task Progress		Baseline		Summary		Inactive Task	
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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	6/26	8/21	September 10/1	January 11/2	May 12/5	September 14/2	January 15/28	May 17/23	September 19/11	January 112/1	May 13/7	September 14/28	January 16/23	May 18/10	September 111/2	January 12/8	May 13/30
106		Stage 2 COA	1 day	Mon 8/12/24	Mon 8/12/24	\$0.00																		
107		Mechanical	23 days	Mon 7/29/24	Wed 8/28/24	\$0.00																		
108		HVAC - 20 TNS	23 days	Mon 7/29/24	Wed 8/28/24	\$0.00																		
109		Exhaust fans	22 days	Tue 7/30/24	Wed 8/28/24	\$0.00																		
110		Electrical	23 days?	Mon 8/19/24	Wed 9/18/24	\$0.00																		
111		250 KVA Transformer	23 days	Mon 8/19/24	Wed 9/18/24	\$0.00																		
112		Interior Main				\$0.00																		
113		Bull Switches				\$0.00																		
114		warehouse lighting				\$0.00																		
115		emergency lighting ingress/ egress				\$0.00																		
116		exterior wall pack lighting				\$0.00																		
117		convenient outlets, 220V outlets				\$0.00																		
118		Plumbing	13 days?	Mon 7/22/24	Wed 8/7/24	\$0.00																		
119		Interior Water Lines/Sink	13 days	Mon 7/22/24	Wed 8/7/24	\$0.00																		
120		Fire Sprinkler System				\$0.00																		

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121		Workshop A	277 days?	Mon 6/19/23	Tue 7/9/24	\$1,846,000.00												0%
122		2ea - Concrete Loading docks	67 days	Mon 6/19/23	Tue 9/19/23	\$208,000.00												0%
123		concrete approach ramps	67 days	Mon 6/19/23	Tue 9/19/23	\$208,000.00												0%
124		hand railing	10 days	Wed 9/6/23	Tue 9/19/23	\$0.00												0%
125		dock levelers	10 days	Wed 9/6/23	Tue 9/19/23	\$0.00												0%
126		Workshop A Renovation	93 days?	Mon 11/20/23	Wed 3/27/24	\$1,638,000.00												0%
127		Remove existing roof and wall sheeting	25 days	Mon 11/20/23	Fri 12/22/23	\$0.00												0%
128		Modify Steel Structure (panel prep)	38 days	Mon 12/11/23	Wed 1/31/24	\$0.00												0%
129		Install PBR 26 ga roof sheets	33 days	Mon 2/5/24	Wed 3/20/24	\$0.00												0%
130		Install/replace sub-framing				\$0.00												0%
131		Install exterior OSB/SIP panels	38 days	Mon 2/5/24	Wed 3/27/24	\$0.00												0%
132		Install interior metal wall panels				\$0.00												0%
133		install under roof insulation				\$0.00												0%
134		Remove wood frame breezeway				\$0.00												0%
135		Add metal frame breezeway				\$0.00												0%

Critical		Task Progress		Baseline		Summary		Inactive Task	
Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone	
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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 6/26	January 10/10	May 1 11/25	September 17/11	January 1 1/7	May 1 3/3	September 4/28	January 13/8	May 1 10/13	September 11/12	January 1 2/2	May 1 3/30
136	★?	3ea demising walls in the building				\$0.00													
137	★?	10 ea Exterior man doors				\$0.00													
138	★?	6 ea 12' x 10' Overhead doors				\$0.00													
139	➡	Mechanical	36 days?	Mon 3/25/24	Mon 5/13/24	\$0.00													
140	➡	HVAC - 75 TNS	36 days	Mon 3/25/24	Mon 5/13/24	\$0.00													
141	★?	Gas (Heating)				\$0.00													
142	➡	Electrical	36 days?	Mon 3/25/24	Mon 5/13/24	\$0.00													
143	➡	Transformer (TBD)	36 days	Mon 3/25/24	Mon 5/13/24	\$0.00													
144	★?	Interior Electrical Panels				\$0.00													
145	★?	220V convenience power				\$0.00													
146	★?	Warehouse lighting				\$0.00													
147	★?	Emergency lighting ingress/egress				\$0.00													
148	★?	Exterior lighting				\$0.00													
149	➡	Plumbing	136 days	Mon 1/1/24	Mon 7/8/24	\$0.00													
150	★	Restrooms	25 days	Mon 1/1/24	Fri 2/2/24	\$0.00													

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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 12/5	September 15/28	January 17/30	May 13/3	September 18/30	January 11/12	May 13/30
151		Fire sprinkler system	36 days	Mon 5/20/24	Mon 7/8/24	\$0.00										
152		Workshop A COA	1 day	Tue 7/9/24	Tue 7/9/24	\$0.00										
153		Production Office Buildings	60 days	Tue 11/1/22	Thu 2/9/23	\$91,750.00										
154		POB 1	60 days	Tue 11/1/22	Thu 2/9/23	\$91,750.00										
155		Exterior T.I. (TBD)	30 days	Tue 11/1/22	Wed 12/14/22	\$45,875.00										
156		Interior T.I. (TBD)	30 days	Thu 12/15/22	Thu 2/9/23	\$45,875.00										
157		NEW CONSTRUCTION	406 days	Mon 5/1/23	Mon 11/18/24	\$15,985,000.00										
158		New Stages 3 & 4	181 days	Mon 5/1/23	Mon 1/8/24	\$14,000,000.00										
159		Stage Structural Assembly	99 days	Mon 5/1/23	Thu 9/14/23	\$7,000,000.00										
160		Stage 3 Structural Assembly	50 days	Mon 5/1/23	Fri 7/7/23	\$3,500,000.00										
161		Base Plates	10 days	Mon 5/1/23	Fri 5/12/23	\$0.00										
162		Prep Modules 1-3	2 days	Mon 5/15/23	Tue 5/16/23	\$0.00										
163		Assembly Module 1	2 days	Wed 5/17/23	Thu 5/18/23	\$0.00										
164		Assembly Module 2	2 days	Fri 5/19/23	Mon 5/22/23	\$0.00										
165		Assembly Module 3	2 days	Tue 5/23/23	Wed 5/24/23	\$0.00										

Critical		Task Progress		Baseline		Summary		Inactive Task	
Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone	
Critical Progress		Start-only		Baseline Milestone		Project Summary		Inactive Summary	
Task		Finish-only		Milestone		External Tasks		Deadline	
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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	6/26	8/21	10/10	12/21	2/5	4/25	May 1 5/28	7/23	9/17	11/12	1/7	3/3	4/28	6/23	8/18	10/13	12/8	2/2	3/30	5/4
166		Prep Modules 4-5	2 days	Thu 5/25/23	Fri 5/26/23	\$0.00																					
167		Assembly Module 4	2 days	Mon 5/29/23	Tue 5/30/23	\$0.00																					
168		Assembly Module 5	2 days	Wed 5/31/23	Thu 6/1/23	\$0.00																					
169		Assembly Single Frame	3 days	Fri 6/2/23	Tue 6/6/23	\$0.00																					
170		Pulling Roof Module 1-5	1 day	Wed 6/7/23	Wed 6/7/23	\$0.00																					
171		Stage 3 Module Lift	1 day	Thu 6/8/23	Thu 6/8/23	\$0.00																					
172		Purlins, Cables, Braces	3 days	Fri 6/9/23	Tue 6/13/23	\$0.00																					
173		Roof & Insulation & Tension Bars	5 days	Wed 6/14/23	Tue 6/20/23	\$0.00																					
174		Gable End	3 days	Wed 6/21/23	Fri 6/23/23	\$0.00																					
175		Gable Leg Sections	2 days	Mon 6/26/23	Tue 6/27/23	\$0.00																					
176		Wall Panel Installation	8 days	Wed 6/28/23	Fri 7/7/23	\$0.00																					
177		Corners & Gutters	3 days	Wed 6/28/23	Fri 6/30/23	\$0.00																					
178		Weather Sealing	2 days	Mon 7/3/23	Tue 7/4/23	\$0.00																					
179		Stage 4 Structural Assembly	49 days	Mon 7/10/23	Thu 9/14/23	\$3,500,000.00																					
180		Base Plates	10 days	Mon 7/10/23	Fri 7/21/23	\$0.00																					
		Critical		Task Progress		Baseline		Summary		Inactive Task																	
		Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone																	
		Critical Progress		Start-only		Baseline Milestone		Project Summary		Inactive Summary																	
		Task		Finish-only		Milestone		External Tasks		Deadline																	
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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	6/26	8/21	September 10/10	January 11/2	May 1 4/25	7/28	September 11/11	January 11/12	May 1 3/3	September 6/23	January 18/10	May 1 12/8	7/2	30/5
181		Prep modules 1-3	2 days	Mon 7/24/23	Tue 7/25/23	\$0.00															
182		Assembly Module 1	2 days	Wed 7/26/23	Thu 7/27/23	\$0.00															
183		Assembly Module 2	2 days	Fri 7/28/23	Mon 7/31/23	\$0.00															
184		Assembly Module 3	2 days	Tue 8/1/23	Wed 8/2/23	\$0.00															
185		Prep Modules 4-5	2 days	Thu 8/3/23	Fri 8/4/23	\$0.00															
186		Assembly Module 4	2 days	Mon 8/7/23	Tue 8/8/23	\$0.00															
187		Assembly module 5	2 days	Wed 8/9/23	Thu 8/10/23	\$0.00															
188		Pulling Roof Module 1-5	2 days	Fri 8/11/23	Mon 8/14/23	\$0.00															
189		Stage 4 Module Lift	2 days	Tue 8/15/23	Wed 8/16/23	\$0.00															
190		Purlins, Cables, Braces	3 days	Thu 8/17/23	Mon 8/21/23	\$0.00															
191		Roof Insulation & Tension Bars	5 days	Tue 8/22/23	Mon 8/28/23	\$0.00															
192		Gable Leg Sections	2 days	Tue 8/29/23	Wed 8/30/23	\$0.00															
193		Gable End	3 days	Thu 8/31/23	Mon 9/4/23	\$0.00															
194		Wall Panel Installation	8 days	Tue 9/5/23	Thu 9/14/23	\$0.00															
195		Corners & Gutters	3 days	Tue 9/5/23	Thu 9/7/23	\$0.00															
		Critical		Task Progress		Baseline		Summary		Inactive Task											
		Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone											
		Critical Progress		Start-only		Baseline Milestone		Project Summary		Inactive Summary											
		Task		Finish-only		Milestone		External Tasks		Deadline											
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196		Weather Sealing	2 days	Fri 9/8/23	Mon 9/11/23	\$0.00													
197		Stage Interior	52 days	Fri 9/15/23	Mon 11/27/23	\$3,500,000.00													
198		Stage 3 Interior	42 days	Fri 9/15/23	Mon 11/13/23	\$1,750,000.00													
199		Stage 3 Flooring	10 days	Fri 9/15/23	Thu 9/28/23	\$0.00													
200		Stage 3 Plywood	8 days	Fri 9/29/23	Tue 10/10/23	\$0.00													
201		Acoustic Wall Liner	10 days	Wed 10/11/23	Tue 10/24/23	\$0.00													
202		Staircases & Emergency Exit Ladders	3 days	Wed 10/25/23	Fri 10/27/23	\$0.00													
203		Rat Holes	2 days	Mon 10/30/23	Tue 10/31/23	\$0.00													
204		Elephant Door	3 days	Wed 11/1/23	Fri 11/3/23	\$0.00													
205		Airlock Vestibules	5 days	Mon 11/6/23	Fri 11/10/23	\$0.00													
206		Personnel Doors (Exterior)	3 days	Mon 11/6/23	Wed 11/8/23	\$0.00													
207		Cable Port Guillotines	2 days	Thu 11/9/23	Fri 11/10/23	\$0.00													
208		Elephant Door Balustrades	2 days	Mon 11/6/23	Tue 11/7/23	\$0.00													
209		Handrails	2 days	Mon 11/6/23	Tue 11/7/23	\$0.00													
210		Stage 3 Floor Painting	4 days	Wed 11/8/23	Mon 11/13/23	\$0.00													

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ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8 9/8	January 11 1/11	May 12 5/12	September 17 9/17	January 18 1/18	May 19 5/19	September 23 9/23	January 24 1/24	May 25 5/25	September 27 9/27	January 30 1/30	May 31 5/31
211		Stage 4 Interior	42 days	Fri 9/29/23	Mon 11/27/23	\$1,750,000.00									0%				
212		Stage 4 Flooring	10 days	Fri 9/29/23	Thu 10/12/23	\$0.00									0%				
213		Stage 4 Plywood	3 days	Fri 10/13/23	Tue 10/17/23	\$0.00									0%				
214		Acoustic Wall Liner	2 days	Wed 10/18/23	Thu 10/19/23	\$0.00									0%				
215		Staircases & Emergency Exit Ladders	3 days	Fri 10/20/23	Tue 10/24/23	\$0.00									0%				
216		Rat Holes	5 days	Wed 10/25/23	Tue 10/31/23	\$0.00									0%				
217		Elephant Door	3 days	Wed 11/1/23	Fri 11/3/23	\$0.00									0%				
218		Airlock Vestibules	2 days	Mon 11/6/23	Tue 11/7/23	\$0.00									0%				
219		Personnel Doors (Exterior)	2 days	Wed 11/8/23	Thu 11/9/23	\$0.00									0%				
220		Cable Port Guillotines	2 days	Fri 11/10/23	Mon 11/13/23	\$0.00									0%				
221		Elephant Door Balustrades	4 days	Tue 11/14/23	Fri 11/17/23	\$0.00									0%				
222		Handrails	2 days	Mon 11/20/23	Tue 11/21/23	\$0.00									0%				
223		Stage 4 Floor Painting	4 days	Wed 11/22/23	Mon 11/27/23	\$0.00									0%				
224		Stage Fit Out	54 days	Wed 10/25/23	Mon 1/8/24	\$3,500,000.00									0%				
225		Stage 3 Fit Out	47 days	Wed 10/25/23	Thu 12/28/23	\$1,750,000.00									0%				

Critical		Task Progress		Baseline		Summary		Inactive Task	
Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone	
Critical Progress		Start-only		Baseline Milestone		Project Summary		Inactive Summary	
Task		Finish-only		Milestone		External Tasks		Deadline	
Split		Duration-only		Summary Progress		External Milestone			

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 12/5	September 17/23	January 11/12	May 11/7	September 18/23	January 11/12	May 13/3	September 18/23	January 11/12	May 13/3
226		House Lighting	5 days	Wed 10/25/23	Tue 10/31/23	\$0.00						0%							
227		Bull Switches	5 days	Wed 11/1/23	Tue 11/7/23	\$0.00						0%							
228		Heating Control	3 days	Wed 11/8/23	Fri 11/10/23	\$0.00						0%							
229		Signage	1 day	Mon 11/13/23	Mon 11/13/23	\$0.00						0%							
230		Electrical Infrastructure	5 days	Tue 11/14/23	Mon 11/20/23	\$0.00						0%							
231		MV Cable Trench/Duct Installation	3 days	Tue 11/21/23	Thu 11/23/23	\$0.00						0%							
232		Transformer Pad	5 days	Fri 11/24/23	Thu 11/30/23	\$0.00						0%							
233		Transformer Installation	3 days	Fri 12/1/23	Tue 12/5/23	\$0.00						0%							
234		MV Electrical Connection/Installation	3 days	Wed 12/6/23	Fri 12/8/23	\$0.00						0%							
235		HVAC Installation	5 days	Mon 12/11/23	Fri 12/15/23	\$0.00						0%							
236		Fire Detection System	3 days	Mon 12/18/23	Wed 12/20/23	\$0.00						0%							
237		Red Light & Bell	3 days	Thu 12/21/23	Mon 12/25/23	\$0.00						0%							
238		Mesh Installation	3 days	Tue 12/26/23	Thu 12/28/23	\$0.00						0%							
239		Stage 3 COA	1 day	Fri 12/29/23	Fri 12/29/23	\$0.00						12/29							
240		Stage 4 Fit Out	49 days	Wed 11/1/23	Mon 1/8/24	\$1,750,000.00						0%							

Critical		Task Progress		Baseline		Summary		Inactive Task	
Critical Split		Manual Task		Baseline Split		Manual Summary		Inactive Milestone	
Critical Progress		Start-only		Baseline Milestone		Project Summary		Inactive Summary	
Task		Finish-only		Milestone		External Tasks		Deadline	
Split		Duration-only		Summary Progress		External Milestone			

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	October 10/1	January 1 1/2	May 1 5/28	September 9/17	October 10/1	January 1 1/7	May 1 5/3	September 8/23	October 10/1	January 1 1/12	May 1 5/30
241	★	House Lighting	5 days	Wed 11/1/23	Tue 11/7/23	\$0.00													0%
242	★	Bull Switches	5 days	Wed 11/8/23	Tue 11/14/23	\$0.00													0%
243	★	Heating Control	3 days	Wed 11/15/23	Fri 11/17/23	\$0.00													0%
244	★	Signage	1 day	Mon 11/20/23	Mon 11/20/23	\$0.00													0%
245	★	Electrical Infrastructure	5 days	Tue 11/21/23	Mon 11/27/23	\$0.00													0%
246	★	MV Cable Trench/Duct Installation	3 days	Tue 11/28/23	Thu 11/30/23	\$0.00													0%
247	★	Transformer Pad	5 days	Fri 12/1/23	Thu 12/7/23	\$0.00													0%
248	★	Transformer Installation	3 days	Fri 12/8/23	Tue 12/12/23	\$0.00													0%
249	★	MV Electrical Connection/Installation	3 days	Wed 12/13/23	Fri 12/15/23	\$0.00													0%
250	★	HVAC Installation	5 days	Mon 12/18/23	Fri 12/22/23	\$0.00													0%
251	★	Fire Detection System	3 days	Mon 12/25/23	Wed 12/27/23	\$0.00													0%
252	★	Red Light & Bell	3 days	Thu 12/28/23	Mon 1/1/24	\$0.00													0%
253	★	Mesh Installation	3 days	Tue 1/2/24	Thu 1/4/24	\$0.00													0%
254	★	Mesh Installation	1 day	Fri 1/5/24	Fri 1/5/24	\$0.00													0%
255	➡	Stage 4 COA	1 day	Mon 1/8/24	Mon 1/8/24	\$0.00													1/8

Critical	Task Progress	Baseline	Summary	Inactive Task
Critical Split	Manual Task	Baseline Split	Manual Summary	Inactive Milestone
Critical Progress	Start-only	Baseline Milestone	Project Summary	Inactive Summary
Task	Finish-only	Milestone	External Tasks	Deadline
Split	Duration-only	Summary Progress	External Milestone	

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 6/26	January 10/21	May 1 11/25	September 7/23	January 11/12	May 1 1/7	September 4/28	January 18/8	May 1 3/30
256		New Production Office Buildings 2 & 3	265 days	Tue 9/12/23	Mon 9/16/24	\$1,280,000.00										0%
257		POB 2	210 days	Tue 9/12/23	Mon 7/1/24	\$640,000.00										0%
258		Floorplans (TBD)	30 days	Tue 9/12/23	Mon 10/23/23	\$0.00										0%
259		MEP (TBD)	90 days	Tue 10/24/23	Mon 2/26/24	\$0.00										0%
260		Construction (TBD)	90 days	Tue 2/27/24	Mon 7/1/24	\$0.00										0%
261		IT / Telco	20 days	Tue 6/4/24	Mon 7/1/24	\$0.00										0%
262		POB 3	235 days	Tue 10/24/23	Mon 9/16/24	\$640,000.00										0%
263		Floorplans (TBD)	30 days	Tue 10/24/23	Mon 12/4/23	\$0.00										0%
264		MEP (TBD)	90 days	Tue 1/9/24	Mon 5/13/24	\$0.00										0%
265		Construction (TBD)	90 days	Tue 5/14/24	Mon 9/16/24	\$0.00										0%
266		IT / Telco	20 days	Tue 8/20/24	Mon 9/16/24	\$0.00										0%
267		New Creative Office Building	250 days	Tue 12/5/23	Mon 11/18/24	\$640,000.00										0%
268		Floorplans (TBD)	30 days	Tue 12/5/23	Mon 1/15/24	\$0.00										0%
269		MEP (TBD)	90 days	Tue 1/30/24	Mon 6/3/24	\$0.00										0%
270		Construction (TBD)	120 days	Tue 6/4/24	Mon 11/18/24	\$0.00										0%

Critical

Critical Split

Critical Progress

Task

Split

Task Progress

Manual Task

Start-only

Finish-only

Duration-only

Baseline

Baseline Split

Baseline Milestone

Milestone

Summary Progress

Summary

Manual Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Deadline

828 Studios Redevelopment Schedule.mpp

ID	Task Mode	Task Name	Duration	Start	Finish	Cost	May 1 5/1	September 8/21	January 10/2	May 12/5	September 17/23	January 11/12	May 11/7	September 18/23	January 11/28	May 13/30
271		IT / Telco	20 days	Tue 10/22/24	Mon 11/18/24	\$0.00										0%
272		Guard Shacks	20 days	Tue 9/5/23	Mon 10/2/23	\$65,000.00										0%
273		Floorplans	5 days	Tue 9/5/23	Mon 9/11/23	\$0.00										0%
274		MEP	10 days	Tue 9/12/23	Mon 9/25/23	\$0.00										0%
275		Construction	5 days	Tue 9/26/23	Mon 10/2/23	\$65,000.00										0%

Critical

Critical Split

Critical Progress

Task

Split

Task Progress

Manual Task

Start-only

Finish-only

Duration-only

Baseline

Baseline Split

Baseline Milestone

Milestone

Summary Progress

Summary

Manual Summary

Project Summary

External Tasks

External Milestone

Inactive Task

Inactive Milestone

Inactive Summary

Deadline

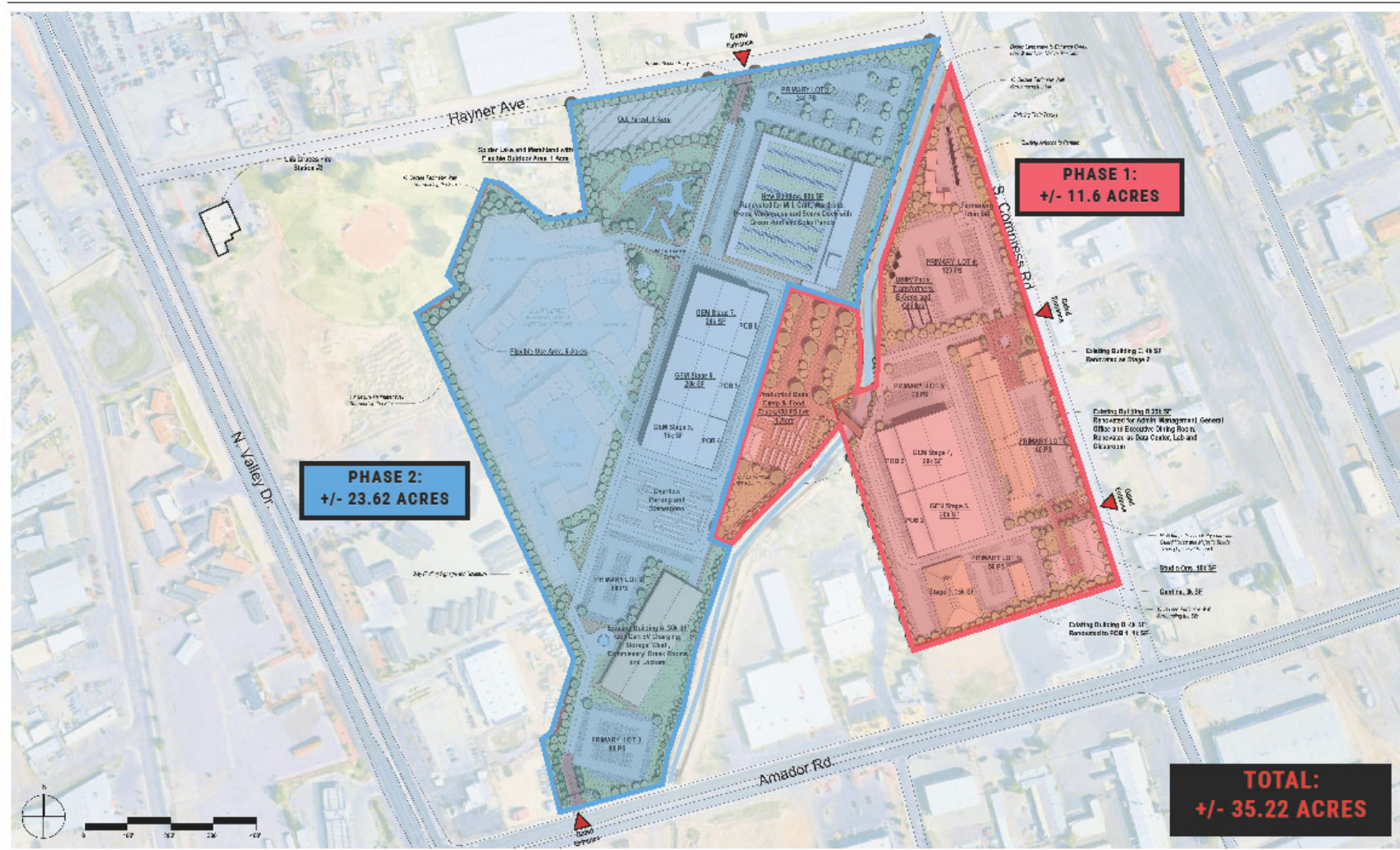
CONCEPTUAL SITE PLAN



CONCEPTUAL PERSPECTIVE



PHASING PLAN



18 Construction Drawings

Placeholder pending architect agreement & scope.

Confirmation needed from GC re: 70 days ending 1/27/23 (Currently showing 70 days from 9/26/22 at a 5 day work week with two days off for Thanksgiving and two weeks off for Christmas/New Years)

19 Demo Permit

Confirm if demo permit can be obtained prior to completion of DD's.

CIRCULATION PLAN



828 STUDIOS | LAS CRUCES, NEW MEXICO

SEPTEMBER 02 2022 3

●

27 Grading Permit

All permits, starting with grading, reflected in a 30 day window after completion of CD's

- 82 Stage 1 COA**
Stage 1 Certificate Of Occupancy placeholder pending confirmation.
- 88 750 KVA Transformer 900 amp, 480V 3P**
Interior power distribution schedule currently reflected in Task #82 and not yet broken out individually.
- 106 Stage 2 COA**
Stage 2 Certificate Of Occupancy placeholder pending confirmation
- 107 Mechanical**
Stage 2 Mechanical assumed in Highland Stage 2 Renovation estimate located in Task #99 "Replace Roof & Walls".
- 110 Electrical**
Stage 2 Electrical assumed in Highland Stage 2 Renovation estimate located in Task #99 "Replace Roof & Walls".
- 111 250 KVA Transformer**
Interior electrical installation currently reflected in Task #100; not broken out by task numbers.
- 118 Plumbing**
Stage 2 Plumbing assumed in Highland Stage 2 Renovation estimate located in Task #99 "Replace Roof & Walls".
- 120 Fire Sprinkler System**
Stage 2 Fire Sprinkler System installation requirements TBD
- 126 Workshop A Renovation**
WS-A Renovation cost includes subcategories (Task #122-#133)
- 139 Mechanical**
Workshop A Mechanical assumed in Highland Workshop Renovation estimate located in Task #121 "Workshop A Renovation"
- 142 Electrical**
Workshop A Electrical assumed in Highland Workshop Renovation estimate located in Task #121 "Workshop A Renovation"
- 143 Transformer (TBD)**
Workshop interior electrical installation currently reflected in Task#131 and not broken out by task.
- 149 Plumbing**
Workshop A Plumbing assumed in Highland Workshop Renovation estimate located in Task #121 "Workshop A Renovation"
- 152 Workshop A COA**
Workshop A COA placeholder pending confirmation
- 153 Production Office Buildings**
POB 1 T.I.'s TBD
- 157 NEW CONSTRUCTION**
All new construction tasks TBD pending design.
- 257 POB 2**
POB cost and schedule placeholder pending design
- 262 POB 3**
POB 3 cost and schedule placeholder pending design
- 272 Guard Shacks**
Guard Shack schedule TBD



HIGHLAND ENTERPRISES, INC.

General Contractors • Lic. No. 4460
Labor Registration No. 0036820050601
P.O. BOX 2409 Las Cruces, NM 88004
Phone (575) 524-3551 Fax (575) 526-0835
Email – hei@highlandnm.com

MARK HETTINGA , PRESIDENT

Budgetary Estimate No. One Date Septembe 8, 2022
Project 828 Studios Renovations Location 111 S. Compress Rd Las Cruces, NM 88005
To: 828 Studios

Budgetary Estimate

This is a budgetary estimate and is preliminary in nature. This estimate represents our best estimation of the project based on our interpretation the Customer's ideas, comments and available information. This is not a firm fixed price. A firm fixed price may be offered upon a fully developed set of plans that has been approved by the City of Las Cruces.

Scope of Work

This Scope of Work is limited to Phase 1 which pertains to the following:

- Removal of Trash and debris from 8 acre portion of site
- Removal of large piles of volcanic rock. Rock is to be placed on adjacent lot
- Removal of existing concrete structures
- Construction of Parking Lots and roadways as described
- Renovation of large and tall building to become Stage 1
- Renovation of long building to become Work Shop
- Renovation of metal building to become Stage 2
- Renovation of existing Administration building to become POB 1

Plan Development Requirements

- Architectural and Engineering fees for:
Demolition plans
Site Plan Floor Plans
Elevation Views
Structural Foundation plans
Structural Building Plans
Plumbing plans
HVAC plans
Electrical plans
Fire Protection plans
- Contractor Design/Build Fee
- Topographical Survey
- Geo Technical Study
- Storm Water Pollution Prevention Plan

General Requirements

- Bond (add 2% to estimate total if required)
- Building Permit fees
- Builder's Risk Insurance
- Temporary Facilities
- Temporary Utilities

Demolition / Site Clean Up

- Tree removal
- Removal of Existing stock piles of volcanic rock to Phase 2
- Removal of tires

Agenda Item #11.1.

- Removal of trash and debris
- Removal of RV trailer
- Removal of building contents Stage 1
- Removal of building contents Stage 2
- Removal of building contents Work Shop
- Clean and expose RR Tracks
- Demolition - Existing above grade concrete structures
- Demo Bagging equipment at Work Shop

Site Work

- Materials testing
- Access road to Stage 1 and Work Shop
- Construction of remaining site roadways (Phase 2)
- Asphalt Parking - Lot 4
- Asphalt Parking - Lot 5
- Asphalt Parking Work Shop
- Asphalt Parking - Lot 6
- Asphalt Parking - Stage 1 Lot
- Asphalt Parking - POB Lots 2&3
- Graveled area for Chiller, Satellite Dishes, Generators
- Cantina Slab
- Landscape Phase 1 (12,000 SF)
- Landscape Phase 2 (35,990 SF)
- Phase 1 - Underground Retention Ponds
- Phase 2 - Underground Retention Ponds

Renovation of Sound Stage 1

- Remove and replace 9,000 SF of existing floor
- Remove existing sheeting on roof and walls
- Add sub-framing as required to receive new exterior and interior panel products
- Replace exterior sheeting with 4" Kingspan Insulated panels
- Install 6" SIP panels, roof and walls, on interior of building
- Install Duct liner on roof and walls on interior of the building
- 1 ea - 18' wide by 12' tall, bi-parting, insulated door
- 3ea - Hollow metal man doors
- Plumbing - gas piping
- HVAC - 150 TNS heating and cooling, ventilation fans, gas
- Electrical - 750 KVA, 900 amp, 480V 3 phase service, distribution transformers and panel boards at 6 places around the building, high bay lighting, emergency lighting, ingress/egress, exterior wall pack lighting, general purpose 120V outlets through out
- Fire Sprinkler system

Renovate Work Shop - 350' x 72' x 12' Metal Building

- Remove existing roof and wall sheeting
- Install PBR 26 ga roof sheets
- Install/replace/repair sub-framing as required
- Install OSB/SIP panels at exterior walls
- Install metal wall panels on interior side of SIP panels
- Insulate roof with vinyl backed fiberglass insulation
- Remove existing wood framing structure (Breeze Way) and replace with metal building framing
- 3ea demising walls in the building
- 10 ea Exterior man doors
- 6 ea 12' x 10' Overhead doors
- 2ea - Construct Loading docks with concrete approach ramps, hand railing, dock levelers

Agenda Item #11.1.

- HVAC - 75 TNS
- Plumbing - Restrooms, gas
- Electrical - Distribution transformers and panel boards, warehouse lighting, emergency lighting ingress/egress, exterior wall pack lighting, convenient outlets, 220V outlets
- Fire Sprinkler system

Renovate Stage 2 - 3,750 SF

- Remove existing roof and wall sheeting
- Replace exterior sheeting with 4" Kingspan Insulated panels
- Install 6" SIP panels, roof and walls, on interior of building
- Install Duct liner on roof and walls on interior of the building
- 1 ea - 16' wide by 14' tall, bi-parting, insulated door
- 3ea - Hollow metal man doors
- HVAC - 20 TNS, ventilation fans
- Electrical - Distribution transformers and panel boards, warehouse lighting, emergency lighting ingress/egress, exterior wall pack lighting, convenient outlets, 220V outlets

Misc. Buildings

- Studio Ops Building (Generic SF Price \$160.00/SF)
- Renovate POB 1 - make repairs and minor modifications (Generic SF Price \$25.00/SF)
- Stages 3&4 POB 2 & 3 - ???
- 2 ea Pre-manufactured Guard House
- Proposed buildings at north end of RR tracks ???

Estimated Cost - Please Refer to Breakdown Sheet Attached

Exclusions / Assumptions:

- Assumes existing building foundations and slabs are suitable for intended purposes
- Assumes existing metal building frames, joist, rafters are structurally sufficient for intended use
- Excludes Development and Impact fees
- Excludes Traffic Studies
- Excludes Flood Plain Studies
- Excludes Site Survey (To be provided by Owner)
- Excludes Mobilization / Demobilization charges
- Excludes City induced improvements along Compress Rd. i.e. sidewalks, bike paths, traffic signage etc.
- Excludes underground unforeseen conditions - buried slabs, footings, basements, unknown utilities
- Excludes removal/abatement of any hazardous materials that may be found on site
- Excludes removal of existing utilities
- Excludes existing concrete slabs on site
- Excludes retaining walls near Workshop
- Excludes any utility extensions - Water, sewer, electrical, gas
- Excludes camera, surveillance systems, security systems, telephone systems, fiber optics
- Excludes repair or alteration of existing footings
- Excludes filling vent pipes with concrete

Respectfully submitted

HIGHLAND ENTERPRISES, INC.

By 

Phase 1 8 Acres	Qty	unit	Budget	Phase 1	Phase 2
PLAN DEVELOPMENT REQUIREMENTS					
Architectural Fees			\$ 515,000.00	\$ 515,000.00	
Contractor Design/Build Fee	1		\$ 125,000.00	\$ 125,000.00	
Topo Survey	1		\$ 9,100.00	\$ 9,100.00	
Geo Tech Report	1		\$ 8,000.00	\$ 8,000.00	
Storm Water Pollution Prevention Plan	1		\$ 7,000.00	\$ 7,000.00	
GENERAL REQUIREMENTS					
Bond			???	???	
Building Permit	1		\$ 103,500.00	\$ 103,500.00	
Development/ Impact Fees	1		???	???	
Insurance Builder's Risk	1		\$ 20,000.00	\$ 20,000.00	
Temporary Facilities	1		\$ 2,100.00	\$ 2,100.00	
Temporary Utilities	1		\$ 19,041.00	\$ 19,041.00	
DEMOLITION /SITE CLEAN UP					
Tree Removal	22	EA	\$ 52,096.00	\$ 52,096.00	
Removal of volcanic rock to Phase 2	2,490	CY	\$ 166,000.00	\$ 166,000.00	
Tire Removal	1	LS	\$ 1,500.00	\$ 1,500.00	
Misc Trash	1	LS	\$ 18,226.00	\$ 18,226.00	
RV Trailer	1	LS	\$ 2,700.00	\$ 2,700.00	
Stage 1 Clean Out	1	LS	\$ 8,650.00	\$ 8,650.00	
Stage 2 Clean Out	1	LS	\$ 37,100.00	\$ 37,100.00	
Work Shop Clean Out	1	LS	\$ 30,000.00	\$ 30,000.00	
Clean Gravel at RR Tracks	1	LS	\$ 22,601.00	\$ 22,601.00	
Demo above grade concrete Structures	1	LS	\$ 44,830.00	\$ 44,830.00	
Demo Bagging Equipment	1	LS	\$ 6,700.00	\$ 6,700.00	
SITE WORK					
Materials Testing	1		\$ 7,000.00	\$ 7,000.00	
Site Security Systems	1		???	???	
Utility Extension Water	1		???	???	
Utility Extension Sewer	1		???	???	
Utility Extension Gas	1		???	???	
Utility Extension Electric	1		???	???	
Utility Extension Fiber Optic	1		???	???	
Site Rough Grading	???	CY	???	???	???
Access Road ST1 & Work Shop	3,460	SY	\$ 304,790.00	\$ 304,790.00	
Remaining Access Roads	47,144	SY	\$ 203,000.00		\$ 203,000.00
Asphalt paved Parking Lot Parking Lot - Lot 4	3,280	SY	\$ 159,100.00		\$ 159,100.00
Asphalt paved Parking Lot - Lot 5	3,155	SY	\$ 167,015.00	\$ 167,015.00	
Asphalt paved Parking Lot - Work Shop	1,694	SY	\$ 93,144.00	\$ 93,144.00	
Asphalt paved Parking Lot - Lot 6	3,280	SY	\$ 172,715.00	\$ 172,715.00	
Asphalt paved Parking Lot - Stage 1 Lot	1,509	SY	\$ 83,328.00	\$ 83,328.00	\$ -
Asphalt Paved Parking Lot -POB Lots 2&3	2,162	SY	\$ 119,900.00		\$ 119,900.00
Graveled Lot for Chillers, Satellites, Generators	4,646	SY	\$ 33,250.00		\$ 33,250.00
Cantina Slab	950	SF	\$ 7,200.00		\$ 7,200.00
Landscape	47,990	SF	\$ 249,548.00	\$ 62,387.00	\$ 187,161.00
Area Adjacent to East Side to Stage 3&4	6,746	SF	???		???
Phase 1 Underground Storm Retention	2	EA	\$ 575,000.00	\$ 575,000.00	
Phase 2 Underground Storm Retention	2	EA	\$ 575,000.00		\$ 575,000.00

SOUND STAGE 1 RENOVATION					
Floor - Demo and Replace	9,000	SF	\$ 215,256.00	\$ 215,256.00	
Remove existing wall sheets, Replace with King Span Panels	32,000	SF	\$ 2,303,249.54	\$ 2,303,249.54	
Install SIPS Panels Interior Walls and Roof					
Install Duct Liner					
18' wide Bi-parting door	1	EA			
Hollow Metal Man Doors	3	EA			
Plumbing	15,600	SF	\$ 20,000.00	\$ 20,000.00	
HVAC 150 TNS	15,600	SF	\$ 624,000.00	\$ 624,000.00	
Electrical 750 KVA, 900 amp, 3Ph Service	15,600	SF	\$ 615,100.00	\$ 615,100.00	
Fire Sprinkler System w/ booster pump	15,600	SF	\$ 546,000.00	\$ 546,000.00	

WORK SHOP RENOVATION					
Work Shop Bldg 350' x 72' x 12	25,200	SF	\$ 1,638,000.00	\$ 1,638,000.00	
Loading Dock	2	EA	\$ 208,000.00	\$ 208,000.00	
STAGE 2 RENOVATION					
Stage 2 Bldg 50'x75'x14'	3,750	SF	\$ 420,000.00	\$ 420,000.00	

MISC. BUILDINGS					
Studio Ops Bldg	4,000	SF	\$ 640,000.00		\$ 640,000.00
POB 1 Building Renovate	3,670	SF	\$ 91,750.00	\$ 91,750.00	
Stages 3,4 POB 2,3	62,962	SF	???		???
Guard Shacks	2	EA	\$ 65,000.00	\$ 65,000.00	
Proposed Train Set Buildings	4,901	SF	???		???

Total Budget So Far	Phase 1	Phase 2 So Far
\$ 11,335,489.54	\$ 9,410,878.54	\$ 1,924,611.00

8.1875% NMGR Tax

\$ 770,515.68

\$ 10,181,394.22 Phase 1 w/ tax

828 Productions Financial History Description

828 Productions, LLC is a start up with no prior financial data. The business plan and projections submitted in this application are the financial information that is currently available.



LEDA Application

Job Creation Additional Information

The current LEDA Application for 828 Productions is pertaining only to the work being proposed for 828 Studios NM. Future expansions to 828 Productions will include the following areas:

- Film Financing
- Production Accounting
- Production Services
- Postproduction Services

Additional models are being developed for these business areas and will be included in any future LEDA funding applications.

828 Productions LLC				Number of Jobs Created			Payroll Calculations**		
Job Type/Dept and Title:	*Jobs Filled:	Estimated Pay Scale	At Start Up	Beginning of Year 2	Beginning of Year 3		Yr 1	Yr 2	Yr 3
Studio	Director, Studio Operations	L \$ 150,000.00	1				\$ 150,000.00	\$ -	\$ -
Studio	Asst to Director of Studio Operations	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
Studio	Manger, Studio Operation	L \$ 70,000.00	1				\$ 70,000.00	\$ -	\$ -
Studio	Manager, Accounting	L \$ 125,000.00	1				\$ 125,000.00	\$ -	\$ -
Studio	Coordinator, Studio Facilities	L \$ 65,000.00	1				\$ 65,000.00	\$ -	\$ -
Studio	Studio Electrician	L \$ 100,000.00	1				\$ 100,000.00	\$ -	\$ -
Studio	Studio Electrician	L \$ 100,000.00	1				\$ 100,000.00	\$ -	\$ -
Studio	Maintenance Worker	L \$ 65,000.00	1				\$ 65,000.00	\$ -	\$ -
Studio	Maintenance Worker	L \$ 65,000.00	1				\$ 65,000.00	\$ -	\$ -
Studio	Stage Department Manager	L \$ 100,000.00	1				\$ 100,000.00	\$ -	\$ -
Studio	Stage Manager	L \$ 65,000.00	1				\$ 65,000.00	\$ -	\$ -
Studio	Stage Hand	L \$ 50,000.00	1				\$ 50,000.00	\$ -	\$ -
Studio	Stage Hand	L \$ 50,000.00		1			\$ -	\$ 50,000.00	\$ -
Studio	Stage Hand	L \$ 50,000.00			1		\$ -	\$ -	\$ 50,000.00
Studio	Catering Manager	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
Studio	UPM	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
Studio	Set Designer	L \$ 65,000.00	1				\$ 65,000.00	\$ -	\$ -
Studio	Property Manager	L \$ 50,000.00	1				\$ 50,000.00	\$ -	\$ -
Studio	Transporation and Logistics Manger	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
Studio	Transporatation Asst	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
Studio	Transporatation Asst	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
Studio	Grip	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
Studio	Grip	L \$ 60,000.00	0	1			\$ -	\$ 60,000.00	\$ -
Studio	Lighting Foreman	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
Studio	Mill Supervisor	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
Studio	Mill Assistant	L \$ 30,000.00	1				\$ 30,000.00	\$ -	\$ -
Studio	Painter	L \$ 30,000.00	1				\$ 30,000.00	\$ -	\$ -
Studio	Construction Grip	L \$ 45,000.00	1				\$ 45,000.00	\$ -	\$ -
Studio	IT Support	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
Studio	Security Superisior	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
Studio	Security Guard	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
Studio	Security Guard	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
Studio	Security Guard	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
Studio	Security Guard	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
Studio	Security Guard	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
Studio	Security Guard	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
Studio	Security Guard	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
Studio	Security Guard	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
Studio	Security Guard	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
Studio	Security Guard	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
Studio	Security Guard	L \$ 40,000.00			1		\$ -	\$ -	\$ 40,000.00
Studio	Security Guard	L \$ 40,000.00			1		\$ -	\$ -	\$ 40,000.00
Studio	Security Guard	L \$ 40,000.00			1		\$ -	\$ -	\$ 40,000.00
Studio	Security Guard	L \$ 40,000.00			1		\$ -	\$ -	\$ 40,000.00
828 Productions	CEO	L \$ 300,000.00	1				\$ 300,000.00	\$ -	\$ -
828 Productions	Project Coordinator	L \$ 50,000.00	1				\$ 50,000.00	\$ -	\$ -
828 Productions	Project Manager	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -

828 Productions LLC				Number of Jobs Created			Payroll Calculations**		
Job Type/Dept and Title:	*Jobs Filled:	Estimated Pay Scale	At Start Up	Beginning of Year 2	Beginning of Year 3		Yr 1	Yr 2	Yr 3
828 Productions	Project Manager	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Productions	EVP, Sales and Distribution	L \$ 150,000.00	1				\$ 150,000.00	\$ -	\$ -
828 Productions	Asst to EVP Sales and Distribution	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Productions	EVP, Physical Production	L \$ 150,000.00	1				\$ 150,000.00	\$ -	\$ -
828 Productions	Asst to EVP Physical Production	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Productions	Director, Creative Services? DM	L \$ 125,000.00	1				\$ 125,000.00	\$ -	\$ -
828 Productions	Office Manager	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Productions	Office Assistant	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
828 Productions	Director of Human Resources	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Productions	EVP of Production Accounting	L \$ 150,000.00	1				\$ 150,000.00	\$ -	\$ -
828 Productions	VP of Production Accounting	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Productions	Production Accountant	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
828 Productions	Production Accountant	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
828 Productions	Production Accountant	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
828 Productions	Production Accountant	L \$ 60,000.00		1			\$ -	\$ 60,000.00	\$ -
828 Productions	Production Accountant	L \$ 60,000.00		1			\$ -	\$ 60,000.00	\$ -
828 Productions	Production Accountant	L \$ 60,000.00			1		\$ -	\$ -	\$ 60,000.00
828 Productions	Production Accounting Asst.	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
828 Productions	Production Accounting Asst.	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
828 Productions	Production Accounting Asst.	L \$ 40,000.00	1				\$ 40,000.00	\$ -	\$ -
828 Productions	Production Accounting Asst.	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
828 Productions	Production Accounting Asst.	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
828 Productions	Production Accounting Asst.	L \$ 40,000.00			1		\$ -	\$ -	\$ 40,000.00
828 Productions	Legal Counsel	L \$ 300,000.00		1			\$ -	\$ 300,000.00	\$ -
828 Productions	Paralegal	L \$ 100,000.00		1			\$ -	\$ 100,000.00	\$ -
828 VFX Facility	VFX Producer	L \$ 200,000.00		1			\$ -	\$ 200,000.00	\$ -
828 VFX Facility	VFX Supervisor	L \$ 150,000.00		1			\$ -	\$ 150,000.00	\$ -
828 VFX Facility	VFX Controller	L \$ 150,000.00			1		\$ -	\$ -	\$ 150,000.00
828 VFX Facility	Technical Director	L \$ 150,000.00		1			\$ -	\$ 150,000.00	\$ -
828 VFX Facility	Lead Animator	L \$ 100,000.00		1			\$ -	\$ 100,000.00	\$ -
828 VFX Facility	Animator	L \$ 100,000.00		1			\$ -	\$ 100,000.00	\$ -
828 VFX Facility	Lighting and Rendering Lead	L \$ 90,000.00		1			\$ -	\$ 90,000.00	\$ -
828 VFX Facility	VFX Assistant	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
828 VFX Facility	VFX Assistant	L \$ 40,000.00		1			\$ -	\$ 40,000.00	\$ -
828 VFX Facility	Art Dept Assistant	L \$ 40,000.00	1	0			\$ 40,000.00	\$ -	\$ -
828 VFX Facility	Office Manager	L \$ 60,000.00	1				\$ 60,000.00	\$ -	\$ -
828 Post Production	VP Post Production	L \$ 150,000.00	1				\$ 150,000.00	\$ -	\$ -
828 Post Production	Post Production Supervisor	L \$ 100,000.00	1				\$ 100,000.00	\$ -	\$ -
828 Post Production	Post Production Supervisor	L \$ 100,000.00		1			\$ -	\$ 100,000.00	\$ -
828 Post Production	Editor	L \$ 90,000.00	1				\$ 90,000.00	\$ -	\$ -
828 Post Production	Editor	L \$ 90,000.00		1			\$ -	\$ 90,000.00	\$ -
828 Post Production	Asst. Editor	L \$ 75,000.00		1			\$ -	\$ 75,000.00	\$ -
828 Post Production	Asst. Editor	L \$ 75,000.00			1		\$ -	\$ -	\$ 75,000.00
828 Post Production	Colorist	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Post Production	Colorist	L \$ 75,000.00		1			\$ -	\$ 75,000.00	\$ -
828 Post Production	Sound Designer	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -
828 Post Production	Sound Designer	L \$ 75,000.00		1			\$ -	\$ 75,000.00	\$ -
828 Post Production	Music Supervisor	L \$ 75,000.00	1				\$ 75,000.00	\$ -	\$ -

Total Estimated Payroll At year 3	\$	7,505,000.00
Average Payscale	\$	75,050.00

** Projections are based on 3 years per the requirements of the online application, but will be accomplished over a 5-7 year span as directed by NMEDD.

***NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT
AUTHORIZATION FOR EXAMINATION AND RELEASE OF
INFORMATION**

Todd Lundbohm hereby grants permission to the New Mexico Economic Development Department to conduct a review, full disclosure, and release of any and all information authorized pursuant to federal and state law. The purpose for obtaining and examining the information is to construct a record of the company's personal and professional history, including credit history, to ensure it meet the requirements that the New Mexico Economic Development Department has established for potential recipients of State funds. The company understands an investigation will be conducted by the New Mexico Economic Development Department, the New Mexico Department of Public Safety, or their contractors, and the results of the investigation will only be supplied to the New Mexico Economic Development Department.

Todd Lundbohm, hereby grants the New Mexico Economic Development Department permission to obtain any information in its background pertaining to any credit (to include obtaining a copy of a commercial credit report), education, bankruptcy, investigation, arrest and/or conviction of it or its principals in any criminal or civil matter. The company also authorizes an employee of the New Mexico Economic Development Department, as its authorized representative, to obtain from the New Mexico Taxation and Revenue Department and/or the Department of Workforce Solutions any tax information that is in any way related to a company Todd Lundbohm owns or has invested in. Todd Lundbohm, hereby directs you to release such information upon the request of this bearer. Todd Lundbohm, hereby releases you as a custodian of such records for any criminal justice, law enforcement or court agency, including its officers and employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, that may at any time result to the New Mexico Economic Development Department or the State of New Mexico because of compliance with this authorization and request to release information; or any attempt to comply with it.

1. The information reviewed, disclosed, and/or released may be used by the New Mexico Economic Development Department for any lawful purpose and/or to determine the company's suitability to receive funds from the State of New Mexico.
2. Todd Lundbohm hereby releases the providers and users of the information collected pursuant to this authorization from any liability under state or federal privacy laws and further release the New Mexico Economic Development Department, its contractors, agents, and/or employees from any liability which may be incurred as a result of the collection and use of information.

3. Todd Lundbohm, understands that it may revoke this authorization in writing at any time.

FULL NAME: Todd Lundbohm

SIGNATURE: 

TITLE: CEO

COMPANY: 828 Productions llc

The above named certifies that they are authorized to commit to this release on behalf of the company identified.

Please provide below information if company is a sole proprietorship:

SSN: _____
DOB: _____

DATE: 9/29/2022

*** This Document is only valid if notarized**

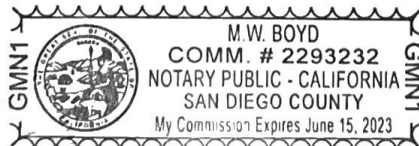
A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

Scribed and sworn to me on this 29th day of September
20 22 of San Diego County, New Mexico

Signed 

My Commission expires: 6-15-2023

Notary Public



DRAFT 2/3/2017

pg. - 2 -



LEDA Application

NM Quarterly Wage Report

The current LEDA Application does not include a quarterly wage report due to 828 Productions being a start up company. Wage details will be provided with any future LEDA applications as the organization adds jobs.

Agenda Item #11.1.



ECONOMIC
DEVELOPMENT
DEPARTMENT

Michelle Lujan Grisham • Governor
Alicia J. Keyes • Cabinet Secretary

Exhibit C – LEDA Application

Affirmation of officer of Company

Declaration of 828 Productions LLC **Officer**

I, Todd Lundbohm, declare as follows:

I am CEO for 828 Productions LLC and I have been employed in this capacity since 6/15/2020. Except where otherwise noted, I have personal knowledge of the facts set forth in this declaration.

Date: 9/24/2022

I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:

Todd Lundbohm
89EB88C4B4E340D...

Name Todd Lundbohm

Job Title CEO

Name of Company 828 Productions LLC

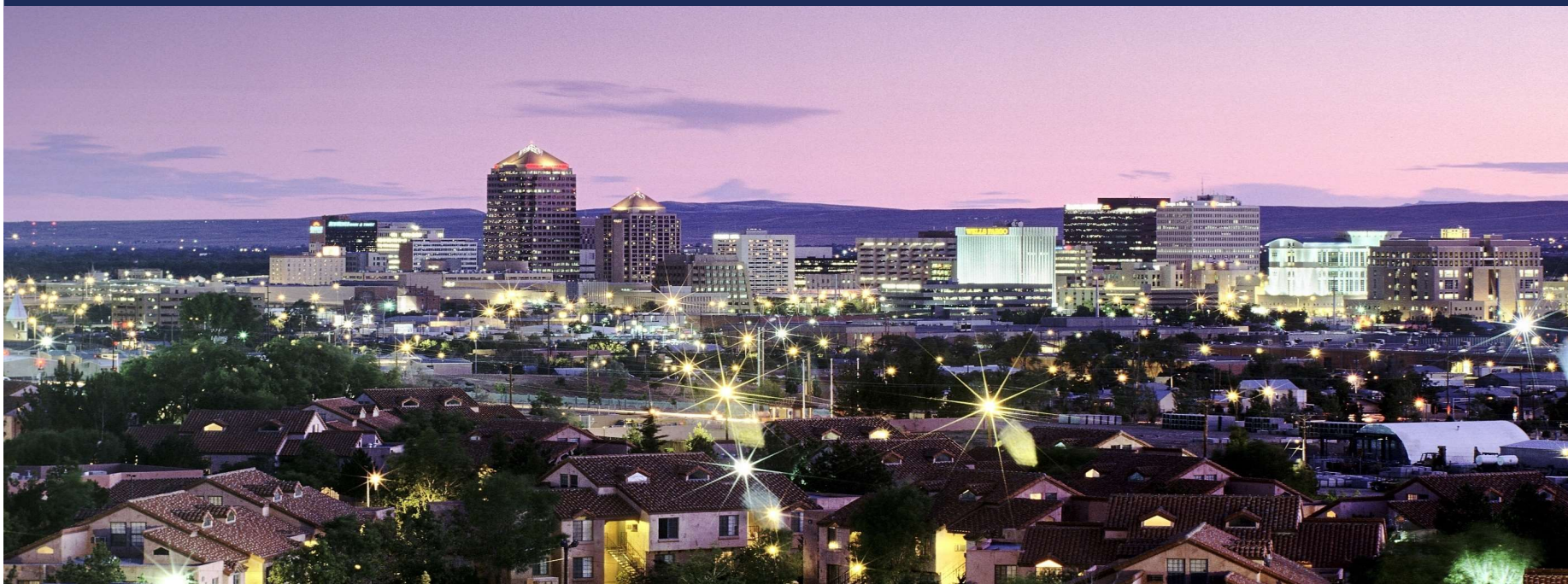


3/30/2022

FISCAL IMPACT ANALYSIS AND ECONOMIC IMPACT OF THE EXPANSION OF 828 PRODUCTIONS

Prepared by:

New Mexico Economic Development Department
Joseph Montoya Building
1100 S. St. Francis Drive
Santa Fe, New Mexico 87505





Purpose and Limitations:

This report and analysis, provided by the New Mexico Economic Development Department, relies on prospective estimates of business activity. These estimates, which are provided by the company, may not be realized due to unforeseen events that are outside the control of the company and unknown to the New Mexico Economic Development Department.

The New Mexico Economic Development Department made reasonable efforts to ensure that the estimates provided by the company, are realistic estimates of future activity.

The model was created by the New Mexico Economic Development Economists and used assumptions to generate the final report. The report and analysis provided by the New Mexico Economic Development Department is not a guarantee that any of the estimates or results contained in this report will actually be achieved.

Introduction:

This report and analysis presents the results of an economic impact analysis performed using a model developed by the New Mexico Economic Development Department. The report estimates the impact that a potential project may have on the state and local economies and estimates the costs and benefits for the state and local economies over a 10-year period. The report and analysis uses RIMS II Multipliers produced by the U.S. Bureau of Economic Analysis (BEA).

Most projects produce a growth in population and/or a growth in the workforce in a City, County and the State of New Mexico. All growth comes at a cost, the additional economic activity and population growth stimulated by the project will generate additional costs in terms of providing basic infrastructure (roads and utilities) and public services (including public safety and schools). For example, if the applicant hires employees from outside the State, County and City, those workers who end up relocating their residence to within one or all of those areas, the population for which the government must provide services also increases. The costs associated with the expansion are broken down into two categories: 1) New residents to the State, County and City. 2) New Mexican residents hired to work for the company. The analysis assumes that all workers will live in the area of the expansion.

Description of the Company:

0

Description of the Project:

828 Productions is looking to develop multiple stages and postproduction facilities in the Las Cruces area. This will be a combination of productions and permanent full-time positions dedicated to post and pre- production.

Total Impacts



Fiscal Impact of Existing and Expanded Operations Over the Next Ten Years

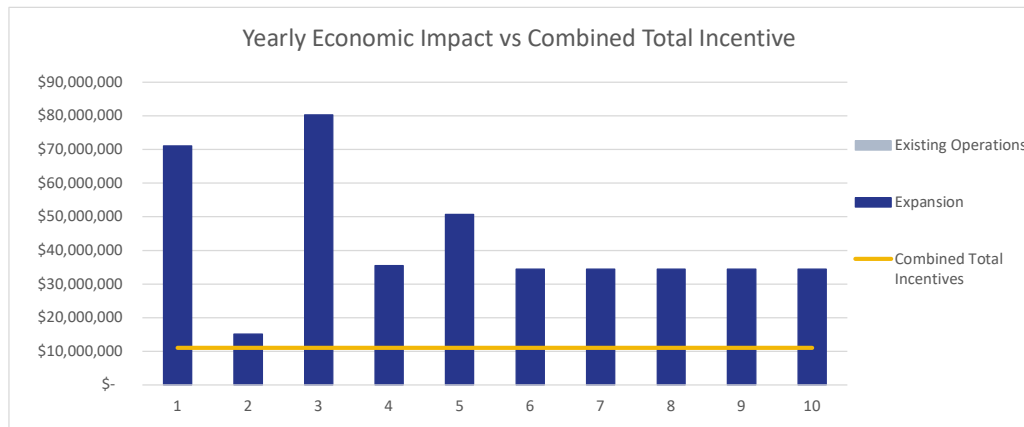
Cumulative Net Benefits					
	Existing Operations	Expansion	Existing & Expanded Operations	Present Value of Net Benefits*	
State of New Mexico	\$ -	\$ 18,050,424	\$ 18,050,424	\$	15,061,099
County	\$ -	\$ 7,642,060	\$ 7,642,060	\$	6,243,473
City	\$ -	\$ 10,567,772	\$ 10,567,772	\$	8,899,565
School District	\$ -	\$ 4,202,609	\$ 4,202,609	\$	3,306,051
Special Taxing District	\$ -	\$ 830,883	\$ 830,883	\$	653,628
Total	\$ -	\$ 41,293,749	\$ 41,293,749	\$	34,163,816

* The Present Value of Net Benefits expresses the future stream of net benefits received over several years as a single value in today's dollars. Today's dollar and a dollar to be received at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. This analysis uses a discount rate of 5% to make the dollars comparable.

** In the cumulative net benefits of the existing and expanded operations for the State of New Mexico, corporate income tax has been removed from the existing operations total to avoid double counting.

Total Economic Impact

	Total
Estimated Economic Impact Over 10 Years:	\$ 424,743,368
Combined Total Incentive Over 10 Years:	\$ 10,994,818
Economic Impact Rate of Return:	3,763%

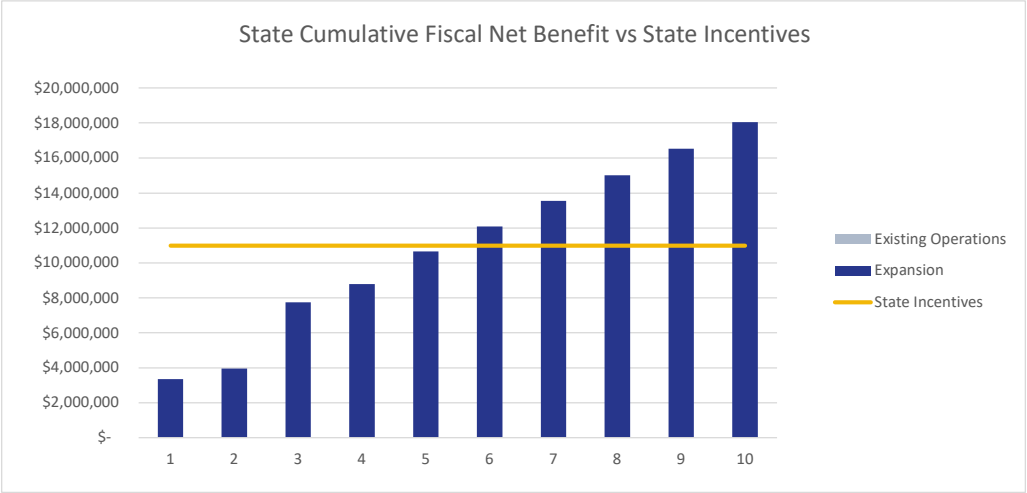


Workers and New Residents over 10 years

	Direct	Indirect and Induced
Number of Jobs Created:	335	177
Estimated Number of Construction Workers:	1002	
Estimated Number of New Residents to the State:	0	
Estimated Number of New Residents to the County:	0	
Estimated Number of New Residents to the City:	0	

State Impacts





Incentives

Total State Incentive:	\$	10,994,818
State Incentive Per Job:	\$	32,820

Combined Payback and Return

State Payback Period Combined:	5.24	Years
State Rate of Return Combined:	37%	

Expansion Only Payback and Return

State Payback Period Expansion:	5.24	Years
State Rate of Return Expansion:	37%	

State Net Benefits Of Current Operations

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	-	\$	-	\$	-	\$ -
2	\$	-	\$	-	\$	-	\$ -
3	\$	-	\$	-	\$	-	\$ -
4	\$	-	\$	-	\$	-	\$ -
5	\$	-	\$	-	\$	-	\$ -
6	\$	-	\$	-	\$	-	\$ -
7	\$	-	\$	-	\$	-	\$ -
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

State Net Benefits Of Expansion

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$ 3,348,162	\$ -	\$ 3,348,162	\$ 3,348,162
2	\$ 608,048	\$ -	\$ 608,048	\$ 3,956,211
3	\$ 3,791,510	\$ -	\$ 3,791,510	\$ 7,747,721
4	\$ 1,041,353	\$ -	\$ 1,041,353	\$ 8,789,073
5	\$ 1,861,537	\$ -	\$ 1,861,537	\$ 10,650,611
6	\$ 1,436,182	\$ -	\$ 1,436,182	\$ 12,086,792
7	\$ 1,457,746	\$ -	\$ 1,457,746	\$ 13,544,538
8	\$ 1,479,634	\$ -	\$ 1,479,634	\$ 15,024,172
9	\$ 1,501,851	\$ -	\$ 1,501,851	\$ 16,526,023
10	\$ 1,524,401	\$ -	\$ 1,524,401	\$ 18,050,424

State Combined Net Benefits

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$ 3,348,162	\$ -	\$ 3,348,162	\$ 3,348,162
2	\$ 608,048	\$ -	\$ 608,048	\$ 3,956,211
3	\$ 3,791,510	\$ -	\$ 3,791,510	\$ 7,747,721
4	\$ 1,041,353	\$ -	\$ 1,041,353	\$ 8,789,073
5	\$ 1,861,537	\$ -	\$ 1,861,537	\$ 10,650,611
6	\$ 1,436,182	\$ -	\$ 1,436,182	\$ 12,086,792
7	\$ 1,457,746	\$ -	\$ 1,457,746	\$ 13,544,538
8	\$ 1,479,634	\$ -	\$ 1,479,634	\$ 15,024,172
9	\$ 1,501,851	\$ -	\$ 1,501,851	\$ 16,526,023
10	\$ 1,524,401	\$ -	\$ 1,524,401	\$ 18,050,424

State Breakdown of Combined Benefits, Costs, and Net Benefits Over the Next 10 Years

Taxes and Revenue

Gross Receipt Taxes	\$ 8,355,193
Personal Income Taxes	\$ 9,695,231
Corporate Income Taxes	\$ -
Misc. Taxes and Revenue	\$ -
Subtotal of Benefits	\$ 18,050,424

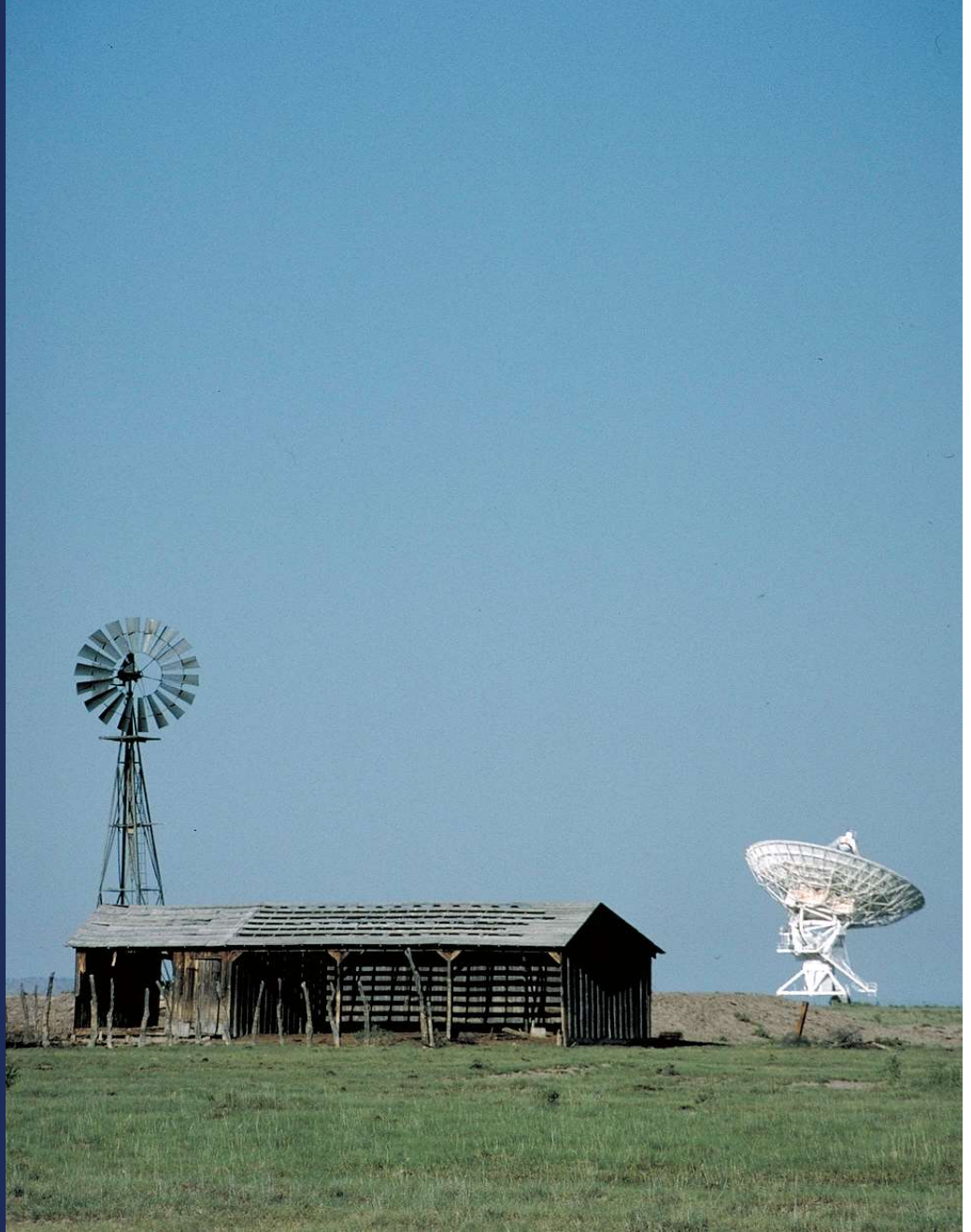
Costs

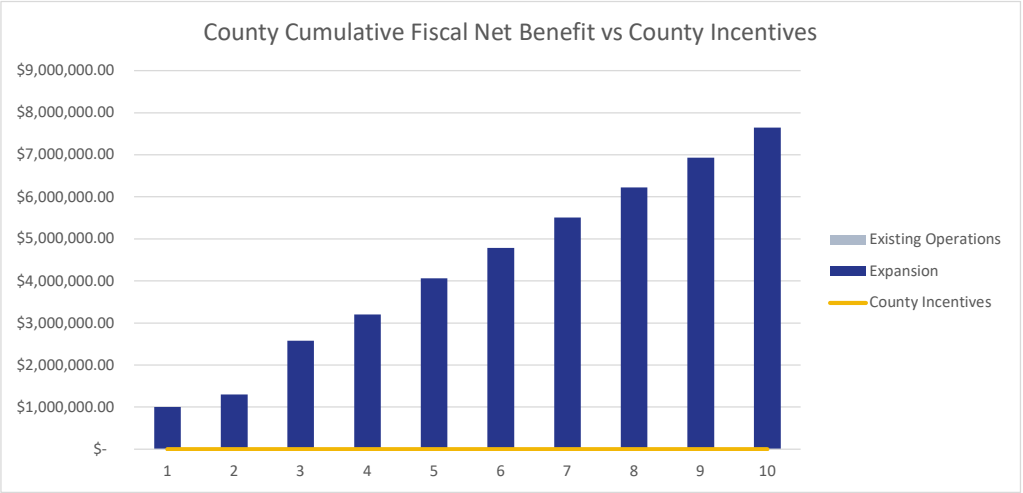
Costs	\$ -
Subtotal of Costs	\$ -

Net Benefits

Net Benefits	\$ 18,050,424
Present Value	\$ 15,061,099

County Impacts





Incentives

Total County Incentive:	\$	-
County Incentive Per Job:	\$	-

Combined Payback and Return

County Payback Period Combined:	-	Years
County Rate of Return Combined:	N/A	

Expansion Only Payback and Return

County Payback Period Expansion:	-	Years
County Rate of Return Expansion:	N/A	

County Net Benefits Of Current Operations

Year	Benefits	Costs	Net Benefits	Cumulative Net Benefits
1	\$ -	\$ -	\$ -	\$ -
2	\$ -	\$ -	\$ -	\$ -
3	\$ -	\$ -	\$ -	\$ -
4	\$ -	\$ -	\$ -	\$ -
5	\$ -	\$ -	\$ -	\$ -
6	\$ -	\$ -	\$ -	\$ -
7	\$ -	\$ -	\$ -	\$ -
8	\$ -	\$ -	\$ -	\$ -
9	\$ -	\$ -	\$ -	\$ -
10	\$ -	\$ -	\$ -	\$ -

County Net Benefits Of Expansion

Year	Benefits		Costs	Net Benefits		Cumulative Net Benefits
1	\$	1,000,293	\$ -	\$	1,000,293	\$ 1,000,293
2	\$	300,654	\$ -	\$	300,654	\$ 1,300,946
3	\$	1,280,261	\$ -	\$	1,280,261	\$ 2,581,207
4	\$	619,670	\$ -	\$	619,670	\$ 3,200,877
5	\$	860,723	\$ -	\$	860,723	\$ 4,061,600
6	\$	725,341	\$ -	\$	725,341	\$ 4,786,941
7	\$	720,495	\$ -	\$	720,495	\$ 5,507,436
8	\$	715,868	\$ -	\$	715,868	\$ 6,223,304
9	\$	711,465	\$ -	\$	711,465	\$ 6,934,769
10	\$	707,291	\$ -	\$	707,291	\$ 7,642,060

County Combined Net Benefits

Year	Benefits		Costs	Net Benefits		Cumulative Net Benefits
1	\$	1,000,293	\$ -	\$	1,000,293	\$ 1,000,293
2	\$	300,654	\$ -	\$	300,654	\$ 1,300,946
3	\$	1,280,261	\$ -	\$	1,280,261	\$ 2,581,207
4	\$	619,670	\$ -	\$	619,670	\$ 3,200,877
5	\$	860,723	\$ -	\$	860,723	\$ 4,061,600
6	\$	725,341	\$ -	\$	725,341	\$ 4,786,941
7	\$	720,495	\$ -	\$	720,495	\$ 5,507,436
8	\$	715,868	\$ -	\$	715,868	\$ 6,223,304
9	\$	711,465	\$ -	\$	711,465	\$ 6,934,769
10	\$	707,291	\$ -	\$	707,291	\$ 7,642,060

County Breakdown of Combined Benefits, Costs, and Net Benefits Over the Next 10 Years

Taxes and Revenue

Gross Receipt Taxes	\$	2,677,947
Misc. Taxes and Revenue	\$	-
Property Taxes	\$	4,964,113
Subtotal of Benefits	\$	7,642,060

Costs

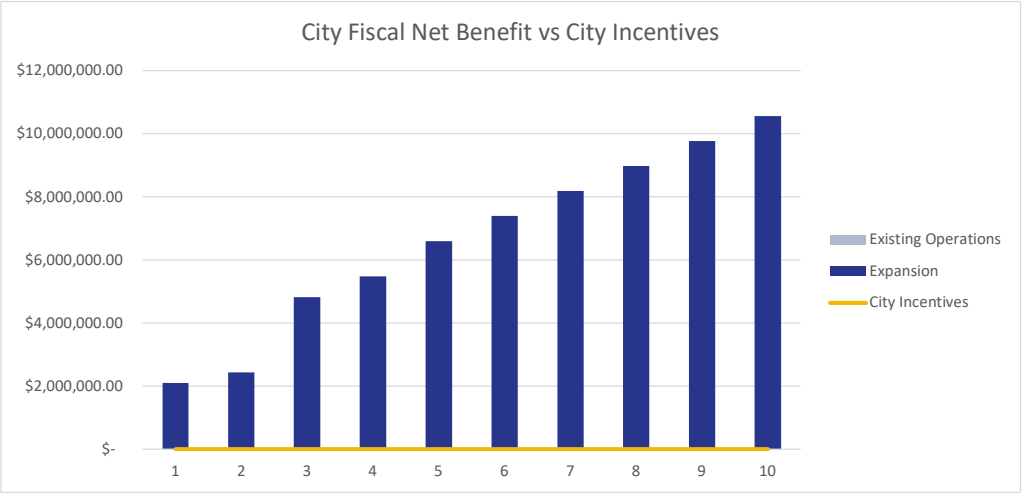
Costs	\$	-
Subtotal of Costs	\$	-

Net Benefits

Net Benefits	\$	7,642,060
Present Value	\$	6,243,473

City Impacts





Incentives

Total City Incentive:	\$	-
City Incentive Per Job:	\$	-

Combined Payback and Return

City Payback Period Combined:	-	Years
City Rate of Return Combined:	N/A	

Expansion Only Payback and Return

City Payback Period Expansion:	-	Years
City Rate of Return Expansion:	N/A	

City Net Benefits Of Current Operations

Year	Benefits		Costs		Net Benefits	Cumulative Net Benefits
1	\$	-	\$	-	\$	\$
2	\$	-	\$	-	\$	\$
3	\$	-	\$	-	\$	\$
4	\$	-	\$	-	\$	\$
5	\$	-	\$	-	\$	\$
6	\$	-	\$	-	\$	\$
7	\$	-	\$	-	\$	\$
8	\$	-	\$	-	\$	\$
9	\$	-	\$	-	\$	\$
10	\$	-	\$	-	\$	\$

City Net Benefits Of Expansion

Year	Benefits		Costs	Net Benefits		Cumulative Net Benefits
1	\$	2,101,596	\$ -	\$	2,101,596	\$ 2,101,596
2	\$	332,213	\$ -	\$	332,213	\$ 2,433,809
3	\$	2,389,140	\$ -	\$	2,389,140	\$ 4,822,949
4	\$	647,923	\$ -	\$	647,923	\$ 5,470,872
5	\$	1,124,271	\$ -	\$	1,124,271	\$ 6,595,143
6	\$	794,255	\$ -	\$	794,255	\$ 7,389,398
7	\$	794,166	\$ -	\$	794,166	\$ 8,183,565
8	\$	794,300	\$ -	\$	794,300	\$ 8,977,864
9	\$	794,659	\$ -	\$	794,659	\$ 9,772,523
10	\$	795,249	\$ -	\$	795,249	\$ 10,567,772

City Combined Net Benefits

Year	Benefits		Costs	Net Benefits		Cumulative Net Benefits
1	\$	2,101,596	\$ -	\$	2,101,596	\$ 2,101,596
2	\$	332,213	\$ -	\$	332,213	\$ 2,433,809
3	\$	2,389,140	\$ -	\$	2,389,140	\$ 4,822,949
4	\$	647,923	\$ -	\$	647,923	\$ 5,470,872
5	\$	1,124,271	\$ -	\$	1,124,271	\$ 6,595,143
6	\$	794,255	\$ -	\$	794,255	\$ 7,389,398
7	\$	794,166	\$ -	\$	794,166	\$ 8,183,565
8	\$	794,300	\$ -	\$	794,300	\$ 8,977,864
9	\$	794,659	\$ -	\$	794,659	\$ 9,772,523
10	\$	795,249	\$ -	\$	795,249	\$ 10,567,772

City Breakdown of Combined Benefits, Costs, and Net Benefits Over the Next 10 Years

Taxes and Revenue

Gross Receipt Taxes	\$ 6,775,205
Misc. Taxes and Revenue	\$ -
Property Taxes	\$ 3,792,568
Subtotal of Benefits	\$ 10,567,772

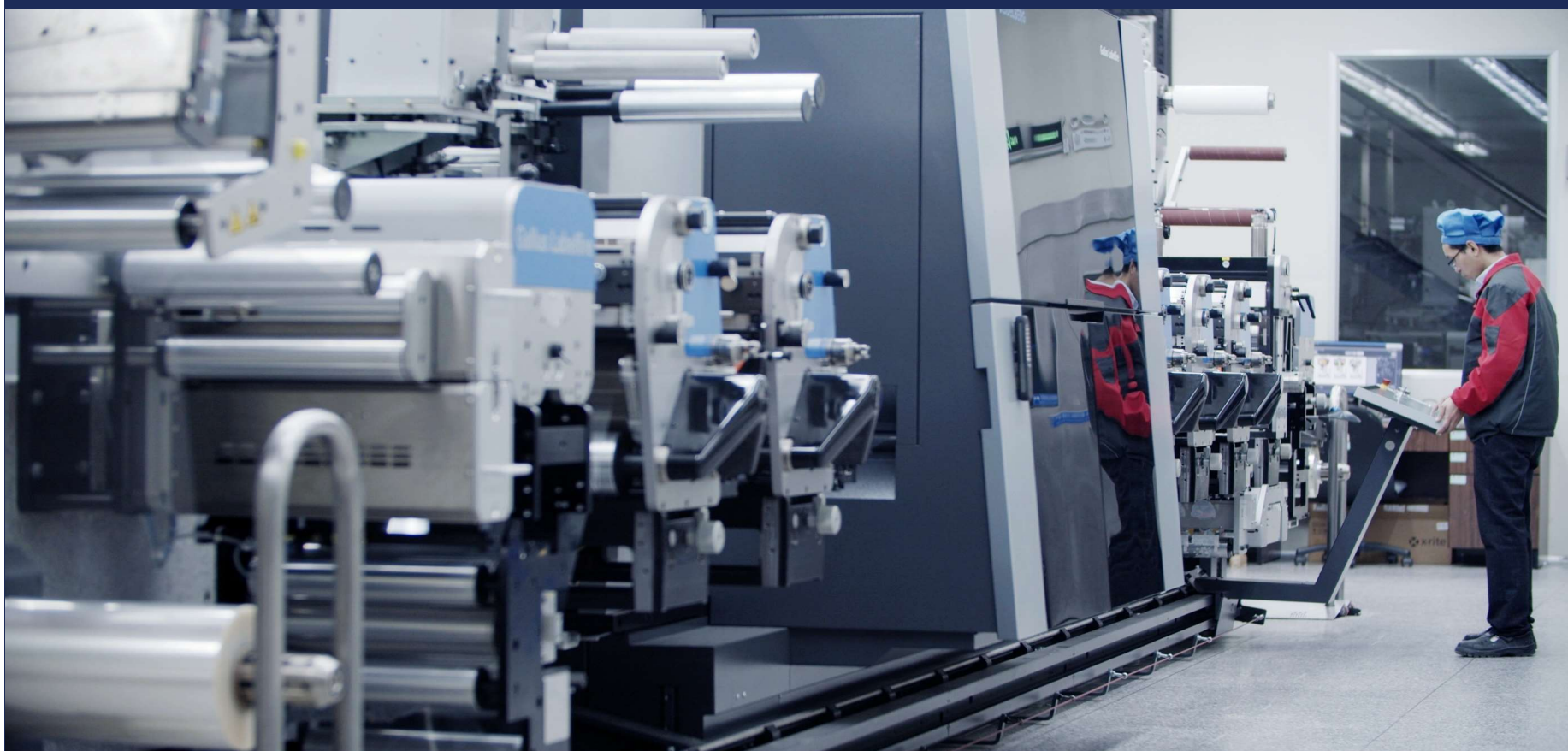
Costs

Costs	\$ -
Subtotal of Costs	\$ -

Net Benefits

Net Benefits	\$ 10,567,772
Present Value	\$ 8,899,565

Special Taxing District and Public Schools



Special Taxing District

Special Taxing District Net Benefits of Current Operations

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	-	\$	-	\$	-	\$ -
2	\$	-	\$	-	\$	-	\$ -
3	\$	-	\$	-	\$	-	\$ -
4	\$	-	\$	-	\$	-	\$ -
5	\$	-	\$	-	\$	-	\$ -
6	\$	-	\$	-	\$	-	\$ -
7	\$	-	\$	-	\$	-	\$ -
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

Special District Net Benefits of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	40,673	\$	-	\$	40,673	\$ 40,673
2	\$	40,607	\$	-	\$	40,607	\$ 81,280
3	\$	80,554	\$	-	\$	80,554	\$ 161,834
4	\$	87,181	\$	-	\$	87,181	\$ 249,014
5	\$	99,835	\$	-	\$	99,835	\$ 348,849
6	\$	98,650	\$	-	\$	98,650	\$ 447,500
7	\$	97,497	\$	-	\$	97,497	\$ 544,996
8	\$	96,375	\$	-	\$	96,375	\$ 641,371
9	\$	95,285	\$	-	\$	95,285	\$ 736,656
10	\$	94,228	\$	-	\$	94,228	\$ 830,883

Special District Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	40,673	\$	-	\$	40,673	\$ 40,673
2	\$	40,607	\$	-	\$	40,607	\$ 81,280
3	\$	80,554	\$	-	\$	80,554	\$ 161,834
4	\$	87,181	\$	-	\$	87,181	\$ 249,014
5	\$	99,835	\$	-	\$	99,835	\$ 348,849
6	\$	98,650	\$	-	\$	98,650	\$ 447,500
7	\$	97,497	\$	-	\$	97,497	\$ 544,996
8	\$	96,375	\$	-	\$	96,375	\$ 641,371
9	\$	95,285	\$	-	\$	95,285	\$ 736,656
10	\$	94,228	\$	-	\$	94,228	\$ 830,883

Public Schools

Public Schools Net Benefits of Current Operations

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	-	\$	-	\$	-	\$ -
2	\$	-	\$	-	\$	-	\$ -
3	\$	-	\$	-	\$	-	\$ -
4	\$	-	\$	-	\$	-	\$ -
5	\$	-	\$	-	\$	-	\$ -
6	\$	-	\$	-	\$	-	\$ -
7	\$	-	\$	-	\$	-	\$ -
8	\$	-	\$	-	\$	-	\$ -
9	\$	-	\$	-	\$	-	\$ -
10	\$	-	\$	-	\$	-	\$ -

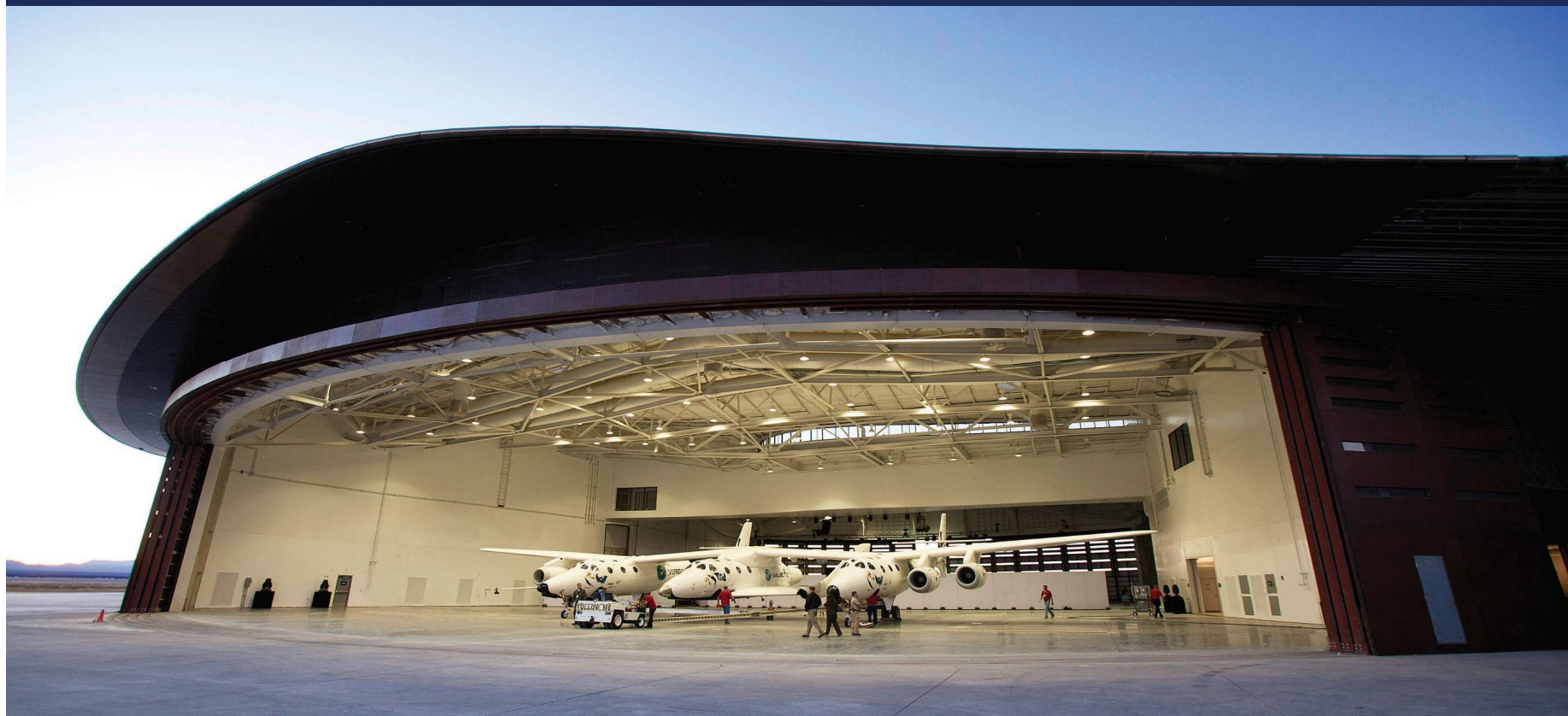
Public Schools Net Benefits of Expansion

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	205,726	\$	-	\$	205,726	\$ 205,726
2	\$	205,389	\$	-	\$	205,389	\$ 411,115
3	\$	407,440	\$	-	\$	407,440	\$ 818,555
4	\$	440,960	\$	-	\$	440,960	\$ 1,259,515
5	\$	504,965	\$	-	\$	504,965	\$ 1,764,480
6	\$	498,973	\$	-	\$	498,973	\$ 2,263,453
7	\$	493,138	\$	-	\$	493,138	\$ 2,756,592
8	\$	487,463	\$	-	\$	487,463	\$ 3,244,054
9	\$	481,950	\$	-	\$	481,950	\$ 3,726,004
10	\$	476,604	\$	-	\$	476,604	\$ 4,202,609

Public Schools Combined Net Benefits

Year	Benefits		Costs		Net Benefits		Cumulative Net Benefits
1	\$	205,726	\$	-	\$	205,726	\$ 205,726
2	\$	205,389	\$	-	\$	205,389	\$ 411,115
3	\$	407,440	\$	-	\$	407,440	\$ 818,555
4	\$	440,960	\$	-	\$	440,960	\$ 1,259,515
5	\$	504,965	\$	-	\$	504,965	\$ 1,764,480
6	\$	498,973	\$	-	\$	498,973	\$ 2,263,453
7	\$	493,138	\$	-	\$	493,138	\$ 2,756,592
8	\$	487,463	\$	-	\$	487,463	\$ 3,244,054
9	\$	481,950	\$	-	\$	481,950	\$ 3,726,004
10	\$	476,604	\$	-	\$	476,604	\$ 4,202,609

Property Tax Exemptions and Industrial Revenue Bonds



Property Tax Exemptions and Industrial Revenue Bonds

The City and/or the County is considering abating taxes on the Project's property. Below is a table that identifies the types of property that are under consideration for property tax abatement:

Land:	No
Building and Property Improvements:	No
Furniture, Fixtures and Equipment:	No

Property Tax Percentage Exemptions On Land and Building

County	City	Schools	Special Taxing District
0%	0%	0%	0%

Property Tax Percentage Exemptions On Furniture, Fixtures and Equipment

County	City	Schools	Special Taxing District
0%	0%	0%	0%

Value of Exemption Through 10 Years:	\$	-	\$	-	\$	-	\$	-
*Value of Payment in Lieu of Taxes Through 10 Years:	\$	-	\$	-	\$	-	\$	-

*The model assumes that the payment in lieu of taxes will be administered to the either the county or city, and the local government will disperse the amounts to the appropriate districts.

Percentage of Gross Receipt Taxes Foregone on Newly Purchased Furniture, Fixtures and Equipment Over 10 Years

Year	State	County	City
1	0%	0%	0%
2	0%	0%	0%
3	0%	0%	0%
4	0%	0%	0%
5	0%	0%	0%
6	0%	0%	0%
7	0%	0%	0%
8	0%	0%	0%
9	0%	0%	0%
10	0%	0%	0%
Value of Exemption Through 10 Years:	\$ -	\$ -	\$ -

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT
AND THE CITY OF LAS CRUCES, NEW MEXICO**

This Intergovernmental Agreement (“Agreement”) is entered into as of the date of the last signature affixed below by and between the New Mexico Economic Development Department (“EDD”) and The City of Las Cruces (the “City”), a political subdivision of the State of New Mexico, and collectively referred to as “the Parties” with reference to the following facts.

RECITALS:

WHEREAS, the legislature of the State of New Mexico appropriated funds to the Economic Development Department for economic development projects statewide pursuant to the Local Economic Development Act (the “Appropriation”); and

WHEREAS, the purpose of the Local Economic Development Act, NMSA 1978 §5-10-1 through §5-10-14 (2020) (“LEDA”), is to provide “public support for economic development to foster, promote and enhance local economic development efforts”; and

WHEREAS, the City has adopted LEDA by Ordinance No. 2873, which established the City of Las Cruces Economic Development Plan that promotes economic development within the City; and

WHEREAS, 828 Productions, LLC (hereinafter “Qualifying Entity”) has entered into a Local Economic Development Project Participation Agreement (hereinafter “PPA”) with the City. A copy of the City’s Ordinance and PPA are attached hereto and incorporated herein; and

WHEREAS, pursuant to the terms of that PPA, the Qualifying Entity will remodel/refurbish and occupy the production facility at 300 S. Compress Road in Las Cruces, New Mexico (the “Project”) and will employ at least 335 full-time persons by December 31, 2029; and

WHEREAS, EDD and the City desire to enter into this Agreement as necessary to facilitate disbursement of funds for the Project.

NOW THEREFORE, the Parties do hereby agree to the following terms and conditions to accomplish the Project.

SECTION 1. PURPOSE OF AGREEMENT:

The purpose of this Agreement is to define the responsibilities of the City and EDD for the oversight and administration of up to \$3,000,000 of the Appropriation for the Project. It is the intent of the parties that the City will receive an amount up to three million dollars (\$3,000,000) to implement the Project. The Parties agree that any and all State funds received will be accounted for by the City as the fiscal agent for EDD in accordance with the procedures the City will use to account for its own funds and property used to implement the project, or any properties acquired or developed by the City as a result of implementation of the Project will be used by the City for economic development purposes only.

SECTION 2. SCOPE OF WORK:

The City will act as fiscal agent for up to \$3,000,000 of the Appropriations for the Project. Pursuant to Section 5-10-3(D) of LEDA, EDD will transfer up to \$3,000,000 to the City for costs and expenses associated with the Project. In exchange for the contribution, the Qualifying Entity certifies it will employ at least 335 full-time employees at the facility by December 31, 2029.

All the terms, conditions, and requirements set forth under the PPA are incorporated into this Agreement. EDD and the City agree that failure of the Qualifying Entity to create the number of new full-time jobs described in the PPA or otherwise meet its obligations set forth under the PPA shall require the City to apply the applicable Clawback as provided for by the PPA. In the event that the Qualifying Entity does not remit to the City the monies owned as provided for by the PPA then such violation will require that the City foreclose on the security interest after any cure period granted to the Qualifying Entity. Any monies

recovered by the City as a result of payment made by the Qualifying Entity from the application of the applicable Clawbacks shall be returned to EDD within 30 calendar days. Any foreclosure of the security interest shall be returned to EDD. The Qualifying Entity will deliver to the City contemporaneously with the execution of the PPA a form of security acceptable to all parties, which will be incorporated into this Agreement (the "Security").

SECTION 3. CITY RESPONSIBILITIES:

The City shall:

- A. Pay the costs and expenses incurred for the Project from the Appropriation;
- B. Provide to EDD supporting documentation in a format acceptable to EDD for activities associated with the Project. Any funds recaptured by the City as the result of enforcing the provisions of the PPA shall be returned to EDD;
- C. The City shall notify EDD in writing of any failure to meet requirements (default) of the PPA by the Qualifying Entity within 15 business days of learning of the event of default;
- D. Serve as Fiscal Agent for the funds transferred to it under this Agreement;
- E. Distribute the funds transferred to the City by EDD to the Project; account for receipts and disbursements of said monies; and provide EDD with the required financial documentation pertaining to this disbursement;
- F. Submit all required and reasonably requested documentation to EDD including the endorsed LEDA Ordinance approved by the City Council accepting the Project as qualifying entity for LEDA, with the accompanying endorsed Project Application and PPA entered into by the City and the Qualifying Entity, a fully executed copy of the Security, and copies of invoices and other documentation as required by EDD within the time required;
- G. Not impose any obligations on EDD with respect to the administration of this Project, other than the transfer of funds as described herein; and

- H. Initiate and prosecute litigation as necessary to enforce the terms of the PPA, at EDD's cost, if necessary.

SECTION 4. CITY CERTIFICATIONS:

As Fiscal Agent, the City hereby assures and certifies that:

- A. It will comply with all applicable State laws, regulations, policies, guidelines and requirements with respect to the acceptance and use of the Appropriation;
- B. It has the legal authority to receive and expend the Appropriation;
- C. It will enforce the provisions of Ordinance No. 2873 and the City's Economic Development Plan;
- D. It has exercised due diligence in confirming that the Project is a viable economic development initiative with potential long term economic development benefits based on information provided by EDD;
- E. It will provide to EDD upon request all documentation and references to expertise it has relied upon in approving this Project upon receipt thereof or reliance thereupon and also with copies of all reports and documentation City receives from the Qualifying Entity;
- F. It has entered into a PPA with the Qualifying Entity and has obtained from the NM EDD all financial documentation necessary to protect the City's and State's investments in the Project;
- G. It shall not at any time during the life of this Agreement convert any property acquired or developed pursuant to this Agreement to uses other than those within the Project description as defined herein;
- H. It will notify EDD of any default on the part of the Qualifying Entity within 15 business days of learning of any default and shall provide the Qualifying Entity an opportunity to cure any default by in accordance with the PPA prior to termination thereof;
- I. No member, officer or employee of the City or its designees or agents, no member of the governing body of the locality of which the Project is situated, and no other public official that exercises any functions or

responsibilities with respect to the Project during his/her tenure, or for one (1) year thereafter, shall have any interests, direct or indirect, in any contract or subcontract, or the process thereof, for work to be performed in connection with the Project that is the subject of this Agreement. The City shall incorporate in all contracts or subcontracts a provision prohibiting such interest pursuant to this certification; and

- J. It has complied with Article IX, Section 14, of the New Mexico Constitution known as the “anti-donation clause.”

SECTION 5. EDD RESPONSIBILITIES:

EDD shall:

- A. Transfer to the City for costs and expenses incurred for the Project an amount not to exceed three million dollars (\$3,000,000). The funds shall be used only for the purpose stated in this Agreement;
- B. Monitor job creation by the Qualifying Entity and report the number of jobs created to the City each quarter up to December 31, 2030.
- C. At its discretion, review and audit the Project if it is deemed to be necessary or desirable; and
- D. Reimburse the City for any costs associated with litigation to enforce the terms of the Security and the Clawback provisions.

SECTION 6. TERM OF AGREEMENT:

This Agreement shall become effective on the date it is fully executed and shall terminate on January 31, 2031 or when all of the obligations of the PPA have been fulfilled.

SECTION 7. LIABILITY:

No Party shall be responsible for liability incurred as a result of the other Party's acts or omissions. Any liability incurred in connection with this Agreement is subject to the New Mexico Tort Claims Act. The City and EDD may agree to reimburse one another under these liability provisions, subject to sufficient

appropriation by the New Mexico Legislature or sufficient funds being available to the party, as determined by the Party responsible for payment.

SECTION 8. DISPOSITION OF PROPERTY; RECORDS; RETURN OF SURPLUS FUNDS

- A. Property purchased under this Agreement for the Project shall remain with the purchasing party unless otherwise agreed upon.
- B. The City shall keep such records as will fully disclose the amount and disposition of the total funds from all sources budgeted for the Project, the purposes for which such funds were used and such other records as EDD may require.
- C. If, upon the expiration of the Project or the termination date of this Agreement, any surplus funds are possessed by the City, the City shall return said funds to EDD for disposition in accordance with law.

SECTION 9. STRICT ACCOUNTABILITY:

The City shall be strictly accountable for receipts and disbursements relating hereto and shall make all relevant financial records available to EDD and the New Mexico State Auditor quarterly or upon request, and shall maintain all such records for a period of six (6) years following completion of all the records and any audits.

SECTION 10. REPORTS:

The Qualifying Entity shall submit quarterly reports regarding employment to the EDD during the life of this Agreement and EDD shall share those reports and any other information obtained respecting job retention and creation attributable to the State appropriation with the City. The City shall coordinate with EDD to conduct an annual performance review of the Project.

SECTION 11. NOTICES; REPRESENTATIVES OF THE PARTIES:

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. Mail, either first class or certified, return receipt requested, postage prepaid, as follows. The parties hereby designate the individuals named below as their representative responsible for overall administration of this Agreement.

To EDD:

Finance Development Team Leader
NM Economic Development Department
Joseph Montoya Building
1100 St. Francis Drive
PO Box 20003
Santa Fe, New Mexico 87504

To the CITY:

City Manager
The City of Las Cruces
700 S Main Street
P O Box 20000
Las Cruces, NM 88004

SECTION 12. AMENDMENTS:

This Agreement shall not be altered, changed or amended, except by instrument in writing executed by all of the Parties hereto.

SECTION 13. GOVERNING LAW/VENUE:

This Agreement shall be governed by the laws of the State of New Mexico. The venue for any litigation shall be a competent court of jurisdiction located in New Mexico.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties have executed this Agreement effective
as of the last date of signature below,

THE CITY OF LAS CRUCES, NEW MEXICO

By: _____

Name: _____ Ifo Pili _____

Title: _____ City Manager _____

Date: _____

APPROVED AS TO FORM

By: _____

The City of Las Cruces Attorney

NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT

By: _____

Alicia J. Keyes
Cabinet Secretary

Date: _____

APPROVED AS TO FORM

By: _____

Jesika Ulibarri
General Counsel

PROJECT PARTICIPATION AGREEMENT

This Project Participation Agreement ("Agreement") is entered into on _____, 2023 by and between **CITY OF LAS CRUCES, NEW MEXICO** (the "City"), a political subdivision of the State of New Mexico (the "State"), and **828 Productions, LLC** (the "Company").

Recitals.

- A. Article 9, Section 14 of the New Mexico Constitution provides counties the ability to create new job opportunities by providing land, buildings or infrastructure for facilities to support new or expanding businesses, provided that adequate safeguards are employed to protect public monies and resources. Pursuant to the Local Economic Development Act, Sections 5-10-1 through 5-10-17 NMSA 1978 (the "Act"), public support for economic development may be provided if the governmental entity has adopted by ordinance an economic development plan and has approved by a second ordinance an application for a project in keeping with such plan.
 - B. Pursuant to City of Las Cruces Ordinance No. 2 8 7 3 (the "Las Cruces Local Economic Development Plan"), adopted on September 17, 2018, the City established the City of Las Cruces Economic Development Plan (the "Plan") as the City's economic development plan as required by Section 5-10-6, NMSA 1978.
 - C. As provided in the Las Cruces Local Economic Development Plan Ordinance, the City considered an application from the Company, which proposed that the City serve as local government conduit for an appropriation of up to \$3,000,000 from the Legislature of the State of New Mexico (the "**State Contribution**") and also provide up to \$897,596 in Capital Outlay funds (the "**City Contribution**") toward the Company's development of a production facility at 106 S. Miranda Street in the City of Las Cruces, New Mexico (the "Project"). The company will construct and occupy the facility and will employ a minimum of 100 full-time persons by December 31, 2029.
 - D. The City has adopted Ordinance No. 2873 ("Local Economic Development Act") and Resolution No. 19-050 ("Local Economic Development Plan" finding that the Company is a "qualifying entity" and the Project is an "economic development project" as those terms are defined by the Act, and approving this Agreement as meeting the requirements of the Act.
- 1. Goals and Objectives.** The objective of this Agreement is to create and support an economic development project that fosters, promotes and enhances local economic development efforts. The goal is that the Project will provide jobs and career opportunities that will benefit the community and contribute to its long-term economic growth and sustainability.

2. Substantive Contribution from the Company.

- a. **Facility.** The Company will establish a production facility at 106 S. Miranda Street and other suitable locations within the City of Las Cruces, New Mexico (the "Facility").
- b. **Investment.** The Company (or one of its subsidiaries, affiliates, investment partners or other related entities) will make capital investments in the Project and costs associated therewith (including, for the acquisition of land, building, equipment, tangible personal property and services associated with the acquisition, construction and equipping of the Project) in the amount of approximately \$75,000,000 by December 31, 2031 (the "Project Contribution").
- c. **Production Spend Investment.** The Company (or one of its subsidiaries, affiliates, investment partners or other related entities) will spend \$350 million on productions by December 31, 2032.
- d. **Job Creation.** The Company will directly employ a target of 100 full-time employees at the facility by December 31, 2029 (the "Job Target"). "Job" means a permanent, full-time employment position (at least 32 hours per week) offering the employee the full range of benefits offered to other full-time employees of the Company. Full-time employees do not include agency, sub-contracted, temporary employees or independent contractors.
- e. **Sustainability.** Although the Company intends to have a long-term presence in the City, for purposes of the contractual obligations of this Agreement, the Company covenants to continue to operate the Project until December 31, 2032.

3. The State Contribution

- a. The City anticipates that the State Contribution will be delivered by the State to the City for disbursement to the Company upon enactment of the Project LEDA Ordinance, and execution of this document and the intergovernmental agreement between the State and the City, after which time the City will request transfer of the State Contribution. Upon receipt, the City will place the State Contribution into a separate account established in connection with the Project, as required by law. The City will disburse the State Contribution, if and when it is received, only in the manner described in this Agreement and the Intergovernmental Agreement executed between the City and the State. The City will disburse the State Contribution to the Company as reimbursement for LEDA Eligible Expenditures subject to the Company's satisfaction of the conditions set forth herein. Disbursements shall be paid on a reimbursement basis and the Company shall first incur the LEDA Eligible Expenditures and then submit requests for reimbursement to the City. For purposes of this

Agreement, “**LEDA Eligible Expenditures**” shall mean: expenditures including, but not limited to, land, building and infrastructure, including permanently installed and situated physical assets and the design, labor and permitting required to put them in place. Examples include: foundation, drainage improvements, electrical wiring, architecture fees, insulation, landscaping and equipment rentals.

- b. The State’s contribution is composed of a LEDA award of \$3,000,000 for use by the Company for such purposes as set forth in NMSA 1978, § 5-10-3(E), the application of the Company and the agreements entered into between the parties. The Company shall also instruct the contracted construction companies to use the correct **New Mexico Taxation and Revenue Department Location Code of 07-105 for the City of Las Cruces**.

4. The City Contribution.

- a. The City will account for receipts and disbursements of the State Contribution and will provide financial documentation to the State pertaining to the State Contribution. The City will contribute up to \$897,596 in Capital Outlay funds. The City will comply with the Local Economic Development Act (“LEDA”) with respect to the acceptance and disbursement of the State and Local Contributions. As required by the LEDA Ordinance and the Act, City will deposit the State Contribution into a clearly identified separate account.
- b. The State Contribution will be disbursed to the Company through the City for reimbursement of LEDA Eligible Expenditures.

5. Disbursement of City and State Contributions

- a. State and City contributions shall be deposited into separate accounts for this project and disbursed through the City.
- b. **Conditions to Disbursement; Performance Milestones.** The State Contribution will be disbursed in four (4) separate allotments. The City Contribution will be disbursed in six (6) separate allotments. Each disbursement will be conditioned on (i) the Company’s having incurred LEDA Eligible Expenditures prior to the disbursement; (ii) where applicable, the Company meeting minimum employment targets and being in compliance with job reporting requirements; and (iii) the Company’s satisfaction of the performance milestones set forth below (the “Disbursement Performance Milestones”) for each allotment prior to the disbursement:

<i>State of New Mexico LEDA Disbursement Schedule</i>		
<u><i>Tranche</i></u>	<u><i>Amount of State Contribution Available for Disbursement/Tranche</i></u>	<u><i>Disbursement Performance Milestone</i></u>
1	\$1,000,000	Obtain a certificate of occupancy, incur LEDA eligible expenses, and current with all reporting
2	\$1,000,000	Hire 30 new employees for a total employment of 30 and maintain for two quarterly reporting periods, incur LEDA eligible expenses and current with all reporting
3	\$500,000	Maintain a minimum of 35 employees for two quarterly reporting periods and have at least \$100,000,000 in film production spend and current with all reporting
4	\$500,000	Hire 40 additional new employees for a total employment of 70 employees and maintain for two quarterly reporting periods, incur LEDA eligible expenses and current with all reporting
<i>City of Las Cruces LEDA Disbursement Schedule</i>		
<u><i>Tranche</i></u>	<u><i>Amount of Local Contribution Available for Disbursement/Tranche</i></u>	<u><i>Release of Lien Performance Milestone</i></u>
1	\$304,790	Access road to Stage 1 and Work Shop
2	\$96,144	Surface Parking Workshop
3	\$83,328	Surface Parking – Stage 1 Lot
4	\$119,900	Surface Parking – POB Lots 2&3
5	\$159,100	Surface Parking – Lot 6
6*	\$134,334	Surface Parking – Lot 5
*Will not reimburse for entire cost		

- 6. Disbursement Requests.** From time to time, after the Company has satisfied the conditions for disbursement set forth herein, the Company may submit to the City and the New Mexico Economic Development Department (“EDD”) a written request for disbursement of the State Contribution (the “Disbursement Request”). All Disbursement Requests shall be accompanied by (i) documentation substantiating LEDA Eligible Expenses, and (ii) documentation of current employment level in New Mexico pursuant to Section 10c below. The Company will not submit a Disbursement Request for less than \$50,000, but may, upon completion of all performance milestones, submit a Disbursement Request for up to the full amount of the State Contribution or City Contribution then available to the Company at any time. The City may, in good faith, object to or require additional information regarding a Disbursement Request to verify compliance with this Agreement.

7. **Review.** EDD will review the Disbursement Request to assure the charges submitted are LEDA Eligible Expenditures. The EDD's review and approval or objection shall not be unreasonably withheld and shall occur within 30 calendar days of receipt of the Disbursement Request. The City will disburse to the Company the full amount requested in the Disbursement Request no later than 30 calendar days after EDD's approval of the Disbursement Request.
8. **No Offset of City costs.** The City may not offset any internal costs or overhead charges for review or processing of the Disbursement Requests against the Disbursement Request or the State Contribution.
9. **Security.** As security for the faithful performance and payment of Company's obligations under this Agreement, prior to the Company's receipt of any part of the State Contribution or City Contribution, Company shall furnish the City with a Letter of Credit or some alternative form of security in a form mutually acceptable to the parties (the "Security"). The maximum obligation secured by the Security (the "Maximum Obligation") will be \$3,897,596. The Company shall be permitted to obtain incremental increases in the Security in the amount of each Disbursement Request and shall not be required to secure the Maximum Obligation before a disbursement will be made. No State Contribution will be transferred to the City until Security in the amount of the State Contribution is accepted.
 - a. The City may draw on the Security in order to satisfy any unpaid Clawback Penalty which shall become due and payable, but only thirty (30) calendar days following written demand for payment to the Company. Such draw may be initiated without filing a proceeding in any court of competent jurisdiction.
 - b. Provided that the Company has not been required to pay any Clawback, the Security will terminate on January 31, 2033, unless earlier released in accordance with this Agreement.
 - c. If the State or the City reduce the amount of LEDA Funds and/or forgivable lien that are made available for the Project and/or if the Company does not draw the entire amount of the LEDA Funds and/or forgivable lien available, the Maximum Obligation will be reduced proportionately to reflect the amount of LEDA Funds and/or forgivable lien actually received by the Company.
 - d. A mortgage agreement/municipal lien document shall be recorded in Dona Ana County in the amount of the City Contribution. Partial lien releases shall be recorded upon performance of the set performance milestones.
10. **Clawbacks.** Notwithstanding any other provision of this Agreement, the Company shall be required to pay the Clawback Penalties set forth in this Section (together with forfeiture of the security instrument provided to secure the Company's Clawback obligations), if the Company does not satisfy the conditions

set forth herein.

Facility Closure Clawback.

Full closure of the facility will result in a clawback based on the number of years the Q/E has operated under this agreement as per the following table:

2023	100%
2024	100%
2025	100%
2026	100%
2027	90%
2028	80%
2029	70%
2030	60%
2031	50%
2032	40%

- a. For purposes of this Agreement, a failure to produce product for a period of 90 calendar days or more, after initial startup (initial startup will be considered the date of the first production run or within 180 days of receipt of certificate of occupancy, whichever comes first) or failure to occupy the Facility shall be considered a cessation of operations; provided however cessations for reasonable periods for the repair or replacement of facilities damaged or destroyed, cessations resulting from labor disputes, strikes, riots or acts of God, shortages of materials or supplies or for any other reason beyond the reasonable control of the Company, or under similar circumstances will not constitute a failure by the Company to comply with this Section 10a. If the Company ceases operations for any of the causes set forth in this Section 10a, the Company shall submit a plan for resolving such cessation of operations within 30 calendar days. In the event of a cessation of operations, the Company shall provide written notice thereof and a reason therefore to the City within 10 calendar days.
- b. **Performance Clawback.** It is the Company's intent to create, hire and maintain the number of jobs set forth in the table below under the column captioned "Cumulative Fulltime Target Job Number" on the Job Determination Dates set forth below. If the Company does not meet or exceed the job numbers set forth under the column captioned "Minimum Job Number" in the table below on each of the specified Job Determination Dates (and after expiration of the Cure Periods), then the Company shall be required to pay a Clawback Penalty (as defined below) to the City which will be applied in the percentage set forth in the table below in addition the company is agreeing to generate a minimum of \$350 million in production those clawback penalties are also described below:

Job Creation and Production Spend Commitment and Schedule					
<u>Year</u>	<u>Cumulative Full Time Job Creation Target</u>	<u>Minimum Job Number</u>	<u>Job Determination Period</u>		<u>Clawback %</u>
1	10	9	Ordinance Date	12/31/23	100%
10	10+90 = 100	90	1/1/32	12/31/32	30%
b Additional Notes: Only New Mexico based employees count towards job creation target.					
^ Clawback calculator attached for illustrative purposes.					

Year	Cumulative Spend Target	Minimum Spend	Spend Determination Period		Clawback %
5	\$55,000,000	\$50,000,000	Ordinance Date	12/31/2027	100%
10	\$350,000,000	\$315,000,000	1 /1/32	12/31/2032	50%
Clawback percentage is calculated on the shortfall quotient times the amount of LEDA received by the company time the percentage of clawback, example illustrated below					
Year 10 production spend by the company \$290,000,000 LEDA received \$3,897,000 $\$315,000,000 - \$290,000,000 = \$25,000,000$ $\$25,000,000 / \$315,000,000 = 7.94\%$ $7.94\% \times \$3,897,000 = \$309,285.71$ $\$309,285.71 \times 50\% = \$154,642.86$					

For the purposes of this Section:

The “**Clawback Penalty**” is a penalty that the Company will be required to pay the City upon the Company’s failure to meet the Minimum Job Target on the applicable Job Determination Date, if such Minimum Job Target is not otherwise reached by the Company during the Cure Period. The Clawback Penalty shall be equal to the product of the Percentage Hiring Shortfall (as defined herein), multiplied by the total State Contribution paid to the Company as of that time. For purposes of this subsection, the “**Percentage Hiring Shortfall**” shall be the quotient of (i) the Minimum Job Number for applicable Job Determination Date, minus the actual number of jobs the Company maintains at the Facility at that time, divided by (ii) the Minimum Job Number for applicable Job Determination Date. See Attachment 1 hereto for examples of job Clawback Calculations

“**Cure Period**” is the period of 180 calendar days after each Job Determination Date during which the Company shall have the opportunity to cure any shortfall in meeting the Minimum Job Number. For the avoidance of doubt, if the Company meets the Minimum Job Number at any time during the Cure Period as validated

by the job reporting requirements set forth herein, the Company shall have no obligation to pay a Clawback Penalty corresponding to the applicable Job Determination Date. If the Company fails to reach the Minimum Job Number during the Cure Period, the Company shall pay the City a Clawback Penalty determined in accordance with the table set forth above.

In the event that there are shortfalls on both jobs and spend requirements the respective clawback penalties will be combined to determine the total clawback required.

The parties hereto recognize certain economic factors generally described as "Business Climate Changes" are beyond the control of any of the parties and may affect the ability of the Company to strictly adhere to the job creation numbers and schedule set forth herein. "Business Climate Changes" means substantial changes, beyond the control of the Company within the industry in which the Company operates, that causes a significant decrease in the Company's ability to perform pursuant to the requirements of this agreement with the City. The Company may request specific modifications to the job creation schedule in writing within ten calendar days of learning of the existence of the "Business Climate Change." Such notification shall include the details of the business climate change, the effect thereon on the Company, and the modification of this agreement the Company requests. If the City and EDD agree that Business Climate Changes have affected the Company's ability to perform, the Performance Clawback may be modified by ordinance.

- c. **Job Reporting.** The Company shall submit quarterly employment reports documenting its quarterly filing of the Department of Workforce Solutions' (DWS) Employment and Wage Detail Reporting as submitted to DWS in the form and manner required by EDD and the City beginning with the January 31, 2023 and continuing every April 30, July 31 and October 31 thereafter until the completion of this agreement. The State will provide copies of all such reports to the City or the State may request a copy of the Company's quarterly employment reports at any time while this Agreement is in effect and the Company agrees to provide such documents. The Company acknowledges this quarterly reporting will be relied upon by the City and the State to ascertain if the Company is in compliance with the job creation provisions of this Agreement and all subsequent and ancillary agreements. The Company will receive no disbursements of State Contribution as stipulated in this Agreement without up-to-date quarterly job reporting as set forth herein.

1. The Company shall complete an annual economic impact data sheet (EIA) provided by the State of New Mexico Economic Development department not late than February 28 of each year beginning in 2024. This will reflect actual economic activity and hiring of the Q/E for the preceding calendar year. Failure to complete EIA data sheet by April 15th of any calendar year Q/E shall be subject to a 10% clawback of all

funds received.

- d. If the Company has been required to pay the Facility Closure Clawback, the Company will not be required to pay any Performance Clawback that may come due after the date of such payment.

11. Fees. Each party shall bear its own costs and expenses in connection with the negotiation, execution and delivery of this Agreement or any amendment or enforcement of this Agreement.

12. Annual Performance Review. To ensure the prudent use of the taxpayer's funds and as required by the LEDA statute and Ordinance, the Project will be subject to an annual performance review conducted by City or EDD staff beginning on June 30, 2023 and every year thereafter until this Agreement terminates. The review will evaluate whether the Project is meeting the requirements set forth in this Agreement and any subsequent agreements or amendments and shall be made available to the State. At this time, the Company may report any difficulties it has experienced under the terms of this Agreement or the LEDA program and may request any assistance it deems necessary. The City or State may request the Company provide data and information to assess the broader economic impact of the Project, but the Company shall not be required to divulge information or documents it considers confidential or proprietary.

If the requirements are not being met, the City may terminate this assistance to the Project by passage of an ordinance which terminates this Agreement and specifies the disposition of all obligations of the Project. In addition, in accordance with LEDA, the City may enact an ordinance revoking the LEDA Ordinance and terminating any further payments for any or all Projects thereunder. In the event the City terminates the LEDA Ordinance or this Agreement while the Company is in compliance with the terms and requirements of this Agreement, the City will not have a right to clawback any of the payments already made to the Company.

13. Termination. This Agreement shall terminate at the close of business on January 31, 2033 or when otherwise terminated by ordinance.

14. Request for early release of security. If the Company achieves and then sustains the Minimum Job Number of 100 permanent, full-time employees for six (6) consecutive months prior to December 31, 2030 and has made in excess of three hundred and fifty million dollars (\$350,000,000) in production spend the Company may request release of the Security and termination of the agreement. Said request shall be made to the City in writing and accompanied by documentation comprising its quarterly job reports demonstrating such employment. In no event shall the security be released until the Company has furnished contemporaneous job reporting documentation and completed the corresponding Annual Performance Review. A request for release of the Security may not be submitted prior to December 31, 2030. Upon receipt of such a request the New Mexico Economic

Development Department will work with the Company to gather sufficient documentation of the economic activity directly created by the Company during the period of this agreement and complete an economic impact analysis report. If said report verifies that the State of New Mexico has received direct tax revenues from the activity of the company said request shall be granted.

- 15. Liability.** No party shall be responsible for liability incurred as a result of the other party's acts or omissions. Nothing herein shall operate or be deemed to alter or expand any liabilities or obligations under the applicable provisions of the New Mexico Tort Claims Act (NMSA 1978 §§ 41-4-1, et seq.), or to waive any immunities, limitations or required procedures thereunder. Nothing in this Agreement constitutes a waiver of any party's right to seek judicial relief.
- 16. Amendments.** This Agreement shall not be altered, changed or amended, except by instrument in writing executed by all of the Parties hereto and EDD. Any amendments may be subject to the approval of the Governing Body of City of Las Cruces.
- 17. Governing Law/Venue.** This Agreement shall be governed by the laws of the State of New Mexico. The venue for any litigation shall be a competent court of jurisdiction located in New Mexico.
- 18. Miscellaneous.** This Agreement binds and inures to the benefit of the City and the Company and their respective successors and permitted assigns. This Agreement may not be assigned without the written consent of the non-assigning party and the EDD; provided, however, that with notice to the City and the EDD, the Company may assign this Agreement to any affiliate or other member of the Company that agrees in writing to assume and perform all of the Company's obligations under this Agreement. This Agreement may be executed in any number of counterparts, each of which is an original and all of which taken together constitute one instrument.
- 19. Notice.**
All notices or other written communications, including requests for disbursement, that are required or permitted to be given pursuant to this Agreement must be in writing and delivered personally, by a recognized courier service, by a recognized overnight delivery service, by fax, by electronic mail, or by registered or certified mail, postage prepaid, to the parties at the addresses shown below. If notice is mailed, it will be deemed received on the earlier of actual receipt or on the third business day following the date of mailing. If a notice is hand-delivered or sent by overnight delivery service, it will be deemed received upon actual delivery. If any written notice is sent by facsimile or electronic mail, it will be deemed received upon printed or written confirmation of the transmission. A party may change its notice address by written notice to the other party to this Agreement.

Agenda Item #11.1.

The initial notice addresses for the parties are as follows:

If to the City:

City of Las Cruces
Attention: Economic Development
P O Box 20000
Las Cruces, New Mexico 88004

If to the Company:

828 Productions, LLC
100 S. Church Street
Las Cruces, NM 88001

Effective Date: _____

Attachment:

1. Example of Clawback Calculations

SIGNATURE PAGE TO PROJECT PARTICIPATION AGREEMENT

CITY OF LAS CRUCES, NEW MEXICO

By _____

Name Ifo Pili

Title City Manager

828 Productions, LLC

By _____

Name: _____

Title: _____

Attachment 1 Example of Clawback Calculations

Clawback Calculations

Clawback Formula = (Job Creation % Shortfall) * (Cumulative LEDA Dollars Distributed)

Job Creation % Shortfall = $(1 - (\text{actual jobs} / \text{cumulative hiring target})) * 100\%$

Example - 1 100%	End of year 1, inclusive of cure period
Actual Employees	(a) 41
Cumulative Hiring Target	(b) 42
Job Creation % Shortfall =	(c) = $1 - (a/b)$ 2.38%

LEDA Dollars Distributed	(d)	\$ 150,000.00
Clawback %	(e)	100%
Penalty	(f) = $c * d * e$	\$ 3,571.43

Example - 2 100%	End of year 2, inclusive of cure period	
Actual Employees	(a) 57	
Cum Hiring Target	(b) 58	
Job Creation % Shortfall =	(c) = $1 - (a/b)$ 1.72%	
LEDA Dollars Distributed	(d)	\$ 200,000.00
Clawback %	(e)	100%
Penalty	(f) = $c * d * e$	\$ 3,448.28

Example - 3 75%	End of year 3, inclusive of cure period	
Actual Employees	(a) 57	
Cum Hiring Target	(b) 58	
Job Creation % Shortfall =	(c) = $1 - (a/b)$ 1.72%	
LEDA Dollars Distributed	(d)	\$ 200,000.00
Clawback %	(e)	75%
Penalty	(f) = $c * d * e$	\$ 2,586.21

To: Ikani Taumoepeau, City Manager

From: Leeann DeMouche, Financial Services Director **Initials:**

Date: April 8, 2024 **File #:** F-24-146

Subject: City Manager Presentation to Council of Taxable General Obligation Improvement Bonds, Series 2024 Pricing Certificate

Enclosures/Attachments: Taxable General Obligation Improvement Bonds, 2024 Pricing Certificate; Information for presentation to Council

Initials:

Initials:

\$6,000,000
CITY OF LAS CRUCES, NEW MEXICO
TAXABLE GENERAL OBLIGATION IMPROVEMENT BONDS
SERIES 2024

AWARD CERTIFICATE

The undersigned is the duly qualified City Financial Services Director of the City of Las Cruces, New Mexico (the "City") and is executing this Award Certificate pursuant to Ordinance No. 3062 (the "Bond Ordinance") adopted by the City Council (the "Council") on March 4, 2024 and the Supplemental Public Securities Act, Sections 6-14-8 through 6-14-12, NMSA 1978. All terms not defined herein shall have the meanings given them in the Bond Ordinance

WHEREAS, on March 4, 2024, the Council adopted the Bond Ordinance authorizing the issuance and sale of the City of Las Cruces, New Mexico Taxable General Obligation Improvement Bonds, Series 2024 (the "Bonds") in the aggregate principal amount of \$6,000,000; and

WHEREAS, pursuant to Section 6-14-10.2 NMSA 1978 and the Bond Ordinance, the Council delegated authority to the City Manager and City Financial Services Director to determine the final terms of the Bonds, including the maturity dates, principal amounts, prices, redemption features and other features of the Bonds, subject to the parameters of the Ordinance to be established in this Award Certificate supplementing the provisions of the Bond Ordinance; and

WHEREAS, pursuant to the Bond Ordinance, the City Financial Services Director, in consultation with the City's Municipal Advisor, determined that it was in the best interest of the City to proceed with the sale of the Bonds pursuant to a competitive sale and the Official Notice of Bond Sale and the bidding parameters posted on Ipreo's BiDCOMP/Parity Auction site; and

WHEREAS, the City Financial Services Director received and reviewed bids to purchase the Bonds pursuant to the Official Notice of Bond Sale and bid parameters posted on Ipreo's BiDCOMP/Parity Auction site and has accepted the bid of and awarded the Bonds to Robert W. Baird & Co., Inc., the best bidder for the Bonds (the "Purchaser").

NOW THEREFORE, the undersigned hereby certifies as follows:

1. Sale of Bonds. The Bonds are hereby sold to the Purchaser pursuant to a public competitive sale at the purchase price of \$6,001,333.50, which equals the par amount of the Bonds of \$6,000,000.00, plus net original issue premium of \$32,483.50 less the Purchaser's discount of \$31,150.00. The par amount of the Bonds of \$6,000,000 is the par amount of Bonds authorized by the Bond Ordinance. The sale price of the Bonds to the Purchaser is within the parameter specified in the Ordinance.

2. Details of the Bonds. The Bonds shall be issued in the aggregate principal amount of \$6,000,000, shall be dated their date of issuance and delivery to the Purchaser, shall bear interest from the date of delivery, at the rates described below, payable semiannually on

February 1 and August 1 of each year until maturity, commencing August 1, 2024, and shall mature on August 1 in each of the designated amounts and years as set forth below:

Maturity Date August 1	Principal Amount	Interest Rate
2024	\$ 1,850,000	5.000%
2025	1,400,000	5.000%
2026	275,000	5.000%
2027	275,000	5.000%
2028	275,000	5.000%
2029	275,000	5.000%
2030	275,000	5.000%
2031	275,000	5.000%
2032	275,000	5.000%
2033	275,000	4.500%
2034	275,000	4.500%
2035	275,000	4.500%

The final maturity of the Bonds is August 1, 2035 which is within the time period permitted by the Bond Ordinance of August 1, 2043.

3. Optional Redemption. The Bonds maturing on and after August 1, 2033 may be redeemed prior to their scheduled maturities on August 1, 2032, or on any date thereafter, in whole or in part, at the option of the City at par plus accrued interest to the date of redemption, if any.

4. Net Effective Interest Rate. The net effective interest rate on the Bonds is 4.792291%, which is less than 10% as required by the Bond Ordinance.

5. Sources and Uses. The proceeds of the Bonds shall be applied to the Improvement Project as set forth below and in the Bond Ordinance. Amounts received as net original issue premium on the Bonds shall be applied to the payment of a portion of the costs of issuance.

Sources:	
Principal Amount of Bonds	\$ 6,000,000.00
Net Original Issue Premium	<u>32,483.50</u>
Total Sources:	<u>\$6,032,483.50</u>
Uses:	
Deposit to Project Fund	\$5,872,333.50
Purchaser's Discount	31,150.00
Costs of Issuance	<u>129,000.00</u>
Total Uses:	<u>\$6,032,483.50</u>

6. Purchaser's Discount. The Purchaser's discount of 0.519167% of the par amount of the Bonds was the discount included in the Purchaser's bid and is less than the 4% maximum permitted by the Bond Ordinance.

7. Terms of Bonds within Parameters of Bond Ordinance; Receipt of Bid Award Deposit. It is hereby found and determined that the foregoing terms established for the Bonds are in conformity with the parameters and limitations contained in the Bond Ordinance. The City has received the bid award deposit from the Purchaser in the amount of \$120,000.

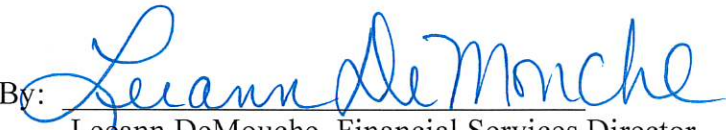
8. Approval of Documents. The form, terms and provisions of the Continuing Disclosure Undertaking, Official Notice of Bond Sale, and the Preliminary Official Statement relating to the Bonds are in all respects approved, authorized, ratified and confirmed and are consistent with the parameters set forth in the Bond Ordinance.

9. Presentation of Award Certificate. Pursuant to the Supplemental Public Securities Act, the City Financial Services Director shall present this Award Certificate to the Council in a timely manner, before or after delivery of the Bonds, at a regularly scheduled public meeting of the Council.

[Signature Page to Award Certificate to follow]

WITNESS my hand this 14th day of March, 2024.

CITY OF LAS CRUCES, NEW MEXICO

By: 
Leeann DeMouche, Financial Services Director

Time of Award: 11:35 a.m. / p.m. prevailing Mountain Time

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