City of Las Cruces®
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Council Action and Executive Summary

Item # 8 **Ordinance/Resolution#** 14-006

For Meeting of _____ (Ordinance First Reading Date) **For Meeting of** July 1, 2013 (Adoption Date)

Please check box that applies to this item:
☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: **A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES AND THE DOWNTOWN LAS CRUCES PARTNERSHIP FOR PLANNING AND DEVELOPMENT SERVICES RELATED TO DOWNTOWN REVITALIZATION IN THE AMOUNT OF $70,000.00 PER YEAR, WHICH INCLUDES GROSS RECEIPTS TAX, FOR A PERIOD OF TWO YEARS.**

PURPOSE(S) OF ACTION:

Approve Memorandum of Understanding.

COUNCIL DISTRICT: 1		
Drafter/Staff Contact: Andy Hume	**Department/Section:** Community Development / Planning & Neighborhood Services	**Phone:** 528-3048
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City of Las Cruces has worked with the Downtown Las Cruces Partnership (DLCP) and have been members of the New Mexico MainStreet Program for more than ten years. This association yields significant benefits in terms of both technical and financial support for downtown revitalization. Technical assistance has included downtown economic analyses, business-building consultations with Main Street proprietors, and design assistance to property owners.

Following the New Mexico MainStreet approach to revitalization, DLCP generates a high level of public participation to plan and implement downtown revitalization and plays a significant and strategic role in attracting visitors to downtown. For example, DLCP was instrumental in receiving State funding for rehabilitating the Camunez Building. As the vision for Main Street Downtown is realized, DLCP actively promotes downtown Las Cruces to new businesses and supports existing ones.

If approved, this contract would take effect on July 1, 2013 and expire on June 30, 2015. Funding for this service is included in the proposed FY 13/14 budget.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A," Memorandum of Understanding for Planning and Development Services Between City of Las Cruces and Downtown Las Cruces Partnership.

SOURCE OF FUNDING:

Is this action already budgeted?			
	Yes	☒	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☐	Funds will be deposited into this fund: ____in the amount of $_____for FY__.
	No	☒	There is no new revenue generated by this action.

BUDGET NARRATIVE

Funds in the amount of $70,000 have been budgeted under fund 2715: Downtown Revitalization and fund 4023, per Resolution No. 13-153 for FY 13/14 budget. Future budget for FY 14/15 subject to Council approval and appropriation.

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Downtown Revit Other Local Funds	27804010-722190-60807	$20,000.00	$20,000.00	$0	N/A
2005 Public Improvement	40804050-854222-60807	$50,000.00	$50,000.00	$0	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will approve the Resolution authorizing a Memorandum of Understanding between the City of Las Cruces and the Downtown Las Cruces Partnership (DLCP). DLCP will continue to provide planning and development services related to downtown revitalization.

2. Vote "No"; this will not approve the Resolution authorizing a Memorandum of Understanding between the City of Las Cruces and the Downtown Las Cruces Partnership. The City of Las Cruces would no longer be a New Mexico MainStreet community.
3. Vote to "Amend"; this action could modify the terms of the Resolution.
4. Vote to "Table"; this action could prevent staff from implementing the Memorandum of Understanding.

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. N/A

RESOLUTION NO. 14-006

A RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LAS CRUCES AND THE DOWNTOWN LAS CRUCES PARTNERSHIP FOR PLANNING AND DEVELOPMENT SERVICES RELATED TO DOWNTOWN REVITALIZATION IN THE AMOUNT OF $70,000.00 PER YEAR, WHICH INCLUDES GROSS RECEIPTS TAX, FOR A PERIOD OF TWO YEARS.

The City Council is informed that:

WHEREAS, the City has benefited from the New Mexico MainStreet Program through its partnership with the Downtown Las Cruces Partnership for more than ten years; and

WHEREAS, New Mexico MainStreet is an affiliated program of the National Trust Main Street Center through the New Mexico Department of Economic Development and fosters community economic development and business district revitalization; and

WHEREAS, the Downtown Las Cruces Partnership provides planning and revitalization services for Main Street Downtown Las Cruces; and

WHEREAS, the Downtown Las Cruces Partnership generates a high level of public participation to plan and implement downtown revitalization and plays a significant and strategic role in attracting visitors to downtown; and

WHEREAS, this Memorandum of Understanding (MOU) offers supplemental services of special value to the City.

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

(I)

THAT the Memorandum of Understanding between the City of Las Cruces and the Downtown Las Cruces Partnership for planning and revitalization services in the amount of $70,000.00, which includes gross receipts tax, for a period of two years as

shown in Exhibit 'A,' attached hereto and made part of this Resolution, is hereby approved and adopted.

(II)

THAT the City Manager is authorized to execute the Memorandum of Understanding on behalf of the City.

(III)

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

DONE AND APPROVED this _____ day of _____, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Smith: _____
Councillor Pedroza: _____
Councillor Small: _____
Councillor Sorg: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING FOR PLANNING AND DEVELOPMENT SERVICES BETWEEN CITY OF LAS CRUCES AND DOWNTOWN LAS CRUCES PARTNERSHIP

THIS MEMORANDUM OF UNDERSTANDING (MOU) is entered into on this __ day of, _____ 2013, between the City of Las Cruces ("City"), a New Mexico municipal corporation, and Downtown Las Cruces Partnership ("DLCP"), a New Mexico non-profit corporation.

RECITALS:

Whereas, the revitalization of downtown is a priority of the City Council of the City of Las Cruces; and

Whereas, Downtown Las Cruces Partnership is a 501(c)(3) corporation formed to engage in planning and development efforts to revitalize downtown; and

Whereas, the City Council on January 20, 2004 approved a long term plan establishing specific design, policy, and economic strategies for downtown revitalization; and

Whereas, the continued implementation of this plan benefits from close coordination between the City and Downtown Las Cruces Partnership.

Now, Therefore, in consideration of the premises and mutual obligations herein, the parties hereto do mutually agree to work towards the goals listed within:

1. Goals - City of Las Cruces

- Foster and support a dynamic local economy with increasingly abundant and rewarding employment and investment opportunities in Las Cruces and downtown.
- Support the vision, principles, and values of comprehensive commercial district revitalization through the Four Point MainStreet Approach, the New Mexico MainStreet Program, and the Main Street Downtown Project.
- Provide staff specifically charged with the revitalization efforts of Main Street Downtown, and who work in close collaboration with DLCP.
- Implement the Downtown Revitalization Plan as adopted by the City Council.
- Pursue funding of various forms for the further implementation of the Downtown Revitalization Plan.

2. Goals - Downtown Las Cruces Partnership

- Maintain accreditation with state and national MainStreet programs by utilizing the Four Point MainStreet Approach to revitalization, attending NMMS meetings and trainings, and submitting reports to NMMS as required.
- The Four Point Approach involves addressing Organization of Stakeholders, Design Elements, Economic Positioning, and Promotions.
- Coordinate effective and efficient committees.
- Collaboration with downtown stakeholders and serve as a liaison for the City of Las Cruces on downtown issues.
- Advocate for downtown revitalization and funding at the local, state, and federal level.
- Provide assistance with urban design.
- Produce a marketing packet for potential business owners.
- Maintain DLCP website.
- Assist businesses and property owners in locating investors and coordinate downtown development with City.
- Business recruitment and retention.
- Organize events to bring people downtown and highlight progress being made in revitalization.
- Provide support for events and activities put on by other organizations on Main Street.

Term and Renewal: The term of this MOU shall be two (2) years commencing on July 1, 2013. The parties may renew this MOU for unlimited two (2) year terms upon the same terms and conditions herein provided or as mutually agreed otherwise. DLCP must notify the City in writing no later than six (6) months prior to the termination of the then current term of its desire to extend this MOU. If DLCP does not notify the City within said time period, the City may terminate the MOU at the end of the then current term. The right to extend the term shall be solely at the discretion of the City after the City has evaluated DLCP's performance during the then current term.

Compensation and Method of Payment: The City agrees to pay DLCP a sum of $70,000, including Gross Receipts Tax, per year for each year of the term for services rendered in the implementation of the goals listed above. DLCP will submit to the City an

IN WITNESS WHEREOF, the City and DLCP have executed this MOU on the date first written above.

DOWNTOWN LAS CRUCES PARTNERSHIP

_____

Hal Henthorne
President

CITY OF LAS CRUCES, NEW MEXICO

_____

Robert L. Garza, P.E.
City Manager

Approved as to form:

_____

Harry "Pete" Connelly
City Attorney