City Council
of the
City of Las Cruces

Regular Meeting

November 15, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Dolores Connor, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6

STAFF:

Robert Garza, Assistant City Manager
Harry (Pete) Connelly, Interim City Attorney
Esther Martinez, City Clerk

I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Councillor Pedroza and Mayor Pro-Tem Emeritus Dolores Archuleta recognized and presented a Medal of Honor to WWII Veteran Benjamin M. Garcia, USMC.

Mayor Miyagishima and Councillor Pedroza presented the Mayor's Citation for Community Service Award to Lou Gomez.

Councillor Pedroza presented a Proclamation to Lou Gomez and declared November 15, 2010 as Lou Gomez Day.

Mayor Miyagishima and Councillor Pedroza presented the Mayor's Citation for Community Service Award to Police Officer John Guaderrama.

Councillor Pedroza presented a Proclamation to Erica Martinez and Brenda Robledo and declared November 20, 2010 as National Adoption Day.

Councillor Pedroza presented a Proclamation to Alex Deucalion and declared November 15 thru November 19, 2010 as National Hunger and Homelessness Awareness Week.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 11:05 a.m. on November 15, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Sorg, Councillor Thomas, Interim Finance Director Pat Degman, Audrey Evins, Carlos Lobato, Candice Brown, Melissa Nelson, Karen DeVogel, Bryce Gleaksman (REDW), Angie Olivera (REDW-by phone), Chien Chih Yeh (REDW-by phone), City Clerk Esther Martinez and Interim City Attorney Harry (Pete) Connelly. The meeting adjourned at 12:24 p.m. and only the limited items as stated in the posted notice were discussed which was to conduct an Audit Exit Conference for the City of Las Cruces, FY10 Audit.

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).

At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.

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

None given.

III. PUBLIC PARTICIPATION

Russ Warner, Member of the Public said I would like to thank Mr. Moore for everything he has done for this City and I would like to wish him well in his new position.

Sheila Johnson, Member of the Public said I coach a special needs swim team at Frenger Pool and we were only able to swim once last week because of the equipment failure at the pool. I would like to ask the City to fix the equipment so we can swim more than once a week.

Brian Denmark, Facilities Director said staff is aware of the situation and we are working on it. There are different parts that are breaking at different times and we are working on getting it resolved as quickly as possible.

Ryan Dailey, Member of the Public said last week I attended the Work Session regarding Smart Growth and I agree that there is a problem on Hoagland. It is always congested and I would like to get an update on what is being done to help that situation. I would like to thank Terrence Moore for the work he has done with the City.

Mayor Miyagishima said we have spoken with some of the landowners along Hoagland to see if they would be interested in selling the right-of-way along their property so we could do something like widen the street but there was a lot of resistance for that project. Staff is still looking into remedies like maybe creating more side streets to help ease the traffic along that road.

Councillor Connor said we looked into this case around January or February of this year and the property owner that would need to give up the most property is unwilling to make that adjustment so until that can be accomplished, it will be impossible to even put a three-way stop at the Hoagland and Alameda intersection.

Ryan Dailey said there are also issues with traffic blocking the side roads on Hoagland.

Mike Johnson, Public Works Director said we can look into that situation and make a determination on what traffic markings would be necessary to help that area.

Ben Whitner, Member of the Public said regarding the update on the Bicycle Facilities, the City has done a lot to improve Bicycle Facilities; however, there isn't a timeline for future improvements because there aren't any dedicated funds for Bicycle Facilities. There are several community buildings that don't have bike paths and no way to connect them because there isn't any funding. The low income use bikes as their way to get around and some of them can't afford the proper bicycle lights but the Mesilla Valley Coalition has a program for the purchase of bike lights to try to help this situation.

Councillor Thomas said I thought we were going to put this on the MPO list.

Mike Johnson said it is going to be put on the MPO list.

Jim Harbison, Member of the Public said I want to say that the Veterans Parade on Saturday was one of the best parades I've seen here and there was a lot of public attendance for it.

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 4, 8, 9, 13 and 14 need to be removed from the Consent Agenda for discussion.

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

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

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of October 18, 2010
*(2) Regular Meeting of November 1, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(3) Resolution No. 11-109: A Resolution Authorizing the City of Las Cruces to Continue an Agreement With the Rio Grande Council of Governments for Fiscal Year 2010-2011 and to Provide an Annual Membership Fee of $4,445.00.

*(5) Resolution No. 11-111: A Resolution Authorizing the Las Cruces Police Department (LCPD) to Accept Grant Funds From the Mesilla Valley Safety Council (MVSC) in the Amount of $20,053, With No Match Required, to Conduct Community DWI Programs, and to Adjust the LCPD FY 2011 Budget.

*(6) Resolution No. 11-112: A Resolution Authorizing the City of Las Cruces, on Behalf of the Las Cruces Police Department (LCPD), to Accept a Two-Year Grant Fund in the Amount of $98,503, With No Match Required, From the New Mexico Department of Transportation (Traffic Safety Bureau), to Reimburse the City of Las Cruces for Overtime Wages Paid to

Police Officers for Operation DWI, to Ratify the City Manager's Signature to Meet Grant Deadlines and to Adjust the FY 2011 Budget.

*(7) Resolution No. 11-113: A Resolution Authorizing the City of Las Cruces, on Behalf of the Las Cruces Police Department (LCPD) to Accept a Grant in the Amount of $6,877, With No Match Required, From the New Mexico Department of Transportation (Traffic Safety Bureau), to Reimburse the City of Las Cruces for Overtime Wages Paid to Police Officers for Operation Buckle Down, to Ratify the City Manager's Signature to Meet Grant Deadlines and to Adjust the FY 2011 Budget.

*(10) Resolution No. 11-116: Resolution Authorizing the Mayor to Sign a Memorandum of Agreement (MOU) Between the New Mexico Department of Transportation (NMDOT) and the City of Las Cruces on Behalf of the Las Cruces Metropolitan Planning Organization (MPO) to Allow for Reimbursement of the City for Unified Planning Work Program (UPWP) Work Items.

*(11) Resolution No. 11-117: A Resolution Approving a City-Initiated Street Name Change for a Segment of Poose Creek Road (Between Reynolds and Cortez Drive), Formerly Known as Morningside Road, Located in the Hacienda Acres Neighborhood. This Segment of Roadway is Proposed to be Renamed to Rising Sun Road. The Resolution Also Clarifies the Spelling of the Street Name Churchill Avenue. Submitted by the City of Las Cruces. (SNC-10-02)

*(12) Resolution No. 11-118: A Resolution Approving a Budget Adjustment to the FY 2011 Police Department Gifts and Memorials Fund.

*(15) Resolution No. 11-121: A Resolution Authorizing Change Order Number One to the Rinconada/Northrise Traffic Signal Contract, Project Number 09-10-496, for the Purchase of Traffic Signal Hardware in the Amount of $13,022.48 Plus Applicable Gross Receipt Tax of $984.82 for a Total Amount of $14,007.30.

*(16) Council Bill No. 11-015; Ordinance No. 2595: An Ordinance Amending LCMC 1997, Section 2-27(c)(2)a, "Meeting Schedules", Removing the Third Regularly Scheduled Meeting Each Month.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(4) Resolution No. 11-110: A Resolution Approving a Contract Renewal and Amendment to Doña Ana County Contract Number 08-101 for Housing of Municipal Prisoners.

Councillor Thomas Moved to Adopt Resolution No. 11-110 and Councillor Silva Seconded the motion.

Councillor Silva said the listed three items of concern for changes include the City's obligation to pay for prisoner mental health care, the minimum charge per detainee and changing the index from local to national. I would like to have staff comment on these concerns.

Pat Degman, Interim Finance Director said there has been a long discussion with Dona Ana County regarding the detention of prisoners and there was a recent lawsuit against Dona Ana County for providing mental health care for prisoners which is part of what we are now seeing in the increase. Since this is a new index that is being used for this contract, we brought it forward for Council's approval.

Councillor Silva said the County entered into an agreement with Mesilla Valley Hospital and we didn't have any say with that agreement.

Pat Degman said that was negotiated with the County and the Health Care Provider.

Councillor Silva said in the past, we haven't been charged for the release and now we are being charged.

Pat Degman said that is correct.

Councillor Silva asked do you feel comfortable with CPI?

Marcy Driggers, Senior Assistant Attorney said the prior CPI was based on a year's average and the County wanted to have the same CPI timeframe for all of the contracts which changed our CPI from a year's average to a comparison of two months but we would have preferred to keep the year's average index measurement.

Councillor Connor said our cost jump from $90 per day at the center to $700 per day if the prisoner is at another medical facility. This will definitely tell us a lot within the next few months on how our situation can change.

Mayor Miyagishima said they have changed the indigent fund to not include prisoners and I personally think they are using that funding for something else and charging the City for it. I think this is something that we will need to discuss with them. We aren't obligated to use the County's Detention Center and there are some cities that do have their own Detention Centers. In the future, I think we should see how many prisoners are actually City citizens and what our actual cost should be for using this facility.

Pat Degman said there is a complete reconciliation of the billing we receive from the County with the Court and we do contest any persons on that list that weren't sentenced by our Court so we don't pay for any prisoners that are not City prisoners.

Mayor Miyagishima said I still think we should look into it.

Councillor Thomas said Memorial Medical Center no longer accept any detainees.

Marcy Driggers said it is our understanding that they no longer accept detainees for mental issues. The detainees with mental issues are sent to another facility but I'm not sure what they do for medical issues.

Councillor Thomas said so, if they have mental issues, they're sent to Mesilla Valley, if they have medical issues then they are either treated in-house or sent to Memorial. Is this only for City detainees?

Marcy Driggers said I'm not sure about Federal or County detainees because all we were told was that indigent care doesn't cover medical care for City detainees.

Councillor Thomas said I think we need to look more into this issue.

Pat Degman said we were told that Memorial didn't have the staff or the facilities available to handle detainees so that probably means all detainees.

Mayor Miyagishima said I think we need to get some clarification on this but I want to state again that there is no reason why the City couldn't look into having its own physicians.

Councillor Silva said maybe we can bring this issue up at one of our Joint Work Sessions and discuss it with the County.

Mayor Miyagishima asked what happens if this isn't approved?

Pat Degman said we are currently withholding payment to the County because it hasn't been approved by Council so we need Council's approval in order to pay for prisoner care but it won't close the door to further discussing this issue.

Councillor Connor asked is there anyone here from the County who can answer some of our questions?

Pat Degman said no.

Councillor Connor said I would have no problem postponing this item until we can have someone from the County available to answer our questions. I suggest that we table this item until our December 6th meeting.

Councillor Small said I agree with tabling this item.

Councillor Connor Moved to Table Resolution No. 11-110 until December 6, 2010 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 11-110 until December 6, 2010 and it was Unanimously APPROVED. 7-0

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*(8) Resolution No. 11-114: A Resolution to Accept the Memorandum of Agreement Between the Community Foundation of Southern New Mexico Border Region Coalition and the City of Las Cruces, on Behalf of the Las Cruces Police Department, Border Region Coalition Member and to Adjust the FY2011 Budget in the Amount of $11,400.00 for Officer Over-Time.

Councillor Small Moved to Adopt Resolution No. 11-114 and Councillor Thomas Seconded the motion.

Councillor Silva said I wanted to get a brief presentation on where the funding is going to come from for this project.

Officer Gallegos, LCPD said the Region Coalition is putting up some funds to pay for law enforcement overtime for two specific purposes which are for Cops in Shops and Party Patrols.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-114 and it was Unanimously APPROVED. 7-0

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*(9) Resolution No. 11-115: A Resolution Approving a Professional Services Agreement Between the City of Las Cruces and HDR, Inc. For the Development of a Long Range Transit Plan.

Councillor Connor Moved to Adopt Resolution No. 11-115 and Councillor Sorg Seconded the motion.

Tom Murphy, MPO Officer gave an overhead presentation and said the purpose of doing a plan for the long range issues is to address issues like the population growth, the need to serve an expanding geographic area, appropriate future technology, transit ability to serve affordable housing and the tying in with commuter high speed rail systems. This is proposed to go over a nine-month period and it will include public meetings, the development of a draft plan and presentations to Council.

Councillor Silva said I think this was necessary to pull off of the consent agenda in order to inform the public of what types of long range transportation plans are being done.

Councillor Thomas said I think we should have this consultant consider plans that take location efficiency into consideration and one of the things that should come out of this plan is some kind of housing plus transportation and an afford-ability index for funding. We need to keep positioning ourselves for some kind of funding opportunities.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-115 and it was Unanimously APPROVED. 7-0

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*(13) Resolution No. 11-119: A Resolution Authorizing an Assignment of Lease for Parcel 36 at the Las Cruces International Airport From Rocket Racing, Inc., to Mesilla Capital Investments, LLC.

Councillor Connor Moved to Adopt Resolution No. 11-119 and Councillor Thomas Seconded the motion.

Councillor Silva asked what is the length of this lease?

Lisa Murphy, Airport Manager said it is a twenty-year lease term.

Councillor Silva asked can they sub-lease?

Lisa Murphy said yes, but they aren't allowed to do it without the Airport Manager's approval.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-119 and it was Unanimously APPROVED. 7-0

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*(14) Resolution No. 11-120: A Resolution Approving the Vacation of Right-of-Way of a Portion of Check Court and a Portion of Del Rey Boulevard. The Subject Property is Located at the Intersection of Check Court and Del Rey Boulevard. Submitted by the City of Las Cruces and Forrest and Joyce Westmoreland, Property Owners. (S-09-059)

Councillor Connor Moved to Adopt Resolution No. 11-120 and Councillor Thomas Seconded the motion.

Councillor Sorg asked is approving the Vacation of Right-of-Way mean the City is taking a right-of-way that the City currently has and giving it to a private entity or person?

Bill Hamm, Land Management Administrator said that is correct.

Councillor Sorg asked how is this going to look after it is approved?

Bill Hamm gave an overhead presentation and said in looking at the diagram, the section in red is the portion being vacated and the section in blue is what it is replacing. This is being done for the alignment of Check Court to the east of Del Rey.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-120 and it was Unanimously APPROVED. 7-0

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(17) Resolution No. 11-122: A Resolution Authorizing the City of Las Cruces, on Behalf of the Project Management/Facilities Department, to Apply for the 2011 Water Trust Board

Grant/Loan Program Cooperatively with the New Mexico Financing Authority (NMFA) for $1,219,441, with a Cash and In-Kind Match (Minimum 20% of Grant) and Possible Loan (Up-to 40% as Determined by NMFA), and Ratify the City Manager's Signature to Meet Grant Deadlines.

Councillor Small Moved to Adopt Resolution No. 11-122 and Councillor Connor Seconded the motion.

Auguie Henry, Grants Administrator gave an overhead presentation and said the Facilities Department is requesting $1,219,441 for the Burn Lake Project to develop City-owned lands around Burn Lake as parks and recreation areas and to allow Elephant Butte Irrigation District to use City-owned Burn Lake as a regulating reservoir. The total cost of this project is $1,756,888. Scenario #1 with 100% grant funding is for Water Trust Board funding of $1,219,441, City cash match of $473,988 and the City in-kind match of $63,459 for a total of $1,756,888. Scenario #2 is with 60% grant funding and 40% loan; Water Trust Board funding of $731,665, Water Trust Board/New Mexico Finance Authority loan of $487,776, City cash match of $473,988 and City in-kind match of $63,459 for a total of $1,756,888. The loan structure would be for a 20 year repayment with 0% interest and the monthly payment would be about $2,032.

Councillor Small said this is a critical loan application and it is at the heels of our recent event at Burns Lake which was the Burn Lake Fall Festival and it was very well attended.

Councillor Thomas asked is the access to this area going to continue to be that one roadway?

Cathy Mathews, Landscape Architect said yes.

Councillor Thomas said if this becomes a popular area then I think we will need to consider having another access point for it. Was this project one of our top thirty capital projects?

Councillor Small said I think it was number two on the list.

Councillor Thomas said I would like to have staff reference our top thirty list when bringing forward projects so we know where we are on the list.

Councillor Sorg said this resolution is strictly for financing and it is my understanding that we have already decided what we are going to do with the money.

Auguie Henry said I believe that's correct.

Councillor Sorg said this is to vote on whether or not to apply for a grant but the application has

already been done. I know this is a procedural thing but I just don't understand why it has to be done this way.

Auguie Henry said this is just a procedural process. We are required to get permission from the Council to submit applications and accept the award, if we get one. During the application process, we don't have any liability at that point and by bringing it forward to Council, we are making you aware of it. A lot of the time, the time from when we get the application and the deadline to submit it doesn't give us enough time to get it on the agenda which is why we submit it to Administration for their approval to do the application then we bring it forward to Council afterward.

Councillor Sorg said I do think this is a great project and I do support it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-122 and it was Unanimously APPROVED. 7-0

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(18) Resolution No. 11-123: A Resolution Supporting an Affordable Housing Project on a Parcel Presently Owned by the City of Las Cruces in Downtown Las Cruces at 575 South Alameda Boulevard. The Resolution Authorizes the Development of a Property Lease of the City-Owned Property for the Purpose of Constructing an Affordable Housing Project in Accordance With the City's Affordable Housing General Oversight Ordinance and the State's Affordable Housing Act on the Same City-Owned Parcel. The Resolution Further Authorizes the City Staff to Develop and Submit a State of New Mexico Affordable Housing Tax Credit Application to Assist the City in Offsetting Costs Associated With Demolition of the Existing Building and Providing the Property to the Affordable Housing Project Developer.

Councillor Connor Moved to Adopt Resolution No. 11-123 and Councillor Small Seconded the motion.

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this is for an affordable housing project on the old City Office Center property. We have received a clearance from the State Historic Preservation Office to demolish the building and the EPA is providing a Phase II Environmental Assessment on the property because the building does contain Asbestos. On January 19, 2010, Council approved a resolution for this project to be done on the City Office Center property and this resolution has the same conditions as the previous one but with one exception. The exception is the authorization for the application and potential use of the State's

Affordable Housing Tax Credit for the property contribution and demolition. We will need to look at other sources to off-set the City's demolition expenses because the State doesn't see the demolition of the building as contributing to the overall affordable housing project. The supportive housing proposal is for a 60-unit complex and all the units would be restricted to those making less than 60% of the area median income. The resolution and lease would specify that the project is limited to the use of affordable housing rental units and it designates the authority to negotiate the lease to the City Manager. The lease terms would include that they must comply with the City's Affordable Housing General Oversight Ordinance, it'll only be awarded after the award of the tax credits by NMMFA, all financing must be secured by December 2011, the period of the lease will not be less than 45 years but not more than 99 years, the yearly rent will be $10 for the property, the lease will be executed prior to construction financing close and it will be required to be adopted by ordinance.

Councillor Silva said I think it would be wise to table this until December or January so we can have public meetings regarding this issue.

David Dollahon said there was a lot of public input given in the past year regarding this project and as far as I know, the project hasn't changed with the exception of the location.

Councillor Connor asked are your recommending that this be tabled to another date?

David Dollahon said no, I'm just saying that it is within your rights to table it.

Councillor Pedroza asked are there any other hazardous materials besides the Asbestos?

David Dollahon said not that we are aware of which is why we are getting the EPA to do a Phase II Assessment.

Councillor Sorg asked what happens if we lose the tax credit and have to pay it back; do we pay back 100% of it or just the portion we received?

David Dollahon said I don't know the answer to that question but I would think we would have to pay back the value of the tax credit.

Councillor Thomas asked when we talked about this project before and we passed an ordinance saying that we wanted to move to this location; did that give the Supportive Housing Coalition the sense that we had already agreed with moving forward with this project at this location?

David Dollahon said yes, because we had committed to the resolution which expires at the end of this month and that's why we are bringing this resolution forward.

Councillor Thomas said that's what I thought which is why I don't understand why we are

continuing to have more public meetings when it has already been decided upon.

David Dollahon said the Supportive Housing Coalition committed to more public input meetings or maybe it's briefings because nothing has really changed.

Councillor Thomas said so, those meetings are just to kinda notify the public that we are continuing with this project.

David Dollahon said that's correct.

Councillor Thomas said I do support this project and I would like to see us move forward with it.

Russ Warner, Member of the Public said don't table this just for the sake of tabling it. This is an excellent project and you should just go ahead and approve it.

Jerry Lundien, Member of the Public said I am with Lundien and Associates Architects and I would ask that you delay the project as long as possible because it goes against the grain of a Feasibility Study. I know there are issues with the building but I haven't seen any kind of Feasibility Study done to see if there is a way it can be used and I don't think you should tie yourselves into tax credits.

Susan Prairie, Member of Public said I think this should be tabled because I think it would be better to reuse the old building but I would like to see a drawing of the proposed project.

Dan Jett, Member of the Public asked do you think $10 a year is a reasonable rental rate for that property? I think that is a violation of the Anti-Donation Clause of the Constitution and there are plenty of better uses you can find for that property.

Mayor Miyagishima said we are working with the developer to provide affordable housing for the members of our community and trying to make it as affordable as possible for them. I would like to ask the City Attorney if he thinks we are violating the Anti-Donation Clause.

Harry (Pete) Connelly, Interim City Attorney said we are within our rights to do what we are doing.

Tamie Smith, Member of the Public said I want to say that affordable housing is needed in Las Cruces but if this is accepted then does that mean you will cancel the public hearings and if not, then what is the point in having a public hearing?

Mayor Miyagishima said that meeting will be an opportunity to explain what has transpired and give more clarification to the public.

Tamie Smith said the City is planning on putting the Intermodal Center in that area as well and I don't think much consideration has been given to the amount of traffic that is going to be generated.

Mayor Miyagishima said I just want to mention that it is going to cost approximately $750,000 to demolish the building and I don't think we've had anyone else express any interest in this property.

Brian Denmark, Facilities Director said that is correct.

Councillor Connor said we made a commitment a year ago and February which is the deadline to apply for the MFA funding, will be here before we know it. We can't keep thinking we can postpone things two weeks here and two weeks there.

Councillor Silva said I'm not questioning this project or the need for affordable housing but I am questioning the process. We shouldn't have public meetings after the fact because that is not the democratic process. This is prime property and we need to value our asset. Can we apply the tax credits to another project?

David Dollahon said these tax credits are restricted to affordable housing projects. The way the State Tax Credit Project works is by State law, the value of the contribution, you only get 50% of value back from the tax credit.

Councillor Small said there have been several projects done to improve this area and I think this would continue to improve it.

Councillor Thomas said it is clear that the way to go is to locate affordable housing close to transportation because it brings economic development.

Councillor Pedroza said our economy right now isn't all that great and we don't have the luxury of turning something like this down.

Councillor Sorg said I think this will be a great addition to this property.

Councillor Silva Moved to Table Resolution No. 11-123 but there was no Second to the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-123 and it was APPROVED. 6-1 Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva voted Nay.

Councillor Connor Moved for a Five Minute Recess and Councillor Small Seconded the motion.

Mayor Miyagishima said all those in favor of a five minute recess signify by saying aye.

Council said Aye.

Meeting Recessed at approximately 4:38 p.m. and Reconvened at approximately 4:45 p.m.

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(19) Resolution No. 11-124: A Resolution in Support of the Creation of the Lower Rio Grande Stormwater Management District for Flood Control Pursuant to the Conditions Outlined Herein.

Councillor Small Moved to Adopt Resolution No. 11-124 and Councillor Connor Seconded the motion.

Mike Johnson, Public Works Director gave an overhead presentation and said there is a group that has been meeting in an effort to create the South Central Stormwater Coalition or the Flood Control Authority from basically, Elephant Butte to Sunland Park. The City of Las Cruces has attended and participated in those meetings and they have been asking for Joint Powers Agreements to be formed with the various entities that are part of the group. The group has also made efforts to create legislation that would create this authority and it could possibly be presented to the Legislator in January. This District could possibly take over all flood control responsibilities from Elephant Butte to Sunland Park which would include Las Cruces. We have expressed that we do have some concerns with that objective which is why we drafted this resolution that is in support of the creation of the Rio Grande Stormwater District under certain conditions. The City does currently have a Stormwater Management and Flood Control Program that has been in existence since 1970 and is funded by a 2 Mil Property Tax which currently generates about $3 million annually. One of the concerns that the City has is that the City does not want to relinquish our current 2 Mil Levy. If this legislation passes then there would be an additional tax for the Las Cruces residents that could be up to a 5 Mil property tax by property owners within the District. The City will support the legislation with the following conditions: the City of Las Cruces will be included as a planning partner and made eligible to partner on projects mutually beneficial to City residents and other members of the Lower Rio Grande Stormwater Management District, exclusion of the corporate limits of the City of Las Cruces from District boundaries, the City of Las Cruces will keep our 2 Mil

Levy, Las Cruces residents will not be taxed for the financial operations of the District and any future City of Las Cruces annexed properties will modify the boundary and be excluded from the District.

Mayor Miyagishima said this addresses all our concerns; correct?

Mike Johnson said that is correct.

Councillor Small said it sounds like the City doesn't oppose it as long as these conditions are met.

Mike Johnson said that is correct.

Councillor Silva asked is this language strong enough to allow us to maneuver our Mil?

Mike Johnson said I don't believe this would limit us on increasing or decreasing our Mil.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-124 and it was Unanimously APPROVED. 7-0

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(20) Resolution No. 11-125: A Resolution Supporting La Clinica de Familia, Inc., Las Cruces, New Mexico in Their Effort to Provide Another Medical Center Location for the Citizens of Dona Ana County.

Councillor Connor Moved to Adopt Resolution No. 11-125 and Councillor Small Seconded the motion.

Brian Denmark, Facilities Director gave an overhead presentation and said La Clinica de Familia is requesting a title transfer of City property to support a new medical center or medical and dental center. The property location is at 2225 East Griggs and it is 1.7952 acres. The estimated land value is between $209,000 and $235,000. There is a building on the property which used to be the ARC Life Center and the City does utilize this facility for its Therapeutic Program but the building is in dilapidated condition and it has been considered to close the building down. The building needs major exterior and electrical work and we will need to convert it from septic to sewer service. The estimated renovation cost is a minimum of $140,000. La Clinica de Familia is proposing to rehabilitate or demolish the existing building and they will be seeking grant funding or use existing funds to establish the new center. If this is approved, it would take approximately six months to transfer the title and we would need to transfer the Therapeutic Program to another location.

Mayor Miyagishima said I wasn't here for the Agenda Setting Meeting and I have concerns with this item. I thought we should have offered the current stakeholders the option to take over this building but when I spoke with Mary, she stated that they wouldn't be able to handle it financially. I think we need to be specific on where the stakeholders will go if this transaction goes through.

Harriet Brandsetter, Executive Director of La Clinica de Familia said we have been providing services in the Valley for over 35 years and our main purpose is to provide services to the uninsured and under insured but we do serve anyone who comes into our center. We have the opportunity to open up another health center if we are funded and another facility would be able to provide services to a minimum of 3,000 additional individuals. In order for us to be considered for funding, we must have another "shovel ready" facility. They will allow us to use some of that money during the first year to remodel the facility. We would like to ask Council to consider giving us ownership of this property.

Joe Terrazas, ARC Behavior Therapist said this hasn't been thought-out. We've been having meetings over the past year and I don't know if we should believe that you would transfer us to the Mesilla Recreation Center because we have been told several different stories on where we would go. The building is run down but I need to remind you that the building has been under the City's care. The people who use this facility have been tossed out all of their lives and now you are going to toss them out because you didn't maintain your own building.

Mayor Miyagishima said we could state within the resolution that you will be placed at the Mesilla Recreation Center.

Mary Sedillo, Member of the Public said I work with people with mental disabilities and I did asked the Mayor that if we were going to be relocated then we would need to be relocated somewhere that could accommodate all the different programs that we have because the Mesilla Rec. Center only has a small kitchen which isn't even a full kitchen and that wouldn't work for us.

Joe Terrazas said I just want to say that there hasn't been enough discussion on this situation for Council to make a decision on it today.

Sheila Johnson, Member of the Public said I am a caregiver, parent and a coach for these kids and I volunteer my time to them. We have been told for the last seven years that the City would take care of us and I have seen a paper towel holder on the floor for the past six months which tells me that you never cared about this center.

Cassandra Alfonso, Member of the Public said I'm a caregiver for special needs individuals and these individuals don't have a voice so us as advocates must speak up for them. I think the City should find a location that would fit all of the different programs for the needs of these individuals.

Mayor Miyagishima asked what would it take to expand the Mesilla Rec. Center to be able to facilitate them?

Brian Denmark said we haven't looked into that yet because we wanted to meet with the stakeholders to find out where they wanted to be relocated. We need to remember that this is a City program and we're not going to change what we are doing; we're just relocating it.

Mayor Miyagishima said I think they should know where they are going to go because even though this building may be falling apart, it is their home. So, if we are going to move forward with this then we need to have a specific relocation site.

Brian Denmark said there is room for expansion at Mesilla Rec. and we can do it if that's what Council wants us to do.

Jenny Natsna, Member of the Public said I have special needs and I alway go for karioke on Tuesday nights. I like the Life Center better than the Mesilla Rec. Center.

Ms Hamilton, Member of the Public said I have special needs and I am asking that you please don't sell the ARC Center because it is our home.

Christopher Hagge, Member of the Public said I have special needs and I go to the ARC Center. I would like to ask that you don't close down this center because it is our home.

Victor Hagge, Member of the Public said we were told that the ARC was going to remain open and I didn't even know about this resolution until I downloaded the agenda from the internet this morning. There was an RFP included in the packet for this resolution and I want to know when did the City solicit for it? La Clinica stated they had other options and we don't have any other options.

Councillor Thomas asked who use to run this program before the City took it over?

Victor Hagge said it was ran by volunteers.

Brian Denmark said the volunteers were working under the ARC which was a non-profit organization but their funding ran out so the City took it over.

Councillor Thomas asked are the staff City employees?

Brian Denmark said they are caregivers. The City provides the staff, the programming, the classes, the facility and the caregivers bring their clients to utilize the facility. I want to mention that the City has never issued an RFP or solicited a use for this particular building. We are simply forwarding the request from La Clinica to be considered by Council. We do need to remember that this building

does need to be repaired and it isn't listed on our CIP list so if we keep it then we will need to find the funds to fix it.

Councillor Thomas said the City has a list of buildings that aren't being used and we have six months to find a suitable place to relocate them. I would hate to pass up an opportunity to have this building repaired and bring more medical care for our citizens.

Councillor Connor said I can see where another facility that houses other programs would be difficult because the ARC clients can utilize 100% of their facility and they feel comfortable there. The Mesilla Rec. Center only has a warming kitchen area and the amount of money we would spend to create a working kitchen for these programs would cost just as much as repairing their building. Are there other City buildings that would work for La Clinica?

Harriet Brandsetter said I don't know if the City has any other buildings that would work for us.

Councillor Small said this is a very tough issue but I tend to agree more with Councillor Thomas in trying to relocate this program to another suitable location. We may even be able to find a way to have both programs co-habilitate with each other.

Harriet Brandsetter said it would be difficult to have a facility big enough to hold both parties.

Jean Hagge, Member of the Public said my son goes to the ARC and the location of that center is extremely suitable for everyone and the facility is accessible for people in wheelchairs. We have several events a week at the center and our parking lot is overflowing so I don't think it would be possible to have both parties at the same location.

Mayor Miyagishima asked how many La Clinica locations are there in the County?

Harriet Brandsetter said we have eight locations.

Mayor Miyagishima asked do City residents utilize those facilities?

Harriet Brandsetter said absolutely.

Mayor Miyagishima said I just want to state that I won't be supporting this because I don't think we should move our special needs residents to a facility that also has our Senior and After School Programs. La Clinica is a good program but our residents can utilize the facilities that are just down the road.

Harriet Brandsetter said the only reason we wanted to open up another facility is because we are now having to turn people away from our other facilities and people have to wait for months before getting an appointment.

Mayor Miyagishima said I understand that and I think you could lease a facility cheaper than it would be to remodel this one.

Councillor Pedroza said this is a very difficult decision but I agree that we should make a commitment to the people at the ARC. This building is in bad shape and has a septic tank which concerns me and I'm not sure we should keep these individuals at that facility.

Councillor Sorg said this was done in a hurry and I don't like to rush issues. What facilities do we have available that could possibly work for them?

Brian Denmark said we have Club Fusion but there is someone else who is interested in that property; we have the WIA building, Mesilla Park building and the 2nd floor of the Aquatic Center.

Councillor Sorg said they currently have the building all to themselves so we probably need to find some place that they can have all to themselves.

Brian Denmark said Club Fusion has two sides and you could designate one side to them but it doesn't have a kitchen.

Mayor Miyagishima said if we are going to do this then we need to find them their own separate building that is as good as or better than their current building.

Brian Denmark said that puts staff in a difficult position. How do you define "better" because their current facility isn't a good facility and it will have to get shut down at some point unless we put money into it?

Councillor Silva asked do you have access to any vacant land grants?

Harriet Brandsetter said no.

Councillor Silva asked can we utilize some other type of grant to rehab this building?

Brian Denmark said I'm not aware of any other type of grant opportunities.

Councillor Small said part of our problem is that we have too much space and we don't have the budget to maintain it. If they receive this grant then that building will be improved and taken off our hands and I think we could find a better facility for the ARC program.

Paul Farin, Member of the Public said my mother was part of the group of residents that raised the money to build the ARC building and get it going but when times got tough, they went to the City for help. The City made that commitment to these people and they need to keep it.

Mary Farin, Member of the Public said I helped to start the ARC and we will do anything it takes to keep this facility going.

Councillor Sorg said if this is passed then I would like for our City Manager to give us weekly updates on this issue.

Paul Farin said I just want to say that we will raise the money to take care of this building.

Councillor Thomas said the City has a budget for this program and you're saying that you will raise enough money to take it over?

Paul Farin said yes.

Mayor Miyagishima asked why does La Clinica have to have this particular building?

Harriet Brandsetter said this is the only location that we were told would meet our needs and was available.

Mayor Miyagishima said it is amazing to me that we would just throw these people out of their home when we could find another location for La Clinica.

Councillor Silva Moved to Call for the Vote and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Call for the Vote and it was APPROVED. 5-1-1 Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small and Mayor Miyagishima voted Aye. Councillor Thomas voted Nay. Councillor Sorg Abstained.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-125 and it Failed. 3-3-1 Councillor Pedroza, Councillor Small and Councillor Thomas voted Aye. Councillor Silva, Councillor Connor and Mayor Miyagishima voted Nay. Councillor Sorg Abstained.

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(21) Resolution No. 10-11-310: A Resolution Awarding a Contract for the Museum of Nature and Science Exhibit Design, Fabrication, and Installation (Bid Number 10-11-310) to Highland Enterprises, Inc. of Las Cruces, NM for the Contract Amount of $1,551,675 Plus $117,345

for New Mexico Gross Receipts Tax. the City Manager Is Authorized to Approve Change Orders in an Amount Not to Exceed $77,584 for a Total Project Authorization of $1,746,604.

Councillor Connor Moved to Adopt Resolution No. 10-11-310 and Councillor Small Seconded the motion.

Councillor Connor asked is there a reason why this item wasn't on the consent agenda? We have been discussing this issue for a long time and this is just to keep moving it along; correct?

David Dollahon, Neighborhood Services Administrator said yes.

Councillor Connor Called for the Question and Councillor Small Seconded.

Mayor Miyagishima said all those in favor signify by stating Aye.

Council stated Aye.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-310 and it was Unanimously APPROVED. 7-0

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(22) Council Bill No. 11-016; Ordinance No. 2596: 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. The Proposed PUD Encompasses 53.382 ± Acres and Entails Three (3) Planning Parcels: Parcel 1 Encompasses 6.311 ± Acres and Proposes Industrial Uses; Parcel 2 Encompasses 18.263 ± Acres and Proposes Industrial Uses; and Parcel 3 Encompasses 28.808 ± and Proposes a Single-Family Residential Subdivision that Will Allow for Single-Family Site-Built and/or Manufactured Houses. Submitted by Scanlon White, Inc. For IFL, LLC, Property Owner.

Councillor Connor Moved to Adopt Council Bill No. 11-016; Ordinance No. 2596 and Councillor

Sorg Seconded the motion.

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said Planning Parcels 1 and 2 are for industrial development and re-development. The access to these areas is proposed to be from Amador Avenue via Pioneer Place. Planning Parcel 1 proposes an industrial redevelopment plan for phased improvements to parking, landscape and outdoor lighting. Planning Parcel 3 proposes a single-family residential development and the primary access to the residential development is from Valley Drive through the adjacent parcel that can legally be used as ROW. The secondary access point is proposed to be from Pioneer Place. All internal streets are proposed to be privately maintained and the applicant is proposing to develop a 10-foot wide landscape buffer around the perimeter of the residential development. The applicant is also proposing to have trail connectivity from the residential development to Burn Lake and the Porter Lateral. The developer will install a bus stop and its associated amenities on Amador Avenue and will expand the additional capacity to the El Molino Drainage Pond. They are willing to contribute to the re-development of the Burn Lake Park Project and they will either pay the required park impact fees for the residential development or perform work in equal value to the required park impact fees for the residential development to Burn Lake. The Concept Plan was reviewed by NMDOT and they had no objections with it. The P & Z reconsidered the Villa Amador development proposal on September 28, 2010 and there was some public opposition to the development proposal because they had concerns with the traffic issues on Valley Drive. The P & Z recommended a conditional approval of the zone change which the condition was that the applicant is to place the 10-foot wide landscape buffer area and the perimeter of the residential development and not place the 10-foot landscaped buffer area within any proposed platted residential lots.

Mayor Miyagishima said the first time this was brought before us, we had concerns regarding whether this was going to be a mobile home park or a park that was able to sell lots.

Cheryl Rodriguez said that issue has been resolved.

Councillor Small asked are there going to be measures taken to make sure that residential traffic doesn't travel down Brown Road? Regarding the digging out of the pond, is that proposed to be used as filler? If it is, that area can become very nasty when it comes to blowing dust. Is there any consideration to other specific ties to El Molino or is it just the digging out of the pond?

Mike Johnson, Public Works Director said they were informed that in order to utilize the City's stormwater facilities, they had to excavate double the amount of the volume of water that they would be placing in those ponds.

Councillor Small asked can that be done prior to a complete TIA is done?

Cheryl Rodriguez said if this is approved, the next step regarding the residential development, the applicant will have to submit a development proposal for the preliminary plat and at that time we will know exactly how many lots are being proposed. They are planning on doing this development in phases so when phase one comes in, staff will require that a TIA be done at the time. There will also be another public hearing at that time and the Planning and Zoning Commission has the authority at that time to make the final action. So before any residential development occurs, there is going to be an additional public hearing that will have more specific details than we have today.

Councillor Thomas asked how wide will the driving lanes be through the residential areas?

Cheryl Rodriguez said those will be privately maintained streets.

Councillor Thomas said I am constantly getting complaints from people who move into an area with a Homeowners Association and then find out that the Association is responsible for the maintenance of the streets which aren't kept up.

Councillor Connor said the R1-B has a 3,500 sqft minimum lot size. What is the minimum lot size for these lots?

Cheryl Rodriguez said the builder is proposing a minimum of 3,600 sqft lot size.

Councillor Connor said this will open up an opportunity for Burn Lake that has been needed for a long time.

Ted Scanlon, Applicant Representative gave a verbal presentation and said we have been working on this project for a long time and we are in compliance with everything. There won't be any roads within this development that will connect to Brown Road and we will adhere to the Dust Ordinance requirements during the work in the pond area to minimize any effects that might have on the area. Regarding the park fees, usually, those are paid as the lots are sold; however, we are going to pay all the park fees up front as a lump sum payment to be used for the improvements to the Burn Lake area or if the City prefers, we will do the physical work ourselves. This project will be providing another affordable housing option for this area which I think is the biggest public benefit of this project.

Councillor Silva said I still feel uncomfortable with having the TIA done after the fact but I do think this is a good project.

Ted Scanlon said the TIA won't be done after the fact; it's part of the next phase of this project.

Joaquin Favela, Member of the Public said I own a body shop in this area and I do support this project.

Eric Hillburn, Member of the Public said I live on Brown Road and I have concerns with the Valley Drive traffic. If this is approved today then that makes the traffic issues on Valley okay because if the TIA comes back and states there are problems then you just find some kind of remedy and go forward with it. I also have concerns with having a Home Owners Association taking care of roads in a low income housing area because I don't know how they will have enough money to maintain the roadways.

Councillor Pedroza said I think we might want to look into a way to make sure the roadways are maintained because some Home Owners Associations don't work too well.

Ted Scanlon said the developer will be responsible for things until there is a resident government in place and we plan on building our streets at the same standard as the City's streets.

Councillor Small said there are positive public benefits from this project and there are ways we can address the traffic issues on Valley Drive; like the installation of a traffic signal. I would like to amend this to have the applicant cooperate on reasonable restrictions for vehicular traffic along Porter Drive to separate Brown Road in via Amador traffic.

Mayor Miyagishima said I don't think you can add that type of an amendment to an ordinance.

Cheryl Rodriguez said that language can be added to the Concept Plan so I would make that amendment as to be included in the Concept Plan. I would also recommend that you include that the internal streets within the residential development are built to the City's design standards.

Councillor Small Moved to Amend Council Bill No. 11-016; Ordinance No. 2596 to include in the Concept Plan that the applicant cooperates with reasonable restrictions for vehicular traffic along Porter Lateral to separate Brown Road and via Amador traffic and that all the internal streets within the residential development are built to the City's Design Standards and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 11-016; Ordinance No. 2596 to include in the Concept Plan that the applicant cooperates with reasonable restrictions for vehicular traffic along Porter Lateral to separate Brown Road and via Amador traffic and that all the internal streets within the residential development are built to the City's Design Standards and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-016; Ordinance No. 2596 as Amended and it was Unanimously APPROVED. 7-0

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(23) Council Bill No. 11-017; Ordinance No. 2597: An Ordinance to Amend Chapter 38 of the Las Cruces Municipal Code, 1997 (Zoning) to Create Section 38-49.3 ADO — Alameda Depot Overlay. (ZCA-10-02)

Councillor Silva Moved to Adopt Council Bill No. 11-017; Ordinance No. 2597 and Councillor Small Seconded the motion.

Carol McCall, Planner gave an overhead presentation and said the proposed changes are to delete sections L-2, 3, 6 and 7 and add new language to reference Section 38-60; Walls and Fences in the 2001 Zoning Code: "All other provisions regarding walls and fences not noted herein shall follow those found in Section 38-60 of the 2001 Zoning Code, as amended." There were some administrative errors that we didn't catch until after the packet had been submitted to you; there is a discrepancy in one of the Land Use Tables, Theater, Performing Arts, one the first page it should be conditional in ADO 4, 5 and 6 and the condition should be that the use shall be located on a collector or higher designated roadway. On the next page, in Section F-1, the text for "Front Setback Non-Residential was included by mistake and should be deleted.

Mayor Miyagishima said the Open Meetings Act doesn't allow to make major changes like that because it is supposed to be advertised. We may need to table this and then you can bring this back before us with all the changes.

Councillor Connor Moved to Table Council Bill No. 11-017; Ordinance No. 2597 until December 6, 2010 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 11-017; Ordinance No. 2597 until December 6, 2010 and it was Unanimously APPROVED. 7-0

VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Michael Gallagher to the ETZ

Councillor Thomas Moved to Approve the Mayor's Board Appointment of Michael Gallagher to the ETZ and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment of Michael Gallagher to the ETZ and it was Unanimously APPROVED. 7-0

Mayor Miyagishima appointed Michael White (Downtown Business Owner) and John R. Schultz (Las Cruces Public Schools) to the Downtown Revitalization Plan Ad-Hoc Committee.

Councillor Connor Moved to Approve the Mayor's Board Appointments of Michael White (Downtown Business Owner) and John R. Schultz (Las Cruces Public Schools) to the Downtown Revitalization Plan Ad-Hoc Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of Michael White (Downtown Business Owner) and John R. Schultz (Las Cruces Public Schools) to the Downtown Revitalization Plan Ad-Hoc Committee and it was Unanimously APPROVED. 7-0

Councillor Thomas appointed Ardyth Norem to the Health and Human Services Committee.

IX. REVIEW OF PROPOSED ORDINANCE(S)

(24) Council Bill No. 11-018; Ordinance No. 2598: An Ordinance Amending Las Cruces Municipal Code, Section 27-12-6-17, *Parking Restrictions for Recreational Vehicles*, to Establish a Linear Limit Beyond Which Recreational Vehicles May Not be Parked at the Side of a Residence, to Reduce the Number of Days a Person May Reside in a Recreational Vehicle Parked at a Residence, to Reduce the Number of Days a Recreational Vehicle May

be Parked on a Street or Alley; and to Clarify the Authority of Codes Enforcement to Enforce This Ordinance and Section 27-12-6-18, *Occupation of Recreational Vehicle*; and to Make Both Ordinances Consistent With Las Cruces Development Code, Section 38-57, *Mobile Home Parks/Recreational Vehicle Parks.*

Mayor Miyagishima and Council agreed to bring this item back.

X. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Downtown Main Street Construction** - *(Utility and storm drain construction continue. Road closures at Main/Las Cruces and Main/Lucero Avenue.)*
2. **Del Rey/Sandhill Arroyo** - *(Storm Drain Box Culver 100% complete. Utility work 85% complete. Del Rey traffic on detour route with closure at Settlers Bend.)*
3. **Santa Cruz Avenue** - *(The Declaration of City Equitable Ownership outlined in the attached email was filed by staff yesterday at the County Clerk's Office. The Street Systems Section is currently scheduling the grading of the roadway over the next several weeks.)*
4. **Las Cruces Dam Army Corps of Engineers 1135 Project**- *(City council approved resolution 11-095 on October 18, 2010 to proceed with the Design and Implementation of Plan 4 of the Las Cruces Dam Restoration Study, Section 1135 project in conjunction with the Army Corps of Engineers. The Army Corps of Engineers is in the process of generating and sending the City of Las Cruces a cost sharing project agreement. The city share of the project will be 25% of the project cost.)*
5. **Impact Fees** – *(The project is on-going. The final Land Use Assumptions document was presented to the Capital Improvements Advisory Committee (CIAC) on September 16, 2010 and approved by the CIAC on October 21, 2010. City staff is drafting a resolution for City Council consideration in December.)*
6. **Las Cruces Intermodal Facility** – *(The design charrette process was completed and the consultant produced a third preliminary site layout option that City staff has reviewed and reached a consensus to further pursue. The consultant will therefore further define the proposed site plan for City approval.)*
7. **EPA Smart Growth Implementation Assistance Program (SGIA)** - ***(September 3, 2010: Picturing el Paseo: Share Your vision for the Corridor*** *Community awareness continues to grow about the City's Smart Growth Implementation Assistance planning project with the EPA, DOT and HUD. The project's website* www.picturingelpaseo.org *has photo sharing capacity, a survey requesting people's ideas for the corridor, and a wealth of information on the workgroups and upcoming events. The* ***Green Infrastructure Conference*** *was a resounding success; proceedings will be produced and available this fall. Staff will be at Munson Senior Center every Wednesday in September from 11am-1pm to record the stories and visions people have of El Paseo past, present and future. Together with our federal partners, staff is producing a number of events this fall: a 3-day* ***Visioning Workshop #1***

September 30th through October 2nd, a technical ***Road Safety Audit*** *October 26 & 27, and the second* ***Visioning Workshop*** *November 18-20. Regular conference calls with the federal partners occur on Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)*

8. **New City Web Site** – *(The new web site will go live for City staff in October, with public unveiling in November. Content from the current web site is being migrated to the new site. Additional effort has been required in updating content, unifying design, and content presentation methodologies. Departmental stakeholders, who will be responsible for authoring content once the site goes live, have been involved in stakeholder meetings, feedback, and content migration. 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. Departmental content authors and Directors will be trained in use of the content management system, authoring standards (including ADA, Section 508, and applicable law.)*
9. **Sage Café** – *(City staff are proceeding with installation of electrical service at the site and are in the process of entering a requisition for El Paso Electric to accomplish this. The contractor has been in touch with National Restaurant Supply who is currently updating their equipment quote for further consideration.)*
10. **Grants/ARRA Status** - *http://www.las-cruces.org/PDFs/grant_matrix.pdf*

Councillor Sorg asked is there an update regarding the opening of the Sage Café?

Brian Denmark, Facilities Director said not at this time because they are still waiting on the estimates for the equipment.

XI. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I want to thank Councillor Small for his work on the Burn Lake Fall Festival; it was a great event.

I think we should have a search committee for the Municipal Judge position.

I think we should have about three Councillors form a transitional committee to work with Mr. Garza on the preparation of his contract. Councillor Silva, Councillor Thomas and Councillor Small have volunteered to be on this committee.

I am going to try to put something together regarding a Truancy Ordinance regarding the hours of 9:30 a.m. and 4:05 p.m. Monday thru Friday.

Councillor Connor said we repealed our Truancy Ordinance because it wasn't enforceable.

Mayor Miyagishima said I'll have our Legal Department look into it and see if this is something that we can do.

2. **CITY COUNCIL**

Councillor Thomas said I attended the Transportation for America Conference last week and I would like to ask that we consider being a partner with them. I would like to have a representative come and give us a presentation on what they do.

The El Paseo Event is this week, it is open to the public on Thursday from 12 to 7, on Friday from 10 to 6 and on Saturday from 9 to 1.

Councillor Sorg said I just want to say that it has been about a year since I was sworn in; it has been very interesting and I would like to thank staff for their help.

Councillor Small said the Burn Lake Fall Festival was a great success and I would like to thank everyone who helped out with this event.

I think we should have Mr. Caldwell be a part of our Council Meetings because he is the Public Liaison.

We need to get a few RFPs going for renewable energy issues.

Councillor Pedroza said this year has flown by and the Holiday Season is upon us. The Juvenile Citation Program is collecting food for needy families.

There is a Joint Meeting between the Las Cruces Public Schools and the City on Wednesday and one of the topics is going to be the MOU for gardening at the schools.

Councillor Connor said I know we are trying to hold Frenger Pool together but I don't know how much longer we can keep doing it. I would like to have a full presentation on that situation.

I took a tour of the Munson Center the other day and apparently there is going to be a computer center there but for some reason we can't unlock the boxes.

Lori Grumet, Public Services Administrator said we are waiting on a joint project with I.T. and Public Services to develop the appropriate policies for the use of that equipment.

Councillor Connor said I would like to thank Chief 1 and Chief 2 for coming out to a Neighborhood Meeting after the Veterans Parade and I just want to say that you guys are doing a great job with working our community.

Councillor Silva said I want to say Happy Veterans Day to all of the Veterans and I want to apologize for not being able to make it to the Veterans Parade.

I have received some inquires regarding the operations of the Munson Center and I think we should have a Town Meeting to discuss some of the concerns and issues regarding this program.

Saturday, November 20th is National Adoption Day and I was approached by two different groups that were doing things for the orphans in Juarez. I just want to remind everyone that this is the season to reach out to others.

I want to say that staff was very good on responding with what they wanted regarding Items 4 and 19 on today's agenda and I think that is very good.

Regarding the Municipal Judge, it is going to be interesting as we move forth with that situation.

3. **CITY MANAGER**

A. Formal Response Concerning Misclarification on City Budget Implications.

Dick Gebhart, Budget Director gave an overhead presentation and said the Outlook presentation given on October 12th contained a 5-year $42 million deficit figure which was based on the City returning to a pre-FY-09 level of spending and assumed all the reductions taken over the last 3 years would be restored. The City is not facing a $42 million deficit because of Council and Administration actions. The City can not afford to go back to a status quo level of spending and the City does face choices in going forward to maintain fiscal integrity.

B. Other Items - Information Only.

None given.

Meeting Adjourned at 8:57 p.m.

Mayor

ATTEST:

City Clerk

(SEAL)