



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

**Regular Meeting**

**July 26, 2010  
5:00 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 **Absent**

**STAFF:**

Robert Garza, Assistant City Manager  
Harry (Pete) Connelly, Interim City Attorney  
Linda Lewis, Deputy City Clerk

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**I. OPENING CEREMONIES**

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and Laura Loos presented the Pet of the Week.

Councillor Connor presented a Proclamation to Lorenzo Garcia and declared July 30, 2010 as Graduate New Mexico Day.

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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**

Ruben Corona, Member of the Public said I would like to ask for the City to work with the State in coordinating the status of business's tax payments so it will be easier to renew and obtain a business license.

David Weir, Community Development Director said this is a new program that we have started and we are working to make it easier for everyone. The State has asked us to work with them on making sure businesses have paid their State taxes before giving them a license.

Karim Martinez, County Program Director said I'm here to present the Council with invitations to two events which are to the EFNEP 40 year Anniversary and the 4-H & FFA Expo.

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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 Silva Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to accept the Agenda and it was APPROVED.  
6-0 Councillor Thomas was Absent.

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**V. CITY COUNCIL MINUTES**

\*(1) Regular Meeting of July 6, 2010

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

- \* (2) Council Bill No. 10-050; Ordinance No. 2579: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.848 +/- Acres Located at 3041 N. Main Street. The Purpose of the Zone Change is to Give the Subject Property the Same Zoning Designation as the Adjacent Property to Allow the Replatting of the Two (2) Existing Parcels Into One (1) New Parcel. The Replat Would Allow the Construction of a New 14,700 Square Foot Pharmacy on the Newly Replatted Property. Submitted by Scott Steffen, Bohannan Huston, Inc. On Behalf of S & I Enterprises, LLC, Property Owner (Z2813).

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

- (3) Council Bill No. 10-051; Ordinance No. 2580: An Ordinance Approving a Zone Change from M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development) to PUD (Planned Unit Development) Including a Request for Approval of a Concept Plan for a PUD Known as Villa Amador. The Subject Properties Are Located South of Amador Avenue, West of Valley Drive, and Northeast of Burn Lake and Are Currently Zoned M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development). The Proposed PUD Encompasses 54.383 +/- Acres and Entails Three (3) Planning Parcels: Parcel 1 Encompasses 7.311 +/- Acres and Proposes Industrial Redevelopment; Parcel 2 Encompasses 18.263 +/- Acres and Proposes Industrial Uses; and Parcel 3 Encompasses 28.808 +/- and Proposes a Mobile Home Park. Submitted by Scanlon White, Inc. for IFL, LLC, Property Owner.

Councillor Small Moved to Adopt Council Bill No. 10-051; Ordinance No. 2580 and Councillor Sorg Seconded the motion.

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Cheryl Rodriguez, Development Services Director gave an overhead presentation and said this proposal is for the mix use of industrial and a mobile home park. The PUD designation does allow the developer some flexibility with their development plans as long as there is a public benefit. The applicant is seeking a PUD for the 54 acres and the approval of his Concept Plan. The industrial portion will use Pioneer Place to Amador as a access point and the mobile home park will have access to Valley Drive. The applicant is proposing to use parcel three as the mobile home park and they have identified their development standards which are typical of the mobile home park standards in our Zoning Code. As part of the public benefit requirement, the applicant is going to install a bus shelter at the bus stop located west of Pioneer Place on Amador and he is going to install pedestrian trails and bikeways within the development to connect to Burn Lake. The applicant is also planning on working with the City to expand the Burn Lake Project and the Las Cruces Drainage Facility adjacent to Burn Lake. On February 10, 2010 the DRC reviewed this proposal and the Public Works Department requested letters of support from the adjacent property owners as well as

a Traffic Impact Analysis. The applicant did not want a postponement from the DRC so the DRC recommended a denial for this proposal to the Planning and Zoning Commission and they instructed the applicant to work with our Public Works Department on our concerns.

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Councillor Small Moved to allow Councillor Thomas to attend the meeting via telephone and Councillor Connor Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to allow Councillor Thomas to attend the meeting via telephone and it was Unanimously APPROVED. 7-0

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Cheryl Rodriguez continued her overhead presentation and said on February 23, 2010, the Planning and Zoning Commission recommended a conditional approval to Council which included six conditions: (1) until such time that it is decided that the City parcel can be used as a roadway access to the development subdivision, the Design Engineer shall designate it as a "proposed access" on the Concept Plan, (2) a TIA shall be provided at the time of the Final Site Plan submittal; (3) use of the City parcel as a roadway/public ROW is contingent upon the review of the TIA and further discussions with the Public Works Department to determine the feasibility of utilizing the City parcel due to existing City infrastructure. If it is decided that the City parcel can be used as a roadway, the Design Engineer must work with the adjacent property owners to ensure that there are no adverse impacts to their property/business. The developer is responsible for replatting the parcel as a public ROW; (4) upon the Final Site Plan submittal, the Design Engineer shall provide written confirmation that the Design Engineer has notified the property owners adjacent to the City parcel of the potential use of the City parcel as a public ROW; (5) if the City parcel cannot be used for the primary access to the private subdivision based on the listed conditions, the developer must designate another access point as their primary access and find another secondary access; (6) and there must be an agreement with the City to use the City's Detention Facility. We went back to the P & Z in April and they heard the requested Concept Plan again. There was public input given at the meeting and the P & Z recommended denial of the Concept Plan to City Council. The NMDOT did review the Concept Plan and said this subdivision will impact a State highway system so a driveway permit application will be required and submitted to our District Office for approval. Another option that is available to the applicant is for him to purchase that parcel from the City and use that land for a private roadway.

Ted Scanlon, Applicant Representative gave an overhead presentation and said the DRC denial was due to a couple of technical issues that the Public Works Department didn't feel comfortable with but we resolved those issues prior to the P & Z meeting which is why the P & Z recommended an approval at the first meeting. The only change that I made prior to the April meeting was adding a

possible use for approximately 5,000 sq ft of the existing old Border Foods building. The Zoning Code doesn't allow you to phase Zoning Code requirements on a phased building construction like that which is why we decided to apply for a PUD. I think this change confused the Planning and Zoning Commission which is why they recommended a denial at the second meeting. We were given the option by City staff to purchase the property that we were going to use for the roadway access to Valley Drive which we would agree to do for a reasonable price.

Richard Hannah, Applicant gave a verbal presentation and said I met with Robert Garza about two years ago to discuss some of the uses for this property and some of the suggestions were affordable housing, adaptive reuse of an existing building, development of an infill parcel, help with Burn Lake and the use of industrial to help create jobs which I feel we can accomplish those things with this project. This is going to be a mobile home park which is going to create housing because we are going to have deeded lots within the parks so it's actually single family housing on permanent foundations. This will be a house and will qualify for FHA financing.

Mayor Miyagishima said I just want to get some clarification; you are going to be selling these lots?

Richard Hannah said yes.

Councillor Small said we are at the stage of the Concept Plan approval which in a PUD, take the place of the Final Plat stage; correct?

Cheryl Rodriguez said that is correct.

Councillor Small asked do we know how many cars travel north and south on Valley Drive?

Ted Scanlon said I don't have that information with me but it is readily available with NMDOT. One of the requirements request by Public Works at the P & Z meeting was to do a TIA at the time of the Final Site Plan which is going to be the next step after the Concept Plan is approved.

Councillor Connor said I would support having the Valley Drive entrance as a secondary access and having Pioneer Place as the primary access point. I also think it would be better if they purchased that property and created a private roadway so the City wouldn't be responsible for maintaining it. It sounds like this mobile home park setup would be similar to the Trails West setup.

Richard Hannah said that is correct, but the only difference is Trails West is a senior neighborhood.

Councillor Connor said you will be adding an addition ten foot buffer area; correct?

Richard Hannah said correct.

Councillor Connor asked would Pioneer Place be improved to Amador?

Cheryl Rodriguez said yes.

Ted Scanlon said we have to rebuild it anyway due to the sewer line and storm drains.

Councillor Connor asked will that be private property?

Ted Scanlon said we anticipate that Pioneer Place will be a City street from Amador up to the gates of our residential area.

Councillor Pedroza said this sounds good but my main concern is with the traffic.

Councillor Small said there are a lot of concerns with the traffic which is why I think it is necessary to have the information that a TIA would provide, available to us.

Ted Scanlon said a TIA is very costly and it isn't required at this phase of the project. The TIA is also very detailed which requires having a Final Site Plan to prepare it.

Cheryl Rodriguez said staff would like to request some clarification based on the testimony that was given today regarding parcel three. During the staff review process and the Planning and Zoning Commission, it was represented that parcel three would be a mobile home park that would be privately maintained and the spaces would be rented; not fee simple but due to the testimony given, it is our understanding that those spaces would be available fee simple which now becomes a subdivision. We need a clarification on the intent of that use because it was stated in the Concept Plan that it would be a simple mobile home park.

Richard Hannah said the way I understand a PUD, you approve certain densities and uses, the streets would remain private so we would be able to have a gated community.

Cheryl Rodriguez said we still need clarification because we understood that a private entity would maintain all of the common areas and roads. The private entity was not listed as a Home Owners Association.

Richard Hannah said the intent is to develop the residential area, meeting all of the requirements of the mobile home park codes but we intend to carry that one step further and also meet all of the requirements of the Subdivision Code so that a subdivision can be made within that area. That way we would be able to divide those lots and sell them individually. We would be happy to add a clarification note to the Concept Plan and there will be an operating entity to maintain the common areas, facilities and streets.

Councillor Silva asked why did the DRC deny this proposal?

Cheryl Rodriguez said they recommended denial because the applicant did not want table it to address the concerns of Public Works regarding the access to Valley Drive.

Councillor Sorg asked are the six conditions that were placed on this, acceptable to you?

Richard Hannah said yes.

Councillor Sorg asked is there going to be a Home Owners Association?

Richard Hannah said yes.

Mayor Miyagishima asked is this going to be a mobile home park or are you going to try to sell the lots and create a subdivision because if you are then that is different from what is presented to us?

Ted Scanlon said our original intent was to have a mobile home park that would lease, then the Developer decided to offer the opportunity of home ownership within the property. Our plan is still to develop it using the zoning code guidelines for a mobile home park; it will be ran just like a mobile home park and the only difference is we will subdivide and create legal separate parcels for each space within this park so people can actually purchase them.

Cheryl Rodriguez said it was articulated during the review process that this was going to be a mobile home park and that is how staff evaluated this proposal; we didn't look at this as a mobile home subdivision which has a different set of criteria.

Richard Hannah said that is why we applied for a PUD because it allows for flexibility and allows for creative uses.

Mayor Miyagishima said this application was for a mobile home park, not a subdivision and I would suggest that this is sent back to the Planning and Zoning for them to consider the changes.

Councillor Thomas said other developers have tried this type of setup and they haven't been successful. Have you done this type of hybrid before?

Robert Hannah said no, I have not done this type of hybrid myself.

Ted Scanlon said we thought a PUD would allow us to do both a mobile home park and a subdivision. We would like to have the opportunity to go back to P & Z and explain our changes to our plan.

Ruben Corona, Member of the Public said I have concerns with the traffic impact this will bring to this area. There has been reference to mobile homes and manufactured homes; I would like some clarification on which one it is.

Mayor Miyagishima said manufactured homes are permanent structures.

Paul Turner, Member of the Public said I live on Brown Road and it is already difficult to try to get across Valley Drive.

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Councillor Thomas left the meeting (disconnected telephone call) at approximately 7:24 p.m.

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Joshua Gomez, Member of the Public said I think we should have the TIA done before any decisions are made regarding this project.

Randy McMillen, Member of the Public said I sold this property to Mr. Hannah and I asked him what his plans were for this property and he told me what he has told you today which I think would be a great development for this property. I was asked to read a statement from Tom Hutchinson which also states that he is in favor of this project.

Councillor Connor said on page 91 of our packet, it talks about the Development Statement for this project and I would like to know what is staff's description of the applicant's answer?

Cheryl Rodriguez said we asked the applicant what his intent was for this property and he told us it was going to be a mobile home park which is how we reviewed it.

Councillor Connor said I think you need more time to review this with staff; this isn't a "no", it's just a step back to do it right.

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Councillor Small Moved to Amend Council Bill No. 10-051; Ordinance No. 2580 to send it back to the Planning and Zoning for them to consider the changes and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-051; Ordinance No. 2580 to send it back to the Planning and Zoning for them to consider the changes and it was APPROVED. 6-0 Councillor Thomas was Absent.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-051; Ordinance No. 2580 as Amended and it was APPROVED. 6-0 Councillor Thomas was Absent.

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- (4) Resolution No. 11-021: A Resolution Approving City-Initiated Street Name Changes for Four Streets Located in the Hacienda Acres Area. Submitted by the City of Las Cruces. (SNC-10-01)

Councillor Connor Moved to Adopt Resolution No. 11-021 and Councillor Small Seconded the motion.

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Cheryl Rodriguez, Development Services Director gave an overhead presentation and said we are going to have to make some numerical changes to some of the addresses on these streets and change the street names due to the confusion of similar named streets which causes problems for Emergency Services.

Councillor Sorg said I don't see how these street names cause confusion; can't Emergency Services tell the difference between street and avenue?

Fire Chief Travis Brown said in an emergency situation, most people don't remember if it is street, lane or drive and there are also issues when our 911 Call Center is trying to trace calls.

Councillor Silva said I agree with changing the names for safety issues.

Councillor Connor said this isn't convenient but it is necessary.

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Councillor Sorg Moved to Amend Resolution No. 11-021 to change the name of Morningside Road to Poose Creek Road (from Reynolds to Aldrich), Lee Avenue to Church Hill Avenue, Douglas Avenue to Rossman Avenue, and Stagecoach Lane to Wild Bill Lane and Councillor Connor Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-021 to change the name of Morningside Road to Poose Creek Road (from Reynolds to Aldrich), Lee Avenue to Church Hill Avenue, Douglas Avenue to Rossman Avenue, and Stagecoach Lane to Wild Bill Lane and it was APPROVED. 6-0 Councillor Thomas was Absent.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-021 as Amended and it was Unanimously APPROVED. 7-0  
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### **VIII. APPEAL PROCESS**

Council members shall not privately discuss with any interested person or persons the merits of a case which is, or may be pending before the City Council. If there have been any such discussion or discussions, they should be disclosed by the appropriate Councillor(s) or individuals at this time.

Appeals to be presented before the Las Cruces City Council may follow the appellate procedures mandated by the State ex rel. Battershell v. Albuquerque. These procedures are intended to protect the due process rights of all parties to the appeal. However, the *Battershell* procedure will only be followed when any party in the appeal wishes to use this procedure.

Persons wishing to give testimony on any item shall wait to be recognized, then go to the lectern, give their name and address, be sworn in (if using the *Battershell* procedure), and limit their comments to three minutes. If there is a properly identified neighborhood spokesperson, attorney or real estate agent for one of the parties, the time limit shall be ten (10) minutes. You may speak more than once provided you avoid being repetitious. Proponents shall speak first, followed by opponents.

### **BATTERSHELL PROCEDURES FOR APPEALS PRESENTED TO THE CITY COUNCIL**

#### **1. PRE-APPEAL HEARING REQUIREMENTS:**

- a. Any party to be represented by an attorney, at the appeal hearing, shall present to the City Attorney's Office, at least 5 business days before the hearing, a memorandum with citations of authority substantiating the party's position. This memorandum is different from the appeal summary submitted 15 days after the public hearing by the Board of Adjustment or the Planning and Zoning Commission.
- b. All parties in the appeal that desire to have a specific City staff person present at the appeal, need to present to the City Planning Department, at least 5 business days before the appeal hearing, a letter requesting that the specific staff person be present at the appeal hearing. This allows ample opportunity to notify the staff person to assure attendance.

2. **AT THE BEGINNING OF THE *BATTERSHELL* APPEAL HEARING, THE COUNCIL WILL:**
  - a. Identify all parties to the appeal, including all witnesses that wish to give testimony.
  - b. All persons who give testimony, including City staff, will be sworn-in by the clerk or person authorized to administer oaths.
  - c. All persons giving testimony will be subject to cross-examination by other parties within the appeal, including City staff.
  - d. All items presented in the appeal, whether in *Battershell* or not, will be limited to the relevant matter being appealed and the City Council may place a reasonable limit on the number of persons to be heard and their amount of testimony.

**PROCEDURES FOR PRESENTATION OF ALL APPEALS**

The following procedures will be used whether an appellant chooses to utilize the *Battershell* procedure or not.

1. **ORDER OF ALL PRESENTATIONS:**
  - a. City Staff Presentation
  - b. Appellant Presentation
  - c. Other parties' presentation
2. **APPLICABLE STEPS FOR ALL PRESENTATIONS:**
  - a. Opening statements about the case by the party.
  - b. City Council may question the presenter/party.
  - c. Cross-examination by other parties, which must be done in the form of questions to be answered by the presenter(s).
  - d. City Council may question the presenter/witness.
  - e. Continue to other witnesses for the party until complete.
  - f. Once all parties are through with giving testimony, closing statements can be made by each party, in same order as above (A).
3. **CITY COUNCIL ACTION:**
  - a. A City Council member makes a motion, followed by a second.
  - b. There may be discussion of the motion.
  - c. The Council is prepared to vote. In the vote, the City Council may reverse, modify, affirm, or change any decision or determination of the Official, Board, or Commission from which the case was appealed.
  - d. The City Clerk takes roll call of the City Council; the decision is announced.

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**IX. APPEAL(S)**

- (5) Resolution No. 11-022: A Resolution to Appeal the Denial Decision of the Planning and Zoning Commission on a Request for an Infill Development Proposal (IDP) for Property Located at 725 N. Santa Fe Street. The Request is to Allow the Development of a Seasonal, Temporary, Non-Commercial Six-Space RV Park on the Subject Property. The Purpose of the Request is to Provide a Location for Traveling Volunteers of Habitat for Humanity to Reside at While Building Homes in the City of Las Cruces. The IDP is a Request to Deviate from All of the City of Las Cruces Recreational Vehicle Park Development Standards Submitted by Ed Johnson of the Mesilla Valley Habitat for Humanity, Property Owner (IDP-42).

Councillor Connor Moved to Adopt Resolution No. 11-022 and Councillor Silva Seconded the motion.

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Cheryl Rodriguez, Development Services Director gave an overhead presentation and said staff recommended a conditional approval of this development to the Planning and Zoning Commission and the conditions were that no structure would exceed thirteen feet in height, there would be a landscape buffer along the western property line and that it would be approved for a period of five years and after that period of time, the applicant would have to resubmit the proposal for administrative re-evaluation and approval. The P & Z heard this case in June and there was some public comments given. The P & Z did vote no with a vote of 1 to 3 which the applicant is appealing that decision today.

Ed Johnson, Mesilla Valley Habitat for Humanity Director said we need to increase our productivity in order to provide people in our community with descent housing and we need to have volunteers to help us build these homes. Our Care-a-Vanners are a big source of volunteer help with the construction of these homes and some of them even become permanent residents of our community.

Councillor Silva said I think this is a great program.

Councillor Small said I think this program offers a great benefit to this community.

Councillor Sorg said I agree that this is a great program and maybe you can work with the neighbors to help with their concerns.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-022 and it was APPROVED. 6-0 Councillor Thomas was Absent.

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**X. BOARD APPOINTMENTS**

Mayor Miyagishima appointed the following to the Downtown Revitalization Ad Hoc Committee: David Chavez, representing Las Esperanzas, Monty Sarvo, representing Alameda Depot Civic Assn., Jean Williams, representing Farmers and Crafts Market, Heather Pollard, representing Dona Ana Arts Council, Steve Newby, representing Downtown Las Cruces Partnership, Sharon DeBraal, representing Las Cruces Board of Realtors, Mike Beckett, representing Greater Las Cruces Chamber of Commerce, Clark Myers, representing NMSU, Ellie Lanphier representing Green Chamber of Commerce, Jim Hawman, representing Downtown Property Owner, Dianna Lyons, representing Downtown Business Owner and Christina Little, At Large.

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Councillor Silva Moved to Approve the Mayor's Board Appointments to the Downtown Revitalization Ad Hoc Committee of David Chavez, representing Las Esperanzas, Monty Sarvo, representing Alameda Depot Civic Assn., Jean Williams, representing Farmers and Crafts Market, Heather Pollard, representing Dona Ana Arts Council, Steve Newby, representing Downtown Las Cruces Partnership, Sharon DeBraal, representing Las Cruces Board of Realtors, Mike Beckett, representing Greater Las Cruces Chamber of Commerce, Clark Myers, representing NMSU, Ellie Lanphier representing Green Chamber of Commerce, Jim Hawman, representing Downtown Property Owner, Dianna Lyons, representing Downtown Business Owner and Christina Little, At Large and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments to the Downtown Revitalization Ad Hoc Committee of David Chavez, representing Las Esperanzas, Monty Sarvo, representing Alameda Depot Civic Assn., Jean Williams, representing Farmers and Crafts Market, Heather Pollard, representing Dona Ana Arts Council, Steve Newby, representing Downtown Las Cruces Partnership, Sharon DeBraal, representing Las Cruces Board of Realtors, Mike Beckett, representing Greater Las Cruces Chamber of Commerce, Clark Myers, representing NMSU, Ellie Lanphier representing Green Chamber of Commerce, Jim Hawman, representing Downtown Property Owner, Dianna Lyons, representing Downtown Business Owner and Christina Little, At Large and it was APPROVED. 6-0 Councillor Thomas was Absent.

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

None given.

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## **XII. STATUS/UPDATES ON CURRENT PROJECT LIST**

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior near complete; most construction is interior with limited site work at this time. Parking lot grading and other site work to begin later in July. Construction completion remains on schedule at this time with the facility being operational by an anticipated December, 2010 time frame.)*
3. **Downtown Main Street Construction** - *(Construction of Main Street Plaza - Phase II North was awarded by Council to Jaynes Corporation on May 03, 2010. Construction begin with the installation of safety fencing on July 1<sup>st</sup>. Existing trees, plants, and bricks on Main Street are being removed with some of the salvageable items being transported to the City yard between Motel Blvd. and Westgate.)*
4. **Impact Fees** –*(The project is on-going and is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). City Council solidified their direction to 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 by approving the change order to the contract with James Duncan and Associates on May 17, 2010. Staff will work with the consultant to modify the LUA and the draft IFCIP and to bring them forward for review and approval through the appropriate process.)*
5. **Vision 2040** – *(Staff has taken over the Vision 2040 project from the consultant and is moving ahead with the action plan reviewed by the elected officials on April 15, 2010. Staff is preparing a vision statement for endorsement in May and a working draft of the regional vision document using the Table of Contents presented. Staff is restructuring the Advisory Committee to add stakeholders and define responsibilities, with the next meeting tentatively scheduled in the first part of June. The Advisory Committee will review updated versions of the working draft in sections over the next several months with regular updates to the elected officials. Information and draft documents on Vision 2040 are available online at <http://vision2040.nmsu.edu>.)*
6. **Regional Recreational & Aquatic Center**– *(Most interior work is complete with tube slide installed and water in the pool. Clean up work and minor details remain to be completed. Most work devoted to site completion. Parking lot constructed, landscaping in process among other amenities. Anticipation of a Certificate of Occupancy during the month of July with the opening of the facility towards the end of summer.)*
7. **Las Cruces Intermodal Facility** -*(Contract award complete and finalizing paperwork, primarily related to DBE in order begin the project.)*
8. **Bicycle Facilities Planning** - *(Staff is preparing the application for Bicycle Friendly Community with the assistance from the Bicycle Friendly Community Task Force. Staff is working with the Engineering Work Group of the Task Force to identify roadways where*

*bicycle facilities can be added as resurfacing projects are completed. The road diet on Solano will be continued from Missouri to University during late summer/early fall. There are 4 new League Cycling Instructors in the Las Cruces area, bringing the total number of instructors to 13. The new instructors include three City employees: Caeri Thomas, Naoma Staley, and Andy Hume.)*

9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(This project, known on our application for the EPA Smart Growth Implementation Assistance (SGIA) program as Making Redevelopment Work for the Neighbors: The El Paseo Project, now has an identity more suitable for its purpose which is to engage people in planning their community. Welcome: **Picturing El Paseo—Share Your Vision for the Corridor**. A ‘soft’ outreach campaign has begun in the area along and within walking distance of El Paseo Road between Downtown and the University District. The team is promoting events like Coffee Hour at popular spots such as International Delights, Mountain View Coop, Grandy’s and Si Bistro when people can stop and talk with staff. The City and partners are producing the **Green Infrastructure Conference** on August 26<sup>th</sup>, a 3-day **Road Safety Audit** September 30<sup>th</sup> through October 2<sup>nd</sup>, and a **Visioning Charrette** November 18-20. The EPA staff team and federal partners from the Departments of Transportation (DOT) and Housing and Urban Development (HUD) are collaborating with City staff from multiple departments, policy makers, residents and businesses. Las Cruces staff is continuously reaching out to a diverse set of public and stakeholders in the El Paseo area, and is available to discuss this project with any interested parties or individuals. Regular conference calls occur on Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)*
10. **New City Web Site** – *(The new web site is scheduled to go live in the July-August time frame. Content from the current web site is being migrated to the new site. Some significant re-work of content is required to provide a unified design and user interface functionality, and to upgrade existing content to ADA and Section 508 standards. 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.)*
11. **Downtown Revitalization Activities** - *(Construction on La Placita has started and is expected to take 9 months. City staff is in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.)*
12. **Grants/ARRA Status** - (Matrix.)

Councillor Small said I would like to get an update on the Armijo House.

Mike Johnson, Public Works Director said we are still continuing with negotiations because the initial assessment to do the work that is needed on that home came in higher than we expected.

Councillor Small asked are the other organizations that were interested in restoring this house involved?

Mike Johnson said not at this time.

Councillor Small said I would like to have them included with this project.

Robert Garza, Assistant City Manager asked can you send the information on the individuals that you would like to have involved with this project so I can schedule a meeting to discuss it?

Councillor Small said yes.

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### **XIII. GENERAL DISCUSSION**

#### **1. MAYOR**

Mayor Miyagishima said several years ago, we were dealing with a lot of land use issues which is why we began having the fourth meeting of the month as a Land Use Meeting. I would like to suggest that we bring forward a resolution to change our meeting schedule to the first and third Monday of the month for Regular Council Meetings and then the second and fourth Mondays are Work Sessions.

Robert Garza, Assistant City Manager said we can incorporate land use issues into the first and third meetings so you will hear them twice a month instead of all at once at the end of the month.

Councillor Connor said I would suggest that we also change the time for all of our meetings to begin at 1:00 p.m. instead of having quarterly 5:00 p.m. meetings.

Mayor Miyagishima said that would be fine to include in the resolution.

#### **2. CITY COUNCIL**

Councillor Sorg said I just want to mention that I would like to get further clarification regarding the definition of PUDs.

Councillor Small said I want to suggest having a discussion regarding films in our community at a future Work Session.

Mayor Miyagishima said just send me the information.

Councillor Small said I want to remind people to remove containers that are holding rain water to help prevent more problems with mosquitos.

Councillor Pedroza said I agree with making the changes to our meeting schedule.

I want to compliment Mark Johnston on how clean and well kept Young Park is and I want to remind everyone that I walk around Young Park Monday thru Friday at 7:00 a.m. and anyone is welcome to join me.

I received some concerns from a constituent regarding the City's resources for our mentally ill residents and I would like to get more public input regarding that issue.

Councillor Connor said I am passing out a draft resolution regarding the use of electronic devices during Council meetings. I think this is a very important issue and we need to have something in place.

I would like to have an update regarding the Special Assessment District?

Cheryl Rodriguez, Development Service Director said I have not had any further conversations with Mr. Moscato regarding the SAD.

Councillor Connor said I think we need to have further discussions with Mr. Moscato, Robert Garza, the Mayor and Cheryl regarding the SAD.

Mayor Miyagishima said there was no consensus given by Council at the April 5<sup>th</sup> meeting which is why it hasn't moved forward but I do agree that we need to begin discussions again.

Councillor Silva said I want to compliment Mike Johnson on handling our issues that have come up due to the current rains.

I'm okay with bringing forward a resolution regarding the use of electronic devices and I think we can also address the issues I have concerning our email policy during that time as well.

Las Cruces Avenue is going to be closed for three months and I think we should put up signage for the business owners of this area and keep them notified of future closures and other construction related issues for that area.

Robert Garza said I have already given staff direction to set up a meeting with the business owners in that area to discuss the issues that are occurring due to the construction.

3. **CITY MANAGER**
  - A. Other Items - Information Only.

Robert Garza, Assistant City Manager said I was asked from the Town of Mesilla to have the City help them with some of the issues they are experiencing due to the heavy rains and I have agreed for the City to offer them any help we can during this situation.

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**Meeting Adjourned at 9:18 p.m.**

  
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Mayor

ATTEST:

  
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City Clerk

(SEAL)