



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

**Regular Meeting**

**March 1, 2010**

**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 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

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**I. OPENING CEREMONIES**

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

Molly Stryker, Mayfield High School sang the National Anthem.

Presentation of Certificates of Appreciation/Proclamations.

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

Michael Baca, NM Environment Department gave an update on the State Dust Abatement Program.

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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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### **III. PUBLIC PARTICIPATION**

Benjamin Witner, Member of the Public said I want to thank the Council for the movements we've made for the safety of our bicyclist and pedestrians. There needs to be improvements made on Roadrunner Parkway because it is still very dangerous for bicyclists and pedestrians.

Russ Warner, Member of the Public said I agree with the new policy for public participation but you still need to work on eliminating running debates between the Council and members of the public.

Ron Burns, Member of the Public said there are too many whiners complaining about my RV being parked in front of my home. Our RV's are not eyesores or trailer trash; mine is parked on my side yard and I just want you to leave me alone.

Ryan Dailey, Member of the Public said I have a report from the Police Department regarding the Valley Pizza establishment located on the corner of Valley and Hoagland. There have been 36 calls since 2009 to this area for drug trafficking, gang activity and a list of other disturbances. We brought this to the attention of the owner and she doesn't want to do anything with it.

Emil Duarte, Member of the Public said I want to know why the City hasn't acted like a good landlord for the Animal Shelter. The City is responsible for the maintenance of that building and there are several issues with it; including problems with the HVAC system.

Frank Bryce, Member of the Public asked what is the status of the amendment to the JPA with the Animal Shelter concerning the leasing of the land and the buildings?

Terrence Moore, City Manager said arrangements are being made to make those revisions and we should have an update within the next few weeks.

Councillor Connor said the City Manager and the County Manager need to come up with some kind of resolution with Albuquerque regarding that issue.

Marilyn Zahler, Member of the Public asked since this is going to be a lessor and lessee arrangement; who is going to be responsible for the maintenance and repair of the building?

Terrence Moore said that will be part of the discussion and arrangements with the County and the City of Albuquerque.

George Pearson, Member of the Public said I want to thank the City for their support of bicyclists.

Penny Bagwell, Member of the Public said I had requested that the meeting we had regarding the inmate crews be streamed onto the City's website but it wasn't done. The presentations that were given were put on it but it is very difficult to find them on the website. The reason I brought this concern to Council was because of the safety issues with the inmate crews.

Mayor Miyagishima said it was decided during that meeting that if any resident had a concern with inmate crews in their area then they won't be used in their area.

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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 Miyagishima said Items 2, 5, 6 and 7 need to be removed from the Consent Agenda for discussion and Item 16 needs to be removed from the Agenda.

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Councillor Connor Moved to approve the Agenda as Amended and Councillor Small 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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**V. CITY COUNCIL MINUTES**

\* (1) Regular Meeting of February 2, 2010

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

\* (3) Resolution No. 10-212: A Resolution Authorizing the Signatures of the New Mayor Pro-Tem, Sharon K. Thomas, and the New City Treasurer, Robert Scaling for the City of Las Cruces Accounts With All Local Financial Institutions Within the Municipality and the Withdrawal of the Signature of the Former Mayor Pro-Tem, Dolores C. Archuleta From the City of Las Cruces Accounts.

- \* (4) Resolution No. 10-213: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award Modification in the Amount of \$15,000 From the Office of National Drug Control Policy and to Adjust the Fiscal Year 2010 Budget.
- \* (8) Resolution No. 09-10-420: A Resolution Awarding an Indefinite Quantity, Indefinite Cost Price Agreement for Materials Testing Services to Southwest Engineering, Inc.; Terracon Consultants, Inc.; Advanced Testing and Materials, Inc.; GEO-Test, Inc.; and , AMEC Earth and Environmental, Inc., All of Las Cruces, NM for One-(1-) Year With the Option to Renew for Four (4) Additional One-(1-) Periods Subject to Approved Budget Appropriations and Annual Renewal.
- \* (9) Resolution No. 09-10-456: A Resolution Authorizing the Use of an Existing Pricing Agreement That Cooperative Educational Services (CES) Has With G. Sandoval Construction, Inc., of Las Cruces, New Mexico, for the Repaving of the Munson Senior Center Parking Lots in the Amount of \$104,075.56; Plus \$7,740.62 for New Mexico Gross Receipts Tax (NMGRT); and a Contingency of \$25,000.00; for a Total Authorization of \$136,816.18.
- \* (10) Council Bill No. 10-036; Ordinance No. 2565: An Ordinance Amending the Las Cruces Municipal Code, Section 7-1, *Definitions*, to Change the Definition of Professional Biologist so That it Means Only Those Persons With an Advanced Degree in the Biological Sciences, to Provide the Current Biological Nomenclature for Certain Prohibited Animals; and to Amend Section 7-19, *Rabies Control*, to Eliminate Subsection (e) so That All Animal Bites Are Reported to the District Health Office.

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## **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

- \* (2) Resolution No. 10-211: A Resolution Authorizing the Records Center of Las Cruces to Apply for the New Mexico Historical Records Advisory Board FY 2011 Preservation Grant in the Amount of \$85000.00, With a Required In-Kind Match of \$2129.00, to Microfilm Selected City Documents and to Ratify the City Manager's Approval to Meet the Grant Submission Deadline.

Councillor Connor Moved to Adopt Resolution No. 10-211 and Councillor Thomas Seconded the motion.

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Councillor Connor said it states in the title that the grant amount is \$85,000 but in the resolution it states that it is \$8,500. This is a typo and I think it can be change administratively.

Esther Martinez, City Clerk said this is just a typographical error; the resolution and the CAES form have the correct amount of \$8,500 so this can be corrected administratively.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-211 and it was Unanimously APPROVED. 7-0

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\*(5) Resolution No. 10-214: A Resolution Approving the First Amendment to the Capital Cooperative Agreement Between the City of Las Cruces and the New Mexico Department of Transportation to Fund the Solano Drive A.D.A. Improvements Project From Spruce Avenue to Cactus Street to Amend the Fiscal Year 2009/2010 Budget.

Councillor Small Moved to Adopt Resolution No. 10-214 and Councillor Connor Seconded the motion.

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Councillor Silva asked can you further explain the budget adjustments?

Mike Johnson, Public Works Director said we will routinely budget without an identified project; we have an estimated project amount of about \$55,000 and with DOT reducing their amount to \$38,000, that means we will need a match of approximately \$16,000 to make that project go but we'll only need about \$12,000 to match the grant.

Mark Sutter, Finance Director said the only budget adjustment that is taking place is the grant fund; the matching funds which are in Mike's operating fund are left at the same amount to make sure he has enough to finish the project.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-214 and it was Unanimously APPROVED. 7-0

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\*(6) Resolution No. 10-215: A Resolution Approving the First Amendment to the Municipal Arterial Program Cooperative Agreement Between the City of Las Cruces and the New Mexico Department of Transportation to Fund the Rehabilitation of Amador Avenue From Archuleta Street to Motel Boulevard Project and to Amend the Fiscal Year 2009/2010 Budget.

Councillor Small Moved to Adopt Resolution No. 10-215 and Councillor Sorg Seconded the motion.

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George Pearson, Member of the Public said I would like verification on the extension of this project.

Mike Johnson, Public Works Director said due to the funding, it would go from Archuleta to 17<sup>th</sup> Street.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-215 and it was Unanimously APPROVED. 7-0

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- \* (7) Resolution No. 09-10-340: A Resolution Approving an Extension of an Existing, Indefinite Cost, Indefinite Quantity, Price Agreement for Custodial Supplies, Consulting and Related Services to Springtime Janitorial Supply of Carlsbad, New Mexico, for Years Three Through Four, of a Four-Year Term Conditioned Upon Annual Renewals and Approved Budgets.

Councillor Small Moved to Adopt Resolution No. 09-10-340 and Councillor Sorg Seconded the motion.

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Councillor Connor said on page 89 of our packet, it states that the second year expires on March 3, 2010 and then it states that the City reserves the right to extend it for an additional three year period but yet it states that this is the third year of a four year agreement which doesn't match.

Brian Denmark, Facilities Director said that is an administrative error; this is an extension of the last two years. The important documentation is on page 90 which verifies that this is the third year of a four year pricing agreement.

Councillor Connor said I won't be voting for this item because I still think we need to stay with our local companies.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-340 and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

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- (11) Resolution No. 10-216: A Resolution Designating Former Mayor Pro Tem Gene Kennon as Gene Kennon, Mayor Pro Tem Emeritus in Accordance with the City Council Emeritus/Emerita Program.

Councillor Connor Moved to Adopt Resolution No. 10-216 and Councillor Small Seconded the motion.

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Councillor Connor Moved to Amend Resolution No. 10-216 to include the substituted resolution and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-216 to include the substituted resolution and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-216 as Amended and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima presented Gene Kennon with a Mayor Pro-tem Emeritus certification.

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- (12) Resolution No. 10-217: A Resolution Designating Former Mayor Pro Tem Dolores Archuleta as Dolores Archuleta, Mayor Pro Tem Emerita in Accordance with the City Council Emeritus/Emerita Program.

Councillor Thomas Moved to Adopt Resolution No. 10-217 and Councillor Small Seconded the motion.

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Councillor Thomas Moved to Amend Resolution No. 10-217 to include the substituted resolution and Councillor Connor Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-217 to include the substituted resolution and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-217 as Amended and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima presented Dolores Archuleta with a Mayor Pro-tem Emeritus certification.

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- (13) Resolution No. 10-218: A Resolution Authorizing Philmar Management D/B/A the Game Sports Bar & Grill to Continue With the Permitting Process to Allow for the Sale and Consumption of Beer and Wine Within a Restricted and Secured Area During the 2010 Season of the Las Cruces Vaqueros Independent Professional Baseball Team in May, June, July and August 2010 at Apodaca Park, 801 East Madrid, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-218 and Councillor Silva Seconded the motion.

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Marcy Dickerson, The Game Sports Bar & Grill said we are contracted to provide concession services at the ball games and we will be serving food and beverages which will include beer. The City will be getting a 10% commission off of any sales that are made at your park.

Councillor Small asked when will you discontinue the sale of beer?

Marcy Dickerson said we will stop selling alcohol 30 minutes prior to the end of the game.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-218 and it was Unanimously APPROVED. 7-0

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- (14) Resolution No. 10-219: A Resolution to Approve the Continued Investment of a Portion of the Proceeds of the Prepaid Lease of the Telshor Facility in the Equity Pools of the State Investment Council.

Councillor Small Moved to Adopt Resolution No. 10-219 and Councillor Sorg Seconded the motion.

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Robert Scaling, Treasurer gave a verbal presentation and said this is to meet the annual requirement of Council to review and approve the investment of City funds with the State Investment Council.

Councillor Sorg asked do we get lease money from Memorial Medical Center?

Robert Scaling said no, in 2004 the City and County got a lump sum from Province Corporation for a 40 year pre-paid lease for that facility.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-219 and it was Unanimously APPROVED. 7-0

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- (15) Resolution No. 10-220: A Resolution Authorizing the City of Las Cruces to Accept Contract Amendment No. 1 From the North Central New Mexico Economic Development District Non-Metro Area Agency on Aging for Fiscal Year 2009-2010 Revising the Contract Amount From \$578,337 to \$570,536, Thereby Decreasing the Total Amount By \$7,801, With the City Contributing \$1,107,491 and to Adjust the Fiscal Year 2009-2010 City Budget.

Councillor Connor Moved to Adopt Resolution No. 10-220 and Councillor Silva Seconded the motion.

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Shelly Modell, Senior Programs Administrator gave an overhead presentation and said this is coming before you because of the 2% reduction in our State funding but there won't be any negative reduction in our services.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-220 and it was Unanimously APPROVED. 7-0

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- (16) Resolution No. 10-221: A Resolution Approving an Agreement Between the City of Las Cruces and Danny C. Huerta and Mary Ellen Huerta for Property Transfers Relating to the Main Street Plaza Phase II Project.

Removed from the Agenda

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- (17) Resolution No. 10-222: A Resolution Authorizing the Application for 2010/2011 Municipal Arterial Program (MAP) Funding with the New Mexico Department of Transportation (NMDOT) For the \_\_\_\_\_ Project.

Councillor Small Moved to Adopt Resolution No. 10-222 and Councillor Connor Seconded the motion.

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Mike Johnson, Public Works Director gave an overhead presentation and said we have three options for the Council to select from; the first option is the Amador Avenue Improvements Phase IIA Project, the second is the Sonoma Ranch Boulevard Widening Project and the third is the South Main Street Reconstruction Project.

Councillor Thomas asked can this funding be used for connectivity of bicycle lanes?

Mike Johnson said all of these projects have the opportunity to have shared use or bike lanes.

Councillor Small said I think option 3 is the most appealing and would best serve connectivity.

Councillor Silva said regarding option 2, why wasn't the developer able to pay for it?

Mike Johnson said I don't know what actually happened because this took place in the 1980's and it was prior to the requirement of having developers pay for the roadways.

Councillor Connor said my concern with choosing the South Main Street Project is that there won't be enough funding to complete the entire street.

Councillor Pedroza asked if we choose a project and don't get the full amount of the funding; can we use that funding for another project?

Mike Johnson said we have to identify the project that we are going to use this funding for; we've never tried to amend that so I don't know if it would be possible.

Councillor Pedroza said I don't think that option 2 is a bicycle friendly destination.

Mike Johnson said like with any projects we do; we will look at making it bike friendly.

Councillor Sorg said regarding South Main; there is an irrigation ditch that runs north and south in that area; does this project include the removal of that ditch and installing under pipes?

Mike Johnson said I believe that is going to be considered for that project.

Councillor Sorg said I think option 2 would be the best bet because it's cheaper.

Mike Johnson said it is a viable option.

Councillor Silva said I think if we just buried that irrigation ditch area, that would cause an uproar within our historical community.

Councillor Pedroza said I'm leaning toward approving the Main Street project.

Councillor Thomas said I am also leaning toward the Main Street project.

Councillor Silva said we need to have public input meetings to get their opinion on preserving this historical feature of our community. I think we need to continue on completing projects that we've already started.

Councillor Small said I would be in favor of keeping that area as a historical feature of our community but we do need to update the infrastructure.

Mike Johnson said I just want to make it clear that there are not any plans to bury the ditch and you can make that as a condition for that project in order to move forward.

Councillor Sorg said all three of these projects need to be completed; is there some kind of time table for these projects?

Mike Johnson said all of these projects are a high priority on our ICIP list but they are all subject to our available funding.

Russ Warner, Member of the Public said you need to be practical and realistic on what you can get done.

Ron Camunez, Member of the Public said I am for bike paths but this Council should not base every project on them. How many streets still need to be paved in Las Cruces?

Mike Johnson said there are several streets that are unpaved.

Ron Camunez asked if you want to improve our quality of life then why are our kids still playing on dirt streets?

Mayor Miyagishima said we can't use these funds to pave streets.

Councillor Thomas said it is federally mandated that as we do our streets and we have to include bike paths.

Isaac Chavez, Member of the Public said I think we should finish the Amador project.

George Pearson, Member of the Public said I would recommend that you select the Amador project.

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Councillor Silva Moved to Amend Resolution No. 10-222 to select option 2 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-222 to select option 2 and it FAILED. 2-5 Councillor Silva and Councillor Sorg voted Aye. Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Thomas and Mayor Miyagishima voted Nay.

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Councillor Small Moved to Amend Resolution No. 10-222 to select option 3 and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-222 to select option 3 and it was APPROVED. 5-2 Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva and Councillor Connor voted Nay.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-222 as Amended and it was APPROVED. 6-1 Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva voted Nay.

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(18) Resolution No. 10-223: A Resolution Authorizing the Application for 2010/2011 Co-Op Funding with the New Mexico Department of Transportation for the \_\_\_\_\_ Project.

Councillor Thomas Moved to Adopt Resolution No.10-223 and Councillor Small Seconded the motion.

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Mike Johnson, Public Works Director gave an overhead presentation and said there is a 75 / 25 percent match with a maximum of about \$55,000. There are three potential projects for these funds; one is the Solano Drive ADA Sidewalk Improvements, second is the Telshor Boulevard ADA Sidewalk Improvements and the third is the Union Avenue and Stern Drive Intersection Improvements.

Councillor Connor said I have been advocating for the Union project for six years and now, with the construction of the Convention Center, we need to be able to clear up the congestion that will be created in that area.

Councillor Thomas said I agree with Councillor Connor.

Councillor Silva asked is this the final phase for the Solano project?

Mike Johnson said no.

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Councillor Connor Moved to Amend Resolution No. 10-223 to select option 3 and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-223 to select option 3 and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-223 as Amended and it was Unanimously APPROVED. 7-0

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- (19) Resolution No. 09-10-375: A Resolution Approving Multiple Indefinite Cost, Indefinite Quantity Professional Services Contracts for Legal Services to Holt Babington Mynatt PC, Martin, Lutz, Roggow & Eubanks, P.C. and Reeves & Reeves, P.A. of Las Cruces, New Mexico; and Keleher & McLeod, P.A. and Robles, Rael & Anaya, P.C. of Albuquerque, New Mexico, for Up to Four Years Conditioned Upon Annual Renewals and Approved Budgets; And Authorizing an Increase in the Total Amount Payable for Legal Services Contracts With the Law Firms in an Amount Not to Exceed \$200,000.00, and to Adjust the Fiscal Year 2009/2010 Budget.

Councillor Connor Moved to Adopt Resolution No.09-10-375 and Councillor Small Seconded the motion.

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Mark Sutter, Finance Director gave an overhead presentation and said this is for the approval of our annual legal services contracts.

Mayor Miyagishima said regarding the Keleher & McLeod Firm; I wasn't happy with the negotiations for the franchise agreements so I wanted to know if we can select a firm that deals with only franchise agreements?

Mark Sutter said Council can amend the resolution anyway they would like but that firm does work with the City on other issues. We do still have to go through the RFP process to select a firm for any selected issues.

Terrence Moore, City Manager said this is only for general legal services.

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Councillor Pedroza Moved to Amend Resolution No. 09-10-375 to include direction to the City Manager to engage a separate request for proposal process for legal services related to the speciality of franchise agreements and Councillor Thomas Seconded the motion.

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Councillor Connor said I will be abstaining from this amendment because it includes franchise agreements with El Paso Electric.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 09-10-375 to include direction to the City Manager to engage a separate request for proposal process for legal services related to the speciality of franchise agreements and it was APPROVED. 6-0 Councillor Connor Abstained.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-375 as Amended and it was Unanimously APPROVED. 7-0

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(20) Council Bill No. 10-037; Ordinance No. 2566: An Ordinance Amending the Las Cruces Municipal Code to Add Two New Sections Under Chapter 27, *Traffic* In Article VI, *Traffic Regulations*, That Restrict the Parking of Recreational Vehicles in Residential Areas With the Exception of Brief Periods of Time in Connection With Activities Such as a Planned Trip, as Well as to Make it Unlawful to Occupy a Recreational Vehicle as a Residence With Certain Exceptions.

Councillor Small Moved to Adopt Council Bill No. 10-037; Ordinance No. 2566 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima said I have put together a summary of comments I have received from the public and I am passing it out to my fellow Councillors. This ordinance would apply to fifth wheels and trailers; any RV with four wheels or less will be allowed to park on the street with no time limit but if it has more than four wheels then there will be a time limit of a maximum of seven days. It will be prohibited to live in a RV that is parked on the street; however, if it parked in your garage, driveway, the side or the backyard of your house, you can live in it for a maximum of seven days. There can be an extension granted for 30 days for emergency situations; for example, a death in the family.

Councillor Silva said I would suggest that instead of a time frame of seven days, it be changed to fourteen days.

Councillor Pedroza said we have to consider the width of the streets; some streets are wider than others so it won't be such an issue but there are narrow streets which might cause a problem.

Ryan Dailey, Member of the Public asked what are the penalties?

Mayor Miyagishima said we haven't gotten to that yet.

Isaac Chavez, Member of the Public said this isn't a new concept; most of the new subdivisions have this included in their covenants..

Scott Thatcher, Member of the Public said this is better than the original ordinance.

Chief Bradley, LCPD said this is do-able but the more exceptions you put in, the harder it becomes to enforce. There is another ordinance that addresses the street width issue that was brought up by Councillor Pedroza.

Councillor Connor said there could be enforcement issues because it would be hard to prove if someone has moved it within the seven or fourteen days; they would argue that the clock would start over.

Chief Bradley said you can make it seven or fourteen days within a thirty day period but there could even be issues with that wording.

Councillor Connor asked is this ordinance going to address the penalties?

Officer Ontiveros, Codes Enforcement said most of the citations we write now are a summons to appear in court and the penalty is up to the Judge's discretion.

Councillor Sorg asked do any of our current ordinances cover people living in their RV?

Alma Cortez, Codes Enforcement said right now, the only place you can live in an RV is at a RV park.

Councillor Sorg asked currently, is there anything that can be done about a RV being parked on the street?

Alma Cortez said no.

Councillor Thomas said if we pass this ordinance then it would supercede any other ordinances.

Mayor Miyagishima said correct.

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Councillor Pedroza Moved to Amend Council Bill No. 10-037; Ordinance No. 2566 to amend Section 27-12-6-17B to remain the same through “however, that” then all of the language “such parking may not occur” is struck, you strike the rest of the paragraph, substitute instead “RVs with four wheels will be allowed a maximum of 14 days.” (Continue in section B) “Living in the RV on the street will be prohibited regardless of the number of wheels, it will be allowed if parked in a garage, driveway, left or right side of residence or backyard but not allowed on the front lawn for a maximum of 14 days.” The next section “in the event of an owner can prove an emergency hardship exists, that is death or illness of an immediate family, fire or natural disaster, or as determined by Code Enforcement, the Police Chief can grant a thirty day extension on either parking or residing in the RV.” And that Section 27-12-6-18 shall read “Occupation of recreational vehicle. It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the city, except as provide in Section 27-12-6-17 and in duly established trailer park maintained in accordance with...(and strike provide, however) and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-037; Ordinance No. 2566 to amend Section 27-12-6-17B to remain the same through “however, that” then all of the language “such parking may not occur” is struck, you strike the rest of the paragraph, substitute instead “RVs with four wheels will be allowed a maximum of 14 days.” (Continue in section B) “Living in the RV on the street will be prohibited regardless of the number of wheels, it will be allowed if parked in a garage, driveway, left or right side of residence or backyard but not allowed on the front lawn for a maximum of 14 days.” The next section “in the event of an owner can prove an emergency hardship exists, that is death or illness of an immediate family, fire or natural disaster, or as determined by Code Enforcement, the Police Chief can grant a thirty day extension on either parking or residing in the RV.” And that Section 27-12-6-18 shall read “Occupation of recreational vehicle. It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the city, except as provide in Section 27-12-6-17 and in duly established trailer park maintained in accordance with...(and strike provide, however) and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-037; Ordinance No. 2566 as Amended and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

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**VIII. BOARD APPOINTMENTS**

Mayor Miyagishima appointed Jim Ericson to the City of Las Cruces Utility Board.

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Councillor Connor Moved to Approve the Board Appointment of Jim Ericson to the City of Las Cruces Utility Board and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Board Appointment of Jim Ericson to the City of Las Cruces Utility Board and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima appointed Richard Hass, Marie Hughey, Ted Keibel, Gail Larkin, Michael Skory, Cory Valencia and Sandra Williams to the ADA Advisory Committee.

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Councillor Connor Moved to Approve the Board Appointments of Richard Hass, Marie Hughey, Ted Keibel, Gail Larkin, Michael Skory, Cory Valencia and Sandra Williams to the ADA Advisory Committee and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Board Appointments of Richard Hass, Marie Hughey, Ted Keibel, Gail Larkin, Michael Skory, Cory Valencia and Sandra Williams to the ADA Advisory Committee and it was Unanimously APPROVED. 7-0

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

- (21) Council Bill No. 10-042; Ordinance No. 2571: An Ordinance Repealing and Replacing in its Entirety Chapter 38, Section 38-44 of the Municipal Code, Otherwise Known as the University Avenue Corridor Plan Overlay Zone District with the University District Overlay. This Repeal and Replace Institutes the Provisions That Support the Policies of the University District Plan. Submitted by the City of Las Cruces Community Development Department. (ZCA-10-01)

Mayor Miyagishima and Council agreed to bring this item back.

- (22) Council Bill No. 10-043; Ordinance No. 2572: An Ordinance Repealing and Replacing in its Entirety Chapter 2, Section 2-1012 Through Section 2-1020 of the Municipal Code Pertaining to the University Avenue Corridor Citizen's Design Review Committee with the University District Citizen's Design Review Committee. This Repeal and Replace Institutes the Provisions That Support the Policies of the University District Plan Regarding Committee Representation and Enhancement. Submitted by the City of Las Cruces Community Development Department.

Mayor Miyagishima and Council agreed to bring this item back.

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**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. The scheduling of the perimeter fence removal has been delayed due to impacts to pedestrian movement and access to the university. As a result, the contractor has changed the scheduling to address perimeter construction this summer. 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 were presented to the*

- City Council at the January 11, 2010 City Council work session. Staff presented additional information at the February 17, 2010 City Council work session. City Council directed staff to proceed with exempting the "In-fill" area of the city; keeping the Public Safety fee as a city-wide fee; and, to consider excluding or showing the West Mesa Industrial Park separately. Staff will proceed with a resolution for City Council approval to solidify this direction. Staff will also work with the consultant to modify the contract to redo the Land Use Assumptions and proceed with finalizing the Impact Fee Capital Improvements Plan.)*
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 – *(Exterior work for the aquatic center near complete finishing up EIFS, window system and glazing activities; roof top HVAC related units installed and window shading to commence. Interior work continues for lobby, office and bath house spaces; pool piping, excavation and shaping in progress with shotcrete to commence for the therapeutic pool. In addition, site layout, grading and utilities to begin in the near future.)*  
*(Staff direction has been provided to the consultants responsible for design of a proposed Natatorium to proceed with review of site location and the advantages and disadvantages pertaining to each potential location. Such analysis pertains to the general location of the regional aquatic center in that the question of potential synergy between the two projects may exist. In addition, a review of a phased approach to construction of such a facility is being considered as a part of the design process.)*
  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 8<sup>th</sup> with actual transition of employees to begin February 16<sup>th</sup>. 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 April 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 - *(Construction on La Placita will begin the first week of March. The project is expected to take 9 months to complete. The legislature has passed the Las Cruces TIDD and it has gone to the Governor's desk for signing. The State's contribution to the TIDD will not begin until July 1, 2010.)*
14. Police Auditor Procurement Update
15. Grants/ARRA Status - (Matrix.)

Councillor Thomas said regarding number four; I want to mention that the TIDD was signed last week.

I want to have an update on bicycle facilities added to this list.

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## **XI. GENERAL DISCUSSION**

### **1. MAYOR**

Mayor Miyagishima said recently, I was at the City Clerk's office and I noticed that they are still making CDs of our agendas for some of the Councillors which is surprising because it is available to us online. I want to mention that these are plastic disks and they aren't biodegradable.

Regarding the proposed residential facility, based on the feedback I have received from the public and my own research; I am having difficulties supporting it and I don't feel very comfortable with it.

### **2. CITY COUNCIL**

Councillor Thomas said I agree with the Mayor. The local office of the ACLU has done some research and they can't find any type of federal program for this proposed residential facility.

There is a District 6 meeting tomorrow night at 5:30 p.m. at Good Samaritan Auditorium.

Next week, someone from the Workforce Connection is going to come before us with a proposal for them to take over this building because they are needing a bigger space in order to have all of their entities under one roof and make them a one stop shop.

Councillor Sorg said this morning some of us met with members of the County staff to discuss the joint efforts for a police sub-station in the East Mesa area by using funding from the federal government.

Councillor Small said I want to thank Chief Bradley for his work on increasing the police presence in the Jaramillo area.

I think we need to do the South Main project even if we don't receive funding from the DOT.

Councillor Pedroza said regarding the proposed residential facility, I think we need to slow down and have more public input regarding that issue.

I think the meetings for District 3 have been going well and we will be having a meeting with the Mayor on March 17<sup>th</sup> at Conlee.

Councillor Connor passed.

Councillor Silva asked when will we be re-opening the Munson Center?

Terrence Moore said hopefully, it will be open a week from today.

Councillor Silva said regarding the Animal Shelter, when will we be speaking with Albuquerque regarding the center?

Terrence Moore said we will have a draft agreement at the April 1<sup>st</sup> board meeting for them to consider and then from there it will go before the City and County and then we will be all set.

Councillor Silva said I'm concerned about the HVAC system at the Animal Shelter.

Terrence Moore said I will prepare a summary of that issue for the next board meeting.

Councillor Silva said regarding the demolition for the construction of the new affordable housing, are we going to put a cap on the demolition cost?

Terrence Moore said I don't have a specific amount but we are not going to have an open price tag on the demolition cost.

Brian Denmark, Facilities Director said we did get an estimate on the demolition of the City Office Center of between \$700,000 and \$750,000.

Terrence Moore said I want to remind you that we have not made any commitments to those estimated cost.

Councillor Silva said there are NASA programs that are being cut and I would ask that everyone begin lobbying to keep our NASA programs going because it does affect a lot of people in our community.

**3. CITY MANAGER**  
**A. Intermodal Update**

Lori Grumet, Public Services Director gave an overhead presentation and said last week the RFP closed and we are beginning to look over the packets with the Selection Advisory Committee.

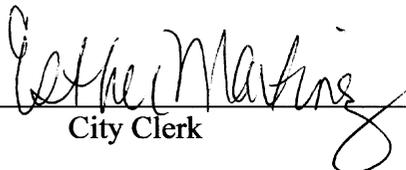
**B. Other Items - Information Only**

None given.

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**Meeting Adjourned at 6:08 p.m.**

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)