

CITY COUNCIL AGENDA

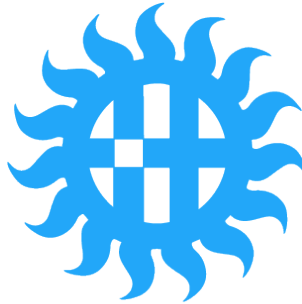
Mayor
Eric Enriquez

Monday, April 1, 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.
PHONE (575) 541-2067

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

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 Pro Tem Bencomo.
- 1.2. Presentation of Certificates of Appreciation/Proclamations - Mayor Pro Tem Bencomo.
- 1.3. Jobs of the Week.
- 1.4. Pets of the Week.

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

3. PUBLIC PARTICIPATION

4. READ CLOSED MEETING STATEMENT

- 4.1. Read March 18, 2024 Closed Meeting Statement into the record.
- 4.2. Read March 20, 2024 Closed Meeting Statement into the record.

5. ACCEPTANCE OF AGENDA

6. CITY COUNCIL MINUTES

- 6.1. Special Work Session of February 15, 2024.

4 - 23

- 6.2. Regular City Council Meeting of March 4, 2024. 24 - 63
[City Council - Mar 04 2024 - Minutes - Pdf](#)

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

- 7.1. RESOLUTION NO. 24-099: 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 AND THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP). 64 - 107
[Resolution No. 24-099 - Pdf](#)

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

- 8.1. RESOLUTION NO. 24-100: A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR IKANI TAUMOEPEAU AS CITY MANAGER. 108 - 118
[Resolution No. 24-100 - Pdf](#)
- 8.2. RESOLUTION NO. 24-101: A RESOLUTION APPROVING THE QUALITY OF LIFE DEPARTMENT 2024/2025 FEES SCHEDULES AND CHARGES AND REPEALING RESOLUTIONS 16-244, 19-018, and 20-041. 119 - 133
[Resolution No. 24-101 - Pdf](#)
- 8.3. 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). 134 - 156
[Ordinance No. 3065 - Pdf](#)

9. BOARD APPOINTMENTS

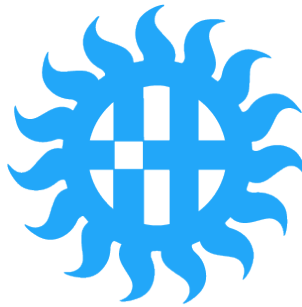
10. NOTICE OF PROPOSED ORDINANCE(S)

- 1) There will be no public discussion.
2) A Councilor may ask staff for clarification on the proposed ordinance(s).
- 10.1. COUNCIL BILL NO. 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. 157 - 212
[Ordinance No. 3066 - Pdf](#)

11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

12. CITY MANAGER REPORT

13. **ADJOURNMENT**



CITY OF LAS CRUCES

MINUTES

Special Work Session

Thursday, February 15, 2024 @ 9:00 AM
Convention Center

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. WELCOME

1.1 LEEANN DEMOUCHE, FINANCE DIRECTOR AND IFO PILI, CITY MANAGER

Leeann DeMouche, Finance Department Director opened retreat.

Ifo Pili, City Manager said I'm going to begin this morning with to talk about vision as our staff, and what our CMO team has decided our vision for this year and how we're going to carry out providing services. As you all know the vision for the City comes from the City Council and the Mayor. Your objectives Mayor and Council, your priorities is what we follow, that is our playbook. When we talk about vision for this year, for our budget this is the vision for our staff and how we plan on carrying that vision out. We had Cariño last year, we all know what Cariño is and how it's really been perpetuated throughout the community. As a CMO team we discussed our new theme Adelante, and we made a conscious decision to not drop Cariño. Cariño can't be dropped, it's a part of who we are as a community. Adelante is only done con Cariño, we are only going to move forward with our theme Con Cariño. Adelante is about I think the literal translation is "forward". Sonya, thank you for our new theme. Adelante, to us is moving that ship forward, elevating, taking us to the next level. I want to go through our three prong approach on how we're going to do that. We got to make sure when we move that ship forward, that we don't leave people in our wake and the things that make us who we are in our wake. That is why it's going to be Adelante con Cariño. I appreciate Mandy who helped with the three words to this three prong approach to help me communicate this a little bit better. These three

Agenda Item #6.1.

words are Improvement, Innovation, and Image. When we talk about improvement it means streamlining, making us more efficient in every way possible. Looking at who we are and where we are and finding a way to get us better. That is something that applies to every single process in our City. What we want to do is get us to the next level. When we perpetuate this principal throughout our staff when we think about Adelante we're going to think about improvement in every which way. No matter what area of the City we're in, we're going to reward those that push improvement in processes. The next one's about Innovation that's about going out and being at the forefront of everything we do. That's about going out and bringing in cutting edge if necessary. Not just for novelty sake. Everything we do programmatically, our technology needs to be looked at as something that is on the forefront. I'll give you an example with Project LIGHT as a program, Chief Smith went around, he set up meetings with different states, different entities that were supposedly leading the charge and we met with them. From that his team learned and came back, what I believe is something better than all of them. When we talk about innovation it applies to every aspect of what we do. That entails going out and understanding what's being done out there. Some of our Councilors want to make sure that our staff understands. I get stuff from you all the time. This is a great Council. Mayor Pro Tem sends me stuff from podcasts. That needs to be appreciated, not one more thing the Council is having us looking into. If we can gather that information as much as possible throughout the whole country and world for that matter. Understand what's out there and find a way to do it better. That's what Innovation is about. There's a quote, "Innovation isn't about early risers, it's about lazy men who just want to get things done easier". It's about finding ways to be better, it doesn't mean you're working harder, it means you're working smarter and cutting edge. Then Image has to do with we know typical marketing, branding. What we want to emphasize, we want to communicate wins, that's what we're talking about from an image standpoint. We want to be able to communicate the win to our community and to each other. For example our Finance team, every year they get their triple crown, the GFOA, both with the ACFR, Budget PACFR? award together makes up the triple crown. That's tells the community we have an emphasis on finance and that we value financial stability. Each one of our associations have awards that are given out. Now does that really show that we're number one like in reality maybe, maybe not that's all we got. Mandy will talk more about that later on in her presentation. Her team has gone through everything that's out there, every award there is to win we're going to win it, we're going to go after it at least and we're going to communicate that. The reason why you need this three prong approach is because you can't do it individually you have to have all three. If we're going to go after image and we're not working on streamlining, fixing what we have to fix, then we're wasting our money and our time. One bad experience residents have, or businesses have with us, that whole image, stuff goes out the window and vice versa. With innovation as well if we're trying to get the next level but we can't even maintain what we have. All of this has to be in tandem. Going to image, it's about winning then it's about packaging. We know about branding, we know about marketing, we're talking about packaging. I shared this story several times at staff meetings and in our CMO team coordination. In 1907 Hershey's came out with the kisses, but about twenty years before they had the same product from another company called Wilbur Buds and they were called buds, I thought they were called teardrops, same product. Hershey's came in and just took it, they took the actual teardrop wrapped it re-packaged it and apparently got less quality chocolate

Agenda Item #6.1.

and found a more efficient way to do it and marketed the heck out of it. So, nobody knows who Wilbur Buds is, but today we have the Hershey's Kisses. When we talk about packaging it is so important to in reality elevate our game but also very important to package that properly. It's really difficult as you know, to our department heads to manage the public sector. You can't give bonuses, in fact success is sometimes indicated by nothing, not hearing anything from anybody. For years in my previous city the number one department that was rated by our citizens was solid waste. I didn't even manage that department, it was contracted. I didn't tell the residents that because it's out of sight, out of mind. You take the trash out and it's gone. When we think about packaging it's about telling a story. What that does it builds while we're working, while we're pushing Adelante the community can see some of these indicators, internally with our staff, there's some pride in doing that. We're going to take where we are with our foundation of Cariño and we're going to move it to a whole other level and again we're going to do it con Cariño. Hopefully in some respects. When I first came here they joked about the land of mañana. Hopefully we move further and further away from the land of mañana into the land of hoy dia. That's the goal for our staff, that's the vision for our staff today, we talked about that when we prepared our budget for Council, looking at our resources, looking at our needs with that concept in mind to be able to take us to the next level in every aspect of what we do in city government. Maybe shift back to a more formal discussion so we can hear you, talk about what you want we have some time here so you can take as much time as you want. Each one of you telling us what your vision is and what you want to see. Where you want to see Las Cruces in the future, long-term but certainly this upcoming budget year.

2. FISCAL YEAR 2025 BUDGET

2.1 MAYOR AND CITY COUNCIL DISCUSSION

Mayor Enriquez said I just wanted to share a few things, really wanted to speak in general of expectations, of beliefs and different things that I want to share. When I am done Mayor Pro Tem, and each Councilor can come up and share their thoughts as well with this budget retreat. When we're talking about innovation, talking about best practices Ifo is correct in saying that about the LIGHT program and Chief Smith going out looking. I want to talk about best practices, I want to talk about before LIGHT, was MIH, Mobile Integrated Health Program. The reason I will share, and I'll explain why. Mobile Integrated Health was to help those individuals that were frequently calling 911, they were using the fire department as their health system. They were calling all hours of the night, and I was a fire fighter, all we could do was load them up, put them in an ambulance they'd go to the hospital, and they'd come back the next day. This was a routine, and it bogs down the system. Mobile Integrated was a way to be proactive in cost reduction, I told people we did the data, we looked at the numbers. To send a member at the time, I think it was 2018 four members in an apparatus off the apron the meter starts running it's \$252 an hour. We could send a paramedic and a SUV, \$60 an hour, so the cost savings was there. In all it was getting resources to those individuals that were frequently calling 911. One of the biggest surprises that came out of that or one of the number one reasons that they were calling was they were lacking transportation that was it, as simple as transportation was their needs. They were not making their doctor appointments, they were not getting their prescriptions filled. Then the body collapses then they're helpless and they just call

Agenda Item #6.1.

911, and a fire fighter is there to pick them up and load them up in an ambulance and we're doing this over and over. That MIH became proactive aligning them with resources, medications, we use intern social workers at the time, reaching out to NMSU. The budget was very lean, and we had to pull people offline, we had to do all those things just to see if this program would work. It became a best practice, and it became something that is very successful I'm speaking in general. If you want more details, Chief Smith will be happy to help you with the details and where it's gone since then. I truly appreciate him for carrying it and taking it to the next level and getting it where we need with mental health. The reason I share all this is because that practice is something that this community is going to use and be helpful with what's taken place with our court system. We had individuals that were cited with violations, there were 43 individuals that had 10 or more violations. They're just out and about because there's no resources and they're bogging down the system. They're frequently utilizing the court systems, the police, our businesses are getting frustrated, everyone is getting frustrated because of these individuals are constantly doing the same thing. The plan with the municipal court now is to take that approach of getting them the resources that they need. Now to me after what's happened this becomes an urgency. This becomes something we need to budget, we need to support, we need to get out there. The courts are asking for, I think they're down six clerks, they need clerks. I think they're in the hiring process. I would ask HR to try to expedite it to get him the resources that he needs. The other thing he is looking for a prosecutor. I would ask our legal department do what they can to get a prosecutor for our court system. Even if we have to contract, whatever we have to do to get somebody there. With a prosecutor our police officers are then freed up to be boots on the ground and do their job and not have to work cases in the court system. The other thing is a public defender, we will have to figure out where that public defender is going to report to, more likely the City Manager or a designee. Then they are going to get a case worker, I believe that case worker is coming from housing it's already being transferred. This plan was already in place, but it takes time to get resources aligned. It takes time to get the staffing. It takes a time for a lot of things. Due to the things that have taken place I urge you all this is definitely something that is an urgency now. We need to get things going. We need to make this place a safer place. We need to help our police officers. We need to do this for the greater good of the community. With that case worker then they'll be making sure that these individuals are held accountable, they report to their court dates. They follow up in any treatment that they need and if they continue to violate, then it will be progressive discipline. But they will be identified, and it will be worked through, that way we start approaching those people and taking care of them. It's no different than MIH, whoever called we followed up on and took care of them. The beauty of it all, the MIH is it gave individuals a quality of life. Even if it was only for a week it gave them a quality of life. In this picture I'm looking for a safer community. I just wanted to share that best practice with you all as something that I see as very needed, something that is already been in place as a plan and now that has become very urgent. Something I wanted to share with the organization and staff today. I know it's a budget retreat, I feel it somewhat falls in place, the PRC's "policy review committees". I just wanted to let everyone know to make it public that we're going to do away with those. There will be no more PRC's unless they're need. I mean that as what we're looking for the expectation from Mayor and Council is that we have more robust work sessions. That we have work sessions that come to Council as Ifo mentioned the innovation and the

Agenda Item #6.1.

image, those things we need to work on we need to decide on and once you hear from Council on other things. I want staff to start thinking and looking at some of those work sessions that we can put together, that they'll be public, and everyone can hear at one time. When I say about budget, I sat in the organization's shoes and I know that it's time, it's energy, it's effort and I think we'll get the same results out of work sessions instead of putting the staff through all that time and effort. It will be a cost savings, but I think it will be more effective as a whole, working as a team and listening to the items and the agendas and the things that come up at work session. When I say as needed, if there's a work session that's not fully clear on what direction we want to go then we can assign a PRC task force with maybe three Councilors and staff to organize that so we can fulfill that need that's needed there. No more monthly or those PRC's, we want to see those more at work sessions. The other thing I wanted to share is what I'm looking for the City of Las Cruces is a healthy community, is a community of wellbeing. When we talk about wellbeing there's so many different criterias and factors that go into that. When we look at social wellbeing, that's mental, physical, that's talking about the human being and safety. Those are things we want to make sure that we pump into, that we have a social wellbeing community. Activities, one of the things I want to bring back and I have already shared with the City Manager and others is to bring back the Whole Enchilada. To me growing up here in Las Cruces the Whole Enchilada was unity, we all came together for one weekend. There was a Whole Enchilada softball tournament and that still goes on. That's one of the things that's a big attraction to our community. I know our restaurants, hotels are all happy because, people are pouring money into our community. That takes me to the next thing, which is physical wellbeing, I'm not talking about the human. I'm talking about the locations. I'm talking about the facilities, you know we want people to come downtown. We have the downtown revitalization, I really have a vision of the municipal court, which I call the "old post office" being a museum so we can tell the story of Las Cruces and people will come down. Come down to downtown and learn about Las Cruces and see what we're about. Then the other attractions would be our parks to really improve our parks and make them better. To get indoor facilities and yes basketball that's dear to me and some volleyball because I know there are teams that travel out of town to go practice. Those are some of the things we can be physical wellbeing in our community if we have those indoor activities. The sports complex, pickleball courts it's a must, we need those for our activities, for our kids. Educational wellbeing, the community schools we work with we need to continue. We need to partner, with our schools to see if we can help our kids, our future, and that way we can be educational wellbeing. The other one that falls into place is we definitely want a safe community and I mentioned that with the best practices we start with the courts. I can tell you this Chief Story we're not going to stop, you said it right, you nailed it when you're not going to let Officer Hernandez die in vain. We know that this legislation a lot of things didn't pass, but we're not going to give up. We know there is still the Supreme Court, we know we can knock at their door, and we can try to get some changes, that will help us to fight the crime and to be a safer community, so that we're all safe and we have the ability to make our residents and everyone else feel safe in this community. There is also economical wellbeing and I say we do have to invest. We have to invest in economic growth to have economical wellbeing. We want to get past the minimum wage. We want people to be able to thrive in this community. We need some higher paying jobs, we need that and if we need to spend a little bit to bring those in, I say it's a good

Agenda Item #6.1.

investment we'll get the return on our investment. We need to market properly, we need to work well and we need to do that in order to get that economy flow going in this community. So, again we're a community that's wellbeing. A community that's happy. A community that's thriving. A community that's healthy. That's my expectation, that's what I want to see in Las Cruces. It's a lot of work, but I feel it is something the City Manager already said it's going to take work, it's going to take effort but it's Andele con Cariño that's where we want to move. I support that phrase, I'll speak to it, to the community and everyone else that's what the City of Las Cruces is all about Andele con Cariño y con dios.

Councilor Bencomo said a little off the cuff here, I apologize in advance. I did want to briefly say, that I've been thinking about what it takes to find hope in darkness. I think hope like Cariño and Adelante are action words and hope is a practice and we have to put intention behind it. It's not just something that comes, Cariño is not something that just comes, Adelante ganas is not something that just comes. Hope is not just something that you wish for, and it comes, you really have to put some intention and some practice behind it. I hope that we can move through this Budget Retreat with that in mind. I want to echo some sentiments from Mayor Enriquez about municipal court. I've been really excited about the potential of municipal court since last year since I learned about outreach court out of Metro Court in Albuquerque and Municipal Court in Santa Fe. I think someone that already shows Adelante Con Cariño are two people Chief Story and Judge Filosa, from the moment I spoke about outreach court during my Council comments, Chief Story took it and ran with it. He started talking to people, he started talking to Ifo, and Natalie and Judge Filosa who wasn't even a judge yet and really started laying down the groundwork for what this could look like. So, thank you Chief. Just recently Mayor and I met with Judge Filosa who if you haven't met him please go introduce yourself at kind of a little bit dungy Municipal Court, so I love the idea of improving it. He is really incredible, and he has a lot of ganas and a lot of Cariño. I am really excited to be working with him. I did just want to really echo the three pieces Municipal Court needs to frankly come into the 21st Century. Number one we will need a second judge to be appointed by the Mayor and the City Council. Number two Judge Filosa really has this vision for bringing in house a prosecutor and public defender, currently those are outsourced. We sort of have attorneys on call sometimes they're available, sometimes they're not. Officers are really having to be prosecutors, that's really not their job, they're getting pulled from the street to be at court and that takes a lot of time. Judge Filosa believes that this is a good model for the City of Las Cruces, the second largest city in New Mexico to follow. The third piece I want to echo is building infrastructure for outreach court and really building out that court to be a court of the prosecutor, the public defender, the caseworker, the judge can all work on intervention plans for people who are coming through court that are stuck in a cycle of violence, who have not been given an opportunity to escape that cycle. Who maybe the carceral system is not for them, that make things worse for their living situations and this team could really help to intervene with people that are coming through the Municipal Court system. I think we can make a really big impact there. For me the other big priorities I'd really like to see us discuss this week and really before next year's budget are the two Metropolitan Redevelopment Areas. As I tell people across the City all the time, I think what happens on West Picacho and El Paseo impacts the rest of the City. I really think that the MRA's, hopefully, I'll throw in a plug know, jump starting them with Cannabis

Agenda Item #6.1.

money I think is going to be a really important pathway forward before the MRA's start making their own revenue. To me the MRA's are more than just this economic development tool, they're about bringing new life to historically neglected neighborhoods. Bringing new housing opportunities, new business opportunities, new beautification opportunities. To me the MRA's are an incredibly exciting opportunity. I have a lot of priorities which makes them seem not like priorities so I'm not going to tell all of them. I do want to just talk about a couple more. I think the opioid settlement now more than ever. Again, I will probably send this NPR story to Ifo later, as he said. I was just hearing about this organization Vital Strategies working with 7 states, New Mexico being one of them on how to really intervene in this opioid crisis and I feel like maybe the City has been taking a bit of backseat to the County on this conversation. I don't want us too, I really want us to be at the forefront. I feel like Barbara is the only one there, Barbara I'm going to have your back on that. I really want us to really have a front seat at that table making decisions about how we spend this money and bring more safety to our communities that way. I think for me raises for the Fire Department are really important, I just wanted to throw that out. The last thing that I'll say that really goes to this conversation of real safety, is housing. Housing will always be a priority for me and the last two years we've invested \$12 million in housing opportunities in our community, and I really hope we can keep that momentum going. The way we end homelessness is we house people so that's really always going to be a priority for me. I will keep the rest for my one to one with Ifo.

Councilor Graham said I don't have anything really prepared so I'm just going to talk off the cuff. Perhaps more about my own priorities than trying to set a vision for the City. There are small things that come to mind. Mayor when you're talking about indoor facilities, spaces, pickleball, I've been reading about really interesting ways that municipalities are leveraging giant standing empty shopping malls of which we have one, not saying everything there is empty but there's a whole Sears worth of potential for indoor sporting courts. I think representing the district I do, I am interested in how we can reuse the assets and improve the assets we already have. Recognizing of course the importance of continuing to build, continuing to grow, continuing to innovate. I have small things on my mind like that, for plugging our pet ideas and projects. I get to see a couple of nights a week how important the one on one work we can do at facilities and programs, like the POW boxing gym. I see how much that matters and I think any opportunity that we can have to have more contact with our community members is just going to be so important. You know in the larger sense I think a lot of what I do as a Councilor is fueled by the fact that I'm privileged to share my life with a 911 responder. Most of you know, those who don't my husband is a fire fighter with the City, Mayor was his Chief. I think it gives me a perspective that is both very useful and sometimes causes great despair. When those things happen, I know this is my own proclivity. I'm a total nerd if you haven't noticed, when I panic I research, I want data. I know you can't think your way out of the problems of the world, but our move in recent years towards a more data driven evidence based approach is crucial. That is something I would like to see the City budget accommodate more robustly. What our GIS team is able to do, I feel like just in the last year I've started to understand that and equipping both with technology resources but also just the staff and time. To be able to sit down take what we're seeing and interpret into something maybe we can get some local answers. The real-time crime center, Chief Story is a perfect example, we're also hoping to see an increase in our

Agenda Item #6.1.

relationship with NMSU through Crimson Research and other assets available through the University so we can find some evidence based answers. The final thing I'll say thinking toward the image thing. I'm looking at you Mandy because I always make you be everything. Chief Story had shared with us recently some data about auto thefts and the fact that we're trending in a good direction. It's still a really difficult situation for a community and you know it's a tough thing to look at. So, I in my panic, when I'm like oh god what am I going to do, I went into the tabs of that spreadsheet and was like I'm going to find a municipality that over this three year spread of measurement has really kind of kicked ass and making a big improvement. Lubbock, Texas had moved from fourth highest auto theft in the country to 42nd, so they still have a big problem, but man that is a huge improvement. I'm going to see what Lubbock City Council is doing, is there anything we're not doing that we can take a look at this. Spoiler alert there really wasn't anything, we're doing great. Then I went into the weeds of newspaper reporting, Lubbock's version of Las Cruces community watch. Please note that eye roll and looked at how, what is the perception versus the reality. The reality data driven is that things are really improving. The perception is that it was worse than ever. News stories, just kind of reports from people on the street, oh my gosh it's worse, and it's not true. Then again I'm not invalidating people's everyday experiences and perceptions. But perception versus reality and how we communicate the incredible work that we're doing. What I think of as the Cariño campaign is a great example of that of showing what are transit drivers are doing. What are facilities, utilities and public works folks are doing. What are police officers are doing and putting a personal face on it. I thought more about image and communication in the last couple of months then I probably have in my entire life. Those are my unprepared major takeaways. Perhaps having this experience maybe I won't have those nightmares anymore. It's happened and I survived it.

Councilor Flores said I agree with just about everything my prior colleagues have said, but I really have to more than anything. I appreciate the heads of the departments, Miss Widmer, Andy over at the airport, Lisa, and Carol, and well I mean everybody. I think for what it's worth while you were gone Elizabeth, Chris did a fantastic job. Thank you Chris for the PRC. I think that my colleagues have already spoken to the issues that really touch and concern us and really touches our collective hearts and really impact our community and the people we live with. I do have concerns and my biggest concern, representing the East Mesa is that the development there. In my not so humble opinion has gone haywire and the reason for this if you may recall at last Mondays Council meeting. There was the presentation of the Sites Southwest Development over by the arroyo near the Wal-Mart off of Northrise and I was the only Councilor that voted against it. I guess because the Councilors haven't heard the stories that people have suffered on the other side of the arroyo. Those are the concerns I have and why don't we not have codes that really protect our people. Why don't we have codes that really put how do you say, literally a wall between safety and development. The other thing about codes I find very troubling is that there is a full disclosure for prospective buyers. I'm talking about the East Mesa because that's my constituency. To find out after moving into area that's totally residential they find out that, oh wait a minute that empty plot right there on the corner that is for multi-residential, or commercial or whatever. I know when I was campaigning the first time there was a very angry group saying what was I going to do about that situation, this was back in 2017. I said why did you think that there wasn't

Agenda Item #6.1.

going to be anymore development, because the realtor said there wouldn't be any more development, so we didn't have to worry about losing our view of the Organ Mountains. Well I said you asked the wrong person. Was the realtor the owner of the land, no well then why would you think that. The realtor is just trying to sell a house. Then I thought well I'm not going to get their votes. Then three or four people were standing there, three tall guys, I thought they were going to beat me up when I walk out. But on the contrary they came up and thanked me. I said just spread the word just let people know. It seems to me, that you can't tell realtors what to do, but you can certainly ask them to be honest and full disclosure. To call the City if they really want to know what the codes are and what is allowed and what isn't allowed in a residential community. I mean we were lead to believe it was a residential community. The other issue I liked to address is much my chagrin that the PRC's are no longer going to be. The reason because when I first came on City Council in 2017 it was different back then, you were elected and then a few weeks later you were sworn in. So, it was November of 2017, I was delighted to be on the PRC's that I was on and interestingly back then and before Covid the rooms were filled, B and C had to be opened especially our Health PRC we had the heads of the hospitals there, the three major ones, MountainView, Medical Memorial, and the Mesilla Valley one. We accomplished a lot, a lot came out. I know that in our Housing, former Mayor Pro Tem Kasandra and I worked on a proposed Ordinance regarding, I can't tell you what it was because we don't have them in the city. I really thought we did a great job and worked with the City Attorney who reviewed it and for some reason it never came before City Council. As much as we wanted it to come, I don't know how, who, when it was stopped. Subsequently it came up again and again somewhere, somehow it didn't come to City Council for a vote or to the community. The protections were for the landlord and the tenant, literally for the tenant. I had worked before as an attorney, so I thought we're on a path to really make sure that we are doing the right thing for people. The OIR group and I'm happy to see that we're going to have more presentations by them. If we could get PSA's, if we could any kind of word out to the public, because we all know very well they would like there to be a police oversight committee. Ifo and I have met with some community people about this, and I have met independently with community people about this. The OIR group can be very effective delivering that kind of service to the community, but we have to make sure that one the reports are available for them and fully online. Number two broadcasting and making sure that the word is out that we're having these meetings. I don't want anybody to think, that we're hiding anything. I think that Michael Genaco's group is a very good group, he knows what he's talking about. Those are the concerns I have, codes, OIR and I am really dismayed about our PRC's, I don't know who initiated it, it doesn't really matter at this point. I just want to go on the record as being totally opposed to not having PRC's. We had SRO meetings before Covid. We had people from the community from every walk of life in every PRC.

Councilor McClure said also I was not told I was going to be speaking to you. I'm a writer I would have prepared for this. We're on the fly here, why not, which sort of gave me the inspiration of kind of what I would like to see. I'm glad Ifo shared his three things and two of them have resonated with me. The idea of innovation, I think we can veer into really corporate speak but let's try not to. Be nimble, but also be proactive. I think this is the time to do two things, to think about pilot programs, protected by claims, things we can do actionable really quickly. Then long-term,

Agenda Item #6.1.

NMSU is working on water solutions and can utilities work on water solutions with them, show we are working together as a community. I believe we should work on real time crime. I think back to the utilities story that I wasn't allowed to write. That some of our workers on the streets would get yelled at and have things thrown at them, as they worked fixing our streets, fixing water, fixing crucial things, critical infrastructure. Telling that story is important, to say hey "we're doing things for you, and this is the response we get". I think that is very important to say. What are we doing for our community and how do we suffer sometimes. When we say Cariño, I think it's "Cariño para todos". It's the idea that we think about real safety in actionable ways. The hardest thing is going to be changing mindsets a lot of times and we can slowly work on that. I would like to look at libraries, but third spaces and how do we create that? The idea that we are building these places, with Parks and Recreation we build those third spaces, where people go, where people enjoy themselves with their families. We need to focus on that because that's how we build community. We build it with everyone. I am six weeks into this, I want to hear your guys' stories and I want to hear your guys information, because I want to be able to support you during this. Ultimately I feel that these comments should have come at the very end. How do we navigate this all together in the best way possible. Thanks my input for next year, because I'll be doing this a couple more times and I hope to learn a lot in the next day or two.

Councilor Corran said I just want to talk about really quickly about Cariño, and Adelante con Cariño. An experience I just had in my neighborhood where we're all in each other's business, I'm the youngest one so my neighbors say things to me like "it seems like you work a lot a night" which I think might be code for something very suspicious of what they think I do as a job, I don't know what they think. But I have a lot of elderly neighbors including some who are disabled. I noticed that one of my neighbors, the solid waste person was bringing out their trash bin and putting it out for them each time because they couldn't walk easily. I wrote to Adrienne and asked, wow this is above and beyond. I believe this is really an example of Cariño in our city and she said all of our solid waste folks know where the disabled folks are on their routes and they're there taking out the trash for them every time. For me, that was a reminder, one that I'm still learning the ways are city cares for the people here and two it is extraordinary in a lot of ways. I look forward to us promoting those extraordinary things both the mundane and the ones that are more visible and talked about regularly. I reiterate and support a lot of the things that have been mentioned related to community safety and health and wellbeing. I think we're all really committed to that and that is part of Adelante con Cariño and I look forward to us working on that together. I'm going to talk about a few specific things, things that are close to my heart or that I've had a lot of experience with, in the ways I've been moving in the City so far, as a Councilor. One thing I do want to highlight and emphasize this year is Roadrunner Transit has been expanding service, expanding electric buses, more folks have been riding the bus, I think pretty soon more than ever. We are on a trend to head toward that. I would love to see us support expanded service, expanded access for folks in using Roadrunner Transit as they go to their jobs as they move to all of the places throughout the City as they're connected to transit. Serving on the Transit Advisory Board I hear those tales from the community really regularly and so I'm lucky to hear that. I appreciate that is happening. I hope we can prioritize that in our upcoming year. Also I want to reiterate to Councilor McClure

Agenda Item #6.1.

point hearing about the Library Master Plan, reading through the survey results. I think as a Councilor, my district is extraordinarily privilege. I want to acknowledge that I live in District 5 where we have 20 some parks, the Ninja park. We have extraordinary resources in my district and when I heard about the Library Research, it seems like folks in places like my district are the ones that use the library the most and that is telling of something to us. I think to the point of using data to understand where things go, sure we could put a library in district 5, where everyone who is using the library is. This is what I would say, and I think this was part of the library thinking about where to expand and where to offer new services. I want folks that live in a part of the City that have the least resources to have all of the services that go through library, the programs, the literacy, the connections to other people. To the point of being data driven I'm also putting things in context to the wild disparities that exist in our City, I really appreciate that we're moving forward with the really thoughtful data driven approach. I want to have us think about things like the library as serving so many people, supporting folks who are searching for jobs, becoming more literate, playing Dungeons and Dragons as an adult. I didn't even know adults were playing Dungeons and Dragons apparently I've been missing out, but they are at the library if you didn't know. Services people experience through our library system are great and I look forward to supporting the library and thinking about how we can expand those services. Toward the picture of wellbeing, I also just want to talk a little bit about something that comes up all the time, support for the Animal Services Center we've been very fortunate and supportive of the Animal Services Center. Both building a new building and helping them transition. I think increasing our capacity to have animals spayed and neutered in whatever ways we can is really important, that includes through the ASCMV, but also through the community in whatever ways we can. Through collaborative teamwork or pairing up with the County or community organizations. I hope that we could consider supporting that to the point of being able to walk the streets without being chased by a stray dog is a matter of wellbeing and there are ways to improve those conditions. The last thing I'm just learning about and thinking about is. Is thinking about our innovation, we get messages from constituents all the time. Any one message has to be taken as one message, right? We probably have 15,000 folks in our district, we have to contextualize every message that we get in that setting. This one constituent message really stuck with me now I'm serving on the EPA committee related to plastic pollution really got me thinking. This one constituent said, "I'm hope that someday we can have some events where we don't give out plastic water bottles, where we do something else that isn't contributing to that". Since then I've learned there's actually a way to do that and I'm hoping we can pilot a few activities that would reduce our plastic pollution when we have public events. I'll share those as I have them later. Those are just a few things, again the commitment to community safety, the commitment to using data to drive our decision making and supporting the City services that are really making an enormous difference in people's lives. I'm here for it. I'm really optimistic in the year to come, so Adelante please.

Councilor Mattiace said a little bit about Bill Mattiace in case you weren't here 25 years ago. I've served as a City Councilor, and I've served as Mayor of the City of Las Cruces. My visions for the City today, I believe one of the topics that the City Manager mentioned was maintaining what we have. In other words we have to have everything in place, our parks, our infrastructure it should be maintained before we go on to new

Agenda Item #6.1.

things. One of my priorities is to prioritize things. An example before we do a sanctuary city, did we look at the unintended consequences, do we have enough resources to take in thousands of more people before we remove an ordinance or before we create a new law. Do we look at the unintended consequences, what it does to our police department. How it stretches their responsibilities. Are we looking at everything that we do as City Councilors and are we getting public input, to approve what we do. Are we reaching out to the voters and asking them is it ok what we do with your money. I am very proud and honored to be with this staff. I have met several employees for the City. They've been very efficient, very kind and very considerate of where I am today. It's kind of a new deal for me, using internet, using social media. I've been here for 55 years, and I've been married 56, so I met a young girl from the City of Las Cruces, Wanda Mattiace she's Dutch/Indonesian, she's an immigrant. Everything that I've gone through in my life, I think I can share those experiences to make your job easier and better. I believe we can make the City safer, we have to go back to where we were and that is our fire and police department, I do need to be number two in compensation. We are the second largest city and we're ranked number 8 in pay. We have to reach the number 2. I would love to be number 1, but if our police and fire department were number 1 compensated in the State of New Mexico the recruiting would be a lot easier. The academy maybe would have better attendance. Let's make that effort on permitting, and codes. I remember looking at the budget \$109-110 million of gross receipts tax from businesses. Over a \$100 million from small businesses and probably large businesses, dispensaries but that particular money has to be continued with good codes and fast permitting. Businesses have to be respected and in the last month and a half over a hundred calls, story after story about break-ins, about vandalism, about graffiti, about destruction. About their businesses being broken into. Our police department, Chief Story is doing a good job. You're doing the best you can with the resources you have, and I appreciate that. We can't have talk about oversight committees and defunding the police. We have to support our police department one hundred percent, to become the best and safest city in this area. We can do it, we can reach that goal with your help and with good governance and good leadership. Enjoyed the humor from each colleague on the Council, because maybe that humor can turn into, I'm not going to say love. I don't know if will ever love each other but maybe better relationships and take that humor and expand on it so we can collaborate, communicate, and work better together to make the City not only better for us, it's not about me. I was retired for 2 ½ years and having a really good time, then why am I here. I really want to make this City safer, more efficient, infrastructure first class for my children, grandchildren. My daughter is a nurse practitioner at the Amador Clinic. I'm not going to even repeat some of the stories. I worry about her after the death of Officer Hernandez. She works with the homeless. She works with the undeserved every single day 8-10 hours a day. I worry about her every single day. We worry about our neighbors, we worry about our children going into the schools. Let's get out of the concept of worrying about things and be positive. Like Councilor Graham said let's look at the good things, let's look at the positive things and not always just kind of listen to what's bad going on in Las Cruces. We have to make an effort to make everything better, we really do. Those objects, those visions is what I'd like to see done and I'll need cooperation from City Council. Before we spend money for example on housing, whether it's \$6, \$12, or \$15 million let's make sure whatever we do that, that project is healthy, efficient, and run well. We just cannot keep spending money on projects that are not fruitful. Everything

Agenda Item #6.1.

we do need due diligence, everything we do has to have what I call long-term impact studies of what will happen before spending that money.

Ifo Pili said I need to apologize, so I'm the one who put this section pretty much last minute, about a week ago. I included this section for Mayor and Council, so typically Councilor McClure we usually just have a discussion at the end of our retreat. That's how it usually goes. My thought was everyone wants to go, if we're wanting the City Council's vision then we want it up front rather than at the end. My mistake and then I should have communicated that to you all. Typically we just kind of pass the mic around at the end. When I talked about shifting to a more informal setting, that was what I was thinking. We appreciate the speeches though, we appreciate all of that we weren't necessarily expecting that. That was not my intention it was really just to pass the mic around like we do every year at the end, and we usually don't have time for you guys. I wanted to make sure you had the time in the beginning while everyone is energetic and everybody at the front of the meeting to have this discussion. I apologize for putting you on the spot like that. It was not my intention, I should have listened to our Finance team they told me otherwise. I made the mistake of pushing that. We do appreciate it. As you can see they're not falling on deaf ears. Our plan is to take what you have and make sure we have a vision for our City moving forward. Of course, this isn't your only opportunity, we even talked about at the end as well. Anything else you want to say we'll make sure we have some time. We usually go through budget retreat and at the end we ask Councilor what do you want to do.

2.2 BREAK

2.3 HISTORICAL/FY2024 GENERAL FUND FINANCIALS/5-YEAR GENERAL FUND REVENUE FORECAST

Jacqueline Rubalcava, Budget and Grant Administrator gave an overhead presentation.

Councilor Flores asked has the City Council ever rejected a proposed budget that you've taken to Council?

Leeann DeMouche, Finance Director said as far as I've been with the City I have never seen that. Actually one year the CIP approval was put on consent which sort of that's unusual. I've never seen any budget with the twelve years that I've been with the City. No ma'am I don't think they've ever rejected that. If you do reject the budget, I will tell you what we do have to do per DFA, the State. If you do not adopt the 2025 budget then what happens is the FY 2024 budget will just continue. Whatever the departments, whatever payroll was at the time, all services the budget at the time it will just continue into fiscal year 25. We just re-adopt what's in 24.

Jacqueline Rubalcava continued overhead presentation.

Monica Torres, Economist continued overhead presentation.

Councilor Graham asked how does national inflation really translate to local economic conditions and perceptions?

Monica Torres said inflation is very personal as a consumer we all consume different.

Agenda Item #6.1.

I think the national is a general view, but inflation is felt different for everybody.

Leeann DeMouche said when we look at the CPI as well, we're actually looking at a specific CPI just for the West area, which is I want to say New Mexico, Colorado, there is like 5 states in there as well. When we talk about this CPI and inflation we're trying to center in mostly on the western states as well. Like Monica said just in January it went up a little bit but that is the only way we can look at it. We can't specifically look at the City of Las Cruces. We probably could we would have to get more data but for us we use the western CPI.

Councilor Bencomo asked once the Federal Reserve sets the interest rates do they become the new floor, or do they eventually trend down?

Monica Torres said they have meetings every year and at the meeting they decide what their policies are going to be and they kind of signal what's the next one. The last time in July they decide on those range and the next meeting they kept it at the same range. The same happened in January. The next meeting in March they decide if they're going to keep it at the same level or if they're going to cap the rates so it's dependent on data especially right now. They have a very difficult decision, it's a balancing act do you want to bring down inflation or do you want to keep unemployment level. They will be deciding on meeting phases.

2.4 DEPARTMENTAL BUDGET: FIRE

Fire Chief Jason Smith, LCFD gave an overhead presentation.

Mayor Enriquez asked the training facility that's being leased or rented? What are the thoughts on either purchasing or looking to purchase the existing one?

Chief Jason Smith said currently we're located at 1670 S Valley, we have our training logistics support and fleet in that building. We had discussions with the owners about moving from a lease to a purchase, but they're not interested in the near future of doing that. We have not looked at a construction project or anything in our CIP for that, replacing that and having something owned by the City.

Councilor Bencomo said the NAT on a list of priorities so I really hope Community Development will speak about the NAT later today. I am really glad you talked about Chief. I have been really struck by the way you've have talked about the dangers that abandoned homes pose to the Fire Department and really to neighborhoods, really the quality of life of neighborhoods. This is actually really down to the neighborhood level priority that I have.

Fire Chief Jason Smith said I think Larry is going to talk about it as well. This fiscal year I think 7 buildings have been abated and demolished, we do have a list of them. Kudos to our GIS team, Courtney and her folks before she moves over to Utilities, they've been revamping our workflow and our space we've been using for tracking those. With the City Manager's office kind of their allocation of resources that we actually now have a Fire Inspector whose primary responsibility is managing those properties for us.

2.5 DEPARTMENTAL BUDGET: POLICE

Police Chief Jeremy Story, LCPD gave overhead presentation.

Councilor Flores asked about increase in crime, is it due to a larger population? Do you know what the objective factors are that contribute to that?

Chief Jeremy Story said I think everyone still has to give opinions because nobody knows for sure what is driving the entire increase. What I've seen the last 3-4 years that correlates with this increase in crime. There are a number of factors and I think we have to cognizant of that. The one thing I've seen that's driving this percentage of it, is the arrival of fentanyl in our community and the increase in meth use and type of meth that we see. Those two things correspond to this huge increase perfectly. We didn't have fentanyl, we started hearing about it. We really didn't see it in our community, then we saw it with a vengeance, it came fast, and it came hard. We saw crime, we saw everything else we're seeing in our community all result from it. I think if we get a grip on fentanyl and addiction in our community we will see a lot of these numbers go down. It's not the only reason, there are other challenges we have. We've seen a massive increase in our juveniles, our youth engaging in crime, property and violent crime. I don't think that necessarily being driven by fentanyl. If you snapped your fingers and got rid of fentanyl overnight we would be a long way towards our goals.

Councilor Bencomo said thank you for being here today. I hope you know this room just deeply loves and respects you. I just want to note both our MIH got \$2.5 from the legislature and I think the Crime Center got \$650,000 from the legislature. Hopefully I think the Governor still has to sign that. I did just want to point that out. I wanted to ask about something you didn't talk about. The codes department, I just wonder what you see in the codes department, I know there's been a struggle to hire. They're super responsive to me and my many asks but I just hope you could speak to the codes department and side note to that. I know that a year ago or so there was talk about moving codes to community development. I wondered if that was still a conversation that was happening.

Chief Jeremy Story said codes they do a ton of work, they get put through the ringer so to speak a lot of times. Right now I have three vacancies in codes, but were also in the hiring process, that's what it's like with officers just on a smaller scale. We're fully staffed and then two people leave before you know it, for two different reasons. We've been way worse off before than we are now, that's a positive. We've looked at adding a different position maybe a lead to just help with the supervision, that would also increase the presence out there. They're doing good right now, it's not that they're not saying they don't need help. If we keep them fully staffed they tend to be ok. As far as moving them that was a conversation the City Manager and I had. When I first took over I felt guilty if I move them or if they went somewhere else it felt like I was saying, go be somebody else's problem and that I'd be abandoning them. We talked to Larry about how do we make sure we have the best relationship possible. We talked about different things having someone assigned doing rotations, so they actually learned that side of things. Then they bring that knowledge back to the rest of their job, that's an option. That's something we can continue to talk about as well.

Councilor Corran said I wanted to ask about the Real Time Crime Center. The data that exists now would be going into that or is there also data like an input component? Do we have enough cameras, is there enough information that could actually be helpful or are there gaps in that as well? Is that part of the proposal?

Chief Jeremy Story said we have a good plan right now and of course we're going to be flexible because there's still some unknowns. The Real Time Crime Center we talk about cameras a lot because that's a big part of it, but that's just one part of it. The City has done a good job over the years of building infrastructure. Right now the cameras that exist at the intersections you see, are live feed only, but we're trying to find a way to incorporate what we already have so again we're being good stewards of the taxpayer money we're not spending money on things we don't need to spend. We're looking at and this just remind me to, for adding cameras to places where we need them most. Parks for one we've seen especially our parks at the core of the City, Young Park, Apodaca Park, Lion Park, they've suffered the most. Young Park as an example we've had an entire project on violent crime reduction over the past 3 months of the year because of all the problems we were having at Young Park. Then people are scared to use it, the people who should be able to use it without fear can't. Adding cameras to the park so we can use that as just one tool, supporting a plug for the park rangers which is something that is in ordinance that exist in the 90's that's just an extra set of eyes and a tool for us to help keep the park safe. They can contact us faster if there are issues so we can respond, that presence alone makes a difference. Adding cameras to those places is really important and leveraging everything we have already. We have a mix of resources we already have and resources we need to add put them together. The way it really works is there's different software out there that kind of power this, so they pull together everything and make it user-friendly and manageable for people that are operating the Real Time Crime Center. They can access things when they need to and for the most part all these cameras nobody can watch them all the time, nor should we necessarily. They allow us to quickly access them when something is occurring so we can provide intelligence. We can see something about to happen and try to prevent it from happening. I would love to see someone picking up rocks on our downtown camera and get someone there to interact with them before it goes through a business' window instead of after. I can't really describe how much the support from City Council, Staff, the Mayor, and City Management.

2.6 LUNCH

2.7 DEPARTMENTAL BUDGET: ECONOMIC DEVELOPMENT

Elizabeth Teeters, Economic Development Director gave an overhead presentation.

Chris Faivre, Deputy Director Economic Development continued overhead presentation.

Elizabeth Teeters continued overhead presentation.

Councilor Bencomo asked on the industrial park can you talk a little bit more about the infrastructure gaps if there's a dollar amount? I'll caveat, sometimes I struggle with the

Agenda Item #6.1.

idea of providing infrastructure to big corporations that we're courting, that have a lot of money, or corporations well off businesses. Any other development the developers they have to build the infrastructure and we take it over, but obviously you are seeing people walk away. I want to meet you all where you're at. I do sometimes struggle with that, so can you talk to that but also if there is a specific dollar amount you think would get the basic infrastructure covered.

Elizabeth Teeters said I see what you're saying about the developers but the thing about our industrial park when we got the lands from the State we became the developers. We are the ones who put in all the infrastructure to begin with except for some reason with these four parcels. We have taken the approach as a department, of we are the developers, so we need to finish the job. I do have dollar amounts. The ones on the left side of the screen it's about \$500,000 and we worked with Public Works to get the numbers. The one on the right side is about \$1.5 million and we are losing potential business because they can go to another industrial park where it's all in place and they don't have to either wait for us to put it in or they don't have to pay for it themselves.

Councilor Flores said being on the PRC I've learned a lot, so I'm sorry our PRC's broke-up. The other day when Davin Lopez presented regarding this part of our City, and he made it clear that we didn't have the infrastructure. What he also said that we wouldn't have the capacity if we tried to get that infrastructure for the businesses we haven't been able to catch or attract. Maybe they were attracted but then they saw no matter what we wouldn't be able to get the proper appropriate strengths of infrastructure like electricity and then there's the sewer and water and all that. Has the City done a study as to how powerful or whatever the word might be that could sustain a certain kind of business and then we could move forward and set that up so it's ready to be leased out?

Elizabeth Teeters said I want to make sure it's clear that the electric especially electricity needs we need they're not for every business. When Davin is talking about we need electricity we're talking about the mega projects the data centers, that kind of thing. Those are what we don't have the electrical needs for, while in the past we didn't have a lot on interest from these mega projects we are seeing more and more of it. We're still competing with the entire country for these projects and because of the electrical needs and a few infrastructure needs in general we're not competitive. That is the only time we don't have the electrical need is those mega projects. Otherwise we do have electric in place.

Councilor Flores asked why don't we set it up so we do have the infrastructure for a certain kind of businesses that the infrastructure would support those businesses is that possible to do? I mean because if we are missing out on opportunities and there are certain opportunities that would never be available to the City to provide couldn't we do that or not?

Elizabeth Teeters said we or MVEDA focuses on marketing to the businesses that we do have the infrastructure for. When these mega projects come up they normally come up from the State Economic Development Department. They send out an

Agenda Item #6.1.

inquiry for the entire State and we submit them as a cross our fingers hope we get attention. But we're actually getting attention now, where we haven't in the past. MVEDA is not really marketing to these big businesses because we don't have the infrastructure needs, we're focusing more on what we do have the needs for. Which is why like Project Bruce which we haven't announced yet, those size of distribution centers is what we're getting a lot more attention from.

Councilor Flores asked I thought we didn't have any infrastructure there other than hook-up or extensions?

Elizabeth Teeters said the only four sites on the southern part of the park that don't have the infrastructure to the parcel are the four that are within the two boxes. That is what we're talking about, those are the bigger parcels which is why they get more attention than other businesses. We've been engaging with State and federal government to get money to finish that.

Councilor Flores asked you don't have a timeline, you have no idea how long it will take?

Elizabeth Teeters said no.

2.8 DEPARTMENTAL BUDGET: HOUSING

Natalie Green, Housing and Neighborhood Revitalization Administrator gave an overhead presentation.

Councilor Bencomo asked do you have a number for how many units will be coming live within the next couple of years? I know that often we talk about our rental unit shortage being 5,600 we have a long way to go but we're making a dent. Can you talk a little bit about that number?

Natalie Green we have about 800 that will come online in the next 3 years, and we have about a 1000 in the pipeline over the next five years. Our housing investment strategy will be coming to Council on March 4, and we'll also have that information available. Staff has been aggressively meeting with developers, advocating at the State level and so we have some new and exciting stuff. I didn't share a State update, but the State has elevated the conversation housing. They're opening up huge amounts of funding opportunities. We have some really great public private partnerships with private developers coming forward that we will be able to go after.

Councilor Bencomo said really I just wanted to say also to the point made by Ifo earlier about the packaging, the way we tell the story. I think often we lack a little bit on the way we tell the story on housing, and really how hard the City is trying to meet that need. The kind of investments we're making and the places that we wish to grow but I just feel like our housing department does a lot and sometimes we aren't able to tell that story as clearly and powerfully as we should. I really do want to encourage us to do that because there's a lot happening that we should be really proud of.

Natalie Green said we do have groundbreaking February 22 and March 11, for our

Agenda Item #6.1.

two projects so that will also help us tell our story that we've that we finally made to shovels in the ground.

2.9 DEPARTMENTAL BUDGET: COMMUNITY DEVELOPMENT

Larry Nichols, Director Community Development gave an overhead presentation.

Councilor Bencomo said I am really excited about the new NAT. I do have a question on your request for \$300,000 especially because you mentioned the Coach Light. I imagine people are living at the Coach Light right now. I think while the Kilby was important to address it also felt terrible to displace people. We displaced 6 people and I just never want to have to go through that again. I think while it's important that we're addressing these properties it's really important that we keep in mind that the people who live at them it's not their fault. If it's not already in that \$300,000 ask I would really urge us to include additional money for relocating people that might be living in these facilities.

Larry Nichols said the Kilby was in dire straits every room in the Kilby was occupied and had many, many unsafe conditions. The Coach Light has 62 units currently 28 are occupied. What we've been doing there with the Coach Light to not have those people leave we're having the Coach Light owner repair and correct certain rooms and then move those people into those rooms and then allow them to go back and do repairs on the others. It's a slower repair process, it's one that requires us to go visit the site every week to see that they're accomplishing what we're asking them to do. That is what the Fire Department and Police Department code compliance and myself are doing. We're going to do it that way.

Councilor Bencomo said I think this opens the door to renew our conversation around the property maintenance code, to address like nuisance properties between landlords and tenants. We talk about empty properties which we should. We also know that there are a lot of properties like the Coach Light and others that for whatever reason maybe the landlord just hasn't wanted to repair it or maybe genuinely the landlord does not have the capital to be able to do that. To bring them into conversations to compliance and I just feel like the NAT it's a good start and I want to open the door for that conversation, for property maintenance and nuisance between landlord and tenant.

Larry Nichols said a lot of those issues, landlord and tenant are legal matters that we are able through our new NAT program address several of those and impose on the landlord or the owner that he is going to be required to make those repairs.

Councilor Bencomo said I will wait for Linda to beef up her staff before I bring this back to her. I really do want us to think about funding. Including additional funding in the NAT to help people who might be displaced.

Councilor Mattiace asked about a list of abandon buildings in District 2 if they're not on the list I will get back to you. There's buildings on Locust, and there's one on Espina and maybe we can address those.

Agenda Item #6.1.

Larry Nichols said yes sir. Thank you Councilor I do have that list. I can send it to you readily and we'll see if your property is on the list.

Councilor McClure said I had a question about the idea on pride in property is really interesting to me. When you look at how do you develop sort of folding in making sure that historic preservation is a component of that and the funding that you might need to restore some of this to something we could have pride in just as an entire City?

Larry Nichols said you know we do encounter challenges on that in regard with the historic properties. A lot of times with these properties, although they are aged they are not considered to be contributing properties. They're non-contributing but nevertheless they have historic significance. We work with the Historic Preservation Committee beyond that the State Historic Preservation Office. But a lot of times this is absentee ownership, that makes it difficult, and we've learned how to address that. We establish correspondence and tell them that the City will have to do something with this property if they cannot help us do something.

2.10 DEPARTMENTAL BUDGET: COMMUNICATIONS

Mandy Guss, Communications Director gave an overhead presentation.

2.11 DEPARTMENTAL BUDGET: QUALITY OF LIFE

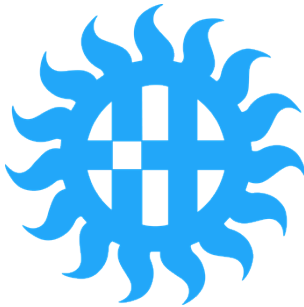
Carol Brey, Director Quality of Life gave an overhead presentation.

Councilor Bencomo said I'm sorry to hear you and your staff are more and more at the forefront of the opioid crisis and hiring for that mental health position. I wondered if your staff at community centers and I think your library staff already does, even your drivers already have Narcan and are trained in that.

Carol Brey said yes, all of our staff, our public facing staff have Narcan available and have been trained to use it.

Mayor

City Clerk



MINUTES

City Council

Monday, March 4, 2024 @ 1:00 PM

City Council Chambers, City Hall

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

ABSENT: Mayor Eric Enriquez and Councilor William Mattiace

1. OPENING CEREMONIES

1.1 PLEDGE OF ALLEGIANCE - COUNCILOR CORRAN.

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

Councilor Corran presented Public Works and Parks & Rec with the Natatorium Award.

1.3 JOBS OF THE WEEK.

None.

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

Vic Villalobos, Member of the Public said we were here at the last meeting as well. I appreciate Mayor Enriquez as he stated at the end that not all of us are able to stay for the whole meeting because of the length of time and many of us has to go back to work and the one thing I did watch till the end, and I was able to participate through

Agenda Item #6.2.

that. One thing I was a little disappointed in was that most of the council what you actually took from that meeting was that was that you felt a little picked on or that people were ganging up on you when the reality was I think 90% of the people were here showing true concern about how we change things and I realize that at times in your position that you can feel like you are picked on or people are ganging up on you and stuff but the truth is you chose to be in that seat and you chose to be an elected official and with that comes the good, the bad, and the ugly unfortunately and so I really hope at some point in the very near future everybody can see through that because I can tell you as a group of concerned business owners the first time we met at our facility we had 61 businesses there. The second time we met we had 182 businesses, and we expect that to continue to grow and the bigger concern is listening to all the problems people are having with the vagrancy and the crime. This isn't about you personally and I am looking at you because you take it very personally. This is everybody. It's in every district. It is in everything, and you guys really need to do something and I watched the video. I shouldn't have but I did and that happened at our property there and it was horrible but what was more horrible to me was that thirty minutes before that happened my wife was there alone at our facility right so a little shift in things. That could be her. The day before we confronted that same vagrant with issues. He was a little bit nicer at leaving but still somewhat hostile and since then we now lock our outer fences so when customers are coming we have to go through extra efforts. I can tell you yesterday alone there was another vagrant out there acting the same manner screaming, yelling, jumping in the air, acting violently and so we have to do something we really do. We have a big event coming up this weekend. We have over 100 people coming to our dock diving center and I just look out into the street and wonder what are these people going to think coming to the city of Las Cruces and honestly how are they going to feel safe and I get it they are people too. They are people to, but these are violent people and they are becoming more and more violent out there and if we don't do something I know it is going to get worse before it gets better but we have to do something and I feel like you're not listening. You're just not, I think you are taking this very personally and this is about the public safety and I hope you will truly take that stand.

Devin Narvison, Member of the Public said I have been a Las Cruces resident for about ten years now and today I am here on behalf of Las Cruces for Palestine. Since October 7th at least 30,000 Gazans have been killed by the state of Israel including 12,300 children and more than 8,000 women. We know that the actual death toll is much higher given that there are at least 8,000 Gazans currently missing. On top of that more than 70,000 are injured with virtually nowhere left to go for treatment. Today 1.5 million people are sheltering in Rafah, the southernmost town in the region lying against the border of Egypt. Despite being told to move there for safety Rafah is currently under attack by Israel and 1.5 million people have nowhere left to run to and the US is an active participant. This is ethnic cleansing and genocide. We have seen innocent civilians being intentionally starved to death and gunned down when trying to get food. If you have been paying any attention you know that this systematic state of violence has been going on for over 75 years. As women, as mothers, as elected officials, and more than anything else as human beings we are calling on you to use your positions of power to do something about it. In just the last two days we have collected 352 signatures from fellow Las Cruces residents calling on you to pass a resolution for the following, an immediate cease fire, permanent cease fire, restoration

Agenda Item #6.2.

of UNRWA funding, and an end to Israeli blockage of humanitarian aid to Gaza, abidance of international law, and an end to all funding and weapons transfers to Israel. Repeated, countless demonstrations all over the world including right here in the city of Las Cruces show that these demands represent the will of the people. A genocide is taking place right before our very eyes and it is time for all of us to act.

Richard Farr, Member of the Public said I am here to express my dismay and disappointment over our Mayor's stated intentions to restrict the public comment portion of these council meetings and to move it to some unspecified time after the completion of the council agenda. I apologize if I seem to be unfairly imputing motive, but I see this as not only being vindictive and punitive and also with thinly veiled stifling of opinions and viewpoints you just don't want to hear. While at the same time unnecessarily shielding some delicate sensibilities. At the last council meeting we all witnessed some very powerful and very emotional comments expressing frustration, fear, anger, rage, sorrow, pain. It was disturbing, difficult, and emotional for all of us as we empathize with our neighbors sincere and heartfelt remarks. You have to know that those emotions and opinions are out there, and they should be voiced, and they should be heard and you should hear them. It is not unexpected that you may disagree with some of the comments expressed and it is unfortunate that some of those comments may seem to you rightly, wrongly, hurtful, unfair, erroneous, and even personally hurtful. Let me remind you that rightfully or wrongly those are amongst the unavoidable consequences at seeking and accepting an elected leadership position. Let me share a sage reminder that I have often had occasion to reflect upon in my profession of life. It is a quote from Super Chicken, my favorite cartoon hero, which simply states, "you knew the job was dangerous when you took it". Our fellow citizens have a civic to step forward and voice our concerns and you have a corresponding responsibility and a duty to hear and consider those concerns. One council member stated that you are not all in it for the money and I respect that but clearly no body in this audience here is in it for the money either and you need to respect that. Those of us out here all have demanding obligations and responsibilities in our busy personal and professional lives and coming here to participate in community issues as often is a major inconvenience therefore I strongly urge you to abandon this ill-conceived, punitive and repressive notion that will inevitably discourage public participation.

Chuck Widger, Member of the Public said I have lived in Las Cruces for 47 years including obtaining my degree from NMSU. I know that you recently heard from the small businesses, and I come to you today as a resident. I would like to relay a particular incident which occurred at home last Thursday morning at 12:51 a.m. and what I have observed over the last few years in Las Cruces and my neighborhood. I have two pickups parked in my driveway and these are covered by motion ring camera. Thursday morning upon wakening I reviewed the footage and found a young man running in front of one pickup and pulling on the door handle of the other pickup to see if it was locked. When I attempted to file an online police report I found no category that trespass and attempted auto burglary would fit in. My belief is that if these incidents cannot be reported how will Las Cruces Police Department be able to properly compile statistics and be able to formulate plans of patrol and in high crime areas. Please note that this same individual was observed on cameras in two other neighborhoods that night attempting to burglarize vehicles. He appeared to be about

Agenda Item #6.2.

15 to 16 years old, not homeless as he made his escape with an accomplice in a vehicle. This was not a random incident as my neighborhood has had cars stolen, riffled through, multiple incidents of mailboxes broken into, porch pirates stealing packages, theft of porch furniture, and items stolen out of garages over the last 18 to 24 months. We have had neighbor's backyards and homes entered by uninvited persons. Fortunately, so far there has been no physical assaults or injuries to the homeowners. It is obvious to me that our neighborhood is being targeted and cruised on a regular basis. We have a good neighborhood with longtime residents, and we watch out for each other. Besides forming a Neighborhood Watch Program many of us lock our gates, have installed security systems, we have installed security doors, and have the Club on any vehicles that which are not in our garages. I speak with many individuals, some known to me some not and the conversation around the last couple of years invariably gets around to the safety of ourselves, our families, and our friends living in Las Cruces. So, this lawlessness is not only happening in my neighborhood but neighborhoods all over town. I also know individuals that come to Las Cruces for many years to winter and now they are not planning on coming back for any period of time if at all due to concern for their safety. I believe this trend will continue and accelerate if you the Mayor, the council don't do something to stem this tide of lawlessness. Please take Chief Story's suggestions seriously and work with him and his officers to turn things around. I don't blame the LCPD for the lawless trend and I fully support them, and I am extremely grateful for their efforts.

Dr. Chantal Savage, Member of the Public said I am a medical provider, business owner, and a member of the Armed Services. I am here today because I have seen firsthand what great leadership can do for an organization. The biggest problem with communication is we don't listen to understand, we listen to reply. One of the fundamental principles that I have adapted and applied to good leadership is to build a strong team you must see someone else's strength as a compliment to your weakness and not a threat to your position or authority. Great leadership is a selfless act. Not seeking personal gain or recognition. The wins belong to your people and your people alone whereas the weaknesses, the flaws, and the losses are that of the leadership and the leadership alone. I believe that we are especially lucky here in Las Cruces to have a police force that is made of officers that truly make a difference. That want to uphold the law and make it home safe to their families but without financial legislative and moral support they are set up for failure. With legislative action, clear, and concise law writing and a proactive leadership from this council they can focus on protecting citizens and each other. I do know from personal and professional experiences that giving those whom you are leading the proper tools to succeed is paramount. Those tools I believe are as follows, a change in ordinance repealing those that are constitutionally questionable and replacing them with ones that are enforceable to their entirety, state legislative action especially competency laws and bail reform, recruiting and retaining officers that are already budgeted for and establishing a real time crime center. I truly believe from what I have seen from Police Chief Story and heard from his subordinates that he is the leadership that we need to support.

Laura Smart, Member of the Public said I am addressing the scary deplorable third world situation at Apodaca Park on Madrid and Solano. I believe this is District 3 and Councilor Becki Graham's district. Everyday there are a minimum of 32 to 100

Agenda Item #6.2.

pickleball players who come to play at the only eight public outdoor courts in Las Cruces. When I drive into the park, I feel like I am entering a lawless, graffiti homeless encampment. I am now scared to park my car and play for fear that when I return the windows will be busted out, my catalytic converter will be missing, which happened to one of the players, or I may be accosted by some meth addict begging for money. One of the ladies had her purse stolen out of her car while playing in broad daylight. There is graffiti all over the old pool house which has been an eye sore for over ten years. I distinctly remember presenting to the city council in July 2019 posters with photos of this disastrous city park. I also remember a female councilor stating we will clean up that graffiti. I was so hopeful, that was five years ago, and nothing has been done. If the city would demolish the pool and building by the courts and Apodaca which should have been done years ago you wouldn't have any graffiti. There is no toilet paper in the restrooms by the ballpark, the water fountains have not functioned for over five years. I addressed the water fountain issue to the Parks & Rec office more than a year ago. The response I received is that we are waiting for the water company to repair a pipe. The sprinklers are misdirected and actually water the courts on the south end and destroy any flyers hanging on the fence which are posted about future pickleball events. I have a lot of questions. Where is the \$750,000 grant which was awarded to improve Apodaca Park? I have called Senator Heinrich over five times over the past four years asking where this money was. The last phone call I was told that someone in Las Cruces City Management didn't follow through with the paperwork, so it was stuck in administration. Who is in charge of this paperwork? Did we lose this funding due to lack of follow through due to Las Cruces City Management? Why haven't the East Mesa Sports Complex opened? The eight courts have been completed for over two years. Part of the GO Bonds money was voted on for that sports complex, has money been redirected to some other project without permission of the public taxpayers? I could continue describing the disgusting situation at Apodaca Park but instead I am going to offer my services to work with Parks & Rec Director Steven Bingham and his team and Apodaca Park employees on improving the current situation at Apodaca Park for free. Each of you has my contact information because I sent you all an email asking you to leave the public comments at the beginning of the council meeting last week. I received a response from 3 of you, thank you for responding and thank you for listening.

Kathy Fuller, Member of the Public said I am a retired Captain with the Dona Ana County Sheriff's Department, and I am here in support of the Las Cruces Police Department and I just want to speak about the continuing problems that have been addressed earlier today and of course at last week's council meeting. The time has come for us to have to do something. What I am afraid of is the next time someone is hurt or killed it is going to be a family member. It is going to be somebody close to home. I don't want any of us to have it said that we didn't do anything, that we didn't come forward. I know the Mayor said it is just not a city problem, it is a community problem and that is true but nobody has the power that the city and the city councilors have and I know that you can't solve the problems of the world and deal with Palestine and things like that but you have the key to the purse strings and you have staff under you and you can see that programs get implemented to address this. I am from Albuquerque, but I have lived here for over 40 years. If you follow the Albuquerque Journal things are so out of control there that the city has had to form a unit that goes around and cleans up feces left behind by the homeless. Businesses

Agenda Item #6.2.

have to step over it and customers have to deal with it. Do we want that in Las Cruces, I don't think so. I think that we can do something about it and I am not just attacking the homeless but statistics show that there is a high amount of mental health issues and a high amount of substance abuse issues and that is something that we can attempt to address and another thing that I think we really need to address is the change that happened I believe four years ago where the voters, we the people got rid of cash bail bond and I think that was a huge mistake. Every year since then there has been an attempt to overturn that and claw back at it but our Governor keeps saying no this is the way to go but I don't think so because it is a revolving door. I talk to people daily, you heard from the businesspeople. I have talked to farmer friends, community friends, we heard about neighborhoods, it is getting worse. They say well it's the violent offenders, but it is not. Anybody can become violent when there is mental health issues and there is substance abuse issues. Over and over and over they are getting released and I think that is something that the council can put pressure on at the state level to change our bail reform. We do not need people going around and around and around in that revolving door but please don't let the next victim be a family member, do something.

Juan Garcia, Member of the Public said the Coalition of Conservatives has advocated for the forgotten victims of crime during the last two years. We give voice to those marginalized by lawmakers. We have the Las Cruces Wall of Shame with almost 200 small business victims. A crime where they are victimized again and again by a failed legal system. We put up billboards to highlight the increasing crime and drugs. Focus has been on the criminal while ignoring the victim. As an example in this chamber, I was called insensitive because I posted a split board with a vagrant on one side and the destruction of a Dollar Store on the other side. CCIA helps citizens present their grievances in this chamber pushing for change. We advocate for stronger ordinances, and I was told by the previous council we can't do anything else and just pass the blame. We have silence from state representatives and senators. I am glad Chief Story had the replacement or new ordinances as a goal in his press conference. We have asked the council to advocate with the state legislation for changes in laws in 2023 and 2024. Almost every small business that we visit has damages exceeding \$500, so almost any broken window is valued higher so why aren't these cases sent to the DA for prosecution? So now we fast forward to 20 February when we had 15-20 small businesses present their grievances which were "categorized by some of the council as a bashing" resulting in the new mayor wanting to change public input, public participation to the end of the council meeting. In my opinion this is retaliation clear and simple and an effort to suppress public comment. Regardless of how the council spins the change the optics are horrible. It shows the community the Mayor and council will make it difficult for citizens to voice their grievances. Many speakers are parents with kids and workers taking time off to come and speak. With the change it may be one to four hours before they get their three minutes. I am sure the Mayor and council know this but they are proceeding. Citizens will continue to peacefully assemble and petition the city government for a redress of their grievances. Public input, public participation may be slowed but citizens will not be silenced.

Lisa Parrot, Member of the Public said I am a resident of District 6. Our nation was founded upon the rule of law. We the people expect the rule of law to prevail. If we the people are inconvenienced by having to wait until the end of these public meetings in

Agenda Item #6.2.

order to express our concerns so be it but do you really want those optics? Your next election cycle is closer than you think.

Daina Alire, Member of the Public said I own a business at 925 North Mesquite Street it is a gallery. It is basically two blocks from the police station over here. I as many businesses on Mesquite Street have been broken into many times. Last time I was broken into it was January 29th of this year and over \$500 worth of security equipment was taken from me and I actually had a video that I turned over to the police of the person who stole my security equipment. I compared it with videos that my fellow business owners on Mesquite Street had and we think it is probably the same person doing this. I have provided the videos to the Police Department. I have not been contacted by the detectives as to if anything could be pulled or any comparison of those videos happened. I do think and I am very concerned about some things that I think are acerbating this problem. We have tons of druggies walking up and down Mesquite Street and Amador and all of the streets around Main Street. One thing that is not helping this is that there are abandoned businesses, there are abandoned houses that the owners have not been tearing down or boarding up significantly so that these druggies can't find a place to cook their meth or hang out. I also think that there is a lack of lighting on North Mesquite Street near Spruce and Mesquite, there is no lighting on that corner, and I was told that we were going to have more lighting on Mesquite Street. That has not happened. Finally, it is very very sad to me that we allow the panhandlers which I don't call homeless people, they might look homeless, but they have made a decision to go on the street, beg for money, or break into cars, or break into businesses in order to get money for their drugs. If they were truly homeless, I know this city has a place for them to go. So, like I said it is just very upsetting to me to see. I have been in Las Cruces ten years. I love this little town. I want it to grow. I want the businesses on Mesquite Street to be safe and grow. So, I hope you can do something about that.

Jo Ruprecht, Member of the Public said I am a resident of Las Cruces. In comparison with some of the other comments you have heard this is a small thing, but it has some point of gravity and order for the residents of the Mesquite Historic District. During the City Council meeting on February 5th an error in procedure seems to have occurred and needs to be noted before a vote to accept the minutes. My point relates to actions taken on Resolution No. 24-050 as shown on the bottom of page 14 of the minutes. According to Robert's Rules a motion to table item indefinitely is debatable, further a motion to table indefinitely opens the main motion in this case Resolution No. 24-050 to debate. As shown in the minutes before you no debate on the tabling or on the main motion occurred. In fact, I attended that meeting and believe that a review of the video would show that through the action of a city staff member no debate or discussion was allowed, instead one seconded the motion and it was abruptly moved to a vote and approved unanimously but improperly. The voices of numerous residents who had come to that meeting prepared to speak against the resolution were silenced by what I will term an abrupt end run to avoid public scrutiny of the issue and to forestall a constructive discussion including information not previously presented to council. Briefly Resolution No. 24-050 is part of an effort to demolish a former residence at 643 East Picacho in order to convert this city owned property to a parking lot for city use. Historically 643 was one of four homes on this block owned by members of the Fielder Family, two of the other Fielder homes occupy the lots

Agenda Item #6.2.

adjacent to 643 and continue as privately owned residences at 641 and 645 East Picacho. This area holds touch stones to black history in Las Cruces and the blocks sit squarely in the nationally recognized Mesquite Historic District. While tabling the resolution indefinitely would seem to drop the issue of demolishing or otherwise compromising the building that is not the practical effect. As a city owned building and without additional public discussion or action by city council 643 East Picacho is fully in the hands of our Community Development Department. A department that has repeatedly taken action including demolition in this historic district with little regard for residents' concerns and with slim accountability to the public. Based on my understanding of Robert's Rules I therefore ask that under old business at its next regular meeting council entertain a motion to rescind the indefinite tabling of the resolution.

Fred Huff, Member of the Public said after listening to the public comments of the last city council meeting concerning the crime and lawlessness that our small businesses are facing, I was surprised that our Mayor announced that the public comments would be moved to the end of council meetings. Having a couple of weeks to think about this I want to share my opinion on the pros and cons of this change of the traditional agenda that the Mayor controls. Pros for the public: 1. None. Cons, these business owners are struggling to get enough employees to staff their businesses and need to be on site while the business is open. This is a struggle just to step away from their business for the hour and half to participate in the public comments. To wait until the end of the meeting it would take them away from their business for the rest of the day. Pros for the City Council and Mayor: 1. This is a great way to censor the public from bringing issues before the city council and it gives the councilors a good feeling that no one is bringing issues before them, so they think their policies are bringing prosperity and law and order to the city. 2. No news media coverage of public comments since they will most likely not wait four to six hours to hear the public comments. Maybe the Mayor could put the councilors comments after the public comments then the media can report on both sets of comments and I hope the Mayor watches these comments today. 3. The Public comments and council comments are not a conversation, anyway. Each side is talking at each other and not to each other. Quite a few people that day asked for a Work Session where the public could talk to and with the city council. Even the Mayor in his comments had heard that idea, so my question is has anything been done to start the process for a Work Session. The Mayor also said that you are the leaders of the city and are responsible for community issues. These issues are not solved in a vacuum. It takes a community working together. In his column last week Peter Goodman stated that we all need to work together producing creative, helpful ideas debating factually, and collaborating to improve the situation. Not folks personally attacking councilors or councilors ignoring us.

Jim Hurst, Member of the Public said let's blame the liberals. Liberals support programs and facilities that help the homeless and the homeless are a big problem in Las Cruces therefore it's the Liberals fault. Listening to me make these comments one would give the impression that the Liberals were responsible for all social ills. Liberals did not create homelessness. Liberals did not create our society's mental health crisis. Liberals did not create crime. Liberals did not create poverty. Liberals did not create drug and alcohol abuse. Liberals did not create our housing shortage. Liberals did not

Agenda Item #6.2.

create our failed healthcare system and our failed mental healthcare system. Liberals did not create the wealth disparity that exists in our country. The problem with the homeless in Las Cruces is a symptom of many social ills. It is what a mental health crisis looks like. If you ever wondered what a society that doesn't take mental health as seriously as physical health looks like, now you know. If you ever wondered what happens to a state governed by a Republican Governor who defunded mental health for eight years, now you know. If you ever wondered what a society that fails to provide adequate affordable housing for all its citizens, now you know. If you ever wondered what a society that fails to raise the minimum wage for decades looks like, now you know. If you ever wondered what happens to a people in their communities who leave the workforce because of meager wages, now you know. If you ever wondered what happened in a state without a policy for homelessness and that allows one jurisdiction to dump its homeless when surrounding jurisdictions, now you know. No, we have not found a successful strategy for dealing with the homeless yet. It doesn't mean it is wrong to try and it doesn't mean that those who try are to blame for the current situation. With the time remaining I concur that you need to keep the public comment at the beginning of the meeting so that the citizen knows when they can come to comment. You are the first line of defense for democracy. If the people cannot freely express their grievances to their government, they will find other ways and they won't be as polite.

Henry Young, Member of the Public said I am Director of the Las Cruces Gospel Rescue Mission. Most of my comments have already been voiced so I will address something else at this time, but I will reserve my final sentence for you. Mayor Pro Tem, I am still working on the last council meeting that you chaired as far as trying to get together all of the hospitals to meet with the city and us who are in charge of the homeless. I have been unable to get all three hospitals to come to the table at the same time, so I am still working on it. I want you to know that. Other than that, there have been some misspoken things that we have heard today. For one, Peter Goodman is vastly wrong in his percentages on the homeless who are either drug addicted, or mental health challenged. It is much higher than his statistics show. I won't venture to say what my research has said but it is at least four times higher than what he said. The other thing is we just heard about the Liberals versus the other side. Many of those statements were inadequate and after saying that I do have in place within the Las Cruces Gospel Rescue Mission a program that is successful for those who come to us. We have a high success rate of those people eventually leaving and becoming productive members of our society locally and/or other places. I have one lady that left here, went back to New York and is a successful businesswoman today. Others have similar situations of success. Do we have failures? Yes, but we have also had a great deal of success with our program. So, in summing up after everything else is said and done we the people are the voice that governs through the elected representatives.

Henry Hartig, Member of the Public said I live in District 2. I am here today to ask our city council to sign onto a resolution to pressure the Biden Administration to stop the funding for the war in Gaza. We should be joining a growing list of approximately 70 US cities who have passed similar measures. We saw significant demonstrations here on Saturday in our downtown and there is clearly public support. We left a petition with City Hall with 352 signatures gathered indicating public support but what does

Agenda Item #6.2.

Gaza got to do with us? Why don't we focus on the issues in our city and not abroad? Allow me to make another simple moral appeal on this point. If any amount of our tax dollars are being used to have bombs dropped on hospitals, universities, and homes anywhere in the world then we have a responsibility to speak up and our city council has a responsibility to take a moral position on our part. Over the last five months the Biden Administration has used flimsy excuses and sometimes outright fantasy to buttress their policy of deprivations of food and medical supplies to Gaza while simultaneously providing Israeli military with two-thousand-pound bombs used to decimate and absolutely level centers of open civilian population as well as actively participate in the starvation of the people of Gaza. Not only is everyone who could possibly take a stance on this issue in the US government implicated it is directly responsible if they continue to do nothing. In 150 days of genocide, we have seen three emergency aid packages rushed to Israel against the will of the American taxpayer. We know that the government can act very quickly when profit is on the line, yet they are slow to the point of absolute stagnation when it comes the humanity and desperation of the least fortunate. The only thing the Biden Administration has offered so far here is a lukewarm chastisement toward Israeli leadership. This is unacceptable. We have also seen US aid drops along the coast of Gaza as of Saturday by Jordan's Airforce. This is also unacceptable and no more than a band-aid over a bullet wound which our government continues to ignore. If these atrocities and crimes of war under the international standards continue the fastest famine in history is predicted to at least double the death toll of civilians in Gaza strip via starvation. Biden could open Gaza's borders and restore funding to UNRWA and stop the bombs falling today, he could have done it yesterday, he could have done it when the death toll hit 10,000 even 20,000 and so on. This last week that official death toll finally topped 30,000. On Saturday we saw protest in every major US city and then some throughout the rest of the world. Again, I ask that the city council sign onto a resolution ending these atrocities that would otherwise go ignored despite our direct implication in its continuation.

Dana Hopkins, Member of the Public said I live in District 4, and I will be very brief. I think the young folks here that are speaking about Palestine are really eloquent and I want them to be able to use their own words. I noticed some comments, people wondering what the relevance was as we are discussing things very vital here in Las Cruces. I just wanted to speak to that. This is indeed a symbolic gesture, but it is a symbolic gesture that is being made around our country in small towns, big cities, etcetera and taken as a whole it makes a really powerful statement that potentially, actually changes our policies and watching these young folks who are bombarded everyday with images of death and dying and genocide. I truly understand their passion and I wanted to also because I am hearing this elsewhere make really clear that antizionism is not antisemitism and that these folks are addressing a real concern based on what they are seeing and I hope that you all are hearing them and for the folks who are waiting to speak that all of these things including everybody behind me has to say are relevant to us here in Cruces.

Brent Barlow, Member of the Public said I have lived here in the valley for four decades, local business owner, graduate of Las Cruces High School, New Mexico State University, retired Law Enforcement Executive and Veteran. First God bless Officer Hernandez's family and all the law enforcement personnel that had to

Agenda Item #6.2.

experience the night Officer Hernandez was brutally murdered and the continued protection of our community. They place their lives on the line every day for us. We as a community are truly grateful to all of you regardless of what you hear from elected officials and most media outlets you are appreciated, you are valued, we as a community will support you, we will always have your back, don't get discouraged. Keep fighting the good fight, we need you, we will always need you. 149,821 that is the total number of calls for service that Las Cruces Police Department answered in 2023. That is an 11% increase from 2022 and a 13.7% increase from 2021. Our community's safety falls apart when we don't have enough law enforcement officers to answer the call. Citizens want a proactive Police Department in our neighborhoods. We want a quick response when we call 911. We want an engaged law enforcement community that are actively looking to defeat and deter crime. It is your job as elected officials and city management to make sure that they have all the necessary resources and backing to achieve those missions. Are you willing to come out today as elected officials and affirm in complete opposition to any defund the police initiatives? Are you proactively letting other officials at the state and federal levels at cities that Las Cruces has no tolerance for any type of defunding initiative and that we will lobby against it if rears its ugly head. In April 2021 the Governor of the state signed a New Mexico Civil Rights Act into law. What that law should have been called is the removal of necessary protections of police officers so attorneys could fleece their pockets with taxpayers money act. The fact of the matter is most politicians wouldn't know what qualified immunity was if it came up and it slapped them in the face. Qualified immunity allows for protection for police officers so when the law was not clear and established of how they should respond in certain situation that the officer would be covered by immunity. Our Governor and every single state senator and representative in Dona Ana County voted to pass that mess of legislation. Needs to be repealed. So why is LCPD missing 25 officers? People in elected officials in government management should already know the answer. Cops are routinely trashed by politicians and local and national media pundits who literally don't have the first idea of what cops do or what it takes to do the job but will second guess them at every turn and then make policy and legislative actions based on their ignorance. Cops are not stupid people. They currently live in a world where much of what they see is not supported by their efforts. Removing essential legal protections for cops, segments of our society calling for protest against cops, people spitting on cops, people violently attacking and killing cops and elected officials using cops as cannon fodder for their political agenda, criminals who have zero respect for our laws, and the list goes on and on and on. So, we wonder why we don't have anybody? Pretty stupid, isn't it? I have people ask me all the time about a career in law enforcement, what do I say? Not in today's world, get sued, lose everything, get criminally charged for doing a job in a lawful manner, go to prison, lose everything, job gone, family gone, house gone, better yet get killed in the line of duty. You're gone, people forget, family destroyed and community broken. I just want to say thank you to Chief Story and all your people, we love you and appreciate you very much and we are not going away.

Jorge Aguirre, Member of the Public said I am a resident of twelve years, a small business owner, and employer, father and husband. I see a lot of anger here. Probably some rightful anger against everybody and I want us to keep in perspective is that this is a national problem. Everybody is having homelessness and

Agenda Item #6.2.

homelessness comes because of poverty and more poverty creates more homelessness and more homelessness creates more crime, right? I am from Juarez, and you can tell from my accent and in Juarez they had a really large crime problem and with help from the United States they brought a lot of money and bought US weapons and US cars and US equipment and US training to Mexican Police and they enlarged the Police by a large size and you know happened? Crime came two-fold. We have had kidnappings like never before and yeah you can say Mexico has its problems, yes but you know what happened in California? They had this homelessness problem like a couple of decades ago and they hired more cops, and they enlarged the Police Department, and they enacted policies to protect the right to single homeowners to forbid every other type of housing that the market needed from being built so homelessness became a worse problem. So, all I am saying here is let's try not to follow the California policies of not building housing and just enlarging the police and spending all this money on things that don't work. If we do that it isn't going to work here. I hear a lot about the revolving door. Yes, it is a problem but what was happening before was that we are just incarcerating the poor. The laws only apply for the poor because if you have enough money, you get out. So how come you want to have the privilege to get out because you have enough money, but you don't want the poor to get out. So now that we say no, everybody has equality, everybody is out on the streets and now we have a bunch of homeless and now we have much more crime. It is a tough problem, but it is not going to be solved with the solutions that didn't work in the past. So that is all I am saying, take a lot of the things like a grain of salt, everybody is really angry. There are no good solutions and so there are a lot of contradictions if you give money to the poor people are going to be angry even if it creates solutions. So, I just want to say thank you to all of you who are trying to do the tough things and the right thing at the same time. I know it is hard.

Jason Cogdill, Member of the Public said I am a resident of Las Cruces and I also served Dona Ana County as a Sheriff's Deputy for twenty-one and half years. I would disagree with some folks here. I don't think what you are hearing is anger. What you are hearing is frustration and the frustration is this, you all have the power to change things and for whatever reason it is taking a very long time. I want to commend Chief Story and Las Cruces Police Department for their transparency in this most recent murder of Officer Hernandez. That was terrible and completely unnecessary. If there is legislation in this city that is anti-police, I am asking you to repeal it, reform it, and get rid of it. There is no reason for it. These men and women are warriors that keep us safe every single day and they need the tools to do their job. It is incumbent upon you and your power and the responsibility that comes with your positions to enable them to do that. So, thank you very much sir for what you have done and what you continue to do. I would agree with my colleague Mr. Barlow, we love you, you are in our prayers, and we just want this city to be safe.

Henry Cooper, Member of the Public said I am a retired Lieutenant from the Dona Ana County Sheriff's Office and cancer survivor. Before I go too far I want to say that we have an excellent cancer center here in Las Cruces. With all the things that been talked about here about law enforcement, being retired for the number of years that I have it is just extremely frustrating to watch on TV, whatever the news source is or who the politician is or whatever party to see how they talk about what law enforcement officers actually do on the street. I also directed several of our

Agenda Item #6.2.

academies at the Sheriff's Office. I taught at the academy in Santa Fe and I have taught several times at the Las Cruces Police Academy. Every time it is always about what it is that we teach our law enforcement officers and how they learn how to do their jobs on the street and millions of times just to keep from getting in trouble. Too many times law enforcement officers will get complained upon because of a simple procedure they did as they were taught in the academies and it is not unconstitutional, it is not against the law, it was what they were taught. But there is something else, another group of people that need to be educated about law enforcement and that is the public. What you see in movies, I could come up with numerous examples, movies, tv series that I will sometimes throw my shoe at the tv and then go get a new tv because I broke it. That is how frustrated I am of how they present law enforcement to the public and we see a failure of that education to the public, from our elected leaders, and maybe even from top law enforcement agencies and officials in those agencies. Qualified immunity is not about making excuses for wrongdoing. It is about letting the officer being able to do a job they have and how they have been taught. Jonah Hernandez was killed by a man with a knife and too many times when we hear about law enforcement officers returning fire and utilizing deadly force somebody says they guy only had a knife or when he shoots somebody who is driving a car, and they try to run him down they were unarmed. No, they were in charge of a several thousand-pound weapon. How many people are killed by cars every year? That is where we also need to start, the education to the public about how law enforcement do their job. It is not always pretty, it is not always nice, but it is all dependent on the type of crime these officers are facing and the education they have.

Fern Adams, Member of the Public said I am an Anthropologist at NMSU with a focus on culture and language. I am here on behalf of Cruces for Palestine and as an Anthropologist it is extremely painful to be witnessing the genocide that is happening in Gaza. The world is aware, and the people are not blind to the crimes that Israel is committing. Israel has taken away so many innocent lives and actively depriving the remaining ones of any basic human decency, denying them of food, shelter, and water. Things that people should not have to beg for, and they are actively erasing an outright and performing a cultural genocide. Destroying whole communities of people who are simply just trying to exist peacefully. These communities were forced to evacuate from their homes and were shoved into "safe zones". It is blatantly obvious that there are no longer any safe zones especially at the events of last week's power massacre where dozens of starving civilians were murdered when attempting to collect food. People who are weak and starving and the Israeli government justifies that they took this action because they felt threatened. To feel threatened by people who are malnourished that just wanted to feed their children, who did not want to simply lose their rights to the one thing that they had left which was life. Mothers and children are actively dying. It is painful to know that if so much if not all of their culture and language will never see the light of day again because it is now trapped underneath the rubble and blood of so many innocent human beings. These are selfish acts that the Israeli government could have put a stop to and prevented but instead have chosen not to and continue to justify and turn a blind eye to their actions. We are asking our City Council to pass a resolution that calls to the Biden Administration to facilitate an immediate and permanent ceasefire in Gaza, restore UNRWA Funding and ensure Israeli allows unlimited humanitarian aid to enter at the scale needed at both north and south Gaza, and to uphold international law and basic

Agenda Item #6.2.

human decency by demanding that Israel ends extra judicial members of Palestine in the west banks and ends all settled terror on Palestinians and to end all funding and weapons transfers to Israel.

Danny Miller, Member of the Public said I want to tell you about a Monday that I witnessed a lot of vandalism about a month and half ago. I went to pick up my clothes on Lohman at the Comet Cleaners and their drive thru glass plate was just completely shattered. Then after that I went down to the Chick-fil-A, same thing there. Windows were broken. Then I had to go down to Batteries Plus and as I walked in, I observed somebody had tried to break into a plate glass double door that was extremely strong, and I am thinking that took a lot of pressure to get that open. The owner did tell me that the Sally's next door had also experienced vandalism. Pet Smart, they had some plate glass windows that were broken out also and then our daughter has a medical practice in that area and she has spent thousands of dollars to replace glass, to reenforce her doors, and the concern that my wife and I have is that she relayed to us a story that one afternoon when going out to her car and that there was someone that was messing with it and so she went back in and closed the gate that they had just installed and went and called the police and the police were there right away and we really appreciate that. So, I am asking the City Council to please listen to all these statements that have been made today and look at what we can do and make Las Cruces a safer place for not only businesses but for customers.

Yoli Diaz, Member of the Public said shifting gears, since October 2021, I have been advocating for access to much needed health care. My focus has been Memorial Medical Center since they are on a lease with the City of Las Cruces and Dona Ana County and the only hospital with medical and radiation oncologist. Today I will expand my discussion. We have three for profit hospitals, Memorial that is operated by Light Point and owned by Apollo Global Management, private equity firm, MountainView is owned by Community Health Systems, another major US health System. Both have very charge to cost ratios, 625 to 725 according to a national report. It doesn't compare to UNM or Presbyterian and according to this report the top ten hospitals in New Mexico with the highest charge cost ratios. I have two of them right here, which is Memorial and MountainView. I don't know too much about Three Crosses. It's a beautiful hospital but I read they are also owned by a private equity firm. I want to discuss two estimates of service just to kind of get these numbers out there and I am going to use two hospitals. The first one I am going to use is from Memorial Medical Center by a resident of Dona Ana County who was uninsured at the time that he needed his service and keep in mind that when someone has a potentially fatal disease, they are thinking about their disease not these numbers. So, they had an estimate that was \$7,022.83 so what they do is they have these estimates, and they will allow a prompt payment discount so due today was \$5,618.26 which would be due June 30, 2023. I don't know what went wrong but they took \$7,000 instead of the \$5,600. There is plenty of studies where people don't even have \$500, I don't know how you are going to have \$5,000 or \$7,000, that was Memorial. And then at MountainView there was actually a child who needed a surgery and the estimate \$173,827.87, there was some CPT Codes missing and there is a law right? The Price Transparency Law effective January 2021 where they should be having these CPT. Anyway, that item with no CPT code, \$65,782.82 and so this estimate had that they were going to be billing the insurance almost \$97,000 so the estimated

Agenda Item #6.2.

patient responsibility was \$9,190.94, so with our social determinants of health and demographics please answer me how are these people who live here are going to be able to afford these amounts? And so Affordable Health Care yes, we can do things, yes. So, I hope I keep getting to meet with some of you that have not been able to meet with you but think of those numbers.

Dr. Paul Funk, Member of the Public said I am concerned about our town just like everybody else. I think we need to frame the questions and the answers based on the biggest problem right now which is Fentanyl. It just hit this nation like a tidal wave, two hundred people a day are dying from it. A lot of the crime is driven by it. So come back next week or next time we meet with some ideas on how to address the Fentanyl pandemic.

Dylan Davis, Member of the Public said I am a mother of three children, under the age of three. I am a full-time student at New Mexico State University, and I am a full time Special Education teacher with LCPS. I have spent every second of my precious free time, which is not very much advocating for the rights of the Palestinian people. I know that a lot of the people in this room feel that it is not our duty to worry about matters happening outside of our town, but I would argue that these people are not accessing their humanity. We bring to you today request to bring forward a resolution in support of an immediate and permanent ceasefire. We are decentralized informal community group of concerned people who defend no more violence in our name being funded by a government with public money. We have collected over 350 signatures from Las Cruces residents who also call on you to support an immediate ceasefire and to put an end to the ongoing terror, destruction, and humanitarian catastrophe in Gaza. You don't have to take our word for it about this being a genocide or about how the actions of Israel with full United States support are in violation of International Human Rights Law National, international, Jewish, and Israeli human rights organizations, and media outlets have been documenting this crisis for decades. I am sure many people in this room and in this town are waiting on us to get tired of protesting, petitioning, and speaking on this matter and I can assure you that will not happen. Let Gaza live and support an immediate ceasefire.

Enrique Salas, Member of the Public said I just want to say one thing, Chief Story you are doing a great job. You got thrown into a huge mess here, I mean first year. I just want to say that Qualified Immunity when it was taken away tied the hands of all kinds of police officers because they don't want to do the job for fear of retaliation by attorneys and you guys as our leaders, our voice have the ability to pressure the people up north that make these laws to repeal that and you need to do that so that our officers can do the job that we have asked them do. Chief Story, we do love you.

4. ACCEPTANCE OF AGENDA

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to accept the agenda as presented with item 7.3 to be heard first.

RESULT:	Carried
MOVER:	Councilor Becky Corran
SECONDER:	Councilor Becki Graham

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

5. CITY COUNCIL MINUTES

5.1 REGULAR CITY COUNCIL MEETING OF FEBRUARY 5, 2024.

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

- 6.1 RESOLUTION NO. 24-086: A RESOLUTION AUTHORIZING AN INCREASE IN THE ANNUAL NOT-TO-EXCEED AMOUNT OF THE CONTRACT FOR OUTSIDE COUNSEL SERVICES WITH ROBLES, RAEL & ANAYA, P.C. TO \$1,500,000, PLUS NEW MEXICO GROSS RECEIPTS TAX ANNUALLY AND AMEND THE FY2024 BUDGET (PROCUREMENT NO 23-24-021).**
- 6.2 RESOLUTION NO. 24-087: A RESOLUTION AUTHORIZING AN ANNUAL NOT-TO-EXCEED AMOUNT OF \$750,000.00 COMBINED FOR BARRICADE RENTALS WITH JAVIER R. CHAVEZ DBA LAS CRUCES BARRICADES AND R2 CONTRACTORS SPECIALTY INC. BOTH FROM LAS CRUCES, NEW MEXICO SUBJECT TO ANNUAL RENEWALS AND APPROVED BUDGET APPROPRIATIONS (PROCUREMENT 22-23-057).**
- 6.3 RESOLUTION NO. 24-088: A RESOLUTION APPROVING A ROADWAY LIGHTING MAINTENANCE AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) TO PROVIDE FOR THE MAINTENANCE OF ROADWAY LIGHTING ON I-10 BETWEEN MP 141.40 AND MP 141.80, CONTROL NO. LC00371.**

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

- 7.1 RESOLUTION NO. 24-089: A RESOLUTION ADOPTING THE CITY OF LAS CRUCES AFFORDABLE HOUSING INVESTMENT STRATEGY.**

Natalie Green, Housing and Neighborhood Revitalization Manager gave the overhead presentation.

Councilor Flores asked I have a question about the exception to the anti-donation act, how is that circumvented or why does it not apply or how is it that it does not apply?

Natalie Green said the State Legislature adopted an exception for affordable housing. In order to be able to have an exemption we have to, one have an affordable housing plan which we do and then we have to qualify projects through a qualifying grantee process and so we do that call every October. We qualify either projects or developers, send that to the New Mexico Mortgage Finance Authority who is the entity in charge with enforcing the Affordable Housing Act and they work with us on qualifying those projects and council action is also part of that process.

Councilor Flores asked the land, is that state owned? Is it owned by the City of Las Cruces or is it owned by a private person?

Natalie Green said it can vary from project to project. In some instances, it is city land that we are activating. Many times, the developers have the land already and they come to us with a proposal and a potential land development project in the future is state land through some of their leases that they are doing. The state has been working with the City of Las Cruces to mandate attainable and affordable housing on any future state land leases coming forward for approval.

Councilor Corran said one thing that I did notice in your Project Moxie Report was that for hotel conversions to be something that you guys don't necessarily have the capacity to do at this time which I understand and I think it is really complicated and I think that as part of the MRA conversation goes I am assuming that is sort of a planned future expansion of these conversations so this isn't for today but for a future conversation and I was wondering if you could talk a little bit about that.

Natalie Green said we did look into the hotel conversions. It wasn't something that we could reasonably put GO Bond dollars in and move into in actual item in the three years but as we work more specifically on the West Picacho MRA plan that is something that we can look into. There is a funding source that we have identified, it is our Community Development Block Grant Funds. The challenge with that is we use that funding to fund other things so we would need to look at that program as a whole and figure out how to prioritize that in addition to that it also needs to be identified in our consolidated plan and be able to use federal funds for that process and it is something that we will be working with the Mayor Pro Tem on, the MRA staff on, and so it is in the works. We are also watching Albuquerque. Albuquerque has done a number of motel conversions, so we like to use their lessons learned to help us develop our best practices sometimes.

Councilor Graham said I want to appreciate the thoroughness of the report, easy to understand, well put together and I encourage anyone with an interest in this to go to the agenda packet which is available to anyone who clicks on this meeting and see how varied the projects we are doing for affordable housing are because I think the consistent conflation of affordable housing and homeless assistance which while that is a portion of affordable housing it is so much more. It is subsidies for land developers. It is increasing financial opportunities for home buyers, leveraging more affordable mortgages. So, it is everything from single family home to multifamily housing and I think it is important just to acknowledge affordable housing is such a broad spectrum and it helps so many people in the community of many income levels.

Mayor Pro Tem Bencomo said I have really enjoyed working with Project Moxie. I think that was a really smart partnership. They are really knowledgeable. I thought this process was really well done. I think that in many conversations that I have been having especially in the last few weeks but really in the last few months is helping people understand that what is happening right now didn't happen in a vacuum, right like the deep intersectionality of housing, mental health, and substance abuse and all of those things right and how deeply intersectional they are in the context in which we are operating in is that there has been a decades long disinvestment from public housing from the federal government and now we find ourselves post-ish Covid where

Agenda Item #6.2.

we saw not only rents rocket but many rental units became unavailable because people decided to sell. Many different reasons are gap increased and it's getting more expensive and more expensive and so people are finding themselves at risk of being homeless more often or even homeless for longer periods of time because of the lack of availability. I just want to point out the strategies moving forward are many. There are many pieces to the puzzle and this arguably is one of the biggest, most expensive, and most time consuming one but I do just want to express a lot of gratitude for you and your team for doing this and I hope that we can continue within those intersections working more closely with the Police Department, with the Fire Department, with our Economic Development staff, our Community Development staff, all of these to try to break down these silos and get to some of these pieces a little bit faster. I am especially really interested in MRA intersection of housing and infill and getting rid of blight and reinvesting and revitalizing some of those areas and so I know that hotel conversions have come up a lot. Probably mostly from me honestly because I am very well aware that motels on West Picacho especially have sort of filled a gap, that huge gap that we are talking about. They have sort of filled it. I think they need support as much as accountability. So I did just want to point that out, not to focus on the sort of the no capacity areas of the strategy but I am wondering Natalie when we are talking about motel conversions or mobile home park preservation and we talk about no capacity or resources at this time what specifically does it mean and if its time it is also time right, I am wondering if you can expand on that?

Natalie Green said some of it is not necessarily city capacity but either capacity at the state level where there is not necessarily state law or programming that exist yet. It also could be funding sources that don't necessarily meet the exception of anti-donation and how do we cultivate those so the capacity can vary and some of it is just time for staff to research. As you know we have taken on some pretty extensive low-income housing tax credit projects. We are about to close on one March 7th, fingers crossed it has been a long time since coming and so as those sort of get out the door and are on their own we can start to look at other projects. I told the council before that we are very happy that our manager is on board so that has doubled our capacity to be able to research some of those more complicated issues that need a broader discussion. So, you will see a lot of that come forward. So, it is not off the table it's just not in the next couple of months, but we will get there.

Mayor Pro Tem Bencomo said I think for me it is not necessarily priority for these pieces but I will take it upon myself to do a little bit of research and maybe with some advocates in the state like the Center on law and Poverty and others around this mobile home park preservation but also and I only say this because literally just this weekend I was talking to a federal probation officer at the track meet but once people find out I am a city councilor they just want to tell me all the things. This person was telling me that they have a client at a mobile home park in my district and the issues that they see and I think codes would speak to that as well. I do feel that it is a pertinent, I wouldn't say that it is right there, right at that priority of all of these housing projects that we have because there are many but I would love to in the near future or sometime in the future maybe have a Work Session discussion about how we improve situations for both landlords of mobile home parks but certainly tenants. I did just want to say that because it was present for me.

Councilor Yvonne Flores moved, seconded by Councilor Becky Corran, to Approve Resolution No. 24-089.

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

7.2 RESOLUTION NO. 24-090: A RESOLUTION APPROVING A PEDESTRIAN HYBRID BEACON MAINTENANCE AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT) TO PROVIDE MAINTENANCE OF THE HAWK SIGNAL ON PICACHO AVENUE AT 4TH STREET, CONTROL NO L100518.

Tony Trevino, Assistant Director Public Works gave the overhead presented.

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to Approve Resolution No. 24-090.

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

7.3 COUNCIL BILL NO. 24-020; ORDINANCE NO. 3062: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF LAS CRUCES, NEW MEXICO, TAXABLE GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2024, IN THE PRINCIPAL AMOUNT OF \$6,000,000, PAYABLE FROM AD VALOREM TAXES LEVIED ON ALL TAXABLE PROPERTY WITHIN THE CITY, LEVIED WITHOUT LIMIT AS TO RATE OR AMOUNT; PROVIDING FOR THE FORM, CERTAIN TERMS AND CONDITIONS OF THE BONDS, THE MANNER OF THEIR EXECUTION, AND THE METHOD OF AND SECURITY FOR PAYMENT THEREOF; PROVIDING FOR THE METHOD OF SALE OF THE BONDS PURSUANT TO A PUBLIC COMPETITIVE SALE; PROVIDING FOR THE MATURITY DATES AND AMOUNTS, INTEREST RATES, PRICES, REDEMPTION FEATURES AND OTHER FINAL TERMS OF THE BONDS TO BE ESTABLISHED IN AN AWARD CERTIFICATE; DELEGATING AUTHORITY TO THE CITY MANAGER AND CITY FINANCIAL SERVICES DIRECTOR TO AWARD THE BONDS TO THE PURCHASER; AND PROVIDING FOR OTHER DETAILS CONCERNING THE BONDS.

Erika Jaquez, Treasurer gave the overhead presentation.

Councilor Corran asked why this moment to sell them?

Erika Jaquez said I spoke with our financial advisor earlier and basically, we try to set up this to get a good rate. We can never predict what is going to happen in the market

Agenda Item #6.2.

we can just do our best estimates. So, he estimated about a 5.325% rate for these bonds that will be sold March 14th.

Councilor Flores asked the 5.3 rate, and you say does that go away like the pumpkin goes away in Cinderella on March 14th? Is it guaranteed through March 14?

Erika Jaquez said that is an estimate. We can't really predict what is going to happen on the market but that is our best estimate at this time.

Councilor Flores asked what if we agree to that now?

Erika Jaquez said that is not actually the interest rate that we are going to pay on these bonds through the competitive sale. We set a time and date, and we get bids from brokers and banks and then we just accept the bid with the lowest interest rate.

Councilor Flores said which could be anything. The lowest relative to 5.3 or just lowest?

Erika Jaquez said it is just the lowest it can be lower than that. We can't go above the 10% though per the parameters set in the ordinance.

Councilor Flores asked so why is March 14, 2024, crucial?

Erik Harrigan, RBC Capital Markets said we are the City's Municipal Advisor. So, we looked at selling the bonds in and around this time. Interest rates really hit a high in the November time frame. Rates have since come down to that point with the idea that the Federal Reserve was going to start pivoting from raising interest rates to actually cutting interest rates. Based upon the economic data that we have received again the year, labor market is still incredibly strong. The feds sort of key inflationary factors are kind of staying where they are at and so instead of the federal reserve anticipating this is all anticipated that they might lower the rate two or four times this year based upon how strong the economy is they may not even lower the interest rate. Where the rates are they have come off their highs we recommended a spring sale and the sale does coincide with obviously the approval of the city council. The interest rate as Ms. Jaquez is talking about is set around bids that we received on a week from this Thursday, so we are going to post the preliminary offering document this Thursday, then notice gets sent out to investment banks all across the country inviting them to bid on the city's General Obligation Bonds. Note that these are taxable bonds because of the way that the proceeds are being used. This is a little bit different than General Obligation Bonds which have been sold on a tax-exempt basis which usually come with a lower interest rate. We estimate that the interest rate is about 5.3% and that is based upon what current taxable sales similar to what the city is rated. The city just affirmed its Aa2 rating to Moody's so congratulations on that. That is terrific and so that is what we estimate. Of course, we can see interest rates fluctuate significantly even on a day-to-day basis depending on what kind of economic information is being released but we anticipate that it is going to be in and around a 20 to 30 basis point range around that 5.3%.

Agenda Item #6.2.

Councilor Flores asked what if we say yes, go ahead and then the interest rates shoot up?

Erik Harrigan said there are parameters that are laid out in the ordinance that are before you. The interest rate can't proceed 10%. We think it will come in way way below that, but the city has the option should we receive unfavorable interest rates. So, if we are receiving a rate that is around 7% which is way way higher than current market conditions we can reject all bids. We don't have to accept any of the bids. The city is not tied into whoever provides the lowest bid comes Thursday we anticipate that it is going to be much lower than that like 5.3% but there have been periods of time when there are significant market disruptions especially during the onset of the pandemic where you had issuers that saw really crazy bids. We rejected those bids and then we went back out a few weeks and maybe a month later to issue those bonds. The city has that flexibility to this delegation I believe is good for 120 days and so you have some flexibility should the markets be in a really bad situation. If you are not receiving the bids you should we can just reject all bids and go back out to the market at a point when the markets are more stable. We don't anticipate that happening. We do anticipate fairly stable market conditions between now and the time that you sell.

Ifo Pili, City Manager said one other thing I wanted to do is make a point of clarification. The first question was just a good one especially for the public of why now? What is the magic date of March 14th? As you can recall and public may recall we chose to push off this particular part of our GO Bond and not issue it at that initially, not necessarily because we were chasing rates. That is really the secondary reason that we were hoping that maybe if we pushed it out further enough when we would issue the debt the rates would lower, and it has since we first talked about this. The whole reason for pushing it over was that we didn't want to issue debt and then have that debt sitting and us pay interest and paying this debt back while waiting for projects to get moving. So that is the primary reason for us not issuing the debt sooner and as we are getting it you see some of the groundbreaking and the moving in with some of our affordable housing projects. We are in a position now where we are able to say you know what we are going to need this money sooner than later and so we are just issuing the debt because we need the debt and whatever the market is based upon our bond rating we are going to have a pretty good I can say maybe a year or two ago if you told me 5.2% I would have thrown up but right now that is what the market is for and again the longer we can prolong the need to issue debt the better it has been for us. That is what the market is and bond rating is. It is a really good bond rating for a city our size and our situation it is one or two steps below Aaa and it is a really good time and not just because of the interest rate but because we are going to need that money and so the 10% is a huge parameter but our recommendation will not if it is anywhere near that we will figure something out. I just wanted to put that and maybe answer some questions even for the public listening in.

Councilor Flores said it does answer a lot of questions and the most important part of that is that there are projects that are ready to go and that is really the fundamental reason, I think.

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to

approve Ordinance No. 3062.

RESULT:	Carried
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Becky Corran
ABSENT:	Mayor Eric Enriquez and Councilor William Mattiace

7.4 COUNCIL BILL NO. 24-021; ORDINANCE NO. 3063: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (HIGH-DENSITY RESIDENTIAL FROM THE SOUTH MESQUITE OVERLAY) TO C-1 (NEIGHBORHOOD COMMERCIAL DISTRICT FROM THE SOUTH MESQUITE OVERLAY). THE SUBJECT PROPERTY ENCOMPASSES 0.233 ± ACRES AND IS LOCATED AT 541 CAMPO STREET. THE ZONE CHANGE IS TO ALLOW FOR THE FUTURE DEVELOPMENT OF A COMMERCIAL BUSINESS ON THE SUBJECT PROPERTY.

Adam Ochoa, Senior Urban Planner gave the overhead presentation.

Councilor Flores asked on December 19th P&Z voted to recommend denial of the zone change?

Adam Ochoa said yes ma'am. They voted unanimously to recommend denial to the city council for the proposed zone change.

Councilor Flores asked a yes vote is to agree with the P&Z?

Adam Ochoa said no ma'am. To clarify, if you vote yes this will approve the proposed ordinance and approve the zone change from R-3 to C-1. If you vote no you would deny and upholding what the Planning and Zoning Commission voted and HPC, ma'am.

Councilor McClure asked are there any type of business or commercial opportunities allowable in that?

Adam Ochoa said there are actually under the South Mesquite Overlay, very limited commercial service related uses are permitted on the subject as is which would include I believe an art gallery, service related as in barber shop/beauty salon, and similar types of uses, limited offices are allowed, I believe a dental and doctor's office are permitted there as well but that is really it from a standpoint of service and commercial standpoint. That is all that is permitted in an R-3.

Councilor Graham said not to do a spoiler here, but I have no intention of voting against the denial of both the Historic Planning Commission made and the Planning and Zoning Commission. Read through all of the notes, received the petition and again I know we say this every time but if you email, when you email us and you don't get a response on which we are called to vote that is because we can't. We can't respond and so I hope that nobody feels overlooked or slighted by a lack of response but although I do agree with this, I wanted to just voice a little bit of opinion on some of the details that were included in the push back of this proposed zoning change. I think I am always interested in when people will kind of send the rhetorical question

Agenda Item #6.2.

with the, would you want this in your neighborhood, because this is my neighborhood. I live right on the boarder of District 3 and District 1. A lot of the pushback and expect to hear, and I respect that I am going to hear in public comment to was that this was a proposed cannabis dispensary. That was the stated purpose and there was a lot of pushback about the idea of such a business would ruin quality of life in my neighborhood, would compromise the feeling of place, unsafe, and again not only do I live about a half mile from this one about a year ago a dispensary opened a tenth of a mile from my house. I live in a C-2 zoning so lots of allowable commercial, residential. I am surrounded by a bunch of small businesses, some other single-family homes and just from my anecdotal one person sample I have noticed no deterioration in my neighborhood with the move in of this business. It took up a storefront that had been empty for some time so all that to say just a gentle reminder that when we make these decisions it's not, phrase of the day, it's not happening in a vacuum. These are our neighborhoods. This is my neighborhood but again I respect everything that I read, everything that you have presented Adam and thank you because I think your initial over explanation of how we are going to vote was for me because I am always the one who is like okay wait, yes means yes or yes means no.

Mayor Pro Tem Bencomo asked on the C-1 zoning in the Mesquite Overlay, there are C-1 designations, yes?

Adam Ochoa said there are currently some C-1 zoning designations in the South Mesquite area that fit within the neighborhood zoning designation. They are a little further north along Campo I believe there are a couple, along Mesquite as well, nothing really on this side. The commercial essentially ends along Lohman in this area of the South Mesquite Overlay.

Mayor Pro Tem Bencomo asked this does have some allowable commercial uses as it stands right now, correct?

Adam Ochoa said that is correct.

Mayor Pro Tem Bencomo asked like what?

Adam Ochoa said very limited, an art gallery, more service oriented, doctor's office, dental office, a beauty salon is allowed there, and/or similar uses, barber shop, spa, things like that will be permitted on the subject property right now.

Mayor Pro Tem Bencomo asked the difference right now is the rate of customers? Like the traffic the business would bring?

Adam Ochoa said when the section of the code was rewritten, they saw those as kind of minimal impact types of uses by appointments if you will. When it comes to C-1, now you have yourself actual retail and people coming in and out as is when business hours are open essentially, so it is a step up when it comes to intensity on the property.

Mayor Pro Tem Bencomo said let's say a dispensary does not qualify for the current

Agenda Item #6.2.

designation. What else does not qualify?

Adam Ochoa said any type of retail related land uses, no restaurants, no cafes are permitted under R-3. Again, essentially the five that I stated is all they are really allowed to do. On top of that they are allowed by right home occupations as well but they would have to live there to support that is what the home would be used for again a portion of the home could be used for office use, music lessons, that type of stuff but again it is very limited as to what they could do as compared to what a C-1 would allow.

Mayor Pro Tem Bencomo asked what about an Airbnb?

Adam Ochoa said Airbnb would be permitted as well.

Mayor Pro Tem Bencomo asked do we know the applicant/owner, did they inherit, is it theirs for a long time, did they recently buy it? How did they come about the property, do we know?

Adam Ochoa said I am not exactly sure about that. I believe they might be here and be able to answer that question.

Mayor Pro Tem Bencomo said I know this neighborhood is a tight knit neighborhood, they worked a long time to have that designation and to protect that designation if there was any conversation between the applicant and the residents and the neighbors around what could essentially be put at this location?

Adam Ochoa said I think there was some minor discussions. I don't think there was an actual public meeting with the neighborhood or anything like that but by all means I'm sure they can answer those questions for you if you like.

Irene Oliver-Lewis, Member of the Public said I live on Kansas Avenue, Lot 45 of the Original Las Cruces Town Site Plat of 1849. My family has lived at this address for 88 years. I am here today to urge you to deny the zone change for 541 South Campo from residential to commercial. I not only represent myself today, but I also represent 413 concerned citizens/residents who signed this petition asking that the city council to deny this zoning change. A group of 8 women in our neighborhood organized the drive to show commitment to the historic preservation which led to this petition. The 413 people in this petition represent the Mesquite Street surrounding neighborhood and/or their family members who grew up in the neighborhood, individuals who are concerned to keep our original townsite intact and citizens who are opposed to commercial businesses appropriating existing historic homes for use not represented in the South Mesquite Street Overlay. A former city mayor, a former state senator, a former state representative, two former city councilors, a former DA County Sheriff, and numerous other concerned citizens signed this petition. I echo the 413 people in this petition who urge you to deny the zone change to maintain the historic nature of our neighborhood. I want to say that the Chair of the P&Z said that they had been very supportive of cannabis, but they have never been supportive of cannabis in a neighborhood.

Rosemary Leyva, Member of the Public said I would like to share with you a bit of history of my neighborhood. In our neighborhood everyone knew their neighbors and, in some cases, we were related to them either by blood or religious manner. Everyone helps each other in any way they could. Whether it was taking food to the sick or an elderly person or watching out for the kids in the neighborhood. Many of us attended the same school as our parents and in some cases live in the same homes our grandparents built, adding rooms as necessary as families grew. I am the fourth generation of my family to live in this area. My great-grandfather Baltazar Madrid and my great-grandmother Clara Martinez lived here in 1876 and they raised their family here. My grandfather built the home and the land where my home is now but then the street was called Convent Street, now it is called Kansas. Baltazar worked as a farmer, a blacksmith, and did construction work. He farmed the land that is now the Citizens Bank drive-thru window section. When he harvested his crops, he gave the food to the nuns of the Loretto Convent, later known as the Loretto Academy. My grandfather Ramon, son of Baltazar, also farmed this land and gave food from his harvest to the Franciscans that occupied the former Loretto Academy. On the corner of the Calle al Composanto now called Campo Street lived his brother and next to him lived the Diaz-Martinez family, owners of the Golden Crust Bakery. To the left of my grandfather, Ramon's home, lived John and Doña Juanita Fitch, grandparents of Irene Lewis-Oliver and Sylvia Camunez. The homes on the corner of Campo and Kansas were built on higher land and no effort was made to lower or level the land due to the results of the flood of 1875 when the neighborhood and the majority of the city was destroyed through the flood. Neighbors like the Lopez family that lived in the house on the corner of Kansas and Campo, they had an open driveway and let the Romero family, the Camunez family, and those living in the apartments behind the Lopez house enter to get to their homes. People could and did take the shortcut through Contreras house by cutting across the Lopez driveway to Lohman then a two-way street to the Greyhound Bus Station or to the Golden Crust Bakery. On the corner of Kansas and San Pedro there was a little store run by Tomas and Josie Aragon where we could purchase small items needed such as bread, milk, and of course candy and sodas. The home where it was is now being renovated by Faustino Zamora, whose parents owned the store and the home attached to it. On the corner of San Pedro is the home of Eugene Van Patton a local businessman in the early years of Las Cruces. Changes to the neighborhood will soon cause this history to be forgotten and the close relationships of neighbors to unravel.

Celeste Conrad, Member of the Public said I will be reading a statement prepared by Josephine Lannert who is having some voice issues. I oppose rezoning the property at 541 South Campo. I live in the Josefa Martinez Holguin house at 315 South Mesquite. Four generations have lived in this historic adobe home hand built in 1912, the same year New Mexico became a state. I have personally seen how a residential street in the Historic Mesquite area can change with commercial zoning. Rezoning has brought many changes to Mesquite Street. These are changes in neighborhood character, safety, and the loss of history. Mesquite Street is now zoned C-1. In the 1950's Mesquite Street was primarily residential with a few family businesses. There was a nearby butcher, a variety store and a baker. Narrow streets and a shortage of parking kept businesses local. Eventually the butcher talked neighbors into allowing Mesquite Street to become designated commercial. When visiting my grandmother

Agenda Item #6.2.

Josefa 60 years ago Mesquite Street was an unpaved dirt road. Neighbors knew each other, families had strong roots in the community. Many of us living there today and still keep those roots dear. I feel fortunate to now live in my grandmother's house. I have personally seen many changes due to the commercialization of Mesquite Street. My elderly mother can no longer cross the street to Nopalitos Restaurant without fear due to heavy traffic. Entering my driveway vehicles behind me become impatient forgetting that there are still residential homes on Mesquite. Even with street signs showing that Mesquite is on the Camino Real speeding drivers do not respect neighborhood. Vehicles park on both sides of Mesquite obstructing lines of sight for pedestrians and other vehicles. More than frequent accidents are more common now especially at cross streets, parked delivery trucks limit what other drivers can see and sometimes block driveways. Commercial vehicles bring diesel fumes and noise too. More important still is this prior to commercial zoning to Mesquite Street neighbors knew each other, with more commercial activity allowed residents no longer knows who belongs in the neighborhood.

Sylvia Camunez, Member of the Public said I am here today in opposition of the zone change of 541 South Campo from R-3 to C-1. Reason for my opposition is that staff is leading you to believe that the zone is valid as there is already commercial businesses on South Campo. These businesses are Citizens Bank and what was Church's Chicken. These businesses appear to be part of South Campo Street. The physical and legal address of Citizens Bank is 505 South Main Street. The physical and legal address of what was Church's Chicken is 300 East Lohman Avenue. Main Street and Lohman Avenue are zoned commercial, not Campo south of Lohman. North of Lohman, Campo is commercial. Commerce is a huge issue within the city and this South Mesquite Ordinance allows businesses well over 30 types listed in the ordinance. These businesses are known as cottage industry, therefore a zone change is not necessary. I invite you to read the SMO Ordinance online, Section 38-49.2. The south side of Campo is protected by the SMO as a neighborhood intact. Changing the zoning is disrespecting and slowly dwindling away all of the Mesquite Street Historic District Original Town Site of Las Cruces. As former President of Las Esperanza's I had a dream of preservation and protection of the original neighborhood in Las Cruces. My vision is still there. Troy Ainsworth, Historic Preservation Specialist has presented facts on the zone change to the public and to the Historic Preservation Commission. His presentation was comprehensive and accurate. He clearly explained the reason for recommending rejection of the zone change. Historic Preservation rejected the zone change, Planning and Zoning also rejected it unanimously. Now as she said she has 413 signatures. They represent every one of you councilors' District. Now it is up to you elected officials.

Deb Dennis, Member of the Public said I have lived in Las Cruces for 45 years, I ask that you deny this ordinance for four reasons. First the analysis by city planners is flawed. If one actually looks at the South Mesquite neighborhood plan maps, they clearly indicate that the property is not adjacent or transitional to a residential area but in fact is imbedded in an area set aside for protection of a nationally recognized historic residential neighborhood. Second, your vote for a zone change will be precedent setting and irrevocable. Never before has a single property been plucked out of a protected historic residential area to be zoned commercial. You will be initiating the unraveling of our oldest neighborhood. The zone change will have a

Agenda Item #6.2.

domino effect with one residential property after another being lost to commercial enterprise until the 175-year-old original town site is no more. Is this how we elevate Las Cruces? Third, council has repeatedly been presented, even today with information detailing the need for affordable housing, converting this property from high residential use to commercial is counterproductive. Fourth, the owners are not being denied the opportunity to operate a business. The South Mesquite Overlay identifies 113 types of businesses permitted in this residential zone. During the earlier hearings the owners repeatedly indicated that they have considered operating a barber shop. This is one of many cottage industries currently permitted and welcomed by neighbors. Because the Las Cruces community values historic preservation we residents are bewildered by city actions to the contrary such as allowing the Amador Hotel Project to languish for 15 years since city council declared it at the southern gateway to a revitalized downtown and we mourn the loss of historic homes while demolition by neglect is the primary operating principle for the Community Development Department to dismantle the Mesquite Historic District one property at a time. By this petition with over 400 signatures in opposition to this ordinance we demonstrate that we will not silently condone the continued degradation and loss of our shared cultural history and unique heritage.

Faith Hutson, Member of the Public said city staff has presented the argument to both the HPC and P&Z that the zone change of 541 South Campo is both in character and compatible with the Mesquite Historic District because Campo Street is dominated by a variety of commercial office and retail land uses that buffer the various types of residential housing in the area. Staff has stated that this property is adjacent to a burgeoning commercial district and that commercial operations are to be welcomed. This is true on North Campo Street but there are no commercial buildings south of Lohman that have a Campo address. The Loretto Shopping Center has its back to Campo, its address is on Main Street. Sutherlands also has its back to Campo, its address is El Paseo and the El Paseo Plaza where Crunch Fitness is has a Wyatt Drive address, 541 South Campo is within the federal portion of the Mesquite Historic District. The Federal, it is part of the original town site. Changing the zone would fail to protect historic integrity of the structure that was built in 1910 and since practical access to the property is on Kansas Street not Campo the proposed zone change actually encroaches into the historic neighborhood and leapfrogs residential commercial use onto a uniquely residential street. The Mesquite Historic Neighborhood design plan states that the block south of Lohman Avenue where this property is located are proposed for residential use with the objective of encouraging new single family residential infill. The plan also states that this should be able to be accomplished without disrupting the historic fabric of the neighborhood. This house is a house, and it should remain a house especially considering all the discussion on affordable housing. If a goal of the city government is to encourage economic growth, then I argue cultural heritage tourism should be promoted rather than commercial rezone. Millions of hours and dollars have been spent developing Section 38 which is the South Mesquite Overlay, Chapter 40 which is the Historic Preservation Ordinance, Elevate Las Cruces and the Downtown Master Plan. All of these documents advocate for the preservation of our historic buildings and historic districts. Perhaps my most compelling argument against this rezone is objective 3 of the Mesquite Historic Neighborhood Design Plan which states, "prevent Las Cruces downtown development and traffic flow imperatives from encroaching on and destroying the Mesquite

Agenda Item #6.2.

Neighborhood". I ask you as a council to please deny this zone change.

Olivia Nevarez-Garcia, Member of the Public said I am a former Judge here in Las Cruces, having been a Judge for 18 years. I was born at the corner of Amador and Church Street, two blocks from this location. I am here on behalf of my dear cousins. When I was little, I would walk two blocks to my grandparents' house which is now the home that Sylvia and Irene live in and it is a wonderful neighborhood. I love the old neighborhood and I thought about buying a house in the area, but I have a house in Santa Fe and I have a house here. I was born 81 years ago in that neighborhood, and I am asking you please deny this petition request to rezone this area. These are dear, wonderful, old people living there that want to remain in a peaceful neighborhood and I fear for my cousins who had been there for so long and want to stay in their home. I would like to read something to you that I did a little research on cannabis, and I would like you to look it up. Two years since cannabis has been legalized, this is in New York, only 26 dispensaries and just 11 of them in New York City have actually opened their doors. Think about that and we have a cannabis shop/dispensary on almost every corner of Las Cruces. Do we need this? Let's protect our children. I have seen more violations, traffic violations, more accidents, more speeding, running red lights, and I wonder why, since cannabis was opened. Thank you so much for listening to me, please consider denying this request.

Jo Ruprecht, Member of the Public said I am a Las Cruces resident, long time. I want to mention just a few things that were brought out here. Several weeks ago, when I talked to John Castillo, city staff member in Community Development about what was the next step after P&Z, after first HPC recommended denial, after P&Z recommended denial, the applicants did not get a single vote in favor of approval and I talked to John and I said so why does this have to go to city council? Isn't it a dead issue? He said no because of the nature of what is being asked for, it has to be brought to city council and I said well what can we expect? And he said well, city staff will present basically what they have presented already. So, we are not presenting anything new and that is basically true if you look through your packet most all of that is from before any public discussion or any discussion by the HPC commissioners or by the P&Z commissioners. Most of it was done weeks ago before those discussions. What John told me to expect on the opposition side, on the side I am speaking for is this was to gauge the contentiousness of this issue. What would happen if the zone change were approved, how contentious would that be, and I want to just clearly say to you that what you have heard so far in terms of the personal comments and in terms of the petition that is being presented to you by many people in the city, not just neighbors saying I don't want this here but many people who are concerned about the preservation of historic districts in this city at this time. It is very contentious and one of the things I want to point out that is left out from, well I want to compliment Mr. Ochoa for some of the corrections he made to the earlier materials. He has corrected an issue about how the vote for HPC was reported in your packet. He has corrected a couple of other things, but he has maintained a language suggesting that there is very limited uses for within this R-3 for home businesses. That is not true as you have heard two of the other speakers say that there is well over 100 allowed businesses, and they are outlined in the land use development pages. It covers like 3 pages of materials specifying those businesses. Also, one comment from the dais was that much time has been spent on cannabis and the proposed use of this as a cannabis

Agenda Item #6.2.

business. That was not the issue at HPC. They were very careful both the public and the members of the commission to focus on simply the zone change toward any commercial use outside of R-3 three home businesses or cottage industries. It is not an issue per se about cannabis, it is an issue about setting a precedence by allowing this zone change effecting the Mesquite Overlay District. That precedent was emphasized in the P&Z hearing and that also does not come through on page 2 of your summary of the P&Z.

Troy Miller, Member of the Public said I am one of the owners there at 541 South Campo.

Sandra Calderon, Member of the Public said I am one of the owners also. I do have a few concerns about, first of all the first two meetings I did feel right off the bat that the councilors were going to say no because of the cannabis thing. It was just saying cannabis and I could see their reaction and their faces, and they said no. So, I knew it already and the historical part, we have a lot of citizens here to my point of view are okay historical, family, homes, but I would like to know and of course they are not going to answer me right now, but they don't know me. I have been there since 1999. My kids grew up there and I am sorry one of my kids, my 27-year-old died two years ago and the reason why we want the cannabis store is because he was already going through the process of opening his cannabis store so when he died, I just want to continue with his dream. A lot of people here are like our neighborhood. When my son died, I didn't see any of my neighbors come to my house and say, "Sandra I am sorry for what happened to your son". So, if there is so much community in my neighborhood why didn't anybody come up to me and say, hey I knew who your son was personally. I have been there since 1999. They grew up there. They don't know not one single teenager from back there. I am pretty sure they can't come up here and say my kids name, neighbors' my name. So where is the neighborhood, hey that they so call this is our community. They talk about grandparents, great-grandparents, aunts, uncles, cousins, do they really know their neighborhood? You want to preserve that but you don't even know who we are and yet you are denying us from me doing my son's dream.

Troy Miller said and like she said we are trying to go with what our son wanted to do because he was pursuing it but the big thing with the zone change, you have to have a zone change for commercial to run in the cannabis. We are not stuck on doing a cannabis store at that location because we have talked about doing other businesses there. Like the neighbor said we have talked about a barber shop, that is one of them. One of our sons is maybe looking at doing a mechanic shop but the thing is under the R-1, if you try to go get grants or funding or special financing and stuff like that you are more likely to get that kind of funding if it is commercial location because of the way the building is built, the codes. Everything has to be a certain way for funding. We can't run a cannabis store, we can't run a cannabis store, but we were gonna run a business in there. We already run an Airbnb off of the front part of Campo Street so we do have an Airbnb there and then our other son lives in the back part right now but he is getting ready to go off to diesel mechanicing school and we are looking on how to better stuff for the kids coming up. Right now, it seems like if you drive through the neighborhood, how many houses are empty? How many houses are ran down? They are not painted, there is supposed to be code back there but when our house caught

Agenda Item #6.2.

fire we had to go through all of this and have it painted for a certain way, decorations, everything had to be approved in that area but if you drive through right there in just that two block area there are houses that are graffitied, there is cracked stucco, stuff don't match. I get it, you want to preserve history but everything changes, everything evolves. Right now, it seems we are stuck, we are going to stick to this right here. How many kids live in that neighborhood? What is the youngest person who has bought a house in that neighborhood? Do you see any new kids coming in say I want to live in that neighborhood. They are all going out to fancier neighborhoods and stuff like that so that is my point in it. We are going to do something that we can there, but we want to change the zone so that it opens it up more to what we can do and funding options of course.

Wilma Hutchens, Member of the Public said I live in the historic district, but I am a child of the sixties, cannabis is not a problem with me. Anybody that knows me knows that I lived in a number of foreign countries, I have been around the world, I have talked to 100 countries I have visited and where I go is to the historic districts to see the thing that created that society and that world. Please deny commercial in the historic district. Focus on what we can get with our own historic district and tourists.

Dolores Archuleta, Member of the Public said I am a Native American. My parents were full blooded Pueblo Indians of the Isleta Tigua Tribe and they lived where it is now, the original town site. At the age of 14 his mother died, and his father took him to the Pheonix Indian School in Pennsylvania. They never saw each other again. From there he enrolled himself in the Colorado Indian School in Pennsylvania and graduated from there, he then joined the Navy during World War II. He came home to the original town site. He was prepared, he saved his money to build some adobe homes right there. He had already met my mother, they were already going to get married. The trouble is, the Indian schools didn't teach how to make adobes, so he had to hire people to do that for him and that is where he lived and that is where he died, in a Veteran's house.

Mayor Pro Tem Bencomo said I do want to ask the public, you don't have to, but I am going to ask that you have some grace for staff who are consistently being told or accused that they are not business friendly and or that they are trying to demolish historic neighborhoods and that they don't care about residents and that their information is flawed. They are always stuck in between this place and so I do want to ask all of you to have some grace for them. I am going to be voting no today but I do want to note for me and it should be a note for all of us that it is precedent setting because shall another proposal come for a different C-1 use it is a slippery slope to discriminate based on industry, based on business and that is not what I will be doing because you all know where I stand on cannabis. The other thing I do want to note is, I did bring up Airbnb's because I also think they are a threat to our community, they are a threat to affordable housing, they are a threat to preserving historic communities so I would love to continue to having conversations about what primary use Airbnb's look like in historic neighborhoods as opposed to Airbnb's that are casitas or that people live there and only rent them out when they are not there. I think that those are threats as well. I appreciate people talking about the importance affordable housing. I hope that in the future if there is any affordable housing proposals in this area that you do not come and fight against it because that would be very hard for me to hear as

Agenda Item #6.2.

well so I did want to note those few things before we move on to voting.

Councilor Flores asked how do these C-1 come up in residential areas? What is that process and what does it take? I am surprised, very surprised it being a historic district area such a permissive zoning code would allow nonresidential. In who's mind, it's a historic district, who comes in and says they want to change to something other than a historic district?

Adam Ochoa said really it is anybody. If you look at the 2001 Zoning Code, commercial of C-1, it is commercial neighborhood. That limits the size of the property, it limits the uses as compared to your C-2/C-3 zoning districts. The actual definition of C-1 commercial neighborhood, it is that. It is a commercial use that is compatible with a neighborhood that would not affect it by the intensity of what would be allowed on the property ma'am. Again, by the types of uses that is permitted on there, the size of the buildings is restricted as well like when it comes to other zoning districts, C-1 and outside of the South Mesquite if you will and it also it limits the number of uses dramatically compared to the next step-up C-2 commercial medium intensity ma'am.

Councilor Flores said I think my point is that I live in a residential area so I would never expect that a commercial type of business would be allowed on my street because it is a residential area. So, someone would petition the city and say let's change this to a non-R residential area, just like that?

Adam Ochoa said that is correct. As a property owner you have the ability to request the zone change. It does not necessarily mean it will be supported not only by staff or our adopted policies Elevate Las Cruces, 2001 Zoning Code and other policies we have in place as well, ma'am. Potentially staff would also look it as a spot zoning potentially as well literally if it is just one spot in the middle of what is a CR-1. That might be a hard sell for staff to be able to support something like that.

Councilor Flores asked the part that I find very problematic is that it is a historic district, why would a zone change be going to commercial be allowed in a historic district?

Adam Ochoa said that is what basically staff's job is to analyze what our existing codes are, what our comprehensive plan calls out and what would be allowed or not, what policies are set in place as well including the South Mesquite neighborhood policy plan as well to see if that is something that could be supported or not.

Councilor Flores asked the fact that it is a historic district has no bearing on zoning?

Adam Ochoa said it does take bearing as well. That is why it has to go before the Historic Preservation Commission for their opinion as well.

Councilor Flores said but they voted no. They didn't want it.

Adam Ochoa said correct, but it had to move forward. A zone change has final authority here at city council so even though the HPC, all they could do is make a

recommendation, they made a recommendation to P&Z. P& Z took that recommendation made that vote as well for denial and then they made the recommendation to you all and that is why they didn't stop there ma'am this is where it stops.

Councilor Flores said it seems like the buck should stop that it is a historical and I don't know but the buck definitely stops here.

Adam Ochoa said I understand what you are saying but per our code the Historic Preservation Committee is a recommending body.

Councilor Yvonne Flores moved, seconded by Councilor Becky Corran, to Approve Ordinance No. 3063.

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

8. BOARD APPOINTMENTS

8.1 MAYOR ENRIQUEZ

Appointed to the New Mexico Municipal League and South Central Council of Governments.

8.2 BLANCA SCOTT

Councilor Flores appointed Blanca Scott to the Heath & Human Services Advisory Committee for District 6.

8.3 JENNIGER DAHLGREN

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to appoint Jennifer Dahlgren to the ADA Committee.

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

8.4 ERIN WAHL

Councilor Yvonne Flores moved, seconded by Councilor Becky Corran, to reappoint Erin Wahl to the Library Board.

RESULT:	Carried
MOVER:	Councilor Yvonne Flores
SECONDER:	Councilor Becky Corran
AYES:	Councilor Cassie McClure, Councilor Becki Graham, Councilor Johana

ABSENT:	Bencomo, Councilor Becky Corran, and Councilor Yvonne Flores Mayor Eric Enriquez and Councilor William Mattiace
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9. NOTICE OF PROPOSED ORDINANCE(S)

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

9.1

None.

10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

10.1 COUNCILOR MCCLURE

I would like to see where we stand on creating a legislative team. When we went to Santa Fe I had really hoped and asked the question of City Management to, how do we be more effective? I feel that we could have been more effective had we had more conversations about it. I am not sure about how this needs to be led. How this needs to be focused but I think we need to, have a clear conversation that when we work with legislators and what does that look like and be unified in that message. So, I would like to see if we can make some sort of legislative team. If that is something, we can do in the next thirty days I would really like to see how we can do that.

Listening to the comments on public comments, this is what I emailed to somebody. It is a little disheartening to see everybody just get up and leave. Partially let me give you an example, the pool situation. We had a lady come by and say how dare you with the pool, how dare you and I am sitting here trying to texting that we know about that. That got shipped today. We have a path forward, but we can't say anything. It is really hard and she stayed so close to for council comment for us so it is really hard to have that sort of feedback and you are itching to give it and you can't. I suggested that lets have two sections for council comment, everyone was like no but if there was a way for us to have more conversations, I am down for that but I think that came up earlier too. Are we really responsive via email? I am. I would recommend that you reach out to us and a lot of times we would have that feedback here too so those are the two things I would like to say.

10.2 COUNCILOR GRAHAM

I also want to comment on public comment because this whole thing is my fault. Lots of people emailed and I responded to everyone who had reached out to me kind of after the first response you got a copy paste. So, I actually proposed this change last year. I feel like it was October or November. This is a perfect illustration of why it came about because for some reason around that time we must have had a zone appaloosa of there is all of these zoning changes. A lot of people had reached out to me because as our comments showed today zoning changes tend to bring folks out to comment on an agenda item because it is impacting their neighborhood in a very direct, in a very visible way and to each of those people who reached out on various zoning issues who had asked me for a ball park, when do you think my agenda item will come up? I would have to say I have no idea and the main timing wild card in a council session is open public comment, could be 15 minutes, it could be two hours, no idea. So I had thought about what if we prioritize the agenda item commenters,

Agenda Item #6.2.

let's say and I push back against the idea that you folks don't have places to be, jobs to do, children, grandchildren to care for, all of the things that you know at the end of the day someone is going to have to wait longer than they want to have to wait but I had suggested this change A, to prioritize people with pressing issues for their own neighborhoods and also as Councilor McClure mentioned we do have an opportunity here in council comments to address things a little more openly. So, I know that Mayor Enriquez made this announcement he has taken most of the heat, it's my fault so bring it.

Chief Administrative Officer Bencomo, I know this is not new news because we had a press release but I did want to shout out here that we are honored to share the dais with one of the top 50 Women Chief Administrative Officers of 2024 and super timely Barb, I don't think there is a person up here who doesn't appreciate your expertise, your dedication, and just the way you make it all happen. Kind of nicely timed with the start of Women's History Month and making history right up here so congratulations.

Big thanks to Las Montanas Charter School, their ENLACE Student Program had myself, Catrina and Grace from Community Engagement out. They did an amazing study of the neighborhood around their school. Had some really incredible actionable changes to present to us that we are investigating now. Just an amazing environment. This is a 9-12 grade school with 194 students. It is an incredibly tight knit community and seeing how they care about one another, about their school, and about their community was just absolutely inspiring and these are the times that it is so rad to be a city councilor. I love going and seeing things like that so many thanks to Assistant Principal Estrada, Coach Sid Robinson, Coach Rob, and to Ms. Salas who I think was the ENLACE coordinator.

10.3 COUNCILOR CORRAN

I also want to shoutout CAO Bencomo for getting things done in a way that I have not experienced a lot of but it has always been impressive to witness for you when you get things done when you put your mind to something and get it done. I am completely unsurprised that you were recognized for that.

I want to thank the ASCMV staff for doing an enormous vaccine and chipping clinic and I think they did 2,000 total vaccines on 600 or so different animals a few weeks ago and it was an enormous effort and they really stepped up and are working to do that in our community. So, I wanted to give some appreciation to them. I also wanted to give a side sort of note to the animal organizations since I sit on the ASCMV I did have the opportunity to meet with the folks from the Community Foundation to think about ways of funding support for animal organizations and the ASCMV in different and dynamic ways going forward and so I think that is a nascent conversation but it's an opportunity for us on how to leverage our community's support to approach for animal organizations that is enormous and the needs that out strip that support and how we can streamline that and make the best out of the money that folks give in enormous ways to animal issues in our community. So, I had that conversation this past week, it's a joint conversation with folks from the county and the community foundation and so I will keep you updated in that area.

One other item on some things that we serve on together, the MPO has been putting

out a number of grant opportunities but just as a note the Metropolitan Planning Organization that I serve on with Councilor McClure and Mayor Enriquez, but which Councilors Graham and Bencomo have also served on with me is going to be sort of leaving the city administration and also potentially setting up a new JPA and MOU and so I am just putting those on all of our agendas as things that will be coming to us because those will have to be approved by the city council and it is moving forward in a really positive way. So, I want to give a shoutout to the MPO staff that have been working really hard on making those things happen. I also want to thank the folks who put on the health fair in City Hall. I was lucky to visit and see a whole bunch of folks getting all kinds of health-related screenings and stuff. My students were working on some diabetes outreach but there was folks from Burrell and various health industries and I saw a whole bunch of city staff participating in that so thanks to the folks within the city working on wellness and operationalizing that for folks that are here.

Lastly, I just wanted to thank Chief Story and Lieutenant Gutierrez for working with community folks as well as David Sedillo to think about Monte Sombra and the neighborhood traffic calming potential issues related to that within my district. So, thank you Chief for your response and for Lt. Gutierrez for working on that as well and I know that you all have already done a whole bunch of studies and work there so thank you for being so responsive to the community in that way.

10.4 COUNCILOR FLORES

I would like to address the failure of SB16. That was a very important piece of potential legislation that failed. I don't know why. It was a bill that would have allowed, it is called the Competency Bill and that has to do with the procedures that take place in court when someone is being tried for a certain misdemeanor crime, and that bill would allow an assessment of that person's mental status. Was that person able to stand trial? Does that person fully understand? I read it and it is several pages. It gave different alternatives as to what can be done, how the person can be helped, and unfortunately it failed and apropos of what Councilor McClure just said I think that we would have been more effective as a body if we would have gone over this way before the legislature even met because it is crazy, its crazy up there, it's crazy making the legislators. I don't know how they are able to weather it but at any rate in our problems that would be and could be alleviated had this legislation been adopted. That leads me into my being at the funeral of Officer Jonah Hernandez. All funerals are sad, but this one was superbly tragic, and he left behind a young wife, a toddler and a baby and the funeral was just incredible. There were police officers from different parts of the country and not just a representative and the place where the service was held was huge. It was reported that there was maybe about 200 people. I think there was a lot more than 200. Coattail it to the SB16 that failed. I think that the person that people are calling homeless who killed our officer is someone who needed help and as a community we failed, and we failed again with the legislature and hopefully things will be different and thank you Councilor McClure for bringing that up. We will all be more in tuned to be more effective. We did meet with some of the legislators when we were up there from the city but it wasn't focused. The Governor did not meet with us. She did have I believe his position is Chief of Staff and his name is Jesse Guillen, and he was very responsive. He wanted to know about Amador Crossing, he apologized for not knowing the layout of Las Cruces. That was a very interesting trip. This is the third time I have been up to the legislature, and I did

Agenda Item #6.2.

walk away feeling that are goals were maybe met but we don't know yet.

The other thing I want to share is that the Animal Service Center of the Mesilla Valley had the Legislative Committee meeting and I want to thank Barbara Bencomo for always being on top of funding and how things are going and all that sort of stuff, so the finance committee of that board met and things are in very good shape.

The SCRTD also had a meeting, that is a body of about 6/7 municipalities in the southern part of the state. That is going very well, what I failed to mention is that last year the SCRTD was named the Best Public Transportation in the state, and I think that it will probably be that way again. The Director is David Armijo, and he has really developed that and right now there has been provision for getting the electric buses, but the batteries are hard to find, or there is something that is hard to find.

The other announcement I have and thank you Chris Faivre in the Economic Development Department. He has organized a workshop. The New Mexico Finance Authority, the NMFA is excited to meet with you in person to share the following, it's about public, private lending overview process, assistance, discussion on future projects. I attended one of the presentations and it is amazing how the NMFA funds so many businesses that I was appalled, and I didn't know that it could just provide so many services and funding for businesses to start up. So, I hope the word really gets out. Whatever media is available we should let our community know that they can be startups, they can really find funding for their projects because they fund just about everything.

I also want to say that we have a learning academy, and that learning academy is for the public. We started that before Covid. It is just wonderful and there is graduation at the end of a certain amount of weeks and fortunately now it has been started up and I want to thank Grace and Catrina who did a wonderful job. This was on Utilities, and it was at the Utilities Facility on Motel and the presentation was by Adrienne Widmer who is the director of Utilities. She gave a 45-minute presentation, nonstop, very smooth, slides, everything, describing every aspect of Utilities and it was amazing and it was very good to know that we have very good water. They also had stations of all the different functions of utilities which are many which were set up for people to look at and see how things really work.

I have been invited by the Chamber of Commerce in Jacksonville Florida to speak to the Mexican Chamber of Commerce about Cesar Chavez. I was on the picket line back in the 70's and was a member of the Migrant Legal Services and we were able to boycott lettuce and green grapes and we finally got the Union to join the NCIO.

10.5 COUNCILOR BENCOMO

I want to thank Natalie Green and her housing staff for inviting us to the groundbreaking a couple of weeks ago for the Three Sisters Affordable Apartment Complex. They have started to build a 70-unit affordable housing complex on the corner of Griggs and Walnut and it is going to be beautiful and I am honestly really excited that is coming into fruition, the investment, the millions of dollars of investments that we have made toward housing. We are finally going to start seeing

Agenda Item #6.2.

them in real brick and mortar. There is a groundbreaking next week and groundbreaking soon to follow so we are very very excited.

There was a little bit of a mistake, a social media post went out about two District 4 open house meetings that I will be having but that will be corrected. Those will be in the first two weeks of April so a huge thank you to Catrina and her staff for helping me set those up, but I will talk more about those at the next council meeting as we get closer to those dates.

The other pieces I wanted to talk about, a lot of it are in regards to public comment but also the press conference that Chief Story had last week. I won't go through all of it but there is a statement and my response to that presentation that Chief made on my City Council website under District 4 News and Events. Please go read it. It touched on almost everything that he touched on, even the three things that are out of our authority that are at the state level, and I do want to say that in terms of Senate Bill 16, Criminal Competency Determination it did not fail it just ran out of time. What is a failure is the structure of the Legislature and so it is 30 days, and it ran out of time. However and I have talked to Chief Story about this and I want to make this very clear with the public, as a social worker and one who is seeing everyday what is happening in our community I don't take this lightly and I do support this type of legislation but it should have its due diligence when we are talking about taking peoples civil liberties away. It should have a significant funding source to meet the gaps that we obviously have in mental health care and substance use treatment facilities which are very few and even those have huge waiting lists. I do want to say that and the other thing is that have been in discussions with advocates around this legislations that are, there is a commission that is out of the New Mexico Supreme Court that is working on this legislation and there is an adjacent advocacy task force that is being formed to advise that creation of that bill as it will come to the legislature in 2025. I am doing everything that I can to ensure that Chief Story and some of us are in those conversations as well and that Southern New Mexico doesn't get left out of that conversation and please go read my statement. It was well thought out and even just today I am having a hard time sort of choosing the words I want to say because I feel like everything I say especially in the couple weeks has been really distorted, getting distorted. It comes out of my mouth and then it gets distorted, and I have heard it, I have seen it happen to Chief Story. I have seen it happen to many of us and so it is not in my nature to be super thoughtful and thinking about what I am going to say. I just generally speak from the heart, but my thoughts are there on all of those things including pre-trial release and detention, on Fentanyl and on some of the more short term and localized goals that the Chief presented. I am yet to hear any pushback from any of us. That is not what is happening. We are actually working together incredibly well as a new council with our new Chief, and I suspect that things will move forward. What I have a difficult time with sometimes is when folks accuse me of not listening. Sometimes I think that because I don't just say yes to everything that is being thrown at me that immediately I am not listening, that my disagreement immediately means I am not listening, and I want to push back gently against that because that is not true. I think about these things really well and thoroughly and me just saying yes let's bring back panhandling ordinance. To me that is not a sentimental disagreement. That is unlawful and unconstitutional and frankly I think people think of it as this magic solution that will just get rid of all of our problems and frankly that is not how this

Agenda Item #6.2.

works but I have really thorough and well thought out ideas that we have been discussing over and over here and so I have yet to hear from the business group that is meeting. I hope they reach out to me, and I would like to sit down with them and talk more about their ideas and if they think that in my progressive haze, I have missed something, and I am not seeing something that we are not doing I want people to point that out. I would also challenge folks to send me a list of my so called progressive failed policies that have led us here. I will review them, I commit to reviewing them and to bringing them back if we need discussion but please send me a list of those policies that you think I have led on and have failed.

I also wanted to bring up this really important and timely conversation about the type of public dialogue that I have been experiencing. Definitely in the last couple of weeks but I want to say in last couple of years and maybe it is fitting that it is also Women's History Month. Happy Women's History Month to all the incredible and amazing woman on this dais, on the staff that lead a bunch of these departments, I respect you all deeply. I did want to talk about this report that came out recently from the Brennan Center for Justice, titled Intimidation of State and Local Office Holders, The Threat to Democracy. It is a little lengthy, but it is really important because I hear things here that say, well you signed up for the job. These things are unavoidable, you signed up for the job. Somebody said the Chicken Little thing was dangerous and we have to deal with it. I am going to push back on that. I think that actually it is incredibly harmful to democracy that we normalize harmful language, threats, especially insults, harassment, those types of things should no live in democracy and just because we ran for office, and we chose to be here does not mean that I am going to allow you to use me as your punching bag. That is actually not how democracy works and I have found myself in the last couple of weeks feeling like I shouldn't speak up on that anymore, maybe I shouldn't post so much, I shouldn't do these things and this report help me realize that that is not actually what I should be doing. This report speaks about the big federal things that are happening to federal public officials which are awful like Representative Steve Scalise who in 2017 was shot. The US Representative Nancy Pelosi's husband was brutally beaten in his home. They speak about those, but they also say yet over the same period with far less attention and often little recourse office holders serving in local and state governments across the country have faced a barrage of intimidating abuse. Threats and attacks constrain how freely office holders interact with constituents, narrow the spectrum of policy positions they feel safe to support and make them less willing to continue in public service. Unaddressed the problem stands to endanger not just individual politicians but more broadly the free and fair functioning of representative democracy at every level of government and the kind of abuse that I am referring to are insults, demeaning, derogatory or offensive comments, gestures, or actions that upset or belittle or humiliate which I will say two weeks ago I feel like there was an attempt to do that, harassment, persistent uninvited behavior, attention or actions that causes stress, fear, or discomfort, such as stalking. I know members of this council and previous councils have been stalked by members of the public, threats, implicit or explicit expressions, communicating and intention to harm to cause damage of an individual or to others associated with them implying the imminent risk injure or to a person's wellbeing and safety and physical attacks, slapping, pushing, subjugation to projectiles, beating, abduction, assassination attempts, or other acts of violence. Those are obviously some of those extremes there, but I have in this job in the last

Agenda Item #6.2.

four-ish years been accused of not being a lawful citizen of this country. I have been accused of being anti-police. I have been accused of many things because I think often people disagree with me and then decide that it means that I am anti something else. That I am then posing a danger to their beliefs. I highly recommend this report it is open to the public. I also want to say that the way that we fight some of these things because that will lead to many of us either not running for reelection which I am sure many people will be happy with that but I also think that somebody said that I often take things personal because yes politics is personal to me. Politics is personal and that is why I decided to run and I want to see fair representation in all of local government but I think one of the biggest things that we have to do as public officials, community members, business leaders, any other person is to publicly reject abuse and to not allow that kind discourse to continue because it is actually not the way we will solve the challenges in front of us and there are many and we need people. We need people's ideas. We need people who have directly impacted by these challenges to come forth and share their stories and also present solutions and I want to work with those people. I have never been closed off to that and I don't want to close myself off because I feel there are threats to my safety. So, and that includes my mental health safety and all of our mental health safety.

11. CITY MANAGER REPORT

11.1 IFO PILI

I wanted to give an update regarding the Apodaca Park, and I know there was some conversation there. The funds for the Apodaca Aquatic Playground remain committed to completing this project currently budgeted at 1.9 million. The notice to precede in demolishing the old swimming pool was issued on February 22nd, the state issued the demo permit on the first, demolition will commence tomorrow on the old pool. So, staff is working on procuring a contractor to commence construction of the aquatic playground at Apodaca Park and more updates to come in the next few months. Staff is aware of the graffiti on the restroom facilities. They will need to be sand blasted. This is currently on the staffs' to do list for completion.

Councilor McClure, with the legislative team we can certainly get together and talk about what our plans have been. You know we certainly learn every time we go up there and so we do have some sort of team but we can certainly talk about something like that and how we can become more effective moving forward. Although my time is short, we will be able to address that. I do appreciate the faith that the council has had on our staff, on our internal staff to be able to post internally. That is a big deal and I think for transition and again just a statement that you have chosen to do that shows a lot of faith in the staff that we have. I will add my faith to that. You have a ton of applicants, very much qualified to be able to continue and that is what is making this transition easier so I think the public can have confidence that we will continue to move forward so as I am transitioning you will have again City Manager will be coming from our current organization so I don't think there will be anything lost in translation or transition. So, I think that is a great thing to have. So, I appreciate it and thank you Mayor Pro Tem and Councilors for that faith.

12. ADJOURNMENT

12.1

Councilor Yvonne Flores moved, seconded by Councilor Becky Corran, to adjourned at 4:34 p.m.

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

Mayor

City Clerk



24-099

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 1, 2024		
Drafter:	Vanessa Perez	Department:	Financial Services
Program:	Budget	Line of Business:	Fiscal Management
Title:	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 AND THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP).		

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

PURPOSE(S) OF ACTION:

To accept awarded grants, adjust the FY24 budget, and amend the FY24 CIP.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces (City) relies on grant funding for many of the critical programs provided each year for the residents of Las Cruces. Grant funding awards are received throughout the fiscal year and are not budgeted during the normal fiscal year budgeting process. Funds are not budgeted until the City has received a grant award agreement due to the unpredictable nature of funding levels and timing.

Per the City’s Grants Administration Program Policy, the City Manager, or his designee, may execute grant agreements with funding agencies. Upon receipt of the fully executed agreement from the funding agency, the Council may adjust the budget and amend the Capital Improvement Plan (CIP).

The request for City Council is to accept the budget adjustments to be used by the departments for the scope of work as defined by each grant agreement.

SUPPORT INFORMATION:

- [Exhibit "A" - Fund Summary](#)
- [Exhibit "B" - FY24-29 CIP](#)
- [Attachment "A" - Grant Listing](#)
- [Attachment "B" - PW HWL100582 Fully Executed Agreement](#)
- [Attachment "C" - HIDTA Supplements 4 & 5](#)

PLAN(S):

Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

- ☒ Yes
- ☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT:	AVAILABLE AMOUNT:	EXPENDITURE AMOUNT:
VARIOUS	VARIOUS	VARIOUS

Funding Source(s):
Various

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

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 to accept the budget adjustments as presented and adjust the City’s FY2024 Budget and amend the FY2024 Capital Improvement Plan (CIP).
2. Vote “No”; this will not approve the Resolution to adjust the budget and CIP as presented and return the funds to the granting agency.
3. Vote to “Amend”; this could delay the Resolution and the process of spending the grant funds within the predetermined grant schedule and require direction to staff.
4. Vote to “Table”; this will delay the Resolution and will impact the implementation of the grant agreement, the City department's ability to utilize the funds and return the grant funds to the granting agency.

REFERENCE INFORMATION:

- Telshor Spruce Intersection Improvements:
- CL-8.1 Design New And Retrofit Existing Streets In A Manner That Balance The Needs Of All Modes And Users.
 - CL-8.4 Require The Inclusion Of Safe And Connected Bicycle And Pedestrian Infrastructure With All New Roadways Or Roadway Reconstruction.
 - CL-8.5 Improve Ada Accessibility Of Pedestrian Facilities Adjacent To New Roadways And Existing Roadways.
 - CL-6.1 Ensure Efficient Signal Operations And Maintenance To Improve Traffic Circulation.

RESOLUTION 24-099

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 AND THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP).

The City Council is informed that:

WHEREAS, the City has received notice of grant awards for various City departments; and

WHEREAS, the grants will be used as designated in the scope of work and within the specified time period as shown in the grant agreements executed by the City Manager, or his designee; and

WHEREAS, the grant agreements that are the subject of this budget adjustment will be attached to the Resolution with a Summary, as Attachment "A"; and each agreement will be attached as subsequent attachments.

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

(I)

THAT the City hereby amends the FY2024 City Budget to accept all grant awards as shown in the Fund Summary, Exhibit "A", attached hereto and made part of this Resolution.

(II)

THAT the FY 2024 CIP is hereby amended as outlined in Exhibit "B" attached hereto and made part of this Resolution.

(III)

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

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"

	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	22,610,926	300,000	22,910,926
Local Grants	851,264	861,264	0	861,264
Debt Service	0	0	0	0
Total Revenues	20,676,047	29,890,015	300,000	30,190,015
TOTAL RESOURCES	\$ 20,676,047	29,890,015	300,000	30,190,015
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	0	730,000
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	18,659,314	300,000	18,959,314
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,676,047	29,890,015	300,000	30,190,015
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"

	7492 HIDTA-CLC 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	1,470,259	1,323,114	(32,104)	1,291,010
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,470,259	1,323,114	(32,104)	1,291,010
TOTAL RESOURCES	\$ 1,470,259	1,323,114	(32,104)	1,291,010
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	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
METRO	930,842	797,459	0	797,459
HIDTA	539,416	525,655	(32,104)	493,551
Total Expenditures	\$ 1,470,258	1,323,114	(32,104)	1,291,010
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	\$ 1	0	0	0

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

Exhibit "B"

Amended 04/1/2024

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	1,486,435						Bonds, Taxes
Facility Parking Lot Program	200,000	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	\$ 1,693,435	\$ 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 04/1/2024

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 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	2,397,032	375,000	375,000	375,000	375,000	375,000	Taxes, TIDD, Bonds
Safety, Health, Environmental & Emergency 1 - City Hall Security Upgrades 2 - Parks Sidewalk Replacement 3 - Pool Hoist 4 - Fire Alarm & Security Upgrades 5 - Pigeon Abatement	28,448						Taxes
Facilities Management - Total Annual Projects	\$ 2,835,965	\$ 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 Fire Stations		50,000	50,000	50,000	50,000	50,000	Taxes
Refuse & Recycling Buffer Program Henry R Benavidez Community Center		50,000	50,000	50,000	50,000	50,000	Taxes
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	\$ 4,529,400	\$ 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	969,354						Grants, Taxes, Other
LRU Passenger Terminal	191,037		8,608,963				Grants, Taxes, Other
LRU Runway 8/26 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	219,417				4,200,000	8,400,000	Grants, Taxes, Other
LRU Runway 12/30 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	262,902				13,500,000		Grants, Taxes, Other
LRU Taxilane 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 04/1/2024

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 - Cocina de Peregrinos/El Caldito Kitchen	1,875,000	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	\$ 5,326,063	\$ 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	1,200,000						Grants
MV Community of Hope - Health Facility Improvements	1,853,922						Grants
Non-Profit Organizations - Total Carryover Projects	\$ 6,678,726	\$ 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	\$ 12,004,789	\$ 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 04/1/2024

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	286,000	399,000	125,000				Grants, Taxes
Park Drinking Fountains	14,000	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	406,202	360,000					Grants, PIF
Veterans' Memorial Park Enhancements	250,000	412,500	662,500	662,500	662,500	662,500	Bonds, Grants
Parks & Recreation - Total Newly Funded Projects	\$ 1,443,202	\$ 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	446,917						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	292,800						Grants, Taxes
Las Cruces Lateral RTP Trail	489,011						Grants
Las Cruces Regional Aquatic Center HVAC & Dehumidifier	75,000						Taxes
Meerscheidt Recreation Center - Remodel/Expansion	2,000,000						Bonds, Grants
Meerscheidt Recreation Center Improvements	186,169	145,831					Grants, Taxes
New Skate Park - Plan & Design	550,000	800,000					Grants
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	\$ 13,881,818	\$ 3,827,781	\$ 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 04/1/2024

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	\$ 19,850,184	\$ 69,033,781	\$ 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, Other
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 04/1/2024

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, Other
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 Facility	4,900,000						Bond

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

Amended 04/1/2024

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	
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
Capital Improvements Program
FY 2024-2029**

Amended 04/1/2024

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	
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 04/1/2024

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	289,364	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	\$ 2,534,614	\$ 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	\$ 2,903,120	\$ 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 04/1/2024

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
Fiberoptic 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
Fiberoptic Cable Replacement from Roundtree to JU							

Page 79 of 212

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

Amended 04/1/2024

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	\$ 39,343,643	\$ 15,106,088	\$ 12,784,069	\$ 12,492,500	\$ 4,792,500	\$ 4,792,500	
Total Carryover Projects	\$ 106,411,770	\$ 45,461,367	\$ 19,665,363	\$ 9,800,000	\$ 20,350,000	\$ 9,950,000	
Total Annual Projects	\$ 46,118,668	\$ 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	\$ 191,874,081	\$ 246,669,238	\$ 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

Agenda Item #7.1.



CITY OF LAS CRUCES

The following grant has been awarded to the City of Las Cruces

Today's Date: 03/04/2024

Grant Team Representative: Gabriela Prats

Application Submission Date: 1/25/23

Council Budget Adjustment Date: 04/01/2024

Requested Amount: \$300,000.00

Grant Award Amount: \$ 300,000.00

Award Notification Date: 06/01/2023

Grant Agreement #: HW2L100582

Funding Agency: New Mexico Department of Transportation

CFDA #:

Funder MUNIS CID #: 701677

PROJECT INFORMATION

Grant Project Title: Spruce/Telshor/Triviz Intersection Improvements

Type of Funding: State Capital

Type of Grant: Competitive

Grantor Type: State

Match Amount: \$ 100,000.00

Match Description: Local Cash Match

Match Percent/Ratio:

Match Source: MAP Grant Match Fund

Grant Effective Date: 06/20/2023

Grant Reversion Date: 06/30/2025

Starting Fiscal Year of Grant: FY2024

Grant Scope of Work:

Planning, design, reconstruction, pavement rehabilitation, construction management, drainage, traffic signal improvements, roadway lighting and miscellaneous improvements for the intersections of Spruce, Telshor, and Triviz.

Does this grant involve Sub-Grantees or Pass Through Grants:

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: Public Works

Line of Business: Traffic Engineering

Program: Traffic Management

Project Manager: Soogyu Lee

Email: sglee@lascruces.gov

Phone: 575-541-2566

MUNIS Dept. Number: 550

ACCOUNT STRINGS:

Include the fund number - Object Description - Amount: (2100 for General Grants/4100 for Capital Grants)

Revenue: 4100-40255004-599100- 24016 - \$300,000.00

Expense: 4100-40255004-802000- 24016 - \$300,000.00

Match: 4202-40255008-802000- 24016 - \$100,000.00

Revenue Collected in Advance: 4100-291000-291000- 24016

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☐

Revenue Collected in Advance: ☒

Grant Application #: N/A

Project Code # 24016

Set-Up Date: 06/23/2023

Date to Accounting: 06/22/2023

Accounting Department Info:

Maria Sanchez



CITY OF LAS CRUCES

The following grant has been awarded to the City of Las Cruces

Today's Date: 03/05/2024
Application Submission Date: 1/25/23
Requested Amount: \$300,000.00
Award Notification Date:
Funding Agency: Office of National Drug Control Policy - ONDCP

Grant Team Representative: Gabriela Prats
Council Budget Adjustment Date: 04/01/2024
Grant Award Amount: -\$ 32,104.00
Grant Agreement #: HW2L100582

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: Southwest Border High Intensity Drug Trafficking Areas (HIDTA)
Type of Funding: Federal Operating
Grantor Type: Federal
Match Description: No Match Required-Provided
Match Source: MAP Grant Match Fund
Grant Effective Date: 01/01/2023
Starting Fiscal Year of Grant: FY2024
Grant Scope of Work:

Type of Grant: Non-Competitive/Entitlement Recurring
Match Amount: \$ 0.00
Match Percent/Ratio: n/a
Grant Reversion Date: 12/31/2024

Original grant award was for \$1,062,163, however, a modification has been made due to salary savings resulting from vacancies. The two amendments reduce the grant amount by \$4,290.00 and \$27,814.00, respectively.

Does this grant involve Sub-Grantees or Pass Through Grants:

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: Police
Program: NM HIDTA
Email: sarteche@lascruces.gov
MUNIS Dept. Number: 940

Line of Business: Public Safety
Project Manager: Sonia Arteche
Phone: 575-541-7562

ACCOUNT STRINGS:

Include the fund number - Object Description - Amount: (2100 for General Grants/4100 for Capital Grants)

REV: 7492/79300005/599100/23030 - decrease by \$32,104.00
EXP: 7492/79300005/601110/23030 - decrease by \$32,104.00

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: N/A

Project Code # 23030

Set-Up Date: 01/03/2024

Date to Accounting: 01/04/2024

N/A

Accounting Department Info:

Agenda Item #7.1.

Contract No. D19839
 Vendor No. 0000054342
 Control No. HW2L100582

MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT

This Agreement is between the **New Mexico Department of Transportation** (Department) and **City of Las Cruces** (Public Entity), collectively referred to as the "parties." This Agreement is effective as of the date of the last party to sign it on the signature page below.

Pursuant to NMSA 1978, Sections 67-3-28 and 67-3-28.2 and the State Transportation Commission Policy No. 44, the parties agree as follows:

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the **Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Construction Management, Drainage, Traffic Signal Improvements, Roadway Lighting, and Misc. Improvements**. This Project will be referred to interchangeably as "Project" or "Project Control No. **L100582**." The Project is a joint and coordinated effort for which Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

- a. For purpose stated above, the estimated total cost for the Project is Four Hundred Thousand Dollars and No Cents (**\$400,000**) to be funded in proportional share by the parties as follows:

1. Department's share shall be 75%: \$300,000

Planning, Design, Construction, Reconstruction, Pavement Rehabilitation,
Construction Management, Drainage, Traffic Signal Improvements, Roadway
Lighting, and Misc. Improvements

2. Public Entity's required proportional matching share shall be 25%: \$100,000

3. Total Project Cost: \$400,000

- b. The Public Entity shall pay all Project costs, which exceed the total amount of Four Hundred Thousand Dollars and No Cents (**\$400,000**).
- c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

3. The Department Shall:

Pay project funds as identified in Section 2, Paragraph a1, to the Public Entity in a single lump sum payment after:

- a. Receipt of a cover letter requesting funds;
- b. Receipt of a Notice of Award (or Work Order) and Notice to Proceed;
- c. Receipt of Estimated Summary of Costs and Quantities;
- d. Verification of available Local Government Road Funds and Public Entity's local matching funds identified in Section 2, Paragraph a2; and
- e. All required documents must include Department Project and Control Number.

4. The Public Entity Shall:

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Pay all costs, perform all labor and supply all material, except as provided in Section 2, for the purpose as described in Section 1 and the construction work specified in the Project's plans.
- c. Adopt a written Resolution of support for the Project, including an assumption of ownership, liability, and maintenance responsibility for the scope, or related amenities and required funding to support the Project, which is attached as **Exhibit C**.
- d. Initiate the preliminary engineering, survey, and all design activities, and coordinate Project construction.
- e. Consider provisions for pedestrian, bicycle and equestrian facilities in the Project design in accordance with NMSA 1978, Section 67-3-62.
- f. In accordance with project parameters, assume the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management.
- g. Initiate and cause to be prepared the necessary Plans, Specifications, and Estimates (PS&E) for this Project.
- h. Cause all designs and PS&Es to be performed under the direct supervision of a Registered New Mexico Professional Engineer.
- i. Design the Project in accordance with **Exhibit A**, "Minimum Design Standards", which is incorporated into this Agreement.
- j. Adhere to **Exhibit B**, "Minimum Survey and Right of Way Acquisition Requirements", which is incorporated into this Agreement.
- k. Comply with **Exhibit C**, "Construction Phase Duties and Obligations", which is incorporated into this Agreement.
- l. Make no changes in design or scope of work, unless for safety reasons and with documented approval of the Department.
- m. Prior to Project construction, furnish the Department's District 1 Office the "**Certification of the Pre-Construction Contract Phase**" form, which is attached as Certification No. 1.
- n. Within thirty (30) calendar days of completion, furnish the Department's District 1 Office the "**Certification of Construction Phase**" form, which is attached as Certification No. 2.
- o. Within thirty (30) calendar days of completion, furnish the Department's District 1 Office the "**AS BUILT Summary of Costs and Quantities**" form, which is attached as

Agenda Item #7.1.

Certification No. 3. The report should reflect the total cost of project as stated in “**Certification of Construction Phase**” form.

- p. Failure to timely provide Certification Nos. 1, 2 and 3, listed above, will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this Agreement.
- q. Obtain all required written agreements or permits relating to any realignment of Public Entity’s roads, when applicable, from all public and private entities.
- r. Advertise, let, and supervise the construction of the Project.
- s. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- t. Allow the Department to perform a final inspection of the Project to determine if the Project was constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet requirements and standards as determined by the Department will result in termination of this Agreement, for default, including without limitation its costs for funding, labor, equipment, and materials.
- u. Upon completion, maintain all the Public Entity’s facilities constructed or reconstructed under this Agreement.

5. Both Parties Agree:

- a. Upon termination of this Agreement any remaining property, materials, or equipment belonging to the Department will be accounted for and disposed of by the Public Entity as directed by the Department.
- b. Any unexpended or unencumbered balance from the Local Government Road Fund appropriated for this project reverts to the Department. These balances, if any, must be reimbursed to the Department within thirty (30) calendar days of project completion or expiration of this Agreement, whichever occurs first.
- c. This Project is not being incorporated into the State Highway System and the Department is not assuming maintenance responsibility or liability.
- d. Pursuant to NMSA 1978, Section 67-3-28.2, Local Government Road Funds granted under this provision cannot be used by the Public Entity to meet a required match under any other program.
- e. The provisions of the Tribal/Public Agency State Funding Handbook (Current Edition), are incorporated by reference and control the contractual rights and obligations of the parties unless in conflict with the specific terms expressed in this Agreement or any amendments.

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on **June 30, 2025**. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.

- a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) calendar days written notice.

- b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.
- c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
- d. Neither party has any obligation after termination, except as stated in Sections 4u and 5.

8. Third Party Beneficiary.

It is not intended by any of the provisions of any part of this Agreement to create in the public or any member of the public a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

9. Liability.

As between the Department and Public Entity, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this Agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1, *et seq.*, and any other applicable law.

10. Contractors Insurance Requirements.

The Public Entity shall require contractors and subcontractors hired for the Project to have a general liability insurance policy, with limits of liability of at least \$1,000,000 per occurrence. The Department is to be named as an additional insured on the contractors and subcontractor's policy and a certificate of insurance and endorsements listing the Department as an additional insured must be provided to the Department and it must state that coverage provided under the policy is primary over any other valid insurance.

To the fullest extent permitted by law, the Public Entity shall require the contractor and subcontractors to defend, indemnify and hold harmless the Department from and against any liability, claims, damages, losses or expenses (including but not limited to attorney's fees, court costs, and the cost of appellate proceedings) arising out of or resulting from the negligence, act, error, or omission of the contractor and subcontractor in the performance of the Project, or anyone directly or indirectly employed by the contractor or anyone for whose acts they are liable in the performance of the Project.

11. Scope of Agreement.

This Agreement incorporates all the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior Agreement or understandings, verbal or otherwise, of the parties or their agents will be valid or enforceable unless included in this Agreement.

12. Terms of this Agreement.

The terms of this Agreement are lawful; performance of all duties and obligations must conform with and not contravene any state, local, or federal statutes, regulations, rules, or ordinances.

13. Legal Compliance.

Agenda Item #7.1.

The Public Entity shall comply with all applicable federal, state, local, and Department laws, regulations and policies in the performance of this Agreement, including, but not limited to laws governing civil rights, equal opportunity compliance, environmental issues, workplace safety, employer-employee relations and all other laws governing operations of the workplace. The Public Entity shall include the requirements of this Section 13 in each contract and subcontract at all tiers.

14. Equal Opportunity Compliance.

The parties agree to abide by all federal and state laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws and rules and regulations, and executive orders of the Governor of the State of New Mexico, the parties agree to assure that no person in the United States will, on the grounds of race, color, national origin, ancestry, sex, sexual preference, age, disability, or other protected class, be excluded from employment with, or participation in, any program or activity performed under this Agreement. If the Public Entity is found to not be in compliance with these requirements during the term of this Agreement, the parties agree to take appropriate steps to correct these deficiencies, subject to Section 7 above.

15. Appropriations and Authorizations.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the governing board of the Public Entity, the Legislature of New Mexico, or the Congress of the United States if federal funds are involved, for performance of the Agreement. If sufficient appropriations and authorizations are not made by the Public Entity, Legislature or the Congress of the United States if federal funds are involved, this Agreement will terminate upon written notice being given by one party to the other. The Department and Public Entity are expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure.

16. Accountability of Receipts and Disbursements.

There shall be strict accountability for all receipts and disbursements relating to this Agreement. The Public Entity shall maintain all records and documents relative to the Project for a minimum of five years after completion of the Project. The Public Entity shall furnish the Department and State Auditor, upon demand, any and all such records relevant to this Agreement. If documentation is insufficient to support an audit by customarily accepted accounting practices, the expense supported by such insufficient documentation must be reimbursed to the Department within thirty (30) calendar days. If an audit finding determines that specific funding was inappropriate or not related to the Project, the Public Entity shall reimburse that portion to the Department within thirty (30) calendar days of written notification.

17. Severability.

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement will remain in full force and effect.

18. Applicable Law.

The laws of the State of New Mexico shall govern this Agreement, without giving effect to its choice of law provisions. Venue is proper in a New Mexico Court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

Agenda Item #7.1.

19. Amendment.

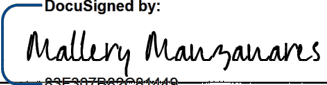
This Agreement may be altered, modified, or amended by an instrument in writing executed by the parties.

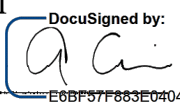
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Agenda Item #7.1.

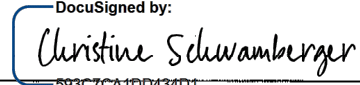
In witness whereof, each party is signing this Agreement on the date stated opposite that party's signature.

NEW MEXICO DEPARTMENT OF TRANSPORTATION

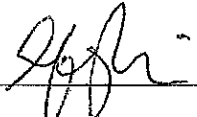
By:  Date: 8/7/2023
Cabinet Secretary or Designee

Recommended By District 1
By:  Date: 7/21/2023
District Engineer

Approved as to form and legal sufficiency by the New Mexico Department of Transportation's Office of General Counsel

By:  Date: 8/2/2023
Assistant General Counsel

City of Las Cruces

By:  (Ifo Pili) Date: 6/15/23
Title: City Manager

Attest: Christine Rivera, City Clerk
Name and Title

EXHIBIT A

Minimum Design Standards

1. The design shall provide for all facilities as required by law (ADA compliance, bicycle paths, etc.).
2. The pavement shall be designed for a 20-year life as a minimum for new construction or reconstruction, or for a 10-year life as a minimum for rehabilitation.
3. The following documents shall be used as a minimum in the design of this Project:
 - a. FHWA Manual of Uniform Traffic Control Devices, Current Edition as amended;
 - b. AASHTO A Policy on Geometric Design of Highways and Streets, Current Edition ("Green Book");
 - c. AASHTO Guide for the Development of Bicycle Facilities, Current Edition;
 - d. DEPARTMENT's Regulations for Driveway and Median Opening on Non-Access Controlled Highways, Current Update;
 - e. DEPARTMENT'S Urban Drainage Design Criteria;
 - f. DEPARTMENT'S Geotechnical Manual, Current Update;
 - g. DEPARTMENT'S Action Plan;
 - h. DEPARTMENT'S Tribal/Public Agency State Funding Handbook; Current Edition;
 - i. DEPARTMENT'S Handbook of Hazardous Waste Management, Current Edition;
 - j. DEPARTMENT'S Location Study Procedures;
 - k. AASHTO Guide to Design of Pavement Structures, Current Edition, and;
 - l. Other design publications as outlined in the DEPARTMENT'S Tribal/Public Agency State Funding Handbook.
 - m. The **Public Entity** may use **Public Entity** established local design standards if approved by the District Engineer, for each Project.

EXHIBIT B**Minimum Survey and Right of Way Acquisition Requirements**

1. Establish and permanently reference stations and monuments.
2. Determine and record sufficient topography to assure all relevant landmarks are shown.
Include items such as buildings, sidewalks, driveways, walls, trees, etc.
3. Obtain and plot existing profile grade and cross-sections where necessary. Plot curb profiles as needed.
4. All utilities above and below ground and their owners shall be shown.
5. The surveyor shall verify, ascertain, and certify the right-of-way design plans.
6. All surveying and right-of-way mapping is to be performed in accordance with the **DEPARTMENT'S** Surveying Requirements, Current Edition, and Minimum Standards for Surveying, NMSA 1978, Sections 61-23-1 to 61-23-32.
7. All **DEPARTMENT** Right of Way Handbooks, particularly Right of Way Handbook (Current Edition, Local Public Agencies), shall be adhered to for all R/W operations, including Title Search, Property Survey, Right of Way Mapping, Appraisal, Appraisal Review, Acquisition (including donations), Relocation, and Right of Way Certification. Only qualified personnel may undertake Right of Way functions. **Public Entity** staff or consultants may not be used to perform any R/W functions unless the **Public Entity** certifies that each individual is qualified to perform each individual right of way activity, such as Title search, property survey, mapping, appraisal, etc. Right of Way operations shall conform to State statutes and Federal regulations. Future Federal funding for Project shall be jeopardized if right of way operations do not conform to State statutes and Federal regulations.
8. Obtain and prepare Title Reports that meet **DEPARTMENT** format and standards, for all affected R/W parcels.
9. Right of Way mapping shall be done in accordance with the "Attachment 2" checklist of the **DEPARTMENT'S** Right of Way Mapping Development Procedures Current Update. The surveyor shall verify and certify the checklist and the Right of Way maps.
10. Appraisals shall not begin until the **Public Entity** has 100% complete R/W maps. **Public Entity** or contracted (fee) appraisers shall not be used unless fully qualified.
11. Appraisal Reports shall be prepared in conformance with Federal and Statutes and regulations. In

Agenda Item #7.1.

no event shall the appraisal review function be contracted to a consultant. One purpose of appraisal review is to assure that the appraisal meets **DEPARTMENT** requirements prior to the initiation of acquisition.

12. **Public Entity** or contracted (fee) negotiators shall not be used unless fully qualified.
13. The **Public Entity** shall maintain all records and documents relating to the Right of Way acquisition for a minimum of five (5) years, and shall record all transfer of ownership documents with the County Clerk. **DEPARTMENT** personnel shall be provided access to Project R/W files upon reasonable notice.
14. The **Public Entity** shall furnish the **DEPARTMENT** with a written certification (R/W Certification) stating that Right of Way acquisition (and relocations, if applicable) has been performed in compliance with Federal and State laws and regulations.

EXHIBIT C

Construction Phase Duties and Obligations

1. The **Public Entity** shall be responsible for all construction engineering, including Project supervision, surveying, inspection and testing when surveying and testing are not contracting items.
2. The **Public Entity's** general conditions, standard drawings and specifications may be used if approved by the **DEPARTMENT'S** District Engineer.

CERTIFICATION NO. 1**CERTIFICATION OF THE PRE-CONSTRUCTION CONTRACT PHASE****Control No. L100582**

I, _____, in my capacity as _____ of
 _____ do hereby certify with reference to the aforementioned Project
 Control Number as follows:

1. That the **Public Entity** has complied with the terms and conditions of the pre-construction phase requirements set forth in this Agreement.
2. That the design for this Project is in compliance with all state laws, rules, regulations, and local ordinances and in the rules and regulations of the **DEPARTMENT**.
3. The **Public Entity** (including, but not limited to, Temporary Construction Permits and Construction Maintenance Easements) has acquired that all necessary right(s)-of-way for the construction or reconstruction of this Project in compliance with the **DEPARTMENT'S Right of Way Handbook (Current Edition)] Local Public Agencies**, and Exhibit B.
4. That all utilities within the location of this construction Project (check one or both of the following conditions):
 - ☐ a. have been relocated
 - ☐ b. are scheduled for relocation prior to or concurrent with construction of this Project and have been coordinated with the appropriate utility.
5. That the **Public Entity** has encumbered the necessary funds to complete the Project.
6. That the **Public Entity** has fully complied with the requirements of NMSA 67-3-62.
7. That roadway(s) and intersection(s) shall operate at a minimum Level of Service of C or D (LOS C or D) for the Projected 20 year design traffic volumes as specified in A Policy on Geometric Design of Highways and Streets, (Current Edition).
8. That traffic data collection, traffic projections, and traffic impact studies on this Project have been developed in conformance with the **DEPARTMENT'S New Mexico Traffic Survey and Standards** (Current Edition).
9. That no angle parking has been provided in this Project.
10. That the **Public Entity** has completed a (check, which of the following conditions exists):

Agenda Item #7.1.

- _____ a. 20 year pavement design; or
 - _____ b. 10 year pavement design with provision for extending the pavement life to 20 years, and has incorporated it in the plans and specifications for this Project.
- 11. That the **Public Entity** has completed a Project drainage report, which meets the **DEPARTMENT'S** minimum drainage criteria as referenced in the **DEPARTMENT'S Drainage Manual**.
- 12. All drainage costs have been prorated between the **DEPARTMENT** and the **Public Entity** if applicable, according to the **DEPARTMENT'S Drainage Policy and Administrative Memorandum** (Current Update) and prorated calculations have been approved in writing by the **DEPARTMENT'S** Drainage Section.
- 13. That the **Public Entity** has completed all required Environmental Documentation and clearances for this Project using guidance contained in the **DEPARTMENT'S Action Plan**, (Current Edition).
- 14. That the **Public Entity** has completed all required Archaeological Documentation and clearances for this Project using guidance contained in the **DEPARTMENT'S Action Plan**, (Current Edition).
- 15. That the following attached Agreement(s) have been executed, when required, for construction or reconstruction of this Project (attach copies to this certification):
 - a. Lighting;
 - b. signalization;
 - c. storm sewer and lift station;
 - d. landscape;
 - e. road exchange; and
 - f. any other applicable agreements.
- 16. That the **Public Entity** has complied with and certifies compliance with all applicable provisions of Exhibit A.
- 17. That this certification procedure has been executed prior to advertisements for contract bids or commencement of this Project.

IN WITNESS WHEREOF, _____ in his/her
capacity as _____ of _____ does hereby
certify that the aforementioned matters stated herein are true to his/her knowledge and belief and
does hereby set his/her hand and seal this day and year specified below:

City of Las Cruces

By: _____ Date: _____
Mayor

ATTEST:

By: _____ Date: _____
Public Entity Clerk

When completed, send Certification No. 1 to:

District LGRF Coordinator

Department of Transportation

CERTIFICATION NO. 2**CERTIFICATION OF THE CONSTRUCTION PHASE****Control No. L100582**

I, _____, in my capacity as _____ of
 _____ do hereby certify with reference to the aforementioned Project
 Control Number as follows:

1. That the **Public Entity** has complied with the terms and conditions of the construction phase requirements under this Agreement.
2. That the **Public Entity** has complied with and certifies that the Project plan complies with all publications identified in Exhibit A.
3. That all work in Control No. **L100582** was performed in accordance with the Agreement.
4. That the total Project cost of _____, with New Mexico Department of Transportation "**DEPARTMENT**" 75% share of _____ and the **Public Entity** share of _____ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the Project.
5. That the construction of the Project was completed on _____ of _____, 20[#]

IN WITNESS WHEREOF, _____ in his/her
 capacity as _____ of _____ does hereby
 certify the aforementioned matters stated herein are true to his/her knowledge and belief and does
 hereby set his/her hand and seal this day and year specified below:

City of Las Cruces

By: _____ Date: _____

Mayor

ATTEST:

By: _____ Date: _____

Public Entity Clerk

When completed, send Certification No. 2 to:

District LGRF Coordinator, Department of Transportation

Signature: David Sedillo
David Sedillo (Jun 7, 2023 08:00 MDT)

Email: dsedillo@las-cruces.org

RESOLUTION 24-009

A RESOLUTION TO ACCEPT THE GRANT AWARD FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, MUNICIPAL ARTERIAL PROGRAM, FOR THE FISCAL YEAR 2023/2024, FOR INTERSECTION IMPROVEMENTS ALONG SPRUCE AVENUE IN THE AMOUNT OF \$300,000, REQUIRING A CITY MATCH IN THE AMOUNT OF \$100,000, FOR A TOTAL PROJECT COST OF \$400,000.

The City Council is informed that:

WHEREAS, the City of Las Cruces (City), Public Works Department was offered funding from the New Mexico Department of Transportation (NMDOT), Municipal Arterial Program (MAP), Fiscal Year (FY) 2023/2024 for the planning, design, construction, reconstruction, pavement rehabilitation, construction management, drainage, traffic signal improvements, roadway lighting, and miscellaneous improvements for the Spruce/Telshor/Triviz Intersection; and

WHEREAS, the intersections of Spruce Ave./N. Telshor Blvd. and Spruce Ave./N. Triviz Dr. have been identified to undergo improvements that will increase system efficiency by building and maintaining a coordinated transportation system that operates in an efficient and cost-effective manner; and

WHEREAS, the project is estimated to cost \$400,000; with NMDOT funding 75%, or \$300,000 and the City is required to provide a cash match of 25%, or \$100,000.00, and is responsible for 100% of the project costs in excess of the grant amount; and

WHEREAS, the NMDOT application process requires the City Council to pass a Resolution referencing the scope of work and funding offered by NMDOT, Control Number HW2L100582 and be submitted with the MAP agreement.

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

(I)

THAT the City will adopt and accept the award through the NMDOT Agreement Control Number HW2L100582 in the amount of \$300,000, with a required cash match of \$100,000, and allow the City Manager to execute the agreement.

(II)

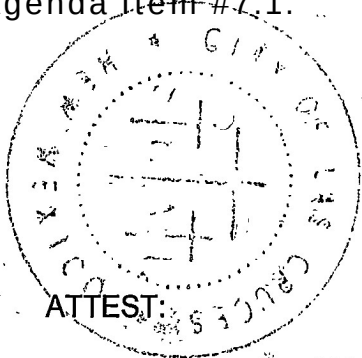
THAT the agreement terminates on June 30, 2025, and the City incorporates all of the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all have been merged into the written agreement.

(III)

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

DONE AND APPROVED this 17 day of July 2023

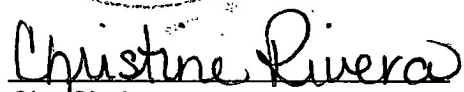
Agenda Item #7.1.



APPROVED


Mayor

ATTEST:

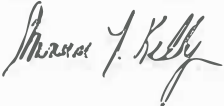

City Clerk

Moved by: Becki Graham

Seconded by: Becky Corran

AYES Kasandra Gandara, Ken Miyagishima, Becki Graham, Becky Corran

NAYS

Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address City Manager Ifo Pili City of Las Cruces 700 N. Main St. Las Cruces, NM 88007-8100		4. Award Number: G23SN0006A	
		5. Grant Period: From 01/01/2023 to 12/31/2024	
1A. Subrecipient IRS/Vendor No.	6. Date: 1/3/2024	7. Action	
Subrecipient Name and Address	8. Supplement Number 4	Initial ☒ Supplemental	
2A. Subrecipient IRS/Vendor No.:	9. Previous Award Amount:	\$898,163.00	
3. Project Title	10. Amount of This Award:	(\$4,290.00)	
CFDA Name and Number: High Intensity Drug Trafficking Areas Program - 95.001	11. Total Award:	\$893,873.00	
12. • The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 117-328			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director	15. Typed Name and Title of Authorized Official Ifo Pili City Manager		
16. Signature of Approving ONDCP Official 	17. Signature of Authorized Recipient/Date  2/7/24		
AGENCY USE ONLY			
18. Accounting Classification Code UEI: J3ZLWA2K1X47 DUNS: 077609279 EIN: 1856000147A2	19. HIDTA AWARD OND1070DB2324XX OND6113 OND2000000000 OC 410001 JID: 86575		

Initiative Cash by HIDTA

FY 2023

Awarded Budget (as approved by ONDCP)

HIDTA	Agency Name	Initiative	Cash	Type	Grant
New Mexico	City of Las Cruces	Fugitive/Violent Offender Task Force	15,860.00	Investigation	G23SN0006A
		Management and Coordination	139,128.00	Administration	G23SN0006A
		NM Forensic Laboratories	58,056.00	Support	G23SN0006A
		NM HIDTA Information Technology	56,822.00	Support	G23SN0006A
		NM HIDTA Training	17,451.00	Support	G23SN0006A
		NM Investigative Support Center	209,677.00	Intelligence	G23SN0006A
		Regional Interagency Drug Task Force	369,065.00	Investigation	G23SN0006A
	Agency Total : City of Las Cruces		866,059.00		
Total			866,059.00		

1/18/2024 11:28:10 AM

Budget Detail

2023 - New Mexico

Initiative - Regional Interagency Drug Task Force

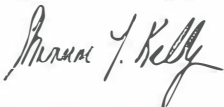
Investigation

Award Recipient - City of Las Cruces (G23SN0006A)

Resource Recipient - New Mexico State Police

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		(\$4,290.00)
Overtime	Quantity	Amount
Overtime		(\$4,290.00)
Total Overtime		(\$4,290.00)
Total Budget		(\$4,290.00)

Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address City Manager Ifo Pili City of Las Cruces 700 N. Main St. Las Cruces, NM 88007-8100		4. Award Number: G23SN0006A	
		5. Grant Period: From 01/01/2023 to 12/31/2024	
1A. Subrecipient IRS/Vendor No.	6. Date: 1/3/2024	7. Action	
Subrecipient Name and Address	8. Supplement Number 5	Initial ☒ Supplemental	
2A. Subrecipient IRS/Vendor No.:	9. Previous Award Amount:	\$893,873.00	
3. Project Title CFDA Name and Number: High Intensity Drug Trafficking Areas Program - 95.001	10. Amount of This Award:	(\$27,814.00)	
	11. Total Award:	\$866,059.00	
12. • The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 117-328			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director		15. Typed Name and Title of Authorized Official Ifo Pili City Manager	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  2/7/24	
AGENCY USE ONLY			
18. Accounting Classification Code UEI: J3ZLWA2K1X47 DUNS: 077609279 EIN: 1856000147A2		19. HIDTA AWARD OND1070DB2324XX OND6113 OND2000000000 OC 410001 JID: 86574	

Initiative Cash by HIDTA

FY 2023

Awarded Budget (as approved by ONDCP)

HIDTA	Agency Name	Initiative	Cash	Type	Grant
New Mexico	City of Las Cruces	Fugitive/Violent Offender Task Force	15,860.00	Investigation	G23SN0006A
		Management and Coordination	139,128.00	Administration	G23SN0006A
		NM Forensic Laboratories	58,056.00	Support	G23SN0006A
		NM HIDTA Information Technology	56,822.00	Support	G23SN0006A
		NM HIDTA Training	17,451.00	Support	G23SN0006A
		NM Investigative Support Center	209,677.00	Intelligence	G23SN0006A
		Regional Interagency Drug Task Force	369,065.00	Investigation	G23SN0006A
	Agency Total : City of Las Cruces		866,059.00		
Total			866,059.00		

1/18/2024 11:28:17 AM

Budget Detail

2023 - New Mexico

Initiative - Regional Interagency Drug Task Force

Investigation

Award Recipient - City of Las Cruces (G23SN0006A)

Resource Recipient - Dona Ana County

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		(\$27,814.00)
Overtime	Quantity	Amount
Overtime		(\$9,393.00)
Total Overtime		(\$9,393.00)
Total Budget		(\$9,393.00)

Budget Detail

2023 - New Mexico

Initiative - Regional Interagency Drug Task Force

Investigation

Award Recipient - City of Las Cruces (G23SN0006A)

Resource Recipient - New Mexico State Police

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		(\$27,814.00)
Overtime	Quantity	Amount
Overtime		(\$4,710.00)
Total Overtime		(\$4,710.00)
Total Budget		(\$4,710.00)



24-100

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 1, 2024
Drafter:	Christine Rivera
Program:	Department: City Manager's Office
	Line of Business: Office of City Clerk
Title:	A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR IKANI TAUMOEPEAU AS CITY MANAGER.

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

PURPOSE(S) OF ACTION:

To approve an employment agreement for Ikani Taumoepeau as City Manager.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City Council engaged in an internal process in a noticed closed session on March 18 and March 20, 2024, to hire a permanent City Manager as the position was vacated by Mr. Ifo Pili effective March 31, 2024.

The City Council and Ikani Taumoepeau have mutually negotiated an employment agreement for City Manager contingent upon approval in an open council meeting. The agreement is for three (3) years at a base salary of \$216,000 and includes other provisions and benefits.

The employment agreement is effective when approved by City Council.

SUPPORT INFORMATION:

[Exhibit "A" - Employment Contract - CM Ikani T. 4.1.2024 \(002\)](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes
☒ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: \$432,000 AVAILABLE AMOUNT: EXPENDITURE AMOUNT:

Agenda Item #8.1.

\$281,868.41

\$49,846.15

Funding Source(s):

10130001-601050

Overall Budget Impact:

Expenditure amount above is for remaining FY24 pay periods, full salaried amount of \$216,000 is in MUNIS Next Year Budget to cover FY25.

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes", this will approve the City Manager Employment Agreement for Ikani Taumoepeau effective April 1, 2024.
2. Vote "No", this means the City Manager Employment Agreement for Ikani Taumoepeau will not be approved and an interim city manager will need to be appointed.
3. Vote to "Amend", this will require the contract to be renegotiated.
4. Vote to "Table", this could delay the employment of Ikani Taumoepeau as the City Manager.

RESOLUTION 24-100

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR IKANI TAUMOEPEAU AS CITY MANAGER.

WHEREAS, the City Council engaged in an internal process in a noticed closed session on March 18 and March 20, 2024, to hire a permanent City Manager as the position was vacated by Mr. Ifo Pili effective March 31, 2024; and

WHEREAS, Article III, §§3.01 (a) and (b) of the City Charter provides the City Council with authority to appoint and remove the City Manager at their discretion; and

WHEREAS, the City Council has determined that Ikani Taumoepeau possesses the knowledge, skills, and abilities necessary to fulfill the duties and responsibilities for City Manager; and

WHEREAS, the City Council and Ikani Taumoepeau have mutually negotiated an employment agreement contingent upon approval in an open council meeting; and

WHEREAS, the agreement provides for a base salary of \$216,000 annually; and

WHEREAS, the agreement contains other provisions and benefits.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Las Cruces:

(I)

THAT the Mayor and the City Council are hereby authorized to sign and approve the City Manager Employment Agreement in Exhibit "A", attached hereto and made a part of this Resolution.

(II)

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

**CITY MANAGER EMPLOYMENT AGREEMENT
(Exhibit A)**

THIS AGREEMENT is made and entered into this 1st day of April 2024, by and between the City of Las Cruces, New Mexico, a municipal corporation (“Employer”) and Ikani Taumoepeau (“Employee”), in consideration of the terms and conditions stated herein:

RECITALS

WHEREAS, Employer is a home rule municipality organized under Article X, Section 6 of the New Mexico Constitution, having adopted a City Charter (“Charter”), submitted to the Las Cruces Commission on January 7, 1985; and

WHEREAS, the Charter sets forth certain powers and obligations of the Governing Body of Employer with respect to entering into an employment contract with the City Manager; and

WHEREAS, Article III, §§3.01 (a) and (b) of the Charter provides the City Council with authority to appoint and remove the City Manager at their discretion; and

WHEREAS, Employer desires to employ the services of Ikani Taumoepeau as City Manager of the City of Las Cruces as provided in the Charter and consistent with the laws of the State of New Mexico and Ordinances of the City of Las Cruces; and

WHEREAS, Employer desires to provide certain benefits, establish certain conditions of employment, and set general working conditions of Ikani Taumoepeau; and

WHEREAS, Employer desires to secure and retain the services of Ikani Taumoepeau as City Manager and to provide an inducement for Ikani Taumoepeau to remain in such employment; and

WHEREAS, Employer desires to make possible full work productivity by assuring Ikani Taumoepeau morale and peace of mind with respect to future security; and

WHEREAS, Employer desires to provide a means for terminating Ikani Taumoepeau service at such time as Employee may be unable to fully discharge Employee's duties due to disability, Employee's malfeasance or dishonesty, or when Employer may, as provided further herein, otherwise desire to terminate Ikani Taumoepeau's services; and

WHEREAS, the parties acknowledge that Ikani Taumoepeau is subject to the International City/County Managers Association (ICMA) Code of Ethics; and

WHEREAS, Ikani Taumoepeau desires to accept employment as City Manager in accordance with the terms and conditions of this Agreement and the Charter for the City of Las Cruces.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. DUTIES

Employer hereby agrees to employ the services of Ikani Taumoepeau as City Manager for the City of Las Cruces, New Mexico. Ikani Taumoepeau agrees to accept employment and act as City Manager for the City of Las Cruces, New Mexico and to carry out, to the best of his ability, all the duties imposed upon that office by Charter and those other legally permissible and proper duties and functions as the Governing Body

Agenda Item #8.1.

of the City, from time to time, may require of and assign to that office.

SECTION 2. STATUS AND TERM

- A. The term of this Agreement begins April 1, 2024, and shall terminate April 1, 2027, unless extended in writing. Employee shall be considered an at-will employee of the City. This employment agreement shall become effective upon approval by the Governing Body and employment shall commence on the date stated above.
- B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the Governing Body's right granted in the Charter to terminate this Agreement, with or without cause, at any time, subject only to the provisions set forth in Section 3 of this Agreement, the laws of the State of New Mexico, City Charter or Ordinances of the City of Las Cruces, as they may be applicable.
- C. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Employee to resign and terminate this Agreement at any time, subject only to the provisions set forth in Section 3 of this Agreement.
- D. Employee agrees to remain in the exclusive employ of Employer for an indefinite period and shall neither accept other employment nor become employed by any other employer without the prior written approval of the Governing Body of the City or until written notice of resignation is given by Employee.
- E. Employee agrees to become a City resident within six (6) months of the date of hire as the City Manager.

The term "employed" (and derivations of that term as used in the preceding paragraph) shall include employment by another legal entity or self-employment, but shall not be construed to include occasional teaching, writing, consulting, or military reserve service performed on Employee's own time and with the advance approval of the Governing Body.

SECTION 3. TERMINATION OF EMPLOYMENT AND SEVERANCE PAY

- A. Except as provided in paragraph B of this section, in the event Employee is terminated by Employer during such time that Employee is willing and able to perform Employee's duties under this Agreement, Employer agrees to pay Employee a severance package as described in paragraph C of this section.
- B. The following reasons shall constitute grounds to terminate this Agreement without payment of the severance package provided in paragraph C of this Agreement:
1. a willful breach of this Agreement or the willful and repeated neglect by Employee to perform the duties Employee is required to perform under this Agreement; or
 2. conviction of any criminal act relating to employment with the City; or
 3. violation of the rules and conduct or ethics of any licensing or certification entity or body of which Employee holds a current license or certification; or
 4. violation of the City's personnel rules which constitute misconduct; or
 5. violation of the City's or State of New Mexico rules of ethics or conduct; or
 6. conviction of any felony offense, or
 7. employee fails to become a City resident within six (6) months from the date of hire as the City Manager.
- C. Except as provided in paragraph B of this section, in the event Employee is terminated by Employer during such time that Employee is willing and able to perform Employee's duties under this Agreement, Employer agrees to pay Employee a lump sum cash severance payment equal to twelve (12) months aggregate salary and benefits, including cost of health and dental premiums if applicable, and if such termination occurs on or before April 1, 2026. If termination of this Agreement occurs after April 1, 2026, Employee shall be provided a cash severance payment equal to the prorated amount remaining on the Agreement term. Employee shall also be compensated for all earned annual leave, holidays and other applicable accrued benefits, if any, to the date of separation. Sick leave accrued to that date shall be paid out in accordance with the Employer's Personnel Policies and Work Rules, as they may be amended from time to time. The benefits provided as a part of termination shall not include the provision of an automobile or automobile allowance, nor shall it include the continued accrual of leave benefits beyond the date of termination. The severance payment and benefits shall be an entitlement accrued under the conditions referenced herein and shall be paid without regard to whether the Employee has secured other employment.
- All amounts set forth in the above paragraph will be subject to applicable withholdings including federal, state and local taxes.
- D. In the event Employee voluntarily resigns Employee's position with Employer, Employee shall provide at least sixty (60) calendar days advance written notice, unless the parties otherwise agree, and such agreement is in writing.
- E. It is understood that after notice of termination or resignation in any form, Employee and Employer will cooperate to provide for an orderly transition. Specific responsibilities during such transition may be specified in a written separation agreement.

SECTION 4. SALARY

- A. Effective April 1, 2024, Employer agrees to pay Employee for services rendered a starting annual base salary of \$216,000.00 per year, payable in biweekly installments at the same time and manner as other management employees of the Employer are paid. The Employer's budget will contain all salary and benefit amounts. In addition, Employer agrees to adjust, in Employer's sole discretion and subject to Subsection 3(D) above, said base salary and/or benefits of Employee in such amounts and to such extent as the Governing Body may determine that it is desirable to do so on the basis of an annual salary review of said Employee made at the same time as similar consideration is given other employees generally.

SECTION 5. PERFORMANCE EVALUATION

- A. Employer shall, at a minimum, annually review the performance of Employee. The evaluation shall take place within the month of July.
- B. Annually, Employer and Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the Employer, and the attainment of Employer's policy objectives, and shall further establish a relative priority among those various goals and objectives. Said goals and objectives shall be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations.
- C. A Performance Evaluation by the Governing Body will determine an overall rating of Employee's performance. The rating may be a factor in determining annual merit pay increases. Merit pay increases are not guaranteed. The process at a minimum shall include the opportunity for both parties to:
 - 1. Prepare a written evaluation;
 - 2. Meet and discuss the evaluation in closed session; and
 - 3. Present a written summary of the evaluation.
- D. Failure to conduct an annual evaluation in the month of July shall imply the Employee's performance evaluation is satisfactory, unless otherwise later determined by the Governing Body of the City pursuant to a subsequent evaluation conducted in accordance with this Agreement.

In effecting the provisions of this section, the Employer and Employee mutually agree to abide by the provisions of applicable law.

SECTION 6. HOURS OF WORK

Recognizing that Employee must devote a significant amount of time outside of normal office hours to the business of Employer, it is agreed that Employee shall be allowed to adjust his work week as he deems appropriate during said office hours, but in no event shall Employee work less than an average of forty (40) hours per week including time taken through vacation or other approved leave.

SECTION 7. TRANSPORTATION

- A. Employee's duties require use of an automobile during his employment with Employer.
- B. Employee shall be required to purchase and maintain automobile insurance coverage of the types and amounts equal to or greater than those required by the Employer in order to operate a personal vehicle on City business.

Agenda Item #8.1.

- C. Employee shall be paid \$500.00 per month for a vehicle allowance.

SECTION 8. VACATION, ANNUAL AND SICK LEAVE

- A. Employee shall accrue, and have credited to their personal account, annual and sick leave on an annual basis at the highest rate provided to any other employee. Employee shall be entitled to accrue 160 hours of annual leave per year, and 96 hours of sick leave per year. Employee is also entitled to take sixteen (16) hours of personal leave each year.
- B. Employee shall, at least once during each year of this Agreement, take a two-week consecutive vacation. This two-week vacation will be "Paid Executive Leave", separate from annual leave, and will not require use of any accrued annual leave.

SECTION 9. DISABILITY, HEALTH AND LIFE INSURANCE

Employee is entitled to participate in employee benefits that regular City employees participate in and the Employer shall be responsible for paying any matching contributions that are paid on behalf of any other employee. The Employee benefits include, but are not limited to the following:

- A. Employee shall be entitled to participate in the City health, dental, vision, and life and disability insurance plans and Section 457 deferred compensation plan(s).
- B. In-state and out-of-state travel and per diem shall be paid on the same basis as regular City employees.
- C. Employee shall be covered under the City's Workers Compensation Plan.

SECTION 10. RETIREMENT

Employer agrees to contribute to the Public Employee's Retirement Association of New Mexico (PERA) in an amount equal to the contribution the City makes for all other unrepresented City employees. Such contribution will coincide with the pay schedule.

SECTION 11. PROFESSIONAL DEVELOPMENT

- A. Employer agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for their continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for their continued professional participation, growth, and advancement to better serve the interests of the City.
- B. Employer hereby agrees to budget for, and to pay, the actual travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions necessary and adequate to continue the professional development of Employee, and to adequately pursue necessary official and other functions for the City.
- C. Employer also agrees to budget and to pay for the travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for their professional development to better serve the interests of the City.
- D. Employer hereby agrees to provide Employee with tuition reimbursement benefits to the same extent provided to other City employees.

SECTION 12. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. All provisions of the City Charter, City Ordinance, regulations, or rules of Employer as they now exist or hereafter may be amended, also shall apply to Employee as they would to other employees of Employer, except as may be specifically accepted herein.

SECTION 13. NOTICES

Notices pursuant to this Agreement shall be given either by hand delivery or by deposit in the custody of the United States Postal Service, postage prepaid, certified, return receipt requested, addressed as follows:

(1) EMPLOYER: City of Las Cruces
City Hall
700 N. Main
Las Cruces, New Mexico 88004

(2) EMPLOYEE: Ikani Taumoepeau

Address

City, State, Zip Code

Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

SECTION 14. GENERAL PROVISIONS

- A. The text herein shall constitute the entire Agreement between the parties.
- B. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement shall be deemed severable, shall not be affected and shall remain in full force and effect.
- C. In performing the provisions of this Agreement, Employer and Employee mutually agree to abide by the provisions of applicable law.

SECTION 15. APPROPRIATIONS

No commitment of public funds will be made beyond what is approved in this Agreement. The terms of this Agreement are contingent upon sufficient appropriations being made by the Governing Body for the performance of this Agreement. If sufficient appropriations are not made, this Agreement shall terminate subject to the conditions subsequent concerning severance payment being provided by Employer to Employee as provided in Section 3. Termination pursuant to the terms of this Agreement shall not result in any claim for payment or damages by Employee or Employer. Employer's decision as to whether sufficient appropriations are available shall be accepted by Employee and shall be final.

Agenda Item #8.1.

IN WITNESS WHEREOF, The City of Las Cruces has caused this Agreement to be signed and executed on its behalf by its Governing Body, and duly attested by its City Clerk, and Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Employee:

Ikani Taumoepeau, City Manager

CITY OF LAS CRUCES, by and through its Governing Body:

Eric Enriquez, Mayor

Cassie McClure, Councilor, District 1

Bill Mattiace, Councilor, District 2

Becki Graham, Councilor, District 3

Johana Bencomo, Councilor, District 4

Becky Corran, Councilor, District 5

Yvonne Flores, Councilor, District 6

Attested to by:

Approved as to form:

Christine Rivera, City Clerk

Linda A. Samples, City Attorney



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 1, 2024		
Drafter:	Monique Paez	Department:	Quality of Life
Program:	Administration	Line of Business:	Director's Office
Title:	A RESOLUTION APPROVING THE QUALITY OF LIFE DEPARTMENT 2024/2025 FEES SCHEDULES AND CHARGES AND REPEALING RESOLUTIONS 16-244, 19-018, AND 20-041.		

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

PURPOSE(S) OF ACTION:

To approve the 2024/2025 fees schedule and charges for Quality of Life Department.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Quality of Life Department staff reviewed the existing Fees and Charges policy for each of its Line of Business Programs to ensure its fees and charges are equitable and at a fair market level.

The Quality of Life Department Lines of Business with advisory boards (Libraries and Senior Programs) presented the proposed Fees and Charges Schedule for review and approval at their regular meetings. These advisory boards sent forward a recommendation that the City Council approve the Schedule. Meeting minutes documenting the approval are included in this Resolution.

The Quality of Life Department staff is recommending the adoption of its proposed Fees and Charges Schedule for FY2024 and FY2025. In addition, staff is recommending to City Council that Resolutions 16-244, 19-018 and 20-041 related to the fees and charges for the Quality of Life Department Lines of Business be repealed and replaced with the FY2024 and FY2025 Fees and Charges Schedule shown as Exhibit "A".

SUPPORT INFORMATION:

- [Exhibit "A" - QOL Fees and Charges FY24 and FY25](#)
- [Attachment "A" - Library Advisory Board Minutes Approved January 26, 2023](#)
- [Attachment "B" - SRP Advisory Board Approval Minutes SRP Fees and Charges](#)

PLAN(S):

Department Strategic Business Plan

COMMITTEE/BOARD REVIEW:

Library Board, Senior Programs

DOES THIS AMEND THE BUDGET?:

Agenda Item #8.2.

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and approve the FY2024 and FY2025 Fees and Charges Schedule.
2. Vote "No"; this will not approve the Resolution, or the FY2024 and FY2025 Fees and Charges Schedule and the existing fee structure will remain in place.
3. Vote to "Amend"; this action will delay the Resolution and would require further direction from City Council to City staff.
4. Vote to "Table"; this action will allow City Council to table and postpone consideration of the Resolution and would require further direction from City Council to City staff.

REFERENCE INFORMATION:

Resolution 16-244, 19-018, 20-041

RESOLUTION 24-101

A RESOLUTION APPROVING THE QUALITY OF LIFE DEPARTMENT 2024/2025 FEES SCHEDULES AND CHARGES AND REPEALING RESOLUTIONS 16-244, 19-018, AND 20-041.

The City Council is informed that:

WHEREAS, the Quality of Life Department staff reviewed the existing Fees and Charges Schedule for each of its Line of Business Programs to ensure its fees and charges are fair and reasonable and at a fair market level to encourage participation; and

WHEREAS, this policy is intended to establish a standardized approach to assessing fees for the use of facilities, activities, programs and services provided by the Quality of Life Department for FY2024 and FY2025; and

WHEREAS, the Quality of Life Department respective boards, where applicable, reviewed the policy at their regular Board meetings and send forward a recommendation to City Council for approval; and

WHEREAS, the Quality of Life Department staff is bringing forward a request for City Council to adopt a new Fees and Charges Schedule for the Quality of Life Department for FY2024 and FY2025; and

WHEREAS, the Quality of Life Department staff is requesting to repeal Resolutions 16-244, 19-018 and 20-041.

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

(I)

THAT Resolutions 16-244, 19-018, 20-041 are hereby repealed.

(II)

THAT the Quality of Life Department Fees and Charges Schedule for FY2024 and FY2025 as show in Exhibit "A" attached hereto and made a part of this Resolution is hereby adopted.

(III)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

Exhibit A

<u>Quality of Life Department Fees and Charges Schedule</u>		
Senior Programs		
Category/Item	Cost Range	Length of Session
Recreation Activities: Games	Free	Daily, Weekly
Recreation Activities: Fitness	Free	Daily, Weekly
Recreation Activities: Arts and Crafts	\$1-\$5	Daily, Weekly
Recreation Activities: Educational	Free	Daily, Weekly
Recreation Activities: Social	Free -\$5	Daily, Weekly
Recreation Classes	\$6-\$12	3-6 Week Sessions
Competitions, Tournaments, Shows	\$3-\$5	Special Events
Kits, Supplies, and Inventory	Cost	
Silver Jewellery Class Kit	\$50	
Stained Glass Class Kit	\$5	
Copies, Scanning, Faxing	At Cost	
Kiln Firing	\$3-\$5 based on size	
Professional Instruction	\$25/hour	
Cup of Coffee	\$0.50	
Pre-Packaged Individual Pastry	\$0.50	
Meals (Guests under 60 years of age)	\$7.50	

Library (Circulation Fees)	
Category/Item	Cost
Lost/damaged item (books/AV/Kits/Library of things)	MSRP
Individual Audiobooks CDs	\$10.00
Cases/Cover for Av Items	\$5.00 ea
Wifi Hotspots	\$50.00
Plug and Cable for Hotspots	\$10.00
Whole Hotspot Kit (usually if lost)	\$80.00
Kit Bags	\$3.00
Lost Cards	\$2.00 (First replacement is free)
New Library Card	Free
Color Copy Printing Fee	\$0.50 per color copy
Library Fines	No longer charged
Museums	
Category/Item	Cost
Camps	\$0-\$200
Studio Programs	\$20-\$200
Field Trips	\$0-\$50
Admisson to all Museums	Free
Room Rentals	\$30 per hour/\$150 per day
Discounts	
City of Las Cruces Employees	20%
Las Cruces Museum Foundation Members	20%
Fees Waived	
Grant funded initiatives	



MINUTES

LIBRARY ADVISORY BOARD MEETING

Thursday, January 26, 2023

1. Call to Order – Vice-President Stephen Jones called the meeting to order at 3:03 P.M. Library Advisory Board (LAB) Members Present: Vice-President Stephen Jones, Secretary Teresa Valenzuela, Members Patricia Gallegos, and Erin Wahl. Members Absent: President Maryann Hendrickson, and Member Jennifer Kreie. Also, in attendance: Sarah Booth, Library Deputy Director, and Dan Carrillo, Administrative Assistant.

- a. Vice-President Stephen Jones read the *Land Acknowledgement Statement*.

- b. Acceptance of January 26, 2023, Agenda – Vice-President Stephen Jones called for a motion to approve as presented; Member Patricia Gallegos voiced a motion to approve; Secretary Teresa Valenzuela seconded the motion; all voted in favor; motion carried.

2. Review and Approval of December 8, 2022, Minutes – Vice-President Stephen Jones called for a motion to approve as presented; Secretary Teresa Valenzuela voiced a motion to approve; Member Patricia Gallegos seconded the motion; all voted in favor; Motion carried.

3. Diversity, Equity, & Inclusion Committee Report – Vice-President Stephen Jones stated the committee does not have a report this month. Member Patricia Gallegos mentioned that the committee will regroup and decide the strategy the committee will follow to align and support the upcoming Library Master Plan.

4. Library Administrator's Report – Sarah Booth, Library Deputy Director, presented the following:
 - a. Vice-President Stephen Jones and the LAB introduced themselves to new Library Deputy Director, Sarah Booth. Ms. Booth mentioned that she is excited to be here at Branigan Library. Ms. Booth previously worked for the Montgomery County Library system in the Houston, TX area. Her title was Assistant Director; she worked with their library board for

1 fifteen years and said library boards are vital and contribute to the success of the library
2 system. Ms. Booth lived in northern New Mexico over twenty years ago.

3 b. Update on Library positions/vacancies:

4 i. Library Deputy Director: Sarah Booth started on January 16th.

5 ii. Librarian II: New hire Shuly Serrano will start on February 13th.

6 iii. Librarian (Youth Services): A tentative offer has been made to the applicant
7 chosen for the position.

8 iv. Adult Basic Educator (multiple positions): A tentative offer has been made to two
9 applicants chosen; one of them will be starting this coming Monday.

10 v. Amy Spangler, Librarian II, has resigned. Her last day at library is February 3rd.

11 vi. Other title changes in library due to Comp & Class study by Human Resources.
12 Senior Librarian is now Librarian II; Senior Library Assistant is now Library
13 Assistant II.

14 c. The storm drain sump pump has been installed.

15 d. The Sage Café Senior Center expanded service hours from 9 A.M.to 2 P.M. Further
16 expansion of hours is expected in February.

17 e. The library will be conducting three scheduled all-staff meetings in 2023. Friday, January
18 27th is the first of the scheduled three. The library will be closed from 10 A.M. to 12 P.M.
19 on those Fridays the meetings are scheduled.

20 f. A Scribe Mini from the New Mexico State Library for the Blind and Print Disabled (LBPD)
21 will be available to the public starting Monday, January 30th. This device will allow LBPD
22 customers to download books for their Digital Talking Book Machines on-site, rather than
23 waiting on mail services. The library has a VRS station and an enlarger. We have recently
24 installed screen-reading software and high-contrast, large-type keyboard stations in the
25 computer lab. The library has also compiled a list of descriptive-captioning DVD titles and

Agenda Item #8.2.

1 additional accessibility initiatives are also in the works. This is a fantastic, and much
2 needed addition to the library.

3 g. Notable programming in December included: Ceramic Ornaments, a Play-Doh day for
4 children during winter break, Melted Crayon Art, an Adult Winter Social and Winter
5 Romances.

6 h. The fiscal year (FY) 2023 annual State Grants aid was received from the State Library in
7 December 2022. These Funds will be used to purchase several databases, as well as
8 potentially purchase public computers that are outdated.

9 i. The 2020 GO Bond funds were received in December as well. Funds will be used to
10 purchase a new Book Sorter and eResource Central, a product designed to integrate
11 eBook collections into the Library Management System (LMS). The LMS will be able to
12 show eBooks that are available to check out when you search our library catalog.

13 j. FY 2024 Budget entry was completed by library and Quality of Life (QoL) staff.
14 Presentations by QoL staff to the City Manager's office will be made in February.

15 k. I will be attending a retreat meeting on Monday with the Quality of Life and department
16 lines of business sections – Museums, Library, Senior Programs. The subject matter will
17 include how each of QoL Department sections impact the city.

18 l. The November and December statistics were handed out to the LAB. This is attachment
19 #1.

20 m. Questions about report or any other comments from the LAB:

21 i. Q: Is Sage Café open Monday through Saturday? A: Library section is only open
22 Tuesday through Friday. We plan to be open until 4 P.M. starting February 2023
23 pending approval of expansion hours.

24 ii. Q: Are items checked out per month on report unduplicated? A: Yes, items
25 checked out are new items and not overlapped from previous months check outs.

Agenda Item #8.2.

A new format of report with a broader range of statistics is in the works. It may be given out at the next LAB meeting if it is completed by then.

iii. Q: Is there a way to track by zip codes or other ways to determine where minority areas and/or schools need library services the most? A: Vicki Minnick, Librarian II (Innovative Technology), is working on creating a demographics by zip code report.

iv. An LAB member made a comment that the outreach programs of 2730 attendees in a month is amazing. Ms. Booth mentioned that Elizabeth Puckett, Librarian II, is a very dynamic and dedicated staff member, and she has really made sure to go to the places that need outreach the most. We hope to see the numbers continue to grow.

5. Old Business – The following item was voted on:

a. Review/Approval of Library Policy: POL-LIB-2017-04 Fines & Fees Policy Issue 5.0

i. Vice-President Stephen Jones called for a motion to approve as presented; Member Patricia Gallegos voiced a motion to approve; Member Erin Wahl seconded the motion; all voted in favor; motion carried. This is attachment 2.

6. New Business – The following item was voted on:

b. Review/Approval of Missed Closing Date for 2023: Saturday, November 11, 2023 – Veteran's Day

i. Vice-President Stephen Jones called for a motion to approve as presented; Member Erin Wahl voiced a motion to approve; Secretary Teresa Valenzuela seconded the motion; all voted in favor; motion carried. This is attachment 3.

7. Announcements – None.

8. Public Participation – None.

1 9. Adjournment – Member Erin Wahl made a motion to adjourn meeting; meeting adjourned at
2 approximately 3:35 P.M. The next meeting is scheduled for Thursday, February 23, 2023, at 3:00
3 P.M. in the Roadrunner Room on the 2nd floor of TBML.

4 
5 _____

6 **PRESIDENT or VICE-PRESIDENT**



CITY OF LAS CRUCES

Notice is hereby given that there will be a **Senior Programs Advisory Board meeting** on **Thursday, February 8, 2024**, from **9:00 a.m. to 11:00 a.m.** The meeting will be held at the **Frank O'Brien Papen Center, 304 W. Bell Ave, Las Cruces, New Mexico.**

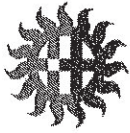
AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Pledge of Allegiance**
- IV. **Moment of Silence**
- V. **Approval of the Agenda:** February 8, 2024
- VI. **Conflict of Interest:** *The chairperson shall ask if any board member or City staff has any known conflict of interest with any item on the agenda.*
- VII. **Introductions:**
- VIII. **Public Comment:**
- IX. **Action Item(s):**
 - a. Approval of January 11, 2024 Senior Programs Advisory Board Meeting Minutes
- XI. **Training** – Advisory Board Member Training and Review of Code of Ethics-Christine Rivera, City Clerk
- X. **Discussion Item(s):**
 - a. Senior Programs Deputy Director's Report – Sonia Saldana
- XII. **Updates:**
 - a. Chair and Board Members
- XIII. **Adjournment:**

Next regular meeting—Thursday, March 14, 2024, at 9:00 a.m., at the Sage Café Senior Center, 6121 Reynolds Drive, Las Cruces, NM.

The City of Las Cruces Senior Programs Section will make every effort to provide reasonable accommodations for people with disabilities who wish to attend the public meeting. Please contact us 72 hours before the meeting at 575-528-3000/V or 575-541-2182-TTY. *The City does not discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, religion, age, or disability in employment or the provision of services.*

Posted: 2/1/24



CITY OF LAS CRUCES

The following are the summary minutes of the **Senior Programs Advisory Board** meeting held on Thursday, January 11, 2024, at 9:05 a.m. at the Munson Center, 975 S. Mesquite, Las Cruces, New Mexico.

MEMBERS PRESENT:

Chair Jo Ann Rodriguez-Haught, Frank O'Brien Papen Center Representative
Vice-Chair Gabriel Montalvo, Munson Center Representative
Secretary Mona Bedale, District 2 Representative
Judy Chavarria, Member-at-Large
Yolanda Knodle, District 4 Representative
Steve Gaskell, District 3 Representative
Belinda Soto, Henry Benavidez Recreation Center Representative
David Hernandez, Eastside Center Representative

MEMBERS ABSENT:

Larry Altamirano, Sage Café Senior Center Representative

GUESTS PRESENT:

Sonia Saldana, Senior Programs Deputy Director
Chris Behrens, Recreation Facility Manager
Patricia Bertoldo, Senior Programs Kitchen Supervisor
Roger Bishop, Nutrition Program Manager
Toni Flores, Recording Secretary

- I. **CALL TO ORDER:** Chair Jo Ann Rodriguez-Haught, Frank O'Brien Papen Center Representative, called the Senior Programs Advisory Board meeting to order at 9:05 a.m. on Thursday, January 11, 2024, at Munson Senior Center, 975 S. Mesquite Street, Las Cruces, NM.
- II. **ROLL CALL:** Roll call was taken, and a quorum was ascertained.
- III. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Vice Chair Gabriel Montalvo.
- IV. **MOMENT OF SILENCE:** The Board observed a moment of silence.
- V. **APPROVAL OF THE AGENDA:** A motion was made by Judy Chavarria, Member-at-Large, and seconded by Secretary Mona Bedale, District 2 Representative, to approve the January 11, 2024, Senior Programs Advisory Board meeting agenda as presented. Vote: 8 Ayes, 0 Nays. Motion passed.
- VI. **CONFLICT OF INTEREST:** Board Members had no conflict of interest with any item on the agenda.
- VII. **INTRODUCTIONS:** None.
- VIII. **PUBLIC COMMENT:** None.

Senior Programs Advisory Board Meeting Minutes
January 11, 2024
Page 2

IX. ACTION ITEMS:

A. APPROVAL OF DECEMBER 14, 2023 SENIOR PROGRAMS ADVISORY BOARD MEETING MINUTES: A motion was made by J. Chavarria and seconded by Vice Chair G. Montalvo to approve the December 14, 2023, Senior Programs Advisory Board meeting minutes as presented. The vote was called: 10 Ayes, 0 Nays. Motion passed.

* B. REVIEW AND APPROVAL OF THE SENIOR PROGRAMS' FEES AND CHARGES FOR FY24: A motion was made by J. Chavarria and seconded by Yolanda Knodle, District 4 Representative, to approve the Senior Programs Fees and Charges for FY24 as presented. The vote was called: 10 Ayes, 0 Nays. Motion passed.

C. REPORT FROM THE NOMINATIONS' COMMITTEE FOR 2024 BOARD OFFICERS: M. Bedale Nominations' Committee Chair reported the Committee is interested in submitting the following slate of Board officers for 2024 for their consideration:

Chair - Gabriel Montalvo, Munson Center Representative.
Vice-Chair - Belinda Soto, Benavidez Center Representative.
Secretary - Judy Chavarria, Member at Large.

D. ELECTION OF BOARD OFFICERS FOR 2024: Chair J. Rodriguez-Haught opened the floor for nominations. There being none. Belinda Soto, Benavidez Center Representative, moved to approve the Nominations Committee's slate of officers as presented consisting of Chair-Gabriel Montalvo, Vice-Chair Belinda Soto, and Secretary-Judy Chavarria. J. Chavarria seconded the motion. Vote 10 Ayes, 0 Nays, Motion unanimously passed.

X. DISCUSSION ITEMS:

A. SENIOR PROGRAMS DEPUTY DIRECTOR'S REPORT - SONIA SALDANA: Meals. Two reports were distributed to the Board. The first report is a congregate donations meals report for October, November, and December 2023. The report shows the number of participants and the donations per month. The total per center does include the guests. The guests are reported but are not part of the goal they have every year to collect donations. Towards the bottom of the report, it shows the number of participants that ate lunch, divided by the amount of money collected, and shows the average for Munson Center of \$0.65 a meal, Benavidez averages \$1.12, Eastside \$0.76, Sage Café \$1.73, and Papen \$1.20. Board members inquired if it was allowed to bring a child to the center to eat a meal. S. Saldana stated if the child accompanies a senior to the center and they pay the regular meal price of \$7.50. If the child is disabled and the senior individual is the caregiver, the child can be qualified to eat a meal for a suggested donation of \$2.50 but they must first meet with a

Senior Programs Advisory Board Meeting Minutes
January 11, 2024
Page 3

case manager to determine eligibility. Seniors with caretakers, not related to them, cannot be qualified. Bringing outside food into the dining room is not allowed, but special accommodations can be made for caregivers that wish to eat their lunch at the center by contacting a case manager. The second sheet is the home delivered meal donations report. Home delivered meals are cooked at Benavidez and Eastside Centers. Currently, there are 12 home delivered meal routes. The report shows the monthly donation amount of \$6,984.20, the meals served were 28,140, which averages to \$0.25 a meal. The drivers carry donation boxes for homebound client donations. The suggested donation for the Home Delivered Meals program is \$3.00.

Guest speakers. There was discussion about the guest speakers and getting them on the agenda or having to amend the agenda if the guest speaker was unable to attend. Suggestion to have guest speakers at the beginning of the agenda and continue with other business thereafter. There was consensus from the Board members to being flexible with guest speakers and their time. The Board members will accommodate the guest speakers at the time that they arrive to provide the presentation(s)/training and will be respectful of their time. A suggestion for a guest speaker was made by J. Chavarria. She recommended a presentation on brain health by Jody Crowley from NMSU be scheduled at the centers.

Art class. C. Behrens announced the art classes have been filled. B. Soto stated she has received complaints about the time. Participants have said the classes are too early. The timeslots will be revisited for the next session. Overall, people are happy with the classes. These classes are being run in six-week sessions. There will be a two-week registration period for the next class. This is the second activity that is being taught by a contractor. Both activities are doing well. Classes are posted on Facebook, Instagram, City's website, newsletter, and the Senior Programs activity calendar. The staff is working on adding exercise, yoga, and dance classes.

Saturday dances. Although people pushed for the Saturday dances, the attendance has been very low. The best attendance was the Halloween Dance, which had a live band. C. Behrens stated there is a possibility of having quarterly Saturday dances with a live band. Staff are evaluating this option due to low attendance. Beginning in February 2024 Senior Programs will be switching to Thursday afternoon dances from 2:00 p.m. to 4:00 p.m., from now until the end of the fiscal year. The afternoon dances will be rotated between all the facilities. The Sage Café Senior Center will be excluded from the rotation scheduled due to the limited square footage of the building. Karaoke is currently being held at Munson Center. If there is enough interest at the other centers, then Karaoke can be expanded to the other centers.

Senior Programs Advisory Board Meeting Minutes

January 11, 2024

Page 4

1 **XI. BOARD UPDATES:**

2
3 Board members stated the food has improved at the Benavidez and Frank O'Brien
4 Papen Centers. There have been no complaints.

5
6 Yolanda Knodle, District 4 Representative, stated there were no knives at the at the
7 Benavidez Center on January 10, 2024. Staff reiterated seconds are not permitted. If
8 Center participants are still hungry after eating their meal, they can talk to one of the
9 case managers, and they will provide resources.

10
11 Steve Gaskell, District 1 Representative, stated the Christmas lunch was wonderful.
12 There are new people coming to the Munson Center.

13
14 There was a request from AARP for a Senior Programs' representative to conduct a
15 presentation on programs and services provided by Senior Programs, at AARP's next
16 meeting scheduled for January 17, 2024, at 2:00 p.m. at Peace Lutheran Church in
17 the fellowship hall. Approximately, 20 people will be attending.

18
19 David Hernandez, Eastside Center Representative, stated there is a senior participant
20 that continually grabs other people's food from their trays. D. Hernandez discussed
21 this issue with the individual. S. Saldana asked that it be reported to staff so they can
22 address the issue. It was also reported that if anyone is interested in volunteering to
23 clean tables, set up chairs, etc., they need to register with the Network.

24
25 It was announced some kitchen staff are being rotated between centers. The City
26 Inspector General, Charles Tucker, will be at the Benavidez Center from 2:00-5:00
27 p.m. the second and fourth Tuesday, and Sage the second and fourth Thursday of
28 every month to be able to meet with anyone from the public. This year the New Mexico
29 Conference on Aging was conducted virtually at Munson Center. Two rooms were
30 reserved for the Conference at Munson Center, but there was no one in attendance.
31 Senior Program's will consider sending Board members to this year's conference.
32 New Board members will be given priority.

33
34 **XII. ADJOURNMENT:** A motion to adjourn was made by Y. Knodle, seconded by B. Soto.
35 Vote: 10 ayes, 0 Nays. Motion carried. The meeting was adjourned at 10:10 a.m.

36
37
38
39 _____
Judy Chavarria, Secretary



**3065; Council
Bill 24-023**

City Council Action and Executive Summary

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:	March 18, 2024	Adopted:	April 1, 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-

Agenda Item #8.3.

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 #8.3.

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

APPROVED

ATTEST:

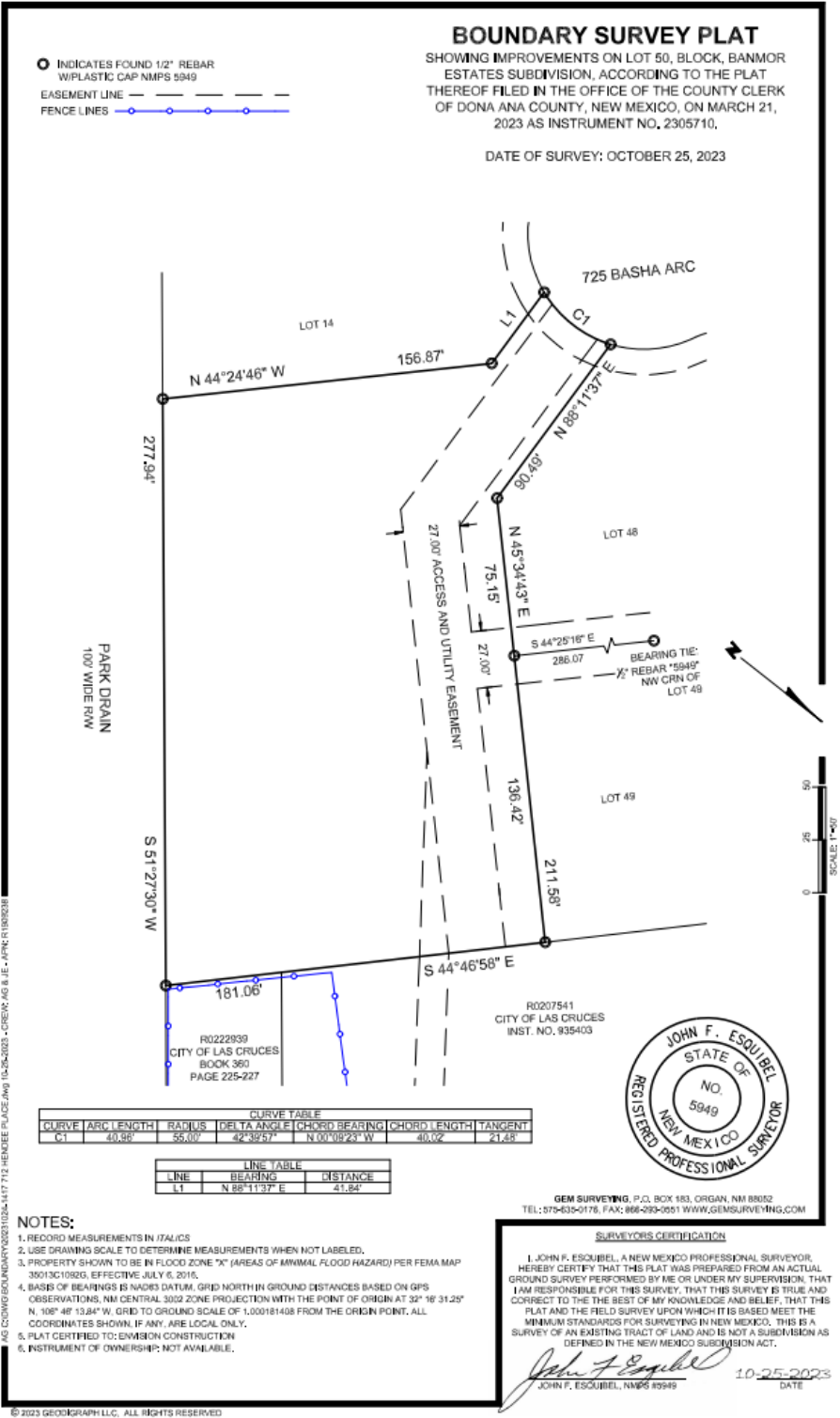
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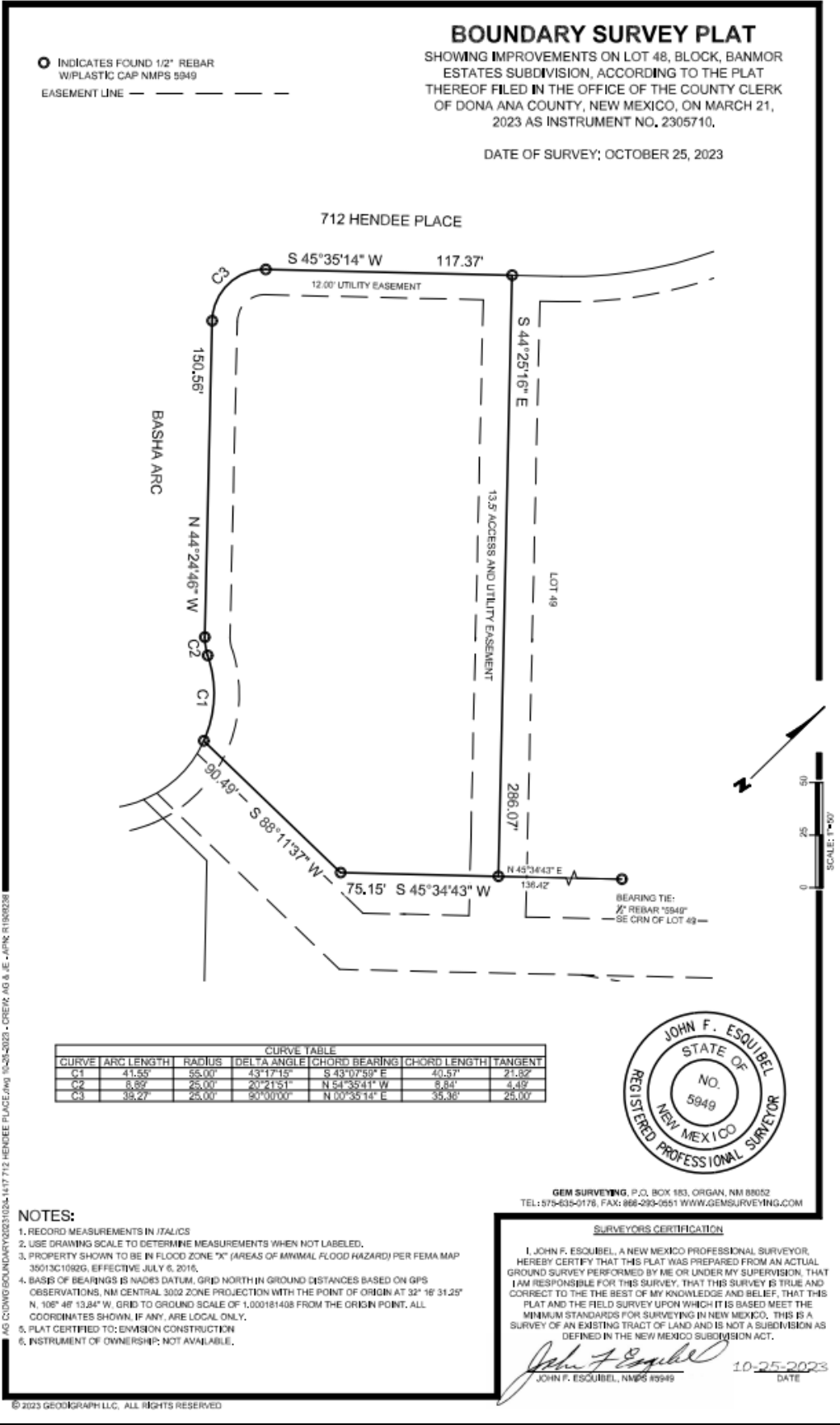
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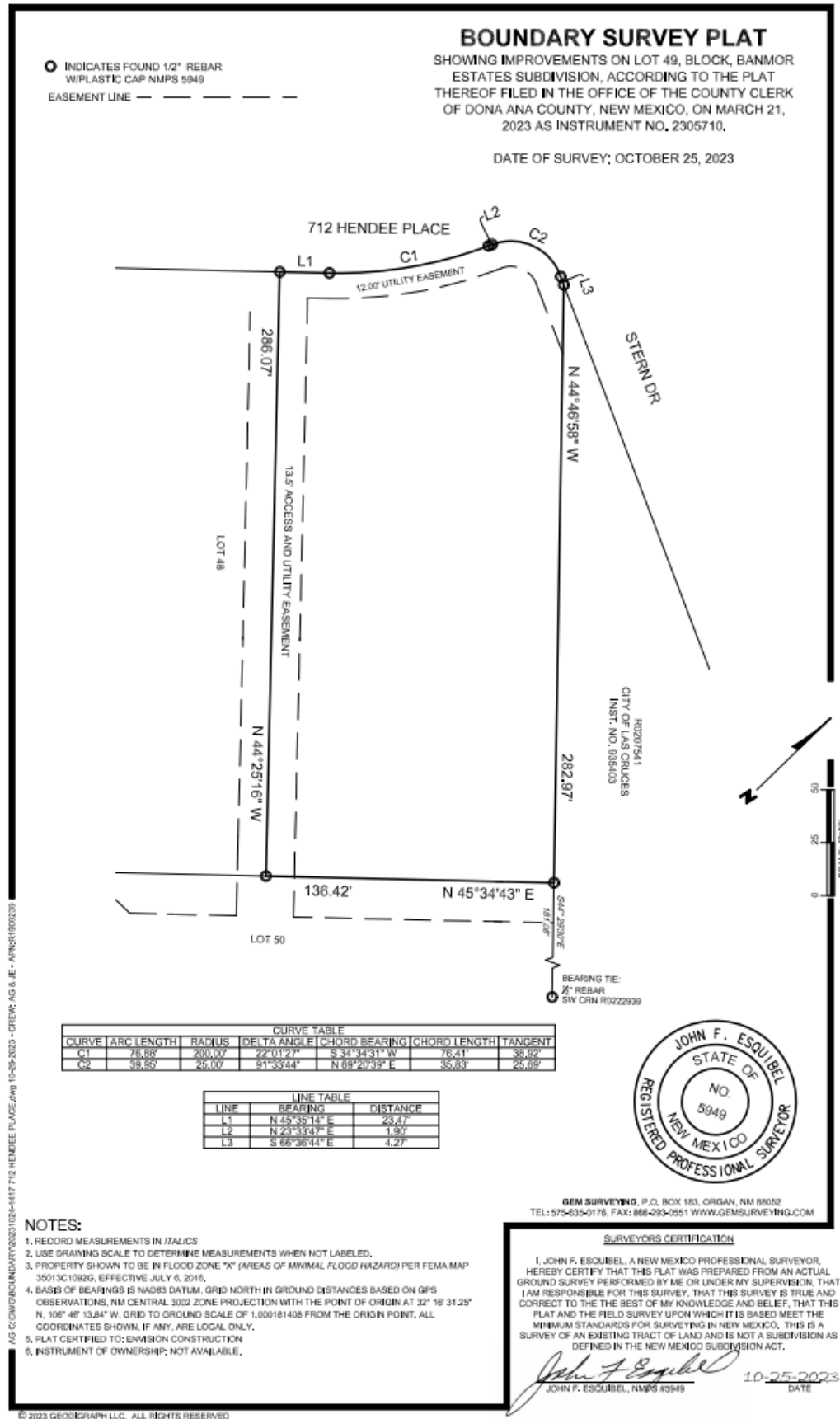
AYES

NAYS

SITE PLANS

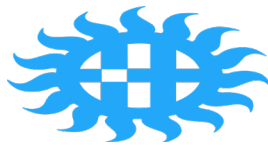






FINDINGS

- 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 #8.3.

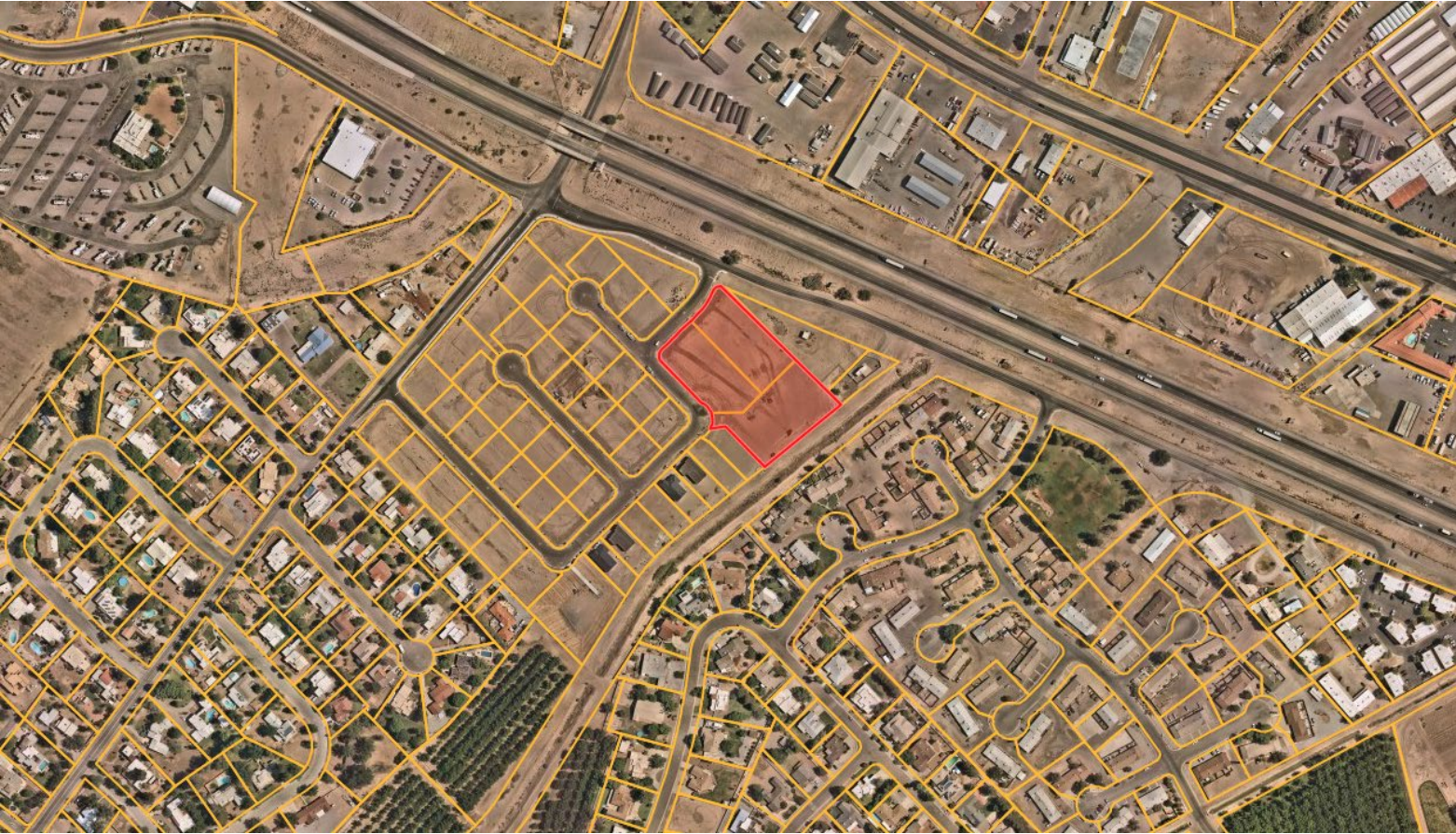
ATTACHMENTS:

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

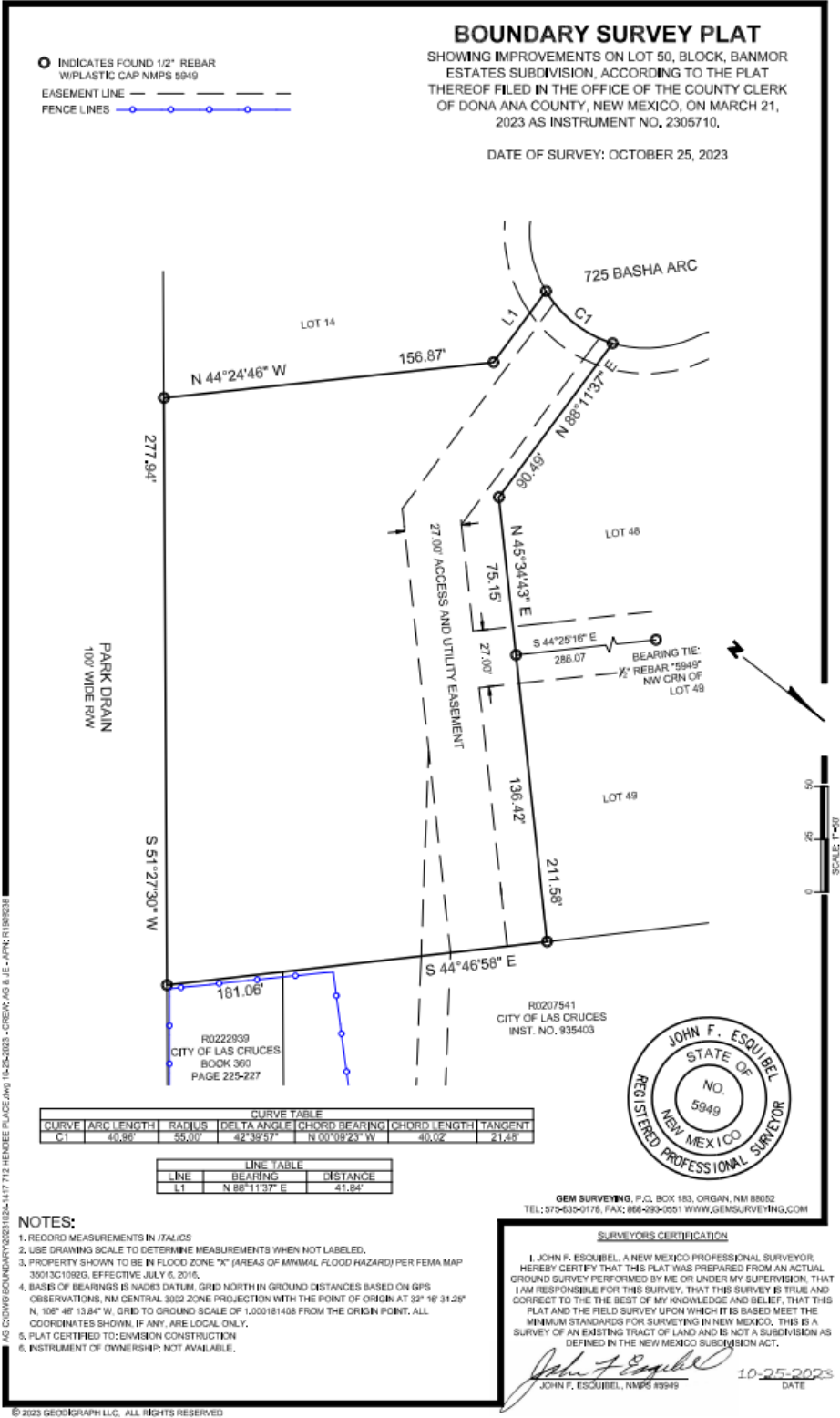
ATTACHMENT 1
Zoning Map

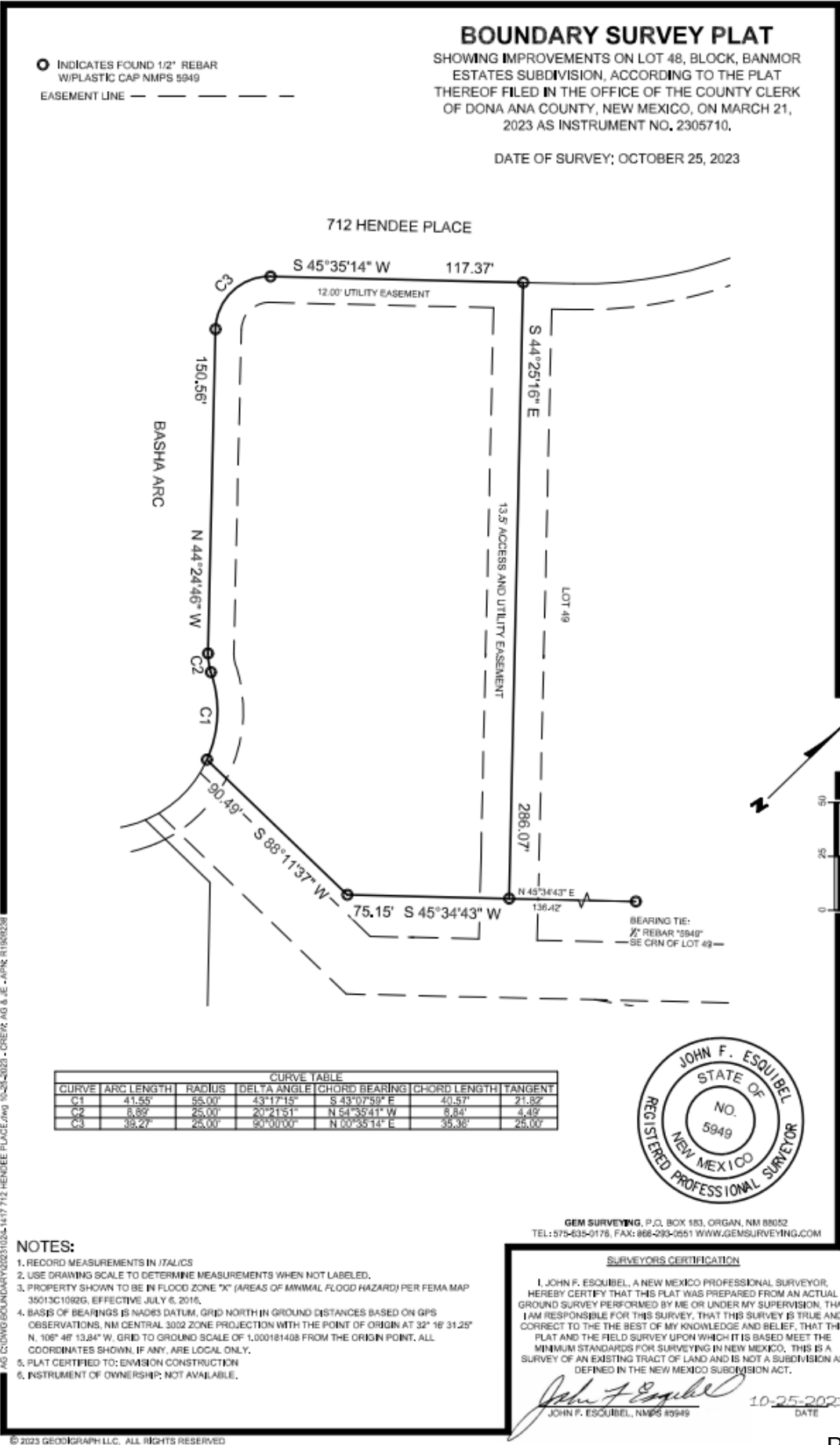


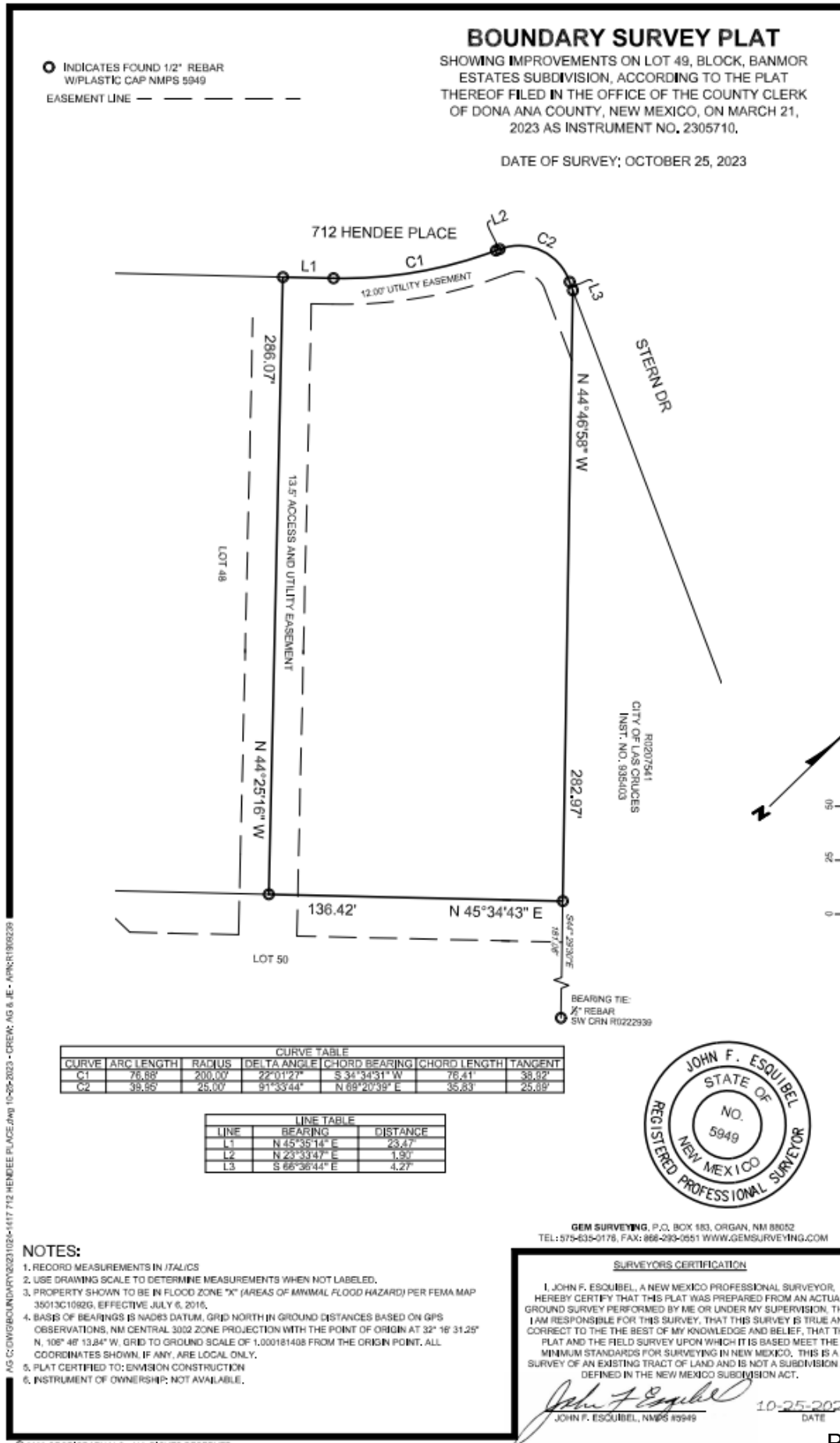
ATTACHMENT 2
Aerial Map



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 #8.3.

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 #10.1.

[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 #10.1.

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

Agenda Item #10.1.

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.

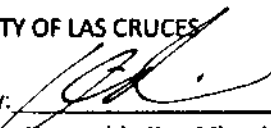
12. **Amendment of Agreement.** This Agreement may be amended only by written amendment executed by the parties hereto with the same formalities as this Agreement, and upon the specific approval of such amendment by the City Council of the City of Las Cruces and by the Board of Directors and President 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.

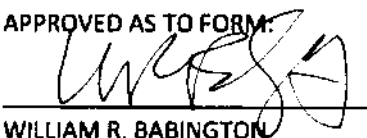
CITY OF LAS CRUCES

By: 
The Honorable Ken Miyagishima, Mayor

ATTEST:


LINDA LEWIS, CMC
CITY CLERK

APPROVED AS TO FORM:


WILLIAM R. BABINGTON
CITY ATTORNEY

X2n SAT, Corporation

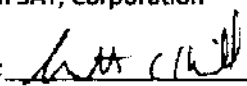
BY: 
Garrett Hill
President

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:

City Clerk

APPROVED AS TO FORM

[Signature]
William R Babington
City Attorney

COMPANY:

X2nSAT, Inc

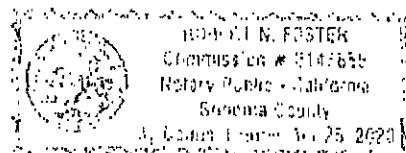
By [Signature]
Garrett Hill, CEO

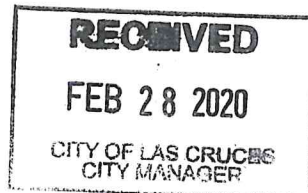
ACKNOWLEDGEMENT FOR CORPORATION

STATE OF CA)
COUNTY OF Sonoma) ss

The foregoing was acknowledge before me on the OCT 9 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 **Initials:** CR
Date: January 28, 2020 **File #:** FE#20-013
Subject: Review of Request and Signature to Amend X2NSAT LEDA Project Timeline

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: mg
Initials: GM
Initials: JVB
Initials: BDL

**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.

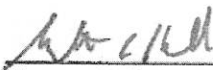
SECTION 4.11 *Effectiveness.* This Guaranty shall become effective upon the Contract becoming effective.

[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





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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

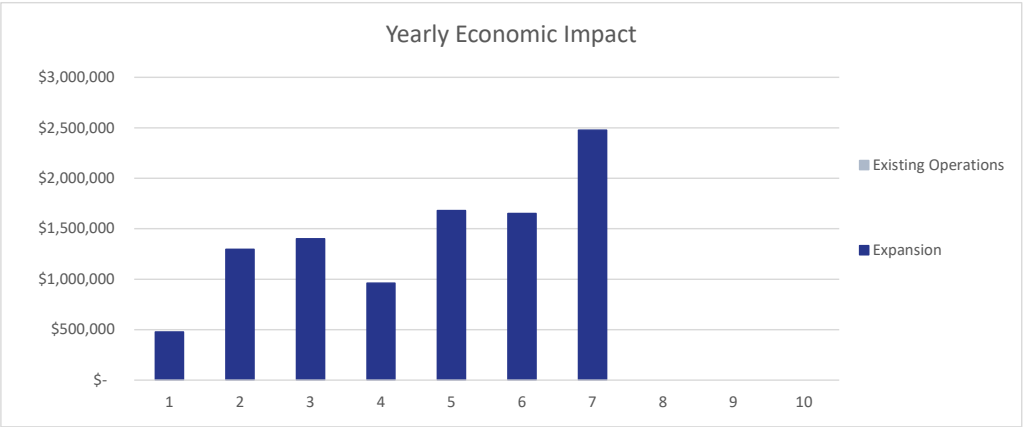
Description of the Project:

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

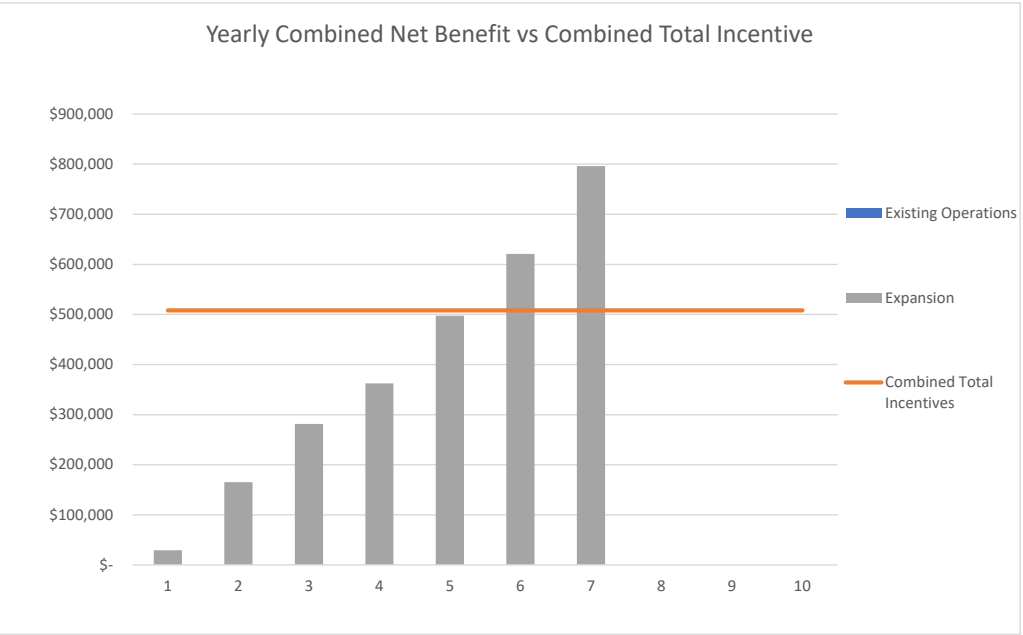
Cumulative Net Benefits					
	Existing Operations		Expansion	Existing & Expanded Operations	Present Value of Net Benefits*
State of New Mexico	\$	-	\$	383,615	\$ 320,862
County	\$	-	\$	151,109	\$ 128,285
City	\$	-	\$	261,503	\$ 223,589
School District	\$	-	\$	58,103	\$ 48,525
Special Taxing District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

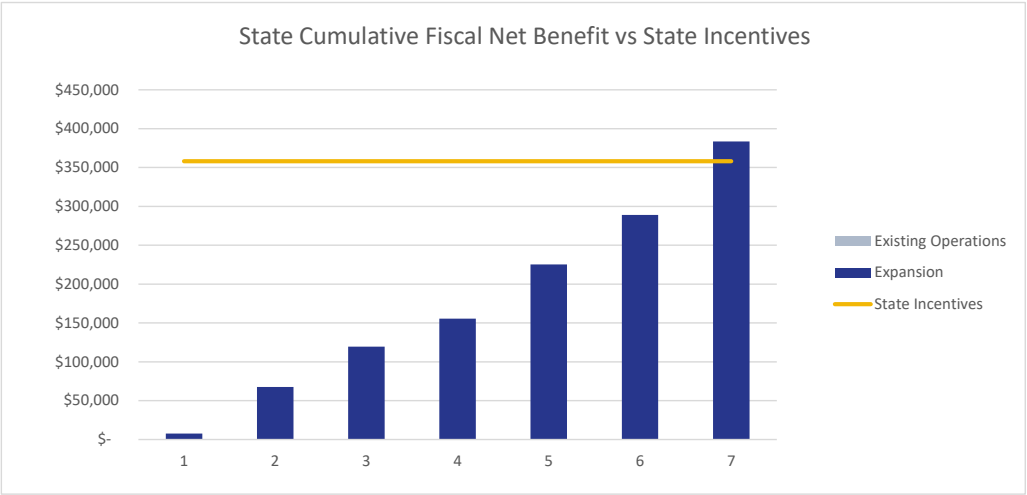
Total Public Net Benefit

	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

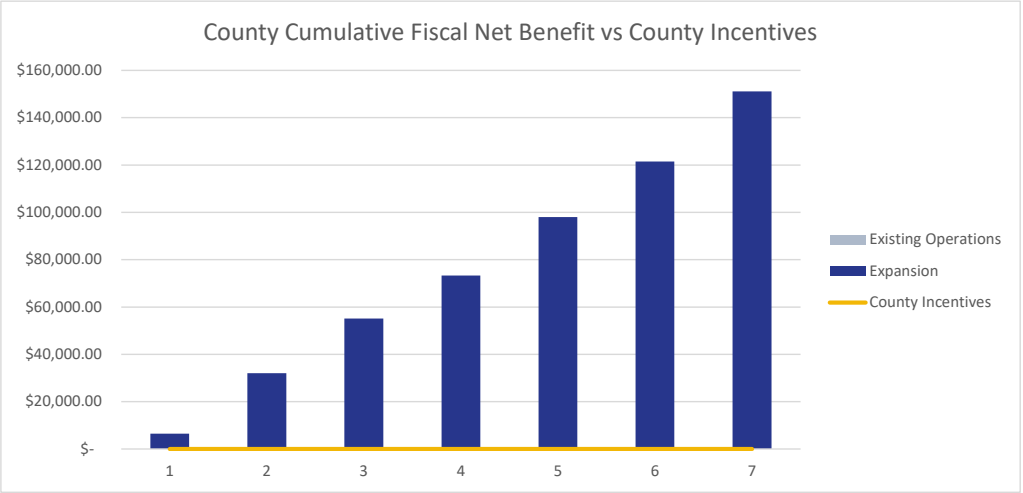
Costs	\$	-
Subtotal of Costs	\$	-

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

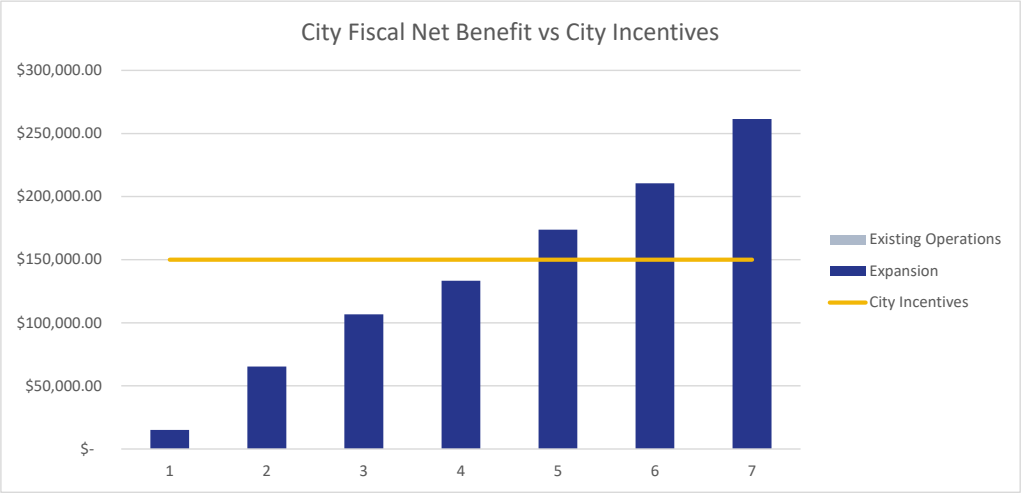
Costs	\$	-
Subtotal of Costs	\$	-

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

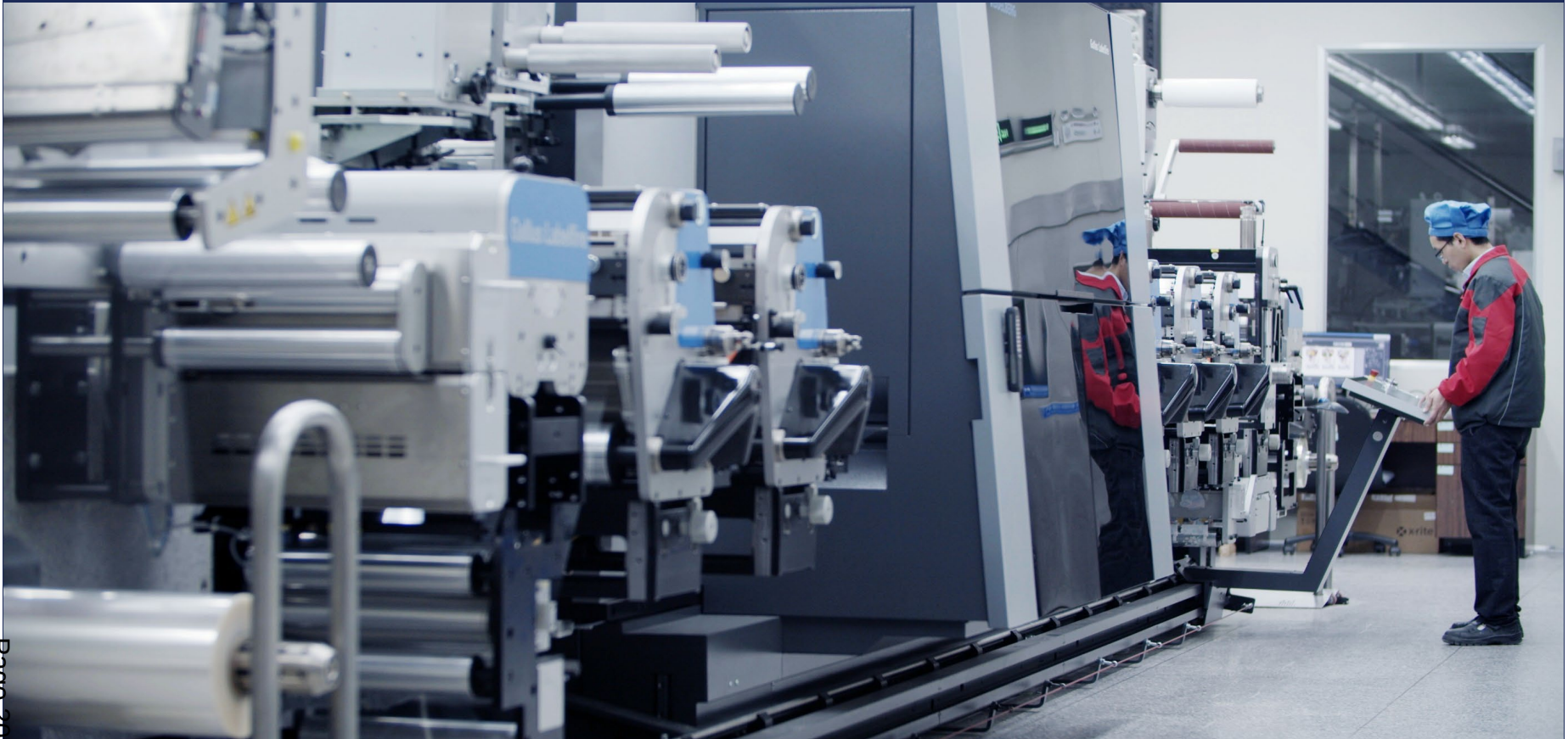
Costs

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

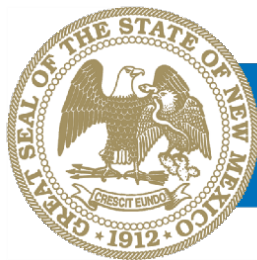
County	City	Schools	Special Taxing District
0%	0%	0%	0%

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.