



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

**Regular Meeting**

**October 4, 2010  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

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

**STAFF:**

Terrence Moore, City Manager  
Harry (Pete) Connelly, Interim City Attorney  
Esther Martinez, City Clerk

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**I. OPENING CEREMONIES**

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

Stephanie Robinson sang the National Anthem.

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.

Mayor Miyagishima presented a Proclamation which was read in memory of Emily Silverstein and declared October 2010 as Domestic Violence Awareness Month.

Mayor Miyagishima presented a Proclamation to Virginia Maria Romero, Dr. Barbara Couture and Paul Couture and declared October 2010 as Polish-American Heritage Month.

Mayor Miyagishima presented a Proclamation to Eva Madrid and Karim Martinez and declared October 3 thru October 9, 2010 as National 4-H Week.

Mayor Miyagishima presented a Proclamation to Fire Inspector Wally Monsivaiz and declared October 3<sup>rd</sup> thru October 9, 2010 as Fire Prevention Week.

Mayor Miyagishima presented a Proclamation to Matthew McDermott and declared October 4, 2010 as Navy Pilot Training Day.

Mayor Miyagishima and Craig Fenske presented a Plaque and recognized Artist Noah McDonald and Michael Graham.

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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**

None given.

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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 Item 10 needs to be removed from the Consent Agenda for discussion.

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Councillor Silva Moved to approve the Agenda as Amended and Councillor Small Seconded the motion.

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

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**V. CITY COUNCIL MINUTES**

- \* (1) Regular Meeting of September 7, 2010
- \* (2) Special Meeting of September 7, 2010

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

- \* (3) Resolution No. 11-080: A Resolution Authorizing the Destruction of Records That Have Satisfied Their Legal Retention Period.
- \* (4) Resolution No. 11-081: A Resolution Authorizing the Dona Ana Arts Council, Inc. To Continue With the Permitting Process to Allow for the Sale and Consumption of Wine Within a Restricted and Secured Area at the Renaissance Artsfaire 2010 to be Held November 6 and 7, 2010 at Young Park, Las Cruces, New Mexico.
- \* (5) Resolution No. 11-082: A Resolution Authorizing the City of Las Cruces Fire Department to Apply for the FY2011 Fire Protection Grant From the New Mexico State Fire Marshall's Office in the Amount of \$95,656, With a 20% Match, and to Ratify the City Manager's Signature to Meet the Grant Submission Deadline.
- \* (6) Resolution No. 11-083: A Resolution Authorizing the City of Las Cruces Police Department in Collaboration with the Doña Ana County Sheriff's Department (DASO) to Accept Awarded Funding From the FY 2010 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Offered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to Ratify the Grant Acceptance by the City Manager to Meet the Grant Acceptance Deadline, to Approve the Memorandum of Understanding with DASO and to Adjust the City of Las Cruces FY 2011 Budget for the Amount of \$107,367 With No Match Required.
- \* (7) Resolution No. 11-084: A Resolution Adjusting the City's Fiscal Year 2010-2011 Budget in the Amount of \$13,915.31 to Allow Final Payment to Delta Airport Consultants, Inc., for Engineering Services for the Runway 12-30 Rehabilitation Project at the Las Cruces International Airport.

- \* (8) Resolution No. 10-11-361: A Resolution Awarding a Contract for the Application of a Roof Coating Membrane (Super-Therm) at Meerscheidt Recreation Center, 1600 E. Hadley, Bid Number 10-11-361, to Progreen Superior Coatings LLC, Las Cruces, New Mexico, for the Contract Sum of \$129,920.00 Plus An Allowance of \$9,825.20 for New Mexico Gross Receipts Tax and a Project Contingency of \$12,992.00 for a Total Project Authorization of \$152,737.20.
- \* (9) Resolution No. 10-11-396: A Resolution Authorizing Change Order No. 1 to the Contract Between the City of Las Cruces and Smith Roofing Inc., Las Cruces, NM, Authorizing an Increase in the Amount of \$2,469.96 Plus New Mexico Gross Receipts Tax of \$186.79, for a Total Change Order Authorization of \$2,656.75.

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

- \* (10) Council Bill No. 11-011; Ordinance No. 2591: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for Four (4) Distinct Properties Located at 1402, 1440, 1480 W. Picacho Avenue & 907 N. Valley Drive. The Four (4) Properties Have a Combined Area of 2.84 +/- Acres and Will Be Replatted into One (1) Parcel That Will Be Developed to Facilitate the Use of a Farming Supply Store. The Zone Change Request Will Facilitate Zoning Compliance for the New Parcel with the 2001 Zoning Code, as Amended. Submitted by Sean P. McMullan on Behalf of John & Elizabeth W. McMullan, Tr Et Al, Property Owners (Z2815).

Councillor Small Moved to Adopt Council Bill No. 11-011; Ordinance No. 2591 and Councillor Thomas Seconded the motion.

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Councillor Silva asked is most of their business going to be online or is it a store-front?

Cheryl Rodriguez, Development Services Administrator said it is our understanding that it is going to be a store property.

Shawn McMullan, Property Owner said I believe there is a website for online sales but this would be a retail store location.

Councillor Silva said I think this is a great project and I do support this zoning.

Councillor Sorg said I would like to see the building built more in the corner and the parking lot be toward the back of the property.

Shawn McMullan showed the plan for the building and said the building is placed that way because there will be outside displays in front of the building.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-011; Ordinance No. 2591 and it was Unanimously APPROVED. 7-0

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- (11) Resolution No. 11-085: A Resolution Designating a Voting Delegate and an Alternate to Attend the Annual Business Meeting of the National League of Cities on Saturday, December 4, 2010, in Denver, Colorado.

Councillor Small Moved to Adopt Resolution No. 11-085 and Councillor Sorg Seconded the motion.

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Esther Martinez, City Clerk said Council will need to designate a Voting Delegate and an Alternate to attend the Annual Business Meeting of the National League of Cities. The meeting will be held on December 4<sup>th</sup> in Denver, Colorado.

Councillor Sorg said it states that due to our population, we would get two votes; does that mean that the Alternate would also be a Voting Delegate?

Councillor Connor said no, it means the Voting Delegate will get two votes.

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Councillor Connor Moved to Amend Resolution No. 11-085 to appoint Councillor Connor as the Voting Delegate and Councillor Silva as the Alternate and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-085 to appoint Councillor Connor as the Voting Delegate and Councillor Silva as the Alternate and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-085 as Amended and it was Unanimously APPROVED. 7-0

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- (12) Resolution No. 11-086: A Resolution Approving an Amendment to the Community Development Block Grant Agreement Between the City of Las Cruces and Mesilla Valley Community of Hope as Sponsor for the Owning Entity, Abode Inc., Adding Additional Funds in the Amount of \$84,000, Bringing the Total Grant to \$149,478.00 for the Buy-Down of the Mortgage for 1843 and 1845 Sexton Street.

Councillor Connor Moved to Adopt Resolution No. 11-086 and Councillor Sorg Seconded the motion.

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David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this would go towards buying off the mortgage from HUD on two buildings located at 1843 and 1845 Sexton Street which are used as permanent supported housing for formerly homeless disabled individuals.

Pamela Angel, Community of Hope said the City has been very supportive with this project.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-086 and it was Unanimously APPROVED. 7-0

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- (13) Resolution No. 11-087: A Resolution Authorizing the City of Las Cruces to Accept a Nutrition Service Incentive Program (NSIP) Agreement for Cash-In-Lieu of Commodities From the North Central New Mexico Economic Development District Non-Metro Area Agency on Aging for Fiscal Year 2010-2011 in the Amount of \$119,986, and to Adjust the City Budget.

Councillor Connor Moved to Adopt Resolution No. 11-087 and Councillor Small Seconded the motion.

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Shelley Modell, Senior Programs Administrator gave an overhead presentation and said the Senior Nutrition Program receives NSIP/Cash-in-Lieu of Commodities program funds to buy food. They receive a cash reimbursement of fifty-four cents for every meal served in lieu of receiving USDA surplus food products.

Councillor Pedroza said there was a meeting last week and the Community Action Agency announced that there would be a substantial change to their services. I believe they won't be able to offer the Food Bank services anymore. I think we should have a Work Session to discuss how someone might be able to handle the slack in those services.

Shelley Modell said it was my understanding that the Dream Center was going to handle the Food Bank services and there was someone else that was going to try to take over that service as well. I will look into it and let you know what I am able to find out.

Councillor Connor said the Community Action Agency is working with Roadrunner and they are trying to get people off of these services and get them more sustainable within their own families.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-087 and it was Unanimously APPROVED. 7-0

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- (14) Resolution No. 10-11-309: A Resolution Awarding a Contract for the Design and Construction Contract Administration of the Las Cruces Museum of Nature and Science (MONAS) of ASA Architects, of Las Cruces New Mexico; in the Amount of \$347,000.00, Plus New Mexico Gross Receipt Tax of \$26,241.88, Plus Project Contingency of \$34,700.00, for a Total Authorization of \$407,941.88; and Amending the City's Adopted FY2011 Budget to Correct the Initial Loan Amounts Received From the U.S. Department of Housing and Urban Development.

Councillor Connor Moved to Adopt Resolution No. 10-11-309 and Councillor Thomas Seconded the motion.

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Brian Denmark, Facilities Director gave an overhead presentation and said this is a straightforward contract for the design and construction of the Las Cruces Museum of Nature and Science to be awarded to ASA Architects. There were five proposals received and evaluated by the Section Advisory Committee and ASA Architects was ranked the highest proposer. The fee structure of this project would be \$297,000 for the basic design services, \$20,000 for renewable energy, \$10,000 for

asbestos/lead assessment and mitigation design services, \$20,000 for the exhibit design/build contractor coordination services which gives us a sub-total of \$347,000, \$26,241.88 for taxes and \$34,700 for contingency, gives a grand total of \$407,941.88.

Councillor Small said I'm glad to see this project come together and that we are able to move forward with it today.

Councillor Connor asked how are you recognizing the administrative costs for this project; is it included in the construction cost?

Brian Denmark said that's not really included in the construction cost, it's more included within the exhibit design and build costs.

Councillor Connor said at the bottom of page 269, it states that fees caused by this agreement are \$413,943 but the contract is for \$407,941.88.

Brian Denmark said that's not the correct information, we will need to make an amendment to change it to the correct figure.

Councillor Connor said on page 278, it states they are only going to make two visits in a year's construction time; is that correct?

Brian Denmark said that is correct; that's the minimum amount of visits.

Councillor Connor said on page 283, it states that additional services that may arise during the project, including those under Section 4.3, the owner shall compensate the architect but Section 4.3 doesn't have anything to do with the architect compensation; it's Section 11.7.

Brian Denmark said Section 4.3 is referencing the specific tasks and responsibilities of what they are doing.

Councillor Connor said regarding page 270, why would we have a contract with someone that doesn't have Workmen's Comp. coverage?

Brian Denmark said because they aren't doing any physical work.

Mayor Miyagishima said I think it would be better for them to provide us with that coverage, just in case they visit the site and get hurt.

Brian Denmark said I will follow up with our Purchasing Manager, Mr. Telles on that issue.

Councillor Silva said on page 269, none of the numbers match with the project expenditures and the fee structures.

Brian Denmark said all that is important is that the numbers in the resolution and the numbers in the contract match. The other information is just for informational purposes.

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Councillor Connor Moved to Amend Resolution No. 10-11-309 to amend Article 1.1.23 to change the amount of \$413,943 to \$407,942 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-11-309 to amend Article 1.1.23 to change the amount of \$413,943 to \$407,942 and it was Unanimously APPROVED. 7-0

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Russ Warner, Member of the Public said this has been talked about for many years and I would like to thank staff for getting it together so it could be presented to you today.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-309 as Amended and it was Unanimously APPROVED. 7-0

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### **VIII. BOARD APPOINTMENTS**

Mayor Miyagishima appointed Diana Lyon from the Las Cruces Hispano Chamber of Commerce and Irene Oliver Lewis from the Alameda Depot Civic Association to the Downtown Revitalization Plan Ad-Hoc Committee.

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Councillor Connor Moved to Approve the Mayor's Board Appointments of Diana Lyon from the Las Cruces Hispano Chamber of Commerce and Irene Oliver Lewis from the Alameda Depot Civic Association to the Downtown Revitalization Plan Ad-Hoc Committee and Councillor Silva Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of Diana Lyon from the Las Cruces Hispano Chamber of Commerce and Irene Oliver Lewis from the Alameda Depot Civic Association to the Downtown Revitalization Plan Ad-Hoc Committee and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima appointed Ali M. Ahmad, Christopher Cruz, Ryan Dailey, Marla Ridgway and Tom Whatley to the Fourth of July Committee.

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Councillor Connor Moved to Approve the Mayor's Board Appointments of Ali M. Ahmad, Christopher Cruz, Ryan Dailey, Marla Ridgway and Tom Whatley to the Fourth of July Committee 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 of Ali M. Ahmad, Christopher Cruz, Ryan Dailey, Marla Ridgway and Tom Whatley to the Fourth of July Committee and it was Unanimously APPROVED. 7-0

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

None given.

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**X. STATUS/UPDATES ON CURRENT PROJECT LIST**

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building and site improvements continue with the end of October as the time line for substantial completion followed by the month of November for inspections, punch list items and Certificate of Occupancy.)*
3. **Downtown Main Street Construction** - *(Utility and storm drain construction well underway. Las Cruces Avenue currently has one lane open for west bound traffic to proceed from Church to Water Street. Water line installation at Las Cruces complete. Traffic can*

also gain access to Main Street from Las Cruces to Griggs. North end of Main Street is open to one lane north, south and around from Church to Water with a road closure of Lucero Avenue. Access to all businesses in the area is available.)

4. **Impact Fees** – (The project is on-going. The Consultant has made revisions to the Land Use Assumptions. Staff is in the process of reviewing a draft and will work with the consultant to finalize the draft document . It is anticipated that a final draft will be available by the end of August.)
5. **Vision 2040** – (The Vision 2040 Advisory Committee, consisting of various stakeholders throughout Doña Ana County, has resumed review of the Vision 2040 Regional Plan. Stakeholders have formed subcommittees and a seven member Steering Committee to review and make recommendations on this plan. In June 2010, they have begun the process of reviewing sections of a working draft of the plan. This process is estimated to take until late Fall 2010. Regular updates will be given to the elected and appointed bodies. Meeting dates, draft documents, and related information on Vision 2040 are available online at <http://vision2040.las-cruces.org>.)
6. **Las Cruces Intermodal Facility** - (The consultants have began site assessment including surveying of the property and phase I environmental. Programming related items will be considered as well in the near future.)
7. **Bicycle Facilities Planning** - (Staff is preparing the application for Bicycle Friendly Community with the assistance from the Bicycle Friendly Community Task Force. Staff is working with the Engineering Work Group of the Task Force to identify roadways where bicycle facilities can be added as resurfacing projects are completed. The road diet on Solano will be continued from Missouri to University during early fall. New bike lanes will also be added on Three Crosses (Spitz to Dona Ana Rd.) and Spruce (Solano to Triviz). Motel Blvd will receive shared use lanes between the concrete section and Picacho. There are 4 new League Cycling Instructors in the Las Cruces area, bringing the total number of instructors to 13. The new instructors include three City employees: Caeri Thomas, Naoma Staley, and Andy Hume.)
8. **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](http://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 30<sup>th</sup> through October 2<sup>nd</sup>, 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.)

9. **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.)*
10. **Downtown Revitalization Activities** - *(Construction of La Placita has started and will be completed by October 31, 2010. Community Development staff are in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.)*
11. **Sage Café Update** - *(The building may be usable after utility hook-ups: coordination with CLC gas and the contractor to extend about 5 feet of gas line to the meter location; permanent electrical service from EPE and fire line extension from the main to the building. Funding options still being contemplated in order to consider finishing the overall project for items such as kitchen equipment.)*
12. **Grants/ARRA Status** - (Matrix.)

Councillor Sorg said I would like to have the Del Rey Boulevard/Sandhill Arroyo Crossing and the Santa Cruz Avenue Improvements included in this Status Updates List.

Terrence Moore, City Manager said that will be fine.

Mayor Miyagishima said it might be beneficial to have a Status Update List for each District and it would include projects within that District.

Councillor Sorg said that would be fine, as long as we get monthly updates.

Terrence Moore said it will eventually evolve into that type of listing.

Councillor Thomas said I would like to have the Behind Las Cruces Dam Project with the Army Core of Engineers included in this Status Updates List.

Terrence Moore said we should have an update on that project by October 18<sup>th</sup> and we will be providing it to you in the Information Letter but we will also add it to the list.

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## **XI. GENERAL DISCUSSION**

1. **MAYOR**

Mayor Miyagishima said I passed out an unsolicited proposal that I received from a member of the public. An Artist by the name of Dave Rothenmill painted a 15 x 6-foot painting of the Organ Mountains which was appraised for \$42,000 and they are asking if the City would be interested in purchasing it for \$32,000. When we built the new City Hall, wasn't there a certain percentage that was suppose to go toward artwork or was that for the Federal?

Terrence Moore, City Manager said it was for the Federal.

Mayor Miyagishima said well, look over the proposal and let me know if you want to do something with it.

Dean Peugh, Member of the Public said this painting that I am proposing for the City to purchase, it is part of this City and it should belong to it.

Councillor Thomas said we should look at how we are going to display art in the Convention Center because this would be a good piece of art to display.

Lori Grumet, Public Services Director said we don't have any plans for displaying art in the Convention Center yet because Global Spectrum is still working on their policies for that building.

Robert Garza, Assistant City Manager said there is a provision within their agreement that states one of their goals is to get sponsorships to help finance that building and they have told me that they want to hold off on art projects in the building because they would lose the opportunity to use that as a revenue producing opportunity for them.

Mayor Miyagishima asked could we maybe exchange a room for this painting?

Robert Garza said anything is possible; sponsorships can come in many different ways but we have to go through our agreement with Global Spectrum. We will speak with them and see what they think about this situation.

Mayor Miyagishima said I watched the Whole Enchilada Softball Tournament and it was an amazing event that brought a lot of revenue into the City. There are several other cities that are asking for this tournament be moved to their city so I think we should improve our fields to make it a better place to hold these types of tournaments. We can have a separate budget line item for the Whole Enchilada Softball Tournament.

2. **CITY COUNCIL**

Councillor Thomas said this past weekend, we had El Paseo Visioning Workshops and there were several people from Washington, D.C. and HUD that attended the workshops. There were several illustrations drawn and they will be made available to view on our website. The next one will be held on November 18<sup>th</sup> and 19<sup>th</sup>.

I want to know if the City applied for the Sustainable Communities Grant?

David Weir, Community Development Director said we did submit that grant and I believe we are waiting on the results.

Councillor Thomas said the Secretary of the Hood will be here on the 13<sup>th</sup> and we will be giving him a report on the Transportation Summit.

I would like to get a report on the status of our soccer fields.

Brian Denmark, Facilities Director gave an overhead presentation and said there was a report done on our fields and the results were that our fields were being over used, the current maintenance budge is insufficient, there aren't enough fields available, our Capital Improvement Program is insufficient and we have no direct revenue stream to address all of the needs. There was an Ad Hoc Board established to recommend long term solutions and they recommended dedicating a recreation tax, have free recreation programming for kids and Seniors, limit the number of games and tournaments, heighten enforcement by having Park Rangers, require financing reporting and have City staff responsible for opening, gates, buildings and lights and not issue keys to the leagues. Our plan of action is to establish temporary soccer fields for the youth at PAZ, MAAG and Legends West, close fields 8-16 at the Field of Dreams for intermediate rehabilitation which there is approximately \$60,000 in material costs; have staff oversee and manage schedules and fields and it will be necessary to have a long term Capital Plan.

Councillor Thomas said I want to thank you for your work on this issue and I want to make sure that you will be bringing all of this up when we address our Capital issues again.

Brian Denmark said I believe there will be a discussion item for revisiting the top 30 projects on your November Work Session Agenda.

Councillor Sorg said I would like to propose a possible resolution to ban trapping on public lands. I trap rodents on my farm because of the overpopulation but this resolution would address trapping on public, not private lands. It would address the trapping of predator animals like bears, wolves, cats and coyotes on public lands.

Mayor Miyagishima said you could provide us with some information on that issue and then we could possibly put it on the agenda for discussion but the City does already have an ordinance regarding the trapping of animals.

Councillor Sorg said I wasn't aware that we already had an ordinance regarding that issue but this would be for all public lands within the State.

The City Manager's Information Letter stated that there was going to be an attorney from the State Attorney General's Office coming in to meet with us.

Mayor Miyagishima said he is the one that sometimes holds the classes on the Open Meetings Act and we will be able to ask him questions on what is allowed and what isn't, regarding electronic devices and the Open Meetings Act.

Councillor Sorg said Mary Ries is resigning from the Utility Board of Commissioners so we will be looking for a replacement for her on this board.

Councillor Thomas said that opening is for someone from District 6 and I already have someone who is interested in that position.

Councillor Sorg said this isn't a District appointment.

Terrence Moore said that is correct, the appointment can be from any District.

Jorge Garcia, Utilities Director said the only requirement is that they are a utility paying customer and all applications are to be submitted to the City Clerk.

Councillor Sorg said I attended a ceremony this morning that marked National Habitat for Humanity Day and there are currently three homes that are being built by this organization.

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Councillor Small said I would like to thank everyone who attended the El Paseo Workshops this weekend.

I would like to thank Chief Williams for working with some neighborhoods that were having some issues. There were several vehicles that were left unlocked overnight and someone went through them and some items were stolen from the vehicles. There has also been a strong decrease in graffiti in the Parker Street area but we are seeing an increase in some dangerous speeding issues in the area of Second Street and Picacho Street.

Councillor Pedroza said I think it is great that we are able to have someone from the Attorney General's Office to come and speak with us.

It looks like we may not be in line to get a grant for the Community Gardens Project because I misread the proposal and it wasn't for a million dollars for Las Cruces. There are still some

possibilities for some other types of funding and for some more volunteers. I would like to thank NMSU for their continued support with this project. I heard that NMSU is also interested in expanding their Service Learning Program which is a program to help students become mentors for school children.

Mayor Miyagishima said the City use to have a program that would allow our employees to take an hour or two off to do mentoring without being docked but I'm not sure if it is still on the books.

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Councillor Connor said I want to remind everyone that Monday is not a workday for us so our meeting will be held on Tuesday.

I was told that the State is now requiring apartment complexes with swimming pools to test the levels of chlorine in their pools every four hours. There are two apartment complexes that are closing down their pools because of this regulation. I would like for us to get some information on this new regulation because it is sad that these pools have to shut down.

I attended the New Mexico Municipal League Board Meeting on Saturday in Santa Fe and it is going to be critical that we have a hand in hand arrangement regarding the "Hold Harmless" because that isn't going to go well. It could mean about seven million dollars for the City of Las Cruces and we need to be hand in hand with all the other municipalities to safeguard this for our communities.

Mayor Miyagishima said I think we really need to look into allowing some of our employees to work at home for a small reduction in pay.

Robert Garza said we will be giving a presentation on that issue at Tuesday's meeting.

Councillor Connor said we have already done across the board budget cuts and I think we need to look at individual departments because some might need to be cut back more than others.

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Councillor Silva said I'm glad to see that we will be receiving updates on the Sage Café Project.

I want to mention that I think it is too premature to make any decisions regarding the Organ Mountain painting because there are many other talented artist and other proposals that continue to come in.

We were supposed to get an update a week or two ago regarding JSS recommendations by the Chief but it was cancelled at the last minute. I would like to know why it was cancelled and when will it be rescheduled?

Terrence Moore said there is some more information available that is being analyzed but it will be before you at the October 18<sup>th</sup> meeting.

Councillor Silva said I want to congratulate everyone who was involved with the El Paseo Project. It continues to be a great project and maybe we can get Climate Cities to do some lobbying for this project.

I want to mention that I appreciate the updated packets which includes more information regarding the budget for these items.

This is "Breast Cancer Awareness Month" and Las Cruces has the "Tough Enough to Wear Pink" campaign to show awareness which has been the number one campaign nationally for the past two years.

### 3. CITY MANAGER

Terrence Moore, City Manager said I want to remind everyone of the Joint Work Session that will be held tomorrow at 1:00 p.m. Regarding the October 18<sup>th</sup> Work Session, I want to mention that Randy Van Vleck with the Municipal League will also be attending the meeting.

#### A. Reconsideration of Bill Payment Services at El Paso Electric.

Robert Scaling, Treasurer gave an overhead presentation and said the City ceased operation at the Solano site on October 1, 2009 and began the payment option of using Western Union as per Council's direction. The average number of payments received in the final three months at the Solano site was 4,323 which is slightly less than 10% of our total monthly payments. The cost to have the Solano site was approximately \$6,200 per month which came out to about \$75,000 per year. It would cost the City \$1.43 to process each payment transaction at the Solano site and it only cost us \$0.65 per transaction at the New City Hall. We currently offer seven different payment options to our customers which are the Cashiers Office at City Hall, the internet, automatic debit from a bank account, by telephone, by U.S. Mail, there is a payment drop off box located at City Hall and they can make payments at any Western Union location. The pros of having the drive up site is that it is a convenience for City utility customers and the cons of it are that it is very expensive, there are internal control issues, traffic problems, customer complaints and there are computer network problems.

Councillor Silva said El Paso Electric would charge us \$950 a month just for a space in their office; is that correct?

Robert Scaling said that is correct and there is also a one-time make ready fee of \$2,500.

Councillor Silva said maybe we can rent a different space somewhere else.

Robert Scaling said we haven't looked into any other options but we would still have to have additional staff so I think the cost would be similar.

Councillor Connor said in 2005, Council had the option of purchasing a building for a drive up window and they decided they didn't want to do that because of the overall cost to the City. Considering our current budget situation, I think those funds could be better utilized for other things.

Councillor Pedroza said I would like for us to explore the possibility of having a drive up drop box.

Robert Scaling said we have explored that option but there were issues with some of the regulations, like the size of the driving lane and the traffic flow; so, it's not a possibility at this point.

Mayor Miyagishima asked would it be possible to allow customers to pay their bill at Wells Fargo Bank since that is the bank that we deposit our payments to anyway?

Robert Scaling said I would have to speak with the bank and see if that is an option but I have spoken with them in the past and they weren't interested in having our customers cause delays with them serving their customers.

B. Strategic Plan Updated on Internet.

Andre Moquin, HR Director gave an overhead presentation and said we are creating a link on our website that will allow people to click on it and be able to see our progress.

C. Other Items - Information Only.

None given.

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**Meeting Adjourned at 4:07 p.m.**



\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)