



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

**Regular Meeting**

**March 15, 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 by Phone  
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 Pedroza led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

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

Councillor Pedroza presented a Proclamation to Laura Smart and declared March 2010 as American Red Cross Month.

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Mayor Miyagishima read a closed meeting statement and said the City of Las Cruces City Council met in a closed session at 10:15 a.m. on March 8, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, City Manager Terrence Moore, Interim Police Chief Pete Bradley and Jim Reeves. The meeting adjourned at 12:50 p.m. and they only discussed those limited items as stated in the posted notice which was the limited personnel matters relating to City Manager Terrence Moore.

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Councillor Small Moved to Allow Councillor Connor to attend the meeting by telephone and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Allow Councillor Connor to attend the meeting by telephone and it was APPROVED. 6-0 Councillor Connor was Absent.

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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**

Leroy Lozier, Member of the Public said I have submitted a letter to the Council regarding the bad condition of our public streets. I would like a written report from you that shows what the millions of tax dollars were allocated to for the repair of our streets, were spent on.

Mayor Miyagishima said we will get that information for you.

Larry Cooper, Member of the Public said I moved here about five months ago and I have an issue with your leash law. My brother adopted a cat from the shelter and it ended up getting caught in a cat trap that was set by his neighbor and he had to go get it and pay a fee. Then, one day my mother accidently left the door cracked and the cat got out in our front yard and a Animal Control Officer went into our yard and caught the cat and took to the shelter again. A cat is not trainable to be able to put them on a leash. I don't think the leash law should apply to a cat and I don't think they should be able to take your pet out of your yard.

Rudy Adame, Codes Officer said the leash law applies to dogs and cats and we are required to pick up animals and take them to the shelter regardless if they have or don't have a microchip or tags.

Mayor Miyagishima asked can we look at our ordinance and change it so that cats are not included?

Harry (Pete) Connelly, Interim City Attorney said we can take a look at it.

Councillor Small said we have a huge feral cat problem right now and I would be very cautious in changing our laws regarding that issue.

Jack Welch, Member of the Public said in North Carolina, they are building an Aquatic Center with three pools which includes an olympic size pool for just over \$17 million. Our Aquatic Center budget was \$18 million and we were told that if we installed an olympic size pool, it would take up most of the funding.

Mayor Miyagishima said I would like for you to forward information on that project to me.

Jeff Cervine, Bank of the West said I represent the March of Dimes and I'd like to donate these bags of policeman and fireman bears to the Police and Fire Departments so they can give them to children in emergency situations.

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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 6, 7, 8 and 16 need to be removed from the Consent Agenda for discussion and Item 24 needs to be removed from the Agenda.

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Councillor Sorg 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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**V. CITY COUNCIL MINUTES**

- \* (1) Regular Meeting of February 16, 2010

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

- \* (2) Resolution No. 10-224: 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.
- \* (3) Resolution No. 10-225: A Resolution Approving a Community Development Block Grant (CDBG) Agreement Between the City of Las Cruces and La Casa Inc. To Provide Rehabilitation and Other Eligible Improvements to the Domestic Violence Shelter, Primarily Through Upgrades and ADA Accessibility to the Shared Laundry Facilities Within the Shelter.
- \* (4) Resolution No. 10-226: A Resolution Approving Amendment Number One (1) in the Amount of \$10,000 to the Agreement Between the City of Las Cruces and the State of New Mexico Children, Youth, and Families Department Related to the Doña Ana County Juvenile Justice Continuum. The Resolution Ratifies the City Manager's Signature, Amends the City's Adopted FY2010 Budget, and Authorizes the Development and Execution of Necessary Subcontracts.
- \* (5) Resolution No. 10-227: A Resolution Approving an Exception to the Home Rehabilitation Program to Payoff a New Mexico Mortgage Finance Authority (MFA) Deferred Payment Loan for a Total of \$2,000; and to Payoff Housing Authority of the City of Las Cruces Deferred Payment Loan for a Total of \$7,250 for Home Rehabilitation Program Applicant, Mrs. Celia Chavez, of 1820 New Mexico Avenue.
- \* (9) Resolution No. 10-231: A Resolution Terminating a Land Lease Between Wayne Wallace and the City of Las Cruces for Parcel 10 at the Las Cruces International Airport and Entering Into a New Land Lease for Parcel 10 Between Wayne Wallace and the City of Las Cruces for a Term of 30 Years.
- \* (10) Resolution No. 10-232: A Resolution Terminating a Land Lease Between Wallace-Westwind, Inc., and the City of Las Cruces for Parcel 16 at the Las Cruces International Airport and Entering Into a New Land Lease for Parcel 16 Between Wallace-Westwind, Inc. (Wayne Wallace, Owner) and the City of Las Cruces for a Term of 30 Years.

- \* (11) Resolution No. 10-233: A Resolution Authorizing the City of Las Cruces to Accept a Nutrition Service Incentive Program (NSIP) Agreement Amendment From the North Central New Mexico Economic Development District Non-Metro Area Agency on Aging for Fiscal Year 2009/2010 in the Amount of \$59,646 and to Adjust the Fiscal Year 2009/2010 City Budget.
- \* (12) Resolution No. 10-234: A Resolution Accepting a Grant Award From a 2009 Legislative Capital Outlay Appropriation in the Amount of \$19,000 for Fiscal Year 2009/2010 From the New Mexico Aging and Long-Term Services Department Directed for Emergency Renovations for the Munson Senior Center and to Adjust the Fiscal Year 2009-2010 City Budget.
- \* (13) Resolution No. 09-10-504: A Resolution to Award for the Purchase of One (1) Asphalt Lay Down Machine to Sierra Machinery, Inc., of El Paso, Texas, Through the Houston-Galveston Area Council (HGAC) Cooperative Pricing Contract Using Worksheet SM10-08 With Purchase Authorization as Per City of Las Cruces Resolution No. 10-154, in the Amount of \$238,881.00, to Replace a Similar Auctioned Unit.
- \* (14) Resolution No. 09-10-509: A Resolution to Award a Contract for the Piggyback Purchase of Six (6) Twenty-Five-Foot Glaval Bus Paratransit Vans Under the Houston-Galveston Area Council Cooperative Purchasing Program to National Bus Sales of Marietta, Georgia, for a Total Purchase Price of \$394,539 plus Applicable Taxes and Fees.
- \* (15) Resolution No. 09-10-514: A Resolution Authorizing the Execution of a Professional Services Agreement Between the City of Las Cruces and Huitt-Zollars, Inc. Of Albuquerque, for Phase II for Architecture and Design Services for the Senior Programs Central Kitchen Project in the Amount of \$118,300.00, Including Reimbursable Expenses, Plus Applicable New Mexico Gross Receipts Taxes of \$8,799.00 for a Total Agreement Cost of \$127,099.00. The Agreement Include Only Those Related Design Services for the Administrative Spaces Within the Central Kitchen Project and Associated LEED Certification Requirements.
- \* (17) Council Bill No. 10-039; Ordinance No. 2568: An Ordinance Approving a Zone Change from R-4 (Multi-Family High Density & Limited Retail and Office) to O-2c (Office, Professional-Limited Retail Service-Conditional) for 0.300 +/- Acres Located at 1020 S. Main Street. The Proposed Zone Change Will Bring the Property into Zoning Compliance with the 2001 Zoning Code, as Amended. Submitted by Dana M. Kyle on Behalf of Joel & Suzanne L. Newton, Property Owners. (Z2808).

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

- \*(6) Resolution No. 10-228: A Resolution Approving Home Rehabilitation Program Applicants to Purchase a Neighborhood Stabilization Program (NSP) Home Located at 1200 Poplar Avenue and to Reimburse and Rehabilitate the Home With Home Rehabilitation Program Funds. The Resolution Further Grants the Necessary Exceptions to the City's Home Rehabilitation Program Handbook for the Qualified Family of Mr. And Mrs. Gilbert Diaz.

Councillor Small Moved to Adopt Resolution No. 10-228 and Councillor Silva Seconded the motion.

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Councillor Silva said I just wanted an update on this issue.

David Dollahon, Neighborhood Services Administrator gave a verbal presentation and said we just submitted a letter of commitment to the State and we are right on schedule.

Councillor Silva asked can we get a list of the homes and what district they are in?

David Dollahon said we will get that to you by the end of this week.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-228 and it was Unanimously APPROVED. 7-0

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- \*(7) Resolution No. 10-229: A Resolution Approving an Adjustment to the Traffic Safety and Education Fund Budget for FY 09-10.

Councillor Connor Moved to Adopt Resolution No. 10-229 and Councillor Thomas Seconded the motion.

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Councillor Silva asked are we transferring funds from other projects to purchase these vehicles?

Interim Chief Bradley, LCPD said yes, these are to replace vehicles that are eight years old and it is a very common practice for this situation.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-229 and it was Unanimously APPROVED. 7-0

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\*(8) Resolution No. 10-230: A Resolution Approving an Adjustment to the Vehicle Forfeiture Fund Budget for FY 09-10.

Councillor Silva Moved to Adopt Resolution No. 10-230 and Councillor Thomas Seconded the motion.

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Councillor Silva asked are these vehicles part of the vehicles that we put off purchasing last year because of our budget situation?

Interim Chief Bradley, LCPD said currently, our need for vehicles outweighs what the General Fund can afford and this will in no way get us caught up. Fleet has recommended that about 40 of our vehicles need to be replaced but we're only going to be able to afford about 30 vehicles.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-230 and it was Unanimously APPROVED. 7-0

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\*(16) Council Bill No. 10-038; Ordinance No. 2567: An Ordinance Approving a Zone Change From H and A-1 (Holding and Flood Control, 1981 Zoning Code) to R-1a (Single-Family Medium Density) and R-2 (Multi-Dwelling Low Density) for 23.83 ± Acres of Property Located on the Northwest Corner of Moreno Road and Elks Drive. The Purpose of the Zone Change Is to Facilitate a Single and Multi-Family Residential Master-Planned Development Known as Paseo Del Oro Phase 3 as Well as Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by BRG Engineering for Tierra Del Sol Housing Corporation. (Case Z2796)

Councillor Thomas Moved to Adopt Council Bill No. 10-038; Ordinance No. 2567 and Councillor Sorg Seconded the motion.

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Councillor Sorg said I like this project but I have some questions regarding the streets and the drainage. According to the maps, there is a drainage track on the south end of that parcel of land; correct?

Gary Hembree, Development Services Senior Planner said that is correct and it will be refined during the development process.

Councillor Sorg asked how are you going to keep dirt from filling it up?

Chris McMillen, BRG Engineering said we don't have a final design but we're not going to be able to keep all the dirt out so we'll have to have a regular maintenance schedule to clean it out.

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Mayor Miyagishima called for the roll on the Motion to Adopt Councillor Bill No. 10-038; Ordinance No. 2567 and it was Unanimously APPROVED. 7-0

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(18) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-235, A PUBLIC HEARING MUST BE HELD.**

Mayor Miyagishima said this item is open for a public hearing; is there anyone who wishes to speak against this item?

None was given and the public hearing was closed.

**Resolution No. 10-235:** A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Michelle Y. Faulkner D/B/A Hot Rod Café, Located at 1300 El Paseo Road, Suite E, Las Cruces, New Mexico.

Councillor Thomas Moved to Adopt Resolution No. 10-235 and Councillor Silva Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-235 and it was Unanimously APPROVED. 7-0

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- (19) Resolution No. 10-236: A Resolution to Support the Formation of an Animal Service Center of the Mesilla Valley Ad Hoc Committee to Provide Recommendations to the City of Las Cruces City Council and the Doña Ana County Board of Commissions Regarding Joint City of Las Cruces and Doña Ana County Animal Welfare and Control Related Ordinances.

Councillor Small Moved to Adopt Resolution No. 10-236 and Councillor Thomas Seconded the motion.

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Councillor Silva said this is to form an ad-hoc committee in order to create dual resolutions between the City and County.

Councillor Small said this would be a very specific committee with a very specific mandate to update our current ordinances. I think we should take out the portion of the resolution that states there will be seven members because there are a lot of people who can give this committee valuable input. We can change it to read that the membership shall be determined by the Animal Services Center of the Mesilla Valley Joint Board.

Councillor Connor said I agree that we should not limit the number of members.

Esther Martinez, City Clerk said if you make this amendment then you will also have to make another amendment to determine the amount of the quorum.

Mayor Miyagishima said we could just say it would be fifty percent plus one.

Esther Martinez said you would have to set an amount of members first; you can't just keep adding members.

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Councillor Small Moved to Amend Resolution No. 10-236 to strike the language on page 468 after "Whereas the ad hoc committee" and change it to read "as the ad-hoc committee shall have members identified by the Animal Services Center of the Mesilla Valley Board" and add "Whereas a quorum shall be fifty percent of the appointed board members plus one" and Councillor Silva Seconded the motion.

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Esther Martinez said we will need to address who will be appointing the members?

Councillor Small said usually, the applications are given to the board and they make the selections.

Mayor Miyagishima said we would need to add that to the amendment.

Esther Martinez said I would suggest that we vote on the amendment that is already on the floor and then you can make another amendment to address this issue.

Russ Warner, Member of the Public said you need to think about what you are doing and work together with the County instead of going back and forth.

Isaac Chavez, Member of the Public said I agree with allowing the Animal Services Board to handle this committee.

Curtis Childress, County Animal Control said I agree that we don't need to have too many people on this board. We need to remember that the current board governs the Animal Shelter but it doesn't govern the City or County Animal Control.

Linda Hall, Member of the Strategic Planning Committee said I agree with Mr. Childress and it will be hard to get anything done with too many members.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-236 to strike the language on page 468 after "Whereas the ad hoc committee" and change it to read "as the ad-hoc committee shall have members identified by the Animal Services Center of the Mesilla Valley Board" and add "Whereas a quorum shall be fifty percent of the appointed board members plus one"and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima asked Esther, where do you suggest that we put that the Animal Services Board would be appointing these members?

Esther Martinez said we can make a new paragraph three stating that the Animal Services Board will appoint the board members and then the current paragraph three will be moved down to become paragraph four.

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Councillor Small Moved to Amend Resolution No. 10-236 to add a new paragraph three stating that the ad hoc committee members will be appointed by the Animal Services Board and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-236 to add a new paragraph three stating that the ad hoc committee members will be appointed by the Animal Services Board and it was Unanimously APPROVED. 7-0

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Councillor Small said I would ask that we send this resolution to the County so they are aware of what we have done.

Terrence Moore said that is the plan and they will simply adopt what we have adopted today.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-236 as Amended and it was Unanimously APPROVED. 7-0

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(20) Resolution No. 10-237: A Resolution Approving a Reconstruction Project, Including the Payoff of an Existing Real Estate Contract/Mortgage Balance and an Exception to the Home Rehabilitation Handbook for the Residence Owned by Albert Carabajal for His Property Located at 720 E. Fir Ave.

Councillor Small Moved to Adopt Resolution No. 10-237 and Councillor Thomas Seconded the motion.

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David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this project includes demolition, reconstruction and a mortgage assumption of an existing mortgage that is on the property. The homeowner is low-income and does qualify for a grant up to \$17,000 and a deferred payment loan of \$40,000 which is standard but due to the condition of the home, we are asking for the demolition and reconstruction of the home which would have a total cost of \$105,523.00.

Councillor Pedroza asked what will the family do while we are doing the reconstruction of their home?

David Dollahon said this program allows for relocation cost during that time.

Councillor Sorg asked where do we get the funding for these projects?

David Dollahon said it comes from the US Department of Housing and Urban Development.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-237 and it was APPROVED. 6-0 Councillor Connor was absent.

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(21) Resolution No. 10-238: A Resolution Approving a Budget Adjustment to the Safe Traffic Operations Program (S.T.O.P.) Fund for FY 09-10.

Councillor Small Moved to Adopt Resolution No. 10-238 and Councillor Sorg Seconded the motion.

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Interim Chief Bradley, LCPS said this is basically a spin off of a brand new program and this is for an adjustment to the estimate we had for that budget.

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Councillor Connor rejoined the meeting at 2:45 p.m.

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Mark Sutter, Finance Director gave an overhead presentation and said the budget that was adopted for this year included our estimation for this program and we really didn't know what the revenues would be; so now, we have a better idea of what the budget is going to be for this project. One of the issues for this adjustment is the amount of individuals who are going to court hearings regarding their tickets is higher than we expected. We also have more data and the amount that is needed to cover the bank fees for people paying their tickets with their credit cards.

Councillor Sorg asked what are you doing with the unpaid ticket accounts?

Interim Chief Bradley, LCPD said we are doing the standard collection process which is it goes through a collection agency and negatively impacts their credit history.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-238 and it was Unanimously APPROVED. 7-0

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- (22) Resolution No. 10-239: A Resolution Approving the Disbursement of Stipends to Local Youth Leagues and Organizations, for Reimbursement of a Portion of the Operation Expenses for 2009 Season(s), in an Amount Not to Exceed \$54,500.00.

Councillor Connor Moved to Adopt Resolution No. 10-239 and Councillor Silva Seconded the motion.

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Mark Johnston, Parks Administrator gave an overhead presentation and said staff recommends that we work with the leagues, organizations and the general public and focus on the recreational leagues to have some flexibility on this year's stipends. High Noon is the only one that hasn't asked for a stipend and has a very good fund balance. The Parks Board is recommending that any stipends that aren't being requested, go back into the maintenance and operation fund to be utilized to offset some of the cost for services for some of the leagues. They also recommended that any financially stable leagues should not receive stipends and that the stipends should only be used for local recreational leagues and that we develop some kind of criteria and standards so that it is not a fixed amount year after year.

Councillor Thomas asked are we still looking into having non-competitive youth leagues?

Mark Johnston said yes, but we don't want to duplicate services that are being offered by our volunteer organizations.

Councillor Connor said we really need to make this disbursement today in order to complete our budget but I would like for us to get a policy in place before we enter into the next fiscal year.

Mark Johnston said that is our goal.

Michael Cox, Member of the Public said I am the President of the Youth Softball League and our in-kind services which were sent to the City Manager are about \$54,000 and that would have to be absorbed by the City if the City was the one that handled all these organizations.

Alice Cox, Member of the Public said I was the founder of the Las Cruces Softball Association and this past season was a big surprise for all the leagues because they didn't receive a stipend. This Council needs to make a decision on these stipends now because when you take away the stipends, you take away from the kids who are playing on sport leagues.

Mayor Miyagishima said we need to figure out how we can all work together and make this better for everyone.

Councillor Thomas said so, we had one season that there weren't any stipends given and now, we are returning to giving out stipends, correct?

Mark Johnston said that is correct. Last year, the 2009 stipend resolution did not come before Council but we are trying to play catch up right now.

Councillor Small asked what has been the reaction to us opening this up and making changes to this process?

Mark Johnston said the leagues are welcoming this with open arms. I think this will give some of the leagues that are running on a shoe string budget, the ability to get some more enhancements and a little bit more funding.

Councillor Pedroza asked since there was a season that stipends weren't given out; does that mean there is an amount of money that wasn't spent in the budget?

Mark Johnston said that is correct; I assume that the amount of money that was in the budget was part of the budget reduction last year. Generally, with year to year funding, if I don't call for a carry over of funds then the funds roll back to the general funding but that wasn't done in 2009.

Mark Sutter, Finance Director said if you wanted to propose additional appropriation of stipends then you would have to authorize an additional appropriation for the current year. In this case, since there was an amount that wasn't paid; it was absorbed into the fund balance.

Terrence Moore, City Manager said the leagues did get funding for the 2008/2009 year; there weren't stipends dispensed in July 2009 of the current fiscal year which is why we are seeking direction here.

Mark Johnston said we didn't fund last year's season which is from spring to December 2009; we are recommending that we come forward with the criteria for the 2010/2011 budget year which would cover the 2011 season. We are running behind; generally, we would fund the 2009/2010 fiscal year stipend during that period. We are now playing catch up on a calendar year basis rather than a fiscal year basis.

Councillor Thomas said since this would be for that year; when would we be bringing this back for next year's stipends?

Mark Johnston said by the next fiscal year which would be sometime in May or June 2010.

Councillor Thomas asked Ms Cox, do you agree with this?

Alice Cox said we do agree with this; we are just playing catch up. We just don't want the kids to have to pay to play.

Russ Warner, Member of the Public said everyone is talking about money owned but there was never any guarantee that we were going to pay stipends.

Steve Caldaroza, Member of the Public said there is a contract with the City and the stipends are a very small amount of money. The stipends are in exchange for the City not having to run these leagues.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-239 and it was Unanimously APPROVED. 7-0

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- (23) Resolution No. 10-240: A Resolution Authorizing the Las Cruces Convention & Visitors Bureau to Submit a Bid to the New Mexico Municipal League on Behalf of the City of Las Cruces to Host Their Annual Conference for 2012, 2013 or 2014.

Councillor Connor Moved to Adopt Resolution No. 10-240 and Councillor Thomas Seconded the motion.

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Rochelle Miller, Convention Sales Manager gave an overhead presentation and said this is a request from the CVB for permission to bid on the New Mexico Municipal League's Annual Conference for 2012. This would also give the City of Las Cruces the opportunity to showcase our new Convention Center.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-240 and it was Unanimously APPROVED. 7-0

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- (24) Resolution No. 10-241: A Resolution Adopting the First Update to the Transit Five-Year Strategic Plan (2010-2015), Originally Approved by Council in March 2007, for the Purpose of Providing Transit Development Guidance.

Removed from the Agenda

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- (25) Resolution No. 10-242: A Resolution Affirming the June 8, 2009 City Council Direction Authorizing the Completion of the Second Phase of the Two-Phase In-House Construction Project to Extend Madrid Avenue From Anita Drive to Triviz Drive.

Councillor Connor Moved to Adopt Resolution No. 10-242 and Councillor Silva Seconded the motion.

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Mike Johnson, Public Works Director gave an overhead presentation and said this is for the authorization of the completion of the second phase of the in-house construction project to extend Madrid Avenue from Anita Drive to Triviz Drive which will help relieve some of the traffic through Fairbanks Drive. We will be using recycled asphalt for this roadway and it will look similar to the work that was done on Fairbanks. There will be bike lanes and a walk path on the south side of the roadway.

Councillor Sorg asked have we found any other land that we can use to replace this loss of open space?

Mike Johnson said we can look into it if Council gives us that direction.

Councillor Thomas asked will this temporary road be able to handle the traffic? Do you have an estimation on the amount of the increase in traffic?

Mike Johnson said I don't have the actual numbers here but I believe there is about 3,500 to 4,000 cars on Madrid at this point.

Alfonso Archuleta, Member of the Public said the one thing I don't like about this project is that it won't be up to our standards; there won't be any sidewalks, curbs or gutters.

Carl Jensen, Member of the Public said I have attended a lot of the meetings regarding the Madrid and Fairbanks Project and I want to know what you are going to do about the houses that are on both sides of Madrid because that street is too narrow to hold the increase in traffic? I don't see the need for this roadway and this neighborhood is not in favor of this project. There is a lot of wildlife in this area and people use this area to walk their dogs.

Mike Johnson said this will be a safe road. It will have two lanes and there will be a walking path.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-242 and it was Unanimously APPROVED. 7-0

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Councillor Connor left the meeting at 4:06 p.m.

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- (26) Resolution No. 09-10-468: A Resolution Awarding the Bid for the El Molino Phase V Reconstruction Project to Smith & Aguirre Construction Company, Inc. Of Las Cruces, New Mexico in the Amount of \$1,009,975.87 Plus \$75,116.96 for New Mexico Gross Receipt Tax. The City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$71,857.90 For a Total Project Authorization in the Amount of \$1,156,950.73.

Councillor Small Moved to Adopt Resolution No. 09-10-468 and Councillor Thomas Seconded the motion.

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Mike Johnson, Public Works Director gave an overhead presentation and said this is the fifth phase of a seven phase project in the El Molino area. This will include the complete street reconstruction of Brown Road from South Main Street to the railroad tracks which will include new sidewalks, curbs and gutters and it will take about eight months to complete this project.

Councillor Small said the railroad crossing area of Brown Road is in very bad shape. Will we be able to integrate that into this project?

Mike Johnson said I don't believe that is part of this project but we can check on it. I think we spoke with the railroad at one time and they were even considering closing that crossing.

Councillor Silva asked what are we going to do with the old street lights that are removed; will they be used in other parts of the City?

Mike Johnson said we have a uniform street light pole that we install throughout the City and we will have to check to see if these lights are in compliance with our dark sky code before we decide if we can reuse them elsewhere.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-468 and it was APPROVED. 6-0 Councillor Connor was Absent.

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(27) Resolution No. 09-10-512: A Resolution Wherein the Thomas Branigan Memorial Library (TBML) Requests to Purchase Radio Frequency Identification (RFID) Materials and Equipment Using Existing TXMAS Contract #TXMAS 6-70030 in the Amount of \$152,333.63 From Alpha Data Corporation of Fort Walton Beach, FL.

Councillor Thomas Moved to Adopt Resolution No. 09-10-512 and Councillor Small Seconded the motion.

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Lynette Schurdevin, Interim Library Administrator gave an overhead presentation and said this equipment helps us with our inventory control and helps us provide better service to our customers. The funding for this is going to come from the general obligation fund and this will help save our budget from our current loss of about \$140,000 in materials that are taken from the library.

Esther Martinez, City Clerk said we do need to make an amendment to this resolution.

Lynette Schurdevin said that is correct; we made an adjustment to the bid; in paragraph one of the resolution, where it starts with "that the purchase request be approved", the dollar amount is wrong; it should be \$152,333.63.

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Councillor Sorg Moved to Amend Resolution No. 09-10-512 to replace the amount in paragraph one to \$152,333.63 and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 09-10-512 to replace the amount in paragraph one to \$152,333.63 and it was APPROVED. 6-0 Councillor Connor was Absent.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-512 as Amended and it was APPROVED. 6-0 Councillor Connor was Absent.

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**VIII. BOARD APPOINTMENTS**

Mayor Miyagishima appointed Robert Wood and Michael J. Gibbs to the Airport Advisory Board.

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Councillor Sorg Moved to Approve the Mayor's Board Appointments and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments and it was APPROVED. 6-0 Councillor Connor was Absent.

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Councillor Pedroza appointed Sue Patterson to the Health and Services, Donald Bustos to the Planning and Zoning and Diana Youngren to the Library Board.

Councillor Thomas appointed Mary L. Simmons to the Health and Human Services and Charles B. Scholz to the Planning and Zoning.

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

(28) Council Bill No. 10-044; Ordinance No. 2573: An Ordinance Approving a Zone Change from R-1A (Single-Family Medium Density) to R-2C (Multi-Dwelling Low Density-Conditional) for 4.27 +/- Acres Located at 2707 Spitz Street. The Purpose of the Zone Change Is to Allow the Use of an Assisted Living/Retirement Facility on the Three (3) Subject Parcels. Submitted by Lilley Engineering Inc, on Behalf of Lorin Davis and Matthew & Tracy Ayers, Property Owners. (Z2809).

Mayor Miyagishima and Council agreed to bring this item back.

(29) Council Bill No. 10-045; Ordinance No. 2574: An Ordinance Approving a Zone Change from M-1/M-2C (Industrial Standard-Conditional) for the Purpose of Removing a Condition on the Existing Zoning of the Subject Property That States That Pursuant to the West Mesa Industrial Park Development Plan, Communication Structures Are Limited to the Northeast

Quadrant of the Industrial Park. The Applicant Is Proposing to Install a 120 Foot Tall Communication Structure. The Subject Property Encompasses 4.59 +/- Acres, Is Located West of Armory Road and North of Interstate 10, and Is Not Within the Prescribed Boundaries of the West Mesa Industrial Park Overlay Zone. Submitted by Scott Dunham, Reliant Land Services, on Behalf of Michael Flynn & Elizabeth Marrufo, Property Owners. (Z2810).

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 approval at the next available City Council meeting to solidify this direction. Staff is working 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 – *(The Bicycle Friendly Community (BFC) Task Force is continuing work toward applying for a BFC designation on behalf of the City in August 2010. The Share the Road brochures (English) and bumper stickers have received a wide distribution. The bumper stickers are being attached to all city vehicles. The Spanish version of the brochure is complete and awaiting printing. The Education and Encouragement Work Group will meet on March 11<sup>th</sup> to discuss plans for bicycle-related*

*activities in May, National Bicycle Month. The Share the Road billboard is set to be unveiled in May. The BFC Task Force will provide updates about proposed activities. The Enforcement Work Group assembled items to include on a courtesy tag that could be utilized by law enforcement as a teaching tool. The tag will include a checklist of the most common offenses and sources for more bicycling information.*

*The Engineering Work Group continues to work from the matrix provided at the October 2009 work session. New bicycle lanes have been striped on Las Colinas. The projects at Telshor and Lohman and on Del Rey will include bicycle lanes upon completion.*

*If you would like to participate with the BFC Task Force, please contact Andy Hume at 528-3047 or [ahume@las-cruces.org](mailto:ahume@las-cruces.org).)*

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 last week of March. The project is expected to take 9 months to complete and will feature new paving, shade structures, and landscaping. The Governor has signed TIDD legislation that will contribute to the revitalization of Downtown.)*
14. Police Auditor Procurement Update
15. Grants/ARRA Status - (Matrix.)

Councillor Thomas said regarding item 11, I hope we can get some reports to the Council regarding this item.

Terrence Moore, City Manager said we anticipate having a work session on May 10<sup>th</sup> regarding that item.

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**XI. GENERAL DISCUSSION**

**1. MAYOR**

Mayor Miyagishima said we received the National League of Cities Diversity Award and each month NMSU has a culture event which a selected culture is featured to display their heritage.

I had some residents ask me about the completion of Sonoma Ranch Boulevard South toward Lohman Avenue. I would like for us to consider having the City take over that project to get it completed then we could put a lien on that property.

I am waiting to hear about the Cell Phone Ban that is sitting on the Governor's desk; we will need to take a look at our ordinance and our fee schedule to make it an assessment so people won't have to go before a judge and we need to remove the \$500 maximum fine and 90 days in jail because I think that is a harsh penalty.

There is a gentleman who visits City Hall often and he usually brings his little dog with him but he was told that pets would not be allowed in the new City Hall. I think it would be okay to allow people to carry in their small pet as long as they don't let them touch the ground.

Brian Denmark, Facility Director said you need to keep in mind that pets can mean snakes, lizards, dogs, birds and other types of animals so if you are going to allow this then legal staff will probably need to take a look at it.

Terrence Moore said we can look into that issue.

**2. CITY COUNCIL**

Councillor Thomas said I agree that we need to look into the Sonoma Ranch South project because that roadway can be very dangerous.

I had some inquiries from residents regarding Neighborhood Pride Day; the flyer stated it was for District 6 but it's not for District 6, it's for District 3.

The discussions regarding the light and sign ordinances have gone on for some time and I'm asking the Council if we can sit down and move forward on them. We also need to get something in place for the LED signs.

Councillor Sorg said I want to commend the Mayor and Councillor Thomas for bringing up the concerns with Sonoma Ranch South but there are several streets in this City that need to be worked on.

During our recent visit to Washington D.C., it was brought to our attention that there was an article on the Spaceport in the American Way magazine but Las Cruces wasn't mentioned anywhere in the article. I emailed the author of this article and commented on that fact.

Councillor Small said I would like to thank City staff and the staff at the Munson Center for allowing us to have a district meeting there. We discussed continuing to find ways to fund the street maintenance fund.

Councillor Pedroza said there will be a District 3 meeting on March 17<sup>th</sup> at Conlee at 7:30 p.m.

I will be sending out an email regarding Neighborhood Pride Day and how people can participate in that event.

During our trip to Washington D.C., I did bring up the fact that we are working on our Community Gardens project and it was very interesting to the EPA.

There is going to be a symposium on Friday regarding service learning and I think it is going to be very interesting in terms of making connections with students who would be interested in doing their services here.

I began a new attempt to communicate with the people in District 3 by doing written bulletins and posting them at churches, community centers and stores.

Councillor Silva said I want to thank everyone that participated on Saturday at the North Mesquite Tour.

Terrence had on his one year Council report that the Mayor's City liaison was a position that he and Andre Moquin had created; is that correct?

Terrence Moore said that is correct. We are in the process of creating job duties for that position via the budget process.

Councillor Silva said I would like for Council to have an input in that process.

Terrence Moore said you will have that opportunity during the budget process.

Mayor Miyagishima said we also discussed that at our strategic planning workshop.

Councillor Silva said we received an email regarding the funding aspect of the Downtown and we are going to have to look at some options as we do the work on the north side.

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

Mark Sutter, Finance Director gave an overhead presentation on the ranking of project importance by the Council and said Councillor Silva favored the Downtown Projects, Councillor Connor favored a variety of projects and the completion of projects, Councillor Pedroza favored maintenance issues and affordable housing, Councillor Small favored road projects, Councillor Sorg favored East Mesa projects, Councillor Thomas favored completion of projects and reusable energy type project. I will email the listing to you and the next step will be to get a consensus from Council on the most important projects and moving forward on them.

Councillor Thomas said most of my points went to the Sonoma Ranch project but now that we've annexed Dripping Springs, we need to consider that as well.

Councillor Silva said this does put this in perspective as to what the Council is thinking.

I want to mention that this Saturday is the third annual St. Baldrick's Kids for Cancer and I'm up against Commissioner Krahlung for this cause and we are looking for sponsors.

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Meeting Adjourned at 5:29 p.m.

  
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Mayor

ATTEST:

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

(SEAL)