



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

**Regular Meeting**

**December 17, 2012**

**1:00 P.M.**

**Council Chambers, City Hall**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

---

**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 (via telephone)
- Councillor Gill Sorg, District 5
- Councillor Sharon Thomas, District 6

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

**I. OPENING CEREMONIES**

- Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Smith led the Pledge of Allegiance.
- Presentation of Certificates of Appreciation/Proclamations.
- Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.
- Mayor Miyagishima and Dolores Archuleta presented Medals of Honor to WWII Veterans/Tuskegee Airmen J. Clayton Flowers and Dr. James Williams.
- Mayor Miyagishima and Councillor Smith presented the Manuel "Manny" Campos Memorial Safety Award to Battalion Chief Kristen Andersen.
- Mayor Miyagishima and Councillor Smith presented a plaque to Austin "No Doubt" Trout, WBA Super Welterweight Champion of the World.
- Councillor Smith presented a Proclamation to Carrie Hamblen and declared December 15<sup>th</sup> thru December 31, 2012 as Shop Local Las Cruces Days.

1 Councillor Smith presented a Proclamation to Brad Beasley and Mitchell & Company staff and  
2 declared December 17, 2012 as Beasley, Mitchell and Company Day.

3

4 Paul Royalty, El Paso Electric gave a presentation regarding the Score Plus Program, collection of  
5 rebates for energy efficiency improvements.

6

7

8

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

13

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

15

16 None given.

17

18

19

20 **III. PUBLIC PARTICIPATION**

21

22 Paul Borunda, Member of the Public said this is in regards to the actions of the utilities staff against  
23 my son and daughter-in-law on Monday of this past week. They went to apply for services on Elks  
24 Boulevard and they were denied the right to open services because they supposedly had an  
25 outstanding bill that they owed from a business they had previously. The amount of the bill was \$825  
26 and they asked if they could pay \$400 now but they were told that the City didn't have payment  
27 arrangements. My other son came into the office and tried to have the utilities turned on under a  
28 landlord agreement and he was also denied because of the assumption of the utilities staff that my  
29 other son was going to reside with him. The staff told him that he would have to get a letter from the  
30 landlord stating the my other son was not allowed to reside at that residence. I told the staff that they  
31 cannot fault my son for a billed owed by my other son. I spoke with Jorge Garcia, the Utilities  
32 Director, and he told me that my son could make payment arrangements. I have spoken with several  
33 people who have had the same type problem with the City not working with them to get their utilities  
34 turned on.

35

36 Mayor Miyagishima said please leave us your contact information and I will have Robert meet with  
37 you to discuss this issue.

38

39 John Hamilton, Member of the Public said regarding the killings at the elementary school, we need  
40 to do something about those types of incidents and you as our leaders have an obligation to move  
41 us forward and help us resolve the issues with gun violence.

42

1 Mayor Miyagishima said I joined with Mayor Bloomberg a few years ago with an organization called  
2 "Mayors Against Illegal Guns" so if you can leave us your contact information I will get you the  
3 information on their proactive initiatives.

4

5

6

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

10

11 Councillor Smith Moved to Approve the Agenda and Councillor Sorg Seconded the motion.

12

13

14

15 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda and it was Approved.  
16 6-0 Councillor Small was absent.

17

18

19

20 Councillor Sorg Moved to allow Councillor Small to attend the meeting via telephone and  
21 Councillor Thomas Seconded the motion.

22

23

24

25 Mayor Miyagishima called for the roll on the Motion to allow Councillor Small to attend the meeting  
26 via telephone and it was Unanimously Approved. 7-0

27

28

29

30 **V. CITY COUNCIL MINUTES**

31

32 \*(1) Regular Meeting of November 19, 2012

33

34

35

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

37

38 \*(2) Resolution No. 13-079: A Resolution Expressing Concern That Renewable Energy Credits  
39 at the Present Time Are Not Being Given to Third Party Owners of Renewable Energy  
40 Systems by El Paso Electric Company.

41

- 1 \*(3) Resolution No. 13-080: A Resolution Authorizing the City of Las Cruces, on Behalf of Its  
2 Police Department to Accept a Grant Award for a Total Amount of \$134,557.00 From the  
3 New Mexico Department of Transportation, to Ratify the City Manager's Signature on the  
4 Consolidated Project Agreement, and to Adjust the FY 2013 Budget.  
5
- 6 \*(4) Resolution No. 13-081: A Resolution Authorizing Payment of \$48,809.00 to the South  
7 Central Council of Governments (SCCOG) for the Operation of the South Central Regional  
8 Transit District (SCRTD).  
9
- 10 \*(5) Resolution No. 13-082: A Resolution Authorizing Change Order Number One to the N.  
11 Sonoma Ranch Widening Contract, Project No. 11-12-416, for Unforeseen Work Required  
12 During the Installation of a New High-Pressure Gasline in the Amount of \$12,544.00 Plus  
13 Applicable New Mexico Gross Receipts Tax of \$948.64 for a Total Amount of \$13,492.64.  
14
- 15 \*(6) Resolution No. 13-083: A Resolution Approving a Signalization and Lighting Agreement  
16 Between the City of Las Cruces and the New Mexico Department of Transportation to  
17 Provide for the Maintenance of Traffic Signals and Roadway Lighting at the Intersection of  
18 Interstate-10 (I-10) and Avenida de Mesilla, Control No. 1110361.  
19
- 20 \*(7) Resolution No. 12-13-307: A Resolution Awarding the Bid for Price Agreement for Bus  
21 Shelter Pad Construction to G. Sandoval Construction, Inc. Of Las Cruces, New Mexico, in  
22 the Amount of \$69,364.75 Plus Gross Receipts Tax in the Amount of \$5,245.71 and  
23 Contingency in the Amount of \$3,468.24 for a Total Bid Award of \$78,078.70.  
24
- 25 \*(8) Resolution No. 12-13-319: A Resolution Authorizing the City of Las Cruces on Behalf of  
26 the Las Cruces MPO, to Contract with Bohannan-Huston for Development of a  
27 Transportation Asset and Safety Management Plan in the Estimated Amount of \$94,815.00.  
28
- 29 \*(9) Resolution No. 12-13-391: A Resolution Approving Contract for the Design Through  
30 Bidding Phase Services to Rehabilitate the Fuel Farm Located at the Las Cruces International  
31 Airport to Delta Airport Consultants, Inc., of Albuquerque, New Mexico, in the Amount of  
32 \$95,327.00 Plus New Mexico Gross Receipts Tax of \$7,209.10 for a Total Amount of  
33 \$102,536.10.  
34

-----

35  
36  
37 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

38  
39 **(10) BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 13-084;**  
40 **A PUBLIC HEARING MUST BE HELD.**

41  
42 Mayor Miyagishima opened the Public Hearing for Resolution No. 13-084 and asked if there was  
43 anyone who wished to speak against this item?

1 None given.

2

3 Mayor Miyagishima closed the Public Hearing for Resolution No. 13-084.

4

5 Resolution No. 13-084: A Resolution Approving the Issuance of a Restaurant Liquor  
6 License to Q's Southern Bistro, LLC D/B/A Q's Southern Bistro, to be Located at 200  
7 Avenida de Mesilla, Las Cruces, New Mexico.

8

9 Councillor Sorg Moved to Approve Resolution No. 13-084 and Councillor Thomas Seconded the  
10 motion.

11

12 -----

13

14 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-084 and it was  
15 Unanimously Approved. 7-0

16

17 -----

18

19 (11) Resolution No. 13-085: A Resolution Approving an Agreement Authorizing the Villa Del  
20 Sol Mobile Home Park to Connect to the City Wastewater System.

21

22 Councillor Thomas Moved to Approve Resolution No. 13-085 and Councillor Sorg Seconded the  
23 motion.

24

25 -----

26

27 Jorge Garcia, Utilities Director gave an overhead presentation and said this is for the approval of  
28 wastewater service outside the city limits. This is a mobile home park that is off of Stern Drive  
29 which is south of the city limits. The Utilities Board has recommended approval of this agreement  
30 and our system does have the capacity to handle this area. The property owner will pay all the  
31 applicable development fees, rates and connection charges and the system will comply with all the  
32 Utility Design Standards.

33

34 Mayor Miyagishima said it is always a good thing when we can get our neighbors off septic systems  
35 and onto the City's Wastewater System.

36

37 -----

38

39 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-085 and it was  
40 Unanimously Approved. 7-0

41

42 -----

43

1 (12) Resolution No. 13-086: A Resolution to Accept a Joint Grant Awarded to the City of Las  
2 Cruces in Partnership With the Downtown Las Cruces Partnership (DLCP) From the New  
3 Mexico Main Street (NMMS) Program in the Amount of \$100,000.00 With a Ten Percent  
4 (10%) Match Requirement for Assessments and Renovations to the City-Owned Building  
5 at 201 N. Main Street Building, to Authorize the City Manager's Signature on the Grant  
6 Agreement, to Authorize the City Manager to Negotiate and Execute a Memorandum of  
7 Agreement Between the City of Las Cruces and the DLCP Related to Respective  
8 Responsibilities Under the Grant, and to Adjust the FY 2013 Budget.  
9

10 Councillor Silva Moved to Approve Resolution No. 13-086 and Councillor Sorg Seconded the  
11 motion.  
12

13

14

15

16 David Dollahon, Chief Planning Administrator gave an overhead presentation and said this grant is  
17 for renovations to 201 North Main Street which is the Camuñez Building. We were awarded  
18 \$100,000 with a required 10% match which would be at least \$10,000 of which \$5,000 must be cash  
19 and \$5,000 would be provided by the Downtown Partnership. This would fund Phase I of the project  
20 which would include environmental system assessments and electrical system assessments. Future  
21 phases of this project will include the interior and exterior remodeling to make the building  
22 amendable for small businesses.

23

24 Councillor Smith asked are we going to continue to preserve the historic exterior walls?

25

26 David Dollahon said that is subject to the approval of the Historic Preservation Division and the New  
27 Mexico Main Street Program which is a condition of the grant agreement. It is our intent at this time  
28 that all the work for this grant will be done to the interior.

29

30 Councillor Silva said I'd like to say "good work" to all of you for going out there and getting us this  
31 grant. The Downtown Partnership will be responsible for this correct, it won't come out of City  
32 funds?

33

34 David Dollahon said that is correct.

35

36 Councillor Silva asked will the Downtown Partnership also manage the facility?

37

38 David Dollahon said our understanding is that because of this grant agreement, the Downtown  
39 Partnership will have to in some way be involved with the management of this building but the  
40 details are yet to be determined.

41

42 Councillor Silva said so that would be a separate document?

43

44 David Dollahon said I would think so.

1 Councillor Silva asked what kind of time line are we looking at for this project?

2

3 David Dollahon said from a functional standpoint, we would hope by the end of 2013.

4

5

6

7 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-086 and it was

8 Unanimously Approved. 7-0

9

10

11

12 (13) Resolution No. 13-087: A Resolution Deferring the Effective Date for the Major Roads  
13 Impact Fee and for the Drainage Impact Fee From January 1, 2013 to July 1, 2013.

14

15 Councillor Thomas Moved to Approve Resolution No. 13-087 and Councillor Sorg Seconded the  
16 motion.

17

18

19

20 Loretta Reyes, Public Works Director gave a verbal presentation and said this is to defer the effective  
21 date for the road and drainage impact fees from January 1, 2013 to July 1, 2013. In considering the  
22 two fees and the current economic climate, staff would like the opportunity to analyze whether each  
23 fee amount is sufficient to fund or to seek alternate funding options for constructing the projects on  
24 the impact fee capital improvement plan list, to determine whether each fee amount is sufficient to  
25 fund the credit or reimbursement requests and to analyze an amendment to the City's Design  
26 Standards addressing principal arterial construction that would be a more prudent option other than  
27 these impact fees.

28

29 Councillor Pedroza asked why are we looking to review the City Standards?

30

31 Loretta Reyes said we are aware of some loopholes in the City's Design Standards so we'd like to  
32 take a look at some of these areas that we've identified over the years and write a policy that would  
33 address those issues. We'd also like to review the requirements for commercial development.

34

35 Councillor Pedroza said it would be nice to get some kind of reports from staff during this next six  
36 months regarding their findings.

37

38 Loretta Reyes said yes, we could possibly do that during a work session or by some other means.  
39 Councillor Thomas said we have had several problems with our current system and allowing roads  
40 to be built by piecemeal which turns into a maintenance nightmare so we do have to do something  
41 and we have to do it fairly quickly. This talks about reimbursement to developers for building roads  
42 and I would encourage you to look carefully at that part because that doesn't seem possible to me.

1 I don't think the City should totally reimburse a developer for putting in an arterial if they don't  
2 make any contribution to it. I also suggest that we take a look at the project list and look at the  
3 projects that are the most critical and involves public safety. We also need to look at the impacts a  
4 development has on the entire road system, drainage system and the connectivity between trails and  
5 parks. We could use impact fees or the lack of impact fees as an incentive for things in our transit  
6 plan.

7

8 We all received a letter asking us to consider affordable housing when we are looking at our budget  
9 and in looking at the numbers, we are horribly behind in being able to provide affordable housing.  
10 We want to be careful with these impact fees so we don't do something that could prevent affordable  
11 housing.

12

13 I also want to say that I think the Development Review Committee needs to be restructured because  
14 when a project comes in for review, we need to be looking at more than just that project, we need  
15 to be looking at the impact that project will have on all of the systems.

16

17 Councillor Sorg said in the past, major roads have not been completed which has caused a lot of  
18 problems. I am asking that these growth areas receive the same level of service that the rest of the  
19 City gets in a reasonable amount of time. Somebody needs to pay for these roads and I don't believe  
20 everyone should pay for roads that only services a subdivision or neighborhood. Therefore, I agree  
21 with this resolution with the amendment that this would require City staff and the Las Cruces Home  
22 Builders Association to develop a plan that includes a timetable for infrastructure development, to  
23 determine the funding options for the completion of major roads and bridges on the City's IFCIP  
24 priority list as well as future infrastructure. The plan must be submitted for approval to the City  
25 Council by June 30, 2013.

26

27 Mayor Miyagishima asked can you withdraw your motion so we can discuss this and then we can  
28 address that towards the end?

29

30 Councillor Sorg said that will be fine.

31

32 Councillor Small said none of us want to get into a series of six-month extensions so there does need  
33 to be follow-up and feedback from staff before this six month extension expires so there can be a  
34 long-term policy in place. I think we do have projects in the City that could integrate the housing and  
35 transit corridor and we should promote those types of development. I can see myself supporting this  
36 extension but there's still things that need to be addressed because I don't want us to be in a position  
37 that we would have to use General Fund monies to finish a project. I also don't think we should  
38 include binding the Home Builders Association or other groups to develop a plan with staff because  
39 it could delay the solution if there isn't total agreement between the parties.

40

41 Councillor Silva gave an overhead presentation and said I agree with this six month extension but  
42 I also think we should have a Mayor Ad-Hoc Committee that would come up with answers before  
43 the six months is done. I think the committee should be made up of staff, the homebuilders

1 community, two or three Councillors, of which I would like to be one of the Councillors serving on  
2 it, and someone from NMSU.

3

4 Councillor Sorg said I would like this done by June 30<sup>th</sup> because we have already waited too long  
5 to get this situation fixed.

6

7 Councillor Thomas said I would like for us to try to not do an amendment at this point and just  
8 postpone it to another date to give Robert time to meet with staff and come back to us in a couple  
9 of weeks with some suggestions on how we might move forward.

10

11 Mayor Miyagishima said this was originally passed in 2011 with the effective date of January 1,  
12 2013 in order to give us a year to show why this was important. I've had people say that impact fees  
13 will put home ownership out of reach but the interest rates for home buyers has been dropping over  
14 the past few years and I still haven't seen an increase in home ownership. We would just be  
15 subtracting the fee that the developer would have worked into the price of the home so the developer  
16 should be selling the houses for less than he was previously.

17

18 Councillor Thomas said I agree that the price of the lots should go down and it's not the impact fees  
19 that are causing houses not to sell, it's the entire economy. The problem I have with this ordinance  
20 is that we have a new set of eyes looking at it and they've found things that we do need to address  
21 so I would be hesitant to pass this as it is now.

22

23 Councillor Silva said in my presentation I stated that we would have to come up with funding for  
24 98% of a project so where would we get that 98%?

25

26 Loretta Reyes said we would have to look at different types of funding options.

27

28 Robert Garza, City Manager said an important thing for everyone to understand is that we have two  
29 different CIPs which one is the City's general ICIP and the other one is the impact fee's CIP. So  
30 when you adopted the ordinance for the impact fees, you did not repeal any of the existing  
31 development standards which require developers to develop 100% of the arterial roadways if they  
32 go through their properties and 50% if they're adjacent to their properties. So the impact fees with  
33 the numbers that we have in front of us now which is very minimal, is only for a small number of  
34 projects. The remaining projects will be built by the developers which is the way they have always  
35 been done. These impact fees are going to allow the City Council to identify and select priority  
36 corridors to be paid for by these impact fees. We have not removed the responsibility of the  
37 developers to build the infrastructure so if they develop in an area where one of these corridor impact  
38 fee roads are existing then they have a choice, they can build the infrastructure in which case we  
39 would not charge them impact fees, that would be the credit scenario. If a developer develops away  
40 from one of these corridors then they would still have to build the arterials and pay the impact fees.  
41 Council has an ordinance that you took action on that states the fees will be in place on January 1,  
42 2013 so not taking action today really isn't an option. You either have to approve this resolution to  
43 move the date or vote it down and leave the effective date as January 1, 2013.

1 Councillor Silva asked are you saying that the \$65 million balance for the projects listed will be up  
2 to the developers to complete?

3

4 Robert Garza said the short answer is yes. The State law for impact fees requires that we come back  
5 to you in a public setting every five years so you can look at the infrastructure impact fee based plan.  
6 If we don't have an impact fee imposed after this five year cycle that is either equal to or greater  
7 than, then we won't be nibbling away at the \$65 million need to build roads.

8

9 Councillor Silva said so those roads won't get built?

10

11 Robert Garza said that is correct. The boulevards that are in there aren't needed today but as we  
12 move through time then those will become the current projects on the fringe.

13

14 Councillor Silva said given that we are not able to table this discussion, I am in agreement that an  
15 ad-hoc committee should be formed to address the impact fee issues and then have them come back  
16 before Council before July.

17

18 Robert Garza said I know there are concerns with this which is why staff asked to move this down  
19 six months. We have a list of targeted things that we know we need to do and we need to develop  
20 a clear policy over the next six months. I would caution Council not to participate directly in that  
21 process because ultimately you are going to be asked to vote on these issues so that could be conflict.

22

23 Councillor Pedroza said I feel we should go ahead and vote in favor of this resolution in order to give  
24 staff the additional six months but I would like to hear back from staff prior to the end of the six  
25 months. I agree that having councillors as part of a committee to look at these issue would be  
26 awkward so I would suggest that it not take place.

27

28 Councillor Small said staff will be in charge of implementing whatever policy comes out of this and  
29 it makes sense to me that there is some degree of distance that we as councillors will have to  
30 maintain. I don't think there needs to be a committee but all voices do need to be heard and should  
31 be a part of the process.

32

33 Councillor Thomas said currently we just have a flat fee for any area and that I think that is  
34 something that we need to look at because they won't be likely to build small affordable homes if  
35 the fee is the same as it is for a larger home.

36

37 Robert Garza said we can't go back into how and why the fees were set because that was part of land  
38 use assumption. We are already eighteen months into the five year cycle so we will be back in this  
39 arena in three and a half years with a full blown reassessment.

40

41 Councillor Thomas said we did agree to waive impact fees for affordable housing; correct?

42

43 Robert Garza said I do believe we have an exception for affordable housing.

1 Councillor Thomas said I will support this resolution but I agree with Councillor Pedroza that we  
2 should get some feedback before the six months is up.

3

4 Steve Chavira, Member of the Public said I'm with the Homebuilders Association and we would like  
5 to ask that Council approves this resolution to delay the implementation of the impact fees. We are  
6 going to form a Task Force that will take a detailed look at the impact fees as we move forward and  
7 what the potential is for their effectiveness in our community. I do want to say that myself and other  
8 members of my board would like to serve on any ad-hoc committee that is formed to take a look at  
9 this situation.

10

11 Chris Hakes, Member of the Public said I think it is obvious that there is a need for improvements  
12 to the roads but the building permits have dropped by about 25% at this point. We would like the  
13 opportunity to provide more feedback in order to come up with a solution to this issue.

14

15 Kimball Hakes, Member of the Public said the affordability has increased with the drop of interest  
16 rates but we're still not building homes so it doesn't make any sense at this time to add additional  
17 burdens on the industry. The \$1,700 impact fee doesn't seem like that much but it can be just enough  
18 to push over a new home buyer and keep people out of the market. I don't think it is a good idea to  
19 have road and drainage impact fees given to the City because anytime you give money to a third  
20 party there are issues so I think it should remain with the developers and regulated by the City.

21

22 Quint Lears, Member of the Public said I am with Hakes Brothers Construction and I just want to  
23 say that the right thing at the wrong time is the wrong thing. We are having people coming to us  
24 looking for work so this room shouldn't be filled with developers, it should be filled with the general  
25 public. Right now we are able to offer better quality at a lower price but the interest rates will start  
26 going up and inflation will also go up which will then raise the home prices.

27

28 Eddie Binns, Member of the Public said I'm involved with projects in Las Cruces, Artesia, Hobbs,  
29 and Carlsbad and none of those communities have impact fees to add to the burden of homes closing.  
30 These impact fees are making Las Cruces less attractive so people who are thinking about moving  
31 to the south-belt are looking at other avenues. The impact fees don't come out of a builder's pocket,  
32 it comes out of the consumer's pocket in the form of a tax that goes on the value of their home which  
33 they are paying principal and interest on over a long term. I would ask that you advise your staff to  
34 look for some formula that is reasonable to mitigate the impact on developments that have already  
35 made these infrastructure fees so they won't be exposed to a double taxation. I think it would be  
36 beneficial to postpone these impact fees at this time.

37

38 Mayor Miyagishima said if we had these impact fees in place then the large roads wouldn't be done  
39 piece by piece, the City would be able to do the entire road all at once and the developer wouldn't  
40 have to do it so they could reduce the cost of their lots. We are working on some kind of a credit  
41 because I agree that the developer shouldn't have to pay twice.

42

1 Eddie Binns said you are correct in your thinking and I should be able to reduce the cost of my lots  
2 if I didn't have to pay for improvements to the main road. There can be some benefits to the impact  
3 fees but there is going to be some growing pains on some of the existing subdivisions that have had  
4 expenses allocated to them for major developments adjacent to them. That is an area that we need  
5 to workout with staff. There is a draw-back though because developers can build roadways cheaper  
6 than municipalities so we will have to monitor that real close to make sure we are all getting our  
7 dollars worth.

8

9 Councillor Silva said Mayor, the statement you made regarding the developer selling his lots for less  
10 because he's not responsible for that road is us dictating to the private sector on how they should  
11 manage their assets. I think the economy and the market is what is going to drive those prices.

12

13 Mayor Miyagishima said they may sell their lots for more or less but the fact remains that if they pay  
14 the impact fee then that developer doesn't have to include that cost in the price of the land.

15

16 Councillor Silva asked if we were to have raised impact fees this past year then how much money  
17 would have been raised?

18

19 Loretta Reyes said there were 380 permits so it'd be a little bit over \$390,000.

20

21 Councillor Silva said we still need \$1.5 million.

22

23 Mayor Miyagishima said we wouldn't be able to build the roads immediately, the fund has to build  
24 up just like we have with the TIDD.

25

26 Loretta Reyes said that was only for the residential and we do still have commercial and other type  
27 of development impact fees.

28

29 Councillor Silva said I think that's why we should have a committee to look at the real numbers.

30

31 Councillor Sorg asked does the City have the authority and power to refuse building permits if the  
32 infrastructure is not complete?

33

34 Robert Garza said the answer to that falls within our Substantial Completion Policy.

35

36 Councillor Sorg asked will staff continue to analyze the impact fee whether we say yes or no?

37

38 Loretta Reyes said yes.

39

40 Councillor Sorg said we have kicked this can down the road long enough and I'd like to see it done  
41 within six months.

42

43 Robert Garza said we will be keeping Council informed as we move through the next several months

1 and if this is approved then we will need to be before you several times prior to July 1<sup>st</sup> in order to  
2 put the policies in place that we are developing and amending so this is a continuing conversation.

3

4

5

6 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-087 and it was  
7 Approved. 6-0 Councillor Small was absent.

8

9

10

11 (14) Resolution No. 13-088: A Resolution to Authorize the City Manager to Negotiate a Property  
12 Conveyance and Development Agreement Between the City of Las Cruces and Armstrong  
13 Development Properties, Inc., for a Parcel of City-Owned Property Located at Main Street  
14 and Picacho Avenue.

15

16 Councillor Silva Moved to Approve Resolution No. 13-088 and Councillor Sorg Seconded the  
17 motion.

18

19

20

21 Eric Martin, Facility Management Administrator gave an overhead presentation and said the City  
22 was approached with a proposal from a private developer to utilize vacant city land that's west of  
23 Fire Station 1. Currently the City uses that lot primarily for overflow parking for the Fire Department  
24 and they would like to use this property for the design and construction of a CVS Pharmacy. This  
25 is a conditional conveyance so there are general conditions that must be met and if Council approves  
26 this today then the developer will proceed with the development process and it will be understood  
27 that if they do meet all of the conditions, the City will then convey the land to them. The general  
28 conditions are that the Army Corps of Engineers are involved with the plan review, the new Fire  
29 Station parking lot will be built to City satisfaction and standards, there will be coordination with  
30 and approvals by EBID, they'll address storm water infrastructure, there will be some type of  
31 retaining wall or cross-slope structures, conduct a title search for all the adjacent properties, City  
32 funds will not be expended on this endeavor, the City will approve preliminary site and building  
33 plans, the property is to be replatted and there will be a traffic impact analysis done and coordination  
34 with NMDOT. They have conducted an initial appraisal and basically we're looking at the developer  
35 coming in and making the improvements to the Fire Station property which we believe the cost of  
36 that development and the cost of land will be an even trade but we won't know until everything is  
37 finalized.

38

39 Bill Hamm, Land Management Administrator said two appraisals are required and they will be  
40 effective for six months after the evaluation so that is why we are waiting to obtain them until we  
41 are further along in this process.

42

1 Robert Garza, City Manager said we looked this over and wanted to bring it to Council prior to us  
2 moving forward because it is a very complicated undertaking but I think the outcome will have  
3 mutual benefits.

4

5 Councillor Silva said I am assuming that you have already gone over the list of conditions with the  
6 developer; correct?

7

8 Eric Martin said yes.

9

10 Councillor Silva said there was an issue with the outdoor lighting of the CVS on North Main that  
11 was causing some issues for the residents in that area but I know this is more of a commercial area  
12 so that shouldn't be an issue for this area.

13

14 Councillor Pedroza said suppose the appraisal have unequal amounts for the land and the parking  
15 lot, is there an understanding that in that case it will not go forward or what would happen?

16

17 Brian Denmark, Assistant City Manager said if the value of the City's property is greater than the  
18 work they do then they would have to pay the cost difference but we don't anticipate that happening.  
19 If the value of the work they are doing for the City is greater than the property then it would be a  
20 wash and we would only be transferring the property to them.

21

22 Councillor Smith said I do have some concerns with the lighting because we have seen in some areas  
23 that the lighting can go off the water retention area to the residential areas so I think that is something  
24 that we would want to follow up on. We also need to consider the traffic of this area but all in all I  
25 think this will be beneficial to everyone.

26

27 Jake Redfern, Member of the Public read a letter from DLCP regarding this project.

28

29 Chris (?), Member of the Public said I'm with Armstrong Development and the lighting for CVS is  
30 something that we will be happy to work with the neighborhood on. We will be required to come  
31 back before Council for the rezoning and to address any other concerns.

32

33 Mayor Miyagishima said if the Planning and Zoning approves it then you won't have to come back  
34 before us.

35

36 Councillor Silva said I have spoken with some of the residents in this area and they are very excited  
37 about this project. One concern that has come up is regarding the multi-use path that goes behind the  
38 Police Station so I hope you take that into consideration as you move forward.

39

40

41

42 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-088 and it was

1 Approved. 6-0 Councillor Small was absent.

2  
3  
4

-----

5 (15) Resolution No. 12-13-357: A Resolution Authorizing a Contract Between the City of Las  
6 Cruces and Classic Industries, Inc., for Construction of Fire Station No. 7 for the Contract  
7 Sum of \$1,922,992.00, Plus and Allowance of \$145,426.27 for Gross Receipts Tax and an  
8 Authorized Change Order Contingency of \$51,000.00; for a Total Authorization of  
9 \$2,119,418.27.

10

11 Councillor Thomas Moved to Approve Resolution No. 12-13-357 and Councillor Smith Seconded  
12 the motion.

13  
14  
15

-----

16 Eric Martin, Facility Management Administrator gave an overhead presentation and said we received  
17 ten bids and there was one bid protest received and reviewed by City staff which was address  
18 through the City Procurement Code. The apparent low bidder was Classic Industries, Inc and the  
19 contract award also includes the Bid Alternate 1 for the training area. If this is approved then we  
20 anticipate construction to start in January and be completed in November 2013. The building will  
21 be about 10,000 square feet with four sleeping rooms, three bays and a training room which would  
22 support training for up to thirty people.

23

24 Councillor Sorg said this is very important for the airport and the other industries out in that area.

25

26 Councillor Pedroza asked will this affect our ISO rating?

27

28 Chief Brown, LCFD said no, because ISO already accounted for Fire Station 7 so the new building  
29 won't change the ISO rating.

30

31

-----

32

33 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 12-13-357 and it  
34 was Approved. 6-0 Councillor Small was absent.

35

36

-----

37

38 **VIII. BOARD APPOINTMENTS**

39 Mayor Miyagishima appointed Joshua D. Mauldin (Professional Position) and Robert A. Williams  
40 (Resident Position) to the South Mesquite Design Review Board.

41

42

-----

1 Councillor Silva Moved to Approve the Mayor's board appointments of Joshua D. Mauldin  
2 (Professional Position) and Robert A. Williams (Resident Position) to the South Mesquite Design  
3 Review Board and Councillor Thomas Seconded the motion.

4

5

6

7 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointments  
8 of Joshua D. Mauldin (Professional Position) and Robert A. Williams (Resident Position) to the  
9 South Mesquite Design Review Board and it was Approved. 6-0 Councillor Small was absent.

10

11

12

13 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
14 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

15

16 (16) Council Bill No. 13-019; Ordinance No. 2674: An Ordinance Enacting a New Subsection  
17 XIX of Division 3 (Nonstandard Boards) of Article IV (Boards, Commissions, and  
18 Committees) of Chapter 2 (Administration) of the Las Cruces Municipal Code, 1997, as  
19 Amended, Whereby Creating the City Art Board.

20

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

22

23

24

25 **X. CITY COUNCIL MEMBER BOARD REPORTS**

26

27 Councillor Smith gave an overhead presentation regarding the National League of Cities.

28

29

30

31 **XI. GENERAL DISCUSSION**

32

33 a.) Mayor

34

35 Mayor Miyagishima said I went to Saudi Arabia and it was a great trip which I want to mention that  
36 it was fully funded by Embassy of Saudi Arabia. They have a huge water shortage there so they are  
37 unable to have agriculture which is something that our farmers might be able to work with them on.  
38 I also had an idea that maybe it's time for us to develop a separate branch of the City to help bring  
39 in revenue to the City by having a team of engineers that could provide some assistance.

40

41 I'd like to wish our staff and members of the public a Merry Christmas, Happy Hanukkah, Happy  
42 Holidays and Kwanza.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

-----  
b.) City Council

Councillor Thomas said I'd like to thank staff for working with the Corps of Engineers on the Groundbreaking we had for the restoration project behind the dam.

The South Central Council of Governments met this past week and they have been doing a great job with bringing in speakers that bring us great information and give us great tips for our ICIP.

I have received a few complaints regarding that work that is being done along Northrise and Rinconada, I think it's for the Walmart project, so I would like for staff to look into it.

I went to a great neighborhood meeting last week and a group of our planners have been working with a subdivision to determine what their vision is for this neighborhood so we can get it into our ordinance and preserve their area. The planners put together a vision statement that received about 95% approval from the residents which was great.

-----  
Councillor Sorg said I'd just like to wish everyone a Merry Christmas and a Happy New Year.

-----  
Councillor Pedroza said we heard today how willing El Paso Electric is to work with us and I think that is very hopeful for us to move toward sustainability and alternative energy for the City.

I was lent a book from Carrie Hamelin titled "Hot, Flat and Crowded" regarding issues like global warming and over population. I think we are already in that line of thinking in terms of all the different projects that the City has engaged in.

I also want to mention that the Water Reclamation Plant Grand Opening was wonderful and it has great potential.

I'd like to invite you to a Cooking Class that is being held by the Garden Group tomorrow at 2:30 p.m. at Conlee Elementary School. I think taking gardening and cooking into elementary and middle schools is extremely important and beneficial to the students. I'd like to thank the Mayor for his contribution to the Gardening Program and I want to mention that his money will be used for taking the next step which will be giving the students the opportunity to learn how to market their product.

I also want to wish everyone a very Merry Christmas.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

-----

Councillor Smith said I'd like to thank our staff for a great year and I wish everyone the best of holidays.

I noticed in today's paper that there was a Groundbreaking Ceremony for the new White Sands Missile Range Team Facility.

There has been a concern come up regarding the senior's needs in our community so I hope the facilities we have and the programs we offer will mesh up so we're not looking like the bad guys that are taking everything away.

-----

Councillor Silva said I want to briefly readdress the Bronx Club, there was a three- three tie which essentially meant the denial of the liquor license and I'd like to ask what is the current status of the application right now?

Harry (Pete) Connelly, City Attorney said all documents required by the City have been forwarded to the Department of Alcohol and Beverage Control.

Councillor Silva said given that it was a three-three tie, I'd like to propose that the City sends a letter to the Alcohol and Gaming stating the position of those persons and that there was a no vote support.

Mayor Miyagishima said we can't even discuss that because it wasn't advertised but you can send me a memo regarding your proposal and I will make that decision and if Council wants to override me then we can put it on the agenda.

Councillor Silva said we had a presentation regarding Clara Bell Williams and she broke many barriers at NMSU.

I'd like to have an update on the process of the Mesquite Review Board in January because I am receiving a lot of concerns about meetings not being held.

I'd like for us to get some signage up in the Downtown area that tells people what radio station to tune in to because they're not aware that the music is in sync with the radio station.

This Saturday, the Farmers Market is having their extended Christmas Sale and they'll be open until 4:00 p.m.

-----

Regular Meeting  
December 17, 2012

Page 19

1 c.) City Manager

2

3 Robert Garza, City Manager said tomorrow afternoon at 3:00 p.m. we're doing the City's Solar  
4 Array Groundbreaking Ceremony on the parking deck.

5

6 Wednesday will be very busy because at 7:00 a.m. we have our Legislative Breakfast which there  
7 will be several presentations given and after that, at 10:00 a.m., we're having the Pre-Budget  
8 Retreat which will last until probably 3:00 p.m.

9

10 I'd like to wish everyone a Merry Christmas and a Happy New Year.

11

12

-----

13

14 **Meeting Adjourned at 5:10 p.m.**