



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

Regular Meeting

**January 19, 2010
9:00 A.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4 **By Phone**
- 19 Councillor Gill Sorg, District 5 **By Phone**
- 20 Councillor Sharon Thomas, District 6

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

I. OPENING CEREMONIES

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

28 Presentation of Certificates of Appreciation/Proclamations.

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

32 Councillor Thomas presented Medals of Appreciation to WWII Veterans Ramon L. Serna, Benjamin
33 Serna and Manuel Serna.

35 Councillor Thomas presented a Proclamation to Dr. Karen Trujillo and declared January 31st thru
36 February 6, 2010 as Celebrate Catholic Schools Week.

38 Craig Fenske gave a presentation on New Mexico Clean and Beautiful Awards that were received
39 by Keep Las Cruces Beautiful and showed a short film on recycling that was done by students of
40 Mesilla Park Elementary.

1 Councillor Pedroza Moved to Allow Councillor Small to attend the meeting by telephone and
2 Councillor Thomas Seconded the motion.

3

4

5

6 Mayor Miyagishima called for the roll on the Motion to Allow Councillor Small to attend the
7 meeting by telephone and it was APPROVED. 5-0 Councillor Small and Councillor Sorg were
8 absent.

9

10

11

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

16

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

18

19 None given.

20

21

22

23 **III. PUBLIC PARTICIPATION**

24

25 Silva Hendrickson, Member of the Public said there is a business in the Downtown Mall that doesn't
26 want any of the vendors at the Farmers Market in front of her business. The Farmers Market
27 handbook states the merchants can request not to have a vendor in front of their door and there is a
28 City ordinance concerning the obstruction of the business's entrances adjacent to the Farmers
29 Market. I believe the vendors have a right to be there and that gallery wasn't there when we moved
30 there. We don't block the entrance to the gallery or their business sign that is in the window. I think
31 Council needs to look at this issue instead of just saying that we can't be there.

32

33 Terrence Moore, City Manager said we are still working on the details of that issue.

34

35 Penny Bagwell, Member of the Public said there are several issues with inmate crews working in
36 residential neighborhoods. I would like to have a public input meeting regarding this issue.

37

38 Councillor Thomas said we're waiting for the contract before we have any meetings because it would
39 be at that time that we would be able to implement any changes.

40

41 Terrence Moore said we are making arrangements for a public meeting regarding the inmate issue.

1

2 Ryan Daily, Member of the Public said I want to thank Mr. Moore for the reference letter he wrote
3 for me.

4

5 There are several business signs that are still up even though the businesses have been out of
6 business for several years. They need to be taken down because they are starting to make our City
7 look crappy.

8

9 There is a lot of traffic that blocks La Joya Street which is off of Alameda and Hoagland and there
10 needs to be a sign put up that states on-coming traffic can't block this intersection.

11

12 I think there needs to be a ban on cell phones at the library because it is very disruptive to people in
13 the library.

14

15 Councillor Connor said regarding the business signs, Christine Logan has been in contact with the
16 businesses that still have signs up to give them a verbal warning regarding our code because we are
17 trying to be more business friendly with our request to them.

18

19 Councillor Silva said I think there are certain times when a business sign becomes a landmark, like
20 the Tommy's Roller Rink sign.

21

22 Terrence Moore said regarding the cell phone usage at the library, staff has the authority to put up
23 signage and ban them from that facility.

24

25 Margaret Markham, Member of the Public asked how many bus shelters are sitting outside the
26 Transit Headquarters? Is there a list of bus stops where these shelters are designated to be installed?
27 Will all these bus stops be compatible with ADA requirements? How many of the new bus stops are
28 ADA compatible? The ADA law requires that the City demonstrates a good intention and have a
29 Transition Plan; I want to know if we have a Transition Plan now?

30

31 Lori Grumet, Public Services Director said we order bus shelters in lots of ten so we can get the best
32 shipping price and presently, there are ten new shelters at the yard waiting for installation. Four of
33 those shelters already have designated locations and the other six are on the list for sites that we are
34 waiting for the right of way so we can install the shelters. There is also one shelter over there that
35 is the artistic shelter that will be installed at Johnson Park as soon as we get the clearance to install
36 it. There is a list of stops that we plan to install shelters for and it is available to the public. All the
37 shelters that we install are ADA compliant which is why there is sometimes a delay in the
38 installation because the site also has to be made ADA compliant.

39

40 Mayor Miyagishima said I would like to have our Transition Plan available for our next meeting.

41

42 Terrence Moore said okay.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Councillor Connor said there have been 63 bus shelters installed since 2003.

Councillor Connor Moved to Allow Councillor Sorg to attend the meeting by telephone and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Allow Councillor Sorg to attend the meeting by telephone and it was Unanimously APPROVED. 7-0.

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 5 needs to be removed from the Consent Agenda for discussion, Item 13 needs to be removed from the Agenda and City Manager's Discussion Item B needs to be heard before Item 10.

Councillor Thomas Moved to approve the Agenda as Amended and Councillor Pedroza 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 November 16, 2009
- *(2) Regular Meeting of November 23, 2009

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

2

3 *(3) Resolution No. 10-177: A Resolution Approving the Execution of an Exclusive Purchase
4 Option for the 1.687 Acre Property at the Northeast Corner of Campo Street and Colorado
5 Avenue From the Housing Authority of the City of Las Cruces for the Future Use as the Las
6 Cruces Senior Program's Central Kitchen Project.

7

8 *(4) Resolution No. 10-178: A Resolution Approving an Agreement Between the City of Las
9 Cruces and Region VI (6) of the National Community Development Association to Serve as
10 the Host City for the 2011 Regional Conference and Authorizing the City Manager to Sign
11 the Agreement on the City's Behalf.

12

13 *(6) Resolution No. 10-180: A Resolution That Will Allow the City of Las Cruces Fire
14 Department (City) to Accept Various Emergency Preparedness Equipment Valued at
15 \$110,293.61 Pursuant to a Grant Funded by the United States Department of Homeland
16 Security, Office of State and Local Government Coordination and Preparedness Through the
17 New Mexico Department of Public Safety, Office of Emergency Management and the Doña
18 Ana County / City of Las Cruces Office of Emergency Management for FY 2006 Grant.

19

20 *(7) Resolution No. 10-181: A Resolution Authorizing the City of Las Cruces to Accept a Grant
21 Award for Fiscal Year 2009-2010 In the Amount of \$18,700 From the New Mexico Tourism
22 Department for the Las Cruces Convention & Visitors Bureau, Which Requires a Three
23 Hundred Percent (300%) Match and to Adjust the Fiscal Year 2009-2010 Budget.

24

25 *(8) Resolution No. 10-182: A Resolution Terminating a Land Lease Between Haines Investment
26 Partnership and the City of Las Cruces For Parcel 11 at the Las Cruces International Airport
27 and Entering Into a New Land Lease for Parcel 11 Between Haines Investment Partnership
28 and the City of Las Cruces for a Term of 30 Years.

29

30 *(9) Resolution No. 09-10-467: A Resolution Awarding the Second Year of a Possible Five Year
31 Contract for Airport Architectural and Engineering Services to Delta Airport Consultants,
32 Inc., of Little Rock, Arkansas.

33

34

35

36 **3. CITY MANAGER**

37

38 B. Ancillary ICIP Work Session – FY 2011 Budget Process.

39

40 Dick Gebhart, Budget Director gave an overhead presentation and said the ICIP is mandated by
41 the City Charter and it is done in concert with the budget. There are 307 separate projects
42 identified in the current ICIP Plan and the details of these 307 projects are in the adopted budget

1 book. The ICIP and the FY11 Budget resolutions will be brought before Council for approval in
2 May of this year.

3
4 Councillor Connor said I just wanted to note that the list we received has \$433 million worth of
5 projects that are currently on the books but not able to be started because of the funding issues.

6
7 Councillor Thomas asked who gets the budget request forms?

8
9 Dick Gebhart said they go out to all of the departments.

10
11 Terrence Moore said Council will have the opportunity to offer any direction for these projects.

12
13 Councillor Thomas said we need to consider the public's recommendations and this process does
14 need to be transparent.

15
16 -----

17
18 **VII. UNFINISHED BUSINESS:**

19
20 (10) Resolution No. 10-159: A Resolution Supporting an Affordable Housing Project on a
21 Parcel Presently Owned by the City of Las Cruces in Downtown Las Cruces at the
22 Northwest Corner of Griggs Avenue and Water Street. The Resolution Further
23 Authorizes the Development and Execution of a Property Lease of the City-Owned
24 Property for the Purpose of Constructing an Affordable Housing Project in Accordance
25 With the City's Affordable Housing General Oversight Ordinance and the State's
26 Affordable Housing Act on the Same City-Owned Parcel. *(Tabled from 12-21-09)*

27
28 Councillor Connor Moved to Remove Resolution No.10-159 from the Table and Councillor
29 Thomas Seconded the motion.

30
31 -----

32
33 Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 10-159 from the
34 Table and it was Unanimously APPROVED. 7-0

35
36 -----

37
38 David Dollahon, Neighborhood Services Director gave an overhead presentation and said there
39 was a public meeting last week regarding this issue and we presented all the project options at
40 this meeting.

41

1 Mark Allison, Supportive Housing Coalition gave an overhead presentation and said our original
2 site was at the corner of Water and Griggs but there were a lot of concerns regarding the parking
3 issues in this area. We investigated the City Office Center site and New Mexico Mortgage
4 Finance said that site would qualify for this project. We need to submit our application to the
5 Mortgage Finance Authority by February 1st and we should hear back from them in the spring.
6 We have to have everything ready and the property transferred by November 15th. We'd be ready
7 to start construction in March 2011 and it would take about twelve months to complete which
8 means we would have it ready for tenants to move in around spring 2012.

9
10 Councillor Thomas said I just want to make sure that you are recommending the Office Center
11 site?

12
13 Mark Allison said yes.

14
15 Councillor Thomas said you need to have the site cleared by November 15, 2010.

16
17 Mark Allison said that is correct.

18
19 David Dollahon said staff has drafted a substitute resolution for the 575 S. Alameda property.

20
21 Carson J. Pierce, Member of the Public said I think the Armijo House should be used for low
22 income renting as well.

23
24 Diana Lyon, Member of the Public read a letter on behalf of the Downtown Partnership and said
25 we support the City Office Center location. We suggest that the Council still move forward with
26 finding solutions for the parking issues in the Downtown area.

27
28 Emily Coss, Member of the Public said I live in the Alameda Depot Historic District and I'm the
29 President of the Alameda Depot Civic Association. I think we're moving too fast too soon and I
30 think this whole thing should be tabled.

31
32 Win Jacobs, Member of the Public said I'm the Chairman of the Board of Commissioners for the
33 Housing Authority of Las Cruces and there is a great need for affordable housing. There is a
34 housing project off of Espina called Stone Mountain Place and I would welcome anyone to look
35 at that area and the surrounding areas to see the aesthetics of that area.

36
37 Gary Egbert, Member of the Public said I'm the co-owner of a pizzeria in the Downtown area
38 and I agree that we need affordable housing but we need to keep the parking lot on the corner of
39 Griggs and Water as a parking area. In 2008, this Council identified the Griggs and Water Street
40 location as the best location to have a parking garage for the Downtown area. I agree with having
41 this project located at the old hospital site.

42

1 David Bernhardt, Member of the Public said I don't see having affordable housing in that area
2 because there aren't any groceries stores or anything near by and the Downtown area needs to
3 have parking available. I think it would be better to have properties available for the low income
4 to be able to purchase a home of their own.

5

6 Jim Turrentine, Member of the Public said I am a member of the Downtown Las Cruces
7 Partnership and there are a lot of unutilized properties in the Downtown area. I think we need to
8 have more public meetings to allow the public to give their input concerning this issue.

9

10 Ron Camunez, Member of the Public said the issue is we need affordable housing because the
11 jobs here don't pay enough for people to afford housing.

12

13 Gail Blywise (?), Member of the Public said I have been in the Downtown for 15 years and we
14 went into a lot of debt to expand our gallery and move it next to the Rio Grande Theater with the
15 assumption that there would be plenty of parking for our customers. We need to bring a way of
16 life to our Downtown.

17

18 David Montes, Member of the public said affordable housing is a bad idea.

19

20 Mike White, Member of the Public said I own White's Music Box in the Downtown Mall and we
21 lost about 150 parking spaces with the construction of the new Federal Courthouse. We need
22 more parking in the Downtown area.

23

24 Greg Gendale, Member of the Public said there are several issues that we can sit here and debate
25 but I think we need more Federal funding to do anything with our Downtown area. I think the
26 City Office Center site is a perfect location for this project.

27

28 Paul Miller, Member of the Public said I'm the Vice-Chairman for the Housing Authority of Las
29 Cruces and seven years ago, this Council stated that we needed to invest in housing in our
30 Downtown area but to my knowledge not one unit has been built.

31

32 Grady Oxford, Member of the Public said there needs to be more notification to the public for
33 meetings and we need parking for our Downtown area.

34

35 Santiago Valtierrez, Member of the Public said it's a bad idea to put residential with commercial.

36

37 Mike Beckett, Member of the Public said I own Coas Bookstore in the Downtown and there are
38 three major points for the Downtown; parking, the opening of Main Street and mix use
39 development.

40

41 Edgar Lopez, Member of the Public said with the sale of the parking lots, we have lost about 300
42 parking spaces. We can't afford to take away any more parking.

1 Ruben Smith, Former Mayor said this isn't about affordable housing but about the parking
2 issues. There are events that occur in this area which is when we really see our lack of parking
3 spaces.

4

5 Councillor Silva said I think we need to go back and revisit the Downtown Plan and I still have a
6 lot of questions with this project.

7

8 Councillor Connor said the master plan isn't a concrete plan. It is to be used and modified to fit
9 the kind of community that you are trying to build.

10

11 Councillor Thomas said I'm okay with considering the second site and I don't think there is an
12 immediate parking problem in this area. We have made a commitment to parking and we've also
13 made a commitment to affordable housing. I think this is a very good project and we do have to
14 consider that this is a bad time for funding so it won't look exactly like what was first presented.

15

16 Councillor Pedroza said I'm very impressed with the process that I've seen with this project.

17

18 Councillor Small said I would support option six and we need to keep the line of communication
19 open with the public. I think the City Office Center would be a good site for this project.

20

21 Councillor Sorg said I think we are on the right track and I've received a lot of positive
22 comments from everybody. I will be signing off after this resolution is voted on.

23

24

25

26 Councillor Connor Moved to Amend Resolution No.10-159 to include the substituted resolution
27 which selects the 575 S. Alameda property and Councillor Thomas Seconded the motion.

28

29

30

31 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-159 to
32 include the substituted resolution which selects the 575 S. Alameda property and it was
33 Unanimously APPROVED. 7-0

34

35

36

37 Councillor Silva asked what is the time limit and how much will we be renting the property for?

38

39 Mark Allison said there will be a long term lease agreement, in the event that we would be able
40 to get financing by November 15th, the dollar amount would be between \$10 and \$100 per year
41 and the long term lease would be for a minimum of 45 years and not to exceed 99 years.

42

1 Mayor Miyagishima said I apologize for putting this item on the consent agenda. I want to have
2 the captions for the agenda setting meetings to include the titles with a minimum of 50 words.

3
4 I don't like the process for this project because I think there was a lack of information and a
5 failure to notify the stakeholders which are the public.

6
7 I will start including all the Downtown District business owners for all my district meetings.

8
9 -----

10
11 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-159 as
12 Amended and it was APPROVED. 6-0 Councillor Sorg was Absent.

13
14 -----

15
16 Councillor Sorg left the meeting at approximately 12:20 p.m.

17
18 -----

19
20 **VIII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

21
22 *(5) Resolution No. 10-179: A Resolution Approving Amendment Number Two (#2) to the
23 2009 Action Plan, Which is Part of the 2006-2010 Consolidated Plan, Relating to the
24 Reallocation of Funds for Both the Community Development Block Grant (CDBG) and
25 Home Investment Partnerships (HOME) Programs as Provided to the City From the U.S.
26 Department of Housing and Urban Development (HUD). The Resolution Approves the
27 Necessary Budget Adjustment to the City's FY2010 Budget to Reflect the Actions
28 Proposed Under the 2009 Action Plan, Amendment #2.

29
30 Councillor Connor Moved to Adopt Resolution No.10-179 and Councillor Silva Seconded the
31 motion.

32
33 -----

34
35 Councillor Silva asked were those unspent funds?

36
37 David Dollahon, Neighborhood Services Administrator gave a verbal presentation and said yes,
38 each year we estimate our program income and this year we exceeded our estimate.

39
40 -----

41

1 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-179 and it was
2 APPROVED. 6-0 Councillor Sorg was Absent.

3
4 -----
5

6 (11) Resolution No. 10-183: A Resolution Implementing the “City Council *Emeritus/Emerita*
7 Program” to Recognize Former City of Las Cruces Elected Officials.

8
9 Councillor Silva Moved to Adopt Resolution No.10-183 and Councillor Thomas Seconded the
10 motion.

11
12 -----
13

14 Fermin Rubio, City Attorney gave an overhead presentation and said this is the resolution that the
15 Mayor wanted brought forward to recognize past Mayor Pro-tems and Councillors.

16
17 Mayor Miyagishima said this would be a small way to honor their service to this community but I
18 think we should leave it up to the recipient. I want to mention that Mayors are not allowed in this
19 program and that any recipient cannot use any City logo, City letterhead or City business cards
20 because they are no long City officials. They also can’t be used for endorsement or political
21 purposes.

22
23 -----
24

25 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-183 and it was
26 APPROVED. 5-0 Councillor Connor and Councillor Sorg were Absent.

27
28 -----
29

30 (12) Resolution No. 10-184: A Resolution Supporting an Amendment to the Joint
31 City/County Extraterritorial Zoning and Subdivision Agreement Which Would Create an
32 Extraterritorial Zoning Authority Advisory Board.

33
34 Councillor Thomas Moved to Adopt Resolution No.10-184 and Councillor Silva Seconded the
35 motion.

36
37 -----
38

39 Fermin Rubio, City Attorney gave an overhead presentation and said the County and the City
40 need to agree to the creation of this advisory board before it can be created.

41
42 Mayor Miyagishima said if this passes, then we will wait to see if it passes with the County.

1 Sandy Geiger, Member of the Public said I want to thank you for this resolution. We initially
2 asked for an ETZ Neighborhood Advisory Board but the name in the resolution is missing the
3 word neighborhood. We want to make sure that it is going to be a neighborhood advisory board
4 and we would request that it be named the ETZ Neighborhood Advisory Board.

5

6 Isaac Chavez, Member of the Public said I think this might not be a good time to pass this
7 because I don't think your expectations match our expectations for this board.

8

9 Mayor Miyagishima said we can table or vote this down and then you can work with County and
10 when you come up with something that you agree with then you can bring it back to us.

11

12 Councillor Thomas asked what are the differences in our expectations?

13

14 Sandy Geiger said if this is going to be a board of appointees that were appointed by the Mayor
15 or Councillors then we haven't achieved what we hoped we would achieve. It states in the
16 resolution that this board would not participate with any cases that go before the ETZ
17 Commission or the ETZ Authority and we need to be involved in those types issues.

18

19 Fermin Rubio, City Attorney said I just want everyone to understand that this resolution is not
20 creating a board. All this is saying is that we would like to sit down with the County and discuss
21 the creation of some kind of advisory board.

22

23 -----

24

25 Councillor Thomas Moved to Amend Resolution No.10-184 to change it to a neighborhood
26 advisory board and Councillor Silva Seconded the motion.

27

28 -----

29

30 Isaac Chavez said if you are going to have a board then it should include everyone and not just
31 the neighbors.

32

33 -----

34

35 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-184 to change
36 it to a neighborhood advisory board and it was APPROVED. 5-1 Councillor Silva, Councillor
37 Pedroza, Councillor Small, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor
38 Connor voted Nay. Councillor Sorg was Absent.

39

40 -----

41

1 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-184 as
 2 Amended and it was APPROVED. 5-1 Councillor Silva, Councillor Pedroza, Councillor Small,
 3 Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.
 4 Councillor Sorg was Absent.

5

6

7

8 (13) Resolution No. 10-185: A Resolution Approving Commitment of Program Year 2010
 9 Home Funds to _____ for a Federal Low Income Housing Tax Credit
 10 (LIHTC) Project for Affordable Housing at _____.

11

12 Removed from the Agenda.

13

14

15

16 (14) Resolution No. 10-186: A Resolution Approving an Agreement With Alameda Property
 17 Group, Developer of Median Landscapes on Lohman Avenue, Sonoma Ranch Boulevard
 18 and Rinconada Boulevard Requiring the City to Either Construct a Recreation Trail
 19 Segment in the Alameda Arroyo Corridor or to Reimburse the Developer (Within a Five
 20 Year Period) for the Cost of the Median Landscape Improvements Installed, But Not
 21 Required of the Developer, for a Total Amount Not to Exceed \$125,115.40.

22

23 Councillor Thomas Moved to Adopt Resolution No.10-186 and Councillor Pedroza Seconded
 24 the motion.

25

26

27

28 Cathy Mathews, Facilities Landscape Architect gave an overhead presentation and said this
 29 project is currently under construction and APG is landscaping medians that are adjacent to non-
 30 APG properties which is costing them approximately \$125,000.They are asking that the City
 31 agrees to expend an equal amount on a recreational trail along the Alameda Arroyo or reimburse
 32 them for the money that has been spent on these additional medians.

33

34 Councillor Connor said I'm concerned with the fact that the construction for this project has
 35 already began and we need to know where we are going to get this money. There were bond
 36 funds for the median projects so why are we having to reimburse them?

37

38 Brian Denmark, Facilities Director said there were some medians that were not identified in the
 39 bond that are being landscaped so Alameda is requesting that they be reimbursed since they went
 40 above and beyond what they were required to do.

41

1 Councillor Connor said I have a problem with that because if there were medians that weren't
2 included then who gave them permission to do the other medians?

3

4 Brian Denmark said the project that was approved by this Council did include the other medians
5 for the landscaping project.

6

7 Councillor Connor asked are you telling me that staff agreed to reimburse him \$125,000 before
8 this Council even approved it?

9

10 Brian Denmark said staff advised Mr. Brainard that they were willing to submit a couple of
11 proposals to the Council which one of those options is to build a pathway along the arroyo.

12

13 Councillor Connor asked when were the medians done?

14

15 Brian Denmark said they have been done for some time now but there is still time for the
16 landscaping so Council still has time to exclude those segments under constructions to cut the
17 amount down. The primary intent is to use park impact fees for the pathway because we can
18 make that an open space recreational corridor which would allow us to use the park impact fees
19 for those costs. The City is going to be responsible for landscaping those medians and it will
20 come at a higher cost if we don't do it today, under this bid.

21

22 Councillor Connor said I have a problem with staff telling Mr. Brainard to go ahead and start
23 something without the approval of Council. I will not support an item that has a fund designation
24 as "To be Determined" because we need to know where that money is coming from today.

25

26 Mayor Miyagishima said I support the staff's efforts and these medians have to be done so we
27 have two options which is to either build the pathway or reimburse him.

28

29 Councillor Silva asked what fund is this money going to come out of?

30

31 Cathy Mathews said if Council selected the trail option then it would be coming out of the park
32 impact fees but if Council selected to reimburse APG then those funds would have to come out
33 of a different account.

34

35 Mayor Miyagishima said we have the funds available in our park impact fees to build the
36 pathway and I think the residents would like a pathway in that area.

37

38 Brian Denmark said if we don't meet our obligation to build the pathway within five years then
39 more than likely the funding would come out of the Park and Recreation's budget. We didn't list
40 the fund that these would come out of on the resolution because we are in the process of
41 consolidating the Park and Rec. budgets.

42

1 Councillor Thomas said it would have been nice to have this brought to Council before hand but
2 it is a creative idea and I will support it.

3

4

5

6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-186 and it was
7 APPROVED. 4-1 Councillor Silva, Councillor Pedroza, Councillor Thomas and Mayor
8 Miyagishima voted Aye. Councillor Connor voted Nay. Councillor Small and Councillor Sorg
9 was Absent.

10

11

12

13 (15) Resolution No. 09-10-429: A Resolution Awarding the Bid for the Del Rey Blvd. /
14 Sandhill Arroyo Crossing Project to Burn Construction of Las Cruces, New Mexico in the
15 Amount of \$2,080,859.30 Plus \$154,763.91 for New Mexico Gross Receipt Tax. The
16 City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed
17 \$116,702.18 for a Total Project Authorization in the Amount of \$2,352,325.39 and to
18 Amend the Fiscal Year 2009/2010 Budget.

19

20 Councillor Connor Moved to Adopt Resolution No.09-10-429 and Councillor Thomas Seconded
21 the motion.

22

23

24

25 Mayor Miyagishima left the meeting at 1:35 p.m.

26

27

28

29 Mike Johnson, Public Works Director gave an overhead presentation and said this is a bid award
30 for the Sandhill Arroyo Crossing and it is an American Recovery and Reinvestment Act project.

31

32 Mayor Pro-tem Thomas asked will there be a bridge over it?

33

34 Mike Johnson said there would have to be a considerable amount of re-designing and an increase
35 of cost to have that done.

36

37

38

39 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 09-10-429 and
40 it was APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor Miyagishima were
41 Absent.

42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Resolution No. 09-10-462: A Resolution Awarding a Contract for Professional Moving Services to Relocate Paper Goods, Electronics, Filing Cabinets, and Furniture Identified to be Reused at the New City Hall, RFP #09-10-462, to _____, in the Amount of _____; Plus New Mexico Gross Receipts Tax in the Amount of _____; Plus Authorizing a Project Contingency in the Amount of _____; for a Total Authorization of \$ _____.

Councillor Connor Moved to Adopt Resolution No.09-10-462 and Councillor Silva Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation and said we will need an amendment to include the revised resolution which I have passed out to Council. This is to allow us to move the City Office Center and City Hall into the new City Hall building.

Councillor Connor asked when is the start and finish date?

Eric Martin said we are anticipating February 16th as the moving start date and being done by the last week of March.

Councillor Connor Moved to Amend Resolution No.09-10-462 to accept the substituted amended resolution and Councillor Pedroza Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Amend Resolution No. 09-10-462 to accept the substituted amended resolution and it was APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor Miyagishima were Absent.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 09-10-462 as Amended and it was APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor Miyagishima were Absent.

1 (17) Resolution No. 10-187: A Resolution Awarding a Contract for the Construction of La
 2 Placita Phase II, Project Number 09-10-406, to Lowest Responsive Bidder in the Amount
 3 of \$145,246.31; plus New Mexico Gross Receipts Tax in the Amount of \$6,445.31; and
 4 Authorizing a City Manager Contingency in the Amount of \$7,262.32; for a Total
 5 Authorization of \$158,953.93.

6
 7 Councillor Connor Moved to Adopt Resolution No.10-187 and Councillor Silva Seconded the
 8 motion.

9
 10 -----

11
 12 Christine Logan, Economic Development Administrator gave an overhead presentation and said
 13 we will need an amendment to this resolution to include the most recent information which has
 14 been given to the City Clerk. The amendment changes the selected bidder from "Lowest
 15 Responsive Bidder" to "G. Sandoval Construction, Inc." and updates the dollar amounts and
 16 includes a budget adjustment. There is a typo in the amended resolution that needs to be
 17 changed; it states this is La Placita Phase II but it is actually for La Placita Phase I. La Placita
 18 Phase II has already been completed.

19
 20 -----

21
 22 Councillor Connor Moved to Amend Resolution No.10-187 to accept the substituted resolution
 23 and change it to La Placita Phase I and state that La Placita Phase II has already been completed
 24 and Councillor Silva Seconded the motion.

25
 26 -----

27
 28 Mayor Pro-tem Thomas called for the roll on the Motion to Amend Resolution No.10-187 to
 29 accept the substituted resolution and change it to La Placita Phase I and to state that La Placita
 30 Phase II has already been completed and it was APPROVED. 4-0 Councillor Small, Councillor
 31 Sorg and Mayor Miyagishima were Absent.

32
 33 -----

34
 35 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No.10-187 as
 36 Amended and it was APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor
 37 Miyagishima were Absent.

38
 39 -----

40

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

4

5 Councillor Silva Moved to Adopt Council Bill No. 10-027; Ordinance No. 2556 and Councillor
6 Pedroza Seconded the motion.

7

8

9

10 Fermin Rubio, City Attorney said this is to reduce the terms of the ETZA appointments to a term
11 of two years.

12

13 Isaac Chavez, Member of the Public asked do the other boards also have two years?

14

15 Fermin Rubio said this is specifically for the ETZA.

16

17 Mayor Pro-tem Thomas said it makes me a little uncomfortable because the most someone could
18 serve would be two years and two terms which would be four years. I think it takes at least two
19 years just to learn what's going on.

20

21

22

23 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 09-10-462 and
24 it FAILED. 0-4 Councillor Small, Councillor Sorg and Mayor Miyagishima were Absent.

25

26

27

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

33

34 Councillor Connor Moved to Adopt Council Bill No. 10-028; Ordinance No. 2557 and
35 Councillor Silva Seconded the motion.

36

37

38

39 Christine Logan, Economic Development Administrator gave an overhead presentation and said
40 this is for a radio site in the West Mesa Industrial Park and they will be using this site to build a
41 radio transmission structure.

42

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Council Bill No. 10-028;
Ordinance No. 2557 and it was APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor
Miyagishima were Absent.

Meeting Recessed at 2:10 p.m.

Councillor Connor Moved for a 5 minute recess and Councillor Pedroza Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion for a 5 minute recess and it was
APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor Miyagishima were Absent.

Meeting reconvened at 2:18 p.m.

IX. BOARD APPOINTMENTS

Mayor Pro-tem Thomas appointed Elizabeth Van Lauwe to the Senior Citizen position and
Ophelia Watkins to the NMSU position of the Transit Advisory Board.

Councillor Connor Moved to Approve the Board Appointments and Councillor Pedroza
Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Board Appointments
and it was APPROVED. 4-0 Councillor Small, Councillor Sorg and Mayor Miyagishima were
Absent.

Councillor Silva appointed Nancy A. Cano to the Health and Human Services Advisory Board.

1

2 **X. REVIEW OF PROPOSED ORDINANCE(S)**

3

- 4 (20) Council Bill No. 10-029; Ordinance No. 2558: An Ordinance Amending Ordinance
5 2548, Which Concerns the Use of a Mobile (Cell) Telephone While Driving, to Add
6 Penalties, Sentencing, and Fines for First, Second, Third and Subsequent Convictions
7 Under the Las Cruces Municipal Code, Section 27-12-6-12.18(F).

8

9 Mayor Pro-tem Thomas and Council agreed to bring this item back.

10

- 11 (21) Council Bill No. 10-030; Ordinance No. 2559: An Ordinance Approving an Annexation
12 Known as the Burn Annexation Containing 213.0704 ± Acres into the Corporate Limits
13 of the City of Las Cruces Generally Located Within One-Quarter of Section 14 and Lot 5
14 and Part of Lot 6 of Section 22, Township 23 South, Range 2 East of the U.S.G.L.O
15 Surveys, Doña Ana County, New Mexico. The Subject Property is Generally Located
16 North of Dripping Springs Road and West of the Future Extension of Sonoma Ranch
17 Boulevard. Submitted by Bohannon Huston Inc. For New Mexico State University Board
18 of Regents (S-09-056).

19

20 Mayor Pro-tem Thomas and Council agreed to bring this item back.

21

- 22 (22) Council Bill No. 10-031; Ordinance No. 2560: An Ordinance Approving an Initial
23 Zoning Request for an Annexation Known as the Burn Annexation Containing 213.0704
24 ± Acres into the Corporate Limits of the City of Las Cruces Generally Located Within
25 One-Quarter of Section 14 and Lot 5 and Part of Lot 6 of Section 22, Township 23 South,
26 Range 2 East of the U.S.G.L.O Surveys, Doña Ana County, New Mexico. The Subject
27 Property is Generally Located North of Dripping Springs Road and West of the Future
28 Extension of Sonoma Ranch Boulevard. Submitted by Bohannon Huston Inc. For New
29 Mexico State University Board of Regents (Z2806).

30

31 Mayor Pro-tem Thomas and Council agreed to bring this item back.

32

33

34

35 **XI. STATUS/UPDATES ON CURRENT PROJECT LIST**

36

- 37 1. **State Legislative Fall Back**
38 2. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council*
39 *review and consideration.)*
40 3. **Las Cruces Convention Center** - *(Foundation preparation and plumbing rough-in is*
41 *near complete to allow for the pouring of floor slabs in December. Additional concrete*
42 *work for the exterior portions of the facility continues on schedule.)*

- 1 4. **Downtown** -*(The project design is ongoing with Bohannan-Huston, Inc. Bohannan-*
 2 *Huston has completed the design for the north end portion of the project. The City is*
 3 *currently in the process of receiving final prices for the northern portion and should be*
 4 *going to Council for approval in January 2010. Bohannan-Huston has begun the design*
 5 *of the southern portion of the project)*
- 6 5. **Impact Fees** - *(The project is on-going. Staff is currently reviewing the latest draft of*
 7 *the Impact Fee Capital Improvements Plan (IFCIP) with the Consultant. Before the new*
 8 *draft IFCIP is finalized, the Consultant prepared a summary of the options discussed by*
 9 *the City Council during the Work Sessions held in March, April, and May of this*
 10 *year. The summary is a separate document and includes a table listing the actions that*
 11 *will have to be taken in order to move forward with each option (e.g., Do the land use*
 12 *assumption have to be revised?, etc.). The purpose of this summary is to provide*
 13 *information in a concise format for the CIAC and City Council to use in making their*
 14 *decision on which option to use in the IFCIP document to calculate the impact*
 15 *fees. Staff presented the summary document to the CIAC for the first time on November*
 16 *19, 2009. The CIAC further discussed the options presented in the summary document*
 17 *and made a recommendation of Option 3: "'Growth Area' Impact Fees only" at*
 18 *their meeting on December 17, 2009. This recommendation will be taken forward to the*
 19 *January 11, 2010 City Council Work Session for discussion and concurrence.)*
- 20 6. **Vision 2040** – *(The current drafts are posted on the Vision 2040 website*
 21 *(<http://vision2040.nmsu.edu>) and are available on CD and in print upon request. Staff is*
 22 *compiling the comments from the public input meetings held during the week of October*
 23 *19th and the written comments received. The formal public comment period concluded on*
 24 *November 7, 2009. However, staff will continue to accept further written comments.*
 25 *These comments will be used to evaluate and revise the current drafts.)*
- 26 7. **Citywide Swimming Pool Enhancement Program** – *(Structural steel installation for*
 27 *the entrance area of the facility and the second floor continues, including completion of*
 28 *the roof for these areas. EIFS work progresses with color coat soon to be completed;*
 29 *electrical, HVAC and plumbing construction continues as well. A pool permit is in the*
 30 *process of being issued allowing the pool contractor to proceed with construction.)*
 31 *(The design consultants for the future planned Natatorium have started the project with a*
 32 *series of meetings with interested groups such as swimming clubs to solicit input. A*
 33 *public hearing was also held for the purposes of collecting ideas on a proposed design of*
 34 *the planned facility. Additional input is expected prior to finalization of schematic*
 35 *design.)*
- 36 8. **Development and Construction of New City Hall** – *(The contractor has removed the*
 37 *temporary flooring in the council chambers in order to complete the necessary finishes in*
 38 *the room. Interior finishes in other parts of the building continue with punch list items*
 39 *being completed in order to conduct scheduled inspections within the next month.*
 40 *Commissioning of the building continues including start up of the back up generator as*
 41 *well as continued construction in site improvements. Finalization of furnishing needs*
 42 *completed and procurement in process.)*

- 1 9. **Development and Construction of the Intermodal Facility** – *(Finalization of the RFP*
 2 *complete for architectural and engineering services, currently in the process of being*
 3 *advertized and reviewed by the Selection Advisory Committee.)*
- 4 10. **Bicycle Facilities Planning**
- 5 11. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(The Phase One*
 6 *initial site visit by the EPA staff is scheduled for Wednesday, January 20, 2010. The*
 7 *purpose of the visit is to familiarize the EPA with the El Paseo area and bring together*
 8 *City staff, policy makers and the growing network of stakeholders. The agenda includes a*
 9 *group tour of the El Paseo area and meetings with city staff, policy makers, and*
 10 *stakeholders. The primary outcome of this visit will be a refined Scope of Work for the*
 11 *project, titled: Making Redevelopment Work for the Neighbors: The El Paseo Project.*
 12 *This is an on-going project for one year from October 2009 to October 2010. The main*
 13 *purpose of the project is to develop a robust public participation model that includes a*
 14 *deliberative planning and visioning process. Regular conference calls occur on Tuesday*
 15 *from 1:00-2:00 PM in Room 101 of the City Office Center, 575 Alameda Blvd.)*
- 16 12. **New City Web Site** – *(New web site is on track for deployment in Spring 2010. Public*
 17 *input on new web site has been obtained, and will be presented to Council. Departmental*
 18 *stakeholders (who will be responsible for authoring content) have been involved in a*
 19 *number of meetings to provide inputs on the new web site as well. The new site will*
 20 *support greater citizen engagement by providing citizens the ability to receive*
 21 *information via RSS feeds, newsletters, and alerts, as well as providing new content and*
 22 *capabilities. The next phase in the project will involve training departmental authors in*
 23 *the use of the content management system editor, authoring methods, and pertinent*
 24 *standards, guidelines, and laws.)*
- 25 13. **Downtown Revitalization Activities**
- 26 14. **Grants/ARRA Status** - (Matrix.)

27

28 Councillor Silva said regarding numbers three and four; is that all tied up with the legislative
 29 funding?

30

31 Terrence Moore, City Manager said no.

32

33 Mayor Pro-tem Thomas said we received an email regarding available Federal funding; are we
 34 applying for any of it?

35

36 Terrence Moore said we are in the process of researching any projects that would be applicable for
 37 those funding opportunities.

38

39

40

41 **XII. GENERAL DISCUSSION**

42

1 1. **MAYOR**

2

3 Mayor Pro-tem Thomas said I would like to revisit the affordable housing issue and the Downtown
4 Plan and have a work session regarding those issues to make sure everyone understands it.

5

6 Councillor Connor said I would recommend that we do it as a public hearing instead of a work
7 session.

8

9 Councillor Thomas said I have had several questions regarding overnight parking and RV parking
10 on the streets.

11

12 Fermin Rubio, City Attorney said I'm working with Alma Cortez to bring forward an ordinance that
13 will address that issue.

14

15

16 2. **CITY COUNCIL**

17

18 Councillor Pedroza said soon, we will be having a meeting with Public Works regarding the issues
19 with our streets and we will begin having our District 3 meetings.

20

21 Councillor Connor said we had a public meeting last Wednesday night here in Chambers regarding
22 the University District and the Overlay. On the Community Development web page there is a place
23 where you can review the entire 148 pages of the plan and the Overlay.

24

25 On November 16th, I asked for a closed meeting to discuss personnel issues relating to the City
26 Manager which was denied and I am again requesting a closed meeting.

27

28 Mayor Pro-tem and Council agreed to have a closed meeting before February 1st.

29

30 Councillor Silva asked do we have a time line for the Intermodal Facility?

31

32 Brian Denmark, Facilities Director said we're looking at about a year for the design and about
33 sixteen months for construction but that's just an estimate.

34

35 Councillor Silva said I have received several calls regarding the slow internet at the library.

36

37 Lori Grumet, Public Services Director said public internet access has been an on-going struggle for
38 the library and as the capabilities of the internet grows, we find that we need more and more
39 broadband width. We continue to meet with Comcast and work with our IT Department to try to
40 figure out better ways to management it. Everyone's access is important and we don't regulate the
41 types of things people do on our internet.

42

1 Councillor Silva said recently, there was a Centennial Committee meeting; the State will be
2 celebrating 100 years of being a State in 2012 and they are looking to raise more than \$100,000. I
3 would like for us to look at budgeting some funding for them. They will be planning a year long
4 celebration that will involve several committees.

5

6 Mayor Pro-tem Thomas said maybe they can give us a presentation so we can be more informed
7 about what they are planning.

8

9

10

11 3. **CITY MANAGER**

12 A. Update Regarding Downtown Revitalization Activities.

13

14 Previously given.

15

16 B. Ancillary ICIP Work Session – FY 2011 Budget Process.

17

18 Previously heard before Item 10.

19

20 C. Other Items - Information Only

21

22 None given.

23

24

25

26 **Meeting Adjourned at 2:44 p.m.**