

Regular Meeting
May 3, 2010

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

Regular Meeting

**May 3, 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. Mayor Miyagishima led the Pledge of Allegiance.
- Gabriela Alvarez, Vista Middle School sang the National Anthem.
- Presentation of Certificates of Appreciation/Proclamations.
- Mayor Miyagishima and Jordan Simons presented the Pet of the Week.
- Mayor Miyagishima presented a Medal of Honor to WWII Veterans Betty and James Somppi.
- Mayor Miyagishima presented a Distinguished Service Award to J. Joe Martinez.
- Mayor Miyagishima presented a Proclamation to Mickey Curtis and declared May 3rd thru May 13, 2010 as Children's Mental Health Awareness Days.
- Mayor Miyagishima presented a Proclamation to Maria Silva-Sutton, Nufie Hernandez and Maria Thomas and declared May 6, 2010 as A Day of Prayer.

1 Mayor Miyagishima presented a Proclamation to Will Ticknor and declared May 2010 as Las Cruces
2 Railroad Heritage Month.

3

4 Mayor Miyagishima presented a Proclamation to Chris Faivre and declared May 8th thru May 16,
5 2010 as Travel and Tourism Week.

6

7 Mayor Miyagishima presented a Proclamation to Interim Police Chief Pete Bradley and declared
8 May 9th thru May 15, 2010 as Police Week and May 13, 2010 as Peace Officers Memorial Day.

9

10 Mayor Miyagishima presented a Proclamation to George Pearson and declared May 2010 as National
11 Bike Month and May 17th thru May 21, 2010 as Las Cruces Ride Your Bike Week.

12

13 Mayor Miyagishima presented a Proclamation to Esther Martinez, City Clerk and declared May 3rd
14 thru May 9, 2010 as Public Service Recognition Week.

15

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17

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

22

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

24

25 None given.

26

27

28

29 **III. PUBLIC PARTICIPATION**

30

31 Russ Warner, Member of the Public said I had mixed emotions about Terrence Moore going to
32 Arizona. I wanted him to go so he could have more opportunities in a bigger city but another part
33 of me wanted him to stay because he has done a good job for us.

34

35 Frank Bryce, Member of the Public said we need to get an answer on who is responsible for the
36 maintenance and repairs of the Animal Shelter building.

37

38 Terrence Moore, City Manager said there will be an update on the lease agreement with Albuquerque
39 at the Animal Services Center Board Meeting on Thursday.

40

1 Harry (Pete) Connelly, Interim City Attorney said the lease will address who is responsible for the
2 maintenance of the Animal Shelter building.

3

4 Frank Bryce said many of the improvements of the Animal Shelter are a result of the public's
5 involvement. I am uncomfortable about a statement in an article that stated the Hispanic community
6 needed to be educated on their understanding of animals as pets.

7

8 Penny Bagwell, Member of the Public said I have concerns regarding inmate crews in our
9 neighborhoods because there was an incident that we documented where an inmate wasn't properly
10 supervised and we reported it to the prison which sent out an investigator. He told us that we were
11 correct, that the inmate was doing something that he wasn't suppose to be doing and he was grateful
12 that we reported it. The issues aren't with the trash being picked up because they weren't picking
13 up trash; they were doing something that could have been considered illegal activity. I am asking this
14 Council to really look at the safety issues regarding these inmate crews in our neighborhoods. I have
15 some suggestions that I believe should be discussed when considering the JPA; one of the issues is
16 that we don't use them around sensitive areas like daycare centers and schools; shouldn't our
17 neighborhoods be considered a sensitive area as well?

18

19 Mayor Miyagishima said thank you Penny, but your time is up.

20

21 Ron Camunez, Member of the Public said I would like to thank the Mayor, Council and others for
22 their kind condolences regarding the passing of my father.

23

24

25

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

29

30 Mayor Miyagishima said Items 3, 5, 6, 8 and 12 need to be removed from the Consent Agenda for
31 discussion.

32

33

34

35 Councillor Connor Moved to approve the Agenda as Amended and Councillor Thomas Seconded
36 the motion.

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

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V. CITY COUNCIL MINUTES

- * (1) Regular Meeting of April 5, 2010
- * (2) Regular Meeting of April 19, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

- * (4) Resolution No. 10-267: A Resolution Authorizing the Las Cruces Museum of Natural History – a Subsidiary of the Public Services Department – to Apply for the Target Corporation’s “Early Childhood Reading” Grant in the Amount of \$2,000.00, With No Cash or In-Kind Match Required, and to Ratify the City Manager’s Approval to Meet the Grant Submission Deadline.
- * (7) Resolution No. 10-270: A Resolution Approving the Painting of a New Abstract Mural by Local Artist Mr. Michael Graham on the North Facing Wall of the Lions Park Handball Courts.
- * (9) Resolution No. 09-10-450: A Resolution Awarding the Bid for the South Fork Arroyo Improvements Project to Rummel Construction, Inc. Of Scottsdale, Arizona in the Amount of \$594,124.76 Plus \$44,188.03 for New Mexico Gross Receipts Tax. The City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$29,706.24 for a Total Project Authorization in the Amount of \$668,019.03.
- * (10) Resolution No. 09-10-499: A Resolution Awarding a Bid for the Road Construction Materials Pricing Agreement to Cemex, Inc.; Certified Concrete Products, LLC.; Burn Construction Company, Inc.; De Ready Mix, Inc.; and, Russell Sand & Gravel Co, Inc., All of Las Cruces, NM for a Period of One (1) Year at the Unit Prices as Listed in Exhibit “B” (Not Including NMGRT) in an Amount Not to Exceed City Council Approved Budgets.
- * (11) Resolution No. 09-10-538: A Resolution Awarding a Bid for the Purchase of Six Lifepak 12 Defibrillators/Monitors to Physio-Control, Inc. Of Redmond, Washington, at the Bid Price of \$103,243.50.

VII. UNFINISHED BUSINESS

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1 (13) Resolution No. 10-265: A Resolution Authorizing Change Order Number One to
2 Amendment Number Two; to the Contract With Jaynes Corporation, Inc., of Albuquerque,
3 New Mexico (As Originally Approved by Council Via Resolution 08-09-504), for the
4 Construction of the Main Street Improvements and to Establish a Guaranteed Maximum
5 Price (GMP) of \$_____ ; Plus New Mexico Gross Receipts Tax of
6 \$_____ ; for a Total Contract Authorization of \$_____ ; and
7 Amending the FY10 Budget. *(Tabled from 04/19/10)*
8

9 Councillor Connor Moved to Remove Resolution No. 10-265 from the Table and Councillor Small
10 Seconded the motion.

11

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13

14 Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 10-265 from the
15 Table and it was Unanimously APPROVED. 7-0

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18

19 Mike Johnson, Public Works Director gave an overhead presentation and said this is for the northern
20 portion of the Main Street Downtown Project and we were able to identify another funding source
21 for this project. There is about \$970,000 instead of about \$771,000 that was originally estimated for
22 the grant from the State. We believe there might be as much as \$1.5 million in available funding.
23

24 Mayor Miyagishima asked are we still planning on using the \$400,000 from the TIDD?

25

26 Mike Johnson said yes.

27

28 Mike Johnson continued his overhead presentation and said we have verified there is \$957,000
29 available from the State. The bid price we received for option one was \$2.73 million and the bid
30 price for option three was \$3.65 million. I'm not going to address option two at this point.
31

32 Mark Sutter, Finance Director said you will need collective funds in order to award the contract and
33 the TIDD fund has about \$395,000 currently in it; the other million or so that would be required
34 would have to be obtained by some kind of financing option. We are proposing that the General
35 Fund loan a million dollars to the TIDD fund until we are able to get the financing.
36

36

37 Mayor Miyagishima asked if we just have the TIDD fund pay back the General Fund; does the TIDD
38 have enough money coming into it now to cover the payments?

39

40 Mark Sutter said we don't have a good history on the revenues yet but there have been larger
41 contributions coming in over the past few months.
42

1 Councillor Thomas said there is about \$12 million currently in the general fund and we are required
2 to keep \$6 million in reserve so we would only be borrowing \$1 million from that; correct?

3

4 Mark Sutter said that is correct.

5

6 Councillor Thomas said I do think we would get a good return on our investment into this project
7 and I would support moving in that direction.

8

9 Councillor Connor said if we borrow the money from our General Fund then it must be paid back
10 to that fund and I do think we need to fully complete the entire street.

11

12 Councillor Sorg said the difference between option one and option three is \$934,273 and I want to
13 know what we are getting for that amount of money?

14

15 Mike Johnson said we would be getting all the above ground amenities, excluding the street lights.

16

17 Councillor Sorg asked will there be any change orders for this project or is this the total cost?

18

19 Mike Johnson said this is a working project and Jaynes Construction is expected to do everything
20 listed for the listed cost amount but if we find something unforeseen underground then there may
21 be a change order.

22

23 Councillor Silva said I have always supported doing option three because our Downtown is the heart
24 and soul of this community.

25

26 Councillor Small said it is great that Jaynes Construction is going to be using our local contractors
27 to complete this project.

28

29 Councillor Pedroza said originally, I was not in favor of option three but after hearing everything
30 today, I am now in favor of doing option three.

31

32 Greg Smith, President of Las Cruces Downtown Partnership said this is a very important project for
33 our community and I would like to thank Council for moving forward with it.

34

35

36

37 Councillor Sorg Moved to Amend Resolution No. 10-265 to include Option #3 and on the last
38 "THAT" it will include "the documentation of a loan from the General Fund to the TIDD Board"
39 and Councillor Thomas Seconded the motion.

40

41

42

1 Councillor Connor said the amendment does not state that the general fund will be reimbursed.

2

3 Mark Sutter said the word "loan" means it will be repaid.

4

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6

7 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-265 to include
8 Option #3 and on the last "THAT" it will include "the documentation of a loan from the General
9 Fund to the TIDD Board" and it was Unanimously APPROVED. 7-0

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12

13 Esther Martinez, City Clerk said we do need to make another amendment to change this resolution
14 number to Resolution 09-10-552 because we didn't have the purchasing resolution number at the
15 time of the agenda setting meeting.

16

17 -----

18

19 Councillor Connor Moved to Amend Resolution No. 10-265 to change the resolution number to 09-
20 10-552 and Councillor Silva Seconded the motion.

21

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23

24 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-265 to change
25 the resolution number to 09-10-552 and it was Unanimously APPROVED. 7-0

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29 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-265 / Resolution
30 No. 09-10-552 as Amended and it was Unanimously APPROVED. 7-0

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34 **VIII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

35

36 *(3) Resolution No. 10-266: A Resolution Authorizing Payment to the City of Las Cruces
37 Convention and Visitor Bureau in the Amount of \$450,000 for the Property Located at
38 211 North Water Street That Was Exchanged for Property Located at 411 North Main and
39 to Adjust the FY 2009-2010 Budget.

40

41 Councillor Connor Moved to Adopt Resolution No. 10-266 and Councillor Thomas Seconded
42 the motion.

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Councillor Silva asked wasn't this initially a one for one land swap?

Mark Sutter, Finance Director said yes, but the government was swapping land that was purchased with lodger taxes for a general government asset and you have to keep the funding sources straight.

Councillor Silva said basically, we are just moving funds from one source to another.

Mark Sutter said that is correct.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-266 and it was Unanimously APPROVED. 7-0

*(5) Resolution No. 10-268: A Resolution Approving the Collective Bargaining Agreement Between the City of Las Cruces and the Las Cruces Police Officer's Association.

Councillor Small Moved to Adopt Resolution No. 10-268 and Councillor Connor Seconded the motion.

Councillor Silva asked was there ever a discussion of an across the board pay increase?

Andre Moquin, HR Director said our sessions are closed so I can't go into detail about our discussions but the original proposal was far from this and with our discussions, we came up with this proposal.

Councillor Silva asked how will the discipline section be affected when we hire an auditor?

Andre Moquin said the auditor's function won't include discipline issues.

Councillor Silva asked was the Union comfortable with this contract?

Dave Harsley, Las Cruces Police Officers Association said we felt very comfortable with it.

1 JR Stewart, LCPD Officer and President of the Las Cruces Police Officer Association said we
2 feel this is a very good contract.

3

4

5

6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-268 and it was
7 Unanimously APPROVED. 7-0

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11 *(6) Resolution No. 10-269: A Resolution Expressing Support and Granting Permission for
12 the Installation of Solar Hot Water and Solar Photovoltaic Systems, Using Privately
13 Raised Funding, on City-Owned Property Operated by the El Caldito Soup Kitchen.
14 Permission is Conditioned Upon City and CID Approval of Final Plans and Compliance
15 With the Procurement Code.

16

17 Councillor Small Moved to Adopt Resolution No. 10-269 and Councillor Thomas Seconded the
18 motion.

19

20

21

22 Councillor Thomas said since this is a City building, where are we with a third party?

23

24 Tom Schuster, Sustainability Officer said I am still researching what it will take to enter into
25 those agreements and they would be affected by the Purchasing Code so we have to consider
26 what the State Legislation is going to do.

27

28 Councillor Small said the Procurement Code is triggered because this is City property; the
29 proposal stands to raise the funds by private donations so it seems to be overly restrictive to
30 attach the Procurement Code requirements to it.

31

32 Tom Schuster said that is kind of a gray area with the Procurement Code; it states in section three
33 of the resolution, "in the event that this is found to be exempt from the Procurement Code" so
34 there is the possibility that the Procurement Code might not have anything to do with it.

35

36 Councillor Small said we do need to have staff up-to-date and educated on renewable energy and
37 energy efficiency.

38

39 Terrence Moore, City Manager said the 2011 budget does include funding for programming and
40 expanding the knowledge base of our organization.

41

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1
2 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-269 and it was
3 Unanimously APPROVED. 7-0

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7 *(8) Resolution No. 10-271: A Resolution Approving the Stipend Policy for the
8 Disbursement of Stipends to Local Youth Leagues and Organizations for Reimbursement
9 of a Portion of the Operational Expenses for the 2010 Season and Future Seasons.

10

11 Councillor Connor Moved to Adopt Resolution No. 10-271 and Councillor Sorg Seconded the
12 motion.

13

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15

16 Mark Johnston, Parks & Recreation Administrator gave an overhead presentation and said staff
17 received direction to develop some kind of criteria and then use that criteria to award stipends on
18 a yearly basis. This approves the stipend policy and criteria and the 2010 stipends to the different
19 leagues and organizations.

20

21

22

23 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-271 and it was
24 Unanimously APPROVED. 7-0

25

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27

28 *(12) Resolution No. 09-10-543: A Resolution to Award Bid of Thirty (30) New Dodge LXDH
29 48 Police Chargers to Jack Key Motor Company of Las Cruces, New Mexico, From Bid
30 No. 09-10-543 for \$676,110 and to Amend the Budget for Fiscal Year 2009/2010.

31

32 Councillor Thomas Moved to Adopt Resolution No. 09-10-543 and Councillor Silva Seconded
33 the motion.

34

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36

37 Councillor Thomas said I pulled this off because of the way this document is written. I really
38 want more history on how we got here and why we are doing this.

39

40 Brian Denmark, Facilities Director gave an overhead presentation and said this Vehicle
41 Acquisition Program has been around for a very long time and it is funded by the Vehicle
42 Acquisition Fund. It is more of an internal process to determine what needs to be replaced and

1 when to replace it. We are including a substituted resolution for this resolution that addresses the
 2 concerns of Council that was expressed at our last meeting. Currently, we have 341 vehicles that
 3 need to be replaced which is about 26% of our fleet but we don't have enough funds available to
 4 replace all of them. The vehicles we are replacing are over seven years old and it is costing us
 5 more to repair and maintain them than it was to purchase them.

6

7 Councillor Connor said when comparing this to the previous one that was replaced, I don't
 8 understand why you took out the "Whereas, the total estimated cost to purchase and up-fit the
 9 vehicles would be up to one million dollars"; I feel that whereas is very important and should not
 10 have been taken out.

11

12 Brian Denmark said you are correct; that whereas should be included in the substituted
 13 resolution.

14

15 Councillor Connor said Melloy Dodge is mentioned in this resolution so is this contract going to
 16 them or Jack Key?

17

18 Bob Telles, Purchasing Manager said Melloy Dodge gave us a quote through the State's pricing
 19 agreement and Jack Key matched their price so it is going to Jack Key which is a local company.

20

21

22

23 Councillor Connor Moved to Amend Resolution No. 09-10-543 to include the substituted
 24 resolution and Councillor Sorg Seconded the motion.

25

26

27

28 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 09-10-543 to
 29 include the substituted resolution and it was Unanimously APPROVED. 7-0

30

31

32

33 Councillor Connor Moved to Amend Resolution No. 09-10-543 to include in the substituted
 34 resolution the following as the 5th whereas, "Whereas, the total estimated cost to purchase and
 35 up-fit the vehicles will be up to one million dollars, split between the Vehicle Acquisition Fund
 36 and the S.T.O.P Fund" and Councillor Thomas Seconded the motion.

37

38

39

40 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 09-10-543 to
 41 include in the substituted resolution the following as the 5th whereas, "Whereas, the total

1 estimated cost to purchase and up-fit the vehicles will be up to one million dollars, split between
2 the Vehicle Acquisition Fund and the S.T.O.P fund” and it was Unanimously APPROVED. 7-0

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6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-543 as
7 Amended and it was Unanimously APPROVED. 7-0

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11 (14) Resolution No. 10-272: A Resolution Approving the 2010 Action Plan as Part of the
12 2006-2010 Consolidated Plan for the City of Las Cruces. The Resolution Authorizes City
13 Staff to Submit the 2010 Action Plan to the U.S. Department of Housing and Urban
14 Development and Authorizes the Action Plan to be Incorporated Into the City’s Budget
15 for FY 2010/11 and Necessary Agreements With Outside Partnering Agencies.

16
17 Councillor Connor Moved to Adopt Resolution No. 10-272 and Councillor Thomas Seconded
18 the motion.

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21

22 David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said
23 our current five year strategies are to increase the supply of affordable housing units for buyers,
24 increase the afford-ability of rental housing for low income renters, preserve our existing
25 affordable housing stock, assist special needs populations with social service and housing needs
26 and public infrastructure; economic and housing conditions in low income economically
27 challenged and deteriorating neighborhoods and to strengthen the City’s ability to address fair
28 housing issues.

29
30 Councillor Small asked does an agency get funding just because they received funding last year?

31
32 David Dollahon said we can do multi year funding; there is a very competitive need for a lot of
33 agencies but it all depends upon our funding.

34
35 -----
36

37 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-272 and it was
38 Unanimously APPROVED. 7-0

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41

1 (15) Resolution No. 10-273: A Resolution Repealing Resolution No. 08-255 and Resolution
2 No. 08-270 and Approving One New Policy That Combines the Recreation Fees and
3 Charges Policy and the Areas and Facility Use Policy Into One Parks and Recreation Fees
4 and Facility Use Policy, and Establishes Fees for Programs and Facility Use for Fiscal
5 Year 2010/11.
6

7 Councillor Connor Moved to Adopt Resolution No. 10-273 and Councillor Thomas Seconded
8 the motion.
9

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11

12 Mark Johnston, Parks & Recreation Administrator gave an overhead presentation and said this is
13 to approve one new policy which will combine the policies of the Parks & Recreation fees,
14 charges and Facility Usage Policies. This needs to be done because the Parks Department and the
15 Recreation Department use to be two separate departments but these departments were combined
16 last July. We are also recommending that we eliminate the game fees for our local recreation
17 youth leagues and for our local senior adults for their regular season play.
18

19 -----
20

21 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-273 and it was
22 Unanimously APPROVED. 7-0
23

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25

26 (16) Resolution No. 10-274: A Resolution Approving the Replacement of the Existing Joint
27 Powers Agreement With an Inter-Governmental Agreement Between the City of Las
28 Cruces and the New Mexico Corrections Department Concerning Inmate Work Crews.
29

30 Councillor Connor Moved to Adopt Resolution No. 10-274 and Councillor Thomas Seconded
31 the motion.
32

33 -----
34

35 Mike Johnson, Public Works Director gave an overhead presentation and said there are currently
36 four inmates crews which two work in the Parks Section and the other two work in the Streets
37 Section and the inmates are paid one dollar per hour. Some of the things these crews do are pick
38 up litter, clean our alleys, remove weeds and they are available to fill sandbags. The inmate crews
39 will not be assigned to do any work near Daycare Centers or schools.
40

41 Councillor Thomas said there was a list of questions that was passed out to us from Penny
42 Bagwell and we should address them but I do want to say that we have had twelve years of this

1 program without any incidents. She stated that about 80% of the crews are used in
2 neighborhoods; is that correct?

3

4 Mike Johnson said we do use them in residential areas but if there are any concerns from any of
5 the residents then we do move them to a different area. Also, we don't have them working in the
6 same area two days in a row; we are always moving them around.

7

8 Councillor Thomas said all the questions seem to come from the one incident that Penny Bagwell
9 witnessed; has anyone questioned the inmate on what he was doing during that incident?

10

11 Warden Michael Herredia, Southern New Mexico Corrections said we did a search of the inmate
12 and we even met with the resident who filed the compliant. We conducted our security
13 procedures and our findings were inconclusive which means there weren't issues of contraband
14 or evidence of an escape attempt found. The inmate was tested for drug use and the results were
15 negative for drug use. We did ask the inmate what he was doing and he said he was getting some
16 pecans that were on the ground.

17

18 Ryan Dailey, Member of the Public said there was a public meeting regarding this issue and I
19 thought everything was settled at that meeting. These inmates are in the Minimum Security
20 Section of the prison and they are screened before they are put on these crews.

21

22 Ron Camunez, Member of the Public said I have been to all the public hearings and they said that
23 this was inconclusive which means they're not positive that something could have happened; the
24 inmate could have swallowed a packet of drugs and they wouldn't have been able to detect it. I
25 think Ms. Bagwell has legitimate questions that have not been addressed.

26

27 Councillor Small said I think there does need to be a heightened level of security for these inmate
28 crews but I do think overall that this program is working very well.

29

30

31

32 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-274 and it was
33 Unanimously APPROVED. 7-0

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36

37 (17) Resolution No. 09-10-549: A Resolution Adding an Owner Project Contingency to the
38 Contract Between the City of Las Cruces and Jaynes Inc., of Albuquerque, New Mexico,
39 for the Construction of the Regional Recreation and Aquatic Center, as Approved by City
40 Council Under Resolution Number 07-08-024(A), Authorizing a Purchase Order Increase
41 of \$300,000.00 for the Purpose of Landscaping, Site Improvements, and Other Limited
42 Uses, to Allow Completion of the Project.

1
2 Councillor Connor Moved to Adopt Resolution No. 09-10-549 and Councillor Thomas Seconded
3 the motion.

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6

7 Brian Denmark, Facilities Director gave an overhead presentation and said this is for the
8 remaining part of the Aquatic Center Project so we can complete it and begin operations. We had
9 to add additional funds to obtain our pool permit because NMED increased their requirements for
10 obtaining pool permits. The resolution is asking for \$300,000 but we don't think we will be
11 spending the full amount. We just want to be sure to have enough funding available to complete
12 the project without having to stop to ask for additional funds.

13
14 Councillor Sorg asked wasn't landscaping included in the original plan?

15
16 Brian Denmark said yes, but the State cut our funding which eliminated the landscaping funds.

17
18 -----
19

20 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-549 and it
21 was APPROVED. 5-2 Councillor Connor, Councillor Pedroza, Councillor Small, Councillor
22 Thomas and Mayor Miyagishima voted Aye. Councillor Silva and Councillor Sorg voted Nay.

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26 **IX. BOARD APPOINTMENTS**

27
28 Mayor Miyagishima appointed Councillor Connor, Property Owner Nancy Binneweg, Citizen
29 Business Owner John Curry, Property Owner Sam Maggard, Property Owner John White and NMSU
30 Architect Michael Rickenbaker to the University District Citizen's Design Review Committee.

31
32 -----
33

34 Councillor Connor Moved to Approve the Mayor's Board Appointments to the University District
35 Citizen's Design Review Committee and Councillor Small Seconded the motion.

36
37 -----
38

39 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments
40 to the University District Citizen's Design Committee and it was Unanimously APPROVED. 7-0

41
42 -----

1 Councillor Thomas appointed Ellen Roberts Young to the Thomas Branigan Memorial Library
2 Advisory Board and appointed Jill Steinhoff to the Parks and Recreation Advisory Board.

3

4

5

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

7

8 None given.

9

10

11

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

13

- 14 1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council*
15 *review and consideration.)*
- 16 2. **Las Cruces Convention Center** – *(Building exterior and interior construction continues.*
17 *Site work limited to primarily utility connections. The project remains on schedule with*
18 *completion expected by Fall 2010.)*
- 19 3. **Downtown Main Street Construction** - *(The project design is ongoing with Bohannan-*
20 *Huston, Inc. Bohannan-Huston has completed the design for the north end portion of the*
21 *project. The City is currently in the process of receiving final prices for the northern*
22 *portion and should be going to Council for approval in April /May 2010. Bohannan-*
23 *Huston has begun the design of the southern portion of the project)*
- 24 4. **Impact Fees** – *(The project is on-going and is in Phase II - Development of the Impact*
25 *Fee Capital Improvements Plan (IFCIP). City Council directed staff to proceed with*
26 *exempting the “In-fill” area of the city; keeping the Public Safety fee as a city-wide fee;*
27 *and, to consider excluding or showing the West Mesa Industrial Park separately. Staff*
28 *will proceed with a resolution for approval by the City Council to solidify this direction.)*
- 29 5. **Vision 2040** – *(Staff has taken over the Vision 2040 project from the consultant and is*
30 *moving ahead with the action plan reviewed by the elected officials on April 15, 2010.*
31 *Staff is preparing a vision statement for endorsement in May and a working draft of the*
32 *regional vision document using the Table of Contents presented. Staff is restructuring the*
33 *Advisory Committee to add stakeholders and define responsibilities, with the next*
34 *meeting tentatively scheduled in the first part of June. The Advisory Committee will*
35 *review updated versions of the working draft in sections over the next several months*
36 *with regular updates to the elected officials. Information and draft documents on Vision*
37 *2040 are available online at <http://vision2040.nmsu.edu>.)*
- 38 6. **Regional Recreational & Aquatic Center** – *(Building and pool construction continues*
39 *with completion expected by the end of June or first part of July 2010. Site work consists*
40 *of parking lot improvements and utility connections at this time.)*

- 1 7. **Las Cruces Intermodal Facility** - (Staff continues to negotiate a contract with the top
2 ranked consultant by the Selection Advisory Committee and expects City Council award
3 the second meeting in May or first meeting in June.)
- 4 8. **Bicycle Facilities Planning** - (May is National Bicycling Month. The Education and
5 Encouragement Work Group of the Bicycle Friendly Community Task Force (BFC) is
6 working on several ideas for events in May. The proposals include a series of
7 neighborhood bicycle rides, a series of articles promoting bicycling in Las Cruces, Bike
8 to Work Day on May 21st, the Ride of Silence on May 19th, and a proclamation declaring
9 May as National Bicycle Month.)
- 10 9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - (Making
11 Redevelopment Work for the Neighbors: The El Paseo Project. The main purpose of this
12 project is to develop a model for engaging people in planning their community. This
13 project focuses on the area along and within walking distance of El Paseo Road between
14 Downtown and the University District. The EPA staff team and federal partners from
15 Federal Highway Administration (FHWA) and Housing and Urban Development (HUD)
16 are working together with City staff, policy makers, residents and businesses. A number
17 of events are being discussed like Photo Tours/Assessments, Walk & Safety Audits in May
18 and June, a Green Infrastructure Workshop in late August, a Pedestrian Road Safety
19 Audit in September and a Visioning Charrette in November. Staff is continuously
20 reaching out to a diverse set of public and stakeholders in the El Paseo area, and is
21 available to discuss this project with any interested parties or individuals. Regular
22 conference calls occur on Tuesday from 1:00-2:00 PM in Room 1158, City Hall, 700
23 Main Street.)
- 24 10. **New City Web Site** - (The new web site is scheduled to go live in the July-August
25 timeframe. Content from the current web site is being migrated to the new site. Some
26 significant re-work of content is required to provide a unified design and user interface
27 functionality, and to upgrade existing content to ADA and Section 508 standards.
28 Departmental stakeholders (who will be responsible for authoring content) have been
29 involved in a number of meetings to provide inputs on the new web site as well. The new
30 site will support greater citizen engagement by providing citizens the ability to receive
31 information via RSS feeds, newsletters, and alerts, as well as providing new content and
32 capabilities. The next phase in the project will involve training departmental authors in
33 the use of the content management system editor, authoring methods, and pertinent
34 standards, guidelines, and laws.)
- 35 11. **Downtown Revitalization Activities** - (Construction on La Placita has started and is
36 expected to take 9 months. City staff is in the process of forming a Downtown
37 Revitalization Plan Ad Hoc Committee.)
- 38 12. **Police Auditor Procurement Update**
- 39 13. **Grants/ARRA Status** - (Matrix.)

1 **XII. GENERAL DISCUSSION**

2

3 1. **MAYOR**

4

5 Mayor Miyagishima said I was asked what the Council thought about creating a resolution stating
6 that half of the proceeds from selling any land in the West Mesa would go toward funding the
7 Premier Park so I put that question to this Council and if you want to fund it then great but if you
8 don't then we won't do it.

9

10 Councillor Thomas said it's my understanding that we do have a committee for the West Mesa so
11 that is a self sustaining project.

12

13 Mayor Miyagishima said we can just send this request to them and see what they think about it.

14

15 We have been receiving some comments regarding the RV Code and people are saying that the
16 fourteen day limit is becoming very troublesome so I want staff to take a look at it and consider
17 changing it from fourteen days to seven days and changing the length limit from 38 feet to a
18 maximum of 35 feet.

19

20 I have passed out a sample resolution to denounce the Arizona Immigration Law which I would like
21 our Legal Department to take a look at and tweak it for us.

22

23 Councillor Connor said I received a copy of a resolution that is being considered by the Dona Ana
24 Commission to boycott business with Arizona.

25

26 Councillor Thomas said I spoke with two attorneys regarding this issue and I will forward you that
27 information.

28

29 Councillor Silva said I would support this resolution and I'm glad the City is taking a stand on this
30 issue.

31

32 Councillor Pedroza said I am very much in favor of doing this resolution.

33

34

35 2. **CITY COUNCIL**

36

37 Councillor Thomas said regarding the RV issue, we are having people move their RVs after fourteen
38 days and then return them for another fourteen day period.

39

40 There is going to be a webinar regarding billboards on Wednesday at 11:00 a.m. and it will be held
41 here in Chambers.

42

1 The power point presentation regarding Smart Growth is now available to us but I would like for
2 David Weir to give that presentation to Council, again.

3

4 There was some discussion at the P & Z meeting regarding taking another look at our codes and
5 updating them which I think is a very good idea.

6

7 I want to mention that I will be gone from May 19th and on and I know we talked about scheduling
8 another close meeting; my calendar is getting very full and I would like to schedule it soon.

9

10 Mayor Miyagishima said I think we are going to schedule an open session to discuss those
11 contractual issues.

12

13 Councillor Thomas said it was my understanding that we had more issues to discuss and we were
14 going to meet again in a closed session.

15

16 Mayor Miyagishima said I will get you with you later on today and we'll go over your schedule and
17 we'll discuss what we need to do.

18

19 Councillor Sorg said I just want to remind everyone that on May 11th there is going to be a Town
20 Hall Meeting for my district at the Mesilla Valley Hospital at 6:00 p.m.

21

22 Councillor Small said the 2nd Re-Energize America Conference will be held on June 3rd and June 4th
23 and I am trying to schedule a tour of our new City Hall for this event.

24

25 I want to mention that anyone who is having issues with mosquitos can call our Mosquito Hotline.

26

27 I think we need to continue to try to find as much funding as possible for our street maintenance and
28 I know there has been mention of a street software; do you know when are we expecting to receive
29 it?

30

31 Mike Johnson, Public Works Director said we should be able to purchase that software around the
32 first of July.

33

34 Councillor Small said we are dealing with some tough issues regarding our ballfield rehabilitation
35 and I think we really need to focus on upgrades for these fields.

36

37 Councillor Pedroza said I want to mention that there will be a District 3 meeting on May 4th at 5:30
38 p.m. at Sierra Middle School.

39

40 I received a telephone call from a constituent and she said she was riding her bike and was attacked
41 by an aggressive dog and she said there are several aggressive dogs in her neighborhood. I would
42 appreciate it if staff would look into that situation and let her know what can be done about it.

1 Terrence Moore, City Manager said I will discuss it with staff at our Executive Team Meeting.

2

3 Councillor Connor said we received a notification from Hugo Acosta regarding the budget for the
4 MVRDA Center and it stated that we will not be meeting our JPA request by \$112,000; is that
5 correct?

6

7 Terrence Moore said no, that is not correct. We are going to meet the JPA request and we are not in
8 violation of anything.

9

10 Councillor Connor said I'm not asking if we are in violation; MVRDA has a very tight budget and
11 I know they need more funding.

12

13 Mark Sutter, Finance Director said last year, when most things had budget cuts, MVRDA did not;
14 they were kept at that same level of funding which is the case again this year due to the economic
15 situation.

16

17 Councillor Connor said I think we need to have a discussion on this issue and get more clarification
18 on our funding with the County.

19

20 Terrence Moore said the County was initially going to reduce their contribution but after discussions
21 with Brian Haynes, they decided to do as we were by keeping the same level of funding as the
22 previous year.

23

24 Councillor Connor said I still think we need to discuss this further.

25

26 Councillor Silva said it has been brought to my attention that with each large scale government
27 project, 1% is committed to public art. Was that incorporated in the City Hall Project?

28

29 Mayor Miyagishima said no, it wasn't included in that project.

30

31 Robert Garza, Assistant City Manager said the 1% for art is a Federal Law that is used anytime
32 Federal funds are used for a project.

33

34 Mayor Miyagishima said I think we should set aside funds to purchase some of the local student's
35 artwork so we can showcase their work here in City Hall.

36

37 Councillor Silva said I asked the City Manager to have our Purchasing Department put together a
38 list of auditors for the Convention Center and the Aquatic Center. I was informed that NMSU was
39 having some problems with some of their construction projects and they paid \$30,000 to have their
40 projects audited and they discovered about \$600,000 in project over-runs. I think it would benefit
41 us to have our projects audited as well.

42

1 I would like to request a ride with Mr. Johnson along the Griggs Street area to see what we can do
2 about getting some traffic calming devices installed for that area. I have had several request from
3 constituents along Espina and South Solano asking us to do something about the speeding situation
4 in that area.

5

6 I would like to know what kind of access this Council has to Mr. Reeves because I understand there
7 was a meeting held with Mr. Reeves regarding some of the issues that we discussed in our closed
8 meeting and I have some questions that I would like to ask him.

9

10 Mayor Miyagishima said since the Council doesn't hire Mr. Reeves, any questions you may have
11 need to be addressed to our City Attorney.

12

13 Harry (Pete) Connelly, Interim City Attorney said the City Council has employed Mr. Reeves for all
14 matters concerning the meeting of January 25th and the City Attorney's Office has had to withdraw
15 from this due to an apparent conflict. My recommendation is that you as a Council or individuals
16 contact your attorney to ask him questions, set up a meeting or whatever.

17

18 Councillor Connor asked is our attorney Mr. Reeves?

19

20 Harry (Pete) Connelly said yes.

21

22 Mayor Miyagishima said regarding the Auditor issue; I wouldn't support spending extra money on
23 hiring an Auditor because I trust our staff. If you want to move forward with it then there would have
24 to be a consensus of the majority of Council.

25

26 Councillor Silva said I was just bringing that forward as a suggestion and if Council wishes to
27 support it at a later date then that is what we will do.

28

29

30 3. **CITY MANAGER**

31 A. Other Items - Information Only

32

33 None given.

34

35

36

37 **Meeting Adjourned at 6:20 p.m.**