

Regular Meeting
January 18, 2011



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

Regular Meeting

**January 18, 2011
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima **ABSENT**
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Sharon Thomas, District 6

- Robert Garza, City Manager
- Harry (Pete) Connelly, Interim City Attorney
- Esther Martinez, City Clerk

I. OPENING CEREMONIES

25 Mayor Pro-tem Thomas called the meeting to order and asked for a moment of silence. Councillor
26 Thomas led the Pledge of Allegiance.

28 Presentation of Certificates of Appreciation/Proclamations.

30 Mayor Pro-tem Thomas and a representative from the Animal Services Center of the Mesilla Valley
31 presented the Pet of the Week.

33 Mayor Pro-tem Thomas and Councillor Silva recognized the Gadsden High School Varsity
34 Volleyball Team for being the 2010 New Mexico High School 5A State Champions.

36 Mayor-Pro-tem Thomas presented a Proclamation to Ms. Garcia, Mr. Nunez, Ms. Romero and the
37 Student Council and declared January 30 thru February 6, 2011 as Celebrate Catholic Schools Week.

39 Mayor Pro-tem Thomas presented a Proclamation to John Northcutt and Cheri Gamboa and declared
40 February 2011 as For the Love of Art Month.

42 Laura Holguin, NMGFOA presented the GFOA Distinguished Award to Interim Finance Director
43 Pat Degman and Budget Director Dick Gebhart.

1 Greg Walke, Historical Preservation Committee gave a presentation and said it is in the best interest
2 of our community to celebrate and enhance the benefits of historic presentation. Historic preservation
3 involves the City Government, the Business Community, Property Owners, Individuals and
4 Organizations. We are presuming that the City will take the leadership and set public policies and
5 goals with public input at all stages of the process. We would like to see an ordinance that focuses
6 more on incentives rather than regulations. We need a serious commitment from the City on behalf
7 of this effort in the form of designating a Program Coordinator and budgeting resources to
8 implement program goals. Our current recommendation to City Council is that they proclaim and
9 promote May 2011 as Heritage Preservation Month in Las Cruces which would coincide with other
10 celebrations throughout New Mexico.

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14 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**
15 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*
16 *if any member of the city council, city manager, or any member of the city staff has any*
17 *known conflict of interest with any item on the agenda.*

18

19 Mayor Pro-tem Thomas asked if anyone had any conflicts with anything on the agenda?

20

21 Councillor Sorg said I have a conflict with Items 4 and 6.

22

23 Mayor Pro-tem Thomas said we will remove those items from the Consent Agenda so you can recuse
24 yourself.

25

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28 Mayor Pro-tem Thomas read a closed meeting statement and said the Las Cruces City Council met
29 in a Closed Session at 2:30 p.m. on January 10, 2011. The following members were in attendance:
30 Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small,
31 Councillor Sorg, Councillor Thomas, City Manager Robert Garza, HR Director Andre Moquin,
32 Interim City Attorney Harry (Pete) Connelly, Assistant City Attorney Jared Abrams and Interim
33 Assistant City Manager Brian Denmark. The meeting adjourned at 3:02 p.m. and only the limited
34 items stated in the posted notice were discussed.

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38 **III. PUBLIC PARTICIPATION**

39

40 Ryan Dailey, Member of the Public said I would like to have Council address pedestrian control
41 issues on Valley and Hoagland due to Mayfield High School students. I think we need a crossing

1 guard for that intersection because they are crossing the street at any time and it is causing problems
2 with the traffic in that area.

3
4 I would like to request that a resolution be brought forward that condemns the Arizona massacre. I
5 want to mention that a United States Judge and a 9-year old girl were killed during that incident and
6 flags were supposed to be flown at half-staff and some of the City facilities had flags flown at half-
7 staff but others didn't.

8
9 Mayor Pro-tem Thomas said regarding the situation on Valley, there is a plan for some future
10 changes to that area through the MPO and I'm sure the City Manager can look into the flag situation.

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

17

18 Mayor Pro-tem Thomas said Items 4 and 6 need to be removed from the Consent Agenda for
19 discussion.

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23 Councillor Connor Moved to approve the Agenda as Amended and Councillor Sorg Seconded the
24 motion.

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28 Mayor Pro-tem Thomas called for the roll on the Motion to accept the Agenda as Amended and it
29 was APPROVED. 6-0 Mayor Miyagishima was absent.

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33 **V. CITY COUNCIL MINUTES**

34

35 *(1) Regular Meeting of January 3, 2011

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39 **VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

40

41 *(2) Resolution No. 11-157: A Resolution Authorizing the City of Las Cruces, on Behalf of the
42 Las Cruces Fire Department, to Accept Awarded Funding From the New Mexico Public

- 1 Regulation Commission, State Fire Marshal Division, in the Amount of \$95,656 With a 20%
2 Required Match of \$23,914, to Purchase Training Equipment, Ratify the City Manager
3 Signature Accepting the Grant and Adjust the FY2011 Budget.
4
- 5 *(3) Resolution No. 11-158: A Resolution Establishing an Ad Hoc Committee to Assist in
6 Developing a Wind Erosion Control Ordinance, and Authorizing the Mayor to Appoint
7 Members to the Ad Hoc Committee in Accordance with this Resolution.
8
- 9 *(5) Resolution No. 10-11-420: A Resolution Approving the Extension of an Indefinite Cost,
10 Indefinite Quantity Price Agreement for Electrical Engineering Services to Apex Engineering
11 and Automation of El Paso, TX; Beaudin Ganze Consulting Engineers, Inc. Of Albuquerque,
12 NM and Parkhill, Smith and Cooper, Inc. Of El Paso, TX, for Years Three Through Five of
13 a Five Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.
14
- 15 *(7) Resolution No. 10-11-422: A Resolution Approving the Extension of an Indefinite Cost,
16 Indefinite Quantity Price Agreement for Mechanical Engineering Services to Coupland-
17 Moran Engineers, Inc. Of Albuquerque, NM; Beaudin Ganze Consulting Engineers, Inc. Of
18 Albuquerque, NM; and to Parkhill, Smith and Cooper, Inc. Of El Paso, TX, for Years Three
19 Through Five of a Five Year Term Conditioned Upon Annual Renewals and Pending
20 Approved Budgets.
21
- 22 *(8) Resolution No. 10-11-423: A Resolution Approving the Extension of an Indefinite Cost,
23 Indefinite Quantity Price Agreement for Structural Engineering Services to Parkhill, Smith
24 and Cooper, Inc. Of El Paso, TX for Years Three Through Five of a Five Year Term
25 Conditioned Upon Annual Renewals and Pending Approved Budgets.
26
- 27 *(9) Resolution No. 10-11-424: A Resolution Approving the Extension of an Indefinite Cost,
28 Indefinite Quantity Price Agreement for Traffic Engineering Services to Lee Engineering,
29 LLC of Albuquerque, NM; URS Corporation of Las Cruces, NM; and Wilson and Company,
30 Inc. Of Albuquerque, NM, for Years Three Through Five of a Five Year Term Conditioned
31 Upon Annual Renewals and Pending Approved Budgets.
32
- 33 *(10) Resolution No. 10-11-429: A Resolution Approving the Extension of an Indefinite Cost,
34 Indefinite Quantity Price Agreement for Utility Engineering Services to Blanchard
35 Engineering, Inc. Of Las Cruces, NM; CH2M Hill, Inc. Of Albuquerque, NM; Engineering,
36 Inc. Of Silver City, NM; Livingston Associates, PC, of Alamogordo, NM; and Wilson and
37 Company, Inc. Of Albuquerque, NM, for Years Three Through Five of a Five Year Term
38 Conditioned Upon Annual Renewals and Pending Approved Budgets.
39
- 40 *(11) Resolution No. 10-11-437: A Resolution to Award an Indefinite Quantity, Indefinite Cost
41 Price Agreement for Biodiesel Fuel to Rio Valley Biofuels, LLC of Anthony, New Mexico

1 for a Term of Five (5) Years Subject to Approved Budget Appropriations and Annual
2 Renewal From Original Bid No. 10-11-437.

3
4 *(12) Resolution No. 10-11-480: A Resolution Authorizing the Restriping Work of Various City
5 Streets to San Bar Construction Corporation of Albuquerque, Nm in the Amount of
6 \$121,868.30 plus \$9,216.29 for New Mexico Gross Receipts Tax. The City Manager Is
7 Authorized to Approve Change Orders in an Amount Not to Exceed \$14,099.79 for a Total
8 Project Authorization Amount of \$145,184.38.

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12 **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

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14 *(4) Resolution No. 10-11-419: A Resolution Approving the Extension of an Indefinite Cost,
15 Indefinite Quantity Price Agreement for Civil Engineering Services to Blanchard
16 Engineering, Inc.; Zia Engineering and Environmental Consultants, LLC., and URS
17 Corporation All of Las Cruces, NM, for Years Three Through Five of a Five Year Term
18 Conditioned Upon Annual Renewals and Pending Approved Budgets.

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20 Councillor Connor Moved to Adopt Resolution No. 10-11-419 and Councillor Sorg Seconded the
21 motion.

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25 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-11-419 and
26 it was APPROVED. 5-0-1 Mayor Miyagishima was Absent and Councillor Sorg Abstained.

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30 *(6) Resolution No. 10-11-421: A Resolution Approving the Extension of an Indefinite Cost,
31 Indefinite Quantity Price Agreement for Environmental Engineering Services to Souder, Miller and
32 Associates; Terracon Consultants, Inc. And Zia Engineering and Environmental Consultants, LLC.,
33 All of Las Cruces, NM, for Years Three Through Five of a Five Year Term Conditioned Upon
34 Annual Renewals and Pending Approved Budgets.

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36 Councillor Connor Moved to Adopt Resolution No. 10-11-421 and Councillor Small Seconded the
37 motion.

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41 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-11-421 and
42 it was APPROVED. 5-0-1 Mayor Miyagishima was Absent and Councillor Sorg Abstained.

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**(13) BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-159;
A PUBLIC HEARING MUST BE HELD:**

Mayor Pro-tem Thomas said the Public Hearing is now open for Resolution 11-159. Is there anyone who wishes to speak against this item?

None given.

Mayor Pro-tem Thomas closed the Public Hearing.

Resolution No. 11-159: A Resolution Approving the Transfer of Ownership (Change in Corporate Structure) of Liquor License No. 2782 to Outback Steakhouse of Florida, LLC d/b/a Outback Steakhouse #5114, Located at 940 North Telshor, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-159 and Councillor Sorg Seconded the motion.

Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-159 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

(14) Resolution No. 11-160: A Resolution to Adjust the Adopted Fiscal Year 2010/2011 Budget Allowing for Carry-Over Expenses and Reallocations of Operating and Capital Costs Due to Mid-Year Developments Regarding Revenues and Expenditures.

Councillor Connor Moved to Adopt Resolution No. 11-160 and Councillor Silva Seconded the motion.

Dick Gebhart, Budget Director gave an overhead presentation and said this is the mid-year budget adjustment and the purpose of this adjustment is to align the expenditures and revenues to reflect the actual FY10 activity and fund balances, expenditure/revenue developments for the first half of FY11, expenditures in anticipation of FY12 and to reflect anticipated economic developments that will impact revenue collections for the remainder of FY11. There are 95 FY11 fund adjustments and some significant mid-year changes are increases in revenues and service for Transit, increased

1 unemployment insurance costs, increased contributions for retiree health care, General Fund
2 expenditure alignment and the Convention Center budget restoration. The reasons for the changes
3 to the General Fund are as follows, the revenue drop which is mainly due to timing, not the economy,
4 expenditures are the result of law changes that were not originally incorporated in the FY11 budget
5 and the transfer amounts being conditional investments. The General Fund's ending balance is two
6 times the required reserve and it is well positioned after the mid-year updates.

7

8 Councillor Connor said regarding the \$28,000 increase in franchise fees, is that related to Rio Grande
9 Gas and the transfer of customers?

10

11 Dick Gebhart said no, the franchise fees are basically for things like the telephones and electricity.

12

13 Councillor Connor said regarding the \$315,000 property tax increase, is that separating out the TIDD
14 funds that we're still unclear about where those go or have we cleared up that problem?

15

16 Dick Gebhart said this is not separating out the property taxes that would be going to the TIDD; this
17 is basically all the property taxes that we received in FY10 and to-date for FY11 which have gone
18 into the General Fund. There will probably be an annual adjustment but there just isn't that much
19 property tax going into the TIDD right now.

20

21 Councillor Connor asked do we have an estimate on when the online auction will be active?

22

23 Brian Denmark, Interim Assistant City Manager said there are two issues that are occurring at this
24 time, one is the setting up for the live auction this spring and secondly, the online auction is currently
25 in the Purchasing Department's ball-court and they are trying to make sure that it will comply with
26 the Procurement Code so we can begin setting it up which will probably take place next fiscal year.

27

28 Councillor Sorg said regarding the Capital Improvement Reserve Fund, we're not going to touch that
29 until the Legislative Session is over; correct?

30

31 Dick Gebhart said that is correct.

32

33 Councillor Connor said do you expect to have an adjustment this year for Prisoner Care?

34

35 Dick Gebhart said no.

36

37 Councillor Silva asked do you expect us to remain at twice the amount required for our reserve?

38

39 Dick Gebhart said yes, our economy is slowly recovering and that is a good target to try to keep.

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41 Russ Warner, Member of the Public said these are extremely minor adjustments to our budget and
42 it points out what a great job the City staff does for us.

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4 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-160 and it was
5 APPROVED. 6-0 Mayor Miyagishima was Absent.

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9 (15) Resolution No. 11-161: A Resolution Approving Commitment of Program Year 2011 Home
10 Funds to a Federal Low Income Housing Tax Credit (LIHTC) Project for Affordable
11 Housing to be Located at 575 S. Alameda Blvd.

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13 Councillor Small Moved to Adopt Resolution No. 11-161 and Councillor Connor Seconded the
14 motion.

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18 David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said this
19 is a commitment for Home Funds for next year's City Office Center project. This project will be
20 located on the empty City Office Center property and it will target households that are at 60% or
21 below the area median income. It will comprise of sixty units of studio and one bedroom units and
22 fifteen of those units will be set aside for people with special needs including those with disabilities.
23 The amount of funding available is \$499,750, the proposed commitment amount is \$250,000 and
24 the amount left to commit to other activities is \$249,750.

25

26 Councillor Sorg asked does this commit us to demolishing the City Office Center?

27

28 David Dollahon said we have already committed to demolishing the City Office Center.

29

30 Councillor Small said I think this is a good project and it is worthy of our support.

31

32 Councillor Silva said basically, we are giving them a loan; correct?

33

34 David Dollahon said our policy on the Low Income Housing Tax Credits is that we would give them
35 some type of loan for the most part. Given the nature of the clients they serve and the guarantee set-
36 aside that they are formally homeless individuals, we are strongly entertaining that a portion of this
37 would go to the project as a grant because they are guaranteeing us that a portion would be set-aside
38 for previously homeless individuals that are disabled so approximately \$62,000 would go to them
39 as a grant and approximately \$180,000 would go to them as a loan.

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1 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-161 and it was
2 APPROVED. 6-0 Mayor Miyagishima was Absent.

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6 (16) Resolution No. 10-11-427: A Resolution Authorizing a Contract for Phase I of the Museum
7 of Nature and Science General Construction Services (RFP 10-11-427) with Wooten
8 Construction, Las Cruces, New Mexico, for a Contract Amount of \$763,730.00, Plus an
9 Allowance of \$57,757.08 for New Mexico Gross Receipts Tax, for a Total Project
10 Authorization of \$821,487.08.

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12 Councillor Connor Moved to Adopt Resolution No. 10-11-427 and Councillor Small Seconded the
13 motion.

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17 Eric Martin, Project Management Administrator gave an overhead presentation and said this is for
18 Phase I of the new Museum of Nature and Science building which will be located at 411 North Main
19 Street and it will be approximately 8,900 square feet. We will be using American Recovery and
20 Reinvestment Act Stimulus Funds and Housing and Urban Development Funds for this project. We
21 did receive five applications and the top three were interviewed and Wooten Construction was
22 selected by the Selection Advisory Committee. Phase I of the project will include pre-construction
23 services, abatement of lead and asbestos issues and prep the building for the use of renewable energy.
24 We will be using ASA Architects for our architectural design and engineering, Highland Enterprises,
25 Inc for our exhibit design and construction and Wooten Construction for our general construction.

26

27 Councillor Small said I think it's great that this project is moving forward and that we have so many
28 local contractors working on it.

29

30 Councillor Sorg asked when will Phase I be completed?

31

32 Eric Martin said it will be over the next few months.

33

34 Councillor Silva asked when do you think the museum will be open?

35

36 Eric Martin said by the latter part of 2012.

37

38 Councillor Silva asked how are we going to transition from the mall location to the new location?

39

40 Will Ticknor, Museum Systems Administrator said we are anticipating a minimum of 90 to 120 days
41 that we will need to be closed for the transition and we are anticipating opening the new location
42 during the first week of November 2012.

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2 Alfonso Archuleta, Member of the Public said regarding the HUD certification, I submitted a bid for
3 this process and they told me that we had to have a HUD certification which none of us had but I was
4 more interested in doing the solar component portion of it. There was one who had the HUD
5 certification but wasn't selected so I would like an explanation on why he wasn't selected.

6

7 David Dollahon, Neighborhood Services Administrator said our section handles the HUD
8 certification for the City and it is required for any contract that exceeds \$100,000 which this project
9 is well over that amount. The evaluation criteria that was used by the Selection Advisory Committee
10 did include a HUD Section 3 business preference which counted for 15% of the score. That was
11 included in the individual whom had the certification but the overall score determined the selection.
12 Mr. Archuleta can contact our office regarding Section 3 certification or contact Wooten
13 Construction regarding becoming a potential sub-contractor.

14

15 Alfonso Archuleta said I was told that I wouldn't even be in the running because I didn't have the
16 certification and yet the selected contractor doesn't have a certification either but is going to have
17 sub-contractors with this certification. I think most of us didn't even apply for this because of that
18 misunderstanding.

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22 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 10-11-427 and
23 it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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27 **VIII. BOARD APPOINTMENTS**

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29 Mayor Pro-tem Thomas for Mayor Miyagishima appointed Kevin Dasing as Representative for DAV
30 10 to the Veterans Advisory Board.

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34 Councillor Small Moved to Approve the Mayor's Board Appointment of Kevin Dasing as
35 Representative for DAV 10 to the Veterans Advisory Board and Councillor Sorg Seconded the
36 motion.

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40 Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Mayor's Board
41 Appointment of Kevin Dasing as Representative for DAV 10 to the Veterans Advisory Board and
42 it was APPROVED. 5-0. Councillor Connor and Mayor Miyagishima were Absent.

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3 Mayor Pro-tem Thomas for Mayor Miyagishima appointed Win Jacobs to the Downtown
4 Revitalization Plan Ad Hoc Committee.

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8 Councillor Sorg Moved to Approve the Mayor's Board Appointment of Win Jacobs to the
9 Downtown Revitalization Plan Ad Hoc Committee and Councillor Small Seconded the motion.

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13 Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Mayor's Board
14 Appointment of Win Jacobs to the Downtown Revitalization Plan Ad Hoc Committee and it was
15 APPROVED. 6-0 Mayor Miyagishima was Absent.

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19 Mayor Pro-tem Thomas for Mayor Miyagishima appointed Timothy A. Porter to the Airport
20 Advisory Board.

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24 Councillor Connor Moved to Approve the Mayor's Board Appointment of Timothy A. Porter to the
25 Airport Advisory Board and Councillor Sorg Seconded the motion.

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29 Mayor Pro-tem Thomas called for the roll on the Motion to Approve the Mayor's Board
30 Appointment of Timothy A. Porter to the Airport Advisory Board and it was APPROVED. 6-0
31 Mayor Miyagishima was Absent.

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35 **IX. REVIEW OF PROPOSED ORDINANCE(S)**

36
37 (17) Council Bill No. 11-020; Ordinance No. 2600: An Ordinance Approving a Major
38 Amendment to the Sierra Norte Master Plan; a Zone Change Request from Multiple Zoning
39 Districts to PUD (Planned Unit Development); and a Request for Approval of a Concept Plan
40 for the PUD to Be Known as Metro Verde South. The Intent of the Concept Plan Is to
41 Develop a Mixed-Use Development That Entails Residential, Commercial, Office, Retail,
42 and Manufacturing Development Combined with Open Space Areas. The Subject Properties

1 Encompass 892 ± Acres of Land and Are Generally Located South of the Future Extension
2 of Arroyo Road, North of Thurmond (Engler) Road, and Generally West of the Future
3 Extension of Sonoma Ranch Boulevard. Submitted by DVI on Behalf of Sierra Norte Land
4 Holdings LLC, United Land Group of New Mexico LLC. And James A. & Josephine A.
5 Phillips, Property Owners (PUD-10-04).

6
7 Mayor Pro-tem Thomas and Council agreed to bring this item back.

8
9 (18) Council Bill No. 11-021; Ordinance No. 2601: An Ordinance Approving a Zone Change
10 from C-2 (Commercial Medium Intensity) to C-3c (Commercial High Intensity-Conditional)
11 for 1.83 ± Acres of Land Located at 421 Avenida De Mesilla. The Proposed Zone Change
12 Brings the Subject Property into Compliance with the 2001 Zoning Code, as
13 Amended. Submitted by Justin Estes on Behalf of Larry Guaderrama, Property Owner
14 (Z2817).

15
16 Mayor Pro-tem Thomas and Council agreed to bring this item back.

17
18 (19) Council Bill No. 11-022; Ordinance No. 2602: An Ordinance Approving a Zone Change
19 from UR (Urban Ranch from the 1981 Zoning Code) to R-1a (Single-family Medium
20 Density) for 0.42 ± Acres of Land Located at 7116 Cortez Drive. The Proposed Zone
21 Change Brings the Subject Property into Compliance with the 2001 Zoning Code, as
22 Amended. Submitted by Jeremiah Lay on Behalf of the Community Foundation of Southern
23 New Mexico, Property Owner. (Z2818).

24
25 Mayor Pro-tem Thomas and Council agreed to bring this item back.

26
27 (20) Council Bill No. 11-023; Ordinance No. 2603: An Ordinance Approving a Zone Change
28 from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 5.50 ±
29 Acres of Land Located at 1300 El Paseo. The Proposed Zone Change Brings the Subject
30 Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by DK
31 Mullin Architects on Behalf of El Paseo Limited, Property Owner (Z2819).

32
33 Mayor Pro-tem Thomas and Council agreed to bring this item back.

34
35 (21) Council Bill No. 11-024; Ordinance No. 2604: An Ordinance Approving a Zone Change
36 from C-2 (Commercial Medium Intensity) to C-3c (Commercial High Intensity-Conditional)
37 for Two Properties Located at 2040 W. Picacho Avenue and 980 17th Street. The Subject
38 Property at 2040 W. Picacho Avenue Encompasses 1.069 ± Acres and the Property at 980
39 17th Street Encompasses 2.00 ± Acres. The Proposed Zone Change Brings the Two Properties
40 into Compliance with the 2001 Zoning Code, as Amended. Submitted by William & Laura
41 Bullock, Richard & Denise Dimsha, Stanley J. Dimsha and the Fraternal Order of Eagles,
42 Property Owners (Z2820).

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2 Mayor Pro-tem Thomas and Council agreed to bring this item back.

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6 **X. STATUS/UPDATES ON CURRENT PROJECT LIST**

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8 1. **Downtown Main Street Construction** - *(Utility and storm drain construction complete. Road closures at Main/Lucero Avenue. Main/Las Cruces open. Roadway work on Main Street underway.)*

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11 2. **Del Rey/Sandhill Arroyo** - *(Storm Drain Box Culver 100% complete. Utility work 100% complete. Del Rey traffic on detour route. Settlers Bend open to traffic.)*

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13 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.)*

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16 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 City is currently reviewing the draft of the detailed project report with the integrated environmental assessment. 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's share of the project will be 25% of the project cost.)*

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23 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.)*

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27 6. **Las Cruces Intermodal Facility** - *(Staff has reviewed various site layout options with the consultant and has provided additional feedback for further consideration. In addition, staff is planning a meeting with stakeholders early in the new year to review the revised plans and solicit additional input. Once this process is complete, staff will then schedule a presentation for City Council review.)*

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32 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*

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1 *enthusiastic and offered many thoughtful and creative ideas for potential redevelopment of*
 2 *El Paseo Road. Materials from the workshop are being added daily to our website and a*
 3 *summary presentation will be made to City Council in the coming weeks. This component*
 4 *of the project will come to a close as the year ends and the project partners complete their*
 5 *toolbox of public participation techniques. The third component of the project, Business*
 6 *Retention and Recruitment, will continue through the early part of 2011. The project website*
 7 *is www.picturingelpaseo.org)*

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

10 9. **Sage Café** – *(Electrical work is underway. City staff has worked with the contractor to*
 11 *finalize the equipment list and have also entered a requisition that encumbered the state*
 12 *funds prior to the end of the calendar year.)*

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

14
 15 Councillor Connor said regarding the current Downtown construction, where is La Entrada being
 16 stored, has it been repaired and is it going to be in the north or south Downtown section?

17
 18 Robert Garza, City Manager said the La Entrada monument has been put into storage by the artist
 19 and the new location of it has yet to be determined. The ad-hoc committee will be looking into all
 20 of the Downtown issues and will be bringing their recommendations forward to Council.

21
 22 Councillor Connor asked can we have a Work Session with the ad-hoc committee in February or
 23 March to get a status update?

24
 25 Robert Garza said we can schedule it for either March 14 or March 28 depending upon the ad-hoc
 26 committee's schedule.

27
 28 Councillor Silva asked could we locate La Entrada in one of the roundabouts?

29
 30 Robert Garza said there are many areas that we could locate it but I would caution on locating it in
 31 a roundabout because it is a gateway monument.

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 35 **XI. GENERAL DISCUSSION**

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 37 1. **MAYOR**

38
 39 Mayor Pro-tem Thomas said the Open House for the Convention Center was really grand and there
 40 were a lot of people who attended it. We have received a lot of emails regarding Gun Shows being
 41 held at the Convention Center and I think we should maybe look into it to see if there have been any
 42 problems with Gun Shows.

1

2 Robert Garza, City Manager said I received those same emails and I did follow up on it; the only
3 problem we've had locally is with business registrations and licensing for the participates who were
4 trading and selling their guns. We hired Global Spectrum to run the Convention Center and we'd
5 probably get into some slippery slopes if we try to begin to regulate who can and can't use it.

6

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2. **CITY COUNCIL**

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11 Councillor Silva said I would like to know if we can begin to initiate the future of the Farmers
12 Market because I believe the north side of the road will be completed in September and I think we
13 should get started on it. I would like to remind the people who put up the road blocks on Griggs
14 during the Market to remember to take them down when the Market is over because they have been
15 leaving them out and people think that street is closed.

16

17 I am glad that we have opened up all these new facilities. I have been doing research on audit
18 committees and how they audit large projects. I would like to know how we can run an audit on our
19 three large projects to find out if we stayed within our budget so Robert, if you can look into it?

20

21

22

23 Councillor Connor said we have separated ourselves from Rio Grande Natural Gas but I haven't seen
24 anything regarding the outcome of it. Have we completed the switching over of the bills, where are
25 we in this separation process?

26

27 Jorge Garcia, Utilities Director said we completed the transfer of customers but we are still going
28 to be the fiscal agent for Rio Grande until sometime this spring when Zia takes over.

29

30 Councillor Connor said regarding the Greyhound bus system, there have been discussions on them
31 possibly using the intermodal facility and we are looking at it going out for bid possibly this year;
32 have we started discussions with Greyhound regarding this issue?

33

34 Robert Garza said I don't believe that has been done.

35

36 Lori Grumet, Public Services Director said we did have a Greyhound representative attend one of
37 the designing meetings and we are designing that property so that there is room for intercity buses
38 and for some kind of concession. It is still too early to talk about contracts for that but they were
39 interested enough to attend the meeting and we will be keeping them informed as we move forward
40 with this project.

41

42 Councillor Connor said I like to ask that Mr. Garza keep this on the top shelf.

1 Robert Garza said I think that is a good idea.

2

3 Councillor Connor asked do we still have computers setup at the old City Hall?

4

5 Robert Garza said I believe that we do.

6

7 Don Bustamante, IT Director said we have some equipment like telephone switches and we are in
8 the process of decommissioning them.

9

10 Councillor Connor said but we don't have computer servers or anything that we are relying on?

11

12 Don Bustamante said no.

13

14 -----

15

16 Councillor Pedroza said I want to remind everyone that there is going to be two educational forums
17 on immigration this Thursday here at City Hall.

18

19 I mentioned that there were fifteen people who had died in Las Cruces as a result of being homeless
20 and the Community of Hope had a memorial dinner for them. (Councillor Pedroza read the names
21 of the fifteen people who had passed away).

22

23 -----

24

25 Councillor Small said I want to congratulate Councillor Pedroza and the local NAACP on the
26 celebration that was held in memory of Dr. Martin Luther King Jr. It was a great event and it was
27 very well attended.

28

29 The Convention Center Ribbon Cutting Ceremony was a tremendous event and I think Global
30 Spectrum did a great job of making sure everything went along without a hitch. One of the main Gun
31 Shows is put on by the Lions Club which it is very well ran and it is a community event.

32

33 I want to thank members of staff for the meeting regarding clean up ideas to help beautify areas and
34 bring communities together.

35

36 -----

37

38 Councillor Sorg said regarding the agenda, I would like to request that we allow plenty of time for
39 the Metro Verde South Ordinance when it comes back before us.

40

41 Last night, I attended the Veterans Memorial Museum presentation by the State and it looks very
42 impressive.

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3. **CITY MANAGER**

A. HOME Program Conflict of Interest Public Disclosure.

David Dollahon, Neighborhood Services Administrator gave an overhead presentation and said we have a Conflict of Interest Disclosure for the Tierra Del Sol Housing Corporation. Tierra Del Sol development in the Paseo Del Oro Subdivision used home funds for the acquisition and infrastructure in the program year 2004 and 2005. Socorro Escobar has a self-employed cleaning business and applied with Tierra Del Sol's Home-ownership Program in January 2008. Ms Escobar contracted as a 1099 employee with Tierra Del Sol to clean their office in July 2009 and began cleaning Rose Garcia who is the Executive Director, her personal residence in November 2009. Ms. Escobar also cleans the residence of Sal Estrada who is currently and has been serving on the board for St. Genevieve's Village Senior Housing since June 2008. The City was notified by Tierra Del Sol of the Conflict of Interest and the City Attorney's opinion is that this conflict would not violate State or Local Law. The conflict must be disclosed publicly which is what we are doing today and the City will notify HUD of their determination.

B. Municipal Court Judge II.

Robert Garza, City Manager said this item was going to be presented by Andre Moquin but he wasn't able to be at this meeting due to a death in his family. He informed me that his recommendation is that we hold off making an appointment to the Judge II position until after the November election so that we can continue to have our Judges on staggered terms. There are Pro-tem Judges that are available to fill in and help out with the cases during this time.

Councillor Connor said although I don't like the outcome of it, I can agree with it.

Councillor Pedroza said I agree with the City Manager.

Mayor Pro-tem Thomas said I think we are okay with that direction.

Robert Garza said I will take that as a concurrence to proceed as we have outlined.

C. Other items - Information Only.

Lori Grumet, Public Services Director gave an overhead presentation regarding the Sister Cities

1 and said since the MOU was approved on July 6, 2010 they have organized the corporate files,
2 relocated the corporate property to a storage unit, participated in the International Conference,
3 there has been a visit from Mia Onkes of Nienburg, there was a fund-raiser for Neinburg
4 activities at the Renaissance Fair, street signs have been put up to announce our Sister City
5 affiliation, the Annual Membership meeting and election was held on October 24, 2010, the
6 website was updated, a webmaster was designated and there was a successful completion of the
7 Audit Review by the City of Las Cruces. Some of the upcoming activities include a Golf
8 Tournament/Scramble Fundraiser for the Lerdo Committee, assisting the Le mans Corale visit to
9 Las Cruces, additional work on the standing rules, additional emphasis on recruitment and
10 exploring a possible cooperative program with the Confucius Institute.

11

12

13

14 Lori Grumet, Public Services Director gave an overhead presentation regarding the Dona Ana
15 Arts Council and said some of the activities that have taken place since the adoption of the
16 resolution is the continuation of programming at the RGT including rentals, participation in the
17 Salsa Fest and the Winter Fest, participation on the committee for the Art in City Facilities
18 Program, representation on the Arts and Culture District Committee, ongoing "Free to the
19 Public" performances, partnership in the Jazz Festival, Visual Arts Network collaborations,
20 Kennedy Center Partners in Education activities, Youth at Risk program at La Casa, monthly
21 Community Arts Luncheons, we're working on the Camunez Building project with the
22 Downtown Las Cruces Partnership, planning for the Las Cruces Arts Fair and they successfully
23 held the Color Las Cruces event. The Arts Council has presented their annual report to the City
24 and they are in compliance with the terms of their MOU with the City for the operation of the
25 Theater. The Arts Council continues to support diverse art groups in the community with
26 advertisement, cooperative opportunities, public gallery space, participation in policy formation,
27 meeting space and positive interaction with the community at large.

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31 Robert Garza said I just want to remind everyone that we are having a Joint Meeting this
32 Thursday with the County here in Chambers at 9:00 a.m.

33

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36 **Meeting Adjourned at 3:53 p.m.**