



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

Regular Meeting

**February 22, 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. Mayor Miyagishima led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and Jordan Simons presented the Pet of the Week.

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?

None given.

III. PUBLIC PARTICIPATION

Mayor Miyagishima said I have changed the limitations for public participation; now, everyone will have a total of seven minutes to speak throughout the meeting. Also, I will be emailing the March 1st meeting with the executive summary to all the people who are on my email list.

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 need to move the City Manager's Discussion regarding the Lighting Ordinance Revisions prior to the Discussion Items on the Agenda.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Thomas 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 January 25, 2010
- * (2) Special Meeting of January 29, 2010

3. CITY MANAGER

- A. Proposed Outdoor Lighting Ordinance Revisions.

Barry Cole, Community Development Electrical Inspector gave an overhead presentation and said our current Light Ordinance doesn't address our current technology, such as LED lighting and lighting for the flying of our flag at night. There was a public meeting on June 2009 to get

the public's input on this issue and the summary of the responses received were; from the business community, they didn't see a need for any changes; the citizens thought the revision was a positive step and the designing community asked that we be specific on any revisions.

Carol Rehder, Member of the Public gave an overhead presentation and said I was on the committee that created the light ordinance and one of the problems we have all around the world is that there is a lot of useless light that isn't benefitting anyone. This light affects the night sky, safety, night vision, wildlife, human health and our energy usage. There is a grandfather section in our current light ordinance that requires retrofitting and correct aiming of existing lights which expires August 2010.

Bonnie Allen, Member of the Public said more lights don't make us safer but it gives us that illusion and makes us feel safer. I have spoken with Forest Rangers that have expressed a great concern for our night sky and all the light pollution.

Niles Allen, Member of the Public said I am very concerned with the loss of our night sky and the revisionment of our light ordinance makes sense.

Rick Richins, NMSU Natural Products Chemist gave an overhead presentation and said most of our residents value the Organ Mountains more than the lights of our City.

Al McBayer, Member of the Public said I request that you add light trespassing which is when light negatively impacts your neighbor; to our light ordinance.

Bonnie Burn, Member of the Public said I'm the President of the League of Women Voters and we want to be on record that we support Ordinance 1813 as it is written.

Carol Rehder gave a presentation and said I would like to speak for John Gilkison who is ill today; he gave me his text and pictures to show the Council. We need to make it a requirement to have lights angled down at a sixty-five degree angle for them to be more effective.

Mark Isler, Member of the Public said I was on the ad-hoc committee that draft the original ordinance and I agree that there are problems with the ordinance and with our lights out there. The ordinance needs to be written in a way that is easy for everyone to understand it and the August deadline should be extended indefinitely.

Ron Camunez, Member of the Public said I agree that we have problems with our lighting but it bothers me that there isn't any data to back up what the experts are saying regarding the light issues.

Councillor Connor said there was a public meeting regarding this issue and there was no attempt to send notice of this discussion out to those people who attended that meeting so there hasn't been a balance in this discussion.

Councillor Thomas said the lighting and sign issues have been listed on the calendar of events section of our website.

Mayor Miyagishima said we are still in the early stages of this discussion.

Terrence Moore, City Manager said this was only a City Manager's discussion item which is merely an update on where we are and for Council to give direction regarding this issue.

Councillor Small said I think we need to visit this issue in a work session.

Councillor Pedroza said we need to have more education and enforcement for our current ordinance. I think that a committee would be more efficient than a work session for this issue.

Mayor Miyagishima said I would agree with going forward with a work session and maybe think about putting together an ad-hoc committee.

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

- * (3) Council Bill No. 10-034; Ordinance No. 2563: An Ordinance Approving a Zone Change Request from C-2C (Commercial Medium Intensity-Conditional) and R-4 (Multi-Dwelling High Density & Limited Retail Office) to PUD (Planned Unit Development) for 10 ± Acres for the Development Known as Los Contentos. The Subject Property is Located West of Del Rey Boulevard and North of Mars Avenue. The Purpose of the Zone Change Request is to Bring the Property Into Compliance With the PUD District as Set Forth in the 2001 Zoning Code, As Amended. Submitted by the City of Las Cruces (PUD-09-01ZC).

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

- (4) Council Bill No. 10-030; Ordinance No. 2559: An Ordinance Approving an Annexation Known as the Burn Annexation Containing 213.0704 ± Acres into the Corporate Limits of the City of Las Cruces Generally Located Within One-Quarter of Section 14 and Lot 5 and Part of Lot 6 of Section 22, Township 23 South, Range 2 East of the U.S.G.L.O Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located

North of Dripping Springs Road and West of the Future Extension of Sonoma Ranch Boulevard. Submitted by Bohannan Huston Inc. For New Mexico State University Board of Regents (S-09-056).

Councillor Connor Moved to Adopt Council Bill No. 10-030; Ordinance No. 2559 and Councillor Thomas Seconded the motion.

Councillor Sorg Moved to Suspend the Rules and discuss Items 4, 5 and 6 concurrently and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 4, 5 and 6 concurrently and it was Unanimously APPROVED. 7-0

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said the purpose of this annexation request is to facilitate property for the build out of a public high school and this land is currently owned by NMSU Board of Regents. The Las Cruces Public School will be doing their pro-rata share of the improvements for Dripping Springs Road. The City will be providing all the utilities for the high school and they will be working with the City on the FEMA requirements for this property. The Planning and Zoning Commission did recommend approval of this annexation with a vote of 6-0. There was a lot of discussion regarding the traffic this school will create on Dripping Springs Road and Sonoma Ranch Boulevard which Bohannan Huston has had a traffic impact analysis done for this area. The Planning and Zoning Commission did add the condition that a traffic light be installed at the intersection of Dripping Springs and Sonoma Ranch Boulevard which would be outside the City limits.

Helen Zagona, Member of the Public said Dripping Springs Road is our only way to our neighborhood and we are very concerned with the traffic that will be created by this high school. The City should be the ones who maintain Dripping Springs Road instead of having this entity maintain this section and have another entity that maintains that section of the same road.

Robert Barnett, Member of the Public said I live in the same area as Helen and I agree with her comments. Dripping Springs is our only road and we have a lot of safety concerns with the traffic issues that this school will be creating for our area.

Mike Park, Member of the Public said I live behind A Mountain and there are about 500 families that live in this area. No one has looked at the public's safety regarding this project and we need to work together with the County to handle all these issues.

Martha (?), Member of the Public said I live in this area and there will be about 2,000 students travelling east and west on this one lane dirt road. I am very concerned with this issue.

Eddie Binns, Developer said the street light is a very important thing for this area and I strongly recommend that it is installed before someone is killed on that road. I own the property that is directly east of this property and it has been used as an industrial site for the past 50 years.

Councillor Silva asked do you plan on continuing to use this property for industrial use?

Eddie Binns said at this point, I'm keeping my options open.

Douglas Hoffman, Member of the Public said the approval of this project needs to have several conditions; like the traffic light and an MOU put in place with the different entities, placed on it before it is approved.

Mayor Miyagishima asked how do the children in the Talaverde area currently get to their middle and high schools?

Herb Torres, LCPS Superintendent said the students in that area are in the Las Cruces High School district and most of them are transported to school on school buses or transported by their parents. We will be re-districting the high schools in about six months which is way before the estimated completion date for the new high school.

Mayor Miyagishima asked how difficult would it be to have the traffic light installed before the new high school opened?

Mike Johnson, Public Works Director said we typically install the underground conduit around an intersection as part of the construction. There is a Federal Manual on Uniform Traffic Control Devices that outlines eight specific items that must be met to warrant the installation of a traffic signal but I don't believe this intersection will meet those warrants for the installation of a traffic light.

Mayor Miyagishima asked what are the chances that we could have a temporary light available so it could be installed at that intersection within a few weeks.

Mike Johnson said we certainly can go that route if you'd like; as long as it meets the warrants.

Mayor Miyagishima asked are we going to allow them to have a dirt road as an access point?

Mike Johnson said it is my understanding that they are intending to pave that road.

Terrence Moore, City Manager said that is correct.

Councillor Thomas said since the intersection isn't part of the annexation; how do we make sure that our recommendations are part of the agreement?

Mike Johnson said I would suggest that you speak with a representative of Bohannon Huston.

Rob Richardson, Bohannon Huston gave an overhead presentation and said I want to state that neither LCPS nor NMSU object to any of the conditions for this project and there won't be a dirt road access point into the school. Dripping Springs will be the primary roadway for the new high school and we're looking at having secondary access from Sonoma Ranch. There will have to be some work done to the flood plain areas to meet the FEMA requirements for this project.

Albert Thomas, Bohannon Huston gave an overhead presentation and said the Traffic Impact Study that was done for this project determined that the intersection would operate at acceptable levels unsignalized but we have recommended that a signal be installed as part of the configuration of this intersection because it will meet warrants at the time of the full build out. We are also recommending that Dripping Springs be widened for additional through lanes and turning lanes.

Councillor Small asked what is the expected enrollment and when is this school scheduled to be opened?

Herb Torres said there is about a 1,200 threshold related to students and the expected opening date is Fall 2011.

Councillor Silva said the school will be paying for the road, correct?

Rob Richardson said that is correct.

Councillor Silva asked will it include a bridge?

Rob Richardson said that is part of the roadway construction that will be done by the school. It will actually be a concrete box covert that is about 70 feet wide and about 10 feet high; it's more like a buried bridge.

Councillor Silva asked will there be a paved secondary access point?

Travis Brown, Acting Fire Chief said based upon the square footage, there might not have to be a second access point.

Councillor Thomas asked will there still be bike lanes on Dripping Springs?

Rob Richardson said yes.

Councillor Thomas asked can you put up warning signs that state there is a dangerous intersection ahead or something like that?

Rob Richardson said we can incorporate some kind of signage.

Mayor Miyagishima said I want to give the public the assurance that there will be a stop light installed for that intersection by the time the school is opened.

Rob Richardson said if the school opens in August 2011 with less than 1,200 students then we wouldn't recommend that the light be installed until the threshold of 1,200 students is met.

Mayor Miyagishima said I just want to make sure that once that point is hit then we can install a light within a few weeks.

Rob Richardson said the school can buy the light if it's not available with the City.

Douglas Hoffman, Member of the Public said the MPO does have some concerns about completing Sonoma Ranch and drawing more traffic to this intersection.

Mayor Miyagishima said I am going to list some items that I think need to be addressed; one is that the maintenance agreement in place for Dripping Springs will be from the City limits to Sonoma Ranch, second is that the plans that are being discussed are placed on the public school's and the City's website so the public will have access to it, third is that the stop light would be installed within three weeks of the time that the threshold is met, fourth is that Dripping Springs Road must be paved, fifth is that the right angles that are to be installed at Dripping Springs and Sonoma Ranch to prevent blind spots; including an 800 foot cueing and the last item is that the recommended conditions all be changed to read "shall" instead of "may or will."

Councillor Silva said it states in our documentation that the high school shall not be located near a commercial or industrial area and there is an area that is identified as commercial or industrial next to this site.

David Weir said that property isn't included in the annexation so there aren't any conditions that you can place on that property.

Councillor Connor said the amendments that the Mayor is requesting can't be made until we get to Item 5.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-030; Ordinance No. 2559 and it was Unanimously APPROVED. 7-0

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- (5) Resolution No. 10-210: A Resolution Approving a Master Plan for an Annexation Known as the Burn Annexation Containing 213.0704 ± Acres into the Corporate Limits of the City of Las Cruces Generally Located Within One-Quarter of Section 14 and Lot 5 and Part of Lot 6 of Section 22, Township 23 South, Range 2 East of the U.S.G.L.O Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located North of Dripping Springs Road and West of the Future Extension of Sonoma Ranch Boulevard. Submitted by Bohannon Huston Inc. For New Mexico State University Board of Regents (S-09-057).

Councillor Connor Moved to Adopt Resolution No. 10-210 and Councillor Small Seconded the motion.

Cheryl Rodriguez, Development Services Administrator said the maintenance agreement is already part of the resolution but I did notice a typo in the resolution title. There are already seven conditions attached to the resolution for the master plan; however, there has been a page omitted on the actual resolution so we have to do some clean up on it. I believe the maintenance agreement is one of those seven items.

Mayor Miyagishima said I understand that but I want these amendments on record for our minutes.

Cheryl Rodriguez said I recognize that but in addition, I'm going to need a motion to get the seven conditions from DRC and P & Z into the actual resolution because there was a typo in the resolution title.

Councillor Connor Moved to Amend Resolution No. 10-210 to include the seven recommendations from DRC and P & Z and that the recommended conditions all be changed to read "shall" instead of "may or will" Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-210 to include the seven recommendations from DRC and P & Z and that the recommended conditions all be changed to read “shall” instead of “may or will” and it was Unanimously APPROVED. 7-0

Councillor Thomas Moved to Amend Resolution No. 10-210 to include the six conditions listed by the Mayor; one is that the maintenance agreement in place for Dripping Springs will be from the City limits to Sonoma Ranch, second is that the plans that are being discussed are placed on the public school’s and the City’s website so the public will have access to it, third is that the stop light would be installed within three weeks of the time that the threshold is met, fourth is that Dripping Springs Road must be paved, fifth is that the right angles that are to be installed at Dripping Springs and Sonoma Ranch to prevent blind spots; including an 800 foot cueing and the last item is that the recommended conditions all be changed to read “shall” instead of “may or will” and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-210 to include the six conditions listed by the Mayor; one is that the maintenance agreement in place for Dripping Springs will be from the City limits to Sonoma Ranch, second is that the plans that are being discussed are placed on the public school’s and the City’s website so the public will have access to it, third is that the stop light would be installed within three weeks of the time that the threshold is met, fourth is that Dripping Springs Road must be paved, fifth is that the right angles that are to be installed at Dripping Springs and Sonoma Ranch to prevent blind spots; including an 800 foot cueing and the last item is that the recommended conditions all be changed to read “shall” instead of “may or will” and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-210 as Amended and it was APPROVED. 6-1 Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Sorg voted Nay.

(6) Council Bill No. 10-031; Ordinance No. 2560: An Ordinance Approving an Initial Zoning Request for an Annexation Known as the Burn Annexation Containing 213.0704

± Acres into the Corporate Limits of the City of Las Cruces Generally Located Within One-Quarter of Section 14 and Lot 5 and Part of Lot 6 of Section 22, Township 23 South, Range 2 East of the U.S.G.L.O Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located North of Dripping Springs Road and West of the Future Extension of Sonoma Ranch Boulevard. Submitted by Bohannan Huston Inc. For New Mexico State University Board of Regents (Z2806).

Councillor Connor Moved to Adopt Council Bill No. 10-031; Ordinance No. 2560 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-031; Ordinance No. 2560 and it was Unanimously APPROVED. 7-0

(7) Council Bill No. 10-032; Ordinance No. 2561: An Ordinance Approving a Zone Change From H (Holding) to R-3C (Multi-Dwelling Medium Density-Conditional) for 9.00 +/- Acres Designated as Parcel No. 1 and a Request for a Zone Change From H (Holding) to C-3C (Commercial High Intensity-Conditional) for 8.225 +/- Acres Designated as Parcel No. 2 Each Located North of Peachtree Hills Road and West of Jornada Road. The Properties are Part of the Peachtree Hills Master Planned Area. Submitted by Summit Engineering on Behalf of Ernesto Uranga, Property Owner. (Z2807).

Councillor Connor Moved to Adopt Council Bill No. 10-032; Ordinance No. 2561 and Councillor Small Seconded the motion.

Gary Hembree, Development Services Senior Planner gave an overhead presentation and said these properties are part of the Peachtree Hill Master Plan area that was recently annexed into the City. The Planning and Zoning Commission heard this request on December 15th and recommended approval with the conditions based upon the findings and that all utilities should be placed underground.

Councillor Connor said we usually get a report of the neighborhood's opposition or support of the zone change.

Gary Hembree said I believe it was included in the packet; we have only received three emails.

Carol Lulich, Member of the Public said this is a residential area and we are opposed to changing this residential zoned lot to commercial. The property directly across from the corner and across from us have already been approved for commercial zoning by this Council so we may have two mini-malls in a residential area. This property is already for sale and is being advertised as commercial property. We are asking that you deny this request.

Gordon Morris, Member of the Public said I own the closest residential property to this property and I would ask that you deny this zone change request. This is a residential area and Jornada Road isn't suited for the increase of traffic created by these commercial properties.

Commissioner Scott Kraaling said there are certain criteria that has to be met before a zone change can be approved and there are some County residents that are impacted from City decisions.

Councillor Sorg said I am concerned about this zoning because of some of the allowable commercial uses that are permitted with this zone change. It clearly states that there shall not be any commercial, office or industrial uses adjacent to elementary schools which is why I'm not going to vote for this zone change.

Councillor Silva said I agree with Councillor Sorg and I have the same types of concerns for this zone change request.

Councillor Connor asked wasn't the zoning already set at the time of the annexation?

Cheryl Rodriguez said Mr. Uranga didn't get the petition out in enough time to ask for this specific type of zoning at the time of the annexation.

Councillor Connor asked what types of uses does Mr. Uranga want for this property?

Greg Beyers, Summit Engineering and Mr. Uranga's Representative said his intention is to sell this property as zoned C3.

Councillor Connor said when we did the annexation, we put his property on a hold status because he hadn't responded, correct?

Greg Beyers said correct.

Councillor Connor said the surrounding properties were zoned R3, correct?

Greg Beyers said correct.

Councillor Connor asked if we put these properties into holding at the time we did the annexation; what liability do we suffer if we don't make a zone change today?

Pete Connelly, Acting City Attorney said you don't suffer any liability. The owner has to come up with a plan and it is up to the Council to decide what is best for the City and that community.

Councillor Thomas said if you were looking at this for smart growth, you'd ask "do we have services that this area needs" and it's quit possible that there are commercial needs for this area but I think the C3 zoning is beyond that need.

Councillor Connor said on page 381 there is a document dated June 23rd to Mr. Uranga asking him if he opposes or concurs with the Peachtree Annexation and it is signed and dated by Mr. Uranga on August 10, 2009 stating that he concurred and didn't oppose the annexation; then what happens?

Cheryl Rodriguez said we were well beyond the first read by the time we received that document so we didn't receive his position in enough time to include it. Since Mr. Uranga isn't here today, staff would recommend that we table this item until March 15th.

Councillor Connor Moved to Table Council Bill No. 10-032; Ordinance No. 2561 until the April 26, 2010 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 10-032; Ordinance No. 2561 until April 26, 2010 and it was Unanimously APPROVED. 7-0

- (8) Council Bill No. 10-033; Ordinance No. 2562: An Ordinance Approving a Major Amendment to Both the Los Contentos Concept Plan and Final Site Plan and a Request for a Zone Change From C-2C (Commercial Medium-Intensity) and R-4 (Multi-Dwelling High Density & Limited Retail Office) to PUD (Planned Unit Development) for 3.15 ± Acres of Property. The Purpose of the Major Amendment is to Change the Land Use From Single-Family Residential to Multi-Family Residential, Limit the Maximum Number of Dwelling Units to 80, and Modify the Rear Yard Setback to 7-Feet. The Major Amendment is Limited to Phase IV of the Original Los Contentos PUD. The

Subject Property is Located West of Del Rey Boulevard and North of Mar Avenue.
Submitted by Lilley Engineering for Thomas Test (PUD-09-01).

Councillor Small Moved to Adopt Council Bill No. 10-033; Ordinance No. 2562 and Councillor Sorg Seconded the motion.

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said this zone change request is to bring this property into compliance with our 2001 Zoning Code and the owner of this property is also requesting a major amendment to change the land uses within phase four of the development. The uses for phase four were modified from multi-family to single family residential in 2004 and now, the applicant is asking to go back from a single family to a multi-family land use and cap it to 80 dwelling units and modify the rear yard setback to seven feet.

Councillor Sorg said there was no change proposed in the Traffic Impact; it stated there would be less traffic with this proposed change.

Dan Lilley, Lilley Engineering said because of the physical restraints of the property and the terrain in phase four; our traffic isn't going to be anywhere near what was proposed in the original PUD.

Councillor Sorg said I walked this area and there will definitely be some drainage problems for this development.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-033; Ordinance No. 2562 and it was APPROVED. 6-0 Councillor Pedroza was Absent.

VIII. BOARD APPOINTMENTS

None given.

IX. REVIEW OF PROPOSED ORDINANCE(S)

- (9) Council Bill No. 10-038; Ordinance No. 2567: An Ordinance Approving a Zone Change From H and A-1 (Holding and Flood Control, 1981 Zoning Code) to R-1a (Single-Family Medium Density) and R-2 (Multi-Dwelling Low Density) for 23.83 ± Acres of Property Located on the Northwest Corner of Moreno Road and Elks Drive. The Purpose of the Zone Change Is to Facilitate a Single and Multi-Family Residential Master-Planned Development Known as Paseo Del Oro Phase 3 as Well as Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by BRG Engineering for Tierra Del Sol Housing Corporation. (Case Z2796)

Mayor Miyagishima and Council agreed to bring this item back.

- (10) Council Bill No. 10-039; Ordinance No. 2568: An Ordinance Approving a Zone Change from R-4 (Multi-Family High Density & Limited Retail and Office) to O-2c (Office, Professional-Limited Retail Service-Conditional) for 0.300 +/- Acres Located at 1020 S. Main Street. The Proposed Zone Change Will Bring the Property into Zoning Compliance with the 2001 Zoning Code, as Amended. Submitted by Dana M. Kyle on Behalf of Joel & Suzanne L. Newton, Property Owners. (Z2808).

Mayor Miyagishima and Council agreed to bring this item back.

- (11) Council Bill No. 10-040; Ordinance No. 2569: An Ordinance Approving a Major Amendment to the Sierra Norte Master Plan and a Request for Approval for a Concept Plan of a Proposed Planned Unit Development (PUD) Known as Metro Verde. Planning Parcels 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, and Part of Planning Parcels 29, 37 and 43 of the Sierra Norte Master Plan Are Proposed to Be Amended with the Concept Plan for Metro Verde. As Part of The Major Amendment There is a Zone Change Request From Multi Zoning Districts to PUD (Planned Unit Development). The Purpose of the Concept Plan Is to Develop a Mixed-Use Development That Will Entail Residential, Commercial, Office, Retail, and Manufacturing Land Uses with a Golf Course. The Subject Property Encompasses 705.2 +/- Acres of Land and Is Located in the Sierra Norte Area North of the Future Expansion of Arroyo Road and South of the City Limits. Submitted by DVI on Behalf of Sierra Norte Land Holdings, LLC, Property Owner (PUD-09-08).

Mayor Miyagishima and Council agreed not to bring this item back.

- (12) Council Bill No. 10-041; Ordinance No. 2570: An Ordinance Approving a Final Site Plan for a Planned Unit Development (PUD) Known as Metro Verde. The Subject Property Encompasses 705.2 +/- Acres of Land That Will Be a Mixed-Use Development. The Plan Shall Be Developed in Twenty-Six (26) Phases with the Number of Dwelling Units Ranging from 2,701 to 14,922 Units. The Subject Property Is Located in the Sierra Norte Area North of the Future Expansion of Arroyo Road and South of the City Limits. Submitted by DVI on Behalf of Sierra Norte Land Holdings, LLC, Property Owner. (PUD-09-09).

Mayor Miyagishima and Council agreed not to bring this item back.

X. 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 and concrete slabs are completed for the entire interior of the building with steel erection well underway for the kitchen, meeting room and ballroom sections of the facility. The exhibit hall will be the last section steel will be installed. Fencing will be moved in the near future to accommodate construction work that needs to be completed along the exterior of the building. Finalization of site and utility plans near complete in order to obtain a permit for utility installation to the building.)*
4. Downtown Main Street Construction - *(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 in February/March 2010. Bohannan-Huston has begun the design of the southern portion of the project)*
5. Impact Fees – *(The project is on-going. The project is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). The project Consultant prepared a summary of the service area options derived from the discussions held by the City Council during the Work Sessions in March, April, and May of 2009. The purpose of the summary is to provide information in a concise format for the CIAC and City Council to use in making their decision on which service area option to use in the IFCIP document to calculate the impact fees. Staff presented the summary document to the CIAC for the first time on November 19, 2009. The CIAC further discussed the service area options at their meeting on December 17, 2009 and made a recommendation of Option 3: "'Growth Area' Impact Fees only". The summary document and recommendation from CIAC was presented to the City Council at the January 11, 2010 City Council Work Session. The City Council requested additional information that staff will present at the February 17, 2010 City Council Work Session.)*
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 has submitted comments to the consultant based on public input and staff review. Revised drafts are forthcoming.)*
7. Citywide Swimming Pool Enhancement Program – *(Structural steel installation and enclosure of the aquatic center is near complete as well as roofing construction. EIFS, window, glazing and caulking activities in process as well as CMU wall construction in shower areas; insulation, gypsum board interior walls and ceiling systems among other*

- activities. Pool construction is well underway with pool layout and forming in process, piping to pool near complete and pool piping itself to begin.)*
(Staff is in the near process of finalizing direction to the consultants on how to proceed with schematic design of the proposed Natatorium now that public input has been collected. Additional hearings will occur to continue the public involvement process with the consultants conceptually designing specific elements of the facility.)
8. Development and Construction of the New City Hall – *(Staff is finalizing preparation and plans for transition into the new facility. IT related installation of equipment has begun; orientation meetings are being held for all employees moving into the New City Hall; furniture, fixtures and equipment delivery and installation set to begin tentatively February 8th with actual transition of employees to begin February 16th. City Council Chambers is near complete with final inspections, punch list items and clean up underway. Site work continues with the east side parking lot concrete work and paving complete, striping of parking stalls to commence and activity well underway on the west side of the building to complete public parking, access to Main Street, landscaping among other site improvements.*
 9. Development and Construction of the Intermodal Facility - *(The RFP for design of the Intermodal Facility has already closed and will be processed to the Selection Advisory Committee for review, ranking and recommendation to the City Council, anticipated in March for contractual consideration.)*
 10. Bicycle Facilities Planning
 11. EPA Smart Growth Implementation Assistance Program (SGIA) - *(The Phase One initial site visit by the EPA staff is scheduled for Wednesday, January 20, 2010. The purpose of the visit is to familiarize the EPA with the El Paseo area and bring together City staff, policy makers and the growing network of stakeholders. The agenda includes a group tour of the El Paseo area and meetings with city staff, policy makers, and stakeholders. The primary outcome of this visit will be a refined Scope of Work for the project, titled: Making Redevelopment Work for the Neighbors: The El Paseo Project. This is an on-going project for one year from October 2009 to October 2010. The main purpose of the project is to develop a robust public participation model that includes a deliberative planning and visioning process. Regular conference calls occur on Tuesday from 1:00-2:00 PM in Room 101 of the City Office Center, 575 Alameda Blvd.)*
 12. New City Web Site – *(New web site is on track for deployment in Spring 2010. Public input on new web site has been obtained, and will be presented to Council. 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.)*

13. Downtown Revitalization Activities - *(The Las Cruces Downtown Tax Increment for Development Senate Bill 95 has been introduced by Sen. Papen, with a companion House Bill 112 introduced by Rep. Lujan. A contract has been awarded for construction of La Placita Phase One that includes a shade structure over Organ Ave. The Supportive Housing Coalition and the Las Cruces Housing Authority are proceeding with application for funding for a 60-unit project at Lohman and Alameda.)*
14. Police Auditor Procurement Update
15. Grants/ARRA Status - (Matrix.)

Councillor Thomas said we lost quite a bit of legislative funding; can we get an update on that?

Robert Garza, Assistant City Manager said we won't know exactly how much we are going to lose for another 30 days because the Governor has 30 days to act on the bill that was passed.

Councillor Silva asked where are we regarding the solar aspect of the Convention Center?

Terrence Moore, City Manager said we are still working on securing whatever financial arrangements we have out there.

Councillor Thomas said I would like for staff to keep us in the loop on the status of this situation.

Councillor Connor said I would like updates regarding the cell phone issue at the State level.

Robert Garza said our lobbyist is going to put together a post session report on all these issue and Terrence can put it in his information letter to Council.

XI. GENERAL DISCUSSION

1. MAYOR

- A. Discussion on cancellation of Regular City Council meeting which is currently scheduled for Monday, March 22, 2010 due to move to New City Hall. (Minute Action Required).

Councillor Connor Moved to Cancel the March 22, 2010 Regular Council Meeting and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Cancel the March 22, 2010 Regular Council Meeting and it was Unanimously APPROVED. 7-0

Mayor Miyagishima said I'm calling for a Closed Meeting on March 8, 2010 at 10:00 a.m. to meet with Mr. Reeves to discuss Terrence's contract issues and to clean up the travel issues.

2. CITY COUNCIL

Councillor Thomas passed.

Councillor Sorg said we are approaching the most windy time of year and I would ask that all our residents keep all their motorized vehicles off of disturbed lands which are places like empty lots, arroyos and construction sites.

Councillor Small said I'm looking forward to our upcoming work session and we have a responsibility to our neighborhoods to find common finance mechanisms.

Councillor Pedroza said there will be a community meeting at Lynn Middle School this Friday at 6:00 p.m.

I went to a Western Union site to ask how I could pay my City utility bill and they told me that there would be a fee and the person paying the bill would have to know the code.

Robert Scaling, Treasurer said the City contracted with Western Union and there is a fee of one dollar for using this service. The code isn't a code; it's simply the person's account number.

Councillor Connor said we had discussed doing a resolution for the Animal Center regarding an ad-hoc to review ordinances and resolutions; when will that be done?

Terrence Moore said we're looking at it to be on the March 15th agenda.

Councillor Silva said there was an article in the newspaper that stated we were going to allow the public to participate in the selection of the Police and Fire Chiefs. I know the City Manager was going to appoint one member of the public to be on the committee but I think we should expand it to include one person from each district.

Terrence Moore said I'm still working on the process and I will keep the Mayor and Council informed on the status of this situation.

Councillor Silva said the Las Esperanza group has been working with the Camino Real group on recognizing historical trails in the Mesquite and Camino Real areas.

3. CITY MANAGER

A. Proposed Outdoor Lighting Ordinance Revisions.

Discussed prior to the Discussion Items on the Agenda.

B. Las Cruces Sign Code Amendment Considerations.

Discussed in conjunction with the Proposed Outdoor Lighting Ordinance Revisions.

C. Other Items - Information Only

None given.

Meeting Adjourned at 6:00 p.m.



Mayor

ATTEST:



City Clerk

(SEAL)