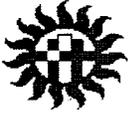


Item #3

Regular Meeting
January 22, 2013

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City Council
of the
City of Las Cruces

Regular Meeting

January 22, 2013

1:00 P.M.

Council Chambers, City Hall

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-Carrillo, City Clerk

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Small 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.

Councillor Small presented a Proclamation to Vanessa Mathis and the Student Council and declared January 27 thru February 3, 2013 as Celebrate Catholic Schools Week.

Councillor Small presented a Proclamation to Bill Bornhauser and declared February 2013 as For the Love of Art Month.

Councillor Small presented a Proclamation to Celeste Rivera and declared February 2013 as Apartment Careers Month.

A.J. Romero, NMDOT gave an overhead presentation regarding the North Main Street Project.

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II. READ CLOSED MEETING STATEMENT INTO RECORD. Closed Meeting
 Statement from January 7, 2013 Closed Meeting.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 3:04 p.m. on January 7, 2013. The following were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, City Manager Robert Garza, Assistant City Manager Brian Denmark, Assistant City Manager Mark Winson, LCPD Chief Williams and City Attorney Harry (Pete) Connelly. The meeting adjourned at 3:34 p.m. and only the limited items stated in the posted notice were discussed which was the threatened or pending litigation involving Romero vs. Story, et al., U.S. District Court, District of New Mexico, No. 10cv0591 RB/LAM which is closed pursuant to Section 10-15-1 14(7) NMSA, 1978.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 3:34 p.m. on January 7, 2013. The following were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, and City Manager Robert Garza. The meeting adjourned at 5:02 p.m. The statement for the record, Las Cruces City Council met in closed session and only discussed those limited items stated in the posted notice were discussed which was limited personnel matters relating to City Manager Robert Garza (one year review) which is closed pursuant to Section 10-15-1 14(2) NMSA, 1978.

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

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

None given.

IV. PUBLIC PARTICIPATION

1 Donna Mae Yoost, Member of the Public said I'd like to know why you are shredding the Munson
2 Center when they are helping the homeless people with blankets and I'd like to know why you can't
3 get the heat on at the Sagecrest Nursing Home?

4

5 Mayor Miyagishima said regarding the heater at Sagecrest, I spoke with the director of facilities there
6 and he assured me that there are no problems with the heater. I have asked Alfred to take a
7 thermometer there and check the temperature of the facility.

8

9 Brian Denmark, Assistant City Manager said regarding the Munson Center, there were carbon
10 monoxide issues in the kitchen area and the boiler room. We have been working on the building for
11 the past week and we are hoping to be able to open it up tomorrow.

12

13 John Hamilton, Member of the Public said the 26 deaths in Connecticut aren't just their problem,
14 it is our problem too and I do appreciate the Mayor getting my information on the special group that
15 is chaired by the Mayor of New York but I have not seen anything being done by the members of this
16 Council. There is going to be a joint meeting between this Council and the Schools and there is an
17 item regarding gun safety listed on that agenda.

18

19 Mayor Miyagishima said the item is school safety.

20

21 John Hamilton said there should be public participation and if not then when are you going to stand
22 up and voice your opinion on gun violence and school safety?

23

24 Mayor Miyagishima said there will be public participation allowed at that meeting. The schools do
25 work with the Police Department and all the schools have a Resource Officer which is an armed
26 Police Officer.

27

28 Jason Lopez, Member of the Public said I'm not familiar with the Conflict of Interest but there is an
29 ordinance on this agenda regarding alarm systems and anyone who is involved in the insurance
30 industry would benefit from it.

31

32 Mayor Miyagishima said I believe the insurance discount is if you have a central station burglar
33 system. If Council would like for me to abstain from that issue then I will.

34

35 Jason Lopez said I'm not here for that, I just wanted to bring it up and get it out into the open.

36

37

38

39 V. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY
40 AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON
41 BY ONE MOTION.

1
2 Mayor Miyagishima said Item 3 needs to be removed from the Consent Agenda for discussion and
3 Item 5 and Item 10 need to be removed from the Agenda.

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6

7 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Thomas Seconded the
8 motion.

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

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16

17 **VI. CITY COUNCIL MINUTES**

18
19 *(1) Regular Meeting of December 17, 2012

20
21 -----
22

23 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

24
25 *(2) Resolution No. 13-102: A Resolution Authorizing the City of Las Cruces, on Behalf of its
26 Fire Department, to Accept Emergency Preparedness Equipment Valued at \$41,794.80, With
27 a Required Cash Match of \$13,931.60, Pursuant to a Grant Funded by the United States
28 Department of Homeland Security, Office of State and Local Government Coordination and
29 Preparedness Through the New Mexico Department of Public Safety, Office of Emergency
30 Management and the Doña Ana County / City of Las Cruces Office of Emergency
31 Management for FY 2012.

32
33 *(4) Resolution No. 13-104: A Resolution to Approve a Joint Powers Agreement Between the
34 Energy, Minerals and Natural Resources Department, Forestry Division and the City of Las
35 Cruces for Wildland Fire Protection and Suppression, and to Ratify the City Manager's
36 Signature on the Joint Powers Agreement.

37
38 *(5) Resolution No. 12-13-374: A Resolution Authorizing a Contract Between the City of Las
39 Cruces and Warren Construction, Inc., of Las Cruces, New Mexico, for the Construction of
40 the Roadrunner Transit Maintenance Facility Expansion for the Contract Sum of
41 \$186,438.69, Plus an Allowance of \$14,099.43, for New Mexico Gross Receipts Tax, and
42 an Authorized Change Order Contingency of \$20,461.88; for a Total Project Authorization
43 of \$221,000.00. (**PACKET NOT AVAILABLE**)

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Removed from the Agenda.

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

*(3) Resolution No. 13-103: A Resolution Approving the Allocation of Program Year (PY) 2013 Home Funds to a Federal Low Income Housing Tax Credit (LIHTC) Project for an Affordable Housing Multi-Family Development.

Councillor Small Moved to Approve Resolution No. 13-103 and Councillor Thomas Seconded the motion.

Andy Hume, Senior Planner gave an overhead presentation and said this is to award Home Funds in the amount of \$200,000 for the West Wind Terrace project to assist with the application of the Federal Low Income Housing Tax Credits. There were two applications submitted and staff is recommending that we go with the Mesilla Valley Public Housing Authority who is asking for assistance through the House Tax Credit program to rehab, acquire and do new construction on properties located between 1300 and 1320 Pecos Street and it will consist of 56 two and three bedroom units. The second application we received was from Tierra Del Sol Housing Corporation for the Crosstown Station project which is for the acquisition and new construction located at 1053 Hayner. There will be 60 units comprised of efficiency, one, two and three bedroom units with an additional 20 market rate units for the first phase of the multi-used mixed income development. Staff is supportive of this project but Tierra Del Sol already has several outstanding projects that the City has provided funding for so staff had concerns about them having the capability to complete another project.

Councillor Small said it seems that the basis for the Tierra Del Sol denial is based solely on the fact that they have other uncompleted projects; correct?

Andy Hume said there are several projects totaling several hundred thousand dollars that is outstanding and HUD tracks the completion of projects so we get "findings" from HUD because those projects are still not completed which can impact what we receive in future years from HUD.

Councillor Small said I am in support of the project but I'm not in support of this resolution as it is currently worded because it is giving all the funds to one project and leaving the other project completely unfunded. I think it is important for us to support as many housing projects as we can.

1 Councillor Thomas said we're not exactly choosing this project, we have more than one project and
2 in the future they want to apply to MFA so they want to state on their application that they have "x"
3 amount of dollars committed by the City. It's not choosing which project is better, it's a matter of
4 choosing where the money is going.

5

6 Andy Hume said that is correct.

7

8 Councillor Smith said I have participated in some of the discussions regarding the Crosstown Station
9 but I haven't had much information about the West Wind project. Is there a way to do a three way
10 split of funding so that the Crosstown, the West Wind and Habitat for Humanity can receive some
11 funding and if one doesn't complete their project then the others can receive their funding also?

12

13 Andy Hume said I can talk to my panel about your suggestion and then get back with you.

14

15 Brian Denmark, Assistant City Manager said this is staff's recommendation for the Home Program
16 Funds and Home Program Funds don't necessarily have to be associated with a tax credit project.
17 In this case, both of these projects are pursuing tax credit projects and both applications asked for
18 the full amount of funding available. Council can appoint all the funds to one application or they can
19 allocate the funds between the two. The reason staff didn't make the recommendation of splitting
20 the funds is because that would dilute their ability to score as many points as they could through the
21 Tax Credit Program. Tierra Del Sol already has a lot of our Home Funds tied up and we stand a
22 chance of either losing those funds or potentially having a reduction in any future Home Funds.

23

24 Rose Garcia, Tierra Del Sol said we have kept your staff informed of all of the contracts we have for
25 the Home Funds and most of the open contracts are for a major neighborhood that will have 104
26 units for home ownership and across from that neighborhood is another 24 acres that we had to
27 revise. We were delayed in these projects due to the construction of Engler and due to the drop in
28 the market which has made it more difficult for homeowners to get qualified for loans. I believe we
29 will complete the three pending projects that are from 2009 to 2011 as well as the rehab of four
30 roofs. I am asking for your consideration for the Crosstown project.

31

32 Councillor Silva asked would you be willing to split the funding or do you want the entire \$200,000?

33

34 Rose Garcia said if you choose both projects then that's all we can do but I don't think either one of
35 us would be scored if the funds are split.

36

37 Mayor Miyagishima said you stated that your project is being funded by private investors so how
38 would we explain to the taxpayers that we are using HUD funds so that a private investor won't have
39 to invest so much of their money?

40

41 Rose Garcia said this area is close to the Downtown area and this would bring 20 units for market
42 rate families and 60 units for low-income people to this area.

43

1 Councillor Small said the private investments comes from getting the tax credits so if they don't get
2 the full \$200,000 then they won't get the credits or the private investments. We do have a need for
3 housing so we do need to add new inventory to help take care of the housing needs and this wouldn't
4 be adding public money to private money.

5

6 Mayor Miyagishima said the government has programs available that if you agree to house a certain
7 percentage in a new construction project then they'll reduce the interest rate to maybe 3.5% which
8 would drop the mortgage payment to \$44,000 a month; a savings of \$9,000. I think staff is trying to
9 say that these funds would be better spent on a rehab project because they wouldn't be able to apply
10 for that type of program.

11

12 Councillor Small asked what steps could we take to provide additional funding for both projects?

13

14 Mayor Miyagishima asked are you under the impression that if they don't get this \$200,000 that their
15 project won't go forward?

16

17 Councillor Small said I'm under the impression that it would be much less likely for the state to
18 award the tax credits to their project if it's not financially supported by the City.

19

20 Councillor Thomas said it is also my understanding that the only way they are going to get the other
21 investment is for us to give enough support to this project to give it a chance to get the tax credits.
22 The need for affordable housing in this community keeps growing so I think we should look at trying
23 to find a way to fund both of these projects.

24

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26

27 Councillor Silva left the meeting at approximately 3:32 p.m.

28

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31 Councillor Sorg said I know we don't have enough affordable housing. Would both projects be more
32 likely to be awarded the tax credits if they both had \$200,000 in funding?

33

34 Rose Garcia said in my opinion, they would probably only award it to one of them.

35

36 Andy Hume said you do get additional points for consideration of your application.

37

38 Jeff Curry, Applicant for the Housing Authority said I really hope you find a way to support both of
39 these projects.

40

41 Councillor Small asked how many points are connected to the proposed \$200,000?

42

1 Jeff Curry said it is hard to say.
2
3 Councillor Small asked would it be more or less than the 20 points that are already for the West
4 Wind Terrace projects?
5
6 Jeff Curry said it would be additional points and it would be less impact than those 20 points. I think
7 it is important that both projects be awarded a sufficient amount to make them feasible but this goes
8 toward the feasibility of the project which allows them to be sufficiently affordable because the
9 points are given on the affordability of the rent and the ability to provide a mixture, in their case to
10 provide market rate rents and affordable rents, and in our case deeply subsidized rents.
11
12 Councillor Small said I think we should take a step forward and pledge money that will only be
13 utilized if we are successful.
14
15 Mayor Miyagishima said maybe we should have a work session to discuss how we can better tackle
16 the affordable housing issue.
17
18 Councillor Small said there is a deadline of January 31st to be able to send these projects up with or
19 without our support. This is the only time this year that we will have the opportunity to send a
20 statement to Santa Fe saying that we do support housing for our community and that we are willing
21 to make a commitment to it.
22
23 Jan Lauterbach, Housing Development Coordinator said regarding comments made by Rose Garcia,
24 we are not in the position to reallocate funds that have already been spent but there are funds in the
25 amount of \$235,007 that have not been spent but are allocated to Tierra Del Sol. A portion of the
26 funds in the amount of \$36,500 is earmarked so there is a balance of \$198,507 that are home
27 entitlement funds and could possibly be reallocated to this tax credit project but it would have to
28 be approved by HUD.
29
30 Councillor Small said that is an attractive solution but at the same time that would take that funding
31 away from something that would need to be completed or we would be liable for those funds to
32 HUD.
33
34 Jan Lauterbach said all the units for that funding would have to be built by 2016.
35
36 Councillor Small asked can we allocate additional monies for this resolution?
37
38 Robert Garza, City Manager said you could give that direction today but we can't amend this to the
39 extent of \$200,000 because there is not a proposed budget adjustment for what is in front of you
40 today and it has not been advertised that we would be considering a budget adjustment today. We
41 could schedule a special meeting prior to the deadline to consider that proposal.
42

1 Councillor Small asked would it be likely that our local HUD office would approve this option by
2 the deadline?

3

4 Jan Lauterbach said yes, we believe they would be able to do it.

5

6 Councillor Small said then this seems like the best option for us to be able to move forward.

7

8 Councillor Pedroza said I think that would be a viable solution because I think both projects should
9 be supported.

10

11 Mayor Miyagishima said so there is a favorable consensus to have staff look into reallocating those
12 funds so both projects could be funded.

13

14 Andy Hume said there would need to be an amendment to the Action Plan which does require a
15 Public Input Meeting and it is subject to HUD's approval.

16

17 Brian Denmark, Assistant City Manager said due to the limitation of time I don't think that would
18 be viable option. I would recommend that Council approve this resolution as it is and direct staff to
19 come forward with a budget adjustment to move monies from the VAF for Tierra Del Sol as it
20 relates to the tax credit project. The City would still have the discretion on how those funds are used
21 so staff could continue to work with HUD on an amendment to the Action Plan and then come back
22 at a later date for the movement of those funds.

23

24 Robert Garza said we can come back to Council with a separate resolution at a Special Meeting on
25 January 29th at 3:00 p.m.

26

27 Mayor Miyagishima said that will be fine.

28

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31 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-103 and it was
32 Approved. 6-0 Councillor Silva was absent.

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36 (6) Resolution No. 13-105: A Resolution Approving Amendments to the Agreement Employing
37 Robert L. Garza as City Manager.

38

39 Councillor Small Moved to Approve Resolution No. 13-105 and Councillor Sorg Seconded the
40 motion.

41

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43

1 Councillor Smith said I have been asked about us giving raises at a time when some people don't
2 have jobs but I do believe that awards and accommodations for good work typically come in the
3 form of raises so I think when Council has the opportunity to commend someone and they have the
4 resources, that a thoughtful raise is an appropriate way to do that; and also to accommodate someone
5 or provide other benefits that are of value to that person then that is also something that should be
6 looked at. I do believe this Council has made a good choice in this instance by providing the
7 extended leave and the small raise.

8

9 Mayor Miyagishima said just for clarification, I think Robert already has a mandatory two week
10 vacation so this is for an additional two more weeks.

11

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14 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-105 and it was
15 Approved. 5-0 Councillor Silva and Councillor Pedroza were absent.

16

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19 (7) Resolution No. 13-106: A Resolution to Adjust the Adopted Fiscal Year 2012/2013 Budget
20 Allowing for Carry Over Expenses and Reallocations of Operating and Capital Costs Due
21 to Mid-Year Developments Regarding Revenues and Expenditures.

22

23 Councillor Small Moved to Approve Resolution No. 13-106 and Councillor Thomas Seconded the
24 motion.

25

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27

28 Dick Gebhart, Budget Director gave an overhead presentation and said the purpose of this
29 adjustment is to align expenditures and revenues to reflect the actual FY12 activity and fund balance,
30 to reflect economic developments for the first half of FY13 and to reflect the expenditures and
31 revenue collections for the first half of FY13. There were 51 funds adjusted out of 227 funds, the
32 individual transaction total was 303 which were 106 changes in revenue, 30 changes in transfers
33 to/from TS, and 167 increases in expenditures. The economic outlook for the remainder of FY13 for
34 Las Cruces is that the private sector job generation will remain flat, construction is the leading
35 industry, energy cost will remain steady, and government employment loss will flatten out in going
36 forward. In summary, the bulk of the adjustments are routine calibrations, the General Fund revenue
37 changes are predominately one time events, the GRT increases are small with construction strength
38 offset by law changes, the department spending adjustments reflect electric bill consolidation, IT/HR
39 investments plus benefit study, proceeds from the sale of Club Fusion are transferred to VAF for
40 future use, the ending General Fund balance remains twice the required reserve amount, and the
41 labor market job picture does require close monitoring.

42

1 Councillor Small said these adjustments are very important for the bigger picture and you and your
2 staff are doing a wonderful job.

3

4 Councillor Pedroza said I would caution that the job indicators may not be accurate because people
5 who have stopped looking for work aren't counted so for your next report can you give us a fuller
6 picture?

7

8 Dick Gebhart said yes, we will take a look at that for you.

9

10 Councillor Sorg said regarding the economic changes for the General Fund revenue, the Police fines
11 have the largest negative number; is that for things like traffic tickets?

12

13 Dick Gebhart said yes, that's basically what it is.

14

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17 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-106 and it was
18 Approved. 6-0 Councillor Silva was absent.

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22 (8) Resolution No. 13-107: A Resolution to Express Appreciation for the Recommendation by
23 the Mesilla Valley Regional Dispatch Authority Board of Directors to the Doña Ana County
24 Commission Regarding Site Selection for a New Facility.

25

26 Councillor Thomas Moved to Approve Resolution No. 13-107 and Councillor Sorg Seconded the
27 motion.

28

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30

31 Chief Brown, LCFD gave an overhead presentation and said the MVRDA Board passed a resolution
32 on January 9, 2013 in support of the methods used by the consultant to determine appropriate sites
33 and suggests that the Board of County Commissioners should accept the consultant's findings
34 relating to the top three sites and work towards an aggressive project completion of the new facility.

35

36 Councillor Smith said I do think that the City and County should work together on this project and
37 I think our cooperation will resonate well with the Legislature.

38

39 Ron Camuñez, Member of the Public said we must move forward and finish this new 911 center as
40 soon as possible. I do have a problem with the process for handling this issue because the JPA
41 between the City and County really ties the City hands in this process and I don't think that is the
42 way it should be handled. I think the JPA needs to be revised because the City is excluded from
43 things like the site selection and our citizens don't have a say in it.

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4 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-107 and it was
5 Approved. 6-0 Councillor Silva was absent.

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9 (9) Resolution No. 13-108: A Resolution Amending the Personnel Manual.

10

11 Councillor Small Moved to Approve Resolution No. 13-108 and Councillor Sorg Seconded the
12 motion.

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16 Andre Moquin, HR Director gave an overhead presentation and said the highlights of the proposed
17 changes are in Section 208, it now includes the enabling of a veteran's preference, in Section 209
18 it adds additional internship opportunities, in Section 505 it is allotting 80 hours of leave for first
19 year employees and in Section 1102 it is allowing for changes related to the expanded roles of the
20 assistant city manager positions.

21

22 Councillor Thomas said regarding employees who are pregnant, do we have maternity leave?

23

24 Andre Moquin said we don't have specific pregnancy leave provisions but we do have the Family
25 Medical Leave Act that allows for 12 weeks of child protected leave. It is unpaid leave but
26 employees can use their accrued leave.

27

28 Councillor Small said this was brought before us back in 2011 and I expressed my support for the
29 veteran's hiring preference and I think it is very exciting for us to be able to move forward with it
30 today. I also think that allowing for more internship opportunities goes with our goals to work more
31 closely with NMSU.

32

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35 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-108 and it was
36 Approved. 6-0 Councillor Silva was absent.

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40 (10) Resolution No. 12-13-301: A Resolution Authorizing a Contract Between the City of Las
41 Cruces and Williams Design Group for Design of the East Mesa Public Safety Facility for
42 the Contract Sum of \$837,550.00, plus an Allowance of \$63,339.72 for Gross Receipts Tax,

1 and an Authorized Change Order Contingency of \$50,000.00; for a Total Contract
2 Authorization of \$950,889.72. (**PACKET NOT AVAILABLE**)

3
4 ***Removed from the Agenda.***

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7
8 (11) Council Bill No. 13-020; Ordinance No. 2675: An Ordinance Repealing LCMC 1997
9 Chapter 4 Sections 4-1 Through 4-133, "Alarm Systems and Private Security Firms", and
10 Enacting a New LCMC 1997 Chapter 4.

11
12 Councillor Thomas Moved to Adopt Council Bill No. 13-020; Ordinance No. 2675 and Councillor
13 Sorg Seconded the motion.

14
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16
17 Lt. Kevin Renn, LCPD gave an overhead presentation and said this is being brought forward because
18 a significant portion of our limited public resources are wasted by responding to false alarms. This
19 proposed ordinance is designed to reduce the number of false alarms and it is based on what has been
20 successful in other jurisdictions, input from the public and input from Council. The fundamentals
21 of this ordinance are that it requires two call verification for burglary alarms, it fines alarm users for
22 repeated false alarms, it requires a yearly registration and MVRDA will be the administrator of this
23 ordinance. We are proposing a registration and renewal fee of \$25 and there will be a fine structure
24 in place so for the first two false alarms there are no fines but upon the third false alarm there is a
25 fine of \$100, the fourth is a fine of \$200, and the fifth and up is \$300. The registration fees are going
26 to be used to fund this ordinance and there are exceptions to the fines for technological issues. If this
27 is approved today then it will take effect in five days and people will need to get registered but the
28 fines won't take effect until August 1, 2013. We probably won't see the maximum effectiveness of
29 this until three or four years down the line but we do recommend a review of it in one year. I would
30 like to request that an amendment be made to Section 4-35 of this; subsection 4 letter d, the word
31 "following" needs to be stricken from that sentence and replaced with the word "above".

32
33 -----
34
35 Councillor Small left the meeting at approximately 4:45 p.m.

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37 -----
38
39 Councillor Smith Moved to Amend Council Bill No. 13-020; Ordinance No. 2675 to strike the word
40 "following" in the last sentence of Sec. 4-35 #4 after letter d and replace it with the word "above"
41 and Councillor Sorg Seconded the motion.

42

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2
3 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 13-020; Ordinance
4 No. 2675 to strike the word "following" in the last sentence of Sec. 4-35 #4 after letter d and replace
5 it with the word "above" and it was Approved. 5-0 Councillor Silva and Councillor Small were
6 absent.

7
8 -----

9
10 Councillor Smith said I do believe this will bring us benefits. What was some of the input from the
11 industry?

12
13 Lt. Kevin Renn said this is probably a compromise solution from what the Police Department was
14 originally asking and what the alarm companies would like to have in place. I think everyone is
15 happy with this as a starting point.

16
17 Councillor Pedroza said one of the reasons for this was to save on manpower so officers wouldn't
18 be used to respond to false alarms so I would like to suggest that you keep track of the manpower
19 hours to see if there is a freeing up of the manpower for other uses.

20
21 Jason Lopez, Member of the Public said I understand that fines are needed to get everyone on board
22 but the fines listed are a lot higher than other cities. Also, the alarm users will be charged a \$50 fee
23 to propose a grievance against a false alarm charge and Albuquerque, El Paso, Lincoln County and
24 Tucson don't charge a fee to file an appeal for the first false alarm so I feel we shouldn't be charged
25 either. I would also like to request that there be a one year period of time before this goes into affect
26 because the alarm companies are going to have to mail out all this information to their customers.

27
28 Mayor Miyagishima said regarding the appeal, what is it that you want an appeals officer to do?

29
30 Jason Lopez said I just don't think there should be a \$50 charge to file an appeal.

31
32 Rusty Babington, Assistant City Attorney said the \$50 would be refunded if the alarm was
33 determined not to be a false alarm.

34
35 -----

36
37 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-020; Ordinance
38 No. 2675 as Amended and it was Approved. 5-0 Councillor Silva and Councillor Small were absent.

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42 **IX. BOARD APPOINTMENTS**

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2 None given.

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

8
9 (12) Council Bill No. 13-021; Ordinance No. 2676: An Ordinance Approving a Zone Change
10 from M1 (Industrial Standard) and R3 (Multi-Dwelling Medium Density) to a Planned Unit
11 Development (PUD) 8.01± Acres of Land Located at 999 W. Amador Avenue: Parcel ID #
12 02-29653. The Request for a PUD Includes a Concept Plan and General Site Plan. Submitted
13 by Nicole Martinez, Director of Mesilla Valley Community of Hope; City of Las Cruces
14 Property Owner (PUD-12-02).

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

17
18 (13) Council Bill No. 13-022; Ordinance No. 2677: An Ordinance Repealing LCMC 1997,
19 Article II. Campaign Practices, Sections 8-31 Through 8-67 in its Entirety and Replacing
20 with New Sections Entitled Article II. Campaign Code, Sections 8-31 Through 8-39.

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

23
24 -----
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26 Councillor Small returned to the meeting at approximately 5:28 p.m.

27
28 -----
29

30 XI. **MINUTE ACTION REQUIRED** – *Time Change for next Regular City Council Meeting.*

31
32 Discussion on time change for the Regular City Council meeting of February 19, 2013 from
33 1:00 p.m. to 3:00 p.m. (*Motion/Second and Vote required*).

34
35 Councillor Smith Moved to Approve the time change for the Regular City Council meeting of
36 February 19, 2013 from 1:00 p.m. to 3:00 p.m. and Councillor Thomas Seconded the motion.

37
38 -----
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40 Mayor Miyagishima called for the roll on the Motion to Approve the time change for the Regular
41 City Council meeting of February 19, 2013 from 1:00 p.m. to 3:00 p.m. and it was Approved. 6-0
42 Councillor Silva was absent.

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XII. CITY COUNCIL MEMBER BOARD REPORTS

None given.

XIII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima passed.

DRAFT

b.) City Council

Councillor Thomas passed.

Councillor Sorg said I have copies of a proposed resolution regarding the Space Flight Inform Act that I would like to pass-out to Council.

The Transit Advisory Committee is looking for name suggestions for the Intermodal Transit Center so any suggestions can be sent to Mike Bartholomew.

Councillor Small passed.

Councillor Pedroza said there was a march on Saturday in honor of Martin Luther King that was very successful and there was also a student essay competition that had excellent essays from middle school students.

I'd like to encourage everyone to get out and vote on February 5th for the school board election.

1 Councillor Smith said yesterday we inaugurated our President and I look forward to the day when
2 we're not taking note of someone's race, religion, gender, or background.

3

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6

c.) City Manager

7

8

9 Mark Winson, Assistant City Manager said there won't be a Council meeting on January 28th but
10 there is an Agenda Setting meeting on January 29th at 1:30 p.m. and there is also a Special
11 Meeting on the same day at 3:00 p.m.

12

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14

15 **Meeting Adjourned at 5:33 p.m.**

DRAFT