City Council
of the
City of Las Cruces

Regular Meeting

December 6, 2010
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

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

STAFF:

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

I. OPENING CEREMONIES

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

Representatives from Onate High School Choir sang the National Anthem.

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 and Councillor Small presented the Mayor's Citation for Community Service Award to Patrick H. Beckett.

Mayor Miyagishima and Councillor Small presented the Mayor's Citation for Community Service Award to the High Range Neighborhood Association.

Councillor Small presented a Proclamation to Elisa Cundiff and declared December 6 thru December 12, 2010 as Think Local First Week.

Commissioner John Hummer, District One NMDOT presented an Award of the Municipal Arterial Project (MAP) Funding to the City of Las Cruces.

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.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 8:38 a.m. on December 1, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Sorg, Councillor Thomas, Assistant City Manager Robert Garza, HR Director Andre Moquin, Public Works Director Mike Johnson, Assistant Senior City Attorney Marcy Driggers and Attorney David Lutz. The meeting adjourned at 9:15 a.m. and only the limited listed items stated in the posted notice were discussed which was threatened or pending litigation in Edward Aragon v. City of Las Cruces, Third Judicial District Court Case No. D-307-CV-200802971.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 10:10 a.m. on December 6, 2010. The following members were in attendance: Mayor Miyagishima (12:28-12:44 p.m.), Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, Contract Attorney Daniel Macke, Assistant City Manager Robert Garza and HR Director Andre Moquin. The meeting adjourned at 12:51 p.m. and only the limited listed item stated in the posted notice were discussed which was limited personnel matters.

III. PUBLIC PARTICIPATION

Ron Gurley, Member of the Public said I thought we were going to discuss the Crisis Triage Center but it isn't listed on the agenda. I would like to encourage you to speak with your lobbyist about this center and make sure he fully understands what it is all about.

Mayor Miyagishima said that was discussed at our Quarterly Meeting with the County and it was very well received and supported.

Councillor Connor said the item Mr. Gurley is talking about is Item 12 on today's agenda.

Russ Warner, Member of the Public said Mr. Moore has done a wonderful job and the right decision would be to promote within and give Robert Garza the City Manager position.

Ryan Dailey, Member of the Public said I attended the last Work Session and I just want to say that I don't agree with not allowing public input during Work Sessions. I would like to know how many traffic lights we have throughout the City?

Mike Johnson, Public Works Director said we have approximately 110 traffic lights.

Ryan Dailey asked do the traffic lights affect Law Enforcement agencies? Do they get cited for speeding through intersections during non-emergency times? Do the four traffic light cameras substitute for patrol in those locations? What is the City's foresight on the traffic lights? Is the City trying to have them throughout the entire city?

I assumed that the public would have an input on the City Manager position but it stated in the newspaper that about 20 people participated in an interviewing process with Mr. Garza and I wasn't aware of that forum being done so I wasn't able to participate in that questioning process. I agree with giving Mr. Garza the position but I would hope that laziness and selfishness hasn't prohibited you to do a national search.

Mayor Miyagishima said the traffic lights do apply to Las Cruces Police Officers unless they have their lights on and I don't believe the areas with cameras are substituted for patrols. Council is looking at cameras in school zone type areas instead of adding more traffic cameras.

Regarding the interview process, each Councillor was given an opportunity to use their two hours on how they saw fit and Councillor Silva came up with the interview forum which I thought was very unique and positive. The City has hired both outside and inside the City and in this case, I think Robert is uniquely qualified to serve as City Manager.

IV. <u>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.</u>

Mayor Miyagishima said Item 13 needs to be removed from the Agenda and Items 3, 6 and 8 need to be removed from the Consent Agenda for discussion.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Silva 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. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(1) Resolution No. 11-126: A Resolution Establishing Dates for Holiday Observance for City Employees in 2011.

*(2) Resolution No. 11-127: A Resolution Providing for Determination of Reasonable Notice of Meetings of the City Council and Its Boards and Committees.

*(4) Resolution No. 11-129: A Resolution Authorizing the City of Las Cruces, on Behalf of the Las Cruces Police Department (LCPD) to Accept a Grant in the Amount of $12,695, With No Match Required, From the New Mexico Department of Transportation (Traffic Safety Bureau), to Reimburse the City of Las Cruces for Overtime Wages Paid to Police Officers for the Selective Traffic Enforcement Program, to Ratify the City Manager's Signature to Meet Grant Deadlines and to Adjust the FY 2011 Budget.

*(5) Resolution No. 11-130: A Resolution Authorizing a Memorandum of Understanding (MOU) Between the City of Las Cruces on Behalf of the Las Cruces Police Department and the U.S. Marshals Office for Reimbursement of Overtime Expenses for Joint Operations in the Violent Offender Task Force (VOTF) up to $26,000; to Accept a Ford Flex Vehicle Valued at $25,000 for Use in Joint Operations; and Reimbursement of Vehicle Equipment Upgrades in the Amount of $5,000; to Ratify the City Manager's Signature and to Adjust the FY2011 Budget.

*(7) Resolution No. 11-132: A Resolution Amending Council Resolution No. 10-250 Establishing an Ad Hoc Committee to Assist in Determining the Scope and Scale of Review of Amendments to the Downtown Revitalization Plan, and Authorizing the Mayor to Appoint Members to the Ad Hoc Committee in Accordance with This Resolution and Chapter Two of the Las Cruces Municipal Code, 1997, as Amended.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(3) Resolution No. 11-128: A Resolution Determining That the City of Las Cruces Shall Not Undertake the Formal Fiscal Agent Process to Administer State Appropriations Made During the 2011 Legislative Session for Non-Profit Agencies Outside the City Organization.

Councillor Connor Moved to Adopt Resolution No. 11-128 and Councillor Silva Seconded the motion.

Councillor Silva said if I'm reading this correctly, it states that we will no longer be the fiscal agent to some particular non-profits. I would like to know what our policy is concerning this issue, if we charged for these services and where will these non-profits go now?

Auguie Henry, Grants Administrator said we are specifically talking about legislation appropriations to non-profit agencies. A government agent has to be the fiscal agent in order for a non-profit to receive funds from the State so they can go to the City or the County. This resolution is only for new appropriations and we will continue to be the fiscal agent to all the non-profit projects that we are currently serving.

Councillor Small said I don't think I support this resolution. Was this brought forward simply because of the amount of money it cost us and/or the time it takes to handle these grants?

Auguie Henry said expense is obviously a factor but it depends on the project, the amount it is allocated for and what is going to happen with it. We do charge half of one percent or $500 and the one agency that we have received a fee payment from is La Casa but that doesn't even come close to the amount of money it takes for the City to handle a $600,000 project.

Councillor Small said in many cases, these non-profits are providing critical services to our community and if we pass this resolution then some of these services will be lost and I think that would be a shame. I don't support this resolution.

Auguie Henry said this is the same resolution that Council unanimously approved last year and it doesn't completely close the door to fiscal agencies. It will only be in effect for one year and we are talking mainly about capital projects; not operational.

Councillor Sorg said in other words, we are losing money on these.

Auguie Henry said that is correct.

Councillor Sorg said I don't see any reason why this shouldn't be allowed to pass.

Councillor Thomas said I agree with Councillor Small and I don't see why we would need this since we don't expect any funding to be released this year for these types of projects. I think the City works with non-profits because these are services that we can't afford to provide and I don't want to cut off any possibilities that might help the people in our community so I don't support this resolution.

Mayor Miyagishima said we need to have a Work Session and get all these non-profits together to see if they can consolidate. We can also look at increasing our Administration Fee to mirror what it cost us to be the fiscal agent.

Councillor Thomas said I understand the problem but I still don't support this resolution.

Mayor Miyagishima asked could we amend this to be on a case by case basis?

Harry (Pete) Connelly, Interim City Attorney said you could just not pass this and have them bring back a clean one.

Mayor Miyagishima said okay.

Councillor Pedroza said I worry about the message that this resolution would send and I don't think we need this resolution if we already know there won't be any funding available.

Mayor Miyagishima said I think we should look at doing this on a case by case basis.

Auguie Henry said the State requires them to have a fiscal agent prior to applying for any funds so we would be opening ourselves up to every non-profit that may or may not think that they want to get funding from the State. There is still a cost to the City for setting up the fiscal agent whether or not they get any funding.

Mayor Miyagishima said I just think we shouldn't pass this and have staff bring it back.

Councillor Thomas said also, I think we should look at how the County handled this situation.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-128 and it FAILED. 1-6 Councillor Connor voted Aye. Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Nay.

---

*(6) Resolution No. 11-131: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award Modification in the Amount of $67,096.75 From the Office of National Drug Control Policy and to Adjust the Fiscal Year 2011 Budget.

Councillor Connor Moved to Adopt Resolution No. 11-131 and Councillor Small Seconded the motion.

Councillor Pedroza said I asked for this to be pulled because I think there is some discrepancies on page 61 of the packet regarding the budgeting section. It states that it isn't already budgeted and the proposed funding is from a new revenue source and then later on it states that this doesn't create any new revenue. That seems to be contradictory to me.

Chief Williams, LCPD said this is an addition to our funding sources so it hasn't been budgeted, it is an increase to it and it is from a new source. It's adding to the existing budget.

Auguie Henry, Grants Administrator said they should have checked yes for it increasing revenue.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-131 and it was Unanimously APPROVED. 7-0

---

*(8) Resolution No. 11-133: A Resolution Authorizing Change Order Number One to the Amador Avenue Rehabilitation Phase IIA Project to Include Additive Alternative No. 2 in the Amount of $170,272.97 Plus New Mexico Gross Receipts Tax of $12,876.89 for a Total of $183,149.86 to Burn Construction for Roadway Resurfacing From Pioneer Place to 17th Street as Part of Project Number 09-10-529 and to Amend the Fiscal Year 2010/2011 Budget.

Councillor Connor Moved to Adopt Resolution No. 11-133 and Councillor Small Seconded the motion.

Councillor Silva said we are looking at increasing this by $170,000 and it will come from the Street Maintenance Fund.

Mike Johnson, Public Works Director said that is correct.

Councillor Silva asked how did we determine that was the project for this funding? Were any other projects considered for it?

Mike Johnson gave an overhead presentation and said this is for the 2009 MAP Project that was identified by Council. When we went to bid the project, we didn't have sufficient funding to complete the entire project and we informed Council that we would be bringing this back before them when the funding became available.

Councillor Silva asked do you anticipate any more change orders for this project?

Mike Johnson said not at this time, not for this particular project.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-133 and it was Unanimously APPROVED. 7-0

VI. UNFINISHED BUSINESS

(9) 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) ***TABLED from 11-15-10***

Councillor Connor Moved to Remove Council Bill No. 11-017; Ordinance No. 2597 from the Table and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Council Bill No. 11-017; Ordinance No. 2597 from the Table and it was Unanimously APPROVED. 7-0

Carol McCall, Planner said this is being brought back to you with the four needed changes.

Councillor Connor said we received the changes for pages 12, 16, 19 and 24 on November 27th and I'm fine with this because these are the changes that were already discussed.

Councillor Silva asked if someone wanted to make a change to the Overlay, like expanding it, how would they go about it?

Carol McCall said the boundaries are stated in the Alameda Neighborhood Depot Plan and that would require an amendment to the plan which would involve a public hearing, a resolution and an ordinance would be brought forward to the Planning and Zoning Commission and then to Council.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-017; Ordinance No. 2597 and it was Unanimously APPROVED. 7-0

---

(10) Resolution No. 11-110: A Resolution Approving a Contract Renewal and Amendment to Doña Ana County Contract Number 08-101 for Housing of Municipal Prisoners. ***TABLED from 11-15-10***

Councillor Connor Moved to Remove Resolution No. 11-110 from the Table and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 11-110 from the Table and it was Unanimously APPROVED. 7-0

Pat Degman, Interim Finance Director gave a verbal presentation and said this is for the renewal of the contract with Dona Ana County for prisoner care services. There were some concerns with the City paying for mental health care, prisoners qualifying for indigent funds, the City being charged for the release date and the move from a CPI Index to a National Index.

Councillor Pedroza said I didn't understand the wording, I don't know if the City is contemplating paying $700 per day or $99 per day? It seems to me that we would be agreeing to a retroactive adjustment; is that accurate?

Chris Barela, Detention Center Director said the fee of $700 per day will only be incurred by the municipal prisoners who are placed in Mesilla Valley Hospital because of their mental status. There won't be a fee of $700 plus the $99 fee for that individual, it will only be the $700 fee.

Councillor Pedroza asked has the City been making some kind of payment?

Pat Degman said the City has been withholding payment until the approval of Council for this contract amendment. We currently owe the County $424,000 for prisoner care from July through September. The contract is retroactive to July 1st which is the beginning of our fiscal year.

Councillor Pedroza said prior to that, there was a different fee amount because Memorial Medical Center was accepting these prisoners.

Chris Barela said no, there is a provision in the current contract that states the City would pay for the medical care cost so we're using that paragraph to charge for the Mesilla Valley Hospital care. Memorial Medical Center stopped accepting detainees for mental health care a long time ago because they didn't have the security to handle that type of patient.

Councillor Pedroza said so, from that time, the City has been paying the $700 per day fee.

Chris Barela said yes, since February 2010. The County still provides mental health care but is doesn't provide care for the acutely mentally ill patients.

Councillor Pedroza said so, the changes are for the fee of $700 for the acutely ill and $99 for the non-acutely ill prisoners.

Chris Barela said I don't believe that's correct. The two changes that are being proposed are to change the daily rate from $84 and some cents to $91.13 and the second change is for the Consumer Price Index that we will use in future years to adjust the daily rate. The contract basically reads the same for medical care of detainees which is that the City will pay for it unless it is rendered inside our facility at no cost to the County.

Councillor Connor asked what is the reason for adding the release date to the contract?

Chris Barela said it is a fee that we incur and up until now we haven't been charging for it.

Councillor Connor asked is it a daily rate?

Chris Barela said yes.

Councillor Connor said so, if they are there for two hours then we get charged the full daily rate.

Chris Barela said yes, even if they are there for one minute of the day. It's not a fee we are charging but it is the cost we are incurring and all entities that use our facility pay that cost.

Councillor Connor asked does the $700 fee include the transportation to and from the facility?

Chris Barela said yes, everything is included in the fee.

Mayor Miyagishima said years ago, the City, County Commission passed a resolution that allowed the Health Care Indigent Services Fund to be utilized for inmates; is that still the case?

John Caldwell, County Attorney said no, every tax dollar that is collect under the GRT that is dedicated specifically to indigent care, the County uses for its Sole Community Provider Matching Fund so there isn't any true Indigent Health Care Fund in the County.

Councillor Sorg said I would like to explore the CPI methods; does this present any budgetary problems for the City?

Pat Degman said we don't have a history established on this but I could see some kind of an impact on our mid-year budget adjustment.

Councillor Sorg asked why are we switching?

Chris Barela said we want to standardize our CPI.

Councillor Connor asked who within the City negotiated this contract?

Harry (Pete) Connelly said the City staff, Marcy Driggers, Pat Degman, sat down and negotiated it.

Councillor Pedroza said there is a possibility that we will be getting a Crisis Triage Center; will that have an effect on this? Can you give me an average length of stay for a detainee at Mesilla Valley?

Chris Barela said the Crisis Triage Center may impact the type of people we get in the facility, depending upon if they are diverted before they get into the judicial arm of the process. The average length of stay for our regular detainees is approximately thirteen days and it increases by about forty days for our detainees with mental issues. Mesilla Valley makes determinations on how long they stay there depending upon how the detainees are acting at that time; sometimes they can stabilize them in about seven to fourteen days but we have had individuals stay there for about six weeks.

Councillor Sorg Moved to Amend Resolution No. 11-110 to clarify the use of the CPI-U and Councillor Thomas Seconded the motion.

Harry (Pete) Connelly said this amendment will need to have the County agreement.

John Caldwell said that is already stated in the contract so this amendment would just be for your resolution which I don't think we would need to agree to it.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-110 to clarify the use of the CPI-U and it was Unanimously APPROVED. 7-0

Ron Gurley, Member of the Public said the only people who have a constitutional right to health care are the individuals that are incarcerated and there are more and more lawsuits that are occurring all over the State. The third highest health care cost in the world is the mental health cost. I suggest that we have a physiatric unit in our jail facility so we wouldn't have to pay such a high cost.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-110 as Amended and it was Unanimously APPROVED. 7-0

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(11) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-134; A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima opened the Public Hearing for Resolution No. 11-134 and asked if there was anyone who wished to speak against this item?

None given.

Mayor Miyagishima closed the Public Hearing.

Resolution No. 11-134: A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine Only) to St. Clair Winery & Bistro II, LLC D/B/A St. Clair Winery & Bistro II, Located at 1800 Avenida de Mesilla, Las Cruces, New Mexico.

Councillor Small Moved to Adopt Resolution No. 11-134 and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-134 and it was Unanimously APPROVED. 7-0

---

(12) Resolution No. 11-135: A Resolution to Establish the City of Las Cruces Primary Priorities for the 2011 State Legislature Session.

Councillor Connor Moved to Adopt Resolution No. 11-135 and Councillor Small Seconded the motion.

Robert Garza gave an overhead presentation and said this resolution is to clarify and go on record that this Council supports very specific strategies for this next Legislative Session. The reason we are doing this is because the LFC, the people in Santa Fe who draft legislation, need to know exactly where you stand on certain issues. We are proposing two specific capital improvement projects which are the MVRDA PSAP (911 Center) and the Crisis Triage Center. There are other things that we are proposing that are capital projects but do require legislation to make happen which are matters relating to the Flood Control Authority, the Camunez Building Acquisition and the Hold Harmless Tax issue.

Councillor Thomas said in the past, the Greater Las Cruces Chamber of Commerce has taken a list of priorities to the State Legislature; is that still the process?

Robert Garza said yes, there is an active process underway. They are asking all the agencies, the City, County, School District, NMSU, they are trying to gather input from all of the entities within the community. I informed them that as soon as Council took action on this document I would make it available to them.

Councillor Connor said they only present five to six items out of the ten to twelve entities which it makes it very easy when the City and County share the same projects.

Councillor Silva said maybe during the Las Cruces Days when all of us are up there we can schedule a meeting between us and the Legislatures.

Robert Garza said I will follow up with our Lobbyist and see if that can be arranged.

Russ Warner, Member of the Public said I want to compliment City staff for a very sensible priority list.

Dan Jett, Member of the Public said the City doesn't need to take over the Camunez Building. It seems that the City is just trying to buy up all the property in the Downtown area.

Mayor Miyagishima said the City is working with a non-profit organization that would be taking over that building.

Becky Beckett, Member of the Public said I want to thank you for this resolution because it is very important for the Crisis Triage Center.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-135 and it was Unanimously APPROVED. 7-0

---

(13) Resolution No. 11-136: A Resolution Adopting the 2010-2020 Impact Fee Land Use Assumptions For Major Roads, Drainage, and Public Safety as Required by Las Cruces Municipal Code Chapter 33, Development Impact Fee.

Removed from the Agenda.

---

(14) Resolution No. 11-137: A Resolution Repealing Resolution 10-178 and Approving a Memorandum of Understanding Between the City of Las Cruces and the National Community Development Association Region VI (6) to Host the Regional Conference In Las Cruces, in November 2011. The Resolution Further Authorizes an Adjustment to the City's Adopted FY2011 Budget to Recognize Both Revenue and Expenditures Associated with Hosting the Regional Conference.

Councillor Sorg Moved to Adopt Resolution No. 11-137 and Councillor Thomas Seconded the motion.

David Dollahon, Neighborhood Services Administrator said the Regional Conference rotates the location of its Annual Conference and 2011 is the year for New Mexico to host the conference. There was a previous resolution approved but the Association began discussing it and decided that they just wanted to do a Memorandum of Understanding so this resolution would repeal the previous resolution and enact the resolution that is before you today. In exchange for hosting this event, they

provide us with $5,000 up front to help offset some of our expenses which is why there is a budget adjustment included within the resolution.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-137 and it was APPROVED. 6-0 Councillor Silva was Absent.

---

(15) Council Bill No. 11-018; Ordinance No. 2598: An Ordinance Amending Las Cruces Municipal Code, Section 27-12-6-17, *Parking Restrictions for Recreational Vehicles*, to Establish a Linear Limit Beyond Which Recreational Vehicles May Not be Parked at the Side of a Residence, to Reduce the Number of Days a Person May Reside in a Recreational Vehicle Parked at a Residence, to Reduce the Number of Days a Recreational Vehicle May be Parked on a Street or Alley; and to Clarify the Authority of Codes Enforcement to Enforce This Ordinance and Section 27-12-6-18, *Occupation of Recreational Vehicle*; and to Make Both Ordinances Consistent With Las Cruces Development Code, Section 38-57, *Mobile Home Parks/Recreational Vehicle Parks.*

Councillor Thomas Moved to Adopt Council Bill No. 10-018; Ordinance No. 2598 and Councillor Small Seconded the motion.

Mayor Miyagishima said we did these revisions because we were getting complaints primarily from District 6 regarding residents that were staying two weeks and then leaving for a couple of days and park again for another two weeks. On page 233 Section 27-12-6-17, we need to make sure that it mentions vehicles with four wheels because the larger RVs have six wheels. If it has four wheels then they can park it on the street for as long as they want but they couldn't live inside it.

Officer Ontiveros, Codes Officer said that is correct for the way the ordinance is written now.

Mayor Miyagishima said regarding the setback, I think we need to include something in there regarding zero lot lines and if the two setbacks are different then they should have to park it on the larger side.

Councillor Thomas said I had someone with concerns regarding a joint driveway, they were parking their RV there and the other person using the driveway couldn't get their vehicle in and out.

Officer Ontiveros said if it isn't a City owned street then that would be a civil issue.

Councillor Thomas said I don't know about the five-foot side line regulation because I have a constituent who has parked their RV on the side of their house for years and with that rule in place they won't be able to park it there anymore.

Mayor Miyagishima said we don't want to displace anyone and it kinda depends on if the neighbors are complaining.

Councillor Thomas said I guess I need more clarification on why we are doing the five-foot lot line.

Mayor Miyagishima said we had a Work Session regarding this issue and some of the residents that were present at that meeting had concerns with the propane tanks being so close to their homes and with people emptying their septic tanks from their RVs. We can table this item to give us more time to work on it and I think we need to change the parking time from two weeks to about five days.

Councillor Sorg said I'm also not too sure we need to have the five-foot lot line regulation in there but I do agree with changing the time limit to five days.

Mayor Miyagishima said it seems to me that we only need to change the wording for the five-foot setback.

Councillor Silva said I think five days isn't enough time and it concerns me that they can get an emergency thirty day extension but it is determined by a Codes Officer, the Police Chief and the Community Development Director. I think that is too many people and it should simply be determined by the Codes Officer or the Police Chief.

Mayor Miyagishima said then I guess we will need to include that in our amendment.

Harry (Pete) Connelly, Interim City Attorney said with all these amendments, I would recommend that it be tabled and brought back.

Councillor Thomas Moved to Table Council Bill No. 10-018; Ordinance No. 2598 until January 3, 2011 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 10-018; Ordinance No. 2598 until January 3, 2011 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima said we'll bring it back with the amendment to the five-foot setback and have the thirty day extensions approved by the Police Chief.

Richard Alm, Member of the Public said when I moved to Las Cruces I wanted to buy a house that I could park my RV next to my house for security purposes and I have spent about $5,000 to have an RV pad put in. I have been using it for many years and now there would be no way I could use it because there isn't a five-foot setback from my property line.

Mayor Miyagishima said we are going to include wording that will allow you to continue to use that area for your RV.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Barry H. Hill to the Extra-Territorial Zoning Commission.

Councillor Connor Moved to Approve the Mayor's Board Appointment of Barry H. Hill to the Extra-Territorial Zoning Commission and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment Barry H. Hill to the Extra-Territorial Zoning Commission and it was Unanimously APPROVED. 7-0

Mayor Miyagishima appointed Emily Coss (Alameda Depot Neighborhood Organization) to the Downtown Revitalization Plan Ad Hoc Committee.

Councillor Connor Moved to Approve the Mayor's Board Appointment of Emily Coss (Alameda Depot Neighborhood Organization) to the Downtown Revitalization Plan Ad Hoc Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment Emily Coss (Alameda Depot Neighborhood Organization) to the Downtown Revitalization Plan Ad Hoc Committee and it was Unanimously APPROVED. 7-0

Councillor Thomas appointed Joyce Macrorie to the Historic Preservation Committee.

IX. REVIEW OF PROPOSED ORDINANCE(S)

(16) Council Bill No: 11-019: 2599: An Ordinance Approving a Zone Change From UR (Urban Ranch From the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) for Two (2) Distinct Properties Located South of Shannon Road and West of Beyer Road. The Subject Properties Consist of Two Lots for a Total 3.00 ± Acres: Lot One Encompasses 2.00 ± Acres and Lot Two Encompasses 1.00 ± Acres. The Proposed Zone Change will Bring the Subject Properties Into Compliance With the 2001 Zoning Code, as Amended. Submitted by Anne Shannon and Bea Wade, Property Owners (Z2816)

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 construction continue. Road closures at Main/Lucero Avenue. Main/Las Cruces open to east bound traffic.)*
2. **Del Rey/Sandhill Arroyo** - *(Storm Drain Box Culver 100% complete. Utility work 100% 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** – *(The design charrette process was completed and the consultant produced a third preliminary site layout option that City staff has reviewed and reached a consensus to further pursue. The consultant will therefore further define the proposed site plan for City approval.)*

7. **EPA Smart Growth Implementation Assistance Program (SGIA)** - ***(November 22, 2010: Picturing El Paseo: Share Your Vision for the Corridor.*** *Community Development Department staff completed two components of this planning project with the EPA, DOT and HUD. The Road Safety Audit, conducted October 26 & 27, was a formal safety performance evaluation of El Paseo Road by a multidisciplinary team of professionals from the Federal Highway Administration, the New Mexico Department of Transportation, the Las Cruces Metropolitan Planning Organization (MPO), and the Las Cruces Police, Transit, and Public Works departments. The preliminary findings are available upon request and will be published on the Picturing El Paseo website. The final report on El Paseo's Roadway Safety Assessment will be available soon. The second Visioning Workshop was held November 18-20, with over 75 people attending during the three-day period. The attendees were very enthusiastic and offered many thoughtful and creative ideas for potential redevelopment of El Paseo Road. Materials from the workshop are being added daily to our website and a summary presentation will be made to City Council in the coming weeks. This component of the project will come to a close as the year ends and the project partners complete their toolbox of public participation techniques. The third component of the project, Business Retention and Recruitment, will continue through the early part of 2011. The project website is* www.picturingelpaseo.org

8. **New City Web Site** – *(Staff from all City departments are preparing content for their respective departmental portions of the new web site.)*

9. **Sage Café** – *(City staff are proceeding with installation of electrical service at the site and are in the process of entering a requisition for El Paso Electric to accomplish this. The contractor has been in touch with National Restaurant Supply who is currently updating their equipment quote for further consideration.)*

10. **Grants/ARRA Status -** ***http://www.las-cruces.org/PDFs/grant_matrix.pdf***

XI. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I want to say that I think the new Police cars look great.

There was a discussion at the County Commission to bring forward a proposal to start a Diversity Council and I will be bringing forward a resolution for that issue probably in the first part of January.

A. Discussion on cancellation of Regular City Council meeting scheduled for December 20, 2010. ***(Minute Action Required).***

I would like to get approval to cancel the December 20th meeting due to the lack of items for the agenda.

Councillor Connor Moved to Cancel the December 20, 2010 Regular Council Meeting and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Cancel the December 20, 2010 Regular Council Meeting and it was Unanimously APPROVED. 7-0

---

2. **CITY COUNCIL**

Councillor Thomas said I just want to mention that the MPO is looking for applications for projects to put on the Transportation Improvement Projects list.

Councillor Sorg said I just want to wish everyone a happy Holiday Season.

Councillor Small said I want to thank David Weir for helping with working through a potential health care relocation in District 4.

Councillor Pedroza said I just want to wish everyone a Merry Christmas and Happy Holidays.

Councillor Connor said I was at the National League of Cities last week and it was one of the most depressing meetings I have attended because there was the least amount of delegates attending that I have seen over the years. There were fourteen of us from New Mexico and we all said that there wasn't anything really positive coming out of the provided information.

I stopped by the Convention Center to walk through the La Casa Bizarre and I interviewed some of the vendors that were there. They were excited about the facility and were pleased about how accommodating David Hicks has been to them.

I have received several calls regarding our new water and sewer rates and some of them were multi-family homes that went from one classification to a commercial classification which doubled the amount of their bills. I think we need to get with some of our stakeholders and discuss this issue at some kind of a public meeting.

Jorge Garcia, Utilities Director said I recommend that if you receive any more calls that you inform them that we are having individual meetings with customers and dealing with their bills individually. The reason for the change in the rates isn't because of the classification, it is because of the large volumes that some of those places are using.

Councillor Silva said last month I asked if we could have an update regarding the Munson Center and I also wanted to add the Eastside Center to that presentation.

The County has an Audit Report Committee and I would like to know if we could look into the structure of that committee.

This past Friday was the Winterfest Event, it was a great event and I want to thank everyone who worked on it. This Saturday is the Lighting Event for the Mesquite Neighborhood and I highly recommend everyone to come down and enjoy the event.

This past Saturday, Alvery Ray Smith who is an NMSU alumni and one of the founders of Pixar spoke at the DACC. I asked him what it would take for us to have a gaming or animation industry here in Las Cruces and he really didn't have an answer but he spoke very highly of the programs that we have at the Dona Ana Community College and NMSU. I also want to wish everyone Happy Holidays.

---

3. **CITY MANAGER**

A. Other Items - Information Only.

Terrence Moore, City Manager said I just want to wish everyone a happy Holiday Season.

Mayor Miyagishima said the City is going to be given some awards and one of them is for the

design of the new City Hall.

Brian Denmark, Facilities Director said there are two events that will be occurring within the next week and a half and the first one is this Friday which is the NIAOP 2010 Awards for Excellence and the next event is the following Tuesday. We made the finalist with two projects under the civic and public category. The first project is the Emma Heske Community Garden project and the other one was the new City Hall.

Meeting Adjourned at 4:35 p.m.