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3 **CITY OF LAS CRUCES**
4 **INFRASTRUCTURE/CIP POLICY REVIEW COMMITTEE**
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6 The following are minutes for the meeting of the City of Las Cruces - Infrastructure/CIP
7 Policy Review Committee January 16, 2019 at 3:30 p.m., at the City of Las Cruces, City
8 Hall, Nienburg Room (Conference Room 2007-C), 700 North Main Street, Las Cruces,
9 New Mexico.
10

11 **MEMBERS PRESENT:**

12 Greg Smith, City Councillor, District 2
13 Gill Sorg, City Councillor/Mayor Pro Tem, District 5
14 Jerry Cordova, Civil Engineer, Public Works
15 David Dollahon, Assistant City Manager, City Administration
16 Scott Marr, Information Technology Director, Information Technology
17 Rocio Nasir, Chief Engineer, Community Development
18 Marcy Driggers, Utilities Attorney, City Attorney's Office
19 Sonya Delgado, Director, Parks and Recreation
20 Adrienne Widmer, Water Administrator, Utilities
21 Linda Dawson, Water Administrative Assistant, Utilities
22 Elizabeth Teeters, Policy Analyst, City Administration
23 John Moscato, Home Builders Association
24 David Maestas, Director, Public Works
25 Stuart Ed, City Manager, City Administration
26 Gabriel Vasquez, City Councillor, District 3 (via phone at 4:05 pm)
27

28 **OTHERS PRESENT:**

29 Tony Trevino, Project Development Administrator, Public Works
30 Dominique Rodriguez, Rate Economic Analysis Manager, Utilities
31 Carl Clark, Regulation Compliance Manager, Utilities
32 Franco Granillo, Parks Operations District Managers, Parks and Recreation
33 David Sedillo, Construction Project Administrator, Public Works
34 Jamey Rickman, Community Outreach Manager, Administration
35 Gregory Shervanick, Resident
36 Becky Baum, RC Creations, LLC, Recording Secretary
37

38 **MEMBERS ABSENT:**

39 Jorge Garcia, Director, Utilities
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- 41 **I. Call to order:** Meeting called to order by Chair Smith at 3:30 p.m.
42 **II. Approval of Meeting Minutes from December 19, 2018:**

- 1 a. All members present reviewed the December minutes provided. Mr. Dollahon
2 motioned to approve the minutes and Mr. Maestas seconded the motion. All
3 members present were in favor and no one opposed.

4 **III. Action Items**

- 5 a. No actions items for discussion

6 **IV. Current Discussion Items**

7 a. **Alleyway Maintenance**

8 i. Mr. Granillo presented the attached power point covering the Alleyway
9 Maintenance program.

10 ii. Mr. Dollahon shared, "I think this is part of a bigger issue that we need to
11 look at. In our residential areas the pull-up parkway is the adjacent property
12 owner's responsibility by code. One of the things that we're looking at going
13 forward and this is a policy issue, one reason I brought this forward to you
14 is there are private alleys that are maintained privately by individuals but
15 most of our alleyways are the City's responsibility. One of the things that
16 we're looking at from our Housing Maintenance Code and our Property
17 Maintenance and this is really our Nuisance Ordinance is looking at
18 transferring alleyway maintenance responsibility to the adjacent property
19 owner. So as you will hear from the audience it was an interesting concern
20 so that changes our responsibility and from our standpoint it's a manpower
21 and a workload issue because we have an assigned inmate crew and staff
22 to these alleyways that work in a four-week rotation that if we had them not
23 maintaining alleys we could be maintaining more landscaped medians,
24 more park areas, and so forth. Because without transferring some of that
25 responsibility, we're not able to expand without additional expenses to the
26 City to fund additional positions within the Parks Maintenance Sector. So
27 I'm bringing this forward, I wanted this brought up because is the City
28 ultimately going to be willing to consider transferring that maintenance to
29 the private adjacent property owner which transfers it to Codes from an
30 enforcement standpoint. But most of them are the City of Las Cruces'
31 responsibility."

32 iii. Councillor Sorg asked, "Who owns the land now?"

33 iv. Mr. Dollahon addressed, "They're our alleys, sometimes they're used for
34 access to private properties, there may be utilities, there may be Drainage
35 and so forth. Each one of them is unique Just as a brief background most
36 of these alleyways are parts of older subdivisions in town when alleyways
37 were used to access property where garbage collection was done, where
38 lots of utilities were done. There is a statutory process in which property
39 owners on either side of an alleyway may pay a fee to the City and seek to
40 have that alleyway vacated, meaning that it becomes their private property.
41 Generally, it's split down the center, half goes to each property owner. But
42 we don't see that done very often because even though property owners
43 might like to have the additional square footage, that for them to utilize it
44 they would have to knock down existing walls and relocate them to the
45 center line of the alleyway and for most private property owners that's not

1 worth the effort, plus the additional cost of the fee to apply for the alleyway
2 to be vacated.

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

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

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

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

45 ix. Chair Smith added, "Mr. Dollahon. I'm glad you mentioned transferring the
46 ownership because that's where I see probably this discussion going,

1 simply because if we're asking the neighboring property owners to maintain
2 it they're basically saying, 'Well it's not my land, it's the City's.' I mean I'm
3 anticipating that's what they would say. So what mechanism would we have
4 if people haven't actively sought to purchase the vacated alleyways, what
5 mechanism might we be able to use bearing in mind the Anti-Donation
6 Clause and those kinds of things."

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

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

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

46 **b. FY20 Draft CIP List**

- 1 i. Mr. Maestas began, "Good afternoon Members of the Infrastructure Policy
2 Review Committee. I'm David Maestas with the Public Works Department.
3 At our last meeting it was asked if we would be able to present the Capital
4 Improvement Project list and we said, "Yes, we could get to you what our
5 draft is at this time." And the reason I want to highlight that is we are still
6 working on the overall Capital Improvement Projects. That'll be coming
7 forward to Council as we work through our budget process, so we'll see the
8 list be adjusted potentially here a few more times as we move through that
9 process. So, keep in mind the items I'm showing you again are part of our
10 draft CIP." He then presented the attached power point.
- 11 ii. Councillor Vasquez asked, "So I just have a question about the process of
12 putting projects on the ICIP list or the CIP list. When projects are added and
13 I'm thinking specifically of the Villa Mora Dam design project that was listed
14 in the CIP list that was presented to Council. When those extra projects are
15 added staff adds them according to the five-year kind of planning that we
16 have for these projects without Council's approval. Right? Is that kind of
17 how the process goes? Or does Council approve the CIP list every year?"
- 18 iii. Mr. Maestas answered, "That's a very good question Councillor. Yes.
19 Council does approve the CIP every year. One of the things that I failed to
20 mention which is again something that's been brought forward from Council
21 and then at the direction of the City Manager's Office, the City has begun
22 implementing monthly adjustments. So, what you will see is as a budget
23 adjustment takes place in one of the monthly sessions, if it affects the CIP
24 you will also vote on an adjustment to the CIP based on that. I'll refer back
25 to the fire station item that I had mentioned, and I said Fire had money for
26 that, so if all works well, they'll get that project funded now in FY19. That
27 one wasn't part of the FY19 CIP program that Council approved last year.
28 However, with them getting the money now, when they come to you with that
29 budget adjustment there will also be an adjustment to the CIP. So, to answer
30 your question specifically, yes. Council gets to vote on the CIP yearly and
31 then they get to vote on adjustments as they come forward monthly."
- 32 iv. Councillor Vasquez added, "Very good. And as a follow-up question to that
33 if I may. In terms of the CIP list and its relation to the capital outlay priorities
34 just reminds us, thank you for sending me the information on those projects
35 that our new legislator had requested. So the relationship between the CIP
36 list and capital outlay in the sense that, and I will just use this as an example
37 because it's kind of in the process of it now but one of our legislators said,
38 "Hey, I would like to know what CIP projects are in my district or are in our
39 shared districts so that we can work on some of this together if that's an
40 option." Is that list, is that information easily available on the web? I wanted
41 to point her to a resource that she can easily comb through. Are we making
42 that information easily available to our constituents on the web, actually from
43 the same matrix that we get presented, or what's the easiest way for the
44 public to know or access this list?"
- 45 v. Mr. Maestas replied, "Sure. I'll start off attempting to answer that question
46 Councillor Vasquez, our budget book which includes the CIP is on the City

1 website. With respect to if it could be made easier, I would have to defer to
2 Jamey on that. She's good about if we have requests on how we want to
3 have a link that's more accessible for somebody looking for a spot to, for it
4 to be on the website. But right now, if you go through our budget section you
5 can find the budget book and in there you can easily find the CIP."

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

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

38 viii. Councillor Sorg asked, "Is this presentation meant to, just to educate us how
39 the CIP list is nowadays or is it meant to be approved, the actual list of
40 projects?" Mr. Maestas answered, "Mayor Pro-Tem. It was my
41 understanding that we were just to bring forward, to give you an idea of what
42 the CIP list is going to look like and some of the potential projects. The list is
43 on the SharePoint site right now. If you go to CLC Projects and you get into
44 the Infrastructure PRC committee it will be the approval process, second part
45 of your questionnaire: The approval process will take place, CIP will come

1 forward with a budget as part of a work session. And then after the work
2 session it'll be the final approval on it."

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

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

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

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

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

39 xiv. Chair Smith added, "Well, and I think that's an area where we have an
40 opportunity to be proactive. It's sort of like what we're talking about with the
41 area off Lohman, off East Lohman where we have an opportunity to be
42 proactive with the City, in that case a City property. But certainly, these are
43 areas where they're already within a lot of our infrastructure, existing
44 infrastructure connectivity opportunities but we have sort of open slates to
45 work with."

- 1 xv. Councillor Sorg asked, "What is their plan for Amador Proximo? What kind
2 of City plans do we have? And does it have any projects in it?"
3 xvi. Chair Smith answered, "Well we have the blueprint that was worked on
4 About four years ago." Mr. Dollahon added, "There are no projects beyond
5 the fire station. I just put it on my list to have a staff meeting discussion with
6 both CD, Public Works, and Economic Development for planning purposes."
7 xvii. Chair Smith concluded, "Because these sorts of things I think we often talk
8 about them but then they sort of wait for somebody to take forward motion
9 with them and so I'm just letting you know that's an area of interest that I
10 would like to see us work on. Thank you. Other questions or comments? All
11 right. Very good. Thank you, Mr. Maestas. Appreciate that."

12 **V. Future Discussion Items & Task Listing**

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

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

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

29 Approved: 2/20/19