City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item# 13 **Ordinance/Resolution#** 10-013 **Council District:** 3

For Meeting of July 6, 2009
(Adoption Date)

TITLE:

A RESOLUTION APPROVING THE REMOVAL OF "THE ARC LIFE CENTER" SIGNAGE ON THE BUILDING LOCATED AT 2225 E. GRIGGS, WHICH IS USED FOR THERAPEUTIC PROGRAMS OFFERED BY THE RECREATION SECTION.

PURPOSE(S) OF ACTION:

To remove the name "The Arc Life Center" due to a change in status regarding the local Arc Chapter and to comply with the policy regarding the naming of City facilities.

Name of Drafter: Ted L. Novack, Project Manager		**Department:** Facilities		**Phone:** 541-2559	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Facilities Department		541-2651	Budget		2300
			Assistant City Manager		2271
Legal		2128	City Manager		2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Both the City of Las Cruces and The Arc of Las Cruces (The Arc) have offered similar therapeutic programs in the past. Given the potential benefits to citizens by having both programs located in the same facility at 2225 E. Griggs, an agreement was signed in July, 2003. Since then the building has been used for various therapeutic programs by both entities.

The City of Las Cruces has been notified through correspondence from Nick Hutchins, President of The Arc of New Mexico, requesting the City to remove "The Arc" lettering from the current building located at 2225 E. Griggs. This is due to the fact that there is no local chapter of The Arc in Las Cruces affiliated with The Arc of New Mexico Organization and "The Arc" is a trademarked logo.

By removing the lettering requested in the notification, by default, the building would be named "Life Center." Given that the Facilities Department is planning to rehabilitate the exterior and will be removing signage as part of the process, and the building does not appear to have gone through the formal naming process, staff proposes to leave the

(Continue on additional sheets as required)

building unnamed for the time being. At a later date, staff will proceed with the formal naming process.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
NA		

1. Resolution
2. Letter from Nick Hutchins, President of The Arc of New Mexico
3. Copy of Resolution 03-283, Agreement to purchase The Arc Life Center
4. Site location

OPTIONS / ALTERNATIVES:

1. Vote "Yes" on the Resolution and approve the removal of "The Arc Life Center" signage on the building located at 2225 E. Griggs. This action would discontinue the appearance of a relationship between The Arc of New Mexico and the City of Las Cruces and eliminate a potential trademark violation.

2. Vote "Amend' on the Resolution and instruct staff to pursue other options. This action may continue the appearance of a relationship with The Arc of New Mexico when the City has been informed none exists at this time. This may subject the City to a trademark violation.

3. Vote "No" on the Resolution. This would reject the request to remove "The Arc Life Center" signage on the building located at 2225 E. Griggs. This action would continue the appearance of a relationship with The Arc of New Mexico when the City has been informed none exists at this time. This may subject the City to a trademark violation.

(Continue on additional sheets as required)

RESOLUTION NO. 10-013

A RESOLUTION APPROVING THE REMOVAL OF "THE ARC LIFE CENTER" SIGNAGE ON THE BUILDING LOCATED AT 2225 E. GRIGGS, WHICH IS USED FOR THERAPEUTIC PROGRAMS OFFERED BY THE RECREATION SECTION.

The City Council is informed that:

WHEREAS, the City of Las Cruces has received correspondence from The Arc of New Mexico requesting "The Arc" letters be removed from the building located at 2225 E. Griggs, and

WHEREAS, this would cause the building to be named the "Life Center," and

WHEREAS, there is no longer a local chapter of The Arc in Las Cruces that is affiliated with The Arc Organization, and

WHEREAS, the Facilities Department anticipates remodeling the facility which will require removing the signage, and

WHEAREAS, it does not appear that a formal naming process has been undertaken for the building, and

WHEREAS, it is proposed by staff to leave the building unnamed for the time being.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces, New Mexico:

(I)

THAT the removal of "The ARC Life Center" signage be undertaken to comply with the request by The Arc of New Mexico and to comply with City policy regarding naming of public facilities.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE and APPROVED this _____ day of _____, 2009.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk
(SEAL)

Moved by: _____

Seconded by: _____

VOTE:

Mayor Miyagishima: _____
Councilor Silva: _____
Councilor Connor: _____
Councillor Archuleta: _____
Councilor Small: _____
Councilor Jones: _____
Councilor Thomas: _____

APPROVED AS TO FORM:

_____
City Attorney

The Arc
Established 1955
of New Mexico

3655 Carlisle NE
Albuquerque, New Mexico 87110-1644
Phone: (505) 883-4630 FAX: (505) 883-5564

RECEIVED
MAY 12 2009
CITY OF LAS CRUCES
CITY MANAGER'S OFFICE

RECEIVED
MAY 20 2009
FACILITIES DEPT.

May 4, 2009

Mr. Terrence Moore, City Manager
City of Las Cruces
200 N. Church St.
Las Cruces NM 88001

Dear Mr. Moore:

I am writing to clarify the role of The Arc in relationship to the Life Center and the programs that the city provides in that location.

There is no longer a local chapter of The Arc in Las Cruces that is affiliated with The Arc organization. Before the chapter dissolved, The Arc of Las Cruces gave the Life Center to the City of Las Cruces. Today, The Arc has no involvement with the Life Center or any of the programs or activities that occur in the facility.

I personally would encourage the City of Las Cruces to be responsive to the needs and requests of individuals with developmental disabilities and their families for services and programs at the Life Center. At this time, however, the City should understand that such requests are not being made by The Arc.

I would also like to request that the City of Las Cruces remove the words "The Arc" from the signage on the Life Center building. Since there is not an affiliated chapter of The Arc in Las Cruces, nor is the City officially affiliated with The Arc, the City cannot use "The Arc" as it is a trademarked logo of The Arc. Also, I think it can confuse the citizens of Las Cruces who see the sign and are led to believe that the programs at the Life Center are associated with The Arc. If you have any questions regarding my request to remove "The Arc", please contact the Executive Director of The Arc of New Mexico, Rebecca Shuman, at 505-883-4630.

As President of The Arc of New Mexico, I appreciate the City's support and service to individuals with developmental disabilities. Please don't hesitate to contact me if The Arc of New Mexico can be of assistance to the City.

Sincerely,

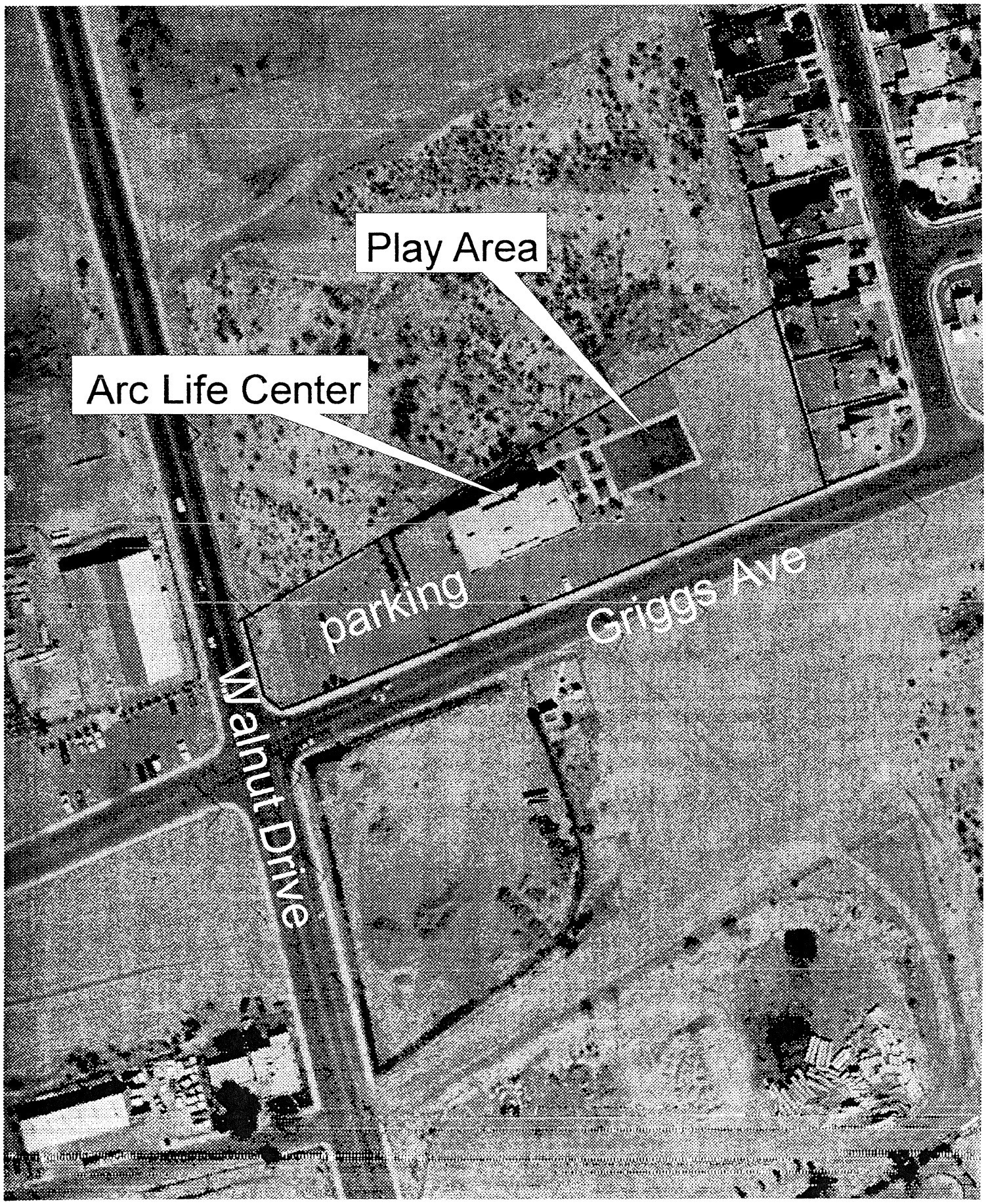
Nir Hutchins
President
9120 Floret Lane
Las Cruces NM 88011
(575) 496-3780

Cc: Ms. Lori Grumet, Public Service Department

Advocates for Persons with Developmental Disab

[redacted]

THE ARC LIFE CENTER



RESOLUTION NO. 03-283

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE ARC OF LAS CRUCES FOR THE PURCHASE OF THE ARC LIFE CENTER LOCATED AT 2225 EAST GRIGGS AVENUE.

The City Council is informed that:

WHEREAS, the Arc of Las Cruces is a non-profit organization dedicated to improving the quality of life for individuals with developmental disabilities; and,

WHEREAS, the Arc of Las Cruces owns and operates the Arc Life Center as a facility for social and educational programs; and,

WHEREAS, the Arc Life Center is located on City owned land which is leased to the Arc of Las Cruces for $1.00 per year; and,

WHEREAS, Arc of Las Cruces has requested assistance from the City of Las Cruces in continuing operation of the Arc Life Center; and

WHEREAS, relocating the City's Therapeutic Recreation Program to the Arc Life Center would allow for growth and expansion of program services, better coordination in the provision of those programs and services, and improved program access for individuals who would benefit from the City program.

NOW, THEREFORE, be it resolved by the governing body of the City of Las Cruces:

(I)

THAT the Mayor of the City of Las Cruces is hereby authorized to sign the Purchase Agreement which is attached hereto as Exhibit "A".

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(II)

THAT the City staff and officials are hereby authorized to do all acts and deeds necessary in the accomplishment of the above.

DONE AND APPROVED this 17th day of March, 2003

Mayor Pro Tem Steve C. Trowbridge

ATTEST:

CITY CLERK (SEAL)

VOTE:

Mayor Pro Tem Trowbridge:	nay
Councillor Frietze:	aye
Councillor Mattiace:	aye
Councillor Archuleta:	aye
Councillor Miyagishima:	aye
Councillor Strain:	nay

Moved by: Archuleta

Seconded by: Strain

APPROVED:

Dep CITY ATTORNEY

City of Las Cruces

COUNCIL ACTION FORM

For Meeting of March 17, 2003

TITLE:

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE ARC OF LAS CRUCES FOR THE PURCHASE OF THE ARC LIFE CENTER LOCATED AT 2225 EAST GRIGGS AVENUE.

BACKGROUND:

The Arc is a national grassroots organization that works to ensure that the estimated 7.2 million Americans with mental retardation and related developmental disabilities have the services and supports they need to grow, develop and live in communities across the nation. The Arc of Las Cruces is a local non-profit organization affiliated with the Arc of the United States. The mission of the Arc of Las Cruces is "to improve the quality of life for individuals with developmental disabilities of all ages by advocating for equal opportunities and choices in where and how they learn, live, work, play, and socialize."

In 1993, the City of Las Cruces executed a 25 year lease agreement with the Arc of Las Cruces. The agreement gave the Arc exclusive use of a 1.8 acre tract located north of Griggs Avenue and east of Walnut Street for $1.00 per year. In 1996 construction of the Arc Life Center was completed on the leased land. The Arc Life Center is a 4,065 square foot building which includes a multi-purpose room, office space, a kitchen, and game room. An outdoor playground area was added to the facility in 1998. The Arc Life Center is used for social and educational programs offered through the Arc.

Aside from the Arc Life Center, the Arc of Las Cruces also operates two resale clothing stores. Since September 11, 2001, the Arc has found it increasingly difficult to meet it's financial obligations in operating the Life Center and the two stores. Since the fall of last year, the hours of operation for the Life Center have been severely curtailed. In October, the board of directors of the Arc contacted the City and proposed an agreement whereby the City could operate the therapeutic program out of the Arc Life Center in exchange for maintaining and operating the building.

(Continue on Page 2)

Name Of Drafter: Christine Ochs	Department: Facilities / Land Management	Phone: 528-3120

Department	Signature	Phone	Department	Signature	Phone
Facilities		2651	Budget		2300
Legal		541-2028	City Manager		
Public Services		528-3475			

CAF Rev 6/01

Council Action Form Page 2

Account Number	Amount of Expenditure	Budget Amount
	No expenditure	

City staff met with the Arc Board several times. In December, 2002 the City's Parks and Recreation Board held a joint meeting with the Arc Board to discuss the proposal. Staff worked with the Arc to prepare the proposed agreement which was unanimously approved by the Board of the Arc of Las Cruces in February. The Parks and Recreation Board considered the agreement at its February 25 meeting and also recommended it's adoption.

Under the proposed agreement, the City would purchase the Arc Life Center from the Arc and terminate the existing land lease. In place of cash payment, the City would assume all operation, maintenance, and utility costs associated with the facility. The City would allow the Arc to use the building for scheduled events and will waive the facility rental fee for so long as they continue as a registered New Mexico non-profit organization. The City would include Arc staff or volunteers in at least two training opportunities each year.

The City would relocate it's Therapeutic Recreation Program to the Arc Life Center. The Therapeutic Recreation staff and activity space are currently housed in three classrooms at the Mesilla Park Recreation Center although 70% of the activities offered through the program are conducted outside of the facility (at the bowling alley, swimming pools, Club Fusion, etc.). Moving to the Arc Life Center would allow for growth and expansion of program services and better coordination in the provision of those programs and services through collaboration with the ARC and other service providers currently working with the City. The ARC Life Center would provide for a more centralized location and easier access to program participants. The ARC Life Center would remain open daily, evening and weekends for coordinated programs and services and Therapeutic staff would also continue to provide outreach services to the community. Currently the ARC Life Center only opens some evenings and on weekends through the use of volunteers.

If the proposed agreement is approved, there will be a need to address budget impact on the general fund budget through the current budget development process for FY 03-04. In reviewing the expectations for the proposed operation of the ARC Life Center, staff is recommending an addition of a minimum of three full time employees, funding for utilities and maintenance and some increases for routine operational expenses and training. As mentioned earlier, 70% of programs are provided by current staff at a variety of facilities throughout the community. Additional staff will be required to keep the facility open daily, evening and weekends to conduct programs and supervise the facility. The need for the additional employees could be reduced through contracting custodial services and through employment programs for the disabled in working with other agencies who may provide employment services.

(Continued on page 3)

The Arc Life Center facility is in good condition. The building was constructed in 1996 and has been well maintained. The building is worth an estimated $250,000 as is. The parking area, landscaping, and ponding areas surrounding the facility are also in good shape. All buildings require maintenance and, based on the industry standard of 1.5% building value per year, owning the Arc would add $3,750 per year to the City annual building maintenance needs. Based on prior use history, utility fees for the facility would be $6,300 per year.

If this proposal is approved, staff would plan for the new facility as part of the 03/04 budget process. The City would not take possession of the building until the beginning of the fiscal year.

If this proposal is not approved, the Arc of Las Cruces will seek alternatives to meeting their goals within their financial constraints. They may chose to negotiate a different agreement with the City, assign their lease and interest in the facility to another organization, or simply continue under limited hours of operation. The City would continue to operate the Therapeutic Recreation Program from the Mesilla Park Recreation Center.

SUPPORT INFORMATION:

1. Resolution
2. Purchase Agreement
3. Letter from Arc requesting City participation in the facility
4. Arc Brochure indicating current activities
5. Current Lease Agreement
6. Staff estimate of building value
7. Vicinity Map

COUNCIL OPTIONS:

1. Vote YES to approve the Resolution and the purchase agreement. The City would acquire the Arc Life Center and relocate the Therapeutic Recreation Program to that facility at the beginning of the next fiscal year.

2. Vote NO to reject the proposed agreement. The Arc of Las Cruces would seek an alternate solution to their organizations needs and the City would continue to run the Therapeutic Recreation Program as is.

3. Modify the Resolution and provide staff with direction.