

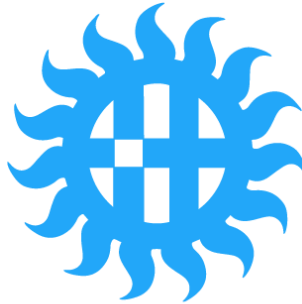
CITY COUNCIL AGENDA

Mayor
Ken Miyagishima

Monday, October 2, 2023 at 1:00 PM
Council Chambers

Mayor Pro Tem
Kasandra Gandara

Councilors
Tessa Abeyta
Becki Graham
Johana Bencomo
Becky Corran
Yvonne Flores



CITY OF LAS CRUCES

CITY HALL
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LAS CRUCES, NM 88004

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If you need an accommodation for a disability to enable you to fully participate in this event please contact us 72 hours before this event at [541-2115/V](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 Miyagishima.
- 1.2. Pets of the Week.
- 1.3. Jobs of the Week.
- 1.4. Presentation of Certificates of Appreciation/Proclamations - Mayor Miyagishima.

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

3. PUBLIC PARTICIPATION

4. ACCEPTANCE OF AGENDA

5. CITY COUNCIL MINUTES

- 5.1. Work Session of August 28, 2023.
[Work Session - Aug 28 2023 - Minutes - Pdf](#)

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

7. OLD BUSINESS

- 7.1. COUNCIL BILL NO. 24-005; ORDINANCE NO. 3047: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A PROPERTY ENCOMPASSING 2.29 ± ACRES. THE ZONE CHANGE REQUEST SEEKS TO BRING THE PROPERTY INTO COMPLIANCE WITH THE 2001 LAS CRUCES MUNICIPAL CODE, AS AMENDED AND ALLOW FOR THE FUTURE DEVELOPMENT OF A COMMERCIAL BUSINESS. THE SUBJECT PROPERTY IS LOCATED AT 522 E IDAHO AVENUE. 24 - 75
[Ordinance No. 3047 - Pdf](#)

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

- 8.1. RESOLUTION NO. 24-033: A RESOLUTION TO DESIGNATE FORMER CITY COUNCILOR AND FORMER MAYOR PRO TEMPORE GREGORY Z. SMITH AS GREGORY Z. SMITH, MAYOR PRO TEMPORE EMERITUS, IN ACCORDANCE WITH THE CITY COUNCIL EMERITUS/EMERITA PROGRAM. 76 - 79
[Resolution No. 24-033 - Pdf](#)
- 8.2. RESOLUTION NO. 24-034: 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. 80 - 130
[Resolution No. 24-034 - Pdf](#)

9. BOARD APPOINTMENTS

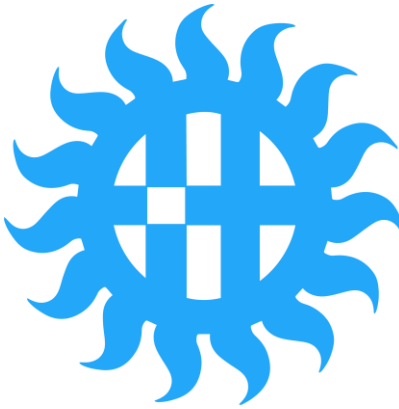
10. NOTICE OF PROPOSED ORDINANCE(S)

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

11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

12. CITY MANAGER REPORT

13. ADJOURNMENT



MINUTES

Work Session

Monday, August 28, 2023 @ 1:00 PM

City Council Chambers, City Hall

PRESENT: Councilor Kasandra Gandara, Councilor Johana Bencomo, Councilor Yvonne Flores, and Councilor Becki Graham

ABSENT: Mayor Ken Miyagishima, Councilor Tessa Abeyta, and Councilor Becky Corran

1. PETS OF THE WEEK

1.1

Amy Defelix introduced Pets of the Week.

2. JOBS OF THE WEEK

2.1

Sarah Raney introduced Jobs of the Week.

3. AGENDA ITEM

3.1 POLICE DEPARTMENT OIR RECOMMENDATIONS UPDATE.

Interim Chief Jeremy Story, Las Cruces Police Department gave overhead presentation.

Councilor Flores asked on slide 12 LCPD doesn't include, are those things you want to include in the future, or I am I reading it wrong?

Chief Jeremy Story said the preceding slides before this did not include these things. These are things we do, that I did not cover on those first slides just because it would have been too much information to put it all down. If you look at the first bullet point on

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the preceding slides only captures what is required for officers or a large portion of officers to attend. Those slides do not include this information.

Councilor Flores asked on page 13 a licensed attorney to provide a continuous training, what is the context of that statement? Do you not have a licensed attorney who is knowledgeable in search and seizure and everything?

Chief Jeremy Story said yes we do. The frequency we want it to happen at it's just not tenable for all the other task that are assigned to our city attorney's office. We have good attorneys that would be capable if this was their fulltime job. We want something that is going to be ongoing briefing training, full classes, two-hour blocks, developing online learning management curriculum, responsive to questions as they come up. If we want to do it at the frequency that I think would be beneficial for not only the department and the city, than a contract position is what a lot of other departments are going to, just so they have someone that's a significant portion of what they do.

Councilor Flores asked are there other departments in the state?

Chief Jeremy Story said correct there are other departments in the state.

Councilor Flores asked the legal training you referred to in February was that the one from Manning and Kass in Los Angeles, Missy O'Linn's presentation?

Chief Jeremy Story said Missy O'Linn was the one from 2022 that was critical legal training. The legal liability class was LLRMI which is Jack Ryan's company, a lot of people know Jack Ryan is one of the most notable use of force experts. That was his company that taught that class. These are two separate companies.

Councilor Flores said so you do have that type of training. How often is that when you have someone like Jack Ryan and Missy O'Linn?

Chief Jeremy Story said my goal is to bring at least one of those entities in a year, so that has always been my goal we have done better than that. This year we are bringing them in for a couple of different things plus the federal law enforcement training center class. But at a minimum for legal areas bringing outside expert once a year.

Councilor Flores said you do list a need for an attorney who is up on the search and seizure, all the different provisions in someone's rights. This is something you have spoken with our City Manager in terms of the needs; and because these aren't wants these are needs.

Chief Jeremy Story said I have spoken to both the City Manager and City Attorney, and we have discussed this in depth and they both have been very supportive of that.

Councilor Graham said I am really happy to see the emphasis on supervisor training but especially on the field training officer boosting that knowledge, because I think one

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thing I've picked up in the last couple of months as you've been sharing more of the departmental procedures is what culture setters FTO's are in terms of how the officer out in the field is going to interact with the public and how critical it is. I'm just very happy to see that you're emphasizing that importance and making sure that FTO's have the knowledge that they need.

Councilor Bencomo said as you were presenting on supervisor training and what you said on you being an officer one day and a sergeant the next. I don't think I actually fully know all the hierarchy of the department, so it's an officer, then a sergeant, lieutenant, deputy chief and chief. At sergeant position you're managing staff and all of that. Does some of your training include those pieces of how to best manage a team, staff?

Chief Jeremy Story said it does, a lot of the classes that are in there talk about it, so it's redundant from different aspects maybe. The first line supervisor class focuses a lot on that management of personnel, resources, and different areas of liabilities, failure to train, failure to supervise etc. But also the leadership training talks about that, the legal liability class talks about it. So it is hit in many different classes.

Mayor Pro Tem Gandara asked we talked about CALEA training the gold standard that you are embarking on, and I think it would be a great opportunity to speak to that and what it would entail. Because some of this I think is very extensive, very long but worth it for sure, because they're seeing some great outcomes with it can you speak to that?

Chief Jeremy Story said I do not want to steal the thunder of Lieutenant Gutierrez because there is a slide towards the end.

Lieutenant Rob Gutierrez, Internal Affairs continued overhead presentation.

Councilor Bencomo asked for this accreditation process who sets their standards? Are they going off like federal government who sets their standards?

Lieutenant Rob Gutierrez said the CALEA board, they are a best practices collection center. They collect their information federally, state and from other local law enforcement agents and their standards will meet federal and state or local.

Councilor Bencomo asked so this happens every three years?

Lieutenant Rob Gutierrez said no, right now we are in the self-assessment. We have three years to come into compliance. Once we come into compliance, they will come down and do an audit. When we get approved then yearly they will pick 10 to 20 percent of whatever they decide, and we have to show them we are still in compliance with them. Then the fourth year, then its every four years after we get the accreditation they come in and do a full accreditation look.

Councilor Bencomo asked have we ever not been accredited?

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Lieutenant Rob Gutierrez said we were accredited with the Municipal League. But we have never been accredited with an agency this large.

Councilor Bencomo asked so you sought this out?

Lieutenant Rob Gutierrez said yes, the previous Chief Miguel Dominguez sought it out.

Councilor Bencomo asked in the revisions that you spoke about you did mention use of force, given that we've have been talking a lot about the use of force standard that is one of the revisions you will be looking into?

Lieutenant Rob Gutierrez said yes that is almost yearly, almost monthly every time case law comes out and that is going to be a big part of building the use of force cadre, especially with the knowledge base.

Councilor Bencomo said I wasn't sure I saw it on the list was around data and transparency. Both on the collection of demographic data, arrest data, use of force data and then on the other side of that how then do you make that transparent to the public, are there policies around that, you would be revising?

Lieutenant Rob Gutierrez said yes there is every year Internal Affairs puts out their annual report. It has all the information that we're legally able to collect inside that report. It does have race; it does have information on it to answer your questions.

Councilor Bencomo asked I don't know if it's up now, but I remember that this being a complaint a constituent had recently that this years or last year's hadn't been made public yet?

Lieutenant Rob Gutierrez said the number of complaints?

Councilor Bencomo said the report.

Lieutenant Rob Gutierrez said the IA report is published usually in March. This year we went through a change from LCPD my office being in charge of the website to the city being the website and some of the stuff fell off and it reverted back to an old website, and we didn't realize it for about 1 ½ to 2 months that it wasn't public.

Councilor Bencomo said given that this CALEA accreditation process is fairly new for the department I am wondering if there is an opportunity for public engagement to be included as you move through his process. Is that part of the conversation at all?

Lieutenant Rob Gutierrez said yes there is actually going to be a link on our website for public comment, and that is required by CALEA, and it goes to CALEA first they review it then they send a report back to the Chief of Police.

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Councilor Bencomo said I can talk to City Manager Pili and Chief Story about this. I think given this new process; I think this is a good opportunity for more public engagement besides what they're sort of requiring online. Perhaps doing more town halls and things like that as you move through this process I think it would be really helpful.

Councilor Flores asked what does CALEA stand for the and the makeup consist of?

Lieutenant Rob Gutierrez said Commission Accreditation of Law Enforcement Agencies. Several former chiefs a lot of top brass is out there from different countries, different states and they make up the board.

Councilor Flores asked so you mentioned Canada, are there any law professors, social scientists or any other professions that might have an input as to how to set standards?

Lieutenant Rob Gutierrez said yes this Commissioners Board and the CALEA advisement group consist of attorneys, civilians, former law enforcement, former fire people, former public safety officers, emergency office management personnel. You name it they have it somewhere on their input boards.

Councilor Flores said like psychologists, mental health people all of that. It sounds like a huge board so how big is this organization? It is international, does it meet in the US and Canada and other countries and how often do they meet? Is the commission comprised of a board or a commission? Can you explain that?

Lieutenant Rob Gutierrez said the commission is very large and it is International. They meet anywhere from three to four times a year are the conferences for the actual police departments that are in it. They provide accreditation managers, accreditation officers with the training there at the conferences and so forth. The actual CALEA offices are open 365 days a year and they meet through Zoom whenever the need arises or there is full staff members. I do not have the exact numbers, but we are so new to this that we're just trying to get what is needed for proofs. We went to the conference in Oklahoma City a couple of months ago and they had 40 commissioners on hand looking over people who had submitted for accreditation. They have different teams east coast, west coast, mid-west, northwest they have several areas that are located. But within our region they have at least 5 commissions.

Councilor Flores asked where is the location of the commission is it a building somewhere? What is the organization like, the commission? Where are they located?

Lieutenant Rob Gutierrez said the regional managers, for instance ours live out of California. He is responsible for the west coast you could say on that. They have others that live in Texas, Utah, Maine, and Florida and they're responsible for their region. They report to a commission board of 4 or 5 in that area and the actual CALEA office I forgot their address, but they do have a physical building where everyone comes into meet. Like I said it is a fulltime job.

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Councilor Flores asked would you be able to give us that information or somehow get it to us? I am just curious about the structure and the organization. It sounds like a good organization. I would like to see some of their writings or papers. If you can send us those? Perhaps to a City Manager or Legal and they can distribute it to us.

Mayor Pro Tem Gandara said I am excited about this CALEA certification. I have done some research and talked to a few organizations that have participated. Is there anybody in the State of New Mexico that is CALEA certified?

Lieutenant Rob Gutierrez said yes New Mexico State Police, currently Hobbs and Roswell. Dona Ana Sheriffs is up for it, they will be at the next conference which will be in Washington the State, sometime in November.

Mayor Pro Tem Gandara asked so can you explain the outcomes? It's obviously the gold standard. But what will we get from it? I am thinking training, you mentioned legal perspective kind of nationally and internationally. What are you looking to gain from this?

Lieutenant Rob Gutierrez said once again we would like to be known as the gold standard here in New Mexico for the police department. We are going to have access to national best practices, we are going to have access to better trend identification and other people might already be experiencing the trends, so we are going to get all that experience from us. I can't go much into detail on the legal side of things. But it will reduce our liability because we are doing certain things.

Mayor Pro Tem Gandara said what I have heard is that it reduces like the excessive use of force, in a lot of cases.

Lieutenant Rob Gutierrez said yes, there is too much to go into. They're going to reduce our liability and improve our transparency and the way we do business.

Mayor Pro Tem Gandara said I am really excited you are embarking on this. It will be a huge lift, but I think an exciting one. I think it would be great to put something together about it and send it to lfo. I would agree with Councilor Bencomo, I think having a more public participation.

Chief Jeremy Story said I wanted to clarify about CALEA. There is a 21-person board, 11 of them are former law enforcement and the rest are from various professions, and they are based out of Washington, DC. But we will send some additional information.

Chief Jeremy Story continued overhead presentation.

Mayor Pro Tem Gandara asked on slide 26 could you talk to me about the deficiency memo, what does it address? Is it like a standard document that you kind of form fill? Can you talk to me about that?

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Chief Jeremy Story said yes it is a standardized document so it will have a case number the blue team use of force number, who's involved, the sergeant referring, or lieutenant. It will have check boxes with one of these four things, and it could be more than one. It will lay out what the issue was, if it was report writing, it will say report writing and how they're going to address it. Really documentation for things that were already occurring, but it is to prove that we actually are doing these things, it is kind of a check system for the supervisor and IA has it so they know how to associate it to this use of force, and they know what was done to address the issues. Again these are for fairly minor issues, but we want to address those before they become bigger issues.

Mayor Pro Tem Gandara said so this could be for example myself, I called you we moved through the IA process and there's some deficiencies. If I say IPRA you can get a copy of the deficiencies memo with all the specifics.

Chief Jeremy Story said this will be part of their personnel file so generally it is not subject to IPRA, but it will go in the IA file, but we have it for documentation.

Councilor Bencomo said I don't think you went super into depth about the cadre. Can you talk a little bit more about, I know there is a piece in the OIR report, that we might hear about later that you added additional members, I think a total of 16 now, can you just talk about the selection of those officers, will they be in rotation, just little bit more your thinking behind the cadre?

Chief Jeremy Story said the cadre we had 16 people that went through that 2-week FLETC Law Enforcement training. The cadre is at I believe is at 8 members now, we are also doing apprentice members that are not young officers but younger officers so they can get the experience before their actually writing reports. With 8 members any given use of force is assigned to 3 of them. That allows it to not be overly burdensome. The members are mixed so it's not the same 3 people all the time. They all have extensive training, they have varying levels of training some of them have 10 plus significant use of force review classes, investigation classes, or instructor classes. All of them have a baseline of use of force review or instructor training as well as a lot of human performance issues, knowledge in the law, search, and seizure specifically, and they're also vetted on their own performance of course as an officer. Any given three get an assignment they review that independently. Then they come together and one of them will write the report for that use of force then they'll rotate, on who actually writes the report.

Councilor Bencomo asked what if there is disagreement amongst the three?

Chief Jeremy Story said if there's disagreement obviously if two concur then that's the finding. The third person can dissent, they can provide a memo on why they disagree and that would be included. But ultimately it's the majority.

Peter Goodman, Member of the Public said mostly I think that was a great report. I would like to highlight and amplify a couple of points they made. One is CALEA which I have done a little research on too. Having talked extensively with Sheriff Kim Stewart

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about it and recognized I glad your question elicited, that there really only a couple of other entities in the whole state of New Mexico, that are part of it. It requires a whole heightened level of consciousness and care. It is the gold standard and it's to their credit that they're going for the gold. They mentioned transparency I want to commend them on one point that I see as a journalist, which is that while the Sheriff's Department has been very good about if there is an officer involved shooting, Kim Stewart calls you all in, all the press and shows you what video there is and says here's what we know at this point I won't speculate on other things and maybe some of what I say will be proven wrong. But here's what we know right now? Whereas the LCPD has said basically go pound sand and we're doing an investigation and no we can't give you any videos. The last couple of times there has been a shooting these folks have acted as Sheriff Kim Stewart did and I think that's to their credit I hope it continues when there's a case that's not such a slam dunk, that the police were so clearly right. I think it will. I am impressed so far with the Interim Chief Story and his approach to training I think is good. I do hope they move dealing with the mentally impaired up from every 2 years to every year because that's a big part of their weekly diet. I want to add briefly that the one thing that is still missing, is real public input. They're improving things and OIR is making a material contribution to that. We still need serious public input that will bring in more complaints then the system as it now stands will get because people won't be as afraid. It will identify problems in situations that may not come up through the normal process. It will also reassure the public more about the police and help the police communicate with the public that goes both ways. I still urge you to take that idea seriously.

Reverend Carolyn Wilkens, Member of the Public said I appreciate the report that was given. I see greater opportunities with the processes that are going to be put in and my question well it's is a compliment for all the things that are being done, it's sounds like a lot of things have been taken into consideration. But I also encourage there to be public input and I would be happy to help make that happen. The other things is something I hate to bring up, but around the country there continue to be shootings and there was one yesterday. My question to our leadership here, is whether we have active shooter training involved in the process, I didn't see that come up in the processes that were discussed. I hope we don't have to use that, but I would like to know if that is part of our program?

Chief Jeremy Story said yes internally we do active shooter training at least every two years for the officers. But we also offer it for private businesses or organizations, churches, so they can contact us, and we can set up training for our citizens as well.

3.2 4TH SEMI-ANNUAL POLICE AUDIT REPORT PRESENTED BY THE OIR GROUP.

Viola Perea, City Auditor introduced the OIR Group.

Stephen Connolly, OIR Group gave an overhead presentation.

Teresa Magula, OIR Group continued overhead presentation.

Councilor Flores asked how is it that you go through these cases, these situations? Do you have a menu to pick from? Do you meet with say Chief Story? How is it that

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you select the cases that you review, or do you select them or are they handed to you?

Teresa Magula said we have a particular scope of the work for this engagement, so we receive every closed complaint that rises to the level of a category 1 external complaint. Those are complaints that are received from members of the public to the department that rise to the level where misconduct might have occurred.

Councilor Flores asked for purposes of transparency, how do you know that there aren't any others? With all due respect to the department. I just want to get that out because we have members of the public present, we have the press covering this. It is very important for all of us to know that there is transparency.

Teresa Magula said so we are comparing to the department statistics related to the Internal Affairs annual report that Lieutenant Gutierrez mentioned. Aside from the demographics and statistics the department is providing we are not going in and looking for files or listening to voicemails. But we have the assurance of having worked in this type of engagement both here and in other jurisdictions that those are being sent to us in the appropriate way.

Councilor Flores said there are still questions in my mind about the selection of the files or cases you receive. You touched on racial profiling and as you know the City of Las Cruces, or this area is predominately Hispanic. Do you have race on race sensitivity training, is that something you recommend? Just because you're Hispanic doesn't mean that you're not going to be racist against another Hispanic. Because our police force is predominately Hispanic, our population is predominately Hispanic. Were there any cases that suggest that or gave rise to that kind of recommendation?

Teresa Magula said certainly one of the things that we continue to look at are those kind of demographics to see if any of those rise to the surface where we're seeing perhaps as we're watching the body worn camera video to see if something that's not quite right in that interaction. We have not seen that type of race on race as you're mentioning. However it's my understanding that through the department's implicit bias training as well as a variety of their other types of training in that same vein that there looking at those types of biases that an officer may have just inherent to him or herself and how those might have an impact on the way they are treating the people with whom they contact. Certainly I think the department is aware of those. We have not flagged that as a particular concern or recommendation based on what we have seen in the cases so far with the exception of being that racially motivated traffic stop that we spoke of. Certainly we are keeping an eye on those things. We watch the totality of body worn camera footage that is provided so that we can look for those type of nuances and make certain that if something like that arises that is appropriately framed and addressed.

Councilor Flores said Stephen you mentioned effective processes. How do you know that the processes are effective? This also goes to the question of the services you contracted for. They're not as extensive as you have contracted with other cities,

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Anaheim is one of them. How do you measure the effective processes, the outcomes?

Stephen Connolly said a lot of it for us comes down to access and one of the things we do have in Las Cruces within the parameters of the scope of work we have is complete access to the relevant materials upon which department makes its decisions when it comes to these complaint investigations. We are able to review all the relevant body worn camera recordings, police reports, the interviews the Internal Affairs investigator may have done if they're not there we can ask why they're not there. We have the opportunity to interact with members of the administration to ask follow up questions if there is an aspect of the case that we are not seeing and think we should be seeing. We have a sense about how a thorough rigorous full scale complaint investigation should look and all the different steps that should go into that, beginning with the intake interview, the framing of the allegations, then the investigative steps that are taken and then the deliberation and outcome. We are able to track all of that through the department case files that we have access to.

Councilor Flores said that's the qualifier.

Stephen Connolly said and to your point maybe your absolutely right that on some level if everybody were in on a conspiracy to keep things from us, but the department is accountable to other City departments that are in contact with us, and a lot of our materials are shared with the City Attorney's Office and other entities. If there was something out there a complainant for example hey I don't understand why my very serious allegation isn't reflected in any of this. If we became aware of that it would be very problematic for the department and for the city. It's a scenario that people would want to avoid. So, yes I think it's conceivable that things are being kept from us, but I think there are so many checks and balances within the city and so much risk associated with that kind of an intent that I am confident that it is not a problem here.

Councilor Flores said in review of some of the investigations that your OIR group reviewed, the ones I reviewed. They seem to be pretty mellow in comparison to some of the stuff we hear. Then as far effective processes does that mean you're going to talk yourself out of a job?

Stephen Connolly said the idea that someday we have done such a great job of making recommendations. But we really do genuinely apart from whether it is us or somebody else we think it is absolutely a value to have an independent check on some of these things. One is for the accountability and objectivity and transparency of it. Two just because a fresh set of eyes is always going to potentially provide added value and insight. It doesn't have to be intentional withholding or intentional bias on the part of an agency that they miss things or just don't see it the way the public is seeing it. Having those outside participants is always going to have value.

Councilor Flores said the eyes of the public are upon us and there are three people in the room in particular, maybe four. Who I'm not sure they'd be asking these questions, but I think they might be or would like to have answers. The cases you

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receive to review given the size of the city, the size of the police force, and the size of the population is it comparable relative to other jurisdictions, other municipalities?

Stephen Connolly said I would say two things. Actually you just reminded me of something you said earlier that I wanted to respond too as well. Which is if there is a concern you made some illusion to things you were hearing whether it's at meetings or interactions with individual constituents. If people have concerns about the department or about individual incidents that your hearing about and it's sounds like real wow this is concerning and I wonder what's up, obviously unless that person is flagging it and saying I want to make a formal complaint. Then the formal investigative process is not necessarily going to begin. I think one thing I would say to any members of the public that are listening. Please do take advantage of the complaint process that the police department has because they are obligated to do a thorough investigation and to respond appropriately if there is officer misconduct. We are here to make sure that process is happening. If there are things that are out there that aren't being reflected in our reports or the run of cases you're coming across that's interesting to me and concerning potentially. But again, I would say please use the system and will see what happens from there. In terms of how Las Cruces compares to other jurisdictions obviously a one-to-one comparison is different because there are so many variables that go into it, but I would say that the cases we have seen fairly standard, fairly representative in both volume and severity and the outcomes. I would say the city is an outlier in any direction certainly not in a concerning direction.

Councilor Flores said we have had some cases known to the public, but I won't use the names or any of those cases that went public and gone to trial. Hopefully we won't see those situations again. But there hasn't been anything truly outlandish in cases you have reviewed? Certainly not the one's I reviewed here.

Stephen Connolly said I would agree with you on that.

Councilor Flores said I really hope your presence and the work you do with our police department, for whom I have a lot to be thankful for. For a lot of reasons. But I just hope your continued processes definitely reveal or help the city, residents, and our department.

Councilor Bencomo said I do just have a few questions on the report. I was sort of just very curious right now regarding pretextual stops and data collection on that. It is my understanding that New Mexico does not have a requirement on vehicle stop and data collection by departments? Do you know that Chief, anybody?

Chief Jeremy Story said there is no state requirement.

Councilor Bencomo said as I read these, it's good to know you haven't found a ton of patterns really, in any particular place except maybe the one place is the delays from a complaint to an interview, that is probably the biggest pattern that I have seen so far so that is good. Given this one particular case it just made me start thinking about pretextual stops and how hard is it to do data collection on those kinds of things?

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Teresa Magula said so we are based in California where there is a requirement to be reporting on those types of demographics related to traffic stops. The data is slowly coming in and agencies are just now especially the smaller agencies coming into the need to comply with that. I will be straight with you it is difficult to know. Certainly some jurisdictions are finding there are disproportionalities in the way that traffic stops are being conducted. There are some agencies that are taking a proactive stance on that LAPD for example put out a department wide policy that requires officers to articulate on their body worn camera exactly the rationale for the stop, prior to doing the stop, so there is a clear record that there is sufficient cause to conduct that stop. Agencies are responding in their own ways but is certainly a difficult type of complaint and allegation to investigate. You have to go in the mind and the intention of somebody and if that individual is not forthcoming about that intentionality then it is difficult to find those out of policy. What we are seeing almost nationwide there is a very low to no sustained rate on allegations of racial bias.

Councilor Bencomo asked so Chief given that there is no state requirement does the department have data collection on vehicle stops?

Chief Jeremy Story said we have shifted in that direction after OIR the uniform traffic citation has blocks for that of course, that person has to self-report, or you have to make an assumption about their race or ethnicities and sometimes your obvious assumption is probably correct or sometimes it's not. In Las Cruces we found that we are fortunate in the sense that we are very mixed community so there is a lot of even within the department, my wife is Hispanic and my children they identify as Hispanics, it makes it difficult for accurate reporting. But we are doing what we can to move in that direction. Part of it is compliance with that person and physically ask them what their ethnicity as pull up at a traffic stop or the percentage.

Councilor Bencomo said I guess the other side of that is or even if we like were mandating that and we do pretextual stop data. On the other side of that there is data collection and data analysis, so if your collecting data and it's just sitting there and no one is looking at it. I briefly saw the California rule that state agencies have to report their data to the AG's office so I'm curious we don't have that here obviously. Where does the data analysis sort of come in to figure out if there are patterns of racial disparities in pretextual stops?

Chief Jeremy Story said I think one of the distinctions to make between California and New Mexico is in New Mexico pretextual stops are not legal. Many other states have to collect this data because they are legal, so they want to make sure there is not a pattern. I think on the federal side there is a push even though they're not legal in federal system under the fourth amendment to encourage officers not to conduct pretextual stops. But in New Mexico it's kind of a moot point because if the traffic stop is pretextual it is illegal under the Article II section of the New Mexico Constitution. It makes it a little easier, were we don't have to collect data on pretextual stops, because if it is truly a pretextual stop then there is no charge.

Councilor Bencomo said I found one recommendation you made very interesting on reviewing body worn camera footage with the complainant and I actually wondered if

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on one of the cases that would have been appropriate. I think you mentioned on one of them. There was a domestic and the officer fell with the young woman and sort of wondered if that had been a case that could fit here. Chief I am wondering, how your thinking on that recommendation and if you think it's doable?

Chief Jeremy Story said we are taking that recommendation as something we totally agree with, I think that in many times that will be an appropriate resolution were that person will get more satisfaction, again it's going to be voluntary. OIR has provided two sample policies which are way more extensive than I thought they would be, because there are a lot of factors that go into it that you probably didn't think of, or I didn't think of right off the bat. I want to be thoughtful on how we implement it to make sure we do it correctly, but we are moving toward implementing it. It's just establishing our own policies and luckily we have some models, so we don't have to start from scratch but there a lot longer and more extensive than I thought they'd would be.

Councilor Bencomo said glad to hear you say that because I know you respond to some of their recommendations and this one wasn't clear whether you were sort of accepting it or not, but I thought it's sort of a great recommendation to sit down with the complainant. I appreciated your frame around it, that sometimes people just want to be heard that look I felt this way and then sitting down with them and reviewing it is an appropriate response. On the disciplinary matrix where you're at on that? I am curious on the timeline.

Chief Jeremy Story said I actually meant to present it to them earlier, but we had a change in where we met, so I have been provided approximately a 60-page draft of disciplinary matrix policy. I haven't gone through it yet. But I do have it in hand finally. It's extensive, but it's a good step in the right direction.

Councilor Bencomo said my last question is around the one pattern you found and if you have any further recommendations on the timeline between complaints made and interviews?

Teresa Magula said one of the things that we were gratified to see is that Interim Chief Story how quickly he identified there was a need to increase that staffing, so those timelines can be shortened. Certainly one of the things that is important to do is to keep that line of communication with the complainant. We understand that sometimes the staff, the level of work that is ahead of somebody might have you be delayed on that but communicate with that complainant. Hey, we got it, we're on it and it might take us a minute to get to you, but we acknowledge your complaint is of paramount importance both to you and us and we want to let you know it might be delayed. On both sides the department is increasing the staffing so that those investigations can happen in a more timely way and sending out those letters when an investigation is going to exceed that window that we think the complainant might be going did they forget, do they not care, am I not being listened too.

Councilor Bencomo said the last thing I will say, and this is more for City Manager Pili was around a couple of us had requested that we expand the scope of your contract. I just want to reiterate that. The specific ask was that for 5 percent of use of force cases

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to go to you and then all uses of lethal deadly force to come to your contract. So I was wondering if you had an update on that.

Ifo Pili, City Manager said we do have something to present but there were two things as you mentioned Councilor Bencomo, use of force and then community outreach. What we're proposing now is the community outreach portion as we take a look further on the use of force, there are some concerns that we needed to iron out. We talked about this in our Public Safety Select Committee there's some concern about cases that aren't closed and having to review those that aren't closed and pending litigation and then if we were going to extend it out for three years so that it could be past the pending litigation issues then the question would be would it be too far in the future to be effective at all. Those are some things we are still working on with the use of force we felt concern that it wouldn't be appropriate right now to bring that forward. What we do have is we have an agreement ready an amendment ready right now to at least address the community meetings, up to four is what we're proposing two would be at the same time we have the six-month report, they'd be here anyway so what's written in our proposal is that they have a meeting schedule at the time they come each time and up to two additional so it would be quarterly meetings.

Councilor Bencomo said that's great on the community engagement piece and now we have a new city attorney, but I guess I continue to have concerns about the decision making that is happening in Public Safety Select Committee given that it's only three city councilors and we're not able to have that wider conversation with the rest of the Council when several of us have sort of said yes we do want to expand their contract. While I understand there is like in the weeds things to figure out, I feel like there is a way and I will just say I will raise the concern about the decision making that is happening in a closed committee.

Ifo Pili said one thing we did mention is other ways to provide feedback and input independent of the contract, outside this contract but other ways to maybe check the boxes there that doesn't put the City in potential liability.

Councilor Bencomo said given the biggest liability is the use of force and given that the OIR contract has already yielded incredible recommendations that the department has already implemented. I can only imagine the kind of recommendations they can give on something as heavy as use of force and how we can continue to improve. If right now we are only internally doing that kind of audit. I kind of think it's critical that we have external eyes on some of these pieces. That's where I say, not from a punitive sense, but from a how can we do better sense. Not only to protect constituents and officers and public dollars.

Mayor Pro Tem Gandara said I will say I met with Linda today and it was on our list to talk about related to Public Safety, all the closed Select Committee Meetings, the Oversight, and the Finance to do her legal review and see that we are within our rights because she is a completely new attorney, I think it is important that we have that done. I was asking for a Public Safety Select Committee at that point to be open. We talked about extending the contract with more cases, but we are concerned about liability, I think we all need to be particularly cases that have that three-year mark.

Linda Samples, City Attorney said I am new to the City, so I am just use to what I've known before. I would just caution everyone from discussing our communications in public, and the potential waiver of attorney client privilege.

Mayor Pro Tem Gandara said well the public knows I have been talking about it outwardly at Council Meetings. They know I wanted to make sure that the public knows that I am following through with that item. I understand what you're saying.

Linda Samples said so you referenced your conversation with me, so that's what gives me concern.

Mayor Pro Tem Gandara said I have a couple of questions. I am seeing some sort of patterns from the two years and it's around sort of the recommendations you have made to the Chief and the department related to sort of those next steps that you could, like for example on page 16. Speaking to the State versus Ochoa case and some of the other cases that if law enforcement would have taken it the next step, then maybe a supervisor having communication and understanding. I think that is what the public really wants that opportunity to build a relationship with our police officers. Hearing from Ifo about opening it up to hear more from the public. I like the idea of especially around the CALEA certification and not just having a link but opening it up to the public to be more involved in the presentation and the idea of looking at different policies and what that might look like. I think talking with Chief Story, he has been really open. I don't know if you're aware, but they started to do meetings with the public and his willingness along with staff to continue those. I think they're going to be really important. The other thing is I wanted for you, maybe this is for Chief. You had recommended sort of that mediation and restorative justice practices. I was interested to hear around the restorative practice component what that might look like in relation to your page 15 and that particular piece were supervisors would take complaints from the intake and take it up a step further. Can you talk to me about what other jurisdictions are using related to that piece?

Teresa Magula said so we work as you know with a variety of different jurisdictions as Interim Chief Story stated earlier he requested, and we sent over some models of these types of programs that we've worked with. The one I think is most effective that we've seen work is the City of Davis, California. The way that they are engaging in that restorative justice program is for complaints that are appropriate for the program. The qualifiers that would make it a case appropriate for that are fairly extensive, we certainly don't be diverting cases that could result in some kind of misconduct to a nice conversation instead right. In these cases that are appropriate for that type of restorative justice the City is contracted with an outside mediator who is very experienced in facilitating these conversations and it looks like a number of different things. First all parties have to be engaged and receptive to the process. That means both the officer, and/or supervisor, lieutenant, sometimes up to the Chief level being willing to sit down for the conversation as well as the complainant being willing to sit down for that conversation. They literally have these around the table very transparent and authentic conversations about how one was made to feel, the officer may share his/her intentions, training, experiences maybe own past based trauma that made

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him/her react the way he or she did. These are really extraordinary sessions of just human to human communication and I think that's the type of program that we would like to see happen here for your City and the cases that are appropriate for that level of engagement with a community member.

Mayor Pro Tem Gandara said you talked about 5 case that it could have been appropriate to do so. Would these be certified mediators that we would contract with and maybe you have a list of them that could possibly do that?

Teresa Magula said certainly there are people who specialize in this type of work, and I am almost certain that here in New Mexico there are a variety of very qualified individuals to do that work. It would be something you would decide internally with the department as far as contracting with an individual like that. That would be something that we could advise, but it would be a role you would take on with, City Manager, and the department as well.

Mayor Pro Tem Gandara said I was especially interested in the Social Media complaint. The reason I am is I have received countless complaints about it that I talk to Ifo about. Have we addressed that through the Social Media policy specifically? Because I keep seeing it come up and I feel like it's a piece of the disciplinary point that you made earlier, that I really want to hone in on.

Chief Jeremy Story said both the policy was updated on social media use and all training was conducted and completed by all officers earlier this year in response to that.

Mayor Pro Tem Gandara said and the disciplinary piece. How are you going to address that? Is that how you're going to speak about that particular matrix of discipline and what that might look like? The training and such can you give me a little more specifics on that?

Chief Jeremy Story said for discipline specifically it lays out for each policy violation an appropriate discipline, it takes into consideration mitigating and aggravated circumstances, you can imagine it gets complicated that's why it's 60-pages right now but that would include violations of the social media use policy.

Mayor Pro Tem Gandara asked the non-sworn employees and that issue of laughing and what not, they don't have to wear cameras, so how do we handle that without video on that. Did it amount too he/she said, or he/he said, whoever brought the complaint up?

Chief Jeremy Story said many of our non-sworn do have cameras, all our animal control officers, codes officers and our police service aides have them. It would just be the civilians that fall outside of that. Our victims assistants, personnel normally there is video evidence one way or the other.

Mayor Pro Tem Gandara said I am trying to stick with the overall arching theme around patterns I've seen over time, and it continues to be around the written

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documentation or the lack of documentation specifically. Can you help me understand how you're moving through changing that and assuring that, there is the proper documentation and because I think there's always that backstory. Always impressing upon employees the importance of documentation and just so you get a really good understanding and when you do finally get the backstory. Ok, I understand that. How are we working through that? I am saying that because there is technology and there needs to be more support around that, around resources and such?

Chief Jeremy Story said so a couple of components documentation, I agree with you if it's not documented then it doesn't matter how great the training was or how many attended if it's not documented then it essentially didn't exist. For our incident reports it's always been an issue. We want better reports, more documentation. I think it has to be like a multi-faceted approach to it, so obviously if there is a specific issue with a specific officer and a specific incident then we address that through a training referral or review. In general we've changed our entire reporting structure, so we are using a different technology which was approved by Council last year for this budget year. That I think requires the officers to be more engaged in the entire reporting process. We've also done a lot of training as we alluded to. Again a one-time report writing class does have a positive affect but it's not going to drastically change what they do day to day. We are hopeful we can just make it constant, it's like when you have kids you tell you kids not to do something they are probably going to do it again and 10 times after telling them they probably going to do it again, but at some point it generally sinks in. We're training from different ways. We have an intel analyst talk about the importance of documentation from class time assigning crimes to detectives reporting to FBI help it's important there, at the shift level they're doing it. We're bringing in outside companies that specialize and that police legal advisor that will be one of their big areas is to really emphasize report writing especially when documenting a search or seizure whether that's use of force or just pertaining to somebody. That's where we see a lack of documentation heard and ultimately it hurts the officer, because they're the ones who are going to be questioned. If they had reasonable suspicions to detain them but they didn't put it in the report they didn't articulate it ultimately it will make their life harder as well as the department and the city.

Mayor Pro Tem Gandara said I noticed the gap in training that is happening from the school to the internship, you need some method that will help you. If you are long winded you are going to write all sorts of things that may not pertain to the actual incidents. I am assuming that this training has sort of techniques and methods that officers and supervisors really could fall back on.

Chief Jeremy Story said it does. Our analyst has a framework that they use. The Blue and Gold has a separate framework, so ultimately with the new technology templates that assist prompting officers to make sure they're not forgetting critical information. I think that is very helpful so when they have that template they know that they can't leave it blank so it either applies or doesn't. If it does apply they need to articulate how it applies what the information is.

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Mayor Pro Tem Gandara asked the force review cadre and the blue team. are they different or the same?

Chief Jeremy Story said they are. The blue team is part of our Internal Affairs software, the blue team is what is the report for the use of force. The blue team is what the first line supervisor, the lieutenant reviews everybody involved in the process. That is just a report that is documenting what happened. Really what they're looking at is the incident reports, the videos, and photographs because that's what's going to tell the true story of what happened and they're comparing that to the blue team to use of force report. They're not just looking at the blue team cause that would not be a thorough review. When the cadre gets it they would look at everything including the blue team but that's just one component of it.

Mayor Pro Tem Gandara said there was a particular case that was reviewed related to a female juvenile and her mother. I am wondering if there was an opportunity and maybe it happened where LIGHT could have been called to address that. There's been some concerns over time about the child welfare, you being called out for a safety check and those things. I know some is questionable here about age of the female. Is that something you would consider, or would it have been appropriate in this instance?

Chief Jeremy Story said I would have to look at the timeline. One I think that probably happened prior to LIGHT being active and I don't know if that is something currently based on the framework that LIGHT would respond to. I will say in general that officers are recognizing when there is a use for LIGHT, where LIGHT would be appropriate at an encouraging rate so they're requesting LIGHT even when if they're not initially dispatched on a wide variety of calls, so they are looking for those opportunities based on the parameters that were given to us by fire and the LIGHT team. In that case specifically I don't know.

Mayor Pro Tem Gandara said I think the public wants that accountability and transparency. I love the QR code, getting right to that information I think is going to be important. I'm excited about where you go from here, especially with the CALEA certification I think that's going to be helpful, and I think it will really help us sort of reduce and mitigate risk and litigation.

Teresa Magula said because there are some concern around people voicing what they are experiencing with the police department. Certainly filing a formal complaint with the police department would be the preferred avenue. I understand that for some people that is just not a reasonable ask and I would like to highlight your city's ethic hotline which is a way that individuals should they choose to file a complaint they can call the city's ethics hotline. They can be anonymous, certainly we would appreciate if it's within the individuals capacity to provide a name that would help with a more robust investigation certainly. We understand that it might not be feasible for someone to contact the department directly. I would really encourage community if you're listening if you have issues you wish to bring, to use that city's ethic hotline. It has been a source of complaints we've received and review.

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Mayor Pro Tem Gandara said if Viola could speak to that specifically the number and what the process is.

Viola Perea said my apologies, I did not bring the number specifically with me, however you can locate both the online web portals as well as the telephone numbers in multiple areas on the City website. We have it in over 30 areas across the website if you just scroll down to the footer of just about every city department page you will find both 800 numbers for the employee website, telephone number and the public website, telephone number. All of that information is sent to a third-party facility who will gather the information whether you do it verbally on the telephone or enter it on the computer yourself. They then gather the information create the report then that report is sent back to the City's hotline committee. There is four individuals that information will go to individually. Our hotline then determines how to disseminate that information for investigation. It does allow the ability to remain anonymous which they have every opportunity to do, or they can provide information such as a name, email address, telephone number so we can contact them directly if we have questions. However I would like to add if the individual does remain anonymous at the end of the intake process you're able to get a password to enter the system again so you can check back into the status of your complaint. That's where we communicate, we'll communicate through the system, maybe we have additional request for information, maybe we have some clarification that we're needing or maybe if the case is sent to let's say an outside council for example. We would give you that information to contact that person directly, so that is our opportunity to communicate with an anonymous individual, it remains anonymous only through that email portal that goes from us to that third party and then back to the City there. I would encourage folks to use that opportunity as well and the information again I don't have that number.

Mayor Pro Tem Gandara said I have that public hotline 1-844-297-5947, employee hotline 1-800-780-9554.

Councilor Flores said I would like to ask the City Manager to assure that we have publications in our newspaper, the Bulletin probably or online. But definitely have the information to go frequently for the public to know there is the hotline and the number. It would just be to publicize it.

Maria Flores, Member of the Public said I have been coming since, it's been over a year. I see lots of improvement in language and attitude, in effort. Thank you for the widening of the scope of everything. I did look quickly through the OIR reports and I am going to be a little repeat some things. There's are situations where more review is beneficial. Absence of a thorough review was noteworthy, need to enhance officer performance, incomplete files, develop alternative complaints and resolution process. I like the part about the restorative justice, just in case you don't know Las Cruces Public Schools has been using restorative justice to keep the numbers down of expelling students. This is nothing new it is something that is used widely in many situations especially in education, also the inappropriate use of social media I was alarmed by that when I read it. Reduce investigation time sometimes it takes too long to get back. Improve codes of conduct and the misuse of body cameras it's prevalent everywhere. Keeping personal opinions to themselves as they are working a situation

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and what I thought was missing was lack of professionalism by some of these individuals, lack of empathy, this is a critical piece. Lack of self-control and a lack of understanding poverty. Sometimes the way that we talk to people that don't understand what's going on, that don't have a full capacity, that are hungry, that are upset, that's where we use de-escalation. We find better ways of addressing their needs without yelling at them and without using profanity. These are the things that troubled me. In the end we still don't have a place for citizen review. That is the only piece missing today and however you see fit to include it I ask of that again and again I will not cease asking. I appreciate your time. I appreciate your efforts and I appreciate the improvements, but we still lack that one piece.

Peter Goodman, Member of the Public said I share the concern that was expressed about the Select Committee but won't go into the detail now. I think the sheer numbers of some of the complaints point to the problem that people are not using these systems and what we all just said. Let's publish something in the Sun News. It's a great idea, let's put it online great idea. At the beginning of this meeting somebody who was very interested asked me how he could find out what was in the OIR report. Well it was online, but he don't know that, he might not have an email. From my general kinds of contacts with the community and all bet that Councilor Bencomo could say the same from some of her work other than as a Councilor. Also from what I saw when I worked a bit in my part time job in the municipal court a lot of the people who might have complaints about the police, a lot of people who deal with the police a lot don't have an email. They're not looking online, some of them are homeless, they have limited access to a computer and probably use that to call home or look for a job or whatever. I think that points up what Mrs. Flores, I and others have been saying about the need for a Community Outreach arm that really is community not OIR with all due respect having quarterly meetings. A committee that people can find members they can speak to bring something up too. One other piece of that, the whole thing about the I am fully confident that if I had a complaint, I called here the anonymous hotline that it would be anonymous because I trust you. But do you think the kind of people who are being mistreated or think they're being mistreated by police feel that way? They've heard there are things like caller ID, how do they know that caller ID isn't used on that hotline and that the very police officer they feel harassed them isn't learning their name and coming by their house later on. I think we all tend to have less appreciation than we should for the distance between us and some of the people we might be trying to talk too. But thank you all.

Maria Flores, Member of the Public said I forgot to ask OIR and City Council if it would consider the hybrid model in the next time you work on a contract with them to include the citizens.

4. ADJOURNMENT

4.1

Councilor Becki Graham moved, seconded by Councilor Yvonne Flores, to Adjourn at 3:43 p.m.

RESULT:	Carried
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Yvonne Flores

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AYES:	Councilor Kasandra Gandara, Councilor Johana Bencomo, Councilor Yvonne Flores, and Councilor Becki Graham
ABSENT:	Mayor Ken Miyagishima, Councilor Tessa Abeyta, and Councilor Becky Corran

Mayor

City Clerk



**24-005;
Ordinance No.
3047**

City Council Action and Executive Summary

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☐ 1	☐ 2	☒ 3	☐ 4	☐ 5	☐ 6	☐ N/A
1st Reading:	August 21, 2023			Adopted:	October 2, 2023		
Drafter:	John Castillo			Department:	Community Development		
Program:	Community Planning			Line of Business:	Community Planning		
Title:	AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A PROPERTY ENCOMPASSING 2.29 ± ACRES. THE ZONE CHANGE REQUEST SEEKS TO BRING THE PROPERTY INTO COMPLIANCE WITH THE 2001 LAS CRUCES MUNICIPAL CODE, AS AMENDED AND ALLOW FOR THE FUTURE DEVELOPMENT OF A COMMERCIAL BUSINESS. THE SUBJECT PROPERTY IS LOCATED AT 522 E IDAHO AVENUE.						

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

PURPOSE(S) OF ACTION:

Approve zoning district 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 C-2 (Commercial Medium Intensity) and R-3 (Multi-Dwelling Medium Density) to C-3 (Commercial High Intensity) on a partially-developed and partially-vacant parcel of land located at 522 E Idaho Avenue. The purpose of the proposed zone change is to bring the property into compliance with the 2001 Las Cruces Municipal Code, as amended as it currently exceeds the maximum square footage of 43,560 as outlined in the development standards of the C-2 zoning district and is considered a legal non-conforming property and to allow for the future development of commercial land uses. The property is currently two lots that encompass 2.29 ± acres and is being used as a shopping center.

The properties are zoned C-2 and R-3 which currently meet many of the development standards for the two zoning districts and allow for a mix of land uses. The R-3 zoning district allows for medium-density residential development (i.e., Apartments, Duplex, Triplex, Quadplex) and the C-2 zoning district has an allowance for multi-family residential as well as commercial land uses (i.e., retail, office, and restaurants). The proposed zone change request will allow for the business owner to develop the property as a banking institution. This will allow for the attraction of business at this location while bringing the property into compliance with the zoning code. The surrounding neighborhood has a mixture of retail, office, restaurant, and residential land uses that align with various City Plans and Blueprints. Based on the existing neighborhood, the proposed zone change is compatible with the surrounding area, specifically the commercial corridor, and would be in harmony with Section 38-2 of the 2001 Zoning Code.

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The proposed zone change is consistent with the intent of Elevate Las Cruces including the Future Development Map and several Goals, Policies, and Actions. Idaho Avenue is classified as an arterial roadway in Elevate Las Cruces' Future Thoroughfare Map and the MPO Future Thoroughfare Plan. The subject property is also located near a proposed Mixed-Use Corridor within the Urban Neighborhood Place Type. As Mixed-Use Corridors support residential and non-residential land uses along roadways or trail corridors, the Urban Neighborhood Place Type includes a variety of residential housing types and areas that support neighborhood development. These corridors link existing urban destinations such as downtown, medical complexes, and NMSU, and projected Town Centers and Neighborhood Centers. The Mixed-Use Corridor concept also provides a feasible way for transforming communities to incorporate urban form and intensity among single-family neighborhoods of lower density. They weave new mixed-use development into older opportunity areas - reinvigorating commercial corridors and increasing the value of adjacent residential areas.

On June 27, 2023, the Planning and Zoning Commission (P&Z), per Section 38-10 B. 2. B. of the 2001 Zoning Code, as amended, had a robust discussion regarding the proposed conversion of the R-3 zoning district to C-3 and how it would be limiting or remove the potential development of additional multi-family residential housing. This was noted as a concern because the City has a need for more affordable housing and one commissioner felt the rezoning would not meet the intent of Elevate Las Cruces. Staff informed the Commission that under the C-3 zoning district, there is still the ability to develop multi-family residential housing. After the discussion, a recommendation of approval of the proposed zone change was motioned. With a vote of 3-1 (Three Commissioners absent), a recommendation of approval of the zone change was made based on the following findings, also reflected in Exhibit "B":

- The zone change request will allow for the attraction and retention of businesses at this location through the expansion of potential uses while in keeping with the standards of the C-3 zoning district.
- The expanded uses allowed by this zone change are consistent with existing uses in proximity to the subject property (2001 Zoning Code, Section 38-33).
- The subject property is located on a minor arterial roadway which is recommended for commercial land uses (2001 Zoning Code, Section 38-32 D).
- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).

The case was publicly noticed in accordance with the City's notification provisions; staff received no phone calls in support or denial of the zone change prior to or during the P&Z hearing.

SUPPORT INFORMATION:

[Exhibit "A" -Site Plan](#)

[Exhibit "B" - FINDINGS](#)

[Attachment "A" - Staff Report to P&Z Case 23ZO0500051](#)

[Attachment "B" - 06.27.23 P&Z Minutes](#)

COMMITTEE/BOARD REVIEW:

P&Z

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

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☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; This will approve the Ordinance and affirm the P&Z recommendation for approval.
2. Vote "No"; This will deny the Ordinance and will reject the recommendation made by P&Z.
3. Vote to "Amend"; This could allow the City Council to modify the Ordinance by adding conditions as determined appropriate.
4. Vote to "Table"; This could allow the City Council to table/postpone the Ordinance and direct staff accordingly.

ORDINANCE 24-005; ORDINANCE NO. 3047

AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A PROPERTY ENCOMPASSING 2.29 ± ACRES. THE ZONE CHANGE REQUEST SEEKS TO BRING THE PROPERTY INTO COMPLIANCE WITH THE 2001 LAS CRUCES MUNICIPAL CODE, AS AMENDED AND ALLOW FOR THE FUTURE DEVELOPMENT OF A COMMERCIAL BUSINESS. THE SUBJECT PROPERTY IS LOCATED AT 522 E IDAHO AVENUE.

The City Council is informed that:

WHEREAS, SER Group, representative, has submitted a request for a zone change from C-2 (Commercial Medium Intensity) and R-3 (Multi-Dwelling Medium Density) to C-3 (Commercial High Intensity) for 522 E Idaho Avenue; and

WHEREAS, the proposed C-3 zoning designation will allow for attraction of new business, as well as, bring the property into compliance with the 2001 Las Cruces Municipal Code, as amended; and

WHEREAS, the proposed site is in the Urban Neighborhood Place Type and adjacent to a proposed Mixed-Use Corridor as shown on the Future Development Map within Elevate Las Cruces Comprehensive Plan which supports neighborhood commercial development and a variety of residential housing types at medium-to-high densities uses; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on June 27, 2023, recommended that said zone change request be approved by a vote of 3-1 (Three Commissioners 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 C-3 (Commercial High Intensity).

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this day of

Agenda Item #7.1.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

TITLE COMMITMENT LEGAL DESCRIPTION

PARCEL 1:
LOT A AND LOT B, REPLAT OF A PORTION OF BLOCKS 1 AND 2 COLLEGE SUBDIVISION, IN THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO, AS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY ON AUGUST 31, 1979, IN BOOK 12 PAGE(S) 283 OF PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATE WITHIN SECTION 19, T.23S., R.2E., N.M.P.M. OF THE U.S.R.S. SURVEYS, BEING PART OF BLOCKS 1 AND 2, COLLEGE SUBDIVISION (PLAT FILED APRIL 9, 1910 IN PLAT RECORD 4, PAGE 6 RECORDS OF DONA ANA COUNTY) AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT A MARK CHISELED IN CONCRETE FOR THE NORTHEAST CORNER OF BLOCK 2, COLLEGE SUBDIVISION (PLAT FILED APRIL 9, 1910 IN PLAT RECORD 4, PAGE 6 RECORDS OF DONA ANA COUNTY) FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE ALONG DURAZNO STREET S.31°48'E., 140.77 FEET TO AN IRON ROD SET FOR A CORNER OF THE STREET HEREIN DESCRIBED;

THENCE LEAVING THE STREET S.75°36'W., 106.03 FEET TO AN IRON ROD SET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE S.31°48'E., 118.60 FEET TO AN IRON ROD SET FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE S.75°36'W., 185.64 FEET TO AN IRON ROD SET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE N.31°48'W., 6.16 FEET TO AN IRON ROD SET FOR A CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE S.75°57'20"W., 141.13 FEET TO AN IRON ROD SET FOR THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE N.43°27'W., 267.93 FEET TO AN IRON ROD SET FOR A POINT ON THE SOUTH LINE OF IDAHO AVENUE FOR THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE ALONG IDAHO AVENUE N.74°34'E., 176.91 FEET TO AN ANGLE POINT;

THENCE N.74°59'E., 310.31 FEET TO THE PLACE OF BEGINNING, CONTAINING 2.2905 ACRES OF LAND MORE OR LESS, OF WHICH 60,862 SQUARE FEET ARE ZONED C-2 AND 38,909 SQUARE FEET ARE ZONED R-3.

PARCEL 2:
A PORTION OF LOT C, REPLAT OF A PORTION OF BLOCKS 1 AND 2 COLLEGE SUBDIVISION, IN THE CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO, AS SHOWN AND DESIGNATED ON THE PLAT THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY ON AUGUST 31, 1979, IN BOOK 12 PAGE(S) 283 OF PLAT RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATE WITHIN SECTION 19, T.23S., R.2E., N.M.P.M. OF THE U.S.R.S. SURVEYS, BEING PART OF BLOCK 2, COLLEGE SUBDIVISION (PLAT FILED APRIL 9, 1910 IN PLAT RECORD 4, PAGE 6 RECORDS OF DONA ANA COUNTY) AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT AN IRON ROD SET ON THE WEST LINE OF DURAZNO STREET FOR THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED, WHENCE THE NORTHEAST CORNER OF BLOCK 2, COLLEGE SUBDIVISION (PLAT FILED APRIL 9, 1910 IN PLAT RECORD 4, PAGE 6 DONA ANA COUNTY) BEARS N.31°48'W., A DISTANCE OF 140.77 FEET;

THENCE FROM THE POINT OF BEGINNING AND LEAVING THE STREET S.69°15'17"W., 95.00 FEET TO AN IRON ROD SET FOR AN ANGLE POINT OF THIS TRACT;

THENCE S.18°35'13"E., 32.43 FEET TO THE MOST SOUTHERLY CORNER OF THIS TRACT;

THENCE N.31°48'W., 44.89 FEET TO AN IRON ROD SET FOR THE NORTHWEST CORNER OF THIS TRACT;

THENCE N.75°36'E., 105.48 FEET TO THE POINT OF BEGINNING AND CONTAINING 720.1 SQUARE FEET OF LAND MORE OR LESS.

ALTA/NSPS LAND TITLE SURVEY FOR

522 EAST IDAHO AVENUE, LAS CRUCES, NM 88001

ALTA SURVEY BASED AND RELIED ON FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NO. 8654-JC-2022, CONTAINING AN EFFECTIVE DATE OCTOBER, 7, 2022.

CERTIFICATION

TO KATY LAND HOLDING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DAVID WEISELMAN AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 5, 6(a), 6(b), 7(a), 7(b)1, 7(c), 8, 9, 11(a), 11(b) 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 27, 2022.
DATE OF PLAT OR MAP: OCTOBER 30, 2022.

PROPERTY ADDRESS: 522 EAST IDAHO AVENUE, LAS CRUCES, NM

SURVEY PREPARED BY:
PRECISION LAND SURVEYORS NM, LLC
4419 KINGSTON RD
LAS CRUCES, NM 88012
EMAIL:RGIBARRA@PLSNM.COM

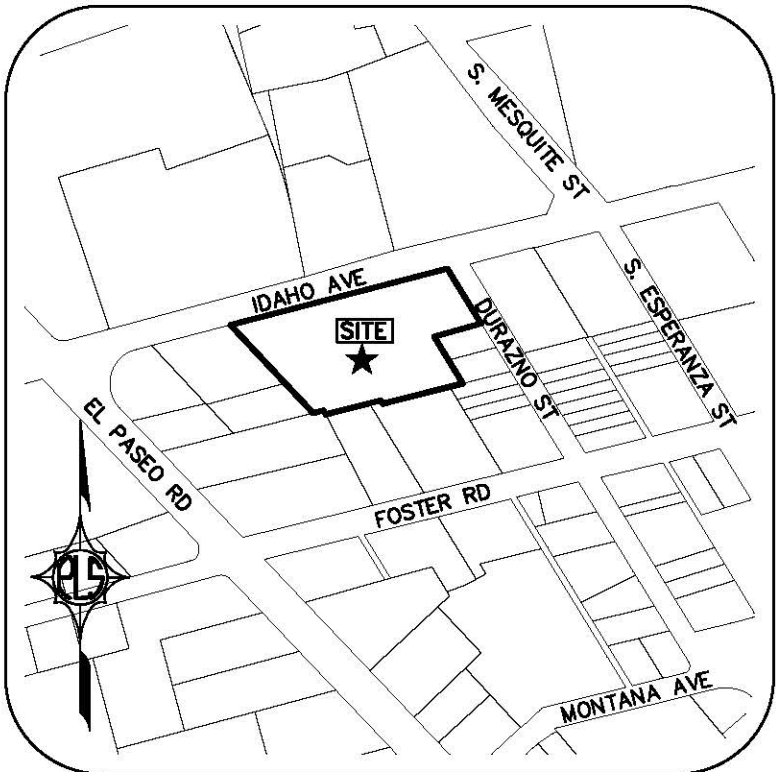
SURVEYOR: R. GERARDO IBARRA
REGISTRATION NUMBER: 23259
STATE OF REGISTRATION: NM
FIELD DATE OF SURVEY: 10/27/22
LATEST REVISION DATE: 10/31/22

SIGNATURE

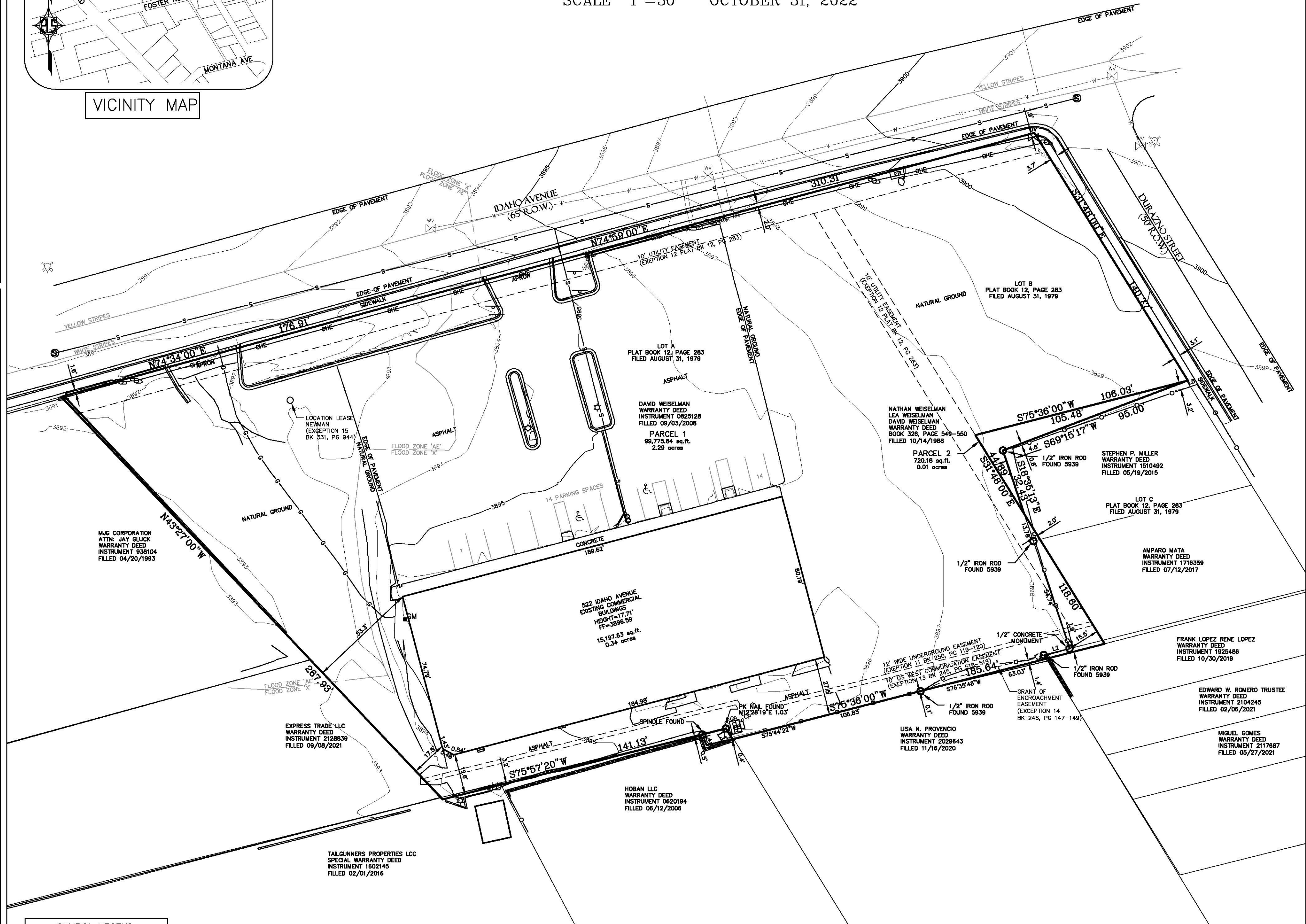


ALTA/NSPS SURVEY

A 2.25 ACRE PARCEL 1, BEING TRACT 2,
AS DESCRIBED IN WARRANTY DEED INSTRUMENT No. 8025128,
FILED ON SEPTEMBER 4, 2008.
AND A 0.01 ACRE PARCEL 2, BEING A TRACT,
AS DESCRIBED IN WARRANTY DEED BOOK 326, PAGE 549-550,
FILED ON OCTOBER 14, 1988.
CITY OF LAS CRUCES, DONA ANA COUNTY, NEW MEXICO
SCALE 1"=30' OCTOBER 31, 2022



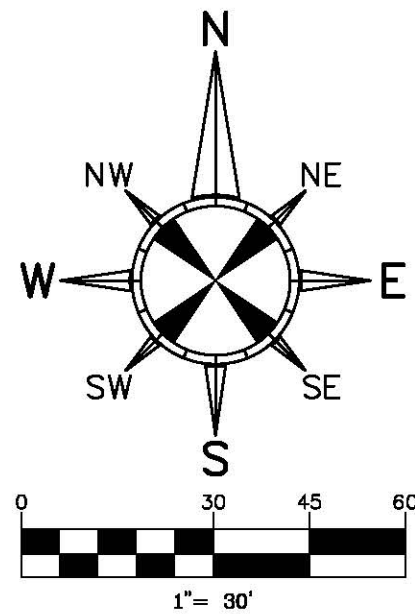
VICINITY MAP



SYMBOL LEGEND	
	POWER POLE
	LIGHT POLE
	GUY WIRE
	ELECTRIC BOX
	ELECTRIC LINE
	GAS LINE
	SEWER MANHOLE
	SEWER LINE
	CLEANOUT VALVE
	SIGN
	SIGN DOUBLE POST
	TELEPHONE POST
	TRAFFIC LIGHT
	TRAFFIC BOX
	HOT BOX
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	MAIL BOX

LEGEND

- MONUMENTS FOUND AS NOTED.
- SET 1/2" IRON ROD 23259



LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°48'00"W	6.16'
L2	S75°59'00"W	12.84'
L3	S31°48'00"E	3.36'
L4	N19°14'28"W	5.66'
L5	N75°36'00"E	0.55'

MISCELLANEOUS NOTES

- ALL BEARINGS AND DISTANCES SHOWN MATCH THE WARRANTY DEED DESCRIPTION FOR TRACT 2, FILED IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF DONA ANA, NEW MEXICO, ON SEPTEMBER 4, 2008, INSTRUMENT No. 0825128 FROM TWO KNOWN MONUMENTS.
- THIS SURVEY AND ALL MEASUREMENTS ARE BASED ON GROUND.
- THERE WAS AN EXISTING BUILDINGS ON THE SURVEYED PROPERTY.
- DURING OUR FIELD SITE VISIT, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILD ADDITIONS ON THE PROPERTY. FIELDWORK THAT WAS COMPLETED ON 10/27/2022.
- THERE WAS NO CHANGES IN STREET RIGHT-OF-WAY LINES FOR IDAHO AVENUE OR DURAZNO STREET, AND AVAILABLE FROM CONTROLLING JURISDICTION OR EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION REPAIRS. (AS PLOTTED)
- DURING OUR FIELD SITE VISIT, THERE WAS NOT OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LANDFILL.
- THE DISTANCE TO THE NEAREST INTERSECTING STREETS ARE OHIO AVENUE AND DURAZNO STREET AND IT IS 20 FEET FROM THE NORTHEAST CORNER OF THIS PROPERTY.
- LEGAL ACCESS IS FROM A IDAHO AVENUE.
- THE SURVEYED PROPERTY IS THE SAME AS THE PROPERTY DESCRIBED IN THE VESTING DEEDS.
- VERTICAL DATUM IS NAVD 88 AS PER GPS RTK METHOD VIA DONA ANA COUNTY VRS NETWORK.
- THIS MAP HAS BEEN PRODUCED ACCORDING TO PROCEDURES THAT HAVE BEEN DEMONSTRATED TO PRODUCE DATA THAT MEETS OR EXCEEDS THE MINIMUM STANDARDS FOR A TOPOGRAPHIC MAP COMPILED AT A SCALE 1"=30' WITH A CONTOUR INTERVAL OF 1 FOOT.

SURVEY RELATED ITEMS CORRESPONDING TO SCHEDULE B OF TITLE COMMITMENT

- RESERVATIONS CONTAINED IN THE PATENT(S) FROM THE UNITED STATES OF AMERICA RECORDED IN BOOK 30 AT PAGE 55 OF THE DEED RECORDS OF DONA ANA COUNTY, NEW MEXICO. (APPLY AND NOT PLOTTED)
- EASEMENTS IN FAVOR OF EL PASO ELECTRIC COMPANY AND THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, AFFECTING A PORTION OF SAID LAND, RECORDED JANUARY 24, 1969, IN BOOK 81 PAGE(S) 419, RECORDED APRIL 1, 1970, IN BOOK 87 PAGE 323, RECORDED FEBRUARY 20, 1979, IN BOOK 132 PAGES 617-618 AND RECORDED MARCH 29, 1990, IN BOOK 250 PAGES 119-120 ALL OF MISCELLANEOUS RECORDS. (APPLY AND PLOTTED)
- EASEMENTS, BUILDING SETBACKS, AND OTHER MATTERS AS SHOWN ON FILED PLAT OF SUBDIVISION AND DEDICATION THEREOF. (APPLY AND PLOTTED)
- RIGHT-OF-WAY EASEMENT IN FAVOR OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A COLORADO CORPORATION, AFFECTING A PORTION OF SAID LAND, RECORDED NOVEMBER 8, 1989, IN BOOK 245 PAGES 518-519 OF MISCELLANEOUS RECORDS. (APPLY AND PLOTTED)
- GRANT OF ENCROACHMENT EASEMENT/GRANT OF MAINTENANCE ACCESS EASEMENT BY AND BETWEEN NATHAN WEISELMAN AND LEA WEISELMAN, HIS WIFE, AND DAVID M. WEISELMAN, A SINGLE MAN AND MARIE A. SEARS, A WIDOW, RECORDED JANUARY 23, 1990, IN BOOK 248 PAGES 147-149 OF MISCELLANEOUS RECORDS. (APPLY AND PLOTTED)
- LOCATION LEASE BY AND BETWEEN NATHAN WEISELMAN, LESSOR AND NEWMAN SIGNS, INC., D/B/A NEWMAN OUTDOOR &NSP; ADVERTISING OF NEW MEXICO, INC., LESSEE, DATED FEBRUARY 27, 2002 AND RECORDED APRIL 12, 2002, IN BOOK 331 PAGE 944 OF OFFICIAL RECORDS. (APPLY AND PLOTTED)
- ASSIGNMENT OF PROPERTY INTERESTS BETWEEN ELITE MEDIA GROUP, LLC, AN OKLAHOMA LIMITED LIABILITY COMPANY D/B/A LINDMARK OUTDOOR MEDIA AND FIRST UNITED BANK AND TRUST COMPANY, RECORDED FEBRUARY 21, 2019, AS INSTRUMENT #1903789 OF OFFICIAL RECORDS. (APPLY AND NOT PLOTTED)

STATEMENT OF ENCROACHMENTS

✓ THERE WERE ENCROACHMENTS FOUND WITHIN THE SUBJECT PROPERTY AS DESCRIBED IN EXCEPTION 14.

FLOOD ZONE

IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN THE FOLLOWING FLOOD ZONE 'AE' AND 'X' AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 35013C1092G DATED 07/06/2016.

UTILITY NOTE

✓ LOCATIONS OF UTILITIES ARE SHOWN HEREON BY OBSERVED EVIDENCE TOGETHER WITH UTILITY MARKING BY ONE CALL TICKET No. 220C110630 AND AVAILABLE PLANS.

FINDINGS

- The zone change request will allow for the attraction and retention of businesses at this location through the expansion of potential uses while in keeping with the standards of the C-3 zoning district.
- The expanded uses allowed by this zone change are consistent with existing uses in proximity to the subject property (2001 Zoning Code, Section 38-33).
- The subject property is located on a minor arterial roadway which is recommended for commercial land uses (2001 Zoning Code, Section 38-32 D).
- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).



Planning & Zoning Commission 06/27/2023
CASE 23ZO0500051: REZONING

STAFF CONTACT:	John Castillo, (575) 541-2288, jcastillo@las-cruces.org
OWNER:	David Weiselman
REPRESENTATIVE:	SER Group
DISTRICT:	District #1
SITE ADDRESS:	522 E. Idaho Avenue
EXISTING ZONING:	C-2 (Commercial Medium Intensity) and R-3 (Multi-Dwelling Medium Density)
REQUEST:	Rezone to C-3 (Commercial High Intensity)
RELATED APPLICATIONS:	N/A
STAFF RECOMMENDATION:	Approval

SUMMARY OF CASE 23ZO0500051:

A zone change request application from C-2 (Commercial Medium Intensity) and R-3 (Multi-Dwelling Medium Density) to C-3 (Commercial High Intensity) on two properties encompassing 2.29± acres and located at 522 E. Idaho Avenue. The purpose of the rezoning is to bring the property into compliance with the 2001 Zoning Code and to expand on the potential uses of the subject property.

SUMMARY OF RECOMMENDATION:

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

- The zone change request will allow for the attraction and retention of businesses at this location through the expansion of potential uses while in keeping with the standards of the C-3 zoning district.
- The expanded uses allowed by this zone change are consistent with existing uses in proximity to the subject property (2001 Zoning Code, Section 38-33).
- The subject property is located on a minor arterial roadway which is recommended for commercial land uses (2001 Zoning Code, Section 38-32 D).

REZONING

- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).

PROPOSAL AND LAND USE HISTORY

DETAILED DESCRIPTION:

The owner has proposed to construct a banking facility with a drive-thru on the properties located at 522 E. Idaho Avenue. The properties currently have a zoning designation of C-2 (Commercial Medium Intensity) and R-3 (Multi-Dwelling Medium Density). The C-2 zoning district does allow the proposed use, but the R-3 zoning district does not. The applicant is requesting a zone change to C-3 (Commercial High Intensity) to allow the proposed new use.

LAND USE HISTORY:

The properties are a part of the College Subdivision that was recorded in May of 1910. The properties were then later subdivided to what is shown through Replat of Part of Blocks 1 and 2 in College Subdivision, which was recorded in August of 1979. One property was originally zoned C-2 when created. The vacant corner property at Idaho Avenue and Durazno Street was rezoned to R-3 via Ordinance 1235 in April of 1991. Currently there is an underutilized shopping center on the C-2 zoned property. The subject properties are located at 522 E. Idaho Avenue and have direct access to this minor arterial roadway as well as from Durazno Street, which is classified as a local roadway.

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:

Idaho Avenue is a primarily commercial corridor that runs through the length of the City providing connections to Main Street and Solano Drive. Idaho Avenue is dominated by a variety of commercial and office land uses, both large and small. The property is surrounded by C-3 and C-2 zoning to the north and west, and R-3 and R-4 zoning to the east and south. The property is adjacent to a large shopping center, cannabis retail establishment and offices to the north; restaurants and retail to the west. There is also a large mixed residential neighborhood that exists to the south and east.

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

The property is located in an area designated as an Urban Neighborhood Place Type as shown on the Future Development Map in the Elevate Las Cruces Comprehensive Plan. Urban Neighborhoods areas include a variety of residential housing types at medium to high density and areas of supporting neighborhood retail and office uses. It is also adjacent to a mixed-use corridor that supports a mix of residential and non-

residential land uses that mimic a built environment of a central business district or mixed-use activity center.

The following goals, policies, and actions from Elevate Las Cruces are relevant to the proposed zone change:

- Community Environment:
 - Goal CE-3: Centers and Corridors – Support community growth through concentrated development at activity centers and along key corridors.
 - Policy CE-3.2 – Allow for a mix of development type and intensity along major thoroughfares that reflects surrounding urban, suburban, and rural contexts.
 - Goal CE-4: Complete neighborhoods - develop mixed-use neighborhoods that incorporate a wide range of recreational, commercial, employment, and civic uses
- Community Prosperity
 - Goal CP-2: Economic Equity – Generate employment opportunities that create economic security for all residents.
 - Policy CP-2.2 – Support efforts to connect vulnerable populations to job opportunities.
 - Action CP -2.2.2 – Identify and promote places of employment to minimize commutes and increase accessibility to other transportation modes to create a job-housing balance.
 - Goal CP-4: Diversification - Seek a balance of business recruitment, retention, and expansion to diversify economic opportunities.
 - Policy CP-4. - Support efforts to be regionally and nationally competitive in regard to retaining and growing businesses, jobs, and students.

The request to rezone the property from C-2 and R-3 to C-3 is not out of context with Elevate Las Cruces. The Urban Neighborhood place type encourages a diverse assortment of commercial and professional services that would be made available by allowing a broader spectrum of uses.

COMPLIANCE WITH THOROUGHFARE PLANS:

Idaho Avenue is designated as a minor arterial roadway by both the Elevate Las Cruces Future Thoroughfare Map and the Mesilla Valley Metropolitan Planning Organization (MPO) Future Thoroughfare Plan, which supports the proposed zoning designation and 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.

- H. Encourage the conservation of energy in the use of structures, buildings, and land.
- J. Improve the design, quality, and character of new development.
- 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.
- N. Conserve the value of buildings and land.

Review by City of Las Cruces staff determined the proposed zone change would not adversely impact the surrounding area and any expansion in uses is in keeping with the surrounding area as per section 38-2 of the 2001 Zoning Code, as amended.

CRITERIA FOR DECISIONS:

Per Section 2-382 of the Las Cruces Municipal Code, the Planning and Zoning Commission shall determine the following:

- A. The Planning and Zoning Commission shall review the comprehensive plan, and other applicable plans and codes and determine whether the request will:
 - 1. Impair an inadequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
 - 2. Unreasonably increase the traffic in public streets.
 - 3. Increase the danger of fire or endanger the public safety.
 - 4. Deter the orderly and phased growth and development of the community.
 - 5. Unreasonably impair established property values within the surrounding area.
 - 6. In any other respect, impair the public health, safety, or general welfare of the city.
 - 7. Constitute a spot zone, and therefore, adversely affect adjacent property values.
 - 8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards, and other companion codes.
- B. The commission shall take care that the development of the city, in accordance with present and future needs, best promotes the health, safety, morals, order, convenience, prosperity, and general welfare of the people. It shall also promote efficiency and economy in the process of development.
- C. The commission shall encourage the proper use and development of land, shall seek to create and maintain an aesthetic urban setting, and protect and preserve the quality of the water, air and other environmental, natural, historical and cultural resources for the city.
- D. The commission shall use the comprehensive plan as a guide in making all future decisions concerning land use and development, and in the financing and location of capital improvements.
- E. Before taking any action concerning land use and development and financing and location of capital improvements, the commission shall review the relationship between the proposed action and the comprehensive plan.

Upon internal review, Staff did not identify any issues that would deter the Planning and Zoning Commission from making a positive recommendation to City Council regarding the zone change request. Staff also considered the Criteria for Decisions stated above during the internal review process and has deemed the zone change request appropriate for recommendation of approval.

NEW MEXICO CASE LAW:

1. There was an error when the existing zoning map pattern was created; or
2. Changed neighborhood or community conditions justify the change; or
3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other applicable City master plan(s), even though criterion (1) or (2) above do not apply because
 - a. there is a public need for a change of the kind in question, and
 - b. that need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:

The subject properties currently consist of a vacant property and a developed property that encompass 2.29 ± acres and meet all development standards of the two zoning districts. Under the current zoning of C-2, the one property can continue to exist as is and the R-3 zoned property can be used for future development of single-family and multi-family residential land uses.

SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:

The zone change request to C-3 would allow the applicant to develop the property for the proposed use of a banking institution. The two properties will have to be replatted into one commercial property to accommodate the proposed new land use. All development standards of the C-3 zoning district shall be required to be met.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

City water, gas and sewer are currently serving the property and will not be negatively impacted by the zone change request. Idaho Avenue provides adequate paved access, sidewalks, and lighting adjacent to the subject property.

STAFF AND PUBLIC COMMENTS

PUBLIC NOTIFICATION AND INPUT:

Notification letters were mailed to property owners within 500 feet on June 08, 2023. Staff has not received any input at the time this was written.

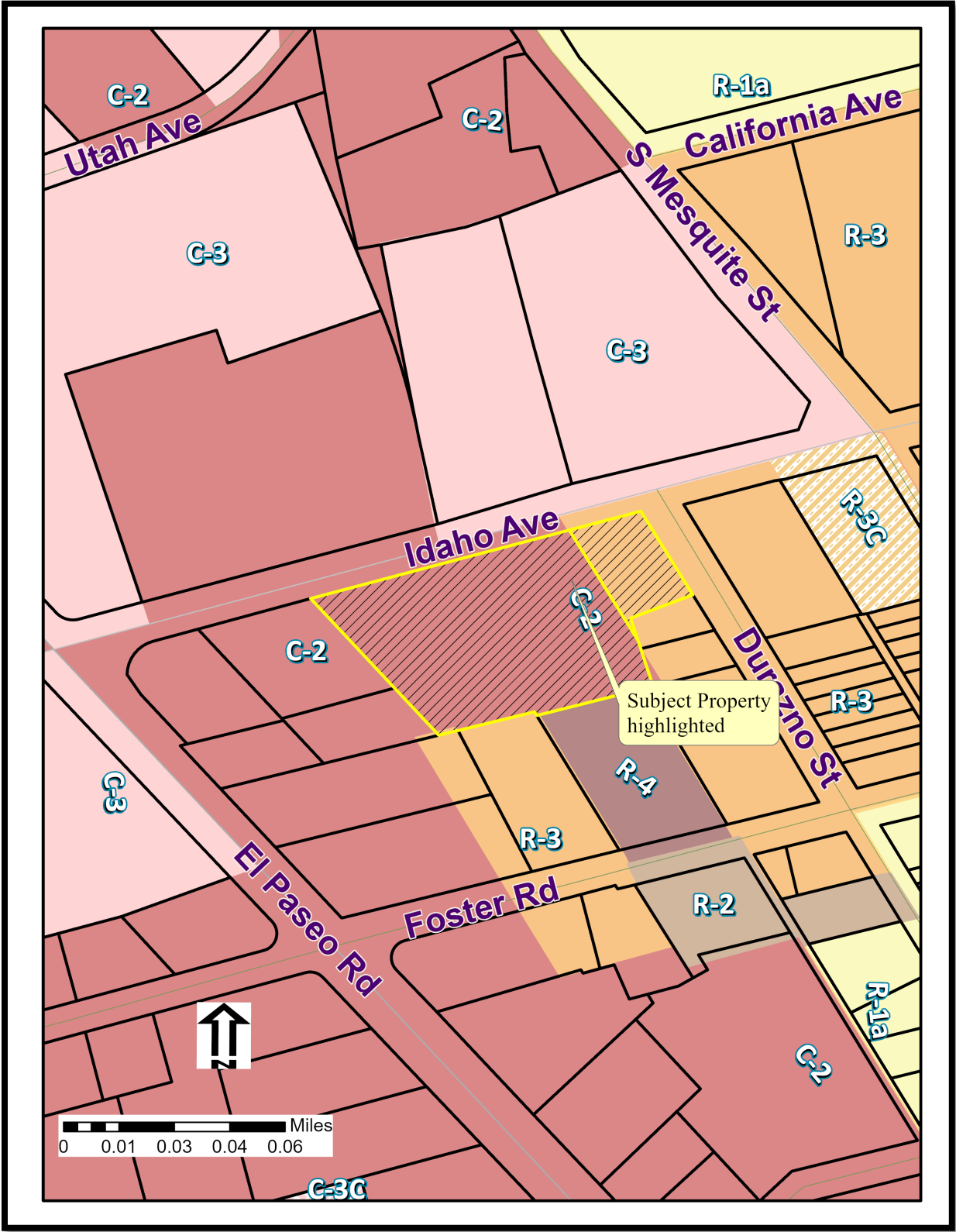
STAFF COMMENTS:

No reviewing department had any negative comments nor have any reviewing staff objected to the proposed rezoning.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Department Review Comments

ATTACHMENT 1
Zoning Map



ATTACHMENT 2
Aerial Map



ATTACHMENT 3

Department Review Comments

Department: Planning

Status: YES

Department: Long Range Planning

Status: YES

Department: Traffic Engineering

Status: YES

Department: Engineering

Status: YES

Department: Utility Engineering

STATUS: YES

Department: Fire

Status: YES

Department: City MPO

Status: YES



CITY OF LAS CRUCES

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
May 30, 2023 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Scott Kaiser, Chair
Connor Murray, Member
Vanessa Porter, Member
James Bennett, Member

BOARD MEMBERS ABSENT:

Vanessa Vega, Secretary
Joaquin Acosta, Member
Enrico Smith, Member

STAFF PRESENT:

Larry Nichols, Director Community Development Department
David Weir, Deputy Director Community Planning
John Castillo, Planner
Christina Abeyta-Corella, Planner
Jocelyn Garrison, City Attorney
Becky Baum, Recording Secretary, RC Creations, LLC

1. CALL TO ORDER (6:00)

Kaiser: All right. Welcome ladies and gentlemen to the June 27, 2023 Planning and Zoning Commission for the City of Las Cruces. Thank you everyone for coming out tonight. And I want to welcome our two newest Commissioners. So welcome to the Commission. We're excited to have you. And honestly if it weren't for you we would not have a quorum tonight, so thank you for being here.

2. CONFLICT OF INTEREST

Kaiser: Before we get started, are there any conflicts of interest from anyone on the Commission? Seeing none.

3. APPROVAL OF MINUTES – April 25, 2023

Kaiser: We'll go ahead and do approval of last month's minutes. Are there any comments or things that need to be fixed from the minutes from last month?

Agenda Item #7.1.

1 All right. Seeing none. I'll go ahead and make a motion to approve the
2 meeting minutes from May.
3
4 Bennett: I'll second.
5
6 Baum: Board Member Bennett/
7
8 Bennett: Yes.
9
10 Baum: Board Member Porter.
11
12 Porter: I abstain.
13
14 Baum: Thank you. Board Member Murray.
15
16 Murray: Yes.
17
18 Baum: Chair Kaiser.
19
20 Kaiser: I abstain I was absent last meeting.
21
22 Baum: I believe that fails then. I'm not sure because we have a dead even. So we
23 may have to bring those minutes back next month when we have a full
24 board. Thank you.
25
26 Kaiser: Fair enough. Thank you,
27
28 Weir: Mr. Chair. Point of order. I think it's all right for all the members to vote on
29 the approval of the minutes, all you're voting to is that they're in the proper
30 form and they reflect it. But if you don't want to reconsider, we'll just put it
31 on the agenda for next month's meeting.
32
33 Kaiser: Are you all looking to me for the answer? If we're allowed to accept this as
34 a legitimate vote, then I say let's accept it as a vote?
35
36 Baum: Okay, we can do that. Anybody else wanted change the vote? But that
37 does pass it at that point. Thank you.
38
39 Kaiser: All right. We're already starting off on a good footing here.
40
41 **4. ACCEPTANCE OF THE AGENDA**
42
43 Kaiser: Let's see, before we get to the acceptance of the agenda, we do have
44 several postponements tonight. Item 6.2 will be postponed, as well as 8.2.
45 I'll look to staff. Do we have a date certain for either or both of those?
46

Agenda Item #7.1.

1 Weir: Mr. Chair. Just postpone them and we'll put on the agenda, and we'll
2 readvertise and let the adjacent property owners know when what meeting
3 there'll be placed on.
4
5 Kaiser: Okay, so postponed indefinitely. Got you.
6
7 Weir: Correct.
8
9 Kaiser: All right. Yes, so I will motion to postpone item 6.2 indefinitely.
10
11 Bennett: I'll second.
12
13 Baum: Board Member Bennett.
14
15 Bennett: Yes.
16
17 Baum: Board Member Porter.
18
19 Porter: Yes.
20
21 Baum: Board Member Murray.
22
23 Murray: Yes.
24
25 Baum: Chair Kaiser.
26
27 Kaiser: Yes.
28
29 Baum: Passes.
30
31 Kaiser: And I will make a motion to postpone item 8.2 indefinitely.
32
33 Bennett: I'll second.
34
35 Baum: Board Member Bennett.
36
37 Bennett: Yes.
38
39 Baum: Board Member Porter.
40
41 Porter: Yes.
42
43 Baum: Board Member Murray.
44
45 Murray: Yes.
46

Agenda Item #7.1.

1 Baum: Chair Kaiser.

2

3 Kaiser: Yes.

4

5 Baum: Passes.

6

7 Kaiser: And then finally I'd like to pull items 6.1 from the consent agenda for
8 discussion this evening. And remind me, do we need to make a motion or
9 vote on that now?

10

11 Baum: It goes automatically into the first spot on new business.

12

13 Kaiser: Got you. Okay. All right, so with those changes made I will go ahead and
14 make a motion to accept tonight's agenda.

15

16 Bennett: I'll second.

17

18 Baum: Board Member Bennett.

19

20 Bennett: Yes.

21

22 Baum: Board Member Porter.

23

24 Porter: Yes.

25

26 Baum: Board Member Murray.

27

28 Murray: Yes.

29

30 Baum: Chair Kaiser.

31

32 Kaiser: Yes.

33

34 Baum: Passes.

35

36 **5. PUBLIC PARTICIPATION**

37

38 Kaiser: Okay, moving on to public participation. Is there anybody in the audience
39 tonight that wishes to speak on an item that is not on tonight's agenda?

40

41 Baum: Chairman. I'm sorry, but point of order. You do have one item left on your
42 consent agenda that needs to be voted on, moved and seconded which
43 would be 6.3 I believe.

44

45 Kaiser: That's going to be after public participation. Correct.

46

1 Baum: Okay. Got you. Sorry. My apologies.

2
3 Kaiser: Okay, seeing nobody raised their hand from the audience.

4
5 **6. CONSENT AGENDA**

6
7 **6.1 Case # 23ZO0500020: MOVED TO NEW BUSINESS.**

8
9 **6.2 Case # 23ZO0500072: POSTPONED.**

10
11 **6.3 Case # 22CS0500044:** A non-administrative replat known as Elephant
12 Butte Land & Trust Co. Subdivision "A" Replat No. 37 for property
13 encompassing 2.276 + acres, zoned REM (Residential Estate Mobile) and
14 located at 1086 Kennedy Road. The subdivision will replat the existing
15 residential lot into two (2) residential lots that will be 1.023 acres in size.
16 Submitted by Moy Surveying, representative.

17
18 Kaiser: We will go ahead on to the consent agenda. So we've got one item that is
19 item 6.3. I will go ahead and make a motion to approve tonight's consent
20 agenda.

21
22 Bennett: I'll second.

23
24 Baum: Board Member Bennett.

25
26 Bennett: Yes.

27
28 Baum: Board Member Porter.

29
30 Porter: Yes.

31
32 Baum: Board Member Murray.

33
34 Murray: Yes.

35
36 Baum: Board Member Kaiser.

37
38 Kaiser: Yes.

39
40 Baum: Passes.

41
42 **7. OLD BUSINESS**

43
44 Kaiser: Okay, moving, well we have no old business.

45
46 **8. NEW BUSINESS**

1
2 **6.1 Case # 23ZO500020:** A proposed zone change request from C-2
3 (Commercial Medium Intensity) and R-3 (Multi-Dwelling Medium Density) to
4 C-3 (Commercial High Intensity) on a property encompassing 2.29 ± acres
5 and located at 522 E. Idaho Avenue. The zone change request seeks to
6 bring the property into compliance with the 2001 Zoning Code, as amended,
7 and allow for the future development of a new commercial land use.
8 Submitted by SER Group, representative.
9

10 Kaiser: So we will move right into new business. And to start it off we will hear items
11 6.1. So I will turn it over to staff. If you have a brief presentation we'd love
12 to hear that.
13

14 Castillo: Yes. So my name is John Castillo for the record. Mr. Chair, Commission.
15 I was going to ask if you want me to do the presentation or if you want me
16 to present or just answer any questions you may have.
17

18 Kaiser: Please make a presentation.
19

20 Castillo: Good evening Commission. Today we have a zone change request from
21 C-2 and R-3 to C-3 at a property located at 522 Idaho Avenue. The current
22 conditions are these currently exist as two properties, one located at 522
23 Idaho Avenue, and the other a corner lot at Idaho and Durazno Street. The
24 property located at 522 Idaho is a developed property. Next to it is a vacant
25 undeveloped lot. Both together encompass 2.27 acres. Currently it's zoned
26 to C-2 which is our commercial medium intensity and R-3 which is our
27 multidwelling medium density zoning districts. Both of these are along a
28 commercial corridor that is buffered by various types of residential housing.
29 This also fronts a minor arterial roadway. Here from our zoning map the
30 larger property which is C-2 is the one located at 522 Idaho, the smaller
31 portion is R-3 and this is at the corner of Idaho and Durazno.
32

33 Here's an aerial image of the subject properties. These are some street
34 views. So today's proposal is to rezone the two lots from C-2 and R-3 to C-
35 3. They propose to develop a banking facility. The C-3 zoning designation
36 is most compatible for the subject property and neighborhood. And it will
37 also bring the property into conformance with the 2001 Las Cruces
38 Municipal Code. In addition to this as they are two separate lots and they're
39 proposing to build a new development, they are also going through the
40 replat process to remove the lot lines that separate them.
41

42 This is the proposed ALTA survey as you can see here. This is the existing
43 building at 522, and then this would be the incorporated lot which is zoned
44 R-3. I've also included a proposed site plan for the future development of a
45 banking facility. Will have the bank building here, drive-thru and parking
46 adjacent to it, and then a vacant portion of the lot.

1
2 Notice was sent to all relevant agencies and departments; all supported the
3 proposed nonadministrative replat. Notice was sent to all surrounding
4 properties within 500 feet. Staff did receive two phone calls regarding
5 general questions of what was being developed and how it would impact
6 their properties. Staff's recommendation is to approve the zone change.
7 The zone change request will allow for the attraction and retention of
8 businesses at this location. The expanded uses allowed by the zone
9 change are consistent with existing uses in proximity to the subject property.
10 The subject property is located on a minor arterial roadway, which is
11 recommended for commercial land uses. And the proposed zone change
12 request is supported by the Elevate Las Cruces Comprehensive Plan and
13 meets the proposed purpose and intent of the 2001 Zoning Code. Today
14 your options are to vote "yes" to approve, vote "no" to deny, vote to amend,
15 or vote to table.

16
17 Bennett: Just wanted clarification, in your presentation it said 2.27 acres, it's
18 encompassing that. On our sheet it says 2.29, so just which one is it?

19
20 Castillo: It'll be 2.27.

21
22 Bennett: Okay. Cool.

23
24 Castillo: That would have been a Scrivener errors on the report.

25
26 Kaiser: Thank you for that presentation. I've got a few questions. So I guess just
27 to clarify, they are, this will remain two separate lots as described here or
28 there. What are they doing with a lot lines exactly?

29
30 Castillo: Mr Chair, Commission. They will be removing or vacating the lot line
31 between the R-3 and the C-2 combining them into as one lot.

32
33 Kaiser: Okay, so that's what's driving the zone change.

34
35 Castillo: Correct.

36
37 Kaiser: Okay.

38
39 Castillo: Even if they were to not separate, if they were to leave the two lots as is it
40 would still require a zone change as the subject property on 522 Idaho is
41 over an acre which exceeds our C-2 maximum.

42
43 Kaiser: Okay, but they could still develop their drive-thru bank on the bigger of the
44 two lots. Correct?

45
46 Castillo: Correct. But it would still have to go through the zone change.

1
2 Kaiser: Okay. So I mean that kind of leads to my other question of what's the
3 housing implication here with this project, with the loss of the, what is it the
4 R-3?

5
6 Castillo: So it's really not going to impact the housing, as our commercial
7 development does allow for apartments as well as other types of residential
8 housing. The C-3 zoning district as well as C-2 allow for a minimum of 10
9 dwelling units per acre and a maximum of 40.

10
11 Kaiser: Okay, but the difference is, is that the R-2 or excuse me, the R-3 would
12 essentially require housing, correct. Whereas the C-3 they don't have to
13 develop housing, right. I mean they could do any kind of commercial or
14 housing.

15
16 Castillo: Mr. Chair, Commission. That is correct. While yes moving to the C-3 it's
17 not a requirement for them to do housing, it does still allow for it even if the
18 proposed development wasn't to go through.

19
20 Kaiser: Okay. So what would the loss, I mean how many units are we looking at on
21 the R-3 just on its own? I mean as it stands right now how many units could
22 be built?

23
24 Castillo: Mr. Chair, Commission. You could probably get approximately, I would say
25 maybe six based on the acreage, because it does allow for 20 dwelling units
26 per acre. And I believe this was the smaller of the two.

27
28 Kaiser: Okay, that's helpful. I think my concern is, is that we have very few
29 multifamily zoned lots in the City. And when you look at Elevate Las Cruces,
30 it talks about this desire for the missing middle housing you know and all
31 these other concerns about affordable housing in the City. And this just
32 seems like kind of just shooting ourselves in the foot by essentially removing
33 housing from the table. And it seems like they could, they have plenty of
34 space to do their drive-thru bank on the C-2 lot which would be the C-3. So
35 I'm just not sure why we would give away that potential for new housing in
36 a prime location for a drive-thru bank.

37
38 Castillo: Mr. Chair, Commission. So we're not really giving away housing per se. It
39 is still as part of the C-3 zoning allowable as well as the C-2. If you look at
40 the zoning map on the screen, there are vacant lots that have multifamily
41 housing as well. In addition to this, El Paseo is according to Elevate Las
42 Cruces considered a mixed use corridor. So along EL Paseo and Idaho it
43 would want to see that buffering with the commercial, then moving into a
44 mixed use as well as then following to single-family homes. In this case,
45 we are achieving that with this, as well as I do believe Elevate Las Cruces
46 also considers this a proposed neighborhood center or town center.

1
2 Weir: Mr. Chair. If I can add to John's comments. It actually increases the
3 allowable density; it almost doubles it from the 20 dwelling units per acre to
4 the 40. And if you noticed on the west end of the property, there was still
5 vacant property that would allow an additional either mixed use building or
6 it could be put into multifamily use. So there still is the opportunity for some
7 housing units on the property.
8

9 Kaiser: Yes, I understand the opportunity there. And I you know would appreciate
10 that we would actually be increasing the potential density but the fact of the
11 matter is the applicant's coming forward with a drive-thru bank and I think
12 we're automatically losing the you know potentially six units per acre on that
13 smaller lot just by the fact of you know it's no longer going to be required to
14 be housing. It's a housing is optional. And it just so happens that the
15 applicant is coming forward with a drive-thru bank. I think we all know that
16 a drive-thru bank is probably going to be there for quite a significant amount
17 of time. And so I'm just concerned that of all of the possibilities out there
18 we're giving this away for another drive-thru. I mean we've got EL Paseo
19 you know it's scheduled to be a major redevelopment corridor. You know
20 we've got Elevate Las Cruces that's trying to move away from you know
21 these auto oriented developments. And it just seems like this is, it just
22 doesn't make sense in my mind. I mean if they want to develop a drive-thru
23 bank on that larger lot you know go forth, have at it. But to just give away
24 that particular residential property for drive-thru just, it doesn't make sense
25 to me.
26

27 But you mentioned the place types. I do want to return to that because I
28 think it's interesting if you look at what the place types as defined in Elevate
29 Las Cruces and how it compares with this application. It doesn't seem like
30 this is consistent at all. This is an urban neighborhood place type at the
31 base, right. But you mentioned it's also a town, identified as more or less a
32 town center.
33

34 Castillo: Mr. Chair, Commission. Yes, I do believe it is identified either as a town
35 center or a neighborhood center. But it is definitely along a mixed use
36 corridor as well.
37

38 Kaiser: Yes, so I mean if we kind of look at those definitions, I mean just looking at
39 the urban neighborhood place type you know it specifically says limit drive-
40 thrus and other auto oriented development. If we look at the, you said
41 neighborhood center or did you say town center?
42

43 Castillo: Mr. Chair, Commission. I don't recall which one, but I believe it does fall
44 under one of the two. I'm just not sure which one.
45

1 Kaiser: Okay, well, if we look at town center, it also says limit land uses that are
2 dependent on outdoor display and sales or drive-thru facilities. We can look
3 at neighborhood center, limit land uses that are dependent on outdoor
4 display and sales or drive-thru facilities. So to me it doesn't, it's inconsistent
5 with Elevate Las Cruces, full stop, in my opinion. But those are, I think those
6 are all my questions. Let me just see if I have anything else. Yes, those
7 are all my questions. I'll turn to the Commission. Does anybody from the
8 Commission have any questions for staff? All right, seeing none. We'll go
9 ahead and open it up to public comment. Is there anybody from the public
10 who wishes to speak on this item? All right, seeing none. We have one
11 individual
12
13 Castillo: Mr. Chair. I do believe have the representative of the applicant here.
14
15 Kaiser: Okay. And before you speak sir let me swear you in. Please state your
16 name for the record.
17
18 S. Castillo: Sergio Castillo.
19
20 Kaiser: And do you swear or affirm that the testimony you're about to give is the
21 truth and nothing but the truth under penalty of law?
22
23 S. Castillo: Yes.
24
25 Kaiser: Please go ahead.
26
27 S. Castillo: Good evening Commissioners. We concur with the City comments. We
28 are open to any questions that you have. But just to add to what Mr. Castillo
29 just mentioned, in order for us to go through with the bank with the drive-
30 thru, since this property is over two acres, that is the reason that we're going
31 through the rezoning for a C-3. And again, we are open to any questions
32 you may have.
33
34 Kaiser: Thank you very much. Just to clarify with staff, so that C-3 would there be
35 any additional entitlements that they would need to do a drive-thru under a
36 C-3?
37
38 Castillo: Mr. Chair, Commission. There are no additional entitlements other than
39 meeting the design standards of the drive-thru, which require 100 foot
40 stacking lane from the point of service. As they haven't submitted permits
41 as of yet and we're still going through the rezoning process, this being the
42 first step, you guys providing a recommendation to City Council, we may
43 not see the building permits come in for at least quite some time now before
44 we can approve actual site plan.
45

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1 Kaiser: Okay. So they get the zone change, it's a C-3, they don't need a special
2 use permit or anything like that they can go ahead and build their drive-thru
3 facility without coming before this body again.
4
5 Castillo: Mr. Chair, Commission. That is correct.
6
7 Kaiser: Thank you. All right, any other comments from members of the public that
8 wish to speak? All right, seeing none. We'll come back to the Commission.
9 Any final comments or thoughts, questions? All right, I'll go ahead and make
10 a motion to approve item 6.1.
11
12 Bennett: I'll second.
13
14 Baum: Board Member Bennett.
15
16 Breen Yes, I vote to approve based on staff recommendation.
17
18 Baum: Board Member Porter.
19
20 Porter: I vote to approve on staff recommendation as well.
21
22 Baum: Board Member Murray.
23
24 Murray: Yes to approve based on staff recommendation and presentation provided.
25
26 Baum: Chair Kaiser.
27
28 Kaiser: I vote no. I do not believe that this meets the intent nor is it consistent with
29 Elevate Las Cruces
30
31 Baum: Passes three to one.
32
33 S. Castillo: Thank you Commissioners.
34
35 **8.1 Case # 23VO0500049:** A request to approve a variance to the maximum
36 freestanding sign height and size requirements of the University District
37 Overlay for a property encompassing 8.5 + acres, zoned UD-CZ (University
38 District-University Convention Zone) and located on the southwest corner
39 of E. University Avenue and Union Avenue, aka 680 E. University Avenue.
40 Submitted by the City of Las Cruces.
41
42 Kaiser: All right, moving on to item 8.1, a request to approve a variance to the
43 maximum freestanding sign height and size requirements in the University
44 District. I will turn it over to staff.
45

1 Abeyta-Corella: Good evening. Christina Abeyta-Corella for the record. I will be
2 presenting for a variance for 680 University Avenue. This is for the
3 convention center that is located on Union and University. I have the aerial
4 map here. Here's the zoning map. This is the University District and then
5 it's the Convention Zone. The location is zoned UD-CZ, which is the
6 University District-Convention Zone. It is in the University District Overlay.
7 It is for the convention center. And what they're doing is currently they have
8 two signs; they are going to remove two of the signs that are attached to
9 make it one freestanding structure sign. Code requirements for this is
10 consistent with section 38-44.J.6 freestanding signs in the UD are limited to
11 three feet in height and 24 square feet in size or area. What they're
12 proposing is a new sign and it is 12.6 feet in height and 75.6 square feet in
13 size. This exceeds the maximum height allowed by 9.6 feet, it exceeds the
14 maximum size by 51.6 square feet.

15
16 It will be spurring economic development and increasing visibility for
17 marketing. And like I say they want to consolidate two signs into one
18 structure. This is the site plan that has been provided. As you can see in
19 the corner here, this is where the sign will be located. Currently the two
20 attached signs, there's one here and then there's one on this side. They're
21 very small and you really can't see them so they want to use something
22 that's more visible.

23
24 This is what the proposed signs would look like. So you will see they're a
25 lot bigger, where people traveling in both directions will be able to view the
26 contents of what's going on at the convention center. There are no health,
27 safety, or welfare issues identified by staff. The subject property is in close
28 proximity to Interstate 25. There are similar signs in size and height on the
29 NMSU property that are existing, including the Pan American Center and
30 the Aggie Memorial Stadium signs. Other signs in the area far exceed the
31 height and size that is being proposed here today. Staff and the University
32 District recommend approval based on the findings. The sign is
33 aesthetically pleasing, may promote and spur economic development, and
34 is consistent with the 2001 Zoning Code. Today you have the option to vote
35 "yes" to approve, vote "no" to deny, vote "yes" with conditions, vote to table.

36
37 Kaiser: Thank you very much. I just have a clarifying question. I'm a little confused
38 at who the applicant is here.

39
40 Abeyta-Corella: It's the City of Las Cruces.

41
42 Kaiser: Okay. But the owner is New Mexico State University.

43
44 Abeyta-Corella: Yes.

1 Kaiser: Got you. Thank you. Are there any questions from the Commission? Okay.
2 I've a couple of clarifying questions beyond what I just asked. So you
3 mentioned they're going to take off the two existing signs and they're
4 combining them into one sign. Is it that the combination of those two equals
5 what they're coming forward with, or is this a combine and enlarge?
6
7 Abeyta-Corella: Chair and Commission. It is going to be removal of what is existing. So
8 this is the proposal.
9
10 Kaiser: Okay, but if, I guess my question I'm trying to figure if is it a matter of just
11 they want to have one sign versus their two tiny signs, and so together they
12 get a slightly bigger sign or is it they want a larger sign?
13
14 Abeyta-Corella: They want a larger sign. I do have a representative that would be happy
15 to answer any of your question if you'd like.
16
17 Kaiser: Yes. If you want to expand on that. I'm just trying to understand. The
18 existing signage you have, what's that total, and then this new sign. I will
19 Yes. So that's my question. So I'm trying to understand. So before you
20 talk, can you state your name?
21
22 Monsisvais: Mauro Monsisvais, the general manager at the Las Cruces Convention
23 Center.
24
25 Kaiser: And do you swear or affirm that the testimony you're about to give is the
26 truth and nothing but the truth under penalty of law?
27
28 Monsisvais: I do.
29
30 Kaiser: Please go ahead.
31
32 Monsisvais: So the existing signs are eight feet by six feet, the new ones will be a little
33 bit larger than that. So it's a combination of two things, one, upgrading the
34 technology, and two increasing the size in the visibility of the signs.
35
36 Kaiser: Great. Thank you. Okay, those are all the questions that I have. I will go
37 ahead and open it up to the public for comment. Is there anybody in the
38 audience tonight who wishes to speak on this item? All right. Seeing none.
39 We'll come back to the Commission. Any final comments, questions? All
40 right, I'll go ahead and make a motion to approve item 8.1.
41
42 Murray: I second.
43
44 Baum: Board Member Bennett.
45

1 Bennett: Yes. I vote to approve based on University District recommendation and
2 staff recommendation.

3
4 Baum: Board Member Porter.

5
6 Porter: I vote to approve based on findings.

7
8 Baum: Board Member Murray.

9
10 Murray: Yes to approve based on staff recommendation.

11
12 Baum: Chair Kaiser.

13
14 Kaiser: Yes, based on the staff recommendation and consistency with Elevate Las
15 Cruces.

16
17 Baum: Passes.

18
19 **8.2 Case # 23ZO5000069: POSTPONED.**

20
21 **8.3 Case # 23ZO0500047:** A request to approve an Infill Development Process
22 (IDP) proposal to allow for development of a 20 unit apartment complex in
23 a R-1a (Single-Family Medium Density) zone, which currently allows for
24 only 1 single-family residence. The property encompasses 1.122 ± acres
25 and is located on the south side of McClure Road, aka 725 McClure Road.

26
27 Kaiser: Okay, moving on to item 8.3, a request to approve an infill development
28 process proposal to allow for development of a 20 unit apartment complex
29 in R-1 zone. I'll turn it over to staff.

30
31 Abeyta-Corella: Today I will be presenting for 725 McClure road. Currently is zoned R-
32 1a, single-family medium density which allows a max of eight dwelling units
33 per acre. This is in the Infill Development Overlay. It is a vacant parcel.
34 There was a dilapidated residence that was demolished in 2022 on that
35 parcel of property. Here we can see the aerial map, this is the subject
36 property. Here is the zoning map. The code requirements for the infill
37 development is there has to be a structure with no active utilities, presence
38 of a multiunit commercial or residential structure with sustained high
39 vacancy rates, underdeveloped land area sufficient to construct an
40 additional non-accessory structure, and then the land use is less dense
41 intense that zone currently allows.

42
43 So with that the applicant has submitted a letter to request 20 dwelling units.
44 They have assured us that it will meet landscaping, ponding, parking,
45 building setbacks, and height restrictions. So it will meet all of the R-1a
46 development standards. This is the site plan or the plot plan that they have

1 provided us to show us how they're going to make this work within that
2 parcel of property. You have the four different dwellings which will equal
3 the 20 units, and then they've showed the parking, the ponding, the
4 landscaping, etc. This is what the elevations would look like based off of
5 the units that they do want to construct. And this would be the floor plan
6 that they're looking at for each of those units.

7
8 Plan analysis basically does comply with Elevate and the comprehensive
9 plan as far as balanced growth, areas of special consideration, complete
10 neighborhood, building site design, housing diversity, and the neighborhood
11 conservation. Staff's analysis is it is not compatible with the surrounding
12 neighborhood that is there. Currently all of the homes there are R-1a.
13 There is a magnitude of single-family there. If I go back to here, all of these
14 are single-family dwellings. The closest commercial or apartment complex
15 is over here in this area. So it kind of doesn't fit with the surrounding area.

16
17 The existing infrastructure is not built out. I have the numbers here. So the
18 road if I go back to the previous slide again, the road here is 25 feet from
19 one end to the other. The road width total would be 34 feet, but 26 of it is
20 paved. The length of the lawn is approximately the 141 in length, and then
21 there's a section right here that is an easement. And the measurement for
22 that is 25 feet. So this easement is fairly small. So based off of that it is not
23 built out to meet the requirements. There is limited egress and ingress to
24 McClure, so there are three main access points that you can actually get
25 through there. The rest of the time if you try to get in or out of McClure, you
26 have to go through Hoagland and then cut across different streets. It will
27 increase potential traffic, but we don't know that the increase in traffic is
28 really that much of a factor. It's more than limited ingress and egress to
29 McClure, which could impair the public health and safety if emergency
30 services need to go in that area to provide services to people that live in
31 that area.

32
33 Public input notice was sent out to the surrounding properties as required.
34 Staff received one e-mail, one letter, and a petition signed by 29 members
35 of the public not in favor of. Phone calls consisted of 22 traffic concerns,
36 one crime concern, three public safety, 22 development stating that the
37 neighborhood is not compatible with the development, and we had 15 that
38 were in support of multifamily development. Staff is recommending denial
39 based on the findings, not compatible with the surrounding development,
40 existing infrastructure is not built out, limited ingress and egress to McClure,
41 and could possibly or potentially impair the public health and safety and/or
42 general welfare of the City. With that you have options to vote today, you
43 can vote "yes" to approve, "no" to deny, "yes" with conditions, or vote to
44 table.

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1 Kaiser: Thank you very much. There any questions comments from the
2 Commission?
3
4 Bennett: I'm just curious. Can you go back to where it showed the R-3 and the other
5 high density lot? Do you know how wide that road is ...
6
7 Abeyta-Corella: This road.
8
9 Bennett: Down the way where that R-3 is?
10
11 Abeyta-Corella: Right here.
12
13 Bennett: No, no, no. Not that one, where the closest like higher density lot is.
14
15 Abeyta-Corella: It would be this one.
16
17 Bennett: Correct. Do you know how wide that other road is?
18
19 Abeyta-Corella: I do not.
20
21 Bennett: Okay. Just trying to figure a comparison. But cool, thank you very much.
22
23 Weir: Mr. Chair and Commissioner Bennett. I just wanted to note that that's an
24 apartment complex off of Parker and Miranda, and it's next to Holy Cross
25 complex.
26
27 Kaiser: I have a very similar question along those lines. I'm trying to understand, it
28 sounds like the main concern is the access to the McClure Road. But my
29 understanding of McClure road is like the most successful road in this, kind
30 of this region. So I guess, what would staff consider an appropriate access
31 to this location for multifamily?
32
33 Abeyta-Corella: Chair, Commissioners. The width that currently exists would suffice. The
34 main concern is the density. It's going from the R-1a, and going up to
35 equivalent to what would be an R-3. We would like to have incremental
36 growth. So that density is super large for what is being proposed here. That
37 does not aligned with the surrounding area. So the main concern is the
38 density.
39
40 Kaiser: Thank you. Any other questions from the Commission?
41
42 Murray: So I do have a question. In our packet, we have a justification letter stating
43 that there was a subdivided lot in 2.36 acres sold to the City. Was this like
44 an eminent domain for the railroad that's right there or was this kind of just?
45

1 Abeyta-Corella: Chair and Commissioners. That was for a ponding lot due to the flooding
2 that does happen in that area. So the City purchased this portion right here
3 of land to develop it for the ponding area that would be needed in order to
4 sustain the water that is in that area.

5
6 Murray: So in theory if the development was encompassing all the 3.63 acres, the
7 20 apartments units would not be over the density allotment. Is that more
8 or less correct?
9

10 Abeyta-Corella: Chair and Commissioners. Yes, that would be correct.
11

12 Kaiser: Any other questions from the Commission? I have a few. So just looking
13 back at I guess the development review, the DRC. We have approvals from
14 every department except for Planning, even Long Range Planning says it
15 meets Elevate Las Cruces Comprehensive Plan, is consistent with it at
16 least. So my question would be what in staff's mind would be an appropriate
17 amount of density for this particular parcel? If 20 is too much, what would
18 be appropriate in staff's mind?
19

20 Abeyta-Corella: Chair, Commissioners. We did initially recommend that they do 15,
21 where it is doubling, a little bit more than doubling the density that is there.
22 And staff would be willing to support 15 units, but 20 units is jumping, it's
23 pretty much skipping one density level, going to the next.
24

25 Kaiser: Okay, thank you. And was the applicant receptive to that compromise?
26

27 Abeyta-Corella: Chair and Commissioners. No, not at this time.
28

29 Kaiser: Okay. And I guess presumably, the reason for going through the Infill
30 Development Process is to skip the rezone, right, because theoretically they
31 could come through with a rezone application to attempt the same thing.
32 Correct?
33

34 Abeyta-Corella: Chair, Commissioners. No, unfortunately, we can't do spot zoning. So
35 this would be the only option that would be available because the
36 surrounding area is R-1a.
37

38 Kaiser: Thank you. I noticed there was also discussion in staff report about
39 concerns just about the infrastructure as it currently exists, namely the
40 connection between this site and the multiuse trail network. Was there any
41 conversation, development agreements with the applicant to physically
42 make that connection? Because it seems like this would be a prime
43 opportunity. I know that section of McClure fairly well because I run there
44 and I know the gaps in the sidewalks are pretty substantial.
45

1 Abeyta-Corella: So Commissioner and Chair. They did dedicate a 15 foot right-of-way
2 that they are going to add sidewalks etc. to help with that development. But
3 to the area, if we go back to this map the trail does not, most of the
4 developed infrastructure does not start until after you get past the tracks. If
5 you go this way the infrastructure that is existing it's not developed. It's not
6 developed out.

7
8 Kaiser: Yes, but the trail I believe comes out at just to the, well yes there's, yes
9 there's that component, but then on the ditches it comes out just to the west
10 of Highland, correct, McClure and Highland.

11
12 Abeyta-Corella: Chair, Commissioners. I did not see that, and I went into pictures. I did
13 not get to get the pictures attached to the presentation. But it was just dirt
14 in that area right across the street. I did not go further this way to see if
15 there was any trails, so directly across there is just a house. There was no
16 trails or walking paths. It did have a bicycle decal on the road in this area.

17
18 Kaiser: Okay, thank you. I'm pretty sure that's where the trail comes out, so I mean
19 it would be a great opportunity for this development for a multiuse project to
20 you know offer that connection up. I mean it makes a whole lot of sense.
21 My next question related to that isn't McClure Road identified as a bike
22 boulevard in our Active Transportation Plan.

23
24 Abeyta-Corella: Commissioner, Chair. I'm not sure. But I do know the road designation
25 is a collector.

26
27 Kaiser: Okay, because I would just be curious what the City would require them to
28 do to McClure Road as part of this development. Sounds like the City is
29 going to require some improvements, right.

30
31 Abeyta-Corella: Chair, Commissioners. We're limited on to the improvements that can
32 be done because the entire area is currently developed. And in order to
33 add the sidewalks or to develop it out, that would require people bringing
34 their properties into compliance.

35
36 Kaiser: But so part of their application would be to come into compliance, right.

37
38 Abeyta-Corella: They are. The applicant themselves is doing the right-of-way. They're
39 adding the sidewalks, they're adding all of the infrastructure that is required
40 in front of their lot. But it cannot go continuous down McClure in this
41 direction, because all of these properties are already currently developed.

42
43 Kaiser: Sure, I understand that. I guess my question is, is what would we require?
44 If this is identified as a bike boulevard, it seems to me that you know the 25
45 foot existing asphalt is more, and actually exceed what would be sufficient
46 for a true bike boulevard. And so to me it would seem like this would be an

1 opportunity to at least on that section, get closer to that reality along all of
2 McClure Road. So I'm just trying to understand what would the requirement
3 be. Would the City have to, or would the applicant have to make this a 38
4 foot wide street in this section? Just trying to understand, because to me
5 that would be inconsistent with you know the Active Transportation Plan.

6
7 Weir: Mr. Chairman. Just to add to what Christina has provided for you. Since
8 they're not subdividing the property, there's no requirements for any road
9 improvements on the site. What Christina is talking about is as part of their
10 site development and building permit the sidewalk and treatment and
11 access is what's required through the building permit process.

12
13 Kaiser: Okay, I understand. Thank you. My final question I think, if we go back to
14 the place types in Elevate Las Cruces, this is an urban neighborhood place
15 type, correct.

16
17 Abeyta-Corella: Commissioner, Chair. It's actually suburban.

18
19 Kaiser: Suburban. Okay. All right, thank you for that clarification. Any other
20 questions from the Commission? All right. I will go ahead and open it up
21 to public comments. Can I please get a raise of hands by anyone who
22 wishes to speak on this item tonight?

23
24 Abeyta-Corella: Chair, Commissioners. I do have a representative that would like to make
25 a statement.

26
27 Kaiser: Okay. Yes, yes. The representative please come forward. You can make
28 your statement and then we'll go to public comment. Please state your
29 name for the record.

30
31 Lujan: Yes. My name is Lucinda Lujan. I'm the Business Development Manager
32 for Mesilla Valley Properties.

33
34 Kaiser: And do you swear or affirm that the testimony you're about to give is the
35 truth and nothing but the truth under penalty of law?

36
37 Lujan: Yes, I do.

38
39 Kaiser: Please go ahead.

40
41 Lujan: If you will, Mr. Chair and Commissioners, there's been a lot of
42 misinformation out circling social media. And I quickly wanted to give a brief
43 description of Mesilla Valley Properties and why we acquired this property.
44 Mesilla Valley Properties as a small family owned developer. Mr. Rivas, the
45 owner was born and raised here in Las Cruces, and his mother lives exactly
46 a block away from this 725 McClure. She utilizes the bus stop on McClure

1 and would walk there and see the dilapidated property just literally forgotten.
2 And she would tell Mr. Rivas, you know son why don't you buy it and make
3 something nice for the neighborhood. And so after some negotiating with
4 the former owner, he was able to purchase it and started saving for
5 development. In doing so, about a year ago, the property was set on fire,
6 the abandon home, as you all may know, and as we know too from many
7 other properties being caught on fire, these type of properties are exactly
8 what calls in deviant behavior. So this drove our team even harder to
9 develop it for the neighborhood. We also, for the betterment of the
10 neighborhood, we sold a large portion of the land to the City of Las Cruces
11 for ponding, because of the flooding that was happening on McClure and
12 Carlyle. We also gave the easement right-of-way for the future bike path
13 that the City is planning. So as you can see, we're very invested in this
14 property. We have family in this property. And we want to make something
15 really nice. And we're trying to do this through Elevate Las Cruces. And
16 I'm going to turn it over to James Ficarro, projects manager to answer any
17 questions. And Steve, Mr. Steve from Allure Homes.

18
19 Kaiser: Thank you. Did either of you have statements to make?

20
21 Green Stephen Green, for the record.

22
23 Kaiser: Yes. And do you swear or affirm that the testimony you're about to give is
24 the truth and nothing but the truth under penalty of law?

25
26 Green I do.

27
28 Kaiser: Go ahead.

29
30 Green So one thing to point out is obviously like you'd stated before, the land that
31 was sold to the City, the Rivas's did not have to sell that land. They could
32 have kept it, met the densities of probably far more than 20 at that point.
33 They did that for the betterment of the neighborhood. And there was a
34 somewhat understanding between, I feel like what was the City and them
35 to understand that there was always going to be a multifamily development
36 put on this property. Whatever reasons, it did not happen, that's a longer
37 story. But the main thing is, is at the end of the day through Elevate, I feel
38 like what they're asking for is if they had kept the densities and had the 20
39 units then they would have went through Elevate for the existing whole
40 property as a whole, would have easily met the 30 units that they really
41 wanted. They have already come down from what they had really wanted
42 to put on the land, which was 30 units, which it could also support 30 and fit
43 plenty fine. But they've already come down to 20 in negotiations. That's
44 why the deviance from the 15. I just wanted to point that out, that this has
45 already been somewhat negotiated. That's why they were not open or
46 receptive to going below that.

One last thing. I'd like to just state that this project does stay very congruent with Elevate Las Cruces. I'm not sure why City staff doesn't support it besides the safety reasons, but they're saying it's a safety reason, but they have not proven to us that it's a safety reason. And nor have they given us a chance to provide any retaliation or not retaliation, I'd say like reasoning behind that or how we could possibly potentially alleviate that problem. I think there would be some receptiveness to that. Note that it is a gated community, so there will be the opportunity for people to slow down before entering onto McClure, and as well as entering it. So it's not like people are going to be rushing and speeding out of this property. Also, the fact that it is gated is going to help to protect the building itself from future vandalisms and dangers. That's some of the main things to point out. So this is not going to be a low income development. The reasons behind wanting the higher density is also as we know the higher the densities go up on these kinds of projects, the unit cost comes down, so therefore helping to meet that missing middle, which I think that is what we are trying to accomplish with Elevate Las Cruces. And as you can see, if you were to switch, I don't have to switch back, to the site plan you can see there is a great amount of landscaping being put in, a large amount, beyond what is being even required by the City. Where we have tried our best to push those units back as far off from McClure as possible, so that it does not feel imposing and just ominous of the street. We're trying to propose that it stays back a larger green space up in front and development, as well as meeting all the setbacks and requirements. We've also provided bike parking all over the property. There is a dog park provided for the tenants there. So it's not going to be a low income development at all. And I think that might help set some people's minds a little better at ease. So thank you.

Kaiser: Great, thank you very much.

Ficarro: Good evening.

Kaiser: Please state your name for the record.

Ficarro: James Ficarro.

Kaiser: And do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Ficarro: I do.

Kaiser: Go ahead.

Ficarro: I just want to touch on what Steve there mentioned, as well as the transparency throughout the whole process here. When we subdivided the

land for the ponding area that the City purchased, we were under the impression that was actually going to be subdivided and actually go to an R-2 at that time. As a matter of fact, when the land was sold, during the City Council meeting, I actually stated that the future plans for that property was this exact thing at the time. So unfortunately, we've been transparent the entire way. And here we are today presenting this with hopes to better the community and the neighborhood.

Kaiser: Thank you very much.

Ficarro: Thank you.

Kaiser: All right. Can, well I guess before we get to the public, were there any specific questions for the representatives? No. Okay. Can I get a raise of hands again, from those folks who wish to speak on this item so I can get a head count? One, two, three, four, five, six, seven, eight. I see eight. All right, we will go ahead and give folks three minutes each. We'll start down here with the gentleman in the front row. And if you could please state your name for the record.

D. Wheeler: I'm David Wheeler. 603 McClure. I'm right next door.

Kaiser: And do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

D. Wheeler: I do.

Kaiser: You have three minutes.

D. Wheeler: So you know we went through this about 15 years ago, when they decided to develop the lower part of McClure. People worried about traffic; they were worried about you know of course the types of houses going in. We made a big kind of a problem with the traffic on Valley, how are they going to mess with that. Went through all this stuff. And we finally settled on what's there now. And the City agreed with us that that's the maximum amount of traffic that that road can take. The house that I'm in is the oldest house on the block. And it used to be a dirt road, and then they paved it. And it's just big enough to get the car going one way each way. If you park on the street, you gotta wait for someone to come the other way. It's not able to handle any more traffic. You know, low income housing aside, beautiful place aside, that's not really the concern for me anyway, and I live right next door. I'm worried about someone getting killed because adding another 500, 700 cars a day, especially right next to a railroad track. Gated even actually makes it worse waiting for the gate to open. And you got trains coming by seven or eight times a day. I hear them because I'm right there. It's a recipe for disaster. You know, especially if you have you know

1 a game down there or the Field of Dreams is doing one of their fireworks
2 displays or something.

3
4 The whole lot, the whole street becomes a parking lot. And it's just it's crazy.
5 And especially when the kids are late to school you know because it's
6 another way to get down from Alameda to Valley. And the kids you know
7 they come over that ditch which is a bottleneck on McClure, and they you
8 know go like 90 miles an hour trying to get to school because they're late,
9 and they can't see what's going on. Between the ditch and the railroad track
10 is, I drove it once I think it's just a touch over a 10th of a mile. And it's just
11 not big enough. You know, we can't handle the amount of traffic. And like
12 I said last time we went through this they agreed with us. They said yes
13 that's pretty much all we can do with this land here you know. We worry
14 about people who walk the ditch you know because they walk, people walk
15 the ditch all the time, and I've seen people almost get hit. I'm right there
16 and I see them. And I've held my breath many times. Just it's such a main
17 thoroughfare to get through, that the City uses that already. And it's just it's
18 too much. The fellow in back to me is going to probably lose his driveway
19 over this. I'm sure he's here. I'm sure he'll mention that. So he's coming
20 to me asking me if I'll sell him some of my land so we can actually access
21 his land, which I think is ridiculous. I don't think you can make me sell my
22 land to someone else because of some project that they're building. A lot
23 more reasons, but I'm out of time. But you know it's too much. It's just too
24 much.

25
26 Kaiser: Thank you, sir. Go to the lady here in the front row. Please state your name
27 for the record.

28
29 L. Wheeler: My name is Leonis Wheeler. I'm his mother.

30
31 Kaiser: And do you swear or affirm that the testimony you're about to give is the
32 truth and nothing but the truth under penalty of law?

33
34 L. Wheeler: I do.

35
36 Kaiser: You have three minutes, please begin.

37
38 L. Wheeler: I grew up at 603 McClure Road. Part of that land belonged to my parents.
39 And the rest of it belonged to the man across the street. And then they sold
40 it to, I don't know, I was a kid, I don't remember. But my concern is that
41 when the high school kids started coming through so fast, that was bad
42 enough, and then they built all the houses on the other end. And the traffic
43 engineer at that time assured us that it wouldn't make an appreciable bit of
44 difference, but it certainly has. And that's like a two lane road. And I'm
45 surprised somebody hasn't been killed already. I worry about the people
46 going to Benavidez Center. Sometimes you cannot even get on the road.

1 And they said access to McClure Road from this housing development
2 would be okay. Well, it isn't. It isn't now. The man who lives down behind
3 603 sometimes can't get out. And that's his only access into his house. I
4 think if you put this development somewhere where there wasn't so much
5 traffic, so much, too many people living there, it might be better. Once you
6 get, coming over the ditch you can't see what's coming. And it's very, very
7 dangerous situation and somebody is going to be killed if they have many,
8 many people driving around there. I think there are other places where this
9 could be, this development could be put and put to good use. But as it is
10 it's really going to cause a big problem to everybody who lives on McClure
11 Road. Thank you.

12
13 Kaiser: Thank you. All right, going up, sorry I need hands again because I don't
14 have that good of a memory. We'll go, the gentleman in the green shirt.
15 Please state your name for the record.

16
17 Lappinga: I'm Don Lappinga.

18
19 Kaiser: And do you swear or affirm that the testimony you're about to give is the
20 truth and nothing but the truth under penalty of law?

21
22 Lappinga: I do.

23
24 Kaiser: You have three minutes.

25
26 Lappinga: Thank you. I'm the block captain. I live at 320 McClure. So I represent
27 quite a few people on the road through the Crimewatch program. So I put
28 out just some feelers and I got a lot of responses back. And I have a whole
29 folder full of letters I can leave with you, but I'll just summarize what the
30 people on my block and what I'm experiencing, have experienced with this
31 proposal. First of all, so he's already been noticed the traffic congestion.
32 McClure is saturated. And I live toward Alameda. By the time cars get to
33 my house, four houses down they're usually going 30 miles an hour and
34 faster down the road. That's a real concern with that narrow road. We're in
35 a, I think it's been, we're in a low density area, neighborhood. And this
36 would put it into more of a high density neighborhood. And we are just
37 neighborhood, we have single-family. I'm a retired guy. And we're just all
38 single parent houses. We don't need more housing down a road that's
39 going to make it difficult. I'm a bicycle rider. I'm a cyclist. And so I do ride
40 on McClure and I got a real good rearview mirror, I tell you.

41
42 Some of the other concerns, of course, was the traffic. We also have some
43 abandoned housing. That's a real concern. We have 402, which has been
44 abandoned since I've lived there. 323 to 325, we call it a ruins. If you drive
45 down McClure you'll see it. And there's also some vacant land right across
46 from this development, which is a trailer park. And if we let this variance go

1 through what's going to happen to our other areas. Place across the street
2 you could put probably three units there. We don't want to start this kind of
3 precedent. And again, most of the people that I'm concerned about is we
4 want to keep our neighborhood single-family. We have no problem with you
5 know housing where people can afford, but mostly it's congestion, and the
6 safety of our neighborhood and our kids running on the streets, and cars
7 flying by at 35, 40 miles an hour. Thank you.

8
9 Kaiser: Thank you. All right, going up to the row behind, we'll start with the lady in
10 the purple. Please state your name for the record.

11
12 Maddox: Yes, Mr. Chair. My name is Linda Maddox.

13
14 Kaiser: And do you swear or affirm that the testimony you're about to give is the
15 truth and nothing but the truth under penalty of law?

16
17 Maddox: Yes, I do.

18
19 Kaiser: Please go ahead.

20
21 Maddox: I am a resident of Golden Drive, which is cul-de-sac that's off of off of
22 Carlyle. Can you hear me? Are you putting a map up? Yes. And so when
23 I go out to do my things that I need to do, I usually have a choice when I hit
24 Carlyle, I can go left to McClure or I can go right to Hoagland. And I've also
25 lived in the area long enough that I remember when there was cotton and
26 corn and chile being grown in the fields on the other side of the railroad
27 tracks. And so I have seen the building, and it's kept within the character of
28 our neighborhood, which is single residential. And the roads have been
29 slowly you know tested and accommodating to the increase, and our City is
30 certainly growing. They added the two lights at Valley to help kind of control
31 when cars are released down both sides. And it's very difficult to, I have to
32 wait longer, I have to look both ways and then look again to be sure it's safe.
33 And I agree that between the railroad tracks and the ditch bank, especially
34 like when the sun's going down, you can just be, you're blinded with the sun
35 at certain times of the day. And there's a lot of already obstacles to safety
36 with the two lane road. So by adding additional high density housing that's
37 not within the character of the neighborhood, and even fixing the flooding
38 problem. And I certainly don't think we're going to be getting enough room
39 to have like an intersection and lights to help control those types of things.
40 It's difficult to then get all the way down to Alameda to be able to turn right
41 and left, you're waiting, you're waiting, you're waiting, you're taking side
42 streets. And the flow from the higher areas that they have built in has really
43 affected on both Hoagland and McClure. And I'm just really, really
44 concerned about what this is going to, how it's going to change things. And
45 it's good to hear the plan about the flooding, but there needs to be other

1 plans or just keep it what it is. The character, single residence. I have some
2 signed petitions that people that could not come tonight.
3
4 Kaiser: Thank you. All right, and the gentleman that was sitting next to her.
5
6 Wright: Thank you Chair. My name is Eric Wright and I live on Golden Drive.
7
8 Kaiser: And do you swear or affirm that the testimony you're about to give is the
9 truth and nothing but the truth under penalty of law?
10
11 Wright: I do.
12
13 Kaiser: Please go ahead.
14
15 Wright: The main problem that I see with this project is not only the high school kids
16 late to school, but they're anxious to get out of school. They come racing
17 down McClure towards the east, jump the railroad tracks and immediately
18 after the railroad tracks is the left hand turn on the Carlyle. I have almost
19 been T-boned a number of times due to these high school kids driving fast
20 and wanting to pass me at that intersection. We also have seniors in our
21 neighborhood that walk onto McClure Road to get to the Senior Center. I'm
22 concerned about that. I'm concerned about another 80 cars a day,
23 frequenting that road. I drive that road virtually every day. And I also know
24 that the City of Las Cruces traffic department is well aware of the traffic
25 problems both on Hoagland and on McClure, particularly from the exit of the
26 kids from the high school. Somebody's going to get killed at that
27 intersection. We also have the railroad there. And at certain times of the
28 day, the traffic backs up from Alameda almost to the railroad tracks. I don't
29 see how we can handle another 80 cars a day. I'm also concerned, I was
30 glad to hear the developers talk. I would not object to single-family
31 dwellings in that area. I was glad to see that the dilapidated house had
32 been demolished. And we'd like to see something go in that area. But I'm
33 really concerned about the traffic.
34
35 Kaiser: Thank you very much. Was there anyone else on this side of the room?
36 The gentleman in the striped shirt, and then we'll move over to my right.
37 Please state your name.
38
39 Rivera: Good evening. I'm John Rivera. I live in the subdivision just west of there
40 Corazon del Valle subdivision.
41
42 Kaiser: And before you continue, do you swear or affirm that the testimony you're
43 about to give is the truth and nothing but the truth under penalty of law?
44
45 Rivera: I do.
46

1 Kaiser: Okay. Go ahead.

2
3 Rivera: I'm in agreement with all their concerns. Currently, McClure can't handle
4 the traffic that it currently has. And it does need to be reconstructed. I don't
5 understand why they sold that portion for a ponding area, when really what
6 it needs is a storm drain to tie into the existing storm drain in the area. And
7 it needs to be reconstructed with proper sidewalks and streetlights, because
8 right now it's unsafe to not only walk but to ride bikes, and to drive. And
9 they mentioned the high school kids that drive faster there, well there's a lot
10 of high school kids that walk through there as well, as well as people just
11 walking their dogs or whatever. And that's one of my concern.

12
13 My other concern is the, I think that apartments would bring down the values
14 of our properties. And that's one thing that concerns me that I don't want,
15 as well as additional noise, additional traffic, and additional young people in
16 the neighborhood. As it is you know, every night you hear people racing up
17 and down Valley drive and then they cut through McClure. And then
18 sometimes they cut through our neighborhoods, and you can hear them,
19 you know and that's a problem. And one of the reasons a lot of, now people
20 are avoiding Hoagland because it takes so long. If you want to make a left
21 hand turn off of Hoagland on to Alameda, the cars are backed up you know
22 sometimes 10 to 20 cars, if somebody's trying to turn left. And now it's
23 becoming the same problem on McClure if you're wanting to make a left
24 onto Alameda, the cars are backed up you know 10 to 14 cars as it is. And
25 the people who live close to Alameda, their driveways are blocked with that
26 line of cars for people to access their properties, their own driveways, either
27 to come out or to go in. So the way I see it is McClure needs to be
28 reconstructed for one, and they should look at traffic analysis and see about
29 maybe even putting a traffic light at the intersection. Perhaps even one at
30 Hoagland as well. And that might help with some traffic issues, but currently
31 the way it is it can't handle the current situation right now. It needs to be
32 addressed either by staff or Council, I don't know who. I don't even know
33 who our district Councilor is. But thank you.

34
35 Kaiser: Thank you. Okay, I think we've got two more on the side of the room. Okay,
36 we'll go, are both of you, can you speak together? Or if one of you can
37 represent the other person's views. I don't know if they're similar views.

38
39 K. Pruitt: I'm Karen Pruitt.

40
41 T: Pruitt: And Tom Pruitt.

42
43 Kaiser: And do both of you swear or affirm that the testimony you're about to give
44 is the truth and nothing but the truth under penalty of law.

45
46 K. Pruitt: Yes.

1
2 T. Pruitt: We do.
3
4 Kaiser: You have three minutes.
5
6 T. Pruitt: We live on Carlyle, which is just about a block from the intersection of where
7 you're proposing the zone change. We've lived there for 42 years. We have
8 seen firsthand the traffic on McClure increase, as well as on Carlyle
9 increasing significantly, coming over from Hoagland because Hoagland is
10 so busy. And now you're proposing or is being proposed to congest that
11 intersection even more right at McClure and Carlyle, where it's already
12 getting worse and worse and worse over the years. And I don't see how it
13 can bear that, any more traffic.
14
15 K. Pruitt: It can't. Like we said, we've been there 42 years. When my daughter went
16 to Alameda Elementary. We were not quite far enough away for the bus to
17 pick her up. Fortunately, I worked out of my house. I took her to school
18 every day, because 25 years ago I would not let her go on that street
19 because there are no sidewalks, the ditch, full ditch butts up against the
20 street. You have no place to walk except on the street. There are no
21 sidewalks like I said. There is a high school bus stop right there. There are
22 high school kids. There are lots, there's a lot of activity. You go down to
23 Alameda, we have seen the traffic backed up to Reymond, which is quite a
24 ways, just to get out on Alameda. It's two lanes, there's no room for a
25 turning lane. You have, it's one way each way. And it just can't, we just
26 can't take it. And if you're going to be all this construction, where is that?
27 It's going to be blocked off. Where is all that going to go? It's going to go
28 down our street. It's going to go down Hoagland. It's going to be a mess.
29 And my daughter had an accident on Hoagland and Carlyle when she was
30 16, because of the traffic halls rear down to west to the high school and it's
31 a little bit of a curve, and she could not see it, and it broadsided her. It was
32 a hit and run.
33
34 T. Pruitt: Nothing.
35
36 K. Pruitt: She wasn't hurt.
37
38 T. Pruitt: Nothing has changed on that street.
39
40 K. Pruitt: No.
41
42 T. Pruitt: In 42 years.
43
44 K. Pruitt: Well, yes, it's increased.
45
46 T. Pruitt: There were ...

1
2 K. Pruitt: Traffic.
3
4 T. Pruitt: Speed bumps, but those were removed. So it's even worse now. So
5 nothing has been done on that street. And now you're going to make it
6 worse. I just, it makes no sense.
7
8 K. Pruitt: It's an accident waiting to happen as it is and now it's going to be a lot worse.
9 You're going to have 20, 60, 80 cars on any given day at any time of the
10 day. It doesn't make any sense. You go and look at our street. Not on the
11 west of the railroad track, from the railroad track to Alameda. There are no
12 sidewalks, there's no handicap, there's nothing. You're not going to have;
13 you don't have the room for any of that. And if there is some kind of
14 construction on any of those streets on either two of those streets, you have
15 a problem.
16
17 Kaiser: Thank you very much. All right, moving over to my right, the lady right here
18 in the front. Please state your name for the record.
19
20 Ames: Mary Ames.
21
22 Kaiser: And do you swear or affirm that the testimony you're about to give is the
23 truth and nothing but the truth under penalty of law?
24
25 Ames: I really swear.
26
27 Kaiser: Please go ahead.
28
29 Ames: Okay, I am not going to add much. You are all invited to sit on my front
30 porch at 315 McClure and look at the traffic. There could of course be a
31 study with the wires that go across. But there's also a sign that is probably
32 more ignored than all the other ignored signs on McClure that's right at the
33 corner of Alameda and it says, "no vehicles with more than six wheels
34 allowed." Well every day there are multiple. So everybody has shown
35 legitimate concern about what this project would present for traffic. What
36 I'm concerned about, what about the construction? What is going to happen
37 on that street when all of those trucks with all of those materials with all of
38 the road, the grading equipment, how are they mitigating for that traffic, that
39 dirt, that noise? I will turn this over, well, I do say the City has denied curb
40 and gutter and ADA access on this old farm road. It's now a speedway.
41 And the Department of Justice declined to prosecute the City for violation
42 of ADA regulations due to short staffing and bigger fish to fry. Like, you
43 know, the Quick Draw McGraw police. But still, my complaint rests with
44 DOJ. And it's really easy to file if you want to do that. I have really no other
45 concerns that haven't already been addressed except from what - I've only
46 lived here four years, but from what I've seen, this is probably already a

1 done deal. There's probably been a little something, something exchanged.
2 And I hope you don't get to enjoy the fruits of that.

3
4 Kaiser: Thank you very much. Yes. And please state your name.

5
6 Martinez: Colette Martinez.

7
8 Kaiser: And do you swear or affirm that the testimony you're about to give is the
9 truth and nothing but the truth under penalty of law?

10
11 Martinez: Yes, I do.

12
13 Kaiser: Please go ahead.

14
15 Martinez: I'm here on behalf of the homeowner Amanda Marcott, who lives at 730
16 McClure, which is directly across from the proposed worksite. She has
17 given me some, a list of concerns that I'd like to share with you. Some of
18 them have already been shared, the sidewalk gapping where there's no
19 proposed infill or correction for ADA access, the lights, the sidewalk and the
20 safety for people. Every time it rains in this area, the Vactro truck needs to
21 come out and remove the water. Even though the lots have been empty,
22 there is still drainage, so when you pave over and develop that land, will the
23 ponding help remediate that, or will it still flood with no storm drains. She
24 wanted to make sure that the traffic flow studies that you're looking at are
25 conducted during school times where everyone has peak traffic flow.
26 Because if they're done at other times it really doesn't represent the true
27 traffic congestion and difficulties that are in this area.

28
29 If this is allowed, then will the other listed nuisance properties on McClure
30 also end up as multifamily residences. I think there were three that were
31 already mentioned this evening. McClure is listed as one of three collectors
32 or they're one of three of the major arteries from Valley to Alameda. Right
33 now Parker has installed speed mountains to slow that traffic. Hoagland
34 has some traffic upgrades where they did do the sidewalks and they have
35 the stoplight at the end. But right now there's no control for this
36 neighborhood. Also with the multifamily, visitors where will they be parking
37 if there's only a minimum number of parking spots that are assigned? There
38 can be no street parking on McClure. There's barely any street walking. So
39 where would the overflow parking be considered to be put that will also
40 create another traffic safety issue. Then the last one or second to the last
41 is without a middle turning lane from McClure to the property where will
42 those people wait, it's already narrow. It was stated that was only 26 feet
43 across. Amanda's house, her first wall is about six inches from the street.
44 The safety there is a serious concern for her, her house has already been
45 hit twice since she's lived there. And every day the concern grows because
46 of the traffic that is coming from the development behind the Field of

Agenda Item #7.1.

1 Dreams and everything that is west of Valley. And I think that those were
2 all of her concerns. Thank you very much.
3
4 Kaiser: Thank you. Sir in the black, please come forward. State your name for the
5 record.
6
7 Pacheco: Good evening Mr. Chair and Commissioners. My name Mr. Derrick
8 Pacheco for the record.
9
10 Kaiser: And do you swear or affirm that the testimony you're about to give is the
11 truth and nothing but the truth under penalty of law?
12
13 Pacheco: I do.
14
15 Kaiser: Go ahead.
16
17 Pacheco: I'm actually here for a different agenda item. But after hearing all the
18 wonderful comments from the neighbors that have spent some time getting
19 together and discussing this issue. First of all, I think that's really cool that
20 people showed up. I did want to offer support for this project. I do think it
21 is a great looking project in a great infill development place. I did want to
22 remind the folks that just spoke that it sounds like you have a traffic
23 engineering problem, not an infill development problem. I don't think by
24 keeping this project at bay, you are going to fix any of the problems that are
25 your top concerns that I just heard tonight. I would like to offer a different
26 point of view. I would think that you could amicably come to a discussion,
27 and discuss all of these points with this developer that has done a lot.
28 They're recharging the groundwater by utilizing this sort of drainage system.
29 They're putting more eyes and ears on the street, which is what a
30 neighborhood and a community is all about. I would suggest getting
31 together and taking your concerns to the traffic streets department and
32 getting this figured out. Getting your traffic figured out. Getting the high
33 school speeding figured out. Do that first. Let these people come in, make
34 your neighborhood better. They already got rid of a dilapidated blighted
35 property. This probably helped your community already. Anyway, I support
36 this project. Thank you.
37
38 Kaiser: Thank you very much. Okay, is there anybody else on this side of the room
39 that wishes to speak? I see the representative. Would you like to come
40 forward and give a brief statement? You can. If you could just restate your
41 name for the record. And we'll give you three minutes.
42
43 Green Stephen Green for the record. So just to maybe you know answer some of
44 them. Like he just stated, by the way thank you. It does sound more like a
45 traffic problem than it is a structure problem. You know I wanted to point
46 out the max, if you were to go back a few slides on that cover sheet that

1 showed the site plan again, the max you're looking at I think is 45 tenants
2 inside this building, so not 600. You know, to go to a problem of over
3 development, if you were to put in say eight structure houses on this
4 property. Do we think the traffic would be less with eight houses because
5 at the end of the day, remember, people aren't going to be throwing so many
6 parties - the rest of its cut off at the top. So I knew that just because I'd
7 drawn it. But I think I had 45 persons as the max occupancies on this
8 building. So you know, having that many houses you know you're going to
9 be more likely to have parties, house parties, you'll have yard space, you'll
10 have more people showing up to houses than you probably would
11 apartments, one could argue that. The nice part is the apartments are not
12 age restricted. So the good news is old people and all, young people, old
13 people are all allowed. So what's to say that this is going to be a community
14 of all young speeders. It's not in fact. People that might be paying this may
15 be of the elderly, especially since there is an elderly community center right
16 there. Which I'd also like to point out, is that not considered somewhat
17 commercial? I know it's zoned as a residential community center is
18 considered residential, but is that not also for the community? So in a sense
19 a community civil building. So you know, I feel like we're trying to be
20 responsible for other people's bad driving habits and that's what's restricting
21 us here. I'm not sure how that is.

22
23 Also, is there not a secondary easement or access to the Benavidez
24 Center? It's just not McClure, I believe there's a back road that also takes
25 you into it, correct. That is correct. Second Street, right. So there is a
26 secondary access there too. You know, besides the inconvenience of
27 having to possibly wait for somebody to turn into the building, you know
28 that's the only thing I can see that is real objection. You know again, the
29 units are done in such a way that they can only afford so many parking
30 spots. So I mean, we can look at that and there's 30 parking stalls. So that
31 is about how many you know transmuter vehicles are going to be through
32 there, besides the bike parking. So we're not talking a great deal of added
33 traffic, I don't believe. And it just i feels a little, we're in the door, close the
34 door behind us feeling, and at some point we have to, and that's what
35 Elevate is here and the City has to accept that to that Elevate is here to help
36 you know get these undeveloped areas up in densities. So to say that the
37 future is looking to develop these areas further, I'm for it too. Thank you.

38
39 Kaiser: Thank you. All right, that will, we've got one more, please come forward.
40 And state your name for the record, please.

41
42 Cardona: Melinda Cardona.

43
44 Kaiser: And do you swear or affirm that the testimony you're about to give is the
45 truth and nothing but the truth under penalty of law?
46

1 Cardona: Yes.

2
3 Kaiser: Please begin.

4
5 Cardona: I live on Carlyle. And I agree with all these people about the traffic because
6 I believe the ones that are talking about, that aren't concerned about the
7 traffic are the ones that don't live around there. So I don't understand like
8 what the construction, how they're going to expect us to get around. And
9 then traffic is already bad. So once like construction is there, I don't
10 understand like how we're supposed to get around. And then once these
11 apartments are there, there will be, the traffic will be bad. So it's just all
12 around it's a bad idea. Tha's all. Thank you.

13
14 Kaiser: Thank you very much. All right, I will go ahead and close public comment,
15 return back to the Commission. Are there any other questions or comments
16 from the Commissioners? I do want to kind of address a couple of points
17 that were brought up because I think it is important in this conversation. I
18 completely sympathize with the traffic safety concerns. It's not just McClure
19 it's all over the City. However, that is not a development problem. That is
20 an engineering and construction of the roadway problem. And I would hope
21 that staff in the City are listening to these concerns tonight, because I know
22 I have raised them at every possible opportunity. And there are things that
23 can be done right now to address these issues on McClure Road. So I hope
24 staff is listening. But I also encourage those in the audience to bring these
25 concerns to the Public Works Department. Let them hear it because this is
26 not a development problem from a traffic safety perspective. It is how the
27 roadway was engineered and designed and constructed.

28
29 I'm also just kind of trying to wrap my head around the fact that the density
30 is not right. The suburban neighborhood place type in Elevate Las Cruces
31 says that the gross density for multifamily development is 15 to 30 dwelling
32 units per acre. I understand that the zoning is zoned for R-1a, but there's a
33 process in place that allows this application to come forward and to be
34 vetted on its merits. And I think that alone is consistent with the
35 comprehensive plan. I think if you look at the location of this property, it's a
36 prime location to multiple schools. And in fact, it was brought up that it
37 actually is too close for busing to Alameda elementary school. So there's a
38 tremendous opportunity here to make this a very walkable, enjoyable route
39 for potential residents who might be attending Alameda Elementary School
40 to walk. They don't need a car. They can bike. Granted we have to fix the
41 underlying safety concerns of McClure Road and Alameda to make that a
42 reality to allow folks to be confident that they can send their kids to school
43 or walk them, you know walk with their kids to school. So I think the location
44 is a, you know just because it's going to be built doesn't mean that
45 everybody is going to be driving their car all the time. I believe that McClure
46 Road is identified as a bike boulevard in the Active Transportation Plan,

1 which means that it should, when it gets reconstructed, and hopefully that's
2 sooner rather than later, will actually provide viable, safe alternative forms
3 of transportation, which would address some of the traffic problems that
4 have been raised here. If you have people out biking and walking, you have
5 fewer people driving. You're also not far from downtown. Again, perfect
6 opportunity to allow folks to legitimately walk rather than drive. I'm also not
7 sure that there's anything in the Elevate Las Cruces or other policy
8 documents that say all multifamily development has to be right next to
9 multifamily development. That we can't have multifamily development in
10 single-family residential. There is a whole lot of language and policy
11 objectives in Elevate Las Cruces that says we want a mix of housing. So
12 those are I think some of the big comments I wanted to raise it. But I also
13 kind of wanted to go back to staff for a second. I'm still confused by what
14 staffs concerns are here, if you could elaborate a little bit more on that.
15

16 Abeyta-Corella: Chair, Commission. It's basically the increase of density to the amount
17 that it's going to. So like I said, staff was willing to support 15 units, where
18 it would go from R-1a to the same classifications as R-2. Because of the
19 surrounding area, going to R-3 kind of doesn't align with what is currently
20 existing. That was the stance and the main concern.
21

22 Kaiser: Okay, but then the other concern about the access.
23

24 Abeyta-Corella: The access. There's three points of like direct access to that area, which
25 is Second Street, Valley, and Alameda. So those would be the ways that
26 you go in. If there's an accident or anything in there, the concern is, is the
27 fire department based off of the size of the road, going to be able to provide
28 services in a timely manner.
29

30 Kaiser: But how many access points would we theoretically need? I mean three
31 access points is a heck of a lot more than most neighborhoods in the City.
32 So, I mean, what would staff want to see from that perspective?
33

34 Abeyta-Corella: I'm thinking probably about four, but the road that is existing is a collector,
35 so if it was developed to the standard that it's supposed to it would suffice.
36

37 Kaiser: Which theoretically would happen, correct.
38

39 Abeyta-Corella: Chair Commissioners. It would not be able to happen, because so many
40 owners already own the property and are developed up to the street. So
41 we wouldn't be able to add anything additional except for in front of the
42 property in question.
43

44 Kaiser: So the City's perspective is there's nothing we can do with McClure Road;
45 it's going to stay this way forever and ever because we lack the ability to

1 gain extra right-of-way. So because of that we're saying we can't do
2 additional development.
3
4 Abeyta-Corella: Chair, Commissioners. No. We support doing development just not to
5 the intensity and density proposed for this one.
6
7 Kaiser: Fair enough. Thank you.
8
9 Abeyta-Corella: You're welcome.
10
11 Kaiser: So just to I guess clarify our options here. If we were to add conditions, I
12 mean could we cap the number of units per acre as a condition?
13
14 Abeyta-Corella: Chair, Commissioners. Yes, you can.
15
16 Kaiser: Thank you. I don't have any further comments. I'll go back to my colleagues
17 to see if they have any final thoughts. All right, I will go ahead and make a
18 motion to approve item 8.3.
19
20 Bennett: I'll second.
21
22 Baum: Board Member Bennett.
23
24 Bennett: I vote to approve based on Elevate Las Cruces, this fills the missing middle,
25 it's compliant with the infill development, it was also approved by traffic, fire,
26 flood zone, and utilities.
27
28 Baum: Board Member Porter.
29
30 Porter: I vote to approve with conditions that it does go to 15 units.
31
32 Kaiser: I'll look to point of order, but I believe we can't do that. You would have had
33 to add the condition. Yes, no it's okay. You would have had to add the
34 condition prior to the motion and the second. So unfortunately, that's not
35 an option.
36
37 Porter: Okay. So then I wrote to deny on findings right now, right, based on staff
38 recommendations.
39
40 Baum: Board Member Murray.
41
42 Murray: I also vote to deny based on staff recommendations of the Elevate density.
43
44 Baum: Chair. You have a split vote. I believe that cancels.
45
46 Nichols: He hasn't vote yet.

1
2 Baum: My apologies. Chair Kaiser.

3
4 Kaiser: I vote to approve, based on that this is consistent with Elevate Las Cruces,
5 and that the other departments also recommended approval tonight.

6
7 Baum: Yes, we do have a split vote. And I believe it fails with a split vote.

8
9 Weir: Mr. Chair. Point of order. I believe that's the - you didn't get three votes to
10 approve the motion so it failed.

11
12 Kaiser: Very well. Thank you. All right, well I thank everyone for coming out tonight.
13 That's the final item on our agenda.

14
15 **9. STAFF ANNOUNCEMENTS**

16
17 Kaiser: So are there any staff announcements?

18
19 Weir: Mr. Chair. I believe with your packets Senior Planner Sara Gonzales sent
20 you a new template for the staff reports. Just to give you some background
21 on that, the City owns software that the City Council receives their
22 resolutions and ordinances, it does provide the ability for the Community
23 Development Department to provide you with staff reports in that manner.
24 So she provided a template for you to see if that would meet your needs, if
25 there was anything that was missing, or anything that needed to be provided
26 in addition to it. So if over the next couple of weeks if you take a look at that
27 and get back with Community Development, we would appreciate any input
28 you have on that format.

29
30 Kaiser: Excellent. And Mr. Weir, is there a specific deadline for this?

31
32 Weir: Mr. Chair. Not at this time. But my understanding is as soon as you agree
33 to a format we can work with the clerk's office and then start providing your
34 packets in that manner. It's something that you would then be able to
35 access them through the City's webpage. And it makes it easier for staff to
36 then convert those to any information that goes to Council. So we see
37 benefits to it and we hope you do too.

38
39 Kaiser: Very well. Thank you. And we will be sure to get our feedback in. Any other
40 announcements from staff?

41
42 Nichols: No.

43
44 **10. DISCUSSION**

45
46 Kaiser: Any other discussion for this evening?

1
2 Weir: Mr. Chair. I apologize. We plan to schedule Commission elections at your
3 next meeting. And so just to give you a heads up that that will be an agenda
4 item in July.
5

6 Kaiser: Excellent. Thank you.
7

8 **11. ADJOURNMENT (7:40)**
9

10 Kaiser: All right, and with that, I'll go ahead and make a motion to adjourn tonight.
11

12 Bennett: I'll second.
13

14 Kaiser: All in favor.
15

16 MOTION PASSES UNANIMOUSLY.
17

18 Kaiser: Meeting is adjourned. Thank you everyone for coming out this evening.
19 Appreciate it.
20
21
22
23

24
25 _____
Chairperson



City Council Action and Executive Summary

24-033

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A
1st Reading:	Adopted: October 2, 2023
Drafter:	Ken Miyagishima
Program:	Department: City Manager's Office
	Line of Business:
Title:	A RESOLUTION TO DESIGNATE FORMER CITY COUNCILOR AND FORMER MAYOR PRO TEMPORE GREGORY Z. SMITH AS GREGORY Z. SMITH, MAYOR PRO TEMPORE EMERITUS, IN ACCORDANCE WITH THE CITY COUNCIL EMERITUS/EMERITA PROGRAM.

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

PURPOSE(S) OF ACTION:
To honor former Councilor and Mayor Pro Tempore Smith.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
The City Council Emeritus/Emerita Program was implemented on January 19, 2010 to recognize former Mayor Pro Tempore and former City Councilors who continue to be leaders in the community.

Gregory Z. Smith, whose term ended December 31, 2019, was a former Councilor and former Mayor Pro Tempore. He was elected as a City Councilor in 2011 and 2015 as the District 2 representative. Mr. Smith, as a City Councilor, also served as Mayor Pro tempore for two, two-year terms starting in 2013 and 2015.

Through the City Council Emeritus/Emerita Program, former City Councilor and Mayor Pro Tempore Gregory Z. Smith will be designated *Gregory Z. Smith, Mayor Pro Tempore Emeritus*, as a well-deserved and distinctive honor in commemoration of his contributions to the City.

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

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

Does this action align with Elevate Las Cruces?

Agenda Item #8.1.

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and recognize Gregory Z. Smith as Mayor Pro Tempore Emeritus.
2. Vote "No"; this will not approve the Resolution nor recognize Gregory Z. Smith under the City Council Emeritus/Emerita Program.
3. Vote to "Amend"; this will allow the Council to modify and provide further direction to Staff.
4. Vote to "Table"; this will delay recognition and would require further direction to Staff.

RESOLUTION 24-033

A RESOLUTION TO DESIGNATE FORMER CITY COUNCILOR AND FORMER MAYOR PRO TEMPORE GREGORY Z. SMITH AS GREGORY Z. SMITH, MAYOR PRO TEMPORE EMERITUS, IN ACCORDANCE WITH THE CITY COUNCIL EMERITUS/EMERITA PROGRAM.

The City Council is informed that:

WHEREAS, Gregory Z. Smith was elected as City Councilor in 2011 by the citizens of Las Cruces to represent District 2 and provided exceptional leadership; and

WHEREAS, Gregory Z. Smith served as Mayor Pro Tempore for two, two-year terms starting in 2013 and 2015; and

WHEREAS, Gregory Z. Smith advocated for collaborations with the Las Cruces Public Schools, art in public places, the plaza and downtown revitalization, historic preservations, and numerous other programs and initiatives related to quality of life and opportunities in Las Cruces; and

WHEREAS, the designation of the honorary title of *Gregory Z. Smith, Mayor Pro Tempore Emeritus*, will serve as recognition of his past, present, and future contributions to the community.

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

(I)

THAT former City Councilor and former Mayor Pro Tempore, Gregory Z. Smith, is hereby given the honorary title of *Gregory Z. Smith, Mayor Pro Tempore Emeritus* in accordance with the City Council Emeritus/Emerita Program.

(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

Agenda Item #8.1.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS



24-034

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:	October 2, 2023
Drafter:	Charlie Fierro	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.		

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

PURPOSE(S) OF ACTION:

To accept awarded grants and adjust the FY24 budget.

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.

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" FY24 Fund Summary](#)
- [Exhibit "B" Grant Listing](#)
- [Attachment "A" 2023 MOWA Executed Agreement](#)
- [Attachment "B" 2023 Refridgerated Vehicles/Equipment Executed](#)
- [Attachment "C" 2023 Support Housing Executed](#)
- [Attachment "D" 2023 Veterans Memorial Park Improvements Executed](#)
- [Attachment "E" 2023 MVCOH Dental/Behavioral Suite Executed](#)
- [Attachment "F" 2023 LCPD Body Cameras Executed](#)
- [Attachment "G" 2024-KLCB Amended Grant Agreement](#)
- [Attachment "H" 2023 Federal Transit Administration Section 5307 Suballocation](#)

PLAN(S):

City Council Strategic Plan, Department Strategic Business Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

- ☒ Yes
- ☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: VARIOUS	AVAILABLE AMOUNT: VARIOUS	EXPENDITURE AMOUNT: 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.
2. Vote “No”; this will not approve the Resolution to adjust the budget 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 departments ability to utilize the funds and return the grant funds to the granting agency.

RESOLUTION 24-034

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.

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

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

Exhibit "A"

	2100 SPECIAL REVENUE REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 698,496	698,496	0	698,496
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	1,538	0	1,538
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	247,000	247,000	0	247,000
Federal Grants	14,620,646	14,721,028	0	14,721,028
State Grants	5,898,088	9,461,633	287,621	9,749,254
Local Grants	26,065	28,377	4,200	32,577
Debt Service	0	0	0	0
Total Revenues	20,791,799	24,459,576	291,821	24,751,397
TOTAL RESOURCES	\$ 21,490,295	25,158,072	291,821	25,449,893
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	10,000,000	9,954,440	175,000	10,129,440
Legal	0	0	0	0
Las Cruces Police Department	2,707,818	2,766,077	75,000	2,841,077
Las Cruces Fire Department	1,314,070	1,043,795	0	1,043,795
Utilities	875,000	1,253,926	0	1,253,926
Economic Development	2,497,596	5,497,596	0	5,497,596
Internal Audit	0	0	0	0
Assistant City Manager-400	501,795	581,508	0	581,508
Human Resources	0	0	0	0
Financial Services	412,656	412,656	0	412,656
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	9,793	346,713	37,621	384,334
Community Development	338,931	398,550	0	398,550
Quality of Life	1,769,141	1,902,890	4,200	1,907,090
Public Works	365,000	348,895	0	348,895
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,791,800	24,507,046	291,821	24,798,867
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 698,495	651,026	0	651,026

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	5,959,752	0	5,959,752
State Grants	12,716,645	12,052,945	300,000	12,352,945
Local Grants	851,264	861,264	0	861,264
Debt Service	0	0	0	0
Total Revenues	20,676,047	18,873,961	300,000	19,173,961
TOTAL RESOURCES	\$ 20,676,047	18,873,961	300,000	19,173,961
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	330,000	0	330,000
Utilities	0	0	0	0
Economic Development	876,147	1,776,147	0	1,776,147
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	3,820,138	0	3,820,138
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	15,776,031	12,576,961	300,000	12,876,961
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,676,047	18,873,246	300,000	19,173,246
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)	715	0	715

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

Exhibit "A"

	5920 TRANSIT OPERATING 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ (541,492)	(541,492)	0	(541,492)
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	767,000	767,000	0	767,000
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	12,115	0	12,115
Federal Grants	1,363,171	1,363,171	3,046,508	4,409,679
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	2,130,171	2,142,286	3,046,508	5,188,794
TOTAL RESOURCES	\$ 1,588,679	1,600,794	3,046,508	4,647,302
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	4,555,730	6,105,807	3,046,508	9,152,315
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 4,555,730	6,105,807	3,046,508	9,152,315
Other Resources				
Operating Transfers In	3,991,355	3,991,355	0	3,991,355
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 3,991,355	3,991,355	0	3,991,355
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,024,304	(513,658)	0	(513,658)

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

Exhibit "A"

	5923 TRANSIT CAPITAL			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 7,608,979	7,608,979	0	7,608,979
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	19,699,498	19,687,566	5,721,073	25,408,639
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	19,699,498	19,687,566	5,721,073	25,408,639
TOTAL RESOURCES	\$ 27,308,477	27,296,545	5,721,073	33,017,618
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	23,586,799	23,586,799	6,753,091	30,339,890
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	2,759,945	2,748,013	0	2,748,013
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 26,346,744	26,334,812	6,753,091	33,087,903
Other Resources				
Operating Transfers In	870,618	870,618	0	870,618
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 870,618	870,618	0	870,618
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,832,351	1,832,351	(1,032,018)	800,333



CITY OF LAS CRUCES

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

Today's Date: 08/21/2023

Grant Team Representative: Crystal Silva

Application Submission Date: 4/21/23

Council Budget Adjustment Date: 10/02/2023

Requested Amount: 4200.00

Amount of Award: \$ 4,200.00

Award Notification Date: 06/08/2023

Grant Agreement #:

Funding Agency: Meals on Wheels- Loves Pets

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: 2023 Story Telling Grant Program



Type of Funding: Other Operating

Type of Grant: Competitive

Grantor Type: Other/Foundation

Match Amount:

Match Description: No Match Required-Provided

Match Percent/Ratio:

Match Source:

Grant Effective Date: 04/03/2023

Grant Reversion Date: 06/07/2024

Starting Fiscal Year of Grant: FY2024

Grant Scope of Work:

Provide coordinated outreach and advertising services to effectively communicate services offered and increase participation.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: Quality of Life

Line of Business: Senior Programs

Program: Senior Programs

Project Manager: Maria McGill

Email: mmcgill@lascruces.gov

Phone: 575-541-2006

MUNIS Dept. Number: 540

ACCOUNT STRINGS:

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

• 2100-20354001-599300-XXXXX: \$4,200

• 2100-2100-291000-XXXXX: \$4,200

• 2100-20354001-701040-XXXXX: \$1,000

Project# 24058

• 2100-20354001-701060-XXXXX: \$500

• 2100-20354001-721080-XXXXX: \$2,700

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☐

Revenue Collected in Advance: ☒

Grant Application #: _____

Project Code # 24058

Set-Up Date: 08/21/2023

Date to Accounting: 08/21/2023

Accounting Department Info:

Strung by Josie trevino
Project# 24058



CITY OF LAS CRUCES

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

Today's Date: 09/07/2023
Application Submission Date:
Requested Amount:
Award Notification Date:
Funding Agency: NMDFA (New Mexico Department of Finance and Administration)

Grant Team Representative: Crystal Silva
Council Budget Adjustment Date:
Amount of Award: \$75,000.00
Grant Agreement #: 23-ZH9197

CFDA #: **Funder MUNIS CID #:**

PROJECT INFORMATION

Grant Project Title: MVCOH Refrigerated Vehicles/Equipment
Type of Funding: State Legislative Outlay
Grantor Type: State
Match Description: No Match Required-Provided
Match Source:
Grant Effective Date: 07/01/2023
Starting Fiscal Year of Grant: FY2024

☒ **Type of Grant:** Legislative Appropriation
☒ **Match Amount:**
Match Percent/Ratio:
Grant Reversion Date: 06/30/2024

Grant Scope of Work:
 SEVENTY-FIVE THOUSAND (\$75,000.00) to purchase and equip refrigerated vehicles to collect food to be used to feed the homeless population in Las Cruces.

Does this grant involve Sub-Grantees or Pass Through Grants: ☐ YES ☒ NO

DEPARTMENT INFORMATION

Department: Housing & Neighborhood Services
Program:
Email: cvillanueva@lascruces.gov
MUNIS Dept. Number:

Line of Business:
Project Manager: Cynthia Villanueva
Phone: 575-541-2428

ACCOUNT STRINGS:

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

2100-20430021-599200-\$75,000.00 2100-20430021-807000-\$75,000.00

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒ **Revenue Collected in Advance:** ☐

Grant Application #: _____ **Project Code #** 23197
Set-Up Date: 09/13/2023 **Date to Accounting:** _____

Josie Trevino

Accounting Department Info:



CITY OF LAS CRUCES

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

Today's Date: 09/07/2023
Application Submission Date:
Requested Amount:
Award Notification Date:
Funding Agency: NMDFA (New Mexico Department of Finance and Administration)

Grant Team Representative: Crystal Silva
Council Budget Adjustment Date:
Amount of Award: \$ 100,000.00
Grant Agreement #: 23-ZH9198

CFDA #: **Funder MUNIS CID #:**

PROJECT INFORMATION

Grant Project Title: MVCOH Support Housing Junior Bill
Type of Funding: State Legislative Outlay ☒ **Type of Grant:** Legislative Appropriation ☒
Grantor Type: State ☒ **Match Amount:**
Match Description: No Match Required-Provided **Match Percent/Ratio:**
Match Source:
Grant Effective Date: 07/01/2023
Starting Fiscal Year of Grant: FY2024 **Grant Reversion Date:** 06/30/2024

Grant Scope of Work:
 ONE HUNDRED THOUSAND (\$100,000.00) to contract for supportive housing to the homeless population with disabilities and their families in Las Cruces.

Does this grant involve Sub-Grantees or Pass Through Grants: ☐ YES ☒ NO

DEPARTMENT INFORMATION

Department: Housing & Neighborhood Services **Line of Business:**
Program: **Project Manager:** Cynthia Villanueva
Email: cvillanueva@lascruces.gov **Phone:** 575-541-2428
MUNIS Dept. Number:

ACCOUNT STRINGS:

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

2100-20430021-599200-\$100,000.00 2100-20430021-721080-\$100,000.00

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒ **Revenue Collected in Advance:** ☐

Grant Application #:	Project Code # 23198
Set-Up Date: 09/13/2023	Date to Accounting: 09/08/2023
Josie Trevino	
Accounting Department Info:	



CITY OF LAS CRUCES

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

Today's Date: 09/06/2023
Application Submission Date:
Requested Amount:
Award Notification Date:
Funding Agency: NMDFA (New Mexico Department of Finance and Administration)

Grant Team Representative: Crystal Silva
Council Budget Adjustment Date:
Amount of Award: \$175,000.00
Grant Agreement #: 23-ZH9200

CFDA #: **Funder MUNIS CID #:**

PROJECT INFORMATION

Grant Project Title: 2023 Veterans Memorial Park Improvements
Type of Funding: State Legislative Outlay
Grantor Type: State
Match Description: No Match Required-Provided
Match Source:
Grant Effective Date: 07/01/2023
Starting Fiscal Year of Grant: FY2024

Type of Grant: Legislative Appropriation
Match Amount:
Match Percent/Ratio:
Grant Reversion Date: 06/30/2024

Grant Scope of Work:

ONE HUNDRED SEVENTY-FIVE THOUSAND (\$175,000.00) for equipment and improvements to Veterans Memorial Park in Las Cruces.

Does this grant involve Sub-Grantees or Pass Through Grants: ☐ YES ☒ NO

DEPARTMENT INFORMATION

Department: Public Works
Program:
Email: larevalo@lascruces.gov
MUNIS Dept. Number:

Line of Business:
Project Manager: Liliana Arevalo
Phone: 575-541-2009

ACCOUNT STRINGS:

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

4100-40255004-599200-\$175,000.00 4100-40255004-805000-\$175,000.00

Proj#23200

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒ **Revenue Collected in Advance:** ☐

Grant Application #:	Project Code # 23200
Set-Up Date: 09/06/2023	Date to Accounting: 09/06/2023
Josie Trevino	
Accounting Department Info:	



CITY OF LAS CRUCES

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

Today's Date: 09/06/2023	Grant Team Representative: Crystal Silva	☐
Application Submission Date:	Council Budget Adjustment Date:	
Requested Amount:	Amount of Award: \$125,000.00	
Award Notification Date:	Grant Agreement #: 23-ZH9195	
Funding Agency: NMDFA (New Mexico Department of Finance and Administration)		

CFDA #:	Funder MUNIS CID #:
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PROJECT INFORMATION

Grant Project Title: 2023 (MVCOH) Mesilla Valley Community of Hope Equipment	☐	☐
Type of Funding: State Legislative Outlay	☒ Type of Grant: Legislative Appropriation	☐
Grantor Type: State	☒ Match Amount:	
Match Description: No Match Required-Provided	☒ Match Percent/Ratio:	
Match Source:		
Grant Effective Date: 07/01/2023		
Starting Fiscal Year of Grant: FY2024	☒ Grant Reversion Date: 06/30/2024	

Grant Scope of Work:
ONE HUNDRED TWENTY-FIVE THOUSAND (\$125,000.00) to furnish and equip a four-chair dental suite and six offices in the behavioral health suite, serving persons with serious mental health issues, experiencing homelessness and other socially or economically disadvantaged residents in Las Cruces.

Does this grant involve Sub-Grantees or Pass Through Grants: ☐ YES ☒ NO

DEPARTMENT INFORMATION

Department: Public Works	Line of Business:	
Program:	Project Manager: Liliana Arevalo	☐
Email: larevalo@lascruces.gov	Phone: 575-541-2009	☐
MUNIS Dept. Number:		

ACCOUNT STRINGS:

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

4100-40255005-599200-\$125,000.00	4100-40255005-701180 (items under \$5,000.00)
	4100-40255005-808000 (items over \$5,000.00)

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒ Revenue Collected in Advance: ☐

Grant Application #:	Project Code # 23195
Set-Up Date: 09/06/2023	Date to Accounting:
Josie Trevino	
Accounting Department Info:	



CITY OF LAS CRUCES

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

Today's Date: 09/06/2023
Application Submission Date:
Requested Amount:
Award Notification Date:
Funding Agency: NMDFA (New Mexico Department of Finance and Administration)

Grant Team Representative: Crystal Silva
Council Budget Adjustment Date:
Amount of Award: \$75,000.00
Grant Agreement #: 23-ZH9201

CFDA #: **Funder MUNIS CID #:**

PROJECT INFORMATION

Grant Project Title: LCPD Body Cameras
Type of Funding: State Legislative Outlay
Grantor Type: State
Match Description: No Match Required-Provided
Match Source:
Grant Effective Date: 07/01/2023
Starting Fiscal Year of Grant: FY2024

Type of Grant: Legislative Appropriation
Match Amount:
Match Percent/Ratio:
Grant Reversion Date: 06/30/2024

Grant Scope of Work:
 SEVENTY-FIVE THOUSAND (\$75,000.00) to purchase body cameras for the Las Cruces Police Department.

Does this grant involve Sub-Grantees or Pass Through Grants: ☐ YES ☒ NO

DEPARTMENT INFORMATION

Department: LCPD (Las Cruces Police Department)
Program:
Email: lpadilla@lascruces.dov
MUNIS Dept. Number:

Line of Business:
Project Manager: Laurie Padilla-Nunley
Phone: 575-528-4135

ACCOUNT STRINGS:

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

2100-20132001-599200-\$75,000.00 2100-20132001-701180-\$75,000.00

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒ **Revenue Collected in Advance:** ☐

Grant Application #:	Project Code # 23201
Set-Up Date: 09/12/2023	Date to Accounting: 09/12/2023
Josie Trevino	
Accounting Department Info:	



CITY OF LAS CRUCES

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

Today's Date: 09/13/2023

Grant Team Representative: Crystal Silva

Application Submission Date: 8/9/23

Council Budget Adjustment Date: 10/02/2023

Requested Amount: \$37,620.76

Amount of Award: \$ 37,620.76

Award Notification Date: 08/09/2023

Grant Agreement #:

Funding Agency: New Mexico Tourism Department

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: FY24 Clean and Beautiful Grant-Keep Las Cruces Beautiful

Type of Funding: State Operating

Type of Grant: Competitive

Grantor Type: State

Match Amount: \$ 9,405.19

Match Description: Local Cash Match

Match Percent/Ratio: 25%

Match Source: 1000 - 10245002- 721075-23059

Grant Effective Date: 08/18/2023

Grant Reversion Date:

Starting Fiscal Year of Grant: FY2024

Grant Scope of Work:

Funds will be used to end littering, reduce waste, beautify communities, empower youth and increase program capacity.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: Parks & Recreation

Line of Business: Keep Las Cruces Beautiful

Program: Keep Las Cruces Beautiful

Project Manager: Amelia Corrales

Email: acorrales@lascruces.gov

Phone: 575-541-2454

MUNIS Dept. Number:

ACCOUNT STRINGS:

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

Match Account - 1000 - 10245002- 721075 - \$9,405.19 (25%)

Revenue Account - 2100-20245002 - 599200-23059- \$37,620.76

Expenditure Accounts - 2100-20245002-760000-23059-\$2,700

2100-20245002-721080-23059-\$15,520

2100-20245002-701000-23059-\$19,055.76

2100-20245002-721060-23059-\$345.00

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: _____

Project Code # 24059

Set-Up Date: 09/13/2023

Date to Accounting: 09/13/2023

Accounting Department Info:

Josie Trevino



CITY OF LAS CRUCES

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

Today's Date: 09/13/2023

Grant Team Representative: Crystal Silva

Application Submission Date: 9/13/23

Council Budget Adjustment Date: 10/02/2023

Requested Amount: \$3,046,508

Amount of Award: \$ 3,046,508.00

Award Notification Date:

Grant Agreement #:

Funding Agency: Federal Transit Administration (FTA)

CFDA #:

Funder MUNIS CID #: 12

PROJECT INFORMATION

Grant Project Title: FY 2022 FTA Section 5307 Formula Apportionment

Type of Funding: Federal Operating

Type of Grant: Non-Competitive/Entitlement Recurring

Grantor Type: Federal

Match Amount:

Match Description: Local Cash Match

Match Percent/Ratio: Various

Match Source: 5920 - Transit Operations

Grant Effective Date: 09/13/2023

Grant Reversion Date:

Starting Fiscal Year of Grant: FY2023

Grant Scope of Work:

Provide 100% of eligible operating expenses for the full FY 2023 or until fully expended.
Pre-award authority allowed.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: City Manager

Line of Business: Transit

Program: RoadRUNNER Transit

Project Manager: Mike Bartholomew

Email: mbartholomew@lascruces.gov

Phone: 575-541-2537

MUNIS Dept. Number:

ACCOUNT STRINGS:

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

See attachment.

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: _____

Project Code # 24307 _____

Set-Up Date: 09/13/2023 _____

Date to Accounting: 09/13/2023 _____

Accounting Department Info:

Josie Trevino



CITY OF LAS CRUCES

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

Today's Date: 09/13/2023
Application Submission Date: 9/13/23
Requested Amount: \$5,721,073
Award Notification Date:
Funding Agency: Federal Transit Administration (FTA)

Grant Team Representative: Crystal Silva
Council Budget Adjustment Date: 10/02/2023
Amount of Award: \$ 5,721,073.00
Grant Agreement #:

CFDA #: **Funder MUNIS CID #: 12**

PROJECT INFORMATION

Grant Project Title: FFY2022 Low-and-No-Emission Grant +
Type of Funding: Federal Operating **Type of Grant:** Competitive
Grantor Type: Federal **Match Amount:** \$ 1,032,018.00
Match Description: Local Cash Match **Match Percent/Ratio:** varies
Match Source: 5920 - Transit Operations +
Grant Effective Date: 09/13/2023
Starting Fiscal Year of Grant: FY2023 **Grant Reversion Date:**

Grant Scope of Work:

The City of Las Cruces will receive funding to replace aging diesel buses with battery-electric buses, purchase electric chargers, and create and maintain well-paying jobs.
 Pre-award authority allowed.

Does this grant involve Sub-Grantees or Pass Through Grants: ☐ YES ☒ NO

DEPARTMENT INFORMATION

Department: City Manager **Line of Business:** Transit +
Program: RoadRUNNER Transit **Project Manager:** Mike Bartholomew +
Email: mbartholomew@lascruces.gov **Phone:** 575-541-2537 +
MUNIS Dept. Number:

ACCOUNT STRINGS:

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

See attachment.

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☒ **Revenue Collected in Advance:** ☐

Grant Application #: _____	Project Code # 24139
Set-Up Date: 09/13/2023	Date to Accounting: 09/13/2023
Accounting Department Info: Josie Trevino	



MEMORANDUM

To: Ifo Pili, City Manager
From: Cynthia Alamillo, Grant Manager
Initials: CA
Date: August 16, 2023
File#: GAP #24-014
Subject: Request for Signature to accept the Meals on Wheels Loves Pets Story Telling Grant Award Agreement for Senior Programs

Please sign below to accept the FY24 Meals on Wheels Loves Pets Story Telling Grant Award in the amount of \$4,200 for Senior Programs, Quality of Life Department.

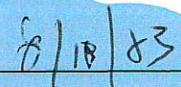
This award will provide coordinated outreach and advertising services to effectively communicate services offered and increase participation. This will also enable an increase in website traffic, integrate existing marketing campaigns to include Food 4 Paws, and increase participation and awareness of the Food 4 Paws program.

Professional photos, creative story writing, and increased exposure of the program in local media and social media will be useful during pet food donation drives to help boost the amount of participation from local businesses and organizations.

Please return to the Grants Administration Program by Thursday August 31, 2023. If there are any questions, please feel free to contact me at 541-2430.

REVIEWED:


 Ifo Pili, City Manager


 Date

Attachments: Meals on Wheels America Agreement

cc: Jacqueline Rubalcava, Budget & Grant Administrator
cc: Carol Brey, Director of Public Works
cc:  Linda Samples, City Attorney
cc: Sonya Delgado, Assistant City Manager

Initials:  JR Aug 16, 2023
Initials:  CAB Aug 16, 2023
Initials:  JFG
Initials:  SD



AGREEMENT FOR PARTICIPATION IN THE MEALS ON WHEELS LOVES PETS 2023 STORYTELLING GRANT PROGRAM

This Agreement, effective as of April 3, 2023 ("Effective Date"), contains the Terms and Conditions agreed to and accepted by the undersigned Senior Nutrition Program ("Grantee") for participation in the Meals on Wheels Loves Pets 2023 Storytelling Grant Program ("Program") administered by Meals on Wheels America ("Association") and for the eligibility for, and the receipt and use of, a grant from the Program. The Program is being made available to Members through a grant from PetSmart Charities®.

PROGRAM PURPOSES

A Program Grant Award ("Grant" or "Grant Award") is being made to Grantee in an amount determined by the Association for participation by the Grantee in the Program and for the purposes outlined in more detail in this Agreement and the [Storytelling Grant Overview](#) ("Overview").

GRANT AWARD TERMS AND CONDITIONS

Grantee hereby accepts and agrees to the Program Grant Award in the amount specified by the Association and for the specific purposes approved by the Association ("Project"), and further, accepts and agrees to abide by, and where applicable, certifies that it meets, the following Terms and Conditions:

- A. The organization shall meet all of the following eligibility requirements:
 - a. Grantee shall be a Member of Meals on Wheels America in good standing and remain in good standing through at least December 31, 2024 (this requirement shall survive beyond the Term of this Agreement).
 - b. Grantee is strongly encouraged to have completed the 2023 Member Benchmarking Survey prior to the grant award.
 - c. Grantee shall have an active nonprofit or government tax status.
 - d. Grantee shall provide evidence of the current [Meals on Wheels America Member Badge](#) (or [licensed local version of the national brand](#)) displayed on their organization's website.
 - e. Grantee shall comply with the terms and conditions stated herein, and any other terms that may be contained in the Overview.
- B. Grantee must expend all Program Grant funds by Friday, June 7, 2024 in order to meet the reporting deadlines provided for below. Program Grant funds may be expended only for such purposes as outlined below.
- C. Grant Awards will be distributed in one disbursement following Grantee's acceptance of this Agreement.

- D. Grantee shall submit to the Association an Interim Report by Friday, December 1, 2023 and a Final Report as directed by the Association outlining the outcomes of the Grant Award funds. Documentation supporting expenditures will be required with the submission of the Final Report. The Final Report may be submitted earlier if Grantee has expended its Grant Award and has enough data to report on the actual impact of the Grant.
 - a. In the Interim Report, Grantee shall provide an update on all grant activities, including the creation of new media assets, as described in the Overview.
 - b. In the Final Report, Grantee shall demonstrate that activities, including the creation and application of new media assets, were completed during the grant period, as described in the Overview.
 - c. In no event shall the Final Report be submitted later than 5:00 p.m. Eastern Time, Friday, June 28, 2024 (unless extended by Association).
- E. Grantee's acceptance of this Agreement is a prerequisite to receiving a Grant. Grant funds may be used for legitimate programmatic purposes not inconsistent with this Agreement or the Overview to support marketing and fundraising efforts for the Grantee's pet program.
- F. Grantee agrees to acquire [a photo release form](#) for each client or volunteer who is identifiable in any photographs, videography or any other media created using the Grant funds. Such photo release shall be as provided by the Association and may be amended to include Grantee.
- G. Grant funds will only be disbursed to Grantees who agree to expend the funds in a manner consistent with, and only for the purposes described, in this Agreement and in the Overview.
- H. The decision to award a Grant to Grantee, and the amount of such Grant, is that of the Association and is final and uncontestable.
- I. Grantee agrees to submit this executed Agreement and the Final Report required hereunder by filing on Association's online grants management system or by such other means as approved by the Association. All questions regarding this Grant Program shall be submitted to grants@mealsonwheelsamerica.org. The Association grants a limited license to Grantee for the use of the Association's online grant system solely for the purposes of compliance with this Agreement. Grantee certifies its compliance with the terms and conditions applicable to the use of the online grant management system.
- J. All reports and documentation submitted to the Association shall become the property of the Association to be used as it deems appropriate without further approvals from Grantee, and because information relating to Grantee's Project may be made public, the Association requires that the narrative portions of Grantee's Interim and/or Final Reports be drafted without confidential information. The Association reserves the right to seek supplemental information for any Report.

Agenda Item #8.2.

- K. Grantee agrees to participate in conference calls of Grantees to update progress on the Program as may be called by the Association.
- L. Grantee shall meet deadlines as provided for herein.
- M. Grantee shall comply with any reasonable data security and privacy policies and requirements provided to Grantee by Association. As may be applicable, Grantee agrees to participate in such Program evaluations as may be outlined in the Overview. In order to effectuate such evaluations, Grantee agrees to share with Association certain socioeconomic, process and outcome data as provided for in the Overview or as subsequently reasonably requested by Association.
- N. Grantee represents and warrants that to the extent it collects, receives, stores or gains access to personally identifiable information ("PII") or Protected Health Information ("PHI") in the context of the Program, it will comply with all applicable state and federal data privacy and security laws and regulations applicable to PII and/or PHI, as applicable to the Program, including without limitation but not limited to, the Health Insurance Portability and Accountability Act ("HIPAA") as amended. Grantee shall have in place and will maintain, appropriate and adequate administrative, technical, and physical safeguards to: (i) ensure the security and confidentiality of the PII and/or PHI; (ii) protect against any anticipated threats to the security or integrity of the PII and/or PHI; (iii) protect against unauthorized access to or use of the PII and/or PHI that could result in substantial harm to MOWA, Grantee or to any individual; and (iv) ensure the proper disposal of personal information as required by applicable law. Grantee shall ensure that the above-referenced safeguards comply with the requirements of all data and security and encryption-related federal and state laws applicable to Grantee.
- O. If the purchase of any equipment or services is anticipated, Grantee shall make an assessment of whether the use of the Association's group purchasing service would offer favorable pricing for such equipment or services being purchased with Program Grant funds (Grantee may be required to register to participate in the Association's group purchasing program; please contact grants@mealsonwheelsamerica.org for more information). Grantee is not required to use the Association's group purchasing services; however, Grantee acknowledges that if it chooses to pay a higher price for its purchase(s) from a vendor other than through an Association group purchasing vendor, the Association may elect to only provide Grant funds in an amount equal to the lowest price for such purchase. Any savings accrue to the Grantee.

SATISFACTORY PERFORMANCE AND VIOLATION OF TERMS OR CONDITIONS

The Association reserves the right to withhold a future disbursement (and to seek recovery of previously disbursed funds) and/or terminate the participation of a Grantee in the Program if, in the Association's sole discretion, Grantee fails to:

- A. Satisfactorily or consistently perform its obligations under this Agreement, Grant Award or the Application, including but not limited to failing to meet deadlines or failing to provide sufficient reports when due;

Agenda Item #8.2.

- B. Adhere to the terms and conditions contained in this Agreement;
- C. Use funds in a manner consistent with this Agreement, the Application, the Project or Program or for the purposes approved by the Association;
- D. Uphold the ethical standards applicable to Meals on Wheels Member programs generally; or,
- E. Cure a breach of such terms or conditions in a reasonable time following notice by the Association.

If any of these circumstances arise or come to the attention of the Association following the disbursement of Grant funds, Grantee agrees to refund to the Association upon request any and all Program Grant funds provided to it by the Association. If Grantee fails to refund such funds to the Association as may be requested by the Association, the Association shall seek to recover such funds through all means available to it. This Section shall survive the termination of this Agreement.

GRANT PERIOD TERM AND TERMINATION

The Term of this Agreement and the Grant Award hereunder shall begin on the Effective Date specified above and end when the activities associated with Grantee's Project are completed, but no later than 5:00 p.m. Eastern Time, Friday, June 28, 2024 (subject to submission of a Final Report and final approval by Association) unless extended by the Association or sooner terminated for reasons as provided for herein. If Grantee terminates its participation in the Grant Program prematurely, then all funds provided by Association to Grantee shall be returned to the Association.

USE OF FUNDS; PROGRAM GRANT AWARD MODIFICATIONS

Grantee shall use the full amount of the Grant funding only for the purposes set forth in this Agreement, Grant Award or the Application. The Grantee agrees not to use any portion of the Grant or any income derived from the Grant for the following:

- A. To carry on propaganda or otherwise attempt to influence legislation within the meaning of Section 4945(d)(1) of the Internal Revenue Code, as amended ("Code");
- B. To influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive within the meaning of Section 4945(d)(2) of the Code;
- C. To provide a grant to an individual for travel, study, or similar purpose within the meaning of Section 4945(g) of the Code. Payments of salaries, other compensation, or expense reimbursement to employees of the Grantee within the scope of their employment do not constitute "grants" for these purposes and are not subject to these restrictions;
- D. To provide a grant to any other organization without prior written approval of the Association; or

- E. To promote or engage in criminal acts of violence, terrorism, hate crimes, the destruction of any state, or discrimination on the basis of race, national origin, religion, military and veteran status, disability, sex, age, or sexual orientation, or support of any entity that engages in these activities.

If a Program Grant Award amount is different from the amount requested by Grantee in its proposal, Grantee may be required to submit to the Association a revised budget using the same format as the previously submitted budget and to make such other changes to the proposal as requested by the Association.

IDENTIFICATION OF GRANT MANAGER; MONITORING AND NOTIFICATIONS OF CHANGES

If required by Association, Grantee shall identify a Grant Manager for the Project and submit all contact information for that Grant Manager to the Association through its online grants management system or to grants@mealsonwheelsamerica.org. Activities and results will be monitored through regular contacts between the Grant Manager and the Association. Grantee shall notify the Association of any changes that may affect the status of the Project, including changes in Grant Manager, other staffing or Project plan changes, through email at grants@mealsonwheelsamerica.org.

FINANCIAL RECORDS

Grantee agrees to maintain financial records of expenditures of Grant Award funds for a period not less than three years and respond to inquiries and/or provide an accounting of the use of such funds if requested by the Association. This Section shall survive the term of this Agreement.

PUBLIC DISCLOSURE, PUBLIC PRESENTATION AND MATERIALS

Grantee hereby permits the Association to disclose Grantee's name, Project, Grant Award, or Final Report in public communications without advance notification to Grantee. Grantee agrees that it shall make no public announcement regarding the Grant Award, or use the Association's or PetSmart Charities' name in a press release or related disclosure without the advance approval of the Association and PetSmart Charities. Association may ask selected Grantees to make a public presentation about their Project and use of their Program Grant Award. Because information relating to Grantee's Project may be made public, the Association requires that the narrative portions of Grantee's Reports be drafted without confidential information. Further, if applicable, Grantee on behalf of the Association, PetSmart Charities and Grantee itself shall obtain valid photography/videography releases from any individuals identifiable in any photographs or videos submitted to the Association. This Section shall survive the term of this Agreement.

INDEMNIFICATION

To the extent provided by law, Grantee agrees to defend, indemnify and hold harmless Association from and against all claims, actions or causes of action, liabilities, including reasonable attorneys' fees, and costs arising from any claim, action, cause of action, or liabilities

arising out of or resulting from the use of the Grant, or the negligence or misconduct of Grantee relating to the use of the Grant. This Section shall survive the term of the Agreement.

MODIFICATIONS TO THIS AGREEMENT

The Association reserves the right to modify and amend this Agreement and terms and conditions at any time. The Association will seek, but is not required, to notify Grantee of any amendments to this Agreement; it is the Grantee's obligation to access and review the terms and conditions contained in this Agreement that may be in effect at any given time.

SAVINGS CLAUSE, INDEPENDENT ACTIONS AND INTELLECTUAL PROPERTY

Any other requirements imposed on Grantee specified in the application or in communications from the Association are hereby incorporated by reference in this Agreement. Any Project activities undertaken by the Grantee shall be considered to be done on an independent basis and the Association shall assume no responsibility and liability whatsoever for such activities. All intellectual property, including but not limited to this Agreement, the Application, and the grants management system, as well as any new processes, data, publications or findings created or derived as a result of this Grant Award, is or shall become the property of the Association, and cannot be sold or otherwise used for pecuniary gain by Grantee without the advance written consent of the Association. All uses of the Association's name and logo shall be subject to prior approval of the Association, shall be undertaken in a manner consistent with the guidelines or directions of the Association, and shall inure to the benefit of the Association.

ELECTRONIC AGREEMENT AND SIGNATURE

Grantee acknowledges and agrees that it consents to the use of electronic communications in connection with this transaction, that such consent has not been withdrawn, that such use is subject to the Federal Electronic Signature in Global and National Commerce Act, and that the Parties intend that the Act applies to the fullest extent possible to validate the agreement contemplated herein and the Parties' ability to enter into this agreement by electronic means. Grantee specifically acknowledges and agrees that any electronic signatures that Grantee provides through this online process are valid and enforceable as its legal signature, and that Grantee's electronic signature will legally bind it to the terms and conditions contained in this document just as if it had been physically signed with a pen. Association reserves the right, in its sole discretion, to terminate or change the terms and conditions by which it provides electronic communications, and will provide Grantee with notice of any termination or change as required by law. Grantee may request at no charge a paper copy of these terms and conditions and the name of the signatory and the date signed, and further, may withdraw its consent to this electronically-signed Agreement and the electronic signature at any time by notifying Association at 703-548-5558. Association will provide Grantee with notice of any termination or change as required by law. Withdrawal of Grantee's electronic signature terminates this Agreement immediately and the provisions of the Agreement Term and Termination Section above shall go into effect.

Agenda Item #8.2.

The individual executing this Agreement shall be, or shall act on behalf of, the Executive Director, President or CEO of Grantee Senior Nutrition Program. Such individual represents and warrants that the Grantee is a dues-paying General Member of Meals on Wheels America in good standing and that he/she has authority to execute this Agreement on behalf of the Grantee. The Grantee organization shall be bound to this Agreement and all of the terms and conditions for the Program and the Grant Award as contained herein as of the Effective Date.

Signature: 
Email: jrubalcava@lascruces.gov

Signature: 
Carol A. Brey (Aug 16, 2023 15:19 MDT)
Email: cbrey@lascruces.gov



**PHOTOGRAPHY, VIDEOGRAPHY AND SOUND RECORDING
AUTHORIZATION AND RELEASE**

I hereby authorize and grant to MEALS ON WHEELS AMERICA and [INSERT LOCAL ORGANIZATION’S NAME], their subsidiaries, affiliates, successors, assignees, licensees, partners, contractors and those acting on its authority (hereinafter collectively the “Meals on Wheels Grantees”) the unlimited right and permission to videotape, record and photograph my image, likeness, depiction, voice, sound effects, actions, performances of any kind and/or property including my name, and to use my name, any story, testimonial or interview comments voiced or provided by me, and any photograph, recording or video taken of me or my property or provided by me, in all forms and media (collectively “the Materials”) for any lawful purposes that may include but not be limited to the promotion and/or advertising of third party initiatives, relicensing or assignment of the rights herein, or for other commercial purposes, in any location, media or manner, and in perpetuity. Further, I hereby grant permission to the Meals on Wheels Grantees to edit, adapt and/or modify the Materials, and waive any right I may have to inspect, approve or to be credited for the Materials (which may be modified or unmodified) and any written copy that may be used with such Materials. I further waive, and release and discharge the Meals on Wheels Grantees from any claim for compensation of any kind for their use of the Materials now and in the future (and/or those of my minor children, if applicable).

I warrant that any story, testimonial or interview comments I provided accurately reflect my opinions and experiences and that the facts and comments are true and correct to the best of my knowledge and belief. I further warrant that any photographs or videos I may provide to the Meals on Wheels Grantees for their use were created by me and are my property without any rights or claims belonging to any third parties, such as a photographer.

I hereby fully and forever discharge and release the Meals on Wheels Grantees from any claim for damages of any kind (including but not limited to invasion of privacy, defamation, false light, infringement of moral rights, rights of publicity or copyright, or misappropriation of name, likeness or image) arising out of the possession, distribution, relicensing, assignment, use or publication of the Materials (and/or those of my minor children if applicable), and covenant not to sue or otherwise initiate legal proceedings on my own behalf or on behalf of my minor children against the Meals on Wheels Grantees for such use or publication. All grants of permission and consents, and all covenants, agreements and understandings contained herein are irrevocable. I further agree that this Authorization & Release expresses the complete understanding of the parties and shall be binding upon my heirs, legal representatives, executors, administrators, successors and assigns.

I warrant that I have the full power and authority to grant all of the rights conveyed herein; that I have read the above Authorization & Release and understand its terms and provisions; and that I am of legal age in this state and have the right to contract in my own name. For valuable consideration, the receipt of which I hereby acknowledge, I agree to and hereby sign this Authorization and Release knowingly and voluntarily on behalf of myself and/or my minor children (if applicable, complete page 2).

Full Name: _____ Date of Birth: ____/____/____

Address: _____

Signature: _____ Date: ____/____/____

Witness Signature: _____ Date: ____/____/____

Agenda Item #8.2.

AUTHORIZATION AND RELEASE

PARENT/GUARDIAN CONSENT [IF UNDER 18]

NAME OF MINOR _____

I am the parent or legal guardian of the minor named above. On behalf of such minor and his/her heirs, executors and/or administrators, I have the legal right to consent to and do consent to the terms and conditions of this Authorization and Release, and hereby agree to indemnify and hold the Meals on Wheels Grantees against any claim of such minor or of his/her heirs, executors or administrators arising hereunder.

Parent/Guardian Name: _____

Parent/Guardian Address: _____

Parent/Guardian Signature: _____ Date: ____/____/____

Witness Signature: _____ Date: ____/____/____

QOL-2023 MOWA Story Telling

Final Audit Report

2023-08-16

Created:	2023-08-16
By:	Crystal Silva (csilva@las-cruces.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAhYaUpC98rBMJu5pAA3TyLFB4DxlwV61

"QOL-2023 MOWA Story Telling" History

-  Document created by Crystal Silva (csilva@las-cruces.org)
2023-08-16 - 8:50:39 PM GMT
-  Document emailed to jrubicava@lascruces.gov for signature
2023-08-16 - 8:53:00 PM GMT
-  Email viewed by jrubicava@lascruces.gov
2023-08-16 - 9:12:39 PM GMT
-  Signer jrubicava@lascruces.gov entered name at signing as Jacqueline Rubalcava
2023-08-16 - 9:15:56 PM GMT
-  Document e-signed by Jacqueline Rubalcava (jrubicava@lascruces.gov)
Signature Date: 2023-08-16 - 9:15:58 PM GMT - Time Source: server
-  Document emailed to cbrey@lascruces.gov for signature
2023-08-16 - 9:16:00 PM GMT
-  Email viewed by cbrey@lascruces.gov
2023-08-16 - 9:18:40 PM GMT
-  Signer cbrey@lascruces.gov entered name at signing as Carol A. Brey
2023-08-16 - 9:19:56 PM GMT
-  Document e-signed by Carol A. Brey (cbrey@lascruces.gov)
Signature Date: 2023-08-16 - 9:19:58 PM GMT - Time Source: server
-  Agreement completed.
2023-08-16 - 9:19:58 PM GMT

Agenda Item #8.2.

REIMBURSING AGENCY: Department of Finance and Administration
Business Unit: 341

APPROPRIATION RECIPIENT: CITY OF LAS CRUCES

APPROPRIATION NUMBER: 23-ZH9197

APPROPRIATION AMOUNT: \$75,000.00

REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE

SEVENTY-FIVE THOUSAND (\$75,000.00) to purchase and equip refrigerated vehicles to collect food to be used to feed the homeless population in Las Cruces. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

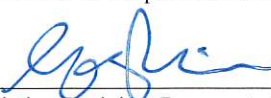
APPROPRIATION REIMBURSEMENT

The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

CERTIFICATION

I hereby certify that CITY OF LAS CRUCES

1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.



Ifo Pili, City Manager

Appropriation Recipient Representative

Date

7/21/23



Leann DeMouche, Finance Director

Appropriation Recipient CFO

Date

7/17/23

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9197 in the amount of \$75,000.00.



D891C24BB85B4E9

Wesley Billingsley

Director, Local Government Division

8/24/2023

Date

Agenda Item #8.2.

STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____

B. Address: _____
 (Complete Mailing, including Suite, if applicable)

 City, State, Zip _____

C. Contact Name/Phone #: _____

D. Grant No: _____

E. Project Title: _____

F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____

B. Grant Amount: \$0

C. AIPP Amount (If Applicable): \$0

D. Funds Requested to Date: \$0

E. Amount Requested this Payment: \$0

F. Reversion Amount (If Applicable): \$0

G. Grant Balance: \$0

H. ☐ GF

I. ☐ Final Request for Payment (if Applicable)

III. ☐ Fiscal Year : _____
 (The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐ **Compliance Certification:** Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

 Grantee Fiscal Officer
 or Fiscal Agent (if applicable)

 Grantee Representative

 Printed Name

 Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

 Division Fiscal Officer Date

 Division Project Manager Date

Business Unit: 341

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$0
Other Operating Expenses	\$0
Capital Expenses	\$0
Other	\$0
Total Amount of Appropriation Funds Expended	\$0

Describe the outcomes, results, benefit, and or uses of the appropriation funds

Agenda Item #8.2.

REIMBURSING AGENCY: Department of Finance and Administration
Business Unit: 341

APPROPRIATION RECIPIENT: CITY OF LAS CRUCES

APPROPRIATION NUMBER: 23-ZH9198

APPROPRIATION AMOUNT: \$100,000.00

REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE

ONE HUNDRED THOUSAND (\$100,000.00) to contract for supportive housing to the homeless population with disabilities and their families in Las Cruces. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

APPROPRIATION REIMBURSEMENT

The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

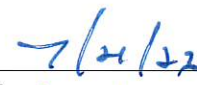
CERTIFICATION

I hereby certify that CITY OF LAS CRUCES

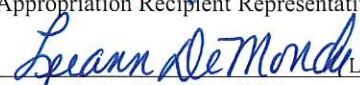
1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.



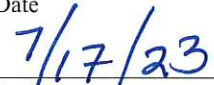
Ifo Pili, City Manager
Appropriation Recipient Representative



Date



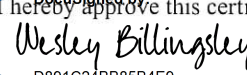
Leeann DeMouche, Finance Director
Appropriation Recipient CFO



Date

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9198 in the amount of \$100,000.00.



D891C24BB85B4E9...
Wesley Billingsley
Director, Local Government Division

8/24/2023

Date

Agenda Item #8.2.

STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____

B. Address: _____
 (Complete Mailing, including Suite, if applicable)

 City, State, Zip

C. Contact Name/Phone #: _____

D. Grant No: _____

E. Project Title: _____

F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____

B. Grant Amount: \$0

C. AIPP Amount (If Applicable): \$0

D. Funds Requested to Date: \$0

E. Amount Requested this Payment: \$0

F. Reversion Amount (If Applicable): \$0

G. Grant Balance: \$0

H. ☐ GF

I. ☐ Final Request for Payment (if Applicable)

III. ☐ Fiscal Year : _____

(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐

Compliance Certification: Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

 Grantee Fiscal Officer
 or Fiscal Agent (if applicable)

 Grantee Representative

 Printed Name

 Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____

Fund No.: _____

Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

 Division Fiscal Officer

 Date

 Division Project Manager

 Date

Business Unit: 341

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$0
Other Operating Expenses	\$0
Capital Expenses	\$0
Other	\$0
Total Amount of Appropriation Funds Expended	\$0

Describe the outcomes, results, benefit, and or uses of the appropriation funds

Signature: Jaqueline Rubalcava

Email: jrubalcava@las-cruces.org

Signature: Natalie Green
Natalie Green (Jul 14, 2023 13:47 MDT)

Email: ngreen@las-cruces.org

Agenda Item #8.2.

REIMBURSING AGENCY: Department of Finance and Administration
Business Unit: 341

APPROPRIATION RECIPIENT: CITY OF LAS CRUCES
APPROPRIATION NUMBER: 23-ZH9200
APPROPRIATION AMOUNT: \$175,000.00
REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE

ONE HUNDRED SEVENTY-FIVE THOUSAND (\$175,000.00) for equipment and improvements to Veterans Memorial park in Las Cruces. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

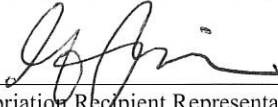
APPROPRIATION REIMBURSEMENT

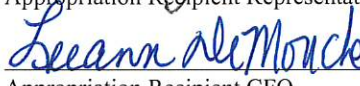
The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

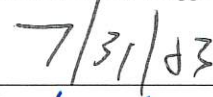
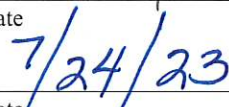
CERTIFICATION

I hereby certify that CITY OF LAS CRUCES

1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.

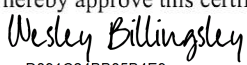

Ifo Pili, City Manager
Appropriation Recipient Representative


Leeann DeMouche, Finance Director
Appropriation Recipient CFO


Date

Date

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9200 in the amount of \$175,000.00.


D891C24BB85B4E9...
Wesley Billingsley
Director, Local Government Division

8/24/2023
Date

Agenda Item #8.2.

STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____

B. Address: _____
 (Complete Mailing, including Suite, if applicable)

 City, State, Zip _____

C. Contact Name/Phone #: _____

D. Grant No: _____

E. Project Title: _____

F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____

B. Grant Amount: \$0

C. AIPP Amount (If Applicable): \$0

D. Funds Requested to Date: \$0

E. Amount Requested this Payment: \$0

F. Reversion Amount (If Applicable): \$0

G. Grant Balance: \$0

H. ☐ GF

I. ☐ Final Request for Payment (If Applicable)

III. ☐ Fiscal Year : _____

(The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐

Compliance Certification: Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

 Grantee Fiscal Officer
 or Fiscal Agent (if applicable)

 Grantee Representative

 Printed Name

 Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

 Division Fiscal Officer

 Date

 Division Project Manager

 Date

Business Unit: 341

Appropriation Recipient: _____

Appropriation Number:

Use of Appropriation Funds	Amount
Personnel Expenses	\$0
Other Operating Expenses	\$0
Capital Expenses	\$0
Other	\$0
Total Amount of Appropriation Funds Expended	\$0

Describe the outcomes, results, benefit, and or uses of the appropriation funds

Signature: Jaqueline Rubalcava

Email: jrubalcava@las-cruces.org

Signature: David Sedillo
David Sedillo (Jul 24, 2023 07:24 MDT)

Email: dsedillo@las-cruces.org

Agenda Item #8.2.

REIMBURSING AGENCY: Department of Finance and Administration
Business Unit: 341

APPROPRIATION RECIPIENT: CITY OF LAS CRUCES

APPROPRIATION NUMBER: 23-ZH9195

APPROPRIATION AMOUNT: \$125,000.00

REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE

ONE HUNDRED TWENTY-FIVE THOUSAND (\$125,000.00) to furnish and equip a four-chair dental suite and six offices in the behavioral health suite, serving persons with serious mental health issues, experiencing homelessness and other socially or economically disadvantaged residents in Las Cruces. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

APPROPRIATION REIMBURSEMENT

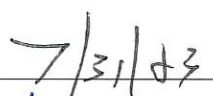
The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

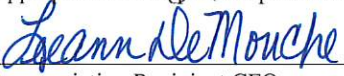
CERTIFICATION

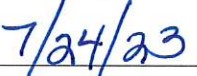
I hereby certify that CITY OF LAS CRUCES

1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.


Ifo Pili, City Manager
Appropriation Recipient Representative

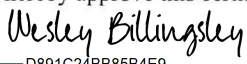

Date


Leeann DeMouche, Finance Director
Appropriation Recipient CFO


Date

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9195 in the amount of \$125,000.00.


D891C24BB85B4E9...
Wesley Billingsley
Director, Local Government Division

8/24/2023
Date

Agenda Item #8.2.

STATE OF NEW MEXICO
SB192 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

A. Grantee: _____

B. Address: _____
 (Complete Mailing, including Suite, if applicable)

 City, State, Zip _____

C. Contact Name/Phone #: _____

D. Grant No: _____

E. Project Title: _____

F. Grant Expiration Date: _____

II. Payment Computation

A. Payment Request No. _____

B. Grant Amount: \$0 _____

C. AIPP Amount (If Applicable): \$0 _____

D. Funds Requested to Date: \$0 _____

E. Amount Requested this Payment: \$0 _____

F. Reversion Amount (If Applicable): \$0 _____

G. Grant Balance: \$0 _____

H. ☐ GF

I. ☐ Final Request for Payment (if Applicable)

III. ☐ **Fiscal Year :** _____
 (The State of NM Fiscal Year is July 1, 20XX through June 30, 20XX of the following year)

IV. ☐ **Compliance Certification:** Under penalty of law, I hereby certify to the best of my knowledge and belief, the above information is correct; expenditures are properly documented, and are valid expenditures or actual receipts; and that the grant activity is in full compliance with Article IX, Sec. 14 of the New Mexico Constitution known as the "anti donation" clause.

 Grantee Fiscal Officer
 or Fiscal Agent (if applicable)

 Grantee Representative

 Printed Name

 Printed Name

Date: _____

Date: _____

(State Agency Use Only)

Vendor Code: _____ Fund No.: _____ Loc No.: _____

I certify that the State Agency financial and vendor file information agree with the above submitted information.

 Division Fiscal Officer Date

 Division Project Manager Date

Agenda Item #8.2.

REIMBURSING AGENCY: Department of Finance and AdministrationBusiness Unit: 341

STATE OF NEW MEXICO
SB192 Junior Appropriation
Final Report Form
Exhibit B

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$0
Other Operating Expenses	\$0
Capital Expenses	\$0
Other	\$0
Total Amount of Appropriation Funds Expended	\$0

Narrative*Describe the outcomes, results, benefit, and or uses of the appropriation funds*

Agenda Item #8.2.

REIMBURSING AGENCY: Department of Finance and Administration
Business Unit: 341

APPROPRIATION RECIPIENT: CITY OF LAS CRUCES

APPROPRIATION NUMBER: 23-ZH9201

APPROPRIATION AMOUNT: \$75,000.00

REVERSION DATE: June 30, 2024

APPROPRIATION LANGUAGE

SEVENTY-FIVE THOUSAND (\$75,000.00) to purchase body cameras for the Las Cruces police department. Funds unexpended by June 30, 2024, will be reverted to the State of New Mexico's general fund.

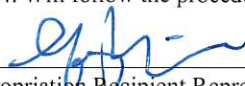
APPROPRIATION REIMBURSEMENT

The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 15, 2024. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

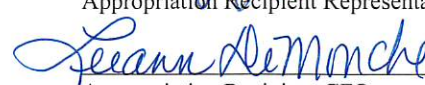
CERTIFICATION

I hereby certify that CITY OF LAS CRUCES

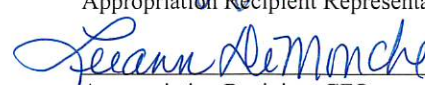
1. Will only use the appropriation funds to carry out and/or perform activities described in appropriation language.
2. Will comply with State Procurement Code and execution of binding written obligations or purchase orders with third party contractors or vendors for the provision of services, including professional services, or the purchase of tangible personal property and real property for the project.
3. Ensures that the appropriation funds only benefit entities in accordance with applicable law, including, but not limited to Article IX, Section 14 of the Constitution of the State of New Mexico, "Anti-Donation Clause."
4. Will follow the procedure described in "Appropriation Reimbursement" for reimbursement of appropriated funds.



Ifo Pili, City Manager
Appropriation Recipient Representative



Leeann DeMouche, Finance Director
Appropriation Recipient CFO

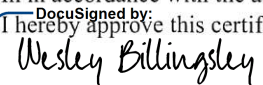


Wesley Billingsley
Director, Local Government Division

Date

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number 23-ZH9201 in the amount of \$75,000.00.

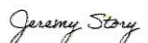


Wesley Billingsley
Director, Local Government Division

8/24/2023

Date

Signature: 
Email: jrubalcava@las-cruces.org

Signature: 
Email: jstory@las-cruces.org

Agenda Item #8.2.

**STATE OF NEW MEXICO
TOURISM DEPARTMENT
“Clean & Beautiful” Grant Program Agreement
AMENDMENT # 1**

THIS AMENDMENT to the Grant Program Agreement (“Agreement”), numbered **24-418-6002-00014-00** is made and entered into by **State of New Mexico Tourism Department**, hereinafter referred to as the “NMTD,” and **CITY OF LAS CRUCES**, hereinafter referred to as the “Partner” (collectively the “Parties”) and is effective as set forth below.

WHEREAS, the Parties have chosen to amend the Agreement, as provided for in Article III (C) of the Agreement,

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISIONS OF THE ABOVE-REFERENCED AGREEMENT ARE AMENDED AS FOLLOWS:

Article I. Obligations of Partner, on page 1 of the Agreement, and Article II. Obligations of NMTD, on page 2 of the Agreement, and Article III. Additional Terms & Conditions, on page 2 of the Agreement are hereby amended to read as follows:

I. Obligations of Partner.

- A. Perform and complete the projects and programs, expending all related funds, as outlined in the Project Award Schedule, as approved by NMTD and attached hereto as ***Revised Exhibit A***.
- B. Acknowledge that the NMTD Tourism Development Division Director reserves the right to unilaterally adjust, modify or cancel any and all awards as outlined in ***Revised Exhibit A*** in order to ensure the expenditure of all funds.

II. Obligations of NMTD.

- A. Provide award funds for all eligible expenses in accordance with the Act and according to ***Revised Exhibit A*** and Exhibit B.

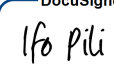
III. Additional Terms & Conditions.

- D. “Force Majeure Event” is defined as an event or effect that can be neither anticipated nor controlled which renders performance of the terms of this Agreement impossible, impracticable, or unsafe, including, but not limited to, acts of God, pandemic-related public health orders, acts of civil or military authority, embargoes, epidemics, war, acts of terrorism, riots, insurrections, fires, explosions, earthquakes, floods, loss of power, strikes or lockout. If a Force Major Event occurs, neither Party will be deemed in default of this Agreement. If any Force Majeure condition affects Partner’s ability to perform its obligations, Partner shall give written notice to NMTD, and Partner will offer mutually agreeable amendments to ***Revised Exhibit A***. Until such time as this Agreement is amended, NMTD will withhold payment of award funds as set forth in ***Revised Exhibit A***.

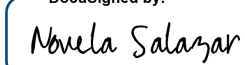
Except as amended above, the Agreement remains in full force and effect and is not altered, changed, or amended in any way by this Amendment. All other articles and paragraphs of the Agreement remain the same.

Agenda Item #8.2.

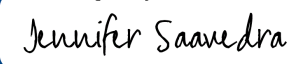
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date of signature by the NMTD Deputy Cabinet Secretary listed below.

By:  DocuSigned by:
D36E4BB770A34CF...
Ifo Pili, City of Las Cruces
PARTNER
Date: 8/18/2023

Approved for legal sufficiency:

By:  DocuSigned by:
B422D3B3622C4B6...
Novela Salazar, General Counsel NMTD
Date: 8/18/2023

By:  DocuSigned by:
6122E56AC4444C2...
Rayline Sebay, CPO, ASD NMTD
Date: 8/18/2023

By:  DocuSigned by:
B83BA2BC2F7E403...
Jennifer Saavedra, Agency Head Designee NMTD
Date: 8/18/2023

The records of the Taxation and Revenue Department reflect that the Partner is registered with the Taxation and Revenue Department of the State of New Mexico to pay gross receipts and compensating taxes.

ID Number: 01-406383-002

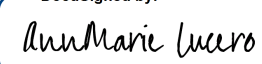
By:  DocuSigned by:
A4E23200AE974AA...
Taxation and Revenue Department
Date: 8/18/2023

EXHIBIT A - AMENDMENT 1 PROJECT AWARD SCHEDULE CITY OF LAS CRUCES					
	Goal 1	Goal 2	Goal 3	Goal 4	Goal 5
End Littering					
1.1 Litter Pantry	\$2,684.00				
1.3 Clean-up Activities	\$8,194.80				
Reduce Waste					
2.1 Reusables		\$2,250.00			
2.3 Trashion Fashion Show		\$1,327.98			
2.5 Recycled Art Show		\$1,783.98			
Beautify Communities					
3.1 Community Garden			\$561.00		
3.2 Adpot-A-Spot			\$1,254.00		
3.4 Graffiti Eradication			\$6,000.00		
Empower Youth					
4.2 Youth Groups				\$5,000.00	
4.3 Youth Interns				\$5,520.00	
Increase Program Capacity					
5.2 KAB Dues					\$345.00
5.3 KAB Conference					\$2,700.00
Subtotals	\$10,878.80	\$5,361.96	\$7,815.00	\$10,520.00	\$3,045.00
Total Award	\$37,620.76				
Lancing Adams			8/17/23		
Approved by: NMTD Tourism Development Division Director			Date		



July 19, 2023

Gail Lyssy
Region VI Administrator
Federal Transit Administration
819 Taylor Street, Room 14A02
Ft. Worth, TX 76102

**RE: Federal Transit Administration (FTA) Small Urbanized FULL YEAR FY 2023
Section 5307 Suballocation**

Dear Ms. Lyssy,

Please see the attached and signed FULL YEAR FY 2023 Section 5307 suballocation letters for New Mexico's four (4) small urbanized areas. The Las Cruces and Farmington small urbanized areas were also awarded STIC funding for FY23. The STIC factors met were a combined result of the City of Las Cruces, South Central Regional Transit District (SCRTD), Farmington and the NMGo! Vanpool NTD reporting for Vehicle Revenue Mile per Capita and Passenger Miles Per Vehicle Revenue Hour for the Las Cruces small urban area, and Passenger Miles Per Vehicles Revenue Hour for the Farmington small urban area. The STIC apportionments were calculated and distributed based on the NTD reporting for each entity. To keep the City of Farmington proportionate to the same level of funding increases administered by FTA, a smaller portion of the STIC apportionment was deducted from last year's apportionment. The letters are summarized as follows:

Farmington

FULL YEAR FY 2023 \$1,095,035

New Mexico DOT (NMGo! Vanpool)

FULL Year FY2023 \$473,290

NMDOT will apply for and administer the funds directly.

Las Cruces

FULL YEAR FY 2023 \$3,046,508

New Mexico DOT on behalf of SCRTD

FULL YEAR FY 2023 \$51,846

NMDOT will apply for and administer the funds for SCRTD.

New Mexico DOT (NMGo! Vanpool)

FULL Year FY2023 \$797,406

NMDOT will apply for and administer the funds directly.

Los Lunas - Rio Metro Regional Transit District

FULL YEAR FY 2023 \$1,032,050

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Gary Tonjes
Commissioner
District 2

Hilma E. Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

Agenda Item #8.2.

Santa Fe

Santa Fe Trails

FULL YEAR FY 2023 \$2,167,799

New Mexico DOT on behalf of North Central Regional Transit District (NCRTD)

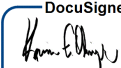
FULL YEAR FY 2023 \$691,404

NMDOT will apply for and administer the funds for NCRTD.

Please feel free to contact me at kevin.olinger@state.nm.us or 505-469-3595 with any questions or concerns.

Sincerely,

DocuSigned by:



F04AA67603334A9...

Kevin Olinger

NMDOT Transit Manager

Cc: Don Koski, FTA Region VI
 Tony Ogboli, FTA Region VI
 David Bartels, FTA Region VI



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

June 2, 2023

Edward Smylie
Red Apple Transit
City of Farmington
800 Municipal Dr.
Farmington, NM 87401

**RE: Federal Transit Administration (FTA) Small Urbanized Section 5307
Suballocation Letter FULL YEAR FY 2023**

Dear Mr. Smylie,

As identified in this Suballocation Letter, New Mexico Department of Transportation (NMDOT) as the Designated Recipient, authorizes the allocation of Section 5307 to City of Farmington Red Apple Transit as the Direct Recipient. The FY2023 Farmington small urban area was awarded STIC funding in the amount of \$550,406.00 as a result of the NMGo! Vanpool NTD reporting for Passenger Miles Per Vehicle Revenue Hour STIC factors. The STIC apportionments awarded in Table 6 are included in Table 3 for the regular 5307 small urban apportionments and we retained \$473,290 from the Farmington UZA 5307 apportionments in Table 3 to fund the NMGo! Vanpool project. To keep the City of Farmington, proportionate to the same level of funding increases administered by FTA, a smaller portion of the STIC apportionment was deducted from last year's apportionment. The undersigned agree to the Suballocation Letter and the amounts allocated to the Direct Recipient.

The Direct Recipient is responsible for its application to the FTA to receive Section 5307 small urbanized funds and assumes the responsibilities associated with any award for these funds. The timeline for direct recipients to apply for awarded funds through TrAMS is current award year plus five years. The recipient is responsible for entering the period of performance end date when applying for the grant.

Full Year FY 2023 \$1,095,035

Designated Recipient

DocuSigned by:

F04AA67003334A9...

Kevin Olinger

NMDOT Transit Manager

Date: 6/2/2023

Grant Recipient

Signature

Date: 6/6/23

Edward Smylie
Print Name

City of Farmington Red Apple Transit

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Gary Tonjes
Commissioner
District 2

Hilma E. Chynoweth
Commissioner
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Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

Agenda Item #8.2.



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

June 2, 2023

Michael Bartholomew
Road Runner Transit
City of Las Cruces
PO Box 20000
Las Cruces, NM 88004

**RE: Federal Transit Administration (FTA) Small Urbanized Section 5307
Suballocation Letter FULL YEAR FY 2023**

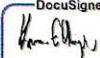
Dear Mr. Bartholomew,

As identified in this Suballocation Letter, New Mexico Department of Transportation (NMDOT) as the Designated Recipient, authorizes the allocation of Section 5307 to City of Las Cruces as the Direct Recipient. The FY2023 Las Cruces small urban area was awarded STIC funding in the amount of \$1,100,812 as a result of combined NTD reporting for the City of Las Cruces, the NMGo! Vanpool and South Central Regional Transit District for Vehicle Revenue Mile per Capita and Passenger Miles Per Vehicle Revenue Hour STIC factors. The STIC apportionments awarded in Table 6 are included in Table 3 for the regular 5307 small urban apportionments and were calculated based on the NTD reporting for the City of Las Cruces. The remainder of the funding will be deducted from the 5307 apportionments in Table 3 to distribute to SCRTD and fund the NMGo! Vanpool project. The undersigned agree to the Suballocation Letter and the amounts allocated to the Direct Recipient.

The Direct Recipient is responsible for its application to the FTA to receive Section 5307 small urbanized funds and assumes the responsibilities associated with any award for these funds. The timeline for direct recipients to apply for awarded funds through TrAMS is current award year plus five years. The recipient is responsible for entering the period of performance end date when applying for the grant.

Full Year FY 2023 \$3,046,508

Designated Recipient

DocuSigned by:

FOIAA07803334A3
Kevin Olinger
NMDOT Transit Manager

Date: 6/2/2023

Grant Recipient


Signature

Date: 6/15/23

Ifo Pili

Print Name
City of Las Cruces

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
District 1

Gary Tonjes
Commissioner
District 2

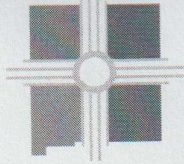
Hilma E. Chynoweth
Commissioner
District 3

Walter G. Adams
Commissioner, Chairman
District 4

Thomas C. Taylor
Commissioner
District 5

Charles Lundstrom
Commissioner, Secretary
District 6

Agenda Item #8.2.



New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

June 2, 2023

David Armijo, Executive Director
South Central Regional Transit District
300 West Lohman, Suite 115
Las Cruces, New Mexico 88005

**RE: Federal Transit Administration (FTA) Small Urbanized Section 5307 (STIC)
Suballocation Letter FULL YEAR FY 2023**

Dear Mr. Armijo,

As identified in this Suballocation Letter, New Mexico Department of Transportation (NMDOT) as the Designated Recipient, authorizes the allocation of Section 5307 to South Central Regional Transit District (SCRTD) as the Direct Recipient. The FY2022 Las Cruces small urbanized area was awarded STIC funding in the amount of \$550,406 as a result of the City of Las Cruces, SCRTD and the NMGo! Vanpool NTD reporting for Vehicle Revenue Mile per Capita STIC factors. The STIC apportionments awarded in Table 6 are included in Table 3 for the regular 5307 small urban apportionments and were calculated based on the NTD reporting for SCRTD. The remainder of the funding will be deducted from the 5307 apportionments in Table 3 to distribute to the City of Las Cruces and fund the NMGo! Vanpool project. The undersigned agree to the Suballocation Letter and the amounts allocated to the Direct Recipient.

The NMDOT will be responsible for the application to FTA and administer the Section 5307 small urbanized funds for SCRTD and assumes the responsibilities associated with any award for these funds. The timeline for recipients to apply for awarded funds through TrAMS is current award year plus five years. The recipient is responsible for entering the period of performance end date when applying for the grant.

Full Year FY 2023 \$51,846

Designated Recipient

DocuSigned by:

Kevin Olinger

NMDOT Transit Manager

Date: 6/2/2023

Grant Recipient

Signature

Print Name

South Central Regional Transit District

Date: _____

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

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Commissioner, Vice-Chairman
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District 5

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Commissioner, Secretary
District 6

General Office

P. O. Box 1149

Santa Fe, NM 87504

Agenda Item #8.2.

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New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

June 2, 2023

Dewey Cave
Rio Metro Regional Transit District
809 Copper Avenue NW
Albuquerque, NM 87102

**RE: Federal Transit Administration (FTA) Small Urbanized Section 5307
Suballocation Letter FULL YEAR FY 2023**

Dear Mr. Cave,

As identified in this Suballocation Letter, New Mexico Department of Transportation (NMDOT) as the Designated Recipient, authorizes the allocation of Section 5307 to Rio Metro Regional Transit District (Los Lunas) as the Direct Recipient. The undersigned agree to the Suballocation Letter and the amounts allocated to the Direct Recipient.

The Direct Recipient is responsible for its application to the FTA to receive Section 5307 small urbanized funds and assumes the responsibilities associated with any award for these funds. The timeline for direct recipients to apply for awarded funds through TrAMS is current award year plus five years. The recipient is responsible for entering the period of performance end date when applying for the grant.

Full Year FY 2023 \$1,032,050

Designated Recipient

DocuSigned by:

F04AA67603334A9...

Kevin Olinger

NMDOT Transit Manager

Date: 6/2/2023

Grant Recipient

Signature

Date: 6/5/23

Print Name

Rio Metro Regional Transit District

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
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Commissioner, Chairman
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Commissioner
District 5

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Commissioner, Secretary
District 6

Agenda Item #8.2.



June 2, 2023

Regina Wheeler
City of Santa Fe
Public Works
500 Market Station, Suite 200
Santa Fe, NM 87501

**RE: Federal Transit Administration (FTA) Small Urbanized Section 5307
Suballocation Letter FULL YEAR FY 2023**

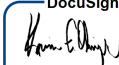
Dear Ms. Wheeler,

As identified in this Suballocation Letter, New Mexico Department of Transportation (NMDOT) as the Designated Recipient, authorizes the allocation of Section 5307 to City of Santa Fe as the Direct Recipient. The undersigned agree to the Suballocation Letter and the amounts allocated to the Direct Recipient.

The Direct Recipient is responsible for its application to the FTA to receive Section 5307 small urbanized funds and assumes the responsibilities associated with any award for these funds. The timeline for direct recipients to apply for awarded funds through TrAMS is current award year plus five years. The recipient is responsible for entering the period of performance end date when applying for the grant.

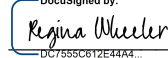
Full Year FY 2023 \$2,167,799

Designated Recipient

DocuSigned by:

F04AA67603334A9...
Kevin Olinger
NMDOT Transit Manager

Date: 6/2/2023

Grant Recipient

DocuSigned by:

DC7555C812E44A4...
Signature

Date: 7/9/2023

Regina wheeler

Print Name
City of Santa Fe

**Michelle Lujan
Grisham**
Governor

Ricky Serna
Cabinet Secretary

Commissioners

Jennifer Sandoval
Commissioner, Vice-Chairman
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