

**City of Las Cruces****Community Development
Interoffice Memorandum**

To: David Weir, Community Development Director

From: Tom Murphy, MPO Officer

Subject: Park Ridge Presentation at MPO

Date: May 9, 2013 MPO-13-016

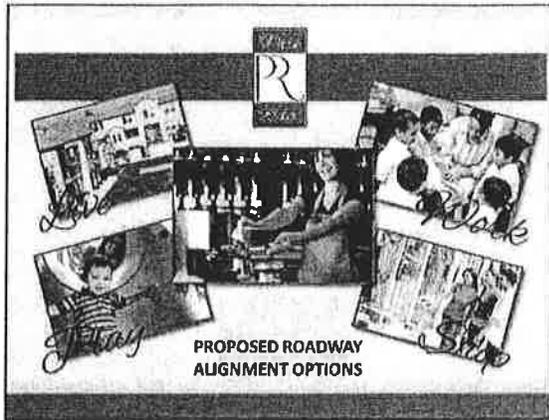
Pursuant to discussion at the staff level meeting on April 23, 2013 concerning the Park Ridge development application, we featured the project developer at two MPO meetings. Bob Pofahl of Community Builders International presented to the Technical Advisory Committee (TAC) on May 2, 2013 and to the Policy Committee on May 8, 2013.

The TAC generally favored connecting the roadway straight to Madrid east of the ballfield, presented by Mr. Pofahl as "Option B". Factors stated by committee members included: Option B retains the option for future Madrid realignment and Option A would put more traffic on the Main and Camino Real intersection. Several committee members stated that they preferred Option B without stating a reason.

The Policy Committee generally favored connecting the roadway to the existing signal at Solano and westbound Madrid known as "Option A". Factors stated by the committee members included: concerns that Option B would create more traffic past the school on Madrid (Loma Heights Elementary); A Solano entrance would offer better commercial access to the site; and the concern with restricted left turns that Option B would require. One committee member did raise the same concern as the TAC concerning the traffic level at Main and Camino Real.

The Chair of the Bicycle and Pedestrian Facility Advisory Committee (BPAC) was at the Policy Committee meeting and requested a presentation for his committee. We will ask Mr. Pofahl if he would present. If he declines, staff will present his material to the BPAC. We will report that information after their next meeting.

cc: Susana Montana, Planner



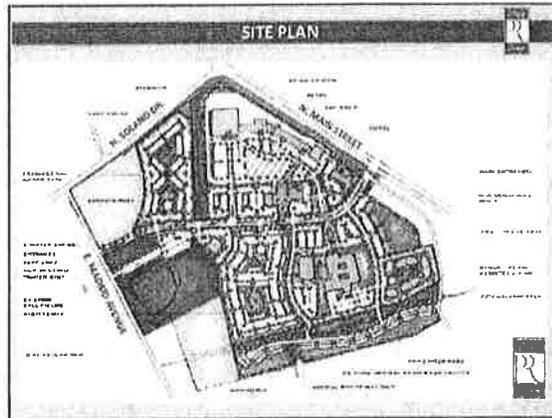
PROJECT DESCRIPTION

- **PARK RIDGE IS AN URBAN INFILL PROJECT ENVISIONED AS A SUSTAINABLE COMMUNITY PROMOTING ECONOMIC DEVELOPMENT THROUGH A MIX OF USES.**
- **PARK RIDGE ENCOMPASSES 110 ACRES AND IS LOCATED ON THE FORMER LAS CRUCES COUNTRY CLUB SITE.**
- **PARK RIDGE IS DESIGNED TO INTEGRATE INTO THE SURROUNDING NEIGHBORHOODS, SHARING OPEN SPACE, BOULEVARDS, BIKE TRAILS AND WALKING PATHS.**

PROPOSED LAND USES

- REGIONAL HOSPITAL AND MEDICAL CAMPUS
- RETAIL AND DINING
- COMMERCIAL AND HOSPITALITY
- CONTINUUM OF CARE RETIREMENT CENTER
- RESIDENTIAL AND MULTIFAMILY
- PARKS AND OPEN SPACE
- WALKING TRAILS AND BIKE LANES

This slide lists proposed land uses. At the bottom, there is a horizontal illustration showing a community scene with people sitting on a bench, a person pushing a stroller, and a person walking a dog. The slide is titled 'PROPOSED LAND USES' at the top center. A logo with the letter 'R' is in the top right corner.



PUBLIC TRANSIT CONNECTIVITY

This slide features an aerial photograph of the site area, showing the layout of buildings and streets. The slide is titled 'PUBLIC TRANSIT CONNECTIVITY' at the top center. A logo with the letter 'R' is in the top right corner.

- CONNECTIVITY TO EXISTING TRANSIT FACILITIES
- ADDITIONAL TRANSIT STOPS WITHIN THE DEVELOPMENT

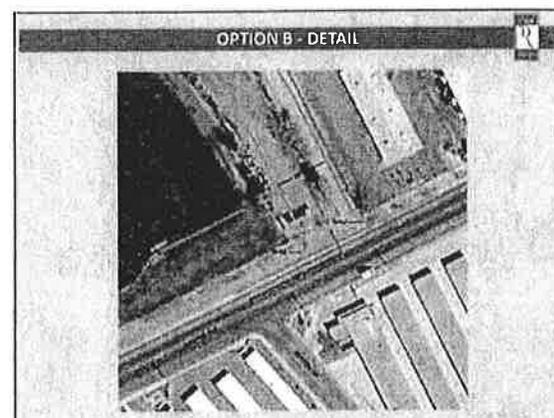
PROPOSED ROADWAY ALIGNMENT OPTIONS

- **OPTION A:** CONNECT ONTO N. SOLANO DRIVE AT EXISTING SIGNALIZED INTERSECTION WITH MADRID AVENUE.
- **OPTION B:** CONNECT ONTO E. MADRID AVENUE, EAST OF EXISTING BASEBALL PARK.



OPTION A

BENEFITS	CHALLENGES
<ul style="list-style-type: none">• Uses existing infrastructure (existing righted intersection)• Lessens the number of signalized intersections in the area• Promotes integration of Apodaca Park and Park Ridge Development• The proposed point of intersection will allow full traffic movements• Lower traffic and transportation costs• Does not negatively impact surrounding business and properties• Impacts less City property area	<ul style="list-style-type: none">• Approximately five mature trees will have to be replanted or removed• Existing restroom facilities will have to be relocated• Impacts 0.236 acres of actual Apodaca Park• Is not consistent with approved MPO Thoroughfare Plan



OPTION B

BENEFITS	CHALLENGES
<ul style="list-style-type: none"> • Direct connectivity between N. Main Street and Madrid Avenue will help mitigate traffic issues on N. Solano Drive and Desert Drive • Invites pedestrians and traffic south of Madrid to Park Ridge Development • Does not impact Apodaca Park property • The placement of a multifamily residential development adjacent to the park provides land use compatibility while enhancing safety and security of Apodaca Park • Is consistent with approved MPO Thoroughfare Plan 	<ul style="list-style-type: none"> • Challenging Intersection design due to close proximity of existing intersection between E. Madrid Avenue and Barton Street • Most left turns will be prohibited • Could negatively impact surrounding properties and business (particularly Storage Units at the corner of Madrid and Sexton) • Increases the number of signalized intersections in the area • Higher traffic and transportation costs • Impacts more City Property area

Questions & Answers

Susana Montana

From: Griselda Velez <gvelez@ziaeec.com>
Sent: Thursday, May 09, 2013 2:31 PM
To: Susana Montana
Subject: MPO Policy Committee

Good afternoon Susana,

We presented the roadway alternatives for Park Ridge to the MPO Policy Committee last night. Out of 8 present Committee members, 6 expressed their preference for **Option A** (tie-in to Solano Dr). There was no formal vote but Tom Murphy will provide David Weir with a memo outlining the discussion that occurred at both the Technical Advisory Committee and the Policy Committee meetings.

We will meet with the Parks and Recreation Advisory Board next week (5-16-13) to obtain their feedback.

Regards;

**Griselda A.
Vélez, Manager of
Planning
Department**
Zia Engineering & Environmental Consultants, LLC

QUALITY, COMMITMENT, SERVICE

755 South Telshor Boulevard, Suite F 201
Las Cruces NM, 88011
Phone: 575-680-2307
Fax: 575-532-1587
gvelez@ziaeec.com
www.ziaeec.com

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Susana Montana

From: Susana Montana
Sent: Wednesday, June 19, 2013 3:27 PM
To: 'jensen94@yahoo.com'
Cc: David Weir
Subject: Park Ridge Medical Center (former Country Club site) rezoning
Attachments: Z2860 property owner ltr REVISED 05 29 13.docx; Z2860 mailing list map.jpg; Z2860 Park Ridge Rezoning 2 sided color staff report.pdf

Greetings Mr. Jensen. Please find attached a copy of the letter that was mailed to owners of property lying within 250 feet of the outer boundary of the Las Cruces Country Club property. This 250 foot radius is the public notice requirement of our Zoning Code for rezoning applications. The attached map shows the locations of the properties we sent the letter to. If you own property outside that 250 foot radius you may see our public notice of the Commission hearing June 25th on our City website. <http://www.las-cruces.org/Departments/Community%20Development/Boards%20and%20Commissions/P%20and%20Z/2013%20Agendas%20and%20Minutes.aspx>

Attached please also find a copy of the staff report to the Planning and Zoning Commission for the rezoning hearing on June 25th. If you have questions about the project after reading the staff report, please feel free to call or email me with your questions or concerns. Members of the public can testify before the Commission at the June 25th public hearing.

Please forward this message on to neighbors whose email addresses are known to you. Have a great rest of the day!

Susana Montana, Planner

City of Las Cruces Community Development Department

Building & Development Services Division

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Susana Montana

From: Susana Montana
Sent: Thursday, June 20, 2013 8:01 AM
To: CARL JENSEN
Subject: RE: Park Ridge Medical Center (former Country Club site) rezoning

Mr. Jensen, if you like I can forward your email message (below) to the Planning and Zoning Commissioners as a public comment on the rezoning application. The Commission will hear public testimony on the rezoning request at the June 25th public hearing (6 PM, City Hall Council Chambers) and will make a *recommendation* to the City Council. The rezoning application is scheduled to go before the City Council on August 19th (1 PM, City Hall Council Chambers) and it is the *Council* that makes the determination on the re-zoning request. However, both the Commission and the Council take testimony from the public and take very seriously the concerns of neighbors.

If you would like to submit a separate letter or email message to the Commission for the June 25th meeting, I would be happy to forward it to them before the meeting so they have time to read and consider your points. You can also reiterate your concerns at the June 25th Commission meeting.

Please note that though the staff report recommends approval with conditions, the Commission can place new or amended conditions on their recommendation to the City Council, the Commission may recommend denial of the application to Council, or may they vote to table the case for further information from staff or the Applicant. The City Council may place new or amended conditions on any approval of the rezoning, may vote to deny it, or may vote to table it for further information. So, we are still early in the democratic process for this rezoning application. Thank you.

Let me know if you want me to forward your previous email to the Commission or if you want to send a new one. Have a great day.

Susana Montana, Planner

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From: CARL JENSEN [mailto:jensenc94@yahoo.com]
Sent: Wednesday, June 19, 2013 5:07 PM
To: Susana Montana
Subject: Re: Park Ridge Medical Center (former Country Club site) rezoning

Ms Montana Thank you for the letter and information. I was not aware that the zoning information was only passed to persons living withing 250 feet. This would seem to me as a method that prevents anyone from stopping action on zoning changes. I would be less concerned if I felt that there will be no negative effects on our area of the country club but I am certain there will be an increase in traffic through our area. We have had a number of efforts to get the city to enforce the speed limit on our street (Fairfax Ave) with no results. I am certain that the nature of the area by the country club there will be speeders using these streets rather than Highway 70 with its crowded conditions and traffic lights .The zoning changes will take a very nice, but older area of the city that was built around a golf course and make it a less desired area to live that borders a shopping center and hospital. With muli-family residential areas there will be more problems with law inforcment,etc. due to a higher density in the area. I feel the country club residents deserve the right to make the determination on zoning for their area. Carl Jensen 2050 Fairfax Ave. 575 526 9730

From: Susana Montana <smontana@las-cruces.org>
To: "jensenc94@yahoo.com" <jensenc94@yahoo.com>
Sent: Wednesday, June 19, 2013 3:28 PM
Subject: FW: Park Ridge Medical Center (former Country Club site) rezoning

Please see message below.

Susana Montana, Planner
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From: Susana Montana
Sent: Wednesday, June 19, 2013 3:27 PM
To: 'jensen94@yahoo.com'
Cc: David Weir
Subject: Park Ridge Medical Center (former Country Club site) rezoning

Greetings Mr. Jensen. Please find attached a copy of the letter that was mailed to owners of property lying within 250 feet of the outer boundary of the Las Cruces Country Club property. This 250 foot radius is the public notice requirement of our Zoning Code for rezoning applications. The attached map shows the locations of the properties we sent the letter to. If you own property outside that 250 foot radius you may see our public notice of the Commission hearing June 25th on our City website. <http://www.las-cruces.org/Departments/Community%20Development/Boards%20and%20Commissions/P%20and%20Z/2013%20Agendas%20and%20Minutes.aspx>

Attached please also find a copy of the staff report to the Planning and Zoning Commission for the rezoning hearing on June 25th. If you have questions about the project after reading the staff report, please feel free to call or email me with your questions or concerns. Members of the public can testify before the Commission at the June 25th public hearing.

Please forward this message on to neighbors whose email addresses are known to you. Have a great rest of the day!

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Tuesday, April 23, 2013 5:15 PM
To: bob@picachomountain.com; gvelez@ziaeec.com
Cc: Katherine H. Rogers
Subject: FW: Rezoning of LCCC property

Greetings folks. I have not notified the Country Club Neighborhood Association about the medical center rezoning application, Case No. Z2860. Per the email sent to me last March, John Stevens would like to be notified about the rezoning application soon. Would you like to meet with him or give him a call before I call him and advise him about the C-3 rezoning application? I am sure that he would also like to be aware of the MPO meetings and the Parks and Rec. meetings. Would you like to make that first notification with him or should I? Thanks.

Susana Montana, Planner

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From: John Stevens [<mailto:johnmill9@toast.net>]
Sent: Friday, March 08, 2013 4:57 PM
To: Susana Montana
Subject: Rezoning of LCCC property

Dear Ms. Montana,

It's been brought to my attention that the company that is trying to have the Las Cruces Country Club property re-zoned has filed their application, and we would like to have notification of said application sent to us as required by law. We are registered with the City of Las Cruces. I also understand that you will provide a room and a meeting with City staff to have an opportunity to voice our concerns about the possible re-zoning.

Sincerely,

John Stevens. Pres.

Country Club Neighborhood Association

Susana Montana

From: Susana Montana
Sent: Monday, June 03, 2013 11:52 AM
To: gvelez@ziaeec.com; bob@picachomountain.com
Subject: Park Ridge rezoning

Just a heads up.....Connie Potter brought this medical fraud by the Galichia Group to our attention and will probably bring it up at the Commission meeting. You may want to give Dr. Galichia a heads up so he is prepared to respond to Connie's assertion that the hospital at Park Ridge cannot accept Medical patients because it is a physician-owned/investor hospital.

<http://insurancenewsnet.com/article.aspx?id=228387&type=propertycasualty#.UazVyESsJcU.email>

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Thursday, June 13, 2013 10:56 AM
To: Bob Pofahl
Cc: Eddie Martinez; Francisco Urueta; Griselda velez; Katherine H. Rogers; Robert Kyle
Subject: RE: P&Z site tour

Greetings folks. I checked with our Deputy City Attorney to make sure the Commissioners' site visit did not constitute in any way a "conflict of interest" such that they would have to recuse themselves from any vote on the application. Rusty suggests that staff (me) conduct any Commissioner tour of the 30-acre rezoning Site and I can take 1 or 2 at a time to avoid any violation of the Open Meetings Act.

I would also suggest that the tour take place after the Commissioners receive their June 25th meeting packet which will contain the staff report for the rezoning case. That way, after reading the staff report, they will have questions in their mind that, hopefully, the site visit will answer for them, or the site visit will raise questions that the Applicant can then answer at the hearing.

Most Commissioners conduct their own site visit and when they vote on the project they usually say "Aye, based on Findings, Discussion and Site Visit". So, I think the Commissioners will want to take the tour of the rezoning 30-acres. Let me know if that works for you.

If you want to offer a site visit to Commissioners, just let me know when the gate will be open or give me a key and I will make the offer to the Commissioners and I will make myself available to any one of them who wish to take the tour with me. Sound good?

I am available for my own tour of the Site next week. Thanks and have a great day!

Susana Montana, Planner

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From: Bob Pofahl [<mailto:bob@picachomountain.com>]
Sent: Wednesday, June 12, 2013 8:59 PM
To: Susana Montana
Cc: Eddie Martinez; Francisco Urueta; Griselda velez
Subject: P&Z site tour

Susana,

Karen and I would like the opportunity to give you a tour of the Las Cruces Country Club site on Friday or Saturday so that you get a better perspective of the open space and concept we're planning. We would also like to schedule a tour of the site for the P&Z board members. We could do it in small groups as you suggested early one morning or two mornings, if required, next week. After touring the site today, we believe the size of the site and the plan we're proposing will clearly demonstrate the amount of open space and merits of the proposed plan.

We are redoing our master plan in accordance with the new street alignments which should be completed by Friday. We would also propose to have Zia Engineering stake the main Park Ridge Blvd. and major intersections through the site so it's easy to identify building locations and street intersections. I look forward to discussing this with you tomorrow afternoon and possibly meeting with you Friday or Saturday morning onsite.

Best regards,

Bob Pofahl
575-680-8812 mobile
575-523-2500 office
575-993-5342 fax

Picacho Mountain
1340 Picacho Hills Dr.
Las Cruces, NM 88007
<http://www.cbiholdings.com>
<http://www.picachomountain.com>
blog.picachomountain.com

Susana Montana

From: Susana Montana
Sent: Monday, June 24, 2013 11:05 AM
To: Rusty Babington
Cc: Katherine H. Rogers; David Weir
Subject: FW: Park Ridge Medical Center rezoning public comment
Attachments: Wichita Final PDF.pdf; Thirteen-Things-Providers-Should-Know-About-Stark-Law-and-Physician-Ownership-Changes-Under-Health-Reform.pdf

Rusty, I am giving Commissioners a guided "site visit" to the Park Ridge Medical Center rezoning site prior to the hearing and I offer a tour for you if you like. So far, 3 Commissioners have taken the tour and one has said that she is very familiar with the Site, having golfed there for many years. I am taking one Commissioner on a tour this afternoon at 2 PM.

By the way, on one of the tours, Commissioner Stowe stated he is concerned with allowing one more hospital in the City, and at this Site. He read the public comments sent to the Commissioners and wanted to read the articles that were simply offered as a link in one of Connie Potter's comments. As a convenience to him, I sent him a downloaded copy of the PowerPoint she mentioned in her comment and also sent it to the other Commissioners in case he mentioned it during the hearing. I told him that the rezoning would allow a hospital as an allowable land use and does not specify a developer or an operator.

Susana Montana, Planner

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From: Susana Montana
Sent: Monday, June 24, 2013 10:52 AM
To: Commissioner Charles Beard; Commissioner Charles Scholz; Commissioner Godfrey Crane; Commissioner Ray Shipley; Commissioner William Stowe; Joanne Ferrary
Subject: Park Ridge Medical Center rezoning public comment

Greetings Commissioners. I did not want to overburden you with public comments on the hospital issue because the rezoning request is to allow a hospital as a land use and does not specify WHO the developer or operator would be. However, one of the neighbors, Connie Potter, will present the issue of the "Stark Law" and physician-owned

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medical facilities and treatment centers. She sent a comment with a link to the attached documents and I offer them with this message just in case you want to review them before the hearing. Our Deputy City Attorney will be prepared to answer any questions about the Stark Law although I am sure he will remind us that the rezoning only allows the hospital as a land use—no other conditions, restrictions or limitations on the development of the facility or of its operator(s) are currently recommended to be imposed. Thank you.

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Friday, June 14, 2013 4:25 PM
To: Commissioner Charles Beard; Commissioner Charles Scholz; Commissioner Godfrey Crane; Commissioner Ray Shipley; Commissioner William Stowe; Joanne Ferrary
Cc: Katherine H. Rogers; Rusty Babington
Subject: Z2860 Park Ridge Medical Center rezoning application

Greetings Commissioners. Your packets for the June 25th Planning and Zoning Commission will be delivered to you on Tuesday, June 18th. In your packet you will find the staff report for a rezoning application for a 30-acre portion of the 110-acre former Las Cruces Country Club site (Z2860).

Many Commissioners like to conduct a site visit before the Commission meeting. Since the former Country Club site is fenced and the 30-acre portion is hard to see from the street, the Applicants have given me the combination to the gate lock so that I may open the gate and show Commissioners the proposed rezoning area and surroundings. In order to avoid Open Meetings Act violations, our Deputy City Attorney has suggested that no more than two Commissioners at a time take this site visit. But I am available to show each Commissioner the property on an individual basis since it is so hard to get people's schedule to work for a joint tour.

Having said that, I am available to show you the Site any time this weekend or next week by appointment. By "appointment" I mean just let me know what day of the week and time is convenient for you and we can meet at the gate and I can show you around. I think it would be best to take the tour after you have read the staff report but if this weekend works best for you I can be reached at my cell number of 520-366-8097 and I live only about 10 minutes from the Site.

So, give me a call if a site visit would help you understand the proposed rezoning better. Thanks and have a great weekend.

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Tuesday, May 21, 2013 8:02 AM
To: bob@picachomountain.com; gvelez@ziaeec.com
Cc: David Weir
Subject: FW: attachments
Attachments: new zoning request incl. residential.jpg; new zoning request Red & Green.jpg

Bob, just a thought....would the Galicia folks mind flipping the assisted living "casitas" ("upscale housing) with the medical offices in your site plan and move the open space next to the townhomes per John's drawing---if the CCNA would support the rezoning?

Susana Montana, Planner

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From: John Stevens [<mailto:johnmill9@toast.net>]
Sent: Monday, May 20, 2013 5:22 PM
To: Bob Pofahl
Cc: Susana Montana; David Weir
Subject: Fwd: attachments

Bob,

This e-mail with attachments is meant to try and clarify what I mean about using some of your 7.31 acres as a small Park in front of the Townhouses. Please excuse the badly drawn layout, but our computer graphics expert is very busy, but you can expect a professionally drawn layout in the near future, that should be usable with Planning & Zoning.

A plan like this would help keep the value of the Townhouses at their current value, provide some much-needed green space, and make the property more valuable for the upscale houses which could be built adjoining the Park. Also we'd be going from R-1 to open space, residential.

In the City comments it mentions 2 to 6 acre Parks, and encouraging a development that "considers usage, fit within the neighborhood, and environmentally friendly design". It also mentions to "preserve and respect scenic views, sites, and corridors in a manner that reasonably compensates, provides incentives, maintains similar existing property rights, or in another similar manner that balances the public and property owner interests".

I'm hoping you and your partners will give this plan serious consideration, and I'm anxiously awaiting your response.

John Stevens, Pres.

Country Club Neighborhood Association

Susana Montana

From: Susana Montana
Sent: Thursday, June 20, 2013 8:18 AM
To: Connie Potter; Mayor; David Weir
Cc: John Stevens; Carl Baca; Eva Booker; Palmer Clark; Steve Rameriz
Subject: RE: Letter "to whom it may concern" in PDF

Greetings Connie. The Applicant submitted that document as an amendment to his application and it was included within Attachment 5 as part of his application. The Commission will consider it along with all the other materials, including public comments. Your email to David Weir with the web links to the McManis study was included in the public comment Attachment 8

Your comments below can be sent to the Commission in a packet entitled "public comments received after the packet was delivered", as is customary. I compile all the late comments until the Friday before the Commission meeting and then I email the packet to the Commissioners so they have time to read them. After Friday, I cannot be sure that the Commissioners will open their email or have time to read the comments, so I deliver any comments received after then in hard copies that I place in front of their chair at the hearing. This last approach is generally not very effective as they do not have time to thoroughly read those submittals but can only scan them before the case hearing.

Would you like me to send the below message to the Commission or would you like to send me a new message addressed to the Commissioners with the same content? Let me know and I will do so. If Thanks.

Susana Montana, Planner

City of Las Cruces Community Development Department Building & Development Services Division Physical Location: City Hall at 700 North Main Street, Suite 1100 Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002
smontana@las-cruces.org Main Line: (575) 528-3043 Direct Line: (575) 528-3207 Fax Line: (575) 528-3155 www.las-cruces.org

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-----Original Message-----

From: Connie Potter [<mailto:cjmpotter@comcast.net>]
Sent: Wednesday, June 19, 2013 9:58 PM
To: Susana Montana; Mayor; David Weir
Cc: John Stevens; Carl Baca; Eva Booker; Palmer Clark; Steve Rameriz
Subject: Letter "to whom it may concern" in PDF

Dear Susana,

I want to express my shock and disapproval at finding within the legal Public documents supposedly comprising the City of Las Cruces' Response to the Park Ridge zoning application, an unsigned, undated (June 2013) letter allegedly from Robert Pofahl addressed "to whom it may concern".

This letter, if it was written by him, is factually anonymous and includes legal opinions, and acts to speak in behalf of entities Mr. Pofahl is on record as have no authority to represent. It has no place in a legal and public city record and I and others oppose its publication, circulation, by our City and its posting on the City of Las Cruces website.

1815

Mr. Pofahl, if he is actually the author, can post it on his own website. Furthermore the City has no more cause to disseminate his opinions than those of the CCNA or any other party to this application other than the City's response.

PLEASE, remove these two pages immediately. They are irrelevant and are spurious and irrelevant. Burying them within the City's response was improper.

Furthermore, Mr. Pofahl held a public meeting June 18, the day after the City stamped the receipt of his ramblings. He should have circulated his opinions at that time.

Sincerely,
Connie J. Potter
2505 Desert Drive
Las Cruces. NM. 88001
524-2443

Sent from my iPhone
Connie J. Potter

Susana Montana

From: Susana Montana
Sent: Monday, June 03, 2013 3:03 PM
To: Connie Potter
Subject: RE: phone message RE Park Ridge hospital

Greetings, Connie. I hope all goes well with your procedure in Portland. I wish we had the capabilities to perform those procedures here in town.

The Planning and Zoning Commission meeting is Tuesday, June 25th beginning at 6 PM. I believe the Park Ridge case is number 3 on the agenda.

Individual speakers are given 3 minutes of testimony time. Representatives of organizations can ask the Chair and Commission for more time—say, up to 10 minutes to present.

PowerPoint presentations and DVD presentations are welcome however, our IT people need those presentations a day ahead of the meeting so they can scan and clean it for “bugs”. You can email me the presentation or send it to me on a flash drive if it is too large for email and I will take it to our IT Department for scanning and will then place it in the Council Chambers electronic directory for the June 25th meeting.

Again, I wish you the best on your health care and recovery.

Susana Montana, Planner

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From: Connie Potter [<mailto:cjmpotter@comcast.net>]
Sent: Monday, June 03, 2013 2:32 PM
To: Susana Montana
Subject: Re: phone message RE Park Ridge hospital

Dear susana,

Thank you for writing. I plan to present a PowerPoint on the economic issues related to a third hospital of any kind in las cruces along with concerns about a physician owned/invested hospital. As I told David weir, my concern is that this hospital complex is a Trojan horse to obtain commercial high intensity zoning status for a public good (hospital) which

will not/cannot be build for legal and financial reasons leaving us with an anything goes commercial zone in our back yard. 1:18:17

I am traveling to Portland or in the near future for a procedure by my heart surgeon there as no one here has ever even seen a condition like mine. I just got out of CCU at MMC a week ago so I am beholden to our community safety net facilities.

Ps. How can I get on the agenda for the meeting on the 18th. Is there any public input allowed?

Sincerely,
Connie
524-2443

Sent from my iPhone
Connie J. Potter

On Jun 3, 2013, at 11:10 AM, Susana Montana <smontana@las-cruces.org> wrote:

Greetings, Connie. I received your phone message about the Galichia group and the Park Ridge Hospital. I hope you can attend the Planning and Zoning Commission meeting June 25th, 6 PM to share that information with the Commission. You can always send me a comment letter with the information and I will attach it to the rezoning application staff report that goes to the Commissioners on June 18th. Also note that the rezoning is not tied to the Galichia group; the Applicant is the current property owner: The Las Cruces Country Club. If the land is rezoned, any other hospital builder can submit a building application.

Thanks and have a good day.

Susana Montana, Planner

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<image002.png><image003.gif>

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Go Green - Please consider the environment before printing this email or any attachments

Susana Montana

From: Susana Montana
Sent: Monday, June 24, 2013 8:21 AM
To: pennington@zianet.com
Subject: Park Ridge Medical Center rezoning application, Z2860

Mr. Pennington, I will convey your comment to the Planning & Zoning Commissioners and, by way of explanation, the reason the R-1a zoning is deemed "unreasonable" by staff is that the property is one parcel and the R-1a zoning only allows one single-family home, and one accessory or guest dwelling, on a single parcel, which would be unreasonable for a 110-acre parcel. If the property were subdivided into 5,000 square foot lots, as the R-1a zoning allows, it could accommodate about 750 to 900 dwelling, depending upon how much of the land were devoted to roads.

Please feel free to send comments as late as noon tomorrow for staff to print and copy to give to the Commission at the hearing tomorrow evening, 6 PM City Hall Chambers. Of course, you are welcome to attend and testify in person at tomorrow's hearing.

Have a great day.

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Thursday, May 02, 2013 8:14 AM
To: 'John Stevens'
Subject: RE: Meeting

There is a rezoning application for the 30-acres for a medical center. Let me scan the application so I can send it to you via email or flash drive so you don't have to pay for the copying. Maybe I can have that for you by the end of the day tomorrow. My day today is full. That rezoning request will go before the Planning and Zoning Commission this month, July 28th for a recommendation to City Council some time in June or July, depending on their schedule. Please check in with me tomorrow by phone or email and I will let you know if the material is ready for you.

Thanks.

Susana Montana, Planner

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From: John Stevens [<mailto:johnmill9@toast.net>]
Sent: Wednesday, May 01, 2013 4:23 PM
To: Susana Montana
Cc: Bob Pofahl
Subject: Fwd: Meeting

Susana,

I noticed that Bob sent you a carbon copy, so to keep you informed I'm forwarding my response. Also, as I said in our last meeting, We don't want the Hospital on our end of the development. We want it to be put on the south end with the other commercial properties. We don't want all of the traffic from ambulances, E.R. patients, visitors, etc.

Will you please notify me when their 2nd plan has been filed?

Cordially,

John Stevens, Pres.

1820

Country Club Neighborhood Association

P.S. We've discussed the name Park Ridge, and are asking that the name be changed. There are many of us who have worked very hard for 6 years to have the property preserved as a Premier Park, and to have this development use the name PARK in their title is taken as a slap in the face to us.

----- Forwarded message -----

From: **John Stevens** <johnmill9@toast.net>
Date: Wed, May 1, 2013 at 3:43 PM
Subject: Re: Meeting
To: Bob Pofahl <bob@picachomountain.com>

Bob,

As I said, we were disappointed with the last meeting, as the basis was that you would have something to offer, which didn't happen. We heard about your 1st filing from the City, without a heads-up from you, and I'm not trying to be abrasive, but I'm guessing that we'll hear about the 2nd filing in the same way. We've tried to work with you, but our suggestions of more open space-green space and amenities have not been answered, and from my reading of the City's comments, it would seem that they have the same things in mind that we have been asking for.

In our 1st meeting I said that you "have to give something to get something". Unfortunately this hasn't happened. You're insisting on complete "wall-to-wall" infill, and in the process ruining the properties along Camino Del Rex and Desert Drive.

Hopefully we can keep in touch, but I'm not hopeful that we can work with you for workable solutions for the disposition of this property.

John Stevens, Pres.

Country Club Neighborhood Association

On Wed, May 1, 2013 at 1:49 PM, Bob Pofahl <bob@picachomountain.com> wrote:
John,

Our intention in meeting with you was more on the line of keeping you informed. We are not in a position to offer anything until we work street connections and the best options to connect to Madrid. In addition the Parks Department needs to be involved in any discussions of open space and parks. We are planning to meet with the Parks Department on May 16th. As you suggest, maybe it is best to wait until we have more information before we meet.

We are meeting with the MPO technical group tomorrow and hope to have more information to address the proposed master plan. We are also looking at just zoning the medical campus as a first step while we determine the best alternatives for the PUD Plan. We will keep you informed.

Thanks,
Bob Pofahl
[575-680-8812](tel:575-680-8812) mobile
[575-523-2500](tel:575-523-2500) office
[575-993-5342](tel:575-993-5342) fax

1821

Picacho Mountain

1340 Picacho Hills Drive

Las Cruces, NM 88007

<http://www.cbiholdings.com>

<http://www.picachomountain.com>

blog.picachomountain.com

Susana Montana

From: Susana Montana
Sent: Tuesday, April 30, 2013 2:51 PM
To: David Weir; Robert Kyle; Katherine H. Rogers
Subject: Park Ridge Medical Center subdivision
Attachments: Z2860 Park Ridge Medical Center-Land Use Plan.pdf

Greetings.

ZIA Engineering is putting together a revised work scope for the subdivision work for just the medical center rezoning area. The Applicants propose to subdivide the 30-acre rezoning area into five parcels—so there would be six lots in total (5 for the medical center and 1 for the remainder of the 110-acre Country Club site).

Would this qualify for the Infill Development Subdivision in which all we need is a Concept Plan and a final plat or would we need to go the regular subdivision route and they would submit the Master Plan and then the preliminary plat and then final plat?

The Country Club land has never been subdivided. Thank you for your advice. Is this something you would like to discuss in person at ZRT this week?

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Monday, June 10, 2013 5:13 PM
To: johnmill9@toast.net
Subject: FW: attachments

Greetings John. Have you had a person-to-person meeting with Bob Pofahl regarding the setbacks? This is what they are proposing as part of the rezoning:

" PROPOSED BUFFER/SETBACKS FROM EXISTING RESIDENTIAL AREAS A 40' landscaped buffer will be provided between the proposed commercial development (C-3c) and the existing townhomes on Camino del Rex (R1-a). Building setbacks will be a minimum of 65' along the property line abutting the townhomes. Buildings located directly behind the existing townhomes will be no higher than 2 stories."

Have they discussed this with you all yet?

Susana Montana, Planner
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-----Original Message-----

From: John Stevens [<mailto:johnmill9@toast.net>]
Sent: Monday, June 10, 2013 5:08 PM
To: Bob Pofahl
Cc: Susana Montana; David Weir
Subject: Re: attachments

Bob,

I received your answer to the e-mail which concerned the sewer hook-ups. Thank you. Now I'd appreciate an answer to this e-mail.

John Stevens

On Sun, Jun 9, 2013 at 11:19 AM, John Stevens <johnmill9@toast.net> wrote:
> On Thu, Jun 6, 2013 at 5:34 PM, John Stevens <johnmill9@toast.net> wrote:
>> On Wed, Jun 5, 2013 at 4:54 PM, John Stevens <johnmill9@toast.net> wrote:
>>> On Thu, May 30, 2013 at 4:37 PM, John Stevens <johnmill9@toast.net> wrote:
>>>> ----- Forwarded message -----
>>>> From: John Stevens <johnmill9@toast.net>
>>>> Date: Tue, May 28, 2013 at 2:13 PM
>>>> Subject: Fwd: attachments
>>>> To: Bob Pofahl <bob@picachomountain.com>

>>>> Cc: Susana Montana <smontana@las-cruces.org>, David Weir

>>>> <dweir@las-cruces.org>

>>>>

>>>>

>>>> Bob,

>>>>

>>>> I would appreciate a reply to this e-mail.

>>>>

>>>> John Stevens

>>>>

>>>>

>>>>

>>>>

>>>> ----- Forwarded message -----

>>>> From: John Stevens <johnmill9@toast.net>

>>>> Date: Mon, May 20, 2013 at 5:22 PM

>>>> Subject: Fwd: attachments

>>>> To: Bob Pofahl <bob@picachomountain.com>

>>>> Cc: Susana Montana <smontana@las-cruces.org>, David Weir

>>>> <dweir@las-cruces.org>

>>>>

>>>>

>>>>

>>>>

>>>> Bob,

>>>>

>>>> This e-mail with attachments is meant to try and clarify what I

>>>> mean about using some of your

>>>> 7.31 acres as a small Park in front of the Townhouses. Please

>>>> excuse the badly drawn layout, but our computer graphics expert is

>>>> very busy, but you can expect a professionally drawn layout in the

>>>> near future, that should be usable with Planning & Zoning.

>>>>

>>>> A plan like this would help keep the value of the Townhouses at

>>>> their current value, provide some much-needed green space, and make

>>>> the property more valuable for the upscale houses which could be

>>>> built adjoining the Park. Also we'd be going from R-1 to open

>>>> space, residential.

>>>>

>>>> In the City comments it mentions 2 to 6 acre Parks, and encouraging

>>>> a development that "considers usage, fit within the neighborhood, and

>>>> environmentally friendly design". It also mentions to "preserve and

>>>> respect scenic views, sites, and corridors in a manner that

>>>> reasonably compensates, provides incentives, maintains similar

>>>> existing property rights, or in another similar manner that

>>>> balances the public and property owner interests".

>>>>

>>>> I'm hoping you and your partners will give this plan serious

>>>> consideration, and I'm anxiously awaiting your response.

>>>>

>>>> John Stevens, Pres.

>>>>

Susana Montana

From: Susana Montana
Sent: Wednesday, June 12, 2013 8:09 AM
To: tomlasc@aol.com; johnmill9@toast.net
Subject: sewer connection issues
Attachments: sewer hook ups.docx; Re: meeting

Greetings Tom. Thank you for your phone call about the sewer connection offered by the rezoning Applicant (see attached).

I am copying John Stevens so he can forward this message and attachment to other Camino del Rex homeowners via his email list.

If you have a working septic system you do not have to connect to the sewer line that the Park Ridge developer is proposing to install in the 40 foot septic drainage easement behind the townhomes. Of course, if the sewer line is installed the homeowners should make sure that the sewer main line does not damage any septic drainage pipes for the homeowners that wish to keep their working septic systems. That is for the homeowners and the developer to negotiate.

For homeowners who wish to connect to the sewer system, the attached document describes the hook-up fee and what must be done to de-activate and abandon the septic system. Please pass this information on to your neighbors. Thanks and have a great day.

Susana Montana, Planner

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Susana Montana

From: Susana Montana
Sent: Friday, May 03, 2013 4:38 PM
To: John Stevens
Cc: Katherine H. Rogers
Subject: Park Ridge Medical Center rezoning
Attachments: Application.pdf; conditional rezoning zoning code.docx

John and Millie, Greetings. I hope Millie is feeling better and has a speedy recovery.

Attached please find a copy of the rezoning application for the 30-acre portion of the Country Club Site that would be a medical center. The Application is for a Conditional C-3 zoning district. The "conditions" of the C-3 zone would be the limitation of land uses allowed plus the addition of two land uses that are not normally allowed as-of-right in the C-3 zoning district. Assisted living facilities are not allowed in the C-3 districts and heliports are special uses. Those two uses would be allowed as-of-right in this Conditional C-3 district (see attached Zoning Code excerpt explaining the conditional rezoning process).

The medical center would have a 42-bed hospital with a rooftop heliport. The hospital would be located at about the middle of the rezoning area. The assisted living facility would be located north of the hospital. The development standards for the C-3 district would remain, with the exception of the increased building setback noted on page 7 of the Application. This would provide a 40 foot building setback from the property line adjacent to the townhomes fronting on Camino de Rex rather than the standard C-3 fifteen foot setback, although a 25 foot bufferyard would be required there. The Application also limits the height of buildings closest to the townhomes to 40 feet rather than the standard C-3 limit of 60 feet.

You may want to meet with the Applicants to get a better idea of what the building footprints, building forms, parking areas and such are likely to be. That kind of detail is not needed in the rezoning application

Note that it is expected that when the access/egress road alignment for the larger land area is agreed upon by the City and Applicant, the Applicant would amend the PUD Concept Plan and would proceed with that Application. If the larger PUD is approved by City Council, it would encompass the medical center area and therefore would supersede the conditional C-3 zoning for the medical center. I hope that is not too confusing.

Well, I guess I better just send you this Application. If you have questions after reading the Application, please give me a call or email.

Susana Montana, Planner

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From: John Stevens [mailto:johnmill9@toast.net]
Sent: Friday, May 03, 2013 12:30 PM
To: Susana Montana
Subject: Re: Meeting

Thanks, JS

On Fri, May 3, 2013 at 12:07 PM, Susana Montana <smontana@las-cruces.org> wrote:

Will do later this afternoon. I have meetings until about 4. Thanks.

Susana Montana, Planner

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From: John Stevens [mailto:johnmill9@toast.net]
Sent: Friday, May 03, 2013 12:01 PM
To: Susana Montana
Subject: Re: Meeting

1829

Susana,

Let's try the e-mail 1st. Hectic day for me today, but let's see how the e-mail turns out. Thanks. JS

On Fri, May 3, 2013 at 8:07 AM, Susana Montana <smontana@las-cruces.org> wrote:

Good morning John and Millie. I hope all is well. I have scanned the rezoning application for the medical center 30 acres and have the documents on a flash drive for you. I can also attach the PDFs to an email to you if that is more convenient. Lastly, I can print out the documents but I will have to charge 50 cents per page. I can meet with you later this afternoon if that works for you....say, 2 PM or after? See you soon. (-:

Susana Montana, Planner

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From: John Stevens [mailto:johnmill9@toast.net]
Sent: Thursday, May 02, 2013 5:10 PM

To: John Stevens
Cc: Patsy Greene; Sylvia Boudreau; Palmer Clark; Carl Baca; Connie and Murray Potter
Subject: Fwd: Meeting

All,

Went to a 3:30 meeting with our pro-bono attorney, but he had to cancel, as a client (paying) came in for some emergency. He'll re-schedule for next week. Has something to tell us.

E-mail from Susana is interesting. Looks as though they're trying to get "our end" re-zoned 1st. Very disconcerting, as, although the South end will supposedly contain more in-fill than the North end, it's that this end will probably have more of an effect on those of us who live next to the golf course. Our property values are going to go down because of the loss of green space-open space. I feel we are not being given enough time to prepare. Remember, we were told to hold off on our comments until they file their 2nd plan? Maybe we'll learn more tomorrow from Susana.

Membership will be notified when I have more news. Looks like another meeting might be in order.

JS

----- Forwarded message -----

From: John Stevens <johnmill9@toast.net>
Date: Thu, May 2, 2013 at 11:24 AM
Subject: Re: Meeting
To: Susana Montana <smontana@las-cruces.org>

Thank you. John Stevens

On Thu, May 2, 2013 at 8:14 AM, Susana Montana <smontana@las-cruces.org> wrote:

There is a rezoning application for the 30-acres for a medical center. Let me scan the application so I can send it to you via email or flash drive so you don't have to pay for the copying. Maybe I can have that for you by the end of the day tomorrow. My day today is full. That rezoning request will go before the Planning and Zoning Commission this month, July 28th for a recommendation to City Council some time in June or July, depending on their schedule. Please check in with me tomorrow by phone or email and I will let you know if the material is ready for you.

Thanks.

Susana Montana, Planner

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From: John Stevens [<mailto:johnmill9@toast.net>]

Sent: Wednesday, May 01, 2013 4:23 PM

To: Susana Montana

Cc: Bob Pofahl

Subject: Fwd: Meeting

Susana,

1832

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John Stevens, Pres.

Country Club Neighborhood Association

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----- Forwarded message -----

From: **John Stevens** <johnmill9@toast.net>

Date: Wed, May 1, 2013 at 3:43 PM

Subject: Re: Meeting

To: Bob Pofahl <bob@picachomountain.com>

Bob,

As I said, we were disappointed with the last meeting, as the basis was that you would have something to offer, which didn't happen. We heard about your 1st filing from the City, without a heads-up from you, and I'm not trying to be abrasive, but I'm guessing that we'll hear about the 2nd filing in the same way. We've tried to work with you, but our suggestions of more open space-green space and amenities have not been answered, and from my reading of the City's comments, it would seem that they have the same things in mind that we have been asking for.

In our 1st meeting I said that you "have to give something to get something". Unfortunately this hasn't happened. You're insisting on complete "wall-to-wall" infill, and in the process ruining the properties along Camino Del Rex and Desert Drive.

Hopefully we can keep in touch, but I'm not hopeful that we can work with you for workable solutions for the disposition of this property.

John Stevens, Pres.

Country Club Neighborhood Association

On Wed, May 1, 2013 at 1:49 PM, Bob Pofahl <bob@picachomountain.com> wrote:

John,

Our intention in meeting with you was more on the line of keeping you informed. We are not in a position to offer anything until we work street connections and the best options to connect to Madrid. In addition the Parks Department needs to be involved in any discussions of open space and parks. We are planning to meet with the Parks Department on May 16th. As you suggest, maybe it is best to wait until we have more information before we meet.

We are meeting with the MPO technical group tomorrow and hope to have more information to address the proposed master plan. We are also looking at just zoning the medical campus as a first step while we determine the best alternatives for the PUD Plan. We will keep you informed.

Thanks,

Bob Pofahl

575-680-8812 mobile

575-523-2500 office

575-993-5342 fax

Picacho Mountain

1340 Picacho Hills Drive

Las Cruces, NM 88007

1834

<http://www.cbiholdings.com>

<http://www.picachomountain.com>

blog.picachomountain.com

Susana Montana

From: Susana Montana
Sent: Wednesday, June 19, 2013 3:41 PM
To: johnmill9@toast.net; cjmpotter@comcast.net; tamie.s@gmail.com
Subject: Park Ridge Medical Center rezoning staff report to the Planning and Zoning Commission; Case No. Z2860
Attachments: Z2860 Park Ridge Rezoning 2 sided color staff report.pdf

Greetings. The attached staff report on the Park Ridge Medical Center rezoning application was delivered to Planning and Zoning Commissioners this afternoon. Please forward the staff report to your CCNA Members and other interested parties. Thanks.

I apologize for the "blank" pages in between the text which is a result of using different machines to print color, make double-sided pages, and then to scan in color for this PDF.

Susana Montana, Planner

City of Las Cruces Community Development Department
Building & Development Services Division
Physical Location: City Hall at 700 North Main Street, Suite 1100
Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002
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**PLANNING AND ZONING COMMISSION
NOTIFICATION OF DECISION
June 25, 2013**

Case Z2860: Application by the Las Cruces Country Club Inc. to rezone 30 acres of the 110-acre former Country Club property located at 2700 N. Main Street from R-1a (Medium-density, Single-family Residential) to a 23.44-acre conditional C-3C (Limited High Intensity Commercial, conditional) District to allow development of a medical center consisting of a hospital, medical offices and a rehabilitation facility with a heliport as a Special Use. The 7.31-acre R-4C (Limited High-density Multi-family Residential, conditional) District would allow a residential skilled nursing/assisted living facility and medical rehabilitation facilities.

FINDINGS

1. Based upon the review of all applicable regulations and plans, the rezoning to C-3C and R-4C, with the limitations noted on pages 7 and 8 of Attachment 5 to the Planning and Zoning Commission staff report, and as conditioned below, would meet the Purpose and Intent of the 2001 Zoning Code as specified in Section 38-2, would positively address the Planning and Zoning Commission's Decision Criteria, pursuant to Section 2-382 of the Las Cruces Municipal Code, and would positively address rezoning criteria of relevant New Mexico case law;
2. Based upon the review of all applicable regulations and plans, the rezoning to C-3C and R-4C, with the limitations noted on pages 7 and 8 of Attachment 5 to the staff report, and as conditioned below, would be consistent with the applicable goals and objectives of the 1999 Comprehensive Plan and the applicable goals, principles and strategies of Transport 2040; and
3. City agencies and the New Mexico Department of Transportation District 1 staff have reviewed the rezoning request against all applicable regulations and plans and have recommend conditional approval.
4. Therefore, the Planning and Zoning Commission, having reviewed the City staff report, considered a staff presentation and written and verbal presentations by members of the public, finds that the granting of said rezoning for the subject property would be consistent with residential and commercial development and zoning in the.

DECISION

On June 25, 2013, the Planning and Zoning Commission voted to recommend **conditional- approval** of the requested rezoning (Case Z2860) to the City Council by a vote of 3 to 2 (one Commissioner recused themselves and District 3 Commission position is vacant). The recommended conditions of approval are as follows:

1. The C-3C and R-4C zoning designations allowable uses shall be limited to the following:

C-3C zone: Hospital; Heliport as a Special Use; Health/Exercise Club/Gymnasium/Sports Instruction; Business Offices; Consulting; Institutional Offices; Laboratory; Medical/Dental Office; Café, cafeteria, coffee shop, restaurant, etc.; Health care clinic (non-hospital); and

R-4C zone: Assisted Living/Skilled Nursing Facility; Physical Rehabilitation Recreational Court; Health/Exercise Club/Gymnasium/Sports Rehabilitation Facilities accessory to the medical campus.

2. A Traffic Impact Analysis, in accordance with the requirements of applicable permitting agency (i.e. City of Las Cruces Traffic Engineer, NMDOT, etc.), shall be submitted with the first building permit or subdivision application for land within the rezoning area and shall be approved by the City's Traffic Engineer.

3. Prior to issuance of a certificate of occupancy for the first building within the rezoning area, the developer shall provide an emergency vehicle access per the 2009 International Fire Code, as amended, and approved by the City's Fire Marshal and Traffic Engineer.

CITY COUNCIL ACTION

Pursuant to Section 38-10.B.2.(b), the Planning and Zoning Commission recommends approval, denial or modification to the City Council on all zoning amendments. This zoning request will be scheduled before the City Council for their consideration and action and a tentative date for this action is August 19, 2013.

- 

Susana Montana, Planner
Community Development Department
Building and Development Services

Billie Haynie
880 Camino Del Rex
Las Cruces, New Mexico 88001

July 10, 2013

Mayor Ken Miyagishima

Dear Mayor Miyagishima,

My husband and I own a townhome at 880 Camino Del Rex that sits on the Las Cruces Country Club. I am a member of the Country Club Neighborhood Association (CCNA) and I strongly support the Park Ridge LLC development including the current medical campus rezoning and 110 acre PUD.

I strongly disagree with John Stevens, our current CCNA president and feel he is out of touch with the members of the CCNA. At the recent Planning and Zoning meeting, John Stevens stated that there are between 50 and 80 CCNA members. Some of his members are husband and wife, yet in his slide show presentation to the P&Z Councilors he showed that he represents 700 homes. That is misleading. I feel he is out of touch with many members of the CCNA and definitely out of touch with the neighborhood as a whole.

Mr. Stevens has not polled the members with a neutral survey to get input on CCNA matters. He did not send out a survey to our members prior to the June 25th P&Z meeting asking us how we wanted him to represent us. It wasn't until after the P&Z meeting that an email went out to the members. The following is a quote from John Steven's email to members dated June 26th, one day after the P&Z meeting, "*Let's take an informal vote by e-mail. Send me an e-mail saying 'I favor the current developer's plans', or 'I don't favor the developer's plans', or something similar. This would be kind of like when the board of the LCCC held a 'non-binding' vote of when they had 3 or 4 plans to remodel their 'lakes' for \$70,000, which was the start of their downfall.*" He subsequently reported the results in an email to the members dated June 29th, stating, "*Our informal poll came out 19 to 4 against the development. A little surprised 2 people joined the realtors, and also a little surprised by the 'light-turnout', but all in all I think it shows we're solidly opposed to the development.*" John Stevens does not know what we want and does not speak for my husband, myself and a great many of my neighbors.

City staff Susana Montana has petitions in support of the Park Ridge project. My neighbors and I collected 260 signatures in support of the development, including the signatures of 14 out of the 18 townhome owners. As you can see there is substantially more support for the project than against.

John Stevens presented his own plans and desires to the developer and to City staff before showing them to the members. He does not get our input before he meets with anyone and yet he claims that he is representing all the membership. He uses that as his platform to promote his own personal agenda and the agenda of a small group who follow him.

Our bylaws for the CCNA state that the Mission Statement of the organization is to support the development of a Premier Park (see attached by-laws). Those by-laws are not being followed. Our by-laws do not direct him to oppose, impede or disrupt the development of the Las Cruces Country Club property.

In conclusion I would strongly oppose your offer to allow John Stevens, or any individual saying they represent the CCNA, a 30-minute time frame to present to the City Council unless they can present in advance a valid list of all CCNA members with their signatures acknowledging and allowing what will be presented on their behalf. Otherwise, John Stevens or anyone else saying they represent CCNA should only be allowed the same format and time limit as any other private citizen who wants to voice their opinion(s) to the Council.

I appreciate your service to your community.

Respectfully,

A handwritten signature in cursive script that reads "Billie Haynie".

Billie Haynie

Susana Montana

From: Sue Cain <suecain1940@gmail.com>
Sent: Monday, July 08, 2013 3:06 PM
To: Susana Montana
Subject: Fwd: Do you have questions for Councilors re Country Club proposal?(Flag)

Susanna,

Please pass the following concerns about the proposed zone changes for the former CC on to our Las Cruces City Councillors and Mayor.

You may have already seen Martha Loustaunau's and Palmer Clark's letters. They do express some of our concerns in regard to the propose zoning for the old Las Cruces CC.

In addition we would like to share our opinion about the proposed project.

1. We fully support the idea of building homes or multiple dwellings for the CC area and like the idea of including some good green space with walks and paths, cycling. **The development should not encroach on our existing city park in this area.**

2. It certainly makes sense to offer some facilities that offer opportunities for physical fitness and training.

3. The proposal for some food services and restaurants seemed a little sketchy and would hopefully fit into a neighborhood with homes.

3. It is important that the current CC neighborhood be protected from a large increase of through traffic that might increase the danger for children and older walkers.

4. We do have the following concerns. There were definitely some good ideas offered by the developers, however there was a disclaimer in very tiny print

on their brochure that stated these were only proposed ideas for possible establishments. They left the door open for additional changed and other uses

made for the area. Does this open the door to any type of business? A bar, a liquor store, etc.?

5. We recognize that whoever provides development in this area should be able to make a reasonable profit for their work.

6. Our biggest objection is to the proposal for a "for profit hospital" with a helicopter service. This seems to be of vital interest to the builders.

We strongly oppose the addition of a hospital in the CC area. This health care facility is not needed, will only serve the affluent and definitely

hurt our two public hospitals financially. ¹⁸⁴² It is not a good choice to put a helicopter service right in the middle of a neighborhood with trees and other landscaping.

7. We do hope that the Las Cruces CC includes hearing from leaders of our two large public hospitals and invite them to share their response and concerns to the proposal"for profit hospital & emergency helicopter services.

(Additional reasons are also expressed in Martha's letter below.)

Thanks you for your help in sharing our concerns with the LC City Councillors when this matter is dealt with by them. We have a good City Council and we do trust them to represent both the interests of the whole community, our existing public hospitals and balance it with the business interests that wants to build in the CC area.

We appreciate your services to our community.

Rev. Dr. Terry Cain and Sue Cain
1013 Rio Vista Drive
Las Cruces, NM 88007

Martha & Palmers messages.

On Mon, Jul 1, 2013 at 12:10 PM, Martha Loustaunau <m_loustaunau@hotmail.com> wrote:

Although I am extremely concerned about "unplanned" development as well described by Mr. Goodman, having been through and experienced the fiasco with the last large development attempt, my targeted concern here is health care. I was Chair of the New Mexico Health Systems Agency and the NM Health Planning Committee in the late 70s and 80s, when a physician owned/invested hospital was proposed for Las Cruces. With the Certificate of Need law, a public hearing was required which I moderated. Testimony was heard from all parties, in front of our local NMHSA board of which I was then chair. Denial meant there was no proven need, and that such a facility would negatively impact the present hospital and plans to make it a regional center. Our staff did a thorough job of researching the issue. The very issues we see with the present application were present then... the outcome of health care-related decisions may impact profit and loss, but they also impact life and death, suffering and care. Planning was essential to safeguard the access to affordable care for all citizens, not just the wealthy privately insured. The application was denied by the NM Governing Body, which meant no capital reimbursement. Memorial Medical did grow, and at a later point, a new and needed hospital was added, which we anticipated. We do have airlift capacity now, and with expanding public facilities, less is expected to be needed, not more and certainly not in a residential

area. Also, with the bed capacity (a major consideration in the previous denial) commensurate with need, further expansion of bed capacity and shifting paying patients to a doctor invested hospital would endanger the abilities of the public facilities to survive. It also was judged to constitute a conflict of interest. Something OTHER than a "botique" hospital and facility (which is not needed and will deliver care to the privately insured in a poverty area) (they cannot take Medicare patients, nor do I think they intended to?? [see the Stark law analysis]) might serve as a "keystone" to the development... my question is WHY a medical facility and service that are not only not needed, but which can have such a negative impact on our citizens as a whole? I cannot imagine that a heliport would be approved in any case! I refer to the comments from the helicopter pilot on the P & Z commission as well as obtaining an environmental impact statement. If this means they would not be interested, then why rezone in any case? I also refer you to the NMDept of Health projections and needs, 2013-2014.

Martha Loustaunau

Subject: Re: Do you have questions for Councilors re Country Club proposal?

Date: Sun, 30 Jun 2013 16:30:56 -0600

Mr. Goodman;

Just a short note on the whole question of development in Las Cruces. What is happening with the LCCC zoning request is just a symptom of a much larger problem.

As you are very much aware, I'm sure, Las Cruces has grown from a city of 38,000 to 100,000 in just a few years. And the attitude of the city, as expressed by the city manager, is that the city's responsibility is to facilitate development, that attitude is expressed in a very stark way as one drives around the city. Lots of strip malls, businesses next to residential homes, neighborhoods without parks. Not a city, at least west of rte. 25, that is attractive.

A city that according to the American Lung associations web site that is #13 in the U.S. in fine particle pollution, and receives an F grade for overall particle pollution.

What is needed is a realistic assessment of where the city is, and where it should go. Being a desert city, with a fragile ecology, most likely it is already larger than it should be.

With the extreme drought it has become an unhealthy city to live in. The LCCC development will just add to the problems of the city. The city has a classic growth pattern with the city core beginning to soften, even with the attempt to re-new downtown, a laudable attempt, and the outlying areas consisting of new residential and limited commercial construction. The city already has too few parks.

It has allowed developers to create profit making sub-divisions without being held responsible for the types of amenities that make a city a pleasant place to live. The LCCC development is attempting to take part of Apadoca Park for its own use, which will reduce the cities open space even more. Of course the P & Z ordinance that controls development in Las Cruces was written by the Construction industry here.

All in all, it will be very difficult to stop the city from approving the LCCC development in spite of the may irregularities that have occurred in the zoning process.

From a financial point of view it is quite likely the city needs the revenue that it thinks the development may bring into the city coffers. But I am afraid in the long run the city will find itself as a very unattractive destination - espically for the retired which seems to be their major target group.

Thank you for listening. I do hope that you will be in touch with John, Connie, and Eva.

All whom have a detailed knowledge of all the various abuses by both the developer, and the city, which they have uncovered in their effort "save their city" and its last large piece of

undeveloped. land.
Palmer Clark

1845



Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Wednesday, July 03, 2013 11:26 AM
To: Susana Montana
Subject: Re: neighborhood organization

Susana,

Yes it does, and it's 50 members (about 80 people). We realize that no organization will ever have 100% agreement on ANY matter, but at our June 10th meeting, which was well-attended, Councilor Silva being one of the attendees, we passed a motion with 100% voting yes, that we were in favor of "sensible-smart" development in our area. We voted to start a Legal Fund, with only 2 no votes, and took statements from everybody on what they wanted to see, or didn't want to see happen in our area. There were no statements favoring the proposed development, but a lot of statements about traffic, noise, congestion, the hospital with Heliport, etc. These statements were included in our presentation to the Planning and Zoning commission. Recently we did an informal poll asking simply "are you in favor of, or against the proposed development of the 30+ acres of the LCCC property. There were 4 votes in favor, and 19 votes against. We are preparing a more detailed survey.

We thank you for your help in this matter, and ask that this e-mail be included in the information forwarded to the City Council.

John Stevens, Pres.

CCNA

On Wed, Jul 3, 2013 at 10:53 AM, Susana Montana <smontana@las-cruces.org> wrote:

John, I spoke with our Director, David Weir, about the CCNA representation. As a neighborhood association registered with the City as representing the Country Club neighborhood, we recognize its spokespersons or Board Members as speaking for the Membership, not necessarily as speaking for all residents or homeowners within the geographic area called Country Club neighborhood. So, if the CCNA has 50 Members, the CCNA spokesperson(s) represent those members when presenting written material or testifying at a public meeting.

Does this answer your inquiry of July 2nd? Thanks and have a great day.

Susana Montana, Planner

City of Las Cruces Community Development Department

Building & Development Services Division

Physical Location: City Hall at 700 North Main Street, Suite 1100

Susana Montana

From: Susana Montana
Sent: Friday, July 05, 2013 8:02 AM
To: John Stevens
Cc: Katherine H. Rogers
Subject: RE: Ms. Montana, what does "Conditional Use" Really Mean?

Yes, you can stop worrying about bars and strip clubs in the Park Ridge Medical Center rezoning area.

Susana Montana, Planner

City of Las Cruces Community Development Department
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From: John Stevens [mailto:johnmill9@toast.net]
Sent: Wednesday, July 03, 2013 7:02 PM
To: Susana Montana
Subject: Re: Ms. Montana, what does "Conditional Use" Really Mean?

Susana,

So if I'm understanding this correctly, we can stop worrying about bars and strip-clubs?

John Stevens

On Wed, Jul 3, 2013 at 3:47 PM, Susana Montana <smontana@las-cruces.org> wrote:

Greetings John.

The "conditional" part of the C-3C and the R-4C means that only the uses noted on pages 7 and 8 of the Application, which are listed in Condition of Approval Number 1 of the attached Planning and Zoning Notice of Decision, are allowed within the respective zones. If the hospital is not built within the C-3C zone, structures housing the other allowable uses may be built, such as medical offices, a medical rehab facility, a non-hospital health care clinic or a

coffee shop; no other generic C-3 use would be permitted within the C-3C zone. Similarly, in the R-4C zone, only those uses listed in Condition Number 1 would be allowed; no other generic R-4 use would be allowed.

Article II, Section 38-10.H.9 [Revocation of Conditional Zoning Designation] states “A conditional zoning designation shall be revoked and revert to the previous zoning district designation if the designated property is not used or developed in accordance with the conditions and all other applicable regulations within two (2) years from the date of City Council approval. Upon a formal request from the property owner, the Community Development Director or designee may grant a one (1) time, one (1) year extension as deemed appropriate.” This means if the rezoning area is not developed with a building housing a use listed in Condition 1 of the rezoning within two years of the date that the City Council approved the rezoning (or 3 years if an extension is granted), then the property would revert back to the R-1a designation.

Building the hospital is not a mandatory condition of the rezoning. A hospital is one of the allowable uses but is not required to be built. If the hospital is not built, the other uses permitted in the C-3C would still be allowed. The construction of a building housing one of the allowable uses in either the R-4C or the C-3C zones within the 2 year (or 3 year if an extension is granted) would satisfy the Section 38-10.H.9 provision and would “vest” or make the zoning permanent where that building lies.

I hope this clarifies things and answers your inquiry. Have a fun and safe July 4th holiday.

Susana Montana, Planner

City of Las Cruces Community Development Department

Building & Development Services Division

Physical Location: City Hall at 700 North Main Street, Suite 1100

Mailing Address: P.O. Box 20000, Las Cruces, NM 88004-9002

Susana Montana

From: Tomlasc@aol.com
Sent: Wednesday, July 03, 2013 3:08 PM
To: johnmill9@toast.net
Cc: Susana Montana
Subject: Notice of Resignation

President, Country Club Neighborhood Association (CCNA)
Mr. John Stevens:

As you know, I do not support the position of the CCNA with respect to the currently proposed development of the Las Cruces Country Club property.

I have reviewed the e-mail you received/sent to Susana Montana of the Las Cruces Community Development Department (7/3/13). I did not receive a copy of your original inquiry to her (7/2/13).

I have decided that I must therefore resign from the CCNA. My resignation is to be effective this date. By taking this action, I reserve my right to represent my own positions with the City in the future with respect to the Country Club property.

Request each of the addressees of this Notice acknowledge receipt by return e-mail.

Thank you,

Tom Alexander
940 Camino Del Rex

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:19 PM
To: Susana Montana
Subject: FW: a BRILLIANT analysis & suggestion re Las Cruces Golf Course Proposal

Gill Sorg
 Las Cruces City Councillor
 575 635 1767

From: PALMER S CLARK [mailto:clark_2012@comcast.net]
Sent: Friday, June 21, 2013 2:17 PM
To: Michael Hays; John Stevens; Connie Potter; Charlotte Lipson; Mayor Ken Miyagishima; Nathan P. Small; Sharon Thomas; Gill Sorg; Greg Smith; Miguel Silva; Olga Pedroza; Robert Garza
Cc: Michael Hays
Subject: Re: a BRILLIANT analysis & suggestion re Las Cruces Golf Course Proposal

Makes so much sense I doubt if the Mayor and city council would do it. If they need any guidance I'm sure the well qualified Planning Departments of Boston or Baltimore - both who use the suggested approach - would tutor them.

----- Original Message -----

From: Charlotte Lipson
To: Mayor Ken Miyagishima ; Nathan P. Small ; Sharon Thomas ; Gill Sorg ; Greg Smith ; Miguel Silva ; Olga Pedroza ; Robert Garza
Cc: Michael Hays
Sent: Friday, June 21, 2013 11:57 AM
Subject: a BRILLIANT analysis & suggestion re Las Cruces Golf Course Proposal

This makes a lot more sense than just "trusting" the developer. Michael Hays' analysis suggests that the developer would buy the Country Club site at a probably already-agreed-upon bargain price and once the zoning change is in place he can flip it and make a gigantic profit, perhaps double or triple his cost. And whoever buys it will be able to build ANYTHING there once it's zoned commercial. Soooooo...why doesn't the City Of Las Cruces buy it for the short term at the bargain price, get the zoning change and then sell it at a huge profit WITH CONDITIONS as to what can be built there?!

Please read Michael's blog and let us know what you think. [emphases in red **and in bold print** are mine]

I urge everyone to attend the Planning & Zoning Commission meeting this Thursday, June 25, 6 PM in the City Hall chamber.

Thank you.

Charlotte

Begin forwarded message:

From: Hays Michael <whiteknyght@opendoor.com>

Subject: A Warning about the Las Cruces¹⁸⁵¹ Golf Course Proposal, and a Suggestion

Date: June 21, 2013 11:26:03 AM MDT

To: Hays Michael <whiteknyght@opendoor.com>

Friends,

I have written this blog in a hurry, in anticipation of the Planning and Zoning Commission meeting on the 25th. As someone famous once famously said--I paraphrase--I regret that I did not have the time to make this shorter. And, for myself, I am sorry if it is longer because it is repetitive.

I offer a critique of the proposal itself and a theory of its underlying purposes. I also offer an alternative: city purchase and disposition of the property in a way which can not only serve private-sector interests, but also ensure public-sector interests.

Michael

Bait and Switch – Las Cruces Golf Course Re-Zoning Proposal

As I write this extra blog, I expect the Planning and Zoning Commission to bite, and City Council to swallow, the bait which allows the Galichia developer and Pofahl contractor team to switch plans in developing the site of the defunct Las Cruces Golf Course site. The team has signaled that it intends to offer one plan to secure a zoning change and then to operate according to another plan.

I believe that the site should be a multi-purpose site with mixed-use buildings. But I also believe that Las Cruces should ensure that its private-sector development accords with public-sector interests.

Neither the developer nor the contractor has done much to show the compatibility of the two sets of interests. Galichia has been unresponsive to inquiries from the press and the public. Pofahl has conducted several public meetings. But he has stated that he as developer does not speak for Galichia as developer. Since the developer decides what the contractor does, nothing which Pofahl says necessarily represents anything which Galichia intends. So the public cannot trust that what Pofahl talks Galichia will walk. If the developer and contractor were honest about their purposes, they would not operate in this fashion.

For instance, on Tuesday, 18 June, Pofahl conducted a final, information-only meeting to address many major issues of public concern. However, Pofahl failed to do more than describe minor changes to the site design, which he showed in a brochure available to all. Yet he and his brochure omitted mention or designation of the helipad. And he ruled out questions from attendees because, as is usual in such meetings, he feared that their questions might inform other attendees of issues which they had not considered and compound his problems with the public.

The brochure which Pofahl distributed to attendees was an attractive, four-color pitch for the 110-acre site to be developed for living, working, playing, and shopping. Pofahl described the 30-acre sub-site for a medical complex at one point as an adjunct service for residents, at another point as a regional resource. He has also described it as both a specialized facility for cardiac care and as a full-service facility. What this either-or, both-and double-talk reveals about the developer's or the contractor's real intentions is anybody's guess. Fortunately, a small-print legal advisory note makes clear that the Galichia/Pofahl team plan is puffery:

“All improvements, plans, amenities and land uses herein are proposed and subject to change without notice per the developers [sic] discretion. There can be no assurance that the current proposed improvements or amenities will be completed.”

In short, the attractiveness of the contractor's site design is part of the developer's plan to win a change in the zoning without making any commitment to implement the design. Given the open-endedness of "the developers discretion," the Galichia/Pofahl team can change from this plan to another plan about which no one—not the Planning and Zoning Commission, not City Council, not the citizens—has any knowledge. In effect, the team wants a worthless promise to pay for real benefits: a zoning change which enhances the value of the property.

The Galichia/Pofahl team's approach is a strange one and should create suspicion about its purposes. The team has indicated that the offer to buy the entire 110-acre site is contingent on its rezoning to a high-density residential and commercial site. And it has developed an attractive site design for the entire site. Yet it is making its purchase contingent on the prior approval of rezoning for a 30-acre parcel for a medical complex consisting of a hospital and a seniors' assisted-living facility. The inevitable question is why the team wants prior approval to build a medical facility on a part of the site as a condition of its purchase of the whole site.

My answer is a simple one. Galichia is known for developing or operating medical facilities but not for developing or operating high-density residential and commercial sites. It can easily build a medical and assisted living complex, and it can readily accept the city's requirements for, or restrictions on, the design and development of this parcel. But rezoning of the entire parcel leaves the design and development of the remaining 80-acre parcel entirely to the teams' discretion, without any requirements or restrictions. Although it offers a mixed-use, multi-purpose site design for that parcel, it has indicated that the design is subject to change at the developer's discretion. So many alternative designs and developments are possible, including sale of the land itself to yet another developer and contractor. In short, the Galichia/Pofahl team is using an apparently plausible plan for a 30-acre medical complex and an attractive but commitment-free promise for the 80-acre remainder of the site as the bait to a switch to unfettered and, from the city's and the citizenry's perspective, potentially undesirable disposition, design, and development of the remaining land.

Good reasons exist to question the bona fides of this proposal. Despite Galichia's business in such complexes, its proposal makes dubious business sense in the first place and less public-interest sense in the second place. Of course, the devil is in the details, but it is also in the design. (Many thanks to Connie Potter for calling attention to many legal and technical problems with the medical complex.) Adding a third hospital to two full-service hospitals operating at less than full capacity is unnecessary because more excess capacity and greater competition is likely to jeopardize its and their profitability, even its or their financial viability. If the third hospital achieves viability, it will do so by specializing in expensive procedures, attracting doctors and patients from the other hospitals, and jeopardizing their quality of care and viability. If the third hospital does not achieve viability, it will still have damaged the other two hospitals. Its loss will be modest, however, because the medical complex, if it fails to thrive as intended, can survive by converting its facilities to serve as an office or business park. To repeat, given these obvious risks to all parties, the proposed 30-acre medical complex may be the real bait on the hook for the design and development of a very different kind on the remaining 80-acre parcel.

In all likelihood, the Galichia/Pofahl team has agreed on a purchase price of the golf course site as it is, a price probably substantially less than the original asking price of \$7 million though far more than the city's bad-faith offer of \$1 million—perhaps in the \$4.5-to-\$5.5 million-dollar range. If the team gets the zoning change, the value of the site will increase and create an instant potential for profit by reselling parts or all of the 80-acre parcel. Presently, the developer-contractor proposal asks City Council to approve a zoning change which gives away great value and to accept plans subject to change and promises liable to breakage in return. In the end, the city not only may not benefit, but also may lose in many economic, social, and cultural ways.

There is an alternative. The city can do what it should have done long ago: purchase the site, change the zoning, and make the sale of parts or all of the site contingent on binding conditions on design and development. The city would lose little, if any, money, and might even make some; and would ensure that the site not only serves private-sector interests, but also ensures public-sector interests.

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:19 PM
To: Susana Montana
Subject: FW: Do you have questions for Councilors re Country Club proposal?

Gill Sorg

Las Cruces City Councillor

575 635 1767

Oliver Wendell Holmes, Jr.– *"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: PALMER S CLARK [mailto:clark_2012@comcast.net]

Sent: Sunday, June 30, 2013 4:31 PM

To: Peter Goodman; Michael Hays; Tamie Smith; Randy Harris; Johnnie Aldrich; Sue Cain; Eva Booker; John Deck; Shirley Davis; John Stevens; Connie Potter; Allie Brooks; Win Jacobs; Charlie Scholz; Erika Graf-Webster; Representative Jeff Steinborn; Gill Sorg; Jack Welch; Ardyth Norem; Dan Townsend; Carl Baca; Ernie Bean; Martha Loustaunau; Larry Gioannini; Senator Stephen Fischmann; Peter Ossorio; Leticia Duarte-Benavidez; Wayne Hancock; Billy Garrett; Karen Perez; Dr. David Garcia

Subject: Re: Do you have questions for Councilors re Country Club proposal?

Mr. Goodman;

Just a short note on the whole question of development in Las Cruces. What is happening with the LCCC zoning request is just a symptom of a much larger problem.

As you are very much aware, I'm sure, Las Cruces has grown from a city of 38,000 to 100,000 in just a few years. And the attitude of the city, as expressed by the city manager, is that the city's responsibility is to facilitate development, that attitude is expressed in a very stark way as one drives around the city. Lots of strip malls, businesses next to residential homes, neighborhoods without parks. Not a city, at least west of rte. 25, that is attractive.

A city that according to the American Lung associations web site that is #13 in the U.S. in fine particle pollution, and receives an F grade for overall particle pollution.

What is needed is a realistic assessment of where the city is, and where it should go. Being a desert city, with a fragile ecology, most likely it is already larger than it should be.

With the extreme drought it has become an unhealthy city to live in. The LCCC development will just add to the problems of the city. The city has a classic growth pattern with the city core beginning to soften, even with the attempt to re-new downtown, a laudable attempt, and the outlying areas consisting of new residential and limited commercial construction. The city already has too few parks.

It has allowed developers to create profit making sub-divisions without being held responsible for the types of amenities that make a city a pleasant place to live. The LCCC development is attempting to take part of

Apadoca Park for its own use, which will reduce the ¹⁸⁵⁴ open space even more. Of course the P & Z ordinance that controls development in Las Cruces was written by the Construction industry here.

All in all, it will be very difficult to stop the city from approving the LCCC development in spite of the many irregularities that have occurred in the zoning process.

From a financial point of view it is quite likely the city needs the revenue that it thinks the development may bring into the city coffers. But I am afraid in the long run the city will find itself as a very unattractive destination - especially for the retired which seems to be their major target group.

Thank you for listening. I do hope that you will be in touch with John, Connie, and Eva.

All whom have a detailed knowledge of all the various abuses by both the developer, and the city, which they have uncovered in their effort "save their city" and its last large piece of undeveloped land.

Palmer Clark

----- Original Message -----

From: Peter Goodman

To: Miguel Silva ; Michael Hays ; Tamie Smith ; Randy Harris ; Johnnie Aldrich ; Sue Cain ; Eva Booker ; John Deck ; Shirley Davis ; John Stevens ; Connie Potter ; Allie Brooks ; Win Jacobs ; Charlie Scholz ; Erika Graf-Webster ; Representative Jeff Steinborn ; Gill Sorg ; Jack Welch ; Ardyth Norem ; Dan Townsend ; Palmer Clark ; Carl Baca ; Ernie Bean ; Martha Loustaunau ; Larry Gioannini ; Senator Stephen Fischmann ; Peter Ossorio ; Leticia Duarte-Benavidez ; Wayne Hancock ; Billy Garrett ; Karen Perez ; Dr. David Garcia ; Gill Sorg

Cc: Mayor Ken Miyagishima ; Sharon Thomas ; Nathan P. Small ; Olga Pedroza ; Greg Smith ; Robert Garza

Sent: Sunday, June 30, 2013 1:17 PM

Subject: Re: Do you have questions for Councilors re Country Club proposal?

Charlotte -

I'm interesting in learning more on this subject.

Also wanted to share, for those interested in issues involving county government, that I've been posting on my soledad canyon blog (URL below) a series of articles regarding the trial of Granados v. Dona Ana County, which should wind up Tuesday or Wednesday.

Peter Goodman

pgoodmanphotos

Las Cruces, New Mexico

www.soledadcanyon.blogspot.com

www.cafepress.com/pgoodmanphoto

www.kojin.wordpress.com

From: Charlotte Lipson <lipson@zianet.com>

To: Michael Hays <whiteknyght@opendoor.com>; Tamie Smith <tamie.s@gmail.com>; Randy Harris <rharris27@hotmail.com>; Johnnie Aldrich <jraldrich@earthlink.net>; Sue Cain <terryandsuecain@yahoo.com>; Eva Booker <ebooker@creativeconsultingsolutions.com>; John Deck <jwdeck@mac.com>; Shirley Davis <s_davis_mass@yahoo.com>; John Stevens <johnmill9@toast.net>; Connie Potter <cjmpotter@comcast.net>; Allie Brooks <abrooks1413@comcast.net>; Win Jacobs <winjacobs1@gmail.com>; Charlie Scholz <cscholz@zianet.com>; Erika Graf-Webster <egrifwebster@g.com>; Representative Jeff Steinborn <polidub@aol.com>; Gill Sorg <gillsorg@gmail.com>; Jack Welch <johnwelc@nmsu.edu>; Ardyth Norem <ardythnorem@g.com>; Dan Townsend <ecolo@centurylink.net>; Palmer Clark <clark_2012@comcast.net>; Carl Baca <csqrd@comcast.net>; Ernie Bean <eban3@gmail.com>; Martha Loustaunau <m_loustau@hotmail.com>; Larry Gioannini <lgioannini@yahoo.com>; Senator Stephen Fischmann <steve@steviefischmann.com>; Peter Ossorio <peterossorio@centurylink.net>; Leticia

1855
Duarte-Benavidez <lbenavidez@donaanacounty.org>; Wade Hancock <wdhancock@gmail.com>; Billy Garrett <archbilly@gmail.com>; Karen Perez <kperez@donaanacounty.org>; Dr. David Garcia <drdavidgarcia@yahoo.com>; Peter Goodman <pgoodmanphotos@yahoo.com>
Cc: Mayor Ken Miyagishima <mayor@las-cruces.org>; Sharon Thomas <sharon1031@gmail.com>; Nathan P. Small <nathan.p.small@gmail.com>; Gill Sorg <gillsorg@gmail.com>; Miguel Silva <miguel.silva@las-cruces.org>; Olga Pedroza <olgapedroza11@hotmail.com>; Greg Smith <gsmith@las-cruces.org>; Robert Garza <rgarza@las-cruces.org>
Sent: Friday, June 28, 2013 10:13 AM
Subject: Do you have questions for Councilors re Country Club proposal?

Yesterday I spoke with City Councilors Miguel Silva and Gill Sorg. Like me Gill lives in the Elks Club area and of course Miguel is the Councilor for the Country Club neighborhood and mine. I told each that P&Z Commissioners Charley Scholz and Ray Shipley at Tuesday's(6/25) P&Z meeting had some penetrating questions for the developer and for the Las Cruces planning staff and that I would be in touch soon with questions Councilors Sorg and Silva might consider asking at the Council meeting (July 15?) at which developer Ray Pofahl's proposal will be presented,

If you have questions/concerns that can be expressed in a sentence or two, I urge you to contact Councilors Silva and Sorg and/or the Mayor, City Manager and your neighborhood's Councilor.

Here are some of my questions and concerns and I'm sure I'll have a few more in the next two weeks before the Council meeting:

- I still do not understand WHY a hospital must be the "anchor" for this "mixed use" development and why if the 30 acre rezoning allowing the hospital isn't approved, that's a "deal breaker." And WHY a heliport in such a densely populated area?!
- How will traffic impinge upon the Country Club and Elks Club neighborhoods?
- How will Apodaca Park be affected? The developer says it will be enhanced. Opponents say parking and parkland will be reduced. What do the LC traffic and parks departments say?
- I was informed that many of the people at the P&Z meeting who spoke up in favor of the project are realtors who didn't identify themselves as such, a probable conflict of interest. PLEASE, City Council, ask people to identify themselves as realtors if they participate in the public input portion of the meeting.
- Once the zoning change(s) is/are approved the property obviously becomes much more valuable. What assurances do we have that the property won't be flipped?
- Can the Council ask that the CEOs of our existing hospitals appear and give their opinion of how the proposed hospital will affect them? Would they have an opinion as to the likelihood of the proposed hospital receiving licensing from the NM Dept. of Health?

Thank you!

Charlotte

1856

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:21 PM
To: Susana Montana
Subject: FW: "plan" for Country Club site is "nothing of the sort"

Gill Sorg

Las Cruces City Councillor

575 635 1767

Oliver Wendell Holmes, Jr.– *"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: Connie Potter [mailto:cjmpotter@comcast.net]
Sent: Wednesday, June 05, 2013 2:19 PM
To: Charlotte Lipson
Cc: John Stevens; Tamie Smith; Dan Townsend; John Deck; Peter Ossorio; Charlie Scholz; Dr. David Garcia; Larry Gioannini; Martha Loustaunau; Shirley Davis; Don Kurtz; Senator Stephen Fischmann; Miguel Silva; Gill Sorg; Representative Jeff Steinborn; Allie Brooks; Michael Hays
Subject: Re: "plan" for Country Club site is "nothing of the sort"

Dear Charlotte and Mr. Hayes,

That was all accurate but barely skims the surface of issues relative to this proposal. All of it worse than your concerns and verified. Stay tuned.

Connie Potter,RN, MBA;HCA
 CCNA Infrastructure Committee Chair
 Healthcare Economist

Sent from my iPhone
 Connie J. Potter

On Jun 5, 2013, at 1:58 PM, Charlotte Lipson <lipson@zianet.com> wrote:

Thanks, Michael. Have sent this to stakeholders -- neighbors in the Elks and Country Club area. Gill Sorg and Jeff Steinborn are neighbors and Miguel is my City Councillor. Michael's analysis seems spot on.

Charlotte

Begin forwarded message:

From: Hays Michael <whiteknyght@opendoor.com>
Subject: Hackers Digging Divots in the Golf Course
Date: June 5, 2013 1:26:10 PM MDT
To: Hays Michael <WHITEKNYGHT@OPENDOOR.COM>

Let the confabulations and conversations begin. Steve Ramirez of the Sun-News has been providing some excellent coverage of the plot to develop a plat justifying a rezoning of the land of the defunct Las Cruces Country Club. This mid-week blog is my discussion of some of the issues which I have not so far seen others address. Until the city addresses them, I think that no one can have much confidence in the analysis and evaluation of the developer's proposal or the city's planning staff's response.

Michael

SNAFU: Situation Normal, A Fiasco Underway, or Las Cruces Plans for a Boondoggle (3)

The future of the defunct Las Cruces Country Club depends on people motivated at least as much by private interests as by public service. Mayor Ken Miyagishima wants a pro-business, pro-growth feather in his cap to run for higher office, and City Manager Robert Garza wants anything which aggrandizes his position, power, prestige, or profit. Their ambitions probably explain the appeal of other self-promoters who give peeks and promises of Really Big Things for the city.

Not too long ago, Miyagishima and Garza tried to appeal to a hyper-ventilating self-promoter Robert H. Brumley, the Managing Director of Pegasus Global Holdings, to make the Las Cruces area the site for CITE. (Where are he, his company, and his proposal now?) Now city government is trying to accommodate Joseph P. Galichia, CEO of Galichia Hospital Group, an over-ambitious corporation, to develop the largest tract of underdeveloped land within city boundaries. (Where will they be in a year?) Once again, city government is so excited about a grandiose speculation that it is not taking basic city-planning steps to protect against a major land-use decision likely detrimental to the public interest.

Miyagishima appears relatively isolated from the planning process and will maintain that appearance until the Planning Commission acts. But Garza is not. He advises City Council and directs his staff's analysis and evaluation of the developer's proposal, and he advises the Board of Directors of Memorial Medical Center. Although he has no vote on either the Council or the Board, he has great influence their members. Under the best of circumstances, a conflict between city and hospital interests is always a possibility. In the case of the development of this site, the conflict of interests is a reality. To address it, Garza should recuse himself from any discussions at hospital board meetings or with board members about the proposed site development.

But Garza will not. So his conflict of interest creates an intriguing situation. Which of his two roles will prevail? Who—city councilors or hospital directors, not to mention the citizens of Las Cruces—can know what or whose interests he serves in taking any stance on any of the procedural or substantive issues related to this development? Will transparency replace opacity?

The bigger questions, however, are whether the city's approach to planning will be sensible or honest. The early readings are not encouraging. Dazzled by the prospects of a buyer and builder with so-called plans for the site, the city is neither taking a sensible approach to the rezoning request nor asking the right questions about the developer.

First, the city is taking a piecemeal, not a comprehensive, approach to the LCCC site development. It thus blinds itself to all of the relevant information about the developer and the fully developed site. In particular, by focusing only on a 30-parcel for a cardiac-care center, the city denies itself an understanding of the economic, environmental, social, traffic, and other consequences of developing a 110-acre, high-density commercial and residential site next to a park, near major

highways and highway intersections, and close established neighborhoods and businesses. Risks include declining housing values and business revenues, increasing traffic congestion, and incurred infrastructure and service costs not offset by site-derived tax receipts.

Second, although the submission of a request for a zoning change is only weeks away, Galichia has provided only sketches, frequently shifting, of the first 30-acre parcel for the center alone. What the city and the developer call a “plan” is nothing of the sort; a plan includes and integrates activities, budgets, and schedules. (The claim to have local doctors eager to invest in the project reveals not a strength, but a weakness: no present, assured financial resources to fund the project.) Even what the city and the developer call a “conceptual plan” is a misnomer; it is a site design. It hardly promotes trust—it prompts suspicions of duplicity—that Galichia has provided different sets of these designs to the city and to the citizens.

However, having a real plan—activities, budget, schedule—for developing the entire site—all 110, not just 30, acres—is only one, though an important, part of an approval process. The city staff, then the Planning Commission, and finally City Council must have every confidence that the proposed hospital and other buildings or facilities will be viable economically. Specifically, they must have every confidence that the development will generate the sustained revenues necessary to cover the cost of constructing and maintaining additional infrastructure and the costs of additional city services, all as required by the entire site.

To this end, city staff must have two sets of documents from Galichia. One, it must have a full capabilities statement demonstrating that it has the management, technical, and financial capabilities and experience to develop and operate a site of this kind and size. Two, it must have a comprehensive business plan including a market analysis of the demand for its services and the prospects for generating the revenues for sustained profitability and sufficient tax payments to cover the city’s costs for infrastructure and services.

I doubt that Galichia is qualified or competent to do what it proposes. It appears not to have done its homework on the professional market, the demographics, or the socio-economics of Las Cruces. As it is, the two hospitals in the city, Memorial Medical Center and Mountain View Medical Center, are currently operating at one-half and two-thirds of capacity, respectively. As a result, one of the hospitals is laying off professionals. The likelihood that a specialized cardiac-care center would attract enough business seems problematic. The many cardiologists in the city would provide intense competition. And relatively few Las Cruceans have supplemental health-insurance policies to accommodate more-than-Medicare-level payments. The likelihood that Galichia could keep most of its 48, not to mention 60, beds filled with heart-disease patients seems more problematic. Thus, the odds are that Galichia would operate at less than capacity and not generate adequate profits or tax revenues.

As in the case with CITE, so in the case of Galichia: caution is in order. I have suggested some of the steps which the city can and should take between now and the various deadlines for planning commission and city council decisions. In addition, it is imperative that the public has ready access to all requisite information in time to participate meaningfully in the decision-making process.

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:22 PM
To: Susana Montana
Subject: FW: My BIG question: WHY a hospital on Country Club site?

Gill Sorg

Las Cruces City Councillor

575 635 1767

Oliver Wendell Holmes, Jr. – *"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: Connie Potter [<mailto:cjmpotter@comcast.net>]

Sent: Wednesday, June 19, 2013 9:44 AM

To: Charlotte Lipson

Cc: John Stevens; Miguel Silva; Tamie Smith; Dr. David Garcia; Sue Cain; John Deck; Shirley Davis; Allie Brooks; Charlie Scholz; Representative Jeff Steinborn; Gill Sorg; Dan Townsend; Ardyth Norem; Larry Gioannini; Senator Stephen Fischmann; Martha Loustaunau; Peter Ossorio; Johnnie Aldrich; Michael Hays; Ernie Bean

Subject: Re: My BIG question: WHY a hospital on Country Club site?

Dead Charlotte,

See these slides and note the financial damage they do. Most are very small hospitals and rely on physician self referral from our safety net hospitals. The damage done is to programs that don't make much money, psych, trauma, OB etc. these hospitals carefully manage their services so they can't offer 24/7 care for complex patients so those are always transferred to safety net hospitals. Note the profit margin for specialty hospitals is over 35% in the AHA study. We are lucky at teaching hospitals/trauma centers to break even or have a 1-2% margin.

Check this out:

http://www.aha.org/content/00-10/Summary%20Report_2-7-05.pdf

Sent from my iPhone

Connie J. Potter

On Jun 18, 2013, at 10:05 PM, Charlotte Lipson <lipson@zianet.com> wrote:

Thinking about tonight's presentation by developer Bob Pofahl, it suddenly came to me: WHY in the world would a teensy 42-bed hospital with helipad (!!!) be the "anchor" as well as the condition for a zoning change for an attractive "mixed use development"? Does this makes sense? Please explain! Is it a "follow the money" thing??!

Charlotte

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:24 PM
To: Susana Montana
Subject: FW: Do you have questions for Councilors re Country Club proposal?

Gill Sorg

Las Cruces City Councillor

575 635 1767

Oliver Wendell Holmes, Jr.– *"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: Connie Potter [mailto:cjmpotter@comcast.net]

Sent: Monday, July 01, 2013 10:59 AM

To: Hays Michael

Cc: Gill Sorg; John Stevens; PALMER S CLARK; Peter Goodman; Tamie Smith; Randy Harris; Johnnie Aldrich; Sue Cain; Eva Booker; John Deck; Shirley Davis; Allie Brooks; Win Jacobs; Charlie Scholz; Erika Graf-Webster; Representative Jeff Steinborn; Jack Welch; Ardyth Norem; Dan Townsend; Carl Baca; Ernie Bean; Martha Loustaunau; Larry Gioannini; Senator Stephen Fischmann; Peter Ossorio; Leticia Duarte-Benavidez; Wayne Hancock; Billy Garrett; Karen Perez; Dr. David Garcia

Subject: Re: Do you have questions for Councilors re Country Club proposal?

Dear friends,

I don't think anyone in this discourse has anything but good intentions. As to civil, that is always a matter of who is the target of the discussion. It is important for our elected representatives to appreciate that in this country one's home is often their most important, if not only, retirement asset. In this neighborhood that is especially true. Many of our neighbors are actually original owners of these heritage homes.

The rush to judgment regarding commercial zoning is very troubling especially after been informed by Ms. Montana that our worst fear was correct. If rezoned C-3 for a hospital complex, should the hospital fall through, the property will be C-3 for two full years. What a gift to the LCCC.

Keep in mind that the LCCC shareholders, certificate holders, whatever, knew full well when they inherited, bought or were given their shares that their property was zoned R-1. In what world do we live in that ENTITLES them to a residential neighborhood, taxpayer subsidized bailout for their profligate spending and managerial incompetence? Why are they owed a new golf course to be purchased by commercial rezoning for any use? Once rezoned, there is no restriction to the myriad uses this land can be sold for in any size parcel. This is the Trojan horse. Commercial high intensity 4 story buildings 25 feet from the back wall of our vintage home.

Did we know this could be rezoned when we bought it? No, this golf course was deeded into perpetuity which is why it is being traded. The deed is clouded in some manner.

We who live here have property rights too. Our homes are actually being subjected to "taking", as their value - adjacent to a hospital, heliport, truckstop, strip mall, whatever - plummets. The idea that we are gagged is

anathema to people who worked their entire lives to live here and believe the system actually is balanced in some way.

As to this discourse, please don't be petty. No one has insulted anyone or been lied about except me by a realtor at P and Z who stated my home was invaded after (and because) the LCCC was abandoned. LCPD records attest these invasions occurred in June 2010 and October 2011 while LCCC was in full operation. Likely someone was teeing off on the 5th hole while two thugs took our doors off their frames at noon on a June Sunday.

As a former state government manager I would respectfully suggest that those in public service thicken their skins. The term "elected representative" should still mean something in this country.

Sincerely,
Connie and Murray Potter
2505 Desert Drive
Las Cruces, NM. 88001
575-524-2443

Sent from my iPhone
Connie J. Potter

On Jul 1, 2013, at 10:22 AM, Hays Michael <whiteknvyght@opendoor.com> wrote:

Gill,

Do you really expect the addressees and others to believe that each of you recuses yourself from all conversations with everyone else in the city and beyond, including the City Manager, his staff, or those supporting the proposal (developer, contractors, local realtors) on this subject, or discloses ex parte discussions if they occur, even inadvertently, and do not read the papers? Big expectation. Even if what you say about the law is true, I do not believe that it is obeyed as it should be. Indeed, I understand that there are several questions about whether the P&ZC hearing contravened law and codes, etc.

Michael

On Jul 1, 2013, at 10:00 AM, "Gill Sorg" <gillsorg@gmail.com> wrote:

Nobody in this string of emails has the open meetings act or the communication with Council members correct. Can't explain it all here, but think of a Court Judge and his position. They don't discuss anything about any case they are presiding over (and much of the time other cases or after they rule on a case but aren't required by law to not say anything). We are like that in these zoning ordinance cases which are called Quazi-Judicial. I can get our Legal Dept. to give full definitions and send to you later this week.

Gill Sorg
Las Cruces City Councillor
575 635 1767

Oliver Wendell Holmes, Jr.—*"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: Connie Potter [mailto:cjmpotter@comcast.net] 1863

Sent: Monday, July 01, 2013 12:06 AM

To: John Stevens

Cc: PALMER S CLARK; Hays Michael; Sharon Thomas; Peter Goodman; Miguel Silva; Tamie Smith; Randy Harris; Johnnie Aldrich; Sue Cain; Eva Booker; John Deck; Shirley Davis; Allie Brooks; Win Jacobs; Charlie Scholz; Erika Graf-Webster; Representative Jeff Steinborn; Gill Sorg; Jack Welch; Ardyth Norem; Dan Townsend; Carl Baca; Ernie Bean; Martha Loustaunau; Larry Gioannini; Senator Stephen Fischmann; Peter Ossorio; Leticia Duarte-Benavidez; Wayne Hancock; Billy Garrett; Karen Perez; Dr. David Garcia; Mayor Ken Miyagishima; Sharon Thomas; Nathan P. Small; Olga Pedroza; Greg Smith; Robert Garza
Subject: Re: Do you have questions for Councilors re Country Club proposal?

Dear friends,

Open meetings law applies to situations where there are three or more councilors together. That is a meeting and apparently a quorum. Meetings with individual councilors being forbidden in sheer nonsense. Connie

Sent from my iPhone

Connie J. Potter

On Jun 30, 2013, at 9:03 PM, John Stevens <johnmil19@toast.net> wrote:

Maybe she's referring to the "open meetings law"? Might also have been broken when 4 or 5 Councilors went to Wash. D. C. on a trip together recently. JS

On Sun, Jun 30, 2013 at 8:09 PM, PALMER S CLARK

<clark_2012@comcast.net> wrote:

Perhaps Ms. Thomas can refer us to the city ordinance which prohibits Council persons to discuss P & Z proposals with their constituents?

----- Original Message -----

From: Hays Michael

To: Sharon Thomas

Cc: [Peter Goodman](#) ; [Miguel Silva](#) ; [Tamie Smith](#) ; [Randy Harris](#) ; [Johnnie Aldrich](#) ; [Sue Cain](#) ; [Eva Booker](#) ; [John Deck](#) ; [Shirley Davis](#) ; [John Stevens](#) ; [Connie Potter](#) ; [Allie Brooks](#) ; [Win Jacobs](#) ; [Charlie Scholz](#) ; [Erika Graf-Webster](#) ; [Representative Jeff Steinborn](#) ; [Gill Sorg](#) ; [Jack Welch](#) ; [Ardyth Norem](#) ; [Dan Townsend](#) ; [Palmer Clark](#) ; [Carl Baca](#) ; [Ernie Bean](#) ; [Martha Loustaunau](#) ; [Larry Gioannini](#) ; [Senator Stephen Fischmann](#) ; [Peter Ossorio](#) ; [Leticia Duarte-Benavidez](#) ; [Wayne Hancock](#) ; [Billy Garrett](#) ; [Karen Perez](#) ; [Dr. David Garcia](#) ; [Mayor Ken Miyagishima](#) ; [Sharon Thomas](#) ; [Nathan P. Small](#) ; [Olga Pedroza](#) ; [Greg Smith](#) ; [Robert Garza](#)

Sent: Sunday, June 30, 2013 7:38 PM

Subject: Re: Do you have questions for Councilors re Country Club proposal?

Sheron,

Do you suppose that we do not "remember" the topic which we are discussing?

You write, "councilors can discuss this issue ONLY in a public meeting." I assume you mean among themselves. The idea that they cannot discuss with their constituents an issue of concern to their constituents seems bizarre at best. Citizen can speak to them, but they cannot speak back, not even to question or correct them? Surely, you jest.

On Jun 30, 2013, at 6:48 PM, Sharon Thomas <skthomas_10@msn.com> wrote:

Please remember that this issue is a request for a zone change. Therefore, councilors can discuss this issue ONLY in a public meeting and only if it is on an agenda that was published 72 hours in advance.

Sherry

Sharon Thomas
Mayor Pro Tem
City Councilor, District 6
Las Cruces, NM
[575 993 9347](tel:5759939347)

On Jun 30, 2013, at 1:17 PM, "Peter Goodman"
<pgoodmanphotos@yahoo.com> wrote:

Charlotte -
I'm interesting in learning more on this subject.
Also wanted to share, for those interested in issues involving county government, that I've been posting on my soledad canyon blog (URL below) a series of articles regarding the trial of Granados v. Dona Ana County, which should wind up Tuesday or Wednesday.

Peter Goodman
pgoodmanphotos
Las Cruces, New Mexico
www.soledadcanyon.blogspot.com

www.cafepress.com/pgoodmanphoto
www.kojin.wordpress.com

From: Charlotte Lipson <lipson@zianet.com>
To: Michael Hays <whiteknights@opendoor.com>; Tamie Smith <tamie.s@gmail.com>; Randy Harris <rharris27@hotmail.com>; Johnnie Aldrich <jraldrich@earthlink.net>; Sue Cain <terryandsuecain@yahoo.com>; Eva Booker <ebooker@creativeconsultingsolutions.com>; John Deck <jwdeck@mac.com>; Shirley Davis <s_davis_mass@yahoo.com>; John Stevens <johnmill9@toast.net>; Connie Potter <cjmpotter@comcast.net>; Allie Brooks

<abrooks1413@comcast.net> 18:45
<winjacobs1@gmail.com>; Charlie Scholz
<cscholz@zianet.com>; Erika Graf-Webster
<egrifwebster@q.com>; Representative Jeff Steinborn
<polidub@aol.com>; Gill Sorg <gillsorg@gmail.com>; Jack
Welch <johnwelc@nmsu.edu>; Ardyth Norem
<ardythnorem@q.com>; Dan Townsend
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Cc: Mayor Ken Miyagishima <mayor@las-cruces.org>;
Sharon Thomas <sharon1031@gmail.com>; Nathan P.
Small <nathan.p.small@gmail.com>; Gill Sorg
<gillsorg@gmail.com>; Miguel Silva <miguel.silva@las-
cruces.org>; Olga Pedroza <olgapedroza11@hotmail.com>;
Greg Smith <gsmith@las-cruces.org>; Robert Garza
<rgarza@las-cruces.org>

Sent: Friday, June 28, 2013 10:13 AM

Subject: Do you have questions for Councilors re Country
Club proposal?

Yesterday I spoke with City Councilors Miguel Silva and
Gill Sorg. Like me Gill lives in the Elks Club area and of
course Miguel is the Councilor for the Country Club
neighborhood and mine. I told each that P&Z
Commissioners Charley Scholz and Ray Shipley at
Tuesday's(6/25) P&Z meeting had some penetrating
questions for the developer and for the Las Cruces
planning staff and that I would be in touch soon with
questions Councilors Sorg and Silva might consider asking
at the Council meeting (July 15?) at which developer Ray
Pofahl's proposal will be presented,

If you have questions/concerns that can be expressed in
a sentence or two, I urge you to contact Councilors Silva
and Sorg and/or the Mayor, City Manager
and your neighborhood's Councilor.

1866
Here are some of my questions and concerns and I'm sure I'll have a few more in the next two weeks before the Council meeting:

- I still do not understand WHY a hospital must be the "anchor" for this "mixed use" development and why if the 30 acre rezoning allowing the hospital isn't approved, that's a "deal breaker." And WHY a heliport in such a densely populated area?!

- How will traffic impinge upon the Country Club and Elks Club neighborhoods?

- How will Apodaca Park be affected? The developer says it will be enhanced. Opponents say parking and parkland will be reduced. What do the LC traffic and parks departments say?

- I was informed that many of the people at the P&Z meeting who spoke up in favor of the project are realtors who didn't identify themselves as such, a probable conflict of interest. PLEASE, City Council, ask people to identify themselves as realtors if they participate in the public input portion of the meeting.

- Once the zoning change(s) is/are approved the property obviously becomes much more valuable. What assurances do we have that the property won't be flipped?

- Can the Council ask that the CEOs of our existing hospitals appear and give their opinion of how the proposed hospital will affect them? Would they have an opinion as to the likelihood of the proposed hospital receiving licensing from the NM Dept. of Health?

Thank you!

Charlotte

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:38 PM
To: Susana Montana
Subject: FW: P&Z decision re Country Club site realtor driven?

Gill Sorg
 Las Cruces City Councillor
 575 635 1767

Oliver Wendell Holmes, Jr. – *"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: tamie.s@gmail.com [mailto:tamie.s@gmail.com]
Sent: Wednesday, June 26, 2013 12:51 PM
To: Mayor Ken Miyagishima; Nathan P. Small; Gill Sorg; Greg Smith; Miguel Silva; Olga Pedroza; Sharon Thomas; Robert Garza
Subject: Re: P&Z decision re Country Club site realtor driven?

Connie et al- It's unfortunate that board members who often have the most knowledge and experience, are often out-voted by number. Maybe because the less-informed don't want to **appear** to the public as "less-informed", hence they don't pursue the comments of the informed?

I believe that one of the problems w/ the P&Z board is that they have too many items to investigate in-depth because now they also have to address Variance requests This change was made a number of years ago - (before this elected administration). That didn't used to be the case; we had a Board of Adjustment (I know, because I served on it for 9 nine years) **and** a P&Z Board. The time we each spent reviewing variance requests, included the staff support person, taking the board members to see- first-hand- each property in question) P&Z - to my knowledge - did likewise. There is just so much time a volunteer can, or is willing to spend. Several citizens, and of course Bof A members, objected, because 'double-dutying' the P&Z put a burden on them and reduced the time spent addressing variances.

I am sorry that more speakers from general public, who as I, had hoped for LCCC to become a park were not at the meeting, or who chose not to speak. The meeting last night came across to me as a "Not -in-my backyard" event.

Having lived here for about 50 years, and attending some LCCC events, when that property was abandoned, it seemed reasonable that it become a park, to be shared by all. I wish when i spoke I had made a more detailed and forceful presentation. I am disappointed that the city council let us down. If they pursued any hopes of funding for the park, I was not aware of it. Anyway, aside from dead trees and grass, there are more negative reasons - in my mind- why at the least, this proposal should have been tabled for further investigation.

tamie smith

P.S. Re the helicopter, there 'may' be an upside: if the hospital doesn't materialize maybe Pofahl can still get the helicopter and compete w/ the city bus service; sure would get us to the Mesill Valley Mall alot quicker.. No? ;-)

)
 t.

At 09:22 AM 6/26/2013, Charlotte Lipson wrote:

Thanks for the two NO votes -- one by Charlie Scholz (who asked the most intelligent, incisive questions of the developer), the other by a Commissioner whose name I didn't catch but who is an experienced pilot and spoke about the negatives re a heliport.

Thank you too for the pointed, data-driven presentations by Connie Potter, Eva Booker, John Stevens and Michael Hays. The latter pointed out that the City planning staff has done a poor job of vetting the proposal which is uncomfortably vague. I agree with Connie that the realtors who spoke in favor of the project should have identified themselves as realtors. I hope when the City Council hears public input, realtors, who have a clear conflict of interest here, will be asked to identify themselves as such.

Charlotte

Begin forwarded message:

From: Connie Potter <cjmpotter@comcast.net>

Subject: Last night

Date: June 26, 2013 8:41:52 AM MDT

To: Evie Apell Brown <bluesranchgal@gmail.com>, Vivian Lane <vivianalane@aol.com>, LISA M IRWIN-RODDY <irwin36@msn.com>

Cc: Charlotte Lipson <lipson@zianet.com>, Tamie Premier Park <tamie.s@gmail.com>, Dan Townsend <ecolo@centurylink.net>, Hays Michael <whiteknyght@opendoor.com>

Subject: Last night

In one of the most disgusting parades of self interest and greed, the real estate mob with pitchforks descended on city hall to support bob Pofahl and his cronies bid to commercially rezone the 30 acres of the ne LCCC which, when not if a hospital cannot be built, will revert to commercial zoning for ANYTHING for 2 years. Whopee! It passed 3/2.

I was invited to speak next to city council, facts apparently being needed to sheepdip this travesty. I congratulated bobs greasy real estate team for the turnout, most of whom when speaking did not even identify themselves as realtors. One particular jerk associated with Bob gave me some grief about where I live and I explained that except for the owner who opposed the development because of flooding of his neighbors, we had the most expensive home in the area but since we own three homes we, unlike the rest of these poor bastards, can live anywhere as in not in a banana republic.

I also mentioned that as a CEO I didn't leave my company \$3m in debt from profligate spending, not pay taxes for three years, and then sell my water rights to let the land die. It's called malfeasance. David Steinborn (realtor) is likely dancing tonight as my source states he wants out of Sonoma ranch likely because he would be partners with the same selfish trust fund babies that pissed away their free land. He likely can see it coming.

1869

A good time was had by all. It's a miracle I didn't have an mi I was so mad at the duplicity and the overt greed of the real estate crowd who slandered our ccna president and organization. I hate this pissant city government and all it stands for.

I will not be able to talk to city council in August except remote so I strongly suggest Xxxx give my talk. Seriously. The P and Z doesn't give a damn about the two existing hospitals and they lick up lies like honey. Appalling.

Connie

Sent from my iPhone
Connie J. Potter

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:39 PM
To: Susana Montana
Subject: FW: LCCC site plan
Attachments: , Site-plan1.jpg

Gill Sorg
Las Cruces City Councillor
575 635 1767

Oliver Wendell Holmes, Jr.- "I like paying taxes. With them I buy civilization." Taxes are what we pay for civilized society .

-----Original Message-----

From: Tamie Smith [<mailto:tamie.s@gmail.com>]
Sent: Tuesday, January 29, 2013 1:06 PM
To: Gill Sorg V; Tamie Smith
Subject: LCCC site plan

Hello Gill - this is the site plan for the LCCC property which I received from John. I attended the meeting last night which - as far as I'm concerned - accomplished little. The intent was for people to ask questions but since the developer did not show his plan on a screen, there were few questions asked - mostly concerns about where streets might go, how tall buildings would be, traffic control, etc - those questions based on this map (I assume) which those attending had been sent.

Those who spoke seem resigned to the fact that this property is doomed for commercial development; interesting, in that reportedly, the property has not been sold and is still owned by the Country Club owners. As I suspect you know, I believe a grave mistake is being made by not doing much more to pursue some way that the city could acquire this priceless piece of property.

tamie smith

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Thursday, July 04, 2013 9:29 AM
To: Susana Montana
Subject: FW: Legal Opinion about Park Ridge Medical Center
Attachments: Z2860 Park Ridge Public Comments 06 21 13.pdf; Las Cruces Memo.pdf

Gill
 575 644 0660

From: Larry [mailto:lgioannini@yahoo.com]
Sent: Saturday, June 22, 2013 6:04 PM
To: undisclosed recipients:
Subject: Legal Opinion about Park Ridge Medical Center

Please attend the Planning & Zoning Commission meeting is this coming **Tuesday**, June 25, 6 PM in the City Hall chamber. A large turnout is needed to impress on City council and staff who they work for. Below and in the attachments is a lot of information about this development that will effect all of us; almost all of it researched and distributed by private citizens rather than our elected representatives. Thank you. Larry

Friends,

I have written this blog in a hurry, in anticipation of the Planning and Zoning Commission meeting on the 25th. As someone famous once famously said--I paraphrase--I regret that I did not have the time to make this shorter. And, for myself, I am sorry if it is longer because it is repetitive.

I offer a critique of the proposal itself and a theory of its underlying purposes. I also offer an alternative: city purchase and disposition of the property in a way which can not only serve private-sector interests, but also ensure public-sector interests.

Michael

<http://firstimpressionssecondthoughts.blogspot.com/2013/06/bait-and-switch-las-cruces-golf-course.html>

Dear friends,

This is public information provided to the City of Las Cruces by the CCNA. Our president John Stevens has approved its release. Circulate at will. Aston and Bird, LLC. The Partner of the firm is Thomas Scully, former Director of CMS under Bush and Assistant Secretary of the Office of Management and Budget (OMB). He referred our case to Robert Stone, Esq. of the firm who specializes in Regulatory Law.

Sincerely,

Another AHA study showed that Galichia started over 40 "satellite" rural clinics in KS to funnel patients away from teaching hospitals through referral arrangements with rural docs (investors?). This also impacts Critical Access Hospitals (CAH) that small communities rely upon. Connie Potter RN

<http://m.bizjournals.com/wichita/stories/1997/10/13/story1.html?r=full>

[http://www.aha.org/content/00-10/Summary%20Report 2-7-05.pdf](http://www.aha.org/content/00-10/Summary%20Report%202-7-05.pdf)

This is their business model. Note quotes. Profit, profit, profit.

Here is the legal opinion relevant to the rezoning of the LCCC for a third hospital in las cruces. The firm, Alston and Bird is a 4-starhealthcare law firm. Its Partner is Thomas Scully, former director of CMS and Asst. Secretary of office of management and budget (OMB) under Bush. He referred our case to Robert stone, esq. who specializes in Regulatory Law. Please circulate. The ccna is releasing to the city and media as public information. Please see attachment.

Sincerely,
Connie J. Potter, RN, BSN, MBA; HCA
Chair, CCNA Infrastructure Committee
2505 Desert Drive
Las Cruces. NM. 88001
524-2443

Country Club Neighborhood Association

Comments Regarding Zoning Application for Park Ridge Medical Center

June 25, 2013

I. The Entire 110 acre Country Club Site Should be Considered as a Planned Unit Development, Not Piecemeal in Separate Zoning Applications

-The developer has a contract to purchase all 110 acres of the Country Club site. The developer distributed its latest conceptual rendering of its proposed development of the entire 110 acres at a community meeting held on June 18, 2013.

-The owners submitted a Park Ridge PUD Concept Plan to the City of Las Cruces "(the City)" on March 4, 2013. On March 18, 2013, the City released its comments and asked that each comment be addressed with the next submittal. The City's planning staff concluded it "cannot support this application as currently proposed".

-The following concerns were raised by the City regarding the Park Ridge PUD Concept Plan.

-Applicant has not filed waiver requests for design deviations required

-Each requested deviation must be accompanied by specific public benefits.

-A second entrance/exit to the property must be identified.

-The City requested section drawings, illustrations, or plan drawings, including internal circulation plan; complete streets illustrations; detailed section drawings; connectivity to adjacent neighborhoods for all modes of travel; schematic elevation drawings for apartments; renderings/illustrations of "parks, plazas and walking trails"; building footprint conceptual drawing; and landscaping.

-The City requested a green space/open space plan. The only open spaces appear to be drainage facilities and the adjacent public park.

-The City requested noise impacts for day and night use of the heliport in decibels.

-The City requested written approval from Design Review and Approval Board to be submitted with any permit application submitted to the City.

-ADA is missing throughout.

-Driving lane and sidewalk widths are too narrow, insufficient bike lanes. The city has requested drawings showing internal bike and pedestrian access, circulation and exit.

-3-foot parkways are inadequate to accommodate a tree.

-Signage details and locations are missing.

-The City requested "a schedule for phasing of development and full-build out".

-The City requested the developer identify types of regional shopping and entertainment.

-The City noted the lack of affordable housing in the proposed development.

-Instead of responding to the City's comments, applicants submitted a Zoning Application for 30 acres of the Country Club site on April 22, 2013, representing Phases I and 2 of the Park Ridge PUD.

-The original Park Ridge PUD Concept Plan included a realignment of Madrid Avenue at Solano and relocation of Apodaca Park. Residents are concerned that the developer and the City may be continuing negotiations without community input on these drastic changes to one of the city's largest and oldest parks.

-Section 38-49 of the Zoning Code states that the "PUD process shall be required for those proposed developments that are to be subdivided and multi-phased and that request three or more deviations to planning-related minimum development standards". The Park Ridge project is to be "subdivided and multi-phased" and is requesting "three or more deviations to planning-related minimum development standards", based on their original Park Ridge PUD Concept Plan. "All contiguous property owned or legally controlled by the developer shall be included within the PUD."

-The City's Planning Commission Staff Report talks about the Purpose and intent Statements of the Zoning Code, which include "mitigate congestion", "prevent overcrowding of land", "avoid undue concentration of population", "ensure development proposals are sensitive to the character of existing neighborhoods", "conserve the value of buildings and land", "reduce noise, glare and odor" and "mitigate conflicts among neighbors". These objectives can only be met if the proposed development is evaluated as the planned unit development it is.

-Instead of approving a development plan for less than a third of the site, the development plan for the full 110 acres needs to be presented for a thorough assessment of the total economic, environmental, social and traffic impacts of the fully

developed site *before* any zoning changes are approved. The highly visible central location of the site makes this all the more imperative.

II. The Zoning Application is Incomplete

-The Country Club property is located within the Infill Development Overlay District; however, applicant chose to use the standard zone change process.

-Section 38.10 of the Zoning Code requires applicants appearing before the Planning and Zoning Commission for zoning district changes, special use permits, planned unit developments and variances to include the following with their application.

- 1) Site plan – at adequate scale; with improvements and setbacks; dimensions of buildings; existing and proposed vehicular circulation systems, including parking, storage, service, and loading areas; major points of access, including street pavement width and right-of-way; a landscaping plan; pedestrian and bicycle circulation systems; arrangement of all open space, common recreational and private open space; architectural renderings, with illustrations of all exterior building materials and colors, site lighting, sign location, materials, color, size, shape and lighting; a drainage facilities plan and environmental impact statement.
- 2) Description and justification of requested variances.
- 3) Application signed by all property owners of record.
- 4) Special use permits and variances.
- 5) Planned unit developments and variances.

Applicant has not provided any of the above.

-The City's Planning Commission Staff Report on this Zoning Application recommends conditional approval, but references the need for construction drawings, a traffic study, and a utility master plan for the entire 110 acres. These should be provided for review *before* the Zoning Application is approved.

-The City's Planning Commission Staff Report on this Zoning Application states that the application meets the Comprehensive Plan Land Use Element related to serving "commercial demand". No proof of demand for a third hospital has been provided, such as a market study or any other indicator of demand.

-The Zoning Application does not include a second entrance/exit into the proposed development. The rendering of the proposed development provided at the June 18, 2013 community meeting shows this second entrance/exit as the road along the north border of Apodaca Park that begins at the intersection of Solano and Madrid. The

increase in traffic congestion at this location will pose a threat to the children and families that use Apodaca Park.

-Since no second entrance/exit has been included in the application, no traffic study has been conducted and no detailed site plan has been provided (including existing and proposed vehicular circulation systems, parking, storage, service, and loading areas; major points of access, including street pavement width and right-of-way; pedestrian and bicycle circulation systems), it cannot be determined whether the Comprehensive Plan Transportation Element which seeks to "attain maximum vehicular movement and minimum congestion in a cost effective, timely, and environmentally sound manner" is possible with this development.

-For the reasons stated above, it cannot be determined whether the Comprehensive Plan Transportation Element which seeks to make "reasonable accommodations for alternative modes to access the site" is possible with this development.

-Because the application is incomplete, it cannot be determined whether the proposed development would meet the Comprehensive Plan Economic Development Element that requires "the City receives a direct or foreseen benefit in exchange for creative and unique designs that differ from mandatory development requirements."

-The City's Planning Commission Staff Report includes the following Planning and Zoning Commission criteria for decisions.

- 1) Adverse impacts on adjoining properties.
- 2) Unreasonable increases in traffic in public streets.
- 3) Increased danger of fire or endangering public safety.
- 4) Orderly and phased growth and development.
- 5) Unreasonable impairment of established property values within the surrounding area.

It is our position that an incomplete application for a portion of the total planned development is insufficient for the P&Z Commission to properly apply these criteria.

III. C-3 and R-4 Zoning Requested in Zoning Application for 30 Acres of Country Club Site is Too High

-C-3 and R-4 zoning is too high density for the location and surrounding neighborhood. Immediately east of the property is zoned R-1a for single-family residential. West and south of the property included in the Zoning Application is the remainder of the golf course, which is zoned R-1a. The only commercial zoning is C-2 and C-3 zoning north of the property on Main Street.

-The Zoning Application anticipates approximately 6,950 trips per day, which is expected to increase traffic on residential streets near property.

-As noted by Paul Michaud, Senior Planner, in the Planning Commission Staff Report “the site is not technically along a Principal/Major Arterial once you subdivide the parcels and that the proposed uses are not exactly at the intersection of Main St and Solana Dr.”

-With regard to the heliport, the City’s Planning Commission Staff Report provides conflicting information.

“It should be noted that a heliport is not a use by right; rather, approval of a Special Use Permit (SUP) by the planning and Zoning Commission (P&Z) during a public hearing is required for the use of a heliport in the C-3C zone. SUPs are not a part of this zone change and will be processed as a separate application.” (Page 2 of 11)

“The conditional zoning would allow by right a heliport, ordinarily allowable with a special use permit, and the assisted living facility, which is currently allowed only in R-2, R-3 and R-4 zones.” (Page 1 of Long Range Planning Comments)

-C-2 zoning would be sufficient for the one story hospital the developer claims it intends to build. Although the developer’s current renderings reflect a one story hospital, C-3 zoning will allow structures up to 60 feet, which would not meet the Comprehensive Plan Land Use Element related to “compatibility with the existing architecture” and “character of the surrounding neighborhood”, which is predominately R-1a single-family. Furthermore, the developer’s current renderings include the disclaimer: “ALL IMPROVEMENTS, PLANS, AMENITIES AND LAND USES HEREIN ARE PROPOSED AND *SUBJECT TO CHANGE WITHOUT NOTICE PER THE DEVELOPERS DISCRETION*. THERE CAN BE NO ASSURANCE THAT THE CURRENT PROPOSED IMPROVEMENTS OR AMENITIES WILL BE COMPLETED.” (Emphasis added.)

-The highest intensity uses, including the hospital and heliport, are to be 80 feet from existing townhomes. With the ability to build up to 60 feet, residents of the townhomes are concerned about the loss of their views. Residents prefer a park or residential development behind the townhomes.

-There are serious concerns about having a heliport in such a high density area. There are safety issues (utility wires and nearby properties). The noise can cause hearing loss. The extra lighting required will contribute to light pollution in the neighborhood.

-The developers are proposing to include high-end retail, but have not disclosed who or what type of high-end retail. Kary Bulsterbaum, associated broker with Steinborn TCN Commercial Real Estate, expressed his doubts about the developer's ability to attract high-end retail. Las Cruces has proven unable to attract high-end retail, in general, and there is a higher probability for high-end retail in the Telshor and Lohman corridor up to Sonoma Ranch.¹

-We are concerned that this zoning application is really a Trojan Horse. Zoning would allow undesirable uses if a hospital is not built, unless zoning is conditional for a hospital only. This appears to be what happened with Indian Hollow. The zoning application said the tenant would be an upscale "mini Trader Joe's". That tenant pulled out, but C3 zoning remains. Currently, there is a posting at the site of a notice of an application for a liquor license.

-Concerns about runoff and flooding, especially at Three Crosses and North Alameda. The Las Cruces Country Club and Apodaca Park have served as the location for runoff from the country club neighborhood. If fully developed without a means to divert this runoff, it will end up in the Three Crosses and North Alameda area, which is also being developed with high intensity residential.

IV. Feasibility of physician-owned/investor hospital

-The Galichia Hospital Group is "partnering with over 20 local physicians who are investing in the real estate and equipment", which would make this a physician-owned hospital.²³ They have described the proposed Park Ridge Medical Center to the City as "a cross between the Ritz Carlton (Hotel) and a hospital".⁴

-Section 877 of the Social Security Act (Stark law) prohibits a physician from making referrals for certain "designated health services" payable by Medicare to an entity with which the physician has a financial relationship. Stark included a "whole hospital" exception, which was limited by the Patient Protection and Affordable Care Act (PPACA) Section 6001 to physician-owned hospitals with a Medicare provider number before December 3, 2010. A hospital which does not meet this exception will not be able to accept Medicare referrals from any physician owner or person related to the physician owner. This ban on physician-owned hospitals has halted construction on over 30 facilities.⁵

¹ Steve Ramirez, *Ambitious rezoning: City to review plans for property* (Las Cruces Sun-News, June 2, 2013)

² Galichia Hospital Group prospectus

³ Steve Ramirez, *Ambitious rezoning: City to review plans for property* (Las Cruces Sun-News, June 2, 2013)

⁴ Steve Ramirez, *New hospital would look to serve niche market* (Las Cruces Sun-News, June 2, 2013)

⁵ Baker Donelson, *Thirteen Things Providers Should Know About Stark Law and Physician Ownership Changes Under Health Reform*

-NM certification of a hospital owned or operated by Galichia Hospital Group is questionable, based on their history of Medicare/Medicaid fraud, according to sources at the New Mexico Department of Health Medicare Compliance Division.

-We disagree with the City's Planning Commission Staff Report's conclusion that the proposed development meets the Comprehensive Plan Land Use Element objective that the use serves commercial demand. There has been absolutely no proof of demand for a third hospital.

-We believe the proposed hospital will adversely impact the two existing hospitals in Las Cruces. Memorial Medical Center currently has an occupancy rate of less than 50% and Mountain View Regional Medical Center is about 2/3 full.⁶ Physician-owned hospitals often cherry pick the highest paying patients, leaving other hospitals with lower paying Medicare/Medicaid patients and sicker emergency patients. Also, it would increase competition for staff, especially nurses. In a Lincoln case study, two physician-owned hospitals had a negative impact on the financial performance of the two existing full-service hospitals; and higher labor costs and staff shortages. Elective cases were lost to the physician-owned hospitals, leaving a stronger concentration on emergency cases. The physician-owned hospitals also hired away a lot of nurses and clinical staff from the existing full-service hospitals.⁷ In a Wichita case study, the five physician-owned hospitals that opened between 1999 and 2003 also had a negative impact on the financial performance of the existing full-service hospitals, with reductions in revenues and net income; led to cut backs in services offered by the full-service hospitals; and a high number of key staff left the full-service hospitals to join the physician-owned hospitals.⁸

v. Concerns about Investors and Developer

-The Galichia Hospital Group has two settlements with the Department of Justice for Medicare/Medicaid fraud. The first was a \$1.3 million settlement in 2000 for false claims filed between 1993 and 1998. The second was a \$1.3 million settlement in 2009 for false claims filed between 2001 and 2006.⁹

-Dr. Robert Alan Graor is the primary investor seeking physician investors for Park Ridge Medical Center. Dr. Graor has been convicted of embezzlement of over \$1 million from the Cleveland Clinic. The State of Ohio first suspended his medical license for 5 years, then permanently revoked his license to practice medicine in 2003 for embezzlement and ongoing misrepresentations that he was board certified. State

⁶ Steve Ramirez, *New hospital would look to serve niche market* (Las Cruces Sun-News, June 2, 2013)

⁷ <http://www.slideshare.net/cardiainfo/impact-of-physicianowned-limitedservice-hospitals-lincoln-case>

⁸ <http://www.aha.org/content/00-10/Wichita%20Final%20PDF.pdf>

⁹ Steve Ramirez, *Concerns raised about new hospital proposal* (Las Cruces Sun-News, June 9, 2013)

Medical Board members referred to “a pattern of deception”, “continued dishonesty” and “deception after deception after deception”.¹⁰ In 2006, the New Mexico Medical Board placed Mr. Graor’s license on indefinite probation, issuing a Stipulated License requiring a mental health evaluation and participation in NM MTP, full disclosure of disciplinary history to all employers and associates, Board approval of practice settings and other monitoring requirements.¹¹

-Concerns related to Las Cruces developer Robert Profahl’s Enchanted Desert subdivision at Picacho Mountain. Only 24 homes sold in 4 years. This development was also supposed to include upscale shopping and restaurants that never materialized. In May 2012, the developer sold over 171 acres of undeveloped lots at Enchanted Desert subdivision to the Village of Hatch, making the property exempt from property taxes. The Village of Hatch will have to install all basic infrastructure, such as water, sewer and paved roads. The contract includes a provision that gives Profahl the option to repurchase the land in the future.¹²

-On March 4, 2013, Park Ridge submitted the Park Ridge Planned Unit Development Plan Concept Plan to the City of Las Cruces. On March 14, 2013, Park Ridge held a community meeting, where it presented a draft map of the proposed development. The map presented at the community meeting on March 14, 2013 was not the same as that submitted to the City of Las Cruces on March 4, 2013. It did not include the proposed changes to Madrid and Apodaca Park. This misrepresentation calls into question the integrity of the developer and its representatives.

CCNA is in favor of sustainable development of the Country Club property that is safe and consistent with the neighborhood character.

¹⁰ http://www.circare.org/pd/graor_20041210.pdf

¹¹ <http://www.nmmb.state.nm.us/pdf/minutes/OldMinutesAgenda/minutes021606.pdf>

¹² Steve Ramirez, *Developer optimistic about sale of land near Las Cruces to Hatch* (Las Cruces Sun-News, November 10, 2012)

Remember Art Buchwald? Some will, some won't. He won the Pulitzer Prize and wrote for the LA Times. Catch this from (I think) 1980s.

"I worry about doctors. Not all doctors. Just the ones with investments in private hospitals. The reason I worry about them is that when you're a stockholder in a hospital you might have a conflict of interest between doing what is right for the patient and what is good for the corporation.

Dr. Wesley Heights, who owns a piece of the Kidney Stone Memorial Hospital, told me he saw no ethical problem in a doctor investing his money in a private hospital.

"Doctors should own hospitals," he said. "Then they can personally see that their patients get the best treatment money can buy."

"But some people argue, " I said, "that if a doctor has a financial interest in a medical facility he may subconsciously hospitalize people, just to keep the occupancy rate up."

"That's ridiculous!" Heights said. "I've never put a patient in Kidney Stone Memorial unless he absolutely needed to be there. The board of directors does not pressure me to send them patients. As a matter of fact, I don't even put all my sick people in Kidney Stone. I send many of them to the Sisters of Mercy, a non-profit hospital."

"How do you decide?"

"It's a medical decision. If they have a good health insurance plan, I put them in Kidney Stone. If they don't, they go to the Sisters of Mercy."

"Sisters of Mercy must be thrilled to get all your indigent patients."

"They probably would like more who can pay their way, but Kidney Stone Memorial's computers are not set up to handle non-insured patients, while Sisters of Mercy has been doing it for years."

"Will Kidney Stone take a non-insured person" I asked.

"Of course we will, it it's a life or death situation. but as a profit-making hospital we owe it to our stockholders to make sure our loss-per-bed is held to a minimum. Some people have accused us of trying to put non-profit hospitals out of business. This is not true. We need them as much as they need us."

"Why do they need you?"

"Because we take the burden off them, by providing services for people who can afford them. If we didn't take these patients, they wouldn't be able to accommodate the non-paying patients who also need hospital care."

"I guess what troubles me is not the idea of private hospitals, but the thought that doctors own stock in them. That doesn't bother you?"

"On the contrary. Medical people should own a piece of the hospital they put their patients in. Who knows better how to keep costs down and make sure the institution is being run at a profit? Private hospital employees are on their toes because they know we're watching them as carefully as we're watching our patients. What makes Kidney Stone a great hospital is that our doctors worry about the bottom line."

"I guess that's the only thing you have to worry about," I said.

"What the heck does that mean?"

"If you worry about the bottom line AND your patient, you could have a conflict in judgment."

"The patient always comes first," Heights said angrily. "I don't know one doctor at Kidney Stone who has ever kept a client there longer than was absolutely necessary, unless it was a nice weekend and no one was waiting for the bed."

"You don't have to get sore."

"When I graduated from medical school I took an oath that I would treat all patients alike whether they had Blue Cross, Group Health, or Medicare. I've never violated that oath. As a matter of fact, since I became an owner in Kidney Stone Memorial, I've been able to look at medical care not only from the patient's viewpoint, but also from the stockholders'. This has made me a better doctor, and richer for the experience."

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:22 PM
To: Susana Montana
Subject: FW: Do you have questions for Councilors re Country Club proposal?

Gill Sorg
 Las Cruces City Councillor
 575 635 1767

Oliver Wendell Holmes, Jr.—*"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: Connie Potter [mailto:cjmpotter@comcast.net]
Sent: Friday, June 28, 2013 1:18 PM
To: Martha Loustaunau
Cc: Hays Michael; Miguel Silva; gillsorg@gmail.com; Tamie Smith; Randy Harris; Johnnie Aldrich; Sue Cain; Eva Booker; John Deck; Shirley Davis; johnmill9@toast.net; Allie Brooks; Win Jacobs; cscholz@zianet.com; Erika Graf-Webster; Representative Jeff Steinborn; johnwelc@nmsu.edu; ardythnorem@q.com; Dan Townsend; Palmer Clark; Carl Baca; Ernie Bean; Igioannini@yahoo.com; steve@stevefischmann.com; Peter Ossorio; Leticia Duarte-Benavidez; Wayne Hancock; Billy Garrett; Karen Perez; Dr. David Garcia; Peter Goodman; mayor@las-cruces.org; Sharon Thomas; Nathan P. Small; Olga Pedroza; Greg Smith; Robert Garza
Subject: Re: Do you have questions for Councilors re Country Club proposal?

Deaf Friends,

The real deal is rezoning for two years as "no holds barred high intensity commercial". That makes this 110 acres very valuable versus a golf course. Look at www.golfcoursesforsale.com. You can buy a 450+ acre course in Tallahassee FL for a little over \$1m. The price of the lccc property is what the LCCC mismanaged (\$3 million) and how much they need to buy another course (\$3 million) plus \$400,000 each to the realtor and developer. The Price Is Right!

By the way, There are 3.5 realtors for every 10 homes for sale in Las Cruces. At the height of southern CA real estate boom there were 4 realtors for every 10 homes and they were getting huge commissions. No wonder these ants are so hungry.

Also, my mistake about NM being the second poorest state in the US. We have overtaken Mississippi as the poorest state. So, we are the poorest city in the poorest state in the US. I guess i can't call us the Mississippi of the southwest anymore. That would be an insult to Mississippi.

Connie Potter
 2505 Desert Drive
 Las Cruces NM 88001
 524-2443

Sent from my iPhone
 Connie J. Potter

On Jun 28, 2013, at 12:02 PM, Martha Loustaunau <m_loustau@hotmail.com> wrote:

It all appears to be "cart before the horse" and we may be stuck with a cart and no horse. If their job is to "facilitate"? whose job is it to raise relevant questions that may impact everything from environment, safety, health care, and all those "other" things? They actually have no "plans" at all. Rezoning is the issue. I have a very sneaking suspicion that they have no intention whatsoever of building a hospital OR a heliport. Now why do I get that impression? The realtors were like ants all over jam. I don't think the heliport has a prayer, and the hospital certainly won't be able to take Medicare patients..... What's really going on here?
Martha

Subject: Re: Do you have questions for Councilors re Country Club proposal?

From: whiteknyght@opendoor.com

Date: Fri, 28 Jun 2013 10:41:34 -0600

CC: tamie.s@gmail.com; rharris27@hotmail.com; jraldrich@earthlink.net; terryandsuecain@yahoo.com; ebooker@creativeconsultingsolutions.com; jwdeck@mac.com; s_davis_mass@yahoo.com; johnmill9@toast.net; cjmpotter@comcast.net; abrooks1413@comcast.net; winjacobs1@gmail.com; cscholz@zianet.com; egrafwebster@q.com; polidub@aol.com; johnwelc@nmsu.edu; ardythnorem@q.com; ecolo@centurylink.net; clark_2012@comcast.net; cbsqrd@comcast.net; eban3@gmail.com; m_loustau@hotmail.com; lgioannini@yahoo.com; steve@stevefischmann.com; peterossorio@centurylink.net; lbenavidez@donaanacounty.org; wdhancock@gmail.com; archbilly@gmail.com; kperez@donaanacounty.org; drdavidjgarcia@yahoo.com; pgoodmanphotos@yahoo.com; mayor@las-cruces.org; sharon1031@gmail.com; nathan.p.small@gmail.com; olgapedroza11@hotmail.com; gsmith@las-cruces.org; rgarza@las-cruces.org

To: miguel.silva@las-cruces.org; gillsorg@gmail.com

Charlotte,

Excellent questions but no unbiased answers will come from the Garza Government. As Robert has written, its role is to "facilitate" the proposal, not analyze or evaluate it. I have not seen evidence that the progressives or "greens" or sustainability-types on City Council would make a decision not favored by developers.

Michael

On Jun 28, 2013, at 10:13 AM, Charlotte Lipson <lipson@zianet.com> wrote:

Yesterday I spoke with City Councilors Miguel Silva and Gill Sorg. Like me Gill lives in the Elks Club area and of course Miguel is the Councilor for the Country Club neighborhood and mine. I told each that P&Z Commissioners Charley Scholz and Ray Shipley at Tuesday's(6/25) P&Z meeting had some penetrating questions for the developer and for the Las Cruces planning staff and that I would be in touch soon with questions Councilors Sorg and Silva might consider

asking at the Council meeting (July ~~1895~~¹⁸⁹⁵) at which developer Ray Pofahl's proposal will be presented,

If you have questions/concerns that can be expressed in a sentence or two, I urge you to contact Councilors Silva and Sorg and/or the Mayor, City Manager and your neighborhood's Councilor.

Here are some of my questions and concerns and I'm sure I'll have a few more in the next two weeks before the Council meeting:

- I still do not understand WHY a hospital must be the "anchor" for this "mixed use" development and why if the 30 acre rezoning allowing the hospital isn't approved, that's a "deal breaker." And WHY a heliport in such a densely populated area?!

- How will traffic impinge upon the Country Club and Elks Club neighborhoods?

- How will Apodaca Park be affected? The developer says it will be enhanced. Opponents say parking and parkland will be reduced. What do the LC traffic and parks departments say?

- I was informed that many of the people at the P&Z meeting who spoke up in favor of the project are realtors who didn't identify themselves as such, a probable conflict of interest. PLEASE, City Council, ask people to identify themselves as realtors if they participate in the public input portion of the meeting.

- Once the zoning change(s) is/are approved the property obviously becomes much more valuable. What assurances do we have that the property won't be flipped?

- Can the Council ask that the CEOs of our existing hospitals appear and give their opinion of how the proposed hospital will affect them? Would they have an opinion as to the likelihood of the proposed hospital receiving licensing from the NM Dept. of Health?

Thank you!

Charlotte

Susana Montana

From: Gill Sorg <gillsorg@gmail.com>
Sent: Wednesday, July 03, 2013 9:26 PM
To: Susana Montana
Subject: FW: Do you have questions for Councilors re Country Club proposal?

Gill Sorg

Las Cruces City Councillor

575 635 1767

Oliver Wendell Holmes, Jr. – *"I like paying taxes. With them I buy civilization."* Taxes are what we pay for civilized society ...

From: Connie Potter [mailto:cjmpotter@comcast.net]

Sent: Wednesday, July 03, 2013 4:46 PM

To: Hays Michael

Cc: tamie.s@gmail.com; Gill Sorg; John Stevens; PALMER S CLARK; Peter Goodman; Randy Harris; Johnnie Aldrich; Sue Cain; Eva Booker; John Deck; Shirley Davis; Allie Brooks; Win Jacobs; Charlie Scholz; Erika Graf-Webster; Representative Jeff Steinborn; Jack Welch; Ardyth Norem; Dan Townsend; Carl Baca; Ernie Bean; Martha Loustaunau; Larry Gioannini; Senator Stephen Fischmann; Peter Ossorio; Leticia Duarte-Benavidez; Wayne Hancock; Billy Garrett; Karen Perez; Dr. David Garcia

Subject: Re: Do you have questions for Councilors re Country Club proposal?

Dear Michael and friends,

Don't forget that this rezoning is for an unneeded specialty hospital that will siphon patients from our existing safety net hospitals, creating a healthcare crisis of extreme consequences.

The existing EMS system is unprepared, the Airmedical system is dangerous, costly, and overused, and dumping our problems on El Paso's hospitals will not be sustainable. This facility can only be successful if 1) if can take Medicare and Medicaid patients which it cannot. 2) if it creates a new patient base that is not derived from the two existing hospitals which is a pipe dream.

With only 7% outmigration, data the media and City ignored, there is no source of patients for this hospital except by scavenging them from the two currently operating at excess capacity and bare bones, if not negative, revenues.

And FYI, ignorant capitalist free-market Commissioner, health care is always described by real economists as a "public good" which is harmed by competition and has expensive and non recoverable fixed costs regardless of capacity. That makes too many vacant hospital beds more costly to insurers, government sponsored payors (Medicare and Medicaid) i.e., the taxpayers, and DANGEROUS to the patients. The more often a hospital exercises its skills the better it gets. Mortality and morbidity studies have demonstrated this for decades. This rezoning for a boutique healthcare complex is bad public policy and bad for the community.

Connie J. Potter, RN, MBA;HCA

AND YES, MY INITIALS MEAN I AM QUALIFIED TO SPEAK ON THIS SUBJECT.

Sent from my iPhone
 Connie J. Potter

On Jul 3, 2013, at 4:26 PM, Hays Michael <whiteknyght@opendoor.com> wrote:

Tamie,

What fun!

But I shall address only the following point. I cannot accept your kind excuses for those whom I accuse.

I wrote:

Past decisions of even greater magnitude have been decided so. What kind of city administration and city council is so stupid that it predicates a major tax on a single-point assumption (1200 houses per year) and does not consider fluctuations in the housing market as affecting the revenue streams to achieve its purposes?

You wrote:

Little experience in researching demographics, maybe? Attending so many meetings each day that there's no time to follow the housing market? Maybe poor math?

None of the above. Planners of all kinds develop multiple scenarios, options, or what-if hypotheses. You want an impact fee to achieve certain purposes; you determine the revenues needed to achieve them; you then figure out the revenue streams according to different fees for different estimated numbers of new houses and, I assume, for ranges of new house values. You use the results to show under what conditions the impact fee can or cannot achieve its purposes. Obviously, you make adjustments to any or all of these factors to achieve something sensible. To make a single-point assumption--in this case, 1200 new houses a year--runs the risk of being significantly wrong--in this case, abandonment of impact fees. Such was the planning of the Garza government--and, I believe, it made no adjustments as the housing market--construction and values--collapsed! (If you have not seen "A Bridge Too Far," you have not seen the deadly and disastrous consequences of having no Plan B--point the movie explicitly makes [David Niven, I believe, speaks the lines].)

Why am I so accusatory and suspicious of the Garza government? I have only to detail its incompetent work in the field and in the office, and Garza's broken promises to me and defensive lies resounding to my criticisms in a case of much less significance than this one, the Brown Farm Fiasco. I can detail these charges, but most of the details have appeared either in my column or on my blog some time ago.

Comes again the city planning department to show that it does no planning. When the LCCC became defunct, it should have been pro-active in developing site-specific options for the

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Planning and Zoning Commission or City Council to consider (and adopt) and in setting criteria for prospective site developers according to what the city wants by plan, not what it tailors to the developer's wants on demand. (Instead of setting up a target with a bullseye for a developer to hit, it draws the bullseye around the arrow after it hits the butt--or the ground.) Thus, it has been reactive instead and considered only some of the zoning issues and none of the planning issues involved in a large and significant undertaking. The problem we face is city government leadership and staff which, all too typically, cannot admit a mistake and will try to save face at public expense.

My apology for my criticisms of officials and staff in both professional and personal terms go beyond the fact that they are true. I would not bother repeating them if I thought them irrelevant to the present issue of the LCCC site. But I do not believe that they are irrelevant to how the decision will be made, and I do believe that they must be taken into account in opposing the Garza government's recommendation to city council. I am motivated by a concern for a project with far greater adverse impacts with far less opportunity for meaningful public participation. The idea that council presently plans to decide this issue on the basis of a single hearing, with restrictions on public input, and no pause for additional time to reflect and request additional information is worrisome indeed.

Michael

Susana Montana

From: Connie Potter <cjmpotter@comcast.net>
Sent: Sunday, July 07, 2013 12:45 PM
To: John Stevens
Cc: Bob Pofahl; Susana Montana
Subject: Re: rally

Dear John,

Your words are insufficient to express what was clearly harassment of the members of our demonstration and persons who came to our table by Karen Pofahl. Were we more more savvy we should have called 9-1-1. The police spent plenty of time driving by to make sure our demonstration was legal and orderly. Unfortunately, the developer doesn't play by the rule of law. Its not a matter of just lack of class.

Connie Potter
2505 Desert Drive
Las Cruces. NM 88001
575-524-2443

Sent from my iPhone
Connie J. Potter

On Jul 6, 2013, at 4:23 PM, John Stevens <johnmill9@toast.net> wrote:

> Bob and Karen,

>

> I'm writing to express my displeasure with your appearance at our Protest rally this morning. Bob, at least you stayed across the street, but Karen, you stood by our table where people were trying to sign our petition, which was very disrupting. You said you were there to correct "misinformation", but as the Sun-News reported, the City and the developer are talking about (behind closed doors) an agreement to use some of Apodaca Park land for a second entrance-exit into the proposed new development, so there was no misinformation. I told you your appearance reminded me of the Black Panthers intimidating people at a voting booth, and you were asked politely by three different people to leave, which you ignored. We agreed that we had a right to be there, and so did you, but your standing so close to our sign-up table was not lady-like, and showed a definite lack of class.

>

> John Stevens,Pres.

>

> CCNA

Susana Montana

From: Connie Potter <cjmpotter@comcast.net>
Sent: Saturday, July 06, 2013 5:35 PM
To: Tamie Premier Park; Charlotte Lipson; Dan Townsend; Hays Michael; Miguel G. Silva; Mayor; Sharon K. Thomas; Olga Pedroza; Gill Sorg; Willie Roman; Mark Johnston; Susana Montana; David Weir
Cc: Carlos; tony.rodriguez@kfoxtv.com; Diana Valdez; Steve Rameriz; Walt Rubel; Jim Lawitz
Subject: Fwd: Federal Issues related to Apodaca Park
Attachments: Apodaca park received federa; funds 7 6 13.docx; ATT00001.htm; Apodaca Park final final.pdf; ATT00002.htm

My email to Parks and Recreation

This is public information.

Connie Potter
2505 Desert Drive
Las Cruces, NM. 88001
575-524-2443

To: wroncamunez@yahoo.com

Subject: Federal Issues related to Apodaca Park

Dear Dr. Camunez,

Thank you for taking the time to speak with me today about the public information demonstration at Apodaca Park. It is apparent that many people in this City, including those in its government, are either unaware or unconcerned with the barriers to sale, trade, exchange, or other compensation related to Federally protected lands. This park clearly received Land and Water Conservation Fund (LCWF) monies at least twice in the past, Regardless of its origins (i.e., gifted from the Las Cruces Country Club), the entire property is protected from "conversion" without sanction by the Federal Secretary of the Interior, who I believe oversees these protected lands.

I was really shocked to hear you say that there was a meeting with the Developer, Bob Pofahl, scheduled Monday with Parks and Recreation, to discuss the sale, exchange, or transfer of any part of Apodaca Park. The public has been left out of most of the discussion and input into the entire process. Therefore, we will be notifying our Senator Tom Udall concerning this City's lack of oversight and protection of the public trust.

The idea that these legal issues are being brought to you by a private citizen is outrageous. Please be clear that I got this information about the park's legal status from the CCNA's pro bono and other legal source. Other information about healthcare statistics and hospital data as well as physician investor hospital law have come through my discussions with hospital administrators, including those of both hospitals and others who helped establish the current sustainable healthcare system in Las Cruces.

Sincerely,

Connie Potter, RN, MBA;MBA

Chair, Country Club Neighborhood Association Infrastructure Committee

2505 Desert Drive

Las Cruces NM 88001

575-524-2443

Attachment:

Federal Matching Funds from Land and Water Conservation Funds

Apodaca Park demonstration final handout

Subject: Evidence

See link: <http://waso-lwcf.ncrc.nps.gov/public/index.cfm>

Federal Matching money from Land and Water Conservation Fund was used for Apodaca Park for two projects (renovation, sprinklers in 1974).

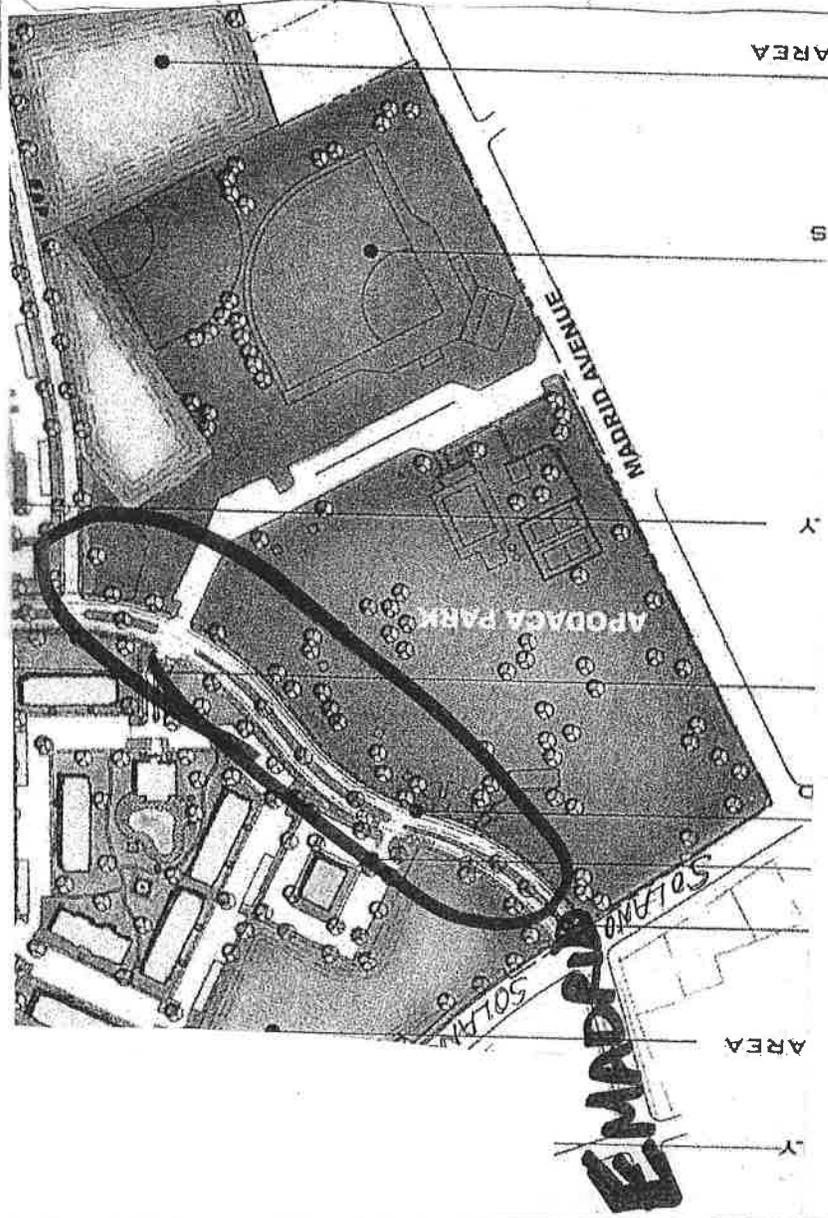
Legal Protection for Grant-Assisted Recreation Sites
Section 6(f)(3) of the LWCF Act

Section 6(f)(3) of the LWCF Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible. It recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost - a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions.

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This "anti-conversion" requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities. In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site.

THE CITY AND BIG MONEY DEVELOPERS WILL TAKE APODACAC PARK LAND



NO backroom deals
- City of Las Cruces

NO land deals
without our vote or
knowledge

NO new road from
East Madrid taking
our park & parking

What Pofahl et. al. are wanting to do is "convert" a large portion of Apodaca Park into a "major thoroughfare" for a private development whose "anchor tenant" being a proposed new acute care hospital that is not being demanded for by the public, nor needed and whose written ownership structure is illegal. Apodaca Park is not "obsolete" and does not deserve to be "casually converted" for a high-risk private venture rather it should be absolutely "federally protected"*

*The City of Las Cruces was the recipient of Federal Land and Water Conservation funds and thus subject to Federal protection.

Susana Montana

From: Bob Pofahl <bob@picachomountain.com>
Sent: Sunday, July 07, 2013 9:29 PM
To: Connie Potter; John Stevens
Cc: Susana Montana
Subject: Re: rally

John and Connie,

Let me, Karen, reply for myself and the rally Saturday. You published our personal name in an inflammatory statement on a handout that was given out to the public in a public setting. I had every right to be there to hear what was being presented to the public. I spoke to several people when I first got to the demonstration, however was told after the first 20 minutes that I was not welcome at "your event". From that point on, I never spoke to any person who approached the table to sign the petition. In fact, I stood on the opposite side of the table from the petition and talked with your two co-workers for the rest of the rally. Our conversation was general about the development and certainly non-combative. I also spoke to a nice lady who had already signed the petition and we discussed the Las Cruces economy and I answered a couple of her questions regarding the proposed hospital. Those conversations were not held close to the petitions. I'm sure everyone who approached the table after the first 20 minutes thought I was just part of your group.

There was no intimidation on my part and your own co-workers who manned the petition table the entire time know that. You weren't even at the table most of the time. John and Connie, you and your supporters have been invited to attend every public meeting/event we've had. You were given a forum to speak at our events, so I feel that I certainly had every right to be present at a city-wide public event to hear the information, or misinformation, that was being presented about us.

Karen Pofahl

Bob Pofahl
 575-680-8812 mobile
 575-523-2500 office
 575-993-5342 fax

Picacho Mountain
 1340 Picacho Hills Dr.
 Las Cruces, NM 88007
<http://www.cbiholdings.com> <<http://www.cbiholdings.com/>> <http://www.picachomountain.com>
 <<http://www.picachomountain.com/>> [blog.picachomountain.com](http://www.picachomountain.com) <applewebdata://8984518C-8582-43B3-BA30-12E834637AE9/blog.picachomountain.com>

On 7/7/13 12:44 PM, "Connie Potter" <cjmpotter@comcast.net> wrote:

>Dear John,
 >

Susana Montana

From: Connie Potter <cjmpotter@comcast.net>
Sent: Sunday, July 07, 2013 7:57 PM
To: W. RON CAMUNEZ
Cc: John Stevens; Eva Booker; Palmer Clark; Mayor; Susana Montana; David Weir; Willie Roman
Subject: Re: Federal Issues related to Apodaca Park

Dear Ron,

I did not say there HAD been any closed meetings. I believe you said there was to be a meeting about the park monday (tomorrow) at parks and recreation and the gentleman on the motorcycle thought he heard it as well.

We know there have been discussions to sell, trade etc., that piece of Apodaca park. I spoke with Willie roman and mark Johnston about it. Mr. Pofahl has it on his latest rendering and spoke of same negotiations at a public meeting I recorded on June 18. That is why we were there demonstrating. Ron, We're not delusional. Otherwise it was a long hot day.

Hope you had a nice rest of holiday weekend. It was nice seeing you again. Next time we'll talk trauma centers again.

Sincerely,
Connie Potter

Sent from my iPhone
Connie J. Potter

On Jul 7, 2013, at 7:45 PM, "W. RON CAMUNEZ" <wroncamunez@yahoo.com> wrote:

Ms. Potter:

There has been NO meetings held behind closed doors nor have I alluded to any! Please do not assume some.

Also, I never stated Apodaca Park was "worthless and there was negotiations for money" being made. This is incorrect. I stated that the triangle piece of land in the north side of the entrance of the park at Solano and Madrid could possible be a selling point in future negotiations....nothing set in stone.....just was my observation.

Regards,
Ron

W. RON CAMUNEZ

1896

W.R. Camunez & Associates
Professional Consulting Services
Political and Emergency/Safety Planning
Email: wroncamunez@yahoo.com
Telephone (575) 805-0701

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From: Connie Potter <cjmpotter@comcast.net>
To: Sharon Thomas <skthomas_10@msn.com>
Cc: Ken Miyagishima <mayor@las-cruces.org>; Sharon Thomas <sharon1031@gmail.com>; Greg Smith <gsmith@las-cruces.org>; Nathan Small <nathan.p.small@gmail.com>; Gill Sorg <gillsorg@gmail.com>; Miguel Silva <miguel.silva@las-cruces.org>; Olga Pedroza <olgapedroza11@hotmail.com>; Robert Garza <rgarza@las-cruces.org>; "wroncamunez@yahoo.com" <wroncamunez@yahoo.com>; Mark Winson <mwinson@las-cruces.org>; Brian Denmark <briand@las-cruces.org>
Sent: Sunday, July 7, 2013 6:29 PM
Subject: Re: Federal Issues related to Apodaca Park

So why is parks and recreation holding closed meetings to discuss trade, sale, exchange of part of a federally protected park?

Just askin. Being from a sunshine state and all (Oregon) where I reported to the Governor. Feel free to ignore me.

Connie Potter

Sent from my iPhone
Connie J. Potter

On Jul 7, 2013, at 6:19 PM, cjmpotter@comcast.net wrote:

Dear Ms. Thomas,

With all due respect, I believe you are confusing which zoning you are involved with and is therefore outside of public discussion. The Apodaca Park legal issue is not within the 30 acre zoning application for Park Ridge Development.

As a councilor, it is your jobs to understand the law as it applies to actions of the departments you oversee as elected officials, that being Parks and Recreation and Traffic Engineering. Those departments are negotiating the disposition of part of a Federally protected Park. I was asked to send you this information by Mr. Camunez. I did so as a courtesy since it is really the City's legal counsel that should do this work, not a very ill citizen.

Your confusion is understandable since the Developer has changed the application multiple times but it is not believable that you cannot view anything that you "might" have to vote on in some indefinite future time. I don't need the AG for that. However, the AG will likely be looking at the taking of part of Apodaca Park in violation of Federal law without permission of the Secretary.

Sincerely,

Connie Potter
2505 Desert Drive
Las Cruces NM 88001
575-524-2443

From: "Sharon Thomas" <skthomas_10@msn.com>
To: "Connie Potter" <cjimpotter@comcast.net>, lipson@zianet.com
Cc: "Ken Miyagishima" <mayor@las-cruces.org>, "Sharon Thomas" <sharon1031@gmail.com>, "Greg Smith" <gsmith@las-cruces.org>, "Nathan Small" <nathan.p.small@gmail.com>, "Gill Sorg" <gillsorg@gmail.com>, "Miguel Silva" <miguel.silva@las-cruces.org>, "Olga Pedroza" <olgapedroza11@hotmail.com>, "Robert Garza" <rgarza@las-cruces.org>, wroncamunez@yahoo.com, "Mark Winson" <mwinson@las-cruces.org>, "Brian Denmark" <briand@las-cruces.org>
Sent: Sunday, July 7, 2013 5:43:25 PM
Subject: RE: Federal Issues related to Apodaca Park

Once again, and as Ron Camunez has also stated (below), we can only discuss this matter in an open, public meeting.

Here's some information from the Attorney General's office about the 1978 Open Meetings act.

The "Open Meetings Act," NMSA 1978, Sections 10-15-1 to 10-15-4, is known as a "sunshine law." All states have such laws, which are essentially motivated by the belief that the democratic ideal is best served by a well informed public. Sunshine laws generally require that public business be conducted in full public view, that the actions of public bodies be taken openly, and that the deliberations of public bodies be open to the public.

All of this business, which is public business, will be conducted in an appropriate public meeting. Any actions taken will only be taken in a public meeting.

Sherry

Sharon Thomas

Mayor Pro Tem
City Councilor, District 6
Las Cruces, NM

1898

CC: mayor@las-cruces.org; sharon1031@gmail.com; gsmith@las-cruces.org; nathan.p.small@gmail.com; gillsorg@gmail.com; miguel.silva@las-cruces.org; olgapedroza11@hotmail.com; rgarza@las-cruces.org
From: cjmpotter@comcast.net
Subject: Re: Federal Issues related to Apodaca Park
Date: Sun, 7 Jul 2013 09:21:39 -0600
To: lipson@zianet.com

To whom it concerns;
Mr Camunez clearly stated that the Apodaca park was worthless and was being negotiated for a lot of money Monday with the developer. I had a witness

He also stated that mark Johnston has only been there a short time so couldn't know this stuff. Well its easy to find. They have a damn website.

I think you folks will get a bill for my legal services since your advice and due diligence is so sorely lacking that a private citizen has to do it.

Connie Potter
Sent from my iPhone
Connie J. Potter

On Jul 7, 2013, at 8:01 AM, Charlotte Lipson <lipson@zianet.com> wrote:

fyi

Charlotte

Begin forwarded message:

From: Connie Potter
<cjmpotter@comcast.net>
Subject: Fwd: Federal Issues related to Apodaca Park
Date: July 6, 2013 6:45:21 PM MDT
To: Charlotte Lipson <lipson@zianet.com>, Tamie Premier Park <tamie.s@gmail.com>, Dan

Townsend 1899
<ecolo@centurylink.net>, Larry
Gioannini
<lgioannini@yahoo.com>, Hays
Michael
<whiteknyght@opendoor.com>,
John Stevens
<johnmill9@toast.net>, Eva Booker
<ebooker@creativeconsultingsolutions.com>, Carl Baca
<cbsqrd@comcast.net>, Palmer
Clark <clark_2012@comcast.net>

Please forward on. I don't have a full
list. Response from Ron Camunez.

Sent from my iPhone
Connie J. Potter

Begin forwarded message:

From: "W. RON
CAMUNEZ"
<wroncamunez@yahoo.com>
Date: July 6, 2013,
6:19:46 PM MDT
To:
"cjmpotter@comcast.net"
<cjmpotter@comcast.net>
Cc: John & Millie CCNA
Stevens
<johnmill9@toast.net>,
Eva Booker
<ebooker@creativeconsultingsolutions.com>, Carl
Baca
<cbsqrd@comcast.net>,
PALMER S CLARK
<clark_2012@comcast.net>,
Mark Johnston
<mjohnston@las-cruces.org>
**Subject: Re: Federal
Issues related to
Apodaca Park**
Reply-To: "W. RON
CAMUNEZ"
<wroncamunez@yahoo.com>

Ms. Potter, 1900

Thanks for the information provided. I will see that the appropriate departments have a copy.

I did not imply or state that a meeting with Mr. Pofhal who plans to develop the country club property is planned for Monday. I did mention to you that Mr. Pofhal and his team presented the proposal as to the planned use for the country club to the City of Las Cruces Parks and Recreation Advisory Board in May of this year which was strictly information and not an action item on the Agenda.

We discussed various concerns and possibilities as to the project and it's impact on the park, however, NO formal action or vote was taken.

A copy of the board's minutes are available for your review.

Please contact the city's Parks and Recreation

Department for a
1801
copy.

Has this information
been provided to the
City's legal
department and the
City Manager?

It is illegal for me as
Chair of the Parks &
Recreation Advisory
Board to make any
further comments
about this matter as it
may become an
appeal issue
regarding the ruling of
the Planning and
Zoning
Commission from your
group or others and
that the issue may
come before my board
in future.

Again, thank you for
the information and I
wish you success and
a speedy recovery in
your upcoming
cardiac surgery.

P.S. I do not hold a
doctorate degree, but
have 2 bachelors in
B.A. and a B.S in
Political
Science. However,
thanks for the
"upgrade" lol.

Regards,

**W. Ron Camunez¹⁹⁰²,
Chair
Parks & Recreation
Advisory Board
City of Las Cruces**

W. RON CAMUNEZ
*W.R. Camunez &
Associates
Professional Consulting
Services
Political and
Emergency/Safety
Planning
Email:
wroncamunez@yahoo.com
Telephone (575) 805-0701*

****NOTICE**** The information in this email message and/or documents transmitted is **CONFIDENTIAL** and **PRIVILEGED**, and exempt disclosure under applicable law (Electronic Communications Privacy Act, 18 U.S.C. §2510-2521), and intended for the use of the individual named or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message/documents to us at this email address.

From:
"cjmpotter@co
mcast.net"
<cjmpotter@co
mcast.net>
To:
[wroncamunez
@yahoo.com](mailto:wroncamunez@yahoo.com)
Cc:

Susana Montana

From: David Weir
Sent: Monday, July 08, 2013 8:11 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: Federal Issues related to Apodaca Park

FYI

From: Brian Denmark
Sent: Monday, July 08, 2013 7:40 AM
To: Sharon K. Thomas
Cc: David Weir; Mark Johnston; Mark Winson
Subject: RE: Federal Issues related to Apodaca Park

Councilor,

Be advised that staff is well aware of the land and water conservation issue and have already advised the developer that the issue will have to be addressed as part of the property acquisition process. I don't know where Ron got the idea that there was a meeting today but there isn't. Mark and I do plan on meeting with Bob at some point, however, to explain the process in which they will have to go through in order for the City to consider land sale – appraisals, park amenity value issues, land and water conservation requirements, etc. I am not aware of a meeting even being scheduled yet but once one is conducted, it only has to do with process, no decision making because ultimately, Council has to approve any land transaction issue in a public hearing.

Let me know if you have any questions.

Thank you,

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Sharon K. Thomas
Sent: Saturday, July 06, 2013 6:23 PM
To: Robert Garza; Brian Denmark; Mark Winson
Subject: Fwd: Federal Issues related to Apodaca Park

FYI,

Sherry

Sharon Thomas
Mayor Pro Tem
City Councilor, District 6
Las Cruces, NM
575 993 9347

Begin forwarded message:

From: Connie Potter <cjmpotter@comcast.net>
Date: July 6, 2013, 5:34:38 PM MDT
To: Tamie Premier Park <tamie.s@gmail.com>, Charlotte Lipson <lipson@zianet.com>, Dan Townsend <ecolo@centurylink.net>, Hays Michael <whiteknyght@opendoor.com>, "Miguel G. Silva" <msilva@las-cruces.org>, "Ken Myagishima" <mayor@las-cruces.org>, "Sharon K. Thomas" <stthomas@las-cruces.org>, Olga Pedroza <olgapedroza11@hotmail.com>, Gill Sorg <gillsorg@gmail.com>, <wroman@las-cruces.org>, <mjohnston@las-cruces.org>, Suzannah Montana <smontana@las-cruces.org>, David Weir <dweir@las-cruces.org>
Cc: Carlos <abc7desk@yahoo.com>, <tony.rodriguez@kfoxtv.com>, Diana Valdez <dvaldez@elpasotimes.com>, Steve Rameriz <sramirez@lcsun-news.com>, "Walt Rubel" <wrubel@lcsun-news.com>, Jim Lawitz <jlawitz@lcsun-news.com>
Subject: Fwd: Federal Issues related to Apodaca Park

My email to Parks and Recreation

This is public information.

Connie Potter
 2505 Desert Drive
 Las Cruces. NM. 88001
 575-524-2443

To: wroncamunez@yahoo.com

Subject: Federal Issues related to Apodaca Park

Dear Dr. Camunez,

Thank you for taking the time to speak with me today about the public information demonstration at Apodaca Park. It is apparent that many people in this City, including those in its government, are either unaware or unconcerned with the barriers to sale, trade, exchange, or other compensation related to Federally protected lands. This park clearly received Land and Water Conservation Fund (LCWF) monies at least twice in the past, Regardless of its origins (i.e., gifted from the Las Cruces Country Club), the entire property is protected from "conversion" without sanction by the Federal Secretary of the Interior, who I believe oversees these protected lands.

I was really shocked to hear you say that there was a meeting with the Developer, Bob Pofahl, scheduled Monday with Parks and Recreation, to discuss the sale, exchange, or transfer of any part of Apodaca Park. The public has been left out of most of the discussion and input into the entire process. Therefore, we will be notifying our Senator Tom

Udall concerning this City's lack of oversight and protection of the public trust.

The idea that these legal issues are being brought to you by a private citizen is outrageous. Please be clear that I got this information about the park's legal status from the CCNA's pro bono and other legal source. Other information about healthcare statistics and hospital data as well as physician investor hospital law have come through my discussions with hospital administrators, including those of both hospitals and others who helped establish the current sustainable healthcare system in Las Cruces.

Sincerely,

Connie Potter, RN, MBA;MBA

Chair, Country Club Neighborhood Association Infrastructure Committee

2505 Desert Drive

Las Cruces NM 88001

575-524-2443

Attachment:

Federal Matching Funds from Land and Water Conservation Funds

Apodaca Park demonstration final handout

Susana Montana

From: David Weir
Sent: Monday, July 08, 2013 8:12 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: Please dial it down, Michael!

FYI

From: Brian Denmark
Sent: Monday, July 08, 2013 7:31 AM
To: David Weir
Cc: Mark Johnston
Subject: FW: Please dial it down, Michael!

FYI and file.....there is no secret meeting today by the way.

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Robert Garza
Sent: Saturday, July 06, 2013 3:38 PM
To: Brian Denmark
Subject: Fwd: Please dial it down, Michael!

Begin forwarded message:

From: Connie Potter <cjmpotter@comcast.net>
Date: July 6, 2013, 3:20:07 PM MDT
To: Charlotte Lipson <lipson@zianet.com>
Cc: Hays Michael <whiteknuyght@opendoor.com>, John Stevens <johnmill9@toast.net>, Mayor Ken Miyagishima <mayor@las-cruces.org>, "Sharon Thomas" <sharon1031@gmail.com>, Olga Pedroza <olgapedroza11@hotmail.com>, Miguel Silva <miguel.silva@las-cruces.org>, Gill Sorg <gillsorg@gmail.com>, "Nathan P. Small" <nathan.p.small@gmail.com>, Greg Smith <gsmith@las-cruces.org>, Robert Garza <rgarza@las-cruces.org>
Subject: Re: Please dial it down, Michael!

Dear Charlotte,

I believe in civil discourse. I don't believe anyone involved in this fiasco believes they themselves have ill intentions or are personally corrupt. No, they think they know best how to govern without public input, knowledge, or involvement. The perfect nanny state for a public with ADD.

However Michael does make a point about the ¹⁹⁰⁷transparency of these real estate dealings that certain councilors ran for office and were elected to correct.

Watch for my next email to city and park officials. The Proposed Development has legal issues that only can be addressed by the highest level of Federal government. Who knew that? City legal counsel? No, private citizens doing the city's due diligence.

It is time for better investigative journalism in this town. Are you aware that Parks and Recreation are holding a meeting (closed) with the developer on Monday to discuss a trade, sale or other compensation prohibited for Federally protected land? Only I and those protesting today know that law and I just found out about the secret meeting. Whose freedom did we just celebrate anyway? We the People's.

Sincerely,
Connie Potter
Speaking for myself

Sent from my iPhone
Connie J. Potter

On Jul 6, 2013, at 11:26 AM, Charlotte Lipson <lipson@zianet.com> wrote:

Michael-

Your ad hominem attacks would have been appropriate when under Mayor Mattiace the City Council was manifestly controlled by real estate interests. A great many of us worked very hard to elect the present panel motivated by the corrupt Philippou debacle which Mattiace and then State Land Commissioner Patrick Lyons "facilitated" and which led to the present situation. Gill Sorg is a Good Guy. Like me he lives near the Country Club neighborhood and I know that he and the entire Council are aware of our concerns. He and Miguel Silva (the Councilor for the Country Club area) and the other Councilors have listened to us and will continue to do so. There is no "fix." It is unhelpful to accuse the Council of being unresponsive to constituents' concerns and to imply that all government is corrupt.

Charlotte

On Jul 6, 2013, at 10:03 AM, Hays Michael <whiteknyght@opendoor.com> wrote:

Some of you are receiving this message twice because you are on the LCCC concerned citizens list and my blog list. Because the lists are not entirely overlapping, I am sending this message to the LCCC group.

"Tomorrow's news today," an old news slogan, becomes "today's blog tomorrow." In the meantime, a local development deserves a brief mention in the interim.

Everyone should please note an item in today's story (LCS-N, A2) on the protest at Apodaca Park: http://www.lcsun-news.com/las_cruces-news/ci_23605620/demonstrators-gather-at-apodaca-park-saturday

"City Council recently met in closed session to discuss the potential of entering into negotiations with developers to construct a second entrance and exit into Park Ridge. No formal decision has been made by the council. It will have to convene to publicly to formal consider any possible sale or exchange of city-owned property, such as Apodaca Park."

More than anyone else, Gill Sorg has insisted on the ordinance which prohibits citizens from communicating with their representatives about planning and zoning matters until City Council holds formal hearings because of the quasi-judicial nature of the process. (Greg Smith and Sharon Thomas have put in merely cameo appearances on the subject of citizen communications.)

Meanwhile, Sorg, the other councilors, and the mayor in advance of those hearings have already made the decision to "facilitate, in City Manager Robert Garza's word, the proposal in a closed-door meeting to consider negotiations before a hearing takes place and a decision is formally made. Sorg knows that any communications from citizens will be too late to affect the outcome. Thus, City Council has make the public hearing set for August an empty formality, for it has already agreed on the issue to approve the recommended zoning change before receiving public input and publicly making the decision.

I have previously written about corruption of the process and the city's role in biasing the project in disregard of the interests of citizens. But I had not expected Sorg as well as Smith and Thomas to show such hypocrisy by willing and silent participation in this "fix" while advising citizens to wait their proper turn in a process made meaningless by their perversion of it. Indeed, the haste with which city government in advancing this proposal is intended to prevent meaningful public participation. I think it fair to say that, say, the Mayor's campaign promises of greater transparency were misinterpreted to mean greater forthrightness and accountability in government; what he meant was that city government would be quite open about, and indifferent to, its corruption of democratic processes.

While I am at it, I want to note with appreciation the Sun-News's previous editorial calling for careful consideration of the issues and to its coverage up to now. It remains to be seen, however, whether the paper will take a strong stand against this project not only because of its deficiencies (legal, economic, social, etc.), but also because of the lesson to be taught to government officials, elected and employed, who abuse democratic procedures, by its rejection. Unfortunately,

it is more likely they will be reporting and editorializing on legal proceedings in the courts (on the assumption that they are trustworthy).

Michael

Susana Montana

From: David Weir
Sent: Monday, July 08, 2013 8:13 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: Please dial it down, Michael!

FYI

From: Brian Denmark
Sent: Monday, July 08, 2013 7:28 AM
To: David Weir
Subject: FW: Please dial it down, Michael!

FYI and file.....

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Robert Garza
Sent: Saturday, July 06, 2013 3:36 PM
To: Brian Denmark
Subject: Fwd: Please dial it down, Michael!

Begin forwarded message:

From: Win Jacobs <winjacobs1@gmail.com>
Date: July 6, 2013, 1:30:24 PM MDT
To: Charlotte Lipson <lipson@zianet.com>
Cc: Hays Michael <whiteknyght@opendoor.com>, John Stevens <johnmill9@toast.net>, Connie Potter <cjnpotter@comcast.net>, "Mayor Ken Miyagishima" <mayor@las-cruces.org>, Sharon Thomas <sharon1031@gmail.com>, Olga Pedroza <olgapedroza11@hotmail.com>, Miguel Silva <miguel.silva@las-cruces.org>, Gill Sorg <gillsorg@gmail.com>, "Nathan P. Small" <nathan.p.small@gmail.com>, Greg Smith <gsmith@las-cruces.org>, "Robert Garza" <rgarza@las-cruces.org>
Subject: Re: Please dial it down, Michael!

With respect, ad hominem attacks are never appropriate! Both classical rules of debate and common sense of civil living and civic accomplishing prohibit such attacks.
 Win

On Sat, Jul 6, 2013 at 11:26 AM, Charlotte Lipson <lipson@zianet.com> wrote:
 Michael-

Your ad hominem attacks would have been appropriate when under Mayor Mattiace the City Council was manifestly controlled by real estate interests. A great many of us worked very hard to elect the present panel motivated by the corrupt Philippou debacle which Mattiace and then State Land Commissioner Patrick Lyons "facilitated" and which led to the present situation. Gill Sorg is a Good Guy. Like me he lives near the Country Club neighborhood and I know that he and the entire Council are aware of our concerns. He and Miguel Silva (the Councilor for the Country Club area) and the other Councilors have listened to us and will continue to do so. There is no "fix." It is unhelpful to accuse the Council of being unresponsive to constituents' concerns and to imply that all government is corrupt.

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Friends,

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Everyone should please note an item in today's story (LCS-N, A2) on the protest at Apodaca Park: http://www.lcsun-news.com/las_cruces-news/ci_23605620/demonstrators-gather-at-apodaca-park-saturday

"City Council recently met in closed session to discuss the potential of entering into negotiations with developers to construct a second entrance and exit into Park Ridge. No formal decision has been made by the council. It will have to convene to publicly to formal consider any possible sale or exchange of city-owned property, such as Apodaca Park."

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Meanwhile, Sorg, the other councilors, and the mayor in advance of those hearings have already made the decision to "facilitate, in City Manager Robert Garza's word, the proposal in a closed-door meeting to consider negotiations before a hearing takes place and a decision is formally made. Sorg knows that any communications from citizens will be too late to affect the outcome. Thus, City Council has make the public hearing set for August an empty formality, for

it has already agreed on the issue to approve the recommended zoning change before receiving public input and publicly making the decision.

I have previously written about corruption of the process and the city's role in biasing the project in disregard of the interests of citizens. But I had not expected Sorg as well as Smith and Thomas to show such hypocrisy by willing and silent participation in this "fix" while advising citizens to wait their proper turn in a process made meaningless by their perversion of it. Indeed, the haste with which city government in advancing this proposal is intended to prevent meaningful public participation. I think it fair to say that, say, the Mayor's campaign promises of greater transparency were misinterpreted to mean greater forthrightness and accountability in government; what he meant was that city government would be quite open about, and indifferent to, its corruption of democratic processes.

While I am at it, I want to note with appreciation the Sun-News's previous editorial calling for careful consideration of the issues and to its coverage up to now. It remains to be seen, however, whether the paper will take a strong stand against this project not only because of its deficiencies (legal, economic, social, etc.), but also because of the lesson to be taught to government officials, elected and employed, who abuse democratic procedures, by its rejection. Unfortunately, it is more likely they will be reporting and editorializing on legal proceedings in the courts (on the assumption that they are trustworthy).

Michael

Susana Montana

From: David Weir
Sent: Monday, July 08, 2013 8:14 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: Please dial it down, Michael!

FYI

From: Brian Denmark
Sent: Monday, July 08, 2013 7:27 AM
To: David Weir
Subject: FW: Please dial it down, Michael!

FYI and for file.....

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Robert Garza
Sent: Saturday, July 06, 2013 12:02 PM
To: Brian Denmark
Subject: Fwd: Please dial it down, Michael!

Begin forwarded message:

From: Charlotte Lipson <lipson@zianet.com>
Date: July 6, 2013, 11:26:08 AM MDT
To: Hays Michael <whiteknyght@opendoor.com>
Cc: John Stevens <johnmill9@toast.net>, Connie Potter <cjmpotter@comcast.net>, Mayor Ken Miyagishima <mayor@las-cruces.org>, Sharon Thomas <sharon1031@gmail.com>, Olga Pedroza <olgapedroza11@hotmail.com>, "Miguel Silva" <miguel.silva@las-cruces.org>, Gill Sorg <gillsorg@gmail.com>, "Nathan P. Small" <nathan.p.small@gmail.com>, Greg Smith <gsmith@las-cruces.org>, Robert Garza <rgarza@las-cruces.org>
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1915
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Michael

Susana Montana

From: David Weir
Sent: Monday, July 08, 2013 8:15 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: neighborhood support for Park Ridge Project

FYI

From: Brian Denmark
Sent: Monday, July 08, 2013 7:27 AM
To: David Weir
Subject: FW: neighborhood support for Park Ridge Project

FYI and for file.....

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Robert Garza
Sent: Saturday, July 06, 2013 12:53 PM
To: Brian Denmark
Subject: Fwd: neighborhood support for Park Ridge Project

Begin forwarded message:

From: <PappaMdog@aol.com>
Date: July 6, 2013, 12:02:37 PM MDT
To: <mayor@las-cruces.org>, <rgarza@las-cruces.org>, <miguel.silva@las-cruces.org>
Subject: neighborhood support for Park Ridge Project

Gentlemen,

I am writing this Email to publicly share my feelings of support for the Park Ridge Project. I think Bob (developer) has done a good job of adjusting his development plans for the community needs. It appears that the plans would benefit the immediate neighborhood and the City of Las Cruces.

I know that I am only one person, but I hope the City is not placing too much emphasis on what the CCNA (Country Club Neighborhood Association), headed by John Stevens is expressing. From his own Emails, it appears that this organization is 23 in size and not all in agreement. There are people in this neighborhood (like me) that do not belong to this organization and do not feel the same way as John.

I understand that there may need to be a small adjustment in the north side of the park to accommodate traffic through Park Ridge. It appears to be a relatively small

adjustment for the benefits of having the property improved. It would be a shame to have it continue to deteriorate, instead of grow into something positive.

The 3 of you all have tough jobs, and I thank you for taking on the challenge of leadership for our Community.

Thanks for your time and consideration,

Steve Dahlgren
2035 San Acacio
homeowner
(575) 635-9123

Susana Montana

From: David Weir
Sent: Monday, July 08, 2013 9:54 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: Open Meetings

FYI

From: Brian Denmark
Sent: Monday, July 08, 2013 9:48 AM
To: David Weir
Cc: Mark Johnston
Subject: FW: Open Meetings

FYI

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Hays Michael [<mailto:whiteknights@opendoor.com>]
Sent: Sunday, July 07, 2013 9:36 PM
To: Sharon Thomas
Cc: lipson@zianet.com; tamie.s@gmail.com; John Millie Stevens; ebooker@creativeconsultingsolutions.com; clark_2012@comcast.net; ecolo@centurylink.net; Larry Gioannini; Connie Potter; Sharon Thomas; Greg Smith; Nathan Small; Gill Sorg; Miguel G. Silva; Olga Pedroza; Robert Garza; wroncamunez@yahoo.com; Mark Winson; Brian Denmark
Subject: Re: Open Meetings

Sharon,

You merely fence with my second paragraph and say nothing responsive to my third paragraph. It looks like evasion, but you may just need time and a second chance. The fencing is not effective, and I am surprised that you think that it might be. Your say-so denial under the circumstances must be suspect. But the fact of the meeting and of the subject reported are not suspect.

So my question in the third paragraph stands. See if you can address it. That was the question which I asked and to which I looked forward and still forward to receiving an answer.

Michael

On Jul 7, 2013, at 8:53 PM, Sharon Thomas <skthomas_10@msn.com> wrote:

City council did not meet in a closed door session to agree "among the members of the City Council . . . to negotiate or to permit others to negotiate with the developer or his agent," nor did we agree "to ratify these negotiations later in a public meeting" The city council only meets in closed door sessions to discuss real estate or personnel issues, as is allowed under the open meetings act.

Sherry

Sharon Thomas
Mayor Pro Tem
City Councilor, District 6
Las Cruces, NM

> From: whiteknyght@opendoor.com
> Subject: Open Meetings
> Date: Sun, 7 Jul 2013 20:26:34 -0600

>
CC: lipson@zianet.com; tamie.s@gmail.com; whiteknyght@opendoor.com; johnmill9@toast.net; ebooker@creativeconsultingsolutions.com; clark_2012@comcast.net; ecolo@centurylink.net; lgioannini@yahoo.com; cjm.potter@comcast.net

> To: mayor@las-cruces.org; sharon1031@gmail.com; gsmith@las-cruces.org; nathan.p.small@gmail.com; gillsorg@gmail.com; miguel.silva@las-cruces.org; olgapedroza11@hotmail.com; rgarza@las-cruces.org; wroncamunez@yahoo.com; mwinson@las-cruces.org; briand@las-cruces.org

>
> Sharon,

>
> I received the following text from an email which you sent earlier this evening to Connie Potter and copied to those addressed under "To:" I am taking the liberty to pass it on to others interested in this quasi-judicial proceeding.

>
> This is a wonderful statement, and I am glad that you have shared it with us. However, I can weasel-word its language as, I believe City Council has weasel-worded it: agreeing among the members of the City Council in a closed-door session to negotiate or to permit others to negotiate with the developer or his agent, and agreeing to ratify these negotiations later in a public meeting are not actions until they are acted upon in a public session. This conduct by City Council appears to be a plain evasion of the intent of the law and a perversion of public participation. The judges appear to be making sentencing arrangements in advance of trial and verdict.

>
> I invite you to explain that appearances are deceiving by explaining why City Council met in executive session to discuss negotiations in advance of a formal decision to rezone the property if a decision favoring the proposal in principle had not been made or was not being made in the course of its discussions.

>
> I look forward to your answer.

>
> Michael L. Hays

>
>
>
>

1920

Susana Montana

From: John Stevens <johnmill9@toast.net>
Sent: Monday, July 08, 2013 11:19 AM
To: Bob Pofahl
Cc: Connie and Murray Potter; Susana Montana
Subject: Re: rally

Karen,

We've already agreed that you had the right to be there, it's just a matter of how long you were there, and what your actions were, while you were there. As far as "meetings", we had a joint meeting with your group, and one meeting with our Premier Park group (at which I was scolded by Bob for inviting the Sun-News) the point being that we all had our chance to speak, and we were all invited. I don't know what sign you are referring to, but if you'll describe it to me, I'll see that it's removed before the next protest.

Regards,

John Stevens, Pres.

CCNA

On Sun, Jul 7, 2013 at 9:29 PM, Bob Pofahl <bob@picachomountain.com> wrote:
John and Connie,

Let me, Karen, reply for myself and the rally Saturday. You published our personal name in an inflammatory statement on a handout that was given out to the public in a public setting. I had every right to be there to hear what was being presented to the public. I spoke to several people when I first got to the demonstration, however was told after the first 20 minutes that I was not welcome at "your event". From that point on, I never spoke to any person who approached the table to sign the petition. In fact, I stood on the opposite side of the table from the petition and talked with your two co-workers for the rest of the rally. Our conversation was general about the development and certainly non-combative. I also spoke to a nice lady who had already signed the petition and we discussed the Las Cruces economy and I answered a couple of her questions regarding the proposed hospital. Those conversations were not held close to the petitions. I'm sure everyone who approached the table after the first 20 minutes thought I was just part of your group.

There was no intimidation on my part and your own co-workers who manned the petition table the entire time know that. You weren't even at the table most of the time. John and Connie, you and your supporters have been invited to attend every public meeting/event we've had. You were

Susana Montana

From: David Aguayo
Sent: Tuesday, July 02, 2013 4:51 PM
To: David Weir; Susana Montana; Robert Garza; Brian Denmark; Scott Marr
Cc: Janice Jones; Barbi Narvaez; Esther Martinez-Carrillo; Linda Lewis; Christine Rivera; Harry (Pete) Connelly; Rusty Babington; Monica Campbell; David Aguayo
Subject: FW: Information Request
Importance: High

Below is a records request received today. Please submit the requested information to our office by 1pm, Monday, July 8, 2013. Thank you.

David Aguayo
 Senior Office Assistant
 City Clerk's Office
 541-2114

-----Original Message-----

From: Hays Michael [<mailto:whiteknyght@opendoor.com>]

Sent: Tuesday, July 02, 2013 12:53 PM

To: Linda Lewis

Cc: John Stevens; PALMER S CLARK; Peter Goodman; Tamie Smith; Randy Harris; Johnnie Aldrich; Sue Cain; Eva Booker; John Deck; Shirley Davis; Allie Brooks; Win Jacobs; Charlie Scholz; Erika Graf-Webster; Representative Jeff Steinborn; Jack Welch; Ardyth Norem; Dan Townsend; Carl Baca; Ernie Bean; Martha Loustaunau; Larry Gioannini; Senator Stephen Fischmann; Peter Ossorio; Leticia Duarte-Benavidez; Wayne Hancock; Billy Garrett; Karen Perez; Dr. David Garcia

Subject: Information Request

Ms. Lewis,

It was certainly my pleasure to speak with you just now when you returned my call from yesterday. If I keep having fun, I am going to call you more often!

My request should be clear enough--I make no use of a Supreme Court justice on summer recess--to make a detailed response possible. I would like all information, including all documentation, about all meetings and all oral, electronic, and written communications between all members of the city staff concerned directly or indirectly with the rezoning request for the site of the defunct Las Cruces Country Club; all people who are, represent, or act on behalf of, the developer(s) or the contractor(s); and all members of the public who have had, or expressed an interest in having, meetings or communications with the staff on this rezoning request.

If this request is in any way unclear, please do not hesitate to request clarification. Thank you.

Unless I hear differently from you, I shall expect, in light of our conversation, a full response within three business days. Because of the national holiday, the deadline would be Monday COB.

Michael L. Hays

1922

New hospital pitched for former Las Cruces Country Club site

By Steve Ramirez / sramirez@lcsun-news.com Las Cruces Sun-News
Posted:

lcsun-
news.com

LAS CRUCES — The process to begin filling the largest open space within city limits will likely start in less than a month.

Barring the unforeseen, the Las Cruces Planning and Zoning Commission is scheduled to meet June 25 to consider rezoning 30 acres at the former Las Cruces Country Club. A rezoning application was filed April 22 with the city's Community Development Department seeking two zoning designations: commercial high intensity (C-3), and multi-dwelling high density and limited retail and office (R-4c).

If approved by the commission and then the Las Cruces City Council, there are plans to build and operate Park Ridge Medical Center, a 42-bed full service hospital, that would specialize in cardiac health care.

Information provided to city officials indicates the hospital would be developed by Galichia Hospital Group, a limited liability company that owns and operates hospitals throughout the U.S. A Galichia Hospital Groups brochure provided to city officials said developers are "partnering with over 20 local physicians who are investing in the real estate and equipment." The brochure added "Las Cruces is experiencing rapid population and economic growth."

Numerous messages seeking comments and details from Dr. Joseph P. Galichia, co-founder and chief executive officer, and Michael Phillips, founder, chief operating officer and chief financial officer of Galichia Hospital Group, LLC were not returned.

However, Las Cruces developer Robert Pofahl, whose company has developed conceptual plans and conducted several meetings with city officials and residents about the proposed development, has said the sale of the former country club property is contingent upon the city approving rezoning. A sales price has never been publicly disclosed, but the property has been appraised at \$7.4 million.

Currently, the 110-acre former country club property is zoned single-family residential medium density. The existing zoning designation allows for only one single-family residential home to be built on any portion of the 110 acres.

Timetable

Pofahl has shown ambitious conceptual plans for the property. The in-fill project could include development of Park Ridge Medical Center, an assisted living center, a small office park, a hotel, a retail center, a plaza, multi-family housing, townhouses, a charter school, and walking paths throughout the development.

1923

"This zone change is to zone the 30 acres C-3 and R-4c," Community Development Director David Weir said. "The condition for the R-4 is to allow only the residential use of assisted living and residential rehabilitation facilities."

Weir added the process for considering a zone change for the 30 acres could take at least six to nine months.

"Once the Planning and Zoning Commission has made its recommendations, it would go to City Council about six weeks after that," Weir said.

A Planned Unit Development (PUD) designation would be sought for the remaining 80 acres of the former country club. Weir said there is no timetable for that, because a PUD application has not been submitted to the city.

"Something like that would probably take at least another year to go through the process," Weir said.

Roadway issue

Developers of the proposed Park Ridge would need a second major entry and exit point into the development. They have identified the former country club's primary entrance, off North Main Street as one of those locations.

However, a second entry and exit point is still to be determined. Developers proposed a second route off Madrid Avenue. They presented an option to city officials to realign Madrid Avenue so it would be contiguous from Triviz Drive west to Alameda Boulevard.

But that would have meant moving a portion of Madrid through Apodaca Park, one of the city's largest parks.

City Manager Robert Garza said that probably would have been a tough sell to the City Council. Garza added city administrators also expressed concerns about the proposal.

"The question still being bantered about is what is the appropriate road alignment network," Garza said. "In our discussions with developers we asked them how they intended to make the city whole if they were to move the road through Apodaca Park. We told them, quite frankly, that Apodaca Park is not for sale."

Residents living in the country club neighborhood also disapproved of any notion of rerouting Madrid to cut through Apodaca Park.

"We observe how much use the park gets and we are grateful for the trees," Charles Greene said. "There are always lots of families with children enjoying the park on weekends and holidays."

Weir said it doesn't appear now that a realignment of Madrid will happen.

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"My understanding is that the realignment of Madrid is no longer being pursued and will not be proposed for the PUD," Weir said.

Garza said city officials suggested to developers a second major entry and exit into Park Ridge could be at intersection of Solano Drive and Madrid, where a second entrance into Apodaca Park now exists. However, that idea didn't initially seem to interest developers.

Third hospital needed?

In meeting with Galichia and Phillips, Garza said they envisioned the proposed Park Ridge Medical Center as "a cross between the Ritz Carlton (Hotel) and a hospital."

Galichia is the founder of the Galichia Medical Group. The company owns and operates: the Galichia Heart Hospital, in Wichita, Kan., the Lubbock (Texas) Heart Hospital, and the Galichia Hospital Group.

"They said Las Cruces has the customers and clientele for it," said Garza, of Park Ridge Medical Center. "They were very serious about it. They said it would be a physician-owned investment. They would be prepared to develop a market for up to 60 beds, but building 42 to start.

"They said a new hospital would fill a niche not currently being met."

But, Garza, who, as city manager, is an ex-officio member of the Memorial Medical Center board of directors, said there would be pluses and minuses of another hospital in Las Cruces.

"As an economic development project, I encourage them to pursue the possibilities," Garza said. "It's a medical facility, and those are generally considered to be clean industries. Hospitals are generally quiet and well-managed places.

"But one question will be if the timing of it fills a void the community needs. Also, the process of establishing itself in the community is probably going to take a considerable amount of time."

Statistics from American Hospital [Directory.com](http://www.AmericanHospitalDirectory.com) indicated that neither Memorial Medical Center or MountainView Regional Medical Center are at full patient capacity. The occupancy rate at MMC is less than 50 percent, and MountainView is about two-thirds full.

"We are proud of the quality care provided by MountainView Regional Medical Center over the past 10 years, from obstetrics to open heart surgery," said Denten Park, MountainView Regional Medical Center chief executive officer. "... The number of patients who choose us for their medical care has steadily grown, and, because we offer high-quality health services and have the capacity to care for even more patients, we are confident that this will continue."

High-end retail

1925

In addition to the hospital, Pofahl said high-end retail could be located near Park Ridge Medical Center.

Who or what type of high-end retail would locate there has not been disclosed. But, possible examples could include such retailers as Nordstroms, Macy's, or maybe even Trader Joe's or possibly Costco.

Kary Bulsterbaum, an associated broker with Steinborn TCN Commercial Real Estate said while the notion is a good one, he isn't sure if Las Cruces — despite its recent increase in population to an estimated 100,000 — is ready for high-end retail.

"I wish the developers and investors nothing but the best with this proposed high end retail, medical and multi-family development," said Bulsterbaum, a Las Cruces native.
"Development in this sector of town can only be a positive for our community, if properly planned.

"(But) I am not necessarily convinced about the high end, upscale retail elements of the plan, itself, due to typical and historical retailer behavior and the desire to be located in more proven retail districts. However, this does not mean they do not have the best of intentions. In general, we have not yet proven to be a community that attracts true high-end retail. If this trend were to change, there is a much higher probability of this occurring within the Telshor and Lohman corridor up to and including the intersection of Sonoma Ranch and east Lohman."

Steve Ramirez can be reached at 575-541-5452. Follow him on Twitter @SteveRamirez6

Park Ridge

— The 110 acre former Las Cruces Country Club property could become a development known as Park Ridge.

— The proposed development would include: a 42-bed medical center, a combination assisted living center and rehabilitation hospital, a small office park, a hotel, pad sites for restaurants, a retail center, a plaza, multi-family housing, townhouses, a charter school, parks and a walking path around the development.

— The Las Cruces Country Club property was sold in November, but final closing of the sale is contingent upon developers being able to get the property rezoned.

— The Las Cruces Planning and Zoning Commission is scheduled to meet at 6 p.m. June 25 to begin its consideration of a rezoning application.

— The rezoning application is for 30 acres where the proposed Park Ridge Medical Center would be located.

ONLINE EXTRAS
ONLINE EXTRAS:

1926

A copy of the Park Ridge application to city of Las Cruces Community Development Department

A draft of the conceptual layout for Park Ridge

Park Ridge website

CBI Holdings website

Galichia Medical Group website

July 7, 2013

Las Cruces Sun News

To the Editor,

On July 6th, Developer Bob Pofahl, with absolutely no hospital experience, again publicly expounded on hospital economics, saying a 42-bed hospital wouldn't negatively impact the two larger local hospitals. From what depth of expertise does he speak? A 42-bed hospital skimming limited, revenue-producing business from Memorial Medical Center will devastate its vital services, particularly for underprivileged patients. The McManus Study presented at P&Z proved "small" specialty hospitals damage even 500-bed hospitals, and "physician investor hospitals", including Wichita's Galichia, ("only" 8-60 beds) scavenged \$16 to \$18M yearly from neighboring full-service hospitals.

It's time for Pofahl to verify his rhetoric to the City. One critical Zoning criteria is "the impact on the retention and expansion of existing businesses..." (i.e. MMC). Pofahl says he has been very transparent. Three key questions require proven facts and figures:

- 1) Pofahl: 20% of inpatients leave Las Cruces. Show data proving this. Facts given P&Z show <7% outmigration. Where will these new patients come from?
- 2) Pofahl : a 42-bed hospital will not negatively impact local hospitals. Show the Hospital's business plan, pro-forma for profitability without cannibalizing local hospitals.
- 3) Pofahl: the hospital will not be physician-owned. Can he attest that no local physicians will have an investment stake of any kind in land, building or equipment for the Proposed Hospital, or in entities holding investments, i.e., LLCs? Answer these questions directly.

Re: Dr. Robert Graor, the physician soliciting local physician investors; a felon imprisoned in Ohio for embezzling \$1M+ from the Cleveland Clinic, his Ohio medical license permanently revoked, his probationary New Mexico license contingent on mental health care. What are implications of his association with the Proposed Hospital and Galichia's Medicare Fraud history in 2000 and 2009? Also, review Pofahl's finances to assure he has the resources to fund this project. It's all public record.

Sincerely City of Las Cruces, do your Due Diligence,

Connie J. Potter, RN, MBA, HCA
 Healthcare Economist
 2505 Desert Drive
 Las Cruces NM 88001
 575-524-2443

Home » Briefing Room » Justice News

JUSTICE NEWS**Department of Justice**

Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, March 3, 2009

Kansas Cardiologist to Pay U.S. \$1.3 Million to Settle False Claims Act Allegations

WASHINGTON – Joseph P. Galichia, M.D. and Galichia Medical Group P.A., a Kansas cardiologist and his practice group, have agreed to pay the United States \$1.3 million to settle claims that the physician and his group violated the False Claims Act between 2001 and 2006, by submitting false claims to Medicare, the Justice Department announced today. The government contends that claims were submitted for services not provided, and in other instances, claims were submitted without proper documentation.

In May 2000, Galichia and Galichia Medical Group agreed to pay more than \$1.5 million to settle a previous False Claims Act matter. In that case, the government contended that between 1993 and 1998, Galichia billed Medicare for a higher level of services than provided (up-coding), billed twice for the same services, and billed for services not provided.

"The Department of Justice is committed to ensuring that Medicare funds are paid out appropriately for services actually provided to beneficiaries," said Michael F. Hertz, Acting Assistant Attorney General for the Department's Civil Division.

As part of the \$1.3 million settlement, Galichia and Galichia Medical Group have entered into an Integrity Agreement with the U.S. Department of Health and Human Services, Office of Inspector General. The Integrity Agreement contains measures to ensure compliance with Medicare regulations and policies in the future.

"Exposing Medicare fraud is a top government priority," said Lewis Morris, Chief Counsel to the Inspector General of the Department of Health & Human Services. "We will aggressively pursue both individuals and companies seeking to enrich themselves by cheating U.S. taxpayers and the nation's health care system."

The settlement here was the result of a coordinated effort among the Commercial Litigation Branch of the Justice Department's Civil Division; the U.S. Attorney's Office for the District of Kansas; and the Department of Health and Human Services' Office of Inspector General and Office of Counsel to the Inspector General.

Marietta Parker, Acting U.S. Attorney for the District of Kansas, commended the following investigators for their work on the case: Dan Coney of the Department of Health and Human Services' Office of Inspector General, Troy Bird of the U.S. Postal Service's Office of Inspector General and David Nitz of the U.S. Postal Inspection Service.

09-184

Civil Division

locations, we have a president who, as dean of the business school, received a substantial raise while others suffered cuts. Ouch!

But even more problematic has been the expressed attitude of Regent Cheney, who articulated the reason why NMSU wants to subsidize athletics by saying it's all about "branding" the university — i.e., big sports campus. Ouch!

Who then, among the leadership, loves academics more than sports? Where did we lose the way? How will we return to our core mission of ... "education, research, extension education, and public service?"

JOHN HAMILTON
Las Cruces

Kiwanis thanks

The Kiwanis Club of Las Cruces wants to thank everybody who participated in the 14th annual Kars for Kids car show. The owners of the custom, classic and antique vehicles that filled Young Park on June 16 attracted hundreds of visitors. The fishing clinic for youngsters helped 50 children experience the fun of fishing during the day. The NAACP's June-teenth celebration attracted even more members of the Las Cruces community to the park.

The Kiwanis' mission is to serve the children of the world, starting in our local community. Thanks to the participating car clubs, the vehicle owners, our corporate sponsors, local advertisers and community members, Kiwanis was able to raise thousands of dollars to help children in Las Cruces. Jardin de los Niños and the youth groups sponsored by the local Kiwanis clubs will especially benefit from this year's event.

We are grateful for the support we received for this year's show and are already starting work on the 15th Kars for Kids. We hope to see you all at Young Park next summer.

JIM PUDLEWSKI
president, Kiwanis Club of Las Cruces
Las Cruces

Developer's free ride

How gratifyingly that you could squeeze in enough information about CCNA's legal analysis to give Mr. Pofahl a pedestal to lie about it. You have the full information but chose not to cite it. The law prohibits "physician investment whether direct or indirect," not "ownership," which he carefully dances around. Also about Galichia's brochure, presented to city administration less than two months ago, being published before the law went into effect? Section 6001 of the PPACA went into effect Dec. 31, 2010. Who are you all kidding?

So your paper gave a developer, who has acknowledged he has no authority to speak for any potential investors, a free ride. The lead doctor soliciting investors has been revealed by me. Why not others? I do not wish to be associated with the twice federally fined

Galichia Hospital Group; 2) no desire to be outed as party to an illegal investment scheme or 3) unwilling to be known as the cause of the demise of a stable health-care system that serves 93 percent of all medical needs in this community with MMC running at only 50-percent capacity and Mountain-View at 67 percent.

You tell me where these new patients will come from? In health care, it is called scavenging or, worse yet, cannibalization from existing safety net facilities. I call it dishonest and illegal.

The least you could have done is to direct the people to the city website for full disclosure.

CONNIE POTTER
Las Cruces

Is it our fault?

Neal Hooks presents a highly distorted picture of global warming in his contribution of June 20. His points are repetitions of absurd arguments and red herrings concocted by well-known disinformation outlets. Let's get a few things straight:

First, global warming is real. Picking short intervals of time out of a long trend of rising temperature, in an attempt to imply that climate warming has ceased, is a fool's game. The stock market shows ups and downs, too, but the trend over many decades has been upward.

Second, there has been no increase in the sun's output since precise measurements began in 1979. Yet global temperature has risen rapidly since then.

Third, virtually all of the CO₂ added to the atmosphere since the beginning of the industrial age is man-made, and the amount of it continues to increase every year.

All would agree that the best way to test global warming would be to conduct an experiment, where Earth's CO₂ could be raised or lowered to see how temperature responds. Actually, this has already been done in nature. CO₂ was indeed much higher in the distant past, but so was global temperature. Also in the past there were ice ages when CO₂ was lower, and so was temperature. In fact, these correlated changes in CO₂ and temperature are in reasonable agreement with the current conditions predicted from climate models and basic atmospheric physics. Mr. Hooks' claim that climate models have overestimated temperature by 5 degrees in the last 16 years is, like his other assertions, false.

We know that the current rise in CO₂ cannot be blamed on geology. We also know that the sun cannot be blamed for temperature rise. Thus, we can confidently answer Mr. Hooks' title question, "Global warming: Is it our fault?" Yes it is.

DONALD F. NEIDIG
principal astrophysicist (retired), USAF
Research Lab
Las Cruces

This is in support of the caller who brought up the issue of how much it takes to raise a child. It is not that he is not compassionate, it is just a reminder that people should only have children that they can actually support, feed and so forth.

Our school district found it most important to put many thousands of dollars into plastic turf for the Field of Dreams while our children went to the absolute bottom of the U.S. list for child well-being. What are their priorities?

President Carruthers has just demonstrated that he fully understands the difference between policy and rules. He consulted the regents with regard to Dr. Howard as provost. Dr. Howard is likely to be the best second in command NMSU has had in many decades.

For all of those who are against the way that President Carruthers has hired a new provost, just remember what a national search did for us the last time we searched for a president and a provost. Those were total disasters. This time, we have somebody we know.

Saying Kingston's forest did just fine for years without logging is like saying people did just fine when barbers opened their veins to let the bad blood out. Only selective logging was allowed in national forests and they were healthier and even more beautiful.

On Page 4A, a fireworks vendor talks about how relatively safe fireworks are. On Page 7A, a story that suspects fireworks as starting a barn fire northwest of Las Cruces. Priceless!

With all the fires raging in California, Colorado, New Mexico, do you think the fireworks vendors would approve of limiting or banning fireworks? No. The Legislature needs to act.

I think the City Council made a good decision to provide traffic-slowing effects instead of totally closing off the Indian Hollow Road. The city is expanding, every neighborhood would like to control certain things. It is not realistic.

For at least two years, an "open for sale" of a building at 430 S. Main St. has attracted from the downtown renovation. Solution, anyone?

I live in Trails West Senior Community. Somebody here called the city complaining of some dark water, so the city opens the fire hydrants and wastes gallons and gallons of water in this drought when our yard plants are suffering for water.

A recent "SoundOff" points out that Judge Murphy was indeed convicted of making boorish comments about a colleague, a misdemeanor. It was all the accused's fault for not buying that



Joseph P. Galichia, MD, FACC
Founder & CEO

808 North Linden Street
Wichita, KS 67206

Mobile: 316-619-3334
Fax: 316-634-2883
jgalichia@galichia.com



GALICHIA

HOSPITAL GROUP, LLC



Michael Phillips
Founder, COO & CFO

2600 North Woodlawn
Wichita, KS 67220

Mobile: 316-641-1560
Fax: 316-634-2883
mphilips@galichia.com

MISSION

Galichia Hospital Group's mission is to improve the quality of the health care system through the development and management of "Five Star" quality healthcare organizations

Galichia Hospital Group employs top notch managers and understands how to create environment that makes patients feel safe and empowers physicians to deliver the highest quality care

Galichia Hospital Group has a network of the worlds leading experts in the field of medicine, medical therapies, real estate, and business



Galichia Hospital
Group Strategy

- Partnering with the best local physicians that are well established and have a solid patient base

- The “Five Star Hotel” approach, service oriented model to provide outstanding customer service in a safe and friendly environment with best results for the patients

- Using the latest technologies and superior science

- Top notch managers and administration

- Empowering physicians with the tools they need to provide high quality patient care



The Galichia Hospital Group Team

Joseph P. Galichia, MD, FACC – Board Chairman/CEO



- Dr. Galichia is the founder of the Galichia Medical Group, P.A, the Galichia Heart Hospital in Wichita, Kansas, the Lubbock Heart Hospital in Lubbock, Texas and the Galichia Hospital Group. He is a native Kansan who has studied medicine in the United States, Germany, England, Sweden, and Switzerland. Due to Galichia's leadership, expertise, and skills, Galichia Medical Group remains one of the leading centers for the treatment of vascular disease in the world
- Dr. Galichia is internationally recognized pioneer in the field of interventional cardiology
- Dr. Galichia established the first free-standing outpatient catheterization laboratory in Kansas and possibly the world

The Galichia Hospital Group Team

Joseph P. Galichia, MD, FACC – Board Chairman/CEO

- Dr. Galichia established one of the nation's most active clinical research organizations for pharmaceutical and device research studies, such as:
 - Thrombolytic therapy
 - Atherectomy
 - PTMR
 - Intraluminal ultrasound
 - Laser
- Dr. Galichia has been published in the New England Journal of Medicine, the Journal of the American College of Cardiology, and many other scientific publications
- Dr. Galichia has conducted a monthly interventional training course for treating peripheral vascular disease since 2000
- Dr. Galichia was one of the first cardiologist in the USA to perform carotid stenting under government guidelines

The Galichia Hospital Group Team

Joseph P. Galichia, MD, FACC – Board Chairman/CEO

- Over the past twenty years, Dr. Galichia has lectured and trained physicians in many countries around the world, including China, Japan, Chile, Switzerland, Argentina, Italy, Spain, and Hong Kong
 - Dr. Galichia is one the founding members of the International Society of Cardiovascular Interventionists and a former president
 - A noted medical spokesman, Dr. Galichia hosts a weekly syndicated radio talk show with guests from various specialties on his program “Take Your Health To Heart”
 - Dr. Galichia has also served as a moderator for the National Lifetime Medical Television Network
-

The Galichia Hospital Group Team

Michael Phillips, MBA –Board Member/COO/CFO



- Co-Founded Galichia Hospital Group
 - Long time healthcare executive and consultant
 - Previously partner and senior equity analyst at Zeff Capital Partners, a \$70.2 million hedge fund in San Francisco, CA
 - Former Budget Officer for City of Aspen, where he managed a \$150 million dollar annual budget
 - MBA, Florida Atlantic Business School; BA, Drake University
-

The Galichia Hospital Group Team

Stella Galichia, M.A. Economics – Board Member / Treasurer

- Co-Founded Galichia Hospital Group
 - Previously worked as credit risk analyst for all companies at Koch Industries, Wichita, KS
 - Broad based experience in US and International Hospitals
 - Masters in Economics Wichita State University; BA in Finance, Wichita State University
-

The Galichia Hospital Group Team

Sam Catanese , JD, MBA – Board Member

- Managing member and principal of HCW Development LLC, a company that has developed numerous real estate projects valued in excess of \$1 Billion in the past 20 years
 - Owner and president of Investment Resources Corporation
 - Highly respected and successful real estate developer
 - Past board experience with many highly successful companies
 - Graduate of the University of Kansas School of Law
 - Masters of Business Administration Degree from the University of Kansas Graduate Business School
-

The Galichia Hospital Group Team

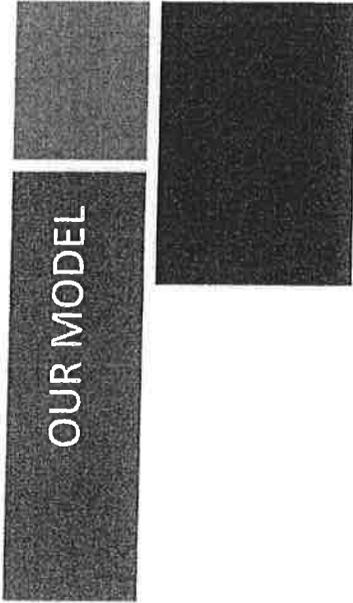
Herb Krumsick – Board Member

- Senior Vice President of J.P. Weigand & Sons, Inc
- Active member of the real estate community in Wichita for over 30 years
- Recognized as one of the top investment brokers in the United States
- Has sold over \$1,000,000,000 in real estate investments
- Wichita Board of Realtors "Salesman of the Year" award in 1976 and the SIOR "Instructor of the Year" in 1990
- Herb has given over 100 speeches and seminars on real estate investment to such groups as the National Association of Corporate Real Estate Executives, National Association of Accountants and The Young Presidents Organization, to name a few.

The Galichia Hospital Group Team

Pat Do, MD – Board Member

- Dr. Do founded Mid-America Orthopedics in El Dorado, KS
 - Practices as an orthopedic surgeon specializing in general orthopedics, sports medicine and workers' compensation injuries
 - A Fellow of the American Academy of Orthopedic Surgeons and board certified by the American Board of Orthopedic Surgery
 - Dr. Do is a champion for best practices medicine
 - Founder of a national consulting effort to help physicians across the country establish and improve their practices
 - School of Medicine at University of Missouri Kansas City
-



- Partner with local physicians who own real estate and equipment
 - Physicians become stakeholder with the benefit of a fair market lease from the hospital operating entity
- Galichia Hospital Group develops and manages hospital operating entity
- Physicians are empowered with input into how the hospital is managed and run
 - Physicians get to work in “their hospital”
- Best practices are implemented to ensure the hospital is a great place to work and the best place for patient care

CRITERIA FOR ENTERING A MARKET

- **Physicians**
 1. Physicians of the highest quality to partner with
 2. Physicians with a substantial patient base
 3. Physicians from various and complementary specialties
 4. Physicians willing to be stake holders and invest in project

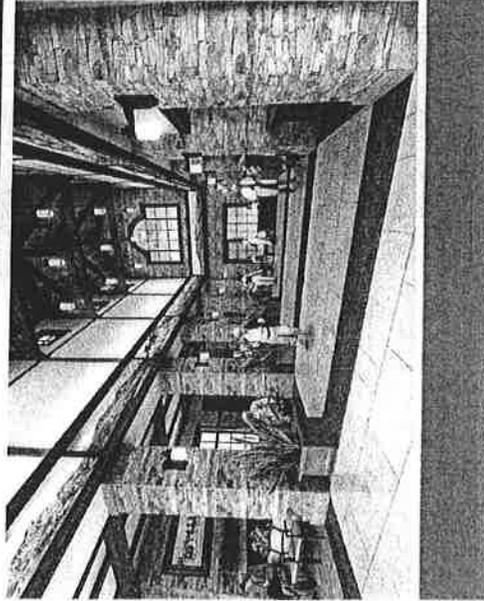
- **Market**
 1. Growing and healthy market
 2. Low barriers to entry
 3. Potential to produce strong recurring business earnings
 4. Manageable regulatory environment

- **Management**
 1. Focus on shareholder value and return-on-investment
 2. Past successful performance
 3. Own stock in projects
 4. Conservative forecasting and accounting
 5. Good vision of the future

CURRENT PROJECTS

• Currently Developing a 42 bed full service hospital in Las Cruces, New Mexico

- Partnering with over 20 local physicians who are investing in the real estate and equipment
- Employing Galichia Hospital Group team's vast experience and scientific expertise on design of physical layout and best practices for high quality care and healthy environment for all
- Las Cruces is experiencing rapid population and economic growth.



Galichia Hospital Group Process

Research is the basis of our process

- We take a bottom-up approach, analyzing the physicians, the business opportunity, the competition, the market potential and the general economic environment
- We create our own, proprietary models to help determine value of an opportunity
- We invest in every project we do



ADVANTAGES GALICCHIA HOSPITAL



GROUP APPROACH

- A conservative investment strategy with an opportunistic approach
 - We build small with ability to expand after the demand is proven
 - Intense research that takes the guess work out of how many patients we will serve
- Investment strategy aligns goals amongst the shareholders, managers, and physicians who drive the revenue and success of the institutions
- Diversification
 - Our hospitals include various specialties, that complement each other in diverse markets and offer various sources of payments

CONTACT INFORMATION

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316-641-1560
mphillips@galichia.com

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Treasurer
316-734-5862
sgalichia@galichia.com

Galichia Hospital Group, LLC
808 North Linden
Wichita, KS 67206

www.GalichiaHospitalGroup.com

Katherine H. Rogers

From: David Weir
Sent: Monday, June 03, 2013 1:00 PM
To: Susana Montana
Cc: Robert Kyle; Katherine H. Rogers
Subject: FW: PPACA Physician Owned/Investor Hospitals prohibited Section 6001

FYI

From: cjmpotter@comcast.net [mailto:cjmpotter@comcast.net]
Sent: Monday, June 03, 2013 12:00 PM
To: David Weir; Mayor
Cc: John & Millie CCNA Stevens; Carl Baca; PALMER S CLARK; Eva Booker
Subject: PPACA Physician Owned/Investor Hospitals prohibited Section 6001

Dear Mayor and Mr. Weir,

I am bringing to your attention resources and information about the illegality of building physician owned/indirect invested hospitals under the Patient Protection and Affordable Care Act (PPACA) Section 6001 (statute is first link). I am adding some links that are from legal firms that clarify and give practical examples of that ownership. The only way such a hospital can be built (including medical offices) is if they do not accept Medicare or Medicaid payment, i.e., apply for a medicare provider number. Medicare also has a dim view of indirect ownership and schemes to hide ownership through purchase agreements for equipment etc. This is all under Medicare Self Referral. There are fewer than 240 physician owned hospitals in the US out of over 7000 other hospitals. More than 40 have been sold recently because the regulations for disclosure and ownership are very onerous and will affect patients choosing care at that facility.

Such a hospital typically cherry picks patients by financial prescreening for elective care (procedures), thereby driving low pay (government or self pay) patients to safety net hospitals to the detriment of access to care throughout the community. This type of hospital would, in my and other informed healthcare executives opinion, lead to the failure of at least one facility, Memorial Medical Center. Should that occur, the lease arrangement remaining for 31 years would be gone, leaving a \$26M shortfall to the city and \$!2-14M shortfall in lease payments to the County. If this is for any public good, I can't imagine what would be.

<http://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf> See page 566 of 906

<http://www.bakerdonelson.com/files/Uploads/Documents/Thirteen-Things-Providers-Should-Know-About-Stark-Law-and-Physician-Ownership-Changes-Under-Health-Reform.pdf>

<http://www.americanlegislator.org/5th-circuit-upholds-ppacas-limits-on-physician-owned-hospitals/>

Re the Gallichia group: There are three links, one confirming that they sold the Wichita KS Galichia Heart Hospital to Wesley Medical Center, and two that they have twice been convicted and fined for Medicare fraud for overbilling and double-billing, in 2000 and as recently as 2009.

<http://www.thestreet.com/story/11394326/1/hca-completes-purchase-of-galichia-heart-hospital-in-wichita.html>

<http://m.bizjournals.com/wichita/stories/2000/05/22/weekinbiz.html?page=all&r=full>

<http://www.justice.gov/opa/pr/2009/March/09-civ-184.html>

I wish that this information be made known to Mr. Garza and the City's legal council as he was apparently misled in interviews with the Medical Group's CEO and COO about their ownership(s) of hospitals and their ability to build a new hospital here according to his statements to the Sun News.

I believe that this hospital complex actually is a Trojan horse which cannot be built, will be abandoned conceptually once commercial high intensity zoning is attained, after which the city and neighboring residents will have NO ability to control what development is done on that site.

Please feel free to call me for clarification or more information. I have verified this information with the Senate Finance Committee chaired by Senator Max Baucus (MT) who I know personally through my lobbying activities for trauma care.

In addition, I have verified that two of the lead physicians locally who are planning to invest in this development have serious issues in their backgrounds. One is a felon convicted and imprisoned for embezzling over \$1.2M in research funds (public information). The other has no privileges at either local hospital but allows healthgrades.com etc to claim he does. I will offer that public information at a future time if this issue cannot be resolved in the public's interest.

These are serious issues related to what we consider to be a flawed application for rezoning based on claims to the local residents, media and public officials that this rezoning is for the public good, a third hospital in Las Cruces and Medical Offices. It would be in the City's interest to review and reject this application before it goes to public hearing at which time all this information will be made public. The city could then appear to have not done its due diligence in sending this application forward. I am aware that under the letter of the zoning regulations you can only respond to the zoning application; however, statements made to the public, media, city administration that misrepresent these facts should be a strong consideration in determining whether this application should go forward.

Sincerely,

Connie Potter, RN, MBA; HCA

Healthcare Economist

Chair, Country Club Neighborhood Association Infrastructure Committee

524-2443



MEMORANDUM

TO: Mayor and City Council
FROM: Harry S. (Pete) Connelly, City Attorney *ASPC*
SUBJECT: LEGAL OPINION – Las Cruces Country Club Zone Change
DATE: July 10, 2013

A review of the seminal New Mexico Supreme Court and Court of Appeals' decisions has reconfirmed my recent opinion concerning a requested zone change of some thirty (30) acres within the Las Cruces Country Club property requires the City Council to act in a quasi-judicial capacity in hearing the matter.

The difference between legislative and quasi-judicial actions by a City Council are as follows:

Legislative – reflects public policy relating to matters of a permanent or general character, is not usually restricted to identifiable groups, and is usually prospective.

Quasi-Judicial – [on the other hand . . .] generally involves a determination of the rights, duties, or obligations of specific individuals on the basis of the application of currently existing legal standards or policy considerations of past or present facts developed at a hearing conducted for the purpose of resolving the particular interest in question.

“Small scale zone changes [such as the Las Cruces Country Club] are necessarily quasi-judicial, not legislative in nature. Said another way, a rezoning directed at a small number of properties, newly restricting the uses of those properties in ways that are not applicable to the surrounding area. Such restrictions are limited to identifiable properties and are not general policy decisions that apply broadly. They require specific factual findings related to the affected properties. These qualities are the hallmark of a quasi-judicial action.” *Albuquerque Commons v. City Council*, 2008-NMSC-025, ¶32, 144 N.M. 99, 109, 184 P.3d 411.

Lastly, “quasi-judicial zoning matters are not politics-as-usual as far as the municipal governing body is concerned. In such proceedings, the Council does not sit as a mini-legislature, as it functions in most matters, but instead must act like a judicial body bound by ‘ethical standards comparable to those that govern a court in performing the same function (citation omitted).’” *Id.*, ¶ 33, 144 N.M. 110. *See also, Los Chavez Community Ass'n. v. Valencia County*, 2012-NMCA-044, ¶ 33, 277 P.3d 475.

Las Cruces Country Club Zone Change
July 10, 2013
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The *Albuquerque Commons* and the *Los Chavez Community Ass'n. v. Valencia County* cases are available in my office for your perusal.

c: Robert L. Garza, P.E., City Manager
Mark Winson, Asst. City Manager/CAO
Brian Denmark, Asst. City Manager/COO
Jamey Rickman, Community Liaison
W. R. Babington Jr., Deputy City Attorney
David Weir, Department Director, Community Development
Robert Kyle, Building & Development Services Administrator, Community Development
Katherine Harrison-Rogers, Senior Planner, Community Development
Susana Montana, Planner, Community Development

Susana Montana

From: cjmpotter@comcast.net
Sent: Thursday, July 11, 2013 10:25 PM
To: Susana Montana
Cc: John & Millie CCNA Stevens; Eva Booker
Subject: For inclusion in LCCC rezoning packet

July 11, 2013

To City Council and Staff:

Per Ms. Montana, please include in the public comment materials for the upcoming rezoning hearing for the Las Cruces Country Club.

On June 25, 2013, at the Planning and Zoning hearing for the Las Cruces Country Club rezoning, testimony was given by a realtor (who may not have identified herself as such) who stated she lives on Camino Del Rex. She said in her commentary in support for the rezoning that "Connie Potter's home" had been invaded/burglarized twice since the closure of the LCCC. I was so shocked that I did not get up to correct the record. John Stevens knows her full name, I do not except that it is Betty.

The home invasion/robberies are public record under Records at the Las Cruces Police Department. The first occurred at NOON on a Sunday in June 2010 in full sight of the Fifth Hole of the course. That day the course was heavily in use. Two persons broke two separate doors in the far back of our home in sight of golfers.

The second event occurred in October 2011, again while the LCCC was fully operational.

I am upset that my name was used and a horrific event in our lives misrepresented (gunshots were fired in defense of our lives at one of the two perpetrators in 2010) to advance the cause of the realtor's support for the Park Ridge Development. "Betty" had no right to misinform the public and the Planning and Zoning Commission and state that our terrifying event was caused by the LCCC's closure. The LCCC closed in November 2011.

Sincerely,

Connie and Murray Potter
2505 Desert Drive
Las Cruces, NM 88001
575-524-2443

Susana Montana

From: Bob Pofahl <bob@picachomountain.com>
Sent: Friday, July 12, 2013 7:42 AM
To: Susana Montana
Cc: Karen Pofahl
Subject: neighborhood support for Park Ridge Project

Susana,

Please see the e-mail below from Steve Dahlgren a resident near the Country Club. Please add to your packet for Council.

Thanks,

Bob Pofahl

From: PappaMdog@aol.com [<mailto:PappaMdog@aol.com>]
Sent: Thursday, July 11, 2013 2:57 PM
To: hal@1stvalley.com
Subject: Fwd: neighborhood support for Park Ridge Project

Steve Dahlgren
(575) 635-9123

From: PappaMdog@aol.com
To: mayor@las-cruces.org, rgarza@las-cruces.org, miguel.silva@las-cruces.org
Sent: 7/6/2013 12:02:37 P.M. Mountain Daylight Time
Subj: neighborhood support for Park Ridge Project

Gentlemen,

I am writing this Email to publicly share my feelings of support for the Park Ridge Project. I think Bob (developer) has done a good job of adjusting his development plans for the community needs. It appears that the plans would benefit the immediate neighborhood and the City of Las Cruces.

I know that I am only one person, but I hope the City is not placing too much emphasis on what the CCNA (Country Club Neighborhood Association), headed by John Stevens is expressing. From his own Emails, it appears that this organization is 23 in size and not all in agreement. There are people in this neighborhood (like me) that do not belong to this organization and do not feel the same way as John.

I understand that there may need to be a small adjustment in the north side of the park to accommodate traffic through Park Ridge. It appears to be a relatively small adjustment for the benefits of having the property improved. It would be a shame to have it continue to deteriorate, instead of grow into something positive.

The 3 of you all have tough jobs, and I thank you for taking on the challenge of leadership for our Community.

Thanks for your time and consideration,

Steve Dahlgren

2035 San Acacio

homeowner
(575) 635-9123

Mayor and Council,

At our June 10th meeting we passed a motion, unanimously, that we are in favor of smart, sensible development. This development is "wall-to-wall" in-fill, with very little open-space, green-space. Going from R-1-a to C-3 in one jump is a big leap. We've proposed some R-1 adjacent to the townhouses on Camino Del Rex with a green space barrier, as in a small Park, but the developer declined the proposal.

There were many discrepancies in the zoning codes, which weren't addressed by the planning and zoning commission, but were pointed out by our Secretary-Treasurer Eva Booker.

There is no access-exit road other than the Main entrance from Main Street to this Hospital proposal. The traffic increase is said to be something like 7,000 cars a day. With one access-exit, that would mean 14,000 vehicles a day, coming and going using the same point of entry-exit. When the other 80 acres are developed, what will be the traffic figure? There are serious questions as to who would own and operate the proposed Hospital. * See legal opinion from Alston & Bird. There are also serious questions about a possible sale or land trade of land from Apodaca Park for a roadway for the proposed development. * See statement of regulations regarding sale of Park land without Federal approval.

There are questions about weeds and dead trees on the LCCC property. Codes has agreed with us that it doesn't matter how big the property is, it's the same with one dead tree on a small lot, or 50 dead trees on 110 acres, the OWNER is responsible for the removal of the dead trees and also the weeds.

Please don't think that the development of this property will result in a lot of additional tax revenue for the City. It never ends up with that result. Do the research, or just realize that the larger the City, the higher the taxes. A large Park, which four (4) of you promised to support with your leadership, would bring recognition, more people visiting our City, resulting in more money being spent here. I've never heard anyone say " I bought my property because there's a nice commercial development out the back door".

We ask that you deny this zone change.

John Stevens, Pres,

Country Club Neighborhood Association

ALSTON & BIRD LLP

TO: John Stevens, President
Country Club Neighborhood Association
Las Cruces, New Mexico

FROM: Alston & Bird, LLP

DATE: June 21, 2013

RE: Analysis of Proposed Physician-Owned Hospital Development

You have asked us to review the proposed development of a new regional hospital on property that is currently occupied by the closed Las Cruces Country Club (the "Proposed Hospital"). Specifically, you have asked us to focus this review on the federal physician self-referral law (the "Stark Law").

Please note that the information and analysis contained herein is intended for use by CCNA and CCNA is the only party entitled to rely on it.

I. Description of Proposed Development

Based on documents and information you provided, it is our understanding that the Proposed Hospital would provide a full range of services, including emergency room, surgical suites, cardiac catheterization, radiology service, laboratory and pharmacy. Up to twenty (20) local physicians are reportedly being recruited to invest in the development of the hospital, by purchasing an interest in an entity that would acquire the real estate, build the hospital facilities, purchase the hospital equipment, and then lease all of those assets to an operating entity at a "fair market value" rate (the "Proposed Arrangement").

Based on a written prospectus from the Galichia Hospital Group (the "Galichia Group"), it has been involved in developing the Proposed Hospital and would potentially serve as the hospital operator. Written materials from the Galichia Group describe its business model as involving local physicians to become stakeholders, with the physicians getting to work in "their hospital." One part of the Galichia Group's written criteria for entering a market includes:

1. Physicians of the highest quality to partner with
2. Physicians with a substantial patient base
3. Physicians from various and complementary specialties
4. Physicians willing to be stake holders and invest in project

June 21, 2013

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The prospectus also states their “[i]nvestment strategy aligns goals amongst the shareholders, managers, and physicians who drive the revenue and success of the institutions.”

II. Summary of Analysis

Changes to the Stark Law by the Patient Protection and Affordable Care Act (“PPACA”) have severely restricted the ability of a physician to possess an ownership or investment interest in a hospital to which the physician refers. Based on the facts described above and a review of the Stark law regulations and other related guidance, we believe it is likely that federal regulators would view the physician involvement in the Proposed Hospital as implicating the Stark Law’s prohibitions. If so, each physician investor would be prohibited from referring Medicare patients to the Proposed Hospital, and the Proposed Hospital would be prohibited from billing Medicare for any related services. Failure to comply with the Stark Law restrictions could result in significant financial penalties.

The following analysis is based on the Proposed Arrangement as described above. Any analysis of the Stark Law is a very fact sensitive process. It is important that each party considering involvement in an arrangement that might implicate the Stark Law have independent legal counsel review the details of the proposed relationships for compliance with the law.

III. Summary of the Federal Physician Self-Referral Law (the “Stark Law”)

Under the Stark Law, a physician is prohibited from (1) making a “referral” of a Medicare patient to an entity; (2) for the furnishing of “designated health services;” (3) if there is a “financial relationship” between the referring physician (or an immediate family member of the physician) and the entity; (4) unless an exception applies.¹

The Stark Law defines a “referral” to mean a request by a physician for, or the ordering of, or the certifying of the need for, or the establishment of a plan of care including, any designated health service (“DHS”) for which payment may be made under the Medicare program.²

The Stark Law defines a “financial relationship” to mean either: (1) an ownership or investment interest in the DHS entity; or (2) a compensation arrangement between the

¹ 42 U.S.C. § 1395nn(a)(1).

² The following categories of items and services are considered “DHS” when covered by Medicare: clinical laboratory services; physical therapy, occupational therapy, and speech-language pathology services; radiology services, including magnetic resonance imaging (“MRI”), computerized axial tomography (“CAT”) scans, and ultrasound services; radiation therapy services and supplies; durable medical equipment and supplies; parenteral and enteral nutrients, equipment, and supplies; prosthetics, orthotics, and prosthetic devices and supplies; home health services; outpatient prescription drugs; and *inpatient and outpatient hospital services*. 42 U.S.C. § 1395nn(h)(6); 42 C.F.R. § 411.351 (emphasis added).

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IV. Analysis

A. Review of the Current Regulatory & Enforcement Environment

The regulatory and enforcement environment around physician-owned health care enterprises, as well as other arrangements that potentially implicate federal “fraud and abuse laws,” has increased dramatically in the last few years.

For 2012, the Department of Justice reported recovering more than \$3 billion from health care fraud related cases, a one-year record. In its March 2013 Semi-Annual Report to Congress, the federal Office of Inspector General, Department of Health and Human Services (“OIG”) reported expected recoveries from October 2012 through March 2013 of about \$3.8 billion. For the same period, the OIG reported exclusions of 1661 individuals and entities from participation in federal health care programs. Enforcement actions involving Stark Law allegations have also increased, including settlements with hospital chains ranging from \$14 million to \$25 million and the Tuomey Healthcare System jury trial that resulted in initial Stark Law damages of nearly \$40 million, with False Claims Act liability still to be determined.

The Patient Protection and Affordable Care Act (“PPACA”), which passed in March 2010, largely eliminated the development of new physician-owned hospitals in the United States. In addition, on March 26, 2013, OIG published a “Special Fraud Alert: Physician-Owned Entities,” which labeled physician-owned distributorships as “inherently suspect.” An entry for certain Physician-Owned Distributors also appears on the OIG’s 2013 Work Plan, a document outlining the OIG’s enforcement priorities for the coming year.

This regulatory and enforcement landscape provides an important backdrop when analyzing any proposed arrangement involving the Stark Law, but particularly in the context of physician investment involving a new hospital, which was the precise subject of PPACA’s changes to the Stark Law. Given this recent Congressional action virtually eliminating new physician-owned hospitals, it seems likely that federal regulators will view any arrangement in this area that comes “close to the line” with a significant degree of skepticism and an eye towards protecting the underlying policy interests expressed by Congress through PPACA.

B. The Proposed Arrangement Would Likely Be Viewed as Creating an Ownership or Investment Interest in the Proposed Hospital

The first question in this analysis is whether regulators would view the Proposed Arrangement as equivalent to the physicians acquiring an ownership or investment interest in the Proposed Hospital.⁹ If so, the Proposed Arrangement would clearly implicate the Stark Law, including its prohibition that (1) the physician-owners not refer

⁹ Without additional information about the structure of the proposed lease payments, we cannot analyze those payments to determine whether or not they satisfy a compensation exception to the Stark Law.

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Medicare beneficiaries to the Proposed Hospital and (2) the Proposed Hospital not bill for any of those services.

The definition of “financial relationship” includes both direct and indirect ownership or investment interests. In discussing this definition in 2001, the Health Care Financing Administration (the precursor to CMS) (“HCFA”) stated:

*We believe that limiting the statutory prohibition to direct ownership and compensation arrangements would seriously weaken the statute. Unscrupulous physicians and entities furnishing DHS would simply interpose entities between themselves and funnel the money through them.*¹⁰

Under PPACA, a section of the Stark Law discussing the whole hospital exception defines the applicable ownership or investment interest as including any interest “held in the hospital *or in an entity whose assets include the hospital...*”¹¹ Under the Proposed Arrangement, the physician investors would own interests in an entity whose assets include the hospital, including the real estate, the hospital facilities, and all equipment utilized by the hospital.

In the only published Advisory Opinion examining the question of whether a particular arrangement constituted an ownership or investment interest by physicians, CMS focused, among other things, on whether the physician-shareholders had a “pecuniary incentive to enhance their investment interests . . .”¹² It seems likely that, under the Proposed Arrangement, the physician investors would have a pecuniary incentive to ensure that the Proposed Hospital generated revenue and was profitable. Even if the proposed “fair market value” lease payments were not directly tied to the profitability of the Proposed Hospital, the hospital’s success would benefit the physician-investors in at least two ways: (1) it would ensure that the lease remained viable and rent payments continued to flow and (2) it would likely cause the physicians’ investment in the underlying real estate to appreciate in value. We believe these are the kinds of economic indicia that would lead CMS, OIG or other regulators to conclude the physician-investors had an ownership or investment interest in the Proposed Hospital, were regulators to analyze the Proposed Arrangement.

Finally, the Galicia Group’s own documents illustrate the parties’ view of the Proposed Arrangement. The documents state that the physicians will become “stakeholders” and get to work in “their hospital.” It is likely that these statements would be viewed by regulators as further evidence that the developers and physicians considered the physicians to be owners of the Proposed Hospital. Furthermore, part of the Galicia Group’s stated criteria for entering a new market includes the presence of physicians “with a substantial patient base,” who are also “willing to be stake holders and invest in

¹⁰ 66 Fed. Reg. 856, 867 (Jan 4, 2001).

¹¹ 42 U.S.C. § 1395nn(i)(1)(D)(i) (emphasis added).

¹² See Advisory Opinion No. CMS-AO-2005-08-01, available at: <http://www.cms.gov/Medicare/Fraud-and-Abuse/PhysicianSelfReferral/Downloads/MS-AO-2005-08-01.pdf>

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[the] project.” This implies a connection between (a) a potential physician-investor; (b) the size of the physician’s patient population; and (c) the Galicia Group’s willingness to enter the market. The Group also reports that its “[i]nvestment strategy aligns goals among shareholders, managers, and *physicians who drive the revenue* and success of the institutions.” (Emphasis added).

This type of connection – between physicians, patient referrals, and investment opportunities – was exactly what Congress hoped to mitigate by passing the Stark Law. As HCFA stated in 2001:

Prior to enactment of [the Stark Law] there were a number of studies, primarily in the academic literature, that consistently found that physicians who had ownership or investment interests in entities to which they referred ordered more services than physicians without those financial relationships . . . Increased utilization occurred whether the physician owned shares in a separate company that provided ancillary services or owned the equipment and provided the service as part of his or her medical practice. This correlation between financial ties and increased utilization was the impetus for [the Stark Law].¹³

C. An Entity That Owns the Real Estate, Hospital Facilities & Equipment Would Likely be Viewed as the Entity That “Performs” the Hospital DHS

In 2008, CMS revised the Stark regulations to address physician-owned entities that were providing services to hospitals “under arrangements.” An “under arrangements” arrangement involves a hospital purchasing a health care service (such as dialysis or advanced imaging) for its patients from a third party vendor. The services are then billed by the hospital to third party payers “under arrangements.” The under arrangements provider receives a fee from the hospital, generally pursuant to a written services agreement.

CMS became concerned about a proliferation of physician-owned “under arrangements” companies and revised the regulations in 2008 to curtail their use. In preliminary guidance, CMS described this concern as follows:

We agree with the commenter that arrangements structured so that referring physicians own leasing, staffing and similar entities that furnish items and services to entities furnishing DHS . . . but [the physicians] do not submit claims raise significant concerns under the fraud and abuse laws and would appear contrary to the plain intent of the physician self-referral law. These structures are particularly problematic because referrals by physician-owners of leasing, staffing and similar entities to a contracting DHS entity can significantly increase the physician-owned entity’s profits and investor returns, creating incentives for overutilization and corrupting medical decision-making.¹⁴

¹³ 66 Fed. Reg. 856, 859 (Jan. 4, 2001).

¹⁴ 72 Fed. Reg. 51012, 51014 (Sept. 5, 2007).

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Prior to 2008, for purposes of Stark, only the entity that submitted a bill to Medicare was considered a DHS entity. This meant a physician-owned under arrangements company was not a DHS entity and therefore the physician could refer patients to the company without violating Stark. By changing the definition of entity to include both the entity that billed the service and the entity that “provided” the service, CMS largely foreclosed the use of physician-owned under arrangements companies.

In its regulatory discussion of this change, CMS specifically declined to provide a specific definition of “perform.”¹⁵ While a physician-owned company that provides a narrow, discrete service to a hospital (e.g., the company only leases a single piece of equipment to the hospital) might not be viewed as “performing” the DHS service, we believe the scope of assets being provided under the Proposed Arrangement (the real estate, the hospital facilities, and all equipment) would likely result in the physician-owned entity being viewed as the “performing” entity.

It appears that the Proposed Arrangement is attempting to avoid these regulatory restrictions by breaking apart a hospital’s assets between two entities: one that possesses the hospital license and the other that possesses nearly all other assets necessary for operating the hospital, including the real property, the facilities, and the equipment. While not structured as an “under arrangements” arrangement *per se*, we believe it was this type of bifurcation that the 2008 under arrangements rules were attempting to prohibit.

V. Conclusion

Based on the facts that we have been provided (as described above) and available guidance, the Proposed Arrangement appears to be an effort to “end-run” both PPACA’s prohibition on new physician-owned hospitals and the 2008 “under arrangements” rule changes.

Given the clear Congressional policy behind the PPACA revisions to the whole hospital exception, and the other guidance discussed above, we believe it is likely that regulators would construe the Proposed Arrangement as creating an ownership interest between any physician investor and the Proposed Hospital, thereby implicating the Stark Law.

Please note that the information and analysis contained herein is intended for use by CCNA and CCNA is the only party entitled to rely on it.

¹⁵ 73 Fed. Reg. 48434, 48726 (Aug. 19, 2008).



TITLE 36, CHAPTER 1, PART 59 - Land and Water Conservation Fund Program of Assistance to States; Post-Completion Compliance Responsibilities:

	36 CFR 59.1	Applicability
	36 CFR 59.2	Information Collection
	36 CFR 59.3	Conversion Requirements
	36 CFR 59.4	Residency Requirements

You can also read more about post-completion compliance responsibilities in the **LWCF Stewardship booklet**

Legal Protection for Grant-Assisted Recreation Sites

Section 6(f)(3) of the LWCF Act

Section 6(f)(3) of the LWCF Act contains strong provisions to protect Federal investments and the quality of assisted resources. The law is firm but flexible. It recognizes the likelihood that changes in land use or development may make some assisted areas obsolete over time, particularly in rapidly changing urban areas. At the same time, the law discourages casual "discards" of park and recreation facilities by ensuring that changes or "conversions from recreation use" will bear a cost - a cost that assures taxpayers that investments in the "national recreation estate" will not be squandered. The LWCF Act contains a clear and common sense provision to protect grant-assisted areas from conversions.

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

This "anti-conversion" requirement applies to all parks and other sites that have been the subject of Land and Water grants of any type, whether for acquisition of parkland, development or rehabilitation of facilities. In many cases, even a relatively small LWCF grant (e.g., for development of a picnic shelter) in a park of hundreds or even thousands of acres provides anti-conversion protection to the entire park site.

To ensure the continued effectiveness of Section 6(f)(3) protection, several management tools have been developed to monitor and correct changes in assisted sites from year to year. For example, the NPS requires on-site inspections of all grant-assisted areas and facilities at least once in every five years most of which are conducted by cooperating state agencies.

Another important tool to ensure good communication between grantors and grantees is the "6(f)(3) project boundary map." With each application, the grantee submits a dated project boundary map showing the park area to be covered by Section 6(f)(3) anti-conversion protections. This map need not be a formal survey document, but it contains enough site-specific information to serve several purposes:

- it ensures that both the grantee and the administering agency agree on the proper boundaries of the covered site at the time of project approval;
- it provides location, size indicators and a picture of key facilities and landmarks to help later project inspectors better identify and evaluate the site.

Petition-Apodaca Park.txt

Sometimes the protective provisions of LWCF grants result in "win-win" solutions to the problems of changing parks and changing communities. An example of this is Shoreline Park in Long Beach, California.

After using a sizable LWCF grant for basic development of the 20 acre park, the community felt that the park was not meeting its full potential. It was decided to replace the park with a commercial aquarium, amphitheater and shopping mall, and to build a new community park elsewhere in the neighborhood.

National Park Service and the State worked closely with Long Beach. Within a short time, a new 24 acre site was identified.

~~Shoreline Park never succeeded in meeting its usage goals, because of reduced population in the downtown areas. Thanks to common sense replacement provisions, the park site will effectively be relocated and Long Beach residents will be able to enjoy new recreation opportunities as well as a viable tourist and convention site that will aid downtown economic recovery.~~

The conversion was approved, with the result that the "anti-conversion" mandate of the law, instead of being a negative, helped bring business leaders and community park users together for an improved Science Center AND an entirely new public recreation opportunity in the form of the riverfront park.

Two Projects for Dona Ana County from FLWCF (Renovated Liting & Sprinkler System in 1974 Dollars):

Main Report		United States Department of the Interior National Park Service Land & Water Conservation Fund		Detailed Listing of Grants Occupied by County		NEW MEXICO - 38		Page: 14	
		Today's Date: 7/6/2013							
Grant ID	Type	Grant Element Title	Grant Location	Amount	Status	Date Approved	Exp. Date	Comp. Status	
DONA ANA									
9-XXX	D	YOUNG PARK	CITY OF LAS CRUCES	\$6,413.14	C	3/1/1968	13/1/1971	2	
166-XXX	D	APODACA PARK SPRINKLER SYSTEM	CITY OF LAS CRUCES	\$15,750.00	C	5/6/1971	6/30/1972	2	
181-XXX	C	LAS CRUCES MUNICIPAL TENNIS CENTER	CITY OF LAS CRUCES	\$17,097.31	C	8/13/1971	12/31/1974	2	
184-XXX	D	LAABS SWIMMING POOL	CITY OF LAS CRUCES	\$10,080.65	C	11/13/1971	12/31/1974	2	
185-XXX	D	FRENGER PARK	CITY OF LAS CRUCES	\$6,619.23	C	10/21/1971	8/30/1974	2	
186-XXX	D	PIONEER PARK	CITY OF LAS CRUCES	\$1,243.23	C	11/11/1971	9/30/1973	2	
187-XXX	D	KLEIN PARK	CITY OF LAS CRUCES	\$3,426.03	C	11/10/1971	9/30/1973	2	
188-XXX	D	BASEBALL SOFTBALL COMPLEX	CITY OF LAS CRUCES	\$66,112.54	C	10/13/1971	12/31/1974	2	
206-XXX	D	APODACA PARK RENOVATION	CITY OF LAS CRUCES	\$31,610.34	C	11/24/1971	9/30/1974	2	
281-XXX	D	LA MESA BASEBALL FACILITIES	DONA ANA COUNTY	\$70,548.53	C	11/26/1971	11/31/1974	2	
286-XXX	D	ADAMS BASEBALL PARK	DONA ANA COUNTY	\$12,832.81	C	12/14/1973	12/31/1976	2	
288-XXX	D	HATCH COMMUNITY PARK	TOWNSHIP OF HATCH	\$20,803.00	C	3/5/1974	12/31/1976	2	
314-XXX	D	MESILLA COMMUNITY PARK	TOWN OF MESILLA	\$2,182.72	C	1/21/1974	12/31/1976	2	
387-XXX	D	LAS CRUCES MAAAG PARK	CITY OF LAS CRUCES	\$32,524.93	C	11/21/1974	12/31/1977	2	
384-XXX	D	LAS CRUCES LION'S PARK	CITY OF LAS CRUCES	\$22,310.59	C	11/21/1974	12/31/1977	2	
446-XXX	D	MAAG PARK COMPLETION	CITY OF LAS CRUCES	\$33,955.79	C	3/30/1976	12/31/1979	2	
459-XXX	C	WEST SIDE PARK	CITY OF LAS CRUCES	\$25,089.45	C	4/32/1976	12/31/1978	2	
466-XXX	D	LAS CRUCES PLAYGROUNDS 1976	CITY OF LAS CRUCES	\$15,170.07	C	6/29/1976	12/31/1978	2	
473-XXX	D	HATCH VALLEY BASEBALL FACILITIES	DONA ANA COUNTY	\$18,323.66	C	6/29/1976	12/31/1979	2	
486-XXX	D	LA UNION PARK	CITY OF LAS CRUCES	\$17,319.67	C	5/21/1978			
491-XXX	D	BRANIGAN PARK	CITY OF LAS CRUCES	\$17,108.52	C	7/21/1978			

We, the undersigned, oppose the taking of any part of Apodaca Park for any reason, and also oppose the re-zoning of 30+ acres of LCCC property from R-1-a to C-3 for a Hospital, or any other commercial enterprise.

Signature Printed name Address Phone # E-mail

- ~~John F. Stevens~~, JOHN F. STEVENS, 890 Camino Del Rey, 574-8506, JOHN.MILL9@TOAST.NET
- ~~Mildred Stevens~~, MILDRED E. STEVENS, 890 Camino Del Rey, 574-8506, JOHN.MILL9@TOAST.NET
- Armando Silva 575 642 4698
- Tommy Schroeder 525-0111
- Sarah Smith 640-5956 Mesilla, NM
- Neal Wilkinson 640 Lora St. N.M.
- Will McWhorter 1700 Camino Del Rey WCNM 88001
- Lisa F. Parrott 2499 Cherokee Circle 88011
- Helen Berridge 671 Lormis Rd. LC 88007
- Tamie A. Smith 1807 Highland Ave
- Corby Alford 2015 Jordan 621-9157 allredc@unm.edu 88005
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- Jose Delgado Jr. 5249 Creek Trail 88012 649-0941
- Jim Juntos 4248 Mreat Sandy Ln LC NM 88011 575 312 6698
- Earl R. Greene EARL R. GREENE 1540 Altura Ave 88001
- Michael L Hays Michael L Hays 651 Cedardale Prop LC 88005 523-5533
- Beth Bannister Beth Bannister 521-9346
- Win Jacobs Win Jacobs 521-9331
- Mamie Araon Mamie Araon 805-1575
- Charlotte Lipson Charlotte Lipson 527-4083 3808 Mondel 88005
- Fernando Lopez III Fernando Lopez III 805 1575
- Rachel Walling 3208 Jupiter Rd 88012 405 334 9256 rw-bee@admali
- George Wallirer 3208 Jupiter Rd LC 88012 (575) 571 8617
- Sarah Wilson 2635 Desert LC 88001 524-0992
- Robert L. Smith 2645 DESERT DR LC 88001 523-8860
- Aurii Penchey 1900 N Solano Dr apt 15 88001 571-0432
- Brenda Pergdera 1900 N. Solano Dr. #11 88001 (575) 496-9492
- Murray Potter 2505 Desert Dr 88001
- Michael W. Ormsby 910 S. Esparansa St. Las Cruces, NM 88001
- Carlos Colon Carlos Colon 1725 Mariposa Dr 88001
- Laura C. Smith LAURA C. SMITH 2450 Calle del Rio 88046
- Eva Booker EVA Booker 1725 Mariposa Dr 88001
- Edward Aguendo 1075 Poplar Ave 88001 Edward Aguendo Edward Aguendo

1965

We, the undersigned, oppose the taking of any part of Apodaca Park for any reason, and also oppose the re-zoning of 30+ acres of LCCC property from R-1-a to C-3 for a Hospital, or any other commercial enterprise.

Signature Printed name Address Phone # E-mail

Polina Wright Jo Ann Wright 2230 Dona Ana Rd #98 (575) 805-3700
 Kimberly Chason Kimberly 515 Oasis Ave (575) 805-2038
 Virginia Gonzalez Virginia Gonzalez 2160 Desert Circle (575) 526-6788
 Jessi Kay Gomez Jessi Kay Gomez 2160 Desert Circle 526-6788
 Margarita Gonzalez Margarita Gonzalez 1800 N. Sexton 526-6788
 Estefania Gomez Estefania Gonzalez 1800 N. Sexton 526-6888
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 Maria Aldas Maria Aldas 6600 Justin (575) 805-1552
 Margaret Libby Margaret Libby 2190 Desert Circle
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 Eusebio Delgado Eusebio Delgado Desert Circle Las Cruces N.M. 88001
 Gilbert De La O Gilbert De La O 2210 Desert Circle LCCM 88001 (575) 312-8528
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 Monica Garcia 1660 Mariposa 915 401 1683
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 Charlee Charlee 3292 Tila 915-791-9861
 Frank Medina FRANK MEDINA 1665 MARIPOSA 523-1874
 Zack Thomas-Chappell Zack Thomas-Chappell 1605 Mariposa Pl. 575-621-9627
 Martha Ward MARTHA WARD MARIPOSA DR
 Michaela Panajera 1525 Mariposa 575-636-9574
 Christine D. Martinez 575 805 6964
 Mary G. Smead 1845 Altura Ave 649-3731
 Oscar Ruiz (575) 312-8563
 Leticia Madrid Leticia Madrid 1655 Mariposa Ave 640-3579
 Elizabeth Bishop 1900 Arlington 575-652-2664
 Alexis Larson 3245 University Ave. 575-6545-3374
 Betty Bishop 1900 Arlington Ave. 575-526-5766
 Daniel H. Lamsend 624 Turner Ave. 575-523-1287

1966

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Signature Printed name Address Phone# E-mail

[Handwritten signatures and names]
 Gary Bates Box 265 Faircross 640-9261
 TRIST CONTRERAS 940 Mulberry Ave LCCNM 88201
 SANDOVAL 201 E Montana Ave LCCNM 88205
 1465 Dana Ave Las Cruces NM 88012
 Christopher P. Rodriguez 1610 Beverly Las Cruces NM 88005
 Connie G. Hoyer 2505 Desert Dr Las Cruces NM 88001
 Linda McCamley 1540 Katie hds (ave 88007 unit 49
 Daniel R. Mengeling 905 Conway Ave, Las Cruces 88005
 Randi Simpson Rangly Simpson 855 E. University 575-640-3414 rblair@nmsu.edu
 575-520-1742 + + gage@
 Jordan Lundberg 4722 unit 17 Ave. victorlundberg@jag1391
 1905 Princess Jeanne LCCNM
 1230 Tammy Ln 526-0935
 710 Leas DR. LCCNM.
 Michaela Kelley Michaela Kelley 5444 Angel Fire Court (575) 523-0108 msKelley@nmsu.edu
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 LAURO HINOJOSA 3889 CALLE DE LAS MARGARITAS 575-646-6501
 Brenda Lenderman Brenda Lenderman 3889 calle de las Margaritas lendermanbrenda@lafabnc
 Julia Carlos Julia Carlos 9530 Antares St 805-39-12
 Juan Medrano Juan Medrano 9510 Polaris St 805-88-20

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Signature	Printed name	Address	Phone #	E-mail
Paul C. Gagnier	Paul C GAGNIER	2230 Desert	575 649 6869	
Beatrice Mendez		2240 Desert	649-9816	
Al M. L. (Al Mendez)		" "	649-0184	
Sonia Williams	Sonia Williams	2235 Desert Dr	757-647-05	
Gertrude Williams	Gertrude Williams	545-4679	"	
Sandra Williams	Sandra Williams	545-4270	"	
Soraya Jay	Soraya Jay	" "	" "	
Jenonica Williams	Jenonica Williams	575-312-6708	"	
Steven Padilla	Steven Padilla	2235 Desert Dr	757-647-0502	
Melissa	Meghan Waterj	(575)640-9462	2111 Desert N. LC 88001	
Ellen Perry	Ellen Perry	1625 MANIPOSA	575-649-1401	
Randee Belt	Randee Belt	1630 MANIPOSA DR	575-526-1528	
Kathryn Van Dusing	Kathryn Van Dusing	1955 Maniposa	575-495-1420	
Dr. Harold S. Alford	DR HAROLD S ALFORD	1555 MANIPOSA DR	AS QUEROY MIN 88001	
Jerale A Huerta	Jerale A Huerta	1540 Maniposa	LC 88001	
MARY HAYNES	MARY HAYNES	1520 Maniposa	LC 88001	
ALFRED MORA	ALFRED MORA		575-571-5268	
Ismael Galvan	ISMAEL Galvan		575-805-0027	

1968

Petition-Apodaca Park

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Signature Printed name Address Phone # E-mail

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Rachel Camba Rachel Camba 1024 N. Melendres (575) 621-8793 rrfimbres@hotmail.com

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Kent D. Wendling Kent D. Wendling 3105 High St.

Kathy von Ende KATHY VON ENDE 6471744 2110 Via Tesoro

Victoria Simons VICTORIA SIMONS 4052 SOTOL 1209 Still Drive

Gerald L. Kumpf Gerald L. Kumpf 521-9261

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Darrel Hadley DARREL HADLEY 712 STAGE COACH (575) 521-1237

GIL WIEBERMAN GIL WIEBERMAN 1958 EL SEGUNDO TR 5220773

Don Aveny 2775 N. Roadrunner Pkwy #1305 575-323-3472

H. WALTER HEILEMANN H. WALTER HEILEMANN 4669 NOGAL CANYON RD, L.C. 88011 575-521-1823

Patricia H. Martinez PATRICIA H. MARTINEZ 1021 Olinda Oro Las Cruces 88005 571-0575 pathmartin@red.com

Martin E. Naese MARTIN E. NAESE 2868 Diamond Springs Dr Las Cruces, NM 88011 575-532-6060 maese@comcast.net

Petition-Apodaca Park
1969

We, the undersigned, oppose the taking of any part of Apodaca Park for any reason, and also oppose the re-zoning of 30+ acres of LCCC property from R-1-a to C-3 for a Hospital, or any other commercial enterprise.

Signature	Printed name	Address	Phone #	E-mail
	Rosemarie Marquer	6824 Center Dr	LC NM	88011
	Rudy Elizalde	Rudy Elizalde	3602 Oak #3	88005
	Michael Hammond			
	Rita Cheng			
	Helen Aragon			
	Jeff Sair			
	Joshua Lujan			
	Jessica Conder	993-4871	jesslynn_85@hotmail.com	
	Josh Triste			
	Manuel...			
	Gilbert Soria	373-0111		
	Michael O'Neil	2507 Cole Village		
	Antonio Rodriguez	1285 El Paseo		
	Nicole Luy	1701 Princess Jeanne	LC NM	88001

Petition-Apodaca Park

1970

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Signature Printed name Address Phone # E-mail

Deidre Zapain Deidre Zapain 3115 El Camino Real #2 575-556-4528

Mark Lopez Mark Lopez 1701 Princess Jeanne (575) 496-7945

Mary Lopez Mary Lopez 1701 Princess Jeanne (575) 932-9220

Tanny Lopez Tanny Lopez 1701 Princess Jeanne (575) 932-9219

Rich Smith Rich Smith 1289 MacArthur 575 626-2131

Sophia Hernandez Sophia Hernandez 1709 Princess Jeanne 575-805-4070

Alfred Gamboa Alfred Gamboa 1709 Princess Jeanne 575 571-477

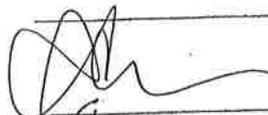
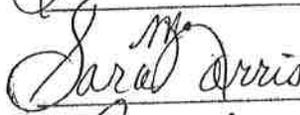
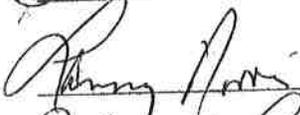
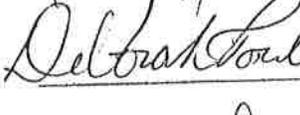
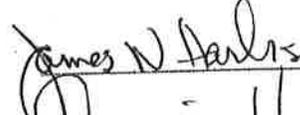
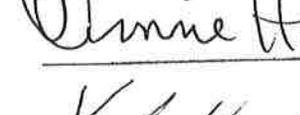
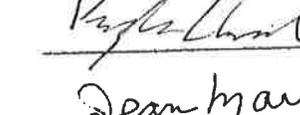
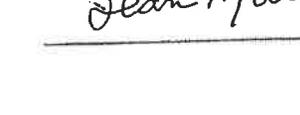
ALFRED TELLES ALFRED TELLES 1217 Wina 575-556-4357

T. S. Crawford T. S. Crawford 1800 California Ave 575-639-3914

Mark Frost Mark Frost 1705 Princess Jeanne 575 802 5040

Petition-Apodaca Park
1971

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Signature	Printed name	Address	Phone #	E-mail
	Robert E Mitchell	2990 Long ^{View} Way	575-521-4146	
	Sara Norris	2613 Comstock	575-312-0500	
	Lanny R. Norris	2613 Comstock	575/057130	
	Deborah Poulton	3425 Pinecl. View	575 642 4496	
	JAMES W HARBISON	2306 STAGECOACH DR	575-522-3909	
	ANN HARBISON	2306 STAGECOACH DR	575-522-3909	
	Kyle Harbison	2306 Stagecoach " " Dr	575 522 3909	
	JEAN HARRIOT	5020 HUNTERS CHASE RD LAS CRUCES, NM 88611	522-2749	N/A

Petition-Apodaca Park

1972

We, the undersigned, oppose the taking of any part of Apodaca Park for any reason, and also oppose the re-zoning of 30+ acres of LCCC property from R-1-a to C-3 for a Hospital, or any other commercial enterprise.

Signature Printed name Address Phone # E-mail

Dannie Parrott Dannie Parrott 2494 Cherokee Circle Las Cruces, NM 88011 575 522 5275 parrott2005@comcast.net

M.K. Sims M.K. SIMS 501 Roadrunner Pkwy APT 1401 LAS CRUCES, NM 88011 575-522-2275 FORMERLY 2313 CIMARRON L.C. NM 88011

H.F. Adams, JR. H.F. Adams, JR. 2221 Durango Ct. Las Cruces, NM 88011

Barbara J. Adams Barbara J Adams 2221 Durango Ct Las Cruces NM 88011

Allan D. Lindsey 2096 Sagemont Ave. Las Cruces N.M. 88011

Beverly Q. Lindsey 2096 Sagemont Ave. Las Cruces, NM 88011

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Signature	Printed name	Address	Phone #	E-mail
<i>Pedro Oquendo</i>	Pedro Oquendo	2141 N. Sobana Dr.	575-915-2343	none
<i>Kristina Herrera</i>	KRISTINA HERRERA			none
<i>Fatima Bonnda</i>	Fatima Bonnda		575 (312) 66416	
<i>Patricia Sanchez</i>	Patricia Sanchez		575 8050542	
<i>Priscilla V. Gonzalez</i>	Priscilla Gonzalez		575 312 7982	
<i>David K. Lorenzo</i>	David K. Lorenzo	1920 E. Footho	575-694-0223	

We, the undersigned, oppose the taking of any part of Apodaca Park for any reason, and also oppose the re-zoning of 30+ acres of LCCC property from R-1-a to C-3 for a Hospital, or any other commercial enterprise.

Signature	Printed name	Address	Phone #	E-mail
<i>Aruselda Soto</i>	Aruselda Soto	195 SLATE	644-8121	
<i>Emada Quico</i>	Emada Quico	195 SLATE	644-8121	
<i>Hector Villalberto</i>	Hector Villalberto	850 Holly Dr	312-6012	hectorv@nmsu.edu
<i>Marisol Martinez</i>	Marisol Martinez	850 Holly DR A27		miguelola@nmsu.edu 680-625

1975

Petition-Apodaca Park

We, the undersigned, oppose the taking of any part of Apodaca Park for any reason, and also oppose the re-zoning of 30+ acres of LCCC property from R-1-a to C-3 for a Hospital, or any other commercial enterprise.

Signature Printed name Address Phone # E-mail

<i>Victor Loya</i>	VICTOR LOYA	855 E. UNIVERSITY #215	(915) 691-2875	victorloya@svcs23@yahoo.com
<i>Rose Hackney</i>	Rose Hackney	6430 Torrey	88007	575-636-5581 hackneyrm2@yahoo.com
<i>Giuseppe</i>	LARRY GIOANNI	205 HOAGLAND RD	88005	

RE: The proposed medical facilities for the Park Ridge Development,
hospital and heliport

I do want to say that I am extremely concerned about the traffic problems resulting from the proposed development, however, my specific concern is the proposed "heart hospital" and heliport. I was directly involved with the issue of a second hospital for Las Cruces back in the late 70s and 80s. I was Chairperson of the local Board of the NM Health Systems Agency, and later Chair of the State Governing Body and the NM Health Planning Committee. We were operating under the Certificate of Need law, 96-341. A public hearing was required under the law, and I "officiated" at that hearing. There was input from citizens, legislators, and health care providers. The proposed new hospital was a private hospital with physician investors. As Chair of the local board, I had a competent staff and access to every bit of relevant data I could get.

The basic issues were almost the same as we have in the present case. Under the guidelines, Las Cruces had adequate beds, while trying to expand services and make Memorial Medical a regional center. As a public facility, they were required to take all patients, and were then expanding the emergency room.

After the hearing, the issue went to the Governing Body, in Albuquerque where I and others testified. The proposed hospital was denied (no capital reimbursement) due to the fact that the physician investors would send their paying patients to "their" hospital, creating a distinct conflict of interest. It would also damage Memorial Medical by forcing them to take the brunt of the non-paying patients. As a public hospital, they were also required to maintain the unprofitable services like maternity and obstetric care, and the open emergency room. Patients and taxpayers would suffer. Under the bed/population formula, services were more than adequate. We anticipated that within a few years, we would need another hospital, after Memorial Medical was firmly established as a regional facility.

A very similar situation seems to apply in the present case..... there is still a conflict of interest, we are considerably overbedded, with Memorial Medical at 50% occupancy and Mountain View (with extensive heart services) at 67%. And we must still seriously consider the fact that we must also serve a poverty population. Health care is a matter of life, death, pain and suffering, and healing. That comes before the bottom line. Although health care facilities must make a profit, they also have a heavy responsibility to the entire community. I do not see that here, with a boutique, no Medicare or Medicaid, facility that can only bleed off needed income from our present adequate facilities.

With regard to the heliport, this is almost too bizarre to contemplate. We already have adequate air lift services, (very expensive) and having a helicopter landing on top of a one-story building surrounded by taller buildings, residential houses, trees and power lines, is ridiculous. I refer you to the comments of a member of the Planning and Zoning Committee, who was a helicopter pilot.

Finally, I refer you to the State of New Mexico Department of Health needs projections for 2013-2014. None of the very serious needs listed are addressed in any way by the proposed facility.

Martha O. Loustau m_loustau@hotmail.com

Susana Montana

From: David Weir
Sent: Monday, July 15, 2013 8:12 AM
To: Susana Montana; Katherine H. Rogers
Subject: FW: Country club

From: Brian Denmark
Sent: Monday, July 15, 2013 6:45 AM
To: David Weir
Subject: FW: Country club

FYI and file.....

Brian Denmark, AICP
Assistant City Manager/COO
City of Las Cruces
(575) 541-2271: Office
(575) 642-1726: Cell

From: Sharon K. Thomas
Sent: Sunday, July 14, 2013 10:16 PM
To: Robert Garza; Brian Denmark; Mark Winson
Subject: Fwd: Country club

FYI,

Sherry

Sharon Thomas
Mayor Pro Tem
City Councilor, District 6
Las Cruces, NM
575 993 9347

Begin forwarded message:

From: Judith <jlpward@gmail.com>
Date: July 14, 2013, 7:43:41 PM MDT
To: "CityCouncil@las-cruces.org" <CityCouncil@las-cruces.org>
Subject: Country club

Honorable Mayor & City Councilors,

Just a brief message regarding the future development of the country club. My husband and myself are in favor of the proposed plans for development. We live in the area and have a business on Solano and Madrid. We believe that it will add to the value of existing property and

the quality of life. It is time to think of the people on this side of the dam! You have a few vocal people that really do not speak for the majority of the residents . We have talked with many customers and neighbors that are all for it, that do not belong to the association . The plans will not destroy Apodoca Park but enhance it, it will bring a much needed since of community pride to the area. We need to get the ball rolling so that we don't have to see the eye sore that the property has become.

Thank you for your time,
Wayne & Judy Ward

Susana Montana

From: Barbara Whittenton <BWhittenton@crdist.com>
Sent: Tuesday, July 23, 2013 10:08 AM
To: Susana Montana
Subject: Park Ridge Plan and zoning changes

I urge the City Council to REJECT the zoning change for the Park Ridge area or the Las Cruces Country Club. This space should be kept as something that would benefit the citizens of Las Cruces and another hospital is not necessary or needed. If this change goes through we will have the beautiful Sonoma Ranch Golf Course turn into another blighted Las Cruces Country Club. Thank you for taking time to read my comments.

Barbara Whittenton

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1980

From: Roy G. Hendrix [mailto:hendrix2@comcast.net]
Sent: Wednesday, July 24, 2013 4:45 PM
To: Susana Montana
Subject: Fwd: rezoning of former Las Cruces Country Club property

This e-mail and any attachments thereto, is intended only for the use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail (or the person responsible for delivering this document to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this e-mail, and any attachment thereto, is strictly prohibited. If you have received this e-mail in error, please respond to the individual sending the message, and permanently delete the original and any copy of any e-mail and printout thereof.

From: "Roy G. Hendrix" <hendrix2@comcast.net>
Subject: rezoning of former Las Cruces Country Club property

This email is to let you know of our support for the rezoning of the 110 acres of land formerly known as Las Cruces Country Club.

We have reviewed the plans for the new development and feel the proposed project will be a great addition to our community and will revitalize that area of Las Cruces. The plans for the new development will increase property values near the development and offer much needed new neighborhood and employment opportunities. We are very much in favor of the proposed new hospital and rehab. facilities to be built on that site.

Thank you for your consideration. We hope you will use your influence to help the rezoning of this land pass the City Counsel.

Sincerely,
Roy and Linda Hendrix
1089 Nena Ct
Las Cruces, NM

This e-mail and any attachments thereto, is intended only for the use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail (or the person responsible for delivering this document to the intended recipient), you are hereby notified that any dissemination, distribution, printing or copying of this e-mail, and any attachment thereto, is strictly prohibited. If you have received this e-mail in error, please respond to the individual sending the message, and permanently delete the original and any copy of any e-mail and printout thereof.

Susana Montana

From: arrington@zianet.com
Sent: Wednesday, July 24, 2013 7:18 PM
To: Susana Montana
Subject: Rezoning Las Cruces Country Club Property

Dear Ms. Montana,

Jack and I are members of Las Cruces Country Club and certainly are as anxious as the rest of the membership to see the zoning change completed in a timely manner.

More than that, as residents of the north valley, (the medical helicopter flies over our house all the time) we are really hopeful that all goes well so that there will be a good hospital closer to this end of town.

Lastly, as Realtors, we know first hand what an enormous PLUS it will be for the home and commercial property values in that area. Currently, the old Country Club housing area is one of the slowest moving, least appreciating areas in Las Cruces. Further, there are great misconceptions as to a need to conform the emergency exit road using a portion of the Apodoca Park parking lot. It has not been properly explained to the general public that more land will be transferred to the city to well compensate for this necessary alteration for safety's sake.

Please give my regards to Katherine (we worked together on subdivisions when she was at the county). Also, please say 'Hi' to Mrs. Driggers for me too!!

Our office is still just down the hall from Doug's former office in the Tower.

Thank You for your time and all your very hard work on ours and all the members of Las Cruces Country Club behalf and whether they realize it right now, the property owners in that area!

Thank You,

Patricia(Pat) L. Arrington(Jack)
30 Horseshoe Circle

Arrington's Theatre of Homes
506 S. Main Suite 444
Las Cruces, New Mexico 88001

Susana Montana

From: Lee Webb <technut@comcast.net>
Sent: Wednesday, July 24, 2013 10:03 PM
To: Susana Montana
Subject: rezoning

Please support the rezoning of the old Las Cruces Country Club.

Respectfully
Layton T. Webb
5220 Violet Way
Las Cruces, NM 88001
575-644-3803

1983

Susana Montana

From: Vic Rose <vrose1193@gmail.com>
Sent: Thursday, July 25, 2013 6:57 AM
To: Susana Montana
Subject: Old Las Cruces Country Club Prperty

As a very local resident, I strongly support the proposed zoning changes at the Las Cruces Country Club property.

Victor Rose
1510 Country Club Circle
Las Cruces NM 88001

Susana Montana

From: SWBNM-Ernesto Ortiz <eortiz@nmhidta.org>
Sent: Thursday, July 25, 2013 11:00 AM
To: Susana Montana
Subject: Las Cruces Country Club Property

Ms. Montana:

I have been a member of the Las Cruces Country Club for approximately 25 years and was recently informed that the Las Cruces City Planning and Zoning Commission will soon be reviewing an application to approve rezoning of the entire 110 acres of the Las Cruces Country Club property located at 2700 N. Main. I am unable to attend the scheduled meeting for this hearing; however, my opinion is that the rezoning will have a very positive impact to the City of Las Cruces; therefore, I am in favor of the proposed rezoning.

Sincerely,

Ernie Ortiz
Regional Director
New Mexico HIDTA
2450 Lakeside Drive Bldg. A
Las Cruces, New Mexico 88007
Office# (575) 541-7507
Fax# (575) 541-7510
eortiz@nmhidta.org

****Please note my new email address is eortiz@nmhidta.org**

1985

Susana Montana

From: LENNY LARSON <llarson48@msn.com>
Sent: Thursday, July 25, 2013 12:45 PM
To: Susana Montana
Subject: RE: News Letter

Las Cruces Country Club Redevelopment

Susana,

We are residents of the Las Cruces community and neighborhood surrounding the Las Cruces Country Club. We are in support of the proposed mixed-use community and medical campus to be located on the Las Cruces Country Club site. We support the proposed rezoning of the 110-acre site as a PUD (Planned Unit Development) and the C-3 zoning for medical use, assisted living and rehabilitation facilities. We believe this project will bring economic revitalization to this neighborhood and offer quality employment opportunities and retail amenities. It will bring homebuyers back to the neighborhood and quality services to the central core of Las Cruces.

Leonard and Pam Larson
2072 Pinecone Way
Las Cruces, NM 88012

llarson48@msn.com
Cell: 719-964-6653

Thank you

Susana Montana

From: JAime R <concernedincruces2@gmail.com>
Sent: Friday, July 26, 2013 4:21 PM
To: smontanta@las-cruces.org; Susana Montana
Subject: Re: Delivery Status Notification (Failure)

It is unfortunate that alot of the signatures that you will have for the rezoning hearing will be biased and from the las cruces country club members, as well as their family and freinds. They have a financial interest in seeing that the rezoning gets approved so they can take the proceeds and buy Sonoma Ranch Golf course. Please take 5 minutes and read the link below.

Thank You For Your time,

<http://www.lccountryclub.com/newsletter.php>

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Newsletter

July Newsletter

FROM THE PRESIDENT

It was a good July 4th of the community and the Club; celebrations from Elephant Butte, to Las Cruces, to Mesilla and El Paso. I hope that everyone enjoyed the day and keeps in their thoughts that freedom is not free and our active duty military, our veterans, police and emergency responders have a lot to do with you and me enjoying our freedoms. When you can, offer our men and women in uniform your thanks.

The City Planning and Zoning Commission recommended approval of the rezoning of 31 acres. As you know the rezoning will provide the clearance for the buyer to construct a hospital, physical rehabilitation center and condos on the old course. The next process is for the Las Cruces City Council to be presented the zone change for their approval.

As a Club this zone change is important to our future. If the change does not meet approval the sale may be in jeopardy. Our Members can assist the process by:

1. Have friends and family sign attached petition and return to Chuck Rohr or the Business Office.
2. Send emails endorsing the Park Ridge plan and zone change, to the mayor, city council members and Susana Montana (City planner, smontanta@las-cruces.org). You may call in your support to 575-541-2066.

And most importantly!

3. Attend the Monday, August 19th City Council meeting for final zoning approval – 1 pm, Council Chambers, City Hall, 700 N. Main St.

Please do whatever you can to show your support for this!

Remember that until the purchase and closing of Sonoma Ranch we still remain under the agreement which affords us playing privileges at Sonoma Ranch. Please respect the fact that the management of the facility is not our responsibility until there is a closing on the property.

In the meantime play some golf and enjoy!

Robert Caldwell

President

LCCC Office: (575) 526-9723 Sonoma Pro Shop: (575) 521-1818

E-Mail: lascrucescountryclub@gmail.com

Website: www.lccountryclub.com

85th Year of Operation of the Friendliest Golf Course in NM

FROM THE BOARD

Most of you have heard by now that the City Planning and Zoning Commission approved the rezoning of 30+ acres of our old land for the hospital being planned by our buyers. Now the City Council needs to approve it. We are still hopeful that the closing will take place the first part of Aug. We are starting serious talks with the Sonoma owners and will keep you, our members, updated as anything new happens. We will be asking for a lot of help from all of you during the transition stages.

The 4th of July All-American Scramble was a lot of fun for those who participated. The teams were very evenly made with final scores ranging from 61-68. The weather was beautiful for golf, warm with a pleasant breeze. And the beer flowed freely. Thanks go to everyone who helped make this a success—too many to name, but you know who you are. Winners were: 1st place (score card playoff) – Phil Woods, John Bealmear, Charley Brown & Cheryl Marsh; 2nd place – Cal Fisher, Mike Kelley, Eddie Chavez, Lita Jones & Mark Perkins; 2nd place – Larry Alford, Rick Baker, Scott Blair & Sue Smith. Congratulations to all of them—and to everyone who participated.

UPCOMING EVENTS

SRGC August 17-18 Nike Promo Weekend

LCCC Aug. 19 - Monday WGA Member/Guest. More information will be out soon. Contact Cheryl Marsh or Inge Peter to register.

Mark your Calendars September 28-29 tentative dates for Club Championship

More info next month

June Newsletter

From The President

As most of you know, by majority vote of the Membership Certificate Holders, your Board of Directors was given authorization to enter into a purchasing agreement with Sonoma Ranch Golf Club to acquire; the golf course, lounge, restaurant, pro shop, liquor license and all water rights. There was a large turnout for this special meeting of the Membership Certificate Holders. The Board would like to thank everyone that attended and those that voted by proxy. The turnout expresses to us how important the vote was to our Members. The vote allows the process as it relates to the purchase of a new home to begin. The Board is working on many projects: Lee Stringham our Attorney has moved to another city and we have retained Damien Martinez of Holt Maynatt and Martinez as our new Attorney. The search by the Tax Committee for a quality tax accountant to guide the Board in managing the proceeds and future operation of the facility is underway. The

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anticipated closing of the old course is scheduled for August 7, 2013. These projects were enhanced when the Membership voted to purchase Sonoma Ranch Golf Club. Completing these projects allows us to focus on deriving a business plan that utilizes the funds from the sale of our assets to the maximum benefit of the Membership.

It is important to remember that until the purchase and closing of Sonoma Ranch we still remain under the agreement which affords us playing privileges at Sonoma Ranch. The Sonoma Ranch partners operate the facility and we must do our best as a Club to adhere to the agreement. Please respect the fact that the management of the facility is not our responsibility until there is a closing on the purchase or until such time as Sonoma Ranch agrees to allow LCCC to manage the operations. Please keep this in mind ... we have only agreed as a Club to pursue the purchase of Sonoma Ranch. The purchase will take some time and in the interim LCCC is the guest of SR. Let's respect their right to operate their facility and be good guests.

The developer will go before the Planning and Zoning Commission on Tuesday June 25th. The meeting will be held at the Las Cruces City Hall, 700 N. Main St. If you have an interest in the proposed use of the land, please plan to attend. The meeting starts at 6 pm. Chuck Rohr has coordinated this project and reported to the Board that the plan is to build a "heart" health hospital, senior-living residential housing, and condos. In addition to these plans commercial and open-space uses are in the zoning plans. It is good to know that there will be good community uses derived from our old home.

The Fourth of July All-American Scramble will be held at Sonoma Ranch and if you would like to join in on the fun, sign up at the Pro Shop soon.

Hope to see you on the course.

Robert Caldwell
BOD President

May 2013 Newsletter

From The President

Your Board of Directors has been diligently at work on educating ourselves on the proposals from Sonoma Ranch Golf Club and Picacho Hills Country Club. The Board has also reviewed documentation on the 501c7 status of LCCC.

On Thursday, May 16th and on Monday, May 20th, the Negotiations Committee held an informational meeting to present two viable options available to us for purchase: Sonoma Ranch Golf Club and Picacho Hills Country Club. If you were unable to attend the meeting and would like to have a copy of the presentation you may call the Business Offices (526-9723) and have it emailed to you, placed in the mail to you or you may come by the office and pick up copies, call ahead to be sure the copies will be ready when you arrive. The documents are a summarized comparison of SRGC and PHCC and a preliminary look at the proceeds from the water and land sale.

The Board has set June 11, 2013 as the date of a Special Membership Certificate Holders meeting at 6:00 p.m., at the Elks Club to vote on a permanent location of Las Cruces Country Club. The meeting will request your vote on whether the BOD should pursue SRGC or PHCC for purchase. At the

meeting you will have a presentation by Dale Russell¹⁹⁹⁰ on the 501c7 limitations/requirements and the affect the exemption has and will have on the Club operations and income, a presentation by Chuck Rohr on PHCC's proposal and Jim Rives will present SRGC's proposal. The majority vote of the Members will provide direction to the BOD in the facility the Members choose to purchase. The agenda and proxies will be sent to you in advance of the meeting. Please look for them in the US Postal mail. I urge you to attend the Tuesday, June 11th, Special Meeting and if you are unable to, give your proxy to another member or a Board member. I am excited about this opportunity to move forward and purchase a new home for LCCC. The golf season is kicking off and it is time to enjoy playing golf. See you on the course.

Robert Caldwell BOD President

From the Board

It has been almost 7 months since our annual meeting last November and your Board of Directors and the Negotiations Committee has been extremely busy creating options for the membership to evaluate and determine a permanent home for the Club. We now have enough preliminary information that we can present to you, the membership, so you can make an informed decision on our future. The Committee has narrowed our options. Those two options are Sonoma Ranch and Picacho Hills. As most of you are not familiar with Picacho Hills we have arranged through their owner that Las Cruces Country Club members can call Picacho Hills Pro-shop at 575 523-8641 and arrange to play a round of golf for \$35.00 which includes a cart. Play is contingent on available tee times, Tuesdays through Sundays. Groups should be limited to 4 persons. Up Coming Events
SRGC May Promo - May 25-27 Memorial Day weekend – Footjoy Socks June 8-9 Bridgestone Golf Balls (On these days they will have times blocked from 7am-12pm).
LCCC June 11th, 6:00 PM Special Membership Meeting. More information will be coming.
MGA July 4th All American Tournament @ SRGC more information will be forth coming

Susana Montana

From: Judy and Ron Chadwick <meandmyrc1977@hotmail.com>
Sent: Monday, July 29, 2013 9:03 AM
To: Susana Montana
Subject: Re-zoning

As a residents of Las Cruces, we are in favor of the re-zoning of the property of the old Las Cruces Country Club. We feel it will provide needed medical facilities & as well would increase property values in that area. It also will bring in much needed money to the city in taxes. If the zoning is not allowed, we fear the property will sit there for many years with lost revenue to the city.

We urge you to vote in favor of this important zoning change.

Regards,

Ronald & Judy Chadwick
4113 Papago Ct.
Las Cruces, NM 88005

Susana Montana

From: Paula Moore <pmoore@fastwave.biz>
Sent: Monday, July 29, 2013 9:25 AM
To: Susana Montana
Subject: Zoning Change for Old Las Cruces Country Club Property

We request that the City Council approve the zoning change for the Old Las Cruces Club property, as approved by the Zoning committee recently. We understand that a small number of vociferous people are endeavoring to stop this approval, while a majority of property owners around the old club property can see past their own druthers to a wonderful improvement to their property values and an outstanding plan that will beautify and contribute to the well being of that whole area.

Thank you for your consideration and for your recommendation of approval of the zoning change.

Leon and Paula Moore

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Susana Montana

From: Lee Webb <technut@comcast.net>
Sent: Tuesday, July 30, 2013 7:38 PM
To: Mayor; Miguel G. Silva; Greg Smith; Olga Pedroza; Nathan P. Small; Gill Sorg; skthomas@las-cruces.org; Susana Montana
Subject: Rezoning Old LCCC
Attachments: LCCChist.pdf

Dear Mayor, City Council Member and City Planner:

July 30,2013

As a longtime member of the Las Cruces Country Club and Las Cruces citizen, I would like to encourage your positive vote to allow the rezoning of the old LCCC property. The Las Cruces Country Club has supported the city through many years, Note: **July 13, 1953** Sold 30 acres to City of Las Cruces for \$8,250 for what is now Apodaca Park. I among many other citizens will be monitoring your support of this rezoning. For your information I am attaching a copy of the History of the Las Cruces Country Club.

Respectfully

Layton (Lee) Webb
5220 Violet Way
Las Cruces, NM 88001

HISTORY OF LAS CRUCES COUNTRY CLUB

March 5, 1928 Course was six holes at first. Then three more greens installed with the six fairways to make the first nine holes. Then in 1953 the other nine was started.

Al Valetino, golf pro from El Paso laid out the first six holes.

March 1937. First pro was Art Ashton, "A professional of unusual standing and ability" took charge of the clubhouse and golf course.

December 1938. H. T. "Shorty" Hornbuckle - pro and club manager

January, 1941. Wallace Bost, Abilene, Texas - golf pro

February 1948. Morris E. Morton - pro and club manager

October 1, 1955. Pete Lamb - golf pro

February 25, 1958. Ray Dznowsky - pro and club manager.

October 1970. Terminated Ivy and Louise Martin as pro and club manager

July 21, 1971. Roland Rudosky Now pro

January 17, 1978. Howie Tucker, golf pro was also golf course maintenance supt.

Resigned in April 1981.

February 29, 1928. The first club officers were:

Mr. Fred S. Hess, President

Mr. Gus Manassee, Vice-Pres.

Mr. F. T. Bingham, Secy.-Treas.

Mr. J. B. Newell, attorney, board member

Mr. R. E. Boney, Insurance broker, board member.

May 31, 1928. Joe Serabia was employed by the club for 45 years. He was the greens keeper about as long as most of the members could remember. He was also Head Bartender and General custodian of the property.

He complained in 1969 when the new nine was built, that we had double his work (two nines to keep) with no raise in pay.

His wife, Jane, ran the kitchen during the late 40's and most of the 50's when the biggest Social event in town was the "Covered Dish Supper" at the Club every Thursday night. (The demise was laid to television).

ORIGINAL SUBSCRIBERS IN THE LAS CRUCES COUNTRY CLUB

J. J. Aragon	Contact Mrs. Greely Myers 1675 Valencia, Las Cruces, NM 88001 526-9317
C. B. (Blackie) Baker	Active member 1785 So. Main St., Las Cruces, NM 88001 527-8365
R. E. Boney	Contact Mrs. Greely Myers (See J. J. Aragon)
Pat. F. Campbell, Sr.	Contact Pat F. Campbell, Jr. 2650 N. Valley Dr., Las Cruces, NM 88001 524-4184
T. K. Campbell	Active member now P. O. Box 846, Las Cruces, NM 88004 525-2859 Office 526-6464 Home
W. L. Dean	Contact grandson - Dyne Buckley 2241 Entrada del Sol, Las Cruces, NM 88001 525-0350
L. E. Freudenthal 88001	Contact daughter - Elsa Freudenthal 539 W. Las Cruces Ave., Las Cruces, NM 526-2694
W. F. Isaacks Jesse Isaacks Ollie Isaacks Fred S. Hess, 1 st Pres.	Contact Ollie's son - Bob Isaacks P. O. Box 114, Organ, NM 88052 382-5295 Contact daughter - Kathy Easterling 3714 Hwy 28, Las Cruces, NM 88005 523-2240
Sam Klein	Contact sons - Howard Klein 2011 Turrentine Ave., Las Cruces, NM 88001 526-2684 Sonny Klein La Quinta Ave., Las Cruces 523-6970
Gus Maveety	Contact sons - Jack Maveety P. O. Box 1478, Las Cruces, NM 88004 Bob Maveety 790 Camino Del Rex, Las Cruces, NM 88001
J. B. Newell	Contact son - Billy Newell P. O. Box 4, Las Cruces, NM 88004 524-3107
Earl Stull, Sr.	Contact sons - Earl Stull, Jr., 382-9077 Jamie Stull 1905 San Acacio, Las Cruces, NM 88001

526-6815
CHRONOLOGICAL SUMMARY OF THE EVENTS AND HAPPENINGS
OF THE LAS CRUCES COUNTRY CLUB, INC.

March 10, 1923. Initial meeting of organizers

During the summer of 1924, a group of citizens of Las Cruces got together and formed some kind of a golf group, apparently scraping the brush and mesquite bushes off of some of the land on the Northeast Mesa on the edge of the city.

This was the start and the site of what is presently the LCCC we have today. The water for the course was rainfall, the greens oil sand.

October 27, 1927. By this time the group was formally organized and called themselves "The L. C. C. C.". Dues for the organization were \$3.00 per quarter.

February 29, 1928 records show some type of stock subscription had taken place, and a deposit had been placed on the purchase of the land.

March 5, 1928 The first deed was issued to the club. This warranty deed describes approximately 177.77 acres of land. Al Valetino, a golf pro from El Paso came and laid out the first 6 holes.

November 24, 1928 Articles of Incorporation filed by officers:
Fred S. Hess, President of Board of Directors
Gus Manessce, Vice President
Frank T. Bingham, Secy.-Treas.
J. B. Newell, member, was the attorney
R. E. Boney, members, was in the insurance business

Another deed from City Mortgage Co. to LCCC covered an additional 69.82 acres, making a total of 247.59 acres.

May 31, 1928 Joe Serabia was the first employee of the club. Joe retired from club employment in 1973, after 45 years. He was the greens keeper, head bartender and general custodial. He complained in 1969 when the new nine holes were built, that we doubled his work (2 nines to keep) with no raise in pay. Joe's wife, Jane, ran the kitchen when they had social functions. During the late 40's and most of the 50's the biggest social event in town was the "Covered Dish Supper" at the club every Thursday night. (The demise they laid to television).

February 7, 1929 Meeting was held to consider letting of bids for the new clubhouse.

August 23, 1929 A letter to Toro Mfg Co. Said: "It is a pleasure to report to you that our new Club House is rapidly nearing completion. It is a thing of beauty and we trust will be a joy for many years to come. The building stands on the highest point of the

course, about six hundred yards from the West line of our property, and upon the chosen site we were fortunate enough to develop a magnificent and abundant supply of good water. The well threw a strong 4" stream, the pump being operated by an electric motor, and the cost of operation so economical that our Board of Directors decided to grass the course as well as the greens. We had an expert come from El Paso and rearrange the course in such a manner that we are able to play nine holes on six fairways, so the cost of maintaining the grass is reduced to a minimum."

December 9, 1929 Assessed dues of \$30.00 per month. This motion was taken after days of budget figuring, and the sum arrived at is the lowest possible figure necessary for the maintenance and operation of the club. This figure was based on the assumption that they would collect their dues 100% each month.

If dues were unpaid for 30 days, a past due notice was sent. If, after 10 days, the dues were not paid, the name of the delinquent was posted on the bulletin board for 30 days. If not paid by then, the membership and certificate of stock were forfeited.

September 30, 1931 Annual report to stockholders showed the club heavily in debt. The net worth was \$19,895.42. 71% receivables were set up in Bad Debt reserve. This was the time of the "Great Depression".

January 1, 1931 All active members paid \$5.00 per month dues.

January 1, 1932 George M. Clark was President and had 31 members. They each contributed \$5.00 towards course maintenance and construction. Six applications for membership included Vaughn Corley, whose wife, Bernice, is still an active member.

December 5, 1933 George W. Frenger was president. Social membership was \$2.00 per month in advance and entitled the member to all the privileges of the Club House and one free dance a month. Also could play golf by paying a green fee of 50 cents for each day he played.

March, 1937 Hiring of first pro - Mr. Art Ashton, a professional of unusual standing and ability, took complete charge of the club house and golf course.

The first sale of land of 14.25 acres to Fay Sperry for \$750. Expenses were \$138.46. Balance of \$611.54 was applied to the outstanding debt. The Sperry's hired Chris Hansen, father of Bernard Hansen, current member, to build the rock house across Highway 70 at #3 hole. The remaining part was later sold for the shopping center.

Years 1933-1939 Difficult financially. H. B. Holt was very active in preserving the club. Mr. Menassee was always ready to help the club and records show that at one time the Club owed Mr. Menassee \$2,300. He raised in excess of \$950 to make clubhouse repairs in 1938, and raised funds to build the swimming pool in 1939.

March 3, 1938 Financial Report showed:

Fixed Asset Cost	\$19,518.
Notes Due	11,526.
Net Worth	9,634.

December 14, 1938 Hired H. T. "Shorty" Hornbuckle as Golf Pro and Club Manager.

January 11, 1941 Hired Golf Pro Wallace Bost, of Abilene, Texas. Excerpt from minutes - bar whiskey raised to 40 cents and mixed drinks 50 cents.

November 5, 1947 Billy Newell was chairman of handicap committee.

December 10, 1947 Dues raised to \$5.00 per month.

February 1, 1948 Employed Morris E. Morton as Golf Pro and club manager.

June 8, 1949 Ten years after the pool was proposed they got the go ahead, cost not to exceed \$2,500. Later donated.

February 9, 1953 Adequate water for golf course was provided by borrowing \$8,000 at 6% interest.

July 13, 1953 Sold 30 acres to City of Las Cruces for \$8,250 for what is now Apodaca Park.

November 9, 1953 Study expansion of club in the direction of 9 additional holes and a possible subdivision of the remaining club land.

October 1, 1955 Pete Lamb employed as Golf Pro.

June 9, 1956 Approved sale of about 50 acres to Seaborn Collins for \$65,000 to be paid in five years. This is the money that built the present lounge, rest rooms, and ballroom.

September 8, 1956 Dues raised to \$9.00 per month.

January 9, 1957 Authorized moving the bar from the basement to upstairs location (storeroom now at west end of building).

February 25, 1958 Proposed hiring of Ray Dznowsky as golf pro and club manager.

Now had 195 members.

October 15, 1958 Burns Construction bid \$1.35 per sq yard to pave the tennis courts.

Summer, 1959 Underground water system installed.

August, 1959 Construction started on Golf Shop.

October, 1970 Contract with Ivy and Louise Martin terminated as pro and club manager.

February 17, 1971 Club bought two golf cars to try out rentals.

July 21, 1971 Roland Rudosky is now pro.

August 18, 1971 Club bought two more rental golf cars.

April 2, 1974 Jim Estep new greens superintendent. Bob Gomez was club manager for a few months. Austin Lord replaced Bob.

March 26, 1976 Bar prices raised to 60 cents beer and \$1 mixed drinks.

October 27, 1976 \$20 per member assessment to defray the property tax.

June 28, 1977 Greens fees increased to \$6 week days and \$8 Saturdays, Sundays and holidays.

Members 230 - 186 golf and 44 social.

January 17, 1978 Howie Tucker, golf pro, was also Golf Course Maintenance Superintendent.

A special stockholders' meeting was called for consideration of selling the Madrid property and the possibility of selling the entire country club. The group from Picacho Hills was talking about a merger.

April 28, 1978 Howie Tucker gave up the greens keeper part of his job and they offered \$16,000 to Ed Jennings for the job.

January 9, 1979 Maurie Adair, chairman of Grounds & Greens reported that with the splendid cooperation of Jim Powers and equipment from Southwestern Construction, that the rough areas would be cleaned, contoured and ready for seeding by February 1st.

February - April, 1979 Tex Gemoets replaced Gerry Martin on the board. Barney Reeves was replaced by Fred Frank. 21 new golf and 10 new social members made it 156 total members.

June 4, 1979 50th Anniversary Party to be held on July 26th. 126 golfer, 76 social members totaled 202.

October 30, 1979 New directors included Jon Stungess, President, Tex Gemoets, Vice President, Phil Laws, Treasurer, and Berry Corbett, Secretary, Juanita Alley, Maury Adair, Fred Woodberry, and Jim Hallinan. Shirley MacLean and Margaret Winans, Women's Golf Association.

March 25, 1980 Stockholders' meeting. "It was resolved on a vote of 28 for and 13 against that the four pieces of property - Madrid, Highway 70 East, Camino Del Rex, and the triangle be sold for the offer of \$237,500 and the monies applied to the mortgages against the property."

April 21, 1981 Howie Tucker resigned as Golf Pro.

August 1985 The board began to talk about a new sprinkler system.

September 1985 Rejected a proposal we swap LCCC for Picacho Club as offered by Agency. This had been considered and discarded in 1978-79. The statement by the president was "The LCCC has a future because of the land, but it may be squeezed out to the East Mesa."

Sold 50 ft by 50 ft piece of land to Mountain Bell Telephone for their switching purposes on the east side of fairway #16 for the sum of \$13,500.

March 1986 President Jim Delamater gave his report on the status of LCCC Stock. The board rescinded the ban on sale of club stock for 30 days after which time further sales would again be prohibited. Stock was only made available to regular golf or social members in good standing as of March 3, 1986. This was in response to the danger of an "unfriendly" takeover.

September 1986 City of Las Cruces completed the "Three Crosses" corner rock retainer at the corner of N. Mesquite Street and Highway 70 East.

November 1986 Celebrated the 58th birthday of LCCC

December 1986 In the President's report to the stockholders, Jim Delamater reminded the membership of a realization that this Club, while residing on an extremely valuable property, does have and almost always has had more expenses than membership income. Another realization is that, while in past years the Club had excess property to sell to finance deficits and improvements, this is no longer true. Even so, we continue to have deficits, and we have improvements that are desired.

Notwithstanding these facts, that the board made decisions that resulted in a stronger and better club. Among those decision were:

1. Rejected an outside proposal to sell or trade out Club. This decision was based on the firm belief that our members prefer our present location and organization in spite of the problems they faced.

2. Began work on a most important project of developing a long range plan.

3. Acted to increase and safeguard Club water rights. Our operation rated a considerably greater water allotment, and applied and got approval for it. The Club should always be assured of an adequate water supply.

January 1987 The LRPC Report stressed the need for a new sprinkler system to use our adequate water supply. Other needs were golf course supervision, maintenance of clubhouse which included re-roofing of the entire clubhouse.

February 1987 In preparation for the development of a sprinkler system, the two ponds were joined by digging "Bogard's Big Ditch" to equalize the level of the two ponds and to have the capacity to water both nines even if one pump went out.

May 1987 Membership included 166 golf, 36 social and 45 swim pool.

October 1987 President Delamater put together the first policy manual. Black slacks or skirts with white golf shirts or blouses was required for all clubhouse employees.

November 1987 Stockholders gave honorary membership to George Sanger, member for 40 years and gave outstanding help in the management of our finances. After his death, the Club made a special dedication to him by planting the Sanger Evergreen Forest just south of #11 tee box.

Frank Hollar, member since 1955, had the wrought iron entrance to the Club built. It is 29 ft. wide with colored rock base and 18" high letters "LAS CRUCES COUNTRY CLUB" with the inscription of the donors on the left side of the entrance.

Policy was set for use of clubhouse for election polling place as a community service contribution.

March 1988 LRPC presented their objectives:

1. To examine the feasibility and implications of remaining at the present site.

To examine the feasibility of moving to a different location within the proximity of the current property. They reported the need for a new watering system with photos of pipes taken from out system. If the pipes disintegrate, we would lose the greens.

The cost of remaining at this site set out in detail expenditures for the golf course were estimated at \$342,400. Clubhouse improvements, parking lot paving, completion of new roofing of bar and ball room another \$5,000 and swim pool maintenance and modernization could run \$15,000 - \$45,000. A total of \$1,107,400 for known estimates for an improved facility.

2. The feasibility of moving to a different location. A consideration was given to

a trade of our present location for a turnkey operation of a new clubhouse, golf course, etc. without any debt and money in the bank.

August 1988 Curt Kiser was our representative in the possible sale and relocation activity. The board found that it was almost impossible to put together a turnkey operation because we had to sell the property before we can have the money available to start the new project. At the time we discussed the turnkey we didn't know about the court decision regarding the sale and purchase of country clubs such as ours. It seemed that the decision was made for our situation. We could sell and then have 3 years in which to buy or relocate without having a problem with the IRS.

Three task forces were appointed to bring back information to a Stockholders' Meeting in October, 1988.

1. Description of golf programs and services, facilities, and equipment together with recommendations and costs.
2. Description of non-golf programs and services, facilities, and equipment together with recommendations and costs.
3. Descriptions and evaluation of the club's management and administrative system with recommendations and costs.

October 1988 Reports from task forces were received. A petition signed by over 60 stockholders directing the board to cease and desist in all efforts to relocate the LCCC.

December 1988 Kiser reported that the water from both wells at our present location has been tested and found to be of such high quality that it is potable. He also told of possibilities regarding trade for property east of Las Cruces.

President Delamater appointed 2 long Range Planning Sub-committees. One to pursue ways and means to stay at this location and one to explore any and all possibilities including relocation at some future time.

March 1989 The committee report on staying at this location included a sale of 15.3 acres on the west side of the property at \$3.5 a net square foot subject to a survey and a feasibility study concerning zoning changes. This was a proposed strip shopping center. This would amount to about \$2,332,000 in cash at closing.

A design of the course would relocate holes 3, 4, and 5 and to redesign #6 where only a part of the fairway would be lost. The design that was favored the most would leave the back nine intact so that we would have a course to play while construction was underway.

The committee to explore relocation reported that a Roswell Realtor who represents the Bureau of Land Management which has 150 acres on the east side of the High Range where the water is guaranteed by the U. S. Government at a price of \$3,000 an acre. An Albuquerque bank was willing to buy the rest of the land for

development.

Neither committee could take any constructive steps until our contract with Kurt Kiser expired in July.

July 1989 The committee to relocate reported that Kiser has a location in High Range where Albuquerque developers are going to build a hospital. The proposed site was on BLM land with 2 wells which would be included. They were anxious to have a golf course as the focal point of the development and would agree to a turnkey operation so that we could play our course until they day we move. They offered \$5,500,000.

The committee to stay presented a proposal from Johnson Developers to conduct a feasibility study with the intention of buying 15.3 acres at \$3.55 per sq. feet. Action on this was postponed until we got a proposal from the Albuquerque developers.

It was noted that there was still a third option to finance necessary improvements. We could buy Tax Deferred Interest Payment Bonds at 8%.

A report of the club financial history was reviewed. The needs and advantage of the property sale was considered.

August 1989 Another presentation for relocation was heard. This included land development, golf course, and clubhouse construction.

A proposal to stay at the present location included improvements which were included in the plan were largely cosmetic, except for the watering system. This plan called for:

1. Installation of a first class sprinkler system at a cost of \$450,000
2. Minor improvements to Clubhouse \$15,000
3. Partial replacement of course equipment \$100,000

September 1989 Delamater gave a detailed presentation to the Board of Directors on the proposal from The Lakeland Group of Houston, Texas to provide a turnkey operation. They proposed a special category of membership to our present members. No initiation fee and lifetime membership, reduced monthly fee, special lounge and parking area. The Board of Directors would contain one more LCCC representative than Lakeland.

October 1989 Special Stockholders meeting to vote on the relocating proposals. All three were presented. The vote was as follows:

Proposal 1. To increase out debt service and to the most necessary things to remain here	52 votes
Proposal 2. To sell 15 acres and keep the rest	40 votes

Proposal 3. Turkey operation

11 votes

1 ballot miscast

The second ballot would be only proposals 1 and 2 and a majority of votes cast would determine the issue.

Proposal 1 58 votes

Proposal 2 45 votes

January 1990 Hired Jim Christie and Clubhouse manager

Stan Peterson, greens committee chairman, reported that Toro and Rainbird Co. Are creating a design for our watering system. His committee is also creating one which is near completion.

March 1990 EEOC law suit filed against club by Louise Merchant.

April 1990 In order for us to borrow money from the bank to finance the watering system, we had to show a stable income in a large enough amount to repay it. Golf member dues were raised \$10 and Social \$5. Greens fees for walk-ons were also raised, effective June 1, 1990.

May 1990 Stan Peterson, who designed the new sprinkler system, reported a grand total estimate on the cost of the installation of the whole system at a price of \$162,498. Volunteers will be sought to perform various assembly tasks. He invited any members with experience in any and all facets of installation.

July 1990 Rolled back green fees.

October 1990 Road hole #3 Hazards and liabilities were discussed and immediate action should be taken. Four proposals will be presented to the stockholders regarding the realignment of Hole 3. Two of them will involve reconfiguration, one will involve planting trees and adding a high barrier. The other option is to do nothing and take our chances on being sued.

December 1990 New sprinkler system will be completed by February 1991. \$9,000 left over. More expenses for aeration.

March 17, 1991 Dedication of water system. Membership - 167 Seniors, 13 snowbirds, 5 corp. 38 young executives. Total 243

April 1991 Further consideration of Road Hole 3.

January 1992 Richard Garcia, golf pro resigned and has taken a position in Bisbee,

2005

Arizona. The board wished him well in his new position.

April 1992 The search committee was out looking for applicants for pro or pro/manager position. Bobby Deevers from Kansas City, Missouri was hired as Director of Golf/General Manager, effective May 1, 1992.

2006

Susana Montana

From: Harry Hansen <hansen@zianet.com>
Sent: Tuesday, July 30, 2013 1:54 PM
To: Mayor; Miguel G. Silva; Nathan P. Small; Olga Pedrosa District 3; Sharon K. Thomas; Gill Sorg; Greg Smith; Robert Garza; Susana Montana
Cc: David Weir
Subject: Support Park Ridge Zoning

My name is Harry Hansen

As an owner of a home adjacent to the proposed medical center I am excited about plans to transform the deteriorating golf course property into a modern medical facility. The neighborhood will be much enhanced with a new hospital, rehabilitation and assisted living facilities. It will provide a positive economic impact for the area, creating jobs and increase demand for housing in the neighborhood. I believe this is a good thing and will have a positive impact on my property's value. This will also be a significant city infill project providing millions of dollars in new property and gross receipts taxes to support the city, county and schools.

As a real estate appraiser for over forty years I know that large vacant land tracts are best developed under the concept of highest and best use. For a property like the golf course this usually means developing the frontage areas that have the most exposure for commercial retail and offices uses and the rear portions to less density such as multi-family and single-family residential. The concept being put forward at Park Ridge includes developing some of the interior area also for commercial uses including the hospital and medical facilities and offices. This is an excellent plan and the diverse uses within the development together with the planned walking trails, bike lanes and open space should prove to be a welcome change to a declining neighborhood. We need more medical facilities in Las Cruces. They attract retirees. Half the people I know over fifty go to Tucson and Phoenix for medical care. We need more special care facilities in Las Cruces. I am very much in support of the zone change and the Park Ridge development.

I hope you will support the zoning change. Thanks, Harry