

Capital Improvements Advisory Committee

Minutes for the Meeting on
January 26, 2023
1:30 p.m.
Utilities Center
Board Room 225

Committee Members Present:

Jason Lorenz, Chairman
Steve Newby, Committee Member
Don Curnutt, Committee Member

Committee Members Absent:

Mark O'Neill, Vice-Chair
Vincent Garcia-Hess, Committee Member

City of Las Cruces (City) Staff Present:

Denise Alejandre, Administrative Assistant
Sarah Arvizo, Accountant
Liam Beasley, Senior Accountant
Melanie Castañeda, Office Assistant Senior
Rhonda Diaz, Water Conservation Program
Coordinator
Abner Gomez, Rates and Economic Analysis
Manager
Catherine Mathews, Landscape Architect
Larry Nichols, Community Development
Director
Robert Nunez, Interim Parks & Rec Director
Christine Rivera, City Clerk
Domonique Rodriguez, Deputy Director
Business Services
Alma Ruiz, Senior Officer Manager
Jennifer Valdez, Office Assistant Senior
Adrienne Widmer, Utilities Director

Others:

Becky Baum, RC Creations, LLC
Cassie McClure, Public Outreach Consultant
Greg Shervanick, Constituent

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

NO RECORDING PRIOR TO CONFLICT OF INTEREST. A VOTE WAS TAKEN TO ALLOW CHAIRMAN LORENZ TO ATTEND TELEPHONICALLY AND WAS UNANIMOUSLY APPROVED BY THE COMMITTEE.

1. Conflict of Interest:

Lorenz: All right, next I need to know if any member of the committee or any other member of the City staff has any known Conflict of Interest with any item on the Agenda.

There were none.

2. Acceptance of the Agenda:

Lorenz: Next, I would like a Motion to Accept the Agenda.

Newby: So, Moved.

Curnutt: Second.

Lorenz: All in favor say Aye.

Newby: Aye.

Curnutt: Aye.

Lorenz: Aye.

The Agenda was Accepted Unanimously 3-0.

3. Acceptance of the Minutes:

A. Regular Meeting on October 27, 2022.

Lorenz: Now, the acceptance of the Minutes, first for the Regular Meeting of October 27th.

Lorenz: I so Move that we Accept.

Curnutt: Second.

Lorenz: All in favor, say Aye.

Newby: Aye.

Curnutt: Aye.

Lorenz: Aye.

The Minutes were Approved Unanimously 3-0.

B. Work Session on October 27, 2022.

Lorenz: Next, I need a Motion to Accept the Minutes for the Work Session on October 27th.

Newby: So, Moved.

Curnutt: Second.

Lorenz: All in favor, say Aye.

Newby: Aye.

Curnutt: Aye.

Lorenz: Aye.

The Minutes were Approved Unanimously 3-0.

4. Old Business:

There were none.

5. New Business:

A. Parks and Recreation Interim Director Verbal Announcement by Cathy Mathews

Lorenz: All right. Well, without further ado, let us get right into the Parks and Recreation Interim Director Verbal Announcement by Cathy Mathews.

Mathews: Good afternoon, everyone. My name is Cathy Mathews. I am the Landscape Architect with Parks and Recreation. This afternoon I want to introduce you to our Interim Department Director. Just as a bit of background, Sonya Delgado has been promoted to Assistant City Manager, leaving the position of Department Director vacant. Mr. Robert Nunez has been appointed to Interim Department Director. He is the Deputy Director of Youth Services. While he is serving as interim, he has an interim serving in his former position. I would like to introduce you to Robert [Nunez]. Do you want to give a few words? He will give a few words and tell you something about himself.

Nunez: Mr. Chairman, Commissioners. Appreciate you having us here today. Close to 25 years within the City of Las Cruces in Parks and Recreation. I look forward to working with you all.

Curnutt: Look forward to that as well.

Newby: Congratulations, I think.

Nunez: I believe so.

Lorenz: Congratulations.

Mathews: Thank you.

B. Parks and Recreation Fiscal Year 2021/2022 (FY22) End-of-Year and FY23 Q1 Financial Review by Liam Beasley/Sarah Arviso:

Lorenz: Next is that our Parks and Recreation FY22 End-of-Year and FY23 Q1 Financial Review by Liam or Sarah, or/and Sarah maybe.

Beasley: Good afternoon, Mr. Chairman, Members of the Board. My name is Liam Beasley. I am a Senior Accountant with the City's Finance Department. I will be covering the Park Development Impact Fees Financial Update for FY22 End-of-Year and the First Quarter of 2023. On the first slide right here, we have the month-to-month revenues and expenditures for the Impact Fees during FY22. The revenues ranged from \$84,000.00 in September, up to \$190,000.00 in December. The expenditures were mostly in September, January, and March for \$325,000.00, \$587,000.00, and \$768,000.00, respectively.

The next graph is the cumulative amount for FY22. At the end of the FY the total revenues were \$1.6 million, and total expenditures were just under \$1.8 million. Moving on to FY23. Revenues for July were \$148,000.00, August had \$140,000.00, and September was \$91,000.00. The expenditures were zero in July, \$102,000.00 in August, and \$64,000.00 in September.

Then here is the cumulative amount for FY23. At the end of the first quarter in September we had \$166,000.00 in expenditures and \$379,000.00 in revenues.

Then on the next graph we have a six-year comparison between FY18 and 2023 for the revenues, expenditures, and fund balance. If we are comparing FY21 to FY22, the revenues decreased about 7% and the expenditures were down about 1%.

Then the fund balance at the end of September was the \$6.2 million, which is an increase of 4% from the previous FY. Then the ending balance for FY22 was about a 3% decrease from FY21. Just to correct the percentages I just gave you for revenue, it is between 2021 and 2022 they were down 13%. The expenditures jumped up about 350%.

These next two graphs are the six-year comparison on a month-to-month basis for the revenues on the left and expenditures on the right side. If we are looking at the revenues in FY22, we had \$1.6 million compared to \$1.9 million in 2021. Then on the right side for expenditures in 2022 we had \$1.8 million, compared to \$394,000.00 in FY21.

Now, for what the Parks were spent on during these two FYs, here are some of the major projects listed. There was the Ninja Park for \$582,000.00, the Unidad Park Rehabilitation for \$536,000.00. The Rincon Hills Park for \$477,000.00. The Red Hawk Villas Park for \$325,000.00. The Abuelo Park for \$18,000.00. A little bit for the Competition Pool at \$12,000.00.

Then the next few slides are just going to be the data used to make the graphs, starting with the revenues for 2022 as well as the expenditures. Then the next two slides will be the same information but for FY23.

The final two data slides are going to be the six-year history from 2018 to 2023. Starting with the revenues, and then the expenditures and fund balance, and the year-over-year percent change is at the bottom of each of those tables.

Just a reminder that the Impact Fees have a requirement to be spent no later than seven years after collection, with the same applying to the interest earned. The last slide shows a table of the outstanding Park Impact Fees to spend as of the end of September: for 2019 there is \$901,000.00 with three to four years left; from 2020 \$1.5 million with four to five years; 2021 had \$1.9 million with five to six years left; FY22 had \$1.6 million with six to seven

years left; and 2023 had \$379,000.00 with seven years left to spend. That concludes the Parks financials, and I can stand for any questions.

Lorenz: Any questions Mr. Newby?

Newby: Can you go back to slide six? On slide six, what we are seeing here \$6.24 million as far as fund balances go and that has been true for like probably the last three FYs. With all the fees had for Parks etc. some conversation about how to get-\$6 million spent some time before the next seven years.

Beasley: Yes, sir. Commissioner Newby, Members of the Board. I have Cathy Mathews from Parks here and she can have a more definite answer.

Mathews: Thank you, Liam. Thank you, Mr. Newby. Currently the expenditures that you have seen are projects that have been completed and done. We are spending. We are spending the funding and we are not in danger of losing any of our Park Impact Fee funding. We have got a minimum of three years to expend \$900,000.00 even.

One project of note is the Apodaca Park Aquatic Playground and Multiuse Trail Project. We applied for a grant in 2018, were awarded in 2019, and still have not received the signed agreement. It is in process. That funding is from the Land and Water Conservation Fund, so it is definite funding, and we are working very hard to get that grant signed. I anticipate in the next couple months receiving that agreement from Land and Water Conservation Fund. The amount of PIF (Park Impact Fee) expenditure for that particular project is \$750,000.00. It is a one-to-one match with the grant. There is a relatively large chunk that will be in process and expended. We are planning on expending that.

In addition ...

Newby: I am sorry. Is the plan to proceed (*inaudible*) with a RFP (Request for Proposal)?

Mathews: I do not have an RFP for that, for the design process, that would be the first part, and/or a design build for demolition of the Apodaca Swimming Pool. That will be the first task to be accomplished. I am prepared for that, it is on our list as it always has been, and it is ready to move up as it needs to. Robert and I were just discussing that earlier this afternoon. That said, also we have been notified that there is additional funding available from that grant and the funder recognizes that costs have escalated dramatically since then. I just did a rough additional cost estimate, and we could complete this scope of work with today's costs, we could double that amount. We need to discuss whether to increase our match from Park Impact Fees in order to increase our grant amount. That is one avenue of expenditure that we are working on right now.

We have also on our CIP (Capital Improvement Plan) committed, Highland Park Project, which is in design now, we are almost at 100% construction

documents. We just have one more review to go with regard to drainage on that project. Then we have Park Impact Fees going to that project, in addition to some tax money as well. That is a 10-acre park project. I do not have a final cost estimate on that, but Park Impact Fees will be going towards that one. It will several millions of dollars, over a million dollars for that project. We have those plans in the works right now, those projects are on our list right now even as we speak. Those are just a couple examples of immediate although not expending yet, plans. Thank you.

Lorenz: Anything else Mr. Newby.

Newby: No sir.

Lorenz: Mr. Curnutt.

Curnutt: No questions.

Lorenz: I am glad to see that in FY22 we finally expended more money than we took in for the first time in the history of the Park Impact Fee. Thank you very much Mr. Beasley.

C. Public Safety FY22 End-of-Year and Q1 FY23 Financial Review by Liam Beasley/Sarah Arviso

Lorenz: Next is Public Safety FY22 End-of-Year and Q1 and Q2 Financial Review, also why Mr. Beasley, or maybe Sarah.

Beasley: Yes, sir. It will be me again. Here is going to be the same information except for the Public Safety Impact Fees. We will be covering the FY22 End of Year and Quarter 1 of FY23. On the first slide, we have the month-to-month revenues and expenditures for FY22. Revenues ranged from \$39,000.00 in September up to \$72,000.00 in January. The expenditures were about \$58,000.00 per month. Here is the cumulative amount for FY22, at the end of the year, in June, there was about \$685,000.00 in revenue, and \$695,000.00 in expenditures.

Moving on to FY23. July revenues were \$64,000.00, August revenues \$59,000.00, and September revenues about \$38,000.00. The expenditures each month were \$62,400.00. Then here is the cumulative graph for FY23. As of the end of September the first quarter, there were \$160,000.00 in revenues, and \$185,000.00 and expenditures.

Here is that six-year comparison graph for revenues, expenditures, and fund balance between FY18 and 2023. Comparing FY21 to 2022 the revenues jumped down about 7% and the expenditures decreased by 1%. That ending fund balance of \$526,000.00 in September of 2023 was about 5% lower than the ending balance in FY22.

These two graphs are going to be the six-year month-to-month comparison for revenues on the left and expenditures on the right. Again, the FY22 revenues were \$685,000.00, which was a bit lower than FY21 of \$733,000.00. Then on the right side for expenditures, the FY22 amount was \$695,000.00, and FY21, was \$701,000.00.

Now, for what the Public Safety Impact Fees are actually being spent on, they are continuing to pay down the debt for the East Mesa Public Safety Complex. At the end of September, there was \$3.3 million principal and \$230,000.00 interest remaining on those bonds. Those bonds will go through June of 2026. Funds other than the Public Safety Fees are paying down the debt as well.

The next few slides will just be the same information but in table format. Starting with revenues and expenditures from FY22, and then the same information for 2023.

The final two data slides will be the revenues and expenditures and fund balance across the six FYs for the comparison, with the year-over-year percentage change at the bottom of each table.

Just like with the Park Impact Fees, there is the obligation to spend no later than seven years after being collected, with the same applying to the interest. As of the end of September, there was \$339,000.00 from FY22 that needs to be spent, and \$160,000.00 from 2023 that needs to be spent. That concludes that portion. I can take any questions.

Lorenz: Questions, Mr. Curnutt?

Curnutt: No questions. Thank you.

Lorenz: Mr. Newby.

Newby: I am good.

Lorenz: Thank you Mr. Beasley

Beasley: Thank you.

D. Utilities FY23 Q1 Financial Review by Domonique Rodriguez

Lorenz: Item 5D is the Utilities FY23 Q1 Financial Review by Domonique Rodriguez.

Rodriguez: Good afternoon, Chairman, Members. My name is Domonique Rodriguez, the Deputy Director for Business Services. This is the quarterly update for the first quarter of FY23. This graph on this slide shows the Water Development Fees that were collected for July, August, September. Our rates portion is minimal as opposed to builder/customer and that is due to the change that happened August 2021, where the Impact Fee is split between the builder and the customer. We do have some that are still coming in where they fall under the

old Impact Fee based on the date of their plat, and so that is why there are still some being collected.

The next graph is for the Wastewater Development Impact Fees. Again, the same note for the rates portion. This next slide shows a comparison from FY19 to current. Looking at this graph, all end of year collection amounts are similar, with the lowest being FY19.

The next graph is the same but now for Wastewater, and again FY19 is that lowest amount of fees collected. This next slide shows a table of what has been collected by month and then by category, builder, customer, and rates. This is the total amount that we have collected so far. We do have additional data here past the first quarter, but this is where that information is pulled from.

The next is just a comparison for you to see where we were at in FY22, in the similar format as the previous slide. These last two slides are our fund summary. This first one is the Water Development Impact Fee Fund summary, it shows what was spent out FY21 and 22, and what the budget is for FY23. The Water Impact Fee has a carryover of a small project, but the majority of the money is being paid down towards debt and interest on that debt.

The next is the Wastewater Development Impact Fee Fund, and this has some projects, which include our sewer interceptors. There also is a project to this FY that is for a brand-new odor mitigation site, and that is included, as well as our continue payment of debt. That is the end of my presentation. If you have any questions.

Lorenz: Questions Mr. Newby.

Newby: I am good.

Lorenz: Mr. Curnutt.

Curnutt: No. I do not have any. Thank you.

Lorenz: I have none.

Rodriguez: Thank you.

E. Water/Wastewater Development Impact Fees by Domonique Rodriguez

Lorenz: Domonique, I guess you are next as well with the Water and Wastewater Development Impact Fees verbal update.

Rodriguez: Yes. I just wanted to provide an update, a couple of months ago I had come to the CIAC committee to let you know that we were reviewing the Impact Fees for Water/Wastewater. Included in your Agenda packet is the report, I wanted to pass that to you ahead of time. We are looking to see if we could have the consultant come in February to make a presentation. That way if

there is any questions or anything you would like to go over, we can do that. We did use TischlerBise, who is the one that did our previous Impact Fee report update. That is all I have.

Lorenz: Domonique we are quite a way from the five-year sunset on the last Impact Fee update. How long do you anticipate this to take?

Rodriguez: Mr. Chairman. You mean for this to be implemented?

Lorenz: Right when you finish your fee study.

Rodriguez: The report is pretty much done. I think once the Committee reviews it, provides feedback, and we make those changes, that it would be implemented sooner. The study did come back and request that Wastewater Impact Fees be increased, and the Utility did not agree with that, so we are not requesting that. It really was more for the Water Impact Fees, which on the slides you can see that we are barely able to cover our debt.

Lorenz: Understood. Thank you very much.

Rodriguez: Thank you.

Lorenz: Any questions Mr. Newby.

Newby: No sir.

Lorenz: Mr. Curnutt.

Curnutt: No.

Rodriguez: Thank you.

Lorenz: Thank you, Ms. Rodriguez.

F. Community Development FY23 Q2 Construction Activity Update by Larry Nichols

Lorenz: Item 5F, the Community Development FY23 Q2 Construction Activity Update by Mr. Larry Nichols.

Nichols: Yes. Good afternoon, Mr. Chairman, Committee Members, members of the audience. Larry Nichols, Community Development Director. Trying to get used to this screen to see how I get to the bigger. Here we are. Yes, here we go. I am very impressed with the presentations today. Here we are about 25 minutes into the meeting, and we are nearly to the last item on the Agenda. Very impressed with the efficiencies.

My presentation today is to give you the calendar year from 2022 update, including the 2022 third quarter. I always like to begin with this slide because

it tells us that the staff is committed to our PEAK (**P**erform mission, **E**valuate measures, **A**ssess outcomes, and **K**eeP climbing) Performance and working with all others assisting the progress for the development of the City of Las Cruces, the public, the Council, City departments. I need to include boards and commissions because you are a very important part of it.

Here we are. 2022, a banner year. I think the value that you see for permit valuation there \$335,396,071.00. That is nearly 100% over what we had four years ago. It gives you an idea of how development in Las Cruces has been progressing. Particularly even through the pandemic we had exponential growth. Then we came out of the pandemic and then we had some residual effects that were caused by the pandemic. We had a shortage of materials. We had increased cost of materials. We had labor challenges, and that was industry wide, even into the City and the City staff.

The \$335 million is an impressive figure for a permit valuation. That has both residential and commercial projects. Building permits issued about 9,530 that represented a 2% decrease from last year. The building inspections, however, at 20,779, that has been accomplished basically, with nine inspectors. I explained earlier in some of my presentations, that has been able to be achieved because of some of the innovative processes that we have introduced into our department to streamline the inspection activity. It shows a 20% increase from last calendar year.

New Homes this year were 743, a decline from last year. One of the things that have been brought to my attention and people are saying, are we beginning to have a dive or a decline in new home construction? My view, I expressed this to you last time, I do not see that happening. Some folks asked me, well the interest rate being changed, is that going to cause the decline. The other factors I just mentioned about material cost increases, the labor shortage, all of this, and the pandemic, it did not stop development in Las Cruces.

We had 901 homes last year, so you see we have a decline in that number, but it is still very active. One of the items that I find interesting is that the real estate report that I receive every month shows that the cost of a new home, three bedrooms, two bath, average square footage, has actually come down in the last couple of months. It was reported to me that it is under the \$300,000.00 mark. That wasn't the case for about a year, a year and a half.

New commercial, we had 58 new commercial projects. That was an increase of 14%. Then solar voltaic systems, a huge increase there, 44% over last year. It needs to be noted that the solar voltaic activity is almost entirely on existing homes, existing residential. A few commercial, but most all of the solar voltaic systems are being installed on existing homes.

Then we had the cannabis business activity. That industry has evolved after the approval by legislation, the recreational cannabis would be a legal activity.

We began to see, after it became on April 2nd, we have had 92 applications for those businesses, and 42 have been issued. One might ask well you have all these applications and you have only this number issued. The explanation there is that several of these are pending, needed information to issue the business license. Some of them are at the State level going through the processes there. We have had 16 that have withdrawn their applications deciding that they have other ideas for than to enter the cannabis business.

Then business registrations new and renewal, business registrations are renewed every year. Of course, we have new businesses that we talked about like cannabis business is an example. There is 3,777 for the year, and that showed a 17% increase. Another indicator that the community is still engaged in active development.

The development aspect to it, and we talked about permits and inspections, but development subdivision submittals, we had 84 subdivision submittals. Folks wanting to get lots to build on or even subdivisions for commercial work. The items listed there are some of the more active ones, Legends West North, Metro Central, and then we have Multifamily Apartment, and Commercial Infill Development. One of the more active ones and more visual multifamily apartment complexes up on Roadrunner, it is going to be about a three- or four-year project, but that is a \$26 million dollar project.

Then we have the rezoning, we had 13 rezonings. More rezoning activity than we have seen in a while. What we are discovering is folks are finding properties or locations that they want to engage in business or maybe even other types of commercial activity. The rezonings, which normally in years past folks did not want to engage in the rezoning process because it usually takes a while, but we find that there is a number of rezoning requests this last year and we are still seeing that activity, even the beginning of this year. Infill district, we had four projects.

Then the Realize Las Cruces, which is basically the update of our land use or our zoning code. The zoning code had not been updated or revisited, minor amendments, but it had not been updated since 2001. I came to work at the City of Las Cruces five years ago and I discovered that we had a number of our ordinances or our activities such as the comprehensive plan, it had not been updated for about 15 years or so. Here is another example the zoning code had not been updated for 22 years. Other items like our building fee schedule and some of those, so we have taken care of all of those, except this one.

We are currently, and we hired a consultant to help the Realize Las Cruces update, the zoning code, a national firm, but they are primarily in the southwest, Freese and Nichols. I make a declaration here, no relative. No association with the with the Freese and Nichols. Disclaimer, I guess you call it. They are a very accomplished firm. It was understood that this would probably take about 18 months to bring this code up to date and present it to

City Council for adoption. I believe we will be taking it to City Council, if you will, for adoption probably in the late summer, early fall of this year.

You see item they are mentioning design standards. That was one of the most desired activities that the construction and the industry asked us to look at because that involves three cross sections, talks about complete streets and other types of design standards that were much needed to be reviewed and updated.

Then we have community blueprints, what we call blueprints. Some of the ones you are more familiar with, Amador Proximo, Apodaca Blueprint, the Sierra Blueprint. The most recent one is the East Lohman Master Plan Blueprint. It is about 112 acres. I have spoken to you about this one before. That master plan is completed. That activity is going to begin. This blueprint, East Lohman, is right across from the hospital, Mountain View Hospital, that tract of land that the Utilities did a lot of work in remediating that site. They have completed their work and we anticipate seeing some construction activity and development this year and especially next year.

This is a photograph here, some of the information on the right there basically is what I presented earlier. I just wanted to highlight it next to this photograph. The personnel you see there, that is the Community Development Department. These folks enabled us, the City of Las Cruces, and the Community Development Department to be recognized in a National Award by the International Code Council for raising the bar. For raising the bar to allow development to increase exponentially, very prestigious award.

Then we happen to follow that one up with another award, The New Mexico American Planning Association awarded the Community Development Department with the development of the project I just mentioned, the East Lohman Master Plan. It was chosen to be a most creative project in New Mexico for 2022.

All of that, and what I have just spoken to you about is the last phrase on the slide here, and that is roll on Las Cruces roll on. These are the individual organizations that we outreach to, all of them. I mentioned nearly every time because we continue to have our interchange and exchange of information, transfer of information to all of these agencies. We do that on a monthly basis, and most of the time more often. Then our governmental committees and boards. My favorite one is the Capital Improvement Advisory Committee. With that, I will end my presentations and stand questions you may have regarding development.

Lorenz: Well, after that pandering, do you have any questions Mr. Curnutt?

Curnutt: I have got a whole list of them. No, I am kidding. I am fine

Lorenz: Mr. Newby.

Newby: I do not have any questions Larry, just an aside. Those of you all who have never been involved with some of these comprehensive plans involved in those fifteen, twenty years ago, people could die before they are approved It is one the exciting processes goes without saying for every person . Larry pretty much simultaneously is unheard) of. Many times what you come up with is remarkable.

Nichols: Thank you very much. You know, we all experience new technology, new inventions, new materials, new processes, new techniques, if our regulations and our codes do not keep up with that, I regard that as a disservice to the development community. That is what we are trying to do.

Lorenz: Thank you, Larry. I am sorry I could not be there today to shake your hand. I appreciated your reports every quarter. Thank you so much.

Nichols: I will take a rain check on that, Mr. Chairman. Thank you.

G. 2023 Proposed Meeting Dates by Melanie Castañeda:

Lorenz: Next is item number 5G, the Proposed Meeting Dates by Melanie Castañeda.

Castañeda: Good afternoon, Chair and Committee Members. Melanie Castañeda, Office Assistant Senior for Utilities Administration. A statement of reasonable notice for meetings. On an annual basis, the City Council is required to pass a resolution to determine reasonable notice of meetings of the City Council and the City Council appointed commissions, committees and boards, pursuant to New Mexico statutes annotated 1978, also referred to as NMSA, specifically the Open Meetings Act, Chapter 10, Article 15-1 D, "which states any meetings at which the discussion or adoption of any proposed resolution, rule, regulation, or formal action occurs, and at which a majority or quorum of the body is in attendance, and any closed meetings, shall be held only after reasonable notice to the public. The affected body shall determine at least annually in a public meeting what notice where a public meeting is reasonable, when applied to that body."

Because the CIAC holds public meetings, makes development impact fee recommendations to the City Council, and/or to the Las Cruces Utilities Board of Commissioners, which could affect the public. Your action today will ensure compliance with the Open Meetings Act. Therefore, it is proposed that the CIAC take action today identifying CIAC Regular Meetings, generally to be held on the fourth Thursday of every month at 1:30 p.m. here at the Utilities Administration Building, located at 680 North Motel Boulevard.

If public meanings or other special meanings are required that they either be held in replacement or in addition to the regular CIAC meetings held on the fourth Thursday of every month, or that another day and time be identified by the CIAC.

That a reasonable notice for regular CIAC meeting, public meeting, and/or special meetings shall require the issuance of posting of an agenda prior to 72 hours of the time a meeting is scheduled. And be posted on the City of Las Cruces website, as well as posted on bulletin boards of the City of Las Cruces City Hall, Branigan Library, and Utilities Administration building bulletin boards.

That all other meetings which may be called for informational purposes in which no action is to be taken, shall be held only after written notice is posted on the City of Las Cruces website no later than 12 o'clock noon of the day of such meeting or four hours before such a meeting, whichever is greater. In an emergency when it is necessary for the public peace, health, safety, and welfare, a meeting be called with as much as notice as maybe possible under the conditions.

Before you are the 2023 CIAC proposed dates, which represents all the fourth Thursdays of the month. Please note we included today's meeting that was already approved in last year's proposed dates. This year November 23rd falls on Thanksgiving Day, which the City is closed. The Committee can decide to select another meeting date or cancel the meeting. Also included is January 2024, just in case the December CIAC meeting is cancelled, we will be covered for the following month. This year City Council passed a Resolution on December 6, 2022. Today we are asking the CIAC to take action on approving a statement of reasonable notice for meetings. I will stand for any questions.

Lorenz: Thank you, Melanie. I have no questions. I think after I step down the committee may elect to revise from the fourth back to the third Thursday of the month, but I will leave that to the Committee after my departure. I do not see the Action yet. Is there an Action here Alma?

Ruiz: Chair, Committee Members. There is, three Actions that you will be taking action on later in the agenda or under Action. This is the presentation right now.

Lorenz: I see now. Thank you very much.

Ruiz: No, no problem. Thank you.

Lorenz: Is there any questions from the Committee? Mr. Newby or Mr. Curnutt.

Newby: None.

Curnutt: No, no questions.

Lorenz: Thank you.

H. Applicant Rankings and Weighted Scores by Denise Alejandre

Lorenz: Item number 5H, the Applicant Rankings and Weighted Scores, by Denise Alejandre.

Alejandre: Good afternoon, Chair, Committee Members. Denise Alejandre, Utilities Administrative Assistant, for the record. On this slide, we will discuss the ranking methodology used where Committee Members were each emailed the ranking sheet with the two applicants who met the criteria as vetted by Legal and were still interested in serving on the CIAC Committee.

Utility staff assigned the weighted points as follows, applicants ranked number one received two points and applicants ranked number two received one point. Mr. Zachary Freilino received a total of nine points, which is the highest scoring applicant. Ms. Angie Paulina-Jimenez received a total of six points.

Please note that all applications received and not selected to fill the vacant seat will remain on file with the City Clerk for future consideration up to three years from the date of application. CIAC members will vote and recommend to Mayor and City Council during the Action item on the Agenda. Utility staff will forward the Committee's recommendation to the City Clerk and will then forward it to the Mayor and Council for consideration. I will stand for any questions.

Lorenz: I have none. Mr. Curnutt.

Curnutt: No questions. Thank you.

Lorenz: Mr. Newby.

Newby: I do not.

Lorenz: Thank you very much Denise.

6. Action:

A. Vote on Reasonable Meeting Notice

Lorenz: Now on to the Actions. Action Item number one is a vote on the Reasonable Meeting Notice. Do I hear a Motion to Approve it as written.

Newby: So, Moved.

Lorenz: I need a second.

Curnutt: No, I am not going to second I just was wondering whether we should amend it, and on November 23rd and December 28th just cancel those already or do we wait because we are not going to have meetings on those days.

Lorenz: I agree, we will not have meetings on those days. I know this Committee was very flexible with me and allowed me to adjust the meetings from the third Thursday of the month to the fourth Thursday of the month because of a schedule conflict I have with another board up in Albuquerque. I suspect after my departure you may want to adjust the entire calendar to that third

Thursday to resolve those conflicts. I think today we can approve it as written and allow the Committee in its new form to make that adjustment as they see fit.

Curnutt: Okay. Alma has a comment for us.

Ruiz: Chairman, Commissioners. Alma Ruiz, Senior Office Manager for the Utilities, for the record I was going to state that you could approve it as is and then we could take another action once we have a full Committee or at the next meeting to amend it. If you wanted to go to the third Thursday back, but I know staff has adjusted their calendars to make the fourth Thursday work, that we would have to re-poll staff to see if their calendars would allow it to be moved back to the third Thursday of the month. However, you know, the Committee does have that opportunity. As well as if we were to keep it for the fourth Thursday of the month, the meeting could be canceled October meeting for the November meeting, and December meetings if so choose.

Curnutt: Well, that is all my questions. Second.

Lorenz: All in favor.

Newby: Aye.

Curnutt: Aye.

Lorenz: And Aye for the Chair. Thank you.

The Reasonable Meeting Notice was Accepted Unanimously 3-0.

B. Vote on Applicant to Fill Vacant Seat

Lorenz: Action number 6B, the Vote on the Applicant to fill Vacant Seat. It appears that we favored, let me correctly pronounce his name Zachary Freilino. Do I hear a Motion to Accept him and recommend to the Mayor and City Council?

Curnutt: So, Moved.

Newby: Second.

Curnutt: Thank you. All in favor.

Newby: Aye.

Curnutt: Aye.

Lorenz: And Aye from the Chair.

The Vote on Applicant Zachery Freilino to Fill the Vacant Seat was Accepted Unanimously 3-0.

C. Vote on Chair and Vice-Chair

- Lorenz: Action number 6C the Vote for the Chair and Vice-Chair. Before we make that vote, I want to make a short campaign speech. The addition of Mr. Curnutt to this Committee last year I think gave me the comfort to depart this Committee. Because I believe that Mr. Curnutt has the best intentions for the Committee and for the City of Las Cruces, and has no hidden Agenda of his own to bring in. He just wants to bring what is best for the Committee and for the City of Las Cruces. I recommend we keep our Vice-Chair, Mr. O'Neill, and I recommend the new Chairman be Mr. Don Curnutt.
- Newby: I will second that.
- Curnutt: I would not. I really appreciate it gentlemen, but let me share my concern, is I think that at this point I am not qualified enough. I do not think I understand the processes adequately and lack experience that some of the other members might have so I would be concerned. Alma has got a comment.
- Ruiz: Chairman, Committee Members. Alma Ruiz, Senior Office Manager, for the record. The Chair unfortunately cannot make the motion. Therefore, it would have to come from another Committee Member to make the Motion. The Chair can second a Motion but cannot implement a Motion.
- Newby: Yes mother.
- Lorenz: Gentlemen.
- Newby: Go ahead.
- Lorenz: Go ahead. I just wanted to say that the desire of Mr. Curnutt to understand the processes is exactly why I think makes him perfect for the seat. In my tenure on this Committee, there have been four different Chairman, there have been four different Vice-Chairs and Mr. Curnutt's desire to understand and streamline these processes. He has been the only one that has approached it that way, and real desire to have that understanding, sir is exactly why I think you are the man for the job. I cannot make a motion so (*inaudible 0:51:45*).
- Newby: I would like to now make the Motion for Mr. Don Curnutt as Chairman of the CIAC committee.
- Lorenz: What do you say, Mr. Curnutt?
- Curnutt: Well, I will take it, but I again do not think that I am the most qualified.
- Lorenz: Well, I will second Mr. Newby's Motion. All in favor.
- Newby: Aye.

Curnutt: Alma's got a point of order (*inaudible 0:52:16*) word.

Ruiz: Point of order. Yes. Alma Ruiz, Senior Office Manager. I did not hear a second Chair unless you second it. He did. Okay. Sorry for my interruption.

Lorenz: No problem. Your vote Mr. Curnutt.

Curnutt: Abstain.

Lorenz: I vote Aye.

Ruiz: Motion passes.

The Vote for Don Curnutt for Chair was Accepted 2-0-1.

Lorenz: What about Vice-Chair. I think Mark [O'Neill] has done a good job. I would like to keep him in that position. If anybody has anything else to say, I would be willing to hear it.

Newby: I am in agreement with that he has been Chair a few times and he has done very well.

Lorenz: Do I hear a Motion?

Newby: I do not aspire to higher office. Yes, I make the Motion to keep our Vice-Chair the same.

Curnutt: I will second.

Newby: To keep our Vice-Chairman the same.

Lorenz: All in favor, Mr. Curnutt.

Curnutt: Aye.

Newby: Aye.

Lorenz: Aye.

The Vote to Continue Mark O'Neill as Vice-Chair was Accepted Unanimously 3-0.

7. Public Participation:

Lorenz: Next on the Agenda is Public Participation.

Ruiz: Chair, Committee Members. Alma Ruiz, Senior Office Manager, for the record. Since we did not have an Action item officially, I will take the opportunity to do it during Public Participation. On behalf of the CIAC Committee, and Utilities, Parks, and Public Safety, we would like to thank Chair Lorenz for his service

on this Committee. We appreciate the knowledge, the input that he has provided. He has served the CIAC since April 2018 through today's meeting, January 2023. He has also been Vice-Chair as well as the Chair. We have on behalf of the City of Las Cruces and the CIAC Committee a plaque for you, Jason, that reads "Jason Lorenz, CIAC member April 2018 through January 2023, In appreciation for your service and dedication to the Utilities Department, the City of Las Cruces, and our citizens, Capital Improvements Advisory Committee." We will have this plaque delivered to you along with your nameplate, mug, and so forth. We truly appreciate your service and commitment to what you have provided to us.

Lorenz: Thank you so much, Alma [Ruiz].

Newby: Here, here. Alma was the only Public Participation, so we can move on.

8. Committee Comments:

Lorenz: Any other board Comments?

Newby: Jason, I have served on dozens of committees, the City, the county, and the state, and I am telling you; you are a rare character. You never get flustered. You are genuinely interested in the outcomes. I think you also have really changed the idea of how important this Capital Improvement meeting is.

Because of your service, I think the City, and I am sure Larry will agree with this, understand the role of the fees that are charged to builders and the owners and things that come out of that are real. You were mainly responsible for that things are much better because of you and your great leadership. Do not think you might not get a few calls late at night on questions about this, Alma's beating us up again. Just wanted you to know, it comes from our hearts, that your years of service did not *go unnoticed*.

And while I here, my thinking here, it is takes great staff to make all this happen. We can sit up here and pontificate and point and say just about but without everybody knowledge and feedback, all of these people we cannot do. It is mind-numbing the computation. I am not saying mind numbing because I am bored but they are so complex. I do not know how complicated this stuff is, I just do not. Larry, I do not know how you do it. Parks, you are always under fire because everybody knows what Parks does. Not too many people know what Utilities other than we get water when we turn it on.

Jason [Chair Lorenz], I think what I'm trying to say is thank you for everything you have done.

Lorenz: Thank you Steve, very much. A big thank you to Alma [Ruiz] and Denise [Alejandre] and all the staff and them at the Utilities Office. It is impossible to run this Committee without them. They are always there to answer every question and assist in any way that I have ever needed. I really

appreciate you so much Alma [Ruiz]. It is kind of cool that you share the same name with my mom. I mean that made me like you from the start. So, thank you all very much. Understand that even though I will not be on the Committee, I am happy to be of counsel if I can do to any member of this Committee. If you guys need something from me, I am happy to come in and chat with anyone of you. You are probably going to see me in the public comments from time to time whether you want to or not. I do not think you will completely get rid of me from that I also want to thank all the department heads and presenters and people from the accounting office putting together all these reports to keep us abreast of what is going on, it is invaluable. I even appreciate the consultants that I battled with so many times over the impact fee updates. They do a lot of work, and it is important work, whether I agree with them 100% of the time or not, I appreciate the work 100% of the time. I think that is the end of my little soapbox, but I do have something to read into the record about one of our members.

Alma received an e-mail from Christine Rivera, the City Clerk. I want to read that into the record. I was informed by the Utilities Department that Mr. Vincent Garcia-Hess currently living outside of the City limits. According to the Las Cruces Municipal Code, Section 2-188 membership, "every person appointed to any Board shall be a resident of the City unless stated otherwise." Due to this provision, we will need to find a replacement for Vincent on this Committee. So, we voted a new member today to replace me, but we will need one more. Is that sufficient Alma?

Ruiz: Yes. Chair, Committee Members. Alma Ruiz, Senior Office Manager for the record, I just want to make a clarification. That e-mail that Christine Rivera sent was to Mr. Vincent Garcia-Hess, notifying him of that. I was cc'd on it, which I forwarded it to the Chair. We also have to wait 30 days before advertising for his vacant seat because he has 30 days to be able to appeal the determination. At that point, after the 30 days if no appeal has come through, then my staff and I will then start the advertising process for an at large seat replacement. Okay.

Lorenz: Thank you Alma for the clarification. I am really sorry I could not be there with you guys today, but I promise you do not want to feel the way I do. I am happy to keep my germs away. I appreciate all you guys on the Board that have served with me, especially Mark, who I have come to admire quite a bit over the years. Too bad he is not there today. Any other board Comments?

9. Next Meeting Date – February 23, 2023:

Lorenz: Our next Regular Meeting, well your next Regular Meeting is on February 23, 2023.

10. Adjournment:

Lorenz: We are adjourned.

