

CITY COUNCIL AGENDA

Mayor
Ken Miyagishima

Mayor Pro Tem
Kasandra Gandara

Councilors
Tessa Abeyta
Becki Graham
Johana Bencomo
Becky Corran
Yvonne Flores

Monday, September 19, 2022 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

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

CONSENT AGENDA

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

Page

1. OPENING CEREMONIES

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

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

3. PUBLIC PARTICIPATION

4. ACCEPTANCE OF AGENDA

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

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

- 6.1. **PUBLIC HEARING REQUIRED.** RESOLUTION NO. 23-029: A RESOLUTION APPROVING THE REQUEST FOR A RESTAURANT A - A BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY TO VERLANDER ENTERPRISES, LLC., D/B/A BUTTER SMITH KITCHEN & PIES, LOCATED AT 445 S. TELSHOR BLVD, LAS CRUCES, NEW MEXICO 88011.

[Resolution No. 23-029 - Pdf](#)

4 - 38

- 6.2. RESOLUTION NO. 23-030: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT VARIOUS BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2022-23 BUDGET, AND THE FY2022-2023 CAPITAL IMPROVEMENT PROGRAM (CIP). 39 - 113
[Resolution No. 23-030 - Pdf](#)
- 6.3. RESOLUTION NO. 23-031: 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 AND THE FY2023 CAPITAL IMPROVEMENT PLAN (CIP). 114 - 203
[Resolution No. 23-031 - Pdf](#)
- 6.4. RESOLUTION NO. 23-032: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT A BUDGET ADJUSTMENT ALLOCATING THE SECOND TRANCHE OF THE AMERICAN RECOVERY PLAN ACT THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2022-23 BUDGET AND, THE FY2022-23 CAPITAL IMPROVEMENT PLAN (CIP). 204 - 225
[Resolution No. 23-032 - Pdf](#)
- 6.5. RESOLUTION NO. 23-033: A RESOLUTION TO ACCEPT VARIOUS GRANTS FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, 2022 LEGISLATIVE CAPITAL OUTLAY, FOR THE LAS CRUCES AIRPORT IMPROVEMENTS, ROADWAYS/DRAINAGE IMPROVEMENTS ON THE EAST MESA OF LAS CRUCES, AND N. TELSHOR-SPRUCE INTERSECTION IMPROVEMENTS; AND TO MAKE SUCH PROJECTS A PRIORITY FOR THE CITY. 226 - 230
[Resolution No. 23-033 - Pdf](#)

7. **BOARD APPOINTMENTS**

8. **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).
- 8.1. COUNCIL BILL NO. 23-005; ORDINANCE NO. 3011: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3/C-3C (MULTI-DWELLING MEDIUM DENSITY / COMMERCIAL HIGH-INTENSITY CONDITIONAL) TO R-3 (MULTI-DWELLING MEDIUM DENSITY) FOR PROPERTY 3.98 ACRES IN SIZE AND LOCATED AT 801 E. FARNEY LANE. SUBMITTED BY TIERRA WEST, LLC FOR THOMAS DEVELOPMENT CO., OWNER. 231 - 268
[Ordinance No. 3011 - Pdf](#)
- 8.2. COUNCIL BILL NO. 23-006; ORDINANCE NO. 3012: AN ORDINANCE AMENDING SECTION 38-32D. DEVELOPMENT STANDARDS-OFFICE, COMMERCIAL, AND INDUSTRIAL ZONING DISTRICTS, SECTION 38-53. CONDITIONAL USES, AND SECTION 38-54. SPECIAL USE PERMITS OF THE LAS CRUCES MUNICIPAL CODE (LCMC) FOR THE PURPOSE OF ELIMINATING THE 300-FOOT 269 - 334

BUFFER BETWEEN CANNABIS RETAILERS/MICROBUSINESSES AND OTHER CANNABIS RETAILERS/MICROBUSINESSES, ELIMINATING THE 300-FOOT BUFFER BETWEEN CANNABIS RETAILERS/MICROBUSINESSES AND SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, AND TO RECTIFY A PREVIOUS OMISSION OF AN EXISTING DEVELOPMENT STANDARDS TABLE. SUBMITTED BY THE CITY OF LAS CRUCES.

[Ordinance No. 3012 - Pdf](#)

9. **CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT**
10. **CITY MANAGER REPORT**
11. **ADJOURNMENT**

**23-029**

City Council Action and Executive Summary

Type of Action:

☒ Resolution☐ Ordinance☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ 6 ☐ N/A
1st Reading:	Adopted: September 19, 2022
Drafter: Vanessa King	Department: Legal
Program: Administration	Line of Business: Office of the Director

Title:	A RESOLUTION APPROVING THE REQUEST FOR A RESTAURANT A - A BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY TO VERLANDER ENTERPRISES, LLC., D/B/A BUTTER SMITH KITCHEN & PIES, LOCATED AT 445 S. TELSHOR BLVD, LAS CRUCES, NEW MEXICO 88011.
---------------	--

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

PURPOSE(S) OF ACTION:

Approval of a Restaurant A- A Beer and Wine Liquor License With On Premise Consumption Only.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Pursuant to New Mexico Statutes, an application for approval of a Restaurant A - A Beer and Wine Liquor License With On Premises Consumption Only, must be accompanied by a resolution of the City Council approving and consenting to the license after a public hearing.

Verlander Enterprises, LLC., d/b/a Butter Smith Kitchen & Pies, applied to the Alcoholic Beverage Control Division of the Regulation and Licensing Department of the State of New Mexico ("ABC"). The location for the license is at 445 S. Telshor Blvd., Las Cruces, New Mexico 88011. ABC granted preliminary approval on August 9, 2022.

The City Council is required to hold a public hearing within 45 days after the date of receipt of the preliminary approval letter from ABC. A public hearing to review this issue is scheduled during the regular City Council meeting on Monday, September 19, 2022, beginning at 1:00 p.m., in the City Council Chambers, 700 North Main Street, City Hall. Notice of this public hearing was published in the Las Cruces Sun News on August 26, 2022 and September 9, 2022.

The Council may approve or disapprove the request for the liquor license. However, Council's disapproval must be based on substantial evidence that the license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.

The Council may also fail to either approve or disapprove the license. If Council fails to approve or disapprove the license within 30 days after the public hearing, the Director of the Alcoholic Beverage Control Division may give final approval of the license.

SUPPORT INFORMATION:

[Exhibit "A". Alcohol and Gaming's letter and the application.](#)

[Attachment "A". Notice of Intent to Approve published in the Las Cruces Sun News.](#)

Agenda Item #6.1.

[Attachment "B". Traffic Impact Report from the Traffic Engineering Section.](#)

[Attachment "C". Fire and Safety Compliance Report from the Las Cruces Fire Department.](#)

[Attachment "D". Liquor License Impact Report \(Zoning\) from Development Services.](#)

[Attachment "E". Criminal Activity Report from the Las Cruces Police Department.](#)

[Attachment "F". Business Registration Report from Community Development Services.](#)

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

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

☐ Yes

☐ No

☒ N/A

Does this action align with Elevate Las Cruces?

☐ Yes

☐ No

☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve of and consent to the approval of a Restaurant A - A Beer and Wine Liquor License With On Premises Consumption Only and the Alcohol Beverage Control will continue with the application process.

2. Vote "No"; this must be based on substantial evidence that the liquor license would adversely affect the health, safety or welfare of the citizens of the City of Las Cruces.

3. Vote to "Amend"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

4. Vote to "Table"; this is not permitted by the Liquor Control Act, NMSA 1978, Section 60-6B-4.

RESOLUTION 23-029

A RESOLUTION APPROVING THE REQUEST FOR A RESTAURANT A - A BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY TO VERLANDER ENTERPRISES, LLC., D/B/A BUTTER SMITH KITCHEN & PIES, LOCATED AT 445 S. TELSHOR BLVD, LAS CRUCES, NEW MEXICO 88011.

The City Council is informed that:

WHEREAS, Verlander Enterprises, LLC., d/b/a Butter Smith Kitchen & Pies located at 445 S. Telshor Blvd., Las Cruces, New Mexico 88011, applied to the Alcoholic Beverage Control Division of the Regulation and Licensing Department of the State of New Mexico ("ABC") for a Restaurant A - A Beer and Wine Liquor License With On Premises Consumption Only; and

WHEREAS, ABC granted preliminary approval for a Restaurant A - A Beer and Wine Liquor License With On Premises Consumption Only by letter dated August 9, 2022; and

WHEREAS, pursuant to law, the application for a restaurant beer and wine liquor license must be accompanied by a resolution of the Las Cruces City Council approving of and consenting to license after a public hearing upon reasonable notice of such hearing; and

WHEREAS, the City Council did on this date hold a public hearing after reasonable notice setting forth the required information concerning the public hearing. The City Council has considered the liquor license and it has determined that the approval of same is not detrimental to the public health, safety, or welfare of the City of Las Cruces.

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

(I)

THAT a Restaurant A - A Beer and Wine Liquor License With On Premises Consumption Only to Verlander Enterprises, LLC., d/b/a Butter Smith Kitchen & Pies, located at 445 S. Telshor Blvd., Las Cruces, New Mexico 88011, as evidenced by ABC's letter and the application attached hereto as Exhibit "A", 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

Agenda Item #6.1.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

Agenda Item #6.1.

**NMRLD**NEW MEXICO
REGULATION &
LICENSING DEPARTMENTSTATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

August 9, 2022

Certified Mail No.: 9171 9690 0935 0155 2406 17**City of Las Cruces**

Linda Lewis, Clerk

PO Box 20000

Las Cruces, NM 88004

Lic. No. /Appl. No.: Application No. 1237975

Name of Applicant: Verlander Enterprises, LLC

Doing Business As: Butter Smith Kitchen & Pies

Proposed Location: 445 S. Telshor Blvd., Las Cruces, New Mexico 88011

The Director of the Alcoholic Beverage Control Division (ABC) has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

Notice of the Public Hearing required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken;
- (C) The location of the licensed premises.

In addition, if the Local Option District has a website, **the Notice shall also be published on the website.**

While the law states that “within forty-five (45) days after receipt of a Notice from the Alcoholic Beverage Control, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer”, we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement.

With that in mind, when a local governing body receives a liquor license application from ABC, that governing body has a couple of options:

- 1) Hold a hearing on the license application within the statutory time frame of forty-five (45) days, as required by the Liquor Control Act, and comply with all other statutory and regulatory procedures and notify ABC of your decision within thirty (30) days of the hearing;
- 2) Request from ABC an extension of time, past the forty-five (45) days, designating how much additional time will be needed to conduct the hearing in compliance with all statutory and regulatory procedures. After the extension is granted and the hearing is held, notify ABC of your decision within thirty (30) days of the hearing;



ABC has no preference in the option you choose.

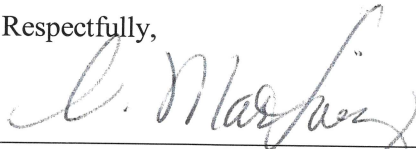
The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. **A record shall be made** of the hearing.

THE APPLICANT IS SEEKING RESTAURANT A – BEER AND WINE LIQUOR LICENSE WITH ON PREMISES CONSUMPTION ONLY

Within thirty (30) days after the Public Hearing, the governing body shall notify ABC of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify ABC within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to ABC with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Charmaine Martinez

Admin Law Judge | Hearing Officer
NM Regulation & Licensing Department
Alcoholic Beverage Control Division
Phone: (505) 476-4804 Fax: (505) 476-4595
Email: Charmaine.Martinez2@state.nm.us

Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of the Zoning Statement
4. Copy of Floor Plan



STATE OF NEW MEXICO
MICHELLE LUJAN GRISHAM, GOVERNOR
Linda M. Trujillo, Superintendent
Andrew Vallejos, Director

JUL 08 2022
ALCOHOLIC BEVERAGE CONTROL DIVISION

Restaurant Liquor License Application | \$200.00 Application Fee, non-refundable

ABC USE ONLY: Application Fee \$200.00 Received on: 7/8/2022 Receipt No. 2473084
License Fee \$ _____ Received on: _____ Receipt No. _____

Application Number: 1237975 Local Option District: _____

TYPE of APPLICATION: Check appropriate box

- ☒ Restaurant A | Beer & Wine only | License Fee, pro-rated, due at final: \$1,050.00
☐ Restaurant B | Beer, Wine & Spirits | License Fee, pro-rated, due at final: \$10,000.00

Applicant is: ☐ Individual ☒ Limited Liability Company ☐ Corporation ☐ Partnership (General/Limited)

Applicant /Company Name: Verlander Enterprises, LLC

D/B/A Name: Butter Smith Kitchen & Pies

Email: (required) jimw@buttersmith.com Business Phone No: 915-581-8314

Mailing Address: 5835 Onix Dr. Suite 300 El Paso, Texas 79912

Physical location, if different: 445 S. Telshor Blvd. Las Cruces, NM 88011

County: Dona Ana (Include Street number / Hwy number / State Road, City, State, and Zip Code)

Are alcoholic beverages currently being dispensed at the proposed location? ☐ Yes ☒ No If Yes, License #/Type: _____

As defined in §60-3A-3. V. "Restaurant", means an establishment having a New Mexico resident as a proprietor or manager ... as a place where food is prepared and served primarily for on-premises consumption to the general public in consideration of payment and that has a dining room, a kitchen and the employees necessary for preparing, cooking and serving food; ... does not include establishments as defined in rules promulgated by the director serving only hamburgers, sandwiches, salads and other fast foods;

I qualify as a "Restaurant"? ☒ Yes ☐ No

Is food service the primary source of revenue and accounts for 60% or more of the total gross receipts at current licensed premises? ☒ Yes ☐ No

Is Food Service Permit current? ☒ Yes, attached ☐ No

I have attached **photos of the Dining Room and Kitchen** and included a **copy of the Menu**. ☒ Yes ☐ No

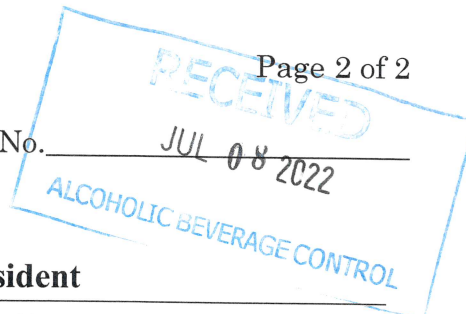
Days and Hours of Operation: Sun-Thu: 6am - 11pm, Fri-Sat: 6am - 12am

I understand that a restaurant license requires that the establishment is not a bar-like setting and the hours for sales and/or service of alcoholic beverages are only from 7:00am to 11:00pm or until food sale and service ceases, whichever is earlier? ☒ Yes ☐ No

Contact Person: Jim Welsh Phone #: 915-581-8314 Email: jimw@buttersmith.com



Application No. _____



You must sign before a Notary Public.

I, (print name) **James N. Welsh**, as (Title) **President**
 being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

Signature of Applicant: Digitally signed by James Newton Welsh
 Date: 2022.06.29 15:58:39 -06'00' Date: **6-29-2022**

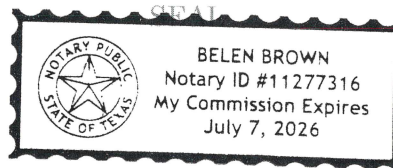
Notary Public Use Only: (State of **Texas**, County of **El Paso**)

SUBSCRIBED AND SWORN TO before me this **29th** day of **June**, 20**22**

By Affiant: **James N. Welsh**

Notary Public: **Belen Brown**

My Commission Expires on: **July 7, 2026**



Local Option District Use Only:

Local Governing Body of _____ City, County, Town, Village

Public Hearing held on _____ 20____ Decision: ☐ Approved ☐ Disapproved

Signature of Official: _____ Title: _____

ABC USE ONLY:

☐ APPROVED ☐ DISAPPROVED, _____

Done this _____ Day of _____, 20____.

SIGNED BY DIRECTOR: _____

ASSIGNED LICENSE NO. _____ EXPIRES ON: _____

Reviewed, with copy sent to Licensee via ☐ Email, ☐ Fax, ☐ 1st class mail

By: _____ Date: _____



Premises Location, Ownership, and Description | NMSA §60-6B-10 Page 2

1. The land and building which is proposed to be the licensed premises is: (check one)

☐ Owned by Applicant, copy of deed/document attached

☒ Leased by Applicant, copy of lease/document attached

☐ Other (provide details): _____

2. If the land and building are not owned by Applicant, indicate the following:

A. Owner(s): Verlander Family Limited Partnership

B. Date and Term of Lease: 1/26/2022 Term: Ten Years

3. Premises location is Zoned (example C-1, see Zoning Statement): LOA\M-1

Zoning Statement attached, ☒ Yes ☐ No Must be obtained from the Local Government, listing the proposed location by address, Type of Zone, state whether alcoholic beverages are allowed at proposed location, and if applicable, whether packaged sales, patio service and/or manufacturing is allowable. If there is no zoning in the proposed location, attach Statement from the local government, indicating there is no zoning.

4. **Distance* from nearest Church:** (Property line of church to closest point of licensed premises—shortest distance)

Name of Church: Sierra Vista Community Church Miles/feet: 0.7 Miles/3696 feet

Address/location of Church: 514 N. Telshor Blvd. Las Cruces, NM 88011

5. **Distance* from nearest School:** (Property line of school to closest point of licensed premises—shortest distance)

Name of School: Lynn Middle School Miles/feet: 1.2 Miles/6336 feet

Address/location of School: 950 S. Walnut St. Las Cruces, NM 88001

6. **Attach Detailed Floor Plan,** must include the Total Square Footage of premises; List nearest cross street; Show which direction is North; Show each level (floor) where alcoholic beverages will be sold or consumed, exterior walls, doors, and interior walls; Patio Area with type of barrier used; Highlight Bonded Areas. The floor plan should be no larger than 8½ x 11 inches and must be labeled with designated areas highlighted, which will reflect the proposed Licensed Premises.

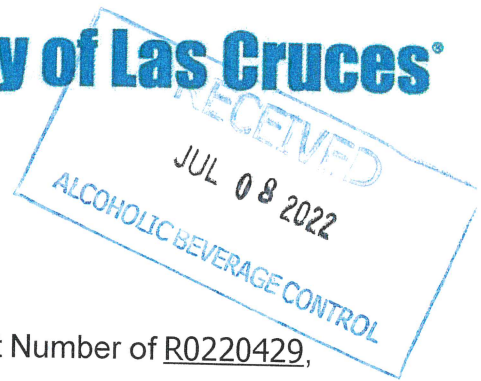
7. Type of Operation: ☐ Hotel ☐ Lounge ☐ Package Grocery ☐ Racetrack

☒ Restaurant ☐ Craft Distiller ☐ Small Brewer ☐ Winery ☐ Wholesaler

☐ Other (specify): _____

***NOTE:** If the distance is beyond 300 feet, but less than 400 feet, and the Applicant does not admit that the location is within 300 feet and requests a waiver from the LOD, a Registered Engineer or Licensed Surveyor must complete a Survey Certificate showing the exact distance.





STATEMENT OF ZONING

The property located at 445 S Telshor Blvd, and having an Account Number of R0220429, in Las Cruces, New Mexico, is zoned as follows:

LOA/M1 (Lohman Avenue Overlay/ Industrial Standard)

Comments: The purpose of the Lohman Avenue overlay district is to implement land use and urban design policies as established in the Lohman Avenue plan. Specifically the purpose of this overlay district is to specify architectural and urban design provisions to improve this important entrance into our community and promote an attractive image for the city as a whole. The M-1 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. The zoning designation allows those uses which provide retail and service activities within the City. A eating and drinking establishment with on-premises consumption of liquor is an allowed use in the LOA/M1 zoning district.

The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

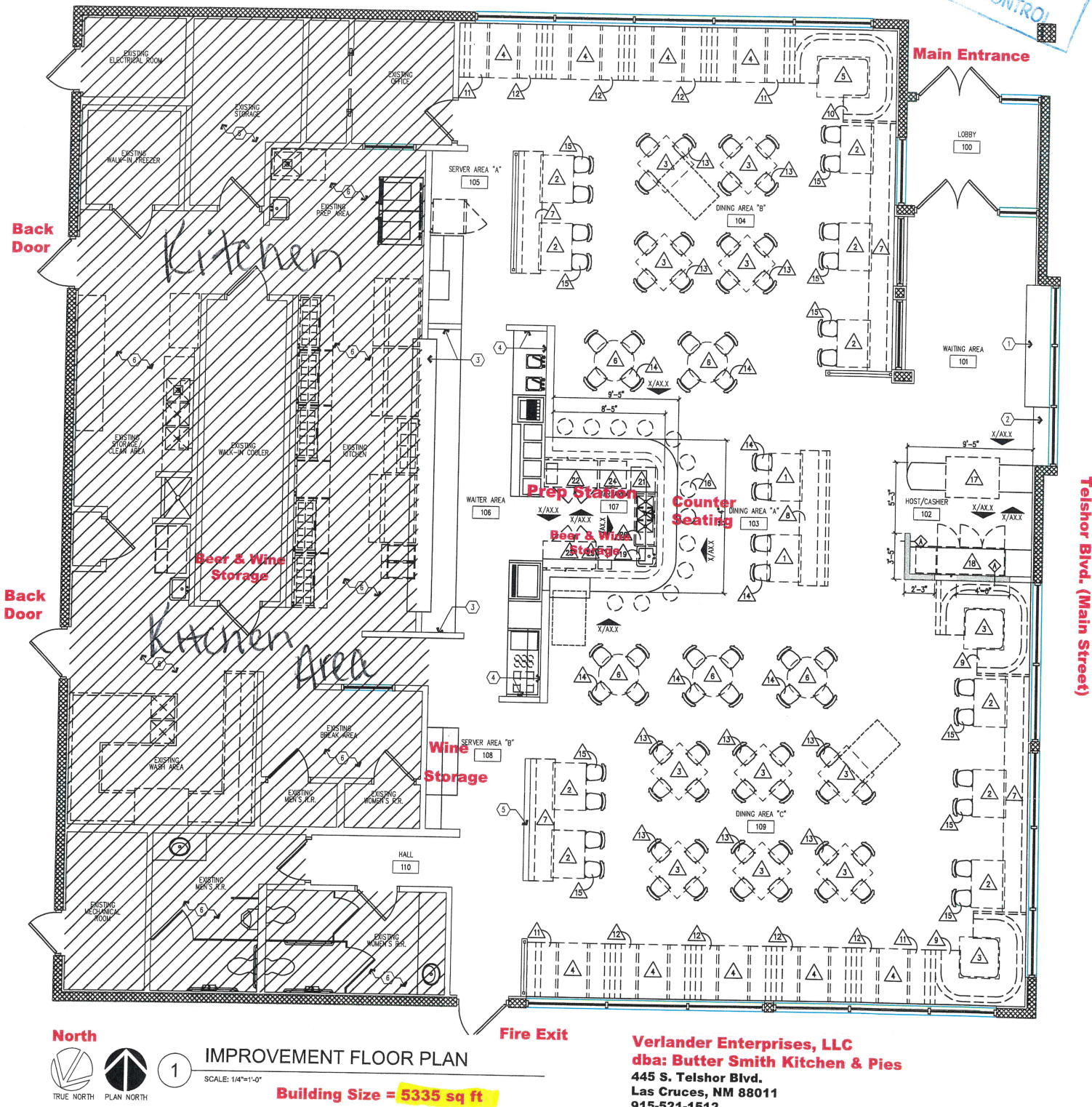
June 29, 2022
Date

Kyle D. Metzgar
Kyle Metzgar
Planning Technician Sr.

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

RECEIVED
JUL 08 2022
ALCOHOLIC BEVERAGE CONTROL

No Patio



Totally Unrestricted

Text of Ad: 08/17/2022

**NOTICE OF INTENT TO AP-
PROVE**

Notice is hereby given that the Las Cruces City Council will hold a Public Hearing to discuss approval or disapproval of a Restaurant A – A Beer and Wine Liquor License with On Premise Consumption Only to Verlander Enterprises, LLC., d/b/a Butter Smith Kitchen & Pies located at 445 S. Telshor Blvd., Las Cruces, New Mexico, 88011.

The Public Hearing will be held as part of the regularly scheduled meeting of the City Council on Monday, September 19, 2022, beginning at 1:00 p.m., in the City Council Chambers, 700 North Main Street, City Hall. If passed, the Director of the Alcoholic Beverage Control Division of the State of New Mexico Regulation & Licensing Department may approve the issuance of the license.

Witness my hand and seal this the 16th day of August 2022.

Christine Rivera, MS, CMC
City Clerk
#5380985, Sun-News, Aug
25 Sept 9,2022



MEMORANDUM

To: Jennifer Vega-Brown, City Attorney

From: Gary Skelton, P.E., Engineer **Initials:** GS

Date: August 17, 2022

Subject: Traffic Investigation Report – Liquor License Application
445 S. Telshor Boulevard, Las Cruces, NM 88011 – Butter Smith
Kitchen and Pies

As requested, Traffic Engineering has completed a traffic investigation for Butter Smith Kitchen and Pies located at 445 S. Telshor Boulevard Las Cruces, New Mexico. The following information is submitted for review:

- Butter Smith Kitchen and Pies is located in a commercial complex at the northeast corner of Telshor Boulevard and Lohman Avenue. According to the Mesilla Valley MPO Traffic Flow Map, the most recent traffic volume on Telshor Boulevard near this location is approximately 17,470 vehicles per day. Additionally, the traffic volume on Lohman Avenue near this location is approximately 19,230 vehicles per day.
- The Mesilla Valley MPO classifies Telshor Boulevard as a principal arterial roadway and Lohman Avenue as a minor arterial roadway near the subject location. Both roadways serve primarily commercial use near the subject property.
- The subject property has a driveway along Telshor Boulevard as well as access to Lohman Avenue through an adjacent property. The driveway along Telshor Boulevard and the driveway on Lohman Avenue on the adjacent property is located in close proximity to the signalized intersection of Telshor Boulevard/Lohman Avenue and have raised medians to control access. No sight distance or operational problems are currently known at the driveways.
- The speed limits on Telshor Boulevard and Lohman Avenue are 35 mph near the subject property.

The approval of the special dispenser permit at this location does not appear to adversely impact traffic operations along this roadway segment. Feel free to contact me at 575-541-2508 with any questions.

Agenda Item #6.1.

Vanessa King

From: Jose Leos
Sent: Tuesday, August 16, 2022 1:54 PM
To: Vanessa King; Adrian Arias; Bobbie Munoz; Christina Abeyta Corella; Cody Haver; Daniel Balderrama; Elena Sanchez; Gary Skelton; Jackie Baylon; Jason Smith; Katherine Harrison Rogers; Kendle Arellano; Kiri Daines; Kyle Metzgar; Mark Dubbin; Miguel Dominguez; Paul Brock; Soogyu Lee
Cc: Valerie Uribe
Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Good afternoon

Vanessa, the Las Cruces Fire Department approves pending a Fire inspection prior to opening date.

Respectfully,

Jose A. Leos Jr.
 Lieutenant/Prevention Bureau/Las Cruces Fire Department
 Direct: (575) 528-4055 Main: (575) 528-3473, jleos@las-cruces.org

-----Original Message-----

From: Vanessa King <vking@las-cruces.org>
 Sent: Monday, August 15, 2022 4:55 PM
 To: Adrian Arias <aarias@las-cruces.org>; Bobbie Munoz <romunoz@las-cruces.org>; Christina Abeyta Corella <cabeyta@las-cruces.org>; Cody Haver <chaver@las-cruces.org>; Daniel Balderrama <dbalderrama@las-cruces.org>; Elena Sanchez <ESanchez@las-cruces.org>; Gary Skelton <gskelton@las-cruces.org>; Jackie Baylon <jdelmuro@las-cruces.org>; Jason Smith <jasmith@las-cruces.org>; Jose Leos <jleos@las-cruces.org>; Katherine Harrison Rogers <kr Rogers@las-cruces.org>; Kendle Arellano <kmclurg@las-cruces.org>; Kiri Daines <kdaines@las-cruces.org>; Kyle Metzgar <kmetzgar@las-cruces.org>; Mark Dubbin <MDubbin@las-cruces.org>; Miguel Dominguez <midominguez@las-cruces.org>; Paul Brock <PBrock@las-cruces.org>; Soogyu Lee <sglee@las-cruces.org>
 Cc: Valerie Uribe <vuribe@las-cruces.org>
 Subject: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Good afternoon,

Attached please find an application from Verlander Enterprises LLC., d/b/a Butter Smith Kitchen & Pies who are requesting a Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only to be located at 445 S. Telshor Blvd, Las Cruces, NM. Please provide reports no later than August 26, 2022. Thank you.

Vanessa F. King
 Senior Office Manager/Paralegal/Legal Department/City Attorney's Office Paralegal State Bar # 159917 Direct (575) 541-2014, Main (575) 541-2128, Email vking@las-cruces.org
 700 N. Main Street, Suite 3200, Las Cruces, NM 88001

Agenda Item #6.1.

This message is from a legal office and is confidential and/or attorney-client privileged. If you receive a copy of this email in error, please delete it, retain no copies, and call our office immediately (575-541-2128).

**MEMORANDUM****To:** Jennifer Vega-Brown, City Attorney**From:** Kyle Metzgar, Planning Technician Sr**Initials:****Date:** August 17, 2022**File #:** M-22-92**Subject:** Liquor License Impact Report, Butter Smith Kitchen & Pies

Attached please find the Liquor License Impact Report for a Restaurant Beer and Wine Liquor License with On-Premises Consumption Only from the Community Development Department for Butter Smith Kitchen & Pies located at 445 S. Telshor Blvd. If you have any questions please contact me at (575) 528-3064.

A handwritten signature in blue ink that reads "Kyle D. Metzgar".

Kyle Metzgar

Planning Technician Sr.

8-16-2022

Date

cc: David Weir, AICP, Chief Planning Administrator
Katherine Harrison-Rogers, AICP, Senior Planner**Initials:****Initials:**

**City of Las Cruces
Community Development Department**

LIQUOR LICENSE IMPACT REPORT

**Application No. 1237975
Beer & Wine Liquor License Application**

**Butter Smith Kitchen & Pies
445 S. Telshor Blvd.**

August 17, 2022

LIQUOR LICENSE IMPACT REPORT
Beer & Wine Liquor License Application
Butter Smith Kitchen & Pies
445 S. Telshor Blvd.

The purpose of this report is to review, analyze and determine any possible impacts of a liquor license relating to land use and other planning related issues.

PROPERTY INFORMATION:

Location: 445 S. Telshor Blvd.
Applicant: Verlander Enterprises, LLC.
Business Name: Butter Smith Kitchen & Pies

LAND USE AND ZONING INFORMATION:

Subject Property Zoning: M-1/M-2 (Industrial Standard)
(See attached Statement of Zoning and Vicinity Map)

Subject Property Current Land Use:

<u>Adjacent Land Uses</u>	<u>Zoning</u>	<u>Land Use</u>
North	C-3C	Commercial
South	C-2	Commercial
East	M-1/M-2	Commercial
West	C-3	Commercial

DISTANCE REQUIREMENTS:

Greater than 300 feet to a school: YES
Greater than 300 feet to a church: YES
Greater than 300 feet to a military installation: YES

TRAFFIC COUNT AND ACCESS INFORMATION:

Roadway: S. Telshor Blvd.
Classification: Major Arterial Roadway
Number of Lanes: 4
Site Access: 4 (Shared access)
Nearest Intersection: S. Telshor Blvd. & E. Lohman Ave.

PARKING REQUIREMENTS:

The 2001 Las Cruces Zoning Code, as amended, requires one (1) automobile space for every 5 seats inside the business and one (1) bicycle parking space for every 1,000 sq. ft. of Gross Floor Area (GFA) for a restaurant zoned in this zoning district. As the business currently exists, there is no apparent change in land use and parking is not an issue.

IMPACT ANALYSIS:

The applicant is requesting a beer and wine license for this establishment. The subject property is located on Telshor Blvd., which is a major arterial roadway as designated by the Mesilla Valley Metropolitan Planning Organization (MPO). Major arterial roadways are designed to accommodate moderate to heavy traffic and land uses such as a food and drinking establishment with an on-premises consumption license. The subject property is zoned M-1/M-2, which allows a restaurant establishment with a beer & wine license for on-premises consumption as a permitted use, provided all requirements as prescribed for liquor establishments by the State of New Mexico are met. In terms of a transportation and land use perspective, this seems an appropriate location and request.



STATEMENT OF ZONING

The property located at 445 S. Telshor Blvd., and having an Account Number of R0220429, in Las Cruces, New Mexico, is zoned as follows:

LOA-M1/M-2 (Lohman Avenue Overlay/ Industrial Standard)

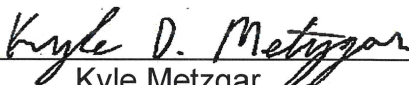
Comments: The purpose of the Lohman Avenue overlay district is to implement land use and urban design policies as established in the Lohman Avenue plan. Specifically, the purpose of this overlay district is to specify architectural and urban design provisions to improve this important entrance into our community and promote an attractive image for the city as a whole. The M-1/M-2 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. The zoning designation allows those uses which provide retail and service activities within the City.

A restaurant with on-premises consumption of beer and wine is an allowed use in the LOA/M-1/M-2 zoning district provided all requirements as prescribed for liquor establishments by the State of New Mexico are met.

The above described property located in the City of Las Cruces, New Mexico, has been reviewed and found to be zoned as indicated above in accordance with the Las Cruces Zoning Atlas. Accordingly, I do hereby approve and issue this Statement of Zoning.

August 17, 2022

Date


Kyle Metzgar
Planning Technician Sr.

Please be advised that the information presented on this document is taken from the City of Las Cruces Zoning Atlas. Nothing shall prevent the City of Las Cruces from amending this information if review of the Zoning Ordinance shows the Atlas to be in error.

ZONING MAP



C-2 - Commercial Medium Intensity

C-3 - Commercial High Intensity

C-3C - Commercial High Intensity-Conditional

M-1 – Industrial Standard

O-2 – Office, Professional

A-1 - Flood Control

Notification Map



FID	ACCOUNTNL	PARELNUM	MAPCODE	NBRHD	SCHOOIDIST	TAXAREA	OWNERNAME
58591	R0220429	4.00913E+12	4-009-134-204	B04	2	2IN_NR	VERLANDER FAMILY LP
58602	R0225267	4.00913E+12	4-009-134-232	B04	2	2IN_NR	VERLANDER FAMILY LP
58569	R0220431	4.00913E+12	4-009-134-189	B04	2	2IN_NR	TUNG JOSEPH HSUEH-SHIH TRUSTEES
58487	R0220447	4.00914E+12	4-009-135-210	B04	2	2IN_NR	THE CITY OF LAS CRUCES
58418	R0225266	4.00913E+12	4-009-134-234	B04	2	2IN_NR	VERLANDER FAMILY LP
58018	R0220450	4.00914E+12	4-009-135-197	B04	2	2IN_NR	CITY OF LAS CRUCES
62944	R0220427	4.00914E+12	4-009-135-183	B04	2	2IN_NR	NIZHONI PROPERTIES REV TR
81609	R0214047	4.00914E+12	4-009-135-229	T11	2	2IN_NR	FMN LAND PARTNERS LLC
58009	R0225269	4.00913E+12	4-009-134-240	B04	2	2IN_NR	COLE AB LA\$ CRUCES NM LLC
58517	R0220440	4.00913E+12	4-009-134-158	B04	2	2IN_NR	UNITED NEW MEXICO BANK
31973	R0226258	4.00914E+12	4-009-135-245	T11	2	2IN_NR	BREWER OIL CO
81623	R0225197	4.00913E+12	4-009-134-160	B04	2	2IN_NR	G & T INVESTMENTS LLC
62943	R0222510	4.00914E+12	4-009-135-163	B04	2	2IN_NR	FCPT HOLDINGS LLC
81628	R0225268	4.00913E+12	4-009-134-205	B04	2	2IN_NR	DAYTON HUDSON CORP/TARGET STORES
81608	R0222248	4.00914E+12	4-009-135-239	T11	2	2IN_NR	SHAMALEY FAMILY PARTNERS LP
84669	R0228229	4.00914E+12	4-009-135-217	T11	2	2IN_NR	SPRINGER MANAGEMENT OF LAS CRUCES
58017	R0220442	4.00914E+12	4-009-135-143	B04	2	2IN_NR	HALLE PROPERTIES LLC
59826	R0225270	4.00913E+12	4-009-134-275	B04	2	2IN_NR	OM LC ASSOCIATES LP
84670	R1905155	4.00914E+12	4-009-135-206	T11	2	2IN_NR	MESILLA VALLEY VENTURES LLC
58489	R0223646	4.00913E+12	4-009-134-138	B04	2	2IN_NR	TAR VENTURES
58011	R0227718	4.00913E+12	4-009-134-272	B04	2	2IN_NR	FIRST NEW MEXICO BANK

CAREOFNAME	MAILADDR1	MAILADDR2	CITY	STATE
RYAN LLC	5835 ONIX DR STE 300 221 N KANSAS ST 125 COUNTRY CLUB DR PO BOX 20000 5835 ONIX DR STE 300 PO BOX 20000 PO BOX 2766 5017 CONLEY RD BLDG B PO BOX 800729 PO BOX 2609 PO BOX 1347 PO BOX 1559 591 REDWOOD HIGHWAY SUITE 1150 PO BOX 9456 4921 MEADOWLARK 500 S TELSHOR BLVD 20225 N SCOTTSDALE RD 1235 NORTH LOOP WEST, SUITE 205 154 N FESTIVAL SUITE D 3150 BOWMAN 3000 E LOHMAN AVE	STE 2101	EL PASO EL PASO HILLSBOROUGH LAS CRUCES EL PASO LAS CRUCES FARMINGTON EL PASO DALLAS CARLSBAD ARTESIA LAS CRUCES MILL VALLEY MINNEAPOLIS EL PASO LAS CRUCES SCOTTSDALE HOUSTON EL PASO LAS CRUCES LAS CRUCES	TX TX CA NM TX NM NM TX TX CA NM NM CA MN TX NM AZ TX TX NM NM NM
ODESSA ENTERPRISES INC C.P.T.S. - PROPERTY TAX DELOITTE TAX LLP				
PROPERTY TAX DEPT T-769		ATTN: GENERAL COUNSEL		
HARDING & CARBONE, INC				

ZIP	DEEDHOLDER	SITUSADDRS
79912		445 TELSHOR BLVD
79901		2501 E LOHMAN
94010		435 TELSHOR BLVD
88004		447 S TELSHOR BLVD
79912		2511 E LOHMAN AVE
88004		
87499		430 TELSHOR BLVD
79932		501 S TELSHOR
75380		2551 E LOHMAN AVE
92018		425 TELSHOR BLVD #B, D, G, A
88211-1347		2512 E LOHMAN AVE
88004		425 S TELSHOR-C
94941		426 TELSHOR BLVD
554409456		2541 E LOHMAN AVE
79922		525 TELSHOR BLVD
88011		500 S TELSHOR BLVD
85255		420 TELSHOR BLVD
77008		2561 E LOHMAN AVE
79912		510 S TELSHOR BLVD
88005		425 N TELSHOR BLVD #STE B-2
88011		501 NACHO DR

SUBNAME	LOT	BLOCK	UNIT
FOOTHILLS CENTER, REPLAT NO 2 (BK 16 PG 360 - 9020803)	TR A-1		
FOOTHILLS PLAZA SUBDIVISION NO 1 (BK 18 PG 478 - 9611613)	PARCEL B		
FOOTHILLS CENTER (BK 15 PG 92-93 - 8723767)			
FOOTHILLS CENTER (BK 15 PG 92-93 - 8723767)			
FOOTHILLS PLAZA SUBDIVISION NO 2 (BK 18 PG 528-529 - 9619938)	PARCEL A-1		
FOOTHILLS CENTER (BK 15 PG 92-93 - 8723767)			
FOOTHILLS CENTER (BK 15 PG 92-93 - 8723767)	TR A-1		
ESPERANZA ADDITION REPLAT No 2 (BK 16 PG 279 - 908804)	PARCEL D		
FOOTHILLS PLAZA SUBDIVISION NO 2 (BK 18 PG 528-529 - 9619938)	TR E-1A		
FOOTHILLS CENTER REPLAT NO 5 (BK 4-5 - 941635)			
ESPERANZA ADDITION REPLAT NO 3 AND NACHO DR. DEDICATION (BK 19 PG 79-80 - 988281)			1
FOOTHILLS CENTER, REPLAT NO 6 (BK 18 PG 475 - 9611456)	TR D-2		
FOOTHILLS CENTER REPLAT NO 3 (BK 17 PG 50 - 9112618)	F-2A		
FOOTHILLS PLAZA SUBDIVISION NO 2 (BK 18 PG 528-529 - 9619938)	PARCEL C		
ESPERANZA ADDITION REPLAT No 2 (BK 16 PG 279 - 908804)			
MESILLA VALLEY MALL SUBDIVISION REPLAT NO 4 (BK 19 PG 608-609 - 016603)	2A		
FOOTHILLS CENTER REPLAT NO 3 (BK 17 PG 50 - 9112618)	TR F-1A		
FOOTHILLS PLAZA SUBDIVISION NO 2 (BK 18 PG 528-529 - 9619938)	PARCEL E		
MESILLA VALLEY MALL REPLAT NO 5 (BK 24 PG 581-582 - 2020257)	1A		
FOOTHILLS CENTER REPLAT NO 5 (BK 4-5 - 941635)	TR D-1B		
LAS CRUCES FLOOD CONTROL DAM REPLAT NO 4 (BK 19 PG 461-462 - 0014970)	1A		

TOWNSHIP	RNGE	SECTION	TRS	TOTALACRES	TOTALSQFT	BLDGVALUE	LANDVALUE	TOTALVALUE
23S	2E		9 23S 2E 9	0	59372	91739	712464	804203
23S	2E		9 23S 2E 9	0	57064	56170	684768	740938
23S	2E		9 23S 2E 9	0	34642	346974	519630	866604
23S	2E		16 23S 2E 16	0	1742	0	0	1000
23S	2E		9 23S 2E 9	0	24829	251019	297948	548967
23S	2E		16 23S 2E 16	0	1742	0	0	1000
23S	2E		16 23S 2E 16	0	41818	339670	459998	799668
23S	2E		16 23S 2E 16	0	24829	300063	322777	622840
23S	2E		9 23S 2E 9	0	182516	3092362	1277600	4369962
23S	2E		9 23S 2E 9	0	131856	1808358	922992	2731350
23S	2E		16 23S 2E 16	0	40511	820467	486132	1306599
23S	2E		9 23S 2E 9	0	69696	1326221	623779	1950000
23S	2E		16 23S 2E 16	0	69260	98409	831120	929529
23S	2E		9 23S 2E 9	0	384199	1913180	2689393	4602573
23S	2E		16 23S 2E 16	0	28554	610236	342648	952884
23S	2E		16 23S 2E 16	0	57935	742349	782123	1524472
23S	2E		16 23S 2E 16	0	45895	517218	550740	1067958
23S	2E		9 23S 2E 9	0	101059	1412335	1212708	2625043
23S	2E		16 23S 2E 16	2.04	89298	0	266500	266500
23S	2E		9 23S 2E 9	0	54829	716788	438632	1155420
23S	2E		9 23S 2E 9	0	94525	1394003	1087038	2481041

Shape_Area	Shape_Length	DISTANCE
7735.25	398.3334862	2.26 Feet (approximate)
7410.160156	366.5186567	132.59 Feet (approximate)
4510.953125	272.3891857	173.69 Feet (approximate)
334.1328125	92.77228784	212.89 Feet (approximate)
3225.617188	260.4014811	280.07 Feet (approximate)
244.0078125	72.19705206	280.14 Feet (approximate)
5420.660156	288.9502159	342.4 Feet (approximate)
3246.039063	229.0674739	459.51 Feet (approximate)
22593.01953	1077.182313	502.38 Feet (approximate)
17175.61719	523.6205376	512.24 Feet (approximate)
5324.082031	293.7697998	523.68 Feet (approximate)
9068.683594	532.0252207	546.54 Feet (approximate)
8983.957031	687.3375515	548.39 Feet (approximate)
50058	939.3660214	556.04 Feet (approximate)
3726.875	255.9523463	610.97 Feet (approximate)
7534.941406	357.4800928	631.13 Feet (approximate)
5978.5	356.8527062	634.99 Feet (approximate)
13116.53125	617.5672665	726.38 Feet (approximate)
11753.80859	434.9217379	738.06 Feet (approximate)
7141.519531	337.8003723	739.49 Feet (approximate)
12876.91797	532.7230733	762.89 Feet (approximate)

OWNERNAME	CAREOFNAME	MAILADDR1	CITY	STATE	ZIP
VERLANDER FAMILY LP		5835 ONIX DR STE 300	EL PASO	TX	79912
VERLANDER FAMILY LP	RYAN LLC	221 N KANSAS ST Ste 2101	EL PASO	TX	79901
TUNG JOSEPH HSUEH-SHIH TRUSTEES		125 COUNTRY CLUB DR	HILLSBOROUGH	CA	94010
THE CITY OF LAS CRUCES		PO BOX 20000	LAS CRUCES	NM	88004
VERLANDER FAMILY LP		5835 ONIX DR STE 300	EL PASO	TX	79912
CITY OF LAS CRUCES		PO BOX 20000	LAS CRUCES	NM	88004
NIZHONI PROPERTIES REV TR		PO BOX 2766	FARMINGTON	NM	87499
FMN LAND PARTNERS LLC		5017 CONLEY RD BLDG B	EL PASO	TX	79932
COLE AB LAS CRUCES NM LLC	ODESSA ENTERPRISES INC	PO BOX 800729	DALLAS	TX	75380
UNITED NEW MEXICO BANK	C.P.T.S. - PROPERTY TAX	PO BOX 2609	CARLSBAD	CA	92018
BREWER OIL CO	DELOITTE TAX LLP	PO BOX 1347	ARTESIA	NM	88211
G & T INVESTMENTS LLC		PO BOX 1559	LAS CRUCES	NM	88004
FCPT HOLDINGS LLC		591 REDWOOD HIGHWAY SUITE 1150	MILL VALLEY	CA	94941
DAYTON HUDSON CORP/TARGET STORES	PROPERTY TAX DEPT T-769	PO BOX 9456	MINNEAPOLIS	MN	55440
SHAMALEY FAMILY PARTNERS LP		4921 MEADOWLARK	EL PASO	TX	79922
SPRINGER MANAGEMENT OF LAS CRUCES		500 S TELSHOR BLVD	LAS CRUCES	NM	88011
HALLE PROPERTIES LLC		20225 N SCOTTSDALE RD	SCOTTSDALE	AZ	85255
OM LC ASSOCIATES LP		1235 NORTH LOOP WEST, SUITE 205	HOUSTON	TX	77008
MESILLA VALLEY VENTURES LLC	HARDING & CARBONE, INC	154 N FESTIVAL SUITE D	EL PASO	TX	79912
TAR VENTURES		3150 BOWMAN	LAS CRUCES	NM	88005
FIRST NEW MEXICO BANK		3000 E LOHMAN AVE	LAS CRUCES	NM	88011

Agenda Item #6.1.

Vanessa King

From: Kiri Daines
Sent: Monday, August 29, 2022 3:30 PM
To: Vanessa King; Elena Sanchez; Miguel Dominguez; Paul Brock
Cc: Valerie Uribe
Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

LCPD is good with it and I think you have received the reports.

Kiri Daines/Deputy Chief/Las Cruces Police Department/Investigations and Support Services
 Direct: 575-528-4130, kdaines@las-cruces.org

-----Original Message-----

From: Vanessa King <vking@las-cruces.org>
 Sent: Friday, August 26, 2022 10:01 AM
 To: Elena Sanchez <ESanchez@las-cruces.org>; Kiri Daines <kdaines@las-cruces.org>; Miguel Dominguez <midominguez@las-cruces.org>; Paul Brock <PBrock@las-cruces.org>
 Cc: Valerie Uribe <vuribe@las-cruces.org>
 Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Good morning,

Just a friendly reminder that reports are due today in this matter. Thank you.

Vanessa F. King
 Senior Office Manager/Paralegal/Legal Department/City Attorney's Office Paralegal State Bar # 159917 Direct (575) 541-2014, Main (575) 541-2128, Email vking@las-cruces.org
 700 N. Main Street, Suite 3200, Las Cruces, NM 88001

This message is from a legal office and is confidential and/or attorney-client privileged. If you receive a copy of this email in error, please delete it, retain no copies, and call our office immediately (575-541-2128).

-----Original Message-----

From: Vanessa King
 Sent: Monday, August 15, 2022 4:55 PM
 To: Adrian Arias <aarias@las-cruces.org>; Bobbie Munoz <romunoz@las-cruces.org>; Christina Abeyta Corella <cabeyta@las-cruces.org>; Cody Haver <chaver@las-cruces.org>; Daniel Balderrama <dbalderrama@las-cruces.org>; Elena Sanchez <ESanchez@las-cruces.org>; Gary Skelton <gskelton@las-cruces.org>; Jackie Baylon <jdelmuro@las-cruces.org>; Jason Smith <jasmith@las-cruces.org>; Jose Leos <jleos@las-cruces.org>; Katherine Harrison Rogers <kr Rogers@las-cruces.org>; Kendle Arellano <kmclurg@las-cruces.org>; Kiri Daines <kdaines@las-cruces.org>; Kyle Metzgar <kmetzgar@las-cruces.org>; Mark Dubbin <MDubbin@las-cruces.org>; Miguel Dominguez <midominguez@las-cruces.org>; Paul Brock <PBrock@las-cruces.org>; Soogyu Lee <splee@las-cruces.org>
 Cc: Valerie Uribe <vuribe@las-cruces.org>
 Subject: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Agenda Item #6.1.

Good afternoon,

Attached please find an application from Verlander Enterprises LLC., d/b/a Butter Smith Kitchen & Pies who are requesting a Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only to be located at 445 S. Telshor Blvd, Las Cruces, NM. Please provide reports no later than August 26, 2022. Thank you.

Vanessa F. King

Senior Office Manager/Paralegal/Legal Department/City Attorney's Office Paralegal State Bar # 159917 Direct (575) 541-2014, Main (575) 541-2128, Email vking@las-cruces.org
700 N. Main Street, Suite 3200, Las Cruces, NM 88001

This message is from a legal office and is confidential and/or attorney-client privileged. If you receive a copy of this email in error, please delete it, retain no copies, and call our office immediately (575-541-2128).

Agenda Item #6.1.



Audit & Compliance Division
Albuquerque District

Michelle Lujan Grisham
Governor

Stephanie Schardin Clarke
Cabinet Secretary

VERLANDER ENTERPRISES LLC
5835 ONIX DR STE 300
EL PASO, TX 79912-5567

July 28, 2022
NM Business Tax ID:
02-447865-00-2
Letter ID: L0760881264

STATE OF NEW MEXICO TAXATION AND REVENUE DEPARTMENT
REGISTRATION CERTIFICATE

Date ID Issued 01-Jul-2007	IDENTIFICATION NUMBER 02447865002-GRT	Business Start Date 01-Jul-2007
Business Location 445 S TELSHOR BLVD		Business End Date
City and State LAS CRUCES, NM		Zip Code 88011-8208
Taxpayer Name VERLANDER ENTERPRISES LLC		Taxpayer Type Partnership
Firm Name VERLANDER ENTERPRISES LLC		Filing Frequency Monthly
Mailing Address 5835 ONIX DR STE 300		
City and State EL PASO, TX		Zip Code 79912-5567

This Registration Certificate is issued pursuant to Section 7-1-12 NMSA 1978 for Gross Receipts, County Gross Receipts, and Municipal Gross Receipts Taxes. This copy must be displayed conspicuously in the place of business. Any purchaser of the registrants business is subject to certain requirements under Section 7-1-61 NMSA 1978.

Cabinet Secretary

By 

Any inquiries concerning your Identification Number should be addressed to the Audit & Compliance Division, P.O. Box 630, Santa Fe, New Mexico 87504-0630

Form Revised 02/2003

THIS CERTIFICATE IS NOT TRANSFERABLE

STATE OF NEW MEXICO TAXATION AND REVENUE DEPARTMENT
REGISTRATION CERTIFICATE

Date ID Issued 01-Jul-2007	IDENTIFICATION NUMBER 02447865002-GRT	Business Start Date 01-Jul-2007
Business Location 445 S TELSHOR BLVD		Business End Date
City and State LAS CRUCES, NM		Zip Code 88011-8208
Taxpayer Name VERLANDER ENTERPRISES LLC		Taxpayer Type Partnership
Firm Name VERLANDER ENTERPRISES LLC		Filing Frequency Monthly
Mailing Address 5835 ONIX DR STE 300		
City and State EL PASO, TX		Zip Code 79912-5567

This Registration Certificate is issued pursuant to Section 7-1-12 NMSA 1978 for Gross Receipts, County Gross Receipts, and Municipal Gross Receipts Taxes. This copy must be displayed conspicuously in the place of business. Any purchaser of the registrants business is subject to certain requirements under Section 7-1-61 NMSA 1978.

Cabinet Secretary

By 

Any inquiries concerning your Identification Number should be addressed to the Audit & Compliance Division, P.O. Box 630, Santa Fe, New Mexico 87504-0630

Form Revised 02/2003

THIS CERTIFICATE IS NOT TRANSFERABLE

Vanessa King

From: Jackie Baylon
Sent: Thursday, August 18, 2022 4:47 PM
To: Edward Linderman; Jim Welsh; Vanessa King
Cc: Valerie Uribe
Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Thank you for sending this document. When I update the record, your city business license will read " Verlander Enterprises LLC," as shown on your registration certificate from the TRD office.

Thank you,
Jackie

-----Original Message-----

From: Edward Linderman <ed@riblets.com>
Sent: Thursday, August 18, 2022 2:20 PM
To: Jackie Baylon <jdelmuro@las-cruces.org>; Jim Welsh <jimw@butterSmith.com>; Vanessa King <vking@las-cruces.org>
Cc: Valerie Uribe <vuribe@las-cruces.org>
Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Jackie, attached is our CSR we received from NM Taxation and Revenue. Please contact me anytime if I can be of assistance,

Ed Linderman
Vice President
Verlander Enterprises, LLC
dba: ButterSmith Kitchen & Pies
dba: Village Inn Pancake House
ed@riblets.com
915-581-8314 Office
915-373-9885 Cell

-----Original Message-----

From: Jackie Baylon <jdelmuro@las-cruces.org>
Sent: Wednesday, August 17, 2022 1:00 PM
To: Jim Welsh <jimw@butterSmith.com>; Vanessa King <vking@las-cruces.org>
Cc: Valerie Uribe <vuribe@las-cruces.org>; Edward Linderman <ed@riblets.com>
Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Good afternoon,

Agenda Item #6.1.

Thank you for clarifying that. If you can please provide a copy of the State of NM Taxation & Revenue certificate of registration with the updated business name. Attached is an example.

Thank you,
Jackie

-----Original Message-----

From: Jim Welsh <jimw@buttersmith.com>
Sent: Wednesday, August 17, 2022 10:31 AM
To: Vanessa King <vking@las-cruces.org>
Cc: Valerie Uribe <vuribe@las-cruces.org>; Jackie Baylon <jdelmuro@las-cruces.org>; Edward Linderman <ed@riblets.com>
Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Hello Ms. King,

We will just be changing our DBA not the ownership. Ed Linderman will get that info to you shortly.

Thank you for your help on this,
Jim

-----Original Message-----

From: Vanessa King <vking@las-cruces.org>
Sent: Tuesday, August 16, 2022 4:11 PM
To: Jim Welsh <jimw@buttersmith.com>
Cc: Valerie Uribe <vuribe@las-cruces.org>; Jackie Baylon <jdelmuro@las-cruces.org>
Subject: FW: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Mr. Welsh,

I am in receipt of you Restaurant Liquor License Application for Verlander Enterprises LLC., d/b/a Butter Smith Kitchen & Pies who are requesting a Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only to be located at 445 S. Telshor Blvd, Las Cruces, NM. Our Business Registrations Division has conducted a search and found that the City currently has an active business registration for "Village Inn" at the location listed on your application. If the ownership has changed, a new application for business license will have to be submitted. If only the business name has changed, documentation will need to be submitted for proof of DBA change. Please let our office know how you will be needing to proceed. Thank you in advance.

Vanessa F. King
Senior Office Manager/Paralegal/Legal Department/City Attorney's Office Paralegal State Bar # 159917 Direct (575) 541-2014, Main (575) 541-2128, Email vking@las-cruces.org
700 N. Main Street, Suite 3200, Las Cruces, NM 88001

This message is from a legal office and is confidential and/or attorney-client privileged. If you receive a copy of this email in error, please delete it, retain no copies, and call our office immediately (575-541-2128).

-----Original Message-----

From: Jackie Baylon <jdelmuro@las-cruces.org>
Sent: Tuesday, August 16, 2022 11:47 AM

Agenda Item #6.1.

To: Vanessa King <vking@las-cruces.org>; Adrian Arias <aarias@las-cruces.org>; Bobbie Munoz <romunoz@las-cruces.org>; Christina Abeyta Corella <cabeyta@las-cruces.org>; Cody Haver <chaver@las-cruces.org>; Daniel Balderrama <dbalderrama@las-cruces.org>; Elena Sanchez <ESanchez@las-cruces.org>; Gary Skelton <gskelton@las-cruces.org>; Jason Smith <jasmith@las-cruces.org>; Jose Leos <jleos@las-cruces.org>; Katherine Harrison Rogers <kr Rogers@las-cruces.org>; Kendle Arellano <kmclurg@las-cruces.org>; Kiri Daines <kdaines@las-cruces.org>; Kyle Metzgar <kmetzgar@las-cruces.org>; Mark Dubbin <MDubbin@las-cruces.org>; Miguel Dominguez <midominguez@las-cruces.org>; Paul Brock <PBrock@las-cruces.org>; Soogyu Lee <sglee@las-cruces.org>

Cc: Valerie Uribe <vuribe@las-cruces.org>

Subject: RE: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Good morning,

We currently have an active business registration for "Village Inn" at this location. If the ownership has changed, a new application for business license will have to be submitted.

If only the business name has changed, documentation will need to be submitted for proof of DBA change.

Thank you,
Jackie

-----Original Message-----

From: Vanessa King <vking@las-cruces.org>

Sent: Monday, August 15, 2022 4:55 PM

To: Adrian Arias <aarias@las-cruces.org>; Bobbie Munoz <romunoz@las-cruces.org>; Christina Abeyta Corella <cabeyta@las-cruces.org>; Cody Haver <chaver@las-cruces.org>; Daniel Balderrama <dbalderrama@las-cruces.org>; Elena Sanchez <ESanchez@las-cruces.org>; Gary Skelton <gskelton@las-cruces.org>; Jackie Baylon <jdelmuro@las-cruces.org>; Jason Smith <jasmith@las-cruces.org>; Jose Leos <jleos@las-cruces.org>; Katherine Harrison Rogers <kr Rogers@las-cruces.org>; Kendle Arellano <kmclurg@las-cruces.org>; Kiri Daines <kdaines@las-cruces.org>; Kyle Metzgar <kmetzgar@las-cruces.org>; Mark Dubbin <MDubbin@las-cruces.org>; Miguel Dominguez <midominguez@las-cruces.org>; Paul Brock <PBrock@las-cruces.org>; Soogyu Lee <sglee@las-cruces.org>

Cc: Valerie Uribe <vuribe@las-cruces.org>

Subject: Butter Smith Kitchen & Pies: Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only

Good afternoon,

Attached please find an application from Verlander Enterprises LLC., d/b/a Butter Smith Kitchen & Pies who are requesting a Restaurant A - A Beer and Wine Liquor License with On-Premises Consumption Only to be located at 445 S. Telshor Blvd, Las Cruces, NM. Please provide reports no later than August 26, 2022. Thank you.

Vanessa F. King

Senior Office Manager/Paralegal/Legal Department/City Attorney's Office Paralegal State Bar # 159917 Direct (575) 541-2014, Main (575) 541-2128, Email vking@las-cruces.org
700 N. Main Street, Suite 3200, Las Cruces, NM 88001

This message is from a legal office and is confidential and/or attorney-client privileged. If you receive a copy of this email in error, please delete it, retain no copies, and call our office immediately (575-541-2128).

**23-030**

City Council Action and Executive Summary

Type of Action:

☒ Resolution☐ Ordinance☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A
1st Reading:	Adopted: September 19, 2022
Drafter: Matthew Saenz	Department: Financial Services
Program: Budget	Line of Business: Fiscal Management

Title: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT VARIOUS BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2022-23 BUDGET, AND THE FY2022-2023 CAPITAL IMPROVEMENT PROGRAM (CIP).

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

PURPOSE(S) OF ACTION:

To request various budget adjustments for compliance and operational needs of the City.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

City staff will prepare budget adjustments for the fiscal year starting July 1, 2022, through June 30, 2023. Adjustments include funding for supplies, services, equipment, and projects to meet the demands of a growing community and to align budgets for effective and efficient City of Las Cruces operations.

The budget adjustment proposed within this Resolution will not deplete the City's 2/12ths reserve requirement for the General Fund.

SUPPORT INFORMATION:

[Exhibit "A" FY23 Fund Summary](#)

[Exhibit "B" - CIP](#)

[Attachment "A"](#)

[Attachment "B"](#)

PLAN(S):

Department Strategic Business Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

Area Transit Advisory Board

ANNUAL BUDGET APPROVAL:

☐ Yes

☒ No

☐ N/A

BUDGET / FISCAL IMPACT:

Agenda Item #6.2.

BUDGETED AMOUNT: Various

AVAILABLE AMOUNT: Various

EXPENDITURE AMOUNT:
Various

Additional Budgetary Information:
Please refer to Exhibit "A" Fiscal Year 2022-23
Budget Adjustments

Funding Source(s):
Various

Overall Budget Impact:
Please refer to Exhibit "A" Fiscal Year 2022-23 Budget Adjustments

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

- ☒ Yes
- ☐ No
- ☐ N/A

Does this action align with Elevate Las Cruces?

- ☒ Yes
- ☐ No
- ☐ N/A

OPTIONS / ALTERNATIVES:

- 1. Vote “Yes”; this will approve the Resolution and accept the budget adjustments as presented, and will adjust the City’s FY2023 budget and Capital Improvement Plan (CIP).
- 2. Vote “No”; this will not approve the Resolution nor accept the budget adjustments as presented, and will not adjust the City’s FY2023 budget and Capital Improvement Plan.
- 3. Vote to “Amend”; this will delay the process of spending the funds within the predetermined funding schedule and require direction to staff.
- 4. Vote to “Table”; this will impact the City’s ability to utilize funds and may impact programs and services.

REFERENCE INFORMATION:

Attachment "A" Budget Adjustment Summary

RESOLUTION 23-030

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT VARIOUS BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2022-23 BUDGET, AND THE FY2022-2023 CAPITAL IMPROVEMENT PROGRAM (CIP).

The City Council is informed that:

WHEREAS, City staff members have prepared a monthly budget adjustment for the fiscal year starting July 1, 2022 through June 30, 2023; and

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

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

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

(I)

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

(II)

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

(III)

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

DONE AND APPROVED this day of

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"

	1000 GENERAL FUND 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 41,226,738	41,226,738	0	41,226,738
Revenues				
Municipal Gross Receipts Tax	47,475,528	47,475,528	0	47,475,528
Public Safety Gross Receipts Tax	4,263,256	4,263,256	0	4,263,256
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	42,196,909	42,196,909	0	42,196,909
Environmental Gross Receipts Tax	2,131,627	2,131,627	0	2,131,627
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	500,000	500,000	0	500,000
Lodgers Tax	0	0	0	0
Property Taxes	12,648,613	12,648,613	0	12,648,613
Payment In Lieu of Property Tax	842,304	842,304	0	842,304
Franchise Fees	2,771,546	2,771,546	0	2,771,546
Payment In Lieu of Franchise Fees	1,200,000	1,200,000	0	1,200,000
Licenses, Fees & Permits	3,089,711	3,089,711	0	3,089,711
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	321,800	321,800	0	321,800
Charges For Services	2,622,941	2,622,941	0	2,622,941
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	2,681,000	2,681,000	0	2,681,000
Investment Income	100,000	100,000	0	100,000
Miscellaneous Revenues	90,060	90,060	0	90,060
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	122,935,295	122,935,295	0	122,935,295
TOTAL RESOURCES	\$ 164,162,033	164,162,033	0	164,162,033
Expenditures				
General Government	5,332,858	5,332,858	0	5,332,858
Legislative	599,338	599,338	0	599,338
Municipal Court	1,643,979	1,643,979	0	1,643,979
Chief Administrative Officer	2,184,078	2,184,078	0	2,184,078
City Manager	2,514,654	2,514,654	991,188	3,505,842
Legal	3,400,663	3,400,663	0	3,400,663
Las Cruces Police Department	27,537,727	27,537,727	0	27,537,727
Las Cruces Fire Department	19,484,637	19,484,637	0	19,484,637
Utilities	0	0	0	0
Economic Development	5,130,498	5,130,498	0	5,130,498
Internal Audit	0	0	0	0
Assistant City Manager-400	5,719,983	5,889,683	0	5,889,683
Human Resources	2,076,550	2,076,550	0	2,076,550
Financial Services	6,278,149	6,278,149	0	6,278,149
Information Technology	6,130,713	6,130,713	0	6,130,713
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	17,674,006	17,824,765	83,815	17,908,580
Community Development	5,781,600	5,781,600	(991,188)	4,790,412
Quality of Life	8,313,229	8,313,229	0	8,313,229
Public Works	10,285,620	10,285,620	0	10,285,620
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 130,088,282	130,408,741	83,815	130,492,556
Other Resources				
Operating Transfers In	9,302,703	9,302,703	0	9,302,703
Operating Transfers Out	(19,039,540)	(19,039,540)	0	(19,039,540)
Total Other Resources	\$ (9,736,837)	(9,736,837)	0	(9,736,837)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 24,336,914	24,016,455	(83,815)	23,932,640
Required Reserve:				
State Required 1/12th	10,840,691	10,867,396	6,985	10,874,381
Local CLC 1/12th	10,840,691	10,867,396	6,985	10,874,381
AVAILABLE BALANCE	\$ 2,655,532	2,281,663	(97,785)	2,183,878

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

Exhibit "A"

	1030 ECONOMIC DEVELOPMENT			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,098,056	1,098,056	0	1,098,056
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 1,098,056	1,098,056	0	1,098,056
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	693,487	693,487	50,000	743,487
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 693,487	693,487	50,000	743,487
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	\$ 404,569	404,569	(50,000)	354,569

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

Exhibit "A"

	1200 VEHICLE ACQUISITION 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,102,076	1,102,076	0	1,102,076
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 1,102,076	1,102,076	0	1,102,076
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	1,363,486	1,363,486	64,648	1,428,134
Las Cruces Fire Department	82,119	82,119	0	82,119
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	491,000	491,000	0	491,000
Community Development	174,760	174,760	0	174,760
Quality of Life	112,000	112,000	0	112,000
Public Works	60,000	60,000	0	60,000
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,283,365	2,283,365	64,648	2,348,013
Other Resources				
Operating Transfers In	1,484,915	1,484,915	0	1,484,915
Operating Transfers Out	(44,915)	(44,915)	0	(44,915)
Total Other Resources	\$ 1,440,000	1,440,000	0	1,440,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 258,711	258,711	(64,648)	194,063

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	\$ 25,757	25,757	0	25,757
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	4,000	0	4,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	182,000	182,000	0	182,000
Federal Grants	5,358,203	5,440,811	0	5,440,811
State Grants	1,120,000	2,428,179	500,000	2,928,179
Local Grants	46,440	44,734	(577)	44,157
Debt Service	0	0	0	0
Total Revenues	6,706,643	8,099,724	499,423	8,599,147
TOTAL RESOURCES	\$ 6,732,400	8,125,481	499,423	8,624,904
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	676,396	0	676,396
Las Cruces Fire Department	85,478	85,478	0	85,478
Utilities	0	0	0	0
Economic Development	2,798,662	3,398,662	500,000	3,898,662
Internal Audit	0	0	0	0
Assistant City Manager-400	468,870	756,580	0	756,580
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	11,030	431,520	(577)	430,943
Community Development	337,981	337,981	0	337,981
Quality of Life	2,375,183	2,413,132	0	2,413,132
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 6,706,648	8,099,749	499,423	8,599,172
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	\$ 25,752	25,732	0	25,732

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

Exhibit "A"

	4005 COMMUNITY INVESTMENT PROJECTS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,336,403	3,336,403	0	3,336,403
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	4,700	4,700	0	4,700
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	4,700	4,700	0	4,700
TOTAL RESOURCES	\$ 3,341,103	3,341,103	0	3,341,103
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	88,868	88,868	0	88,868
Internal Audit	0	0	0	0
Assistant City Manager-400	794,066	794,066	0	794,066
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	1,512,220	1,512,220	(19,412)	1,492,808
Community Development	0	0	0	0
Quality of Life	108,506	108,506	0	108,506
Public Works	717,058	717,058	0	717,058
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,220,718	3,220,718	(19,412)	3,201,306
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	\$ 120,385	120,385	19,412	139,797

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

Exhibit "A"

	4100 CAPITAL PROJECTS REIMB GRANTS			
	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	5,508,937	5,583,937	(22,428)	5,561,509
State Grants	16,541,864	16,541,864	(72,661)	16,469,203
Local Grants	350,000	350,000	0	350,000
Debt Service	0	0	0	0
Total Revenues	22,400,801	22,475,801	(95,089)	22,380,712
TOTAL RESOURCES	\$ 22,400,801	22,475,801	(95,089)	22,380,712
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	370,000	370,000	0	370,000
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	47,000	47,000	0	47,000
Las Cruces Fire Department	74,798	74,798	0	74,798
Utilities	0	0	0	0
Economic Development	2,631,838	2,631,838	0	2,631,838
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	3,816,025	3,891,025	(95,089)	3,795,936
Community Development	0	0	0	0
Quality of Life	742,500	742,500	0	742,500
Public Works	14,718,640	14,718,640	0	14,718,640
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 22,400,801	22,475,801	(95,089)	22,380,712
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 0	0	0	0

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

Exhibit "A"

	4106 PUBLIC PARK DEVELOPMENT			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,976,355	6,976,355	0	6,976,355
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	1,500,000	1,500,000	0	1,500,000
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,500,000	1,500,000	0	1,500,000
TOTAL RESOURCES	\$ 8,476,355	8,476,355	0	8,476,355
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	3,812,303	3,812,303	(365,136)	3,447,167
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,812,303	3,812,303	(365,136)	3,447,167
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	\$ 4,664,052	4,664,052	365,136	5,029,188

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

Exhibit "A"

	4228 2015A HHS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 967,966	967,966	0	967,966
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	1,125	1,125	0	1,125
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,125	1,125	0	1,125
TOTAL RESOURCES	\$ 969,091	969,091	0	969,091
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	258,857	258,857
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	258,857	258,857
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	\$ 969,091	969,091	(258,857)	710,234

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

Exhibit "A"

	5010 AIRPORT			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 908,601	908,601	0	908,601
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	25,000	25,000	0	25,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	190,000	190,000	0	190,000
Federal Grants	59,000	59,000	0	59,000
State Grants	1,967,032	2,258,138	0	2,258,138
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	2,241,032	2,532,138	0	2,532,138
TOTAL RESOURCES	\$ 3,149,633	3,440,739	0	3,440,739
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	3,462,338	3,753,444	197,225	3,950,669
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,462,338	3,753,444	197,225	3,950,669
Other Resources				
Operating Transfers In	773,000	773,000	0	773,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 773,000	773,000	0	773,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 460,295	460,295	(197,225)	263,070

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

Exhibit "A"

	5100 UTILITIES SHARED SERVICES			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 88,464	88,464	0	88,464
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	17,604,377	17,604,377	0	17,604,377
Investment Income	13,996	13,996	10,000	23,996
Miscellaneous Revenues	300,000	300,000	0	300,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	17,918,373	17,918,373	10,000	17,928,373
TOTAL RESOURCES	\$ 18,006,837	18,006,837	10,000	18,016,837
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	15,503,387	15,503,387	177,348	15,680,735
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	1,454,856	1,454,856	0	1,454,856
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 16,958,243	16,958,243	177,348	17,135,591
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(800,000)	(800,000)	(75,000)	(875,000)
Total Other Resources	\$ (800,000)	(800,000)	(75,000)	(875,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 248,594	248,594	(242,348)	6,246

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

Exhibit "A"

	5160 SHARED SVCS EQUIP REPL RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 180,239	180,239	0	180,239
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	1,073	1,073	0	1,073
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,073	1,073	0	1,073
TOTAL RESOURCES	\$ 181,312	181,312	0	181,312
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	796,574	796,574	229,494	1,026,068
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 796,574	796,574	229,494	1,026,068
Other Resources				
Operating Transfers In	800,000	800,000	75,000	875,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 800,000	800,000	75,000	875,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 184,738	184,738	(154,494)	30,244

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

Exhibit "A"

	5200 GAS OPERATIONS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 5,542,211	5,542,211	0	5,542,211
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	415,460	415,460	0	415,460
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	11,315,399	11,315,399	0	11,315,399
Natural Gas Sales - Commodity	14,847,554	14,847,554	0	14,847,554
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	9,104	9,104	30,000	39,104
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	26,587,517	26,587,517	30,000	26,617,517
TOTAL RESOURCES	\$ 32,129,728	32,129,728	30,000	32,159,728
Expenditures				
General Government	4,890,496	4,890,496	0	4,890,496
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	25,567,112	25,567,112	85,229	25,652,341
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 30,457,608	30,457,608	85,229	30,542,837
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(1,415,272)	(1,415,272)	(200,000)	(1,615,272)
Total Other Resources	\$ (1,415,272)	(1,415,272)	(200,000)	(1,615,272)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 256,848	256,848	(255,229)	1,619

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

Exhibit "A"

	5250 GAS CAPITAL IMPROVEMENTS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,443,545	3,443,545	0	3,443,545
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	8,451	8,451	0	8,451
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	8,451	8,451	0	8,451
TOTAL RESOURCES	\$ 3,451,996	3,451,996	0	3,451,996
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	2,858,127	2,858,127	100,000	2,958,127
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,858,127	2,858,127	100,000	2,958,127
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	\$ 593,869	593,869	(100,000)	493,869

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

Exhibit "A"

	5260			
	GAS EQUIPMENT REPLACE RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 443,814	443,814	0	443,814
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	2,915	2,915	0	2,915
Miscellaneous Revenues	5,000	5,000	0	5,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	7,915	7,915	0	7,915
TOTAL RESOURCES	\$ 451,729	451,729	0	451,729
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	436,601	436,601	212,885	649,486
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 436,601	436,601	212,885	649,486
Other Resources				
Operating Transfers In	0	0	200,000	200,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	200,000	200,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 15,128	15,128	(12,885)	2,243

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

Exhibit "A"

	5300 WATER OPERATIONS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,830,892	3,830,892	0	3,830,892
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	289,930	289,930	0	289,930
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	21,002,023	21,002,023	0	21,002,023
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	60,000	60,000	0	60,000
Investment Income	5,790	5,790	20,000	25,790
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	21,357,743	21,357,743	20,000	21,377,743
TOTAL RESOURCES	\$ 25,188,635	25,188,635	20,000	25,208,635
Expenditures				
General Government	4,323,635	4,323,635	0	4,323,635
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	17,953,937	17,953,937	270,181	18,224,118
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 22,277,572	22,277,572	270,181	22,547,753
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(2,621,241)	(2,621,241)	(35,000)	(2,656,241)
Total Other Resources	\$ (2,621,241)	(2,621,241)	(35,000)	(2,656,241)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 289,822	289,822	(285,181)	4,641

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

Exhibit "A"

	5320 WATER ACQUISITION 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 909,141	909,141	0	909,141
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	888,500	888,500	15,000	903,500
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	6,906	6,906	0	6,906
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	895,406	895,406	15,000	910,406
TOTAL RESOURCES	\$ 1,804,547	1,804,547	15,000	1,819,547
Expenditures				
General Government	78,700	78,700	0	78,700
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	1,722,095	1,722,095	6,905	1,729,000
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,800,795	1,800,795	6,905	1,807,700
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	\$ 3,752	3,752	8,095	11,847

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

Exhibit "A"

	5332 WATER10 DEBT SERVICE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 451,171	451,171	0	451,171
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	2,440	2,440	0	2,440
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	2,440	2,440	0	2,440
TOTAL RESOURCES	\$ 453,611	453,611	0	453,611
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	29,324	29,324
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	29,324	29,324
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 453,611	453,611	29,324	482,935

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

Exhibit "A"

	5342 WATER10 DEBT SERVICE RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 29,361	29,361	0	29,361
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	89	89	0	89
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	89	89	0	89
TOTAL RESOURCES	\$ 29,450	29,450	0	29,450
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	(29,323)	(29,323)
Total Other Resources	\$ 0	0	(29,323)	(29,323)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 29,450	29,450	(29,323)	127

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

Exhibit "A"

	5350			
	WATER CAPITAL IMPROVEMENTS			
	2022-223			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,239,977	1,239,977	0	1,239,977
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	1,000	1,000	0	1,000
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,000	1,000	0	1,000
TOTAL RESOURCES	\$ 1,240,977	1,240,977	0	1,240,977
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	2,633,447	2,633,447	25,000	2,658,447
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,633,447	2,633,447	25,000	2,658,447
Other Resources				
Operating Transfers In	1,445,944	1,445,944	0	1,445,944
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 1,445,944	1,445,944	0	1,445,944
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 53,474	53,474	(25,000)	28,474

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

Exhibit "A"

	5360 WATER EQUIPMENT REPL RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,039,702	1,039,702	0	1,039,702
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	3,027	3,027	0	3,027
Miscellaneous Revenues	5,000	5,000	0	5,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	8,027	8,027	0	8,027
TOTAL RESOURCES	\$ 1,047,729	1,047,729	0	1,047,729
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	2,162,823	2,162,823	95,000	2,257,823
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,162,823	2,162,823	95,000	2,257,823
Other Resources				
Operating Transfers In	1,175,297	1,175,297	35,000	1,210,297
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 1,175,297	1,175,297	35,000	1,210,297
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 60,203	60,203	(60,000)	203

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

Exhibit "A"

	5377			
	WATER NMFA LOAN PROJECTS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 9,724	9,724	0	9,724
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 9,724	9,724	0	9,724
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	(1)	(1)
Total Other Resources	\$ 0	0	(1)	(1)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 9,724	9,724	(1)	9,723

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

Exhibit "A"

	5389 WATER14 DEBT SERVICE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 126,299	126,299	0	126,299
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	1,330	1,330	0	1,330
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,330	1,330	0	1,330
TOTAL RESOURCES	\$ 127,629	127,629	0	127,629
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	887,441	887,441
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	887,441	887,441
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 127,629	127,629	887,441	1,015,070

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

Exhibit "A"

	5396 WATER14 BOND PROJECTS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 888,603	888,603	0	888,603
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	2,692	2,692	0	2,692
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	2,692	2,692	0	2,692
TOTAL RESOURCES	\$ 891,295	891,295	0	891,295
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	(887,441)	(887,441)
Total Other Resources	\$ 0	0	(887,441)	(887,441)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 891,295	891,295	(887,441)	3,854

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

Exhibit "A"

	5400 WASTEWATER OPERATIONS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,191,813	2,191,813	0	2,191,813
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	226,728	226,728	0	226,728
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	15,516,044	15,516,044	0	15,516,044
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	2,365	2,365	0	2,365
Miscellaneous Revenues	6,000	6,000	0	6,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	15,751,137	15,751,137	0	15,751,137
TOTAL RESOURCES	\$ 17,942,950	17,942,950	0	17,942,950
Expenditures				
General Government	4,144,070	4,144,070	0	4,144,070
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	12,085,592	12,085,592	20,852	12,106,444
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 16,229,662	16,229,662	20,852	16,250,514
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(1,510,000)	(1,510,000)	(100,000)	(1,610,000)
Total Other Resources	\$ (1,510,000)	(1,510,000)	(100,000)	(1,610,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 203,288	203,288	(120,852)	82,436

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

Exhibit "A"

	5401 WASTEWATER DEVELOPMENT			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 4,682,241	4,682,241	0	4,682,241
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	1,677,326	1,677,326	0	1,677,326
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	10,155	10,155	0	10,155
Miscellaneous Revenues	8,818	8,818	0	8,818
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,696,299	1,696,299	0	1,696,299
TOTAL RESOURCES	\$ 6,378,540	6,378,540	0	6,378,540
Expenditures				
General Government	44,700	44,700	0	44,700
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	976,824	976,824	118,494	1,095,318
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,021,524	1,021,524	118,494	1,140,018
Other Resources				
Operating Transfers In	100,000	100,000	0	100,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 100,000	100,000	0	100,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 5,457,016	5,457,016	(118,494)	5,338,522

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

Exhibit "A"

	5435 WW15 DEBT SERVICE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 174,495	174,495	0	174,495
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	1,871	1,871	0	1,871
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,871	1,871	0	1,871
TOTAL RESOURCES	\$ 176,366	176,366	0	176,366
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	14	14
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	14	14
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 176,366	176,366	14	176,380

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

Exhibit "A"

	5441 WW09 DEBT SERVICE RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 8,533	8,533	0	8,533
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	200	200	0	200
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	200	200	0	200
TOTAL RESOURCES	\$ 8,733	8,733	0	8,733
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	9,442	9,442
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	9,442	9,442
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 8,733	8,733	9,442	18,175

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

Exhibit "A"

	5442 WW10 DEBT SERVICE RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 9,454	9,454	0	9,454
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	29	29	0	29
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	29	29	0	29
TOTAL RESOURCES	\$ 9,483	9,483	0	9,483
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	(9,442)	(9,442)
Total Other Resources	\$ 0	0	(9,442)	(9,442)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 9,483	9,483	(9,442)	41

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

Exhibit "A"

	5450 WASTEWATER CAPITAL IMPROVEMENT			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,027,040	1,027,040	0	1,027,040
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	2,214	2,214	0	2,214
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	1,482,712	1,482,712	206,874	1,689,586
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,484,926	1,484,926	206,874	1,691,800
TOTAL RESOURCES	\$ 2,511,966	2,511,966	206,874	2,718,840
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	3,951,652	3,951,652	206,874	4,158,526
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,951,652	3,951,652	206,874	4,158,526
Other Resources				
Operating Transfers In	1,450,000	1,450,000	0	1,450,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 1,450,000	1,450,000	0	1,450,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 10,314	10,314	0	10,314

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

Exhibit "A"

	5460 WASTEWATER EQUIP REPL RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 526,250	526,250	0	526,250
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	2,940	2,940	0	2,940
Miscellaneous Revenues	5,000	5,000	0	5,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	7,940	7,940	0	7,940
TOTAL RESOURCES	\$ 534,190	534,190	0	534,190
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	587,458	587,458	100,178	687,636
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 587,458	587,458	100,178	687,636
Other Resources				
Operating Transfers In	60,000	60,000	100,000	160,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 60,000	60,000	100,000	160,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 6,732	6,732	(178)	6,554

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

Exhibit "A"

	5475			
	WW06 BOND REHAB PROJECTS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 14	14	0	14
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 14	14	0	14
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	(14)	(14)
Total Other Resources	\$ 0	0	(14)	(14)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 14	14	(14)	0

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

Exhibit "A"

	5481 WW14 DEBT SERVICE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 11,731	11,731	0	11,731
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	154	154	0	154
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	154	154	0	154
TOTAL RESOURCES	\$ 11,885	11,885	0	11,885
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	139,787	139,787
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	139,787	139,787
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 11,885	11,885	139,787	151,672

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

Exhibit "A"

	5491 WW14 BOND PROJECTS 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 139,970	139,970	0	139,970
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	424	424	0	424
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	424	424	0	424
TOTAL RESOURCES	\$ 140,394	140,394	0	140,394
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	0	0
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	(139,787)	(139,787)
Total Other Resources	\$ 0	0	(139,787)	(139,787)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 140,394	140,394	(139,787)	607

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

Exhibit "A"

	5500 SOLID WASTE OPERATIONS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,693,306	6,693,306	0	6,693,306
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	233,400	233,400	0	233,400
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	17,972,497	17,972,497	0	17,972,497
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	2,231	2,231	0	2,231
Miscellaneous Revenues	5,000	5,000	0	5,000
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	18,213,128	18,213,128	0	18,213,128
TOTAL RESOURCES	\$ 24,906,434	24,906,434	0	24,906,434
Expenditures				
General Government	4,246,176	4,246,176	0	4,246,176
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	12,468,335	12,468,335	652,809	13,121,144
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 16,714,511	16,714,511	652,809	17,367,320
Other Resources				
Operating Transfers In	514,644	514,644	0	514,644
Operating Transfers Out	(4,000,000)	(4,000,000)	0	(4,000,000)
Total Other Resources	\$ (3,485,356)	(3,485,356)	0	(3,485,356)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 4,706,567	4,706,567	(652,809)	4,053,758

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

Exhibit "A"

	5510 SOLID WASTE LANDFILL CLOSURE 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,590,248	3,590,248	0	3,590,248
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 Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	7,953	7,953	0	7,953
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	7,953	7,953	0	7,953
TOTAL RESOURCES	\$ 3,598,201	3,598,201	0	3,598,201
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	752,537	752,537	115,800	868,337
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 Manager-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 752,537	752,537	115,800	868,337
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 2,845,664	2,845,664	(115,800)	2,729,864

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

Exhibit "A"

	5560			
	SOLID WASTE EQUIP REPL RESERVE			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,116,439	2,116,439	0	2,116,439
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	6,855	6,855	0	6,855
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	6,855	6,855	0	6,855
TOTAL RESOURCES	\$ 2,123,294	2,123,294	0	2,123,294
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	4,644,757	4,644,757	12,000	4,656,757
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 4,644,757	4,644,757	12,000	4,656,757
Other Resources				
Operating Transfers In	4,000,000	4,000,000	0	4,000,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 4,000,000	4,000,000	0	4,000,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,478,537	1,478,537	(12,000)	1,466,537

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

Exhibit "A"

	7480 GIFTS AND MEMORIALS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 474,290	474,290	0	474,290
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	800	800
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenance Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	13,075	13,055	5,000	18,055
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	13,075	13,055	5,800	18,855
TOTAL RESOURCES	\$ 487,365	487,345	5,800	493,145
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	6,000	6,000	800	6,800
Las Cruces Fire Department	0	0	5,000	5,000
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 Manager-500	0	0	0	0
Parks & Recreation	36,500	36,500	0	36,500
Community Development	0	0	0	0
Quality of Life	329,377	329,357	0	329,357
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 371,877	371,857	5,800	377,657
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	\$ 115,488	115,488	0	115,488

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

Exhibit B

Amended as of 9/19/2022

Agenda Item #6.2

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 <i>2022 Legislative Appropriation</i> <i>2022 Legislative Appropriation</i>	2,933,085	<i>511,035</i> <i>388,561</i>					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	\$ 899,596	\$ -	\$ -	\$ -	\$ -	
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	\$ 45,310,596	\$ 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	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Facilities Management - Total Newly Funded Projects	\$ 200,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	2,688,182						Bonds, Taxes
Gateway Entry Points Signage Maintenance	50,000		50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 2,738,182	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	

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

Amended as of 9/19/2022

Agenda Item #6.2

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	146,500	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							
Generator Buffer Program	80,000	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	50,000	Taxes
Henry R Benavidez Community Center							
Roof Replacement Program	349,134	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	221,585						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	\$ 847,219	\$ 975,000	\$ 975,000	\$ 975,000	\$ 975,000	\$ 975,000	
Facilities Management - Future Projects							
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	\$ -	\$ 260,000	\$ 260,000	\$ 237,500	\$ 260,000	\$ 260,000	
Total Facilities Management	\$ 3,785,401	\$ 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	668,631						Grants, Taxes, Other
<i>2022 Legislative Appropriation</i>		500,000					
LRU Passenger Terminal	1,032,890		12,500,000		1,850,000	3,500,000	Grants, Taxes, Other
LRU Runway 8/26 Extension	340,700	4,200,000	8,400,000				Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
LRU Runway 12/30 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	434,561			13,500,000			Grants, Taxes, Other
LRU Taxilane Improvements	300,000						Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 2,776,782	\$ 4,700,000	\$ 20,900,000	\$ 13,500,000	\$ 1,850,000	\$ 3,500,000	
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	\$ 3,032,782	\$ 49,350,000	\$ 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 Clinica de Familia - Behavioral Health Facility	943,809						Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Warehouse	6,654,736	1,847,000					Grants, Other
MV Community of Hope - Flooring	10,317						Grants
MV Community of Hope - Health Facility Improvements	826,661						Grants
2022 Legislative Appropriation		760,000					
2022 Legislative Appropriation		169,682					
MV Community of Hope - Solar Parking	30,303						Grants, Taxes
Non-Profit Organizations - Total Carryover Projects	\$ 10,942,567	\$ 2,876,682	\$ 400,000	\$ 5,500,000	\$ -	\$ -	

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	\$ 10,942,567	\$ 4,376,682	\$ 8,300,000	\$ 9,450,000	\$ -	\$ -	
PARKS & RECREATION							
Parks & Recreation - Newly Funded Projects							
JCP Learning Center Exterior Repairs	75,000						Grants, Taxes
<i>2022 Legislative Appropriation</i>		220,000					
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	\$ 235,000	\$ 330,000	\$ -	\$ -	\$ -	\$ -	
Parks & Recreation - Carryover Projects							
A. Fielder Memorial Safe Haven Renovations	175,000						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	74,156	483,410					Grants
Median Landscaping	1,409,950	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	100,000		550,000	250,000			Grants
<i>2022 Legislative Appropriation</i>		450,000					
Parks Parking Lots	2,426,773						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							
<i>2022 Legislative Appropriation</i>		250,000					
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	6,518,811						Bonds, PIF, Taxes
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Enclosure	9,489,633						Bonds, Taxes

Page 334

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	215,000						Grants, PIF
Parks & Recreation - Total Carryover Projects	\$ 27,253,520	\$ 4,520,976	\$ 3,271,021	\$ 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	
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
East Mesa Bataan Memorial Pool - Shade Structure		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	\$ -	\$ 3,529,750	\$ 5,423,500	\$ 11,976,200	\$ 1,475,200	\$ 1,972,700	
Total Parks & Recreation	\$ 28,135,120	\$ 9,480,726	\$ 9,694,521	\$ 24,676,200	\$ 4,275,200	\$ 4,372,700	

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
PUBLIC SAFETY							
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 <i>2022 Legislative Appropriation</i>	74,798	330,000	720,000	500,000	500,000		Grants
Police Department Building Renovations <i>2022 Legislative Appropriation</i>	13,696	50,000	150,000				Grants, Taxes
Police Department Evidence Building	271,883						Taxes
Public Safety Regional Radio Communication System	515,000						Grants, Taxes
Public Safety - Total Carryover Projects	\$ 960,377	\$ 380,000	\$ 870,000	\$ 500,000	\$ 5,665,000	\$ -	
Public Safety - Future Projects							
Downtown Public Safety Complex		57,000,000					Bonds, Grants
Fire Department Station 9		5,165,000					Bonds, Grants, Taxes, Other
Police Department Mobile Operations Command Vehicle		500,000					Grants
Public Safety Vehicles - Bearcat		400,000					Grants
Public Safety Vehicles - Rook		400,000					Grants
Fire Department CIT and MIH Building		365,000	3,420,315				Grants, Taxes, Other
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 Dept. Administration Building Lobby Remodel <i>2022 Legislative Appropriation</i>		200,000	350,000	193,400			Grants, Other
Police Department Equipment - Mobile Data Terminals <i>2022 Legislative Appropriation</i>		160,000					Grants
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	\$ -	\$ 65,405,000	\$ 4,089,315	\$ 527,400	\$ 330,000	\$ 9,270,000	
Total Public Safety	\$ 960,377	\$ 65,785,000	\$ 4,959,315	\$ 1,027,400	\$ 5,995,000	\$ 9,270,000	

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Funding Source(s)
PUBLIC WORKS							
Public Works - Carryover Projects							
Amador Hotel	2,344,425		2,950,000	2,950,000	2,950,000		Grants, TIDD
Avenida Blanco - South Valley Drive to Calle del Encanto	450,000						Bonds
Bellamah Drive - Lees Drive to Luna Street	825,000						Taxes
Brown Farm Ponding Improvements	155,675						Bonds
Campo Street Design and Reconstruct	460,026	2,600,000					TIDD
Drainage Infrastructure Improvements EBID Drains & Laterals Land Acquisition Other Improvements	2,837,986						Loans, Taxes
East Mesa Recreation Complex Roads	2,255,825						Bonds
East Mesa Roads and Drainage	1,634,000		900,000				Bonds, Grants
2022 Legislative Appropriation		100,000					
GO Bonds - ARPA Funding	4,128,725						ARPA
GO Bond Q1 - Park & Sport Field Improvements & Additions	9,314,230						GO Bonds, PIF
GO Bond Q2 - New Animal Shelter Facility	5,652,897						GO Bonds
GO Bond Q3 - New Fire Station No. 3 Building	1,087,978						GO Bonds
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	176,635						GO Bonds
Madrid Ave Extension - Martha Dr to N Triviz Dr	1,900,000						Grants, Taxes
Magdalena Drive Storm Repairs	203,522						Taxes, Other
McClure Drainage Improvements	100,000						Bonds
McFie - Valley to First	1,093,176						Grants, Taxes
Mesquite/Tornillo Drainage Improvements	184,773						Bonds
Picacho Ave HAWK System	249,793						Grants, Taxes
South Main St - Avenida de Mesilla to Boutz	3,300,000						Bonds
Storm Water System Mapping	100,000						Taxes
Tashiro Rd Improvements - Valley Dr to Motel Blvd	190,741						Bonds
Traffic Signals Roadrunner Parkway & Sonora Springs Sonoma Ranch Blvd & Northrise	1,288,155						Bonds
Voluntary Assessment District Phase I 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	236,956						Bonds
Voluntary Assessment District Phase II 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	7,670,585						Bonds
Villa Mora Dam Park Study	623,000						Grants, Taxes
Walnut-Madrid TAP Bike/Pedestrian Improvements	1,323,660						Bonds, Grants
Public Works - Total Carryover Projects	\$ 49,787,763	\$ 2,700,000	\$ 3,850,000	\$ 2,950,000	\$ 2,950,000	\$ -	

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Public Works - Annual Projects							
Active Transportation Plan - Sidewalk Gaps	173,514	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	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	1,013,819	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	1,096,291	500,000	500,000	500,000	500,000	500,000	Taxes
Traffic Signal Program	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	95,000	100,000	100,000	100,000	100,000	100,000	Taxes
City Rights of Way							
Las Cruces Dam							
Ponds							
Public Works - Total Annual Projects	\$ 15,240,411	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	
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
Telshor Spruce Intersection Improvements			850,000				Grants
<i>2022 Legislative Appropriation</i>		650,000					
Midway Ave - Gas Line Rd to Mesa Dr		240,000					Taxes, Grants
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
Calle de Sol - Avenida Blanco to Avenida de Mesilla				500,000			Bonds
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
Kramer 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

Page 334

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	\$ -	\$ 30,490,000	\$ 16,430,000	\$ 12,545,000	\$ 14,757,000	\$ 3,185,000	
Total Public Works	\$ 65,028,174	\$ 44,375,000	\$ 31,215,000	\$ 26,680,000	\$ 28,642,000	\$ 14,370,000	
QUALITY OF LIFE							
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements	145,568		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
<i>2022 Legislative Appropriation</i>		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	\$ 2,302,756	\$ 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
<i>2022 Legislative Appropriation</i>		110,000					
Munson Center Bathrooms		106,900					Bonds, Grants, Taxes

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Frank O'Brien Papen Center - Dining Room Floor <i>2022 Legislative Appropriation</i>			12,800				Grants
		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	\$ 2,411,262	\$ 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	26,940,330	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 26,940,330	\$ 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	\$ 26,980,330	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
SUSTAINABILITY							
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	794,066						Taxes
Sustainability - Total Carryover Projects	\$ 794,066	\$ -	\$ -	\$ -	\$ -	\$ -	
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
Fleet Electric Vehicle Chargers		90,000	90,000	180,000			Grants, Bonds, Taxes
Sustainability - Total Future Projects	\$ -	\$ 490,000	\$ 490,000	\$ 180,000	\$ -	\$ -	
Total Sustainability	\$ 794,066	\$ 490,000	\$ 490,000	\$ 180,000	\$ -	\$ -	

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

Amended as of 9/19/2022

Agenda Item #6.2

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	1,689,047		1,972,100	1,619,000			Grants
<i>2022 Legislative Appropriation</i>		200,000					
Wastewater Utilities Bond Projects 2020A	488,408	375,000					Bonds
Water Bond Projects 2015A	4,004						Bonds
Water Development	2,882	1,000,000					WIF
Water Miscellaneous	1,200						Bonds
Water NMFA Loan	7,034	100,000					Bonds
Water Rehabilitation - 2006 Bonds	13,061						Bonds
Water Rehabilitation - NMFA	108,614	1,551,091					Bonds
Water Street Improvement Projects - 2015 Bond	18,772						Bonds
Water Utilities Bond Projects 2020A	6,132,615	4,939,151					Bonds
Utilities - Total Carryover Projects	\$ 10,150,965	\$ 8,625,242	\$ 1,972,100	\$ 1,619,000	\$ -	\$ -	
Utilities - Annual Projects							
Gas Admin Building Improvements	421,417	321,667	125,000	125,000	125,000	125,000	Other
Fiber optic 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
Fiber optic Cable Replacement from Roundtree to JU							
Wastewater Building Improvements	276,940	75,000	75,000	75,000	75,000	75,000	Other
Fiber optic Cable Replacement from Roundtree to JU							
Wastewater Jacob Hands Wastewater Treatment Facility	257,432	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	1,132,085	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
Fiber optic 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	1,030,259	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	\$ 8,279,448	\$ 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 9/19/2022

Agenda Item #6.2

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	\$ 18,430,413	\$ 56,979,810	\$ 14,393,346	\$ 7,123,596	\$ 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	\$ -	\$ -	\$ -	\$ -	\$ -	
Visit Las Cruces - Future Projects							
Convention Center Upgrades and Maintenance		355,000					Grants, Taxes
Visit Las Cruces Building Subflooring		142,000					Taxes
Convention Center Exterior Sign		53,000					Grants, Taxes
Visit Las Cruces - Total Future Projects	\$ -	\$ 550,000	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 150,000	\$ 550,000	\$ -	\$ -	\$ -	\$ -	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 1,155,000	\$ 1,055,000	\$ 630,000	\$ 630,000	\$ 630,000	\$ 630,000	
Total Carryover Projects	\$ 138,558,328	\$ 37,897,583	\$ 34,535,646	\$ 37,819,000	\$ 13,515,000	\$ 4,950,000	
Total Annual Projects	\$ 25,298,184	\$ 60,306,691	\$ 25,176,246	\$ 18,509,596	\$ 16,725,000	\$ 21,800,000	
Total Future Projects	\$ -	\$ 193,250,527	\$ 60,118,165	\$ 49,164,100	\$ 43,442,200	\$ 35,487,700	
GRAND TOTAL	\$ 165,011,512	\$ 292,509,801	\$ 120,460,057	\$ 106,122,696	\$ 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

BUDGET ADJUSTMENT SUMMARY

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	City Manager's Office
PROGRAM:	Comprehensive & Strategic Planning
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$991,188
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Organization restructuring. Move Long-Range Planning from Community Development to City Manager's Office – Planning & Implementation. Includes Sr. Planner, Active Transportation Coordinator, and operational budget.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Community Development
PROGRAM:	Community Planning
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	(\$991,188)
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Organization restructuring. Move Long-Range Planning from Community Development to City Manager's Office – Planning & Implementation. Includes Sr. Planner, Active Transportation Coordinator, and operational budget.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$83,815
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover projects: RTP University Loop \$22,455, Smart Controllers \$35,000, Neighborhood Parks \$46,600, Butterfield Shooting Range \$35,000, and adjust Competition Pool to actuals (\$55,240).	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Revenue
DEPARTMENT:	Non-Department
REVENUE ADJ AMOUNT	\$500,000
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: The amount of \$500,000 for Cannabis revenue was budgeted in the original Fiscal 2023 budget (Res 22-141, May 16, 2022). However, in the July FY23 budget adjustment (Res 23-006, July 5, 2022) it was inadvertently left out of the Exhibit A general fund summary. This adjustment corrects the general fund summary by adding back the \$500,000 Cannabis revenue, bringing the FY23 general fund total revenue to \$122,935,295 as adopted. (For reference, please see Attachment B.)	

FUND NO.	1030
FUND TITLE:	Economic Development
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Economic Development
PROGRAM:	Destination Downtown
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$50,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Expand downtown event programming.	

FUND NO.	1200
FUND TITLE:	Vehicle Acquisition
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Patrol / Criminal Investigations
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	(\$64,648)
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Was budgeted in FY23 however, the vehicle arrived in and was paid for in FY22.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Economic Development
PROGRAM:	Business Attraction
REVENUE ADJ AMOUNT	\$500,000
EXPENDITURE ADJ AMOUNT	\$500,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover LEDA Saputo funds.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Community Recreation
REVENUE ADJ AMOUNT	(\$577)
EXPENDITURE ADJ AMOUNT	(\$577)
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Reduce Fitlot grant project budget to actuals.	

FUND NO.	4005
FUND TITLE:	Community Investment Project
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	(\$19,412)
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Adjusting 2019 Median Improvements project by \$9,316 and Chandler Tank project by (\$28,728) because they were budgeted in FY23 however they expended these amount in FY22.	

FUND NO.	4100
FUND TITLE:	Capital Project Reimbursement Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Various
REVENUE ADJ AMOUNT	(\$95,089)
EXPENDITURE ADJ AMOUNT	(\$95,089)
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Adjust projects to actuals: RTP University Loop (\$22,428), Park Security Lighting (\$54,006), Pioneer Park Improvements (\$18,655).	

FUND NO.	4228
FUND TITLE:	2015A Hold Harmless Street Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Airport
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$258,857
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover funds to pay for work done at the Airport on the east area taxi lane.	

FUND NO.	4106
FUND TITLE:	Public Park Development
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	(\$365,136)
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Adjust Park Impact Fee projects to actuals.	

FUND NO.	5010
FUND TITLE:	Airport
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Airport
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$197,225
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover Airport projects for Air Service, Master Plan, maintenance, Space Expo, and tractor replacement.	

FUND NO.	5100
FUND TITLE:	Utilities Shared Services
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$10,000
EXPENDITURE ADJ AMOUNT	\$177,348
TRANSFER ADJ AMOUNT	(\$75,000)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Increase revenues by \$10,000, budget carryover for security improvements, minor equipment, and request a contract position to replace the Auto Recovery System (ARS) for a total of \$177,348. Transfer (\$75,000) to fund 5160 – Shared Services Equipment Replacement Reserve.	

FUND NO.	5160
FUND TITLE:	Shared Services Equipment Replacement Reserve
TYPE OF ADJUSTMENT:	Expense & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$229,494
TRANSFER ADJ AMOUNT	\$75,000
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover vehicle replacements and transfer funds from fund 5100 – Shared Services.	

FUND NO.	5200
FUND TITLE:	Gas Operations
TYPE OF ADJUSTMENT:	Expense & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$30,000
EXPENDITURE ADJ AMOUNT	\$85,229
TRANSFER ADJ AMOUNT	(\$200,000)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Increase revenue, carryover funds for Investment Grade Audit (IGA) - measurement and verification, and transfer budget to 5260 – Gas Equipment Replacement Reserve.	

FUND NO.	5250
FUND TITLE:	Gas Capital Improvements
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Technical Support
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$100,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover southside Employee Parking Lot project.	

FUND NO.	5260
FUND TITLE:	Gas Equipment Replace Reserve
TYPE OF ADJUSTMENT:	Expense & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$212,885
TRANSFER ADJ AMOUNT	\$200,000
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover replacement vehicle purchases for those that did not arrive in FY22 and transfer budget in from 5200 – Gas Operations.	

FUND NO.	5300
FUND TITLE:	Water Operations
TYPE OF ADJUSTMENT:	Revenue, Expense, & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$20,000
EXPENDITURE ADJ AMOUNT	\$270,181
TRANSFER ADJ AMOUNT	(\$35,000)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Increase revenues, carryover minor equipment, IGA – measurement and verification, & Safe Drinking Water Act (SDWA) sampling. Transfer funds to 5360 – Water Equipment Replacement Reserve.	

FUND NO.	5320
FUND TITLE:	Water Acquisition
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$15,000
EXPENDITURE ADJ AMOUNT	\$6,905
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Increase revenues, carryover minor equipment and the Water Conservation Plan.	

FUND NO.	5332
FUND TITLE:	Water10 Debt Service
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$29,324
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer in from 5342 – Water10 Debt Service Reserve \$29,333 and from 5377- Water NMFA Loan Project for \$1.	

FUND NO.	5342
FUND TITLE:	Water10 Debt Service Reserve
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	(\$29,323)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Closeout fund. Transfer current funds to 5332 - Water10 Debt Service.	

FUND NO.	5350
FUND TITLE:	Water Capital Improvements
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Technical Support
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$25,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover southside Employee Parking Lot Project.	

FUND NO.	5360
FUND TITLE:	Water Equipment Replacement Reserve
TYPE OF ADJUSTMENT:	Expense & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$95,000
TRANSFER ADJ AMOUNT	\$35,000
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Increasing expenditures for increased cost of equipment purchases. Transfer in from Fund 5300 - Water Operations.	

FUND NO.	5377
FUND TITLE:	Water NMFA Loan Projects
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	(\$1)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Closeout fund. Transfer available funds to 5332 - Water10 Debt Service.	

FUND NO.	5389
FUND TITLE:	Water14 Debt Service
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$887,441
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer in from 5396 – Water14 Bond Projects.	

FUND NO.	5396
FUND TITLE:	Water14 Bond Projects
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	(\$887,441)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer to fund 5389 – Water14 Debt Service.	

FUND NO.	5400
FUND TITLE:	Wastewater Operations
TYPE OF ADJUSTMENT:	Expense & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$20,852
TRANSFER ADJ AMOUNT	(\$100,000)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover minor equipment and professional services for PCB analyses. Transfer budget to 5460 – Wastewater Equipment Replacement Reserve.	

FUND NO.	5401
FUND TITLE:	Wastewater Development
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$118,494
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover Wastewater Impact Fee Study and ongoing Capital Improvement Plan (CIP) projects.	

FUND NO.	5435
FUND TITLE:	WW15 Debt Service
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$14
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer current funds in from fund 5475 – WW06 Bond Rehab Projects.	

FUND NO.	5441
FUND TITLE:	WW09 Debt Service Reserve
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$9,442
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer from 5442 – WW10 Debt Service Reserve.	

FUND NO.	5442
FUND TITLE:	WW10 Debt Service Reserve
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	(\$9,442)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer available out to fund 5441 - WW09 Debt Service Reserve.	

FUND NO.	5450
FUND TITLE:	Wastewater Capital Improvement
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Utilities
PROGRAM:	Technical Support
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$206,874
TRANSFER ADJ AMOUNT	\$206,874
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover over grant balance for Wastewater grant 19-D2457.	

FUND NO.	5460
FUND TITLE:	Wastewater Equipment Replacement Reserve
TYPE OF ADJUSTMENT:	Expense & Transfer
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$100,178
TRANSFER ADJ AMOUNT	\$100,000
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Carryover major equipment and rolling stock.	

FUND NO.	5475
FUND TITLE:	WW06 Bond Rehab Projects
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	(\$14)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer budget to fund 5435 – WW15 Debt Service.	

FUND NO.	5481
FUND TITLE:	WW14 Debt Service
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	Non-program
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$139,787
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer funds from 5491 – WW14 Bond Projects.	

FUND NO.	5491
FUND TITLE:	WW14 Bond Projects
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Utilities
PROGRAM:	
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	(\$139,787)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Cleanup and closeout funds. Transfer available budget out to fund 5481 - WW14 Debt Service.	

FUND NO.	5500
FUND TITLE:	Solid Waste Operations
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Solid Waste Fleet
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$652,809
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover southside Employee Parking Lot Project \$100,000 and incorporate solid waste fleet line of business into Utilities. This line of business was under Fleet Services \$552,809.	

FUND NO.	5510
FUND TITLE:	Solid Waste Landfill Closure
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Foothills Landfill Closure
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$115,800
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover Pre-1965 Landfill Phase II Project.	

FUND NO.	5560
FUND TITLE:	Solid Waste Equipment Replacement Reserve
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Solid Waste Fleet
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$12,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover diagnostic scanners for solid waste vehicles.	

FUND NO.	7480
FUND TITLE:	Gifts and Memorials
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Police / Fire
PROGRAM:	Admin / Chief's Executive Office
REVENUE ADJ AMOUNT	\$5,800
EXPENDITURE ADJ AMOUNT	\$5,800
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: The Police department received a \$800 donation in appreciation for their help in filming the recent movie "Wanted Man". The Fire department has received a \$5,000 donation from the M. Barlow Estate to be used for the MIH Program. This donation has been given as a thank you for the "invaluable assistance" and care Paul Ford and the MIH team gave the late Melvin "Mel" Barlow.	

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

Exhibit "A"

	1000 GENERAL FUND 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 41,226,738	41,226,738	0	41,226,738
Revenues				
Municipal Gross Receipts Tax	47,475,528	47,475,528	0	47,475,528
Public Safety Gross Receipts Tax	4,263,256	4,263,256	0	4,263,256
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	42,196,909	42,196,909	0	42,196,909
Environmental Gross Receipts Tax	2,131,627	2,131,627	0	2,131,627
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cigarette Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	12,648,613	12,648,613	0	12,648,613
Payment In Lieu of Property Tax	842,304	842,304	0	842,304
Franchise Fees	2,771,546	2,771,546	0	2,771,546
Payment In Lieu of Franchise Fees	1,200,000	1,200,000	0	1,200,000
Licenses, Fees & Permits	3,089,711	3,089,711	0	3,089,711
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	321,800	321,800	0	321,800
Charges For Services	2,622,941	2,622,941	0	2,622,941
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	2,681,000	2,681,000	0	2,681,000
Investment Income	100,000	100,000	0	100,000
Miscellaneous Revenues	90,060	90,060	0	90,060
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	122,435,295	122,435,295	0	122,435,295
TOTAL RESOURCES	\$ 163,662,033	163,662,033	0	163,662,033
Expenditures				
General Government	5,332,858	5,332,858	0	5,332,858
Legislative	599,338	599,338	0	599,338
Municipal Court	1,643,979	1,643,979	0	1,643,979
Chief Administrative Officer	2,184,078	2,184,078	0	2,184,078
City Manager	2,514,654	2,514,654	0	2,514,654
Legal	3,400,663	3,400,663	0	3,400,663
Las Cruces Police Department	27,537,727	27,537,727	0	27,537,727
Las Cruces Fire Department	19,484,637	19,484,637	0	19,484,637
Utilities	0	0	0	0
Economic Development	5,130,498	5,130,498	0	5,130,498
Internal Audit	0	0	0	0
Assistant City Manager-400	5,719,983	5,719,983	169,700	5,889,683
Human Resources	2,076,550	2,076,550	0	2,076,550
Financial Services	6,278,149	6,278,149	0	6,278,149
Information Technology	6,130,713	6,130,713	0	6,130,713
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	17,674,006	17,674,006	150,759	17,824,765
Community Development	5,781,600	5,781,600	0	5,781,600
Quality of Life	8,313,229	8,313,229	0	8,313,229
Public Works	10,285,620	10,285,620	0	10,285,620
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 130,088,282	130,088,282	320,459	130,408,741
Other Resources				
Operating Transfers In	9,302,703	9,302,703	0	9,302,703
Operating Transfers Out	(19,039,540)	(19,039,540)	0	(19,039,540)
Total Other Resources	\$ (9,736,837)	(9,736,837)	0	(9,736,837)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 23,836,914	23,836,914	(320,459)	23,516,455
Required Reserve:				
State Required 1/12th	10,840,691	10,840,691	26,705	10,867,396
Local CLC 1/12th	10,840,691	10,840,691	26,705	10,867,396
AVAILABLE BALANCE	\$ 2,155,532	2,155,532	(373,869)	1,781,663

**23-031**

City Council Action and Executive Summary

Type of Action:

☒ Resolution☐ Ordinance☐ TIDD ResolutionDistrict: ☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A

1st Reading: Adopted: September 19, 2022

Drafter: Rocio Gamboa 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 AND THE FY2023 CAPITAL IMPROVEMENT PLAN (CIP).

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

PURPOSE(S) OF ACTION:

To adjust the City budget and CIP.

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 budget adjustments to be used by the departments for the scope of work as defined by each grant agreement.

SUPPORT INFORMATION:

[Exhibit "A" Fund Summary](#)[Exhibit "B" CIP](#)[Attachment "A" Grant Listing 9-19-22](#)[Attachment B - NMDPS JAG FFY21](#)[Attachment C - 22-ZG9300 Jr Bill-Perm Supportive Housing](#)[Attachment D - L100524 LGRF Telshor ADA](#)[Attachment E - L100550 MAP FY23](#)[Attachment F-G22SN0006A - Mod 1](#)

PLAN(S):

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

COMMITTEE/BOARD REVIEW:

None

ANNUAL BUDGET APPROVAL:

☐ Yes

☒ No

☐ N/A

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: Exhibit
"A"

AVAILABLE AMOUNT: Exhibit
"A"

EXPENDITURE AMOUNT:
Exhibit "A"

Additional Budgetary Information:

Funding Source(s):

*Refer to Exhibit "A", Fiscal Year 2022-2023 Budget
Adjustments.

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

☒ Yes

☐ No

☐ N/A

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

☐ N/A

OPTIONS / ALTERNATIVES:

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

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

N/A

RESOLUTION 23-031

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 AND THE FY2023 CAPITAL IMPROVEMENT PLAN (CIP).

The City Council is informed that:

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

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

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

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

(I)

THAT the City hereby amends the FY 2023 City Budget to accept all grant awards as shown in the Fund Summary, Exhibit "A", attached hereto and made part of this Resolution.

(II)

THAT the FY 2023 CIP, as applicable, is hereby amended as outlined in Exhibit "B", attached hereto and made part of this Resolution.

(III)

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

DONE AND APPROVED this day of

APPROVED

Mayor

ATTEST:

City Clerk

Moved by:

Seconded by:

AYES

NAYS

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

	2100 SPECIAL REVENUE REIMB GRANTS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 25,757	25,757	0	25,757
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	4,000	0	4,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	182,000	182,000	0	182,000
Federal Grants	5,358,203	5,440,811	120,100	5,560,911
State Grants	1,120,000	2,608,179	50,000	2,658,179
Local Grants	46,440	44,734	0	44,734
Debt Service	0	0	0	0
Total Revenues	6,706,643	8,279,724	170,100	8,449,824
TOTAL RESOURCES	\$ 6,732,400	8,305,481	170,100	8,475,581
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	676,396	120,100	796,496
Las Cruces Fire Department	85,478	85,478	0	85,478
Utilities	0	0	0	0
Economic Development	2,798,662	3,498,662	50,000	3,548,662
Internal Audit	0	0	0	0
Assistant City Manager-400	468,870	756,580	0	756,580
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	11,030	431,520	0	431,520
Community Development	337,981	337,981	0	337,981
Quality of Life	2,375,183	2,493,132	0	2,493,132
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 6,706,648	8,279,749	170,100	8,449,849
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	\$ 25,752	25,732	0	25,732

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

	4100 CAPITAL PROJECTS REIMB GRANTS 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	5,508,937	5,583,937	0	5,583,937
State Grants	16,541,864	16,541,864	387,494	16,929,358
Local Grants	350,000	350,000	0	350,000
Debt Service	0	0	0	0
Total Revenues	22,400,801	22,475,801	387,494	22,863,295
TOTAL RESOURCES	\$ 22,400,801	22,475,801	387,494	22,863,295
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	370,000	370,000	0	370,000
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	47,000	47,000	0	47,000
Las Cruces Fire Department	74,798	74,798	0	74,798
Utilities	0	0	0	0
Economic Development	2,631,838	2,631,838	0	2,631,838
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 Manager-500	0	0	0	0
Parks & Recreation	3,816,025	3,891,025	0	3,891,025
Community Development	0	0	0	0
Quality of Life	742,500	742,500	0	742,500
Public Works	14,718,640	14,718,640	387,494	15,106,134
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 22,400,801	22,475,801	387,494	22,863,295
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 0	0	0	0

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

Exhibit "A"

	4202 GRT STREET MAINTENANCE 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,945,522	6,945,522	0	6,945,522
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	300,000	300,000	0	300,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	7,150	7,150	0	7,150
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	307,150	307,150	0	307,150
TOTAL RESOURCES	\$ 7,252,672	7,252,672	0	7,252,672
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	12,972,631	12,972,631	(50,000)	12,922,631
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 12,972,631	12,972,631	(50,000)	12,922,631
Other Resources				
Operating Transfers In	6,500,000	6,500,000	0	6,500,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 6,500,000	6,500,000	0	6,500,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 780,041	780,041	50,000	830,041

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

	4400 FLOOD CONTROL 2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 4,784,606	4,784,606	0	4,784,606
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	25,000	25,000	0	25,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	4,100	4,100	0	4,100
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	29,100	29,100	0	29,100
TOTAL RESOURCES	\$ 4,813,706	4,813,706	0	4,813,706
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	6,206,766	6,206,766	(79,165)	6,127,601
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 6,206,766	6,206,766	(79,165)	6,127,601
Other Resources				
Operating Transfers In	2,500,000	2,500,000	0	2,500,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 2,500,000	2,500,000	0	2,500,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,106,940	1,106,940	79,165	1,186,105

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

Exhibit "A"

	7492 HIDTA-CLC 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	687,695	1,749,643	158,076	1,907,719
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	687,695	1,749,643	158,076	1,907,719
TOTAL RESOURCES	\$ 687,695	1,749,643	158,076	1,907,719
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
METRO	543,710	1,151,857	0	1,151,857
HIDTA	143,985	597,786	158,076	755,862
Total Expenditures	\$ 687,695	1,749,643	158,076	1,907,719
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 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	Funding Source(s)
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 2022 Legislative Appropriation 2022 Legislative Appropriation	2,933,085	511,035 388,561					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	\$ 899,596	\$ -	\$ -	\$ -	\$ -	
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	\$ 45,310,596	\$ 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	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Facilities Management - Total Newly Funded Projects	\$ 200,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	2,688,182						Bonds, Taxes
Gateway Entry Points Signage Maintenance	50,000		50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 2,738,182	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	

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

Amended as of 9/19/2022

Agenda Item #6.3

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	146,500	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							
Generator Buffer Program	80,000	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	50,000	Taxes
Henry R Benavidez Community Center							
Roof Replacement Program	349,134	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	221,585						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	\$ 847,219	\$ 975,000	\$ 975,000	\$ 975,000	\$ 975,000	\$ 975,000	
Facilities Management - Future Projects							
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	\$ -	\$ 260,000	\$ 260,000	\$ 237,500	\$ 260,000	\$ 260,000	
Total Facilities Management	\$ 3,785,401	\$ 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	668,631						Grants, Taxes, Other
2022 Legislative Appropriation		500,000					
LU Passenger Terminal	1,032,890		12,500,000		1,850,000	3,500,000	Grants, Taxes, Other
LU Runway 8/26 Extension	340,700	4,200,000	8,400,000				Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
LRU Runway 12/30 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	434,561			13,500,000			Grants, Taxes, Other
LRU Taxilane Improvements	300,000						Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 2,776,782	\$ 4,700,000	\$ 20,900,000	\$ 13,500,000	\$ 1,850,000	\$ 3,500,000	
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	\$ 3,032,782	\$ 49,350,000	\$ 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 Clinica de Familia - Behavioral Health Facility	943,809						Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Warehouse	6,654,736	1,847,000					Grants, Other
MV Community of Hope - Flooring	10,317						Grants
MV Community of Hope - Health Facility Improvements	826,661						Grants
2022 Legislative Appropriation		760,000					
2022 Legislative Appropriation		169,682					
MV Community of Hope - Solar Parking	30,303						Grants, Taxes
Non-Profit Organizations - Total Carryover Projects	\$ 10,942,567	\$ 2,876,682	\$ 400,000	\$ 5,500,000	\$ -	\$ -	

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	\$ 10,942,567	\$ 4,376,682	\$ 8,300,000	\$ 9,450,000	\$ -	\$ -	
PARKS & RECREATION							
Parks & Recreation - Newly Funded Projects							
JCP Learning Center Exterior Repairs <i>2022 Legislative Appropriation</i>	75,000	220,000					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	\$ 235,000	\$ 330,000	\$ -	\$ -	\$ -	\$ -	
Parks & Recreation - Carryover Projects							
A. Fielder Memorial Safe Haven Renovations	175,000						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	64,000		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	74,156	483,410					Grants
Median Landscaping	1,409,950	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 <i>2022 Legislative Appropriation</i>	100,000	450,000	550,000	250,000			Grants
Parks Parking Lots BMX Track Parking Lot & ADA Improvements Paz Ball Field Parking Lot Improvements Tony Gomez Park Parking Lot Improvements Veterans' Park Parking Lot <i>2022 Legislative Appropriation</i>	2,426,773	250,000					Bonds, Grants, Taxes
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	6,518,811						Bonds, PIF, Taxes
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Enclosure	9,489,633						Bonds, Taxes

Page 334

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	215,000						Grants, PIF
Parks & Recreation - Total Carryover Projects	\$ 27,239,051	\$ 4,520,976	\$ 3,271,021	\$ 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	
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
East Mesa Bataan Memorial Pool - Shade Structure		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	\$ -	\$ 3,529,750	\$ 5,423,500	\$ 11,976,200	\$ 1,475,200	\$ 1,972,700	
Total Parks & Recreation	\$ 28,120,651	\$ 9,480,726	\$ 9,694,521	\$ 24,676,200	\$ 4,275,200	\$ 4,372,700	

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)						Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028		
PUBLIC SAFETY								
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 <i>2022 Legislative Appropriation</i>	74,798	330,000	720,000	500,000	500,000		Grants	
Police Department Building Renovations <i>2022 Legislative Appropriation</i>	13,696	50,000	150,000				Grants, Taxes	
Police Department Evidence Building	271,883						Taxes	
Public Safety Regional Radio Communication System	515,000						Grants, Taxes	
Public Safety - Total Carryover Projects	\$ 960,377	\$ 380,000	\$ 870,000	\$ 500,000	\$ 5,665,000	\$ -		
Public Safety - Future Projects								
Downtown Public Safety Complex		57,000,000					Bonds, Grants	
Fire Department Station 9		5,165,000					Bonds, Grants, Taxes, Other	
Police Department Mobile Operations Command Vehicle		500,000					Grants	
Public Safety Vehicles - Bearcat		400,000					Grants	
Public Safety Vehicles - Rook		400,000					Grants	
Fire Department CIT and MIH Building		365,000	3,420,315				Grants, Taxes, Other	
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 Dept. Administration Building Lobby Remodel <i>2022 Legislative Appropriation</i>		200,000	350,000	193,400			Grants, Other	
Police Department Equipment - Mobile Data Terminals <i>2022 Legislative Appropriation</i>		160,000					Grants	
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	\$ -	\$ 65,405,000	\$ 4,089,315	\$ 527,400	\$ 330,000	\$ 9,270,000		
Total Public Safety	\$ 960,377	\$ 65,785,000	\$ 4,959,315	\$ 1,027,400	\$ 5,995,000	\$ 9,270,000		

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)						Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028		
PUBLIC WORKS								
Public Works - Newly Funded Projects								
Del Rey Blvd Signal Improvements	150,000						Grants, Taxes	
Telshor ADA Improvements Phase VI	237,494						Grants, Taxes	
Public Works - Total Newly Funded Projects	\$ 387,494	\$ -	\$ -	\$ -	\$ -	\$ -		
Public Works - Carryover Projects								
Amador Hotel	2,344,425		2,950,000	2,950,000	2,950,000		Grants, TIDD	
Avenida Blanco - South Valley Drive to Calle del Encanto	450,000						Bonds	
Bellamah Drive - Lees Drive to Luna Street	825,000						Taxes	
Brown Farm Ponding Improvements	155,675						Bonds	
Campo Street Design and Reconstruct	460,026	2,600,000					TIDD	
Drainage Infrastructure Improvements	2,837,986						Loans, Taxes	
EBID Drains & Laterals								
Land Acquisition								
Other Improvements								
East Mesa Recreation Complex Roads	2,255,825						Bonds	
East Mesa Roads and Drainage	1,634,000		900,000				Bonds, Grants	
2022 Legislative Appropriation		100,000						
GO Bonds - ARPA Funding	4,128,725						ARPA	
GO Bond Q1 - Park & Sport Field Improvements & Additions	9,314,230						GO Bonds, PIF	
GO Bond Q2 - New Animal Shelter Facility	5,652,897						GO Bonds	
GO Bond Q3 - New Fire Station No. 3 Building	1,087,978						GO Bonds	
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	176,635						GO Bonds	
Madrid Ave Extension - Martha Dr to N Triviz Dr	1,900,000						Grants, Taxes	
Magdalena Drive Storm Repairs	203,522						Taxes, Other	
McClure Drainage Improvements	100,000						Bonds	
McFie - Valley to First	1,093,176						Grants, Taxes	
Mesquite/Tornillo Drainage Improvements	184,773						Bonds	
Picacho Ave HAWK System	249,793						Grants, Taxes	
South Main St - Avenida de Mesilla to Boutz	3,300,000						Bonds	
Storm Water System Mapping	100,000						Taxes	
Tashiro Rd Improvements - Valley Dr to Motel Blvd	190,741						Bonds	
Traffic Signals	1,288,155						Bonds	
Roadrunner Parkway & Sonora Springs								
Sonoma Ranch Blvd & Northrise								
Voluntary Assessment District Phase I	236,956						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	7,670,585						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	1,323,660						Bonds, Grants	
Public Works - Total Carryover Projects	\$ 49,787,763	\$ 2,700,000	\$ 3,850,000	\$ 2,950,000	\$ 2,950,000	\$ -		

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Public Works - Annual Projects							
Active Transportation Plan - Sidewalk Gaps	173,514	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	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	1,013,819	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	1,096,291	500,000	500,000	500,000	500,000	500,000	Taxes
Traffic Signal Program	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	95,000	100,000	100,000	100,000	100,000	100,000	Taxes
City Rights of Way							
Las Cruces Dam							
Ponds							
Public Works - Total Annual Projects	\$ 15,240,411	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	
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
Telshor Spruce Intersection Improvements			850,000				Grants
<i>2022 Legislative Appropriation</i>		650,000					
Midway Ave - Gas Line Rd to Mesa Dr		240,000					Taxes, Grants
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
Calle de Sol - Avenida Blanco to Avenida de Mesilla				500,000			Bonds
Mountain Ave - Melendres St to Armijo St				475,000			Bonds
Mad 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

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	\$ -	\$ 30,490,000	\$ 16,430,000	\$ 12,545,000	\$ 14,757,000	\$ 3,185,000	
Total Public Works	\$ 65,415,668	\$ 44,375,000	\$ 31,215,000	\$ 26,680,000	\$ 28,642,000	\$ 14,370,000	
QUALITY OF LIFE							
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements	145,568		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
<i>2022 Legislative Appropriation</i>		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	\$ 2,302,756	\$ 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
<i>2022 Legislative Appropriation</i>		110,000					
Munson Center Bathrooms		106,900					Bonds, Grants, Taxes

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

Amended as of 9/19/2022

Agenda Item #6.3

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Frank O'Brien Papen Center - Dining Room Floor <i>2022 Legislative Appropriation</i>			12,800				Grants
		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	\$ 2,411,262	\$ 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	26,940,330	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 26,940,330	\$ 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	\$ 26,980,330	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
SUSTAINABILITY							
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	794,066						Taxes
Sustainability - Total Carryover Projects	\$ 794,066	\$ -	\$ -	\$ -	\$ -	\$ -	
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
Fleet Electric Vehicle Chargers		90,000	90,000	180,000			Grants, Bonds, Taxes
Sustainability - Total Future Projects	\$ -	\$ 490,000	\$ 490,000	\$ 180,000	\$ -	\$ -	
Total Sustainability	\$ 794,066	\$ 490,000	\$ 490,000	\$ 180,000	\$ -	\$ -	

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

Amended as of 9/19/2022

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)						Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028		
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	1,689,047		1,972,100	1,619,000			Grants	
2022 Legislative Appropriation		200,000						
Wastewater Utilities Bond Projects 2020A	488,408	375,000					Bonds	
Water Bond Projects 2015A	4,004						Bonds	
Water Development	2,882	1,000,000					WIF	
Water Miscellaneous	1,200						Bonds	
Water NMFA Loan	7,034	100,000					Bonds	
Water Rehabilitation - 2006 Bonds	13,061						Bonds	
Water Rehabilitation - NMFA	108,614	1,551,091					Bonds	
Water Street Improvement Projects - 2015 Bond	18,772						Bonds	
Water Utilities Bond Projects 2020A	6,132,615	4,939,151					Bonds	
Utilities - Total Carryover Projects	\$ 10,150,965	\$ 8,625,242	\$ 1,972,100	\$ 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	257,432	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	1,132,085	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	1,030,259	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	\$ 8,279,448	\$ 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 9/19/2022

Agenda Item #6.3

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	\$ 18,430,413	\$ 56,979,810	\$ 14,393,346	\$ 7,123,596	\$ 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	\$ -	\$ -	\$ -	\$ -	\$ -	
Visit Las Cruces - Future Projects							
Convention Center Upgrades and Maintenance		355,000					Grants, Taxes
Visit Las Cruces Building Subflooring		142,000					Taxes
Convention Center Exterior Sign		53,000					Grants, Taxes
Visit Las Cruces - Total Future Projects	\$ -	\$ 550,000	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 150,000	\$ 550,000	\$ -	\$ -	\$ -	\$ -	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 1,542,494	\$ 1,055,000	\$ 630,000	\$ 630,000	\$ 630,000	\$ 630,000	
Total Carryover Projects	\$ 138,543,859	\$ 37,897,583	\$ 34,535,646	\$ 37,819,000	\$ 13,515,000	\$ 4,950,000	
Total Annual Projects	\$ 25,298,184	\$ 60,306,691	\$ 25,176,246	\$ 18,509,596	\$ 16,725,000	\$ 21,800,000	
Total Future Projects	\$ -	\$ 193,250,527	\$ 60,118,165	\$ 49,164,100	\$ 43,442,200	\$ 35,487,700	
GRAND TOTAL	\$ 165,384,537	\$ 292,509,801	\$ 120,460,057	\$ 106,122,696	\$ 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

GRANT ACCEPTANCE SUMMARY**COUNCIL MEETING DATE:** 9/19/2022*Attachment #:* B*Grant Title:* **2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Award***Department:* Las Cruces Police Department*Grant/Agreement #:* 21-JAG-LASCR-SFY23 *Grant Type:* Federal Operating*Granting Agency:* New Mexico Department of Public Safety (NM-DPS) – Department of Justice (DOJ)*Grant Amount:* \$120,100.00*Cash Match Amount:* \$0.00*Total Grant Project Amount:* \$120,100.00*Cash Match Source:* N/A*Match Fund #:* N/A*Grant Start Date:* 7/1/2022*Grant End Date:* 6/30/2023*Amendment Needed:* **CIP:** NO**VAF:** NO*Project Code #:* 23116*Use of Funds Description:*

The pass-through federal funding from the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) pass-through funds from NM-DPS are provide the Las Cruces Police Department with smart forensic technology equipment. The funding allows for training as well as the purchase of equipment. The project period is from July 1, 2022 to June 30, 2023.

GRANT ACCEPTANCE SUMMARY
COUNCIL MEETING DATE: 9/19/2022

Attachment #: C

Grant Title: **2022 Permanent Supportive Housing – 2022 Junior Bill**

Department: Economic Development – Neighborhood Services

Grant/Agreement #: 22-ZG9300 *Grant Type:* State Operating

Granting Agency: New Mexico Department of Finance & Administration (NMDFA)

Grant Amount: \$50,000.00 *Cash Match Amount:* \$0.00

Total Grant Project Amount: \$50,000.00

Cash Match Source: N/A *Match Fund #:* N/A

Grant Start Date: 8/8/2022 *Grant End Date:* 6/30/2023

Amendment Needed: **CIP: NO** **VAF: NO**

Project Code #: 23007

Use of Funds Description:

Funding from the 2022 New Mexico Legislative Session Junior Funding Bill provides this for the purpose of providing permanent supportive housing to the homeless population with disabilities and their families in Las Cruces. The Economic Development Department's Neighborhood Services will contract with a local provider to implement the project. The funds revert on June 30, 2023.

GRANT ACCEPTANCE SUMMARY
COUNCIL MEETING DATE: 9/19/2022

Attachment #: D

Grant Title: **FY2023 LGRF – Telshor ADA Improvements Phase VI**

Department: Public Works – Architect & Engineering

Grant/Agreement #: HW2L100524 *Grant Type:* State Capital

Granting Agency: New Mexico Department of Transportation (NMDOT)

Grant Amount: \$237,494.00 *Cash Match Amount:* \$79,165.00

Total Grant Project Amount: \$316,659.00

Cash Match Source: Public Works – Flood Fund *Match Fund #:* 4400

Grant Start Date: 8/9/2022 *Grant End Date:* 12/31/2023

Amendment Needed: **CIP:** YES **VAF:** NO

Project Code #: 23022

Use of Funds Description:

Funding from the NMDOT's Local Government Road Fund for FY2023 provides for the continuation of the Telshor ADA project – Phase VI from Claude Dove Dr. to Doral Ct. (west side of Telshor) and from Claude Dove Dr. to Hillrise Dr. (east side of Telshor). The project will include the reconstruction of existing sidewalks, ADA ramps and drive pads to bring the sidewalks into compliance with ADA requirements. It will also include removals, sidewalks, curb and gutter, hot mix asphalt patching, construction staking, traffic control, street lighting, development, design, miscellaneous construction, and inspection and testing for the sections of Telshor Blvd. to be addressed.

GRANT ACCEPTANCE SUMMARY
COUNCIL MEETING DATE: 9/19/2022

Attachment #: E

Grant Title: **FY2023 MAP Funding – Del Rey Blvd. Signal Improvements**

Department: Public Works – Traffic Management

Grant/Agreement #: HW2L100550 *Grant Type:* State Capital

Granting Agency: New Mexico Department of Transportation (NMDOT)

Grant Amount: \$150,000.00 *Cash Match Amount:* \$50,000.00

Total Grant Project Amount: \$200,000.00

Cash Match Source: Public Works Roads Fund *Match Fund #:* 4202

Grant Start Date: 8/12/2022 *Grant End Date:* 6/30/2024

Amendment Needed: **CIP: YES** **VAF: NO**

Project Code #: 23001

Use of Funds Description:

The funding provided by NMDOT Municipal Arterial Program (MAP) will allow for signal improvements and fiber installation at Del Rey Blvd. The project will include planning, design, signal construction, reconstruction, pavement rehabilitation, construction management, and drainage at the Bataan Memorial West – Del Rey Blvd. / US70 underpass intersection and fiber installation along Del Rey Blvd. to the Northrise Dr. / N. Telshor Blvd. intersection. The City will provide the required 25% cash match and is responsible for any cost in excess of the grant award.

GRANT ACCEPTANCE SUMMARY
COUNCIL MEETING DATE: 9/6/2022

Attachment #: F

Grant Title: **FY2023 HIDTA Modification #1**

Department: JPA – HIDTA

Grant/Agreement #: G22SN0006A *Grant Type:* Federal Operating

Granting Agency: Exec Office of the President-Office of National Drug Control Policy

Grant Amount: \$158,076.00 *Cash Match Amount:* \$0.00

Total Grant Project Amount: \$1,220,444.00

Cash Match Source: N/A *Match Fund #:* N/A

Grant Start Date: 1/1/2022 *Grant End Date:* 12/31/2023

Amendment Needed: **CIP: NO** **VAF: NO**

Project Code #: 22030

Use of Funds Description:

The City acts as the fiscal agent for the SNM High Intensity Drug Trafficking Areas (HIDTA) regional area, which provides funding to SNM law enforcement agencies to conduct drug control programs. This modification to the FY2023 award is an increase in funding of \$158,076.00 to bring the total FY2023 amount to \$1,220,444.00. The increased funding is for the relocation and rent of new offices for the program.

New Mexico Department of Public Safety

2021 Edward Byrne Memorial Justice Assistance Grant

Subgrantee Name: City of Las Cruces
 Subgrantee Agreement Number: 21-JAG-LASCR-SFY23
 Award Amount: \$120,100.00
 Subgrantee UEI Number: J3ZLWA2K1X47
 Grant Term: July 1, 2022 – June 30, 2023

2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Award

This Subgrant Agreement made effective July 1, 2022, by and between the New Mexico Department of Public Safety, acting through the Administrative Services Division - Grants Management Bureau (GMB) herein referred to as the "BUREAU" and the City of Las Cruces, serving as the Fiscal/Fiduciary Agency for the LCPD Smart Forensic Technology as the Program herein, jointly referred to as the "SUBGRANTEE."

WHEREAS, this Subgrant Agreement is made by and between the Bureau and the Subgrantee, pursuant to The Edward Byrne Memorial Justice Assistance Grant (JAG) Program, specifically authorized under 34 U.S.C. §§ 10151 - 10158, (CFDA #16.738) which is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures; and

WHEREAS, the New Mexico Department of Public Safety is the designated State Administering Agency (SAA) in New Mexico that may apply for the JAG formula grant and administer funds to other state agencies and local units of government. The NMDPS is responsible for conducting coordinated and transparent strategic planning, along with the implementation of structural reforms that improve the administration of justice. Strategic planning is utilized to analyze crime trends, evaluate the priorities of all segments of the criminal justice system, set out a plan for reducing crime and victimization, and guide the use of the grant funds. The Bureau is, therefore, responsible for: coordination of JAG funds among state and local justice initiatives; preparation and submission of the state JAG application; administration of JAG funds including establishing funding priorities; distribution of funds; supervision of the Subgrantees' compliance with all Bureau of Justice Assistance (BJA) special conditions and provisions. The Bureau provides ongoing assistance to subgrantees; and is responsible for submitting financial reports, programmatic reports, performance measures, any other necessary subgrant information, and closes out the awards to BJA. The Bureau is responsible for the fiscal management of this award and will provide leadership and technical assistance to all subgrantees in identifying programmatic needs, preparing JAG subgrant proposals, and administering JAG subgrant awards; and

WHEREAS, it is necessary for the subgrantee to enter into this Subgrant Agreement with the Bureau in order to receive and expend funds from the JAG Program for the purpose of implementing activities that qualify for funding under the JAG Program; and

NOW, THEREFORE, the parties hereto do mutually agree as follows:

SECTION ONE: PURPOSE

1. The purpose of the Agreement is to specify and delineate the rights and duties of the parties hereto as described in the 2021 JAG program solicitation, and any other relevant rules, laws, and regulations. JAG funds may be used for state and local initiatives, technical assistance, training, personnel, law enforcement overtime, equipment, supplies, contractual support, and information systems for criminal justice. The award shall not be used for research and development. The funding for the 2021 JAG award is as follows:

New Mexico Department of Public Safety

2021 Edward Byrne Memorial Justice Assistance Grant

Federal Award Identification Number: 15PBJA-21-GG-00283-JAGX

Award Date: October 1, 2020

Amount Awarded: \$1,897,160.00

Total Subgrantee Pass through: \$1,673,042.00

Federal Award Identification Number: 107000275

CFDA #16.738

2. The NMDPS and the New Mexico Drug Enforcement Advisory Council (DEAC) have vetted the adoption of two main purpose areas for the 2021 Byrne JAG grant application. Program purpose areas for the FY2023 funding cycle have been limited to:

A. Law Enforcement Programs

B. Prevention and Education Programs

SECTION TWO: SCOPE OF WORK

1. The subgrantee agrees that it shall implement its program as detailed in their submitted 2021 Edward Byrne Justice Assistance Subgrant (JAG) Program Application (attached and incorporated herein as Attachment A). Specifically, the subgrantee shall use grant funds to achieve the following goals and objectives.

- **Goal #1** – Purchase the 4k Touchless Laboratory System and Multiwavelength Forensic Tablet
 - **Objective:** Complete purchase and receipt of equipment within 6 months of grant award.
- **Goal #2** – Establish new evidence processing procedures with new technology and equipment within 2 months of receipt of equipment.
 - **Objective:** Complete verification of equipment received, set-up, and establish procedures.
- **Goal #3** – Train 6 staff members on use of equipment and begin utilizing in the field within 6 months of receipt of equipment.
 - **Objective:** Train staff on evidence collection and processing with new equipment.
- **Implementation of goals and objectives will be as follows:**
 - 4K Touchless Laboratory System @ \$89,900.00
 - Multiwavelength Forensic Tablet @ \$30,200.00

TOTAL FUNDING = \$120,100.00

2. The subgrantee agrees to, at a minimum, demonstrate an emphasis on effective, evidence-based strategies that use intelligence and all available data to focus on reducing violent crime and drug trafficking. A detailed program description is incorporated herein as part of the Subgrantee's Application (attached and incorporated herein as Attachment A).
3. The subgrantee agrees to provide all the necessary qualified personnel, materials, and facilities to implement the program described herein.

SECTION THREE: TERMS OF THIS SUBGRANT AGREEMENT

1. This Subgrant Agreement shall become effective July 1, 2022 and shall terminate on June 30, 2023.
2. The subgrantee may not obligate, expend, or request any funds under this award until a budget reflecting the final award amount has been received and approved by the Bureau; and
3. The Bureau shall evaluate the subgrantee's program's progress to determine if the subgrantee is on track to expend funds by the end of the Subgrant Agreement period. Spending reviews are scheduled to occur at mid-year and after the third quarter of the grantee period. If it appears funds will not be fully expended by the end of the

Subgrant Agreement period, the Bureau will make a recommendation to the DEAC Budget and Funding Sub-Committee to amend the Subgrant Agreement's budget in an effort to revert funds. This action may occur prior to the end of the Subgrant Agreement period to allow for funding to become available for other subgrantee programs.

- A. If extenuating circumstances exist, applicants may petition the DEAC Budget and Funding Sub-Committee for relief from the reversion of unexpended funds.
 - B. Upon review and analysis of the petition, the Budget and Funding Sub-Committee through the Bureau shall forward their recommendation to the Secretary of the Department of Public Safety for disposition.
 - C. In all cases, the Secretary of the Department has the final authority in determining if the reversion shall occur.
4. This Subgrant Agreement constitutes the entire agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document, or its amendments, is not part of this Subgrant Agreement and not enforceable pursuant to this Subgrant Agreement. Performance of all duties and obligations herein shall conform with, and shall not contravene, any state, local, or federal statutes, regulations, rules, or ordinances.
 5. In the event that, due to unusual circumstances, it becomes apparent that this agreement cannot be brought to full completion within the time period set forth in this Section, the Subgrantee shall notify the Bureau, in writing, at least forty-five (45) calendar days prior to the termination date of this Agreement to request a Subgrant Agreement extension.

SECTION FOUR: SUBGRANTEE DUTIES AND RESPONSIBILITIES

Subgrantee must adhere to the following duties and responsibilities, and other terms and conditions under this Subgrant Agreement in order to receive the compensation described in Section Five.

1. Act in the capacity as the fiduciary for this Program.
2. Include the Subgrant Agreement number on all correspondence and submittals to the Bureau.
3. Have the program commenced and operational within ninety (90) days of the last signatory executing this Subgrant Agreement. If the subgrantee's program has not commenced or is not operational within ninety (90) days, the subgrantee must report in writing to the Bureau the steps taken to initiate the program, the reasons for delay, and the expected starting date prior to the end of the ninety (90) days. Additionally, subgrantee must obtain an extension, in writing, from the Bureau prior to the end of the ninety (90) days. If an extension is not obtained prior to the ninety (90) days, the subgrantee's program, at the Bureau's discretion, may be terminated and, if the Program is terminated, the BJA funds allocated to that program will be redistributed to fund other BJA programs.
4. Submit all program-related contracts, subcontracts, agreements, and subsequent contracts to the Bureau for review and approval prior to execution.
5. Provide the Bureau for its review for compliance and approval in writing, prior to any overtime being reimbursed, the overtime policy for all participating agency(s), if applicable.
6. Retain all records that pertain to the amount and disposition of the funds from all sources budgeted for the Subgrant Agreement period, descriptions of all expenditures made, the reason the expenditure was made, and the benefit received by the subgrantee for the expenditure, the amount and nature of all contributions from other sources, and such other records as the Bureau shall prescribe. Such records shall be preserved for a period of not less than six (6) years following completion of the Subgrant Agreement.
7. Understand and agree that the Bureau, Department of Justice (DOJ) (including OJP and the Office of the Inspector General (OIG)) and its representatives, and the Government Accountability Office (GAO), shall have

Subgrant Agreement period, the Bureau will make a recommendation to the DEAC Budget and Funding Sub-Committee to amend the Subgrant Agreement's budget in an effort to revert funds. This action may occur prior to the end of the Subgrant Agreement period to allow for funding to become available for other subgrantee programs.

- A. If extenuating circumstances exist, applicants may petition the DEAC Budget and Funding Sub-Committee for relief from the reversion of unexpended funds.
 - B. Upon review and analysis of the petition, the Budget and Funding Sub-Committee through the Bureau shall forward their recommendation to the Secretary of the Department of Public Safety for disposition.
 - C. In all cases, the Secretary of the Department has the final authority in determining if the reversion shall occur.
4. This Subgrant Agreement constitutes the entire agreement between the parties. Any claimed covenant, term, condition, warranty or promise of performance not expressly included in this document, or its amendments, is not part of this Subgrant Agreement and not enforceable pursuant to this Subgrant Agreement. Performance of all duties and obligations herein shall conform with, and shall not contravene, any state, local, or federal statutes, regulations, rules, or ordinances.
 5. In the event that, due to unusual circumstances, it becomes apparent that this agreement cannot be brought to full completion within the time period set forth in this Section, the Subgrantee shall notify the Bureau, in writing, at least forty-five (45) calendar days prior to the termination date of this Agreement to request a Subgrant Agreement extension.

SECTION FOUR: SUBGRANTEE DUTIES AND RESPONSIBILITIES

Subgrantee must adhere to the following duties and responsibilities, and other terms and conditions under this Subgrant Agreement in order to receive the compensation described in Section Five.

1. Act in the capacity as the fiduciary for this Program.
2. Include the Subgrant Agreement number on all correspondence and submittals to the Bureau.
3. Have the program commenced and operational within ninety (90) days of the last signatory executing this Subgrant Agreement. If the subgrantee's program has not commenced or is not operational within ninety (90) days, the subgrantee must report in writing to the Bureau the steps taken to initiate the program, the reasons for delay, and the expected starting date prior to the end of the ninety (90) days. Additionally, subgrantee must obtain an extension, in writing, from the Bureau prior to the end of the ninety (90) days. If an extension is not obtained prior to the ninety (90) days, the subgrantee's program, at the Bureau's discretion, may be terminated and, if the Program is terminated, the BJA funds allocated to that program will be redistributed to fund other BJA programs.
4. Submit all program-related contracts, subcontracts, agreements, and subsequent contracts to the Bureau for review and approval prior to execution.
5. Provide the Bureau for its review for compliance and approval in writing, prior to any overtime being reimbursed, the overtime policy for all participating agency(s), if applicable.
6. Retain all records that pertain to the amount and disposition of the funds from all sources budgeted for the Subgrant Agreement period, descriptions of all expenditures made, the reason the expenditure was made, and the benefit received by the subgrantee for the expenditure, the amount and nature of all contributions from other sources, and such other records as the Bureau shall prescribe. Such records shall be preserved for a period of not less than six (6) years following completion of the Subgrant Agreement.
7. Understand and agree that the Bureau, Department of Justice (DOJ) (including OJP and the Office of the Inspector General (OIG)) and its representatives, and the Government Accountability Office (GAO), shall have

access to and the right to examine all records (including, but not limited to, books, papers, and documents in any form) related to this award, including such records of any Subgrantee, contractor, or sub-contractor.

8. Understand and agree that the Bureau, DOJ, and the GAO are authorized to interview any officer or employee of the subgrantee (or of any contractor or sub-contractor) regarding transactions related to this award.
9. Have both fiscal and programmatic personnel attend trainings when provided by the Bureau.
10. The subgrantee agrees they will submit to the Bureau for review and approval any curricula, training materials, or other written materials that will be published, including web-based materials and web site content, or any publications (written, visual, or audio, but excluding press releases, notices, newsletters, and issue analyses) issued by the subgrantee describing programs funded in whole or in part by this agreement. The subgrantee shall submit the above-stated material to the Bureau at least forty-five (45) working days prior to the targeted dissemination date or public release.
11. The subgrantee agrees to have a representative attend quarterly Drug Enforcement Advisory Council (DEAC) meetings and be able provide a report on program progress if requested.
12. The subgrantee agrees to submit the minutes from all quarterly Region Board meetings to the Bureau;
13. The Bureau reserves the right to conduct periodic on-site monitoring visits upon reasonable notice to the subgrantee prior to each visit. Further, the subgrantee understands that it may be subject to additional financial and programmatic on-site monitoring, which may be on short notice, and agrees that it will cooperate with any such monitoring.
14. Per 2 C.F.R. §200.313 requirements, post-award property standards will continue to be managed for all equipment purchased with Federal grant funds over \$5,000.00. The NMDPS GMB requires that Property/Equipment Inventory Reports continue to be provided annually by the deadline of January 30 until disposition of all property/equipment purchased with these grant funds with a fair market per-unit value of over \$5,000.00, or it is transferred, replaced, or otherwise disposed of. No property or equipment shall be disposed of without prior approval by the NMDPS GMB. Records for property and equipment acquired with Federal funds must be retained for (3) three years after the close of the grant award. Title, use, management (including record keeping, internal control, and maintenance), and disposition of equipment acquired by Subgrantee or its Subgrantee(s) with Subgrant Agreement funds, will be governed by the provisions of NMAC 2.20.1 and 45 CFR 74.34 or 45 CFR 92.32, as applicable.
15. The subgrantee should enforce the federal law that protects federal employees against reprisal for whistleblowing. A whistleblower is an employee of Federal contractor, subcontractor or grantee who discloses information that the individually reasonably believes is evidence of gross mismanagement of a Federal contract or grant; gross waste of Federal funds; abuse of authority relating to Federal contract or grant; substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

In addition, under the National Defense Authorization Act of 2013 (NDAA), it is illegal for an employee of a Federal contractor, subcontractor, or grantee to be discharged, demoted or otherwise discriminated against for making a protected whistleblower disclosure. Also, under Presidential Policy Directive (PPD-19), an action affecting access to classified information cannot be taken in reprisal for protected whistleblowing.

In the event that a DOJ contractor, subcontractor and grantee report allegations of what they reasonably believe to be wrongdoing, and believe that retaliation has occurred, they may file a complaint under the NDAA with the OIG which will investigate the matter. Information on how to report suspected reprisal to the OIG is available at: <http://oig.justice.gov/hotline/>.

For further information about whistleblower rights and protections, please see the Whistleblower Protection page on OIG's website at: <https://oig.justice.gov/hotline/whistleblower-protection.htm>.

16. The subgrantee agrees that funds received under this award will not be used to supplant State or local funds but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for program activities. The subgrantee understands that the Bureau will not reimburse any portion of salaries paid for existing general fund employees/staff.

SECTION FIVE: SUBGRANTEE COMPENSATION AND PAYMENT

1. Upon approval of the subgrantee's satisfactory completion of all work and services required to be performed under the terms of this Subgrant Agreement, and in compliance with all other Subgrant Agreement terms herein stated, the Bureau shall reimburse the subgrantee a sum up to, and not to exceed **\$120,100.00**.
2. **All payments shall be made on an actual cost reimbursement basis.** The subgrantee shall submit a completed Request for Reimbursement (RFR) form along with all appropriate supporting documentation.
 - A. RFR forms shall be submitted to the Bureau for review and approval no later than fifteen (15) days after the end of each month in which there were grant expenditures.
 - B. A Final RFR must be submitted to the Bureau for review and approval no later than thirty (30) days following the termination date of this Subgrant Agreement. Failure by the subgrantee to timely submit the final RFR, including all supporting backup documentation, may result in an Administrative Closeout by the Bureau. If an Administrative Closeout takes place, any remaining expenditures may not be reimbursed, which may have a negative effect on Subgrantee's ability to obtain funding in the future.
 - C. If there are no expenditures to claim on an RFR, the subgrantee is required to complete the RFR coversheet indicating zero expenditures are being claimed for that month.
 - D. No RFR will be processed if, in the judgment of the Bureau, the subgrantee is in violation of any section of this Subgrant Agreement.
3. The subgrantee understands and acknowledges that Reimbursement of travel expenses, if applicable, will be reimbursed per the New Mexico State Per Diem and Mileage Act (10-8-1 through 10-8-8 NMSA 1978), subgrantee's approved travel policy, or the approved federal rates per GSA. Agencies will provide backup to support travel expenditures including but not limited to itemized receipts and/or invoices.
4. Upon the completion of this Agreement, any portion of subgrantee's unexpended funds revert back to the New Mexico Department of Public Safety.
5. No matching requirement exists for this program.

SECTION SIX: SUBGRANTEE REPORTING REQUIREMENTS

It is necessary for the Bureau to evaluate the progress of the Program, therefore, the subgrantee is required to complete and submit programmatic reports.

1. The subgrantee shall submit Quarterly or Semiannual Progress Reports. Progress reports shall be submitted within 15 days after the reporting period ends, for the life of the award to the Bureau for review and approval. The final report will be due no later than fifteen (15) days after expiration of funding. The schedule is as follows:
 - Quarterly: July 1st – September 30th, Progress Report due October 15th
 - Quarterly: October 1st – December 31st, Progress Report due by January 15th
 - Quarterly: January 1st – March 31st, Progress Report due by April 15th
 - Quarterly: April 1st – June 30th, Progress Report due by July 15th

OR

Semiannual: January 1st – June 30th, Progress Report due July 15th

Semiannual: July 1st – December 31st, Progress Report due January 15th

The Bureau will provide proper guidance for Progress Reports pertaining to this program; and

2. In addition, Monthly Progress Reports must be submitted to the Bureau along with the request for reimbursement. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future high-risk designation.
3. The subgrantee agrees to comply with any additional reporting requirements or information requests imposed by DOJ, NIJ, OJP, OIG, OMB, and the Bureau. The Bureau will notify the subgrantee of any additional reporting requirements as they are imposed.
4. The subgrantee understands and agrees that funds may be withheld (including funds under future awards), or other related requirements may be imposed, if the required information is not submitted on a timely basis;
5. The subgrantee must collect, maintain, and provide to the Bureau data that measures the performance and effectiveness of activities under this award, in the manner, and within the timeframes, specified in the program solicitation, or as otherwise specified by the Bureau. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act, and other applicable laws.

SECTION SEVEN: FUND SUSPENSION OR TERMINATION AND OTHER SANCTIONS

The Bureau, by written notice to the subgrantee, shall have the right to terminate this agreement if, at any time, in the judgment of the Bureau the provisions of this agreement have been violated or the outlined program activities do not progress satisfactorily. In this event, the Bureau may demand refund of all or part of the funds dispersed to the subgrantee. The Bureau may suspend funding in whole or in part, terminate funding, or impose other sanctions on subgrantee for the following reasons:

1. Pursuant to 28 C.F.R. Part 18, the Bureau may suspend or terminate funding under this award before the completion of the project funded by this award for the subgrantee's failure to comply with the certifications and conditions or with the project's goals, plans and methodology set forth in the approved application. In the case of suspension, the subgrantee will be unable to draw down funds until the Bureau determines that the Subgrantee is in compliance;
2. Failing to comply substantially with the requirements or statutory objectives of the appropriate state or federal law, program guidelines issues hereunder, or other provisions of state or federal law;
3. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected for funding;
4. Failing to submit reports required by Section Six; or
5. Filing a false certification with the application, this Subgrant Agreement, or in other reports or documents.
6. The subgrantee acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if subgrantee is required to submit one pursuant to 28 C.F.R. Section 42.302) that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the Subgrantee is in compliance.

7. Failing to make satisfactory progress toward the goals, objectives, or strategies set forth in the Subgrantee's Application;
8. Failing to adhere to the requirements in this Subgrant Agreement;
9. This Subgrant Agreement may be terminated by the subgrantee upon written notice delivered to the Bureau at least thirty (30) days in advance. Such termination does not nullify subgrantees obligations already incurred for performance or failure to perform prior to the date of termination. In any event, this subgrant agreement shall be in effect until completed, unless terminated early pursuant to this Subgrant Agreement.

Before imposing sanctions, the Bureau will provide reasonable notice to the subgrantee of its intent to impose sanctions and will attempt to resolve the issue in an expeditious manner.

SECTION EIGHT: SUBGRANTEE CERTIFICATIONS AND CONDITIONS

As a requirement in accepting this award, all Subgrantees must adhere to the following.

1. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2021 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2021 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2021 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the subgrantee must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the subgrantee (and any subrecipient at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the subgrantee is to contact the Bureau or OJP promptly for clarification.

2. Requirement to report actual or imminent breach of personally identifiable information (PII)

The subgrantee (and any subrecipient at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient)

- (a) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or
- (b) uses or operates a "Federal information system" (OMB Circular A-130). The subgrantee's breach procedures must include a requirement to report actual or imminent breach of PII to the Bureau no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

3. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the subgrantee that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqs.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the subgrantee, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the subgrantee that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Bureau or OJP taking appropriate action with respect to the subgrantee and the award. Among other things, the Bureau or OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or unenforceable, such provision shall be deemed severable from this award.

4. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The subgrantee, at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to subgrantee and subgrantee organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to subgrantees that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

5. Compliance with DOJ regulations pertaining to civil right and nondiscrimination- 28 C.F.R. Part 42

The subgrantee, at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

6. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The subgrantee, at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

7. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The subgrantee (at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The subgrantee also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the Bureau for guidance.

8. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The subgrantee, at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

9. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the subgrantee, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The subgrantee, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors) and are incorporated by reference here.

10. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The subgrantee agrees to comply with the DOJ Grants Financial Guide.

11. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages subgrantees to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

12. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2021)

The subgrantee, at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions that may be set out in applicable appropriations acts are indicated at <https://ojp.gov/funding/Explore/FY21AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of an appropriations-law restriction, the recipient is to contact the Bureau for guidance, and may not proceed without the express prior written approval of the Bureau.

13. Employment eligibility verification for hiring under the award

A. The subgrantee (and any subrecipient at any tier) must—

1. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the subgrantee properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).
2. Notify all persons associated with the subgrantee (or any subrecipient) who are or will be involved in activities under this award of both—
 - a. this award requirement for verification of employment eligibility, and
 - b. the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.
3. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).
4. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

B. Monitoring

The subgrantee's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

C. Allowable Costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

D. Rules of construction

1. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all subgrantee officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

2. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the subgrantee may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the subgrantee uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

3. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

4. Nothing in this condition shall be understood to authorize or require any subgrantee, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

5. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any subgrantee, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to the Bureau, before award acceptance.

14. Restrictions and certifications regarding non-disclosure agreements and related matters

No subgrantee under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

A. In accepting this award, the subgrantee—

- i. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
- ii. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

B. If the subgrantee does or is authorized under this award to make subawards ("subgrants"), procurement contracts or both—

- i. it represents that—
 - a. it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and
 - b. it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
- ii. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

15. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award

conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

16. OJP Training Guiding Principles

Any training or training materials that the subgrantee develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

17. All subawards ("subgrants") must have specific federal authorization

The subgrantee must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization) and are incorporated by reference here.

18. Requirements related to System for Award Management and Universal Identifier Requirements

The subgrantee must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The subgrantee also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the subgrantee) the unique entity identifier required for SAM registration.

The details of the subgrantee's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements) and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

19. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the subgrantee, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the subgrantee, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a subgrantee would or might fall within the scope of these prohibitions, the subgrantee is to contact the Bureau for guidance, and may not proceed without the express prior written approval of the Bureau.

20. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The subgrantee must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at

<https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm>

(Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)) and are incorporated by reference here.

21. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The subgrantee, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of subgrantees or individuals defined (for purposes of this condition) as "employees" of the subgrantee.

The details of the subgrantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)) and are incorporated by reference here.

22. Reporting potential fraud, waste, and abuse, and similar misconduct

The subgrantee must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the Bureau by--(1) mail directed to: New Mexico Department of Public Safety, Attn: Grants Management Bureau, 4491 Cerrillos Road Santa Fe, NM 87507; (2) email to: DPS.GMS@state.nm.us; and/or (3) at (505) 827-9115 (phone).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

23. Cooperating with OJP Monitoring

The subgrantee agrees to cooperate with the Bureau and OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this

award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The subgrantee agrees to provide to the Bureau and OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the subgrantee agrees to abide by reasonable deadlines set by the Bureau and OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the subgrantee's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the subgrantee as a DOJ High Risk grantee; or termination of an award(s).

24. Use of program income

The subgrantee agrees that all income generated as a direct result of this award shall be deemed program income. Program income earned during the project period shall be utilized, in accordance with Federal awarding agency regulations or the terms and conditions of the award, in one or more of the ways:

- A. Added to funds committed to the project by the grant awarding agency and recipient and used to further eligible project or program objectives.
- B. Used to finance the non-Federal share of the project or program.
- C. Deducted from the total project or program allowable cost in determining the new allowable costs on which the Federal share of costs is based (when an agency authorizes the disposition of program income as in 1 or 2, program income in excess of any limits stipulated shall be used this way).

All program income must be reported on a monthly basis on the Request for Reimbursement forms.

25. Justice Sharing Information

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The subgrantee must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https://it.ojp.gov/gsp_grantcondition. The subgrantee must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

26. Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

27. Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the subgrantee must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The subgrantee may not satisfy such a fine with federal funds.

28. Protection of human research subjects

The subgrantee must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

29. Confidentiality of data

The subgrantee must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

30. Law enforcement task force- required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

31. Compliance with National Environmental Policy Act and related statutes

Upon request, the subgrantee must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these award funds, either directly by the Bureau or by a subgrantee.

Accordingly, the subgrantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the subgrantee agrees to contact the Bureau.

The subgrantee understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the subgrantee, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

A. New construction;

B. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

- C. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- D. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- E. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The subgrantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The subgrantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <https://bja.gov/Funding/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the subgrantee's or its subrecipients' existing programs or activities that will be funded by these award funds, the subgrantee, upon specific request from the Bureau, agrees to cooperate with the Bureau in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

32. Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

33. Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the Bureau and the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

34. Use of funds for DNA testing; upload of DNA profiles

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS.

No profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from the Bureau in accordance with BJA.

Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

35. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

36. Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the subgrantee uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the subgrantee must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the subgrantee may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subgrantee compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

37. Body armor- compliance with NIJ standards and other requirements

Ballistic-resistant and stab-resistant body armor purchased with JAG award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and is listed on the NIJ Compliant Body Armor Model List (<https://nij.gov/topics/technology/body-armor/Pages/compliant-ballistic-armor.aspx>). In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information can be found here: <https://nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>.

38. Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

39. Certification of body armor "mandatory wear" policies

If subgrantee uses funds under this award to purchase body armor, the subgrantee must submit a signed certification that law enforcement agencies receiving body armor purchased with funds from this award have a written "mandatory wear" policy in effect. The Bureau must keep signed certifications on file for any subgrantees planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

40. De-confliction

A subgrantee shall participate in the case and subject de-confliction process through the New Mexico High Intensity Drug Trafficking Area (HIDTA)/New Mexico Investigative Support Center (NMISC).

41. All funds awarded under this Subgrant Agreement must be used in accordance with federal statutes, regulations, and the terms and conditions of the Federal award.

42. The subgrantee agrees to comply with any additional requirements that may be imposed during the grant performance period if the Bureau determines that the subgrantee is a high-risk grantee.

SECTION NINE: SUBGRANTEE AUDIT REQUIREMENTS

The subgrantee agrees to comply with the 2 C.F.R. 200 Uniform Guidance Subpart F Audit Requirements.

1. The Bureau will review the most recent Audit report as a part of subgrantee monitoring; and
2. The Bureau may request that a Corrective Action Plan be submitted in response to audit findings and recommendations disclosed in the report which may impact the fiscal and/or programmatic management of this grant.

SECTION TEN: AMENDMENTS, MODIFICATIONS, AND SEVERABILITY

1. The subgrantee agrees to make no change in its Application (attached and incorporated herein as Attachment A of this Sub-Agreement), which includes, but is not limited to, subgrantee's goals and objectives and detailed budget, without complying with the Bureau's amendment procedures provided in this Subgrant Agreement and upon the receipt of the Bureau's approval prior to any changes being made.
2. Amendments may be submitted by the subgrantee to request program changes and/or corrections for any programmatic, administrative, or financial change associated with this Agreement;
 - a. Upon receipt of the extension request, the subgrantee and the Bureau shall review the work accomplished to date and determine whether there is a need or sufficient justification to amend this Subgrant Agreement to provide additional time for completion of the program. The maximum allowable extension for any program shall be twelve (12) months. An extension is contingent upon the Bureau receiving authorization for the extension of the grant award from the NIJ.
3. The Bureau, by written notice to the subgrantee shall have the right to change and/or correct this Agreement, if at any time, in the judgment of the Bureau the provisions of this Agreement require the Bureau to do so; and
4. The Bureau, by written notice, has the right to deny any amendment or budget modification request.
5. If any provision of this Agreement is held to be invalid, illegal, void, or otherwise unenforceable by a court of competent jurisdiction, such provision may be revised by the Parties, insofar as possible, to cure the defect and give maximum effect to their intent in entering into this Agreement. In any event, such invalidity, illegality, or unenforceability shall not affect other provisions hereof, and the remainder of the Agreement shall continue in full force and effect; and

SECTION ELEVEN: SUBGRANTEE REPRESENTATIVE

The grant representatives listed below are the Federal Awarding Agency, State Administering Agency, and subgrantee representatives' responsible for overall fiscal and programmatic supervision of the approved program.

FEDERAL AWARDING AGENCY

Office of Justice Programs	Elaine Smokes
807 7 th Street NW	State Policy Advisor
Washington, DC 20531	
Telephone: (202)307-0690	Telephone: (202)598-7139
Email: askOCR@usdoj.gov	Email: Elaine.smokes@ojp.usdoj.gov

STATE ADMINISTERING AGENCY

Department of Public Safety	Chanin Kelly, Management Analyst
4491 Cerrillos Rd.	4491 Cerrillos Rd.
Santa Fe, New Mexico 87504	Santa Fe, New Mexico 87504
	Telephone: (505) 490-3912
	Email: chanin.kelly@state.nm.us

SUBGRANTEE REPRESENTATIVES

Amy Johnson Bassford, Grants Manager	Leeann DeMouche
700 North Main Street	700 North Main Street
Las Cruces, NM 88001	Las Cruces, NM 88001
Telephone: 575-541-2481	Telephone: 575-541-2080
Email: abassford@las-cruces.org	Email: grants@las-cruces.org

SECTION TWELVE: AUTHORIZATION OF EXPENDITURES

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Congress of the United States if federal funds are involved, or the State Legislature if State funds involved, for performance of this Agreement. If sufficient appropriations and authorizations are not made, this Agreement shall terminate upon written notice being given by the Bureau to the subgrantee. The Bureau is expressly not committed to expenditure of any funds until such time as they are programmed, budgeted, encumbered, and approved for expenditure by the Bureau. The Bureau's decision as to whether its funds are sufficient for fulfillment of the Agreement shall be final.

SECTION THIRTEEN: WAIVER

The Bureau or subgrantee's failure to require strict performance of any provision of this Agreement shall not waive or diminish the right thereafter to demand strict compliance with that or any other provision. No waiver by either party of any of its rights under this Agreement shall be effective unless express and in writing, and no effective waiver by a party of any of its rights shall be effective to waive any other rights.

SECTION FOURTEEN: THIRD-PARTY BENEFICIARY CLAUSE

No provision of this Agreement creates in the public, or any member thereof, a third-party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit for wrongful death, bodily and/or personal injury to person, damage to property, and/or any other claim(s) whatsoever pursuant to the provision of this Agreement.

SECTION FIFTEEN: LIABILITY AND NEW MEXICO TORT CLAIMS ACT

The subgrantee is responsible for any liability associated with the actions or omissions of it or its own employees, including violations of rights and privileges guaranteed under the Laws and Constitution of the United States and New Mexico. Any liability incurred in connection with this Subgrant Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, NMSA 1978, Section 41-4-1 through 41-4-30, as amended. No

provision of this Subgrant Agreement establishes any waiver of immunity from liability for alleged tortious conduct of any employee of the Bureau or the Sub grantee arising from the performance of this Subgrant Agreement apart from that set forth in the New Mexico Tort Claims Act.

SECTION SIXTEEN: SEVERABILITY

If any term or condition of this Subgrant Agreement shall be held invalid or unenforceable, the remainder of this Agreement shall not be affected and shall be valid and enforceable.

SECTION SEVENTEEN: INSTRUCTIONS AND FORMS

Instructions and forms necessary to carry out the administration of the grant as outlined in this Agreement are made available by the Bureau. Forms are incorporated into and made part of this Agreement upon completion.

SECTION EIGHTEEN: GRANT CLOSEOUT

1. The subgrantee will close-out the award when it determines that all applicable administrative actions and all required work of the award have been completed. This section specifies the actions the subgrantee must take to complete this process at the end of the period of performance.
 - A. The subgrantee must submit, no later than 30 calendar days after the end date of the grant period, all financial, performance, and other reports as required by the terms and conditions of the Federal award. DPS may approve extensions when requested by the Subgrantee, and its decision regarding approval will be determined on a case by case basis.
 - B. DPS will make prompt payments to the subgrantee for allowable reimbursable costs under the award being closed out.
 - C. The subgrantee must account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§200.310 Insurance coverage through 200.316 Property trust relationship and 200.329 Reporting on real property.
 - D. The Bureau will initiate a site visit closeout upon the closing of the grant period to ensure compliance with federal statutes, regulations and the terms and conditions of the federal award.

SECTION NINETEEN: STATUS OF SUBGRANTEE

The subgrantee and its agents and employees are not, by virtue of this Agreement, agents or employees of the Bureau, or the State of New Mexico. The subgrantee, its agents and employees shall not accrue leave, retirement, insurance, bonding, use of state vehicles or any other benefits afforded to employees of the State of New Mexico as a result of the Agreement.

SECTION TWENTY: ATTACHMENTS AND CERTIFICATIONS

1. Attachments listed below are incorporated into and made part of this Subgrant Agreement. The below listed certifications must be completed and returned to the Bureau along with this Agreement. They are incorporated and made part of this Subgrant Agreement upon execution.
 - A. Subgrantee's Application (Attachment A)
 - E. Certification of Compliance with Equal Employment Opportunity Plan ((EEO) Requirements (Certification 1)
 - F. Certified Assurances including Uniform Crime Reporting and Supplanting (Certification 2)
 - G. Privacy Certification (Certification 3)
 - H. Overtime Certification (Certification 4)

New Mexico Department of Public Safety

2021 Edward Byrne Memorial Justice Assistance Grant

THEREFORE, the subgrantee and the Bureau do hereby execute this Subgrant Agreement as witnessed by the signatures below:

SUBGRANTEE:

By: _____

Signature of Certifying Official

Date: _____

Ifo Pili

Title City Manager

By: _____

Program Agency Director

Date: _____

Miguel Dominguez

Police Chief

Printed Name

Title

DEPARTMENT OF PUBLIC SAFETY:

By: _____

Signature of Cabinet Secretary/Awarding Official

Date: _____

Jason R. Bowie

Printed Name

Reviewed as to legal form and sufficiency, Office of Legal Affairs

By: _____

General Counsel

Date: _____

6-14-2022

Elizabeth Trickey

Printed Name

REIMBURSING AGENCY: Department of Finance and AdministrationBusiness Unit: 341APPROPRIATION RECIPIENT:

City of Las Cruces

APPROPRIATION NUMBER: APPROPRIATION AMOUNT: REVERSION DATE:
22-ZG9300 **\$ 50,000** **June 30, 2023**

APPROPRIATION LANGUAGE

Fifty thousand dollars (\$50,000) to provide permanent supportive housing to the homeless population with disabilities and their families in Las Cruces. Funds unexpended by June 30th, 2023, will be reverted to the State of New Mexico's general fund.

APPROPRIATION REIMBURSEMENT

The appropriation funds will be disbursed through a reimbursement process. The Appropriation Recipient will submit to the Reimbursing Agency the Exhibit A: Request for Payment form along with supporting document(s) that evidence the expenses to be reimbursed. The Reimbursing Agency will review these documents to ensure all expenses to be reimbursed reflect the intent and purpose of the appropriation language. All expenditures for which the Appropriation Recipient requests reimbursement must occur prior to the reversion date. The latest date the Appropriation Recipient may submit a Request for Payment is July 14th, 2023. With the submission of the final Exhibit A: Request for Payment, the Appropriation Recipient must include a completed Exhibit B: Final Report form in order to receive the final reimbursement.

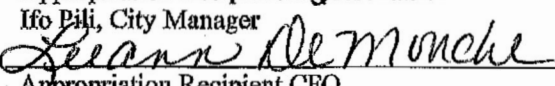
CERTIFICATIONI hereby certify that **City of Las Cruces**

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


 Appropriation Recipient Representative
 Ifo Pili, City Manager

Date

8/3/22

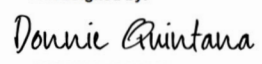

 Appropriation Recipient CFO
 Leeann DeMouche, Finance Director

Date

8/3/22

APPROVAL

In accordance with the authority conferred on the Department of Finance & Administration by the statute appropriating these funds, I hereby approve this certification for appropriation number **22-ZG9300 in the amount of \$50,000.**


 63DBF5EB9F944AF...

8/8/2022

Donnie Quintana
 Director, Local Government Division

Date

Agenda Item #6.3.

STATE OF NEW MEXICO House
SB1 Junior Appropriation
Request for Payment Form
Exhibit A

I. Grantee Information

(Make sure information is complete & accurate)

- A. Grantee: _____
- B. Address: _____
 (Complete Mailing, including Suite, if applicable)
- _____
 City, State, Zip
- C. Contact Name/Phone #: _____
- D. Grant No: _____
- E. Project Title: _____
- F. Grant Expiration Date: _____

II. Payment Computation

- A. Payment Request No. _____
- B. Grant Amount: \$ 0.00
- C. AIPP Amount (If Applicable): \$ 0.00
- D. Funds Requested to Date: \$ 0.00
- E. Amount Requested this Payment: \$ 0.00
- F. Reversion Amount (If Applicable): \$ 0.00
- G. Grant Balance: \$ 0.00
- H. ☐ GF ☐ GOB ☐ STB (attach wire if first draw)
- I. ☐ Final Request for Payment (If Applicable)

III. Fiscal Year : 2023 JULY 1 2022 JUNE 30 2023

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

IV. ☐

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

 Grantee Fiscal Officer
 or Fiscal Agent (If applicable)

 Grantee Representative

 Printed Name

 Printed Name

Date: _____

Date: _____

(State Agency Use Only)

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

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

 Division Fiscal Officer

 Date

 Division Project Manager

 Date

Agenda Item #6.3.

REIMBURSING AGENCY: Department of Finance and AdministrationBusiness Unit: 341

STATE OF NEW MEXICO
SB1 Junior Appropriation
Final Report Form
Exhibit B

Appropriation Recipient: _____

Appropriation Number: _____

Use of Appropriation Funds	Amount
Personnel Expenses	\$ 0.00
Other Operating Expenses	\$ 0.00
Capital Expenses	\$ 0.00
Other	\$ 0.00
Total Amount of Appropriation Funds Expended	\$ 0.00

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

Contract No. D19378
 Vendor No. 0000054342
 Control No. HW2 L100524

LOCAL GOVERNMENT ROAD FUND COOPERATIVE AGREEMENT

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

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

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the **Design, Pavement Rehabilitation / Improvements, Reconstruction, Construction Management and Roadway Lighting of City Streets**, as described in Control No. **HW2 L100524**, and the Public Entity’s resolution attached as **Exhibit C** (Project). The Project is a joint and coordinated effort for which the Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties:

2. Project Funding.

- a. For purpose stated above, the estimated total cost for the Project is **Three Hundred Sixteen Thousand Six Hundred Fifty-Nine Dollars and Zero Cents (\$316,659.00)** to be funded in proportional share by the parties as follows:

1. Department’s share shall be 75%: **\$237,494.00**

Design, Pavement Rehabilitation / Improvements, Reconstruction, Construction Management and Roadway Lighting of City Streets

2. Public Entity’s required proportional matching share shall be 25%: **\$79,165.00**

3. Total Project Cost: **\$316,659.00**

- b. The Public Entity shall pay all Project costs, which exceed the total amount of **Three Hundred Sixteen Thousand Six Hundred Fifty-Nine Dollars and Zero Cents (\$316,659.00)**.
- c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

3. The Department Shall:

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

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

4. The Public Entity Shall:

- a. Act in the capacity of lead agency for the purpose as described in Section 1.
- b. Submit an estimate of the Project, including work to be performed and cost to the District Engineer within thirty (30) calendar days of execution of this Agreement, or as otherwise agreed to in writing by the parties.
- c. Be solely responsible for all local matching funds identified in Section 2. Certify that these matching funds have been appropriated, budget and approved for expenditure prior to execution of this Agreement.
- d. Pay all costs, perform/supply or contract for labor and material, for the purpose as described in Section 1 and the Project estimate approved by the District Engineer.
- e. Procure and award any contract in accordance with applicable procurement law, rules, regulations and ordinances.
- f. In accordance with project parameters, assume the lead planning and implementation role and sole responsibility for providing local matching funds; environmental, archaeological, utility clearances; railroad and Intelligent Transportation System (ITS) clearances; right-of-way acquisition; project development and design; and project construction and management.
- g. Cause all designs and plans to be performed under the direct supervision of a Registered New Mexico Professional Engineer, when applicable, as determined by the Department.
- h. Obtain all required written agreements or permits, when applicable, from all public and private entities.
- i. Allow the Department to inspect the Project to determine that the Project is being constructed in accordance with the provisions of this Agreement. Disclosures of any failure to meet such requirements and standards as determined by the Department, will result in termination, for default, including without limitation the Public Entity's costs for funding, labor, equipment and materials.
- j. Complete the project within eighteen (18) months of approval of funding by the State Transportation Commission.
- k. Within thirty (30) calendar days of completion, provide written certification that all work under this Agreement was performed in accordance with either the New Mexico Department of Transportation's Standard Specification, Current Edition; American Public Works Association (APWA) Specifications; Department approved Public Entity established Specifications; or Department Specifications established for Local Government Road Fund projects, by submitting the **Project Certification of Design, Construction, and Cost form**, which is attached as Exhibit A.

Agenda Item #6.3.

- l. Within thirty (30) calendar days of completion, furnish the Department an **AS BUILT Summary of Costs and Quantities** form, which is attached as Exhibit B. The report should reflect the total cost of project as stated in **Project Certification of Design, Construction, and Cost** form.
- m. Failure to provide the **Project Certification of Design, Construction, and Cost** form and an **AS BUILT Summary of Costs and Quantities** report within thirty (30) calendar days of Project completion will be considered a material breach of this Agreement and Public Entity shall reimburse to the Department all funds disbursed in accordance with this Agreement.
- n. Upon completion, maintain all Public Entity facilities that were constructed or reconstructed under this Agreement.

5. Both Parties Agree:

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

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on **December 31, 2023**. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.

- a. If the Public Entity fails to comply with any provision of this Agreement, the Department may terminate this Agreement, by providing thirty (30) calendar days written notice.
- b. The Department may terminate this Agreement if the funds identified in Section 2 have not been contractually committed within one year from the effective date of this agreement.
- c. If sufficient appropriations and authorizations are not made by the Legislature, this Agreement may terminate immediately upon written notice of the Department to the Public Entity.
- d. Neither party has any obligation after termination, except as stated in Sections 4n and 5.

8. Third Party Beneficiary.

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

9. Liability.

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

10. Contractors Insurance Requirements.

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

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

11. Scope of Agreement.

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

12. Terms of this Agreement.

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

13. Legal Compliance.

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

14. Equal Opportunity Compliance.

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

15. Appropriations and Authorizations.

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

16. Accountability of Receipts and Disbursements.

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

17. Severability.

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

18. Applicable Law.

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

19. Amendment.

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

Agenda Item #6.3.

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

NEW MEXICO DEPARTMENT OF TRANSPORTATION

DocuSigned by:
By: Justin Reese Date: 7/21/2022
7995F2D95F72463
Cabinet Secretary or Designee

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

DocuSigned by:
By: Aaron Frankland, Deputy General Counsel Date: 8/9/2022
3B493BD37FBC44A
Assistant General Counsel

CITY OF LAS CRUCES

By: [Signature] Date: 7/6/22
Title: City Manager

Attest: Christine Rivera
City Clerk or Designee

EXHIBIT A
PROJECT CERTIFICATION OF
DESIGN, CONSTRUCTION, AND COST

TO: New Mexico Department of Transportation
 District _____ LGRF Coordinator

Cooperative Agreement No. _____ Control No. _____
 Joint Powers Agreement No. _____ Control No. _____

Entity: _____

Scope of Work (Including Routes and Termini):

I, the undersigned, in my capacity as _____ of _____ state that:

1. The design is in compliance with all state laws, rules, regulations, and local ordinances and was performed in accordance with the provisions set forth in this Agreement and in the Local Government Road Fund Project Handbook (Current Edition);
2. Construction of the project was performed in accordance with standards and specifications set forth in:

and completed on _____, 20____; and

3. That the total project cost of _____, with New Mexico Department of Transportation 75% share of _____ and the Public Entity share of _____ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the project.

 Name

 Date

 Print Name

 Title

**EXHIBIT C
RESOLUTION 22-150**

A RESOLUTION TO ACCEPT THE OFFERED GRANT AWARD FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, LOCAL GOVERNMENT ROAD FUND PROGRAM, FISCAL YEAR 2022/2023, FOR THE TELSHOR BOULEVARD AMERICANS WITH DISABILITIES ACT SIDEWALK IMPROVEMENTS PROJECT IN THE AMOUNT OF \$237,494 REQUIRING A CITY MATCH IN THE AMOUNT OF \$79,165 FOR A TOTAL PROJECT COST OF \$316,659.

The City Council is informed that:

WHEREAS, the City of Las Cruces (City), Public Works Department/Engineering & Architecture Section submitted a funding application to the New Mexico Department of Transportation (NMDOT), Local Government Road Fund (LGRF) Program, Fiscal Year 2022/2023 for the Telshor Americans with Disabilities Act (ADA) Improvements Project (Telshor ADA) Phase VI; and

WHEREAS, the Telshor ADA Phase VI project from Claude Dove Dr. to Doral Ct. (west side of Telshor Blvd) and Claude Dove Dr. to Hillrise Dr. (east side of Telshor Blvd.) is estimated to cost \$316,659.00 for project development and construction; and the City is required to provide a cash match of 25%, or \$79,165, and is responsible for 100% of the project costs in excess of the grant amount; and

WHEREAS, the City has been offered a grant in the amount of \$237,494, for 75% of the construction costs, from the NMDOT, LGRF Program, for the project (Attachment A); and

WHEREAS, acceptance of this grant will provide construction costs, and the cash match and project costs in excess of the grant amount will be funded through the Street Maintenance and Flood Control funds; and

WHEREAS, this project includes the reconstruction of the existing sidewalks, ADA ramps, and drive pads to bring the sidewalks into compliance with ADA requirements and the work will also include removals, sidewalk, curb and gutter, hot mix asphalt patching, construction staking, traffic control, street lighting, development, design, miscellaneous construction, and inspection and testing for the sections of Telshor Blvd. as described above; and

WHEREAS, the application process requires the City Council to pass a Resolution referencing the scope of work and funding offered by the State Highway Commission, Control Number HW2, L100524, and to adopt the project as a priority before processing the agreements between the NMDOT and the City.

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

(I)

THAT the City will adopt the accept the award through the NMDOT Cooperative Agreement HW2, L100524 in the amount of \$237,494, with a required cash match of \$79,165, and allow the City Manager to execute the agreement.

(II)

THAT the City will adopt the project described as the Telshor ADA Improvements Phase VI, for sidewalk improvements along Telshor Blvd. in Las Cruces, New Mexico, and make it a priority.

(III)

Agenda Item #6.3.

THAT the agreement terminates on December 31, 2023, and the City incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

(IV)

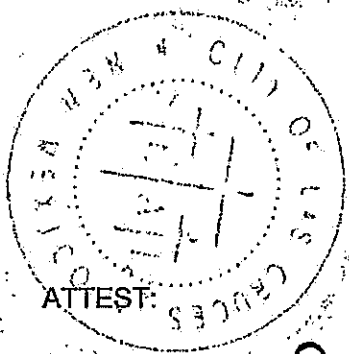
THAT the City may to enter into Cooperative Agreement Control Number HW2 L100524 with the NMDOT for the LGRF Project for year 2022 – 2023 to construct the improvements along Telshor Blvd. from Claude Dove Dr. to Doral Ct. on the west, and Claude Dove Dr. to Hillrise Dr. on the east. The project will include ADA improvements to sidewalks, ADA ramps, and drive pads to make be in compliance with ADA requirements and will include removals, sidewalk, curb and gutter, hot mix asphalt patching, construction staking, traffic control, development, design, miscellaneous construction, and inspection and testing for the described sections of Telshor Blvd. within the control of the City in Las Cruces, New Mexico.

(V)

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

DONE AND APPROVED this 21 day of June 2022

Agenda Item #6.3.



Christine Rivera
City Clerk

APPROVED

[Signature]
Mayor

Moved by: Tessa Abeyta

Seconded by: Yvonne Flores

AYES Kasandra Gandara, Ken Miyagishima, Yvonne Flores, Johana Bencomo, Becki Graham,
Becky Corran, Tessa Abeyta

NAYS

ATTACHMENT E

Contract No.	D19394
Vendor No.	0000054342
Control No.	HW2L100550

MUNICIPAL ARTERIAL PROGRAM COOPERATIVE AGREEMENT

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

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

1. Purpose.

The purpose of this Agreement is to provide Local Government Road Funds to the Public Entity for the Planning, Design, Construction, Reconstruction, Pavement Rehabilitation, Construction Management, Traffic Signal Improvements, Drainage and Misc. Improvements. This Project will be referred to interchangeably as "Project" or "Project Control No. L100550." The Project is a joint and coordinated effort for which Department and the Public Entity each have authority or jurisdiction. This Agreement specifies and delineates the rights and duties of the parties.

2. Project Funding.

- a. For purpose stated above, the estimated total cost for the Project is Two Hundred Thousand Dollars and No Cents **(\$200,000)** to be funded in proportional share by the parties as follows:

1. Department's share shall be 75%: \$150,000

Planning, Design, Construction, Reconstruction, Pavement Rehabilitation,
Construction Management, Drainage and Misc. Improvements

2. Public Entity's required proportional matching share shall be 25%: \$50,000

3. Total Project Cost: \$200,000

- b. The Public Entity shall pay all Project costs, which exceed the total amount of Two Hundred Thousand Dollars and No Cents **(\$200,000)**.
- c. Any costs incurred by the Public Entity prior to this Agreement are not eligible for reimbursement and are not included in the amount listed in this Section 2.

3. The Department Shall:

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

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

4. The Public Entity Shall:

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

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

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

5. Both Parties Agree:

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

6. Term.

This Agreement becomes effective upon signature of all Parties. The effective date is the date when the last party signed the Agreement on the signature page below. This Agreement terminates on **June 30, 2024**. In the event an extension to the term is needed, the Public Entity shall provide written notice along with detailed justification to the Department sixty (60) calendar days prior to the expiration date to ensure timely processing of an Amendment.

7. Termination.

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

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

8. Third Party Beneficiary.

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

9. Liability.

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

10. Contractors Insurance Requirements.

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

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

11. Scope of Agreement.

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

12. Terms of this Agreement.

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

13. Legal Compliance.

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

14. Equal Opportunity Compliance.

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

15. Appropriations and Authorizations.

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

16. Accountability of Receipts and Disbursements.

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

17. Severability.

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

18. Applicable Law.

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

Agenda Item #6.3.

19. Amendment.

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

The remainder of this page is intentionally left blank.

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

NEW MEXICO DEPARTMENT OF TRANSPORTATION

DocuSigned by:
By: Justin Reese Date: 7/26/2022
79B5E2DB5E72463
Cabinet Secretary or Designee

Recommended By District 1
DocuSigned by:
By: Traci Delatte Date: 7/25/2022
07356691769109
District Engineer

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

DocuSigned by:
By: Aaron Frankland Date: 8/12/2022
3B493BD37FBC44A
Assistant General Counsel

City of Las Cruces

By: [Signature] Date: 7/6/22
Title: City Manager

Attest: Christine Rivera
Christine Rivera, City Clerk

EXHIBIT A
Minimum Design Standards

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

EXHIBIT B

Minimum Survey and Right of Way Acquisition Requirements

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

Agenda Item #6.3.

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

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

EXHIBIT C

Construction Phase Duties and Obligations

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

CERTIFICATION NO. 1
CERTIFICATION OF THE PRE-CONSTRUCTION CONTRACT PHASE

Control No. L100550

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

Control Number as follows:

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

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

Agenda Item #6.3.

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

City of Las Cruces

By: _____ Date: _____
Mayor

ATTEST:

By: _____ Date: _____
Public Entity Clerk

When completed, send Certification No. 1 to:

District LGRF Coordinator
Department of Transportation

CERTIFICATION NO. 2

CERTIFICATION OF THE CONSTRUCTION PHASE

Control No. L100550

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

Control Number as follows:

1. That the **Public Entity** has complied with the terms and conditions of the construction phase requirements under this Agreement.
2. That the **Public Entity** has complied with and certifies that the Project plan complies with all publications identified in Exhibit A.
3. That all work in Control No. **L100550** was performed in accordance with the Agreement.
4. That the total Project cost of _____, with New Mexico Department of Transportation "**DEPARTMENT**" 75% share of _____ and the **Public Entity** share of _____ (as submitted in attached "As Built Summary of Costs and Quantities") is accurate, legitimate, and appropriate for the Project.
5. That the construction of the Project was completed on _____ of _____, 20[#]

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

City of Las Cruces

By: _____ Date: _____
Mayor

ATTEST:

By: _____ Date: _____
Public Entity Clerk

When completed, send Certification No. 2 to:

District LGRF Coordinator, Department of Transportation

**EXHIBIT C
RESOLUTION 22-149**

A RESOLUTION TO ACCEPT THE OFFERED GRANT AWARD FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, MUNICIPAL ARTERIAL PROGRAM, FISCAL YEAR 2022/2023, FOR THE BATAAN MEMORIAL WEST-DEL REY BLVD INTERSECTION IMPROVEMENTS IN THE AMOUNT OF \$150,000, REQUIRING A CITY MATCH IN THE AMOUNT OF \$50,000, FOR A TOTAL PROJECT COST OF \$200,000.

The City Council is informed that:

WHEREAS, the City of Las Cruces (City), Public Works Department/Engineering & Architecture Section submitted a funding application to the New Mexico Department of Transportation (NMDOT), Municipal Arterial Program (MAP), Fiscal Year 2022/2023 for the planning, design, signal construction, reconstruction, pavement rehabilitation, construction management, and drainage; and fiber installation along Del Rey Blvd; and

WHEREAS, the project is estimated to cost \$200,000.00 for project development and construction; and the City is required to provide a cash match of 25%, or \$50,000, and is responsible for 100% of the project costs in excess of the grant amount; and

WHEREAS, the City has been offered a grant in the amount of \$150,000, for 75% of the total project, from the NMDOT-MAP for the project (Attachment A); and

WHEREAS, acceptance of this grant will provide construction costs, and the cash match and project costs in excess of the grant amount will be funded through the Street Maintenance and Flood Control funds; and

WHEREAS, the application process requires the City Council to pass a Resolution referencing the scope of work and funding offered by the NMDOT-State Highway Commission, Control Number L100550, and to adopt the project as a priority before processing the agreements between the NMDOT and the City.

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

(I)

THAT the City will adopt and accept the award through the NMDOT Cooperative Agreement L100550 in the amount of \$150,000, with a required cash match of \$50,000, and allow the City Manager to execute the agreement.

(II)

THAT the agreement terminates on June 30, 2024, and the City incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

(III)

THAT the City may to enter into Cooperative Agreement Control Number L100550 with the NMDOT for the MAP Project for year 2022–2023 to construct the improvements to the intersection at Bataan Memorial West and Del Rey Blvd, as well as the fiber installation from Northrise Dr. / N. Telshor Blvd intersection. The project will include planning, design, signal construction, reconstruction, pavement rehabilitation, construction management, and drainage at the Bataan Memorial West - Del Rey Blvd. / US70 underpass intersection; and

Agenda Item #6.3.

fiber installation along Del Rey Blvd. to the the N. Telshor Blvd. / Northrise Dr. intersection within the control of the City in Las Cruces, New Mexico.

(IV)

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

DONE AND APPROVED this 21 day of June 2022

Agenda Item #6.3.



Christine Rivera
City Clerk

APPROVED

[Signature]
Mayor

Moved by: Tessa Abeyta

Seconded by: Yvonne Flores

AYES Kasandra Gandara, Ken Miyagishima, Yvonne Flores, Johana Bencomo, Becki Graham, Becky Corran, Tessa Abeyta

NAYS

Signature: *Amy Noll*
Amy Noll (Jun 28, 2022 09:28 MDT)
Email: anoll@las-cruces.org

Signature: *Matthew Saenz*
Email: msaenz@las-cruces.org

Signature: *David Sedillo*
David Sedillo (Jun 28, 2022 16:08 MDT)
Email: dsedillo@las-cruces.org

City of Las Cruces MAP L100550

Final Audit Report

2022-06-28

Created:	2022-06-28
By:	Martha Salazar (msalazar@las-cruces.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7nYTFb_b4Sd6MMSOR3NSjdLzJ5wKrjSq

"City of Las Cruces MAP L100550" History

-  Document created by Martha Salazar (msalazar@las-cruces.org)
2022-06-28 - 2:48:37 PM GMT
-  Document emailed to Amy Noll (anoll@las-cruces.org) for signature
2022-06-28 - 2:50:44 PM GMT
-  Email viewed by Amy Noll (anoll@las-cruces.org)
2022-06-28 - 3:28:04 PM GMT
-  Document e-signed by Amy Noll (anoll@las-cruces.org)
Signature Date: 2022-06-28 - 3:28:49 PM GMT - Time Source: server
-  Document emailed to Matthew Saenz (msaenz@las-cruces.org) for signature
2022-06-28 - 3:28:50 PM GMT
-  Email viewed by Matthew Saenz (msaenz@las-cruces.org)
2022-06-28 - 4:33:08 PM GMT
-  Document e-signed by Matthew Saenz (msaenz@las-cruces.org)
Signature Date: 2022-06-28 - 4:42:38 PM GMT - Time Source: server
-  Document emailed to David Sedillo (dsedillo@las-cruces.org) for signature
2022-06-28 - 4:42:39 PM GMT
-  Email viewed by David Sedillo (dsedillo@las-cruces.org)
2022-06-28 - 10:07:21 PM GMT
-  Document e-signed by David Sedillo (dsedillo@las-cruces.org)
Signature Date: 2022-06-28 - 10:08:40 PM GMT - Time Source: server
-  Agreement completed.
2022-06-28 - 10:08:40 PM GMT

Agenda Item #6.3.

Certificate Of Completion

Envelope Id: A50855091AF2447A9D96147482B7961D	Status: Completed
Subject: Please DocuSign: HW2 L100550_partially Ex_CLC MAP.pdf	
Source Envelope:	
Document Pages: 20	Signatures: 1
Certificate Pages: 1	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Debbie Hudson
Time Zone: (UTC-07:00) Mountain Time (US & Canada)	1120 Cerrillos Rd.
	Santa Fe, NM 87505
	debraA.hudson@state.nm.us
	IP Address: 164.64.74.21

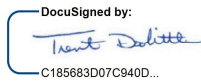
Record Tracking

Status: Original	Holder: Debbie Hudson	Location: DocuSign
7/20/2022 9:39:03 AM	debraA.hudson@state.nm.us	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: New Mexico Department of Transportation	Location: DocuSign

Signer Events

Trent Doolittle, P.E.
 trent.doolittle@state.nm.us
 Executive Engineer
 New Mexico Department of Transportation
 Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

 C185683D07C940D...

Signature Adoption: Uploaded Signature Image
 Using IP Address: 164.64.74.21

Timestamp

Sent: 7/20/2022 9:41:58 AM
 Viewed: 7/25/2022 1:35:23 PM
 Signed: 7/25/2022 1:35:56 PM

Electronic Record and Signature Disclosure:
 Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/20/2022 9:41:58 AM
Certified Delivered	Security Checked	7/25/2022 1:35:23 PM
Signing Complete	Security Checked	7/25/2022 1:35:56 PM
Completed	Security Checked	7/25/2022 1:35:56 PM
Payment Events	Status	Timestamps

**HIGH INTENSITY DRUG TRAFFICKING AREA**

2450 LAKESIDE DR. BLDG. A * LAS CRUCES, NM 88007 * PH (575) 541-7501 * FAX (575) 541-7510

August 15, 2022

Mayor Ken Miyagishima
City of Las Cruces
700 North Main Street
Las Cruces, NM 88001-1120

Dear Mayor Miyagishima:

High Intensity Drug Trafficking (HIDTA) FY 22 funds have increased by \$158,076.00 as indicated on Modification 1 for the City of Las Cruces NM Forensic Laboratories and Regional Interagency Drug Task Force Initiative(s). The enclosed grant award modification should be completed and **returned to the NM HIDTA Director's Office** as soon as possible.

Detailed information is provided in a letter to you from Shannon Kelly, National HIDTA Director. *In her letter she does ask that you send the signed Award Modifications to Miami; however, I am asking that you return this paperwork to our office.* We will forward this information to the Miami Assistance Center to ensure that we have the same records.

If you have any questions, please contact Sandra A. Russell, Finance Director at (575) 541-7503.

Sincerely,

Will R. Glaspy
Executive Director

Attachments

WRG:sar



August 4, 2022

Mayor Ken Miyagishima
City of Las Cruces
700 N. Main St.
Las Cruces, NM 88007-8100

Dear Mayor Miyagishima:

Grant number G22SN0006A has been increased and now totals \$1,220,444.00.

The original of Modification 1 is enclosed. If you accept this Modification, sign the Modification and return a copy to the Assistance Center in Miami. Keep the original Modification for your file.

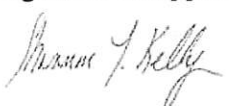
All terms and conditions of the original award apply to the Modification. If you have any questions pertaining to this grant award, please contact Jayme Delano at (202) 395 - 6794.

Sincerely,

A handwritten signature in cursive script, reading "Shannon J. Kelly", is positioned above the printed name.

Shannon Kelly
National HIDTA Director

Enclosures

Executive Office of the President Office of National Drug Control Policy		AWARD Grant	Page 1 of 1
1. Recipient Name and Address Mayor Ken Miyagishima City of Las Cruces 700 N. Main St. Las Cruces, NM 88007-8100		4. Award Number: G22SN0006A	
		5. Grant Period: From 01/01/2022 to 12/31/2023	
1A. Subrecipient IRS/Vendor No.	6. Date: 8/4/2022	7. Action Initial ☒ Supplemental	
Subrecipient Name and Address	8. Supplement Number 1		
2A. Subrecipient IRS/Vendor No.:	9. Previous Award Amount:	\$1,062,368.00	
3. Project Title Multiple	10. Amount of This Award:	\$158,076.00	
	11. Total Award:	\$1,220,444.00	
12. • The above grant is approved subject to such conditions or limitation as are set forth in the original Grant.			
13. Statutory Authority for Grant: Public Law 117-103 H.R. 2471-206			
AGENCY APPROVAL		RECIPIENT ACCEPTANCE	
14. Typed Name and Title of Approving Official Shannon Kelly National HIDTA Director		15. Typed Name and Title of Authorized Official Ken Miyagishima Mayor	
16. Signature of Approving ONDCP Official 		17. Signature of Authorized Recipient/Date  8/24/2022	
AGENCY USE ONLY			
18. Accounting Classification Code UEI: J3ZLWA2K1X47 DUNS: 077609279 EIN: 1856000147A2		19. HIDTA AWARD OND1070DB2223XX OND6113 OND2000000000 OC 410001 JID: 80060	

Initiative Cash by HIDTA

FY 2022

Current Budget (net of reprogrammed funds)

HIDTA	Agency Name	Initiative	Cash	Type	Grant
New Mexico	City of Las Cruces	Fugitive/Violent Offender Task Force	15,860.00	Investigation	G22SN00006A
		Management and Coordination	223,458.55	Administration	G22SN00006A
		NM Forensic Laboratories	87,900.00	Support	G22SN00006A
		NM HIDTA Information Technology	125,996.00	Support	G22SN00006A
		NM HIDTA Training	44,201.00	Support	G22SN00006A
		NM Investigative Support Center	140,995.00	Intelligence	G22SN00006A
		Regional Interagency Drug Task Force	582,033.45	Interdiction	G22SN00006A
Agency Total : City of Las Cruces			1,220,444.00		
Total			1,220,444.00		

Budget Detail

2022 - New Mexico

Initiative - NM Forensic Laboratories

Support

Award Recipient - City of Las Cruces (G22SN0006A)

Resource Recipient - City of Las Cruces

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		\$158,076.00
Facilities	Quantity	Amount
Facilities		\$29,844.00
Total Facilities		\$29,844.00
Total Budget		\$29,844.00

Budget Detail

2022 - New Mexico

Initiative - Regional Interagency Drug Task Force
Award Recipient - City of Las Cruces (G22SN0006A)
Resource Recipient - City of Las Cruces

Interdiction

Indirect Cost: 0.0%

Current Budget (net of reprogrammed funds)		\$158,076.00
Facilities	Quantity	Amount
Facilities		\$128,232.00
Total Facilities		\$128,232.00
Total Budget		\$128,232.00

**23-032**

City Council Action and Executive Summary

Type of Action:

☒ Resolution☐ Ordinance☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A
1st Reading:	Adopted: September 19, 2022
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 A BUDGET ADJUSTMENT ALLOCATING THE SECOND TRANCHE OF THE AMERICAN RECOVERY PLAN ACT THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2022-23 BUDGET AND, THE FY2022-23 CAPITAL IMPROVEMENT PLAN (CIP).

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

PURPOSE(S) OF ACTION:

To request a budget and CIP adjustment for the American Recovery Plan Act (ARPA).

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

In response to the economic hardship due to the coronavirus pandemic, the American Rescue Plan Act (ARPA) provided direct allocation to aid in recovery efforts. The City of Las Cruces (City) was allocated \$24,759,826. The first tranche of funding was received on May 19, 2021 from the U.S. Department of Treasury. The second tranche, in the amount of \$12,379,913, was received on June 13, 2022 in an equal amount.

The funding is intended to be used for the following objectives, as defined in the Act: To support urgent COVID-19 response efforts, to continue to decrease spread of the virus, and bring the pandemic under control. Replace lost public sector revenue to strengthen support for vital public services and help retain jobs. Support immediate economic stabilization for households and businesses, and address systemic public health and economic challenges that have contributed to the in-equal impact of the pandemic.

Several work session were held. Staff presented recommendations from management to allocate the entire \$24.8 million. City Council recommended that the funding be allocated in the following manner: \$2 million to support public health emergency response, \$6.9 million to replace public sector revenue loss for capital needs, \$11.4 million to address negative economic impacts, \$3.5 million to improve water and sewer infrastructure, and \$1 million for premium pay.

This budget adjustment will allocate the second tranche of funding into the ARPA defined priority areas, which is, \$1.2 million for public health and safety, \$8.1 for negative economic impacts, and \$3.1 million for water and sewer projects.

SUPPORT INFORMATION:

[Exhibit "A" Fund Summary](#)

[Exhibit "B" CIP](#)

[Attachment "A"](#)

PLAN(S):

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

COMMITTEE/BOARD REVIEW:

None

ANNUAL BUDGET APPROVAL:

- ☐ Yes
- ☒ No
- ☐ N/A

BUDGET / FISCAL IMPACT:

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

Additional Budgetary Information: **Funding Source(s):**
Please refer to Exhibit "A" Fund Summaries. Various

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

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

- ☒ Yes
- ☐ No
- ☐ N/A

Does this action align with Elevate Las Cruces?

- ☒ Yes
- ☐ No
- ☐ N/A

OPTIONS / ALTERNATIVES:

1. Vote “Yes”; this will approve the Resolution and accept the budget adjustments as presented, and will adjust the City's FY2023 budget and FY2023 CIP, as applicable.
2. Vote “No”; this will not approve the Resolution nor accept the budget adjustments as presented, and will not adjust the City’s FY2023 budget and FY2023 CIP, as applicable.
3. Vote to “Amend”; this will delay the process of spending the funds within the predetermined funding schedule and require direction to staff.
4. Vote to “Table”; this will impact the City’s ability to utilize funds and may impact services.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

RESOLUTION 23-032

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT A BUDGET ADJUSTMENT ALLOCATING THE SECOND TRANCHE OF THE AMERICAN RECOVERY PLAN ACT THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2022-23 BUDGET AND, THE FY2022-23 CAPITAL IMPROVEMENT PLAN (CIP).

The City Council is informed that:

WHEREAS, the City of Las Cruces (City) received a direct allocation in the amount of \$24,759,826 from the U.S. Congress as defined in the American Rescue Plan Act (ARPA) for the Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the funding is intended to be used for the following funding objectives, as defined in the Act, to support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control; replace lost public sector revenue to strengthen support for vital public services and help retain jobs; support immediate economic stabilization for households and businesses; and address systemic public health and economic challenges that have contributed to the in-equal impact of the pandemic; and

WHEREAS, the City received the first tranche of funding, \$12,379,913, on May 19, 2021 and the second tranche, \$12,379,913, on June 13, 2022; and

WHEREAS, the funding will be allocated as recommended by City Council.

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

(I)

THAT the budget adjustments to the City's adopted FY2023 budget, as indicated in Exhibit "A", attached hereto and made a part of this Resolution, are hereby approved.

(II)

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

(III)

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

DONE AND APPROVED this day of

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"

	2100 SPECIAL REVENUE REIMB GRANTS			
	2022-23			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 25,757	25,757	0	25,757
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	4,000	0	4,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenance 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	182,000	0	182,000
Federal Grants	5,358,203	5,440,810	10,179,913	15,620,723
State Grants	1,120,000	2,608,178	0	2,608,178
Local Grants	46,440	44,733	0	44,733
Debt Service	0	0	0	0
Total Revenues	6,706,643	8,279,721	10,179,913	18,459,634
TOTAL RESOURCES	\$ 6,732,400	8,305,478	10,179,913	18,485,391
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	676,395	200,000	876,395
Las Cruces Fire Department	85,478	85,478	675,000	760,478
Utilities	0	0	875,000	875,000
Economic Development	2,798,662	3,498,662	7,564,913	11,063,575
Internal Audit	0	0	0	0
Visit Las Cruces	468,870	756,580	500,000	1,256,580
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 Manager-500	0	0	0	0
Parks & Recreation	11,030	431,519	0	431,519
Community Development	337,981	337,980	0	337,980
Quality of Life	2,375,183	2,493,128	0	2,493,128
Public Works	0	0	365,000	365,000
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 6,706,648	8,279,742	10,179,913	18,459,655
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	\$ 25,752	25,736	0	25,736

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

Exhibit "A"

	4100 CAPITAL PROJECTS REIMB GRANTS			
	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	5,508,937	5,583,937	2,200,000	7,783,937
State Grants	16,541,864	16,541,864	0	16,541,864
Local Grants	350,000	350,000	0	350,000
Debt Service	0	0	0	0
Total Revenues	22,400,801	22,475,801	2,200,000	24,675,801
TOTAL RESOURCES	\$ 22,400,801	22,475,801	2,200,000	24,675,801
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	370,000	370,000	0	370,000
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	47,000	47,000	0	47,000
Las Cruces Fire Department	74,798	74,798	0	74,798
Utilities	0	0	0	0
Economic Development	2,631,838	2,631,838	0	2,631,838
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	3,816,025	3,891,025	0	3,891,025
Community Development	0	0	0	0
Quality of Life	742,500	742,500	0	742,500
Public Works	14,718,640	14,718,640	2,200,000	16,918,640
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 22,400,801	22,475,801	2,200,000	24,675,801
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 9/19/2022

Agenda Item #6.4

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 <i>2022 Legislative Appropriation</i> <i>2022 Legislative Appropriation</i>	2,933,085	<i>511,035</i> <i>388,561</i>					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	\$ 899,596	\$ -	\$ -	\$ -	\$ -	
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	\$ 45,310,596	\$ 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	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Facilities Management - Total Newly Funded Projects	\$ 200,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	2,688,182						Bonds, Taxes
Gateway Entry Points Signage Maintenance	50,000		50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 2,738,182	\$ -	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	

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

Amended as of 9/19/2022

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	146,500	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							
Generator Buffer Program	80,000	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	50,000	Taxes
Henry R Benavidez Community Center							
Roof Replacement Program	349,134	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	221,585						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	\$ 847,219	\$ 975,000	\$ 975,000	\$ 975,000	\$ 975,000	\$ 975,000	
Facilities Management - Future Projects							
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	\$ -	\$ 260,000	\$ 260,000	\$ 237,500	\$ 260,000	\$ 260,000	
Total Facilities Management	\$ 3,785,401	\$ 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	668,631						Grants, Taxes, Other
2022 Legislative Appropriation		500,000					
LRU Passenger Terminal	1,032,890		12,500,000		1,850,000	3,500,000	Grants, Taxes, Other
LRU Runway 8/26 Extension	340,700	4,200,000	8,400,000				Grants, Taxes, Other
1 - Environmental Assessment							
2 - Design							
3 - Construction							

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
LRU Runway 12/30 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	434,561			13,500,000			Grants, Taxes, Other
LRU Taxilane Improvements	300,000						Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 2,776,782	\$ 4,700,000	\$ 20,900,000	\$ 13,500,000	\$ 1,850,000	\$ 3,500,000	
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	\$ 3,032,782	\$ 49,350,000	\$ 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 Clinica de Familia - Behavioral Health Facility	943,809						Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Warehouse	6,654,736	1,847,000					Grants, Other
MV Community of Hope - Flooring	10,317						Grants
MV Community of Hope - Health Facility Improvements	826,661						Grants
2022 Legislative Appropriation		760,000					
2022 Legislative Appropriation		169,682					
MV Community of Hope - Solar Parking	30,303						Grants, Taxes
Non-Profit Organizations - Total Carryover Projects	\$ 10,942,567	\$ 2,876,682	\$ 400,000	\$ 5,500,000	\$ -	\$ -	

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	\$ 10,942,567	\$ 4,376,682	\$ 8,300,000	\$ 9,450,000	\$ -	\$ -	
PARKS & RECREATION							
Parks & Recreation - Newly Funded Projects							
JCP Learning Center Exterior Repairs	75,000						Grants, Taxes
<i>2022 Legislative Appropriation</i>		220,000					
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	\$ 235,000	\$ 330,000	\$ -	\$ -	\$ -	\$ -	
Parks & Recreation - Carryover Projects							
A. Fielder Memorial Safe Haven Renovations	175,000						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	74,156	483,410					Grants
Median Landscaping	1,409,950	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	100,000		550,000	250,000			Grants
<i>2022 Legislative Appropriation</i>		450,000					
Parks Parking Lots	2,426,773						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							
<i>2022 Legislative Appropriation</i>		250,000					
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	6,518,811						Bonds, PIF, Taxes
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Enclosure	9,489,633						Bonds, Taxes

Page 334

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	215,000						Grants, PIF
Parks & Recreation - Total Carryover Projects	\$ 27,253,520	\$ 4,520,976	\$ 3,271,021	\$ 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	
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
East Mesa Bataan Memorial Pool - Shade Structure		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	\$ -	\$ 3,529,750	\$ 5,423,500	\$ 11,976,200	\$ 1,475,200	\$ 1,972,700	
Total Parks & Recreation	\$ 28,135,120	\$ 9,480,726	\$ 9,694,521	\$ 24,676,200	\$ 4,275,200	\$ 4,372,700	

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
PUBLIC SAFETY							
Public Safety - Newly Funded Projects							
Fire Department CIT and MIH Building	365,000	3,420,315					ARPA, Grants, Taxes, Other
Public Safety - Total Newly Funded Projects	\$ 365,000	\$ 3,420,315	\$ -	\$ -	\$ -	\$ -	
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 <i>2022 Legislative Appropriation</i>	74,798	330,000	720,000	500,000	500,000		Grants
Police Department Building Renovations <i>2022 Legislative Appropriation</i>	13,696	50,000	150,000				Grants, Taxes
Police Department Evidence Building	271,883						Taxes
Public Safety Regional Radio Communication System	515,000						Grants, Taxes
Public Safety Smart Technology	200,000						ARPA
Public Safety - Total Carryover Projects	\$ 1,160,377	\$ 380,000	\$ 870,000	\$ 500,000	\$ 5,665,000	\$ -	
Public Safety - Future Projects							
Downtown Public Safety Complex		57,000,000					Bonds, Grants
Fire Department Station 9		5,165,000					Bonds, Grants, Taxes, Other
Police Department Mobile Operations Command Vehicle		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 Dept. Administration Building Lobby Remodel <i>2022 Legislative Appropriation</i>		200,000	350,000	193,400			Grants, Other
Police Department Equipment - Mobile Data Terminals <i>2022 Legislative Appropriation</i>		160,000					Grants
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	\$ -	\$ 65,040,000	\$ 669,000	\$ 527,400	\$ 330,000	\$ 9,270,000	
Total Public Safety	\$ 1,525,377	\$ 68,840,315	\$ 1,539,000	\$ 1,027,400	\$ 5,995,000	\$ 9,270,000	

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)						Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028		
PUBLIC WORKS								
Public Works - Newly Funded Projects								
Del Rey Blvd Signal Improvements	150,000						Grants, Taxes	
Telshor ADA Improvements Phase VI	237,494						Grants, Taxes	
Public Works - Total Newly Funded Projects	\$ 387,494	\$ -	\$ -	\$ -	\$ -	\$ -		
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, Bonds	
Bellamah Drive - Lees Drive to Luna Street	825,000						Taxes	
Brown Farm Ponding Improvements	155,675						Bonds	
Campo Street Design and Reconstruct	460,026	2,600,000					TIDD	
Drainage Infrastructure Improvements	2,837,986						Loans, Taxes	
EBID Drains & Laterals								
Land Acquisition								
Other Improvements								
East Mesa Recreation Complex Roads	2,255,825						Bonds	
East Mesa Roads and Drainage	1,634,000		900,000				Bonds, Grants	
2022 Legislative Appropriation		100,000						
GO Bonds - ARPA Funding	4,128,725						ARPA	
GO Bond Q1 - Park & Sport Field Improvements & Additions	9,314,230						GO Bonds, PIF	
GO Bond Q2 - New Animal Shelter Facility	5,652,897						GO Bonds	
GO Bond Q3 - New Fire Station No. 3 Building	1,087,978						GO Bonds	
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	176,635						GO Bonds	
Madrid Ave Extension - Martha Dr to N Triviz Dr	1,900,000						Grants, Taxes	
Magdalena Drive Storm Repairs	203,522						Taxes, Other	
McClure Drainage Improvements	100,000						Bonds	
McFie - Valley to First	1,093,176						Grants, Taxes	
Mesquite/Tornillo Drainage Improvements	184,773						Bonds	
Picacho Ave HAWK System	249,793						Grants, Taxes	
South Main St - Avenida de Mesilla to Boutz	3,300,000						Bonds	
Storm Water System Mapping	100,000						Taxes	
Tashiro Rd Improvements - Valley Dr to Motel Blvd	190,741						Bonds	
Traffic Signals	1,288,155						Bonds	
Roadrunner Parkway & Sonora Springs								
Sonoma Ranch Blvd & Northrise								
Voluntary Assessment District Phase I	236,956						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	7,670,585						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								
Vala Mora Dam Park Study	623,000						Grants, Taxes	
Walnut-Madrid TAP Bike/Pedestrian Improvements	1,323,660						Bonds, Grants	
Public Works - Total Carryover Projects	\$ 51,987,763	\$ 2,700,000	\$ 3,850,000	\$ 3,950,000	\$ 2,950,000	\$ -		

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Public Works - Annual Projects							
Active Transportation Plan - Sidewalk Gaps	173,514	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	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	1,013,819	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	1,096,291	500,000	500,000	500,000	500,000	500,000	Taxes
Traffic Signal Program	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	95,000	100,000	100,000	100,000	100,000	100,000	Taxes
City Rights of Way							
Las Cruces Dam							
Ponds							
Public Works - Total Annual Projects	\$ 15,240,411	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	\$ 10,935,000	\$ 11,185,000	
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
Telshor Spruce Intersection Improvements			850,000				Grants
<i>2022 Legislative Appropriation</i>		650,000					
Midway Ave - Gas Line Rd to Mesa Dr		240,000					Taxes, Grants
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
Elmer St - Spruce Ave to Ash Ave					500,000		Bonds
Street Lighting Management System					500,000		Taxes
Elmsby 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

334

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
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	\$ -	\$ 30,490,000	\$ 16,430,000	\$ 12,045,000	\$ 14,757,000	\$ 3,185,000	
Total Public Works	\$ 67,615,668	\$ 44,375,000	\$ 31,215,000	\$ 27,180,000	\$ 28,642,000	\$ 14,370,000	
QUALITY OF LIFE							
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements	145,568		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
<i>2022 Legislative Appropriation</i>		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	\$ 2,302,756	\$ 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
<i>2022 Legislative Appropriation</i>		110,000					
Munson Center Bathrooms		106,900					Bonds, Grants, Taxes

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	
Frank O'Brien Papen Center - Dining Room Floor <i>2022 Legislative Appropriation</i>		35,000	12,800				Grants
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	\$ 2,411,262	\$ 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	26,940,330	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 26,940,330	\$ 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	\$ 26,980,330	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
SUSTAINABILITY							
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	794,066						Taxes
Sustainability - Total Carryover Projects	\$ 794,066	\$ -	\$ -	\$ -	\$ -	\$ -	
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
Fleet Electric Vehicle Chargers		90,000	90,000	180,000			Grants, Bonds, Taxes
Sustainability - Total Future Projects	\$ -	\$ 490,000	\$ 490,000	\$ 180,000	\$ -	\$ -	
Total Sustainability	\$ 794,066	\$ 490,000	\$ 490,000	\$ 180,000	\$ -	\$ -	

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

Amended as of 9/19/2022

Agenda Item #6.4

Project Title	Funded FY2023	Infrastructure Capital Improvement Plan (Unfunded)						Funding Source(s)
		FY 2024	FY 2025	FY 2026	FY 2027	FY 2028		
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	1,689,047		1,972,100	1,619,000			Grants	
2022 Legislative Appropriation		200,000						
Wastewater Utilities Bond Projects 2020A	488,408	375,000					Bonds	
Water Bond Projects 2015A	4,004						Bonds	
Water Development	2,882	1,000,000					WIF	
Water Miscellaneous	1,200						Bonds	
Water NMFA Loan	7,034	100,000					Bonds	
Water Rehabilitation - 2006 Bonds	13,061						Bonds	
Water Rehabilitation - NMFA	108,614	1,551,091					Bonds	
Water Street Improvement Projects - 2015 Bond	18,772						Bonds	
Water Utilities Bond Projects 2020A	6,132,615	4,939,151					Bonds	
Utilities - Total Carryover Projects	\$ 10,150,965	\$ 8,625,242	\$ 1,972,100	\$ 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	257,432	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	1,132,085	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	1,030,259	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	\$ 8,279,448	\$ 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 9/19/2022

Agenda Item #6.4

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	\$ 18,430,413	\$ 56,979,810	\$ 14,393,346	\$ 7,123,596	\$ 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	\$ -	\$ -	\$ -	\$ -	\$ -	
Visit Las Cruces - Future Projects							
Convention Center Upgrades and Maintenance		355,000					Grants, Taxes
Visit Las Cruces Building Subflooring		142,000					Taxes
Convention Center Exterior Sign		53,000					Grants, Taxes
Visit Las Cruces - Total Future Projects	\$ -	\$ 550,000	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 150,000	\$ 550,000	\$ -	\$ -	\$ -	\$ -	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 1,907,494	\$ 4,475,315	\$ 630,000	\$ 630,000	\$ 630,000	\$ 630,000	
Total Carryover Projects	\$ 140,958,328	\$ 37,897,583	\$ 34,535,646	\$ 38,819,000	\$ 13,515,000	\$ 4,950,000	
Total Annual Projects	\$ 25,298,184	\$ 60,306,691	\$ 25,176,246	\$ 18,509,596	\$ 16,725,000	\$ 21,800,000	
Total Future Projects	\$ -	\$ 192,885,527	\$ 56,697,850	\$ 48,664,100	\$ 43,442,200	\$ 35,487,700	
GRAND TOTAL	\$ 168,164,006	\$ 295,565,116	\$ 117,039,742	\$ 106,622,696	\$ 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

BUDGET ADJUSTMENT SUMMARY

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Revenue
DEPARTMENT:	Various
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$10,179,913
EXPENDITURE ADJ AMOUNT	\$0
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Budget the second tranche of ARPA funds.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$200,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds for Police Smart Technology.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$675,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds: \$500,000 for CPR and EMT training for fire and police personnel and \$175,000 for PPE Emergency Response.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Various
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$875,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds for Sewer Connect Program.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Economic Development
PROGRAM:	Housing Neighborhood Services
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$7,564,913
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds for Neighborhood Services: second round of contracts \$7,297,757 and \$267,156 for contract administration.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Visit Las Cruces
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$500,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds for: Cooperative advertising \$250,000, Website and visual assets \$150,000, Event Revitalization \$50,000, and Key Programs \$50,000.	

FUND NO.	2100
FUND TITLE:	Special Revenue
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Architecture
REVENUE ADJ AMOUNT	\$0
EXPENDITURE ADJ AMOUNT	\$365,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds for the engineering design of a CIT/MIH Mental Integrated Healthcare building.	

FUND NO.	4100
FUND TITLE:	Capital Project Reimbursement Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Architecture
REVENUE ADJ AMOUNT	\$2,200,000
EXPENDITURE ADJ AMOUNT	\$2,200,000
TRANSFER ADJ AMOUNT	\$0
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: Budget second tranche of ARPA funds for Calle Encanto & Calle de Sol roadway reconstruction project (listed as and included in the Casa Linda Acre Reconstruction projected on the CIP).	

**23-033**

City Council Action and Executive Summary

Type of Action:

☒ Resolution☐ Ordinance☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A
1st Reading:	Adopted: September 19, 2022
Drafter: Amy Bassford	Department: Financial Services
Program: Grants Administration	Line of Business: Fiscal Management

Title: A RESOLUTION TO ACCEPT VARIOUS GRANTS FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, 2022 LEGISLATIVE CAPITAL OUTLAY, FOR THE LAS CRUCES AIRPORT IMPROVEMENTS, ROADWAYS/DRAINAGE IMPROVEMENTS ON THE EAST MESA OF LAS CRUCES, AND N. TELSHOR-SPRUCE INTERSECTION IMPROVEMENTS; AND TO MAKE SUCH PROJECTS A PRIORITY FOR THE CITY.

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

PURPOSE(S) OF ACTION:

To accept grant award and make projects a priority.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces (City), Public Works Department/Engineering & Architecture Section and the Parks & Recreation Department, through the City's 2022 Capital Outlay process, requested funding from the NM State Legislature for one project for roadway and drainage improvements in the east mesa area of the City, and one project to improve the intersection at Telshor Blvd. and Spruce Ave. Additionally, the Airport received an appropriation for improvements at the Las Cruces International Airport. These appropriations are administered by the New Mexico Department of Transportation (NMDOT) on behalf of the State.

The resulting award from the 2022 Legislative Session for the roadway and drainage improvements totals \$100,000, to acquire rights of way and to plan, design, construct, and improve roads, including utilities and flood control, on the east side of Las Cruces in Dona Ana County. No match is required for the legislative appropriation and has a reversion date of June 2026. The NMDOT project control number is C1223138 and will be managed by the Public Works Department/Engineering & Architecture Section.

The resulting award from the 2022 Legislative Session for the signal and intersection improvements for the N. Telshor Blvd.-Spruce Ave. intersection totals \$650,000 to plan, design, construct, equip, and install improvements at the intersection of North Telshor Blvd. and Spruce Avenue in Las Cruces in Dona Ana County. No match is required for the legislative appropriation and has a reversion date of June 2026. The NMDOT project control number is C1223140 and will be managed by the Public Works Department/Traffic Management Section.

The resulting award from the 2022 Legislative Session for the Las Cruces International Airport improvements totals \$500,000 to acquire land and rights of way for and to plan, design, construct, renovate, purchase, furnish, equip, and install infrastructure improvements to the Las Cruces International Airport in Las Cruces in Dona Ana County. No match is required for the legislative appropriation and has a reversion date of June 2026. The NMDOT project control number is C1223139 and will be managed by the City Manager's Office, Airport Section.

Agenda Item #6.5.

The NMDOT process requires the City Council to pass a resolution to accept the awards and related requirements of the award, to include as applicable, an assumption of ownership, liability, and maintenance of the state scope of work, or related amenities and funding for the project, and to adopt the projects as priorities. NMDOT requires this resolution prior to providing the City with a fully executed grant agreement.

The fully executed grant agreements will be brought before Council in a separate action to accept the grant awards into the City's fiscal year budget and amend the fiscal year's CIP.

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

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

☐ Yes

☐ No

☒ N/A

Does this action align with Elevate Las Cruces?

☐ Yes

☐ No

☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; will approve the Resolution and allow the City to execute the grant agreements.
2. Vote "No"; will not approve the Resolution and reject the grant awards from NMDOT and the 2022 Legislature causing a loss in funding.
3. Vote to "Amend"; will delay the acceptance of the grant agreements and the beginning of the projects and require direction from Council.
4. Vote to "Table"; will delay the acceptance of the grant agreements and the beginning of the projects and require direction from Council.

RESOLUTION 23-033

A RESOLUTION TO ACCEPT VARIOUS GRANTS FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, 2022 LEGISLATIVE CAPITAL OUTLAY, FOR THE LAS CRUCES AIRPORT IMPROVEMENTS, ROADWAYS/DRAINAGE IMPROVEMENTS ON THE EAST MESA OF LAS CRUCES, AND N. TELSHOR-SPRUCE INTERSECTION IMPROVEMENTS; AND TO MAKE SUCH PROJECTS A PRIORITY FOR THE CITY.

The City Council is informed that:

WHEREAS, the City of Las Cruces (City), through the City's 2022 Capital Outlay process, requested funding from the New Mexico State Legislature for to road improvement projects and one project at the Las Cruces International Airport. These appropriations are administered by the New Mexico Department of Transportation (NMDOT) on behalf of the State, which requires a formal Resolution to accept the awards and allow for execution of the grant agreements; and

WHEREAS, the Public Works Department/Engineering & Architecture Section will manage one of the awarded appropriations, the Public Works Department/Traffic Management Section will manage one, and the City Manager's Office/Airport Section will manage one; and

WHEREAS, the resulting award from the 2022 NM Legislative Session for the roadway and drainage improvements totals \$100,000, to acquire rights of way and to plan, design, construct, and improve roads, including utilities and flood control on the east side of Las Cruces in Dona Ana County. No match is required for the legislative appropriation and the reversion date is June 30, 2026. The NMDOT project control number is C1223138 and will be managed by the Public Works Department/Engineering & Architecture Section; and

WHEREAS, the resulting award from the 2022 NM Legislative Session for the roadway and drainage improvements totals \$650,000, to to plan, design, construct, equip, and install improvements at the intersection of North Telshor Blvd. and Spruce Avenue in Las Cruces in Dona Ana County. of Las Cruces in Dona Ana County. No match is required for the legislative appropriation and the reversion date is June 30, 2026. The NMDOT project control number is C1223140 and will be managed by the Public Works Department/Traffic Management Section; and

WHEREAS, the resulting award from the 2022 NM Legislative Session for the Las Cruces International Airport improvements totals \$500,000 to acquire land and rights of way for and to plan, design, construct, renovate, purchase, furnish, equip, and install infrastructure improvements to the Las Cruces International Airport in Las Cruces in Dona Ana County. No match is required for the legislative appropriation and the reversion date is June 30, 2026. The NMDOT project control number is C1223139 and will be managed by the City Manager's Office/ Airport Section; and

WHEREAS, NMDOT requires the City to accept the awards and related requirements of the award, to include as applicable, an assumption of ownership, liability, and maintenance of the state scope of work, or related amenities and funding for the project, and to adopt the projects as priorities.

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

(I)

THAT the City accepts the awards in the NMDOT agreements C1223138, C1223140, and C1223139 from 2022 Legislative Session Capital Outlay Appropriations for the City and they are hereby approved and have priority standing.

(II)

Agenda Item #6.5.

THAT the City Council authorizes the City Manager, or his designee, to execute the agreements on behalf of the City.

(III)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS


**3011; Council
Bill 23-005**

City Council Action and Executive Summary

Type of Action:
☐ Resolution

☒ Ordinance

☐ TIDD Resolution

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

1st Reading: September 19, 2022

Adopted: October 3, 2022

Drafter: Vince Banegas

Department: Community Development

Program: Community Planning

Line of Business: Community Planning

Title: AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3/C-3C (MULTI-DWELLING MEDIUM DENSITY / COMMERCIAL HIGH-INTENSITY CONDITIONAL) TO R-3 (MULTI-DWELLING MEDIUM DENSITY) FOR PROPERTY 3.98 ACRES IN SIZE AND LOCATED AT 801 E. FARNEY LANE. SUBMITTED BY TIERRA WEST, LLC FOR THOMAS DEVELOPMENT CO., OWNER.

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

PURPOSE(S) OF ACTION:

Zone Change

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

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

The applicant is requesting a zone change from R-3/C-3C (Multi-Dwelling Medium Density / Commercial High Intensity Conditional) to R-3 (Multi-Dwelling Medium Density) for property located at 801 E. Farney Lane. The existing zoning represents "stacked" or "pancaked" zoning over the entire tract of land under consideration. The subject property has a dwelling which is subject to demolition pursuant to proposed development plans per the owner. The size of the parcel has been drawn into question, but based on recent survey information, is approximately 3.98 acres. The reason for the zone change is to accommodate the development of an eighty-unit senior apartment complex which is intended to be funded through a variety of sources. The sources being requested include City GAP funding and New Mexico Mortgage Finance Authority HOME and Trust Fund monies. Seventy-four units will be affordable in that they are intended to be set aside for tenants meeting 30% - 80% of Average Median Income (AMI). The remaining six units will be market rate rentals.

The property in question has a rather extensive development history dating back to 1992. At that time, a development proposal called Crescent Center Business Park Planned Unit Development (PUD) was submitted, reviewed and approved following substantial neighborhood protest. Ultimately the matter was appealed reaching the State Supreme Court and to the best of staff's recollection, was remanded back down to the city for further consideration. In 2004, the property owner dropped plans to create the Crescent Center Business Park PUD seeking instead to rezone the property to R-3 which the city council approved. Finally, in 2015, as per Ordinance #2767, the property was rezoned from R-3 to R-3/C-3C (present zoning). The conditions placed on the zone change request limited the number of residential units to sixty, restricted hours of operation for businesses, restricted liquor sales, and prohibited several land uses. In that these conditions are not in alignment with the

Agenda Item #8.1.

developer's residential development vision, this zone change request is being sought. In essence, the request seeks to drop the commercial zoning and remove the conditions as stipulated.

In 2012, the city adopted the El Paseo Corridor Community Blueprint via Resolution 12-218. This blueprint establishes a more focused development vision for the corridor highlighting economic development and healthy living opportunities in a safe, peaceful, and multi-modal environment. Design strategies are outlined for the corridor to which the subject development proposal is seeking to align itself.

On January 18, 2022, the applicant/developer held a neighborhood meeting with neighborhood associations and area residents to discuss development plans. Of those participating in the meeting, all but one attendee were in favor of the proposal as presented. Many found the proposed elimination of the commercial zoning a comfort, recognizing that a senior apartment complex would be developed.

On April 26, 2022, the case was heard by the Planning and Zoning Commission at their regular meeting. The zone change request received a recommendation of approval by a vote of 6-0-0 (1 seat vacant). There was no opposition at the meeting, but the Commission did strongly encourage the developer to work with staff on site design issues. To date, the developer is working with staff to ensure reasonable consistency with both the blueprint and Elevate Las Cruces Comprehensive Plan.

SUPPORT INFORMATION:

[EXHIBIT "A"](#)

[EXHIBIT "B" - Findings](#)

[ATTACHMENT "A" - P&Z Staff Report](#)

[ATTACHMENT "B" - Approved 4-26-22 PNZ Minutes](#)

PLAN(S):

Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

P&Z

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

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

☐ Yes

☒ No

☐ N/A

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

☐ N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Ordinance and affirm the P&Z recommendation for approval. The subject property will be rezoned from R-3/C-3C (Multi-Dwelling Medium Density/Commercial High Intensity Conditional) to R-3 (Multi-Dwelling Medium Density).

2. Vote "No"; this will deny the Ordinance and will reject the recommendation made by P&Z. The current zoning designation or R-3/C-3C (Multi-Dwelling Medium Density/Commercial High Intensity Conditional) will remain.

Agenda Item #8.1.

Denial of the zone change will require new information or findings of fact different than those provided in Exhibit "B".

3. Vote to "Amend"; this could allow the City Council to modify the Ordinance by adding conditions as deemed appropriate.

4. Vote to "Table"; this could allow the City Council to table/postpone the Ordinance and direct staff accordingly.

ORDINANCE 3011; COUNCIL BILL 23-005

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3/C-3C (MULTI-DWELLING MEDIUM DENSITY / COMMERCIAL HIGH-INTENSITY CONDITIONAL) TO R-3 (MULTI-DWELLING MEDIUM DENSITY) FOR PROPERTY 3.98 ACRES IN SIZE AND LOCATED AT 801 E. FARNEY LANE. SUBMITTED BY TIERRA WEST, LLC FOR THOMAS DEVELOPMENT CO., OWNER.

The City Council is informed that:

WHEREAS, Tierra West, LLC on behalf of Thomas Development Co. has submitted a request for a zone change from R-3/C-3C (Multi-Dwelling Medium Density/Commercial High Intensity Conditional) to R-3 (Multi-Dwelling Medium Density); and

WHEREAS, the subject property is approximately 3.98 acres and substantially underutilized having a single-family dwelling on the premises subject to demolition to accommodate a proposed senior apartment development; and

WHEREAS, the existing R-3/C-3C zoning was approved with conditions not in keeping with the proposed development strategy necessitating a change to eliminate commercial zoning and said conditions; and

WHEREAS, the proposed zone change is supported by the El Paseo Corridor Community Blueprint and Elevate Las Cruces Comprehensive Plan in that it promotes uses that are consistent with the Urban Place Type; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on April 26, 2022, recommended that the zone change request be approved by a vote of 6-0-0 (one seat vacant).

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

(I)

THAT the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned R-3 (Multi-Dwelling Medium Density).

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this day of

Agenda Item #8.1.

APPROVED

ATTEST:

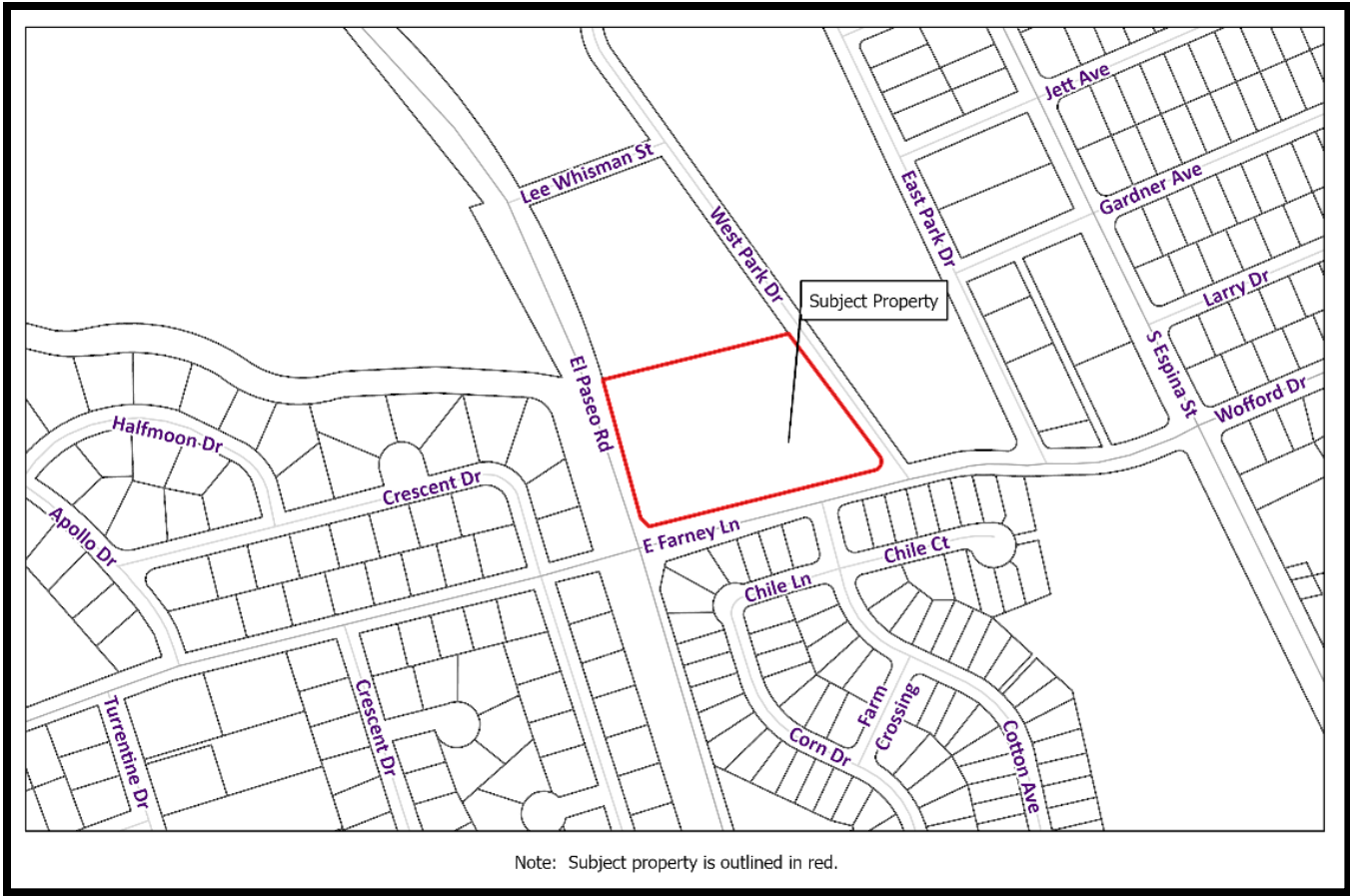
Moved by:

Seconded by:

AYES

NAYS

EXHIBIT “A”



Note: Subject property is outlined in red.

EXHIBIT “B” – FINDINGS

1. The underutilized property is predominately vacant (unused single-family dwelling proposed for demolition), ± 3.98 acres in size and is dual or “pancake” zoned as R-3/C-3C. The conditions restrict alcohol sales, prohibit several non-residential uses, limit the number of residential units on the property to 60, and limit the hours of operation for non-residential uses.
2. The owner/developer is proposing a senior apartment complex and has met with the surrounding neighborhood about development plans and found that the neighborhood is largely in favor of the proposal as a land-use and proposed rezoning action as it would eliminate commercial zoning/uses, a significant area of concern for the neighborhood in the past.
3. The zone change to R-3 would accommodate the property owner’s plans for the property and is compatible with the surrounding neighborhood.
4. The property is within the infill area and qualifies as an infill parcel. As such, prudent proposals that seek to change inactive parcels to active use is encouraged.
5. The property is subject to and based on intended development, would be compliant with (land use perspective) the approved El Paseo Corridor Community Blueprint.
6. The property is within the Urban Neighborhood place type characterized by having a variety of residential housing types at medium-to-high densities and areas of supporting neighborhood commercial development.
7. The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).



City of Las Cruces
MOUNTAINS OF OPPORTUNITY

ATTACHMENT "A"

Planning & Zoning Commission 04/26/2022
CASE 22ZO0500014: 801 E. FARNEY LANE ZONE
CHANGE

STAFF CONTACT:	Vincent Banegas, (575) 541-3058, vbanegas@las-cruces.org
OWNER:	Thomas Development Co.
REPRESENTATIVE:	Tierra West, LLC
DISTRICT:	District #2
SITE ADDRESSES:	801 E. Farney Lane
EXISTING ZONING:	R-3/C-3C (Multi Dwelling Medium Density / Commercial Medium Intensity) - Conditional
REQUEST:	A zone change request on a ± 4.35-acre parcel from R-3/C-3C (Multi-Dwelling Medium Density) / (Commercial High-Intensity) Conditional to R-3 (Multi-Dwelling Medium Density).
RELATED APPLICATIONS:	N/A
STAFF RECOMMENDATION:	Approval

SUMMARY OF CASE 21ZO0500014:

A zone change request on a ± 4.35-acre parcel from R-3/C-3C (Multi-Dwelling Medium Density) / (Commercial High-Intensity) Conditional to R-3 (Multi-Dwelling Medium Density). The zone change seeks to remove the commercial zoning from the property and remove all conditions established for both commercial and residential uses established as per Ordinance #2767, dated 11/2/2015. The conditions limit the number of residential units to 60, prohibit several land uses, restrict alcohol sales, and also restrict hours of operation for any businesses that may locate on the property. These conditions are valid today pursuant to the 2001 Las Cruces Zoning Code, as amended. The property is located on the northeast corner of El Paseo Road and E. Farney Lane.

G
N
I
N
Z
O
N

SUMMARY OF RECOMMENDATION:

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

- The underutilized property is predominately vacant (unused single-family dwelling proposed for demolition), ± 4.35 acres in size and is dual or "pancake" zoned as R-3/C-3C. The conditions are summarized above and are provided as attachments to this packet.
- The owner/developer is proposing a senior apartment complex, has met with the surrounding neighborhood about development plans and found that the neighborhood is largely in favor of the proposal as a land-use and proposed rezoning action as it would eliminate commercial zoning/uses, a significant area of concern for the neighborhood in the past.
- The zone change to R-3 would accommodate the property owner's plans for the property and is compatible with the surrounding neighborhood.
- The property is within the infill area and qualifies as an infill parcel. As such, prudent proposals that seek to change inactive parcels to active use is encouraged.
- The property is subject to and based on intended development, would be compliant with (land use perspective) the approved El Paseo Corridor Community Blueprint.
- The property is within the Urban Neighborhood place type characterized by having a variety of residential housing types at medium-to-high densities and areas of supporting neighborhood commercial development.
- The proposed zone change request is supported by the Elevate Las Cruces Comprehensive Plan and meets the purpose and intent of the 2001 Zoning Code (2001 Zoning Code, Section 38-2).

PROPOSAL AND LAND USE HISTORY

DETAILED DESCRIPTION:

The applicant brought forward a proposal to both rezone the property as indicated above and to seek infill development approval simultaneously. Since then, due to issues involving site design/layout, the applicant has decided to move forward with the rezoning and delay the infill aspect until there has been more opportunity to work with staff on these issues. The rezoning effort seeks to change the zoning of the property from R-3/C-3C (Multi-Dwelling Medium Density)/(Commercial High-Intensity) Conditional to R-3 (Multi-Dwelling Medium Density). By doing so, the property would no longer be commercially zoned nor would it have any conditions that limit the number of residential units to 60, prohibit several land uses, restrict alcohol sales, and also restrict hours of operation for any businesses locating on the property. The resulting R-3 zoning would clear the way for development of the senior apartment complex as intended.

As stipulated above, the applicant has discussed with staff the development intentions for the property. Although not a part of the rezoning package herein discussed, the proposal seeks to create an 80 unit gated senior apartment complex. As tentatively designed, 74 units will be placed within a three story (approx. 42 feet tall) apartment building while three duplex buildings will provide for the remaining 6 units. More than adequate parking will be available on-site with some in the form of garages.

The R-3 zoning district allows 20 dwelling units per acre and as proposed, the development reflects an exceedance of 15 units to that density cap. In that various development standards were not met via the development concept as tentatively presented, an IDP may be forthcoming. Please be advised that some of these issues may change in that discussions with staff are pending. At this time, the only issue before the Commission for consideration is the rezoning effort.

LAND USE HISTORY:

The subject property was annexed into the city limits through the College Hill Subdivision Annexation in 1961. Subsequent to that, the parcel was created per the Osborn Park Subdivision 508. Consisting of 4.35 acres, the property has been under intermittent cultivation for several years and has been otherwise used for residential purposes (single-family dwelling). Said residential use continues to this day. In 1992, the property owner submitted the Crescent Center Business Park PUD which proposed a commercial strip center. At that time, substantial neighborhood protest occurred leading up to a lawsuit ultimately reaching the State Supreme Court. Based on staff recollection, the case was remanded back for further consideration at the local level resulting in some development modifications. In 2015, the property owner rezoned the property pursuant to ordinance #2767 which represents the current zoning of the property.

ZONING DECISION CRITERIA AND POLICIES

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

NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

The area around the intersection of El Paseo Road and E. Farney Lane has a variety of zoning and land uses. Directly north of the subject property is C-3 and R-3 zoning supporting both institutional and apartment uses. Along the west, R-1a is the predominate zone supporting single-family residential and institutional uses. To the east R-3 and R-1a zoning exists supporting a park and single-family residential uses. To the south, PUD_R-3, O-2, R-2, R-3 and UD-TZ zoning exists supporting single family residential dwelling, an office use and a variety of apartment buildings. Given the mix of land uses and zoning district designations, staff feels the proposed zone change would be in harmony with the surrounding neighborhood.

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

According to the Future Development Map in the Elevate Las Cruces Comprehensive Plan, the subject parcel falls within the Urban Neighborhood Place Type. The Urban Neighborhood Place Type is characterized as providing medium-to-high densities and areas of supporting neighborhood commercial development. The place type includes single-family and multi-family dwelling types, neighborhood retail and office uses.

In that the uses allowed pursuant to the proposed zoning are congruous to the place type identified, staff feels the application is in concert with the comprehensive plan.

The following goals, policies, and actions from Elevate Las Cruces and the El Paseo Community Blueprint are relevant to the proposed Zone Change:

Community Environment:

- Goal CE-3: Centers and Corridors – Support community growth through concentrated development at activity centers and along key corridors.
 - Policy CE-3.2 – Allow for a mix of development type and intensity along major thoroughfares that reflects surrounding urban, suburban, and rural contexts.
- Goal CE-4: Develop mixed-use neighborhoods that incorporate a wide range of recreational, commercial, employment, and civic uses.
 - Policy CE-4.1 – Encourage a variety of housing types into new and redeveloping neighborhoods to provide options for all ages and incomes throughout the city.
 - Action CE-4.1.1 – Promote a diversity of residential building types, lot sizes, density ranges, and architectural styles in new neighborhoods.
 - Policy CE-4.2 – Incorporate employment and shopping nodes into new and redeveloping neighborhoods to provide residents with convenient access to services.

Community Prosperity

- Goal CP-9: Housing Diversity – Provide a diverse range of housing options to accommodate residents at all stages in life.
 - Policy CP-9.1 – Encourage the use of alternative housing types, styles, and living arrangements as a means to provide additional housing opportunities.
 - Policy CP-9.2 – Promote denser housing options in the urban neighborhood, downtown, town centers, neighborhood centers, and mixed-use corridors identified in the future development map.
- Goal CL-2: Neighborhood Conservation – Strengthen neighborhood condition through improvements to the built-environment.
 - Policy CL-2.2 – Encourage redevelopment of vacant properties within neighborhoods.

El Paseo Corridor Community Blueprint

- Goal 2: Allow diverse land uses and housing types to locate in proximity to each other in order to achieve a walkable, inclusive and economically viable area.
- Action – Advance the City’s transit plan and affordable housing strategies by encouraging higher density housing along and around the corridor.

The request to rezone the property as proposed is not out of context with Elevate Las Cruces or the El Paseo Corridor Community Blueprint. If you consider what the R-3 zoning district may provide in terms of development, the proposal falls directly in-line with stated policy. The Urban Neighborhood place type encourages a diverse

assortment of residential, office and commercial uses and it is the residential component that will be generated via this proposal.

COMPLIANCE WITH THE THOROUGHFARE PLAN:

El Paseo Road is a principal arterial roadway along the west side of the subject property. E. Farney Lane and West Park Drive are considered local roadways with Farney Lane proposed to provide primary access to the property and any subsequent development. Said roadways are all dedicated rights-of-way and are improved to city standards.

CONSISTENCY WITH PURPOSE AND INTENT OF THE ZONING ORDINANCE:

Per Section 38-2: The intent of the Zoning Code is to encourage the most appropriate use of land and to promote the health, safety, and general welfare of the community for the purpose of improving each citizen's quality of life.

The regulations relevant to the proposed zone change include:

- A. Ensure that all development is in accordance with this Code and the Elevate Las Cruces Comprehensive Plan and its elements.
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.
- D. Encourage mixed-land uses to decrease the length of trips for work and/or shopping and encourage the consolidation of trips and alternative modes of travel.
- J. Improve the design, quality, and character of new development.
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods.
- M. Foster a more rational relationship between different land uses for the mutual benefit of all.
- Q. Mitigate conflicts among neighbors.

Review by City of Las Cruces staff determined the proposed zone change would not adversely impact the surrounding area and any development resulting from said action will be in keeping with the surrounding area as per section 38-2 of the 2001 Zoning Code, as amended.

CRITERIA FOR DECISIONS:

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

- A. The Planning and Zoning Commission shall review the comprehensive plan, and other applicable plans and codes and determine whether the request will:
 - 1. Impair an inadequate supply of light and air to adjacent property or otherwise adversely adjoining properties.
 - 2. Unreasonably increase the traffic in public streets.
 - 3. Increase the danger of fire or endanger the public safety.
 - 4. Deter the orderly and phased growth and development of the community.
 - 5. Unreasonably impair established property values within the surrounding area.
 - 6. In any other respect, impair the public health, safety, or general welfare of the city.
 - 7. Constitute a spot zone, and therefore, adversely affect adjacent property values.

8. Be in harmony with the purpose and intent of the zoning code, sign code, design standards, and other companion codes.
- B. The commission shall take care that the development of the city, in accordance with present and future needs, best promotes the health, safety, morals, order, convenience, prosperity, and general welfare of the people. It shall also promote efficiency and economy in the process of development.
- C. The commission shall encourage the proper use and development of land, shall seek to create and maintain an aesthetic urban setting, and protect and preserve the quality of the water, air and other environmental, natural, historical and cultural resources for the city.
- D. The commission shall use the comprehensive plan as a guide in making all future decisions concerning land use and development, and in the financing and location of capital improvements.
- E. Before taking any action concerning land use and development and financing and location of capital improvements, the commission shall review the relationship between the proposed action and the comprehensive plan.

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

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:

The subject property is currently zoned R-3/C-3C. With the current zoning in place and as per Ord. #2767, the property could be developed consistent with established policy but would have to abide by the conditions the ordinance established through the zoning process. This means that several uses would be prohibited, the development of residential units are capped, alcohol sales are restricted, and all commercial uses allowed would be restricted in terms of hours of operation.

SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:

Based on the information presented in the preceding paragraph, it is preferable to the applicant and the surrounding neighborhood (neighborhood meeting was held) to rezone the property in the manner presented. By doing so, virtually all non-residential uses are eliminated and the residential cap is removed leaving development to follow what the R-3 zone allows.

The property is within the AO flood zone designation meaning that there may be a 1% annual chance of shallow flooding (sheet flow) between 1 to 3 feet deep may occur.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

City water, gas and sewer are currently serving the property and will not be negatively impacted by the zone change request.

STAFF AND PUBLIC COMMENTS

PUBLIC NOTIFICATION AND INPUT:

Please be advised that on January 18, 2022, subject to Section 38-10.C.b (Early Notification) the applicant held a neighborhood meeting regarding both the intended zone change request and a companion IDP originally intended to be brought forward concurrently. Both the proposed use and the zone change request as presented were supported by the neighborhood. Some concerns regarding traffic impacts and adjacent park impacts were voiced, but resolved in that the applicant pointed out that the senior housing development did not generate substantial traffic and that access to the park was proposed through the development via pedestrian access. The applicant further stated that the intended zoning/use served the single-family development well by serving as a transition of land use (buffer) from the more intense commercial and institutional uses north of the subject parcel.

Notification letters were mailed out to property owners within 500 feet of the subject property. Staff has not received any input as of this packet's writing.

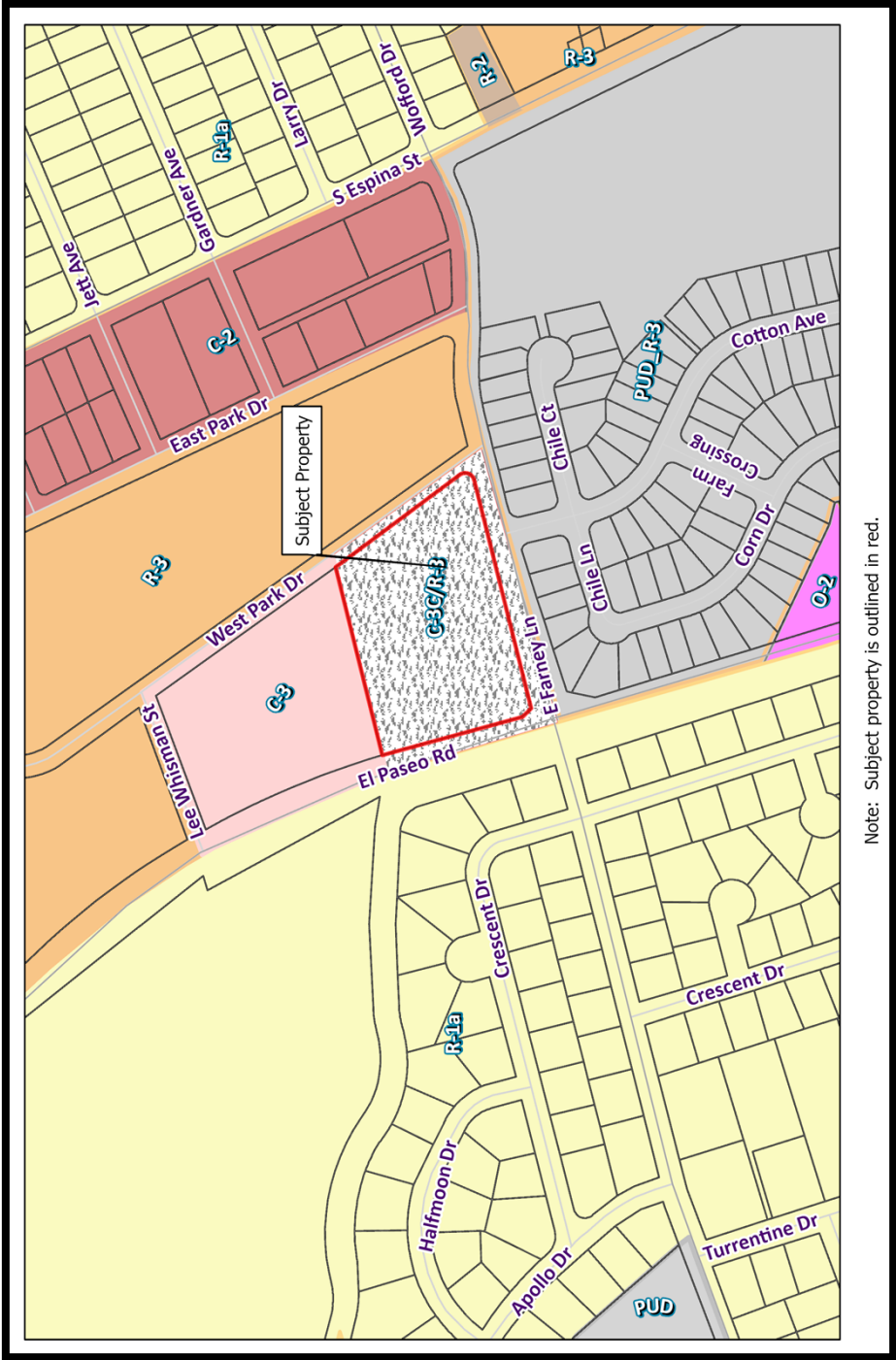
STAFF COMMENTS:

No reviewing department had any comments preventing consideration by the Planning and Zoning Commission. Some comments provided are those tied to the IDP proposal originally distributed along with the zoning request. For clarification however, the IDP is not under consideration via this packet/case.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Applicant Conceptual Proposal
4. Department Review Comments
5. Ordinance # 2767

ATTACHMENT 1
Zoning Map



Note: Subject property is outlined in red.

ATTACHMENT 2
Aerial Map



Note: Subject property is outlined in red.

This site plan illustrates the proposed layout for the Senior Apartment Building, a 3-story structure with 14 units. The building is centrally located within a rectangular site. Surrounding the building are parking areas with individual parking spaces marked. The plan includes various landscaping elements, such as trees and shrubs, and specifies the placement of fences and gates. Key features and labels include:

- Senior Apartment Building:** 3 stories, 14 units.
- Parking:** Multiple parking spaces are distributed around the building.
- Landscaping:** Trees and shrubs are indicated by circular symbols with internal patterns.
- Fencing and Gates:** Labels include "FENCING", "PEDESTRIAN GATE", "EXISTING CURB, GUTTER & SIDEWALK", and "NEW CUTTER DEWALK".
- ADA Compliance:** "ADA ROUTE TO PARK, ADA RAMP, LANDINGS AND RAILING PER ADA REQUIREMENTS" is noted near the top left.
- Other Features:** "DUMPSTER" locations are marked, and "EXISTING CROSSWALK" and "EXISTING CURB, GUTTER & SIDEWALK" are shown along the perimeter.

Page 247 of 334

Department Review Comments

Department: Planning

Status: APPROVED

Department: Surveying (Ad-hoc)

Status: NOT REQUIRED

Department: Transportation

Status: APPROVED

Department: Engineering

Status: APPROVED

Department: Utilities

STATUS: APPROVED

Department: Fire

Status: APPROVED W/ CONTINGENCIES

1. Not more than 5 persons incapable of self-preservation based on current building code classification. If more, classification shall go to I-2 category.
2. Said individuals identified in #1 to be housed on 1st floor.
3. 2 elevators required within primary building; one large enough for gurney.

Department: MPO

Status: APPROVED

Department: Flood

Status: REVISIONS REQUIRED

1. Firm Map SFHA delineation required.
2. Firm Map effective date needed.

Department: Parks & Rec

Status: REVISIONS REQUIRED

1. Accessible route to adjacent park requires discussion with staff.

ATTACHMENT 5 **Ordinance # 2767**

COUNCIL BILL NO. 16-008
ORDINANCE NO. 2767

AN ORDINANCE APPROVING A ZONE CHANGE FROM R-3 (MULTI-DWELLING MEDIUM DENSITY) TO R-3/C-3C (MULTI-DWELLING MEDIUM DENSITY/COMMERCIAL HIGH INTENSITY-CONDITIONAL) FOR A 4.2 ± ACRE PROPERTY LOCATED AT 801 E. FARNEY LANE, PARCEL 02-11764. SUBMITTED BY GARY KRIVOKAPICH, PROPERTY OWNER (Z2888).

The City Council is informed that:

WHEREAS, Gary Krivokapich, property owner, has submitted a request for a zone change from R-3 (Multi-Dwelling Medium Density) to R-3/C-3C (Multi-Dwelling Medium Density/Commercial High Intensity-Conditional) for 4.2 ± acres for a property located at 801 E. Farney Lane on the northeast corner of El Paseo Road and Farney Lane; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on September 22, 2015, recommended that said zone change request be conditionally approved by a vote of 4-0-0, (three Commissioners absent).

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT the land as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned R-3/C-3C (Multi-Dwelling Medium Density/Commercial High Intensity-Conditional) with the conditions as stipulated in Exhibit "B".

(II)

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

(III)

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

(IV)

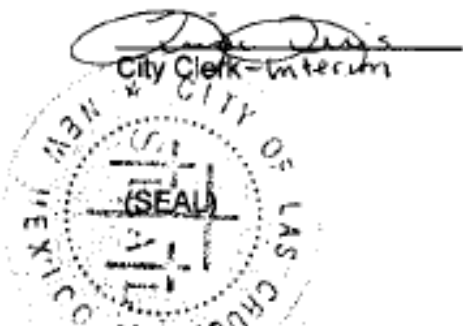
THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this 2 day of November 2015.

APPROVED:


Mayor Pro Tem

ATTEST:



Moved By: Small

Seconded by: Smith

APPROVED AS TO FORM:


City Attorney

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Smith:	<u>Aye</u>
Councillor Pedroza:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Sorg:	<u>Aye</u>
Councillor Levatino:	<u>Aye</u>

**PLANNING AND ZONING COMMISSION
FOR THE
CITY OF LAS CRUCES
City Council Chambers
APRIL 26, 2022 at 6:00 p.m.**

BOARD MEMBERS PRESENT:

Harvey Gordon, Chair
Luis Armando Guerrero, Vice-Chair
Scott Kaiser, Secretary
James Bennett, Member
Enrico Smith, Member
Vanessa Vega, Member

BOARD MEMBERS ABSENT:

STAFF PRESENT:

Larry Nichols, Director Community Development
Department, CLC
David Weir, Deputy Director Community Planning
Katherine Harrison-Rogers, Senior Planner
Vincent Banegas, Interim Planner
John Castillo, CLC Planner
Roberto Cabrillo, CLC Deputy City Attorney
Adrian Guzman, CLC Communications
Becky Baum, Recording Secretary, RC Creations,
LLC

1. CALL TO ORDER (6:00)

Gordon: Good evening and welcome to the April 26, 2022 meeting of the Planning and Zoning Commission. I'd like to call this meeting to order

2. CONFLICT OF INTEREST

Gordon: Before we start, anybody on a Commission have any conflict of interest? If so. All right.

3. APPROVAL OF MINUTES - March 22, 2022

Gordon: I need a motion to approve the minutes.

Guerrero: I'll approve the minutes.

Agenda Item #8.1.

ATTACHMENT "B"

Smith: I'll second.

Gordon: Becky, please.

Baum: Board Member Kaiser.

Kaiser: Yes.

Baum: Board Member Smith.

Smith: Yes.

Baum: Board Member Bennett.

Bennett: Yes.

Bam Board Member Vega.

Vega: I wasn't here. Abstain.

Baum: Thank you. Board Member Guerrero..

Guerrero: Yes.

Baum: Chair Gordon.

Gordon: Yes. All right. Before we get to public participation, I would like to reorder the agenda for this evening. Item 9.1, which is the progress report on the land development code. I'd like to move that to now before public participation. Can I get a motion on that please?

Bennett: I make a motion to move 9.1 to now.

Vega: I second

Baum: Board Member Kaiser.

Kaiser: Yes.

Baum: Board Member Smith.

Smith: Yes.

Agenda Item #8.1.

ATTACHMENT "B"

Baum: Board Member Bennett.

Bennett: Yes.

Baum: Board Member Vega.

Vega: Yes.

Baum: Board Member Guerrero.

Guerrero: Yes.

Baum: Chair Gordon.

Gordon: Yes.

Baum: Thank you.

4. PUBLIC PARTICIPATION

Gordon: Okay, let's move on. Next item on the agenda is public participation. Is there anyone here needs to talk about anything that is not on the agenda. Will you please raise your hand? All right. Seeing none. Then we can move on.

5. POSTPONEMENTS - None

8. NEW BUSINESS

8.3 801 E. Farney Lane Zone Change Request:

A zone change request on a ± 4.35-acre parcel from R-3/C-3C (Multi-Dwelling Medium Density) / (Commercial Medium-Intensity) Conditional to R-3 (Multi Dwelling Medium Density). The zone change seeks to remove the commercial zoning from the property and remove all conditions established for both commercial and residential uses. The property is located on the northeast corner of El Paseo Road and E. Farney Lane. Council District 2 (22ZO0500014)

ATTACHMENT "B"

Gordon: Can we get everybody back in their seats please? Everyone is here. All right let's resume. It is now 9:10.

Banegas: Mr. Chairman, Members of the Commission. Vincent Banegas, Interim Planner presenting the third and final of my cases, involving 801 East Farney Lane. It is a rezoning application that was submitted to staff. Current zoning of the property is R-3 and C-3C. And they're seeking to rezone it to straight R-3. The current conditions that are in play here with this application is the property is located at 801 East Farney lane. It is at the intersection basically of three roadways EL Paseo Road, Farney Lane on the south, EL Paseo Road is on the west, and West Park Drive is on the east. The property as presented in our assessor's records is plus or minus 4.35 acres. It is an underutilized parcel. There is a single-family home on the parcel. But because of its acreage and because of the use it is considered underutilized. And as indicated pursuant to the zoning it does have a pancake zone, what staff considers to be pancakes zoning of R-3/ C-3C.

The R-3 is our multi dwelling medium density residential district in our code and C-3 is our commercial high intensity. The C at the end of this grouping of zoning districts means conditional. Conditions as per ordinance 2767 stipulate that there's several conditions actually but stipulate that the residential units are to be capped at 60 for the property when development takes place. There's also restrictions on alcohol sales and hours of operation for commercial establishments that might locate on the property. And there's also a number of prohibited nonresidential uses that are again outlined in this ordinance 2767.

The property is within the Urban Neighborhood Place type pursuant to our comprehensive plan. And it's also subject to the EL Paseo Corridor Community Blueprint, which

established some closer focus on attempting to develop properties along El Paseo. The applicant's request helps pave the way to facilitate the proposed development of the property. They're looking to create or develop a senior apartment complex. That issue is not part of this request, but I'm informing you of what they've come forward with. The R-3 zoning that they seek pursuant to this request, helps pave the way for that development. And I think in your packets I had stipulated that there's R-3 zoning allows for 15 dwelling units per acre. That is incorrect, it should be 20 dwelling units per acre. But again, there is a cap of that 60 that is still in play today. The R-3 zoning district allows a building height of 35 feet and the C-3 district allows 60 feet. And there's currently no cap that was established pursuant to that ordinance previously mentioned.

So here's the zoning of the property. The property is outlined or bordered in red here. You have West Park Drive along the east side, Farney Lane on the south, and El Paseo Road on the west side. You have a good percentage of acreage on the west side of El Paseo Road that's currently R-1a zoning. A lot of single-family dwelling development occurs in this location. You also have a PUD south of the property; it too is single-family in nature in large part. And the school is further northwest, Las Cruces High School I should say. You have immediately north of the subject property a church and some additional Las Cruces High School facilities thereafter further north. The park sits, there is a park that sits right here along West Park Drive and Farney Lane. And further east of that is some commercial property that has various commercial type uses, both restaurant and retail etc.

This is the aerial of that property. Again the property outlined in red. Church is again directly north. But you can see the distribution of land uses taking place. What you don't see

is further south of the subject property and where it's cut off on this aerial is you start getting into other zones, there's an O-2 zone which is our office zone, and you start getting to other development that is apartment complexes, things of that nature as you get closer to the university.

So the proposal that was brought before us again is to rezone the R-3/C-3C property to straight R-3. R-3 again, multi dwelling medium intensity. And the conditions that I previously stipulated would be removed. There would be no conditions unless your actions tonight recommended that conditions be placed, which would then go to City Council for consideration. But as it's presented this evening, they're looking to eliminate the conditions, which basically eliminates any of the commercial aspects associated with the property. This again facilitates the senior apartment complex that the developer is seeking to build on the property. And it was originally that aspect of the proposal was originally going to be brought simultaneously as infill development proposal. But because of some site design related issues, they're working with staff, we're still trying to resolve some of those issues, it was decided to bring forward the zoning aspect which would have to be dealt with anyway and move on from there.

The Elevate Las Cruces and El Paseo Corridor Community Blueprints, the provisions that are provided in there, the policies and goals and focus that both documents present, lend support for the R-3 zone change request. So associated with this proposal, it should be noted that the applicant was informed of a need to do some early notification pursuant to the Zoning Code. And they did take that initiative. They notified property owners and neighborhood associations within the area as outlined in the Zoning Code. And I believe it was in January that the meeting with the neighborhood took place. They informed the

neighborhood and the associations of their intentions, both with the zoning and with the actual development. And from the information obtained from the applicant there was substantial neighborhood support for what they were seeking to do. One of the key things staff feels that came from that endeavor is the potential removal of the commercial zoning and the land uses that might eventually coincide with the commercial aspect of the zoning of the property. That was long held to be problematic with this site.

So again, this isn't part of tonight's package for consideration, but nonetheless this was the site plan that they had brought forward. Looking at the site plan they were proposing 74 apartment units in this building. It was a three storey building being proposed. And you had some duplex units, there are three duplex units here that made up the remaining six for a total of 80 units. You had some individual garages that could be leased by the residents eventually in the facility, and garages here and here, and also on the opposite side along West Park Drive here and here. Access that was discussed and vetted with staff not only Community Development staff, but Transportation staff was going to be located here to avoid any conflicts with the exit point or entrance point to that residential subdivision on the south.

What you see here in a dashed line was a proposed basically pedestrian access to the park facility. And so they tried to incorporate various elements of again our comprehensive plan and the EL Paseo Corridor Plan or Blueprint into their design. A couple of photos, again this is at the corner Forney Lane and El Paseo. This is that single-family home that currently sits on the property. It is being utilized, at least it's my understanding it's still utilized, but it will be demolished if approval goes forward in order to accommodate the intended development. This is a photo that's

looking west at the more or less intersection of West Park Drive and Farney. And another one from a different angle looking Northwest, again viewing that home and some of the property to the right of it.

In terms of staff analysis, there were no health, safety, or welfare issues that were identified by staff. Staff felt that the proposed zoning or zone change I should say, provided the necessary compatibility with existing uses and of course the surrounding neighborhood. The property is within the Urban Place type as per our comprehensive plan and is subject to of course the EL Paseo Blueprint. The comp plan, as we know now, after many cases being vetted before you encourages mixed use. And in this case the Urban Place type encourages medium to high residential densities, attainable housing, and a variety of housing styles, while the blueprint encourages higher density along the corridor and attainable housing within the same development. All these factors that are summarized in terms of the comprehensive plan and the blueprint were elements that were introduced not only with the zoning but with the proposed development that had been presented to staff.

Public notice and input. The case was noticed as per code. Staff received a couple of e-mails. Those have been provided to you. One was in support of the proposal. And there was one that was proposing a condition and I think in looking at that e-mail they were proposing limiting the height to 25 feet. Please keep in mind that the R-3 zone both today and if this goes through would allow 35 feet, so somewhat of an element or issue to deal with there. The early notification meeting I touched on already, that was 01/18/22. Again, some of the concerns at that meeting which were mitigated, talking about traffic impacts and how the offset and access would help alleviate some of those concerns. But it was also mentioned that there would be a good

transition in terms of land use for this property and its intended development in terms of some of the more dense or more commercialized properties further north.

So staff's recommendation, we're recommending approval based on the findings. They are provided in your packet. Be advised that again the neighborhood showed substantial support at that neighborhood meeting. The zone change facilitates the applicant's proposal and is found to be compatible with the surrounding neighborhood. It is an infill parcel and subjected to infill criteria if they so deem it necessary. And so in this case by facilitating the zone change and ultimately any development proposal via the IDP process, we are changing virtually what consists of an inactive parcel to a very active parcel should this come to fruition. The compliance with the blueprint and our comprehensive plan has been illustrated. And so I just wanted to reiterate, there's consistency in that regard. And several of the goals obviously are in support of the request. It's also consistent with the purpose and intent of the Las Cruces Zoning Code, and criteria for decisions in the Municipal Code.

Your options this evening are to vote "yes" and approve the request that has been brought to you this evening, you can vote "no" and deny. Please be aware that new findings would be necessary. And you could vote "yes" with conditions, and vote to table. And Mr. Chairman, that concludes staff's presentation. I know the applicant's representative are in attendance and they would like to say a few words. And they'd be here to answer any questions you might have also.

Gordon: I have a question. Just something that was stated in the packet, your summary of recommendation, it says that the owner developer is proposing a senior apartment

complex. Is this going to be an over 55 community?

Banegas: My understanding in reading the documentation provided, Mr. Chairman, Commissioners, is that it would be an age restricted development. So specifically targeting senior.

Gordon: Is there like an age minimum that you could go there, like 60,. 65?

Banegas: Applicant will respond to that.

Gordon: Okay. Is there any was anybody else have any questions to staff? All right. Yes.

Kaiser: I'll wait until the applicant.

Gordon: Okay, then we can hear from the applicant and he can answer my question.

Mantrac: Mr. Chairman. My name is Tom Mantrac.

Gordon: All right. Do you swear or affirm that the testimony you're about to give is the truth and nothing but the truth under penalty of law?

Mantrac: I do.

Gordon: Go ahead. Thank you.

Mantrac: Thank you. I will be as brief as I can possibly be and try to stick with the zoning. But I think there's an important component that needs to be layered into that discussion. Basically, what we have is a 4.2/4.3 acre parcel that is split zoned. We could build a 60 unit family apartment complex that had four or five bedroom apartments, and about 10,000 square feet of retail type use on this site. That's the ordinance that was passed several years ago. What we're proposing to do, and let me introduce Ron Bohannon, with the Tierra West from Albuquerque as our engineer and land use consultants. So technical questions, he

can answer. But what we're proposing to do is to give back if you will the more intense use, the 10,000 square feet of retail roughly and develop an 80 unit senior apartment complex which would fit within the R-3 densities, so there's no density variance that we're asking for.

Importantly, this apartment community will be age restricted, 62 and older, and will be income and rent restricted because some of the financing package will go through New Mexico Mortgage Finance Authority. As I said the ages 62 and older and based on the current income and rent numbers it will be renting to individuals and couples. Incomes will range from about \$9,500 per year to about \$40,000 per year. The one bedroom rents are and believe me when I say this \$307 a month to about \$800 a month. The two bedroom rents are about \$370 a month to about \$980. The land use restriction, just like when a subdivision comes in and you put CC and Rs on a subdivision. There will be recorded covenants against this property which say you must rent to your age group for a period of 40 years and you must rent to this income group for a period of 40 year. And that document is recorded ahead of our loan documents, so if we don't do it right, we're in trouble.

So it's very important as you're looking at the zoning request to, even though the intended use is not before you right now, that is the only use we will put the property to. And there will be restrictions in place between us, probably the City of Las Cruces because we have requested some money, and Natalie is here to maybe answer a question you have one. But there will be recordable foreclosable documents between our company and New Mexico Mortgage Finance Authority that requires us to do exactly what I'm telling you tonight.

We have always done neighborhood outreach. When we started doing this a lot of years ago, 32 years ago, very few jurisdictions required preapplication neighborhood meetings. We have always done that. The meeting we had at Las Cruces High School was not very well attended because it was cold and windy and rainy that night. But we had a number of people who attended via Zoom, and very good questions were asked. We did a follow up letter summarizing the meeting. When the application was submitted the first part of February, we mailed the application with another summary to all of the neighbors. When the staff report came in, we mailed the staff report and another summary to all the neighbors. What I did in the letter that included the staff report, as I said, you know if you like what we're doing, would you please let the City know. And so I got two or three e-mail says, well we don't like what you're doing and we just want it to be vacant land forever. That's the way this business goes sometimes. We did have a follow up Zoom meeting last night with five neighbors Ron, I think five neighbors. A couple of them were the ones that said we don't like what you're doing. And they were okay by the end of the meeting. And you got to a positive note I think today from one of them. We also spent about an hour this afternoon with representatives of the church who had not been able to come to any of the previous meetings. It was very thoughtful, and you know we're going to be neighbors and you know tell us about your fence and you know we have a community garden, are you going to have a community garden. It was a very interactive and very positive. And the two gentlemen we met with cannot be here tonight. But they did authorize Ron and I to say that speaking on behalf of the church, they're very supportive of what we're doing. So the zoning change is necessary to construct 80 units of senior affordable housing in Las Cruces, which will be governed by New Mexico Mortgage Finance Authority. We will be income and age

restricted for 40 to 44 years. I don't remember what the number, but a long time. Staff report was very well done. I'm happy to answer any questions.

Kaiser: So not so much a question but more of I think a comment at this point. First of all I think the proposal in front of us is great. I think it's highly needed, especially in the EL Paseo Corridor. I know that's been an area of focus for the City for quite some time. I'm wondering, Vincent, if you could go back to the proposed or the conceptual site plan. Yes, that's perfect. So I know it's conceptual in nature, however because it was in the packet and the presentation I feel like it's fair game for some critique here. I just want to kind of point out a couple of things, specifically from the EL Paseo Corridor Community Blueprint. There's a couple of goals and actions here that I think are relevant in this particular case. Goal number one talks about redeveloping the EL Paseo Corridor as a safer and more user friendly corridor. Goal number four talks about improving the aesthetic appeal of the corridor and fostering a sense of place or community identity along the corridor. And number six, goal number six, says support active living and healthy community design through appropriate guidelines and regulations for the planning area. We can then get into the actions. There is one action that is designed EL Paseo Road as a complete street, and also one in here that talks about urban design architectural standards that improve the aesthetics and user appeal of the street.

So I say all that because what I'm seeing here, this is still more of the same car-centric design. I'll even go to page six of the EL Paseo Corridor and I will quote a short paragraph here that says, "the following is a composite of visuals, visualization sketches, and images that were part of the public visioning process picturing EL Paseo. The sketches were conceptualized and drawn by Las Cruces

residents. The images are samples of the preferences shown by Las Cruces residents during the visual preference survey, and some sort of Photovoice exercise. The graphic of a complete street cross section and is an example of how the mixed use corridor may be configured." There's a series of images on this page. And none of them have parking lots that are visible from the street frontage. So I would just encourage staff and the applicant to seriously consider doing some rethinking about bringing the buildings closer to the El Paseo street frontage as well as the road to the south, forget the name of it off top my head, but essentially basically hiding all of that parking behind the building so that the frontage along EL Paseo is not just the surface parking lot. Other than that, I think it's a wonderful opportunity for the corridor and for the City.

Bohannan: Mr. Chair. Ron Bohannan.

Gordon: Okay, could you state your name, please?

Bohannan: Ron Bohannan.

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

Bohannan: I do.

Gordon: Thank you. Go ahead.

Bohannan: Thank you. Thank you, Mr. Chair and thank you Commissioner Kaiser. So yes, we did look at that. And really ...

Nichols: Excuse me Mr. Bohannan, could you raise the microphone slightly so we can hear you more clearly?

Bohannan: Yes, sir.

Nichols: Thank you.

ATTACHMENT "B"

Bohannon: Thank you. So what we have done is we did look at your complete streets, and we have looked at that. And so what we have actually done is, we placed these here as well as a landscaped enhanced buffer in here with groves of trees at these locations, we brought these duplex units up to the street to energize that, and to create that walkable area through this area. So we have created that. And these areas actually blocks this area right through here from the street. So you see over this and you can see the building, so you actually have that visual that you're looking at. We do have some elevations and some cross sections that we could have brought with you. And we will be working with staff to meet those guidelines through that. We have looked at Elevate Las Cruces and so we do, do that.

We also are looking at you know the fire circulation, the drainage, the access, we vetted the access with transportation already. So we're quite a bit ways down here, we just didn't have enough time to really vet this to a point here. And so that's our next, with a successful zoning change as we move forward to City Council, we plan on being back with staff to vet all of those questions, to say how we can make everything. Yes. The other thing I'd like to point out is this is a completely gated community. So we want to prevent the students that are parking on with the drive next to the park from parking inside of this area as well as protection of the residents as well. So we've got a lot of thoughts in there. And we have been looking at the comp plans.

Kaiser: I appreciate that. And I'm encouraged by that. But I'll just say a garage and a wall and having to look over the parking lot, I mean even if you can't see the physical parking lot, you're still looking at a wall, you're looking at a garage fronting the street. I mean it's just, that's not consistent with the visioning of this urban corridor. I mean that's essentially what the community has asked for. And with all due

respect, I mean even with what you just said right now, I mean that's just not, that's not going to cut it. I mean I think you can bring those buildings to the front edge, activate that space. The building itself you know you won't necessarily have your entrances to the buildings, so essentially you've got your wall, you've got a more active visually appealing corridor for pedestrians, cyclists, and the like. And you know the way that I see it this is still more of the same car-centric design. And I know we're not here to get into that detail, but I just want to encourage staff and you, the applicant, to push a little harder.

Bohannan: Okay. Mr. Chair, Commissioner. We've heard you loud and clear. Thank you. And we'll answer any other questions,

Gordon: Is there anyone else? Is there anyone from the audience who cares to speak? If not, then I'll enter a motion.

Bennett: I make a motion to approve 8.3.

Vega: I second.

Baum: Board Member Kaiser.

Kaiser: Yes, based on staff recommendation, consistency with Elevate Las Cruces, and the El Paseo Blueprint.

Baum: Board Member Smith.

Smith: Yes, based on staff recommendation, site visit, and also meets Elevate Las Cruces

Baum: Board Member Bennett.

Bennett: Yes, based on staff recommendation, complies with purpose and intent of the code, Elevate Las Cruces, and I just think this is a great project and I think it's a huge need for the community.

Agenda Item #8.1.

ATTACHMENT "B"

Baum: Board Member Vega.

Vega: Yes, based on site visit and it meets the EL Paseo Blueprint.

Baum: Board Member Guerrero.

Guerrero: Yes, again based on staff recommendations, and just you know the need for affordable housing. It's definitely there and this meets it.

Baum: Chair Gordon.

Gordon: I vote yes, based on my site visit, staff recommendation. I do think that this does provide nice affordable housing, which could be a wonderful project that does include concept of Elevate Las Cruces

Baum: Approval six. Thank you.

9. DISCUSSION - MOVED TO BEFORE PUBLIC PARTICIPATION

10. COMMISSION COMMENTARY

Gordon: Is there any discussion or commentary by Commission this evening? Any comments?
No.

11. STAFF ANNOUNCEMENTS

Gordon: How about staff?

Nichols: Mr. Chairman and Commission. No comments this evening from staff. We've had a very active meeting and appreciate the hard work and due diligence that we heard tonight. We will keep you informed as the Realize Las Cruces develops that you heard about earlier tonight. Thank you Mr. Chairman

12. ADJOURNMENT (9:45)

Gordon: All right then the time is 9:48. I'll entertain a motion to adjourn.

Agenda Item #8.1.

ATTACHMENT "B"

Guerrero: Seconding or are you making a motion? Did you make a motion?

Gordon: No I'm asking someone to make a motion.

Guerrero: Okay, I'll make a motion to adjourn.

Smith: I second the motion.

Gordon: All in favor.

MOTION PASSES UNANIMOUSLY.

Chairperson


**3012; Council
Bill 23-006**

City Council Action and Executive Summary

Type of Action:
☐ Resolution

☒ Ordinance

☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A	1st Reading:	September 19, 2022	Adopted:	October 3, 2022
Drafter:	Katherine Harrison-Rogers	Department:	Community Development		
Program:	Community Planning	Line of Business:	Planning		

Title: AN ORDINANCE AMENDING SECTION 38-32D. DEVELOPMENT STANDARDS-OFFICE, COMMERCIAL, AND INDUSTRIAL ZONING DISTRICTS, SECTION 38-53. CONDITIONAL USES, AND SECTION 38-54. SPECIAL USE PERMITS OF THE LAS CRUCES MUNICIPAL CODE (LCMC) FOR THE PURPOSE OF ELIMINATING THE 300-FOOT BUFFER BETWEEN CANNABIS RETAILERS/MICROBUSINESSES AND OTHER CANNABIS RETAILERS/MICROBUSINESSES, ELIMINATING THE 300-FOOT BUFFER BETWEEN CANNABIS RETAILERS/MICROBUSINESSES AND SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, AND TO RECTIFY A PREVIOUS OMISSION OF AN EXISTING DEVELOPMENT STANDARDS TABLE. SUBMITTED BY THE CITY OF LAS CRUCES.

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

PURPOSE(S) OF ACTION:

Las Cruces Municipal Code Amendment

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The state of New Mexico legalized cannabis for adult recreational use with the passage of House Bill 2, which includes the Cannabis Regulation Act (CRA), in April of 2021. The City then adopted modifications to Chapter 38, Zoning, of the Las Cruces Municipal Code (LCMC) on September 7, 2021, via Ordinance 2986, to incorporate regulations related to cannabis-related uses.

The Ordinance included several new definitions including *Cannabis Industry*, *Cannabis Research Laboratory*, *Cannabis Retailer*, *Community Garden*, *Horticulture*, and *Cannabis Microbusiness*. *Cannabis Retailer* and *Cannabis Microbusiness* were added to commercial zones (C-1, C-2, C-3) with conditions, *Cannabis Industry* (production and manufacturing uses) was added to industrial zones (M-1/M-2, M-3) with conditions, *Cannabis Research Laboratory* was added to industrial zones with conditions (MT, M-1/M22, M-3), and residential *Cannabis Microbusiness* was added as allowed with a special use permit in the single-family agricultural zones (EE, REM), similar to existing allowances for small breweries and wineries.

The conditions or special provisions associated with those uses listed above include:

- all uses must be 300 feet from a school or daycare, the greatest allowance permitted by the state (commercial trade schools and schools serving adult populations are exempt);
- retail uses and commercial microbusinesses must be 300 feet from single-family zones and no closer than 300 feet from one another unless a special use permit is obtained;
- no on-site consumption can occur in the C-1 district; and

Agenda Item #8.2.

- in addition to a special use permit for the residential cannabis microbusiness in the EE and REM zones, the business must be ancillary to a single-family residence, must be fully enclosed in an accessory structure, must be 100 feet away from adjacent residences, and must only sell products produced on site.

Over the course of the past year, several cannabis-related businesses have established themselves within the City. For a detailed list of permitted businesses and those that have applied, see Attachment "A". Staff from Economic Development, Community Development, and the Fire Department have worked closely with this emerging industry by providing guidance for permitting, licensing, building code, fire code, zoning code, and other small business assistance. One of the most frequent complaints from prospective businesses is that it is challenging to find a suitable location based on the established distancing requirements, especially the 300-foot distance from a single-family residential zoning district. Many of the available commercial zones are directly adjacent to single-family residential zoning districts. The Planning and Zoning Commission (P&Z) has heard five (5) Special Use Permits requesting to deviate from these required buffers, all of which have been approved. Further, there are several more under review and forthcoming to the P&Z.

The recurring requests for deviations from this standard indicate that the single-family distancing provision may be overly burdensome. Staff analyzed the number of commercial properties that fall within the 300-foot single-family zoning buffer and determined that 1,081 commercially zoned parcels are potentially burdened by this requirement. There is little evidence that these restrictions are necessarily based on the impacts from these businesses, no other like uses such as pharmacies, bars /taverns, or specialty retail have similar restrictions, nor has Code Enforcement received complaints specific to undue impacts created by these businesses. These uses appear to be no more intense than that of any other retail establishment within the City.

While fewer concerns related to the 300-foot buffer between businesses have been expressed, this regulation is also unique to Cannabis compared to like uses as mentioned above. The City does not restrict other commercial uses based upon distance from one another. Staff has not observed a concentration of cannabis businesses in one area of town and is confident that the market will dictate the carrying capacity of said businesses within the community.

Staff also discovered that when the original cannabis regulations, Ordinance 2986, was adopted, Section 38-32D was inadvertently omitted. This section is a table that outlines the development standards such as setbacks and height limits for Office, Commercial, and Industrial Zones. This omission was in error and this section should be reintroduced to the LCMC.

The proposed amendments can be found in Exhibit "A" and include:

- Sec. 38-32D Development Standards- Office, Commercial, and Industrial Zoning Districts
- Sec. 38-53 Conditional Uses; and
- Sec. 38-54 Special Use Permits.

On August 23, 2022, the P&Z, per Section 38-10 B.2.b. of the 2001 Zoning Code, as amended, recommended approval of the proposed code amendment request by a vote of 6-0-0 (one Commissioner seat vacant) based upon the following findings:

- The State of New Mexico Cannabis Regulation Act legalizes recreational cannabis, timelines for the production, manufacturing, sale, and use of cannabis, and permits local jurisdictions to regulate the time, use and manner of cannabis uses.
- Based upon staff's analysis of the proposed zoning code amendments, the amendments meet the intent of Elevate Las Cruces Comprehensive Plan; are akin to existing uses and anticipated impacts currently in the zoning code; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and meets the purpose of the Las Cruces Municipal Code Section 2-382.
- The land use impacts of cannabis retail businesses as compared to other types of retail businesses are de minimis.
- Several commercial corridors within the City abut single-family residential zones, unduly restricting the location of cannabis retailers.

The case was publicly noticed in accordance with the City's notification provisions and two members of the public spoke in support of the amendments during the P&Z hearing. Please refer to Attachment "B" for a copy of the P&Z staff report and Attachment "C" for detailed minutes of the discussion.

Agenda Item #8.2.

Upon recommendation by the P&Z, the City Council is required to review and take final action on Zoning Code Amendments per Section 38-10 B.2. b. and 38-13 A. of the LCMC. The City Council will consider the recommendation of the P&Z and will decide whether the requested zoning code amendments are appropriate. If deemed suitable based upon the evidence presented, the City Council will make a final determination on the request. The City Council may modify the recommendation or reject the recommendation. Any modifications to the ordinance as written must be specifically articulated during the motion.

SUPPORT INFORMATION:

[Exhibit "A", LCMC Amendments](#)

[Attachment "A", Cannabis Business Registrations dated 8-15-22](#)

[Attachment "B", P&Z Staff Report](#)

PLAN(S):

Department Strategic Business Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

P&Z, Economic Development PRC

ANNUAL BUDGET APPROVAL:

☐ Yes

☐ No

☒ N/A

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

☐ Yes

☐ No

☒ N/A

Does this action align with Elevate Las Cruces?

☐ Yes

☐ No

☒ N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Ordinance and affirm the P&Z recommendation to amend sections 38-32D, 38-53, and 38-54 of the LCMC. The LCMC will be modified to reflect these changes.
2. Vote "No"; this will deny the Ordinance and will reject the recommendation made by the P&Z. The current LCMC will remain unchanged.
3. Vote to "Amend"; this allows the City Council to modify the Ordinance as deemed appropriate.
4. Vote to "Table"; this allows the City Council to table/postpone the Ordinance and direct staff accordingly.

ORDINANCE 3012; COUNCIL BILL 23-006

AN ORDINANCE AMENDING SECTION 38-32D. DEVELOPMENT STANDARDS- OFFICE, COMMERCIAL, AND INDUSTRIAL ZONING DISTRICTS, SECTION 38-53. CONDITIONAL USES, AND SECTION 38-54. SPECIAL USE PERMITS OF THE LAS CRUCES MUNICIPAL CODE (LCMC) FOR THE PURPOSE OF ELIMINATING THE 300-FOOT BUFFER BETWEEN CANNABIS RETAILERS/MICROBUSINESSES AND OTHER CANNABIS RETAILERS/MICROBUSINESSES, ELIMINATING THE 300-FOOT BUFFER BETWEEN CANNABIS RETAILERS/MICROBUSINESSES AND SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS, AND TO RECTIFY A PREVIOUS OMISSION OF AN EXISTING DEVELOPMENT STANDARDS TABLE. SUBMITTED BY THE CITY OF LAS CRUCES.

The City Council is informed that:

WHEREAS, the New Mexico Legislature adopted House Bill 2 which legalized recreational cannabis for adult use and created the Cannabis Regulation Act (CRA); and

WHEREAS, Section 12 of the CRA provides local jurisdictions the ability to "adopt time, place, and manner rules that do not conflict with the Cannabis Regulation Act or the Dee Johnson Clean Indoor Air Act, including rules that reasonably limit density of licenses and operating times consistent with neighborhood uses"; and

WHEREAS, the City of Las Cruces adopted zoning regulations related to cannabis uses on September 7, 2021 via Ordinance 2986; and

WHEREAS, Section 38-32D was inadvertently removed during the adoption of that Ordinance; and

WHEREAS, *Cannabis Retail* and *Cannabis Microbusiness* uses are similar in land use impact to other retail uses; and

WHEREAS, similar uses do not share the same conditions requiring buffers between other retailers or from single-family residential zoning districts; and

WHEREAS, a large portion of the City of Las Cruces's commercially zoned properties cannot meet the 300-foot buffer from single-family residential zoning districts; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on August 23, 2022, recommended approval of the proposed code amendment by a vote of 6-0-0 (one Commission seat vacant) based on the following findings:

- The State of New Mexico Cannabis Regulation Act legalizes recreational cannabis, timelines for the production, manufacturing, sale, and use of cannabis, and permits local jurisdictions to regulate the time, use and manner of cannabis uses.
- Based upon staff's analysis of the proposed zoning code amendments, the amendments meet the intent of Elevate Las Cruces Comprehensive Plan; are akin to existing uses and anticipated impacts currently in the zoning code; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and meets the purpose of the Las Cruces Municipal Code Section 2-382.
- The land use impacts of cannabis retail businesses as compared to other types of retail businesses are de minimis.
- Several commercial corridors within the City abut single family residential zones, unduly restricting the location of cannabis retailers.

Agenda Item #8.2.

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

(I)

THAT Chapter 38, Sections 38-32D, 38-53, and 38-54 of the Las Cruces Municipal Code be repealed and replaced based on the findings listed above and as reflected in Exhibit "A", attached hereto and made part of this Ordinance.

(II)

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

DONE AND APPROVED this day of

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

Sec. 38-32D DEVELOPMENT STANDARDS – OFFICE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS: Development standards identified in Matrix 1 are in addition to the following:

STANDARD	O-1	O-2	C-1	C-2	C-3*	M-T	M1 / M2	M-3
Lot/parcel/tract area - Minimum (sq ft) - Maximum (sq ft)	5,000 32,670	5,000 NA	5,000 32,670	10,000 43,560	21,780 NA	5,000 87,120	15,000 NA	25,000 NA
Min. parcel dimensions - Depth/Width (feet)	70/60	70/60	70/60	70/60	70/60	70/60	70/60	70/60
Min. Bldg. Setback - Front Yard (feet) - Rear Yard (feet) 1 - Side Yard (feet) 1 - Side, Second St.	20 15 5 15	15 15 or 0 ** 5 or 0 ** 15	20 15 5 15	15 15 or 0 ** 5 or 0 ** 15	15 15 or 0 ** 5 or 0 ** 15	15 15 or 0 ** 5 or 0 ** 15	15 15 or 0 ** 20 or 0 ** 15	15 15 or 0 ** 20 or 0 ** 15
Maximum Building Gross Floor Area Square Footage	2,500 (2)	NA	2,500 (Individual Use or Center) (2)	NA				
Max. Height **(feet)	35	60	35	45	60	60	60	60
Recommended Roadway Access	NA	Major Local	NA	Major Local	Minor Arterial or any intersection with a Major Arterial	Access to or located on a Collector	Access to or located on a Collector	Access to or located on a Arterial

* See Recreational Vehicle Park Sec. 38-57. NOTE: Recreational Vehicle Park minimum size is two (2) acres.

** See the Exceptions and Modifications Sec. 38-62.

*** See the Antennas, Towers, Communication Structures, and Other Vertical Structures, Sec. 38-59.

1. Requirements of the Building Permit Code related to fire resistant construction shall apply in the case of no setback.
2. A Special Use Permit, Sec. 38-54, is required for square footage in excess of the maximum stated. The Special Use Permit, however, may only be used to grant a single business/use (non-center) additional square footage not to exceed 2,000 square feet for C-1 and 6,000 square feet for C-2.

Other Regulations: The regulations in this Section list unique conditions for land uses and development standards in these zoning districts. Other regulations, e.g., parking, signs, found in other sections of this Code also apply. Sites within special zoning districts, e.g., overlay zones, may be subject to different regulations.

Sec. 38-53. Conditional Uses

The following land uses are permitted in the zoning districts listed by complying with the specific conditions described. Other conditions and requirements, e.g., parking, walls and fences, that apply to all land uses are found in other sections of this Code. There also may be requirements in the Municipal Code with which specific land uses must comply.

Sec. 38-33H Above Ground Storage Tanks for Flammable and Combustible Liquids and Liquid Petroleum (LP) Gas (All zoning districts). Tanks shall be permitted only when meeting Uniform Fire Code requirements as adopted by the City of Las Cruces, when receiving approval from the Las Cruces Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau. This provision also applies to Contractor's Yard installations.

Sec. 38-33A Accessory Dwelling Unit (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, and R-1bM). (See Guest Dwelling in this section.) This use is intended to allow flexibility in existing and proposed housing designs in order to better accommodate family living arrangements which often result due to growing economic and social demands and/or impacts. Accessory dwelling unit means a self- contained living quarter containing independent kitchen (cooking/culinary) facilities attached to and under the same roof as the main dwelling, created by:

1. The conversion of an existing single-family dwelling, or
2. The addition to an existing single-family dwelling, or
3. The incorporation of applicable areas into a new single-family dwelling design which is subsequently constructed.

This use shall be permitted provided:

- a) Owner of record shall reside in either the main or accessory dwelling unit for a minimum of six (6) months of each calendar year. Instances where non-residency occurs in excess of six months due to a legitimate illness or accident requiring hospitalization or special care shall be exempt from this provision; and
- b) No more than one accessory dwelling unit shall exist per single-family dwelling/lot; and
- c) Accessory dwelling units shall be created solely to accommodate those related to the family. Actual occupancy is subject to Item a) above; and
- d) A maximum permitted increase to the size of an existing dwelling for purposes of an accessory unit shall be 30% of the heated/cooled floor area. No more than 30% of the heated/cooled floor area for new construction may be allocated for the accessory dwelling unit; and

- e) Exclusive of the applicant's proposal, no more than 10% of single-family dwellings, in zoning districts that permit single-family dwellings, within a 500 foot radius of the applicant's property (measurement shall be from property line to property line exclusive of rights-of-way) shall have accessory dwelling units. If there are no appropriately zoned properties within the radius measured, the proposal shall be considered as meeting the 10% requirement; and
- f) The lot/parcel proposed for such use shall meet the minimum area requirements of the zoning district; and
- g) Every effort shall be made to avoid additional entrances or other visible changes on the facade of the house facing the street. Modifications or initial designs shall to the extent possible, conform to the overall design of the house. Exterior materials used for the accessory unit shall, to the extent possible, be of a compatible color, texture, and type; and
- h) Accessory dwelling units shall retain direct internal access to the main dwelling in a manner that will allow easy reconversion back as part of the single-family unit (single kitchen). Accessory dwelling units created through an addition or designated as such in new construction, shall be connected to the main dwelling by a common wall(s). A minimum of four (4) feet, including a doorway at least three (3) feet wide, of the accessory unit's common wall(s) length shall be used in the connection. Direct internal access to the accessory living areas shall exist through functional/integral living areas such as a living room, family room, main hallway, etc. Ancillary hallways, garages, laundry rooms, or similar areas shall not serve as the sole connecting facility; and
- i) Landscaping shall be used, to the extent possible, to minimize the impact to adjacent properties; and
- j) Accessory dwelling unit shall conform to Section 38-53, Off-Street Parking requirements; and
- k) The accessory dwelling unit use shall be discontinued on the grounds of non-compliance with any applicable conditions, codes, or ordinances and thereby, require reconversion back as a single-family dwelling. A change in ownership of property where an accessory dwelling unit exists for a person(s) who is/are no longer a family member of the accessory dwelling unit occupant or a change in the intended accessory dwelling unit occupancy status shall cause said use to immediately become void. In such instances, it shall be the responsibility of the new/present owner to either apply for continued accessory unit use or reconvert the structure back to a single-family unit as required pursuant to all applicable regulations.

Sec. 38-33A Apartment (R-4). The residential uses identified may be used; however, in their use the minimum density threshold shall be met.

Sec. 38-33F Bank, Bonding & Financial Institution/Facility (Drive Thru including ATM & other electronic banking drive thru) (O-2, C-2, and C-3). Stacking lanes shall be provided and designed to insure that no bank or ATM traffic backs into the street giving access to the bank. Banks or ATMs shall have access to a major local or higher designated roadway. For stacking lane requirements, see Section 38-58.

Sec. 38-33A Bed and Breakfast (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, O-1, O-2, C-1 and C-2). This land use shall have direct access to at least a major local-designated roadway. In the EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, O-1 and C-1 zoning districts, the number of rooms is limited to eight (8). In the R-4, O-2 and C-2 zoning districts, the number of rooms is limited to fifteen (15). In application of Matrix 1, overall design of buildings and/or site design shall be consistent with the residential neighborhood, architecturally compatible with existing buildings or be architecturally compatible with building types normally found in the zoning district in which it is located. All parking shall be screened from view along any street.

Sec. 38-33G Cannabis Retailer (C-1, C-2, C-3). Cannabis establishments shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall be located 300 feet from a school or daycare, excepting commercial schools and schools of higher learning serving those 18 years and older. ~~Further, no cannabis retailer in C-1, C-2 or C-3 zoning districts shall be located closer than 300 feet to a single-family residential zone and shall not be closer than 300 feet to another cannabis retailer unless a special-use permit is obtained per Sec. 33-54.~~ On-site consumption of cannabis is limited to indoors and is entirely prohibited in the C-1 zoning district.

Sec. 38-33G Cannabis Retailer (M-1/M-2). Cannabis establishments shall comply with all State of New Mexico regulatory and licensing requirements. A cannabis retailer in the M-1/M-2 zoning district is only permissible as accessory to a cannabis industry and is limited to 5,000 square feet of retail sales space or retail sales space limited to 49% of the total building square footage, whichever is less. On-site consumption of cannabis is limited to indoors.

Sec. 38-33D Cemetery/Columbarium (R-2, R-3, R-4). Any cemetery site shall contain at least five (5) acres and shall be located on a major local or higher designated roadway. A Columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

Sec. 38-33D Child Care or Preschool (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, MT, M1/M2 and M-3). Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten and similar uses shall be in accord with State licensing requirements. Care of thirteen (13) or more children at one time is prohibited in the residential zoning districts listed. When provided in industrial zoning districts, Child Care Center shall be accessory to industrial uses and shall be within buildings of one of the industrial uses served. See Section 38-52, Home Occupation Business Registration, for babysitting

service/child care when twelve (12) or fewer children are cared for.

Sec. 38-33D Community Buildings - Uses: Public or Private (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, and OS-R). These uses shall be located on a collector or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33I Construction Yard or Building(s) (Temporary) (All zoning districts). Such yard or building(s), including a mobile home or recreational vehicle for a temporary residence or construction office, or any other facilities or arrangement approved by the Community Development Director or designee shall be removed upon completion of construction and in compliance with the Chapter 30 of the Municipal Code. Construction yards and buildings or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five (5) feet in height.

Sec. 38-33A Guest Dwelling (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, and R-1bM). (See Accessory Dwelling Unit in this section.) No more than one guest dwelling shall be permitted per lot with a single-family dwelling. A guest dwelling may be attached to or detached from a single-family unit. The guest dwelling shall be no more than fifty percent (50%) of the main dwelling's heated/cooled square footage and shall not contain a kitchen. A guest dwelling that is not part of the main dwelling is considered an accessory building and shall meet the requirements for accessory buildings, including setback and size restrictions. A guest dwelling is to be used for temporary occupancy only and is not to be rented or leased. Properties using a septic tank may not have a separate septic tank for a guest dwelling.

Sec. 38-33H Parking Facilities, Commercial (Garages & Parking Lots) (R-4). Parking lots must be within five hundred (500) feet of any office, commercial, or industrial use or zoning district. The parking area shall be suitably landscaped, paved and drained, lighted, and maintained free of debris. (See Section 38-58)

Sec. 38-33E Park, Public and Private (All zoning districts).

- Neighborhood Parks: Generally, these parks will be up to ten (10) acres in size. Commercial amusements, circuses, carnivals, craft fairs, etc., shall be prohibited. Only recreational activities and neighborhood affairs, such as, concerts, may be permitted.
- Community Parks: Generally, these parks will be up to 100 acres, but not less than 10 acres in size, and should be located on a minor arterial or higher designated roadway. Recreational activities, concerts, craft fairs may be permitted.
- Regional Parks: Generally, these parks will be more than 100 acres in size and should be located on a major arterial. All types of recreational activities and high intensity uses (carnivals and circuses) amusements, concerts, and craft fairs may be permitted.

All uses proposed to be located in City parks shall comply with Chapter 20 of the Municipal Code.

Sec. 38-33G Private Club or Lodge (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, and OS-R). A private club or lodge shall be located on a major local or higher designated street. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33J Public/Private Utility Installations, e.g., substations, waterwells, transformers, regulators, lift stations, telecommunication site (All zoning districts). The site shall be developed and maintained in conformance with the general character and appearance of the district, and such development shall include landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or around the installation itself in cases such as transformers. A wall or fence may be up to ten (10) feet high.

Sec. 38-33D Religious Institutions (Over Ten (10) Persons)/Columbarium (All zoning districts except Industrial). Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33D Schools (K-12) Public, Private, Parochial/College or University/ Commercial, Trade or Technical (For zoning districts, see page Section 38-33D). Elementary, Middle or High Schools shall be located on a collector or higher designated roadway. Commercial, Trade or Technical Schools, College or University shall be located on a minor arterial or higher designated roadway. All sites shall have a minimum of one (1) acre. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33E Swimming Pool, Commercial or Public (All zoning districts except O-1, C-1 and M-3). A protective fence or wall no less than six (6) feet in height, measured from the highest abutting property, shall be provided which completely encloses the pool area, and the pool shall be no closer than twenty-five (25) feet from any property line. Approval from the electric utility is required to ensure safety. (See Section 38-60)

Sec. 38-54. Special Use Permits

A GENERAL PROVISIONS AND PROCEDURES. A Special Use is a use that is not permitted by right in a zoning district. A Special Use requires review and approval by the Planning and Zoning Commission to determine impacts on the surrounding area. The procedures for such approval are as follows:

1. PRE-APPLICATION PROCEDURES. Any proposed Special Use Permit shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The pre-application process shall be subject to the provisions provided for in Section 38-10 C. This meeting does not require a written application or fee. The results of this meeting shall not obligate the Planning and Zoning Commission or City Council.
2. APPLICATION PROCEDURES. An official application, including the Development Statement, for a Special Use Permit shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:
 - a. A letter of intent stating the following:
 - 1) A statement of the purpose and use of the property,
 - 2) All property improvements to be made, and
 - 3) A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.
 - b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.
 - c. Site Plans. The site plans shall be at a scale that adequately represents the information as determined by the Community Development Director or designee. The plans shall be prepared on sheets of paper that are at least 8 $\frac{1}{2}$ " x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:
 - 1) Title of site plan.
 - 2) Total acreage of site.
 - 3) Date of preparation, north arrow, written and graphic scale.
 - 4) Identification of site by lot, block, subdivision, if applicable.
 - 5) A statement of ownership, signed by the property owner, that

- complies with Section 38-10.C.8).
- 6) Name and address of property owner.
- 7) Name and address of applicant, if applicable.
- 8) Name and address of consulting firm or representative, if applicable.
- 9) Location and type of all land uses.
- 10) All site improvements with all setbacks indicated.
- 11) Dimensions of all buildings.
- 12) Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way.
- 13) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.
- 14) Where applicable, pedestrian and bicycle circulation system, and its relation to surrounding circulation.
- 15) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

d. Architectural renderings or artistic drawings. The drawings shall be prepared on sheets of paper that are at least 8½" x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

- 1) All new development illustrating all exterior building materials and colors.
- 2) All new development illustrating relationships to neighboring uses, including site lighting.
- 3) Sign location, materials, color, size, shape, and lighting.

A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director or designee, or the Planning and Zoning Commission.

Application materials which are illegible and/or otherwise of a low quality will not be accepted.

A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director or designee may waive any submittal requirement. The Planning and Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but not be limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing. The City Council may require additional information before acting on an appeal.

Special Use Permit applications processed via the IDP for residential uses may exclude the landscaping plan and schedule as part of the submittal. All landscaping

requirements of the City Design Standards shall be complied with at time of construction.

- e. Copy of early notification letter to neighborhood group(s) and/or defined noticed area and copy of minutes (summary or verbatim) from any required meeting pursuant to Section 38-10 C. 1. (d) (v).
3. PUBLIC HEARING AND NOTICE PROCEDURE. A public hearing shall be held by the Planning and Zoning Commission for all Special Use Permits in accordance with the provisions of Section 38-10 of this Code.
4. REVIEW AND APPROVAL PROCEDURES. The Planning and Zoning Commission may deny a Special Use Permit request or may grant final approval including the minimum conditions listed in Paragraph 38-54B. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan and Plan elements and to insure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Appeal of a Planning and Zoning Commission decision may be made to the City Council in accord with the provision of Section 38-13.
5. TIME LIMITATIONS, REVOCATIONS, AND DEVELOPMENT STANDARDS. In addition to the imposition of conditions, the Planning and Zoning Commission may impose a time limitation on the Special Use Permit. If a Special Use is discontinued for a period of one (1) year, said permit shall automatically be revoked. If a certificate of occupancy and/or a business registration is not issued for the property with the Special Use Permit within two years from the date of Planning and Zoning Commission approval, or if appealed, City Council approval, the Special Use Permit shall be revoked automatically. All improvements shall be in accord with the development standards within the district, except as otherwise authorized by the Special Use Permit. There shall be no major revisions in the approved Special Use site plan, except as approved by the Planning and Zoning Commission, or if appealed, approved by City Council.

Any major revision proposed to the Special Use Permit and site plan shall require resubmittal of the Special Use Permit and site plan in their entirety. Minor revisions are those changes that are not major and may be approved by the Community Development Director or designee. Major revisions to the Special Use Permit and site plan shall include, but are not limited to:

- a. Any change in land use,
- b. Fifteen (15) percent cumulative increase in land use or building square footage,
- c. Fifteen (15) percent cumulative increase in vehicular traffic on any roadway segment or intersection,
- d. Any increase or decrease in size of the Special Use area,
- e. Any reduction in screening, bufferyards and setbacks at the Special Use boundary line,

- f. Fifteen (15) percent cumulative increase in the buildable area for structures including signs, and
 - g. Reduction or elimination of time limitations.
 - h. Renewal of the Special Use Permit.
 - 6. RECORDING OF THE SPECIAL USE PERMIT. After approval, the Special Use Permit shall be issued by the Community Development Director or designee and shall include all information, conditions, reference to site plans, and other provisions of the Special Use. The Special Use Permit shall be filed in the Dona Ana County property records. The Special Use Permit shall not become effective until adequate evidence of filing in County records has been provided to the Community Development Director or designee. Approval of a Special Use Permit is not a zoning district change.
- B. SPECIAL USES ENUMERATED. The following are special uses that may be approved by the Planning and Zoning Commission in accord with the provisions and conditions of this Section. The Planning and Zoning Commission may, at its discretion, impose additional conditions when deemed necessary. Such uses may be approved only within the districts stipulated.

Sec. 38-33G Adult Bookstore/Video Store or Adult Amusement Establishment (M1/M2, and M-3). These uses shall be permitted provided:

- 1. Such uses are located at a minimum of 1,000 feet from a property line of a:
 - a. school;
 - b. church;
 - c. nursery/day care;
 - d. public park or recreational facility; and
 - e. residential zoning district;
- 2. These uses shall be permitted provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and
- 3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. Such signs shall be 36" x 18", shall have red lettering (letters shall be 2" in width and 3" in height) on a white background and it shall state as follows:

WARNING:

**ADULT BOOKSTORE/VIDEO STORE.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.**

or

WARNING:

**ADULT AMUSEMENT ESTABLISHMENT.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.**

4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

Sec. 38-33H Airport, Privately and Publicly Owned (C-2, C-3, M1/M2 and M-3). The Las Cruces International Airport (LCIA) property is zoned M-3(Conditional). The condition is that land uses will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

Sec. 38-33J Antennas, Towers, Communication Structures and Other Vertical Structures (All zoning districts). See Section 38-59.

Sec. 38-33E Amusement Park (Permanent)(EE, RE, REM, C-3, MT, M1/M2 and M-3). See Section 38-33E.

Sec. 38-33E Archery and Firing Range, Outdoor (OS-R, C-3, M1/M2, and M-3). See Section 38-33E.

Sec. 38-33G Auto/Truck Full or Self-Service/Automated Wash/Wax/Detailing (CBD). See Section 38-43.

Sec. 38-33G Auto/Truck Repair & Service (CBD). See Section 38-43.

Sec. 38-33A Boarding House (CBD). See Section 38-43.

Sec. 38-33C Brewery and Winery(EE and REM).

Sec. 38-43 Building Height over 50 feet (CBD).

Sec. 38-33A Campground (C-3, and M1/M2). See Section 38-57.

Sec. 38-33C Cannabis Microbusiness (EE and REM). Such uses shall be accessory to a primary residence and shall be located in a fully enclosed accessory structure located no less than 100 feet from adjacent residences excluding any residence on the same property on which the cannabis microbusiness is proposed. Cannabis products for retail sale shall be derived from those cultivated on-site. Parking minimums shall be based on the specific use(s) as outlined in Sec. 38-33.

~~Sec 38-33G Cannabis Retailer (C-1, C-2 and C-3). Allows decreased minimum distance requirement from a residential zone and/or from another cannabis retailer.~~

Sec. 38-33D Cemetery/Columbarium (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM and R-1bM). Any cemetery site shall contain at least five (5) acres and shall be located on a major local or higher designated roadway. A Columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

Sec. 38-33D Group Child Care Home (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM and R-2).

Sec. 38-33E Country Club, Golf Course and/or Driving Range (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, and OS-R). There shall be screening and buffering on property lines abutting residential areas and no structures shall be within fifty (50) feet of a residential property line. The parking areas for these uses shall have access to a collector or higher designated roadway. Country clubs within the OS-R zone shall be designed in concert with a golf course or similar large open area.

Sec. 38-33I Extraction of Raw Materials (Not to include Manufacture, Processing or Treatment) (EE, RE, and REM). Such uses shall be a minimum of four hundred (400) feet from a residential district boundary or from an existing residential property. Uses shall not create a significance nuisance due to noise, odor, pollution, traffic or other similar problems. See Section 38-33I.

Sec. 38-33G Gas Station (CBD). See Section 38-43.

Sec. 38-33A Halfway House (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3 and R-4).

Sec. 38-33H Heliport/Helistop (EE, REM, R-4, O-2, C-2, C-3, M1/M2 and M-3). Use shall be in accordance with federal Airspace Protection Regulations, including 14 CFR, Part 77.

Sec. 38-33C Racetrack, Animal/Rodeo Arena (EE, RE-Mobile, C-3, M1/M2 and M-3)

Sec. 38-33E Racetrack, Auto/Truck (M-3).

Sec. 38-32D Single Business/Use (Non-Center) - Increased Square Footage Above Maximum (C-1 and C-2). Additional square footage not to exceed 2,000 may be granted in the C-1 district. Additional square footage not to exceed 6,000 may be granted in the C-2 district.

Sec. 38-33E Sports Complex/Stadium: Baseball, Football, Soccer, Softball, Track, etc. (EE, REM, C-3, M1/M2, and M-3). Parking and structures shall be located a minimum of three hundred (300) feet from any residential zoning district boundary.

Sec. 38-33J Waste Transfer Stations/Sewage Treatment Plants (M1/M2 and M-3). Use shall be located at least 300 feet from any residential zoning district boundary.

Sec. 38-55. RESERVED



Cannabis Business Registrations



ATTACHMENT "A"

Agenda Item #8.2.

Total New BRs:

Submit Date	Business License	Issue Year	Issue Month	Record Status	DBA Business Name	Contact Name	Business Type	Description	Location Address	Employees
03/23/2022	24654-22-APP	2022	8	Issued	FRATELLI INVESTMENT GROUP LLC	CARLOS CASILLAS	RETAIL	RETAIL OF CANNABIS	908 S SOLANO DR	5
04/25/2022	24752-22-APP	2022	8	Issued	MONSTER HOUSE	MAGGIE MARBLE	RETAIL	RETAIL CANNABIS DISPENSARY	301 N SOLANO DR STE 8	4
06/21/2022	24921-22-APP	2022	7	Issued	MASBUDS LLC	RONALD BENDER	RETAIL	RETAIL BUSINESS SELLING CANNABIS FOR RECREATIONAL PURPOSES	142 WYATT DR	2
10/06/2021	24141-21-APP	2022	6	Issued	EVEREST APOTHECARY INC.	TRISHELLE KIRK	RETAIL	MEDICAL CANNABIS SALES	1240 S VALLEY DR STE D	90
09/22/2021	24150-21-APP	2022	5	Issued	VIDA VERDE VENTURES, LLC	NICOLE FUCHS	AGRICULTURE	GREENHOUSE OPERATIONS AND AGRICULTURAL BROKER.	9035 ADVANCEMENT AVE BLDG E	1
10/14/2021	24170-21-APP	2022	5	Issued	DO WAT I WANT INDUSTRIES	JONATHAN MIRABAL	RETAIL	RECREATIONAL CANNABIS RETAIL ESTABLISHMENT	1770 S TELSHPOR, SUITE C, LAS CRUCES, NM 88011	1
01/18/2022	24456-22-APP	2022	5	Issued	CANNAVERSE LLC	RICHARD SMITH	RETAIL	TO PROVIDE OUR CLIENTS WITH GOODS AND SERVICES	2305 NEVADA AVENUE, LAS CRUCES, NM 88001	5
02/25/2022	24590-22-APP	2022	4	Issued	SOL CANNABIS LLC	BRETT BURKE	RETAIL	SOL CANNABIS IS AN ADULT USE RECREATIONAL AND MEDICAL DISPENSARY. THE LOCATION INCLUDES A FULL KITCHEN, AND A PORTION OF THE BUILDING FOR MANUFACTURING/PACKAGING, AS WELL AS A CONSUMPTION LOUNGE. WE HAVE APPLIED TO THE STATE FOR A VERTICALLY INTEGRATED LICENSE. WE CURRENTLY HAVE ZONING,	523 IDAHO AVE	16
03/23/2022	24650-22-APP	2022	4	Issued	HASHTAG CANNABIS LLC	ERIC MADRID	RETAIL	RETAIL CANNABIS SALES	2460 MISSOURI AVE	4
08/25/2021	24022-21-APP	2022	3	Issued	GREENGO NM LLC	NORA LANCASTER	OTHER		2000 E LOHMAN AVE STE E	1
12/11/2021	24342-21-APP	2022	3	Issued	MICAH BAILEY	MICAH BAILEY	TRANSPORTATION	TRANSPORTING OF CANNABIS PER 16.8.2.8 BB (D) NMAC	2049 S TRIVIZ DR APT E17	1
01/10/2022	24441-22-APP	2022	3	Issued	V&S ENTERPRISES LLC	VERONICA SAENZ	AGRICULTURE	CANNABIS PRODUCER MICROBUSINESS	9035 ADVANCEMENT AVE A	2
02/10/2022	24528-22-APP	2022	3	Issued	ORGAN MOUNTAIN ORGANIX LLC	HAILY VAUGHAN	RETAIL	CBD, CANNABIS AND NOVELTY GIFT STORE	1300 EL PASEO RD STE 280	4
02/18/2022	24546-22-APP	2022	3	Issued	BEST BUDZ	JOSE ZAVALA	RETAIL	RETAIL SALES	505 N VALLEY DR	4
03/16/2022	24627-22-APP	2022	3	Issued	ORYX KING, LLC	NICOLE FUCHS	AGRICULTURE	CANNABIS PRODUCTION	9035 ADVANCEMENT AVE BLDG B	2
03/16/2022	24628-22-APP	2022	3	Issued	AKESO BOTANICALS, LLC	NICOLE FUCHS	AGRICULTURE	CANNABIS PRODUCTION	9035 ADVANCEMENT AVE, STE D, LAS CRUCES, NM 88007	2
05/17/2021	23732-21-APP	2021	6	Issued	AKESO BOTANICALS LLC	HAL COFFMAN	MANUFACTURING		200 CONWAY AVE STE B	4
10/21/2020	23144-20-APP	2021	5	Issued	ZIA COLLECTIVE DISPENSARY	CRISANTA L CALDERON	RETAIL		951 N SOLANO DR STE B	2
04/21/2021	23697-21-APP	2021	5	Issued	ROUNDHOUSE RESERVE	JORDAN BARBER	RETAIL		200 S SOLANO DR STE 3	1
02/04/2021	23468-21-APP	2021	2	Issued	RED BARN GROWERS	ELIZABETH BESANCON	OTHER		1405 S VALLEY DR STE 800	9
06/05/2020	22621-20-APP	2020	7	Issued	R. GREENLEAF ORGANICS INC	AUSTIN OVERPECK	RETAIL		2750 MALL DR STE 260	120
05/15/2021	23737-21-APP			Incomplete Submittal	GROTH INDUSTRIES LLC	MATT GROTH	OTHER		2000 W HADLEY AVE	2
09/16/2021	24084-21-APP			Incomplete Submittal	GROBROS	JOEL GREEN	AGRICULTURE	MEDICAL AND RECREATIONAL CANNABIS PRODUCTION FACILITY	2201 N MESQUITE ST STE B	2
11/08/2021	24261-21-APP			Incomplete Submittal	DOUGHDY LLC	JUSTIN KARRENBERG	OTHER	CANNABIS PRODUCTION AND WHOLESALE	2201 N MESQUITE ST, BLDG, LAS CRUCES, NM 88001	5
11/18/2021	24287-21-APP			Incomplete Submittal	GROBROS	JOEL GREEN	AGRICULTURE	CANNABIS CULTIVATION	2201 N MESQUITE ST STE A	2
12/28/2021	24380-21-APP			Incomplete Submittal	RMC NM INC	NATALIE RICKS	RETAIL	RECREATION RETAIL CANNABIS DISPENSARY	304 WYATT DR, SUITE 1, LAS CRUCES, NM 88001	100
02/05/2022	24533-22-APP			Incomplete Submittal	LOS PRIMOS NURSERY LLC	LUIS SENA	LIVE PLANTS	WE ARE A NURSERY WHICH WILL PRODUCE CLONES AND TEENS WITHOUT GROWING ANY MATURE PLANTS	110 N SOLANO DR, BLDG 1/2, LAS CRUCES, NM 88001	5
03/23/2022	24655-22-APP			Incomplete Submittal	THE HOT BOX	CARLOS CASILLAS	RETAIL	RETAIL, MANUFACTURING, AND CONSUMPTION AREA OF CANNABIS PRODUCTS	887 N MAIN ST	5
02/16/2022	24775-22-APP			Incomplete Submittal	PURLIFE	JON WOOD	RETAIL	PURLIFE INC. IS A MEDICAL/RECREATIONAL MARIJUANA PRODUCER, MANUFACTURER AND RETAILER WITH LOCATIONS ALL ACROSS NEW MEXICO. WE HAVE BEEN PROVIDING NEW MEXICANS WITH ALTERNATIVE MEDICINE SINCE 2015. WE HAVE LOCATIONS IN ALBUQUERQUE, LAS CRUCES, FARMINGTON, ALAMOGORDO, HOBBS, RIO RANCHO, T OR C,	2451 N MAIN ST	10
05/16/2022	24823-22-APP			Incomplete Submittal	EVERGREEN PRODUCTS LLC	NICOLE FUCHS	AGRICULTURE	CANNABIS PRODUCTION (GREEN HOUSE)	9035 ADVANCEMENT AVE, STE F, LAS CRUCES, NM 88007	2
06/15/2022	24901-22-APP			Incomplete Submittal	QUEEN BEES COLLECTIVE	VERONICA GARCIA	RETAIL	CANNABIS DISPENSARY RETAIL	600 S SOLANO DR, STE B, LAS CRUCES, NM 88001	6
07/06/2022	24965-22-APP			Incomplete Submittal	URBAN WELLNESS	JORDAN REED	RETAIL	MEDICAL AND RECREATIONAL CANNABIS SALES.	3830 E LOHMAN AVE BLDG 2	15
07/23/2022	25015-22-APP			Incomplete Submittal	CLOUD 9	ERICA ROMERO	RETAIL	THIS IS A CANNABIS RETAIL LOCATION.	169 SKI RUN RD, ALTO, NM 88312	3
07/26/2022	25027-22-APP			Incomplete Submittal	SANDIA BOTANICALS	MICHEAL HAWK	OTHER	CANNABIS DISPENSARY	2517 N MAIN ST STE A	5
07/29/2022	25037-22-APP			Incomplete Submittal	NORTHSTAR LEAF	SALIM PREMJI	RETAIL	STATE-LICENSED ADULT-USE CANNABIS RETAIL	3330 RINCONADA BLVD STE 1	2
08/09/2022	25054-22-APP			Incomplete Submittal	CLOUD 9	ERICA ROMERO	RETAIL	THIS IS A CANNABIS RETAIL ESTABLISHMENT.	3280 RINCONADA BLVD	3
04/13/2022	24723-22-APP			Inspection Phase	ABOVE THE CLOUDS	VERONICA GARCIA	RETAIL	CANNABIS DISPENSARY	600 S SOLANO RD, SPC B, LAS CRUCES, NM 88001	6
04/26/2022	24759-22-APP			Inspection Phase	SMOKEY ROAD FARMS	RYAN STRAND	RETAIL	RECREATIONAL CANNABIS RETAILER	500 W BOUTZ RD STE A	4
04/25/2022	24767-22-APP			Inspection Phase	LOS PRIMOS FARMS	LUIS SENA	AGRICULTURE	INTEGRATED CANNABIS MICRO BUSINESS	110 N SOLANO DR, #1/2, LAS CRUCES, NM	7
05/02/2022	24772-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	MANUFACTURING	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	390 N SEVENTEENTH ST	5
05/02/2022	24773-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	700 S TELSHPOR BLVD STE 1502	5
05/02/2022	24776-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	1128 S SOLANO DR	5
05/12/2022	24810-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	580 S VALLEY DR STE 300	10
05/12/2022	24811-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	AGRICULTURE	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	1510 W AMADOR AVE STE A	10
05/12/2022	24812-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	1685 N MAIN ST	10
05/11/2022	24831-22-APP			Inspection Phase	THE BLOOM MANAGEMENT GROUP	TRAVAGHUN COLWELL	RETAIL	CANNABIS RETAIL SHOP	615 E LOHMAN AVE STE A	7
05/23/2022	24841-22-APP			Inspection Phase	OTC NM LLC	NORMAN YOUSIF	RETAIL	THE BUSINESS CONDUCTS THE RETAIL SALE OF RECREATIONAL CANNABIS AND CANNABIS GOODS TO QUALIFIED CUSTOMERS OVER THE AGE OF 21	750 S MAIN ST	10
06/02/2022	24863-22-APP			Inspection Phase	THE KITCHEN	CEARA ANGEL	FOOD SERVICE	RETAIL COTTAGE BAKERY WITH CANNABIS INFUSED PRODUCTS	300 N MAIN ST, LAS CRUCES, NM 88001	4
04/21/2022	24887-22-APP			Inspection Phase	CINDER CANNABIS	JUSTIN PETERSON	RETAIL	CANNABIS RETAIL STORE	4420 N SONOMA RANCH BLVD STE C	20
06/17/2022	24912-22-APP			Inspection Phase	MYCBPLUS LLC	SAM UKPEDINJAGBA	RETAIL	CANNABIS DISPENSARY	1030 EL PASEO RD	6

07/14/2022	24982-22-APP	Inspection Phase	R. GREENLEAF ORGANICS, INC.	RYAN ORDORICA	RETAIL	CANNABIS RETAILER OF MEDICAL AND RECREATIONAL ADULT USE CANNABIS	775 S TELSHOR BLVD	20
07/18/2022	24995-22-APP	Inspection Phase	FCI OF NEW MEXICO	CODY FISHER	RETAIL	CANNABIS RETAIL	140 W PICACHO AVE	50
07/20/2022	25004-22-APP	Inspection Phase	LOUD LEAFS LLC	ERIC MADRID	AGRICULTURE	INTEGRATED CANNABIS MICRO BUSINESS	2460 MISSOURI AVE	4
07/22/2022	25012-22-APP	Inspection Phase	CANNA*CO*LC	CORRINA STRAUSS	RETAIL	CANNABIS RETAIL	606 N MESQUITE ST	2
07/25/2022	25020-22-APP	Inspection Phase	ALTER EGO CULTIVATION	JASON ESCOBAR	AGRICULTURE	CANNABIS CULTIVATION	1720 W HADLEY AVE UNIT E	1
07/26/2022	25026-22-APP	Inspection Phase	JACKPOT DISPENSARY	JACQUIES WILLIAMS	RETAIL	RETAIL	1275 W PICACHO AVE	2
08/30/2021	24043-21-APP	Pending	HIGH DESERT GROWERS	RYAN MAJOR	AGRICULTURE	CANNABIS MICROBUSINESS	7330 SHANNON RD	1
09/15/2021	24080-21-APP	Pending	LA YERBA BUENA NM<	JOHN SERRANO	AGRICULTURE	INDOOR CANNABIS GROW	401 N SEVENTEENTH ST STE 7	3
09/08/2021	24066-21-APP	Revisions Required	ORGAN MOUNTAIN WELLNESS LLC	SOMMER MARTIN	AGRICULTURE	CANNABIS CULTIVATION	205 W BOUTZ RD, BLDG 1, LAS CRUCES, NM 88005	5
09/13/2021	24103-21-APP	Revisions Required	DRAGOONS LAIR LLC	ELI SALCIDO	AGRICULTURE	AN INDOOR MICRO-GROW PRODUCER OF LESS THAN 200 CANNABIS PLANTS.	3495 BATAAN MEMORIAL WEST STE D	2
10/15/2021	24173-21-APP	Revisions Required	TOP CROP	NICK SPOOR	RETAIL	CANNABIS RETAIL DISPENSARY	2240 E LOHMAN AVE	10
10/07/2021	24174-21-APP	Revisions Required	ORGAN MOUNTAIN GROWERS, INC.	STEVEN BURLBAW	AGRICULTURE	CANNABIS PRODUCER OPERATION	430 N COMPRESS RD	12
10/10/2021	24177-21-APP	Revisions Required	ORIGIN GREENLIGHTS	REYES ESPINOZA	WHOLESALE	ORIGIN GREENLIGHTS IS A CANNABIS PRODUCER MICROBUSINESS WHOLESALING NO MORE THAN 200 MATURE PLANTS, OR THEIR BYPRODUCTS, AT ANY ONE TIME WITHIN THE STATE OF NEW MEXICO. THIS COMMERCIAL CANNABIS ACTIVITY WILL BE CARRIED OUT BY EMPLOYEES AND UPPER-LEVEL MANAGEMENT TO INCREASE NEW MEXICO'S GLOBAL AND NATIONAL APPEAL. THE CANNABIS PRODUCTS FROM ORIGIN GREENLIGHTS WILL BE SOLD TO MANUFACTURERS, VERTICALLY INTEGRATED CANNABIS ESTABLISHMENTS, AND RETAIL LOCATIONS AT WHOLESALE PRICES, WHILE ADHERING TO THE DICTATES OF THE CITY OF LAS CRUCES AND NEW MEXICO'S CANNABIS CONTROL DIVISION	2001 COPPER LOOP STE 4	3
10/07/2021	24205-21-APP	Revisions Required	ELEVATED SOCIETY LLC	SERGIO FLORES	PRODUCE	MARIJUANA CULTIVATION	375 N COMPRESS RD	3
11/24/2021	24304-21-APP	Revisions Required	IRON LUNG NM, LLC	MATT CHADWICK	AGRICULTURE	CANNABIS GROW OPERATION	1655 W AMADOR AVE	10
12/04/2021	24326-21-APP	Revisions Required	TWISTED ROOTS FARMS	GREGORY SANDERS	AGRICULTURE	GROWING CANNABIS, WHOLE SALE OF CANNABIS TO COMMERCIAL CANNABIS DISPENSARIES	1790 W HADLEY AVE STE E	6
01/01/2022	24385-22-APP	Revisions Required	FOURTYTWO COLLECTIONS	MARVINA THOMAS	RETAIL	CANNABIS RETAIL, MANUFACTURED, SMALL CULTIVATION AND KITCHEN	2215 S MAIN ST STE A	1
01/25/2022	24476-22-APP	Revisions Required	BUDZ CANNABIS	RICARDO WILSON	RETAIL	CANNABIS RETAIL STORE	1886 W PICACHO AVE BLDG 1	3
01/14/2022	24499-22-APP	Revisions Required	UNITY RD	JOE HERNANDEZ	RETAIL	LICENSED LEGALIZED ADULT-USE CANNABIS RETAILER	250 W AMADOR AVE	2
02/09/2022	24588-22-APP	Revisions Required	CANNAFUL CREATIONS, LLC	CORINA CUELLAR	MANUFACTURING	INFUSED CANDIES. EXTRACTING THC USING ONLY HEAT AND NO GAS WILL BE USED OTHER THAN WASHING AREAS. EVERYTHING WILL BE ELECTRONIC (120V). IT WILL ONLY BE WHOLESALE MANUFACTURING THE CANDIES AND WILL BE DELIVERED TO DISPENSARIES. IT WILL NOT BE OPEN TO THE PUBLIC AS IT IS ONLY THE MANUFACTURING ASPECT.	525 E MADRID AVE STE 3	1
02/28/2022	24594-22-APP	Revisions Required	FROM THE EARTH	KEIFER PAYNE	RETAIL	RETAIL CANNABIS DISPENSARY. WE ARE A FRANCHISED BUSINESS BASED OUT OF CALIFORNIA THAT WISHES TO HELP GROW THE NEW MEXICO MARKET WITH OUR COMPLIANT AND PROVEN SYSTEMS. WE WILL FOCUS ON THE EDUCATION OF THE PRODUCT TO THE CONSUMERS TO BREAK THE NEGATIVE STIGMAS ASSOCIATED WITH	2505 MISSOURI AVE	11
03/03/2022	24607-22-APP	Revisions Required	CANNAVERSE LLC	RICHARD SMITH	LIVE PLANTS	PRODUCTION	1754 BUILDTEK CT, LAS CRUCES, NM 88005	5
03/21/2022	24641-22-APP	Revisions Required	THE HOT BOX	CARLOS CASILLAS	RETAIL	RETAIL AND CONSUMPTION AREA OF CANNABIS	1007 EL PASEO RD	5
03/15/2022	24643-22-APP	Revisions Required	11:30 CANNABIS	GABRIEL SILVA	RETAIL	GREEN REMEDY ENTERPRISES LLC IS A NEW COMPANY WHICH INTENDS TO EMERGE INTO THE DISPENSARY INDUSTRY. WE WILL SOON ACQUIRE THE REQUIRED LICENSE FROM THE STATE OF NEW MEXICO. LOCATED IN LAS CRUCES NM. WORKING TO OPEN OUR DOORS LATE 2022. WE PLAN TO BE THE SOLUTION TO ALL CANNABIS ENTHUSIASTS FROM NOVICE TO EXPERIENCED. WITH PRODUCTS AT LOW AND COMPETITIVE PRICES AND SERVICE THAT	590 S SOLANO DR STE C	1
03/30/2022	24678-22-APP	Revisions Required	THIS CANNABIS	ANTHONY LIRA	PRODUCE	PRODUCER MICROBUSINESS	1803 N VALLEY DR	1
04/04/2022	24694-22-APP	Revisions Required	BLUNTLEY LLC	GONZALO CHAVEZ	RETAIL	THIS IS A.CANNABIS RETAIL DISPENSARY SHOP.	440 S MAIN ST	1
05/02/2022	24774-22-APP	Revisions Required	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	2000 E LOHMAN AVE STE B	5
05/19/2022	24833-22-APP	Revisions Required	SOUTHWEST DISPENSARY	ELISEO GARDEA	OTHER	CANNABIS MICROBUSINESS	421 AVENIDA DE MESILLA STE C	3
05/26/2022	24852-22-APP	Revisions Required	EVEREST APOTHECARY, INC	JAMES DARBY	RETAIL	CANNABIS RETAIL	1240 S VALLEY DR STE D	145
10/15/2021	24175-21-APP	Withdrawn	ORGAN MOUNTAIN WELLNESS LLC	SOMMER MARTIN	AGRICULTURE	CANNABIS CULTIVATION AND ADULT RECREATIONAL CANNABIS RETAIL SALES	205 W BOUTZ RD, BLDG 2, LAS CRUCES	3
03/04/2022	24603-22-APP	Withdrawn	JACKPOT DISPENSARY	JACQUIES WILLIAMS	RETAIL	CANNABIS RECREATIONAL ADULT USE DISPENSARY	1275 W PICACHO AVE	8



City of Las Cruces
MOUNTAINS OF OPPORTUNITY

Planning & Zoning Commission 8/23/2022 **Cannabis Zoning Amendments**

STAFF CONTACT:	Katherine Harrison-Rogers, (575) 528-3049, krogers@las-cruces.org
DISTRICT:	Citywide
REQUEST:	Code Amendments to modify cannabis regulations for the purpose of eliminating the 300-foot buffer between retailers and also from retailers to single-family residential zones.
RECOMMENDATION:	Approval

SUMMARY OF REQUEST: The City is proposing amendments to the zoning code to modify the cannabis regulations for the purpose of eliminating the 300-foot buffer requirement between individual cannabis retailers/microbusinesses and eliminating the 300-foot buffer between cannabis retailers/microbusinesses and single-family zoning districts. The following sections are subject to amendments:

- Sec. 38-32 Office, Commercial, and Industrial Zoning Districts
- Sec. 38-53 Conditional Uses; and
- Sec. 38-54 Special Use Permits.

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

- The State of New Mexico Cannabis Regulation Act legalizes recreational cannabis, timelines for the production, manufacturing, sale, and use of cannabis, and permits local jurisdictions to regulate the time, use and manner of cannabis uses.
- Based upon staff's analysis of the proposed zoning code amendments, the amendments meet the intent of Elevate Las Cruces Comprehensive Plan; are akin to existing uses and anticipated impacts currently in the zoning code; meets the purpose and intent outlined in Section 38-2 of the 2001 Zoning Code, as amended; and meets the purpose of the Las Cruces Municipal Code Section 2-382.
- The land use impacts of cannabis retail businesses as compared to other types of retail businesses is de minimis.
- Several commercial corridors within the City abut single family residential zones, unduly restricting the location of cannabis retailers.

PROPOSAL

CANNABIS ZONING RECOMMENDATIONS:

The Cannabis Regulation Act (New Mexico House Bill 2) was approved by the State in the Spring of 2021. The act legalized the recreational use of cannabis and grants the local jurisdictions the authority to regulate the time, place, and manner (including density) of commercial cannabis facilities. Local jurisdictions cannot prevent these types of uses which include the cultivation, manufacturing, packaging, research, testing, sale, and transport of cannabis. According to the New Mexico Regulation and Licensing Department, jurisdictions are required to treat these businesses as they would any other business, including signage. The State is responsible for the licensing and enforcement related to state regulations, including security plans, background checks, water usage and rights, waste disposal, pesticide and chemical use and management, and annual reporting, among others.

In the Fall of 2021, the City of Las Cruces established zoning regulations for cannabis uses which also comply with the State's regulations. The amendments included several definitions including *Cannabis Industry*, *Cannabis Research Laboratory*, *Cannabis Retailer*, *Community Garden*, *Horticulture*, and *Cannabis Microbusiness*. Retail uses (cannabis retailer) and cannabis microbusinesses were added to commercial zones (C-1, C-2, C-3) with conditions, production and manufacturing uses (cannabis industry) was added to industrial zones (M-1/M22, M-3) with conditions, cannabis research laboratories was added to industrial zones with conditions (MT, M-1/M22, M-3), and small cannabis integrated businesses (cannabis microbusiness) was added as allowed with a special use permit in the single-family agricultural zones (EE, REM), similar to existing allowances for small breweries and wineries.

The conditions or special provisions associated with those uses listed above include:

- all uses must be 300 feet from a school or daycare, the greatest allowance permitted by the state (commercial trade schools and schools serving adult populations are exempt);
- retail uses and microbusinesses must be 300 feet from single-family zones and no closer than 300 feet from one another, unless a special use permit is obtained;
- no on-site consumption can occur in the C-1 district; and
- in addition to a special use permit for the cannabis microbusiness in the EE and REM zones, the business must be ancillary to a single-family residence, must be fully enclosed in an accessory structure, must be 100 feet away from adjacent residences, and must only sell products produced on site.

Over the course of the past year, several cannabis related businesses have established themselves within the City. For a detailed list of these businesses, see Attachment 2. Staff worked closely with this emerging industry to assist in both building code and zoning code matters. One of the most frequent complaints from prospective businesses was that it is challenging to find a suitable location based on the established distancing requirements, especially from a single-family residential zoning district. Many of the available commercial zones are directly adjacent to single family residential zoning districts. The Planning and Zoning Commission has heard five (5) Special Use Permits requesting to deviate from these required buffers, all of which have been approved. Further, there are several more under review and forthcoming to the P&Z.

Staff is recommending that the buffer distances between retailers and the buffer distances between cannabis businesses and single-family zoning districts be eliminated. There is little evidence that these restrictions are necessary based on the impacts from these businesses. These uses appear to be no more intense than that of any other retail establishment within the City. The amendments can be found in Attachment 1 and include:

- Sec. 38-32 Office, Commercial, and Industrial Zoning Districts
- Sec. 38-53 Conditional Uses; and
- Sec. 38-54 Special Use Permits.

Please note that Sec. 38-32 Office, Commercial, and Industrial Zoning Districts is being amended only to reinsert the development standards table that was inadvertently removed during the initial adoption of these amendments. This section does not contain cannabis amendments.

ZONING DECISION CRITERIA AND POLICIES

POLICY	DOES IT COMPLY?
<u>Character and Compatibility</u>	Yes
<u>Elevate Las Cruces Comprehensive Plan</u>	Yes
<u>Criteria for Decisions: Article 2, Section 38-10 (K) of the 2001 Zoning Code</u>	Yes

CHARACTER AND COMPATIBILITY:

Staff reviewed use categories currently outlined in the zoning code to determine the uses most akin to cannabis uses. For cannabis retail sales with no consumption, similar uses would be a pharmacy, package liquor, or specialty retail. For those cannabis retail sales with on-site consumption, the most similar use would be a bar/tavern or brewery/winery. None of these existing use categories have distancing requirements in the zoning code and there is no evidence that cannabis retail establishments or microbusinesses create greater impact than their comparable uses.

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

Elevate Las Cruces has policy and actions related to improving the permitting and registration process for businesses as well as establishing regulations to support their potential for economic prosperity. These include:

- Goal CP-2 Economic Equity: Generate employment opportunities that create economic security for all residents.
- CP-3 Entrepreneurship: Create a nurturing regulatory environment that generates entrepreneurship and small business investment.
 - o Cp-3.2: streamline the process to register and open a business in las cruces.
 - CP-3.2.1: Make information regarding city business registration, state and federal licensing and operating requirements, and other business assistance resources readily available.
 - CP-3.2.2:Continue to evaluate and improve total review times for processing commercial building permits and business registrations.
 - CP-3.2.3:Provide step-by-step guidelines for negotiating the permitting process.
 - CP-3.2.4:Use the city as a hub for new businesses to be connected to resources within the community for business technical assistance, financing opportunities, permitting, etc. When starting a new business.

While these goals, policies, and actions support continued evaluation and modifications to the City's processes, the elimination of buffers related to cannabis uses in existing zoning categories in the zoning code neither conflicts with nor is specifically supported by Elevate Las Cruces. The place types shown in the Future Development map do provide guidance on the types of zones and broad uses should be allowed. The cannabis uses are akin to uses found throughout the existing zoning districts, consistent with Elevate's place type zoning district recommendations.

CRITERIA FOR DECISIONS:

- Impairment of adequate supply of light and air to adjacent property;
- Unreasonable increase in potential traffic;
- Increase the danger of fire or endanger the public safety;
- Determent of orderly and phased growth;
- Impairment of the public health, safety or general welfare of the city;
- Establishment of a spot zone; or the
- Contradiction of the purpose and intent of the zoning code, sign code, design standards and other companion codes.

City Staff did not identify any issues associated with the proposed amendments as the uses and their anticipated impacts are akin to those already listed throughout the zoning code.

ATTACHMENTS:

1. Chapter 38 – Zoning Code Redlines
2. Cannabis Business Registrations

Sec. 38-32. Office, Commercial, and Industrial Zoning Districts**A. OFFICE ZONING DISTRICTS****1. PURPOSE:**

The Office Category serves as a transition between commercial and residential uses. It includes business, personal and professional services that can function without generating large volumes of vehicular traffic. The category is divided into two zoning districts: Neighborhood and Professional. The Neighborhood District (O-1) provides zoning for small-scale type offices. These are typically low-intensity uses and may easily locate near residential areas due to their unobtrusive nature. The Professional District (O-2) provides zoning for those office uses that operate at a higher intensity. Both districts are required to provide buffering (only open space and drainage areas are permitted within these buffer zones) and landscaping when located adjacent to residential uses. Office uses, in these instances, may provide residents an opportunity to work close to home, furthering the City's mixed land use policy.

2. ZONING DISTRICT DESCRIPTIONS:

O-1 - OFFICE, NEIGHBORHOOD - LIMITED RETAIL SERVICE: These office uses are low-intensity, small-scale, and provide service activities (e.g., architect, attorney, and engineering consultant). No goods or merchandise are prepared or sold on the premises with the exception of those activities that serve the primary use. Access to streets that are a major local or higher designation is recommended.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B) (NOTE: Also see Staff Interpretation No. 07-001 (Z) at the end of this Section.)

Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Court, Tennis, etc., Private

INSTITUTIONAL LAND USES (See Section 38-33D)

Child Care Center or Preschool

SERVICE LAND USES (See Section 38-33F)

Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Business Offices
Consulting
Credit Reporting & Collection
Desktop Publishing & Graphic Design
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Legal Services
Lessons (Art, Dance, Music, etc.)
Mailing & Stenographic Services
Motion Picture Production
Noncommercial Research Organization

Photography Studio
Real estate
Tax Preparation

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Bed and Breakfast
Detached, Site-Built, Single Family Dwelling Unit
Dwelling Use (Non primary)
Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

Home Occupation
Kennel/Cattery (Private Residential)
Storage of recreational vehicles and motor vehicle appurtenances
Swimming Pool, Private
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

Religious Institution/Columbarium

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

Park

SERVICE LAND USES (See Section 38-33F and Section 38-53)

Art Studio

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-53)

Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

Construction Yard or Building(s), Temporary

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures

O-2 - OFFICE, PROFESSIONAL - LIMITED RETAIL SERVICE: Larger scale, higher intensity business and professional service activities (e.g., doctor's office, hair salon) are included in this zoning district. No goods or merchandise are prepared or sold on the premises, with the exception of those activities that serve the primary use. Access to streets that are a collector or higher designation is recommended.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

- Accessory Uses and Structures
- Greenhouse (Non-Commercial), Garden Shed or Tool Shed
- Recreational Court, Tennis, etc., Private

INSTITUTIONAL LAND USES (See Section 38-33D)

- Child Care Center or Preschool
- Community Buildings - Uses
- Convention Center/Exhibition Hall
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

- Recreational Courts, e.g., Tennis (Public)

SERVICE LAND USES (See Section 38-33F)

- Accounting, Auditing & Bookkeeping
- Architectural, Engineering, Planning & Surveying Services
- Bank, Bonding & Financial institution Facility (NO Drive Thru)
- Barber/Beauty/Hair Salon & Related Personal Care
- Business Offices
- Consulting
- Counseling Services
- Credit Reporting & Collection
- Desktop Publishing & Graphic Design
- Funeral Home
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Insurance
- Laboratory
- Legal Services
- Lessons (Art, Dance, Music, etc.)
- Mailing & Stenographic Services
- Medical/Dental Office
- Motion Picture Production
- Noncommercial Research Organization
- Photography Studio
- Real estate
- Tax Preparation

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-53)

- Parking Facilities, Commercial (Garages & Private Parking Lots)

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

- Bed and Breakfast
- Detached, Site-Built, Single Family Dwelling Unit
- Dwelling Use (Non primary)
- Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

- Home Occupation
- Kennel/Cattery (Private Residential)
- Storage of recreational vehicles and motor vehicle appurtenances
- Swimming Pool, Private
- Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

- Religious Institution/Columbarium
- School (K-12) Public, Private, Parochial
- School, College or University
- School, Commercial, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

- Park
- Swimming Pool, Commercial or Public

SERVICE LAND USES (See Section 38-33F and Section 38-53)

- Art Studio
- Bank, Bonding & Financial Institution/Facility (Drive thru including ATM and other electronic banking)
- Pharmacy

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-53)

- Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
- Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
- Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

- Construction Yard or Building(s), Temporary

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

- Antenna, Towers, Communication Structures, and Other Vertical Structures
- Face Mount (Attached to Primary Use)
- Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-53)

- Heliport/Helistop

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

- Antenna, Towers, Communication Structures, and Other Vertical Structures

B. COMMERCIAL ZONING DISTRICTS

1. PURPOSE:

The Commercial Category represents a broad grouping of commercial zoning districts which are based on use, intensity, scale, and compatibility with the natural and urban environment. Commercial developments are intended to be clustered around nodes or centers whenever possible as a means of discouraging strip development.

2. ZONING DISTRICT DESCRIPTIONS:

C-1 - COMMERCIAL LOW INTENSITY: The C-1 district facilitates and encourages development of those uses that generate small-scale retail and service activities within a neighborhood area.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

- Accessory Uses and Structures
- Greenhouse (Non-Commercial), Garden Shed or Tool Shed
- Recreational Court, Tennis, etc., Private

INSTITUTIONAL LAND USES (See Section 38-33D)

- Child Care Center or Preschool
- Community buildings uses
- Convention Center/Exhibition Hall
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

- Recreational Courts, e.g. Tennis (public)

SERVICE LAND USES (See Section 38-33F)

- Accounting, Auditing & Bookkeeping
- Architectural, Engineering, Planning & Surveying Services
- Art Studio
- Bank, Bonding & Financial Institution/Facility (No Drive Thru)
- Barber/Beauty/Hair Salon & Related Personal Care
- Business Offices
- Consulting
- Counseling Services
- Credit Reporting & Collection
- Desktop Publishing & Graphic Design
- Funeral Home
- Institutional Office: Public, Private, Educational, Religious, & Philanthropic
- Insurance
- Laboratory
- Legal Services
- Lessons (Art, Dance, Music, etc.)
- Mailing & Stenographic Services
- Medical/Dental Office
- Motion Picture Production
- Noncommercial Research Organization
- Photography Studio
- Real estate
- Tax Preparation

RETAIL LAND USES (See Section 38-33G)

- Cleaning & Maid Services
- Clothing Store
- Delicatessen, Produce/Meat Market
- Grocery Store
- Home Furnishings
- Laundry/Dry Cleaning Services
- Specialty Foods (Bakeries, Confectionaries, etc.)
- Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
- Variety Store

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-53)

Parking Facilities, Commercial (Garages & Private Parking Lots)

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Bed and Breakfast
Detached, Site-Built, Single Family Dwelling Unit
Dwelling Use (Non primary)
Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

Home Occupation
Kennel/Cattery (Private Residential)
Storage of recreational vehicles and motor vehicle appurtenances
Swimming Pool, Private
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

Religious Institution/Columbarium
School (K-12), Public, Private, Parochial
School, College or University
School, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

Park
Swimming Pool, Commercial or Public

SERVICE LAND USES (See Section 38-33F and Section 38-53)

Bank, Bonding, and Financial Institutions/facility (drive-thru including ATM and other electronic banking)
Pharmacy

RETAIL LAND USES (See Section 38-33G and Section 38-53)

Café, Cafeteria, Coffee Shop, Restaurant, etc.
Cannabis Microbusiness
Cannabis Retailer – No On-Site Consumption
Hardware Store
Seasonal Sales – Non-Temporary (Fireworks, Agriculture Products, Snowcone Stand, etc.)
Small Item Repair Shop
Temporary (Non-Seasonal)
Upholstery Shop

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-53)

Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
Storage, warehousing accessory to Office, Retail, Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

Construction Yard or Building(s), Temporary
Cottage Industry – Retail or Service

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)

Heliport/Helistop

C-2 - COMMERCIAL MEDIUM INTENSITY: The C-2 district facilitates and encourages development of those uses which provide retail and service activities as a convenience to adjacent neighborhoods and whose use generally serves a population of 5,000 to 30,000.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

Accessory Uses and Structures

Greenhouse (Non-Commercial), Garden Shed or Tool Shed

Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN (See Section 38-33C)

Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)

Child Care Center or Preschool

Community Buildings - Uses

Hospital

Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

Arcade/Game Room

Batting Cages

Billiard/Pool Hall

Bowling Alley

Country Club

Golf Course

Golf Course, Miniature

Golf Driving Range

Health/Exercise Club/Gymnasium/Sports Instruction

Racetrack, Mini, e.g., go-carts

Recreational Courts, e.g., Tennis (Public)

Skating Rink

Zoo/Botanical Park

SERVICE LAND USES (See Section 38-33F)

Accounting, Auditing & Bookkeeping

Architectural, Engineering, Planning & Surveying Services

Art Studio

Bank, Bonding & Financial Institution/Facility (No Drive Thru)

Barber/Beauty/Hair Salon & Related Personal Care

Business Offices

Consulting

Counseling Services

Funeral Home

Credit Reporting & Collection

Desktop Publishing & Graphic Design

Hotel/Motel

Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Laboratory
Legal Services
Lessons (Art, Dance, Music, etc.)
Mailing & Stenographic Services
Medical/Dental Office
Motion Picture Production
Noncommercial Research Organization
Pharmacy
Photography Studio
Real estate
Tax Preparation

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Parts Store
Auto/Truck Self-Service/Automated or Full Service Wash/Wax/Detailing
Auto/Truck/Motorcycle Dealers
Auto/Truck/Trailer Rental
Bar, Pub, Tavern (No Dancing)
Building Material
Café, Cafeteria, Coffee Shop, Restaurant, etc.
Carpet/Window Treatments
Cleaning & Maid Services
Clothing Store
Convenience Store
Delicatessen, Produce/Meat Market
Department Store
Equipment Rental
Furniture Store
Garden Supply
Gas Station
Grocery Store
Hardware Store
Health Care Clinic (Non-Hospital)
Home Furnishings
Laundry/Dry Cleaning Services
Newspaper Distribution
Pawn Shop
Private Club or Lodge
Plant Nursery
Radio/TV Studio/Station
Small Item Repair Shop
Specialty Foods (Bakeries, Confectionaries, etc.)
Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
Telephone & Communication Ctr.
Theater
Tire Sales/Repair
Upholstery Shop
Variety Store
Video Tape Rental/Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H)

Cab Stand
Mini-Storage Units
Parking Facilities, Commercial (Garages & Private Parking Lots)

MANUFACTURING & RELATED LAND USES (See Section 38-33I)

Crematorium

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Apartments (Any configuration/grouping and may include condominiums, Must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
Assisted Living or Retirement Facility (Any configuration/grouping and may include condominiums, must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
Nursing Home (Any configuration/grouping and may include condominiums, must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
Bed and Breakfast
Detached, Site-Built, Single Family Dwelling Unit
Dwelling Use (Non primary)
Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

Home Occupation
Kennel/Cattery (Private Residential)
Storage of recreational vehicles and motor vehicle appurtenances
Swimming Pool, Private
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

Religious Institution/Columbarium
School, (K-12) Public, Private, Parochial
School, College or University
School, Commercial, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

Amusement Park (Temporary)
Park
Swimming Pool, Commercial or Public

SERVICE LAND USES (See Section 38-33F and Section 38-53)

Bank, Bonding & Financial Institution/Facility (Drive thru including ATM & other electronic banking)

RETAIL LAND USES (See Section 38-33G and Section 38-53)

Auto/Truck Repair & Service
Cannabis Microbusiness
Cannabis Retailer
Firewood Sales
Kennel/Cattery, Commercial
Large Equipment Repair & Service (Non-Vehicular)
Petroleum/Propane Sales
Seasonal Sales – Non-Temporary (Fireworks, Agriculture Products, Snowcone Stand, etc.)
Telemarketing/Mail Order/Call Center
Temporary Use, (Non-Seasonal)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H and Section 38-53)

Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
Storage outside of buildings of materials, equipment, and supplies not for sale
Storage, warehousing accessory to Office, Retail, Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

Construction Yard or Building(s), Temporary
Cottage Industry – Retail or Service

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-54)
Airport, Privately or Publicly Owned
Heliport/Helistop

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures

C-3 - COMMERCIAL HIGH INTENSITY: The C-3 district facilitates and encourages development of those uses which provide retail, service, and wholesale activities within the City and a regional market, whose use generally serves a population of over 15,000.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)
Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN (See Section 38-33C)
Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)
Child Care Center or Preschool
Community Buildings - Uses
Convention Center/Exhibition Hall
Hospital
Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)
Arcade/Game Room
Batting Cages
Billiard/Pool Hall
Bowling Alley
Country Club
Golf Course
Golf Course, Miniature
Golf Driving Range
Health/Exercise Club/Gymnasium/Sports Instruction
Racetrack, Mini, e.g., go-carts
Recreational Courts, e.g., Tennis (Public)
Skating Rink
Zoo/Botanical Park

SERVICE LAND USES (See Section 38-33F)
Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Art Studio

Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Barber/Beauty/Hair Salon & Related Personal Care
Business Offices
Consulting
Counseling Services
Funeral Home
Credit Reporting & Collection
Desktop Publishing & Graphic Design
Hotel/Motel
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Laboratory
Legal Services
Lessons (Art, Dance, Music, etc.)
Mailing & Stenographic Services
Medical/Dental Office
Motion Picture Production
Noncommercial Research Organization
Pharmacy
Photography Studio
Real estate
Tax Preparation

RETAIL LAND USES (See Section 38-33G)

Auto/Truck Parts Store
Auto/Truck Self-Service/Automated or Full Service Wash/Wax/Detailing
Auto/Truck/Motorcycle Dealers
Auto/Truck/Trailer Rental
Bar/Night Club (Dancing)
Bar, Pub, Tavern (No Dancing)
Building Material
Café, Cafeteria, Coffee Shop, Restaurant, etc.
Carpet/Window Treatments
Cleaning & Maid Services
Clothing Store
Convenience Store
Delicatessen, Produce/Meat Market
Department Store
Equipment Rental
Furniture Store
Garden Supply
Gas Station
Grocery Store
Hardware Store
Health Care Clinic (Non-Hospital)
Home Furnishings
Laundry/Dry Cleaning Services
Manufactured Housing/Buildings Dealers (Similar large item sales)
Newspaper Distribution
Pawn Shop
Private Club or Lodge
Plant Nursery
Radio/TV Studio/Station
Small Item Repair Shop
Specialty Foods (Bakeries, Confectionaries, etc.)
Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
Telephone & Communication Ctr.
Theater
Theater, Drive in
Tire Sales/Repair

Upholstery Shop
Variety Store
Video Tape Rental/Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H)

Bus Terminal
Cab Stand
Mini-Storage Units
Parking Facilities, Commercial (Garages & Private Parking Lots)

MANUFACTURING & RELATED LAND USES (See Section 38-33I)

Crematorium

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

Apartments (Any configuration/grouping and may include condominiums. Must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
Assisted Living or Retirement Facility (Any configuration/grouping and may include condominiums, must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
Nursing Home (Any configuration/grouping and may include condominiums, must comply with R-4 development standards, including minimum density of 10 dwelling units per acre and maximum density of 40 dwelling units per acre.)
Detached, Site-Built, Single Family Dwelling Unit
Dwelling Use (Non primary)
Manufactured Dwelling Unit
Bed and Breakfast
Recreational Vehicle Park

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

Home Occupation
Kennel/Cattery (Private Residential)
Storage of recreational vehicles and motor vehicle appurtenances
Swimming Pool, Private
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

Religious Institution/Columbarium
School, (K-12) Public, Private, Parochial
School, College or University
School, Commercial, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

Amusement Park (Temporary)
Archery Range – Indoor
Firing Range - Indoor
Park
Sports Arena/Field/Course, Commercial
Swimming Pool, Commercial or Public

SERVICE LAND USES (See Section 38-33F and Section 38-53)

Bank, Bonding & Financial Institution/Facility (Drive- thru including ATM & other electronic banking)

RETAIL LAND USES (See Section 38-33G and Section 38-53)

Auto/Truck Repair & Service
Cannabis Microbusiness
Cannabis Retailer

- Firewood Sales
- Flea Market
- Kennel/Cattery, Commercial
- Large Equipment Repair & Service (Non-Vehicular)
- Large Equipment Repair & Service (Vehicular)
- Petroleum/Propane Sales
- Seasonal Sales – Non-Temporary (Fireworks, Agriculture Products, Snowcone Stand, etc.)
- Specialty Retailer – Primary business is the sale of tourism products that may include the sale of fireworks
- Telemarketing/Mail Order/Call Center
- Temporary Use, (Non-Seasonal)

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-53)

- Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
- Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
- Storage outside of buildings of materials, equipment, and supplies not for sale
- Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

- Body Shops & Vehicle Painting Establishments
- Construction Yard or Building(s), Temporary
- Cottage Industry – Retail or Service

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

- Antenna, Towers, Communication Structures, and Other Vertical Structures
- Face Mount (Attached to Primary Use)
- Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-54)

- Campground

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C and Section 38-54)

- Racetrack, Animal
- Rodeo Arena

RECREATIONAL LAND USES (See Section 38-33E and Section 38-54)

- Amusement Park – Permanent
- Archery Range – Outdoors
- Firing range – Outdoors
- Sports Complex

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-54)

- Airport, Privately or Publicly Owned
- Heliport/Helistop

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

- Antenna, Towers, Communication Structures, and Other Vertical Structures

C. INDUSTRIAL ZONING DISTRICTS

1. PURPOSE:

The Industrial category provides the necessary guidance to permit all types of industrial uses within the City of Las Cruces. The Industrial category describes the industrial

zoning districts and further defines the development requirements, design standards, uses allowed, and performance and mitigation techniques required in order to permit such industries that are in conformance with the Las Cruces Comprehensive Plan.

Industrial uses shall have direct access to a collector or higher designated roadway unless located in industrial parks. Internal streets within industrial parks may be constructed to standards lower than a collector as allowed within the City Design Standards. Industrial uses and parks should be developed so as to have minimal negative impact on adjacent uses.

2. ZONING DISTRICT DESCRIPTIONS:

M-T - INDUSTRIAL TECHNOLOGY: The M-T district is intended to provide for industrial uses that specifically focus on high technology, research, warehousing and large-scale storage facilities and limited manufacturing or processing when ancillary to research and other high technology operations in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. Commercial and service uses are also introduced as a means of providing support and convenience to the intended land uses associated with this zoning district. (Also see Staff Interpretation 07-002, at the end of Section 38-53 Conditional Uses.)

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN (See Section 38-33C)

Veterinary Facility

INSTITUTIONAL LAND USES (See Section 38-33D)

Community Buildings - Uses
Convention Center/Exhibition Hall
Detention Facility
Library/Museum

RECREATIONAL LAND USES (See Section 38-D)

Golf Course
Golf Driving Range
Health/Exercise Club/Gymnasium/Sports Instruction
Recreational Courts, e.g. Tennis, Public or Private

SERVICE LAND USES (See Section 38-33F)

Accounting, Auditing & Bookkeeping
Architectural, Engineering, Planning & Surveying Services
Bank, Bonding & Financial Institution/Facility (No Drive Thru)
Barber/Beauty/Hair Salon & Related Personal Care
Business Offices
Consulting
Counseling
Desktop Publishing & Graphic Design
Funeral Home
Hotel/Motel
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance

- Laboratory
- Legal Services
- Mailing & Stenographic Services
- Medical/Dental Office
- Motion Picture Production
- Research Organization, Commercial or Noncommercial
- Pharmacy
- Tax Preparation

RETAIL LAND USES (See Section 38-33G)

- Café, Cafeteria, Coffee Shop, Restaurant, etc.
- Carpet/Window Treatments
- Cleaning & Maid Services
- Clothing Store
- Convenience Store
- Delicatessen, Produce/Meat Market
- Department Store
- Gas Station
- Health Care Clinic (Non-Hospital)
- Laundry/Dry Cleaning Services
- Radio/TV Studio/Station
- Specialty Foods (Bakeries, Confectionaries, etc.)
- Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
- Telephone & Communication

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H)

- Cab Stand
- Ministorage Units
- Parking Facilities, Commercial (Garages & Private Parking Lots)

MANUFACTURING & RELATED LAND USES (See Section 38-33I)

- Jewelry, Silverware, & Plated Ware
- Laboratories (Medical/Dental/R & D)
- Motion Picture Production Theater/Studio
- Musical Instruments
- Printing & Publishing
- Signs & Advertising

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)

- Detached, Site-Built, Single Family Dwelling Unit
- Dwelling Use (Non primary)
- Manufactured Dwelling Unit
- Recreational Vehicle Park

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)

- Home Occupation
- Kennel/Cattery (Private Residential)
- Storage of recreational vehicles and motor vehicle appurtenances
- Swimming Pool, Private
- Temporary Uses

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C and Section 38-53)

- Brewery/Winery

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)

- Child Care or Preschool
- School, College or University
- School, Commercial, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)

- Amusement Park (Temporary)
- Park
- Swimming Pool, Commercial or Public

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-53)

- Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
- Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
- Storage outside of buildings of materials, equipment, and supplies not for sale
- Storage, warehousing accessory to Office, Retail Service or Industry
- Wholesale Trade, any product

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)

- Apparel & Other Textile Products -Clothing
- Brooms, Brushes & Vacuums
- Cannabis Research Laboratory
- Chemical & Allied Products
- Construction Yard or Building(s), Temporary
- Cottage Industry – Retail or Service
- Dyeing & Engraving Establishments
- Electrical & Electronic Equip. (Computers)
- Fabricated Metal Products
- Food & Kindred Products
- Furniture & Fixtures
- Glass Cutting & Finishing
- Leather Products
- Lumber & Wood Products (Sawmill/Planing)
- Machinery, except electrical
- Manufactured Buildings
- Metal Work & Machine Shop
- Needles, Pins & Fasteners
- Paper & Allied Products
- Petroleum & Coal Products
- Primary Metal Industries
- Rubber & Plastic Products
- Stone, Glass & Clay Products
- Storage Boxes
- Textile Mill Products (Carpets, Rugs, Hosiery, Threads)
- Tobacco Manufacturing
- Toys, & Sporting Goods, Dolls, Games
- Transportation Equipment
- Writing Utensils (pens/pencils/inked ribbons)

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)

- Antenna, Towers, Communication Structures, and Other Vertical Structures
- Face Mount (Attached to Primary Use)
- Public/Private Utility Installation
- Recycling Centers
- Waste Transfer Stations/Sewage Treatment Plants

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

RETAIL LAND USES (See Section 38-33G and Section 38-54)

- Adult Book/Video Store & Entertainment Establishment

Agenda Item #8.2.

Art. IV. Sec. 38-32

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-54)

Airport, Privately or Publicly Owned

Heliport/Helistop

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures

M1/M2 - INDUSTRIAL STANDARD: The M1/M2 district is intended to provide for industrial uses that consist of full-scale fabrication, manufacturing, packaging and processing of products that can be conducted in a generally clean, quiet, and safe environment with minimal negative impacts on the surrounding environment and uses. (Also see Staff Interpretation 07-002, at the end of Section 38-53 Conditional Uses.)

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)

- Accessory Uses and Structures
- Greenhouse (Non-Commercial), Garden Shed or Tool Shed
- Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C)

- Brewery/Winery

INSTITUTIONAL LAND USES (See Section 38-33D)

- Community Buildings - Uses
- Detention Facility
- Library/Museum

RECREATIONAL LAND USES (See Section 38-33E)

- Racetrack, Mini, e.g., go-carts

RETAIL LAND USES (See Section 38-33G)

- Auto/Truck Self-Service /Automated or Full Service Wash/Wax/Detailing
- Bar, Pub, Tavern (No Dancing)
- Café, Cafeteria, Coffee Shop, Restaurant, etc.
- Cleaning & Maid Services
- Clothing Store
- Convenience Store
- Delicatessen, Produce/Meat Market
- Gas Station
- Hardware Store
- Health Care Clinic (Non-Hospital)
- Laundry/Dry Cleaning Services
- Plant Nursery
- Radio/TV Studio/Station
- Small Item Repair
- Specialty Foods (Bakeries, Confectionaries, etc.)
- Specialty Store (Books, Music, Toys, Sports Equip, Stationery, etc.)
- Theater, Drive-in
- Tire Sales/Repair
- Upholstery Shop

SERVICE LAND USES (See Section 38-33F)

- Accounting, Auditing & Bookkeeping
- Architectural, Engineering, Planning & Surveying Services,
- Art Studio
- Bank, Bonding & Financial Institution/Facility (No Drive Thru)
- Barber/Beauty/Hair Salon & Related Personal Care
- Business Offices
- Consulting
- Counseling
- Desktop Publishing & Graphic Design

Funeral Home
Hotel/Motel
Institutional Office: Public, Private, Educational, Religious, & Philanthropic
Insurance
Laboratory
Legal Services
Mailing & Stenographic Services
Medical/Dental Office
Motion Picture Production
Research Organization, Commercial or Noncommercial
Pharmacy
Tax Preparation

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES (See Section 38-33H)

Distribution Centers
Freighthouse/Truck Terminal
Interstate Warehouse/Bulk Storage Facilities
Ministorage Units
Parking Facilities, Commercial (Garages & Private Parking Lots)
Railroad Terminal/Depot
Trucking Companies
Wholesale Trade, any product

MANUFACTURING & RELATED LAND USES (See Section 38-33I)

Apparel & Other Textile Products –Clothing
Body Shops & Vehicle Painting Establishments
Brooms, Brushes & Vacuums
Chemical & Allied Products
Construction Yard or Building(s), Temporary
Cottage Industry – Retail or Service
Crematorium
Dyeing & Engraving Establishments
Electrical & Electronic Equip. (Computers)
Extraction of Raw Materials
Fabricated Metal Products
Food & Kindred Products
Furniture & Fixtures
Frozen Food Lockers
Glass Cutting & Finishing
Jewelry, Silverware, & Plated Ware
Laboratories (Medical/Dental/R & D)
Leather Products
Lumber & Wood Products (Sawmill/Planing)
Machinery, except electrical
Manufactured Buildings
Metal Work & Machine Shop
Motion Picture Production Theater/Studio
Musical Instruments
Needles, Pins & Fasteners
Paper & Allied Products
Petroleum & Coal Products
Primary Metal Industries
Printing & Publishing
Retail Trade, Business Service Establishment or Offices, any type
Rubber & Plastic Products
Signs & Advertising
Stone, Glass & Clay Products
Storage Boxes

Textile Mill Products (Carpets, Rugs, Hosiery, Threads)
Tire Manufactures & Recyclers
Tobacco Manufacturing
Toys, & Sporting Goods, Dolls, Games
Transportation Equipment
Upholstery Shop (Vehicle & Furniture)
Writing Utensils (pens/pencils/inked ribbons)

UTILITY LAND USES (See Section 38-33J)
Recycling Centers

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)
Detached, Site-Built, Single Family Dwelling Unit
Dwelling Use (Non primary)
Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)
Home Occupation
Kennel/Cattery (Private Residential)
Storage of recreational vehicles and motor vehicle appurtenances
Swimming Pool, Private
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)
Child Care or Preschool
School, College or University
School, Commercial, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)
Amusement Park (Temporary)
Archery Range – Indoor
Firing Range - Indoor
Park
Swimming Pool, Commercial or Public

RETAIL LAND USES (See Section 38-33G and Section 38-53)
Auto/Truck Repair & Service
Cannabis Retailer (Accessory to Cannabis Industry)
Large Equipment Repair & Service (Non-Vehicular)
Large Equipment Repair & Service (Vehicular)
Petroleum/Propane Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-53)
Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
Storage of dismantled or wrecked vehicles & products
Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
Storage outside of buildings of materials, equipment, and supplies not for sale
Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)
Body Shops & Vehicle Painting Establishments
Cannabis Industry
Cannabis Research Laboratory
Construction Yard or Building(s), Temporary

Contractor's Yard (Building/Electrical/Mechanical/Roads/Utilities)
Cottage Industry – Retail or Service
Retail Trade, Business Service Establishment or Offices, any type
Vehicle Repair (Auto/Truck/Heavy Equipment/Motorcycle/Boat/Recreational Vehicle)
Wrecker Services

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

AGRICULTURE & EQUESTRIAN LAND USES (See section 38-33C and Section 38-54)
Racetrack, Animal
Rodeo Arena

RECREATIONAL LAND USES (See section 38-33e and Section 38-54)
Amusement Park – Permanent
Archery Range – Outdoor
Firing Range – Outdoor
Racetrack, Auto/Truck
Sports Complex

RETAIL LAND USES (See Section 38-33G and Section 38-54)
Adult Book/Video Store & Entertainment Establishment

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-54)
Airport, Privately or Publicly Owned
Heliport/Helistop

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures
Waste Transfer Stations/Sewage Treatment Plants

M-3 - INDUSTRIAL HEAVY: The M-3 district is intended to provide for industrial uses that consist of high-intensity industrial and manufacturing uses having physical and operational characteristics that may be offensive and/or hazardous to the surrounding community.

LAND USES ALLOWED

RESIDENTIAL-RELATED LAND USES (See Section 38-33B)
Accessory Uses and Structures
Greenhouse (Non-Commercial), Garden Shed or Tool Shed
Recreational Court, Tennis, etc., Private

AGRICULTURE & EQUESTRIAN LAND USES (See Section 38-33C)
Brewery/Winery

INSTITUTIONAL LAND USES (See Section 38-33D)
Community Buildings - Uses
Detention Facility

RECREATIONAL LAND USES (See Section 38-33E)
Racetrack, Mini, e.g., go-carts

RETAIL LAND USES (See Section 38-33G)

- Auto/Truck Self-Service /Automated or Full Service Wash/Detailing/Detailing
- Gas Station
- Theater, Drive in

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H)

- Distribution Centers
- Freighthouse/Truck Terminal
- Interstate Warehouse/Bulk Storage Facilities
- Ministorage Units
- Parking Facilities, Commercial (Garages & Private Parking Lots)
- Railroad Terminal/Depot
- Trucking Companies
- Wholesale Trade, any product

MANUFACTURING & RELATED LAND USES (See Section 38-33I)

- Acid & Battery Manufacture
- Apparel & Other Textile Products – Clothing
- Body Shops & Vehicle Painting Establishments
- Brooms, Brushes & Vacuums
- Chemical & Allied Products
- Construction Yard or Building(s), Temporary
- Cottage Industry – Retail or Service
- Crematorium
- Dyeing & Engraving Establishments
- Electrical & Electronic Equip. (Computers)
- Extraction of Raw Materials
- Fabricated Metal Products
- Food & Kindred Products
- Furniture & Fixtures
- Frozen Food Lockers
- Glass Cutting & Finishing
- Jewelry, Silverware, & Plated Ware
- Laboratories (Medical/Dental/R & D)
- Leather Products
- Lumber & Wood Products (Sawmill/Planing)
- Machinery, except electrical
- Manufactured Buildings
- Metal Work & Machine Shop
- Motion Picture Production Theater/Studio
- Musical Instruments
- Needles, Pins & Fasteners
- Paper & Allied Products
- Petroleum & Coal Products
- Primary Metal Industries
- Printing & Publishing
- Retail Trade, Business Service Establishment or Offices, any type
- Rubber & Plastic Products
- Signs & Advertising
- Slaughterhouse
- Stone, Glass & Clay Products
- Storage Boxes
- Textile Mill Products (Carpets, Rugs, Hosiery, Threads)
- Tire Manufactures & Recyclers
- Tobacco Manufacturing
- Toys, & Sporting Goods, Dolls, Games
- Transportation Equipment

Upholstery Shop (Vehicle & Furniture)
Writing Utensils (pens/pencils/inked ribbons)

UTILITY LAND USES (See Section 38-33J)
Recycling Centers

LAND USES ALLOWED WITH CONDITIONS

RESIDENTIAL LAND USES (See Section 38-33A and Section 38-53)
Detached, Site-Built, Single Family Dwelling Unit
Dwelling Use (Non primary)
Manufactured Dwelling Unit

RESIDENTIAL-RELATED LAND USES (See Section 38-33B and Section 38-53)
Home Occupation
Kennel/Cattery (Private Residential)
Storage of recreational vehicles and motor vehicle appurtenances
Swimming Pool, Private
Temporary Uses

INSTITUTIONAL LAND USES (See Section 38-33D and Section 38-53)
Child Care or Preschool
School, Commercial, Trade or Technical

RECREATIONAL LAND USES (See Section 38-33E and Section 38-53)
Amusement Park (Temporary)
Archery Range – Indoor
Firing Range - Indoor
Park

RETAIL LAND USES (See Section 38-33G and Section 38-53)
Large Equipment Repair & Service (Non-Vehicular)
Large Equipment Repair & Service (Vehicular)
Petroleum/Propane Sales

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES
(See Section 38-33H and Section 38-53)
Above Ground Storage Tanks for Flammable and Combustible Liquids and LP Gas
Storage of dismantled or wrecked vehicles & products
Storage/Display of merchandise for sale (except manufactured buildings, mobile homes & operable cars, trucks, motorcycles and RVs)
Storage outside of buildings of materials, equipment, and supplies not for sale
Storage, warehousing accessory to Office, Retail Service or Industry

MANUFACTURING & RELATED LAND USES (See Section 38-33I and Section 38-53)
Body Shops & Vehicle Painting Establishments
Cannabis Industry
Cannabis Research Laboratory
Contractor's Yard (Building/Electrical/Mechanical/Roads/Utilities)
Vehicle Repair (Auto/Truck/Heavy Equipment/Motorcycle/Boat/Recreational Vehicle)
Wrecker Services

UTILITY LAND USES (See Section 38-33J, Section 38-53 and Section 38-59)
Antenna, Towers, Communication Structures, and Other Vertical Structures
Face Mount (Attached to Primary Use)
Public/Private Utility Installation

LAND USES ALLOWED REQUIRING A SPECIAL USE PERMIT

AGRICULTURE & EQUESTRIAN LAND USES (See section 38-33C and Section 38-54)

Racetrack, Animal
Rodeo Arena

RECREATIONAL LAND USES (See section 38-33e and Section 38-54)

Amusement Park – Permanent
Archery Range – Outdoor
Firing Range – Outdoor
Racetrack, Auto/Truck
Sports Complex

RETAIL LAND USES (See Section 38-33G and Section 38-54)

Adult Book/Video Store & Entertainment Establishment

TRANSPORTATION, WHOLESALE TRADE, WAREHOUSING & BULK STORAGE LAND USES

(See Section 38-33H and Section 38-54)

Airport, Privately or Publicly Owned
Heliport/Helistop

UTILITY LAND USES (See Section 38-33J, Section 38-54, and Section 38-59)

Antenna, Towers, Communication Structures, and Other Vertical Structures
Waste Transfer Stations/Sewage Treatment Plants

Sec. 38-32D DEVELOPMENT STANDARDS – OFFICE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS: Development standards identified in Matrix 1 are in addition to the following:

STANDARD	O-1	O-2	C-1	C-2	C-3*	M-T	M1 / M2	M-3
Lot/parcel/tract area - Minimum (sq ft) - Maximum (sq ft)	5,000 32,670	5,000 NA	5,000 32,670	10,000 43,560	21,780 NA	5,000 87,120	15,000 NA	25,000 NA
Min. parcel dimensions - Depth/Width (feet)	70/60	70/60	70/60	70/60	70/60	70/60	70/60	70/60
Min. Bldg. Setback - Front Yard (feet) - Rear Yard (feet) 1 - Side Yard (feet) 1 - Side, Second St.	20 15 5 15	15 15 or 0 ** 5 or 0 ** 15	20 15 5 15	15 15 or 0 ** 5 or 0 ** 15	15 15 or 0 ** 5 or 0 ** 15	15 15 or 0 ** 5 or 0 ** 15	15 15 or 0 ** 20 or 0 ** 15	15 15 or 0 ** 20 or 0 ** 15
Maximum Building Gross Floor Area Square Footage	2,500 (2)	NA	2,500 (Individual Use or Center) (2)	NA				
Max. Height **(feet)	35	60	35	45	60	60	60	60
Recommended Roadway Access	NA	Major Local	NA	Major Local	Minor Arterial or any intersection with a Major Arterial	Access to or located on a Collector	Access to or located on a Collector	Access to or located on a Arterial

* See Recreational Vehicle Park Sec. 38-57. NOTE: Recreational Vehicle Park minimum size is two (2) acres.

** See the Exceptions and Modifications Sec. 38-62.

*** See the Antennas, Towers, Communication Structures, and Other Vertical Structures, Sec. 38-59.

1. Requirements of the Building Permit Code related to fire resistant construction shall apply in the case of no setback.
2. A Special Use Permit, Sec. 38-54, is required for square footage in excess of the maximum stated. The Special Use Permit, however, may only be used to grant a single business/use (non-center) additional square footage not to exceed 2,000 square feet for C-1 and 6,000 square feet for C-2.

Other Regulations: The regulations in this Section list unique conditions for land uses and development standards in these zoning districts. Other regulations, e.g., parking, signs, found in other sections of this Code also apply. Sites within special zoning districts, e.g., overlay zones, may be subject to different regulations.

Sec. 38-54. Special Use Permits

A GENERAL PROVISIONS AND PROCEDURES. A Special Use is a use that is not permitted by right in a zoning district. A Special Use requires review and approval by the Planning and Zoning Commission to determine impacts on the surrounding area. The procedures for such approval are as follows:

1. PRE-APPLICATION PROCEDURES. Any proposed Special Use Permit shall first be reviewed at a pre-application meeting scheduled and held by the Community Development staff. The pre-application process shall be subject to the provisions provided for in Section 38-10 C. This meeting does not require a written application or fee. The results of this meeting shall not obligate the Planning and Zoning Commission or City Council.
2. APPLICATION PROCEDURES. An official application, including the Development Statement, for a Special Use Permit shall be obtained from the Community Development Department. Application requirements shall include, but not be limited to:
 - a. A letter of intent stating the following:
 - 1) A statement of the purpose and use of the property,
 - 2) All property improvements to be made, and
 - 3) A development schedule indicating the approximate dates at which construction or phases of construction will begin and end.
 - b. An accurate and complete boundary survey shall be made of the land to be developed. Property lines shall be shown giving the bearings in degrees, minutes and seconds. Distances shall be shown in feet and hundredths. Curved boundaries or lines on the survey shall provide sufficient data to enable the re-establishment of curves on the property. The location and description of all monuments set or found shall be included where applicable. If only part of the property is to be used for the Special Use, the limits or boundary of the Special Use shall be described in addition to the entire property.
 - c. Site Plans. The site plans shall be at a scale that adequately represents the information as determined by the Community Development Director or designee. The plans shall be prepared on sheets of paper that are at least 8 $\frac{1}{2}$ " x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The plans shall indicate the following:
 - 1) Title of site plan.
 - 2) Total acreage of site.
 - 3) Date of preparation, north arrow, written and graphic scale.
 - 4) Identification of site by lot, block, subdivision, if applicable.
 - 5) A statement of ownership, signed by the property owner, that

- complies with Section 38-10.C.8).
- 6) Name and address of property owner.
- 7) Name and address of applicant, if applicable.
- 8) Name and address of consulting firm or representative, if applicable.
- 9) Location and type of all land uses.
- 10) All site improvements with all setbacks indicated.
- 11) Dimensions of all buildings.
- 12) Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way.
- 13) A landscaping plan, to include the location, size, common name, and biological name of all landscaping materials.
- 14) Where applicable, pedestrian and bicycle circulation system, and its relation to surrounding circulation.
- 15) Where applicable, location and arrangement of all open space, common recreational space, and private open space.

d. Architectural renderings or artistic drawings. The drawings shall be prepared on sheets of paper that are at least 8½" x 11" in size. Copies provided shall be legible and of a good quality, with no limit to the number of sheets used. The drawings shall illustrate the following:

- 1) All new development illustrating all exterior building materials and colors.
- 2) All new development illustrating relationships to neighboring uses, including site lighting.
- 3) Sign location, materials, color, size, shape, and lighting.

A drainage facilities plan, environmental impact statement and/or other items not listed above may be required by the Community Development Director or designee, or the Planning and Zoning Commission.

Application materials which are illegible and/or otherwise of a low quality will not be accepted.

A portion of the submittal requirements may not be required in all cases. Upon receipt of a written request justifying the deletion of required information, the Community Development Director or designee may waive any submittal requirement. The Planning and Zoning Commission may require additional items and resulting information in addition to the submittal requirements as per this section. Additional items and/or information requested by staff may include, but not be limited to, the need for early notification to a neighborhood group(s) and/or defined noticed area. Additional requests shall be justified in writing. The City Council may require additional information before acting on an appeal.

Special Use Permit applications processed via the IDP for residential uses may exclude the landscaping plan and schedule as part of the submittal. All landscaping

requirements of the City Design Standards shall be complied with at time of construction.

- e. Copy of early notification letter to neighborhood group(s) and/or defined noticed area and copy of minutes (summary or verbatim) from any required meeting pursuant to Section 38-10 C. 1. (d) (v).
3. PUBLIC HEARING AND NOTICE PROCEDURE. A public hearing shall be held by the Planning and Zoning Commission for all Special Use Permits in accordance with the provisions of Section 38-10 of this Code.
4. REVIEW AND APPROVAL PROCEDURES. The Planning and Zoning Commission may deny a Special Use Permit request or may grant final approval including the minimum conditions listed in Paragraph 38-54B. Also, approval may be granted with additional conditions imposed which are deemed necessary to implement the Comprehensive Plan and Plan elements and to insure that the purpose and intent of this Code are met to protect and provide safeguards for persons and property in the vicinity. Appeal of a Planning and Zoning Commission decision may be made to the City Council in accord with the provision of Section 38-13.
5. TIME LIMITATIONS, REVOCATIONS, AND DEVELOPMENT STANDARDS. In addition to the imposition of conditions, the Planning and Zoning Commission may impose a time limitation on the Special Use Permit. If a Special Use is discontinued for a period of one (1) year, said permit shall automatically be revoked. If a certificate of occupancy and/or a business registration is not issued for the property with the Special Use Permit within two years from the date of Planning and Zoning Commission approval, or if appealed, City Council approval, the Special Use Permit shall be revoked automatically. All improvements shall be in accord with the development standards within the district, except as otherwise authorized by the Special Use Permit. There shall be no major revisions in the approved Special Use site plan, except as approved by the Planning and Zoning Commission, or if appealed, approved by City Council.

Any major revision proposed to the Special Use Permit and site plan shall require resubmittal of the Special Use Permit and site plan in their entirety. Minor revisions are those changes that are not major and may be approved by the Community Development Director or designee. Major revisions to the Special Use Permit and site plan shall include, but are not limited to:

- a. Any change in land use,
- b. Fifteen (15) percent cumulative increase in land use or building square footage,
- c. Fifteen (15) percent cumulative increase in vehicular traffic on any roadway segment or intersection,
- d. Any increase or decrease in size of the Special Use area,
- e. Any reduction in screening, bufferyards and setbacks at the Special Use boundary line,

- f. Fifteen (15) percent cumulative increase in the buildable area for structures including signs, and
 - g. Reduction or elimination of time limitations.
 - h. Renewal of the Special Use Permit.
 - 6. RECORDING OF THE SPECIAL USE PERMIT. After approval, the Special Use Permit shall be issued by the Community Development Director or designee and shall include all information, conditions, reference to site plans, and other provisions of the Special Use. The Special Use Permit shall be filed in the Dona Ana County property records. The Special Use Permit shall not become effective until adequate evidence of filing in County records has been provided to the Community Development Director or designee. Approval of a Special Use Permit is not a zoning district change.
- B. SPECIAL USES ENUMERATED. The following are special uses that may be approved by the Planning and Zoning Commission in accord with the provisions and conditions of this Section. The Planning and Zoning Commission may, at its discretion, impose additional conditions when deemed necessary. Such uses may be approved only within the districts stipulated.

Sec. 38-33G Adult Bookstore/Video Store or Adult Amusement Establishment (M1/M2, and M-3). These uses shall be permitted provided:

- 1. Such uses are located at a minimum of 1,000 feet from a property line of a:
 - a. school;
 - b. church;
 - c. nursery/day care;
 - d. public park or recreational facility; and
 - e. residential zoning district;
- 2. These uses shall be permitted provided such uses are located at a minimum of 500 feet from the property line of a liquor establishment. The distance shall be measured from the Adult Bookstore/Video Store or the Adult Amusement Establishment to the property line of the liquor establishment; and
- 3. The operator of an Adult Bookstore/Video Store or Adult Amusement Establishment shall affix a sign to the exterior wall nearest the primary entrance to the structure in which such enterprise is located. Such signs shall be 36" x 18", shall have red lettering (letters shall be 2" in width and 3" in height) on a white background and it shall state as follows:

WARNING:

**ADULT BOOKSTORE/VIDEO STORE.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.**

or

WARNING:

**ADULT AMUSEMENT ESTABLISHMENT.
THE BUSINESS WITHIN IS SEXUALLY ORIENTED.**

4. Distance measurements shall include streets, alleys, channels, canals, other public rights-of-way and railroad right-of-way.

Sec. 38-33H Airport, Privately and Publicly Owned (C-2, C-3, M1/M2 and M-3). The Las Cruces International Airport (LCIA) property is zoned M-3(Conditional). The condition is that land uses will be in accordance with current City-Federal (Federal Aviation Administration) agreements and the adopted LCIA Master Plan. Parking, drainage, landscaping and other development standards are determined by the City Council through Chapter 7.5 of the Municipal Code, as amended, and Resolution 98-371, as amended. The LCIA Master Plan substitutes for a Special Use Permit. No special use permit is required.

Properties within 20,000 feet of an active runway at any airport will not be allowed to conduct land uses that would violate Federal Airspace Protection Regulations, including 14 CFR (Code of Federal Regulations), Part 77.

All other airports shall comply with 14 CFR, Part 77. Development standards, e.g., parking requirements, required runway paving standards, land uses will be determined as part of the Special Use Permit (SUP) review process. A Noise Exposure Study shall be submitted with the SUP application.

Sec. 38-33J Antennas, Towers, Communication Structures and Other Vertical Structures (All zoning districts). See Section 38-59.

Sec. 38-33E Amusement Park (Permanent)(EE, RE, REM, C-3, MT, M1/M2 and M-3). See Section 38-33E.

Sec. 38-33E Archery and Firing Range, Outdoor (OS-R, C-3, M1/M2, and M-3). See Section 38-33E.

Sec. 38-33G Auto/Truck Full or Self-Service/Automated Wash/Wax/Detailing (CBD). See Section 38-43.

Sec. 38-33G Auto/Truck Repair & Service (CBD). See Section 38-43.

Sec. 38-33A Boarding House (CBD). See Section 38-43.

Sec. 38-33C Brewery and Winery(EE and REM).

Sec. 38-43 Building Height over 50 feet (CBD).

Sec. 38-33A Campground (C-3, and M1/M2). See Section 38-57.

Sec. 38-33C Cannabis Microbusiness (EE and REM). Such uses shall be accessory to a primary residence and shall be located in a fully enclosed accessory structure located no less than 100 feet from adjacent residences excluding any residence on the same property on which the cannabis microbusiness is proposed. Cannabis products for retail sale shall be derived from those cultivated on-site. Parking minimums shall be based on the specific use(s) as outlined in Sec. 38-33.

~~Sec 38-33G Cannabis Retailer (C-1, C-2 and C-3). Allows decreased minimum distance requirement from a residential zone and/or from another cannabis retailer.~~

Sec. 38-33D Cemetery/Columbarium (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM and R-1bM). Any cemetery site shall contain at least five (5) acres and shall be located on a major local or higher designated roadway. A Columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

Sec. 38-33D Group Child Care Home (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM and R-2).

Sec. 38-33E Country Club, Golf Course and/or Driving Range (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, and OS-R). There shall be screening and buffering on property lines abutting residential areas and no structures shall be within fifty (50) feet of a residential property line. The parking areas for these uses shall have access to a collector or higher designated roadway. Country clubs within the OS-R zone shall be designed in concert with a golf course or similar large open area.

Sec. 38-33I Extraction of Raw Materials (Not to include Manufacture, Processing or Treatment) (EE, RE, and REM). Such uses shall be a minimum of four hundred (400) feet from a residential district boundary or from an existing residential property. Uses shall not create a significance nuisance due to noise, odor, pollution, traffic or other similar problems. See Section 38-33I.

Sec. 38-33G Gas Station (CBD). See Section 38-43.

Sec. 38-33A Halfway House (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3 and R-4).

Sec. 38-33H Heliport/Helistop (EE, REM, R-4, O-2, C-2, C-3, M1/M2 and M-3). Use shall be in accordance with federal Airspace Protection Regulations, including 14 CFR, Part 77.

Sec. 38-33C Racetrack, Animal/Rodeo Arena (EE, RE-Mobile, C-3, M1/M2 and M-3)

Sec. 38-33E Racetrack, Auto/Truck (M-3).

Sec. 38-32D Single Business/Use (Non-Center) - Increased Square Footage Above Maximum (C-1 and C-2). Additional square footage not to exceed 2,000 may be granted in the C-1 district. Additional square footage not to exceed 6,000 may be granted in the C-2 district.

Sec. 38-33E Sports Complex/Stadium: Baseball, Football, Soccer, Softball, Track, etc. (EE, REM, C-3, M1/M2, and M-3). Parking and structures shall be located a minimum of three hundred (300) feet from any residential zoning district boundary.

Sec. 38-33J Waste Transfer Stations/Sewage Treatment Plants (M1/M2 and M-3). Use shall be located at least 300 feet from any residential zoning district boundary.

Sec. 38-55. RESERVED

Sec. 38-53. Conditional Uses

The following land uses are permitted in the zoning districts listed by complying with the specific conditions described. Other conditions and requirements, e.g., parking, walls and fences, that apply to all land uses are found in other sections of this Code. There also may be requirements in the Municipal Code with which specific land uses must comply.

Sec. 38-33H Above Ground Storage Tanks for Flammable and Combustible Liquids and Liquid Petroleum (LP) Gas (All zoning districts). Tanks shall be permitted only when meeting Uniform Fire Code requirements as adopted by the City of Las Cruces, when receiving approval from the Las Cruces Fire Department, or when receiving approval from the State of New Mexico LP Gas Bureau. This provision also applies to Contractor's Yard installations.

Sec. 38-33A Accessory Dwelling Unit (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, and R-1bM). (See Guest Dwelling in this section.) This use is intended to allow flexibility in existing and proposed housing designs in order to better accommodate family living arrangements which often result due to growing economic and social demands and/or impacts. Accessory dwelling unit means a self- contained living quarter containing independent kitchen (cooking/culinary) facilities attached to and under the same roof as the main dwelling, created by:

1. The conversion of an existing single-family dwelling, or
2. The addition to an existing single-family dwelling, or
3. The incorporation of applicable areas into a new single-family dwelling design which is subsequently constructed.

This use shall be permitted provided:

- a) Owner of record shall reside in either the main or accessory dwelling unit for a minimum of six (6) months of each calendar year. Instances where non-residency occurs in excess of six months due to a legitimate illness or accident requiring hospitalization or special care shall be exempt from this provision; and
- b) No more than one accessory dwelling unit shall exist per single-family dwelling/lot; and
- c) Accessory dwelling units shall be created solely to accommodate those related to the family. Actual occupancy is subject to Item a) above; and
- d) A maximum permitted increase to the size of an existing dwelling for purposes of an accessory unit shall be 30% of the heated/cooled floor area. No more than 30% of the heated/cooled floor area for new construction may be allocated for the accessory dwelling unit; and

- e) Exclusive of the applicant's proposal, no more than 10% of single-family dwellings, in zoning districts that permit single-family dwellings, within a 500 foot radius of the applicant's property (measurement shall be from property line to property line exclusive of rights-of-way) shall have accessory dwelling units. If there are no appropriately zoned properties within the radius measured, the proposal shall be considered as meeting the 10% requirement; and
- f) The lot/parcel proposed for such use shall meet the minimum area requirements of the zoning district; and
- g) Every effort shall be made to avoid additional entrances or other visible changes on the facade of the house facing the street. Modifications or initial designs shall to the extent possible, conform to the overall design of the house. Exterior materials used for the accessory unit shall, to the extent possible, be of a compatible color, texture, and type; and
- h) Accessory dwelling units shall retain direct internal access to the main dwelling in a manner that will allow easy reconversion back as part of the single-family unit (single kitchen). Accessory dwelling units created through an addition or designated as such in new construction, shall be connected to the main dwelling by a common wall(s). A minimum of four (4) feet, including a doorway at least three (3) feet wide, of the accessory unit's common wall(s) length shall be used in the connection. Direct internal access to the accessory living areas shall exist through functional/integral living areas such as a living room, family room, main hallway, etc. Ancillary hallways, garages, laundry rooms, or similar areas shall not serve as the sole connecting facility; and
- i) Landscaping shall be used, to the extent possible, to minimize the impact to adjacent properties; and
- j) Accessory dwelling unit shall conform to Section 38-53, Off-Street Parking requirements; and
- k) The accessory dwelling unit use shall be discontinued on the grounds of non-compliance with any applicable conditions, codes, or ordinances and thereby, require reconversion back as a single-family dwelling. A change in ownership of property where an accessory dwelling unit exists for a person(s) who is/are no longer a family member of the accessory dwelling unit occupant or a change in the intended accessory dwelling unit occupancy status shall cause said use to immediately become void. In such instances, it shall be the responsibility of the new/present owner to either apply for continued accessory unit use or reconvert the structure back to a single-family unit as required pursuant to all applicable regulations.

Sec. 38-33A Apartment (R-4). The residential uses identified may be used; however, in their use the minimum density threshold shall be met.

Sec. 38-33F Bank, Bonding & Financial Institution/Facility (Drive Thru including ATM & other electronic banking drive thru) (O-2, C-2, and C-3). Stacking lanes shall be provided and designed to insure that no bank or ATM traffic backs into the street giving access to the bank. Banks or ATMs shall have access to a major local or higher designated roadway. For stacking lane requirements, see Section 38-58.

Sec. 38-33A Bed and Breakfast (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, O-1, O-2, C-1 and C-2). This land use shall have direct access to at least a major local-designated roadway. In the EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, O-1 and C-1 zoning districts, the number of rooms is limited to eight (8). In the R-4, O-2 and C-2 zoning districts, the number of rooms is limited to fifteen (15). In application of Matrix 1, overall design of buildings and/or site design shall be consistent with the residential neighborhood, architecturally compatible with existing buildings or be architecturally compatible with building types normally found in the zoning district in which it is located. All parking shall be screened from view along any street.

Sec. 38-33G Cannabis Retailer (C-1, C-2, C-3). Cannabis establishments shall comply with all State of New Mexico regulatory and licensing requirements. Cannabis retailers shall be located 300 feet from a school or daycare, excepting commercial schools and schools of higher learning serving those 18 years and older. ~~Further, no cannabis retailer in C-1, C-2 or C-3 zoning districts shall be located closer than 300 feet to a single-family residential zone and shall not be closer than 300 feet to another cannabis retailer unless a special-use permit is obtained per Sec. 33-54.~~ On-site consumption of cannabis is limited to indoors and is entirely prohibited in the C-1 zoning district.

Sec. 38-33G Cannabis Retailer (M-1/M-2). Cannabis establishments shall comply with all State of New Mexico regulatory and licensing requirements. A cannabis retailer in the M-1/M-2 zoning district is only permissible as accessory to a cannabis industry and is limited to 5,000 square feet of retail sales space or retail sales space limited to 49% of the total building square footage, whichever is less. On-site consumption of cannabis is limited to indoors.

Sec. 38-33D Cemetery/Columbarium (R-2, R-3, R-4). Any cemetery site shall contain at least five (5) acres and shall be located on a major local or higher designated roadway. A Columbarium shall be located on a major local or higher designated roadway with the lot size meeting the zoning district minimum lot size.

Sec. 38-33D Child Care or Preschool (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, MT, M1/M2 and M-3). Child Care Center, Group Child Care Home, Family Child Care Home, preschool, nursery school, day nursery, kindergarten and similar uses shall be in accord with State licensing requirements. Care of thirteen (13) or more children at one time is prohibited in the residential zoning districts listed. When provided in industrial zoning districts, Child Care Center shall be accessory to industrial uses and shall be within buildings of one of the industrial uses served. See Section 38-52, Home Occupation Business Registration, for babysitting

service/child care when twelve (12) or fewer children are cared for.

Sec. 38-33D Community Buildings - Uses: Public or Private (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, and OS-R). These uses shall be located on a collector or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33I Construction Yard or Building(s) (Temporary) (All zoning districts). Such yard or building(s), including a mobile home or recreational vehicle for a temporary residence or construction office, or any other facilities or arrangement approved by the Community Development Director or designee shall be removed upon completion of construction and in compliance with the Chapter 30 of the Municipal Code. Construction yards and buildings or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five (5) feet in height.

Sec. 38-33A Guest Dwelling (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, and R-1bM). (See Accessory Dwelling Unit in this section.) No more than one guest dwelling shall be permitted per lot with a single-family dwelling. A guest dwelling may be attached to or detached from a single-family unit. The guest dwelling shall be no more than fifty percent (50%) of the main dwelling's heated/cooled square footage and shall not contain a kitchen. A guest dwelling that is not part of the main dwelling is considered an accessory building and shall meet the requirements for accessory buildings, including setback and size restrictions. A guest dwelling is to be used for temporary occupancy only and is not to be rented or leased. Properties using a septic tank may not have a separate septic tank for a guest dwelling.

Sec. 38-33H Parking Facilities, Commercial (Garages & Parking Lots) (R-4). Parking lots must be within five hundred (500) feet of any office, commercial, or industrial use or zoning district. The parking area shall be suitably landscaped, paved and drained, lighted, and maintained free of debris. (See Section 38-58)

Sec. 38-33E Park, Public and Private (All zoning districts).

- Neighborhood Parks: Generally, these parks will be up to ten (10) acres in size. Commercial amusements, circuses, carnivals, craft fairs, etc., shall be prohibited. Only recreational activities and neighborhood affairs, such as, concerts, may be permitted.
- Community Parks: Generally, these parks will be up to 100 acres, but not less than 10 acres in size, and should be located on a minor arterial or higher designated roadway. Recreational activities, concerts, craft fairs may be permitted.
- Regional Parks: Generally, these parks will be more than 100 acres in size and should be located on a major arterial. All types of recreational activities and high intensity uses (carnivals and circuses) amusements, concerts, and craft fairs may be permitted.

All uses proposed to be located in City parks shall comply with Chapter 20 of the Municipal Code.

Sec. 38-33G Private Club or Lodge (EE, RE, REM, R-1c, R-1a, R-1b, R-1cM, R-1aM, R-1bM, R-2, R-3, R-4, and OS-R). A private club or lodge shall be located on a major local or higher designated street. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33J Public/Private Utility Installations, e.g., substations, waterwells, transformers, regulators, lift stations, telecommunication site (All zoning districts). The site shall be developed and maintained in conformance with the general character and appearance of the district, and such development shall include landscaping and suitable opaque screening in the form of a solid wall, fence or compact shrubbery around the entire perimeter of the lot or tract, or around the installation itself in cases such as transformers. A wall or fence may be up to ten (10) feet high.

Sec. 38-33D Religious Institutions (Over Ten (10) Persons)/Columbarium (All zoning districts except Industrial). Religious institutions, with or without a columbarium, shall be located on a major local or higher designated roadway. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33D Schools (K-12) Public, Private, Parochial/College or University/ Commercial, Trade or Technical (For zoning districts, see page Section 38-33D). Elementary, Middle or High Schools shall be located on a collector or higher designated roadway. Commercial, Trade or Technical Schools, College or University shall be located on a minor arterial or higher designated roadway. All sites shall have a minimum of one (1) acre. Structures or parking located within twenty-five (25) feet of a residential zoning district shall provide an opaque buffer consisting of landscape and walls or fences. Dumpsters or other garbage collection facilities shall not be located within twenty-five (25) feet of property used for residential purposes.

Sec. 38-33E Swimming Pool, Commercial or Public (All zoning districts except O-1, C-1 and M-3). A protective fence or wall no less than six (6) feet in height, measured from the highest abutting property, shall be provided which completely encloses the pool area, and the pool shall be no closer than twenty-five (25) feet from any property line. Approval from the electric utility is required to ensure safety. (See Section 38-60)



Cannabis Business Registrations



Attachment 2

Total New BRs:

Submit Date	Business License	Issue Year	Issue Month	Record Status	DBA Business Name	Contact Name	Business Type	Description	Location Address	Employees
03/23/2022	24654-22-APP	2022	8	Issued	FRATELLI INVESTMENT GROUP LLC	CARLOS CASILLAS	RETAIL	RETAIL OF CANNABIS	908 S SOLANO DR	5
04/25/2022	24752-22-APP	2022	8	Issued	MONSTER HOUSE	MAGGIE MARBLE	RETAIL	RETAIL CANNABIS DISPENSARY	301 N SOLANO DR STE 8	4
06/21/2022	24921-22-APP	2022	7	Issued	MASBUDS LLC	RONALD BENDER	RETAIL	RETAIL BUSINESS SELLING CANNABIS FOR RECREATIONAL PURPOSES	142 WYATT DR	2
10/06/2021	24141-21-APP	2022	6	Issued	EVEREST APOTHECARY INC.	TRISHELLE KIRK	RETAIL	MEDICAL CANNABIS SALES	1240 S VALLEY DR STE D	90
09/22/2021	24150-21-APP	2022	5	Issued	VIDA VERDE VENTURES, LLC	NICOLE FUCHS	AGRICULTURE	GREENHOUSE OPERATIONS AND AGRICULTURAL BROKER.	9035 ADVANCEMENT AVE BLDG E	1
10/14/2021	24170-21-APP	2022	5	Issued	DO WAT I WANT INDUSTRIES	JONATHAN MIRABAL	RETAIL	RECREATIONAL CANNABIS RETAIL ESTABLISHMENT	1770 S TELSHOR, SUITE C, LAS CRUCES, NM 88011	1
01/18/2022	24456-22-APP	2022	5	Issued	CANNAVERSE LLC	RICHARD SMITH	RETAIL	TO PROVIDE OUR CLIENTS WITH GOODS AND SERVICES	2305 NEVADA AVENUE, LAS CRUCES, NM 88001	5
02/25/2022	24590-22-APP	2022	4	Issued	SOL CANNABIS LLC	BRETT BURKE	RETAIL	SOL CANNABIS IS AN ADULT USE RECREATIONAL AND MEDICAL DISPENSARY. THE LOCATION INCLUDES A FULL KITCHEN, AND A PORTION OF THE BUILDING FOR MANUFACTURING/PACKAGING, AS WELL AS A CONSUMPTION LOUNGE. WE HAVE APPLIED TO THE STATE FOR A VERTICALLY INTEGRATED LICENSE. WE CURRENTLY HAVE ZONING,	523 IDAHO AVE	16
03/23/2022	24650-22-APP	2022	4	Issued	HASHTAG CANNABIS LLC	ERIC MADRID	RETAIL	RETAIL CANNABIS SALES	2460 MISSOURI AVE	4
08/25/2021	24022-21-APP	2022	3	Issued	GREENGO NM LLC	NORA LANCASTER	OTHER		2000 E LOHMAN AVE STE E	1
12/11/2021	24342-21-APP	2022	3	Issued	MICAH BAILEY	MICAH BAILEY	TRANSPORTATION	TRANSPORTING OF CANNABIS PER 16.8.2.8 BB (D) NMAC	2049 S TRIVIZ DR APT E17	1
01/10/2022	24441-22-APP	2022	3	Issued	V&S ENTERPRISES LLC	VERONICA SAENZ	AGRICULTURE	CANNABIS PRODUCER MICROBUSINESS	9035 ADVANCEMENT AVE A	2
02/10/2022	24528-22-APP	2022	3	Issued	ORGAN MOUNTAIN ORGANIX LLC	HAILY VAUGHAN	RETAIL	CBD, CANNABIS AND NOVELTY GIFT STORE	1300 EL PASEO RD STE 280	4
02/18/2022	24546-22-APP	2022	3	Issued	BEST BUDZ	JOSE ZAVALA	RETAIL	RETAIL SALES	505 N VALLEY DR	4
03/16/2022	24627-22-APP	2022	3	Issued	ORYX KING, LLC	NICOLE FUCHS	AGRICULTURE	CANNABIS PRODUCTION	9035 ADVANCEMENT AVE BLDG B	2
03/16/2022	24628-22-APP	2022	3	Issued	AKESO BOTANICALS, LLC	NICOLE FUCHS	AGRICULTURE	CANNABIS PRODUCTION	9035 ADVANCEMENT AVE, STE D, LAS CRUCES, NM 88007	2
05/17/2021	23732-21-APP	2021	6	Issued	AKESO BOTANICALS LLC	HAL COFFMAN	MANUFACTURING		200 CONWAY AVE STE B	4
10/21/2020	23144-20-APP	2021	5	Issued	ZIA COLLECTIVE DISPENSARY	CRISANTA L CALDERON	RETAIL		951 N SOLANO DR STE B	2
04/21/2021	23697-21-APP	2021	5	Issued	ROUNDHOUSE RESERVE	JORDAN BARBER	RETAIL		200 S SOLANO DR STE 3	1
02/04/2021	23468-21-APP	2021	2	Issued	RED BARN GROWERS	ELIZABETH BESANCON	OTHER		1405 S VALLEY DR STE 800	9
06/05/2020	22621-20-APP	2020	7	Issued	R. GREENLEAF ORGANICS INC	AUSTIN OVERPECK	RETAIL		2750 MALL DR STE 260	120
05/15/2021	23737-21-APP			Incomplete Submittal	GROTH INDUSTRIES LLC	MATT GROTH	OTHER		2000 W HADLEY AVE	2
09/16/2021	24084-21-APP			Incomplete Submittal	GROBROS	JOEL GREEN	AGRICULTURE	MEDICAL AND RECREATIONAL CANNABIS PRODUCTION FACILITY	2201 N MESQUITE ST STE B	2
11/08/2021	24261-21-APP			Incomplete Submittal	DOUGHDY LLC	JUSTIN KARRENBERG	OTHER	CANNABIS PRODUCTION AND WHOLESALE	2201 N MESQUITE ST, BLDG , LAS CRUCES, NM 88001	5
11/18/2021	24287-21-APP			Incomplete Submittal	GROBROS	JOEL GREEN	AGRICULTURE	CANNABIS CULTIVATION	2201 N MESQUITE ST STE A	2
12/28/2021	24380-21-APP			Incomplete Submittal	RMC NM INC	NATALIE RICKS	RETAIL	RECREATION RETAIL CANNABIS DISPENSARY	304 WYATT DR, SUITE 1, LAS CRUCES, NM 88001	100
02/05/2022	24533-22-APP			Incomplete Submittal	LOS PRIMOS NURSERY LLC	LUIS SENA	LIVE PLANTS	WE ARE A NURSERY WHICH WILL PRODUCE CLONES AND TEENS WITHOUT GROWING ANY MATURE PLANTS	110 N SOLANO DR, BLDG 1/2, LAS CRUCES, NM 88001	5
03/23/2022	24655-22-APP			Incomplete Submittal	THE HOT BOX	CARLOS CASILLAS	RETAIL	RETAIL, MANUFACTURING, AND CONSUMPTION AREA OF CANNABIS PRODUCTS	887 N MAIN ST	5
02/16/2022	24775-22-APP			Incomplete Submittal	PURLIFE	JON WOOD	RETAIL	PURLIFE INC. IS A MEDICAL/RECREATIONAL MARIJUANA PRODUCER, MANUFACTURER AND RETAILER WITH LOCATIONS ALL ACROSS NEW MEXICO. WE HAVE BEEN PROVIDING NEW MEXICANS WITH ALTERNATIVE MEDICINE SINCE 2015. WE HAVE LOCATIONS IN ALBUQUERQUE, LAS CRUCES, FARMINGTON, ALAMOGORDO, HOBBS, RIO RANCHO, T OR C,	2451 N MAIN ST	10
05/16/2022	24823-22-APP			Incomplete Submittal	EVERGREEN PRODUCTS LLC	NICOLE FUCHS	AGRICULTURE	CANNABIS PRODUCTION (GREEN HOUSE)	9035 ADVANCEMENT AVE, STE F, LAS CRUCES, NM 88007	2
06/15/2022	24901-22-APP			Incomplete Submittal	QUEEN BEES COLLECTIVE	VERONICA GARCIA	RETAIL	CANNABIS DISPENSARY RETAIL	600 S SOLANO DR, STE B, LAS CRUCES, NM 88001	6
07/06/2022	24965-22-APP			Incomplete Submittal	URBAN WELLNESS	JORDAN REED	RETAIL	MEDICAL AND RECREATIONAL CANNABIS SALES.	3830 E LOHMAN AVE BLDG 2	15
07/23/2022	25015-22-APP			Incomplete Submittal	CLOUD 9	ERICA ROMERO	RETAIL	THIS IS A CANNABIS RETAIL LOCATION.	169 SKI RUN RD, ALTO, NM 88312	3
07/26/2022	25027-22-APP			Incomplete Submittal	SANDIA BOTANICALS	MICHEAL HAWK	OTHER	CANNABIS DISPENSARY	2517 N MAIN ST STE A	5
07/29/2022	25037-22-APP			Incomplete Submittal	NORTHSTAR LEAF	SALIM PREMJI	RETAIL	STATE-LICENSED ADULT-USE CANNABIS RETAIL	3330 RINCONADA BLVD STE 1	2
08/09/2022	25054-22-APP			Incomplete Submittal	CLOUD 9	ERICA ROMERO	RETAIL	THIS IS A CANNABIS RETAIL ESTABLISHMENT.	3280 RINCONADA BLVD	3
04/13/2022	24723-22-APP			Inspection Phase	ABOVE THE CLOUDS	VERONICA GARCIA	RETAIL	CANNABIS DISPENSARY	600 S SOLANO RD, SPC B, LAS CRUCES, NM 88001	6
04/26/2022	24759-22-APP			Inspection Phase	SMOKEY ROAD FARMS	RYAN STRAND	RETAIL	RECREATIONAL CANNABIS RETAILER	500 W BOUTZ RD STE A	4
04/25/2022	24767-22-APP			Inspection Phase	LOS PRIMOS FARMS	LUIS SENA	AGRICULTURE	INTEGRATED CANNABIS MICRO BUSINESS	110 N SOLANO DR, #1/2, LAS CRUCES, NM	7
05/02/2022	24772-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	MANUFACTURING	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	390 N SEVENTEENTH ST	5
05/02/2022	24773-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	700 S TELSHOR BLVD STE 1502	5
05/02/2022	24776-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	1128 S SOLANO DR	5
05/12/2022	24810-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	580 S VALLEY DR STE 300	10
05/12/2022	24811-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	AGRICULTURE	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	1510 W AMADOR AVE STE A	10
05/12/2022	24812-22-APP			Inspection Phase	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	1685 N MAIN ST	10
05/11/2022	24831-22-APP			Inspection Phase	THE BLOOM MANAGEMENT GROUP	TRAVAGHN COLWELL	RETAIL	CANNABIS RETAIL SHOP	615 E LOHMAN AVE STE A	7
05/23/2022	24841-22-APP			Inspection Phase	OTC NM LLC	NORMAN YOUSIF	RETAIL	THE BUSINESS CONDUCTS THE RETAIL SALE OF RECREATIONAL CANNABIS AND CANNABIS GOODS TO QUALIFIED CUSTOMERS OVER THE AGE OF 21	750 S MAIN ST	10
06/02/2022	24863-22-APP			Inspection Phase	THE KITCHEN	CEARA ANGEL	FOOD SERVICE	RETAIL COTTAGE BAKERY WITH CANNABIS INFUSED PRODUCTS	300 N MAIN ST, LAS CRUCES, NM 88001	4
04/21/2022	24887-22-APP			Inspection Phase	CINDER CANNABIS	JUSTIN PETERSON	RETAIL	CANNABIS RETAIL STORE	4420 N SONOMA RANCH BLVD STE C	20
06/17/2022	24912-22-APP			Inspection Phase	MYCBPLUS LLC	SAM UKPEDINJAGBA	RETAIL	CANNABIS DISPENSARY	1030 EL PASEO RD	6

07/14/2022	24982-22-APP	Inspection Phase	R. GREENLEAF ORGANICS, INC.	RYAN ORDORICA	RETAIL	CANNABIS RETAILER OF MEDICAL AND RECREATIONAL ADULT USE CANNABIS	775 S TELSHER BLVD	20
07/18/2022	24995-22-APP	Inspection Phase	FCI OF NEW MEXICO	CODY FISHER	RETAIL	CANNABIS RETAIL	140 W PICACHO AVE	50
07/20/2022	25004-22-APP	Inspection Phase	LOUD LEAFS LLC	ERIC MADRID	AGRICULTURE	INTEGRATED CANNABIS MICRO BUSINESS	2460 MISSOURI AVE	4
07/22/2022	25012-22-APP	Inspection Phase	CANNA*CO*LC	CORRINA STRAUSS	RETAIL	CANNABIS RETAIL	606 N MESQUITE ST	2
07/25/2022	25020-22-APP	Inspection Phase	ALTER EGO CULTIVATION	JASON ESCOBAR	AGRICULTURE	CANNABIS CULTIVATION	1720 W HADLEY AVE UNIT E	1
07/26/2022	25026-22-APP	Inspection Phase	JACKPOT DISPENSARY	JACQUIES WILLIAMS	RETAIL	RETAIL	1275 W PICACHO AVE	2
08/30/2021	24043-21-APP	Pending	HIGH DESERT GROWERS	RYAN MAJOR	AGRICULTURE	CANNABIS MICROBUSINESS	7330 SHANNON RD	1
09/15/2021	24080-21-APP	Pending	LA YERBA BUENA NM<	JOHN SERRANO	AGRICULTURE	INDOOR CANNABIS GROW	401 N SEVENTEENTH ST STE 7	3
09/08/2021	24066-21-APP	Revisions Required	ORGAN MOUNTAIN WELLNESS LLC	SOMMER MARTIN	AGRICULTURE	CANNABIS CULTIVATION	205 W BOUTZ RD, BLDG 1, LAS CRUCES, NM 88005	5
09/13/2021	24103-21-APP	Revisions Required	DRAGOONS LAIR LLC	ELI SALCIDO	AGRICULTURE	AN INDOOR MICRO-GROW PRODUCER OF LESS THAN 200 CANNABIS PLANTS.	3495 BATAAN MEMORIAL WEST STE D	2
10/15/2021	24173-21-APP	Revisions Required	TOP CROP	NICK SPOOR	RETAIL	CANNABIS RETAIL DISPENSARY	2240 E LOHMAN AVE	10
10/07/2021	24174-21-APP	Revisions Required	ORGAN MOUNTAIN GROWERS, INC.	STEVEN BURLBAW	AGRICULTURE	CANNABIS PRODUCER OPERATION	430 N COMPRESS RD	12
10/10/2021	24177-21-APP	Revisions Required	ORIGIN GREENLIGHTS	REYES ESPINOZA	WHOLESALE	ORIGIN GREENLIGHTS IS A CANNABIS PRODUCER MICROBUSINESS WHOLESALING NO MORE THAN 200 MATURE PLANTS, OR THEIR BYPRODUCTS, AT ANY ONE TIME WITHIN THE STATE OF NEW MEXICO. THIS COMMERCIAL CANNABIS ACTIVITY WILL BE CARRIED OUT BY EMPLOYEES AND UPPER-LEVEL MANAGEMENT TO INCREASE NEW MEXICO'S GLOBAL AND NATIONAL APPEAL. THE CANNABIS PRODUCTS FROM ORIGIN GREENLIGHTS WILL BE SOLD TO MANUFACTURERS, VERTICALLY INTEGRATED CANNABIS ESTABLISHMENTS, AND RETAIL LOCATIONS AT WHOLESALE PRICES, WHILE ADHERING TO THE DICTATES OF THE CITY OF LAS CRUCES AND NEW MEXICO'S CANNABIS CONTROL DIVISION	2001 COPPER LOOP STE 4	3
10/07/2021	24205-21-APP	Revisions Required	ELEVATED SOCIETY LLC	SERGIO FLORES	PRODUCE	MARIJUANA CULTIVATION	375 N COMPRESS RD	3
11/24/2021	24304-21-APP	Revisions Required	IRON LUNG NM, LLC	MATT CHADWICK	AGRICULTURE	CANNABIS GROW OPERATION	1655 W AMADOR AVE	10
12/04/2021	24326-21-APP	Revisions Required	TWISTED ROOTS FARMS	GREGORY SANDERS	AGRICULTURE	GROWING CANNABIS, WHOLE SALE OF CANNABIS TO COMMERCIAL CANNABIS DISPENSARIES	1790 W HADLEY AVE STE E	6
01/01/2022	24385-22-APP	Revisions Required	FOURTY TWO COLLECTIONS	MARVINA THOMAS	RETAIL	CANNABIS RETAIL, MANUFACTURED, SMALL CULTIVATION AND KITCHEN	2215 S MAIN ST STE A	1
01/25/2022	24476-22-APP	Revisions Required	BUDZ CANNABIS	RICARDO WILSON	RETAIL	CANNABIS RETAIL STORE	1886 W PICACHO AVE BLDG 1	3
01/14/2022	24499-22-APP	Revisions Required	UNITY RD	JOE HERNANDEZ	RETAIL	LICENSED LEGALIZED ADULT-USE CANNABIS RETAILER	250 W AMADOR AVE	2
02/09/2022	24588-22-APP	Revisions Required	CANNAFUL CREATIONS, LLC	CORINA CUELLAR	MANUFACTURING	INFUSED CANDIES. EXTRACTING THC USING ONLY HEAT AND NO GAS WILL BE USED OTHER THAN WASHING AREAS. EVERYTHING WILL BE ELECTRONIC (120V). IT WILL ONLY BE WHOLESALE MANUFACTURING THE CANDIES AND WILL BE DELIVERED TO DISPENSARIES. IT WILL NOT BE OPEN TO THE PUBLIC AS IT IS ONLY THE MANUFACTURING ASPECT.	525 E MADRID AVE STE 3	1
02/28/2022	24594-22-APP	Revisions Required	FROM THE EARTH	KEIFER PAYNE	RETAIL	RETAIL CANNABIS DISPENSARY. WE ARE A FRANCHISED BUSINESS BASED OUT OF CALIFORNIA THAT WISHES TO HELP GROW THE NEW MEXICO MARKET WITH OUR COMPLIANT AND PROVEN SYSTEMS. WE WILL FOCUS ON THE EDUCATION OF THE PRODUCT TO THE CONSUMERS TO BREAK THE NEGATIVE STIGMAS ASSOCIATED WITH	2505 MISSOURI AVE	11
03/03/2022	24607-22-APP	Revisions Required	CANNAVERSE LLC	RICHARD SMITH	LIVE PLANTS	PRODUCTION	1754 BUILDTEK CT, LAS CRUCES, NM 88005	5
03/21/2022	24641-22-APP	Revisions Required	THE HOT BOX	CARLOS CASILLAS	RETAIL	RETAIL AND CONSUMPTION AREA OF CANNABIS	1007 EL PASEO RD	5
03/15/2022	24643-22-APP	Revisions Required	11:30 CANNABIS	GABRIEL SILVA	RETAIL	GREEN REMEDY ENTERPRISES LLC IS A NEW COMPANY WHICH INTENDS TO EMERGE INTO THE DISPENSARY INDUSTRY. WE WILL SOON ACQUIRE THE REQUIRED LICENSE FROM THE STATE OF NEW MEXICO. LOCATED IN LAS CRUCES NM. WORKING TO OPEN OUR DOORS LATE 2022. WE PLAN TO BE THE SOLUTION TO ALL CANNABIS ENTHUSIASTS FROM NOVICE TO EXPERIENCED. WITH PRODUCTS AT LOW AND COMPETITIVE PRICES AND SERVICE THAT	590 S SOLANO DR STE C	1
03/30/2022	24678-22-APP	Revisions Required	THIS CANNABIS	ANTHONY LIRA	PRODUCE	PRODUCER MICROBUSINESS	1803 N VALLEY DR	1
04/04/2022	24694-22-APP	Revisions Required	BLUNTLEY LLC	GONZALO CHAVEZ	RETAIL	THIS IS A.CANNABIS RETAIL DISPENSARY SHOP.	440 S MAIN ST	1
05/02/2022	24774-22-APP	Revisions Required	HIGH HORSE	RUBEN AGUILAR	RETAIL	CBD AND/OR CANNABIS RETAIL/PRODUCTION/ AND OR MANUFACTURING	2000 E LOHMAN AVE STE B	5
05/19/2022	24833-22-APP	Revisions Required	SOUTHWEST DISPENSARY	ELISEO GARDEA	OTHER	CANNABIS MICROBUSINESS	421 AVENIDA DE MESILLA STE C	3
05/26/2022	24852-22-APP	Revisions Required	EVEREST APOTHECARY, INC	JAMES DARBY	RETAIL	CANNABIS RETAIL	1240 S VALLEY DR STE D	145
10/15/2021	24175-21-APP	Withdrawn	ORGAN MOUNTAIN WELLNESS LLC	SOMMER MARTIN	AGRICULTURE	CANNABIS CULTIVATION AND ADULT RECREATIONAL CANNABIS RETAIL SALES	205 W BOUTZ RD, BLDG 2, LAS CRUCES	3
03/04/2022	24603-22-APP	Withdrawn	JACKPOT DISPENSARY	JACQUIES WILLIAMS	RETAIL	CANNABIS RECREATIONAL ADULT USE DISPENSARY	1275 W PICACHO AVE	8