The following are minutes for the meeting of the City of Las Cruces - Infrastructure/CIP Policy Review Committee January 16, 2019 at 3:30 p.m., at the City of Las Cruces, City Hall, Nienburg Room (Conference Room 2007-C), 700 North Main Street, Las Cruces, New Mexico.

MEMBERS PRESENT:
- Greg Smith, City Councillor, District 2
- Gill Sorg, City Councillor/Mayor Pro Tem, District 5
- Jerry Cordova, Civil Engineer, Public Works
- David Dollahon, Assistant City Manager, City Administration
- Scott Marr, Information Technology Director, Information Technology
- Rocio Nasir, Chief Engineer, Community Development
- Marcy Driggers, Utilities Attorney, City Attorney’s Office
- Sonya Delgado, Director, Parks and Recreation
- Adrienne Widmer, Water Administrator, Utilities
- Linda Dawson, Water Administrative Assistant, Utilities
- Elizabeth Teeters, Policy Analyst, City Administration
- John Moscato, Home Builders Association
- David Maestas, Director, Public Works
- Stuart Ed, City Manager, City Administration
- Gabriel Vasquez, City Councillor, District 3 (via phone at 4:05 pm)

OTHERS PRESENT:
- Tony Trevino, Project Development Administrator, Public Works
- Dominique Rodriguez, Rate Economic Analysis Manager, Utilities
- Carl Clark, Regulation Compliance Manager, Utilities
- Franco Granillo, Parks Operations District Managers, Parks and Recreation
- David Sedillo, Construction Project Administrator, Public Works
- Jamey Rickman, Community Outreach Manager, Administration
- Gregory Shervanick, Resident
- Becky Baum, RC Creations, LLC, Recording Secretary

MEMBERS ABSENT:
- Jorge Garcia, Director, Utilities

I. Call to order: Meeting called to order by Chair Smith at 3:30 p.m.
II. Approval of Meeting Minutes from December 19, 2018:
a. All members present reviewed the December minutes provided. Mr. Dollahon motioned to approve the minutes and Mr. Maestas seconded the motion. All members present were in favor and no one opposed.

III. Action Items
a. No actions items for discussion

IV. Current Discussion Items
a. Alleyway Maintenance
i. Mr. Granillo presented the attached power point covering the Alleyway Maintenance program.
ii. Mr. Dollahon shared, "I think this is part of a bigger issue that we need to look at. In our residential areas the pull-up parkway is the adjacent property owner's responsibility by code. One of the things that we're looking at going forward and this is a policy issue, one reason I brought this forward to you is there are private alleys that are maintained privately by individuals but most of our alleyways are the City's responsibility. One of the things that we're looking at from our Housing Maintenance Code and our Property Maintenance and this is really our Nuisance Ordinance is looking at transferring alleyway maintenance responsibility to the adjacent property owner. So as you will hear from the audience it was an interesting concern so that changes our responsibility and from our standpoint it's a manpower and a workload issue because we have an assigned inmate crew and staff to these alleyways that work in a four-week rotation that if we had them not maintaining alleys we could be maintaining more landscaped medians, more park areas, and so forth. Because without transferring some of that responsibility, we're not able to expand without additional expenses to the City to fund additional positions within the Parks Maintenance Sector. So I'm bringing this forward, I wanted this brought up because is the City ultimately going to be willing to consider transferring that maintenance to the private adjacent property owner which transfers it to Codes from an enforcement standpoint. But most of them are the City of Las Cruces' responsibility."
iii. Councillor Sorg asked, "Who owns the land now?"
iv. Mr. Dollahon addressed, "They're our alleys, sometimes they're used for access to private properties, there may be utilities, there may be Drainage and so forth. Each one of them is unique Just as a brief background most of these alleyways are parts of older subdivisions in town when alleyways were used to access property where garbage collection was done, where lots of utilities were done. There is a statutory process in which property owners on either side of an alleyway may pay a fee to the City and seek to have that alleyway vacated, meaning that it becomes their private property. Generally, it's split down the center, half goes to each property owner. But we don't see that done very often because even though property owners might like to have the additional square footage, that for them to utilize it they would have to knock down existing walls and relocate them to the center line of the alleyway and for most private property owners that's not
worth the effort, plus the additional cost of the fee to apply for the alleyway to be vacated.

v. Chair Smith asked, "Mr. Granillo, based on what Mr. Dollahon was saying, are these the same crews? In other words, the people who are working in the alleyways, when they're not working in the alleyways they're also working on maintenance for the medians and that sort of stuff, or is this a separate crew?" Mr. Granillo responded, "Our crews we have in the alleyways, we actually got them, and they came to us from the Streets Department. So, they're scheduled just for alleyways and they are considered Park Maintenance workers, but they are dedicated to alleyways so they're not pulling from staff all the time. But if we didn't have the alleyways like Mr. Dollahon said we could put them in areas that would benefit beautification."

vi. Ms. Teeters asked, "So if we were to change it so it'd be private property, if there was an issue like dumping or something, would that be considered a nuisance then? Would that, is that how it'd be cited?" Mr. Dollahon answered, "That's exactly it. The weeds and the dumping in the alley would become part of our Nuisance Ordinance. And it transfers the responsibility of maintaining it to the adjacent private property owner."

vii. Ms. Rickman added, "I'd like to also if we could discuss the, I guess it would be called the infrastructural maintenance of the alleyways because we get a lot of calls from residents who want the City to fill in potholes or to somehow improve the alleyway either because they do access it in some form or fashion whether it's their primary access or not, or they cite other reasons for us to be doing it. It's logically in their minds that the, it's an alleyway so it's the City's responsibility. And so, I'd like for that infrastructural maintenance to be maybe discussed a little bit here too because that comes up a lot for us."

viii. Mr. Dollahon replied, "The grading and maintenance of the alleyways, if it's a City alleyway falls to the Street Department. It does represent a maintenance issue for us. We can in, if they're not taken care of we can standing water, we can get potholes and so forth. So that is an issue. We also have our Zoning Code and Development Requirements allow residential properties to use the alleyways as their access point. We don't generally allow that for commercial or multifamily. But I'll show you on this map. These little strips in green are all our alleyways. The little ones in brown are private alleyways and that represents a Codes Enforcement issue if we have weeds in there. So, each alleyway is independent and has to be looked at on an individual basis but a majority of those, if you'll pan down on the map, you'll see that most of those green, narrow strips are all City. There's very few and they're very selective in the heart of town, but all of them fall to the City to maintain. We could potentially do other things with our crews if we transfer either ownership or responsibility of maintenance to the adjacent homeowner."

ix. Chair Smith added, "Mr. Dollahon. I'm glad you mentioned transferring the ownership because that's where I see probably this discussion going,
simply because if we're asking the neighboring property owners to maintain it they're basically saying, 'Well it's not my land, it's the City's.' I mean I'm anticipating that's what they would say. So what mechanism would we have if people haven't actively sought to purchase the vacated alleyways, what mechanism might we be able to use bearing in mind the Anti-Donation Clause and those kinds of things."

x. Mr. Dollahon replied, "Generally what we do is we wait for somebody, for vacating or giving up our alley, it's on a case-by-case basis. We're not really looking at giving up our ownership or transferring them. We're just looking to transfer the weed maintenance and the dumping to the adjacent property owners. That's no different than what is in our Code now in the front of your house, in the parkway in front, between the sidewalk and the property line, that is the individual property owners to maintain. That's under the current code. We would look to do the same thing for the alleyways. So, we're not giving up ownership. We're looking for assistance on maintenance."

xi. Chair Smith asked, "I guess the question that I have then regarding the alleyways is how many of them are actively either because of utilities or say trash pickup or that kind of stuff, do we have very many that belong to the City that are still actively necessary for City operations?" Mr. Dollahon said it was an analysis that has not been done. Chair Smith added, "It would seem to me, because you mentioned originally the intent was in a lot of them to pick up garbage and all of that's happening pretty, or not all of it but a lot of it is happening in front of the houses now and a lot of the houses have their utility hookups through the front of the house. But certainly, in my neighborhood there are houses with alleys in the back and in the older parts of the City there are a lot of them. If we were to look at a process for vacating them how much, and if it might be easier or more acceptable to people if they were able to get ownership, what would that do to our utilities? That would be a question I guess we'd need to answer because we don't have an answer today."

xii. Mr. Dollahon answered, "Well what we've done in the past is if there is property or right-of-way that we've vacated that has a City utility in it, we vacate the ownership, but we retain a utility easement. So that essentially prohibits somebody from building over it but it allows them to use it and we don't own it anymore. We just have an easement to go in there and repair our utilities. And it's not like we're on the tax rolls. I mean we're not getting any property value from our alleyways so, because they're ours, a majority of them are ours. From our standpoint the reason we're bringing this up, it's a maintenance responsibility. That if everyone adjacent to the alley only had to maintain a small portion of it there's a greater benefit to the City as the whole because we can reallocate resources elsewhere, to medians, to parks, more landscaped medians, more landscaped parks that we're not going to be able to do as long as we're maintaining alleyways. And then it transfers responsibility to a much greater group for a much smaller area on an individual basis, but it does become a Codes Enforcement issue."

b. FY20 Draft CIP List
i. Mr. Maestas began, "Good afternoon Members of the Infrastructure Policy Review Committee. I'm David Maestas with the Public Works Department. At our last meeting it was asked if we would be able to present the Capital Improvement Project list and we said, "Yes, we could get to you what our draft is at this time." And the reason I want to highlight that is we are still working on the overall Capital Improvement Projects. That'll be coming forward to Council as we work through our budget process, so we'll see the list be adjusted potentially here a few more times as we move through that process. So, keep in mind the items I'm showing you again are part of our draft CIP." He then presented the attached power point.

ii. Councillor Vasquez asked, "So I just have a question about the process of putting projects on the ICIP list or the CIP list. When projects are added and I'm thinking specifically of the Villa Mora Dam design project that was listed in the CIP list that was presented to Council. When those extra projects are added staff adds them according to the five-year kind of planning that we have for these projects without Council's approval. Right? Is that kind of how the process goes? Or does Council approve the CIP list every year?"

iii. Mr. Maestas answered, "That's a very good question Councilor. Yes. Council does approve the CIP every year. One of the things that I failed to mention which is again something that's been brought forward from Council and then at the direction of the City Manager's Office, the City has begun implementing monthly adjustments. So, what you will see is as a budget adjustment takes place in one of the monthly sessions, if it affects the CIP you will also vote on an adjustment to the CIP based on that. I'll refer back to the fire station item that I had mentioned, and I said Fire had money for that, so if all works well, they'll get that project funded now in FY19. That one wasn't part of the FY19 CIP program that Council approved last year. However, with them getting the money now, when they come to you with that budget adjustment there will also be an adjustment to the CIP. So, to answer your question specifically, yes. Council gets to vote on the CIP yearly and then they get to vote on adjustments as they come forward monthly."

iv. Councillor Vasquez added, "Very good. And as a follow-up question to that if I may. In terms of the CIP list and its relation to the capital outlay priorities just reminds us, thank you for sending me the information on those projects that our new legislator had requested. So the relationship between the CIP list and capital outlay in the sense that, and I will just use this as an example because it's kind of in the process of it now but one of our legislators said, "Hey, I would like to know what CIP projects are in my district or are in our shared districts so that we can work on some of this together if that's an option." Is that list, is that information easily available on the web? I wanted to point her to a resource that she can easily comb through. Are we making that information easily available to our constituents on the web, actually from the same matrix that we get presented, or what's the easiest way for the public to know or access this list?"

v. Mr. Maestas replied, "Sure. I'll start off attempting to answer that question Councilor Vasquez, our budget book which includes the CIP is on the City
website. With respect to if it could be made easier, I would have to defer to Jamey on that. She's good about if we have requests on how we want to have a link that's more accessible for somebody looking for a spot to, for it to be on the website. But right now, if you go through our budget section you can find the budget book and in there you can easily find the CIP.

vi. Councillor Vasquez then asked, “Okay. If possible because that is such an important piece of community development in terms of what the City has prioritized, also useful for our legislators to have that separate because I think the budget book is a .pdf that you might, that probably isn't searchable by Google. And I know I've tried to search for the list and it couldn't easily access it and so, which is not a big deal. I know that's just the nature of how sometimes we upload information in .pdfs and that kind of stuff. But looking at potential budget surpluses coming at the state level in the future, having that information easily accessible to share especially with some of our priority projects that we've kind of voted on as a Council, having information about each of those projects at least the priority ones would be good to have online if we don't already. But just some thoughts on how we'd potentially get some of these projects done faster. I know specific legislators also have things that they want to put on in addition to what the City Council priorities might be and certainly wouldn't want to take away the opportunity for them to engage with us on any of those projects that they might want to prioritize in their districts. So just some thoughts on that.”

vii. Mr. Dollahon added, “Mr. Chairman. One of the things that we're looking at and look to do is on the CIP listing itself add the Council District, the City Council District, the State Representative District, and the State Senate District in a column especially if a project is limited to one of those districts. That way you'd clearly know it's in Council District 2, State Representative District whatever, State Senate District, that'll make it for an easier cross reference. We can work through that through the budget process. The other thing is that I'll talk to Jamey about and poll her staff, is having the adopted original CIP, the one that you adopt as part of the budget on the website. But as we make amendments to it throughout the year, the budget year then there's a live version, the most current version is readily available because we do make amendments throughout the year. We get grant funding, we get state appropriations and we have to have them, so you, we want the original adopted and then you can track changes on the most live version, and you can track the changes.”

viii. Councillor Sorg asked, “Is this presentation meant to, just to educate us how the CIP list is nowadays or is it meant to be approved, the actual list of projects?” Mr. Maestas answered, “Mayor Pro-Tem. It was my understanding that we were just to bring forward, to give you an idea of what the CIP list is going to look like and some of the potential projects. The list is on the SharePoint site right now. If you go to CLC Projects and you get into the Infrastructure PRC committee it will be the approval process, second part of your questionnaire: The approval process will take place, CIP will come
forward with a budget as part of a work session. And then after the work
session it’ll be the final approval on it.”

ix. Chair Smith asked, “We'll be getting heavy-duty into all of that around April.
Is that about right?” Mr. Maestas answered, “I believe that’s correct.”

x. Chair Smith then asked, “Okay. And one of my questions if there are no
others from anyone else, is we’ve talked about the Amador Proximo project
before and one of the things that happens so often in our budgeting process
is that sometimes we don't bring things up in a timely fashion and then we
find ourselves going, ‘Okay. That’s going to go on the next one.’ So as far as
how we bring that into our discussions, what would you suggest as far as
what we already have in place and what we might need to do if we’re wanting
to see that infill area, that blighted area given more attention in our
deliberations?”

xi. Mr. Maestas answered, “The blueprint process was started when you first
brought it up to us and when we have discussions as we individually met
with you all. At that point we began to identify, potentially to get it on the list
and where it would be, what it would rank. We have to look at projects that
are specific that can be funded by the City. In that case a lot of that may be
private development so you wouldn't be able to identify it as a funded project.
But if there is a project that the City can do as part of that, that can be funded
then we would get it on that ICIP so we can start to address funding that as
it moves forward.”

xii. Chair Smith added, “Okay. Thank you. Well I know with the property that we
already have there and with the movement of the fire station that the City
does have a couple of parcels in there. We also have a lot of other areas
where the cotton gin, well several cotton gins were previously that might
conceivably even be purchased by the City or some sort of economic
development activity might take place to help us move that forward. Thank
you, Mr. Maestas. Mr. Dollahon”

xiii. Mr. Dollahon stated, “You dovetailed perfectly into what I was going to say.
One of the things we might need to look at as an economic development
project, the other thing that we can look at is if we know that we want to put
a road through there in a certain way we can start looking at right-of-way
acquisition either through private donation or purchase to help spur
economic development so that we can acquire the right-of-way to build a
future road. That's not something that we've done, something we can do
and it would be, ultimately it would need to be put on the CIP list as a Capital
Improvement Project. Because ultimately it is our Capital Improvement.”

xiv. Chair Smith added, “Well, and I think that's an area where we have an
opportunity to be proactive. It's sort of like what we're talking about with the
area off Lohman, off East Lohman where we have an opportunity to be
proactive with the City, in that case a City property. But certainly, these are
areas where they're already within a lot of our infrastructure, existing
infrastructure connectivity opportunities but we have sort of open slates to
work with.”
xv. Councillor Sorg asked, "What is their plan for Amador Proximo? What kind of City plans do we have? And does it have any projects in it?"

xvi. Chair Smith answered, "Well we have the blueprint that was worked on about four years ago." Mr. Dollahon added, "There are no projects beyond the fire station. I just put it on my list to have a staff meeting discussion with both CD, Public Works, and Economic Development for planning purposes."

xvii. Chair Smith concluded, "Because these sorts of things I think we often talk about them but then they sort of wait for somebody to take forward motion with them and so I'm just letting you know that's an area of interest that I would like to see us work on. Thank you. Other questions or comments? All right. Very good. Thank you, Mr. Maestas. Appreciate that."

V. Future Discussion Items & Task Listing

a. Permeable Pavement – February 2019
b. East Mesa Unpaved Roads – February 2019
c. Public Works PEAK Performance – February 2019

VI. Next Meeting Scheduled: February 20, 2019 at 3:30 p.m.

VII. Adjourn - Meeting adjourned by Chair Smith at 4:20 p.m. with no objections.

Approved: 2/20/19

Greg Smith - Chair