City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8 **Ordinance/Resolution#** 14-082

For Meeting of _____ (Ordinance First Reading Date) **For Meeting of** November 4, 2013 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: A RESOLUTION REPEALING AND REPLACING THE EXISTING IDENTIFIED NEIGHBORHOOD ASSOCIATION INFORMATION AND NOTIFICATION POLICY WITH A NEW POLICY TITLED IDENTIFIED NEIGHBORHOOD ASSOCIATION/ GROUP INFORMATION AND NOTIFICATION POLICY. SUBMITTED BY THE CITY OF LAS CRUCES.

PURPOSE(S) OF ACTION:

Adopt notification policy provisions.

COUNCIL DISTRICT: All		
Drafter/Staff Contact: Vincent M. Banegas	**Department/Section:** Community Development/ Administration	**Phone:** 528-3064
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

During the first quarter of 2012, the Planning and Zoning Commission, along with the City Council, requested examination of and potential amendment of codes and policies to increase public notification requirements for planning and development related cases. In response to this request, two code amendments were approved by City Council at their August 5, 2013 regular meeting.

The purpose of this Resolution is to address existing policy regarding neighborhood group notification. The policy addresses the need for City and applicants to inform neighborhood associations of submitted development proposals. The proposed policy increases the target audience as neighborhood groups or entities which may include, but not be limited to, associations, watch groups, business groups, civic organizations, homeowner associations, etc. that register with the City, that maintain operational organization and standing, and that establish clearly defined geographic boundaries as their area of influence. This proposal also introduces the newly approved early notification provision as referenced within the zoning and subdivision codes, referencing the need for neighborhood associations to register with the County Clerk's office pursuant to recently passed State Legislation, and establishes the

notification distance threshold at 500 feet which will be consistent with the changes made in the respective development codes.

Since this issue is outside the purview of the Planning and Zoning Commission, the matter was referenced several times during the recommendation phase of the public notification ordinance changes, but was never formally acted on by the commission. Thus, it comes directly to City Council for formal consideration. For clarity, key documents with this proposal include Attachment "A", which identifies proposed changes in legislative format and Exhibit "A", as part of the Resolution, which represents the proposed changes for neighborhood notification.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Proposed Identified Neighborhood Association/Group Information and Notification Policy.
3. Exhibit "B", Findings.
4. Attachment "A", Track Change Version of the Existing Identified Neighborhood Association Information and Notification Policy.
5. Attachment "B", Packet and Minutes from September 24, 2012 City Council Work Session.
6. Attachment "C", Packet and Minutes from March 26, 2012 City Council Work Session.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
N/A	Yes	☐	Funds will be deposited into this fund: _____ in the amount of $_____for FY__.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the proposed Resolution thus repealing the existing neighborhood association notification policy with new policy that broadens the intended audience and aligns provisions with approved public notice ordinance language.
2. Vote "No"; this will not approve the proposed Resolution and will keep the existing Identified Neighborhood Association Information and Notification Policy in place.
3. Vote to "Amend"; this could allow Council to modify the Resolution as deemed appropriate. The Council could alter specific provisions for inclusion in an approval action.
4. Vote to "Table"; this could allow Council to table/postpone the Resolution and direct staff accordingly.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance No. 2686
2. Ordinance No. 2687

RESOLUTION NO. 14-082

A RESOLUTION REPEALING AND REPLACING THE EXISTING IDENTIFIED NEIGHBORHOOD ASSOCIATION INFORMATION AND NOTIFICATION POLICY WITH A NEW POLICY TITLED IDENTIFIED NEIGHBORHOOD ASSOCIATION/ GROUP INFORMATION AND NOTIFICATION POLICY. SUBMITTED BY THE CITY OF LAS CRUCES.

The City Council is informed that:

WHEREAS, the City of Las Cruces is seeking to improve its public notification processes for planning and development related cases; and

WHEREAS, the City Council following two work sessions on March 26, 2012 and September 24, 2012 provided input and direction on how improvement can be achieved based on staff research and presentation of ideas; and

WHEREAS, the proposed changes increase opportunities for involvement on related cases through early notification and more direct involvement of neighborhood groups and/or residents of the noticed area; and

WHEREAS, the increased notice provisions place equitable responsibility on all stakeholders (City, applicant and neighborhood group/residents of noticed area) to the extent possible.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Neighborhood Association Information and Notification Policy is hereby repealed and replaced with the Neighborhood Association/Group Information and Notification Policy pursuant to Exhibit "A," attached hereto and made part of this Resolution, is hereby approved.

(II)

THAT said actions are based on the findings contained in Exhibit "B," attached hereto and made part of this Resolution.

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this_____ day of _____ 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Thomas: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Exhibit "A"

City of Las Cruces

Identified Neighborhood Association/Group Information and Notification Policy

BACKGROUND

Providing information and notification of proposed development to Las Cruces neighborhood associations and/or groups promotes improved communications between these entities and city government. For purposes of this policy and any ordinance that may refer to this policy, the term "entity" shall be considered synonymous with "Identified Neighborhood Association or Group."

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

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

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

DEFINITIONS

Identified Neighborhood Association/Group – any organized assembly of property owners, homeowners, residents or business owners involving fifteen or more properties, dwelling units, businesses, or combination thereof that own or occupy real property within a specified geographic area of the City. Such an "entity" shall have at least three officers, adopted by-laws, and membership open to all residents, land owners, and business owners within their boundaries. Being a recognized or identified "entity" does not in itself require that the group secure a business registration or license, but in addition to city registration requirements, may require registration with the Dona Ana County Clerk pursuant to State Statute.

Geographic Area - the land area within identified "entity" boundaries.

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

CRITERIA FOR DESIGNATION AS AN IDENTIFIED ENTITY

A. In order to be designated as an identified "entity": The "entity" shall complete an application form. The City shall be furnished with names, addresses and available phone numbers of current officers and/or board members and with a description of the recognized geographic boundaries. The boundaries shall be reasonable; and shall include an area of the city not more than one square mile and not less than 15 acres or 4 blocks. No new "entity" shall be designated which has within its boundaries a geographic area already defined within the boundaries of an existing and previously recognized "entity".

B. The "entity" shall file with the City a current copy of their bylaws. Bylaws shall not discriminate on the basis of race, color, religion, sex, familial status, or national origin. Bylaws shall additionally and otherwise conform to the Constitution and laws of the United States and State of New Mexico. Any stated purpose or primary objective of the association shall be reasonably related to land use and development and/or community and neighborhood issues.

RESPONSIBILITIES OF IDENTIFIED "ENTITY"

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

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

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

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

Establish an orderly and democratic means for making representative decisions.

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

Comply with its bylaw provisions.

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

Officers of identified "entities" shall update the City regarding membership, contact information for all board members, boundaries, and other information annually or as may be necessary.

RESPONSIBILITIES OF THE CITY

The City shall mail notice of development applications which would cover areas within, contiguous to, or within 500 feet of an "entity's" boundaries. Notification shall be made at minimum when the application is filed. Earlier notification may be made subject to a pre-application meeting pursuant to development processes outlined in the 2001 Las Cruces Zoning Code, as amended and the 2006 Las Cruces Subdivision Code, as amended. "Entities" shall be notified of new plans and plan amendments upon initiation of such a project by city departments and within five business days of application filed by others. The City shall mail (email or letter) said "entity(ies)" notice concerning all subsequent public hearings concerning such proposals, except hearings which have been deferred to a specific time announced at the prior hearing.

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

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

Designate a liaison between each "entity" and the city.

Provide for the sharing of information with "entities" by furnishing, upon request, available pertinent information.

Respond within seven days of receipt of any correspondence received from an "entity" that requests an answer, definition, or status of any city project within their boundaries.

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

RESPONSIBILITIES OF DEVELOPMENT AND REDEVELOPMENT APPLICANTS

Applicants for development approval, within 5 days of filing the application, shall make a reasonable attempt to give written or personal notification of their proposal to any "entity(ies)" which covers, abuts, or is within 500 feet of the site of their plans. Such notice shall contain the following information:

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

Certified letters, return receipt requested, or email showing proof of receipt mailed to the two designated "entity" representatives on file with the City constitutes a reasonable attempt to notify. Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written or electronic notification of its proposal to such designated "entity" representatives may be grounds for deferral of the hearing.

Early notification processes may negate the need for the applicant to notify an "entity" upon submittal unless said submittal is substantially altered from what may have been presented through early notification efforts.

Exhibit "B"

FINDINGS OF FACT:

1. The Public Involvement Plan and Toolkit for Las Cruces, dated June 2011 was prepared for the Picturing El Paseo project as part of EPA's Smart Growth Implementation Assistance Program. This toolkit identified many outreach and implementation tools to garner a more informed and interactive community. Several of the tools found in the toolkit are implemented either directly or indirectly through departmental policy or the subject draft proposals. Emphasis is in notification of stakeholders so that a more robust participatory environment can result.

2. State Law requiring notification of various planning and development related actions have been in place locally since the New Mexico Session Laws of 1927. Municipalities within New Mexico Must continue to meet at least the minimum standards for notification pursuant to State Statutes.

3. Las Cruces has implemented notification procedures since adoption of the 1930 Las Cruces Zoning Code.

4. The Metropolitan Planning Organization adopted a Public Participation Plan in September of 2008. Said plan also identifies tools and techniques to carry out public notification and engagement.

5. Recent planning initiatives such as Vision 2040, the Camino Real Regional Plan and the Joint Land Use Study all strongly consider measures to inform and engage stakeholders with the respective planning efforts.

6. City Council strongly encourages public participation which requires as a first step, notification of the public as necessary.

7. Two City Council work sessions have been held to solicit commentary and feedback on ways of improving public notification. Those suggestions and information presented by staff are included within the draft proposals.

Attachment "A"

City of Las Cruces

Identified Neighborhood Association/Group Information and Notification Policy

BACKGROUND

Providing information and notification of proposed development to Las Cruces neighborhood associations and/or groups -promotes improved communications between these entities ~~neighborhood associations~~ and city government. For purposes of this policy and any ordinance that may refer to this policy, the term "entity" shall be considered synonymous with "Identified Neighborhood Association or Group."

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

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

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

DEFINITIONS

Identified Neighborhood Association/Group ~~—~~ any organized assembly of property owners, homeowners, residents or business owners ~~group~~ involving~~of~~ fifteen or more properties, dwelling units, businesses~~ entities~~, or combination thereof that own or occupy real property within a specified geographic area of the City. Such a~~A~~n "entity"~~identified neighborhood association~~ shall have at least three officers, adopted by-laws, and membership open to all residents, land owners, and business owners within their boundaries. Being a recognized or identified ~~Neighborhood Association~~"entity" does not in itself require that the group secure a business registration or license, but in addition to city registration requirements, may require registration with the Dona Ana County Clerk pursuant to State Statute (SB0497).

Geographic Area - the land area within identified "entity"~~association~~ boundaries.

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

CRITERIA FOR DESIGNATION AS AN IDENTIFIED ~~NEIGHBORHOOD ASSOCIATION~~"ENTITY"

~~In order to be designated as an Identified Neighborhood Association:~~

In order to be designated as an identified "entity": The ~~Identified~~ "entity"~~Neighborhood Association~~ shall complete an application form. The City shall be furnished with names, addresses and available phone numbers of current ~~neighborhood association~~ officers and/or board members and with a description of the ~~association's~~ recognized geographic boundaries. The boundaries ~~of the neighborhood association~~ shall be reasonable~~;~~ and shall ~~boundaries are recommended to~~ include an area of the city not more than one square mile and not less than 15 acres or 4 blocks. No new "entity"~~neighborhood association~~ shall be designated which has within its boundaries a geographic area already defined within the boundaries of an existing and~~,~~ previously recognized ~~Identified Neighborhood Association~~"entity".

~~B.~~ The ~~association~~"entity" shall file with the City a current copy of their bylaws. Bylaws shall not discriminate on the basis of race, color, religion, sex, familial status, or national origin. Bylaws shall additionally and otherwise conform to the Constitution and laws of the United States and State of New Mexico. Any stated purpose or primary objective of the association shall be reasonably related to land use and development and/or community and neighborhood issues.

RESPONSIBILITIES OF IDENTIFIED ~~NEIGHBORHOOD ASSOCIATIONS~~"ENTITIES"

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

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

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

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

Establish an orderly and democratic means for making representative decisions.

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

Comply with its bylaw provisions.

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

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

RESPONSIBILITIES OF THE CITY

The City shall m~~M~~ail notice of development applications which would cover areas within, contiguous to, or within 5~~3~~00 feet of an "entity's"~~association's~~ boundaries. ~~to Identified Neighborhood Associations.~~ ~~;~~ N~~n~~otification shall be made at minimum when the application is filed. Earlier notification may be made subject to a pre-application meeting pursuant to development processes outlined in the 2001 Las Cruces Zoning Code, as amended and the 2006 Las Cruces Subidivision Code, as amended. ~~Identified Neighborhood Associations~~"Entities" shall be notified of new plans and plan amendments upon initiation of such a project by city departments and within five business days of application filed by others. The City shall mail (email or letter) said~~uch~~ "entity(ies)"~~associations~~ notice concerning all subsequent public hearings concerning such proposals, except hearings which have been deferred to a specific time announced at the prior hearing.

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

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

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

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

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

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

RESPONSIBILITIES OF DEVELOPMENT AND REDEVELOPMENT APPLICANTS

Applicants for development approval, within 5 days of filing the application, shall make a reasonable attempt to give written or personal notification of their proposal to any "entity(ies)"~~Identified Neighborhood Association~~ which covers, abuts, or is within 5~~3~~00 feet of the site of their plans. Such notice shall contain the following information:

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

Certified letters, return receipt requested, mailed to the two designated "entity"~~neighborhood association~~

representatives on file with the City constitutes a reasonable attempt to notify~~ an association~~. Failure by an applicant to show proof of either notification in person or a reasonable attempt to give written notification of its proposal to such designated "entity"~~association~~ representatives shall be grounds for said~~an~~ "entity"~~Identified Neighborhood Association~~ to request deferral of a hearing.

Early notification processes may negate the need for the applicant to notify an "entity" upon submittal unless said submittal is substantially altered from what may have been presented throught early notification efforts.

WORK SESSION
SUMMARY & DIRECTION SHEET

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

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

THOSE PRESENT:	Mayor Miyagishima **(Absent)**
	Councillor Miguel Silva, District 1 **(Arrived at 1:09)**
	Councillor Greg Smith, District 2
	Councillor Olga Pedroza, District 3
	Councillor Nathan Small, District 4
	Councillor Gill Sorg, District 5
	Councillor Sharon Thomas, District 6
OTHERS PRESENT:	Robert Garza, City Manager
	Pete Connelly, City Attorney
	Esther Martinez, City Clerk

Mayor Miyagishima called the meeting to order.

Mayor Miyagishima presented the Pet of the Week.

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

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

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

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

1. Public Notification Process for Zoning and Development Applications.

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

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

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

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

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

Vincent Banegas: Sure.

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

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

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

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

Councillor Sorg: On the website?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vincent Banegas: Correct.

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

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

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

Vincent Banegas: That's correct.

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

Vincent Banegas: That's correct.

Mayor Pro-Tem Thomas: Okay. Councillor Sorg?

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

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

Councillor Sorg: Correct.

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

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

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

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

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

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

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

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

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

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

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

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

Vincent Banegas: Correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Vince Banegas: Okay.

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

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

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

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

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

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

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

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

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

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

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

Councillor Silva: Thank you.

Mayor Pro-Tem Thomas: Councillor Small?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mayor Pro-Tem Thomas: Councillor Smith?

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

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

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

Vincent Banegas: You're welcome.

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

Meeting Adjourned at 2:35 p.m.

WORK SESSION
SUMMARY & DIRECTION SHEET

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

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

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

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

Mayor Pro-Tem Thomas called the meeting to order.

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

1. <u>Public Participation Ordinance.</u>

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

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

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

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

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

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

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

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

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

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

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

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

1 regulations that they followed. Neighborhood association notification prior to submittal and/or
2 neighborhood meetings were sometimes required up front before submittal and some times before
3 the public hearing, before the planning body, such as, the Planning and Zoning Commission. Those
4 were some of the nuances that we found. But, again, a lot of similarity in what we currently do.
5
6 Timing of notice was another area. Sometimes there was a flat notice period that may have equaled
7 ours or presented a 15-day period, in which to meet certain notification requirements that I've gone
8 over previously. And, I want to note that our own Planning and Zoning Commission talked to some
9 extent about notification in general for zoning cases and subdivision cases, and they felt comfortable
10 with recommending a 21-day notice for signs for mail-out and for newspaper notification. So,
11 definitely an increase from what we currently have. We had, I mentioned the neighborhood meeting
12 prior to submittal, and there was some discussion in some of the ordinances that I read, indicating
13 that the developer or applicant would have to prove that they notified the neighborhood association
14 and the neighbors regarding their development proposal and often times that was through an affidavit
15 that they would prepare or listing of certified addresses, mail-out notice that got created for them to
16 distribute the certified letters. So, they not only said you had to do this but they outlined the
17 parameters by which it was done.
18
19 Other discussion, within the ordinance that I saw, talked to emails that were provided by citizens.
20 Kind of kept in a broadcast type system. Much like the City Manager's Newsletter as an example.
21 The list can grow as more people are interested in hearing more about development in this case. And,
22 then there was also some mention of List Serve, which is definitely a more formalized kind of email
23 system to notify property owners, whether you live adjacent to a subject proposal or not. If you were
24 interested in finding more about a development certainly the List Serve was an ideal form for some
25 communities to use.
26
27 Some of the issues that certainly pertain to any changes in our notification processes, as it relates to
28 mailings for one. We can increase the distance from what we currently have. Say to 300 even 400
29 feet or beyond. But, what we typically find is there is kind of a set limit if you will. There's
30 individuals that are very interested in what is being proposed adjacent to their property and
31 sometimes there's individuals that do not want to learn more about it. And, so, participation may
32 not necessarily increase simply because the distance for notification, at least in the letters increases.
33 The proof to that is in some cases where we send out certified letters as an example, some of those
34 come back undelivered, unclaimed and that's primarily as I see it, or as I understand it, an instance
35 where an attempt is made to deliver that certified mail or letter and, if no one is home to sign for then
36 I think another attempt is made but in the case of someone who works in the day often times, that
37 letter is housed at the post office and some notice is sent to the property saying you have certified
38 letter to pick and please pick up between certain hours. And, in certain instances, it's just
39 problematic for someone to go and pick that up. So, low and behold, we get some letters returned
40 to us, unopened, unclaimed and those letters, obviously, if we do increase distances, etc., have cost
41 associated with them. We have $5.75 per certified letter. That is the cost we incur per letter. And,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor Sorg: So, that's State Statute.

Vincent Banegas: That's State Statute. Correct.

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

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

Councillor Sorg: Okay, I can see that.

Vincent Banegas: So, that was kind of the rational to the best of my knowledge.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. <u>Future Use of City Owned Facilities (Municipal Court, Museums, Old City Hall).</u>