City Council
of the
City of Las Cruces

Regular Meeting

September 7, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Terrence Moore, City Manager
Councillor Miguel Silva, District 1	Harry (Pete) Connelly, Interim City Attorney
Councillor Dolores Connor, District 2	Esther Martinez, City Clerk
Councillor Olga Pedroza, District 3	
Councillor Nathan Small, District 4	
Councillor Gill Sorg, District 5	
Councillor Sharon Thomas, District 6	

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

Councillor Sorg presented a Proclamation to Steven DeGiulio, Jackie Kiefer, Liz Rose, Margie Herberger and Paula Leighton and declared September 7, 2010 as International Literacy Day.

Councillor Sorg presented a Proclamation to Carolyn Small and declared September 2010 as Childhood Obesity Awareness Month.

Councillor Sorg presented a Proclamation to David Stocum, Richard Scramstad and Bonnie Zieler and declared September 15, 2010 as Lesbian Gay Bisexual Transgender Center Awareness Day.

Councillor Sorg presented a Proclamation to Donald Wilson and Kenneth Rust and declared September 15, 2010 as Village of Northrise Rehab Recovery Day.

Councillor Sorg and David Dollahon presented a FIRST 3 Certified Contractor Plaque to Gabe Sandoval of G. Sandoval Construction, Inc.

John Christopher gave a presentation regarding Comcast Cares Day.

Isaac Chavez, CEO and Sharon DeBraal, President of the Board of Las Cruces Association of Realtors presented the City of Las Cruces with 24 Digital Cameras for the Picturing El Paseo Project.

Mayor Miyagishima introduced and presented certificates to the Mayor's Top Teens.

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?

Councillor Sorg said I have a conflict with Item 13 and I don't feel like I can vote on it.

Mayor Miyagishima said we will remove that item from the Consent Agenda. I have a conflict with Item 23 because Mr. and Mrs. Schroeder are clients of mine.

Councillor Sorg said Item 13 is the award of a contract and the firm that I work with is going to be a subcontractor for the awarded contractor.

III. PUBLIC PARTICIPATION

Leroy Lozier, Member of the Public said regarding the proposed Curbside Recycling Program, I would like to know if the monies for this project are coming before this Council?

Mayor Miyagishima said if the contract is approved, it would go through the South Central Solid Waste Authority. We have turned over our recycling fees to the Solid Waste Authority and in conjunction with the County, they expand recycling County-wide.

Leroy Lozier said in my opinion, this is going to be a monster in motion and it is going to create more of a hardship on many of the residents in this community.

Mayor Miyagishima said I want to mention that I will be holding six District Meetings within the next three days and we will be discussing the recycling issues at these meetings.

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

Mayor Miyagishima said Items 6, 11, 12 and 13 need to be removed from the Consent Agenda for discussion.

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

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

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of August 16, 2010
*(2) Regular Meeting of August 23, 2010
*(3) Special Meeting of August 25, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(4) Resolution No. 11-051: A Resolution Authorizing the Whole Enchilada Fiesta, Inc. To Continue With the Permitting Process to Allow for the Sale and Consumption of Beer and Wine Only Within the Fiesta Garden, a Restricted and Secure Area, at the 30th Annual Whole Enchilada Fiesta to be Held September 24, 25, and 26, 2010 at 1600 East Hadley Avenue, Las Cruces, New Mexico.

*(5) Resolution No. 11-052: A Resolution Authorizing a Contract With the Federal Bureau of Investigation (FBI) to Conduct Joint Activities With the Las Cruces Police Department

(LCPD) Gang Unit, Approve the Model Safe Streets Task Force Memorandum of Understanding (MOU) and Separate Cost Reimbursement Agreement to Reimburse Overtime Expenses Projected at $102,765 for Officer Activities, Ratify the City Manager's Approval of the Contract and Cost Reimbursement Agreement and Adjust the FY 2011 Budget.

*(7) Resolution No. 11-054: A Resolution Approving the Naming of the Two Bronze Sculpted Lions Located at City Hall, 700 North Main Street, As "E.J." for the Male and "Mabel" for the Female.

*(8) Resolution No. 11-055: A Resolution Approving a Community Development Block Grant (CDBG) Agreement Between Mesilla Valley Habitat for Humanity and the City of Las Cruces for the Acquisition of Vacant Land Parcels for the Development and Construction of Owner-Occupied Affordable Housing Dwelling Units. This Resolution Also Authorizes a Real Estate Purchase Agreement and an Affordable Housing Grant Agreement Between the City of Las Cruces and Mesilla Valley Habitat for Humanity.

*(9) Resolution No. 11-056: A Resolution Approving a Home Investment Partnerships Agreement (HOME) Between the City of Las Cruces and Mesilla Valley Habitat for Humanity for the Development and Construction of Affordable Housing Units for Property Located in the Rincon Mesa Subdivision Phase I and Cox's Subdivision Replat 2.

*(10) Resolution No. 11-057: A Resolution Approving a Home Investment Partnerships Agreement (HOME) Between the City of Las Cruces and Mesilla Valley Habitat for Humanity for the Development and Construction of at Least 3 Affordable Housing Units for Property Located in Los Enamorados Estates Replat No. 2 and Replat No. 3.

*(14) Resolution No. 10-11-306: A Resolution Awarding the Bid for Bus Shelter Pad Construction to Smith & Aguirre Construction Company, of Las Cruces, NM in the Amount of $76,084.48 Plus Gross Receipt Tax in the Amount of $5,753.89 and Contingency in the Amount of $3,804.22 for a Total Bid Award of $85,642.59.

*(15) Resolution No. 10-11-314: A Resolution Approving Award of Year Two of a Possible Three Year Contract With the Darden Law Firm for the Hearing Officer for the S.T.O.P. Program in the Amount of $75,000.

*(16) Resolution No. 10-11-332: A Resolution Authorizing the Application for and Acceptance of Federal Airport Improvement Program Grant No. AIP-03-035-0024-24 in the Amount of $213,648.00, Authorizing the Acceptance of New Mexico Department of Transportation Aviation Division Grant LRU-10-002 in the Amount of $5,622.00, and Approving a Bid Award to Bixby Electric, Inc., Albuquerque, New Mexico, in the Amount of $153,061.80 Plus NMGRT of $11,575.31 for a Total Project Award of $164,637.11 for the Automated

Weather Observation System (AWOS) Replacement Project at the Las Cruces International Airport, and Adjusting the City of Las Cruces Fiscal Year 2010-2011 Budget in the Amount of $219,270.00.

*(17) Resolution No. 10-11-368: A Resolution Awarding the Third Year of a Possible Five-Year Contract for Airport Architectural and Engineering Services to Delta Airport Consultants, Inc., Albuquerque, New Mexico.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(6) Resolution No. 11-053: A Resolution Authorizing the Las Cruces Police Department (LCPD) Contract with Immigration and Customs Enforcement (ICE) for Reimbursement of LCPD Overtime Expenses for Any Joint Operation or Investigation Between LCPD and ICE for a Maximum of $15,000 Per Officer Per Year, Estimated for FY2011 at $10,000, to Ratify the City Manager's Approval of the Contract and Adjust the FY 2011 Budget.

Councillor Thomas Moved to Adopt Resolution No. 11-053 and Councillor Connor Seconded the motion.

Councillor Pedroza said I would like to know what kind of activities are the Police asked to do?

Chief Williams, LCPD said these operations are for criminal interdiction operations along the highways and the roadways within our community because some of the roadways are being used for the transportation of narcotics, currency and guns.

Mayor Miyagishima said this could also help pay for some of our Officers overtime.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-053 and it was Unanimously APPROVED. 7-0

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*(11) Resolution No. 09-10-431A: A Resolution Approving a Contract Between the City of Las Cruces and Molzen-Corbin and Associates of Las Cruces, New Mexico in an Amount Not to Exceed $221,935.82 Plus $16,783.90 for New Mexico Gross Receipts Tax and a

Contingency of $11,096.79 for a Total of $249,816.51 for General Engineering Services for the Drainage Study and Preliminary Design of the Sandhill Arroyo Project.

Councillor Connor Moved to Adopt Resolution No. 09-10-431A and Councillor Thomas Seconded the motion.

Councillor Sorg said I would like for staff to present a short presentation for the benefit of the public.

Mike Johnson, Public Works Director gave an overhead presentation and said this is to approve a contract for the drainage study and preliminary design of the Sandhill Arroyo Project by Molzen-Corbin. This study will include a topographic survey of the study area, analysis of 12 square miles of the watershed for flood insurance, preliminary and final letter of map revision to FEMA, evaluation of erosion migration options and the preparation of preliminary Erosion Control Plans for the Sandhill Arroyo from Chandler Tank to I-25.

Councillor Sorg asked will the scope of this work include the side arroyos in that area?

Mike Johnson said we will be studying 300 feet of either side of the arroyo.

Councillor Sorg asked will it include the area of the new school?

Mike Johnson said no.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-431A and it was Unanimously APPROVED. 7-0

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*(12) Resolution No. 09-10-535: A Resolution Authorizing the City of Las Cruces to Award a Contract to Meyners & Company LLC of Albuquerque, NM to Provide Tax Recovery Professional Services as Proposed in Response to the City's RFP # 09-10-535.

Councillor Connor Moved to Adopt Resolution No. 09-10-535 and Councillor Sorg Seconded the motion.

Councillor Silva said I pulled this off of consent because there weren't any numbers included in the

contract. Is this going to be an open contract?

Pat Degman, Interim Finance Director said the City has the opportunity to recover some of the Gross Receipt Taxes that were paid on certain portions of Facility projects. This is only for Facilities and some of the equipment that the State identifies as tangible personal property. This firm will work with our contractor to amend the tax returns but the firm will only be paid if we receive a refund and their payment will come out of that refund.

Councillor Silva asked how is this going to effect the TIDD?

Pat Degman said the TIDD received distributions from the Gross Receipt Taxes and if there is a refund, then both the City and the TIDD would be able to get a portion of it but some of the facilities we are targeting aren't in the TIDD area so they wouldn't be impacted at all.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-535 and it was Unanimously APPROVED. 7-0

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*(13) Resolution No. 09-10-555: A Resolution Authorizing the Application for and Acceptance of Federal Airport Improvement Program Grant No. AIP-03-035-0024-25 In the Amount of $79,714.00, Authorizing the Acceptance of New Mexico Department of Transportation Aviation Division Grant LRU-10-001 in the Amount of $2,098.00, Authorizing Award of a Contract for a Wildlife Hazard Assessment Services at the Las Cruces International Airport to Airport Wildlife Consultants, LLC, Cave Creek, Arizona in the Amount of $78,010.25 Plus NMGRT in the Amount of $5,899.75 for a Total Contract Award of $83,910.00, and Authorizing Adjustment to the City of Las Cruces Fiscal Year 2010-2011 Budget in the Amount of $81,812.00.

Councillor Sorg Moved to Adopt Resolution No. 09-10-555 and Councillor Thomas Seconded the motion.

Mayor Miyagishima said this was removed from the Consent Agenda because Councillor Sorg had a conflict with it and didn't feel comfortable with voting on it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-555 and it was APPROVED. 6-0-1 Councillor Sorg Abstained.

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(18) Resolution No. 11-058: A Resolution to Adjust the Adopted Fiscal Year 2011 Budget Allowing for Carryover Budget of Operating and Capital Costs from Fiscal Year 2010 for the City of Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-058 and Councillor Sorg Seconded the motion.

Robert Lundien, Senior Budget Analyst gave an overhead presentation and said this is a routine carryover which is done annually and the purpose of this adjustment is for items that were ordered but not received or goods or services that were received but the invoice was delayed during the previous Fiscal Year, construction projects that weren't completed, to include the actual grant amounts and the actual amounts for ongoing projects and for fund balance maintenance. These adjustments includes 51 fund adjustments and 168 separate budget item adjustments.

Councillor Silva said regarding the Convention Center, you're not transferring any funds, you're just working within the budget; correct?

Robert Lundien said correct. We are just bringing the budget back into line.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-058 and it was Unanimously APPROVED. 7-0

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(19) Resolution No. 11-059: A Resolution Requesting Approval or Disapproval of a Special Request for Use of Individual Septic Systems Within the Future Development Known as the Overlook.

Councillor Connor Moved to Adopt Resolution No. 11-059 and Councillor Sorg Seconded the motion.

Jorge Garcia, Utilities Director said Mr. Moscato has requested permission from Council to construct a subdivision with septic systems. We have never had this type of request before and this is a situation that isn't addressed in our Municipal Code. He will need your approval before he can proceed with his project.

Mayor Miyagishima asked how far away is the nearest sewer line to this subdivision?

Jorge Garcia said it's approximately two miles away and there are obstacles between the sewer line and the subdivision. For example, they would have to cross the river in order to connect to the line. The Utility Board tabled this item indefinitely which is why a recommendation wasn't provided to you.

Marty Pillar, West Mesa Holdings, LLC Representative gave an overhead presentation and said this development is for approximately 341 acres of land and it is within the City limits. There are several properties in the area of this development that currently have septic systems and most of the developments within the ETZ utilize individual septic tank systems. According to the Municipal Code, Section 28-1-21, it states, "it is mandatory for owners or occupants within the City to connect to the City Sewer System unless such premises commence at a point beyond 200 feet from the point where they can connect to the Sewer System" which our distance is considerably greater than 200 feet. We are planning a low density project and our lot sizes would be about 3 acres.

Mayor Miyagishima asked what would be the cost to hook up to our Sewer System?

Marty Pillar said the estimated cost is about $1.25 million.

Councillor Connor said this area was annexed into the City in 2006 and it was very controversial because it was thought that there would be at least 100 homes built in that area. Will some of the lots be larger than 3 areas?

Marty Pillar said there will probably be some lots that are greater than 3 acres but we don't have a plan put together at this point.

Councillor Connor asked have the waterlines already been put in?

Marty Pillar said yes.

Councillor Connor said I have always been against having septic tanks but there are exceptions to every rule and I think this is an exception. I wouldn't object to having septic tanks on the property as long as the lots were three or more acres in size.

Councillor Small said this is a unique situation; can you outline any utility issues this might present for us?

Jorge Garcia said this is a unique situation but it doesn't present any issues for us right now. The concern we do have right now is the precedence setting issue; if this is approved then we will be receiving more request for this type of situation.

Councillor Small said this is in District 4 and it hasn't been our policy to allow septic tanks within the City limits but this area was just recently annexed and it is on the far edge of the City limits. I agree that the biggest issue is the setting of precedence which may be the reason why the Utility Board didn't offer us a recommendation. I think it would be irresponsible for us to make a decision without further discussions and research on the repercussions of our decision regarding this issue which is why I would suggest that we consider tabling this item.

Mayor Miyagishima asked do you see us ever expanding toward the Westside and going under the river?

Jorge Garcia said I don't anticipate that happening anytime soon.

Mayor Miyagishima said maybe we can add a provision that subdivisions in that area would have a certain amount of time to hook up to our system.

Councillor Small said I would propose to take some time and hear from the developers so we can get some perspective on this issue before making a decision.

Mayor Miyagishima said it would be very hard for them to connect to our system because they would have to try to go under a river to connect to it but you want some kind of policy in place; whether it is a case by case basis or some kind of requirement for the lot size.

Councillor Small said absolutely, because we currently don't have anything in place that addresses this type of issue.

Councillor Sorg asked did the Council consider the future development and utilities for this area when it was annexed?

Jorge Garcia said at that time, we thought there would be about 400 units there so there would be funding available for the connection of the sewer.

Councillor Sorg said the soil conditions also affect sewer tanks so I think we need to include some kind of requirement for the condition of the soil. I agree with Councillor Small, that we need to look at the future implications of this project. I would also like to know what the ETZ's position is on this type of development. I attended the Utility Board Meeting regarding this issue and a couple of the Commissioners weren't in favor of allowing septic tanks for this type of development.

Councillor Pedroza said I would like to know what the impact is for the impact fees for the current subdivisions and what fees have been paid. In general, I would like to have a discussion on what impact the impact fees will have on this area. I'd like to know if the whole area will be subdivided in three acre lots and who owns the land surrounding this area. I would like to know why this area was annexed into the City and who requested it. I was troubled by a bullet-point in a letter that was included in our packet that stated "depending on when the development of the Overlook moves forward and what the City's plans are for the extension of the City Sewer System; the developer will consider installation of sewer lines with the proposed development of the roadways"; that's a little bit ambiguous to me. It sounds like they will consider it if they want to and I think it needs to be more definite. I have too many questions regarding this issue to be able to make a decision.

Councillor Connor said we need a Point of Clarification from the Attorney; everything that is being asked here is not part of this resolution. The resolution is only asking if we are going to allow or not allow septic tanks on the Overlook. I would like clarification on what we are voting on.

Councillor Pedroza said in order for me to make an informed decision, the questions that I have asked are very important to making a decision that will be setting a precedence.

Mayor Miyagishima said we're not being asked to make a policy right now but we do need safeguards in place so this doesn't happen in the future. I don't see a problem with the questions that the Council is asking; don't you think that it's germane to this issue?

Harry (Pete) Connelly, Interim City Attorney said I would defer this to Mrs. Driggers.

Marcie Driggers, Senior Assistant City Attorney said one of the options listed for Council is to table this resolution and I believe some of the Councillor's concerns are reasons why they are leaning toward tabling it.

Mayor Miyagishima said I agree and we will hear from the developer to get some kind of a time line from them.

Councillor Thomas said I think it is very important to consider how long these septic tanks will last and what type of tanks will be installed. There are a lot of technical issues that we need to consider before making a decision on this issue. I'm leaning toward getting more information and deciding what types of conditions need to be placed before we make a decision regarding this issue.

Councillor Connor said this is just the consideration for the approval of septic tanks and it will all get ironed out with the Development Review Committee and our staff experts. They will be looking at the type of soil, hookups, future uses and all of those types of issues. We are deciding if they can move forward with the project or not. We have plenty of time before this will come back before Council so I see this as the tiny baby step that takes you to the planning stage. It is our responsibility to meet with our staff to ask questions so we come to the meeting already informed.

Mayor Miyagishima said I think I'm hearing the Council say that they would like more information and I think they have good concerns regarding this issue.

Councillor Silva said I think that we do need to tighten up the language and we need to protect the future interest of this City.

Mayor Miyagishima asked what would be an acceptable time-line? What about making requirements for a certain lot size, the water, proximity to a sewer line, soil conditions and the type of septic tanks to be installed? This project would be the model because it is the first time we've had to address these issues and I think staff would be able to work with you and Council to handle everyone's concerns and to be able to move forward with this project. I would just like to know what time-line would be acceptable for you?

Marty Pillar said of course, we would like to see an approval for the septic tanks today but I know you are considering changing your ordinances; would we have to wait until those ordinances are approved because that could take at least three to four months? We feel that would be too long.

Mayor Miyagishima said we could probably get it done in two months or less and I think if you push for a vote today, it would probably be voted down. Would two months be acceptable to you?

Marty Pillar said I guess so. If this is tabled, I think it'd comeback to Council in one month and during that time, would we be able to work with staff regarding the issues that were brought up by Council? Council can address our resolution and afterward, work on changing their ordinances.

Mayor Miyagishima said I would suggest that staff work on bringing something back to Council in about six to eight weeks from now.

Jorge Garcia said I feel we can do that within two months. The Utility Board will be having their meeting next month and that would give them the opportunity to give us their opinion and after that, it will be a matter of publication.

Councillor Small said I agree with waiting two months in order to give staff time to work these issues out and give the Utility Board the opportunity to give us their input regarding this issue.

Mayor Miyagishima said we would table this until October 18th.

Marty Pillar asked would a decision to allow or not allow septic tanks be made on October 18th and then the changes to your ordinance would be made after that decision?

Mayor Miyagishima said it would be nice to be able to do both at the same time but if staff isn't quite there yet, then we could move forward with the approval at that time.

Russ Warner, Member of the Public said I have been sitting here listening to this Council discuss all the changes they can make to this resolution but I haven't heard anyone say "no" to approving this resolution. We already have at least 2,000 septic tanks in this City and what makes you think that we need more septic tanks? This developer is the same developer that is involved with the Country Club land purchase and you already approved an exception to your roadway requirements so that he could get a roadway to his new Golf Club. If you approve this, it would bring up the question of "why does this developer have so much influence on this Council"? Everyone on this Council was elected to do what is best for the City but you weren't elected to make more money for a developer.

Terry Miller, Member of the Public said I think this should be an up or down vote and I don't think all of the questions you have can be answered in two months.

Mayor Miyagishima said it comes to a point where you have to say that the cost of installing a sewer line to connect to a system that is over two miles away is not cost effective; then you have the property sitting there vacant for years or we can allow something like this and they construct homes which begins growth for that area and eventually, the City can put a sewer line out there.

Councillor Small Moved to Table Resolution No. 11-059 until October 18, 2010 and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 11-059 until October 18, 2010 and it was APPROVED. 5-2 Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva and Councillor Connor voted Nay.

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(20) <u>Resolution No. 11-060:</u> A Resolution Approving a Budget Adjustment to the Adopted FY2011 City Budget for Various Funds Related to the U.S. Department of Housing and Urban Development Programs, to Correct Initial Grant Amounts at the Beginning of FY2011. The Budget Adjustments Apply to Both the Community Development Fund (Fund 2000) and the HUD Special Projects Fund (FUND 2010).

Councillor Small Moved to Adopt Resolution No. 11-060 and Councillor Thomas Seconded the motion.

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said the funds that are affected by this budget adjustment are the Community Development Fund and the HUD Special Projects Fund. The CDBG will be decreased by $304,654, the Home Fund will be decreased by $157,756 and the changes are attributed to the high estimates and actual expenditures coming in under those estimates at the end of the Fiscal Year. The Neighborhood Stabilization will be decreased by $1,061,948, the Shelter Plus Care Grant I is decreased by $17,044 and the Transitional Housing Grant is decreased by $15,026.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-060 and it was APPROVED. 6-0 Councillor Pedroza was Absent.

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(21) Resolution No. 11-061: A Resolution Approving a City of Las Cruces Initiated Street Name Change for Two Segments of Del Rey Boulevard Due to the Realignment of Del Rey Boulevard. The First Segment is for a 910 ± Foot Section of Del Rey Boulevard That Runs East-West and is Proposed to be Renamed From Del Rey Boulevard to Check Court. The Second Segment is for a 1,575 ± Foot Section of Del Rey Boulevard that Runs North-South Between Check Court and Tucson Avenue and is Proposed to be Renamed From Del Rey Boulevard to Weaver Trail. Submitted by the City of Las Cruces. (SNC-09-01)

Councillor Small Moved to Adopt Resolution No. 11-061 and Councillor Thomas Seconded the motion.

Cheryl Rodriguez, Development Services Administrator gave an overhead presentation and said this is the final process of the Realignment of Del Rey Boulevard Agreement. There are now two segments of Del Rey Boulevard and staff recommends renaming the segments to avoid any confusion. There were 38 adjacent property owners that were notified of the proposed name change and 22 property owners will be affected by the name change. The East-West segment of Del Rey Boulevard is about 910 linear feet and it is proposed to be renamed Check Court. The North-South segment of Del Rey Boulevard is about 1,575 linear feet and it is proposed to be renamed Weaver Trail. This did go before Planning and Zoning and they recommended approval of the name changes.

Councillor Sorg said I appreciate you contacting the residents and informing them of this situation. I only heard back from one gentleman and he didn't care about the name change. Are there any plans to connect Weaver with the new Del Rey Boulevard?

Robert Garza, Assistant City Manager said in order for us to do that, we would have to take over some of the existing properties and create an intersection. The property owners that would have been involved, decided to have a dead end at the end of their street instead of giving up property.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-061 and it was Unanimously APPROVED. 7-0

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(22) Council Bill No. 11-009; Ordinance No. 2589: An Ordinance Amending the Las Cruces Municipal Code Sections 24-131, 24-132, 24-162 and 24-164 to Require Cost or Price Analysis on all Federally Funded Procurement as Required by Federal Regulations.

Councillor Sorg Moved to Adopt Council Bill No. 11-009; Ordinance No. 2589 and Councillor Connor Seconded the motion.

Bob Telles, Purchasing Manager said this was originally brought forward to Council for the First Read on August 16th and it was requested that we tweak our Procurement Code to address Federal Regulations that require a cost or price analysis on all federally funded procurement. Staff reviewed our Procurement Code and there are four sections where these recommendations were incorporated.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-009; Ordinance No. 2589 and it was APPROVED. 6-0 Councillor Small was Absent.

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(23) Council Bill No. 11-010; Ordinance No. 2590: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and David and Linda Schroeder, for the Sale of 2.56 Acres of Municipally Owned Land in the West Mesa Industrial Park for the Purchase Price of Seventy Six Thousand Eight Hundred Dollars ($76,800.00) In Accordance With Provisions of Section 3-54-1, NMSA, 1978, as Amended.

Councillor Connor Moved to Adopt Council Bill No. 11-010; Ordinance No. 2590 and Councillor Sorg Seconded the motion.

Christine Logan, Economic Development Administrator gave an overhead presentation and said this land sale is to allow for the expansion of Samson Equipment which would allow them to continue to do business in Las Cruces. The City was able to work with the New Mexico Department of Transportation to move their property line north which created room for the expansion. The additional property is a 2.56 acre site and it will be sold at the price of $76,800.

Councillor Small said we want to see businesses expand and I think we should move forward with this in order to continue with the economic development of that area.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-010; Ordinance No. 2590 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Eugene G. Pettit (Business Position) and Diane Brandt (Citizens Position) to the Transit Advisory Board and appointed David F. Blanchard to the Downtown Revitalization Plan Ad-Hoc Committee.

Councillor Connor Moved to Approve the Mayor's Board Appointments of Eugene G. Pettit (Business Position) and Diane Brandt (Citizens Position) to the Transit Advisory Board and David F. Blanchard to the Downtown Revitalization Plan Ad-Hoc Committee and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of Eugene G. Pettit (Business Position) and Diane Brandt (Citizens Position) to the Transit Advisory Board and David F. Blanchard to the Downtown Revitalization Plan Ad-Hoc Committee and it was Unanimously APPROVED. 7-0

IX. REVIEW OF PROPOSED ORDINANCE(S)

None given.

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** - *(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 west bound traffic to proceed from Church to Water Street. Traffic can also gain access to Main Street from Las Cruces to Griggs and access to business in the area.)*
4. **Impact Fees** –*(The project is on-going. The Consultant has made revisions to the Land Use Assumptions. Staff is in the process of reviewing a draft and will work with the consultant to finalize the draft document. It is anticipated that a final draft will be available 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. **Las Cruces Regional Aquatic Center** – *(Construction is complete and a Temporary Certificate of Occupancy was issued in the month of August. Parks and Recreation staff is in the process of moving into the new facility and preparing for opening to the public which should occur during the month of September, including a grand opening celebration. This process includes stocking the facility with appropriate supplies, obtaining a final Certification of Occupancy, an operational permit from NMED, training staff and public announcements notifying the public of the opening of the facility. This will be the last status update for this project.)*
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 October, with public unveiling in November. 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.)

XI. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I just want to remind everyone of our Districts Meetings that are taking place this week.

2. CITY COUNCIL

Councillor Thomas said there will be a Transportation Summit on Thursday and it will be held at City Hall. The Secretary of the Department of Transportation will be here on October 14th and we will be preparing for our discussions with him at the Transportation Summit.

I had a request for an appointment to the Veterans Advisory Board; generally, the Mayor appoints someone from Council to be his representative for the Veterans Board and I would like to ask if it would be possible to appoint former Councillor Dolores Archuleta?

Esther Martinez, City Clerk said we would have to amend the ordinance to allow a non-Veteran appointment in order to appoint a citizen to this board.

Councillor Connor said when the Veterans Advisory Board was redone, they expressed that they wanted to have only Veterans as members of this group. That group doesn't have an appointed staff liaison and I think we need to appoint a staff member as their liaison.

Mayor Miyagishima said Dolores Archuleta use to be my representative and would attend the meetings in my place which is why I think Councillor Thomas recommended her.

Terrence Moore, City Manager said we are already in the process of appointing a staff member as their liaison and I will be making an announcement within the next few days on whom was selected.

Councillor Thomas asked do we have to change the ordinance in order to appoint a staff liaison?

Terrence Moore said no.

Mayor Miyagishima said I still see no reason why we can't allow former Mayor Pro-tem Archuleta to attend these meetings.

Councillor Thomas said I just wanted to know if Council was interested in looking at our ordinance and making a change to it?

Councillor Small said at this time, no.

Councillor Thomas said there doesn't seem to be any support from Council to change our ordinance.

Mayor Miyagishima asked would she be allowed to attend these meetings?

Esther Martinez said their meetings are open to the public.

Mayor Miyagishima said I have no problem with that, as long as she can attend their meetings.

Councillor Sorg said I want to mention that the acoustics for Chambers have been improved dramatically.

I was in Washington for the past two weeks and I had time to really think about Las Cruces. This is a great place to live and with that, there are costs which include things like housing and curbside recycling. I don't think we should complain about the cost to live here.

Councillor Small said we have a street light on Howell and 4th Street that is out and needs to be repaired. There has been some graffiti on Wilson for some time now and I think it would be great to check on it. The intersection of Picacho and 2nd Street is very dangerous and it would be great to look into it and see if we can do some work out there. There were several large rain puddles that formed right outside the Valle Vista Subdivision and I want to thank Public Works for their work on that issue. There have been a lot of new businesses on Picacho and I think it is time that we have "Pride Picacho."

Councillor Pedroza said I would like to thank a variety of City Departments that met with me to discuss the functions of their department.

The Garden Project is moving along very well and I will be leaving the meeting very soon because I will be making a presentation to the Las Cruces School Board regarding this project. I want to thank the Mountain View Co-op for their donation of pears which we are able to hand out at our Open House events.

I will be starting the walks around Young Park at 7:00 a.m., beginning in January.

Councillor Connor said I don't like to leave our meetings when they are in progress and I would like to suggest to the Mayor that if we are going past 4:00 p.m. then we need to have a break.

I would like to ask Mr. Moore to add an update for the After School Program to the list for future Work Sessions.

Terrence Moore, City Manager said we will be providing a Council with an update on that issue.

Councillor Connor said I want to mention that there is a great improvement to the sound in this room.

We had a meeting regarding the road diet on Solano and it can't go any further than Monte Vista Street because it would create a bottleneck for the people who are coming in and out of the schools in that area.

Councillor Thomas said research has shown that road diets actually improve traffic situations.

Councillor Connor said it would form a bottleneck situation for the traffic traveling south on Solano. I'm just saying that we should review it.

There is a man that stands on the street in the area of Telshor and Lohman and he is carrying a signing advertising the buying of gold. Chief Williams reviewed our ordinance regarding peddlers and has found a loop hole which prohibits them from removing him.

Chief Williams. LCPD said we would need to get an interpretation of an aggressive manner, as it is stated in our code.

Councillor Pedroza left the meeting at 4:55 p.m.

Mayor Miyagishima said I believe it is acceptable as long as he is on private property and not on the median.

Terrence Moore said I spoke with the City Attorney and Police Chief and we will be bringing you an update on how we can handle this situation.

Councillor Silva said regarding the ordinance for the septic tanks, I hope we move forth with it but that we don't tailor it to this specific project.

I would like to thank everyone who attended our Community Meeting on Saturday and our next meeting will be this Saturday at 10:30 a.m. The Dona Ana Arts Council will be hosting the Color Las Cruces Event on Saturday from 9:00 a.m. to 1:00 p.m.

Regarding building recycling, I think we need to start recycling in this building

3. **CITY MANAGER**

A. Other Items - Information Only.

Chief Williams, LCPD gave an overhead presentation regarding the organization of the Las Cruces Police Department and said this restructuring will improve efficiency, improve the budget and overtime costs, improve the quality of service, improve the overall relationship with the public, improve staff morale, improve crime prevention, improve response time and improve community policing.

Robert Scaling, Treasurer gave an overhead presentation regarding the reconsideration of the bill payment services at the El Paso Electric Solano location and said the pro's of this service are the convenience for City utility customers but the con's for it are that it is very expensive for the City to operate, there are internal control issues, traffic problems, customer complaints and problems with the computer network.

Mayor Miyagishima said we pay $950 a month for one employee?

Robert Scaling said that is correct. According to our agreement, El Paso Electric charged us $950 a month and a one time fee of $2,500 as a make ready expense.

Mayor Miyagishima said we paid $400 a month for phone service.

Robert Scaling said that is correct. There were data lines that had to be installed in order to transmit payment data to City Hall to be processed.

Mayor Miyagishima said we had to pay $4,400 for staff.

Robert Scaling said that is correct. We had to have someone to relieve the cashier for lunch and during the time that she was closing out her drawer. This would also leave our City Hall site understaffed.

Mayor Miyagishima asked would they be willing to go down on our rent cost?

Robert Scaling said we met with them and they indicated that they would be willing to renew the existing agreement with the same costs and with the addition of a two-year commitment from us.

Councillor Connor said the additional staff time isn't budgeted in our current budget; correct?

Robert Scaling said that is correct. The budget did not include any of these costs.

Councillor Connor said it would cause problems to have City Hall understaffed during the lunch hour.

Robert Scaling said that is correct.

Mayor Miyagishima said I would like to have this presentation presented to us again at our next meeting.

Terrence Moore said I will have it included during the City Manager's Discussion Items for the September 20th meeting.

Meeting Adjourned at 5:43 p.m.