

ITEM #2

Regular Meeting  
March 5, 2012

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City Council  
of the  
City of Las Cruces

Regular Meeting

March 5, 2012  
1:00 P.M.

Council Chambers, City Hall

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MEMBERS PRESENT:

STAFF:

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

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

DRAFT

**I. OPENING CEREMONIES**

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

Main Street from Oate High School 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.

Councillor Sorg presented a Proclamation to Leeann DeMouche, City of Las Cruces Water Conservation Coordinator and declared March 11 thru March 17, 2012 as Fix a Leak Week.

Councillor Sorg presented a Proclamation and declared March 2, 2012 as Golden Apple Foundation of New Mexico Tribute to Teacher Excellence Day.

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

5  
 6 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

7  
 8 None given.

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 12 **III. PUBLIC PARTICIPATION**

13  
 14 None given.

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

21  
 22 Mayor Miyagishima said Items 4 and 5 need to be removed from the Consent Agenda for discussion.

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25  
 26 Councillor Sorg Moved to Approve the Agenda as Amended and Councillor Thomas Seconded the  
 27 motion.

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30  
 31 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it was  
 32 Unanimously Approved. 7-0

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 36 **V. CITY COUNCIL MINUTES**

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 38 \*(1) Special Meeting of February 1, 2012

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1 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

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\* (2) Resolution No. 12-151: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico, to Accept a Grant Award Modification in the Amount of \$23,637.00 From the Executive Office of the President, Office of National Drug Control Policy, and to Adjust FY 2012 Budget.

9 \* (3) Resolution No. 12-152: A Resolution to Accept Grant Funding in the Amount of \$33,379.20 on Behalf of the City of Las Cruces Fire Department From the United States Department of Homeland Security, Office of State and Local Government Coordination and Preparedness Through the New Mexico Department of Public Safety, Office of Emergency Management and the Doña Ana County / City of Las Cruces Office of Emergency Management, and to Adjust the FY 2012 Budget.

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18 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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\* (4) Resolution No. 12-153: A Resolution Approving Agreements With the Police Athletic League, Inc. (PAL) for Operations and the Disbursement of Stipends for the Boxing Program in the Amount of \$14,000 and Salary for the PAL Executive Director in the Amount of \$6,000 for a Total Reimbursement of \$20,000.

25 Councillor Thomas Moved to Adopt Resolution No. 12-153 and Councillor Small Seconded the  
26 motion.

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30 Councillor Pedroza said I just wanted to say that I think they are doing a wonderful job and two of  
31 our local youths were able to participated in the National Tournament.

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35 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-153 and it was  
36 Unanimously Approved. 7-0

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40 \* (5) Council Bill No. 12-028; Ordinance No. 2650: An Ordinance to Repeal Section III  
41 Subsection 3 of Ordinance 2447 in Order to Correct a Condition to Accurately Reflect the

1 Motion Made by Council During a Las Cruces City Council Meeting Held on April 28, 2008,  
2 Affecting Parcel 32 of the High Range PUD.

3  
4 Councillor Small Moved to Adopt Council Bill No. 12-028; Ordinance No. 2650 and Councillor  
5 Thomas Seconded the motion.

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9 Robert Kyle, Building and Development Services Administrator gave an overhead presentation and  
10 said there were multiple Council meetings related to this proposal and there was a significant amount  
11 of discussions relating to the conditions on the property. When the motion was made for the approval  
12 of the site plan there were discussion about an amendment for the houses to be single story with an  
13 attached garage but discussions lead to having the entire area of houses to be single story with  
14 attached garages so the amendment was worded in a different way than the intent of it. It stated the  
15 entire subdivision instead of just that section. Therefore, this ordinance corrects just that one  
16 provision.

DRAFT

17  
18 Councillor Thomas asked what phase are they on?  
19

20 Robert Kyle said they are almost done with the second phase and are going on to the third and final  
21 phase.

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25 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 12-028; Ordinance  
26 No. 2650 and it was Unanimously Approved. 7-0

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30 (6) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 12-154;**  
31 **A PUBLIC HEARING MUST BE HELD:**

32  
33 Mayor Miyagishima said the Public Hearing for Resolution No. 12-154 is now open. Is there anyone  
34 who wishes to speak against this item?

35  
36 None given.

37  
38 Mayor Miyagishima said the Public Hearing for Resolution No. 12-154 is now closed.

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40

41 Resolution No. 12-154: A Resolution Approving the Issuance of a Restaurant Liquor  
42 License to Kimber K. Kim d/b/a Tokyo Sushi, Located at 1030 El Paseo Road, Las Cruces,  
43 New Mexico.

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2 Councillor Small Moved to Adopt Resolution No. 12-154 and Councillor Sorg Seconded the motion.

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6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-154 and it was  
7 Unanimously Approved. 7-0

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11 (7) Resolution No. 12-155: A Resolution to Reactivate the Downtown Ad Hoc Committee.

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13 Councillor Silva Moved to Adopt Resolution No. 12-155 and Councillor Thomas Seconded the  
14 motion.

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18 David Dollahon, Chief Planning Administrator said we have listed the members to be appointed but  
19 we were unaware that Diane Lyon resigned her position so we would need to amend it to have that  
20 position blank. We also did not include the Las Cruces Housing Authority which is now the Mesilla  
21 Valley Public Housing Authority so if someone wanted to serve from there then they would have to  
22 apply and then be appointed by the Mayor.

23  
24 Councillor Silva said can't we just put a line through it and insert "or a representative of that  
25 organization"?

26  
27 Harry (Pete) Connelly, City Attorney said yes, but I would recommend that you leave it the way that  
28 it is because that is how it was last time.

29  
30 David Dollahon said if someone resigns from the committee then a representative from that  
31 organization would need to submit an application for the Mayor to appoint them.

32  
33 Councillor Smith said the Downtown is important to all of us and I look forward to hearing from the  
34 committee.

35  
36 Carrie Latoure, Downtown Las Cruces Partnership Executive Director said I just want to say that we  
37 support the reorganization of this committee.

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41 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-155 and it was  
42 Unanimously Approved. 7-0

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(8) Resolution No. 12-156: A Resolution Authorizing Change Order Number One to the Agreement Between the City of Las Cruces and Wooten Construction, Inc., of Las Cruces, New Mexico, for the Construction of the Museum of Nature and Science to Change the Contract from \$821,487.08 to a New Contract Amount of \$2,683,735.00 (An Increase of \$1,862,247.92); Plus an Owner Contingency of \$100,000.00; for a Total Revised Authorization of \$2,783,735.00.

Councillor Small Moved to Adopt Resolution No. 12-156 and Councillor Thomas Seconded the motion.

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Eric Martin, Acting Facility Administrator gave an overhead presentation and said the construction contract was initially awarded in January 2011 and the first phase was to engage in some demolition of the site. The contractor that was hired at that time was also to engage in the pre-construction services for the main construction. Since this project has a number of Federal funding sources, we did a request for proposal for a two phase project and the second phase would be done by the same contractor that did the first phase with the execution of a change order. This would complete the renovation of the existing structure and include the HVAC and electrical systems, exhibit space, live animal care, discovery classroom, support space and on-site photovoltaic electricity generation and an addition that will provide a lobby area and connection to the existing Fine Art Museum as well as a gift shop space. We already have all the funding so we can continue to move forward.

Mayor Miyagishima asked when do you expect to have this project completed?

Eric Martin said we are looking at having it done by September or October and being able to be open in November.

Councillor Thomas said I am always getting emails from people asking why we used funding for these projects instead of doing things like fixing their street but this funding can only be used for this type of project.

Councillor Sorg asked what percentage of the funding is coming from grants and what percentage is from local taxes?

Eric Martin said I don't have the specific percentages but we are getting \$55,367 from the State, \$200,000 from BLM, \$188,000 from ARRA, \$3,000,000 Urban Development and the City is paying for staff time. There were no taxes used as a funding source.

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2 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-156 and it was  
3 Unanimously Approved. 7-0

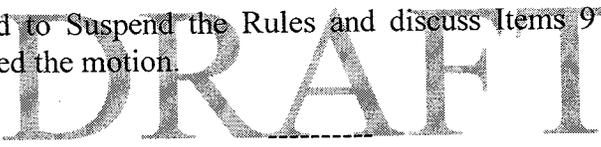
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7 (9) Resolution No. 12-157: A Resolution Approving a Major Amendment to the Rancho Del  
8 Rey Master Plan. The Subject Area is Located Generally East of Roadrunner Parkway,  
9 North and South of Settlers Pass; Parcel ID# 02-38952 and 02-07938. Submitted by  
10 Underwood Engineering on Behalf of Eddie Binns, Property Owner (S-09-053).

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12 Councillor Silva Moved to Adopt Resolution No. 12-157 and Councillor Sorg Seconded the motion.

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16 Councillor Silva Moved to Suspend the Rules and discuss Items 9 and 10 concurrently and  
17 Councillor Sorg Seconded the motion.



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21 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 9 and  
22 10 concurrently and it was Approved. 5-0 Councillor Pedroza and Councillor Small were Absent.

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26 David Weir, Community Development Director said this is a master plan amendment and a zone  
27 change request which will adjust existing planning parcels boundaries to be in concert with existing  
28 zoning and proposed zone changes.

29  
30 Eddie Binns, Applicant gave a verbal presentation and said the original master plan that was done  
31 in 1975 did not provide any parks within the development because at that point in time financial  
32 contributions were made at the time of every building permit so currently there is a couple of  
33 hundred thousand dollars that has been provided by the homeowners through me to develop this area  
34 but yet there still aren't any parks. I have spoken with the residents and they have all told me that I  
35 need a park but they don't want it in their backyard. This particular zoning process gave us the ability  
36 to set aside a tract of land on Settlers Pass. The park addition to the master plan was a major change  
37 and required the change to be analyzed. This area was originally for houses but now it is going to  
38 be a park and there aren't any houses around it. When people do start building houses around it, they  
39 are aware there is a park there. The issue is the cleaning up of boundaries, they don't always match  
40 up once the streets are in; therefore, some of the commercial boundaries have been reduced in size  
41 and some of the housing areas have increased in size. Due to our current economic state and the  
42 trouble people are having with borrowing money, this development won't happen in the morning but  
43 it is part of a long range project and it is intelligent to plan ahead so people can be made aware of

1 what is planned to be constructed around them.

2

3 Mayor Miyagishima said most people would want to know if there was going to be apartments next  
4 to their homes and if they were going to be two-story apartments with a lot of cars. If you do this,  
5 are you going to do it all at once or in sections?

6

7 Eddie Binns said it would be developed in phases as the market would absorb it.

8

9 Councillor Sorg asked can you show us what sections are going to be done during what phase?

10

11 Eddie Binns said I don't have a set list of phases at this time because it will depend on the market.  
12 There have been public meetings and many discussions with my neighbors in the existing  
13 subdivision and there were some concerns expressed about the land usage between the apartments  
14 and the Sandhill Arroyo so we placed some restrictions on that area to keep it as single family. The  
15 area that is on the north slop was first thought to be used as mobile home lots but I am changing my  
16 mind and using that area for smaller lots so we can build affordable homes.

17

18 Mayor Miyagishima asked can you tell us what the current zoning is and what you are asking to  
19 change it to for P-11 and P-12?

20

21 Eddie Binns said a comprehensive plan was done when we first acquired this property and it was  
22 zoned A1-holding and about every twelve years it is redone so at this time we are looking for initial  
23 zoning on this as far as a permit zone is concerned.

24

25 Mayor Miyagishima said it is currently A-1-holding which means you change it when you are ready  
26 to move in to developing it. I am a little concerned with P-11 and P-13, I think you should have it  
27 R-4 and then as you go down to R-2 zoning and the R-1 on the next street.

28

29 Eddie Binns said that is correct.

30

31 Mayor Miyagishima said I am a little concerned with P-11 and P-13, I think you should have it R-4  
32 and then as you go down go to R-2 zoning and then R-1 on the next street.

33

34 Eddie Binns said that is somewhat what we are doing, we are going from a higher density to a lower  
35 density then to the park.

36

37 Councillor Thomas said at the end of the P&Z meeting you ended up with several conditions and  
38 some recommendations; can we go over those lists?

39

40 David Weir said there were seven or eight conditions that were placed on the recommendation and  
41 one of them dealt with the park and the collection of impact fees. Basically, the intent was that the  
42 impact fees would be collected and then when the park was designed and built-out the contractor  
43 would be reimbursed those fees. Another condition dealt with the construction of a walking path

1 along the arroyo and basically at what time that would be constructed.

2

3 Councillor Thomas asked does the walking path connect to anything outside of this subdivision?

4

5 David Weir said the intent is that it would connect to a trail system but currently there isn't any  
6 connections along the arroyo.

7

8 Councillor Thomas said my biggest concern is that we did the same thing with Del Rey and it was  
9 left unconnected for years and in 2005 when there was a huge rain storm they weren't able to get out  
10 of there. We can't build hundreds of houses again and leave them unconnected to a major roadway  
11 which is Roadrunner.

12

13 Councillor Pedroza said one of the big issues that people have is the area is cleared and then you  
14 decide not to build and that creates a lot of issues with the dust. I'd like for you to assure me that you  
15 share that concern and that it won't happen again.

16

17 Eddie Binns said this is a zoning meeting and we are here to talk about zoning land uses. None of  
18 this land that we are looking at has a subdivision plat laying on it so you have the final say on what  
19 happens on this land once a plat is put on it. So at this point in time we are discussing land uses and  
20 not the grading of the land. The plan is to show the land uses so that people in the area know what  
21 the proposed land uses are before they start buying their houses.

22

23 Mayor Miyagishima asked can we put conditions on the zoning?

24

25 Robert Kyle said regarding the master plan and the zoning, Council can put any conditions on  
26 anything.

27

28 Mayor Miyagishima said I would prefer to put some kind of condition on it that nothing can be built  
29 until there is a road there.

30

31 Councillor Smith said I spoke with a gentleman who stated that there hasn't been any work going  
32 on in Diamond Springs in about two years now. I know we are talking about a zone change here but  
33 we are getting a lot of opposition due to the past performance so can you tell us what is going on  
34 with Diamond Springs?

35

36 Eddie Binns said Diamond Springs is in the High Range neighborhood and we do have dust fences  
37 up and they are being maintained and we are working with the neighborhood to clean up any issues  
38 that arise.

39

40 Councillor Thomas said this is the area where the wind thing started and we worked on it for four  
41 years to try to get an ordinance put in to address issues with dust. I don't think the existing ordinance  
42 has been enforced and I don't know why we haven't gotten the revised ordinance in place yet.

1

2 Robert Kyle said we are working on it and it will be brought before Council fairly soon.

3

4 Councillor Thomas said I am going to ask that we have that ordinance approved before we pass  
5 things.

6

7 Councillor Sorg said I not only have concerns with the wind erosion but also with the weed control  
8 and drainage. I am inclined not to pass any new zoning until we have the wind erosion control  
9 ordinance finished but my main concern is also with drainage issues so I'd like to see an arroyo plan  
10 done before we do any new development.

11

12 Roberta Grant, Member of the Public said I live near a vacant area that goes down to Del Rey and  
13 another issue we have is with the traffic. When the area that he is discussing is developed and the  
14 connection to Roadrunner is not done, there is going to be a severe traffic problem. Another issue  
15 is the quality of the roads that are being built in this subdivision. It seems like every few months  
16 there is a water main breaking on my street and I was told that Eddie Binns was responsible for the  
17 installation of the initial water mains and the streets in that subdivision so it cost the City money to  
18 have to go back every few months to correct the problems. I understand that the builder is  
19 responsible for one year for the building and construction of the roadway and I think he should be  
20 responsible for it for a longer amount of time so he'd be a little more cautious about the way he  
21 develops these things.

22

23 Mayor Miyagishima said I will put that on a work session and we can see if we can change it from  
24 one year to about three years.

25

26 Mary Jenke, Member of the Public said I am a new resident in this subdivision and I am concerned  
27 about the seven acre triangle area on the south side of the arroyo because that is very low land and  
28 it is right on the arroyo. I don't think there should be residents of any type in that area.

29

30 Lee Bette, Member of the Public said I live in the Pines area and I see a lot of dust out there so I was  
31 happy to hear Councillor Sorg say we should wait until the dust ordinance is approved. I would find  
32 a park to be delightful in my backyard. I go to the park on Mars and it is surrounded by houses and  
33 there is access to it through rock walls.

34

35 Carol Reynolds, Member of the Public said I understand there is re-zoning from agricultural uses to  
36 other uses around the arroyo and I wonder if there shouldn't be some kind of an impact study done  
37 before it is re-zoned.

38

39 Councillor Sorg said an environment impact study is not required for private land, only public land.

40

41 Jennifer Pore, Member of the Public said Mr. Binns said he informed everyone that he sold homes  
42 or parcels so that this building may occur; however, all of us on this side of the arroyo did not  
43 purchase our property from him and none of us were notified that any of this could happen. I am

1 concerned about the area labeled P16 because it is a flood zone. He is trying to build in a flood zone.

2

3

4 Mayor Miyagishima said that would be decided through the building permit process but he would  
5 have to go through a lot of work and get the approval from FEMA before he could do build in that  
6 area.

7

8 Jessica Mardella, Member of the Public said I walk that desert all the way to Rinconada every  
9 morning and the ponding area in the Rinconada area overflows into that arroyo all the time. The  
10 apartments that are on Roadrunner have had about fifty to sixty percent of their retaining wall  
11 washed away so there are a lot of water issues as well as dust issues already in that area.

12

13 Dee Billsick, Member of the Public said we have been there for twenty-three years and it scares me  
14 that you are going to take out about fifty percent of the flood plain.

15

16 Ron Groves, Member of the Public said I live in this area and I had about a five foot depth from the  
17 edge of the arroyo just break off from behind my house. The more water that is not allowed to come  
18 this way is going to be deflected that way which will come up right behind our houses and cause  
19 more problems with erosion.

20

21 David Binns, Binns Construction said I think some members of the public might be a little bit  
22 confused about what this meeting is for because it is for a zone change not a building change. Even  
23 if we are granted the zone change that doesn't mean we can build there.

24

25 Eddie Binns said this is private property and I pay the taxes on it so all these people who are walking  
26 in this area are actually trespassing. That little triangle piece of land is not in FEMA's flood plain,  
27 it is above it and it would not require any dirt to be brought in to make it usable. In order to move  
28 this thing along, I was going to suggest that we take P-17 and P-12 and change it to R-3 instead of  
29 R-4 which would reduce the density considerably so that might be a compromise to move this thing  
30 forward. But in exchange for that compromise I would like to delete the condition of having a  
31 walkway on the south side of the arroyo because I already agree with having a walkway on the north  
32 side so there is no need in dual walkways.

33

34 Mayor Miyagishima said I think you should have P-11 and P-12 as R-2 and the rest would be zoned  
35 however you wanted it but there would be the condition of no building until there is a road there.

36

37 Eddie Binns said I do want to point out that the extension to Settlers Pass was permitted to be built  
38 at the time it was needed by the City so I have worked with the City in many instances to do things  
39 that needed to be done but I don't feel I have any cooperation or good planning at this level.

40

41 David Weir said there were eight P&Z conditions provided and number seven is the open space on  
42 the south side of the arroyo but that was not a recommended condition by the P&Z, I believe that was  
43 a staff recommendation so it is not currently written in the ordinance.

1

2 Councillor Silva asked why didn't staff make the suggestion to pave Roadrunner?

3

4 David Weir said through the Subdivision Code the right-of-ways adjacent or within a development  
5 are required to be improved and then we fall back on the standards that would go forward with the  
6 development of the arroyo crossings etc.

7

8 Councillor Silva asked who would pay for the arroyo crossings?

9

10 Robert Garza said the City has paid for several arroyo crossings from our Flood Control Fund.

11

12 Councillor Sorg said in order for me to approve this there would have to be three additional  
13 conditions. I think we should stop all re-zoning in the City because our lack of a dust ordinance and  
14 our lack of an arroyo plan. I am really troubled with P-16 and I'd like to see it be put on hold or stay  
15 at A-1. Regarding the Roadrunner situation, I'd like to see that built out before we have any new  
16 building in this area. The parcels that are bordering the Sandhill Arroyo, I'd like to see them  
17 somehow handled where we could avoid a situation with flood water.

18

19 Mayor Miyagishima said we can't change the parcel borders.

20

21 Councillor Small said I would hope to be able to approve this because it sends the message that  
22 smart growth is a part of Las Cruces but unfortunately there are a few issues that prevent that from  
23 moving forward. I think we should consider postponing this until issue like the dust control  
24 ordinance are addressed.

25

26 Councillor Silva said I agree with postponing this issue until we get another dust ordinance and I do  
27 think it is unfair to require Mr. Binns to pave Roadrunner when our current rules are with the  
28 adjacent property which he doesn't even own.

29

30 Councillor Pedroza said I think it is a good idea to sit and wait on this item for a little bit.

31

32 Councillor Thomas said I agree with postponing this and I think we should find a way to work with  
33 Mr. Binns and the property owners in finding a way to get Roadrunner built. I also think that when  
34 this item is brought back that there needs to be some clarification on the conditions.

35

36 Councillor Sorg said the Fire Department has also said that Roadrunner needs to be finished for the  
37 safety of that area and I also think there needs to be a setback around the entire arroyo.

38

39 Councillor Silva said regarding the condition that no development would happen until Roadrunner  
40 is developed, I think some development could be placed on Settlers Pass but we could put a cap on  
41 how much could be built until Roadrunner is completed.

42

1 Chief Brown, LCFD said we have made it very clear to Mr. Binns that access would have to be  
2 completed to Rinconada.

3  
4

5 Eddie Binns said what promoted this was the desire to build a park and take care of a drainage issue.  
6 I was told that I couldn't put a park in unless I did a master plan for the whole area and zoned it.  
7 We've been here for two or three hours having the same discussion that was given at the Planning  
8 and Zoning meeting so you need to take a look at whether or not you are going to handle the  
9 planning and zoning issues and get rid of the Planning and Zoning Commission. It doesn't matter  
10 to me whether or not you pass this so it can sit there for another twenty years and then there be a  
11 different administration that can decide what to do with it.

12

13 Mayor Miyagishima said there might be another administration here at that time which is why I  
14 wanted to put the condition on it that Roadrunner would have to be completed. The Planning and  
15 Zoning Commission is not the policy making body, the Las Cruces Council is; so, that is why we are  
16 doing this today.

17

18

19

DRAFT

20 Councillor Thomas Moved to Postpone Resolution No. 12-157 until May 21, 2012 and Councillor  
21 Small Seconded the motion.

22

23

24

25 Mayor Miyagishima called for the roll on the Motion to Postpone Resolution No. 12-157 until May  
26 21, 2012 and it was Approved. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small,  
27 Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Smith voted  
28 Nay.

29

30

31

32 (10) Council Bill No. 12-029; Ordinance No. 2651: An Ordinance Approving Multiple Zone  
33 Changes for 120.535 ± Acres of Land Located Within the Rancho Del Rey Master Planned  
34 Area; Generally East of Roadrunner Parkway, North and South of Settlers Pass; Parcel ID#  
35 02-38952. Submitted by Underwood Engineering on Behalf of Eddie Binns, Property Owner  
36 (Z2814).

37

38 Councillor Smith Moved to Adopt Council Bill No. 12-029; Ordinance No. 2651 and Councillor  
39 Small Seconded the motion.

40

41

42

1 Councillor Thomas Moved to Postpone Council Bill No. 12-029; Ordinance No. 2651 until May 21,  
2 2012 and Councillor Small Seconded the motion.

3  
4 -----  
5

6 Mayor Miyagishima called for the roll on the Motion to Postpone Council Bill No. 12-029;  
7 Ordinance No. 2651 until May 21, 2012 and it was Unanimously Approved. 7-0

8  
9 -----  
10

11 **VIII. BOARD APPOINTMENTS**

12  
13 None given.

14  
15 -----  
16

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

DRAFT

18  
19 (11) Council Bill No. 12-030; Ordinance No. 2652. An Ordinance Authorizing the Execution  
20 and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Las  
21 Cruces (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a  
22 Special, Limited Obligation of the City to Pay a Principal Amount of \$2,325,000 with  
23 Interest Thereon, for the Purpose of Refunding, Paying and Discharging the Governmental  
24 Unit's Gross Receipts Tax Refunding and Improvement Revenue Bonds, Series 2003 and  
25 Paying a Loan Processing Fee; Providing for the Payment of the Principal and Interest Due  
26 under the Loan Agreement Solely from the Pledged State Shared Gross Receipts Tax  
27 Revenues Distributed to the City; Providing for the Contingent Distribution of the Pledged  
28 Revenues to Be Redirected to the New Mexico Finance Authority or its Assigns for the  
29 Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept  
30 Agreement; Setting the Maximum Rate of the Loan; Approving the Form and Terms of the  
31 Loan Agreement and Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing  
32 All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions  
33 in Connection with the Execution and Delivery of the Loan Agreement and Intercept  
34 Agreement.

35  
36 Mayor Miyagishima and Council agreed to bring this item back.

37  
38 -----  
39

40 **X. GENERAL DISCUSSION**

41  
42 1. Mayor

1

2 Mayor Miyagishima said earlier when we passed the impact fees for roads, drainage and public  
3 safety, we said we would implement the public safety effective January 1, 2012 and the roads and  
4 drainage would be effective January 1, 2013. I told a reporter that I was looking for information at  
5 a work session in the next month or two because we could postpone those impact fees if the  
6 economy didn't pick up but public safety has already been implemented so I think we should leave  
7 that alone.

8

9 There was some confusion regarding the schedule of my public meetings, the districts are on the  
10 same date and they are going to be combined to increase the attendance.

11

12

13

14 2. City Council

15

16 Councillor Thomas said we are in the process of writing the bylaws for the HUD Grant Regional  
17 Leadership Consortium which I am a representative for but we need to select someone to be an  
18 alternate. Councillor Pedroza has been attending the meetings and I think she would be a good  
19 choice.

20

21 Mayor Miyagishima said that's not a City board.

22

23 Councillor Pedroza said I would like to do it.

24

25 Mayor Miyagishima said that will be fine.

26

27 Councillor Thomas said regarding the New Mexico Municipal League, I know in the past for the  
28 State meeting we have selected a representative and an alternate so we will need to decide how we  
29 are going to handle the selection because several of us have attended some of their meetings.

30

31 Robert Garza, City Manager said all of you can attend the meetings but we will need to be careful  
32 about four of you attending the same meeting. The only voting that takes place is during their August  
33 meeting so in June or July we will bring forward a resolution and at that time Council will decide  
34 who to appoint as a voting delegate and an alternate.

35

36

37

38 Councillor Sorg said the discussions we've had today show that we do need to get an Arroyo Plan  
39 and the Dust and Wind Erosion Ordinance done.

40

41

42

43 Councillor Small said I'd like to thank the Task Force for the arrest for the arson in the Mesquite

1 area.

2

3 We need to continue to work on Historical Preservation and the code issues regarding it.

4

5

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6

7 Councillor Pedroza said I would like to thank the Mission of Mercy Dental Clinic for serving close  
8 to 2,000 people at the event that was held at the Convention Center.

9

10 Our local little boxers Iona Vasquez and Edmond Guzman won the USA National Tournament  
11 medal.

12

13 There will be a District 3 in conjunction with District 2 meeting on March 14<sup>th</sup> at University Hills  
14 from 6:00 to 8:00 p.m.

15

16 I will be starting my "Walks in the Park" at Young Park again and we will be starting this coming  
17 up Monday, March 12<sup>th</sup>.

18

19 There will be a movie titled "A Better Life" which is about the life of immigrants, that will be shown  
20 at Alma de Arte next Saturday at 5:00 p.m.

21

22

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23

24 Councillor Smith said since this is our Centennial, I think this is a good time to bring back the  
25 Historic Preservation Committee.

26

27 The Mission of Mercy was very organized and it was a great event for this community.

28

29 It mentioned in the Sun News that there will be a development between El Paseo and Espina Street,  
30 does that mean that they already have the go ahead to develop?

31

32 Mayor Miyagishima said yes, that was approved about three or four years.

33

34

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35

36 Councillor Silva said I know the members are also eager to bring back the Historic Preservation  
37 Committee.

38

39 I want to thank Chief Brown and Chief Williams for arresting the arson fugitive.

40

41 I want to thank everyone who participated in the Mission of Mercy project. It was a great event.

42

1 The Smithsonian Exhibit opened up last Friday and it is an amazing exhibit.

2

3 Councillor Smith and I will be participating in the St. Baldrick's event so we both will be getting our  
4 heads shaved for children with cancer.

5

6 Regarding the Downtown Las Cruces Partnership in conjunction with the Farmers Market, they are  
7 putting on a Chalk Art Festival on April 28<sup>th</sup> and there will be no cost to the artist.

8

9 I just want to mention that Senator Fishman will not be running for office again and I was saddened  
10 by that news because I feel he did some really good work.

11

12

13

14

3. City Manager

15

16 Robert Garza, City Manager said regarding the dust issues, it is going to take us a couple of  
17 months to get the final document in front of you but Robert Kyle will be getting out  
18 memorandums to every contractor who pulls permits to inform them of the issues and raise  
19 everyone's awareness of the dust issues.

20

21

22

23 **Meeting Adjourned at 4:47 p.m.**