Capital Improvements Advisory Committee
Minutes for the Meeting on
May 25, 2023
1:30 p.m.
Utilities Center
Board Room 225

Committee Members Present:
Don Curnutt, Chairman
Steve Newby, Committee Member
Zachery Freilino, Committee Member
Edward Haworth, Committee Member

City Staff Present:
Denise Alejandre, Interim Senior Office Manager
Ana Carreon, Office Assistant Senior
Melanie Castañeda, Office Assistant Senior
Sonya Delgado, Assistant City Manager
Brad Douglas, Sr. Assistant City Attorney
Isabel Garcia, Administrative Assistant
Abner Gomez, Rate Econ Analysis Manager
Christine Rivera, City Clerk
Domonique Rodriguez, Assistant Utility Director
Jill Summerlin, Utility Rate Analyst
Adrienne Widmer, Utilities Director

Others:
Becky Baum, RC Creations, LLC
Cassie McClure, Public Outreach Consultant
Greg Shervanick, Constituent
Nanette Winter, Utilities Legal Counsel
John Moscato, Sierra Notre Development
John Strain, JMS Construction
Steve Green, Allure, Home Builders Association-President

Chair Curnutt called the Regular Meeting to order at approximately 1:30 p.m.

1. **Conflict of Interest:**

Chair Curnutt: Conflict of Interest. I need to find out whether any of the Committee members or in turn any of the staff members here today have any conflict of interest on any of the agenda items that are presented? I see none. None. Alright. No conflicts of interest. I'll move on.

There were none.

2. **Acceptance of the Agenda:**

Chair Curnutt: Acceptance of the agenda. Do I hear any comments or recommendations to accept the agenda as is?

Newby: So, Made.
Haworth: Second.

Chair Curnutt: Okay, moved and seconded that we accept the agenda. Let's do a roll call or just an "aye."

**The Agenda was Accepted Unanimously 4-0.**

3. **Acceptance of the Minutes:**
   A. **Regular Meeting on April 27, 2023.**

Chair Curnutt: Any comments about the minutes of the meeting? Or do we have a recommendation to move forward and accept it?

Newby: Move to Approve.

Freilino: Second that.

Chair Curnutt: We have a motion and a second to accept the minutes as presented. Do I hear a vote on those?

**The Minutes were Approved Unanimously 4-0.**

4. **City and/or Consultant Follow-Up:**

**CIAC/UTILITIES ADMINISTRATION**

A. **Develop a master schedule, when each department gives us their schedule for their fee projects, development impact fee program:**

Chair Curnutt: Our regular meeting now will commence. We have a few follow up items to discuss. We have development under item paragraph 4, item A, development of a master schedule, when each department is to give the admin group a schedule and then in turn, we'll incorporate that create one. Just to let you know I've met with the admin department here in utilities and we've began to work on that. We'll be coming out next month probably with some basic format so that you'll understand where we're going with it and what our intent is. The real intent is to lay out a multiyear schedule so that we can all look and see what's due in six months or next month or what have you. Hopefully, it'll make it easier for everyone. Again, we'll give some guidelines over this next month so that you'll see where we're going, and we'll get your input on that.

B. **Parks & Recreation and Public Safety Proposed Tour Dates:**

Chair Curnutt: Next item, 4 B is Parks and Recs Public and Safety Proposal Tours. Melanie, are you here? We'll let you give us a rundown on what the dates look like for them.
Castañeda: Okay. Good afternoon, Chair and Committee Members. Parks and Rec Public Safety Proposed Tour dates. Parks and Rec proposal dates, any Thursday in August except the 17th. The suggested tour stops will be half a day. I left the suggested tour stops blank so if you guys want to check which one you suggest and then e-mail the CIAC support e-mail with your suggestions. She has Metro Verde Splash Park, Metro Verde Tower Park, Metro Verde Skate Park, Red Hawk Villas Park, Linear Park on Red Hawk Golf Road. The challenges of the GO Bond project supported with PIF and grants, East Mesa Public Recreational Complex (EMPRC), Unidad Splash Pad, Armijo Lateral Trail, Apodaca Park and Trail and adjacent subdivision park, Highland Park, Chandler Tank Park, and Meersheidt Recreation Center.

For Public Safety, his proposed dates are June 15th or June 22nd, from 9:00 a.m. to 1:00 p.m. You're to meet at EMPSC/Fire Station 8, which is on 550 North Sonoma Ranch. It is the East Mesa Public Safety Complex. They will provide transportation. They'll start the tour at 9:00 a.m. to 10:00 - tour the East Mesa Public Safety Complex. 10:30 - Fire Station Number 5, which is on 5998 Bataan Memorial. At 11:30 Fire Station Number 7, which is at the International Airport, and drive past Fire Station No. 3, new and old. 12:30 Fire Station No. 2 East Foster and drive past Fire Station No. 4 that is off of Missouri Avenue. Then drop off back at Station 8. Any questions?

Chair Curnutt: Yes, if we could, Melanie could we go back to the Park and Recs proposal dates? It says any Thursday in August except the 17th.

Castañeda: Yes.

Chair Curnutt: Is there an action item for us to protect the date, or is it?

Castañeda: Not an action item. Just a suggestion if you guys take your suggestions of which Thursday in August works for you and just e-mail it to the CIAC support e-mail.

Chair Curnutt: I'm sorry.

Haworth: Would it be easier if we just told you what our preferred date ...

Castañeda: Yes.

Haworth: Get it done rather than sending an e-mail.

Castañeda: You can.

Chair Curnutt: Anybody have a recommendation? You know on the fourth Thursday we'll have our meeting so if you want to do it the morning of, that means you do your homework for the meeting several days before but.

Haworth: What about the first Thursday in August?
Alejandro: It would August 3rd.

Haworth: August 3rd.

Alejandro: August 3rd or August 10th and then the 31st of August. There's five Thursdays in August.

Haworth: I'm good free the first or second.

Chair Curnutt: Okay. Me too.

Newby: Later in August it goes, last chance I'll be here.

Chair Curnutt: Okay.

Chair Curnutt: So, you ...

Newby: I second the motion on the 3rd.

Chair Curnutt: Okay. We have a motion and second on third. Any questions or comments? Okay, do I hear a vote?

Newby: One question Is this half day that includes all of these?

Castañeda: Those are her suggested tour stops. She is asking your suggestion, which one’s you guys would prefer to visit on the tour.

Haworth: I guess to ask what, another way to phrase that question, can we do all those in a half a day?

Chair Curnutt: Yes, that'd be the issue. Let's let Robert address that.

Castañeda: Yes, there's Robert.

Nunez: Mr. Chair, Committee Members. Robert Nunez, Interim Director for Parks and Recreation. We can certainly discuss that as that leads up to that August 3rd date. I think a four-hour, five-hour tour, I'm not sure we'd be able to capture all locations. Metro Verde everything is in that pocket within the area, northern Sonoma Ranch. Then as we tour back down, then we can maybe pick selected items on that second list of East Mesa, Unidad, Armijo, Apodaca, and Meerscheidt.

Chair Curnutt: Okay, well, let me ask this question. Should we block out the 3rd and the 10th, and just if we see that the 3rd isn't going to carry, I mean fill it, cover everything, we can roll into the 10th? Or would you rather just limit it to one tour day.
Nunez: Mr. Chair, Committee Members. We'll leave that certainly up to you. We'll make ourselves available for any tours.

Haworth: Mr. Chair. Why don't we make this a discussion item, you know maybe at the next meeting or meeting after that? Then we can kind of discuss the details and maybe with your guidance kind of figure out what our tour should be.

Chair Curnutt: Okay.

Haworth: There are some here that I really want to see and others that I'm not that familiar with.

Chair Curnutt: You don't know whether you want to see them or not? Is that what you're saying?

Haworth: Yes, I'd like to see them all, but I mean it's, but that would then probably take a third & the tenth.

Nunez: Mr. Chair, Committee Members. We can keep two dates open for you all if you'd like.

Chair Curnutt: Let's do that. For now, let's just keep the 3rd and the 10th open. As we go forward over the next month, we'll refine that to where it may just be one of the two, or both.

Nunez: Mr. Chair and Committee Members. We can also provide you information prior to the August dates of all locations. If we lead up to those August dates and we have any changes, we can certainly adapt and get to those locations as well.

Chair Curnutt: Okay. All right, very good. Sounds good. Have we got a resolution Denise on that, or do you need us to vote on those two days?

Alejandre: Be best if you did.

Chair Curnutt: All right. Do I have a motion that we hold those?

Newby: So, Made.

Chair Curnutt: Second.

Haworth: Second.

Chair Curnutt: Okay. All in favor.

Reserve August 3rd and 10th dates for Parks Tour Approved Unanimously 4-0.
Chair Curnutt: Okay, so we're at this point holding the 3rd and the 10th of August for possible tour dates.

With the Public Safety proposal, we've got an issue here we need to either choose the 15th of June or the 2nd of June, is that correct?

Castañeda: Yes, the 15th or June 22.

Chair Curnutt: Okay. I'm going to have to stay neutral on that because I'm not going to be here.

Haworth: You're not going to be both days.

Chair Curnutt: Yes, I'll be gone the last half of the month.

Haworth: My, if nobody else has a selection I would prefer the 22nd only because I'm going to be out of town close to the 15th.

Curnutt: Okay.

Newby: That's fine with me.

Chair Curnutt: All right. We have a motion.

Haworth: I move that 22nd.

Chair Curnutt: Do we have a second? All right.

Newby: So, Made.

Chair Curnutt: All right, so we have a motion to have our Public Safety Tour on the 22nd of June.

Reserve June 22nd date for Public Safety Tour Approved Unanimously 4-0.

Chair Curnutt: All right, so it's unanimous. All right thank you Melanie.

Castañeda: Welcome.

UTILITIES ADMINISTRATION

A. **Training Session:**

   i. **Open Meetings Act (OMA):**

Chair Curnutt: Okay, at this point in time we have a training session by Ms. Nann Winters. Let me make a few comments before I turn the time over to Nann. Number one is, let me thank Nann for her being willing to make this presentation.
We've got two more sessions that we're going to be doing for this training to help enlighten us as committee members, next month and then the following month. With that, we're going to change a little bit on how or when we present this. Instead of presenting the training right in the middle of our agenda, we'll move it to the end of our agenda and close our official meeting, then we'll open a second meeting that's just a training session. Then for those of you that don't want to attend the training, you can get up and leave, you're not expected to be here. We'll see if we can save you some time and energies, again if you're not interested. Anyway, that'll be for our next two, this time we're going to let Nann train everybody. So, Nann, the floor is yours.

Winter:

Good afternoon gentlemen. My name is Nann Winter. I'm with Stelzner, Winter out of Albuquerque. I am the Utilities Board General Counsel. I'll keep it quick because I don't want to interrupt the process of your meeting. I'm going to spend the next three meetings talking a little bit about Open Meetings Act, you're enabling legislation, the Inspection of Public Records Act, Governmental Code of Conduct, Robert's Rules of Order. We'll focus next time on Robert's Rules of Order and Governmental Code of Conduct. Today, I'm just going to hit pretty quickly the Open Meetings Act and the Inspection of Public Records Act.

Every jurisdiction, every local government, that's counties and city in the State of New Mexico is subject to the Open Meetings Act. The statutory authority there is found at section 10-15-1 of the New Mexico code. It's also known as the Sunshine Law. Every board and commission of every city, every board and commission of every county, every city council, every county commission is subject to the Open Meetings Act. Generally, it requires public businesses be conducted in full public view so that everyone knows what you're doing. The word that we like to use today is transparency, right. Public access to the proceedings and decision-making processes of folks like you which set policy or direct policy, are essential to democracy. That's the whole concept behind public open government and this transparency. The Attorney General, Raul Torrez, or any attorney general before and after him, is charged by law with the responsibility to enforce the provisions of the New Mexico Open Meetings Act. Every year, every board, commission, city council, county government, city government must make an annual determination of what is public notice. You should have, I'm assuming you all do an Open Meetings Act resolution. If you don't, I'm pretty sure the Las Cruces Utility Board does. I'm also positive the City Council does it. Again, it's something that must happen and it's the law. Every year you got to come up with a list of what's notice. It could be a posting at a library, it could be to the website, it could be to the newspaper. Every year every governing body in the State of New Mexico must do that.

Most fundamentally, you are required to give notice of your meeting 72 hours ahead of schedule, which means that staff that serves this board and staff that serves the Las Cruces Utility Board must have it all put together days before that. Right. You think you walk in and it looks like it's been done and it's all clean, but the work in front of you, this agenda, the notice, this was all put
together probably a week, 10 days, two weeks ago. It's a well-oiled machine within the Las Cruces Utility Board's staff function. You can't post your agenda yesterday, you can't post it the day before yesterday, everything on that agenda in that packet must be posted 72 hours ahead of this meeting. Then there's a lot of staff prep time that goes into that. I mean it looks all tidy but there's a lot of work behind the scenes going on. In this 72 hour, and the notice includes publication and posting, so if it's going to the website, it has to be cleaned up and posted to the website before 72 hours. It must be, if you post it at the library it has to be posted there before 72 hours.

You all under the Sunshine Act, the Open Meetings Act, are also required to keep minutes and you must post your minutes. This is something that doesn't happen in every jurisdiction that I work for. The law says you must post your minutes within 10 days of this meeting. I would say that 90% of the local governments I work for don't do that. Nobody's called them out on it. There is also a provision for you to close a meeting. It probably doesn't apply to this board. I don't see that you would ever invoke the exception that allows you to close a meeting. You won't be deliberating. You won't be considering personnel. You won't be buying real estate. Those are the kinds of things that allow say the City Council or the Las Cruces Utility Board to close a meeting. Once a meeting is closed mics are turned off, everyone's kicked out of the room, and you get to do your work. Again, I don't see that it applies necessarily to this board, but it's clearly going to apply to the Las Cruces Utility Board and to the Las Cruces City Council. Before I move on to the Inspection of Public Records Act, I want to see if you have any questions about the Open Meetings Act.

Chair Curnutt: I have a couple if you don't mind Nann.

Winter: Sure.

Chair Curnutt: In reference to whether we have a closed session or not. My question is, is for example on this training that we're going through, is that an issue that you'd ever close a session? Or do you go ahead and just open it up and if people want to come and hear what we're being trained on, that's fine, or to listen to our dumb questions while we're being trained or what have you I.

Winter: Mr. Chair, Members of the Board. No, you would never close a meeting for a training. No, you could have a work session. You know I would recommend that you notice the work session, but you don't close it for that. There's, I don't know, 10 to 12 specific exceptions related to when you can close a meeting, and that is not one of them.

Chair Curnutt: Okay. A work session then, I'm sorry, is that a closed session or is that just when you do, you're training, could do your training?

Winter: Work session. That's, you know I'm not sure that this board has ever had a work session. But City Councils have work sessions. a work session is an open
meeting where they take no action. I would equate the City Council's budget meetings as work sessions, right. They're digesting what's being presented. They're looking at the financials, but they're not going to take action at that meeting. Regardless, you still have to notice it. You still have to provide that 72 hours' notice.

Chair Curnutt: And minutes.

Winter: And on a work session, minutes.

Chair Curnutt: And minutes. Okay. Okay. Thank you. My other question was, how does the Attorney General oversee all of this process to ensure that it's happening? Do they just wait until there's complaints, or do they have some way of auditing the processes throughout the state?

Winter: Over the last 30 years that I've been doing this the only time I've seen the Attorney General intervene is upon a complaint.

Curnutt: Okay.

Winter: Usually, it's a constituent complaint that something didn't happen or did happen, or it wasn't noticed. Then you'll get a letter from the Attorney General saying, "Hey, we got this complaint, please address it." I have not seen any of my jurisdictions actually get prosecuted or fined or penalized in any way as a result of an allegation coming from a constituent, but I don't see the attorney, the attorney general isn't paying attention to this meeting right now. He's probably not watching the Las Cruces City Council meetings. If somebody complains, they very quickly and generally respond.

Chair Curnutt: Okay. All right. Go ahead Mr. Haworth.

Haworth: Yes, just a quick question. Which I just forgot. Senior moment. The question on the work sessions. They are, you have, when you post 72 hours post the same as the regular meeting. Does it also require an agenda for the items that will be discussed at the work session?

Winter: Yes, it requires an agenda. You must post the agenda. It's the notice and then the agenda.

Chair Curnutt: Other questions? Mr. Newby. I have one. I'm sorry, go ahead.

Newby: If the board is discussing legal issues, without being specific about what they are, would there be a type of legal information that would predicate a closed meeting?

Winter: Mr. Chair, Members of the Board. Yes, there is an exception for pending or threatened litigation. It has to be real pending or threatened litigation. I don't know this board's particular authority for considering pending or threatened
litigation, but it certainly applies as an exception, say to the Las Cruces City Council and maybe even to the Las Cruces Utility Board. In your case, I'm not sure that it would ever come up. You can close a meeting to hear my take on pending or threatened litigation.

Newby: Thank you.

Chair Curnutt: One final question on this subject is, you mentioned that yearly we must do a resolution, is that right to say that we're going to comply with or that we will comply with the Open Meetings Act is that?

Winter: Mr. Chair, Members of the Board. That's my understanding is that every agency subject to this act must do that. I haven't been with you long enough to know if you actually do, do that, or if you work under the umbrella of the Las Cruces Utility Board's Open Meetings Act resolution.

Douglas: City Council passes that via resolution every year. All boards and committees and subcommittees are included in that, so you don't have to worry about that.

Winter: There you go.

Chair Curnutt: Okay, well the connecting question to that is, should we then have training every year if we're going to, if this, if the City is doing a resolution to ensure that we're complying, then you'd think that it would filter down that each organization that's subject to that would be trained at least that frequency.

Winter: Mr. Chair, Members of the Board. Adrienne and her staff, like I said I've observed nothing but a well-oiled machine in terms of compliance with the Open Meetings Act, and that notice. I think it would be worth you taking a look at what the City passes every year. It just tells you what must be posted when it has to be posted, where you meet, when it can be closed, that sort of thing.

Curnutt: Okay. Very good. Thank you.

ii. **Inspection of Public Records Act (IPRA):**

Chair Curnutt: Now you can go proceed with the rest of it.

Winter: All right. All good. In this vein of transparency and sunshine, we also have what's called the Inspection of Public Records Act. For those of us that are in local government, we call the Open Meetings Act, OMA, and we call the Inspection of Public Records Act, IPRA. As counsel to local government, usually I don't like responding to IPRAs. I mean, they are, they can be continuing complicated. Again, every jurisdiction in the State of New Mexico has to provide access to public documents, right. The lawyers on the other hand are the ones usually in each organization that are charged with responding, or the clerk or the records clerk is responsible for responding. Some jurisdictions, like the City of Albuquerque, has two or three people on staff full time who only
answer requests to inspect public records. The water utility and Albuquerque has one full time person devoted to that and bring in extra help, because it is a full-time job. Even for small towns and villages, the city clerk is usually the records keeper, and that person is also charged. A good part of her day could be just responding to Inspection of Public Records Act requests. They are sort of the bane of the existence of staff. On the other hand, they are absolutely, they have to be responded to. Anything that comes to the Las Cruces Utility Board or the Utility or the City Council or any county commission, you must respond within three days. The Act says that the documents that are being requested have to be immediately produced, but then the Act in another sentence says you got to respond in three days, and in no event can you wait more than 15 days to produce these documents. Again, this law requires public access to virtually all public records. There are some exceptions, but almost all public records are available for public inspection.

Again, the Attorney General monitors this. He's not paying attention to every IPRA. In fact, I've been part of IPRAs to him. Right. We've asked for stuff from him. He's not monitoring you all. If there's a constituent complaint, he's usually going to follow up. There are severe penalties for local government not responding more than one jurisdiction in the State of New Mexico has been fined thousands, if not tens of thousands of dollars for failing to produce documents. Again, the responsibility of supporting and complying with and enforcing IPRA lies with citizens, agencies, district attorneys, and the Attorney General. I'm positive there are staff here that are probably responding daily to IPRAs. It's just a fact of life when you're local government. These days it's not always printed copies or it's not always somebody coming in. A lot of times responses to IPRAs are put on a thumb drive or transmitted electronically. Then some jurisdictions, like the City of Albuquerque has an IPRA page, you can make your IPRA inspection right there on the City's website. It's just part of what this staff does. It's because you all are producing or you know you have these issues on your agenda, somebody might want to see more to it, somebody might want a copy of it, they'll go through the staff to get a copy of that. That's all I have on IPRA. Let me know if you have any questions on that.

Haworth:

Yes. As I understand it, these records include e-mails, phone conversations, etc. That must be included as part of the findings or if someone makes a request. Then so the question then gets, because we and prior board that I served on they basically, one department required another department to give them all the information regarding a particular issue. The point being is that you know the time that you know not only get that, trying to make the three day or a 15 day is you know like if let's say for example, someone was trying to get something and information here, my understanding is that they could ask for all the, any e-mails that any member of our commission or committee had and must make those available. The question is that whether or not you know you have as a committee member, do I give say if I'm asked for them, do I just give them what I want to give them, or do they have access to all my e-mails for example?
Winter: Mr. Chair. I think Adrienne has a response here.

Widmer: Typically, if someone's been IPRA then we've work through our office and make a special folder specifically associated with that. Those IPRAs come from the City Clerk. Then when they're ready then we will download the information directly onto the website and tell them it's ready to go. They ask us something specifically for the requestor and send it to us. Thank you.

Winter: Mr. Chair, Members of the Board. That's exactly right. I mean you'll hear from somebody. Your governmental e-mails are subject to disclosure, your governmental texts are subject to disclosure. In some cases, if you're conducting business on private e-mails or private phones, folks have asked for that, and the law requires that it be produced. That's what it's all about. Don't be using any bad language in your e-mails.

Curnutt: One question I had. Nann thank you for indulging me with this. I don't know if some of these bullets are right out of the law or whether they're just presented here. On the third bullet it says the Attorney General encourages public officials. I haven't played that word, encourages. That seems like there's latitude. You know we encourage you to do something, but you're not mandated to it. Is that what I'm hearing in that word?

Winter: Mr. Chair. No, I think that it is the law. I think that language came directly from the Attorney General's guidebook on the inspection of public records. I think he used the word encourage I'm going to guess, because he respects that the folks that are reading that guidebook are also elected officials, right. That is one elected official speaking to another elected official. It encourages a diplomatic word I would say.

Chair Curnutt: That's all I have. Any other questions?

Winter: All right, and then next month we'll probably deal shortly with Governmental Code of Conduct and Robert's Rules of Order. Then at the Chair's request we'll visit about maybe in August about the enabler legislation that is fundamental and foundational to this board which includes the New Mexico Development Fees Act, and the Las Cruces Municipal Code.

Chair Curnutt: Is that in August or July.


Chair Curnutt: Thank you.

Winter: You're welcome

Chair Curnutt: No other questions or comments.

Winter: All right, thank you
PARKS AND RECREATION

A. Parks & Recreation Department PIF Capital Projects:

Chair Curnutt: All right, moving on down our agenda. It looks like we're ready for Parks and Rec to a discussion on the PIF Projects Mr. Nunez when you're ready.

Nunez: Mr. Chair, Committee Members. Robert Nunez, Interim Director for Parks and Recreation. I will be providing the Capital Improvement Advisory Committee projects update. Currently for FY23 our projects include Apodaca Park Aquatic Playground and Multiuse Path; East Mesa Public Safety Area Park; Highland Park; Metro Verde Neighborhood Parks; Skate Park Renovation and Improvements; Park and Trail Wayfinding; Land Acquisition, Planning, Design for Parks; Neighborhood Parks, and Unidad Splashpad. In jointly with our GO Bond project support as a support. With these, through these next few slides we'll be going through each one of these.

All of our projects and our locations throughout the City of Las Cruces. Apodaca Park Aquatic Playground and Multiuse Path which is in District 1 is in planning. Currently the budget through our ORLPP grant, we have $750,000.00. We have a match amount of Park Impact Fees of $750,000.00 and general fund for the match of the grant at $750,000.00 for a total amount of $2.25 million. Currently, there are zero dollars expended within the Park Impact Fee fund. As you can see, this is the diagram area or the area of Apodaca Park that we're looking to renovate. The old Apodaca swimming pool will be removed from the area, replaced with an aquatic playground splash pad. Currently, we are looking to start work, recently if I can, that wasn't in that slide. We had some legislative funds that we were trying to appropriate to this project as well. The governor's office vetoed those funds. We are now requesting through the National Park Service if they could increase the dollar amount of the grant to allow us to fulfill the entire project, which would also increase our match through the general fund and/or through possibly the Park Impact Fee funds. We had returned information to National Park Services and are awaiting their decision on if they will be able to provide us additional funds for this specific project. With the splashpad area, we are going to be upgrading, expanding levels of service for the playground area with shade structures and then a multiuse trail through approximately a third of Apodaca Park, specifically in that area.

The next project we have our East Mesa Public Safety Area Park in District 6, located near our East Mesa Sports Complex. We're looking to place these funds as we move into our second phase of the project for the East Mesa Sports Complex with the expansion of playground, sand volleyball courts, basketball courts, as well as a new skate park in that sports complex area. That is shown in this slide. Currently we have two baseball/softball fields going in, eight pickleball courts, and two multi use soccer football fields for the community. Off of the diagram, the bottom left corner is the next phase that we're looking to design/build with the park area, as I mentioned and sand volleyball,
basketball courts, and skate park area to include a 10-acre open space park as well.

The next project we have is Highland Park. We recently met with BLM. We have 100% final design. We'll be moving forward with that project in the very near future. Budgeted $350,000.00 of Park Impact Fees and $650,000.00 general fund. We are looking to possibly increase the Park Impact Fee dollar amount as the design came back with an increased costs for this specific project. Current expenditures $21,000.00 in FY014 and $7,114.00 this fiscal year. That is just north of the newly constructed Animal Shelter off of Rinconada. We have also in that area a new dog park also included during that construction. As I mentioned the plan is set at 100%. Final cost estimates, construction documents, anticipated construction by the end of this year.

The next project we have on the list is Metro Verde Neighborhood Parks in District 5. Close out of Ninja Park, Red Hawk Villas Park, and the Skate Spot in this area. Construction with Twin Parks, Trails at Metro Verde, and the design for Arcadia. Planning and phase six. Budget currently $602,201.00 Park Impact Fees. Currently we're at zero expended. I'm working with our legal office to see if we can get those processed in the very near future. Then moving on to the next projects within that developing area of Las Cruces.

Number five on our list is our Skatepark Renovation in District 1 on the east side of our Hadley Complex. The design is moving forward. We have had two public meetings. We'll be having a third public meeting at our Parks and Rec Advisory Board meeting. Current budget is $845,000.00, and $250,000.00 of Park Impact Fees, for a total of $1.095 million. Currently zero is expended. Planning and design have started. As mentioned, the public meetings and anticipated construction is later in the summer. As our heat index certainly does increase here in Las Cruces during the summer months, and so ideal timing would be just after summer to get that started and completed hopefully by the end of calendar year 2023 into calendar year 2024.

Number six on our list is our Park and Trail Wayfinding Plan throughout the City. We are in planning. Budgeted $183,675.00 through a grant, and $31,304.00 through Park Impact Fees. Currently, we have expended $18,251.00. I believe we are just about to be invoiced for the second half of this plan. Anticipated completion summer 2024. As now we are to identify through this report which will be moving forward to our Parks and Recreation Advisory Board next month, through that report is identifying additional funds to purchase of the numerous signage throughout the City as this report provided us some excellent guidance on the consistency. We're working with our Public Information Office, as well as the Economic Development Department to identify what exactly we want to be placing in our parks, on our trails, throughout downtown. Also working with many nonprofits as some of our trails lead up to the border of the City lines and expands to the Organ mountains and various other locations, so that consistency would work for anyone that are utilizing those trails.
Next on our list is Land Acquisition Planning and Design for Parks. Budgeted $500,000.00 through general fund. We have $100,000.00 Park Impact Fees. We've started that discussion of locations, identifying the needs of the community, so we'll be working with our special projects team for those expenditure of funds.

Land Purchase tasks, subdivision infrastructure, subdivisions designs not yet completed, and planning and through the construction with completed construction plans from subdivisions.

Next, we have our Neighborhood Parks. Again, in District 1 we have design Provencio - Van Dame Restrooms, currently budgeted for $500,000.00 with our Park Impact Fees. We're working closely with our Public Works Department; they're taking the lead. We have designs complete and so we anticipate now with soccer season finishing up, being able to get this project construction started summer 2023. Again, that is in the Hadley Complex area right across from the Regional Aquatic Facility.

Unidad Park and Splash Pad. Currently, District 1 will be transitioning to District 3. Close out was a supplement to our GO Bond, PIF expenditures were $370,000.00 FY22 $225 877.00, and this year just under $596,000.00 and is complete and open for the community. With that, Chair, Committee Members, I will stand for any questions.

Chair Curnutt: Thank you Robert. Let's just go back to Apodaca Park and start there. Any questions on well I should go back, questions on the project summary on page 2?

Haworth: Yes, Mr. Chairman. I have a couple of questions on Apodaca Park. One is that a question I have is that if you do not, if the federal government doesn't come up with the additional monies that you lost from the state, what happens then?

Nunez: Mr. Chair, Commissioner Haworth. We will certainly try to identify possibly additional Park Impact Fees or look into our capital improvement plan for funding.

Haworth: Second question I have on that is that, and I brought it up previously relative to the three-acre addition that's required by this particular project, which includes all of the Crossroads or whatever it's called. Where is that in the planning process? I mean have you been having discussions with the developer. I assume that this budget does not include that three-acre requirement.

Nunez: Mr. Chair, Commissioner Haworth. We've had discussions with the developer, and the funding is not included in that specific location, but we have had a couple of discussions with them.
Haworth: My last question deals with, and as mentioned, it's been mentioned several times, the reference to multiuse trail system. Do you have a cross section? Does the Parks and Recreation have a cross section as to what that entails? What is included in a multiuse trail system?

Nunez: Mr. Chair, Commissioner Haworth. Can you expand on?

Haworth: Well, yes, in fact I happen to read the plan and so, the Apodaca Plan and it requires a multiuse plan. It also infers that there might be some landscaping requirement. Multiuse as I understand from the plan itself that was adopted, was that it would require bicycle, pedestrian, it's an all-inclusive trail. The reason I'm bringing it up frankly, is that in the discussions about the multiuse, this is a fairly, in this particular area, it's a fairly, from a planning perspective, it's a very significant trail system that is a circular, that goes all around the planning area that's called Apodaca Park. There's currently you know action that's being taken by the City relative to this plan. If the action that's being taken eliminates any discussion about the multiuse plan, multiuse trail system. I'm wondering if in this trail system that you're building on site here, I assume you're going to have eventually a design with that trail system. I would assume they tried to make it consistent through all. I don't want to belabor the point, I'm just trying to figure out in that particular planning area, you know the plan basically says what the multiuse plan was going to be, and I don't see any plans really to set forth what that is. I bring it up just from a standpoint of a cost estimate or cost element that if we're building the system, are we having enough money to cover the cost of what you refer to or what the City refers to as a multiuse trail system.

Nunez: Mr. Chairman, Commissioner Haworth. With the specific trail that we're looking at here and subdivision and other construction that is going on around the area, we will certainly work with everyone for the connectivity of the multiuse trail throughout. I will certainly get with Ms. Mathews to get you a more specific answer.

Haworth: Okay. Thank you.

Nunez: Yes, sir.

Haworth: On item number three, Highland Park. Just a question inquiry will be using wastewater for irrigation on that park? That's Highland Park.

Nunez: Sorry, going the wrong way.

Widmer: Mr. Chairman, Mr. Haworth. Not at this time, because that's too far - if you'll go back to the other for the overview. We do not have purple pipe going in that direction at this time.

Haworth: Okay.
Widmer: Thank you.

Haworth: Item number six which is a Wayfinding Plan. I'm just curious. I know, prior board I served on, tried, I think they've met once with the parks relative to historic you know designations in terms of trail signs and so forth. There's obviously going to be signs on that, if you, what will the signs include? I know there's a hierarchy of signs, you know you get signs that get you from one street to another street and that kind of stuff, and then you have public facilities, etc., it goes down the line. On the trail system, what kind of signage are you dissipating?

Nunez: Mr. Chair, Commissioner Haworth. We've just recently sat in a meeting, directional trails, distance, certainly other landmarks as they continue in that direction, what they may be anticipating. No specific decision has been made what would be on those signs yet.

Haworth: Okay, my final question is on item seven. Please forgive my ignorance on this, but as I understand you're allocating monies out of general fund to purchase or acquire the park site. Is that correct?

Nunez: Mr. Chair, Commissioner Haworth. I believe, yes, sir. I believe we do have general funds available for purchasing of lands for.

Haworth: The reason I bring it up is because if we take $500.00, $300,000.00 to buy the park site, if that then set that in concrete, in other words we're not, that acquisition of the park even though it may take us 10 or 15 years to finally you know make the improvements etc., does that kick in the seven-year deadline? Or is it once you buy that park does that mean it's, you know we don't have to worry about the seven-year issue?

Nunez: Mr. Chair, Commissioner Haworth. I believe that the seven year is with anything within the utilization of our Park Impact Fee so if any dollars were to go into that it would have to be within that seven-year window.

Haworth: This was out of general fund.

Nunez: Or the general fund dollars is yours more specific to.

Haworth: So, if we use the general fund monies we don't, it doesn't kick in seven year.

Nunez: No, sir.

Haworth: Okay. Thank you very much.

Chair Curnutt: Mr. Newby, any questions?

Newby: I appreciate you providing the dollars that are involved in each one of these. It would be really helpful though, based on our concern about getting things
spent, I you would put every time you have a PIF item, to put the year that it was granted. In other words, if you show $750,000.00, 2020 or something, that way it’d be much easier for us to keep track of that.

On I guess number one, on Apodaca Park. Yes, that one. New Mexico P.O. was issued, and again it’d be good to know a date on that so we can just kind of follow.

Nunez: Yes, sir.

Newby: The experience, and then you say you anticipate start of work when the ORLPP grant is accepted, fall of 2023. Apodaca, or at least this piece of Apodaca Park will start, and when you say start is that start planning and construction documents or is that start construction.

Nunez: Mr. Chair Commissioner Newby. Is start that planning process.

Newby: Okay. Same thing on the next slide with the $100,000, just have a date on that.

Nunez: Yes, sir.

Newby: Same thing on the next slide. On Highland Park you have expenditures in $21,000.00 fiscal year 2014.

Nunez: Mr. Chairman, Commissioner Newby. That is correct.

Newby: Okay.

Nunez: I would have no additional information on that one. I can get you some additional information.

Delgado: Good afternoon, Mr. Chair, Members of the Board. Sonya Delgado, Assistant City Manager. I believe that FY14 purchase, there is a little playground or a little shade structure right by I think the east side of that school that belongs to the City of Las Cruces. That was put in probably back in FY14, but that was some of the expenditures went to that. Because I do remember when he mentioned that there's a little piece right there that's right next to it that belongs to the City, does not belong to the school. The school does utilize it. Then now we're going to be expanding the park a little further beyond that. That's what that is.

Newby: Thank you very much. I'm not going to go through every slide, just if you would just put the dates when the PIF.

Nunez: Mr. Chairman, Commissioner Newby. Off last month's discussion that we had; we appreciate the feedback. We met as a team. We have identified how we
would like to proceed so that as mentioned transparency, not only for the general public, for the City of Las Cruces, but for you all, and it's outlined in more detail of all of our projects and funds associated with our projects. We have started working on that, and we will be providing that in the very near future.

Newby: Okay. A dumb question on number five the Skate Park. five bullets down and you say design for June PRAB. What's PRAB?

Nunez: Parks and Recreation Advisory Board.

Newby: Thank you. I should have known that. On item six, the Wayfinding Plan, the total is about $210,000.00 and that's just for the study, correct. There's no construction in that.

Nunez: Mr. Chairman, Commissioner Newby. Yes, sir.

Newby: Okay. I think that's it. Thank you.

Chair Curnutt: Robert. I think you've answered most of my questions had that already been asked. I do have one, in addition. Sometimes you know as you make the presentation, you've taught to keep it simple, this presentation. Well, you made a comment on it before and I've got it, just ask why. You mentioned that you're in consultation with legal will before what kind of hiccups has that caused?

Nunez: Commissioner Curnutt, Members. Traditionally, we've sent forward our agreements that we have with developers. They're reviewing, making sure we are consistent with past agreements that we've had, and that we are fulfilling all of the City's obligations when we send out money to a developer. They've been reviewing that. I know I received a reply this morning, and hoping to be able to move forward with some of those agreements that we do have in place.

Chair Curnutt: Then just one last comment. If I understand right, we used to have multiple park and rec districts. Now just have one district. Is that correct? Then I see on here we have District 5 and District 7 together.

Delgado: Mr. Chair, Members of the Board. Sonya Delgado, Assistant City Manager. The district that you're referring to District 5, District 6, District 1, those are Council Districts. Those are very different. What we were doing before with Park Impact Fees where we had districts there were seven, I think, and that was what they had seven different places where they would have money for a Park Impact Fees, and you can only spend those funds in that particular district. With the previous director but prior to me put all that together into one, so that's how we got from seven to one. Those are the two differences.

Chair Curnutt: Okay. You're just saying there's two different districts when we talk about for example number five it says Skatepark Renovation, Council District 1 (District 3).
Delgado: Those are changing districts because of the new configuration with the districts. We have our Council Districts right now. They are about to change once the election comes into play in November, then we will go to our new districts, they changed the boundaries just a little bit.

Chair Curnutt: Any other questions or comments for Robert? Thank you.

Nunez: Thank you.

5. **Old Business:**

A. **Parks & Recreation Impact Fee Verbal Update by Robert Nunez:**

Chair Curnutt: Is that going to be much different Robert than, we just had I think they're the same but under old business item number 5 A, do you have anything?

Nunez: Mr. Chair. I was going to mention, that was pretty much what we presented today.

Chair Curnutt: that’s’ what I thought All right.

B. **Utilities Impact Fee Update by Domonique Rodriguez:**

Chair Curnutt: All right, at this time we’ll turn it over to Domonique for Utilities Impact Fee Update. Before you say anything Domonique, let me throw out, last time at our meeting we had second briefing. You all had e-mailed me the full study that was done, and I found the full study much more beneficial to me than the original that we had before and I apologize for asking all of the dumb questions before because it was just the fact that I, a few details that full study. I thank you for that full study and agree on a lot.

Rodriguez: Chairman and Committee Members. I'm glad that we were able to get that out to you. That was also our mistake, we had thought we pushed it out. Originally, we didn't, so we rectified it as quickly as possible. This presentation is that is supposed to summarize that larger report because the report goes into more detail. Then this is just that more high level of it. This is the same presentation that Ms. Herlands with TischlerBise. The only thing that we changed on here is the timeline, the last time you know it was a little bit different because we were in hopes of approving it last month, but we weren't ready for that. The only thing that changed on this presentation is the timelines for you, but we can go through any parts of the presentation. If you would like me to go through it, I can, now that you have the report. Whatever you have for me, we can go through today without going through the entire presentation if that's too cumbersome. I forgot to state my name sorry, Domonique Rodriguez, Assistant Utilities Director. My apologies.
Chair Curnutt: Thanks Domonique. Well, I'll open it up. Anybody have any preference on how you would prefer to proceed from here.

Haworth: Yes. I was under the same impression that once we got the large report that helped answer most if not all the questions. The kinds of questions I have really, I mean I don't know that we need another full presentation, I guess. From my perspective, I don't how the rest of the board members feel.

Chair Curnutt: Okay.

Haworth: I do have a few questions and they really are more of because of my lack of knowledge. I don't know when you when you want to have questions.

Chair Curnutt: Okay. Do you need a full report? Do we need to go through it all for us? Mr. Newby.

Newby: She will probably end up giving us the full report by the time the questions are done.

Chair Curnutt: All right. The majority of us, for all of us don't feel like we need to go through the report again, Domonique, so we'll just see if there are specific questions. If you're comfortable with that. We'll get through. All right, Mr. Haworth.

Haworth: Okay. Just a quick question. When we did the tour of the facilities and so forth, the wastewater facility in the future that's proposed up in the East Mesa area you know time. It's not quite clear as to when, but anyway I guess the question I have is, we're not making any proposals for changes in the wastewater fee at this time. Do you have an idea as to when you might be coming back to this committee with an update in terms of whether there needs to be changes made possibly?

Rodriguez: Sure. Chairman, Committee Member Haworth. There are no changes to our Wastewater Impact Fees today, you are correct. In the future we do, there is a possibility of a new wastewater treatment facility on the East Mesa that needs to be reviewed, planned out. There's nothing to date. We need to come back in four years, which is why I have that 2027. At that time if anything has come forth, then we either put it in the report because we know that's coming, or we have the information that backs us up, or we continue with the current wastewater fee at that time. We will probably address it in the 2027 because we will then again, similar to this, look at what our census states, what is growth factors, things of that nature.

Haworth: On page seven of your report here, the summary, and it's a question in terms of what development fees can be used for, and one of the things it cannot be used for is replacement. It just raised the question, where do we go, is general funds our basic go to and as far as replacement or where do you go for monies like that? Maybe grants, I don't know.
Mr. Chairman, Committee Member Haworth. Utilities is a little bit different. We do not rely on the general fund. We do rely on our enterprise funding, which is us individually. If it has to do with water, then water capital improvements would then either kick in. If it's replacement, that is kind of in its day-to-day normal operations and maintenance, then the operational fund would pay for it. We kind of break that out as is it capital, is it not, and then that's how we determine how it's paid for. The same for wastewater, it has a capital improvement funds, but then also its operational. Depending on the magnitude is how it'll get paid for. There is yes, a possibility that grants could help pay for things, also bonds or loan depending on the magnitude of those projects.

Thank you. That's all I have.

You're welcome. Thank you.

Mr. Newby.

Sure. I'm on page 12, couple of questions. You're projecting the growth in water demand for the next 10 years as I read it. Then what database are you looking at to come up with the numbers as far as projected demand? Is that based on number of houses being built and 2.23 persons per house, etc.?

Right. Mr. Chairman, Committee Member Newby. The consultant really started one with the most recent census, then we used the growth that is reported in our economic development, and then is used throughout all our impact fees, so that we are all using the same number. Then it is looked at then what is the possibility of that out from there. We do make sure that we're utilizing the same information as the rest of the City with our impact fees, and then the baseline is always the most recent census.

Okay. I was looking back at Larry's Community Development report when he was projecting that, and I presume that that includes all building permits for new houses in the entire City. Would that be correct.

Yes.

I presume then that would also include Metro Verde, which according to Larry had 62% of all the new houses.

Yes.

Does the Utility Department provide water to Metro Verde or does Moongate?

Mr. Chairman, Committee Member Newby. I know in some areas it's a little odd because of the service area. In some cases, it is Moongate, in other cases it is the City. We know what is ours and what will be ours, and so we are looking at that and taking it into consideration. I don't think that all of Metro Verde is the City, but there is portions of it that is.
Newby: It's a pretty large portion.

Rodriguez: Yes.

Newby: If you're using Community Development's numbers, they would have included 100% of the new growth in Metro Verde, so you're saying you took those numbers from Community Development, you titrated those down for what Moongate provides?

Rodriguez: Yes. We looked at what the Community Development is projecting, and then kind of looking at our service area, what falls into our requirement to serve, you know, bringing in that new demand, yes.

Newby: Okay. If you would just provide us a little one page.

Rodriguez: Sure.

Newby: Piece of calculations on what the total growth there was and then what you all titrated it down to, I would appreciate it. On page 13. That was a big ask.

Rodriguez: Thirteen you said.

Newby: Yes, ma'am.

Rodriguez: Okay.

Newby: Footnote to that 5% over 20 years. I presume that's for a bond.

Rodriguez: Mr. Chairman, Committee Member Newby. Yes. That's kind of an average interest rate for a bond or an NFA loan.

Newby: Okay. It's what I thought. I didn't think you were just going to the bank. If you were I wanted to know which one, it was. On, well we can start on page 14, this is fairly typical of most of these. I think I've asked this before on your unit cost, whether it be for a foot of tenant's water pipe or sewer or even a water tank, etc. You have footnotes down here that you're using, Engineering News-Record (ENR) Construction cost. I'm presuming the Utilities Department has a very good database of what they actually pay for these things. Why do you use ENR, they have what are the actual costs are?

Rodriguez: Mr. Chairman, Committee Member Newby. The consultant, when we work with the consultant, they look at all of these, and from my understanding with talking with her is that brings in the difference in dollars. There are times where a construction company's contractors that do this work are not from here, so the bids vary depending on the size of the job. It is to help kind of get that average, in a similar manner.
Newby: Okay. I think that's good. Thank you.

Rodriguez: Thank you.

Chair Curnutt: Any question's

Freilino: No, I don't have any.

Chair Curnutt: Okay. Again, I found that the study answered all of mine, so thank you.

Rodriguez: You're welcome.

Chair Curnutt: I just need to make a point that in our packets the schedule and phase three are different than the one that you had. Everybody in your notebook, in your packets that we have, go back to page three in the presentation on Utilities. What we'll be doing is voting on the change, instead of April, like they had hoped that were we include, this will be May, so everything changes by, just the first item changes by month.

Newby: Does every item change by a month?

Rodriguez: Yes.

Chair Curnutt: No, just the top.

Rodriguez: Well, it should actually by a little bit, I think everything does shift down.

Chair Curnutt: Just make note of those next couple of months. 6-month changes after we get past this year we'll be caught up. Okay.

Rodriguez: Anything else?

Chair Curnutt: Thank you very much.

Rodriguez: Thank you.

C. Discuss the 2022 CIAC Annual Report by CIAC Members:

Chair Curnutt: Continuing under old business, item number 5 B, I mean just finished that so we're going onto item C, discuss the 2020 CIAC Annual Report by CIAC members. My report on that is that we've been waiting on a couple of items before we proceed with that. I'm hopeful that we'll get those two items addressed in the next week or so. Once we do that we'll be able to finalize the report for next month and a subset of that report will be we need to be able to comment on what we do today as far as voting on the impact rates for Utilities, we have to put that in our report. That'll come forth.

6. New Business:
7. **Action:**

A. **CIAC Members Vote on Applicant to Fill At-Large Vacant Seat:**

Chair Curnutt: Anyway, moving on to our action items, item seven. We need to have a discussion and action on item 7 A which is the CIAC members vote on application to fill at-large vacancy. In the packet but we have we have three applicants. What we have the ability to do is look at those, decide whether we are comfortable with what we call the cert the number of, and the candidates that are there. If we're com comfortable there, are we willing to move forward today to vote on one of them. If we're not comfortable with it, we can ask to go out to recruit for that and advertisement to draw in more. It's only for open discussion before we decided which way we decide. Any comments or thoughts on what your preference would be at this point?

Newby: Mr. Chair.

Chair Curnutt: Yes, sir.

Newby: I reviewed all three. The first two we looked at before. Mr. Butler’s resume seems to be very robust and the type of things, the type of knowledge that you need. I would make a motion that we choose. Mr. Doug Butler for the unfilled seat.

Chair Curnutt: Okay. There's a motion before the committee so we can either get a second for that and proceed in that direction.

Haworth: I have some questions.

Chair Curnutt: Okay. Questions.

Haworth: Before we vote on it. I don't know how you want to handle that.

Chair Curnutt: We'll take your questions.

Haworth: You're recommending approval of this particular individual, is that my understanding?

Chair Curnutt: That's what he said.

Haworth: I guess my question is, this particular individual has indicated extensive experience in the preparation and development of capital improvement plans, but it really would have been helpful if we had a copy of his resume. I understand when anybody submits, they get a resume on this. That's not included in this. I'm not you know saying that he's saying something that something isn't true, as much as I'm trying to understand where you know
where his experience, where he got his experience, and usually that is detailed out in the resume.

Chair Curnutt: Question is Domonique, do we have a resume on that or what we got is what we what we've got?

Rodriguez: Mr. Chairman. Let us look. I know that when you solicit it, they are supposed to return something. We're going to get an answer.

Rivera: Hi, everyone. Christine Rivera, City Clerk. Resumes are not required as part of their application process. They just have to fill out an application. Some individuals will submit a resume, but it's not required. We could reach out to the individual and ask him if he could provide something instead.

Haworth: I thought it was required.

Rivera: No, it's not.

Chair Curnutt: Thank you. Are we good now.

Haworth: Yes, I've I guess it would've been helpful. Either we had that information, or we had, the individual was here I guess we could ask him, but that's not happened. I guess we'll just live with who we got.

Chair Curnutt: Your question has been addressed. The question is next moving forward do we have a second on the motion?

Frellino: I think so

Chair Curnutt: Motion made and seconded that we accept Mr. Butler on the committee. Any other questions or comments? All right. Do we have a vote? Do a get a roll call?

Frellino: Aye

Newby: Aye.

Haworth: No.

Chair Curnutt: Aye. Proceed. Three "ayes" and one "nay."

**Doug Butler was Accepted at a CIAC Member 3-1.**

**B. CIAC Members Vote on Vice-Chair:**

Chair Curnutt: Okay, next item, action item, 7 B is CIAC members vote on Vice-Chair. Do I hear any discussion on the recommendation on filling that position?
Haworth: I'm ready to make a motion if somebody has any questions?
Chair Curnutt: Okay. Any questions? Motion.
Haworth: I move that we appoint Committee Member Newby as our Vice-Chairman.
Chair Curnutt: Okay. Do I hear a second?
Freilino: I'll second.
Chair Curnutt: Okay, we have a motion and a second.
Haworth: I didn't ask him first, but he can't deny it can he?
Newby: Call the roll and let you know I'll vote.
Chair Curnutt: All right. We'll have a roll call count on this.
Freilino: I mean I vote yes
Haworth: Yes.
Chair Curnutt: I'll vote yes.
Newby: Magnanimous, yes.
Haworth: Go with it.
Chair Curnutt: Thank you.
Haworth: Thank you.
Newby: We'll talk later.

C. CIAC Members Vote on Utilities Impact Fee:

Chair Curnutt: Item 7 C is CIAC Members Vote on Utilities Impact Fee. We over the last few months have had several discussions on the impact fees. We've had our questions answered. We've had the opportunity to review the detailed report. Any comments or recommendations at this point?

Haworth: I just had one question. In making that motion, is there specific wording that you need as part of the motion other than just say we approved it or? Is there anything else that should be included in that motion?

MEMBERS OF PUBLIC SPEAKING, NOT AT MICROPHONE. Is there any way to speak or comment before ya'll vote?
Rodriguez: you can move public participation.

Chair Curnutt: I'm sorry, court of order. Can I hear, open it up to public comment is that what?

Haworth: Apparently there is public here.

Chair Curnutt: Okay. Public comment.

Green

Steven Green with National Home Builders Association. Thank you for letting us address you first off. One of the questions was is, you know kind of new to this on this board that we're sitting on, but we were kind of wondering, none of us were really made aware of any of the raise in impact fees. Was there not a, you know how are we able to get more input on that before this goes to a vote? Was there any information provided to the homebuilders or anybody that it would greatly affect? I guess, at the end of the day. Is one. Then two, I think we were, when I was looking at the reports, you were talking about that the utilities water and stuff is for the City projections for Metro Verde is through the City water, but I think that is on Moongate water, is that not correct? Right, so it's not part of the City.

Chair Curnutt: Right. Correct.

Green

Okay.

Strain:

I'm John strain, JMS Construction. I'm the president of Las Cruces Home Builders Association. If those figures were used as partial City numbers in these studies, and it's 100% Moongate, wouldn't that skew these numbers as well? We're not getting an accurate reading of what these impact fees should be.

Chair Curnutt: Okay, Domonique, you want to address any of those questions or comments? Thank you, gentlemen. We'll see if we can answer those for you.

Rodriguez:

Chairman. I can double check the numbers for the Metro Verde and then the City portion of it. You know everything that we use was from Economic Development and so the information that was provided to us is specifically the City's. We don't include anything that is not ours, because we don't collect fees, nor do we serve, or does it affect our capacity. Anything that we did include in this report is strictly the City's portion that we do receive, and that we evaluated with the numbers from Economic Development, and then the census.

Chair Curnutt: Okay.

Newby: Mr. Chair.

Chair Curnutt: Mr. Newby. You have a comment.
Newby: Yes. That was kind of the direction of my question, because we've taken statistics from Economic Development that could care less about who provides water, they're basically counting noses, they're counting how many houses etc. If the consultant used their numbers as raw numbers and did not take out for the fact that, if not 100%, very close to 100% of all of those new houses, or all the houses in Metro Verde are served by a different company, then I think there needs to be some adjustments. Now is that enough to change this? Is this 300 houses, 3000 houses? I don't know.

Rodriguez: Right.

Newby: That was my concern after Larry had given his report, and then the consultant.

Rodriguez: TischlerBise.

Newby: I always call them Tischler Bice. Anyway, given their report, and to said they were using those numbers, when I was reviewing the documents here, it just dawned on me that we might have a little disconnect here.

Rodriguez: Right.

Newby: Again, I don't know what the amount of that is, if it's enough to change what you have in here or not, but it would sure be nice to know.

Rodriguez: Yes. The consultant you know used the numbers to get what is the growth coming through Economic Development, but that's not the only thing that was used. The census is it, within our service area is it, so it was reviewed and brought in, maybe not one for one, right because some of those are not fully in our service area. We do look at it to see what is happening within the City with Community Development. I mean we did look at it, but we wouldn't include anything that is not within our service area in the report.

Newby: The other number that I'll repeat, 62% of all of the growth in Las Cruces happened in Metro Verde. If that gets eliminated just statistically, mathematically, that could make a pretty big difference.

PERSONS SPEAKING, NOT AT THE MICROSPEECH.

And that's our questions.

Strain: John Strain again.

Chair Curnutt: I'm sorry, state your name again so that we can capture it.

Strain: I'm sorry. I'm John Strain.

Chair Curnutt: All right. Thank you.
Strain: Las Cruces Home Builders Association President. That's our concern. We literally were unaware of this happening until very recently and our position would be that we would like to at least be able to review some of this information and see, because they're asking for a 40% increase in Utilities, and I don't think it's warranted by the numbers. Rather than rush to a vote to raise these impact fees that would be hard to reverse later on, I would like to ask you to give us time to review these things, and have them reviewed by the City as well, including or excluding the numbers for Metro Verde.

Chair Curnutt: Okay. Mr. Newby, any other comments?

Newby: No. I'm good.

Haworth: I just have a question. When we have a fee study that's done like this, what's the procedure, process, utilities in terms of informing the public and/or having work sessions of any kind that, you know, like the Home Builders Associations. How does that, or do we have a process that includes that kind of review?

Widmer: Mr. Chairman, Commissioner Haworth. Adrienne Widmer, Utilities Director. That is part of why we have the 72-hour notice with the agenda.

Chair Curnutt: The Open Meetings Act requires us to post the agendas, and then in turn post the minutes later afterwards. There are public records out there. We don't have a formal way of saying, this may be pertinent to a particular homebuilder or a group of homebuilders, and so we don't send out anything unique to that group. We don't do that kind of research, but we do follow the Open Meetings Act.

Strain: Yes, sir. John Strain again. I understand that. What I'm asking is in light of the fact that we are now aware of this, whether it be lack of information, or receiving the information on our part or lack of seeking it out. I guess what I'm asking is if we could I guess, table this for further discussion, so that we can review. We've already seen that they're using numbers by their own omission for Metro Verde that are in question. I think it would warrant a little bit more input and study to decide before we put this to a vote, before you all put this to a vote so that you know we have all the information needed to make the proper decision.

Chair Curnutt: Okay. Domonique. How confident are you in what the study does, whether it does include those numbers or does not include those numbers?

Rodriguez: Mr. Chair, Committee. I am very confident, but I am also open to tabling it, bringing it back next month for a vote.

Chair Curnutt: Okay. What impact does that do on your long-term schedule that we have?

Rodriguez: It would push things back a month.
Chair Curnutt: A month. No detrimental effect at this point. Okay.

Rodriguez: I mean besides you know the increase coming in, but we as the Utility are open to that and I think that's reasonable.

Chair Curnutt: Okay. All right. Let's have another comment back here.

Green Steven Green. I was wondering would the City be willing to also somehow copy or share all the information up to this point with whoever we discuss, who we have to e-mail, make contact with the Homebuilders Association, as we could get some reports out to other home builders and understand a little better what's going on feedback. Would that be too much to ask?

Chair Curnutt: Okay. I guess the question is, is can they have a copy of your, the official report that their consultant did?

Green Yes, that is.

Chair Curnutt: That's what you're asking for.

Green Yes.

Rodriguez: Mr. Chairman, Committee. That report was tied to your agenda, and it is public record, already out there.

Chair Curnutt: Okay, if you just, can we consider that an official request or do we need it in writing from them?

Rodriguez: Mr. Chairman. It's part of the agenda so it's already made public.

Chair Curnutt: Okay.

Rodriguez: It's there that they just can go in and access it.

Chair Curnutt: Okay. All right.

Widmer: Excuse me, can I clarify something? Adrienne Widmer, Utilities Director. When you get on the City's website for these, it's going to be an attachment, all you have to do is click the button, and there's all your information.

Strain: Perfect. Thank you very much.

Green Thank you.

Chair Curnutt: Okay. Mr. Douglas.

Douglas: I'll chime in too if I may, Mr. Chair. Just for clarification so everyone knows, this board does not modify impact fees. This is an advisory committee. When
any action or if any action is taken, that'll be before City Council and you're certainly always welcome to come make public comment.

Newby: If I may give you a little bit of good news. I think one of you mentioned 60%. Here's the good news, wastewater fees are going up zero, and water fees are going up 27.75. That's better than 60, still high, but it's a lot better than 60.

Chair Curnutt: Okay, Domonique. Thank you very much. All right, so where were we, did we have, do we have a motion to either accept or to table the subject?

Newby: Mr. Chair.

Curnutt: Yes.

Newby: I'm going to make a motion to table this item until next meeting.

Chair Curnutt: Okay.

Newby: So, the staff can determine if that ...

Haworth: You're saying that that does not impact your process, other than it puts it off another month.

Rodriguez: Mr. Chairman, Committee Member Haworth. That's correct.

Chair Curnutt: Okay, so we have a motion.

Freilino: Second that.

Chair Curnutt: Okay. Motion and second to table the approval to next month. Any other comments? If not, let's have a roll call vote?

Freilino: Yes.

Chair Curnutt: Yes.

Haworth: Aye.

**Utilities Impact Fee Recommendation Tabled to Next Month Approved Unanimously 4-0.**

Newby: Aye. I would like to thank our Utilities Department friends, because I know it just extends this misery one more month.

Chair Curnutt: Thank you.

Newby: Thank you. Thank you, guys, for coming.
8. **Next Meeting Date – June 22, 2023:**
   A. **Old Business:**
      1. **Utilities Impact Fee Update by Domonique Rodriguez**
      2. **Training Session by Nann Winters**
         a. CIAC Enabling Legislation
            i. Development Fees Act
            ii. Las Cruces Municipal Code
               a. Governmental Code of Conduct
               b. Robert’s Rules of Order

   Chair Curnutt: Next agenda item is looking at our next month’s meeting. What we'll do is have old business utilities impact fee, it'll back next month it looks like for an action item. I guess it'll be input from public and then in turn action item to vote. Training session, we'll have that will, we'll be addressing, the Government Code of Conduct and Robert’s Rules of Order. Then in turn we'll have input relative to the annual report. Any other thoughts or comments on what we want on the agenda for next month?

   Haworth: I did, I just had one question, I guess. Is it, I know we were kind of transitioning in terms of our reports that we're getting, and maybe this - I guess the question I have is that you know in the future we'll pick up our own reports and this is the format that they will be in, in future sessions.

   Chair Curnutt: No, what we've agreed to in an effort to be a little greener and a little bit more efficient on the staff, what we'll do is the packets will be similar in nature with the exclusion of they will not have a clear cover. They will not have the comb binders. They'll be stapled or bound with just a clip. Then we can put them, they'll be three hole punched so that we can put them into a notebook. They will be picked up by us Usually on the Friday before, is that correct? This month was delayed till Monday, but that's just we're going through some fine tuning and getting better. That's my understanding. Denise anything you want to add to that.

   Alejandro: Denise Alejandro, Interim Senior Office Manager. That is correct. The packets do get put together on Friday. Those are required to be picked up by committee. We did agree that it wasn't going to be binded, it was going to be three hole punched with a clip.

   Newby: Question. Will you still send us an e-mail, say come can pick your stuff up?

   Alejandro: Yes, of course we will still be sending the e-mail.

   Newby: That will be great. Thank you.

   Chair Curnutt: Okay, anything else on our proposed agenda for next month?

9. **Public Participation:**
Chair Curnutt: If not, let's move on to item number 9, public participation. Any additional public participation at this point?

10. **Board Comments:**

Chair Curnutt: If not, any board comments. Anybody would like to add any comments for the board? Nothing. All right.

Newby: Once again. I always try to do this but thank you staff. I've served on a lot of committees and commissions, you've heard me say this before, but you guys are the best I've ever seen in the City. Thank you so much for everything you do, because I know you have you know other things that are less important, but you still have to do them. Thank you.

Chair Curnutt: I second that. It's really great working with the staff and when I say staff it's just not the Utilities Admin staff that gives us so much direct support but it's each of your departments. Thank you very much.

A. **Review City Staff and/or Consultant Follow-Up Items by Chair Curnutt:**

Chair Curnutt: Any action items that were picked up today Denise that we need to highlight or?

Alejandre: Denise Alejandre, Interim Senior Officer Manager. I did not pick any action items from this meeting.

Chair Curnutt: Okay. Very good.

13. **Adjournment:**

Chair Curnutt: Then we stand adjourned. Thank you very much.

Chairperson: 06/22/2023 DATE: