City Council
of the
City of Las Cruces

Regular Meeting

February 2, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima **Absent**
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 Pro-tem Thomas called the meeting to order and asked for a moment of silence. Councillor Silva led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Pro-tem Thomas and Jordan Simons presented the Pet of the Week.

Mayor Prot-tem Thomas presented the Mayor's Distinguished Service Award to George H. Jarden Jr.

Councillor Silva presented a Medal of Honor to WWII Veteran Manuel F. Cadena.

Councillor Silva presented a Proclamation and declared February 2010 as Dating Violence Awareness Month.

Councillor Silva presented a Proclamation to Bonnie Burn and declared February 14, 2010 as League of Women Voters Day.

Councillor Silva presented a Proclamation to April Johnson and declared February 14, 2010 as Race Relations Sunday.

Councillor Silva presented a Proclamation to Victor Gallegos and declared February 2, 2010 as Nopalitos Day.

Dr. Beth Vesco-Mock presented an update regarding the progress at the Animal Services Center of the Mesilla Valley.

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

Russ Warner, Member of the Public said we need to listen carefully to what Dr. Beth is saying and we need to get started on whatever actions you decided to do. I want to thank the Mayor for his support for the City Manager regarding the complaint issues. The Mayor stated the City Manager's expenses that are in question were allowable expenses under his contract which eliminates those complaints.

Robert Green, Member of the Public said I would like to ask that before we spend another dime on the Fairbanks and Madrid Extension that you consider the MPO study that was previously done which stated that extension should not be done because it will not alleviate traffic but it will increase the traffic in that area. We don't need that road right now and there are several other streets in everyone's districts that can be repaired with those funds.

Penny Bagwell, Member of the Public said the total cost of the Fairbanks realignment for the temporary road is $50,724.00 which will be in addition to the $350,000 that is already on the approved CIP. This is the first we have seen for the cost of this project and it should have been brought out back in June and shown to the public.

Mike Johnson, Public Works Director gave an overhead presentation and said we have funds that are for street maintenance and CIP funds that are for the construction of new roadways. We do already have some of the funding set aside for the Madrid Extension project.

Ryan Daily, Member of the Public said I think Mr. Moore is a great guy and is very professional. I don't like any of the Councillors pointing fingers at him because no one is perfect.

Carl Benson, Member of the Public said I want to congratulate Mr. Moore on being selected as a member of the Board of Alliance for Innovation. Will you still be receiving your salary from the City while you are serving on this board?

Terrence Moore, City Manager said this is the professional services capacity and there is no salary involved. My only salary is as the capacity of the City Manager of Las Cruces, New Mexico.

Carl Benson asked are there any dues to be part of that board?

Terrence Moore said no, the City of Las Cruces has a general membership just like they do with the Municipal League and the National League of Cities.

Carl Benson said regarding Fairbanks, the walls have already fallen and now the City is stating that they have no responsibility for it. I think that is a poor way for the City to treat it's residents.

Isaac Chavez, Member of the Public said I just want to say that you have a real gem with Dr. Beth; she has made a really big difference with the animals in Las Cruces. I was disappointed when you mentioned the creation of an ad-hoc committee because this Council has a very bad track record for not taking the advice of their ad-hoc committees.

Penny Bagwell said I hope you will address the issues with the inmate work crews working in residential areas. I know there is going to be a public meeting but it needs to be more publicized.

Amy Johnson Bassford, La Casa, Inc. said I want to thank you for the recognition of the Dating Violence Month.

Ron Camunez said I agree with Mr. Chavez in that ad-hoc committees are useless. I still think we were sold a bill of goods with the red light cameras. We were told that this would stop people from running red lights and now people are getting citations for speeding and no seat belts. There is an uproar within the community regarding this issue and you need to have a work session to discuss it.

Mike Johnson said the red light cameras were presented from day one as a red light and speeding enforcement program. No one is being cited for no seatbelts. There will be a presentation at the February 8th work session regarding this program and the statistics that have been collected.

Councillor Small said we went into the Red Light project because we wanted to cut down on severe accidents.

Councillor Connor said the ordinance that was passed for the Red Light Cameras included running red lights and speeding.

Fermin Rubio, City Attorney said that is correct.

Jim Harbison, Member of the Public said there may be a problem with the scheduling of the meeting regarding the inmate work crews because Councillor Thomas is also having her Neighborhood Association meeting that same day at 7:00 p.m.

I also want to mention that I received a card in the mail from the City with a list of Senior Citizen programs that included their numbers with 505. It has been 14 months since we had to change our numbers to 575 and the City needs to update their files.

Steve Hejmanowski, Member of the Public said in the past three to five years, there has been four, what I consider to be murders, by our Police Officers. I am a retired Military Police Officer and I never had to shoot anybody. There are six phases for use of force which these officers are not using. I suggested that you have a Police Review Board back in 2008 and it still hasn't happened.

Mayor Pro-tem Thomas said we decided to have a Police Auditor instead of a Police Review Board.

Terrence Moore said I will be hosting a conference with representatives of Justice and Securities Strategies, Inc. on February 26th to help initiate the selection process.

Councillor Pedroza said I want to mention that the Police Auditor will be reporting to this Council; not to Mr. Moore.

IV. <u>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.</u>

Mayor Pro-tem Thomas 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 Pro-tem Thomas called for the roll on the Motion to accept the Agenda as Amended and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of December 21, 2009
*(2) Regular Meeting of January 4, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(3) Resolution No.10-188: A Resolution to Support New Mexico State University College of Education Student-Soldier Mentoring Program Which Is Being Developed to Promote Future Leadership, Educational Initiatives and to Harvest Knowledge from Academia, Military, Business and Civic Sectors in Order to Support the Goals of Student Soldiers as They Pursue Their Education.

*(4) Resolution No. 10-189: A Resolution Approving the Collective Bargaining Agreement Between the International Association of Firefighters Local 2362 and the City of Las Cruces.

*(6) Resolution No. 10-191: A Resolution Authorizing the City of Las Cruces Police Department to Accept the $37,500 as Its Portion of a Consortium of Police Departments Grant From the U.S. Department of Justice, Bureau of Justice Assistance, as a Pass Through Grant From Luna County Sheriff's Department, to Ratify the City Manager's Signature on the Memorandum of Understanding Between Luna County Sheriff's Office and the City of Las Cruces and Its Police Department and to Adjust the FY 2010 Budget.

*(7) Resolution No. 10-192: A Resolution Adopting a Revised "Health-Related Public Services Guide," as Recommended by the Health and Human Services Advisory Committee.

*(8) Resolution No. 10-193: A Resolution Authorizing and Approving the Transfer to Tierra Del Sol Housing Corporation the Foreclosed Property at 4757 Diamante Purchased Under Resolution 10-009 by the City's Neighborhood Stabilization Program (NSP).

*(10) Resolution No. 10-195: A Resolution Approving the Application for Highway Safety

Improvement Program Funding From the New Mexico Department of Transportation for Various Projects Within the City of Las Cruces.

*(11) Resolution No. 10-166: A Resolution Approving the First Amendment to the Cooperative Project Agreement Between the City of Las Cruces and New Mexico Department of Transportation to Fund the Right of Way and Reconstruction of Main Street From Griggs Avenue to Lohman Avenue.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(5) Resolution No. 10-190: A Resolution Approving an Adjustment to the Traffic Safety and Education Fund Budget for FY 09-10.

Councillor Small Moved to Adopt Resolution No. 10-190 and Councillor Sorg Seconded the motion.

Councillor Pedroza asked why is the line item Traffic Safety and Education and they are using it to buy motorcycles.

Terrence Moore, City Manager said the motorcycles fall under traffic safety.

Fermin Rubio, City Attorney said these bikes were given to the City by Harley Davidson and when we wreck one then we have to pay to replace it which is what we are doing in this case.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-190 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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*(9) Resolution No. 10-194: A Resolution Approving the Purchase of Properties at 1307 Magoffin Place for $143,500 and 2872 Ancho Avenue for $149,000, Respectively, Under the City's Neighborhood Stabilization Program. The Resolution Authorizes the City Manager to Execute the Purchase Documents on the City's Behalf and Further Authorizes Necessary Rehabilitation and Disposal Actions Consistent With the City's Neighborhood Stabilization Program (NSP).

Councillor Connor Moved to Adopt Resolution No. 10-194 and Councillor Sorg Seconded the motion.

Councillor Silva asked how much of the $140,000 balance is left?

David Weir, Community Development Director said I don't know the number on that; the fund is set up to be a revolving fund but as I recall it was about $1.5 million.

Councillor Silva asked have you been able to find any commercial properties?

David Dollahon, Neighborhood Services Director said we have looked at a few multi-family and commercial properties. One of the problems we have is the limitation of rehabilitation funds but we are looking at creative ways to utilize the $50,000 funding limit on rehabilitation cost.

Jim Harbison, Member of the Public said I have concerns with us using creative ways to get around the $50,000 limit because that implies that we are trying to skirt around the law.

David Dollahon said we are being creative and we are only in the discussion phase; we haven't made any commitments. We will have to get approval from the State on any project and we won't violate any laws or regulations.

Russ Warner, Member of the Public said the City needs to be very careful with getting involved with the rehabilitation of properties because there are a lot of hidden things.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-194 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-196; A PUBLIC HEARING MUST BE HELD.**

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

None given.

Resolution No. 10-196: A Resolution Approving the Issuance of a (Master) Small Brewer Liquor License to High Desert Brewing Co. Located at 1201 West Hadley Avenue, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-196 and Councillor Sorg Seconded the motion.

Councillor Silva asked what are they transferring from?

Fermin Rubio, City Attorney said all three are only a change in the corporate structure.

Councillor Connor Moved to Amend Resolution No. 10-196 to include in the title, "change in corporate structure only" and Councillor Silva Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Amend Resolution No. 10-196 to include in the title, "change in corporate structure only" and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-196 as Amended and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(13) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-197; A PUBLIC HEARING MUST BE HELD.**

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

None given.

Resolution No. 10-197: A Resolution Approving a Transfer of Ownership (Change in Corporate Structure Only) for Transmountain Oil Company, L.C. D/B/A Howdy's Food Mart

Store #16, Liquor License No. 0077, Located at 1685 East University, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-197 and Councillor Sorg Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-197 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(14) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-198; A PUBLIC HEARING MUST BE HELD.**

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

None given.

Resolution No. 10-198: A Resolution Approving a Transfer of Ownership (Change In Corporate Structure Only) for Transmountain Oil Company, L.C. D/B/A Howdy's Food Mart Store #15, Liquor License No. 0561, Located at 2210 East Lohman, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-198 and Councillor Sorg Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-198 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(15) Resolution No. 10-199: A Resolution Approving an Agreement for the City of Las Cruces to Enter Into a Contract With the Police Athletic League, Inc., (PAL) in the Amount of $6,000 for the Fiscal Year 2009/2010.

Councillor Connor Moved to Adopt Resolution No. 10-199 and Councillor Small Seconded the motion.

Councillor Connor said PAL does a great job with youth activities for this community.

Councillor Silva said it states that there is $40,000 budgeted for this line item.

Mark Sutter said there is a total budget of $40,000 for that line item and the $6,000 will be paid from that line item.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-199 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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

Councillor Connor Moved to Adopt Council Bill No. 10-029; Ordinance No. 2558 and Councillor Sorg Seconded the motion.

Fermin Rubio, City Attorney gave an overhead presentation and said this is changing the penalty portion of the original ordinance to a fine of $50 for the 1st offense, $100 for the 2nd offense and up to 90 days in jail and/or a fine up to $500 for the 3rd offense.

Councillor Connor asked is it still possible to change these fines?

Fermin Rubio said these are the fines that were recommended by the Mayor but you can change them. I'm not sure if these fines include the court cost.

Chief Bradley said it is my understanding that these are set fines plus court cost which means it would be $50 for the fine plus $35 for court cost.

Councillor Connor said I think these fees are excessive.

Fermin Rubio said you can amend it to have the fine include the court cost or lower the fine plus court cost.

Councillor Sorg Moved to Amend Council Bill No. 10-029; Ordinance No. 2558 to have the fee include court cost and Councillor Pedroza Seconded the motion.

Ron Camunez, Member of the Public said I agree that the fines are excessive.

Ryan Daily, Member of the Public asked if the judge finds you not guilty, do you still have to pay the court cost?

Fermin Rubio said you pay the court cost when you are found guilty.

Councillor Small asked what are the implications for including the court cost?

Fermin Rubio said it's basically revenue driven; the court cost is to reimburse the court for having to deal with this citation.

Councillor Small asked how much is the court cost?

Fermin Rubio said I think it's $35.

Councillor Small said then the $50 fine would be the $35 court cost and the fine would be $15 for the 1st offense.

Councillor Pedroza said it would be more troublesome to include the court cost instead of just lowering the fine plus court cost.

Councillor Connor asked can they just pay the fine or do they have to go to court?

Fermin Rubio said this isn't a penalty assessment; you will have to appear in the Municipal Court; you can't just mail in your payment.

Jim Harbison, Member of the Public said you can mail in the payment for a speeding ticket so if someone acknowledges that they were using a cell phone then why should they pay court cost?

Mayor Pro-tem Thomas called for the roll on the Motion to Amend Council Bill No. 10-029; Ordinance No. 2558 to allow the fee to include court fees and it FAILED. 0-6 Mayor Miyagishima was Absent.

Councillor Connor Moved to Amend Council Bill No. 10-029; Ordinance No. 2558 to change the fees as follows: 1st offense would be $25, 2nd offense would be $50 and the 3rd offense would remain the same and that we change the word "shall" to "may" in all three and Councillor Pedroza Seconded the motion.

Lloyd Covens, Member of the Public said there are many different devices at many different costs and I would like Council to consider those prices verses the fine. The individual who is caught should have the option of purchasing a hands free device and present the receipt to the court in lieu of the fine.

Ron Camunez, Member of the Public said going from a $50 fine for a second offense to $500 and/or 90 days in jail for a third offense it a huge jump in price.

Councillor Small said I support the amendment and I think this would encourage people to purchase hands free devices.

Councillor Silva said the judge has the discretion on the amount of the 3rd fine because it states "up to $500 and/or 90 days in jail."

Fermin Rubio said that is correct.

Russ Warner, Member of the Public said I think you should make the 3rd offense a minimum of $100 and a maximum of $500 fine.

Mayor Pro-tem Thomas called for the roll on the Motion to Amend Council Bill No. 10-029; Ordinance No. 2558 to change the fees as follows: 1st offense would be $25, 2nd offense would be $50 and the 3rd offense would remain the same and that we change the word "shall" to "may" in all three and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

Isaac Chavez, Member of Public asked if I get a speeding ticket right now, can I just mail in my fine and not go to court?

Fermin Rubio said there are some fines that are penalty assessment which you can just mail in the payment but this is not a penalty assessment violation.

Isaac Chavez asked why not?

Chief Bradley said one of the reasons this is not an assessment fine is it does include jail time for the 3rd offense. There is a requirement for due process for anyone who is facing jail time and the 1st and 2nd offenses are part of the 3rd offense.

Isaac Chavez said this should be able to be changed so it could be a penalty assessment fine.

Mayor Pro-tem Thomas asked would this be easier to enforce if it was a penalty assessment?

Chief Bradley said no.

Ron Camunez, Member of the Public asked what about the signage to advertise this new law?

Mike Johnson said our Traffic Engineering Department is working with NMDOT on the installation of signage along Valley Drive, Main Street, US 70, and they are beginning the installation of some of the signage today.

Udell Vigil, PIO Director said we have also arranged for two billboards to go up and they will be installing them tomorrow. One of them is on I-25 North and the other one is on I-10 West. We are also running commercials, newspaper publications and we're running videos on CLC-TV. We have also sent these videos to stations in El Paso and it has been very well publicized within our community.

Councillor Small said I would recommend that we remove the jail time entirely so this can be a penalty assessment fine and people can mail in their payment.

Fermin Rubio said that would require that this amendment be tabled and be brought back at a later time or voted down so it can be placed in a different section of the codes. You need to keep in mind that while this is tabled, the original fines in the original ordinance are still in place.

Councillor Small said this can be voted on today and we can ask that another amendment be brought forward to make this a penalty assessment, correct?

Fermin Rubio said that is correct.

Councillor Small said I will support this amendment and I would request that another amendment be made to have this a penalty assessment be brought forward as soon as possible.

Fermin Rubio said the problem with having this as a penalty assessment is you can't track if this is their first, second or third offense.

Mayor Pro-tem Thomas said so, we're not setting this up any different than other cities.

Fermin Rubio said Santa Fe has it set up like we do; that you have to appear in court.

Councillor Connor said at some point, I would like for us to come back and revisit this code section because there are things in here like "sitting in his lap" that needs to be redone to read correctly.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Council Bill No. 10-029; Ordinance No. 2558 as Amended and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

VIII. BOARD APPOINTMENTS

None given.

IX. REVIEW OF PROPOSED ORDINANCE(S)

(17) Council Bill No. 10-035; Ordinance No. 2564: An Ordinance Amending the Las Cruces Municipal Code, Sections 15-1 Through 15-19, *Labor Management Relations*, to Bring the Code Into Compliance With the State of New Mexico Public Employee Relations Board.

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

X. 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 and concrete slabs are completed for the entire interior of the building with steel erection well underway for the kitchen, meeting room and ballroom sections of the facility. The exhibit hall will be the last section steel will be installed. Fencing will be moved in the near future to accommodate construction work that needs to be completed along the exterior of the building. Finalization of site and utility plans near complete in order to obtain a permit for utility installation to the building.)*
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 February/March 2010. Bohannan-Huston has begun the design of the southern portion of the project)*
5. Impact Fees – *(The project is on-going. The project is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). The project Consultant prepared a summary of the service area options derived from the discussions held by the City Council during the Work Sessions in March, April, and May of 2009. The purpose of the summary is to provide information in a concise format for the CIAC and City Council to use in making their decision on which service area 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 service area options at their meeting on December 17, 2009 and made a recommendation of Option 3: "'Growth Area' Impact Fees only". The summary document and recommendation from CIAC was presented to the City Council at the January 11, 2010 City Council Work Session. The City Council requested additional information that staff will present at the February 17, 2010 City Council Work Session.)*
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 has submitted comments to the consultant based on public input and staff review. Revised drafts are forthcoming.)*
7. Citywide Swimming Pool Enhancement Program – *(Structural steel installation and enclosure of the aquatic center is near complete as well as roofing construction. EIFS, window, glazing and caulking activities in process as well as CMU wall construction in shower areas; insulation, gypsum board interior walls and ceiling systems among other activities. Pool construction is well underway with pool layout and forming in process, piping to pool near complete and pool piping itself to begin.)*

(Staff is in the near process of finalizing direction to the consultants on how to proceed with schematic design of the proposed Natatorium now that public input has been collected. Additional hearings will occur to continue the public involvement process with the consultants conceptually designing specific elements of the facility.)

8. Development and Construction of the New City Hall – *(Staff is finalizing preparation and plans for transition into the new facility. IT related installation of equipment has begun; orientation meetings are being held for all employees moving into the New City Hall; furniture, fixtures and equipment delivery and installation set to begin tentatively February 8th with actual transition of employees to begin February 16th. City Council Chambers is near complete with final inspections, punch list items and clean up underway. Site work continues with the east side parking lot concrete work and paving complete, striping of parking stalls to commence and activity well underway on the west side of the building to complete public parking, access to Main Street, landscaping among other site improvements.*

9. Development and Construction of the Intermodal Facility - *(The RFP for design of the Intermodal Facility has already closed and will be processed to the Selection Advisory Committee for review, ranking and recommendation to the City Council, anticipated in March for contractual consideration.)*

10. Bicycle Facilities Planning

11. EPA Smart Growth Implementation Assistance Program (SGIA) - *(The Phase One initial site visit by the EPA staff is scheduled for Wednesday, January 20, 2010. The purpose of the visit is to familiarize the EPA with the El Paseo area and bring together City staff, policy makers and the growing network of stakeholders. The agenda includes a group tour of the El Paseo area and meetings with city staff, policy makers, and stakeholders. The primary outcome of this visit will be a refined Scope of Work for the project, titled: Making Redevelopment Work for the Neighbors: The El Paseo Project. This is an on-going project for one year from October 2009 to October 2010. The main purpose of the project is to develop a robust public participation model that includes a deliberative planning and visioning process. Regular conference calls occur on Tuesday from 1:00-2:00 PM in Room 101 of the City Office Center, 575 Alameda Blvd.)*

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. Downtown Revitalization Activities - *(The Las Cruces Downtown Tax Increment for Development Senate Bill 95 has been introduced by Sen. Papen, with a companion House Bill 112 introduced by Rep. Lujan. A contract has been awarded for construction of La Placita Phase One that includes a shade structure over Organ Ave. The Supportive Housing Coalition and the Las Cruces Housing Authority are proceeding with application for funding for a 60-unit project at Lohman and Alameda.)*

14. Grants/ARRA Status - (Matrix.)

Councillor Small said I would like to see an update on projects that received recovery funding.

Brian Denmark, Facilities Director gave a verbal presentation and said regarding the grant that was proposed for the Convention Center, the City hasn't received any funds or the grant at this time. There are a couple of problems; one is that the original scope of work and proposal was for a $2 million project and the funds only equal to about $495,000 so as a result of that, we can't comply to the scope of work as well as the performance bench mark measures that were associated with the original grant proposal. We are in the process of trying to change the scope of work to fit that amount and we will be bringing options forward to Council.

Councillor Small said I would like to ask that both the individuals in the private sector and NMSU be included in our update for this project. I would suggest that we hold off developments at least until after February 19th that would preclude any parts of this project moving forward.

Brian Denmark said I just want to say that the monies where suppose to arrive and be available to the City early this past fall and it would have required a redesign of the Convention Center roof system, the mechanical systems within the building and we are simply way beyond that at this point. There is no way; unless you are willing to stop and redesign the project, that we can accomplish that original scope but that doesn't mean that a similar project, on-site and connected to the building, could not be achieved in order to demonstrate energy savings as a part of the project.

Councillor Silva left the meeting at approximately 5:00 p.m.

XI. GENERAL DISCUSSION

1. MAYOR

Mayor Pro-tem Thomas said regarding Santa Fe, we did get a kind of bleak financial report from them that showed the revenues going down. I did ask them about the Downtown TIDD and the ones I spoke to said they thought it had a very good chance and we will be getting an update soon.

Councillor Connor said when I spoke with Senator Pappen, they were meeting in the Senate Committee yesterday at 1:30 p.m. and she said she believes it will make its way down to the floor sometime this week.

Mayor Pro-tem Thomas said I want to mention that there will be a City Council Work Session on Wednesday at 1:00 p.m. and one on Thursday at noon and both will be held here in Council Chambers.

2. CITY COUNCIL

Councillor Sorg said one thing I want to say about Santa Fe, it was very educational for me and there were a lot of good discussions.

February 6th is World Wetlands Day and there are activities being planned at the Mesilla Valley State Park.

One of the things we discussed in Santa Fe was the 2012 New Mexico Centennial and I would like to have us think up some ways we can celebrate it.

Councillor Small said we had a good meeting last week which we discussed Neighborhood Watch Groups and I have received calls from different residents in District 4 concerning issues they see in their neighborhoods.

I was also in Santa Fe and there was a very good sense that everyone wanted to work together.

Councillor Pedroza said I appreciated the opportunity to go to Santa Fe and there were a lot of good conversations all the way around.

I would like to ask that at some point, we re-visit the issue of traffic tickets being heard at Magistrate Court instead of Municipal Court.

Fermin Rubio, City Attorney said only DWI and domestic violence cases are cited to State Court.

Councillor Pedroza said my district meetings will be starting soon and I will be requesting that the residents be notified by using the robo phone service.

Councillor Connor said tomorrow, the University District Overlay Plan will be reviewed by the University Corridor Committee at 10:30 a.m. in Council Chambers.

There was a nice email sent out by Central Southwest regarding single stream recycling which would eliminate people having to separate their recyclables.

On Sunday, February 14th, there is going to be a Help for Haiti event at Young Park and 100% of the donations will go to the Red Cross for assisting Haiti.

The fence surrounding the Convention Center is going to be moved to the curb of the street which is going to create an inconvenience for people who are walking or riding their bikes.

3. CITY MANAGER

B. Other Items - Information Only

Terrence Moore, City Manager said regarding the collapse of a historical building on Campo Street; the building collapsed and an emergency permit had to be issued.

David Weir, Community Development Director said the location of this site is 616 N. Campo; it began to collapse due to all the snow and rain that we recently had and it was deemed to be a health hazzard so we issued an emergency destruction permit.

A. Update Concerning Revenue Forecasts and Projections

Terrence Moore, City Manager said we are doing fairly well despite some of the grim news we received up in Santa Fe.

Dick Gebhart, Budget Director gave an overhead presentation and there were mid-year adjustments done in January and those will be incorporated in the third quarter report which will be in April. We are just under 2% ahead in the general fund, the lodger's tax is right where we predicted it would be and we're about 11% ahead for our gas tax. The remainder of the fiscal year is still uncertain due to our current economic state and the continuing loss of jobs.

Meeting Adjourned at 5:30 p.m.