

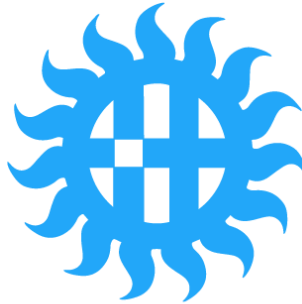
CITY COUNCIL AGENDA

Mayor
Ken Miyagishima

Monday, August 21, 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
P.O. BOX 20000
LAS CRUCES, NM 88004

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

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

CONSENT AGENDA

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

Page

1. OPENING CEREMONIES

- 1.1. Pledge of Allegiance - Councilor Corran.
- 1.2. Pets of the Week.
- 1.3. Jobs of the Week.
- 1.4. Presentation of Certificates of Appreciation/Proclamations - Councilor Corran.

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

3. PUBLIC PARTICIPATION

4. READ CLOSED MEETING STATEMENT

- 4.1. Read August 14, 2023 Closed Meeting Statement into the record.

5. ACCEPTANCE OF AGENDA

6. CITY COUNCIL MINUTES

- 6.1. Regular City Council Meeting of July 17, 2023.

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

- 7.1. RESOLUTION NO. 24-019: A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR IFO PILI AS CITY MANAGER. 21 - 33
[Resolution No. 24-019 - Pdf](#)
- 7.2. RESOLUTION NO. 24-020: A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY. 34 - 45
[Resolution No. 24-020 - Pdf](#)
- 7.3. COUNCIL BILL NO. 24-004; ORDINANCE NO. 3046: AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF A CITY-OWNED VACANT PARCEL KNOWN AS LOT NUMBER 1B HOPE SUMMARY SUBDIVISION (AKA 2245 E. GRIGGS AVENUE) TO CATHOLIC CHARITIES HOUSING INC.,/ CHELSEA INVESTMENT CORPORATION FOR THE DEVELOPMENT OF THE THREE SISTERS AFFORDABLE HOUSING COMPLEX AS AUTHORIZED UNDER THE STATE OF NEW MEXICO'S AFFORDABLE HOUSING ACT (THE ACT) NMSA 1978 CHAPTER 104, IN CONJUNCTION WITH THE CITY OF LAS CRUCES' AFFORDABLE HOUSING GENERAL OVERSIGHT ORDINANCE. 46 - 50
[Ordinance No. 3046 - Pdf](#)

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

- 8.1. RESOLUTION NO. 24-021: A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FY 2024 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR THE NEW MEXICO FINANCE AUTHORITY (NMFA) FLOOD CONTROL INFRASTRUCTURE (\$3,070,000) AND STREET IMPROVEMENT PROJECTS (\$5,080,000). 51 - 70
[Resolution No. 24-021 - Pdf](#)
- 8.2. RESOLUTION NO. 24-022: A RESOLUTION TO APPROVE VARIOUS BUDGET ADJUSTMENTS, AMEND THE ALL-FUNDS SUMMARY, AND AMEND THE FOURTH QUARTER FINANCIAL REPORT IN COMPLIANCE WITH NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) REQUIREMENTS FOR FISCAL YEAR 2023 AND 2024. 71 - 82
[Resolution No. 24-022 - Pdf](#)
- 8.3. RESOLUTION NO. 24-023: A RESOLUTION APPROVING A NUISANCE, SUBSTANDARD STRUCTURE IN NEED OF ABATEMENT AT 430 SOUTH MAIN STREET WITHIN THE CITY LIMITS OF LAS CRUCES, NEW MEXICO, SO RUINED, DAMAGED, DILAPIDATED, AND UNFINISHED AS TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY AND THAT IS REQUIRED TO BE REMOVED. 83 - 96
[Resolution No. 24-023 - Pdf](#)
- 8.4. COUNCIL BILL NO 24-002; ORDINANCE NO. 3044: AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE 1997, AS 97 - 106

AMENDED (LCMC), SECTIONS 2-556 THROUGH 2-564 TO REVISE THE UNIVERSITY DISTRICT CITIZEN'S DESIGN REVIEW COMMITTEE (UD-CDRC), RESPECTIVELY, WITHIN CHAPTER 2, ARTICLE IV, DIVISION 3, NONSTANDARD BOARDS OF DIVISION OF THE LCMC.

[Ordinance No. 3044 - Pdf](#)

- 8.5. COUNCIL BILL NO. 24-003; ORDINANCE NO. 3045: AN ORDINANCE AMENDING CHAPTER 13, ARTICLE I. FAIR HOUSING OF THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED. 107 - 127

[Ordinance No. 3045 - Pdf](#)

9. BOARD APPOINTMENTS

10. NOTICE OF PROPOSED ORDINANCE(S)

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

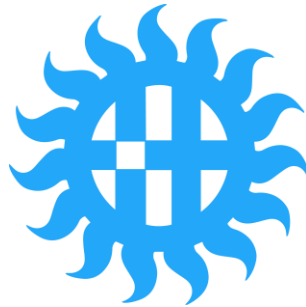
- 10.1. COUNCIL BILL NO. 24-005; ORDINANCE NO. 3047: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A PROPERTY ENCOMPASSING 2.29 ± ACRES. THE ZONE CHANGE REQUEST SEEKS TO BRING THE PROPERTY INTO 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. 128 - 179

[Ordinance No. 3047 - Pdf](#)

11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

12. CITY MANAGER REPORT

13. ADJOURNMENT



MINUTES

City Council

Monday, July 17, 2023 @ 1:00 PM

City Council Chambers, City Hall

PRESENT: Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Becki Graham, and Councilor Becky Corran

ABSENT: Councilor Tessa Abeyta, Councilor Johana Bencomo, and Councilor Yvonne Flores

1. OPENING CEREMONIES

1.1 PLEDGE OF ALLEGIANCE - COUNCILOR GRAHAM.

1.2 PETS OF THE WEEK.

Amy Defelix, Animal Services Center of the Mesilla Valley presented Pets of the Week.

1.3 JOBS OF THE WEEK.

Sarah Raney, NM Workforce Connection presented Jobs of the Week.

1.4 PRESENTATION OF CERTIFICATES OF APPRECIATION/PROCLAMATIONS - COUNCILOR GRAHAM.

Mayor Miyagishima presented the Mesilla Valley Search and Rescue and Organ Mountain Technical Rescue Squad with the Mayor's Citation for Community Service.

Councilor Graham presented Heather Pollard with a proclamation for Heather Pollard Day.

Councilor Graham presented Steve Newby with a proclamation for Steve Newby Day.

1.5 FY23 AUDIT ENTRANCE CONFERENCE - CHRIS GARNER.

FY23 Entrance Conference presentation was given by Heather Lucero.

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

2.1

None.

3. PUBLIC PARTICIPATION

3.1

Dolores Lucero, Member of the Public said I am here to address an article I recently read about road dieting Lohman and Amador from Solano to downtown. It went from a two lane to a four lane in 1970 and they were transformed for the traffic that was going to be moving east and the city was moving in that direction. Road dieting does not slow down traffic but only changes driving behaviors to other streets and limits traffic to businesses and hinders public safety vehicles. First there are two bus stops in each direction and that of reducing lanes would create a problem going around the buses especially for public safety. In conjunction I want to bring to your attention that from Telshor to Sonoma, there is always a bottleneck there and it can take 20 minutes to travel 2.8 miles and the reason the medians are so wide in this area is the MPO 30 years ago study was when the housing and business increased to the east an additional lane would be added. Two lanes is not sufficient for the amount of traffic and again it is not safe for fire and ambulances along with there being a hospital in that area. So, my first request is that do not allocate dollars or staff time for studies of Lohman and Amador from Solano to Main. It will not accomplish the request made and only create a hinderance to your downtown and to moving traffic safely. My second request is that you review and consider how all users of city roadways be registered and licensed. Third is that the growth has definitely taken place to the east and the plan years ago from the MPO study that in this near future by adding the additional lane on Lohman from Telshor to Sonoma so that residents can get through this area safely and calmly and you allocate the funding that is required for that area. It has already been studied and it has been put in place. There is no reason to study it again, but we have obviously grown to the east and Mayor you and I drive down that road a lot and I think it is time that median be expanded to a third lane in each direction from Telshor to Sonoma Ranch Boulevard.

Mayor Miyagishima asked are you under the impression that the lane was going to drop to two lanes?

Dolores Lucero said no to three.

Denise Welsh, Member of the Public said I am just here as a volunteer for a local adoption center and rescue and I just want to share with you the information that I feel I am qualified to share. My job is to answer phones and again this is a pet rescue and adoption center. Primarily I do want to make sure that you understand the great need that we have for affordable spay and neuter. Most of the calls that I get are for rehoming pets and mostly it is litters of dogs and kittens and there is no place for them to go. Every shelter we are just above capacity. I just wanted to make sure this stays on the forefront and also the need for affordable spay and neuter because that is the

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other request I get. We are not a vet clinic, we can't offer any services. I do send them to SNAP but I understand there is constraints there. I do think as city council you do have the ability to help in that regard and providing funding and moving forward with veterinary care and so on for our community.

Mayor Miyagishima said I believe we have a Work Session set up either next month or in September to deal with this issue. We are going to try and get this straightened out.

Mary Rodriguez, Member of the Public said I came today to just ask you to please consider the revised animal care ordinances that were prepared by Kathy Stark and Geri Wheelis of Animal Advocates for Change based on best practices. I know that they did a lot of research in other areas around the state that went into crafting that. I attended a meeting with Animal Protection New Mexico online a couple of days ago on Friday, there has been an update about the spay/neuter funding becoming available for the 23/24 year, so I just want to ask again to please prioritize the absolute necessity for spay and neuter here in our city. The situation as you know is really dire in that area.

Mayor Miyagishima said it will be October 9th we are going to have a meeting and we are going to be discussing the ordinance that you are referring to.

Yoli Diaz, Member of the Public said Executive Director of CARE, I am here publicly for the fourth time advocating for access to healthcare for all residents. Today I ask that City of Las Cruces create a resolution to provide funds for the Healthcare Assistance Program to pay for all or a portion of Health Insurance Monthly premiums and all or part of the out of pocket cost which may include copays, deductibles, and out of pocket limits for the year for indigent residents and denied healthcare residents. I alerted City of Las Cruces and Dona Ana County of the issues of accessing healthcare in both October 2021 and November 2021. I would like to speak again of solutions that are provided to our complete city council and county commissioners in January 2022. I included the following, if any of you asked me what I believed what viable solutions exist I know of three options. Option one, capital funding to build a specialty medical center similar to the nonprofit FQHC's to provide the healthcare services where the gaps of services exist. Beyond the scope of services provided by FQHC's, the intention would be to have a specialty medical center where doctors, nurses, staff, administration would all be paid fairly. The patient navigation to include assistance and financial assistance to acquire the essential health insurance for treatment and health services disbursement for the medical center to operate it. I also provided an option two and option three. My ask involves option two and it was more detailed. I do want to make a point on option two, an immediate solution and option one was a long term for the future. So, I think of the past and it brings us two years long health crisis and I believe that true long-term solution of a nonprofit medical center. I think of UNM in Albuquerque, and I think of UMC in El Paso, these are nonprofit educational health systems. They operate for the residents of their counties to better serve the community and health. I do hope that you create the resolution and please consider long term solutions.

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Lori English, Member of the Public asked how many of you other than the Mayor have participated in any Veteran's activities at Veteran's Park? Do you know that Veteran's Park is maintained mainly for cleanup for raking of the stones and gravel by volunteers from Veteran's organizations in the city of Las Cruces? On June 5th you passed a resolution overriding City Parks and Recreation regulations and ignored the numerous Veterans both that day and the following council meeting day. The input of Veterans who are personally involved in Veteran's Park by overriding this decision and in favor of two very emotional people that were somewhat contributory to the incident that occurred by not keeping watch of an 18 month old child. The Veterans are very upset. I addressed the American Legion Convention two weeks ago about this situation and they foresaw just like the Mayor did that could have direct implications adverse to applications to other cities, other counties, and even state Veteran's parks. So, I am asking you first of all why you chose to override 10-15 people who had spoken out against this and follow and back two people that were very emotionally involved in this decision. You had your minds made up, I saw it, I was witnessing it unfortunately Mayor was not here, but I witnessed the majority of you had your minds made up prior to making this decision. I don't think that is fair and the bottom line is why do you ask for public comment, why do you allow for public comment when you have already got your mind made up on an issue pro or con before you even walk through that door to address the dais. I appreciate you reconsidering this issue and bringing it back on the agenda and readdressing this decision that you made in egregious error.

Carlos Navarrete, Member of the Public said I was here about seven months ago. My building was tagged with feces and there was trash everywhere and they have been breaking my windows. I know you are tired of hearing this, but I am tired of living it. I live it every day. How would you like to go to work every morning and inspect your entire building, your entire lot and clean up the feces and find out what they did the night before? This past Sunday they broke my windows again and then we patched it up with a board. Well Monday night they went and broke down the board and they stuck their hands in and they stole some things. What is going on? The other day I walked into my backyard and there was a homeless guy there and so I told him to leave. You know what is interesting is we do what we can. I put up no trespassing signs everywhere and they are all gone. I went out there and told the guy no trespassing and he got all upset. He got a belt and he started swinging it and he swung it and so I picked up my hand and he hit me on my hand and I told him that was assault. I called the cops. What did the cops do? Nothing. Not a one thing. I had him on video. I don't know if you have seen that video? Mr. Garcia sent you guys that video. This happened June 9th and nothing, I have not heard anything. Mayor, last time I was here remember? I had told you about the fire that they lit in the back of my building and the police never showed up. You said you were going to follow up on it. When are you going to follow up on it? I am still waiting. It is so frustrating. We are trying to make a living. We are law abiding citizens and we have to go through this. Again, I know you guys are tired of hearing about it but I am tired of living it.

Mayor Miyagishima said regarding the person who hit you on June 9th the City Manager just let me know that the suspect was charged by the officers for battery, and I have to tell you as far as the other incident, the fire you are talking about. If I

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was to follow up please resend the information so I can have that because I don't have that. If you could get that to me, I will follow up and see exactly what took place.

Leslie Campa, Member of the Public said I was here two weeks ago in the last meeting. First of all I wanted to say thank you because right away police started calling me to see how they could help and they put a tower with cameras. I'm hoping that is going to help a little bit and I am grateful for you guys trying to make something but it is getting worse. I don't know if you heard about last Sunday a woman got assaulted in that same corner and she was on the news as well because it was pretty bad. She was just walking to the store. Right now, on my way I had to stop because there was two drug addicts fighting but it was a man hitting a woman. That was right next to my business and whenever I went this morning right on the back of my business they were doing drugs. You are probably tired of us being here but we are going to keep being here until we see something starting to change because it is frustrating. My windows are still covered up in plywood because we don't have the money right now to put bars. On the new grant that you guys made I still don't qualify because it says the incidents have to be after July 1st but they told me I might go to the other one and they are going to fix it so I might qualify for the other one but I still have to pay out of my pocket first. Right now, we are losing money and we don't want to close down but that is probably what we are going to have to do because it seems like the city is not doing their job. Once again, I appreciate you guys the same week trying to do something and trying to be there and all of that but there is still a lot of work to do.

Juan Garcia, Member of the Public said the Coalition of Conservatives in Action was established two years ago as a community advocacy organization. We work to give a voice to those ignored forgotten victims like the two individuals who just came up before me. We do this through civil discourse and never advocate force or violence. We are citizens like your brother and sister or the female citizen brutally attacked in District 4. CCIA's mission is to educate citizens in local issues so that they can engage smartly leading to reform. There are no checks for gender identity, who you sleep with or who you worship, what faith you align with or race you identify or your level of education. We are not aligned with any party or independent minded citizens working to better the community. There has been some attempts to portray us as extremists both at the council and the commission. There was a video recently circulating with attempts to link us to potential political violence. Nothing is further from the truth unless advocating for victims is an extreme. How many times do citizens and small businesses have to be attacked for decisive actions have to be taken. First Aid 101 calls to stop the bleeding and this has to take place. Take the criminals off the street so people can feel safe. So, the question is. How much longer do the victims have to wait? How many more attacks do they have to endure? And if the council can't do anything so be it. Where is our representatives and senators?

Michael Potts, Member of the Public said I wanted to talk to you about the continued crime wave that we seem to have here in Las Cruces. I went into Petsmart last week to get an item and I noticed that they had a plywood sheet covering the spot where one window use to be and I asked the gentleman there what had happened and he informed me that the homeless population doesn't have anything better to do. I look around while driving through Las Cruces and I see multiple windows with plywood

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sheets up. I see that citizens are being accosted and attacked in broad daylight. The lady that was attacked last week thought the person attacking her was a homeless person. We have two or three homeless shelters in Las Cruces. These places provide shelter for the homeless people in Las Cruces and those who do not use these shelters are usually those who do not want to abide by the rules our society has in place or are trying to avoid the law. I would remind you that you are responsible to make sure that the rules of society in which we live are followed. I would offer you the following suggestion. Create an ordinance that requires our homeless population to be in their tents or shelters by 10:30 each evening. There is absolutely no reason for them to be wandering around in the city after 10:30 at night. I suggest you hire an IT student from either New Mexico State University or use your own IT shop to create a database registering all the homeless people in this city. If they are found wandering around after 10:30 they should be given one warning by the police and taken back to where they should be and the second time found wandering around they spend the night in jail. The third time they are our you put them on the bus and send them out of here. This disregard of the law and the restraints that we put on our society so everyone can live without fear and in peace must be dealt with. Any breaking windows or assaulting people or stealing shopping carts does have to be taken care of. Our police know what the laws are and we expect them to enforce them. This is a tough problem but it has be addressed and needs to be seriously addressed. We have to deal with this and it is up to you all to deal with this and take care of our problem.

Raghunath Lathi, Member of the Public said I have been in Las Cruces for 43 years. I am a landlord here. I have lost at least \$30,000 worth of material in my building for the last three years but besides that the mess they are leaving behind it cost a lot of money to find the people. The bandits are here, one gives you a \$300 price for the front door and another charges \$1,200. What everybody said is that we are frustrated, and I have been here 45 years and worked very hard and everybody talks so well about our city. I am not throwing a poison drop in the water here but please do take care of this one. Police force is doing what they can. I have no grievance with the Police Department, but they can't do much about it. So, what are we going to do with the homeless people? As a matter of fact, I have one on my property and he stays there. It is a commercial property. It is illegal to stay there but there is nothing much I can do about that especially on 1625 South Main. That is the alley of the homeless people there. All across Solano Street, the same thing too. Please see what you can do.

Mark O'Neil, Member of the Public said I live in District 1 and I would like to speak on that reworking of Lohman and Amador that has been presented and it seems like even some councilors and some people that spoke positively about doing that to help with the bicycling and pedestrian traffic. I looked at the area. I have traveled it my 17 years living in Las Cruces and I just want to point out a few things. First the study alone will be very expensive. I want to point out to you that the four lanes that come down in the right lane where you turn right at Solano heading towards Solano that is stopped up by all the cars coming out of Si Senior that block that lane. The left lane of the four lanes is a turn left only. It doesn't go through Solano. It is a left lane turn. Besides the bus stops there where buses stop and cars have to avoid the buses they have to avoid the cars going into Si Senior. So basically, what you are doing if you

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take a lane away you are making it a two lane road that goes through, it turns into two lanes if you account for bus stops and the cars that come out that are stopped and then the left turn that goes left you are going four lanes into two lanes. I say it doesn't make it safer. They also wanted to have more pedestrian there. There are sidewalks there. They wanted to put in more greenery, shrubs, it's there. I don't think this would be a very good idea. The city is growing. We need four lanes coming down there and I just wanted to give my opinion on that.

Peter Goodman, Member of the Public said I put the bicycle helmet back on because I bicycled here and I do not agree with the folks who say you should not study alternatives. Bicycling here today at 103 is probably insane but we are getting these 103 days after 107 days partly because of climate change and we need to look at all the alternatives we can for surviving and not making the situation worse. On the other problem that is being discussed, I don't have an answer or report to have an answer but I want to thank you for trying to help people who really need it but Carlos and the other lady are among them. We need to do better by them. I don't know how but I think we need to put together a taskforce to look at new ideas. I think it is unfortunate that a lot of the proponents of helping out people like Carlos who do need your help are also espousing a lot of national and state politicians who aren't helpful. There is something ironic about people standing up and saying you ought to do more to take care of a Veteran's monument which maybe you should, I am not very involved in that issue. At the same time you are doing a whole lot for a lot of homeless people some of whom are Veterans and doing things that a lot of the conservative folks in at least the national and state political elements wouldn't be doing and wouldn't be a prudent enough but I do want to express a lot of sympathy/empathy for Carlos and the other lady and suggest that you really need to put on a full court press. That doesn't mean go crazy and do unconstitutional things or add vigilante groups or anything else, but we need to think outside the box and work on this one.

Mayor Miyagishima said I just want to express to some of you that came here and expressed to council maybe that enough is not being done. I just want you know a couple of things. one, the Las Cruces Police Department is doing everything within their power to catch these perpetrators. When they arrest them sometimes they go to the Detention Center and depending on the judge then they are released and if it is under a certain amount it is usually \$1,000 it doesn't rise to a felony it is up to our local judges as to what they are going to do with them and usually they are released. I have a business about 50 yards away from Carlos. I just want to let you know I am not immune either. On two occasions some one does their business on the side of my wall. I have had the back door broken and that glass is not cheap. I have had three windows broken. It has been graffitied. When my truck was parked this person took a rock and broke my windshield. I have had two or three cameras stolen and they are up high. My shed, I don't have a shed anymore. They took so many things. I feel your pain. I understand it. I don't like it either. It has cost me several thousand dollars as well. I have been in local office for over 30 years and I have never seen it like this and it is not just our town. It's the judicial system. It is going to take each and every one of you to rise to your state reps, your senators and tell the Governor enough is enough you need to do what you have to do to give these men and woman of law enforcement and tell these judges that if they are going to do this crime they are going to have to do the time.

Tammy Pickering, Member of the Public said as a group we appreciate your comments. I agree something can be done and I agree that if we as a community come together and speak very loudly to our senators and congressmen and whoever we need to talk to but that we have to do that as a group together. That we can't do it individually, that we can't stand alone, that we can't be silos, that we have to stand together united and I believe that we agree of that as a community. We all agree that this needs to stop. We need to stand and we need to find some sort of solution. I agree with Michael, a taskforce or a Work Session in which we throw out ideas and we begin to work through the ideas and find an answer.

Richard Barela, Member of the Public said you have been addressing street crime and homeless people and that is true, but we also need to address blue collar crime. Aiding and abetting, harboring and basically empowering and that needs to be addressed as well. There is criminals of all stripes.

Kevin Armstrong, Member of the Public said I have been a resident since June of 2007. I wanted to make some comments about a couple of interactions I have had with city officials through email. During the pandemic I was president of the Las Cruces Dog Park Coalition and I wrote to the Department of Public Works that was administering the programs to keep us safe. They were starting to reopen parks and one in each district, so I wrote an email using an email address I had never used with the city and doing the letter anonymously because I didn't want it to somehow get out that it was a dog parker complaining about another park going first. Normally when I would write and ask about why you would do this versus that I would get a response within a day or two. This one took a week and when it came back it wasn't addressed to my email address. They used that email address to send the email to me but it was addressed Dear Mr. Armstrong. So, they had spent a week not developing a response it seems to me. They spent a week figuring out who's email address was this anonymous letter from, who the actual person was and they figured out it was me. I responded with congratulations on exposing who wrote this anonymous letter. I thought that was pretty inappropriate. They should have just responded, "Dear sir or madam" and provided the response and respected the anonymity I was seeking. I imagine too that all city phones have caller ID, so they see a number, so it makes me wonder how does one make an anonymous complaint to the city. I don't think it can be done. The second thing is the lack of attention to the new dog parks when it comes to maintenance like replacing handicap only parking signs that were knocked down well over a year ago, exposed irrigation pipes and other things.

Mayor Miyagishima said if you want to forward me that email of who it was, that employee that was able to decipher. I probably once a month someone uses emails under my name and sends it to staff asking for favors or money. Fortunately, no body responds but we can't figure who that is. We would like to know who they are so maybe this person that is that good can spot it. There are two city council members and sometimes there is a third that joins our Oversight Committee, there is an anonymous. We don't know who it is. We see the complaints that are coming in on the hotline, we hear them, we don't see them. Staff doesn't know and they are

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disclosed, and they are totally anonymous so they don't know who is making those complaints so at least that part.

George Pearson, Member of the Public said I am President of Velo Cruces a local bike ped advocacy organization. You have been having public comment recently asking for improvements in traffic safety. This is an important quality of life issue. There has been a bicycle fatality on Idaho between Solano and El Paseo an area identified in the active transportation plan needing separated bike lanes. Solano in the area of Lohman and Amador has had multiple fatalities. Obviously, a problem area that needs attention. How many traffic deaths are acceptable? We have taken some small steps in Las Cruces but we need to take much bigger steps. This could be something the TSI PRC takes on or maybe we need a vision zero taskforce to more directly tackle the problem of traffic safety in Las Cruces. Since I have some time on the Lohman and Amador traffic calming effort that has been suggested people when they talk about road diets if you make bicycle facilities for bicyclists and pedestrians as part of the roadway it makes the traffic safer for everybody that uses that roadway and when you calm down traffic on a corridor that increases economic activity because instead of people driving zooming past businesses they have a chance to slow and actually stop and use those businesses. These are things that would improve the quality of life and tackle our traffic safety problem that we have in Las Cruces.

Mayor Miyagishima said you are right that there have been some fatalities on bicycles and I am not sure if these bicyclists unfortunately may not have had white light or a red light which I believe the city requires that of bicyclist. I am not saying that they need to be ticketed but they really need to be reminded if they do it again. I think if the city was to start cracking down on that, what are your thoughts about that?

George Pearson said we have been thinking about a program where we could get some lights and have them available to codes and the Police Department so that we do have front lights which is required by both city ordinance and a State Law that it be 500-foot visible light from the front or a reflector on the back. A blinky light on the back is preferred. We need safety and the education.

Clarice Frances, Member of the Public said I am with the CCIA and I am just a citizen here in Las Cruces. We just made a trip to Valdosta, Georgia. While there we helped my son set up for 4th of July fair that he was selling some of his things and in the process of that we met one of the city councilor members of Valdosta and he was talking about how for a little while they had a little bit of crime here and there. Then it grew because they weren't really doing anything about it. Well, this city council member and the mayor of Valdosta got together with the Governor of Georgia and now they have changed a few things. They are living by the laws that they already have. It doesn't do any good to keep giving money to these businesses, it helps. We need to take care of the crime here and now. I have had no crime on my property but believe me it will come and this beautiful architecture, all these things that these people are contributing is going to go down the toilet unless we do something to stop the criminal processes now. We already have laws let's take care of it now.

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Sarah Smith, Member of the Public said several of you have expressed concern that people think that you do not care about the many victims of crime in Las Cruces. I think it is clear that you do care, but I do wonder if you care enough to be willing to consider trying to do something different. All across the city we are seeing signs of what is being done now is not working. We are seeing increased property crime with businesses and homes being vandalized, windows being broken and people's property being taken and vehicles being stolen. We are seeing more homeless people camping out at businesses and homes approaching people asking for money, scaring children, threatening people and leaving trash and feces all around. What is happening here in Las Cruces is not happening everywhere. For example Lubbock, Texas which has over double our population and the similar climate has seen a sharp decrease in homelessness over the last five years. Lubbock is also not seeing the large increase of property crime, theft and vehicle theft that we are seeing here in Las Cruces. To us families living and working here in Las Cruces many solutions being funded by the council feel like band aids when we actually need surgery. The city has removed rocks from the downtown mall to reduce the number of broken windows. The city is proposing to provide hygiene stations in neighborhoods where homeless people can use the bathroom and shower. The city offers money to businesses to help them repair their broken windows meanwhile the attacks continue and the city spends hundreds of thousands of dollars towards providing housing for homeless people but without any requirements that people be off drugs. Do you care enough to be willing to fund other approaches? Lubbock's decrease in homelessness is largely a result of their programs which provide temporary shelter for a maximum of six months for people who are required to be off drugs and working towards independent living. Boulder, Colorado has a Ready To Work Program which has an drug and alcohol free shelter with a focus on job readiness training and skills for becoming independent. After one year people graduate from their program ready for employment and permanent housing and their program has a 74% success rate in having people maintain employment and be independent. These are just some approaches that are working better elsewhere. They are resulting in improved rehabilitative lives for the homeless people so that they can responsible beneficial member of the community. Do you care enough to try similar approaches here instead of continuing to focus on housing first?

4. ACCEPTANCE OF AGENDA

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to accept the agenda as presented.

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

5. CITY COUNCIL MINUTES

5.1 REGULAR CITY COUNCIL MEETING OF JUNE 5, 2023.

5.2 REGULAR CITY COUNCIL MEETING OF JUNE 20, 2023.

5.3 WORK SESSION OF JUNE 26, 2023.

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

- 6.1 **RESOLUTION NO. 24-008:** A RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS THAT HAVE MET THEIR LEGAL RETENTION.
- 6.2 **RESOLUTION NO. 24-009:** A RESOLUTION TO ACCEPT THE GRANT AWARD FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, MUNICIPAL ARTERIAL PROGRAM, FOR THE FISCAL YEAR 2023/2024, FOR INTERSECTION IMPROVEMENTS ALONG SPRUCE AVENUE IN THE AMOUNT OF \$300,000, REQUIRING A CITY MATCH IN THE AMOUNT OF \$100,000, FOR A TOTAL PROJECT COST OF \$400,000.
- 6.3 **RESOLUTION NO. 24-010:** A RESOLUTION TO AWARD INDEFINITE COST, INDEFINITE QUANTITY CONTRACTS FOR TRAFFIC ENGINEERING SERVICES ON AN AS-NEED BASIS TO BOHANNAN HUSTON, INC.; HORROCKS; KIMLEY-HORN AND ASSOCIATES, INC.; LEE ENGINEERING, LLC; MOLZEN CORBIN; STANTEC CONSULTING SERVICES, INC.; WHPACIFIC, INC.; AND WILSON & COMPANY, INC., FOR A PERIOD OF ONE (1) YEAR WITH THE OPTION TO EXTEND FOR THREE (3) ADDITIONAL ONE-YEAR TERMS, SUBJECT TO ANNUAL RENEWALS AND APPROVED BUDGET APPROPRIATIONS (PROCUREMENT NO. 22-23-045).

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

- 7.1 **RESOLUTION NO. 24-011:** A RESOLUTION APPROVING THE JUNE 30, 2023 QUARTERLY FINANCIAL REPORT TO SUBMIT TO THE NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION.

Josh Saffell, Accounting Supervisor gave the overhead presentation.

Councilor Corran asked is there a line in our chart provided in our packet that we can look to that includes these?

Josh Saffell said yes there is.

Councilor Corran asked is it the last line?

Maria Sanchez, Accounting Supervisor said it is part of Exhibit A if you look at your folders.

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Approve Resolution No. 24-011.

RESULT:	Carried
MOVER:	Councilor Becki Graham
SECONDER:	Councilor Becky Corran
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Becki Graham, and Councilor Becky Corran

ABSENT:	Councilor Tessa Abeyta, Councilor Johana Bencomo, and Councilor Yvonne Flores
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7.2 RESOLUTION NO. 24-012: A RESOLUTION TO APPROVE THE FISCAL YEAR 2023-2024 ANNUAL INTERNAL AUDIT PLAN.

Viola Perea, City Auditor gave the overhead presentation.

Councilor Gandara asked was that last fiscal year the ARPA you did some audit specific to ARPA but I didn’t notice it on the list that you have done or one that you are planning to do, is there a reason for that or could you do ARPA just as we prepare to close everything up the year, the following year? We should be using all the money, correct?

Viola Perea said correct. Next month we are going to be presenting to council with the recap of our FY23 work that has been completed. There will be some information on the ARPA work that we did last fiscal year. Additionally, under the FY24 scheduled audits number 5 the ARPA Funds payment request. It is in your packet a little bit more organized but we will be coming back this year and looking at that first appropriation that has been requested and make sure that we are in compliance with the contracts that we have developed for those ARPA Funds.

Councilor Becki Graham moved, seconded by Councilor Kasandra Gandara, to Approve Resolution No. 24-012.

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

7.3 RESOLUTION NO. 24-013: A RESOLUTION APPROVING A REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND SIERRA NORTE DEVELOPMENT, INC., FOR THE DESIGN AND CONSTRUCTION OF A NEIGHBORHOOD PARK LOCATED IN THE METRO PARK VILLAGE PHASE 4 SUBDIVISION, IN AN AMOUNT NOT TO EXCEED \$343,200.00.

Cathy Matthews, Landscape Architect gave the overhead presentation.

Councilor Corran asked can you talk about the evolution of park impact fees because reality is I would argue it is fundamentally unfair that my district get more parks and I am happy and the people in my district are happy to have parks and I appreciate the thoughtfulness that you put into designing them and the developers are incorporating them but I am wondering if you might talk a little bit about how park impact fees may or may not suit all the needs that we have as we increase park acreage and how we can think about this differently?

Cathy Mathews said park impact fees are collected on new developments. So as a residential property is permitted for development a park impact fee is paid as part of that permit fee. That park impact fee is used to address need for level of service.

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There is a level of service of parks established for our city and as the city grows those folks need parks as well. We are currently studying our park impact fees and our land use assumptions as we are required to do every five years so that study is currently in process and we anticipate before this calendar year bringing that study to council so that you will be able to see the results of that study and make a determination regarding the park impact fees and what level they need to be at.

Councilor Corran said I am happy to talk about the fundamental things and feel compelled to bring to the floor and that there are not any new impact fees in land locked spaces here there aren't giant developments occurring so I think that when folks hear about a new park a lot of folks might say what is happening in the other park and so I always think about that in these conversations and I know that you do as you are planning and thinking about things and as we move forward and think about how park impact fees used and other types of Park and Rec funding. I would just like for us to advocate that I don't want our district just to be hogging up all the resources because as far Parks and Rec goes city wide. I just want to articulate that.

Cathy Mathews said the Parks and Rec master plan does lay forth a goal to have a neighborhood park or trail within a quarter mile walking distance of every resident within the city and so that goal exists whether it gets paid for by park impact fees or some other source. We always as you mention work towards that goal.

Mayor Miyagishima said the city prior to helping the developers with Sonoma Ranch Boulevard North and we have only done it one other time and that was Northrise. That road use to be pretty much a dirt road. They built the golf course out there but the developers needed to have money to build the road all the way to the golf course so this was a joint city partnership and so we basically put liens on that land so when they would sell those lots they would pay back the city a little bit. So, you will see the lion's share of development is coming from District 5 and so it brings in the most revenue and it also helps the city pay off the debt that helped finance that road and you are probably going to see eventually it is going to be turned into soon a four lane road. District 5 has literally surpassed my goal when I was a District 6 councilor. It is the fastest growing and it provides the most income to the city. It is imperative that the district stay with as much amenities as possible, also we are fortunate that the public voted to allow the next Fire Department station to be out in that area too because of the growth.

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Approve Resolution No. 24-013

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

8. BOARD APPOINTMENTS

8.1 2023 NEW MEXICO MUNICIPAL LEAGUE VOTING DELEGATE AND ALTERNATE

The voting delegate would be Councilor Abeyta and the alternate would be City Clerk, Christine Rivera.

8.2 JOHN POLAND

Councilor Becky Corran moved, seconded by Councilor Becki Graham, to reappoint John Poland to the Veteran's Advisory Board.

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

8.3 JAMES TURNER

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to reappoint James Turner to the Veteran's Advisory Board.

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

8.4 FREDERICK MADRID

Councilor Kasandra Gandara moved, seconded by Councilor Becky Corran, to Appoint Frederick Madrid to the Veteran's Advisory Board.

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

8.5 JASON FERGUSON

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Appoint Jason Ferguson to the Veteran's Advisory Board.

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

9. NOTICE OF PROPOSED ORDINANCE(S)

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

9.1 COUNCIL BILL NO. 24-001; ORDINANCE NO. 3043: AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV, SUBDIVISION VII. CONVENTION AND VISITORS BUREAU ADVISORY BOARD OF THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED.

Council agreed to bring it forward.

10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

10.1 MAYOR MIYAGISHIMA

Earlier you heard members of the public talking about crime and sometimes I think what we need to do instead I wish we could direct a lot of the thought process as far as review board, instead of a police review board more of a citizen's review board to find out what exactly took place on Bail Reform. I really believe that when the public voted it there was nothing that said anything about the Arnold Tool. The Arnold Tool is something that the Supreme Court told the judges that they had to use as a means of whether they could stay in jail or not. In my opinion that is unconstitutional. I don't think the Supreme Court makes laws. I think they just interpret it and it is the legislature I think that makes the laws and so I have been thinking based on the comments that some of the residents here, I think I am going to use various Tuesdays, not all Tuesdays but I think I would like to at least have some discussion with that. I really think that is where a lot of it lies because if the Supreme Court tells District Court you need to follow this Arnold Tool and it is a list of 15 things before they can stay in jail that alleged shooter that killed that officer in Alamogordo would still be in jail in my opinion.

10.2 COUNCILOR GANDARA

I just want the public to be aware that we live in this community. We drive around, we see the same things, we are concerned. This isn't about if we care enough to start a program or not. That has nothing to with it. We have instituted quite a few resolutions related to hygiene stations. I have been advocating for street units. The things that we are dealing with is because of trauma that people have endured and it goes undetected and untreated. They move to the area of doing illicit drugs and when you hear or when you read all the emails that we all receive related to certain crime and in particular areas and you speak to our community police officers they will tell you Fentanyl, meth it is extreme in this community. So last month we spoke in our Health Policy Review Committee specifically about Los Amigos Project. The Los Amigos Project receives some Junior Money which is specific and I will go back to but it is a six month program that addresses folks who have disabilities, specifically substance abuse addictions. They went and sponsored a bill, Senator Hamblen sponsored a bill for a million and half dollars to reopen this center. It is a center that provides services for six months. We had them come and present to our Health Policy Review Committee. A city this size does not have a facility to address these types of issues. The other thing that we had addressed medicated assisted treatment in that policy review committee. That is another area that I think shows a lot of promise in addressing Fentanyl epidemic and meth epidemic. I think we are moving as fast as

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we can. The systems we do not have oversight is the judiciary and I hear many a times where people are being let out and a lot of it is they are unable to stand trial because of their mental illness and so I think there is an issue there that Mayor I have said again we need to talk to our District Attorney and our judges and maybe the Chief Judge to address this issue in earnest because I feel in many ways our hands are tied because it an area where we are unable to or we have no oversight or authority with the judiciary.

We are seeing high increases in domestic violence where people are being assaulted now I broad daylight in the streets and those conversations with La Casa and other services that provide treatment or therapeutic services for folks. It something that is something that is going to continue to happen and I think that we need to have as you say everybody on deck to have these conversations but to also we cannot arrest our way out of this and I think most people want people to be arrested and put in jail or prison for long periods of time and it has been my experience that people who sit in jails and prison don't get the rehabilitation that is lacking in those facilities. I don't think this is about if we care enough to start a different program. Those programs are being discussed as flush with money as the state is as the second largest community in the state not to have a drug treatment facility in this community. Maybe it is bringing our State Legislators to the table to have really frank conversations about how we address these issues moving forward.

I went to the NALEO Conference last week. It was a great opportunity with a number of seminars throughout. The networking was fantastic. We got to hear from presidential candidates, and I was just happy to be a part of that.

10.3 COUNCILOR CORRAN

I just want to thank Chief Story and Officer Castaneda for the ride along that I got to participate in last week. We do have a Transit Advisory Board meeting coming up this week on Thursday at 3 p.m. upstairs on the second floor. Those are quarterly meetings and if folks have interest in what is happening in our Roadrunner Transit that is a great place to join so I invite you to join me there.

10.4 COUNCILOR GRAHAM

I wanted to thank Robert, Cathy, Franco, Ikani, and some outside city team members for a great initial discussion about replacing the playground at Valley View Park. I wanted to thank everyone for being receptive to the ideas that we are bringing forward and looking forward to getting that process going.

On Saturday I went and checked out the Origami in the Garden, Transforming Paper to Sculpture installation at the Las Cruces Museum of Art. Highly recommended. Go see the show and I think the best part for me is every piece when you look at the origami piece has an accessory that shows you what the paper looks like unfolded and I just thought that was a cool detail to include and was a really meaningful metaphor about what is presented on the outside and then there is that mess of folds and creases that we are on in the inside. It was great to be downtown on a Saturday afternoon.

11. CITY MANAGER REPORT

11.1 IFO PILI

We have all five EV buses in. They arrived to our city but still need to be worked on. Driver barriers installed and bus ramps with new design and rebranding logo. These buses can drive approximately 200 miles before needing to recharge. Anticipated EV training for mechanics is planned for September and then the EV infrastructure charging area, the construction is suspected to be completed by September. Once we have that all in place, we should have our buses in operation.

Our speed van presentation is ready to go. We will look at the next available Work Session for open spots available. That was brought up last time and I just wanted to report back.

I know we all expressed our condolences and regards to the officer in Alamogordo. I appreciate Chief Story and his department reaching out. He notified me on Saturday on what had happened and I took the liberty and call the City Manager as well and he had already offered resources as well on behalf of the city. So just to let you know we have offered any support that the city and resources they are welcome to call us. We appreciate Chief Story notifying me of that.

12. ADJOURNMENT

12.1

Councilor Becki Graham moved, seconded by Councilor Becky Corran, to Adjourned at 3:45 p.m.

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

Mayor

City Clerk



City Council Action and Executive Summary

24-019
Type of Action:
☒ Resolution

☐ Ordinance

☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A						
1st Reading:				Adopted:	August 21, 2023		
Drafter:	Christine Rivera			Department:	City Clerk		
Program:	Compliance			Line of Business:	Office of City Clerk		
Title:	A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR IFO PILI AS CITY MANAGER.						

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

PURPOSE(S) OF ACTION:

To approve an employment agreement for Ifo Pili as City Manager.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On July 23, 2020, the City Council selected Mr. Ifo Pili to be the City Manager. The current agreement expires on September 8, 2023. The City Council and Mr. Ifo Pili have mutually negotiated an employment agreement for City Manager. The agreement is for a three (3) year period at a base salary of \$216,000 and includes other provisions and benefits such as a residency requirement and use of a vehicle expiring on September 8, 2026. The employment agreement is effective when approved by City Council.

SUPPORT INFORMATION:

[Exhibit "A" - Pili Contract.docx](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: \$216,000

AVAILABLE AMOUNT: \$216,000

EXPENDITURE AMOUNT:
\$216,000

Funding Source(s):

10230001-601050

Agenda Item #7.1.

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

- ☐ Yes
☒ No

Does this action align with Elevate Las Cruces?

- ☐ Yes
☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the City Manager Employment Agreement for Mr. Ifo Pili.
2. Vote "No"; this means the City Manager Employment Agreement for Mr. Ifo Pili will not be approved.
3. Vote to "Amend"; this will require the contract to be renegotiated.
4. Vote to "Table"; this will delay the renewal of the agreement as the current one expires on September 8, 2023.

RESOLUTION 24-019

A RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR IFO PILI AS CITY MANAGER.

The City Council is informed that:

WHEREAS, the City Council approved the initial City Manager Employment Agreement with Mr. Ifo Pili on July 23, 2020; and

WHEREAS, the initial City Manager Employment Agreement became effective on September 8, 2020 with an expiration date of September 8, 2023; and

WHEREAS, the City Council has determined that Mr. Ifo Pili possesses the knowledge, skills, and abilities necessary to fulfill the duties and responsibilities of City Manager; and

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

WHEREAS, the agreement contains other provisions and benefits such as a residency requirement and use of a vehicle; and

WHEREAS, the City Council has requested a three (3) year renewal of the City Manager Employment Agreement.

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

(I)

THAT the City Manager Employment Agreement in Exhibit "A", attached hereto and made a part of this Resolution, is hereby approved.

(II)

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

CITY MANAGER EMPLOYMENT
AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of August 2023, by and between the City of Las Cruces, New Mexico, a municipal corporation ("Employer") and Ifo Pili "(Employee)", in consideration of the terms and conditions stated herein.

RECITALS

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

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

WHEREAS, Article I II, §§3.01 (a) and (b) of the Charter provides the City Council with authority to appoint and remove the city manager at their pleasure; and

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

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

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

WHEREAS, Employer desires to make possible full work productivity by assuring Ifo Pili's morale and peace of mind with respect to future security; and

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

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

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

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

SECTION 1. DUTIES

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

SECTION 2. STATUS AND TERM

A. The term of this Agreement begins September 8, 2023, and shall terminate September 8, 2026, unless extended in writing. Employee shall be considered an at-will employee of the City. This employment agreement shall become effective upon approval by the Governing Body and employment shall commence on the date stated above.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the Governing Body's right granted in the Charter to terminate this Agreement, with or without cause, at any time, subject only to the provisions set forth in Section 3 of this Agreement, the laws of the State of New Mexico, City Charter or Ordinances of the City of Las Cruces, as they may be applicable.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of Employee to resign and terminate this Agreement at any time, subject only to the provisions set forth in Section 3 of this Agreement.

D. Employee agrees to remain in the exclusive employ of Employer for an indefinite period of time and shall neither accept other employment nor become employed by any other employer without the prior written approval of the Governing Body of the City or until written notice of resignation is given by Employee.

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

SECTION 3. TERMINATION OF EMPLOYMENT AND SEVERANCE PAY

A. Except as provided in paragraph B of this section, in the event Employee is terminated by Employer during such time that Employee is willing and able to perform Employee's duties under this Agreement, Employer agrees to pay Employee a severance package as described in paragraph C of this section.

B. The following reasons shall constitute grounds to terminate this Agreement without payment of the severance package provided in paragraph C of this Agreement:

1. a willful breach of this Agreement or the willful and repeated neglect by Employee to perform the duties Employee is required to perform under this Agreement;
2. conviction of any criminal act relating to employment with the City; or
3. violation of the rules of conduct or ethics of any licensing or certification entity or body of which Employee holds a current license or certification; or
4. violation of the City's personnel rules which constitute misconduct; or
5. violation of the City's or State of New Mexico rules of ethics or conduct; or
6. conviction of any felony offense.

C. Except as provided in paragraph B of this section, in the event Employee is terminated by Employer during such time that Employee is willing and able to perform Employee's duties under this Agreement, Employer agrees to pay Employee a lump sum cash severance payment equal to twelve (12) months aggregate salary and benefits including cost of health and dental if such termination occurs on or before September 8, 2025. If termination of this Agreement occurs after September 8, 2025, Employee shall be provided a cash severance payment equal to the prorated amount remaining on the Agreement term. Employee shall also be compensated for all earned vacation, holidays and other applicable accrued benefits, if any, to the date of separation. Sick leave accrued to that date shall be paid out in accordance with Employer's Personnel Policies & Work Rules, as they may be amended from time to time. The benefits provided as a part of termination shall not include the provision of an automobile or automobile allowance, nor shall it include the continued accrual of leave benefits beyond the date of termination. The severance payment and benefits shall be an entitlement accrued under the conditions referenced herein and shall be paid without regard to whether the Employee has secured other employment.

D. In the event Employer, at any time during the term of this Agreement, reduces the salary or other employment benefits of Employee in a greater percentage than an applicable across-the-board reduction for all Directors of City Departments, or if Employer refuses, following written demand by Employee, to extend to Employee any non-salary benefit customarily available to all Directors of City Departments, or if Employee resigns following a formal request of a majority of the Governing Body of the City, then Employee may, at Employee's option, be deemed terminated within the meaning and context of this Subsection 3(C) herein.

E. In the event Employee voluntarily resigns Employee's position with Employer, Employee shall give at least sixty (60) calendar days advance written notice, unless the parties otherwise agree, and such agreement is in writing.

F. It is understood that after notice of termination or resignation in any form, Employee and City will cooperate to provide for an orderly transition. Specific responsibilities during such transition may be specified in a written separation agreement.

SECTION 4. SALARY

A. Effective September 8, 2023, Employer agrees to pay Employee for services rendered a starting annual base salary of \$216,000 per year upon employment, payable in biweekly installments at the same time as other management employees of Employer are paid. The City's budget will contain all salary and benefit amounts. In addition, Employer agrees to adjust, in Employer's sole discretion and subject to Subsection 3(D) above, said base salary and/or benefits of Employee in such amounts and to such extent as the Governing Body may determine that it is desirable to do so on the basis of an annual salary review of said Employee made at the same time as similar consideration is given other employees generally.

SECTION 5. PERFORMANCE EVALUATION

- A. Employer shall, at a minimum, annually review the performance of Employee. The evaluation shall take place with the month of July.
- B. Annually, Employer and Employee shall define such goals and performance objectives that they determine necessary for the proper operation of the City, and the attainment of Employer's policy objectives, and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations.

- C. A Performance Evaluation by the City Council will determine an overall rating of Employee's performance. The rating may be a factor in determining annual merit pay increases. Merit pay increases are not guaranteed. The process, a minimum, shall include the opportunity for both parties to:
 - 1. Prepare a written evaluation;
 - 2. Meet and discuss the evaluation in closed session; and
 - 3. Present a written summary of the evaluation.
- D. The final written evaluation should be completed and delivered to the Employee with thirty (30) days of the evaluation meeting.
- E. Failure to conduct an annual evaluation in the month of July shall imply the Employee's performance evaluation is satisfactory, unless otherwise later determined by the City Council pursuant to a subsequent evaluation conducted in accordance with this Agreement.

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

SECTION 6. HOURS OF WORK

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

SECTION 7. TRANSPORTATION

- A. Employee's duties require use of an automobile during his employment with Employer.
- B. Employee shall be required to purchase and maintain automobile insurance coverage of the types and amounts equal to or greater than those required by the City in order to operate a personal vehicle on City business.
- C. Employee shall be paid \$500.00 per month for a vehicle allowance.

SECTION 8. ADMINISTRATIVE, VACATION AND SICK LEAVE

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

SECTION 9. DISABILITY, RETIREE HEALTH AND LIFE INSURANCE

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

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

SECTION 10. RETIREMENT

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

SECTION 11. PROFESSIONAL DEVELOPMENT

A. Employer agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, to better serve the interests of Employer.

B. Employer hereby agrees to budget for and to pay the actual travel and subsistence expenses of Employee for professional and official travel, meetings and occasions, necessary and adequate to continue the professional development of Employee, and to adequately pursue necessary official and other functions for Employer.

C. Employer also agrees to budget and to pay for the travel and subsistence expenses of Employee for short courses, institutes and seminars that are necessary for his professional development to better serve the interests of Employer.

D. Employer hereby agrees to provide Employee with tuition reimbursement benefits to the same extent provided to other Department Directors.

SECTION 12. OTHER CONDITIONS OF EMPLOYMENT AND RELOCATION ALLOWANCE

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

SECTION 13. NOTICES

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

- {1) EMPLOYER: City of Las Cruces
700 N. Main, Suite 3200
Las Cruces, New Mexico 88011
- (2) EMPLOYEE: Ifo Pili

Address

City, State, Zip

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

SECTION 14. GENERAL PROVISIONS

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

SECTION 15. APPROPRIATIONS

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

Agenda Item #7.1.

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

Employee:

Ifo Pili, City Manager

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

Kenneth Miyagishima, Mayor

Kasandra Gandara, Councilor, District 1

Tessa Abeyta, Councilor, District 2

Becki Graham, Councilor, District 3

Johana Bencomo, Councilor, District 4

Becky Corran, Councilor, District 5

Yvonne Flores, Councilor, District 6

Attested to by:

Christine Rivera, City Clerk

Approved as to form:

 7/28/23

City Attorney



City Council Action and Executive Summary

24-020

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A		
1st Reading:	Adopted: August 21, 2023		
Drafter:	Erika Jaquez	Department:	Financial Services
Program:	Treasury	Line of Business:	Revenue Management
Title:	A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY.		

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

PURPOSE(S) OF ACTION:

Approve financial assistance application.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City Charter authorizes City Council to borrow funds. The New Mexico Finance Authority (NMFA) has instituted programs for financing public projects which can lead to lower interest costs. As part of the program, City Council is required by NMFA to authorize the submission of the application. The proposed action will allow the Utilities Department to submit the application for financing the acquisition, construction, and improvement of the water system.

SUPPORT INFORMATION:

[Attachment "A" Draft Loan Application](#)

PLAN(S):

2021-2025 Consolidated Plan

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

- ☐ Yes
☒ No

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

- ☐ Yes
☒ No

Does this action align with Elevate Las Cruces?

Agenda Item #7.2.

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and allow City staff to submit the funding application to NMFA.
2. Vote "No"; this will deny the Resolution and not allow City staff the opportunity to submit the funding application to NMFA and realize an interest savings opportunity by using this funding mechanism.
3. Vote to "Amend"; this could require City staff to explore other financing options and delay the necessary improvements to the water system.
4. Vote to "Table"; this could delay the financing opportunity and increase the projected cost of the project.

RESOLUTION 24-020

A RESOLUTION AUTHORIZING AND APPROVING THE SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY.

The City Council is informed that:

WHEREAS, the City of Las Cruces, New Mexico ("Borrower") is a qualified entity under the Drinking Water State Revolving Loan Act, Sections 6-21A-1 et seq., NMSA 1978 ("Act"), and the City Council ("Governing Body") is authorized to borrow funds and/or issue bonds for the financing of public projects for benefit of the Borrower and the public; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the Drinking Water State Revolving Loan Fund created under the Act, and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for drinking water projects; and

WHEREAS, the Governing Body intends to undertake the acquisition, construction, and improvement of the water system ("Project") for the benefit of the Borrower and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving the submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

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

(I)

THAT all actions (non-consistent with the provision hereof) heretofore taken by the Governing Body and the officers and employees thereof directed toward the Application and the Project, be hereby ratified, approved, and confirmed.

(II)

THAT the completed Application submitted to the Governing Body by hereby approved and confirmed.

(III)

THAT the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

(IV)

THAT all acts and resolutions in conflict with this resolution are hereby rescinded, annulled, and repealed.

(V)

THAT this resolution shall take effect immediately upon adoption.

(VI)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

General Information

Las Cruces, City of
 P O Box 20000 Las Cruces, NM 88004
 (575) 541-2000
 City of Las Cruces, Utility DWSRL

I. GENERAL INFORMATION

Requested Funds:	\$	15,300,000.00
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A. Applicant Information

Applicant Name:	Las Cruces, City of	
Street Address 1:	700 N. Main	
Street Address 2:		
City:	Las Cruces	
Zip Code:		88001
Dona Ana County		
Census Tract(s) of Applicant's Service Area or, if applicable, name of Census Designated Place:	C35013	
State Senate District Number(s):	31, 38, 37	
State House District Number(s):	52, 35	
Congressional House District:	Congressional District 2	
DUNS Number:		

B. Consulting Professionals

If not yet selected, please answer with "Not Applicable"

1. Legal Counsel

Name:	Katherine McKinney	
Firm:	Modrall Law Firm	
Address:	500 4th St. NW, Ste. 1000	
City:	Albuquerque,	
Zip Code:		87102
Phone:	505.848.1814	
Email Address:	kmc@modrall.com	

2. Engineer:

Name:	N/A	
Firm:		
Address:		
City:		
Zip Code:		
Phone:		
Email Address:		

3. Primary Contact for Project Oversight:

Primary Contact Name:	Erika Jaquez
Title:	Treasurer
Address:	700 N. Main
City:	Las Cruces
Zip Code:	88001
Phone:	575-541-2084
Email Address:	ejaquez@lascruces.gov

II. PROJECT SUMMARY

Project Scope.

Provide a brief description of the project: 1) State the requested Scope of funding (eg, Design and/or Construction) and 2) the overall purpose of project. (Example: "Design and construct Main Street water transmission lines.")	Spruce Tank Booster Station Well 64 Pipeline & Improvements Elevated Airport Water Storage Tank Rehab (500K) Upper Griggs Tank Rehab (3 MG) Well 72 Pipeline & Improvements Zone I Interconnect Project 3 South - Phase B
---	---

Purpose and Background of Project:

Provide a detailed description of the project. Include the reason behind the project and how the project was selected.

Upload Planning Document here:	Current File: None
Proposed Project Start Date:	//
Proposed Project Completion Date:	//

1. When does the system need NMFA funds to be available?	12/31/2023
--	------------

2. How will the ongoing maintenance, operation, and replacement of this project be funded?	City of Las Cruces - Joint Water and Sewer System
--	---

3. Does the system have one or more certified operators?	Yes
If Yes, list below the number of operators and their levels of certification.	Level 1: 1 employee, Level 2: 5 employees, Level 3: 10 employees, Level 4: 13 employees.

4. Will this project require right-of-way acquisition?	No
--	----

If Yes, specify any right-of-way needs and whether acquisition may or may not delay the project:

Agenda Item #7.2.

5. Who will hold title to the land where the project is to be located?
If this is land owned by the Bureau of Land Management or State Land Office or is Tribal Land, please attach lease agreements. If there is no clear title, attach an explanation of ownership arrangements.

City of Las Cruces/Bureau of Land Management/State Land Office

Current File: None
6. Does this project require a joint powers agreement (JPA)?
If Yes, provide a copy of the JPA, which should include a list of the current membership.

No

Current File: None
7. Does the system expect that the project will result in an increase in service demand that would impact the capacity of the system?

If Yes, please explain:

Yes
The addition of 2 wells and the looping of the system will increase capacity.

B. Total Project Cost and Sources of Funds Detail

Please download the Project Cost and Sources of Funds Detail spreadsheet from above, provide total estimated project costs under the appropriate Funding Sources, save it to your local computer and then upload it as an attachment here:

Current File: None

III. FINANCING

A. Revenue

1. Specify the revenue to be pledged as security for the DWSRLF loan (at least one revenue source must be pledged):
Net Systems Revenues
If net system revenue, please indicate name of enterprise fund and attach the current ordinance or other document that sets for the rates, rules, and regulations:
If net system revenue, please indicate name of enterprise fund and attach the current ordinance or other document that sets for the rates, rules and regulations:
Attach current rules and regulations here:

Yes

Joint Water and Sewer System

Current File: None
Current File: None
- Gross Receipts Tax (GRT)**
If GRT, please specify type of GRT and identify specific increment(s) to be pledged:

No

Agenda Item #7.2.

General Obligation No
General Obligation:

If general obligation, please provide the details of the voter authorization to issue bonds backed by ad valorem property taxes; include the amount of the bonds authorized and the date of the authorization.

Other Revenue No
Please specify:

2. Is there an alternative revenue source available to pledge to pay debt service in the event that the primary pledged revenue is unavailable or insufficient?

If Yes, please specify:

3. Preferred number of years to repay loan (up to 30 years for disadvantaged communities, 20 years for non-disadvantaged communities, as long as does not exceed the expected design life of the project):

20

B. Debt

Is any debt being repaid from the revenuesource(s) referenced in A (1) above?

Yes

If Yes, please upload bond or loan documents and payment schedule(s) for any existing debt service being paid from the same revenues that are pledged as security for the DWSRLF loan.

Current File: DW-DebtRepaid-Yes

C. Customers and Rates

1. What are the current number of connections and rates for the following customer classifications?

38,968

What is the total population served by the system?

Number of Residential Connections?

34,224

Residential rate per 6,000 gallons:

\$2.85 (3,001-13,000 gallons)

Residential Revenue Generated:

\$1,425,736.93

Number of Commercial Connections:

4,655

Commercial rate per 6,000 gallons:

\$12.73/1,000 gallons

Commercial Revenue Generated:

\$662,327.05

Number of Bulk Connections:

89

Bulk rate per 6,000 gallons:

\$3.32/1,000 gallons

Bulk Revenue Generated:

\$15,618.86

2. When were the system's water rates last adjusted?

Dec-18

On September 11, 2008, the Utility Board adopted Resolution No. 08-09-024, to establish its Rate Making Procedures for the System. Generally, the basic principal is to set rates so that each of the System’s utilities separately achieves the amount of revenue that must be recovered through billing to meet the projected cost of the utilities. In the event that revenues generated by existing rates are not sufficient to cover costs necessary to provide efficient, safe and reliable service, the Joint Utilities Department will file an application for a rate change. Within nine (9) months from the date of the application for a rate increase, the Utility Board will review the information and data pertinent to the rate increase request, hold a hearing, and provide a written decision regarding the outcome of the requested rate increase.

3. Please describe the system's rate review process and frequency of review:

4. Is the system metered?
If Yes, what is the percentage of fully operating meters?

Yes
99%

• Fiscal Year End Date: 30-Jun

6. Please upload below audits from the past three fiscal years that are not available on the Office of the State Auditor website. For Applicants not required to complete audits under the Audit Rule, please upload below year-end financial statements for the last three fiscal years.

Current File: None

7. Are any significant changes in operational revenue or expenditures expected in the next three fiscal years that would impact the system's overall operating budget?

Yes

Increase in the cost of chemicals, electricity to run the system, operational supplies and componets needed on the system, and additional testing mandates from the Federal government.

If Yes, please describe:

IV. Attachments and Certifications

1. If applicable, please download the Categorical Exclusion Checklist document from above, complete it and save it to your computer, then upload it to the application here:

Current File: None

2. Please attach a list of and copies of all required permits and licenses necessary to complete the project (attach as one document). Detail the status of each item, a plan of action, and time frame for completing the incomplete permits and licenses. For your convenience, a template is provided above for download.

Current File: None

3. Please provide maps that show the location of the project, the layout of the proposed site and, if applicable, a floormap of the project.

Current File: None

Please attach project map here:

Current File: None

Please attach site map here:

Current File: None

If applicable, please attach floor map here:

4. Provide copies of Site Certificates and/or Easements or provide a date by which the documents will be secured and identify all entities providing site certificates and/or easements (required).

Please attach Site Certificates and/or Easements here: Current File: None

5. Is there litigation pending that would have a bearing on the project or applicant?

No

If Yes, attach a summary of all circumstances relating to such litigation here:

Current File: None

6. Please attach a list of the regular meetings dates for the system's governing body(ies) that authorized this project:

Current File: None

7. Attach a copy of the current Open Meetings Act Resolution (Required):

Current File: None

Agenda Item #7.2.

8. Attach a copy of the executed Authorizing Resolution that was approved by your governing body. For your convenience, a Authorizing Resolution template has been provided above. Please download the Authorizing Resolution document from above, sign and save it to your computer, then upload it to the application here:

Current File: None

9. Please download the Applicant Certification document from above, sign and save it to your computer, then upload it to the application here:

Current File: None

10. Other Attachments:

Please attach below any other documentation you believe will be helpful in processing your application.

Please describe attachment:

Current File: None

Please describe attachment:

Current File: None



**3046; Council
Bill No. 24-004**

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 7, 2023	Adopted:	August 21, 2023
Drafter:	Jan Lauterbach	Department:	City Manager's Office
Program:	Housing & Neighborhood Services	Line of Business:	Housing & Neighborhood Services

Title:	AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF A CITY-OWNED VACANT PARCEL KNOWN AS LOT NUMBER 1B HOPE SUMMARY SUBDIVISION (AKA 2245 E. GRIGGS AVENUE) TO CATHOLIC CHARITIES HOUSING INC.,/ CHelsea INVESTMENT CORPORATION FOR THE DEVELOPMENT OF THE THREE SISTERS AFFORDABLE HOUSING COMPLEX AS AUTHORIZED UNDER THE STATE OF NEW MEXICO'S AFFORDABLE HOUSING ACT (THE ACT) NMSA 1978 CHAPTER 104, IN CONJUNCTION WITH THE CITY OF LAS CRUCES' AFFORDABLE HOUSING GENERAL OVERSIGHT ORDINANCE.
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TYPE OF ACTION: ☐ Administrative ☒ Legislative ☐ Quasi-Judicial

PURPOSE(S) OF ACTION:
Approve ordinance for land donation for affordable housing.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
Catholic Charities Housing Inc. (CC Housing Inc.) and Chelsea Investment Corporation are the development partners for The Three Sisters apartment complex, a new 70-unit low-income housing tax credit (LIHTC) project for families to be constructed at 130 N. Walnut. The City, in conjunction with the New Mexico Mortgage Finance Authority, is supportive of the development to bring much-needed affordable housing to Las Cruces.

The City owns an adjoining vacant parcel of land known as Lot 1B of Hope Summary Subdivision (AKA 2245 E. Griggs Avenue). CC Housing Inc. and Chelsea Investment Corporation, approved Qualifying Grantees, and the partnering developers of The Three Sisters apartment complex desire to acquire the City-owned parcel as part of development for site improvements including the community center and access to the complex.

The donation of a parcel of land for affordable housing development to an approved Qualifying Grantee agency is allowed under the State of New Mexico's Affordable Housing Act (The Act) NMSA 1978 Chapter 104 and in conjunction with the City of Las Cruces (City) Affordable Housing General Oversight Ordinance Chapter 13, Sec 13-103 (1)(a) of the City's Municipal Code.

With the approval of the ordinance, at title transfer from the City to CC Housing Inc. / Chelsea Investment Corp., the warranty deed will include a reversionary clause stipulating that the property will be used for the development of affordable housing and if construction is not completed by January 2025, title to the parcel will revert back to the City.

Agenda Item #7.3.

Donation of this vacant parcel will allow for the development to proceed in a manner that meets construction timeline restrictions.

SUPPORT INFORMATION:

[Exhibit "A" Warranty Deed](#)

PLAN(S):

City Council Strategic Plan, Department Strategic Business Plan, 2021-2025 Consolidated Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

Affordable Housing Committee

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the ordinance for the donation of a parcel of City-owned property to CC Housing Inc., / Chelsea Investment Corporation for affordable housing development.
2. Vote "No"; this will not approve the ordinance allowing for the donation of the parcel to CC Housing Inc. / Chelsea Investment Corporation which could cause development delays and possibly cancel the entire development.
3. Vote to "Amend"; this will direct staff to modify the proposed ordinance.
4. Vote to "Table"; the will direct staff to modify the proposed ordinance.

ORDINANCE 3046; COUNCIL BILL NO. 24-004

AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF A CITY-OWNED VACANT PARCEL KNOWN AS LOT NUMBER 1B HOPE SUMMARY SUBDIVISION (AKA 2245 E. GRIGGS AVENUE) TO CATHOLIC CHARITIES HOUSING INC.,/ CHELSEA INVESTMENT CORPORATION FOR THE DEVELOPMENT OF THE THREE SISTERS AFFORDABLE HOUSING COMPLEX AS AUTHORIZED UNDER THE STATE OF NEW MEXICO'S AFFORDABLE HOUSING ACT (THE ACT) NMSA 1978 CHAPTER 104, IN CONJUNCTION WITH THE CITY OF LAS CRUCES' AFFORDABLE HOUSING GENERAL OVERSIGHT ORDINANCE.

The City Council is informed that:

WHEREAS, Catholic Charities Housing Inc. (CC Housing) and Chelsea Investment Corporation are the partnering developers for The Three Sisters apartment complex, a new 70-unit low-income housing tax credit (LIHTC) project for families, to be constructed at 130 N. Walnut; and

WHEREAS, the City of Las Cruces (City) is the owner of a vacant parcel known as Lot 1B of Hope Summary Subdivision (AKA 2245 Griggs Avenue); and

WHEREAS, the donation of a parcel of vacant land to an approved Qualifying Grantee for affordable housing development is allowed under the State of New Mexico's Affordable Housing Act (The Act) NMSA 1978 Chapter 104, and in conjunction with the City's Affordable Housing General Oversight Ordinance Chapter 13, Sec 13-103 (1)(a) of the City's Municipal Code; and

WHEREAS, CC Housing Inc. and Chelsea Investment Corporation, are approved Qualifying Grantee and partnering developers of the adjoining parcel known as 130 N. Walnut, desire to acquire the City-owned parcel known as Lot 1B of Hope Summary Subdivision (AKA 2245 E. Griggs Avenue) for affordable housing development; and

WHEREAS, the acquisition of Lot 1B of Hope Summary will allow for site improvements such as the community center and access to affordable housing development.

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

(I)

THAT the City Manager or his designee is authorized to execute a deed as shown in "Exhibit A" with reversionary clause upon Ordinance approval without further consideration by City Council.

(II)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

City of Las Cruces, whose address is, 700 N. Main Street, Las Cruces, NM 88001 for consideration paid, grant(s) to **Catholic Charities Inc. a New Mexico Non-Profit Corporation whose address is 3301 Candelaria Road NE., Suite B, Albuquerque, NM 87107 /Chelsea Investment Corporation, a California Corporation**, whose address is, **339 Paseo Del Lago, Carlsbad, CA 92011**, the following described real estate in **Dona Ana County, New Mexico**:

Ownership of and title to the Property shall revert to the Grantor if: the Grantee, or Developer, or its successors and/or assigns, fails to complete construction of affordable housing on either this conveyance, or any future replated lot which this conveyance is made a part of within 2 years from the date of filing of this Warranty Deed with the County Clerk of Dona Ana County which is _____, _____, 2023. The City shall exercise the right of reversion by the City by filing an affidavit indicating that the City has exercised it's right of reversion. Upon filing of such affidavit and Warranty Deed, the Property shall automatically, without further action, vest in fee simple to the City. However, the City shall not exercise its Reversionary Interest on any portions of the Property if and to the extent that Grantee has commenced construction and is diligently pursuing the same to completion (for the period not to exceed 24 months from this conveyance). Grantee's acceptance of this Deed evidence Grantees agreement to and acceptance of said right of reversion, and Grantee further waives any objection to the form or operation of the right of reversion as well as any effect said right of reversion may have of the marketability of title to said Property.

With warranty covenants.

City of Las Cruces

Acknowledgement for Corporation

Notary Public

My Commission Expires:



City Council Action and Executive Summary

24-021

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A
1st Reading:	Adopted: August 21, 2023
Drafter:	Charlie Fierro
Program:	Budget
Department:	Financial Services
Line of Business:	Fiscal Management

Title:

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FY 2024 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR THE NEW MEXICO FINANCE AUTHORITY (NMFA) FLOOD CONTROL INFRASTRUCTURE (\$3,070,000) AND STREET IMPROVEMENT PROJECTS (\$5,080,000).

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

PURPOSE(S) OF ACTION:

Amend the FY2024 Budget and the CIP.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On June 05, 2023, City Council approved Ordinance no. 3034 which authorized the execution and delivery of the NMFA loan agreement for \$3,070,000. This agreement is for a flood control infrastructure project and paying the costs of execution of the loan agreement, with such loan agreement to be secured by a lien on the fifth quarter percent increment of municipal gross receipts tax, and the hold harmless distributions associated with the fifth quarter percent increment of municipal gross receipts tax.

On June 05, 2023, City Council approved Ordinance no. 3035 which authorized the execution and delivery of an NMFA loan agreement for \$5,080,000. This agreement is for street improvement projects and paying the costs of execution of the loan agreement, with such loan agreement to be secured by a lien on the first quarter percent increment of municipal gross receipts tax, and the hold harmless distributions associated with the first quarter percent increment of municipal gross receipts tax.

The budget adjustment is to issue a budget for loan proceeds, debt issuance cost, loan debt service transfer, and capital expenditures.

SUPPORT INFORMATION:

- [Exhibit "A" Fund Summary](#)
- [Exhibit "B" - FY2024 CIP](#)

PLAN(S):

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):
See Attached Exhibit "A"

Overall Budget Impact:
Increase the budget for the NMFA Flood and Street Projects.

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 authorize a budget adjustment and amend the CIP for proceeds and expenses associated with the NMFA Flood and Street Project loans for FY 2024.
2. Vote "No"; this will not authorize a budget adjustment and amend the CIP. for proceeds and expenses associated with the NMFA Flood and Street Project loans for FY 2024.
3. Vote to "Amend"; this could delay the expenditures for NMFA Flood and Street Project improvements for FY 2024, where NMFA Flood and Street Project loans are the funding source.
4. Vote to "Table"; this could delay the expenditures for NMFA Flood and Street Project improvements for FY 2024, where NMFA Flood and Street Project loans are the funding source.

REFERENCE INFORMATION:

Ordinance nos. 3034 & 3035

RESOLUTION 24-021

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FY 2024 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR THE NEW MEXICO FINANCE AUTHORITY (NMFA) FLOOD CONTROL INFRASTRUCTURE (\$3,070,000) AND STREET IMPROVEMENT PROJECTS (\$5,080,000).

The City Council is informed that:

WHEREAS, On June 05, 2023, City Council approved Ordinance 3034 which authorized the execution and delivery of the NMFA loan agreement for \$3,070,000, flood control infrastructure project; and

WHEREAS, On June 05, 2023, City Council approved Ordinance 3035 which authorized the execution and delivery of the NMFA loan agreement for \$5,080,000, street improvements project; and

WHEREAS, the budgetary amendment is to issue a budget for loan proceeds, debt issuance cost, loan debt service transfer, and capital expenditures.

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

(I)

THAT the FY 2024 Budget is hereby amended as shown in Exhibit "A", attached hereto and made a part of this Resolution.

(II)

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

(III)

THAT 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

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

Exhibit "A"

	1500 HHR CONTINGENCY 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 10,548,762	10,548,762	0	10,548,762
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	14,640,868	14,640,868	0	14,640,868
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	14,640,868	14,640,868	0	14,640,868
TOTAL RESOURCES	\$ 25,189,630	25,189,630	0	25,189,630
Expenditures				
General Government	0	0	0	0
Legislative	1,750,000	1,750,000	0	1,750,000
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,750,000	1,750,000	0	1,750,000
Other Resources				
Operating Transfers In	500,000	500,000	0	500,000
Operating Transfers Out	(15,013,352)	(15,013,352)	(1,795,361)	(16,808,713)
Total Other Resources	\$ (14,513,352)	(14,513,352)	(1,795,361)	(16,308,713)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 8,926,278	8,926,278	(1,795,361)	7,130,917

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

Exhibit "A"

	3636 23 NMFA STREET DBT 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	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 0	0	0	0
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	969,262	969,262
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	969,262	969,262
Other Resources				
Operating Transfers In	0	0	1,051,346	1,051,346
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	1,051,346	1,051,346
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 0	0	82,084	82,084

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

Exhibit "A"

	3637 23 NMFA FLOOD DEBT 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	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 0	0	0	0
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	703,602	703,602
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	703,602	703,602
Other Resources				
Operating Transfers In	0	0	774,015	774,015
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	774,015	774,015
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 0	0	70,413	70,413

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

Exhibit "A"

	4636 23 NMFA MGRT 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	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	8,150,000	8,150,000
Total Revenues	0	0	8,150,000	8,150,000
TOTAL RESOURCES	\$ 0	0	8,150,000	8,150,000
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	8,150,000	8,150,000
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	8,150,000	8,150,000
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 0	0	0	0

City of Las Cruces
Capital Improvements Program
FY 2024-2029

Exhibit B

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	Funding Source(s)
ECONOMIC DEVELOPMENT							
Economic Development - Newly Funded Projects							
Downtown Video Security	100,000						TIDD
Economic Development - Total Newly Funded Projects	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Economic Development - Carryover Projects							
Cinematic Infrastructure & Soundstage	2,933,085						Bonds, Grants, Taxes
Downtown Plaza Shade Structures	643,400						Taxes
Downtown Callecitas Shade Structure	100,000	400,000					TIDD
Gateway Entry Points Improvements 1 - LCIIIP Signage 2 - LCIIIP Pocket Park 3 - Gateway Signage	250,000	460,000	25,000	25,000	25,000	25,000	Bonds, Grants, Taxes
Parking Lot 7 and Bathrooms	99,404						TIDD
Economic Development - Total Carryover Projects	\$ 4,025,889	\$ 860,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	
Economic Development - Annual Projects							
Downtown Parking Lots Renovation 1 - Parking Lot 9/10 2 - Parking Lot at Campo & Hadley	2,100,000	350,000	255,000	255,000	255,000	255,000	Grants, TIDD
Economic Development - Total Annual Projects	\$ 2,100,000	\$ 350,000	\$ 255,000	\$ 255,000	\$ 255,000	\$ 255,000	
Economic Development - Future Projects							
Rocket Drive Expansion		820,000	7,173,000				Grants, Taxes
Transit Loop Road		1,661,000	7,800,000	7,800,000			Grants, Taxes
Economic Development - Total Future Projects	\$ -	\$ 2,481,000	\$ 14,973,000	\$ 7,800,000	\$ -	\$ -	
Total Economic Development	\$ 6,225,889	\$ 3,691,000	\$ 15,253,000	\$ 8,080,000	\$ 280,000	\$ 280,000	
FACILITIES MANAGEMENT							
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	1,948,383						Bonds, Taxes
Facility Parking Lot Program 1 - Munson Center 2 - Henry R Benavidez Community Center 3 - Train Depot	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Gateway Entry Points Signage Maintenance	7,000	50,000	50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 2,155,383	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Facilities Management - Annual Projects							
General Facilities Improvements 1 - La Casa Maintenance 2 - Jardin de Esperanzas 3 - WIA Rehabilitation 4 - Arc Flash Plan 5 - City Hall Furnishings 6 - Surveillance Camera Upgrades 7 - Records Center Improvements 8 - Branigan Library Exterior Re-Stucco 9 - Frank O'Brien Papen Community Center 10 - City Hall Building Operations Storage	11,585	500,000	500,000	500,000	500,000	500,000	Taxes

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Item #8.1.1

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

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Roof Replacement Program 1 - Police Department Main Building 2 - WIA Building 3 - Municipal Court 4 - Meerscheidt Rec Center 5 - Rio Grande Theater 6 - Museum of Fine Arts 7 - Branigan Cultural Center 8 - Railroad Museum 9 - Police Department Academy 10 - Roof Inspections	2,397,032	375,000	375,000	375,000	375,000	375,000	Taxes, TIDD, Bonds
Safety, Health, Environmental & Emergency 1 - City Hall Security Upgrades 2 - Parks Sidewalk Replacement 3 - Pool Hoist 4 - Fire Alarm & Security Upgrades 5 - Pigeon Abatement	28,448						Taxes
Facilities Management - Total Annual Projects	\$ 2,437,065	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	
Facilities Management - Future Projects							
HVAC Upgrade Program		200,000	200,000	200,000	200,000	200,000	Taxes
Generator Buffer Program Fire Stations		50,000	50,000	50,000	50,000	50,000	Taxes
Refuse & Recycling Buffer Program Henry R Benavidez Community Center		50,000	50,000	50,000	50,000	50,000	Taxes
Generator Replacement Program		35,000	35,000	35,000	35,000	35,000	Taxes
ADA Compliance		25,000	25,000	25,000	25,000	25,000	Taxes
Facilities Management - Total Future Projects	\$ -	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	
Total Facilities Management	\$ 4,592,448	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	
LAS CRUCES AIRPORT							
Las Cruces Airport - Carryover Projects							
LRU Airport Infrastructure Improvements	969,354						Grants, Taxes, Other
LRU Passenger Terminal	245,118		12,500,000		1,850,000	3,500,000	Grants, Taxes, Other
LRU Runway 8/26 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	155,300	4,200,000	8,400,000				Grants, Taxes, Other
LRU Runway 12/30 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	262,902			13,500,000			Grants, Taxes, Other
LRU Taxilane Improvements	130,982						Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 1,763,656	\$ 4,200,000	\$ 20,900,000	\$ 13,500,000	\$ 1,850,000	\$ 3,500,000	
Las Cruces Airport - Annual Projects							
LRU Striping and Marking Maintenance Program	75,000	75,000	75,000	75,000	75,000	75,000	Taxes, Other
Las Cruces Airport - Total Annual Projects	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	
Las Cruces Airport - Future Projects							
LRU Passenger Air Service Infrastructure Revitalization		37,500,000					Grants, Taxes, Other
LRU ARFF Index B Equipment Upgrades		1,600,000					Grants, Taxes, Other
LRU Maintenance Facility Design-Construct <i>2023 Legislative Appropriation</i>		1,050,000					Grants, Taxes, Other
LRU Passenger Terminal Parking		1,000,000					Grants, Taxes, Other

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

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
LRU Airport Maintenance Equipment		850,000					Bonds, Grants, Taxes, Other
LRU Runway 4/22 Rehabilitation			1,605,000				Grants, Taxes, Other
<i>2023 Legislative Appropriation</i>		595,000					
LRU Airport Automated Weather Observation System (AWOS)		412,460					Grants
LRU Airport Rotating Beacon		170,520					Bonds, Grants, Taxes, Other
LRU Runways 8-26 and 12-30 Blast Pads		166,667					Grants
LRU Pavement Maintenance Program		125,000	125,000	125,000	125,000	125,000	Taxes, Other
LRU Utility Infrastructure Improvements			4,500,000				Bonds, Grants, Taxes, Other
LRU Airline Ground Support Equipment Facilities			750,000				Grants, Taxes, Other
LRU Fuel Farm Relocation and Expansion				1,900,000			Grants, Taxes, Other
LRU Taxilane Extensions					3,400,000		Grants, Taxes, Other
LRU Commercial Hangar Design and Construct					2,800,000		Grants, Taxes, Other
LRU Multi-Modal Public Passenger Transit Facility					2,500,000		Grants, Taxes, Other
LRU East Perimeter Road						11,200,000	Grants, Taxes, Other
LRU Apron West Hangar Rehabilitation						70,000	Grants, Taxes, Other
LRU Apron West Rehabilitation						70,000	Grants, Taxes, Other
Las Cruces Airport - Total Future Projects	\$ -	\$ 43,469,647	\$ 6,980,000	\$ 2,025,000	\$ 8,825,000	\$ 11,465,000	
Total Las Cruces Airport	\$ 1,838,656	\$ 47,744,647	\$ 27,955,000	\$ 15,600,000	\$ 10,750,000	\$ 15,040,000	
NON-PROFIT ORGANIZATIONS							
Non-Profit Organizations - Carryover Projects							
Arts and Cultural District Improvements	876,147						Grants
<i>2023 Legislative Appropriation</i>		815,128					
MV Community of Hope - Building 1, Solar Project	200,000			600,000			Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Whse	4,412,455	1,847,000					Grants, Other
MV Community of Hope - Expansion Remodel	50,000	3,850,000					Grants
<i>2023 Legislative Appropriation</i>		1,150,000					
MV Community of Hope - Health Facility Improvements	1,859,046						Grants
Non-Profit Organizations - Total Carryover Projects	\$ 7,397,648	\$ 7,662,128	\$ -	\$ 600,000	\$ -	\$ -	
Non-Profit Organizations - Future Projects							
MV Community of Hope - Master Plan Implementation		2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	Grants
Paseos Verdes		2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	Grants
MV Community of Hope - Cocina de Peregrinos/El Caldito Kitchen			1,125,000	7,500,000	2,700,000		Grants
<i>2023 Legislative Appropriation</i>		1,875,000					
La Clinica de Familia - Behavioral Health Facility							Grants
<i>2023 Legislative Appropriation</i>		922,349					
Children's Museum Facility			100,000	400,000	5,500,000		Bonds, Grants
<i>2023 Legislative Appropriation</i>		601,175					
MV Community of Hope - Jardin de los Niños Re-Roof							Grants
<i>2023 Legislative Appropriation</i>		250,000					
MV Community of Hope - Flooring							Grants
<i>2023 Legislative Appropriation</i>		10,317					
MV Community of Hope - El Caldito Upgrade			150,000				Grants
MV Community of Hope - Jardin de los Niños Security Improvements				200,000			Grants
MV Community of Hope - Patio to Office Remodel				200,000			Grants
Non-Profit Organizations - Total Future Projects	\$ -	\$ 7,658,841	\$ 5,375,000	\$ 12,300,000	\$ 12,200,000	\$ 4,000,000	
Total Non-Profit Organizations	\$ 7,397,648	\$ 15,320,969	\$ 5,375,000	\$ 12,900,000	\$ 12,200,000	\$ 4,000,000	

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

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
PARKS & RECREATION							
Parks & Recreation - Carryover Projects							
A. Fielder Memorial Safe Haven Renovations	332,270						Taxes
Apodaca Park Aquatic Playground and Multi-Use Path	1,500,000	509,479	240,521				PIF
Aquatic Center Solar	144,353						Grants
Ballfield/Soccer Field Renovations & Upgrades	800,000	834,600	144,000	3,200,000			Grants
Burn Lake/Esslinger Community Park Improvements	19,744			3,200,000			Bonds, Grants, Taxes
Butterfield Shooting Range ADA Improvements	8,046		200,000	2,000,000			Bonds, Grants, Taxes
Chandler Tank Park	556,192						Bonds, Taxes
Dona Ana Move Trail	660,000						Grants, Taxes
East Mesa Public Safety Area Park	100,000	100,000		100,000		100,000	Grants, PIF
Gallagher Park Improvements	150,000						Taxes
Highland Park	1,000,000	510,850					Grants, PIF, Taxes
JCP Learning Center Exterior Repairs	292,800						Grants, Taxes
Las Cruces Lateral RTP Trail	463,680						Grants
Las Cruces Regional Aquatic Center HVAC & Dehumidifier	75,000						Taxes
Meerscheidt Recreation Center - Remodel/Expansion	2,000,000						Bonds
Meerscheidt Recreation Center Improvements	186,169	220,000					Grants, Taxes
Metro Verde Neighborhood Parks	619,814	500,000	500,000	500,000	500,000	500,000	PIF
New Skate Park - Plan & Design	530,000	550,000		250,000			Grants
Parks Parking Lots BMX Track Parking Lot & ADA Improvements Paz Ball Field Parking Lot Improvements Tony Gomez Park Parking Lot Improvements Veterans' Park Parking Lot	2,631,162						Bonds, Grants, Taxes
Parks Smart Controllers & Pumps	71,867						Grants, Taxes
Pioneer Women's Park Gazebo Improvements 2023 Legislative Appropriation	125,000	660,000	600,000	600,000	600,000	600,000	Grants
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Construction	587,477						Bonds, PIF, Taxes
Skate Park Renovation & Improvements	995,000		836,500	1,650,000	500,000		Grants, PIF
Tortugas Trail	70,000						Grants
Wayfinding Signage	-						Grants, PIF
Parks & Recreation - Total Carryover Projects	\$ 13,918,574	\$ 3,884,929	\$ 2,521,021	\$ 11,500,000	\$ 1,600,000	\$ 1,200,000	
Parks & Recreation - Annual Projects							
Land Acquisition, Planning, and Design for Parks	100,000	500,000	500,000	500,000	500,000	500,000	PIF
Neighborhood Parks	577,858	600,000	500,000	500,000	500,000	500,000	PIF, Taxes
Parks Shade Structures	24,000	24,000	24,000	24,000	24,000	24,000	Taxes
Parks & Recreation - Total Annual Projects	\$ 701,858	\$ 1,124,000	\$ 1,024,000	\$ 1,024,000	\$ 1,024,000	\$ 1,024,000	
Parks & Recreation - Future Projects							
Parks Parking Lot Program: Apodaca Park East Mesa Recreation Center Maag Ball Park Skate Park		907,500	252,500	272,700	272,700	272,700	Bonds, Grants
Median Landscaping 2023 Legislative Appropriation		411,957	200,000	200,000	200,000	200,000	Grants, Loans, Taxes
Various Park Restroom Replacement/Repairs & Upgrades		360,000					Grants
Parks and Recreational Facilities Structural Renovations 2023 Legislative Appropriation		286,000					Grants, Taxes

**City of Las Cruces
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		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Veterans' Memorial Park Enhancements <i>2023 Legislative Appropriation</i>		250,000	412,500	662,500	662,500	662,500	Bonds, Grants
Klein Park Improvements <i>2023 Legislative Appropriation</i>		210,000	590,000				Grants, Taxes
Indoor/Outdoor Aquatic Amenities		195,000					Grants, Taxes
East Mesa Bataan Memorial Pool - HVAC Replacement		78,000					Grants
Trail Renovations <i>2023 Legislative Appropriation</i>		100,000	480,000	500,000	500,000	500,000	Bonds, Grants
Albert Johnson Park Electrical Improvements		70,000					Grants, Taxes
Park Drinking Fountains <i>2023 Legislative Appropriation</i>		14,000	70,000				Grants, PIF, Taxes
Benavidez Park			685,000	125,000			Grants
Veterans' Memorial Park Restroom Plumbing Repairs and Upgrades			500,000				Grants, PIF
Valley View Park - Heske Garden Lighting Replacement			134,000				Grants, Taxes
Laabs Pool - HVAC Replacement			78,000				Grants, Taxes
Hadley Complex Recreation Rehabilitation			31,500	318,500			Grants, Taxes
Multi-Use Recreation Center				38,800,000			Bonds, Grants
Four Field Baseball/Softball Complex				5,995,500			Bonds, Grants, PIF
Laabs Pool - Shade Structures				97,500			Bonds, Grants, PIF
New Sand Volleyball Courts					40,000		Grants, PIF
Waterfalls Park						1,200,000	Grants, PIF
Parks & Recreation - Total Future Projects	\$ -	\$ 2,882,457	\$ 3,433,500	\$ 46,971,700	\$ 1,675,200	\$ 2,835,200	
Total Parks & Recreation	\$ 14,620,432	\$ 7,891,386	\$ 6,978,521	\$ 59,495,700	\$ 4,299,200	\$ 5,059,200	
PUBLIC SAFETY							
Public Safety - Newly Funded Projects							
Fire Station Alerting System	200,000						Taxes
Fire Department Training tower	99,000	120,000					Grants, Taxes
Public Safety - Total Newly Funded Projects	\$ 299,000	\$ 120,000	\$ -	\$ -	\$ -	\$ -	
Public Safety - Carryover Projects							
Fire Dept. Administration Building Lobby Remodel	200,000	350,000	193,400				Grants, Other
Fire Department CIT and MIH Building	365,000	3,420,315					ARPA, Grants, Taxes, Other
Police Department Building Renovations	55,699	150,000					Grants, Taxes
Public Safety Regional Radio Communication System	468,000						Grants, Taxes
Public Safety - Total Carryover Projects	\$ 1,088,699	\$ 3,920,315	\$ 193,400	\$ -	\$ -	\$ -	
Public Safety - Annual Projects							
Fire Department Equipment	330,000	720,000	500,000	500,000	500,000		Grants
Public Safety - Total Annual Projects	\$ 330,000	\$ 720,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ -	
Public Safety - Future Projects							
Downtown Public Safety Complex		57,000,000					Bonds, Grants
Fire Department Station 9		5,165,000					Bonds, Grants, Taxes, Other
Police Department Mobile Operations Command Vehicle <i>2023 Legislative Appropriation</i>		750,000					Grants
Public Safety Vehicles - Bearcat <i>2023 Legislative Appropriation</i>		500,000					Grants

**City of Las Cruces
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Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Public Safety Vehicles - Rook							Grants
<i>2023 Legislative Appropriation</i>		500,000					
Police Department Equipment							Grants
Technology Equipment							
<i>2023 Legislative Appropriation</i>		450,000					
Police Parking Lot Resurfacing		276,000					Grants, Taxes
Fire Stations 4 & 5 Security Fencing and Gates		130,000					Grants, Taxes
Fire Station 2 Bay Remodel							Grants
<i>2023 Legislative Appropriation</i>		100,000					
Fire Station 5			214,000	230,000			Bonds, Grants, Taxes, Other
1 - North/South Aprons							
2 - Parking Lot							
3 - Improvements							
<i>2023 Legislative Appropriation</i>		100,000					
Fire Station 6 Repairs							Grants
<i>2023 Legislative Appropriation</i>		100,000					
Public Safety Vehicles - Critical Incident Command Vehicle		100,000					Grants
Fire Station 4 Restroom Remodel		90,000					Grants, Taxes, Other
Police North Parking Lot Fencing		20,000					Grants
Fire-Energy Efficiency and Sustainability				334,000	330,000	270,000	Grants
Fire Station 2 Replacement					5,165,000		Taxes, Grants
1 - Land Acquisition							
2 - Plan, Design, Construct, and FF&E							
3 - Demolition							
Police/Fire Training Facility - Design & Construct						6,900,000	Grants
Police/Fire Training Facility - Furniture, Fixtures, & Equipment						2,100,000	Grants
Public Safety - Total Future Projects	\$ -	\$ 65,281,000	\$ 214,000	\$ 564,000	\$ 5,495,000	\$ 9,270,000	
Total Public Safety	\$ 1,717,699	\$ 70,041,315	\$ 907,400	\$ 1,064,000	\$ 5,995,000	\$ 9,270,000	
PUBLIC WORKS							
Public Works - Newly Funded Projects							
Complete Streets	7,660,000	1,750,000	1,750,000	1,500,000	1,750,000	1,750,000	Bonds
University Ave. Complete Street Improvements							
Idaho Ave							
El Paseo Rd.							
Resiliency	3,000,000	1,250,000	1,250,000	1,000,000	1,250,000	1,250,000	Bonds
Public Works - Total Newly Funded Projects	\$ 7,660,000	\$ 1,750,000	\$ 1,750,000	\$ 1,500,000	\$ 1,750,000	\$ 1,750,000	
Public Works - Carryover Projects							
Amador Hotel	3,139,993	2,950,000	2,950,000	2,950,000			Grants, TIDD
Bellamah Drive - Lees Drive to Luna Street	1,876,491						Bonds, Taxes
Campo Street Design and Reconstruct	1,401,104	4,805,214					TIDD
Casa Linda Acres Reconstruction	3,635,475						ARPA, Taxes
Del Rey Blvd Signal Improvements	125,000						Grants, Taxes
East Mesa Recreation Complex	2,000,000						Bonds
East Mesa Recreation Complex Roads	567,698	637,906					Bonds, Taxes
East Mesa Roads and Drainage	1,675,019		900,000	500,000	500,000	500,000	Grants, Taxes
<i>2023 Legislative Appropriation</i>		550,000					
GO Bonds - ARPA Funding	3,426,317						ARPA
GO Bond 2023 - Fire Station 9	9,800,000						Bond
GO Bond 2023 - Parks Improvements	1,960,000						Bond

**City of Las Cruces
Capital Improvements Program
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Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
GO Bond 2023 - East Mesa Recreation Facility	4,900,000						Bond
GO Bond Q1 - Park & Sport Field Improvements & Additions	3,845,376						GO Bonds, PIF
GO Bond Q2 - New Animal Shelter Facility	116,697						GO Bonds
GO Bond Q3 - New Fire Station No. 3 Building	26,405						GO Bonds
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	31,112						GO Bonds
Madrid Ave Extension - Martha Dr to N Triviz Dr	2,864,997						Grants, Taxes
Midway Ave - Gas Line Rd to Mesa Dr	600,000						Taxes, Grants
Picacho Ave HAWK System	238,463						Grants, Taxes
South Main St - Avenida de Mesilla to Boutz	3,954,840						Bonds
Storm Water System Mapping	100,000	100,000					Taxes
Traffic Signals	1,009,929						Bonds
Hoagland Rd & N Alameda Blvd							
Roadrunner Parkway & Sonora Springs							
Sonoma Ranch Blvd & Northrise							
Telshor ADA Improvements Phase VI	316,659						Grants, Taxes
Telshor Spruce Intersection Improvements	586,327		850,000				Grants
<i>2023 Legislative Appropriation</i>		250,000					
Voluntary Assessment District Phase I	435,265						Bonds
Sanitary Sewer Infrastructure							
Sonoma Ranch Blvd Mile 2: Peachtree to Arroyo							
Red Hawk Golf Rd: N.Bound Metro Verde S.P1E to Arroyo Rd							
Regional Drainage Phase 1							
Voluntary Assessment District Phase II	4,298,946						Bonds
Peachtree Hills Rd. East & West							
Regional Drainage							
Sonoma Ranch Blvd to Engler, Mile 1, Mile 2, Mile 3, & Roundabout							
Sonoma Ranch Blvd Landscaping to Engler, Mile 1, Mile 2, & Mile 3							
Villa Mora Dam Park Study	362,588						Grants, Taxes
<i>2023 Legislative Appropriation</i>		250,000					
Walnut-Madrid TAP Bike/Pedestrian Improvements	1,281,698						Bonds, Grants
Public Works - Total Carryover Projects	\$ 54,576,399	\$ 9,543,120	\$ 4,700,000	\$ 3,450,000	\$ 500,000	\$ 500,000	
Public Works - Annual Projects							
Active Transportation	5,354,637	350,000	350,000	350,000	350,000	350,000	Bonds, Taxes
Bicycle Facilities							
Pedestrian Safety Improvements							
ADA							
Sidewalk Gap				v			
Chip Seal Program	200,000	200,000	200,000	200,000	200,000	200,000	Taxes
CO-OP Match	80,000	80,000	80,000	80,000	80,000	80,000	Taxes
Drainage Infrastructure Improvements	3,068,122	500,000	500,000	500,000	500,000	500,000	Bonds, Taxes
EBID Drains & Laterals							
Land Acquisition							
Other Improvements							
Land Acquisition - Public Works	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Flood Control							
Rights of Way							
East Mesa							
Other							
M.A.P. Match	165,000	150,000	150,000	150,000	150,000	150,000	Taxes
Materials Testing	240,000	250,000	250,000	250,000	250,000	250,000	Taxes
Neighborhood Traffic Calming Program	60,000	60,000	60,000	60,000	60,000	60,000	Taxes

**City of Las Cruces
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Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Pavement Condition Index Improvements	10,238,981	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	Bonds, Taxes
Pavement Condition Index Improvements							
Pavement Overlays							
Pavement Replacement							
Pavement Treatment							
Pavement Marking Program	169,000	500,000	250,000	500,000	250,000	500,000	Taxes
Roadway Maintenance Program	902,569	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	1,096,291	500,000	500,000	500,000	500,000	500,000	Taxes
Traffic Signal Program	514,847	500,000	500,000	500,000	500,000	500,000	Taxes
Bataan Memorial at Rinconada							
Transportation System Modernization ITS	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Taxes
Unpaved Roads	250,000	250,000	250,000	250,000	250,000	250,000	Taxes
Weed Control & Maintenance Program	186,500	100,000	100,000	100,000	100,000	100,000	Taxes
City Rights of Way							
Las Cruces Dam							
Ponds							
Public Works - Total Annual Projects	\$ 23,725,947	\$ 11,690,000	\$ 11,440,000	\$ 11,690,000	\$ 11,440,000	\$ 11,690,000	
Public Works - Future Projects							
HWY 70 and Elks/Triviz Intersection Improvements		25,000,000					Grants, Taxes
Melendres Ave - Hadley to Picacho		1,979,500					Loans, Taxes
Johnson St - Rouault Ave to Topley Dr		1,712,000					Loans, Taxes
Ethel Ave - Alameda Blvd to Miranda, and Houma		1,043,250					Loans, Taxes
Mesquite Historical District Renovations							Grants
2023 Legislative Appropriation		1,025,000					Grants
Lift Up Las Cruces - Street Improvements							Grants
2023 Legislative Appropriation		595,000					
University Ave. Complete Street Improvements-Design			480,000				Grants, Bonds, Taxes
2023 Legislative Appropriation		520,000					Loans, Taxes
Pittsburg Ave - Melendres to Cul de Sac		250,000					Loans, Taxes
Med Park Ave - Idaho to Perkins Ave			1,824,000				Loans, Taxes
Evelyn St - Madrid Ave to Ash Ave			1,710,000				Loans, Taxes
Sacramento St - Ash Ave to Oasis Ave			1,482,000				Loans, Taxes
Mountain Ave - Melendres St to Armijo St			1,368,000				Loans, Taxes
Armijo St - Picacho Ave to Parker Rd			684,000				Loans, Taxes
Sequoia Ave - Valley Dr to E.O.P.				2,420,000			Loans, Taxes
Lohman at Walnut and Walton Signal Improvements				1,500,000			Bonds, Loans, Taxes
Kilmer St - Spruce Ave to Ash Ave				1,391,000			Loans, Taxes
Armijo St - Organ Ave to Mountain Ave				1,331,000			Loans, Taxes
Poplar Ave - Mesquite St to Santa Fe St				871,200			Loans, Taxes
La Fonda Dr - Idaho Ave to E.O.P.				726,000			Loans, Taxes
6th Street - Hayner Ave to Hadley Ave				484,000			Loans, Taxes
South Valley Dr Reconstruction - Avenida de Mesilla to Boutz					3,379,200		Loans, Taxes
Miranda Ave - Picacho Ave to Court Ave					1,664,000		Loans, Taxes
Rigsby Rd - Barker to Valley Dr					768,000		Loans, Taxes
Scoggins Ave - 6th St to Sweet St					652,800		Loans, Taxes
Mountain Ave - Water St to Alameda Blvd					640,000		Loans, Taxes
Street Lighting Management System					500,000		Bonds, Loans, Taxes
Aspen Ave - Sequioa Ave to S Valley Dr						2,970,000	Loans, Taxes
Alameda Blvd - Amador Ave to Las Cruces Ave						1,409,400	Taxes, TIDD
Westgate St - Amador Ave to Cul de Sac						1,350,000	Loans, Taxes
Parkview Dr - Espina St to E.O.P.						972,000	Loans, Taxes

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		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Sweet St - Hadley Ave to Hayner St						568,000	Loans, Taxes
Targeted Road and Lighting Improvements - Design						50,000	Taxes
West Mesa Fiber Optics Improvements - Design						50,000	Taxes
Public Works - Total Future Projects	\$ -	\$ 32,124,750	\$ 7,548,000	\$ 8,723,200	\$ 7,604,000	\$ 7,369,400	
Total Public Works	\$ 88,962,346	\$ 56,357,870	\$ 26,688,000	\$ 26,363,200	\$ 22,544,000	\$ 22,559,400	
QUALITY OF LIFE							
Quality of Life - Newly Funded Projects							
Museum System Technology Improvements	210,000						TIDD
Quality of Life - Total Newly Funded Projects	\$ 210,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements <i>2023 Legislative Appropriation</i>	123,088	165,000	1,000,000	1,000,000	1,200,000		Grants, Taxes
Branigan Library - Expansion Phase II/Branch	64,364	2,615,000	1,650,000				Bonds, Grants, Other
Go Bond 2023 Public Art	340,000						Bond
Munson Center Renovations <i>2023 Legislative Appropriation</i>	964,260	2,302,399					Grants
Sage Café Expansion	902,525	3,083,180					Grants
Senior Programs Kitchen Equipment	52,409	150,000					Taxes
Quality of Life - Total Carryover Projects	\$ 2,446,646	\$ 8,315,579	\$ 2,650,000	\$ 1,000,000	\$ 1,200,000	\$ -	
Quality of Life - Annual Projects							
Public Art Program	108,506	300,000	300,000	300,000	300,000	300,000	Taxes
Quality of Life - Total Annual Projects	\$ 108,506	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Quality of Life - Future Projects							
Munson Center Floor		750,000					Bonds, Grants, Taxes
Sage Café Backup Generator		422,500					Bonds, Grants, Taxes
Senior Programs Vehicles <i>2023 Legislative Appropriation</i>		310,000	80,000	28,000			Grants
Senior Programs Existing Kitchen Expansion Assessment		260,000					Taxes
Munson Center Bathrooms		250,000					Bonds, Grants, Taxes
Munson Center Kitchen Expansion		221,000	3,053,100				Bonds, Grants, Taxes
Benavidez Kitchen Expansion <i>2023 Legislative Appropriation</i>		127,500	93,800	2,854,800			Bonds, Grants, Taxes
Museum System On-site Server		115,000					Bonds, Grants, Taxes
Museum of Nature and Science - Atrium Redesign <i>2023 Legislative Appropriation</i>		50,000	15,000				Grants, Taxes
Frank O'Brien Papen Center - Dining Room Floor <i>2023 Legislative Appropriation</i>		35,000	27,140				Grants, Taxes
Museum of Art Improvements		35,000	95,000	320,000	200,000		Bonds, Grants, Taxes
Museum of Art - Gallery Flooring		35,000	165,000				Bonds, Grants, Taxes
Museum of Nature and Science - Nature Center Redesign		25,000	75,000	175,000			Taxes, Grants
Railroad Museum Reinterpretation		25,000	60,000	150,000	75,000		Bonds, Grants, Taxes
Benavidez Kitchen Floor			166,400				Bonds, Grants, Taxes
Railroad Museum - Exterior Improvements			38,000	60,000	17,500		Bonds, Grants, Taxes
Branigan Library Renovation				209,000	2,750,000	1,111,000	Bonds, Grants, Taxes

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

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Museum of Art Relocation/Remodel						30,000,000	Bonds, Grants, Taxes
Museums Collection Storage Facility						9,500,000	Grants, Taxes
Quality of Life - Total Future Projects	\$ -	\$ 2,661,000	\$ 3,868,440	\$ 3,796,800	\$ 3,042,500	\$ 40,611,000	
Total Quality of Life	\$ 2,765,152	\$ 11,276,579	\$ 6,818,440	\$ 5,096,800	\$ 4,542,500	\$ 40,911,000	
ROADRUNNER TRANSIT							
RoadRUNNER Transit - Carryover Projects							
Municipal Services Center - Transit	25,161,600	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 25,161,600	\$ 8,383,338	\$ -	\$ -	\$ -	\$ -	
RoadRUNNER Transit - Annual Projects							
Transit Facilities Improvement Program	75,000	75,000	75,000	75,000	80,000	185,000	Grants, Taxes
RoadRUNNER Transit - Total Annual Projects	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
Total RoadRUNNER Transit	\$ 25,236,600	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
SUSTAINABILITY							
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	216,503						Taxes
Fleet Electric Vehicle Chargers	376,000	-					Grants, Bonds, Taxes
Sustainability - Total Carryover Projects	\$ 592,503	\$ -	\$ -	\$ -	\$ -	\$ -	
Sustainability - Future Projects							
DC Fast Chargers for Electric Vehicles		200,000	200,000				Grants, Bonds, Taxes
Public Electric Vehicle Chargers		200,000	200,000				Grants, Bonds, Taxes
Green Cool Corridors for Bicycles				174,000			Grants, Bonds, Taxes
LMI Housing Retrofits for Resiliency				1,270,000			Grants, Bonds, Taxes
Sustainability - Total Future Projects	\$ -	\$ 400,000	\$ 400,000	\$ 1,444,000	\$ -	\$ -	
Total Sustainability	\$ 592,503	\$ 400,000	\$ 400,000	\$ 1,444,000	\$ -	\$ -	
UTILITIES							
Utilities - Newly Funded Projects							
Wastewater SCADA	96,569	279,854	30,000	30,000	30,000	30,000	Other
Water Development	163,224	1,469,019					WIF
Utilities - Total Newly Funded Projects	\$ 259,793	\$ 1,748,873	\$ 30,000	\$ 30,000	\$ 30,000	\$ 30,000	
Utilities - Carryover Projects							
Wastewater Development	165,000	165,000					WWIF
Wastewater Septic Systems - NMED Grant	1,756,438	1,972,100	1,619,000				Other
Water Rehabilitation - NMFA	56,155	1,551,091					Loans
Water Utilities Bond Projects 2020A	1,878,849	4,939,151					Bonds
Utilities - Total Carryover Projects	\$ 3,856,442	\$ 8,627,342	\$ 1,619,000	\$ -	\$ -	\$ -	
Utilities - Annual Projects							
Gas Admin Building Improvements	253,333	475,000	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							
Gas Development - Low & High Pressure	35,624	19,234,390	3,168,364	652,341	300,000	300,000	Other

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

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Gas Rehabilitation - Low & High Pressure	110,000	2,403,244	2,543,189	460,000	250,000	250,000	Other
Gas Rehabilitation - Street Utility Rehabilitation	1,566,258	1,044,223	1,725,000	1,725,000	1,725,000	1,725,000	Other
Gas SCADA	236,748	236,748	236,748	50,000	50,000	50,000	Other
Solid Waste Building Improvements	828,333	321,667	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							Other
Wastewater Building Improvements	175,000	1,031,000	75,000	75,000	75,000	75,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							Other
Wastewater JHWWTF	69,219	100,000	100,000	100,000	100,000	100,000	Other
Wastewater Lift Station Renovations	50,000	50,000	100,000	50,000	100,000	50,000	Other
Wastewater Rehabilitation - East Mesa Water Reclamation Facility	67,919	486,985					Other
Wastewater Street Utility Rehabilitation	1,892,703	1,738,248	166,650				Other
Water Building Improvements	203,333	321,667	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							Other
Water Rehabilitation - Line Extension	56,832	1,387,542					Other
Water Rehabilitation - Reservoir Rehabilitation	60,068	7,972,500					Other
Water Rehabilitation - Street Utility Rehabilitation	1,894,904	3,098,992	250,000	350,000	250,000	350,000	Other
Water SCADA	50,000	539,596	589,596	539,596	50,000	30,000	Other
Utilities - Total Annual Projects	\$ 7,550,274	\$ 40,441,802	\$ 9,329,547	\$ 4,376,937	\$ 3,275,000	\$ 3,305,000	
Utilities - Future Projects							
Wastewater Jacob Hands Wastewater Treatment Facility		727,835					Other
Gas Rehabilitation - Regulator Stations		600,000					Fees
Wastewater NMFA Loan		360,000					Bonds
Water Rehabilitation - Pump PRV		235,000					Fees
Water Rehabilitation - Pump Station Rehabilitation		175,000	100,000	100,000	100,000	100,000	Fees
Wastewater Development		143,023					Fees
Water NMFA Loan		100,000					Bonds
Wastewater East Mesa Water Reclamation		25,000	25,000	25,000	25,000	25,000	Fees
Gas Rehabilitation Phase I AMR Implementation			250,000	250,000	250,000	250,000	Fees
Utilities - Total Future Projects	\$ -	\$ 2,365,858	\$ 375,000	\$ 375,000	\$ 375,000	\$ 375,000	
Total Utilities	\$ 11,666,509	\$ 53,183,875	\$ 11,353,547	\$ 4,781,937	\$ 3,680,000	\$ 3,710,000	
VISIT LAS CRUCES							
Visit Las Cruces - Carryover Projects							
Convention Center FF&E	75,000	-	-	-	-	-	Taxes
Visit Las Cruces - Total Carryover Projects	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 75,000	\$ -	\$ -	\$ -	\$ -	\$ -	

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

Amended as of 8/21/23

Agenda Item #8.1.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 11,528,793	\$ 4,868,873	\$ 3,030,000	\$ 2,530,000	\$ 3,030,000	\$ 3,030,000	
Total Carryover Projects	\$ 117,058,439	\$ 55,696,751	\$ 32,908,421	\$ 30,375,000	\$ 5,475,000	\$ 5,525,000	
Total Annual Projects	\$ 37,103,650	\$ 55,650,802	\$ 23,873,547	\$ 19,170,937	\$ 17,824,000	\$ 17,709,000	
Total Future Projects	\$ -	\$ 159,684,553	\$ 43,526,940	\$ 84,359,700	\$ 39,576,700	\$ 76,285,600	
GRAND TOTAL	\$ 165,690,882	\$ 275,900,979	\$ 103,338,908	\$ 136,435,637	\$ 65,905,700	\$ 102,549,600	

Abbreviations and Notes:



Indicates a Change

Pending Legislative Appropriations noted in italic

Current funding sources noted in bold

ARPA - American Rescue Plan Act

Bonds - Includes Bonds and Loans

Grants - Includes Local, State, Federal,
or private entity

Other

- Includes Fees, State Entitlements, Leases,
Developer Contributions, and Donations

PIF - Park Impact Fees

PSIF - Public Safety Impact Fees

TIDD

- Tax Increment Development
District

WIF - Water Impact Fees

WWIF - Wastewater Impact Fees



City Council Action and Executive Summary

24-022

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:	Adopted: August 21, 2023		
Drafter:	Leeann DeMouche	Department:	Financial Services
Program:	Budget	Line of Business:	Fiscal Management
Title:	A RESOLUTION TO APPROVE VARIOUS BUDGET ADJUSTMENTS, AMEND THE ALL-FUNDS SUMMARY, AND AMEND THE FOURTH QUARTER FINANCIAL REPORT IN COMPLIANCE WITH NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) REQUIREMENTS FOR FISCAL YEAR 2023 AND 2024.		

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

PURPOSE(S) OF ACTION:
To approve various budget adjustments, All-Funds Summary, and quarterly reporting for DFA.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
The City of Las Cruces is required to report its Financial Reports (Budget and Financials) to the State of New Mexico Department of Finance and Administration (DFA) on a quarterly basis. DFA requires the City to make various adjustments for FY 2023 and FY 2024 in their reporting system. This Resolution is to adjust the FY 2023 and FY 2024 Budgets and Financial Reports to be in compliance with DFA requirements.

For FY2023 Financial Reporting:

- 1) Law Enforcement Retention Fund (LERF) and Law Enforcement Recruitment and Retention Fund (LERRF): For FY 2023 the City of Las Cruces (City) was originally awarded \$100,895.69 from the Law Enforcement Retention Fund (LERF) and \$5 million from the Law Enforcement Recruitment and Retention Fund (LERRF). City Council approved a budget for the LERRF funds on April 3, 2023 (Resolution 23-112) for \$100,895.69 and approved the use of the LERRF funds on October 17, 2022, (Resolution 23-045) for \$5 million. In March 2023, the City was notified that the funds for LERF had increased to \$121,502.87. A budget adjustment for this increase was not taken to Council. DFA is requesting a budget adjustment of \$20,607.18 to match their reporting system. A fund summary is attached to this Resolution. Additionally, Financial Services Department (Finance) uses separate project codes to track grant awards in the City's Enterprise Resource Planning (ERP) system. The City reported to DFA these budget adjustments using their project codes. DFA is requiring both LERF and LERRF to be reported in DFA's reporting system using different funds. DFA is requesting a budget adjustment for the FY 2023 budget to match their reporting system.
- 2) Utilities Water Fund (5300) - On July 3, 2023 (Resolution 24-004) end of year departmental budget adjustments were brought forward. One of the budget adjustments was not correct. DFA is requiring we bring forward an adjustment to complete the transaction requested. The fund summary is attached as an Exhibit to this Resolution.

For FY2024 Financial Reporting:

Agenda Item #8.2.

1) DFA is requiring an updated All-Funds Summary for Fiscal Year 2024 related to the budget adjustment taken to Council on July 3, 2023 (Resolution 24-005). The updated All-Funds Summary is attached as an Exhibit to this Resolution. With the updated All-Funds Summary, DFA, then requires that the FY 2023 Fourth Quarter Financial Report be amended and approved by Council. The Fourth Quarter Financial Report is attached as Exhibit to this resolution. If this Resolution is not adopted, the City could be in noncompliance for the FY 2024 Budget.

Staff is recommending that Council approve this Resolution allowing DFA to conduct the budget adjustments in their reporting system, adopt the All-Funds Summary, the FY 2023 Budget Adjustments and the Fourth Quarter DFA Report. This is for external reporting purposes only.

SUPPORT INFORMATION:

- [Exhibit "A" All Fund Summary](#)
- [Exhibit "B" Fund Summary](#)
- [Exhibit "C" - FY23 4th Quarter DFA Financial Report](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

Finance Select Committee

DOES THIS AMEND THE BUDGET?:

- ☒ Yes
- ☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT:	AVAILABLE AMOUNT:	EXPENDITURE AMOUNT:
Funding Source(s):		

Overall Budget Impact:
SEE ATTACHED ALL-FUND SUMMARY AND BUDGET ADJUSTMENTS

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

- ☐ Yes
- ☒ No

Does this action align with Elevate Las Cruces?

- ☒ Yes
- ☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; This will approve the Resolution and serve as Council approval for DFA to move funds and accept the All-Funds Summary, the FY 2023 Budget Adjustment, and the revised fourth quarter Financial Report.
2. Vote "No"; This will not approve the Resolution and the City may be out of compliance for the FY 2024 Budget with DFA.

Agenda Item #8.2.

3. Vote to "Amend"; This could delay the acceptance of the FY 2024 Budget.
4. Vote to "Table"; This may cause the City to be out of compliance for the FY 2024 Budget with DFA.

RESOLUTION 24-022

A RESOLUTION TO APPROVE VARIOUS BUDGET ADJUSTMENTS, AMEND THE ALL-FUNDS SUMMARY, AND AMEND THE FOURTH QUARTER FINANCIAL REPORT IN COMPLIANCE WITH NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION (DFA) REQUIREMENTS FOR FISCAL YEAR 2023 AND 2024.

The City Council is informed that:

WHEREAS, the New Mexico Department of Finance and Administration requires the City to make various adjustments for FY 2023 and FY 2024 in their reporting system; and

WHEREAS, DFA is requiring budget adjustments to update their reporting system related to the Law Enforcement Recruitment/Retention Fund (LERRF) and the Law Enforcement Retention Fund (LERF); and

WHEREAS, DFA is requiring an adjustment to complete the transaction requested for FY 2023 year-end budget adjustments to the Utilities Water Fund; and

WHEREAS, DFA is requiring an updated All-Funds Summary for FY 2024 and an amended FY 2023 Fourth Quarter Financial Report related to the budget adjustment taken to Council on July 3, 2023 (Resolution 24-005).

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

(I)

THAT this Resolution will serve as an approved budget adjustment for DFA to adjust the Law Enforcement Recruitment/Retention Fund and the Law Enforcement Retention funds.

(II)

THAT the FY 2024 All-Fund Summary as indicated in Exhibit "A", attached hereto and made a part of this Resolution, is hereby approved.

(III)

THAT the FY 2023 Budget Amendments is hereby amended as outlined in Exhibit "B", attached hereto and made a part of this Resolution, are hereby approved.

(IV)

THAT the FY 2023 Fourth Quarter Financial Report is hereby amended as outlined in Exhibit "C", attached hereto and made a part of this Resolution, are hereby approved.

(V)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

ALL FUNDS SUMMARY

FISCAL YEAR 2024 AMENDED BUDGET

August 21, 2023

FUND #	Fund Name	BEGINNING BALANCE	REVENUES	EXPENDITURES	NET TRANSFERS	ENDING BALANCE	RESERVE	AVAILABLE BALANCE
GENERAL FUNDS								
1000	GENERAL FUND	\$64,287,294	\$138,743,132	(\$148,047,585)	(\$19,369,208)	\$35,613,633	(\$24,674,597)	\$10,939,036
1001	PAYROLL CLEARING	\$1,904	\$0	\$0	\$0	\$1,904		\$1,904
1030	ECONOMIC DEVELOPMENT	\$1,317,841	\$0	(\$537,418)	\$0	\$780,422		\$780,422
1200	VEHICLE ACQUISITION	\$663,765	\$0	(\$3,345,613)	\$2,700,000	\$18,153		\$18,153
1400	FACILITIES MAINTENANCE	\$1,561,222	\$2,100	(\$1,688,322)	\$125,000	(\$0)		(\$0)
1500	HHR CONTINGENCY	\$10,548,762	\$14,640,868	(\$1,750,000)	(\$14,513,352)	\$8,926,278		\$8,926,278
GENERAL FUNDS Total		\$78,380,787	\$153,386,100	(\$155,368,937)	(\$31,057,560)	\$45,340,390	(\$24,674,597)	\$20,665,792
SPECIAL REVENUE FUNDS								
2000	HUD COMMUNITY DEVELOPMENT	\$525,733	\$6,683,075	(\$6,687,842)	\$0	\$520,966		\$520,966
2013	AFFORDABLE HOUSING TRUST	\$1,300,477	\$0	(\$792,907)	\$0	\$507,570		\$507,570
2100	SPECIAL REVENUE REIMB GRANTS	\$698,496	\$20,791,798	(\$20,791,798)	\$0	\$698,496		\$698,496
2130	RECREATION PROJECTS	\$102,886	\$10,000	(\$50,000)	\$0	\$62,886		\$62,886
2300	FIRE FUND	\$316,275	\$1,487,189	(\$1,487,189)	\$0	\$316,275		\$316,275
2303	EMERGENCY MEDICAL SERVICES	\$164	\$20,000	(\$20,000)	\$0	\$164		\$164
2401	POLICE PROTECTION FUND	\$0	\$414,500	(\$414,500)	\$0	\$0		\$0
2421	DWI PREVENTION	\$9,592	\$10,000	(\$10,000)	\$0	\$9,592		\$9,592
2423	TRAFFIC SAFETY EDUCATION	\$10,796	\$10,316	(\$20,316)	\$0	\$796		\$796
2440	PRISONER CARE	\$1,708,069	\$0	(\$750,000)	\$1,000,000	\$1,958,069		\$1,958,069
2450	PUBLIC SAFETY IMPACT FEE	\$353,482	\$550,000	\$0	(\$729,531)	\$173,951		\$173,951
2472	VEHICLE FORFEITURE	\$105,144	\$0	(\$5,200)	\$0	\$99,944		\$99,944
2490	JUDICIAL EDUCATION	\$3,263	\$10,000	(\$10,000)	\$0	\$3,263		\$3,263
2491	COURT AUTOMATION	\$425,536	\$41,000	(\$113,100)	\$0	\$353,436		\$353,436
2650	FLOOD CONTROL OPERATIONS	\$419,244	\$5,557,369	(\$3,137,754)	(\$2,151,403)	\$687,456		\$687,456
2700	HEALTH CARE SERVICES MMC LEASE	\$5,608,324	\$0	(\$3,531,204)	\$0	\$2,077,120		\$2,077,120
2705	TELSHOR FACILITY	\$45,111,761	\$0	(\$3,018,000)	(\$870,618)	\$41,223,143		\$41,223,143
2710	CONVENTION & VISITORS BUREAU	\$3,782,433	\$3,063,973	(\$3,095,170)	\$0	\$3,751,236		\$3,751,236
2715	DOWNTOWN REVITALIZATION	\$49,643	\$0	\$0	\$0	\$49,643		\$49,643
2770	VALLEY VIEW HESKE GARDEN	\$160,246	\$0	(\$5,000)	\$0	\$155,246		\$155,246
2780	GRIGGS WALNUT PLUME REMED	\$5,275,487	\$218,324	(\$1,458,178)	\$400,000	\$4,435,633		\$4,435,633
2790	ALARM FEES AND FINES	\$1,540	\$0	\$0	\$0	\$1,540		\$1,540
2805	ENVIRONMENTAL PROTECTION FUND	\$139,167	\$200,000	(\$247,000)	\$0	\$92,167		\$92,167
2810	GAS TAX	\$2,659,008	\$2,002,450	(\$2,863,754)	(\$444,413)	\$1,353,291		\$1,353,291
2815	TIDD DEDICATED REVENUES	\$9,798,977	\$5,330,200	(\$955,000)	(\$9,015,501)	\$5,158,676		\$5,158,676
2825	LAS CRUCES CONVENTION CTR FEES	\$240,478	\$1,400,000	(\$525,000)	(\$1,111,106)	\$4,372		\$4,372
SPECIAL REVENUE FUNDS Total		\$78,806,221	\$47,800,194	(\$49,988,912)	(\$12,922,572)	\$63,694,931		\$63,694,931
Debt Funds								
3225	2016 FLOOD CONTROL	\$58,691	\$0	(\$322,200)	\$321,034	\$57,525		\$57,525
3226	2017 SSGRT FAC & STREETS DS	\$98,033	\$0	(\$799,800)	\$797,113	\$95,346		\$95,346
3275	2010A MGRT STREET DS	\$15,810	\$0	\$0	\$0	\$15,810		\$15,810
3277	2010B MGRT FLOOD CTL DS	\$5,732	\$0	\$0	\$0	\$5,732		\$5,732
3280	2010 SSGRT CONVENTION CTR DS	\$420,943	\$0	(\$1,111,457)	\$1,111,106	\$420,592		\$420,592
3281	2010 SSGRT CONV CENTER RESERVE	\$3,370	\$0	\$0	\$0	\$3,370		\$3,370
3282	2011 GRT FAC DEBT SERVICE	\$31,643	\$0	\$0	\$1,042,365	\$1,074,008		\$1,074,008
3284	2011 GRT FAC DEBT SERVICE	\$150	\$0	\$0	\$0	\$150		\$150
3286	2014 SSGRT E. MESA FACILITY DS	\$117,176	\$0	(\$968,850)	\$966,975	\$115,301		\$115,301
3288	2014 MGRT STREETS DS	\$85,413	\$0	(\$521,219)	\$520,094	\$84,288		\$84,288
3290	2014 MGRT FLOOD PROJECTS	\$14,606	\$0	(\$123,600)	\$113,300	\$4,306		\$4,306
3292	2015 GRT BOND REFUNDING	\$120,588	\$0	(\$1,201,588)	\$1,201,371	\$120,371		\$120,371
3293	2015A HOLD HARMLESS DS	\$157,036	\$0	(\$1,602,275)	\$1,602,400	\$157,161		\$157,161
3294	2015B HOLD HARMLESS DS	\$32,918	\$0	(\$295,979)	\$295,921	\$32,860		\$32,860
3295	2016 VAD BONDS	\$772,118	\$1,071,352	(\$1,547,479)	\$0	\$295,991		\$295,991
3510	2019 GO BOND DS	\$7,153,370	\$5,684,973	(\$2,821,424)	\$0	\$10,016,919		\$10,016,919
3616	2022 NMFA FIRE DS	\$44,335	\$0	(\$532,032)	\$531,793	\$44,096		\$44,096
3617	NMFA LOANS DSF	\$9,429	\$0	\$0	\$534,206	\$543,635		\$543,635
3618	2008 NMFA GRIGGS WLNT PLUME DS	\$571,797	\$2,243	(\$93,042)	\$92,645	\$573,643		\$573,643
3619	2018 HHGRT DS	\$108,530	\$0	(\$1,251,771)	\$1,251,774	\$108,533		\$108,533
3620	2020A NMFA FACILITY SSGRT	\$89,869	\$0	(\$1,065,000)	\$1,061,917	\$86,786		\$86,786
3621	2020B NMFA FACILITIES ESP	\$36,705	\$0	(\$432,000)	\$433,063	\$37,768		\$37,768
3623	2008 NMFA PARKING DECK DS	\$10,219	\$0	\$0	\$0	\$10,219		\$10,219
3624	2018 GAS DSF	\$61,080	\$0	(\$399,538)	\$399,499	\$61,041		\$61,041
3625	2010 NMFA FIRE APPARATUS	\$5,522	\$0	\$0	\$0	\$5,522		\$5,522
3626	2011 NMFA FIRE APPARATUS	\$2,648	\$0	\$0	\$0	\$2,648		\$2,648
3628	2012 NMFA REFUNDING	\$4,054	\$0	\$0	\$0	\$4,054		\$4,054
3630	2014 NMFA SCSWA REFUNDING DS	\$239,923	\$0	(\$185,541)	\$0	\$54,382		\$54,382
3631	2014 NMFA FIRE APPARATUS DS	\$6,661	\$0	\$0	\$0	\$6,661		\$6,661
3632	2017 NMFA STREETS DS	\$118,181	\$0	(\$295,235)	\$295,242	\$118,188		\$118,188
3633	18 NMFA FIRE	\$49,763	\$0	(\$224,173)	\$224,173	\$49,763		\$49,763
3634	2020 NMFA STREETS	\$22,955	\$0	(\$256,156)	\$255,925	\$22,724		\$22,724
3635	2020 NMFA FLOOD	\$17,329	\$0	(\$194,790)	\$194,612	\$17,151		\$17,151
3810	HUD SECTION 108 LOAN-MONAS	\$12,243	\$0	(\$153,130)	\$153,130	\$12,243		\$12,243
Debt Funds Total		\$10,498,841	\$6,758,568	(\$16,398,279)	\$13,399,658	\$14,258,788		\$14,258,788

Agenda Item #8.2.

Capital Funds							
4005	COMMUNITY INVESTMENT PROJECTS	\$1,244,380	\$15,000	(\$1,117,560)	\$0	\$141,820	\$141,820
4028	2023 SSGRT	\$12,700,000	\$0	(\$12,700,000)	\$0	\$0	\$0
4030	2016 FLOOD PROJECT	\$236,966	\$1,225	\$0	\$0	\$238,191	\$238,191
4031	2017 FACILITIES PROJECT	\$514,972	\$15,000	(\$332,476)	\$0	\$197,496	\$197,496
4032	2018 HHGRT PUBLIC WORKS	\$375,081	\$10,700	\$0	\$0	\$385,781	\$385,781
4100	CAPITAL PROJECTS REIMB GRANTS	(\$0)	\$20,676,047	(\$20,676,047)	\$0	(\$0)	(\$0)
4106	PUBLIC PARK DEVELOPMENT	\$6,915,110	\$1,660,000	(\$3,462,463)	\$0	\$5,112,647	\$5,112,647
4110	PUBLIC PARK PROJECTS	\$37,810	\$0	\$0	\$0	\$37,810	\$37,810
4201	CAPITAL CONTRIBUTIONS	\$596,576	\$360	\$0	\$0	\$596,936	\$596,936
4202	GRT STREET MAINTENANCE	\$10,903,812	\$360,000	(\$17,724,253)	\$6,500,000	\$39,559	\$39,559
4205	SPECIAL STREET PROJECTS	\$787,688	\$1,550	\$0	\$0	\$789,238	\$789,238
4227	VAD STREET PROJECTS	\$5,183,894	\$5,000	(\$4,734,211)	\$0	\$454,683	\$454,683
4228	2015A HHS	\$91,399	\$0	\$0	\$0	\$91,399	\$91,399
4230	GO BOND PROJECT 2019	\$3,960,289	\$200	(\$3,674,758)	\$0	\$285,731	\$285,731
4231	2022 GO BOND	\$17,086,960		(\$17,000,000)		\$86,960	\$86,960
4270	TIDD PROJECTS	\$2,959,022	\$1,550	(\$8,515,501)	\$8,515,501	\$2,960,572	\$2,960,572
4271	TIDD STR BOND PROJECT	\$711,850	\$0	(\$200,000)	\$0	\$511,850	\$511,850
4400	FLOOD CONTROL	\$7,195,216	\$39,000	(\$8,185,944)	\$1,500,000	\$548,272	\$548,272
4505	2015B HHS	\$3,328,994	\$0	(\$3,237,617)	\$0	\$91,377	\$91,377
4613	NMFA EQUIPMENT	\$0	\$5,000,000	(\$70,000)	\$0	\$4,930,000	\$4,930,000
4620	2020A NMFA FACILITY PROJECTS	\$7,918,614	\$15,000	(\$7,756,301)	\$0	\$177,313	\$177,313
4621	2020B NMFA ESP PROJECT	\$1,728,138	\$15,000	(\$1,685,117)	\$0	\$58,021	\$58,021
4624	2018 GAS TAX LOAN	\$195	\$0	\$0	\$0	\$195	\$195
4632	2017 NMFA STREETS PROJ	\$65,104	\$0	\$0	\$0	\$65,104	\$65,104
4634	2020 NMFA MGRT	\$2,644,613	\$20,000	(\$2,454,790)	\$0	\$209,823	\$209,823
Capital Funds Total		\$87,186,684	\$27,835,632	(\$113,527,038)	\$16,515,501	\$18,010,779	\$18,010,779
Enterprise Funds							
5010	AIRPORT	\$909,363	\$3,330,027	(\$4,876,992)	\$1,013,000	\$375,398	\$375,398
5100	UTILITIES SHARED SERVICES	(\$70,712)	\$18,060,165	(\$17,309,367)	(\$285,000)	\$395,086	\$395,086
5160	SHARED SVCS EQUIP REPL RESERVE	\$548,306	\$1,073	(\$831,961)	\$285,000	\$2,418	\$2,418
5200	GAS OPERATIONS	\$2,211,961	\$33,293,408	(\$34,473,771)	(\$157,383)	\$874,215	\$874,215
5205	GAS CONTINGENCY FUND	\$393,653	\$5,000	\$0	\$0	\$398,653	\$398,653
5250	GAS CAPITAL IMPROVEMENTS	\$2,350,129	\$8,451	(\$2,276,963)	\$0	\$81,617	\$81,617
5260	GAS EQUIPMENT REPLACE RESERVE	\$564,614	\$10,069	(\$150,516)	(\$400,000)	\$24,167	\$24,167
5280	GAS15A DEBT SERVICE	\$21,941	\$650	\$0	\$0	\$22,591	\$22,591
5281	2018 JU DEBT SERVICE FUND	\$187,403	\$821	\$0	\$0	\$188,224	\$188,224
5300	WATER OPERATIONS	\$1,710,776	\$20,938,222	(\$20,147,348)	(\$775,000)	\$1,726,650	\$1,726,650
5301	WATER DEVELOPMENT	\$712,664	\$1,141,901	(\$1,019,637)	(\$100,000)	\$734,928	\$734,928
5305	WATER CONTINGENCY FUND	\$354,344	\$500	(\$50,000)	(\$250,000)	\$54,844	\$54,844
5320	WATER ACQUISITION	\$909,019	\$920,406	(\$1,771,604)	\$0	\$57,821	\$57,821
5331	WATER09 DEBT SERVICE	\$12,511	\$209	\$0	\$0	\$12,720	\$12,720
5332	WATER10 DEBT SERVICE	\$466,141	\$2,440	\$0	\$0	\$468,581	\$468,581
5335	WATER15 DEBT SERVICE	\$32,193	\$371	\$0	\$0	\$32,564	\$32,564
5336	WATER15A DEBT SERVICE	\$46,833	\$777	\$0	\$0	\$47,610	\$47,610
5337	WATER16 DEBT SERVICE	\$80,905	\$1,351	\$0	\$0	\$82,256	\$82,256
5339	2018 JU DEBT SERVICE FUND	\$553,028	\$2,424	\$0	\$0	\$555,452	\$555,452
5342	WATER10 DEBT SERVICE RESERVE	\$89	\$89	\$0	\$0	\$178	\$178
5345	WATER15 BOND PROJECTS	\$4,594	\$155	\$0	\$0	\$4,749	\$4,749
5346	WATER15A BOND PROJECTS	\$45,701	\$899	\$0	\$0	\$46,600	\$46,600
5347	WATER16 BOND PROJECTS	\$2,507	\$34	\$0	\$0	\$2,541	\$2,541
5348	2017 JU IMPROVEMENT REV BOND	\$27,796	\$0	\$0	\$0	\$27,796	\$27,796
5349	2018 JU IMPROVEMENT REV BOND	\$237,280	\$1,002	\$0	\$0	\$238,282	\$238,282
5350	WATER CAPITAL IMPROVEMENTS	\$1,924,815	\$37,882	(\$2,265,137)	\$350,000	\$47,560	\$47,560
5360	WATER EQUIPMENT REPL RESERVE	\$1,473,648	\$8,027	(\$2,146,339)	\$675,000	\$10,336	\$10,336
5374	WATER05A BOND PROJECTS	\$5,308	\$0	\$0	\$0	\$5,308	\$5,308
5375	WATER06 BOND PROJECTS	\$64,632	\$0	\$0	\$0	\$64,632	\$64,632
5377	WATER NMFA LOAN PROJECTS	\$9,723	\$0	\$0	\$0	\$9,723	\$9,723
5378	WATER07 NMFA PROJECTS	\$91,709	\$300	(\$56,155)	\$0	\$35,854	\$35,854
5379	WATER14 BOND PROJECTS	\$61,622	\$1,254	\$0	\$0	\$62,876	\$62,876
5385	WATER20A DEBT SERVICE	\$27,657	\$100	\$0	\$0	\$27,757	\$27,757
5389	WATER14 DEBT SERVICE	\$118,942	\$1,330	\$0	\$0	\$120,272	\$120,272
5395	WATER20A PROJECT	\$1,954,006	\$50,000	(\$1,878,849)	\$0	\$125,157	\$125,157
5396	WATER14 BOND PROJECTS	\$890,133	\$2,692	\$0	\$0	\$892,825	\$892,825
5400	WASTEWATER OPERATIONS	\$1,248,326	\$15,562,938	(\$15,798,609)	(\$275,000)	\$737,655	\$737,655
5401	WASTEWATER DEVELOPMENT	\$7,236,857	\$1,818,973	(\$792,694)	\$100,000	\$8,363,136	\$8,363,136
5405	WW CONTINGENCY FUND	\$168,607	\$0	(\$100,000)	\$0	\$68,607	\$68,607
5420	WW WATER RECLAMATION PROJECT	\$917,703	\$1,092	(\$919,297)	\$1,000,000	\$999,498	\$999,498
5431	WW09 DEBT SERVICE	\$12,511	\$209	\$0	\$0	\$12,720	\$12,720
5432	WW10 DEBT SERVICE	\$321,244	\$1,492	\$0	\$0	\$322,736	\$322,736
5435	WW15 DEBT SERVICE	\$163,765	\$1,871	\$0	\$0	\$165,636	\$165,636
5436	WW15A DEBT SERVICE	\$26,695	\$444	\$0	\$0	\$27,139	\$27,139
5441	WW20B DEBT SERVICE	\$21,658	\$200	\$0	\$0	\$21,858	\$21,858
5442	WW10 DEBT SERVICE RESERVE	\$29	\$29	\$0	\$0	\$58	\$58
5445	WW15 BOND PROJECTS	\$458,877	\$0	\$0	\$0	\$458,877	\$458,877
5446	WW15A BOND PROJECTS	\$9,366	\$0	\$0	\$0	\$9,366	\$9,366
5447	2017 JU IMPROVEMENT REV BOND	\$3,976	\$0	\$0	\$0	\$3,976	\$3,976
5450	WASTEWATER CAPITAL IMPROVEMENT	\$2,931,197	\$1,758,652	(\$4,107,847)	\$0	\$582,002	\$582,002
5451	WW20B PROJECTS	\$194,502	\$50,000	\$0	\$0	\$244,502	\$244,502

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5460	WASTEWATER EQUIP REPL RESERVE	\$395,511	\$7,940	(\$673,508)	\$275,000	\$4,943	\$4,943	
5479	WW14 BOND PROJECTS	\$195	\$62	\$0	\$0	\$257	\$257	
5481	WW14 DEBT SERVICE	\$150,668	\$154	\$0	\$0	\$150,822	\$150,822	
5485	WW20A DEBT SERVICE	\$8,602	\$0	\$0	\$0	\$8,602	\$8,602	
5491	WW14 BOND PROJECTS	\$424	\$424	\$0	\$0	\$848	\$848	
5495	WW20A PROJECT	\$61,023	\$10,000	\$0	\$0	\$71,023	\$71,023	
5500	SOLID WASTE OPERATIONS	\$1,409,697	\$17,478,368	(\$19,323,347)	\$557,383	\$122,101	\$122,101	
5505	SOLID WASTE CONTINGENCY FUND	\$986,628	\$0	(\$150,000)	\$0	\$836,628	\$836,628	
5510	SOLID WASTE LANDFILL CLOSURE	\$3,197,414	\$7,953	(\$868,375)	\$0	\$2,336,992	\$2,336,992	
5560	SOLID WASTE EQUIP REPL RESERVE	\$5,124,444	\$6,855	(\$4,501,169)	\$0	\$630,130	\$630,130	
5587	SW NMFA LOAN DEBT SERVICE	\$427,954	\$1,935	\$0	\$0	\$429,889	\$429,889	
5920	TRANSIT OPERATING	(\$541,492)	\$2,130,171	(\$4,555,724)	\$3,991,355	\$1,024,310	\$1,024,310	
5921	TRANSIT GRANTS	\$2	\$0	\$0	\$0	\$2	\$2	
5923	TRANSIT CAPITAL	\$7,608,979	\$19,699,498	(\$26,346,744)	\$870,618	\$1,832,352	\$1,832,352	
5930	ALTERNATIVE FUELS	\$5,000	\$0	\$0	\$0	\$5,000	\$5,000	
Enterprise Funds Total		\$51,485,592	\$136,361,289	(\$167,391,952)	\$6,874,973	\$27,329,902	\$27,329,902	
INTERNAL SERVICE FUNDS								
6150	FLEET SERVICES	\$2,935,313	\$8,926,400	(\$8,519,975)	\$0	\$3,341,738	\$3,341,738	
6310	UNEMPLOYMENT RESERVE	\$1,279,827	\$0	\$0	\$0	\$1,279,827	\$1,279,827	
6320	EMPLOYEE HEALTH	\$415,304	\$0	\$0	\$0	\$415,304	\$415,304	
6330	WORKERS COMPENSATION	\$1,707,446	\$0	(\$2,222,694)	\$890,000	\$374,751	\$374,751	
6340	LIABILITY CLAIMS	\$1,541,414	\$0	(\$7,304,072)	\$6,300,000	\$537,342	\$537,342	
INTERNAL SERVICE FUNDS Total		\$7,879,303	\$8,926,400	(\$18,046,741)	\$7,190,000	\$5,948,962	\$5,948,962	
AGENCY FUNDS								
7410	MV REGIONAL DISPATCH AUTHORITY	\$2,166,721	\$5,196,533	(\$5,816,533)	\$0	\$1,546,721	\$1,546,721	
7420	METRO NARCOTICS AGENCY	\$564,240	\$681,086	(\$681,086)	\$0	\$564,240	\$564,240	
7440	ANIMAL SERVICES CENTER	\$303,982	\$4,533,501	(\$4,533,501)	\$0	\$303,982	\$303,982	
7441	ASCMV CAPITAL	\$28,000	\$0	\$0	\$0	\$28,000	\$28,000	
7470	BRANIGAN ESTATE	\$841,426	\$0	(\$260,000)	\$0	\$581,426	\$581,426	
7480	GIFTS AND MEMORIALS	\$521,838	\$21,355	(\$465,902)	\$0	\$77,291	\$77,291	
7481	VETERANS MEMORIAL WALL	\$24,348	\$1,000	(\$1,000)	\$0	\$24,348	\$24,348	
7492	HIDTA-CLC	\$0	\$1,470,258	(\$1,470,258)	\$0	\$0	\$0	
AGENCY FUNDS Total		\$4,450,554	\$11,903,733	(\$13,228,280)	\$0	\$3,126,007	\$3,126,007	
SOUTH CENTRAL SOLID WASTE AUTHORITY								
8100	SC SOLID WASTE AUTHORITY	\$5,412,567	\$13,138,533	(\$9,823,815)	\$850,000	\$9,577,285	\$9,577,285	
8110	SCSWA CLOSURE/POST CLOSURE	\$320,771	\$0	\$0	\$0	\$320,771	\$320,771	
8115	SCSWA ENVIRONMENTAL IMP FEES	(\$57,594)	\$334,211	(\$201,000)	\$0	\$75,617	\$75,617	
8120	SCSWA DEBT CAPITAL PROJECTS	\$2,113,219	\$0	\$0	\$0	\$2,113,219	\$2,113,219	
8150	SCSWA CAPITAL IMPROVEMENTS	\$17,931	\$0	\$0	\$0	\$17,931	\$17,931	
8160	SCSWA EQUIPMENT REPLACEMENT	\$751	\$0	\$0	\$0	\$751	\$751	
8170	SCSWA RECYCLING	\$1,933,080	\$5,306,453	(\$2,794,012)	(\$500,000)	\$3,945,521	\$3,945,521	
8180	COMMUNITY COLLECTION CTRS	\$373,494	\$1,613,551	(\$1,427,204)	(\$100,000)	\$459,841	\$459,841	
8190	SUNLAND PARK SOLID WASTE	\$589,600	\$1,272,510	(\$937,209)	(\$250,000)	\$674,901	\$674,901	
SOUTH CENTRAL SOLID WASTE AUTHORITY Total		\$10,703,819	\$21,665,258	(\$15,183,240)	\$0	\$17,185,837	\$17,185,837	
TREASURY FUNDS								
9410	MVRDA GENERAL CAPITAL ASSETS	\$0	\$0	\$0	\$0	\$0	\$0	
9420	METRO NARC GEN CAPITAL ASSETS	\$0	\$0	\$0	\$0	\$0	\$0	
9440	ASCMV GENERAL CAPITAL ASSETS	\$0	\$0	\$0	\$0	\$0	\$0	
9800	RIO GRANDE NATURAL GAS ASSOC	\$0	\$0	\$0	\$0	\$0	\$0	
9900	GENERAL CAPITAL ASSETS-CITY	\$0	\$0	\$0	\$0	\$0	\$0	
9910	GENERAL LONG-TERM LIABILITIES	\$0	\$0	\$0	\$0	\$0	\$0	
9995	UNREALIZED FMV ADJUSTMENT	\$0	\$0	\$0	\$0	\$0	\$0	
9999	CASH & INVESTMENT POOL	\$0	\$0	\$0	\$0	\$0	\$0	
TREASURY FUNDS Total		\$0	\$0	\$0	\$0	\$0	\$0	
ENDING BALANCE		\$329,391,802	\$414,637,175	(\$549,133,380)	\$0	\$194,895,597	(\$24,674,597)	\$170,221,000

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2022-23

Exhibit "B"

	2100 SPECIAL REVENUE REIMB GRANTS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 24,280	24,280	0	24,280
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	6,259	0	6,259
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	182,000	247,600	0	247,600
Federal Grants	5,358,203	16,759,560	0	16,759,560
State Grants	1,120,000	13,305,446	20,607	13,326,053
Local Grants	46,440	69,089	0	69,089
Debt Service	0	0	0	0
Total Revenues	6,706,643	30,387,954	20,607	30,408,561
TOTAL RESOURCES	\$ 6,730,923	30,412,234	20,607	30,432,841
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	2,798,662	10,150,000	0	10,150,000
Legal	0	0	0	0
Las Cruces Police Department	629,444	6,109,613	20,607	6,130,220
Las Cruces Fire Department	85,478	1,378,029	0	1,378,029
Utilities	0	1,300,000	0	1,300,000
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	468,870	1,229,604	0	1,229,604
Human Resources	0	0	0	0
Financial Services	0	405,073	0	405,073
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	11,030	458,744	0	458,744
Community Development	0	0	0	0
Quality of Life	0	79,999	0	79,999
Public Works	0	365,000	0	365,000
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,993,484	21,476,062	20,607	21,496,669
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	\$ 2,737,439	8,936,172	0	8,936,172

CITY OF LAS CRUCES
BUDGET ADJUSTMENT REQUEST
BUDGET FISCAL YEAR 2022-23

Exhibit "B"

	5300 WATER OPERATIONS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,358,020	6,358,020	0	6,358,020
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	289,930	289,930	0	289,930
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	21,002,023	21,002,023	0	21,002,023
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	60,000	60,000	0	60,000
Investment Income	5,790	25,790	0	25,790
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	21,357,743	21,377,743	0	21,377,743
TOTAL RESOURCES	\$ 27,715,763	27,735,763	0	27,735,763
Expenditures				
General Government	4,323,635	4,517,611	0	4,517,611
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	17,953,937	18,713,989	0	18,713,989
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 22,277,572	23,231,600	0	23,231,600
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(2,621,241)	(4,456,241)	(21,000)	(4,477,241)
Total Other Resources	\$ (2,621,241)	(4,456,241)	(21,000)	(4,477,241)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 2,816,950	47,922	(21,000)	26,922

State of New Mexico
Local Government Budget Management System (LGBMS)
Report Recap - Fiscal Year 2022-2023 - Las Cruces (City) - FY2023 Q4

Exhibit "C"

Agenda Item #8.2.

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Fund	Cash	Investments	Revenues	Transfers	Expenditures	Adjustments	Balance	Reserves	Adjusted Balance
11000 General Operating Fund	321,889,546.00	0.00	157,790,114.81	-15,585,513.13	120,649,966.28	-265,063,394.40	78,380,787.00	10,054,163.86	68,326,623.14
20100 Corrections	1,318,015.00	0.00	-322,251.40	-500,000.00	470,806.70	1,683,112.10	1,708,069.00	0.00	1,708,069.00
20200 Environmental	1,806,090.00	0.00	95,492.30	136,538.74	8,356.17	-1,890,597.87	139,167.00	0.00	139,167.00
20600 Emergency Medical Services	161.00	0.00	13,295.42	0.00	20,000.00	6,707.58	164.00	0.00	164.00
20900 Fire Protection	365,887.00	0.00	656,486.40	0.00	680,433.49	-25,664.91	316,275.00	0.00	316,275.00
21100 Law Enforcement Protection	0.00	0.00	224,000.00	-17,307.87	212,250.92	5,558.79	0.00	0.00	0.00
21200 Law Enforcement Recruitment/Retention	0.00	0.00	5,000,000.00	0.00	5,000,000.00	0.00	0.00	0.00	0.00
21300 DPS- Law Enforcement Retention	0.00	0.00	121,502.87	0.00	109,703.63	-11,799.24	0.00	0.00	0.00
21400 Lodgers' Tax	1,965,417.00	0.00	2,857,767.92	-150,000.00	2,318,728.30	1,427,976.38	3,782,433.00	0.00	3,782,433.00
21600 Municipal Street	7,855,833.00	0.00	7,523,058.37	-7,854,301.66	4,035,297.67	-411,040.04	3,078,252.00	0.00	3,078,252.00
21700 Recreation	92,545.00	0.00	11,189.36	0.00	0.00	-848.36	102,886.00	0.00	102,886.00
21800 Intergovernmental Grants	25,757.00	0.00	4,172,785.91	0.00	5,062,046.31	1,561,999.40	698,496.00	0.00	698,496.00
21900 Senior Citizens	49,492.00	0.00	0.00	0.00	0.00	-49,492.00	0.00	0.00	0.00
22300 DWI Fund	4,346.00	0.00	8,272.30	0.00	8,920.99	5,894.69	9,592.00	0.00	9,592.00
24100 Convention Center Fee	237,405.00	0.00	1,344,083.83	-1,109,806.00	176,379.60	-54,825.23	240,478.00	0.00	240,478.00
27000 LG Abatement Opioid Fund	0.00	0.00	605,239.89	0.00	0.00	-605,239.89	0.00	0.00	0.00
28000 Cannabis Regulation Act	0.00	0.00	847,149.72	0.00	0.00	-847,149.72	0.00	0.00	0.00
29900 Other Special Revenue	67,640,509.00	0.00	11,645,795.40	-5,761,672.56	2,487,184.17	-2,307,039.67	68,730,408.00	0.00	68,730,408.00
30100 Bond Proceeds Project	41,916,841.00	0.00	30,398,108.91	0.00	21,252,023.23	-10,201,515.68	40,861,411.00	0.00	40,861,411.00

30400 Road/Street Projects	947,162.00	0.00	17,359.43	0.00	-71,216.99	-248,050.42	787,688.00	0.00	787,688.00
30500 Gross Receipts Tax Proceeds Project	12,065,351.00	0.00	333,703.95	5,300,000.00	4,052,938.26	3,545,711.31	17,191,828.00	0.00	17,191,828.00
30600 NMFA Project	19,809,116.00	0.00	5,292,393.49	-60,364.51	10,733,730.90	-1,950,749.08	12,356,665.00	0.00	12,356,665.00
39900 Other Capital Projects	15,344,564.00	0.00	6,253,168.72	2,500,000.00	7,956,551.35	-152,088.37	15,989,093.00	0.00	15,989,093.00
40100 General Obligation Bond Debt Service	6,901,032.00	0.00	6,835,775.50	0.00	5,144,245.19	-1,439,192.31	7,153,370.00	0.00	7,153,370.00
40200 GRT Revenue Bond Debt Service	1,805,150.00	0.00	2,273,818.56	8,085,242.00	9,057,156.53	-1,172,827.03	1,934,227.00	0.00	1,934,227.00
40400 NMFA Loan Debt Service	1,709,507.00	0.00	316,526.03	6,308,856.07	602,773.00	-6,333,114.10	1,399,002.00	0.00	1,399,002.00
49900 Other Debt Service	12,243.00	0.00	0.00	151,361.00	151,360.70	-0.30	12,243.00	0.00	12,243.00
50100 Water Enterprise	16,656,492.00	0.00	22,321,376.45	-100,000.00	29,981,678.56	2,922,384.11	11,818,574.00	0.00	11,818,574.00
50200 Solid Waste Enterprise	12,955,907.00	0.00	18,843,920.85	1,415,272.00	19,621,021.97	-2,447,941.88	11,146,136.00	0.00	11,146,136.00
50300 Wastewater/Sewer Enterprise	11,557,682.00	0.00	17,463,087.71	1,318,566.12	20,225,390.73	4,217,789.90	14,331,735.00	0.00	14,331,735.00
50400 Airport Enterprise	908,602.00	0.00	1,447,955.14	62,322.92	2,572,897.83	1,063,380.77	909,363.00	0.00	909,363.00
51200 Community Events	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
51700 Gas Utility	9,745,792.00	0.00	40,579,651.65	-1,415,272.00	39,021,421.90	-4,159,048.75	5,729,701.00	0.00	5,729,701.00
52100 Joint Utility	268,703.00	0.00	18,140,410.56	0.00	13,420,703.80	-4,510,815.76	477,594.00	0.00	477,594.00
53200 Transit Enterprise	2,993,898.00	0.00	11,234,151.60	46,434.00	12,454,655.41	5,252,660.81	7,072,489.00	0.00	7,072,489.00
60300 Motor Pool Services	3,618,328.00	0.00	7,248,194.10	0.00	7,831,689.33	-99,519.77	2,935,313.00	0.00	2,935,313.00
69900 Other Internal Service	6,981,580.00	0.00	917,611.43	7,222,816.00	7,485,733.20	-2,692,284.23	4,943,990.00	0.00	4,943,990.00
79900 Other Trust & Agency	17,364,958.00	0.00	28,909,508.94	6,828.88	26,000,953.76	-5,125,969.06	15,154,373.00	0.00	15,154,373.00
Totals	586,813,911.00	0.00	411,420,706.12	0.00	378,735,782.89	-290,107,032.23	329,391,802.00	10,054,163.86	319,337,638.14



24-023

City Council Action and Executive Summary

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☒ 4 ☐ 5 ☐ 6 ☐ N/A		
1st Reading:	Adopted: August 21, 2023		
Drafter:	Larry Nichols	Department:	Community Development
Program:	Office of the Director - Administrative	Line of Business:	Office of the Director - Administrative
Title:	A RESOLUTION APPROVING A NUISANCE, SUBSTANDARD STRUCTURE IN NEED OF ABATEMENT AT 430 SOUTH MAIN STREET WITHIN THE CITY LIMITS OF LAS CRUCES, NEW MEXICO, SO RUINED, DAMAGED, DILAPIDATED, AND UNFINISHED AS TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY AND THAT IS REQUIRED TO BE REMOVED.		

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

PURPOSE(S) OF ACTION:

A resolution to abate and remove the structure at 430 S. Main Street.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces (City) has received many calls for service and complaints regarding the property at 430 S. Main Street throughout the years and most recently received calls related to exterior siding detaching from the structural frame. The city applied for and was granted, an Inspectorial Search Order on July 13,2023. Please see Attachment "A" for a more detailed summary of the outlined search order. The City's Chief Building Official submitted a report with the findings of the Inspectorial Search, which included construction debris, severe hazards and unsanitary conditions which deemed the property uninhabitable and substandard. Please see Attachment "B" for a more detailed summary of the conditions. The proposed resolution complies with state law and is a remedial measure taken to protect the health and safety of the community. Council approval is required in accordance with NMSA 1978, §3-18-5. The statute allows the governing body of a municipality to remove a structure that is a menace to the public comfort, health, peace, or safety.

SUPPORT INFORMATION:

[Attachment "A" - Inspection Order](#)
[Attachment "B" - Property Report and Photos](#)

PLAN(S):

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

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

Agenda Item #8.3.

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the abatement and removal of the building located at 430 S. Main St.
2. Vote "No"; this will not approve the abatement and removal of the building located at 430 S. Main St.
3. Vote to "Amend"; this will require additional direction to staff.
4. Vote to "Table"; this will not approve the abatement and removal of the building located at 430 S. Main St. and will require additional direction to staff.

RESOLUTION 24-023

A RESOLUTION APPROVING A NUISANCE, SUBSTANDARD STRUCTURE IN NEED OF ABATEMENT AT 430 SOUTH MAIN STREET WITHIN THE CITY LIMITS OF LAS CRUCES, NEW MEXICO, SO RUINED, DAMAGED, DILAPIDATED, AND UNFINISHED AS TO BE A MENACE TO THE PUBLIC COMFORT, HEALTH, PEACE, OR SAFETY AND THAT IS REQUIRED TO BE REMOVED.

The City Council is informed that:

WHEREAS, the building, structure, or premises is located at 430 South Main Street, Las Cruces, NM;
and

WHEREAS, the Community Development Department and the Code Enforcement Division of the Las Cruces Police Department have investigated the condition of said building, structure, or premises and has found same to be so ruined, damaged, and dilapidated that it constitutes a menace to the public comfort, health, peace, or safety and warrants abatement and removal; and

WHEREAS, multiple calls for service and complaints have been received by the Codes Enforcement Division.

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

(I)

THAT John Hoffman, record owner of said building, structure, or premises shall commence removal of same within ten (10) days after service of a copy of this Resolution or within said ten (10) day period, file written objection to findings herein with the City Clerk of the City of Las Cruces, asking for a hearing before the City Council.

(II)

THAT if there is a failure of compliance with the provision of Section II herein, the City of Las Cruces shall proceed to remove said building, structure, or premises and abate said unsafe condition and the cost thereof shall constitute a lien against such property so removed and against said lot or parcel of land from which such removal be made, all as required and allowed by law.

(III)

THAT If any section, paragraph, sentence, clause, word, or phrase of this resolution is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.

(IV)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

**STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT**

FILED
3rd JUDICIAL DISTRICT COURT
Dona Ana County
7/10/2023 2:55 PM
CLERK OF THE COURT
Sandra Aguirre

CITY OF LAS CRUCES,

Plaintiff,

v.

**No. D-307-CV-2023-01366
Judge Manuel I. Arrieta**

**JOHN HOFFMAN, the owner(s) of the Premises
at 430 S. MAIN STREET, LAS CRUCES, NEW MEXICO,**

Defendant.

INSPECTION ORDER

**THE CITY OF LAS CRUCES, TO ANY OFFICER AUTHORIZED TO MAKE AN
INSPECTORIAL SEARCH OF THE PREMISES:**

An application for an inspectorial search order, which is attached to and hereby made a part of this order, having been submitted to me by Larry Nichols, Chief Building Officer for the City of Las Cruces, who has made a sufficient showing that inspection of the *(check appropriate box)* ☒ premises ☐ vehicle described in the application is in accordance with reasonable legislative or administrative standards.

(check appropriate box)

☐ I am satisfied that seven (7) days' notice has been given to the owner of the *(premises)* *(vehicle)* described in the application and consent has not been given to make an inspectorial search.

☒ I am satisfied that an inspectorial search by consent of the owner of the *(premises)* *(vehicle)* described in the application is not obtainable within a reasonable period of time.

(check if appropriate)

☐ Inspection of the *(premises)* *(vehicle)* at night is reasonable under the circumstances described in the application.

YOU ARE HEREBY COMMANDED TO SEARCH FORTHWITH:

(check one or both)

☒ the premises ☐ the vehicle

described in the application

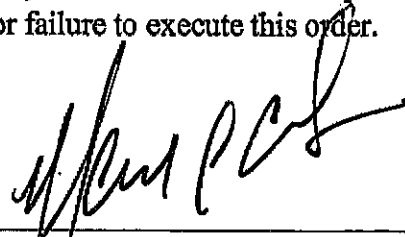
☒ between the hours of 6:00 a.m. and 10:00 p.m.

☐ at any time of the day or night

(check if appropriate)

☐ You are hereby authorized to be accompanied by one or more law enforcement officers.

You are to return this order within three (3) days after the search is completed to make a sworn report of the circumstances of the execution or failure to execute this order.

A handwritten signature in black ink, appearing to read "M. P. C. J.", is written over a horizontal line.

Third Judicial District Court Judge



CASE NUMBER:

STAFF CONTACT:

Larry F Nichols, (575) 528-3340,
lnichols@las-cruces.org
 Building Official

OWNER:

John Hoffman
 PO BOX 961597
 El Paso, Texas 79996

REPRESENTATIVE:

City Councilor Bencomo

DISTRICT:

District four (4)

SITE ADDRESS:

430 South Main

EXISTING ZONING:

Commercial – C 3

REQUEST:

Site assessment per Building Official

RELATED INSPECTIONS:

Site and unfinished dilapidating structure

STAFF RECOMMENDATION:

Abate the structure and bring into compliance or demolish

STTUATORY AUTHORITY:

Section 60-13-9,60-13-10.3,60-13-44 NMSA 1978

Property Maintenance (Section 101.4.4 IBC 2015):

[14.5.1.3 NMAC-Rp14.5.1.2 NMAC, 11/15/2016]

LCMC Ord. No. 2478 Article II, Division 1,

Sec, 30-137 14.5.1.12 Unsafe Structure or other Life Safety Hazard: A. (2) and A. (3)

LCMC 2015 International Building code, as adopted by NMAC 14.7.2.8 - 14.7.2.44

Section 104 and Section 116

SUMMARY OF SITE ASSESSMENT: The site inspection determined that the facility is unsafe for occupancy or habitation. Due to the structural framing, electrical hazards, inoperative plumbing, inoperative heating / cooling, unsanitary premise, ADA compliance and general debris surrounding the perimeter of the facility.

FINDINGS

The City Building Official and Code Compliance Section has found the facility to be substandard and represent imminent hazards to life and property.

The findings of the inspection, as supervised by the Certified Building Official and Staff are as listed:

Description of Violation (s) found on the property located at:

**Commercial Structure - Hoffman Annex
430 South Main Street
Las Cruces, NM**

Substandard dwelling (Section 60-13-9, 60-13-10.3 and 60-13-44 NMSA 1978): Any building or portion thereof, including any office space or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public, or the occupants thereof shall be deemed and declared a SUBSTANDARD BUILDING.

Substandard facility Findings (Certified Building Inspector)

Building and premises deficiencies:

1. Property driveways and parking are not stabilized by impervious surface materials
2. Storm water site drainage non-compliant with EPA standards
3. ADA parking signage not posted.
4. Office access and egress non-compliant with ADA standards.
5. Office did not have operational public restrooms (ADA non-compliant).
6. Structural deficiencies on ceiling, roof, and beam framing. Structural issues seen throughout property.
7. Faulty weather protection due to several broken windows, door weatherstrip and missing exterior door thresholds.
8. Existing repairs are non-compliant with building codes and were conducted without proper permits or NM licensed contractors.

General dilapidation or inadequate maintenance. (NMAC 14.5.1.12):
Inadequate sanitation includes general dilapidation or inadequate maintenance.

General dilapidation or inadequate maintenance Findings (Fire Department inspector)

1. There needs to be a minimum of a 3ft clearance around the electrical panel. We must always have free and clear access to the electrical panel. Hoarding conditions in the office area.
2. Remove weeds, trash, debris, and outside storage that are fire hazards.

Hazardous wiring (NMAC 14.10.5): *Hazardous wiring includes all wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.*

*Permits and installations by NM licensed contractors required.
All utilities shall be restored prior to occupancy.*

Hazardous Electrical wiring Findings (Certified Electrical Inspector)

1. Interior electrical service panel
 - A. Mixed breaker brands in panel not listed for service panel.
 - B. Missing dead front allowing exposed live bus and wiring.
 - C. Missing bridge on breaker for 240V circuit. Unable to turn circuit off safely.
 - D. Has a ground wire used as an ungrounded conductor.
2. Outside perimeter
 - A. Missing covers on boxes and conduit bodies allowing exposed live wiring.
 - B. Exposed live wiring not for use in wet locations, nor sunlight resistant.
 - C. Broken ground rod clamp required to bond electrical service to earth.
 - D. Unsupported / unanchored conduit.
3. Electrical service
 - A. Does not have required 36 inch working clearance in front that is required when new sub-panel was installed.
 - B. Service is not bonded to earth.
 - C. Water bond grounding electrode connected at wrong location.
 - D. Service does not have a bond of grounded conductor to missing grounding electrode conductor.
 - E. Service equipment was modified for a new sub-panel, , modification voids UL listing.
 - F. Has mismatched breaker not UL listed for panel.
 - G. Under sized equipment ground for circuits.
 - H. Sub-panel has the grounded and equipment ground bonded, prohibited after service disconnect.
4. Office
 - A. Inadequate wiring for electrical circuit wire (12 ga)
 - B. Office exit sign is only the cover screwed to the wall. Exit not identified or illuminated.

Hazardous plumbing (NMAC 14.8.2): *Hazardous plumbing includes all plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.*

Hazardous Plumbing Findings (Certified Plumbing Inspector)

Exterior plumbing

1. Multiple open sewer clean outs
2. More than one PVC drain broken and allowing sewer gas to escape.
3. Domestic water piping exposed in multiple locations with no freeze protection.
4. Gas piping on exterior of building unsecured in places.
5. Rusting on gas piping noted near ground level.
6. There is no backflow control device at the water meter to isolate the building water system from the City's water supply system.

Interior plumbing

1. Several fixtures with broken valves, or missing handles, etc.
2. The drains to all sinks have been re-piped with non-compliant, non-drainage fittings and the sewer vents had been removed making the drain vent system non-compliant.
3. All fixture traps require a vent to the atmosphere to maintain a water seal in the traps that keeps sewer gas from escaping into the occupied spaces.

Hazardous mechanical (NMAC 14.9.2): *Hazardous mechanical equipment includes all mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in a good and safe condition.*

Hazardous Mechanical Findings (Certified Mechanical Inspector)

Interior mechanical

1. No permanent heating is being provided; all original heating systems have been removed.
2. No permanent cooling is provided.

Mechanical room

1. There is no permanent combustion air provided to the mechanical room.
2. The control wiring on both water heaters is tampered with and unattached to units.
3. Gas piping to units is undersized to provide for BTU input requirement.
4. Unconnected gas valves without a plug or cap.
5. The units are no longer vented to the exterior a dangerous condition during operation.

Faulty weather protection (NMAC 14.7.2.8; NMAC 14.7.6.8): *Faulty weather protection includes deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows, doors, and basement hatchways.*

Faulty weather protection finding(Certified Building Inspector)

1. Faulty weather protection due to several broken windows, door weatherstrip and missing exterior door thresholds.
2. Office non-compliant with Energy Efficiency Code, insulation, air leakage.

SUMMARY OF RECOMMENDATION:

The Community Development Department recommends that it be found:

- 1) That the facility is substandard, unfit for habitation or use and a hazard to the public safety, and welfare; and
- 2) That it is an unsafe facility due to the physical condition of the exterior structural frame and interior space conditions and
- 3) That the Certificate of Occupancy continued to be revoked and
- 4) That the structure is not in substantial compliance with the municipal Building Codes regulating habitable occupancy; and
- 5) That the responsible party shall abide by all permitting requirements; and
- 6) That repairs and improvements be made to abate the unsafe conditions; and
- 7) That upon failure by the owner or any other interested party to comply with the order within 30 days of Unsafe Structure Notice, the City Community Development Department, may take whatever action is necessary to bring the property into compliance, to include condemnation and / or demolition.

STAFF AND PUBLIC COMMENTS

STAFF COMMENTS:

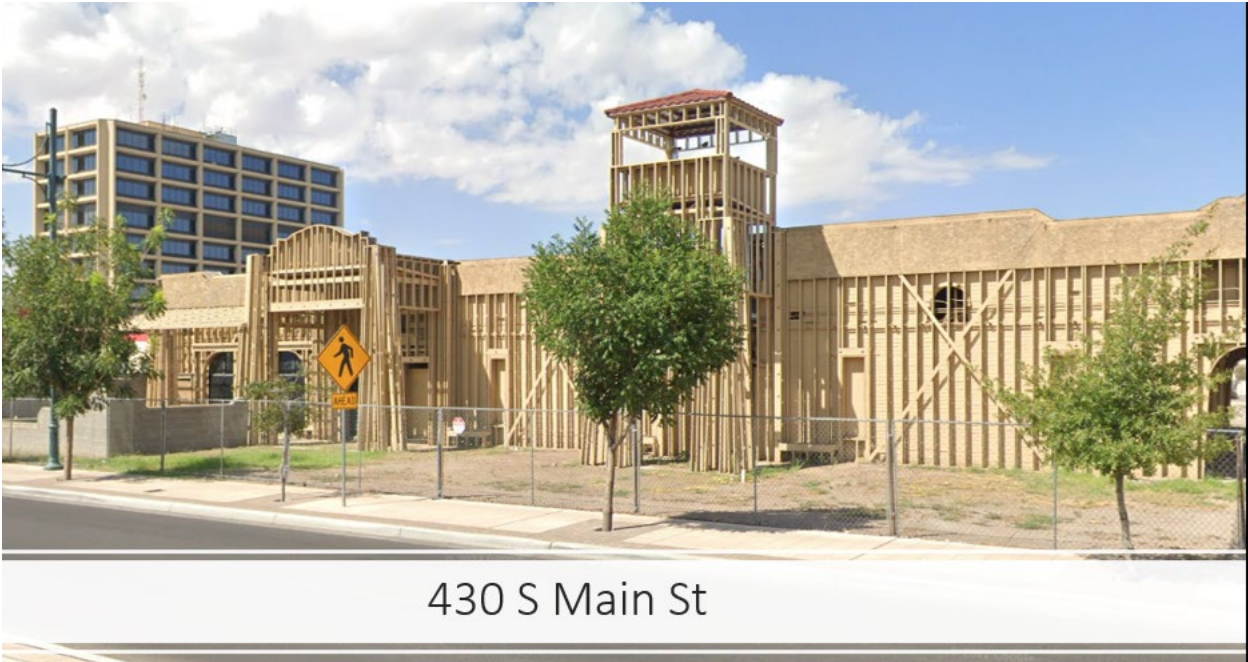
The subject facility is an unfinished construction commercial structure. The exterior structural frame and sheathing sheer panels have deteriorated to a state that they are a life safety hazard.

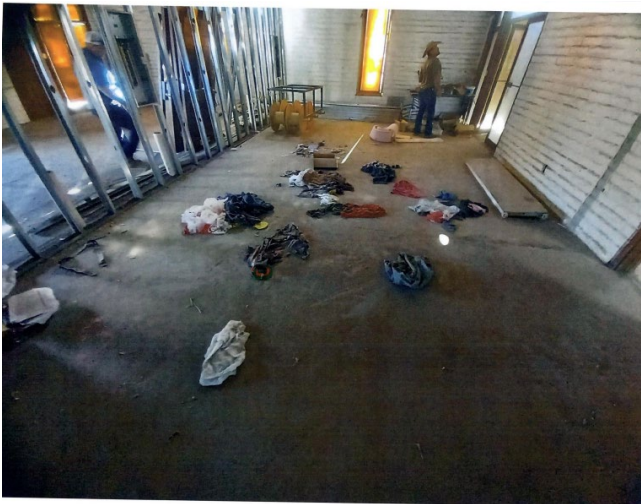
City Public Safety agencies, Las Cruces Police Dept, Las Cruces Fire Dept and Code Compliance Division have had several calls for service in recent years, which represents an expense to City Government.

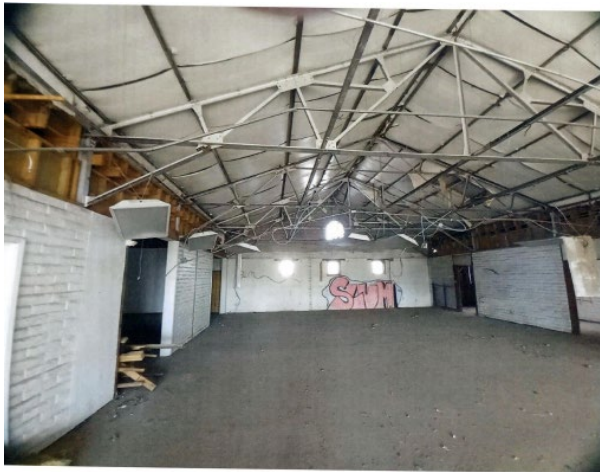
PUBLIC NOTIFICATION AND INPUT:

The City Council and City constituents have expressed concerns regarding the risk hazards of the facility. The hazards range from trash / debris conditions surrounding the structure and into the public right of way, deteriorating perimeter environmental SWIPP fencing, to depilating. structural frame and components of the structure.

ATTACHEMENT:









City Council Action and Executive Summary

3044; Council
Bill No. 24-002

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☐ 1	☒ 2	☐ 3	☐ 4	☐ 5	☐ 6	☐ N/A
1st Reading:	August 7, 2023			Adopted:	August 21, 2023		
Drafter:	Sara Gonzales			Department:	Community Development		
Program:	Community Planning			Line of Business:	Community Planning		
Title:	AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED (LCMC), SECTIONS 2-556 THROUGH 2-564 TO REVISE THE UNIVERSITY DISTRICT CITIZEN’S DESIGN REVIEW COMMITTEE (UD-CDRC), RESPECTIVELY, WITHIN CHAPTER 2, ARTICLE IV, DIVISION 3, NONSTANDARD BOARDS OF DIVISION OF THE LCMC.						

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

PURPOSE(S) OF ACTION:
To amend the Municipal Code.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On September 17, 2001, the City Council through Ordinance No. 1894 amended Chapter 2, Article IV, Division 8, Subdivision V of the Las Cruces Municipal Code by adding the University Avenue Corridor Citizen’s Design Review Committee.

On April 5, 2010, the City Council through Ordinance No. 2572 repealed and replaced Chapter 2, Section 2-1012 through 2-1020 and established the University Districts Citizen’s Design Review Committee.

Lastly, on May 15, 2017, the City Council through Ordinance No. 2814 amended Section 2-189, repealing and replacing Divisions 3, 4, and 5 of Chapter 2, Article IV, Boards, Commissions and Committees.

The University District Citizen's Design Review Committee (UD-CDRC) currently has seven (7) members who serve on the board. Unfortunately, there have been several vacancies to the board and the City has encountered difficulty filling these vacancies. The Community Development Department recently received a resignation from one member who has been on the board for twenty years, which in turn, leads to another vacancy. To meet the UD-CDRC quorum requirements and not hinder development applications, Community Development is recommending revising the membership representation and reducing the number of members.

This amendment also recommends changing the UD-CDRC meeting schedule frequency. The amendment will allow the UD-CDRC to schedule their meeting as necessary.

The revised membership would consist of representatives from each of the following groups:

1. University District area's district councilor (District 2);
2. New Mexico State University’s university architect or designee; and
3. Three (3) citizens who either own property, own a business, or reside in the overlay area.

Agenda Item #8.4.

The key changes include the following items: reduced committee size to five members, change in membership representation, and reduce monthly meetings to as necessary.

SUPPORT INFORMATION:

[Exhibit "A" - UD-CDRC Municipal Code \(Updated Version\)](#)

[Attachment "A" - UD-CDRC Municipal Code \(Redline Version\)](#)

PLAN(S):

City Council Strategic Plan, Department Strategic Business Plan, 2021-2025 Consolidated Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

University District DRC

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Ordinance within LCMC Chapter 2, Article IV, Division 3, Section 2-556 through 2-564, respectively and amend the citizen's design review committee.
2. Vote "No"; this will not approve the Ordinance within LCMC Chapter 2, Article IV, Division 3, Section 2-556 through 2-564, respectively nor amend the citizen's design review committee.
3. Vote to "Amend"; this would allow City Council to modify the proposed ordinance.
4. Vote to "Table"; this would postpone the decision to amend the ordinance and would allow City Council to provide further staff direction.

ORDINANCE 3044; COUNCIL BILL NO. 24-002

AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED (LCMC), SECTIONS 2-556 THROUGH 2-564 TO REVISE THE UNIVERSITY DISTRICT CITIZEN'S DESIGN REVIEW COMMITTEE (UD-CDRC), RESPECTIVELY, WITHIN CHAPTER 2, ARTICLE IV, DIVISION 3, NONSTANDARD BOARDS OF DIVISION OF THE LCMC.

The City Council is informed that:

WHEREAS, the University District Citizen's Design Review Committee (UD-CDRC) was created through Ordinance No. 2572 and further revised through Ordinance No. 2814; and

WHEREAS, the University District Overlay allows for greater flexibility to developers and landowners while encouraging the development of a vibrant, mixed-use area; and

WHEREAS, changes to the design review committee are needed to ensure future development is not delayed or hindered due to ongoing UD-CDRC vacancies.

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

(I)

THAT Sections 2-556 through 2-564 within Chapter 2, Article IV, Division 3, Nonstandard Boards of the Las Cruces Municipal Code, as shown in Exhibit "A" attached hereto and made part of this Ordinance, are hereby amended and approved.

(II)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

PART II - MUNICIPAL CODE
Chapter 2 - ADMINISTRATION
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 3. - NONSTANDARD BOARDS
Subdivision XIII. University District Citizen's Design Review Committee

Subdivision XIII. University District Citizen's Design Review Committee

Sec. 2-556. Established.

There is established a University District citizen's design review committee.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-557. Membership.

- (a) The citizen's design review committee shall be comprised of members as follows: The University District area's district councilor; a New Mexico State University Campus architect or designee; and three citizens who either own a property, own a business, or reside in the overlay. The NMSU Campus architect staff person may select representatives/alternates, designated by this individual, to take their place as needed.
- (b) The community development department's project coordinator for the University District plan shall serve the committee as a contact to the city and a source of information to support the committee's review process.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-558. Term limits.

Because of the unique residency qualifications required to serve on the University District citizen's design review committee the term limit requirement found in subsection 2-188(b)(11) is waived. University District citizen's design review committee citizen members may serve unlimited terms. Citizen members serve at the will of the city council. The current University District's councilor and New Mexico State University Campus architect staff person are permanent appointments.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-559. Appointment procedure.

Citizens interested in participating on the citizen's design review committee shall apply through the city clerk's office. Applicants, including the New Mexico State University representative, will be recommended by the district's councilor to the mayor and appointed by the mayor upon the consent of the city council.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-560. Duties and procedure.

- (a) All new development shall require city approval. To ensure that the development standards of the University District overlay zone district are met, a citizen's design review committee, and a process for submittal and review of applications for development is hereby established. A citizen's design review committee is hereby

authorized to serve the University District overlay as an advisory body to the city for all development proposals in the district. The citizen's design review committee, together with city staff, shall provide a recommendation regarding site design, architecture, and landscaping on all development projects occurring in the University District overlay.

- (b) An applicant may submit an application for a building permit before meeting with the citizen's design review committee, but must wait until said application has been reviewed by the committee and city staff before receiving a building permit (it is preferred, however, that applicants wait until final acceptance by the committee and city staff so that any required changes to the project be made prior to building permit review).
- (c) The citizen's design review committee will also serve as an advisory body to the planning and zoning commission for all plan and code amendments special use permit requests and variances affecting the University District overlay.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-561. Meetings.

The citizen's design review committee shall hold meetings as necessary open to the public.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-562. Organization.

The University District citizen's design review committee shall elect a chair and a vice-chair, each of whom shall serve for one calendar year.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-563. Voting.

A simple majority vote of a quorum of the University District citizen's design review committee is required for approval on all University District citizen design review committee recommendations.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Sec. 2-564. Appeals.

- (a) An application for development must be approved by the city and the citizen's design review committee in order for a building permit to be issued. In the event that an application is denied by the city or the committee based on interpretation of the University District plan and ordinance's urban design requirements, the two entities shall meet to discuss the interpretation. In the event that an agreement cannot be reached to approve the application or an applicant or aggrieved person is not satisfied with the final determination made by the city and committee, the applicant may file for an appeal with the planning and zoning commission. An appeal must be initiated in writing to the community development department by an applicant or aggrieved person within 15 days after all other procedures established by this section have been exhausted. The petition will then be processed by the city to be considered at the next available public hearing in accordance with the notice requirements found in chapter 38, division 2, section 38-71 of the Land Development Code.

- (b) Any aggrieved person that is affected by a decision of the planning and zoning commission in the enforcement of the University District plan and this section may appeal such decision to the city council in accordance with chapter 38, division 2, section 38-236 of the Land Development Code.
- (c) Any person aggrieved by a determination of the city council may appeal to district court within 30 days after the determination made by the city council, in accordance with chapter 38, division 2, section 38-237 of the Land Development Code.

(Ord. No. 2814, § II(exh. A), 5-15-17)

Secs. 2-565—2-569. Reserved.

PART II - MUNICIPAL CODE
Chapter 2 - ADMINISTRATION
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 3. - NONSTANDARD BOARDS
Subdivision XIII. University District Citizen's Design Review Committee

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- (b) The community development department's project coordinator for the University District plan shall serve the committee as a contact to the city and a source of information to support the committee's review process.

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The citizen's design review committee shall hold ~~regular monthly~~ meetings as necessary open to the public.

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by an applicant or aggrieved person within 15 days after all other procedures established by this section have been exhausted. The petition will then be processed by the city to be considered at the next available public hearing in accordance with the notice requirements found in chapter 38, division 2, section 38-71 of the Land Development Code.

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Secs. 2-565—2-569. Reserved.



**3045; Council
Bill No. 24-003**

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 7, 2023	Adopted:	August 21, 2023
Drafter:	Natalie Green	Department:	City Manager's Office
Program:	Housing and Neighborhood Services	Line of Business:	Housing and Neighborhood Services
Title:	AN ORDINANCE AMENDING CHAPTER 13, ARTICLE I. FAIR HOUSING OF THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED.		

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

PURPOSE(S) OF ACTION:
Amend Las Cruces Municipal Code.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
In an effort to offer solutions to the current affordable housing crisis, which disproportionately impacts low- and moderate-income households, the City of Las Cruces Housing Policy Review Committee is proposing an amendment to the Chapter 13, Article I, Fair Housing of the Las Cruces Municipal Code, 1997 as amended. The amendment would add protections for tenants to prohibit “Source of income discrimination”. “Source of income discrimination” refers to the practice of refusing to rent to a housing applicant because of that person’s lawful form of income. A growing number of states and localities have enacted laws, known as “source of income protection laws” that prohibit discrimination based on lawful income sources such as social security, pension, alimony, child support, foster care subsidies, housing vouchers, and others. The New Mexico Human Rights Act, NMSA 1978, Chapter 28, Article 1, prohibits housing discrimination based on race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, pregnancy, childbirth or condition related to pregnancy or childbirth, spousal affiliation or physical or mental handicap.

The City of Las Cruces LCMC Chapter 13, Article I, similarly prohibits discriminatory practices in housing. These protections for applicants seeking housing do not currently extend to prohibit discrimination related to applicants’ legal sources of income and implementing amendments to the Fair Housing Ordinance that prohibit owners from discriminating against tenants based on lawful sources of income will promote a general welfare of the City and its residents.

The availability of safe and affordable housing is an essential component of individual and community well-being. Applicants for housing are regularly asked to disclose their source of income in consideration of their ability to meet income requirements; this prohibition would also ensure that applicants with supplemental income are not denied access to housing opportunities. The City of Las Cruces currently facing a housing crisis and participants of Housing Choice Voucher program are routinely unable to find housing despite eligibility for the program. Prohibiting source of income discrimination will help expand the housing choices available to voucher holders and increase equitable access to housing opportunities for renters in our City. Similar legislation was enacted in Albuquerque in June 28, 2022 and other municipalities are exploring similar legislation.

SUPPORT INFORMATION:

[Exhibit "A" - Ch 13 ARTICLE I](#)

[Attachment "A" Ch 13 ARTICLE I- Redline](#)

[Attachment "B" Community Input](#)

PLAN(S):

City Council Strategic Plan, Department Strategic Business Plan, 2021-2025 Consolidated Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

Housing PRC

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this action will approve the Ordinance to amend Chapter 13, Article I of the LCMC entitled Fair Housing.
2. Vote "No"; this action will deny the Ordinance to amend Chapter 13, Article I of the LCMC entitled Fair Housing.
3. Vote to "Amend"; this action could modify the Ordinance.
4. Vote to "Table"; Ordinance No. 2965 will remain in effect.

REFERENCE INFORMATION:

Ordinance No. 1225

Ordinance No. 1753

Ordinance No. 2208

Ordinance No. 2700

Ordinance No. 2800

Ordinance No. 2965

ORDINANCE 3045; COUNCIL BILL NO. 24-003

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE I. FAIR HOUSING OF THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED.

WHEREAS, Chapter 13, Article I of the Las Cruces Municipal Code 1997, as amended (LCMC), entitled Fair Housing, sets out the details for the City to establish fair housing and effectively handle complaints when they are received; and

WHEREAS, Ordinance No. 2800 regarding fair housing was adopted in 2016; and

WHEREAS, Ordinance No. 2965 further amended Chapter 13 in 2021; and

WHEREAS, changes are proposed by the Housing Policy Review Committee and City staff to include the protections for lawful sources of income.

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

(I)

THAT Chapter 13, Article I of the LCMC, entitled Fair Housing, as shown in Exhibit "A", attached hereto and made part of this Ordinance, is hereby amended.

(II)

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

PART II - MUNICIPAL CODE
Chapter 13 - HOUSING
ARTICLE I. FAIR HOUSING

ARTICLE I. FAIR HOUSING

Sec. 13-1. Definitions.

As used in this article:

Accessible, when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical disabilities. The phrase "readily accessible to and usable by" is synonymous with accessibility.

Accessible route means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts.

Adaptable dwelling units, when used with respect to covered multifamily dwellings, means dwelling units that include the features of adaptable design specified in the Fair Housing Act of 1988, 24 CFR 100.205c.

Aggrieved person includes any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

Bathroom means a bathroom which includes a water closet (toilet), lavatory (sink), and bathtub or shower.

Clear means unobstructed.

Common use areas means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

Covered multifamily dwellings means:

- (1) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and
- (2) Ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

Disability means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment.

But such term does not include current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802. As used in this definition: (a) "physical or mental impairment" includes: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning

disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Discriminatory housing practice means an act that is unlawful under section 13-5 of this article.

Dwelling means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Entrance means any exterior access point to a building or portion of a building used by residents for the purpose of entering. An entrance does not include a door to a loading dock or a door used primarily as a service entrance.

Fair housing accessibility guidelines means those guidelines set forth in 24 CFR Chapter I, Department of Housing and Urban Development, Part VI.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other persons having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of 18 years.

Family includes a single individual.

Ground floor means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors. Where the first floor containing dwelling units in a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

ICC/ANSI guidelines means those guidelines (commonly cited as ICC/ANSI A117.1-2003) set forth in the 2003 edition of the "Accessible and Usable Buildings and Facilities," providing accessibility and usability for persons with disabilities. These guidelines can be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 of the United States Code ("U.S.C."), receivers and fiduciaries.

Residential real estate-related transaction means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate.
- (2) The selling, brokering or appraising of residential real property.

To rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Source of income means any verifiable money, compensation or housing assistance that is lawful in the State of New Mexico and paid to or on behalf of a renter or buyer including, but not limited to money or compensation

from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payment such as child support, court-ordered alimony, from any payment received from an annuity or life insurance policy, or from any federal, state or local payment, including a disability benefit and housing choice voucher, any other rent subsidy or rent assistance program and related program requirements, or other public assistance.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-2. Fair Housing Act adopted.

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988, the Fair Housing Accessibility Guidelines of 1991, are hereby adopted and incorporated herein by reference.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-3. Declaration of policy.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city. This fair housing ordinance is intended to compliment federal and state fair housing laws and should be interpreted consistently with such laws, unless otherwise stated.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-4. Exemptions.

- (a) Nothing in section 13-5 of this article shall apply to:
 - (1) Units in an owner-occupied building containing no more than two units.
 - (2) The rental of a room or rooms in a single-family dwelling unit if the owner actually maintains and occupies part of such living quarters as his/her residence.
- (b) Nothing in section 13-5 of this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.
- (c) Nothing in section 13-5 of this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (d) Nothing in section 13-5 of this article limits the applicability of any reasonable governmental restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (e) Nothing in section 13-5 of this article regarding familial status shall apply with respect to housing for older persons.

Housing for older persons means housing:

- (1) Provided under any state or federal program that is specifically designed and operated to assist elderly persons; or

- (2) Intended for, and solely occupied by, persons 62 years of age or older; or
- (3) Intended and operated for occupancy by at least one person 55 years of age or older per unit, where at least 80 percent of the units in the housing facility are occupied by at least one person 55 years of age or older (except that newly constructed facilities need not comply with this requirement until 25 percent of the units in the facility are occupied), and where the facility meets other regulations adopted by the Federal Department of Housing and Urban Development as set forth in 24 C.F.R. 100.304; however
- (4) Housing shall not fail to meet the requirements for housing for older persons by reason of persons residing in such housing as of September 13, 1988, who do not meet the age requirements set forth in subsections (e)(2) or (3) above; provided that all new occupants of such housing meet the age requirements of subsections (e)(2) or (3); or unoccupied units; provided that such units are reserved for occupancy by persons who meet the age requirements of subsections (e)(2) or (3) of this section.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-5. Discrimination in the sale or rental of housing and other prohibited practices.

Except as exempted by section 13-4 of this article, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
- (6) a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 1. That buyer or renter;
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that buyer or renter.

- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - 1. That person;
 - 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. Any person associated with that person.
 - c. For purposes of this subsection, discrimination includes:
 - 1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications are necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - 2. A refusal to make reasonable modifications in rules, policies, practices, or services, when such modifications are necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - 3. In connection with the design and construction of covered multi-family dwellings for first occupancy, for which a city building permit is issued after adoption of the ordinance from which this article derives, a refusal to design and construct those dwellings in accordance with the 1988 Fair Housing Act, 2003 International Building Code and CABO/ANSI A117.1-1998, and their amendments, as made elsewhere within this Municipal Code.
 - d. Nothing in subsection (b) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (7) For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin. Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, ethnicity, color, religion, sex, or gender identity, disability, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
 - (8) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
 - (9) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this article.
 - (10) A landlord shall not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retaliate in the rental of a dwelling based substantially on:

- a. The tenant, applicant, or a household member's status as a victim of domestic violence, sexual assault, or stalking; or
- b. The tenant or applicant having terminated a rental agreement under early lease termination clause.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-6. Early lease termination.

In any lease or rental agreement covering premises occupied for dwelling purposes, a lessee or tenant for whose benefit any order of protection has been issued by a court of competent jurisdiction, shall be permitted to terminate such lease or rental agreement and quit and surrender possession of the leasehold premises, and of the land so leased or occupied pursuant to the provisions of this section and to be released from any liability to pay to the lessor or owner, rent or other payments in lieu of rent for the time subsequent to the date of termination of such lease.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-7. Administration and enforcement.

- (a) The authority and responsibility for administering the fair housing article shall be in the director of the administering department assigned by the city manager's office.
- (b) All city agencies and departments shall administer their programs and activities relating to housing in a manner to affirmatively further the purposes of this article and shall cooperate with the administering department to further such purposes.
- (c) The administering department shall review plans and construction of newly constructed covered multifamily dwellings for the purpose of making a determination as to whether the design and construction requirements of subsection 13-5(6)c.3. are met. No building permit shall be issued and no certificate of occupancy shall be issued for covered multifamily dwellings that do not meet those requirements. Notwithstanding the above, no one shall be denied a certificate of occupancy for failure to meet the requirements of subsection 13-5(6)c.3. if a city building permit was issued prior to the adoption of the ordinance from which this article is derived.
- (d) The director of the administering department or his or her designee shall be responsible for providing information to and assisting aggrieved persons who request assistance in filing complaints with the U.S. Department of Housing and Urban Development, and/or in accordance with reporting/complaint filing processes established for the city not inconsistent with this section and this article.
- (e) Whenever the director of the administering department or designee has reason to believe that any person has engaged in a discriminatory housing practice in violation of section 13-5, the director or designee may invite the person to discuss the violation and methods of correcting the cause of the violation.
- (f) Section 13-5 makes it unlawful to discriminate in the sale or rental of housing and other prohibited practices according to the Fair Housing Act. If a violation has occurred, the municipal court may assess a fine of not more than \$500.00 or impose imprisonment for not more than 90 days or both, in addition to any fines and/or other remedies afforded under separate civil remedies and/or state or federal law. Each separate violation shall constitute a separate offense, and in the case of a continuing violation, each day that a violation continues after notice from the city and request for correction shall constitute a separate offense.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Secs. 13-8—13-49. Reserved.

PART II - MUNICIPAL CODE
Chapter 13 - HOUSING
ARTICLE I. FAIR HOUSING

ARTICLE I. FAIR HOUSING

Sec. 13-1. Definitions.

As used in this article:

Accessible, when used with respect to the public and common use areas of a building containing covered multifamily dwellings, means that the public or common use areas of the building can be approached, entered, and used by individuals with physical disabilities. The phrase "readily accessible to and usable by" is synonymous with accessibility.

Accessible route means a continuous unobstructed path connecting accessible elements and spaces in a building or within a site that can be negotiated by a person with a disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps and lifts.

Adaptable dwelling units, when used with respect to covered multifamily dwellings, means dwelling units that include the features of adaptable design specified in the Fair Housing Act of 1988, 24 CFR 100.205c.

Aggrieved person includes any person who:

- (1) Claims to have been injured by a discriminatory housing practice; or
- (2) Believes that such person will be injured by a discriminatory housing practice that is about to occur.

Bathroom means a bathroom which includes a water closet (toilet), lavatory (sink), and bathtub or shower.

Clear means unobstructed.

Common use areas means rooms, spaces or elements inside or outside of a building that are made available for the use of residents of a building or the guests thereof. These areas include hallways, lounges, laundry rooms, refuse rooms, mail rooms, recreational areas and passageways among and between buildings.

Covered multifamily dwellings means:

- (1) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and
- (2) Ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.

Disability means, with respect to a person:

- (1) A physical or mental impairment which substantially limits one or more of such person's major life activities;
- (2) A record of having such an impairment; or
- (3) Being regarded as having such an impairment.

But such term does not include current illegal use of or addiction to a controlled substance as defined in 21 U.S.C. § 802. As used in this definition: (a) "physical or mental impairment" includes: (1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning

disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

Discriminatory housing practice means an act that is unlawful under section 13-5 of this article.

Dwelling means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Entrance means any exterior access point to a building or portion of a building used by residents for the purpose of entering. An entrance does not include a door to a loading dock or a door used primarily as a service entrance.

Fair housing accessibility guidelines means those guidelines set forth in 24 CFR Chapter I, Department of Housing and Urban Development, Part VI.

Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with:

- (1) A parent or another person having legal custody of such individual or individuals; or
- (2) The designee of such parent or other persons having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of 18 years.

Family includes a single individual.

Ground floor means a floor of a building with a building entrance on an accessible route. A building may have one or more ground floors. Where the first floor containing dwelling units in a building is above grade, all units on that floor must be served by a building entrance on an accessible route. This floor will be considered to be a ground floor.

ICC/ANSI guidelines means those guidelines (commonly cited as ICC/ANSI A117.1-2003) set forth in the 2003 edition of the "Accessible and Usable Buildings and Facilities," providing accessibility and usability for persons with disabilities. These guidelines can be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

Person includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 of the United States Code ("U.S.C."), receivers and fiduciaries.

Residential real estate-related transaction means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - b. Secured by residential real estate.
- (2) The selling, brokering or appraising of residential real property.

To rent includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Source of income means any verifiable money, compensation or housing assistance that is lawful in the State of New Mexico and paid to or on behalf of a renter or buyer including, but not limited to money or compensation

from any occupation or activity, from any contract, agreement, loan or settlement, from any court-ordered payment such as child support, court-ordered alimony, from any payment received from an annuity or life insurance policy, or from any federal, state or local payment, including a disability benefit and housing choice voucher, any other rent subsidy or rent assistance program and related program requirements, or other public assistance.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-2. Fair Housing Act adopted.

Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Act of 1988, the Fair Housing Accessibility Guidelines of 1991, are hereby adopted and incorporated herein by reference.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-3. Declaration of policy.

It is the policy of the city to provide, within constitutional limitations, for fair housing throughout the city. This fair housing ordinance is intended to compliment federal and state fair housing laws and should be interpreted consistently with such laws, unless otherwise stated.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-4. Exemptions.

- (a) Nothing in section 13-5 of this article shall apply to:
 - (1) Units in an owner-occupied building containing no more than two units.
 - (2) The rental of a room or rooms in a single-family dwelling unit if the owner actually maintains and occupies part of such living quarters as his/her residence.
- (b) Nothing in section 13-5 of this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin.
- (c) Nothing in section 13-5 of this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.
- (d) Nothing in section 13-5 of this article limits the applicability of any reasonable governmental restrictions regarding the maximum number of occupants permitted to occupy a dwelling.
- (e) Nothing in section 13-5 of this article regarding familial status shall apply with respect to housing for older persons.

Housing for older persons means housing:

- (1) Provided under any state or federal program that is specifically designed and operated to assist elderly persons; or

- (2) Intended for, and solely occupied by, persons 62 years of age or older; or
- (3) Intended and operated for occupancy by at least one person 55 years of age or older per unit, where at least 80 percent of the units in the housing facility are occupied by at least one person 55 years of age or older (except that newly constructed facilities need not comply with this requirement until 25 percent of the units in the facility are occupied), and where the facility meets other regulations adopted by the Federal Department of Housing and Urban Development as set forth in 24 C.F.R. 100.304; however
- (4) Housing shall not fail to meet the requirements for housing for older persons by reason of persons residing in such housing as of September 13, 1988, who do not meet the age requirements set forth in subsections (e)(2) or (3) above; provided that all new occupants of such housing meet the age requirements of subsections (e)(2) or (3); or unoccupied units; provided that such units are reserved for occupancy by persons who meet the age requirements of subsections (e)(2) or (3) of this section.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-5. Discrimination in the sale or rental of housing and other prohibited practices.

Except as exempted by section 13-4 of this article, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin, or an intention to make any such preference, limitation or discrimination.
- (4) To represent to any person because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
- (6) a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 1. That buyer or renter;
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that buyer or renter.

- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
 - 1. That person;
 - 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - 3. Any person associated with that person.
 - c. For purposes of this subsection, discrimination includes:
 - 1. A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications are necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 - 2. A refusal to make reasonable modifications in rules, policies, practices, or services, when such modifications are necessary to afford such person equal opportunity to use and enjoy a dwelling; or
 - 3. In connection with the design and construction of covered multi-family dwellings for first occupancy, for which a city building permit is issued after adoption of the ordinance from which this article derives, a refusal to design and construct those dwellings in accordance with the 1988 Fair Housing Act, 2003 International Building Code and CABO/ANSI A117.1-1998, and their amendments, as made elsewhere within this Municipal Code.
 - d. Nothing in subsection (b) requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
- (7) For any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin. Nothing in this subsection prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, ethnicity, color, religion, sex, or gender identity, disability, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
 - (8) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him/her in the terms or conditions of such access, membership, or participation, on account of race, ethnicity, color, religion, sex, or gender identity, disability, lawful source of income, familial status, sexual orientation, spousal affiliation, ancestry, or national origin.
 - (9) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise or enjoyment of any right granted or protected under this article.
 - (10) A landlord shall not terminate a tenancy, fail to renew a tenancy, refuse to enter into a rental agreement, or otherwise retaliate in the rental of a dwelling based substantially on:

- a. The tenant, applicant, or a household member's status as a victim of domestic violence, sexual assault, or stalking; or
- b. The tenant or applicant having terminated a rental agreement under early lease termination clause.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-6. Early lease termination.

In any lease or rental agreement covering premises occupied for dwelling purposes, a lessee or tenant for whose benefit any order of protection has been issued by a court of competent jurisdiction, shall be permitted to terminate such lease or rental agreement and quit and surrender possession of the leasehold premises, and of the land so leased or occupied pursuant to the provisions of this section and to be released from any liability to pay to the lessor or owner, rent or other payments in lieu of rent for the time subsequent to the date of termination of such lease.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Sec. 13-7. Administration and enforcement.

- (a) The authority and responsibility for administering the fair housing article shall be in the director of the administering department assigned by the city manager's office.
- (b) All city agencies and departments shall administer their programs and activities relating to housing in a manner to affirmatively further the purposes of this article and shall cooperate with the administering department to further such purposes.
- (c) The administering department shall review plans and construction of newly constructed covered multifamily dwellings for the purpose of making a determination as to whether the design and construction requirements of subsection 13-5(6)c.3. are met. No building permit shall be issued and no certificate of occupancy shall be issued for covered multifamily dwellings that do not meet those requirements. Notwithstanding the above, no one shall be denied a certificate of occupancy for failure to meet the requirements of subsection 13-5(6)c.3. if a city building permit was issued prior to the adoption of the ordinance from which this article is derived.
- (d) The director of the administering department or his or her designee shall be responsible for providing information to and assisting aggrieved persons who request assistance in filing complaints with the U.S. Department of Housing and Urban Development, and/or in accordance with reporting/complaint filing processes established for the city not inconsistent with this section and this article.
- (e) Whenever the director of the administering department or designee has reason to believe that any person has engaged in a discriminatory housing practice in violation of section 13-5, the director or designee may invite the person to discuss the violation and methods of correcting the cause of the violation.
- (f) Section 13-5 makes it unlawful to discriminate in the sale or rental of housing and other prohibited practices according to the Fair Housing Act. If a violation has occurred, the municipal court may assess a fine of not more than \$500.00 or impose imprisonment for not more than 90 days or both, in addition to any fines and/or other remedies afforded under separate civil remedies and/or state or federal law. Each separate violation shall constitute a separate offense, and in the case of a continuing violation, each day that a violation continues after notice from the city and request for correction shall constitute a separate offense.

(Ord. No. 2965 , § I(Exh. A), 4-5-21)

Secs. 13-8—13-49. Reserved.

Natalie Green

From: Lee
Sent: Wednesday, April 12, 2023 7:06 AM
To: Natalie Green
Subject: Section 8

Hello Ms. Green.

There is a shortage of rental housing in Las Cruces. Adding the burden of requiring landlords to accept Section 8 vouchers will cause even more landlords to sell their rentals, thus reducing the number of available affordable rentals even more. It's already happening since the pandemic started.

The solution is to encourage the building of more rentals by developers and builders. Las Cruces especially needs the building of basic houses. Builders now build big fancy, unaffordable houses or they build tiny, dense apartment complexes. Thus, we have the missing middle.

I follow the rental market online. Folks are looking for smaller houses with small yards. Duplexes and triplexes and quadplexes would fit the bill but we have very few houses like that here.

Do you have any authority to get units built? Do you know who I could talk to to advocate for this?

Thx for all you do.

Natalie Green

From: Lucca
Sent: Wednesday, April 12, 2023 8:35 PM
To: Natalie Green
Subject: Recommendations from a tenant: rent limitations, 5% of monthly rent increase as max

Hi Natalie,

I saw you make recommendations to the city, and as a tenant of two years in Las Cruces, I'd like to provide recommendations from me based on my experience as a tenant that should help protect tenants while the landlords still make money off of the housing services they provide. Last year, my landlord at Quail Ridge Apartments (251 N. Roadrunner Parkway, Las Cruces, NM 88011) increased my rent by nearly \$100 per month when I renewed my lease for another year - between the housing market and moving, I couldn't afford to move and had to stomach that very large increase. Please correct me if I'm wrong: I know landlords can increase rent to whatever they want in New Mexico, and I'd like to propose a limit on landlords in Las Cruces, so they cannot exploit tenants but instead simply continue to regularly make money like they want. I'd like to propose that they cannot increase rent more than 5% of the rent the tenant is paying per month at the time of renewal -- that way, the increase isn't too much for the tenant, but the landlord still gets a substantial increase for whatever costs they claim - and I'm sure they'd still be making a good amount of revenue. I would love to hear your thoughts, and I'm open to meeting in person and having a conversation about this.

Thank you,
Lucca

--

Natalie Green

From: Grim ;
Sent: Friday, July 7, 2023 12:46 PM
To: Fair Housing
Subject: Fwd: Section 8 nightmares

----- Forwarded message -----

From: Grim
Date: Thu, Jul 6, 2023, 11:34 AM

Hello, my name is Christine I am a Las Cruces native and why I haven't left I don't know. I do know that I have a big mouth and was recently voted, MVPH Tenant Advocate for the Board of Commissioners, here in Las Cruces NM. I am a Grad student and have worked and went to school a big portion of my life. I want to help my community so I'm working towards a Master's in Clinical Metal Health that will be contribution to the collective. We have a lot of problems with MVPH whether is be not being able to get ahold of someone (at all) or rude belittling behavior by the staff. I understand money is an issue we are one of the poorest states. I understand theres an economic downturn and we also are dealing with Co-Vid BUTif you are a Section 8 Voucher recipient in Las Cruces NM it pretty much means your homeless. I have contacted over 70 rental property in the past 2 months and 50 have responded back to me. Out of the 50 responses I received not one of them say yes or even a maybe. The rental property owners are allowing for accomodations to the LGBTQ communities vouchers. The opposite is true of Section 8 vouchers the owners are specifically identifying that they will NOT honor or work with Section 8 Vouchers.

I CAN ONLY TELL FROM MY OWN EXPERIENCE AND WHAT IS HAPPENING TO ME RIGHT NOW.

I am not getting my lease renewed because my landlord does not want to get the home up to housing standards. Wouldnt you say that speaks volumes to what we, the underprivileged, are dealing with. I never had heat in my home because there is no ventilation underneath my home. I don't even know if the heater is functioning. I also don't have an air conditioner. I was kicked off Section 8 for no heat when I complained the landlord turned off my water.

SIDENOTE:I was even supposed to pay water. I did pay the water after all and the landlord didn't turn the money in to the utility.

I appealed and got my voucher back I'm just glad I know how to articulate my situation. HUD and MVPH are both entities that were created so that everyone could be afforded the same treatment which is all we are asking for. Now MVPH is being used against us as a weapon by the slumlords to keep us quiet. I have been threatened by my landlord that I would lose my assistance if I didn't just leave when he said. He didn't want to pay for court. I have ERAP (my landlord is registered with) willing to help me but my landlord is retaliating against be for not keeping quiet and not listening to his fake threats and fake paperwork he's been leaving at my door. He has broken at least 10 states and federal laws and when I talk to my caseworker she basically said, "if he's evicting you we need that paper." That was the extent of our conversation. Well my landlord never gave me one until now.....I tried to avoid all this but the agencies put in place to protect us are now the agencies that have joined forces against us. I now have running water, I don't have a working refrigerator, I don't have a heater, I don't have someone fixing minor things around the house. I don't think I'm asking a lot. I have had the kitchen window broken for 2 years. My neighbor keeps calling the cops on me and one more than one occasion has made reference to the fact they didnt like I was on assistance. There's something really wrong when the people that are supposed to be helping are causing the harm. We have enough to content with just being homeless this is not helping me get to place where I no longer need assistance. I have person after person with similar stories. Please help. I have court tomorrow with no where to go and I'm probably going to be thrown out into his street with my two kids. Thank you for your time.

Best regards,



**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:	September 5, 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.

Agenda Item #10.1.

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?

Agenda Item #10.1.

☒ 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 #10.1.

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

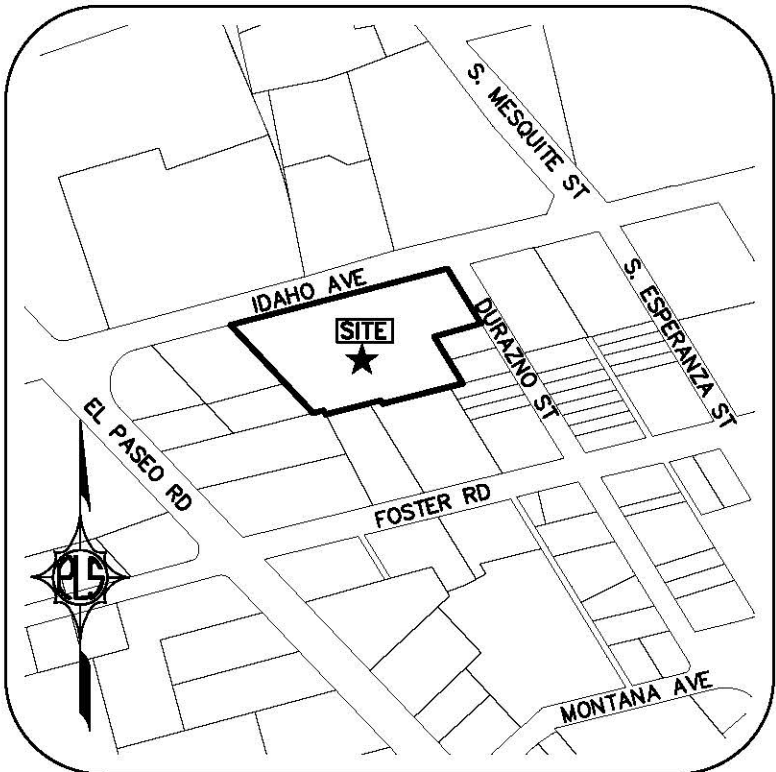
SURVEYOR: R. GERARDO IBARRA
REGISTRATION NUMBER: 23259
STATE OF REGISTRATION: NM
FIELD DATE OF SURVEY: 10/27/22
LATEST REVISION DATE: 10/31/22

SIGNATURE

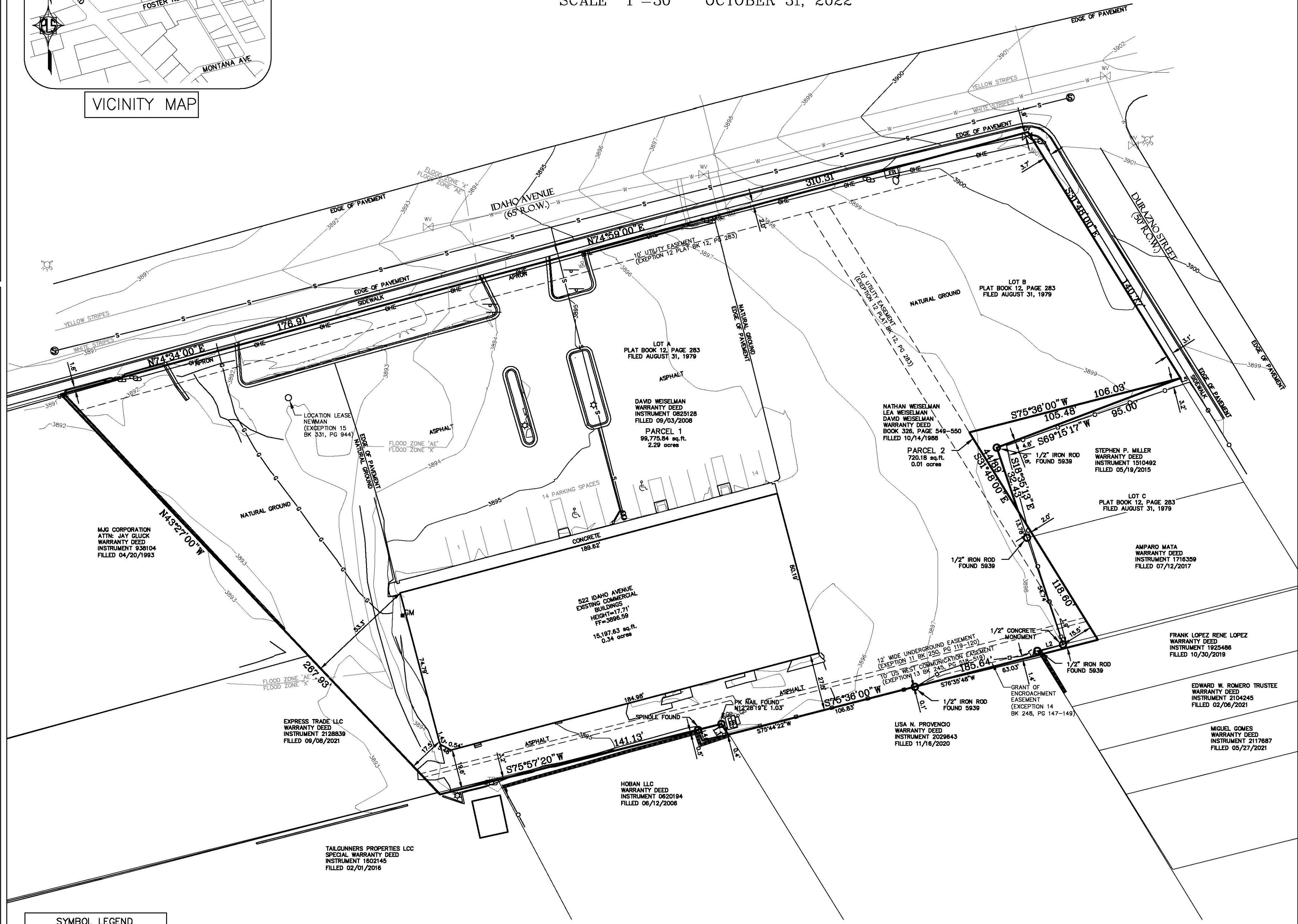


ALTA/NSPS SURVEY

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

STATEMENT OF ENCROACHMENTS

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

FLOOD ZONE

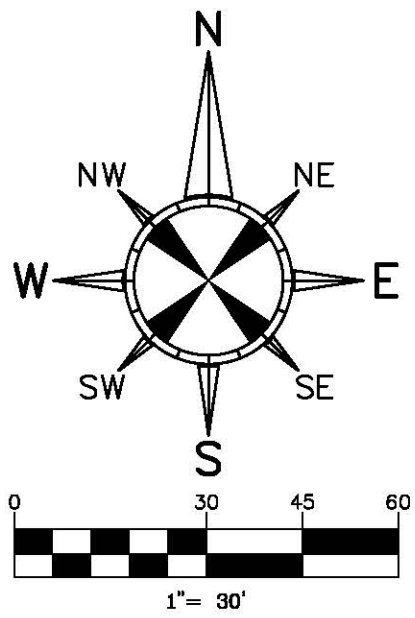
IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN THE FOLLOWING FLOOD ZONE 'AE' AND 'X' AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 35013C1092G DATED 07/06/2016.

UTILITY NOTE

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

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'

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).



City of Las Cruces
MOUNTAINS OF OPPORTUNITY

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).

- 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.

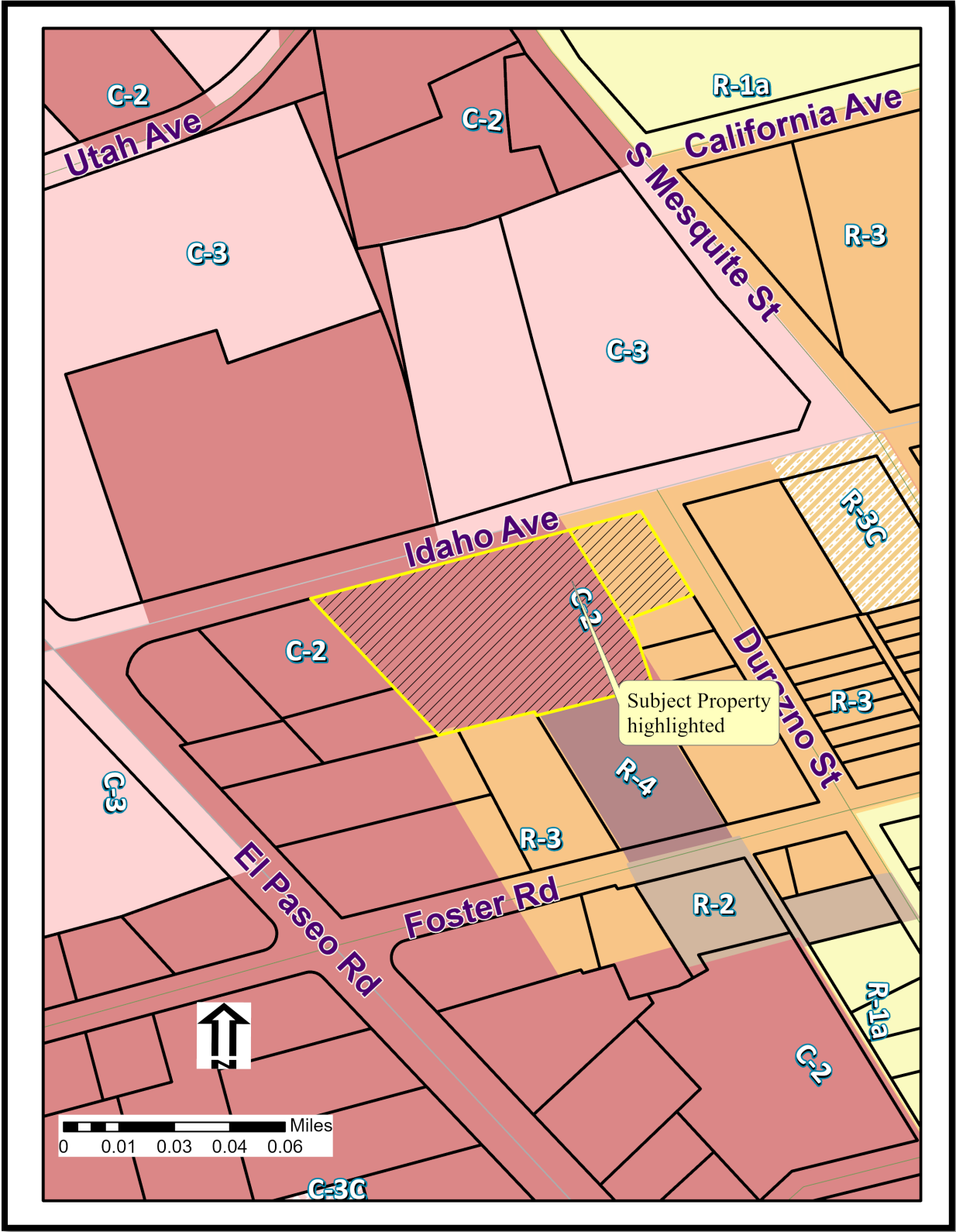
STAFF COMMENTS:

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 #10.1.

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 #10.1.

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

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

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.

Agenda Item #10.1.

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.

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 is 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

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