



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

**Regular Meeting**

**April 15, 2013**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1 **Absent**  
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

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**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Pedroza 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 Councillor Pedroza recognized the Las Cruces High School Cheerleading Squad and their Head Coach Katie Strascina for their State Spirit Championship 4A/5A.

Councillor Pedroza presented a Proclamation to George Pearson and declared May 2013 as Bike Month.

Councillor Pedroza presented a Proclamation to Michael Stevenson and declared April 15<sup>th</sup> thru April 21, 2013 as History Week.

Councillor Pedroza presented a Proclamation to Judith Baca and declared April 21<sup>st</sup> thru April 27, 2013 as Crime Victim's Rights' Week.

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2 Councillor Pedroza presented a Proclamation to Maria Silva-Sutton and declared May 2, 2013 as A  
3 Day of Prayer.

4  
5 Councillor Pedroza presented a Proclamation to Dr. Jon Hunner and declared April 15, 2013 as  
6 Bridging Ages Day.

7  
8 Councillor Pedroza presented a Proclamation to Eric Martin, Facilities Management Administrator  
9 and declared April 22<sup>nd</sup> thru April 26, 2013 as Earth Week.

10  
11 Beverlee McClure, Association Commerce and Industry gave a presentation regarding the New  
12 Mexico Economic Gardening Pilot Program.

13  
14 Larry Horan, Lobbyist gave a presentation regarding the 2013 State Legislative Session.

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

22  
23 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

24  
25 None given.

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29 **III. PUBLIC PARTICIPATION**

30  
31 George Pearson, Member of the Public said there is a safety issue at the multi-channel multi-use trail  
32 where there is no crossing. We are bending over backwards for the railroad but the railroad doesn't  
33 give us any consideration for being able to put in a crossing at the multi-use trail which would have  
34 a good safety benefit for the people who use that trail.

35  
36 Brian Denmark, Assistant City Manager said staff was just recently informed about the efforts that  
37 will be made by the railway and we're still trying to determine the impacts it will have on us. We can  
38 certainly look into Mr. Pearson's comments and see if there's any type of discussion we could have  
39 with the railway and go from there.

40

1 Bruce Fonest, Vietnam Veterans of America Chapter 431 presented Certificates of Appreciation  
2 to the City of Las Cruces Parks Department, Police Department and three members of the Traffic  
3 Department.

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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.**

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

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

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20 **V. CITY COUNCIL MINUTES**

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22 \*(1) Regular Meeting of March 18, 2013

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

27

28 \*(2) Resolution No. 13-134: A Resolution Authorizing Thomas Branigan Memorial Library to  
29 Accept a Grant Award of \$5,000.00 With a \$17,262.00 Match Requirement For  
30 Implementation of the Family Place Library Program From the Middle Country, New York  
31 Public Library for FY 2013 Through FY 2015. The Resolution Further Amends the City's  
32 Adopted FY 2013 Budget to Reflect the Increased Funding for Year One of the Grant Award.

33

34 \*(3) Resolution No. 13-135: A Resolution Authorizing Senior Programs to Accept a Grant  
35 Award in the Amount of \$4,500.00 From the North Central New Mexico Economic  
36 Development Department, Non-Metro Area Agency on Aging for the Home Delivered Meal  
37 Trays and Kitchen Supplies. The Resolution Further Authorizes the City Manager's  
38 Signature on the Agreement and Amends the City's Adopted FY 2013 Budget.

39

40 \*(4) Resolution No. 13-136: A Resolution Authorizing Senior Programs to Accept a Grant  
41 Award in the Amount of \$16,791.00 With a \$7,777.00 Match Requirement From the

1 Corporation for National and Community Service (CNCS) for Implementation of the Retired  
2 and Senior Volunteer Program (RSVP).

3  
4 \*(5) Resolution No. 13-137: A Resolution Approving a Community Development Block Grant  
5 (CDBG) Agreement Between the City of Las Cruces and Mesilla Valley Habitat for  
6 Humanity (MVHFH) for the Acquisition of Vacant Land Parcels for the Development of  
7 Affordable Housing Units. The Resolution Also Approves a Home Investment Partnerships  
8 (HOME) Recoverable Grant Agreement for the Acquisition and Construction of Affordable  
9 Housing Units.

10  
11 \*(6) Resolution No. 13-138: A Resolution Approving a Budget Adjustment to the City’s Adopted  
12 FY2013 Budget to Accept \$24,981.26 in Carryover Funding Through June 30, 2013, From  
13 the State of New Mexico Children Youth and Families Department (CYFD) for Use by the  
14 City’s Juvenile Citation Program and Families and Youth Incorporated’s Juvenile  
15 Assessment and Reporting Center.

16  
17 \*(7) Resolution No. 10-11-427A: A Resolution Authorizing Change Order Number Four to the  
18 Contract Between the City of Las Cruces and Wooten Construction, Inc., for Construction  
19 of the Museum of Nature and Science and to Increase the Contract Sum From \$2,783,493.36  
20 to \$2,885,230.06, for a Net Change of \$101,736.70.

21  
22 \*(8) Resolution No. 12-13-364: A Resolution Authorizing a Contract Between the City of Las  
23 Cruces and DWL Architects & Planners, Inc. Of New Mexico, for Transit Operations and  
24 Maintenance Facility Architectural Services for Fees in the Amount of \$598,000.00, Plus an  
25 Allowance of \$45,223.75 for New Mexico Gross Receipts Tax and an Authorized Change  
26 Order Contingency of \$59,800.00; for a Total Authorization of \$703,023.75.

27  
28 \*(9) Resolution No. 12-13-408: A Resolution Awarding the Bid for the Pavement Replacement  
29 2012-2013 Project to Burn Construction Company, Inc., for the Base Bid, Plus Additive  
30 Alternate Number One in the Amount of \$283,943.00, Plus \$21,473.19 for New Mexico  
31 Gross Receipts Tax; the City Manager is Authorized to Approve Change Orders in an  
32 Amount Not to Exceed \$14,197.15, for a Total Project Authorization of \$319,613.34.

33  
34 \*(10) Resolution No. 12-13-410: A Resolution Awarding a Contract to Lynco Electric Company,  
35 Inc., of Las Cruces, NM, for the Construction of Burn Lake Soccer Field Lighting, in the  
36 Amount of \$356,435.00, Plus New Mexico Gross Receipts Tax of \$26,955.40, and  
37 Authorizing the City Manager to Approve Change Orders Up to \$38,339.00; for a Total  
38 Authorization of \$421,729.40.

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

43

1 (11) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 13-139;**  
2 **A PUBLIC HEARING MUST BE HELD.**

3  
4 Mayor Miyagishima said the Public Hearing for Resolution No. 13-139 is now open. Is there anyone  
5 who wishes to speak against this item?

6  
7 None given.

8  
9 Mayor Miyagishima closed the Public Hearing for Resolution No. 13-139.

10  
11 Resolution No. 13-139: A Resolution Approving the Transfer of Ownership and Location  
12 of Liquor License No. 4036 to CVS Pharmacy, Inc. D/B/A CVS Pharmacy #10149, to be  
13 Located at 940 North Main Street, Las Cruces, New Mexico.

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15 Councillor Thomas Moved to Approve Resolution No. 13-139 and Councillor Sorg Seconded the  
16 motion.  
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20 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-139 and it was  
21 Approved. 6-0 Councillor Silva was absent.

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25 (12) Resolution No. 13-140: A Resolution Approving a Home Investment Partnerships Program  
26 (HOME) Agreement Between the City of Las Cruces and La Casa Inc. For the Tenant Based  
27 Rental Assistance (TBRA) Program.

29 Councillor Thomas Moved to Approve Resolution No. 13-140 and Councillor Sorg Seconded the  
30 motion.

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34 Natalie Green, Neighborhood Program Specialist gave an overhead presentation and said as part of  
35 the 2011 Action Plan, the Council approved the allocation of \$86,000 for the Tenant Based Rental  
36 Assistance Program and as part of the 2012 Action Plan, the Council approved \$4,143 as an  
37 administrative fee for the management of the Tenant Based Rental Assistant Program. The Tenant  
38 Based Rental Assistance Program serves the homeless and near homeless victims of domestic  
39 violence and provides tenant based rental subsidy in scattered sites within the City limits. The  
40 identified housing must meet the Fair Market Rent Guidelines and the Housing Quality Standards  
41 as set by the Department of Housing and Urban Development.

1 Councillor Pedroza said this sounds really good. Can you give us some statics on how permanent  
2 the housing is and how many people have been served?

3  
4 Natalie Green said we have funded La Casa for the past two years and I believe we've helped about  
5 16 per year but I don't have an exact number of how many were served.

6  
7 Councillor Pedroza asked do you know if they are able to maintain keeping their homes?

8  
9 Natalie Green said yes, the whole purpose of the program is to help them to become self-sufficient.

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13 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-140 and it was  
14 Approved. 6-0 Councillor Silva was absent.

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18 (13) Resolution No. 13-141: A Resolution Adopting the Main Street Downtown Las Cruces Logo  
19 and Accepting the Las Cruces Downtown Marketing & Branding Plan.

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21 Councillor Smith Moved to Approve Resolution No. 13-141 and Councillor Sorg Seconded the  
22 motion.

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25  
26 Andy Hume, Senior Planner gave an overhead presentation and said the Branding Plan was  
27 completed by Vaughn Wedeen Consultants which was done in December 2005 but never brought  
28 before Council for approval so that is what we are doing here today. The logo has been slightly  
29 changed to include "Las Cruces" and some art within the logo so it identifies it as "Main Street  
30 Downtown Las Cruces."

31  
32 Councillor Sorg asked can Downtown businesses put there name within the logo?

33  
34 Andy Hume said yes.

35  
36 Councillor Thomas said this is for the logo and the Marketing Plan but I think the Marketing Plan  
37 probably needs to be updated in some places so do you have any plans for an update?

38  
39 Andy Hume said the resolution is to simply accept the plan and not actually adopt it because of its  
40 age and because this way it allows us to accept the logo. To my knowledge there have not been any  
41 funds set aside to update the plan but it is something that we can look at as we move along.

42  
43 Councillor Thomas asked even though this was never accepted by Council, has it ever been used?

1  
2 Andy Hume said the logo and color schemes have certainly been accepted and used but beyond that,  
3 I'm not sure how much of this plan has actually been used.

4  
5 Councillor Thomas said I think it would be good to have a discussion with the Downtown  
6 Partnership and other groups about things like the diversity of the City being used to make this  
7 successful. There was also mention of a lifestyle mall and I was wondering if there was anything in  
8 the horizon like a lifestyle mall?

9  
10 Robert Garza, City Manager said not to my knowledge and I think some of the things you are  
11 bringing up is part of the reasons why this document was never brought forward to Council. We are  
12 trying to clean up some things that were dropped in the past and Council did take action back then  
13 on this report but it was only to authorize proceeding with getting this report done and then the  
14 product was heavily debated.

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18 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-141 and it was  
19 Approved. 6-0 Councillor Silva was absent.

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23 (14) Resolution No. 13-142: A Resolution Adopting the 2012 Downtown Parking Study Update.

24  
25 Councillor Smith Moved to Approve Resolution No. 13-142 and Councillor Sorg Seconded the  
26 motion.

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30 Andy Hume, Senior Planner gave an overhead presentation and said Walker Parking Consultants  
31 conducted a Downtown Parking Study and submitted the final draft on October 26, 2012. The  
32 purpose of this study was to analyze current parking utilization trends, update projections of parking  
33 needs, and provide parking management and development recommendations. The key  
34 recommendations are that the development of a public parking garage is not recommended at this  
35 time, there needs to be options to create a parking enforcement division, evaluate options for a future  
36 pay parking pilot project, sign and enforce 2-hour parking on Main Street, and identify the Farmers  
37 and Crafts Market vendor parking area. One of the main benefits is that having a study like this and  
38 having the parking demand modeling tool that we now have provides us a little more certainty for  
39 businesses who want to locate Downtown or those who might have future expansion plans.

40  
41 Councillor Smith said I think in this particular situation, as much as I appreciate us bringing in  
42 experts, I still find myself somewhat at odds with what they came back with; between the recent

1 experience we had with an office not choosing Las Cruces and among other things that they sited  
2 was that there would not be enough parking Downtown so it seems to me that somehow we are at  
3 this crucial point where we need to monitor what is going on and we also find ourselves looking at  
4 a situation where we are trying to go forward, we're trying to have all these great things happen, and  
5 yet we are sort of ignoring what's looking at us in the face and that is that to go forward we need to  
6 be able to say that we have the parking. So, I don't know if at this point the way to voice that is to  
7 say no to the study update or to amend it but I feel very strongly and I know this feeling is shared by  
8 others, that more than just re-stripping the parking lots and more than pointing people to the parking  
9 spaces on the streets; we're going to need to address parking in some concrete way in the near future.

10

11 Councillor Sorg asked does this report count for the parking we have available at City Hall?

12

13 Andy Hume said yes, they did count the new City Hall parking garage and that information starts on  
14 page 4 of the document.

15

16 Councillor Pedroza asked are the differences between the study and the recommendations from the  
17 ad-hoc committee going to be addressed because the study stated that we did not need a parking  
18 garage but I think the committee said we did need one; so how are we going to deal with those two  
19 different opinions?

20

21 Andy Hume said it comes down to implementation; from how things go from staff's perspective and  
22 how you want to move forward as far as adopting and implementing these two items. From the  
23 standpoint of the TIDD, the parking garage is not one of the top four items; the recommendation  
24 from the Walker study is that we don't need the parking garage at this point; the recommendation  
25 from the ad-hoc committee is to look at overall parking management which a parking garage could  
26 be a piece of that management. So, all things considered at this point, including funding, I would say  
27 that a parking garage is probably lower on your list of priorities at this moment in time but we do  
28 have to keep an eye on it.

29

30 Councillor Thomas said I think we should accept what the Walker Study has suggested and I think  
31 with you monitoring everything, we'll have a good chance to keep ahead of whatever happens down  
32 there. I hope when we do get to the point of getting a parking garage that we're able to put some type  
33 of retail on the bottom of it to keep cost down a little bit and maybe we can do a study for that ahead  
34 of time. Are we already having the market vendors parking elsewhere?

35

36 Andy Hume said yes, it is happening and obviously there are exceptions for those vendors who have  
37 mobility issues.

38

39 Councillor Smith said I think you have brought up a lot of important points and where I get  
40 concerned is with the monitoring of the program because it can take about a year to get a parking  
41 structure in and meanwhile someone is wanting to build new structures in some of our existing  
42 parking lots which could inhibit the forward motion. Has the Las Cruces Community Partners

1 weighed in on any of this because we have used them as our developer in the Downtown and given  
2 them a lot of leeway so it might be useful to hear from them as well?

3  
4 Brian Denmark, Assistant City Manager said the former response from the Community Partners is  
5 their desire to get the Plaza built and they feel that is their highest priority because it is a marketing  
6 tool for them that they feel would drive activities and businesses Downtown. They do agree with  
7 staff that there does need to be continuous monitoring of the parking.

8  
9 Councillor Smith said the TIDD offerings and the ability with the TIDD to do large projects is  
10 something that, if we do decide that a parking structure is something that we have to do, that is a  
11 unique opportunity that we have so we do need to be very careful. I do agree that a civic plaza is a  
12 critical piece but as I've said before, I would hate for us to find ourselves going "oh great, now we've  
13 got all these other things in place and nobody can come Downtown because there's no parking."

14  
15 Councillor Sorg said I wouldn't mind seeing a meter-maid in our Law Enforcement Department and  
16 we can actually make it fun. Regarding informing the public about available parking spaces, I don't  
17 know if that would be the responsibility of the City or the Downtown Partnership or the Farmers and  
18 Crafts Market or maybe a combination of all three, to make a simple flyer that has a Downtown map  
19 and all the available parking spaces. That flyer could be given to the vendors and they could hand  
20 it out to their customers.

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23  
24 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-142 and it was  
25 Approved. 5-1 Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and  
26 Mayor Miyagishima voted Aye. Councillor Smith voted Nay. Councillor Silva was absent.

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29  
30 (15) Resolution No. 13-143: A Resolution Adopting the Downtown Revitalization Ad Hoc  
31 Committee Recommendations.

32  
33 Councillor Thomas Moved to Approve Resolution No. 13-143 and Councillor Sorg Seconded the  
34 motion.

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38 Andy Hume, Senior Planner gave an overhead presentation and said the Downtown Revitalization  
39 Ad-Hoc Committee was formed in April 2010 and they had a long list of things they were being  
40 asked to do. Their key recommendations are to address the continued need for parking (including  
41 development of a parking management plan), construct the Downtown plaza, and redefine a current  
42 City staff position to serve as a Downtown Coordinator. Some of the benefits of these

1 recommendations are that it would provide options for continued Downtown momentum, it outlines  
2 opportunities for additional public engagement, it recommends implementation priorities, and it  
3 concludes work of the ad-hoc committee.

4

5 Councillor Smith said I do think there is an appropriate amount of emphasis on some of the key  
6 pieces in this recommendation from the ad-hoc committee and I do want to thank Mr. Myers and Ms.  
7 Jacobs and others who have participated in that process. I jumped in prior to being elected to City  
8 Council and I felt that a lot of good thought and consideration was going into what is going to keep  
9 this process going forward and this becoming and continuing to be the centerpiece for our  
10 community that we've been working so hard to have it be and I do think that one of the key pieces  
11 has been the way that the Farmers and Crafts Market has grown into the space and made them such  
12 an attraction for both our community and people from a larger community. Also, the fact that we  
13 have more private sector folks coming into the Downtown area and moving into the spaces that were  
14 vacant or unused is a huge forward piece that needs to continue to be encouraged. I personally don't  
15 see anything in here that I feel needs to be amended but we will want to stay on top of opportunities  
16 to do the civic plaza and opportunities to address parking and make sure we are monitoring those.  
17 I'm not sure how we will fund that position at City Hall, but making sure that we do have that aspect  
18 of somebody working on the Downtown addressed.

19

20 Andy Hume said not only are we seeing more private interest in the Downtown but companies that  
21 already exist are making improvements to their buildings.

22

23 On page 28 there are a couple of items on the implementation table which no longer apply which are  
24 the final bullet under City of Las Cruces that states "managing and enhancing the Farmers and Crafts  
25 Market" no longer applies because it is transition over to the corporation but maybe it can be  
26 changed to liaisioning or coordinating with the market and also under the list for the Downtown  
27 Partnership, the works with the Doña Ana Arts Counsel for the Camuñez building has also changed,  
28 I don't believe the Doña Ana Arts Counsel is going in that building.

29

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31

32 Councillor Smith Moved to Amend Resolution No. 13-143 on page 28 under the City of Las Cruces  
33 section, change the word "managing" and replace it with the "coordinate" and under the Downtown  
34 Partnership section, delete "DACC" and just state "proceed with Camuñez building" and Councillor  
35 Thomas Seconded the motion.

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38

39 Councillor Smith said I have neglected to mention something earlier and in talking about  
40 amendments and possibly this could be included in this amendment; Jim Turrentine suggested that  
41 perhaps there be a Design Review Committee instituted basically either under the Downtown Las  
42 Cruces Partnership or as it is done in some of the other districts, to help ensure the forward motion  
43 on design issues in the Downtown and that they are addressed.

1  
2 Mayor Miyagishima said these are recommendations from the committee so we definitely have to  
3 note that if we want to basically change them.

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6

7 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 13-143 on page 28  
8 under the City of Las Cruces section, change the word “managing” and replace it with the  
9 “coordinate” and under the Downtown Partnership section, delete “DACC” and just state “proceed  
10 with Camuñez building” and it was Approved. 6-0 Councillor Silva was absent.

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14 Mayor Miyagishima asked Councillor Smith, did you want to make that amendment.

15  
16 Councillor Smith said I hesitate making that amendment because it was not a recommendation from  
17 the ad-hoc committee.

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18  
19 Mayor Miyagishima said then we’ll just note it in the record.

20  
21 Councillor Thomas said I think we should wait until after the charrette to start discussing a Design  
22 Review Committee.

23  
24 Councillor Smith said that makes a lot of sense to me as well.

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28 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-143 as amended  
29 and it was Approved. 6-0 Councillor Silva was absent.

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33 (16) Resolution No. 13-144: A Resolution Approving Payment to Sierra Norte Land Holdings,  
34 LLC., for Construction of Two Neighborhood Parks Located in the Metro Verde South Phase  
35 I Subdivision, in an Amount Not to Exceed \$208,000.00; and to Amend the FY13 ICIP.

36  
37 Councillor Thomas Moved to Approve Resolution No. 13-144 and Mayor Miyagishima Seconded  
38 the motion.

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42 Eric Martin, Facilities Management Administrator gave an overhead presentation and said as part  
43 of our Park Impact Fees, we have the option of collecting the fees from the developer to build the

1 park or the developer builds the park and then turns it over to the City. In this case, the developer  
2 constructed the park so they will be reimbursed through the park impact fees that were collected  
3 from the lots.

4  
5 Councillor Sorg said I applaud the developer for putting these parks in at a very early stage of  
6 development but I am concerned with the size of the park area. Is there going to be more parks  
7 developed for this area?

8  
9 Mark Johnston, Parks and Recreation Department Director said yes, there are plans for more park  
10 property in that area.

11  
12 Councillor Pedroza asked have the residents or the developer already actually paid the impact fees?  
13

14 Mark Johnston said the developer will be paying impact fees. Since all the lots aren't sold he has  
15 not paid everything in. One of the reasons it was very important to make sure that the total  
16 construction was done, done at our approved level and that the land would be deeded to the City.  
17 So we are buying ready made parks with future impact fees that will be collected, out of our current  
18 impact fee bank account.

19  
20 Councillor Smith said if I understand correctly then they're basically sort of operating with us as the  
21 bank in this situation; they've gone ahead and put in the park up to the level that we wanted it to be  
22 done and they are able to do it at a better price than we would have been able to do it and yet we are  
23 still going to be collecting the impact fees from them as they sell the lots. Is that correct?

24  
25 Mark Johnston said that is correct. He actually was the bank for us to begin with because they footed  
26 the bill for the development and the construction and now we've reimbursed out of the current  
27 impact fee bank account and we will be collecting impact fees as the lots sell.

28  
29 Brian Denmark, Assistant City Manager said basically the developer received a credit because we  
30 have not received all of the impact fees that will be collected out of that development so the credit  
31 is equal to the amount of impact fees that we will collect from his approved development.

32  
33 Mark Johnston said that is correct. The developer builds the park, gets a credit; we collect the fee  
34 later.

35  
36 Councillor Sorg said we are acting as a bank. We don't have very many of these impact fees  
37 collected right now. I assume he is going to get the \$208,000 check written to him as soon as we pass  
38 this. Right?

39  
40 Eric Martin said that is correct.

41  
42 Councillor Sorg said so as soon as the houses are built and sold off that money will be replenished;  
43 correct?

1  
 2 Eric Martin said that is correct.  
 3  
 4 Councillor Sorg said I don't have a big problem with that. It's a little concerning, maybe. But I'm  
 5 okay with that.

6 -----

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 8  
 9 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-144 and it was  
 10 Approved. 6-0 Councillor Silva was absent.

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14 **VIII. BOARD APPOINTMENTS**

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16 Mayor Miyagishima appointed Charles Harvey to the ADA Advisory Committee.

20 Councillor Smith Moved to Approve Mayor Miyagishima's board appointment of Charles Harvey  
21 to the ADA Advisory Committee and Councillor Thomas Seconded the motion.

22 -----

25 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board  
26 appointment of Charles Harvey to the ADA Advisory Committee and it was Approved. 6-0  
27 Councillor Silva was absent.

28 -----

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

34 None given.

35 -----

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

40 Councillor Sorg presented the Las Cruces Utilities Commissioner Report.

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1 **XI. GENERAL DISCUSSION**

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a.) Mayor

Mayor Miyagishima said the tragedy that happened in Boston today is a reminder of how the Las Cruces Fire and Police and all their brothers and sisters in public safety rise to the moment and we want to thank every one of them for being ready to protect all of us here in Las Cruces.

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b.) City Council

Councillor Thomas said regarding the Comprehensive Plan, I don't know if there is a time set to present a report to Council but there was a good presentation given to HUD so I'd like to know if it is possible to get one to Council fairly soon?

Robert Garza, City Manager said we don't have a specific date set yet but it is on our list.

Councillor Thomas said some of us have met with Jamey Rickman and floated some ideas so I'd like to know if we are going to develop some kind of process on how we are going to work with her? Are we going to copy her on all the complaints we get from constituents?

Mark Winson, Assistant City Manager said Jamey has met with all of you and all of the department heads and some other stakeholders in our community. She has developed an Action Plan and she will be meeting with myself, Brian and Robert to go over that plan so as soon as we have the final review tomorrow then we will be getting the information out to you.

Councillor Thomas asked is there any member of Council who is not going to D.C. and could attend the South Central Council of Governments meeting on Friday?

Councillor Small said me.

Councillor Thomas said okay, I will talk to you about it later.

I want to remind people that on April 30<sup>th</sup> there will be a meeting regarding the Jornada water tank from 6:00 to 7:00 p.m. at Camino Real Middle School.

This Thursday Harvey Stone will be giving a talk entitled "Climate Dominos" at 7:00 p.m. at the Rio Grande Theater.

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Regular Meeting  
April 15, 2013

Page 15

1 Councillor Sorg said another Harvey Stone event will be on Wednesday night at the NMSU Corbett  
2 Center regarding climate changes.

3  
4 On May 7<sup>th</sup> there will be a community meeting at the East Mesa Community College in the  
5 auditorium at 6:30 or 7:00 p.m.

6  
7 -----  
8  
9 Councillor Small said this weekend, Friday, Saturday and Sunday, the Border Book Festival will be  
10 held at the Rio Grande Theater and in the Mesquite Historic District. The Burrito Brigade will be  
11 on April 19<sup>th</sup> with a number of different schools and it is going to be a very exciting event.

12  
13 On Friday, April 19<sup>th</sup> beginning at 11:10 a.m., Sitel is inaugurating their first Corporate Garden.

14  
15 We did take steps forward today to fund two different areas within economic development and I  
16 think we all have to feel the urgency when we look at our economy so I think we need to find ways  
17 to promote economic gardening.

18  
19 I would like to thank Councillor Sorg on his water report.

20  
21 I would also like to thank the Mayor for recognizing the dangers that the first responders face in  
22 every community and our hearts go out to the folks in Boston.

23  
24 -----  
25  
26 Councillor Pedroza said starting this Thursday is the Arizona/New Mexico Historic Conference at  
27 the Convention Center and I encourage everyone to register to attend this event.

28  
29 The Mountain View Co-op has a program that provides incentives for employees to ride their bikes  
30 to work and I would like to invite them to give us a presentation on their program.

31  
32 Regarding the water report, I believe one of things that needs to be changed in the New Mexico  
33 Water Law is that currently if you have a water right but don't use your full amount of water then  
34 you are in danger of losing it so there is no incentive for things like farmers installing drip irrigation  
35 systems that would use less water and I think that needs to be addressed.

36  
37 I would like to invite Jim Jackson from the Disabilities Act of New Mexico to come and make a  
38 presentation to Council.

39  
40 This Saturday, in El Paso, an award was presented to the Religious Women of Mexico and the  
41 United States for their service to immigrants in the border region.

1  
2 I want to mention that Iyana Vasquez, who is a young female boxer, has won another title.  
3  
4 Today, at the Dona Ana County building, there was a presentation of "Know your Rights" and I  
5 believe it was regarding the Affordable Care Act.

6  
7 -----  
8  
9 Councillor Smith said regarding the conversation earlier about the 3/8% that we might be able to  
10 enact starting July 1<sup>st</sup>, I believe we had some conversation about having a work session so is  
11 something like that planned at this point?

12  
13 Robert Garza, City Manager said no, we don't have a work session scheduled yet. Staff is currently  
14 working on a draft ordinance so once that is completed then we might need to schedule a special  
15 work session to discuss that item.

16  
17 Councillor Smith said I would appreciate that because I think if we do decide to do it then the sooner  
18 we implement it, the more benefit to the community.

19  
20 Regarding the rail crossings and the fact that this communication from Burlington Northern Santa  
21 Fe came as a surprise to us; I'm not faulting City staff by any means for this situation, but perhaps  
22 in the conversation with Burlington Northern Santa Fe, as we talk about things that need to be done,  
23 perhaps we can work on establishing a better communication situation with them so that we aren't  
24 quite as surprised next time and maybe some other opportunities can arise with calibration as we're  
25 talking about a light rail connection to El Paso.

26  
27 I want to point out that Jamey Rickman has been jumping in and getting involved with some things  
28 and tomorrow evening the District 2 Think Tank will be meeting; we're opening it up to a general  
29 forum and Jamey is going to be bringing some opportunities for input from members of the  
30 community. The meeting is going to be at 6:30 p.m. at the Frank O'Brien Papen Community Center.

31  
32 I sent Council information regarding the people who work at the 911 Center, MVRDA, they are  
33 doing events all this week so if you can attend any or all of those events which started Sunday, and  
34 we've already missed today, but there are opportunities for the rest of this week so I hope you all will  
35 look that over and possibly join them and celebrate the good work that they do.

36  
37 -----  
38  
39 c.) City Manager

40  
41 Robert Garza, City Manager said I was going to talk about the Hold Harmless but we've already  
42 covered that; that law does enable Council to take action beginning July 1<sup>st</sup> but that doesn't mean

1 that you couldn't take action or give direction prior to that date.  
2  
3 I'd like to thank you all for attending and participating in our Budget Work Session this morning.  
4 We do have a budget work session next Monday here in chambers where we will review and  
5 discuss our operating budget, our Capital Improvement Plan and all the other elements of our  
6 budget. We are inviting the public to attending this meeting and we are calling it a public hearing  
7 for our budget. I also want to mention that the City Manager's Preliminary Budget is completed  
8 and posted on our web page. Our budget adoption is slated for May 6<sup>th</sup> so our time is limited but  
9 we are still asking for input so we can make the necessary adjustment by the deadline.  
10  
11 -----  
12  
13 **Meeting Adjourned at 4:20 p.m.**

DRAFT