



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

**Regular Meeting**

**November 16, 2009**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1  
Councillor Dolores Connor, District 2  
Councillor Dolores C. Archuleta, District 3  
Councillor Nathan Small, District 4  
Councillor Gil Jones, District 5  
Councillor Sharon Thomas, District 6

**STAFF:**

Terrence Moore, City Manager  
Fermin Rubio, City Attorney  
Esther Martinez, City Clerk

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**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.

Mayor Miyagishima presented Certificates of Appreciation to all seven fire stations for the Vecino Program and gave a special recognition to Lt. Mark Olson.

Juan Fuentes, Immediate Past President of GFO presented a Certificate of Achievement for Excellence in Financial Reporting to Pat Degman, CLC Comptroller.

David Boje gave a presentation on results and recommendations for promoting art and culture in Las Cruces and Southern New Mexico.

Don Templeton, Templeton Marketing gave a presentation on the City of Las Cruces Bus Advertising Program.

Lori Grumet and Mike Bartholomew gave a presentation on the Roadrunner Transit.

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

None given.

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Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a closed session at 11:05 a.m. on November 16, 2009. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Thomas, Auditor Bruce Bleakman, City Manager Terrence Moore, Assistant City Manager Robert Garza, Finance Director Mark Sutter, Auditor Audrey Evins, Comptroller Pat Degman, Treasurer Manager Robert Scaling, Budget Director Dick Gebhart, Pam Davis, Cynthia Vigil and Melissa Nelson. The meeting adjourned at 11:50 a.m. and only the items posted on the notice were discussed which was to conduct the Audit Exit Conference for the City of Las Cruces, FY09 Audit.

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**III. PUBLIC PARTICIPATION**

Greg Smith, President of Downtown Las Cruces Partnership said I just want to thank our current Councillors for their support on our Downtown.

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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.**

Councillor Connor Moved to approve the Agenda and Councillor Archuleta Seconded the motion.

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

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**V. CITY COUNCIL MINUTES**

\***(1)** Regular Meeting of September 28, 2009

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**VI. UNFINISHED BUSINESS – RESOLUTION(S) AND ORDINANCE(S)**

**(2)** Resolution No. 10-096: A Resolution Approving an Affordable Housing Grant Agreement Between the City of Las Cruces and the Housing Authority of the City of Las Cruces for the Use of State Legislative Funds for Development, Renovation, Rehabilitation and Construction of New Units, Office, and a Meeting/Training Room at the Transitional Housing for Homeless Veterans Complex. *(Tabled from 09-21-09; Tabled from 10-19-09)*

Councillor Archuleta Moved to Remove Resolution No. 10-096 from the Table and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 10-096 from the Table and it was Unanimously APPROVED. 7-0

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David Dollahon, Neighborhood Services Administrator gave a presentation and said this is for transitional houses for Veterans and the City will serve as the fiscal agent. We would like to have this resolution amended to include our amended agreement with the Housing Authority.

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Councillor Archuleta Moved to Amend Resolution No. 10-096 to include the substitute agreement and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-096 to include the substitute agreement and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-096 as Amended and it was Unanimously APPROVED. 7-0

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- (3) Council Bill No. 10-004; Ordinance No. 2533: An Ordinance Amending the 2001 Las Cruces Zoning Code, as Amended by Adding a New Section Entitled 38-63 Demolition Delay, Reuse and Adaptive Reuse - Historic Structures for the Purpose of Establishing a Mandatory Sixty Day Time Period Prior to Demolition (Either in Part or in Whole) of Registered Historic Structures in Which Investigation of Alternatives to the Demolition May Occur. ***(Tabled from 08-24-09; Tabled from 10-19-09)***

Councillor Archuleta Moved to Remove Council Bill No. 10-004; Ordinance No. 2533 from the Table and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Remove Council Bill No. 10-004; Ordinance No. 2533 from the Table and it was APPROVED. 6-1 Councillor Connor, Councillor Small, Councillor Jones, Councillor Thomas, Councillor Archuleta and Mayor Miyagishima voted Aye. Councillor Silva voted Nay.

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Councillor Thomas said we did see this presentation last week and I think we should vote this down.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-004; Ordinance No. 2533 and it FAILED. 0-7

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- (4) Council Bill No. 10-005; Ordinance No. 2534: An Ordinance Repealing and Replacing Division 11, Section 30-491 (Demolition: Residential and Commercial/Nonresidential, Building Permit and Inspection Process - Application Procedure) of the 2009 Las Cruces Building Code in Order to Provide Procedural Requirements Consistent With 2001 Las Cruces Zoning Code Provisions When Demolition of Registered Historic Structures in Whole or In Part Is Proposed. ***(Tabled from 08-24-09; Tabled from 10-19-09)***

Councillor Archuleta Moved to Remove Council Bill No. 10-005; Ordinance No. 2534 from the Table and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Remove Council Bill No. 10-005; Ordinance No. 2534 from the Table and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-005; Ordinance No. 2534 and it FAILED. 0-7  
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**VII. CLOSING CEREMONIES**

Mayor Miyagishima presented a Plaque of Appreciation to Councillor Archuleta for her years of service.

Mayor Miyagishima presented a Plaque of Appreciation to Councillor Jones for his years of service.  
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**VIII. RECESS OF OLD COUNCIL**

Councillor Archuleta Moved to Recess the Old Council and Councillor Jones Seconded the motion.  
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Mayor Miyagishima called for the roll on the Motion to Recess the Old Council and it was Unanimously APPROVED. 7-0  
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**IX. OPENING CEREMONIES**

Administration of Oath of Office to Councillor Olga Pedroza given by Judge Lisa C. Schultz.

Administration of Oath of Office to Councillor Gill M. Sorg given by Judge Lisa C. Schultz.

Administration of Oath of Office to Councillor Sharon K. Thomas given by Judge Lisa C. Schultz.

Administration of Oath of Office to Municipal Judge James T. Locatelli given by Judge Lisa C. Schultz.  
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**X. ORGANIZATIONAL CEREMONIES**

Selection of Mayor Pro-tem from among Council.

Councillor Silva Moved to Select Councillor Thomas as Mayor Pro-tem and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Select Councillor Thomas as Mayor Pro-tem and it was Unanimously APPROVED. 7-0

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**XI. 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.

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**XII. PUBLIC PARTICIPATION**

Ben Whitner, Member of the Public said regarding the plan for the reconstruction of Roadrunner and the bike lanes; that sits on the MPO's list, unfunded on the CIP; it does not increase the dangers for all of us. In fact, it will benefit all of us and correct some of the current problems with Roadrunner.

John Hamilton, Member of the Public said regarding Ordinance 2548, we've had problems with distracted motorist, bicyclist and pedestrians; I appreciate that this appears as an option for us. I urge the Council to consider what is happening nationally and at the local levels in voting to make this change. We will need to have education, enforcement and prosecution to make this work.

Ron Camunez, Member of the Public said I want to congratulate the newly elected City Councillors and I want to remind you that you were elected to represent all of the members of this community.

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**XIII. 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 Item 18 needs to be removed from the Agenda.

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

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

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**XIV. RESOLUTIONS AND ORDINANCES FOR CONSENT AGENDA**

- \* (5) **Resolution No. 10-134:** A Resolution Authorizing the City of Las Cruces to Continue an Agreement With the Rio Grande Council of Governments for Fiscal Year 2009-2010 and to Provide an Annual Membership Fee of \$4,364.00.
- \* (6) **Resolution No. 10-135:** A Resolution 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.
- \* (7) **Resolution No. 10-136:** A Resolution Authorizing the City of Las Cruces Police Department to Receive \$1,959.00 in Grant Funding From the New Mexico Department of Transportation for the Teen Seatbelt Demonstration Project, to Ratify the City Manager's Signature to Accept the Award and to Adjust the Fiscal Year 2010 Budget.
- \* (8) **Resolution No. 10-137:** A Resolution Approving a Lease of City-Owned Land at the Las Cruces International Airport to ITT Corporation for a Term of Sixteen Years Plus Four and One-Year Extensions.
- \* (9) **Resolution No. 10-138:** A Resolution Approving a Land Lease of the City-Owned Parcels 43 and 44 at the Las Cruces International Airport to Mesilla Capital Investments, LLC (Dr. Rene De La Vega, Manager) for a Term of Thirty Years at an Initial Rent of Four Thousand Dollars (\$4,000) per Year.
- \* (10) **Resolution No. 10-139:** A Resolution to Accept American Recovery and Reinvestment Act Funding (ARRA) From the North Central New Mexico Economic Development District Non-Metro Area Agency on Aging for Meal and Nutrition Services in the Amount of \$29,937, Which Requires a Fifteen Percent City Match of \$4,491 and to Adjust the Fiscal Year 2009/2010 Budget.
- \* (11) **Resolution No. 09-10-397:** A Resolution Awarding a Contract for the Construction of the Entrada Del Sol Gateway, Project Number 09-10-379, to G. Sandoval Construction, In the

Amount of \$145,246.31; Plus New Mexico Gross Receipts Tax in the Amount of \$10,802.69; Plus Authorizing a Project Contingency in the Amount of \$7,262.32; for a Total Authorization of \$163,311.32.

- \*(12) **Resolution No. 09-10-413:** A Resolution Authorizing the Use of the Existing New Mexico State University Job Order Contracts with B & H Mechanical, Inc., Donner Plumbing & Heating, Inc., Lynco Electric Company Inc., Sun City Builders, Inc., LC Structural Construction, LLC., Duran Construction Inc., (Based Out of Las Cruces, NM), and Basic Idiq, Inc., (Based Out of El Paso, TX), and ESA Construction, Inc., Lynx Electric Company, Inc., Centennial Contractors Enterprises, Inc., (Based Out of Albuquerque, NM), and for Pricing Index Software Services, the Gordian Group Inc. (Based Out of Mauldin, South Carolina), In an Aggregate Amount Not to Exceed \$2,000,000.00; for An Initial Period of One Year, With the Option to Renew at City Council's Discretion.
- \*(13) **Resolution No. 09-10-416:** A Resolution Authorizing Change Order No. 2 to the Contract Between the City of Las Cruces and Warren Construction, Inc., for the Thomas Branigan Memorial Library Children's Wing Renovations, as Approved by City Council Under Resolution No. 08-09-467, Authorizing an Increase in the Amount of \$98,332.47; Plus New Mexico Gross Receipts Tax of \$11,032.23; Plus Project Contingency of \$50,000.00; for a Total Authorization of \$159,364.70.
- \*(14) **Resolution No. 09-10-418:** A Resolution Approving an Indefinite Quantity, Indefinite Cost Price Agreement for Bulk Fuel to Southern Counties Oil Corporation of Orange, California. This is for the Fourth Year of a Possible Five Year Cost Price Agreement From Original Bid No. 05-06-487 and as Amended by Resolution No. 08-09-342.
- \*(15) **Resolution No. 09-10-424:** A Resolution Approving Extension of Years Three and Four of a Four Year Contract With Enterprise Leasing West of Albuquerque, NM for Vehicle Rental Services. The Contract is an Indefinite Quantity, Indefinite Cost Price Agreement With Any and All Related Purchase Conditioned Upon Approved Budgets.

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**XV. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

**BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-140; A PUBLIC HEARING MUST BE HELD:**

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

None given.

- (16) **Resolution No. 10-140:** A Resolution Approving the Issuance of a Beer and Wine Restaurant Liquor License to Japanese Kitchen of Las Cruces, LLC D/B/A Japanese Kitchen, Located at 141 Roadrunner Parkway, Suite 115, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-140 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-140 and it was Unanimously APPROVED. 7-0

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**BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-141; A PUBLIC HEARING MUST BE HELD:**

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

None given.

- (17) **Resolution No. 10-141:** A Resolution Approving the Transfer of Ownership and Location of Liquor License No. 2537 From Shachriska, LLC, To GMRI, Inc. D/B/A The Olive Garden Italian Restaurant, to be Located at 100 North Telshor Boulevard, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-141 and Councillor Silva Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-141 and it was Unanimously APPROVED. 7-0

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- (18) **Resolution No. 10-142:** A Resolution Authorizing the City of Las Cruces to Accept the New Mexico Energy, Minerals and Natural Resources Department, State of Energy Program and Energy Efficiency Conservation Block Grant Program, 2009 Clean Energy Demonstration Program Grant. Funds Are Provided to the State of New Mexico Through the American Recovery and Reinvestment Act (ARRA). Request City's FY 2009-2010 Budget Be Adjusted to Reflect the \$495,330.00 Award.

**REMOVED FROM THE AGENDA.**

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- (19) **Resolution No. 10-143:** A Resolution Authorizing Change Order No. 4 to the Contract Between the City of Las Cruces and Jaynes, Inc., of Albuquerque, New Mexico, for the Construction of the New City Hall Complex as Approved by City Council Under Resolution Number 08-220, Authorizing an Increase of \$450,000.00, Plus New Mexico Gross Receipts Tax of \$46,778.00, for a Total Change Order Authorization of \$496,778.00; and Extending the Project Substantial Completion Date to February 16, 2010.

Councillor Connor Moved to Adopt Resolution No. 10-143 and Councillor Thomas Seconded the motion.

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Eric Martin, Project Management Administrator gave a presentation and said this is change order number four for the new City Hall and it addresses some clean up items and makes some adjustments to the Public Information Office. This also addresses the completion date which has been moved to February 16, 2010.

Udell Vigil, PIO Director said this is primarily for new equipment, like cameras for the new City Hall and equipment for the TV control room. I do want to mention that these funds have already been appropriated for this purpose.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-143 and it was Unanimously APPROVED. 7-0

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**XVI. BOARD APPOINTMENTS**

Councillor Silva appointed Frank Ochoa to the Planning and Zoning Commission.

Mayor Miyagishima appointed Councillor Small to the ETZA, Councillor Pedroza as an Alternate to the ETZA, and Councillor Thomas to the South Central Council of Governments.

Mayor Miyagishima appointed Councillor Pedroza to the West Mesa Strategic Planning Committee, South Central Solid Waste Authority, Affordable Housing, Board of Commissioners for Utilities and the MPO Policy Committee.

Mayor Miyagishima appointed Councillor Sorg to the MPO Policy Committee, Airport Advisory Board, Rio Grande Natural Gas Association, Board of Commissioners for Utilities and the Transit Board.

Mayor Miyagishima appointed himself to the Metro Narcotics Board.

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Councillor Connor Moved to Approve the Board Appointments and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Board Appointments and it was Unanimously APPROVED. 7-0

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**XVII. REVIEW OF PROPOSED ORDINANCE(S)**

(20) **Council Bill No. 10-019; Ordinance No. 2548:** An Ordinance Amending the Las Cruces Municipal Code, Sections 27-12-6-12.18, Prohibited Activities While Driving, to Add as a Further Prohibited Activity the Use of a Mobile Telephone to Engage in a Call or to Create, Send or Read Text Messages, With Certain Exceptions that Include the Use of Hands-Free Devices.

Mayor Miyagishima and Council agreed to bring this item back.

(21) **Council Bill No. 10-020; Ordinance No. 2549:** An Ordinance Amending Las Cruces Municipal Code, Sections 27-12-7-1 Through 27-12-7-10, Special Rules for Motorcycles and Off-Highway Vehicles, to Conform With Amendments Made to New Mexico Statutes Annotated, Sections 66-3-1001.1, ET Seq. By the 49<sup>th</sup> Legislature of the State of New Mexico, 2009.

Mayor Miyagishima and Council agreed to bring this item back.

(22) **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).

Mayor Miyagishima and Council agreed to bring this item back.

- (23) **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).

Mayor Miyagishima and Council agreed to bring this item back.

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#### **XVIII. 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** - *(Site work is underway which includes excavation and construction of footings, stem walls and pads, preliminary grading of the detention pond and parking lot, utility locates and, preparation for plumbing rough-in work to commence in the near future.)*
4. **Downtown** - *(The project design is ongoing with Bohannon-Huston, Inc. The city has completed the final details for the proposed cul de sac on Lucero Ave. Bohannon-Huston has submitted the 95% complete plan set for the final review and has received all of the comments to finalize the design. The anticipated completion of the design for the north end portion is October 30, 2009. Bohannon-Huston will begin 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 has 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. It is important that the CIAC and City Council choose one option; therefore, staff will begin the process by presenting the summary document to the CIAC for discussion and action at their next meeting.)*
6. **Vision 2040** - *(The current drafts are posted on the Vision 2040 website (<http://vision2040.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*

19<sup>th</sup> 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** – (Completion of the exterior block walls near complete for the aquatic center with roof trusses and material installation well underway. Structural steel installation for the entrance area of the facility as well as the second floor of the building for future recreation space is in process as well as plumbing rough-in and ventilation. Pool excavation to begin soon with all permit related matters with the New Mexico Environment Department nearly resolved.)  
(The design contract for the future planned Natatorium has been signed and the design consultants with staff have begun initial meetings to define scope of work as well as begin the soliciting process for public input.)
8. **Development and Construction of New City Hall** – (Interior finishes in Area A/North wing is near complete while Areas B and C, lobby area, Council Chambers and South wing respectively continue to proceed. Commissioning of the building is underway which includes heating, cooling, ventilation among other testing. Site work continues with grading, concrete sidewalk, curbing and drainage infrastructure in process. Evaluation and selection of furnishings is underway.)
9. **Development and Construction of the Intermodal Facility** – (Staff is currently developing an independent cost estimate for the facility to determine what scope of work can consist of given funding limitations. An RFP is being finalized for architectural and engineering services to design said facility with anticipated advertizing during the month of November.)
10. **Grants/ARRA Status** - (Matrix.)

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## **XIX. GENERAL DISCUSSION**

### **1. Mayor**

Mayor Miyagishima said I just want to welcome Councillor Pedroza and Councillor Sorg to our board.

### **2. City Council**

Councillor Thomas said I would like to thank Mike Johnson for the great Wall Project.

I would like for us to move forward with a preservation ordinance.

Mayor Miyagishima said first, we will need to schedule that for a work session.

Councillor Sorg said I want to thank the Council, staff and the people of Las Cruces for welcoming

me into this position.

I would like to make a proposal for the Council and the Mayor to do a Ride the Bus to Work Day and have that as an item for discussion on the December 14<sup>th</sup> Work Session.

Councillor Connor said I don't have bus service in my area.

Councillor Small said I would like to thank Robert Garza for facilitating a meeting with the Elephant Butte Irrigation District concerning some of the issues we have in some of our neighborhoods.

We are at the starting point of getting some Neighborhood Watch groups together with the help of Officer Jose Rodriguez.

There was a business in District 4 that had a gas leak and the gas had to be turned off until it was repaired. I want to express my appreciation to Dr. Jorge Garcia for his help with several utility issues we've had in my district.

Councillor Pedroza said I would like to thank everyone for giving me this opportunity and I look forward to working with everyone.

Councillor Connor said last week, I attended the National League of Cities in San Antonio and they have so many workshops to attend; I can't be the only one who attends this conference.

We're in a unique situation with the retirement of our Police Chief and Fire Chief almost at the same time. I have spoken with other municipalities and some of them have a Public Safety Administrator Manager instead of having a Chief which is something that we should look into having for our community.

We need to continue to be fiscally responsible this year and hold on to our reserve balance.

One of my priorities is the 911 Dispatch Authority; I would be willing to show the new Councillors around our 911 MVRDA facility.

We need to push forward with the Intermodal Transportation Center so we can improve our bus system.

I would like for us to push forward with the Museum of Natural Science and have it completed within the next two years.

We have been working on the completion of the last two phases of the street lighting conversion for approximately five to six years now and we need to get it completed.

There are only two phases left to be completed for the El Molino Storm Water System project and we need to get that completed because it affects the Burn Lake project.

The septic tank issue is critical to my district and Districts 2 and 5 and we need to move forward with the conversion to our sewer system.

Regarding the selling of the City Office Center and the City Hall buildings in the next few months; it is going to be expensive to hold on to them so we need to move forward with trying to sell them.

We have also talked about selling the Tee Time property and we need to have an update on the status of that issue.

We received some stimulus funding for Cops and I was under the impression that we didn't take advantage of it and had to turn it back in but I'm glad to hear that we're not going to give up on that because it is a three year funding source.

There are about 20 acres behind the Utility Office on Motel Boulevard that belongs to the City and it was purchased with the intension of moving our fleet and buses onto that property. Right now our fleet is at the lot on Hadley and if we move them then that would free up a lot of space for our new Aquatic Center.

There was a records request that came into the City Clerk's Office regarding our City Manager and I think we need to have a closed meeting to discuss the contents of that request.

Mayor Miyagishima said you should meet with Mr. Moore to discuss that issue. I don't think there is any need to have a closed meeting regarding it.

Regarding the Public Safety Administrator, we did have one about eight years ago and the City still kept the Police and Fire Chiefs but due to our reorganization, that position was eliminated.

Councillor Connor said even though you are saying no to allowing us to have a closed meeting, I would like to know if any of the other Councillors wanted to meet to discuss this issue.

Councillor Silva said I support Councillor Connor in meeting to discuss this issue.

Councillor Connor said I have tried to meet with Mr. Moore; however, he couldn't make time for me.

Terrence Moore, City Manager said I have always made myself available to meet with any of you on a one on one basis.

Councillor Silva said the Winter Fest is coming up on December 4<sup>th</sup> at the Downtown and I would like to invite everyone to attend it.

I received a concern for the area of the Boys and Girls Club, the street lighting in that area needs to be checked. There are also issues with the construction fencing around the Downtown area.

Mike Johnson, Public Works Director said we plan on having the fence removed by December 4<sup>th</sup>.

Councillor Silva said there were issues with the road striping and bike lanes on Campo.

Dan Soriano, Traffic Engineering Administrator gave a presentation and said Campo will become a three lane roadway on the west side from Las Cruces Avenue north and we are going to have it set up as share the road accessible.

Councillor Silva said I would like to get an update on the Renaissance Fair from the Rio Grande Theater group in December.

Las Esperanza is having an annual legislative lunch this Wednesday and I would encourage everyone to attend this luncheon.

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3. **City Manager**

A. Update Regarding Downtown Revitalization Activities.

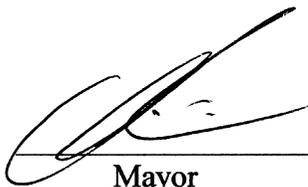
David Weir, Community Development Director gave a presentation and said the design for the northern portion of the Downtown has been completed. The Farmers Market has been moved to the south side of the Downtown and we have installed port-a-potty facilities in that area.

B. Other Items - Information Only

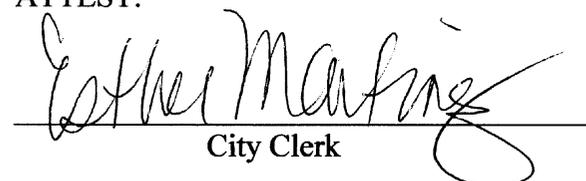
None given.

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**Meeting Adjourned at 4:34 p.m.**

  
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Mayor

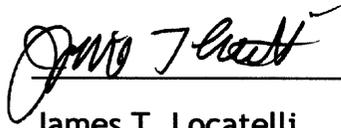
ATTEST:

  
\_\_\_\_\_  
City Clerk

(SEAL)

## OATH OF OFFICE

I, James T. Locatelli, subscribe upon my oath that as Municipal Judge for the City of Las Cruces, New Mexico for a term to end November 18, 2013, I will support the Constitution of the United States and Constitution and Laws of the State of New Mexico and the Ordinances of the City of Las Cruces and that I will faithfully and impartially discharge the duties of Municipal Judge to the best of my ability.



---

James T. Locatelli

Subscribed and sworn to before me by James T. Locatelli this 16<sup>th</sup> day of November 2009.



---

Lisa C. Schultz

District Court Judge



---

Esther Martinez, CMC

City Clerk

{Seal}

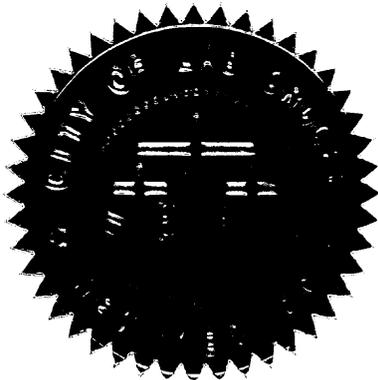
# CERTIFICATE OF ELECTION

I DO HEREBY CERTIFY THAT, AFTER HAVING CANVASSED CAREFULLY THE VOTES CAST FOR THE ELECTION HELD ON NOVEMBER 3, 2009, IN LAS CRUCES, NEW MEXICO, DO FIND AND DECLARE THAT

*JAMES T. LOCATELLI*

HAS BEEN DULY AND LAWFULLY ELECTED TO THE OFFICE OF MUNICIPAL JUDGE.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT  
LAS CRUCES, NEW MEXICO THIS 16<sup>TH</sup> DAY OF  
NOVEMBER 2009.



  
ESTHER MARTINEZ, CMC  
CITY CLERK FOR THE CITY OF LAS CRUCES

**ACKNOWLEDGMENT**

State of New Mexico    )  
  )ss  
County of Doña Ana    )

I, James T. Locatelli, of lawful age and being first duly sworn upon my oath, state that I am legally qualified to hold the office of Municipal Judge of the City of Las Cruces. I state that I have received the Certificate of Election declaring I was lawfully elected to the office and a copy of Article I. Code of Ethics.

  
\_\_\_\_\_  
James T. Locatelli

Subscribed and sworn to before me by James T. Locatelli this 16<sup>th</sup> day of November 2009.

  
\_\_\_\_\_  
Notary Public

My Commission expires:  
Aug. 14, 2012



OFFICIAL SEAL  
ESTHER MARTINEZ  
NOTARY PUBLIC - STATE OF NEW MEXICO  
My commission expires: Aug. 14, 2012

## OATH OF OFFICE

I, Olga Pedroza, subscribe upon my oath that as Councillor for District 3 for the City of Las Cruces, New Mexico for a term to end November 18, 2013, I will support the Constitution of the United States and Constitution and Laws of the State of New Mexico and the Ordinances of the City of Las Cruces and that I will faithfully and impartially discharge the duties of Councillor to the best of my ability.

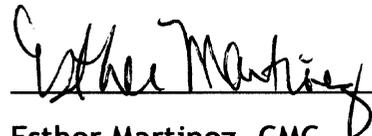
  
Olga Pedroza

Subscribed and sworn to before me by Olga Pedroza this 16<sup>th</sup> day of November 2009.

  
\_\_\_\_\_

Lisa C. Schultz

District Court Judge

  
\_\_\_\_\_

Esther Martinez, CMC

City Clerk

{Seal}

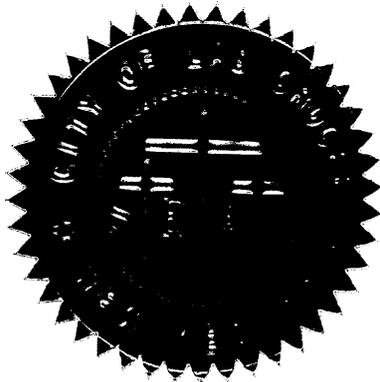
## CERTIFICATE OF ELECTION

I DO HEREBY CERTIFY THAT, AFTER HAVING CANVASSED CAREFULLY THE VOTES CAST FOR THE ELECTION HELD ON NOVEMBER 3, 2009, IN LAS CRUCES, NEW MEXICO, DO FIND AND DECLARE THAT

*OLGA PEDROZA*

HAS BEEN DULY AND LAWFULLY ELECTED TO THE OFFICE OF COUNCILLOR DISTRICT 3.

GIVEN UNDER MY HAND AND OFFICIAL SEAL  
AT LAS CRUCES, NEW MEXICO THIS 16<sup>TH</sup>  
DAY OF NOVEMBER 2009.



*Esther Martinez*  
ESTHER MARTINEZ, CMC  
CITY CLERK FOR THE CITY OF LAS CRUCES

**ACKNOWLEDGMENT**

State of New Mexico    )  
  )ss  
County of Doña Ana    )

I, Olga Pedroza, of lawful age and being first duly sworn upon my oath, state that I am legally qualified to hold the office of Councillor for District 3 of the City of Las Cruces. I state that I have received the Certificate of Election declaring I was lawfully elected to the office and a copy of Article I. Code of Ethics.

  
\_\_\_\_\_  
Olga Pedroza

Subscribed and sworn to before me by Olga Pedroza this 16<sup>th</sup> day of November 2009.

  
\_\_\_\_\_  
Notary Public

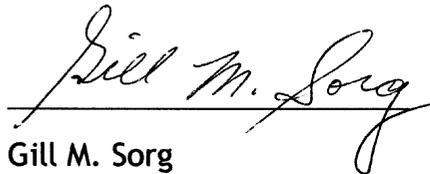
My Commission expires:

Aug 14, 2012

 REAL  
NOTARY PUBLIC STATE OF NEW MEXICO  
My Commission Expires Aug 14, 2012

## OATH OF OFFICE

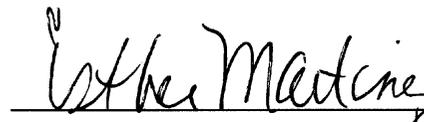
I, Gill M. Sorg, subscribe upon my oath that as Councillor for District 5 for the City of Las Cruces, New Mexico for a term to end November 18, 2013, I will support the Constitution of the United States and Constitution and Laws of the State of New Mexico and the Ordinances of the City of Las Cruces and that I will faithfully and impartially discharge the duties of Councillor to the best of my ability.

  
Gill M. Sorg

Subscribed and sworn to before me by Gill M. Sorg this 16<sup>th</sup> day of November 2009.

  
Lisa C. Schultz

District Court Judge

  
Esther Martinez, CMC

City Clerk

{Seal}

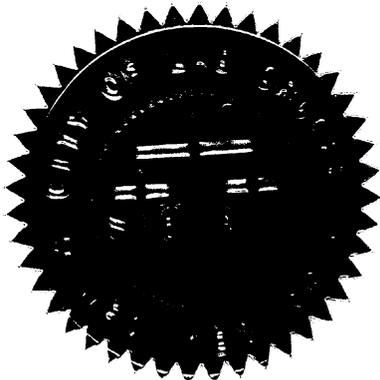
## CERTIFICATE OF ELECTION

I DO HEREBY CERTIFY THAT, AFTER HAVING CANVASSED CAREFULLY THE VOTES CAST FOR THE ELECTION HELD ON NOVEMBER 3, 2009, IN LAS CRUCES, NEW MEXICO, DO FIND AND DECLARE THAT

*GILL M. SORG*

HAS BEEN DULY AND LAWFULLY ELECTED TO THE OFFICE OF COUNCILLOR DISTRICT 5.

GIVEN UNDER MY HAND AND OFFICIAL SEAL  
AT LAS CRUCES, NEW MEXICO THIS 16<sup>TH</sup>  
DAY OF NOVEMBER 2009.

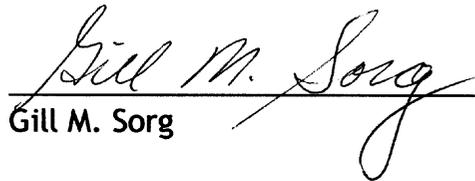


*Esther Martinez*  
\_\_\_\_\_  
ESTHER MARTINEZ, CMC  
CITY CLERK FOR THE CITY OF LAS CRUCES

**ACKNOWLEDGMENT**

State of New Mexico    )  
  )ss  
County of Doña Ana     )

I, Gill M. Sorg, of lawful age and being first duly sworn upon my oath, state that I am legally qualified to hold the office of Councillor for District 5 of the City of Las Cruces. I state that I have received the Certificate of Election declaring I was lawfully elected to the office and a copy of Article I. Code of Ethics.

  
Gill M. Sorg

Subscribed and sworn to before me by Gill M. Sorg this 16<sup>th</sup> day of November 2009.

  
Notary Public

My Commission expires:

Aug. 14, 2012

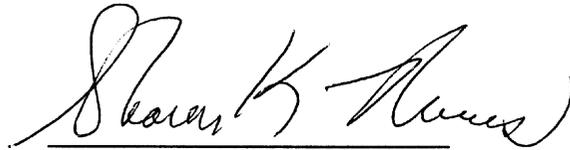


OFFICIAL SEAL  
ESTHER MARTINEZ  
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires: Aug. 14, 2012

## OATH OF OFFICE

I, Sharon K. Thomas, subscribe upon my oath that as Councillor for District 6 for the City of Las Cruces, New Mexico for a term to end November 18, 2013, I will support the Constitution of the United States and Constitution and laws of the State of New Mexico and the Ordinances of the City of Las Cruces and that I will faithfully and impartially discharge the duties of Councillor to the best of my ability.



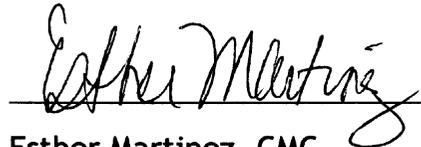
Sharon K. Thomas

Subscribed and sworn to before me by Sharon K. Thomas this 16<sup>th</sup> day of November 2009.



~~Sharon K. Thomas~~ Lisa C. Schultz

District Court Judge



Esther Martinez, CMC

City Clerk

{Seal}

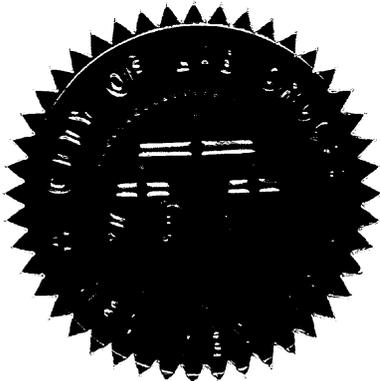
# CERTIFICATE OF ELECTION

I DO HEREBY CERTIFY THAT, AFTER HAVING CANVASSED CAREFULLY THE VOTES CAST FOR THE ELECTION HELD ON NOVEMBER 3, 2009, IN LAS CRUCES, NEW MEXICO, DO FIND AND DECLARE THAT

*SHARON K. THOMAS*

HAS BEEN DULY AND LAWFULLY ELECTED TO THE OFFICE OF COUNCILLOR DISTRICT 6.

GIVEN UNDER MY HAND AND OFFICIAL SEAL  
AT LAS CRUCES, NEW MEXICO THIS 16<sup>TH</sup>  
DAY OF NOVEMBER 2009.

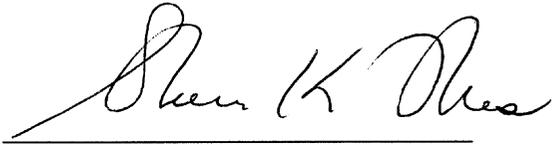


*Esther Martinez*  
ESTHER MARTINEZ, CMC  
CITY CLERK FOR THE CITY OF LAS CRUCES

**ACKNOWLEDGMENT**

State of New Mexico    )  
  )ss  
County of Doña Ana    )

I, Sharon K. Thomas, of lawful age and being first duly sworn upon my oath, state that I am legally qualified to hold the office of Councillor for District 6 of the City of Las Cruces. I state that I have received the Certificate of Election declaring I was lawfully elected to the office.



Sharon K. Thomas

Subscribed and sworn to before me by Sharon K. Thomas this 16<sup>th</sup> day of November 2009.

  
Notary Public

My Commission expires:

Aug. 14, 2012



OFFICIAL SEAL  
ESTHER MARTINEZ  
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires: Aug. 14, 2012