

Regular Meeting
April 5, 2010

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
43



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

Regular Meeting

**April 5, 2010
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- Mayor Ken Miyagishima
- Councillor Miguel Silva, District 1
- Councillor Dolores Connor, District 2
- Councillor Olga Pedroza, District 3
- Councillor Nathan Small, District 4
- Councillor Gill Sorg, District 5
- Councillor Sharon Thomas, District 6

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

I. OPENING CEREMONIES

- Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Small led the Pledge of Allegiance.
- Paul Ford, LCFD sang the National Anthem.
- Presentation of Certificates of Appreciation/Proclamations.
- Mayor Miyagishima and Jordan Simons presented the Pet of the Week.
- Councillor Small presented a Medal of Honor to WWII Veteran Don Buck.
- Councillor Small presented a Proclamation to John Christopher and declared April 24, 2010 as Comcast Cares Day.
- Councillor Small presented a Proclamation to Doreen Gallegos and declared April 2010 as Las Cruces Child Abuse Prevention and Awareness Month.
- Councillor Small presented a Proclamation to Maria Sanders and declared April 2010 as Donate Life Month.

1 Councillor Small presented a Proclamation to Hugo S. Costa, Jr. and declared April 2010 as National
2 9-1-1 Education Month.

3

4 Councillor Small presented a Proclamation to Hugo S. Costa, Jr. and declared April 11th thru April
5 17, 2010 as National Public Safety Telecommunications Week.

6

7 Councillor Small presented a Proclamation to Dr. Steven Sanchez and declared April 16, 2010 as
8 Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day.

9

10 Lori Grumet, Public Services Director presented the National Black Caucus of Local Elected
11 Officials of the National League of Cities, 2010 Cultural Diversity Award to Mayor Miyagishima.

12

13 Ben Woods gave a presentation on the NMSU new Siren System.

14

15 Lynette Schurdevin, Interim Library Administrator gave a presentation supporting National Library
16 Week.

17

18

19

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

24

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

26

27 None given.

28

29

30

31 **III. PUBLIC PARTICIPATION**

32

33 Cindi Fargo, Downtown Partnership said I would like to congratulate you on the new City Hall
34 which it is a great addition to the Downtown Revitalization Project. We were going to give you a
35 presentation today; however, due to technical problems, we will need to reschedule it until April 19th.
36 We are still working together to try to assure that the \$830,000 of State funds comes to Las Cruces
37 for the North Main Street project.

38

39 Woodie Jenkins, Member of the Public said I have filed a compliant regarding a class that has been
40 advertised at the Eastside Center. The people in charge of this class excludes the public from
41 participating in this dance class; they are only allowed to sit on the side and watch. This dance group

1 has used City facilities for two years, free of charge but other dance groups have to pay to use City
2 facilities. I am here today because a City official has violated the anti-donation provision of the City
3 Charter by donating to a private dance group. On March 26th the Senior Programs Administrator and
4 the Senior Programs Manager met with the directors of a private dance group and the Administrator
5 acknowledged that they were a private dance group and they did not have to put on a class for the
6 public and they could continue to use City facilities without charge. I see that as a direct violation
7 of the City Charter.

8

9 Mayor Miyagishima said I will ask Assistant City Manager Robert Garza to investigate that situation.

10

11 Councillor Connor said I believe last week, Lori Grumet and Shelly Modell responded to that
12 situation in writing and I agree that this situation does need to be investigated.

13

14 Tom Chagolla, US Census said the response rate for the City of Las Cruces is currently at 51% and
15 I would strongly recommend that everyone complete and return their census forms by April 20th.

16

17 Cindy Campana, Member of the Public gave a verbal presentation and said I would like to introduce
18 you to a program called "Abomasa in Southern New Mexico" which is a program to help kids
19 graduate from High School.

20

21 Russ Warner, Member of the Public said I want to thank the City and their staff for the construction
22 of this wonderful building.

23

24 George Pearson, Member of the Public said there is a picture from the zoning code that shows the
25 construction of the acceptable bike racks and there are several facilities that are using these racks;
26 I was disappointed when I saw the racks that were installed here.

27

28 Brian Denmark, Facilities Director said staff is aware of the bike rack issues at this facility and they
29 will be changed out to acceptable racks.

30

31 Dan Jett, Member of the Public said I think the sound is terrible in the new Chambers and you should
32 bring back the old podium from the old City Hall.

33

34 Ryan Dailey, Member of the Public asked are you going to put an emblem of the Three Crosses on
35 this facility?

36

37 Also, why wasn't there a drive thru installed for this facility?

38

39 Terrence Moore, City Manager said we have incorporated electronic payment capabilities and there
40 had been a reduction in drive thru traffic so we felt it wasn't necessary to include it in the
41 construction of this building.

42

1 Brian Denmark said in addition to that, site restrictions were also an issue when considering a drive
2 thru lane for this facility.

3

4 Mick Harris, Member of the Public said I am a student at NMSU and I just wanted to say that I
5 support the changes that are in the master plan and I support the name change.

6

7

8

9 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
10 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
11 **BY ONE MOTION.**

12

13 Mayor Miyagishima said Items 1, 3, 6, 9 and 11 need to be removed from the Consent Agenda for
14 discussion and Item 7 needs to be removed from the Agenda.

15

16 Councillor Connor said I would also like to first discuss Items 3, 13 and 14 concurrently.

17

18

19

20 Councillor Connor Moved to approve the Agenda as Amended and Councillor Pedroza Seconded
21 the motion.

22

23

24

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

27

28

29

30 **V. CITY COUNCIL MINUTES**

31

32 *(2) Regular Meeting of March 1, 2010

33

34

35

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

37

38

39 *(4) Resolution No. 10-244: A Resolution to Participate in the Partnership in Training,
40 Employment and Support of America's Citizen Soldiers Initiative.

41

1 *(5) Resolution No. 10-245: A Resolution to Recognize the Results of the Actuarial Study Dated
2 January 22, 2010, for the City of Las Cruces Liability Insurance Program and to Adjust the
3 Fiscal Year 2010 Budget.

4
5 *(7) Resolution No. 10-247: A Resolution to Transfer Funds for the Relocation of a Railroad
6 Caboose to the Railroad Depot Museum and to Adjust the FY 2009-2010 Budget.

7
8 Removed from the Agenda.

9
10 *(8) Resolution No. 10-248: A Resolution Approving the Purchase of Property Owned by Danny
11 C. Huerta and Mary Ellen Huerta, Located at 111 W. Lucero Avenue in the Amount of Three
12 Thousand Nine Hundred Twenty Two Dollars (\$3,922.00) and to Transfer Two (2) Remnant
13 Parcels of Land to Danny C. Huerta and Mary Ellen Huerta as Part of the Main Street Plaza
14 Phase II Project and to Adjust the FY 09/10 Budget.

15
16 *(10) Resolution No. 09-10-478: A Resolution Awarding a Purchase Order to Scottsdale Gun Club
17 in the Amount of \$76,122.13 for Doña Ana County Sheriff's Department Pistols, City of Las
18 Cruces as Fiscal Agent, Thru the Recovery Act: Edward Byrne Memorial Justice Assistance
19 Grant.

20
21 *(12) Resolution No. 09-10-531: A Resolution Authorizing an Increase to an Existing Purchase
22 Order With Studio D Architects, of Las Cruces, NM, for the FYI Transitional Housing
23 Facility (08-09-586) in the Amount of \$14,647.26, Including New Mexico Gross Receipts
24 Taxes. This Increase in the Contract is to Bring the Amount of the Contract for Design and
25 Construction Contract Administration in Line With the Scope of Work as Transferred to the
26 City of Las Cruces From Doña Ana County.

27
28 -----
29
30 **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

31
32 *(3) Resolution No. 10-243: A Resolution Repealing and Replacing in Its Entirety the University
33 Avenue Corridor Plan (Resolution 92-084) With the University District Plan for the Purpose of
34 Instituting Planning Policies That Reflect Public Input and Best Practices For Planning a Lively and
35 Walkable Destination. Submitted by the City of Las Cruces Community Development Department
36 (PA-10-01).

37
38 Councillor Connor Moved to Adopt Resolution No. 10-243 and Councillor Small Seconded the
39 motion.

40

41 -----

42

1 Councillor Connor Moved to Suspend the Rules and discuss Items 3, 13 and 14 concurrently and
2 Councillor Sorg Seconded the motion.

3

4

5

6 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 3, 13
7 and 14 concurrently and it was Unanimously APPROVED. 7-0

8

9

10

11 Susan Lowell, Community Development Planner gave an overhead presentation and said we did
12 receive one public comment after you received your packet for this item which I am passing out to
13 you now. We are requesting a repeal and replacement of three documents that address the University
14 Corridor, PA10-01, ZCA10-01 and the revisions to chapter two of the Municipal Code. The NMSU
15 master plan states that it should work with the City to revise the zoning for the Overlay District to
16 create a mix use district that would provide suitable and desirable urban town conditions along
17 University Avenue. The plan calls out twenty six goals and over one hundred policies to achieve an
18 active pedestrian oriented district.

19

20 Sandy Geiger, Member of the Public gave a verbal presentation and said I have concerns with the
21 omission of the NMSU Heritage Preservation Plan from any integration into the University District
22 Plan or the University District Overlay. There is a letter from me in your packet that states the eight
23 items that I feel need to be included in the University District Plan. Regarding the membership of
24 the new University District Citizens Design Review Committee, it should consist of seven members
25 that are appointed by the Mayor with the advice of the Councillor whose district covers the majority
26 of the University District Overlay. I would ask that you amend the existing Overlay Plan to include
27 an attempt by staff to look at the Heritage Preservation Plan and integrate that into the District Plan
28 and the Overlay.

29

30 Ben Woods, Senior Vice President of NMSU said we support this plan and we appreciate the
31 planning efforts that the City has put into it.

32

33 Michael Rickenbaker, NMSU Architect said I am a member of the Design Review Committee and
34 I am delighted with this plan.

35

36 Councillor Pedroza asked did the committee consider taking in account the Preservation Plan?

37

38 Susan Lowell said yes, it is a large issue and we are looking at all the levels in considering historical
39 preservation. There is a section in the plan that addresses this issue.

40

41 Councillor Thomas asked Sandy Geiger, how would the plan be different if the plan had been
42 consulted?

Regular Meeting
April 5, 2010

Page 7

1
2 Sandy Geiger said my letter to Council which is included in your packet, lists the eight items that
3 need to be considered in the University District Plan. If it was included then it would recognize the
4 importance of the structures, landscape and view sheds that I don't see evident in this current plan.
5

6 Michael Rickenbaker said as part of our master plan, we've already identified structures which one
7 is the C-Barn, as one of the oldest structures on campus.
8

9 Councillor Connor said those items are within the University limits.
10

11 Councillor Thomas said so, the structures, landscapes and view sheds that Sandy Geiger is talking
12 about belong to the University and they have not been annexed into the City limits.
13

14 Councillor Connor said that is correct.
15

16 -----
17

18 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-243 and it was
19 Unanimously APPROVED. 7-0
20

21 -----
22

23 (13) Council Bill No. 10-042; Ordinance No. 2571: An Ordinance Repealing and Replacing in
24 its Entirety Chapter 38, Section 38-44 of the Municipal Code, Otherwise Known as the
25 University Avenue Corridor Plan Overlay Zone District with the University District Overlay.
26 This Repeal and Replace Institutes the Provisions That Support the Policies of the University
27 District Plan. Submitted by the City of Las Cruces Community Development Department.
28 (ZCA-10-01)
29

30 Councillor Connor Moved to Adopt Council Bill No. 10-042; Ordinance No. 2571 and Councillor
31 Thomas Seconded the motion.
32

33 -----
34

35 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-042; Ordinance
36 No. 2571 and it was Unanimously APPROVED. 7-0
37

38 -----
39

40 (14) Council Bill No. 10-043; Ordinance No. 2572: An Ordinance Repealing and Replacing in
41 its Entirety Chapter 2, Section 2-1012 Through Section 2-1020 of the Municipal Code
42 Pertaining to the University Avenue Corridor Citizen's Design Review Committee with the

Regular Meeting
April 5, 2010

Page 8

1 University District Citizen's Design Review Committee. This Repeal and Replace Institutes
2 the Provisions That Support the Policies of the University District Plan Regarding
3 Committee Representation and Enhancement. Submitted by the City of Las Cruces
4 Community Development Department.
5

6 Councillor Connor Moved to Adopt Council Bill No. 10-043; Ordinance No. 2572 and Councillor
7 Silva Seconded the motion.
8

9 -----

10
11 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-043; Ordinance
12 No. 2572 and it was Unanimously APPROVED. 7-0
13

14 -----

15
16 *(1) Regular Meeting of February 22, 2010
17

18 Councillor Connor Moved to Adopt the Minutes of the Regular Meeting of February 22, 2010 and
19 Councillor Thomas Seconded the motion.
20

21 -----

22
23 Councillor Sorg said there needs to be a correction on page 19 line 13; it needs to be changed from
24 the word "undisturbed" to "disturbed" and the word "motorized" needs to be put in before the word
25 "vehicle."
26

27 -----

28
29 Councillor Sorg Moved to Amend the Minutes from the Regular Meeting of February 22, 2010 to
30 correct page 19 line 13; it needs to be changed from the word "undisturbed" to "disturbed" and the
31 word "motorized" needs to be put in before the word "vehicle" and Councillor Connor Seconded the
32 motion.
33

34 -----

35
36 Mayor Miyagishima called for the roll on the Motion to Amend the Minutes from the Regular
37 Meeting of February 22, 2010 to correct page 19 line 13; it needs to be changed from the word
38 "undisturbed" to "disturbed" and the word "motorized" needs to be put in before the word "vehicle"
39 and it was Unanimously APPROVED. 7-0
40

41 -----

42

1 Mayor Miyagishima called for the roll on the Motion to Adopt the Minutes of the Regular Meeting
2 of February 22, 2010 as Amended and it was Unanimously APPROVED. 7-0

3

4

5

6 *(6) Resolution No. 10-246: A Resolution Authorizing the City Manager or Finance Director to
7 Submit a Loan Application to the New Mexico Finance Authority to Fund the Purchase of Two Fire
8 Apparatus and to Have Project Signatory Authority.

9

10 Councillor Connor Moved to Adopt Resolution 10-246 and Councillor Small Seconded the motion.

11

12

13

14 Councillor Thomas said I would like to ask that there be more information and justification on why
15 we are making these purchases.

16

17 Mayor Miyagishima said that is included in the background section of the executive summary. I felt
18 the information that was provided was adequate which is why I put it on the consent agenda.

19

20 Councillor Thomas said I still want more of an explanation on why we are doing this.

21

22 Mayor Miyagishima said we could add another section for an explanation on the items.

23

24

25

26 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution 10-246 and it was
27 Unanimously APPROVED. 7-0

28

29

30

31 *(9) Resolution No. 09-10-302: A Resolution Awarding the Bid for the Solano A.D.A.
32 Improvements From Cactus Street to Spruce Avenue Project to Smith & Aguirre
33 Construction Company, Inc. Of Las Cruces, New Mexico in the Amount of \$73,836.05 Plus
34 \$5,491.56 for New Mexico Gross Receipts Tax. The City Manager is Authorized to Approve
35 Change Orders in an Amount Not to Exceed \$3,691.80 for a Total Project Authorization in
36 the Amount of \$83,019.41.

37

38 Councillor Connor Moved to Adopt Resolution No. 09-10-302 and Councillor Thomas Seconded
39 the motion.

40

41

42

1 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-302 and it was
2 Unanimously APPROVED. 7-0

3
4
5

6 *(11) Resolution No. 09-10-491: A Resolution Awarding a Bid for the Street Light Poles and Light
7 Fixtures Pricing Agreement to Consolidated Electrical Distributors, Inc. Of Las Cruces, NM,
8 at the Unit Prices (Not Including NMGRT) Listed in the Vendors Bid Tabulation for Up to
9 Five Years Pending Annual Renewals and Approved Budgets.

10

11 Councillor Connor Moved to Adopt Resolution No. 09-10-491 and Councillor Thomas Seconded
12 the motion.

13
14
15

16 Councillor Small asked can different types of energy efficient lights be used with these poles?

17

18 Dan Soriano, Traffic Engineering Administrator said these are our standard poles and we are
19 ordering them for our safety stock so they will be available when we need them. We are using the
20 most energy efficient lights that we can which is included in this pricing agreement.

21

22 Councillor Pedroza asked what is the total cost of this purchase?

23

24 Dan Soriano said there isn't a total cost because this agreement allows us to make continuous
25 purchases as long as we stay within our budget.

26

27

28

29 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-491 and it was
30 Unanimously APPROVED. 7-0

31

32

33

34 (15) Resolution No. 10-241: A Resolution Adopting the First Update to the Transit Five-Year
35 Strategic Plan (2010-2015), Originally Approved by Council in March 2007, for the Purpose
36 of Providing Transit Development Guidance.

37

38 Councillor Connor Moved to Adopt Resolution No. 10-241 and Councillor Thomas Seconded the
39 motion.

40

41

42

1 Mike Bartholomew, Transit Administrator gave an overhead presentation and said this new plan
2 prioritizes items into short term, medium term and long term objectives within the five year plan.
3 There are four goals which are to increase accessibility and convenience of public transportation to
4 all citizens, to provide cost effective, efficient and environmentally sound public transportation, to
5 provide the highest possible level of customer service and the final goal is to maximize safety and
6 security within the public transportation system.

7

8 Councillor Small said the dial-a-ride service is a more expensive service so if we had an area that
9 uses this service a lot then we could consider putting in transit service for that area. Do we have data
10 on our dial-a-ride services?

11

12 Mike Bartholomew said we can see the areas where people are calling for this service and it would
13 be cheaper to use the transit system but there are people who really need the dial-a-ride service.

14

15 Councillor Small said I agree that there are people who need that service. We should schedule a work
16 session so we can discuss that data.

17

18 Councillor Silva said some of my constituents have asked that we have extended hours for our transit
19 service.

20

21 Mike Bartholomew said we might want to consider having extending hours for some of our routes.

22

23 Councillor Thomas asked are we still working on jack rabbit routes for the El Paseo corridor?

24

25 Mike Bartholomew said we are still investigating it and possible funding sources to help with the
26 operation cost.

27

28 Mayor Miyagishima said on page 2686 it talks about brail locator signs; is there any way to have a
29 square on the locator pole instead of it being round so they would know it was a bus stop?

30

31 Mike Bartholomew said that is one of the things that we are currently working on.

32

33 Mayor Miyagishima said we also need to see how close we can get it to the housing at NMSU so
34 people who live in that area can also use this service.

35

36 Mike Bartholomew said we are working with NMSU to try to come up with some solutions so the
37 students will have access to our transit service.

38

39

40

41 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-241 and it was
42 Unanimously APPROVED. 7-0

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

**BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-249,
A PUBLIC HEARING MUST BE HELD.**

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

None was given. Mayor Miyagishima closed the public hearing.

Resolution No. 10-249: A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Roger Holdings, Inc. D/B/A Miguel's Restaurant, to be Located at 1140 East Amador Avenue, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-249 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-249 and it was Unanimously APPROVED. 7-0

Resolution No. 10-250: A Resolution Establishing an Ad Hoc Committee to Assist in Determining the Scope and Scale of Review of Amendments to the Downtown Revitalization Plan, 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.

Councillor Small Moved to Adopt Resolution No. 10-250 and Councillor Connor Seconded the motion.

William Slettom, Downtown Development Coordinator gave an overhead presentation and said this group would be able to help address issues like our parking situation in the Downtown area, our project priorities and funding sources. We are suggesting that there be eighteen members, to include members from our closest Downtown neighborhoods, three representatives from the Las Cruces Downtown Partnership, three from Downtown property owners, three from Downtown business

1 owners, two from the Farmers and Craft Market and a representative from the Dona Ana Arts
2 Council plus the Councillor from District one as a non-voting member and a member at large.

3

4 Councillor Silva said I just received an email which stated that we are going to receive the \$830,000
5 in funding. Eighteen members are a lot of members and we are going to need to decide what would
6 be the quorum for this group. I think we could slim down some of the members from the Las Cruces
7 Downtown because we need to include a member from the Las Cruces Chamber and the Hispanic
8 Chamber and maybe even one from the Green Chamber, the Realtors Association or the Home
9 Builders Association.

10

11 William Slettom said included in Exhibit A of your packet, it states the wording that could be used
12 which is "actions by the committee shall be determined by a majority vote of the seated committee
13 membership" so, if you have seventeen members that are eligible to vote and only ten show up for
14 a meeting, then the majority of those ten would pass a vote.

15

16 Mayor Miyagishima said I would suggest that we take away one representative from the Downtown
17 Partnership, Downtown property owners, Downtown business owners and replace them with a
18 member from the Las Cruces Chamber, Hispanic Chamber and the Green Chamber.

19

20 Councillor Connor said I think we need to insert in Item 4 that they would be required to submit
21 progress reports every other month.

22

23 Cindy Fargo, Las Cruces Downtown Partnership said I have an additional recommendation, I think
24 you should include the schools in the Downtown area in this plan.

25

26 Monty Sarvo, Member of the Public said I'm glad to see this committee re-created because there are
27 a lot of people who don't agree with what has been going on in the Downtown area.

28

29 Isaac Chavez, Member of the Public said I feel that the Association of Realtors should have a
30 membership with this committee.

31

32

33

34 Councillor Silva Moved to Amend Resolution No. 10-250 to reduce the number of members to one
35 representative per organization and add the Las Cruces Chamber of Commerce, the Hispanic
36 Chamber of Commerce, Green Chamber of Commerce, Association of Realtors, Home Builders
37 Association, NMSU and local High Schools to the list of organization members and Councillor
38 Connor Seconded the motion.

39

40

41

1 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-250 to reduce
2 the number of members to one representative per organization and add the Las Cruces Chamber of
3 Commerce, the Hispanic Chamber of Commerce, Green Chamber of Commerce, Association of
4 Realtors, Home Builders Association, NMSU and local High Schools to the list of organization
5 members and it was APPROVED. 6-1 Councillor Silva, Councillor Connor, Councillor Pedroza,
6 Councillor Small, Councillor Sorg and Mayor Miyagishima voted Aye. Councillor Thomas voted
7 Nay.

8

9

10

11 Councillor Silva Moved to Amend Resolution No. 10-250 to add in section four that the committee
12 shall provide bi-monthly reports to the City Council and conclude the review within six months of
13 the first meeting and Councillor Connor Seconded the motion.

14

15

16

17 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-250 to add in
18 section four that the committee shall provide bi-monthly reports to the City Council and conclude
19 the review within six months of the first meeting and it was Unanimously APPROVED. 7-0

20

21

22

23 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-250 as Amended
24 and it was Unanimously APPROVED. 7-0

25

26

27

28 (18) Resolution No. 10-251: A Resolution Approving the New Proposed Fee Schedule for Public
29 and Private Use of the Regional Aquatic Center.

30

31 Councillor Connor Moved to Adopt Resolution No. 10-251 and Councillor Thomas Seconded the
32 motion.

33

34

35

36 Mark Johnston, Parks Administrator gave an overhead presentation and said the Aquatic Center is
37 nearing completion and we will be opening it up soon so we need to set a fee schedule for the use
38 of it. It will be open on a seven day a week basis with a capacity of 240 people and it is very
39 important that we are able to cover the operating cost.

40

41 Councillor Connor said I think these fees are acceptable but I would like to have more information
42 on the locker fee.

1

2 Sonya Delgado, Aquatics Manager said the fee is a one time deposit fee for monthly and yearly
3 rentals, in case there is any damage to it. It is the same fee structure that we have at Meerscheidt.

4

5 Councillor Connor said I think that explanation needs to be included with the deposit fee portion.

6

7 Councillor Small said we need to look at the fee for parents to watch their children in the pool.

8

9 Brian Denmark, Facilities Director said there is a fee if the parents go into the pool area with their
10 children; however, there is going to be a glassed in lobby area which they can watch their children
11 in the pool at no charge.

12

13 Councillor Pedroza asked what is the shower fee?

14

15 Mark Johnston said there is a one dollar fee if someone just wants to come in and take a shower, if
16 someone goes swimming and pays their entrance fee then there is no fee for them to take a shower.

17

18 Don Heinzeman, Member of the Public said it seems to me that this fee schedule is very ambitious
19 due to the average income levels of our residents.

20

21 Dan Jett, Member of the Public said the operation cost for this center seems to be excessive.

22

23

24

25 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-251 and it was
26 Unanimously APPROVED. 7-0

27

28

29

30 **VIII. BOARD APPOINTMENTS**

31

32 Mayor Miyagishima appointed Steve Lurvey to the Airport Advisory Board.

33

34 Mayor Miyagishima appointed the following to the Senior Programs Advisory Board: Elizabeth H.
35 Lannert for the District 1 position which her term will expire March 31, 2014, Patricia Faner for the
36 District 3 position which her term will expire March 31, 2014, Bill King for the Mesilla Park Center
37 Representative position which his term will expire March 31, 2012 and Keith Whelpley for the At-
38 Large position which his term will expire March 31, 2013.

39

40

41

1 Councillor Connor Moved to Approve the Mayor's Board Appointments to the Airport Advisory
2 Board and the Senior Programs Advisory Board and Councillor Small Seconded the motion.

3

4

5

6 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments
7 to the Airport Advisory Board and the Senior Programs Advisory Board and it was Unanimously
8 APPROVED. 7-0

9

10

11

12 Councillor Sorg appointed Robert Branshaw to the Branigan Library Advisory Board.

13

14

15

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

17

18 (19) Council Bill No. 10-046; Ordinance No. 2575: An Ordinance to Amend the City of Las
19 Cruces Municipal Code, Chapter 36 - Sign Code. The Amendment Includes (1) the Addition
20 of Regulations for On-Premise and Off-Premise Electronic Variable Message Displays; (2)
21 The Addition of Regulations for the PUD and R-4 Zoning Districts; (3) Incorporates New
22 Definitions; (4) The Addition of Regulations for Neighborhood Signs; (5) Clarifies the
23 Enforcement Authority for the Removal of Illegal Signs; and (6) Changes the Maximum
24 Allowed Height for Freestanding Signs in Both the C-3 and M-3 Zoning District. Submitted
25 by the City of Las Cruces (SICA-09-01).

26

27 Mayor Miyagishima and Council agreed to bring this item back.

28

29

30

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

32

33 1. State Legislative Fall Back

34 2. Strategic Plan - *(Implementation documents being prepared, finalizing plan for council
35 review and consideration.)*

36 3. Las Cruces Convention Center - *(Exterior steel framing, sheathing and insulation in
37 process including roof membrane installation, mechanical and electrical rough-in as well
38 as completion of fireproofing of beams and columns. Site work continues with installation
39 of water and gas utilities, concrete pour for loading dock as well as for trellis areas.)*

40 4. Downtown Main Street Construction - *(The project design is ongoing with Bohannan-
41 Huston, Inc. Bohannan-Huston has completed the design for the north end portion of the
42 project. The City is currently in the process of receiving final prices for the northern*

- 1 *portion and should be going to Council for approval in April /May 2010. Bohannan-*
 2 *Huston has begun the design of the southern portion of the project)*
- 3 5. Impact Fees – *(The project is on-going. The project is in Phase II - Development of the*
 4 *Impact Fee Capital Improvements Plan (IFCIP). The project Consultant prepared a*
 5 *summary of the service area options derived from the discussions held by the City*
 6 *Council during the Work Sessions in March, April, and May of 2009. The purpose of the*
 7 *summary is to provide information in a concise format for the CIAC and City Council to*
 8 *use in making their decision on which service area option to use in the IFCIP document*
 9 *to calculate the impact fees. Staff presented the summary document to the CIAC for the*
 10 *first time on November 19, 2009. The CIAC further discussed the service area options at*
 11 *their meeting on December 17, 2009 and made a recommendation of Option 3: "Growth*
 12 *Area' Impact Fees only". The summary document and recommendation from CIAC were*
 13 *presented to the City Council at the January 11, 2010 City Council work session. Staff*
 14 *presented additional information at the February 17, 2010 City Council work session.*
 15 *City Council directed staff to proceed with exempting the "In-fill" area of the city;*
 16 *keeping the Public Safety fee as a city-wide fee; and, to consider excluding or showing*
 17 *the West Mesa Industrial Park separately. Staff will proceed with a resolution for*
 18 *approval by the City Council to solidify this direction. Staff is working with the*
 19 *consultant to modify the contract to redo the Land Use Assumptions and proceed with*
 20 *finalizing the Impact Fee Capital Improvements Plan.)*
- 21 6. Vision 2040 – *(The current drafts are posted on the Vision 2040 website*
 22 *(<http://vision2040.nmsu.edu>) and are available on CD and in print upon request. Staff*
 23 *has submitted comments to the consultant based on public input and staff review. Revised*
 24 *drafts are forthcoming.)*
- 25 7. Citywide Swimming Pool Enhancement Program – *(Several building related activities*
 26 *continues for the aquatic center including but not limited to texture gypsum board*
 27 *ceilings, electrical, fire sprinkler, mechanical-HVAC trim, aluminum window system*
 28 *installation and painting of CMU walls. Pool construction activities include finishing*
 29 *rebar and beginning shotcrete for leisure pool area, work in pump pit area as well as*
 30 *mechanical room. Site work includes utility connections and grading.)*
- 31 8. Development and Construction of the Intermodal Facility - *(The Selection Advisory*
 32 *Committee completed the interviewing and rating process of the top three highest ranked*
 33 *firms and a selection has been made. Staff will begin contract negotiations with the top*
 34 *selected firm and will forward a proposed contract to City Council for consideration in*
 35 *the near future.)*
- 36 9. Bicycle Facilities Planning - *(May is National Bicycling Month. The Education and*
 37 *Encouragement Work Group of the Bicycle Friendly Community Task Force (BFC) is*
 38 *working on several ideas for events in May. The proposals include a series of*
 39 *neighborhood bicycle rides, a series of articles promoting bicycling in Las Cruces, Bike*
 40 *to Work Day on May 21st, the Ride of Silence on May 19th, and a proclamation declaring*
 41 *May as National Bicycle Month.)*

- 1 10. EPA Smart Growth Implementation Assistance Program (SGIA) - *(Phase One continues*
 2 *on the project, titled: Making Redevelopment Work for the Neighbors: The El Paseo*
 3 *Project. The main purpose of the project is to develop a robust public participation*
 4 *model for deliberative planning and visioning. The EPA staff team and federal partners*
 5 *from Federal Highway Administration (FHA) and Housing and Urban Development*
 6 *(HUD) together with City staff, policy makers, and stakeholders conducted an initial site*
 7 *visit in January 2010 which included a tour of the El Paseo area and meetings with*
 8 *business, transportation, housing and policymaking groups. The Scope of Work continues*
 9 *to reflect new resources from the federal partners. For example, monies for potential*
 10 *economic development strategies may be available. Future events are being discussed*
 11 *like a Walk & Safety Audit in late April/early May and two visioning charrettes in the fall*
 12 *of 2010. Staff is continuously reaching out to a diverse set of public and stakeholders in*
 13 *the El Paseo area, and is available to discuss this project with any interested parties or*
 14 *individuals. Regular conference calls occur on Tuesday from 1:00-2:00 PM in Room*
 15 *1158, City Hall, 700 Main Street.)*
- 16 11. New City Web Site – *(The new web site is scheduled to go live in the July-August*
 17 *timeframe. Content from the current web site is being migrated to the new site. Some*
 18 *significant re-work of content is required to provide a unified design and user interface*
 19 *functionality, and to upgrade existing content to ADA and Section 508 standards.*
 20 *Departmental stakeholders (who will be responsible for authoring content) have been*
 21 *involved in a number of meetings to provide inputs on the new web site as well. The new*
 22 *site will support greater citizen engagement by providing citizens the ability to receive*
 23 *information via RSS feeds, newsletters, and alerts, as well as providing new content and*
 24 *capabilities. The next phase in the project will involve training departmental authors in*
 25 *the use of the content management system editor, authoring methods, and pertinent*
 26 *standards, guidelines, and laws.)*
- 27 12. Downtown Revitalization Activities - *(Construction on La Placita has been delayed until*
 28 *mid April. Construction is expected to take 6 months. The legislature has passed the Las*
 29 *Cruces TIDD and the Governor has signed it.)*
- 30 13. Police Auditor Procurement Update
- 31 14. Grants/ARRA Status - (Matrix.)

35 **XI. GENERAL DISCUSSION**

36
 37 **1. MAYOR**

38
 39 Mayor Miyagishima said I think we need to take a look at our election rules and maybe consider
 40 mirroring what the County has in place to make it easier for everyone.

41
 42

1 **2. CITY COUNCIL**

2

3 Councillor Thomas asked are we still going to have recycling available for our new City Hall?

4

5 Terrence Moore, City Manager said we are in the process of taking a look at that issue.

6

7 Councillor Thomas said someone had told me that they were told that no one would be allowed on
8 the third floor without a security escort.

9

10 Terrence Moore said that is incorrect.

11

12 Councillor Thomas said I would like to ask for a consensus to bring forward a discussion regarding
13 our dust ordinance.

14

15 Mayor Miyagishima said I will check our schedule and see when we can bring that forward.

16

17 Councillor Sorg said I want to mention that the New Mexico Spaceport Authority executive director
18 has offered to give the Council a hard hat tour of the construction of the new Spaceport.

19

20 Mayor Miyagishima said I will have our Legal Department take a look at that to make sure we can
21 do that as a Council.

22

23 Councillor Small said I think we should move forward with the public meetings regarding the El
24 Molino Project.

25

26 Mike Johnson, Public Works Director said we are working on that issue.

27

28 Councillor Small said I would like to get more information on the capabilities of the asphalt machine
29 we got to finish the Seventeenth Street Project.

30

31 Mike Johnson said we can schedule a meeting with you for that information.

32

33 Councillor Pedroza said we had a very successful gardening meeting last week.

34

35 I was in Mexico City about a year ago and they had a big problem with plastic bags because they
36 were endangering animals and were very bad for the environment so they prohibited the use of
37 plastic bags. I would like for us to look into stopping the use of plastic bags as well.

38

39 Councillor Connor passed.

40

41 Councillor Silva said in Santa Fe, they have a place to recycle plastic bags in the park areas.

42

1 There was a request from Mr. Sarvo regarding the cost of the Main Street Project and I would
2 appreciate it if we could respond to him.

3

4 Terrence Moore said we will be responding to that within the next several days.

5

6 Councillor Silva said I also received a request for the total cost of the new City Hall. I would like
7 for us to have a spreadsheet shown at the next meeting to show the start and finish of this project.

8

9 Terrence Moore said I am planning on having that information included in the April 9th information
10 letter.

11

12 Councillor Silva said I would like to know if it would be possible to recycle some of our asphalt to
13 cover up potholes in the Mesquite area?

14

15 Mike Johnson said I prefer to have the location and go out and look at it to see what would be the
16 best way to repair the problem.

17

18 Councillor Silva said about a year ago, we discussed allowing chickens in backyards and I believe
19 it was tabled; does that mean it was stopped?

20

21 Terrence Moore said yes, it was stopped.

22

23 Councillor Silva said I was asked by a resident about being charged for trash service at a vacant
24 home; I would like for us to research that issue?

25

26 Councillor Pedroza said I have discussed that issue with the Utilities Department and they said
27 they'd have to do some research on it.

28

29 Terrence Moore said it would be best to discuss it with the Utilities Board.

30

31 Councillor Silva said I am looking for a representative of the North Mesquite District for the
32 Preservation Board.

33

34

35 **3. CITY MANAGER**

36 **A. Other Items - Information Only**

37

38 None given.

39

40

41

42 **Meeting Adjourned at 6:35 p.m.**