City Council
of the
City of Las Cruces

Regular Meeting

January 4, 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:

Terrence Moore, City Manager
Fermin Rubio, City Attorney
Esther Martinez, City Clerk

I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

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

Councillor Small presented an Appreciation Medal to WWII Veteran Frank U. Mesa.

Councillor Small presented a Proclamation to LuAnn Wieland and Monique Hilverding and declared the month of January 2010 as National Blood Donor Month.

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

None given.

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 5 and 9 need to be removed from the Consent Agenda for discussion.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Small 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 26, 2009
*(2) Regular Meeting of November 2, 2009
*(3) Special Meeting of November 5, 2009

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(4) Resolution No. 10-168: A Resolution Authorizing the City of Las Cruces to Renew Its Membership to the National League of Cities and to Provide for Payment of Annual Membership Dues in the Amount of $5,952.00 From March 1, 2010 to February 28, 2011.

*(6) Resolution No. 10-170: A Resolution to Allow the City Manager or Assistant City Manager to Accept and Sign All New Mexico Grant Contract Extensions Related to the Capital Appropriation Reallocation Review.

*(7) Resolution No. 10-171: A Resolution Approving an Amended Home Investment Partnerships Program (Home) Grant Agreement Between Mesilla Valley Habitat for Humanity and the City of Las Cruces for the Acquisition and New Construction of Property for the Development of an Owner-Occupied, Single-Family Affordable Housing Dwelling Unit.

*(8) Resolution No. 10-172: A Resolution Approving an Amended Home Investment Partnerships Program (Home) Loan Agreement Between the City of Las Cruces and Tierra Del Sol Housing Corporation and Alta Tierra Apartments Limited Partnership for the Rehabilitation of Alta Tierra Apartments, a Federal Low Income Housing Tax Credit Project. The Resolution Further Grants an Exception to the City's Multi-Family Rental Loan Policy for the Project.

*(10) Resolution No. 10-174: A Resolution Amending a Land Lease Between Jackson, Fields & Mathews, LLC and the City of Las Cruces for Parcel 34 at the Las Cruces International Airport to Extend the Lease Term From 20 to 30 Years.

VII. UNFINISHED BUSINESS:

(11) Resolution No. 10-154: A Resolution to Adjust the Adopted Fiscal Year 2009/2010 Budget Allowing for Carry-Over Expenses and Reallocations of Operating and Capital Costs Due to Mid-Year Developments Regarding Revenues and Expenditures. (***Tabled from 12/21/09***)

Councillor Connor Moved to Remove Resolution No.10-154 from the Table and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 10-154 from the Table and it was Unanimously APPROVED. 7-0

Mark Sutter, Finance Director gave an overhead presentation and said this is the same thing you saw in December and we will be bringing next year's mid-year adjustment to you in January instead of in December. We have expenditures for the Aquatic Center at $325,000 and this is to get it ready to open the facility on July 1st so we will have to buy supplies and hire and train staff. The new City Hall has some costs that need to be included in this year's budget, like the cost of a mover and additional security for the building.

Councillor Sorg said this is a difficult budget to understand. Didn't we already know the expenditures for the start up cost of the Aquatic Center? Why is it showing up now?

Mark Sutter said the timing of the opening moved those costs into this fiscal year.

Brian Denmark, Facilities Director said the yearly operation cost of this center will be approximately $1.5 million. This is only the start up cost for this fiscal year.

Councillor Sorg said I think we need to have projections of our cost for the next two or more years. Our economy still hasn't recovered which effects our revenues and we don't know how long it will take to recover.

Councillor Thomas said I have some of the same concerns regarding our budget as Councillor Sorg and my biggest concern is that we don't know what the legislator is going to do. I don't want to use the little bit of surplus we have; we need to be conservative.

Councillor Connor asked how long has the City been doing mid-year adjustments?

Mark Sutter said I have been with the City for 19 years and every year we've had one.

Councillor Silva asked why is there an increase for prisoner care?

Mark Sutter said we have a contract with the County that has an escalation clause which is for the cost of keeping prisoners. The number of prisoners and the time that they are there is going up so the cost is also going up.

Jim Harbison, Member of the Public said I just want to remind Council that you are our elected officials and you need to keep the best interest for the City in mind.

Russ Warner, Member of the Public said I want to thank Dr. Sutter and his staff for doing an excellent job with this City's financial affairs.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-154 and it was Unanimously APPROVED. 7-0

VIII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(5) Resolution No. 10-169: A Resolution Implementing a "Mayor's Business Recognition Program" to Acknowledge Locally Owned and Operated Businesses That Have Been in Operation in Las Cruces for 25 Years or Longer.

Councillor Small Moved to Adopt Resolution No.10-169 and Councillor Silva Seconded the motion.

Councillor Silva said one of the requirements for a business to be eligible to be recognized is that they have no violations of local, Federal or State regulations. They can be in violation for things like having too many things plugged in or minor food prep issues. I recommend that we amend this to change it to any major violations instead of just violations. I would like to know how a Councillor would go about making a suggestion for a business to be recognized?

Mayor Miyagishima said I agree with changing it to any major violation and any Councillor can make a suggestion for a business to be recognized.

Councillor Connor said El Paso Electric has been in this City for about 90 years and they do many good things for this community.

Mayor Miyagishima said I agree and we can definitely give them some type of recognition.

Fermin Rubio, City Attorney said I want to clarify that this is a Mayor's program and the Mayor is the one who has to authorize the selection of a business for recognition.

Councillor Silva Moved to Amend Resolution No.10-169 to replace "previous violations" with "any major violations of local, Federal or State regulations" and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-169 to replace "previous violations" with "any major violations of local, Federal or State regulations" and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-169 as Amended and it was Unanimously APPROVED. 7-0

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*(9) Resolution No. 10-173: A Resolution Endorsing the League of American Bicyclists' Action Plan for Bicycle Friendly Communities.

Councillor Connor Moved to Adopt Resolution No.10-173 and Councillor Thomas Seconded the motion.

Andy Hume, MPO Associate Planner gave an overhead presentation and said this plan is a two page document that was included in your packet. This is an endorsement of an activity that has already been going on and it does things like create bike lanes and parking areas for bicycles.

Trina Whiter, Bicycle Coalition said we are in favor of this resolution and we would like to thank the Council for their support.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-173 and it was Unanimously APPROVED. 7-0

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(12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-175, A PUBLIC HEARING MUST BE HELD.**

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

None given.

Resolution No. 10-175: A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to El Tiburon Mariscos, LLC, Located at 504 East Amador Avenue, Las Cruces, New Mexico.

Councillor Thomas Moved to Adopt Resolution No.10-175 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-175 and it was Unanimously APPROVED. 7-0

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(13) Resolution No. 10-176: A Resolution Opposing Legislation Granting Repealing the Hold Harmless Provision.

Councillor Connor Moved to Adopt Resolution No.10-176 and Councillor Thomas Seconded the motion.

Mark Sutter, Finance Director gave an overhead presentation and said this is reflecting the problems at the State level that will affect our GRT. Municipalities are saying the State should not be fixing their problems on the backs of local governments.

Councillor Connor said it's obvious that the Hold Harmless on our medical and groceries would be critical to our budget.

Dan Jett, Member of the Public said I think the Council should vote against this resolution.

Ed Murphy, Member of the Public said I went to LA to visit my daughter and they just had to raise their sale tax to over 9.75%.

Mayor Miyagishima said this resolution simply states that we want it to stay the way it was with the State.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-176 and it was Unanimously APPROVED. 7-0

IX. BOARD APPOINTMENTS

Councillor Sorg appointed Mark O'Neill to the Parks & Recreation Advisory Board and his term will expire on March 31, 2014 because he is taking over someone else's term.

X. REVIEW OF PROPOSED ORDINANCE(S)

(14) Council Bill No. 10-027; Ordinance No. 2556: An Ordinance Amending the Las Cruces Municipal Code, Section 2-1011, *Joint Boards, Scope,* to Reduce the Term of Appointment of City Members to the Extra Territorial Zoning Authority.

Mayor Miyagishima and Council agreed to bring this item back.

(15) Council Bill No. 10-028; Ordinance No. 2557: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and Transworld Network Corporation, for the Sale of 1.0 Acres of Municipally Owned Land in the West Mesa Industrial Park for the Purchase of Price of Thirty Thousand Dollars ($30,000.00) in Accordance With Provisions of Section 3-54-1, NMSA, 1978, as Amended.

Mayor Miyagishima and Council agreed to bring this item back.

XI. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **State Legislative Fall Back**
2. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
3. **Las Cruces Convention Center** - *(Foundation preparation and plumbing rough-in is near complete to allow for the pouring of floor slabs in December. Additional concrete work for the exterior portions of the facility continues on schedule.)*
4. **Downtown** -*(The project design is ongoing with Bohannan-Huston, Inc. Bohannan-Huston has completed the design for the north end portion of the project. The City is currently in the process of receiving final prices for the northern portion and should be going to Council for approval in January 2010. Bohannan-Huston has begun the design of the southern portion of the project)*
5. **Impact Fees** - *The project is on-going. Staff is currently reviewing the latest draft of the Impact Fee Capital Improvements Plan (IFCIP) with the Consultant. Before the new draft IFCIP is finalized, the Consultant prepared a summary of the options discussed by the City Council during the Work Sessions held in March, April, and May of this year. The summary is a separate document and includes a table listing the actions that will have to be taken in order to move forward with each option (e.g., Do the land use assumption have to be revised?, etc.). The purpose of this summary is to provide information in a concise format for the CIAC and City Council to use in making their decision on which option to use in the IFCIP document to calculate the impact fees. Staff presented the summary document to the CIAC for the first time on November 19, 2009. The CIAC further discussed the options presented in the summary document and made a recommendation of Option 3: "'Growth Area' Impact Fees only" at*

their meeting on December 17, 2009. This recommendation will be taken forward to the January 11, 2010 City Council Work Session for discussion and concurrence.

6. **Vision 2040** – *(The current drafts are posted on the Vision 2040 website (**http://vision2040.nmsu.edu**) and are available on CD and in print upon request. Staff is compiling the comments from the public input meetings held during the week of October 19th and the written comments received. The formal public comment period concluded on November 7, 2009. However, staff will continue to accept further written comments. These comments will be used to evaluate and revise the current drafts.)*

7. **Citywide Swimming Pool Enhancement Program** – *(Structural steel installation for the entrance area of the facility and the second floor continues, including completion of the roof for these areas. EIFS work progresses with color coat soon to be completed; electrical, HVAC and plumbing construction continues as well. A pool permit is in the process of being issued allowing the pool contractor to proceed with construction.) (The design consultants for the future planned Natatorium have started the project with a series of meetings with interested groups such as swimming clubs to solicit input. A public hearing was also held for the purposes of collecting ideas on a proposed design of the planned facility. Additional input is expected prior to finalization of schematic design.)*

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

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

10. **Bicycle Facilities Planning**

11. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(The project, titled: Making Redevelopment Work for the Neighbors: The El Paseo Project is on-going for one year from October 2009 to October 2010. Phase One is underway: The Scope of Work is in draft form and continues to be a topic of regular conference calls which occur on Tuesday from 1:00-2:00 PM in Room 101 of the City Office Center. Community Development staff is building a local stakeholder network and providing data and maps to EPA staff. A refined Scope of Work and an initial site visit by the EPA staff are expected toward the end of January 2010, TBA.)*

12. **New City Web Site** – *New web site is on track for deployment in Spring 2010. Public input on new web site has been obtained, and will be presented to Council. Departmental stakeholders (who will be responsible for authoring content) have been involved in a number of meetings to provide inputs on the new web site as well. The new site will support greater citizen engagement by providing citizens the ability to receive information via RSS feeds, newsletters, and alerts, as well as providing new content and*

capabilities. The next phase in the project will involve training departmental authors in the use of the content management system editor, authoring methods, and pertinent standards, guidelines, and laws.

13. **Grants/ARRA Status** - (Matrix.)

XII. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I want to bring Carl Neu back for an all day work session on Saturday, January 23, 2010.

Councillor Connor said I support your suggestion but having it on a Saturday is an issue because staff will need to be included and I had planned on being in Santa Fe for the legislative session.

Mayor Miyagishima said we can set it for that Saturday and if someone can't be there then they just can't be there.

Councillor Connor said I think it is very difficult to have it on a Saturday.

Mayor Miyagishima said Terrence, I want to have it set up for January 23rd.

Regarding the Section Advisory Committee, I know we have employees on that committee and I wanted to know if they are always the same people?

Mark Sutter, Finance Director said there are five current members of the Selection Advisory Committee; Facilities, Public Works, Utilities, Community Development and Finance. The Finance Director is the Chairman of the Committee and the City Manager appoints two appointees to the Committee. It is made up of employees; however, sometimes we do have outside individuals that are appointed by the City Manager.

Mayor Miyagishima asked how many members are there in total?

Mark Sutter said there are eight members.

Mayor Miyagishima said I think they need to be changed up; they can be from the same department but have different individuals because that would give us a fresh new set of eyes and ears.

I would like to have a presentation given on the Telshor Facility.

Terrence Moore said we are currently discussing having a work session regarding our investments and we can schedule that presentation to be included during that meeting.

Mayor Miyagishima said I use to sit on the LEPC (Local Emergency Planning Committee) when I worked with the County and it is funded 50% by the State, 25% by the City and 25% by the County. It usually falls on the County to set it up but I would like to look at having us take it over.

Fermin Rubio said that comes down from the State; it's not a function of the County or the City and the members are volunteers.

Mayor Miyagishima said I want us to look into it a little bit further to see if the City could have a little bit more control over what is done during an emergency.

Travis Brown, LCFD said I believe you're talking about the Office of Emergency Management and the break down is set up just as you had mentioned. The hiring of the Director does take place by the County and a member of our Fire Department does sit on that board. Our Fire and Police Departments are very active with this and our City is very well represented.

Mayor Miyagishima said this would be a good item to have at a future work session.

A. Discussion on time change for the Regular City Council meeting to be held on Tuesday, January 19, 2010 at 9:00 a.m. instead of 1:00 p.m. (Minute Action Required).

Councillor Thomas Moved to Change the time for the January 19, 2010 meeting to begin at 9:00 a.m. and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Change the time for the January 19, 2010 meeting to begin at 9:00 a.m. and it was Unanimously APPROVED. 7-0

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2. **CITY COUNCIL**

Councillor Thomas said some of us met this morning with Congressman Teague to discuss our Federal priorities and funding. There were County representatives present and we discovered that we have a lot of things in common concerning our projects. I would like for us to set aside some time to discuss this at our next joint meeting with the County.

Terrence Moore said I will speak with the acting County Manager and set it up.

Councillor Sorg said there are parts of our City that resemble third world countries and it is inexcusable. I received an email from someone who stated they live on Santa Cruz Avenue and there are several issues with that street. It is so bad that emergency vehicles can't get onto the street. This is an older part of town and this street is a dirt road. I would like for this City to focus on improving our infrastructure and bringing it up to standard.

Terrence Moore said we need to have a contact person for this area and the issue is that this is a private road but we can see what we can do if they will dedicate the roadway to the City.

Councillor Small said I would like to thank the Public Works Department and Mike Johnson for turning off the street lights at the Armijo lateral for one night to enhance the luminaries at their request.

There is an increase of potholes due to the weather conditions and people need to report potholes to the Pothole Posse.

I would like to thank everyone for working with the Elephant Butte Irrigation District and EBID for their work on installing barriers and allowing motorized access along some of the canals.

We have been working together regarding some of the flooding issues and the El Molino Project is a good example of it.

Councillor Pedroza said District 3 also has a lot of streets that need attention and I would like to put together a list so we can prioritize them.

We are working on our Community Garden Project in District 3 and I am working with NMSU and several of the public schools for this project.

District 3 is unrepresented on the Parks and Recreation Board and we need to find a representative so anyone who is interested, please contact me.

Councillor Connor said there is a sidewalk replacement in District 2 that still needs to be done and there are two streets that still haven't been paved. I still keep my list but it does take time and funding to get the issues taken care of.

There is still an issue with businesses that are no longer in business and haven't removed their signs. One sign is the Sportsman Warehouse sign and we are now building an Olive Garden right in front of it so that sign needs to be removed.

Clear Site Triangles are very critical when you are trying to get onto a street; how do we deal with this when we are exiting private property and the shrubs have grown so large that you can't see oncoming traffic?

David Maestas, Public Works Contract Administrator said if it's private property then it goes to the Codes Department and they will notify the property owners to correct the situation.

Councillor Connor said I have received several calls regarding the new directional signs that were put in on Main Street and Wyatt. They stated there are issues with the new stripping because of the width of the turning lane and the median.

David Maestas said we will look into that situation.

Councillor Connor said there are still issues with the traffic from Mayfield High School to Hoagland and Alameda. That intersection has been a huge issue for many years and we need to put a traffic signal at that intersection.

I didn't realize that grappler service for commercial properties isn't required and that creates a problem for District 2 because we have a lot of multifamily apartments and there is always furniture left on the side of the road. Since the owners don't have to pay the $96 a month for this service, they don't, which means there is a lot of stuff left on the side of the road. We need to look at what we need to do to get this service for these areas.

Councillor Silva said I spoke with some of the residents in the Hoagland and Alameda area and they are willing to help with that project if the price is right.

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3. **CITY MANAGER**

A. Update Regarding Downtown Revitalization Activities.

Terrence Moore, City Manager said there is no formal presentation for this item but we are moving forward as directed by Council and we will have a presentation for you at the January 19th meeting.

B. Other Items - Information Only

None given.

Meeting Adjourned at 4:25 p.m.