

CITY COUNCIL AGENDA

Mayor
Ken Miyagishima

Mayor Pro Tem
Kasandra Gandara

Councilors
Tessa Abeyta
Becki Graham
Johana Bencomo
Becky Corran
Yvonne Flores

Monday, April 3, 2023 at 1:00 PM

Council Chambers



City of Las Cruces®

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

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

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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.

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- 1.2. Pets of the Week.
- 1.3. Jobs of the Week.
- 1.4. Presentation of Certificates of Appreciation/Proclamations - Councilor Graham.
- 1.5. Cannabis Challenges in the Schools - LCPS Superintendent Ralph Ramos.

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

3. PUBLIC PARTICIPATION

4. ACCEPTANCE OF AGENDA

5. CITY COUNCIL MINUTES

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6. **RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**
7. **RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**
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- 7.3. **RESOLUTION NO. 23-113**: A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FY2023 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR THE BONDS DESIGNATED AS GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2023 (2023 GO BONDS). 81 - 97
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- 7.4. **COUNCIL BILL NO. 23-023; ORDINANCE 3029**: AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED (LCMC), SECTIONS 2-496 THROUGH 2-499 TO REVISE THE AFFORDABLE HOUSING LAND BANK AND TRUST FUND ADVISORY COMMITTEE, RESPECTIVELY, WITHIN CHAPTER 2, ARTICLE IV, DIVISION 3, NONSTANDARD BOARDS DIVISION OF THE LCMC. 98 - 105
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8. **BOARD APPOINTMENTS**
9. **NOTICE OF PROPOSED ORDINANCE(S)**
1) There will be no public discussion.
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10. **CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT**
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City of Las Cruces
MINUTES

Work Session

Monday, February 27, 2023 @ 1:00 PM

City Council Chambers, City Hall

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

ABSENT:

1. PETS OF THE WEEK

1.1

Jennifer Martinez from the Communications Office presented the Pets of the Week.

2. JOBS OF THE WEEK

2.1

Irene Parra from Economic Development presented the Pets of the Week.

3. AGENDA ITEM

3.1 3RD SEMI-ANNUAL POLICE AUDIT REPORT PRESENTED BY THE OIR GROUP.

Viola Perea, Internal Auditor introduced the topic.

Teresa Magula, OIR Group gave an overhead presentation.

Councilor Abeyta said on recommendations, I'm curious how you also use the lens of Federal law and State law.

Teresa Magula said the way that we bring Federal law and other best practices and model policies is as the scope of our larger experience.

Councilor Abeyta asked when you're making recommendations, are you also looking into what is applicable for the state so that we're not missing anything?

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Teresa Magula said yes. For example, we had one case that was around the relationship between a minor and adult. We went to the New Mexico Statute and looked to see what was appropriate in your state for those types of relationships.

Councilor Abeyta asked with some of the recommendations that you've made, you addressed things like 180 day timeline for reviews, what is the type of timeline that is general when looking at building new types of orders or other suggestions that you've provided?

Teresa Magula said it depends. For something like the disciplinary matrix, that will take quite a long time. If it's something that requires going to the union, that will take quite a long time. If it's something like take a look at your persons with disabilities policy, that could be done in a relatively short order.

Councilor Gandara asked what does OIR stand for?

Teresa Magula said Office of Independent Review. The name comes from a time when Mike Gennaco, who is the founder of our group, started the Office of Independent Review for the Los Angeles County Sheriff's Department. He left that office and started to do this type of work for smaller jurisdictions across the state and country and tacked on the word "group" to it.

Councilor Gandara asked can you clear the air on what your qualifications are?

Teresa Magula said we have Mike Gennaco who is the founder and principal, has a varied and extensive background. He was a Federal prosecutor. He founded the Office of Independent Review in LA County. We have Stephen Connolly, also an attorney, and who has worked in this field almost exclusively for his career. Julie Ruhlin is an attorney who has worked in this area for the majority of her career. I have my Master's Degree in Public Policy with an emphasis on crime policy. I come to this work looking at it from the lens of a policy perspective. I started by work with the Los Angeles Police Department Office of the Inspector General and I've been doing this work for the majority of my career as well. The way our process works is that one individual is the lead on the case but we all collaborate into that draft so the whole scope of our team is taking a look at the concerns and challenges of your department.

Councilor Gandara said through the Oversight Committee this has been looked at and there have been recommendations that this go to our Public Safety Select Committee. I've heard you say some of these complaints are coming from various categories including our hotline and I'm concerned about where that information is placed and how easily accessible it is. Is the ethics hotline out there so people understand the various ways they can complain?

Teresa Magula said that is something outside our particular scope. I have not evaluated where the ethics hotline is posted or available. The fact that we're seeing two complaints from the ethics hotline, I'm not sure if that number is low relative to the total number of issues the community has publicized may help with that.

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Councilor Gandara said some other concerns that I have are around the de-escalation you made mention of, the idea that Chief and others said yes, we're getting regular training. I'm concerned about how quickly supervisors are indicating that there might be an issue, how regularly they are looking at that.

Teresa Magula said in one case that we reviewed, we observed interaction between a field training officer and a trainee. The moment that the incident completed, the training occurred immediately on body worn camera.

Chief Miguel Dominguez said it depends on the incident. The counseling sessions happen almost instantaneously in front of the supervisor. Depending on the severity, we can put up a training bulletin that happens the next day. If we're investigating incidents and there are nuances in which the training should happen departmentwide, we can put that training together immediately.

Councilor Gandara asked how are you addressing it in the immediate? What if the supervisor is not observing it? How is use of force being reviewed?

Chief Miguel Dominguez said we have a system called Blue Team so anytime there is use of force the supervisor gets that report and video. If there's a significant issue, it immediately goes to IA. If there's a deficiency, training is put together. If there's a large issue and could be a problem, we take a look at the policy. We take a look at the current training and make adjustments are necessary.

Councilor Gandara asked is the training done with an internal trainer or do you seek outside training?

Chief Miguel Dominguez said we have several courses that we brought in outside trainers for use of force, liability issues, things of that nature. We train internally but also bring in outside instructors.

Councilor Gandara asked for the use of force training, is that done internally only? How often is that training being done with your officers?

Chief Miguel Dominguez said that is being done annually. It's taught through the academy but if we have issues coming up we have put training together. We try to jump on it as fast as we can.

Councilor Gandara asked the specific case related to the person with a disability, how are you addressing that? What sort of actions are you taking specifically?

Chief Miguel Dominguez said we did look at the policy and we incorporated the state. We have some experts because of their family members and have provided us with real life training.

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Councilor Gandara said I'm concerned that we're not looking to evidence based programming that might be out there to address the issues as you're seeing them happen. Around the use of profanity and professionalism, how are we addressing that and the use of de-escalation?

Chief Miguel Dominguez said it's a huge concern of ours as well. Emotional and professional intelligence is part of all the trainings that are coming forward. We are to eliminate the use of profanity.

Councilor Gandara said in past reports, I've seen the recommendations made to Chief and City Manager as a blanket statement. Are you asking for them to turnaround a response of how you're going to address those issues? Is there a timeframe? I want them to be meaningful and give specific timeframes for when you will be addressing.

Chief Miguel Dominguez said we address every issue that they recommend to us. In some cases, we've already acknowledged that there's an issue. There isn't a timeframe but we know time is of the essence especially when we're going through these IA investigations. The immediacy depends on the type of training.

Teresa Magula said it depends on the nature of what we're recommending. Part of the challenge with the way that it's structured currently is that we're seeing cases as they're closed.

Councilor Gandara said I'd like for there to be a robust explanation given with some timeframes. We want accountability. We want police to provide safety in the most professional way that they can. If funding is an issue, we should know that. There's still some holes in what's happening.

Councilor Graham said there are few complaints but lots of calls for service. In this period, there were 33 complaints out of 66,891 calls for service. The number of complaints in this period was lower than the previous six months. I was thinking about how thoroughness and expediency can sometimes butt heads. Every time we add a layer, we're also adding time. Getting a more complete picture is my preference versus speeding up the timeline. One third of the employees in this report were non-sworn employees. Can you explain what a non-sworn employee is?

Chief Miguel Dominguez said all non-commissioned are Codes, ACOs, civilians, and PSAs.

Councilor Graham said the distinction feels a little blurry. If I call 911, I may get a sworn or non-sworn officer.

Chief Miguel Dominguez said it depends on your call. If you're calling for a dog issue or Codes issue, you would get a Codes officer or ACO. If you're calling 911 for anything else, you're going to get a police officer.

Councilor Bencomo said some of my biggest takeaways from this report were around de-escalation, use of force, and how often PD is encountering people with mental

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health issues, substance abuse. What is the official policy on de-escalation for the department?

Chief Miguel Dominguez said I don't have the policy with me but I can get you the official policy, but any type of incident that we go to and somebody is being belligerent and you may have to use force, you have to give commands to keep that from happening.

Councilor Bencomo said there are a lot of studies where the mere presence of a uniform escalates a situation. What is the training that goes into that? I have growing concerns around the lack of use of de-escalation.

Chief Miguel Dominguez said we had over 136,000 calls for service last year. We've had issues with not using proper de-escalation techniques but they are a miniscule amount of times that we actually did use de-escalation techniques. Our training is very robust. We constantly train. In all the use of force reviews, that is the first thing the supervisors look for, was this an incident that could have been de-escalated?

Councilor Bencomo said I know that one of the recommendations talks about the cadre evaluating some de-escalation practices. Will you also include the lack of use of de-escalation in the disciplinary matrix.

Chief Miguel Dominguez said yes we will.

Councilor Bencomo said one of the biggest things I want to raise that I had some concern with both how it was reported and today was involving one of the cases that the officer placed the foot on the subject's head. The report said lightly and you said gently. I just want to note that my gentle is different than your gentle. In your professional opinion, when is it reasonable or necessary to place a foot on a person's head or neck?

Teresa Magula said that's a very difficult question to answer. There are certainly circumstances that might rise to the level of deadly force that might require that type of force be used and certainly across the country this is something that has raised quite a lot of concern and quite a lot of evaluation. We have looked at a variety of policies across the country, even looking at head strikes with a fist to determine if those are appropriate in today's context. It is up to each department to decide. We are in the process of seeing how that's developing across the country.

Councilor Bencomo said it was really concerning the way it was reported and why you wouldn't recommend that this be a reasonable use of force in a department. The public's concerns are reasonable. Can you tell us more about the force review cadre?

Chief Miguel Dominguez said it's already formed. The way it works is if use of force needs to be investigated it's given to the cadre. They get together and typically it will be 3 of the cadre will use their knowledge and expertise to see if the use of force was reasonable or unreasonable.

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Councilor Bencomo asked for specific cases?

Chief Miguel Dominguez said that is correct.

Councilor Bencomo asked and then they will also be evaluating larger policy around use of force?

Chief Miguel Dominguez said that is correct.

Councilor Bencomo asked and then they would be making recommendations to you?

Chief Miguel Dominguez said they would be made to internal investigations.

Councilor Bencomo said I'd love to know if the use of force cadre looked at some of the recommendations in the report for de-escalation training, consideration of evaluating use of force, use of de-escalation, the WRAP tool, and General Order 255. You mentioned the distinction between unfounded and unsubstantiated. Part of the quote states "and imposing a more definitive pro-officer outcome than is warranted by the facts is in its way no more appropriate than a disciplinary sanction would be without clear proof." Could you further elaborate on that?

Teresa Magula said in the absence of evidence that could prove or disprove, to find something unfounded favors an officer's account over that of a member of the public. It's not an appropriate finding given the totality of the evidence that is available.

Councilor Bencomo said in the report you make mention of progressive policing. Could you elaborate on what that means?

Teresa Magula said it would be policing that is aligned with the modern day standards of policing, focused on that community aspect, focused on the elements that were presented in Obama's 21st Century Models of Policing. So those types of models of policing that are progressive, that are moving the ball forward, that are progress from a police institution that we have seen in previous times.

Councilor Bencomo said I thought your recommendations on persons with disabilities was really important, especially bringing in advocates who work on that every day. I was wondering what the policy was for when an officer encounters someone who doesn't speak the language they speak.

Chief Miguel Dominguez said we contact central dispatch and there are interpreters that are available to us. We also contact Language Line.

Councilor Bencomo said my last question is around the two day force training academy. What does that look like? When is that held? Who attends those trainings?

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Deputy Chief Jeremy Story said there's not a two day force academy. There's a lot of different use of force training. Within the academy itself, there's far more than two days.

Councilor Bencomo said some of the most important recommendations go to the aspect of vulnerable populations.

Councilor Flores said we have a police oversight committee and public safety committee but I know as much about them as you do. What I find astounding is that you only reviewed 16 incidents so it would be great to have an analysis on what the conditions were and determine why there was such a small number. My concern is that you review and make your analysis based on what is sent to you. Is there any way of discerning if there's something missing or that this is a good reflection of the state of affairs?

Teresa Magula said it comes down to our scope of work and as it was authored for this particular engagement. We only review those cases that meet a certain threshold, so the ones that come in from the community that are classified as formal complaints and the ones internally initiated by the department.

Councilor Flores asked is that review process based on the contract between the city and OIR? Could the terms be expanded for more review?

Teresa Magula said that would be a discussion for council with the city.

Councilor Flores asked if the selection of cases sent to you could be a larger pool of cases for you to review?

Teresa Magula said as I understand currently the contract could be modified but it would be up to your city.

Councilor Flores said I know the feeling in the community right now is that you're not getting all the information or review of all cases.

Mayor Miyagishima said the contract expires in May of this year and I was talking to Ifo based on what council wants them to do and they're going to renegotiate with them. They're going to expand the contract.

Teresa Magula said of the total pool of complaints we are seeing a percentage of them that meet the threshold. So we're not seeing all complaints that are submitted to the police department.

Councilor Flores asked do you get reports on our lawsuits?

Teresa Magula said we receive closed litigation that involves members of the Las Cruces Police Department and we review those.

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Councilor Flores asked but the contract doesn't cover your need to assess or an evaluation on that?

Teresa Magula said we had one case in this period and we provided a memo related to that particular case. It was a case related to civil litigation around active shooter training that had occurred.

Councilor Corran said I identify the pattern of folks who are mentally ill who they are interfacing with on a daily basis and I realize how extraordinarily difficult that is in our community. Your recommendations for use of force, you recommend additional training. I'm not sure if you've made a policy related to recommendation for use of force but I'm curious if you'll extend your recommendations or evaluations in the context of what you're reading to potentially revisit the policy related to use of force. I know you do not review supervisory matters and I'm curious because of the indication of not sustained versus unfounded, I have some concerns about supervisory matters related to things that go to Internal Affairs because lots of the things we read in the packet results in a written or verbal reprimand with very little intervention.

Teresa Magula said around the use of force policy, we are treading lightly in the arena of use of force so we're limited with that particular recommendation based on our evaluation of one case of the use of force component. It is a limitation of our particular scope of work so I hesitate at this point to make broader suggestions regarding use of force. When we first started our review, we saw a handful of supervisory matters that the department quickly realized should go to Internal Affairs due to their seriousness and the department elevated them appropriately. At the matter that it is realized that it might result in discipline, those are elevated to the Internal Affairs investigation process.

Chief Miguel Dominguez said when we first started with OIR there were a couple supervisory matters that they suggested should have been internal investigations. Since then we've changed our procedure where everything that comes to IA comes to my desk.

Mayor Miyagishima asked when you receive a complaint, is it just one person working on it or the entire group?

Teresa Magula said in Las Cruces we have a project lead and I am the project lead but we each take on cases whether it is because we have a certain subject expertise or because of the workload. My colleagues and I are in constant communication about the cases we're receiving and who should be the most appropriate party to review them.

Mayor Miyagishima said to my knowledge you have no one who was ever a police officer. I think you all bring the best combination because you're able to delve deeply into it. Chief, do you allow public ride alongs?

Chief Miguel Dominguez said yes we do.

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Mayor Miyagishima said it's a whole lot different when you see what's happening.

Teresa Magula said we don't have former sworn officers on our team and I understand that that can create this perception of how on earth are you coming to the table and trying to evaluate the job that officers are doing. I full respect that perspective. In addition to the amount of experience we each bring to the table, we are also very aware that sometimes it requires the perspective of an officer who has lived the experience so we have a variety of current or former law enforcement who work with our team. We will go to those subject matter experts and receive their input as well.

Dr. Earl Nissen, Member of the Public said in Anaheim, California, OIR has been auditing them since 2007 and in 2018 formed a citizen police review board. The review board takes all of the recommendations and meets with the police department. In the OIR report that was made in Anaheim, there are four pages of analysis of a police shooting resulting in a death. We are not having anything said in the OIR reports about police shootings resulting in death. I'd like to know what it would take to change that in the contract. I'd like OIR to make a thorough analysis.

Teresa Magula said we have continued engagement with the City of Anaheim. In that particular model, it is a hybrid model in which Anaheim has both a commission that is made up of members of the community and the OIR Group is in the professional auditor capacity. Related to review of critical incidents, it would require modification to the contract. It is an area that OIR has extensive experience in. It is a piece of the puzzle that we believe is critical as far as transparency.

Mayor Miyagishima said the City of Albuquerque just disbanded their citizen's review board.

Liz Rodriguez-Johnson, Member of the Public said we need to understand how those cases that were sent to OIR were selected. Are they reflective of what's happening in the city? Because they're only reviewing what they're given. On the cadre, the only thing I know about it is what was written in a Sun News article in August. I'd like to know who's on that cadre and is there citizen representation. If there isn't, why not? And how transparent are they going to be with that information?

Teresa Magula said the cases are not so much selected as they are sent to us based on their classifications. If the case is classified an internal investigation or external investigation category one, it automatically comes to us. That amounted in this period to 16 cases.

Chief Miguel Dominguez said the cadre does not consist of any civilians. They are all officers within our department.

Mayor Miyagishima said the Oversight Committee has 3 members of the public. I choose them and appoint them.

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Jennifer Kreie, Member of the Public said I think OIR has very qualified people but if they're not reviewing use of force cases explicitly it's not pertinent. Who is reviewing excessive use of force? Why aren't we given access to the meetings of the Oversight Committee?

Mayor Miyagishima said if they do look at use of force, they have to be closed and almost all of them are still in litigation so they can't be looked upon until they are finished.

Jennifer Kreie said I thought I read in their report that they don't explicitly look at use of force.

Jocelyn Garrison, Acting City Attorney said Oversight meetings are not subject to OMA and there are many topics discussed that are attorney-client privileged, unreleased audit reports, so not everything is public.

Mayor Miyagishima asked could a member of the committee give a summary, run it through the city attorney's office, and it read at a council meeting in the future?

Councilor Abeyta said as one of the individuals who sits on both the Oversight and Public Safety I know there have been comments on how we do our reporting. I've been working with Christine on a standardized reporting sheet that we could all use for all of our committees and will be given to everybody at your discretion. I report out items that I can with knowing that there is sensitive information that is not allowed to be reported out.

Bobbie Green, Member of the Public said we cannot continue to have the police policing themselves. The results of that have lead to millions of dollars in litigation. It has resulted in people who should still be alive, who are deceased at the hands of police. Most of them were unarmed. There was no de-escalation. There was no accountability for the officer who took somebody's life unnecessarily. It is unsustainable sending the "cherry picked" audit items to the auditor. It should not require training. It requires change at the leadership level. I'm requesting that we look at what we're doing here and the damage that it's causing financially, emotionally. We deserve better.

Pattie Hartman, Member of the Public said we already have a problem with officer involved deaths and they investigate themselves with other local departments. I can't take that seriously, not when I look at the amount of people that were killed. I have a problem with the force review cadre because it's a team of "subject matter experts." It's still in house. We have to demand a different process. Police problems are community problems. We are the ones who are impacted by what happens. We have a right to be involved. When you renegotiate that contract, I'm hoping you will include the community to provide input on expanding the parameters of whatever they investigate because I don't trust either of you in charge of the police. You have failed to do anything about these serious issues and that's disrespectful to the community. There are a few officers who have been involved in several high profile use of force cases and officer involved deaths. These officers are still on duty.

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Mayor Miyagishima said New Mexico is number one in police shootings and Albuquerque was the number three city in the United States and that's what skewed the numbers. I'm glad the police when they see something of one of their own doing something wrong that they spot it. I would prefer they do that. Then you have OIR who does that as well.

Maria Flores, Member of the Public said OIR report concludes that LCPD has shown notable improvements and encouraging commitment with the force review cadre and disciplinary matrix, all part of internal review. Problems noted were incomplete investigations, lack of rigorous investigations, timeliness of investigation, and discipline process. Dealing with persons with disabilities shows that the current policy is insufficient. The biggest and jarring discrepancy is that neither LCPD or OIR make any effort to interview complainants involved. They rely on reports that may be incomplete or camera data, which may also be lacking. The major issue is that OIR states use of force review process is not within their scope of work. That is our critical piece. Use of force is one of the community's major concerns. It does not measure the accountability of the police department and the interaction with public. It did state lack of ability to de-escalate and mentions that officers would gain more by using a professional and formal demeanor throughout the interaction with the public. General order 103.05 expects officers to be respectful, control temper, show patience and discretion, and abstain from using profane or racist comments. Report writing is also a weakness and adds to confusion and incomplete information. How to move forward? Police reform, citizen police oversight committee, officers giving out customer satisfaction cards, public townhalls by chief of police in different zip codes of the city starting with 88001. I would like to know is the WRAP is a straight jacket and you mentioned an Oversight Committee. This is not a citizen oversight committee. This is another kind of oversight committee run by Mr. Eakman and I think that needs to be clarified. It's not what we're asking for.

DC Jeremy Story said the WRAP is not like a straight jacket. It's a device that is used to restrain people who are trying to harm themselves primarily. The use of the WRAP actually reduces injury to people drastically. It helps immobilize them in a way that does not restrict breathing but also keeps them safe.

Mayor Miyagishima said the citizen oversight committee is three members of the public along with Councilor Abeyta and myself. We review items that come in through the hotline or various other complaints regarding city operations.

Maria Flores said it's a broader spectrum of oversight, not specific to one item.

Mayor Miyagishima said that is correct but if there is something that came up regarding the police department it can get referred.

Stan Morris, Member of the Public sang two songs.

Peter Osorio, Member of the Public asked are you aware that as of the 1st of this year New Mexico has changed its justifiable homicide instruction for criminal cases? I

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thought I understood that there is absolutely no reason why the city could not contract with your group to do a hybrid evaluation where you would be working with a citizen entity.

Teresa Magula said we are aware of that particular change. There is no reason that we could not engage in a model similar to Anaheim's. It is at the discretion of your city to create whatever is appropriate for you.

Liz Rodriguez-Johnson, Member of the Public asked if there is not citizen representation on the cadre, then why?

Chief Miguel Dominguez said the cadre looks at our use of force incidents. There's not a civilian that is part of that cadre as there isn't a civilian that is part of our internal investigations. It could lead to discipline.

Mayor Miyagishima said a lot of times when it involves hiring, firing or discipline, there could be litigation and they could be sued and the city can't defend them. You don't have the complete information. We have the other side of it but it doesn't go unchallenged.

3.2 LAS CRUCES POLICE DEPARTMENT UPDATE.

Chief Miguel Dominguez gave an overhead presentation.

Mayor Miyagishima asked didn't you recruit some with degrees in sciences?

Chief Miguel Dominguez said we're paying incentives for those types of degrees.

Chief Miguel Dominguez continued the overhead presentation.

Deputy Chief Jeremy Story continued the overhead presentation.

Councilor Graham asked robbery means taking off a person?

DC Jeremy Story said robbery is the taking of anything of value by force or threatened use of force.

Councilor Graham said that's why it's a violent crime as opposed to a non-violent crime.

DC Jeremy Story said that is correct.

Deputy Chief Sean Mullen continued the overhead presentation.

Councilor Bencomo asked your investigation staffing, are you fully up to staff?

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DC Sean Mullen said our investigation staff is staffed up to 20 detectives and we are sitting at 14 right now and I have four that can retire. We're constantly looking for officers and folks to get in on the investigative efforts.

Councilor Bencomo asked what do you mean by you have made X arrests for fentanyl?

DC Sean Mullen said 113 is physical arrests. That could be possession of the narcotic, trafficking of the narcotic, things of that nature.

Councilor Bencomo said there were many cases of fentanyl overdoses in El Paso. Are we seeing that here?

DC Sean Mullen said we do see some overdoses. I was trying to provide those numbers for this work session. The Office of the Medical Examiner report out for the county and it's hard to differentiate between what is an OD for fentanyl or another narcotic until they're back from the lab for an autopsy. Preliminary numbers for what I saw in the county are anywhere from 50 to 100.

Councilor Gandara asked I noticed the clearing the case, is that from start to finish?

DC Sean Mullen said a case is initially taken by our officers and they will classify that case as being a felony or non-felony. From there the felony cases will go to our investigations unit to determine its solvability factors and how we can proceed forward with that case based on evidence in the case, cooperative victims, things of that nature. It's sent forward for prosecution.

Councilor Gandara said I noticed it's very high that you've cleared the cases around sexual assault. When I first got elected, there were all those issues with pending cases in Santa Fe. Is that still the issue? Is that why it's 53%?

DC Sean Mullen said unfortunately for some of them we can't get to a prosecutable case. Unfortunately, we have victims who are afraid and don't want to prosecute. The sexual assault evidence kits are sent off and that issue was corrected so that's not a current issue. There's a multitude of reasons for why we just can't get there but we are leading the pack for our region and the nation as far as getting them solved to the best of our ability.

Councilor Gandara asked do you have data on the number of cases you're sending to prosecution and how many are just pending because of various reasons with the district attorney's office?

DC Sean Mullen said they wouldn't show pending on our side. Once we make a clearance on arrest or push it forward for prosecution, it's completed on our side.

Councilor Corran asked if the victim refuses to press charges, that also counts as cleared?

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DC Sean Mullen said correct.

Mayor Miyagishima asked regarding the detectives, would you consider hiring private detectives?

DC Sean Mullen said we do not contract private detectives. We do contract with a background company to help alleviate some of the workload on our investigations section. They need to be a commissioned officer to charge.

Mayor Miyagishima asked if you were to write a public service ad for fentanyl, how would you do that?

DC Sean Mullen said there's no easy way to tell if your drugs are laced with fentanyl. As far as a public safety campaign, I wouldn't create one when there's already smart people who have done those and made those. We piggyback off of their efforts because it's very informative.

Lt. Rob Gutierrez continued the overhead presentation.

DC Jeremy Story continued with the overhead presentation.

Councilor Abeyta asked is there any specific section that the officers are requesting more of?

DC Jeremy Story said I think they recognize that we're a professional department and we have to learn to get better. Search and seizure has opened up the eyes of a lot of officers and the importance of it. The more we do, the more officers want of it.

Councilor Abeyta asked when you're looking for outside experts, how's that availability looking?

DC Jeremy Story said it depends on the course. A lot of times you're planning at least one year out.

Councilor Bencomo said one of the cases that related to use of force it said "the officer was also directed to attend a two day force training academy scheduled for September 2022."

DC Jeremy Story said it's a two day advanced training class. That was the force encounters analysis class. That company looks at cases and applies the law. Some of those cases are already deemed unreasonable, inappropriate or may result in charges. They let them work to the same conclusions. They're hands on. It's not just someone lecturing to them.

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Councilor Gandara said what would be helpful is which ones are online, which ones are in person, what is the standard. How are you documenting the training that your officers are getting for the year?

DC Jeremy Story said all the training I provided up here, the only thing done online is de-escalation online learned management system. Everything else was in person. We use the same system that the entire city uses. We have two systems that we track training, the main one is called Skills Manager. The certificate is provided into their training record. The only thing not on there is field training, which is a separate system from Vector Solutions.

Councilor Gandara asked how did you learn to be a supervisor? What sort of training do you do?

DC Jeremy Story said we have recognized that we need to do a better job of training our supervisors. Going forward we have implemented a full supervisor training program. It's a series of training for supervisors prior to promoting. Separate from that we've developed a program for ongoing training for in service for supervisors.

Councilor Gandara asked do you have a national standard with the types of classes that a supervisor should be taking?

DC Jeremy Story said there is no national standard. The standard in New Mexico is to attend a 40 hour first line supervisor class.

Councilor Gandara asked is there a type of motivational interviewing that is done?

DC Jeremy Story said I'm not familiar with that specific technique but I'm not opposed to it. Officers are given many different classes they can attend so they can develop a style.

DC Sean Mullen continued the overhead presentation.

Councilor Corran asked is there a follow-up for when something is positive and does it go into the supervisory communications?

DC Sean Mullen said it does. The lieutenants get a breakdown of calls for service from the day before. On that sheet, there is an open text spot where you see these comments and the shift lieutenant will recognize them. The officer not only knows but his peers see it.

Lt. Joy Wiitila continued the overhead presentation.

Grace Telles, Community Advocate continued the overhead presentation.

Mayor Miyagishima asked have you been able to move any of the police service aides to the academy?

Chief Miguel Dominguez said yes, we have.

4. ADJOURNMENT

4.1

Councilor Tessa Abeyta moved, seconded by Councilor Johana Bencomo, to Adjourn the Work Session at 5:20 p.m.

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

Mayor

City Clerk



MINUTES

City Council Meeting

1:00 PM - Monday, March 6, 2023

City Council Chambers, City Hall

The City Council of the City of Las Cruces was called to order on Monday, March 6, 2023, at 1:00 PM, in the City Council Chambers, City Hall, with the following members present:

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

EXCUSED:

1. OPENING CEREMONIES

1.1 PLEDGE OF ALLEGIANCE - MAYOR MIYAGISHIMA.

1.2 PETS OF THE WEEK.

Jennifer Martinez, Communications Office presented Pets of the Week.

1.3 JOBS OF THE WEEK.

Giselle Polamares, NM Workforce Connections presented Jobs of the Week.

1.4 PRESENTATION OF CERTIFICATES OF APPRECIATION/PROCLAMATIONS - MAYOR MIYAGISHIMA.

Mayor Miyagishima presented Hand-in-Hand members with the Mayor's Citation for Community Service.

Mayor Miyagishima presented Naomi Vega with the Mayor's Citation for Community Service.

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

2.1

None.

3. PUBLIC PARTICIPATION

3.1

Diane Starbuck, Member of the Public said I am a member of Animal Advocates For Change. Did you know March is National Pet Poison Prevention and Awareness Month? I would like to commend Dawn Duncan and her group Animal Companions of Las Cruces for their efforts to bring emergency vet services to Las Cruces and Southern New Mexico. I would like to commend Lieutenant Joy Wiitala, Gino Jimenez, and all of the Animal Control Officers for their efforts to understand TNR, Community

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Cat Funds and for educating the public. This is usually who people see when they have issues and they call somebody. This is very important that they get across the correct information. I know that they have received criticism in the past, but I wanted to personally thank them for their efforts and for going out into the community and giving out this information. March 13th is National K-9 Veteran's Day.

Peter Goodman, Member of the Public said it was interesting to watch the OIR's report. Clearly, they are not doing and not able to do all the things that should be done with police accountability. Some of their faults are correctable by contract and I commend you for as I understand it which pieces you are working on and how that is going. You are going to expand their contractual duties and I think that is great. It was also great to hear them acknowledge that they work in tandem with citizens, police oversight commissions or whatever you want to call them in other jurisdictions. Some of the things that should be done, that we need done can't be done by OIR in terms of citizens being seen, the participation of citizens being seen such as to not only involve people coming to the meetings but to enhance trust by the citizens. Use of citizens as a conduit for information that maybe people are afraid to get up and talk to the Police Chief about since it involves folks working for him but also to help the police make themselves understood better in the community. So, it really would be good to have both. I will make really clear that those of us who are involved in this and speak to you at the point of probably exhausting you aren't wedded to any particular concept. We can see, I think anybody can see that police accountability needs to be more serious here for a lot of good reasons. It was suggested that the best way to be heard was to create a draft ordinance, so we did that. We are not wedded to the terms of it but certainly there are some concepts that are necessities for that kind of commission to work and I look forward to the opportunity to talk with you further at a Work Session here more specifically your questions and concerns and perhaps bring in some outside expertise to help us all understand the issue better.

Mayor Miyagishima said Dr. Nissen emailed me, I have not emailed him back but I am going to and I wanted to get together with you and the other colleagues and see exactly what this hybrid model looks like and if it is something there that can be brought back to council for a Work Session then I will do that but that is usually the first step.

Peter Goodman said so the promise you made a couple months ago to have a Work Session on this is now dependent on whether one person approves of it in an informal meeting.

Mayor Miyagishima said what I would like to do is get together with that group that was on the Zoom with myself and like I said meet and have that session and discuss this hybrid model that you or that was brought up.

Peter Goodman said whatever you and the council decide we will do what we can to try to have the issue heard but for the record I don't think that is the right way to go about it.

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Mayor Miyagishima said there are four council members that can override me if they chose to do that but last I was at they didn't have four there was three.

Rod Gajewski, Member of the Public said I am the Agentive for Purple Heart and I am also a member of the Mayor's Veterans Advisory Board. I don't know if you folks were made aware yesterday at Veteran's Memorial Park that there were tables that were damaged there that were the ADA tables. They were all bent and damaged. They have to be removed but they specifically removed or damaged the ADA tables. I am hoping that the cameras were working at the park because the damage was pretty significant.

Lonnie Montgomery, Member of the Public said I want to thank the council for getting through the state where we have a cannabis dispensary nearly on every corner here in Las Cruces, New Mexico. It really works well here I think because we can go in and get our stuff and we can run down the roads of this town and wherever you want to go there are people racing. The big news I am worried about is our whole country. Overall, we are not doing well. I think that we might be heading for a down part and God may be coming to get us like he took Daniel to Babylon. I don't know who is coming but I think it is coming for us because we are not following God. We need to get back to him.

4. ACCEPTANCE OF AGENDA

Councilor Yvonne Flores moved, seconded by Councilor Tessa Abeyta, to accept the agenda as presented.

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

5. CITY COUNCIL MINUTES

5.1 REGULAR CITY COUNCIL MEETING OF FEBRUARY 6, 2023.

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

- 6.1 RESOLUTION NO. 23-100: A RESOLUTION TO APPROVE THE SUBMISSION OF A GRANT APPLICATION TO 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.
- 6.2 COUNCIL BILL NO. 23-021; ORDINANCE NO. 3027: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-1 (COMMERCIAL LOW INTENSITY) TO C-2 (COMMERCIAL MEDIUM INTENSITY) ON A PROPERTY ENCOMPASSING 0.264 ± ACRES. THE ZONE CHANGE REQUEST SEEKS TO BRING THE PROPERTY INTO COMPLIANCE WITH

THE 2001 LAS CRUCES MUNICIPAL CODE, AS AMENDED. THE SUBJECT PROPERTY IS LOCATED AT 2505 MISSOURI AVENUE.

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

7.1 PUBLIC HEARING REQUIRED. RESOLUTION NO. 23-101: A RESOLUTION APPROVING THE REQUEST FOR A TRANSFER OF OWNERSHIP AND CHANGE OF LOCATION OF INTER-LOCAL LIQUOR LICENSE NO. 2628 WITH ON-PREMISES CONSUMPTION AND PATIO SERVICE TO BIG TOASTED MON 4, LLC., D/B/A CHEBA HUT TOASTED SUBS, LOCATED AT 556 S. TELSHOR BLVD., LAS CRUCES, NEW MEXICO 88011.

Public hearing began at 1:34 p.m. There was no one for or against. Public hearing ended at 1:35 p.m.

Councilor Johana Bencomo moved, seconded by Councilor Tessa Abeyta, to Approve Resolution No. 23-101.

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

7.2 RESOLUTION NO. 23-102: A RESOLUTION APPROVING A PILOT PROGRAM FOR AN AFFORDABLE HOMEOWNERSHIP REVOLVING LOAN FUND TO FACILITATE THE DEVELOPMENT OF AFFORDABLE SINGLE-FAMILY HOUSING.

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

Mayor Miyagishima asked the 1% where is that money coming from?

Natalie Green said the money is coming from the Affordable Housing Trust Fund. There was some funding that was already in there that hasn't been earmarked for anything so we want to start the pilot program with that funding.

Mayor Miyagishima asked this would be the very first time that we do that?

Natalie Green said we traditionally do a permanent loans and those loans are amortized over a longer period of time and get reimbursed to us. This would be a short term loan to Tierra Del Sol to build the house and then it paid back right at closing. So, it is like an 8 month to 12 month loan.

Mayor Miyagishima said that was the reason why I was going to ask. I just want to be consistent because I know the interest rate that we charge other community partners was a little bit higher.

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Councilor Corran asked what are the conditions of their ownership? Do those carry throughout the life of a mortgage? How does that work because I know in this area which is in my district and I am extra excited for there to be more affordable housing there the average home is probably about \$315,000 so immediately folks have a lot of equity which is great and a great part of home ownership but I think the idea is that those folks wouldn't immediately transfer that to sale of the home.

Natalie Green said it depends on other funding sources as well but there is embedded within the oversight ordinance what is called an affordability period and that affordability varies based on the amount of financing in the individual projects and then the other sources of funds. Depending on the dollar amount that is in the financing package so to speak they would have to maintain ownership of the house anywhere from 5-15 years and it can just vary. These are low to moderate income home buyers who otherwise would not have the opportunity to achieve home ownership so we see very little turnover in that affordability period.

Councilor Gandara asked who will do the screening?

Natalie Green said Tierra Del Sol will screen all of the clients. I believe their home buyer counselor is here. They are preapproved. They will verify their income, they will figure out their front end and back-end ratios and they will and sometimes they will get down payment assistance loans through MFA so they have to go through home buyer counseling throughout that process.

Socorro Rodriguez, Tierra Del Sol said I do the prequalification for all of our clients. My co-worker Olga Diaz does the home ownership counseling. The list of clients that I have started applying since 2020 when I moved from banking to the organization. So, a lot of them are ready. Things can fall apart but we have plenty of clients that can move up. I being fair to move them up according to date of application. They are screened as far as debt to income ratio, their scores, because the financing has to go through banking.

Councilor Gandara asked you are also providing the counseling? You mentioned if things fall apart, in the event that they can't manage and I know once they close the money comes back to us right? What happens in the event they can't pay over the life of the loan?

Socorro Rodriguez said when I say that they fall apart the list of clients that I have if I go back because I am going back 2021 or 2020. I go over everything that we discussed in the past to get them a prequal but if they turn around and tell me well we just bought a new car then I have to turn around and refigure things and if they don't qualify then I have to work with them and tell them okay this is what we need to do. That is what I meant. As far as not paying the house it will just be treated as any foreclosure, correct?

Natalie Green said because the loans are sold to a primary mortgage company like a Bank of America or whatever mortgage company, if they were to foreclose the bank would go through that process and any lien that was left from either us or MFA would

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go through the foreclosure process as part of the permanent financing but in this particular program we get paid back at closing so our construction loan obligation terms are met. In Tierra Del Sols fifty years they have had zero foreclosures.

Councilor Gandara asked do you have through all the various things that you are asking for Tierra Del Sol to do or provide do you have a claw back measure? I think you know that we have had some communication with our attorney that asked us to really think about these things and I am hoping that you are going to address those issues specifically that she brought up because they were of concern to me.

Natalie Green said I think there was some confusion. The City has a general oversight ordinance which mandates all of those provisions. A claw back ordinance, an affordability period and all of those would be included in the promissory deed of trust and the loan agreement. So, we do have those security instruments in place. I do want to note that we can only use our funding for affordable housing. To use it for anything other than affordable housing would not meet the states anti-donation exemption. We will never build market rate housing. It is always going to be affordable housing that is compliant with the state act and the city's general oversight ordinance.

Councilor Graham said particularly as we went through the GO Bond cycle there were a lot of narratives floating around kind of shrinking what affordable housing can mean for our community and I think it is so great to see yet another example of empowering single family home ownership in addition to all of the other things that you and your team and we as a city are trying to advance. Thank you for showing us how wide ranging how affordable housing is in Las Cruces.

Councilor Bencomo said I feel like this kind of pilot program is innovative, it is getting at something we have been talking about on this council for a really long time which is building wealth for people. Home ownership as just heard at our Budget Retreat further and further away for so many New Mexicans. Can you expand more on the down payment assistance as well?

Natalie Green said the down payment assistance is usually provided by the New Mexico Mortgage Finance so there is a secondary qualification process and a lot of the times what they do is Primero Loan Program and some other loan instruments that they would work with the financial institution that would lower that down payment. So rather than a 20% down payment on the house it is a \$500 down payment but they have to go through the home buyer counseling which is a pretty extensive process and work with the development providers. The different loan products vary because each family is a little bit different. Their credit scores are different. Their household make up are different. It is one of reasons why we didn't get into specificity in the ordinance because each one is different and like Socorro alluded to things change. Even though they are in the wait list for 2020, they could have had a baby or a child could have aged out and moved out. They could have bought a car and their credit score go down. So, each one is really different and that is why we are doing those individual loan agreements and promissory notes because it is going to change. We partner with New Mexico Mortgage Finance Authority and so they are rolling out some additional home buyer assistance programming. I don't know that I have seen it yet,

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but they are subsidizing a much larger portion of the first mortgage than you would traditionally see. I think they are doing somewhere between \$25,000 and \$40,000 grants. That is why you will see the construction notes. They are not for the full value of the house. They are usually 80% loan to value and then other financing mechanisms will kick in. I know you will see some home funding that we are moving to this subdivision to also help with some of those construction costs as well.

Councilor Bencomo said I know that today we are voting on the approval of the pilot program as a whole. I imagine that there are many things that come after this. What happens next? I really want to build a story from this Natalie that is public. As you move through the steps there is many steps that we just won't see after this. How do we get to a place when the homes are done and when families are moving in and we can package this as a beautiful story that we can tell the community?

Natalie Green said we will work with our PIO office and one of the things we like to do, and you should be getting an invitation to is our ribbon cutting. So, we will make sure those get advertised and that you guys can be there when we open the first home. Other things that we are going to work on is while there is 39 lots obviously \$500,000 is not going to construct all 39 so we are looking to build on those initial successes that we anticipate coming and do an expansion of the program. We have selected Tierra Del Sol because they are that experienced developer but we would like to see this open much broader and build that capacity across that continuum. We will make sure that we are working on that story.

Councilor Flores asked how far down on the lien holder list is the city?

Natalie Green said we would be the first lien because we are providing the construction note and then as soon as they close on their permanent financing our note goes away. We are paid off with interest. If there is other financing tools in then it just depends. If we have Home Funds then we are usually in second position.

Councilor Flores asked at this point is there still a need for a builder that will come forward?

Natalie Green said Tierra Del Sol will be the construction.

Councilor Flores asked once that property is sold and the money comes back to the city are there plans to continue to develop more affordable housing?

Natalie Green said this would be a revolving loan fund. We would loan the money, they would construct the house and close and then we would get paid back and then we could reloan that same amount of funding to a new house.

Councilor Flores asked how long have we had that fund, since 2013?

Natalie Green said the trust fund itself was created in 2010, however the Construction Revolving Loan Fund is new. That would be through today's action.

Councilor Flores asked did the money sit there since 2010?

Natalie Green said we had never allocated money directly out of the trust fund. We have done some projects but they are usually out of the Telshor Fund. We have received regular \$100,000 investments from past councils, but it has never been large enough to build a program off of.

Councilor Flores asked so that is why it hasn't been tapped until now?

Natalie Green said we have used it for very small stuff like impact fee waivers. You guys' council authorized an impact fee waiver program at about \$25,000. One of my suggestions is to do a Work Session on the trust fund and the Oversight Ordinance and sort of all the programming in one big session with you guys and we can talk more in depth.

Councilor Flores asked what would be the end result that you are seeking in that Work Session?

Natalie Green said just provide some general information around affordable housing development and how those programs work.

Councilor Flores asked would that facilitate creating more affordable housing by going that route?

Natalie Green said it could, absolutely.

Councilor Becki Graham moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 23-102.

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

7.3 RESOLUTION NO. 23-103: A RESOLUTION UPDATING THE GUIDELINES FOR STREET NAMING, STREET RENAMING, AND PROPERTY ADDRESSING.

Larry Nichols, Community Development Director introduced the topic.

David Weir, Deputy Director Community Development gave the overhead presentation.

Councilor Flores asked how do you approach that or what is the mechanism that propels street renaming?

David Weir said the way streets get currently named typically happens at the time of a subdivision. The developer will propose the names and as a part of our regular review

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various staff look at those and decide if those can go forward. The Planning and Zoning Commission approves the final plat and when it is recorded the street names become effective. The way the guidelines have been changed for existing names is that if there is somebody along a street that would like to have it changed that if there are 2/3 of the property owners along that segment of road they can sign a petition, submit it to the city and then depending on whether the street name was on a subdivision that was approved after 1987 it would go to the Planning and Zoning Commission. If it was approved prior to that it would come directly to City Council and then City Council would decide whether they wanted to rename the street. Typically, when we have those petitions or if the city creates a petition to rename a street we take a survey of the property owners and see if they have any recommendations to change that. In the past we saw this most often happen in the late 80's and 90's because we had at the large annexation of the East Mesa so we had streets that had the same names as some streets that were already in the city. Those councils saw a lot of street name changes to eliminate that duplication of names and so it was easier to find. I am guessing at the time that 911 came into effect there was another review to make sure that it was easier for public safety to get to properties.

Councilor Flores said I think my question was not clear enough. How does the city go about changing an existing street name?

David Weir said the council themselves if there is a consensus reached, they can direct staff to present a name change to you if you have identified a particular street that you want to be looked at. You could possibly do a Work Session to have that reviewed and then have it placed and staff could prepare a resolution basically changing that street name. Then if four of you voted for the name change then it would take effect.

Councilor Flores asked how long would that take? Who initiates the request?

David Weir said I believe that if there was a councilor that had a particular street that they wanted changed they could propose that. Whether at a Work Session or their dealings with city management they could decide to put it on. That would be the case.

Councilor Flores asked would it be appropriate for me to make that request now?

David Weir said I think you could do that at this time.

Councilor Flores said my request is that we proceed on the renaming of Squaw Mountain Street. As a City Councilor I am hereby requesting that the City Manager move and do whatever is appropriate that it comes to city council expeditiously.

David Weir said I believe you need to act on the guidelines today and then your request will have to be dealt with in another fashion.

Councilor Flores said then I would like to have the comments I just made to be appropriately stated perhaps in the comments. This is on the record at this point.

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Procedurally yes you are correct. It would have to be after this is approved and I will make the request in my comments.

Councilor Abeyta said one other item that you had about changing names one was for those that fall under those guidelines, another one was about on page 9 number 6. A new roadway name shall be reasonably straight forward and easily pronounced. I am curious with the context of us in multicultural community how that determination is going to be made?

David Weir said a lot of this is subjective as you go through, a lot of common sense by staff needing to take place but earlier in some of the general guidelines there is direction that the staff when they review these request for names that they be aware of the meaning in English and the meaning in Spanish so that there is not confusion from that. The city has a master file of all street names and so as we do these reviews of these names we need to check it against that list and do a drive by. That is why there are provisions so that if something does get through the cracks there is the ability to go to the Planning and Zoning Commission and our City Council to correct that. It is based on staff catching that and then having safeguards and processes and try to catch them if we do make an error.

Councilor Abeyta said within our Quality of Life PRC one of the I think educational opportunities we have been given is that of the history really of the different indigenous cultures here in Las Cruces too. Perhaps that is also a lens to be looking on when we are looking at meanings of words. I would say that we do have a lot of experts in the area that can help I think staff out when looking at those but I am conscientious that when we are just looking at these names when we are trying to consider what is reasonable and that is also bias as who we are as individuals. I want to make sure that we have systems in place that make sure that we are able to filter out that bias so that we can have that well rounded view because what we have ended up now is a situation where somebody had a bias and now we have a name that is blatantly vulgar. You wouldn't want me saying the word in the English context on the microphone, I'd be censored, I am sure.

Councilor Bencomo said I want to read a couple of emails that I received in regards in support of this resolution. "Dear Las Cruces City Council and honored members. My name is Chantel Yazzie-Martin and I am member of the Navajo Nation Tribe who now resides in Las Cruces, New Mexico in the Piro-Manso-Tiwa Tribal Lands. I cannot be with you in person but graciously agreed to share what I would like to say regarding the new guidelines and criteria for the street names in Las Cruces. I ask council to vote and adhere to the new processes and criteria to prohibit and eliminate derogatory, discriminatory, or racist, or vulgar roadway names as presented in current resolution. The indigenous community both who reside here and from afar are in support of changing names that dishonor groups of people and continue to keep them in stereotyped and derogatory timeline frozen and unchanging. When I first began to advocate for the name change, specifically the name of Squaw Street we were given push back related to the residents that lived stating the name change would impact their address and would be an inconvenience. Indigenous women have had the inconvenience of being stereotyped, sexualized and given lesser concern when it

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comes to the justice system as indigenous have the highest amount of missing and murdered indigenous woman. I understand the concern of this inconvenience of changing an address has never contributed to the mass murder and kidnapping of a group of people. All of this relates to the name that was given through Hollywood to depict an image that was defined for us that continues to impact many of our women today. The City Council has a chance to move Las Cruces forward with making the change and standing with our indigenous women in the city like myself and beyond. I continue to encourage you to research the background and evolution of the word squaw and support this resolution into passing and provide an opportunity for indigenous communities to feel welcome here and as well as uplift and empower our native women both locally, nationally, and internationally.”

The next one I am going to read is from Mia Hamersly. “My name is Mia Montoya-Hamersly. I am a member of the Piro-Manso-Tiwa Tribe. I write in support of Resolution No. 23-103 specifically in support of adoption of New Mexico Roadway Guidelines number 5, which prohibits roadway names that are comical, derogatory, discriminatory, racist, or vulgar in intent. Last year I submitted a letter to city council signed by allied individuals and organizations from across the state in support of the proposal to change the name of a road currently named after a derogatory and harmful term for indigenous woman. Place names can carry powerful historical significance and the use of discriminatory language or racial slurs represents a traumatic history of racism and colonization which continues into the present day. For example, New Mexico is the state with the most cases of missing and murdered indigenous woman. The continued use of slurs that devalue and dehumanize us are linked to this epidemic of violence. I support the passage of this resolution because everyone deserves to feel safe and valued in our community.”

The last one I will read is from Dr Donald Pepion. “I Donald P Pepion hereby respectfully appeal to the City Council of Las Cruces to establish the new guidelines. I passionately believe that the street name Squaw needs to be changed because its meaning over time evolved to connote the subjugation and demeaning of Native American woman. I believe overwhelmingly evidence of missing and murdered indigenous woman in the United States reflects a social problem related to normalizing these types of racist terms. The City Council now has an opportunity to demonstrate true leadership by initiating social justice instead of perpetuating the continued subjugation of racial minorities. Let us continue to be part of a diverse society and New Mexico by taking a stand for those voices that are repressed due to their low population numbers.”

Mayor Miyagishima said I am supportive of this and will be voting for it however I just want to point out and I think if I read it correctly. Hypothetically if council changed the name there is nothing that prohibits residents, if they have 75% who wish to change the name back they could do that. Is that what you are understanding that 75% of the residents if they want?

David Weir said currently 80-338 allows 75% of the people to submit a petition and council decides whether to grant the name change or not. This changes it to 67% can petition but ultimately it is the city council decides whether or not to change the name

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just because they have the percentage that want the name change does not guarantee that they would receive it.

Mayor Miyagishima said I thought I read 75% but you are saying 67%, so that is 2/3.

David Weir said the current resolution has $\frac{3}{4}$ of people in the street. This change guideline lowers it to 67%.

Councilor Abeyta asked should this be adopted if a resident didn't want to come back with any street names they would need to adhere to the guidelines of these principles, so a name change that would want to revert back to something like Squaw wouldn't be allowed because it would fall under the guidelines of vulgar and offensive and would be deemed inappropriate right away, anyways?

David Weir said that is correct. Staff would probably not support the name request.

Dolores Archuleta, Member of the Public said I stayed behind to listen to this resolution and of interest was the street Squaw. As a Native American I have to listen to this as well. It was well covered and it is not going to be easy. Do we have streets in Las Cruces spelled different but pronounced the same or the other way around? In my District 3 we had that case, and a constituent had a heart attack and the ambulance was called and they didn't specify where that street was. It sounded the same as the other one and they went to the wrong house. Unfortunately, that did not end well. Think about those kinds of issues that we might have too.

Councilor Becky Corran moved, seconded by Councilor Johana Bencomo, to Approve Resolution No. 23-103.

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

7.4 RESOLUTION NO. 23-104: A RESOLUTION RECOGNIZING THE DEVASTATING IMPACT OF COVID-19 (SARS-COV-2); HONORING THE SACRIFICES THAT ESSENTIAL WORKERS HAVE MADE TO PROTECT AND SAVE LIVES IN THEIR COMMUNITIES; DECLARING SUPPORT FOR A PERMANENT COVID-19 MEMORIAL TO BE LOCATED IN BERNALILLO COUNTY, NEW MEXICO TO HONOR THE VICTIMS OF COVID-19.

Barbara DeLeon, Chief Administrative Officer gave the overhead presentation.

Councilor Abeyta asked with this type of approval are we going to be expected to offer any type of financial support for this memorial?

Barbara DeLeon said at this time there is not the expectation but certainly the support helps with fundraising and with grant applications as well. That is what is being asked today and certainly if there is some initiative by the council at a later date for support that could be considered separately but today we are solely just looking for a

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resolution as I said I think it will help with the various grants and fundraising that this group is initiating.

Councilor Abeyta said I do have a caution of offering any sort of financial support in the future because this is located in Bernalillo County and would not be easily accessible to our own community in the future.

Mayor Miyagishima said I have kind of been reflecting back since it will be my last year and I think about when we were dealing with Covid and many of us here on the dais. I was thinking about our police, our fire, EMS, our doctors and nurses, the nurse's assistants, the ones who clean the hospital. This was really a challenge. We were just doing what we needed to do to get through things and making things work and of course our staff here. They were working on the projects that the voters had approved. I am supportive of this. I think that all of us have lost someone from our own families to friends to this dreadful virus. I just want to take a moment for those who may be watching especially on tv, that if you had a hand in this to keep our residents and citizens alive, I just want to tell them thanks.

Councilor Becky Corran moved, seconded by Councilor Tessa Abeyta, to Approve Resolution No. 23-104.

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

8. BOARD APPOINTMENTS

8.1

Councilor Corran appointed Vanessa Porter to the Planning and Zoning Commission.

8.2 ZACHERY FREILINO

Councilor Yvonne Flores moved, seconded by Councilor Kasandra Gandara, to Appoint Zachery Freilino to the Capital Improvement Advisory Committee.

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

9. NOTICE OF PROPOSED ORDINANCE(S)

1) There will be no public discussion.

2) A Councilor may ask staff for clarification on the proposed ordinance(s).

9.1 **COUNCIL BILL NO. 23-022; ORDINANCE NO. 3028: AN ORDINANCE SUPPORTING INVESTMENT OF \$897,596 IN AN ECONOMIC DEVELOPMENT PROJECT IN ACCORDANCE WITH THE CITY OF LAS CRUCES LOCAL ECONOMIC DEVELOPMENT PLAN, AUTHORIZING A**

PROJECT PARTICIPATION AGREEMENT BETWEEN THE CITY AND 828 PRODUCTIONS, LLC., AND ENTERING INTO AN AGREEMENT TO SERVE AS FISCAL AGENT FOR THE STATE OF NEW MEXICO'S PARTICIPATION NOT TO EXCEED \$3,000,000 IN THE PROJECT.

Council agreed to bring it forward.

10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

10.1 MAYOR

None.

10.2 COUNCILOR GANDARA

We had our Lift Up meeting last week. It went really well. There is a lot of positive energy and awareness about the number of resources that have been expended there and those that will be to include street renovation and rehab and sidewalks. One of the things that folks do have specific issues is with our community cats or feral cats in the area. There seems to be quite an increase. I was hoping that we could have not only Codes, but Animal Codes go out and maybe do some service. Sort of awareness looking at not only code violations but specific to animals as well. Bringing information to the neighbors about the ordinances and how to follow those if they need specific issues. We are still seeing a lot of illegal dumping that is happening in that alley way that I have pointed out several times. Specifically, the neighbors continue to be concerned about the Madrid complete reconstruct there and would like to see a complete streets concept to reduce speeding, to have more trees and we are working specifically with NeighborWoods Program. We are looking at having a presentation specific about the NeighborWood's trees. I am hoping as the plans are being develop and designed specific for Madrid, Mr. Sedillo I know we have had one meeting and that didn't go quite so well. Not many folks from the area came to that first meeting but as we are looking at unveiling that we consider what it would look like to have something very specific like we have on Telshor with the full beautiful greenery and shrubs and bushes and those things in the middle as you are driving.

I hope people are aware that March is Women's History Month and in the last two years I have honored woman that have been important in my life. The first year I started with my very first teachers which were my mom and my grandmothers and this year I am looking at folks who have provided mentoring and who have been great advocates for the different things in the community that make communities such as youth mentoring, mental health and access to various survival and thriving services. I would like to say specifically how grateful I am to serve with the women on this dais. I think what you do and continue to do everyday even though sometimes it is hard, it is very honorable, and I see you every day in the things that you do and I know it is not easy.

I think there was an email from Eileen VanWie inviting us to opening at the Dona Ana Arts Council on the 8th in honor of Women's History Month.

To Councilor Flores comment about changing the name from Squaw Mountain to something more appropriate. I would like for staff to work on that and work on that diligently and quickly and bring it back if I remember correctly it has been several

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years now that Councilor Flores that street being specifically in her district and working on that and I appreciate that and work it took to have a resolution specifically to address the street names and numbers that come into that. That needs to come very quickly to council.

Mayor Miyagishima said I have not forgotten about my State of the City Address, and I was going to have it but i think it was during spring break so I have decided to since it is my last one, I will honor my father whose birthday is March 30th. So, I will have it on March 30th.

10.3 COUNCILOR FLORES

The name street that was so offensive was actually brought up by Councilor Bencomo and I did thank her when I initiated the move to proceed to remove that street name. I think we were derailed when the petitioners, the residents on that street took the affirmative action to not have the street name changed. It took quite a while to get those wheels of progress to turn. I do want to thank Mr. Nichols and Mr. Weir for redrafting the 1980 resolution that allowed the residents to keep the name. I want to again iterate the request of Mr. Pili to move the city forward as expeditiously as possible to assure that we do have change of name for that part of the city and if it is possible it would be great to review the names of other streets. I would also like to suggest to the Community Development Department to consult with people who speak Spanish or French or whatever the name is going to be.

It is Women's History Month, and the Dona Ana Arts Council is honoring the month. It is this Wednesday, please RSVP and I think that is it also wonderful that we had that resolution on Covid. I had to travel internationally a few times during that time and I will tell you in one way it brought a lot of people together

10.4 COUNCILOR CORRAN

A class at NMSU did an assessment of public art across the city. I hope that folks might consider coming to support the students from Dr. Samaniego's class. It is Thursday at 9am at Devasthali Hall. I hope that my fellow councilors will join me there to support the students in talking about our public art and some of the needs that are a part of that.

We had the pleasure of having a budget presentation for the Animal Services Center on Friday. I am really excited about how that is moving along and I look forward to the new center opening which is on its way and coming soon and increasing the public space and services that folks can participate with there. So be on the lookout for that grand opening including the dog park.

I just want to go the last item for name changes. When I first joined City Council, I came with a very intent hope to get rid of the racist name in Councilor Flores district. I quickly learned how systemic racism works. So, I just want to point to the idea that 40 years ago this council looked different. Forty years ago folks made different rules. Today I would just like to point out that we have the opportunity to do something better and more thoughtfully and I am so glad to be here with you all and be doing that. I am very excited about the opportunity to address that.

10.5 COUNCILOR BENCOMO

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I would also like to see a resolution regarding that particular street move forward. I was really disappointed last time when the only thing at our disposal was to go and ask a bunch of nonindigenous people if they thought this word was offensive.

Right before the meeting started Elizabeth Teeters our Economic Development Director told me that the MRA legislation passed unanimously the Senate floor, which is such a big deal and now goes to the House and hopefully to the Governor soon.

The other thing I was going to say regarding the state legislature and the request from local citizens around a Work Session regarding police accountability, police oversight, the session is almost over but in the event that there are pieces of legislation that are passed that will impact our municipality I think that we should have a Work Session to discuss those things and potentially other policies that we would like to see move forward here in the city. I do think it is important that we have a Work Session and what I will do in order for it to be more specific once the session is over if there are any pieces of legislation statewide that passed ask for a Work Session on those and any others that this council may want to see.

Mayor Miyagishima said what I was doing was inviting Peter Goodman to meet with me and meet with his group so I can understand, and he can find out from OIR how hybrid works. I don't want to just shut the door on anything I want to hear what it is, what it is about and how it works. I am sure OIR if they did participate would charge.

10.6 COUNCILOR GRAHAM

Also adding voice of support. Councilor Flores, thank you for your work moving this forward.

Recognition and a comment about our amazing City Clerk. Our City Clerk has so many different jobs, takes care of this council and the city in so many different ways but one of those jobs is not making sure that boards, committees, and commissions have all of their vacancies filled. There has been some confusion about that recently. That is not the City Clerk's role. Boards, committees, and commissions that have vacancies that is incumbent upon those of us who have those vacancies or other members of the board to recruit full membership.

Second comment I want to talk a little bit about journalism. I am referring specifically to reporting around the Mano y Mano Program that has been floating around. I wanted to make it clear at the top that I am not any way criticizing residents who have reached out to me as a result of this reporting. I understand because the way that it was framed was specifically to broker outrage. A local area, regional media outlet carried a story about Mano y Mano back in January and it didn't really seem to get a lot of traction. I was aware of the story. I guess it didn't get enough attention because the story was recently recycled and republished and then added a little moral panic to the Mano y Mano Program. It appeared to be that the reporter was just quoting themselves about the possibility of dangerous people being turned loose in our community. I realize that click bait is not limited to any one media outlet but to me it just smacks of lazy journalism. I wanted to mention that because I think we have a lot

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of really proactive reporting around here and I want to distinguish between those qualities. I remain in complete support of the Mano y Mano Program

10.7 COUNCILOR ABEYTA

Thursday we will have a Utilities Board meeting. It will begin at 2 a little bit earlier because we will be having a Work Session that will look at our budget and then we will lead straight into our regular items.

On the 2nd of last week, we did have a Public Safety Select meeting where we had a report from La Casa. As we continue to look at the different cases that we see about domestic violence and how it is impacting our community. We got a little bit of information from this agency and the different types of programming and counseling that they do and what type of coordinating and collaboration might be needed in the future.

I will be having a District Meeting April 4th from 6-7:30. It will look at our budget, Public Works and Public Safety. This is a good time because there are a few items that are happening in the district including today, we will have some lane closures on University Avenue between Turrentine and El Paseo. We have the University Avenue Mill and Overlay Project that will start also on March 13th. There will be some closures around South Valley in my district for fiberoptic pathway installation.

I am excited to be attending the National League of Cities on March 25th-29th. I will be missing a council meeting for that but we are also going to coordinate with our Federal Delegation at the same time. In your email you should have an item from the Municipal League, there is a membership survey. Please fill out the survey as we are looking to develop a strategic plan. One has not been done with the Municipal League before and we are trying to get some pre-information from all of the membership.

Lastly, I just want to say thank you to all staff who attended the Budget Retreat. We really appreciate the time coordination and effort so that we can get the needed information to help us make better decisions as we go into budget review.

Councilor Gandara said we had a very interesting presentation from La Casa and I want to just mention and I want to remind council that we are looking at lifting that moratorium of DV cases and legal is in the process of hiring an attorney to be able to handle the number of cases that we will be addressing and we will be doing it in conjunction with the numerous services that La Casa is providing and I am glad that we had that and it was something that we had been working on for some time.

Councilor Abeyta said one more item that I would like to bring is the possibility for training for council and our staff on parliamentary procedures. I believe that it would be great for all us on council to get a little bit of a course. At our Utilities Board meeting we got to hear from their new Legal Department and all the services they provide, and they brought up that of parliamentary procedures and it is used heavily on that board and so I thought that might be a great opportunity for us on council to get either a refresher or just extra knowledge.

11. CITY MANAGER REPORT

11.1 IFO PILI

I have asked Barbara to have standing Legislature update throughout the session if there is anything she would like to share.

Barbara DeLeon, Chief Administrative Officer said we have been tracking over 190 bills. At this point just 40 that have advanced either from the Senate to the House or from the House to the Senate. It was mentioned earlier about our MRA changes which we are very pleased that they according to Elizabeth passed unanimously last week and moving on. The Tax Bill, House Bill 547 was heard this morning and the good news is that the portion that dealt with excluding certain professional services from taxation has been removed which would have been very detrimental to us and to other municipalities. We are still waiting on the final state appropriation from Junior Bills and Capital Outlays. Larry should be providing that report to me this week. I am hoping so that I can share that with you next week as we reach the final week of the Legislative Session.

Ifo Pili said I appreciate Councilor Graham bringing up the Mano y Mano article. You give a 45 minute interview and you can't chose which part they pull out and what they choose to share. Another thing and I think this is in a different tone here, our Affordable Housing, the article that came out. I know the Sun-News published this and I don't think the intent was to insight in this but the way it is being interpreted out there is that the City Council did not issue bonds for affordable housing and did not prioritize that. I know we have been trying to answer emails and we have reached out to try and clarify but for the record please make no mistake that is a high priority. All that has to do with is timing on the projects and the time of the projects with financing so that we are not paying unnecessary interest because it is a taxable bond and we have projects in the queue. We are not delaying that. We are not prioritizing it less than the other projects but just wanted to clarify for the record.

Just an update with OIR, our discussion contract. We did talk a little bit about that and our Public Safety with what we are doing. We have taken consideration to what the council has talked about. It will come as it takes form a little in the next couple of weeks. We have talked about more community outreach, expanding the scope a little bit further to address some of the issues that we discussed so that is going to be coming forward. I think we should have a proposal here in the next couple of weeks.

I will be out from March 13th -26th, the next two Council Meetings and Work Sessions I won't be here but I will leave Ikani as Acting City Manager.

12. ADJOURNMENT

12.1

Councilor Yvonne Flores moved, seconded by Councilor Tessa Abeyta, to Adjourn at 3:07 p.m.

RESULT:	Carried
MOVER:	Councilor Yvonne Flores

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

Mayor

City Clerk

City of Las Cruces
MINUTES

Work Session

Monday, March 13, 2023 @ 1:00 PM

City Council Chambers, City Hall

PRESENT: Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta, Councilor Johana Bencomo, Councilor Yvonne Flores, and Councilor Becki Graham

ABSENT: Councilor Becky Corran

1. PETS OF THE WEEK

1.1

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

2. JOBS OF THE WEEK

2.1

Irene Parra, Economic Development presented Jobs of the Week.

3. AGENDA ITEM

3.1 SISTER CITIES: CELEBRATING SISTER RIVERS - PAST, PRESENT AND FUTURE.

Chris Faivre, Deputy Director Economic Development introduced the topic.

Tim Chappell, Sister City Foundation President gave the overhead presentation.

Councilor Abeyta asked that when our guest arrive are they going to be prepared that there is no water in our river?

Tim Chappell said yes.

Councilor Abeyta said it really goes along with water sustainability and what we face in the desert but I would definitely prepare them. Our pictures are beautiful but when they come here it will be a much different vision.

Councilor Gandara said I thank you for all that you do. I feel that this is a really exciting and worthwhile relationship to continue. I know you put a lot of work in

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planning this and I just want you to know that I see you all and recognize it and I look forward to meeting the group.

Tim Chappell said after the pandemic I am glad we have this opportunity to try and get things rolling again. It is really important to us with both sister cities and the Community College to have close ties with the city and utilize all of our resources and let everybody aware of what is going on.

Councilor Gandara said what I have appreciated is the students and I thought we had some students at one time that came and partnered with our students, our student leadership through the city through Parks and Rec.

Tim Chappell said yes, we had a group that at the last high school had exchanged. We would love to have that exchange again as part of the Sister Cities but the problem is finding someone to do it. We had very dedicated teachers that were teaching German. It takes a lot of effort to do that both for them to come over here and our students over there. If anybody knows of anybody that would like to take that opportunity, we would be more than happy to support them.

Councilor Flores said thank you overall for making sure our Sister Cities Program is very much alive and a lot of energy, a lot of positive energy. All of that really brings the world together and we get to know each other. We realize that we are really the same throughout the globe and I really do want to thank you so much for making sure that this is going on and I hope that this goes on perpetuity, and I hope that we can attract young members into the Sister Cities Committee.

Tim Chappell said absolutely. I completely agree with you and that is what we are striving to do and by having more of these things involved in the community hopefully we will become more visible and get more people involved.

Councilor Flores said you have some art projects. I don't know, are you working with our museums, with our City Art Board which is a little bit different. Still our museums would probably be helpful to hook up with.

Tim Chappell said yes. We are working with Dania on how we are going to set those up.

3.2 FISCAL YEAR 2023-2024 BUDGET REVIEW

Leeann DeMouche, Finance Director introduced the topic.

Gabe Arenibas, Sergeant Las Cruces Police Department gave the overhead presentation.

Councilor Gandara asked the city provides funding to this entity along with DASO as well?

Sergeant Gabe Arenibas said the county and city, yes ma'am.

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Councilor Gandara asked that comprises of the \$325,000?

Sergeant Gabe Arenibas said it is \$325,543 each.

Councilor Gandara asked just to clarify the Federal Grant is \$30,000? Do you oversee all of the people within your jurisdiction that includes DASO?

Sergeant Gabe Arenibas said yes. So, the way the joint powers agreement is written I am the Commander and right now the Assistant Commander is a sergeant with the Dona Ana Sheriff's office. So, what I am is pretty much the administrative duties and the other sergeant he does all the other operational stuff. And we have a State Police Sergeant as well. They both work on the operational side of Metro Narcotics and I handle all the administrative stuff pretty much.

Councilor Gandara asked that also includes oversight administratively of the operation?

Sergeant Gabe Arenibas said yes.

Councilor Gandara asked you had the increase in overtime, just to inform us that you asked for 10% increase of the total budget?

Sergeant Gabe Arenibas said I didn't ask so what I did was reallocated funding within the budget that we already had and moved money around and I increased the overtime budget by 10% by taking out of other areas.

Councilor Gandara asked what are those numbers in terms of the number of hours that your people are working, and do you have sufficient funding to be able to carry out the duties that you have for the year?

Sergeant Gabe Arenibas said I don't know the exact numbers for you right now, but I do believe we have sufficient monies to cover the overtime.

Councilor Gandara asked do you have a grant writer specifically that helps with grant writing?

Sergeant Gabe Arenibas said specifically for Metro Narcotics no, we would go through our parent agency Las Cruces Police Department more than likely.

Councilor Gandara asked it would be our grant writers through the whole city?

Sergeant Gabe Arenibas said yes. I would imagine. I have never been asked that question. That is something new to me. We don't have one specifically at our agency.

Councilor Gandara asked Leeann you will take note of that and try to answer that question later? I am assuming it is through the City of Las Cruces Grant? The reason

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that I ask, I am thinking there is a ton of grants out there that could help offset some of this as well.

Leeann DeMouche said the officers that the Sergeant is under, they are actually on the PD payroll so any grants that would come through to help with Metro would actually go through the city as well.

Councilor Gandara asked would that include in the event there are complaints made against the unit if you will? They follow the same thing the same personnel regulations as the Police Department and if people needed to make complaint for things such as use of force, excessive use of force they would go through your IA Department, Chief?

Miguel Dominguez, Police Chief said that is correct. It would fall under the umbrella of LCPD.

Councilor Gandara asked do you have a specific website, Commander?

Sergeant Gabe Arenibas said no we don't. We have basic small stuff on the city website. It just says Metro Narcotics. That is due to the work that we do.

Councilor Graham asked in 2022 you added drones?

Sergeant Gabe Arenibas said yes, we have a drone on the unit now. Once we get the necessary search warrants and preplan operation it is for safety of us, we can determine safety factors when we do deploy. If we are doing surveillance or reoperation surveillance or stuff like that. It has been a great tool for the agents, and they seem to benefit from it.

Councilor Graham asked who pilots it?

Sergeant Gabe Arenibas said one of the agents, Agent Duran pilots it right now. He is a City Officer.

Councilor Gandara asked the vehicle is it EV? I think that we have pushed that our vehicles from here on out when purchased need to be electric.

Chief Miguel Dominguez said it is not an EV vehicle that is being requested at this time.

Councilor Gandara said we as policy makers made a policy and we should adhere to it and that includes our JPAs.

Chief Miguel Dominguez said there is still an issue with charging stations. There are none available at this time. As we start getting the infrastructure put in there will purchase more EVs purchased. We do have four on order by the way.

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Hugo Costa, Executive Director of MVRDA gave the overhead presentation.

Councilor Gandara asked how many vacancies do you have?

Hugo Costa said we have approximately 11 vacancies right now. We are down 27% of our operational needs.

Councilor Gandara asked you have 22 employees total?

Hugo Costa said no, we have 51 employees total and we are down 27% which is 11 vacancies that we have.

Councilor Gandara asked have you assessed why that is?

Hugo Costa said we have always had problems getting fully staffed. We have been staffed a few times but it is a very stressful job. In the past it was low salary for the stress. To give you a comparison before Covid there were high school students making more at Target than our starting dispatchers. That changed the board and communities agreed to an overhaul of our wage structure when the city went to \$15 an hour and so we did, and we are very competitive now. However, we lost a lot of people that don't want to work due to Covid. We are trying to build up again and we have been making strides. At the peak of Covid we were down 40%. Now we are up to 27%.

Councilor Gandara asked do you do recruitment? Do you do job fairs? Is it a national search?

Hugo Costa said it is all of the above. We are on the City of Las Cruces hiring board. We go through the Las Cruces hiring process. We do job fairs. We do a lot of recruitment online. We have an always open application process.

Councilor Gandara said you charge per call and you said it is rather low. You compared it to the national and you are rather low?

Hugo Costa said that is correct. What we do is take the total number of calls that we dispatched, the previous year, 2021 the bottom just below the red box. We dispatched just under 300,000 calls and we take that and divide that by our budget request and that will come up with a price per call. So currently going into this budget request the price per call is the number up at the top right of the screen, \$15.93.

Councilor Gandara asked is there discussion to increase that? Or has that been increased or is that what you are telling me here with this slide?

Hugo Costa said yes it has increased by eight cents per call from the current year. It is kind of a hard number for us to control because it is based on what we need for our budget and how many actual calls we dispatch, and we have no control over that. The amount of times people call 911 and we have to send out police, fire or EMS.

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Councilor Gandara asked how would you communicate with us more regularly with us about the quality of work and evaluation of your total program?

Hugo Costa said two years ago we piggybacked off the City's PEAK Program and we developed our own and we call it CORE. CORE has some standards that we are trying to meet. Last year in June was the end of our first year. I can provide that report to the council if you would like. Our next report would be coming up this June and we can provide that to council too. We set a bunch of metrics there and it shows what we are able to meet and things we are still working on.

Councilor Gandara said that would be very helpful. What is your training budget like? What types of training do you receive?

Hugo Costa said luckily 99% of our training budget is reimbursed through DFA. Two things, our initial training, let's say if we hire you a telecommunicator and bring you on board and that is including the salary in the budget because we are training hour to hour that you are there. I would have to pull that out and give you that separately. Extra training that we do for continuing education we get that reimbursed through the Department of Finance and Administration. Right now, it is \$20,000 that they give us.

Councilor Gandara asked what is your total budget related to training specifically?

Hugo Costa said for the total budget related to training, that is hard for me to pull out here. I would have to go back and pull it out because when we hire you most of the initial training is when you are hired and so that is included in your salary that we put for the person. If the salary is \$35,000 let's say, then part of the hours that you are getting paid for is direct training. This other training, the \$20,000 that is continuing education training that they are required by the State of New Mexico to maintain every two years. That is additional on top of all the training. To give you an idea someone who starts with us has eight weeks of initial training. Full time forty hours a week to get all the necessary certifications that they need.

Councilor Gandara asked the continuing education is offered through the State of New Mexico?

Hugo Costa said we offer it and the State of New Mexico reimburses us.

Councilor Gandara said I am trying to get an idea of the type of training that you give your staff.

Hugo Costa said there is mental health training, CPR training, there is FEMA training on handling large scale emergencies, there is training on suicidal callers, there is a whole gamut. There is emergency medical dispatch training which trains them on how to handle emergency medical calls. That is pretty much the type of training we do. I can send you our training manual that lists specifically every single course that we do if you like.

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Councilor Bencomo asked all of your staff is in the union?

Hugo Costa said no. The dispatch personnel and I think three administrative positions are union, the rest are not.

Councilor Bencomo asked which positions are at the lowest wage and what is that wage?

Hugo Costa said the lowest wage is a call taker and that is how everyone comes in at. I believe it is \$18.63 an hour.

Councilor Bencomo asked there was a recent increase?

Hugo Costa said yes, last July first.

Councilor Bencomo asked was that part of the union contract?

Hugo Costa said yes it was.

Councilor Bencomo asked do you have any opportunity for remote work? I know you said you had been having hiring concerns due to Covid. Is that an opportunity?

Hugo Costa said not for the rank and file dispatchers. We did during Covid have some of our administrative staff doing remote work but there was not any opportunity for the dispatch personnel.

Councilor Bencomo asked during the height of Covid those folks were coming to the office every day?

Hugo Costa said yes they were, every day.

Councilor Bencomo asked I was also interested to know that there wasn't any in your budget that you didn't have any things for training specifically, but I guess you have explained that pretty thorough.

Hugo Costa said we do. I can send you the itemized budget that will show different training courses that we do train if that would help, I can send that over.

Councilor Bencomo said yes that would help, I would like to see that. I know that you have continuing education credits are they optional trainings for staff or is there some sort of mandatory requirement that they have to keep up?

Hugo Costa said there is mandatory requirements that they do have to keep up. There are 80 hours every two years that they have to complete. They are both dispatch oriented and the medical training. We do offer voluntary nonmandatory courses throughout the year.

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Councilor Bencomo asked with the new 988 system was the training that your folks are receiving through that has that been reimbursed as well or is that covered separately?

Hugo Costa said we covered that separately. We covered that on our own. We actually sat down with New Mexico Crisis Line and we developed the training. We are the first ones in New Mexico to actually do that kind of training. We set the standard for the state of New Mexico, but we covered that within our budget.

Councilor Bencomo asked it is my understanding that you all are supposed to come back for a different Work Session on that specific matter?

Hugo Costa said yes, we are. We will be here on the 27th.

Councilor Flores asked who does the training?

Hugo Costa said we have a training officer that does the majority of the training and that person certified in the State of New Mexico Law Enforcement Academy to do dispatcher training. We have a couple of people with those credentials, but we have one training officer. We also do hire consultants to come in to do different types of training from APCO Nena which are nationwide industry organizations for 911 and also consultants throughout New Mexico that are known to do law enforcement and dispatch training.

Councilor Flores asked we can rest assured from what you just said that someone making a call erroneously to 911 will immediately receive a 988 operator or 988 response?

Hugo Costa said that depends if it is necessary. There is a protocol in place between us and crisis line and 988. Certain calls will never go to 988. For example, if someone is calling 911 and threatening harm to themselves and others that will not go to 988 that will be dispatched out. Narcotic overdoses, those will be dispatched out. The dispatcher has a protocol that they follow which we will talk about it in detail on the 27th with you and if it meets the protocols then that call is eligible to go to 988.

Mayor Miyagishima asked you have been running MVRDA for what twenty years?

Hugo Costa said eighteen.

Mayor Miyagishima said I think you have done a fantastic job and in fact your stability is the reason why it has run so smooth. You have taken it from that small little building there across from the old courthouse to what it is here today. If you are at 27% and the state is at 30% so you are still below the state and I can't thank you enough for your training and what you do with your staff as well and the hard working women and men of MVRDA because that is a tough job.

Rafael Leos, Deputy Director SCSWA gave the overhead presentation.

Councilor Flores asked in terms of all these unknowns and so far as your capital what you want and what you need, does that really leave the Solid Waste Authority in neverland? You're probably going to have to wait till 2024 or 2025 to order some of these things. How does that impact the ability to carry out the work? I am also concerned about the minimum wage.

Rafael Leos said thankfully the Authority has been successful in obtaining these pieces of equipment historically. There are programs that we have exercised where they renew some of this equipment. We have approved some remanufactured to get us through this time. Unfortunately, it is the nature of the industry and we will have to wait for those but predictively thankfully we have a great Executive Director that has many more years of experience than I do and may add to my response at a later date but the way that we have been managing our equipment in and out and the life cycles of them. Our advancement of our Fleet Department, each of those have been a key integrate role to allow us to extend when we are pressured. We have not seen these pressures before this significantly, but we are pretty thankful for where we are at. We also have industry support through both our national Solid Waste Association of North America, where staff are training by traveling outward and bringing back new vendors that have new methods to get equipment out. For example, truck rentals. If we can't purchase maybe we can rent, which we have done in the past. We are extending part of that training for our staff, including myself, going to these national conferences and extract that information and those vendors to come back to us here in the state. To address minimum wage. There have been incremental increases. There was a very big push. Mayor Pro Tem and Councilor Graham are sitting on our board that help us in managing that and the expectations in this region and the City of Las Cruces. We have moved past \$13.25. We are incrementally going up on some of these entry level positions.

Councilor Bencomo said I also hope there was a college degree in garbage. I feel like there should be it is totally a science.

Rafael Leos said I moved into an industry where a lot of individuals come out of high school and want to begin in their career. We need to find a better way to support these individuals if education is not a pathway. We just presented at a career fair at Mesa Middle and, Ms. Brandi Misquez who serves as our recycling outreach coordinator did a wonderful job of presenting how many jobs we have as the Authority and a scale. There was a lot of interest there. So how is it that we can become a better entity to be able to offer opportunities to thrive in Las Cruces without having to come out of an education system. I will say that there is a lot of science. There is a lot of engineering. So are jobs that do come out of that but there is not a college specifically that will only ideally focus on that. It would be a sub department which hopefully we can look at locally.

Councilor Bencomo asked the city is growing and the needs for bigger facilities are growing as well, is that something that you have really looked at? What are those needs and how can the city be supportive?

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Rafael Leos said they have, and they continue the conversations. Right now, as it stands the Amador Transfer Station has been outgrown. We are all facing that. We are humbly and responsibly trying to manage the solid waste while things move forward. A larger transfer station in the growing area the region systematically looked at waste sheds. It is in the design phase so that we can have an answer when the growth continues and the waste volumes over exceed our capacity beyond what we already have.

Councilor Graham said SCSWA is very good at professional development, at growing the employees who are part of your family. One of the greatest things about being on the board is getting to see the quarterly employee recognition and what I have noticed consistently is just how long these folks have been with you and how many steps they have moved up in your organization. I just want to put that up there again to focus on particularly that allocating 10% of employees time for training because I think so many jobs encourage professional development and then give no pathways to realistically make that happen.

Rafael Leos said it is such a great thing to see when I am a first time Deputy Director and we are retiring someone of over 35 years, another one after 25 years. It gives a sense of one, security and assurance but again I appreciate what I am able to do. I appreciate our board and what you guys allow for us to move forward and these directions.

Councilor Gandara said I wanted to have you go back to the slide where you spoke to the five, cell 5A the Corralitos and just outgrowing the facility. A while back they brought a resolution, it has been several years having that discussion about constructing the new transfer station. I have to say that I was against it. Not really visually seeing where it was going to be and knowing that there are some residents in the area and knowing what I know being in public health. Patrick Peck took the time to give me a tour and really outlined the importance of just the growing out of that and the importance of constructing this new site. Being able to have your leadership and taking the time to answer the questions that all of us may have because we are not experts in it but we have a vision and I very much appreciate it. I thought it was something that I should note here. The Recycling Coordinator had been vacant for some time and now with Brandi being the new Coordinator, what are the plans? What is the vision for that position and how will it affect these cells and outgrowing facilities?

Rafael Leos said the vision I think I would assign that question to Director Peck because he has thirty plus years of experience over what the long term is. What I have gathered from my experiences is that does tie hand in hand because if you noticed we are elevating our customer service, we are elevating our outreach, digitally and traditional methods both bilingual. We are addressing everything to our area and in doing so education comes in key. You yourself mentioned a tour illuminated everything that we do. Maybe it could lead to some type of online digital tour so that we can educate more beyond one individual at a time. We do welcome those tours to anybody here on council and in city if they care to, we would be happy to do that at any time. To your question, I don't have the answer for the full vision but it is integral and the period that we didn't have it we could see we were taking a step back. I

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actually filled that role temporarily until we continued and I saw the need and respect Ms. Misquez for the work she does. It is incredible.

Councilor Gandara asked to the point of not having a career path to solid waste, have there been conversations with DACC AND NMSU related to that? If you had, what has that been like?

Rafael Leos said thankfully there is a response. We have engaged in many conversations at various levels. Obviously, there is far sweeping changes that require a lot more administrative level that are further down the line. We have done simple things as far as reach out to the Welding Department and we have a lot of metal equipment, bins that need refurbishing that this is a great opportunity to engage in that manner. We have also looked at similar things that our compatriots in the northern part of the state are looking at because one thing that the Executive Director helped pioneer a group of all the solid waste providers in the state of New Mexico to meet once a month and just layout what is the future, what are our issues, what are we dealing with from really it came from the pandemic. A lot of how do we do this. It has provided a lot more answers or a forum for us to think tank, a brainstorm and so with that there are programs that reached out to engineering departments to look at where civil engineering comes in to play for developing individuals to manage a highly constructed cell design with a lot of earth work, slopes, there is landfill gas systems that are highly technical. As far as what the board can do and city, partners I think that would be great for a discussion on maybe a future board meeting.

Justin Allen, Fire Deputy Chief played a video and gave the overhead presentation.

Councilor Abeyta said I do want to say thank you for bringing up that long term approach outlook that we are going to have. Adding on that additional Fire Station and we did that because we wanted to keep up those ISO ratings and so also making sure that we are keeping up with some of those other items I didn't know about the fire hydrant situation and getting those replaced. When looking at that admin and staffing, when we start to look at these other stations too are we going to have any of those admins are they going to be centralized or are they going to start being able to be positioned in different stations?

Deputy Chief Justin Allen said currently our plan is to continue housing all of administration staff at Station 1.

Councilor Abeyta asked how is the spacing looking in Station 1 as we are increasing with personnel?

Deputy Chief Justin Allen said currently our level of offices is looking pretty good. We are in the middle of a remodel to add some office space there now and then we are currently looking at grant funding for an MIH building, which would move the MIH and LIGHT Programs to their own facility. Hopefully within the next two to five years.

Councilor Abeyta said I do want to make mention I know there has been a lot of new programs within your department and I think it is always good for us to remember

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those core functions that you are doing especially when it comes to the volume of even EMS calls that you have to handle. I want to make sure that I am recognizing as a councilor all those different needs and responses you do even as we are adding all of these new programs.

Councilor Bencomo asked regarding salaries, and I imagine that is a big chunk of what you already included and given the class study I imagine that you did have some salary changes and then I think next year is the fire union is renegotiated, is that correct?

Deputy Chief Justin Allen said yes, the fire contract will be renewed next year so they should start within the next six months on the negotiations I believe but we did include the class and comp study in our forecast for the positions and salaries through our budget request.

Councilor Bencomo asked it is this next fiscal year for the fire union?

Deputy Chief Justin Allen said yes.

Councilor Gandara asked I wanted to ask about the cancer screening and the about the type of assessment or baseline evaluation and who would do it? Is it different from any other cancer screening that one might have through their doctor?

Deputy Chief Justin Allen said I believe we have not fully established who would be doing the cancer screening. There are several different specific fire service related cancer programs to do the screening. We have looked at a couple of them. I don't know if there would necessarily be specific cancer doctor here in the area or if we are going to go with a provider that this is typically what they look at specifically. They do look at cancer in both male and female firefighters with prostate cancer, testicular cancer, ovarian cancer. All of major cancers that we see a great risk of in the fire service.

Councilor Gandara said slide 16 you made mention that you are already doing this app?

Deputy Chief Justin Allen said we are approved for this App through the TIP. We just hadn't funded it yet. We have a couple of personnel that have trialed it to see how it fits. LCPD does use this App as well. We are looking to see how well it is going to fit with the fire service. We have received fairly good feedback from our personnel as a platform of being able to do some of those self-studies and really look at some of our personnel's wellbeing as they look at it from their side but currently the funding hasn't been approved but has been approved through the TIP.

Councilor Gandara asked you mentioned with this slide the peer support group, can you speak more to that?

Deputy Chief Justin Allen said we do have a peer support group in place now with some of our social workers that are in our MIH and LIGHT Programs. We have a fairly

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robust peer support group that meets on a regular basis and are looking at moving forward on how to establish some set peer support parameters and what we would need to reach out to the community. Looked at identifying a specific care providers within the community that can provide some support specific to the fire service because that was a little bit of a difficult area to address based on the PTSD and some of the stuff that they see. So, we have had some of our peer support group screen some of the providers within the area to make sure they can meet our needs. That program is just getting back, its rolling again. It was kind of shut down during Covid but now that we are able to meet regularly, they are meeting on a monthly basis and moving forward with establishing peer support guidelines and a program.

Councilor Graham asked in the budget numbers you presented to us in regard to Station 9, does that factor in configuring Station 9 in having both a truck and an engine company?

Deputy Chief Justin Allen said that does reflect the staffing for an engine, aerial and a squad. Our goal there is to staff three units. We will have an engine, as well as a truck and squad for that area.

Councilor Graham said that speaks to an increased need particularly out on the East Mesa for the whole gambit that we can throw.

Deputy Chief Justin Allen said that is correct. Now with our response model we have Truck 1 and Truck 4 which are responding from inside the city. Truck 1 is in the downtown area and Truck 4 is in the Telshor and Missouri area so anytime we have any type of response off of Highway 70 or the Red Hawk area we are waiting on the truck to come from either of those unit areas so this will allow for us to cover with a truck and engine the Red Hawk area as well as the Highway 70 corridor, Districts 5 and 6 as well as part of District 8.

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

Councilor Flores asked could you please explain for my edification and as well as disseminating information to the public regarding the article that appeared in a newspaper and the concerns that some organizations have about the bond. It was reported erroneously that the City Council cancelled the bond. The truth of the matter is that there wasn't a project in place. Can you explain what that means and explain why there wasn't a project in place?

Natalie Green said GO Bond is a taxable bond. So, the projects are in place, we are just choosing to sell that bond at a later date. There is a process within the trust fund we are required to go through. There is a committee that needs to make some recommendations to you council as a body for that financing. We want to make sure that we are honoring that committee and the public process as we bring those projects forward. So, the GO Bond is still moving forward but because they were a different type of bond we wanted to make sure the nontaxable bonds got the best rate possible and that is why the taxable bond is being sold at a later date.

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Councilor Flores asked is there a project now in line?

Natalie Green said there are a number of projects online but they have not been officially recommended or gone to the committee to be recommended to this body for approval. So, we are going to go through that process first.

Councilor Flores asked how soon will that be?

Natalie Green said the committee is being amended so you will see that the amendment to the committee in your next two council meetings and then as soon as this council appoints members we are ready to go through the process for project selection.

Councilor Flores asked do you foresee that it will be within this calendar year?

Natalie Green said absolutely.

Councilor Flores asked in slide 7, the land acquisition for single family subdivisions, is that the one we recently approved with Tierra Del Sol?

Natalie Green said that is not. That is a new project. This is actually one of the projects that we were potentially looking at for GO Bond. It would purchase developed lots that we would then disperse out to our affordable housing partners like Tierra Del Sol or Habitat to build single family housing.

Councilor Flores asked Habitat usually only builds one house at a time though, right?

Natalie Green said they build anywhere from 2-5 at a time. Their build cycle is from October to April every year. They use a lot of sweat equity and volunteer labor which kind of suffered during the pandemic, but they are gearing that process up. They are actually one of the reasons we looked at buying the subdivision because during the height of the pandemic they were looking for land and because they utilize federal funds there is an environmental process that takes anywhere from 60-90 days. So, they are getting halfway through that process and developers were selling the land before they could complete that process and we were starting all over. This would let the city hold those lots within the Land Bank and slowly distribute those out to our partners. So, it gives them some sort of long term viability on land. They can focus on building and not having to buy land.

Councilor Flores asked at this point the 52 lot subdivisions have been purchased or will be purchased based on a vote after it comes to City Council?

Natalie Green said if council allocates the funding then we will work through the purchase agreement process with the developer and then we would bring that forward for final approval from this council. We are asking for the funding to move forward with that project.

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Councilor Bencomo said just in our Housing PRC a couple of weeks ago we discussed revamping the committee, honestly, we even said the name it is so long I can never remember.

Natalie Green said the Affordable Housing Land Bank and Trust Fund Advisory Committee.

Councilor Bencomo asked currently it has 13 members plus?

Natalie Green said it currently has 9 appointed members with 8 alternates, it's about 17.

Councilor Bencomo said Jan was having a very hard time getting that group of folks together consistently. We are rethinking that we will make that smaller and make it more efficient so that will need council approval just so you all know but I think the way we are moving towards it is an important part of the process before we get to even decide what projects can be funded through GO Bond. They are not identified. Everyone has urgency and I don't know where all of a sudden people think there is no urgency in housing when this is very clearly laid out that this council and staff and including the City Manager's Office are very real about housing and I appreciated your analogy about the foot on the gas, no one has let go of that. We are moving towards a process that makes the most sense. You did include that you needed to expand staffing support for some of these things and I wondered, Lift Up, has that been officially assigned now to your care?

Natalie Green said Lift Up is currently within my oversight. We have a position that was allocated as that. We will be publishing that position out for hire so then that person will be dedicated to Lift Up. The current staff because they are grant funded they can't work on Lift Up so it really falls to me which is why we are asking for that HUD Grant Manager because they can work on HUD Grants and then I can work on oversight of both Affordable Housing, Lift Up and then some of the other staff changes.

Councilor Bencomo said I know that when we first were taking about this it sort of was left under the constituent services program staff. I know that we have gone through some unfortunate transition in that department, I am wondering if you think that if it makes more sense there or if it does with you if you get the necessary staffing?

Natalie Green said I would defer that to management. I do think you would want to congratulate Catrina Godinez, she is your new Community Engagement, so she comes from the housing and neighborhood section. We really are one department, one city. We look forward to supporting her in her role and if it does transition there we will work through that transition. We really are just one department.

Councilor Bencomo asked the impact fee waivers, are those all across the city or are those impact fee waivers only given to infill development?

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Natalie Green said impact fee waivers are assessed all across the city. I don't believe that they are waived in the infill, permit fees are in the infield but not impact fees. So, when an affordable housing development comes forward I always tell people affordable housing a misnomer, it doesn't mean it is cheaper to build. It cost the same if not sometimes more, so they are assessed the same impact fees, not the same permit fees anymore. They got a 50% discount moving forward starting February 2nd. We thank Community Development for that. So, when they do move through they are assessed that fee and so that impact fee waiver budget just covers that fee on behalf of the Habitat house or Tierra Del Sol house.

Councilor Bencomo asked given that you are no longer under Economic Development how is this request for budget impacting that transition? Are you getting a whole new budget?

Natalie Green said all of our funding moves forward with us. There are some staff changes we are working through but we have a good plan for that.

Councilor Flores asked as to the Mesilla Valley Community of Hope Master Plan implementation at what step is this plan at, at this point?

Natalie Green said the Mesilla Valley Community of Hope Master Plan was a project that was started by Facilities Management, and it was to outline the overall growth of the campus so that we could anticipate that growth and also inform the ultimate management structure and lease developments moving forward.

Councilor Flores asked when was that?

Natalie Green said it was adopted sometime in the fall and we have already moved forward with the implementation so we have rezoned the property or it is going through a rezone right now. We have worked on the replat. The replat is actually the mylars are printed, they are getting signed and so the new replat will be filed. We are amending the lease to incorporate the new Horse and Hound facility so that will be ready to come on board as soon as it is completed. Some of the things that we are working for, there is a traffic impact analysis that is being conducted on that section of the area as you may know it is very pedestrian and bicycle oriented given the population. The campus partners have been proactive with getting capital outlay. Everything looks good based on some of the latest information that we are getting from the Legislature and so they are aligning their capital outlay request with that master plan implementation. They can't ask for capital outlay request that aren't otherwise identified within the campus. The next task we will be working on with our Land Management and Facilities folks is a new lease. It is up in 2025 and so we anticipate having to negotiate that over the next couple of years. We will work with the respective departments.

Councilor Flores said I think it would be help for the Housing PRC to get updates on the developments there and then report it to council periodically.

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Leeann DeMouche said I just wanted to give you all of the budgets for our next CIP. On April 24th we have a Work Session jointly with CIP and Budget. On May 4th we have a Public Hearing. Our resolution that we will be bringing the council is on May 15th.

3.3 CITY OF LAS CRUCES ECONOMIC OUTLOOK.

Dr. Monica Torres, Economist gave the overhead presentation.

4. ADJOURNMENT

4.1

Councilor Tessa Abeyta moved, seconded by Councilor Yvonne Flores, to Adjourn at 3:27 p.m.

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

Mayor

City Clerk



City of Las Cruces

City Council Action and Executive Summary

23-111

Type of Action:

☒ Resolution

☐ Ordinance

☐ TIDD Resolution

District: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A

1st Reading: **Adopted:** April 3, 2023

Drafter: Christine Rivera

Department: City Clerk

Program: Compliance

Line of Business: Office of City Clerk

Title: **A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF ANTHONY F. FILOSA TO ACT AS MUNICIPAL JUDGE II, IN ACCORDANCE WITH THE CITY CHARTER, ARTICLE IX, SEC. 9.02(C).**

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

PURPOSE(S) OF ACTION:

To appoint a Municipal Judge II.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The Las Cruces City Charter, Article IX, Section 9.02(c), authorizes the Las Cruces City Council, to "fill a vacancy by appointment of a municipal judge to serve until the next regular election."

Judge Joy Goldbaum currently presides over the Municipal Court as Municipal Court Judge I. There is currently a vacancy for the Municipal Court Judge II position.

Las Cruces Mayor Ken Miyagishima has recommended the appointment of Anthony F. Filosa to act as Municipal Judge II, subject to the approval of the City Council. Mr. Filosa is an active attorney with the New Mexico State Bar Association as shown in Attachment "A".

SUPPORT INFORMATION:

[Attachment "A" - Active Bar Listing](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

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☒ No

Does this action align with Elevate Las Cruces?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will appoint Anthony F. Filosa as Municipal Judge II until the next municipal election.
2. Vote "No"; this will not appoint Anthony F. Filosa as Municipal Judge II.
3. Vote to "Amend"; this will require additional direction to staff.
4. Vote to "Table"; this will delay appoint of Anthony F. Filosa as Municipal Judge II and require additional direction to staff.

REFERENCE INFORMATION:

City Charter

RESOLUTION 23-111

A RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF ANTHONY F. FILOSA TO ACT AS MUNICIPAL JUDGE II, IN ACCORDANCE WITH THE CITY CHARTER, ARTICLE IX, SEC. 9.02(C).

The City Council is informed that:

WHEREAS, the Las Cruces City Charter, Article IX, Section 9.02(a), authorizes the Las Cruces City Council to "authorize the election of additional judges if it determines that the workload of the court requires more than one (1) judge"; and

WHEREAS, the Las Cruces City Charter, Article IX, Section 9.02(c), authorizes the Las Cruces City Council, to "fill a vacancy by appointment of a municipal judge to serve until the next regular election"; and

WHEREAS, the next regular municipal election for Judge I is November 7, 2023; and

WHEREAS, the next regular municipal election for Judge II is November 9, 2025; and

WHEREAS, Judge Joy Goldbaum currently presides over the Municipal Court as Municipal Court Judge I; and

WHEREAS, there is currently a vacancy for the Municipal Court Judge II position; and

WHEREAS, Las Cruces Mayor Ken Miyagishima has recommended the appointment of Anthony F. Filosa to act as Municipal Judge II subject to the approval of the City Council; and

WHEREAS, Anthony F. Filosa is an licensed and active attorney with the New Mexico State Bar Association.

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

(I)

THAT the appointment of Anthony F. Filosa as Municipal Judge II 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



State Bar *of* New Mexico

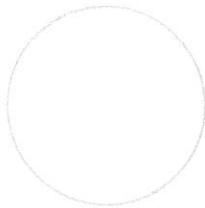
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Q

X

Lawyer Info

[For Public](#) > [I Need a Lawyer](#) > [Online Bar Directory](#) > [Lawyer Info](#)



Anthony F. Filosa

Member Type: Active Attorney
Law Offices of the Public
Defender
505 S Main St Ste 121
Las Cruces, NM 88001-1209

(575) 541-3193

anthonyf.filosa@lopdnm.usCriminal

Admission Date: 4/24/2014 **Practice Counties:**

Sierra



City of Las Cruces

City Council Action and Executive Summary

23-112

Type of Action:

☒ Resolution

☐ Ordinance

☐ TIDD Resolution

District: ☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A

1st Reading: **Adopted:** April 3, 2023

Drafter: Cherrall De La Cruz **Department:** Financial Services

Program: Budget **Line of Business:** Fiscal Management

Title: **A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT VARIOUS GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023 BUDGET.**

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

PURPOSE(S) OF ACTION:

To accept awarded grants and adjust the FY23 budget.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

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

Per the City's Grants Administration Program Policy, the City Manager, or his designee, may execute grant agreements with funding agencies. Upon receipt of the fully executed agreement from the funding agency, the Council may adjust the budget.

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

SUPPORT INFORMATION:

[Exhibit "A" Fund Summary](#)

[Attachment "A" - Grant listing](#)

[Attachment "B" - M2M National Site Agreement](#)

[Attachment "C" - 2023 GSK SIS Agreement](#)

[Attachment "D" - LERF](#)

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 #7.2.

☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: Exhibit
"A"

AVAILABLE AMOUNT: Exhibit
"A"

EXPENDITURE AMOUNT:
Exhibit "A"

Funding Source(s):

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution to accept the budget adjustments as presented and adjust the City's FY2023.
2. Vote "No"; this will not approve the Resolution to adjust the budget as presented and return the funds to the granting agency.
3. Vote to "Amend"; this could delay the Resolution and the process of spending the grant funds within the predetermined grant schedule and require direction to staff.
4. Vote to "Table"; this will delay the Resolution and will impact the implementation of the grant agreement, the City department's ability to utilize the funds and return the grant funds to the granting agency.

RESOLUTION 23-112

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT VARIOUS GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023 BUDGET.

The City Council is informed that:

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

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

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

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

(I)

THAT the City hereby amends the FY2023 City Budget to accept all grant awards as shown in the Fund Summary, Exhibit "A", attached hereto and made part of this Resolution.

(II)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

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

Exhibit "A"

	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	259	0	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	247,000	0	247,000
Federal Grants	5,358,203	16,855,765	0	16,855,765
State Grants	1,120,000	10,094,930	100,896	10,195,826
Local Grants	46,440	43,826	26,500	70,326
Debt Service	0	0	0	0
Total Revenues	6,706,643	27,241,780	127,396	27,369,176
TOTAL RESOURCES	\$ 6,730,923	27,266,060	127,396	27,393,456
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	629,444	6,060,880	100,896	6,161,776
Las Cruces Fire Department	85,478	1,378,031	0	1,378,031
Utilities	0	1,300,000	0	1,300,000
Economic Development	2,798,662	13,511,171	0	13,511,171
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	29,643	0	29,643
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	11,030	459,981	0	459,981
Community Development	337,981	791,666	0	791,666
Quality of Life	2,375,183	2,116,845	26,500	2,143,345
Public Works	0	365,000	0	365,000
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 6,706,648	27,242,821	127,396	27,370,217
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	\$ 24,275	23,239	0	23,239



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

Today's Date: 02/10/2023
Application Submission Date: 1/19/23
Requested Amount: \$7,000.00
Award Notification Date: 01/19/2023
Funding Agency: *(spell out acronyms – provide full name)* Franklin Institute

Grant Team Representative: Susan Gonzales
Council Budget Adjustment Date: 03/20/2023
Amount of Award: \$ 7,000.00
Grant Agreement #: N/A

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: Mission to Mars National Site Agreement +
Type of Funding: Other Operating **Type of Grant:** Non-Competitive/Entitlement Recurring
Grantor Type: Other/Foundation **Match Amount:**
Match Description: No Match Required-Provided **Match Percent/Ratio:** 0%
Match Source: N/A +
Grant Effective Date: 02/04/2023 **Grant Reversion Date:** 02/01/2024
Starting Fiscal Year of Grant: FY2023
Grant Scope of Work:

The grant will provide funding to support the Museum of Nature and Science and its community-based partner organizations to deliver M2M programming around NASA's Artemis missions to families and youth in grades 4-8 with emphasis on marginalized populations in STEM

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

DEPARTMENT INFORMATION

Department: QOL **Line of Business:** Museums +
Program: MONAS **Project Manager:** Stephanie Hawkins +
Email: shawkins@las-cruces.org **Phone:** 575-541-2160 +
MUNIS Dept. Number: 5340 +

ACCOUNT STRINGS:

Include the fund number & Object Description:

2100 2100 291000
 2100 20444002 599300 7,000.00
 2100 20444002 701000 4,000.00
 2100 20444002 701060 2,000.00
 2100 20444002 721080 1,000.00
 2100 20444002 760000
 2100 20444002 780050

Capital Assets: ☐ YES ☒ NO

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

Grant Application #: 23080 **Project Code #** _____
Set-Up Date: _____ **Date to Accounting:** _____
Accounting Department Info:



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

Today's Date: 12/29/2022

Grant Team Representative: Andrea Gomez

Application Submission Date: 10/17/22

Council Budget Adjustment Date: 02/21/2023

Requested Amount: \$19,500.00

Amount of Award: \$ 19,500.00

Award Notification Date: 12/08/2022

Grant Agreement #: E47EB401C3E6

Funding Agency: (spell out acronyms – provide full name) FI/GSK

The Franklin Institute and Glasko Smith Kline

CFDA #: N/A

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: FY23 GSK SCIENCE IN THE SUMMER

Type of Funding: Other Operating

Type of Grant: Competitive - Recurring

Grantor Type: Other/Foundation

Match Amount: \$ 0.00

Match Description: No Match Required-Provided

Match Percent/Ratio: N/A

Match Source: N/A

Grant Effective Date: 01/01/2023

Grant Reversion Date: 09/30/2023

Starting Fiscal Year of Grant: FY2023

Grant Scope of Work:

Museum of Nature and Science staff will attend national conference, webinars, and hire trainers to present the GSK Science in Summer programming between May and August 2023 to 800 youth in the community. Funding received in advance.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: QOL

Line of Business: Museum System

Program: MONAS

Project Manager: Stephanie Hawkins

Email: shawkins@las-cruces.org

Phone: 541-2160

MUNIS Dept. Number: 5340

ACCOUNT STRINGS:

Include the fund number & Object Description:

2100 20444002 599300 xxxxx \$19,500 Revenue
2100 20444002 601000 xxxxx \$2,000 Expense
2100 20444002 601040 xxxxx \$500 Expense
2100 20444002 601050 xxxxx \$8,000 Expense
2100 20444002 601120 xxxxx \$50 Expense
2100 20444002 601130 xxxxx \$150 Expense
2100 20444002 601140 xxxxx \$400 Expense
2100 20444002 601160 xxxxx \$12 Expense
2100 20444002 601170 xxxxx \$260 Expense
2100 20444002 601230 xxxxx \$2.50 Expense
2100 20444002 601260 xxxxx \$50 Expense
2100 20444002 701000 xxxxx \$3875.50 Expense
2100 20444002 701060 xxxxx \$2,000 Expense
2100 20444002 721080 xxxxx \$2,000 Expense
2100 20444002 780050 xxxxx \$200 Expense

Capital Assets:

☐ YES

☒ NO

Reimbursable Grant:



Revenue Collected in Advance:



Grant Application #: 23044

Project Code # 23115

Set-Up Date: 01/17/2023

Date to Accounting: 01/17/2023

Accounting Department Info: MASS CREATE FROM 2022 PROJECT # 12115



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

Today's Date: 02/10/2023 **Grant Team Representative:** Susan Gonzales
Application Submission Date: 1/12/23 **Council Budget Adjustment Date:** 03/20/2023
Requested Amount: \$100,895.69 **Amount of Award:** \$ 100,895.69
Award Notification Date: 01/12/2023 **Grant Agreement #:** LERF
Funding Agency: *(spell out acronyms – provide full name)* New Mexico Department of Public Safety

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: Law Enforcement Retention Fund +
Type of Funding: State Operating **Type of Grant:** Non-Competitive/Entitlement Recurring
Grantor Type: State **Match Amount:**
Match Description: SELECT **Match Percent/Ratio:** 0%
Match Source:
Grant Effective Date: 01/18/2023 **Grant Reversion Date:** 06/30/2023
Starting Fiscal Year of Grant: FY2023
Grant Scope of Work:
 Provide Law Enforcement Retention differential disbursements including FICA and Medicare to the Las Cruces Police Department for qualifying officers

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

DEPARTMENT INFORMATION

Department: Public Safety **Line of Business:** Police Department +
Program: **Project Manager:** Sean Mullen +
Email: smullen@las-cruces.org **Phone:** 575-528-4101 +
MUNIS Dept. Number:

ACCOUNT STRINGS:

Include the fund number - Object Description - Amount:

2100-20132001-599200-23485 - \$100,895.69
 2100-20132001-600000-23485 - \$ 99,453.60
 2100-20132001-601120-23485 - \$ 1,442.09

Capital Assets: ☐ YES ☒ NO

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

Grant Application #: 23078 **Project Code #** _____
Set-Up Date: _____ **Date to Accounting:** _____
Accounting Department Info:



Mission to Mars National Site Agreement
The Franklin Institute and Board of Commissioners dba City of Las Cruces Museum of Nature and Science

This agreement is made and entered into by and between The Franklin Institute, 222 North 20th Street, Philadelphia, PA 19103 ("TFI"), and Board of Commissioners dba City of Las Cruces Museum of Nature and Science ("Organization"), for the performance of work set forth below.

1. Statement of Purpose:

- a. This contract articulates the terms under which The Franklin Institute will provide funds and services to Organization in return for services provided by Organization.

2. Term of Contract:

- a. This Contract has an effective start date of **February 4, 2023** and an effective end date of **February 1, 2024**
- b. Funding associated with this contract is contingent upon funding from NASA. If there is a change in such funding status, The Franklin Institute reserves the right to cancel this contract and shall provide written notice to organization within thirty (30) business days of the effective date of the contract termination.

3. The Franklin Institute agrees to:

- a. Provide Organization with a **\$7,000** stipend to cover staff time, purchase materials, host trainings and support implementation of Mission to Mars programming.
- b. Provide Organization with templates for branded documents to be used for program recruitment and registration.
- c. Provide Organization conditional access to necessary resources for Mission to Mars curriculum and training until the end of the agreement, following the intellectual property guidelines below:
 - i. **Intellectual Property**
 - 1. **Ownership.** Organization acknowledges that TFI is the sole owner of or have secured all necessary rights to the curriculum and training resources. Organization may share these resources, but may not sell to any third party the right to use the Mission to Mars curriculum and training resources or TFI's Marks.
 - 2. **Translations.** TFI grants Organization the right to translate or have translated the curriculum and training resources, at their own costs, into another language (the "Translations"); provided, that TFI shall have the right to approve the Translations in advance of any use thereof. The copyright to the Translations shall become the intellectual property of TFI upon creation, and Organization acknowledges that the Translations are owned solely and exclusively by TFI. TFI shall be entitled, free of charge, to use, license and sublicense the Translations, and Organization shall, at TFI's request, promptly provide a copy of the Translations to TFI for such purpose.
- d. Provide training and technical support throughout the term of the contract.
- e. Support the work of Organization via telephone and webinars, electronic communications, and through the online network resources.

4. Organization agrees to:



a. Commit to implement all of the project components below during the term of the contract:

i. **Identify Local Program Leads and Attend Training Webinar Series**

1. Each Organization must identify at least two staff members to serve as Local Program Leads. Local Program Leads will be the points of contact with TFI and will be responsible for ensuring Organization meets all program expectations.
2. Local Program Leads will participate in Mission to Mars training and attend ongoing webinars each program year.
3. In addition to the two or more Local Program Leads, Organization may choose to delegate and manage work internally per the institution's staffing needs.
4. Any staff member who leads trainings for community-based organizations and/or amateur astronomers must attend all Mission to Mars webinars and trainings.
5. Should any of the Local Program Leads, or training staff cease employment with the Organization, Organization agrees to identify a qualified replacement and communicate these changes to TFI within 30 days.

ii. **Recruit and Train Community Based Organizations**

1. Organization will recruit five community-based organizations (CBO) who reach marginalized populations in Organization's community, including people of color, low socio-economic status populations, and low resourced rural and urban communities.
2. Organization will provide Mission to Mars training for at least two CBO educators from each CBO. All CBO educators must attend a Mission to Mars training.
3. Support connection between CBO and Amateur Astronomers which may include facilitating introductions, event scheduling and logistics, sharing mutual needs and requests, and troubleshooting

iii. **Recruit and Train Amateur Astronomers**

1. Organization will strive to recruit and train enough amateur astronomers so that astronomers may be present at each Mission to Mars event, ideally 15 Amateur Astronomers in total per organization.
2. Organization will provide Mission to Mars training for Amateur Astronomers. All Amateur Astronomers must be trained by Organization before attending a Mission to Mars event.

iv. **Implement Program According to the Following Requirements:**

1. Collaborate with Organization's trained CBOs and amateur astronomers to support the delivery of at least 20 Mission to Mars events annually.
2. Ensure that Mission to Mars trainings are offered to CBOs and amateur astronomers at no charge, and that Mission to Mars events are offered without charge for students.
3. Manage all program-related materials using stipend funds as allowable (see Section 4.a.iv), including purchasing, assembling and distributing all necessary Mission to Mars activity materials.

v. **Spend Program Stipend According to the Following Requirements:**



1. Stipend may be used to cover salary of Organization staff including Local Program Leads commensurate with time needed to administer Mission to Mars programming.
2. Stipend may be used for Mission to Mars event expenses including purchasing, assembling, and distributing activity materials, food (no alcohol), travel to CBO sites to observe Mission to Mars programs, and signage. All necessary Mission to Mars activity materials must be provided to CBO by Organization.
3. Stipend may be used for training expenses directly related to Mission to Mars, including materials, food (no alcohol), webinar platform, and travel.
4. Stipend may be used for Mission to Mars evaluation support including printing surveys and staff time required for facilitating survey collection.
5. Stipend may be used to cover other Mission to Mars expenses including program related travel, office expenses, etc.
6. Stipend cannot be used to pay for alcohol or adult admissions/fees to program events.
7. All grants expenditures must be in line with OMB Uniform Grants Guidance.
8. Organization must report accurate details of stipend use to TFI by **January 19, 2024**.

vi. **Adhere to Branding and Publicity Guidelines**

1. Organization must adhere to Mission to Mars branding and publicity guidelines for any documents or materials used in association with the program.
2. Organization must strive to raise public awareness of Mission to Mars program through at least three social media posts adhering to program branding and publicity guidelines, using the Media toolkit and documenting all media promotions in the Site Profile.
3. Organization must share 3 photos of program participants or events with TFI, as well as photo release forms when applicable.

vii. **Complete Program Communication, Reporting, Evaluation, and Site Visits**

1. Organization will contribute to program reporting and evaluation requirements, including timely upkeep and completion of site profile, completing and facilitating surveys and ensuring completion of surveys by trained CBO's, coordinating site visits and participating in focus groups
2. Complete program and financial reporting requirements by **January 19, 2024**, including final number of students attended, student demographics, and number of programs led.

b. **Use of Name, Logos, and Trademarks for The Franklin Institute**

- i. Organization acknowledges that TFI has sole and exclusive ownership of their respective trademarks, trade names, trade dresses, logos, imprints, and any other identifications of TFI now or hereafter used in connection with the curriculum and training resources (collectively "TFI Marks").
- ii. The NASA Insignia (the blue "meatball" logo), the NASA Logotype (the "worm" logo) and the NASA seal may not be used for any purpose without explicit permission. These images may not be used by persons who are not NASA employees or on products, publications or web pages that are not NASA sponsored.



These images may not be used to imply endorsement or support of any external organization, program, effort or persons.

- iii. NASA Insignia, Logotype and Seal should not be used as branding devices or used in or for advertising, trade dress, promotions, or similar marketing purposes, on third-party websites or communications material.
- iv. TFI hereby grants to Organization the non-exclusive worldwide right to reproduce and display the approved Mission to Mars logo only in connection with the approved curriculum and training resources and the exclusive right in the promotion of events that use the approved curriculum and training resources. Organization is not permitted to use The Franklin Institute's logo on any newly-created public-facing materials. Nothing in this Agreement shall permit Organization to use TFI Marks during the term of this Agreement or thereafter, except to the extent permitted under this Agreement.

5. Terms and Conditions:

- a. This entire agreement between The Franklin Institute and Organization supersedes all prior agreements, negotiations and understandings regarding the project, written or verbal. If any part of this agreement is held void, the remainder of this agreement shall remain in full force and effect.
- b. The work to be performed by Organization under this agreement shall be performed entirely at Organization's risk. Organization does hereby indemnify and agrees to hold harmless and defend The Franklin Institute, The Franklin Institute's agents, employees and affiliated organizations, against any and all liability or loss from any claims, demands, losses, liabilities, obligations, damages, costs and expenses (including reasonable attorney's fees) by any person resulting from or arising out of the performance of this contract.
- c. This agreement may be terminated by the mutual, written consent of both parties. Upon termination, Organization shall stop work. Notices relating to the terms and conditions of this agreement shall be sent to Organization and The Franklin Institute at the following addresses:

The Franklin Institute % Darryl Williams 222 N. 20th St. Philadelphia, PA 19103 dwilliams@fi.edu	City of Las Cruces Museum of Nature and Science c/o Stephanie Hawkins 411 N Downtown Mall Las Cruces, NM 88001 shawkins@las-cruces.org
--	--

- d. This agreement can be amended by the written mutual consent of both parties.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.
 FOR Board of Commissioners dba City of Las Cruces Museum of Nature and Science:

Authorizing Official for Board of Commissioners dba City of Las Cruces Museum of Nature and Science

Ifo Pili

Name: _____

City Manager

Title: _____



Signature: *[Handwritten signature]*
Date: 1/30/23

FOR THE FRANKLIN INSTITUTE:

Name: Darryl Williams, Ph.D.

Title: Senior Vice President, Science and Education

Signature: _____

Date: _____

Agenda Item #7.2.

**GSK Science in the Summer™ National Site Agreement
The Franklin Institute and City of Las Cruces**

This agreement is made and entered into by and between The Franklin Institute, 222 North 20th Street, Philadelphia, PA 19103 ("TFI"), and Board of Commissioners dba City of Las Cruces ("Organization"), for the performance of work set forth below.

1) Statement of Purpose:

- a) This contract sets forth the terms under which Organization agrees to implement the **2023** GSK Science in the Summer™ program ("Program").

2) Term of Contract:

- a) This contract has an effective start date of **January 1, 2023** and an effective end date of **September 30, 2023**.
- b) All agreements set forth in this contract are contingent upon TFI receiving grant funding from GSK. In the event that the grant funding is cancelled, TFI reserves the right to cancel this contract and shall provide written notice to Organization no later than thirty (30) business days before the effective date of contract termination.

3) TFI agrees to:

- a) Provide Organization with a **\$19500** stipend ("Stipend") which must be spent in accordance with the stipulations specified in Section 4.I.
- b) Provide Organization conditional access to Program curriculum ("Curriculum"), associated trainings and supporting resources ("Training Resources"), and other technical support and resources that TFI deems necessary for program implementation for the length of the contract, in accordance with the following intellectual property stipulations:
 - i) **Ownership.** Organization acknowledges that GSK and TFI are sole owners of or have secured all necessary rights to Curriculum and Training Resources. Organization may not sell to any third party the right to use Curriculum, Training Resources, or TFI's or GSK's Marks, see Section 4b.
 - ii) **Translations.** TFI grants Organization the right to translate or have translated Curriculum and Training Resources, at their own costs, into another language (the "Translations"); provided, that TFI shall have the right to approve the Translations in advance of any use thereof. The copyright to the Translations shall become the joint intellectual property of GSK and TFI upon creation, and Organization acknowledges that the Translations are owned solely and exclusively by GSK and TFI. GSK and TFI shall be entitled, free of charge, to use, license and sublicense the Translations, and Organization shall, at TFI's request, promptly provide a copy of the Translations to TFI for such purpose.
- c) Provide Organization with a program handbook ("Program Handbook") which includes details about the expectations, administration, and implementation of the Program.
- d) Provide Organization with templates for branded documents to be used for program recruitment and registration.

Agenda Item #7.2.

4) Organization agrees to:

Coordinators

- a) Identify and select two Organization staff members (“Coordinators”) to coordinate the Program, be the points of contact for TFI, attend all required trainings and webinars, and ensure that all Program expectations are met.
- b) Replace any Coordinator who is unable to complete the Program duties, and to report any changes in Coordinator contact information to TFI within 30 days.
- c) Ensure that Coordinators attend all required Program webinars, or use the alternatives offered by TFI, as outlined in the Program Handbook.

Educators

- d) Ensure that anyone who leads the Program with children (“Educators”) have met the minimum training requirements as outlined in the Program Handbook before leading any Program sessions.
- e) Ensure that all Educators have met all relevant local, state, and federal requirements for working with children, at minimum including federal and state criminal background checks, and child abuse history clearance.

Program

- f) Complete all required components and expectations of the Program as described in the Program Handbook.
- g) Deliver Program to at least **800** students between **May 1st and August 31st, 2023**. In order to be included in student count, students must:
 - i) Attend the Program either in person or virtually, using the program models described in the Program handbook.
 - ii) Attend the Program through the Organization, or through community based organizations such as out-of-school time organizations, museums, or libraries (“CBOs”) who primarily serve students from backgrounds currently underrepresented in STEM fields including low-income and disinvested communities, girls, and rural and urban communities, and who offer their program for free or at low cost. The program may not take place in hospitals or health clinics.
 - iii) Attend at least three activities of programming.
 - iv) Attend the Program for free, or with no upcharge on top of existing fees for attendance at the CBO.
- h) Coordinate logistics of Program delivery as needed to ensure high fidelity to the Program Curriculum including communicating with partner organizations, creating schedules, facilitating program registration, and tracking of attendance and participant demographics.
- i) Complete all evaluation and reporting requirements as described in the Program Handbook on or before the associated due dates.
- j) Coordinate with TFI, GSK, and TFI’s contracted external evaluator to organize site visits and focus groups, as requested.

Stipend

- k) Use Stipend to pay for the following allowable expenses:
 - i) Salary of Organization staff and/or Educators commensurate with time needed to administer and/or lead Program

Agenda Item #7.2.

- ii) Purchase and shipment of Program Materials
- iii) Purchase of food for Program participants intended for consumption on the day of Program attendance
- iv) Online platform fees for virtual Program delivery
- v) Local travel, indirect costs, media expenses
- vi) Photographer to photograph Program delivery
- l) Stipend may NOT be used to pay for alcohol or for adult admissions/fees to Program events.
- m) Organization must report accurate details of stipend use to TFI on or before the due date listed in the Program Handbook

Branding and Publicity

- n) Adhere to Program branding guidelines for any documents or materials used in association with the program, as described in Program Handbook
- o) Promote Program through local media outlets, adhering to program publicity guidelines in the Media Toolkit.

5) Use of Name, Logos, and Trademarks for TFI and GSK:

- a) Organization acknowledges that GSK and TFI have sole and exclusive ownership of their respective trademarks, trade names, trade dresses, logos, imprints, and any other identifications of GSK or TFI now or hereafter used in connection with the Curriculum and Training Resources (collectively “TFI and GSK Marks”).
- b) TFI hereby grants to Organization the non-exclusive worldwide right to reproduce and display the approved GSK Science in the Summer™ logo only in connection with the approved Curriculum and Training Resources and the exclusive right in the promotion of events that use the Curriculum and Training Resources. Organization is not permitted to use TFI’s or GSK’s logo on any newly-created public-facing materials. Nothing in this Agreement shall permit Organization to use TFI and GSK Marks during the term of this Agreement or thereafter, except to the extent permitted under this Agreement.

6) Terms and Conditions:

- a) This is the entire agreement between TFI and Organization supersedes all prior agreements, negotiations and understandings regarding the project, written or verbal. If any part of this agreement is held void, the remainder of this agreement shall remain in full force and effect.
- b) The work to be performed by Organization under this agreement shall be performed entirely at Organization’s risk. Organization does hereby indemnify and agrees to hold harmless and defend TFI, TFI’s agents, and GSK and its agents, employees and affiliated organizations, against any and all liability or loss from any claims, demands, losses, liabilities, obligations, damages, costs and expenses (including reasonable attorney's fees) by any person resulting from or arising out of the performance of this contract.
- c) This agreement may be terminated by the mutual, written consent of both parties. Upon termination, Organization shall stop work. Notices relating to the terms and conditions of this agreement shall be sent to Organization and TFI at the following addresses:

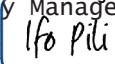
The Franklin Institute	City of Las Cruces
% Chris Lauf	Attn: Ifo Pili
222 N. 20th St.	700 N. Main St
Philadelphia, PA 19103	Las Cruces, NM 88001
clauf@fi.edu	grants@las-cruces.org

d) This agreement can be amended by the written mutual consent of both parties.

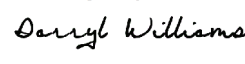
IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the date first above written.

FOR City of Las Cruces:

Authorizing Official for City of Las Cruces:

Name:	Ifo Pili	DocuSigned by:	
Title:	City Manager		
Signature:			
Date:	12/21/2022		

FOR THE FRANKLIN INSTITUTE:

Name:	Darryl Williams	DocuSigned by:	
Title:	Senior Director of Academic and Education		
Signature:			
Date:	12/20/2022		



New Mexico
Department of Public Safety

MICHELLE LUJAN GRISHAM
GOVERNOR

JASON R. BOWIE
CABINET SECRETARY

TIM Q. JOHNSON
CHIEF / DEPUTY SECRETARY

BENJAMIN A. BAKER
DEPUTY SECRETARY

January 10, 2023

City of Las Cruces
PO Box 20000
Las Cruces, NM 88004

Attn: Mayor Ken Miyagishima and City Manager Ifo Pili

Re: Law Enforcement Retention Fund – Notice of Intent to Disburse

Dear Mayor Miyagishima and City Manager Pilo:

DPS is in receipt of the City of Las Cruces request for a disbursement of funds from the Law Enforcement Retention Fund ["LERF"] for the purpose of providing law enforcement retention differential disbursements to the Las Cruces Police Department officers listed on **Exhibit A** and paying the employer tax liability (consisting of payroll taxes outlined in the Federal Insurance Contribution Act for Social Security and Medicare but not any employer contribution for retirement or other benefit plans) related to each law enforcement retention differential disbursement to be paid.

DPS has reviewed the information the City of Las Cruces submitted to the DPS as required by NMSA 1978 Section 9-19-14 and the then extant emergency rule NMAC 10.2.4.9 in order to be an agency eligible to receive monies from the LERF. The information submitted appears to substantially comply with that required to be submitted by the statute and the rule.

Based on the information provided by the City of Las Cruces for each officer for whom a request was made, DPS has asked the Secretary of the Department of Finance and Administration ["DFA"] to issue a warrant to the City of Las Cruces in the amount of **\$100,895.69**. Of the \$100,895.69, \$99,453.60 is attributable to the projected retention differential disbursement ["PRDD"] and \$1,442.09 is attributable to the employer tax liability for Federal Insurance Contribution Act ["FICA"] or Medicare.

Since the balance in the LERF is sufficient to pay all PRDDs requested by all eligible law enforcement agencies as well as the employer tax liability for FICA or Medicare attributable to each PRDD requested, no pro rata deduction was applied to the amounts requested.

If you believe the amount DPS has advised DFA that DPS will disburse to the City of Las Cruces for the purpose of paying retention differential disbursements to the officers listed on Exhibit A and the employer tax liability for FICA and Medicare attributable to each

PRDD is correct, please sign the acknowledgement below and return the signed acknowledgement of the Notice of Intent to Disburse to DPS.LERF@dps.nm.gov no later than Wednesday January 18, 2023.

If you believe the amount DPS has advised DFA that DPS will disburse to the City of Las Cruces for the purpose of paying retention differential disbursements to the officers listed on Exhibit A and the employer tax liability for FICA and Medicare attributable to each PRDD is **incorrect, the City of Las Cruces has thirty days from your receipt of this Notice of Intent to Disburse to submit Objections to the Notice of Intent to Disburse to DPS.LERF@dps.nm.gov.**

DPS will review your objections and respond as soon as possible.

Please be advised that disbursement of LERF funds to City of Las Cruces, obligates the City of Las Cruces to the following:

- 1) Any monies disbursed to for the purpose of paying PRDDs and related tax liability may not be paid to an eligible officer until the date the officer attains eligibility¹⁷;
- 2) Once an officer attains eligibility, the PRDD should be paid to the officer no later than thirty (30) days following the date the officer attains eligibility. If an officer has attained eligibility, but departs from the agency prior to the disbursement of LERF funds to your agency, the officer shall remain eligible for payment;
- 3) Tax liability for FICA and Medicare related to the PRDD must be paid in accordance with applicable law;
- 4) Monies disbursed for the purpose of providing PRDDs to those officers who are projected to, but who have not yet attained eligibility therefor, should be placed in an interest-bearing account;
- 5) Monthly reporting to DPS on or before the tenth day of the month following the disbursement of funds to an eligible officer or the non-disbursement of funds to an officer projected to be but ultimately found to be ineligible for a disbursement. The monthly reporting will include the name of the officer, the amount paid or not paid and, if not paid, the reason therefore;
- 6) Monies disbursed from the LERF which are not paid out as PRDD or taxes by your agency, shall be reported to DPS as not having been paid out, **no later than July 31, 2023**. DPS will provide a reporting template for your use. All funds shall be returned to DPS for redeposit into the LERF **no later than August 31, 2023**.

If you are a **state agency and** have not been contacted by DPS with respect to the detailed account information needed to disburse funds to your agency, please contact Edwina Montano, DPS Accounts Payable Supervisor, at edwina.montano@dps.nm.gov or 505.690.1340. Disbursement will not occur until DPS has been provided with the detailed account information and financial point of contact required.

If you are **not a state agency**, a manual warrant will be issued for the monies to be disbursed to you from the LERF. If you have not already done so, please contact Edwina Montano, DPS

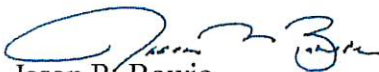
¹⁷ The officer attains eligibility to receive the PRDD the day following the date on which the officer completes one year more than four, nine, fourteen or nineteen consecutive years of employment with your agency.

Accounts Payable Supervisor, at edwina.montano@dps.nm.gov or 505.690.1340 and advise her:

- 1) The legal name of the entity entitled to receive the LERF funds, e.g., the City of _____, etc.;
- 2) The name or job title and preferably, both, and the address of the individual to whose attention the warrant should be addressed for delivery by certified mail, return receipt requested;

Should you have any questions regarding this Notice of Intent to Disburse, please do not hesitate to contact DPS Administrative Services Division Director [“ASD”] Sylvia M. Serna at DPS.LERF@dps.nm.gov or 505.629.6865.

Very truly yours,


Jason R. Bowie
Secretary

Chief Miguel Dominguez

ACKNOWLEDGEMENT

I hereby swear or affirm under penalty of perjury that I, Ifo Pili on behalf of the City of Las Cruces have received this Notice of Intent to Disburse to the City of Las Cruces from the LERF the sum of **\$100,895.69**. I understand that of the \$100,895.69, disbursed, \$99,453.60 is attributable to PRDD and \$1,442.09 is attributable to the employer tax liability for Federal Insurance Contribution Act [“FICA”] and Medicare. I further acknowledge the obligations placed on the City of Las Cruces as set forth in the Notice of Intent to Disburse with respect to the receipt, handling, further disbursement and return of the monies disbursed from the LERF.

Date: _____

Ifo Pili, City Manager
Printed name and job title of
individual legally authorized to bind the
agency


Signature of individual legally authorized
to bind the agency

AGENCY NAME	OFFICER NAME	YEARS OF SVC	ANNUAL SALARY	5% PAYOUT	MEDICARE	SOC SEC	TOTAL	Anniv Date	SHARE Vendor ID	Address	Contact Person
Las Cruces Police Department	Boehne, Connie	9	57,268.00	2,863.40	41.52	-	2,904.92	1/13/2023			
Las Cruces Police Department	Cosper, Jared	9	54,705.00	2,735.25	39.66	-	2,774.91	1/13/2023			
Las Cruces Police Department	Sauceda, Jason	9	54,705.00	2,735.25	39.66	-	2,774.91	1/13/2023			
Las Cruces Police Department	Gonzales, Adrian	9	54,705.00	2,735.25	39.66	-	2,774.91	1/13/2023			
Las Cruces Police Department	Renteria, Mark	9	59,960.00	2,998.00	43.47	-	3,041.47	3/25/2023			
Las Cruces Police Department	Appeltzler, Joshua	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Hodges, Hunter	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Barrera, Octavio	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Renteria, Isaac	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Kelley, Brian	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Rodriguez, Gabriel	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Salinas, Eduardo	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Sanchez, Gilbert	4	52,263.00	2,613.15	37.89	-	2,651.04	4/29/2023			
Las Cruces Police Department	Arenibus, Gabriel	19	82,573.00	4,128.65	59.87	-	4,188.52	4/6/2023			
Las Cruces Police Department	Benavides, Robert	19	65,755.00	3,287.75	47.67	-	3,335.42	4/6/2023			
Las Cruces Police Department	Munoz, Sergio	19	78,113.00	3,905.65	56.63	-	3,962.28	4/6/2023			
Las Cruces Police Department	Dominguez, Miguel	19	139,040.00	6,952.00	100.80	-	7,052.80	4/6/2023			
Las Cruces Police Department	Baker, Miranda	19	82,573.00	4,128.65	59.87	-	4,188.52	4/6/2023			
Las Cruces Police Department	Rivera, Horacio	19	82,573.00	4,128.65	59.87	-	4,188.52	4/6/2023			
Las Cruces Police Department	Lujan, Paul	19	67,313.00	3,365.65	48.80	-	3,414.45	4/6/2023			
Las Cruces Police Department	Baker, Isaiah	14	61,374.00	3,068.70	44.50	-	3,113.20	10/29/2022			
Las Cruces Police Department	Bradley, Peter	14	107,644.00	5,382.20	78.04	-	5,460.24	10/29/2022			
Las Cruces Police Department	Glynn, Aaron	14	61,374.00	3,068.70	44.50	-	3,113.20	10/29/2022			
Las Cruces Police Department	Portis, Ricardo	14	82,573.00	4,128.65	59.87	-	4,188.52	10/29/2022			
Las Cruces Police Department	Prado, Jose	14	61,374.00	3,068.70	44.50	-	3,113.20	10/29/2022			
Las Cruces Police Department	Savage, Joshua	14	82,573.00	4,128.65	59.87	-	4,188.52	10/29/2022			
Las Cruces Police Department	Thomas, Daniel	14	61,374.00	3,068.70	44.50	-	3,113.20	10/29/2022			
Las Cruces Police Department	Stony, Jeremy	14	107,644.00	5,382.20	78.04	-	5,460.24	10/29/2022			
Las Cruces Police Department	Cook, Erik	9	65,755.00	3,287.75	47.67	-	3,335.42	8/27/2022			
Las Cruces Police Department	TOTAL		1,989,072.00	99,453.60	1,442.09	-	100,895.69				

CITY OF LAS CRUCES PO BOX
20000 LAS CRUCES NM 88004



City of Las Cruces

City Council Action and Executive Summary

23-113

Type of Action:

☒ Resolution

☐ Ordinance

☐ TIDD Resolution

District: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A

1st Reading: Adopted: April 3, 2023

Drafter: Leeann DeMouche Department: Financial Services

Program: Budget Line of Business: Fiscal Management

Title: **A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FY2023 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR THE BONDS DESIGNATED AS GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2023 (2023 GO BONDS).**

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

PURPOSE(S) OF ACTION:

Amend the FY2023 Budget.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On August 1, 2022, City Council approved Resolution 23-015 calling for the submission of General Obligation Bond questions to all qualified voters at the general election held on November 8, 2022. There were four (4) questions submitted to the Dona Ana County Clerk. All four (4) questions were approved.

On February 21, 2023, City Council approved Ordinance 3025 which authorized City staff to issue and sell General Obligation Improvement Bonds, Series 2023 (2023 GO Bonds) in the principal amount of \$17,000,000, payable from Ad Valorem Taxes levied on all taxable property within the City.

The budget adjustment is to issue a budget for bond proceeds, debt issuance cost, and expenditures related to three (3) of the four (4) questions. City Council approval of this Resolution will authorize the adjustment to the FY2023 Budget to allow expenditures of the 2023 GO Bond proceeds.

SUPPORT INFORMATION:

[Exhibit "A" - Fund Summary](#)

[Exhibit "B" - 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:** \$0 **EXPENDITURE AMOUNT:**
Various

Funding Source(s):
See Attached Exhibit "A"

Overall Budget Impact:
Increase the budget for the GO Bond, Series 2023 Bonds.

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 GO Bond, Series 2023 Bonds.
- 2. Vote "No"; this will not authorize a budget adjustment and amend the CIP for proceeds and expenses associated with the GO Bond, Series 2023 Bonds.
- 3. Vote to "Amend"; this could delay the expenditures for the three (3) GO Bond questions where the GO Bond, Series 2023 Bonds is the funding source.
- 4. Vote to "Table"; this could delay the expenditures to complete the three (3) GO Bond questions where the GO Bond, Series 2023 Bonds is the funding source.

REFERENCE INFORMATION:

Resolution 23-015
Ordinance 3025

RESOLUTION 23-113

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE FY2023 BUDGET AND CAPITAL IMPROVEMENT PLAN (CIP) FOR THE BONDS DESIGNATED AS GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2023 (2023 GO BONDS).

The City Council is informed that:

WHEREAS, on August 1, 2022, City Council approved Resolution No. 23-015, calling for the submission of General Obligation Bond questions to all qualified voters at the general election held on November 8, 2022; and

WHEREAS, on February 21, 2023, City Council adopted Ordinance 3025 for the issuance and sale of General Obligation Improvement Bonds, Series 2023; and

WHEREAS, the FY2023 Budget will be amended to allow expenditures of the GO Bond, Series 2023 Bond proceeds.

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

(I)

THAT the FY2023 Budget is hereby amended as shown in Exhibit "A", attached hereto and made a part of this Resolution.

(II)

THAT the FY2023 CIP, is hereby amended as outlined in Exhibit "B", attached hereto and made part of this Resolution, are hereby approved.

(III)

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

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

Exhibit "A"

	3510 2019 GO BOND DS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,963,538	6,963,538	0	6,963,538
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	5,278,457	5,278,457	0	5,278,457
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	1,162,979	1,162,979
Total Revenues	5,278,457	5,278,457	1,162,979	6,441,436
TOTAL RESOURCES	\$ 12,241,995	12,241,995	1,162,979	13,404,974
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	54,000	0	54,000
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	5,088,625	5,088,625	0	5,088,625
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 5,088,625	5,142,625	0	5,142,625
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	\$ 7,153,370	7,099,370	1,162,979	8,262,349

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

Exhibit "A"

	4231 2022 GO BOND 2022-23			
	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	17,208,700	17,208,700
Total Revenues	0	0	17,208,700	17,208,700
TOTAL RESOURCES	\$ 0	0	17,208,700	17,208,700
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	344,174	344,174
Public Works	0	0	16,864,526	16,864,526
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	17,208,700	17,208,700
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 2023-2028**

Exhibit B

Amended as of 04/03/2023

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
ECONOMIC DEVELOPMENT							
Economic Development - Newly Funded Projects							
Downtown Callecitas Shade Structure	100,000						TIDD
Downtown Parking Lots Renovation 1 - Parking Lot 9/10 2 - Parking Lot at Campo & Hadley	500,000	350,000	255,000	255,000	255,000	255,000	Grants, TIDD
Economic Development - Total Newly Funded Projects	\$ 600,000	\$ 350,000	\$ 255,000	\$ 255,000	\$ 255,000	\$ 255,000	
Economic Development - Carryover Projects							
Cinematic Infrastructure & Soundstage	2,933,085						Bonds, Grants, Taxes
Downtown Plaza Shade Structures	160,014						Bonds
Gateway Entry Points Signage	250,000						Bonds
Parking Lot 7 and Bathrooms	417,921						TIDD
Economic Development - Total Carryover Projects	\$ 3,761,020	\$ -	\$ -	\$ -	\$ -	\$ -	
Economic Development - Future Projects							
LCIIP Infrastructure Improvements		16,000,000					Bonds, Grants
Santa Teresa to LCIIP Bypass		16,000,000					Bonds, Grants
MV Community of Hope - Campus Extension		5,000,000					Grants
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
Transit Loop Road		1,661,000	7,800,000	7,800,000			Grants, Taxes
Rocket Drive Expansion		820,000	7,173,000				Grants, Taxes
LCIIP Gateway Signage & Pocket Park		480,000	25,000	25,000	25,000	25,000	Grants, Taxes
Downtown Video Security		100,000					Grants, Taxes, TIDD
Economic Development - Total Future Projects	\$ -	\$ 44,061,000	\$ 18,998,000	\$ 11,825,000	\$ 4,025,000	\$ 4,025,000	
Total Economic Development	\$ 4,361,020	\$ 44,411,000	\$ 19,253,000	\$ 12,080,000	\$ 4,280,000	\$ 4,280,000	
FACILITIES MANAGEMENT							
Facilities Management - Newly Funded Projects							
Facility Parking Lot Program 1 - Munson Center 2 - Henry R Benavidez Community Center 3 - Train Depot	138,906	250,000	250,000	250,000	250,000	250,000	Taxes
Police Evidence Building	15,000						Taxes
Facilities Management - Total Newly Funded Projects	\$ 138,906	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	2,377,347						Bonds, Taxes
Gateway Entry Points Signage Maintenance	50,000		50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 2,427,347	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	

Agenda Item #7.3.

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

Amended as of 04/03/2023

Agenda Item #7.3.

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Facilities Management - Annual Projects							
General Facilities Improvements	95,900	500,000	500,000	500,000	500,000	500,000	Taxes
1 - La Casa Maintenance							
2 - Jardin de Espernazas							
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 - Library Sump Pump							
Roof Replacement Program	180,752	375,000	375,000	375,000	375,000	375,000	Taxes
1 - Police Department Main Building							
2 - Roof Inspections							
3 - WIA Building							
4 - Police Department Academy							
5 - Municipal Court							
Safety, Health, Environmental & Emergency	46,585						Taxes
1 - City Hall Security Upgrades							
2 - Parks Sidewalk Replacement							
3 - Pool Hoist							
4 - Fire Alarm & Security Upgrades							
5 - Pigeon Abatement							
Facilities Management - Total Annual Projects	\$ 323,237	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	
Facilities Management - Future Projects							
Generator Buffer Program		50,000	50,000	50,000	50,000	50,000	Taxes
Fire Stations							
Refuse & Recycling Buffer Program		50,000	50,000	50,000	50,000	50,000	Taxes
Henry R Benavidez Community Center							
HVAC Upgrade Program		200,000	200,000	200,000	200,000	200,000	Taxes
Generator Replacement Program		35,000	35,000	35,000	35,000	35,000	Taxes
ADA Compliance		25,000	25,000	2,500	25,000	25,000	Taxes
Facilities Management - Total Future Projects	\$ -	\$ 360,000	\$ 360,000	\$ 337,500	\$ 360,000	\$ 360,000	
Total Facilities Management	\$ 2,904,490	\$ 1,485,000	\$ 1,535,000	\$ 1,512,500	\$ 1,535,000	\$ 1,535,000	
LAS CRUCES AIRPORT							
Las Cruces Airport - Newly Funded Projects							
LRU Pavement Maintenance Program	120,000	125,000	125,000	125,000	125,000	125,000	Taxes, Other
Las Cruces Airport - Total Newly Funded Projects	\$ 120,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	\$ 125,000	
Las Cruces Airport - Carryover Projects							
LRU Airport Infrastructure Improvements	1,523,764						Grants, Taxes, Other
LRU Passenger Terminal	285,406		12,500,000		1,850,000	3,500,000	Grants, Taxes, Other
LRU Runway 8/26 Extension	226,617	4,200,000	8,400,000				Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							
LRU Runway 12/30 Extension	330,372			13,500,000			Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							
LRU Taxilane Improvements	120,120						Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 2,486,279	\$ 4,200,000	\$ 20,900,000	\$ 13,500,000	\$ 1,850,000	\$ 3,500,000	

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

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Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Las Cruces Airport - Annual Projects							
LRU Striping and Marking Maintenance Program	136,000	75,000	75,000	75,000	75,000	75,000	Taxes, Other
Las Cruces Airport - Total Annual Projects	\$ 136,000	\$ 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 Runway 4/22 Rehabilitation		1,800,000					Grants, Taxes, Other
LRU Maintenance Facility Design-Construct		1,700,000					Grants, Taxes, Other
LRU ARFF Index B Equipment Upgrades		1,600,000					Grants, Taxes, Other
LRU Passenger Terminal Parking		1,000,000					Grants, Taxes, Other
LRU Airport Maintenance Equipment		850,000					Bonds, Grants, 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	\$ -	\$ 44,450,000	\$ 5,250,000	\$ 1,900,000	\$ 8,700,000	\$ 11,340,000	
Total Las Cruces Airport	\$ 2,742,279	\$ 48,850,000	\$ 26,350,000	\$ 15,600,000	\$ 10,750,000	\$ 15,040,000	
NON-PROFIT ORGANIZATIONS							
Non-Profit Organizations - Carryover Projects							
Arts and Cultural District Improvements	1,734,241						Grants
Children's Museum Facility	742,500	100,000	400,000	5,500,000			Bonds, Grants
La Clínica de Familia - Behavioral Health Facility	922,349						Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Warehouse	5,925,691	1,847,000					Grants, Other
MV Community of Hope - Flooring	10,317						Grants
MV Community of Hope - Health Facility Improvements	2,192,073						Grants
Non-Profit Organizations - Total Carryover Projects	\$ 11,527,171	\$ 1,947,000	\$ 400,000	\$ 5,500,000	\$ -	\$ -	
Non-Profit Organizations - Future Projects							
MV Community of Hope - Cocina de Peregrinos		1,500,000	7,500,000	2,700,000			Grants
MV Community of Hope - Jardin de los Niños Re-Roof			250,000				Grants
MV Community of Hope - El Caldito Upgrade			150,000				Grants
MV Community of Hope - Building 1, Solar Project				600,000			Grants
MV Community of Hope - Expansion Remodel				250,000			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	\$ -	\$ 1,500,000	\$ 7,900,000	\$ 3,950,000	\$ -	\$ -	
Total Non-Profit Organizations	\$ 11,527,171	\$ 3,447,000	\$ 8,300,000	\$ 9,450,000	\$ -	\$ -	

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

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Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)						
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Funding Source(s)	
PARKS & RECREATION								
Parks & Recreation - Newly Funded Projects								
East Mesa Bataan Memorial Pool - Shade Structure	12,790	182,210					Grants, Taxes	
JCP Learning Center Exterior Repairs	292,800						Grants, Taxes	
Las Cruces Regional Aquatic Center HVAC & Dehumidifier	75,000						Taxes	
Meerscheidt Recreation Center Improvements	85,000	110,000					Grants, Taxes	
Parks & Recreation - Total Newly Funded Projects	\$ 465,590	\$ 292,210	\$ -	\$ -	\$ -	\$ -		
Parks & Recreation - Carryover Projects								
A. Fielder Memorial Safe Haven Renovations	328,382		F				Taxes	
Albert Johnson Park Master Plan	23,509						Taxes	
Apodaca Park Aquatic Playground and Multi-Use Path	750,000	509,479	240,521				PIF	
Aquatic Center Solar	180,312						Grants	
Ballfield/Soccer Field Renovations & Upgrades	856,000	834,600	144,000	3,200,000			Grants	
Burn Lake/Esslinger Community Park Improvements	228,800			3,200,000			Bonds, Grants, Taxes	
Butterfield Shooting Range ADA Improvements	78,469		200,000	2,000,000			Bonds, Grants, Taxes	
Chandler Tank Park	612,976						Bonds, Taxes	
Dona Ana Move Trail	690,000						Grants, Taxes	
East Mesa Public Safety Area Park	100,000	100,000		100,000		100,000	Grants, PIF	
Gallagher Park Improvements	150,000						Taxes	
Highland Park	1,000,000	510,850					Grants,PIF, Taxes	
Las Cruces Lateral RTP Trail	555,836						Grants	
Median Landscaping	1,343,283	200,000	200,000	200,000	200,000	200,000	Grants, Loans, Taxes	
Metro Verde Neighborhood Parks	619,814	500,000	500,000	500,000	500,000	500,000	PIF	
New Skate Park - Plan & Design	550,000	550,000		250,000			Grants	
Parks Parking Lots	2,676,773						Bonds, Grants, Taxes	
BMX Track Parking Lot & ADA Improvements								
Paz Ball Field Parking Lot Improvements								
Tony Gomez Park Parking Lot Improvements								
Veterans' Park Parking Lot								
Parks Security and Lighting	51,694	82,637					Grants	
Parks Shade Structures	24,000						Taxes	
Parks Smart Controllers & Pumps	92,954						Grants, Taxes	
Pioneer Women's Park Gazebo Improvements	175,669	600,000	600,000	600,000	600,000	600,000	Grants	
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Construction	6,418,602						Bonds, PIF, Taxes	
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Enclosure	2,739,976						Bonds, Taxes	
Skate Park Renovation & Improvements	1,095,000		836,500	1,650,000	500,000		Grants, PIF	
Tony Gomez Park Master Plan	40,000						Taxes	
Tortugas Trail	75,000						Grants	
Wayfinding Signage	214,979						Grants, PIF	
Parks & Recreation - Total Carryover Projects	\$ 21,672,028	\$ 3,887,566	\$ 2,721,021	\$ 11,700,000	\$ 1,800,000	\$ 1,400,000		
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	546,600	600,000	500,000	500,000	500,000	500,000	PIF	
Parks & Recreation - Total Annual Projects	\$ 646,600	\$ 1,100,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000	\$ 1,000,000		

**City of Las Cruces
Capital Improvements Program
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Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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
Veterans' Memorial Park Enhancements		662,500	662,500	662,500	662,500		Bonds, Grants
Trail Renovations		580,000	500,000	500,000	500,000	500,000	Bonds, Grants
Various Park Restroom Replacement/Repairs & Upgrades		360,000					Grants
Meerscheidt Recreation Center - Remodel/Expansion		200,000	1,800,000				Grants, Taxes
Indoor/Outdoor Aquatic Amenities		195,000					Grants, Taxes
Klein Park Improvements		126,750					Grants, Taxes
East Mesa Bataan Memorial Pool - HVAC Replacement		100,000	700,000				Grants
Albert Johnson Park Electrical Improvements		78,000					Grants, Taxes
Park Drinking Fountains		70,000					Grants, PIF, Taxes
Parks and Recreational Facilities Structural Renovations		55,000					Grants, 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			80,000				Grants, Taxes
Hadley Complex Recreation Rehabilitation			78,000				Grants, Taxes
Multi-Use Recreation Center			31,500	318,500			Bonds, Grants
Four Field Baseball/Softball Complex				10,000,000			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	\$ -	\$ 3,334,750	\$ 5,423,500	\$ 11,976,200	\$ 1,475,200	\$ 1,972,700	
Total Parks & Recreation	\$ 22,784,218	\$ 8,614,526	\$ 9,144,521	\$ 24,676,200	\$ 4,275,200	\$ 4,372,700	
PUBLIC SAFETY							
Public Safety - Newly Funded 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 Equipment - Mobile Data Terminals	160,000						Grants
Public Safety - Total Newly Funded Projects	\$ 565,000	\$ 3,770,315	\$ -	\$ 193,400	\$ -	\$ -	
Public Safety - Carryover Projects							
Fire Station 2 Replacement 1 - Land Acquisition 2 - Plan, Design, Construct, and FF&E 3 - Demolition	85,000				5,165,000		Taxes, Grants
Fire Department Equipment	332,731	720,000		500,000	500,000		Grants
Police Department Building Renovations	63,696	150,000					Grants, Taxes
Police Department Evidence Building	66,682						Taxes
Public Safety Regional Radio Communication System	468,000						Grants, Taxes
Public Safety Smart Technology	200,000						ARPA
Public Safety - Total Carryover Projects	\$ 1,216,109	\$ 870,000	\$ -	\$ 500,000	\$ 5,665,000	\$ -	

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

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		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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		500,000					Grants
Public Safety Vehicles - Bearcat		400,000					Grants
Public Safety Vehicles - Rook		400,000					Grants
Fire Station 5 North/South Aprons and Parking Lot Replacement		314,000	230,000				Bonds, Grants, Taxes, Other
Police Parking Lot Resurfacing		276,000					Grants, Taxes
Fire Department Training tower		200,000	19,000				Grants, Taxes
Fire Stations 4 & 5 Security Fencing and Gates		130,000					Grants, Taxes
Public Safety Vehicles - Critical Incident Command Vehicle		100,000					Grants
Fire Station 4 Restroom Remodel		90,000					Grants, Taxes, Other
Fire Station 2 Bay Remodel		45,000					Grants
Police Department Equipment - Axon Body Cameras		40,000					Grants
Police North Parking Lot Fencing		20,000					Grants
Fire Station 6 Repairs			70,000				Grants
Fire-Energy Efficiency and Sustainability				334,000	330,000	270,000	Grants
Police/Fire Training Facility - Design & Construct						6,900,000	Grants
Police/Fire Training Facility - Furniture, Fixtures, & Equipment						2,100,000	Grants
Public Safety - Total Future Projects	\$ -	\$ 64,680,000	\$ 319,000	\$ 334,000	\$ 330,000	\$ 9,270,000	
Total Public Safety	\$ 1,941,109	\$ 69,320,315	\$ 319,000	\$ 1,027,400	\$ 5,995,000	\$ 9,270,000	
PUBLIC WORKS							
Public Works - Newly Funded Projects							
Del Rey Blvd Signal Improvements	150,000						Grants, Taxes
GO Bond 2023 - Fire Station 9	9,800,000						Bond
GO Bond 2023 - Parks Improvements	1,960,000						Bond
GO Bond 2023 - East Mesa Recreation Facility	4,900,000						Bond
Telshor ADA Improvements Phase VI	237,494						Grants, Taxes
Telshor Spruce Intersection Improvements	650,000	850,000					Grants
Public Works - Total Newly Funded Projects	\$ 17,047,494	\$ -	\$ -	\$ -	\$ -	\$ -	
Public Works - Carryover Projects							
Amador Hotel	2,344,425		2,950,000	2,950,000	2,950,000		Grants, TIDD
Casa Linda Acres Reconstruction	2,650,000			1,000,000			ARPA, Taxes
Bellamah Drive - Lees Drive to Luna Street	1,900,000						Bonds, Taxes
Campo Street Design and Reconstruct	406,318	2,600,000					TIDD
Drainage Infrastructure Improvements	3,105,601						Bonds, Taxes
EBID Drains & Laterals							
Land Acquisition							
Other Improvements							
East Mesa Recreation Complex Roads	1,205,604						Bonds, Taxes
East Mesa Roads and Drainage	1,719,831	900,000					Grants, Taxes
GO Bonds - ARPA Funding	3,831,368						ARPA
GO Bond Q1 - Park & Sport Field Improvements & Additions	6,114,230						GO Bonds, PIF
GO Bond Q2 - New Animal Shelter Facility	2,452,897						GO Bonds
GO Bond Q3 - New Fire Station No. 3 Building	119,266						GO Bonds
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	41,192						GO Bonds
Madrid Ave Extension - Martha Dr to N Triviz Dr	1,864,997						Grants, Taxes
Magdalena Drive Storm Repairs	78,070						Taxes, Other
McFie - Valley to First	170,445						Grants, Taxes

**City of Las Cruces
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		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Midway Ave - Gas Line Rd to Mesa Dr	600,000	240,000					Taxes, Grants
North Fork Las Cruces Arroyo L.O.M.R. Drainage Study	3,214	39,833					Other
Picacho Ave HAWK System	240,868						Grants, Taxes
South Main St - Avenida de Mesilla to Boutz	1,442,440	1,900,000					Bonds
Storm Water System Mapping	100,000						Taxes
Traffic Signals	1,017,789						Bonds
Hoagland Rd & N Alameda Blvd							
Roadrunner Parkway & Sonora Springs							
Sonoma Ranch Blvd & Northrise							
Voluntary Assessment District Phase I	94,746						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	7,687,585						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	623,000						Grants, Taxes
Walnut-Madrid TAP Bike/Pedestrian Improvements	1,323,617						Bonds, Grants
Public Works - Total Carryover Projects	\$ 41,137,503	\$ 5,679,833	\$ 2,950,000	\$ 3,950,000	\$ 2,950,000	\$ -	
Public Works - Annual Projects							
Active Transportation Plan - Sidewalk Gaps	244,637	200,000	200,000	200,000	200,000	200,000	Bonds, Taxes
ADA Sidewalk Program	110,000	150,000	150,000	150,000	150,000	150,000	Taxes
Chip Seal Program	238,750	200,000	200,000	200,000	200,000	200,000	Taxes
CO-OP Match	80,000	75,000	75,000	75,000	75,000	75,000	Taxes
Land Acquisition - Public Works	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Flood Control							
Rights of Way							
East Mesa							
Other							
M.A.P. Match	165,000	150,000	150,000	150,000	150,000	150,000	Taxes
Materials Testing	240,000	250,000	250,000	250,000	250,000	250,000	Taxes
Neighborhood Traffic Calming Program	60,000	60,000	60,000	60,000	60,000	60,000	Taxes
Pavement Condition Index Improvements	9,634,703	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	Bonds, Taxes
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	863,819	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	996,291	500,000	500,000	500,000	500,000	500,000	Taxes
Traffic Signal Program	714,334	500,000	500,000	500,000	500,000	500,000	Taxes
Transportation System Modernization ITS	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Taxes
Unpaved Roads	250,000	250,000	250,000	250,000	250,000	250,000	Taxes
Weed Control & Maintenance Program	188,000	100,000	100,000	100,000	100,000	100,000	Taxes
City Rights of Way							
Las Cruces Dam							
Ponds							
Public Works - Total Annual Projects	\$ 15,154,534	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	

**City of Las Cruces
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		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Public Works - Future Projects							
HWY 70 and Elks/Triviz Intersection Improvements		25,000,000					Grants
Flood Control Infrastructure		1,500,000					Bonds
Municipal Services Center		1,400,000	7,000,000	7,000,000	11,200,000		Bonds
South Main/Valley Drainage Pond		1,000,000					Bonds
Municipal Court		700,000	6,000,000				Bonds
Melendres Ave - Hadley to Picacho			750,000				Bonds
Evelyn St - Madrid Ave to Ash Ave			655,000				Taxes
Johnson St - Rouault Ave to Topley Dr			625,000				Bonds
Ethel Ave - Alameda Blvd to Miranda, and Houma			550,000				Taxes
South Valley Dr Reconstruction - Avenida de Mesilla to Boutz				2,920,000			Bonds
Lohman at Walnut and Walton Signal Improvements				1,000,000			Bonds, Grants
Mountain Ave - Melendres St to Armijo St				475,000			Bonds
Med Park Ave - Idaho to Perkins Ave				390,000			Bonds
Armijo St - Picacho Ave to Parker Rd				260,000			Bonds
Armijo St - Organ Ave to Mountain Ave					675,000		Bonds
Kilmer St - Spruce Ave to Ash Ave					500,000		Bonds
Street Lighting Management System					500,000		Taxes
Rigsby Rd - Barker to Valley Dr					295,000		Taxes
Poplar Ave - Mesquite St to Santa Fe St					260,000		Bonds
Sammy Burke Youth Boxing Center - Rehab Design					250,000		Grants, Taxes
Willow St - Palomas Ave to San Juan					250,000		Bonds
Sweet St - Hadley Ave to Hayner St					207,000		Taxes
Guthrie Place- Thomas Dr to Cul de Sac					200,000		Bonds
Pavement Management System Road Condition Survey					200,000		Taxes
Pittsburg Ave - Melendres to Cul de Sac					120,000		Bonds
Sequoia Ave - Valley Dr to E.O.P.					100,000		Bonds
Spruce Road Diet - N Main to Triviz						500,000	Bonds
Miranda Ave - Picacho Ave to Court Ave						450,000	Bonds
Amis Ave - Madrid Ave to Hoagland Road						330,000	Bonds
Sacramento St - Ash Ave to Oasis Ave						315,000	Taxes
Westgate St - Amador Ave to Cul de Sac						240,000	Bonds
Amador Ave - Archuleta Road to E.O.P.						210,000	Bonds
La Fonda Dr - Idaho Ave to E.O.P.						200,000	Bonds
Oasis Ave - Mesquite St to Solano Dr						185,000	Bonds
Parkview Dr - Espina St to E.O.P.						175,000	Bonds
6th Street - Hayner Ave to Hadley Ave						150,000	Bonds
Mountain Ave - Water St to Alameda Blvd						130,000	Bonds
Conway Road Maintenance - Design						50,000	Bonds
Engler Road - Design						50,000	Bonds
Hacienda Acres Infrastructure Improvements - Design						50,000	Bonds
Sand Hill Trail - Design						50,000	Taxes
Targeted Road and Lighting Improvements - Design						50,000	Taxes
West Mesa Fiber Optics Improvements - Design						50,000	Taxes
Public Works - Total Future Projects	\$ -	\$ 29,600,000	\$ 15,580,000	\$ 12,045,000	\$ 14,757,000	\$ 3,185,000	
Total Public Works	\$ 73,989,531	\$ 47,314,833	\$ 29,465,000	\$ 27,180,000	\$ 28,642,000	\$ 14,370,000	

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

Amended as of 04/03/2023

Agenda Item #7.3.

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
QUALITY OF LIFE							
Quality of Life - Newly Funded Projects							
Go Bond 2023 Public Art	340,000						Bond
Quality of Life - Total Newly Funded Projects	\$ 340,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements	148,119		93,000	2,000,000	1,200,000		Grants, Taxes
Branigan Library - Expansion Phase II/Branch	150,000	2,000,000	1,500,000				Bonds, Grants, Other
Munson Center Renovations	964,260		1,629,525				Grants
2022 Legislative Appropriation		666,199					
Sage Café Expansion	920,700	2,145,550					Grants
Senior Programs Kitchen Equipment	122,228						Taxes
Eastside Senior Center							
Henry R Benavidez Center							
Munson Senior Center							
Quality of Life - Total Carryover Projects	\$ 2,305,307	\$ 4,811,749	\$ 3,222,525	\$ 2,000,000	\$ 1,200,000	\$ -	
Quality of Life - Annual Projects							
Public Art Program	108,506	100,000	100,000	100,000	100,000	100,000	Taxes
Quality of Life - Total Annual Projects	\$ 108,506	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	
Quality of Life - Future Projects							
Sage Café Backup Generator		325,000					Bonds, Grants, Taxes
Senior Programs Existing Kitchen Expansion Assessment		200,000					Taxes
Museum System On-site Server		115,000					Bonds, Grants, Taxes
Senior Programs Vehicles			110,000	300,000			Grants
2022 Legislative Appropriation		110,000					
Munson Center Bathrooms		106,900					Bonds, Grants, Taxes
Frank O'Brien Papen Center - Dining Room Floor			12,800				Grants
2022 Legislative Appropriation		35,000					
Museum of Art Improvements		35,000	95,000	200,000	170,000		Bonds, Grants, Taxes
Museum of Art - Gallery Flooring		15,000	20,000	65,000			Bonds, Grants, Taxes
Railroad Museum Reinterpretation		15,000	60,000	150,000	75,000		Bonds, Grants, Taxes
Benavidez Kitchen Expansion			170,000	2,196,000			Bonds, Grants, Taxes
Munson Center Kitchen Expansion			170,000	2,287,000			Bonds, Grants, Taxes
Munson Center Floor			147,150				Bonds, Grants, Taxes
Benavidez Kitchen Floor			52,400				Bonds, Grants, Taxes
Railroad Museum - Exterior Improvements			35,000	50,000	15,000		Bonds, Grants, Taxes
Branigan Library Renovation				200,000	3,500,000		Bonds, Grants, Taxes
Branigan Library - Security System Upgrade				135,000	155,000		Grants, Taxes
Railroad Museum - Reroof				35,000	65,000		Grants, Taxes
Museums Collection Storage Facility					9,500,000		Grants, Taxes
Museum of Nature and Science - Atrium Redesign					10,000	30,000	Grants, Taxes
Museum of Art Relocation/Remodel						5,000,000	Bonds, Grants, Taxes
Quality of Life - Total Future Projects	\$ -	\$ 956,900	\$ 872,350	\$ 5,618,000	\$ 13,490,000	\$ 5,030,000	
Total Quality of Life	\$ 2,753,813	\$ 5,868,649	\$ 4,194,875	\$ 7,718,000	\$ 14,790,000	\$ 5,130,000	
ROADRUNNER TRANSIT							
RoadRUNNER Transit - Carryover Projects							
Municipal Services Center - Transit	26,933,834	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 26,933,834	\$ 8,383,338	\$ -	\$ -	\$ -	\$ -	
RoadRUNNER Transit - Annual Projects							
Transit Facilities Improvement Program	40,000	75,000	75,000	75,000	80,000	185,000	Grants, Taxes
RoadRUNNER Transit - Total Annual Projects	\$ 40,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
Total RoadRUNNER Transit	\$ 26,973,834	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

Amended as of 04/03/2023

Agenda Item #7.3.

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
SUSTAINABILITY							
Sustainability - Newly Funded Projects							
Fleet Electric Vehicle Chargers	410,000	32,436					Grants, Bonds, Taxes
Sustainability - Total Newly Funded Projects	\$ 410,000	\$ 32,436	\$ -	\$ -	\$ -	\$ -	
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	499,796						Taxes
Sustainability - Total Carryover Projects	\$ 499,796	\$ -	\$ -	\$ -	\$ -	\$ -	
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
Sustainability - Total Future Projects	\$ -	\$ 400,000	\$ 400,000	\$ -	\$ -	\$ -	
Total Sustainability	\$ 909,796	\$ 432,436	\$ 400,000	\$ -	\$ -	\$ -	
UTILITIES							
Utilities - Carryover Projects							
East Lohman Landfill - Waste Area 1	1,000,000						Taxes
JHWWTF East Primary Clarifier	143,274						Bonds
Wastewater Bond Projects - 2015A Bonds	45,060						Bonds
Wastewater Development	3,023	100,000					Other
Wastewater Development New Interceptors	472,619						WWIF
Wastewater NMFA Loan	21,352	360,000					Bonds
Wastewater Septic Systems - NMED Grant	1,889,047	1,972,100	1,619,000				Grants
Wastewater Utilities Bond Projects 2020A	1,184,495	375,000					Bonds
Water NMFA Loan	7,034	100,000					Bonds
Water Rehabilitation - NMFA	108,614	1,551,091					Bonds
Water Street Improvement Projects - 2015 Bond	18,772						Bonds
Water Utilities Bond Projects 2020A	7,689,002	4,939,151					Bonds
Utilities - Total Carryover Projects	\$ 12,582,292	\$ 9,397,342	\$ 1,619,000	\$ -	\$ -	\$ -	
Utilities - Annual Projects							
Gas Admin Building Improvements	421,417	321,667	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							
Gas Development - Low & High Pressure	1,647,695	17,152,621	1,700,000	1,500,000	300,000	300,000	Other
Gas Rehabilitation - Low & High Pressure	119,966	3,063,189	110,000	110,000	110,000		Other
Gas Rehabilitation - Street Utility Rehabilitation	494,049	1,767,576	1,725,000	1,725,000	1,725,000	1,725,000	Other
Gas SCADA	200,000	50,000	50,000	50,000	50,000	50,000	Other
Solid Waste Building Improvements	421,417	321,667	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							
Wastewater Building Improvements	276,940	75,000	75,000	75,000	75,000	75,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							
Wastewater Jacob Hands Wastewater Treatment Facility	502,168	3,859,161	5,950,000				Other
Wastewater JHWWTF	100,000	100,000	100,000	100,000	100,000	100,000	Other
Wastewater Lift Station Renovations	100,000	50,000	100,000	50,000	100,000	50,000	Other
Wastewater Rehabilitation - East Mesa Water Reclamation Facility	500,000		400,000				Other
Wastewater Street Utility Rehabilitation	1,832,085	1,738,248	166,650				Other
Wastewater East Mesa Water Reclamation	25,000	25,000	25,000	25,000	25,000	25,000	Other
Water Building Improvements	300,838	321,667	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							
Water Rehabilitation - Line Extension	852,350	1,387,542					Other
Water Rehabilitation - Reservoir Rehabilitation	200,000	7,972,500					Other
Water Rehabilitation - Street Utility Rehabilitation	2,488,159	8,051,257	650,000	550,000	650,000	5,550,000	Other
Water SCADA	200,000	539,596	589,596	539,596	50,000	30,000	Other
Utilities - Total Annual Projects	\$ 10,682,085	\$ 46,796,691	\$ 12,016,246	\$ 5,099,596	\$ 3,560,000	\$ 8,280,000	

**City of Las Cruces
Capital Improvements Program
FY 2023-2028**

Amended as of 04/03/2023

Agenda Item #7.3.

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Utilities - Future Projects							
Gas Rehabilitation - Regulator Stations		600,000					Fees
Wastewater SCADA		279,854	30,000	30,000	30,000	30,000	Fees
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	\$ -	\$ 1,557,877	\$ 405,000	\$ 405,000	\$ 405,000	\$ 405,000	
Total Utilities	\$ 23,264,377	\$ 57,751,910	\$ 14,040,246	\$ 5,504,596	\$ 3,965,000	\$ 8,685,000	
VISIT LAS CRUCES							
Visit Las Cruces - Carryover Projects							
Convention Center FF&E	150,000						Taxes
Visit Las Cruces - Total Carryover Projects	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 20,511,990	\$ 5,669,961	\$ 630,000	\$ 823,400	\$ 630,000	\$ 630,000	
Total Carryover Projects	\$ 126,698,686	\$ 39,176,828	\$ 31,862,546	\$ 37,200,000	\$ 13,515,000	\$ 4,950,000	
Total Annual Projects	\$ 27,090,962	\$ 60,206,691	\$ 25,076,246	\$ 18,409,596	\$ 16,625,000	\$ 21,700,000	
Total Future Projects	\$ -	\$ 190,900,527	\$ 55,507,850	\$ 48,390,700	\$ 43,542,200	\$ 35,587,700	
GRAND TOTAL	\$ 174,301,638	\$ 295,954,007	\$ 113,076,642	\$ 104,823,696	\$ 74,312,200	\$ 62,867,700	

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 of Las Cruces

City Council Action and Executive Summary

3029; Council Bill 23-023

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A		
1st Reading:	March 20, 2023	Adopted:	April 3, 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 THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED (LCMC), SECTIONS 2-496 THROUGH 2-499 TO REVISE THE AFFORDABLE HOUSING LAND BANK AND TRUST FUND ADVISORY COMMITTEE, RESPECTIVELY, WITHIN CHAPTER 2, ARTICLE IV, DIVISION 3, NONSTANDARD BOARDS 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:
In 2009 through Resolution 10-057 the City of Las Cruces (City) adopted the Affordable Housing Strategic Plan which called for the creation of both an affordable housing land bank and an affordable housing trust fund. In general, the land bank would be used to accept land donations or purchases that can be disposed of through grants or low-interest loans for qualified affordable housing projects. The trust fund would be a dedicated and restricted source of funding used to finance affordable housing projects similarly through grants or loans.

On November 1, 2010, the City Council through Ordinance No. 2592 created the Affordable housing land bank and trust fund which in turn called for the creation of an advisory committee that would make recommendations to the City Council on the land bank disposals and use of trust fund monies. The Affordable Housing Land Bank and Trust Fund (AHLBTF) Advisory Committee was created through Ordinance No. 2593.

The committee was established as a Nonstandard Board and the membership was further revised on September 19, 2011, through Ordinance No. 2631.

- The revised membership consists of representation from each of the following groups:
1. Building industry;
 2. Realty industry;
 3. Banking and/or mortgage brokerage industry;
 4. Land title industry;
 5. Greater Las Cruces Chamber of Commerce provided such representation is not from subsections (a)(1) through (4) immediately above;
 6. Hispano Chamber of Commerce of Las Cruces, provided such representation is not from subsections (a)(1) through (4) immediately above;

Agenda Item #7.4.

7. Green Chamber of Commerce of Las Cruces, provided such representation is not from subsections (a)(1) through (4) immediately above; and
8. Member of the public, at-large appointment.
9. Plus, one representative of the following existing boards and commissions of the city
 - a. Planning and zoning commission;
 - b. Health and human services advisory committee; and
 - c. Mesilla Valley Public Housing Authority, and limited to representation from city appointees only.

The ordinance also required the Mayor to appoint an alternate member from each of the eight industries or associations.

This ordinance, if approved, would improve staffs' overall implementation of Affordable Housing programming including the 2022 General Obligation bond.

Key Changes:

- Shortened name - "Affordable Housing Advisory Committee"
- Reduced committee size - 5 member-at-large
- Adjust board composition - desirable not required industries
- Remove exemptions - cannot serve on more than one city board

SUPPORT INFORMATION:

[Exhibit "A" - AH Committee](#)

[Attachment A - AH Committee Redline Version](#)

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 will approve the Ordinance within LCMC Chapter 2, Article IV, Division 3, Section 2-496 through 2-499, respectively, and amend the affordable housing committee.
2. Vote "No"; this will not approve the Ordinance within LCMC Chapter 2, Article IV, Division 3, Section 2-496 through 2-499, respectively nor amend the affordable housing committee.
3. Vote to "Amend"; this would allow City Council to modify the proposed ordinance.

Agenda Item #7.4.

4. Vote to "Table"; this would postpone the decision to amend the ordinance and would allow City Council to further direct staff.

ORDINANCE 3029; COUNCIL BILL 23-023

AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED (LCMC), SECTIONS 2-496 THROUGH 2-499 TO REVISE THE AFFORDABLE HOUSING LAND BANK AND TRUST FUND ADVISORY COMMITTEE, RESPECTIVELY, WITHIN CHAPTER 2, ARTICLE IV, DIVISION 3, NONSTANDARD BOARDS DIVISION OF THE LCMC.

The City Council is informed that:

WHEREAS, in 2009 through Resolution 10-057 the City of Las Cruces (City) adopted the Affordable Housing Strategic Plan which called for the creation of both an affordable housing land bank and an affordable housing trust fund; and

WHEREAS, the City Council through Ordinance No. 2592 created the Affordable housing land bank and trust fund which in turn called for the creation of an advisory committee that would make recommendations on land bank disposals and use of trust fund monies; and

WHEREAS, the Affordable Housing Land Bank and Trust Fund (AHLBTF) Advisory Committee was created through Ordinance No. 2593 and further revised through Ordinance No. 2631; and

WHEREAS, changes to the advisory committee are needed to improve the overall implementation of affordable housing programming including the 2022 General Obligation bond.

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

(I)

THAT Sections 2-496 through 2-499 within Chapter 2, Article IV, Division 3, Non-Standard 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

Agenda Item #7.4.

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 II. Affordable Housing Land Bank and Trust Fund Advisory Committee

Subdivision II. Affordable Housing Advisory Committee

Sec. 2-496. Established.

There is established the affordable housing advisory committee.

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

Sec. 2-497. Composition; appointment.

- (a) The affordable housing advisory committee shall consist of five members at large, appointed by the mayor with the advice and consent of the city councillors. The members may reside in the city or in the county.
- (b) It is desirable that the respective members of the board will have experience in community and social services, banking, finance, building, or real estate development industries.

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

Sec. 2-498. Duties.

The affordable housing advisory committee shall evaluate proposals and/or applications for land acquisition and disposition and funding using city-established guidelines in accordance with chapter 13 of this Code under the Affordable Housing Land Bank and Trust Fund Ordinance.

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

PART II - MUNICIPAL CODE
Chapter 2 - ADMINISTRATION
ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES
DIVISION 3. - NONSTANDARD BOARDS
Subdivision II. Affordable Housing Land Bank and Trust Fund Advisory Committee

Subdivision II. Affordable Housing ~~Land Bank and Trust Fund~~ Advisory Committee

Sec. 2-496. Established.

There is established the affordable housing ~~land bank and trust fund~~ advisory committee.

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

Sec. 2-497. Composition; appointment.

~~(a)~~ ~~(a)~~—The affordable housing ~~land bank and trust fund~~ advisory committee shall consist of ~~nine~~ five members ~~at large, appointed~~ large, appointed by the mayor with the advice and consent of the city councillors. ~~The members may reside in the city or in the county. ; one from each of the following industries and/or associations:~~

~~(a)~~ (b) It is desirable that the respective members of the board will have experience in community and social services, banking, finance, building, or real estate development industries.

~~(1)~~ ~~Building industry;~~

~~(2)~~ ~~Realty industry;~~

~~(3)~~ ~~Banking and/or mortgage brokerage industry;~~

~~(4)~~ ~~Land title industry;~~

~~(5)~~ ~~Greater Las Cruces Chamber of Commerce, provided such representation is not from subsections (a)(1) through (4) immediately above;~~

~~(6)~~ ~~Hispano Chamber of Commerce of Las Cruces, provided such representation is not from subsections (a)(1) through (4) immediately above;~~

~~(7)~~ ~~Green Chamber of Commerce of Las Cruces, provided such representation is not from subsections (a)(1) through (4) immediately above; and~~

~~(8)~~ ~~Member of the public, at large appointment.~~

~~Plus, one representative of the following existing boards and commission of the city:~~

~~(1)~~ ~~Planning and zoning commission;~~

~~(2)~~ ~~Health and human services advisory committee; and~~

~~(3)~~ ~~Mesilla Valley Public Housing Authority, and limited to representation from city appointees only.~~

~~(b)~~ ~~The mayor shall also appoint an alternate member for each of those represented in subsections (a)(1) through (8) in the event that the regular appointee should have a conflict of interest with an application that is before the committee. The appointees from the planning and zoning commission, the health and human services advisory committee, and the Mesilla Valley Public Housing Authority shall be selected by the respective board, commission, or committee from within their own membership and shall also appoint an~~

~~alternate member in the event that the regular appointee should have a conflict of interest with an application that is before the committee.~~

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

Sec. 2-498. Duties.

The affordable housing ~~land bank and trust fund~~ advisory committee shall evaluate proposals and/or applications for land acquisition and disposition and funding using city-established guidelines in accordance with chapter 13 of this Code under the Affordable Housing Land Bank and Trust Fund Ordinance.

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

~~Sec. 2-499. Exemptions.~~

~~The members appointed to the affordable housing land bank and trust fund advisory committee from the planning and zoning commission, the health and human services advisory committee, and the Mesilla Valley Public Housing Authority Board are exempt from the provision of serving on more than one board at a time under subsection 2-188(a)(5) of this chapter.~~

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