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

**Regular Meeting**

**August 23, 2010**
**1:00 P.M.**
**Council Chambers, City Hall**

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**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
Marcy Driggers, Senior Asst City Attorney
Esther Martinez, City Clerk

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## I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Councillor Small presented a Proclamation to Harold Morris, Sr and declared August 28, 2010 as Buffalo Soldiers Day.

Councillor Small presented a Proclamation and declared August 28, 2010 as J. Paul Taylor Day.

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## 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 given.

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Mayor Miyagishima read a Closed Meeting Statement and said the City of Las Cruces City Council and the Dona Ana County Board of Commissioners met in a Joint Closed Session at 11:04 a.m. on August 23, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Sorg, Councillor Thomas, City Manager Terrence Moore, Assistant City Manager Robert Garza, Utilities Director Jorge Garcia, Interim Finance Director Pat Degman, Senior Assistant City Attorney Marcy Driggers, Interim City Attorney Harry (Pete) Connelly, Attorney Jessica Ferrell, Internal Auditor Audrey Evins, Commissioner Krahling, Commissioner Saldana-Caviness, Commissioner Perez, Commissioner Benavidez, County Manager Brian Haines, Ed Fredenstein, David Medeiros and John Caldwell. The meeting adjourned at 11:58 a.m. and only the limited items that were stated in the posted notice were discussed which was the threatened or pending litigation involving the Griggs and Walnut Superfund Site.

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## III. PUBLIC PARTICIPATION

None given.

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## 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 Thomas Seconded the motion.

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

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## V. CITY COUNCIL MINUTES

*(1) Special Meeting of August 11, 2010

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## VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Council Bill No. 11-005; Ordinance No. 2585: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for Three (3) Distinct Properties Located at 304, 308, and 320 Wyatt Drive and 1160 El Paseo Drive. The Properties have a Combined Area of 9.660 +/- Acres All Being Utilized as a Shopping Center. The Zone Change Request Will Bring the Properties Into Zoning Compliance, Based on Each Property Exceeding the One (1) Acre Maximum for Commercial Properties Within the C-2 (Commercial Medium Intensity) Zoning District. Submitted by BRG Engineering for El Paseo Las Cruces Pros Re, LLC (Z2766).

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## VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(3) Resolution No. 11-049: A Resolution in Support of Federal Legislation to Protect Property-Assessed Clean Energy (PACE) Programs as a Viable Tool for Local Governments to Encourage Private Investment in Renewable Energy and Energy Efficiency Projects.

Councillor Small Moved to Adopt Resolution No. 11-049 and Councillor Thomas Seconded the motion.

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Tom Schuster, Sustainability Officer gave an overhead presentation and said the purpose of the PACE Programs are to promote the installation of small-scale renewable energy systems and the Renewable Energy Finance District is a type of PACE financing. There have been some obstacles to this system because Fannie Mae and Freddie Mac issued letters in May that stated the PACE liens violated their Uniform Security Instruments (USI) and the Federal Housing Finance Agency agreed with them. Fannie Mae and Freddie Mac will not buy mortgages with senior PACE liens which can possibly impact the underwriting criteria for all local borrowers, not just PACE participants. There is a Bill called the PACE Assessment Protection Act of 2010, that is being introduced to the U.S. Congress and it states that PACE liens that comply with existing DOE guidelines would meet USI standards and it prohibits additional underwriting criteria in communities.

Councillor Pedroza asked if this legislation is passed, would that put the City and County in a position to have regional authority?

Tom Schuster said this legislation would give us a green light to go ahead with the process of forming a district.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-049 and it was Unanimously APPROVED. 7-0

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(4) Council Bill No. 11-006; Ordinance No. 2586: An Ordinance Approving a Zone Change From C-3 (Commercial High Intensity) to R-4 (Multi-Dwelling High Density & Limited Retail and Office) for 2.787 +/- Acres on Land Located South of Valverde Loop on Mars Avenue, West of Del Rey Boulevard. The Purpose of the Zone Change is to Allow a Proposed Assisted-Living Development Known as the Beehive Village of Las Cruces. Submitted by Paul Miller, Property Owner. (Case Z2800).

Councillor Connor Moved to Adopt Council Bill No. 11-006; Ordinance No. 2586 and Councillor Sorg Seconded the motion.

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Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said the purpose of this zone change is to facilitate the development of an assisted living facility on this property. The applicant did receive an approval for their Master Plan in June of this year and they are planning on having five phases for this development.

Councillor Thomas said I'm happy to see some assisted living units of this size but we do need to have some commercial in this area because the majority of the aging individuals aren't able to drive so they would need to be able to walk to certain areas.

Councillor Silva asked how many total units are they going to have and approximately how many jobs will be created by this faciltiy?

Owen West, Applicant gave an overhead presentation and said each phase will consist of fifteen bedrooms which will house fifteen to eighteen residents per building but due to the additional facility requirements for over sixteen residents, we will probably keep it down to only fifteen residents. We will be employing about ten to fourteen individuals for each building.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-006; Ordinance No. 2586 and it was Unanimously APPROVED. 7-0

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## VIII. BOARD APPOINTMENTS

None given.

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## IX. REVIEW OF PROPOSED ORDINANCE(S)

None given.

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## X. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior near complete with windows being installed with most efforts towards interior construction at this time. Site work continues as well with sidewalks poured and curbing being installed to accommodate parking lot construction. This project is still on schedule with completion expected by fall 2010.)*
3. **Downtown Main Street Construction** - *(Existing trees, plants, and bricks on Main Street have been removed with some of the salvageable items being transported to the City yard between Motel Blvd. and Westgate. Lane and road closures will be in effect at the north end of the project and Las Cruces Avenue for road work at each location. Las Cruces Avenue currently has one lane open for traffic.)*
4. **Impact Fees** –*(The project is on-going. The Consultant is making the necessary revisions to the Land Use Assumptions and Impact Fee Capital Improvements Plan. Staff is in the process of providing the necessary information for these revisions. It is anticipated that a draft of each document may be available for staff review by the end of August.)*
5. **Vision 2040** – *(The Vision 2040 Advisory Committee, consisting of various stakeholders throughout Doña Ana County, has resumed review of the Vision 2040 Regional Plan. Stakeholders have formed subcommittees and a seven member Steering Committee to review and make recommendations on this plan. In June 2010, they have begun the process of reviewing sections of a working draft of the 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** – *(Construction is complete, inspections conducted and punch list items being addressed in order to obtain a Certificate of Occupancy. Due to the New Mexico Construction Industries Division's lack of sufficient inspectors, delays have been experienced in obtaining the necessary approvals to begin mobilization of the building. The schedule for Parks and Recreation Staff being able to move into the building has been delayed by two weeks.)*

7. **Las Cruces Intermodal Facility** - *(The consultant design team has begun the project with a kick off meeting with City staff to determine expectations and goals to complete the project. Preliminary research and data collection is underway.)*

8. **Bicycle Facilities Planning** - *(Staff is preparing the application for Bicycle Friendly Community with the assistance from the Bicycle Friendly Community Task Force. Staff is working with the Engineering Work Group of the Task Force to identify roadways where bicycle facilities can be added as resurfacing projects are completed. The road diet on Solano will be continued from Missouri to University during early fall. New bike lanes will also be added on Three Crosses (Spitz to Dona Ana Rd.) and Spruce (Solano to Triviz). Motel Blvd will receive shared use lanes between the concrete section and Picacho. There are 4 new League Cycling Instructors in the Las Cruces area, bringing the total number of instructors to 13. The new instructors include three City employees: Caeri Thomas, Naoma Staley, and Andy Hume.)*

9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(**August 2, 2010: Picturing el Paseo: Share Your vision for the Corridor** -Community awareness continues to grow about the City's Smart Growth Implementation Assistance planning project with the EPA, DOT and HUD. The project's website www.picturingelpaseo.org has photo sharing capacity, a survey requesting people's ideas for the corridor, and a wealth of information on the workgroups and up and coming events. City staff continues to reach out to people at local hot spots along El Paseo Road such as International Delights, Village Inn, Grandy's, Si Italian Bistro and Mountain View Co-op. Together with our federal partners, staff is producing a number of events this fall: the **Green Infrastructure Conference** on August 26th, a 3-day **Road Safety Audit** September 30th through October 2nd, and a **Visioning Charrette** November 18-20. 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 will go live for City staff in September, with public unveiling in October. Content from the current web site is being migrated to the new site. Additional effort has been required in updating content, unifying design, and content presentation methodologies. Departmental stakeholders, who will be responsible for authoring content once the site goes live, have been involved in stakeholder meetings, feedback, and content migration. 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. Departmental content authors and Directors will be trained in use of the content management system, authoring standards (including ADA, Section 508, and applicable law).*

11. **Downtown Revitalization Activities** - *(Construction of La Placita has started and will be completed by October 31, 2010. Community Development staff are in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.)*
12. **Grants/ARRA Status** - (Matrix.)

Mayor Miyagishima asked when is the Grand Opening for the Convention Center?

Brian Denmark, Facilities Director said it should be completed by the end of October so we should have it ready in December or January.

Councillor Connor said the Grand Opening is schedule for January 12, 2011.

Lori Grumet, Public Services Director said we are planning a whole slate of events for that weekend and I will have staff send you the dates and times so you can mark your calender.

Mayor Miyagishima asked is there a date for the Grand Opening of the Aquatic Center?

Brian Denmark said we should be open sometime during the month of September but we don't have an exact date yet because we are still waiting on the Certificate of Occupancy and the Operational Permit.

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## XI. GENERAL DISCUSSION

### 1. MAYOR

The Southern New Mexico Job Expo will be on September 9th at the Pan American Center from 10:00 a.m. to 3:00 p.m. There will be over 100 employers present and they will also have a workshop on how to write your resume and how to handle an interview.

I was wondering if there are any plans by the State to relieve the traffic issues on University Avenue?

Mike Johnson, Public Works Director said they have installed a deceleration lane on University Avenue and I think they are continuing to monitor that situation.

Councillor Connor said we have had public meetings with DOT regarding the redesigning of the entire bridge and the designing phase is almost completed. This will open up Triviz to go underneath University Avenue and connect to the campus.

Mike Johnson said we're looking at least five years before this work will be done.

Mayor Miyagishima said there are still issues at the intersection of Hoagland and Alameda and I wanted to know if we have come up with any solutions?

Mike Johnson said we have had issues with that intersection since the 1990's and we are still working with the neighbors in that area to come up with a solution because there are issues with land acquisitions that would be needed in order to install a turn lane, traffic light or signs.

Mayor Miyagishima asked how many property owners would be involved with this acquisition?

Mike Johnson said about four or five.

Mayor Miyagishima asked can you bring that back to Council so our new Councillors can look at it and maybe we can offer to redo the landscape for the property owners?

Mike Johnson said we have made those types of offers but the problem is that no one wants to talk with us about it.

Councillor Silva said none of the residents want to give up any of their private land so the only way we could do it is to take it from them and I don't think we want to do that just for a turn signal. I think we should consider putting a cop out there during the high traffic times to direct traffic.

2. **CITY COUNCIL**

Councillor Thomas said we are having a District 6 meeting this Wednesday at Good Samaritan Village at 6:30 p.m.

I am getting a lot of emails regarding weeds from the recent rains and I just want to let everyone know that there is a big increase in weeds and we are doing the best we can to keep up with them.

Brian Denmark, Facilities Director said our crews are out there doing weed and litter control every day but we have over 500 miles of roadway and there is no way we can address every street on a weekly basis.

Councillor Sorg said we need to add the I-25 and Lohman intersection to our list of intersections with issues.

There will be a conference regarding storm water issues on August 26th at the Ramada Palms Motel.

Councillor Small said I would like to thank Chief Williams for his immediate response to some residents' concerns with the park off of Hoagland.

I want to congratulate Pros Ranch Market for moving forward with promoting their market.

I have had inquiries from local businesses regarding renewable and solar energy and I think it would be great if we could follow up with them.

There are some lights out on Howell that need to be replaced.

Councillor Thomas said the Transportation Summit is on September 9th and it will be held here in City Hall. If you need any further information, contact Andy Hume.

Councillor Pedroza said Mountain View Co-op contributed gift certificates for the people who walked with me at Young Park.

I want to thank Mike Johnson for doing all the work around Conlee School to make it safer for the children and the neighborhood.

I will be emailing Chief Williams and Chief Brown the dates for Family Nights at the schools so they can make arrangements to have someone there.

Councillor Connor said I passed out a wanted poster from El Paso Electric and they are waiting for approval from the PRC to be able to go out and pick up old refrigerators and freezers from their customers. They are going to pay residents $30 for these appliances and they are shipping them to Albuquerque for recycling.

Our secretary Margaret Hensley has sent out a notice regarding the 9-11 Patriots Day event which will be held in front of City Hall and she has not received any response from any of the Councillors.

The landscaping that is in front of Telshor and University, across from Citizens Bank, the gravel has been thrown out into the street from an accident and I would like for someone to go out and clean up the accident area.

Next Sunday is the last day for Music in the Park and it will be held at Young Park.

Councillor Silva said I want to ask a question regarding the item that was on our Consent Agenda; what was the purpose of the shared access?

Cheryl Rodriguez, Development Services Administrator said one of the lots that is part of that shopping center is technically land locked so we needed to have a shared access agreement.

Councillor Silva said it has been brought to my attention that there has been some negative campaigning and I would like to encourage all the candidates that are running for office to have their volunteers wear name tags so the public knows who they are and whom they represent.

We are having a District Meeting on September 12th at 10:00 a.m. on the second floor of City Hall.

Councillor Connor said there is a Public Meeting regarding the changing of lane structure on Solano on Wednesday at 6:30 p.m. at the Newman Center.

Councillor Sorg said there have been traffic problems on Jornada with the opening of the school and I want to thank our Traffic Department for dealing with them.

There were problems with the lighting on Settlers Pass and I want to thank our Public Works Department for addressing the issue.

I want to thank Chief Williams and his Officers for clearing up some problems with some juveniles around the Mondale Loop neighborhood.

3. **CITY MANAGER**

A. Other Items - Information Only.

Terrence Moore, City Manager said I want to mention that Council Chambers will be closed from August 25th thru September 6th for the installation of acoustic panels.

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**Meeting Adjourned at 2:33 p.m.**