

City of Las Cruces⁹²

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 7

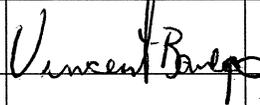
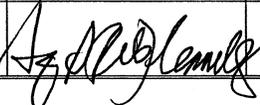
Ordinance/Resolution# 10-309

Council District:

For Meeting of **June 21, 2010**
(Adoption Date)

TITLE: A RESOLUTION AMENDING RESOLUTION 10-208 TO CLARIFY RESIDENCY REQUIREMENTS FOR MEMBERS OF THE HISTORIC PRESERVATION AD HOC COMMITTEE. THE RESOLUTION ALSO CORRECTS A NUMERICAL ERROR IN 'EXHIBIT A,' THE HISTORIC PRESERVATION AD HOC COMMITTEE DESCRIPTION.

PURPOSE(S) OF ACTION: This Resolution amends a previously approved Resolution that contained conflicting language regarding the residency requirements for members of the newly-established Historic Preservation Ad Hoc Committee. In addition, this Resolution corrects an error in the description of committee members, 'Exhibit A.' This list of members adds up to twenty (20), but is stated as nineteen (19).

Name of Drafter: Carol McCall 		Department: Community Development		Phone: 528-3209	
Department	Signature	Phone	Department	Signature	Phone
Community Development		528-3060	Budget		541-2300
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On February 16, 2010, Council approved Resolution 10-208 creating an Ad Hoc Committee for Historic Preservation. The Resolution contained conflicting language regarding residency requirements for committee members. First, it references Section 2-188 of the Municipal Code, which states that committee members must be city residents. It then references Section 2-1071, the description of ad hoc committees, which states that they do not have to be city residents. This amendment removes Section 2-188, hence removing the conflicting language. In addition, in Exhibit A, the description of the committee, the total number of members, when added, is twenty (20), but is stated as nineteen (19). A corrected Exhibit A is attached to the new Resolution.

The demolition of the Miller house on University Avenue in 2008 raised concern in the community that further destruction of important historic properties could occur if steps aren't taken to protect them. Questions arose about what could be done to prevent the demolition of these buildings, and also about how individuals and organizations might take a more active role in activities related to historic preservation for the City.

At the present time, the Zoning Code includes an Overlay for the South Mesquite neighborhood, and the Alameda Depot neighborhood has adopted a plan. The ordinance supporting the

Alameda Depot Neighborhood Plan is in its draft stages. Both the South Mesquite Overlay and the Alameda Depot Neighborhood Plan call for a 60-day waiting period for the demolition of registered (State and national registries) historic structures to allow an opportunity for interested parties to propose alternatives to demolition. The South Mesquite Overlay also has design standards and a design review board. At the request of residents in the Alameda Depot neighborhood, their plan does not call for design standards or a design review board. There is no ordinance governing registered historic properties outside these two historic districts. Also, the City has no ordinance governing properties that are not registered but are believed to have historic significance.

In January 2009, Council heard a presentation by Community Development staff about various options regarding the protection of historic properties. At that time, Council directed staff to draft an ordinance to regulate the demolition of historic structures. On June 30, 2009 the Planning and Zoning Commission recommended passage of a demolition delay and adaptive reuse ordinance by a vote of 6-1-0. Thirty-five people attended a public input meeting on September 1, 2009. A summary of the meeting was presented to Council during a work session held on November 9, 2009 at which Community Development staff detailed the proposed demolition delay and adaptive reuse ordinance.

On November 16, 2009 Council voted *against* passage of this ordinance and directed staff to assemble an ad hoc committee to assist staff in the development of an historic preservation ordinance. A preservation ordinance would define the scope of the City's preservation efforts, and may include language related, but not limited to:

- Establishing and empowering a preservation commission.
- Establishing local historic districts.
- Design guidelines/standards.
- Procedures for seeking permits related to alternations, adaptive reuse, new construction, demolition, etc.

When the ad hoc committee has completed its report detailing the criteria for a potential historic preservation ordinance, it will present the findings to the City Council. Upon said action, the ad hoc committee will have met its objective and would thus be dissolved pursuant to Section 2-186 of the Las Cruces Municipal Code.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A		

1. Resolution.
2. Exhibit "A" –Historic Preservation Ad Hoc Committee Description
3. Attachment – Resolution 10-208

OPTIONS / ALTERNATIVES:

1. Vote YES and approve the Resolution that amends Resolution 10-208. This action would correct the membership requirements for the Historic Preservation Ad Hoc Committee and list the total number of members as twenty (20).
2. Vote NO and deny the Resolution creating the Historic Preservation Ad Hoc Committee. Such action would result in conflicting residency requirements for members of the committee, and list the total number of members as nineteen (19).
3. Modify the Resolution and vote YES. Modifications may include changing the membership and/or duties of the Ad Hoc Committee as described in Exhibit "A."
4. Table/Postpone the Resolution and direct staff accordingly.

RESOLUTION NO. 10-309

A RESOLUTION AMENDING RESOLUTION 10-208 TO CLARIFY RESIDENCY REQUIREMENTS FOR MEMBERS OF THE HISTORIC PRESERVATION AD HOC COMMITTEE. THE RESOLUTION ALSO CORRECTS A NUMERICAL ERROR IN EXHIBIT "A," THE HISTORIC PRESERVATION AD HOC COMMITTEE DESCRIPTION.

The City Council is informed that:

WHEREAS, the Las Cruces City Council gave consensus to establish an ad hoc committee for the purposes of assisting in developing a City-wide historic preservation ordinance; and

WHEREAS, the ad hoc committee will work with staff in determining the criteria for a historic preservation ordinance that will be brought to the Planning and Zoning Commission for recommendation to the City Council; and

WHEREAS, Resolution 10-208, passed on February 16, 2010, contains conflicting language regarding residency requirements for committee members and also contains a numerical error in the Historic Preservation Ad Hoc committee Description page, and must be amended.

NOW THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Resolution 10-208 is hereby amended to clarify residency requirements and total number of members, as identified in Exhibit "A" attached hereto and made part of this Resolution.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this ____ day of _____, 2010.

(SEAL)

APPROVED:

Mayor

ATTEST:

City Clerk

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg: _____

Councillor Thomas: _____

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"**Historic Preservation Ad Hoc Committee
Description**Organization

The Historic Preservation Ad Hoc Committee shall elect a chair and vice-chair and shall hold said positions until replacement or vacancy requires re-election of officers or upon completion of Committee duties.

Meetings

The Committee shall hold regular meetings as deemed necessary in the accomplishment of assigned duties, but at minimum said meetings shall occur no less than once per month.

Voting

Actions by the Committee shall be determined by a majority vote of the seated committee membership.

Residency Requirements:

Member residency shall be in accordance with section 2-1071(a) of the Las Cruces Municipal Code: "Ad hoc boards are to be established by resolution of the city council. Ad hoc board members appointed by the city shall comply with division 1 of this article, unless stated otherwise. Ad hoc board members are not required to meet the qualifications provisions established by subsection (a) of section 2-188. Due to the existential nature of ad hoc boards, convicted felons may be appointed to these boards, when appropriate."

Membership (20 members total):

The Committee shall be comprised of one representative from:

- Las Esperanzas, Inc.
- North Mesquite Neighborhood
- Alameda Depot Civic Association
- Alameda Depot Neighborhood Organization
- Mesilla Valley Preservation, Inc.
- Las Cruces Downtown Partnership
- Las Cruces Association of Realtors
- Greater Las Cruces Chamber of Commerce
- Hispano Chamber de Las Cruces
- Green Chamber of Commerce
- Building Industries Association of Southern New Mexico

And:

- A representative chosen by each Councilor, plus one at-large member chosen by the Mayor. The chosen individual need not reside in the district represented.
- Councilors from Districts 1 and 4 (Ex officio, non-voting)

Duties

Based on existing Comprehensive Plan policy, the Committee shall assist City staff in developing criteria for a city-wide historic preservation ordinance for consideration by both recommending and approving bodies.

Said ordinance would address issues such as, but not limited to:

- Comprehensive protection and preservation of historic structures in Las Cruces
- Establishing and empowering a preservation commission
- Establishing local historic districts
- Design guidelines/standards
- Determining procedures for seeking permits related to historic structures, such as alternations, adaptive reuse, new construction, demolition, etc.

As part of the proposed recommendations to the City, the Committee shall prepare a summary of the budgetary requirements that a preservation ordinance and preservation commission may incur.

The Committee shall also prepare suggestions for an educational outreach effort to inform the citizenry about the various aspects of historic preservation.

In developing criteria for said ordinance, the Committee shall consider any and all regulatory requirements in effect and should consider any legal opinions expressed on related matters.

Powers

The Committee shall only serve as a recommending body. The Committee's recommended proposal will be forwarded by City staff to the Planning and Zoning Commission for recommendation to City Council.

RESOLUTION NO. 10-208

A RESOLUTION ESTABLISHING AN AD HOC COMMITTEE TO ASSIST IN DEVELOPING CRITERIA FOR AN HISTORIC PRESERVATION ORDINANCE, AND AUTHORIZING THE MAYOR TO APPOINT MEMBERS TO THE AD HOC COMMITTEE IN ACCORDANCE WITH THIS RESOLUTION AND CHAPTER TWO OF THE LAS CRUCES MUNICIPAL CODE, 1997, AS AMENDED.

The City Council is informed that:

WHEREAS, the Las Cruces City Council gave consensus to establish an ad hoc committee for the purposes of assisting in developing a City-wide historic preservation ordinance; and

WHEREAS, the ad hoc committee will work with staff in determining the criteria for an historic preservation ordinance that will be brought to the Planning and Zoning Commission for recommendation to the City Council.

NOW THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

I

THAT, an Historic Preservation Ad Hoc Committee is hereby established.

II

THAT, the Mayor of the City of Las Cruces is hereby authorized to appoint the members of the Historic Preservation Ad Hoc Committee in accordance with Sections 2-188 (a) and (b) and 2-1071 (a) and (b) of Chapter 2 of the Las Cruces Municipal Code, as amended, with the membership and duties as outlined in Exhibit "A" attached hereto and made part of this resolution.

III

THAT, the appointed Historic Preservation Ad Hoc Committee members must meet residency requirements as outlined in Section 2-188(a)(1) of Chapter 2 of the Las Cruces Municipal Code.

IV

THAT the Historic Preservation Ad Hoc Committee shall conclude its duties following final consideration of its recommendations to the City Council.

V

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this 16th day of February, 2010.

(SEAL)

APPROVED:



Mayor

ATTEST:



City Clerk

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Pedroza:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Sorg:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved by: Connor

Seconded by: Silva

APPROVED AS TO FORM:



City Attorney
acts

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Meetings

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Voting

Actions by the Committee shall be determined by a majority vote of the seated committee membership.

Membership (19 members)

The Committee shall be comprised of one representative from:

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- North Mesquite Neighborhood
- Alameda Depot Civic Association
- Alameda Depot Neighborhood Organization
- Mesilla Valley Preservation, Inc.
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- Hispano Chamber de Las Cruces
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And:

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