City Council
of the
City of Las Cruces

Regular Meeting

May 17, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Terrence Moore, City Manager
Councillor Miguel Silva, District 1	Harry (Pete) Connelly, Interim City Attorney
Councillor Dolores Connor, District 2	Esther Martinez, City Clerk
Councillor Olga Pedroza, District 3	
Councillor Nathan Small, District 4	
Councillor Gill Sorg, District 5	
Councillor Sharon Thomas, District 6 **Absent**	

I. OPENING CEREMONIES

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

Mayor Miyagishima presented the Mayor's Citation for Public Service to Karmela Espinoza and Richard Hernandez.

Councillor Silva presented a Medal of Honor to WWII Veteran Jack Valencia.

Councillor Silva presented a Proclamation to Bill Jones and declared May 22, 2010 as Good Sam Cleanup Day.

Terrence Moore, City Manager introduced the new Fire Chief, Travis Brown.

Rolf Mitchell presented Lynette Schurdevin, Library Administrator and Lori Grumet, Public Services Director with the "Book of Memoirs."

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?

Terrence Moore, City Manager said we will be stating a Conflict of Interest Disclosure with the NSP Program which will be done by David Dollahon, Neighborhood Services Administrator during the Discussion Section of the agenda.

III. PUBLIC PARTICIPATION

Neil Harvey, Member of the Public said I would like to encourage the City Council to move forward with a resolution to oppose the recent Arizona Legislation.

Edmond Garcia, Member of the Public said there are families here in Las Cruces that are trans-nationals; they are citizens of the United States and citizens of Mexico and I would like for you to have a friendly amendment or policy for our immigration issues.

Emily Carey, Member of the Public said I'm disappointed that the idea of a resolution opposing the Arizona Immigration Bill has been tabled. I would argue that the language in that bill does very little to address the concerns with the possibility of racial profiling.

Dulcenia Lara, Member of the Public said I am nervous about the Arizona Law because of the way I look; I would urge you to place our resolution opposing this law back on the table.

Eric Montano, Member of the Public said we need to consider the financial repercussions of this law. We will end up losing a lot of small businesses because of this law.

Mayor Miyagishima said the concerns I had with the original bill was that it only allowed three types of acceptable identification which were a valid Arizona Driving License, valid Arizona Identification Card or a valid Tribal Enrollment Card. I'm sure very few of us here have a valid Arizona Driving License or a valid Arizona Identification Card. Also, the wording "reasonable suspicion" in this bill really bothered me. I also want to state that our resolution never stated that we supported illegal immigration; in fact, it stated that a comprehensive National Immigration Policy is necessary. The

amended Arizona Law specifically states that the only way they can stop you is for a lawful stop and if it is found that you are illegal then you will be deported. I do feel better about the amended bill HB2162 rather than the original one which is why I pulled our resolution.

Councillor Pedroza said immigration is a very complex issue and it is happening all over the world; not just in Arizona. This law might be found to be unconstitutional and I think Arizona is threading on very thin constitutional grounds.

Councillor Connor said I'm probably on the opposite side of what has been said here today because I'm more concerned about making our Police Officers into Board Patrol Agents, than the bill itself.

Ryan Dailey, Member of the Public said people are always assuming the worst and a lot of them haven't even read the Arizona Bill.

Ron Camunez, Member of the Public said I don't understand the concerns with racial profiling when anytime you leave our City, you have to go through a Border Patrol Station and I agree that there is a need for immigration reform. Arizona needed to enact this bill because their citizens were being attacked and kidnapped for ransom and I would hope that we would do the same if we were ever in that situation.

Pam Ricks, Member of the Public said I'm with the Dos Suenos Association and we thought we were going to be on the agenda because we have some budget issues.

Brian Denmark, Facilities Director said Ms. Ricks is referring to a proposed project within the Dos Suenos Development which addresses the needs of landscaping and parks for that area. This item is listed in Item 16 and more specifically in Item 17.

Jim Harbison, Member of the Public said I don't think the Immigration Resolution is anything that the Council should consider because it deals with another State.

Councillor Small said I think Mr. Harbison is correct and we need to work on a local law enforcement level to bring local law enforcement together with our community.

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 Miyagishima said we received a handout from Brian Denmark regarding the Comprehensive Report and we need to include that in Item 18.

Terrence Moore, City Manager said in that case, there is no longer a need to discuss the City Manager's Discussion Item regarding the Comprehensive Report – Expenditures for New City Hall and Related Infrastructure.

Councillor Connor Moved to approve the Agenda and Councillor Pedroza Seconded the motion.

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

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V. CITY COUNCIL MINUTES

*(1) Regular Meeting of April 26, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Resolution No. 10-275: A Resolution Authorizing the Destruction of Records That Have Satisfied Their Legal Retention Period.

*(3) Resolution No. 10-276: A Resolution Authorizing the City of Las Cruces Fire Department to Submit and Application for $68,000 on Behalf of a Regional Training Initiative to the Department of Homeland Security, Federal Emergency Management Agency, FY2010 Assistance to Firefighters Regional Grant Announcement, With a 20% Cash Match of $17,000.

*(4) Resolution No. 10-277: A Resolution Authorizing the City of Las Cruces Fire Department to Submit an Application $80,000 to the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY2010 Assistance to Firefighters Grant, With a 20% Cash Match of $20,000.

*(5) Resolution No. 10-278: A Resolution Endorsing a Draft Vision Statement for the Regional Plan Known as Vision 2040 Regional Plan Between the City of Las Cruces and Doña Ana County.

*(6) Resolution No. 10-279: A Resolution Appointing a Board Member and an Alternate to the Board of Directors of the South Central Regional Transit District.

*(7) Resolution No. 10-280: A Resolution Approving Submission of an Application for a Continuation Grant From the State of New Mexico Children, Youth, and Families Department for the Doña Ana County Juvenile Justice Continuum. The Resolution Authorizes the City's Submission and the City Manager to Sign the Application on the City's Behalf, After the Fact Due to the Grant Application Deadline.

*(8) Resolution No. 10-281: A Resolution Authorizing the City of Las Cruces to Apply for the U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) "Encouraging Innovation: Field-Initiated Programs" Competitive Grant in an Amount Not to Exceed $750,000.00, Over a Three Year Period, for the Purpose of Contributing to the Development of Innovative Programs and Services in Improving the Juvenile Justice System, Specific to the Expansion of the City's Juvenile Citation Program (JCP).

*(9) Resolution No. 10-282: A Resolution Adopting Funding Priorities and Allocations to Various Las Cruces Non-Profit Organizations for FY 2011 to Provide Health-Related Public Services Needs and Authorizing the Incorporation of the Funding Amounts Into the City's FY 2011 Budget. The Resolution Further Authorizes the Development of Purchased Services Agreements With Each Non-Profit Organization, and For the City Manager to Execute the Agreements on the City's Behalf.

*(10) Resolution No. 10-283: A Resolution Authorizing the City of Las Cruces Convention & Visitors Bureau to Apply to the New Mexico Tourism Department for Grant Funds in the Amount Not to Exceed $20,000 for Fiscal Year 2010-2011 Under the Cooperative Marketing Program Which Requires a 300 Percent Match.

*(11) Resolution No. 10-284: A Resolution Approving an Adjustment to the Vehicle Forfeiture Fund Budget for FY 09-10.

*(12) Resolution No. 09-10-441: A Resolution Authorizing the City of Las Cruces to Enter Into an Agreement With Rio Bravo Appraisers Division Housing Support, Inc., of Las Cruces, NM, to Provide On-Call Appraisal Services on an As-Needed Basis in an Amount Not to Exceed Approved City Council Budgets.

*(13) Resolution No. 09-10-441A: A Resolution Authorizing the City of Las Cruces to Enter Into Agreements With Hansen Real Estate Appraisals, Inc., Mesilla Valley Appraisal Services; and Mundy Appraisal Services, All of Las Cruces, NM, to Provide On-Call Appraisal Services on an As-Needed Basis in an Amount Not to Exceed Approved City Council Budgets.

*(14) Resolution No. 09-10-572: A Resolution Approving a Change Order to the Professional Services Contract with James Duncan and Associates, Inc. to Extend the Contract Period to December 31, 2011, to Revise the Land Use Assumptions, and to Revise the Draft Impact Fee Capital Improvements Plan and Amending the Contract Amount of $206,884.68 (Includes NMGRT) as Established in Resolution Number 09-309 to $215,506.00 Plus Applicable Tax.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(15) Resolution No. 10-285: A Resolution Authorizing the Fourth of July Committee to Plan the 2010 City of Las Cruces Fourth of July Celebration and Approving Funding of the Celebration to Include Entertainment, Production, and Logistic Costs.

Councillor Connor Moved to Adopt Resolution No. 10-285 and Councillor Small Seconded the motion.

Rob Caldwell, Public Liasion Officer gave an overhead presentation and said this is for the approval to allow the Fourth of July Committee to plan the Fourth of July Celebration and approve the funding for it. We will have an Electric Parade on July 3rd which is followed by the Street Fest and on July 4th, we will have the Street Fest Celebration and the fireworks display.

Councillor Sorg asked where are we getting the $90,000?

Rob Caldwell said it comes from the Community Special Events Organization Fund which is part of the General Fund.

Councillor Small asked do we have any new sponsors?

Rob Caldwell said we only have had one meeting but the committee members are going to start soliciting for new sponsors.

Councillor Small asked does our insurance cover burns on the field?

Rob Caldwell said I'm not sure but I'll check with our Risk Management Department.

Russ Warner, Member of the Public said this Council needs to stop talking about this and just approve it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-285 and it was APPROVED. 6-0 Councillor Thomas was Absent.

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(16) Resolution No. 10-286: A Resolution Adopting the Municipal Budget for Fiscal Year 2010/2011 for the City of Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 10-286 and Councillor Silva Seconded the motion.

Dick Gebhart, Budget Director gave an overhead presentation and said there are some changes in a couple of areas; one is that there has been a debt service in the Capital Project Fund for the addition of an HUD loan to refurbish the Museum of Science and Nature. The next item that was added is a fund to keep track of the Philippou settlement. The next item is the addition of a Capital Project Fund for the north section of the Downtown Project. The other item is the modification of the General Fund to include a one million-dollar loan for the Downtown North Section Project and we will need to modify the FY11 budget to reflect the repayment of this loan. We have been told that there won't be any increases in our Health Insurance but we are still going to keep a close eye on our economic situation.

Councillor Connor said I gave Mark Sutter some typographical errors that I found within this document that will need to be corrected administratively.

I want to mention that the Santa Fe Depot is in the color document and I just don't want to have Santa Fe on the front of our budget; can we change it to have graphics of Las Cruces?

Dick Gebhart said we can take a look at the cover and see what we can do.

Mayor Miyagishima said I just want to mention that if there is an increase in the Health Insurance, we do have about $800,000 left that we could use to help cover that cost.

Dick Gebhart said you're correct, that is one of the reasons why we have those reserve funds.

Councillor Silva said we are accounting for the credit of the loan payments but won't there also be expenditures?

Dick Gebhart said this is a correct representation of the loan as a debt service and not a expenditure.

Councillor Connor said as I looked through the transaction sheets, I noticed that we are no longer receiving the Cigarette Tax and it was explained to me that we held onto our "Hold Harmless on Groceries" which caused us to loose our revenues from the Cigarette Tax.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-286 and it was APPROVED. 6-0 Councillor Thomas was Absent.

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(17) Resolution No. 10-287: A Resolution Approving the Five-Year Capital Improvement Program as Required by the New Mexico Department of Finance and Administration for the 2011 Legislative Session for the City of Las Cruces, New Mexico for Fiscal Years 2011/2012 Through 2015/2016.

Councillor Small Moved to Adopt Resolution No. 10-287 and Councillor Connor Seconded the motion.

Dick Gebhart, Budget Director gave an overhead presentation and said this is to approve a five-year ICIP Plan. The ICIP Plan is updated to reflect funding for the renovation of the new Museum of Science and Nature. The ICIP summary for FY11 has been changed; the total of the ICIP is about $61 million which is being added for the Museum of Science and Nature. I do want to mention that there will be an in-depth review of the finance options with the City's Financial Advisor which may result in the revision of the ICIP Plan.

Councillor Small asked has a date been set for Bond Counsel to come back and discussion their findings on the financing options?

Mark Sutter, Finance Director said we are probably looking at the June or July Work Session.

Councillor Small said regarding the upgrading of the lighting at Burn Lake; are there other alternatives for the usage of that money?

Brian Denmark, Facilities Director said that funding was made available by bond proceeds which specifically referenced Burn Lake but it didn't itemize what improvements can be done. A few years ago, a few Councillors requested that the lights be replaced so that's how staff selected that

improvement project for these funds. The Council can change that project selection and select another improvement to Burn Lake.

Councillor Sorg said I think we need to considering paying for future improvements ourselves because we can't count on funding from the Federal Government or from the State.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-287 and it was APPROVED. 6-0 Councillor Thomas was Absent.

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(18) Resolution No. 10-288: A Resolution Authorizing Adjustment of the Budget for the Construction of the New City Hall and Parking Deck to be Aligned with Fund Balances and to Amend the FY09/10 Budget.

Councillor Connor Moved to Adopt Resolution No. 10-288 and Councillor Small Seconded the motion.

Mark Sutter, Finance Director gave an overhead presentation and said this is to make an adjustment to the FY09/10 Budget to replace the estimated cost with the actual cost for the construction of the new City Hall and the parking deck. The funding sources of the City Hall Project came from four different sources; the first was the Sales Tax Bond of 2005 Project Fund, the original Project and Parking Deck Fund, the Furniture and Fixtures Fund and the Capital Improvement Reserve Fund.

Brian Denmark, Facilities Director gave an overhead presentation and said I have passed out a report of the expenditures for this project to Council and I want to remind you that this is only a preliminary report because the contract hasn't closed. This report is limited to the site itself and does not include the offsite improvements, such as the IT infrastructure which is still being worked on, and it does not include the cost of our staff's time. We are stilling working on a punch list of items to be completed and we are hoping to close out this contract by the end of this fiscal year but it could be as late as August. The cost of this project, including change orders for things like the parking deck, IT enhancements and functions for PIO, comes out to $33.8 million.

Councillor Sorg said I understand that this is a draft but can you give us a report that shows which projects did not use all of the funds that were devoted to that project?

Brian Denmark said once this contract is closed then we can put that report together for you.

Councillor Sorg said I would like to know how we know that these funds were spent wisely?

Brian Denmark said there are two ways to look at it; one way is to go back and look at the original objectives which one was to make a LEED certified building and I think we have exceeded that objective. Another objective was to construct a facility that would be able to house all of the admin functions and be able to accommodate future growth which also has been accomplished. There would be a lot of issues if we hadn't constructed the parking deck because that added 80 spaces to the overall site and prevented employees from having to park in the front of the building or at the library. When you start adding all these things up; I think we did a very good job.

Mayor Miyagishima said this is the largest project that this City has done and I think Brian and Eric did a great job.

Councillor Small said the big benefit to this building is having a place where everyone is located and having an energy efficient building which lowers our cost per employee. When would we be able to get a report showing those cost?

Brian Denmark said we should have it relatively soon; my staff is still in the implementation stage and finalizing a lot of issues.

Councillor Small said I would like to get a full accounting of the operation cost from the old City Hall and this facility.

Don Bustamante, IT Director said yes, we can get that; I do want to mention that we do have a lot of savings by using the VOIP technology which allowed us to use a lot of the same wiring.

Brian Denmark said Council needs to keep in mind that there needs to be a line drawn somewhere between the true project cost and the operating cost.

Councillor Small said I think the operation cost per employee is tied into the project cost because of the energy efficient features in the building.

Brian Denmark said you're right but we do have to close the contract before we can generate that report.

Councillor Silva said we definitely needed a new City Hall but I think the public is concerned about the break down of the cost for this project. How are we going to go about getting this information to the public?

Brian Denmark said if you're wanting a true reporting, then you'll have to include all the staffs time which we really don't have a record of that; so, that would be an estimate. You'll have to include anything and everything that relates to your cost, from property acquisition and so forth. At some point, you will have to draw a line somewhere on what to include in the project cost.

Councillor Silva said I think we need to be fully transparent to the public regarding the true cost of this project.

Mayor Miyagishima said I think this report is very clear and it even goes back to the late 1980's, early 1990's which is when we acquired this property.

Councillor Sorg said regarding the change orders, can you tell me why we didn't think of things like the parking deck from the very beginning of the project?

Brian Denmark said we hired a designer and a contractor and we went before Council and asked them what they wanted us to design which is what was designed.

Councillor Sorg said so, after it was approved and started then IT decided they needed a better system which is why we had that change order?

Brian Denmark said IT is very crucial to our organization and they wanted to be able to provide us with the best service available presently and for the future.

Councillor Pedroza asked is this for the money that was not spent; to use it to finish up the project?

Mark Sutter said this resolution is recognizing the mathematical differences between what was projected for 2009 and how 2009 actually ended up for these two project funds. The other piece is the accrual of the estimated loss on the investment of the City Hall Project Fund which was then recovered in 2010.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-288 and it was APPROVED. 6-0 Councillor Thomas was Absent.

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(19) Resolution No. 10-289: A Resolution Authorizing the City of Las Cruces Facilities Department to Submit an Application for $100,000 to the U. S. Department of Interior, Bureau of Land Management, FY2010 New Mexico Challenge Cost Share Program, With a 100% Cash and In-Kind Match of $100,000.

Councillor Connor Moved to Adopt Resolution No. 10-289 and Councillor Small Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation and said this resolution is asking your permission to apply for a grant through the New Mexico Challenge Cost Share Program. This grant does require matching funds and with it, we can improve habitats and parks in our area. The project in question is the Desert Trails Community Park; we have 34 acres that we have put a trail system in and this grant would allow us to deal with some erosion and water control issues that we have in this area.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-289 and it was APPROVED. 6-0 Councillor Thomas was Absent.

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(20) Resolution No. 09-10-423: A Resolution Awarding a Contract for the Design and Construction Contract Administration of the Las Cruces Intermodal Transit Facility (Located on the Southwest Corner of Alameda Blvd and Lohman Ave) to Huitt-Zollars, Inc. of Albuquerque, New Mexico, in the Amount of $351,000.00; Plus, New Mexico Gross Receipts Tax of $26,544.38; Plus, Project Contingency of $35,000.00; For, a Total Authorization of $412,544.38.

Councillor Small Moved to Adopt Resolution No. 09-10-423 and Councillor Sorg Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation and said this resolution is to allow us to proceed with the design of the Las Cruces Intermodal Transit Facility. We received five proposals for this project and the Selection Advisory Committee selected Huitt-Zollars, Incorporated. This design process would take us all the way through the construction documents and allow us to put this project out to bid.

Councillor Silva asked this began in 2002; why was there such a long delay in this process?

Mike Bartholomew, Transit Administrator said the delay was due to the two study process to select the site and the issues with purchasing the land from the State of New Mexico.

Klaus Wittern, Member of the Public said the old City Office Center is now vacant and I think that would be a great location for this project.

Mike Bartholomew said it would be extremely difficult to change locations at this point.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-423 and it was APPROVED. 6-0 Councillor Thomas was Absent.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Susan Fletcher to the Library Advisory Board and re-appointed Judd Singer to the Capital Improvements Advisory Committee.

Councillor Connor Moved to Approve the Mayor's Board Appointments of Susan Fletcher to the Library Advisory Board and re-appointment of Judd Singer to the Capital Improvements Advisory Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of Susan Fletcher to the Library Advisory Board and re-appointment of Judd Singer to the Capital Improvements Advisory Committee and it was APPROVED. 6-0 Councillor Thomas was Absent.

IX. REVIEW OF PROPOSED ORDINANCE(S)

(21) Council Bill No. 10-047; Ordinance No. 2576: An Ordinance Authorizing the Execution and Delivery of a Contract for Loan Guarantee Assistance under Section 108 of the Housing and Community Development Act of 1974, as Amended, and a Section 108 Loan Guarantee Program Note by and Between the City of Las Cruces, New Mexico (The "City") and the Secretary of Housing and Urban Development in the Aggregate Amount of Two Million Dollars ($2,000,000); Evidencing a Special Limited Obligation of the City to Pay a Principal Amount of Two Million Dollars ($2,000,000), Together with Interest Thereon, for the Purpose of Defraying the Cost of Constructing, Rehabilitating and Improving the Museum of Nature and Science in the City; Providing for the Payment of the Principal of and Interest

on the Note Solely from the Pledged Security; Approving the Form and Terms of and Other Details Concerning the Contract and the Note; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection with the Execution and Delivery of the Contract and the Note.

Mayor Miyagishima and Council agreed to bring this item back.

X. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior and interior construction continues. Site work limited to primarily utility connections. The project remains on schedule with completion expected by Fall 2010.)*
3. **Downtown Main Street Construction** - *(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 April /May 2010. Bohannan-Huston has begun the design of the southern portion of the project)*
4. **Impact Fees** – *(The project is on-going and is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). City Council directed staff to proceed with exempting the "In-fill" area of the city; keeping the Public Safety fee as a city-wide fee; and, to consider excluding or showing the West Mesa Industrial Park separately. Staff will proceed with a resolution for approval by the City Council to solidify this direction.)*
5. **Vision 2040** – *(Staff has taken over the Vision 2040 project from the consultant and is moving ahead with the action plan reviewed by the elected officials on April 15, 2010. Staff is preparing a vision statement for endorsement in May and a working draft of the regional vision document using the Table of Contents presented. Staff is restructuring the Advisory Committee to add stakeholders and define responsibilities, with the next meeting tentatively scheduled in the first part of June. The Advisory Committee will review updated versions of the working draft in sections over the next several months with regular updates to the elected officials. Information and draft documents on Vision 2040 are available online at* http://vision2040.nmsu.edu.*)*
6. **Regional Recreational & Aquatic Center** – *(Building and pool construction continues with completion expected by the end of June or first part of July 2010. Site work consists of parking lot improvements and utility connections at this time.)*
7. **Las Cruces Intermodal Facility** - *(Staff continues to negotiate a contract with the top ranked consultant by the Selection Advisory Committee and expects City Council award the second meeting in May or first meeting in June.)*

8. **Bicycle Facilities Planning** - (*May is National Bicycling Month. The Education and Encouragement Work Group of the Bicycle Friendly Community Task Force (BFC) is working on several ideas for events in May. The proposals include a series of neighborhood bicycle rides, a series of articles promoting bicycling in Las Cruces, Bike to Work Day on May 21st, the Ride of Silence on May 19th, and a proclamation declaring May as National Bicycle Month.)*

9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(Making Redevelopment Work for the Neighbors: The El Paseo Project. The main purpose of this project is to develop a model for engaging people in planning their community. This project focuses on the area along and within walking distance of El Paseo Road between Downtown and the University District. The EPA staff team and federal partners from Federal Highway Administration (FHA) and Housing and Urban Development (HUD) are working together with City staff, policy makers, residents and businesses. A number of events are being discussed like Photo Tours/Assessments, Walk & Safety Audits in May and June, a Green Infrastructure Workshop in late August, a Pedestrian Road Safety Audit in September and a Visioning Charrette in November. Staff is continuously reaching out to a diverse set of public and stakeholders in the El Paseo area, and is available to discuss this project with any interested parties or individuals. Regular conference calls occur on Tuesday from 1:00-2:00 PM in Room 1158, City Hall, 700 Main Street.)*

10. **New City Web Site** – *(The new web site is scheduled to go live in the July-August timeframe. Content from the current web site is being migrated to the new site. Some significant re-work of content is required to provide a unified design and user interface functionality, and to upgrade existing content to ADA and Section 508 standards. 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.)*

11. **Downtown Revitalization Activities** - *(Construction on La Placita has started and is expected to take 9 months. City staff is in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.)*

12. **Grants/ARRA Status** - (Matrix.)

XI. GENERAL DISCUSSION

1. **MAYOR**

Mayor Miyagishima said I want to say that we don't have to have a parking lot just for Council but we could use that parking lot for the Employee of the Month or for other departments.

Councillor Connor said I'm not in favor of bringing a resolution forward for this parking lot. I think it should remain a fire lane instead of a parking lot.

2. **CITY COUNCIL**

Councillor Sorg said I just want to state that I was never asked about having a Council's parking lot and I'm not in favor of it being a parking lot unless we can put solar panels over the top of it.

Councillor Small said we are going to have an El Molino Residents Meeting and we will be discussing the railroad crossing in that area.

We had a meeting last Thursday at the Benavidez Center with about 45 residents to discuss the violent issues we are having in this area.

I want to mention that I am not in favor of having a Councillor's parking lot and maybe we should have a survey sent out to the public and let them decide what to do with it.

Councillor Pedroza said we have finished the first round of the Community Meetings and I will be announcing the schedule for the next round of meetings soon.

I went to Young Park last night to participate in the 26th Annual Memorial Service for HIV/AIDS Persons but I didn't say that I was representing Council.

I received several complaints about the City stopping the utility payment service at the El Paso Electric site on Solano and they would like to have that service reinstated. I would suggest that we put a drop off box in our fire lane parking lot.

Brian Denmark, Facilities Director said we do have a drop box located in the front section of this facility; between us and the library.

Mayor Miyagishima said there were several issues with the El Paso Electric payment site; including the issue with the City employee who worked there and needed to go to lunch; we couldn't just have an employee from El Paso Electric cover her. I want to mention that people can make payments at any Western Union location.

Councillor Connor said there have been several discussions within the community regarding the Premier Park issue and I think we need to keep the government out of the private sector. I don't think the City should try to be a developer and choose to aquire this property at any cost and then to

compete for sales with the private sector. There have been suggestions that we use funds from the sale of property in the West Mesa for the Premier Park and last week, there was a West Mesa Industrial Park Meeting and they voted to keep all their funds within the West Mesa Industrial Park. I want to mention that we already have a Premier Park which is Burn Lake and we need to focus on making the necessary improvements to it. If the Premier Park group of people want the City to obtain the Country Club property for a Premier Park then they should do an initiative and gather the 2,540 needed petition signatures to be able to propose an ordinance to this Council. If the Council fails to adopt an ordinance then it will go to a City election and I think the proponents for this Premier Park should take on the task of collecting the signatures and funding the campaign so they can include in the initiative, not only solutions for the cost of purchasing the land but also the cost of maintaining this land for the next twenty years.

My second issue is with the Detective's cell phones; there have been changes to the City's Cell Phone Policy regarding how we can use our City cell phones for our personal use and I'm glad there was a review of our cell phone usage but I question why we would restrict a Detective's or any Police Officer's usage. There is no reason why this situation would make front page news; it must not have been explained correctly to them. It should have been able to be handled internally instead of them having to taking it to the newspaper. In yesterday's news, it stated that we are seeing an increase in crime which is even more of a reason why our Detectives and Police Officers need to be able to fully use their cell phones. I would like to know if there were any individuals within the City's system that got a cell phone even though they really didn't need one?

Last week, I asked Mr. Moore what the cost was for the parking lot and he stated that he didn't know; so, I asked him again on Friday and he stated that he only knew the cost of the materials which was $9,100. I would question why the City Manager would approve a project without knowing the cost of it?

I have constituents that have asked if we are a City Manager or a Mayor ran community because they feel this Council is being driven outside the boundaries of the Charter. In Section 2.08A, special meetings in which one requested within the Statutes of New Mexico; four Councillors agreed at the May 3rd meeting to have a Closed Session to discuss personnel issues and it has been two weeks and it still has not been scheduled.

Terrence Moore, City Manager said we are in the process of working internally to resolve the issues with the Detective's cell phones.

Mayor Miyagishima said regarding the Premier Park issue; I have the liberty to call meetings and get with the public to see how I can best assist them.

I was out of town when this Council requested to have a Closed Meeting but if you don't set a specific date then it is up to me to decide when to have that meeting. I am trying to work with everyone's schedule and I'm looking at setting something up on June 24th.

Councillor Connor said I reviewed Councillor Thomas's request for a Closed Meeting and she wanted something setup before she left out of town. She didn't specify the date but we have had two weeks to fill that time and nothing has been done. I do understand the role of the Mayor and our Charter; I am just relaying concerns and questions that are addressed to me for some kind of answer.

Councillor Silva asked are we having the Closed Meeting on June 24th?

Mayor Miyagishima said it will be tentatively scheduled for June 18th at 10:00 a.m.

Councillor Silva said I am in favor of switching the parking lot to a fire lane.

I am passing out an article regarding the NMSU audit and I am still pushing for us to have an auditor for our projects.

I want to mention that May 19th is the Ride of Silence Event at 6:15 p.m. at Mesilla Plaza and May 21st is Ride Your Bike to Work Day.

Harry (Pete) Connelly, Interim City Attorney said I would like to clarify that four members of Council have requested a Closed Meeting on June 18th at 10:00 a.m. to discuss limited personnel matters and it will be held somewhere in City Hall.

Mayor Miyagishima said that is correct.

Andy Hume, MPO Associate Planner gave a verbal presentation regarding the Bicycling Events and presented Council with a "Share the Road" T-shirt.

3. **CITY MANAGER**

A. Conflict of Interest Disclosure – NSP Program – David Dollahon

David Dollahon, Neighborhood Services Administrator said we have a conflict for Tierra del Sol Housing Corporation; they are a partner entity as part of our program. Henry Montes who is employed by Tierra del Sol in their Multi-Family Housing Program; he is seeking assistance through Tierra del Sol to become a homeowner through the City's and Tierra del Sol's Neighborhood Stabilization Program Partnership. Normally, under HUD's rules, that requires a public disclosure and they've notified us in writing that they have assigned their Home Ownership Director Armando Murrufo to handle the case. Legal's opinion has been provided by the City Attorney that Mr. Montes's Conflict of Interest doesn't violate any State or Local Laws. The public disclosure that we are making today is required by HUD's regulations and we will submit a request in documentation to the State of New Mexico to the local HUD Office for making a determination for the Conflict of Interest rules for HUD and then HUD will notify the City and State of their final determination.

Essentially, our process is that you are not required to take action but we make the public aware and you aware through this disclosure, today. Based on the City Attorney's opinion, it does not violate State or Local Laws but it is a clear conflict of interest under the regulations established by HUD for the Neighborhood Stabilization Program.

B. Comprehensive Report – Expenditures for New City Hall and Related Infrastructure

Terrence Moore, City Manager made a statement during the Acceptance of the Agenda portion of the meeting that there is no longer a need to discuss the City Manager's Discussion Item regarding the Comprehensive Report – Expenditures for New City Hall and Related Infrastructure because it will be discussed during Item 18.

C. Other Items - Information Only

None given.

Meeting Adjourned at 6:25 p.m.