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Capital Improvements Advisory Committee
Minutes for the Meeting on
August 18, 2016
1:30 p.m.
Utilities Center
Conference Room 218

Committee Members Present:

Ronald Johnson, Chairman
William Beerman, Vice-Chairman
Brian Crawford, Committee Member
Eugene Suttmiller, Committee Member

Committee Members Absent:

City Staff Present:

Carl Clark, RES/TS Administrator
Sonya Delgado, Parks & Recreation Administrator
Justin Dunivan, Deputy Police Chief
Eric Enriquez, Fire Chief
Dr. Jorge Garcia, Utilities Director
D. Eric Martin, Facilities Management Administrator
Carolynn Rouse, Office Assistant Senior
Alma Ruiz, Office Manager Senior
David Weir, Community Development Director

Chair Johnson: Called the meeting to order at approximately 1:29 p.m.

1. Acceptance of the Agenda:

Chair Johnson: We need an acceptance of the Agenda, do I have a motion?

Suttmiller: So motioned.

Chair Johnson: Second?

Crawford: Second.

Chair Johnson: I have a second. All those in favor? Aye.

Crawford: Aye.

Vice-Chair Beerman: Aye.

Suttmiller: Aye.

The Agenda was Accepted Unanimously 4-0.

2. Acceptance of the Minutes:

a. Regular Meeting of June 16, 2016

Chair Johnson: Let's proceed. Has everybody seen the minutes?

Suttmiller: Yes.

Chair Johnson: Any comments regarding the minutes? They were brief. Can I have a motion on the approval of the minutes?

Suttmiller: I make a motion that we approve the minutes.

Crawford: I second.

Chair Johnson: We have a second. Those in favor? Aye.

Crawford: Aye.

Vice-Chair Beerman: Aye.

Suttmiller: Aye.

Chair Johnson: Thank you.

The Minutes were Accepted Unanimously 4-0

3. New Business:

Chair Johnson: We come to New Business. I'm very interested in this item because I was actually sitting on this Board the first time around when we looked at the Impact Fees. I'm quite interested, since then we got two new members and Gene was on the Board, as to where we've been, how we got there, and how we're going forward. That's why I added the historic review. Would you introduce yourself and proceed?

Delgado: Good afternoon Mr. Chairman and members of the Board. My name is Sonya Delgado, I'm the Parks & Recreation Director. I worked with Mark Johnston, the previous Parks & Recreation Director. I was his Recreation Administrator then. I'm somewhat familiar with this process, I've also worked closely with Mr. Eric Martin and he'll help us again with the process as we go forward.

I have some history. This is some information that we found that Mark and I started putting together about a year ago just to have it, so when you asked for it, it worked out just right. Hopefully that will help you with some of your questions, and then we'll tell you what our next steps are and where we're going from there. Of course, we'll be back again to give you more and more information.

The Park Impact Fees, the City Council adopted the Resolution enacting Park Development Fees in July of 1995. The Fee at that time was set at \$249 per dwelling unit. The Fees can only be used for adding new levels of service, that does not include maintenance. I know we get that question often, what do we do about the maintenance. We cannot use it for maintenance or to replace anything that's already there. In 2006-2007, the PIF (Park Development Impact Fees) was raised to \$550 per dwelling unit. In 2007-2008, the PIF was raised to \$800.

The Las Cruces Municipal Code requires that at least every five years the City either updates the Land Use Assumptions, or determines no updates are needed; updates the Park Capital Improvement Plan or determines no updates are needed; and updates the Park Development Fee or determines no updates are needed. At this time we're going forward, we do not anticipate any updates and that's what we're going to be asking for, unless, of course, we get different direction as we go forward.

Suttmiller: No updates on any of those three items?

Delgado: The Land Use Assumptions was done last year, if I'm not mistaken.

Suttmiller: Yes, that's okay, that's good.

Delgado: We get to use those Land Use Assumptions when we do ours as well.

Chair Johnson: That was part of the agreement.

Delgado: Yes, it was part of the agreement.

The Parks and Recreation Master Plan, the last time we did this was about five years ago. We had Conservation Technix Inc. as consultant for the plan and the study; we had extensive public input; we used statistically accurate surveys; we had geographic outreach; we had a draft of the Parks and Recreation Master Plan, that plan was completed and we still use it today. The Park Development Fee study was completed as well, and that's when our fees changed and you will see that in just a moment. We plan on having extensive outreach and public input when we go through this process again.

On the Land Use Assumptions, Public Works consultants completed the Land Use Assumption updates, and the Parks & Recreation study incorporates the new population assumptions from that. Tischler Bise was our sub-consultant that completed the draft Park Impact Fee study on January 18, 2012. Their recommended fees, now this is what we went to, but they recommended it was going to be over \$4,000. When we came back and said that, everyone said that was way too high, what we settled on was \$2,600 as the proposed

fee when we sent it forward to Council. At that time, the current fee was \$800. The proposed fees are all-inclusive for all park categories.

Chair Johnson: Excuse me. I have a faulty memory, because I'm approaching my 75th year, but I thought that this Commission only approved approximately \$1,300 and it was the City Council then that doubled that value.

Delgado: Yes, you are correct, my apologies.

Chair Johnson: Take me back.

Delgado: That was the City Council slide, so yes, when we came here, the CIAC had said we wanted \$1,300; and when we went to Council they doubled it to \$2,600. That's where we're at right now. My apologies.

When we came here the last time with this, your options were to leave the current fee at that time of \$800, and we went to \$1,300; adopt the suggested fee that was sent for the recommendation at that time was over \$4,500 and then adopt a fee for one of the following: neighborhood parks, community parks, athletic facilities, and open space and trails.

Our process continued. We did provide this Committee with draft plans and the study for review; we did have Public Meetings and presentations to Las Cruces Realtors and Home Builders; I suggested that you go back and discuss it with them some more; special presentation and Work Session with the CIAC. We did have some issues, we were going through a whole new process and getting some new members in and out. We couldn't reach consensus the first time, but we finally got to one and that went forward.

We recommended to Council to have a regulatory action placed on developers. Another issue that came up was to eliminate the Park fee and recommend other alternatives. We were unable to reach a consensus on either of those, and then we finally made it to the \$1,300.

Chair Johnson: My memory on the \$1,300 is that we specifically reached that number by eliminating certain types of improvements that we thought we should not go forward with. We thought we should be emphasizing neighborhood parks, so there was some rationale for our \$1,300, believe it or not. There were certain things like athletic fields, open spaces and trails, not necessarily that we didn't find them important but from that point and time the \$1,300 related itself mostly to investing in the neighborhood park area. Is that correct?

Delgado: Yes. We did not go after the larger spaces and larger parks, and concentrated mostly on the smaller parks that would be available for developers, especially now with the way the City is growing.

- Chair Johnson: This is going to be a strange question, but did we have a methodology then, unlike what we have now, which you know I'm very happy with? In 2012, did we have a methodology that allowed us to reach these various levels, or did we arbitrarily reach those decisions? Do you remember? I know Tischler said \$4,500 based on some kind of methodology, and right now we're using methodology that they've adopted and we're very supportive of, but what did we have in 2012 that got us somehow to \$1,300?
- Delgado: That's a very interesting question, and I believe Eric might be able to help me with this one. If my memory serves me correctly, when they started, the methodology they used at that time was trying to get some kind of park, athletic field, trail, recreational component of some sort that any community member can use within a one-mile distance from their home. Once we started looking at that, that's where that \$4,500 number came into place. Some of the issues we ran into are, for example, the downtown. We don't have any other land there or new development going on, because it's already been built out, so we wouldn't be able to do that. I know that was one of the components that was brought up, we talked about it extensively, and the only reason I say this is because I had a lengthy discussion with Mark about that because I was trying to understand some of that. I don't know if there was any others.
- Martin: Mr. Chairman, I think that level of service issue is probably the biggest from that side on the terms of how they arrived at their numbers. Then, you have to look at that methodology, step farther back and say, "Well, should it be a mile and one-half, or two miles?" or whatever the case may be, based on what we can afford. Also, I think it was decided that the jump from \$800 to \$4,500 was just too big a chunk also to bite off at that time.
- Delgado: If I remember correctly, those fees hadn't changed for quite some time.
- Chair Johnson: No, they hadn't. My notes show that it was service level, but my notes were ambiguous as to what service level meant at that time. My note showed that service level was the primary basis for how we laid things out. I didn't have clarity, though, how we differentiated from someone's recommended service level and then how we got to \$1,300. I'm just trying to compare that to what you are going to present us today, because it's a different methodology and I want the Board to know that if there's a way. If there isn't, that's fine.
- Delgado: I don't think there really was a way, other than this is where they started at the one mile, and then everybody said that number was way too high. Then, the discussion came about what is reasonable, and I think that number just started coming down. I want to say arbitrarily, but...
- Suttmiller: Mr. Chairman. I'd like to ask a question that has nothing to do with Parks & Recreation. You mentioned there's no land in the infill area. Is that building

that's going to go on at the golf course within the infill area, and are they free of Impact Fees? I saw a map, but that was about six years ago.

Delgado: Next to Apodaca Park?

Suttmiller: The old Las Cruces Country Club. They're supposedly putting in millions of dollars' worth of construction there. If that's in the infill area, there's no Impact Fees, unless there's a change to the infill area.

Chair Johnson: Where the hospital is going, and the housing, and there's park land in that?

Suttmiller: I believe all that land is in the infill area. I'm just going on my memory.

Weir: Mr. Chairman, that project is in the infill area. I believe that was excluded because of the vicinity of Apodaca Park. The decision was made that there are parks and recreational facilities within that infill area, so that was some of the rationale for exclusion.

Suttmiller: What about Public Safety?

Weir: No, Public Safety would have to pay those.

Suttmiller: They have to pay even though they are in the infill?

Weir: Yes.

Suttmiller: Okay.

Chair Johnson: Good.

Suttmiller: It was just something I thought about a month ago, so I need to ask it now, and I'm sorry to interrupt your presentation, but if I forgot it and got out of here, it would have driven me crazy for another month.

Delgado: That's fine.

Chair Johnson: I just wanted our couple of new members to understand. I think at that time, there were new members and we actually weren't overly clear about our role, either. Some of the discussions might have become a little bit more political, and we presumed certain obligations that were the City Council's rather than ours. I think the Legal Department straightened us out on some matters. I don't remember having as sophisticated a methodology as you may be providing with us today, but anyhow, it was a service level issue as I recall.

Vice-Chair Beerman: I have a couple of questions. Do I understand correctly that the consultant in 2012 recommended a fee of \$2,600?

Delgado: No, they actually recommended a fee of \$4,500, \$2,600 is where we landed with City Council, and the \$1,300 came from this Committee.

Vice-Chair Beerman: Okay.

Delgado: I didn't lay all those fees out there, but they initially came back with a fee of about \$4,500.

Chair Johnson: What happened, Bill, at the time, is that each one of these items like the neighborhood parks, community parks, athletic and open space all had fees associated with them. If you said, "We don't want you to do that," then the fee got ratcheted back. There was some logic of what the Board did when we focused just on the neighborhoods, so that we were able to ratchet that stuff back.

Vice-Chair Beerman: Did you say that somebody's determined that there is no update needed for the Park Capital Improvement Plan?

Delgado: That's what we did the last time. All that information out is what we went through the last time. This time, we'll be going through the Land Use Assumptions, we won't be asking for any update. Then, we'll be doing the Capital Improvement, and I don't think we'll have an update on that.

Martin: Not at this point, unless something changes drastically.

Delgado: I don't think so. We are looking, unless we have a further direction or a different direction, to leave the fees the same.

Vice-Chair Beerman: There's a proposal for, I don't know if I have the terminology right, but it's an all-people's park?

Delgado: The inclusive playground?

Vice-Chair Beerman: Yes.

Delgado: Yes. That will be located at Young Park.

Vice-Chair Beerman: Is that a substantial thing that is, or should be, included in the Capital Improvement Plan?

Delgado: It will be done this fiscal year, and it will be a Capital Improvement Project. Eric Martin and I were just talking about that earlier today, and it is something that is in the works right now.

Vice-Chair Beerman: Would that be funded from Impact Fees?

- Delgado: Yes, it can be. We're hoping that we can use some of those funds in there.
- Martin: Mr. Chairman, Mr. Beerman. The current Capital Improvement Plan is \$160,000 going into the project. \$75,000 is Park Impact Fees, \$75,000 is from State Legislative Appropriation, and there was \$10,000 donated from the private sector. Sonya and I were having the discussion because the citizens and others are desiring a much larger build-out from what that initial \$160,000 is, so we've been talking about potentially looking at our Impact Fee balances and seeing what additional Impact Fees could go into that. That kind of project would meet the spirit of our attempt to use Park Impact Fees in terms of a new, improved level of service available to the community that serves the broad public.
- Vice-Chair Beerman: I'm sure that mostly everybody knows this but the big swimming pool, that's in process already, is it an Olympic swimming pool?
- Martin: Mr. Chairman, Mr. Beerman. We have the \$240,000 approximately, plus or minus, from State Legislative Appropriation to initiate planning and design on that structure.
- Vice-Chair Beerman: Would that be an Impact Fee project also, partly funded through Impact Fees?
- Martin: Not at this time. This gets into some nuances of whether it's new improved level of service. If we were to enclose a different older pool, or take it out of service, and this pool substantially replaced that pool, then we get into calculating how much of the new pool is really an improved level of service over the previous level. That's something that would require further discussion to see how that would fit.
- Vice-Chair Beerman: That would depend on the capacity, maybe increased capacity based on increased demand or surge of population?
- Martin: Potentially.
- Vice-Chair Beerman: Okay. Thank you.
- Chair Johnson: Another question. We're right now at \$2,600?
- Delgado: Yes.
- Chair Johnson: Okay. So you will be addressing the point of, "Is that \$2,600 a sufficient level of fees?"

- Delgado: Yes. When we come back to you again, we will tell you what we've gathered since it changed, what we've done with that, has it been sufficient, are we satisfied with all of that. We will bring all that back to you.
- Chair Johnson: Because you can imagine a Commission who approved \$1,300 and someone doubled it at \$2,600, we thought \$1,300 was enough so \$2,600 might appear to be more than enough. We'll wait for your methodology to show the results of that investigation.
- Martin: Mr. Chairman, I'll be back before the Committee next month for an update on our Parks & Recreation Impact Fee Projects. If there is anything extra you'd like me to include in the presentation, I've still got a couple weeks to have staff finish wrapping that up to where we can add any other information that might help show you what we've done with those fees.
- Chair Johnson: It's more or less, Mr. Martin, the logic. If the Commission said \$1,300 was good enough, and the Council doubled that, you would wonder why one would have to come back after a 100% increase. Well, it wasn't 100% because you had the \$800 before the \$1,300, and the \$1,300 went to \$2,600. There's just some logic that someone might ask at some point, even in the public. I want that to be addressed, even by the consultant, I don't particularly care.
- Vice-Chair Beerman: It was a big cut from the consultant's recommendation, also.
- Chair Johnson: I'm a bit particular sometimes, so you've got to understand that I'll be interested in that.
- Crawford: I'm good. Thank you for the history of that.
- Chair Johnson: I'd only comment that they have laid out a nice schedule for us. It's self-explanatory, it goes step-by-step the way we like to see it done. We also have a deadline, when is our deadline?
- Delgado: At the end of 2017.
- Chair Johnson: Okay, end of 2017, so there's a little bit of time.
- Delgado: I'll be working with Eric Martin and his staff, and we'll be sending out an RFP (Request for Payment) to have someone come and review and start that process for us. Once that process begins, then we will solicit input, just like I did in that first couple of slides that explained what we did in the past. We'll do the same thing again.
- Chair Johnson: Okay. Will you be using the same consultant?

Delgado: I don't know yet.

Chair Johnson: You don't know; you're going to go out. Good. Gene?

Suttmiller: I'm good.

Chair Johnson: Thank you very much. I think that gives us a start, and I'm glad Alma held the meeting for me so I could get back from Russia. We can proceed with the next item. Let's review the future meeting agendas.

Ruiz: Can we go to 3C?

Chair Johnson: Alma has a proposed new format for us. Let's look at that.

Ruiz: Chairman, Committee Members. We would like to propose a new format to the Agenda Packet from the way you're currently receiving them today. What I propose are some examples of what our current City Council are using, as well as our Las Cruces Utility (LCU) Board. The only difference is that currently, the City Council and the LCU Board use links to attach to the presentations that they have. What happens is, you would click on a link, say allow, and then it opens the file for you; versus having our staff attach them to the email format. Instead of having six or seven documents within an email, you would have one document, which is the agenda, with several links to the appropriate presentation material.

It's very convenient for our staff as well as, I believe, you as members. We will always continue to provide you a hard copy, like we do currently, for the meetings so that you can take notes. Going forward, we would like to propose that. We recently started with the LCU Board when the city transferred from Office 2013 to Office 365 and we ran into size limitations. We found that using the links goes to the meeting minutes, you have them there for your review electronically, and then you can also download them to your computers. Some members may want to have them for historical purposes or whatnot. It brings up the meetings as they are, and so we would propose that the CIAC Agenda follow suit.

This is what it would look like. This is this month's agenda. Instead of receiving a PDF of the minutes, you would just click here, and it would open up. This is what is in your current packet right now in front of you, so you can read it online. Again, the presentations, you click on it and it would open up just how you see it in your packet. It's just not going to be an individual attachment.

With that, I would propose that you guys maybe take an action as to whether you like this idea, do you want to test it, or to proceed going forward next month with only sending you this Agenda Packet with links.

Chair Johnson: Any software issues for any members?

Suttmiller: No, not for me.

Crawford: I like that.

Chair Johnson: I can view this on my smartphone?

Ruiz: Yes.

Chair Johnson: I think it's a great idea. I'm one for saving paper, I hope everybody is.

Suttmiller: Unless anybody doesn't like it, I'll make a motion to accept these changes.

Crawford: I'll second.

Vice-Chair Beerman: I'm just curious. I see the value of it. What measures are taken to make sure that these files stay available into the future, like maybe two years from now? Will they still be accessible?

Ruiz: Sure. I'll address that in two ways. The first thing is, the City has a records management program. We have to give all original documents over to the City Clerk's office, so after the Chair signs off on the minutes, on any other type of documentations that require his signature, City Clerk has the originals and they maintain hard copies. They also use this software database, Laserfiche, currently for their records management of the City. We can go back to it, we've uploaded all of the Las Cruces Utilities Board going back to 2008. It's all there electronically.

Vice-Chair Beerman: There wouldn't be a later version, or when you click on it today, you might see a different version than if you click on it a year from now?

Ruiz: It would be the same document, yes sir.

Chair Johnson: I think I have a motion and a second. All those in favor? Aye.

Crawford: Aye.

Vice-Chair Beerman: Aye.

Suttmiller: Aye.

The Motion to Accept New Agenda Packet Format was Accepted Unanimously 4-0

Chair Johnson: Thank you, next. Into the 21st century.

4. Old Business:

Chair Johnson: That brings us to Old Business. I see none.

5. Next Meeting Date:

Chair Johnson: Next meeting is September 15th. I always ask the question, are we going to have a quorum?

Suttmiller: I will be back.

Crawford: I will be here.

Vice-Chair Beerman: I won't be here.

Chair Johnson: There will be only three of us, so I want to make sure that the three of us are here. We will be reviewing the State Law, City Ordinance, and so on that I think it's important we hear. You can just pick this up from the material, Bill.

Future meeting then is in October, and you can see the progress that we make. I think it's important that we see this ahead of time to see where we're going.

6. Public Participation:

Chair Johnson: Any public folks here or comment? I see none.

7. Committee General Discussion:

Chair Johnson: I have a comment. Lonnie Hamilton has officially resigned from the Board. As a Board, we need to accept his resignation officially, so I need a motion and a second.

Crawford: I'll motion.

Suttmiller: Second.

Chair Johnson: All those in favor? Aye.

Crawford: Aye.

Vice-Chair Beerman: Aye.

Suttmiller: Aye.

The Motion to Accept Resignation of Lonnie Hamilton was Accepted Unanimously 4-0

Chair Johnson: At this point, it's incumbent upon me to ask our team to advertise this position with the requisite requirements, given our Board is required to be made up in a certain fashion. I don't think there's a height requirement on this one.

Ruiz: So noted.

Chair Johnson: So noted. Any further comments?

Suttmiller: No.

Crawford: I'm good.

Chair Johnson: I want to thank Parks & Recreation for the update. I hope everybody found that useful.

8. Adjournment.

Chair Johnson: Adjournment?

Suttmiller: Sounds good.

Chair Johnson: Sounds good. See you next month.

Meeting was adjourned at approximately 1:58 p.m.



Ronald C. Johnson Date
CIAC Chair