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

**Regular Meeting**

**January 18, 2011**
**1:00 P.M.**
**Council Chambers, City Hall**

| **MEMBERS PRESENT:** | **STAFF:** |
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| Mayor Ken Miyagishima **ABSENT** | Robert Garza, City Manager |
| Councillor Miguel Silva, District 1 | Harry (Pete) Connelly, Interim City Attorney |
| Councillor Dolores Connor, District 2 | Esther Martinez, City Clerk |
| Councillor Olga Pedroza, District 3 | |
| Councillor Nathan Small, District 4 | |
| Councillor Gill Sorg, District 5 | |
| Councillor Sharon Thomas, District 6 | |

## I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Pro-tem Thomas and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Pro-tem Thomas and Councillor Silva recognized the Gadsden High School Varsity Volleyball Team for being the 2010 New Mexico High School 5A State Champions.

Mayor-Pro-tem Thomas presented a Proclamation to Ms. Garcia, Mr. Nunez, Ms. Romero and the Student Council and declared January 30 thru February 6, 2011 as Celebrate Catholic Schools Week.

Mayor Pro-tem Thomas presented a Proclamation to John Northcutt and Cheri Gamboa and declared February 2011 as For the Love of Art Month.

Laura Holguin, NMGFOA presented the GFOA Distinguished Award to Interim Finance Director Pat Degman and Budget Director Dick Gebhart.

Greg Walke, Historical Preservation Committee gave a presentation and said it is in the best interest of our community to celebrate and enhance the benefits of historic presentation. Historic preservation involves the City Government, the Business Community, Property Owners, Individuals and Organizations. We are presuming that the City will take the leadership and set public policies and goals with public input at all stages of the process. We would like to see an ordinance that focuses more on incentives rather than regulations. We need a serious commitment from the City on behalf of this effort in the form of designating a Program Coordinator and budgeting resources to implement program goals. Our current recommendation to City Council is that they proclaim and promote May 2011 as Heritage Preservation Month in Las Cruces which would coincide with other celebrations throughout New Mexico.

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## 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 Pro-tem Thomas asked if anyone had any conflicts with anything on the agenda?

Councillor Sorg said I have a conflict with Items 4 and 6.

Mayor Pro-tem Thomas said we will remove those items from the Consent Agenda so you can recuse yourself.

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Mayor Pro-tem Thomas read a closed meeting statement and said the Las Cruces City Council met in a Closed Session at 2:30 p.m. on January 10, 2011. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, City Manager Robert Garza, HR Director Andre Moquin, Interim City Attorney Harry (Pete) Connelly, Assistant City Attorney Jared Abrams and Interim Assistant City Manager Brian Denmark. The meeting adjourned at 3:02 p.m. and only the limited items stated in the posted notice were discussed.

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## III. PUBLIC PARTICIPATION

Ryan Dailey, Member of the Public said I would like to have Council address pedestrian control issues on Valley and Hoagland due to Mayfield High School students. I think we need a crossing

guard for that intersection because they are crossing the street at any time and it is causing problems with the traffic in that area.

I would like to request that a resolution be brought forward that condemns the Arizona massacre. I want to mention that a United States Judge and a 9-year old girl were killed during that incident and flags were supposed to be flown at half-staff and some of the City facilities had flags flown at half-staff but others didn't.

Mayor Pro-tem Thomas said regarding the situation on Valley, there is a plan for some future changes to that area through the MPO and I'm sure the City Manager can look into the flag situation.

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## 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 Pro-tem Thomas said Items 4 and 6 need to be removed from the Consent Agenda for discussion.

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

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Mayor Pro-tem Thomas called for the roll on the Motion to accept the Agenda as Amended and it was APPROVED. 6-0 Mayor Miyagishima was absent.

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## V. CITY COUNCIL MINUTES

*(1) Regular Meeting of January 3, 2011

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## VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Resolution No. 11-157: A Resolution Authorizing the City of Las Cruces, on Behalf of the Las Cruces Fire Department, to Accept Awarded Funding From the New Mexico Public

Regulation Commission, State Fire Marshal Division, in the Amount of $95,656 With a 20% Required Match of $23,914, to Purchase Training Equipment, Ratify the City Manager Signature Accepting the Grant and Adjust the FY2011 Budget.

*(3) Resolution No. 11-158: A Resolution Establishing an Ad Hoc Committee to Assist in Developing a Wind Erosion Control Ordinance, and Authorizing the Mayor to Appoint Members to the Ad Hoc Committee in Accordance with this Resolution.

*(5) Resolution No. 10-11-420: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Electrical Engineering Services to Apex Engineering and Automation of El Paso, TX; Beaudin Ganze Consulting Engineers, Inc. Of Albuquerque, NM and Parkhill, Smith and Cooper, Inc. Of El Paso, TX, for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

*(7) Resolution No. 10-11-422: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Mechanical Engineering Services to Coupland-Moran Engineers, Inc. Of Albuquerque, NM; Beaudin Ganze Consulting Engineers, Inc. Of Albuquerque, NM; and to Parkhill, Smith and Cooper, Inc. Of El Paso, TX, for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

*(8) Resolution No. 10-11-423: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Structural Engineering Services to Parkhill, Smith and Cooper, Inc. Of El Paso, TX for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

*(9) Resolution No. 10-11-424: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Traffic Engineering Services to Lee Engineering, LLC of Albuquerque, NM; URS Corporation of Las Cruces, NM; and Wilson and Company, Inc. Of Albuquerque, NM, for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

*(10) Resolution No. 10-11-429: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Utility Engineering Services to Blanchard Engineering, Inc. Of Las Cruces, NM; CH2M Hill, Inc. Of Albuquerque, NM; Engineering, Inc. Of Silver City, NM; Livingston Associates, PC, of Alamogordo, NM; and Wilson and Company, Inc. Of Albuquerque, NM, for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

*(11) Resolution No. 10-11-437: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Biodiesel Fuel to Rio Valley Biofuels, LLC of Anthony, New Mexico

for a Term of Five (5) Years Subject to Approved Budget Appropriations and Annual Renewal From Original Bid No. 10-11-437.

*(12) Resolution No. 10-11-480: A Resolution Authorizing the Restriping Work of Various City Streets to San Bar Construction Corporation of Albuquerque, Nm in the Amount of $121,868.30 plus $9,216.29 for New Mexico Gross Receipts Tax. The City Manager Is Authorized to Approve Change Orders in an Amount Not to Exceed $14,099.79 for a Total Project Authorization Amount of $145,184.38.

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## VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(4) Resolution No. 10-11-419: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Civil Engineering Services to Blanchard Engineering, Inc.; Zia Engineering and Environmental Consultants, LLC., and URS Corporation All of Las Cruces, NM, for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

Councillor Connor Moved to Adopt Resolution No. 10-11-419 and Councillor Sorg Seconded the motion.

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Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-11-419 and it was APPROVED. 5-0-1 Mayor Miyagishima was Absent and Councillor Sorg Abstained.

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*(6) Resolution No. 10-11-421: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Environmental Engineering Services to Souder, Miller and Associates; Terracon Consultants, Inc. And Zia Engineering and Environmental Consultants, LLC., All of Las Cruces, NM, for Years Three Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

Councillor Connor Moved to Adopt Resolution No. 10-11-421 and Councillor Small Seconded the motion.

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Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-11-421 and it was APPROVED. 5-0-1 Mayor Miyagishima was Absent and Councillor Sorg Abstained.

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(13) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-159; A PUBLIC HEARING MUST BE HELD:**

Mayor Pro-tem Thomas said the Public Hearing is now open for Resolution 11-159. Is there anyone who wishes to speak against this item?

None given.

Mayor Pro-tem Thomas closed the Public Hearing.

> Resolution No. 11-159: A Resolution Approving the Transfer of Ownership (Change in Corporate Structure) of Liquor License No. 2782 to Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse #5114, Located at 940 North Telshor, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-159 and Councillor Sorg Seconded the motion.

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Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-159 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(14) Resolution No. 11-160: A Resolution to Adjust the Adopted Fiscal Year 2010/2011 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. 11-160 and Councillor Silva Seconded the motion.

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Dick Gebhart, Budget Director gave an overhead presentation and said this is the mid-year budget adjustment and the purpose of this adjustment is to align the expenditures and revenues to reflect the actual FY10 activity and fund balances, expenditure/revenue developments for the first half of FY11, expenditures in anticipation of FY12 and to reflect anticipated economic developments that will impact revenue collections for the remainder of FY11. There are 95 FY11 fund adjustments and some significant mid-year changes are increases in revenues and service for Transit, increased

unemployment insurance costs, increased contributions for retiree health care, General Fund expenditure alignment and the Convention Center budget restoration. The reasons for the changes to the General Fund are as follows, the revenue drop which is mainly due to timing, not the economy, expenditures are the result of law changes that were not originally incorporated in the FY11 budget and the transfer amounts being conditional investments. The General Fund's ending balance is two times the required reserve and it is well positioned after the mid-year updates.

Councillor Connor said regarding the $28,000 increase in franchise fees, is that related to Rio Grande Gas and the transfer of customers?

Dick Gebhart said no, the franchise fees are basically for things like the telephones and electricity.

Councillor Connor said regarding the $315,000 property tax increase, is that separating out the TIDD funds that we're still unclear about where those go or have we cleared up that problem?

Dick Gebhart said this is not separating out the property taxes that would be going to the TIDD; this is basically all the property taxes that we received in FY10 and to-date for FY11 which have gone into the General Fund. There will probably be an annual adjustment but there just isn't that much property tax going into the TIDD right now.

Councillor Connor asked do we have an estimate on when the online auction will be active?

Brian Denmark, Interim Assistant City Manager said there are two issues that are occurring at this time, one is the setting up for the live auction this spring and secondly, the online auction is currently in the Purchasing Department's ball-court and they are trying to make sure that it will comply with the Procurement Code so we can begin setting it up which will probably take place next fiscal year.

Councillor Sorg said regarding the Capital Improvement Reserve Fund, we're not going to touch that until the Legislative Session is over; correct?

Dick Gebhart said that is correct.

Councillor Connor said do you expect to have an adjustment this year for Prisoner Care?

Dick Gebhart said no.

Councillor Silva asked do you expect us to remain at twice the amount required for our reserve?

Dick Gebhart said yes, our economy is slowly recovering and that is a good target to try to keep.

Russ Warner, Member of the Public said these are extremely minor adjustments to our budget and it points out what a great job the City staff does for us.

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Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-160 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(15) Resolution No. 11-161: A Resolution Approving Commitment of Program Year 2011 Home Funds to a Federal Low Income Housing Tax Credit (LIHTC) Project for Affordable Housing to be Located at 575 S. Alameda Blvd.

Councillor Small Moved to Adopt Resolution No. 11-161 and Councillor Connor Seconded the motion.

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David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this is a commitment for Home Funds for next year's City Office Center project. This project will be located on the empty City Office Center property and it will target households that are at 60% or below the area median income. It will comprise of sixty units of studio and one bedroom units and fifteen of those units will be set aside for people with special needs including those with disabilities. The amount of funding available is $499,750, the proposed commitment amount is $250,000 and the amount left to commit to other activities is $249,750.

Councillor Sorg asked does this commit us to demolishing the City Office Center?

David Dollahon said we have already committed to demolishing the City Office Center.

Councillor Small said I think this is a good project and it is worthy of our support.

Councillor Silva said basically, we are giving them a loan; correct?

David Dollahon said our policy on the Low Income Housing Tax Credits is that we would give them some type of loan for the most part. Given the nature of the clients they serve and the guarantee set-aside that they are formally homeless individuals, we are strongly entertaining that a portion of this would go to the project as a grant because they are guaranteeing us that a portion would be set-aside for previously homeless individuals that are disabled so approximately $62,000 would go to them as a grant and approximately $180,000 would go to them as a loan.

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Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-161 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(16) Resolution No. 10-11-427: A Resolution Authorizing a Contract for Phase I of the Museum of Nature and Science General Construction Services (RFP 10-11-427) with Wooten Construction, Las Cruces, New Mexico, for a Contract Amount of $763,730.00, Plus an Allowance of $57,757.08 for New Mexico Gross Receipts Tax, for a Total Project Authorization of $821,487.08.

Councillor Connor Moved to Adopt Resolution No. 10-11-427 and Councillor Small Seconded the motion.

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Eric Martin, Project Management Administrator gave an overhead presentation and said this is for Phase I of the new Museum of Nature and Science building which will be located at 411 North Main Street and it will be approximately 8,900 square feet. We will be using American Recovery and Reinvestment Act Stimulus Funds and Housing and Urban Development Funds for this project. We did receive five applications and the top three were interviewed and Wooten Construction was selected by the Selection Advisory Committee. Phase I of the project will include pre-construction services, abatement of lead and asbestos issues and prep the building for the use of renewable energy. We will be using ASA Architects for our architectural design and engineering, Highland Enterprises, Inc for our exhibit design and construction and Wooten Construction for our general construction.

Councillor Small said I think it's great that this project is moving forward and that we have so many local contractors working on it.

Councillor Sorg asked when will Phase I be completed?

Eric Martin said it will be over the next few months.

Councillor Silva asked when do you think the museum will be open?

Eric Martin said by the latter part of 2012.

Councillor Silva asked how are we going to transition from the mall location to the new location?

Will Ticknor, Museum Systems Administrator said we are anticipating a minimum of 90 to 120 days that we will need to be closed for the transition and we are anticipating opening the new location during the first week of November 2012.

Alfonso Archuleta, Member of the Public said regarding the HUD certification, I submitted a bid for this process and they told me that we had to have a HUD certification which none of us had but I was more interested in doing the solar component portion of it. There was one who had the HUD certification but wasn't selected so I would like an explanation on why he wasn't selected.

David Dollahon, Neighborhood Services Administrator said our section handles the HUD certification for the City and it is required for any contract that exceeds $100,000 which this project is well over that amount. The evaluation criteria that was used by the Selection Advisory Committee did include a HUD Section 3 business preference which counted for 15% of the score. That was included in the individual whom had the certification but the overall score determined the selection. Mr. Archuleta can contact our office regarding Section 3 certification or contact Wooten Construction regarding becoming a potential sub-contractor.

Alfonso Archuleta said I was told that I wouldn't even be in the running because I didn't have the certification and yet the selected contractor doesn't have a certification either but is going to have sub-contractors with this certification. I think most of us didn't even apply for this because of that misunderstanding.

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Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-11-427 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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## VIII. BOARD APPOINTMENTS

Mayor Pro-tem Thomas for Mayor Miyagishima appointed Kevin Dasing as Representative for DAV 10 to the Veterans Advisory Board.

Councillor Small Moved to Approve the Mayor's Board Appointment of Kevin Dasing as Representative for DAV 10 to the Veterans Advisory Board and Councillor Sorg Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Mayor's Board Appointment of Kevin Dasing as Representative for DAV 10 to the Veterans Advisory Board and it was APPROVED. 5-0. Councillor Connor and Mayor Miyagishima were Absent.

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Mayor Pro-tem Thomas for Mayor Miyagishima appointed Win Jacobs to the Downtown Revitalization Plan Ad Hoc Committee.

Councillor Sorg Moved to Approve the Mayor's Board Appointment of Win Jacobs to the Downtown Revitalization Plan Ad Hoc Committee and Councillor Small Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Mayor's Board Appointment of Win Jacobs to the Downtown Revitalization Plan Ad Hoc Committee and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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Mayor Pro-tem Thomas for Mayor Miyagishima appointed Timothy A. Porter to the Airport Advisory Board.

Councillor Connor Moved to Approve the Mayor's Board Appointment of Timothy A. Porter to the Airport Advisory Board and Councillor Sorg Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Mayor's Board Appointment of Timothy A. Porter to the Airport Advisory Board and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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## IX. REVIEW OF PROPOSED ORDINANCE(S)

(17) Council Bill No. 11-020; Ordinance No. 2600: An Ordinance Approving a Major Amendment to the Sierra Norte Master Plan; a Zone Change Request from Multiple Zoning Districts to PUD (Planned Unit Development); and a Request for Approval of a Concept Plan for the PUD to Be Known as Metro Verde South. The Intent of the Concept Plan Is to Develop a Mixed-Use Development That Entails Residential, Commercial, Office, Retail, and Manufacturing Development Combined with Open Space Areas. The Subject Properties Encompass 892 ± Acres of Land and Are Generally Located South of the Future Extension of Arroyo Road, North of Thurmond (Engler) Road, and Generally West of the Future Extension of Sonoma Ranch Boulevard. Submitted by DVI on Behalf of Sierra Norte Land Holdings LLC, United Land Group of New Mexico LLC. And James A. & Josephine A. Phillips, Property Owners (PUD-10-04).

Mayor Pro-tem Thomas and Council agreed to bring this item back.

(18) Council Bill No. 11-021: Ordinance No. 2601: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3c (Commercial High Intensity-Conditional)

for 1.83 ± Acres of Land Located at 421 Avenida De Mesilla. The Proposed Zone Change Brings the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by Justin Estes on Behalf of Larry Guaderrama, Property Owner (Z2817).

Mayor Pro-tem Thomas and Council agreed to bring this item back.

(19) Council Bill No. 11-022; Ordinance No. 2602: An Ordinance Approving a Zone Change from UR (Urban Ranch from the 1981 Zoning Code) to R-1a (Single-family Medium Density) for 0.42 ± Acres of Land Located at 7116 Cortez Drive. The Proposed Zone Change Brings the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by Jeremiah Lay on Behalf of the Community Foundation of Southern New Mexico, Property Owner. (Z2818).

Mayor Pro-tem Thomas and Council agreed to bring this item back.

(20) Council Bill No. 11-023; Ordinance No. 2603: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 5.50 ± Acres of Land Located at 1300 El Paseo. The Proposed Zone Change Brings the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by DK Mullin Architects on Behalf of El Paseo Limited, Property Owner (Z2819).

Mayor Pro-tem Thomas and Council agreed to bring this item back.

(21) Council Bill No. 11-024; Ordinance No. 2604: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3c (Commercial High Intensity-Conditional) for Two Properties Located at 2040 W. Picacho Avenue and 980 17th Street. The Subject Property at 2040 W. Picacho Avenue Encompasses 1.069 ± Acres and the Property at 980 17th Street Encompasses 2.00 ± Acres. The Proposed Zone Change Brings the Two Properties into Compliance with the 2001 Zoning Code, as Amended. Submitted by William & Laura Bullock, Richard & Denise Dimsha, Stanley J. Dimsha and the Fraternal Order of Eagles, Property Owners (Z2820).

Mayor Pro-tem Thomas and Council agreed to bring this item back.

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## X. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Downtown Main Street Construction** - *(Utility and storm drain construction complete. Road closures at Main/Lucero Avenue. Main/Las Cruces open. Roadway work on Main Street underway.)*

2. **Del Rey/Sandhill Arroyo** - *(Storm Drain Box Culver 100% complete. Utility work 100% complete. Del Rey traffic on detour route. Settlers Bend open to traffic.)*
3. **Santa Cruz Avenue** - *(The Declaration of City Equitable Ownership outlined in the attached email was filed by staff yesterday at the County Clerk's Office. The Street Systems Section is currently scheduling the grading of the roadway over the next several weeks.)*
4. **Las Cruces Dam Army Corps of Engineers 1135 Project**- *(City council approved resolution 11-095 on October 18, 2010 to proceed with the Design and Implementation of plan 4 of the Las Cruces Dam Restoration Study, Section 1135 project in conjunction with the Army Corps of Engineers. The City is currently reviewing the draft of the detailed project report with the integrated environmental assessment. The Army Corps of Engineers is in the process of generating and sending the City of Las Cruces a cost sharing project agreement. The City's share of the project will be 25% of the project cost.)*
5. **Impact Fees** – *(The project is on-going. The final Land Use Assumptions document was presented to the Capital Improvements Advisory Committee (CIAC) on September 16, 2010 and approved by the CIAC on October 21, 2010. City staff is drafting a resolution for City Council consideration in December.)*
6. **Las Cruces Intermodal Facility** – *(Staff has reviewed various site layout options with the consultant and has provided additional feedback for further consideration. In addition, staff is planning a meeting with stakeholders early in the new year to review the revised plans and solicit additional input. Once this process is complete, staff will then schedule a presentation for City Council review.)*
7. **EPA Smart Growth Implementation Assistance Program (SGIA)** - ***(November 22, 2010: Picturing El Paseo: Share Your Vision for the Corridor.*** *Community Development Department staff completed two components of this planning project with the EPA, DOT and HUD. The Road Safety Audit, conducted October 26 & 27, was a formal safety performance evaluation of El Paseo Road by a multidisciplinary team of professionals from the Federal Highway Administration, the New Mexico Department of Transportation, the Las Cruces Metropolitan Planning Organization (MPO), and the Las Cruces Police, Transit, and Public Works departments. The preliminary findings are available upon request and will be published on the Picturing El Paseo website. The final report on El Paseo's Roadway Safety Assessment will be available soon. The second Visioning Workshop was held November 18-20, with over 75 people attending during the three-day period. The attendees were very enthusiastic and offered many thoughtful and creative ideas for potential redevelopment of El Paseo Road. Materials from the workshop are being added daily to our website and a summary presentation will be made to City Council in the coming weeks. This component of the project will come to a close as the year ends and the project partners complete their toolbox of public participation techniques. The third component of the project, Business Retention and Recruitment, will continue through the early part of 2011. The project website is* www.picturingelpaseo.org*)*
8. **New City Web Site** – *(Staff from all City departments are preparing content for their respective departmental portions of the new web site.)*

9. **Sage Café** – *(Electrical work is underway. City staff has worked with the contractor to finalize the equipment list and have also entered a requisition that encumbered the state funds prior to the end of the calendar year.)*
10. **Grants/ARRA Status** - *http://www.las-cruces.org/PDFs/grant_matrix.pdf*

Councillor Connor said regarding the current Downtown construction, where is La Entrada being stored, has it been repaired and is it going to be in the north or south Downtown section?

Robert Garza, City Manager said the La Entrada monument has been put into storage by the artist and the new location of it has yet to be determined. The ad-hoc committee will be looking into all of the Downtown issues and will be bringing their recommendations forward to Council.

Councillor Connor asked can we have a Work Session with the ad-hoc committee in February or March to get a status update?

Robert Garza said we can schedule it for either March 14 or March 28 depending upon the ad-hoc committee's schedule.

Councillor Silva asked could we locate La Entrada in one of the roundabouts?

Robert Garza said there are many areas that we could locate it but I would caution on locating it in a roundabout because it is a gateway monument.

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## XI. GENERAL DISCUSSION

### 1. MAYOR

Mayor Pro-tem Thomas said the Open House for the Convention Center was really grand and there were a lot of people who attended it. We have received a lot of emails regarding Gun Shows being held at the Convention Center and I think we should maybe look into it to see if there have been any problems with Gun Shows.

Robert Garza, City Manager said I received those same emails and I did follow up on it; the only problem we've had locally is with business registrations and licensing for the participates who were trading and selling their guns. We hired Global Spectrum to run the Convention Center and we'd probably get into some slippery slopes if we try to begin to regulate who can and can't use it.

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### 2. CITY COUNCIL

Councillor Silva said I would like to know if we can begin to initiate the future of the Farmers Market because I believe the north side of the road will be completed in September and I think we should get started on it. I would like to remind the people who put up the road blocks on Griggs during the Market to remember to take them down when the Market is over because they have been leaving them out and people think that street is closed.

I am glad that we have opened up all these new facilities. I have been doing research on audit committees and how they audit large projects. I would like to know how we can run an audit on our three large projects to find out if we stayed within our budget so Robert, if you can look into it?

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Councillor Connor said we have separated ourselves from Rio Grande Natural Gas but I haven't seen anything regarding the outcome of it. Have we completed the switching over of the bills, where are we in this separation process?

Jorge Garcia, Utilities Director said we completed the transfer of customers but we are still going to be the fiscal agent for Rio Grande until sometime this spring when Zia takes over.

Councillor Connor said regarding the Greyhound bus system, there have been discussions on them possibly using the intermodal facility and we are looking at it going out for bid possibly this year; have we started discussions with Greyhound regarding this issue?

Robert Garza said I don't believe that has been done.

Lori Grumet, Public Services Director said we did have a Greyhound representative attend one of the designing meetings and we are designing that property so that there is room for intercity buses and for some kind of concession. It is still too early to talk about contracts for that but they were interested enough to attend the meeting and we will be keeping them informed as we move forward with this project.

Councillor Connor said I like to ask that Mr. Garza keep this on the top shelf.

Robert Garza said I think that is a good idea.

Councillor Connor asked do we still have computers setup at the old City Hall?

Robert Garza said I believe that we do.

Don Bustamante, IT Director said we have some equipment like telephone switches and we are in the process of decommissioning them.

Councillor Connor said but we don't have computer servers or anything that we are relying on?

Don Bustamante said no.

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Councillor Pedroza said I want to remind everyone that there is going to be two educational forums on immigration this Thursday here at City Hall.

I mentioned that there were fifteen people who had died in Las Cruces as a result of being homeless and the Community of Hope had a memorial dinner for them. (Councillor Pedroza read the names of the fifteen people who had passed away).

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Councillor Small said I want to congratulate Councillor Pedroza and the local NAACP on the celebration that was held in memory of Dr. Martin Luther King Jr. It was a great event and it was very well attended.

The Convention Center Ribbon Cutting Ceremony was a tremendous event and I think Global Spectrum did a great job of making sure everything went along without a hitch. One of the main Gun Shows is put on by the Lions Club which it is very well ran and it is a community event.

I want to thank members of staff for the meeting regarding clean up ideas to help beautify areas and bring communities together.

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Councillor Sorg said regarding the agenda, I would like to request that we allow plenty of time for the Metro Verde South Ordinance when it comes back before us.

Last night, I attended the Veterans Memorial Museum presentation by the State and it looks very impressive.

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3. **CITY MANAGER**
   A. HOME Program Conflict of Interest Public Disclosure.

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said we have a Conflict of Interest Disclosure for the Tierra Del Sol Housing Corporation. Tierra Del Sol

development in the Paseo Del Oro Subdivision used home funds for the acquisition and infrastructure in the program year 2004 and 2005. Socorro Escobar has a self-employed cleaning business and applied with Tierra Del Sol's Home-ownership Program in January 2008. Ms Escobar contracted as a 1099 employee with Tierra Del Sol to clean their office in July 2009 and began cleaning Rose Garcia who is the Executive Director, her personal residence in November 2009. Ms. Escobar also cleans the residence of Sal Estrada who is currently and has been serving on the board for St. Genevieve's Village Senior Housing since June 2008. The City was notified by Tierra Del Sol of the Conflict of Interest and the City Attorney's opinion is that this conflict would not violate State or Local Law. The conflict must be disclosed publicly which is what we are doing today and the City will notify HUD of their determination.

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B. Municipal Court Judge II.

Robert Garza, City Manager said this item was going to be presented by Andre Moquin but he wasn't able to be at this meeting due to a death in his family. He informed me that his recommendation is that we hold off making an appointment to the Judge II position until after the November election so that we can continue to have our Judges on staggered terms. There are Pro-tem Judges that are available to fill in and help out with the cases during this time.

Councillor Connor said although I don't like the outcome of it, I can agree with it.

Councillor Pedroza said I agree with the City Manager.

Mayor Pro-tem Thomas said I think we are okay with that direction.

Robert Garza said I will take that as a concurrence to proceed as we have outlined.

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C. Other items - Information Only.

Lori Grumet, Public Services Director gave an overhead presentation regarding the Sister Cities and said since the MOU was approved on July 6, 2010 they have organized the corporate files, relocated the corporate property to a storage unit, participated in the International Conference, there has been a visit from Mia Onkes of Nienburg, there was a fund-raiser for Neinburg activities at the Renaissance Fair, street signs have been put up to announce our Sister City affiliation, the Annual Membership meeting and election was held on October 24, 2010, the website was updated, a webmaster was designated and there was a successful completion of the Audit Review by the City of Las Cruces. Some of the upcoming activities include a Golf Tournament/Scramble Fundraiser for the Lerdo Committee, assisting the Le mans Corale visit to Las Cruces, additional work on the

standing rules, additional emphasis on recruitment and exploring a possible cooperative program with the Confucius Institute.

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Lori Grumet, Public Services Director gave an overhead presentation regarding the Dona Ana Arts Council and said some of the activities that have taken place since the adoption of the resolution is the continuation of programming at the RGT including rentals, participation in the Salsa Fest and the Winter Fest, participation on the committee for the Art in City Facilities Program, representation on the Arts and Culture District Committee, ongoing "Free to the Public" performances, partnership in the Jazz Festival, Visual Arts Network collaborations, Kennedy Center Partners in Education activities, Youth at Risk program at La Casa, monthly Community Arts Luncheons, we're working on the Camunez Building project with the Downtown Las Cruces Partnership, planning for the Las Cruces Arts Fair and they successfully held the Color Las Cruces event. The Arts Council has presented their annual report to the City and they are in compliance with the terms of their MOU with the City for the operation of the Theater. The Arts Council continues to support diverse art groups in the community with advertisement, cooperative opportunities, public gallery space, participation in policy formation, meeting space and positive interaction with the community at large.

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Robert Garza said I just want to remind everyone that we are having a Joint Meeting this Thursday with the County here in Chambers at 9:00 a.m.

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**Meeting Adjourned at 3:53 p.m.**

Mayor

ATTEST:

City Clerk

(SEAL)