City Council
of the
City of Las Cruces

Regular Meeting

June 28, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Dolores Connor, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6

STAFF:

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

I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

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

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.

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.

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

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

V. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(1) 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).

Councillor Small Moved to Adopt Council Bill No. 10-048; Ordinance No. 2577 and Councillor Connor Seconded the motion.

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said there was a zone change done in January for the property owners at that time, to change it to commercial zoning but because the property wasn't developed, it reverted back to the original zoning. The current property owners are requesting to have the zoning changed to R3 to allow for the use of an Apartment Complex which is compatible with the surrounding property zonings.

Councillor Small said it is important that we try to mitigate extra effects from additional traffic. What are the plans for a curb cut?

Cheryl Rodriguez said they could do a curb cut on Idaho but the City's Traffic Engineer has requested that there not be direct access to Idaho; so, they could have both of their access points from Esperanza. If Council approves the zone change, staff would either limit the proximately of the curb cut to the intersection or seek that it be put down further from the intersection but that could be mitigated during the plan review.

Councillor Silva asked how did the alleyway next to this property become vacated?

Robert Garza, Assistant City Manager said the property next to it belongs to Mr. Guzman and sometime in the early 90's, the City had that alleyway vacated in exchange for a drainage easement that was acquired from the south end of both of those properties to capture water coming down Idaho, going through Esperanza and then westward.

Patricia Brien, Member of the Public said I own property in this area and we have a letter that addresses some of our concerns which was signed by four other homeowners. We are concerned with the decline of our neighborhood due in part to so many apartment complexes. The construction of another apartment complex will bring more noise, traffic, drugs and gang activity to this area. We already have issues with not having enough space for parking and this apartment complex will increase those issues.

Thelma Whalen, Member of the Public said we have concerns with the increase of traffic and parking needs that this apartment complex will bring to this area. The town homes on Esperanza only have a tiny space for parking and it is very difficult for them to see the street when they are backing out of their driveways.

David Emery, Member of the Public said my main concern is with the increase of gangs and drug dealers in the apartments in this area.

Councillor Small said there won't be anymore than 13 units in this apartment complex; correct?

Cheryl Rodriguez said the R3 zoning states that there can't be anymore than 20 dwelling units per acre so they would only be able to put a maximum of 13 units on that property.

Councillor Small said can additional parking be added?

Cheryl Rodriguez said they meet the requirements and they'll have 1.5 to 2 parking spaces per unit.

Rodger Mason, Property Owner Representative said these are going to be two story apartment buildings and there are only going to be 13 units which will give us more space for parking.

Councillor Small said we do have Neighborhood Watch Programs available and I would like for the

Chief to look into the situations that were mentioned regarding this area.

Chief Williams said we would be happy to work with them.

Rodger Mason said we are going to screen our clients and do a background and credit check before we rent to them.

Councillor Thomas said we are working hard to implement stronger neighborhood programs and community watches which is the best way to take control of a neighborhood. I don't see a play or picnic area in this plan and I think that should be included in it.

Rodger Mason said we are planning on clearing off a little section in the corner of the property for a gathering area.

Councillor Pedroza asked are you planning on including a nice landscape for the property?

Rodger Mason said we are going to meet the City's landscaping requirements for this property.

Councillor Sorg asked does this plan include sidewalks and bike lanes?

Cheryl Rodriguez said they will be required to install sidewalks if any of the sidewalks are missing but they are not required to install any bike lanes.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-048; Ordinance No. 2577 and it was Unanimously APPROVED. 7-0

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(2) Council Bill No. 10-049: Ordinance No. 2578: An Ordinance Authorizing the Execution and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Las Cruces (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a Special, Limited Obligation of the City to Pay a Principal Amount of $938,875, with Interest Thereon, for the Purpose of Purchasing Two Fire Pumpers for Use by the Governmental Unit and Paying a Loan Processing Fee; Providing for the Payment of the Principal and Interest Due under the Loan Agreement Solely from the Distributions of Fire Protection Fund Revenues Distributed by the State Treasurer to the Governmental Unit Pursuant to Section 59A-53-7 NMSA 1978; Providing for the Contingent Distribution of Fire Protection Fund Revenues to Be Redirected by the State Treasurer to the New Mexico Finance Authority or its Assigns for the Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept Agreement; Setting the Maximum Rate of the Loan; Approving the Form and

Terms of the Loan Agreement and Intercept Agreement; 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 Loan Agreement and Intercept Agreement.

Councillor Connor Moved to Adopt Council Bill No. 10-049; Ordinance No. 2578 and Councillor Thomas Seconded the motion.

Chief Travis Brown gave an overhead presentation and said in 2001, we lease purchased six fire apparatuses and because they had not been replaced on a regular basis, it created the need for the replacement of almost our entire fleet but the City didn't have the funds to finance that purchase so we did a lease and once the leasing period was finished, we financed the remaining balance through MFA. The purpose of this is to replace two of our fire engines which have over 140,000 miles.

Councillor Connor said we do need to amend this resolution to replace some of the documentation.

Pat Degman, Comptroller gave an overhead presentation and said the documents that have been forwarded to you only have a few minor changes from the documents that were presented to you at the first reading. One of the changes is the interest rate has been finalized at 2.902% and the final debt service schedule has been included in the documentation. The first interest payment is due December 1, 2010 rather than June 1, 2011 and there is a prepayment allowed after 10 years, not after 1 year as it was listed in the draft loan agreement. The closing of this is scheduled for July 30, 2010.

Councillor Thomas said it is my understanding that this isn't an additional capital outlay because there is already dedicated funding for it.

Chief Travis Brown said that is correct; the funding comes from the Vehicle Acquisition Fund.

Pat Degman said there would be an increase to the budget and it is included in the FY11 budget but it won't be a recurring expense. The revenue does come from the Fire Protection Fund.

Councillor Connor Moved to Amend Council Bill No. 10-049; Ordinance No. 2578 to include the substituted documents and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-049; Ordinance No. 2578 to include the substituted documents and it was APPROVED. 6-0 Councillor Small was absent.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-049; Ordinance No. 2578 as Amended and it was APPROVED. 6-0 Councillor Small was Absent.

VI. BOARD APPOINTMENTS

Mayor Miyagishima appointed Jeffrey Mann to the Capital Improvements Advisory Committee.

Councillor Connor Moved to Approve the Mayor's Board Appointment of Jeffrey Mann to the Capital Improvements Advisory Committee and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to to Approve the Mayor's Board Appointment of Jeffrey Mann to the Capital Improvements Advisory Committee and it was Unanimously APPROVED. 7-0

Mayor Miyagishima appointed David Chavez, Emily Coss, Melinda Whitley, Billy Garrett, Greg Gendell, Isaac Chavez, Bill Mattiace, Gilbert Apodaca, Timothy Gay, Kevin McGinley, Dr. Beth O'Leary, Councillor Silva as a non-voting member and Councillor Small as a non-voting member to the Historic Preservation Ad-Hoc Committee

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Councillor Connor Moved to Approve the Mayor's Board Appointment of David Chavez, Emily Coss, Melinda Whitley, Billy Garrett, Greg Gendell, Isaac Chavez, Bill Mattiace, Gilbert Apodaca, Timothy Gay, Kevin McGinley, Dr. Beth O'Leary, Councillor Silva as a non-voting member and Councillor Small as a non-voting member to the Historic Preservation Ad-Hoc Committee and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to to Approve the Mayor's Board Appointment of David Chavez, Emily Coss, Melinda Whitley, Billy Garrett, Greg Gendale, Isaac Chavez, Bill Mattiace, Gilbert Apodaca, Timothy Gay, Kevin McKinley, Dr. Beth O'Reilly, Councillor Silva as a non-voting member and Councillor Small as a non-voting member to the Historic Preservation Ad-Hoc Committee and it was Unanimously APPROVED. 7-0

Councillor Silva appointed Heather Barrett to the Historic Preservation Ad Hoc Committee; Councillor Connor appointed Greg Smith to the Historic Preservation Ad Hoc Committee; Councillor Small appointed Barbara Kuhns to the Historic Preservation Ad Hoc Committee; Councillor Sorg appointed Dr. Marcia Weisiger to the Historic Preservation Ad Hoc Committee; and Councillor Thomas appointed Ed Kosciolek to the Historic Preservation Ad Hoc Committee.

VII. REVIEW OF PROPOSED ORDINANCE(S)

(3) Council Bill No. 10-050; Ordinance No. 2579: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 0.848 +/- Acres Located at 3041 N. Main Street. The Purpose of the Zone Change is to Give the Subject Property the Same Zoning Designation as the Adjacent Property to Allow the Replatting of the Two (2) Existing Parcels Into One (1) New Parcel. The Replat Would Allow the Construction of a New 14,700 Square Foot Pharmacy on the Newly Replatted Property. Submitted by Scott Steffen, Bohannan Huston, Inc. On Behalf of S & I Enterprises, LLC, Property Owner (Z2813).

Mayor Miyagishima and Council agreed to bring this item back.

(4) Council Bill No. 10-051; Ordinance No. 2580: An Ordinance Approving a Zone Change from M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development) to PUD (Planned Unit Development) Including a Request for Approval of a Concept Plan for a PUD Known as Villa Amador. The Subject Properties Are Located South of Amador Avenue, West of Valley Drive, and Northeast of Burn Lake and Are Currently Zoned M-1/M-2 (Industrial Standard) and PUD (Planned Unit Development). The Proposed PUD Encompasses 54.383 +/- Acres and Entails Three (3) Planning Parcels: Parcel 1 Encompasses 7.311 +/- Acres and Proposes Industrial Redevelopment; Parcel 2 Encompasses 18.263 +/- Acres and Proposes Industrial Uses; and Parcel 3 Encompasses 28.808 +/- and Proposes a Mobile Home Park. Submitted by Scanlon White, Inc. for IFL, LLC, Property Owner.

Mayor Miyagishima and Council agreed to bring this item back.

VIII. 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** - *(Construction of Main Street Plaza - Phase II North was awarded by Council to Jaynes Corporation on May 3, 2010. Contract Execution is underway. Meeting held with Business owners on June 3rd with Start-Up Meeting for the public held June 9th. Construction estimated to begin June 20, 2010.)*
4. **Impact Fees** –*(The project is on-going and is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). The Consultant is making the necessary revisions to the Land Use Assumptions and Impact Fee Capital Improvements Plan. It is anticipated that a draft of each document may be available for staff review in early August.)*
5. **Vision 2040** – *(The Vision 2040 Advisory Committee has resumed with more stakeholder involvement and a clearer defined structure than before. They have begun the process of reviewing in sections a working draft of the Vision 2040 Regional Plan. This process is estimated to take until late Fall 2010. Regular updates will be given to the elected and appointed bodies. Meeting dates, draft documents, and related information on Vision 2040 are available online at* http://vision2040.las-cruces.org.*)*
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 Facilit1ies 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)** - *(This project, known on our application to the EPA as Making Redevelopment Work for the Neighbors: The El Paseo Project, will now have an identity suitable for its purpose: to engage people in planning their community. Welcome: Picturing El Paseo—Share Your Vision for the Corridor. A 'soft' campaign has begun with the intention to blanket the area along and within walking distance of El Paseo Road between Downtown and the University District*

to promote events like Photo Tours/Assessments, Walk & Safety Audits, the Green Infrastructure Conference on August 26, the 3-day Road Safety Audit September 30 through October 2 and a Visioning Charrette in November. The EPA staff team and partners from Federal Highway Administration (FHA) and Housing and Urban Development (HUD) are working together with City staff from multiple departments, policy makers, residents and businesses. 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 1:30-2:30 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.)

IX. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 11:37 a.m. on June 28, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor (left at 12:04 p.m.), Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, City Manager Terrence Moore, Assistant City Manager Robert Garza, CLC Attorney David Lutz, Interim City Attorney Harry (Pete) Connelly, HR Director Andre Moquin, Police Chief Williams and Deputy Police Chief Bradley. The meeting adjourned at 12:38 p.m. and only the limited items that were stated in the posted notice were discussed which was the threatening or pending litigation in Octavio D. Villa, Plaintiff vs. Martin Martinez, Greg Martinez, Dean Thatcher, Gregory Garcia, Joaquin Legarreta, individually and in their official capacity as members of the Las Cruces Police Department, Defendants, United States District Court, District of New Mexico Case No. 08cv476.

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2. **CITY COUNCIL**

Councillor Thomas said the Sonoma Ranch Boulevard link is almost completed. I drove through the Madrid Extension and I think it will help keep traffic out of the neighborhood.

There were some people who had some water issues on Friday afternoon and I want to thank Robert for speaking with them and Mike and his staff for helping out with the problem.

Councillor Sorg said regarding Ordinance 2579; I would ask that when it is presented to us that the traffic issue is addressed.

Councillor Small said I would like to get an update on the Valley Drive reconstruction effort because we are having a Neighborhood Meeting on Thursday and I would like to be able to give them an update.

There was a large number of people who attended the Hispano Chamber Banquet this past Friday and it was a great event.

Burn Lake has always been used as a recreational spot but there is no handicap access down to the lake so I would like to get together with Brian Denmark to discuss ways to facilitate that kind of access.

Brian Denmark, Facilities Director said we are aware of that situation and we are looking into it. There will be a discussion brought forward to Council at the September Work Session regarding how to spend the $400,000 for Burn Lake.

Councillor Small said there will be a Neighborhood Meeting here in Chambers on Wednesday.

Mayor Miyagishima asked would it be possible to allow handicap parking near the lake?

Brian Denmark said staff will look into it.

Councillor Pedroza said I want to mention that residents of District 3 and anyone else can join me at 7 o'clock every morning to walk the trail at Young Park.

The School Community Garden seems to be going very well.

We are looking at doing some meetings to give the community an opportunity to meet our Police Officers.

Councillor Connor passed.

Councillor Silva passed.

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3. **CITY MANAGER**

A. Other Items - Information Only

Terrence Moore, City Manager said there is a jester at the State level for a quarter of a million dollars to establish a Las Cruces Wellness Center and it involves the City of Las Cruces making a commitment to acquire or establish a presence of this effective at Tom Young's Fitness Center. This would only be a one year commitment and I wanted to inform Council of it in a public setting so we can respond accordingly. There are a few individuals shaking their heads that this would not be in the best interest of the City so we can respond accordingly.

Councillor Small asked can we get a summary of the program and the analysis right now which is that this isn't a good idea so we can have some time to look at it.

Terrence Moore said sure; however, time is of the essence and we need to respond to the State stating what is required and what is our dilemma in order for us to move forward.

Mayor Miyagishima said we can schedule this discussion for our next Council Meeting but I think staff suggests that we can't do this; they just wanted to make us aware of it since it was an offer. I think Terrence just needs to tell them no. You can meet with Terrence after the meeting to get more information.

Councillor Small said I agree and I'll meet with Terrence after the meeting.

Meeting Adjourned at 2:47 p.m.