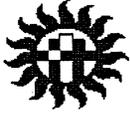


Regular Meeting  
June 21, 2010



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

**Regular Meeting**

**June 21, 2010**

**1:00 P.M.**

**Council Chambers, City Hall**

**MEMBERS PRESENT:**

**STAFF:**

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Sharon Thomas, District 6

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

**I. OPENING CEREMONIES**

25 Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Small  
26 led the Pledge of Allegiance.

28 Presentation of Certificates of Appreciation/Proclamations.

30 Mayor Miyagishima and Laura Loos presented the Pet of the Week.

32 Mayor Miyagishima presented the Mayor's Distinguished Service Award to Deputy Chief Pete  
33 Bradley.

35 Mayor Miyagishima presented the Mayor's Citation for Community Service to Kassandra Grooms  
36 and Santiago Vasquez.

38 Mayor Pro-tem Thomas presented a Proclamation to Cheryl Ann Hertton, Tumor Registrar of  
39 Memorial Medical Center and declared June 21, 2010 as Cancer Survivor Day.

41 Earl Nissen, Teen Pregnancy Work Group gave a presentation regarding teen pregnancy.

43 Cindi Fargo, Las Cruces Downtown Partnership gave a presentation on updates for the Downtown.

1 Larry Braxton, Dona Ana Arts Council gave a presentation on Color Las Cruces.

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5 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**

6 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*  
7 *if any member of the city council, city manager, or any member of the city staff has any*  
8 *known conflict of interest with any item on the agenda.*

9

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

11

12 None was given.

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15

16 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in  
17 a Closed Session at 10:10 a.m. on June 18, 2010. The following members were in attendance: Mayor  
18 Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small,  
19 Councillor Sorg, Councillor Thomas, Dan Mackey, Attorney from Albuquerque (by phone) and City  
20 Manager Terrence Moore. The meeting adjourned at 3:40 p.m. and only the limited items that were  
21 stated in the notice were discussed which were the limited personnel matters relating to City  
22 Manager Terrence Moore.

23

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26 **III. PUBLIC PARTICIPATION**

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28 Pat Bernal White, Member of the Public said I am an artist and I would like to thank Cindi Fargo for  
29 her help in promoting local artists and in helping Las Cruces to be recognized as an Arts and Cultural  
30 Center.

31

32 Russ Warner, Member of the Public said Mr. Moore has done an excellent job and he has set the bar  
33 high for the next City Manager.

34

35 Ryan Dailey, Member of the Public said I agree with Russ Warner's comments and Terrence Moore  
36 was a great City Manager. I don't think anyone should read the blogs on the Sun News because they  
37 have nothing better to do than talk about his personal life.

38

39 Gary Gale, Member of the Public said I would like to thank the Commission and Council for their  
40 support of Dr. Beth and for renewing her contract for another year.

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

6

7 Mayor Miyagishima said Items 5, 7 and 8 need to be removed from the agenda for discussion.

8

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11 Councillor Connor Moved to approve the Agenda as Amended and Councillor Small Seconded the  
12 motion.

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

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21 **V. CITY COUNCIL MINUTES**

22

23 \*(1) Regular Meeting of June 7, 2010

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

28

29 \*(2) Resolution No. 10-304: A Resolution Amending the Title of Resolution 10-253 Reflecting  
30 the Acceptance of the "FY 2010 Project Safe Neighborhoods Grant Award" to the Corrected  
31 "FY 2009 Project Safe Neighborhoods Grant Award."

32

33 \*(3) Resolution No. 10-305: A Resolution Authorizing the Las Cruces Police Department to  
34 Apply and Accept a Grant From the New Mexico Department of Transportation in the  
35 Amount of \$9,870.00 for the "Click It or Ticket" Mobilization Project, to Ratify the City  
36 Manager's Signature on the Grant Agreement, and to Adjust the FY 2010 Budget.

37

38 \*(4) Resolution No. 10-306: A Resolution Authorizing the Las Cruces Police Department to  
39 Apply and Accept a Grant From the New Mexico Department of Transportation in the  
40 Amount of \$18,007.00 For the "100 Days and Nights of Summer" Program, to Ratify the  
41 City Manager's Signature on the Grant Agreement, and to Adjust the FY 2010 Budget.

42

- 1 \*(6) Resolution No. 10-308: A Resolution to Accept Grant Funding in the Amount of \$31,000.00  
2 From New Mexico Litter Control & Beautification Act, New Mexico Department of Tourism  
3 2010 and Ratify the City Manager's Prior Approval of Acceptance to Meet the Required  
4 Deadline.  
5
- 6 \*(9) Resolution No. 10-311: A Resolution Approving a Lease Agreement Between the City of  
7 Las Cruces and Paul D. Faulkner for the Exclusive Use of One Parking Stall in the City  
8 Parking Area Located at City Hall, 700 North Main Street, in Downtown Las Cruces.  
9
- 10 \*(10) Resolution No. 10-312: A Resolution Authorizing an Assignment of Lease for Parcel 19 at  
11 the Las Cruces International Airport From Stein Family Trust to Sundance Aviation, LLC.  
12 (Ken Cady, Operating Manager).  
13
- 14 \*(11) Resolution No. 09-10-541: A Resolution Awarding Price Agreements for the Senior  
15 Nutrition Program to Creamland Dairies LLC, of El Paso, TX; Shamrock Foods Company  
16 of Albuquerque, NM; Sysco New Mexico of Albuquerque, NM; and Zanios Labatt Food  
17 Service of Albuquerque, NM, for Fiscal Year 2010/2011 For a Budgeted Amount of  
18 \$207,757, for the Period July 1, 2010, Through December 31, 2010.  
19
- 20 \*(12) Resolution No. 09-10-554: A Resolution Approving an Indefinite Cost, Indefinite Quantity,  
21 One (1) Year Contract With Up to Three (3) Renewable Options for Landscape and Grounds  
22 Maintenance Price Agreement #09-10-554 Awarded to Wasser & Wasser Inc., of Las Cruces,  
23 New Mexico.  
24

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

- 29 \*(5) Resolution No. 10-307: A Resolution Authorizing the City of Las Cruces Police Department  
30 to Apply for the FY2010 Edward Byrne Memorial Justice Assistance Grant (JAG) in the  
31 Amount of \$64,074 to be Used For the Purchase of Equipment and Supplies. There is No  
32 Match Required.  
33

34 Councillor Connor Moved to Adopt Resolution No. 10-307 and Councillor Silva Seconded the  
35 motion.  
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39 Councillor Silva asked what type of equipment are we purchasing?  
40

41 Chief Williams said we are purchasing surveillance equipment.  
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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-307 and it was Unanimously APPROVED. 7-0

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\*(7) 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.

Councillor Connor Moved to Adopt Resolution No. 10-309 and Councillor Thomas Seconded the motion.

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Councillor Silva said this is to allow people that don't live inside the City to be on this Ad-Hoc Committee and I can't support this because this committee is to help historic preservation within our City.

Mayor Miyagishima said we have done this in the past and I think it would be helpful to have them serve on this committee because they are already involved with our local historic preservation.

Councillor Silva said if that's the case, then we need to go back and change our Municipal Code.

Mayor Miyagishima said I think it is in there.

Esther Martinez, City Clerk said there are two paragraphs that contradict each other within Resolution 10-208 which is why we are bringing this forward. The ordinance that makes our Code does state that anyone appointed to a Ad-Hoc Committee does not have to meet the requirement of living within the City limits but they do have to live within the County.

Councillor Connor said the prior resolution stated that only City residents would be appointed to this Ad-Hoc Committee so this resolution is amending that section to follow our Municipal Code which allows members of Ad-Hoc Committees to be City or County residents.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-309 and it was APPROVED. 6-1 Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva voted Nay.

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**\* (8) Resolution No. 10-310: A Resolution Approving the Purchase of Properties at 914 South Alamo, Las Cruces, New Mexico, for \$110,000.00 and 2559 Benz Drive, Las Cruces, New Mexico, for \$142,000.00, Under the City's Neighborhood Stabilization Program (NSP).**

Councillor Connor Moved to Adopt Resolution No. 10-310 and Councillor Sorg Seconded the motion.

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Councillor Silva asked where are we so far with this grant?  
David Dollahon, Neighborhood Services Administrator said we will be sending Council an update report by the end of the month. To-date, we have committed to the purchase of five houses which three of those are going to Tierra del Sol and the other two are going to La Casa. Today's resolution is for the purchase of two more houses and we are working on the purchase of one more house.

Councillor Silva said the Binns property is in the Elks area and I know there are certain criteria that must be met in order to use these funds for houses; does that property meet those requirements?  
David Dollahon said yes, it is vacant, within our priority area and it is for sale.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-310 and it was Unanimously APPROVED. 7-0

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**(13) Resolution No. 10-313: A Resolution to Adjust the Adopted Fiscal Year 2009/2010 Budget to Provide for Allocation of Operating and Capital Costs Due to End-of-Year Review of Revenues and Expenditures.**

Councillor Connor Moved to Adopt Resolution No. 10-313 and Councillor Sorg Seconded the motion.

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David Gebhart, Budget Director gave an overhead presentation and said this is a routine adjustment that is done every year for unanticipated costs that occurred after the budget was adopted. The

1 General Fund revenues will be increased by a little more than \$1 million and the expenditures will  
2 go up by \$102,000 so the ending balance will be enhanced by about \$936,000 with the end of year  
3 adjustment. The items that make up the revenue are the transfer of excess DOJ matches from past  
4 years, reimbursement for Utilities paving cuts and the closing of two internal services funds. The  
5 expenditures includes a distribution to unemployment insurance, Public Works paving cuts and the  
6 matching funds for the Airport's Runway 12-30 Project. There are 49 funds outside the General Fund  
7 that are being adjusted which 43 are being adjusted and 6 are being closed. We are asking for an  
8 amendment to include another unanticipated bill for our Unemployment Insurance of \$13,500 and  
9 to increase the budget for Senior Employment Programs by \$387.00.

10

11 Councillor Connor said you sent us a GRT report for June which is the reflection of April's GRT and  
12 that would make it the forth month that we've seen a decrease in our GRT. We are starting to see the  
13 downward trend that most cities saw months ago.

14

15 Dick Gebhart said that's correct.

16

17 Councillor Sorg asked why is our Unemployment Insurance going up?

18

19 Dick Gebhart said it is an echo of the recession and as City employees become unemployed and then  
20 employed by someone else and become unemployed again, we are still liable to pay them  
21 unemployment.

22

23 Mark Sutter, Finance Director said the two major factors for the increase were that we received a  
24 bump in our actuary for the trend over the past few years and then we had the additional bills that  
25 came in right at the end of the year which were higher than we anticipated.

26

27 Russ Warner, Member of the Public said these adjustment show what a great job the City Manager  
28 and staff are doing with our budget.

29

30

31

32 Councillor Connor Moved to Amend Resolution No. 10-313 to include a transfer out of our General  
33 Fund for our Unemployment Insurance of \$13,500 and to increase the expenditures for Senior  
34 Employment Programs by \$387.00 and Councillor Silva Seconded the motion.

35

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38 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-313 to include  
39 a transfer out of our General Fund for our Unemployment Insurance of \$13,500 and to increase the  
40 expenditures for Senior Employment Programs by \$387.00 and it was Unanimously APPROVED.

41 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-313 as Amended and it was Unanimously APPROVED. 7-0

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(14) Resolution No. 10-314: A Resolution Authorizing the Mayor of the City of Las Cruces, New Mexico, to Sign an Agreement with SER, Jobs for Progress, Inc., to Provide Administration and Placement of "At-Risk" Youths, in a City-Funded Summer Jobs Program With Funding Not to Exceed \$52,000.00.

Councillor Connor Moved to Adopt Resolution No. 10-314 and Councillor Sorg Seconded the motion.

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Councillor Connor Moved to Suspend the Rules and discuss Items 14 and 15 concurrently and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 14 and 15 concurrently and it was Unanimously APPROVED. 7-0

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Mark Johnston, Parks and Recreation Administrator gave an overhead presentation and said the reason for the two resolutions is that we have two different programs from two different departments. The programs objective is to work with at-risk young people who are students and it provides employment opportunities and real life experience throughout the City programs. We are budgeted for this in our FY10 budget and it will support youths ages 16 to 19 years old.

Robert Caldwell, Public Liaison Officer said the other part of this is an 8-week summer program which will cover this month of July and continue through June of next year. It covers youths ages 14 to 18 years old. There are 31 youths that are participating in this program and this is the 18<sup>th</sup> year for this program.

Councillor Pedroza asked is this funding used to cover the administration or the salaries for the young people?

Robert Caldwell said it is to cover both of them.

1 Councillor Pedroza asked where do we get the funding?

2

3 Robert Caldwell said the General Fund.

4

5 Councillor Silva asked why is there a difference in the expenditures and the budgeted amount for  
6 Item 15?

7

8 Mark Johnston said the budgeted amount has other items that are also involved, not just the SER  
9 program so the leftover balance is part of our Managed Reduction Plan for this fiscal year and next  
10 year, that amount will be part of our General Fund operations and our Managed Savings Plan.

11

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13

14 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-314 and it was  
15 Unanimously APPROVED. 7-0

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19 (15) Resolution No. 09-10-604: A Resolution to Approve an Agreement Between the City of Las  
20 Cruces and SER (Service, Employment, and Redevelopment) De New Mexico, Jobs for  
21 Progress, Inc., to Continue Placement Services, Counseling of Youth, and Administration  
22 of the "At-Risk" Employment Program for High School Youth in the Parks and Recreation  
23 Section With Total Reimbursement to SER for the Program Not to Exceed \$42,876.

24

25 Councillor Connor Moved to Adopt Resolution No. 09-10-604 and Councillor Sorg Seconded the  
26 motion.

27

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29

30 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-604 and it was  
31 Unanimously APPROVED. 7-0

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34

35 (16) Resolution No. 10-315: A Resolution Approving a New Five-Year Lease for the Operations  
36 and Management of the Community of Hope Campus at 999 West Amador Avenue. The  
37 Agreement Is Between the City of Las Cruces and the Mesilla Valley Community of Hope,  
38 Inc.

39

40 Councillor Small Moved to Adopt Resolution No. 10-315 and Councillor Sorg Seconded the motion.

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2 David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said we  
3 own the property at 999 W. Amador which is known as the Community of Hope Campus; this would  
4 be a five year lease with the ability for amendments and/or extensions and it would be effective on  
5 July 1, 2010. This lease clarifies the clients that can be served, requires subleases, requires a single  
6 point-of-contact for the Community of Hope and the City, requires bi-monthly meetings, the agency  
7 is responsible for the utilities and there is a 90-day termination provision available.

8

9 Councillor Thomas asked what is the major difference between this lease and our previous one?

10

11 David Dollahon said this clarifies the subleases, insurance and the responsibilities of both parties.

12

13 Councillor Silva said regarding the bi-monthly meetings, would it be beneficial for Council to  
14 receive quarterly or bi-annual reports?

15

16 David Dollahon said I would be concerned with making the reporting a requirement of the lease.  
17 We included that the City may ask for annual reports but the agency's main focus is on their client  
18 services and it takes time away from their services to do these reports. Staff can try to do status  
19 reports on a quarterly or bi-annual basis for Council.

20

21 Councillor Silva said I would be okay with that or even having something included in the City  
22 Manager's Quarterly Reports.

23

24

25

26 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-315 and it was  
27 Unanimously APPROVED. 7-0

28

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30

31 (17) Resolution No. 10-316: A Resolution Approving a Memorandum of Understanding With  
32 the New Mexico Department of Transportation (NMDOT) in the Amount of \$31,000.00 to  
33 Fund Fiscal Year 2011 Operations of the Rideshare Program and Amending the Budget to  
34 Reflect the Agreement.

35

36 Councillor Connor Moved to Adopt Resolution No. 10-316 and Councillor Silva Seconded the  
37 motion.

38

39

40

41 Christine Logan, Economic Development Administrator gave an overhead presentation and said the  
42 resolution is to approve a Memorandum of Understanding with the New Mexico Department of

1 Transportation for the operations of the Rideshare Program. The Rideshare Program is designed to  
2 conserve resources, reduce pollution, reduce traffic congestion and to encourage individuals to car-  
3 pool.

4

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6

7 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-316 and it was  
8 Unanimously APPROVED. 7-0

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11

12 (18) Resolution No. 10-317: A Resolution to Accept the Updated Contract Award from New  
13 Mexico Department of Transportation Improvement Program (STIP) for the Novation of  
14 Cooperative Project Agreement for the Main Street Reconstruction Project in the Amount  
15 of \$1,176,000.00. There Is No City Match Requirement.

16

17 Councillor Small Moved to Adopt Resolution No. 10-317 and Councillor Sorg Seconded the motion.

18

19

20

21 Mike Johnson, Public Works Director gave an overhead presentation and said this is to approve a  
22 grant for our Downtown Project. There are three phases of this project, we have completed the  
23 middle portion and we are planning on starting the North Phase next week. This funding would go  
24 toward the South-end of this project and we will begin that project once the North-end is completed.

25

26

27

28 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-317 and it was  
29 Unanimously APPROVED. 7-0

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33 (19) Resolution No. 10-318: A Resolution Authorizing Change Order Number One to Obtain  
34 Council Approval to Add 43 Working Days to the Contract Time and Increase the Contract  
35 Amount by \$102,875.90 for the Telshor Blvd/Lohman Ave Intersection Improvements,  
36 Project Number 08-09-610, NMDOT Project Number St-4532(200)01, CN:G2S7512.

37

38 Councillor Connor Moved to Adopt Resolution No. 10-318 and Councillor Silva Seconded the  
39 motion.

40

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42

1 Mike Johnson, Public Works Director gave an overhead presentation and said this is a change order  
2 for the Telshor/Lohman Project and it is to add 43 working days and increasing the amount of the  
3 contract to \$102,875.90. The New Mexico Department of Transportation is responsible for 65% and  
4 the City is responsible for the remaining 35% of this project. The 43 days are requested due to 4  
5 weather days, 25 days for additional roadway and utilities work and 14 days for delays due to the  
6 supplier.

7

8 Councillor Silva said it stated that the cost increase is due to problems with the design; should the  
9 designer be responsible for it?

10

11 Mike Johnson said it was designed by Bohannon-Huston and it was reviewed by our staff and I think  
12 this was in the northern edge of the project which may have been backing up to our project limit but  
13 we can look into the prospective.

14

15 David Maestas, Contracts Administrator said this actually wasn't a design error. The contract called  
16 for the asphalt to be put back in the same place but as the construction was taking place, staff  
17 discovered that for an extra cost, we could get the ponding to remove additional water which would  
18 be very valuable to the public. This was brought forward to the City Manager for his approval.

19

20 Councillor Thomas said the contract is being increased and there is an increase in working days; is  
21 there an additional cost to add the additional working days?

22

23 Mike Johnson said no, it goes together.

24

25 Councillor Thomas said I received a complaint that by removing the second lane of traffic, it has  
26 made it unsafe for vehicles to pass bicyclist. I know Andy Hume looked into the situation and was  
27 going to make some recommendations; are those suggestions being addressed in this change order?

28

29 Mike Johnson said no, but we are still looking into that situation.

30

31 Councillor Thomas said I was told that it just needs to be re-striped and that needs to be on our list  
32 of upcoming projects.

33

34 Mike Johnson said we can do that.

35

36

37

38 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-318 and it was  
39 Unanimously APPROVED. 7-0

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1 (20) Resolution No. 10-319: A Resolution Authorizing Change Order Number One to the  
2 Waterfalls Regional Pond Contract, Project No. 08-09-445, for Storm Drain Work at the  
3 North Fork Arroyo in the Amount of \$124,416.00 and Storm Drain Work at the Chandler  
4 Tank Pond in the Amount of \$82,972.00 for a Total of \$207,388.00 Plus Applicable Gross  
5 Receipts Tax of \$15,424.48 and to Authorize the Addition of 55 Working Days to Burn  
6 Construction Company.

7  
8 Councillor Connor Moved to Adopt Resolution No. 10-319 and Councillor Sorg Seconded the  
9 motion.

10

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12

13 Mike Johnson, Public Works Director gave an overhead presentation and said this is a change order  
14 to add two additional projects to the Waterfalls Regional Pond contract. The projects that need to  
15 be done are storm drain work at the Chandler Tank Pond and storm drain work at the North Fork  
16 Arroyo. Both of these projects are time sensitive because we are nearing our rainy season and the  
17 contractor is ready to begin both of these projects.

18

19 Councillor Sorg asked will vegetation be allowed to grow in the rock areas?

20

21 Mike Johnson said we like to keep these areas as clear as possible.

22

23 Councillor Sorg asked will this work be compatible with the park area of Chandler Tank?

24

25 Mike Johnson said yes.

26

27 Councillor Sorg asked is the Sandhills modifications by Las Colinas included in this?

28

29 Mike Johnson said yes, but there is going to be several other things that will be coming forward  
30 regarding the Sandhills modifications.

31

32 Councillor Silva asked are we just bailing out Phillippou on his commitments?

33

34 Robert Garza, Assistant City Manager said part of the work is related to Mr. Phillippou's  
35 subdivisions; however, part of the settlement that we have with Mr. Phillippou was that we would  
36 be collecting funds from other sources. We have filed liens and done second mortgages on some of  
37 the properties so we will be paid for some of the work. The settlement did bail him out but it  
38 included guarantees that there will be payment.

39

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41

42 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-319 and it was

1 Unanimously APPROVED. 7-0

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5 (21) Resolution No. 09-10-467A: A Resolution Approving the Award of a Contract for Design  
6 Through Bidding Phase Services for an Air Traffic Control Tower at the Las Cruces  
7 International Airport to Delta Airport Consultants, Inc. Of Albuquerque, New Mexico in the  
8 Amount of \$677,561 Plus New Mexico Gross Receipts Tax in the Amount of \$45,000 for  
9 a Total of \$722,561.

10

11 Councillor Small Moved to Adopt Resolution No. 09-10-467A and Councillor Sorg Seconded the  
12 motion.

13

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15

16 Lisa Murphy, Airport Manager gave an overhead presentation and said this is to award the contract  
17 for designing the Air Traffic Control Tower to Delta Airport Consultants, Inc. The funds for this  
18 project have already been disbursed to the City from the FAA and there was no requirement for  
19 matching funds.

20

21 Councillor Sorg asked isn't the design of Control Towers standard; why is it costing so much?

22

23 Lisa Murphy said it is a very specialized building and there are unique features for each tower.

24

25 Councillor Silva said the cost for the design is less than the amount that was appropriated for it; what  
26 are you going to do with the balance?

27

28 Lisa Murphy said the funds must be used for the tower so it will probably go toward the construction  
29 cost.

30

31 Councillor Small asked can you explain the independent cost verification?

32

33 Lisa Murphy said the Federal Government wants to make sure their funds are being spent  
34 appropriately so the City is required to do an independent fee estimate package and then they give  
35 it to an independent firm to determine the estimated amount.

36

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39 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-467A and it  
40 was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(22) Resolution No. 09-10-496: A Resolution Awarding the Bid for the Rinconada/Northrise Traffic Signal Project to R.T. Electric, Inc. of Las Cruces, New Mexico in the Amount of \$182,840.40 Plus \$13,598.75 for New Mexico Gross Receipts Tax. The City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$9,142.02 for a Total Project Authorization in the Amount of \$205,581.17; and to Amend the Fiscal Year 2009/2010 Budget.

Councillor Connor Moved to Adopt Resolution No. 09-10-496 and Councillor Silva Seconded the motion.

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Mike Johnson, Public Works Director gave an overhead presentation and said this is to award R.T. Electric the bid to install a traffic signal at the intersection of Rinconada and Northrise which is adjacent to the proposed site of the new Walmart. The funding for this project is coming from NMFA bonds which will be repaid by the Alameda Group through a lien on their property.

Councillor Connor said since we are using this type of funding, the light doesn't have to meet warrants.

Mike Johnson said we still have to meet warrants and we believe it will meet the warrants once this area is developed. It doesn't currently meet the requirements but due to the funding source and the fact that it was already included in this project, allows us to install it prior to meeting the warrants.

Councillor Silva said I'm glad you include all the costs for this because I've had some people ask me why this simple light cost so much so they can look at this and see the costs associated with it.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-496 and it was Unanimously APPROVED. 7-0

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### VIII. BOARD APPOINTMENTS

Mayor Miyagishima re-appointed John Villescas and Lisa J. Beck to the ETZ Commission.

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1 Councillor Connor Moved to Approve the Mayor's Board Re-Appointment of John Villescascas and  
2 Lisa J. Beck to the ETZ Commission and Councillor Silva Seconded the motion.

3

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5

6 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Re-  
7 Appointments of John Villescascas and Lisa J. Beck to the ETZ Commission and it was Unanimously  
8 APPROVED. 7-0

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

13

14 (23) Council Bill No. 10-049: Ordinance No. 2578: An Ordinance Authorizing the Execution and  
15 Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Las  
16 Cruces (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a  
17 Special, Limited Obligation of the City to Pay a Principal Amount of \$938,875, with Interest  
18 Thereon, for the Purpose of Purchasing Two Fire Pumpers for Use by the Governmental Unit  
19 and Paying a Loan Processing Fee; Providing for the Payment of the Principal and Interest  
20 Due under the Loan Agreement Solely from the Distributions of Fire Protection Fund  
21 Revenues Distributed by the State Treasurer to the Governmental Unit Pursuant to Section  
22 59A-53-7 NMSA 1978; Providing for the Contingent Distribution of Fire Protection Fund  
23 Revenues to Be Redirected by the State Treasurer to the New Mexico Finance Authority or  
24 its Assigns for the Payment of Principal and Interest Due on the Loan Agreement Pursuant  
25 to an Intercept Agreement; Setting the Maximum Rate of the Loan; Approving the Form and  
26 Terms of the Loan Agreement and Intercept Agreement; Ratifying Actions Heretofore Taken;  
27 Repealing All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other  
28 Actions in Connection with the Execution and Delivery of the Loan Agreement and Intercept  
29 Agreement.

30

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

32

33

34

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

36

37 1. Strategic Plan - *(Implementation documents being prepared, finalizing plan for council*  
38 *review and consideration.)*

39 2. Las Cruces Convention Center - *(Building exterior and interior construction continues.*  
40 *Site work limited to primarily utility connections. The project remains on schedule with*  
41 *completion expected by Fall 2010.)*

- 1 3. **Downtown Main Street Construction** - (Construction of Main Street Plaza - Phase II  
2 North was awarded by Council to Jaynes Corporation on May 3, 2010. Contract  
3 Execution is underway. Meeting held with Business owners on June 3rd with Start-Up  
4 Meeting for the public held June 9th. Construction estimated to begin June 20, 2010.)
- 5 4. **Impact Fees** - (The project is on-going and is in Phase II - Development of the Impact  
6 Fee Capital Improvements Plan (IFCIP). The Consultant is making the necessary  
7 revisions to the Land Use Assumptions and Impact Fee Capital Improvements Plan. It is  
8 anticipated that a draft of each document may be available for staff review in early  
9 August.)
- 10 5. **Vision 2040** - (The Vision 2040 Advisory Committee has resumed with more stakeholder  
11 involvement and a clearer defined structure than before. They have begun the process of  
12 reviewing in sections a working draft of the Vision 2040 Regional Plan. This process is  
13 estimated to take until late Fall 2010. Regular updates will be given to the elected and  
14 appointed bodies. Meeting dates, draft documents, and related information on Vision  
15 2040 are available online at <http://vision2040.las-cruces.org>.)
- 16 6. **Regional Recreational & Aquatic Center** - (Building and pool construction continues  
17 with completion expected by the end of June or first part of July 2010. Site work consists  
18 of parking lot improvements and utility connections at this time.)
- 19 7. **Las Cruces Intermodal Facility** - (Staff continues to negotiate a contract with the top  
20 ranked consultant by the Selection Advisory Committee and expects City Council award  
21 the second meeting in May or first meeting in June.)
- 22 8. **Bicycle Facilities Planning** - (May is National Bicycling Month. The Education and  
23 Encouragement Work Group of the Bicycle Friendly Community Task Force (BFC) is  
24 working on several ideas for events in May. The proposals include a series of  
25 neighborhood bicycle rides, a series of articles promoting bicycling in Las Cruces, Bike  
26 to Work Day on May 21<sup>st</sup>, the Ride of Silence on May 19<sup>th</sup>, and a proclamation declaring  
27 May as National Bicycle Month.)
- 28 9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - (This project,  
29 known on our application to the EPA as Making Redevelopment Work for the Neighbors:  
30 The El Paseo Project, will now have an identity suitable for its purpose: to engage people  
31 in planning their community. Welcome: Picturing El Paseo—Share Your Vision for the  
32 Corridor. A 'soft' campaign has begun with the intention to blanket the area along and  
33 within walking distance of El Paseo Road between Downtown and the University District  
34 to promote events like Photo Tours/Assessments, Walk & Safety Audits, the Green  
35 Infrastructure Conference on August 26, the 3-day Road Safety Audit September 30  
36 through October 2 and a Visioning Charrette in November. The EPA staff team and  
37 partners from Federal Highway Administration (FHWA) and Housing and Urban  
38 Development (HUD) are working together with City staff from multiple departments,  
39 policy makers, residents and businesses. Staff is continuously reaching out to a diverse  
40 set of public and stakeholders in the El Paseo area, and is available to discuss this  
41 project with any interested parties or individuals. Regular conference calls occur on  
42 Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)

- 1 10. **New City Web Site** – *(The new web site is scheduled to go live in the July-August*  
 2 *timeframe. Content from the current web site is being migrated to the new site. Some*  
 3 *significant re-work of content is required to provide a unified design and user interface*  
 4 *functionality, and to upgrade existing content to ADA and Section 508 standards.*  
 5 *Departmental stakeholders (who will be responsible for authoring content) have been*  
 6 *involved in a number of meetings to provide inputs on the new web site as well. The new*  
 7 *site will support greater citizen engagement by providing citizens the ability to receive*  
 8 *information via RSS feeds, newsletters, and alerts, as well as providing new content and*  
 9 *capabilities. The next phase in the project will involve training departmental authors in*  
 10 *the use of the content management system editor, authoring methods, and pertinent*  
 11 *standards, guidelines, and laws.)*
- 12 11. **Downtown Revitalization Activities** - *(Construction on La Placita has started and is*  
 13 *expected to take 9 months. City staff is in the process of forming a Downtown*  
 14 *Revitalization Plan Ad Hoc Committee.)*
- 15 12. **Grants/ARRA Status** - (Matrix.)

16  
 17 Councillor Thomas said we received the Strategic Plan reports and I think we should say a few words  
 18 about it.

19  
 20 Terrence Moore, City Manager said it already went out in the Community Connection and you  
 21 received the glossy document of it. The City Manager's office can provide any additional copies if  
 22 you need one. Much of this is based on the strategic planning exercises that took place in 2009 and  
 23 2010 and it includes a summary of the strategic plan themes, principals and the overall direction for  
 24 the community for the next couple of years.

25  
 26 Councillor Thomas said the EPA smart growth for El Paseo is number nine and we recently set up  
 27 one more date which is November 18-20 for the Visioning Charrette so I'm hoping Council will keep  
 28 these dates open.

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32 **XI. GENERAL DISCUSSION**

33  
 34 1. **MAYOR**

35  
 36 Mayor Miyagishima said I wanted to know if the new Police Chief would like to accompany me in  
 37 having a City Meeting as an introduction to the community.

38  
 39 Chief Williams said I would like that; I have already received a few emails from various  
 40 Neighborhood Associations and other organizations requesting to have a meeting with them so I  
 41 think this would be very appropriate.

42

1 Mayor Miyagishima said we can try to schedule it sometime in July during the evening hours.

2

3 Chief Williams said that would be fine.

4

5 Councillor Connor said I have already scheduled my District Meeting for July 10<sup>th</sup> to introduce the  
6 new Fire Chief and the new Police Chief.

7

8

9           2.       **CITY COUNCIL**

10

11 Councillor Thomas said I am in the process of scheduling my District Meeting for the Strategic Plan  
12 updates and I know there is an online management system that goes along with it so I wanted to  
13 know if Robert Garza would be available to attend the meeting and speak about it?

14

15 Robert Garza, Assistant City Manager said absolutely. We are going to put it on our web page so I  
16 will also be able to tell them how to access it.

17

18 Councillor Thomas said I want to thank Mr. Moore for including information on where mailboxes  
19 are placed in subdivisions, in his information letter.

20

21 Another issue we have in District 6 is foreclosed homes that people have abandoned and some of  
22 them have swimming pools full of water which is causing problems with mosquitos. The local banks  
23 are very good about cleaning things up on their homes but we are having difficulties with the bigger  
24 banks that don't have any local offices. Our Codes Department has gone out and sprayed to help with  
25 the mosquito issues so I want to inform anyone who has this problem to contact them.

26

27 Councillor Sorg said some time ago, I had a meeting with staff regarding our Dust Ordinance  
28 enforcement and I have received a suggestion to have a demonstration on dust control methods so  
29 I want to ask the City Manager to schedule this demonstration. I know that NMSU is willing to work  
30 with us on this and I think this would be a great benefit to the public.

31

32 Terrence Moore, City Manager said our staff is working with NMSU to coordinate it and we  
33 anticipate on having some details by the end of next week or so.

34

35 Councillor Small said this past Sunday, we met at the Railroad Museum with some neighborhood  
36 organizations and the head of the Watch Group and other representatives of other neighborhood  
37 groups were able to have a Meet and Greet event with Congressman Teague.

38

39 District 4 hasn't had too many problems with Mosquitos this year but the problems will increase  
40 once our rainy season is here.

41

42 Congratulations are in order for receiving a Silver LEED Certification for the new City Hall.

1 I spoke with some of the residents of the area that is being affected by the El Molino Project and they  
2 are pleased with the things that are getting done there. I also want to thank staff for completing the  
3 work on McClure.

4

5 Councillor Pedroza said I want to let Mr. Moore know that we are going to miss him.

6

7 I was glad that District 3 had the opportunity to have a meeting with the new Chief and now, we are  
8 focusing on forming groups and getting to know the Police Officers so we can keep our  
9 communication open.

10

11 The University has begun to move forward with several issues and work with the City in addressing  
12 them together which is a very good thing.

13

14 I want to mention that we are going to have more District Meetings but it is taking a little to get them  
15 organized and we are going to be working with the schools regarding education.

16

17 Councillor Connor asked is there more than one applicant for the Capital Improvements Advisory  
18 Committee?

19

20 Esther Martinez, City Clerk said as of Friday, I have only received one application. I will be  
21 submitting the memo and the application by the end of this week.

22

23 Councillor Connor said I would like to have an update on the Sister Cities.

24

25 Lori Grumet, Public Services Director said the MOU between the Sister Cities and the City of Las  
26 Cruces is scheduled to be presented to Council at the first meeting in July. The organization is doing  
27 very well with their new leadership and they are preparing to participate in the International  
28 Convention.

29

30 Councillor Connor asked are they meeting regularly and have they been meeting all the audit  
31 requirements

32

33 Lori Grumet said yes.

34

35 Councillor Connor asked are they increasing their membership and are they all paying members?

36

37 Lori Grumet said membership is a little slow but all the members are paying members in good  
38 standing.

39

40 Councillor Connor asked can you bring all that information with you when you present the MOU  
41 to Council?

42

1 Lori Grumet said yes.

2

3 Councillor Silva said I also want to congratulate staff on obtaining the Silver LEED Certification.

4 Do we have any plans to have an Energy Audit on the new City Hall?

5

6 Terrence Moore, City Manager said that will be an activity to be done by Tom Schuster and the

7 Facilities Department which will be part of the operation and presentations in the coming months

8 to Council.

9

10 Councillor Silva said on the front page of yesterday's El Paso Times, there was a photo of children

11 doing a Charrette on what they were going to do with the ASARCO site which I thought was very

12 good. Santa Fe involved kids when they put together their Sustainability Plan and at some point, I

13 hope we can incorporate a document that involves input from the kids within our community.

14

15 A resident asked me if we could change television cameras to be able to fit on wide-screen TVs.

16

17 This morning, Bruce Bleakman gave us a report and he informed me that they do provide audit

18 services on special projects and I plan on speaking further with him regarding that issue to see how

19 it could fit with our current auditor services.

20

21 I would like to schedule another tour of the Convention Center and Aquatic Center because I wasn't

22 able to attend the one last week.

23

24 I have spoken with many residents in my district and had meetings regarding the Strategic Plan to

25 keep them informed and involved with it.

26

27 I would like to congratulate Auguie Henry for becoming our full-time Grant Coordinator.

28

29 We are going to have a Groundbreaking Ceremony for the Downtown, this Thursday at 10:00 a.m.

30

31

32 3. CITY MANAGER

33 A. Other Items - Information Only

34

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37 None given.

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41 Meeting Adjourned at 4:47 p.m.