



**City Council
of the
City of Las Cruces**

Regular Meeting

July 6, 2010

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Dolores Connor, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6

STAFF:

Terrence Moore, City Manager
Harry (Pete) Connelly, Interim City Attorney
Esther Martinez, City Clerk

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Thomas led the Pledge of Allegiance.

Janice Jones sang the National Anthem

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and Laura Loos presented the Pet of the Week.

Councillor Connor introduced Red E Fox and Jennifer Coram with MVRDA and they gave a presentation regarding the work they do within the school system.

Kevin Armstrong Las Cruces Dog Park Coalition, gave a presentation of a poster they created and wanted to say thank you for the Dog Park which is now a year old.

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2). *At the opening of each council meeting, the chairperson shall ask*

if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.

Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

Mike Johnson, Public Works Director said regarding Item 9, I own a property on Candelaria which is one of the streets included in that resolution.

III. PUBLIC PARTICIPATION

None given.

IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.

Mayor Miyagishima said we will be taking a break during the meeting to allow Senator Bingaman to recognize the National Guard. Item 4 needs to be removed completely from the agenda and Items 2, 5, 7 and 9 need to be removed from the Consent Agenda for discussion.

Councillor Small Moved to approve the Agenda as Amended and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was Unanimously APPROVED. 7-0

V. CITY COUNCIL MINUTES

* (1) Regular Meeting of June 21, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

- * (3) Resolution No. 11-002: A Resolution Approving and Accepting the Brownfield Economic Development Initiatives (BEDI) Grant Agreement Between the City of Las Cruces and the U.S. Department of Housing and Urban Development (HUD) for the Museum of Nature and Science Project. The Resolution Authorizes the Mayor to Sign the Agreement on the City's Behalf.
- * (4) Resolution No. 11-003: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award Modification in the Amount of \$15,000.00 From the Office of National Drug Control Policy. *(Complete packet not available.)*

Removed from the Agenda.

- * (6) Resolution No. 11-005: A Resolution Authorizing the City of Las Cruces to Submit the Legislative Capital Outlay Funding Application With the New Mexico Aging and Long-Term Services Department for Fiscal Year 2011 Requesting Funds Totaling \$470,000 to Complete the Munson Center Renovation Project; Complete the East Mesa Sage Café; and Purchase Vehicles for the Senior Nutrition Program.
- * (8) Resolution No. 11-007: A Resolution Authorizing Acceptance and Adoption of the Museum of Nature & Science Master Plan Completed by Reich+Petch Design International, Inc.
- * (10) Resolution No. 10-11-304: A Resolution to Award for the Purchase of One (1) New GM C5500 Glaval Titan 31-Foot Passenger Bus to National Bus Sales of Justin, Texas, Through the Houston-Galveston Area Council (HGAC) Cooperative Pricing Contract Using Worksheet BT01-09, In the Amount of \$97,885.00.
- * (11) Resolution No. 10-11-316: A Resolution Authorizing a Final One-Year Extension to the Term Contracts for Architectural and Engineering Services, RFP Number 06-07-197, to Steve Newby Architects & Associates, Inc., Studio D Architects P.A.; Both of Las Cruces, New Mexico, and Huitt-Zollars Inc., of Albuquerque, New Mexico; for a Contract Amount Not to Exceed Established Budget(s).

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

- * (2) Resolution No. 11-001: A Resolution Authorizing the City of Las Cruces to Apply for the U.S. Department of Transportation FY2010 Tiger II Discretionary Grants Program Via a Pre-

Application, and, If Approved, a Full Application. The Amount to be Requested is \$10,000,000 With a Mandatory City Match of 20% (\$2,000,000).

Councillor Connor Moved to Adopt Resolution No. 11-001 and Councillor Small Seconded the motion.

Councillor Silva said I would like to get a brief narrative for number three and I wanted to know how it is going to effect our projected cash reserves and how this project was selected.

Auguie Henry, Grants Administrator gave an overhead presentation and said the project was selected by a committee that was formed to look at the City's pending projects and they select one that fit the requirements for this grant which this project was the only one that met those requirements. The first two criteria were that it had to be a minimum of \$10 million and it must already of had a National Environmental Plan started or is going to be completed within twelve months.

Councillor Silva said it states that we have to put up 20% which is \$2 million; will there be any effect on our budget?

Auguie Henry said no, the match funding for this grant can come from another source, like our Federal or State funding.

Councillor Silva asked what kind of improvements are we going to make on El Paseo?

Auguie Henry continued with his overhead presentation and said we aren't going to be using any of the money on El Paseo. This funding would complete the north roundabout on Main Street, complete the north section of town, down to the section that has already been completed by the Rio Grande, complete the south portion of the street, the south roundabout and upgrades or changes that may be necessary on Main Street down to El Paseo.

Councillor Thomas asked will we have to include the six livability principals in our application?

Auguie Henry said there are several different types of grants and each of them have different requirements which we are meeting for each individual application.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-001 and it was Unanimously APPROVED. 7-0

- *(5) Resolution No. 11-004: A Resolution Repealing Resolution 95-184, Approving an Agreement Between the Las Cruces Sister Cities, Inc. (Corporation) and the City of Las Cruces, and Establishing a New Memorandum of Agreement Between the Two Bodies.

Councillor Small Moved to Adopt Resolution No. 11-004 and Councillor Thomas Seconded the motion.

Lori Grumet, Public Services Director gave an overhead presentation and said the Sister Cities Board has done a lot of work to come into compliance with the audit that was done in October 2009. The agreement that we are presenting to you would establish some boundaries and it addresses some concerns that were expressed last fall. They currently have 42 dues paying members but they haven't started their membership campaign at this point.

Councillor Connor asked has our auditor had the opportunity to review this agreement?

Lori Grumet said yes, she was one of the editors of the document.

Councillor Connor said I was reading through the minutes and I noticed that CVB may be cutting the amount of their financial support.

Lori Grumet said that is correct.

Councillor Connor said it sounds to me like it is assumed in the MOU that the funding will always be there, either from the CVB or the City.

Lori Grumet said I'm not sure if it is so much an assumption, as it is a hope. We've been fortunate that the CVB has been able to provide some funding and we have tightened up what that funding can be spent on. The Board understands that the funding is dependent on the CVB's budget and they can only receive it as a reimbursement after they have expended their funds.

Councillor Connor said the minutes mentioned something about street signs, can you explain that issue?

Lori Grumet said some of the members had notice that in some of the cities there are welcome signs that list their Sister Cities so they are working with the Streets Department to determine some locations where we can erect a couple of "Welcome to Las Cruces" signs that includes a list of our Sister Cities.

Councillor Connor said I would recommend that the Board pays for those signs.

Lori Grumet said I believe that there are accommodations for that in their plans for this year.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-004 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima said we will have a short recess to allow Senator Bingaman to present the National Guard Awards.

Council recessed at approximately 1:45 p.m. and reconvened at 2:05 p.m.

*(7) Resolution No. 11-006: A Resolution Designating the Dona Ana Arts Council (DAAC) to Coordinate and Facilitate Arts, Culture, and Historical Programming in the City of Las Cruces and Delineating Respective Responsibilities.

Councillor Connor Moved to Adopt Resolution No. 11-006 and Councillor Small Seconded the motion.

Councillor Small said this seems very broad and very challenging; with so many arts organizations and artists, how will you approach handling it as a central group?

Lori Grumet, Public Services Director said when the Arts Council was formed, a big part of it's initial organization was to be a point of contact for all of the artists and organizations. We are trying to take a resolution which was passed in the 1980's and appoints the Arts Council to advise the City on specific works of art, and broaden it to more closely reflect our actual relationship.

Councillor Silva asked don't you have monthly luncheons with all the different organizations and do a lot of networking?

Larry Braxton, Arts Council Director said yes, we have our monthly Visual Arts Network Meeting and our Networking Luncheon.

Councillor Silva said you also have the "Paint Las Cruces" event which is another way to expand your outreach to artists.

Larry Braxton said that is correct, but it is called "Color Las Cruces".

Councillor Connor said the Arts Council has changed considerably over the past five years but it is very important that it continues to be the central point for all the different artists and organizations.

Councillor Small asked does this prohibit other arts organizations or artists from having meetings and having a voice with City Staff?

Lori Grumet said it is not the intent of this agreement to be exclusive; it's to be inclusive, but we need to have a single point of contact so it can be used to filter information to anyone who comes into the community. Artists don't have to be a member of the Arts Council to be promoted within this community.

Councillor Small asked is there a survey or complaint process in place?

Kathleen Squires, Arts Council said we deal with a lot of complaints but we don't have a specific form for them to fill out. We are working on a lot of things and that will be put on our list.

Lori Grumet said I am confident that the Board will be willing to hear any complaints from artists and address their concerns.

Councillor Small said I think it is very important that we arrange for check-ins so we are up to date on how things are going with the Arts Council.

Councillor Thomas said I think there is a problem with just having one group making all the decisions. Another city had this problem and they put together a group that include their Arts Council but it also included a broad group of other people which is something I think we should consider doing as well. I don't see any kind of reporting requirement included in this resolution and I think we need to include some kind of schedule for revisiting this in about six months or so, to see how this is working out.

Lori Grumet said this is just the beginning but this is the best time to put together a baseline so we can begin to move forward.

Councillor Thomas asked can we include in this resolution something regarding them reporting back to us?

Lori Grumet said absolutely.

George Griffin, Member of the Public said I am on the Dona Ana Arts Council Board and I support this resolution. It appears to me that this Council wants to change what the Arts Council does and

I think there needs to be more discussion on this issue. I think this resolution should go forward as is; the reporting issue is operational stuff and I don't think the resolution needs to address it.

Mayor Miyagishima said I don't think it would be a problem to include something regarding the reporting issue.

Councillor Connor Moved to Amend Resolution No. 11-006 to have the first "That" to state "That the Dona Ana Arts Council be designated as a coordinating organization in Las Cruces for facilitating Arts, Culture and Historical Programming with bi-annual reports in the City Council" and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-006 to have the first "That" to state "That the Dona Ana Arts Council be designated as a coordinating organization in Las Cruces for facilitating Arts, Culture and Historical Programming with bi-annual reports in the City Council" and it was Unanimously APPROVED. 7-0

Councillor Small said I want to make an amendment to state that this resolution does not pre-empt any other initiatives in the City.

Councillor Connor said I want to mention that Councillor Small works with Mr. Steinborn and he is one of the people that has made presentations regarding creating an arts group. I don't think Councillor Small disclosed that information and I think he should have disclosed it.

Mayor Miyagishima said I think Councillor Small is making a very broad statement and it can be conformed to other activities. I don't think the director had any specific proposal brought forward and this is of a broad nature.

Councillor Small said I think this amendment is important and needs to be included even if I'm not the one who carries it. I want to amend it to include another "Whereas" stating Whereas Resolution No. 11-006 shall not pre-empt any other initiatives in Las Cruces.

Councillor Silva said that is already stated on page 162 in paragraph 3.

Mayor Miyagishima said we can insert that sentence into that paragraph.

Councillor Small said that would be fine. We can also add to the end of that sentence “ and in support of ongoing activities without pre-empting any art based initiatives”.

Lori Grumet said I wouldn't recommend using the word “pre-empt”. This resolution does not give the Arts Council any authority over any other art group, it simply delineates the relationship between the City and the Arts Council. We can't legislate what the Arts Council does as a private corporation.

Councillor Small Moved to Amend Resolution No. 11-006 to insert another paragraph on page 162 between paragraph 3 and 4 stating that City staff is authorized to dialog with and support other art based initiatives as they arise and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-006 to insert another paragraph on page 162 between paragraph 3 and 4 stating that City staff is authorized to dialog with and support other art based initiatives as they arise and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

Councillor Silva moved to Call for the Question and Councillor Small Seconded.

Mayor Miyagishima called the roll on the motion to Call for the Question and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-006 as Amended and it was Unanimously APPROVED. 7-0

***(9)** Resolution No. 10-11-303: A Resolution Awarding a Bid for the Fiscal Year 2010/11 Overlay Maintenance Project to Cutler Repaving, Inc. of Lawrence, Kansas in the Amount of \$748,050.98 plus \$56,571.36 for New Mexico Gross Receipts Tax. The City Manager Is Authorized to Approve Change Orders in an Amount Not to Exceed \$37,402.55 for a Total Project Authorization in the Amount of \$842,024.89.

Councillor Small Moved to Adopt Resolution No. 10-11-303 and Councillor Connor Seconded the motion.

Mike Johnson, Public Works Director gave an overhead presentation and said this is part of our annual Pavement Maintenance Program for 2011. We will be utilizing the State Pricing Agreement with Cutler Repaving, Inc and the asphalt will be provided by Burn Construction and Russell S&G through the existing City Material Pricing Agreement.

Councillor Silva asked what is the selection process for selecting these streets?

Mike Johnson said streets are identified by three different ways which are by our citizens, by staff or by our elected officials, then we analyze the street and make a determination on what would be the best treatment for it and then we add it to the list for the designated treatment. We have a committee that meets monthly and reviews the list to select streets that are in the most need of treatment and are within our available funding. Then staff brings that selection forward for Council's approval. We are in the process of procuring a Pavement Maintenance Software Program that will help with identifying streets.

Councillor Pedroza asked how long will it be before you acquire this software?

Mike Johnson said it will be approximately four to six months after we procure the software.

Councillor Pedroza said I think this software will help to give us a more objective way of selecting streets for treatment.

Councillor Sorg said I agree that we do need a more objective way to select streets. Is there a faster way to determine the condition of all of our streets?

Mike Johnson said this software includes the acquisition to determine the condition of the streets. The company brings in a vehicle that is equipped with the technology to determine the pavement thickness and the condition of the street as they drive over it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-303 and it was Unanimously APPROVED. 7-0

(12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-008:
A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima said this item is open for a Public Hearing. Is there anyone who wishes to speak against this item.

None given.

Mayor Miyagishima closed the Public Hearing.

Resolution No. 11-008: A Resolution Approving a Transfer of Ownership (Change of Stock) of Liquor License No. 2782 for Outback/Phoenix II, LP D/B/A Outback Steakhouse #5114, Located at 940 North Telshor, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-008 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-008 and it was Unanimously APPROVED. 7-0

(13) **Resolution No. 11-009:** A Resolution Authorizing the Reorganization of Rio Grande Natural Gas Association as Set Forth Herein.

Councillor Connor Moved to Adopt Resolution No. 11-009 and Councillor Small Seconded the motion.

Jorge Garcia, Utilities Director gave an overhead presentation and said this resolution is for the reorganization of RGNGA which allows for the transfer of approximately 6,200 customers from RGNGA to our City Gas Utility, change the ownership between Hatch to 100% and the City to 0%, define service areas between the new RGNGA and the City Gas Utility and upon the City Council and the Village Trustees approval of corresponding resolutions, there will be a draft done for a long term gas transportation agreement as well as retire RGNGA debt. This will also execute the final Implementation Plan for the reorganization which includes the technical provisions for the transfer of customers and the financial reconciliation. The City will remain as the fiscal agent and operator of the reorganized RGNGA during the implementation period.

Councillor Silva said once this is completed, then we will have no obligations or ties with Rio Grande; correct?

Jorge Garcia said correct, but we will have some involvement until everything is finalized.

Councillor Silva asked will the current employees be transferred to the new Rio Grande?

Jorge Garcia said I'm not aware of any conversations regarding the Rio Grande's employees. The actual operators are City employees and there will be no change with their employment.

Councillor Sorg said I believe the City owns the pipeline that serves Rio Grande Natural Gas; is that correct?

Jorge Garcia said that is correct; the City does own the pipeline that transports about 50% of their gas and this resolution outlines the perimeters of a 30 year transportation agreement which we are already in the process of negotiating it with the new association.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-009 and it was Unanimously APPROVED. 7-0

- (14) Resolution No. 11-010: A Resolution Allowing Community Development Staff to Apply to the Federal Transit Administration for FY 2010 Discretionary Livability Funding Opportunity: Alternatives Analysis Program to Study Public Transportation Alternatives in the Las Cruces to El Paso Travel Corridor in the Amount of \$1.5 Million.

Councillor Small Moved to Adopt Resolution No. 11-010 and Councillor Thomas Seconded the motion.

Tom Murphy, Las Cruces Metro Planning Association gave a verbal presentation and said this is to allow staff to apply for a Federal Transit Grant. This funding is to be used for planning studies and we would use it for evaluating the multi-modal transportation options within the El Paso and Las Cruces corridor.

Councillor Thomas said we have three different proposals before us today regarding grants. I want to make sure that we are coordinating all of these applications.

Tom Murphy said we are aware of the other grant applications. These grants are different pots of money which will have to be addressed separately but if any of the other ones have anything applicable to this one, then it would be included with it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-010 and it was Unanimously APPROVED. 7-0

(15) Resolution No. 11-011: A Resolution Approving “Las Cruces Regional Aquatic Center” as the Name of the New Recreation and Aquatic Facility, Located on the Northeast Corner of Solano Drive and Hadley Avenue.

Councillor Connor Moved to Adopt Resolution No. 11-011 and Councillor Thomas Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation and said we are expecting the center to be completed by the end of this month and we need to move forward with selecting a name for the facility. We went through the soliciting process for about two weeks and we received a total of 126 name suggestions. We took those suggestions to the Parks and Rec Advisory Board on June 17th and they selected the top three names which are the Three Crosses Aquatic Center, Las Cruces Aquatic Center and the Las Cruces Oasis but we do need to include the word “Regional” in the name somewhere.

Councillor Small said I recommend selecting the Las Cruces Regional Aquatic Center.

Councillor Thomas said we did receive a lot of assistance from legislators who are not from Las Cruces so I wouldn't be comfortable with naming it Las Cruces Regional Aquatic Center.

Councillor Sorg said I'm comfortable with selecting the Las Cruces Regional Aquatic Center.

Councillor Pedroza said I agree with the Las Cruces Regional Aquatic Center.

Councillor Thomas Moved to Amend Resolution No. 11-011 to select the name “Las Cruces Regional Aquatic Center” and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-011 to select the name "Las Cruces Regional Aquatic Center" and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-011 as Amended and it was Unanimously APPROVED. 7-0

- (16) Resolution No. 11-012: A Resolution Approving a Deviation to Chapter 32 of the Las Cruces Municipal Code (Design Standards) for (1) an Alternate Cross-Section for Public Right-of-Way Improvements to a Segment of Sonoma Ranch Boulevard from Peachtree Hills Road North to Arroyo Road; (2) a Delay in Public Right-of-Way Improvements to a Segment of Arroyo Road from the Intersection of Sonoma Ranch Boulevard West to the Entrance of a Private Golf Course; (3) a Numerical Deviation of 26-feet from the Required 50-Foot for a Permanent Private Road And/or Access Easement Known as Sierra De Luna from Thurmond Road North to the Entrance of a Private Golf Course for the Purpose of Access to a Commercial Development from a Public Roadway (Thurmond Road); and (4) a Deviation to the Minimum Standards of a Minor Local Roadway for the Purposes of Minimum Access Improvement Requirements to a Roadway Segment Known as Sierra De Luna. Submitted by Sierra Norte Land Holdings, Inc.

Councillor Sorg Moved to Adopt Resolution No. 11-012 and Councillor Thomas Seconded the motion.

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said this is a request to deviate from the City of Las Cruces's Design Standards for the purpose of gaining access to a private golf course. The applicant has submitted an addendum to the packet to focus only on request number one which is for Sierra De Luna. The applicant's request is to not expand the existing road but they are willing to expand it with the exception of street lights, as per Council's direction. The minimum standards of our Code is that the minimum access to a subdivision shall be from a dedicated and accepted public right of way which in this case would be Thurmond Road, and if the access way is unimproved then it is the responsibility of the subdivider to construct a minor local roadway from the subdivision boundary to the nearest paved public roadway. There is approximately a two mile segment of Sierra De Luna that would have to meet our minimum access requirements for a minor local roadway. On April 1, 2009, the DRC conditioned the use of the road to be limited to emergency or construction vehicle access only, with no public access allowed to

utilize the golf course. City service impacts for request number one include our Community Development Department encourages having the private road be greater than 24-feet in width and contain a cross-section that is multi-modal, Facilities does not anticipate negative impacts for temporary service to the private golf course; the City is not responsible for any parkway maintenance because it is a private road, additional improvements would be beneficial as road serves as a single access point to the private facility but there are concerns with the City's ability to enforce traffic regulations on a private road, there are no City utilities in the roadway but any future development will require pavement cuts for future utility installation.

Drew Denton, DVI gave an overhead presentation on the description of the current location.

Barb Denton, DVI continued with overhead presentation on the description of the current roadways in the golf course area and said we are hoping to have the golf course open by November 1st. The City staff recommends that we install a minor local road that meets the requirements of Section 32-36 which we don't want to do because those requirements are for a roadway that is used as access to a development and we are not using it for access to a development; it's to a golf course.

John Moscato, (?) Land Holdings said our focused today is to get access to the golf course and we believe we have an adequate 24-foot wide paved road that meets the Fire Department standards. There might be some outstanding utility issues along this access which would even be more of a reason why we should not build more of a roadway. We would have to tear out 20,000 linear feet of curb and gutters if we are forced to meet the minimum requirements for a minor local roadway.

Mayor Miyagishima said originally, you were hoping to do the Special Assessment District to get Sonoma Ranch Boulevard built up to four lanes from Engler Road all the way to Arroyo Road but that didn't go through. This roadway goes from Engler all the way to your project; correct.

John Moscato said there is a final 500 feet that we don't want to build until we know what the approved cross section is for the 2 miles preceding it.

Mayor Miyagishima said I understood that the Fire Department wanted two access points. Is there another access point to this property besides Sierra De Luna?

John Moscato said it is my understanding that a single access point is sufficient for this property.

Deputy Fire Chief Bencomo said a single access point is acceptable for the golf course and the club house. We would need a secondary access point when they begin to subdivide the property.

Mayor Miyagishima asked does the road have to be built up?

Deputy Fire Chief Bencomo said yes.

John Moscato said I have no question that if we were subdividing and creating residential or commercial lots then the requirements would apply but the golf course is not a subdivision so it would not fall under the minimum access requirement for a minor local road.

Mayor Miyagishima said I would be in favor of a deviation because of today's economy. It is important that you have access to the club house so you can start selling lots.

John Moscato said we're not asking permission to sell lots because we won't be selling any lots around the golf course until at least a part of Sonoma Ranch Boulevard is built. We are asking for Sierra De Luna to be approved as access only for the golf course in it's current state.

Mayor Miyagishima asked would allowing this roadway create a liability for the City?

Harry (Pete) Connelly, Interim City Attorney said a private road can create a liability for the City through the Tort Claim process. It's hard to call it a private road when the public is using it and it would be a traffic enforcement nightmare for us.

Mayor Miyagishima said maybe we can require a \$1 million dollar three times arrogate liability policy. There is nothing we can add to this agreement that would allow our Police Officers to cite someone on this roadway; correct?

Harry (Pete) Connelly said there is a case in the Supreme Court stating our DWI ordinances are not enforceable on private property. There are ways to get there but they are very constrained.

Mayor Miyagishima said so, all they are asking for is to be able to use Sierra De Luna as access to the golf course.

John Moscato said yes, and to build the last 500 feet in a matter similar to whatever Council deems as adequate access for the first two miles that would already be built. Sierra De Luna will eventually be built to a complete cross section which has been submitted to the City in a PUD Plan. That's why we are asking Council to allow us to proceed with the road as it is today as sufficient access.

Councillor Connor asked did the construction of the golf course require a City permit?

David Weir, Community Development Director said that was considered as part of the subdivision and we did inspect things like the drainage of the project and there will have to be separate permits for any structures.

Councillor Connor said I believe that the remaining 500 feet of Sierra De Luna needs to be built to full standard. The club house is not going to be a permanent structure; correct?

John Moscato said correct, it will be some time before we are able to build a permanent structure.

Councillor Connor asked how is the trash truck going to be able to get down Sierra De Luna?

Klaus Kemmer, Solid Waste Administrator said the current 24 foot easement won't be a problem for our trucks.

Councillor Connor said I do agree that there needs to be an additional liability policy because it is a private road. I agree that the remaining 500 feet needs to be a full build out. There is a maximum of 152 people that can play golf at the same time and I think that roadway could handle that amount of traffic as it is currently but we do need to be covered in case something does happen which is why we need to have the liability insurance. Are you willing to make the remaining 500 feet up to full standards?

John Moscato said yes.

Councillor Connor said the roadways needs to be fully built out prior to any lots being sold or any homes built. I do want to say that my support of this has nothing to do with the Las Cruces Country Club because I don't think the City needs that property.

John Moscato said I assume you mean no homes built near the golf course because there are some homes being built south of the golf course.

Councillor Connor said they aren't using Sierra De Luna; correct?

John Moscato said Sierra De Luna is being used as a secondary access.

Mayor Miyagishima said due to the current economic situation, I think we could put a cap of maybe 100 homes built instead of not allowing any until the roadway is fully built out.

Councillor Connor said we've had a lot of discussion regarding completing subdivisions and streets. We even have a complete streets policy and if people are going to be living out there then they need to have the safest way to get there.

Councillor Sorg said I went to see this golf course last week and I don't see why this resolution has to be passed in order for people to play golf there.

Cheryl Rodriguez said this resolution is before you because Council approved a set of Development Codes which includes requirements for access to a commercial development. These lots were made to look like a golf course but they are part of a subdivision so Sierra De Luna must meet the minimum standards as set forth in the design standards. That means that road needs to be 50 feet wide; it is presently 24 feet wide and it's missing the parking lane and the sidewalk.

Councillor Sorg asked do we have to have the standards just to play golf?

Cheryl Rodriguez said yes.

Councillor Sorg asked why didn't this go through the P & Z?

Cheryl Rodriguez said P & Z would have referred it to Council so staff came directly to Council.

David Weir said they want to use this roadway as access so it's more of a Council Policy decision.

Councillor Thomas asked are you going to build out Sonoma Ranch Boulevard before you build out Sierra De Luna?

John Moscato said that hasn't been decided yet. All we are trying to do today is get access to the golf course.

Councillor Thomas asked would it be possible to create dirt shoulders on the side of the roadway to give vehicles enough room to pull over if there is a problem or too much traffic?

John Moscato said there is a two foot shoulder and then there is a swell for drainage so I'm sure if it would be possible to increase the width of the shoulders.

Councillor Thomas said I have concerns with there being some sections of the street with sidewalks and some sections without sidewalks so I want to make sure it will be fully built out and not sections at a time.

John Moscato said we are looking at about a two mile stretch of roadway and I don't think there are any cases within the City that a developer has done a two mile stretch all at once. As development increases then the road will be built and I don't think you should burden the developer with the responsibility of building the entire two mile stretch all at once.

Councillor Thomas said I don't want to see the gaps along the roadway; is that how it is going to happen?

John Moscato said that is the way development happens.

Councillor Thomas said I think that is a big issue because we have committed to having complete streets and connectivity.

John Moscato said at this time, we are only asking to be allowed to use Sierra De Luna in it's current state for access to the golf course. Even if this resolution is denied, your concerns won't be addressed at this time.

Councillor Thomas said I am comfortable with it being used as sufficient access to the golf course.

Councillor Silva said I still have a problem with not having a second access to this property and it concerns me that there wasn't a traffic study done or a estimate given on the number of customers that are projected to use this facility.

John Moscato said I think the golf course could accommodate several hundreds of customers per day so we'll probably serve about 300 customers per day.

Councillor Silva said with that many customers, it concerns me even more that there isn't a secondary access.

Mayor Miyagishima said they could probably put some kind of material, like gravel, on Sonoma Ranch Boulevard and use it as a secondary access.

Councillor Small said I think having the liability insurance is a must since we don't know how long this temporary road will be in place. We have expressed that we want all streets to be completed and if this is approved, it will cause some turmoil but I know the goal here is to get access to the golf course so you can begin to generate some revenue.

Councillor Sorg said I want to make it clear that I don't want to approve any new development in this area without the streets for that development being completed to the City's standards.

Mayor Miyagishima asked would it be possible to expand the street by three feet on both sides to give enough room for someone to pull over if needed.

Councillor Connor said I believe the swells for the drainage along the road were the problem with them expanding the width of the roadway.

Scott Moore, Member of the Public said we are looking at approximately 30 vehicles on this road per hour so it's not a great amount of traffic. As development occurs in this area then the road will be expanded and built to the City's standards. I am asking Council to approve this resolution so we can get out there and play golf.

Mike Murphy, Member of the Public said I think you are dealing with a responsible applicant and this will be done in steps. If this isn't done then the City will be dealing with another eyesore.

Councillor Connor Moved to Amend Resolution No. 11-012 to not accept options 1 and 2, eliminate those from the resolution regarding Sonoma Ranch and Arroyo Boulevard and accept options 3 and

4 with the stipulation that the remaining 500 feet to the north end of Sierra De Luna be a complete build out and the road be striped for traffic; and they need to provide the City of Las Cruces with at least \$1 million of liability and the City as the named insured with preferably five times aggregate and if not available, a minimum of three times aggregate and Mayor Miyagishima Seconded the motion.

Mayor Miyagishima asked do you understand the amendment Mr. Moscato?

John Moscato said there are two possibilities for the remaining 500 feet; one is the standard minor local road section and the other is the fuller cross section that we have included in our drawings that were already submitted. Do we have the option to choose?

Councillor Connor said no, I'm asking for the full.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-012 to not accept options 1 and 2, eliminate those from the resolution regarding Sonoma Ranch and Arroyo Boulevard and accept options 3 and 4 with the stipulation that the remaining 500 feet to the north end of Sierra De Luna be a complete build out and the road be striped for traffic; and they need to provide the City of Las Cruces with at least \$1 million of liability and the City as the named insured with preferably five times aggregate and if not available, a minimum of three times aggregate and it was Unanimously APPROVED. 7-0

Councillor Silva said the other issue we were discussing was with the selling of lots and if he were to start selling lots then he would need to do a full build out of the road. I think we need to do another amendment to state that a full build out of the road will be required on the selling of lots.

Cheryl Rodriguez said there will be additional platting documents and an additional process that the applicant will have to go through at the time of doing a subdivision. Staff recommends that we don't have to put in any extra guarantees because it will be addressed at the time of any proposed development.

Councillor Thomas asked would it be possible to have areas along the roadway where people can pull over?

Mayor Miyagishima asked would it be possible to have an additional three feet on both sides of the roadway?

Cheryl Rodriguez said I believe it would be possible if the applicant moved the swells that are along the roadway.

Barb Denton said when we designed the road, we did a drainage study and we installed thirteen ponds along the roadway with culverts in the areas that we knew the water would be going across to make it an all weather roadway. If we widen the road then it will effect the drainage study and if we put in 33 feet of asphalt, it would create a speedway out there which would be more of a safety issue.

Councillor Sorg said if you put gravel on the roadway then it would be used by traffic but it could also be used as a parking spot. Is dirt better?

Mike Johnson, Public Works Director said I would prefer asphalt over dirt or gravel.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-012 as Amended and it was APPROVED. 5-2 Councillor Silva, Councillor Connor, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Pedroza and Councillor Small voted Nay.

Councillor Connor Moved for a ten minute recess and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion for a ten minute recess and it was Unanimously APPROVED. 7-0

The Meeting reconvened at approximately 6:56 p.m.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Fred Schneider, Jack Petrowsky, Robert Lory, Frank Geisel, Cosme Padilla, Michael Burlison, Charles Revie, Robert Irish, Lawrence Orvis and Lester Palmer to the Veteran's Advisory Board.

Councillor Connor Moved to Approve the Mayor's Board Appointments of Fred Schneider, Jack Petrowsky, Robert Lory, Frank Geisel, Cosme Padilla, Michael Burleson, Charles Revie, Robert Irish, Lawrence Orvis and Lester Palmer to the Veteran's Advisory Board and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of Fred Schneider, Jack Petrowsky, Robert Lory, Frank Geisel, Cosme Padilla, Michael Burleson, Charles Revie, Robert Irish, Lawrence Orvis and Lester Palmer to the Veteran's Advisory Board and it was APPROVED. 6-0 Councillor Small was Absent.

IX. REVIEW OF PROPOSED ORDINANCE(S)

- (17) Council Bill No. 11-001; Ordinance No. 2581: An Ordinance Amending Las Cruces Municipal Code, Section 27-12-14-4 Penalty Assessment Misdemeanor; Definition; Schedule of Assessments to Add Certain Violations of Las Cruces Municipal Code to this Ordinance and Thereby Convert Them into Penalty Assessments and Further Establishing the Amount of Those Penalty Assessments.

Mayor Miyagishima and Council agreed to bring this item back.

- (18) Council Bill No. 11-002; Ordinance No. 2582: An Ordinance Amending Ordinance 2558, Which Concerns the Use of a Mobile (Cell) Telephone While Driving, to Make this Offense a Penalty Assessment Under Las Cruces Municipal Code, Section 27-12-14-4.

Mayor Miyagishima and Council agreed to bring this item back.

- (19) Council Bill No. 11-003; Ordinance No. 2583: An Ordinance Amending Section 39-23 (D) Grandfathering and Section 39-24 Variances of the Outdoor Lighting Ordinance, Chapter 39 of the Las Cruces Municipal Code. The Amendments Adjust the Date for Compliance with the Ordinance to August 7, 2012 and Clarify that Variances to the Outdoor Lighting Ordinance are Heard by the Planning and Zoning Commission in Lieu of the Board of Adjustment Which was Abolished in 2006. Submitted by the City of Las Cruces.

Mayor Miyagishima and Council agreed to bring this item back.

X. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior near complete; most construction is interior with limited site work at this time. Parking lot grading and other site work to begin later in July. Construction completion remains on schedule at this time with the facility being operational by an anticipated December, 2010 timeframe.)*
3. **Downtown Main Street Construction** - *(Construction of Main Street Plaza - Phase II North was awarded by Council to Jaynes Corporation on May 03, 2010. Meeting held with Business owners on June 3rd with Start-Up Meeting for the public held June 9th. Groundbreaking held June 24th. Contract Execution is complete. Construction estimated to begin the week of June 28, 2010.)*
4. **Impact Fees** – *(The project is on-going and is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). City Council solidified their direction to staff to proceed with exempting the "In-fill" area of the city; keeping the Public Safety fee as a city-wide fee; and, to consider excluding or showing the West Mesa Industrial Park separately by approving the change order to the contract with James Duncan and Associates on May 17, 2010. Staff will work with the consultant to modify the LUA and the draft IFCIP and to bring them forward for review and approval through the appropriate process.)*
5. **Vision 2040** – *(Staff has taken over the Vision 2040 project from the consultant and is moving ahead with the action plan reviewed by the elected officials on April 15, 2010. Staff is preparing a vision statement for endorsement in May and a working draft of the regional vision document using the Table of Contents presented. Staff is restructuring the Advisory Committee to add stakeholders and define responsibilities, with the next meeting tentatively scheduled in the first part of June. The Advisory Committee will review updated versions of the working draft in sections over the next several months with regular updates to the elected officials. Information and draft documents on Vision 2040 are available online at <http://vision2040.nmsu.edu>.)*
6. **Regional Recreational & Aquatic Center** – *(Most interior work is complete with tube slide installed and water in the pool. Clean up work and minor details remain to be completed. Most work devoted to site completion. Parking lot constructed, landscaping in process among other amenities. Anticipation of a Certificate of Occupancy during the month of July with the opening of the facility towards the end of summer.)*
7. **Las Cruces Intermodal Facility** - *(Contract award complete and finalizing paperwork, primarily related to DBE in order begin the project.)*
8. **Bicycle Facilities Planning** - *(May is National Bicycling Month. The Education and Encouragement Work Group of the Bicycle Friendly Community Task Force (BFC) is working on several ideas for events in May. The proposals include a series of neighborhood bicycle rides, a series of articles promoting bicycling in Las Cruces, Bike to Work Day on May 21st, the Ride of Silence on May 19th, and a proclamation declaring May as National Bicycle Month.)*

9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(Making Redevelopment Work for the Neighbors: The El Paseo Project. The main purpose of this project is to develop a model for engaging people in planning their community. This project focuses on the area along and within walking distance of El Paseo Road between Downtown and the University District. The EPA staff team and federal partners from Federal Highway Administration (FHA) and Housing and Urban Development (HUD) are working together with City staff, policy makers, residents and businesses. A number of events are being discussed like Photo Tours/Assessments, Walk & Safety Audits in May and June, a Green Infrastructure Workshop in late August, a Pedestrian Road Safety Audit in September and a Visioning Charrette in November. Staff is continuously reaching out to a diverse set of public and stakeholders in the El Paseo area, and is available to discuss this project with any interested parties or individuals. Regular conference calls occur on Tuesday from 1:00-2:00 PM in Room 1158, City Hall, 700 Main Street.)*
10. **New City Web Site** – *(The new web site is scheduled to go live in the July-August time frame. Content from the current web site is being migrated to the new site. Some significant re-work of content is required to provide a unified design and user interface functionality, and to upgrade existing content to ADA and Section 508 standards. Departmental stakeholders (who will be responsible for authoring content) have been involved in a number of meetings to provide inputs on the new web site as well. The new site will support greater citizen engagement by providing citizens the ability to receive information via RSS feeds, newsletters, and alerts, as well as providing new content and capabilities. The next phase in the project will involve training departmental authors in the use of the content management system editor, authoring methods, and pertinent standards, guidelines, and laws.)*
11. **Downtown Revitalization Activities** - *(Construction on La Placita has started and is expected to take 9 months. City staff is in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.)*
12. **Grants/ARRA Status** - *(Matrix.)*

XI. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said there have been some issues brought up regarding the Municipal Court so I thought we could have a Work Session with the two Municipal Court Judges and their staff, to see how we can help them.

Councillor Silva asked would this Work Session be for the recent incident that happened with Municipal Court?

Mayor Miyagishima said that, and just to see how we can help them. We've never had a Work Session with them and I think it would be a good idea.

Councillor Silva said I would support that 100%.

Councillor Connor said on the morning of that meeting, I think that Council should do a walk through of their building.

Mayor Miyagishima said that is a good idea.

Councillor Pedroza said I like the suggestion of having a Night Court.

2. CITY COUNCIL

Councillor Thomas said I went to the Light Parade for the first time and it was very impressive.

I sent everyone a couple of emails, one was called Executive Order and the other one was Tap Water for Events. We were contacted by a group called "Think Outside the Bottle" and they want us to consider ways to cut back on our usage of water bottles and start using tap water.

Councillor Sorg said the most common complaint I hear is for our codes enforcement regarding weeds, trash, etc. and I would like for us to work on improving it.

Councillor Small said there are a couple of groups that are interested in the Armijo House and its condition is continuing to deteriorate so I think it is time that we move forward with it in order to allow those groups the opportunity to try to save it.

Terrence Moore, City Manager said we recently assembled an agreement for an assessment of the necessary engineering work and the overall condition of the house and we will be coming forward within the next couple of months with those results.

Councillor Small said I want to thank Christina Chavez Kelly for attending our Neighborhood Meeting and for the work she does with the Community Gardens.

We will be having another Neighborhood Meeting on July 15th and the Chief will be attending it to help address some of the people's concerns with their neighborhood.

I want to encourage people to use our Mosquito Hotline and empty anything that is collecting water.

I want to mention that Jeff Steinborn is not my employer but he is my colleague.

Councillor Pedroza said I want to remind everyone that I am still offering to go walking daily around Young Park at 7:00 a.m.

There is going to be a very interesting session at NMSU regarding immigration issues.

Councillor Connor said I have six Neighborhood Meetings that are standard in my District but we haven't had a full District 2 Meeting in about a year because of the smaller meetings that we hold.

This Saturday, there is going to be an Information Fair at the Las Cruces High School Cafeteria from 11:00 a.m. and 1:00 p.m.

Councillor Silva said a couple of items that I would like to include in future work shops are the Solid Waste Resolution and transitions as we move forward into the year.

I am looking for a representative for the Planning and Zoning.

I would like to give "kudos" to everyone that was involved with the 4th of July celebration.

3. **CITY MANAGER**
A. Other Items - Information Only

Terrence Moore, City Manager said you will be receiving a Capital Improvement Ranking Form and we need you to fill it out and bring it to our next meeting.

Meeting Adjourned at 7:25 p.m.



Mayor

ATTEST:



City Clerk

(SEAL)