

ITEM #1
Regular Meeting
March 19, 2012



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

Regular Meeting

**March 19, 2012
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Greg Smith, 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
- Linda Lewis, Deputy City Clerk

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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 Presentation of Certificates of Appreciation/Proclamations.

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

33 Mayor Miyagishima presented the Mayor's Citation for Public Service Award to Police Officers
34 Jonathan Boehne and Manuel Soto for their heroism beyond the call of duty for saving the life of
35 another.

37 Mayor Miyagishima presented the Mayor's Citation for Public Service Award to Michael R.
38 Simione, retired employee from the Community and Cultural Services Senior Programs.

40 Councillor Thomas presented a Proclamation to Sheila Black and declared March 19, 2012 as Sheila
41 Black Day.

1 Councillor Thomas presented a Proclamation and declared March 20, 2012 as Disability Arts,
2 Culture and Citizenship Day.

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4 Councillor Thomas presented a Proclamation and declared March 20, 2012 as Spread the Word to
5 end the R-Word Day.

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7 James A. Rosell, Aircraft Owners and Pilots Association presented a Letter of Recognition to Mayor
8 Miyagishima, Council and staff.

9

10 Lori Grumet, Community and Culture Services Administrator introduced Philip San Filippo as the
11 new CVB Director.

12

13 Eric Martin, Interim Facilities Administrator presented a plaque to Council and staff for the LEED
14 Gold Certification of the Las Cruces Convention Center.

15

16 Larry Horan, Lobbyist gave a presentation regarding the 2012 Legislative Session.

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18 Nicole Martinez, Community of Hope Executive Director gave a presentation regarding Camp Hope.

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20 Robert Garza, City Manager said there are a lot of pieces to this puzzle and I don't think anyone
21 would disagree that this has been a good thing so we would have to find a way to make it work, if
22 that is the will of Council. There are a couple of things that we will have to overcome which is the
23 zoning, the issues with the Fire Code, the ADA issues, and the facilities (like the bathrooms) issues.
24 One of the necessities toward making this work is addressing the zoning of the property which will
25 probably take a couple of months for staff to make that happen. The second thing is that the City,
26 as the land owner, has a lease with the Community Hope so we would amend our lease with them
27 to allow them to sublease the property to Camp Hope. This will take some time so I would
28 recommend that we extend it to allow them to continue to use the property at its current use and
29 work on amending our lease with the Community of Hope to enable this kind of expansion of the
30 property use and we direct staff to go forward with the re-zoning. We do need to continue with our
31 long term goal of making a permanent structure but this would allow them to continue with this in
32 the meantime.

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

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

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2 None given.

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6 **III. PUBLIC PARTICIPATION**

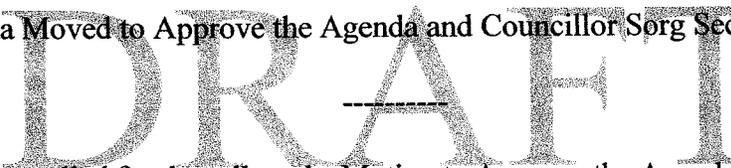
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8 None given.
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12 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
13 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
14 **BY ONE MOTION.**

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16 Councillor Pedroza Moved to Approve the Agenda and Councillor Sorg Seconded the motion.

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20 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda and it was Approved.
21 6-0 Councillor Small was Absent.



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25 **V. CITY COUNCIL MINUTES**

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27 *(1) Regular Meeting of February 21, 2012
28 *(2) Regular Meeting of March 5, 2012
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32 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

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34 *(3) Resolution No. 12-158: A Resolution Approving the Vacation of a 0.0165-Acre Portion of
35 Remnant Right-of-Way Known as Madero Avenue, and Transferring Ownership o f the
36 Remnant Right-of-Way to Fred J. And Charlene Hess as Trustees of the Fred J. Hess and
37 Charlene Hess Amended and Restated Living Trust Agreement, as Adjacent Property Owner.
38

39 *(4) Resolution No. 11-12-386: A Resolution Authorizing Change Order No. 1 in the Amount of
40 \$12,274.40 to the Contract Between the City of Las Cruces and Kronos Inc., for 60
41 Additional User Licenses for the Las Cruces Police Department, for a Total Purchase Order
42 Amount of \$60,064.40.

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

(5) Resolution No. 12-159: A Resolution Approving an Amendment to the City's 2011-2015 Consolidated Plan for the Use of the Community Development Block Grant (CDBG) Section 108 Loan Guarantee Program and Amendment #1 to the 2011 Action Plan Which Relates to Reallocation of Funds Related to CDBG and Home Investment Partnerships (HOME) Programs. The Resolution Approves the Necessary Budget Adjustment to the City's FY2012 Budget to Reflect Amendment #1 to the 2011 Action Plan.

Councillor Thomas Moved to Adopt Resolution No. 12-159 and Councillor Sorg Seconded the motion.

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David Dollahon, Chief Planning Administrator gave an overhead presentation and said this is an amendment to the 2011-2015 Consolidated Plan. The City is an entitlement community under the CDBG program as required by HUD and under the CDBG program there is a section which authorizes the City to pledge a portion of our future CDBG funds as collateral for loans made under the program. The FY 2013 allocation is \$745,000; therefore, our combined loan limit is \$3,725,000, less our outstanding loan which is \$2,000,000, gives us a balance of \$1,725,000. There are restrictions so the amendment proposed in the resolution would lift those restrictions and give us the allowance of the loan program for any CDBG project.

Jan Lauterbach, Neighborhood Services continued the overhead presentation and said the annual action plans are required each year to allocate the use of the CDBG and HOME Investment Partnership funds, completed projects and unused funds do require Action Plan amendments to redirect available funds. The proposed amendment is for \$250,000 of HOME funds to be directed for the incomplete multi-family rental project Alameda 575, to dedicate \$86,000 to be used for La Casa (TBRA) and \$164,000 to Mesilla Valley Habitat for Humanity for their home ownership development. It also proposes \$58,146.20 of CDBG funds to be dedicated for the use of the City's Home Rehabilitation Program.

Councillor Small asked were there other groups considered besides the Alameda 575?

Jan Lauterbach said as far as I know, there were no other agencies.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-159 and it was Unanimously Approved. 7-0

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(6) Resolution No. 12-160: A Resolution Authorizing the City of Las Cruces to Apply for a Recreation or Public Purpose Lease With the Bureau of Land Management (BLM) for Property Located Near the Intersection of Sonoma Ranch Boulevard and Lohman Avenue.

Councillor Small Moved to Adopt Resolution No. 12-160 and Councillor Silva Seconded the motion.

Eric Martin, Interim Facility Director gave an overhead presentation and said this is for the approval to proceed with a lease application for approximately 350 acres of BLM property that is located in the East Mesa. There would be access to the Jobe site via this location and there are several ATV trails and other pathways on this property. We could use this for Fire Station 8 as well as for the East Mesa Command Substation and there is plenty room for ancillary parking, site storage and support facilities. Staff recommends proceeding with the lease application process then BLM would determine the necessary NEPA studies that would need to be conducted and there would be public presentations and input opportunities.

Mayor Miyagishima asked can you explain why we have to lease this land?

Kathy Mathews, Landscape Architect said the lease is a process that BLM uses to allow public entities to obtain portions of their land that they've slated for disposal and it is a very inexpensive way to obtain land.

Mayor Miyagishima said once we do what we say we are going to do with the land then we can purchase it.

Kathy Mathews said that is correct.

Councillor Sorg said I am pleased that we are at this stage of getting our new safety complex and that we are moving forward with it but I'd like to know if other open space projects are going to be moved back because of this project?

Eric Martin said not necessarily, this is a conceptual plan and we have an initial five years with some potential extensions for this project.

Councillor Thomas said I'm sure the residents of District 6 are going to be thrilled with all of this open space and the police and fire presence.

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3 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-160 and it was
4 Unanimously Approved. 7-0

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8 (7) Resolution No. 12-161: A Resolution Authorizing Change Order Number Five (5) to the
9 Agreement Between the City of Las Cruces and Jaynes Corporation, Inc., of Albuquerque,
10 New Mexico, for the Construction of the Las Cruces Regional Aquatic Center to Change the
11 Contract Amount From \$11,535,460.00 to a New Contract Amount of \$11,752,260.00 (An
12 Increase of \$216,800.00); Plus an Owner Contingency of \$10,000.00; for a Revised Total
13 Authorization of \$11,762,260.00.

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15 Councillor Thomas Moved to Adopt Resolution No. 12-161 and Councillor Silva Seconded the
16 motion.

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20 Eric Martin, Interim Facility Director gave an overhead presentation and said this is change order
21 number five for the Aquatic Center and the scope of the work is to complete interior finishes, add
22 HVAC equipment, open the second floor to the main lobby, expand electrical work to provide power
23 for the fitness equipment, provide inter-connectivity to the first floor and install exterior windows.

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27 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-161 and it was
28 Unanimously Approved. 7-0

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32 **VIII. BOARD APPOINTMENTS**

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34 Councillor Smith appointed Charles Beard to the Planning and Zoning Commission.

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38 Mayor Miyagishima appointed Wilbur L. Bodden to the Convention and Visitors Bureau Advisory
39 Board.

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1 Councillor Sorg Moved to Approve the Mayor's board appointment of Wilbur L. Bodden to the
2 Convention and Visitors Bureau Advisory Board and Councillor Small Seconded the motion.

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6 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
7 of Wilbur L. Bodden to the Convention and Visitors Bureau Advisory Board and it was
8 Unanimously Approved. 7-0

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

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14 (8) Council Bill No. 12-031; Ordinance No. 2653: An Ordinance Approving a Concept Plan and
15 Final Site Plan for a Planned Unit Development (PUD) Known as Metro Verde Amendment
16 No. 1. The Subject Properties Encompass 695 ± Acres and are Located in the Sierra Norte
17 Area North of the Future Expansion of Arroyo Road and South of the City Limits; Parcel
18 ID#s 02-36419, 02-36420, 02-36421, 02-36422, 02-37650, 02-38810, 02-38811. Submitted
19 by DVI on Behalf of Sierra Norte Land Holdings, LLC & Barbara W. Johnson, Property
20 Owner (PUD-11-01 & PUD-11-02).

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

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26 **X. GENERAL DISCUSSION**

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28 1. Mayor

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30 Mayor Miyagishima said we have another district meeting this Wednesday from 6:00 to 8:00 p.m.
31 at City Hall for District 1 and District 4.

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35 2. City Council

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37 Councillor Thomas said next Wednesday is the district meeting for District 5 and District 6 from
38 6:00 to 8:00 p.m. at the Dona Ana Community College Auditorium.

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42 Councillor Sorg said I wish we could speed up our Wind Erosion Ordinance as well as the arroyo
43 and open spaces plans. I think we need to get those done as soon as possible.

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2 On Fridays at Sunrise Elementary School they have a program called "Lunch with Dignitaries" and
3 I attended this event last Friday and ate lunch with some fourth graders and it was very nice. I would
4 like to challenge the Mayor and all the Councillors to take advantage of this program.

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8 Councillor Small said I think we also need to recognize Bob Hearn for the Camp Hope discussions.

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10 I would like for Mark Johnston to look into splash pads as a low cost kinda of splash park for folks.

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12 I think the proposed BLM land that we previously discussed might be a good location for an archery
13 park.

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15 There is a new executive director for the Green Chamber of Las Cruces and I think it would be
16 interesting to consider some kind of calibration between the Chambers and Council.

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20 Councillor Pedroza said I want to apologize to anyone who showed up at Young Park a couple of
21 Mondays ago, due to daylight-saving time it was too dark so I didn't show up. I will be restarting it
22 again once the sun is up which will probably be sometime in the middle of April.

23

24 There was an article in the paper regarding Mark Johnston organizing a community garden and it is
25 now ready for people to select plots and begin their gardening.

26

27 I'd like to thank Shelly Modell, Sonia Saldaña and two unknown police officers for their help with
28 an elderly woman who was wondering through trash in Encantada Park.

29

30 I'd like to thank Robert Garza for adding the section of the CAES form that informs us whether the
31 item is Administrative, Quasi Judicial or Legislative. I would also like to have a work session or an
32 informal discussion to explain these different types of classifications.

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34 I have already attended the luncheon with the students at Sunrise and the kids were great.

35

36 I'd like to let everyone one know that the Great Conversations is going to be focused on Women's
37 History Month so it will be held today at six o'clock at Green Works, then tomorrow from six to
38 seven it will be a discussion on Victory Gardens, on Wednesday the discussion will be Women in
39 Films, on Thursday it will be Historic Preservation and on Friday it will be Women in Graffiti and
40 Street Art.

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1 Councillor Smith said I have also attended the luncheon with the students at Sunrise Elementary.

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3 We have two State Senators in District 2 but Cynthia Nava is leaving the State Senate and I'd like
4 to publically thank her for all that she has done. Senator Mary Kay Papen has been a strong supporter
5 of mental health efforts in New Mexico and she has received an award from the American
6 Psychological Practice Association.

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10 Councillor Silva said I'd like to recognize the students with the Juvenile Citation Program for joining
11 us in our meeting today.

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13 Regarding Camp Hope, I think it is a very innovative program and I think it is something that could
14 be implemented in other cities. I hope we have work sessions and move slowly so we can have
15 discussions with all the parties involved with making permanent structures.

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17 The Mayor was speaking about bicycle awareness on the radio today and I know there are a lot of
18 bicyclists in this community so I'd really like to push forward with a "Give Them Five Feet"
19 program.

20

21 I spoke with Dave Madison over the weekend regarding us giving hands free devices to people who
22 are pulled over for using their cell phones while driving and I think it would be a great program so
23 he is going to be sending us some examples of this program.

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27 Lori Grumet, Community and Cultural Services Director gave an update on the East Side Center.

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31 Councillor Silva said there was an article in the newspaper regarding the Farmers Market and I'd like
32 to thank City Manager Garza for being open and cautious with the future of the Farmers Market.

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34 We will be having some District 1 meetings, one on March 27th at Loma Heights, another one on
35 March 28th at Branigan Library, and then one on March 29th at Jornada Elementary.

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39 3. City Manager

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41 Robert Garza, City Manager said the work session schedule for next Monday has been changed to
42 only included two items which are the Public Participation Ordinance and the Future Use of City
43 Owned Facilities (Municipal Court, Old City Hall and Museums).

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4 Andre Moquin, HR Director gave an update regarding the Judge II position and said the committee
5 unanimously recommended Kieran Ryan for the Judge II position.

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7 Robert Garza, City Manager said we will be including the appointment of the Judge II position on
8 the April 2nd meeting which will take place during the opening ceremonies portion of the meeting
9 at which time Council will vote and the roll call will be given then we will take a short break to
10 swear in the new judge.

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14 Mayor Miyagishima said I want to mention that I won't be here for our next meeting so Mayor Pro-
15 tem Thomas will chair the meeting.

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19 Meeting Adjourned at 4:18 p.m.

DRAFT