City Council
of the
City of Las Cruces

Regular Meeting

November 1, 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:

Robert Garza, Assistant 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 Connor led the Pledge of Allegiance.

The National Anthem was sang.

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.

Mayor Miyagishima presented the Mayor's Distinguished Service Award to John (Jack) A. Barclay.

Mayor Miyagishima and Councillor Connor presented the Mayor's Citation for Public Service Award to Dolores Archuleta, Jack Barkly, Reldon Beck, Flora Gerbert, Darrell Gerbert and Elsie Lynn, Carolyn Horner, Bill Lawrence, Fred Martino, Marcy Miguel, Rudy Torres and PJ Wagner.

Councillor Connor presented a Proclamation to Battalion Commander Cadet Col. Stockhard and Public Affairs Officer Coreell and declared that the NMSU Army ROTC Leadership Skills shall be

used to partner with Weed and Seed and the Mayor's Top Teens for the betterment of individual neighborhoods and the community.

Councillor Connor presented a Proclamation and declared November 2010 as National Diabetes Awareness Month.

Councillor Connor presented a Proclamation for the Paso del Norte Air Basin in Recognition of the 50th Meeting of the JAC.

Councillor Connor presented a Proclamation and declared November 1, 2010 as Extra Mile Day.

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.

III. PUBLIC PARTICIPATION

Dolores Archuleta, Mayor Pro-tem Emeritus said I want to make you aware of the events we are planning for Veterans Day. On November 11th at 8:00 a.m. we will have the Garrison Flag raising at Veterans Park, we are dedicating a flag pole at 1:30 p.m. at Klein Park and we are dedicating the Iraq/Afghanistan Wall at 4:00 p.m. at Veterans Park. On Saturday, November 13th at 9:00 a.m., we are having the Las Cruces Veterans Parade at the Loretto Town Center. On Wednesday, November 10th, there is a concert for the Veterans at St. Paul's Methodist Church at seven o'clock, at eleven o'clock at Onate High School there is going to be tribute to the Veterans and there will be a tribute to Veterans at the Veterans Monument in Mesilla.

Ryan Dailey, Member of the Public said I want to thank the Mayor for his meeting regarding webcams at schools and Councillor Small for his meeting regarding the Neighborhood Watch Program. I was very upset when I read about Judge Locatelli's actions and it is very disturbing when we have a judge put his foot in his mouth. I was upset on Thursday or Friday when I noticed that the flags were at half-staff everywhere except at City Hall. I would like to ask the Mayor a question; I

have a relative that lives on Taylor Road which is in the County but her mailing address states Las Cruces, New Mexico; why can't she vote for Mayor if her address states Las Cruces?

Mayor Miyagishima said they can't vote because they have to live within the City limits; regardless of the address listing.

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 Item 15 needs to be moved to be heard before Item 14 and Items 3, 6, 7, 10 and 11 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 October 4, 2010

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Resolution No. 11-098: A Resolution Authorizing the City of Las Cruces Police Department to Accept Funds from the FY 2010 U.S. Department of Justice, Bureau of Justice Assistance Bulletproof Vest Program Grant in the Amount of $9,375, with a City Match of $9,375 to Ratify the City Manager's Approval to Meet Grant Deadlines, and to Adjust the FY 2011 Budget.

*(4) Resolution No. 11-100: A Resolution Approving an Adjustment to the Federal Stimulus-Byrne Memorial Recovery Grant Fund Budget for FY 10-11.

*(5) Resolution No. 11-101: A Resolution to Amend the FY 2011 Budget to Account for Revenues in the Amount of $11,480 Received as a Result of Hosting the Green Infrastructure Conference, and Expenditures Related to the Conference.

*(8) Resolution No. 10-11-307: A Resolution Awarding an Indefinite Cost, Indefinite Quantity Price Agreement for Bond Counsel Services to Modrall, Sperling, Roehl, Harris & Sisk, P.A. of Albuquerque, NM., for a Term of up to Four (4) Years Conditioned Upon Annual Renewals, the Sale of Bonds, the Availability of Bond Proceeds and Approved Budgets.

*(9) Resolution No. 10-11-418: Resolution Authorizing the Renewal of the General Engineering Services Agreements for a One-Year Period with Molzen-Corbin and Associates of Las Cruces, NM; Bohannan Huston, Inc. of Las Cruces, NM; AECOM USA, Inc. of Albuquerque, NM; Camp, Dresser, McKee, Inc. of Albuquerque, NM; and Gannett Fleming West, Inc. of Albuquerque, NM to Provide General Engineering Services to the City of Las Cruces on an As Needed Basis.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(3) Resolution No. 11-099: A Resolution Authorizing the City of Las Cruces on Behalf of the Las Cruces Police Department (LCPD) to Accept the System Implementation Agreement with MASYS Corporation (Formerly "Positron Front Line") to Provide Software Licenses for Viper Mobile Software, Software Maintenance Services and User Training According to the Schedule as Defined in the Contract and to Ratify the City Manager's Signature on the Contract to Meet Implementation Deadlines.

Councillor Small Moved to Adopt Resolution No. 11-099 and Councillor Thomas Seconded the motion.

Auguie Henry, Grants Administrator said we are requesting that an amendment be made to this resolution to correct the funds and available budget items that are listed on the CAES form. On the second page of the CAES form, the amount needs to be changed to $768,151 and under the remaining funds column, the amount needs to be changed to $166,678. These adjustments are needed because this contract grant has to do with a series of MOUs for additional partners and we didn't have an accurate number for them when this was put together.

Councillor Thomas Moved to Amend Resolution No. 11-099 to change the amount to $768,151 and change the amount remaining to $166,678 and Councillor Small Seconded the motion.

Councillor Silva said this is a three-year contract, what will happen after the third year?

Auguie Henry said it will terminate. This contract is for software and a three-year maintenance for the software so if we still need maintenance on this software after three years, we will simply do another contract but the grant funding will end after three years.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-099 to change the amount to $768,151 and change the amount remaining to $166,678 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-099 as Amended and it was Unanimously APPROVED. 7-0

---

*(6) Resolution No. 11-102: A Resolution Approving an Agreement with the Developer of Parkhill Estates Subdivision to Construct a Neighborhood Park.

Councillor Connor Moved to Adopt Resolution No. 11-102 and Councillor Sorg Seconded the motion.

Councillor Silva asked what impact will this have on the budget?

Mark Johnston, Parks and Recreation Director said it will put a strain on the budget but as new development occurs and we have new customers, we need to have park property available for them.

Councillor Silva asked are we just accepting the property?

Mark Johnston said no, we are looking for a full build-out of it.

Councillor Silva asked what will it cost to operate?

Mark Johnston said I'm estimating that it will cost approximately $18,000 to $30,000 per year.

Councillor Connor asked why didn't this need to be heard by the Park Advisory Board?

Mark Johnston said because we will be using our impact fees.

Councillor Connor asked what happened with the money situation?

Mark Johnston said we collect impact fees on these properties which we should not have done so to rectify the situation, we are going to credit the developer and he is going to provide the land and development of the park.

Arnold Parish, Developer said we already have about 600 homes in this area and we are expecting to have Neighborhood Meetings to hear what the residents would like to have in this park.

Councillor Sorg said this will greatly benefit that area. Where does the money end up?

Mark Johnston said it will be credited back to the developer and we are waiving the park fees for the construction of the park.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-102 and it was Unanimously APPROVED. 7-0

---

*(7) Resolution No. 11-103: A Resolution Approving the Disbursement of Stipends to Local Youth Leagues and Organizations, for Reimbursement of a Portion of their Operational Expenses for the 2010 Season(s), in the Total Amount of $23,000.00.

Councillor Connor Moved to Adopt Resolution No. 11-103 and Councillor Sorg Seconded the motion.

Councillor Silva asked are these the same groups that asked for funding last year?

Mark Johnston, Parks and Recreation Director said Council approved the new Stipend Policy which allows groups to request funding but they are required to provide financials, insurance and a whole list of other things to us in order for them to qualify. The recommendations went to the Park Board and their recommendation is what is before you today.

Isaac Chavez, Parks and Recreation Board Chairman said this is the first time we've done this policy and there were a lot of discussions regarding the pros and cons among the board members. This is our recommendation on what we felt would be fair for everyone.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-103 and it was Unanimously APPROVED. 7-0

---

*(10) Council Bill No. 11-012; Ordinance No. 2592: An Ordinance Repealing and Replacing Chapter 13, Housing, of the Las Cruces Municipal Code, 1997, as Amended and Adding a New Subdivision to the New Article II Whereby Creating the Affordable Housing Land Bank and Trust Fund Ordinance.

Councillor Small Moved to Adopt Council Bill No. 11-012; Ordinance No. 2592 and Councillor Silva Seconded the motion.

Councillor Connor Moved to Suspend the Rules and discuss Items 10 and 11 concurrently and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 10 and 11 concurrently and it was Unanimously APPROVED. 7-0

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said Ordinance 2592 repeals and replaces Chapter 13 of the Municipal Code and it will include the establishment of an Affordable Housing Trust Fund and Land Bank. Ordinance 2593 creates the Affordable Housing Trust Fund and Land Bank Advisory Committee. I want to mention that this is only to implement it but there is no commitment of land and/or funds to such a Trust Fund or Land Bank. The Land Bank Advisory Committee will be a non-standard board which means the

appointments will need to be done by the Mayor with the approval of Council. There is a provision included in Ordinance 2593 that does allow members of the Planning and Zoning Commission, the Housing Authority and the Health and Human Services Advisory Committee to also be able to serve on this board.

Councillor Silva asked can any individual or corporation apply for the Land Bank?

David Dollahon said yes, there is no prohibition within the ordinance.

Councillor Thomas said I would like to see the Green Chamber included in the list of eligible members for this board.

Councillor Small said I agree with allowing the Green Chamber to be part of this board.

Councillor Pedroza said I just want to say that this ordinance is very well written.

Councillor Sorg asked would it be safe to say that with these ordinances you will be able to provide more affordable housing in the City?

David Dollahon said yes, all that is left is the donation of land to the Land Bank or cash contributions to the Trust Fund.

Councillor Sorg said I also agree that the Green Chamber should be a part of this board.

David Dollahon said you can amend the ordinance to include them but I'm not sure if you can do that today or if it will need to be done at a future date.

Harry (Pete) Connelly, Interim City Attorney said it can be put forth today.

Councillor Small said I think we should move forward with the ordinances today with the direction that we want to include the Green Chamber and then bring it back at a later date if we want it amended.

Councillor Thomas said I would like to see us add the Green Chamber today.

Councillor Connor said this wouldn't change all non-standard boards, only this one; correct?

David Dollahon said that is correct. We are amending Section 2-188 (A)(5) which deals with all non-standard boards with the "exception of" and we are adding this board to that exception.

Councillor Pedroza said I'd rather us amend this today so we won't have to revisit it later.

Russ Warner, Member of the Public said I want to compliment City staff on the great job they have done on this issue.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-012; Ordinance No. 2592 and it was Unanimously APPROVED. 7-0

---

*(11) Council Bill No. 11-013; Ordinance No. 2593: An Ordinance Enacting a New Subdivision X of Division 3 (Nonstandard Boards) of Article IV (Boards, Commissions, and Committees) of Chapter 2 (Administration) of the Las Cruces Municipal Code, 1997, as Amended, Whereby Creating the Affordable Housing Land Bank and Trust Fund Advisory Committee. The Ordinance Also Amends Section 2-188 (A) (5) of the Las Cruces Municipal Code to Allow for Members of City Boards, Commissions, and Committees to Serve on More Than One Board, Commission, or Committee as Authorized Within the Board's Establishing Ordinance.

Councillor Thomas Moved to Adopt Council Bill No. 11-013; Ordinance No. 2593 and Councillor Small Seconded the motion.

Councillor Thomas Moved to Amend Council Bill No. 11-013; Ordinance No. 2593 to add a member from the Green Chamber of Commerce and another Member at Large to the Land Bank and Trust Fund Advisory Committee and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 11-013; Ordinance No. 2593 to add a member from the Green Chamber of Commerce and another Member at Large to the Land Bank and Trust Fund Advisory Committee and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-013; Ordinance No. 2593 as Amended and it was Unanimously APPROVED. 7-0

---

(12) Resolution No. 11-104: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for a Transfer of Ownership and Location of Liquor License No. 0254 to CVS Pharmacy, Inc. D/B/A CVS Pharmacy #75987, to be Located at 3041 North Main Street, Las Cruces, New Mexico. Such Approval will Allow CVS Pharmacy to Proceed with the Application Process.

Councillor Thomas Moved to Adopt Resolution No. 11-104 and Councillor Sorg Seconded the motion.

Harry (Pete) Connelly, Interim City Attorney said the corporation that has applied for a liquor license is within 300 feet of a church. We have sent out notices to the property owners in this area and we didn't receive any objections back.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-104 and it was Unanimously APPROVED. 7-0

---

(13) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-105; A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima said this item is open for a Public Hearing. Is there anyone who wishes to speak against this item?

Councillor Pedroza read a letter from Ms. Sharp which stated she objected to the issuance of this liquor license because it would increase the traffic in that area. Ms. Sharp is asking that this item be tabled and that the public be notified of this item.

Mayor Miyagishima closed the Public Meeting.

Resolution No. 11-105: A Resolution Approving the Transfer of Ownership and Location of Liquor License No. 0254 from CVS Pharmacy, Inc. D/B/A CVS Pharmacy #75987 to be Located at 3401 North Main Street, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-105 and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-105 and it was Unanimously APPROVED. 7-0

---

(15) Resolution No. 11-107: A Resolution Authorizing a Fiscal Year 2010-2011 Budget Adjustment for the Bond Proceeds and Issue Costs for the Recent Bond Issues: Joint Utility Refunding Revenue Bonds, Series 2010; MGRT Refunding and Improvement Revenue Bonds, Series 2010A and 2010B; and SSGRT Refunding Revenue Bonds, Series 2010.

Councillor Connor Moved to Adopt Resolution No. 11-107 and Councillor Sorg Seconded the motion.

Dick Gebhart, Budget Director gave an overhead presentation and said this it to record the Bond proceeds and to set up the budget for the issuance of the cost payment. The total amount of the Bond proceeds is $65,815 and the cost of issuance is $341,470.

Councillor Pedroza asked does this mean that the Street Maintenance will get an addition $3 million this year?

Pat Degman, Interim Finance Director said yes, there is a list of identified projects that will be using these funds.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-107 and it was Unanimously APPROVED. 7-0

---

(14) Resolution No. 11-106: A Resolution Authorizing a Budget Adjustment for Proceeds and Expenses Associated with the 2010A Street Projects Bonds for Fiscal Year 2011.

Councillor Small Moved to Adopt Resolution No. 11-106 and Councillor Sorg Seconded the motion.

Loretta Reyes, Engineering Services Administrator gave an overhead presentation and said projects listed for this funding are the El Molino Phases Six and Seven in the amount of $1,400,000,

Jefferson Phase II in the amount of $500,000, Union Avenue / Stern Drive Intersection in the amount of $40,000, Sonoma (north of Highway 70) in the amount of $250,000, El Paseo / Idaho Intersection in the amount of $350,000, Bruins Lane Rehab in the amount of $500,000 and South Main Street Reconstruction match in the amount of $100,000.

Councillor Sorg said this isn't for regular street maintenance like repair of potholes; correct?

Loretta Reyes said it is my understanding that this funding can be used for the reconstruction and rehabilitation of roadways.

Councillor Sorg said this $3 million doesn't represent all of the money we collect. I was told that some of the residents along Jefferson don't want the improvements.

Loretta Reyes said we do have the right of way and everything we need to build the roadway. In the event that a property owner doesn't want to give us the right of way then we may modify the design of the project.

Councillor Thomas asked who decided that these projects would be the ones that were getting done?

Robert Garza, Assistant City Manager said we still have to pay off the Bonds and the way to do that is through the Street Maintenance Fund which limits what you can do with the proceeds from the bonds. We can only use this funding on roads and their associated components which include things like lighting, striping, drainage, sidewalks, anything that is in the roadway. Regarding who decided on this, we simply went down the list of the approved CIP. The projects listed don't have to be the approved projects for this funding. Council can change the list but they have to be streets or related to streets.

Councillor Connor said these projects were on the list of possible projects at the time we discussed the refinancing a few months ago. This was all discussed about 90 or 120 days ago so I don't understand why everyone is so confused.

Councillor Thomas said it seems to me that we are deciding on a list of projects without looking at other projects that may qualify for this funding which is why I can't support this list.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-106 and it was APPROVED. 6-1 Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor Miyagishima voted Aye. Councillor Thomas voted Nay.

---

(16) Resolution No. 11-108: A Resolution Repealing Existing Resolutions Concerning Ball Field Advertising Policy and Clarifying the Use of Existing City Advertising Policy for Ball Field Advertising Opportunities.

Councillor Small Moved to Adopt Resolution No. 11-108 and Councillor Connor Seconded the motion.

Mark Johnston, Parks and Recreation Director gave an overhead presentation and said the purpose of this resolution is to repeal out-dated resolutions covering advertising and to pursue revenue generation through advertising. Dating back to 1996, advertising was allowed at Apodaca Baseball Field. There were agreements which expired in 2002 that allowed Booster Clubs to sell advertising and install banners along the fences and the revenues were split between them and the City. They received 80% and the City received 20% of the revenues. We do have a City Manager Policy (3.10) that allows the Division Director to designate space, agreements and contracts but they must follow the Procurement Code, State and Federal Regulations. Advertisements will uphold community values, the City controls the placement, content and wording and all the revenue generated is retained by the Department. The next steps we need to take are to identify available space, check the market, develop a pricing structure, assign staff to market the program, develop an advertising agreement and produce revenue.

Councillor Pedroza asked what did you mean by the Department keeps the money?

Mark Johnston said the Department that makes the revenue gets to keep the revenue and put it back into their program aspects.

Councillor Sorg said I want to caution staff to keep the content of the advertisement under control.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-108 and it was Unanimously APPROVED. 7-0

---

(17) Council Bill No. 11-014; Ordinance No. 2594: An Ordinance Authorizing an Option to Purchase Agreement Between the City of Las Cruces and SunEdison, for the Purchase of Up to 200 Acres of Municipally Owned Land in Section 2, South of the West Mesa Industrial Park, for Eight Thousand Dollars Per Acre for the Purpose of Developing a Solar Energy Project.

Councillor Connor Moved to Adopt Council Bill No. 11-014; Ordinance No. 2594 and Councillor Small Seconded the motion.

Christine Logan, Economic Development Administrator gave an overhead presentation and said this is to approve the purchase of land that is south of the Treatment Plant in the West Mesa Industrial Park. There are two sites which SunEdison is going to be examining and then deciding on one location for their solar plant. The proposal for SunEdison is for a one year option to study approximately 270 acres, $1,000 is due upon approval and they can extend it for an additional year for $1,500. They will have the option of purchasing the property at a cost of $8,000 per acre and they are anticipating needing between 120 to 170 acres for their plant.

Councillor Sorg asked would we collect taxes on the electricity produced from this plant?

Jared Schoch, SunEdison said yes.

Councillor Connor asked what happens if there isn't enough purchase power for Enxco and SunEdison in that area?

Christine Logan said the City has land available but we can't control what gets plugged in. It's my understanding that the sub-station can handle SunEdison and that is the only project that I'm aware of that can plug into that sub-station.

Jared Schoch said we are under a formal study with El Paso Electric at that sub-station to see what is feasible.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-014; Ordinance No. 2594 and it was Unanimously APPROVED. 7-0

VIII. BOARD APPOINTMENTS

None given.

Councillor Connor Moved for a ten minute recess and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion for a ten minute recess and it was Unanimously APPROVED. 7-0

Meeting Recessed at approximately 3:56 p.m. and Reconvened at approximately 4:06 p.m.

IX. REVIEW OF PROPOSED ORDINANCE(S)

(18) Council Bill No. 11-015; Ordinance No. 2595: An Ordinance Amending LCMC 1997, Section 2-27(c)(2)a, "Meeting Schedules", Removing the Third Regularly Scheduled Meeting Each Month.

Mayor Miyagishima and Council agreed to bring this item back.

(19) Council Bill No. 11-016; Ordinance No. 2596: 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. The Proposed PUD Encompasses 53.382 ± Acres and Entails Three (3) Planning Parcels: Parcel 1 Encompasses 6.311 ± Acres and Proposes Industrial Uses; Parcel 2 Encompasses 18.263 ± Acres and Proposes Industrial Uses; and Parcel 3 Encompasses 28.808 ± and Proposes a Single-Family Residential Subdivision that Will Allow for Single-Family Site-Built and/or Manufactured Houses. Submitted by Scanlon White, Inc. For IFL, LLC, Property Owner.

Mayor Miyagishima and Council agreed to bring this item back.

(20) Council Bill No. 11-017; Ordinance No. 2597: An Ordinance to Amend Chapter 38 of the Las Cruces Municipal Code, 1997 (Zoning) to Create Section 38-49.3 ADO — Alameda Depot Overlay. (ZCA-10-02)

Mayor Miyagishima and Council agreed to bring this item back.

X. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Downtown Main Street Construction** - *(Utility and storm drain continue. Road closures at Main/Las Cruces and Main/Lucero Avenue)*
2. **Del Rey/Sandhill Arroyo** - *(Storm Drain Box Culver 85% complete. Del Rey traffic on detour route with closure at Settlers Bend.)*
3. **Santa Cruz Avenue** - *(The Declaration of City Equitable Ownership outlined in the attached email was filed by staff yesterday at the County Clerk's Office. The Street Systems Section is currently scheduling the grading of the roadway over the next several weeks.)*
4. **Las Cruces Dam Army Corps of Engineers 1135 Project**- *(City council approved resolution 11-095 on October 18, 2010 to proceed with the Design and Implementation of Plan 4 of the Las Cruces Dam Restoration Study, Section 1135 project in conjunction with the Army Corps of Engineers. The Army Corps of Engineers is in the process of generating and sending the City of Las Cruces a cost sharing project agreement. The city share of the project will be 25% of the project cost.)*
5. **Impact Fees** – *(The project is on-going. The final Land Use Assumptions document was presented to the Capital Improvements Advisory Committee (CIAC) on September 16, 2010 and approved by the CIAC on October 21, 2010. City staff is drafting a resolution for City Council consideration in December.)*
6. **Las Cruces Intermodal Facility** - *(A design charrette was held to solicit design and programming input and City staff met following the charrette to review the input received and provide further direction to the consultant. The Consulting Architect will follow up with upcoming design options for consideration by the City.)*
7. **Bicycle Facilities Planning** - *(Bicycle Facilities Planning - Staff is preparing the application for Bicycle Friendly Community with the assistance from the Bicycle Friendly Community Task Force. The application is due February 18, 2011. The following new shared-use facilities are complete: Spruce (Solano to Triviz), Motel Blvd (concrete section to Picacho), Foothills (Telshor to Lohman), and Solano (Amador to Hadley). New bike lanes are complete on Three Crosses (Spitz to Dona Ana). The road diet on Solano (Missouri to University) will be completed during late fall. Hoagland (Alameda to Valley) will have a shared-use facility installed during late fall.)*
8. **EPA Smart Growth Implementation Assistance Program (SGIA)** - ***(September 3, 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 upcoming events. The* ***Green Infrastructure Conference*** *was a resounding success; proceedings will be produced and available this fall. Staff will be at Munson Senior Center every Wednesday in September from 11am-1pm to record the stories and visions people have of El Paseo past, present and future. Together with our federal partners, staff is producing a number of events this fall: a 3-day* ***Visioning Workshop #1*** *September 30th through October 2nd, a technical* ***Road Safety Audit*** *October 26 & 27, and the second* ***Visioning Workshop*** *November 18-20. Regular conference calls with the federal partners occur on Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)*

9. **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.)*
10. **Downtown Revitalization Activities** - *(La Placita has been finished and will have a Ribbon Cutting Ceremony on Friday, October 29, 2010.)*
11. **Sage Café Update** - *(The building may be usable after utility hook-ups: coordination with CLC gas and the contractor to extend about 5 feet of gas line to the meter location; permanent electrical service from EPE and fire line extension from the main to the building. Funding options still being contemplated in order to consider finishing the overall project for items such as kitchen equipment.)*
12. **Grants/ARRA Status** - ***http://www.las-cruces.org/PDFs/grant_matrix.pdf***

Councillor Thomas said I think we need to revisit our Complete Streets Resolution because I heard that the DOT is widening Valley Drive which would make it wide enough for a bike lane but they aren't being striped in.

XI. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I have been noticing a lot of the green Centennial license plates and I found out that when you buy a car, they ask you what type of plate you want but they don't ask if you want the City of Las Cruces license plate. The funds generated from that plate go to the Recreation Fund and it helps us out a lot.

We might have a Closed Meeting on December 6th to discuss transition issues.

Councillor Connor said I would suggest that we set aside a couple of hours for that Closed Meeting.

---

2. CITY COUNCIL

Councillor Thomas said I attended the Infrastructure Conference last week and they stated that there will not be any Capital Outlay this year. There were some good sessions that I think we can include with our Budget Workshop. What are the plans for that workshop?

Robert Garza, Assistant City Manager said it is schedule for December 7th from 9:00 a.m. to 4:00 p.m. and Carl Neu will be the facilitator. We will also have Kevin Powers, Duane Brown and the Bond Counsel present for discussions.

Councillor Thomas said the New Mexico Planning Conference will be here this week on Wednesday, Thursday and Friday. On Thursday at 3:45 p.m. there will be a session on public transit.

On November 9th at 6:00 p.m. in Chambers there is going to be a discussion with Lou Felstein on how we can work better together which is also the name of his book.

I received an email this week regarding questions about a shortfall in our budget and I think we need to spend some time and clear it up.

Councillor Connor said I saw that email on a blog and it took information from a presentation that was given by Dick Gebhart for a five-year plan and turned those numbers into a one year plan. The whole thing was misunderstood and I have already had some discussions about it with Mr. Garza.

Robert Garza said Mr. Gebhart is going to put together a written reply to clarify that misunderstanding.

Councillor Sorg said I want to mention that tomorrow is Election Day and I encourage everyone to vote.

We will be having a meeting here on Wednesday night for the residents in the area of Lilac Street regarding the replacement of septic tanks.

There is a Neighborhood Community Meeting on November 9th at Onate High School regarding impact fees and the street situation in the East Mesa area.

Councillor Small said I would like to thank Chief Williams and Officer Rodriguez for their participation in a couple of Neighborhood Meetings about the Neighborhood Watch Program. There was a presentation given by Rusty Smith regarding what the Fire Department does and it was very well received by the community.

I attended the Infrastructure Conference and there was a discussion regarding the El Paseo Project which was very well received by everyone at the conference.

I would like to thank Naoma from Safe Routes to School and Carmela Espinoza from the Traffic Department for attending one of our Neighborhood Meetings.

Councillor Pedroza said I visited the Deming Senior Citizens Center last week because a constituent had brought to my attention that there is a great need for an Adult Daycare in Las Cruces. I was very impressed with the Deming facility because it is ran by volunteers and is a totally free service. I would like for us to check and see if it would be possible for us to start up something similar to that facility.

I would like to thank the City Clerk's Office for visiting with me and explaining their duties.

I read an article in the Sun News yesterday with the headline "Immigrant being indicted for rape" and in the first paragraph it stated it was an undocumented immigrant. I think the Sun News should apologize for using "immigrant" instead of "undocumented immigrant."

Councillor Connor said I am glad that we will be having a transitional meeting because I feel it is very important for us to discuss what direction we will be heading in from here forward.

Regarding our budget presentation; there was a list of buildings that might be sold and one of the buildings on the list was Club Fusion. I just want to disclose that I received an offer from a gentleman who wants to buy the Club Fusion property and I forwarded it to Mr. Garza so I won't be having any further conversations with him regarding that issue.

We received our monthly issue of the Senior Messenger last week and it states that there is going to be a whole lot of things that will be changing at the Munson Center and with Senior Programs. I wasn't aware of these changes and I think the Council should be aware of changes like this because our constituents read these articles and ask us questions but we can't answer them because we haven't been informed.

There was a report done by the Sun News regarding the increase and decrease of violations and fees from the Red Light Cameras. Staff informed me that they don't know where the Sun News got their information from but we have not seen a decrease in our three sites. I don't see that these cameras are decreasing any of the illegal activities which is what the presentation stated would happen and if this is the case then I can no longer support these cameras within our City.

Mayor Miyagishima said there will be an ordinance coming forward regarding this on November 15th and I would like to schedule a Work Session prior to that coming forward to discuss this issue.

Councillor Connor said I want to mention that November 7th is the 75th Anniversary of the Branigan Library and they have scheduled events all week to celebrate it.

Councillor Silva said I want to thank the Mayor for taking the initiative for having a Transitional Meeting and for expressing his thoughts regarding the marijuana substitute drug to the newspaper.

I appreciate Councillor Connor's comments regarding the Munson Center because I also have had people approach me regarding these changes. I would like for us to have a Town Meeting at Munson Center to inform the residents about all the changes and fee increases that are taking place.

Regarding the Mid-term Budget, I think it would be nice to tie our Strategic Plan into our budget.

The La Placita Event on Friday was a great event and it definitely adds to the Downtown area.

I recently got a dog and I have been taking him to the Dog Park; I would like to know if it would be possible to place a sign at the Dog Park to remind people to clean up after their dogs. It would be nice if we could have lights at the Tee-Time site and maybe we can start designating an area in our new parks for dogs.

There are some students from Lerdo at the Dona Ana Branch Community College and they would like to take a tour of the new City Hall building but they were told that we couldn't give them a tour so I just wanted to give staff a heads up that they may be getting calls from those students.

I want to encourage people to go out and vote tomorrow and I also want to congratulate the Aggies on another win.

---

3. **CITY MANAGER**

A. Other Items - Information Only.

None given.

Meeting Adjourned at 4:56 p.m.