

Regular Meeting
December 7, 2009

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

Regular Meeting

**December 7, 2009
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

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

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

I. OPENING CEREMONIES

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

Debbie Calderon sang the National Anthem.

Presentation of Certificates of Appreciation/Proclamations.

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

Councillor Connor gave a Proclamation to Jack and Peggy Petrowsky and the U.S. Marine Corps Toys for Tots Program and declared December 12, 2009 as Jack and Peggy Petrowsky and the U.S. Marine Corps Toys for Tots Program Las Cruces Unit Day.

Kathleen Squires, Dona Ana Arts Council Board President and Larry Broxton, Executive Director gave a presentation on the Renaissance Artsfaire.

1 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**
 2 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*
 3 *if any member of the city council, city manager, or any member of the city staff has any*
 4 *known conflict of interest with any item on the agenda.*

5
 6 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

7
 8 None given.

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 12 **III. PUBLIC PARTICIPATION**

13
 14 Russ Warner, Member of the Public said this Council is the most inexperienced Council since we
 15 came here in 2000 and you need to be very careful with making any changes to this City.

16
 17 John Hamilton, Member of the Public said I would like to urge you to approve the cell phone
 18 ordinance.

19
 20 Robert Green, Member of the Public said the situation on Fairbanks has been going on for 26 months
 21 and now we've had a wall fall down. I would like to ask the City to be a good neighbor and repair
 22 and stabilize the walls.

23
 24 John Schephy (?), Member of the Public said I am in favor of the cell phone ban but I would like the
 25 Council to consider some kind of exception for people who are hard of hearing.

26
 27 Karim Martinez, Program Director for the Dona Ana County Cooperative Extension Service said
 28 I would like to thank Council Sorg for attending our 4-H Awards Night event.

29
 30 Terry McBrayer, Member of the Public said I support the cell phone ban because it is a safety issue.
 31 If phone use is suspected in an accident, will the police pull the cell phone records of the people
 32 involved in the accident?

33
 34 Mayor Miyagishima said if the people in the accident get an attorney, then that attorney will do an
 35 investigation and pull the records.

36
 37 Fermin Rubio, City Attorney said that is correct.

38
 39 Carl Jensen, Member of the Public said I am the President of the Las Cruces Country Club
 40 Association and we paid about \$1,000 in the past to inform you that the wall was in failure mode.
 41 Mr. Garza stated that there would be a scientific evaluation of the wall and if our findings contribute
 42 to your findings then I would like to see our \$1,000 come back to us.

1
2 Mick Nichol, Member of the Public said regarding the cell phone ban, I don't think you addressed
3 two way radios. Nextel has cell phones that are also two way radios. There are also CB radios, G.P.S.
4 devices and many other types of distractions which are not covered in this proposed cell phone ban.
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8 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
9 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
10 **BY ONE MOTION.**

11
12 Mayor Miyagishima said Items 9, 10 and 11 need to be removed from the Consent Agenda for
13 discussion.

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

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

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25 -----
26

27 **V. CITY COUNCIL MINUTES**

- 28
29 *(1) Regular Meeting of October 5, 2009
30 *(2) Regular Meeting of October 19, 2009
31 *(3) Special Meeting of October 26, 2009
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35 **VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

36
37 *(4) Resolution No. 10-145: A Resolution Establishing Dates for Holiday Observance for
38 City Employees in 2010.

39
40 *(5) Resolution No. 10-146: A Resolution Providing for Determination of Reasonable
41 Notice of Meetings of the City Council and its Boards and Committees.
42

1 *(6) Resolution No. 10-147: A Resolution Authorizing the City of Las Cruces Police
2 Department to Receive \$5,898 in Grant Funding From the New Mexico Department
3 of Transportation for the Operation Buckle Down Campaign, to Ratify the Mayor’s
4 Signature to Accept the Award and to Adjust the Fiscal Year 2010 Budget.
5

6 *(7) Resolution No. 10-148: A Resolution Authorizing the City of Las Cruces to Modify
7 and Decrease Grant Award in the Amount of \$9,700 From the Office of National
8 Drug Control Policy and to Adjust the Fiscal Year 2010 Budget.
9

10 *(8) Resolution No. 10-149: A Resolution Authorizing the City of Las Cruces to Enter
11 Into a Memorandum of Understanding With Resources for Children & Youth
12 Incorporated to Accept Additional Funds to Cover Construction Costs Above the
13 State Allocated and City of Las Cruces Home Funding Amounts. The Resolution
14 Amends the City’s Adopted FY 2009/10 Budget to Reflect the Actions of This
15 Resolution.
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19 **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

20
21 *(9) Resolution No. 10-150: A Resolution Accepting the United States Environmental
22 Protection Agency Unilateral Administrative Order for Remedial Design Regarding
23 the Griggs/Walnut Superfund Site Project.
24

25 Councillor Small Moved to Adopt Resolution No.10-150 and Councillor Silva Seconded the motion.
26

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28
29 Councillor Silva said I pulled this because when people see contamination of ground water, there
30 is usually a concern for that issue.
31

32 Mayor Miyagishima said this occurred back in 2000 and with the help of the County, we now have
33 it under control.
34

35 Jorge Garcia, Utilities Director gave a verbal presentation and said this project dates back to 2001
36 and the contaminated wells have been removed so the drinking water is safe. This resolution is to
37 proceed with the clean up system which will take about 12 months and then we will begin a consent
38 decree which is the settlement of all the other issues.
39

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42 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-150 and it was
43 Unanimously APPROVED. 7-0

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3 *(10) Resolution No. 09-10-386: A Resolution Awarding Price Agreements for the Senior
4 Nutrition Program to Creamland Dairies LLC, of El Paso, TX; Shamrock Foods
5 Company of Albuquerque, NM; Sysco New Mexico of Albuquerque, NM and U.S.
6 Foodservice of Albuquerque, NM, for Fiscal Year 2009/2010 for a Budgeted Amount
7 Not to Exceed \$299,353, for the Period January 1, 2010 Through June 30, 2010.

8

9 Councillor Connor Moved to Adopt Resolution No.09-10-386 and Councillor Thomas Seconded the
10 motion.

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14 Councillor Connor said regarding the bid solicitation, why isn't there a local preference?

15

16 Lori Grumet, Public Services Director said these are federal funds and local preferences are not
17 permitted.

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21 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-386 and it was
22 Unanimously APPROVED. 7-0

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26 *(11) Resolution No. 09-10-445: A Resolution Authorizing the City of Las Cruces to
27 Amend the Contract with Tyler Technologies Inc., Munis Division by \$42,025.00 to
28 Provide Additional ERP (Enterprise Resource Planning) Software; This Would
29 Increase the Projected Authorized Amount for This Project to \$1,325,564.04.

30

31 Councillor Connor Moved to Adopt Resolution No.09-10-445 and Councillor Silva Seconded the
32 motion.

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36 Councillor Sorg said it isn't clear to me as to why this extra money is needed.

37

38 Peter Gilbert, Munis Implementation Manager said this is an on-going contract and in that contract,
39 the number of hours of service and training is estimated. Due to the utility billing system, it took a
40 lot longer to implement and it used up a lot more of these hours than was anticipated.

41

42 Councillor Sorg asked where is this extra money coming from?

43

1 Peter Gilbert said when this was originated, there was \$1.8 million set aside for it and these funds
2 will be coming out of the balance of those funds.

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6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-445 and it was
7 Unanimously APPROVED. 7-0

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11 (12) Resolution No. 10-151: A Resolution Determining That the City of Las Cruces Shall
12 Not Serve as the Fiscal Agent for the Administration of State Appropriations to be
13 Made During the 2010 Legislative Session for Non-Profit Agencies Outside the City
14 Organization.

15

16 Councillor Connor Moved to Adopt Resolution No.10-151 and Councillor Silva Seconded the
17 motion.

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21 David Dollahon, Neighborhood Services Director gave an overhead presentation and said this is
22 proposing that the City not serve as the fiscal agent for outside agencies for next year's legislation
23 funding process because of the current State budget crisis and it also competes with current City
24 projects for both State funds and City staff time. This only applies to new capital operating request
25 that are made in the upcoming session.

26

27 Councillor Connor asked are we going to be reviewing this on an annual basis?

28

29 David Dollahon said yes.

30

31 Councillor Pedroza asked is there another agency that can serve as the fiscal agent?

32

33 David Dollahon said most likely, it would be the County but they can go through the School District
34 or other municipalities.

35

36 Councillor Pedroza asked what if they can't find another fiscal agent? Wouldn't we be denying them
37 an opportunity for funding?

38

39 David Dollahon said that is a potential problem but they can contact us and we can consider bringing
40 another resolution forward for that certain situation.

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42 Councillor Thomas asked what kind of signal does this send to the State and are other cities doing
43 this?

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David Dollahon said I haven't heard from anyone directly that they aren't going to serve as a fiscal agent but I hear that Dona Ana County is leaning toward it. We are only signaling fiscal responsibility in light of the current budget situation.

Councillor Silva said I'm concerned with the message that this might send to the State and to our local community. We should include in this that if an organization gets the opportunity for funding then we would consider being the fiscal agent for them.

David Dollahon said we could amend the resolution to state; roman numeral one: "the City of Las Cruces does hereby declare that it shall not serve as the fiscal agent through its normal application process for the administration of the State of New Mexico appropriations during the legislation session" and then I was going to add at the end, "(comma), unless specifically requested by an organization during the legislative session. This restriction does not apply to existing previously funded projects made in prior legislative sessions and/or State budgets."

Councillor Thomas said I still have an issue with the wording of the title.

David Dollahon said we can change it to read, "A Resolution determining that the City of Las Cruces shall not undertake the formal fiscal agent process for the administration of State appropriations to be made during the 2010 legislative session for non-profit agencies outside the City's organization"; however, I think you seriously should consider the other restrictions that have been proposed if you change this title.

Amy Johnson Bassford, La Casa Grant Writer said we don't oppose this idea and we understand why it is happening.

Councillor Connor Moved to Amend Resolution No.10-151 to change the title to read as " A Resolution determining that the City of Las Cruces shall not undertake the formal fiscal agent process for the administration of State appropriations to be made during the 2010 legislative session for non-profit agencies outside the City's organization" and to change roman numeral one, "the City of Las Cruces does hereby declare that it shall not serve as the fiscal agent through its normal application process for the administration of the State of New Mexico appropriations during the legislation session" and add at the end, "(comma), unless specifically requested by an organization during the legislative session. This restriction does not apply to existing, previously funded projects made in prior legislative sessions and/or State budgets" and Councillor Thomas Seconded the motion.

1 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-151 to change
 2 the title to read as “ A Resolution determining that the City of Las Cruces shall not undertake the
 3 formal fiscal agent process for the administration of State appropriations to be made during the 2010
 4 legislative session for non-profit agencies outside the City’s organization” and to change roman
 5 numeral one: “the City of Las Cruces does hereby declare that it shall not serve as the fiscal agent
 6 through its normal application process for the administration of the State of New Mexico
 7 appropriations during the legislation session” and add at the end, “(comma), unless specifically
 8 requested by an organization during the legislative session. This restriction does not apply to
 9 existing, previously funded projects made in prior legislative sessions and/or State budgets.” and it
 10 was Unanimously APPROVED. 7-0

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14 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-151 as Amended
 15 and it was Unanimously APPROVED. 7-0

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19 (13) Resolution No. 10-152: A Resolution Authorizing the Acceptance of the Historic
 20 Amador Hotel Adaptive Reuse Study Completed by Kells & Craig Architects and
 21 Adopting Design Option Three Described in the Study as the Preferred Option for the
 22 Development of the Adaptive Reuse of the Historic Amador Hotel.

23

24 Councillor Connor Moved to Adopt Resolution No. 10-152 and Councillor Thomas Seconded the
 25 motion.

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29 Tomas Mendez, Project Management Architect gave an overhead presentation and said this is to
 30 accept the final report for the Amador Hotel.

31

32 Jonathan Craig, Architect gave an overhead presentation and said this plan includes uses for an Event
 33 Center, a restaurant, office space and a small museum. The first phase of the plan includes
 34 environmental studies to see if there are any hazardous materials present. There is also an
 35 architectural phase that will include estimated future cost for future phases. The second phase and
 36 third phases would be building repairs and to complete the historic building. The fourth phase would
 37 be the build out of the small museum. The fifth phase would add the additions to the east side which
 38 include the restaurant, kitchen, bar and patio addition. The sixth phase would basically be build out
 39 improvements.

40

41 James Fletcher, President of the Amador Hotel said we have gotten great support from your staff and
 42 this community. The people of Las Cruces want us to maintain the Amador Hotel in some form or
 43 fashion and we are trying to come up with an idea on how to utilize the facility with the most

1 flexibility. Approval of this will allows us to move forward with grants and other funding sources.

2

3 Councillor Silva asked when would this be available for events?

4

5 James Fletcher said there have been safety issues and facility issues that I believe we've resolved;
6 so hopefully, our first fundraising event will be in mid-January.

7

8 Councillor Sorg said I have a constituent that has some concerns with the structural soundness of the
9 walls.

10

11 James Fletcher said you just have to cross your fingers when you're dealing with old structures like
12 this one. Cornerstone did do some specific section evaluations and obviously, there is some leakage
13 in the building but all in all, it is a fairly well constructed building.

14

15 Jonathan Craig said the Cornerstone study did find that there was very little moisture in the adobe
16 walls which is a very good sign but until we get the stucco off of the walls, we're not going to know
17 the status of the structure.

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21 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-152 and it was
22 Unanimously APPROVED. 7-0

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26 (14) Council Bill No. 10-019; Ordinance No. 2548: An Ordinance Amending the Las
27 Cruces Municipal Code, Sections 27-12-6-12.18, Prohibited Activities While
28 Driving, to Add as a Further Prohibited Activity the Use of a Mobile Telephone to
29 Engage in a Call or to Create, Send or Read Text Messages, With Certain Exceptions
30 that Include the Use of Hands-Free Devices.

31

32 Councillor Connor Moved to Adopt Council Bill No. 10-019; Ordinance No. 2548 and Councillor
33 Small Seconded the motion.

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37 Mayor Miyagishima said I have about 3,000 emails addresses that I have collected throughout the
38 City and I sent out a poll to all of them but only received about 100 back and of that 100, 90% agreed
39 with banning texting and about 75% wanted to see something done with cell phone usage.

40

41 Fermin Rubio, City Attorney gave an overhead presentation and said these are the changes that you
42 wanted added from the first reading. On page 280 of your electronic version are the changes in
43 legislative format which would be easier for you to look at as we discuss this issue.

- 1
2 Mayor Miyagishima said I believe there are sometimes where officers do need to use their cell
3 phones which is why that is included in this ordinance.
4
5 Chief Bradley, LCPD said there are occasions where cell phones are the preferred communication
6 for law enforcement due to the security of the transmission.
7
8 Mayor Miyagishima asked if a citizen pulls over to the side of the road to use the phone and has the
9 engine running, they won't receive a citation; correct?
10
11 Fermin Rubio said that is exactly what we'd like to see them do.
12
13 Mayor Miyagishima said I want to make sure that they won't be cited because if someone has been
14 drinking and they are sitting in their car with the engine running, they will be cited for DUI.
15
16 Chief Bradley said this ordinance specifically states driving which is being in motion so that won't
17 be a problem.
18
19 Councillor Connor said I received a recommendation for an amendment to page 280 F, after the
20 words text messages, that these types of uses are legal from an off way area. Which would clarify
21 that you have to pull off the road; not be at a stop light and think that just because you're not in
22 motion that you can make a call.
23
24 Councillor Pedroza said most of the residents I spoke to in my district are in favor of this ban. I think
25 the language that Councillor Connor is wanting to add is already within the ordinance.
26
27 Councillor Sorg said Chief Bradley, be sure to tell your officers that they have to obey this as well.
28
29 Mayor Miyagishima said they will only be allowed to use it in emergency situations.
30
31 Ron Camunez, Member of the Public said the problem is going to be with the enforcement of this
32 ordinance. Where is the teeth for this ordinance; just to get a ticket? This has gotten ridiculous.
33 What about driving while eating a burrito or smoking a cigarette? Is that the next thing that you are
34 going to take away from us?
35
36 Mayor Miyagishima said this would give Police a reason to pull someone over and discover other
37 issues like they are wanted or they have a gun in the car.
38
39 Fermin Rubio said I just want to remind everyone that only the stuff that is underlined is being added
40 to the ordinance. Everything else has already been included in it for years.
41
42 Bob Beginder, Member of the Public said I don't like to see the Council keep messing with the
43 people. I think all the stuff you need is already in the ordinance.

- 1 Russ Warner, Member of the Public said I don't own a cell phone and they are very dangerous to use
2 while driving.
3
- 4 John Hamilton, Member of the Public said I am a bicyclist, pedestrian and motorist and all three are
5 very dangerous when you have someone who is distracted. I would ask that you vote for this item.
6
- 7 Tom Devine, Member of the Public said if this passes, I won't use my cell phone while I'm driving.
8 How are you going to be able to tell if someone is using their phone with the dark tint that is on some
9 of these vehicles?
10
- 11 Chief Bradley said there is an ordinance that covers window tinting and we do enforce it.
12
- 13 Emily Coss, Member of the Public said I am in favor of passing this ordinance but I think there needs
14 to be a little bit more detail or definitions, like emails; is that the same as texting?
15
- 16 Alan McBrayer, Member of the Public said I am in favor of this ordinance just as it is written.
17
- 18 Bruce Turner, Member of the Public said there are all types of hands free devices out there and I
19 have almost been hit five or six times by people texting on their phones. I am in favor of banning
20 everything.
21
- 22 Tom Devine, Member of the Public said I hope that you consider having the Police check the cell
23 phone records of the people involved when there is an accident.
24
- 25 Randy (?), Member of the Public said I don't know if the NMSU Police has authority on University?
26
- 27 Mayor Miyagishima said that is the one street that the City Police, County Sheriff, Mesilla and
28 NMSU have authority on.
29
- 30 Mick Nichol, Member of the Public said it appears to me that the definition of hand-held device
31 changes if it is on speaker phone or those types of things. You need to be careful on how all of this
32 is worded.
33
- 34 Jason Smith, Member of the Public said Albuquerque has this law in place and it is totally ignored.
35 This isn't enforceable and the real issue is bad drivers which are the ones that get into accidents.
36
- 37 Al Perez, Member of the Public said I agree that this is a safety issue.
38
- 39 Pam Nichol, Member of the Public said public safety is a relevant point but it's not a valid argument
40 to say that this will give them another reason to pull people over to see if they are breaking any other
41 laws. There has to be a balance with individual rights and public good.
42
- 43 Mayor Miyagishima said it's kinda like when they made the seatbelt law. It's for your own safety.

1

2 Dan Townsend, Member of the Public gave an overhead presentation and said there have been
3 studies done that clearly show collision frequency and cell phone usage.

4

5 Councillor Connor said we will need to educate the community. This is a generational thing; my 21
6 year old can text and still be looking at me but I wouldn't dare get my 85 year old father a cell phone
7 because he would think he had to answer it even though he was driving. I'm not in favor of adding
8 more road rules but we do have to look at the safety issue first.

9

10 Councillor Silva read a letter from Tamie Smith and said she urges the Council to pass the banning
11 of cell phones while driving.

12

13 Councillor Small said I think it is important that we compile data from this as we move forward.

14

15 Councillor Thomas said we need this ordinance to send a message and there could be some changes
16 to it in the future as technology changes.

17

18 Councillor Sorg said I do agree with educating the community and I think we should put up signs
19 stating the cell phone ban.

20

21 Councillor Connor said Chris Miller sent me some language from our seat belt ordinance which is
22 "that when a vehicle is in motion and on any street or highway"; motion being the optimum word.
23 It is his suggestion that we put this somewhere in this ordinance.

24

25 Fermin Rubio said I think we should add that as G on page 281 as the definition of drive.

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28

29 Councillor Connor Moved to Amend Council Bill No. 10-019; Ordinance No. 2548 to add item G
30 on page 281, "The definition of Drive is when a vehicle is in motion on any street or highway and
31 to include emails" in item F on page 280 and Councillor Small Seconded the motion.

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35 Councillor Small asked if someone is stopped at a traffic light, is that considered in motion?

36

37 Mayor Miyagishima said if they are stopped then they aren't in motion but if they take off and that
38 device is in their hand; I don't know if we need to get into that kind of detail.

39

40 Fermin Rubio said if you didn't have your seat belt on when you are at a stop light, you would still
41 be cited so I think this would be the same analysis.

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43 Chief Bradley said the vehicle is still being operated when it is on a roadway.

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Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-019; Ordinance No. 2548 to add item G on page 281, "The definition of Drive is when a vehicle is in motion on any street or highway and to include emails" in item F on page 280 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-019; Ordinance No. 2548 as Amended and it was Unanimously APPROVED. 7-0

(15) Council Bill No. 10-020; Ordinance No. 2549: An Ordinance Amending Las Cruces Municipal Code, Sections 27-12-7-1 Through 27-12-7-10, Special Rules for Motorcycles and Off-Highway Vehicles, to Conform With Amendments Made to New Mexico Statutes Annotated, Sections 66-3-1001.1, ET Seq. By the 49th Legislature of the State of New Mexico, 2009.

Councillor Connor Moved to Adopt Council Bill No. 10-020; Ordinance No. 2549 and Councillor Small Seconded the motion.

Fermin Rubio, City Attorney gave an overhead presentation and said this is to bring our ordinance up to date with our State Statutes.

Councillor Connor asked since we are home ruled, would we have the option of opting out of it?

Fermin Rubio said we don't have to adopt the changes but some of our certifications would then be outdated.

Councillor Connor said so, we don't know what the consequences are; that would be a reason why I wouldn't support it.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-020; Ordinance No. 2549 and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

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3 **VIII. BOARD APPOINTMENTS**

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5 None given.

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

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11 None given.

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

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17 1. **State Legislative Fall Back**18 2. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council*
19 *review and consideration.)*20 3. **Las Cruces Convention Center** - *(Foundation preparation and plumbing rough-in is*
21 *near complete to allow for the pouring of floor slabs in early December. Additional*
22 *concrete work for the exterior portions of the facility continues on schedule.)*23 4. **Downtown** - *(The project design is ongoing with Bohannan-Huston, Inc. Bohannan-*
24 *Huston has completed the design for the north end portion of the project. The City is*
25 *currently in the process of receiving final prices for the northern portion and should be*
26 *going to Council for approval on December 21, 2009. Bohannan-Huston has begun the*
27 *design of the southern portion of the project)*28 5. **Impact Fees** - *(The project is on-going. Staff is currently reviewing the latest draft of the*
29 *Impact Fee Capital Improvements Plan (IFCIP) with the Consultant. Before the new*
30 *draft IFCIP is finalized, the Consultant prepared a summary of the options discussed by*
31 *the City Council during the Work Sessions held in March, April, and May of this year.*
32 *The summary is a separate document and includes a table listing the actions that will*
33 *have to be taken in order to move forward with each option (e.g., Do the land use*
34 *assumption have to be revised?, etc.). The purpose of this summary is to provide*
35 *information in a concise format for the CIAC and City Council to use in making their*
36 *decision on which option to use in the IFCIP document to calculate the impact fees. Staff*
37 *presented the summary document to the CIAC on November 19, 2009. The CIAC will*
38 *further discuss the options presented in the summary document and the recommendation*
39 *of an option at their next meeting on December 17, 2009.)*40 6. **Vision 2040** - *(The current drafts are posted on the Vision 2040 website*41 *(<http://vision2040.edu>) and are available on CD and in print upon request. Staff is*
42 *compiling the comments from the public input meetings held during the week of October*
43 *19th and the written comments received. The formal public comment period concluded on*

1 November 7, 2009. However, staff will continue to accept further written comments.

2 These comments will be used to evaluate and revise the current drafts.)

3 7. **Citywide Swimming Pool Enhancement Program** – (Structural steel installation for
4 the entrance area of the facility and the second floor continues, including completion of
5 the roof for these areas. EIFS work progresses with color coat soon to be completed;
6 electrical, HVAC and plumbing construction continues as well. The consultant continues
7 to work with the New Mexico Environment Department on obtaining a pool permit.)
8 (The design consultants for the future planned Natatorium have started the project with a
9 series of meetings with interested groups such as swimming clubs to solicit input. A
10 public hearing was also held for the purposes of collecting ideas on a proposed design of
11 the planned facility. Additional input is expected prior to finalization of schematic
12 design.)

13 8. **Development and Construction of New City Hall** – (The contractor has removed the
14 temporary flooring in the council chambers in order to complete the necessary finishes in
15 the room. Interior finishes in other parts of the building continue with punch list items
16 being completed in order to conduct scheduled inspections within the next month.
17 Commissioning of the building continues including start up of the back up generator as
18 well as continued construction in site improvements. Evaluation of furnishing needs
19 remains in process.)

20 9. **Development and Construction of the Intermodal Facility** – (Finalization of the RFP
21 complete for architectural and engineering services, currently in the process of being
22 advertized and reviewed by the Selection Advisory Committee.)

23 10. **Bicycle Facilities Planning**

24 11. **Amador Hotel Update**

25 12. **Grants/ARRA Status** - (Matrix.)

26
27 -----
28
29 **XI. GENERAL DISCUSSION**

30
31 1. Mayor

32
33 Mayor Miyagishima said I have been using our website to view the agendas for our meetings and
34 I don't find it necessary to have a CD provided to me.

35
36 Concerning the title Mayor Pro-tem, I would like for former Mayor Pro-tem Archuleta and Mayor
37 Pro-tem Gene Kennon to be permitted to carry the title as Mayor Pro-tem only as an honorary title.

38
39
40 2. City Council

41
42 Councillor Thomas said the Tortugas documentary for CLC TV that was done by Adrian Guzman
43 was extremely well done.

1 Councillor Sorg said on Thursday, I will be participating in a Town Hall Meeting at the Mesilla
2 Valley Hospital on Del Rey Boulevard at 6:00 p.m. regarding infrastructure projects.

3

4 I want to remind everyone that next Monday is the Work Session which we are going to ride the bus
5 to City Hall.

6

7 Councillor Small said I want to thank Dan Soriano for coming out on Saturday for our Neighborhood
8 Meeting. There are a lot of landscape issues in a couple of neighborhoods that we are working on.

9

10 Councillor Pedroza said Councillor Sorg and I attended the Land Use Law Conference last Thursday
11 and Friday in Albuquerque and it was extremely interesting.

12

13 It was brought to my attention that the red light cameras on Walnut; the fines are extremely severe.
14 I am concerned that the potential of the loss of your vehicle is too severe and I would like to open
15 it up for discussion at some future time.

16

17 Councillor Connor said we have already discussed the impoundment of vehicles and I think some
18 changes were made.

19

20 Mayor Miyagishima said we did discuss it but I don't think we ever changed the wording.

21

22 Fermin Rubio, City Attorney said it is not enforceable because it's not a criminal citation so there
23 isn't a way to tell if someone had a previous citation.

24

25 Councillor Pedroza said if it's not enforceable then it should be stricken from the language on the
26 citation.

27

28 Fermin Rubio said well, it is enforceable, it is a duly passed ordinance; however, the changes of that
29 actually happening are very small. We did bring it back one time for an amendment but I don't
30 remember if that was struck out or not. I will have to check on it.

31

32 Councillor Connor said there are crossing islands on University Avenue and Hagerty and at night,
33 it is very difficult to see if anyone has entered on them. I would recommend that we look into putting
34 solar lights and warning signs in that area.

35

36 I have received more requests that there be signage installed on the Triviz pathway stating there is
37 a marked bicycle pathway.

38

39 Regarding the removal of the awnings in the Downtown Mall, the businesses in that area use to put
40 their business signs on the awnings so when the awnings came down so did the business signs. Is
41 there going to be a fee for them to put their signs on the building? I don't need a response today but
42 we do need to look into it.

43

1 Councillor Silva said I would like to thank everyone for the success of the Winterfest.

2

3

4 3. City Manager

5 B. CIAC Update

6

7 Dan Soriano, Traffic Engineering Administrator said Judd Singer is in the process of preparing the
8 annual report and it should be available by the end of the month.

9

10

11

A. Conflict of Interest Disclosure – HOME Program – David Dollahon

12

13 David Dollahon, Neighborhood Services Administrator said this is a requirement of the HOME
14 Program and it requires no action on your part. We are simply making a public disclosure as per
15 HUD’s regulations and the established City’s policy. Veronica Molina is employed by Tierra del
16 Sol Corporation and her daughter Janet is seeking assistance through Tierra del Sol to become a
17 homeowner. The City was notified of this conflict by Tierra del Sol and they have assigned Art
18 Murrufu who is their Homebuyer Director to handle all the loan application processing and
19 underwriting regarding Janet’s case.

20

21 Fermin Rubio, City Attorney said this is a conflict of interest but it doesn’t violate any City or
22 State laws. It will be up to HUD to decide if they’ll grant an exception for this case.

23

24

25 C. Other Items - Information Only

26

27 None given.

28

29

30

31 Meeting Adjourned at 5:29 p.m.