



377 City of Las Cruces®

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Council Action and Executive Summary

Item # 12

Ordinance/Resolution# 10-208

Council District:

For Meeting of February 16, 2010
(Adoption Date)

TITLE: A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO ASSIST IN DEVELOPING CRITERIA FOR AN HISTORIC PRESERVATION ORDINANCE, AND AUTHORIZING THE MAYOR TO APPOINT MEMBERS TO THE AD HOC COMMITTEE IN ACCORDANCE WITH THIS RESOLUTION AND CHAPTER TWO OF THE LAS CRUCES MUNICIPAL CODE, 1997, AS AMENDED.

PURPOSE(S) OF ACTION: Approve a Resolution authorizing the formation of an Ad Hoc Committee that will assist City staff in developing the criteria for an historic preservation ordinance for consideration by the Planning and Zoning Commission and City Council.

Name of Drafter: Carol McCall <i>CM</i>		Department: Community Development		Phone: 528-3209	
Department	Signature	Phone	Department	Signature	Phone
Community Development	<i>CM</i>	528-3060	Budget	<i>[Signature]</i>	541-2300
			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The demolition of the Miller house on University Avenue in 2008 raised concern in the community that further destruction of important historic properties could occur if steps aren't taken to protect them. Questions arose about what could be done to prevent the demolition of these buildings, and also about how individuals and organizations might take a more active role in activities related to historic preservation for the City.

At the present time, the Zoning Code includes an Overlay for the South Mesquite neighborhood, and the Alameda Depot neighborhood has adopted a plan. The ordinance supporting the Alameda Depot Neighborhood Plan is in its draft stages. Both the South Mesquite Overlay and the Alameda Depot Neighborhood Plan call for a 60-day waiting period for the demolition of registered (State and national registries) historic structures to allow an opportunity for interested parties to propose alternatives to demolition. The South Mesquite Overlay also has design standards and a design review board. At the request of residents in the Alameda Depot neighborhood, their plan does not call for design standards or a design review board. There is no ordinance governing registered historic properties outside these two historic districts. Also, the City has no ordinance governing properties that are not registered but are believed to have historic significance.

In January 2009, Council heard a presentation by Community Development staff about various options regarding the protection of historic properties. At that time, Council directed staff to draft an ordinance to regulate the demolition of historic structures. On June 30, 2009 the Planning and Zoning Commission recommended passage of a demolition delay and adaptive reuse ordinance by a vote of 6-1-0. Thirty-five people attended a public input meeting on September 1, 2009. A summary of the meeting was presented to Council during a work session held on November 9, 2009 at which Community Development staff detailed the proposed demolition delay and adaptive reuse ordinance.

On November 16, 2009 Council voted *against* passage of this ordinance and directed staff to assemble an ad hoc committee to assist staff in the development of an historic preservation ordinance. A preservation ordinance would define the scope of the City's preservation efforts, and may include language related, but not limited to:

- Establishing and empowering a preservation commission.
- Establishing local historic districts.
- Design guidelines/standards.
- Procedures for seeking permits related to alternations, adaptive reuse, new construction, demolition, etc.

When the ad hoc committee has completed its report detailing the criteria for a potential historic preservation ordinance, it will present the findings to the City Council. Upon said action, the ad hoc committee will have met its objective and would thus be dissolved pursuant to Section 2-186 of the Las Cruces Municipal Code.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A		

1. Proposed Resolution.
2. Exhibit "A" – Membership and Duties of the Historic Preservation Ad Hoc Committee.

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution to create the Historic Preservation Ad Hoc Committee. The committee would assist staff in developing criteria for an historic preservation ordinance for consideration by the Planning and Zoning Commission and City Council.
2. Vote NO and deny the Resolution creating the Historic Preservation Ad Hoc Committee. Such action would result in having no citizen committee to assist with developing criteria for a City-wide historic preservation ordinance.
3. Modify the Resolution and vote YES. Modifications may include changing the membership and/or duties of the Ad Hoc Committee as described in Exhibit "A."
4. Table/Postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 10-208

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO ASSIST IN DEVELOPING CRITERIA FOR AN HISTORIC PRESERVATION ORDINANCE, AND AUTHORIZING THE MAYOR TO APPOINT MEMBERS TO THE AD HOC COMMITTEE IN ACCORDANCE WITH THIS RESOLUTION AND CHAPTER TWO OF THE LAS CRUCES MUNICIPAL CODE, 1997, AS AMENDED.

The City Council is informed that:

WHEREAS, the Las Cruces City Council gave consensus to establish an ad hoc committee for the purposes of assisting in developing a City-wide historic preservation ordinance; and

WHEREAS, the ad hoc committee will work with staff in determining the criteria for an historic preservation ordinance that will be brought to the Planning and Zoning Commission for recommendation to the City Council.

NOW THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

I

THAT, an Historic Preservation Ad Hoc Committee is hereby established.

II

THAT, the Mayor of the City of Las Cruces is hereby authorized to appoint the members of the Historic Preservation Ad Hoc Committee in accordance with Sections 2-188 (a) and (b) and 2-1071 (a) and (b) of Chapter 2 of the Las Cruces Municipal Code, as amended, with the membership and duties as outlined in Exhibit "A" attached hereto and made part of this resolution.

III

THAT, the appointed Historic Preservation Ad Hoc Committee members must meet residency requirements as outlined in Section 2-188(a)(1) of Chapter 2 of the Las Cruces Municipal Code.

IV

THAT the Historic Preservation Ad Hoc Committee shall conclude its duties following final consideration of its recommendations to the City Council.

V

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this _____ day of _____, 2010.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

APPROVED AS TO FORM:

[Signature]

City Attorney

EXHIBIT "A"**Historic Preservation Ad Hoc Committee
Description**Organization

The Historic Preservation Ad Hoc Committee shall elect a chair and vice-chair and shall hold said positions until replacement or vacancy requires re-election of officers or upon completion of Committee duties.

Meetings

The Committee shall hold regular meetings as deemed necessary in the accomplishment of assigned duties, but at minimum said meetings shall occur no less than once per month.

Voting

Actions by the Committee shall be determined by a majority vote of the seated committee membership.

Membership (19 members)

The Committee shall be comprised of one representative from:

- Each council district (chosen by the councilor of that district plus one at-large member chosen by the Mayor)
- Las Esperanzas, Inc.
- North Mesquite Neighborhood
- Alameda Depot Civic Association
- Alameda Depot Neighborhood Organization
- Mesilla Valley Preservation
- Las Cruces Downtown Partnership
- Las Cruces Association of Realtors
- Greater Las Cruces Chamber of Commerce
- Hispano Chamber de Las Cruces
- Green Chamber of Commerce
- Building Industries Association of Southern New Mexico

And:

- Councilors from Districts 1 and 4 (Ex officio, non-voting)

Duties

Based on existing Comprehensive Plan policy, the Committee shall assist City staff in developing criteria for a city-wide historic preservation ordinance for consideration by both recommending and approving bodies.

Said ordinance would address issues such as, but not limited to:

- Comprehensive protection and preservation of historic structures in Las Cruces
- Establishing and empowering a preservation commission
- Establishing local historic districts
- Design guidelines/standards
- Determining procedures for seeking permits related to historic structures, such as alternations, adaptive reuse, new construction, demolition, etc.

As part of the proposed recommendations to the City, the Committee shall prepare a summary of the budgetary requirements that a preservation ordinance and preservation commission may incur.

The Committee shall also prepare suggestions for an educational outreach effort to inform the citizenry about the various aspects of historic preservation.

In developing criteria for said ordinance, the Committee shall consider any and all regulatory requirements in effect and should consider any legal opinions expressed on related matters.

Powers

The Committee shall only serve as a recommending body. The Committee's recommended proposal will be forwarded by City staff to the Planning and Zoning Commission for recommendation to City Council.