

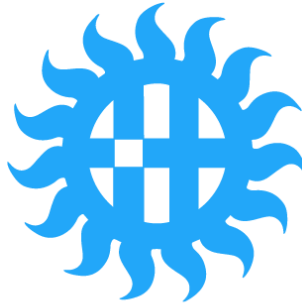
CITY COUNCIL AGENDA

Mayor
Ken Miyagishima

Tuesday, September 5, 2023 at 1:00 PM
Council Chambers

Mayor Pro Tem
Kasandra Gandara

Councilors
Tessa Abeyta
Becki Graham
Johana Bencomo
Becky Corran
Yvonne Flores



CITY OF LAS CRUCES

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LAS CRUCES, NM 88004

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

CONSENT AGENDA

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

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1. OPENING CEREMONIES

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

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

3. PUBLIC PARTICIPATION

4. ACCEPTANCE OF AGENDA

5. CITY COUNCIL MINUTES

- 5.1. Work Session of July 24, 2023. 4 - 24
[Work Session - Jul 24 2023 - Minutes - Pdf](#)
- 5.2. Regular Meeting of August 7, 2023. 25 - 42
[City Council - Aug 07 2023 - Minutes - Pdf](#)

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

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

- 7.1. RESOLUTION NO. 24-024: A RESOLUTION AUTHORIZING AN INDEFINITE COST, INDEFINITE QUANTITY AGREEMENT FOR JANITORIAL SUPPLIES WITH SPECTRUM PAPER CO., INC., VIA EDUCATION SERVICE CENTER REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 21-7392 (PROCUREMENT NO. 23-24-022). 43 - 57
[Resolution No. 24-024 - Pdf](#)
- 7.2. RESOLUTION NO. 24-025: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET, THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP), AND THE FY2024 VEHICLE ACQUISITION FUND (VAF). 58 - 140
[Resolution No. 24-025 - Pdf](#)
- 7.3. RESOLUTION NO. 24-026: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET. 141 - 156
[Resolution No. 24-026 - Pdf](#)
- 7.4. RESOLUTION NO. 24-027: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2024 BUDGET. 157 - 232
[Resolution No. 24-027 - Pdf](#)
- 7.5. RESOLUTION NO. 24-028: A RESOLUTION APPEALING THE DENIAL BY THE PLANNING AND ZONING COMMISSION ON JUNE 27, 2023, FOR AN INFILL DEVELOPMENT PROCESS APPLICATION PROPOSING TWENTY (20) DWELLING UNITS ON A VACANT PARCEL LOCATED AT 725 MCCLURE ROAD. THE SUBJECT PROPERTY ENCOMPASSES 1.122 ± ACRES AND IS ZONED R-1A (SINGLE-FAMILY MEDIUM DENSITY). SUBMITTED BY MESILLA VALLEY PROPERTIES, LLC, PROPERTY OWNER (23ZO500047). 233 - 345
[Resolution No. 24-028 - Pdf](#)
- 7.6. COUNCIL BILL NO. 24-005; ORDINANCE NO. 3047: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-2 (COMMERCIAL MEDIUM INTENSITY) AND R-3 (MULTI-DWELLING MEDIUM DENSITY) TO C-3 (COMMERCIAL HIGH INTENSITY) ON A PROPERTY ENCOMPASSING 2.29 ± ACRES. THE ZONE CHANGE REQUEST SEEKS TO BRING THE PROPERTY INTO COMPLIANCE WITH THE 2001 LAS CRUCES MUNICIPAL CODE, AS AMENDED AND ALLOW FOR THE FUTURE DEVELOPMENT OF A COMMERCIAL BUSINESS. THE SUBJECT PROPERTY IS LOCATED AT 522 E IDAHO AVENUE. 346 - 397
[Ordinance No. 3047 - Pdf](#)

8. **BOARD APPOINTMENTS**

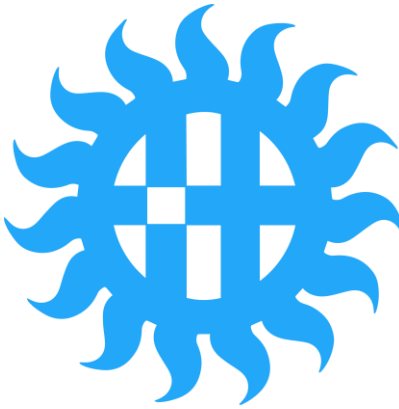
9. NOTICE OF PROPOSED ORDINANCE(S)

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

10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

11. CITY MANAGER REPORT

12. ADJOURNMENT



MINUTES

Work Session

Monday, July 24, 2023 @ 1:00 PM
City Council Chambers, City Hall

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

ABSENT: Councilor Yvonne Flores

1. PETS OF THE WEEK

1.1

Amy Defelix, ASCMV gave an overhead presentation.

2. JOBS OF THE WEEK

2.1

Sarah Raney, NM Workforce Connection gave an overhead presentation.

3. AGENDA ITEM

3.1 NM LAND COMMISSION PRESENTATION.

Stephanie Garcia Richard, State Land Commissioner gave an overhead presentation.

Councilor Bencomo asked Adrienne, can you provide context around the water and the resources it will take to expand out there for utilities?

Adrienne Widmer, Utilities Director said when the actual development starts, we will be taking a look how many facilities are going to be put out there and what's going to be needed and then we can plan around that. Obviously, we have enough water rights and it's just a matter of then the developers putting in the infrastructure in order to provide the particular service. When we take a look at this, we will also be taking a

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look at that so we can do future planning in case we need to do additional storage capacity for both pressure and fire purposes. At this point I am sure that if utilities and of course developers need a tank put in that would be a matter of negotiating with them to make sure that the infrastructure is put in there in order to provide for them.

Councilor Bencomo asked at what point would you know if a new tank needs to be put in?

Adrienne Widmer said I think we would take a look at and then we also have our impact fees that we use to put those in, so a lot of times depending how the development goes will determine on whether we go out there and put in in first. We definitely need to time it correctly. Once we know what is going on out there, we will be able to take a look at it. Right now, we are working on our Master Plan, and this is a little bit different. I have already sent a message over to our technical support group to take a look at it in case any of these actually come through, so we can plan for that now.

Councilor Bencomo said I know in utilities that we are talking about water management and planning very much in advance for the future. I look forward for this to spark and move that conversation forward. I think that is really important. I do have general concerns about the balance of growth in the community. I represent a district that has very little growth and has areas that have been neglected for a long time and there is no growth. With implementation of 2 metropolitan redevelopment areas, we are trying to spark some of that. For me just general concern about sprawl, balanced growth and what this looks like. Ensuring that we have investments for the infill. My last question is really around the 40-year lease you mentioned in the industrial park. At the end of 40 years what happens? Do the cities normally go out and request a new lease if it's going well or you end it and how easy is that?

Stephanie Garcia Richard said I will answer this question you had on the Economic Development lease, but I also have some information as well on the water usage and some measures we can require within the development itself and to ensure we keep that down and are conserving resources. In terms of the Economic Development lease, we have a number of these around the state with other governmental agencies and to my knowledge I don't know if any of them have come up for renewal at this time. Because infrastructure will have been placed on these places you will have if all goes well you will have thriving industry, businesses, transportation. The potential to either re-lease or renew I would say would be a strong one, it's not necessarily a guarantee, but the 40 years gives you that length of time I think that makes folks you want to recruit to the area a little bit more comfortable.

Councilor Bencomo asked if it is a leased piece of property and then private developers build on it who then owns that property?

Stephanie Garcia Richard said so the state land office still owns the property anything built on the property is known in our parlance as improvements and essentially if we ever have to buy someone out of there development, we have to give credit for those improvements.

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Councilor Bencomo said back on the first proposal there is this huge piece of land that is state land that is within city limits. Can you talk about future master planning if you will and what can the city do with the state land office?

Stephanie Garcia Richard said this is something the Mayor and I have been having conversations around and that is a joint planning agreement. It is essentially a document that both parties would negotiate through the terms, both parties would sign. Then it instructs both the Land Office and the City of Las Cruces to work in tandem on it. We could even call out those 6,000 acres on the eastside of the city as specifically where we want this JPA to go. I believe the City had JPA under a former Commissioner and we would like to re-up that agreement with you all and really work in tandem, because like I said this is state land but you all live here. You are the elected people responsible for the decisions around this community and I think this is appropriate for the Land Office to work in tandem with this body on those developments. I would like to just bring this as a suggestion.

Councilor Bencomo said I would love for us to have this conversation with the State Land Office because this is a huge piece of property, and it should be Master Planned for balanced growth and protection of land.

Mayor Miyagishima said the previous Commissioner was Ray Powell we had this agreement with. We would work in unison, basically when they were looking to do things we would have this in place so everyone was fully informed, and the staffs would work together on that. I have always appreciated that you want to see your district benefit. The income that will bring into the City that just gets, I think spread out to various district. I am supportive of the proposal.

Councilor Corran said I represent the district where this developer has done the most substantial developments and I talk to the residents there all the time about how trusting they are of the communities they're in and how well developed and planned they are. I think giving folks access to a space that is close to a school, I think walking distance to a High School in Las Cruces is not actually a thing that not very many people get too much experience. In our Elevate Plan I believe this towards your question our Master Planning document Elevate does identify this, so this fits into that planning but thinking about the expansion going on I think it would be good to see how practically we can use our documents and whatever the future plans are I would love to see. To make sure those all align or bring that together. I agree the space will be a huge addition. So just generally I would love to be a part of those conversations about exploring the future kind of planning process for that area. The second part is related to the third thing you presented, related to the land swap. I understand the idea of value. But will there be functional changes to the space that exists? I'm curious how that future planning will go if it would potentially lead to increased grazing. I would consider that a sort of red flag in this environment we're in right now and similarly I think just towards what sort of limits that would be leashed or unleashed on these areas we might swap. How would that affect the functional uses of the space or the future environmental stability of the space?

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Stephanie Garcia Richard said the land that you will see the least change will be the State land conveyed to the Feds within the monument boundaries so all of the blue. The reason is once they become within the monument boundary under Federal jurisdiction, they will become monument lands. That 80,000 acres becomes monument lands. There are grazing leases on those lands, and it is my understanding that those grazing leases will just go from state grazing leases to BLM grazing leases. Really no functional change, there is a slight change in the two instruments the way the feds do things and the way we do, the terms are different, the price is a little bit different. You may get questions like that from your constituents. The land that will see the least amount of functional change is in the blue. The red that you see, right now has no development on it, by Santa Teresa and West Mesa, we would like to develop it.

Councilor Corran asked the two dots in the City of Las Cruces do you know what those are?

Steve Vierck said there is a group of people in commercial that selected these parcels. The 2 small dots are fairly small parcels, one just north of the 70 and one just south of 70. We felt they had commercial potential so were added in as well. They weren't large from an acreage perspective. They are vacant right now. They're kind of infill parcels surrounded by development as well.

Stephanie Garcia Richard asked can she address that water question quickly? I actually went back to the developer to ask those questions. From their stats a year's usage of an average household is about a quarter of an acre foot of water for a year, 30% of that is used for irrigation and outdoor watering. So, we can really put a dent in water usage in this new development. If we talked about xeriscaping and lower flow appliances.

Councilor Abeyta said I found the pre-educational packets very beneficial. Looking at the future and how we have with planning our communities out. I know how that has been a real concern in the past of how we grew in Las Cruces and why I think that everybody has really worked hard to put systems in place like Elevate Las Cruces to make sure we have that smart growth. So, for me it's really nice to hear about looking at what we can do to have a more strategic plan together even with the City and since we do have Commissioner Reynolds here too, and I want to say even the county. To make sure we are really looking at that growth both of us as a community and as a whole and not unintentionally even if the county is trying set up issues where we are going to see some growth that is really not quite as manageable as it could be. So, I think that would be wonderful for all of us to work together. It also combines when we look at those parcel swaps in Santa Teresa and were looking at that economic development which we know is so important for us as a region. I look forward to seeing what we can do in the future with all of that.

Stephanie Garcia Richard said you all actually started this work by creating principals in Elevate, in your comp plan, in the complete streets mandate. Those kind of things indicate to developers the things you want to see with new developments in Las

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Cruces. The development proposals are far as I've seen fall right in line with the principals you passed and done a lot of work on.

Councilor Gandara said will you turn to the slide that talks about the percentages of housing? Were these already percentages that had been sort of developed prior to you because Mr. Moscato and company have done development. Is that sort of a formulary that existed prior to you having the dialogue with him?

Stephanie Garcia Richard said I don't know the answer to that it may have been to a certain degree. I do know from the Master Plan that we saw we actually pushed back and ask them to go back and try to get that affordable number higher. So, the affordable, attainable combination is 40 percent, I think we asked for 30 percent, and they came back with 40. But like I said that 15 percent I don't know how that pencils out. But I would love to hear your thoughts on how we came out with the percentages. I will say the developer was responsive to our request for commercial, green space and more affordable housing.

Councilor Gandara said I think this is one of the most important priorities that this council has had, is kind of the affordable that 15 percent equates to 300 homes. Do you know what that might look like?

Stephanie Garcia Richard said I believe it is a mix.

Councilor Gandara said as I have said before along with Councilor Bencomo, I do have concerns over water, water usage, 2000 thousand units or dwellings that's a lot for years and years to come. I want to make sure that we have that nailed down well. I trust Adrienne and the Utilities Department to really handle that appropriately. I talked to Ifo earlier this morning and he assured me that there was enough water. I do want to say that out loud, I do have a concern. I have received several emails related to the water and what that would do to our community. But I feel good moving forward.

Councilor Bencomo said in terms of the West Mesa and water demand Ifo and ED staff I'm wondering if we've had that analysis done as well then maybe you know for Adrienne just as we talk about water management resource to make sure we specifically focus on the West Mesa Industrial Park.

Ifo Pili, City Manager said regarding water as Adrienne mentioned it also applies to the Industrial Park, we do have wet water rights, it's the infrastructure we need to assess it depends on the use and it depends on what kind of company we bring in. There is a huge disparity or discrepancy depending on what use we get. We do have water rights available, but we do need to look at the infrastructure again we have a Capital Plan that's for infrastructure even out there at this time. But we will see as we get the type of uses that come in.

Councilor Corran said I just want to follow up on this water conversation and like I feel we have to acknowledge the existential threat to our very existence and that is finite sources of water. There are two things at play here. One is finite sources of water and how much is literally in the ground that we own in theory or not, but I would argue, one

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I think it is problematic to roll up the carpet when we all live here and say there is not enough water for anyone more. I think that's a problematic sort of way of heading in the conversations that we have about water, just to say that new homes might mean new people, but it means we are committed to sustainability of those folks and even more in the bigger existential question the idea that there will be no gas related industry that we're committed to working with El Paso Electric to reduce the use of natural gas and our electric farming. The idea that the development is all electric does carry a lot of water literally and figuratively to changing the dynamic of the existential threat of not enough water in our regions and I think that our City staff are committed to catchment and there are enough places to make sure we don't overtake from our existing aquifers. I think we can do both of those things preserve our water and build sustainably and make sure our community has access to housing and spaces that value you them.

Mayor Miyagishima said I have a question for Adrienne, and it has to do with water. Our Water Reclamation Plant at Lohman is at full capacity can save 1 million gallons of fresh drinking water a day. So, my main question would be are we at that full capacity yet? Do we sell the reclaimed water I know we work agreements with the local golf courses, but do we have that also with Redhawk and/or is there plans for yet another facility in that part of the city so we could help? No city, no house has this. So, you have your regular spigot for fresh water then you have a purple spigot for watering the yard, washing your car and things of this nature that would go a long ways to saving water. Do you have any idea of what capacity we are at right now?

Adrienne Widmer said right now the East Water Reclamation facility is running approximately 800,000 gallons a day so we could do the 1 MGD, so we are working towards that of course it gets more difficult in the winter because the golf course, the schools, and the other ones not as much water is used. It's not good for plants to ramp up and ramp down, it takes a long time, you can upset their stomach and get violations. We are working on coming up with some plans that we can bring it up to a million gallons a day and then land apply it, so we are working on that now. In the future, we are looking at a potential 1 MGD plant to start with that would be on the North side of US70 kind of near Redhawk. Redhawk does not use our reclaimed water right now. So that is going to be, and actually is in the current Master Plan and it is going to show up again in our next Master Plan that we are finishing up right now. The only difficult thing is that when it comes to purple pipe going to personal residences, is that each person that has a spigot to use it must have a discharge permit with New Mexico Environment Department and that is why one golf course they have their own discharge permit. The school has their own discharge permit. Now our parks that use our facilities they are under our discharge permit, so they don't have to have their own. As part of the regulations associated with purple pipe is there is a certain amount of testing you need to do that gets turned into the Environment Department so becomes a little problematic and actually 1 MGD goes a little ways. Other things we're looking at is that potentially there is the expansion capabilities for our existing plant, and we would hope to have that at the other plant we have planned on the north side of town. So, those can be expanded. I envision doing something that's more passive like an aquifer recharge type project. Those are things we are going to need to discuss with the Environment Department to see what kind of regulations that we would need to work through.

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Mayor Miyagishima said when I hear something let my colleagues have for their own information. We have 2 aquifers. We have the Mesilla Bolson which is rechargeable and then we have the Jornada which is not rechargeable so any time we can get water that can be recharged that is beneficial for us. Jornada Bolson based on our current size, we have 20 years of water.

Councilor Graham asked when a municipality opens up a development like this, what percentage of people who live there live are already folks that live somewhere else in the area and what percentage are transplants? How many of the people who would live here are already tapped into Las Cruces resources and how many new population members might we add?

Stephanie Garcia Richard said Mr. Moscato said half and half.

Mayor Miyagishima asked regarding the first proposal near Organ Mountain High School is that something you would need the city to act on in the future for anything or is that between you and the developer?

Stephanie Garcia Richard said I should have made it clearer. The State Land Office is the landowner just like any other landowner we can approve this development, however everything else relies on a partnership with you all, infrastructure, that Mesa Grande extension we talked about. We would just approve the development. Because I know those two things go hand in hand. I don't want to approve or just reject an application. It would be just the Land Office approving this development.

Mayor Miyagishima said so you don't need anything from us.

Stephanie Garcia Richard said that was a little inaccurate. I just remember the Mesa Grande expansion it goes through State Land in its entirety. That would be another conversation we'd have to start having. We would have to talk about right of way easements from State Land Office for the extension.

Mayor Miyagishima asked but you would be the one that grants them, right?

Stephanie Garcia Richard said for the next, 3 ½ years. Yes. I can't see one working without the other.

3.2 SEEDCORPS AT ROADRUNNER FOOD BANK.

Cariel Apodaca, World Communities Regional Manager, Roadrunner Food Bank introduced the topic.

Kate Page, Senior Seedcorps Programs Manager gave an overhead presentation.

Myanisha Andrews, Seedcorps Program Manager continued the overhead presentation.

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Mayor Miyagishima said I know this must be an extremely challenging with the increase in prices of food and a lot of people that are being displaced. Is there an opportunity for people to help donate, make contributions, do they just get a hold of you or is there a link that you do if they do make contributions, I take it you're a 501(C)(3) so its tax deductible.

Kate Page said yes, we are a 501(C)(3) nonprofit. Time, food, and funds are always great ways to support the Food Bank. All of that can be found at our website but of course if you contact Myanisha with her information on the screen she will connect you as well. Supporting the local nonprofits doing the work in the community is also a great way. On our website anyone who needs food assistance can search by zip code and can find a food pantry partner near them, so they can look up where to go to get groceries.

Mayor Miyagishima asked I know in the past Albertsons has made some contributions to food banks. Do you work with Albertson's?

Kate Page said absolutely Albertsons is a large donor so store rescue pick-up is something the partner agencies in Las Cruces will go pick-up produce or food items that are no longer able to sell. But are perfectly still edible. We do work with them for food donations as well as fund donations.

3.3 ECONOMIC DEVELOPMENT PARTNERSHIP UPDATES

Amorette Jones, Director of Film Las Cruces introduced herself.

Jeff Steinborn, Senator, and President of Film Las Cruces introduced the topic.

Andrew Jara, Associate Film Liaison gave an overhead presentation.

Councilor Graham said just personal congratulations. Andrew had a feature film premier at the end of May, and he had it at Rio Grande Theatre, so thank you for being local and keeping it local we appreciate that. Award winning film maker in front of us, in addition to being part of Film Las Cruces. I think that your role as a filmmaker brings such a great perspective to the work you are doing for the office. When you and I met one of the things you mentioned that was setting us apart was that personal touch and I think you logged a lot of miles location scouting yourself. I remember you saying that the things setting us apart was that one-to-one contact. I just wanted to applaud the work that you are doing and your team as well.

Andrew Jara said I do think from what productions has said that seems to be the one thing that holds as above a lot of the other places. The fact we will go on location scouts and try to find the places. Never say no and always try to find solutions. Part of our brand is having that personal touch going the extra mile.

Councilor Abeyta said I know one of the conversations that we had when we look at work force development is having those connections, having that trained crew member has been so important. How are we seeing the trends after a couple of years? I know when I first came in 3 ½ years ago I asked these questions. Because of

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the increase we've seen are we able to get new union members kind of on board? Are we seeing more of a shift of individuals that want to come to school here and then seeing that transition if there able to get work so they can get that membership.

Andrew Jara said we have seen it. One of the productions that is looking to be filming here very soon. They had filmed here before maybe last year. We provided them with the new list of crew members, and they were very happy, and they started talking about bringing more projects in. It is kind of that circular thing where the more productions in town. The more we can keep people here, the more we can train other people, so the good news is as productions continue to be in the area it helps us to build crews. We are also working with the colleges, one of the things we do is we get the colleges to give us a list of people that can start on the productions as PA's it's just kind of entry level and this way we give it to productions so they can find those and hire people locally and they kind of move them around, I think one of the members from last year we were so busy he was a PA for the locations team and then immediately after he was locations manager which is the head of the department he stuck in the city and he has continued to work there. The good thing is that we have seen a noticeable shift with the schools in place that new academy they broke ground on we don't see any reasons that would stop, and we are now getting calls from people in Albuquerque finally saying what's going on in Las Cruces, can I work down there, can I move back. It is very exciting for the crew members here and for the people in the colleges who want to stay in town. We are also staying with the unions, we have a very good conversation with the union reps, we will help them flag people, they also use our offices when needed. It lets us continue our relationship.

Councilor Abeyta said I am assuming with the addition with the new production facility that will be down here we will just have more of those opportunities.

Andrew Jara said yes there is the new production studios, they are already putting them to use, or they can rent them for the offices. The productions that were in town are already using them. It is definitely going to be a big improvement.

Councilor Abeyta asked when looking at locations those are you collecting any sort of comments or even critiques that might come in on what is needed in this community? Is that getting shared out to perhaps our Economic Development?

Andrew Jara said for the most part we are staying in touch. It is dependent on the production; one might need the most perfect house and the other one needs it to be run down. We work with Senator Steinborn and some of the local real estate agents so that when we have very specific needs then we can reach out to them and keep in contact.

Amorette Jones said so what we have done is created a questionnaire, so we are sending that out to folks postproduction that we do get the feedback. It's super important to get that feedback loop to customers and clients so we can then know what's working, what's not working and emphasize those things that are working and help support those things that may be not working. Part of that is that we are going to

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include it in our website in a special section so we can continue to get that feedback and respond to it.

Councilor Abeyta asked my final question will be that recruitment of businesses that offer I guess specials I know you all are looking to hit that 200 mark, how has the feedback been from those business that offer? Are they seeing kind of the value of being part of those sort of list?

Andrew Jara said yeah sometimes it will depend. I always tell businesses you want to be on the database because you never know. When we have productions, we find out what they need and add that and try to give them options as well. We try to work with the downtown and also the local restaurants for catering. There's multiple different ways, but so far, the response with the businesses has been great. It allows us to start that conversation just in case there is any problems, we've had a couple of things, but we were able to talk to the businesses, so they know who to call if anything goes wrong.

Councilor Abeyta said this might be directed to the City Staff, so when we look at the sort of the deliverables for other organizations how do we factor in something like the strikes that are happening, because obviously I know there are some special permits can be issued out to productions to continue work but I assuming that would be few and far between.

Chris Faivre, Deputy Director Economic Development said we have a service agreement with Film Las Cruces where they have benchmarks, those were in place before the strike so it probably will have an impact. We will probably have to evaluate that at the end of the year. There is also the possibility when the strikes end there is sort of an uptick and maybe some of those benchmarks are met and surpassed, so we're just going to have to play this by ear.

Davin Lopez, MVEDA gave an overhead presentation.

Councilor Abeyta said I greatly appreciate participating on the MVEDA board. We just had the Strategic Plan, so I am not unfamiliar with some of the items that we're showing here and it's really good to see. With that in mind I did not realize that you all went to 27 trade shows. Looking at that, what kind of ROI's are you able to measure off those trade shows or lead generation?

Davin Lopez said probably a lot of what I say is early lead generation does come from the trade shows. There are two things we get out of that. The first one is we are able to understand what's happening in the industry by talking to the companies that are there we are trying to understand trends and make sure we can shift and/or be flexible enough to shift to the needs that they're going to have. That goes back to what I started earlier in the conversation we're hearing about the good, the bad, and the ugly so we have to create better products and have that open conversation with staff in order to do so. I would say a lot of early leads come from that, now do they actually turn and foster to job creation? I would say usually we don't know for 3 or 4 years down the line when we really know that they actually have an expansion at hand. I

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don't know the numbers I can get the leads to the actual numbers on the leads, but I want to say if I remember correctly, we had one or two site visits that actually came specifically from those trade shows itself. We look at trade shows two different ways. When we are able to exhibit at them those are very costly especially post pandemic. The pricing has just gone up incredibly at all these trade show. When we are able to afford to exhibit at certain ones, we get an audience of those other companies not exhibiting, walking thru and maybe we have an appealing message to them. The other thing we try to do whether we exhibit or attend the show, we walk the shows very hard. Meaning we are going row by row talking to every single company trying to understand what their plans are. Trying to obtain contact names for those who actually make the decisions. Usually the people at the shows, are not the decision makers on a 10- or 20-million-dollar expansion that maybe 2 or 3 years down. We are trying to get insight and identify who in the company, makes those decisions, so we can come back and reach out, put them as part of our nurturing campaign of kind of consistent marketing, reach and let them know we're there so when they're ready to make that decision we are top of the line hopefully.

Councilor Abeyta asked maybe could you talk a little bit more than about that lead process, you know items come from the state or are they given to the city and how that type of communication is all looking at? I know Economic Development is really something that has to happen in conjunction with a lot of different people and participants. Looking at MVEDA where do you fit in place with it, how many are you in first contact with, how many are you used to assist?

Davin Lopez said we ran the numbers this past week because we are actually closing out the year so some of it is a little bit fresh in my mind. First all I am the first to say that I want everyone to be an ambassador on marketing Las Cruces and Dona Ana County. I am not shameful when I ask our local industry, hey if you hear anything let us know. I believe that is how we reach larger audiences. In terms of the kind of institutions we work with and rely on for lead generation there is the New Mexico Partnership that is the State marketing arm that is one of them. The second one is the Borderplex Alliance. When we run all the numbers right now, we generate about 54% of our own leads and that is the reason why we put the dollars into the marketing that we are doing. We know that those other institutions aren't necessarily beholden to only working for us. They represent larger interests, so we need to make sure we are in front of the companies directly, the sites selectors directly and in front of our target industries specifically.

Councilor Abeyta asked on your Impact Report it indicated that the ROI for every \$1 invested by the City kind of translated to \$14 out. Could you share methodology that you use when looking at how we are doing any of the reporting or even tax-based reporting?

Davin Lopez said so as I mentioned this is Economic Impact Analysis it is a third-party modeling, using in plan data. We do look at direct and indirect benefits because of job creation and capital investments. Basically, we have this tool that we have to update every year for any changes in mill rates or inflation all these things that take place. What we do is a little bit plug and play. For every single company we work for when it

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gets to that announcement stage we input the expected job creation, capital investment, the wages and this is all reported to us by the company itself. We sometimes have better reporting especially when the company is going through let's say a LEDA request, because they have to put that into documentation and that is put into milestones. With our own NM Borderplex closing incentives we ask for the same information, so we are able to sometimes capture that information as well. We input all this into this modeling project by project. At the end of the year, we take all that project modeling, and it accumulates it all together and spits out a report that is about 140 pages from that what it tells us is based on the mill rates, direct and indirect impact and the spending impact from the new job creation, new wages and everything that takes place. It then tells us what the expected predicted five-year revenues are in terms of a new tax base. What I predict 5 years, I feel we under count quite a bit and we are being very conservative. The reason why is no company expects to operate for just 5 years. We have been doing this modeling for about 13 years now and think we are still the only EDO in the State that actually runs these numbers and reports these types of impact analysis. I always felt this is very important. I want to give you the tools and we want to be very sincere with the public dollars you are giving to us to invest in Economic Development to show that return. That is our commitment to you and this body here and the public as well.

Councilor Abeyta said the last item I have is more a comment about the type of industries that we've looked to attract and that devalue added Ag. We had a discussion today about water conservation and what that means for our community. We have potential very serious litigation that is going to be coming out that works with water usage within New Mexico. I think it is really important for us to look at how we have put that as a core area for us to attract companies. Looking on how that ties into that of water usage and what we're going to do together. I think if we're planning for today and tomorrow, we're doing just fine. If we're looking at sustainable industries, I do think we are going to have perhaps maybe a different conversation about that.

Jennifer Garcia Kozlowski, Executive Director DLCP gave an overhead presentation.

Susan Cabello, District Director ACD continued the overhead presentation.

Councilor Gandara said I do want to encourage council to get with you to engage around the PowerPoint that you presented at the National Conference. I think that it really depicts what probably a lot of downtowns, cities, municipalities are dealing with, especially when there is that political and social narrative out there, I love the vulnerabilities Susan what you expressed about what happened to you and realized I am putting a negative spin to something, and I really need to think differently about that. I am talking about the crime and our homeless population it gets a bad rap a lot of the times. How we can put a positive spin. As you sat here you listened to the TIDD presentation about the money allocated for the security guard and cameras. I am really interested to hear what the downtown to include, how we can expand the Mesquite Historic District because we have a tremendous amount of business in that area. How we can work together to ensure that the security and the cameras are working at optimal. How we can mitigate the concerns the businesses are expressing to us almost daily regarding sort of being physically and verbally accosted. What is

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the return on our investment related to that and how are our businesses feeling about that? I am asking for a dialogue about how useful and beneficial the security guard is and the cameras, and how we can get you the information about the Mobile crisis unit. I hear over and over “I’m afraid to go to the downtown because we see more homeless people out”. So how do we address that in the most humane and compassionate way possible?

Jennifer Garcia Kozlowski said the perfect word is a compassionate solution. If we had a solution, then we wouldn’t be having this conversation obviously. One of the things we worked with Chris on was figuring ways we could help make it feel safer downtown and make it safer downtown. That was the security guard, lighting project, cameras, and a few other things. We also helped work with our downtown businesses, to create a phone tree that we have a discord account that everyone goes into and if they see something, then they can say something. We were able to capture some vandals in action and some taggers. We do have a little bit of an issue where we do see more un-homed people on the plaza. Now that we have the tent up it has been a little more difficult because we’ve given shade in that structure. In the morning it is a little bit difficult to see and we do have this conversation regularly with Chris and he goes out. We have our relationship with the LCPD and if I see things, I send an email out really quickly just to let them know what is going on in the district. We are seeing again police come through more often in the downtown, I think in the long run that will be helpful. There are a lot of other things that are out of our specific hands, that we need to figure out how to dialogue on and work with other programs. We do have regular meetings with Camp Hope to work with them. But a lot of it again when we’re dealing with people that may have some sort of mental issues as well as any drug abuse issue that tends to be a little harder for us to really capitalize on and trying to figure out how to help them personally.

Councilor Gandara said I think we need to put out there regularly things about the Crisis Mobile Unit and maybe we need to plan training around mental health first aid to get people more familiar.

Susan Cabello said specifically when we are talking about cameras, I think they will add objectivity to the reports. I think a camera takes those personal narrative out of that situations. If we can review it objectively. I think we’re going to have a much better idea of what’s happening, kind of person to person without those emotional narratives which is what we have right now. I think that’s going to really help and I think too that just the idea of having patrol downtown kind of deescalates a lot of those situations. When you don’t just feel afraid then you might not have that fear response initially. I think that is a big part of it too.

Karin Bradshaw, Manager Las Cruces Farmers and Craft Market gave an overhead presentation.

Councilor Gandara said I want to thank you for all the work and vendors it’s beautiful to be down there and see what you have been able to accomplish. Just the number of folks that participate, not only the vendors but the folks that frequent it. I love the variety you can get there.

3.4 LAS CRUCES FIRE DEPARTMENT PROJECT LIGHT UPDATE

Jason Smith, Fire Chief introduced staff.

Matthew Hiles, Battalion Chief gave an overhead presentation.

Lisa Chavez, Clinical Director FYI Plus continued the overhead presentation.

Councilor Abeyta asked how has it been going for the staff to be on these calls? How is it going for their wellness and being, to make sure we are not creating an environment that is unsustainable for them?

Lisa Chavez said I do weekly supervision with both teams, we run 2 different group interventions. Right now, we are focused on their own historical trauma and events that show up in the field. So, I can tell you just by talking to them it is brought into perspective for them how their stuff can sometimes show up and get in the way. They're working on their own ways to manage through that. Some have opted for therapy on their own, some have opted to stay in journaling, reflective supervision, whatever that is. From the perspective of what I do for them that's how we sustain them in the work, is to make sure their doing their personal work. So, they can continue to do the work.

Chief Jason Smith said it brings definitely to light the approach social workers take with their clinical oversight and I think that's a lesson we can learn in the fire services as well with our peer support. Recently we brought in the International Association of Fire Fighters to do an almost weeklong peer support training. I think that's something I as the Fire Chief want to take a look at is how can we take some of these lessons from the Social Worker realm and apply them to keep our firefighters safe. We're close to a magic wand but the fire service is not immune to these challenges as well.

Lisa Chavez said I think some of the other challenges that you have recognize is that your taking 2 different models and intersecting them. Those of you familiar with social work it's really about a self-determination model. We want people to make the best decisions that they can for themselves. Rescue and Fire is just that they're all about rescue so some of the biggest intersects that we have with vulnerable conversations is how the paramedic will show up and rescue and the social worker will show up and say no they have the right to make that decisions for themselves. When we think of it from a theoretical perspective those things intersect and get in the way. They can be both a barrier and a support in doing the work together. The peer model you're talking about are fire peer to peer and that's even interesting because I have talked to some fire fighters where in other cities, they do have those fire peer to peer and they're able to help each other with mental health challenges or things that come up. There is a big body of research on first responders but there is less of a body of research on these co-responses so what I think we are seeing now is the preliminary results that it can be effective. I think there was a lot of fear about having a co-response with PD and I don't have a magic ball to say what can go into the future but I think that when I see PD respond now, when I have been a part of those responses I can see that they allow the social workers take the lead and identify we're good this is a mental health situation, can you standby and other times no we're good and PD is always there just

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to say yeah we're here when you need us just call us back. I think it has been helpful and successful.

Councilor Abeyta said and that brings me to my second question that is of safety within these items we talked a lot about that. If there is a need for PD response how fast was that them being able to get there so that the team was also safe.

BC Matthew Hiles said it is imperative to be honest with you. We run the high acuity calls with them and given the nature of those calls scene security is first on the list when it comes to anybody showing up for a response. PD is really good about securing it properly, efficiently, and quickly. With the types of calls we go on, it's definitely imperative. To give you a little bit of another perspective it's also required when we are sending out the engines and AMR those same call types also need scene security. Even if they're going with a crew or other entities PD still needs to secure the scene.

Councilor Abeyta said that leads me to really marvel at some of the statistics, that you just you had 2 with all that need for safety and things you still had only 20% that the has to be transferred by police after for whatever reason. Most of these items are being transported or treated on scene we are still having a lot of success within the team itself even the addition of the safety that has to be put on. We had talked earlier about the MVRDA and directing calls your way and I just wanted to see how you felt if things were being appropriately shifted to you all.

BC Matthew Hiles said central has been great we communicate weekly or the best we can weekly. Hugo and his team are easy to get a hold of and I can bring anything to their attention and they're addressing it immediately. Not that there was a whole lot of things but if there was it was fixed. We grew together with this project very much, so it's been smooth and great.

Councilor Abeyta said we had done some modeling at the very beginning to see what it would look like for types of service, how much we would need when we started this. I'm wondering have you been able to kind of take a guess if we are still on track for how many teams we need. Looking at times we can serve or are we seeing that we probably have a greater need than anticipated.

Chief Jason Smith said for the analysis we need a few more months of information to be put in there so we can model. As BC Hiles mentioned there is one call a day that gets pended on average so we need to take a look at things that will work for the team. Whether that is changing schedules or bringing on a third team or some sort of depth with a PRN type position or overtime from our existing firefighter medics to the team. I think the next time we come in front of Council when we get into the budget season, we'll have the idea of what we need to make the team solid and answer all those calls we we'll address our response time, we don't want a long response time. We need to make sure this team as well as our other fire EMS teams get on scene as quickly as possible. Our strategic goal is that 9-minute mark. We need to look at all those things as well as the number of teams needed.

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Councilor Abeyta asked are we tracking the calls that MVRDA is getting when the teams are not available as well to kind of see what that looks like?

Chief Jason Smith said yes that is something that we're actually going to look, at the question of do we need 24-hour coverage and really what we need to do is look at those call types over a 24-hour period and make that kind of judgement call, on our return on investment or look at a different type of model to me.

Councilor Graham said Lisa I just wanted to speak directly to you and say thank you. As a quick personal anecdote my husband is a member of LCF and we were talking, well daydreaming about retirement coming up in a million years and he mentioned to me that one of the things he read is that firefighters and police officers are often encourage to retire not where they served. I was being blind to this and asked why? Because there is no where you can go that you don't have a bad memory and that just took my breath away. The fact that you are modeling and normalizing this seeking out support, that it is ok to seek out support means so much to me as a Councilor, and as a spouse to somebody the most important person in my life is out there doing this. Which of the fire districts are seeing the majority of LIGHT calls.

Chief Jason Smith said I am going to drill down into our map. It looks like the majority of our calls are district 1, 2 and 4. It's kind of an L shape if you follow the railroad through town down to I-10 from North Main/Highway 70 then across to district 4 along Missouri that is the greatest concentration of the call center.

Councilor Graham said that pretty much aligns with general calls for service by fire district so would you say that LIGHT calls pretty much mirror the population fire district 2 who has the highest call volume generally and it sounds like there also in the hot spot for LIGHT calls.

Chief Jason Smith said that is mostly correct District 6 is also one of our busiest districts so the response to that area is lower by the LIGHT team. I wouldn't say it's absent to there is calls to that area but 2 and 6 are our busiest.

Councilor Graham said I am a glass kind of full gal here, thinking we are going to get this funding and this facility, and I would just turn to you and say, hopefully we are already thinking about siting and where we would put our LIGHT station. Obviously, I am sure you would be in contact about where in terms of response time, where the best place would be.

Chief Jason Smith said yes, we are looking at multiple locations. The first one we're looking at with the funding earmarked by Senator Heinrich is replacement of the old Fire Station 3 that would be mobile integrated health care there as well as one of the LIGHT teams and then we're looking at with the construction of station 9 and some changing of our resources, putting a response team somewhere on the East side as well maybe it would be station 8 or station 9. But with the design of 9 it is going to be fire and EMS based primarily so we might have to look at spare space at station 8 and the East Mesa Public Safety Building.

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Councilor Graham said I am looking at the average time on task per call. Then speculating on statistics. I am loving this nearly 20 percent treated and resolved on scene as you were saying that is a great outcome, but I am going to guess that those take longer generally speaking?

BC Matthew Hiles said you know it depends, not all calls are the same. Every situation is totally different and just a dynamic situation that we're in so, it is hard to say one way or the other. I would say yes if we had to lean in one direction a little bit longer to really deescalate the situation and have them use their training to get to the source of what's really bothering them and be able to get them resources if they don't want to go anywhere.

Councilor Graham said just emphasizing that if we can give the teams the breathing room they need to hopefully see more of these treated and resolved on scene. I can imagine these pending calls building up. So anyway we can buy some breathing room for these teams so we can continue to see these good outcomes.

Councilor Bencomo said I am feeling a little overwhelmed by this presentation in the most positive of ways I think you bringing Lisa today was really critical for this presentation. So really want to appreciate and please extend our gratitude to the LIGHT teams because in my gut and my core I know that crisis intervention models work. Matching the right first responder to the right emergency is the way we save lives. It's the way we prevent future crisis. Matching mental health professionals to mental health calls is the right work, the right model. The system isn't there and yet what you're showing us here today is that this model does work as well. Can you talk about transfers like from the crisis triage center versus the ER room?

BC Matthew Hiles said typically, the LIGHT team will transfer to the CTC, not so much from the CTC.

Councilor Bencomo said so from a call Project LIGHT transfers to the ER versus the CTC.

BC Matthew Hiles said so if we transfer to the ER that is because the medic on scene has discovered that there is a medical issue that needs to be dealt with first that is the priority whatever that maybe and they'll go to the ER to get that treated so that is not a bigger issue later on. Then once that gets treated then our case manager will follow up and will get them transported to if they have a choice, it can either be CTC, FYI, PEAK, or their own therapist if that's what's best for them. Our case manager follows up very quickly with everything going on. Because once they get into the Emergency Department, they can be there for probably a couple of hours.

Councilor Bencomo said just in conversations with the Chief and other folks ER is the last place you kind of want to be. If you don't have the numbers right now I would be curious to see the breakdown of exactly how many times you are taking people to the ER versus how many to CTC first?

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BC Matthew Hiles said to go back to what you said a while ago within the short 4 months of this data gathering and operation it is definitely showing that we are bridging that gap from scene to source and scene to the proper source. Going back as the way it's always been, taking this is the analogy I use explaining the LIGHT program we were always taking the broken leg to the dermatologist. The dermatologist was not going to do anything yep, it's broke. Now it's like we're taking that broken leg to the orthopedic surgeon and actually getting it treated the proper way by the proper person and the LIGHT teams are proving that we are bridging that gap.

Councilor Bencomo asked are you taking data on the amount of calls LIGHT has responded specifically to youth?

Lisa Chavez said so we have had 24 youth calls and 18 of them came from LCPS during the day.

Councilor Bencomo asked what do you see, are they having very little down time? What is that looking like?

BC Matthew Hiles said it's hard to say day by day because it is so different. I don't think they have a lot of down time, again whenever you have a one hour 25-minute average and you're getting even just 5 calls a day which is pretty normal your time is taken up. Not only that is just the calls you responding to a making it on scene for, imagine even if it made all the other ones timed right that were pending went to all those. When you can say it doesn't sound like a high number, but six to 8 calls a day and an average 1 hour 25 minutes per call there is not a whole lot of down time.

Councilor Bencomo said this conversation around future needs, whether it's another team, or 24 hours. When do you think you want us to be ready for that conversation?

BC Matthew Hiles said I am going to defer to what Chief said around later this fall maybe we will have a better idea.

Councilor Bencomo said I had a meeting with Chief Story last week just wanted to note that the 103 times PD was called. That was 103 times an officer was dispatched without LIGHT they showed up to the scene and said we need project LIGHT.

Councilor Gandara said I have a couple of questions around access and what you are seeing as gaps and barriers of the folks that you're treating and taking to the various places or not. Can you give me an idea of what those look like today? I am thinking like housing, more consistent mental health things of that sort or whatever else.

BC Matthew Hiles said offhand I can't think of too many gaps or barriers because the stakeholders we've been working with in the immediate area or community has just been great to work with. So, actually just getting someone to a facility or whether it's one of their choosing or where the social worker thought this would be best for you if there is room available. We really don't do anything having to do with housing. These

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are not long-term resolutions for these individuals. If there is one person on the team gone for the day, those are the calls, we are missing out on.

Councilor Gandara said I am looking around when you're sending someone to the ER, they might need 5 West which has been closed for a significant amount of time now. Are you seeing folks that you've seen maybe that day, week, month and do you have that number?

BC Matthew Hiles said at the beginning we had 2 and it was very frequent, but we finally got them some help and placed. We have not been seeing any revisits within a 30-day period.

Councilor Gandara asked how are you working with the triage center and they embarked in their new Crisis Mobile Unit. What does that look like, and I know there has been probably some difficult conversations about the various philosophies we're using are very different?

Chief Jason Smith said I just learned last week at the Crisis Now Meeting that the CTC is no longer staffing a mobile Crisis Response Team, so their Crisis Now Response Team is on hold, is no longer responding.

Councilor Gandara asked was that specific to youth or youth and adult?

Chief Jason Smith said I believe it was just adults only.

Councilor Gandara asked do you know why that is?

Chief Jason Smith said at the meeting it was referenced I believe closer to the amount of their call volume or their responses not being sustainable.

Lisa Chavez said so we just sat on are weekly Crisis Now meeting that we meet with the city and county really to go over coordinated mobile crisis response and we were informed that they are no longer running their mobile crisis teams, however they will transport people, but they are not responding in person to mobile crisis. The county has not responded to youth thus far which is why they have been working with FYI. FYI right now we're actively involved with the state creating a mobile crisis youth response, which is called mobile response and stabilization, it's a MRSS model. It is actually a model that came out of New Jersey so, myself and some other team members are actively writing curriculum for that training right now. I don't know how the State will roll that out, but they will be looking at hubs and providers in the communities to provide that youth response. Which is why we are staying really connected with the city and why we want to stay connected with the county because we believe with our CCBHC we can create that connection to provide that full continuum for mobile crisis services. FYI received the first Comprehensive Community Behavioral Health Clinic Grant from SAMSA in the State. We are an implementation site, so we have 9 core services that we have to provide in that CCBHC model and one of those is crisis response. We have to do it, it is one of our requirements. We are really motivated to work with both the county and city that we are providing a coordinated effort. A lot of our efforts are going to be focused on a

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youth response. But now it's an opportunity for us to think about how we can coordinate and collaborate with both the city and county with the adult and youth response together at least the mobile crisis one, because someone has to have it. Earlier someone mentioned how the model is the Crisis Now model. Initially that is what our CCBHC wants us to do that. Right now, our grant providers are very generous with us and the know we are partnering with the City, and it is a co-response model, and they are ok with that as long as those services are being connected, but we do have to work towards a Crisis Now model.

Councilor Gandara asked are there other trainings that you feel your staff might need to kind of move the needle on some of this stuff, or questions we haven't asked if you had an infinite amount of money is there something that council could help in that arena?

Chief Jason Smith said it is hard to ask for more, when this budget season we have just started we have gotten nearly everything that we've asked for. We are bringing in a new app-based support program. We have our peer training program we have restarted, and we have a new Battalion Chief in charge of wellness and safety. There are a lot of things that are going to continue to develop. I think that this December going into the budget planning season you will kind of see the things we want to do. I have been sitting back and watching what Lisa is doing in her clinical oversight with our teams and our fighter/medics have joined in. I think if that we were going to train our personnel it would be with this motivational interviewing and this type of approach on clinical oversight, so our supervisors, battalion chiefs, lieutenants who are in charge of a company can sit down and provide that to our people. There are places in town we don't want to go to. I avoid certain places in town, I don't want to go by there. That is just a result of service, whether as a social worker or a fire fighter. When it comes to responding for the team, I want things to be right sized. I want the team to be able to take care of themselves but also take care of providing service whether that is MIH or LIGHT that the citizens see a return on that investment. If we could right size those things where the teams are just busy enough and just slow enough that's where we want to be in that sweet spot, where we're hitting home runs every time.

4. ADJOURNMENT

4.1

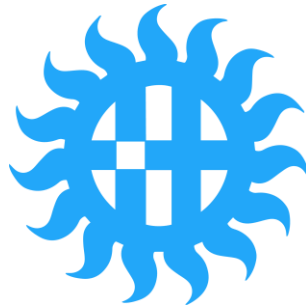
Councilor Tessa Abeyta moved, seconded by Councilor Becki Graham, to Adjourn at 5:06 p.m.

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

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Mayor

City Clerk



MINUTES

City Council

Monday, August 7, 2023 @ 1:00 PM

City Council Chambers, City Hall

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

ABSENT: Councilor Yvonne Flores

1. OPENING CEREMONIES

1.1 PLEDGE OF ALLEGIANCE - COUNCILOR BENCOMO.

1.2 PETS OF THE WEEK.

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

1.3 JOBS OF THE WEEK.

Sarah Raney, New Mexico Workforce Connections presented Jobs of the Week.

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

Harold Morris gave a presentation for Buffalo Soldiers Day.

Councilor Bencomo presented Harold Morris with a proclamation for Buffalo Soldiers Day.

Councilor Bencomo read into record a proclamation for Never Give Up Day.

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

2.1

Councilor Corran said on item 7.1 I work for NMSU. I just want to acknowledge that the conflict exists, and I sort of defer to my colleagues on council to see if that is something that I should recuse myself from the deliberations or not.

Councilor Graham said also an NMSU employee I personally don't perceive any conflict but defer to my colleagues.

Mayor Miyagishima said I am an adjunct instructor at the University as well and I teach a class in the spring. Nonetheless I don't have any particular interest on this item 7.1, nor do I believe either of you do.

3. PUBLIC PARTICIPATION

3.1

Lawrence Orvis, Member of the Public said I was the Chairman of the Veteran's Advisory Board five years in a row out of the eight and now Karen Woods has that position. Karen has asked me to come before you and explain a couple of things. We have a young girl that died in the parking lot of the Veteran's Park. I understand that they agreed to have a small tree along with something with remembrance in the new parking lot. I just wanted to point out and make this point very clear that this is Veteran's Memorial Park. We don't want to suggest that this be turned into some day down the road any kind of cemetery. If they still want to have in the parking lot a small tree along with a small headstone if you haven't but not nothing in the Veteran's Memorial Park.

Fred Huff, Member of the Public said I have spoken before you before concerning the Burn Lake issue, this is a totally different issue today. It is about agenda item 9.2, and I saw that there is no public comment available on this one and this is about using the vouchers for the landlords. I am assuming that it is okay to talk about it here.

Mayor Miyagishima said we don't have any public comment on that.

Fred Huff said it sure seems odd that you are trying to force these landlords to do something. You are not allowing any of it?

Mayor Miyagishima said that is the specific rules on that. In two weeks, it will come to the agenda and then you can have comment on it. On this particular item is not meant to have public comment on this.

Rod Gajewski, Member of the Public said I just wanted to mention to the council today is National Purple Heart Day and the city is a Purple Heart City. It is the first Purple Heart City in the state of New Mexico. We have signs throughout the city that recognizes us as a Purple Heart City and we have a Purple Heart Monument within the park and I just wanted to say that today is our special day.

Mayor Miyagishima said can you do me a favor, I know what a Purple Heart is and I am sure many of our members but for those members of the public who are not exactly sure what Purple Heart means would you mind just sharing that with us.

Rod Gajewski said George Washington started the Purple Heart by giving a purple ribbon to individuals during the revolutionary war who had meritorious service or who

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were wounded in combat. In 1932, Douglas MacArthur made a proclamation within congress that made it an official medal to be received for anyone that did receive wounds or that was killed in action. We had this retroactive for those who were in World War I, we had Col. Roach and most of you know who Paul Roach is. His father received a Purple Heart and a couple of others from this city by having the proper records and since 1932 within the confines of Dona Ana County and Las Cruces we have over 250 Purple Heart Recipients. The city and you as the mayor have honored us as Purple Heart Veteran's and we appreciate that. We don't support the vote that was recently that was allowing the monument in the park but understand that you have that right in spite of the fact that there was a resolution that clearly states what should be in the park and what shouldn't be but today is a special day. It is National Purple Heart Day. We serve with pride and distinction.

Mayor Miyagishima said that you for that and bottom line is those who were recipients of the Purple Heart basically gave a part of themselves left on the battlefield and for that we want to thank you for your service and I want to a standing ovation for you and the others in our city and community for their service and those who did receive the Purple Heart so thank you very much for all that you have done.

Juan Garcia, Member of the Public said how much more suffering must we endure before we see change? This is from the owner of Primo's Tire Repair Shop on Picacho. This is after four vandal attacks and thousands of dollars in material and time losses. Police reports filed, Councilor for District 2 running for reelection quoted in the Bulletin, "the City Council must address the root causes of our most pressing crime and public safety challenges by investing in public health approaches to interrupt cycles of trauma and addiction". If mental health and drug addiction is so bad in this community, why aren't you demanding the Governor change course and instead invest in a local mental and addiction treatment center. Why do we need four abortion clinics? You blame the DA or Judge Goldbaum or other social issues, never the criminal. No mention of personal accountability and responsibility or consequences for criminal behavior or toughening criminal laws. Consider pointing at the State Representatives and Senators who have adopted an in the bunker mentality, avoiding the issue while you focus on interrupting the cycles of trauma. The grass roots Las Cruces Hall of Shame list of forgotten victims stands at about 84. This is not even the tip of the victims. This is not from police reports these are actually real people that have been impacted. Will fixing the cycle of trauma get results in six months or another election cycle and how many more times will Primo's Tire Repair Shop or Carlos or Cesar's be broken into before we see change?

Rick Reynaud, Member of the Public said I was looking into ranked choice voting so I can get some insights and I went to fairvote.org and I scrolled down the front page and there is a picture of you guys on fairvote.org. So, I was thinking about conflict of interest. Above your picture it says, "lowers the barrier to entry for women and candidates of color". What barrier? I have lived here for sixty years. There is no barriers. One more thing, diversity is our strength. No, it is not. Unity is. Was the City Council paid for being on this page? What was the arrangement?

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Chris Sautter, Member of the Public said I am retired Army Colonel Nurse Corp., as the Vice Chair of the Mayor's Veteran's Advisory Council and the Military Officers Association representative I endorse the support the letter from the board. I feel that what I saw on June City Council was a group of officials making decisions with their heart and emotions not on fact. In your oath of office, it says that you are to be impartial. I do not believe this was the case. It was a tragedy, and you need to look beyond that and look at the facts. Even the Mayor said that we are setting a precedent by allowing this memorial to go in the park. On the other hand, I feel that the council did not play by their own rules. You allowed Mr. Gonzales to have his time. Him and his wife were allowed to sit at that table and then although everyone else was limited to two minutes he was allowed to get up and after every Veteran spoke and make some nasty comments and I know they are coming from his grief but as an officer I wanted to lock his heels. I think you need to take a revote on this issue. Looking at the documents that support the park, who is to be in that park as a memorial and not vote with your emotions. I think alternative memorial would be better used as a dedicated shelf in the library to children's books or perhaps an art corner in an elementary school. I think that is more appropriate than a memorial in the Veteran's Park.

Heidi Blaire, Member of the Public said I am the CEO and founder of Transforming Life with Heidi, and I am a new resident here in Las Cruces and have a few business cards if anybody would like. Transforming Life with Heidi is a business where I help people identify their growth gaps and with those growth gaps we can begin to identify and begin a transformation journey. I am also a Veteran and I personally do not support a memorial within the Veteran's Park.

Karen Woods, Member of the Public said I am the current Chair of the Veteran's Advisory Board and I am also the President of the United Military Women of the Southwest. A few days ago I received this email and was asked to read it to you all. "To whom it may concern, it has come to my attention that there is a proposal before the council that would allow a memorial honoring the memory of a child who was run over and subsequently died at Veteran's Park. First let me say that I am a husband, a father a grandfather, and a great-grandfather and I love all children. About a year ago I met an Iraq-Afghanistan Vet in conversation he found out that my wife and I were responsible for the Bataan Memorial Statue as well as the Vietnam Honors Memorial, with tears in his eyes he shared his personal story. After his tour of duty when discharged he could not find a job and had problems at home. He became homeless, began drinking and finally decided to end it all. However, to make a statement he went to Veteran's Park with suicide on his mind. As he walked the memorials, he slowly began to see the logic of life as he sat on the granite stones at the Vietnam Memorial and the faces of all New Mexican men and women who have given the ultimate sacrifice, a lightbulb went off in his mind and right then and there he had decided to give purpose for their deaths. In my opinion to a memorial to a deceased child who has died in the park would have just increased his anguish, adding more fuel to the fire and would have ended his life. He exemplifies the purpose of the park and all Veteran's parks around the country. They bring closure and meaning to all Veteran's and their families. Again, my opinion a memorial of a deceased child at the Veteran's Memorial Park would be the same as a missing child memorial at the tomb of the Unknown Soldier in Washington. Both are tragic and cannot be forgotten just

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not together in the same park. We have many parks in Las Cruces why not give our children their just due designating and naming a park to honor all our children. Thank you, Jay Doe Martinez”.

Councilor Bencomo for Karla Martinez. She said daughter and I own a business on Valley and Picacho. About two months ago we were vandalized at our business, and we lasted with plywood on our windows for about a month which really impacted the sales of our business because people believed we were closed. We came here a few weeks ago and we had a good response. It taught me the importance of being here. Thanks to that we were able to meet a lot of people who supported us, the Coalition of Conservatives in Action have really supported us through this. And the Police Department has also been vigilant with us. The Mayor did go visit us but we were not there unfortunately but he did go visit us. We know that there is a lot of work to do and I am happy to be here doing that work. We know that my neighbors are feeling it too and they often are too scared to even to report situations. I want to come here and ask all of you as our leaders what, any guidance you can give us, any small business on what we can do. I am here representing the Hispanic community who has come here to do better for our families. I want to know what we can do to fight for our rights. I want to work together with you, and I don't to fight with you. Please help us. We know you are there because people voted for you. You are there fighting for us, help our country be better and help the city of Las Cruces be a calmer place like it used to be.

Tammy Pickering, Member of the Public said I appreciate that you allow us to come before you and bring our concerns. For several months now I have watched and listened to your reaction to the stories of crime in our city. I have heard three of you say that the issue is with the DA and my first question is, have you talked to the DA about the issues our city is facing? It seems at the very least a conversation would be in order. Well, I have talked to the DA, and he is most definitely not the issue. In fact, many of the crimes that plague our city would never even go before him because they are petty misdemeanors and municipal matters. Vandalism, shoplifting, graffiti, criminal trespass, and other property crimes are violations of city ordinances. They are also against the law but first and foremost they are considered a municipal violation. You are the ones who enact the ordinances and you have heard us talk about consequences. I found it interesting that at least two of you have talked about how jail is not the answer, then what is? Perhaps if ordinances had consequences spelled out judges would have other options. Let's take for example the city ordinance on graffiti. Whoever commits graffiti vandalism may be required to pay a fine up to \$500 or spend 90 days in jail or may be required as a condition of probation or a deferred or suspended sentence to perform mandatory community service with a continuous period following conviction and/or to clean up, repair, or replace the defaced real or personal property and/or to make restitution to the property owner for the cost of damages and restoration and if they are a minor to attend family counseling. It is interesting to note that this is the only ordinance that has other consequences when probation or a deferred or suspended sentence is issued. Perhaps the other ordinances should have similar wording.

The municipal system is police prosecuted, which means that the police bring the charges and the judges determine the sentence. To whom do Municipal Judges

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answer then repeat offenders continue to terrorize and degrade the safety of our citizens of our city?

Mayor Miyagishima said getting back to your question about who the Municipal Judge answers to, the public. The public elects in this case Judge Goldbaum and that is who she is accountable to, and she has the authority when the police arrest them for these petty misdemeanors to just let them go and I have tried throughout many months dealing with our local media not the Bulletin, but the other and it just fell on deaf ears. I don't like talking like that about our other local newspaper. Maybe it has changed because they have a new person in charge but the previous people didn't want to hear it. I want to address very briefly the questions that was brought before and just for the members of the public to understand a while back there was a tragedy at Veteran's Park where a small toddler 2 or 3 years old was accidentally runover. Unfortunately, the child died. The parents wanted to have some type of memorial there on the current Veteran's Park boundaries. Many of you may not be aware that we are building a parking lot, a large parking lot because during the many great events that we have honoring our Veterans it gets so many cars that they start parking on Roadrunner Parkway which is technically illegal and so we are building another parking lot. It was there that was discussed to put a park bench and a tree honoring the little girl who lost her life. Now I understand that it is very disheartening when you feel you pass and I received this letter that I am looking at. Let me clarify, we have resolutions, and we have ordinances. So an ordinance is the city's way of saying this is the law and no we can't bend that but a resolution is a policy. I understand that it gets frustrating. What I am trying to say is that this was a very emotional issue. Just think if another parent sees this park bench and a discussion starts happening and it is a reminder that children, they can move so fast. You think you have them for one second and the next thing you know they are gone. If that saves a life, then that park bench is all that mattered and better. We are not talking about the Veteran's Park we are talking about auxiliary parking lot. This council does have that authority. We appreciate the Veterans and please I work with my colleagues, and they recognize, and we would not have this great country without each and every one of the Veterans. In all the action and the things that we think about we do. I don't want you to think that just because we don't support that one by allowing this that it was not meant to be anything disrespectful to you who are Veterans. It was meant to serve as a reminder to this tragedy and we hope it never ever happens again.

Mike Styes, Member of the Public said I am resident of Las Cruces and I live in the Metro Verde area. I have been in Las Cruces for about four years and I have enjoyed riding my bicycle in the area. I describe myself as a recreational bicyclist and ride not only for my enjoyment but as part of my health regiment. I am here today to discuss the conditions as I see them for bicyclist and pedestrian's safety and ease of travel. Because of my location I ride on streets and roads that fall under the jurisdiction of the city, county and state which give me an opportunity to observe a variety of traffic and road conditions in the area. Knowing the council is not responsible for all conditions. I have seen that there is a need for all jurisdictions to work together to ensure the bicyclist and pedestrians can use the roads with the same degree of confidence no matter where they are in the valley and the roads are safe for them. One factor in my favor is that I have the flexibility to pick the time and the route. To make it a safer

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environment for myself I have found routes that have lighter traffic and adequate roads. Some of the routes in my file are for Sundays or holidays only because of the direction of traffic it makes it much harder and hazardous during weekdays. Riders that use their bicycles to commute to work, schools or a basic means of transportation cannot be as selective as I and are subject to more traffic and fewer road choices. I think that we are all aware of the bicycle/vehicle collisions that have resulted in fatalities. Because I live in a developing area it would be hard to conclude that the roads as they are today are the final plan for the city. I can say at this time that there are areas that are dangerous for bicyclist. Some examples are Sonoma Ranch/Bataan Memorial interchange from there up to Northrise, there is no bike lane and heavy cross traffic. The need for comprehensive and coordinated planning and action throughout the city to ensure bicyclist have reasonable expectations and safety. Accommodating safety routes with retro construction and new construction for pedestrian and bicycle commuters.

Donald Wilson, Member of the Public said I have been a bicyclist in this community since I was 4 years old. I am also a member of Velo Cruces, I am a volunteer mechanic with that organization, and I am also member of a group called the Vulnerable Road Users of New Mexico. So, one of the goals of these organizations is to see that Las Cruces and the Mesilla Valley builds a reputation as a good place to be a pedestrian or a cyclist. We are in the process right now of conducting a survey of cyclists and if there is some way that we can work with the city to distribute that survey we would be happy to do that. We would certainly share the results with you. The survey seeks to take the temperature of what cyclists and pedestrians feel the community is like in terms of safety factors and design factors and also seeks to identify areas where there needs to be some attention from the people building the streets to make them safer. The other aspects we are involved in are education, through the HUB Community Bike Shop we distribute lights and bright yellow vests to cyclist to help them be more visible and also to comply with local ordinances that require lights at night and these are things we are trying to do to make the community safer for the cyclists so that people enjoy and can get around the city without necessarily having to be strapped in a 4000 pound chunk of metal. We stand ready to work with the city and I was very pleased that the first position that Workforce New Mexico listed today is that Active Transportation Coordinator. We have been dismayed at how difficult it has been to for the city to fill that position. That position I think can be key to the city helping work with the cycling community and pedestrian community and the city planning departments to make the community safer for all the people using the streets not just the people in cars.

David Steele, Member of the Public said I live in council District 6. My wife and I have lived in 8 different states across the country. When we retired a few years ago we could have gone anywhere. We chose to come to Las Cruces and that has been a very good decision for us. One disappointment we have of our adopted hometown is the status of animal welfare in our community. Too many people here think of their companion animals as disposable property. My wife and I have had 13 dogs over the course of our 50+ years of marriage and we haven't owned a single one of them we have been their guardian. The intake rate at our community shelter is staggeringly high and data presented at the Animal Services Center Board meeting in July shows that the rate is increasing and so too is the kill rate. Thus far in 2023 we have killed

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over 500 animals, most of them adoptable. That is nearly three times the kill rate for all of 2022. I urge the city council to take animal welfare seriously. For example, you can make sure the Animal Service Center has resources it needs to offer a nationally competitive salary for veterinarians and for veterinarians that they are looking for currently. You could work with groups like Animal Advocates for Change and others in updating and improving our animal ordinances based on best practices and based on evidence-based outcome measures. You could develop policies requiring that the right to keep companion animals carries with it the obligation to spay and neuter them to reduce the numbers finding themselves homeless and in need of shelter care. If you don't have the stomach for mandates, then come up with incentives that are so attractive that mandates are not required. Thanks to groups like Animal Protection New Mexico resources are increasingly available in the state to assist people with the cost of these procedures.

Mayor Miyagishima said I will tell you that on October 10th we are going to have a Work Session on spay and neuter and I would like to have your contact information. I am going to be leaving at the end of the year and one of the things that I really would like to advocate to both my colleagues, but account of the commission is we take over the animal services because right now it is really a challenge dealing with bureaucracy.

Jim New, Member of the Public said I spent my youth in swimming pools and I was a competitive swimmer from age 6. I also competed in the national level, and I say this only to say that I spent it in a lot of swimming pools and the swimming pool that you guys have put in place here in Las Cruces is an amazing facility and I thank you for doing that for the community.

George Pearson, Member of Public said I am the President of the Alameda Depot Neighborhood Association, and I am presenting this on behalf of the Neighborhood Association. On the eve of another cyclist death in Las Cruces' streets we the Alameda Depot Neighborhood Association are writing to urge you to commit to creating a Vision Zero Action Plan. Vision Zero is the strategy to eliminate roadway deaths and severe injuries while increasing safety, health and equitable mobility for all no matter what side of town we live on whether we rent or own, walk or ride or drive we all deserve safe streets. To many of our residential streets are designed for motorized vehicles only. This is harmful to the people who actually live on these roads, ride on them and walk alongside them. Last year after two years of advocacy the city implemented a road diet on Alameda Boulevard when it resurfaced this historic street. People report that it feels much safer. It is easier to cross and more pleasant to ride on and nicer to walk along. This road diet which reduced traffic speed to be closer to the mandated 30 miles per hour was an important step in the right direction. This year New Mexico was once again listed as the deadliest state for pedestrians by the Governor's Highway Safety Association. As a community we need to act now to prevent avoidable deaths. As councilors and the Mayor we urge you to require city agencies to adopt a safe system approach which requires both human mistakes and human vulnerability and designed system to protect everyone. Join Albuquerque and other cities in making an official commitment to a Vision Zero goal to achieve zero traffic fatalities among all road users including people walking, biking, using transit, and drivers in a set timeframe. Create a multi-disciplinary Vision Zero

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Taskforce encouraging meaningful cooperation and collaboration among relevant government agencies and community stakeholders to establish the framework for multiple stakeholders to set shared goals and focus on coordination and accountability. Apply for 2024 US Department of Transportation Safe Streets for All Grants to help fund the Vision Zero effort and to commit to both equitable approach to Vision Zero by establishing inclusive and representative process as well as equitable outcomes by ensuring measurable benchmarks to provide safe transportation options for all road users in all parts of the city.

Sarah Smith, Member of Public said I am from the New Mexico Freedoms Alliance. Today I want to tell you about crime in my neighborhood. I live in Mayor Pro Tem Gandara’s district, and my neighbor Carol had her car stolen a couple of weeks ago. Carol is in her mid-80’s and she lives alone. She has trouble walking and uses a walker to get around. A couple of weeks ago when Carol came home, she left her garage door open to let things cool off because it was so hot. Sometime between 5 and 6:30 p.m. somebody stole Carol’s car out of her garage. Of course, she called the police but they are so overloaded that they did not arrive to her house until 11:30 at night when she was already in bed. She has already been dealing with the fact that a speeding car hit her rock wall and damaged her home a few months ago and now she has had her car stolen. Over the next week the Dona Ana County Sheriff’s Office had a report of an abandoned car and it turned out to be Carol’s car out of gas. So thankfully she was able to recover her car but the thieves damaged the front of her car and stole everything that she had inside. Carol is one more example of the vulnerable people here in Las Cruces who are suffering from the increased crime. Please do whatever you can to stop the ongoing crime in our community and to protect people like Carol from more attacks.

Besides increasing the number of police please advocate for our Legislature to enact laws that will allow our criminal justice system to function instead of continuing to catch and release. Will you send an official resolution to the Legislature and Governor to ask for this? The legislature could also do things such as increase the pay for our District Attorney’s Office and police officers which would allow us to recruit and maintain more people in these important positions. Did you know our District Attorney’s Office is under the same pay scale as county with far less lower case loads? This is true for Albuquerque as well and this contributes to the fact that our District Attorney’s Office has been running with only 50% capacity. Fifty percent of their needed staff for years at this point. Please prioritize the use of our valuable taxpayer funds to increasing mental health services while also ensuring that our courts hold people accountable for their crimes.

4. ACCEPTANCE OF AGENDA

Councilor Tessa Abeyta moved, seconded by Councilor Becky Corran, to accept the agenda as presented.

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

5. CITY COUNCIL MINUTES

5.1 REGULAR CITY COUNCIL MEETING OF JULY 3, 2023.

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

- 6.1 RESOLUTION NO. 24-014: A RESOLUTION APPROVING A ROADWAY LIGHTING MAINTENANCE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO PROVIDE MAINTENANCE OF ROADWAY LIGHTING ON EAST UNIVERSITY AVENUE (NM101) BETWEEN BOWMAN STREET AND SOUTH MAIN STREET (CONTROL NO LC00290).**
- 6.2 RESOLUTION NO. 24-015: A RESOLUTION AUTHORIZING AN INCREASE IN THE ANNUAL NOT-TO-EXCEED AMOUNT OF THE CONTRACT FOR GENERAL LITIGATION SERVICES WITH MYNATT SPRINGER P.C. TO \$600,000 PLUS NEW MEXICO GROSS RECEIPTS TAX ANNUALLY (PROCUREMENT NO. 23-24-005).**
- 6.3 RESOLUTION NO. 24-016: A RESOLUTION APPROVING A SERVICE AGREEMENT FOR PLANNING AND DEVELOPMENT SERVICES RELATED TO DOWNTOWN REVITALIZATION TO DOWNTOWN LAS CRUCES PARTNERSHIP OF LAS CRUCES, NEW MEXICO IN AN AMOUNT NOT TO EXCEED \$120,000.00 PLUS APPLICABLE TAXES ANNUALLY FOR A PERIOD OF ONE (1) YEAR WITH THE OPTION TO EXTEND FOR THREE (3) ADDITIONAL ONE-YEAR TERMS, SUBJECT TO APPROVED BUDGET APPROPRIATIONS. (PROCUREMENT NO. 23-24-008).**
- 6.4 RESOLUTION NO. 24-017: A RESOLUTION APPROVING A CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES WITH MESILLA VALLEY ECONOMIC DEVELOPMENT ALLIANCE (MVEDA) OF LAS CRUCES, NEW MEXICO IN AN AMOUNT NOT TO EXCEED \$250,000.00 PLUS APPLICABLE TAXES ANNUALLY FOR A PERIOD OF ONE (1) YEAR WITH THE OPTION TO EXTEND FOR THREE (3) ADDITIONAL ONE-YEAR TERMS, SUBJECT TO APPROVED BUDGET APPROPRIATIONS AND ANNUAL RENEWALS. (PROCUREMENT NO. 23-24-009).**

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

- 7.1 RESOLUTION NO. 24-018: A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING PERTAINING TO THE POSSIBLE UTILIZATION OF TAX INCREMENT FOR THE DEVELOPMENT AND POSSIBLE ANNEXATION OF SELECT PROPERTY OWNED BY THE REGENTS OF NEW MEXICO STATE UNIVERSITY.**

Scott Eschenbrenner, Special Assistant to the President New Mexico State University said we are here to discuss a resolution approving a Memorandum of Understanding pertaining to a possible utilization of a tax increment of development and possible annexation of select property owned by the regents of New Mexico State University. While I was prepared and still can make a presentation to you today it has come to light for us at NMSU that there are probably a few more questions and a couple of

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things that we ought to be considering. I know that we had not brought this to a Work Session so it would be my recommendation or my request to this council to possibly look at deferring this item, take this to a Work Session so that we can make sure that all the councilors are fully briefed on what we are doing and I would stand for any questions if you feel that is appropriate action.

Mayor Miyagishima said I appreciate that very much. One of the things that this council is really forthright in is making sure that the public is aware of any situations that come up and this just stands and means so much to hear from the university that there are still some things that need to be but more importantly I think a Work Session is an excellent idea and that way there council can have various items, questions that they may be brought up but more importantly that the public can have access to what exactly this is. The university and the city have always worked well together, and I am sure that we will continue to do so.

Councilor Tessa Abeyta moved, seconded by Councilor Kasandra Gandara, to Table item 7.1.

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

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

Christine Rivera, City Clerk gave the overhead presentation.

Councilor Becki Graham moved, seconded by Councilor Tessa Abeyta, to Approve Ordinance No. 3043.

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

8. BOARD APPOINTMENTS

8.1 NONE.

9. NOTICE OF PROPOSED ORDINANCE(S)

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

9.1 COUNCIL BILL NO. 24-002; ORDINANCE NO. 3044: AN ORDINANCE AMENDING THE LAS CRUCES MUNICIPAL CODE 1997, AS AMENDED

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

Council agreed to bring it forward.

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

Council agreed to bring it forward.

9.3 COUNCIL BILL NO. 24-004; ORDINANCE NO. 3046: AN ORDINANCE TO AUTHORIZE THE CONVEYANCE OF A CITY-OWNED VACANT PARCEL KNOWN AS LOT NUMBER 1B HOPE SUMMARY SUBDIVISION (AKA 2245 E. GRIGGS AVENUE) TO CATHOLIC CHARITIES HOUSING INC.,/ CHELSEA INVESTMENT CORPORATION FOR THE DEVELOPMENT OF THE THREE SISTERS AFFORDABLE HOUSING COMPLEX AS AUTHORIZED UNDER THE STATE OF NEW MEXICO'S AFFORDABLE HOUSING ACT (THE ACT) NMSA 1978 CHAPTER 104, IN CONJUNCTION WITH THE CITY OF LAS CRUCES' AFFORDABLE HOUSING GENERAL OVERSIGHT ORDINANCE.

Council agreed to bring it forward.

10. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

10.1 MAYOR MIYAGISHIMA

None.

10.2 COUNCILOR GANDARA

We had Health Policy Review Committee August 2nd at 3 p.m. The item on the agenda was cannabis use and youth. We had several partners in our community, our School Health Advisory Council, presentative Amy Himelright, the Up Coalition, Jessica Garcia, the cannabis industry with folks from that industry there. We had a great conversation. Lots of concern given the data specific to the YRS data specifically that nicotine and vaping is a big deal for our students in community. Just trying to pinpoint where kids are getting cannabis. We talked a lot about the locked boxes, about how we would use our cannabis revenue some. There was a commitment to continuing to meet, to break out into a subcommittee and then to come back to our Health Policy Review Committee in October. There is deep commitment obviously to provide programming around prevention, intervention, and treatment as it relates to cannabis and youth specific to density. I am also pointing out, I hope that our partners at Community Development and maybe P&Z and there is a number of data points and information in general that people in Public Health that have a great deal of knowledge and I would like to invite our Planning and Zoning members. I don't know how that will play out because it is the middle of the afternoon and typically the P&Z meets in the evening time.

We met for Public Safety. A big chunk of our conversation was with the contract for OIR and we are moving in hopefully updating that contract to have them provide

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alongside our Police Department community meetings. We also spoke very specifically with somebody from the Lifesaver Program, came to speak with regards to the program. A program to track our folks who are wanderers, specifically it could be children that are disabled but also our seniors that are experiencing dementia and Alzheimer's. This is a program out of the Sheriff's Department. They have quite a bit of funding for the Alzheimer's Association to help.

I met with our federal MMO partners, the lobbyists which they have been busy advocating for the city and we have fared well over \$10 million that we have been able to draw from our representatives and senators specific to New Mexico and our area. Some great things and projects that have been included like our Lift Up Anti-Poverty Program, our Project LIGHT construction, New Mexico Gun Crime Center and our Narcotic Analyzer Awareness Program, and another which is very much needed is Boys and Girls Club. There was a number of requested items and a lot of that for me was infrastructure. Looking at the airport, the West Mesa Road going into Santa Teresa, of course our Project LIGHT, our Lift Up programming more specifically.

10.3 COUNCILOR CORRAN

I just wanted to welcome back NMSU students, and the semester starts next Wednesday before our next meeting. I want to thank the City's Communications staff for working on a special collaborative project with the NMSU Communications staff to make sure that our city is welcoming students as well.

The TSI PRC meeting last week we had a really interesting conversation thanks to Angela Armijo and the Community Development folks. We talked about our Federal Flood Insurance Program. I didn't know that the extraordinary process that it is to have community ratings for our flood insurance. The City of Las Cruces is really diligent in seeking lower ranking in their Federal Flood Insurance which results in lower flood insurance premiums for the people of Las Cruces which right now the city is preparing for an October audit that will examine what level of insurance premiums the residents who live in flood zones will have to pay. Right now, our rating is at a 7 and we are tied with Albuquerque. We heard a lot of what is happening with that and seeing some ordinances specific that will help us increase our inputs and score on that community rating system.

I wanted to touch quickly on the ASCMV Board, we did have a really low live release rate which is inverse of euthanasia rate or the kill rate at 50% of the animals coming into the shelter are leaving alive. I would say that the city has been making substantial efforts. We have increased in the last two years. I think we have increased the funding for the Animal Services Center out of the city budget by something like 35%. The staff are working really diligently, and I appreciate Barbara Bencomo and her leadership in this to work on alternative funding streams and making sure the city is able to secure and increase capacity for spay and neuter. It is not good and I really urge folks to think about helping support your neighbors, keep their pets and making sure that they are able to stay home.

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I just want to speak to the idea that our values or our emotions are in contrast with those of Veterans. I want to say as someone who grew up, my Godfather was the Commander at the VFW. I grew up in the VFW Legion. My grandfather served in the military both Army Veterans, my uncle served in Vietnam. I just want to speak to the idea what values mean and to suggest that the values of Veterans are exclusive of valuing a life lost and recognizing the importance of grieving to a family. Certainly, that is not in the realm of values that I learned with my family of Veterans who served both in action and not. I carry the emotions that my Veteran family members gave to me. The values that they shared with me and those are part of how I serve in public and so I just want to challenged our folks to think more broadly about what it means to be a Veteran and what kind of values Veterans might be carrying in their hearts.

10.4 COUNCILOR BENCOMO

I really want to thank Mr. Harold Morris for coming and singing that Sam Cooke song here today and for his general presence here. I was very honored to present him with that proclamation.

I wanted to thank our Chief Story for just sitting down with me and just talking through District 4 and hotspots and interventions that they are working on and everything and working together, so thank you Chief very much for your collaboration.

I also wanted to note that I visited 828 Studios last week. They are now on Miranda, which is now in District 4, and they purchased that big Baptist Church that had been empty for many years and they are keeping the façade of it, the outside. They are keeping the sanctuary. I really excited to be in partnership with 828 Studios. I think for all of the things that get said about our community there are truly people who are saying that we are going to put our best foot forward and we are going to invest in the community that we say we love and maybe put our dollars behind that. Huge kudos to our Economic Development Department for maintaining and cultivating that relationship.

I did want to touch on the fire in Albuquerque that is currently happening at the recycling facility. I don't know if you have seen the footage, but it looks just so tragic and awful. They have really dangerous air pollution that is really dangerous for everyone in the area. We recently had a landfill fire and even though it was clean fill completely accidental. It just raises questions about our waste management and plastics and the dangers they clearly pose to our quality of life and so I did email this morning just because I am so curious about our facilities, safety of our facilities and what measures we are taking to make sure we prevent those types of tragedies. I don't know if that would perhaps ever lfo be something to come to Work Session just because it is so present and scary and it made me realize that I don't ask enough departments what are we missing? What am I not asking? It just reminded me to be more cognizant of and more deliberate about that.

We have a housing meeting coming up next week. We have a Utilities Board meeting this week and I think we have a Work Session at 2 p.m. on Thursday. We are going to be discussing the rate process. So, if members of the public are interested and curious in learning on how the utilities set rates I really encourage people to come to that to learn more about that process.

10.5 COUNCILOR GRAHAM

South Central Solid Waste Association Board met last week and always impressed particularly with their work culture. Mayor Pro Tem and I were both interested in hearing how they are dealing with the heat which I am sure is a lot of the big deal for a lot of our city departments but I know we were both gratified to hear how careful they are to make sure that their employees who are outside in this heat that I can't even take walking from the car to the City Hall. They are taking really good care of their people and I was happy to see that.

Same thanks to Chief Story for sitting down and accommodating my many questions and postulations on policing. Upsetting reading recommendation, I am reading *The Heat Will Kill You First, Life and Death on a Scorched Planet*, which is every bit as upsetting as the title would imply. I heard about it on a million podcasts a couple of weeks ago. It is getting hotter, and it is really bad for absolutely everybody but I think reading these things as somebody now serving in city government.

Finally, it was a lively public comment session and what I would like to do is thank those of you who not just come for public comment but come and stay throughout or even those who don't comment. I want to thank those who come not only to share their thoughts but then actually come and sit through the rest of the work that we do as a government. I appreciate that as someone up on this side of things. Just acknowledging those who kind of run the marathon here with us and not just sprint. I appreciate you even though we don't always agree.

10.6 COUNCILOR ABEYTA

I know that Mayor Pro Tem already talked a little bit about Public Safety, but I do have Mr. Stephen Dail's information here to share about Project Lifesaver and his contact is stephend@donaanacounty.org and he is the contact point for Project Lifesaver.

I want to thank Chief Story as well for sitting around with me and chatting about District 2 and helping set up, I did a police ride along on Friday with Officer Rivera. I did a swing shift, so I got in at 4 and we were done about 1. It was an interesting look at the district. What I would say is that it was a slower night which I know is a very good thing but I did get to see Project Light in action and I did get to have really wonderful conversations to see what the prospective not only from the districts but from the officers side view so very much a big thank you to Officer Rivera who has been with the department for two and half years now and former military.

Seems like a long time ago but July 21st I was up in Albuquerque for the New Mexico Municipal League resolutions. We approved, it is the second of a three stage process with the Municipal League to approve different items that we will push forward to the Legislative Session or to keep on our radar for items even if they are not journeyed this year to keep. Everything ranged from Public Safety to Behavioral Health. There is a call and need, one of the things in all our communities know there is a need for behavioral health services and that is something I know my colleagues have advocated for and other communities are advocating for too. We see Public Safety in ways that need to combine and connect. It is not just one thing that is going to solve

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the problem. There is a lot of different ways, things need to come together and I think we all know that and we are trying to deal with those in different sections.

I want to thank Christine who reached out to the league to have IPRA training here for staff. That will be on August 15th at 9 a.m. I believe here in the chambers for individuals, so I am sure she is sending out invitations for everybody.

I also was able to sit down with our federal lobbyist to go over projects and everything. In September I will be joining the Chamber of Commerce for the second time to go advocate for military affairs. They go every year, we chat with the Pentagon and then chat with our Federal Delegation and really letting them know the importance and needs here at White Sands, Fort Bliss, all of those in the area. It is something I have been honored to do in the past and will be very thankful to do in the future. One thing that we do is layer on meetings extra for the city when that comes in so that I am able to maximize that time. I want to thank the partners for really making the most use of my time while I am up there so we can do both.

11. CITY MANAGER REPORT

11.1 IFO PILI

I first of all want to introduce two new members of our executive team, our City Attorney Linda Samples and our new Parks and Rec Director Steven Bingham. Linda comes with a lot of experience. We are excited to have her. She comes from El Paso and has experience with the City of El Paso, as well as school districts and university experience.

Linda Samples, City Attorney said thank you all. I am very happy to be here. I am a native El Pasoan, so I am very familiar with the Las Cruces community. I would like to publicly thank Jocelyn Garrison and Brad Douglas, they are two attorneys in the City Attorney's Office who have handled a tremendous amount of work while this position has been vacant and all of the support staff. I look forward to working with everyone.

Steven Bingham, Parks and Rec Director said I appreciate the opportunity to address Mayor and City Council. I am so excited to be here and be a part of this community. I have a strong passion for parks and recreation. It changes lives. It is what helps create the quality of life we need in our communities and brings joy to the community, it brings life, and it brings culture.

Councilor Gandara said I had some conversations with some firefighters and they spoke to the national standard of fire houses and population and I understand that we are two fire houses behind and I just want for Ifo and Chief Smith to gather some information for me related to that because I am not familiar or aware of it and if that was the case where would the locations of these fire houses but of course as we are growing the national standard says that we are behind we should really have a robust conversation about that because of our growth. I will just lastly mention for those folks who are concerned about substance abuse treatment facilities and the work in that, we are having a meeting September 7th, location to be determined. Hopefully our Legislators do address this specific issues and sort of organize ourselves to then

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come to our Legislative Session asking for money to provide and then 5 West is now open.

Ifo Pili said I know Fire Chief is on top of things and I know Fire Station 9 has been planned. We can give you the information you need.

The Community Engagement Office will begin relaunching our Neighborhood Leadership Academy, this fall. It will be in a few different formats in order to provide the right resources and information in order to improve constituents’ knowledge of the City of Las Cruces and its functions. First, we will kick off the Development Leaders Academy for middle and high school students which will take place during fall break. This will consist of five half day sessions with students meeting at various departments to receive firsthand information and give input on city operations. The Neighborhood Leadership Academy in the original 10-week format will relaunch in January. The academy has a maximum of 35 participants and the Get to Know Your City seminar series will launch in July of 2024 which will be held in the council chambers every other Wednesday for ten sessions and up to 250 people can attend each session. I really appreciate Catrina and her team, this is a lot of work.

I appreciate Public Works sending over some information about our streets project. Bellamah Drive reconstruction project will begin mid-August, estimation completion date will be May of next year. I know Public Works sent over a list of streets. I don’t know if I will go over the list of over 20 streets application of chip seal. Twenty streets will be done within a five-day period, August 7th through 11th.

Visit Las Cruces, thank you, Las Cruces Restaurant Week had a great start. That was running from August 4th through August 11th. The program offers discounts provided by local restaurants as well as rewards for checking in during visits. Rewards rage based on a final number of visits individuals can register at visitlascruces.com for the free digital pass. There are 28 restaurants participating as of this morning, Monday. There are 489 individuals registered for the digital pass and 7 9check ins recorded over for the first weekend.

12. ADJOURNMENT

12.1

Councilor Tessa Abeyta moved, seconded by Councilor Becki Graham, to Adjourn at 3:02 p.m.

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

Mayor

City Clerk



City Council Action and Executive Summary

24-024

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ N/A
1st Reading:	Adopted: September 5, 2023
Drafter:	Lisa Padron
Program:	Purchasing
Department:	Financial Services
Line of Business:	Procure-to-Pay

Title:

A RESOLUTION AUTHORIZING AN INDEFINITE COST, INDEFINITE QUANTITY AGREEMENT FOR JANITORIAL SUPPLIES WITH SPECTRUM PAPER CO., INC., VIA EDUCATION SERVICE CENTER REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 21-7392 (PROCUREMENT NO. 23-24-022).

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

PURPOSE(S) OF ACTION:
To authorize a contract for janitorial supplies.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
Several departments within the City of Las Cruces (City) purchase janitorial supplies to maintain the cleanliness of citywide facilities.

Purchasing is requesting authorization to enter an indefinite cost, indefinite quantity agreement with Spectrum Paper Co., Inc., as shown in Exhibit "A". Each Department will budget its janitorial supplies purchases. The terms of this contract shall coexist with the ESC Region 19 Allied States Cooperative Contract No. 21-7392 for a term through January 31, 2024, with two (2) annual extension options.

SUPPORT INFORMATION:
[Exhibit "A" 23-24-022 - Janitorial Supplies - CA signed](#)

PLAN(S):
None

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☐ Yes
☒ No

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

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☒ No

Does this action align with Elevate Las Cruces?

☐ Yes

☒ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this action will approve the Resolution authorizing an existing contract purchase agreement for janitorial supplies via ESC Region 19 Allied States Cooperative Contract No. 21-7392.
2. Vote "No"; this action will not approve the Resolution and City Council will need to provide Staff with alternative direction.
3. Vote to "Amend"; this action could modify the Resolution based on direction by City Council to Staff.
4. Vote to "Table"; this action could delay the City Department's ability to purchase janitorial supplies.

RESOLUTION 24-024

A RESOLUTION AUTHORIZING AN INDEFINITE COST, INDEFINITE QUANTITY AGREEMENT FOR JANITORIAL SUPPLIES WITH SPECTRUM PAPER CO., INC., VIA EDUCATION SERVICE CENTER REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 21-7392 (PROCUREMENT NO. 23-24-022).

The City Council is informed that:

WHEREAS, several departments with the City of Las Cruces (CITY) purchase janitorial supplies to maintain the cleanliness of City-wide facilities; and

WHEREAS, the term of the contract will coexist with the ESC Region 19 Allied States Cooperative Contract No. 21-7392.

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

(I)

THAT the indefinite cost, indefinite quantity Existing Contract Purchase Agreement for janitorial supplies is hereby awarded to Spectrum Paper Co., Inc., of El Paso, Texas as shown in Exhibit "A", attached hereto and made part of this Resolution, is hereby approved.

(II)

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

DONE AND APPROVED this day of

Agenda Item #7.1.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS



CITY OF LAS CRUCES

EXISTING CONTRACT PURCHASE AGREEMENT

EDUCATION SERVICE CENTER REGION 19 ALLIED STATES COOPERATIVE CONTRACT NO. 21-7392

CUSTODIAL & SUPPORT SERVICE REQUIREMENTS & RELATED

Pursuant to terms and conditions of Education Service Center (ESC) Region 19 Allied States Cooperative Contract No. 21-7392, RFP No. 21-7392 dated January 31, 2022, between the Education Service Center (ESC) Region 19 Allied States Cooperative and Spectrum Paper Co., Inc., (CONTRACTOR), as amended and incorporated herein by reference, the City of Las Cruces (CITY) and CONTRACTOR hereby agree on this ____ day of August, 2023, as follows:

1. This Purchase Agreement is intended to be an Existing Contract Purchase Agreement in accordance with LCMC Chapter 24, Article I, Sec. 25-4
2. In a satisfactory and proper manner, the CONTRACTOR shall deliver janitorial supplies pursuant to ESC Region 19 Allied States Cooperative Contract No. 21-7392, as set forth in Attachment A, attached hereto and made a part of this Agreement.
3. The effective period of this Agreement shall coexist with ESC Region 19 Allied States Cooperative Contract No. 21-7392.
4. In consideration for the satisfactory delivery of janitorial supplies, the CONTRACTOR shall be compensated pursuant to the cost terms of Education Service Center (ESC) Region 19 Allied States Cooperative Contract No. 21-7392. Cost of janitorial supplies shall be paid by CITY within 30 days upon receipt of undisputed invoice.
5. This Agreement and the rights and obligations of the parties shall be governed by and construed by the laws of the State of New Mexico applicable to Agreements between New Mexico parties made and performed in that state, without regard to conflicts of law principles. Venue shall be in the Third Judicial District, State of New Mexico. Contractor shall abide and be governed by all applicable state law, City of Las Cruces ordinances, and laws regarding the Contractor's services or any work done pursuant to this Agreement.
6. The Contractor shall defend, indemnify, and hold harmless the City, its officers, and employees from and against any and all losses suffered by the City, its officers, and employees, and any special claims, liabilities or penalties asserted against the City, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Contractor, subcontractor, subgrantee, or other agent of the Contractor. This covenant shall survive the termination of this Agreement.
7. That in the event any of the provisions of this Contract are violated by the Contractor or by any of his Subcontractors, the City may serve written notice upon the Contractor and, if a surety exists, upon the surety of its intention to terminate such

Contract, such notices to contain the reasons for such intention to terminate the Contract; and, unless within ten (10) days after and satisfactory arrangement for correction be made, the Contract shall, upon the expiration of said ten (10) days, cease and terminate. On the event of any such termination, if a surety exists, the City shall immediately serve notice thereof upon the surety who shall have the right to take over and perform the Contract, provided, however, that if the surety does not commence performance thereof within thirty (30) days from the date of the mailing of such surety of notice of termination, the City may take over the work and prosecute the same to completion by the Contract for the account and at the expense of the Contractor, and the Contractor and his surety shall be liable to the City for any excess cost occasioned the City thereby; and in such event, the City may take possession of and utilize in completing the work, such materials, appliances, and plans as may be on the site of the work and necessary therefore. This Agreement may be terminated by either party hereto upon fifteen (15) calendar days written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement through no fault of the terminating party. This Agreement may also be terminated by the City, for its convenience or because the project has been permanently abandoned, but only upon fifteen (15) calendar days written notice to Contractor.

8. The terms of this Agreement are contingent on sufficient appropriations and authorization being made by the City for the performance of this Agreement. If sufficient appropriations and authorizations are not made by the City Council, this Agreement shall terminate upon written notice given by the City to Contractor. The City's decisions as to whether sufficient appropriations and authorizations exist shall be accepted by Contractor and shall be final.
9. Contractor will maintain records for five (5) years after the completion of the project, indicating dates, length of time, and services rendered. The City has the right to audit billings both before and after payment and contest any billing or portion thereof. Payment under this Agreement does not foreclose the City's right to recover excessive or illegal payments.
10. Contractor represents and warrants the following:
 - a. No Current or Prior Conflict of Interest. That Contractor has no business, professional, personal, or other interest, including, but not limited to, the representation of other clients, that would conflict in any manner or degree with the performance of its obligations under this Agreement.
 - b. Notice of Potential Conflict. If any such actual or potential conflict of interest arises under this Agreement, Contractor shall immediately inform the City in writing of such conflict.
 - c. Termination for Material Conflict. If, in the reasonable judgement of the City, such conflict poses a conflict to and with the performance of Contractor's obligations under this Agreement, or is otherwise a violation of the City's current policy or ordinances, then the City may terminate the Agreement immediately upon written notice to Contractor; such termination of the agreement shall be effective upon the receipt of such notice by Contractor.
11. The parties agree that each provision of this Agreement is severable and the invalidity or unenforceability of any one or more of the provisions of this Agreement

shall not affect the validity or enforceability of any other provision of this Agreement, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.

12. In the event that a dispute arises between City and Contractor under this Agreement or as a result of breach of this Agreement, the parties agree to act in good faith to attempt to resolve the dispute.

SPECTRUM PAPER CO., INC.

CITY OF LAS CRUCES

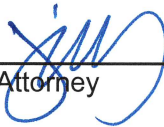
BY: _____
Maxine Brown-Soto
Owner

BY: _____
Alicia Hernandez
Purchasing Manager

Date

Date

APPROVED AS TO FORM

 7/20/2023

City Attorney

Attachment A

EDUCATION SERVICE CENTER REGION 19 ALLIED STATES COOPERATIVE
RFP AWARD SUMMARY

RFP TITLE:	Custodial & Support Service Requirements & Related - ESC Region 19 Allied States Cooperative
RFP NUMBER:	21-7392
RFP OPENING DATE:	November 17, 2020
CONTRACT TERM:	Date of award until January 31, 2022 with 4 annual extension options. (Extended by Region 19 until January 31, 2023) (Extended by Region 19 until January 31, 2024)
FUNDING SOURCE:	Various
RFP's ISSUED:	630
RESPONSES:	11
ADVERTISEMENT DATES:	El Paso Times – October 19, 2020 & October 26, 2020
RECOMMENDED FOR AWARD:	Acrylic Source+ Brady Industries of Texas LLC (Brady Companies LLC) ChemGiant, LLC Ecolab Inc. Kindle Fischer Specialty Chemicals LLC Laun-Dry Supply Co. Inc. (LD Supply, LLC) Lonehorn Distributing (Loren Hodges & Sons Inc.) updated 12/18/20 MasterServ Inc (AAA MasterServ Inc) Pyramid School Products (Pyramid Paper Company) Southwestern Mill Distributors, Inc <u>Spectrum Paper Co., Inc. (HUB)</u>
TOTAL (estimated)	\$5,000,000.00/year

EXPLANATIONS:

Award of this solicitation will enable ESC Region 19 - Allied States Cooperative (ASC) to establish a contract with vendor(s) for Custodial & Support Service Requirements & Related for those procurements made with federal, state, or local funds. Evaluation and award recommendation were based on 70% pricing, 30% references. The awarded vendors' pricing and information can be found on the Award Detail spreadsheet.

SPECIFICATIONS, PREPARATION AND
EVALUATION PROVIDED BY:

Rebecca Hernandez – ESC Region 19

Andrea Amiri – ESC Region 19

Renae Lawrence - ESC Region 19

Special Conditions

- 1. MSDS must be available and provided by vendor to member if requested.
- 2. Vendors must provide members with a copy of catalogs if requested.
- 3. Vendor is responsible to submit product/catalog changes to ASC for approval.

Approved By: _____
Dr. Armando Aguirre
Dr. Armando Aguirre
Dr. Armando Aguirre

Date: _____
December 11, 2020
October 18, 2021
October 25, 2022

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*updated 6/28/21

Company Name...	Spectrum Paper Co., Inc.
Company Contact...	Maxine Brown-Soto
Company Address...	27 Concord St., El Paso, TX 79906
Contact Email Address...	customerservice@spectrumpaper.com
Company Phone Number...	(915) 595-0020
Company Website...	HTTP://www.spectrumpaper.com
S&H included in pricing..	Yes
S&H (expedite fees)...	No
Products/Services Provided...	Janitorial supplies and equipment, paper and office supplies, furniture, food service supplies, packaging
Areas Served...	West Texas, New Mexico
Price Link...	Price Link
	Additional Items on Website: www.spectrumpaper.com

Line #	Description	QTY	Unit
1	Dry and Liquid Cleaners. Items to include but not limited to: detergent, bleach, foaming hand soap, liquid hand soap, lotion hand soap, foaming wash, disinfectant cleaner, drain cleaner, glass cleaner, pot pan liquid soap, pumice scouring sticks, liquid cleaner, graffiti remover, all purpose cleaner, absorbents, etc. Percent discount off catalog/pricelist.	1	47.0%
2	Cleaning Towels, Soap Pads. Items to include but not limited to: grill cleaning bricks, soap pads, green scouring pads, doodle bug pads, bar cleaning towels, fleece rags, microfiber cleaning cloths, sponges, etc. Percent discount off catalog/pricelist.	1	48.0%
3	Aerosol Sprays. Items to include but not limited to: foam aerosol cleaner, stainless steel cleaner/polish, baseboard cleaner, oven grill cleaner, chalkboard cleaner restorer, furniture polishes, disinfectant spray, liquid gum cleaner, chewing gum remover, insect spray, air freshener, etc. Percent discount off catalog/pricelist.	1	52.0%
4	Restroom Cleaners. Items to include but not limited to: deodorant blocks, commode blocks, urinal screen, tile and grout renovator, non-acid bowl cleaner, absorbent cleaner, restroom cleaner, etc. Percent discount off catalog/pricelist.	1	57.0%

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*updated 6/28/21

Company Name..		Spectrum Paper Co., Inc.
5	Custodial Tools and Supplies. Items to include but not limited to: counter brush, pot handle brush, toilet brush, window brush, tapered end handle, shoe handle wire brush, plastic spray bottles, sprayer-triggers, window squeegee, feather duster, plunger, water hose, janitorial cart, rolling dolly, etc. Percent discount off catalog/pricelist.	48.0%
6	Dispensers. Items to include but not limited to: sanitary napkin dispensers, folded towel dispenser, rolled towel dispenser, plastic toilet tissue dispenser, toilet tissue dispenser, sanitary napkin dispenser liners, sanitary napkin disposal unit, double toilet tissue dispenser, toilet seat cover dispenser, toilet seat covers, etc. Percent discount off catalog/pricelist.	60.0%
7	Trash Receptacles. Items to include but not limited to: plastic trash can with or without lid, step-on trash can, receptacle, plastic trash container with or without lid, waste basket, plastic bucket, trash cans with or without lid, square plastic container, rectangular trash receptacle, deskside recycling container, rollout recycling containers with or without lid, wood food court receptacle, etc. Percent discount off catalog/pricelist.	40.0%
8	Bag Liners. Items to include but not limited to: garbage plastic bags, wet garbage plastic bags, plastic bag breakfast containers, plastic recycle bags, plastic general purpose bags, bag liners, trash can liners, plastic liners, etc. Percent discount off catalog/pricelist.	55.0%
9	Custodial Paper. Items to include but not limited to: toilet tissue rolls, toilet tissue rolls - recycled, single fold toilet tissue, bathroom tissue, jumbo roll tissue for dispensers, full fold paper towels, single fold paper towels, roll paper towels, c-folder towels, premium folded towels, touchless paper towels, multifold hand towels, tall fold dispenser napkins, 2-ply facial soft tissue, etc. Percent discount off catalog/pricelist.	55.0%

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*updated 6/28/21

Company Name..		Spectrum Paper Co., Inc.
10	Food Service Items. Items to include but not limited to: bun pan bags, paper baking cups, plastic portion cups, plastic portion cup lids, styrofoam cups, styrofoam cup lids, plastic squat portion containers, plastic squat portion container lids, plastic squat containers, plastic squat container lids, salad containers with lid, styrofoam bowls, polystyrene bowls, round plates with or without compartments, styrofoam trays with hinged lid with or without compartments, styrofoam lunch trays, food trays, fast food trays, plastic ware, white menu tissue, pan liners, plastic freezer bags, film wrap, aluminum foil, burrito foil wraps, brown lunch bags, poly sandwich bags, plastic aprons, latex gloves, non-powdered vinyl gloves, powdered latex gloves, rubber gloves, plastic embossed gloves, etc. Percent discount off catalog/pricelist.	55.0%
11	Floor Care Products. Items to include but not limited to: floor sealer finish, spray buff restorer, non-ammoniated liquid wax stripper, no rinse floor stripper, liquid floor cleaner, neutral floor cleaner, gel floor cleaner, floor cleaners, tile sealer finish, floor finish, gym floor finish, dust mop treatment, carpet spot remover, carpet shampoo/extractor/cleaner, floor finish remover, floor sealer finish, utility pad holder, pad applicators, bonnet pads, stripping pads, buffing pads, cleansing pads, scrubbing pads, sanding disc, straw brooms, sweep brooms, floor brush, polypropylene garage brush, handles for brush/brooms, mops, mop handles, floor squeegees, dust pans, mop refills, mop heads, mop frames, buckets, etc. Percent discount off catalog/pricelist.	56.0%
12	Floor Care Equipment. Items to include but not limited to: high speed floor burnishers, floor buffers, upright vacuums, backpack vacuums, dual motor upright vacuums, portable extractors, wet dry vacuums, multiple speed air handlers, etc. Percent discount off catalog/pricelist.	30.0%

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*updated 6/28/21

		Company Name..	
13	Chemical Dispensing Systems. Items to include but not limited to: chemical dispensing systems, mounting racks, neutral floor cleaner maintainer, all purpose cleaner, glass cleaner, heavy duty degreaser, detergent disinfectant, liquid oven cleaner, air freshener, carpet extraction center, carpet extraction cleaner, etc. Percent discount off catalog/pricelist.	1	50.0%

Roseann Trujillo

From: Lisa Padron
Sent: Wednesday, July 26, 2023 1:52 PM
To: Roseann Trujillo
Cc: Attorney Contracts
Subject: RE: Emailing: 23-24-022 JANITORIAL SUPPLIES. VENDOR SPECTRUM PAPER CO., INC.
Attachments: 23-24-022 Janitorial Supplies - Spectrum Paper - ESC Region 19.pdf

Importance: High

Roseann,

I just realized I had the header wrong on this contract. I had it as 22-23-022, but it is supposed to be 23-24-022. Here is the corrected contract.

Can you ask Jocelyn to sign the correct contract?

Thank you,
Lisa Padron, MBA
Buyer / Financial Services / Purchasing
Direct: 575-541-2106, Main: 575-541-2525, lpadron@lascruces.gov

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

From: Roseann Trujillo <rtrujillo@lascruces.gov>
Sent: Wednesday, July 26, 2023 1:20 PM
To: Lisa Padron <lpadron@las-cruces.org>
Cc: Attorney Contracts <attycontracts@las-cruces.org>
Subject: Emailing: 23-24-022 JANITORIAL SUPPLIES. VENDOR SPECTRUM PAPER CO., INC.

Your message is ready to be sent with the following file or link attachments:

23-24-022 JANITORIAL SUPPLIES. VENDOR SPECTRUM PAPER CO., INC.

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



City Council Action and Executive Summary

24-025

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A		
1st Reading:	Adopted: September 5, 2023		
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 BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY’S ADOPTED FY2023-2024 BUDGET, THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP), AND THE FY2024 VEHICLE ACQUISITION FUND (VAF).		

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, 2023 through June 30, 2024. 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" - Fund Summary](#)
[Exhibit "B" - CIP](#)
[Exhibit "C" VAF](#)
[Attachment "A" - Budget Adjustment Summary](#)

PLAN(S):
None

COMMITTEE/BOARD REVIEW:
None

DOES THIS AMEND THE BUDGET?:
☒ Yes
☐ No

BUDGET / FISCAL IMPACT:

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

Funding Source(s):
Various

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

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

- ☒ Yes
- ☐ No

Does this action align with Elevate Las Cruces?

- ☒ Yes
- ☐ No

OPTIONS / ALTERNATIVES:

1. Vote “Yes”; this will approve the Resolution and accept the budget adjustments as presented, and will adjust the City’s FY2024 budget, the FY2024 Capital Improvement Plan (CIP), and the FY2024 Vehicle Acquisition Fund (VAF).
2. Vote “No”; this will not approve the Resolution nor accept the budget adjustments as presented, the FY2024 Capital Improvement Plan (CIP), and the FY2024 Vehicle Acquisition Fund (VAF).
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 24-025

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY’S ADOPTED FY2023-2024 BUDGET, THE FY2024 CAPITAL IMPROVEMENT PLAN (CIP), AND THE FY2024 VEHICLE ACQUISTION FUND (VAF).

The City Council is informed that:

WHEREAS, City staff members have prepared a monthly budget adjustment for the fiscal year starting July 1, 2023, through June 30, 2024; and

WHEREAS, the monthly 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 FY2024 CIP, is hereby amended as outlined in Exhibit "B", attached hereto and made a part of this Resolution, are hereby approved.

(III)

THAT the Vehicle Acquisition Fund, is hereby amended as outlined in Exhibit "C", attached hereto and made a part of this Resolution, are hereby approved.

(IV)

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 2023-24

Exhibit "A"

	1000 GENERAL FUND			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 64,287,294	64,287,294	0	64,287,294
Revenues				
Municipal Gross Receipts Tax	54,285,239	54,285,239	0	54,285,239
Public Safety Gross Receipts Tax	4,880,700	4,880,700	0	4,880,700
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	47,825,436	47,825,436	0	47,825,436
Environmental Gross Receipts Tax	2,259,525	2,259,525	0	2,259,525
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	15,000	15,000	0	15,000
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	825,000	825,000	0	825,000
Lodgers Tax	0	0	0	0
Property Taxes	13,655,649	13,655,649	0	13,655,649
Payment In Lieu of Property Tax	867,573	867,573	0	867,573
Franchise Fees	2,805,951	2,805,951	0	2,805,951
Payment In Lieu of Franchise Fees	1,236,000	1,236,000	0	1,236,000
Licenses, Fees & Permits	3,123,510	3,128,510	0	3,128,510
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	81,100	81,100	0	81,100
Charges For Services	2,367,209	2,372,209	0	2,372,209
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	4,224,128	4,224,128	0	4,224,128
Investment Income	141,000	141,000	0	141,000
Miscellaneous Revenues	140,112	140,112	0	140,112
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	138,733,132	138,743,132	0	138,743,132
TOTAL RESOURCES	\$ 203,020,426	203,030,426	0	203,030,426
Expenditures				
General Government	4,781,377	4,781,377	0	4,781,377
Legislative	519,035	519,035	0	519,035
Municipal Court	2,106,314	2,106,314	0	2,106,314
Chief Administrative Officer	611,880	611,880	0	611,880
City Manager	5,908,455	5,908,455	163,500	6,071,955
Legal	3,461,904	3,461,904	0	3,461,904
Las Cruces Police Department	34,427,931	34,427,931	67,463	34,495,394
Las Cruces Fire Department	21,499,980	21,499,980	282,496	21,782,476
Utilities	0	0	0	0
Economic Development	4,372,325	4,372,325	0	4,372,325
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	2,963,787	2,963,787	0	2,963,787
Financial Services	7,467,508	7,467,508	0	7,467,508
Information Technology	6,352,622	6,352,622	0	6,352,622
Fleet	0	0	0	0
Assistant City Manger-500	9,471,636	9,471,636	0	9,471,636
Parks & Recreation	18,511,145	18,511,145	526,888	19,038,033
Community Development	5,126,792	5,126,792	0	5,126,792
Quality of Life	8,928,298	9,985,910	54,251	10,040,161
Public Works	10,479,099	10,479,099	0	10,479,099
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 146,990,088	148,047,700	1,094,598	149,142,298
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(19,369,208)	(19,369,208)	(135,013)	(19,504,221)
Total Other Resources	\$ (19,369,208)	(19,369,208)	(135,013)	(19,504,221)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 36,661,130	35,613,518	(1,229,611)	34,383,907
Required Reserve:				
State Required 1/12th	12,249,174	12,337,309	91,217	12,428,526
Local CLC 1/12th	12,249,174	12,337,309	91,217	12,428,526
AVAILABLE BALANCE	\$ 12,162,782	10,938,900	(1,412,045)	9,526,857

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

Exhibit "A"

	1200 VEHICLE ACQUISITION			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 663,765	663,765	0	663,765
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	\$ 663,765	663,765	0	663,765
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	1,384,916	1,384,916	140,582	1,525,498
Las Cruces Fire Department	39,239	39,239	54	39,293
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	931,204	931,204	12,529	943,733
Community Development	94,254	94,254	0	94,254
Quality of Life	166,000	166,000	0	166,000
Public Works	730,000	730,000	0	730,000
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,345,613	3,345,613	153,165	3,498,778
Other Resources				
Operating Transfers In	2,744,915	2,744,915	135,013	2,879,928
Operating Transfers Out	(44,915)	(44,915)	0	(44,915)
Total Other Resources	\$ 2,700,000	2,700,000	135,013	2,835,013
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 18,152	18,152	(18,152)	0

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

Exhibit "A"

	1500 HHR CONTINGENCY 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 10,548,762	10,548,762	0	10,548,762
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	14,640,868	14,640,868	0	14,640,868
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	14,640,868	14,640,868	0	14,640,868
TOTAL RESOURCES	\$ 25,189,630	25,189,630	0	25,189,630
Expenditures				
General Government	0	0	0	0
Legislative	1,750,000	1,750,000	0	1,750,000
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,750,000	1,750,000	0	1,750,000
Other Resources				
Operating Transfers In	500,000	500,000	0	500,000
Operating Transfers Out	(15,013,352)	(15,013,352)	(1,978,869)	(16,992,221)
Total Other Resources	\$ (14,513,352)	(14,513,352)	(1,978,869)	(16,492,221)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 8,926,278	8,926,278	(1,978,869)	6,947,409

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

Exhibit "A"

	2100 SPECIAL REVENUE REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 698,496	698,496	0	698,496
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	1,538	1,538
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	247,000	247,000	0	247,000
Federal Grants	14,620,646	14,620,646	19,980	14,640,626
State Grants	5,898,088	5,957,708	2,981,991	8,939,699
Local Grants	26,065	26,065	2,312	28,377
Debt Service	0	0	0	0
Total Revenues	20,791,799	20,851,419	3,005,821	23,857,240
TOTAL RESOURCES	\$ 21,490,295	21,549,915	3,005,821	24,555,736
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	10,000,000	10,000,000	(45,560)	9,954,440
Legal	0	0	0	0
Las Cruces Police Department	2,707,818	2,707,818	13,393	2,721,211
Las Cruces Fire Department	1,314,070	1,314,070	(270,274)	1,043,796
Utilities	875,000	875,000	378,926	1,253,926
Economic Development	2,497,596	2,497,596	3,000,000	5,497,596
Internal Audit	0	0	0	0
Assistant City Manager-400	501,795	501,795	31,745	533,540
Human Resources	0	0	0	0
Financial Services	412,656	412,656	0	412,656
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	9,793	9,793	(1,267)	8,526
Community Development	338,931	398,551	0	398,551
Quality of Life	1,769,141	1,769,141	(46,977)	1,722,164
Public Works	365,000	365,000	(16,105)	348,895
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,791,800	20,851,420	3,043,881	23,895,301
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 698,495	698,495	(38,060)	660,435

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

Exhibit "A"

	2300 FIRE FUND 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 316,275	316,275	0	316,275
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	1,487,189	1,487,189	607,064	2,094,253
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,487,189	1,487,189	607,064	2,094,253
TOTAL RESOURCES	\$ 1,803,464	1,803,464	607,064	2,410,528
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	1,487,189	1,487,189	603,826	2,091,015
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,487,189	1,487,189	603,826	2,091,015
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 316,275	316,275	3,238	319,513

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

Exhibit "A"

	2401 POLICE PROTECTION FUND 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 17,308	17,308	0	17,308
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	236,000	414,500	0	414,500
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	236,000	414,500	0	414,500
TOTAL RESOURCES	\$ 253,308	431,808	0	431,808
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	236,000	414,500	11,286	425,786
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	\$ 236,000	414,500	11,286	425,786
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	\$ 17,308	17,308	(11,286)	6,022

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

Exhibit "A"

	2700 HEALTH CARE SERVICES MMC LEASE 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 5,608,324	5,608,324	0	5,608,324
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	\$ 5,608,324	5,608,324	0	5,608,324
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	3,414,204	3,414,204	0	3,414,204
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	117,000	117,000	(52,082)	64,918
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,531,204	3,531,204	(52,082)	3,479,122
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	\$ 2,077,120	2,077,120	52,082	2,129,202

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

Exhibit "A"

	3028 2023 SSGRT DS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 0	0	0	0
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	0	0	0	0
TOTAL RESOURCES	\$ 0	0	0	0
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	1,819,577	1,819,577
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 0	0	1,819,577	1,819,577
Other Resources				
Operating Transfers In	0	0	1,978,869	1,978,869
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	1,978,869	1,978,869
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 0	0	159,292	159,292

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

Exhibit "A"

	3510 2019 GO BOND DS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 7,153,370	7,153,370	0	7,153,370
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	5,684,973	5,684,973	0	5,684,973
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	5,684,973	5,684,973	0	5,684,973
TOTAL RESOURCES	\$ 12,838,343	12,838,343	0	12,838,343
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	170,549	170,549	0	170,549
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	2,650,875	2,650,875	2,827,718	5,478,593
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,821,424	2,821,424	2,827,718	5,649,142
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	\$ 10,016,919	10,016,919	(2,827,718)	7,189,201

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

Exhibit "A"

	4005 COMMUNITY INVESTMENT PROJECTS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,244,380	1,244,380	0	1,244,380
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	15,000	15,000	0	15,000
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	15,000	15,000	0	15,000
TOTAL RESOURCES	\$ 1,259,380	1,259,380	0	1,259,380
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	(88,868)	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	216,503	216,503	(2,350)	214,153
Parks & Recreation	556,191	556,191	249,509	805,700
Community Development	0	0	0	0
Quality of Life	108,506	108,506	0	108,506
Public Works	147,492	147,492	(16,471)	131,021
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 1,117,560	1,117,560	141,820	1,259,380
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	\$ 141,820	141,820	(141,820)	0

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

Exhibit "A"

	4100 CAPITAL PROJECTS REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ (0)	(0)	0	(0)
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	7,108,138	7,108,138	(1,148,386)	5,959,752
State Grants	12,716,645	12,716,645	(663,700)	12,052,945
Local Grants	851,264	851,264	10,000	861,264
Debt Service	0	0	0	0
Total Revenues	20,676,047	20,676,047	(1,802,086)	18,873,961
TOTAL RESOURCES	\$ 20,676,047	20,676,047	(1,802,086)	18,873,961
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	330,000	330,000	0	330,000
Utilities	0	0	0	0
Economic Development	876,147	876,147	900,000	1,776,147
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	370,000	370,000	0	370,000
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	3,323,869	3,323,869	496,269	3,820,138
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	15,776,031	15,776,031	(3,199,070)	12,576,961
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,676,047	20,676,047	(1,802,801)	18,873,246
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ (0)	(0)	715	715

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

Exhibit "A"

	4106 PUBLIC PARK DEVELOPMENT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 6,915,110	6,915,110	0	6,915,110
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	1,600,000	1,600,000	0	1,600,000
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	60,000	60,000	0	60,000
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	1,660,000	1,660,000	0	1,660,000
TOTAL RESOURCES	\$ 8,575,110	8,575,110	0	8,575,110
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	3,462,463	3,462,463	(94,720)	3,367,743
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	\$ 3,462,463	3,462,463	(94,720)	3,367,743
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	\$ 5,112,647	5,112,647	94,720	5,207,367

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

Exhibit "A"

	4227 VAD STREET PROJECTS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 5,183,894	5,183,894	0	5,183,894
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	5,000	5,000	0	5,000
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	5,000	5,000	0	5,000
TOTAL RESOURCES	\$ 5,188,894	5,188,894	0	5,188,894
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	4,734,211	4,734,211	(1,467,861)	3,266,350
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 4,734,211	4,734,211	(1,467,861)	3,266,350
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	\$ 454,683	454,683	1,467,861	1,922,544

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

Exhibit "A"

	4230 GO BOND PROJECT 2019 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,960,289	3,960,289	0	3,960,289
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	\$ 3,960,489	3,960,489	0	3,960,489
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	3,674,758	3,674,758	(3,674,758)	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,674,758	3,674,758	(3,674,758)	0
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	\$ 285,731	285,731	3,674,758	3,960,489

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

Exhibit "A"

	4270 TIDD PROJECTS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,959,022	2,959,022	0	2,959,022
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	1,550	1,550	0	1,550
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	1,550	1,550	0	1,550
TOTAL RESOURCES	\$ 2,960,572	2,960,572	0	2,960,572
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	7,314,397	7,314,397	0	7,314,397
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	1,201,104	1,201,104	(16,301)	1,184,803
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 8,515,501	8,515,501	(16,301)	8,499,200
Other Resources				
Operating Transfers In	8,515,501	8,515,501	0	8,515,501
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 8,515,501	8,515,501	0	8,515,501
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 2,960,572	2,960,572	16,301	2,976,873

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

Exhibit "A"

	4505 2015B HHS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,328,994	3,328,994	0	3,328,994
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	\$ 3,328,994	3,328,994	0	3,328,994
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	3,237,617	3,237,617	(2,146,753)	1,090,864
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	\$ 3,237,617	3,237,617	(2,146,753)	1,090,864
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	\$ 91,377	91,377	2,146,753	2,238,130

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

Exhibit "A"

	4613 NMFA EQUIPMENT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 0	0	0	0
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	0	0	0	0
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	5,000,000	5,000,000	0	5,000,000
Total Revenues	5,000,000	5,000,000	0	5,000,000
TOTAL RESOURCES	\$ 5,000,000	5,000,000	0	5,000,000
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	70,000	70,000	352,399	422,399
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	\$ 70,000	70,000	352,399	422,399
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	\$ 4,930,000	4,930,000	(352,399)	4,577,601

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

Exhibit "A"

	4620 2020A NMFA FACILITY PROJECTS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 7,918,614	7,918,614	0	7,918,614
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	15,000	15,000	0	15,000
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	15,000	15,000	0	15,000
TOTAL RESOURCES	\$ 7,933,614	7,933,614	0	7,933,614
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	500,001	500,001	0	500,001
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	7,256,300	7,256,300	(335,490)	6,920,810
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 7,756,301	7,756,301	(335,490)	7,420,811
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	\$ 177,313	177,313	335,490	512,803

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

Exhibit "A"

	4634 2020 NMFA MGRT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,644,613	2,644,613	0	2,644,613
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	20,000	20,000	0	20,000
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	20,000	20,000	0	20,000
TOTAL RESOURCES	\$ 2,664,613	2,664,613	0	2,664,613
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	2,454,790	2,454,790	(613)	2,454,177
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,454,790	2,454,790	(613)	2,454,177
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	\$ 209,823	209,823	613	210,436

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

Exhibit "A"

	5010 AIRPORT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 909,363	909,363	0	909,363
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	61,500	61,500	0	61,500
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	0	0	0	0
Miscellaneous Revenues	120,000	120,000	0	120,000
Federal Grants	0	0	0	0
State Grants	3,148,527	3,148,527	1,027,939	4,176,466
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	3,330,027	3,330,027	1,027,939	4,357,966
TOTAL RESOURCES	\$ 4,239,390	4,239,390	1,027,939	5,267,329
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	4,876,992	4,876,992	1,189,276	6,066,268
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	\$ 4,876,992	4,876,992	1,189,276	6,066,268
Other Resources				
Operating Transfers In	1,013,000	1,013,000	0	1,013,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 1,013,000	1,013,000	0	1,013,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 375,398	375,398	(161,337)	214,061

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

Exhibit "A"

	5100 UTILITIES SHARED SERVICES 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ (70,712)	(70,712)	0	(70,712)
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	18,046,169	18,046,169	0	18,046,169
Investment Income	13,996	13,996	0	13,996
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	18,060,165	18,060,165	0	18,060,165
TOTAL RESOURCES	\$ 17,989,453	17,989,453	0	17,989,453
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	15,651,805	15,651,805	289,503	15,941,308
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	1,657,561	1,698,506	0	1,698,506
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 17,309,366	17,350,311	289,503	17,639,814
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(285,000)	(285,000)	0	(285,000)
Total Other Resources	\$ (285,000)	(285,000)	0	(285,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 395,087	354,142	(289,503)	64,639

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

Exhibit "A"

	5205 GAS CONTINGENCY FUND 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 393,653	393,653	0	393,653
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	5,000	5,000	0	5,000
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	5,000	5,000	0	5,000
TOTAL RESOURCES	\$ 398,653	398,653	0	398,653
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	100,000	100,000
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	\$ 0	0	100,000	100,000
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 398,653	398,653	(100,000)	298,653

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

Exhibit "A"

	5300 WATER OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,710,776	1,710,776	0	1,710,776
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	20,582,502	20,582,502	0	20,582,502
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	0	5,790
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	20,938,222	20,938,222	0	20,938,222
TOTAL RESOURCES	\$ 22,648,998	22,648,998	0	22,648,998
Expenditures				
General Government	4,399,656	4,399,656	0	4,399,656
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	15,747,692	15,747,692	1,555,000	17,302,692
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	\$ 20,147,348	20,147,348	1,555,000	21,702,348
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(775,000)	(775,000)	0	(775,000)
Total Other Resources	\$ (775,000)	(775,000)	0	(775,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,726,650	1,726,650	(1,555,000)	171,650

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

Exhibit "A"

	5400 WASTEWATER OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,248,326	1,248,326	0	1,248,326
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	15,327,845	15,327,845	0	15,327,845
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	2,365	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	15,562,938	15,562,938	0	15,562,938
TOTAL RESOURCES	\$ 16,811,264	16,811,264	0	16,811,264
Expenditures				
General Government	4,264,310	4,264,310	0	4,264,310
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	11,534,299	11,534,299	700,000	12,234,299
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	\$ 15,798,609	15,798,609	700,000	16,498,609
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(275,000)	(275,000)	0	(275,000)
Total Other Resources	\$ (275,000)	(275,000)	0	(275,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 737,655	737,655	(700,000)	37,655

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

Exhibit "A"

	5923 TRANSIT CAPITAL 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 7,608,979	7,608,979	0	7,608,979
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	19,699,498	19,699,498	(11,932)	19,687,566
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	19,699,498	19,699,498	(11,932)	19,687,566
TOTAL RESOURCES	\$ 27,308,477	27,308,477	(11,932)	27,296,545
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	23,586,799	23,586,799	0	23,586,799
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	2,759,945	2,759,945	(11,932)	2,748,013
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 26,346,744	26,346,744	(11,932)	26,334,812
Other Resources				
Operating Transfers In	870,618	870,618	0	870,618
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 870,618	870,618	0	870,618
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,832,351	1,832,351	0	1,832,351

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

Exhibit "A"

	6150 FLEET SERVICES 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,935,313	2,935,313	0	2,935,313
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	8,886,400	8,886,400	0	8,886,400
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	40,000	40,000	0	40,000
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	8,926,400	8,926,400	0	8,926,400
TOTAL RESOURCES	\$ 11,861,713	11,861,713	0	11,861,713
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	8,519,975	8,519,975	15,000	8,534,975
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	\$ 8,519,975	8,519,975	15,000	8,534,975
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	\$ 3,341,738	3,341,738	(15,000)	3,326,738

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

Exhibit "A"

	7480 GIFTS AND MEMORIALS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 521,838	521,838	0	521,838
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	800	800	0	800
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	20,555	20,555	(390)	20,165
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	21,355	21,355	(390)	20,965
TOTAL RESOURCES	\$ 543,193	543,193	(390)	542,803
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	2,800	2,800	0	2,800
Las Cruces Fire Department	5,000	5,000	0	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 Manger-500	0	0	0	0
Parks & Recreation	48,500	48,500	0	48,500
Community Development	0	0	0	0
Quality of Life	409,602	409,602	76,900	486,502
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 465,902	465,902	76,900	542,802
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	\$ 77,291	77,291	(77,290)	1

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

Exhibit "A"

	7492 HIDTA-CLC 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 0	0	0	0
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	0	0	0
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	0	0	0
Federal Grants	1,470,259	1,470,259	(21)	1,470,238
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	1,470,259	1,470,259	(21)	1,470,238
TOTAL RESOURCES	\$ 1,470,259	1,470,259	(21)	1,470,238
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	539,416	539,416	(13,771)	525,645
HIDTA	930,842	930,842	(108,362)	822,480
Total Expenditures	\$ 1,470,258	1,470,258	(122,133)	1,348,125
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1	1	122,112	122,113

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

Exhibit "A"

	8170 SCSWA RECYCLING 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,933,080	1,933,080	0	1,933,080
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	4,256,453	4,256,453	0	4,256,453
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	950,000	950,000	0	950,000
Local Grants	0	0	0	0
Debt Service	100,000	200,000	(100,000)	100,000
Total Revenues	5,306,453	5,406,453	(100,000)	5,306,453
TOTAL RESOURCES	\$ 7,239,533	7,339,533	(100,000)	7,239,533
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	(400,000)	(500,000)	0	(500,000)
Total Other Resources	\$ (400,000)	(500,000)	0	(500,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 6,839,533	6,839,533	(100,000)	6,739,533

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

Exhibit 0
Amended 09/05/2022

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
ECONOMIC DEVELOPMENT							
Economic Development - Newly Funded Projects							
Downtown Video Security	100,000						TIDD
Economic Development - Total Newly Funded Projects	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Economic Development - Carryover Projects							
Downtown Plaza Shade Structures	643,400						Taxes
Downtown Callecitas Shade Structure	100,000	400,000					TIDD
Gateway Entry Points Improvements 1 - LCIIIP Signage 2 - LCIIIP Pocket Park 3 - Gateway Signage	250,000	230,000	25,000	25,000	25,000	25,000	Bonds, Grants, Taxes
Parking Lot 7 and Bathrooms	99,404						TIDD
Economic Development - Total Carryover Projects	\$ 1,092,804	\$ 630,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	
Economic Development - Annual Projects							
Downtown Parking Lots Renovation 1 - Parking Lot 9/10 2 - Parking Lot at Campo & Hadley	2,100,000	255,000	255,000	255,000	255,000	255,000	Grants, TIDD
Economic Development - Total Annual Projects	\$ 2,100,000	\$ 255,000	\$ 255,000	\$ 255,000	\$ 255,000	\$ 255,000	
Economic Development - Future Projects							
Rocket Drive Expansion		820,000	7,173,000				Grants, Taxes
Transit Loop Road		1,661,000	7,800,000	7,800,000			Grants, Taxes
Economic Development - Total Future Projects	\$ -	\$ 2,481,000	\$ 14,973,000	\$ 7,800,000	\$ -	\$ -	
Total Economic Development	\$ 3,292,804	\$ 3,366,000	\$ 15,253,000	\$ 8,080,000	\$ 280,000	\$ 280,000	
FACILITIES MANAGEMENT							
Facilities Management - Carryover Projects							
Energy Efficiency Program - IGA	1,948,383						Bonds, Taxes
Facility Parking Lot Program 1 - Munson Center 2 - Henry R Benavidez Community Center 3 - Train Depot	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Gateway Entry Points Signage Maintenance	7,000	50,000	50,000	50,000	50,000	50,000	Taxes
Facilities Management - Total Carryover Projects	\$ 2,155,383	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Facilities Management - Annual Projects							
General Facilities Improvements 1 - Communication Office Construction 2 - Jardin de Esperanzas 3 - WIA Rehabilitation 4 - Arc Flash Plan 5 - City Hall Furnishings 6 - Surveillance Camera Upgrades 7 - Records Center Improvements 8 - Branigan Library Exterior Re-Stucco 9 - Frank O'Brien Papen Community Center 10 - City Hall Building Operations Storage	175,085	500,000	500,000	500,000	500,000	500,000	Taxes

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

Amended 09/05/2024

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Roof Replacement Program 1 - Police Department Main Building 2 - WIA Building 3 - Municipal Court 4 - Meerscheidt Rec Center 5 - Rio Grande Theater 6 - Museum of Fine Arts 7 - Branigan Cultural Center 8 - Railroad Museum 9 - Police Department Academy 10 - Roof Inspections	2,397,032	375,000	375,000	375,000	375,000	375,000	Taxes, TIDD, Bonds
Safety, Health, Environmental & Emergency 1 - City Hall Security Upgrades 2 - Parks Sidewalk Replacement 3 - Pool Hoist 4 - Fire Alarm & Security Upgrades 5 - Pigeon Abatement	28,448						Taxes
Facilities Management - Total Annual Projects	\$ 2,600,565	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	\$ 875,000	
Facilities Management - Future Projects							
HVAC Upgrade Program		200,000	200,000	200,000	200,000	200,000	Taxes
Generator Buffer Program Fire Stations		50,000	50,000	50,000	50,000	50,000	Taxes
Refuse & Recycling Buffer Program Henry R Benavidez Community Center		50,000	50,000	50,000	50,000	50,000	Taxes
Generator Replacement Program		35,000	35,000	35,000	35,000	35,000	Taxes
ADA Compliance		25,000	25,000	25,000	25,000	25,000	Taxes
Facilities Management - Total Future Projects	\$ -	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	\$ 360,000	
Total Facilities Management	\$ 4,755,948	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	\$ 1,535,000	
LAS CRUCES AIRPORT							
Las Cruces Airport - Carryover Projects							
LRU Airport Infrastructure Improvements	969,354						Grants, Taxes, Other
LRU Passenger Terminal	245,118	8,554,882					Grants, Taxes, Other
LRU Runway 8/26 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	219,417	4,200,000	8,400,000				Grants, Taxes, Other
LRU Runway 12/30 Extension 1 - Environmental Assessment 2 - Design 3 - Construction	262,902		13,500,000				Grants, Taxes, Other
LRU Taxilane Improvements	130,982	170,000					Grants, Taxes, Other
Las Cruces Airport - Total Carryover Projects	\$ 1,827,773	\$ 12,924,882	\$ 21,900,000	\$ -	\$ -	\$ -	
Las Cruces Airport - Annual Projects							
LRU Striping and Marking Maintenance Program	75,000	75,000	75,000	75,000	75,000	75,000	Taxes, Other
Las Cruces Airport - Total Annual Projects	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	
Las Cruces Airport - Future Projects							
LRU Passenger Air Service Infrastructure Revitalization		15,200,000					Grants, Taxes, Other
Elevated Airport		3,500,000					Grants
LRU Fuel Farm Relocation & Expansion		1,900,000					Grants, Taxes, Other
LRU ARFF Index B Equipment Upgrades		1,600,000					Grants, Taxes, Other
LRU Maintenance Facility Design-Construct			650,000				Grants, Taxes, Other
		1,050,000					
LRU Passenger Terminal Parking		1,200,000					Grants, Taxes, Other

2023 Legislative Appropriation

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

Amended 09/05/2023

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
LRU Runway 4/22 Rehabilitation <i>2023 Legislative Appropriation</i>		595,000	1,605,000				Grants, Taxes, Other
LRU Airport Automated Weather Observation System (AWOS)		412,460					Grants
LRU Airport Rotating Beacon		170,520					Bonds, Grants, Taxes, Other
LRU Runways 8-26 and 12-30 Blast Pads		166,667					Grants
LRU Pavement Maintenance Program		125,000	125,000	125,000	125,000	125,000	Taxes, Other
LRU 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 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	\$ -	\$ 25,919,647	\$ 3,230,000	\$ 5,375,000	\$ 8,825,000	\$ 11,465,000	
Total Las Cruces Airport	\$ 1,902,773	\$ 38,919,529	\$ 25,205,000	\$ 5,450,000	\$ 8,900,000	\$ 11,540,000	
NON-PROFIT ORGANIZATIONS							
Non-Profit Organizations - Carryover Projects							
Arts and Cultural District Improvements <i>2023 Legislative Appropriation</i>	1,776,147	815,128					Grants
MV Community of Hope - Building 1, Solar Project	200,000			600,000			Grants
MV Community of Hope - Casa de Peregrinos Food Rescue Whse	2,958,310	1,847,000					Grants, Other
MV Community of Hope - Expansion Remodel <i>2023 Legislative Appropriation</i>	50,000	1,150,000					Grants
MV Community of Hope - Health Facility Improvements	1,853,922						Grants
Non-Profit Organizations - Total Carryover Projects	\$ 6,838,379	\$ 3,812,128	\$ -	\$ 600,000	\$ -	\$ -	
Non-Profit Organizations - Future Projects							
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
MV Community of Hope - Cocina de Peregrinos/El Caldito Kitchen <i>2023 Legislative Appropriation</i>		1,875,000	1,125,000	7,000,000	2,700,000		Grants
La Clinica de Familia - Behavioral Health Facility <i>2023 Legislative Appropriation</i>		922,349					Grants
Children's Museum Facility <i>2023 Legislative Appropriation</i>		601,175	100,000	400,000	5,500,000		Bonds, Grants
MV Community of Hope - Jardin de los Niños Re-Roof <i>2023 Legislative Appropriation</i>		250,000					Grants
MV Community of Hope - Flooring <i>2023 Legislative Appropriation</i>		10,317					Grants
MV Community of Hope - El Caldito Upgrade			150,000				Grants
MV Community of Hope - Patio to Office Remodel				1,000,000			Grants
MV Community of Hope - Jardin de los Niños Security Improvements				200,000			Grants
Non-Profit Organizations - Total Future Projects	\$ -	\$ 12,658,841	\$ 5,375,000	\$ 12,600,000	\$ 12,200,000	\$ 4,000,000	
Total Non-Profit Organizations	\$ 6,838,379	\$ 16,470,969	\$ 5,375,000	\$ 13,200,000	\$ 12,200,000	\$ 4,000,000	

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

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Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
PARKS & RECREATION							
Parks & Recreation - Carryover Projects							
A. Fielder Memorial Safe Haven Renovations	685,905						Taxes
Apodaca Park Aquatic Playground and Multi-Use Path	1,487,820						PIF
Ballfield/Soccer Field Renovations & Upgrades	820,236	834,600	144,000	3,200,000			Grants
Chandler Tank Park	567,035						Bonds, Taxes
Dona Ana Move Trail	680,000						Grants, Taxes
East Mesa Public Safety Area Park	100,000	100,000		100,000		100,000	Grants, PIF
Gallagher Park Improvements	149,189						Taxes
Highland Park	991,552	510,850					Grants, PIF, Taxes
JCP Learning Center Exterior Repairs	292,800						Grants, Taxes
Las Cruces Lateral RTP Trail	489,011						Grants
Las Cruces Regional Aquatic Center HVAC & Dehumidifier	75,000						Taxes
Meerscheidt Recreation Center - Remodel/Expansion	2,000,000						Bonds
Meerscheidt Recreation Center Improvements	186,169	145,831					Grants, Taxes
New Skate Park - Plan & Design	550,000	800,000					Grants
Parks Smart Controllers & Pumps	150,001						Grants, Taxes
Pioneer Women's Park Gazebo Improvements	175,699		600,000	600,000	600,000	600,000	Grants
<i>2023 Legislative Appropriation</i>		660,000					
Regional Rec & Aquatic Cntr - Ph II - Competitive Pool Construction	445,011						Bonds, PIF, Taxes
Skate Park Renovation & Improvements	1,070,000	836,500	1,650,000	500,000			Grants, PIF
Tortugas Trail	75,000						Grants
Wayfinding Signage	1,183						Grants, PIF
Parks & Recreation - Total Carryover Projects	\$ 10,991,611	\$ 3,887,781	\$ 2,394,000	\$ 4,400,000	\$ 600,000	\$ 700,000	
Parks & Recreation - Annual Projects							
Land Acquisition, Planning, and Design for Parks	100,000	500,000	500,000	500,000	500,000	500,000	PIF
Median Landscaping	1,221,609		200,000	200,000	200,000	200,000	Grants, Loans, Taxes
<i>2023 Legislative Appropriation</i>		411,957					
Metro Verde Neighborhood Parks	619,814	500,000	500,000	500,000	500,000	500,000	PIF
Neighborhood Parks	539,085	500,000	500,000	500,000	500,000	500,000	PIF, Taxes
Parks Parking Lots	2,465,881	907,500	252,500	272,700	272,700	272,700	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							
Apodaca Park							
East Mesa Recreation Center							
Maag Ball Park							
Skate Park							
Parks Shade Structures	24,000	24,000	24,000	24,000	24,000	24,000	Taxes
Parks & Recreation - Total Annual Projects	\$ 4,970,390	\$ 2,843,457	\$ 1,976,500	\$ 1,996,700	\$ 1,996,700	\$ 1,996,700	
Parks & Recreation - Future Projects							
Various Park Restroom Replacement/Repairs & Upgrades		360,000					Grants
Parks and Recreational Facilities Structural Renovations			399,000	125,000			Grants, Taxes
<i>2023 Legislative Appropriation</i>		286,000					

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

Amended 09/05/2024

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Veterans' Memorial Park Enhancements <i>2023 Legislative Appropriation</i>		250,000	412,500	662,500	662,500	662,500	Bonds, Grants
Klein Park Improvements <i>2023 Legislative Appropriation</i>		210,000	590,000				Grants, Taxes
Indoor/Outdoor Aquatic Amenities		195,000					Grants, Taxes
East Mesa Bataan Memorial Pool - HVAC Replacement		78,000					Grants
Trail Renovations <i>2023 Legislative Appropriation</i>		100,000	480,000	500,000	500,000	500,000	Bonds, Grants
Albert Johnson Park Electrical Improvements		70,000					Grants, Taxes
Park Drinking Fountains <i>2023 Legislative Appropriation</i>		14,000	70,000				Grants, PIF, Taxes
Benavidez Park			500,000				Grants
Veterans' Memorial Park Restroom Plumbing Repairs and Upgrades			134,000				Grants, PIF
Valley View Park - Heske Garden Lighting Replacement			80,000				Grants, Taxes
Laabs Pool - HVAC Replacement			78,000				Grants, Taxes
Hadley Complex Recreation Rehabilitation			31,500	318,500			Grants, Taxes
Multi-Use Recreation Center				38,800,000			Bonds, Grants
Four Field Baseball/Softball Complex				5,995,500			Bonds, Grants, PIF
Laabs Pool - Shade Structures				97,500			Bonds, Grants, PIF
New Sand Volleyball Courts					40,000		Grants, PIF
Waterfalls Park						1,200,000	Grants, PIF
Parks & Recreation - Total Future Projects	\$ -	\$ 1,563,000	\$ 2,775,000	\$ 46,499,000	\$ 1,202,500	\$ 2,362,500	
Total Parks & Recreation	\$ 15,962,000	\$ 8,294,238	\$ 7,145,500	\$ 52,895,700	\$ 3,799,200	\$ 5,059,200	
PUBLIC SAFETY							
Public Safety - Newly Funded Projects							
Fire Station Alerting System	434,492						Taxes
Fire Department Training tower	99,000	120,000					Grants, Taxes
Public Safety - Total Newly Funded Projects	\$ 533,492	\$ 120,000	\$ -	\$ -	\$ -	\$ -	
Public Safety - Carryover Projects							
Fire Dept. Administration Building Lobby Remodel	199,026	350,000	193,400				Grants, Other
Fire Department CIT and MIH Building	348,895	3,420,315					ARPA, Grants, Taxes, Other
Police Department Building Renovations	37,598	150,000					Grants, Taxes
Public Safety Regional Radio Communication System	468,000						Grants, Taxes
Public Safety - Total Carryover Projects	\$ 1,053,519	\$ 3,920,315	\$ 193,400	\$ -	\$ -	\$ -	
Public Safety - Annual Projects							
Fire Department Equipment	330,000	720,000	500,000	500,000	500,000		Grants
Public Safety - Total Annual Projects	\$ 330,000	\$ 720,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ -	
Public Safety - Future Projects							
Fire Department Station 9		5,165,000					Bonds, Grants, Taxes, Other
Police Department Mobile Operations Command Vehicle <i>2023 Legislative Appropriation</i>		750,000					Grants
Public Safety Vehicles - Bearcat <i>2023 Legislative Appropriation</i>		500,000					Grants
Public Safety Vehicles - Rook <i>2023 Legislative Appropriation</i>		500,000					Grants
Police Department Equipment Technology Equipment <i>2023 Legislative Appropriation</i>		450,000					Grants

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

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Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Police Parking Lot Resurfacing		276,000					Grants, Taxes
Fire Stations 4 & 5 Security Fencing and Gates		130,000					Grants, Taxes
Fire Station 2 Bay Remodel <i>2023 Legislative Appropriation</i>		100,000					Grants
Fire Station 5 1 - North/South Aprons 2 - Parking Lot 3 - Improvements <i>2023 Legislative Appropriation</i>		100,000	214,000	230,000			Bonds, Grants, Taxes, Other
Fire Station 6 Repairs <i>2023 Legislative Appropriation</i>		100,000					Grants
Public Safety Vehicles - Critical Incident Command Vehicle		100,000					Grants
Fire Station 4 Restroom Remodel		90,000					Grants, Taxes, Other
Police North Parking Lot Fencing		20,000					Grants
Fire-Energy Efficiency and Sustainability				334,000	330,000	270,000	Grants
Fire Station 2 Replacement 1 - Land Acquisition 2 - Plan, Design, Construct, and FF&E 3 - Demolition					5,165,000		Taxes, Grants
Downtown Public Safety Complex						57,000,000	Bonds, Grants
Police/Fire Training Facility - Design & Construct						6,900,000	Grants
Police/Fire Training Facility - Furniture, Fixtures, & Equipment						2,100,000	Grants
Public Safety - Total Future Projects	\$ -	\$ 8,281,000	\$ 214,000	\$ 564,000	\$ 5,495,000	\$ 66,270,000	
Total Public Safety	\$ 1,917,011	\$ 13,041,315	\$ 907,400	\$ 1,064,000	\$ 5,995,000	\$ 66,270,000	
PUBLIC WORKS							
Public Works - Newly Funded Projects							
Complete Streets University Ave. Complete Street Improvements El Paseo Rd. Idaho Ave	7,660,000	1,750,000	1,750,000	1,500,000	1,750,000	1,750,000	Bonds
Resiliency	3,000,000	1,250,000	1,250,000	1,000,000	1,250,000	1,250,000	Bonds
Public Works - Total Newly Funded Projects	\$ 10,660,000	\$ 3,000,000	\$ 3,000,000	\$ 2,500,000	\$ 3,000,000	\$ 3,000,000	
Public Works - Carryover Projects							
Amador Hotel	3,088,475	2,950,000	2,950,000	2,950,000			Grants, TIDD
Bellamah Drive - Lees Drive to Luna Street	2,523,192						Bonds, Taxes
Campo Street Design and Reconstruct Hadley Ave. Organ Ave.	1,384,803	4,815,197					TIDD, Taxes
Casa Linda Acres Reconstruction	3,634,760						ARPA, Taxes
Del Rey Blvd Signal Improvements	158,042						Grants, Taxes
East Mesa Recreation Complex	2,000,000						Bonds
East Mesa Recreation Complex Roads	567,698	637,906					Bonds, Taxes
East Mesa Roads and Drainage <i>2023 Legislative Appropriation</i>	1,617,088	550,000	900,000	500,000	500,000	500,000	Grants, Taxes
GO Bonds - ARPA Funding	2,505,972						ARPA
GO Bond 2022 - Fire Station 9	9,800,000						Bond
GO Bond 2022 - Parks Improvements	1,960,000						Bond
GO Bond 2022 - East Mesa Recreation Facility	4,900,000						Bond
GO Bond Q1 - Park & Sport Field Improvements & Additions	45,517						GO Bonds, PIF
GO Bond Q2 - New Animal Shelter Facility	31,605						GO Bonds

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

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Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
GO Bond Q3 - New Fire Station No. 3 Building	18,357						GO Bonds
GO Bond Q4 - Walking, Jogging, Biking Trails Improvements & Additions	7,065						GO Bonds
Madrid Ave Extension - Martha Dr to N Triviz Dr	2,864,997						Grants, Taxes
Midway Ave - Gas Line Rd to Mesa Dr	600,000						Taxes, Grants
Picacho Ave HAWK System	238,652						Grants, Taxes
South Main St - Avenida de Mesilla to Boutz	3,308,139						Bonds
Storm Water System Mapping	100,000	100,000					Taxes
Traffic Signals	1,009,929						Bonds
Hoagland Rd & N Alameda Blvd							
Roadrunner Parkway & Sonora Springs							
Sonoma Ranch Blvd & Northrise							
Telshor ADA Improvements Phase VI	316,659						Grants, Taxes
Telshor Spruce Intersection Improvements	586,959		850,000				Grants
2023 Legislative Appropriation		250,000					
Voluntary Assessment District Phase I	69,808						Bonds
Sanitary Sewer Infrastructure							
Sonoma Ranch Blvd Mile 2: Peachtree to Arroyo							
Red Hawk Golf Rd: N.Bound Metro Verde S.P1E to Arroyo Rd							
Regional Drainage Phase 1							
Voluntary Assessment District Phase II	3,196,542						Bonds
Peachtree Hills Rd. East & West							
Regional Drainage							
Sonoma Ranch Blvd to Engler, Mile 1, Mile 2, Mile 3, & Roundabout							
Sonoma Ranch Blvd Landscaping to Engler, Mile 1, Mile 2, & Mile 3							
Villa Mora Dam Park Study	612,588						Grants, Taxes
Walnut-Madrid TAP Bike/Pedestrian Improvements	1,606,306						Bonds, Grants
Public Works - Total Carryover Projects	\$ 48,753,153	\$ 9,303,103	\$ 4,700,000	\$ 3,450,000	\$ 500,000	\$ 500,000	
Public Works - Annual Projects							
Active Transportation	5,354,637	350,000	350,000	350,000	350,000	350,000	Bonds, Taxes
Bicycle Facilities							
Pedestrian Safety Improvements							
ADA							
Sidewalk Gap							
Chip Seal Program	200,000	200,000	200,000	200,000	200,000	200,000	Taxes
CO-OP Match	80,000	80,000	80,000	80,000	80,000	80,000	Taxes
Drainage Infrastructure Improvements	3,068,122	500,000	500,000	500,000	500,000	500,000	Bonds, Taxes
EBID Drains & Laterals							
Land Acquisition							
Other Improvements							
Land Acquisition - Public Works	200,000	250,000	250,000	250,000	250,000	250,000	Taxes
Flood Control							
Rights of Way							
East Mesa							
Other							
M.A.P. Match	165,000	150,000	150,000	150,000	150,000	150,000	Taxes
Materials Testing	240,000	250,000	250,000	250,000	250,000	250,000	Taxes
Neighborhood Traffic Calming Program	60,000	60,000	60,000	60,000	60,000	60,000	Taxes
Pavement Condition Index Improvements	10,238,981	6,300,000	6,300,000	6,300,000	6,300,000	6,300,000	Bonds, Taxes
Pavement Condition Index Improvements							
Pavement Overlays							
Pavement Replacement							
Pavement Treatment							
Pavement Marking Program	169,000	500,000	250,000	500,000	250,000	500,000	Taxes
Roadway Maintenance Program	902,569	700,000	700,000	700,000	700,000	700,000	Taxes
Street Lighting & Traffic Signal Maintenance Program	1,096,291	500,000	500,000	500,000	500,000	500,000	Taxes

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

Amended 09/05/2024

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Traffic Signal Program	514,847	500,000	500,000	500,000	500,000	500,000	Taxes
Bataan Memorial at Rinconada							
Transportation System Modernization ITS	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	Taxes
Unpaved Roads	250,000	250,000	250,000	250,000	250,000	250,000	Taxes
Weed Control & Maintenance Program	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	\$ 23,634,447	\$ 11,690,000	\$ 11,440,000	\$ 11,690,000	\$ 11,440,000	\$ 11,690,000	
Public Works - Future Projects							
HWY 70 and Elks/Triviz Intersection Improvements		25,000,000					Grants, Taxes
Melendres Ave - Hadley to Picacho		1,979,500					Loans, Taxes
Johnson St - Rouault Ave to Topley Dr		1,712,000					Loans, Taxes
Ethel Ave - Alameda Blvd to Miranda, and Houma		1,043,250					Loans, Taxes
Mesquite Historical District Renovations							Grants
2023 Legislative Appropriation		1,025,000					Grants
Lift Up Las Cruces - Street Improvements		595,000					Grants
2023 Legislative Appropriation							
University Ave. Complete Street Improvements-Design			480,000				Grants, Bonds, Taxes
2023 Legislative Appropriation		520,000					Loans, Taxes
Pittsburg Ave - Melendres to Cul de Sac		250,000					Loans, Taxes
Med Park Ave - Idaho to Perkins Ave			1,824,000				Loans, Taxes
Evelyn St - Madrid Ave to Ash Ave			1,710,000				Loans, Taxes
Sacramento St - Ash Ave to Oasis Ave			1,482,000				Loans, Taxes
Mountain Ave - Melendres St to Armijo St			1,368,000				Loans, Taxes
Armijo St - Picacho Ave to Parker Rd			684,000				Loans, Taxes
Sequoia Ave - Valley Dr to E.O.P.				2,420,000			Loans, Taxes
Lohman at Walnut and Walton Signal Improvements				1,500,000			Bonds, Loans, Taxes
Kilmer St - Spruce Ave to Ash Ave				1,391,000			Loans, Taxes
Armijo St - Organ Ave to Mountain Ave				1,331,000			Loans, Taxes
Poplar Ave - Mesquite St to Santa Fe St				871,200			Loans, Taxes
La Fonda Dr - Idaho Ave to E.O.P.				726,000			Loans, Taxes
6th Street - Hayner Ave to Hadley Ave				484,000			Loans, Taxes
South Valley Dr Reconstruction - Avenida de Mesilla to Boutz					3,379,200		Loans, Taxes
Miranda Ave - Picacho Ave to Court Ave					1,664,000		Loans, Taxes
Rigsby Rd - Barker to Valley Dr					768,000		Loans, Taxes
Scoggins Ave - 6th St to Sweet St					652,800		Loans, Taxes
Mountain Ave - Water St to Alameda Blvd					640,000		Loans, Taxes
Street Lighting Management System					500,000		Bonds, Loans, Taxes
Aspen Ave - Sequioa Ave to S Valley Dr						2,970,000	Loans, Taxes
Alameda Blvd - Amador Ave to Las Cruces Ave						1,409,400	Taxes, TIDD
Westgate St - Amador Ave to Cul de Sac						1,350,000	Loans, Taxes
Parkview Dr - Espina St to E.O.P.						972,000	Loans, Taxes
Sweet St - Hadley Ave to Hayner St						568,000	Loans, Taxes
Targeted Road and Lighting Improvements - Design						50,000	Taxes
West Mesa Fiber Optics Improvements - Design						50,000	Taxes
Public Works - Total Future Projects	\$ -	\$ 32,124,750	\$ 7,548,000	\$ 8,723,200	\$ 7,604,000	\$ 7,369,400	
Total Public Works	\$ 83,047,600	\$ 56,117,853	\$ 26,688,000	\$ 26,363,200	\$ 22,544,000	\$ 22,559,400	

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

Amended 09/05/2024

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
QUALITY OF LIFE							
Quality of Life - Newly Funded Projects							
Museum System Technology Improvements	210,000						TIDD
Quality of Life - Total Newly Funded Projects	\$ 210,000	\$ -	\$ -	\$ -	\$ -	\$ -	
Quality of Life - Carryover Projects							
Branigan Cultural Center Improvements <i>2023 Legislative Appropriation</i>	124,363	93,000 165,000	1,000,000	1,000,000	1,200,000		Grants, Taxes
Branigan Library - Expansion Phase II/Branch Go Bond 2023 Public Art	64,364 340,000	2,615,000	1,650,000				Bonds, Grants, Other
Munson Center Renovations <i>2023 Legislative Appropriation</i>	885,952						Bond Grants
Sage Café Expansion Senior Programs Kitchen Equipment	902,525 52,409	2,302,399					Grants Taxes
Quality of Life - Total Carryover Projects	\$ 2,369,613	\$ 5,325,399	\$ 2,650,000	\$ 1,000,000	\$ 1,200,000	\$ -	
Quality of Life - Annual Projects							
Public Art Program	108,506	300,000	300,000	300,000	300,000	300,000	Taxes
Quality of Life - Total Annual Projects	\$ 108,506	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000	
Quality of Life - Future Projects							
Munson Center Floor		750,000					Bonds, Grants, Taxes
Sage Café Backup Generator		422,500					Bonds, Grants, Taxes
Senior Programs Vehicles <i>2023 Legislative Appropriation</i>		30,000 310,000	280,000	280,000			Grants
Senior Programs Existing Kitchen Expansion Assessment		260,000					Taxes
Munson Center Bathrooms		250,000					Bonds, Grants, Taxes
Munson Center Kitchen Expansion		221,000	3,053,100				Bonds, Grants, Taxes
Benavidez Kitchen Expansion			93,800	2,854,800			Bonds, Grants, Taxes
Museum System On-site Server		115,000					Bonds, Grants, Taxes
Museum of Nature and Science - Atrium Redesign <i>2023 Legislative Appropriation</i>		50,000	15,000				Grants, Taxes
Frank O'Brien Papen Center - Dining Room Floor <i>2023 Legislative Appropriation</i>		35,000	47,140				Grants, Taxes
Museum of Art Improvements		35,000	95,000	320,000	200,000		Bonds, Grants, Taxes
Museum of Art - Gallery Flooring		35,000	165,000				Bonds, Grants, Taxes
Museum of Nature and Science - Nature Center Redesign		25,000	75,000	175,000			Taxes, Grants
Railroad Museum Reinterpretation		25,000	60,000	150,000	75,000		Bonds, Grants, Taxes
Benavidez Center Renovations <i>2023 Legislative Appropriation</i>		127,500	166,400				Bonds, Grants, Taxes
Railroad Museum - Exterior Improvements			38,000	60,000	17,500		Bonds, Grants, Taxes
Branigan Library Renovation				209,000	2,750,000	1,111,000	Bonds, Grants, Taxes
Museum of Art Relocation/Remodel						30,000,000	Bonds, Grants, Taxes
Museums Collection Storage Facility						9,500,000	Grants, Taxes
Quality of Life - Total Future Projects	\$ -	\$ 2,691,000	\$ 4,088,440	\$ 4,048,800	\$ 3,042,500	\$ 40,611,000	
Total Quality of Life	\$ 2,688,119	\$ 8,316,399	\$ 7,038,440	\$ 5,348,800	\$ 4,542,500	\$ 40,911,000	

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

Amended 09/05/2024

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
ROADRUNNER TRANSIT							
RoadRUNNER Transit - Carryover Projects							
Municipal Services Center - Transit	24,681,852	8,383,338					ARPA, Bonds, Grants, Taxes
RoadRUNNER Transit - Total Carryover Projects	\$ 24,681,852	\$ 8,383,338	\$ -	\$ -	\$ -	\$ -	
RoadRUNNER Transit - Annual Projects							
Transit Facilities Improvement Program	75,000	75,000	75,000	75,000	80,000	185,000	Grants, Taxes
RoadRUNNER Transit - Total Annual Projects	\$ 75,000	\$ 75,000	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
Total RoadRUNNER Transit	\$ 24,756,852	\$ 8,458,338	\$ 75,000	\$ 75,000	\$ 80,000	\$ 185,000	
SUSTAINABILITY							
Sustainability - Carryover Projects							
Solar Energy Photo Voltaic Projects	214,152						Taxes
Fleet Electric Vehicle Chargers	376,000	-					Grants, Bonds, Taxes
Sustainability - Total Carryover Projects	\$ 590,152	\$ -	\$ -	\$ -	\$ -	\$ -	
Sustainability - Future Projects							
DC Fast Chargers for Electric Vehicles		200,000	200,000				Grants, Bonds, Taxes
Public Electric Vehicle Chargers		200,000	200,000				Grants, Bonds, Taxes
Green Cool Corridors for Bicycles				174,000			Grants, Bonds, Taxes
LMI Housing Retrofits for Resiliency				1,270,000			Grants, Bonds, Taxes
Sustainability - Total Future Projects	\$ -	\$ 400,000	\$ 400,000	\$ 1,444,000	\$ -	\$ -	
Total Sustainability	\$ 590,152	\$ 400,000	\$ 400,000	\$ 1,444,000	\$ -	\$ -	
UTILITIES							
Utilities - Newly Funded Projects							
Wastewater SCADA	96,569	296,569	196,569	30,000	30,000	30,000	Other
Water Development	163,224	1,469,019					WIF
Utilities - Total Newly Funded Projects	\$ 259,793	\$ 1,765,588	\$ 196,569	\$ 30,000	\$ 30,000	\$ 30,000	
Utilities - Carryover Projects							
Wastewater Development	165,000						WWIF
Wastewater Septic Systems - NMED Grant	1,756,438	1,972,100	1,619,000				Other
Water Rehabilitation - NMFA	56,155						Loans
Water Utilities Bond Projects 2020A	1,878,849	4,939,151					Bonds
Utilities - Total Carryover Projects	\$ 3,856,442	\$ 6,911,251	\$ 1,619,000	\$ -	\$ -	\$ -	
Utilities - Annual Projects							
Gas Admin Building Improvements	253,333	475,000	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							
Gas Development - Low & High Pressure	35,624	19,234,390	3,168,364	652,341	300,000	300,000	Other
Gas Rehabilitation - Low & High Pressure	110,000	2,403,244	2,543,189	460,000	250,000	250,000	Other
Gas Rehabilitation - Street Utility Rehabilitation	1,566,258	1,044,223					Other
Gas SCADA	236,748	236,748	236,748	50,000	50,000	50,000	Other
Solid Waste Building Improvements	828,333	405,000	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							Other

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

Amended 09/05/2024

Agenda Item #7.2.

Project Title	Funded FY2024	Infrastructure Capital Improvement Plan (Unfunded)					Funding Source(s)
		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	
Wastewater Building Improvements	175,000	1,031,000	75,000	75,000	75,000	75,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							Other
Wastewater JHWWTF	69,219	727,835					Other
Wastewater Lift Station Renovations	50,000	100,000	50,000	100,000	50,000	100,000	Other
Wastewater Rehabilitation - East Mesa Water Reclamation Facility	67,919	486,985					Other
Wastewater Street Utility Rehabilitation	1,892,703	3,465,381	400,000		400,000		Other
Water Building Improvements	203,333	475,000	125,000	125,000	125,000	125,000	Other
Fiberoptic Cable Replacement from Roundtree to JU							Other
Water Rehabilitation - Line Extension	56,832	1,126,230					Other
Water Rehabilitation - Reservoir Rehabilitation	60,068	7,367,011	3,565,500				Other
Water Rehabilitation - Street Utility Rehabilitation	1,894,904	3,098,992	250,000	350,000	250,000	350,000	Other
Water SCADA	50,000	1,188,922	669,461	50,000	30,000	50,000	Other
Utilities - Total Annual Projects	\$ 7,550,274	\$ 42,865,961	\$ 11,333,262	\$ 2,112,341	\$ 1,780,000	\$ 1,550,000	
Utilities - Future Projects							
Water Transite Pipe ID and replace		5,000,000					Grants
Water Well Buildings		1,800,000					Other
Water Booster Station		1,006,771					Other
Water Pump Station Well Rehab		481,040	2,709,364				Other
Water Rehabilitation - Pump Station Rehabilitation		377,800	100,000	100,000	100,000	100,000	Other
Water Rehabilitation - Pump PRV		324,000					Other
Gas Rehabilitation - Regulator Stations		223,658	2,012,923				Other
Wastewater Jacob Hands Wastewater Treatment Facility		100,000	100,000	100,000	100,000	100,000	Other
Water NMFA Loan		100,000					Bonds
Wastewater East Mesa Water Reclamation		50,000	50,000	50,000	50,000	50,000	Other
Wastewater Development Lift Station Upgrades			100,000				WWIF
Utilities - Total Future Projects	\$ -	\$ 9,463,269	\$ 5,072,287	\$ 250,000	\$ 250,000	\$ 250,000	
Total Utilities	\$ 11,666,509	\$ 61,006,069	\$ 18,221,118	\$ 2,392,341	\$ 2,060,000	\$ 1,830,000	
VISIT LAS CRUCES							
Visit Las Cruces - Carryover Projects							
Convention Center FF&E	75,000	75,000	-	-	-	-	Taxes
Visit Las Cruces - Total Carryover Projects	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	
Total Visit Las Cruces	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -	
ALL DEPARTMENTS							
Total Newly Funded Projects	\$ 11,763,285	\$ 4,885,588	\$ 3,196,569	\$ 2,530,000	\$ 3,030,000	\$ 3,030,000	
Total Carryover Projects	\$ 104,285,681	\$ 55,473,197	\$ 33,781,400	\$ 9,775,000	\$ 2,625,000	\$ 1,525,000	
Total Annual Projects	\$ 41,444,182	\$ 59,699,418	\$ 26,829,762	\$ 17,879,041	\$ 17,301,700	\$ 16,926,700	
Total Future Projects	\$ -	\$ 95,942,507	\$ 44,035,727	\$ 87,664,000	\$ 38,979,000	\$ 132,687,900	
GRAND TOTAL	\$ 157,493,147	\$ 216,000,710	\$ 107,843,458	\$ 117,848,041	\$ 61,935,700	\$ 154,169,600	

Abbreviations and Notes:

Indicates a Change

Pending Legislative Appropriations noted in *italic*

Current funding sources noted in **bold**

ARPA - American Rescue Plan Act

Bonds - Includes Bonds and Loans

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

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

PIF - Park Impact Fees

PSIF - Public Safety Impact Fees

TIDD - Tax Increment Development District

WIF - Water Impact Fees

WWIF - Wastewater Impact Fees

FY 2024 Vehicle Acquisition Funding

					Funding by Source			
Department/LOB	Inventory #		Existing Model	Replacement Model	Estimated Replacement Cost	Vehicle Acquisition Fund	Utilities Funding	Other Sources (Grant, Lease, Debt)
City Managers Office								
Facilities	New	New		Ford Maverick hybrid	35,000			\$ 35,000
Facilities	New	New		Ford Maverick hybrid	35,000			\$ 35,000
Visit Las Cruces	31344	Chevy Impala		Ford Maverick hybrid	35,000			\$ 35,000
Visit Las Cruces	31870	Dodge Caravan		Ford Expedition	45,000			\$ 45,000
Total City Managers Office					\$ 150,000	\$ -	\$ -	\$ 150,000
Community Development								
Community Development/One stop Shop	30733	2006 F-150		Maverick hybrid	35,000	\$ 35,000		
Community Development/One stop Shop	30845	2006 F-150		Maverick hybrid	35,000	\$ 35,000		
Total Community Development					\$ 70,000	\$ 70,000	\$ -	\$ -
Fire								
Emergency Response	31550	2000 Pierce Fire Engine		2023 Pierce Engine	\$ 900,000			\$ 900,000
ARFF	31026	2007 ARFF		2023 CRASH TRUCK	\$ 1,300,000			\$ 1,300,000
Emergency Response	New	New/Replace TRT Station 9		2023 Pierce Engine	\$ 1,000,000			\$ 1,000,000
Emergency Response	New	New / Station 9		2023 Pierce Ladder	\$ 1,700,000			\$ 1,700,000
Emergency Response	New	New		Osage Ambulance	\$ 350,000			\$ 350,000
Technical Rescue Team	31248	2008 International 4400		F-550 Pierce Rescue	\$ 250,000			\$ 250,000
Inspector	New	New		F-150 Electric	\$ 64,000			\$ 64,000
Training BC	31183	2008 Ford Expedition		F-150 Electric	\$ 64,000	\$ 64,000		
Training LT	32530	2017 Ford Expedition		F-150	\$ 45,000	\$ 42,000		\$ 3,000
Hazmat Rescue	25095	2000 International 4700		Pierce Rescue	\$ 1,100,000			\$ 1,100,000
Operational Support BC	32222	2015 Ford Expedition		F-150 Electric	\$ 64,000			\$ 64,000
Health and Wellness	New	New		F-150 Electric	\$ 64,000			\$ 64,000
Total Fire					\$ 6,901,000	\$ 106,000	\$ -	\$ 6,795,000
Legal								
Compliance	31356	2009 Ford Escape		Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		
Compliance	31365	2009 Ford Explorer		Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		
Total Legal					\$ 70,000	\$ 70,000	\$ -	\$ -
Parks & Recreation								
Parks & Rec CMB	31580	2010 E-450 Van		E-350 Cargo Van Electric	\$ 64,000	\$ 64,000		
Parks & Rec CMB	31124	2008 F-250		*F-250	\$ 55,000	\$ 55,000		
Parks & Rec CMB	33245	Toro		Toro Workman MDX	\$ 14,000	\$ 14,000		
Parks & Rec Out of School & Youth Div	30797	2006 Transit Van		*F-350 Transit Van- 15 Passenger	\$ 63,000	\$ 63,000		
Parks & Rec CMB	25703	2000 F-150		Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		
Parks & Rec CMB	33246	Toro MD		Toro Workman MDX	\$ 14,000	\$ 14,000		
Out of School Time & Youth Div	31841	2000 Ford Excursion		*F-350 Transit Van- 15 Passenger	\$ 63,000	\$ 63,000		
Parks & Rec CMB	33247	Toro MD		Toro Workman MDX	\$ 14,000	\$ 14,000		
Parks & Rec CMB	30995	2007 Tympco mini sweeper		Mad Vac Mini sweeper	\$ 162,000			\$ 162,000
Parks & Rec CMB	30913	2006 F-250		*F-250	\$ 55,000			\$ 55,000
Parks & Rec CMB	31122	2008 F250		*F-250	\$ 55,000	\$ 55,000		
Parks & Rec CMB	31252	John Deere Gator		Toro Workman MDX	\$ 14,000			\$ 14,000
Parks & Rec CMB	30915	2007 F-250		*F-250	\$ 55,000	\$ 55,000		
Parks & Rec CMB	31258	John Deere Gator		Toro Workman MDX	\$ 14,000			\$ 14,000
Parks & Rec CMB	31125	2008 F-150		F-150 Electric	\$ 64,000	\$ 64,000		
Parks & Rec CMB	31347	2009 F-150		F-150 Electric	\$ 64,000			\$ 64,000
Parks & Rec Health & Fitness	32790	2017 Electric GEMS		Toro Workman GTX	\$ 20,360			\$ 20,360
Total Parks & Recreation					\$ 825,360	\$ 496,000	\$ -	\$ 329,360
Quality of Life								
Senior Programs	31010	2007 Ford Ranger		F-150* Hot/Cold Body	\$ 58,000	\$ 58,000		
Senior Programs	31011	2007 Ford Ranger		F-150* Hot/Cold Body	\$ 58,000	\$ 58,000		
Senior Rec	New	New		F-150* Electric	\$ 64,000			\$ 64,000
Senior Rec	New	New		F-150* Electric	\$ 64,000			\$ 64,000
Directors Office	New	New		Ford Transport Van Electric	\$ 64,000	\$ 64,000		
Total Quality of Life					\$ 308,000	\$ 180,000	\$ -	\$ 128,000
Police								
Public Safety	22416	1988 Ford Van		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	27598	2003 Chevy Impala		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	30720	Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	30721	2006 Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	30907	2007 Chevy Malibu		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31074	Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31292	Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31293	Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31294	Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31405	Ford Crown Vic		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31543	2010 Dodge Charger		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31806	2011 Chevy Camaro		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31810	2004 Chevy Avalanche		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31941	2013 Dodge Charger		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	31942	2013 Dodge Charger		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	22493	1998 Chevy Truck		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	33348	2018 Ford Focus		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	33741	2020 Interceptor		Ford Interceptor Hybrid	\$ 75,000	\$ 75,000		
Public Safety	New	New		Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00

FY 2024 Vehicle Acquisition Funding

					Funding by Source		
Department/LOB	Inventory #	Existing Model	Replacement Model	Estimated Replacement Cost	Vehicle Acquisition Fund	Utilities Funding	Other Sources (Grant, Lease, Debt)
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Public Safety	New	New	Ford Interceptor Hybrid	\$ 75,000			\$ 75,000.00
Community Outreach	New	New	Hyundai Kona Electric	\$ 40,000			\$ 40,000.00
Total Police				\$ 2,740,000	\$ 1,350,000	\$ -	\$ 1,390,000
* Indicates no suitable electric vehicle.							
Public Works							
Construction Management	30917	2007 Ford F-150	F-150	\$ 45,000	\$ 45,000		
Construction Management	30752	2006 Ford F-150	F-150	\$ 45,000	\$ 45,000		
Administration	37317	2009 Ford Ranger	Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		
Public Infrastructure	30749	2006 Ford F-150	F-150	\$ 45,000	\$ 35,000		\$ 10,000
Public Infrastructure	New	New	F-150	\$ 45,000			\$ 45,000
Public Infrastructure	30926	2007 F-150	F-150	\$ 45,000	\$ 45,000		
Public Infrastructure	31076	2008 F-150	F-150 Electric	\$ 64,000	\$ 64,000		
Streets Management	New	New	F-350	\$ 70,000			\$ 70,000
Public Infrastructure	29268	2005 F-150	Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		\$ 10,000
Public Infrastructure	31348	2009 F-150	Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		\$ 10,000
Streets Management	31341	2009 F-350	F-350	\$ 70,000			\$ 70,000
Streets Management	31342	2009 F-350	F-350	\$ 70,000			\$ 70,000
Administration	30575	2006 Ford Explorer	Ford Maverick hybrid/AWD	\$ 35,000	\$ 35,000		
Streets Management	New	New	Peterbilt Dump Truck	\$ 210,000			\$ 210,000
Streets Management	30706	2006 Case Skid Steer	Caterpillar Skid Steer	\$ 75,000			\$ 75,000
Streets Management	31374	2009 John Deere	John Deere	\$ 250,000			\$ 250,000
Total Public Works				\$ 1,174,000	\$ 374,000	\$ -	\$ 820,000
Transit							
Roadrunner Transit	27019	2002 Chevy Venture	Ford Transit 3E350 Van	\$ 55,000			\$ 55,000
Roadrunner Transit	31581	2010 Ford E450	Ford E-450	\$ 120,000	\$ 18,000		\$ 105,000
Roadrunner Transit	31834	2012 Ford E-350	Ford E-450	\$ 120,000	\$ 18,000		\$ 105,000
Roadrunner Transit	New	New	Ford E-450	\$ 120,000			\$ 120,000
Roadrunner Transit	New	New	Ford E-350	\$ 120,000			\$ 120,000
Roadrunner Transit	31835	2012 Ford E-350	Ford E-350	\$ 120,000	\$ 18,000		\$ 105,000
Roadrunner Transit	31833	2012 Ford E-350	Ford E-350	\$ 120,000			\$ 105,000
Roadrunner Transit	27019	2002 Chevy Venture	Ford Transport Van	\$ 54,000			\$ 54,000
Total Transit				\$ 829,000	\$ 54,000	\$ -	\$ 769,000
Utilities							
Locating & Mapping	32415	2016 F-150	F-150 Electric	\$ 75,000		\$ 75,000	
Locating & Mapping	32416	2016 F-150	F-150 Electric	\$ 75,000		\$ 75,000	
Water Line Maintenance	32111	2014 F-250	F-250	\$ 60,000		\$ 60,000	
Water Line Maintenance	32162	2014 F-250	F-250	\$ 60,000		\$ 60,000	
*Meters, Valves, Hydrants	New	New	Intl 4400	\$ 180,000		\$ 180,000	
*Meters, Valves, Hydrants	New	New	F-550, Utility bed, 4x4	\$ 90,000		\$ 90,000	
*Meters, Valves, Hydrants	New	New	F-250, Utility bed, 4x4	\$ 60,000		\$ 60,000	
Wastewater Line Maintenance	21216	1995 Cargo Van	Ford Transit Cargo TV Van	\$ 300,000		\$ 300,000	
Solid Waste Commercial Collection	31376	2009 Nissan Forklift	Forklift	\$ 40,000		\$ 40,000	
Solid Waste Residential Collection	32303	2015 Peterbilt M32	Residential Side loader	\$ 350,000		\$ 350,000	
Solid Waste Residential Collection	New	New	Isuzu FTR w/Quantum Curb tender	\$ 225,000		\$ 225,000	
Solid Waste Green Waste	31579	2010 Grappler	Grappler	\$ 250,000		\$ 250,000	
Solid Waste Green Waste	New	New	Komtech Topturn X63	\$ 700,000		\$ 700,000	
Total Utilities				\$ 2,465,000	\$ -	\$ 2,465,000	\$ -
Total VAF by Funding Source				\$ 15,532,360	\$ 2,700,000	\$ 2,465,000	\$ 10,381,360
* Indicates no suitable electric vehicle.							

BUDGET ADJUSTMENT SUMMARY

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	City Manager
PROGRAM:	Communications
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$163,500
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Communications program carryover for construction of new offices.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$17,849
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Purchase order carryovers: \$2,480 - for Tyler technologies Inc., Law Enforcement CAD Export Interface & \$15,369 – Enchanted Technology Solutions, LLC., Brother Mobile Solutions- Tracs Equipment	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Community Partnership
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$49,615
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Purchase order carryovers: \$20,118 - for Maloolys Flooring Company- P.A.L. flooring for gym, Sayed Mohammad Qubadi – P.A.L. Equipment	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Operational Support
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$234,492
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To Carryover PO for Radios ordered, but not received and for Power Cot Batteries and Freight not received.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Chief's Executive Offices
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$1,440
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To Carryover PO for 15 additional licenses for Academy 35 personnel.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Training And Professional Development
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$46,564
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To carryover PO for bunker gear.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Special Projects
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$15,947
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To carryover PO for various Park Furniture & PO for Land Use Assumption Study.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Parks, Sports Fields & Comm Forest
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$41,989
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Apodaca Park match, BOR Smart Controllers, Dona Ana Move Trail, and RTP - University Loop Trail.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Out of School Time
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$353,635
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for A. Fielder Memorial Safe Haven Renovations	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Health & Fitness
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$115,317
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To carryover PO's for aquatic parts & installation for warm pool UV system and Asset 32790 - 2017 Electric GEMS utility vehicle replacement.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Quality Of Life
PROGRAM:	Public Art
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$54,552
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover insurance recovery funds for Earth and Cosmos art repair.	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Quality Of Life
PROGRAM:	Senior Nutrition
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	(\$301)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for Sr. Programs ARPA grant for Congregate Meals	

FUND NO.	1000
FUND TITLE:	General Fund
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Non-Department
PROGRAM:	Non-Subsection
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$135,013
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Transfer to Vehicle Acquisition fund for the Police, Park's & Recreation and Fire & Emergency Services carryovers.	

FUND NO.	1200
FUND TITLE:	Vehicle Acquisition
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Non-Department
PROGRAM:	Non-Subsection
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$ 135,013
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Transfer from the General fund for the Police, Park's & Recreation and Fire & Emergency Services carryovers.	

FUND NO.	1200
FUND TITLE:	Vehicle Acquisition
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Criminal Investigations
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$104,528
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To carryover PO's due to vendor delay in delivery for VAF- Replacement asset: 31118, 30907 31609.	

FUND NO.	1200
FUND TITLE:	Vehicle Acquisition
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Patrol
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$34,420
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To carryover PO due to vendor delay in delivery for VAF- Replacement asset: 31928	

FUND NO.	1200
FUND TITLE:	Vehicle Acquisition
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Mobile Integrated Healthcare
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$54
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To correct carryover of PO 23204968	

FUND NO.	1200
FUND TITLE:	Vehicle Acquisition
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Administration-P&R
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$12,529
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Adjust VAF to include carry overs	

FUND NO.	1500
FUND TITLE:	HHR Contingency
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Non-Department
PROGRAM:	Non-Subsection
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$(1,978,869)
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Transfer for debt service payment	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	City Manager
PROGRAM:	Housing Neighborhood Services
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(45,560.37)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust ARPA grant projections to actual for Housing Neighborhood Services.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Police
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$1,538
EXPENDITURE ADJ AMOUNT	\$13,393
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for 2023 Summer Youth Leadership grant and ARPA funding for Police Vehicles to Police Equipment.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Chief's Executive Offices
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(270,274)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for ARPA funding for Fire CPR/EMT Train, Overtime, PPE/Emergency Response.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Wastewater Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$378,926
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust ARPA grant projections to actual for Sewer Connect Program.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Economic Development
PROGRAM:	Business Development
REVENUE ADJ AMOUNT	\$3,000,000
EXPENDITURE ADJ AMOUNT	\$3,000,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover LEDA-828 Productions grant approved at the end of FY23 Council Date 07/03/2023 RES-24-006.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Assistant City Manager's Off
PROGRAM:	Visit Las Cruces
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$31,745
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust ARPA projections to actual For Visit Las Cruces grant.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Community Recreation
REVENUE ADJ AMOUNT	\$(1,267)
EXPENDITURE ADJ AMOUNT	\$(1,267)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for Fitlot Benevidez Park grant.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Library Support Services
REVENUE ADJ AMOUNT	\$(23,716)
EXPENDITURE ADJ AMOUNT	\$(23,716)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for 2020 Library Go Bond and IMLS Community Adult Learning grant.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Long-Term Care
REVENUE ADJ AMOUNT	\$20,064
EXPENDITURE ADJ AMOUNT	\$20,064
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for FY22 NMAAA-ARPA Homemaker grant & FY22 NMAAA-ARPA Respite Care grant.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Museum Education
REVENUE ADJ AMOUNT	\$4,829
EXPENDITURE ADJ AMOUNT	\$5,329
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Mission to Mars grant & Franklin Inst Mission to Mars grant and GSK Science in Summer grant.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Senior Nutrition
REVENUE ADJ AMOUNT	\$(48,655)
EXPENDITURE ADJ AMOUNT	\$(48,655)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Sr. Programs ARPA grant for Congregate Meals & Sr. Programs Meals on Wheels America grant.	

FUND NO.	2100
FUND TITLE:	Special Revenue Reimb Grants
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering And Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(16,105)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust ARPA grant projections to actuals for MIH/MCIT Station Design	

FUND NO.	2300
FUND TITLE:	Fire Fund
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Chief's Executive Offices
REVENUE ADJ AMOUNT	\$607,064
EXPENDITURE ADJ AMOUNT	\$320,233
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover State Fire Marshal unspent money.	

FUND NO.	2300
FUND TITLE:	Fire Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Operational
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$283,594
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: State Fire Marshal Approved Carryover of FY23 Fire Fund Balance to FY24.	

FUND NO.	2401
FUND TITLE:	Police Protection Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Police
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$11,286
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Vendor Delay Carryover 2022 Maverick Docking Stations - Don Chalmers Ford Inc and DEF 40MM Smokeless Powder-Single Laucher.	

FUND NO.	2700
FUND TITLE:	Health Care Services MMC Lease
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Senior Recreation
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(52,082)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for Sr. Programs community wide survey funds.	

FUND NO.	3028
FUND TITLE:	2023 SSGRT DS
TYPE OF ADJUSTMENT:	Transfer
DEPARTMENT:	Non-Department
PROGRAM:	Non-Subsection
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$1,978,869
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Transfer for debt service payment.	

FUND NO.	3028
FUND TITLE:	2023 SSGRT DS
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$ 1,819,577
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Principal and interest for debt service payment.	

FUND NO.	3510
FUND TITLE:	2019 GO Bonds
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$ 2,827,718
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Due to under-budgeting, increasing FY24 GO Bonds Principal Payment	

FUND NO.	4005
FUND TITLE:	Community Investment Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Economic Development
PROGRAM:	Business Development
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$ (88,868)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Reducing placed in fund 4005 per Res 20-173 and placing into fund 4505 was unexpectedly used for Las Cruces Convention Center.	

FUND NO.	4005
FUND TITLE:	Community Investment Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager's Office
PROGRAM:	Sustainability
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$ (2,350)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals based on remaining balances for FY23.	

FUND NO.	4005
FUND TITLE:	Community Investment Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Medians & Right of Ways
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$ 239,477
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for 2019 Median Improvements.	

FUND NO.	4005
FUND TITLE:	Community Investment Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Parks, Sports Fields & Comm Forest
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$ 10,032
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust beginning balance for Chandler Tank & Gallagher Park	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Economic Development
PROGRAM:	Destination Downtown
REVENUE ADJ AMOUNT	\$ 900,000
EXPENDITURE ADJ AMOUNT	\$ 900,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Carryover ACD Gateway & Lighting & 2020 ACD Improvements grant approved FY23 Council Date 07/03/2023 RES-24-006, setting up for FY24	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue
DEPARTMENT:	Non-Department
PROGRAM:	Non-Subsection
REVENUE ADJ AMOUNT	\$ (920,345)
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust ARPA grant to actuals for GOB Projects	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Parks, Sports Fields & Comm Forest
REVENUE ADJ AMOUNT	\$496,269
EXPENDITURE ADJ AMOUNT	\$496,269
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	Yes
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Villa Mora Park, BOR Smart Controllers, Dona Ana Move Trail, Tortugas Trail, Skate Park Renovation, High Noon Soccer, Pioneer Park Improvements, Skate Park New, RTP Wayfinding grants.	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Public Works
PROGRAM:	Construction Management
REVENUE ADJ AMOUNT	\$(410,345)
EXPENDITURE ADJ AMOUNT	\$(410,345)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for 2020 Aquatic Ctr Solar Panels -Fully Expended, 2020 Police Bldg. Renovations -Fully Expended, 2021 Branigan Cultural Ctr Improve, 2020 Munson Center Expansion, 2022 Veterans Park, 2022 Fire Station 1 Renovations, 2022 Police Station Renovations, & MVCOH-St Lukes grant.	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Surveying
REVENUE ADJ AMOUNT	\$(1,900,707)
EXPENDITURE ADJ AMOUNT	\$(2,821,767)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actuals for Transit Facility Construction, 2020 East Mesa Roads/Drain 20-E2821, Tap-NMDOT Walnut-Madrid, 2021 MVCOH Food Rescue Warehouse, Picacho Hawk - NMDOT-LGRF 22, Tap-NMDOT Walnut-Madrid, 2022 Amador Hotel Improvements, 2022 Telshor-Spruce Improvements & ARPA grants.	

FUND NO.	4100
FUND TITLE:	Capital Projects Reimb Grants
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Public Works
PROGRAM:	Traffic Management
REVENUE ADJ AMOUNT	\$33,042
EXPENDITURE ADJ AMOUNT	\$33,042
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for FY23-NMDOT-Map Del Rey Intersection.	

FUND NO.	4106
FUND TITLE:	Pubic Park Development
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Parks & Recreation
PROGRAM:	Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(94,720)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for RTP Wayfinding grant & PIF.	

FUND NO.	4227
FUND TITLE:	Vad Street Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(1,467,861)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Adjusting projections for VAD Phase I & II based on needs.	

FUND NO.	4230
FUND TITLE:	GO Bond Project 2019
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(3,674,758)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Adjusting projections for Closed Bonds: Animal Shelter-GO BOND, Fire Station 3 Replacement-GO Bond, Park Improvements-GO Bond, & Trail Improvements-GO Bond.	

FUND NO.	4270
FUND TITLE:	Tidd Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(16,301)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Adjusting projections to actuals for Campo Street Design.	

FUND NO.	4505
FUND TITLE:	2015B HHS
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Economic Development
PROGRAM:	Business Development
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(2,146,753)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Closing out Cinematic Infrastructure, there is \$608K remaining that will go to PW bike pedestrian. Putting back \$88,868 into fund 4505 per Res 20-173 was put into 4005.	

FUND NO.	4613
FUND TITLE:	NMFA Equipment
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Fire & Emergency Services
PROGRAM:	Chief's Executive Offices
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$352,399
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for NMFA Equipment Fund.	

FUND NO.	4620
FUND TITLE:	2020A NMFA Facility Projects
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(335,490)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for Transit Maintenance Facility.	

FUND NO.	4634
FUND TITLE:	2020A NMFA MGRT
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering And Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(613)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for TAP-NMDOT Walnut-Madrid.	

FUND NO.	5010
FUND TITLE:	Airport
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering And Surveying
REVENUE ADJ AMOUNT	\$1,027,939
EXPENDITURE ADJ AMOUNT	\$1,189,276
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals For Airport-Rural Air service, Airport runway 8-26 and Carryover PO's for Air Space Expo.	

FUND NO.	5100
FUND TITLE:	Utilities Shared Services
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Locating & Mapping
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$65,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to cover temp agency services for FY24.	

FUND NO.	5100
FUND TITLE:	Utilities Shared Services
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	SCADA
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$5,080
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to cover fuel and vehicle maintenance for FY24.	

FUND NO.	5100
FUND TITLE:	Utilities Shared Services
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Technical Support
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$68,837
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to cover temp agency services for FY24.	

FUND NO.	5100
FUND TITLE:	Utilities Shared Services
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	UT Building Administration
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$142,296
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to cover temp agency services for FY24.	

FUND NO.	5100
FUND TITLE:	Utilities Shared Services
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	UT Business Services Administrator
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$8,290
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to cover temp agency services for FY24.	

FUND NO.	5205
FUND TITLE:	Gas Contingency Fund
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Natural Gas & Energy Admin
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$100,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to cover professional services.	

FUND NO.	5300
FUND TITLE:	Water Operations
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Water Line Maintenance
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$505,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to meet FY24 program needs.	

FUND NO.	5300
FUND TITLE:	Water Operations
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Water Meters Valves Hydrants
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$100,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to meet FY24 program needs.	

FUND NO.	5300
FUND TITLE:	Water Operations
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Water Production
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$950000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to meet FY24 program needs.	

FUND NO.	5400
FUND TITLE:	Wastewater Operations
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Utilities
PROGRAM:	Jacob Hands Ww Treatment Facility
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$700,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Budget increase to meet FY24 program needs.	

FUND NO.	5923
FUND TITLE:	Transit Capital
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Public Works
PROGRAM:	Engineering & Surveying
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$(11,932)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: Adjusting based on remaining balance as per FY 23 actuals.	

FUND NO.	6150
FUND TITLE:	Fleet Services
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Assistant City Manager Office
PROGRAM:	Administration – Fleet
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$15,000
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To carryover Fleet rolling stock remaining from FY21.	

FUND NO.	7480
FUND TITLE:	Gifts & Memorials
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Library Programs
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$101
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actual for James Leroy Mealy Estate grant.	

FUND NO.	7480
FUND TITLE:	Gifts & Memorials
TYPE OF ADJUSTMENT:	Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Library Support Services
REVENUE ADJ AMOUNT	\$
EXPENDITURE ADJ AMOUNT	\$82,063
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actual for Sjoquist Trust, Knapp Estate, James Leroy Mealy Estate, and ARPA Respite Care.	

FUND NO.	7480
FUND TITLE:	Gifts & Memorials
TYPE OF ADJUSTMENT:	Revenue & Expense
DEPARTMENT:	Quality of Life
PROGRAM:	Museum Visitor Experience
REVENUE ADJ AMOUNT	\$(390)
EXPENDITURE ADJ AMOUNT	\$(390)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust grant projections to actual for Scholarships.	

FUND NO.	7492
FUND TITLE:	HIDTA-CLC
TYPE OF ADJUSTMENT:	Revenue & Expenses
DEPARTMENT:	Metro Narcotics Agency
PROGRAM:	Metro A&G
REVENUE ADJ AMOUNT	\$(21)
EXPENDITURE ADJ AMOUNT	\$(122,133)
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To adjust projections to actuals for HIDTA 2022 grant	

FUND NO.	8170
FUND TITLE:	SCSWA Recycling
TYPE OF ADJUSTMENT:	Revenue
DEPARTMENT:	Non-Department
PROGRAM:	Non-Subsection
REVENUE ADJ AMOUNT	\$(100,000)
EXPENDITURE ADJ AMOUNT	\$
TRANSFER ADJ AMOUNT	\$
CIP PROJECT AMENDMENT NEEDED:	No
REASON FOR ADJUSTMENT: To correct budget adjustment approved at the end of FY23 Council Date 07/03/2023 RES-24-005.	



City Council Action and Executive Summary

24-026

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☒ 1 ☒ 2 ☒ 3 ☒ 4 ☒ 5 ☒ 6 ☐ N/A		
1st Reading:	Adopted: September 5, 2023		
Drafter:	Leeann DeMouche	Department:	Financial Services
Program:	Budget	Line of Business:	Fiscal Management
Title:	A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET.		

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

PURPOSE(S) OF ACTION:

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

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

City staff will prepare budget adjustments for the fiscal year starting July 1, 2023, through June 30, 2024. These adjustments include funding for Public Employees Retirement Association of New Mexico (PERA) to meet the increase of PERA due to contract negotiations.

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

SUPPORT INFORMATION:

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

PLAN(S):

None

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

☒ Yes
☐ No

BUDGET / FISCAL IMPACT:

BUDGETED AMOUNT: Various	AVAILABLE AMOUNT: Various	EXPENDITURE AMOUNT: Various
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Agenda Item #7.3.

Funding Source(s):

Various

Overall Budget Impact:

Please refer to Exhibit "A" Fund Summary

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and accept the budget adjustments as presented in Exhibit "A" and will adjust the City's FY2024 budget.
2. Vote "No"; this will not approve the Resolution nor accept the budget adjustments as presented in Exhibit "A" and will not adjust the City's FY2024 budget.
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 Adjustments Summary

RESOLUTION 24-026

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT BUDGET ADJUSTMENTS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2023-2024 BUDGET.

The City Council is informed that:

WHEREAS, City staff members have prepared a departmental budget adjustment for the fiscal year starting July 1, 2023 through June 30, 2024; and

WHEREAS, the monthly budget adjustment includes funding for PERA; 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 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

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

Exhibit "A"

	1000 GENERAL FUND			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 64,287,294	64,287,294	0	64,287,294
Revenues				
Municipal Gross Receipts Tax	54,285,239	54,285,239	0	54,285,239
Public Safety Gross Receipts Tax	4,880,700	4,880,700	0	4,880,700
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	47,825,436	47,825,436	0	47,825,436
Environmental Gross Receipts Tax	2,259,525	2,259,525	0	2,259,525
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	15,000	15,000	0	15,000
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	825,000	825,000	0	825,000
Lodgers Tax	0	0	0	0
Property Taxes	13,655,649	13,655,649	0	13,655,649
Payment In Lieu of Property Tax	867,573	867,573	0	867,573
Franchise Fees	2,805,951	2,805,951	0	2,805,951
Payment In Lieu of Franchise Fees	1,236,000	1,236,000	0	1,236,000
Licenses, Fees & Permits	3,123,510	3,128,510	0	3,128,510
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	81,100	81,100	0	81,100
Charges For Services	2,367,209	2,372,209	0	2,372,209
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	4,224,128	4,224,128	0	4,224,128
Investment Income	141,000	141,000	0	141,000
Miscellaneous Revenues	140,112	140,112	0	140,112
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	138,733,132	138,743,132	0	138,743,132
TOTAL RESOURCES	\$ 203,020,426	203,030,426	0	203,030,426
Expenditures				
General Government	4,781,377	4,781,377	0	4,781,377
Legislative	519,035	519,035	0	519,035
Municipal Court	2,106,314	2,106,314	0	2,106,314
Chief Administrative Officer	611,880	611,880	0	611,880
City Manager	5,908,455	6,071,955	0	6,071,955
Legal	3,461,904	3,461,904	0	3,461,904
Las Cruces Police Department	34,427,931	34,495,394	0	34,495,394
Las Cruces Fire Department	21,499,980	21,782,476	0	21,782,476
Utilities	0	0	0	0
Economic Development	4,372,325	4,372,325	0	4,372,325
Internal Audit	0	0	0	0
Assistant City Manager-400	0	0	0	0
Human Resources	2,963,787	2,963,787	0	2,963,787
Financial Services	7,467,508	7,467,508	0	7,467,508
Information Technology	6,352,622	6,352,622	2,537	6,355,159
Fleet	0	0	0	0
Assistant City Manger-500	9,471,636	9,471,636	16,382	9,488,018
Parks & Recreation	18,511,145	19,038,033	33,215	19,071,248
Community Development	5,126,792	5,126,792	0	5,126,792
Quality of Life	8,928,298	10,040,161	0	10,040,161
Public Works	10,479,099	10,479,099	13,979	10,493,078
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 146,990,088	149,142,298	66,113	149,208,411
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(19,369,208)	(19,369,208)	0	(19,369,208)
Total Other Resources	\$ (19,369,208)	(19,369,208)	0	(19,369,208)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 36,661,130	34,518,920	(66,113)	34,452,807
Required Reserve:				
State Required 1/12th	12,249,174	12,428,525	5,510	12,434,035
Local CLC 1/12th	12,249,174	12,428,525	5,510	12,434,035
AVAILABLE BALANCE	\$ 12,162,782	9,661,870	(77,133)	9,584,739

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

Exhibit "A"

	2100 SPECIAL REVENUE REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 698,496	698,496	0	698,496
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	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	247,000	266,980	0	266,980
Federal Grants	14,620,646	17,602,637	0	17,602,637
State Grants	5,898,088	5,957,708	0	5,957,708
Local Grants	26,065	28,377	0	28,377
Debt Service	0	0	0	0
Total Revenues	20,791,799	23,855,702	0	23,855,702
TOTAL RESOURCES	\$ 21,490,295	24,554,198	0	24,554,198
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	10,000,000	9,954,440	0	9,954,440
Legal	0	0	0	0
Las Cruces Police Department	2,707,818	2,721,211	0	2,721,211
Las Cruces Fire Department	1,314,070	1,043,796	0	1,043,796
Utilities	875,000	1,253,926	0	1,253,926
Economic Development	2,497,596	5,497,596	0	5,497,596
Internal Audit	0	0	0	0
Assistant City Manager-400	501,795	533,540	0	533,540
Human Resources	0	0	0	0
Financial Services	412,656	412,656	0	412,656
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	9,793	8,526	0	8,526
Community Development	338,931	398,551	0	398,551
Quality of Life	1,769,141	1,722,164	9,413	1,731,577
Public Works	365,000	348,895	0	348,895
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,791,800	23,895,301	9,413	23,904,714
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 698,495	658,897	(9,413)	649,484

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

Exhibit "A"

	2650 FLOOD CONTROL OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 419,244	419,244	0	419,244
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	5,553,799	5,553,799	0	5,553,799
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	3,570	3,570	0	3,570
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	5,557,369	5,557,369	0	5,557,369
TOTAL RESOURCES	\$ 5,976,613	5,976,613	0	5,976,613
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	50,000	50,000	0	50,000
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	3,087,754	3,087,754	5,917	3,093,671
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 3,137,754	3,137,754	5,917	3,143,671
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(2,151,403)	(2,151,403)	0	(2,151,403)
Total Other Resources	\$ (2,151,403)	(2,151,403)	0	(2,151,403)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 687,456	687,456	(5,917)	681,539

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

Exhibit "A"

	2810 GAS TAX 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,659,008	2,659,008	0	2,659,008
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	2,000,000	2,000,000	0	2,000,000
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	2,450	2,450	0	2,450
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	2,002,450	2,002,450	0	2,002,450
TOTAL RESOURCES	\$ 4,661,458	4,661,458	0	4,661,458
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	15,000	15,000	0	15,000
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	2,848,754	2,848,754	2,783	2,851,537
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 2,863,754	2,863,754	2,783	2,866,537
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(444,413)	(444,413)	0	(444,413)
Total Other Resources	\$ (444,413)	(444,413)	0	(444,413)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,353,291	1,353,291	(2,783)	1,350,508

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

Exhibit "A"

	5010 AIRPORT 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 909,363	909,363	0	909,363
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	61,500	61,500	0	61,500
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	0	0	0	0
Miscellaneous Revenues	120,000	120,000	0	120,000
Federal Grants	0	0	0	0
State Grants	3,148,527	4,176,466	0	4,176,466
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	3,330,027	4,357,966	0	4,357,966
TOTAL RESOURCES	\$ 4,239,390	5,267,329	0	5,267,329
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	4,876,992	6,066,268	635	6,066,903
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	\$ 4,876,992	6,066,268	635	6,066,903
Other Resources				
Operating Transfers In	1,013,000	1,013,000	0	1,013,000
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 1,013,000	1,013,000	0	1,013,000
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 375,398	214,061	(635)	213,426

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

Exhibit "A"

	5100 UTILITIES SHARED SERVICES 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ (70,712)	(70,712)	0	(70,712)
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	18,046,169	18,046,169	0	18,046,169
Investment Income	13,996	13,996	0	13,996
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	18,060,165	18,060,165	0	18,060,165
TOTAL RESOURCES	\$ 17,989,453	17,989,453	0	17,989,453
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	15,651,805	15,941,308	18,083	15,959,391
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	1,657,561	1,698,506	0	1,698,506
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 17,309,366	17,639,814	18,083	17,657,897
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(285,000)	(285,000)	0	(285,000)
Total Other Resources	\$ (285,000)	(285,000)	0	(285,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 395,087	64,639	(18,083)	46,556

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

Exhibit "A"

	5200 GAS OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,211,961	2,211,961	0	2,211,961
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	574,691	574,691	0	574,691
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	13,309,082	13,309,082	0	13,309,082
Natural Gas Sales - Commodity	19,370,531	19,370,531	0	19,370,531
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	39,104	39,104	0	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	33,293,408	33,293,408	0	33,293,408
TOTAL RESOURCES	\$ 35,505,369	35,505,369	0	35,505,369
Expenditures				
General Government	5,015,030	5,015,030	0	5,015,030
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	29,458,741	29,458,741	16,498	29,475,239
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	\$ 34,473,771	34,473,771	16,498	34,490,269
Other Resources				
Operating Transfers In	400,000	400,000	0	400,000
Operating Transfers Out	(557,383)	(557,383)	0	(557,383)
Total Other Resources	\$ (157,383)	(157,383)	0	(157,383)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 874,215	874,215	(16,498)	857,717

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

Exhibit "A"

	5300 WATER OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,710,776	1,710,776	0	1,710,776
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	20,582,502	20,582,502	0	20,582,502
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	0	5,790
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	20,938,222	20,938,222	0	20,938,222
TOTAL RESOURCES	\$ 22,648,998	22,648,998	0	22,648,998
Expenditures				
General Government	4,399,656	4,399,656	0	4,399,656
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	15,747,692	15,747,692	1,575,609	17,323,301
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	\$ 20,147,348	20,147,348	1,575,609	21,722,957
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(775,000)	(775,000)	0	(775,000)
Total Other Resources	\$ (775,000)	(775,000)	0	(775,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,726,650	1,726,650	(1,575,609)	151,041

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

Exhibit "A"

	5400 WASTEWATER OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,248,326	1,248,326	0	1,248,326
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	15,327,845	15,327,845	0	15,327,845
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	2,365	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	15,562,938	15,562,938	0	15,562,938
TOTAL RESOURCES	\$ 16,811,264	16,811,264	0	16,811,264
Expenditures				
General Government	4,264,310	4,264,310	0	4,264,310
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	11,534,299	12,234,299	20,770	12,255,069
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	\$ 15,798,609	16,498,609	20,770	16,519,379
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	(275,000)	(275,000)	0	(275,000)
Total Other Resources	\$ (275,000)	(275,000)	0	(275,000)
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 737,655	37,655	(20,770)	16,885

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

Exhibit "A"

	5500 SOLID WASTE OPERATIONS 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 1,409,697	1,409,697	0	1,409,697
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	17,237,737	17,237,737	0	17,237,737
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	2,231	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	17,478,368	17,478,368	0	17,478,368
TOTAL RESOURCES	\$ 18,888,065	18,888,065	0	18,888,065
Expenditures				
General Government	4,367,173	4,367,173	0	4,367,173
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	14,956,174	14,956,174	21,466	14,977,640
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	\$ 19,323,347	19,323,347	21,466	19,344,813
Other Resources				
Operating Transfers In	557,383	557,383	0	557,383
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 557,383	557,383	0	557,383
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 122,101	122,101	(21,466)	100,635

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

Exhibit "A"

	5920 TRANSIT OPERATING 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ (541,492)	(541,492)	0	(541,492)
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	767,000	767,000	0	767,000
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	0	12,115	0	12,115
Federal Grants	1,363,171	1,363,171	0	1,363,171
State Grants	0	0	0	0
Local Grants	0	0	0	0
Debt Service	0	0	0	0
Total Revenues	2,130,171	2,142,286	0	2,142,286
TOTAL RESOURCES	\$ 1,588,679	1,600,794	0	1,600,794
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	0	0	0	0
Legal	0	0	0	0
Las Cruces Police Department	0	0	0	0
Las Cruces Fire Department	0	0	0	0
Utilities	0	0	0	0
Economic Development	0	0	0	0
Internal Audit	0	0	0	0
Assistant City Manager-400	4,555,730	6,067,845	37,965	6,105,810
Human Resources	0	0	0	0
Financial Services	0	0	0	0
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	0	0	0	0
Community Development	0	0	0	0
Quality of Life	0	0	0	0
Public Works	0	0	0	0
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 4,555,730	6,067,845	37,965	6,105,810
Other Resources				
Operating Transfers In	3,991,355	3,991,355	0	3,991,355
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 3,991,355	3,991,355	0	3,991,355
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 1,024,304	(475,696)	(37,965)	(513,661)

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

Exhibit "A"

	6150 FLEET SERVICES 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 2,935,313	2,935,313	0	2,935,313
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	8,886,400	8,886,400	0	8,886,400
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	40,000	40,000	0	40,000
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	8,926,400	8,926,400	0	8,926,400
TOTAL RESOURCES	\$ 11,861,713	11,861,713	0	11,861,713
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	8,519,975	8,534,975	11,552	8,546,527
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	\$ 8,519,975	8,534,975	11,552	8,546,527
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	\$ 3,341,738	3,326,738	(11,552)	3,315,186

**24-027**

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 5, 2023
Drafter: Charlie Fierro	Department: Financial Services
Program: Budget	Line of Business: Fiscal Management

Title:	A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2024 BUDGET.
---------------	---

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

PURPOSE(S) OF ACTION:

To accept awarded grants and adjust the FY24 budget.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

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

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

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

SUPPORT INFORMATION:

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

[Attachment "A" FY 24 Grant Listing](#)

[Attachment "B" CMO-Visit LC FY24 Agreement Signed](#)

[Attachment "C" P&R- FY2024 JCP 21-690-3200-20815-2 executed](#)

[Attachment "D" PD-2023 JAG SGA CLC Agreement signed](#)

[Attachment "E" QOL-FY24 NM Grown Executed Agreement](#)

[Attachment "F" QOL-NMAAA Executed Contract 2023-24-64014 6.30.23](#)

PLAN(S):

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

COMMITTEE/BOARD REVIEW:

None

DOES THIS AMEND THE BUDGET?:

- ☒ Yes
- ☐ No

BUDGET / FISCAL IMPACT:

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

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

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

- ☐ Yes
- ☒ No

Does this action align with Elevate Las Cruces?

- ☒ Yes
- ☐ No

OPTIONS / ALTERNATIVES:

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

RESOLUTION 24-027

A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2024 BUDGET.

The City Council is informed that:

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

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

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

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

(I)

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

(II)

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

DONE AND APPROVED this day of

Agenda Item #7.4.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

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

Exhibit "A"

	2100 SPECIAL REVENUE REIMB GRANTS			
	2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 698,496	698,496	0	698,496
Revenues				
Municipal Gross Receipts Tax	0	0	0	0
Public Safety Gross Receipts Tax	0	0	0	0
Hold Harmless Replacement GRT	0	0	0	0
State-Shared Gross Receipts Tax	0	0	0	0
Environmental Gross Receipts Tax	0	0	0	0
County Environmental Gross Receipts Tax	0	0	0	0
Internet Sales Gross Receipts Tax	0	0	0	0
Gasoline Tax	0	0	0	0
Cannabis Excise Tax	0	0	0	0
Lodgers Tax	0	0	0	0
Property Taxes	0	0	0	0
Payment In Lieu of Property Tax	0	0	0	0
Franchise Fees	0	0	0	0
Payment In Lieu of Franchise Fees	0	0	0	0
Licenses, Fees & Permits	0	0	0	0
Convention Center Fee	0	0	0	0
Auto License - State Shared	0	0	0	0
Fines & Forfeitures	0	0	0	0
Charges For Services	0	1,538	0	1,538
Natural Gas Sales - Commodity	0	0	0	0
Motor Pool Maintenances Charges	0	0	0	0
Fuel Charges	0	0	0	0
Intergovernmental	0	0	0	0
Investment Income	0	0	0	0
Miscellaneous Revenues	247,000	247,000	0	247,000
Federal Grants	14,620,646	14,640,626	80,404	14,721,030
State Grants	5,898,088	8,939,699	183,746	9,123,445
Local Grants	26,065	28,377	0	28,377
Debt Service	0	0	0	0
Total Revenues	20,791,799	23,857,240	264,150	24,121,390
TOTAL RESOURCES	\$ 21,490,295	24,555,736	264,150	24,819,886
Expenditures				
General Government	0	0	0	0
Legislative	0	0	0	0
Municipal Court	0	0	0	0
Chief Administrative Officer	0	0	0	0
City Manager	10,000,000	9,954,440	0	9,954,440
Legal	0	0	0	0
Las Cruces Police Department	2,707,818	2,721,211	44,866	2,766,077
Las Cruces Fire Department	1,314,070	1,043,796	0	1,043,796
Utilities	875,000	1,253,926	0	1,253,926
Economic Development	2,497,596	5,497,596	0	5,497,596
Internal Audit	0	0	0	0
Assistant City Manager-400	501,795	533,540	47,968	581,508
Human Resources	0	0	0	0
Financial Services	412,656	412,656	0	412,656
Information Technology	0	0	0	0
Fleet	0	0	0	0
Assistant City Manger-500	0	0	0	0
Parks & Recreation	9,793	8,526	0	8,526
Community Development	338,931	398,551	0	398,551
Quality of Life	1,769,141	1,731,577	171,315	1,902,892
Public Works	365,000	348,895	0	348,895
Legislative Reserve	0	0	0	0
Total Expenditures	\$ 20,791,800	23,904,714	264,149	24,168,863
Other Resources				
Operating Transfers In	0	0	0	0
Operating Transfers Out	0	0	0	0
Total Other Resources	\$ 0	0	0	0
Accrual Adjustments	0	0	0	0
ENDING BALANCE	\$ 698,495	651,022	1	651,023

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

Exhibit "A"

	2710 CONVENTION & VISITORS BUREAU 2023-24			
	Original Budget	Amended Budget	Req. Adjustment	Adjusted Budget
RESOURCES				
Beginning Balance	\$ 3,782,433	3,782,433	0	3,782,433
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	3,058,973	3,058,973	0	3,058,973
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	3,000	3,000	0	3,000
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	2,000	2,000	0	2,000
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	3,063,973	3,063,973	0	3,063,973
TOTAL RESOURCES	\$ 6,846,406	6,846,406	0	6,846,406
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	3,095,170	3,095,170	47,968	3,143,138
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	\$ 3,095,170	3,095,170	47,968	3,143,138
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	\$ 3,751,236	3,751,236	(47,968)	3,703,268



CITY OF LAS CRUCES

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

Today's Date: 06/21/2023

Grant Team Representative: Crystal Silva

Application Submission Date:

Council Budget Adjustment Date:

Requested Amount:

Amount of Award: \$ 95,936.67

Award Notification Date: 06/14/2023

Grant Agreement #: 24-418-1003001000-17

Funding Agency: State of New Mexico Tourism Department (NMTD)

CFDA #:

Funder MUNIS CID #: 182940

PROJECT INFORMATION

Grant Project Title: VLC FY24 Cooperative Marketing and Advertising Program



Type of Funding: State Operating

Type of Grant: Competitive

Grantor Type: State

Match Amount: \$ 47,968.33

Match Description: Local Cash Match

Match Percent/Ratio: 50%/ 2:1

Match Source:

Grant Effective Date: 07/10/2023

Grant Reversion Date: 07/10/2024

Starting Fiscal Year of Grant: FY2024

Grant Scope of Work:

Coordinate with State of New Mexico Tourism Department (NMTD) to provide a statewide perspective through advertising and media-related services with regard to stimulating tourism activities in the City of Las Cruces.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: CMO

Line of Business: Visit Las Cruces

Program: Visit Las Cruces

Project Manager: Lorena Lozano

Email: loiozano@ias-cruces.org

Phone: 575-541-2361

MUNIS Dept. Number: 300

ACCOUNT STRINGS:

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

Revenue: 2100-20440011-599200 20140013

Expense: 2100-20440011-701040 20140013

Match: 2710-20440001-701040 20140003

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: _____

Project Code # 24057

Set-Up Date: _____

Date to Accounting: _____

Accounting Department Info:



CITY OF LAS CRUCES

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

Today's Date: 06/23/2023

Grant Team Representative: Crystal Silva

Application Submission Date: 3/24/23

Council Budget Adjustment Date:

Requested Amount: 86175.00

Amount of Award: \$ 44,866.40

Award Notification Date: 06/22/2022

Grant Agreement #: 22-JAG-LASCR-SFY24

Funding Agency: New Mexico Department of Public Safety (NMDPS)

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: LCPD FY2022 Byrne Memorial JAG



Type of Funding: State Operating & Capital

Type of Grant: Competitive

Grantor Type: State

Match Amount: \$ 0.00

Match Description: No Match Required-Provided

Match Percent/Ratio:

Match Source: N/A



Grant Effective Date: 07/01/2023

Grant Reversion Date: 06/30/2024

Starting Fiscal Year of Grant: FY2023

Grant Scope of Work:

Purchase Push Bumpers and PIT Bars and to provide training to staff in the use of bumpers and PIT Bars.

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

☒ YES

☐ NO

DEPARTMENT INFORMATION

Department: CMO

Line of Business: Police



Program: Police

Project Manager: Laurie Padilla Nunley



Email: ipadilla@las-cruces.org

Phone: 575.528.4135



MUNIS Dept. Number: 320



ACCOUNT STRINGS:

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

Revenue - 20232006-599100-24056 \$44,866.40

Expense - 20232006-701200-24056 \$44,866.40

Capital Assets: ☒ YES ☐ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: _____

Project Code # 24056

Set-Up Date: 06/27/2023

Date to Accounting: 06/27/2023

Accounting Department Info:

Joshua Saffell



CITY OF LAS CRUCES

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

Today's Date: 07/26/2023
Application Submission Date:
Requested Amount: 219,683
Award Notification Date:
Funding Agency: North Central New Mexico Economic Development District Non-Metro Area Agency on Aging (NMAAA)

Grant Team Representative: Crystal Silva
Council Budget Adjustment Date: 08/21/2023
Amount of Award: \$ 219,683.00
Grant Agreement #: 2023-2024-64014-N

CFDA #:

Funder MUNIS CID #:

PROJECT INFORMATION

Grant Project Title: FY24 NMAAA NSIP Sub-Award +
Type of Funding: State Operating
Grantor Type: State
Match Description: No Match Required-Provided
Match Source: N/A
Grant Effective Date: 07/01/2023
Starting Fiscal Year of Grant: FY2024

Type of Grant: Competitive
Match Amount: \$ 0.00
Match Percent/Ratio:

Grant Reversion Date: 06/30/2024 +

Grant Scope of Work:
To allocate funds in support of the provision of congregate and home delivered meals provided under the Title III of the Older Americans Act (OAA).

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

DEPARTMENT INFORMATION

Department: Quality of Life
Program: Senior Programs
Email: ssaigana@lascruces.gov
MUNIS Dept. Number: 540

Line of Business: Senior Programs +
Project Manager: Sonia Saldana +
Phone: 575-541-2006 +

ACCOUNT STRINGS:

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

MIRROR THE FOLLOWING PROJECT # WITH THE UPDATED AMOUNT:
See attached excel spreadsheet provided by Senior Programs for reference
Project-24066-NSIP- Federal \$219,683.00

Capital Assets: ☐ YES ☒ NO

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

Grant Application #: _____
Set-Up Date: _____

Project Code # _____
Date to Accounting: _____

Accounting Department Info:



CITY OF LAS CRUCES

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

Today's Date: 07/24/2023

Grant Team Representative: Crystal Silva

Application Submission Date:

Council Budget Adjustment Date: 08/21/2023

Requested Amount: 896320.25

Amount of Award: \$ 896,320.25

Award Notification Date:

Grant Agreement #: 2023-24-64014

Funding Agency: North Central New Mexico Economic Development District Non-Metro Area Agency on Aging (NMAAA)

CFDA #:

Funder MUNIS CID #: 63264

PROJECT INFORMATION

Grant Project Title: FY24 NMAAA Title III Federal



Type of Funding: Federal Operating

Type of Grant: Competitive

Grantor Type: State

Match Amount:

Match Description: SELECT

Match Percent/Ratio:

Match Source:

Grant Effective Date: 07/01/2023

Grant Reversion Date: 06/30/2024

Starting Fiscal Year of Grant: FY2024

Grant Scope of Work:

To provide funds for Senior Programs services to promote the development of a comprehensive and coordinated delivery system to meet the needs of older individual from July 1, 2023 - June 30, 2024.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: Quality of Life

Line of Business: Senior Programs



Program: Senior Programs

Project Manager: Sonia Saldana



Email: ssaigana@lascruces.gov

Phone: 575-541-2464



MUNIS Dept. Number: 540



ACCOUNT STRINGS:

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

MIRROR THE FOLLOWING PROJECT #'s WITH THE UPDATED AMOUNTS PROVIDED:

See excel spreadsheet provided by Senior Programs for reference

Project-23062-Congregate Meals- Federal \$163,623.27/State \$115,575.81

Project-23063-Home Delivered Meals- Federal \$55,797.12/State \$324,357.67

Project-23064-Home Maker- Federal \$62,249.00/State \$33,156.61

Project-23065-Respite Care- Federal \$132,498.12/State \$9,062.65

Need revenue collected in advance - they will provide 1/12th of grant prior to August 1-remainder will be reimbursement

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: _____

Project Code # _____

Set-Up Date: _____

Date to Accounting: _____

Accounting Department Info:



CITY OF LAS CRUCES

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

Today's Date: 07/13/2023

Grant Team Representative: Crystal Silva

Application Submission Date:

Council Budget Adjustment Date:

Requested Amount:

Amount of Award: \$ 126,613.30

Award Notification Date: 07/10/2023

Grant Agreement #: FY24NMGROW

Funding Agency: New Mexico Aging & Long-Term Services Department (NM ALTSD)

CFDA #:

Funder MUNIS CID #: 11

PROJECT INFORMATION

Grant Project Title: FY24 New Mexico Grown



Type of Funding: State Operating

Type of Grant: Competitive

Grantor Type: State

Match Amount: \$ 0.00

Match Description: No Match Required-Provided

Match Percent/Ratio:

Match Source: N/A



Grant Effective Date:

Grant Reversion Date: 05/30/2024

Starting Fiscal Year of Grant: FY2024

Grant Scope of Work:

To allocate funds in support of providing fresh, New Mexico grown produce and products to individuals receiving services from Senior Programs in the congregate and home-delivered programs.

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

☐ YES

☒ NO

DEPARTMENT INFORMATION

Department: Quality of Life

Line of Business: Senior Programs



Program: Senior Programs

Project Manager: Sonia Saldana



Email: ssaldana@lascruces.gov

Phone: 575-541-2464



MUNIS Dept. Number: 540



ACCOUNT STRINGS:

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

Revenue: 2100-20354001-599200- Proj#24067

Expense: 2100-20354001-780050- Proj#24067

No Match

Capital Assets: ☐ YES ☒ NO

Reimbursable Grant: ☒

Revenue Collected in Advance: ☐

Grant Application #: _____

Project Code # 24067 _____

Set-Up Date: _____

Date to Accounting: _____

Accounting Department Info:

**STATE OF NEW MEXICO
TOURISM DEPARTMENT
Cooperative Agreement**

THIS AGREEMENT, numbered **24-418-1003001000-17**, is made and entered into by **State of New Mexico Tourism Department**, hereinafter referred to as the "NMTD," and **Visit Las Cruces**, hereinafter referred to as the "Partner" (collectively the "Parties") and is effective as set forth below.

RECITALS

WHEREAS, the New Mexico Legislature appropriated funds to NMTD for the purpose of carrying out the duties of the NMTD, which include providing a coordinated statewide perspective with regard to tourism activities; and

WHEREAS, NMTD desires to coordinate this effort through cooperative programs with matching funds for certain tourism-related non-profit organizations, local and tribal governments; and

WHEREAS, Partner wishes to leverage the New Mexico True brand (Brand) with advertising and media-related services provided by NMTD to stimulate tourism activities and is willing to contribute funds to further the Parties' efforts to that effect;

NOW, THEREFORE, IT IS AGREED BETWEEN THE PARTIES, for the express and sole purpose of stimulating tourism in New Mexico, in consideration of the mutual covenants and obligations contained herein, as follows:

I. Obligations of Partner.

- A. Meet or exceed the requirements of its FY24 Cooperative Marketing Application to promote travel within and/or to New Mexico through advertising and media efforts as defined in the FY24 Award Summary, as approved by NMTD and attached hereto as *Exhibit A*.
- B. Make all payments in accordance with the requirements listed in *Exhibit A*.
 1. Acknowledge that failure to make a timely payment will affect advertising and media efforts as defined in the FY24 Award Summary.
 2. In the event Partner fails to make payment within 10 business days of the due date indicated in *Exhibit A*, NMTD may cancel this agreement pursuant to paragraph IV(B).
 3. Partner may submit a request to extend a scheduled due date, subject to NMTD approval. Failure to comply with the extension schedule may result in cancellation of this agreement pursuant to paragraph IV(B).
- C. Agree to follow the established New Mexico True Brand Style Guide available via link from NMTrueCoOp.org.
- D. Obtain prior approval from NMTD for any and all use of the Brand. NMTD reserves the right to inspect any usage of the Brand to ensure proper quality and consistency.
- E. Collaborate with NMTD, providing timely inputs and responses to communications that ensure successful execution of all initiatives as outlined in *Exhibit A*.
 1. Agree to make every effort to maintain effective communications with NMTD for the term of this agreement.

Agenda Item #7.4.

2. Acknowledge that in the event Partner fails to timely respond within 10 business days of receipt of a communication, NMTD reserves the right to resume, modify, reject, cancel or stop any and all initiatives or works in progress.
- F. Acknowledge that any failure to adhere to the parameters set forth herein may affect Partner's eligibility for future awards.
- G. Attend one (1) [Tourism Exchange USA](#) (TXUSA) Webinar during the term of this agreement.
 1. If a Partner is unable to attend a live Webinar, they may view a recording at a later date and provide an attestation that this requirement has been fulfilled.
- H. In addition to the above obligations, for all Flex funds expended, Partner must also:
 1. Acknowledge that it has access to, and agrees to comply with, the FY24 Request for Reimbursement Form via the online grant platform and related cycle documents located at <https://nmtourism.smapply.io>. The online application form and Partner's responses to that form are incorporated herein by reference.
 2. Obtain prior approval from the Brand Resource Hub located at <https://nmtourism.pica9.com> and retain approval identification number to submit with request for reimbursement for all cobranded creative materials, i.e. any printed or digital collateral, advertising, etc. that incorporate any part of the New Mexico True brand logo including the customized "logo lockup" provided by NMTD for Partner's use in conjunction with cooperative marketing initiatives.
 3. Fully and accurately complete and timely submit the Request for Reimbursement Form(s) and end-of-year Tracking and Impact Report.
 - i. Requests for payment of expenses incurred between July 1, 2023 and May 31, 2024 must be submitted within 30 days of placement in market.
 - ii. All requests for payment must be received by June 10, 2024. Incomplete or illegible requests will not be processed.
 - iii. The end-of-year Tracking and Impact Report must be submitted to NMTD no later than July 10, 2024. Failure to do so may result in forfeiture of reimbursement and/or affect Partner's future opportunities.

II. Obligations of NMTD.

- A. Provide assets necessary to meet requirements for logo integration.
- B. For all Flex funds expended, NMTD will reimburse Partner for all eligible expenses, in accordance with the amounts listed in *Exhibit A*, upon receipt of a completed Request for Reimbursement Form along with all required supporting documentation.
- C. Upon receipt of MMP Partner funds, NMTD will:
 1. Communicate with media vendors and secure ad placement and/or services as agreed upon and set forth in *Exhibit A*.
 2. Provide documentation to Partner to verify agreed upon deliverables were made in accordance with *Exhibit A*.
 3. Pay media vendors for ad placement and/or services.
 4. Collect and share campaign performance measurement data with Partner.

III. Copyright and Quality Control.

Agenda Item #7.4.

- A. For the term of this Agreement, the NMTD grants to the Partner a nonexclusive, nontransferable, worldwide right and license to use the New Mexico True Brand in furtherance of the Partner's promotion and advertising of and within New Mexico, as outlined in *Exhibit A*. This includes but is not limited to the creation and distribution of advertisements defined in the original application submitted and is subject to NMTD creative approval prior to placement.
- B. All Brand usage and creative must be submitted to and approved by NMTD prior to use and must adhere to Brand Style Guide available via link from [NMTrueCoOp.org](https://nmtruecoop.org).
- C. NMTD will exercise its right to inspect Partner's creative assets designed for and used in conjunction with marketing and promotional campaigns that employ Brand logos to ensure that such use is of proper quality and otherwise consistent with this Agreement and may terminate this Agreement should it determine that Partner did not obtain prior approval or that its Brand use is inconsistent.
- D. All materials developed or acquired by the Partner under this Agreement shall become the jointly owned property of the State of New Mexico. Nothing produced, in whole or in part, by the Partner under this Agreement shall be the subject of an application for copyright by or on behalf of Partner. Furthermore, NMTD may access and use Partner's advertising and other creative production assets at its sole discretion.

IV. Additional Terms & Conditions.

- A. The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico. If sufficient appropriations and authorization are not made, this Agreement shall terminate upon written notice given by NMTD to the Partner. NMTD's decision as to whether sufficient appropriations are available shall be accepted by the Partner and shall be final.
- B. This Agreement shall become effective upon its execution by both Parties and shall terminate on June 30, 2024. Either party may terminate or seek to further negotiate this Agreement upon thirty (30) days written notice to the other. In the event of termination, neither party may nullify obligations already incurred for performance or failure to perform, prior to the date of termination and any outstanding reimbursements shall be made pro rata.
 - 1. For the avoidance of doubt, no termination of this Agreement shall relieve Partner of any obligations incurred prior to effective date of such termination including, without limitation, services performed and any prepaid costs.
- C. A "Force Majeure Event" is defined as an event or effect that can be neither anticipated nor controlled which renders performance of the terms of this Agreement impossible, impracticable, or unsafe, including public health emergencies such as COVID-19. If a Force Majeure Event occurs, the parties' respective obligations hereunder will be excused fully, without any additional obligation, and each of the parties shall bear its own costs incurred in connection with this Agreement.
- D. This Agreement shall not be altered, changed, or amended except by instrument of writing executed by the Parties hereto.
- E. 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 by either party in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, §41-4-1, et seq., NMSA 1978, as amended.
- F. This Agreement is governed by the laws of the State of New Mexico.

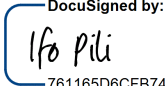
- G. This Agreement is not intended to and does not create any rights in any persons or entity not a party hereto.
- H. Any notice required to be given to either Party by this Agreement shall be in writing and shall be delivered in person, by courier service or by electronic mail, facsimile, U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

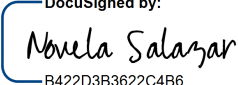
To NMTD: New Mexico Tourism Department
Nelida Griego
491 Old Santa Fe Trail | Santa Fe, NM 87501
505-795-0108 | nelida.griego@td.nm.gov

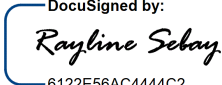
To Partner: Ifo Pili
Visit Las Cruces
336 S Main St
Las Cruces, NM 88001
ipili@las-cruces.org

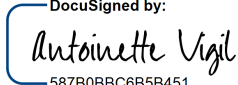
- I. The individual signing below on behalf of the Partner represents and warrants that he or she has the authority to bind the Partner, and that no further action, resolution or approval from the Partner is necessary to enter into a binding agreement.

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

By:  DocuSigned by:
761165D6CFB7489... Date: 6/30/2023
Ifo Pili, Visit Las Cruces
PARTNER

Approved for legal sufficiency:
By:  DocuSigned by:
B422D3B3622C4B6... Date: 6/30/2023
Novela Salazar, General Counsel NMTD

By:  DocuSigned by:
6122E56AC444C2... Date: 6/30/2023
Rayline Sebay, CPO, ASD NMTD

By:  DocuSigned by:
587B0BBC6B5B451... Date: 6/30/2023
Antoinette Vigil, Deputy Cabinet Secretary NMTD

NEW MEXICO TOURISM DEPARTMENT

FY24 COOPERATIVE MARKETING PROGRAM

Organization Name: Las Cruces, Visit

Primary Contact: Lorena Sanchez

Email: lolozano@las-cruces.org

Phone: 575-541-5361

EXHIBIT A

AWARD SUMMARY

#

TOTAL \$ VALUE

NMTD \$

PARTNER \$ COMMITMENT

PARTNER \$ DUE 7/10/23

PARTNER \$ DUE 12/1/23

4

\$143,905.00

\$95,936.67

\$47,968.33

\$14,479.50

\$3,610.50

MEDIA MENU PLAN (MMP): SMART SELECT OPTIONS

3

\$54,270.00

\$36,180.00

\$18,090.00

\$14,479.50

\$3,610.50

FLEX: REQUEST SUMMARY

1

\$89,635.00

\$59,756.67

\$29,878.33

MEDIA MENU PLAN (MMP) AWARDS

TYPE	INITIATIVE	Details	#	TOTAL \$ VALUE	NMTD \$	PARTNER \$ COMMITMENT	PARTNER \$ DUE 7/10/23	PARTNER \$ DUE 12/1/23
CONTENT / ORGANIC SOCIAL	Regional Micro-Influencer Seasonal Destination Program	DETAILS	1	\$21,663.00	\$14,442.00	\$7,221.00	\$3,610.50	\$3,610.50
DIGITAL OOH	Albuquerque Digital Out-of-Home (12 weeks)	DETAILS	1	\$12,036.00	\$8,024.00	\$4,012.00	\$4,012.00	\$0.00
DIGITAL OOH	Phoenix Digital Out-of-Home (12 weeks)	DETAILS	1	\$20,571.00	\$13,714.00	\$6,857.00	\$6,857.00	\$0.00

FLEX FUND AWARDS

TYPE	INITIATIVE		#	TOTAL \$ VALUE	NMTD \$	PARTNER \$ COMMITMENT	
SEARCH (SEO / SEM)	Afflux Media (dba NMCO) SEO/SEM		1	\$89,635.00	\$59,756.67	\$29,878.33	

NEW MEXICO TOURISM DEPARTMENT

FY24 COOPERATIVE MARKETING PROGRAM

Organization Name: Las Cruces, Visit

Primary Contact: Lorena Sanchez

Email: lolozano@las-cruces.org

Phone: 575-541-5361

EXHIBIT A

AWARD SUMMARY

#

TOTAL \$ VALUE

NMTD \$

PARTNER \$ COMMITMENT

PARTNER \$ DUE 7/10/23

PARTNER \$ DUE 12/1/23

4

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\$14,479.50

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MEDIA MENU PLAN (MMP) AWARDS

TYPE	INITIATIVE	Details	#	TOTAL \$ VALUE	NMTD \$	PARTNER \$ COMMITMENT	PARTNER \$ DUE 7/10/23	PARTNER \$ DUE 12/1/23
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DIGITAL OOH	Albuquerque Digital Out-of-Home (12 weeks)	DETAILS	1	\$12,036.00	\$8,024.00	\$4,012.00	\$4,012.00	\$0.00
DIGITAL OOH	Phoenix Digital Out-of-Home (12 weeks)	DETAILS	1	\$20,571.00	\$13,714.00	\$6,857.00	\$6,857.00	\$0.00

FLEX FUND AWARDS

TYPE	INITIATIVE		#	TOTAL \$ VALUE	NMTD \$	PARTNER \$ COMMITMENT	
SEARCH (SEO / SEM)	Afflux Media (dba NMCO) SEO/SEM		1	\$89,635.00	\$59,756.67	\$29,878.33	

STATE OF NEW MEXICO
CHILDREN, YOUTH AND FAMILIES DEPARTMENT
Continuum of Graduated Sanctions
Agreement # 21-690-3200-20815
Amendment Two (02)

THIS AGREEMENT is made and entered into by and between the State of New Mexico, **CHILDREN, YOUTH AND FAMILIES DEPARTMENT**, hereinafter referred to as the "Agency," and **City of Las Cruces** hereinafter referred to as the "Contractor," and is effective as of the date set forth below upon which it is executed by the Agency.

PURPOSE OF AMENDMENT:

1. **ARTICLE 1 Term of Agreement** to correct the expiration date of the Agreement.
2. Amend **ARTICLE III Limitation of Cost** to reflect an update in language and an FY23 and FY24 increase of **Twenty-Nine Thousand Four Hundred Eight Dollars and Zero Cents (\$29,408.00)** each for a new FY23 and FY24 total of **Three Hundred Thirty-Eight Thousand One Hundred Eighty-Seven Dollars and Zero Cents (\$338,187.00)**, for a new contract total of **One Million Two Hundred Ninety-Three Thousand Nine Hundred and Thirty-Two Dollars and Zero Cents (\$1,293,932.00)**.
3. Amend **Attachment 1** to add Item Y - Trauma Response and Services Training mandated by *KEVIN S., et al. v. BLALOCK, et al., No. 1:18-cv-00896 Settlement Agreement*.
4. Amend **Attachment 2 – Budget** to reflect increase in compensation for Item A. Increase in Program support for Fiscal Years 23 & 24.

IT IS MUTALLY AGREED BETWEEN THE PARTIES THAT THE FOLLOWING PROVISIONS OF THE ABOVE-REFERENCE CONTRACT ARE AMENDED AS FOLLOWS:

1. **ARTICLE I Term of Agreement** is hereby amended to read as follows:

THIS AGREEMENT SHALL BECOME EFFECTIVE ON THE DATE UPON WHICH IT IS EXECUTED BY THE AGENCY SECRETARY OR DESIGNEE. This Agreement shall terminate on **June 30, 2024**, unless terminated pursuant to Article VI (Termination of Agreement), or Article XXIII (Appropriations).

2. **ARTICLE III Limitation of Cost** is hereby amended to read as follows:

The Agency shall pay to the Contractor for services satisfactorily performed as outlined in the budget which is made a part of this Agreement as Attachment 2 – Budget. The total amount of monies payable to the Contractor under this Agreement shall not exceed **One Million Two Hundred Ninety-Three Thousand Nine Hundred and Thirty-Two Dollars and Zero Cents (\$1,293,932.00)**. The annual budget is attached hereto as "Attachment 2 – Budget," and incorporated herein by reference.

Contractor shall utilize the dollars allocated within the service components listed in Attachment 2 to best meet the needs of the Clients. Funding may be shifted between service components with the prior written approval of the Agency's Special Programs Manager and/or Division Deputy Director of an approved Budget Adjustment Form submitted by Contractor. Approved Budget Adjustments shall result in an updated Attachment 2 with any adjustment in total compensation, increase or decrease, made by amendment to the contract.

3. Amend Attachment 1 Scope of Work to add the following:

Y. Receive and demonstrate through competency assessments and self-reporting that Contractor, its staff, employees, and other prospective subcontractors have received adequate training as identified in Attachment 3, Trauma-Responsive and Coaching Training Plan in accordance with KEVIN S., et al. v. BLALOCK, et al., No. 1:18-cv-00896.

All other articles of this contract and previous amendments remain the same.

Agenda Item #7.4.

Agreement No. 21-690-3200-20815-02

IN WITNESS WHEREOF, the Agency and the Contractor have caused this Agreement to be executed, said Agreement to become effective as of the date set forth below upon which it is executed by Agency Secretary or Designee.

CONTRACTOR – City of Las Cruces

DocuSigned by:

Amy Johnson Bassford

CECA2D1137D0453...

Date: 6/1/2022

Authorized Signatory

Ifo Pili, City Manager

Printed Title of Authorized Signatory

Legal Counsel, Contractor

Date: _____

Agency – New Mexico Children, Youth and Families Department

DocuSigned by:

Lisa Fitting

775A3C83C7714DA...

Secretary or Designee, CYFD

Date: 6/1/2022

DocuSigned by:

Phillipe Rodriguez

BCD3DB1F3A6842B...

Chief Financial Officer, CYFD

Date: 6/1/2022

Approval as to legal form and sufficiency.

DocuSigned by:

Michael Pung

ABA8B92943EA4E0...

Office of General Counsel, CYFD

Date: 6/1/2022

IN WITNESS WHEREOF, the Agency and the Contractor have caused this Agreement to be executed, said Agreement to become effective as of the date set forth below upon which it is executed by Agency Secretary or Designee.

CONTRACTOR – City of Las Cruces

Date: _____

Authorized Signatory

Ifo Pili, City Manager

Printed Title of Authorized Signatory



Legal Counsel, Contractor

Date: 5/31/22

Agency – New Mexico Children, Youth and Families Department

Secretary or Designee, CYFD

Date: _____

Chief Financial Officer, CYFD

Date: _____

Approval as to legal form and sufficiency.

Office of General Counsel, CYFD

Date: _____

Agenda Item #7.4.

Agreement No. 21-690-3200-20815-02

Attachment 2 – Budget
City of Las Cruces

A. <u>Continuum and Board Activities:</u>			
Continuum Coordinator	\$22.00 x 1040 Hours =		\$22,880.00
Travel	=		\$900.00
Youth Committee Members	=		\$300.00
5% Program Support	=		<u>\$44,112.00</u>
			\$68,192.00
B. <u>JCP Level I:</u>			
Based on 72 youth to be served			
Life Skills	\$165 x 10 Sessions =		\$1,650.00
Assessment/Intake	\$65 x 58 Youth =		\$3,770.00
Class	\$165 x 20 Classes =		\$3,300.00
Final Client Report	\$75 x 57 Youth =		\$4,275.00
Follow-Up	\$30 x 192 Youth =		<u>\$5,760.00</u>
			\$18,755.00
C. <u>JCP Level II:</u>			
Based on 250 youth to be served			
Life Skills	\$165 x 38 Sessions =		\$6,270.00
Assessment/Intake	\$65 x 200 Youth =		\$13,000.00
Class	\$165 x 230 Classes =		\$37,950.00
Final Client Report	\$75 x 200 Youth =		\$15,000.00
Follow-Up	\$30 x 1200 Youth =		<u>\$36,000.00</u>
			\$108,220.00
D. <u>JCP Level III:</u>			
Based on 40 youth to be served			
Life Skills	\$165 x 42 Sessions =		\$6,930.00
Assessment/Intake	\$65 x 32 Youth =		\$2,080.00
Class	\$165 x 90 Classes =		\$14,850.00
Final Client Report	\$75 x 32 Youth =		\$2,400.00
Follow-Up	\$30 x 192 Youth =		<u>\$5,760.00</u>
			\$32,020.00
E. <u>JARC:</u>			
Based on 200 youth to be served			
Intake	\$65 x 200 Youth =		\$13,000.00
Case Management	\$40 x 2000 Hours =		\$80,000.00
Follow-up	\$30 x 600 Youth =		<u>\$18,000.00</u>
			\$ 111,000.00
Total FY23 Grant Award not to exceed:			<u>\$338,187.00</u>

The Contractor shall be required to source a minimum of forty-percent (40%) of the total budgeted grant amount with local matching funds. The local matching funds may consist of money, land, equipment or in-kind services. Matching funds should be expended at the same rate as the grant funds and must be reported on the monthly invoices.

Budgeted and contracted Grant Amount	\$338,167.00
40% Minimum Match Liability for City of Las Cruces	<u>\$135,275.00</u>
Projected Budgeted Amount	\$473,462.00

*Per Diem and Mileage rates based upon the Administration (DFA) Rule 2.42.2.

FUNDING INFORMATION:

Juvenile Continuum Grant Fund (State General Fund)

FOR THE PERIOD OF FY23: July 1, 2022, through June 30, 2024:

The total amount of the contract for FY23& FY24 shall not exceed \$338,187.00

State General Fund: FY21: <u>\$308,779.00</u>
State General Fund: FY22: <u>\$308,779.00</u>
State General Fund: FY23: <u>\$338,187.00</u>
State General Fund: FY24: <u>\$338,187.00</u>
Total = <u>\$1,293,932.00</u>

Attachment 3 – Trauma Responsive Care and Services Training Requirements

Revised 04.29.2022

The Children, Youth and Families Department (CYFD) seeks to achieve safety, permanency, and well-being of children by implementing systems and services that are *trauma responsive*; providing *community-based therapeutic supports in the most family-like setting*; understanding the importance of and maintaining the *cultural connections and tribal sovereignty* of children, families, and tribes; honoring and centering *youth and family voice and choice*; and ensuring we use *collaborative, team-based* decision-making with families. We are committed to building a workforce worthy of trust through continual *professional growth and development* and a standard of *cultural humility practice*.

To achieve this, CYFD contracted Contractors must understand and apply the required principles of trauma responsive care to their programing, policy and procedures and interactions with all children/youth and their families, especially those children/youth in or at risk of entering state custody and their families. Those who contract with CYFD are mandated to:

1. Complete training on trauma responsive care and service delivery. Contractor staff will complete the curriculum determined to be most appropriate for their job position and level of interaction with children/youth and families as identified by the Cross-Departmental Training Review Committee (Human Services Department and CYFD representatives). Training shall be completed within the first three (3) months of hire and annually thereafter.
2. Approved trainings and training requirements on trauma responsive care and service delivery, as identified by the Cross-Departmental Training Review Committee. CYFD will provide a list of approved trainings to Contractors prior to the effective date of the Agreement, and quarterly or upon request thereafter.
 - a. For trainings on trauma responsive care and service delivery not previously identified/or approved by the Cross-Departmental Training Review Committee, Contractors may submit request to its Program Manager for approval by the Cross-Departmental Training Review Committee which meets quarterly.
 - b. The list of approved trainings will include those that are of no cost to the Contractor. Funding for Contractor Loss of Productivity will be negotiated between the Contractor and Program Manager for inclusion in the budget.
3. Contractor staff includes those who have direct contact with children/youth (ages 0-21) in state custody or at-risk children/youth, administrative staff and Management or Executive level position (“leaders”).
4. On a monthly basis, Contractors will provide a Trauma Training Tracking Sheet with their invoice or encounter submission that includes the following information:
 - a. Report current leaders and staff who have direct contact with children who have worked for the Contractor for more than three months, and
 - b. Provide certification of completion for those who have completed the initial training requirements.
5. At least seventy (70) percent of the Contractor’s staff must have completed required trauma responsive training as identified by Cross-Departmental Training Review Committee within three (3) months of hire for Contractor to continue billing for services.

6. Trauma responsive care and service delivery training completed by Contractor staff prior to hire, and if taken less than six (6) months prior to hire, may be submitted for approval of the Cross-Departmental Training Review Committee, via the Contractor's Program Manager.
7. When scope of work is being performed by Subcontractor or Subawardee, Contractors are responsible for ensuring that the Subcontractor or Subawardee's staff receive the mandated trauma responsive care and service delivery training as outlined above.

CYFD Program Managers will:

1. Facilitate access to the mandated trauma responsive care and service delivery training so Contractor staff can meet the minimum requirements.
2. For trainings on trauma responsive care and service delivery not previously identified/or approved by the Cross-Departmental Training Review Committee, Contractor may submit request to its Program Manager. The Program Manager will route the request to Cross-Departmental Training Review Committee for approval and provide written notice of the Committee's decision to the Contractor within ten (10) working days following the Committee's quarterly meeting.

New Mexico Department of Public Safety

2022 Edward Byrne Memorial Justice Assistance Grant

Subgrantee Name: City of Las Cruces
Subgrantee Agreement Number: 22-JAG-LASCR-SFY24
Award Amount: \$44,866.40
Subgrantee UEI Number: J3ZLWA2K1X47
Grant Term: July 1, 2023 – June 30, 2024

2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Award

This Subgrant Agreement made effective July 1, 2023, 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 Las Cruces Police Department, 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 2022 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 2022 JAG award is as follows:

Federal Award Identification Number: 15PBJA-22-GG-00626-JAGX

Award Date: September 16, 2022

Amount Awarded: \$1,953,303.00

Total Subgrantee Pass through: \$1,757,973.00

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 2022 Byrne JAG grant application. Program purpose areas for the FY2024 funding cycle have been limited to:

- A. Law Enforcement Programs
- B. Prevention and Education Programs

SECTION TWO: SCOPE OF WORK

- The subgrantee agrees that it shall implement its program as detailed in their submitted 2022 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 bumpers and PIT bars.**
 - **Objective:** Complete purchase and receipt of equipment within 6 months of grant award.
 - **Goal #2 – Train staff in the use of bumpers and PIT bars.**
 - **Objective:** Conduct refresher training for the units receiving the bumpers and PIT bars.
 - **Approved Grant Funding for Implementation of Goals and Objectives is as follows:**
 - **Push bumpers and PIT bars @ \$44,866.40**

TOTAL FUNDING = \$44,866.40

- 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).
- 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, 2023 and shall terminate on June 30, 2024.
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 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 \$44,866.40.

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 a 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. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at <https://ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) 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.

2. 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 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 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 2022 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. 200.334.

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.

3. 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.

4. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees>.

5. 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](https://www.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.

6. 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.

7. 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.
8. 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."
9. 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.

10. 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. 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.

13. 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.

14. 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.

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

The subgrantee at any tier, 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.

16. 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).

17. 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.

18. 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.

19. 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.

20. 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>.

21. 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).

22. 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.

23. 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.

24. 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.

25. 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(e)-(d). The subgrantee may not satisfy such a fine with federal funds.

26. 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.

27. 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.

28. 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).

29. 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.

30. 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.

31. 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.

32. 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.

33. 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).

34. Utilizing award funds for forensic genealogy testing

Subgrantees utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (<https://www.justice.gov/olp/page/file/1204386/download>), and must collect and report the metrics identified in Section IX of that document to BJA.

35. 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.

36. 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.

37. Certification of body armor "mandatory wear" policies, and compliance with NIJ standards

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. 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.ojp.gov/topics/equipment-and-technology/body-armor>

38. Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.
39. The subgrantee agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.
40. In accepting this award, the subgrantee agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the subgrantee has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment's protection against unreasonable searches and seizures and the First Amendment's freedom of association and speech, as well as other laws and regulations. Subgrantees utilizing funds for FRT must make such policies and procedures available to DOJ upon request.
41. 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).
42. 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.
43. 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.

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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	Oliver Benavidez
4491 Cerrillos Rd.	4491 Cerrillos Rd.
Santa Fe, New Mexico 87504	Santa Fe, New Mexico 87504
	(505) 479-0507
	oliver.benavidez@dps.nm.gov

SUBGRANTEE REPRESENTATIVES

Susan Gonzales, Grants Manager	Lecann DeMouche, Finance Director
700 N. Main St.	700 N. Main St.
Las Cruces, NM 88001	Las Cruces, NM 88001
(575) 541-2430	(575) 541-2080
sgonzales@lascruces.gov	ldemouche@lascruces.gov

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 Subgrantee 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)

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

Agenda Item #7.4.

New Mexico Department of Public Safety

2022 Edward Byrne Memorial Justice Assistance Grant

SUBGRANTEE:

By: _____

Signature of Certifying Official

Date: _____

Printed Name

Ifo Pili

Title

City Manager

By: _____

Program Agency Director

Date: _____

Jeremy Story

Printed Name

Interim Chief of Police

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: _____

Chief Legal Counsel or designee

Date: _____

CLC Matthew Chavez or

Assistant General Counsel Joan M. Waters

Printed Name

Signature: _____

Jacqueline Rubalcava

Email: jrubicava@las-cruces.org

Signature: _____

Sean Mullen

Sean Mullen (Jun 28, 2023 08:06 MDT)

Email: smullen@las-cruces.org



MEMORANDUM

To: Ifo Pili, City Manager
From: Susan Gonzales, Grants Manager
Date: July 13, 2023
Subject: Request for Signature on the FY24 NM ALTSD New Mexico Grown Program Grant Agreement

Initials: SG
File#: GAP #24-006

Please sign the attached grant agreement to accept the FY24 New Mexico Aging & Long-Term Services Department (NM ALTSD) New Mexico Grown Produce Program Grant for Quality of Life- Senior Programs. Additionally, please sign below authorizing Susan Gonzales, Grants Manager, to submit the signed agreement through a DocuSign process.

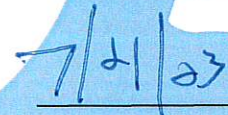
The award is in the amount of \$126,613.31 with no match required. The scope of the project is to increase Senior Program's capacity to strengthen the connections between senior meal service, local farms, farm organizations and ranchers so that freshly harvested local food items become an essential component in New Mexico seniors' diet.

Please return to the Grants Office by Monday July 24, 2023. If there are any questions, please feel free to contact me at 541-2430.

REVIEWED:



Ifo Pili, City Manager



Date

Attachments: FY24 New Mexico Grown Program Grant Agreement

cc: Jacqueline Rubalcava, Budget & Grant Administrator
cc: Carol Brey, Quality of Life Director
cc: Jocelyn Garrison, City Attorney
cc: Sonya Delgado, Assistant City Manager

Initials:  Jul 17, 2023

Initials:  CAB Jul 17, 2023

Initials:  7/19/23

Initials:  7/21/23

**FY24 New Mexico Grown Program Grant
SCOPE OF WORK
City of Las Cruces**

A. PURPOSE

The New Mexico Aging & Long-Term Services Department (ALTSD) believes farm to senior center or nutrition site are essential to the senior meal nutrition programs in New Mexico. The goal of this funding is to strengthen the connections between senior centers local farms, farm organizations and ranchers so that freshly harvested local food items become an essential component in New Mexico seniors' diet.

The purpose of the Agreement is to allocate funds in support of the provision of congregate and home delivered meals provided under Title IIIC of the Older Americans Act (OAA). The Senior Center Service Provider, and its sub-contractors, must be recipients of Title III funding or Title III matching funds to participate.

B. AREAS TO BE SERVED

The Senior Center Service Provider shall be responsible for the provision of freshly harvested local produce and allowable food items in the following locations:

- **Munson Senior Center**
- **Frank O'Brien Papen Community Center**
- **Sage Café**
- **Henry Benavidez Community Center**
- **Eastside Community Center**

C. TARGET POPULATION

Target population includes persons aged 60 or older. Per the Older Americans Act, an effort must be given to serving eligible persons with the greatest social or economic need, with particular attention to minority individuals with low incomes. Additionally, efforts must be made to target individuals residing in rural areas, individuals with limited English proficiency, and individuals with Alzheimer's disease and related disorders, with severe disabilities or at-risk of institutionalization and their caregivers.

D. RESPONSIBILITIES OF THE SENIOR CENTER SERVICE PROVIDER

Administrative Requirements:

- i. Allocate funds received from ALTSD under the New Mexico Grown Program Grant to nutrition providers that provide congregate and home-delivered meals under the Older Americans Act.
- ii. Require that meals are served to clients eligible for Older Americans Act funded congregate and home-delivered meals programs.
- iii. Purchase directly from New Mexico farmers, farm organizations and ranchers listed on the Farmers Market Association's "Approved Supplier List", accessible here: <https://docs.google.com/spreadsheets/d/1U4Dj-7sNXsDmCw9Tpnn89l0Ga9jfqa0S7lIG1mOn9ZU/edit#gid=331245939>.

which certifies that the product originated on farms and ranches that practice sound food safety practices in the State of New Mexico. The following spreadsheet contains a list of all permissible food items [FY23 Allowable Products NM Grown.xlsx - Google Sheets](#). Both lists are live and should be accessed through the links provided, please do not download the documents.

- iv. It is recommended that 10% of the providers allocation go toward purchasing New Mexico locally grown produce and meat from small farmers and ranchers. A small farmer comprises of farmers cultivating on two acres or less.
- v. Maintain documented:
 - a. Meal Counts
 - b. Number of Pounds of Produce and Meat Purchased
 - c. Total Number of Unduplicated Consumers that Received Meals Integrated with New Mexico Grown local produce, local meat, and allowable food items by recording monthly in the Revver Database. Data must be accurate, and unduplicated.
- vi. Ensure in all cases that all produce, meat, and allowable food items are guaranteed to be grown, harvested, and processed in New Mexico and are accompanied by documentation proving origin, including farm or ranch name and location.
- vii. Ensure that all meat purchased is packaged with the USDA FSIS inspection stamp on the packaging from a USDA FSIS inspected processor.
- viii. Ensure that New Mexico Grown Program Grant funds are to be used exclusively for the purchase of local produce, local meat, and allowable local food items. The funds may not be used for meal preparation or administrative costs. Transportation and/or Delivery Fees are allowable and must be factored into the final price per unit agreed upon by your senior center and applicable vendor.
- ix. Senior Center Service Providers must submit monthly invoices for reimbursement by the 10th day of the month, for the prior month's expenditures until all funds are spent, unless otherwise authorized by ALTSD at its sole discretion.
- x. All monthly invoices for reimbursement must be accompanied by supporting receipts or invoices from vendors whom purchases were made. A receipt and/or invoice from New Mexico farmers, farm organizations or rancher must include the following:
 - a. the vendor's name, address, and contact information
 - b. internal transaction number, or invoice number
 - c. the purchased items with a description of each product along with the corresponding quantity
 - d. the price for each item and any applicable discount
 - e. the total amount of the sale items
 - f. senior center or meal site (s) to which will receive the delivery, their full name, address, and other contact information
- xi. ALTSD has the discretion to request documentation related to compliance at

- any time for any reason.
- xii. Each quarter's reimbursement request must reflect the expenditure of at least one-quarter of the allocated funds until all funds have been spent. Failure to withdraw at least one-quarter of the allocated awarded amount each quarter (until all funds are spent) may result in a reduction in the allocated award for failure to meet fiscal responsibilities.

E. COMPENSATION

ALTSD shall pay the Senior Center Service Provider in full for New Mexico local food items purchased satisfactorily in accordance with the deliverables established in this Scope of Work. **The total amount payable to the Senior Center Service Provider under this Agreement, including gross receipts tax and expenses, shall not exceed \$126,613.31.** Senior Center Providers may spend up to **40%** of their funding on New Mexico local USDA stamped meat from vendors on the New Mexico Farmers Market Approved Suppliers List. The purchase of local New Mexico raised, processed USDA stamped meat may not exceed the budgeted amount of **\$50,645.33**. The purchase of New Mexico locally grown produce and allowable New Mexico food items must not exceed budgeted amount of **\$75,967.99**.

Funding for this awarded amount must be fully expended by **May 30, 2024**.

F. DEPARTMENT OVERSIGHT

ALTSD will monitor the monthly invoicing to verify all produce purchased is allowable under the New Mexico Grown Program Grant. ALTSD will provide technical assistance to providers as needed.

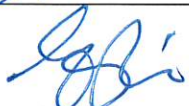
G. SERVICE PROVISION/PERFORMANCE MEASURE

Each Senior Center Service Provider will submit a monthly data sheet detailing the total number of pounds of New Mexico grown produce, local meat, and allowable local food items integrated in the total number of meals provided for the senior meal program, as well as the total number of unduplicated consumers that received meals integrated with New Mexico Grown local produce, local meat, and allowable food items. Data must be accurate, and unduplicated.

H. ADMINISTRATION COSTS

N/A

EXECUTED AND AGREED TO BY SIGNATURE(s) BELOW:

Ifo Pili, Name		City Manager Title
Digital-Signature		Date 7/21/23

Name	Title
Digital-Signature	Date

Signature: 
Email: jrubalcava@las-cruces.org

Signature: 
Carol Brey (Jul 17, 2023 12:22 MDT)
Email: cbrey@las-cruces.org

CM Memo QOL FY24 NM Grown

Final Audit Report

2023-07-17

Created:	2023-07-17
By:	Crystal Silva (csilva@las-cruces.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAa9I7MIPfHUT_TtrO03YayBWV5QdPzG35

"CM Memo QOL FY24 NM Grown" History

-  Document created by Crystal Silva (csilva@las-cruces.org)
2023-07-17 - 4:11:23 PM GMT
-  Document emailed to Jacqueline Rubalcava (jrubalcava@las-cruces.org) for signature
2023-07-17 - 4:12:10 PM GMT
-  Email viewed by Jacqueline Rubalcava (jrubalcava@las-cruces.org)
2023-07-17 - 4:58:07 PM GMT
-  Document e-signed by Jacqueline Rubalcava (jrubalcava@las-cruces.org)
Signature Date: 2023-07-17 - 5:02:25 PM GMT - Time Source: server
-  Document emailed to Carol Brey (cbrey@las-cruces.org) for signature
2023-07-17 - 5:02:26 PM GMT
-  Email viewed by Carol Brey (cbrey@las-cruces.org)
2023-07-17 - 6:21:56 PM GMT
-  Document e-signed by Carol Brey (cbrey@las-cruces.org)
Signature Date: 2023-07-17 - 6:22:58 PM GMT - Time Source: server
-  Agreement completed.
2023-07-17 - 6:22:58 PM GMT

Contract No. 2023-24- 64014

**North Central New Mexico Economic Development District
Non-Metro Area Agency on Aging**

TITLE III FEDERAL AND STATE SUB-AWARD

This Agreement is made and entered into this 1st day of July 2023, by and between the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA), hereinafter referred to as the "Agency" and City of Las Cruces, hereinafter referred to as the "Subrecipient Contractor."

The Agency's Senior Citizens Services program is designed to promote the development of a comprehensive and coordinated service delivery system to meet the needs of older individuals (age 60 and older). This agreement provides a mechanism for the creation of an individualized network of community resources on a client-by-client basis through the Older Americans Act, as amended, the State of New Mexico Aging and Long-Term Services Department, and the Agency.

1. SCOPE OF SERVICES

- A. Services. The Subrecipient Contractor agrees to provide service(s) to eligible consumers as identified in accordance with the Subrecipient Contractor application or Service Delivery Plan, all required assurances, licenses, and certifications, as applicable.
- B. Service Area: The Subrecipient Contractor agrees to provide service(s) to eligible consumers in the service area as identified in the Subrecipient Contractor application or Service Delivery Plan attached by reference.
- C. Deliverables. The Subrecipient Contractor shall provide services based on the assessed need of the community and individuals receiving services under this Agreement and as identified in the Subrecipient Contractor application or Service Delivery Plan and attached by reference. The service units and consumers detailed in the Service Delivery Plan and Budget sections are estimates. Budgeted services are to be provided in accordance with the Aging and Long-Term Services Department (ALTSD) Units of Service Definitions; to be monitored through the Subrecipient Contractor's submission of monthly WellSky data, activity reports, and through Agency monitoring reviews. Final determination of service units and consumer performance measures shall be established by the ALTSD, and should the Contractor not meet the established units, reimbursement requests should reflect the same.
- D. Targeting: Target populations include persons aged 60 or older and their spouses of any age, younger disabled persons who reside with persons aged 60 or older, caregivers of any age who care for persons aged 60 or older, caregivers aged 60 or older who care for children or younger disabled persons, and the recipients of their care.

Per the Older Americans Act, an effort must be given to serving eligible persons with the greatest social or economic need, with particular attention to minority individuals with low incomes. Efforts must also be given to targeting individuals residing in rural and frontier areas, individuals with limited English proficiency, and individuals with Alzheimer's disease and related disorders, with severe disabilities or at-risk of institutionalization and their caregivers.

Target populations may include people aged 50 through 59 for services provided with state funding only. Target populations for each service may vary according to the service provided.

- E. Payment for Services: For the services determined by the Agency to be satisfactorily provided by Subrecipient Contractor hereunder, the Agency shall pay the Subrecipient Contractor, during the term, an aggregate amount, including gross receipts tax, not to exceed \$896,320.25. Said aggregate amount is to be derived from the following sources.
1. \$62,249.00 from Title III-B of the OAA [Assistance Listing Number 93.044].
 2. \$163,623.27 from Title III-C1 of the OAA [Assistance Listing Number: 93.045].
 3. \$55,797.12 from Title III-C2 of the OAA [Assistance Listing Number: 93.045].
 4. \$.00 from Title III-D of the OAA [Assistance Listing Number: 93.043].
 5. \$132,498.12 from Title III-E of the OAA [Assistance Listing Number: 93.052];
and
 6. \$482,152.74 from the NMGAA-State/HB-2
- F. An initial payment of 12.5% of State funds will be distributed to the Subrecipient Contractor. This initial payment must be accounted for by the Subrecipient Contractor, and expenditures must be allocated to these funds.
- G. Payment for services shall be consistent with all applicable federal and state laws and regulations.
- H. Payments to the Subrecipient Contractor will be made after receipt of funds by the Agency. Any expenditure made prior to the receipt of funds or pending the Agency's approval shall be made at the Subrecipient Contractor's own risk, and the Agency shall not be liable for such expenditures.
- I. Payments to the Subrecipient Contractor may be withheld or denied by the Agency for expenditures which are not authorized by, or are in excess of, the regulations, terms and conditions contained in this Agreement or for expenditures which are not properly documented or substantiated by the Subrecipient Contractor. The Subrecipient Contractor

agrees to hold the Agency harmless against all audit exceptions arising from the Subrecipient Contractor's violation and shall make restitution to the Agency of such amounts of money due to the Subrecipient Contractor's non-compliance.

- J. Subrecipient Contractor must submit a detailed statement accounting for all services performed and expenses incurred. Reimbursements shall be made by the Agency on a monthly basis upon receipt of monthly expenditures and reports furnished by the Subrecipient Contractor. If the Agency finds that the services are not acceptable, within thirty days after the date of receipt of written notice from the Subrecipient Contractor that payment is requested, it shall provide the Subrecipient Contractor a letter of exception explaining the defect or objection to the services and outlining steps the Subrecipient Contractor may take to provide remedial action. Upon certification by the Agency that the services have been provided and accepted, payment shall be tendered to the Subrecipient Contractor within thirty days after the date of acceptance.
- K. Payments to the Subrecipient Contractor will be made electronically through the Automated Clearing House (ACH) Network.
- L. Subrecipient Contractor shall track and report all information needed for the State Program Report for Administration for Community Living (ACL) through the Older Americans Act Performance System (OAAPS). Subrecipient Contractor shall adopt the standard universal consumer assessment instrument provided by the Aging & Long-Term Services Department to capture information for all data fields on the tool, as required by OAAPS and state and federal reporting requirements.

2. TERMS OF AGREEMENT

In addition to the other provisions contained in this Agreement, the parties agree to the following:

- A. The Subrecipient Contractor agrees to:
 - 1. Provide services in accordance with current or revised Agency and State of New Mexico Aging and Long-Term Services Department policies and the OAA.
 - 2. Target services to older individuals with greatest economic and social need, including low-income individual, low-income minorities, older individuals at risk of institutional placement, individuals with limited English proficiency, and older individuals residing in rural areas, as applicable.
 - 3. Record timely and accurate consumer service delivery into WellSky Aging & Disabilities Database. Data should be recorded daily.
 - 4. Submit timely and accurate consumer/client assessment and reassessment documentation (including transmittals), on the day conducted.
 - 5. Ensure consumer contact and demographic information is accurate in WellSky Aging & Disabilities database.
 - 6. Encourage client contributions (program income) on a voluntary and confidential basis. Such contributions will be properly safeguarded and accurately accounted

for as receipts and expenditures on its financial reports, if they are not required to be forwarded to the Agency. Client contributions (program income) will be reported fully and in the service category where generated, as required, to the Agency. Subrecipient Contractor agrees to expend all program income to expand or enhance the program/service under which it is earned.

7. Provide letters from local City or County governments to the NCNMEDD Non-Metro AAA committing local funds to senior programs. Any changes in local funds (increases or decreases) will be provided in writing to the NCNMEDD Non-Metro AAA.
8. Maintain communication and correspondence with the Agency concerning clients' status, emergency situations, and program operations.
9. Submit contingency plan to address unforeseen circumstances when service delivery is threatened.
10. At a minimum, attend two (2) Agency training events per year (may include attendance at Non-Metro AAA Advisory Council meetings). Attend required Aging Network Training events and other special meetings of the Aging & Long-Term Services Department.
11. Submit timely and accurate information necessary for reimbursement.
 - a. All service performance data should be verified and reconciled by the Subrecipient Contractor prior to submitting the Verification Statement and the Agency Summary Report (ASR) to the Non-Metro AAA office by the 5th business day of the month. The Agency Summary Report (ASR) is the official document used to initiate reimbursement of services provided by the Subrecipient Contractor and must be reviewed and certified by the Agency each month.
 - b. Subrecipient Contractors shall invoice the Agency on or before the 5th business day of the month for prior month expenditures. The Agency may extend these dates on a case-by-case basis if the Subrecipient Contractor reports a hardship. However, the Agency will not accept, process, or pay invoices submitted fifteen (15) days or more after the deadline(s) until the next reimbursement cycle if within the fiscal year. The Subrecipient Contractor shall submit to the Agency utilizing OAA-SYS system provided by the Agency.
 - c. Supporting documentation to validate reported expenses to include general ledger, purchase orders, and invoices.
 - d. Quarterly financial reports, to include approved budget, year-to-date expenses, year-to-date revenue, are due by the 15th business day of the month following the end of the quarter.
 - e. Quarterly program narrative reports by the 15th business day of the month following the end of the quarter.
12. This agreement does not guarantee a total level of reimbursement other than for individual units/services authorized, contingent upon availability of Federal and State funds.
13. Subrecipient Contractor agrees to bill Medicaid, or contract with the Agency to bill Medicaid, for Medicaid-eligible consumers enrolled in Medicaid-eligible services.

14. Subrecipient Contractor employees shall not solicit nor accept gifts or favors of monetary value by or on behalf of clients as a gift, reward, or payment.

B. The Agency further abides to:

1. Review and process consumer intake and assessment documents completed by the Subrecipient Contractor, as applicable, to determine eligibility for service provision.
2. Maintain communication and correspondence concerning consumers' status.
3. Provide timely consultation and technical assistance to the Subrecipient Contractor as requested and as available.
4. Conduct quality-assurance procedures, which may include on-site visits, monitoring, and/or compliance assessments to ensure health, safety, and quality services are being provided.
5. Provide written policy, procedures and standard documents concerning client authorization to release information (both a general and medical/health related release), ability to contribute to the cost of services provided, quality survey instrument, and complaints/grievances and appeals to all consumers.
6. Provide start-up funds at the discretion of NCNMEDD Non-Metro AAA if funding is available.
8. Employ a full-time manager and financial individual to oversee funds contracted through Non-Metro AAA.

3. ASSURANCES

A. *Americans with Disabilities Act of 1990 –*

The Subrecipient Contractor shall comply with the requirements, established under the Americans with Disabilities Act, in meeting statutory deadlines under the Act as they pertain to operation for employment, public accommodations, transportation, state and local government operations and telecommunications.

B. *Section 504 of the Rehabilitation Act of 1973 –*

The Subrecipient Contractor shall provide that each program activity, when viewed in its entirety, is readily accessible to and usable by persons with disabilities in keeping with 45 CFR, Part 84.11, etc. Seq., and as provided for in Section 504 of the Rehabilitation Act of 1974, as amended. When structural changes are required, these changes shall be in keeping with 45 CFR, Part 74. The Subrecipient Contractor shall ensure that benefits and services available under the agreement are provided in a non-discriminatory manner as required by Title VI of the Civil Rights Act of 1964, as amended.

C. *Age Discrimination in Employment Act of 1967 –*

The Subrecipient Contractor shall comply with the Age Discrimination in Employment Act of 1967 (29 USC 621, etc. Seq.).

D. *Drug Free Workplace*

The Subrecipient Contractor shall comply with the Drug-Free Workplace Act of 1988.

E. *Certification Regarding Debarment*

The Subrecipient Contractor shall certify annually that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency.

F. *Financial Management*

The Subrecipient Contractor must implement financial management standards in accordance with the Federal standards outlined in the United States Department of Health and Human Services Federal Regulation 45 CFR Part 75, 2 CFR Uniform Grants Guidance Part 200 and New Mexico Fiscal Requirements.

G. *Budget Adjustment*

The Subrecipient Contractor shall submit to the Agency, as necessary, any budget adjustment request(s) for review and approval. Under no circumstances may budget adjustment request(s) be submitted to the Agency later than March 15th unless authorized by the Agency in writing. The Agency shall review and approve or deny budget adjustment request(s) at its sole discretion.

H. *Incentive Compensation*

Use of federal and state funds for incentive compensation to employees based on cost reduction, efficient performance, suggestion awards, safety awards, etc. is unallowable and will not be recognized by the Agency as a reimbursable expense. The use of federal or state funds for staff recognition or employee gifts is also unallowable.

I. *Independent Audit*

The Subrecipient contractor shall provide a financial and compliance audit report(s) to the Agency covering the period of July 1, 2023, through June 30, 2024. The Subrecipient Contractor is considered an independent contractor and is subject to audit requirements under Title 2, Subtitle A, Chapter II, Part 200 of Code of Federal Regulations and Government Audit Standards, regardless of the amount of federal funding the Subrecipient Contractor receives.

1. The Audit report(s) provided to the Agency must include a copy of the Auditor's management letter.
2. The audit report shall include a schedule of administrative and program expenses for each separate federal title or program (Title IIIB, Title IIIC-1, Title IIIC-2, Title IIID, Title IIIE, NSIP, etc.), which facilitates a reconciliation of audited costs to the final report.
3. Submittal of the audit report for government entities shall be within ten (10) working days after release by the New Mexico State Auditor's Office. For non-governmental entities, the audit report is due four (4) months after the end of the entity's fiscal year.

J. *Equal Opportunity Compliance*

The Subrecipient Contractor agrees to abide by all federal and state laws, rules, regulations, and executive orders of the Governor of the State of New Mexico, pertaining to equal employment opportunity. In accordance with all such laws of the State of New Mexico, the Subrecipient Contractor agrees to assure that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Subrecipient Contractor is found not to be in compliance with these requirements during the life of this Agreement, Subrecipient Contractor agrees to take appropriate steps to correct these deficiencies.

K. *Compliance with Aging and Long-Term Services Department Functions.*

The Subrecipient Contractor shall perform in accordance with the Federal Older Americans Act (OAA) and directives of the U.S. Administration on Aging; Rules, regulations, State Plan, policies and procedures established by the Aging and Long-Term Services Department, for the provision of services, and administration of programs funded under the OAA and the New Mexico State Legislature; New Mexico Administrative Code, Title 9, Chapter 2, Parts 1-24; The Aging & Long-Term Services Act, NMSA 1978, Sections 9-23-1 et seq.; The New Mexico Environment Department Food Establishment Rules and Regulations; Dietary Guidelines for Americans; Dietary Reference Intakes (DRIs); the approved Agency Area Plan, Agency Policy and Procedures; the approved Service Plan; State and Federal emergencies and public health/emergency orders enacted by the Governor of the State of New Mexico; Title II Part 200 of the Code of Federal Regulations; and the terms and conditions of this Agreement.

L. *Non-Discrimination Service Delivery.*

The Subrecipient Contractor, in determining (a) the services or other benefits provided under this Agreement, (b) the class of individuals to whom, or situation in which such services or other benefits will be provided under this program, or (c) the class of individuals to be afforded an opportunity to participate in the program, will not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, religion, color, national origin, ancestry, sex, sexual preference, age or handicap, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program in respect to individuals of a particular race, religion, color, national origin, ancestry, sex, sexual preferences, age or handicap.

M. *Targeting and Outreach.*

The Subrecipient Contractor shall engage in targeting and outreach activities, as required by the OAA, to all potential recipients of services as referenced in section

2.A.2. The Subrecipient Contractor shall conduct ongoing community outreach to assess needs and inform potential recipients of available services. The Subrecipient Contractor shall report all activities in its quarterly program reports submitted to the Agency.

N. *Consumer Feedback.*

The Subrecipient Contractor shall utilize the standardized survey instrument to obtain and evaluate consumer opinions of the quality of services received.

O. *Emergency Preparedness Requirements.*

The Subrecipient Contractor shall monitor and notify the Agency of any situation which has the potential to be an emergency in which older adults or adults with disabilities may be adversely affected.

- a. Subrecipient Contractor shall complete and submit the Agency's Contingency & Emergency Preparedness Response Plan annually.
- b. Subrecipient Contractor shall provide and update emergency contact information for all emergency management personnel in a format provided by the Agency; currently contained within the Contingency & Emergency Preparedness Response Plan.
- c. Subrecipient Contractor agrees to notify the Agency of service modifications in the event of a holiday, emergency, or other situation as soon as those service modifications are known.
- d. Subrecipient Contractor agrees to notify the Agency of emergency situations and events as soon as they are known, regardless of service modification.
- e. Subrecipient Contractor shall ensure continuation of services during emergency events to the extent possible and will request assistance from the Agency in the event it cannot perform this requirement.
- f. Subrecipient Contractor agrees to perform well-check calls to consumers during emergency events, regardless of the open or closed status of facilities and services. Subrecipient Contractor agrees to utilize well-check call scripts and systems provided by the Agency in this process. Subrecipient Contractor will request assistance from the Agency in the event it cannot perform this requirement.

4. TERM

This Agreement shall begin on July 1, 2023, and terminate on June 30, 2024, unless terminated pursuant to Paragraph 5, below or for any other reason allowed by law.

5. TERMINATION

- A. This Agreement may be terminated by the Agency without cause upon written notice delivered to the Subrecipient Contractor at least thirty (30) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred

for performance prior to the date of termination. This Agreement may be terminated immediately, upon written notice to the Subrecipient Contractor, if the Subrecipient Contractor becomes unable to perform the services contracted for, as determined by the Agency, or if, during the term of this Agreement, the Subrecipient Contractor or any of its officers, employees or agents is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein, or if the Subrecipient Contractor fails to comply with any of the terms contained herein or is in breach of this Agreement as set forth in Paragraph 6, below. This provision is not exclusive and does not waive the Agency's other legal rights and remedies caused by the Subrecipient Contractor's default or breach of this Agreement. This Agreement may also be terminated by the Subrecipient Contractor upon thirty (30) days written notice to the Agency.

- B. Termination Management. Immediately upon receipt of notice of termination of this Agreement by either the Agency or the Subrecipient Contractor, the Subrecipient Contractor shall: 1) not incur any further obligations for salaries, services or any other expenditure of funds under this Agreement without written approval of the Agency; 2) comply with all directives issued by the Agency in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Agency shall direct for the protection, preservation, retention or transfer of all property titled to the Agency and client records generated under this Agreement and any non-expendable personal property or equipment purchased by the Subrecipient Contractor with contract funds shall become property of the Agency upon termination. On the date the notice of termination is received, the Subrecipient Contractor shall furnish to the Agency a complete, detailed inventory of non-expendable personal property purchased with funds provided under the existing and previous Agency agreements with the Subrecipient Contractor; the property listed in the inventory report including client records and a final closing of the financial records and books of accounts which were required to be kept by the Subrecipient Contractor under the paragraph of this Agreement regarding financial records.

6. BREACH OF AGREEMENT BY SUBRECIPIENT CONTRACTOR

- A. In addition to the breach of any term, provision, covenant, agreement, or obligation of Subrecipient Contractor contained in this Agreement, the following constitute a breach of Subrecipient Contractor's obligations and duties hereunder:
1. The Subrecipient Contractor's failure to provide proof of insurance coverage sufficient to meet the requirements of this Agreement or any applicable federal, state, or local laws, rules, or regulations.
 2. The Subrecipient Contractor's failure to adequately safeguard its assets in such a manner that would adversely impact the interests of the intended recipients of the services to be performed, hereunder, and jeopardize their receipt of such services.
 3. Unless otherwise duly authorized in writing by the Agency, the Subrecipient Contractor's failure to meet line-item budgetary ceilings set forth in its approved budget for delivering the services contemplated hereunder.

- B. Upon a determination by the Agency that the Subrecipient Contractor shall be in breach of this Agreement, the Agency shall provide written notice to the Subrecipient Contractor specifying the facts and circumstances constituting the breach(es) and advising the Subrecipient Contractor that such breach(es) must be cured to the Agency's satisfaction within thirty (30) days from the date of such written notice. If such cure is not timely made, then the Agency may elect to implement one or more of the following intermediate sanctions:
1. The Agency may install a program monitor for a specified time period to closely observe the Subrecipient Contractor's efforts to comply with obligations remaining under this Agreement. Unless otherwise deemed confidential under applicable law, such monitor shall have authority to review any or all the Subrecipient Contractor's records, policies, procedures, and financial records germane to the Subrecipient Contractor's delivery of the services contemplated by this Agreement. Such monitor may also serve as a consultant to the Subrecipient Contractor to advise on the correction of the determined deficiencies. All costs associated with the Agency's selection and installation of such monitor shall be paid from the state and federal funds awarded to the Subrecipient Contractor hereunder.
 2. The Agency may appoint a temporary manager who shall have primary responsibility to oversee the operation of the Subrecipient Contractor's services contemplated by this Agreement. All costs associated with the Agency's selection and installation of such a temporary manager shall be paid from the compensation awarded to the Subrecipient Contractor.
 3. The Agency may deem the Subrecipient Contractor ineligible for the receipt of any additional funds to be paid to Subrecipient Contractor hereunder.
 4. The Agency may cancel, terminate, or suspend this Agreement in whole or in part.
 5. In addition to other remedies available to the Agency hereunder, the Agency may, in its discretion, establish a period of probation with specific objectives to be accomplished by the Subrecipient Contractor hereunder, or to be in compliance with applicable policies, procedures, laws, and regulations.
 6. The Agency may pursue any other remedy as may be provided under applicable law.

7. APPROPRIATIONS

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the Legislature of New Mexico and utilized by the Agency for the performance of this Agreement. If sufficient appropriations and authorization are not made by the Legislature, this Agreement shall terminate immediately upon written notice being given by the Agency to the Subrecipient Contractor. The Agency's decision as to whether sufficient appropriations are available shall be accepted by the Subrecipient Contractor and shall be final. If the Agency proposes an amendment to the Agreement to unilaterally reduce funding, the Subrecipient Contractor shall have

the option to terminate the Agreement or agree to the reduced funding, within thirty (30) days of receipt of the proposed amendment.

8. STATUS OF SUBRECIPIENT CONTRACTOR

The Subrecipient Contractor, its agents, and employees are independent contractors performing professional services for the Agency and are not employees of the Agency. The Subrecipient Contractor, its agents and employees shall not accrue leave, retirement, insurance, bonding, use of Agency vehicles, or any other benefits afforded to employees of the Agency as a result of this Agreement. The Subrecipient Contractor acknowledges that all sums received hereunder are reportable for income tax purposes.

9. ASSIGNMENT

The Subrecipient Contractor shall not assign or transfer any interest in this Agreement, assign any claims for money due, or to become due under this Agreement, without the prior written approval of the Agency.

10. SUBCONTRACTING

The Subrecipient Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the Agency.

11. RELEASE

Final payment of the amounts due under this Agreement shall operate as a release of the Agency, its officers and employees, and the State of New Mexico from all liabilities, claims and obligations, whatsoever arising from or under this Agreement. The Subrecipient Contractor agrees not to purport to bind the Agency to any obligation not assumed herein unless the Subrecipient Contractor has express written authority to do so, and then only within the strict limits of that authority.

12. CONFIDENTIALITY

Any information provided to or developed by the Subrecipient Contractor in the performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization, by the Subrecipient Contractor without the prior written approval of the Agency. Disclosure of confidential information shall only be made in accordance with the Inspection of Public Records Act or the applicable state or federal laws or regulations. Subrecipient Contractor shall establish a method to guarantee the confidentiality of all information relating to clients in accordance with applicable federal, state and local laws, rules and regulations, as well as the terms of this Agreement. However, this provision shall not be construed as limiting the rights of the Agency or any other federal or state authorized representative to access client case records or other information relating to clients served under this Agreement.

13. PRODUCT OF SERVICE – COPYRIGHT

All materials developed or acquired, by the Subrecipient Contractor, under this Agreement, shall become the property of the Agency and shall be delivered to the Agency no later than the termination date of this Agreement. Nothing produced, in whole or in part, by the Subrecipient Contractor, under

this Agreement, shall be the subject of an application for copyright or other claim of ownership, by or on behalf, of the Subrecipient Contractor.

14. CONFLICT OF INTEREST

The Subrecipient Contractor warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree, with the performance or services required under the Agreement. The Subrecipient Contractor certifies that the requirements of the Governmental Conduct Act, Sections 10-16-1 through 10-16-18, NMSA 1978, regarding contracting with a public officer or state employee or former state employee have been followed.

15. AMENDMENT

This Agreement shall not be altered, changed or amended, except by instrument in writing, executed by the parties hereto.

16. MERGER

This Agreement 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 this written Agreement. No prior agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

17. PENALTIES FOR VIOLATION OF LAW

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities and kickbacks.

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 shall be proper only in a New Mexico court of competent jurisdiction in accordance with Section 38-3-1 (G) NMSA 1978. By execution of this Agreement, Subrecipient Contractor acknowledges and agrees to the jurisdiction of the courts of the State of New Mexico over any and all lawsuits arising under or out of any term of this Agreement.

19. WORKERS COMPENSATION

The Subrecipient Contractor agrees to comply with state laws and rules applicable to workers compensation benefits for its employees. If the Subrecipient Contractor fails to comply with the Workers Compensation Act and applicable rules when required to do so, this Agreement may be terminated by the Agency.

20. RECORDS AND FINANCIAL AUDIT

The Subrecipient Contractor shall maintain detailed time and expenditure records, including, but not limited to, client records, books, supporting documents pertaining to services provided, that indicate

the date, time, nature and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The records shall be subject to inspection by the Agency, the Department of Finance and Administration and the State Auditor. The Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Agency to recover excessive or illegal payments. If, pursuant to this Agreement, the Subrecipient Contractor receives federal funds subject to the Single Audit Act, the Subrecipient Contractor shall submit to the Agency an audit conducted by a certified public accountant in compliance with the Single Audit Act.

21. INDEMNIFICATION

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 limitation of the New Mexico Tort Claims Act.

22. INTERNAL DISPUTE MEDIATION

The Subrecipient Contractor shall attempt to resolve all disputes with participants by negotiation in good faith and with such mediators as may be acceptable to the parties involved. The Subrecipient Contractor shall implement an internal grievance policy with procedures in place to effectively and fairly negotiate and resolve disputes with participants. The Subrecipient Contractor must provide all participants with notice, at the commencement of the contract year, that disputes may be resolved in this manner. If negotiation and mediation through the grievance procedure fail, any party may submit the dispute to the ALTSD in accordance with the following provisions:

1. In any dispute submitted, the Agency and the Subrecipient Contractor hereby agree and consent to the ALTSD mediation of the dispute.
2. Mediation may only be instituted by written request, which request shall include a statement of the matter in controversy.
3. Initial contacts and negotiation shall be conducted by the appropriate Agency staff.
4. Any resolution of the matter shall be binding and final on the Subrecipient Contractor and the Subrecipient Contractor hereby agrees to be bound by said resolution.
5. Failure of the Subrecipient Contractor to resolve any dispute pursuant to the procedures set forth herein or to comply with a resolution ordered by the ALTSD shall amount to a material breach of Agreement.
6. Internal Dispute Mediation does not supersede the appeal hearing policies and procedures.

23. PARTICIPANT GRIEVANCE

The Subrecipient Contractor will establish a system through which applicants for, and recipients of services, may present grievances about the operation of the service program. The Subrecipient Contractor will advise applicants and recipients of their right to appeal denial of service and their right to a fair hearing of these respects. The Subrecipient Contractor shall notify the Agency of termination of services, to a client, as part of a monthly service report, on any services funded by this Agreement. The Agency reserves the right to perform follow-up investigations with the client to determine adequate performance and adherence to due process.

24. KEY PERSONNEL

The Agency shall be notified of changes in, and must concur with the selection process for, Key Personnel. The Agency considers the following positions as Key Personnel:

1. Program Director
2. Financial Manager

The Subrecipient Contractor will maintain full-time Key Personnel throughout the term of this agreement.

25. INVALID TERM OR CONDITION

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

26. ENFORCEMENT OF AGREEMENT

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a 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.

27. NOTICES

Any notice required to be given to either party by this Agreement shall be in writing and shall be delivered in person, by courier service or by U.S. mail, either first class or certified, return receipt requested, postage prepaid, as follows:

AGENCY:

NCNMEDD Non-Metro AAA
Neil Segotta, AAA Director
3900 Paseo Del Sol
Santa Fe, NM 87507

SUBRECIPIENT CONTRACTOR:

City of Las Cruces
Susan Gonzales, Grants Manager or
Sonia Saladana, Deputy Director of Sr. Services
700 N. Main St
Las Cruces, NM 88001

28. INSURANCE

The Subrecipient Contractor shall secure and maintain, during the term of this Agreement, at its own expense, comprehensive and general public liability insurance and/or other types of insurance as the Agency may require. The Subrecipient Contractor shall secure and maintain, during the term of this Agreement, at its own expense, workers' compensation insurance in the amounts required by the applicable laws of the State of New Mexico covering the Subrecipient Contractor's employees. All policies of liability insurance that Subrecipient Contractor is obligated to maintain, according to this Agreement, except for any policy of workers' compensation insurance, shall name Agency as an additional insured. The Subrecipient Contractor shall furnish to the Agency, directly from its insurance carrier, a memorandum or certification of all insurance carried before the payment of any monies as consideration for the services rendered hereunder shall be made. Upon such certificates and/or memoranda being furnished to the Agency, the same shall be annexed to this Agreement and by reference made a part hereof.

29. AUTHORITY

The individual(s) signing this Agreement on behalf of Subrecipient Contractor represents and warrants that he or she has the power and authority to bind Subrecipient Contractor, and that no further action, resolution, or approval from Subrecipient Contractor is necessary to enter into a binding contract.

30. SIGNATURES

For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective July 1, 2023.

City of Las Cruces

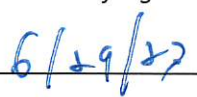
Legal Name of Subrecipient Contractor



Signature

Ifo Pili, City Manager

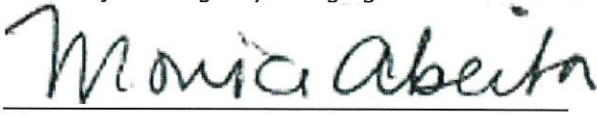
Printed/Typed Name of Signatory



Date

NCNMEDD Non-Metro Area Agency on Aging

Name of Area Agency on Aging



Signature

Monica Abeita, Executive Director

Printed/Typed Name of Signatory

July 1, 2023

Date

**North Central New Mexico Economic Development District
Non-Metro Area Agency on Aging**

**NUTRITION SERVICE INCENTIVE PROGRAM (NSIP)
SUBRECIPIENT CONTRACTOR SUB-AWARD**

This Agreement is made and entered into this 1st day of July 2023, by and between the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (Non-Metro AAA), hereinafter referred to as the "Agency" and City of Las Cruces, hereinafter referred to as the "Subrecipient Contractor."

PURPOSE

The Nutrition Services Incentive Program (NSIP) provides incentives for the effective delivery of nutritious meals to older individuals. NSIP funds allow nutrition programs to increase the number of meals served.

The purpose of this Agreement is to allocate funds in support of the provision of congregate and home delivered meals provided under Title IIIC of the Older Americans Act (OAA). The Subrecipient Contractor must be a recipient of Title III funding or Title III matching funds.

IT IS AGREED BETWEEN PARTIES:

1. Scope of Work

The subrecipient Contractor will:

- A. Establish procedures to ensure that such cash payments are used solely for the purchase of United States agriculture commodities and other foods produced in the United States for the use in the senior nutrition program. No imported foods, or food items containing imported products, may be purchased with these funds. e.g., coffee, tea, cocoa, and bananas.
- B. Ensure that NSIP funds are used exclusively for the purchase of food, not meal preparation, and may not be used for administrative costs.
- C. Ensure that meals furnished under contractual agreement with food service management companies, caterers, restaurants, or institutions, contain foods or commodities of United States origin; imported foods may not be purchased with these funds.
- D. Encourage the purchase and use of locally sourced farm fresh food products that meet the nutritional standards of the Agency. Subrecipient Contractors must ensure that the farm food products meet the New Mexico Environment Department requirements.

Agenda Item #7.4.

- E. Ensure that each meal complies with the most recent Federal and State nutritional guidelines and requirements.
- F. Maintain accounting records for NSIP separate and apart from other accounting records maintained for other nutrition funding sources (i.e., Title IIIC-1 and Title IIIC-2 and other cash used for the purchase of food).
- G. Report monthly to the Agency on forms provided by the Agency and submit such other reports deemed necessary by the agency.
 - a) Submit timely and accurate consumer/client tracking service documents (rosters and transmittals) as required by the AAA by the close of business on the fifth (5th) day of each month following the last day of the month in which services were provided. If the fifth (5th) falls on a weekend or AAA holiday, the information will be delivered, recorded or submitted by close of business on the next business day.
- H. Submit monthly expenditure reports and supporting backup documentation (receipts or invoices) by the fifth (5th) day of each month following the last day of the month in which services were provided. If the fifth (5th) falls on a weekend or AAA holiday, the information will be delivered, recorded or submitted by close of business on the next business day. Supporting documents must include:
 - a. The vendor's name, address, and contact information.
 - b. Internal transaction number
 - c. The purchased items with a description of each product along with the corresponding quantity.
 - d. The price for each item and any applicable discount given and the total amount of the sale items.
 - e. NSIP items must be identified with an "N" or "NSIP" on the invoice.
 - f. Senior center or meal site to which received the delivery, their full name, address, and contact information.
- I. Maintain documented NSIP eligibility for all meals reported. Meal counts, as recorded in the service database, must be accurate, unduplicated and include no meals that do not meet the requirements for NSIP eligibility.
- J. Maintain and retain for three (3) years from close of the federal fiscal year to which they pertain, complete and accurate records of all amounts received and disbursed under this Agreement.
- K. Allow the Agency to monitor periodically the Subrecipient Contractor's fiscal accountability of NSIP.
- L. Be subject to state and federal audit requirements, as the contract of which this scope of work is a part, is funded with federal funds. The Subrecipient Contractor is considered an independent contractor of NSIP federal financial assistance, subject to audit requirements under Title II Part 200 of the Code of Federal Regulations, formerly known as Office of Management and Budget, Circular A-133 and Government Audit Standards.

Agenda Item #7.4.

- M. Ensure eligible consumers are assessed and information recorded in the service database.
- N. Per the Older Americans Act, an effort must be given to serving eligible persons with the greatest social or economic need, with particular attention to minority individuals with low incomes. Efforts must also be given to targeting individuals residing in rural areas, individuals with limited English proficiency, and individuals with Alzheimer's disease and related disorders, with severe disabilities or at-risk of institutionalization and their caregivers.
- O. The Agency recommends these funds be expended prior to Title III-C funds.

2. Compensation

- A. The total amount payable under this Agreement shall not exceed **\$219,683.00** for the purchase of foods produced in the United States, for use in senior nutrition programs. The Subrecipient Contractor is responsible for notifying the Agency when the services provided under this Agreement reach the total compensation amount. In no event will the Subrecipient Contractor be paid for services provided in excess of the total compensation amount without this Agreement being amended in writing prior to those services in excess of the total compensation amount being provided.
- B. Assistance Listing Number: 93.053

3. Gross Receipts Tax

Not applicable. Tax exempt.

4. Term

This Agreement shall begin on July 1, 2023, and terminate on June 30, 2024, unless terminated pursuant to paragraph 5 or paragraph 6 or for any other reason allowed by law.

5. Termination

- A. This Agreement may be terminated by the Agency without cause upon written notice delivered to the Subrecipient Contractor at least thirty days (30) days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance prior to the date of termination. This Agreement may be terminated immediately upon written notice to the Subrecipient Contractor if the Subrecipient Contractor becomes unable to perform the services contracted for, as determined by the Agency, or if, during the term of this Agreement, the Subrecipient Contractor or any of its officers, employees or agents, is indicted for fraud, embezzlement or other crime due to misuse of state funds or due to the Appropriations paragraph herein, or if the Subrecipient Contractor fails to comply with any of the terms contained herein or is in breach of this Agreement. This provision is not exclusive and does not waive the Agency's other legal rights and remedies caused by the Subrecipient Contractor's default or breach of this Agreement. This Agreement may also be terminated by the Subrecipient Contractor upon thirty (30) days written notice to the Agency.

- B. Termination Management: Immediately upon receipt by either the Agency or the Subrecipient Contractor of notice of termination of this Agreement, the Subrecipient Contractor shall: 1) not incur any further obligations for services or any another expenditure of funds under this Agreement without written approval of the Agency; 2) comply with all directives issued by the Agency in the notice of termination as to the performance of work under this Agreement; and 3) take such action as the Agency shall direct for the protection, preservation, retention or transfer of all property and records generated under this Agreement. Any non-expendable personal property or equipment provided to or purchased by the Subrecipient Contractor with contract funds shall become property of the Agency upon termination and shall be submitted to the Agency as soon as practicable.

6. Appropriations

The terms of this Agreement are contingent upon sufficient appropriations and authorization being made by the U.S. Congress and/or Legislature of New Mexico for the performance of this Agreement. If sufficient appropriations and authorization are not made, the Agreement shall terminate upon written notice being given to the Subrecipient Contractor. The Agency's decisions as to whether sufficient appropriations are available shall be accepted by the Subrecipient Contractor and shall be final.

7. Status of Subrecipient Contractor

The Subrecipient Contractor and its agents and employees are independent subrecipient contractors performing services for the Agency and are not employees of the Agency. The Subrecipient Contractor and its agents and employees shall not accrue leave, retirement, insurance, bonding, use of Agency vehicles, or any other benefits afforded to employees of the Agency as a result of this Agreement. The Subrecipient Contractor acknowledges that all sums received hereunder are reportable for income tax purposes.

8. Assignment

The Subrecipient Contractor shall not assign or transfer any interest in this Agreement or assign any claims for money due or to become due under this Agreement without the prior written approval of the Agency.

9. Subcontracting

The Subrecipient Contractor shall not subcontract any portion of the services to be performed under this Agreement without the prior written approval of the Agency. No such subcontract shall relieve the primary Subrecipient Contractor from its obligations and liabilities under this Agreement, nor shall any subcontract obligate direct payment from the Agency.

10. Records and Audit

- A. The Subrecipient Contractor shall maintain detailed records that indicate the date, time, nature, and cost of services rendered during the Agreement's term and effect and retain them for a period of three (3) years from the date of final payment under this Agreement. The

records shall be subject to inspection by the Agency, the Aging & Long-Term Services Department (ALTSD), the Department of Finance and Administration, and the State Auditor. The Agency shall have the right to audit billings both before and after payment. Payment under this Agreement shall not foreclose the right of the Agency to recover excessive, improper, or illegal payments.

B. The Subrecipient Contractor will provide a financial and compliance audit report to the Agency covering the period July 1, 2023, to June 30, 2024. The audit reports provided to the Agency must include a copy of the Auditor's management letter. The audit report shall be conducted by a certified public accountant in compliance with the Single Audit Act and shall encompass the following provisions.

- a) The subrecipient contractor, expending equal to \$750,000 but less than or equal to \$250,000 in combined federal funds, shall have an audit conducted in accordance with the Code of Federal Regulations, Title 2, Subtitle A, Chapter II, Part 200. The audit report shall include a schedule of administrative and program expenses for each separate title or program (Title IIIB, Title IIIC-1, Title IIIC-2, Title IIID, Title IIIE, NSIP, etc.) which facilitates a reconciliation of audited costs to the final report.
- b) Submittal of the audit report for governmental entities shall be within ten (10) working days after release by the New Mexico State Auditor's Office. For non-governmental entities, the audit report is due four (4) months after the end of the entity's fiscal year.

11. Release

Final payment of the amounts due under this Agreement shall operate as a release of the Agency, its officers and employees, and the State of New Mexico from all liabilities, claims, and obligations whatsoever arising from or under this Agreement.

12. Product of Service -- Copyright

All materials developed or acquired by the Subrecipient Contractor under this Agreement shall become the property of the Agency and shall be delivered to the Agency no later than the termination date of this Agreement. Nothing developed or produced, in whole or in part, by the Subrecipient Contractor under this Agreement shall be the subject of an application for copyright or other claim of ownership by or on behalf of the Subrecipient Contractor.

13. Conflict of Interest

The Subrecipient Contractor warrants that it presently has no interest and shall not acquire any interest direct or indirect, which would conflict in any manner or degree with the performance or services required under this Agreement.

14. Equal Opportunity Compliance

The Subrecipient Contractor agrees 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 of the State of New Mexico, the Subrecipient Contractor assures that no person in the United States shall, on the grounds of race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation, or gender identity, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this Agreement. If Subrecipient Contractor is found not to be in compliance with these requirements during the life of this Agreement, Subrecipient Contractor agrees to take appropriate steps to correct these deficiencies.

15. Confidentiality

Any confidential information provided to or developed by the Subrecipient Contractor in performance of this Agreement shall be kept confidential and shall not be made available to any individual or organization by the Subrecipient Contractor without the prior written approval of the Agency.

Disclosure of confidential information shall only be made in accordance with the Inspection of Public Records Act or the applicable state or federal law or regulations.

16. Amendment

This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto.

17. Merger

This Agreement 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 this written Agreement. No prior Agreement or understanding, oral or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement.

18. Penalties for Violation of Law

The Procurement Code, Sections 13-1-28 through 13-1-199, N.M.S.A. 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks.

19. Applicable Laws

This Agreement shall be governed by the laws and regulations of the (a) State of New Mexico (b) Older Americans Act of 1965, as amended, (c) the Agricultural Act of 1949 as amended; and (d) any other applicable laws and regulation of the federal government.

24. **Authority**

The Individual(s) signing this Agreement on behalf of the Subrecipient Contractor represents and warrants that he or she has the power and authority to bind Subrecipient Contractor, and that no further action, resolution, or approval from Subrecipient Contractor is necessary to enter into a binding contract.

25. **Signatures:**

For the faithful performance of the terms of this agreement, the parties affix their signatures and bind themselves effective July 1, 2023.

City of Las Cruces
Legal Name of Subrecipient Contractor

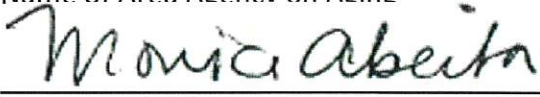

Signature

Ifo Pili, City Manager
Printed/Typed Name of Signatory

6/27/23
Date

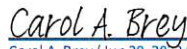
Signature: 
Email: jrubalcava@las-cruces.org

NCNMEDD Non-Metro Area Agency on Aging
Name of Area Agency on Aging


Signature

Monica Abeita, Executive Director
Printed/Typed Name of Signatory

July 1, 2023
Date

Signature: 
Carol A. Brey (Jun 29, 2023 08:54 MDT)
Email: cbrey@las-cruces.org

QOL FY2024 NMAAA CM Memo

Final Audit Report

2023-06-29

Created:	2023-06-28
By:	Crystal Silva (csilva@las-cruces.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAJXp6lau88P_ihwzMEKyDSDtOAT6MlkC0

"QOL FY2024 NMAAA CM Memo" History

-  Document created by Crystal Silva (csilva@las-cruces.org)
2023-06-28 - 10:02:54 PM GMT
-  Document emailed to Jacqueline Rubalcava (jrubalcava@las-cruces.org) for signature
2023-06-28 - 10:04:49 PM GMT
-  Email viewed by Jacqueline Rubalcava (jrubalcava@las-cruces.org)
2023-06-29 - 1:57:56 PM GMT
-  Document e-signed by Jacqueline Rubalcava (jrubalcava@las-cruces.org)
Signature Date: 2023-06-29 - 1:58:18 PM GMT - Time Source: server
-  Document emailed to cbrey@las-cruces.org for signature
2023-06-29 - 1:58:20 PM GMT
-  Email viewed by cbrey@las-cruces.org
2023-06-29 - 2:53:17 PM GMT
-  Signer cbrey@las-cruces.org entered name at signing as Carol A. Brey
2023-06-29 - 2:54:18 PM GMT
-  Document e-signed by Carol A. Brey (cbrey@las-cruces.org)
Signature Date: 2023-06-29 - 2:54:20 PM GMT - Time Source: server
-  Agreement completed.
2023-06-29 - 2:54:20 PM GMT



City Council Action and Executive Summary

24-028

Type of Action:
☒ Resolution
☐ Ordinance
☐ TIDD Resolution

District:	☐ 1	☐ 2	☐ 3	☒ 4	☐ 5	☐ 6	☐ N/A
1st Reading:				Adopted:	September 5, 2023		
Drafter:	Sara Gonzales			Department:	Community Development		
Program:	Community Planning			Line of Business:	Community Planning		
Title:	A RESOLUTION APPEALING THE DENIAL BY THE PLANNING AND ZONING COMMISSION ON JUNE 27, 2023, FOR AN INFILL DEVELOPMENT PROCESS APPLICATION PROPOSING TWENTY (20) DWELLING UNITS ON A VACANT PARCEL LOCATED AT 725 MCCLURE ROAD. THE SUBJECT PROPERTY ENCOMPASSES 1.122 + ACRES AND IS ZONED R-1A (SINGLE-FAMILY MEDIUM DENSITY). SUBMITTED BY MESILLA VALLEY PROPERTIES, LLC, PROPERTY OWNER (23ZO500047).						

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

PURPOSE(S) OF ACTION:
Approve an Infill Development Process Project.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:
On June 27, 2023, the Planning & Zoning Commission (P&Z) reviewed an Infill Development Process (IDP) proposal for the development of twenty (20) multi-family dwelling units located at 725 McClure Road. The subject property is located within the infill area, is undeveloped, and is zoned R-1a (Single-Family Medium Density). The applicant is seeking a proposed deviation to the one (1) single-family dwelling unit as permitted on the property following the R-1a zoning district standards to construct a 20-unit apartment complex. If the IDP is approved, the vacant parcel will be approved for twenty (20) dwelling units on the property without changing the zoning of the property to R-3 (Multi-Dwelling Medium Density). The IDP proposes four (4) multi-family apartment buildings with each one containing five (5) dwelling units.

The purpose of the Infill Development Overlay District is to implement land use and development policies as established in the Infill Policy Plan. Specifically, the purpose of this overlay zone is to provide a streamlined review process for the development of vacant and underutilized parcels or those parcels ready for redevelopment within the urban core area of Las Cruces regardless of the property’s zoning. The goal is to develop active uses that are compatible with existing surrounding land uses, while promoting economic development in the central part of the City, and in accordance with Elevate Las Cruces Comprehensive Plan.

Staff advised the applicant that the development of a multi-family apartment complex project would not be allowed in an R-1a zoning district. It was explained that the property would either need to be rezoned by the City Council to an R-3 zoning district or approved as an Infill Development Process by the Planning and Zoning Commission. Further, staff explained they would be unable to approve the project administratively as proposed. The applicant submitted an infill project utilizing the Infill Development Process.

Agenda Item #7.5.

As part of staff's review, several of the adopted plans by City Council were determined to be in alignment with the proposed development including the Housing Plan, Elevate Las Cruces Comprehensive Plan, and the Infill Development Overlay. Staff supports growth in this area; however, there is a concern that the proposed density is too intense for the existing neighborhood. At the P&Z meeting, Staff stated support of the project with a density less than the twenty (20) dwelling units being proposed. The 2001 Zoning Code, as amended, only allows 1-dwelling unit per lot, and up to 8-dwelling units per acre if the site is subdivided into multiple lots. The requested twenty (20) dwelling units on one (1) lot is more than triple the allowed density of properties zoned R-1a. Additionally, the proposal is eleven (11) times denser than the adjacent neighborhood that is predominantly built-out with one (1) single-family home per lot.

The proposed IDP request was denied by a vote of 2-2-0 (three Commissioners absent). Prior to the P&Z meeting, staff received several emails, phone calls, and a petition from neighboring property owners in opposition to the development. The neighborhood had concerns regarding the current zoning, drainage, narrow roadways, invasion of privacy with two-story structures, a potential increase in noise, an increase in traffic, the area not being of mixed-use, the "new" tenants infringing on their safety, and the overall characteristics of the existing neighborhood.

On July 12, 2023, Mesilla Valley Properties LLC, submitted an appeal to the P&Z denial decision for the proposed project. Their appeal states a belief that the P&Z denied the IDP because staff recommended a maximum density for the project of fifteen (15) dwelling units per acre and did not support the twenty (20) dwelling units per acre as proposed by the IDP. The appeal also outlines various meetings and discussions concerning the purchase of the property and the subject property's intended future use. Lastly the appeal outlines how the IDP promotes the goals and policies of the City's Elevate Las Cruces Comprehensive Plan.

City Council is required to review and take final action on appeals of decisions of the P&Z per Section 38-10(M) and 38-13(A) of the 2001 Zoning Code, as amended. A City Council majority vote may reverse, affirm, or make any change to the matter being appealed based on the failed motion of P&Z and shall decide whether the requested Infill Development Process proposal is appropriate for this location.

SUPPORT INFORMATION:

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

[Attachment "A" Appeal and Supporting Documents](#)

[Attachment "B" P&Z Staff Report and Public Comment](#)

[Attachment "C" Minutes from the June 27, 2023, P&Z Meeting](#)

PLAN(S):

City Council Strategic Plan, Elevate Las Cruces

COMMITTEE/BOARD REVIEW:

P&Z

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

☒ Yes

Agenda Item #7.5.

☐ No

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution and reverse the P&Z denial decision. The subject property located at 725 McClure Road will be permitted the development of twenty (20) dwelling units.
2. Vote "No"; this will deny the Resolution and will uphold the denial decision made by the P&Z. The subject property will not be able to be developed with twenty (20) dwelling units.
3. Vote to "Amend"; this could allow the City Council to modify the IDP by adding conditions as determined appropriate.
4. Vote to "Table"; this could allow the City Council to table/postpone the Resolution and direct staff accordingly.

RESOLUTION 24-028

A RESOLUTION APPEALING THE DENIAL BY THE PLANNING AND ZONING COMMISSION ON JUNE 27, 2023, FOR AN INFILL DEVELOPMENT PROCESS APPLICATION PROPOSING TWENTY (20) DWELLING UNITS ON A VACANT PARCEL LOCATED AT 725 MCCLURE ROAD. THE SUBJECT PROPERTY ENCOMPASSES 1.122 + ACRES AND IS ZONED R-1A (SINGLE-FAMILY MEDIUM DENSITY). SUBMITTED BY MESILLA VALLEY PROPERTIES, LLC, PROPERTY OWNER (23ZO500047).

The City Council is informed that:

WHEREAS, the Planning and Zoning Commission (P&Z), after conducting a public hearing on June 27, 2023, denied the Infill Development Process proposal by a vote of 2-2-0 (three Commissioners absent), for a property located at 725 McClure Road; and

WHEREAS, Mesilla Valley Properties LLC, property owner, submitted an appeal of the decision of the P&Z on July 12, 2023, based on the supporting documents outlined in Attachment "A".

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

(I)

THAT the decision of the P&Z on June 27, 2023, is hereby overturned.

(II)

THAT the Infill Development Process proposal of 20-dwelling units is hereby approved for the subject property located at 725 McClure Road as reflected in Exhibit "A".

(III)

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

DONE AND APPROVED this day of

Agenda Item #7.5.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

INDEX OF SHEETS

S.1	COVER SHEET OCCUPANCY LOAD AND CLASSIFICATION VICINITY MAP
C.1	SITE PLAN NOTES
C.2	SITE PLAN
C.3	GRADING PLAN
C.4	UTILITY PLAN
L.1	LANDSCAPE PLAN
EC1	EROSION CONTROL PLAN
A.1	FLOOR PLANS/LIFE SAFETY PLANS/ INTERIOR DETAILS
A.2	ELEVATIONS/STRUCTURAL BUILDING SECTIONS
A.3	FOUNDATION PLANS/SECTIONS
P.1	PLUMBING/SEWER/VENT/WATER
M.1	HVAC PLAN SCH., NOTES
E.1	POWER/LIGHTING PLAN GENERAL ELECTRIC NOTES/ONE LINE DIAGRAM

PROFESSIONAL SERVICE CONTACTS

STEPHEN GREEN
ALLURE HOME DESIGNS
575-993-4559
ALLUREHOMESLCO@GMAIL.COM

KCW SYTEMS

KCW
Mechanical Systems Design
Karl E. Huff, Mechanical Designer
2316 Lone Wolf Ct.
Las Cruces, NM 88511
(575) 640-1644
khuff79@aol.com

ALPHA DESIGN
DAVE LITTLE ARCHITECT

Alpha
DESIGN
ARCHITECTS
PO BOX 241
RIVERVIEW, NM 87740
8759 446-4535

JIM TESTER EE
575-644-9649
JTESTER@ZIANET.COM

BUILDING & CODE DATA

BUILDING DESCRIPTION
NEW 20 UNIT MULTI FAMILY BUILDINGS
UNITS SINGLE FLOORS EACH UNIT: 2 FLOORS STAIRS PER SECTION (SHOWN A.2)
STAIR/HANDRAILS TO MEET 2015 IBC SECTION 1011
FIRE PROTECTION SYSTEMS ARE IS NOT REQUIRED
FIRE STOP AND GENERAL TENANT SEPARATION PER CODE
2 HOUR FIRE WALLS BETWEEN UNITS
TOTAL OCCUPANCY
45 PERSONS
OCCUPANCY LOADS BASE ON CHAPTERS 10
2015 IBC TABLE 1004.1.2
RESIDENTIAL GROSS 200

PROPOSED OCCUPANCY GROUP
"R" RESIDENTIAL
PROPOSED HEIGHT: 23'-2"
CONSTRUCTION TYPE:
"V"-8" @ ALL SECTIONS

SQ.FT. CALCULATION TABLE		SQ.FT.	OCCUPANCY/
HEATED AREA UNIT ALL UNITS X 30		744 X 5	45 PERSONS
TOTAL PORCHES ALL UNITS		45 X 5	
TOTAL SQ.FT. ALL UNITS		25,320	
MEANS OF EGRESS NO. OF EXITS 2			
EXIT WIDTHS PROVIDED 3'-0" - 6'-0" (width req. 3'-0")			
MAXIMUM DISTANCE TO EXITS 50'			
BUILDING IS NON SPRINKLED			

LOT 7A,
BLOCK B,
MANDA D MARGCOTT
INST. NO. 1419392

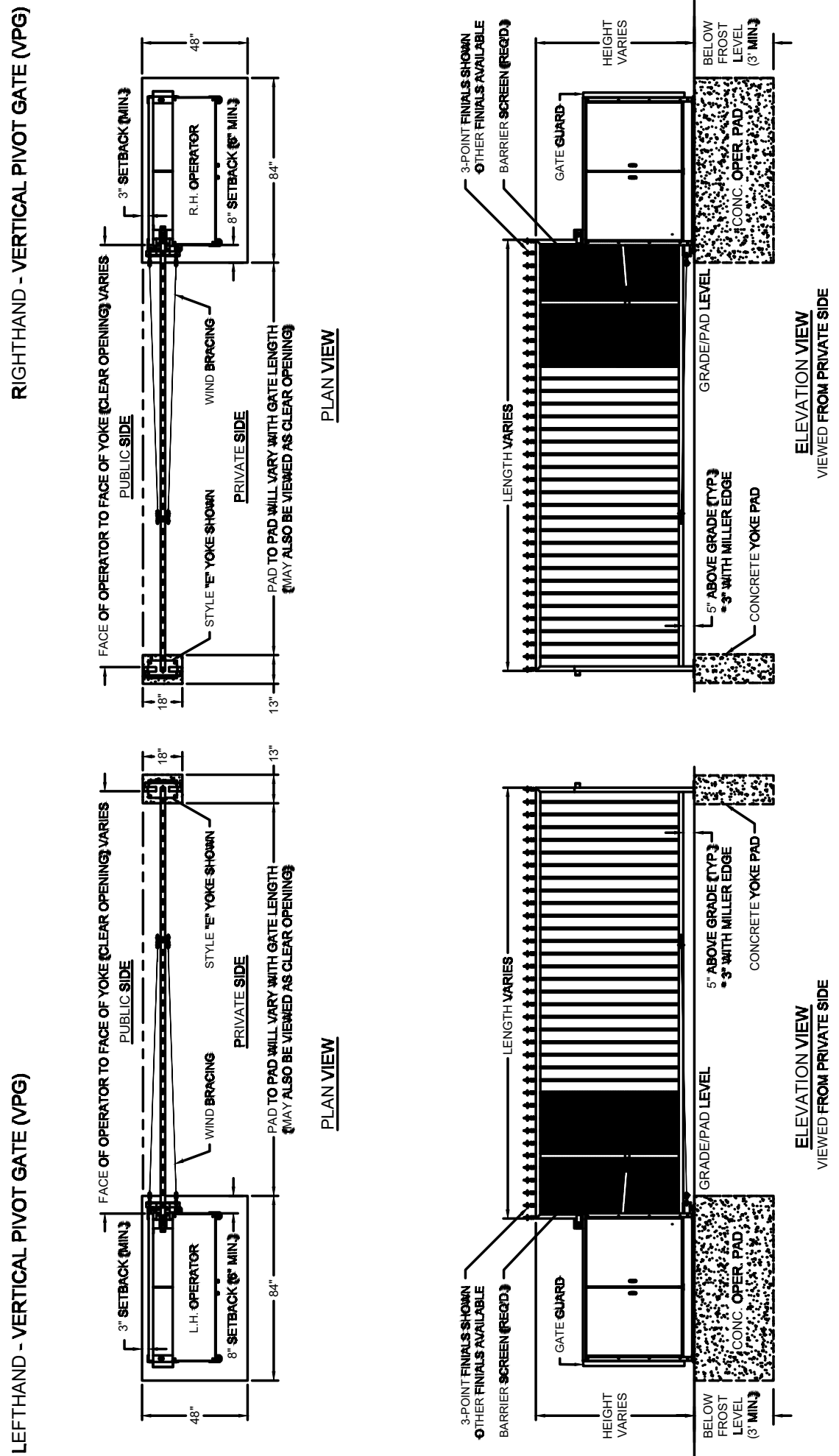
ALL MEASUREMENTS, DIMENSIONS, & SPECIFICATIONS, INCLUDING ALL BLDG. MATERIALS ARE TO BE CHECKED BY OWNER & CONTRACTOR & ARE THE RESPONSIBILITY OF THE OWNER & CONTRACTOR. THE CONTRACTOR SHALL MAINTAIN THE STRUCTURAL INTEGRITY OF THIS PROJECT IS THE RESPONSIBILITY OF THE CONTRACTOR AND OWNER. THIS DRAWING IS AN INSTRUMENT OF OWNER, AND CONTRACTOR. THIS DRAWING MAY NOT BE REPRODUCED OR REPRODUCTIONS HEREOF USED WITHOUT THEIR WRITTEN PERMISSION.

ISSUED PERMIT:
REVISIONS: 1

GENERAL CONTRACTOR
MEVACON LLC

PROJECT
725 MCCLURE STREET
TOWN HOMES 20 UNITS

EXHIBIT "A"



NOTES:
1) ALL OF OUR GATES ARE TYPICALLY DRAWN FROM THE PRIVATE SIDE LOOKING OUT.
2) ALL OF OUR GATES ARE TYPICALLY DRAWN FROM THE PRIVATE SIDE LOOKING OUT.
3) SHOWN WITH STANDARD 3" STYLE "V" YOKES. SEE DRAWING P108 FOR YOKES.



DELIVERY RECEIPT

Company Name: Mesilla Valley Properties
 Street Address: 3800 W. Picacho #1200
 City, State, Zip: Fairacres, NM, 88033
 Phone: 575-800-4910
 Fax: N/A
 Email: lucinda@meva-con.com
 Website: N/A

Date: 12-JUL-2023

Receipt #: IND. # 164288

Delivery Information

Description of delivered item(s): Appeal Letter to P&Z Case #23ZO0500047.

Delivered to: COMM DEV (Vincent Banegas) Street Address: 700 N. Main

City, State, Zip: Las Cruces, NM, 88001

Phone: _____

Summary of Charge

Payment Method: ☐ Cash ☒ Other: <u>VISA</u>	☒ Credit (No. <u>\$ 200</u>) ☐ Check (No. _____)	Delivery Charge	
		Tax Rate	
		Total Tax	
		Total Amount Due	

Comments: _____

Received by: VINCENT M. BANEGAS

Recipient Signature: Vincent M Banegas

Delivery Person Signature



James Vaccaro



REC'D
7/12/23 10:04a

July 12th, 2023

Christina Abeyta-Corella
Community Development
City of Las Cruces
700 N Main
Las Cruces NM, 88001

RE: Planning & Zoning Commission Case #23ZO0500047: Appeal of Infill Development Process denial for Proposed 20-Unit Townhome Housing.

Dear Ms. Abeyta-Corella,

I am writing you today to express strong opposition to the motion put forth by the Planning and Zoning Commission (**Case #23ZO0500047**), to deny the infill development of a 20-unit townhome complex ("October Sky"), located at 725 McClure Rd. We respectfully request this matter be remanded and presented to the City Council.

First and foremost, the acreage and density has been expressed to be the only concern by Community Development Staff at this time, resulting in the Planning and Zoning (P&Z) Staff proposing a maximum allowance of 15 units within an infill process. Below is a brief timeline of events I would like to recite.

1. On April 10th, 2020, the City of Las Cruces contacted Mesilla Valley Properties with an interest in purchasing the property of 725 McClure.
2. On March 29th, 2021, Amado Rivas, Owner of Mesilla Valley Properties accepted the proposed agreement to subdivide and sell 2.42 acres of land to the City of Las Cruces for their future ponding needs in this area.
3. On January 11th, 2022, Mesilla Valley Properties, Allure Homes, and P&Z Community Development Staff all met together to discuss this property and the subdivision in process. At the time, Mesilla Valley Properties and Allure Homes presented a 24"x36" full size drawing depicting the future project of the townhome complex. This drawing included 30 units and not once was the density questioned, nor was it brought to our attention P&Z would not support it. Furthermore, P&Z asked if we would provide additional Right of Way (R.O.W.) along McClure for the bicycling and walking path development. Mesilla Valley Properties agreed to do so with faith that P&Z was supporting this project.
4. On April 21st, 2022, the purchase agreement was signed by both parties.
5. On April 28th, 2022, James Vaccaro representing Mesilla Valley Properties attended the City Council Meeting to finalize the purchase of the land. A councilmember was asked what the remaining portion of land would be used for, as it currently is a vacant home. James Vaccaro informed the Councilmembers the intent is to infill and develop the remaining 1.21 acres of land for 28 to 30 townhome units.



With all the above historical facts in mind, today, the City of Las Cruces has obtained the piece of land they asked for. Meanwhile, Mesilla Valley Properties is left with an ongoing disagreement to develop the townhome complex that has been highly transparent throughout the entire process of the sale and subdivision. If a member of Planning Zoning came forward stating the density was not supported, Mesilla Valley Properties would not have sold a portion, or any, of the land to the City of Las Cruces. By not selling the land, the townhome complex would meet the acreage concern.

October Sky Townhomes would reside within the Suburban and Urban territory of Las Cruces. Both locations describe a density allowance of 15 to 30 dwelling units per acre within the Elevate Las Cruces Comprehensive Plan. **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".**

October Sky Townhomes would implement and support Smart Growth referenced within Elevate Las Cruces, Page 11. Smart Growth America seeks to improve neighborhoods, communities, and regions through smarter development practices that support the economy, the natural environment, and enhance vitality of communities. Factors that support this vision; mix land uses, create a range of housing opportunities and choices, create walkable neighborhoods, provide a variety of transportation choices, and make development decisions predictable, fair, and cost effective.

October Sky Townhomes would be built in an area with many forms of transportation and surrounding services.

- McClure Rd is part of the City of Las Cruces Biking Blvd.
- City of Las Cruces maintained walking and biking trail (Recently Bond Funded \$2.7M) 0.1 East off McClure, running along the EBID irrigation canal through town.
- Henry R Benavidez is 0.2 miles to the West.
- Roadrunner Transit has a stop location 0.5 miles away.
- Alameda Elementary School is 0.6 miles East.
- Mayfield High School is 0.8 miles Northwest.
- Holy Cross School is 0.8 miles Southeast.
- Picacho Avenue is 0.9 miles South.

October Sky Townhomes would categorize within the following, but not limited to, the following policies,

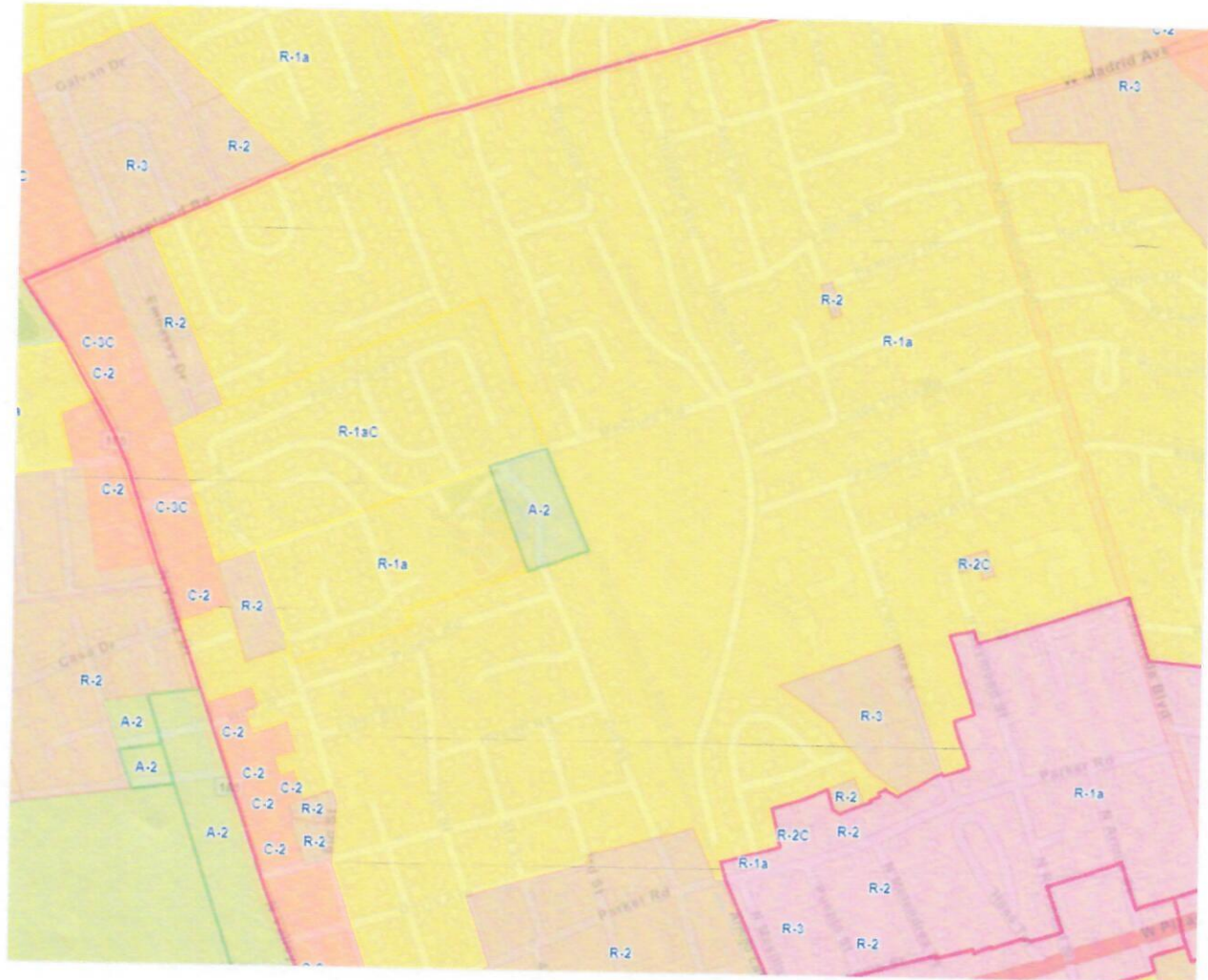
- I. **CE-1.2, "Promote investment within older areas of the city through redevelopment".**
 - a. Amado Rivas, Owner of Mesilla Valley Properties, has family within 0.2 miles of the property and is very familiar with the neighborhood and it's history. This project would improve the area and provide new opportunities for McClure to receive improvement attention.
- II. **CE-1.2.3 "Partner with property owners of vacant land for infill opportunities."**



- a. The City of Las Cruces contacted Mesilla Valley Properties for a portion of the land to improve the flooding concerns. Mesilla Valley Properties has been actively working on this project to be approved for years now.
- III. **CP-7.1, "Coordinate with local community organizations to provide education and implement attainable housing."**
- IV. **CP-7.2, "Work with applicable agencies to monitor housing trends and market demands to ensure housing stock remains at a level suitable to support overall housing demands."**
 - a. Our community is experiencing hotels being rented out monthly rather than apartments/townhomes due to the high demand and lack of supply. Several of the multi-family zoned properties have been developed as single-family and the amount of multi-family land does not fill the void we have for apartment and townhome needs.
- V. **CP-7.2, "Disperse affordable housing units to promote development of mixed-income neighborhoods".**
- VI. **CP-7.2.1, "Ensure that affordable housing, subsidized housing units, and supportive housing services are located in close proximity to public transit, behavioral health services, and other community destinations via active transportation facilities."**
 - a. October Sky Townhomes will be in close proximity to several schools, retail services, public transportation, and multiple services along the Picacho area.
- VII. **CP-7.2.2, "Locate future affordable housing units in a dispersed manner throughout the city to avoid creation of concentrated low-income districts."**
 - a. Affordable housing is defined by what a person/persons can afford. The more multi-family options available, the more affordable it may be for the public because of the competition and increased supply. Currently there is lack of competition and multi-family housing owners are charging a rate knowing there is very little options available. October Sky Townhomes will provide attainable housing for the missing middle.
- VIII. **CP-7.4.3, "Allow design standard flexibility to make the provision of attainable housing more financially feasible to developers."**
 - a. By allowing the infill variance of 20 units, rather than the 15 P&Z currently supports, the cost is dispersed through more units and rent does not have to be increased as high to receive the return on construction costs.
- IX. **CP-9.2.1, "Review and enhance infill policies to encourage more development activity in the infill area."**
 - a. October Sky Townhomes is exactly what this policy is in place for.



The vacant parcel at 725 McClure is in a predominantly single-family residential area (yellow), under the provisions of Elevate Las Cruces, mixed development should be encouraged. Without consideration of a project such as October Sky Townhomes, this is how you result in multi-family housing being condensed to certain areas and boundaries, rather than moving to the future with housing opportunities of any kind in any area.





Conclusion

The development of October Sky Townhomes located at 725 McClure Rd has been unable to put forward a project that meets Planning & Zoning staff recommendation. This project falls under Elevate Las Cruces policies with special consideration and many other policies already mentioned here. Due to the denial from the Planning & Zoning Commission Meeting, we are submitting this appeal letter to present our case directly to City Council.

On behalf of Mesilla Valley Properties:

A handwritten signature in black ink, appearing to read "Lucinda Rivas", is written over a horizontal line.

Lucinda Rivas
Business Development Manager
lucinda@meva-con.com



City of Las Cruces
MOUNTAINS OF OPPORTUNITY

Planning & Zoning Commission 6/27/2023 **CASE 23ZO05000047 INFILL DEVELOPMENT PROCESS**

STAFF CONTACT:	Christina Abeyta-Corella, Planner (575) 528-3063, cabeyta@las-cruces.org
OWNER:	Mesilla Valley Properties LLC
REPRESENTATIVE:	Stephen Green
DISTRICT:	District #4
SITE ADDRESS:	725 McClure Road
EXISTING ZONING:	R-1a (Single-Family Medium Density)
REQUEST:	Allow for a multi-family development of twenty (20) units on a R-1a zoned vacant property
RELATED APPLICATIONS:	N/A
RECOMMENDATION:	Denial based on findings

SUMMARY OF REQUEST CASE 23ZO5000047: The applicant is requesting approval of an Infill Development Process (IDP) to allow for development of a 20-unit apartment complex in an R-1a (Single-Family Medium Density) zone which currently allows for 1 single-family residence. The property encompasses 1.122 ± acres and is located on the south side of McClure Road and approximately 1,900 feet west of its intersection with Alameda Boulevard; a.k.a. 725 McClure Road.

SUMMARY OF RECOMMENDATION:

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

- The proposed IDP does not align with surrounding land uses in the area.
- The increase in density will have a significant impact on surrounding area because of the limited direct ingress and egress to McClure Road, which could potentially impact emergency services.
- The existing roadway is identified as a major collector by MPO, but the existing roadway cross-section is not built to city standards and cannot support the additional capacity.

PROPOSAL AND LAND USE HISTORY

PROJECT DESCRIPTION:

The applicant is seeking an IDP proposal to develop the vacant property, currently zoned R-1a that allows one primary dwelling unit per property into a 20-unit apartment complex. The site will be developed with four buildings, each having five units, thirty automobile parking stalls, and eight bicycle parking. The structure is designed as two-story, and each unit is approximately 844 square feet. With the exception of the number of units, the proposed development will follow all other development standards of the 2001 Zoning Code, as amended.

R1-a Standard	Maximum Allowance	Requested Standard
Front Yard Setback	15	15 feet
Rear Yard Setback	20 feet	20 feet
Secondary Front Yard Setback	15 feet	15 feet
Density	8 d.u./acre	20 d.u./acre
# Dwellings	1	20

LAND USE HISTORY:

The property had an existing vacant single-family dwelling that was demolished in August 2022. The applicant is seeking redevelopment of the vacant property for a 20-unit apartment complex.

ZONING DECISION CRITERIA AND POLICIES

POLICY	DOES IT COMPLY?
<u>Neighborhood Character and Compatibility</u>	No
<u>Elevate Las Cruces Comprehensive Plan</u>	Yes
<u>Mesilla Valley Metropolitan Planning Organization (MPO) Thoroughfare Plan</u>	Yes
<u>Compliance with Infill Development: Section 38-48</u>	Yes
<u>Criteria for Decisions: Article 2, Section 38-10 (C) of the 2001 Zoning Code</u>	Yes

NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

The surrounding neighborhood is primarily zoned R-1a and developed with single-family dwellings. The nearest R-3 zoning is ±1149.9 feet southeast from the proposed location, and there is R-2 zoning to the northeast, southeast and directly to the west of the subject property. The distance from the subject property to multi-family developments range from ±1050.1 to 1677.5 which consists of a fourplex, townhouses and duplexes.

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

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

Suburban Neighborhood: Supports a gross density 4-12 dwelling units per acre for Single-Family and 15-30 dwelling units per acre for Multi-Family.

Goal: CE-1: Balanced Growth

- Policy: CE -1.2, Promote investment within older areas of the city through redevelopment.
 - o Action: CE-1.2.1, Facilitate infill and/or higher density mixed use development in the downtown and at key activity centers and along transit corridors.

Goal: CE-2: Areas of Special Consideration

- Policy: CE-2.1, Promote infill development strategies to sustain the city's established neighborhoods and historic residential areas.
 - o Action CE-2.1.4, Adhere to the recommended land use patterns and design guidelines contained in previously adopted neighborhood plans, corridor plans, community blueprints, and other special area plans.

Goal: CE-4: Complete Neighborhoods

- Policy: CE-4.1, Encourage a variety of housing types into new and redeveloping neighborhoods to provide option for all ages and incomes throughout the city.
 - o Action CE- 4.1.1, Promote a diversity of residential building types, lot sizes, density ranges, and architectural styles in new neighborhoods.
 - o Action CE-4.1.3, Encourage single-family attached and multi-family housing options in transitional areas between single-family detached housing and neighborhood centers, corner commercial sites and civic spaces.

Goal: CE-5: Building and Site Design

- Policy: CE-5.1, Promote building form and scale that complements surrounding neighborhoods and creates strong linkages between the development, site, the street, and other public grounds.
- Policy CE- 5.3 Ensure that development concepts provide an interconnected network of pedestrian facilities linking streets, buildings, parking and public gathering spaces.

Goal: CP-9: Housing Diversity

- 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.
 - o Action: CP-9.2.1, Review and enhance infill policies to encourage more development activity in the infill area.

Goal: CL-2: Neighborhood Conservation

- Policy: CL-2.2, Encourage redevelopment of vacant property within neighborhoods.

Although policy supports the overall request, staff has concerns related to the already developed surrounding area. Primarily the existing and proposed traffic impact, the inability to increase the width of the designated collector roadway to meet the demand of additional capacity, and the significant increase in density to an area that is primarily single-family residential. Lastly, a large concern is the minimal entry points to McClure and the affect that it will potentially have on the public safety and welfare of the city.

COMPLIANCE WITH INFILL DEVELOPMENT OVERLAY:

The purpose of the IDO is to implement land use and development policies as established in the infill policy plan. Specifically, the purpose of this overlay zone is to provide a streamlined review process for the development of vacant and underutilized parcels or those parcels ready for redevelopment within the urban core area of Las Cruces regardless of the property's zoning. The goal is to develop active uses that are compatible with surrounding land uses while promoting economic development in the central part of [the] city, in accordance with the comprehensive plan.

The IDP can be used for the following types of requests: Variances, Special Use Permits, Planned Unit Developments, Subdivisions, Building Permits, Sign Permits and Business registrations.

The Planning and Zoning Commission shall consider an IDP proposal based on the criteria and authority granted it by section 38-10. In addition, the Goals, Objectives, Policies, and Design Matrices within the Elements of the city's comprehensive plan shall be used to guide decisions. IDP proposals may contain various applications, but shall be considered as a unified proposal, and, as such, the Planning and Zoning Commission should evaluate whether the project advances the purposes of the Zoning Code. The Planning and Zoning Commission may approve, approve with conditions, or deny any IDP proposal brought before it. The Planning and Zoning Commission shall not postpone an IDP proposal unless agreed upon by the applicant.

The subject property meets the requirements and goals outlined for an Infill Development Proposal of a vacant parcel. However, staff does have to view the surrounding area and view the compatibility as new developments are proposed. In this case, City Staff does not believe that the number of units being proposed is compatible with the surrounding neighborhood and the infrastructure is not existing to support the density.

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.

The proposed plan aligns with the City of Las Cruces Elevate Las Cruces Comprehensive plan, however, City Staff identified the following issues an increase in density will cause unreasonable increase in potential traffic and increase the danger of public safety with the limited ingress and egress to McClure. There are minimal direct access points including Valley, Alameda, Hoagland and Second street. The amount of apartment units requested will impact the orderly and phased growth. The request would be substantial with that of spot zoning increasing the density in the capacity proposed. These issues associated with the proposed IDP based on analysis of the City's Zoning Purpose and Intent Statement will contradict the purpose and intent of the Zoning Code and can impair the public health, safety and/or general welfare of the City.

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR CURRENT USE:

The subject property is vacant, zoned R-1a, and encompasses 1.122 ± acres. The property under its current zoning could be developed with one single family dwelling in accordance with the zoning code.

SITE COMPLIANCE FOR PROPOSED USE:

As per the lot size stated above, the property easily exceeds the minimum lot size requirement for the R-1a zoning district. The height of the 20-unit complex is proposed to be two-story and will meet the 35-foot maximum height permitted in the R-1a zoning district. The proposal will deviate from established development standards as reflected in the Project Description section of this report. Deviations will allow a significantly higher density than what is currently allowed.

The applicant will be required to provide adequate parking for the use. While a single-family home is required to provide 2 parking stalls (usually within a garage or driveway), a 20-unit complex is required to provide 1.5 parking stalls per unit. On-street parking is not permitted along McClure per code the complex is only required to provide 30 parking spaces.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

City water, gas and sewer serve the current site and have the capacity to serve the proposed units provided all city utility standards are met during development. The Mesilla Valley Metropolitan Planning Organization and Elevate Las Cruces identify McClure Road as a major collector, which proposes traffic volumes for collectors in the suburban character zone should be between 1,000 and 6300. The roadway is a total of 31 feet wide, 26 feet is paved, and there are no sidewalks adjacent to the subject property. The nearest sidewalk/ walking path is on the west side after the railroad tracts. There are existing residences adjacent to the right-of-way which will make it difficult to develop the road in the future to meet the required 85-foot collector. This IDP proposal will add traffic to area roadways, that only has minimal direct outlets the increase may have a significant impact with the overall increase.

FLOOD PLAIN: The subject property is not in a special flood hazard area.

STAFF AND PUBLIC COMMENTS

STAFF COMMENTS:

Although a majority of staff recommend approval, Planning staff recommends denial with the findings that the increased density could impose significant health, safety, and/or welfare issues during their review.

PUBLIC NOTIFICATION AND INPUT:

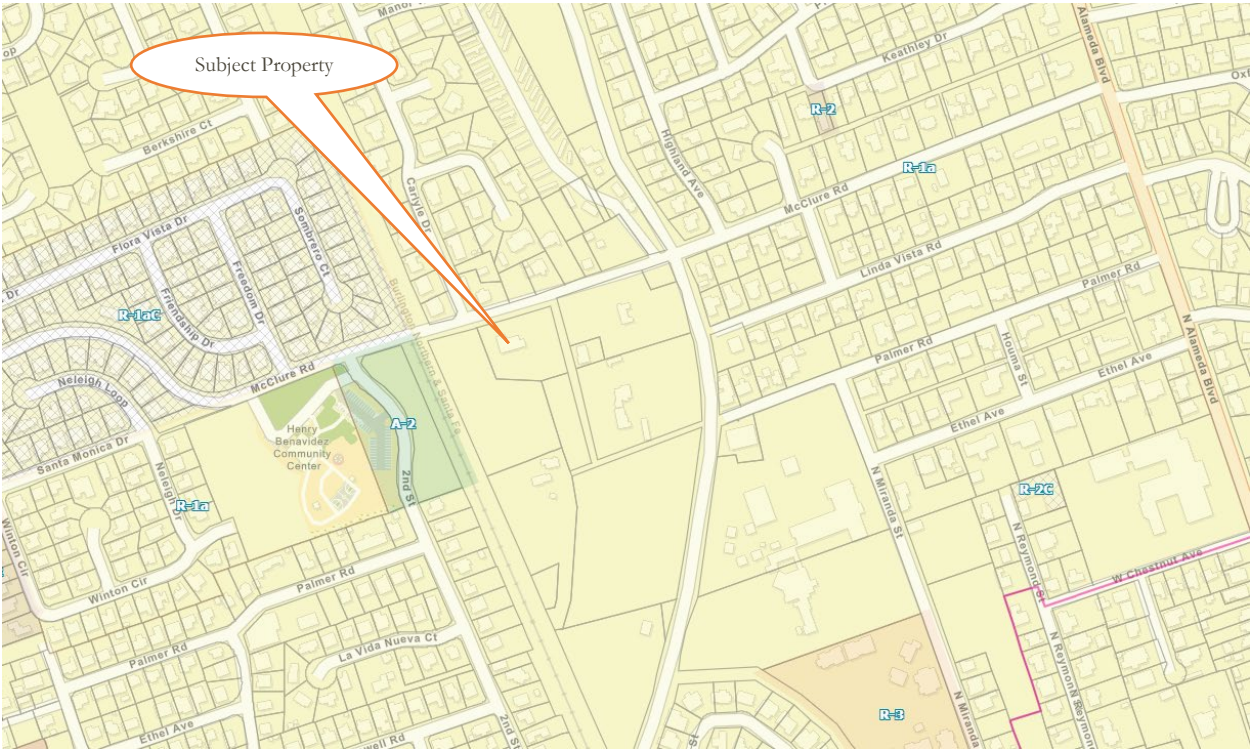
Notice of a Public Hearing was mailed to all property owners within 500 feet of the subject property on June 9, 2023. Staff has received several comments with regards to the traffic (17 individuals), crime (1 individual), public safety (3 individuals), the road designs (5 individuals) does not meet the surrounding zoning designation (22 individuals) In support of apartment buildings (15 individuals). Any correspondence received after the drafting of this report will be provided to the Planning and Zoning Commission prior to the public hearing.

ATTACHMENTS:

1. Zoning Map
2. Aerial Map
3. Staff Comments
4. Applicant's Conceptual Site Plan and Elevations
5. Justification letter
6. Public input documents

ATTACHMENT 1

Zoning Map



ATTACHMENT 2

Aerial Map



ATTACHMENT 3

Staff Comments

Department: Planning

Status: DENIED

Department: Long Range Planning

Status: APPROVED. MEETS ELEVATE LAS CRUCES COMPREHENSIVE PLAN

Department: Traffic Engineering

Status: APPROVED

Department: Engineering

Status: REVIEW NOT REQUIRED

Department: Utility Engineering

STATUS: APPROVED

Department: Fire

Status: APPROVED

Department: City MPO

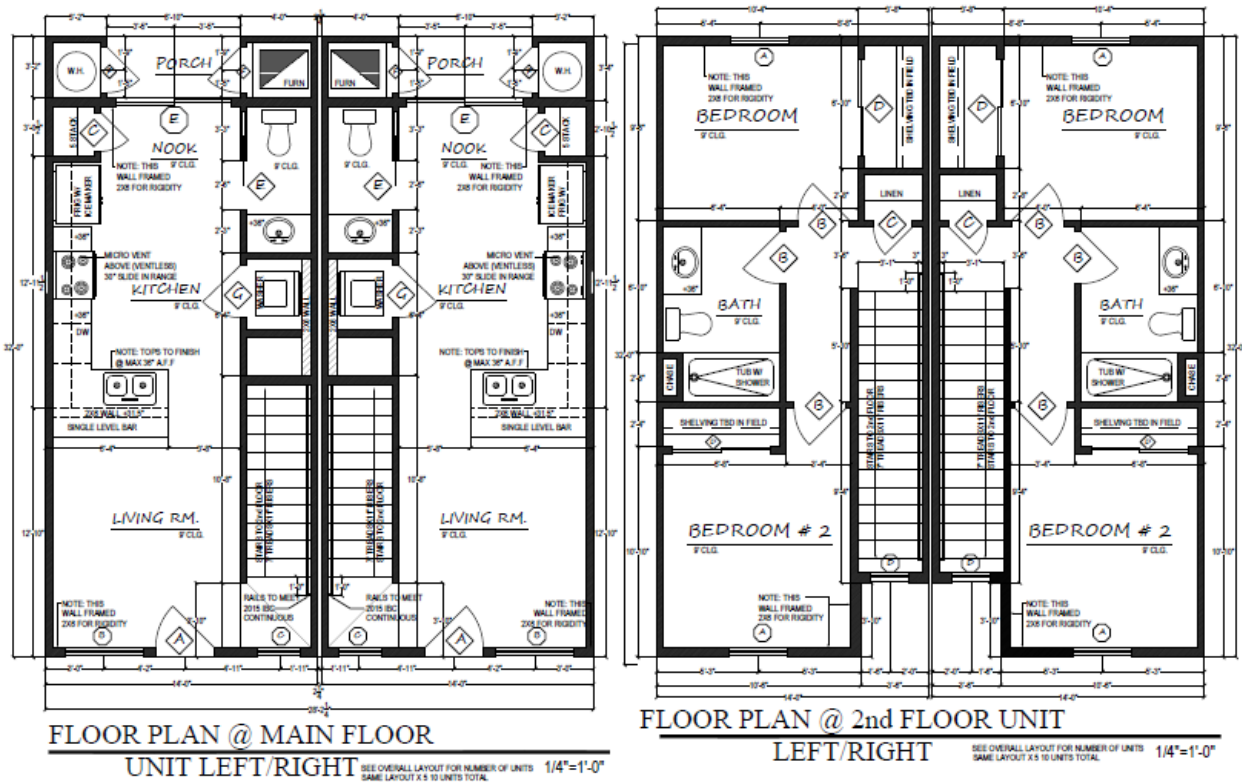
Status: No Comments

Department: **Flood Zone**

Status: Approved

ATTACHMENT 4

Applicant's Conceptual Site Plan and Elevations



Attachment 5 **Justification letter**

Infill Development Proposal:

Location: 725 McClure

Zoning: R-1 (single family residential)

Density: 8 dwelling units per acre

Lot Size: 1.12 acres (a 3.63 acre property subdivided and 2.36 acres was sold to the City of Las Cruces as a ponding area and 0.142 acres for road dedication in June 2022)

Land: Vacant parcel (abandoned residence was demolished with proper building permits in August 2022)

Overlay District: Infill Area

Request:

Allow for 20 dwelling units rather than 8 units dwelling units.

All commercial development standards will follow current code including landscaping, site development, ponding, auto / bike parking, building setbacks, and following the same height restrictions allowed by R-1a.

Elevate Las Cruces supports and recommends development of vacant parcels within the infill area. It also supports diverse housing opportunities and addresses two of the actions outlined in Elevate.

Attachment 6

Public input

McClure Rd ALERT!

From: Don your block captain 320 McClure

Hi neighbors. I have some important information regarding the property at McClure and 2nd St. where that burnt out green house was. The city has purchased part of that for drainage improvements. The owner of the property is applying for a variance to the current R.1A single family residence zoning to become multi housing of up to 20 units probably 3 or 4 two story buildings.....this would include road development etc. This would produce more traffic on our already saturated little street here as well as other concerns for our neighborhood. By next Monday there will be a sign posted on the property with this info and notice of a PUBLIC HEARING scheduled for June 20, 6:00 pm at the city hall Council Chamber. There will be a notice posted at City Hall as well as the "meetings and agenda's" tab on the City Website.

I am very concerned about this as our street cannot handle more speeding traffic....this should remain a single family housing neighborhood. Please put the JUNE 20 meeting on your calendar and pass around to the neighbors.

Thank you and have a great summer!,,,

To Christina Abeyta Corella,

June 14, 23

I am writing this letter in regards to address 725 McClure Road, I am dropping off 29 petitions that are against Changing the zone. The traffic on McClure Road is already really heavy and we have a lot of people that speed. Changing the zone will be excess traffic in the neighborhood. It will totally block my view. The noise will extremely go up. The crime has also gone up in the last month here on McClure very much with one of the incidents LCPD was knocking on my door and it was the wrong residence and also very upsetting. Also when the house on 725 McClure was being demolished after they were finished they started Compounding the dirt with a machine I believe you need a permit to use, my house was totally shaking that morning. My pavement in the front cracked and some cracks inside the home. I also believe

he was getting ready to build without permit. They came and dropped off piles of dirt, my Camaras recorded everything. I also strongly disagree with having apartments right next to train tracks. Also I believe the application is asking for high density, the one way dirt road would be really hard to use for so many cars and we would have a hard time getting in and out of our own home. I hope you all take all this into consideration and keep it Single Zoned.

Thank You
R Phalta

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As long-term residents of this area, we are deeply concerned about the negative impact that this development could have on our community. We believe that the change in zoning would lead to excessive traffic, noise, and crime, which would have a detrimental effect on the quality of life for all of us who live in single-family homes in this area.

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Thank you for your attention to this matter. We hope that you will take our concerns seriously and make the right decision for our community.

Sincerely,



Name and address: 927 Flora Vista L.C. N.M. 88007

Signature:

Name and address:

Signature:

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Sincerely,

Name and address:

Signature

Name and address:

Signature:

A handwritten signature in black ink, appearing to read "M. Reyna". The signature is written in a cursive, flowing style.

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Sincerely,



Name and address:

Cory Windsor 3415 Phillips

Signature

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Sincerely,

Damon Day 414 Phillips Dr.

Name and address:

Signature



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Sincerely,

Name and address:

Victor Bruceta 1080 Hacienda Nueva Ct.

Signature



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Sincerely,

Socorro Romero

Name and address:

Signature

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Sincerely,

Name and address: Gabriel Medina, 707 Sombrero Ct, 88007
 Signature: [Handwritten Signature]

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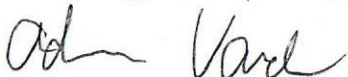
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Sincerely,

Name and address: Adrian Varela
 Signature: 

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Sincerely,

Name and address: Sarah Warren 1729 Winton Cir.

Signature *SWarren*

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Sincerely,

Name and address:

Signature:

 3953 Agua de Vida, ^{B.C.} 88012

Name and address:

Signature:

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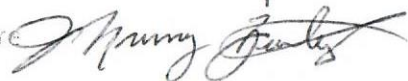
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Sincerely,

Name and address: Manny Fuentes 1721 Winton Cr. LC, NM 88007

Signature 

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Name and address:

Signature

ALEX STROUSE 988 FLORA VISTA



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Name and address:

Signature

Guadalupe Rinalta
2200 Holiday Ave #134

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Sincerely,

Name and address: 1436 2nd St, Las Cruces NM 88005

Signature

[Handwritten signature]

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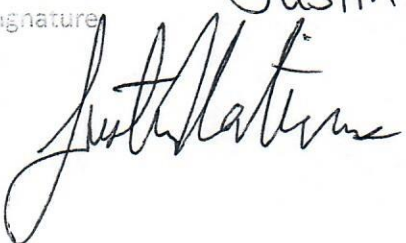
Name and address: George Nations 670 McClure Rd.

Signature



Name and address: Justin Nations 670 McClure Rd.
Las Cruces, NM 88001

Signature



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Sincerely,



Name and address:

Signature

Name and address:

Signature:

WILLIAM B. McCANNA
730 1/2 MCCLURE ROAD
LAS CRUCES, NM 88007

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Sincerely,

Name and address:

Signature

[Handwritten signature]

605 McClure Road
Las Cruces N.M. 88007

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We urge the City Council to reject the plans to change the zoning of 725 McClure Rd, Las Cruces, NM 88007 from R1 to R2 multifamily with high-density two-story apartments and reconsider the submitted plans.

We implore the City Council to consider the impact this development would have on our community and the negative effects it would have on the privacy, safety, and quality of life of those of us who live in single-family homes.

Thank you for your attention to this matter. We hope that you will take our concerns seriously and make the right decision for our community.

Sincerely,

Name and address:

Signature

José Escamez

Petition to the City Council Regarding the Zoning Change of 725 McClure Rd

We, the undersigned residents of the community surrounding 725 McClure Rd, Las Cruces, NM 88007, are writing to let you know about our concerns about the proposed plans to change the zoning of this property from R1 to R2 multifamily with high-density two-story apartments.

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Thank you for your attention to this matter. We hope that you will take our concerns seriously and make the right decision for our community.

Sincerely,

Name and address: Sylvia Reyes 965 La Vida Nueva Ct.

Signature Sylvia Reyes

Petition to the City Council Regarding the Zoning Change of 725 McClure Rd

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Sincerely,

Name and address: Frank Quinones 965 La Vida Nueva Ct.
Signature: *Frank Quinones*

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Sincerely,

Name and address: Ashley Quiñones, 965 La Vida Nueva Ct.

Signature Ashley Quiñones

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Sincerely,



Name and address:

Signature

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Thank you for your attention to this matter. We hope that you will take our concerns seriously and make the right decision for our community.

Sincerely,

Name and address:

Terry Rico, 1085 LA Vida Nueva, LAS Cruces NM 88005

Signature

Terry Rico

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Thank you for your attention to this matter. We hope that you will take our concerns seriously and make the right decision for our community.

Sincerely,

Hernandez Family

Name and address:

Signature

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Name and address:

Signature

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Sincerely,

Name and address:

Signature

PRASANNA PAI

607 MCCLURE RD, LAS CRUCES, NM 88005

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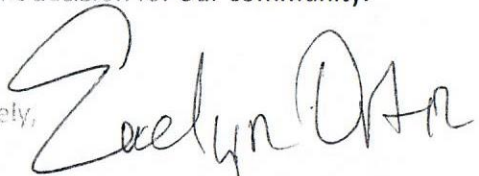
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Sincerely,



Name and address:

1600 Second St

Signature



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Name and address:

Signature



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Sincerely,



Name and address: 927 Flora Vista L.C. N.M. 88007

Signature

Name and address:

Signature:

Christina Abeyta Corella

From: Yuram Abdullah Weiler <yuram.weiler@gmail.com>
Sent: Monday, June 19, 2023 7:34 AM
To: Christina Abeyta Corella
Subject: Comments - Case # 23ZO0500047

Dear Ms. Abeyta,

I am Yuram Abdullah Weiler, owner along with my wife, Batyah, of 700 Sombrero Court, which is diagonally opposite the subject property at 725 McClure Road.

We would like to go on record as opposing this proposal to allow a variance for a 20-unit apartment building in the R-1a zoning, which only allows for one single-family residence.

Aside from being out of character for the area, such a building with its associated paved parking areas would aggravate the existing flooding problem at McClure and Carlyse.

Additionally, the proposed apartment would add more traffic to an already-congested McClure Road, and increase the chance of an automobile-train collision at the BNSF railroad crossing.

It had been our hope that someone would have purchased and renovated the existing home on this property, but unfortunately, this did not occur.

We believe that a maximum of four single family homes on this property, giving each home approximately one quarter acre, would be the maximal appropriate infill development.

Respectfully,
Yuram Abdullah Weiler
700 Sombrero Court
Las Cruces, NM 88007
575 523 0557

DELIVERY RECEIPT

Company Name: Mesilla Valley Properties
 Street Address: 3800 W. Picacho #1200
 City, State, Zip: Fairacres, NM, 88033
 Phone: 575-800-4910
 Fax: N/A
 Email: lucinda@meva-con.com
 Website: N/A

Date: 12-JUL-2023

Receipt #: IND. # 164288

Delivery Information

Description of delivered item(s): Appeal Letter to P&Z Case #23ZO0500047.

Delivered to: COMM DEV / Vincent Boncompagni Street Address: 700 N. Main
 City, State, Zip: Las Cruces, NM, 88001 Phone: _____

Summary of Charge

Payment Method: ☐ Cash ☒ Other: <u>VISA</u>	☒ Credit (No. <u>\$ 200</u>) ☐ Check (No. _____)	Delivery Charge	
		Tax Rate	
		Total Tax	
		Total Amount Due	

Comments: _____

Received by: VINCENT M. BANCAS

Recipient Signature: Vincent M. Bancas

Delivery Person Signature: James Vaccaro

Christina Abeyta Corella,

July 11, 2023

I am writing this letter regarding 725 McClure Road, Carlyn Road, the entrance to the apartments and the dirt road for me to get in and out of my own house is to close. The traffic would be so bad. I'm sure I will have a difficult time to get out. Last meeting we had nobody took into consideration the only road I use to get in and out of my house it was not even mentioned. How is that fair to us to have so many cars going into this property and me just 2 cars. McClure Road is too narrow and small to add more traffic than we have already. This morning there was LCPD on the lot looking for people that are speeding. As it is, it is really hard to get out of the dirt road already because to my right side it's a blinded sight. Also I'm afraid to cross the road to go get my own mail because I'm afraid to get runned over. The older side of McClure Road from the train tracks this way can not handle heavy equipment it's too old it had my house shaking really bad with cracks getting much bigger. Hope all this comes into consideration.

Thank you
R R Corella

575-520-0287

Christina Abeyta Corella

From: Pia English <faladog@gmail.com>
Sent: Thursday, July 13, 2023 1:54 PM
To: Christina Abeyta Corella
Subject: Fwd: Modified Proposal for Density Variance/725 McClure Road

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from faladog@gmail.com. [Learn why this is important](#)

Please note correction.

My phone number is 575-526-8921.

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

From: Pia English <faladog@gmail.com>
Date: Thu, Jul 13, 2023, 1:49 PM
Subject: Modified Proposal for Density Variance/725 McClure Road
To: Christina Abeyta Corella <cabeyta@las-cruces.org>
Cc: Pia English <faladog@gmail.com>

Dear Ms Abeyta:

Please note my opposal to the new proposal for multi housing units on McClure Road. Current residents will continue to pay the price for development.

Thank you.

Pia English 314 McClure Rd, Las Cruces, NM 88005 575-526-8931

Christina Abeyta Corella

From: Prasanna Pai <prasanna.r.pai@gmail.com>
Sent: Monday, July 3, 2023 11:13 AM
To: Christina Abeyta Corella; Tim Pitts
Subject: 725 McClure

Follow Up Flag: Follow up
Flag Status: Flagged

Dr Pitts:

The motion to rezone 725 McClure failed but it looks like the developer has sworn to resubmit it with a change to 15 apartments.

The land which is 1.2 acres will start a process of already heavy traffic and nuisance which has been a problem for this place and transformed it from a nice older folks area to what it is today.

This will let everyone owning land along McClure to file for zone changes when the time comes or changes hands.

The road is not a city standard road and I would please ask everyone concerned to keep that in mind.

I think Mr Scott Kaiser means well but hasn't researched the issue well. This combined with the additional 1.7 acres of new mobile home park will cause lot of distress.

Personally, it will block my single family 10 acres behind it to appease a 1.2 acre parcel. I wanted to tell you that to preemptively let them focus on me as selfish about it. But the fact remains the road is not able to handle the traffic along with kids from Mayfield using it as a bypass road.

Please help Mr Kaiser understand the situation better so he can make an informed decision .

Sincerely,
Prasanna Pai
575 650 6140

--

Sent thru a mobile device, please excuse typos and autocorrects.

Christina Abeyta Corella

From: Marlene Luera <mrc6th@gmail.com>
Sent: Friday, July 14, 2023 12:04 PM
To: Christina Abeyta Corella
Cc: KMiyagishima@lascruces.gov; Kasandra Gandara; Johana Bencomo; Fair Housing; Cynthia Alamillo; Planning
Subject: Proposed Development of 725 McClure
Attachments: Area Crime Map 71422-71423.pdf

Some people who received this message don't often get email from mrc6th@gmail.com. [Learn why this is important](#)

To whom it may concern,

My hope is that you read this with openness to know that we as residents do want the very best not only for our beloved city but also this street many of us have called home for many years.

It has come to my attention that a follow-up to Case 23ZO05000047 has been filed or will be imminent, therefore I feel compelled to send this letter. As mentioned while we do hope to see that land developed but we do have significant concerns with the plan and approach.

In review of the previous findings and denial several of our concerns are very well identified and found to be valid. This letter is to not only provide support in those issues identified but also to show evidence for other concerns and also to shed light that we do hope for a safe, and adequate residential option in that particular location.

It is very well outlined that not only does McClure Rd not have safe means of pedestrian traffic due to the narrow road and no sidewalks but it is also not designed to carry heavy loads of traffic. Again this is something that was identified in the previous community hearing and outlined in the denial as one of the reason for denial. This is something that has not changed and would also be a pretty extensive and significant project. Common sense would also dictate that if a building were to be erecting that would inherently increase traffic to a location that the infrastructure would already be in place to support that traffic expansion. Once again it has already been outlined that this infrastructure is not there and as quoted in the denial "make it difficult to develop the road...to meet the REQUIRED 85-foot collector".

According to the denial the "City Staff identified the following issues an increase in density will cause unreasonable increase in potential traffic and increase the danger of public safety with the limited ingress and egress to McClure." This is a residential road that has been in place for at least 100 years; most of which my family have been residents. During this time McClure has seen minimal improvements and yet has seen increase in traffic due to population growth, the subdivision on the western end of the road as well as the commercial developments on the corner of Valley and McClure. McClure has also been a long used bypass to Hoagland and Picacho and the current developments have pushed the use of it to its limit. Adding a high volume multi-family development would not only push it past its limit but also create very dangerous situations. There was talk about "walking to downtown", but the question should be, is that feasible and most importantly safe? This apartment complex is right next to a railroad track, with no street lights and no safe way for pedestrian traffic to traverse the roadway. I do believe one of the goals in the very large comprehensive plan is to create housing, but in a safe environment. This is anything but safe.

We have seen, and many times had people speed around a car (or us) turning or not going fast enough to their preference, significantly exceeding the speed limit. This is something that happens daily and when it does the entire roadway is taken up and often the "side road" is swiped. Adding to the extremely dangerous pedestrian traffic "path" and encouraging that is not only irresponsible but a grave negligence to the safety of our community.

While it is clear that the proposal does meet the overall larger umbrella plan of Elevate Las Cruces the practicality of this proposal does have serious issues in meeting the reality of what this development would create. However I believe the

Agenda Item #7.5.

committee does outline it clearly in the denial in response to the showing of "Compliance with Elevate Las Cruces Comprehensive Plan:"

"Although policy supports the overall request, staff has concerns related to the already developed surrounding area. Primarily the existing and proposed traffic impact, the inability to increase the width of the designed collector roadway to meet the demand of additional capacity, and the significant increase in density to an area that is primarily single-family residential. Lastly, a large concern is the minimal entry points to McClure and the affect that it will potentially have on the public safety and welfare of the city."

When breaking it down on what the overall goal of the Elevate Las Cruces Comprehensive Plan is set to accomplish and looking at the details of what this larger plan wants verses what this apartment complex would bring, there is conflict. Does this proposal fit under the idea of what the plan is for, and meet certain criteria? Yes! Does it meet the goals of what this plan is intended to do? No! And in fact it directly conflicts other criteria outlined within the plan. So the general statement that it does meet the plan is neglectful of what the intent of the plan is and the details within the plan that help narrow it down to practical application.

I do believe the overall arching goal of Elevate Las Cruces is to begin to raise the beauty, functionality and socio/economical value of Las Cruces, however when looking at the big picture this development does not meet that. It puts the community at risk, it does not match the current community character and would create a large investment from the city to improve and create infrastructure to support an apartment complex, on top of all the safety concerns.

It also does concern me how "Traffic Engineering" approved the previous proposal given the many traffic concerns outlined within the denial, and community. To my knowledge there is not a traffic study done nor a plan with attached identification of funds to accomplish said plan to answer these concerns. I would hope this wasn't a rubber stamp to get it off of a desk.

This narrowness of the road, limited ingress and egress also propose difficulty for emergency personnel at times so increasing population density as well as traffic would just further exasperate that issue, so it is also very concerning that "Fire" also seemed to have rubber stamped the approved of the previous proposal.

As you can see residents of McClure Road care deeply about our homes, neighborhood and community. Developing that parcel of land is a practical expectation however we must not get so lost in making a profit that we neglect basic care of our people. A 20-15 unit apartment complex built on a lower priced piece of property would turn a much larger profit than a single family unit but is the liability really worth the profit? We must stop and examine this.

We are seeing a rise in crime, to that there should be no doubts. I am attaching a report I obtained from the Las Cruces Police website showing McClure and surrounding area, including area that was suggested people walk to get downtown, just in the last year. Creating such a large increase in density would inevitably add to the rise in that area, putting current residents at more danger. This was brought up in the previous hearing and it was noted that there was no "proof" of this. My hope is the attached report. that is accessible to all, will provide that "proof".

It was also mentioned at that same meeting that here was a bike lane, however this "bike lane" is actually the main and only roadway. There is a "bike lane" symbol painted in the middle of the road. Given the points raised above and identified by the committee we can see how dangerous and impractical this is.

I am attaching pictures of the roadway that shows the "bike lane" as well as how narrow the roadway is and the "inability to increase the width of the designated collector roadway to meet the demand of additional capacity"

As a native Las Crucean and a person who was raised on McClure Rd I think I can speak for all in asking and thanking you for taking all of these valid, and significant issues into consideration when deciding if an apartment complex is the wisest use of that land and if it will infact "Elevate" Las Cruces or will it create a detriment.

Thank you,
Marlene Carrillo Luera

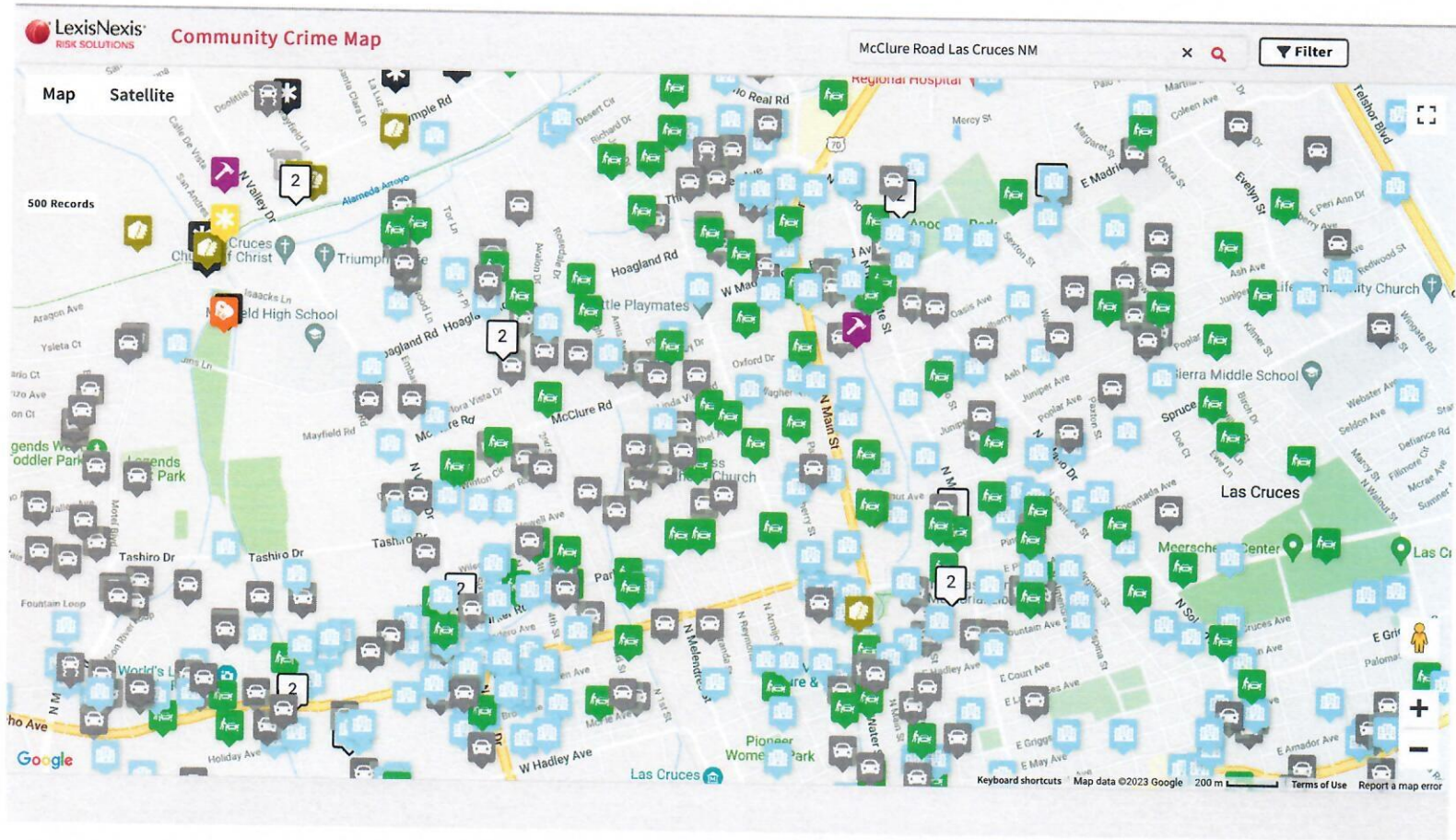












Christina Abeyta Corella

From: LR C <leerose1@msn.com>
Sent: Friday, July 14, 2023 4:59 PM
To: Christina Abeyta Corella
Cc: KMiyagishima@lascruces.gov; kgangara@lascruces.gov; Johana Bencomo; Cynthia Alamillo; Planning
Subject: case #: 23ZO0500047

You don't often get email from leerose1@msn.com. [Learn why this is important](#)

Email letter reference case #: 23ZO0500047,

Location in reference: Council District 4, located at 725 McClure Road

To Whom It May Concern:

It is with hopes that this letter will be an enforcement to concerns addressed.

Topics in Concern:

1. Previous proposal of a development for a twenty (20) unit complex which failed approval.
 - a. Reason for concern: Although, proposal did fail with a split vote, of which one vote presented conditions to modify was denied, resulted an unapproved vote. This led to reason with concern and discernment that such modification in that perspective would be approved.
 - b. Modification reference the vote: proposed a 15 unit, which was then in response that at that time, contractor was not in agreement.
 - c. However, remaining concern: anything 'more' than single family home dwellings are not feasible, due to potential dangers which will be adding to already existing problems in this area of considerable concern, as previously mentioned and addressed by numerous members of this community.

➡Our personal witnessing and experience:

I, Rosie have lived here for 46 years, marrying my husband who has lived in the area since birth, 73 years. Family generations; have lived and owned property well over 100 years. Therefore, we have experienced rural minimal traffic to current extensive increase of traffic since the subdivision development.

For years, we see upgraded areas in town. The subdivision developed at end of McClure, ending farming land gave McClure Rd a place of recognition.

However, with time, we have witnessed vehicles speeding in a hurry to pass without regard or respect to safety of others; be it imposing danger to those who need to walk to their destiny, or are walking to Benavidez center with their children, bikes going over designated logos, which are negligently placed on lanes to and from on a busy dangerous road, or oncoming cars causing a near-fatal head-on. The community repeatedly addressed the same concerns of dangers.

➡Numerous times, as we pause for oncoming traffic, to turn left into our driveway, with blinkers on, an impatient person passes us as soon as an oncoming car clears, nearly wrecking into us as we are about to turn in.

Other moment, again blinkers on seem to confuse impatient speeders tailgating us. As we are about to turn, this person decides to pass us, goes onto other lane while an oncoming vehicle is approaching, whereby almost causing a head-on crash on a very narrow road. A possible scenario; other car, in order to avoid a wreck could have swiped a person walking. We live per/se smack in the middle section where

Agenda Item #7.5.

we witness high speed traffic. Our deep concern, is all of us in the area have visiting families who are put in danger due to neglect of traffic.

One of concerned community member did mention: Hazard: someone will get killed or seriously hurt if concern of traffic danger is not addressed. In agreement to concern; the issue of upgrading should be the community's safety priority.

True, as mentioned by Mr. Pearson, that traffic is everywhere. We ask this mention be pondered that as true as that statement may be, question is, is such high traffic on roads designed to handle such. And is area developed to handle such mention.

At reason to his approval and why he voted yes: such that it would beautify...people can walk to town and not have to use their vehicles...people can walk to catch a bus.

➡Addressing such reasoning, in respect to Mr. Pearson's reason to vote yes, is unfounded due to presented issues.

- a. Increased traffic also come in through to McClure Road, as it seems means for a way to get to destinies:

Traffic comes through from Valley and availing through traffic to Alameda.

Traffic coming down from Highway to Alameda turn to McClure as means of a through to Valley, or subdivision or homes in area and vice-versa.

Traffic comes in from Picacho through 2nd onto McClure as means and way to get through to Alameda or so and vice-versa.

Traffic comes in from Carlyle onto McClure and vice-versa.

Traffic comes in Hoagland through Highland and vice-versa.

2. A thorough study of the area was not presented to address; how much funding from the city would propose overall upgrades of safety measures to surrounding areas/and, including to and from McClure Road. Or, no such plan was presented to prioritize upgrades before imposing more problematic proposals of either 20/15 units. Of, which, again, more than single family home dwellings will not be feasible.
3. There was a statement made that there is no proof of crimes in the area.
 - a. Well, such implication is not true to state such.

➡Personal experience: We have been victimized while supporting a dying relative and only gone for 45 minutes. As per policeman taking report, we were being watched. It was an attempt to come back and break into our home. Theft was 10,000 worth of my husband's tools and equipment, and they had planned to come back and invade inside our home. We know of our neighbors in the area being victimized as well. Police records are public. It is not our intent to imply or profile, but, with increased area for concern.

Again, true, crime has increased all over, however, endeavor is concerning and questionable.

➡Will safety personnel on a call have the ability to feasibly go through a congested traffic *moment*?

4. It is not with intent to profile. However, the demographic area could suffice low income tenants. An argument to ponder. People in this community have come to settle as they have felt it is a peaceful community. It is common sense, that an area congested per capita in relation to safety measures, it is potentially a concern.

➡Mention for concern: We have been very fortunate that family's in the low income trailer park, majority of families are very hard working peaceful people. However, from time to time. There have been some vacancies acquired by persons of concern. The incidents have led to evictions of these

Agenda Item #7.5.

persons looking to acquire a low income to suffice their intentions of potential crime, as example: a recent incident of a gang operating a chop-shop, while they acted to live in peace, their operation of business, profiting living in a low income housing, allowed their greater profits. As neighbors, most of us noticed but feared retaliation. Landlord took notice and had problems evicting them, but succeeded.

First hand experience: We approached neighbors' kids vandalizing a vacant building adjacent to our property. We simply asked them to respect the property. Next day, we wake up to our home, car and car port vandalized. Upon reporting such, and Police present, one suspected skated by. Police approached individual and gave them a warning.

It would be common sense, that fearing persons of like have sought less than average priced housing, and because of experience is reason for our concern that will disrupt a struggling community to keep peaceful.

- a. Contractor repeated a statement attempting to reassure community in attendance that proposed plan to build units were 'not' going to be low income units.
- b. In Reality; the demographic area of proposed build would dictate price per unit. Development with regard would be 'questionable' in pricing per unit over average cost.

➡Can interested families be willing to live on over average rental cost in reference to area. Is it going to be a concern for a family or persons interested to rent right next to a railroad, unsafe procurements in reference the problematic issues forementioned. Noteworthy, and most important:(referencing traffic safety in numerous affected ways)

While we do not disapprove improvements in our community, it is our hope that McClure and surrounding areas do get considered with a priority of safety measures and other considerations be in foregoing petitions.

Sincerely, Rosie and Leroy Carrillo

Email: Leerose1@msn.com

Sent from [Mail](#) for Windows

Christina Abeyta Corella

From: Kasandra Gandara
Sent: Monday, July 17, 2023 2:53 PM
To: Christina Abeyta Corella
Subject: RE: Proposed Development of 725 McClure

Hello,

I am unable to respond in earnest as I sit in the capacity as a quasi-judicial member when it comes to me as an appeal. I typically prepare by reading the documentation prepared by staff. When it is presented back to council in the form of an appeal, I have to remain objective and hear the case completely before I make a decision.

I hope you understand. I will be reading and taking your's and others comments and opinions into consideration. If I can recommend that you come to council when the case is heard it would be so helpful.

Thank you for your email.

K

From: Christina Abeyta Corella <cabeyta@las-cruces.org>
Sent: Friday, July 14, 2023 1:43 PM
To: Marlene Luera <mrc6th@gmail.com>
Cc: KMiyagishima@lascruces.gov; Kasandra Gandara <kgandara@lascruces.gov>; Johana Bencomo <jbencomo@lascruces.gov>; Fair Housing <FairHousing@las-cruces.org>; Cynthia Alamillo <calamillo@las-cruces.org>; Planning <planning@las-cruces.org>
Subject: RE: Proposed Development of 725 McClure

Good afternoon, Marlene,

Thank you for the information, it has been received, noted and recorded.

Thank you,

Christina Abeyta-Corella
Planner/Community Development

Opposition to variance request for 725 McClure Rd.

June 27, 2023

According to the LCFD report, the fire that burned the long-vacant house that was on the land started in the attic area in a pile of straw and clothes. A witness recorded a man on a bicycle leaving the house shortly before the flames started. LCFD inspector looked @ video. No police report was filed and no ignition source mentioned. The cost of demolition was reduced and no arson report would allow any insurance claim to move forward. At least that is the most likely case, to me.

This alleged company attained ownership of the land zoned single family residential. The company must think rules apply to anyone else, but not them. The company must be oblivious to the already overwhelming amount of traffic on McClure Rd. The company must be oblivious to the railroad tracks adjacent to their proposed gated community.

I'm sure any objections will be dismissed. I am sure, knowing officialdumb of Las Cruces, that most likely a little something something has already changed hands. Nudge nudge, wink wink.

While most objections I've heard all deal with the deplorable state of McClure Road once the project is completed. What about all the destruction the construction traffic will cause? What plans are there to mitigate the congestion, noise, debris and road wear that construction will cause?

I called David Sedillo's number listed on the city's web site. Like all calls to Las Cruces officialdumb, the call was not returned. So my query, left on voicemail, for the comprehensive plan for McClure Road was ignored.

For decades and currently, the city has denied curb and gutter and ADA access on this old farm road, turned bypass between Valley Drive and Alameda Boulevard. The Department of Justice declined to prosecute the violation of ADA regulations due to short staffing and bigger fish to fry, say quickdraw McGraw police. But my complaint rests within DOJ.

I could find no business construction license for this company in the State of New Mexico database. I found a company website with only poster style logos. There were no mentions or photos of completed projects. There were no glowing customer reviews. There is no company membership on the Chamber of Commerce website. This appears to me to be a company with no realistic views of the site location, no concern for the huge negative impact this variance would have on the hundreds of single family residences impacted by traffic. No concern about putting a gated community next to a busy railroad crossing. No concern about putting high density housing in a food desert.

Agenda Item #7.5.

This company or subsidiaries filed four civil court cases requesting restitution for the company. Two were filed in 2021 and dismissed. In 2022, there was another dismissed filing and in 2023, another filed petition for restitution was dismissed. The company has more litigation than actual projects or licenses, apparently.

Of course, being Las Cruces, the verdict on destruction over livable neighborhoods has already been handed to us. I strenuously object, and hope you do not get to enjoy whatever something already changed hands.

Mary Ames

315 McClure Rd

Four-year resident, plenty of time to learn the real meaning of LC is Lazy Corrupt.

Hi Don! Thanks for stopping to talk with me this morning.

Agenda Item #7.5.

Here are some of the points we were addressing:

Dedri Qullen

Our area as a single family zone is considered a Low Density Population area and adding multiple family dwellings makes it into a High Density Population area.

It is also worth noting that apartment buildings are commercial property and for that reason they are often discouraged in low density neighborhoods like ours.

NO they are seeking a variance

I think that we would do well to ask how the necessary changes to the street - like curb and gutter and widening would affect our tax rates because I think that designation changes the rates for tax on residential.

We need to know how the city intends to handle Eminent Domain and to what extent would we be looking at losing our property - also the time line on this. They must have some kind of plan already in place and it would be good if that became public.

Of course the real issue is moving traffic. The apartments are going to be the least of our worries as that new development of Legends West begins to be completed with 300 plus houses and all their cars begin to need to move from where they are to where they need to be. Tashiro should have been a four lane through fare and either McClure or Hoagland or both need to be widened and traffic signals put in place.

Lastly I think someone with an attorney's mindset could look at what is going on here with the City not requiring owners to keep up derelict property and then directly benefiting by purchasing part of that property and offering a variance so that the remaining part can be monetized.

If I think of anything else I'll write again.

Dedri Qullen

Thank you for your excellent update letter! The bottom line is that McClure Road needs to remain a single family housing neighborhood. The road is not built for any thing else and there is already too much traffic! During peak times it can take along time to back out of the drive way and it is very bumper to bumper traffic!

Thank you for the update ! You are so right! This was supposed to be a residential neighborhood.
Agenda Item # 713.

McClure Road is not built for the traffic that is already on it. I already lived through one road repair and it was a nightmare ! Noise pollution, dust pollution and the street still floods when it rains. Not built for high density housing and big trucks! This is about money and not quality of life! Even Alameda has restrictions on trucks. Please keep us posted!

From: Alexandra Glowacki

alexglowacki@comcast.net

Subject: Proposed multi family development on
McClure Road

Date: Jun 26, 2023 at 7:17:01 AM

To: donaldlappinga@gmail.com

a

Donald,

We live at 1625 N Reymond Street, which sits on the corner of McClure Road. The entrance to the house and carport are both on McClure Road. We strenuously object to this, or any development which would increase traffic on McClure Road, and to any broadening of the road which would bring the road edge onto our property and even closer to our front door.

Already, we are unable to have a telephone conversation with our front door open due to the speeding traffic noises, especially on weekend evenings. Backing out of the carport is already challenging due to the current level and speed of traffic. The speed signs are something of a joke and do nothing to deter speeding: everyone just speeds up to over thirty mph at which point the signs stop blinking.

Is it expected that the city will pay for the road "betterments" proposed to accommodate this real estate developer's variance request? If so, sheltering the homeless and addressing the known drug trafficking in the area come to mind as better ways to allocate these taxpayer funds. McClure Road has already been torn up and replaced at least twice in recent memory. If we lose property footage to the proposed "improvements" to benefit the developer will we be

compensated?

We are unable to attend tomorrow's public hearing, as we are out of town, but we fully support your efforts to oppose this variance. Thank you for representing our interests at this hearing. Do you know if the meeting will be live-streamed or posted on the city website?

Again, many thanks,

Alexandra Glowacki
Thomas Jenkins
1625 N Reymond Street
Las Cruces

Sent from my iPad

To Christina Abeyta Corella,

June 14, 23

I am writing this letter in regards to address 725 McClure Road, I am dropping off 29 petitions that are against Changing the zone. The traffic on McClure Road is already really heavy and we have a lot of people that speed. Changing the zone will be excess traffic in the neighborhood. It will totally block my view. The noise will extremely go up. The Crime has also gone up in the last month here on McClure very much with one of the incidents LCPD was knocking on my door and it was the wrong residence and also very upsetting. Also when the house on 725 McClure was being demolished after they were finished they started Compounding the dirt with a machine I believe you need a permit to use, my house was totally shaking that morning. My pavement in the front cracked and some cracks inside the home. I also believe

he was getting ready to build without permit. They came and dropped off piles of dirt, my Camaras recorded everything. I also strongly disagree with having apartments right next to train tracks. Also I believe the application is asking for high density, the one way dirt road would be really hard to use for so many cars and we would have a hard time getting in and out of our own home. I hope you all take all this into consideration and keep it single zoned.

Thank you
R Rhalta

Candace Giummo
Chantal Spilliaert
345 McClure Rd.
Las Cruces, NM, 88005

City of Las Cruces
Department Planning and Zoning
700 N. Main Street
Las Cruces, NM, 88001

Candy + Chantal

*This will
impact their
business.*

Re: Regarding application for a variance to the R.1A Single Family Zone 725 McClure Rd.

To whom it may concern:

I am a home owner on McClure Road and have lived here since 1998. My spouse and I do not want the Variance change from the Single Family Housing Zone to a Multi-housing (apartments) which is mainly making it a Commercial Zone. Here are our reasons for not changing the R.1A:

1. Low Density Population area.
2. McClure is not a street meant to handle high traffic usage. Everyday there are long lines of vehicles waiting to enter Alameda Ave blocking our driveways and impairing our view to exit unto McClure Rd. I am sure the City knows of the problem but ignores it.
3. McClure road should have side walk accessibility, storm drainage and **be narrowed** not widened. These measures will slow traffic to the 25 speed limit. Right now the street is used as a race way and the preventative measure the City has in place are those pathetic radars flashing sign and lights that is more of a eyesore by my home then a deterrent to slow folks down!
4. McClure is not ADA Compliant.
5. McClure is not close to public transportation. A person would have to walk to N. Valley or N. Alameda a good ½ mile or more.
6. Once the variance is changed it will open the way for other multi-housing developers to build on properties now vacant and my home is between two of these properties and there are multiple vacant houses and lots on McClure.
7. The North Alameda areas is one of the older and historic residential areas. Let's keep it that way!
8. We are in an area of moderate to low income families and to bring McClure up to standards that will accommodate this developer our property taxes will surely increase and you will have to take away land from each of us, to widen the road, add the sidewalks and make it ADA compliant, most likely no compensation for homeowners.

So no to this request, and I hope you hear us. We are all for affordable housing, but there are many places that fit the bill and McClure Road is not one of them.

Agenda Item #7.5.

Sincerely,
Candace M. Giummo
Chantal Spilliaert

Thank you for the information, my husband and I live on Linda Vista (for 38 years) and we want to give our support to this. We do not want this variance approved! We get so many speeders going down our street as well. I will email our city councilor. Thank you again!

Jane Ann and David Day

341 Linda Vista Rd.

Las Cruces, NM 88005

janeann@janeannnday.com

Mr. Lappinga-
Agenda Item #7.5.

My name is John McCullough and I currently reside at 1880 Golden Drive. I agree with your concerns relating to the proposed development at 725 McClure and how it will affect vehicular traffic in the area in both the near and long term.

Unfortunately, my work schedule will prevent my physical attendance at Tuesday night's public meeting. Perhaps this email can be used to help express my concern.

Thank you for keeping your neighbors informed and representing the neighborhood before the Planning and Zoning Commission.

-John McCullough

Agenda Item #7.5.

Hola Don, I am sending this to you in case I am too hot/tired/surly to attend the meeting tonight. Please submit it if I am not there. If I appear, I intend to read it.

Opposition to variance request for 725

McClure Rd.

June 27, 2023

According to the LCFD report, the fire that burned the long-vacant house that was on the land started in the attic area in a pile of straw and clothes. A witness recorded a man on a bicycle leaving the house shortly before the flames started. LCFD inspector looked @ video. No police report was filed and no ignition source mentioned. The cost of demolition was reduced and no arson report would allow any insurance claim to move forward. At least that is the most likely case, to me.

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Agenda Item #7.5.

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Mary Ames
315 McClure Rd.



CITY OF LAS CRUCES

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

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

STAFF PRESENT:

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

1. CALL TO ORDER (6:00)

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

2. CONFLICT OF INTEREST

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

3. APPROVAL OF MINUTES – April 25, 2023

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

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

3
4 Baum: Board Member Porter.

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

7
8 Baum: Board Member Murray.

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

11
12 Baum: Chair Kaiser.

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

16
17 Baum: Passes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 opportunity to at least on that section, get closer to that reality along all of
2 McClure Road. So I'm just trying to understand what would the requirement
3 be. Would the City have to, or would the applicant have to make this a 38
4 foot wide street in this section? Just trying to understand, because to me
5 that would be inconsistent with you know the Active Transportation Plan.
6

7 Weir: Mr. Chairman. Just to add to what Christina has provided for you. Since
8 they're not subdividing the property, there's no requirements for any road
9 improvements on the site. What Christina is talking about is as part of their
10 site development and building permit the sidewalk and treatment and
11 access is what's required through the building permit process.
12

13 Kaiser: Okay, I understand. Thank you. My final question I think, if we go back to
14 the place types in Elevate Las Cruces, this is an urban neighborhood place
15 type, correct.
16

17 Abeyta-Corella: Commissioner, Chair. It's actually suburban.
18

19 Kaiser: Suburban. Okay. All right, thank you for that clarification. Any other
20 questions from the Commission? All right. I will go ahead and open it up
21 to public comments. Can I please get a raise of hands by anyone who
22 wishes to speak on this item tonight?
23

24 Abeyta-Corella: Chair, Commissioners. I do have a representative that would like to make
25 a statement.
26

27 Kaiser: Okay. Yes, yes. The representative please come forward. You can make
28 your statement and then we'll go to public comment. Please state your
29 name for the record.
30

31 Lujan: Yes. My name is Lucinda Lujan. I'm the Business Development Manager
32 for Mesilla Valley Properties.
33

34 Kaiser: And do you swear or affirm that the testimony you're about to give is the
35 truth and nothing but the truth under penalty of law?
36

37 Lujan: Yes, I do.
38

39 Kaiser: Please go ahead.
40

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

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

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

20
21 Green Stephen Green, for the record.

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

25
26 Green I do.

27
28 Kaiser: Go ahead.

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

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

Kaiser: Great, thank you very much.

Ficarro: Good evening.

Kaiser: Please state your name for the record.

Ficarro: James Ficarro.

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

Ficarro: I do.

Kaiser: Go ahead.

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

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

Kaiser: Thank you very much.

Ficarro: Thank you.

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

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

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

D. Wheeler: I do.

Kaiser: You have three minutes.

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

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

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

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

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

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

33
34 L. Wheeler: I do.

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

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

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

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

16
17 Lappinga: I'm Don Lappinga.

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

21
22 Lappinga: I do.

23
24 Kaiser: You have three minutes.

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

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

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

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

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

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

16
17 Maddox: Yes, I do.

18
19 Kaiser: Please go ahead.

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

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

1 Kaiser: Okay. Go ahead.

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

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

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

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

40
41 T: Pruitt: And Tom Pruitt.

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

45
46 K. Pruitt: Yes.

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

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

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

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

5
6 Martinez: Colette Martinez.

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

10
11 Martinez: Yes, I do.

12
13 Kaiser: Please go ahead.

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

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

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

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

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

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

41
42 Cardona: Melinda Cardona.

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

1 Cardona: Yes.

2
3 Kaiser: Please begin.

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

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

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

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

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

21
22 Kaiser: Okay, but then the other concern about the access.

23
24 Abeyta-Corella: The access. There's three points of like direct access to that area, which
25 is Second Street, Valley, and Alameda. So those would be the ways that
26 you go in. If there's an accident or anything in there, the concern is, is the
27 fire department based off of the size of the road, going to be able to provide
28 services in a timely manner.

29
30 Kaiser: But how many access points would we theoretically need? I mean three
31 access points is a heck of a lot more than most neighborhoods in the City.
32 So, I mean, what would staff want to see from that perspective?

33
34 Abeyta-Corella: I'm thinking probably about four, but the road that is existing is a collector,
35 so if it was developed to the standard that it's supposed to it would suffice.

36
37 Kaiser: Which theoretically would happen, correct.

38
39 Abeyta-Corella: Chair Commissioners. It would not be able to happen, because so many
40 owners already own the property and are developed up to the street. So
41 we wouldn't be able to add anything additional except for in front of the
42 property in question.

43
44 Kaiser: So the City's perspective is there's nothing we can do with McClure Road;
45 it's going to stay this way forever and ever because we lack the ability to

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

1
2 Baum: My apologies. Chair Kaiser.

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

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

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

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

14
15 **9. STAFF ANNOUNCEMENTS**

16
17 Kaiser: So are there any staff announcements?

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

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

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

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

41
42 Nichols: No.

43
44 **10. DISCUSSION**

45
46 Kaiser: Any other discussion for this evening?

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

5
6 Kaiser: Excellent. Thank you.

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

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

11
12 Bennett: I'll second.

13
14 Kaiser: All in favor.

15
16 MOTION PASSES UNANIMOUSLY.

17
18 Kaiser: Meeting is adjourned. Thank you everyone for coming out this evening.
19 Appreciate it.

20
21
22
23
24
25 _____
Chairperson



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

City Council Action and Executive Summary

Type of Action:
☐ Resolution
☒ Ordinance
☐ TIDD Resolution

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

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

PURPOSE(S) OF ACTION:

Approve zoning district change.

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City Council is required to review and take final action on zone changes per Section 38-10 B. 2. b. and 38-13 A. of the 2001 Zoning Code, as amended. A zoning district is a specifically delineated area where land use regulations uniformly govern the use, placement, spacing, density, bulk, height, and size of buildings and/or land.

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

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

Agenda Item #7.6.

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

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

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

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

SUPPORT INFORMATION:

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

[Exhibit "B" - FINDINGS](#)

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

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

COMMITTEE/BOARD REVIEW:

P&Z

DOES THIS AMEND THE BUDGET?:

☐ Yes

☒ No

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

☐ Yes

☒ No

Does this action align with Elevate Las Cruces?

Agenda Item #7.6.

☒ Yes

☐ No

OPTIONS / ALTERNATIVES:

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

ORDINANCE 24-005; ORDINANCE NO. 3047

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

The City Council is informed that:

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

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

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

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

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

(I)

THAT the land, as reflected in Exhibit "A", attached hereto and made part of this Ordinance, is hereby zoned C-3 (Commercial High Intensity).

(II)

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

(III)

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

(IV)

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

DONE AND APPROVED this day of

Agenda Item #7.6.

APPROVED

ATTEST:

Moved by:

Seconded by:

AYES

NAYS

TITLE COMMITMENT LEGAL DESCRIPTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALTA/NSPS LAND TITLE SURVEY FOR

522 EAST IDAHO AVENUE, LAS CRUCES, NM 88001

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

CERTIFICATION

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

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

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

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

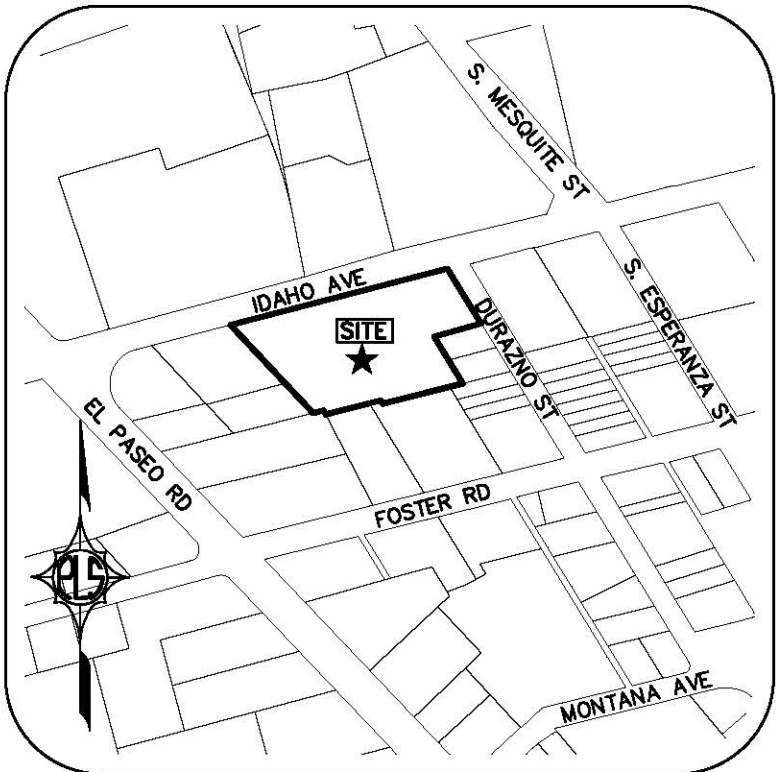
SURVEYOR: R. GERARDO IBARRA
REGISTRATION NUMBER: 23259
STATE OF REGISTRATION: NM
FIELD DATE OF SURVEY: 10/27/22
LATEST REVISION DATE: 10/31/22

SIGNATURE

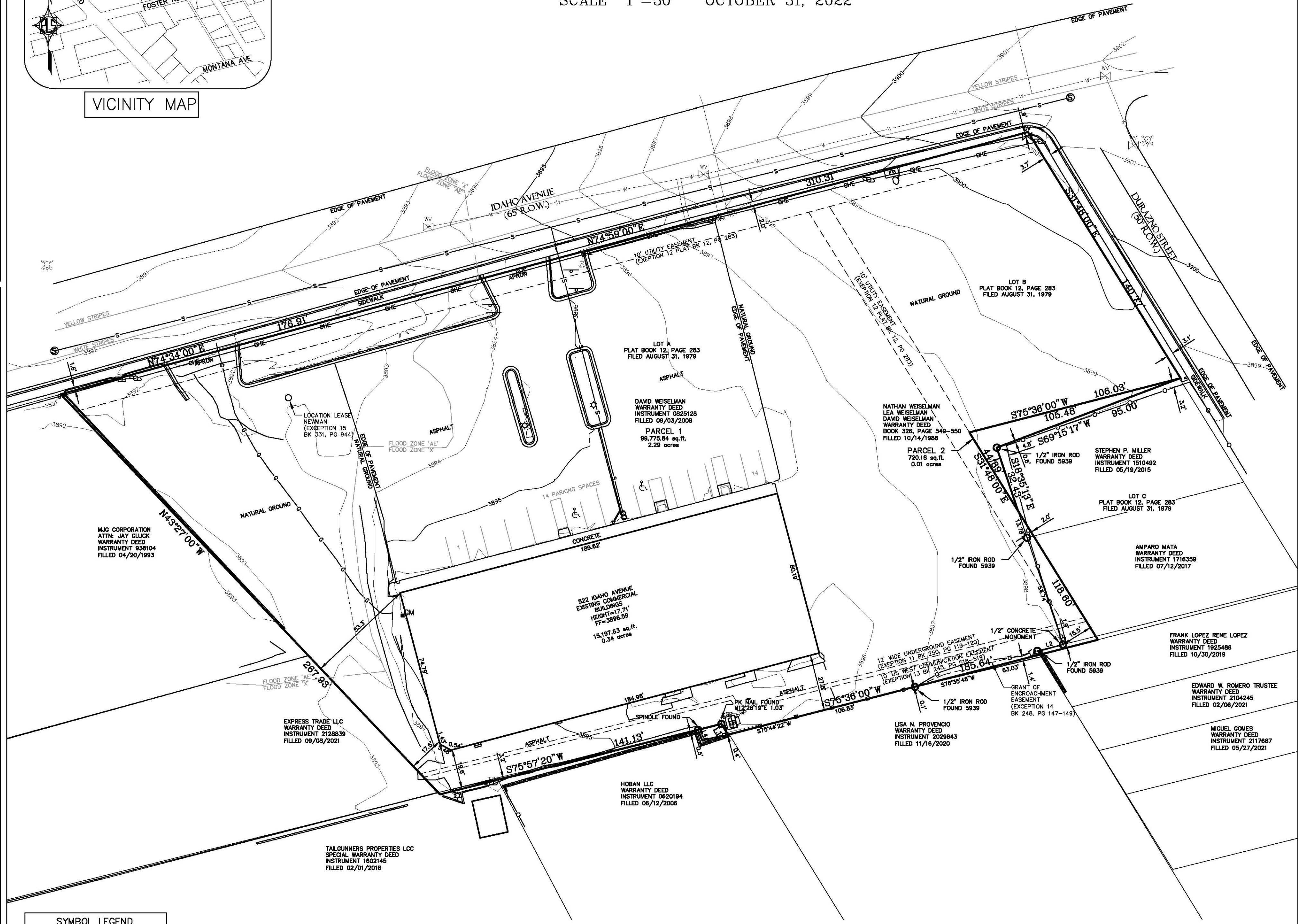


ALTA/NSPS SURVEY

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



VICINITY MAP



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

STATEMENT OF ENCROACHMENTS

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

FLOOD ZONE

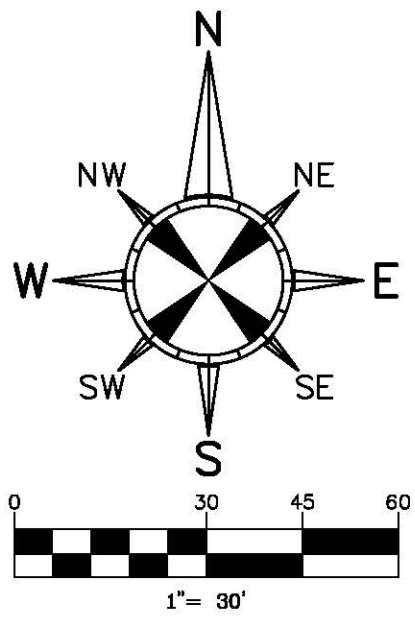
IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN THE FOLLOWING FLOOD ZONE 'AE' AND 'X' AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 35013C1092G DATED 07/06/2016.

UTILITY NOTE

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

LEGEND

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



LINE TABLE		
LINE	BEARING	LENGTH
L1	N31°48'00"W	6.16'
L2	S75°59'00"W	12.84'
L3	S31°48'00"E	3.36'
L4	N191°4'28"W	5.66'
L5	N75°36'00"E	0.55'

FINDINGS

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



City of Las Cruces
MOUNTAINS OF OPPORTUNITY

Planning & Zoning Commission 06/27/2023

CASE 23ZO0500051: REZONING

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

SUMMARY OF CASE 23ZO0500051:

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

SUMMARY OF RECOMMENDATION:

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

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

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

PROPOSAL AND LAND USE HISTORY

DETAILED DESCRIPTION:

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

LAND USE HISTORY:

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

ZONING DECISION CRITERIA AND POLICIES

POLICY	DOES IT COMPLY?
<u>Neighborhood Character and Compatibility</u>	Yes
<u>Elevate Las Cruces Comprehensive Plan</u>	Yes
<u>Mesilla Valley MPO Thoroughfare Plan</u>	Yes
<u>Purpose and Intent of the Code: Section 38-2</u>	Yes
<u>Criteria for Decisions: Section 2-382</u>	Yes

NEIGHBORHOOD CHARACTER AND COMPATIBILITY:

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

COMPLIANCE WITH ELEVATE LAS CRUCES COMPREHENSIVE PLAN:

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

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

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

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

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

COMPLIANCE WITH THOROUGHFARE PLANS:

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

CONSISTENCY WITH PURPOSE AND INTENT OF THE ZONING ORDINANCE:

Per Section 38-2: The intent of the Zoning Code is to encourage the most appropriate use of land and to promote the health, safety, and general welfare of the community for the purpose of improving each citizen's quality of life.

The regulations relevant to the proposed zone change include:

- A. Ensure that all development is in accordance with this Code and the Elevate Las Cruces Comprehensive Plan and its elements.
- B. Encourage innovations in land development and redevelopment.
- C. Give reasonable consideration to the character of each zoning district and its peculiar suitability for particular uses.

- H. Encourage the conservation of energy in the use of structures, buildings, and land.
- J. Improve the design, quality, and character of new development.
- L. Ensure that development proposals are sensitive to the character of existing neighborhoods.
- M. Foster a more rational relationship between different land uses for the mutual benefit of all.
- N. Conserve the value of buildings and land.

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

CRITERIA FOR DECISIONS:

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

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

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

NEW MEXICO CASE LAW:

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

DEVELOPMENT STANDARDS

SITE COMPLIANCE FOR USES UNDER CURRENT ZONING:

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

SITE SUITABILITY FOR USES UNDER PROPOSED ZONING:

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

ADEQUACY OF PUBLIC FACILITIES AND SERVICES:

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

STAFF AND PUBLIC COMMENTS

PUBLIC NOTIFICATION AND INPUT:

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

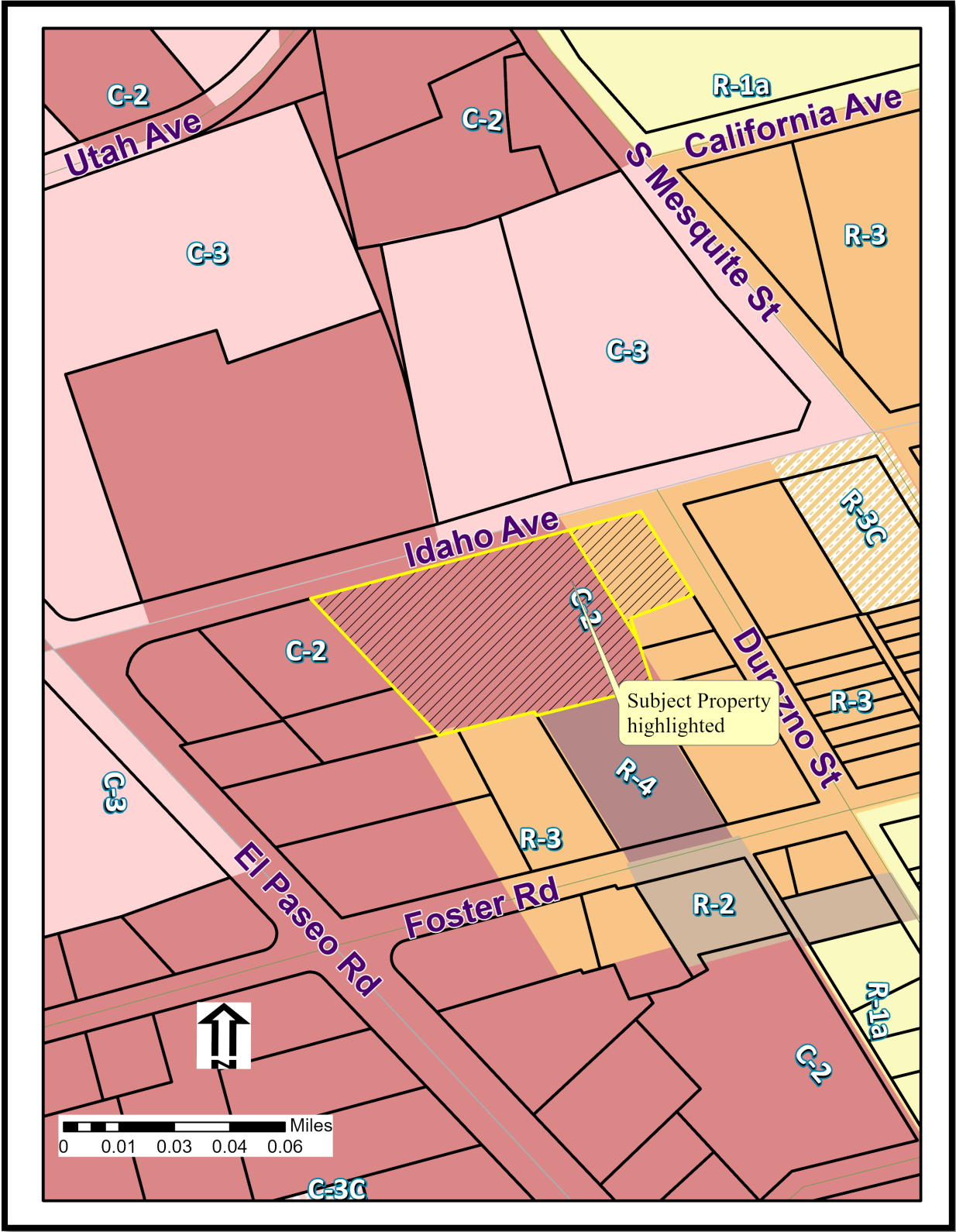
STAFF COMMENTS:

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

ATTACHMENTS:

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

ATTACHMENT 1
Zoning Map



ATTACHMENT 2
Aerial Map



ATTACHMENT 3

Department Review Comments

Department: Planning

Status: YES

Department: Long Range Planning

Status: YES

Department: Traffic Engineering

Status: YES

Department: Engineering

Status: YES

Department: Utility Engineering

STATUS: YES

Department: Fire

Status: YES

Department: City MPO

Status: YES



CITY OF LAS CRUCES

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

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

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

STAFF PRESENT:

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

1. CALL TO ORDER (6:00)

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

2. CONFLICT OF INTEREST

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

3. APPROVAL OF MINUTES – April 25, 2023

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

Agenda Item #7.6.

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

Agenda Item #7.6.

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

Agenda Item #7.6.

1 Baum: Chair Kaiser.

2

3 Kaiser: Yes.

4

5 Baum: Passes.

6

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

10

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

12

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

15

16 Bennett: I'll second.

17

18 Baum: Board Member Bennett.

19

20 Bennett: Yes.

21

22 Baum: Board Member Porter.

23

24 Porter: Yes.

25

26 Baum: Board Member Murray.

27

28 Murray: Yes.

29

30 Baum: Chair Kaiser.

31

32 Kaiser: Yes.

33

34 Baum: Passes.

35

36 **5. PUBLIC PARTICIPATION**

37

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

40

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

44

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

46

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

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

4
5 **6. CONSENT AGENDA**

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

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

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

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

21
22 Bennett: I'll second.

23
24 Baum: Board Member Bennett.

25
26 Bennett: Yes.

27
28 Baum: Board Member Porter.

29
30 Porter: Yes.

31
32 Baum: Board Member Murray.

33
34 Murray: Yes.

35
36 Baum: Board Member Kaiser.

37
38 Kaiser: Yes.

39
40 Baum: Passes.

41
42 **7. OLD BUSINESS**

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

45
46 **8. NEW BUSINESS**

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

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

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

18 Kaiser: Please make a presentation.
19

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

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

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

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

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

19
20 Castillo: It'll be 2.27.

21
22 Bennett: Okay. Cool.

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

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

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

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

34
35 Castillo: Correct.

36
37 Kaiser: Okay.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43
44 Abeyta-Corella: Yes.

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

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

3
4 Baum: Board Member Porter.

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

7
8 Baum: Board Member Murray.

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

11
12 Baum: Chair Kaiser.

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

16
17 Baum: Passes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 opportunity to at least on that section, get closer to that reality along all of
2 McClure Road. So I'm just trying to understand what would the requirement
3 be. Would the City have to, or would the applicant have to make this a 38
4 foot wide street in this section? Just trying to understand, because to me
5 that would be inconsistent with you know the Active Transportation Plan.
6

7 Weir: Mr. Chairman. Just to add to what Christina has provided for you. Since
8 they're not subdividing the property, there's no requirements for any road
9 improvements on the site. What Christina is talking about is as part of their
10 site development and building permit the sidewalk and treatment and
11 access is what's required through the building permit process.
12

13 Kaiser: Okay, I understand. Thank you. My final question I think, if we go back to
14 the place types in Elevate Las Cruces, this is an urban neighborhood place
15 type, correct.
16

17 Abeyta-Corella: Commissioner, Chair. It's actually suburban.
18

19 Kaiser: Suburban. Okay. All right, thank you for that clarification. Any other
20 questions from the Commission? All right. I will go ahead and open it up
21 to public comments. Can I please get a raise of hands by anyone who
22 wishes to speak on this item tonight?
23

24 Abeyta-Corella: Chair, Commissioners. I do have a representative that would like to make
25 a statement.
26

27 Kaiser: Okay. Yes, yes. The representative please come forward. You can make
28 your statement and then we'll go to public comment. Please state your
29 name for the record.
30

31 Lujan: Yes. My name is Lucinda Lujan. I'm the Business Development Manager
32 for Mesilla Valley Properties.
33

34 Kaiser: And do you swear or affirm that the testimony you're about to give is the
35 truth and nothing but the truth under penalty of law?
36

37 Lujan: Yes, I do.
38

39 Kaiser: Please go ahead.
40

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

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

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

20
21 Green Stephen Green, for the record.

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

25
26 Green I do.

27
28 Kaiser: Go ahead.

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

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

Kaiser: Great, thank you very much.

Ficarro: Good evening.

Kaiser: Please state your name for the record.

Ficarro: James Ficarro.

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

Ficarro: I do.

Kaiser: Go ahead.

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

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

Kaiser: Thank you very much.

Ficarro: Thank you.

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

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

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

D. Wheeler: I do.

Kaiser: You have three minutes.

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

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

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

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

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

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

33
34 L. Wheeler: I do.

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

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

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

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

16
17 Lappinga: I'm Don Lappinga.

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

21
22 Lappinga: I do.

23
24 Kaiser: You have three minutes.

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

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

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

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

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

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

16
17 Maddox: Yes, I do.

18
19 Kaiser: Please go ahead.

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

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

1 Kaiser: Okay. Go ahead.

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

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

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

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

40
41 T: Pruitt: And Tom Pruitt.

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

45
46 K. Pruitt: Yes.

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

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

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

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

5
6 Martinez: Colette Martinez.

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

10
11 Martinez: Yes, I do.

12
13 Kaiser: Please go ahead.

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

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

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

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

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

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

41
42 Cardona: Melinda Cardona.

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

1 Cardona: Yes.

2
3 Kaiser: Please begin.

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

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

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

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

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

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

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

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

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

37 Kaiser: Which theoretically would happen, correct.
38

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

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

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

1
2 Baum: My apologies. Chair Kaiser.

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

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

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

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

14
15 **9. STAFF ANNOUNCEMENTS**

16
17 Kaiser: So are there any staff announcements?

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

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

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

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

41
42 Nichols: No.

43
44 **10. DISCUSSION**

45
46 Kaiser: Any other discussion for this evening?

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

5
6 Kaiser: Excellent. Thank you.

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

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

11
12 Bennett: I'll second.

13
14 Kaiser: All in favor.

15
16 MOTION PASSES UNANIMOUSLY.

17
18 Kaiser: Meeting is adjourned. Thank you everyone for coming out this evening.
19 Appreciate it.

20
21
22
23
24
25 _____
Chairperson