City Council
of the
City of Las Cruces

Regular Meeting

May 24, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Terrence Moore, City Manager
Councillor Miguel Silva, District 1 **Absent**	Harry (Pete) Connelly, Interim City Attorney
Councillor Dolores Connor, District 2	Esther Martinez, City Clerk
Councillor Olga Pedroza, District 3 **Absent**	
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 Connor led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

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

Councillor Connor presented the Mayor's Citation for Community Service Award to Wally Vette.

Councillor Connor presented the Mayor's Citation for Community Service Award to the IT Department of the City of Las Cruces.

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).

At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.

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

None was given.

III. PUBLIC PARTICIPATION

None given.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 10:32 a.m. on May 24, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Connor, Councillor Small, Councillor Sorg, Interim City Attorney Harry (Pete) Connelly, Internal Auditor Audrey Evins, Purchasing Manager Bob Telles, Interim Police Chief Pete Bradley, City Manager Terrence Moore, Assistant City Manager Robert Garza and HR Director Andre Moquin. The meeting adjourned at 11:12 a.m. and only the items stated on the posted notice were discussed which was the purchase of Police Department audit services.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 11:20 a.m. on May 24, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Connor, Councillor Small, Councillor Sorg, Utilities Director Jorge Garcia, Senior Assistant City Attorney Marcy Driggers, Kurt Wihl from Keleher & McLeod Law Firm, Jay Stein from Stein & Brockman Law Firm, Public Works Director Mike Johnson, Assistant City Manager Robert Garza, City Manager Terrence Moore and Interim City Attorney Harry (Pete) Connelly. The meeting adjourned at 12:50 p.m. and only the items stated on the posted notice were discussed which was the threatened or pending litigation regarding the Moongate Water Company.

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

Mayor Miyagishima said Item 2 needs to be removed from the agenda.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was APPROVED. 4-0 Councillor Silva, Councillor Pedroza and Councillor Thomas were Absent

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V. CITY COUNCIL MINUTES

*(1) Regular Meeting of May 3, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(2) Resolution No. 10-290: A Resolution Authorizing City Designated Representatives to Proceed with the Reorganization of Rio Grande Natural Gas Association on the General Terms Set Forth Herein. ***(No packet exists).***

Removed from the Agenda.

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(3) 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.

Councillor Small Moved to Adopt Council Bill No. 10-047; Ordinance No. 2576 and Councillor Connor Seconded the motion.

Mark Sutter, Finance Director gave an overhead presentation and said this is for the new Downtown location of our Museum of Nature and Science. This allows the City to accept a loan from HUD for about $2 million and the maturity of loan would be twenty years with an interest rate of approximately 5.2%. This loan is necessary for us to be able to also receive a $2 million BEDI grant. We are planning on keeping the current location at the mall until we are able to finish this site and move all the exhibits.

Councillor Connor asked what is the time-frame of this funding?

Mark Sutter said if this is approved then we will be signing papers this week and the funding would be available to us on June 17th. There will be a resolution brought forward to you on July 7th for the grant so we should have all of the funding by the end of July. We will have enough funding to be able to keep our location at the mall as well as complete this project.

Councillor Sorg said you stated that the income from the mall location would help pay back this loan, how it that possible?

Mark Sutter said once we are fully moved to the Downtown location and out of the mall location, that rent payment for the mall location would then be able to go toward the loan payment.

Councillor Sorg said by us utilizing some of our CDBG funds for the interim period, does that diminish our capacity of using CDBG funds for other projects?

David Dollahon, Neighborhood Services Administrator said we have budgeted $60,000 for this year and next year to cover the interim financing. This does limit our ability to use CDBG funds for other programs and we won't know how we will be affect next year until Congress enacts an Appropriation Act which will hopefully be done sometime in September.

Mayor Miyagishima asked is there any type of a pre-payment on this loan?

David Dollahon said there is a condition in the loan that does not allow any type of pre-payment for the first ten years of the loan.

Mayor Miyagishima asked do we have any issues with not being able to pay it off early?

Mark Sutter said this loan should last for the duration of the project and ten years is not an unreasonable amount of time.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-047; Ordinance No. 2576 and it was APPROVED. 4-0 Councillor Silva, Councillor Pedroza and Councillor Thomas were Absent

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VII. BOARD APPOINTMENTS

Councillor Sorg appointed Shawn Evans to the Planning and Zoning Commission.

VIII. REVIEW OF PROPOSED ORDINANCE(S)

(4) Council Bill No. 10-048; Ordinance No. 2577: An Ordinance Approving a Zone Change From R-1A (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density-Conditional) for 0.69 +/- Acres Located at 1302 S. Esperanza. The Proposed Zone Change Would Allow the Use of an Apartment Complex on the Subject Property. Submitted by Rodger Mason on Behalf of Herbert A. & Leslie Duke, Property Owners (Z2811).

Mayor Miyagishima and Council agreed to bring this back.

IX. 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.)

X. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima passed.

2. CITY COUNCIL

Councillor Sorg said I want to mention that this morning, there was a meeting of medical personnel at the Memorial Medical Center and they discussed issues with Valley Fever. The New Mexico Department of Health is justifying a new initiative and air quality is ranked among the top three health priorities for our region. Another issue was the intensification of uses and landscape changes which causes an increase of dust. They pointed out that this disease is a fungal disease that naturally grows in the soil and last for many years. This disease is transmitted by the inhaling of the airborne spores from the soil and most people who get this disease are ill for an average of six months. We are going to invite the Department of Health to give Council a presentation on this issue.

Councillor Small passed.

Councillor Connor passed.

3. CITY MANAGER

A. Other Items - Information Only

None given.

Meeting Adjourned at 1:48 p.m.