

Regular Meeting
May 2, 2011



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

Regular Meeting

**May 2, 2011
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 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, City Attorney
- Esther Martinez, City Clerk

I. OPENING CEREMONIES

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

28 Ron Camunez sang the National Anthem.

30 Presentation of Certificates of Appreciation/Proclamations.

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

35 Mayor Miyagishima presented the Distinguished Service Award to Alfred Rucks.

37 Councillor Thomas presented a Proclamation to Maria Silva Sutton and declared May 5, 2011 as A
38 World Day of Prayer Day.

40 Councillor Thomas presented a Proclamation to Greg Walke and Heather Barrett and declared May
41 2011 as Heritage Preservation Month.

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1 Councillor Thomas presented a Proclamation to Shari Cosentino and declared May 2011 as Foster
2 Care Month.

3

4 Councillor Thomas presented a Proclamation to Ella Nelson and declared May 8, 2011 as A Day of
5 Solidarity for the Coalition March in Mexico City.

6

7 Councillor Thomas presented a Proclamation to Andrea Lawrence and Ken Mompellier and declared
8 May 7 thru May 15, 2011 as Travel and Tourism Week.

9

10 Councillor Thomas presented a Proclamation to George Pearson and declared May 2011 as National
11 Bike Month and the week of May 15 thru May 21, 2011 as Las Cruces Ride Your Bike Week.

12

13 Councillor Thomas presented a Proclamation and declared May 1 thru May 7, 2011 as Public Service
14 Recognition Week.

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

22

23 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

24

25 None given.

26

27

28

29 **III. PUBLIC PARTICIPATION**

30

31 Leroy Lozier, Member of the Public said I have been a Las Cruces resident since September 20, 1929
32 and I was asked to contact the City Clerk's office to find out if there is a list of historic buildings in
33 Las Cruces but I was told that there is no such list. I am asking that the original Memorial Medical
34 Hospital building on Alameda Avenue be placed on the National and State of New Mexico Historic
35 Building Register. This building was built in 1949 and my children were born in this building. It is
36 my request that the City take action to put this building on the Register.

37

38 Leo Miranda, Member of the Public said I contacted a member of the V.A. Advisory Committee
39 which was named by Representative Pearce and he is also a disabled Veteran, I spoke with him
40 regarding a special kind of acupuncture and it became evident that the scope of medical care for
41 Veterans is still inadequate in this area. The hospital building on Alameda that is now vacant would
42 provide ample room for V.A. services and the location is great because it is next to the bus terminal.

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1 I also think you should look into the property being donating and looking into it being stated that if
2 this property is no longer used for the hospital then it reverts back to the original owner.
3
4 Councillor Small said maybe we can have a chance to talk with Representative Pearce regarding
5 these types of opportunities.
6
7 Mayor Miyagishima said sure, it wouldn't hurt. Did they mention anything about providing funding?
8
9 Leo Miranda said he is willing to come and discuss this with Council and James Turner, who is the
10 Representative for the entire State of New Mexico, is also very interested in this situation.
11
12 Mayor Miyagishima said I can have this as a work session item but I want to mention that we have
13 been told that if we keep this building then we would have to bring it up to standard with our current
14 Building Code. A big expense would be to handle the asbestos that is in the building which is
15 estimated at costing about \$750,000 but if the government is willing to provide funding then we
16 would be interested in hearing about it to see how we can work with the Department of Veteran
17 Affairs.
18
19 Councillor Thomas said if we have this Work session then I want to make sure we have people at
20 the Federal level who are capable of making decisions, attend this meeting.
21
22 Mayor Miyagishima said I will contact Congressman Pierce's office and if they give the indication
23 that there might be some funding available then we can move forward with a work session.
24
25 Councillor Connor said I think about a year ago we had a discussion regarding the property being
26 reverted back to the original owner.
27
28 Brian Denmark, Assistant City Manager said staff did research that particular issue and they were
29 unable to find any evidence that there was an resolution or ordinance adopted by the City converting
30 the property to any association.
31
32 Ryan Dailey, Member of the Public said I want to thank the United States Navy Seals for their attack
33 on Osama bin Ladin. I won't be present at the budget meeting but I would like to know what are the
34 seventeen vacant positions that we are cutting or we're not hiring for; is one of those positions for
35 the Assistant Attorney? It is ironic that the City is filling the VAF fund this year when last year they
36 didn't but this year is an election year.
37
38 Mayor Miyagishima said we did mention last year that we were not funding it because of the budget
39 situation but that we would be funding it this year.
40
41 Robert Garza, City Manager said on page 295 of the budget it list the seventeen positions that span
42 across several different departments. Regarding the VAF funding, we still don't have the money back

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1 from our bonds, we have to go out to the bond market over the next several months so we should
2 have those funds available for next fiscal year.

3

4 Rudy Aragon, Member of the Public said I am going to be here every week until something changes.
5 You said you don't have money to investigate everything but yet your Police Department is
6 investigating me right now. I came to you about child abuse charges, about protecting my son but
7 yet I've been called a terrorist and a heroin addict by the Police Department. I want to thank the
8 Council for paying more attention to us when we speak to you and I want to thank Mrs Connor for
9 being an outstanding Council member. I went to everyone to try to schedule a meeting with them and
10 Mrs Connor was the only one who tried to help me.

11

12 Bob Butler, Member of the Public said we need to raise our City's ranking in the whole United
13 States because high rankings attract more people to our city.

14

15 Emily Coss, Member of the Public said I am the President of the Alameda Depot Civic Association
16 and today, you would have heard the Historic Preservation Ad-Hoc Committee's recommendations
17 but it has been tabled as of this morning.

18

19 Melinda Whitley, Member of the Public said I am the Head of the Alameda Depot Neighborhood
20 Association and we are concerned about some of the actions that have been taken by the Ad-Hoc
21 Committee over the last few days. I attended the meeting on April 14th and there was a draft of
22 recommendations presented at the meeting. I missed our next meeting on April 28th and they took
23 advantage of that and made a big change to the recommendations. I simply want to ask that when
24 anything further comes out of this committee with regards to the Alameda Depot Neighborhood, that
25 you respect the decision that you made a couple of months ago in allowing us to be exempt from any
26 citywide ordinance having to do with historic preservation.

27

28 Monty Sarvo, Member of the Public said I am currently the Executive Director of the Alameda
29 Depot Civic Association and when this situation came to my attention I immediately called Greg
30 Smith and he was shocked because there was an understanding within the group that there would be
31 nothing in this that would effect the Alameda Depot Overlay or the Mesquite District. It is clear that
32 they took advantage of the absence of the people whose neighborhoods would be effected by this
33 change and then try to present to Council that this is the recommendation of the Board. They finally
34 admitted that they didn't even have a quorum in order to make those changes at that meeting. The
35 bottom line is someone tried to pull the wool over your eyes and take advantage of our people not
36 being there. I think it is time that this Council reassess how these committees are formed and do
37 some investigating when you hear complaints.

38

39 Mayor Miyagishima said I just want to make it clear that this item wasn't an action item so it wasn't
40 tabled, it was merely a discussion item that was removed. We should be able to insert something that
41 gives everyone the option to opt in or opt out of projects.

42

1 Councillor Connor said this isn't the first time someone has come up and told us that what was
2 presented to Council wasn't exactly what was discussed. I have asked that City staff be there as a
3 note taker or recorder of the minutes; does that happen at this level?

4

5 Robert Garza, City Manager said yes, and I was made aware of this situation which is why I removed
6 it from this meeting. We will continue to have staff at the meetings and it won't be brought before
7 Council until everyone on the committee agrees on something.

8

9 Councillor Thomas said when this does come forward I would like some background information.

10

11 Councillor Small said we do want diverse points of opinions on ad-hoc committees and when there
12 are issues then they should probably be brought to some kind of public hearing.

13

14 Tom Hassle, Member of the Public said I am the Director of the Housing Authority and regarding
15 the gentleman who was speaking about the Veterans, I am in favor of anything for Veterans but I
16 wanted to remind everyone that we are currently trying to put public housing in the area of the old
17 hospital on Alameda.

18

19

20

21 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
22 a Closed Session at 5:39 p.m. on April 11, 2011. The following members were in attendance: Mayor
23 Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small,
24 Councillor Sorg, Councillor Thomas, Assistant City Manager Brian Denmark, Human Resources
25 Director Andre Moquin, Fire Chief Travis Brown and City Attorney Harry (Pete) Connelly. The
26 meeting adjourned at 6:25 p.m. and only those limited items as stated in the posted notice were
27 discussed.

28

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

34

35 Mayor Miyagishima said Item 1 and Item 2 need to be removed from the Consent Agenda for
36 discussion.

37

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

42

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

5

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8 **V. CITY COUNCIL MINUTES**

9

10 Removed from the Consent Agenda for discussion.

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

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16 *(3) Resolution No. 10-11-503: A Resolution Awarding an Indefinite Quantity, Indefinite Cost
17 Price Agreement for Road Construction Materials to Cemex, Inc.; De Ready Mix, Inc.;
18 Certified Concrete Products, Inc.; All of Las Cruces, NM, for One (1) Year with the Option
19 to Renew for Three (3) Additional One (1) Year Periods Subject to Approved Budget
20 Appropriations and Annual Renewal.

21

22 *(4) Resolution No. 10-11-546: A Resolution to Authorize the Sole-Source Purchase of One (1)
23 Mobile Concepts by Scotty, Scotty Command 36-FW3WS Trailer for the Las Cruces Police
24 Department for a Total Purchase Price of \$170,024.76.

25

26 *(5) Council Bill No. 11-035; Ordinance No. 2615: An Ordinance Approving a Zone Change
27 From O-1 (Office, Neighborhood - Limited Retail Service) to O-2 (Office, Professional -
28 Limited Retail Service) for 1.27 ± Acres of Land Located at 2701 Missouri Avenue.
29 Submitted by Doctors Conniff & Gormley Pediatric Dentistry PC, Property Owner (Z2830).

30

31 *(6) Council Bill No. 11-036; Ordinance No. 2616: An Ordinance Approving a Zone Change
32 From C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for Two (2)
33 Distinct Properties with Parcel Identification Numbers 02-17441 and 02-18474, Located on
34 Telshor Boulevard. Submitted by Steve Bradee, Borderland Engineers & Surveyors, LLC
35 on Behalf of Northstar Properties, LLC C/O the Power Center Inc, Property Owner (Z2832).

36

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

40

41 *(1) Regular Meeting of April 18, 2011

42

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1 Councillor Connor Moved to Adopt the Regular Meeting Minutes of April 18, 2011 and Councillor
2 Small Seconded the motion.

3

4

5

6 Councillor Sorg said on page 8 line 12, I would like to remove the word "Elks" and replace it with
7 "Valley View Avenue".

8

9 Esther Martinez, City Clerk said we will listen to the audio and if that is what was said then we will
10 make those changes administratively.

11

12

13

14 Mayor Miyagishima called for the roll on the Motion to Adopt the Regular Meeting Minutes of April
15 18, 2011 and it was Unanimously APPROVED. 7-0

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19 *(2) Resolution No. 10-11-412: A Resolution Approving a Three (3) Year Contract with the
20 Option to Renew for Three (3) Additional One (1) Year Terms for Advertising Agency
21 Services to Esparza Advertising of Albuquerque, New Mexico Subject to Approved Budget
22 Appropriations.

23

24 Councillor Connor Moved to Adopt Resolution No. 10-11-412 and Councillor Sorg Seconded the
25 motion.

26

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28

29 Councillor Thomas said this sounds like a lot of money and I would like to know what we are getting
30 for it.

31

32 Ken Mompellier, CVB Director gave an overhead presentation and said we have \$42,000 budgeted
33 for agency services and we use them for many different things. We have cut down on our printed
34 advertising and have gone more toward electronic advertisement which has been very successful.
35 We are developing a new campaign with Esparza which will come out on July 1st.

36

37 Councillor Thomas said it would have been nice to have that information included in the packet so
38 we could see where the money went. Will there be a new website included when they do the new
39 campaign?

40

41 Chris Faivre, Media Publications Manager said we will be making some changes to the website with
42 the new campaign but it won't be a whole new website.

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1 Councillor Small said I think it is very incongruous to be asking for a budget without the supporting
2 information. Have you been working on this new campaign already because you said that it would
3 be released July 1st which is the first day of the new fiscal year?

4

5 Mayor Miyagishima said I put this item on the consent agenda because it is CVB money that comes
6 from the lodger's tax and not general fund money.

7

8 Ken Mompellier said we have to spend 50% of the money on advertising, it's basically an industry
9 standard but it doesn't mean that you can't spend more or less.

10

11 Del Esparza, Esparza Advertising said we are going to start our strategic planning for the new
12 campaign tomorrow.

13

14 Councillor Silva asked why is this a three year contract?

15

16 Ken Mompellier said that's pretty much tradition. It takes so much time that doing a one year
17 contract is almost impossible. We have done three year contracts for atleast as long as I have been
18 here and the three optional years gives us the opportunity to just extend it if things are going well.

19

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21

22 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-412 and it was
23 Unanimously APPROVED. 7-0

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27 (7) Resolution No. 11-217: A Resolution Adopting the 2011-2015 Consolidated Plan and
28 Analysis of Impediments to Fair Housing Choice for the City of Las Cruces, as Required by
29 the U.S. Department of Housing and Urban Development (HUD). The Resolution Also
30 Adopts the 2011 Action Plan for the Community Development Block Grant (CDBG) and
31 Home Investment Partnership (HOME) Programs.

32

33 Councillor Connor Moved to Adopt Resolution No. 11-217 and Councillor Small Seconded the
34 motion.

35

36

37

38 David Dollahon, Neighborhood Services Director gave an overhead presentation and said this plan
39 is required by HUD every three to five years and it outlines how the City will use its CDBG and
40 Home funds within the plan period. Our strategic plan goals are to increase the supply of affordable
41 housing units to low to moderate income homebuyers, increase the affordability of rental housing
42 for the City's lowest income renters, preserve existing affordable housing stock, assist special needs

1 populations with social service and housing needs, implement the City’s 2011 Fair Housing Action
 2 Plan and improve public infrastructure, economic and housing conditions in low income,
 3 economically challenged and deteriorating neighborhoods. Our Fair Housing Action Plan is to
 4 improve the Fair Housing information visibility on the City’s website, support those agencies that
 5 provide credit and homebuyer counseling, implement the strategies from the 2009 Affordable
 6 Housing Strategic Plan, apply for Fair Housing grant funds to conduct Fair Housing activities,
 7 including testing, conduct review of accessibility needs, develop and maintain a list of accessible
 8 rental units and provide list to non-profits and seniors, update the City’s Fair Housing Ordinance and
 9 address potential impediments in occupancy standards with HACLC. Regarding page 254 of your
 10 packet, we received notification from HUD this morning that new language in the second paragraph
 11 needs to be added; it is for down payment assistance, the amount of recapture will be in the amount
 12 authorize under 92-254; however, in the event that the recapture requirement is triggered by a sale
 13 either voluntary or involuntary, of the housing unit and there are no net proceeds or the net proceeds
 14 are insufficient to repay the home investments due, the City will only recapture the net proceeds if
 15 any. This is the result of an Office of Inspector General nationwide audit of home participating
 16 jurisdictions and they said we needed this language in the Action Plan.

17

18

19

20 Councillor Connor Moved to Amend Resolution No. 11-217 to include on page 254 of the packet,
 21 new language in the second paragraph to state “it is for down payment assistance, the amount of
 22 recapture will be in the amount authorize under 92-254; however, in the event that the recapture
 23 requirement is triggered by a sale either voluntary or involuntary of the housing unit and there are
 24 no net proceeds or the net proceeds are insufficient to repay the home investments due, the City will
 25 only recapture the net proceeds if any” as stated on the additional printed page presented and
 26 Councillor Sorg Seconded the motion.

27

28

29

30 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-217 to include
 31 on page 254 of the packet, new language in the second paragraph to state “it is for down payment
 32 assistance, the amount of recapture will be in the amount authorize under 92-254; however, in the
 33 event that the recapture requirement is triggered by a sale either voluntary or involuntary of the
 34 housing unit and there are no net proceeds or the net proceeds are insufficient to repay the home
 35 investments due, the City will only recapture the net proceeds if any” as stated on the additional
 36 printed page presented and it was Unanimously APPROVED. 7-0

37

38

39

40 Tom Hassell, Housing Authority said we have a concern with one of the points that was made in the
 41 consolidated plan regarding the occupancy standards that the Housing Authority currently employs
 42 in it’s section eight housing program and it’s housing program; that it is discriminatory to families

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1 with children. Our policy internally; for example, we would tell families with one young female child
2 and one young male child that they each had to have separate bedrooms. We've had to endure a lot
3 of budget cuts which means we've helped fewer people and there was also a lot of confusion on how
4 you can house a family so we had to look at the composition of families for the amount of bedrooms
5 available. We have had families in three bedroom units have to move to a two bedroom unit because
6 that is what the amount that their voucher would be able to pay for. We are required by HUD to run
7 in conjunction and in compliance with the consolidated plan so if this clause stays within the
8 consolidated plan it would be us that would be in a position where I think we would be hard pressed
9 to say that we agree with the consolidated plan if it states that we are discriminating against families.
10 This might be something that your legal staff may want to research.

11

12 Councillor Pedroza said your policy is that if a family has two children with different genders then
13 they can only be given a rental unit that has a different bedroom for each child; is that your current
14 policy?

15

16 Tom Hassell said no, that was our policy but we have changed it. Our current policy is two heart
17 beats per bedroom.

18

19 Councillor Pedroza said so, that would conflict with the HUD statement.

20

21 Tom Hassell said what's in the plan right now basically says that there is a question as to whether
22 or not our occupancy standard is discriminatory to families. We're saying that it's not and we don't
23 think that should be in the plan.

24

25 Councillor Pedroza asked how do we reconcile this problem?

26

27 David Dollahon said it's not an easy process and it probably can't be done today. This issue with the
28 bedrooms policy doesn't effect larger families as much because they are entitled to larger units; for
29 example, a husband and wife only are entitled to a one bedroom house and a single parent with one
30 child is also only allowed a one bedroom house. HUD does allow for the living room area to be used
31 as a bedroom. What was said in here was based on public input and it may be seen as an impediment
32 to affordable housing but it doesn't say that it is, it states that it may be and that our recommendation
33 is that the City needs to analyze it further.

34

35 Councillor Pedroza asked are there time restraints?

36

37 David Dollahon said I don't think we are going to get a quick answer to this question. We need to
38 further analyze the occupancy standards situation in Las Cruces. I think we have flexibility so you
39 could approve the consolidation plan today without the A.I. and then we could bring that back at a
40 later date but it would need to be within the next month to month and a half.

41

42 Tom Hassell said this is important because the section eight housing vouchers alone are over
43 \$500,000 in housing assistance payments to local landlords.

1 David Dollahon said we can do an amendment to exclude the A.I. (Analysis of Impediments) but we
2 would need to bring it back by the second meeting in June for adoption and we would just bring it
3 back as a new resolution for the adoption of the A.I. We would need to amend the title, the 5th
4 Whereas and the first roman numeral one and two or we could take it out the language completely.
5

6 Councillor Connor asked can we approve this as shown today then come back later with an
7 amendment?
8

9 David Dollahon said absolutely.
10

11 Councillor Small said I would prefer that we didn't send out something that we intended to change
12 later because there might be issues with someone having the old documents instead of the new ones.
13

14 -----

15
16 Councillor Connor Moved to Amend Resolution No. 11-217 to remove the A.I. (Analysis of
17 Impediments) portion of the document and Councillor Small Seconded the motion.
18

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20
21 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-217 to remove
22 the A.I. (Analysis of Impediments) portion of the document and it was Unanimously APPROVED.
23 7-0
24

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26
27 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-217 as Amended
28 and it was Unanimously APPROVED. 7-0
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30 -----

31
32 (8) Resolution No. 10-11-549: A Resolution Awarding the Purchase of City Email Services
33 Upgrade Licensing to Dell/ASAP.
34

35 Councillor Connor Moved to Adopt Resolution No. 10-11-549 and Councillor Sorg Seconded the
36 motion.
37

38 -----

39
40 Steve Lithgow, IT Department gave an overhead presentation and said this is for the purchase of an
41 upgrade license from our current version of Microsoft Exchange 2003 to Microsoft Exchange 2010.
42 This upgrade would provide system fault tolerance, it fits the City's existing virtualization
43 infrastructure, has improved scalability and improved standards compliance.

1
2 Councillor Silva asked is this to just upgrade the software or will we also have to upgrade the
3 hardware?

4
5 Steve Lithgow said no, we won't have to upgrade the hardware.

6
7 Councillor Sorg asked will this help with spam not getting through?

8
9 Steve Lithgow said not directly but indirectly.

10
11 -----
12
13 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-549 and it was
14 APPROVED. 6-0 Councillor Small was Absent.

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18 (9) Council Bill No. 11-034; Ordinance No. 2614: An Ordinance Approving a Zone Change
19 From C-2 (Commercial Medium Intensity) to R-1A (Single-Family Medium Density) for
20 0.94 ± Acres and to C-3 (Commercial High Intensity-Conditional) for 4.26 ± Acres of Land
21 Located at 5195 Bataan Memorial West. Submitted by Borderland Engineers and Surveyors,
22 LLC for Troy and Cecilia Pitcher, Property Owners (Z2828).

23
24 Councillor Connor Moved to Adopt Council Bill No. 11-034; Ordinance No. 2614 and Councillor
25 Thomas Seconded the motion.

26
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28
29 Adam Ochoa, Planner gave an overhead presentation and said this property is currently zoned C-2
30 and the proposed zoning is R-1A and C-3 which will bring the property into compliance with the
31 2001 Zoning Code for the single-family use and allow for future development of the property. A
32 replat will be required to create two separate lots, one for the single family use and the other for the
33 unspecified commercial use. The rezoning request is consistent with the Goals, Objectives and
34 Policies of the City's comprehensive Plan. On March 22, 2011 the Planning and Zoning Commission
35 recommended approval with the conditions of a development application shall be submitted,
36 approved and recorded for the replatting of the subject property into two lots, the developer shall also
37 comply with any road improvements and/or ROW dedication required by this process, no access
38 shall be permitted off Cortez Drive for the proposed C-3 lot, the developer shall comply with all
39 requirements of the 2001 Zoning Code as amended including buffering between the C-3 and R-1a
40 properties and all new utilities shall be placed underground.

41
42 Mayor Miyagishima said I took this off of consent because I wanted Council to be aware of the
43 commercial uses. Will they be using it for a specific use?

1 Ted Scanlon, Applicant Representative said historically, this property has been used for vehicle sales
2 and there are still a couple of empty buildings on the property now. I'm not sure what the proposed
3 use for the property is because the owner is selling the property but I have heard that the buyers may
4 want to put a propane retail store on it which would be allowed with the C-3 zoning.

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7

8 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-034; Ordinance
9 No. 2614 and it was APPROVED. 6-0 Councillor Small was Absent.

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13 **VIII. BOARD APPOINTMENTS**

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15 Mayor Miyagishima appointed Monte Shriver and Stan Carp to the Rate Payer Advisory Board.

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19 Councillor Connor Moved to Approve the Mayor's Board Appointments of Monte Shriver and Stan
20 Carp to the Rate Payer Advisory Board and Councillor Thomas Seconded the motion.

21
22 -----
23

24 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments
25 of Monte Shriver and Stan Carp to the Rate Payer Advisory Board and it was APPROVED. 6-0
26 Councillor Small was Absent.

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30 Mayor Miyagishima appointed Marceine Loven (District 2), Alvin Busby (Benavidez Center
31 Representative) and Felix Vega, Jr. (Eastside Center Representative) to the Senior Programs
32 Advisory Board.

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36 Councillor Connor Moved to Approve the Mayor's Board Appointments of Marceine Loven (District
37 2), Alvin Busby (Benavidez Center Representative) and Felix Vega, Jr. (Eastside Center
38 Representative) to the Senior Programs Advisory Board and Councillor Thomas Seconded the
39 motion.

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1 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments
2 of Marceine Loven (District 2), Alvin Busby (Benavidez Center Representative) and Felix Vega, Jr.
3 (Eastside Center Representative) to the Senior Programs Advisory Board and it was APPROVED.
4 6-0 Councillor Small was Absent.

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

9

10 (10) Council Bill No. 11-037; Ordinance No. 2617: An Ordinance Amending Sections 13-103,
11 13-104, and 13-106 of the City's Affordable Housing General Oversight Ordinance Within
12 the Las Cruces Municipal Code, 1997, as Amended. The Amendment is to Add Language
13 to Ensure Compliance With the State's Affordable Housing Act Requirements.

14

15 Mayor Miyagishima and Council agreed to bring this item back.

16

17

18

19 **X. GENERAL DISCUSSION**

20

21 **1. MAYOR**

22

23 Mayor Miyagishima said regarding the Impact Fees, has the consult come up with the actual cost
24 relative to Las Cruces?

25

26 Mike Johnson, Public Works Director said they have developed a cost specific for Las Cruces and
27 we will be bringing forward their report.

28

29 Mayor Miyagishima said I think we should have a work session on this issue before a resolution is
30 brought forward.

31

32 Robert Garza, City Manager asked Mike Johnson, can you explain how you will be bringing forward
33 a resolution then an ordinance?

34

35 Mike Johnson said we are planning on bringing forward four resolutions at the May 16th meeting.
36 We have had thirty six meetings with either the public and/or the Council regarding impact fees.

37

38 Robert Garza said if Council proceeds, there will be an effective date and the establishment of the
39 actual cost, will that be with the resolution or ordinance?

40

41 Mike Johnson said that would be part of the resolution. We don't have to amend the ordinance to
42 enact the fees because it is already in place. We were looking at recommending January 1, 2012 as
43 the effective date but Council can select an effective date for each of the fees.

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1

2 Mayor Miyagishima said I still think we need to have a work session.

3

4 Mike Johnson said we were required and did have a public hearing within thirty days of Council
5 considering these fees and we invited all the stakeholders to that meeting which was held on April
6 19th so if we have a work session then we will be required to have another public hearing prior to
7 bringing it forward to Council.

8

9 Mayor Miyagishima said I do support the utilization of this but I think it is important that Council
10 knows what the fee is and how it was determined. I don't see how it would hurt to have a work
11 session because I would hate for it to be rushed through a Council meeting as a resolution.

12

13 Councillor Connor said I'm not in favor of bringing this up at a regular meeting. The market isn't
14 as strong as it was five years ago and I agree that we shouldn't move into this right a way.

15

16 Mayor Miyagishima said I would like to see a work session held fairly soon for this issue.

17

18 Councillor Thomas said I agree with having a work session.

19

20 Mayor Miyagishima said regarding the Downtown Plaza, do you think we could have myself and
21 maybe Councillor Silva resume talks with Bank of the West?

22

23 Robert Garza said that is a good idea and we do need to eventually get back on that but we don't
24 have any money available to proceed with the development of a plaza or acquire property at this
25 time. We are also still waiting to hear the priorities and recommendations of the Ad-Hoc committee
26 before jumping into negotiations.

27

28

29

30 2. CITY COUNCIL

31

32 Councillor Thomas said in response to some questions regarding the rising crime rate around the
33 Country Club area, the Police Department has offered to set up their Mobile Operation Center on
34 May 5th thru May 7th at the elementary school on Madrid.

35

36 Regarding the Little Dam Arroyo that is on the land owned by Albuquerque, there is an effort to
37 clean it up and there will be a public meeting regarding this issue on Thursday, May 12th at 6:00 p.m.
38 at Camino Real Middle School.

39

40 There is now a website for District 6 and the address is www.lcdistrict6.com.

41

42

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1
2 Councillor Sorg said I'd like to thank Chief Williams and Officer Jose Rodriguez for attending last
3 week's community safety meeting. It was a very successful meeting and a lot of people attended it.

4
5 We received a report from Chief Williams recently regarding false alarm calls and I think it is very
6 troublesome because only 1% of the alarm calls are actually real alarms.

7
8 Regarding the impact fees, I want to see more details on how they determined these numbers.

9
10 Mayor Miyagishima said it looks like we can have a work session regarding the impact fees on June
11 27th.

12

13

14

15 Councillor Pedroza said I will be sending out an email to the people in District 3 regarding the Police
16 Department setting up its Mobile Operations Center.

17

18 There are several festivities going on around the City for Cinco de Mayo.

19

20 I want to thank Robert Garza for his fast response for the information I requested for a constituent
21 regarding emergency plans.

22

23

24

25 Councillor Connor said I would like to hear from Jorge Garcia and Travis Brown regarding the
26 drought conditions and what needs to take place regarding fireworks.

27

28 Robert Garza said we are planning on giving you a small presentation on those issues today.

29

30 Councillor Connor said we receive a list on upcoming work session topics and it concerns me when
31 items get deleted. There were items listed regarding possible referendums for the upcoming election
32 and possible term limits for Councillors but they were removed from the list so I would like to see
33 those topics put back on the list.

34

35 Mayor Miyagishima said I had it removed from the list because I thought it was vague and I didn't
36 hear a consensus from Council.

37

38

39

40 Councillor Silva said there is a Cinco de Mayo event at Klein Park this weekend and it starts at 10:00
41 a.m. I want to say "Kudos" to Las Esperanzas for their plant exchange event and I want to
42 congratulate Andy Hume for obtaining the bronze level.

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1 I would like to discuss whether or not we are going to have an Audit Committee and whether they
2 would report directly to Council or would it remain internal like it is now.

3

4 One of our Police Officers suffered some personal medical issues and we need to keep him in our
5 prayers.

6

7

8

9

3. **CITY MANAGER**

10 A. Other items - Information Only.

11

12 Steve Mims, Deputy Fire Chief said based on our current adopted ordinance and the 2006 Fire
13 Code, we have the authority to prohibit open burning which is the direction that we are taking
14 based upon our current drought conditions. We do have a presentation for Council scheduled for
15 May 16, 2011 to discuss our current conditions and our proposed restrictions.

16

17 Councillor Connor asked how can you restrict fireworks?

18

19 Steve Mims said the uses are restricted to certain areas but not the number of days.

20

21 Councillor Connor said you can't restrict the number of days.

22

23 Steve Mims said that is correct.

24

25

26

27 Robert Garza, City Manager said the next item I want to bring up is the redistricting process.
28 We've scheduled a work session for a week from today for a presentation by Research and
29 Polling and they will be bringing some modifications that they have made to the maps.

30

31 Councillor Sorg asked can we still send comments to the City Clerk?

32

33 Robert Garza said yes.

34

35 Councillor Sorg asked is there a timeline that this redistricting has to be done?

36

37 Esther Martinez, City Clerk said the sooner we get this done, the sooner I can get the election
38 resolution brought forward to Council. The election resolution must be brought before Council
39 by the first meeting in August.

40

41 Councillor Sorg asked is it illegal to postpone the redistricting until after this election?

42

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1 Harry (Pete) Connelly, City Attorney said if you deprive a person of a vote then the election
2 would be illegal.

3

4

5

6 Larry Horan, Lobbyist gave a verbal presentation regarding the Legislature Session and said
7 Speaker Lujan was re-elected and Andy Nunez from Hatch changed from a democrat to a
8 declined to state so he became an independent. Governor Martinez was trying to establish her
9 cabinet and figure out a budget which the budget shortfall for next fiscal year was between \$200
10 million and \$400 million due to the state of the economy. There was about ten to twelve
11 appropriation bills asking for general fund money and of those, I think only one passed.
12 Regarding the City, the first thing that passed was the joint resolution which allowed the transfer
13 of property for the Camunez Building from the State to the City. The State didn't take back the
14 entire Hold Harmless that the municipalities were receiving but there was a lot of talk about it
15 and I think it is going to be an ongoing issue. They did impose a 3.25% administrative fee for the
16 Hold Harmless so cities are paying for receiving a check which means we did lose some of the
17 revenue from the Hold Harmless.

18

19 Councillor Connor said they will go back into a special session in September; is it possible that
20 they will be discussing the Hold Harmless?

21

22 Larry Horan said there will be a special session this fall and they will be dealing with
23 redistricting at that point. In the past, they haven't discussed other issues during redistricting
24 sessions but they can if they wish to do so or they could even have another special session.

25

26

27

28 Robert Garza said I just want to remind you that we have a closed meeting following this
29 meeting and it should last maybe ten or fifteen minutes.

30

31

32

33 Meeting Adjourned at 4:55 p.m.