

Capital Improvements Advisory Committee

Minutes for the Meeting on
February 18, 2021
1:30 p.m.
Utilities Center
Conference Room 225
via Zoom Video Transmission

Committee Members Present:

Jason Lorenz, Chairman
Mark O'Neill, Vice-Chairman
Steve Newby, Committee Member
Adam Roberts, Committee Member

Committee Members Absent:

Eugene Suttmiller, Committee Member

City Staff Present:

Liam Beasley, Accountant, Finance
Ronald Borunda, Interim Deputy Director,
Water
Paul Brock, Deputy Chief, Police
Robert Cabello, Senior Assistant City
Attorney
Carl Clark, Deputy Director
Environmental/Technical Support
Sonya Delgado, Parks and Recreation
Director
Catherine Mathews, Landscape Architect,
Parks and Recreation
Larry Nichols, Community Development
Director
Yanick Oligario, Senior Office Assistant
Jose Provencio, Deputy Director Business
Services
Alma Ruiz, Senior Office Manager
Lisa Valleroy-Djang, Senior Office Assistant
Delilah Walsh, Utilities Director
Adrienne Widmer, Interim Assistant Utilities
Director

Others:

Cassie McClure, Public Outreach Consultant,
McClure Publications
Gregory Shervanick, Constituent

Chair Lorenz called the regular meeting to order at approximately 1:30 p.m.

Chair Lorenz: First things first, the letter from Mr. Balderas, Attorney General [New Mexico]. At the start of each meeting, the Chair should announce the names of those members of the public body participating remotely, which is Mark O'Neill, myself, Jason Lorenz, Steve Newby, and Adam Roberts.

All members of the public body participating remotely must identify themselves whenever they speak and must be clearly audible to other members of the public body and to the public. Members of the public should be afforded remote access via live stream or other similar technology, if possible, or call-in number for listening by phone.

The Chair should suspend discussion if the audio or video is interrupted. All votes of the public body must be by roll call vote. The public body should produce and maintain a recording of the open session of the meeting.

I admit, I do not do a very good job of announcing my name before I speak. I will endeavor to do better about that today, and I appreciate if the rest of you would as well.

1. Conflict of Interest:

Chair Lorenz: Now I need to ask, is there any member of the City [of Las Cruces] staff or the Committee that has any known Conflict of Interest with any item on the Agenda.

O'Neill: Mark O'Neill. I have none.

Newby: Steve Newby. I have none.

Roberts: Adam Roberts. I have none.

Chair Lorenz: Alright.

There were none.

2. Acceptance of the Agenda:

Chair Lorenz: This is Jason Lorenz. I need to hear a Motion to Accept the Agenda.

Newby: Steve Newby, so Moved.

O'Neill: Mark O'Neill, Second.

Chair Lorenz: All in favor. Mr. O'Neill?

O'Neill: Aye.

Chair Lorenz: Mr. Newby?

Newby: Aye.

Chair Lorenz: Mr. Roberts?

Roberts: Aye.

Chair Lorenz: And, "Aye", myself.

The Agenda was Accepted Unanimously 4-0.

3. Acceptance of the Minutes:

A. Regular Meeting on January 21, 2021.

Chair Lorenz: I hope you all have had the opportunity to read the Minutes from the January session. I would like to hear a Motion of Approval for those [Minutes].

O'Neill: This is Mark O'Neill. I will make a Motion to Accept the Minutes from January 21st [2021].

Newby: Steve Newby, Second.

Chair Lorenz: All in favor. Mark O'Neill?

O'Neill: Aye.

Chair Lorenz: Mr. Newby?

Newby: Aye.

Chair Lorenz: Mr. Roberts?

Roberts: Aye.

Chair Lorenz: Motion passes.

The Minutes were Approved Unanimously 4-0.

4. New Business:

Chair Lorenz: We do not have any New Business.

5. Old Business:

A. Utilities Department Impact Fee Update:

Chair Lorenz: We have on the Old Business list an update of the Utilities Department Impact Fee from Mr. Provencio. I do not have anything in my [Agenda] Packet about it, but maybe we will have a few words there.

Provencio: Good afternoon, Chairman, Commissioners. A brief update. The Board [Las Cruces Utilities Board of Commissioners] approved the Development Impact Fees to go into effect in the middle part of December. The fee schedules for each water meter size and capacity flow have been posted on the website. We are under way in terms of administering any new hook-ups with the new fee schedules. I stand for any questions you may have.

Chair Lorenz: Chairman Jason Lorenz. I do not have any.

O'Neill: I am sorry, Mark O'Neill. Excuse me, Chairman.

Chair Lorenz: Go ahead Mark. Which questions do you have?

O'Neill: They approved the same package that we saw? The same percentages and the same fees, or were they raised?

Provencio: Yes, I understand your question. Chairman, Commissioner O'Neill, the allocation scheme remains the same. The calculated charges for the customer, developer/builder, and rate base percentages remain the same. That issue will be discussed, and public input gathered over this coming year. To answer your question, the allocation, basically each of those three portions, remains the same. The only thing that is updated are the updated charges for each meter size and corresponding wastewater impact fees.

O'Neill: Thank you.

Chair Lorenz: Ms. Walsh has her hand up.

Walsh: Thank you, Mr. Chair. Delilah Walsh, Utilities Director. Just to expand on that, we did have a public comment period open. I believe the CIAC ("Capital Improvements Advisory Committee") would like to make a comment for that too if I understand correctly. I have requested a work session with the City Council, so once I am notified of when that work session will take place, or what day we are assigned, I will let you all know. That is when the Council would go first to the work session, to discuss possibly changing the allocation, and then they would direct staff, if they want to [change the allocation], to draft a new Resolution.

O'Neill: Thank you.

Chair Lorenz: This is Jason Lorenz. Thank you, Delilah. I thought they were voting on that at the next meeting, so I appreciate the update. I did not realize they were still so early in the process. Hopefully, we will be able to have time to polish up whatever comments we would like to make and get that over to them before they have any decisions to make.

Walsh: Thank you, Mr. Chair. Delilah, again. If you get those straight to me, I will be developing the presentation for the work session, so I can ensure that your comments are included.

Chair Lorenz: Great, thank you. Mr. Newby or Mr. Roberts, any questions for Delilah or for Mr. Provencio?

Newby: This is Steve Newby. I am good.

Roberts: Adam Roberts. I do not have any.

Ruiz: Just a point of clarification, Chair. This is Alma Ruiz, Senior Office Manager, for the record. If you have comments, just continue to e-mail them to me, then I will ensure that Delilah gets them to be incorporated into a future presentation for the City Council. Thank you.

B. Discussion on CIAC Letter to Mayor and Council Members Regarding Development Impact Fees for Water and Wastewater Utilities:

Chair Lorenz: This is Jason Lorenz. The next item on our Agenda is this letter I composed. It is more of a vehicle to start the discussion and be able to present our Committee group opinion to City Council and to the Mayor for their decision. I hope all of you out have had the opportunity to read it. Would you say that is true?

O'Neill: Mark O'Neill.

Chair Lorenz: Yes, Mark.

O'Neill: Did you get input from the Committee before you wrote the letter or...

Chair Lorenz: No, other than the last meeting, this is it.

O'Neill: So, just from input from the last meeting?

Chair Lorenz: Yes.

Newby: This is Steve Newby. I did read it. I have a couple of questions, Jason. Down in the last paragraph, the last sentence where you say we recommend Option One ["Option #1" in the DIF allocation letter from CIAC]. Is that still what is on the Agenda for the City Council Work Session? In other words, sometimes those [types of] Options change in rewrites.

Chair Lorenz: Jason Lorenz. Yes, Mr. Newby, that is a good point. It may change. As presented last time from Ms. Walsh, Option One was to leave it alone. That is a good point. Maybe that should be clarified before we send it off.

Newby: This is Steve Newby again. I suggest, whatever the Motion is, that we include the flexibility to change that Option if just the numbering has changed, so we do not have to go back and redo this.

Chair Lorenz: Thank you.

O'Neill: Mark O'Neill.

Chair Lorenz: Yes, Mark.

O'Neill: I believe this letter to the Council is our opinion of what should be done. If we go by this, we are recommending Option A, and that is just giving them input for their decision. I believe that is where we are at. You can correct me if I am wrong, Jason.

Chair Lorenz: That is correct. At this point, this is not our collective opinion, but I wanted to compose something for approval or comment from the Committee. I want you to look at it for any unintentional inaccuracies, and anything that does not represent the group position of the Committee.

Mr. Roberts, anything you would like to comment on?

Roberts: This is Adam Roberts. I did read through it. Everything looks good to me. Like Mr. Newby said, I just had a comment on Option One. Maybe we just change that [removing "#1" in the DIF allocation letter from CIAC] so that it does not have to change as this evolves. Maybe change that sentence to, "it is our recommendation to leave the allocations as they currently are." Something like that, so that it may not slip through the cracks as these options change.

Chair Lorenz: Good. Thank you, Mr. Roberts. Ms. Walsh, I think you had your hand up for a moment.

Walsh: I did Mr. Chairman, but Mr. Roberts just said the exact same suggestion I was going to make, to just strike that portion of the language, make it a little clearer.

Chair Lorenz: Luckily, it seems like we have got some time. I thought we were in a rush and had to get this knocked out today before we can send it up to them. I thought they were going to be voting on it next week. Having that extra time will allow for everyone to give their input, rather than needing a Motion today. Mr. O'Neill?

O'Neill: Mark O'Neill. I just thought it was a little premature, but now I understand what you are saying. You thought we were under a tighter timeline, and we needed to make a recommendation sooner, so I completely understand that. This may, or may not, be what the Board wants to send forth. I do agree with it myself, but we can discuss it more and see what the Board's wishes are.

Chair Lorenz: Well, at this point, I would like for us all to use Alma as our intermediary to collect the comments and distribute them to the other members of the group. We need to be transparent. It is frowned upon for us to communicate directly with each other; something about a quorum without notification. I am not sure what the legal term is, but we are not supposed to do that. If you have any redlines for this, please send them over to Alma who will make the edits and put forth something for the Committee to vote on in the next meeting or two. That would be great. I would rather Mr. Suttmiller be here for this because he has some insight that predates the rest of us, certainly, about the initial reasoning for the split, and the proportions as they were. He has insights that the rest of us do not have, and I would like for his input to be available to us before making a decision.

O'Neill: Very good.

Newby: Mr. Chair, this is Steve Newby. Just a process question. I would like to hear from Alma that if we do send any recommended changes to her that we would be avoiding the rolling quorum issue.

Ruiz: Good afternoon, Chairman, Mr. Newby. Yes, thank you. Please send [corrections] just to me. Do not copy the rest of the Committee when you respond with your corrections. What I will do is, I will redline a copy of the original letter to incorporate everybody's comments and suggestions with the names of who suggested what. Then, what we will do is, at the next meeting we will have this item listed twice, under Old Business, and then we will have an Action, if you feel that, by then, we will have sufficient time to vote on it. We would review it, finalize it under the Old Business, accept the changes, and then under Action we can incorporate it, and then we could submit the final version.

Newby: Mr. Chair, Steve Newby again. Do we have a deadline, in which to get the comments in?

Chair Lorenz: I would love to have them before we meet again. Thank you, Alma. Thank you, Mr. Newby. Robert Cabello?

Cabello: Robert Cabello on the record for Legal. The term is rolling quorum, and if you get those comments to Alma you will not have a problem with that issue regarding OMA, the Open Meetings Act. I just wanted to let everybody know.

Chair Lorenz: I know how things are. I do not want to get any of us in trouble, so I appreciate that. Mr. O'Neill?

O'Neill: May I suggest that, rather than our ideas being incorporated in the letter, just put all our ideas together so we can all review them at the meeting. We may decide just to go with the letter you wrote, or maybe incorporate something. We can decide what we want to incorporate.

Chair Lorenz: Absolutely, I agree, Mr. O'Neill. If there is no more discussion on this today, I think that will wrap us up. We do have a lot more on the Agenda for next time with some financial updates, as well as project updates, so we need to hold next month's meeting. I am looking forward to that. Do we have anything else from the Committee for today?

6. Public Participation:

Ruiz: Chair, this is Alma Ruiz, Senior Office Manager, for the record. If I could follow up, under Public Participation [in the CIAC Agenda], I did not add a comment under Old Business, which I probably should have, so I will relay it under Public Participation. We do have a confirmed tour date with ACM ("Assistant City Manager") Ikani (Taumoepeau). However, it is for March 24th at 8:30 a.m. Because we are in color yellow [COVID yellow level restrictions] the expansion is to ten people, and so we will be able to incorporate additional CIAC Members. If you would like to participate just shoot me an e-mail, and then I will make sure that you receive the calendar invite for that day, starting at 8:30 a.m. We will meet here at the Utilities building, and then we go from there.

- Chair Lorenz: Sorry, what was that date Alma?
- Ruiz: March 24th. It is a Wednesday.
- Newby: Steve Newby. About how much time should we schedule?
- Ruiz: We have it from 8:30 a.m. to 2:30 p.m., with a lunch following here at Utilities. We cater a lunch here.
- Chair Lorenz: Great. If that is it, we will Adjourn for today and I will see you...
- O'Neill: Mark O'Neill.
- Chair Lorenz: I am sorry, Mark. Go ahead.
- O'Neill: Alma, is this tour going to be pretty much the same as last time?
- Ruiz: It is going to be half of the tour. What happened was he [ACM Ikani Taumoepeau] caught the second portion of the City Manager tour, and if you give me a moment, I can tell you what portions we will be reviewing. The facilities that we will be visiting are Well 71, South Jornada Booster and Reservoir, Pre-1965 Landfill excavation site, the clean-fill landfill compost operations, the East Mesa Water Reclamation Facility, and then we would return to the Utilities building for a lunch.
- O'Neill: I think that is much like the last tour. I do not know if I will attend that. I think it is very similar to last time, so I will save my spot for someone else.

7. Next Meeting Date: March 18, 2021:

- A. New Business:
- i. Utilities FY21 Mid-Year Financial Review by Jose Provencio.
 - ii. Public Safety FY21 Mid-Year Financial Review by Liam Beasley.
 - iii. Parks & Recreation FY21 Mid-Year Financial Review by Liam Beasley.
 - iv. 2021 Construction Activity Quarterly Update by Larry Nichols.
- B. Old Business:
- i. Utilities Department Impact Fee Update by Jose Provencio.

8. Board Comments:

- A. None.**

10. Adjournment:

- Chair Lorenz: Well, thank you very much Committee. We will see you all in a month.
- Newby: Motion to Adjourn.
- O'Neill: Second that.

Jason Lorenz, Chairman

Date

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