

## **G. Media Campaign**

A comprehensive regional media campaign often is the primary source of outreach to the broader community. A media campaign might include press releases, public service announcements, press conferences, feature articles, or interviews, depending on the nature of the project and the resources available. To ensure media exposure, the city could buy advertisements but should do so strategically to keep costs low. Keeping a consistent media message across all channels requires generating and distributing talking points to project team members.

## **3. Participation Tools**

Participation tools are designed to create a meaningful dialogue between city staff and the community. Each participation tool is a structured activity that allows participants to learn about the project, ask questions, and provide comments. The input that is generated in participation activities can be used for analysis, and create buy-in for a project. Similar to outreach tools, participation tools can be used in combination with one another to elicit input from target audiences through multiple avenues, which is especially useful when participation is desired from several different groups in a community.

The first set of participation tools described in this section focus on face-to-face meetings, with a particular emphasis on city staff going to places where a particular population already gathers. This effort pays off by demonstrating that city staff is committed to hearing the concerns of those groups who do not participate in more conventional public processes such as larger community meeting and workshops. These tools include ones that help participants create a vision for their community. Several of the visioning tools use pictures to tell a story. Using images is not only more fun for participants, but also more inclusive and equitable in that it relies less on words to express ideas and concerns. This technique is most helpful when working with community members who might not speak or read English well or with children and young people who find images more exciting than words.

The project website and social media described in the outreach section remain pertinent to participation efforts. A project-specific website can be used to disseminate information and gather comments. Additionally, social media websites can allow people to create and exchange content about a specific topic. Again, a major caveat is that not everyone has access to or the ability to use the Internet, so online tools should complement, nor replace, face-to-face participation tools.

## A. Meeting with the Public

The term “meeting with the public” is used deliberately to differentiate from “public meeting.” Meeting with the public means actively going into the community, talking with community members about a particular city initiative, and most importantly, *listening* to their concerns. Though potentially staff intensive, the time committed to informal meetings can build a significant amount of trust with the community. Feedback is likely to be more candid since staff is on the residents’ “turf,” and people can discuss their concerns in conversation rather than having to speak in front of a large group, which many people find intimidating. Furthermore, community members may feel more engaged in the process and thus be more willing to attend larger, traditional-format community meetings and workshops.

**Meetings with Community-Based Organization** – As described in Section III, community-based organizations include senior centers, civic groups, business organizations, churches, service clubs, and others. Community-based organizations often host meetings that provide an opportunity for city staff to discuss particular city initiatives and projects. Meeting with groups at their regularly scheduled meeting times and in their format demonstrates a willingness to work with the group to listen and understand their position.

**Coffee Circles** – A coffee circle is a small meeting with a specific group, generally in an informal setting such as a person’s home, a business, or a community center. To generate conversation, the facilitator can start by asking engaging questions such as “What was it like here when you were growing up?” or “Where is your favorite place in town to spend time, and why?” Once the conversation is flowing, the facilitator can get into the specifics of the project.

**World Café** – A world café is a specialized technique using a leaderless dialogue that simulates café-style conversation, where small groups engage in conversation to explore a given topic. To set up the meeting space, tables are placed around the room, each one accommodating four to six people. A host is stationed at each table to listen, take notes, and facilitate discussion, not to lead the group discussion. Each group should discuss the topic, listen to each other’s viewpoints, and share their views. Participants switch tables periodically, while each host remains, allowing ideas to move around the room.

See: <http://www.ilo.org/public/english/support/lib/knowledgesharing/meetings.htm>

## B. Public Meetings

More conventional meeting formats are described below. At all meetings, staff should provide sign-in sheets and comment cards. In addition to comment cards, participants could be asked to

fill out a card at the beginning of the meeting stating their concerns and motivation for attending the meeting. This is their “declarative statement.” These cards could be posted on a bulletin board so others can read them. At the conclusion of the meeting, participants would be asked to revisit the cards and fill out the other side with “what they heard” and if their opinion on issues has changed. This before-and-after response will help city staff gauge how effective their messaging has been and where there is room for improvement.

**Community Meeting** – The community meeting is a structured meeting with an agenda during which the project team conveys information, listens to comments, and answers questions. It may include a formal presentation, a question-and-answer session, and an informal discussion period.

**Open House Meeting** – An open house meeting provides more opportunities for the project team and public to interact informally. An open house uses information stations staffed by project team members, allowing the public to talk with those involved in the project to learn more and provide input. This type of format is useful to gather input from participants who may not feel comfortable speaking in front of a group. It is good practice to have two team members at each station so one can focus on speaking with participants while the other records input.

**Workshop** – Workshops engage the public in interactive exercises to develop ideas and input. Workshops provide a venue for discussions of goals and alternatives, as well as creative problem-solving. Activities chosen for a workshop depend on the demographics of the group and what kinds of responses the staff hopes to elicit.

**Design Charrette** – A charrette, as best described by the National Charrette Institute, is a collaborative design event that lasts a minimum of 4-days. A multidisciplinary charrette team, consisting of consultants and sponsor staff, produces the plan. Stakeholders—those being anyone who can approve, promote or block the project as well as anyone directly affected by the outcomes—are involved through a series of short feedback loops or meetings. Most stakeholders attend two or three feedback meetings at critical decision-making points during the charrette. These feedback loops provide the charrette team with the information necessary to create a feasible plan. Just as importantly, they allow the stakeholders to become co-authors of the plan so that they are more likely to support and implement it. Charrettes take place in a charrette studio situated on or near the project site. The charrette team first conducts an open public meeting to solicit the values, vision, and needs of the stakeholders. The team then breaks off to create alternative plans or scenarios, which are presented in a second public meeting usually a day or two later. The team then synthesizes the best aspects of the alternatives into a preferred plan that is developed in detail and tested for economic, design and political feasibility. The charrette concludes with a comprehensive presentation at a final public meeting.

See: <http://www.charretteinstitute.org/>

**Expert Panels** – An expert panel is a public meeting that mimics the “Meet the Press” format. A panel of media representatives or a facilitator interviews experts to show an issue from different perspectives. A neutral facilitator ensures a balanced discussion. The public can be involved in a question-and answer-session following the panel.

**Focus Groups** – Focus groups are a message-testing forum with selected members of a target audience. Testers show these individuals messages and interview them to gauge their reaction to those messages.

**Fishbowl** – A fishbowl is a small group of people, generally between five to eight individuals, seated in a circle, having a conversation in full view of a larger audience. The fishbowl is most often an open discussion, with public officials, decision-makers, or stakeholders taking “permanent” chairs at the table, with several chairs open to members of the audience who want to sit down and discuss an issue. Audience members can move to the central table as issues are discussed and when the discussion moves to another issue, that individual returns to the audience, opening a chair for someone else. This format allows the public to participate in a conversation that can answer questions and aid in understanding the decision-making process, especially where controversial or “hot button” issues are concerned. While significant moderation is not needed, a facilitator may help the discussion progress smoothly.

See: <http://www.ilo.org/public/english/support/lib/knowledgesharing/meetings.htm>

**Webinar** – A webinar is a meeting that is presented online. Currently, technology allows for public meeting “webcasting,” or broadcasting via the Internet, and two-way electronic communication. While webcasting can be relatively simple, participatory techniques are difficult to implement in a webinar format. As technology improves, webinars may emerge as an increasingly useful tool.

### **C. Visioning**

Visioning exercises can take several forms and can be incorporated into the meeting formats previously listed. Visioning tools can be used to solicit public ideas in the initial stages or to help shape components of the project as it evolves. At each stage, if the results of the visioning process are shared with the public for ongoing feedback, the public is reassured that their input shapes the community vision to the greatest degree possible. Visioning performed early and throughout the life of the project helps ensure that the public vision is realized as the project moves through the municipal decision-making process towards implementation. Material gathered can be synthesized in various ways, which will depend largely on the anticipated use of

the input when the exercise is designed. All input should be treated equally and collected in such a way that the public involvement process moves forward and is informed by this input. The input should include a detailed explanation of the visioning exercise that aided its development.

**Shared Perspectives** – A shared perspective exercise uses a photograph or image of an existing condition and an overlay sheet of trace paper on which an artist can draw. The artist or another member of the team talks with a participant about the particular issues illustrated in the photos and elicits ideas about what the participant would like to see there instead. The artist captures these ideas immediately and draws them on the trace paper on top of the photograph in front of the participant. In essence, the artist is serving as the hands for the participant. This type of activity generates a lot of excitement, and participants can be invited to do their own drawings if they want. The result is a rich set of images that can be categorized according to common visions that emerge and discussed afterwards in a meeting of all participants.

**Mapping Exercise** – A mapping exercise uses a map or aerial photograph to help develop input regarding a specific geographic area, location, or corridor. The input can be free flowing and cover a range of topics, or it can be targeted to gather input on a specific topic, idea, or issue. In cases where a discussion of alternatives is part of the process, two alternative maps can be used to develop input. Mapping exercises can be performed in various ways. One way involves printing large maps and encouraging the public to draw or write their ideas on the maps themselves. This input can then be scanned, photographed, or catalogued. A facilitator is present to explain the map, answer questions, guide input gathering, and keep the discussion focused. Some participants may have difficulty reading maps at first, so it is helpful to have printed eye-level photographs of places depicted in the map to help participants get their bearings. Another method is to ask participants to draw their own maps based on their knowledge of the area of interest. These maps, though likely crudely drawn, can be valuable in highlighting how the participant experiences the area.

**Photovoice** – Photovoice is a participation tool developed at the University of Michigan. The underlying principles are that that images teach, and pictures can influence policy. It is a facilitated process where participants use photographs to explain how they perceive their current circumstances and also explain what they like and do not like. Pictures can be collected through a variety of means; participants can bring their own photos to a workshop event or upload photos to the project website prior to an event for city staff to print. Another method is distributing disposable digital cameras before the event; staff can download the images at the meeting and print the photos on site. Alternatively, staff could distribute cameras at the event and take participants on a tour of a project area, allowing them to note their likes and dislikes with pictures rather than words. The “comments” gathered through Photovoice are images that are assembled by participants (with assistance from a facilitator) into collages. These images can be

presented as a public art display to generate community awareness of issues, to create a collage or educational tool, or to generate a lively discussion.

See: <http://heb.sagepub.com/content/24/3/369.short>

**Visual Preference Survey** – In a visual preference survey, participants look at two pictures of a similar place or element—e.g. a street with on-street parking versus a street without parking, or an stream with a pathway along it versus one without a path that looks more natural. Participants are then asked to select which image they prefer. Surveys can be taken on computers or using display boards and a ballot sheet. Public feedback developed through the visual preference survey is most helpful in determining public opinion related design aesthetics.

**Computer Simulations** – Computer simulations are an increasingly useful visioning tool in helping the public understand choices, see possible future scenarios, or see how their input may be used. At a basic level, a computer simulation is similar to the shared perspective exercise in showing simple before-and-after representations of how a project might look when complete based on participant comments. Simulations are developed by a professional graphic designer or architectural renderer and can be time-intensive, depending upon the desired quality of the final image. The most basic image looks like a photographic collage. This exercise therefore is best suited to a multi-day charrette where participants can see the image or images evolve over the course of the event. Typically, the designer will take these images back to his or her office to create a more realistic image.

**Keypad Polling** – Keypad polling is where participants use handheld remote devices that allow them to vote on polling questions at a public meeting. The exercise is included in the visioning section because the results of the polling are shown immediately on a screen. The facilitator uses the outcomes to guide discussion. Polling is anonymous so those who do not feel comfortable publicly voicing their opinions can still share their thoughts.

#### **D. Tours and Audits**

Tours are facilitated group excursions that help participants familiarize themselves with a project area. Audits are similar but involve developing inventories to provide quantifiable data regarding the typical public experience. Both activities have city staff, designers, officials, and community participants walking through their community to identify issues that affect the public. Although participants may feel that they are already familiar with the study area, a facilitated tour or audit helps them see the area with a new perspective. Walking tours are most helpful when a study area is relatively compact or when a workshop's goal is assessing the pedestrian experience of a street or neighborhood. For large study areas, vans or buses may be needed.

## E. Simulation Games

Simulation games are exercises that lay out a set of real or hypothetical conditions and ask participants to simulate a decision based on those conditions. While these games may be resource intensive to develop and test, simulation can be an effective participatory technique.

**Budget Exercise** – The budget exercise is a method to develop a vision while working with budgetary constraints. The exercise gives participants hypothetical amount of money and asks them to choose how to spend the money. This exercise encourages people to prioritize wants and needs in a scenario that mimics what decision-makers face. The budget exercise can be performed in various ways, generally dictated by the meeting and the initiative. When possible, budgetary constraints and alternatives or choices should mimic the applicable scenario facing decision-makers. The budget exercise can use a worksheet, or a Monopoly-style game, representing budget dollars. The budgets created in this exercise will help project organizers better understand public priorities and spending concerns. These conclusions should be documented for later reference to substantiate decisions that might be made about the project.

**Wikipanning** — Wikipanning offers an integrated approach using technologies that are increasingly available to the public. Using the Wikipanning tools, residents are invited to log into their community's project website and then are led through a series of activities throughout the project life. These activities include a mix of project-specific, multimedia learning sessions, online chats, message boards, surveys, and podcasts offering walking tours through the project's principal sites. Although some sessions, like chats, would occur in real-time, most activities can be arranged around participants' schedules.

See: <http://www.wikipanning.org/index.php?P=virtualcharrette>

## **V. Appendices**

**Appendix A – EPA’s Smart Growth Implementation Assistance (SGIA) Program**

**Appendix B – Picturing El Paseo Photobook**

**Appendix C– Worksheets**

- Evaluation Worksheet
- New Tool Worksheet

## Appendix A

### EPA's Smart Growth Implementation Assistance Program (SGIA)

Communities around the country want to foster economic growth, protect environmental resources, and plan for development. In many cases they need additional tools, resources or information to achieve these goals. In response to this need the Environmental Protection Agency's Office of Sustainable Communities launched the Smart Growth Implementation Assistance Program in 2005 to provide technical assistance through contractor services to selected communities. EPA assembles teams of specialized consultants, bringing together expertise that meets a particular community's needs. While working with community participants to understand their aspiration for development, the teams bring experience from working in other parts of the country to provide best practices for consideration by the assisted community. The goal of the program is to help participating communities attain their goals, while also producing a resource (such as a report or set of guidelines) that can be useful to a broad range of communities facing similar challenges.

The Smart Growth Implementation Assistance Program is designed to help communities achieve growth that supports economic, community and environmental goals. People in communities around the country are frustrated by development that gives them no choice about driving long distances between where they live, work and shop; that require costly expenditures to extend sewers, roads and public services to support new development; that uses up natural areas and farmland for development while land and buildings lie empty in already developed areas; and that makes it difficult for working people to rent or buy a home because of development that focuses only on one or two costly housing types. Smart growth strategies create new neighborhoods and maintain existing ones that are attractive, convenient, safe and healthy. They foster design that encourages social, civic and physical activity. They protect the environment while stimulating economic growth. Most of all, they create more choices for residents, workers, visitors, children, families, single people, and older adults—choices in where to live, how to get around, and how to interact with the people around them. When communities undertake this kind of planning, they preserve the best of the past while creating a bright future for generations to come.

More information about the program, including information on how to apply and links to reports from past recipients can be found at <http://www.epa.gov/smartgrowth/sgia.htm>.

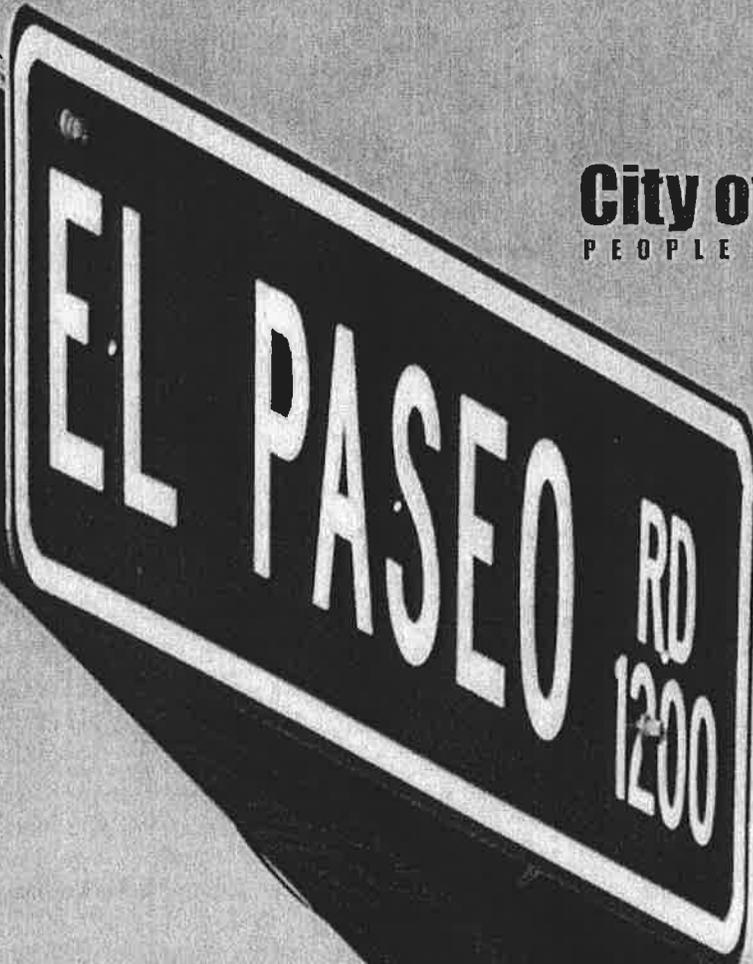
# PHOTOBOOK

## Visioning Workshop #1

October 1 & October 2, 2010



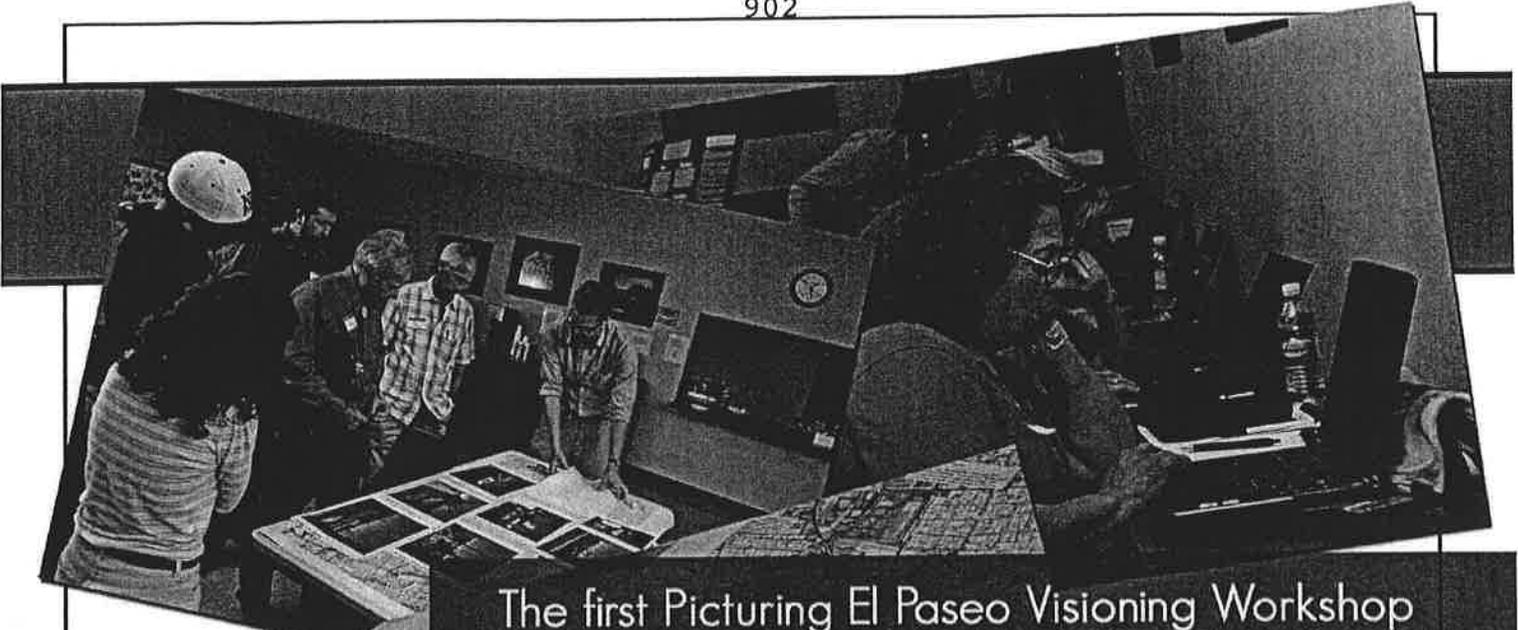
**City of Las Cruces**  
PEOPLE HELPING PEOPLE



**PICTURING**

**el Paseo**

*sharing your vision for the corridor*



The first Picturing El Paseo Visioning Workshop was held October 1st and 2nd, 2010. The two-day workshop series featured four structured workshop sessions attended by representatives of the community and community organizations. The focus of this workshop was to introduce and test public involvement techniques to involve local residents, students, businesses, and organizations in the Picturing El Paseo project in preparation for a larger public workshop in November.



# Green Infrastructure

Your Thoughts for El Paseo?  
Does it Fit Here?  
How?

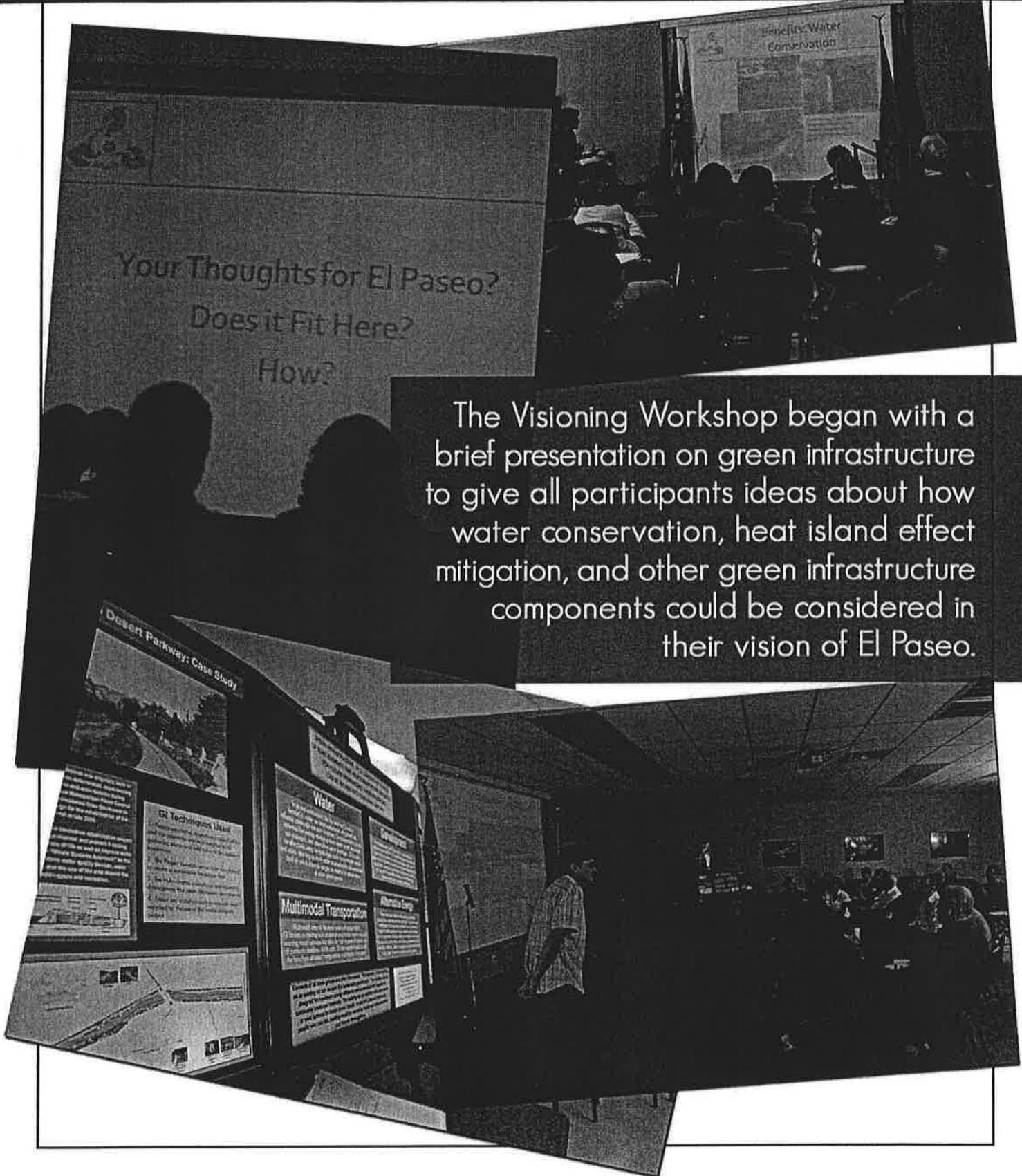
The Visioning Workshop began with a brief presentation on green infrastructure to give all participants ideas about how water conservation, heat island effect mitigation, and other green infrastructure components could be considered in their vision of El Paseo.

## Desert Parkway: Case Study

### Water

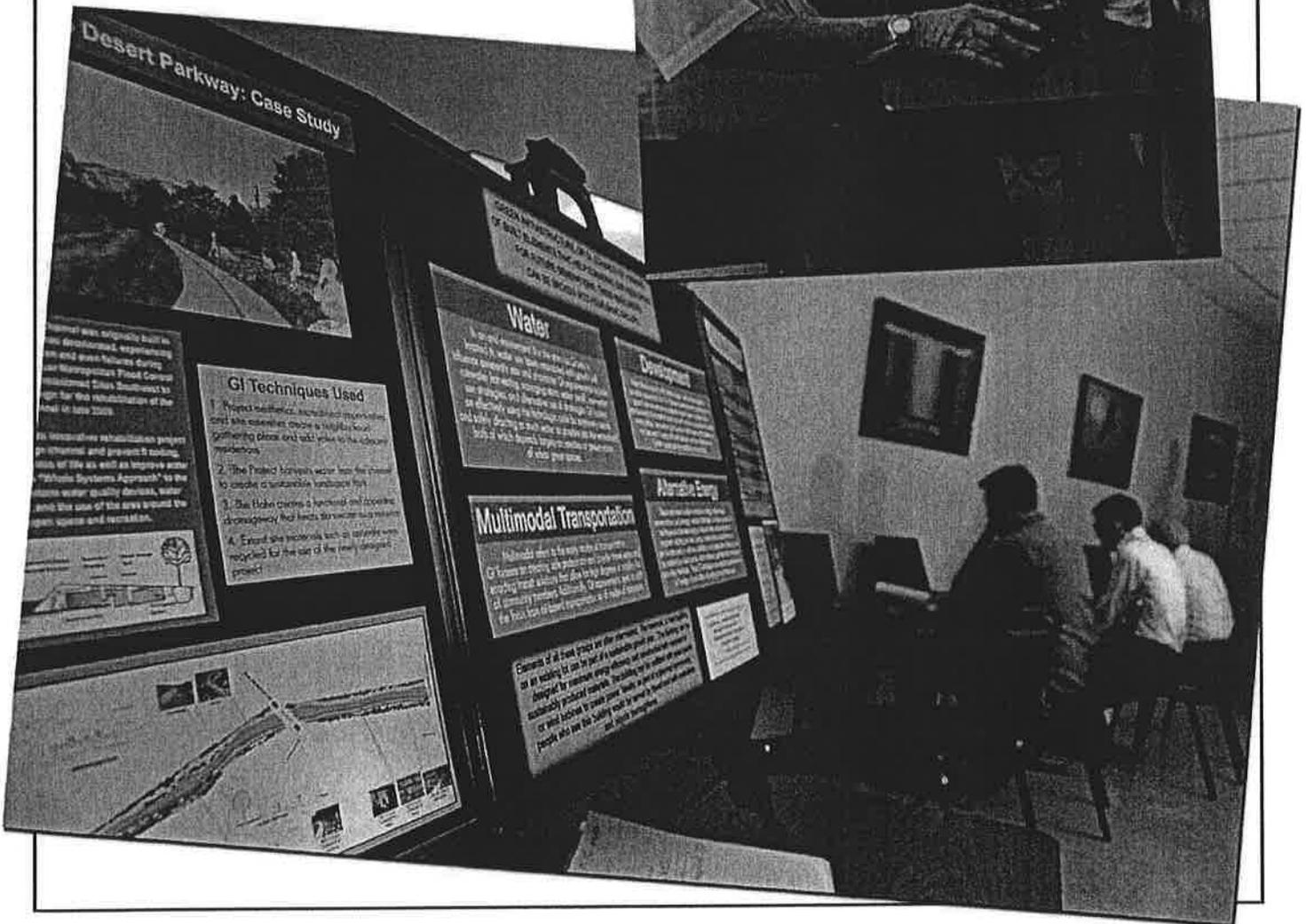
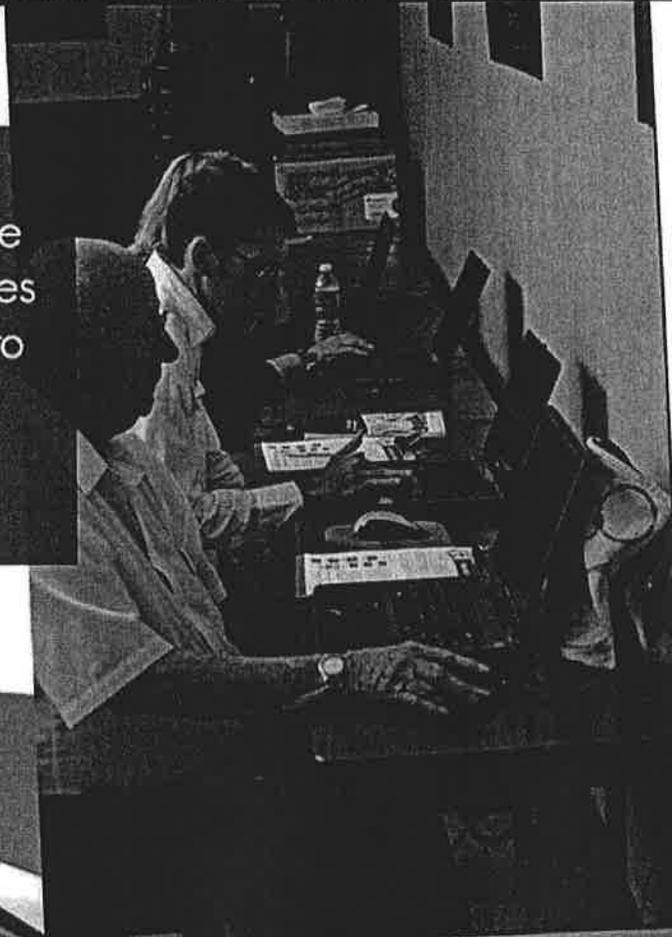
### Multimodal Transportation

### Renewable Energy

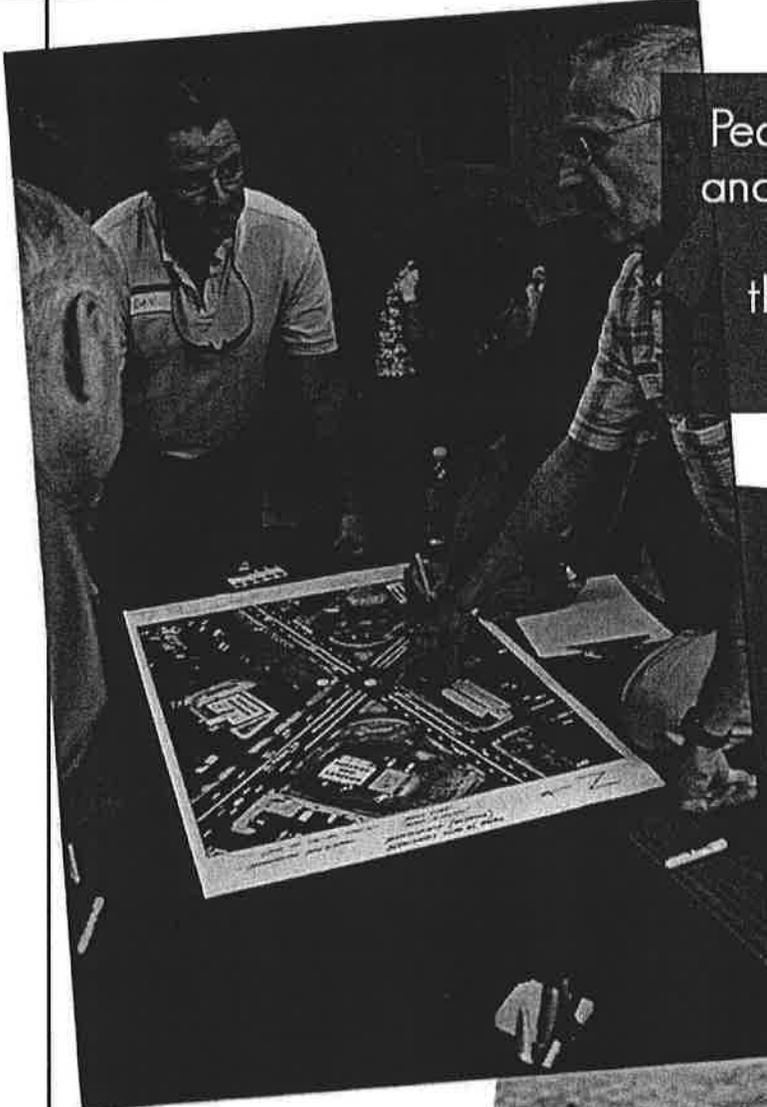


# Visual Preference Survey

More green infrastructure information was made available on display boards, and attendees took a visual preference survey to determine what kind of landscaping is appropriate for the El Paseo Corridor.



# Mapping

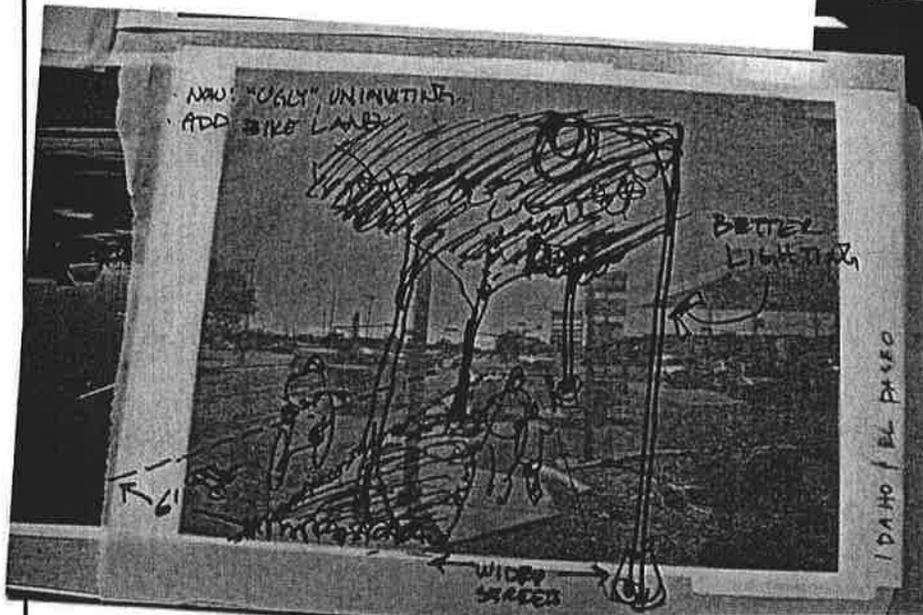


People were encouraged to write and draw on maps of the corridor area to spark problem-solving thought processes and generate ideas through discussion.



Results of these mapping sessions can help focus the Picturing El Paseo vision within the corridor or shape how the vision is carried out.

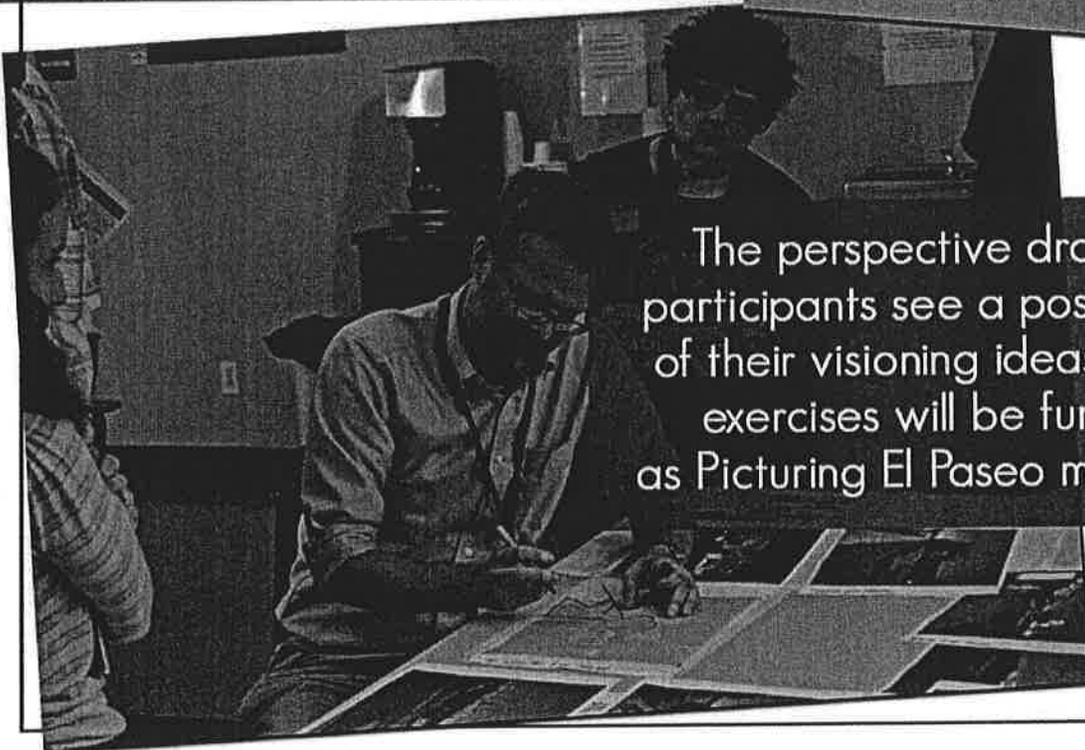
# Shared Perspectives



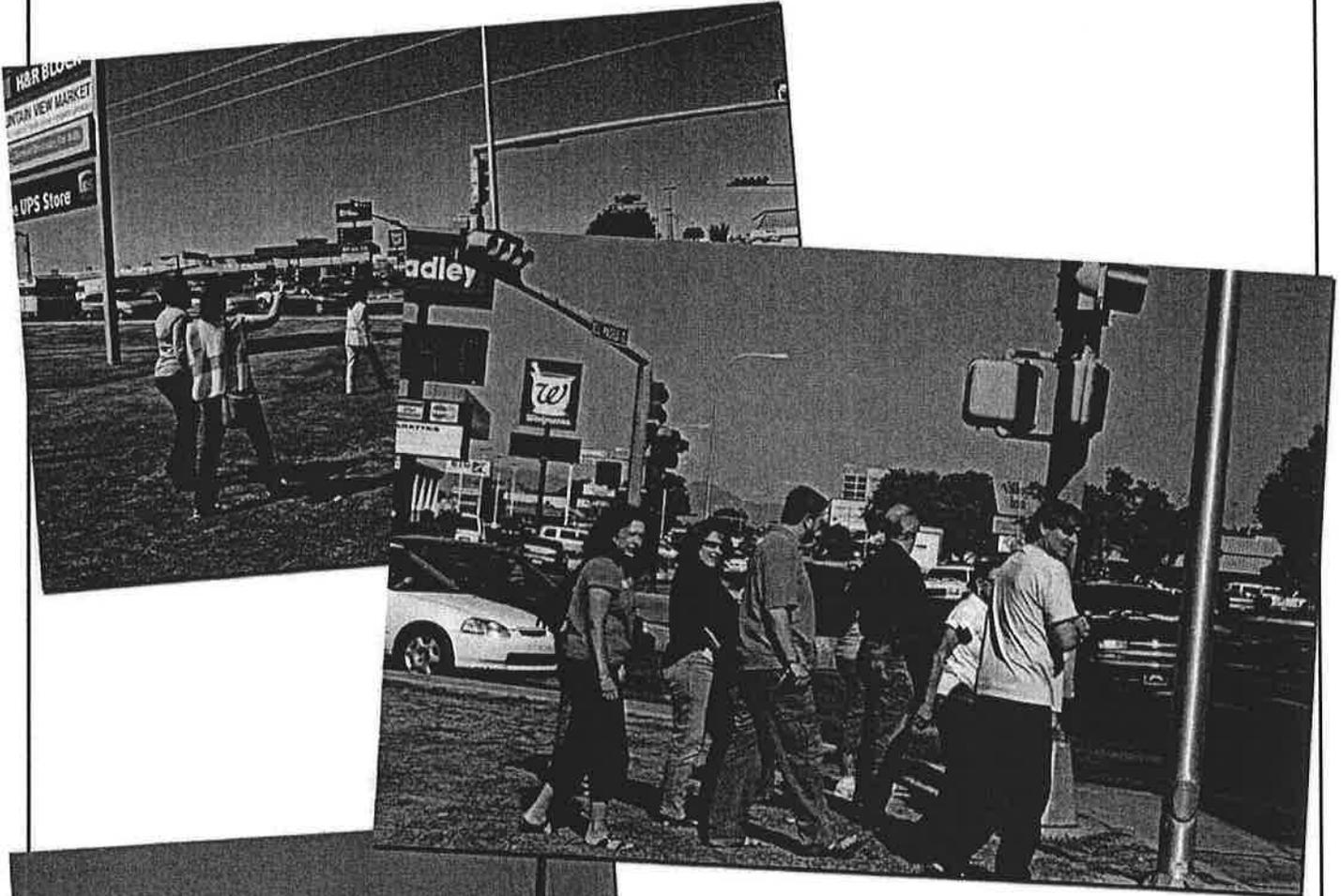
As part of the mapping exercise, perspective drawings were created by a project team member. These drawings were overlaid on photographs of the El Paseo corridor.



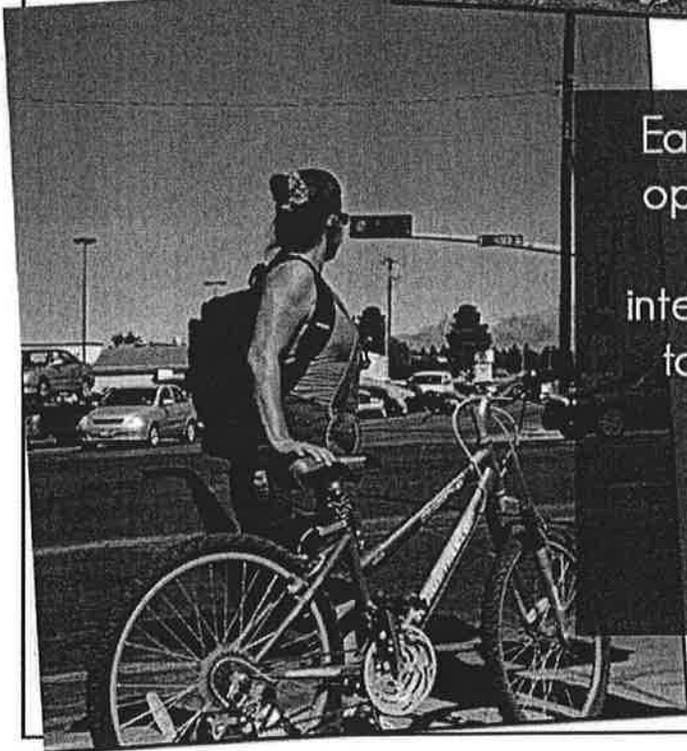
The perspective drawings helped participants see a possible outcome of their visioning ideas. These visual exercises will be further explored as Picturing El Paseo moves forward.



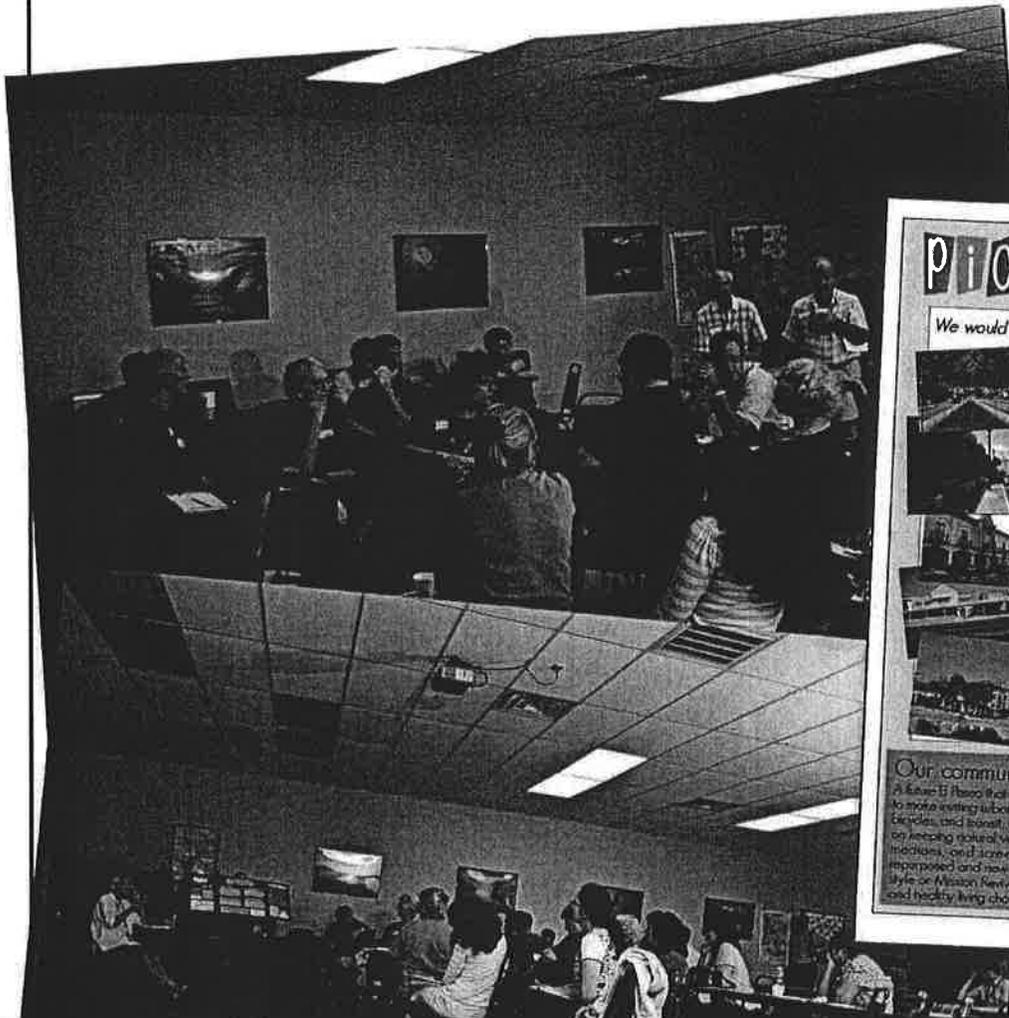
# Site Tour



Each workshop session provided the opportunity for people to visit the El Paseo Road and Idaho Avenue intersection. Participants who wanted to get the feel for the walkability of the roadway were encouraged to safely walk along and across the street and record their feelings of comfort and safety.



# Feedback Session



**PICTURING el Paseo**

*We would like to see more...*

*And less...*

Our community working Vision Statement foresees:  
 A El Paso that is landscaped with native plants to maximize aesthetics and provide shade to improve existing urban areas. The urban space is designed to be accessible to pedestrians, bicycles, and transit, while remaining thoughtful to vehicles. An emphasis should be placed on keeping natural views and beautifying the built environment by using sidewalks, planting medians, and screening dumpsters. Vacant buildings should be repurposed and new buildings that are constructed in a modern style or Mission Revival style. Safety, recreational opportunities, and healthy living choices should be enhanced when possible.

**CITY OF LAS CRUCES**  
 PLANNING & DEVELOPMENT

[www.picturingelpaseo.org](http://www.picturingelpaseo.org)

Each session included a feedback session, which was recorded for further, more detailed study. Participants learned about the Picturing El Paseo Photovoice exercise and were encouraged to give feedback about how photos can be used to create a community-based snapshot of the El Paseo corridor to effectively guide decision makers and redevelopment. This feedback is currently being used to refine public involvement techniques as Picturing El Paseo moves forward.



# NEW TOOL WORKSHEET

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**Tool Name:** \_\_\_\_\_

**Tool overview and application:**

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**Comment gathering:**

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**Key points for using this tool:**

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**Tool benefits:**

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**Project(s) where tool has been used:**

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# **Citizen Notification Policy Manual**

**For the**

**City of Las Cruces  
Community Development  
Department**

**March 6, 2013**

***DRAFT***

**Purpose:**

The purpose of this policy manual is to establish efficient and effective measures for the notification of area residents on matters either initiated by or processed by the City of Las Cruces Community Development Department in accordance with rules and regulations as applicable. Varied notification measures although not guaranteeing 100% public notification are intended to cast the widest practicable notification net in order to reach the greatest number of interested stakeholders and thus, provide for a more informed community. Doing so raises awareness of impending issues and may increase input and participation on the various community related matters. Program areas to which these notification measures are to be applied include, but may not be limited to:

“Long-range” planning

- Neighborhood Plans

- Community Blueprints

- Regional Plans

- Comprehensive Plans

- Consolidated Plans

- Area Plans

- Topic Specific Plans (arroyo, access management, etc.)

Current Planning

- Annexations

- Master Plans/Concept Plans

- Initial Zoning/Rezoning

- Variances

- Preliminary Plats/Final Site Plans

- Final Plats (for which Planning and Zoning Commission review is applicable)

- Planned Unit Developments

- Special Use Permits

Flexible Standards

Overlay ordinance development

Ordinance creation

Ordinance amendments

Project/Permit Design Review (specific boards/committees – SMDRB, UD-DRC, WMSPC)

Metropolitan Planning Organization Activities

Transportation Plan

Transportation Improvement Plan

Unified Planning and Work Program

Safe Routes to School Plan

Study Areas

Miscellaneous meetings

Public Input Meetings

Informational Meeting

South Mesquite Design Review Board

University District – Citizen’s Design Review Committee

West Mesa Strategic Planning Committee

Planning and Zoning Commission Work Sessions

Planning and Zoning Commission Regular Meetings

Metropolitan Planning Organization Policy Committee Meetings

Technical Advisory Committee Meetings

Bicycle and Pedestrian Facilities Committee Meetings

Health and Human Services Advisory Committee

Extra-Territorial Zoning Authority Meetings (as applicable)

Extra-Territorial Zoning Commission Meetings (as applicable)

## Departmental Methods of Notification

Within a staff-generated report entitled *Public Notification and Participation Report and Analysis of Options for a More Informed Community* hereinafter referred as “the report”, numerous methodologies of providing notification to the general public were examined. It was recommended that of those identified, each department was to select the various methods that could be utilized for the purpose of providing notification on the various activities the department was responsible for. From that report, various methodologies are drawn and are to be utilized to the extent possible for the specific activities identified. Under certain circumstances, amendment of ordinances will have to be completed in order to carry out the method as intended and as such, staff will need to propose the amendment at the earliest opportunity possible.

Some of the methodologies suggest new processes that have not been used to any large extent, if at all, and thus will require the creation of applications that are intended to fulfill the requirement. Examples where this is necessary include Facebook and the Community Development Web page (new web site environment).

Finally, one method (requiring recognized neighborhood association, watch group or neighborhood organization meeting) may be used sparingly, and only when development theoretically creates a significant impact to the neighboring community. Instances where this is likely involve annexation requests (with all parts under review), stand-alone master plans and concept plans or other development proposals that will be known to create significant protest and/or impacts to the surrounding areas. Significant impacts as deemed by staff may include, but not be limited to, proposed development that is likely to pose significant traffic impacts due to limited roadway access, significant traffic congestion on a roadway that may be subject to decreased operational design capacity as a result of the proposed development, land use conflicts in terms of what is proposed to what exists in the area, potential imposition on known neighborhood concerns, etc.

Staff intends to document how successful all methods are in order to determine necessary adjustments to make implementation more meaningful. Said adjustments will only be considered once enough data (cost/benefit and efficacy) is available to make an informed decision.

The methods to be applied include:

- Modified current practice as outlined by existing State law and/or local ordinance.

As outlined in the report, variance, subdivision and zoning related cases share both similarities and differences in the various notification processes required by ordinance. These cases typically go before the Las Cruces Planning and Zoning

Commission (P&Z), but other committees, boards and commissions have development proposals, plans and general planning related matters to address as well. In that granting additional time for meeting notification on all business items may help citizens with the notification process, staff will amend any and all existing provisions to meet a minimum fifteen (15) calendar day agenda posting, newspaper advertisement, sign posting (as applicable), notification letter (as applicable), staff notification of recognized neighborhood association, organization or watch group pursuant to approved policy, and newspaper advertisement standard. Doing so also benefits staff in that the stated time frames in which to carry out these tasks becomes normalized to one standard as opposed to the many as it now exists.

Modification is also being made to any and all required certified letter mail out provisions. Said adjustment requires first class mail in lieu of any provision that otherwise requires certified mail use unless State law stipulates a minimum certified mail standard. For example, zoning cases require a recommendation from the P&Z before being forwarded to City Council for final approval. Presently, first class mail is always used as a means to notify the public within the notification boundary of the P&Z hearing date, time and location. Upon reaching City Council however, certified mailing is then used to apprise these citizens of the pending City Council hearing. The new standard which will apply is to follow strict State law mail out notification requirements. For instance, if one block or less is being rezoned, the subject properties and those properties within 100' would receive certified mail. From that first 100' distance up to a revised notification boundary of 500' (200' was the past standard), first class mail would then be used. Subdivision processing pursuant to State Statutes and local ordinance does not have a certified mailing requirement and thus, is exempt from the certified mail-out provision herein stated. Variance cases although presently requiring certified notification will now require only first class mailings. Furthermore, the old standard for the minimum number of unique property owners notified (15) is eliminated due to the notification boundary increase.

Sign posting on the subject property has also changed. Rather than have staff post the applicable notification sign on the property as it has been done in the past, staff shall prepare sign(s) for the applicant to post on the subject property prior to the 15 day threshold. If two signs are necessary to address recommending and final authority reviewing entities, both will be prepared and provided to the applicant. The posting(s) shall be in concert with all applicable standards for safety and visibility and it shall be the responsibility of the property owner to ensure that continuous posting of the applicable sign occurs from the 15-day threshold for sign posting through the applicable meeting date to which it

pertains. If two separate postings are required, the same expectation will be applied. An affidavit of posting shall be completed and submitted back to the Community Development Department advising of the applicant's understanding of compliance requirements and the ability to comply with posting parameters. Cases involving both Planning and Zoning Commission review and City Council action, for instance, shall require continuous posting of the first sign through to action taken by the Planning and Zoning Commission. The second sign will be posted on the day following the Planning and Zoning action date through to the City Council meeting date in that City Council provides a final decision on the matter. Those cases that only require one entity's review and consideration will require posting through that applicable meeting date. Following the meeting by which final action is provided, the applicant shall dispose of or recycle the sign in the appropriate manner. Signs used shall be 48"X48" in size. If lots have multiple street frontages, one sign per frontage shall be posted. If the property is significantly large and has lengthy frontage(s), multiple signs may be required for posting. Community Development staff shall make a determination at the time of sign issuance.

The final two modifications that are applicable involve the neighborhood association notification provisions. Due to the various organized aspects of neighborhood groups, the policy will be amended to include reference to Neighborhood Associations, Neighborhood Organizations, and Neighborhood Watch groups. The policy will be amended by title as the Identified Neighborhood Group Information and Notification Policy and throughout the document, all active neighborhood groups regardless of type that comply with said policy, shall be the focus of the policy's content. The distance threshold referenced as to when notification is required will be 500 feet (consistent with the new letter notification boundary). The need for the applicant to notify a neighborhood group shall remain consistent with the established policy. In addition to said policy, the applicant, should a development proposal be deemed significant (staff to determine significance), shall not only notify the affected group(s), but also avail themselves at the discretion of the group(s) to present proposal parameters at a meeting mutually agreed upon and hosted by the group prior to formal case submittal to the City. Staff shall provide contact information on neighborhood groups affected. Only after said meeting will the applicant be able to submit the proposal for formal review and consideration. The submittal among other required elements will contain a copy of the notice provided by the applicant and the minutes (summary or verbatim), if applicable (assumes the group agreed to said interaction), that clearly demonstrate discussion of the proposal and any and all issues or concerns, either for or against the proposal.

In the event there are no recognized neighborhood groups within the threshold, the City, upon determining the significance of the proposal, may elect to have the applicant notify the "neighborhood" and avail themselves of possible meetings in which to discuss related matters. For purposes of this provision, neighborhood shall be those properties (property owners) within a 500' radius around the subject property being developed. Submittal of the development application shall be the same in this instance as for a recognized neighborhood group.

Substantial deviation between what was presented and/or discussed with the neighborhood or neighborhood group(s) and what gets submitted may require another meeting with the association unless said deviation is an attempt to clearly address concerns or issues raised by the neighborhood group or neighborhood. This modification will not preclude any reviewing entity from thereafter requiring postponement of a case subject to the applicant holding a meeting with stakeholders whether registered as a group pursuant to the policy or not.

As a means to pay for the increased notification costs associated with signs, newspaper advertisement, and letter mail-out, staff will be collecting additional fees for cost recovery of these processes over and above the standard fee for the subject development process. These fees will be based on actual cost recovery for the materials and services provided and may fluctuate based on charges incurred at the time of processing. Cost summary information will be made available as applicable. Fees will be collected prior to the respective scheduled meeting. Failure to provide payment may subject the case to postponement action.

- Development and Planning Project Web Page

With the new web environment established by the City, the old web format for announcing incoming development proposals and planning projects has to be modified to fit accepted protocol. Inasmuch as this venue offers substantial opportunities to inform the general public about development application submittals and planning projects early in the process, a new web page format must be completed expeditiously. The web page at minimum should convey the following: name of the development or project; name of the applicant or project lead; contact information as applicable; general location; date of submittal to the City; identification of the project type (i.e. zone change, variance, flexible standard, master plan, etc.); projected hearing date (subject to change) for the respective committee, board or commission; indication whether stated

committee, board or commission is a recommending body or whether it has final authority; status indicator (i.e. in review, approved, denied, withdrawn, etc.); and finally a PDF or similar file attachment that displays a scan of the application received and any and all site plans, elevations, surveys and the like that were part of the submitted proposal. Long term, staff should strive to have the page graphically oriented and be more interactive for the user. Potentially, staff should consider embellishments like having a geographically integrated map showing areas or districts of the city that convey only those proposals within a specific district or boundary. Potentially, citizens could define a set distance around their residence to determine if any proposals are nearby.

As milestones are reached, the status of the proposal/project will be updated. For instance if the Planning and Zoning Commission heard the case and recommended approval up to City Council, the Status field should reflect "Recommended Approval to City Council" or similar disposition. Doing so not only indicates how the reviewing entity (board, committee or commission) voted, but also conveys where the application or matter is being directed to next. Upon completion of all review and consideration steps, information regarding the specific item will be left on the page for no longer than one month so that the page primarily reflects current activities while providing a small window on which to view past actions on cases and issues. Posting of submittal information and/or status updates shall take place not later than five (5) business days following acceptance of the submittal application or the latest action taken by a reviewing body. Fees for this process are part of standard fee presently collected.

- Facebook

Staff shall seek permission from the City Manager's office to establish Facebook as an ongoing method for public notification of development submittals, planning activities and upcoming meetings. Upon approval, staff will investigate the best method for establishing the department as an entity by which to disseminate development and planning related information in the Facebook environment. Conceivably, the department can establish a Facebook page for itself (see how-to ideas at <http://www.techipedia.com/2011/build-facebook-page/>) and provide announcements and brief information regarding development submittals (including both tentative and actual meeting dates for the subject cases), general meetings, projects or general planning activities. Staff may have to moderate the page as appropriate and take prompt, appropriate action on individuals that misuse the page as it is intended. The timing of meeting announcements is to be in accordance with the fifteen (15) calendar day notice prior to the intended meeting date. Any development submittal announcements shall be posted within five (5) business days of acceptance of submittal. Fees for this process are part of standard fee presently collected.

- Las Cruces Notification System (formerly CityWatch)

With the recent launch of the Las Cruces Notification System, community members may sign up and receive community level notices regarding public meetings and/or public messages. Staff will ensure that the LCNS will be used to announce, at minimum, upcoming meetings for all commission, committee and board-related entities that review, recommend and/or approve Community Development-related cases, plans or proposals. In preparing and sending the message, staff will provide a reasonable degree of information in the context of the notice (e.g. agenda) so that case nuances can be provided as clearly and accurately as possible. Timing of any and all notices will be in concert with established protocol once said protocol is created. Staff will try and align the announcements with the 15 calendar day threshold established elsewhere. Fees for this process are part of standard fee presently collected.

- CLC-TV

In working alongside the Public Information Office, staff will develop a template that can be used on static bulletin boards during daily CLC-TV programming to display any and all development-related activity submitted for review and consideration. Every attempt will be made to post information similar to that identified in the department web page process, less status updates, but including both tentative and actual meeting date information. Any and all information will follow the protocol and usage parameters set forth for the CLC-TV static bulletin format. Said posting shall be prepared on a weekly basis as submittals are brought forward and shall be dated so that the most recent submittal activity is shown first and the oldest, last. A rolling four (4) week's-worth of activity shall be displayed so that the information does not get overly burdensome to post and maintain. Posting of information, although carried out weekly, will not be posted later than 5 business days from receipt of submittal. Fees for this process are part of standard fee presently collected.

Notification Summary Table

Notification Action	Responsibility (CLC/Applicant)	Minimum Timing	Costs	Miscellaneous Issues
Signs	CLC – Prepare & provide <u>Appl.</u> - Post	15 Calendar Days	Additional Cost – Cost Recovery	1 sign for recommending mtg. 1 sign for final action mtg. 1 sign per frontage Signs as appropriate for lengthy frontage.
Agenda Post	CLC	15 Calendar Days	Part of Standard fee	Agenda and Newspaper Adv. can occur simultaneously.
Newspaper Advertisement	CLC	15 Calendar Days	Additional Cost – Cost Recovery	Agenda and Newspaper Adv. can occur simultaneously
Notification Letters	CLC	15 Calendar Days	Additional Cost – Cost Recovery	500' notification boundary <u>Recommending bodies</u> – 1 <sup>st</sup> class <u>Final Action bodies</u> – certified 100'; 1 <sup>st</sup> class variance excluded from certified req.
Neighborhood/Group Notification	<u>CLC/App.</u> – initial notice <u>Appl.</u> – Mtg. if reqd. CLC	N.L.T. 5 business days after submittal. Prior to submittal for Mtg.	Part of Standard Fee	500' notification boundary
Website Posting	CLC	N.L.T. 5 business days after submittal or status change	Part of Standard Fee	Announce mtgs., submittals, case updates, new projects, project updates
Facebook Posting	CLC	<u>Mtg.</u> – 15 Calendar Days <u>Submittal</u> – 5 Business Days	Part of Standard Fee	Announce mtgs., submittals and new projects.
CLC-TV Posting	CLC	N.L.T. 5 business days after submittal	Part of Standard Fee	Announce mtgs. and submittals.
LC Notification System Broadcast	CLC	15 Calendar Days	Part of Standard Fee	Announce meetings to include agenda.

## **Notification Methods Outline by General Departmental Section and Process/Activity Type**

The following tables presented by general departmental divisions identify processes and/or activities that shall require the associated notification methods as listed. Due to the nature of certain projects and related meetings, particularly those associated with large-scale plan development or general public hearings, staff has the discretion on a case-by-case basis of applying only relevant portions of the stipulated processes identified. Notification letters, as an example, are not relevant in the presentation of general issues at a public input meeting or to property owners during the development of a comprehensive plan and as such, would be omitted from the defined processes.

For Metropolitan Planning Organization (MPO) notification methods, the MPO's Public Participation Plan defines the processes and steps necessary to undertake appropriate notification of stakeholders. Where said plan is absent of discussion related to notification avenues presented herein, MPO staff shall determine the appropriate measures that can be added to those already implemented. For instance, the use of social media for MPO purposes alone should be considered as a means to further inform the public. Notification of neighborhood groups/organizations as appropriate and the use of CLC-TV for posting of project or meeting information should also be considered. Additionally, to increase the amount of time by which stakeholders are informed about work flow or proposed MPO efforts, agenda posting, newspaper notices and any notification letter mail-out should seek a fifteen (15) calendar day minimum as opposed to the ten (10) calendar day window that presently exists.

### Current Planning Notification Process

Case Process	Staff Notification Action	Applicant Action	General Notes
<b>Pre-Application Meeting</b>	Determine Neighborhood/Meeting Need	Hold Neighborhood Meeting*	*If required, applicant will hold the meeting before submittal
<b>Submittal</b>	Website	Neighborhood/Group Notification	No later than five (5) business days after submittal
	Facebook		
	CLC-TV		
	Neighborhood/Group Notification Letters		
<b>Review</b>	Website	N/A	Update no later than five (5) business days after each resubmittal
<b>JDDRC, SMDRB, WMSPC*</b>	Website	N/A	Update minimum of fifteen (15) calendar days before meeting
	Facebook		
	CLC-TV		
	Agenda	N/A	Minimum of fifteen (15) calendar days before meeting
	Prepare/Notify Applicant of sign req.	Post sign(s)	
	Neighborhood/Group Notification Letters	Ensure payment of any outstanding notification fees	
	Newspaper		
	Website	N/A	Update no later than five (5) business days after meeting
<b>JRC*</b>	Website	N/A	Update minimum of fifteen (15) calendar days before meeting
	Facebook		
	CLC-TV		
	Website	N/A	Update no later than five (5) business days after meeting
<b>Planning and Zoning Commission, ETZA, ETZC</b>	Website	N/A	Update minimum of fifteen (15) calendar days before meeting
	Facebook		
	CLC-TV		
	LC Notification System Broadcast	N/A	Minimum of fifteen (15) calendar days before meeting
	Agenda		
	Prepare/Notify Applicant of sign req.	Post Sign(s)	
	Neighborhood/Group Notification Letters	Ensure payment of any outstanding notification fees	
	Newspaper		
Website	N/A	Update no later than five (5) business days after meeting	
<b>City Council First Read*</b>	Website	N/A	Update minimum of fifteen (15) calendar days before meeting
	Facebook		
	CLC-TV		
	LC Notification System Broadcast	N/A	Minimum of fifteen (15) calendar days before meeting
	Council Action Executive Summary	N/A	*Determined by City Clerk Calendar (ordinances only)
<b>City Council Action</b>	Prepare/Notify Applicant of sign req.	Post Sign(s)	Minimum of fifteen (15) calendar days before meeting
	Neighborhood/Group Notification Letters	Ensure payment of any outstanding notification fees	
	Website	N/A	Update no later than five (5) business days after meeting

**Advanced Planning Notification Process (Staff as Applicant – Area, Neighborhood, Community Blueprint, Overlay Plan Development)**

<b>Case Process</b>	<b>Staff Notification Action</b>	<b>Applicant Action</b>	<b>General Notes</b>
<b>Initial neighborhood meeting (discussion of issues)</b>	Website*	See Staff Notification Action	Minimum fifteen (15) calendar days before meeting.  *Assumes meeting announcement action.
	Facebook		
<b>Follow-up neighborhood meeting(s) leading up to presentation of formal proposal</b>	CLC-TV	See Staff Notification Action	Minimum fifteen (15) calendar days before meeting.  *Assumes meeting announcement action.
	LC Notification System Broadcast		
	Neighborhood/Group notification letters		
	Website		
	Website*		
	Facebook		
<b>UDDRC, SMDRB, WMSPC* (Subordinate Board Recommendation Meeting if necessary)</b>	CLC-TV	See Staff Notification Action	Update/post minimum of fifteen (15) calendar days before meeting.  *Update aspect assumes meeting announcement action.
	Agenda		
	Newspaper		
	Neighborhood/Group Notification Letters		
	LC Notification System Broadcast		
	Website		
	Website*		
	Facebook		
<b>Planning and Zoning Commission Work Session</b>	CLC-TV	See Staff Notification Action	Update/post minimum of fifteen (15) calendar days before meeting.  *Update aspect assumes meeting announcement action.
	Agenda		
	Newspaper		
	Neighborhood/Group Notification Letters		
	LC Notification System Broadcast		
	Website		
	Website*		
	Facebook		
<b>Planning and Zoning Commission Recommendation to CC</b>	CLC-TV	See Staff Notification Action	Update/post minimum of fifteen (15) calendar days before meeting.  *Update aspect assumes meeting announcement action.
	Agenda		
	Newspaper		
	Neighborhood/Group Notification Letters		
	LC Notification System Broadcast		
	Website		
	Website*		
	Facebook		
<b>City Council Action</b>	Neighborhood/Group Notification Letters		Minimum of fifteen (15) calendar days before meeting
	Website		Update no later than five (5) business days after meeting

**Advanced Planning Notification Process (Staff as Applicant – Regional Plan, Comprehensive Plan Development)**

<b>Case Process</b>	<b>Staff Notification Action</b>	<b>Applicant Action</b>	<b>General Notes</b>
<b>Initial Kick-off meeting (Introduction and discussion of process and issues)</b>	Website*	See Staff Notification Action	Minimum fifteen (15) calendar days before meeting.  *Assumes meeting announcement action.
	Facebook		
	CLC-TV		
	Neighborhood/Group notification letters		
	LC Notification System Broadcast		
	Website		Update no later than five (5) business days after meeting as may be applicable
<b>Follow-up community meeting(s) leading up to presentation of formal proposal</b>	Website*	See Staff Notification Action	Minimum fifteen (15) calendar days before meeting.  *Assumes meeting announcement action.
	Facebook		
	CLC-TV		
	Neighborhood/Group notification letters		
	LC Notification System Broadcast		
	Website		Update no later than five (5) business days after meeting as may be applicable
<b>Planning and Zoning Commission Work Session</b>	Website*	See Staff Notification Action	Update/post minimum of fifteen (15) calendar days before meeting.  *Update aspect assumes meeting announcement action.
	Facebook		
	CLC-TV		
	Agenda		
	Newspaper		
	Neighborhood/Group Notification Letters		
	LC Notification System Broadcast		
	Website		Update no later than five (5) business days after meeting
<b>Planning and Zoning Commission Recommendation to CC</b>	Website*	See Staff Notification Action	Update/post minimum of fifteen (15) calendar days before meeting.  *Update aspect assumes meeting announcement action.
	Facebook		
	CLC-TV		
	Agenda		
	Newspaper		
	Neighborhood/Group Notification Letters		
	LC Notification System Broadcast		
	Website		Update no later than five (5) business days after meeting
<b>City Council Action</b>	Notification Letters		Minimum of fifteen (15) calendar days before meeting
	Website		Update no later than five (5) business days after meeting



Work Session  
September 24, 2012

**WORK SESSION  
SUMMARY & DIRECTION SHEET**

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The following is a brief summary of the Agenda items discussed at the Work Session, with appropriate direction given to the responsible staff person by the City Council. The required follow-up actions are to be taken by those responsible officials.

The City Council of the City of Las Cruces, New Mexico, held a Work Session on Monday, September 24, 2012, at 1:00 p.m., at the City Council Chambers, City Hall.

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THOSE PRESENT:	Mayor Miyagishima (Absent)
	Councillor Miguel Silva, District 1 (Arrived at 1:09)
	Councillor Greg Smith, District 2
	Councillor Olga Pedroza, District 3
	Councillor Nathan Small, District 4
	Councillor Gill Sorg, District 5
	Councillor Sharon Thomas, District 6

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OTHERS PRESENT:	Robert Garza, City Manager
	Pete Connelly, City Attorney
	Esther Martinez, City Clerk

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**Mayor Miyagishima called the meeting to order.**  
**Mayor Miyagishima presented the Pet of the Week.**

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**Mayor Pro-Tem Thomas:** The cat wasn't too comfortable with the microphone. Since this is a Work Session, we don't have any proclamations, but I do want to remind everybody that we're ending the Tough Enough to Wear Pink Campaign this week. It culminates this coming Saturday at the football game. We have at least 4 out of 5 of us who managed to get the pink memo. Only Councillor Small doesn't have any pink.

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**Councillor Small:** Thank you very much, Mayor Pro-Tem for pointing that out. Sometimes drawing that attention is a very good thing. I will say thank you to Councillor Smith. He did offer his pink tie, but I think it looks better matched with the attire that he does have on, and also I did want to, in the spirit of important community efforts, I did also want to remind folks that tomorrow evening, the 25<sup>th</sup>, over at the Port Avenue, there is going to be the Vida de Las Cruces. A number of initiatives, including the Community of Hope for homeless Veterans and also the Animal Services. Animal issues are being supported through the proceeds of this. It is tomorrow evening. I know that's

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1 something that is also very important to folks but not to take away and certainly to take my lumps  
2 for not having for at least not having my pink ribbon today.

3

4 **Mayor Pro-Tem Thomas:** Thanks. I think the tie would have clashed with your shirt so we'll  
5 accept green. I just want to read a short blurb from the Tough Enough to Wear Pink website. "The  
6 money we raise is invested in the Cowboys for Cancer Research Endowment. Thanks to the  
7 generous part of our sponsors, community philanthropists, and countless community members who  
8 represent the money that we raised to aid in New Mexico funding cancer research in New Mexico  
9 State University and the University of New Mexico. Together with our major sponsors, local health  
10 care providers, raising breast cancer awareness through education in one of the poorest counties in  
11 the United States. As a result of our efforts, more than 300 free mammograms were made each year  
12 available to Doña Ana County women who might not otherwise have had access to this life saving  
13 procedure. So we especially want to thank Laura Kaniff, Pat Sisbarro, Magella Boston, and Mary  
14 Henson who are the co-chairs of the Tough Enough to Wear Pink and go out to the football game  
15 next weekend. Okay, we only have 1 item on our agenda and I believe Vincent Banegas is going to  
16 give us a report.

17

#### 18 **1. Public Notification Process for Zoning and Development Applications.**

19

20 **Vincent Banegas:** Good afternoon, Mayor Pro-Tem, City Councillors. My name is Vincent  
21 Banegas. I am Deputy Director for the Community Development Department and I'll be talking to  
22 you today about all things public notice at least, where we've been, where we are in regards to this  
23 issue. We have visited this particular matter before in a previous Work Session and at that time we  
24 were examining opportunities by which we could improve our public notice measures that are  
25 undertaken for a great many things that we do and at that time we went back and examined some  
26 opportunities and took a closer look, drilled down into them to see what type of issues are tied to  
27 those cost resources, those type of things and as a result I'll be speaking to you on some reports and  
28 some issues and some proposals that staff has come up with to address the concern.

29

30 The Community Development Department currently has notification practices for all of its  
31 development related cases, annexations as you all know, zoning, subdivisions, and variances. Those  
32 are the typical development type cases for which the staff within Community Development carries  
33 out public notification for. Other items include planning projects, neighborhood plans, corridor  
34 plans, and of course more recently our community blueprint planning effort or endeavor. We also  
35 carry out notification processes with those as well. Comprehensive planning is not listed but that  
36 is certainly one that we take a little different angle on since it is so broad but that is certainly  
37 included in the planning activity. The types of notice that we provide at the present is kind of a 2  
38 tier approach, primarily agenda posting, newspaper ads, particularly the legal section of the  
39 newspaper identifies the meeting that that particular case is subject to consideration within. We do  
40 letters to mail out to property owners within the vicinity of a subject development proposal and then  
41 secondarily we have website information that gets posted on the Community Development website  
42 or web page rather, and we attempt to identify not only the type of case but information about the

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1 applicant and what the case involves, etc. There is currently some adjustment being made to that  
2 web page in particular to make it more user friendly if you will for staff to post the information on  
3 so as we continue to enhance that we will get that running here in relative short order with much  
4 better success. And then there's also the Neighborhood Association Notification Policy. That was  
5 included in your packet of information. It's the smallest of the documents that was included and it  
6 stipulates when neighborhood associations get notified both by City Staff, by developer, and it talks  
7 about the issues that are subject to that policy regarding the sharing of information, that sort of thing  
8 about the subject proposal.

9

10 Just to kind of give you a real brief overview, minimum notification requirements that we partake  
11 in are drawn from the New Mexico State Statute. You will notice that across the top of this  
12 particular slide, we have 3 of the key development processes that we undertake. Those are  
13 subdivision, zoning, and variance and you'll notice that across the left hand column, all those kinds  
14 of activities, notification activities that we typically engage in, the State Statutes are really generic  
15 if you will or nonexistent as to what the provisions or stipulations are for notification. As compared  
16 to the City of Las Cruces on the right hand side of that slide, we have the same information across  
17 the top, the steps that we take across the left hand column, and you'll notice that we fill in a great  
18 many of those cells that are neutral about the processes and we identified timing. We identified  
19 distance thresholds for notification and who gets notified and that type of thing. So that's.....

20

21 **Mayor Pro-Tem Thomas:** Do you mind if Councillor Sorg asks you a quick question?

22

23 **Vincent Banegas:** Sure.

24

25 **Councillor Sorg:** On those charts there, what do you mean by agenda posting? What does that look  
26 like?

27

28 **Vincent Banegas:** The agenda posting is actually the meeting agenda. It stipulates time, place,  
29 purpose of the meeting and it also has all the case.....

30

31 **Councillor Sorg:** The agenda I understand. The posting part I don't.

32

33 **Vincent Banegas:** The posting, we post not only in the newspaper, we advertise in the newspaper.  
34 We also post it here at City Hall and other places where citizens are likely to be.

35

36 **Councillor Sorg:** On the website?

37

38 **Vincent Banegas:** Well, that gets posted as well through the website, yes.

39

40 **Councillor Sorg:** Okay, thank you. You will notice that on the City of Las Cruces side, we have  
41 enhanced, compared to the statute side, a lot of notification procedures and some of the concerns that  
42 have been raised with that is there is no normalization if you will on some of the key features of that.

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1 I have circled some various....the number of days prior to the public hearing that exists. Sometimes  
2 they differ by process type. For instance, along the subdivision column, you have both 6 days and  
3 9 days mentioned and in the zoning you have 10 days and 15 days mentioned so there is variation  
4 across the processes and with an individual processes as well. Distance thresholds are also different.  
5 We have a 200 foot notification boundary identified for mail distribution to the property owners but  
6 we also have a 300 foot distance requirement for the Neighborhood Association Policy that I  
7 referenced. So again some differences on which to keep tabs on and not mess up.

8  
9 Some of the notification concerns that we've heard along the way for a great number of years is that  
10 we simply do not reach enough people. Maybe we've heard that the notification distances that we  
11 follow are too short, they shouldn't be expanded. We've also heard that the methods that we  
12 implement are not all inclusive and we've also heard that in certain instances it becomes a burden  
13 to the property owner and the example I cite is the certified mail criteria that we implement. If the  
14 property owner is not present at home to receive the certified mail or letter and sign for it, I believe  
15 there is another attempt made by the post office and if that fails then they get a notice saying pick  
16 up your certified envelope at the post office and so it becomes a bit of a burden to some property  
17 owners because they have to take the time to go and seek out that letter. There has also been  
18 complaints about the limited use of modern technology to get the word out and so new methods are  
19 being considered and we're trying to implement those as well. Other relevant concerns regarding  
20 notification. We have to consider ease of application. We have to consider practicality. In certain  
21 instances if we make timing thresholds, for instance too excessive, we could impact an applicant's  
22 time frame for development and rather than going to a meeting say next month, it could be pushed  
23 back 2 months and so we have to keep that in consideration. Resources, both monetary and staff,  
24 have to be considered with these processes and safety and liability are also matters that have to be  
25 kept in mind and by that we're talking about the potential for on site activity, dogs that kind of thing.  
26 That could play a factor or in certain instances we talked about larger notification signage on the  
27 subject property and what that could bring with it and in essence the bigger the sign, the more likely  
28 we're going to be hitting things on private property such as drip irrigation, sprinkler lines, those type  
29 of things that we could damage and so we have to keep those matters in mind as we consider other  
30 options. Cost and cost recovery: That kind of speaks to the resources. We have set fees for all of  
31 our processes at present. The question becomes with new methodologies being considered for  
32 notification, are those costs that we currently collect, are they enough? Do we need to look at cost  
33 recovery in certain instances? And then the variability of the processes. They are different processes  
34 all together. Some of them bring out more interest from property owners and citizens in general and  
35 then others not too much and in many instances they don't have problems with a great many things  
36 that we do. The perception regarding that issue is that there are often times substantial protest or  
37 would be substantial protest with some of the cases we take forward and to address that, staff took  
38 a look at roughly 2 ½ years of case history and found that 171 cases were submitted. Of those, 84  
39 were not acted on or not addressed pursuant to these numbers because they were either handled  
40 administratively pursuant to our codes, they were dropped by the applicant and no longer pursued,  
41 or simply they were waiting P&Z consideration. Now of those 171, we have 87 cases that were  
42 considered by a decision making body and of those 87, 30 of them received absolutely no protest

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1 whatsoever. On 47 of those, there was minimal discussion and most of that if not all of that was just  
2 to seek clarification on what was being considered. Maybe they had confusion over what the special  
3 use permit really pertained to or what the zone change meant or what the zoning designation would  
4 include in terms of uses, that kind of thing and often times what we found is once that clarification  
5 was given, there was no concern. There was no further discussion and certainly no protest. Six of  
6 those cases we did find where concerns were raised and at the request of property owners or those  
7 making the statements, they asked the decision making bodies to consider conditions for instance  
8 to address their concerns and in many instances those concerns or conditions were placed in any of  
9 the actions that were rendered, and then of course 4 or roughly 5% of those 87 cases received strong  
10 protest so I think you'll see out of 2 ½ years worth of time and case history that not very many  
11 strongly protested cases are being addressed by our decision making bodies.

12

13 So, here we are. We recognize that our notification methodology could be bolstered and improved.  
14 We have no problem admitting that. The steps that were undertaken to examine what we could do  
15 was to kind of take a look at other communities within the region. I mentioned this at the last Work  
16 Session wherein we looked at 7 other communities, some of them in state, some of them out of state,  
17 but everywhere from here in New Mexico to Arizona, even California and Colorado, some of those  
18 communities were looked at in terms of what they did for their notification on the same processes  
19 that they carry out just like we do. Some of the nuances that we found: Notification boundaries for  
20 one, some of them were higher than our existing boundary and some of them were lower. We have  
21 a 200 foot notification boundary for mail out presently and we saw some 300. We saw some 100,  
22 and so it just varied. Some entities or cities notify both property owners and tenants and some on  
23 a case by case basis picked one or the other and so that varied. Neighborhood meetings, sometimes  
24 they were mandatory and sometimes they weren't even addressed at all. There was case by case  
25 review and assignment of the notification techniques by those communities based on staff perceived  
26 impacts so if someone brought in a proposal and staff felt that it would bring significant concern to  
27 a neighborhood, then they require a neighborhood meeting or an association meeting and then those  
28 that were generally felt to be minor in nature. They did not. Notification timing was more  
29 standardized, which is one of the things that I would propose that we consider but in no instance did  
30 it exceed our 15 day standard that we have in place now at least for zoning matters, and the applicant  
31 responsibilities in many instances were far greater than what we have in our codes today. For  
32 instance, doing the neighborhood meeting was all on the applicant, proving that the meeting took  
33 place was on the applicant, posting signs was on the applicant, etc. So, definitely different nuances  
34 were seen and some similarities.

35

36 So, staff based on that information did some reporting and some writing, and I've never been known  
37 for brevity, but the document, the largest document that was included in your packet, is some 32  
38 pages of information that took a look at some of the issues that we have to consider with notification,  
39 took a look at some methods that might be considered for inclusion in notification procedure and  
40 some of the pros and cons associated with each one and at the end it has a recommendation as to  
41 what we do with the information that was contained there then. So that's what that report addresses.  
42 It's intended to be a Citywide report, not just Community Development and it's also intended to kind

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1 of provide a menu option if you will of methodologies that could be chosen to fit a variety of needs  
2 and adjust it to fit specific concerns or issues that any one department in the City might have. It  
3 considers and encourages these departments to take a look at those items and try to incorporate them  
4 in their notification and policies that exist today and as part of that, Community Development staff  
5 rather decided to take the lead on that and we have attempted to draft up some policy that seeks to  
6 incorporate some of those same ideas into an ongoing notification procedure and that is the next  
7 document that is in draft form and it is called the Citizen Notification Policy Manual for the  
8 Community Development Department and what it does is it selects from the manual. It identifies  
9 all the steps for all the processes we carry out, subdivision variances, annexations, plan, creation, that  
10 kind of thing, and it also looks at the existing process for notification and discusses ways to improve  
11 it and tweak it so that it is more inclusive in terms of getting the word out and so it's talked about  
12 in there as well and it seeks to have this policy document proved by resolution as a matter of practice  
13 for community development and if we go with those policies and if we go with those standards that  
14 are contained and discussed therein, then there will be a need to amend other policy documents but  
15 also our ordinances, primarily the zoning code is an example where notification measures are  
16 specifically identified distance thresholds a number of days prior to public hearing, that kind of thing.  
17 We need to make sure that it would be consistent with the policy if we so agree that that's the way  
18 to go, and finally in that policy manual, the draft manual, we talk about some cost recovery on 3  
19 elements that are discussed. The mail out is one of them. The newspaper ad is another and signs  
20 are a third. So those costs associated with those types of activities for notification would be fees in  
21 addition to the standard fee already charged. It wouldn't be substantial, but it is an attempt to get  
22 cost recovery given the recommendations that I'll go into here shortly. Since we're increasing our  
23 activities, we're increasing distances by which we're going to contact property owners. Fees  
24 obviously need to cover those costs because the current fees do not anticipate those changes.

25  
26 So in our policy recommendation, we're looking to do a 5 step notification effort if you will for all  
27 planning and development related activities. The existing process is what the first section talks to  
28 and that's the modified notification process. Again we're looking at standardizing the number of  
29 calendar days before a public hearing to 15 so to all agenda postings, newspaper ads, sign postings  
30 on the property. That would all follow a standard 15 counted day threshold and it is the maximum  
31 that we currently have, which gives more time for individuals to know about specific meetings and  
32 specific cases on those meetings. The mail notice to the Neighborhood Association is currently 300  
33 feet, and the policy, which is also included in your packet is called an Identified Neighborhood  
34 Association Information and Notification Policy. Presently it stipulates that there's a 300 foot  
35 notification boundary for those neighborhood associations. We're looking to increase that to 500  
36 feet. The staff determination on when applicants should be required to have a meeting with the  
37 Neighborhood Association will be made at pre-application timing when an applicant actually comes  
38 forward to get with staff and make their pitch for their proposal and kind of see what kind of  
39 feedback staff will provide. At that point in time, which is very early in the process, if staff feels that  
40 the matter is or will be of great concern to the neighborhood or will have significant impact on a  
41 Neighborhood Association, that type of thing, we will request the applicant not only contact them  
42 pursuant to that policy, which is a requirement regardless, but seek a meeting with them to convey

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1 face-to-face what their proposal means, what it includes, and that type of thing and if the meeting  
2 is held, it's got to be agreed to a time and place by the Neighborhood Association and the applicant,  
3 but if it is held, then they will have to submit not only the letter that they submitted notifying them  
4 of the case, but minutes of that case and that will all be looked at at the time of submittal if they do  
5 not have that. Staff will follow up and see what happened, and that could delay their acceptance of  
6 the submittal. So we're looking at getting more interaction early on with the Neighborhood  
7 Association through that measure. The process that I just described does not remove any authority  
8 the Planning and Zoning Commission has or this body, City Council, has in postponing a case  
9 pending the applicant getting with the neighborhood and discussing the matter further. You would  
10 still have that authority, the previous issue I described is just one that staff will implement when we  
11 feel it's necessary to do so. In either case, staff would be in attendance at these meetings to monitor  
12 them. We would be able to answer any technical questions of our codes, but we would not take lead  
13 in the discussion. We would not present the matter to the Neighborhood Association or on behalf  
14 of the applicant. It would be those 2 entities discussing the issues and hammering out the concerns,  
15 but we would be there to monitor them. Sign posting responsibility is now being proposed to go by  
16 the way of the applicant and we would still provide the signs and the standards in which to erect  
17 those signs, but then the applicant would have to post them 15 calendar days prior to the public  
18 hearing and then ensure that those signs stay up through the approval stage. So, if approval stage  
19 ends with Planning and Zoning Commission, they need to make sure that it's consistently displayed  
20 through that time period. They may receive in the case of a zoning change application, a second sign  
21 to address the discussion at the City Council level and so the day after P&Z, they would have to  
22 remove that one and post a City Council sign to convey new information regarding when it comes  
23 to this body and again they would have to ensure that it remains up throughout the hearing and  
24 through the determination stage of that case. Notification boundary: Much like the Neighborhood  
25 Association Notification Boundary, those 2 will be equal. I am looking to increase the boundary  
26 from the current 200 foot distance excluding right away. That's what it is now and I'm looking to  
27 have that match the Neighborhood Association 500 foot boundary so again we have normalization  
28 of that distance so it will increase, and finally notification via the letters that are sent out will follow  
29 the State statute provisions so we will be talking certified and first class letters, and we will discuss  
30 what that really means here in a minute but suffice it to say that a certified mail out will be lessened.  
31 The reliance on that will be lessened for many of the activities so we're likely to have people get  
32 letters early on without any burden to them to go pick them up at the post office. We're going to  
33 minimize the certified aspect and increase the first class distribution aspect and again all that would  
34 follow State statutes. The second step, although there is many steps in that first grouping, but the  
35 second step is to further develop the planning project web page and so any of the development  
36 proposals that come in for review and consideration we would post on our web page, Community  
37 Development web page, indicating that the name of the project, the applicant, the contact  
38 information and any other bullets that you see there, we would try to project the hearing date that the  
39 subject case would be going to in terms of the review body, what the status is of the case at any point  
40 in time, whether it's been staff reviewed or whether it's been P&Z approved or denied, and that you  
41 know it will be subject to City Council consideration. We will also indicate whether the reviewing  
42 body that it goes to is a final decision making body or is it just a recommending body so people have

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1 a better understanding that there's another crack at it if you will if it is indeed recommending and  
2 not final authority, and then PDF attachments as applicable are intended to be included on each  
3 element that gets posted on the web page so people can download site plans, elevations, what have  
4 you, to get a better feel for what is being considered. Other steps: Social media. The Community  
5 Development Department this is kind of new to us, but we would be seeking permission to utilize  
6 Facebook as a measure for improved notification. We received conditional approval for the El Paseo  
7 Project as some of you may recall, the picturing El Paseo. We did utilize Facebook to kind of keep  
8 the community informed as to where we were with that project so we have a little bit of experience  
9 with that but we will be kind of venturing into new territory with what we're intending to do and  
10 that's create a Community Development Facebook page. The idea there is we would not only  
11 announce meetings, but we would announce development submittal items and there are some posting  
12 deadlines that we would try to meet in getting the word out on those items and they will follow in  
13 many ways what is also being considered elsewhere in the proposal. We also seek to utilize the  
14 newly announced Las Cruces Notification System. We would be announcing public meetings and  
15 we intend to include agenda items as part of that announcement so again people who opt in to that  
16 notification system and sign up for it would get notices from Community Development with  
17 assistance from PIO on P&Z meetings, what cases are on those meetings, that kind of thing. So,  
18 hopefully we get the word out a little bit better in that fashion as well and then finally, our own City  
19 of Las Cruces TV has static bulleting boards whereby much like the intended web posting of our  
20 development activity within the Community Development web page, we would identify those same  
21 submittal items that have come in and relay the same or similar information as what would go on our  
22 web site and we're looking to keep it relevant and current and display only 1 month's worth of  
23 information so that people can quickly look and see what's come in and not get burdened with older  
24 listings that maybe are 2 months and that sort of thing old and hopefully another opportunity by  
25 which to get the word out.

26

27 So of those things that I can show graphically in terms of what it means. I've devised this little slide  
28 to illustrate at least some of the notification procedures that allow me to do so graphically and I've  
29 selected this area. It's just a random area, random selection. There's nothing that I'm aware of that  
30 is actually taking place so I've pinpointed this parcel, which was cross hatched in red and the  
31 assumption here is that they are going through a zone change. Just making this up, this happens to  
32 be east of North Roadrunner, which is on the bottom corner of this slide. Sonoma Ranch is on the  
33 upper right corner of the slide and Sonoma Springs is here. This is to give you a point of reference,  
34 but the property that is cross hatched in red is the one that I've chosen to illustrate the changes that  
35 are being recommended. Right now the gray area that you see around that parcel represents a current  
36 notification standard, our distance, our 200 foot standard. Technically it is 200 feet less or excluding  
37 rights away so if you add 50 feet, which is our typical right away width, it's really 250 feet. So, that  
38 is what we currently have in place today. What we're proposing is a much broader 500 foot radius  
39 around that subject parcel and so you'll see the net impact of notification slightly more than doubles,  
40 37 under the old method or the current method and 81 under the proposed method so significant  
41 increase in getting the word out to neighbors. In terms of the practice of mail out, both for certified  
42 and first class mail, here's the net result of that. The area shown in red line, red boundary around

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1 the subject property, because we are only doing a theoretical zone change for one parcel, the State  
2 Statute says 1 block or less. We only have to do certified mail outs at the appropriate time and in  
3 this case would be at City Council consideration time, certified for these property owners that are  
4 touched and within the red boundary. Beyond that, from the red boundary out to the fringe of the  
5 green, we would be dealing with first class mail out only. So as opposed to all these individuals  
6 getting certified, only those in here get certified and beyond that first class so again trying to get the  
7 word out, trying to have less burden on property ownership, may not be home to receive their  
8 certified. That's the idea with this. So in terms of the numbers, P&Z with the existing process.  
9 We don't do certified, but we do first class mail out and that's 81. At City Council as opposed to the  
10 current method of 85 certified, we would not carry out any first class mail out, but what is being  
11 proposed in a similar situation is the existing for P&Z but here at the numbers for City Council so  
12 again you'll see that. Only 19 of the property owners are getting certified in 62 first class. Here's  
13 a graphical representation of what it means for neighborhood associations that are recognized and  
14 registered through the City of Las Cruces. That policy that I referenced previously seeks to have  
15 them do, but this line that is cross hatched shows you the notification, the 300 foot notification  
16 boundary as is currently stipulated. These blue lines here, here, and up in here, those are all  
17 neighborhood association boundaries so you can see 2 for sure. Here's the beginning of a third. This  
18 happens to be 3 of them within the vicinity. Currently under the present practice, only this  
19 neighborhood association would be contacted because the property falls within it or certainly within  
20 the distance for it. As proposed, it would meet the 500 foot threshold just like our mail out letters  
21 and we now are impacting 2 neighborhood associations as opposed to the 1. This little guy here,  
22 which goes further east and takes another property is outside the notification threshold, but that's  
23 likely to happen no matter what number you choose. So that is a representation of what some of  
24 those adjustments that are being pursued and requested via our policy manual will have for  
25 notification measures, and that concludes my presentation. Councillors, I would be happy to answer  
26 any questions you might have.

27

28 **Mayor Pro-Tem Thomas:** Thank you for that presentation. I know you've done a lot of work. I  
29 read the big fat report too. So, could you go back a couple of slides here? So, currently we do not  
30 send certified letters at the P&Z level, right? There's no notification at P&Z level.

31

32 **Vincent Banegas:** Mayor Pro-Tem and Councillors, at the P&Z level there are only first class mail.

33

34 **Mayor Pro-Tem Thomas:** Only first class. Okay.

35

36 **Vincent Banegas:** Correct.

37

38 **Mayor Pro-Tem Thomas:** But you do notify first class. Okay, so that's an 81.

39

40 **Vincent Banegas:** For this particular instance, the assumption being the zone change application.

41

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1 **Mayor Pro-Tem Thomas:** So on this one you're saying under our current policy, there would be  
2 81 first class letters sent at the P&Z level and then at the City Council level there would be 81  
3 certified.

4

5 **Vincent Banegas:** That's correct.

6

7 **Mayor Pro-Tem Thomas:** And then it remains the same for P&Z but it changes for City Council.

8

9 **Vincent Banegas:** That's correct.

10

11 **Mayor Pro-Tem Thomas:** Okay. Councillor Sorg?

12

13 **Councillor Sorg:** Madam Chair, as I read this number of parcels notified, up above it says existing  
14 37. Wouldn't the existing first class mailing be 37 under existing?

15

16 **Vincent Banegas:** Yeah. The existing process, that's the boundary. The current boundary that is  
17 referenced here on the 200 foot is this boundary here and so the existing is 37 within the current  
18 boundary, but the green area, which is the proposed 500 foot is where we get to the 81.

19

20 **Councillor Sorg:** Correct.

21

22 **Vincent Banegas:** These other numbers here are reflecting if we go to the proposed 500 foot  
23 distance and so that's where those numbers are coming in.

24

25 **Councillor Sorg:** So would you agree that the existing mailings for P&Z with what we have now  
26 would only be 37, not 81?

27

28 **Vincent Banegas:** This second chart, the certified versus first class, it all assumes the 500 foot  
29 notification boundaries so all of those 81 parcels affected that are shown in the green get notified  
30 first class.

31

32 **Mayor Pro-Tem Thomas:** So, existing means existing in terms of what the letter policy is. It's to  
33 change the area.

34

35 **Vincent Banegas:** That's correct. Certified first class policy aspect.

36

37 **Mayor Pro-Tem Thomas:** Okay. Yes, Mr. Garza?

38

39 **Robert Garza:** Thank you, Madam Chair. I just wanted to ask Vince for clarification. The number  
40 19 versus the 37 is because you're recommending that we reduce the area where we send certified  
41 second table.

42

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1 **Robert Garza:** That's correct. Mayor Pro-Tem, Mr. Garza, the 1962 follows exactly what State  
2 Statutes mandate. We would be reducing that area.

3

4 **Mayor Pro-Tem Thomas:** Okay. I had another question. You talked about neighborhood  
5 associations and in my District, other Councillors can comment on what their Districts are like, I  
6 have mostly Homeowner Associations and they are not easily registered with the City. I have  
7 convinced some of them to register as neighborhood associations because eventually they will have  
8 to take over the HOAs and they need to have some sort of framework to do that because there is no  
9 State Legislation for that, and then more and more I have watch groups signing up and I think, I don't  
10 know how long ago it was when we had that masters class that came and they did a little study on  
11 neighborhood organizations and so I think we started looking at neighborhood organizations as all  
12 3 kinds of groups. They were watch groups. They were neighborhood associations and they were  
13 homeowner associations, but we called them all neighborhood organizations so at least in my district  
14 it would be helpful if we started talking about using all of those groups as a way of a communication  
15 system because it's not just mostly neighborhood associations, but I don't know about other  
16 Councillors, what is prevalent in their Districts. I'm guessing maybe watch groups more than.  
17 Councillor Sorg?

18

19 **Councillor Sorg:** Yeah, you are correct. I have 2 registered neighborhood associations in my  
20 District. One of them is pretty much nonexistent anymore. The only way you could contact the  
21 person in charge of it, I don't know what their title is but it was by phone, and she said she doesn't  
22 even know. I think she might have the leaving, moving to another place, but I do have one  
23 neighborhood watch, which would be very useful to have on this list, but could somebody send me  
24 a method or how does one neighborhood register with the City? What is the procedure?

25

26 **Vincent Banegas:** Mayor Pro-Tem, Councillor Sorg, the policy, Paul McCall is very familiar with  
27 those steps, but the policy that is contained in your packet does talk to the responsibilities of their  
28 neighborhood associations and if they notify Carol in this case of the fact that they are organized and  
29 they have a set boundary, if they relay that information onto us and they follow at present anyway  
30 the guidelines that are contained in here, they can easily become registered with us and included in  
31 our database and just for clarification, the idea or the reason that this policy exists is we're trying to  
32 number 1 keep tabs, not tabs, we're trying to recognize the duly appointed, duly organized groups  
33 and membership, the key membership because those are the individuals, the chairperson, co-chair,  
34 whatever or each entity. We're trying to keep contact with them. Those individuals would be the  
35 ones, based on our database that they supply us with, all the goodies, all the information. Those are  
36 the individuals that we would make contact with and then they in turn would notify their respective  
37 members. That's the idea behind this notification policy for neighborhood associations. I would  
38 imagine that Mayor Pro-Tem's comment regarding watch groups and other groups, as long as they  
39 operate in a similar vein, there is no reason. As long as we know who to contact, that's the key I  
40 think.

41

42 **Councillor Sorg:** That's what I emphasize with everybody is just to have one person that....

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1

2 **Vincent Banegas:** Correct.

3

4 **Councillor Sorg:** Okay. Thank you very much, Vincent.

5

6 **Mayor Pro-Tem Thomas:** And for Mr. Garza, we are still looking at hiring a Neighborhood  
7 Relations Coordinator?

8

9 **Robert Garza:** Madam Chair, yes we are. We are in the process of finalizing the job description.  
10 We will be posting it and hiring a full time person who will be working out of the Council, the  
11 Manager's Office, right across from your office. They will be focusing full time on interacting with  
12 neighborhoods and starting to build those lists and get the word out.

13

14 **Mayor Pro-Tem Thomas:** And so that person could undertake putting together all 3 types of  
15 organizations. That would be okay? It's up to the neighborhood how they want to organize or  
16 operate.

17

18 **Robert Garza:** Yes, Madam Chair. This person would be able to focus on that. All the  
19 neighborhood organizations of varieties that are out there, being able to have a master list of all of  
20 them regardless of what they call themselves, groups of people who want to know what we're doing.  
21 So, yeah. That would be what they do.

22

23 **Mayor Pro-Tem Thomas:** Other comments from Council? Councillor Pedroza and then Councillor  
24 Smith.

25

26 **Councillor Pedroza:** Thank you very much, Mayor Pro-Tem. I think that the idea of neighborhood  
27 associations, organizations, watch, whatever is very, very good and I look forward to being able to  
28 work with the coordinator once we have members. My question has more to do with.....I take it  
29 you're saying certified mail is more of a hindrance than a help. Is that correct?

30

31 **Vincent Banegas:** Mayor Pro-Tem, Councillor Pedroza, yes and often times we hear complaints  
32 about that.

33

34 **Councillor Pedroza:** Okay. However, I wonder if the purpose behind certified mail is not being  
35 overlooked or ignored and as I recall certified mail is simply because if you in fact send out a notice  
36 and you want to be sure that the person receives that notice, then that's what you use the certified  
37 mail for and you learn a lot with the use of certified mail because I remember hearing people in the  
38 audience on those occasions when we've had a lot of resistance to a change. They said that certified  
39 mail had to be returned because those people have moved 5 years ago, 2 years ago, last week or  
40 whatever and I think that we indeed would learn that with continued use of certified mail. I don't  
41 know what the solution is but I wouldn't be too quick to get rid of the certified mail all together. I  
42 think that it really serves a purpose in.....I mean, you've been very, very creative about how to do

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1 things. I would ask you to continue being creative because we shouldn't lose the uses that certified  
2 mail can give us.

3

4 **Mayor Pro-Tem Thomas:** Thank you for that. Councillor Smith?

5

6 **Councillor Smith:** Thank you, Madam Chair and thank you, Mr. Banegas. I believe you have taken  
7 what we've shared with you before and worked with that. I will point out that when we were talking  
8 about the costs of the certified mail and the results, that's where the conversation about people  
9 walking the neighborhoods came in so I'm sorry about the Boy Scout who got bitten in the 1990s,  
10 but I think we do need to come back to what is effectively going to get the word out because we do  
11 in good conscience want people to participate and don't want to end up with the situations where  
12 they're coming back later and saying "I didn't get notified" and so in that vein let me offer a couple  
13 of other things. Maybe instead of people walking the neighborhoods, if we had that commitment  
14 and we know we're trying to save money and be effective. We have the capacity perhaps with some  
15 of our new technology and information to actually call people and from the standpoint of local calls  
16 I know I'm going to use myself as an example. I have gotten local calls where I basically don't  
17 respond very well. I'm not saying I'm nasty but well, it's a local call. I generally don't listen very  
18 long into the message. I have also gotten some of the certified mail letters before and often times  
19 by the time I've managed to get to the post office to pick it up, it's hard to schedule one and actually  
20 be there, and so I would suggest that maybe one we look at the notification boards that you put up  
21 on the sites are sort of a golden rod yellow or something like that. Perhaps the envelopes that go out  
22 to notify people are a similar color to catch people's attention and in addition to that maybe there is  
23 this baseline and I think some of what you provided us in the packet you talked about, having some  
24 flexibility and a toolbox of things that you could use. So I would suggest we have a baseline and  
25 then you know it's always dicey using judgement and trying to figure out which of the cases are  
26 going to be the ones you really want to do that with, but to use to the best of your ability and  
27 judgement those situations where you think you know what? People in this community are going  
28 to really be concerned about this. Maybe we go the extra mile for some of these. Additionally  
29 perhaps we might use signs like in the example you use here, maybe an additional sign could be put  
30 on City property on the entrance off of Sonoma Springs, to that neighborhood so that maybe there  
31 could be 2 or 3 additional signs because somebody might live back up to the property but may never  
32 drive in front of it and may have thrown away the certified letter or whatever and simply not gotten  
33 the notification. If they had seen going into their neighborhood that there was going to be something  
34 happening, that that might perk them up. I believe you know we do want to be sure that we're doing  
35 our due diligence, that we're doing what the State requires and beyond obviously but also if we make  
36 those extra efforts, we're giving the neighbors and the interested community folks the opportunity  
37 to give their input, to be part of the process. I also look forward to the time when we are using some  
38 of the charrette process and some of these things, but having that opportunity or looking for those  
39 ways, even with a sense of humor, to find that extra little thing that is going to jog people's minds  
40 and go oh, that's what's going on and it is a block from my house or whatever. So again thank you  
41 for your efforts and thank you for taking into consideration the additional ideas. Thank you, Madam  
42 Chair.

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1

2 **Mayor Pro-Tem Thomas:** Thank you, Councillor Smith. I wanted to ask you going back to  
3 something Councillor Smith said about how you decide whether or not this is an issue that is going  
4 to get a lot of neighborhood attention. Do you have this public participation spectrum in the packet  
5 that was put together as part of the toolkit for El Paseo? I quite like that. Do you see that as useful?  
6 I mean it kind of lays out when you need to have meetings and when you don't need to have  
7 meetings and some things probably don't actually call for meetings. Do you plan to use that or I  
8 know you included it in the packet but you didn't talk about it?

9

10 **Vincent Banegas:** Mayor Pro-Tem, City Councillors, the appendix if you will of the El Paseo, the  
11 toolkit that came from the El Paseo Project, Picturing El Paseo, when I was preparing these reports,  
12 the toolkit is intended to, as I read it and as I experienced the creation of it, to engage the public, to  
13 get them to participate in the planning process, whatever it happens to be. We're talking about  
14 charrettes for instance and other methodologies to get input, actual input on what is being studied,  
15 what is being considered. To me that is the next step of what I've talked about here is just getting  
16 the word out, notifying people that there is a project, notifying people that there is a pending  
17 development, that kind of thing. So, I wanted to tie it in with the toolkit because that's definitely  
18 something that on a case-by-case basis we will examine you know those methodologies for inclusion  
19 in our processes so that we can get better participation from the public and input from the public.  
20 So we do anticipate using that, but again I just wanted to clarify that this is notification and that is  
21 participation and engagement.

22

23 **Mayor Pro-Tem Thomas:** Their first level is inform and so I mean it includes fact sheets and web  
24 sites and open houses and then it moves up from there. I suppose if we start out with things on the  
25 website and we have Facebook and we get a lot of response, then we might want to move to some  
26 of these other levels in the toolkit, and then I want to bring up the clause again to that Councillor  
27 Smith brought up. I use those quite a bit. You know, once I discovered that is cost 1/10th as much  
28 for me to notify people by doing robocalls as to sending them a letter, even if it is just a first class  
29 letter. So, we talked about that a little bit, so you want to say something about that, about the use  
30 of robocalls.

31

32 **Vincent Banegas:** Yes, Mayor Pro-Tem, City Councillors. When I was looking into robocalls,  
33 you're right. You're absolutely right. It is cheap. It is 3 cents per call and I thought that was pretty  
34 incredible given the outcome if you will of at least notifying individuals. The issue that we saw,  
35 however, is at least in my mind we would be trying to or attempting to notify individuals. For  
36 instance, in the green area on this slide and I talked with Dynamic Interactive. They were a company  
37 that has provided robocall services to the City of Las Cruces for at least based on the agent that I  
38 talked with and the lowest geographic area or the smallest geographic area that they could isolate for  
39 robocall campaigns is by zip code according to what I was told and that's what was reported in the  
40 document and so what we would be doing is notifying a significant number of people for say a  
41 special use permit regarding a daycare or something like that and so I started to press them for what  
42 it would take to get a smaller geographic area to tie it to truly a neighborhood relevance if you will

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1 and they were saying it would be very difficult for them to do that perhaps if we had resources, we  
2 could probably do that and so in my mind maybe we could tie, if it's even possible to do, account  
3 records within the City's database to our GIS System and try to query out within a given distance 500  
4 feet or more, query out only those records that pertain or fall within that boundary that we set and  
5 so we haven't investigated that fully, but we do know that in many instances, numbers may or may  
6 not be provided, phone numbers may or may not be provided and so that could very well be  
7 problematic. That's why I did not include that as part of the CD Policy.

8

9 **Mayor Pro-Tem Thomas:** Well, maybe it's the problem also of people relying much more on cell  
10 phones and not having land lines so that's an issue as well, but I know that we've done it by  
11 precincts by using the County records so I guess if you could get a little more information about that,  
12 that would be useful or you might want to talk to the SPARC Lab over at New Mexico State in the  
13 Geography Department because they do this kind of work all the time. They might know other  
14 databases that might actually be useful, something we haven't thought of. So, I'm hearing here that  
15 we seem to like the fact that we are going to try to have a more robust policy here and I think that  
16 maybe we would want to hear a little more about certified letters so the expense probably is the  
17 problem with those if I can find other methods, maybe find out a little bit more about robocalls, but  
18 other than that we want to make sure that staff takes away. Councillor Silva?

19

20 **Councillor Silva:** Yeah, thank you Mayor Pro-Tem. Thank you, Vince and staff. You guys did a  
21 great job. I know it's not easy and working with the public is always the challenge so you know  
22 thanks for all the good work. I appreciate Mr. Garza for bringing this forward. I'm looking at a  
23 couple of things and I'm going to be looking at I believe your recommendations on page number 30,  
24 Vince.

25

26 **Vince Banegas:** Okay.

27

28 **Councillor Silva:** The first one, and this is one that I've been advocating ever since I came on board  
29 in 2007, is the sign use. I still think that our sign should be much larger. If you've ever driven  
30 down, and what brought it to my attention, was I've driven in other cities, Santa Fe most notably.  
31 I do believe they use, I'm not mistaken if it's a 4 x 8, but a minimal I think it's like a 3 x 5 foot, not  
32 inches, 3 x 5 sign. I think that the sign should be much larger than what we have. I think ours is just  
33 an 18 x 24 inch sign. I have advocated for this to be an ETZ area because I feel even in the ETZ area  
34 when you leave a lot of the vacant lots, they are not as unkept as the City in some cases and so it gets  
35 hidden easily behind debris and weeds and so forth, and so even in the City I really think a much  
36 larger sign, in particular for zone changes and so forth, should be something that we should consider  
37 and maybe we could get some examples, but I know the Santa Fe, maybe you could check with them  
38 and see their sign size, maybe we could do a comparison of the 2, maybe Albuquerque or some other  
39 cities and see what size of sign they use. Having a much larger sign, I see like on the page here  
40 where we say well, we'll expand the messages. I think if you have a large sign there and people see  
41 it, we'll get some responses you know because it's pretty evident and a lot of times mail just gets  
42 stuff away or whatever, but I think larger signs, robocalls, I'm not a fan of robocalls. I turn my off,

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1 but I think a large sign will make a difference when someone says something is happening in my  
2 neighborhood and if they cared they would notify us. Another thing too, and I know you sort of  
3 touched upon it, but what would be the indicators to host a community meeting such as the one that  
4 we had last week. I mean I know you say we want to work with the neighborhood associations and  
5 so forth. This past Saturday, while I was walking at the Farmer's Market, many people that live up  
6 in that neighborhood who are not apart of the association, they were not pleased with the decision  
7 that this Council made in regards to shutting that street down and making a cul-de-sac. I mean their  
8 words were you're shutting down my street and nobody ever came and asked us. This was a decision  
9 that we made up here in the dieses without getting additional public comment other than I'm  
10 assuming they are members of the association, but in this case I was taking the lead of the Councillor  
11 of that area that she had been in touch and so forth, so for me it sounded like that was the general  
12 feel. A lot of persons came up to me this week and saying that the association didn't even represent  
13 most of the persons who lived in that area who exit off that area so what would be the indicators or  
14 a process like that and that's a pretty radical change to cut that street off as a cul-de-sac. Would you  
15 suggest that we go back to the general public or at least a neighborhood and get additional feedback  
16 from the neighborhood.

17

18 **Vincent Banegas:** Mayor Pro-Tem, Councillor Silva, the criteria that would be used at least in my  
19 mind to determine whether or not a meeting should be held with a neighborhood organization is  
20 things such as the acreage of the proposal. Intensity, density of proposed development, access. I  
21 mean maybe there is one roadway leading into a particular area and yet the density at which they're  
22 proposing the development would significantly increase traffic, congestion or otherwise. Those type  
23 of things are definitely factors. Also case history. I know staff we have various staff members who  
24 are new, but various ones that are not new and they know through case dealings in the past what are  
25 trigger points if you will for neighborhoods and so utilizing that information or that background and  
26 that history sometimes will give us a feel for whether or not they should have a meeting with  
27 neighborhood organizations to discuss the matter at hand.

28

29 **Councillor Silva:** So right now, we don't have a policy. It's just a matter of staff making a  
30 recommendation based on experience.

31

32 **Vincent Banegas:** We have the Neighborhood Association Policy that I referenced. That is in place.  
33 That has been in place for quite some time. That is the identified Neighborhood Association  
34 Information and Notification Policy and it stipulates what role the City has, what role the developer  
35 has, and what role the Neighborhood Association, in this case, has to conform to this policy and  
36 facilitate engagement and discussion of development.

37

38 **Councillor Silva:** And the reason I bring this forth, and I think it's a great time to have this  
39 conversation, it seems like a lot of time could have been saved if at the very beginning of the process  
40 of the developer going in and re-zoning that property, if they would have hosted a meeting from the  
41 very beginning or been much more engaged with the neighborhood. I think we could have easily  
42 taken a month off of that time frame or at least maybe the time frame would have been a little

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1 smoother, but it wasn't until...and that wasn't the only incident. There have been many incidents  
2 since I have been up here in the dieses where we've had the neighborhood come up here. We've had  
3 the developer and the Council directing the project or the developer, whomever, to go back and host  
4 those community meetings before we take action and that's what I'm saying. What would be those  
5 indicators that all of that can happen beforehand and not just based on feel or history and everything,  
6 that we actually have some indicators built in place to host a meeting and not just with the  
7 Neighborhood Association but with the neighborhood at large.

8

9 **Vincent Banegas:** Councillor Silva, the indicator, and I kind of touched on a few, we could certainly  
10 enhance any of the policy that currently exists to illustrate if you will some key triggers to require  
11 a neighborhood meeting. The problem with setting them all in stone is you limits staff's ability to  
12 go look at things on a case by case basis because sometimes cases that theoretically we may require  
13 a meeting due to the complexity or some of the issues that may be germane to the proposal. Maybe  
14 those are items that the neighborhood really doesn't have any issue with and if you require it in any  
15 or all instances by singling out all the bullets that trigger a meeting, we may be forcing additional  
16 time and additional actions on a developer or applicant when really there's no issue going back to  
17 the slide where we talked about protests and the number of cases and that kind of thing so I think  
18 staff would propose that we keep it open and we give a flavor for what may trigger the need for a  
19 meeting, but we leave it open and at the discretion of both staff or any body, P&Z or otherwise, to  
20 require meetings when they are needed.

21

22 **Councillor Silva:** Mr. Banegas, I understand you're talking about putting it in stone and some of the  
23 triggers not being there. I think a great example would be traffic flow. A project is not required to  
24 give us a TIA, traffic impact assessment, until much further down the process. One of the major  
25 arguments last week that we heard was traffic, traffic, traffic. I'm totally aware of that and I totally  
26 believe that traffic should always be taken into account. I've had discussions with staff that you  
27 know should be brought up further into the process for discussion, but how it's evolved in this  
28 discussion, I understand what you're saying. Traffic, we can't say in stone that X amount of cars are  
29 going to come in because we don't know until the TIA is done much further down the road. Maybe  
30 in the process any suggestion would be if you have these triggers or whatever you want to call them,  
31 these indicators I think is a better term, if we were to have these indicators, staff would document  
32 them and say look, we identify these things. We suggest or recommend to you the developer go have  
33 a couple of meetings prior to coming to P&Z or the Council, and at least when we do the  
34 presentation, staff could easily stand up and say we made that recommendation. Unfortunately, it  
35 didn't happen because I think sometimes as a Councillor, we get the black eye because we're saying  
36 no, no, no. We're not going to pass this yet because you need to go back out and you know they say  
37 you guys are anti-development or anti-growth because you're slowing things down and I think a lot  
38 of that could be resolved or dealt with much sooner and in a much more proactive manner if we dealt  
39 with community participation, community input, community involvement much sooner and like I  
40 said I can understand where you really don't want to have your hands tied and because there are  
41 certain things. Traffic is a perfect example you can't say. I mean they don't even know what they're  
42 going to build there yet or they had a general idea, but there have been projects as you know that are

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1 changing a commercial from C1 to C2. We don't know what's going to be built in, but we at least  
2 have a general idea because of the way the zoning is written. So, maybe again the suggestion was  
3 where staff recognizes these indicators, makes a recommendation to the developer in paper form.  
4 Maybe you already do and I just overlooked it. Easily you could stand up and say we did make that  
5 recommendation and we can take it from there. Thank you.

6

7 **Vince Banegas:** Mayor Pro-Tem, Councillor Silva. In the past, it has been a great number of years  
8 in fact where staff has been made aware of a proposal that is either going to be submitted or has been  
9 submitted in discussions with the developer, the applicant, the staff has made consistently when it  
10 seems like there's going to be trouble brewing, has made strong recommendations to the applicant  
11 to go host or hold a neighborhood meeting, and try to iron out, you know share the information and  
12 iron out any differences early exactly as you talk about so that it isn't as controversial and it isn't as  
13 problematic through the approval process. So that is something that we routinely do and continue  
14 to do.

15

16 **Councillor Silva:** Thank you.

17

18 **Mayor Pro-Tem Thomas:** Councillor Small?

19

20 **Councillor Small:** Thank you very much, Madam Chair and thank you, Vince and to the staff for  
21 bringing back I think a very comprehensive set of proposals and kind of props to really move the  
22 discussion forward. As I reflect on this, I'm actually reminded of something Robert said after going  
23 to the recent Municipal League meetings here describing the pipe and how it consistently kind of  
24 through years and years and years can get twisted back on itself and this is the pipe from which  
25 development kind of flows from idea to actuality and I think as we look at this our focus is on public  
26 input, as well as it should be. We also and it was voiced probably in the back of all of our minds,  
27 continuing to ensure a fair, efficient, and most of all mutually beneficial process for development  
28 applicants in the City and I think from my own perspective it is really worth continuing to ask  
29 ourselves if there are ways that we can look at simplifying, streamlining or changing, and I think this  
30 is a lot of what you're suggesting, to again make sure things flow in a smooth way but in a way that  
31 has ample opportunity not only for public comment, but for public input, which I think we all agree  
32 are really 2 different things and as Councillor Smith mentioned, charrettes really I think are the  
33 optimal kind of opportunity to gain that input because even if it's not acted upon I think we always  
34 feel better when we've had a chance to give our thoughts about an area instead of just commenting  
35 upon one proposal or another. So, as I reflect on that, it seems to me that adding too many additional  
36 triggers and boxes and things really that we have to I guess be clear and take time, we have to be  
37 careful of that, not necessarily opposed to it but very careful and that we should look for these kind  
38 of mutually beneficial ways that not only help the process flow forward, but add kind of value at it  
39 and I think we would agree that value added in this case certainly represents input from members of  
40 a given community, that they have the chance to talk about what they want to see for an area, what  
41 they want as a proposal. You know a whole wide range of things. Then it's positive even if all that  
42 input is enacted upon, it's there in the record. It's a good thing. So I'm just wondering and it wasn't

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1 necessarily spelled out in here. I don't have a problem and probably endorsed a lot of the specific  
2 things folks are talking about, but is there a way to go to some sort of a, especially for zone change,  
3 request but possibly for other requests where you have where just everybody accepts a default  
4 community meetings. Perhaps it's a chance for folks, not only the development team presenting to  
5 a neighborhood, but you know take the scenario where no one shows up from the neighborhood.  
6 There's no public input, which as your figures suggest, it's more often than not the case, far more  
7 often than not the case, that there is less public interest in development than more. Exceptions  
8 certainly stand out with us and resonate as well as they should but it's not the norm, but if you're  
9 able to provide some sort of service or benefit for the proponents of that development, that is  
10 whether there are folks that review it or perhaps even an alternative pathway into kind of the  
11 sustainable building code that offers a smoother, cleaner route for those who choose to work more  
12 collaboratively and closer with the neighborhood. I just think exploring those, maybe it turns out  
13 that really isn't a viable option. I would certainly feel more comfortable if those are more fully  
14 explored and perhaps you all have explored them and you just haven't....that hasn't been the subject  
15 of today's presentation as much as some of the other concrete measures but again speaking from my  
16 own personal preference, seeing those charrettes and that input and that dialogue, and the chance for  
17 real interaction to happen or at least that opportunity to happen, I would love if perhaps that's  
18 brought back a little bit more and if there's ways again not adding a new twist in the pipe that makes  
19 it even longer and that does all these other things, looking at if we add a little balance this one way,  
20 then maybe let's add a little bit more weight to the other side of the balance that smooths out that  
21 process, perhaps remove something from that path, but I guess those would be my sentiments and  
22 I think they follow quite closely on what Councillor Silva and others, but especially Councillor Silva,  
23 has expressed. Thank you.

24

25 **Mayor Pro-Tem Thomas:** Councillor Small, are you suggesting that if an applicant included  
26 meetings and working with the community, then there would be some incentive to do that based on  
27 how the process went. Do you think it should be a little more feasible?

28

29 **Councillor Small:** I don't have the...yes, I don't think that's.....if we all agree that that's a positive  
30 outcome, if we agree that that can be materially beneficial to the neighborhood, the public, and to  
31 the developer, then it follows that we should find ways to perhaps incentivize that.

32

33 **Mayor Pro-Tem Thomas:** Did you want to say something, Brian Denmark?

34

35 **Brian Denmark:** Thank you, Madam Chair. Just a few points of clarity and clarification. Staff's  
36 recommendations if accepted by the Council would require an amendment to both the zoning code  
37 and the subdivision code at least in it's current form. So, the rules that are in place today, Vince  
38 went over those rules and one of the provisions we don't have in our current code is the ability to  
39 make an applicant conduct a neighborhood meeting and so staff is making that recommendation.  
40 However, as Mr. Banegas indicated, less than 10% of all the cases are controversial and so we don't  
41 want to burden smaller applicants that are not professionals. They come in. They have a simple  
42 zone change request. They don't understand the rules and the provisions, and we certainly don't

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1 want to burden them with additional requirements that are not only costly but timely for no intended  
2 benefit or purpose. So, staff's recommendation is not only to give the staff the authority to require  
3 an applicant to go through that process but also the Planning and Zoning Commission as well as  
4 Council, and so these 10% or less cases, staff will have the ability to require that. The Commission  
5 would if they feel it's necessary and the same with the Council, and we feel that we really need  
6 discretion because most of the cases are not controversial. Most of the cases are on consent when  
7 it comes before City Council and you're not even aware of them and the reason is because you only  
8 remember those difficult ones, and staff is experienced and professional enough to know what most  
9 of those problematic cases are. In the case of Indian Hollow, they already have a history and in view  
10 of that would have been a problem, but if they had the authority, they would have made the applicant  
11 go through that process so that's one issue that we have to keep in mind. We think it's really  
12 important though that there's a lot of flexibility and discretion when we come to this and it's  
13 important that staff participate because as is in the last case, it was a challenging meeting between  
14 the Neighborhood Association and the applicant seeking his own change request and it's really  
15 important that staff is there as a neutral party to help monitor the meeting and control the information  
16 flow so that whatever information is gathered out of that meeting, it does come before City Council  
17 and you have a breadth of information to be able to make a decision on, so we at the staff level feels  
18 it's really important that we have that discretion and that flexibility as we address these projects  
19 because to add to that there's different ways of holding neighborhood meetings. There might be a  
20 case where a charrette for example is appropriate, but charrettes are really more of a design input  
21 process. It's not a process that would be typically beneficial for a zone change request where we're  
22 talking land uses and neighborhood impacts and compliance to policy and things of that nature. So  
23 again, I just want to reiterate that what we're recommending would require further consideration by  
24 the Council in the form of an ordinance or amendment to the zoning code and the subdivision code,  
25 and we strongly believe that we need that flexibility and that discretion to be able to address cases  
26 depending on the nature of that particular case. Thank you.

27

28 **Mayor Pro-Tem Thomas:** Did you want to respond to that, Councillor Small?

29

30 **Councillor Small:** Thank you, Mayor Pro-Tem and thank you, Mr. Denmark. Certainly looking at  
31 the numbers, that approach I think you can't argue that it makes sense when you have the small  
32 minority of cases that are bringing that. I do so that I would be comfortable proceeding forward with  
33 that. I'm not sure that ultimately because of course changes would be at least at minimum I guess  
34 2 months off if additional information can surface. I guess there's 2 concerns perhaps in my mind  
35 that come to bear there. One is that perhaps a lot of it is really predicated on past issues and there  
36 could be future issues that don't have any precedent. Now the point, and I think we all have to trust  
37 a great deal day to day, rightly so as you pointed out is staff professionalism so you know do we  
38 make a bad bet doing that, we make a good bet and we're going to be right almost all the time and  
39 perhaps all of the time. So that one isn't as much of an issue as the neighborhood input and the  
40 dialogue. I think it still is very worthwhile if we see those as positive things moving forward to think  
41 about ways that we can be part of an effort to promote those and whether that's an alternative route  
42 or whether that is any other kinds of incentives, it still seems to me that that's a worthwhile

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1 acknowledging based on the numbers we're seeing today it's like what's being proposed is pretty  
2 reasonable. Thank you.

3

4 **Mayor Pro-Tem Thomas:** Thank you, Councillor Small. Maybe as we move forward and do more  
5 of these blueprints, you know that could be more of a place where we actually have more of a  
6 charrette or input or working together on them. Our comprehensive plan does talk about sector  
7 planning and we might maybe someday get around to doing that where we actually would look at  
8 various parts of the City and bring people together to kind of do an overall plan for that particular  
9 part of the City so Councillor Sorg, you had something to add?

10

11 **Councillor Sorg:** Thank you, Madam Chair for that comment. I appreciate that too. I was listening  
12 and I appreciate all the comments that have been made and I'd like to comment on a couple of things  
13 I've heard. I would concur with Councillor Silva on the signage. It wasn't too long ago that I saw  
14 a notification sign. I noticed it was a notification sign, but I couldn't read it all because it was  
15 covered by, I think it was weeds. It just didn't show up, so a larger sign maybe is something we  
16 ought to look into and I was recalling as the conversation had been going on here my own  
17 neighborhood back in the early or middle part of last decade, there was a neighborhood meeting  
18 called at our neighborhood elementary school. Our neighborhood did not have an association back  
19 then, nor does it now, but still there was about half a dozen to 10 people from our neighborhood who  
20 came to this meeting. It was for a new development right next to our street that we lived on or we  
21 do live on and it worked quite well. The developer there came and explained what he wanted to do  
22 and it worked quite well. I had a question here that I wrote down very early in your presentation and  
23 I'd like to present that, and that is in some cases, can some cases be identified first before you  
24 proceed too far into this process and extra notification be done? In other words, due to the case  
25 history that you know about, you know how to handle some of these better than some pass through  
26 no problem, but then some lead controversial. Those are the ones you want to target with the  
27 neighborhood meetings and so forth, and I would like you to have that flexibility for sure. I have a  
28 problem with my neighborhoods. They aren't listed in the neighborhood associations in the City.  
29 I'm going to have to work on that. Thank you, Madam Chair.

30

31 **Mayor Pro-Tem Thomas:** Thank you, Councillor Sorg. Councillor Pedroza?

32

33 **Councillor Pedroza:** Thank you, Madam Chair. Just one last comment from me and that is that I  
34 think it is important to give discretion because as far as I can tell the numbers that you showed us  
35 I can't remember if it was 10% or less where the ones that were a lot of controversy and I'm sure that  
36 in dealing with a different applications and so on, you know where there's going to be controversy  
37 and where there is not, and I would trust that if you made a mistake, you would very quickly learn  
38 that so that it's not something that I would want to stay away from a very rigid ordinance that either  
39 requires neighborhood meetings all the time or never requires them because then there is no  
40 discretion and we have a bit of a problem, and I'm sure that you guys, staff, have broad shoulders  
41 enough to say well, we thought there was not any controversy and wow, look at this. The room is  
42 full but we can handle it now so I would go with that and I think that there are other values to having

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1 neighborhood associations and organizations so that is the community engagement. So whenever  
2 possible, whenever it seems in your experience that either it's going to be controversial or this is an  
3 opportunity for the community to engage in community, then you would be free to do that and I  
4 would want to do that. I also because my view of my District at this point is that although some of  
5 the young people are very in tune with the social media and so on, maybe their parents are not and  
6 I don't know if their cell phones are recorded at the County or whether it's only the land lines, but  
7 I do like the idea of robocalls and they can be made as tailored to the community, as polite and not  
8 too long and so forth so that people can receive notification of things and if we can get their phone  
9 numbers from the County, well I think that that would be a very wise use of 3 cents per call. Okay,  
10 thank you.

11

12 **Mayor Pro-Tem Thomas:** Councillor Smith?

13

14 **Councillor Smith:** Thank you, Madam Chair. I would again also voice my support for the  
15 discretion and the flexibility. I think that's essential to what you all do. I also think that if we know  
16 there is recourse in case, despite our best judgement, something goes array, then people know there's  
17 an alternative so that we're not feeling like we got stuck in a situation. So yeah, that sounds good  
18 to me. Thank you very much, Madam Chair. Thank you, Mr. Banegas.

19

20 **Mayor Pro-Tem Thomas:** Thank you, Councillor Smith. Anyone else? Mr. Garza, do you have  
21 what you need you think?

22

23 **Robert Garza:** Madam Chair, I do believe we have sufficient feedback from you all so we can  
24 proceed with the amendments Mr. Denmark referenced and thank you, Mr. Banegas for a  
25 comprehensive review.

26

27 **Vincent Banegas:** You're welcome.

28

29 **Mayor Pro-Tem Thomas:** Yes, thank you for all your work. I learned a lot from reading all your  
30 research so that I think concludes our business. I entertain a motion to adjourn. Move by Councillor  
31 Sorg. Second by Councillor Smith. All those in favor? Meeting is adjourned at 2:35 p.m. and we  
32 have agenda setting next.

33

34 **Meeting Adjourned at 2:35 p.m.**



**City of Las Cruces**  
Community Development  
Memorandum

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To: Robert Garza, City Manager

From:  Vincent M. Banegas, Community Development Deputy Director

Subject: Public Notification/Participation Work Session Discussion

Date: March 19, 2012 File No.: M-12-068

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As per the stated agenda item to be discussed at the March 26, 2012, City Council Work Session, staff has researched and developed a spreadsheet that illustrates public notification strategies required by the NM State Statutes, the City of Las Cruces and by seven communities in and around New Mexico. This is to facilitate the identification of alternative methods that could be implemented for informing the public about development taking place in Las Cruces. Often, research similar to this seeks to find "best practices" in order to gauge how our efforts should be adjusted for better handling of related matters. However, based on staff research conducted to date, staff has not found reference to any notification/participation "best practice", but feels that each community has implemented a practice of notifying the public regarding development matters that seemingly works best for that community.

In summarizing the research, there are some methods that seemingly could improve our current methods of providing notice to the general public. Some of these items talk to amending the variety of notification timeframes in our current development codes to just one timeframe regardless of case type, using the highest timeframe of 15 days as the single threshold or 21 days as the Planning and Zoning Commission recommended, and re-implementing in some fashion the department's use of the City website as a source of information for new case submittals and updating said information throughout the review/approval processes. If you recall, the latter item was used extensively in the previous website, but was temporarily discontinued due to formatting and other reasons related to the new website the City has launched. Other items up for discussion could include requiring neighborhood engagement via a neighborhood meeting and establishing minimum notice requirements for this effort prior to the first public hearing. Also, increasing notification distance thresholds from the current 200 foot distance can be considered. These and other options can be addressed at the work session.

As discussion takes place on this matter, it is very important to note the impacts that will result not only to the general public, but also to the developer/applicant and the City. Generally speaking, a typical zone change case today can take approximately 3 to 4 months from submittal through to approval by the City Council. This assumes that

comments are addressed promptly by the applicant and that no delays such as a postponement takes place to further off-set the timeframe identified. In essence, increasing notice timeframes will at minimum push back consideration of each case by the respective bodies or require pushing up the deadline for submittal to a time frame that allows set procedures to take place. Monetary impacts regarding the timing of case consideration will be realized by the applicant. Other impacts involving monetary implications may be realized if notification thresholds are increased beyond the 200 foot threshold. This will become an issue particularly for zoning related matters where certified notification is a requirement. At \$5.75 per letter, the cost for mailed notices would certainly increase on a per case basis particularly when these cases take place in more densely developed parts of the City. Options exist on how to defray costs for the City, but ultimately, somebody bears these costs and as such this should be an issue considered as improvement in our notification procedures.

At the work session, staff will be prepared to walk the Council through our development types that require notice and public engagement and the research conducted regarding notification practices in New Mexico and in other states. A powerpoint presentation will be available to facilitate this discussion. In the interim, should you have any questions regarding this matter, please advise.

cc: David Weir, Community Development Director <sup>DW</sup>  
Brian Denmark, Assistant City Manager/COO  
Mark Winson, Assistant City Manager/CAO

subdivision

Agenda Posting Deadline	Reasonable notice defined by body	6 days
Mail Deadline (before public hearing)	5 days	9 days
Mail Notification Distance	None	200' excl ROW
Mail Notification Parties	Applicant/Owners	Applicant/Owners
Newspaper Publication Deadline	None	9 days
Sign Posting Deadline	None	9 days
Sign Size Requirements	None	None; use 18"X24"
Sign Location Requirements	None	Conspicuous locations
Other Notification Requirements; misc	Regular Mail	Regular Mail

ioning

Agenda Posting Deadline	Reasonable notice defined by body	6 calendar days
Mail Deadline	None	10 calendar days
Mail Notification Distance	100' excl ROW	200' excl ROW
Mail Notification Parties	Property Owners	Property Owners
Newspaper Publication Deadline	15 days	15 calendar days
Sign Posting Deadline	None	10 calendar days
Sign Size Requirements	None	None; use 18"X24"
Sign Location Requirements	None	Conspicuous locations
Other Notification Requirements; misc	1 block or less, certified mail; if greater than 1 block, 1st class mail	Mail notification requires 15 min prop. Owners. Regular mail for P&Z and certified for CC.

variance

Agenda Posting Deadline	Reasonable notice defined by body	6 calendar days
Mail Deadline	None	10 calendar days
Mail Notification Distance	None	200' excl ROW
Mail Notification Parties	None	Property Owners
Newspaper Publication Deadline	None	15 calendar days
Sign Posting Deadline	None	10 calendar days
Sign Size Requirements	None	None; use 18"X24"
Sign Location Requirements	None	Conspicuous locations
Other Notification Requirements; misc	None	mail notification requires 15 min prop. Owners. Regular mail for P&Z and certified for CC.

Population - 418K

None specified	15 calendar days	None specified
5 days	15 calendar days	10 days
None specified	300'	150', 500', 1,000' determined by Manager
Neighborhood Assoc.	Property Owner and NA	Prop. Owners and NA
None specified	15 calendar days	NLT 10 days; NMT 30 days
None specified	15 calendar days	min. 10 days after preapp, formal submittal, and P&Z or CC
None specified	None specified	None specified
None specified	None specified	None specified
Certified mail to NA rep.	Tenant mailing if owner address different than physical address.	Nhd. mtgs. may occur at pre-app, internal rev., or final stage. All public notice is case by case based on impact.
	Process same for all land dev. Cases.	
None specified		None specified
15 days		10 days
100'		150', 500', 1,000' determined by Manager
Property owners; NA		Prop. Owners and NA
15 days		NLT 10 days; NMT 30 days
15 days		min. 10 days after preapp, formal submittal, and P&Z or CC
None specified		None specified
Director specified		None specified
Notification lot size dependent. Some notice by City, some by Appl.		Nhd mtgs. may occur at pre-app, internal rev., or final stage. All public notice is case by case based on impact.
None specified		None specified
15 days		10 days
100'		150', 500', 1,000' determined by Manager
Property owners; NA		Prop. Owners and NA
15 days		NLT 10 days; NMT 30 days
15 days		min. 10 days after preapp, formal submittal, and P&Z or CC
None specified		None specified
Director specified		None specified
Notification lot size dependent. Some notice by City, some by Appl.		Nhd mtgs. may occur at pre-app, internal rev., or final stage. All public notice is case by case based on impact.



*Planning and Zoning Commission meeting 2/28/12 excerpt*

**I. OTHER BUSINESS – NONE**

- Scholz: That concludes our regular business but we have another piece of business. Commissioner Shipley, you brought something to me at the beginning of the meeting, actually before we started the meeting. Would you please introduce that?
- Shipley: Mr. Kyle gave us a notice in here regarding a question we had at the last meeting regarding the...actually it was basically two things; was that the notification period for notices and the mailing period for notices...in other words, currently it's either nine or ten days. And the second part of that was, was there a requirement of about 200-feet that people who lived within or businesses that were within 200-feet were considered sent notices or required to be noticed? And I felt like that since you got this feedback and a recommendation that the feedback was that the staff would like to hold off amending our current procedures until direction is obtained from this work session as it may result in additional changes in code amendments brought forth, which is the work session we are talking about is with the City Council. And I felt like that we ought to talk about this tonight, give our recommendations to the Council, so that when they are doing their work session they can see what basically we have come up with and, therefore, maybe some of the things that we think are important they might feel that same way. So I thought this would be a good topic for, I guess, under Other Business at this time.
- Kyle: Very well. Mr. Chairman, Commission, as we got to the Staff Announcements I was going to ask for exactly that. If the Commission does want to make a formal statement as a Commission certainly we can do that tonight or you can provide a response to staff which we would forward to the City Council as staff makes their presentation at the March 26<sup>th</sup> work session. I was also going to advise the Commission that if the Commission membership wants to attend that session they would certainly be allowed to that. I just need to know if four or more of you were going to attend to please let me have notice so that we could do a potential quorum notice so we're covered that way. Otherwise, yes, I think it's completely appropriate for the Commission to discuss the issue and to have a recommendation or issue they would like to see forwarded or at least provided to City Council we will be happy to do that.
- Scholz: All right. Commissioner Shipley?
- Shipley: Well, again, I kind of went back and looked at the thing and there was a great disparity between that. One example was tonight that we had notice

for the child care center and the notice was published in the newspaper eleven days prior to today's meeting and the notices were mailed to the homeowners adjacent living within the 200-feet the same time. It would seem that everything that we do is done pretty much a month, month-and-a-half in advance. In other words, the agenda for the next meeting has been pretty much set up and you know what's coming next month and the next month after that. There may be some additions or something else that's minor that's added to that but it would seem that the 21-day notice period would be plenty of time for mail. In other words, it takes three to five days to put it out. If it goes locally it's generally three to five days before you get a piece of mail out here and then that gives the people that are getting that mail, you know, fifteen or sixteen days' time, and it's not all work days, that's just calendar days; it gives them time to be able to respond or to go investigate or call Community Development or whatever they need to do. And, in my opinion, their 21-day period for notification is more than adequate. I initially looked at fifteen days but if you're given five days, you know...let's say the worst case is five days for mail to get to somebody, especially if they don't live in this area and there are a lot of homeowners that have investment properties here that may be affected that may live someplace else and so they've got to make time to make arrangements and time to get information and then to write a letter or write a letter or do whatever they need to do. So, my thought was 21-days. If somebody else would like to discuss that and...that was it.

I also looked at the 200-feet and, again, it say's 200-feet but there was a clause in there that says there must be a minimum of...what? Fifteen people that have to be notified within...so if there are only five people that live within 200-feet then they have to go out to 300-feet to get ten more people...or 400-feet or 500-feet or whatever that is. So I don't think that is as big a problem as the mailing time.

Kyle: Mr. Chairman, if I may, I would also point out that that 200-feet excludes all public rights-of-way, channels, etc. so very often our mailing boundaries are beyond that 200-feet, especially when you get into compact neighborhood like the variance we were in, lots of streets involved and so you tend to move that. But you are correct: there needs to be fifteen property owners minimum. So, you know, certain cases, especially when you are on the periphery of town, etc. you can end up with quite a large notification boundary.

Scholz: So, Commissioner Shipley, are you suggesting that we make this recommendation to City Council or a...go ahead...

Shipley: What I was suggesting it's been...that's my thoughts. If anybody has any thoughts more or less, whatever, would be a good time to discuss it and then I...but I so think we need to tell them what we think works best and I know that one of goals of the City Council has always been, you know,

participation from the people, the residents of the city...

Scholz: Certainly.

Shiple: ...and, in my opinion, you must give them enough time so that they can participate and be informed. So I just thought it would be a good topic of discussion and then maybe we could decide tonight if everybody's in agreement or...because it's coming up pretty quick.

Scholz: All right. Other discussion? Yes, Commissioner Stowe.

Stowe: I see the need for more time for notification and I think 21-days is good. Thank you.

Scholz: Okay. I keep thinking that this problem will diminish simply because of the electronic notification. I don't know if that's true or not. I keep hoping that it will be true. I tell my students, for instance, that I've posted things on the web and so they can retrieve them; but they don't always do that, you know, and they're the younger, supposedly hipper group who are going to be more attuned to electronic things. Yes, Commissioner Crane.

Crane: Are you saying, Mr. Chairman, that the public should look on the City web site to see what's there that might be regarding their neighborhood?

Scholz: Well, that's certainly a possibility and I have had two City Councillors who have web distribution lists or I should say, email distribution lists, in which they distribute things like the minutes of the Council, the Manager's newsletter, you know, things like that; and so I get direct messages from these folks. Perhaps we could ask for email addresses...I don't know how we could do that, though, get email addresses of people in the surrounding areas to send them a message saying that...

Crane: I see that as quite a problem.

Scholz: Yeah, I think it would be.

Crane: I think the City has to be proactive in this. We cannot reasonably expect the people in a neighborhood to keep abreast of these developments on a routine basis.

Scholz: No, probably not and I know people don't see the signs either. We've had a number of people complain that, you know, "I never saw a sign," and I drive by and the sign's posted right there. They can't miss it.

Crane: I didn't see one at 1309 Arizona today.

Scholz: Oh, yeah. It was there.

Crane: Yellow sign?

Scholz: I'm pretty sure it was there.

Crane: I didn't see it.

Beard: I saw the Arizona one but I didn't see the other one.

Scholz: Oh, well, I saw both of them this morning, but any way. *C'est la vie*. Yes Commissioner Shipley.

Shipley: I would just say that the mail is the excepted form of communication on, especially, legal matters; and you can't assume that everybody has email access because the majority of the citizens of this community have, you know, the median income is less than \$30,000. So they may have a computer but they're not watching the government channel. They're other things with that and I would think that, you know, when you get a letter as a property owner then they take notice and a lot of them just throw those away as well.

Scholz: Oh, I'm not suggesting that we discard the mail thing I'm just saying that I think eventually this problem may solve itself...but not today. All right, any other discussion on this? Well, gentlemen, do you want to recommend then to the City Council or to the Community Development Department that we make this 21 days? Is that going to be our recommendation? All those in favor say aye.

All: Aye.

Scholz: Okay, those opposed same sign. That'll be our recommendation. Thank you, Mr. Shipley, for bringing it up. Mr. Kyle?

Kyle: Mr. Chairman, Commission, just for clarification: that would be applicable to subdivisions as well as zone requests, etc. that require notice...

Shipley: I think 21-days is just...make it a blanket 21-days and then there's no question and everybody on the staff knows that they've got to mail and your papers' got to be out 21-days in advance with that so people can have time to respond. And that's the real goal is to say, you know, "We want you to have the opportunity to participate so we're going to make the effort to get it out that time."

Scholz: What?

Kyle: And again, just based on something you just said: you're saying 21-days notice for mailing or publishing as well?

Shiple: Do the same.

Kyle: Both?

Shiple: Publish as well. Yeah.

Scholz: Okay. Anything else?

Shiple: I think the fact that you asked effective when but I think that's what the City Council is going to decide and we're basically recommending to the City Council that that be the time frame that we're talking about as far as notification, both mail and newspaper, etc.

Scholz: Right.

DRAFT



# City of Las Cruces

## Identified Neighborhood Association Information and Notification Policy

### BACKGROUND

Providing information and notification of proposed development to Las Cruces neighborhood associations promotes improved communications between neighborhood associations and city government.

Early identification and resolution of potential conflicts involving neighborhoods and the private sector can be of utmost value to all concerned.

Due to the potential impact of new development and redevelopment, it may be useful if developers coordinate major proposals and plans with neighborhood associations as early as practical in the application process.

The purpose of this policy is to meet the needs specified above, while not limiting the rights of any other person, including non-registered neighborhood groups, to input directly into the city's decision-making processes.

### DEFINITIONS

*Identified Neighborhood Association* - any organized group of fifteen or more dwelling units, business entities, or combination thereof that own or occupy real property within a specified geographic area of the City. An identified neighborhood association shall have at least three officers, adopted by-laws, and membership open to all residents, land owners, and business owners within their boundaries. Being a Neighborhood Association does not in itself require that the group secure a business registration or license.

*Geographic Area* - the land area within association boundaries.

*Development Application* – a submittal package for a zone change, variance, special use permit, master plan, preliminary plat, or annexation.

### CRITERIA FOR DESIGNATION AS AN IDENTIFIED NEIGHBORHOOD ASSOCIATION

In order to be designated as an Identified Neighborhood Association:

- A. The Identified Neighborhood Association shall complete an application form. The City shall be furnished with names, addresses and available phone numbers of current neighborhood association officers and/or board members and with a description of the association's geographic boundaries. The boundaries of the neighborhood association shall be reasonable; boundaries are recommended to include an area of the city not more than one square mile and not less than 15 acres or 4 blocks. No new neighborhood association shall be designated which has within its boundaries a geographic area already defined within the boundaries of an existing, previously recognized Identified Neighborhood Association.
- B. The association shall file with the City a current copy of their bylaws. Bylaws shall not discriminate on the basis of race, color, religion, sex, familial status, or national origin. Bylaws shall additionally and otherwise conform to the Constitution and laws of the United States and State of New Mexico. Any stated purpose or primary objective of the association shall be reasonably related to land use and development and/or community and neighborhood issues.

### **RESPONSIBILITIES OF IDENTIFIED NEIGHBORHOOD ASSOCIATIONS**

Make full membership open to all persons residing within its boundaries and to all persons and legal entities owning property or having a place of business within its boundaries.

Hold at least one meeting per year for which it makes a reasonable attempt to give written notice to every land owner, household and place of business within the association's boundaries; mail, delivered handbills, or a number of prominent signs are examples of adequate notice. No election shall be held at a meeting of an association unless the meeting is so advertised.

By interaction with their members, residents, and the city, strive to uphold good planning, protect the environment, and promote the community welfare. Communication should be fostered between the Identified Neighborhood Association and city government on plans, proposals, and activities affecting their area.

Attempt to inform members and other eligible participants in their neighborhood of issues for discussion. Strive to provide actual or constructive notice to members and other eligible participants in their neighborhood of planning and land use issues that they receive notice of, and that will affect their area.

Establish an orderly and democratic means for making representative decisions.

Establish and follow a clear method for accurately reporting the neighborhood's position to the City. When a neighborhood association presents its official position on an issue to the city, it shall identify whether the decision was reached by the board, a poll of the general membership, or by a vote at a general membership meeting, and shall report the vote for and against the position.

Comply with its bylaw provisions.

Notify the City of general membership meetings at least two weeks in advance, when possible.

Officers of Identified Neighborhood Associations shall update the City regarding membership, contact information for all board members, association boundaries, and other information annually or as may be necessary.

### **RESPONSIBILITIES OF THE CITY**

Mail notice of development applications which would cover areas within, contiguous to, or within 300 feet of an association's boundaries to Identified Neighborhood Associations; notification shall be made when the application is filed. Identified Neighborhood Associations shall be notified of new plans and plan amendments upon initiation of such a project by city departments and within five business days of application filed by others. The City shall mail such associations notice concerning all subsequent public hearings concerning such proposals, except hearings which have been deferred to a specific time announced at the prior hearing.

Supply all Identified Neighborhood Associations with a current list of all city government agencies, their department heads, and corresponding phone numbers and contacts.

Supply the public and city officials with the names and addresses of the two designated recipients of notices, as most recently specified by each Identified Neighborhood Association.

Designate a liaison between each Identified Neighborhood Association and the city.

Provide for the sharing of information with Identified Neighborhood Associations by furnishing, upon request, available pertinent information.

Response within seven days of receipt of any correspondence received from an Identified Neighborhood Association that requests an answer, definition, or status of any city project within their boundaries.

Encourage individuals to cooperate with their existing neighborhood association but shall not restrict individual communications.

### **RESPONSIBILITIES OF DEVELOPMENT AND REDEVELOPMENT APPLICANTS**

Applicants for development approval, within 5 days of filing the application, shall make a reasonable attempt to give written or personal notification of their proposal to any Identified Neighborhood Association which covers, abuts, or is within 300 feet of the site of their plans. Such notice shall contain the following information:

1. A detailed description what is being applied for;
2. A method by which the applicant can be contacted;
3. A statement as to the application's projected impact on the land comprising the geographic boundary of the neighborhood.

Certified letters, return receipt requested, mailed to the two designated neighborhood association representatives on file with the City constitutes a reasonable attempt to notify an association. Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written notification of its proposal to such designated association representatives shall be grounds for an Identified Neighborhood Association to request deferral of a hearing.

Work Session  
March 26, 2012

**WORK SESSION  
SUMMARY & DIRECTION SHEET**

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The Following is a brief summary of the Agenda items discussed at the Work Session, with appropriate direction given to the responsible staff person by the City Council. The required follow-up actions are to be taken by those responsible officials.

The City Council of the City of Las Cruces, New Mexico, held a Work Session on Monday, March 26, 2012 at 1:00 p.m., at the City Council Chambers, City Hall.

**THOSE PRESENT:** Councillor Miguel Silva, District 1, arrived at 1:14 p.m.  
Councillor Gregory Smith, District 2,  
Councillor Olga Pedroza, District 3  
Councillor Nathan Small, District 4  
Councillor Gill Sorg, District 5  
Councillor Sharon Thomas, District 6

**OTHERS PRESENT:** Robert Garza, City Manager  
Harry (Pete) Connelly, City Attorney  
Esther Martinez, City Clerk

**Mayor Pro-Tem Thomas called the meeting to order.**

**Mayor Pro-Tem Thomas presented the Pet of the Week.**

**1. Public Participation Ordinance.**

**Mayor Pro-Tem Thomas:** Okay. We have two items for today's Work Session. The first one is on Public Participation at looking at Ordinances. And, the second one on the Future Use of City-Owned Facilities. So, I guess we have Vincent Banegas and David Weir for the first presentation

**Vincent Banegas, Deputy Director of Community Development:** Good Afternoon Councillors, Vincent Banegas, Deputy Director of the Community Development Department here to present information regarding the public notice processes in place within the City and also in an attempt to solicit some direction on how we may tweak those processes currently in place in order to potentially cast a broader net for issues involving development or planning and to, otherwise, improve on those procedures that we have.

The current practices within the City, particularly within the Community Development Department really focus on many of the development and up front planning issues that we partake in. The three

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1 areas that really talk to the time frames and the methodology, etc., that are common to all are  
2 identified on that slide involving zoning or re-zoning of property. The subdivision of property and  
3 of course, any variances that take place whenever there are issues regarding development standards  
4 and the need to deviate from them. In terms of the types of notification that are part of those  
5 processes, we have some primary issues that we deal with on a monthly basis in preparation for  
6 those items moving forward to the Planning and Zoning Commission, etc., and those are the posting  
7 of the meeting agenda that identifies each and every case that is going forward. There's the  
8 newspaper notification that allows the general public throughout the city and beyond to know what  
9 is being presented at any particular meeting. And, also letters are mailed out that specifically target  
10 property owners in this instance, at least in the current writing of the ordinances, alert property  
11 owners to specific development proposals being proposed in the immediate vicinity. Another one  
12 that isn't listed and it certainly involves posting of signs on the individual property or the subject  
13 property where development is being proposed. And, that is, depending on how you view it, either  
14 a primary or secondary method for notices, but, nonetheless, one that is required presently.

15

16 We also had in the recent past with the current, with the old website, I should say, a method by which  
17 we would identify any and all projects or proposals that came in, be that, re-zoning, subdivision,  
18 variances, things of that nature. And, we had a web page where we would identify those and indicate  
19 when the target date for the Planning and Zoning Commission was and then we would update that  
20 when we would hit that meeting and then onward to City Council. We would keep the general  
21 public apprised through that web page on where that particular matter stood. With the current  
22 website, we're still looking at reimplementing that but due to the new parameters, we're having to  
23 kind of reorganize and think through a new methodology in which to do that.

24

25 But, there is also neighborhood notification, neighborhood association notification that is currently  
26 established as policy. It does identify the parameters for neighborhood associations, how they're to  
27 exist, they're to function and the requirements that they have to abide by in order to be considered  
28 a legitimate neighborhood association in the eyes of the City. But, it also identifies the efforts that  
29 the City must take in order to provide adequate notification to them on things involving  
30 development. Things of that nature and also, responsibilities of the developer or applicant and what  
31 they must do in order to abide by that policy. Now, as you know, policy isn't ordinance, it's not law,  
32 but it is something that we always push well in advance of taking these individual cases through the  
33 Planning and Zoning Commission and upward through any other body.

34

35 The City of Las Cruces.....in fact, I got a call last week regarding our notification requirements and  
36 where they stem from. And, to answer that New Mexico State Statutes establish to some extent  
37 minimum thresholds that municipalities such as us need to abide by. Now, when I say minimum,  
38 as you can see on the left side of the screen, they're very vague, they're very general and then we  
39 opted back, whenever they came to be in our zoning codes, as an example, opted to tighten those  
40 down and add a greater degree of notification through the various processes that we have. Just  
41 picking on a few as an example, subdivisions under the state statutes, basically, for agenda posting,  
42 they say whatever's deemed reasonable by the entity, such as the City. So, if we wanted to establish

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1 a three-day period, they would allow that. In our case, we opted for six days prior to the public  
 2 hearing to post that Agenda, so we exceed that, well exceed that threshold. Mail deadline for  
 3 subdivision five days prior to the hearing, we opted to go with nine days. Distance notification, they  
 4 don't even identify any specific distance. We utilize a 200 foot boundary and for ETZ cases, we do  
 5 a 300 foot boundary. Again, opting to define exactly how we are to excel in the notification of  
 6 individuals for cases.

7

8 The list goes on. Zoning and Variances, at least on the City side are very similar. In fact, the numbers  
 9 are identical. But, if you look on the State Statutes very weak in terms of the variance thresholds.  
 10 There simply aren't any identified in the statutes and there are limited zoning variables. The mail  
 11 distance is identified as 100. We more, well, we double that distance in our zoning code. And,  
 12 property owners, we include the neighborhood association the City does, as a matter of practice. The  
 13 dates for newspaper publication are the same and sign posting, State Statutes are silent, but we opt  
 14 for a 10-day period prior to the hearing, in which to meet standard.

15

16 A unique thing related to the State Statutes in terms of zoning, is the mail notification. The mail out.  
 17 Statutes say if you're dealing with an area affected by a zoning case that's less than one block, you  
 18 send it out certified mail but if it's larger than that first-class mail would suffice. With the City's  
 19 processes, since we go to two bodies, one being the Planning and Zoning Commission and the other  
 20 City Council. The first effort with P & Z is all by first-class mail and then second effort through this  
 21 body, City Council, is all certified and we seek out minimum 15 unique property owners and we can  
 22 extend well beyond the 200 foot boundary in which to accomplish that mission, if you will.

23

24 We took a look, which is included in a packet of information that was sent earlier at various other  
 25 communities. I highlighted the ones that are identified on this slide just to give an example of what  
 26 other communities in New Mexico do. Also, our neighbor to the south, El Paso, took a look at what  
 27 they did and also in Tempe, Arizona, and a community a little smaller than ourselves in Buckeye,  
 28 Arizona and, also, Colorado Springs, Colorado, the city of, and Santa Cruz County, California. And,  
 29 suffice it to say that a lot of similarity exists in terms of numbers that are used in our methodology  
 30 for notification. We did find some differences. For instance, there is a flat mail notification distance  
 31 that was defined in a few of them and they were with or without an increase. In some instances, they  
 32 were less than our threshold and in some instances they were more than our threshold. Three  
 33 hundred feet for example. Some went into, what I call, notification bands, which, if you didn't find  
 34 the minimum requisite number of property owners to notify, you increase that notification band from  
 35 150 feet, for instance, to 500, 500 to 1000, etc., until you hit that threshold.

36

37 Some communities notify not only property owners but tenants. Particularly, if the address for the  
 38 owner was different than the subject property that was otherwise being notified. If the  
 39 tenant/ownership didn't match, each party received notification for a development request. Some  
 40 offered notification to both tenant and owners automatically. It didn't matter if the addresses  
 41 differed. And, neighborhood association notification, in some instances, were mandatory. It wasn't  
 42 a policy and they were definitely an issue or it was an issue that was codified into some of the

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1 regulations that they followed. Neighborhood association notification prior to submittal and/or  
2 neighborhood meetings were sometimes required up front before submittal and some times before  
3 the public hearing, before the planning body, such as, the Planning and Zoning Commission. Those  
4 were some of the nuances that we found. But, again, a lot of similarity in what we currently do.

5

6 Timing of notice was another area. Sometimes there was a flat notice period that may have equaled  
7 ours or presented a 15-day period, in which to meet certain notification requirements that I've gone  
8 over previously. And, I want to note that our own Planning and Zoning Commission talked to some  
9 extent about notification in general for zoning cases and subdivision cases, and they felt comfortable  
10 with recommending a 21-day notice for signs for mail-out and for newspaper notification. So,  
11 definitely an increase from what we currently have. We had, I mentioned the neighborhood meeting  
12 prior to submittal, and there was some discussion in some of the ordinances that I read, indicating  
13 that the developer or applicant would have to prove that they notified the neighborhood association  
14 and the neighbors regarding their development proposal and often times that was through an affidavit  
15 that they would prepare or listing of certified addresses, mail-out notice that got created for them to  
16 distribute the certified letters. So, they not only said you had to do this but they outlined the  
17 parameters by which it was done.

18

19 Other discussion, within the ordinance that I saw, talked to emails that were provided by citizens.  
20 Kind of kept in a broadcast type system. Much like the City Manager's Newsletter as an example.  
21 The list can grow as more people are interested in hearing more about development in this case. And,  
22 then there was also some mention of List Serve, which is definitely a more formalized kind of email  
23 system to notify property owners, whether you live adjacent to a subject proposal or not. If you were  
24 interested in finding more about a development certainly the List Serve was an ideal form for some  
25 communities to use.

26

27 Some of the issues that certainly pertain to any changes in our notification processes, as it relates to  
28 mailings for one. We can increase the distance from what we currently have. Say to 300 even 400  
29 feet or beyond. But, what we typically find is there is kind of a set limit if you will. There's  
30 individuals that are very interested in what is being proposed adjacent to their property and  
31 sometimes there's individuals that do not want to learn more about it. And, so, participation may  
32 not necessarily increase simply because the distance for notification, at least in the letters increases.  
33 The proof to that is in some cases where we send out certified letters as an example, some of those  
34 come back undelivered, unclaimed and that's primarily as I see it, or as I understand it, an instance  
35 where an attempt is made to deliver that certified mail or letter and, if no one is home to sign for then  
36 I think another attempt is made but in the case of someone who works in the day often times, that  
37 letter is housed at the post office and some notice is sent to the property saying you have certified  
38 letter to pick and please pick up between certain hours. And, in certain instances, it's just  
39 problematic for someone to go and pick that up. So, low and behold, we get some letters returned  
40 to us, unopened, unclaimed and those letters, obviously, if we do increase distances, etc., have cost  
41 associated with them. We have \$5.75 per certified letter. That is the cost we incur per letter. And,

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1 then, of course, the P & Z processing, getting cases to them, it's first class, and it's \$.44. At least,  
2 the last time I checked with the fees associated with postal regulations.

3

4 Potential case delays also comes up as an issue. Depending on the notification options that we take  
5 to help us increase notification for our development proposals, we may be seeing a delay in the  
6 taking of the case to the Planning and Zoning Commission because there's a set number of activities  
7 that has to take place prior to the target date. So, if someone wants to go to a P & Z meeting in May,  
8 if we chose a 21-day notice as an example, that either means it's crunch time immediately upon  
9 submittal prior to newspaper notification, sign posting, etc., or we simply push back the case a month  
10 in order to accommodate the handling of those activities in an efficient manner without increasing  
11 the risk of error. Or, the developer or applicant really has to target the subject date, plan ahead and  
12 recognize that there's going to be certain thresholds or milestones that need to taken into  
13 consideration so they can hit a target date. So, there's potential delays, nonetheless, that could come  
14 as a result of modifying some of the existing parameters.

15

16 The applicant/developer costs are also part of that equation. If they are seeing a delay in the hearing  
17 of their case, that could mean dollars lost for them. In terms of a business, from the business  
18 perspective and the developer perspective, they know that better than most. They deal with that on  
19 a daily basis and they're always informing staff, for instance, whenever certain delays may be  
20 considered as part of their proposal that it is money out of their pocket and that is a concern for them.  
21 But, also, on the flip side, on the layperson, if you will, the common individual who owns property,  
22 who also wants to process a variance request. They may be, not be savvy to the processes and  
23 assume that their target date is fast approaching only to be told that it's a month off and/or the cost  
24 for doing business for that case to be prepared and presented is going to cost a little bit more. So,  
25 that all factors into this issue.

26

27 The fees and cost recovery, I want to note that there was an internal analysis of the case costs back  
28 in 2006. The last time we updated our development fees was in 2000. In 2006, we looked at all our  
29 processes, be that ETZ subdivisions, city subdivision, everything. Took a look at all of the reviewing  
30 entities. What they put into time wise. Some of the hard costs. The certified mail out and the  
31 newspaper costs, etc., and added all of that up and come in with some recommendations on what we  
32 could look at for an increase on those respective fees. We probably need to do that again, because  
33 with any adjustment to our processes, any changes to notification parameters that could all have a  
34 price tag that we don't currently account for. So, I would caution everyone that perhaps it's time to  
35 take another look at the fees that are charged and the processes that are currently taken for the review  
36 of these cases and see if we can adjust those one way or the other.

37

38 Some of the options that I think can be set on the table and some of the drawbacks to those, I've  
39 tried to kind of identify in this fashion is to set some, the same notification threshold for all  
40 development activity. In other words, if we choose 15 days, so be it. Let's apply it to subdivisions,  
41 variances, and zoning and even our plans. Plan development ordinance amendment, that kind of  
42 thing. That would have little to no impact. 21-day increases, I talked about that already, would have

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1 a little bit more significant impact and whatever we do, staff would recommend agenda posting  
2 thresholds that are identified remain the same because that allows us to react to instances where a  
3 certain case might have to be postponed or delayed due to lack of information coming back to staff  
4 to address a concern or comment. Increase the notification distance. We could certainly do that. It  
5 does not guarantee improved participation as I outlined. We could add tenants as notification parties  
6 within any of our development processes. That too increases case costs but, nonetheless, it does not  
7 guarantee increased participation.

8

9 We can investigate the use of List Serve or social media or it was brought to our attention that even  
10 RoboCalls could be utilized to cast a broader net and be a little more efficient in how we get the  
11 word out regarding a case. I didn't come across anything in the research that I conducted regarding  
12 RoboCalls but in looking at some of the information that is online regarding that it is certainly an  
13 option. And, it appears as if that any municipality such as us, a political division, would be exempt  
14 to an extent anyway to the FCC Do Not Call List criteria. So, definitely an option to consider.  
15 Social media, Facebook or something like that, could be examined as a means to provide information  
16 regarding our cases. I don't know exactly how that would work but it's something that could be  
17 considered. The drawback to that is obviously a lot of this would be new for us and we would need  
18 to investigate more fully the potential use and the liabilities therein. We can increase fees or examine  
19 steps to have the applicant take on more of the notification role. If we do require meetings with the  
20 neighborhood up front as an example, that would be entirely on the applicant and/or developer. They  
21 would have to prove that they carried out certain items during that process but that would be on their  
22 dime, not the City's. The City could provide certain bits of information, property ownership, for  
23 instance, that type of thing to help facilitate that but we could apply much of that burden on the  
24 applicant themselves.

25

26 Obviously, this type of approach certainly with the increase of fees might be unpopular with the  
27 development community and/or the applicants. Even back in 2006, when we looked at some of the  
28 costs, fees and potential increases, there was always a desire to try and help the typical property  
29 owner with some of the cost increases that were being considered and maybe, reduce those to a  
30 reasonable level. Increase them but reduce them so that it's not total cost recovery but on the  
31 business side leave them for cost recovery or close to. So, those are some of the options and  
32 drawbacks that I have. And, that concludes my presentation Councillors and I would be happy to  
33 answer any questions you might have.

34

35 **Mayor Pro-Tem Thomas:** Thank you for that presentation. Before we go on, I just have one thing  
36 to add, I got an email from someone asking if we couldn't, in term of notification look at what he  
37 called the Traffic Shed. So, if it's the, the development is over here and however, we expect most  
38 of the traffic, the areas that are going to be impacted the most by traffic going to and from that and  
39 if that couldn't be a consideration, as well, when you look at who to notify. Councillors. Yes,  
40 Councillor Smith.

41

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1 **Councillor Smith:** Thank Madam Mayor Pro-Tem. I did have a couple of questions and thank you  
2 Mr. Banegas. One, I'm sure we would hear a lot and probably with good reason, if we started talking  
3 about increasing the fees. But, I have a question regarding if we were asking the applicants to take  
4 on the burden of notifying the people in the area, how would we guarantee that, that was done up to  
5 the standards that we're saying would need to be done. What kind of monitoring would we have in  
6 that instance.

7

8 **Vincent Banegas:** Mayor Pro-Tem, Councillor Smith, one of the methods that I think I found most  
9 referenced is the use of the certified ledger, if you will. The certificate of certification for the mail  
10 out. It identifies all of the property owners that we could provide them, as an example, and it shows  
11 the number for the receipt that is actually attached to the letter and we could have them show us up  
12 front before, within 10 days after submittal, or even before a public hearing that, that was indeed  
13 handled.

14

15 **Councillor Smith:** Thank you Mr. Banegas. A couple of other questions. Then, with some of the  
16 different programs that you described in some of the other cities, the band, the notification band, I  
17 didn't notice in there but, perhaps, it was sort of built in, the possibility that you might have a  
18 minimum notification band and from there, you might use your discretion. These people look at this  
19 neighborhood or these people actively are...somehow...you would have some sense of what goes on  
20 in the community. Because, we often times hear from people saying, you're notification went out  
21 to people 300 feet away from the house, or whatever was going on, I don't live much farther beyond  
22 that and I would like to be included. So, I think that would be something that I would like to say.  
23 If we could build in some flexibility that allows us to use that kind of discretion.

24

25 Another question I had is on the certified letters and that sort of thing that we're sending out, do we  
26 have a total, I realize one year to the next, it could be radically different but do we have a sense of  
27 what that tends to average for us?

28

29 **Vincent Banegas:** Mayor Pro-Tem, Councillor Smith, I do not on a yearly basis. But, on a case by  
30 case basis, obviously, it varies whether you're in the urban core, for instance, smaller lots. But, in  
31 taking a look at some of the cases that I pulled for this very purpose, it ranges between 30  
32 downwards to about 16. Obviously, with a minimum of 15 pursuant to our code. So, it varies greatly  
33 depending on the location of the property of the subject proposal.

34

35 **Councillor Smith:** Thank you Mr. Banegas and Thank you Mayor Pro-Tem. One last question then.  
36 One thing I think we might want to look at is how expensive it might be to actually have our people  
37 go out, knock on doors, compared to the price of doing all the registered letters. It might actually  
38 be cost effective to actually have some feet on the ground. And, that way, we would also be more  
39 likely to be able to guarantee we actually have had somebody see face to face, that somebody got the  
40 message. Nothing is going to be 100% but I think a cost comparison there might be helpful. Thank  
41 you very much.

42

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1 **Mayor Pro-Tem Thomas:** I have a question. Did you find in most cases that the same requirements  
2 applied whether it was a single residence, or a big building, or a whole subdivision or were there  
3 diff.....  
4

5 **Vincent Banegas:** Mayor Pro-Tem, my research showed that the standards that were established by  
6 each community, with one exception, I think it was the City of Colorado Springs, Colorado, they put  
7 and very much like Councillor Smith was talking about the oness on the project manager, the  
8 planning manager, if you will, to determine the extent of impact. And, it didn't matter whether  
9 subdivision, zoning, annexation, it did not matter, they could define the notification band. But, other  
10 than that, it was a set list of parameters. So many feet. So many days, etc.  
11

12 **Mayor Pro-Tem Thomas:** And, can you say a little more about these notification bands. How those  
13 get set up and determined.  
14

15 **Vincent Banegas:** Yes. In the community of the City of Colorado Springs what their code talked  
16 about was establishing some specific bands. I think it starts at 150 feet and there is a 500 foot band  
17 and a 1000 foot, if I'm not mistaken. And, those bands are determined at the time of application  
18 submittal depending on the issue, depending on the size of the development and likelihood for  
19 impacts to adjoining properties. At that time, the planning manager makes a determination, right out  
20 of the gate, what the requirements shall be. If they feel it's going to have a significant impact, they  
21 would choose the largest band. There was no specific, in this instance, it will be this but it was case  
22 by case, determination by the City for that notification.  
23

24 **Mayor Pro-Tem Thomas:** Thank you. Councillor Pedroza and then Councillor Sorg.  
25

26 **Councillor Pedroza:** Thank you Madam Chair. What you just finished saying right now does seem  
27 to me to make a lot of sense. In other words, not trying to fit everybody into exactly the same band,  
28 notification band but rather giving Planning and Zoning some amount of discretion. And, saying if  
29 it's for this, which will impact greatly, we'll have a larger notification band and if it's just something  
30 that's only going to impact a small number of people, using a little bit of common sense. I was very  
31 struck with you're response. My question, I read the minutes from the Planning and Zoning  
32 Committee and they seem to really, really be interested in increasing the notification to 21 days. Do  
33 you have any information as to why? It just seemed like a very, very strong recommendation. Why  
34 did they want to go to 21 days?  
35

36 **Vincent Banegas:** Mayor Pro-Tem, Councillor Pedroza, the Planning and Zoning Commission for  
37 a number of years has always juggled the issue because they hear very similar complaints from the  
38 constituents as you do on various development activity that gets brought to them. Many times, the  
39 public is a little upset that their neighbor received one and they live across the street, they did not.  
40 And, they are there anyway to protest or support. So, they have always talked about how best to  
41 approach notification, what would work and what would not work. In this case with the 21 day  
42 threshold that they recommended, they were merely interested in increasing the time period above

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1 and beyond. For instance, the 15 day, if we look at the current maximum, increasing the duration by  
2 which someone could possibly hear about the case, that would not otherwise be notified and then  
3 examine the issues behind it and then provide some form of input one way or the other. So, 21 was  
4 a number that they felt was appropriate.

5

6 **Councillor Pedroza:** Do you personally have an opinion about increasing it to 21 days? What would  
7 you tell us about that?

8

9 **Vincent Banegas:** Mayor Pro-Tem, Councillor Pedroza, 21 days to me, I can certainly understand  
10 where they are coming from in terms of increasing the duration before public hearing actually hits.  
11 It does have an impact in some of the operations. So, I would be a little cautious about increasing  
12 it to a flat 21 days. But, it is something that could be consider by this body. And, whether it's 21, 20  
13 or leave it at 15 whatever that is certainly acceptable to me.

14

15 **Councillor Pedroza:** Thank you. You also seem to leave without a...if there were to be a fee  
16 increase, do you have any idea what that increase would be or what you would recommend?

17

18 **Vincent Banegas:** Mayor Pro-Tem, Councillor Pedroza, based on my recollection of the fee  
19 information that was presented. Again, this is a little dated. It was 2006, I believe. Re-zoning, cases  
20 involving re-zoning, after we looked at all of the parties that reviewed it, their time, allocation for  
21 it and all the other hard costs, actually our current fee of \$600 was just a little bit shy. I think the  
22 number came in at \$700 for re-zoning. Variances increased. I cannot recall what that magic number  
23 was but they did increase and the attempt was for the typical property owner, you or myself or  
24 anyone else who wishes to pursue that, the idea was to increase that a little bit but not full cost  
25 recovery. Businesses and those who simply didn't even inquire, didn't pull a permit, they would  
26 bear the full cost of the cost recovery fee that was identified. So, those things went up. Subdivisions  
27 went up, particularly, on the larger planning functions, such as the Master Plan Process, which  
28 involves a lot of give and take with the developer and analysis of information and also planned unit  
29 development concept plans, which is very similar to a Master Plan. Those fees went up significantly.

30

31 **Councillor Pedroza:** Thank you. In terms of comments, I think it would probably be very useful  
32 to include tenants, as well as owners in notification because, although the owners certainly have a  
33 monetary, financial interest in it, the tenants are the one who live near there and will be impacted by  
34 other kinds of changes, traffic or whatever. I think that the RoboCalls should certainly be looked at.  
35 And, finally, I think if by traffic shed, we're talking about some sort of analysis of who in the area,  
36 not just by physical, straight physical distance but by the configuration of the streets, etc., is going  
37 to be most impacted that, that also would be a very good thing to look at in terms of who should be  
38 notified. Thank you.

39

40 **Mayor Pro-Tem Thomas:** Thank you Councillor Pedroza. Councillor Sorg.

41

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1 **Councillor Sorg:** Thank you Mayor Pro-Tem. Although, it hasn't been very much, I have had some  
2 residents that said, why didn't I get a notice for this zone change or whatever. So, that's my interest  
3 right now. You mentioned the website use to have these notices on it. How soon are we going to get  
4 it back on the website?

5

6 **Vincent Banegas:** Mayor Pro-Tem, Councillor Sorg, we had a member of our Community  
7 Development Staff, he is, unfortunately, re-cooperating but he was one of the ones who was trained  
8 in the design of the existing website and was one of the ones that could change a lot of the content  
9 and was working on getting us back on track with the information that I discussed in terms of  
10 presentation of cases and so forth on that web page. So, we're looking at either re-allocating the work  
11 to someone else who was trained on that or hopefully, upon his return getting him back in the saddle  
12 and getting that back online within a couple of months of his return. I have no specific date for you  
13 because of the personnel.

14

15 **Councillor Sorg:** Okay. I'm interested in increase notification effectiveness but without increasing  
16 our costs. This is just an idea. You tell me why it won't work. I think that's the best approach we  
17 should have for this. Given our postal system the way it is, how about replacing that certified letter  
18 with two first class letters. First and second notice. It is my nature and I think I'm fairly typical. We  
19 can miss a letter once in a while but it's harder to miss two letters.

20

21 **Vincent Banegas:** Yes. Mayor Pro-Tem, Councillor Sorg. Presently, we do go through four re-  
22 zoning (inaudible). Basically, anything that would require not only Planning and Zoning Commission  
23 recommendation or decision but even on a decision that gets appealed to this body or a zone change  
24 that comes forward to this body, we have to notify for P & Z that's through first-class mail and we  
25 have to notify through certified as written currently for City Council. We cannot require only first-  
26 class mail because of the State Statute that all be it has some limitation. It says that if it's less than  
27 a block you have to send it certified. If it's greater than a block notification, you can send it first-  
28 class. So, you have to take a look at that. We're going to be stuck notifying certain individuals with  
29 certified mail no matter what on re-zoning matter. So, there's limitations to how far we can just  
30 apply first-class mail out threshold or criteria.

31

32 **Councillor Sorg:** So, that's State Statute.

33

34 **Vincent Banegas:** That's State Statute. Correct.

35

36 **Councillor Sorg:** Okay, that's a good reason. I do like targeting residents or even businesses that  
37 will likely be affected by a zone change or a variance that might be outside the 200 ft. area. And, that  
38 takes a little bit more study of the area but I think it can be determined pretty easily who would be  
39 affected there. I'm just kind of curious, I noticed on the chart here, we have a little bit more time for  
40 notifying for zoning and variance changes but subdivision, not as much. What is the rational for that?

41

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1 **Vincent Banegas:** If memory serves, the provisions that we currently follow were certainly  
2 implemented in the '81 zoning code and also the corresponding subdivision code so it's been in use  
3 for the extent of my employment here with the City. But, subdivision processes are kind of here's  
4 the checklist of items that need to be adhered to with the proposed subdivision. You checked them  
5 off. Your zoning is in place already. Everything else is in place. It's just a matter of meeting the  
6 criteria and you're good to go and I think that was the rationale of not necessarily requiring a larger,  
7 up front period of time in which to be notified for subdivisions. Zoning on the other hand, has a little  
8 bit more issues to deal with, certainly, Special Use Permits.

9

10 **Councillor Sorg:** Okay, I can see that.

11

12 **Vincent Banegas:** So, that was kind of the rationale to the best of my knowledge.

13

14 **Councillor Sorg:** Okay. Thank you very much and thank you Mayor Pro-Tem. I'm done.

15

16 **Mayor Pro-Tem Thomas:** Thank you Councillor Sorg. Councillor Small.

17

18 **Councillor Small:** Thank you Madam Chair. Thank you Mr. Banegas. One thing, just kind of an  
19 observation, in terms of our outreach and especially, in terms of meetings, I think it's important, a  
20 while back at a public meeting, I was approached by a woman who had children. And, her input,  
21 which has kind of really stayed with me, is the lack of child care really discourages participation at  
22 a lot of different City functions. I think as far as a point at this stage where we're just putting a lot  
23 of things into the mixer and then moving forward to a policy, that would be a very important point  
24 that I would communicate. You know, when you talk about impacts and folks who are in the  
25 community, building the community, going to be in the community, these families with children are  
26 a huge part of it but it makes it very difficult often to participate whether it's in a neighborhood  
27 meeting or especially coming down to City Hall for one of the public meetings.

28

29 Second, you mentioned kind of beginning to look at Facebook, and Twitter and some of the social  
30 media. I make no claim to being an expert but I do think, you know, if we observe society right now,  
31 there's a trend away from reliance upon the traditional mail and increasing reliance upon multi-  
32 media, and web-based notification and news and just interaction. And, I think it is very important  
33 for us to start leaning more heavily in that direction and to not keep both feet planted too firmly in  
34 traditional mail because it's just not the way people increasingly communicate, do business, interact  
35 with the world. The....excuse me...(phone rings), perhaps, that is case in point. On the 14 day versus  
36 the 21 day, I think your comments are well taken as far as some of the concerns that the 21 day  
37 notification process brings into bearing. And, I would add just another which is, again, in a very  
38 information saturated world, 21 days, there's a huge space to kind of lose touch with the meaning.  
39 If there is only that 21 day notification without follow-up, then you end up, I think, perhaps, losing  
40 more folks because it's not nearly as timely. And, it seems to me that the two week threshold kind  
41 of balances both worlds where it gives folks enough time to plan but isn't too long to where it just  
42 completely slips off of the radar. I appreciate a lot of the different comments that have been made.

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1 Looking at what the cost would be for personal notification, whether that's going around putting a  
2 notice on doorways, or knocking on doors and having brief conversations or a leaflet to pass out. It  
3 might end up being more cost effective especially in denser neighborhoods. So, I think it's  
4 something to really look into. Because, regardless of all the social media, there's nothing that cuts  
5 through like that face to face conversation. In terms of the, just also the emphases on the somewhat  
6 negative interaction that people want to be notified simply to complain. I'd also provide an  
7 alternative perspective. In a lot of areas, in-fill development can bring it's share of concerns and  
8 headaches perhaps. But, it also, and many times, and I've seen this in a number of areas in District  
9 4, it can really be positive and exciting for folks who look upon the building of a new store or the  
10 re-doing of a road or anything development wise there in a positive fashion. And, so I think, just on  
11 the front end, we need to acknowledge and plan that people can be very positive. They can help,  
12 perhaps, make projects better but notifying them and their participation won't just lead to more  
13 negative input on development projects. In fact, it can often times be very positive.

14

15 And, I guess, finally, I guess, I would suggest some of the issues like a traffic shed and others are  
16 very important and good to consider. As you move forward in the development of this, it would be  
17 good to kind of categorize things because if there ends up being an issue that is much longer term  
18 or can be interpreted as subjective in nature, as if an impact, if a business, or a residence or a  
19 community is impacted more by one project than another and there is room for interpretation within  
20 that, I would hate for that to bog down this whole process. So, by not separating things out but just  
21 keeping them on separate tracks or areas I think is good because, you know, we have a lot of  
22 development that, as thing potentially pick up, that will be coming and it's in our interest to move  
23 forward where we can whether it's RoboCalls or social media or things as quickly as we can.

24

25 And, then the last thing, on child care, there is a continuum and a spectrum there. You know, on one  
26 end, there is nothing for children to do. They're brought and you're kicked out if your baby cries. On  
27 the other end is a full service day care. I would suggest that what we're going to end up finding that  
28 works is going to be somewhere between those two poles. So, whether that's people on-site who do  
29 the child care or whether that's just coloring books, crayons and materials that can help take that  
30 child's attention and make it easier to be in a meeting for 30 minutes or an hour and a half. I think  
31 there is a lot of opportunity there. And, those are my comments. Thank you Madam Mayor.

32

33 **Mayor Pro-Tem Thomas:** Thank you Councillor Small. Councillor Silva.

34

35 **Councillor Silva:** Thank you Madam Chair. Just a really quick question for Robert. Robert part of  
36 our packet here, Identified Neighborhood Association Policy, is this in place now.

37

38 **Robert Garza:** Mr. Chairman, Councillor Silva. Yes, I believe it is.

39

40 **Councillor Silva:** Okay. Yeah, cause for some reason, I guess, I thought the majority, I mean  
41 today's Agenda is titled Public Participation Ordinance and I thought we were going to focus more  
42 on this and how we were developing an ordinance and most of this discussion is focused on  
43 development and so forth. If I'm looking at this policy, again, I thought it was going to be on how

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1 do we improve this policy and when we start talking about 21-Day Ordinance and feet on the ground  
2 and all this other stuff, to me it seems like we're micro-managing. And, to me, the purpose of this  
3 Council is to set policy and how do we create policy. I was more interested in how do we improve  
4 participation and how do we improve, as you say here, in the policy it says, "Promotes improved  
5 communications between neighborhood associations and city government." And, I think I would add  
6 to that, "and, the private business sector." And, I think that is something that we really need to focus  
7 on more overall. These other items that have been discussed earlier, I really think those need to be  
8 addressed by the development community, residents, public businesses and other stakeholders. Let  
9 them come to us and tell us what's reasonable and what's not reasonable. For us to come up here  
10 and determine 20 days, 21 days, 100 days, I think we would be...well, at least, I would be speaking  
11 out of context because I really don't think I have a good feel of that. I think Councillor Small hit it  
12 on the head, 21 days may be just a little too long. I know in Las Cruces, RSVP means nothing in this  
13 community. I think everybody would agree with that or most people. But, when we start getting into  
14 details like that, you know again, I think we're starting to micro-manage rather than set policy. I do  
15 like your comments and so forth in regards to using Web-Based initiatives. I think we're moving that  
16 way and we should move that way.

17  
18 And, my only other suggestion was, if we're trying to really communicate with the public, the  
19 traditional mail, I think maybe we should be much more specialized and focused and maybe use  
20 some of these mail service businesses that are in town and most of us have used them during our  
21 campaign. They know how to target households, which households to target and if there's other  
22 items that need to be added, such as Councillor Small was referring to, child care and stuff like that,  
23 I think those are good things that we should be looking at. The bigger picture in regards to how do  
24 we increase public participation. And, that's what I was really hoping that we would hit today more  
25 so than hitting on details in regards to what might be proper and what might not be proper in regards  
26 to, you know, today, we have only focused on the development. I think there are other things that  
27 should be addressed, as well. I will give you a good example, I know that Las Esperanzas for the  
28 longest time, they wanted to be notified in regard to any possible demolition or anything in the area.  
29 It took them a long time for us to finally get over that hump and notify them on a regular basis. Or,  
30 when somebody comes in and builds in the historic area that there is a Historic Ordinance Overlay.  
31 Lot of times, our staff does not even inform the person that something...that there is an overlay in  
32 that area and, so, they proceed to build without regard to the overly. So, I think those are the things  
33 I'd rather like to see you all address in regards to how do we increase the public participation  
34 between...or increase...or improve communication between neighborhoods, associations, city  
35 government and the private business sector. Thank you Mr. Mayor. Thank you Madam Chair.

36  
37 **Mayor Pro-Tem Thomas:** Thank you Councillor Silva and thank you for your comments. You  
38 know, that's one of my projects is to have better communication and really look at how we can set  
39 up neighborhood associations so that we have an in-place system that works both ways, that we can  
40 use it to get information to people in the community and they can use it when they want to make sure  
41 we get information. So, I very much support that. Maybe, Robert can say a couple of words of  
42 whether or not it looks like there is going to be a possibility anytime soon that....cause it seems to

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1 me, if we had somebody who was doing this kind of communication thing, it would help numerous  
2 departments and all kinds of projects, if we could just get a better communication system set up.

3

4 **Robert Garza:** Madam Chair, the idea of having somebody in this role full-time, you all have talked  
5 about a Community Relations Office, Community Relations function, a full-time function. We have,  
6 currently, what we would consider a part-time Community Relations Operation that Rob Caldwell  
7 is doing for us. Really to get to this next level, we need a full-time person do these sorts of things  
8 and that is something we plan to bring forward to you as part of our budget recommendation this  
9 year. It may mean reducing a staff person or a function in another area to offset that but we have  
10 some ideas on how that could happen. The main jest of what we wanted to find from you today, I  
11 think we've achieved that. We've heard your ideas, your thoughts. Councillor Small brought up child  
12 care and that's something Brian Denmark and I have talked about a lot regarding public meetings  
13 when we invite people. We have a recreation staff who often work with children and youth and can  
14 plan those sorts of events to let the parents know bring your kids, we will have some event for them  
15 to engage in, etc. So, I think there are a lot of things we can do. We just wanted to make sure that  
16 we were heading down the right path and covering all the appropriate topics.

17

18 **Mayor Pro-Tem Thomas:** Thank you Mr. Garza. So, to kind of sum up. There was a lot of  
19 emphasis up here about increasing communication effectiveness in different ways. You know,  
20 whether it's getting more neighborhood associations or whether it's using social media, but we all  
21 seem to be concerned about that. There's this thing about the 15 days and the 21 days. It seems like  
22 people are sort of okay with 15. I'm not so happy with this distance being 200 ft. or 300 ft. I really  
23 think other people are saying too that it needs to more tailored to the particular project, so it includes  
24 traffic sheds and those kinds of things. Bands. I don't know about the bands. I would like to see a  
25 little bit more about how that works. The RoboCalls. And, somebody mentioned, you know, all of  
26 us when we run for office, we have walk lists and phone calls, we do RoboCalls and we've talked  
27 about this before. It costs about 1/10 as much to do a RoboCall than it does to send a regular letter,  
28 so it's very inexpensive. And, if RoboCalls then notify people that they can get information on the  
29 Website, or it's available at the library, or at City Hall, then that would be a way to increase the  
30 communication and then point people to where they can find the documents, so I would like to see  
31 more of that. I really think our website has to....it should have all the pending cases. Anybody should  
32 be able to go anytime to the website and kind of find out what's going on. I think we might take a  
33 bit of a look at sectors. We do have, in the Comp Plan, the City is divided into sectors. Now, new  
34 sectors have emerged since that Comp Plan was written but it's kind of hard to say 100 ft., 200 ft.,  
35 500 ft. We have all these geographical things that...these people are only 100 ft. apart but this one  
36 is in this subdivision and that one is in that subdivision. So, that doesn't really make any sense. So,  
37 maybe a Project Manager who makes those determinations with some guidelines that we can all talk  
38 about. So, I think that was it. I think those were the kind of things, I heard. Is there anyone from the  
39 audience who would like to make a comment? No. Well, thank you very much.

40

41 **2. Future Use of City Owned Facilities (Municipal Court, Museums, Old City Hall).**

42