



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

Regular Meeting

December 21, 2009

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, Deputy City Attorney
Linda Lewis, Deputy City Clerk

I. OPENING CEREMONIES

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

Mayor Miyagishima and Jeannie Massaway presented the Pet of the Week.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima gave a Retirement Recognition to Harry Romero, Police Chief.

Mayor Miyagishima gave a Retirement Recognition to Adolf Zubia, Fire Chief

Bill Connor gave a Presentation on the Dona Ana County Legislative Coalition.

Larry Binkley, Former President of NM Chapter of GFOA presented a Distinguished Budget Award to Dick Gebhart, Budget Manager and staff.

Craig Fenske gave a presentation on the New Mexico Clean and Beautiful Awards that were received by Keep Las Cruces Beautiful.

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?

Councillor Sorg said I will be abstaining from Items 17 and 19 because I am an employee of Zia Engineering.

III. PUBLIC PARTICIPATION

Robert Green, Member of the Public said the issues with Fairbanks have been going on for about 26 months and now there has been another hit and run. This area is extremely unsafe and I would like to request that you close it down at both ends until it is made safe.

James Large, St. Paul's Methodist Church Pastor said regarding Item 7, I am here to complain that we did not receive proper notification that this was going to be on the agenda. I would like to request that you not move forward with this item.

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 Items 2, 7, 11, 17, 18, 19 and 20 need to be removed from the Consent Agenda for discussion. Item 7 will be heard first and Item 28 needs to be removed from the agenda.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Silva 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. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

- * (1) Resolution No. 10-153: A Resolution Amending Resolution 10-135 Authorizing the City of Las Cruces to Continue an Agreement With the South Central Council of Governments for Fiscal Year 2009-2010 and to Provide an Annual Membership Fee of \$11,140.00.
- * (3) Resolution No. 10-155: A Resolution to Require 100% Collateralization of Uninsured Non-Interest Bearing Bank Deposits.
- * (4) Resolution No. 10-156: A Resolution Authorizing the City of Las Cruces Police Department to Receive \$12,720.94 in Grant Funding From the New Mexico Department of Transportation for the Selective Traffic Enforcement Program (S.T.E.P.) Campaign, to Ratify the City Manager's Signature to Accept the Award and to Adjust the Fiscal Year 2010 Budget.
- * (5) Resolution No. 10-157: A Resolution Authorizing the Las Cruces Branigan Library to Apply for the American Library Association's "We the People" Bookshelf Grant to Receive Twenty-One Hardcover Books; Program Requires No Match; and to Ratify the City Manager's Approval to Meet Grant Submission Deadline.
- * (6) Resolution No. 10-158: A Resolution Authorizing the Las Cruces Museum of Art to Apply for the Department of Cultural Affairs New Mexico Arts Grant in the Amount of \$20,000 With a \$5000 In-Kind and \$5000 Cash Match Required, and to Ratify the City Manager's Approval to Meet Grant Submission Deadline.
- * (8) Resolution No. 10-160: A Resolution Approving Amendment One (#1) to the City's Neighborhood Stabilization Program (NSP) Grant Agreement Which Expands Cost Limits for Purchase and Rehabilitation of Properties Under the Program.
- * (9) Resolution No. 10-161: A Resolution Approving the Transit Holiday Schedule for the 2010 Calendar Year.
- * (10) Resolution No. 10-162: A Resolution Authorizing the City of Las Cruces to Accept Contract Amendment No. 1 From the State of New Mexico Aging and Long-Term Services Department for Fiscal Year 2009-2010 in the Amount of \$15,469, Reducing the Rio Grande Valley Retired and Senior Volunteer Program's State Funds by \$316 and to Adjust the Fiscal Year 2009-2010 City Budget.
- * (12) Resolution No. 08-09-586A: A Resolution Authorizing Change Order No. 1 and Change Order No. 2 to the Greenhouse, Inc., of Las Cruces, NM, for the Families and Youth Inc.,

(FYI) Transitional Housing Facility as Approved by City Council Under Resolution No. 08-09-586, Authorizing an Increase of \$53,623.68; Plus New Mexico Gross Receipts Tax (NMGRT) of \$3,988.26; Plus a Project Contingency of \$63,226.80; for a Total Change Order Authorization of \$120,838.74.

- ***(13)** Resolution No. 09-10-333: A Resolution Authorizing the City of Las Cruces to Enter Into Term Contracts With Lisa McNeils, Landscape Architect; Consensus Planning; Morrow Reardon Wilkinson Miller, LTD.; Sites Southwest, LLC; and Weston Solutions, Inc., for the Purpose of Providing Landscape Architectural Design Services on an “As Needed” Basis, for an Initial Term of One Year, Renewable Annually, Up to a Maximum of Five Years, and for Contract Amounts Not to Exceed Established Budgets.
- ***(14)** Resolution No. 09-10-404: A Resolution Awarding a Contract for the Renovation of the Sage Café, Bid Number 09-10-404, to Duran Construction, Inc., of Las Cruces, New Mexico, for the Contract Sum of \$612,367.00, Plus an Allowance of \$45,544.80 for New Mexico Gross Receipts Tax and a Contingency of \$61,236.00 for a Total Project Authorization of \$719,147.80.
- ***(15)** Resolution No. 09-10-405: A Resolution Awarding a Contract for the Reroofing of the Museum of Nature and Science, Located at 411 North Main Street, Bid Number 09-10-405 to G. Sandoval Construction of Las Cruces, New Mexico, for the Contract Sum of \$114,900.00 Plus an Allowance of \$8,545.69 for New Mexico State Gross Receipts Tax and a Project Contingency of \$11,490.00 for a Total Project Authorization of \$134,935.69.
- ***(16)** Resolution No. 09-10-426: A Resolution Awarding the Final Renewal Option for the Traffic Pavement Markings Pricing Agreement to R2 Contractors Specialty, Inc. Of Las Cruces, New Mexico in an Amount Not to Exceed City Council Approved Budgets.
- ***(21)** Resolution No. 09-10-438: A Resolution Authorizing the Renewal of the Agreement With Parkhill, Smith and Cooper, Inc. Of El Paso, TX to Provide Structural Engineering Services to the City of Las Cruces on an As-Needed Basis.
- ***(22)** Resolution No. 09-10-439: A Resolution Authorizing the Renewal of the Agreements With Lee Engineering, LLC of Albuquerque, NM; URS Corporation of Las Cruces, NM; and Wilson and Company of Albuquerque, NM to Provide Traffic Engineering Services to the City of Las Cruces on an As-Needed Basis.
- ***(23)** Resolution No. 09-10-440: A Resolution Authorizing the Renewal of the Agreements with Blanchard Engineering, Inc. Of Las Cruces, NM; CH2M Hill, Inc. Of Albuquerque, NM; Engineers, Inc. Of Las Cruces, NM; Livingston Associates, PC of Alamogordo, NM; and Wilson and Company of Albuquerque, NM to Provide Utility Engineering Services to the City of Las Cruces on an As-Needed Basis.

- *(24) Resolution No. 09-10-449: A Resolution Awarding the Purchase of a Portable Storm Drain Camera Inspection System to Green Equipment Company of San Antonio, TX in the Amount of \$70,718.44.

- *(25) Resolution No. 09-10-453: A Resolution Authorizing Change Order No. 1 to the Contract Between the City of Las Cruces and Huitt-Zollars, Inc. For the Munson Senior Center Phase I Renovations as Approved by City Council Under Resolution No. 09-277, Authorizing an Increase in the Amount of \$30,000.00 Plus New Mexico Gross Receipts Tax of \$2,231.25 and Project Contingency of \$3,000.00 for a Total Change Order Authorization of \$35,231.25.

VI. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

- *(7) Resolution No. 10-159: A Resolution Supporting an Affordable Housing Project on a Parcel Presently Owned by the City of Las Cruces in Downtown Las Cruces at the Northwest Corner of Griggs Avenue and Water Street. The Resolution Further Authorizes the Development and Execution of a Property Lease of the City-Owned Property for the Purpose of Constructing an Affordable Housing Project in Accordance With the City's Affordable Housing General Oversight Ordinance and the State's Affordable Housing Act on the Same City-Owned Parcel.

Councillor Connor Moved to Adopt Resolution No.10-159 and Councillor Silva Seconded the motion.

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this is a proposal for an affordable housing project on the corner of Griggs Avenue and Water Street which is what we refer to as the El Paso Electric parking lot but it is a City owned parcel. This project would have 60 units of studio and one bedroom apartments.

Mayor Miyagishima asked isn't there a way to have affordable housing without labeling it as affordable housing?

David Dollahon said there are ways in which we can do that; one way is inclusionary zoning but we opted not to pursue that avenue and pursue other avenues for affordable housing, like a land bank and a trust fund which staff is working on at this point. This would be our dedication of land to affordable housing which is the equivalent of a land bank. We are giving it to the developers at a discounted rate so that they can use that as collateral for the future development of this project.

Councillor Thomas said I am part of the Affordable Housing Ad Hoc Committee and we did opt out and not do inclusionary zoning but we did choose land banks and trust funds. Our need for affordable

housing is great and this would be our first opportunity for a land bank. I think we need to stick with what we have chosen to do and we have already selected this area for affordable housing.

Councillor Pedroza said there are a lot of high end homes already available so we do need more affordable housing for this community.

Mayor Miyagishima said I agree that we need more affordable housing and I think it should be mixed in with other income level housing. Would this land require rezoning?

David Dollahon said no.

Councillor Connor said I agree that we need affordable housing but I don't think this property is the best location for it. We need to have a public meeting and get the public's input on this issue. This is a prime piece of property and this design isn't what we sold the public on for this area about five years ago.

Mayor Miyagishima said I would like for us to start including the purpose of action for items that are on the agenda setting memo so we can be more informed of the items that are going to be on the agenda.

Councillor Connor said I agree because a lot of people were upset that this item was put on the consent agenda.

Councillor Pedroza said I do hope this area will be maintained properly because affordable housing usually isn't maintained and that becomes an issue with the neighbors.

Tom Hassell, Housing Authority said it was my understanding that there was a master plan done for the Downtown and it included affordable housing. This is moving fast because New Mexico Mortgage Finance Authority has a Qualified Allocation Plan which outlines the point value of how they are going to rate applications every year and we have a very short time frame to apply for it.

Mark Allison, Developer gave an overhead presentation and said we are currently working on an affordable housing project in Albuquerque. This is an excellent opportunity for Las Cruces and people need to live in the Downtown area. We believe this design would be an asset to this area. Right now, this property is a surfaced parking lot and it's not generating any income for the City.

Mayor Miyagishima said we need to keep the public informed and give them the opportunity to give us their input on this issue.

Mark Allison said I would prefer more time but the credit cycles are done once annually and I don't know when we'll get another opportunity like this.

Mayor Miyagishima asked what do these credits provide you?

Mark Allison said each State gets an allocation and the agency, which in this case is New Mexico Mortgage Finance Authority, does competitive rounds for applications for these credits.

Mayor Miyagishima said the problem is the residents of that area haven't had a chance to sit down and look at this and give us their input.

Councillor Connor asked why are you looking at this particular property?

Mark Allison said some of the things we're looking for is an area that has walk ability, transit oriented development and we were told to stay away from the new Federal Courthouse because of the parking issues.

Councillor Connor said there are several properties in the Downtown area, like the City Office Center property, that would be a better location for affordable housing. I'm not in favor of using this particular property for this project.

Councillor Silva asked if we delayed this project and tabled this until January; would you have enough time to have public meetings and meet your deadline?

Mark Allison said yes, but it would be very tight.

Terrence Moore, City Manager said we can have it moved to the January 19th meeting.

Councillor Silva said I first heard about this project in November and it was very appealing to me. I would recommend that we table this to give the public an opportunity to discuss it.

Councillor Small said there are many great benefits to this but maybe we shouldn't take action on this item, today.

Gary Elbert, Member of the Public said I think this is being rushed through. I am in favor of affordable housing but not for this location.

Mike White, Member of the Public said I am the owner of White's Music Box and we have a lot of parking issues; this parking lot is currently being used as parking for businesses in this area.

Jerry Valentine, Judge said I own one of the oldest buildings in this area and parking is a great issue in this area.

Rorke Garcia, Southwest Counseling said we need a lot of parking in this area and I am strongly opposed to using this property.

Greg Smith, President of Downtown Las Cruces Partnership said there is a great deal of support for this project but there is a huge amount of concern regarding the parking issues. We have drafted a parking solution resolution that states we support this project at this location with the provision that the developer provides a parking space for each of the housing units and the City provides 100 or more placement spaces to offset the loss of this parking lot.

Edgar Lopez, Member of the Public said I encourage you to develop the Downtown area but don't build a building and then try to decide what to do about the parking. We would like the opportunity to look at this and give our input so I would like to ask that you put off making any decisions on this issue.

Mike Beckett, Coas Bookstore said I am concerned that we weren't given any notification of this project being brought before Council. It is very important to have mix uses in this area but this is our best parking lot.

Emily Coss, Member of the Public said I am a business owner in the Downtown area and I think the City Office Center site would be a perfect location for this project.

Flo Dorety, Member of the Public said I have a small gallery in the Downtown Mall and we need more parking in this area.

Jim Holland, Member of the Public said I agree that the City Office Center property would be a good location for affordable housing.

Grady Oxford, Member of the Public said I have a company in the Downtown Mall and one of the representation that we make to people interested in this area is the parking requirements and we show them maps of all the City's parking areas. Now, all these parking areas are disappearing.

Ruben Smith, Former Mayor said this isn't about affordable housing; it's about the process. Most people weren't aware of this project and we need to give them the opportunity to give their input.

Mayor Miyagishima said I think we should hold off on this for awhile. We can bring this back at the January 19th meeting and we need to look at the City Office Center as a possible site for this project.

Mark Allison said we will be able to meet with public but we can't change the site for this project with this short amount of time. We can see what the scoring would look like for next year and maybe do it at that time.

Councillor Connor said this time frame isn't good and I'm not ready to vote on this item at this time.

Councillor Thomas said the problems are that there is no retail, no parking and there is a problem with process. We do have plenty of available space for retail so I don't think that's a problem right

now but we do need to prepare for it in the future. I think we need to use our website as a communication device to get the word out on issues like this one.

Councillor Small said I think it would be unwise not to work with this development team for this type of project. I think this is a very positive project but it just isn't the right fit at this time and location.

Councillor Silva said parking is at the top of the list for concerns of the Downtown area.

Councillor Silva Moved to Table Resolution No.10-159 until January 19, 2010 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 10-159 until January 19, 2010 and it was APPROVED. 5-2 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor Miyagishima voted Aye. Councillor Connor and Councillor Thomas voted Nay.

*(2) Resolution No. 10-154: A Resolution to Adjust the Adopted Fiscal Year 2009/2010 Budget Allowing for Carry-Over Expenses and Reallocations of Operating and Capital Costs Due to Mid-Year Developments Regarding Revenues and Expenditures.

Councillor Connor Moved to Adopt Resolution No.10-154 and Councillor Small Seconded the motion.

Dick Gebhart, Budget Director gave an overhead presentation and said this is the mid-year budget adjustment for FY10 and the purpose of this adjustment is basically to align expenditures and revenues to reflect what actually happened in FY09, the revenues and expenditures for the first six months of FY10, expected expenditures for FY11 and to reflect economic developments that will impact revenues and collections for the last six months of this fiscal year.

Councillor Connor said the reason I pulled this off of consent was because I feel that when we have budget adjustments, they should be explained. Regarding fund 2140 which is prisoner care, I think it should be increased even more because of prior adjustments that we continue to make to this fund. Regarding the vehicle acquisition fund, my problem is with the narrative being so specific to just police cars. I think that we should do the mid-year adjustments in January instead of December.

Terrence Moore said we can do that starting with next year's budget at our January 3, 2011 meeting.

Mayor Miyagishima said I think these vehicle funds do need to be for our Police Officers.

Councillor Thomas said it would be useful for you to have examples of the funds listed for us and it would have been very helpful to have this presentation in our packets. I would prefer to talk about this in January so we could have more time to digest all this information before voting on it. This information should also be available on our website so the public can view it as well. I would also prefer to have a work session on this item.

Mayor Miyagishima asked for this particular item? You don't want to pass it right now?

Councillor Thomas said no, I don't; I want time to digest all of this information.

Mayor Miyagishima said I would suggest that we move forward with this item.

Councillor Sorg said I agree with Councillor Thomas.

Mayor Miyagishima asked Dr. Sutter, would there be any issues with tabling this item?

Mark Sutter said there are some items that are time sensitive.

Councillor Thomas said I understand that there won't be time for a work session this time but in the future I do want to have a work session before it is brought before us. I still want to have time to look over all the material that was presented to us before I vote on this item.

Councillor Connor said I wasn't looking at postponing this item until January; I meant for future budget adjustments. I was able to call Dr. Sutter and ask him questions on this budget and he was able to answer my questions. We can pass this budget and make other adjustments if needed, at a later date.

Mark Sutter said we could postpone it until January 4th but I would be concerned if it went later than that date.

Councillor Thomas Moved to Table Resolution No.10-154 until January 4, 2010 and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 10-154 until January 4, 2010 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.

*(11) Resolution No. 10-163: A Resolution to Approve the Amended and Revised Agreement Between the City of Las Cruces and the Alameda Southridge Owners Association (ASOA).

Councillor Connor Moved to Adopt Resolution No.10-163 and Councillor Small Seconded the motion.

Brian Denmark, Facilities Director gave a verbal presentation and said we have passed out a substitute resolution, including the exhibit, that reflects some corrections that need to be made to the agreement.

Councillor Thomas said these are just minor typos that need to be corrected.

Councillor Thomas Moved to Amend Resolution No.10-163 to accept the amended substituted resolution and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-163 to accept the amended substituted resolution and it was APPROVED. 6-0 Councillor Silva was Absent.

Councillor Pedroza Moved to Amend Resolution No.10-163 to replace the word insure with inure in Exhibit A, paragraph 16 and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-163 to replace the word insure with inure in Exhibit A, paragraph 16 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-163 as Amended and it was Unanimously APPROVED. 7-0

*(17) Resolution No. 09-10-434: A Resolution Authorizing the Renewal of the Agreements With Blanchard Engineering of Las Cruces, NM; URS Corporation of Las Cruces, NM; and Zia Engineering and Environmental Consultants of Las Cruces, NM to Provide Civil Engineering Services to the City of Las Cruces on an As-Needed Basis.

Councillor Connor Moved to Adopt Resolution No.09-10-434 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-434 and it was APPROVED. 6-0-1 Councillor Sorg Abstained.

*(18) Resolution No. 09-10-435: A Resolution Authorizing the Renewal of the Agreements With Apex Engineering and Automation, LLC of El Paso, TX; Parkhill, Smith and Cooper, Inc. Of El Paso, TX; and Beaudin Ganze Consulting Engineers, Inc. Of Albuquerque, NM to Provide Electrical Engineering Services to the City of Las Cruces on an As-Needed Basis.

Councillor Small Moved to Adopt Resolution No.09-10-435 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-435 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.

*(19) Resolution No. 09-10-436: A Resolution Authorizing the Renewal of the Agreements With Souder, Miller & Associates of Las Cruces, NM; Terracon Consultants, Inc. Of Las Cruces, NM; and Zia Engineering and Environmental Consultants, LLC of Las Cruces, NM to Provide Environmental Engineering Services to the City of Las Cruces on an as Needed Basis.

Councillor Connor Moved to Adopt Resolution No.09-10-436 and Councillor Silva Seconded the

motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No.09-10-436 and it was APPROVED. 6-0-1 Councillor Sorg Abstained.

*(20) Resolution No. 09-10-437: A Resolution Authorizing the Renewal of the Agreements With Beaudin Ganze Consulting Engineers, Inc. Of Albuquerque, NM; Coupland-Moran Engineers, Inc. Of Albuquerque, NM; and Parkhill, Smith & Cooper, Inc. Of El Paso, TX to Provide Mechanical Engineering Services to The City of Las Cruces on an As-Needed Basis.

Councillor Small Moved to Adopt Resolution No.09-10-437 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-437 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.

(26) Resolution No. 10-164: A Resolution Authorizing Partnerships with Local Government Entities to Pursue Grant Funds to Implement Broadband Access in Targeted Underserved Areas and to Amend the FY '09/'10 Budget.

Councillor Connor Moved to Adopt Resolution No.10-164 and Councillor Thomas Seconded the motion.

Donald Bustamante, IT Director said I have heard third hand that the County has passed a resolution to join in on this endeavor. This resolution would enable the City to speak with these folks and explore the possibility of creating a relationship to pursue funding via the Federal stimulus monies.

John Griffith said there is about \$7.2 billion available for broadband specific projects and we are attempting to take advantage of this opportunity. One is for broadband infrastructure, the second is for community computer centers and the third is for sustainable broadband adoption which means the training program facilitators.

Commissioner Krahling said I am in support of this project and we would appreciate your support.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-164 and it was Unanimously APPROVED. 7-0

(27) Resolution No. 10-165: A Resolution Approving the Purchase of the Property at 1200 Poplar, Las Cruces 88001, for \$103,000, Under the City's Neighborhood Stabilization Program (NSP) for Temporary Relocation of Client's in the City's Home Rehabilitation Program.

Councillor Connor Moved to Adopt Resolution No.10-165 and Councillor Thomas Seconded the motion.

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this is our first property purchased that is proposed under the Neighborhood Stabilization Program. The cost to purchase it would be \$103,000 plus about \$30,000 in cost for rehabilitation. We are proposing to use it as a temporary location for clients of our rehab program.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-165 and it was Unanimously APPROVED. 7-0

(28) Resolution No. 10-166: A Resolution Approving the First Amendment to the Cooperative Project Agreement Between the City of Las Cruces and New Mexico Department of Transportation to Fund the Right of Way and Reconstruction of Main Street from Griggs Avenue to Lohman Avenue.

Removed from the Agenda

(29) Council Bill No. 10-021; Ordinance No. 2550: An Ordinance Approving an Annexation Known as the Tortugas Subdivision Annexation Containing 8.82 ± Acres Into the Corporate

Limits of the City of Las Cruces Generally Located Within Section 32, Township 23 South, Range 2 East of the N.M.P.M. of the U.S.R.S. Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located East of South Main Street and South of Tortugas Drive. Submitted by Southwest Engineering for J.O. Partners II. LP and Camino Vista Properties, LP (S-09-042).

Councillor Connor Moved to Adopt Council Bill No. 10-021; Ordinance No. 2550 and Councillor Sorg Seconded the motion.

Councillor Connor Moved to Suspend the Rules and discuss Items 29, 30 and 31 concurrently and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 29, 30 and 31 concurrently and it was Unanimously APPROVED. 7-0

Cheryl Rodriguez, Development Services Director gave an overhead presentation and said staff recommends that we change this to a C3 Commercial High Density with a condition for lot 4 to limit its use for a mini storage facility with a height limit of 15 feet.

Derrick Wong, PMC gave an overhead presentation and said we focused on the incremental revenues and cost that this project would have on the City. The revenues generated would be GRT, property taxes and impact fees from this subdivision and the cost would generally be the operation cost.

Councillor Sorg asked what would be the benefits of this annexation for the landowners?

Councillor Connor said I brought this forward so the City could have the GRT benefit of the businesses that are currently on this property and the property owners would have the benefit of our Fire and Police protection.

Dan Jett, Member of the Public said I have an issue with using the name Tortugas for this subdivision.

Doug Boberg (?), Member of the Public said I am in favor of this annexation.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-021; Ordinance No. 2550 and it was Unanimously APPROVED. 7-0

- (30) Resolution No. 10-167: A Resolution Approving a Master Plan for an Annexation Known as the Tortugas Subdivision Annexation Containing 8.82 ± Acres Into the Corporate Limits of the City of Las Cruces Generally Located Within Section 32, Township 23 South, Range 2 East of the N.M.P.M. of the U.S.R.S Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located East of South Main Street and South of Tortugas Drive. Submitted by Southwest Engineering for J.O. Partners II, LP and Camino Vista Properties, LP (S-09-043).

Councillor Connor Moved to Adopt Resolution No.10-167 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-167 and it was Unanimously APPROVED. 7-0

- (31) Council Bill No. 10-022; Ordinance No. 2551: An Ordinance Approving an Initial Zoning Request for an Annexation Known as Tortugas Subdivision Annexation Containing 8.82 ± Acres Into the Corporate Limits of the City of Las Cruces Generally Located Within Section 32, Township 23 South, Range 2 East of the N.M.P.M. of the U.S.R.S. Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located East of South Main Street and South of Tortugas Drive. Submitted by Southwest Engineering for J.O. Partners II, LP and Camino Vista Properties, LP (Z2799).

Councillor Connor Moved to Adopt Council Bill No. 10-022; Ordinance No. 2551 and Councillor Thomas Seconded the motion.

Councillor Connor Moved to Amend Council Bill No. 10-022; Ordinance No. 2551 to condition lot 4 for mini storage with a height limit of 15 feet with underground utilities and to include a six foot rock wall and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-022; Ordinance No. 2551 to condition lot 4 for mini storage with a height limit of 15 feet with underground utilities and to include a foot rock wall and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-022; Ordinance No. 2551 as Amended and it was Unanimously APPROVED. 7-0

VII. BOARD APPOINTMENTS

None given.

VIII. REVIEW OF PROPOSED ORDINANCE(S)

(32) Council Bill No. 10-023; Ordinance No. 2552: An Ordinance Approving a Zone Change From A-1 and A-2 (Flood Control and Rural Agriculture, 1981 Zoning Code) to R-1A (Single-Family Medium Density), OS-NC (Open Space-Natural Conservation), and C-3C (Commercial High Intensity-Conditional) for 23.45 ± Acres of Property Located East of Del Rey Boulevard and South of Tucson Avenue. The Purpose of the Zone Change is to Facilitate a Single-Family Residential and Commercial Master-Planned Development Known as Desert Isles as Well as Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by Pillar Engineering for Jean Wright Martin Irrevocable Trust. (Case Z2788).

Mayor Miyagishima and Council agreed to bring this item back.

(33) Council Bill No. 10-024; Ordinance No. 2553: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 4.080 +/- Acres Located at 1886 W. Picacho Avenue. The Purpose of the Zone Change is to Allow the Use of a Bus Terminal on the Subject Property. The Zone Change Will Bring the Property Into Compliance With the 2001 Zoning Code, as Amended. Submitted by Fiesta Properties on Behalf of Billie Ruth Ritter Simpson, Property Owner. (Z2801).

Mayor Miyagishima and Council agreed to bring this item back.

(34) Council Bill No. 10-025; Ordinance No. 2554: An Ordinance Approving a Zone Change From M-1/M-2 (Industrial Standard) to C-3 (Commercial High Intensity) for 0.7494 +/- Acres Located at 250 N. Telshor Boulevard. The Purpose of the Zone Change is to Allow

the Use of a Furniture Store. Submitted by Scott H. Achen, Tir Na Draiochta Properties, LLC, Property Owner. (Z2802).

Mayor Miyagishima and Council agreed to bring this item back.

- (35) Council Bill No. 10-026; Ordinance No. 2555: An Ordinance Approving a Zone Change From R-1A (Single-Family Medium Density) to O-2 (Office, Professional-Limited Retail Service) for 0.576 +/- Acres Located at 2145 El Paseo Road. The Purpose of the Zone Change is to Allow the Use of the Existing Home as a Professional Mental Health Office. Submitted by Stuart S. Kelter & Leora R. Zeitlin, Property Owners. (Z2804).

Mayor Miyagishima and Council agreed to bring this item back.

Councillor Silva left the meeting at approximately 5:55 p.m.

IX. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **State Legislative Fall Back**
2. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
3. **Las Cruces Convention Center** - *(Foundation preparation and plumbing rough-in is near complete to allow for the pouring of floor slabs in December. Additional concrete work for the exterior portions of the facility continues on schedule.)*
4. **Downtown** - *(The project design is ongoing with Bohannan-Huston, Inc. Bohannan-Huston has completed the design for the north end portion of the project. The City is currently in the process of receiving final prices for the northern portion and should be going to Council for approval on December 21, 2009. Bohannan-Huston has begun the design of the southern portion of the project)*
5. **Impact Fees** - *(The project is on-going. Staff is currently reviewing the latest draft of the Impact Fee Capital Improvements Plan (IFCIP) with the Consultant. Before the new draft IFCIP is finalized, the Consultant prepared a summary of the options discussed by the City Council during the Work Sessions held in March, April, and May of this year. The summary is a separate document and includes a table listing the actions that will have to be taken in order to move forward with each option (e.g., Do the land use assumption have to be revised?, etc.). The purpose of this summary is to provide information in a concise format for the CIAC and City Council to use in making their decision on which option to use in the IFCIP document to calculate the impact fees. Staff presented the summary document to the CIAC on November 19, 2009. The CIAC will*

- further discuss the options presented in the summary document and the recommendation of an option at their next meeting on December 17, 2009.)*
6. **Vision 2040** – *(The current drafts are posted on the Vision 2040 website (<http://vision2040.nmsu.edu>) and are available on CD and in print upon request. Staff is compiling the comments from the public input meetings held during the week of October 19th and the written comments received. The formal public comment period concluded on November 7, 2009. However, staff will continue to accept further written comments. These comments will be used to evaluate and revise the current drafts.)*
 7. **Citywide Swimming Pool Enhancement Program** – *(Structural steel installation for the entrance area of the facility and the second floor continues, including completion of the roof for these areas. EIFS work progresses with color coat soon to be completed; electrical, HVAC and plumbing construction continues as well. A pool permit is in the process of being issued allowing the pool contractor to proceed with construction.) (The design consultants for the future planned Natatorium have started the project with a series of meetings with interested groups such as swimming clubs to solicit input. A public hearing was also held for the purposes of collecting ideas on a proposed design of the planned facility. Additional input is expected prior to finalization of schematic design.)*
 8. **Development and Construction of New City Hall** – *(The contractor has removed the temporary flooring in the council chambers in order to complete the necessary finishes in the room. Interior finishes in other parts of the building continue with punch list items being completed in order to conduct scheduled inspections within the next month. Commissioning of the building continues including start up of the back up generator as well as continued construction in site improvements. Finalization of furnishing needs completed and procurement in process.)*
 9. **Development and Construction of the Intermodal Facility** – *(Finalization of the RFP complete for architectural and engineering services, currently in the process of being advertized and reviewed by the Selection Advisory Committee.)*
 10. **Bicycle Facilities Planning**
 11. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(The project, titled: Making Redevelopment Work for the Neighbors: The El Paseo Project is on-going for one year from October 2009 to October 2010. Phase One is underway: The Scope of Work is in draft form and continues to be a topic of regular conference calls which occur on Tuesday from 1:00-2:00 PM in Room 101 of the City Office Center. Community Development staff is building a local stakeholder network and providing data and maps to EPA staff. A refined Scope of Work and an initial site visit by the EPA staff are expected toward the end of January 2010, TBA.)*
 12. **Grants/ARRA Status** - (Matrix.)

Councillor Thomas said I would like to have the status of our website added to this list.

Terrence Moore, City Manager said we will add that to the list.

X. GENERAL DISCUSSION

1. Mayor

Mayor Miyagishima said I don't want to keep the cell phone ban fine at \$500 and 90 days in jail; I would like to have it at \$100 and no jail time so if we can have that ready to go before it goes into effect.

Robert Garza, Assistant City Manager said there will be an ordinance coming forward for the 1st read on January 4th and fines listed would be 1st offense: \$50, 2nd offense: \$100 and for the 3rd offense you would go to court.

Mayor Miyagishima said I would like to have the time changed for the January 19th meeting to have it begin at 9:00 a.m. because I have to catch a flight to Washington in the afternoon.

Terrence Moore, City Manager said we will have that listed as an item on the January 4th meeting so it can be voted on by Council.

2. City Council

Councillor Thomas said I would like to thank staff for working with Alameda Southridge.

I would also like to ask staff to include a report on the 5% department cuts in the budget discussion.

Terrence Moore said we will have that included with our strategic planning process.

Councillor Sorg said I just want to wish everyone happy holidays.

Councillor Small said one of my constituents wanted to speak about one of the ordinances that was listed in our Review of Proposed Ordinances portion of this meeting.

Harry (Pete) Connelly, Deputy City Attorney said any information or presentations given to you should be given at the time the item is brought before Council for approval.

Councillor Small said I want to thank Mike Johnson and Dan Soriano for taking care of some traffic related issues.

Councillor Pedroza said I continue to hear about problems with our streets and I think we need to bring it up for public discussion.

Councillor Connor said I want to thank Mike for fixing the pot holes that were left after the movie crew had paved that roadway.

- 3. City Manager
 - A. Update on Sage Café and Munson Expansion.

Terrence Moore, City Manager said this presentation has been cancelled and I want to wish everyone a safe and happy holidays.

- B. Other Items - Information Only

None given.

Meeting Adjourned at 6:17 p.m.



Mayor

ATTEST:



City Clerk

(SEAL)