



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

**Regular Meeting**

**June 17, 2013  
1:00 P.M.**

**Council Chambers, City Hall**

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

---

**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1  
Councillor Greg Smith, District 2  
Councillor Olga Pedroza, District 3  
Councillor Nathan Small, District 4  
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 Thomas 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 presented a Mayor's Citation for Community Service to Delyla Nunez.

Mayor Miyagishima presented a Mayor's Citation for Community Service to Marco Gonzales-Nunez.

Mayor Miyagishima presented a Mayor's Citation for Community Service to Rick Jackson and April Tate for American Document Services.

Councillor Thomas presented a Proclamation to Matthew Lee and declared June 23 thru June 29, 2013 as National Mosquito Control Awareness Week.

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

-----

**II. 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?

No conflicts were noted.

-----

**III. PUBLIC PARTICIPATION**

William Beerman, Member of the Public gave Council a hand-out and said despite opposition from a neighborhood association and 85 petition signers, Council re-zoned the property located at 3830 Lohman Avenue from professional office to high intensity commercial. The proposed commercial development would generate approximately an additional 750 vehicles per day so Council amended the zone change to include the closure of the first block of Indian Hollow and on February 4, 2013 that section of Indian Hollow was closed. Now, the property owner of 3830 Lohman wants to reopen Indian Hollow as an access point for their customers and City staff has put together a recommendation to reopen Indian Hollow. The closing of Indian Hollow benefits the neighborhood at large by reducing the amount of traffic that goes through the neighborhood.

Armena Taylor, Member of the Public said I live on Indian Hollow and my four points are, who changed the wording from what was said at the September 12, 2012 City Council meeting regarding Indian Hollow Road closure as a condition of the zoning change for the 3830 Lohman property; rezoning was a condition of the Indian Hollow closure so why doesn't the City have to follow their own ordinance; so much has been made about the trash pickup on the 300 foot Indian Hollow Road closure from Little Dam to Chimney Rock which is totally unnecessary because there have been many times that trash trucks have driven that part of the road closure with no problem; and at the May 13<sup>th</sup> Work Session there was a Fire Department issue that was brought up but during the September 12, 2012 meeting Fire Chief Travis Brown said there was no issue with closing Indian Hollow Road; so why is there a discrepancy?

Kris Sauder, Member of the Public said I live on Chimney Rock Road and I contend that the City has not done a thorough and complete risk and safety analysis for the reopening of Indian Hollow Road. I strongly suggest that before you reopen the road that you come and stand at the corner of Indian Hollow and Lohman and look to your left which is Foothills and then look to your right where there is continuing growth. If you reopen Indian Hollow Road you will create even more traffic problems than they previously had because of all the growth and it would be a huge safety risk so I beg you not to reopen this road.

1  
2 Mayor Miyagishima said I suggest that you all come up with an identified responsible party and  
3 within 30 days provide the City with a letter stating you all are willing to pay for the cost to close  
4 the road which estimates are between \$25,000 and \$35,000.

5  
6 Terry Bloom, Member of the Public said I attended the meeting two weeks ago where you discussed  
7 the impact fee and the Mayor was in favor of the \$1,300 fee but you guys voted for the \$2,600 fee.  
8 I think you should have voted for the \$1,300 fee and added a cost of living increase to it.

9

10

11

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

15

16 Mayor Miyagishima said Item 3 and Item 4 need to be removed from the Consent Agenda for  
17 discussion.

18

19

20

21 Councillor Small Moved to Approve the Agenda as Amended and Councillor Smith Seconded the  
22 motion.

23

24

25

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

28

29

30

31 **V. CITY COUNCIL MINUTES**

32

33 \*(1) Regular Meeting of May 20, 2013

34

35

36

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

38

39 \*(2) Resolution No. 13-163: A Resolution Authorizing the City of Las Cruces to Continue an  
40 Agreement With the South Central Council of Governments for Fiscal Year 2013-2014 and  
41 to Provide an Annual Membership Fee of \$11,140.00.

42

- 1 \*(5) Resolution No. 13-166: A Resolution Approving a Roadway Lighting Maintenance  
2 Agreement Between the City of Las Cruces and the New Mexico Department of  
3 Transportation to Provide for the Maintenance of Roadway Lighting Along US70/N. Main  
4 Street from Mile Marker 148.5 to Mile Marker 149.27, Control No. 1100470.  
5
- 6 \*(6) Resolution No. 13-167: A Resolution Approving a Signal and Intersection Lighting  
7 Maintenance Agreement Between the City of Las Cruces and the New Mexico Department  
8 of Transportation to Provide for the Maintenance of Traffic Signals and Roadway Lighting  
9 at the Intersection of US70/N. Main Street and Madrid Avenue, Control No. 1100470.  
10
- 11 \*(7) Resolution No. 09-10-423A: A Resolution Authorizing Amendment #2 to the Contract for  
12 Design Services for the Intermodal Transit Facility Between the City of Las Cruces and  
13 Huitt-Zollars, Inc., Authorizing Compensation of \$11,028.50, Plus New Mexico Gross  
14 Receipts Tax of \$834.03 for Additional Services, and a Project Contingency of \$6,771.39  
15 for Reimbursables; for a Total Change Order Authorization of \$18,633.92.  
16
- 17 \*(8) Resolution No. 11-12-303A: A Resolution Authorizing Change Order #2 to the Contract  
18 Between the City of Las Cruces and Studio D Architects, PA, for the Munson Senior Center  
19 Multipurpose Room Addition Design as Approved by RFP No. 11-12-303 for Architectural  
20 and Engineering Services, a Term Contract Agreement, Authorizing an Increase in the  
21 Amount of \$36,000.00, Plus New Mexico Gross Receipts Tax of \$2,722.50, and a Project  
22 Contingency of \$4,000.00; for a Total Change Order Authorization of \$42,722.50.  
23

24 -----  
25  
26 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**  
27

- 28 \*(3) Resolution No. 13-164: A Resolution Authorizing the Write-Off of Uncollectible  
29 Miscellaneous Accounts Receivable From Fiscal Years 2007 and 2008 in the Amount of  
30 \$57,307.24.  
31

32 Councillor Thomas Moved to Approve Resolution No. 13-164 and Councillor Sorg Seconded the  
33 motion.  
34

35 -----  
36  
37 Councillor Silva said people thought they were going to be relieved of their debt with the City but  
38 that is not the case because this is just a general accounting practice.  
39

40 Robert Scaling, Treasurer gave an overhead presentation and said this resolution is simply asking  
41 Council to remove receivables that are in excess of four years old from the City's recognition on its  
42 financial statements. It in no way affects the debt from the individual or company to the City so that  
43 debt remains in place and we will continue all efforts to collect that debt.

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

-----

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-164 and it was Unanimously Approved. 7-0

-----

\* (4) Resolution No. 13-165: A Resolution Authorizing the Write-Off of Uncollectible Utilities Accounts Receivable From Calendar Years 2007 and 2008 in the Amount Up to \$989,122.00.

Councillor Thomas Moved to Approve Resolution No. 13-165 and Councillor Small Seconded the motion.

DRAFT

Councillor Thomas asked is this amount typical or was it particularly high those two years?

Jose Provencio, Administrative Services Administrator said those are typical amounts that are written off on the utilities side.

Councillor Sorg said as a commissioner for the Board of Utilities, I can say that this amount is pretty typical. Can you tell us what has been done in the past year or so to help this situation?

Jose Provencio said we have enacted various rules and regulations to lay out the processes for efforts to collect past due amounts which are available on our web page. We also do inform our customers of other sources that are available for assistance with paying their utility bill.

-----

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-165 and it was Unanimously Approved. 7-0

-----

(9) Resolution No. 13-168: A Resolution to Adjust the Adopted Fiscal Year 2012/2013 Budget to Provide for Allocation of Operating and Capital Costs Due to End-of-Year Review of Revenues and Expenditures.

Councillor Silva Moved to Approve Resolution No. 13-168 and Councillor Sorg Seconded the motion.

1 -----  
 2  
 3 Dick Gebhart, Budget Director gave an overhead presentation and said the scope of the adjustments  
 4 are that there are 37 funds being adjusted, 2 funds are being closed, and there are 79 individual  
 5 budgetary items which include 12 revenues, 35 expenditures, and 32 transfers. There are no General  
 6 Fund revenue changes but there are changes in expenditures which include one increase of \$1,944  
 7 in grant match copying charges, step and merit pay increase allocations and a transfer of \$1.25  
 8 million to Fleet to bring that fund back into balance. So the end of year summary is that there are no  
 9 new programs/policy initiatives, adjustments are focused on compliance and alignment, there is a  
 10 slight decrease in the General Fund ending balance, and these adjustments are part of the routine  
 11 budgetary business best practices.

12  
 13 Councillor Sorg said last year we ended up with our revenues being a little bit higher than we  
 14 expected so could we expect the same thing this year.

15  
 16 Dick Gebhart said I'm keeping my fingers crossed. I think we have a better than 50-50 chance of  
 17 coming in a little higher this year.

18  
 19 Councillor Thomas asked can you explain why we are transferring money to the Fleet fund?

20  
 21 Dick Gebhart said the money is being transferred basically because this fund is not in balance so we  
 22 need to make this transfer to make that fund balanced.

23  
 24 Councillor Thomas asked do we anticipate this being a problem again for this fund?

25  
 26 Dick Gebhart said no, this is a one-time deal. That fund has been out of balance for several years so  
 27 it is a problem that has built up and we don't see this re-occurring again in the future.

28  
 29 Councillor Thomas said on page 171 it shows that the ending balance and the unreserved ending  
 30 balance have gone down quite a bit; can you explain why?

31  
 32 Dick Gebhart said those numbers do appear to be going to down but generally when we get down  
 33 to actually closing this fiscal year those balances in all likelihood should be better and go back up.

34  
 35 -----  
 36  
 37 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-168 and it was  
 38 Unanimously Approved. 7-0

39  
 40 -----  
 41

1 (10) Resolution No. 13-169: A Resolution Approving a Master Agreement Between the City of  
 2 Las Cruces and Mesilla Valley Community of Hope (MVCH), a New Mexico Non-Profit  
 3 Organization, for Use of the Property Purchased Through the City’s Neighborhood  
 4 Stabilization Program (NSP). The Resolution Also Approves the Transfer of Deed For the  
 5 Property From the City of Las Cruces to MVCH Including the Filing of a Land Use  
 6 Restriction Agreement Against the Property.

7  
 8 Councillor Smith Moved to Approve Resolution No. 13-169 and Councillor Pedroza Seconded the  
 9 motion.

10  
 11 -----  
 12

13 David Weir, Community Development Director gave an overhead presentation and said the NSP is  
 14 a Federal program that is implemented through the State and the funds were allocated back in 2008.  
 15 The intent was to purchase foreclosed homes and put them into productive use. Our allocation was  
 16 \$1.5 million and to-date we have purchased and transferred nine homes which five were resold to  
 17 low to moderate income homeowners and four are being used as rentals for low income families  
 18 through eligible partners. This home would be our tenth purchase. The Mesilla Valley Community  
 19 of Hope approached the City with the need for a single family home to be used for affordable rental  
 20 housing and staff located and purchase the foreclosed property at 405 W. College Avenue which fits  
 21 the needs of the Community of Hope. This resolution seeks to approve the transfer of the deed to the  
 22 Mesilla Valley Community of Hope, a master agreement between the City and the Mesilla Valley  
 23 Community of Hope, and a filing of a land use agreement against the property. The property will  
 24 then be rehabilitated for accessibility upgrades and property improvements by the Mesilla Valley  
 25 Community of Hope under the City’s guidance using NSP program income and NSP grant funds,  
 26 and the Mesilla Valley Community of Hope will use the property for rental housing for chronically  
 27 homeless women.

28  
 29 Vera Zamora, Housing Development Coordinator continued the overhead presentation and said one  
 30 of the questions that has come up regarding this issue is regarding public input and transparency.  
 31 HUD provided an alternative to public participation to expedite distribution of the grant funds and  
 32 to provide for expedited citizen participation for the NSP substantial amendment which was an  
 33 amendment to the State’s Action Plan specifically to this program. NSP funds have been included  
 34 in the City’s consolidated action plans which includes a 30 day comment period that allows time for  
 35 the public to comment. All rules, regulations and specific guidelines have been complied with in  
 36 regards to this process. Another question is regarding addressing the transfer of the ownership of the  
 37 property; in the final agreement between the State and the City it is stated that the Mesilla Valley  
 38 Community of Hope will be one of the rental tenancy participants and that the ownership of the  
 39 rehabilitated properties will be transferred to the developers which in this case it is the Mesilla  
 40 Valley Community of Hope and they will own the properties out-right and operate them as rental  
 41 units. Another question was regarding clarification of searching for eligible properties; City staff  
 42 researched all the listed foreclosed properties in the city on a daily basis for a little over three months

1 and when a possible home was determined to actually be purchased; there were two different offers  
2 on different properties that were attempted but those properties were purchased by someone else.  
3 All rules, regulations and specific guidelines have been complied with the purchase of the home  
4 located at 405 West College Avenue.

5  
6 Brian Denmark, Assistant City Manager asked can you tell us about Fair Housing and discrimination  
7 as it relates to this particular program and the sensitivity that we have to have in order to be in  
8 compliance with all the rules?

9  
10 Vera Zamora said Fair Housing covers the actual clients that are suppose to reside in this house and  
11 since they are disabled they are considered a protected class. The City has to comply with the Fair  
12 Housing practices and that is also included in our Action Plan as well as in our Consolidated Plan.

13  
14 Brian Denmark asked have we had any problems with the residents of the other homes that we have  
15 purchased through this program?

16  
17 Vera Zamora said no, we have not.

18  
19 Nicole Martinez, Executive Director of Community of Hope gave a verbal presentation and said this  
20 program focuses on us giving chronically homeless women a home to live in and it is very atypical  
21 for us to let our neighbors know who is moving into these homes for various reasons which one  
22 reason is that it would be a breach of confidentiality. This is a permanent housing program and this  
23 would house up to four chronically homeless women. The clients do pay for the housing which is  
24 about 30% of their income and we have never had any neighborhood issues with our homes. We do  
25 background checks on our potential clients and they are made aware of the rules and regulations for  
26 living in these housing units. We are monitored annually by HUD and we are also monitored by the  
27 City which the City will also be doing onsite inspections of the property. I want to clarify that this  
28 is not a halfway house or rehabilitation house and I have had meetings/phone calls with some of the  
29 neighborhood residents to address some of their concerns regarding having this type of program in  
30 their neighborhood. We have had studies done that show that having this type of program in a  
31 neighborhood does not negatively impact the surrounding homes values and crime rates do not rise  
32 because of these types of programs.

33  
34 Mayor Miyagishima asked who will maintain the outside of the rental property?

35  
36 Nicole Martinez said the Community of Hope and the tenants will be doing chores and some upkeep.

37  
38 Councillor Smith said we have in the past discussed that there be no applause during our meetings  
39 and I would ask again that people understand that we are here to listen and sometimes applause  
40 interferes with that process.

41  
42 I would like to ask Mr. Weir, when was the house purchased and when was a sign placed outside to  
43 let people know that it had been purchased by the City?

1  
2 David Weir said I will have to defer that question to Vera.  
3  
4 Vera Zamora said the house was purchased on April 18<sup>th</sup> and I'm not sure about the exact date that  
5 the sign was put out but I know it was put out shortly thereafter.  
6  
7 Councillor Smith asked was it determined that this house would be appropriate for the purposes of  
8 the Community of Hope? I believe it was always intended for the Community of Hope; correct?  
9  
10 David Weir said yes, that it correct. The City was approached by the Community of Hope for the  
11 needs of this program and at that time staff began looking for homes for that program.  
12  
13 Councillor Smith asked when was I notified as the Councillor for that district of the purchase and  
14 intended use of this house?  
15  
16 David Weir said I believe you were probably made aware of it at the time the resolution went  
17 forward to Council.  
18  
19 Councillor Smith said I started receiving calls from the neighbors on May 22<sup>nd</sup> so when and why was  
20 it determined that the ownership of the house should be deeded to the Community of Hope and not  
21 retained by the City?  
22  
23 David Weir said the intent of the program is to get those properties to either homeowners or to set  
24 up affordable rental programs. Once an eligible entity has been identified, a master agreement is put  
25 forward and then the deed transfer comes as a resolution to Council.  
26  
27 Councillor Smith said in addition to misinforming my constituents that the property was going to  
28 remain or not going to remain deeded to the City, I told them it was going to be on the June 3<sup>rd</sup>  
29 meeting. Can you tell me why the resolution was moved from the June 3<sup>rd</sup> agenda to the June 17<sup>th</sup>  
30 agenda and what changes were made?  
31  
32 David Weir said it was moved to put forth an effort for a neighborhood meeting to provide  
33 information and there were no real changes made to the title of this resolution.  
34  
35 Councillor Smith said I asked why this wasn't brought to my attention sooner and I was told that  
36 staff had thousands of issues and they we're sure when the issues would rise to the Council level of  
37 the process; so, I would assume now that this kind of thing rises to Council level fairly quickly so  
38 I would hope that in the future there is an expectation that other councillors will be notified. Is that  
39 fair to assume?  
40  
41 David Weir said that is fair to assume.  
42

1 Councillor Smith said I have experienced the feeling of being thrown under the bus lately; not  
2 because of what is planned because what is planned is something that this whole community should  
3 take pride in that this community is looking for ways to deal with the homeless situation. However,  
4 my situation was that I was confronted by constituents who have since then referred to me as source  
5 of misinformation and it is not a comfortable feeling. I realize that as a elected official we sometimes  
6 have to take into account that we're going to be subjected to the slings and arrows just by choosing  
7 to serve the public in this way. However, I would like to be sure that the staff makes sure that they  
8 are not unduly subjecting us to that sort of thing if at all possible. I would also like to point out that  
9 whatever discomfort I have suffered in a situation cannot begin to compare to what the homeless  
10 population must be suffering and in this situation I have to go ahead and take my hairshirt and wear  
11 it but I do hope that in the end we do something positive for those people who are suffering much  
12 more than I have. I am pleased that there are several people in the neighborhood that have contacted  
13 me and stated that they want to be part of welcoming this group to this home. I understand the  
14 concerns that have been expressed by other folks but I will simply tell you that when first contacted  
15 about the things in the petition, one of the folks said to me that they don't want those people next  
16 door to them and that they will do whatever it takes to stop them; so, I notice that the petition does  
17 not mention the problem being that these four women will be homeless but I have already heard from  
18 several people who say that's not an issue for them so I know it's not the whole neighborhood  
19 feeling that way. I have also heard from several people who said they regret signing the petition once  
20 they understood what this is about and I suspect there are people in the audience questioning why  
21 they signed it today or perhaps not. This is not a reflection on 100% of Mesilla Park, it is not a  
22 reflection on what Mesilla Park is about, when people say they don't want that sort of thing in this  
23 neighborhood and I am very sorry that we've had to have this much of a discussion today.

24  
25 Councillor Thomas said so, as a single family zoned area this kind of use is acceptable in the current  
26 zoning.

27  
28 David Weir said Fair Housing is a big issue that we have to address in our zoning ordinance so the  
29 City does not define or put a numeric value on the number of people that can live within a zoning  
30 district. Historically, the City has always treated that as a household unit so what we say is that you  
31 live in a household unit, it meets the definition of a single family residence; they've signed one lease,  
32 it's not apartments or anything of that nature, someone is not subleasing a room, then it does meet  
33 the definition of a single family.

34  
35 Councillor Thomas said I want to say that in my district I know of two cases where we have homes  
36 where a group lives in and in one of the cases they had an open house and invited people to come  
37 in and meet them. I don't know if that is something feasible to do in this case but I'd like to make  
38 that suggestion because it did work really well. I greatly admire the work that the Community of  
39 Hope does and we've heard how homeless people greatly benefit from their programs so I very much  
40 support this plan.

41  
42 Councillor Pedroza said people have a lot of questions like "will this decrease our property values"  
43 or "will this increase crime in our neighborhood" and I don't think it is a sign of hostility. I think it

Regular Meeting  
June 17, 2013

Page 11

1 is a good idea to get to know your neighbors so an open house would be a good idea and I also  
2 support this plan.  
3  
4 Councillor Small said regarding an open house, folks don't have to be involved with it but would  
5 there be support from both the City and the Community of Hope to engage in that kind of dialog?  
6  
7 David Weir said the Community Development staff would be willing to participate in that but please  
8 remember that we do have to follow the Fair Housing and discrimination laws, and people's privacy  
9 so we have to treat them just the same as a private individual buying a house and also they do have  
10 the same property rights as that private individual or organization.  
11  
12 Councillor Smith asked can you think of any other reasons why the Community of Hope believes  
13 this particular approach would be a benefit to the community and not just for the four women?  
14  
15 Nicole Martinez said we didn't have to apply for this funding and we could of just continued to let  
16 these four women stay in tents but it is hot out there and we felt we could be successful with it since  
17 we do have the experience and we knew the City had the funding available for it. It does allow  
18 people the opportunity to get to know their neighbors and this neighborhood is a strong  
19 neighborhood with neighbors that do talk to each other. I think this could be used as an example of  
20 how we do house our homeless and don't just keep them in one area and expect them to stay in tents  
21 or shelters.  
22  
23 Councillor Smith said you mentioned a small scale grant but was there anything else driving the  
24 desire to house four women together?  
25  
26 Nicole Martinez said we do have group homes that we run the same type of programs through but  
27 we have four men and four women in a home and we prefer to transition out. We still wanted to  
28 provide a place for women to have on their own and we felt like a residential setting would be an  
29 appropriate placement for them.  
30  
31 Councillor Smith said regarding the qualifications, I want to be clear that these women will have  
32 background checks done; correct?  
33  
34 Nicole Martinez said they will.  
35  
36 Councillor Smith said we have to realize that most of us don't have the opportunity to have the  
37 people who move in next door to us given background checks and monitored on a regular basis. I  
38 would have to assume that under those circumstances there is a greater likely hood that the behavior  
39 is going to be better than perhaps many of us experience next to our own homes. One of the  
40 questions that came up was regarding the safety of one family with small children and their property  
41 value; given that the Fair Housing Act puts us in the position that even if we aren't looking at all of  
42 these other factors that the law requires us to do; are there remedies available for these people if they  
43 feel that their children are in danger for some reason or another?

1  
2 David Weir said the legal system is still available to anybody and those properties. Also, the master  
3 agreement establishes the relationship between the City and the recipient of the property, with what  
4 conditions can be used, and there will be yearly monitoring done by the City. If this property is not  
5 used in the manner in which it is intended then it could possibly be reverted back to the City.

6  
7 Councillor Smith said it sounded like since the property was deeded over to the Community of Hope  
8 that there were no strings attached but there are strings attached.

9  
10 David Weir said there is the master agreement, there are restrictive conveyances that are part of this  
11 agreement.

12  
13 Jerry Donahue, Member of the Public said we had a neighborhood meeting and it was brought up  
14 that there should have been a special use permit issued for this property so I met with Robert Kyle  
15 a few days after the meeting and he assured me that this operation did not require a special use  
16 permit. I then met with Vera Zamora regarding my concerns with this being used as a women's  
17 facility and I wanted to know if there was anything in the resolution that mandated this being limited  
18 to being used a women's facility with four occupants? Her opinion was that since the wording on  
19 page 244 of the resolution states that "all certifications in the attached resolution shall be signed and  
20 binding as part of the agreement" then it would have to be a women's facility. I believe it should be  
21 in the record that this is a facility for women and it should be limited to four women as it has been  
22 presented to us. I do have concerns with the location of the property because of its proximity to a  
23 liquor store, a bar and a highway.

24  
25 Sylvia Duran-Nickerson, Member of the Public said I would like to request that Councillor Smith  
26 refrain from resorting to belittling comments about our neighborhood and its residents or mis-  
27 categorizing who we are because we are exercising our rights by asking questions and voicing our  
28 legitimate concerns. We simply have not received the appropriate information which is why we are  
29 here today. There are concerns with the lack of public information, including the lack of public  
30 transparency and the City's failure to disclose plans and make decisions that effect the residents of  
31 this Mesilla Park neighborhood. The City has failed to solicit, receive and give due consideration to  
32 public input for this federally funded neighborhood stabilization program. We are asking that you  
33 reconsider the vote on this resolution today, postpone it, or amend it to focus on this project, which  
34 we are in support of in a high priority area which is not a Mesilla Park neighborhood.

35  
36 Dan Bullock, Member of the Public said I don't live in this neighborhood and I am aware of all the  
37 good work that has been done by the Community of Hope. I am concerned that some people are  
38 acting like the people in this neighborhood are some kind of monsters because some of these people  
39 in this neighborhood are the best donors that Jardin de los Ninos has ever had and they are the best  
40 supporters of community activities. They are legitimately concerned with their property values. I am  
41 a real estate appraiser and my company has a house that is for sale about five blocks from this  
42 property. I have not done a study on the property values for this issue and I do believe there is the  
43 likelihood that this will have a negative impact on the property values based on the opinion of the

1 people in this neighborhood. Values are perceptions and no two properties are the same so it is  
2 difficult to measure but I did speak with about five or six different realtors and all of them except  
3 one thought this would have a negative impact on the property values.

4

5 Patrick Lamb, Member of the Public said I think the biggest issue with this is the lack of  
6 transparency. Many of the people felt that when they tried to get information that they were being  
7 stonewalled. I think the Community of Hope has an outstanding reputation and this is the kind of  
8 project that is needed but I think they shouldn't be so naive to assume that something like this is not  
9 going to raise red flags. I recommend that in the future when something like this comes up that there  
10 are plenty of discussions.

11

12 Rosella Romero, Member of the Public said I am a homeowner and the next door neighbor and we  
13 knew nothing about this so do we have rights? If we have rights and opinions after we pay our  
14 property taxes for all these years; the homeless have rights so don't we have rights as well? This  
15 sounds just hunky-dory that these homeless people are going to be rehabilitated but what effect does  
16 it have on us as the neighbors. We have old people, we have young families, so there is a lot that you  
17 need to think about and if you had a home next to you and this type of home was going in, what  
18 would you think?

19

20 Susan Campbell, Member of the Public said this program is named after me because I was homeless  
21 for two and half years before the Community of Hope was even built and I use to live behind the  
22 sewer plant. I didn't care about living at all but when they built the Community of Hope I started  
23 going there and volunteering there. I now work there and I have been there for fourteen years. I think  
24 we need to quit calling this a facility because it is just a home for four people to live; not a facility.  
25 It is no different than if someone bought it and had four college kids move into it but I think you  
26 would have more problems with the four college kids. So, I do hope this passes.

27

28 Sara Mischeler, Community of Hope Housing Programs Manager said I have never felt afraid of this  
29 population and I have never been threatened by them or been attacked by them in anyway. I will be  
30 working with Nicole to choose the right people to go into this house and I think we can find people  
31 that would fit into this community who need a second chance and who would be respectful  
32 neighbors. As case managers we would be over there all the time working with them to address any  
33 issues that might be going on. I would also like to say that I have a small child and I would feel  
34 comfortable having a home like this next to me.

35

36 Councillor Silva said what I've heard is that there was no notifications and there are zoning  
37 infractions; so, can Mr. Weir address these issues?

38

39 David Weir said the proposed use is included in the current R-1 zoning code requirements.

40

41 Councillor Silva asked can you give us a brief description of the Citizens Input Plan?

42

Regular Meeting  
June 17, 2013

Page 14

1 David Weir said the NSP program was adopted by the City in 2009 and as part of that there were  
2 requirements for the participation plan to be looked at, there was notice of the meeting and I think  
3 it is important to realize that the intent was to get into a neighborhood as quickly as possible. So,  
4 there was an expedited review period and the City went through the process of adopting its  
5 Consolidated Plan and its Action Plan which includes a rebus public input process.

6

7 Councillor Silva asked how many community meetings were held?

8

9 Councillor Smith said I called for a community meeting on May 24<sup>th</sup> and I met with some of the  
10 neighbors independently.

11

12 Councillor Silva said it sounds like we met all the legal requirements but the neighborhood doesn't  
13 feel like that was enough so I will leave it up to my colleagues as to whether they want to postpone  
14 this in order to hold more meetings.

15

16 Councillor Sorg said I want to say that I think the work Ms Martinez does at the Community of Hope  
17 is excellent and her presentation was excellent. It answered any questions or doubts that I might have  
18 had and I would not mind having this kind of house located near my house.

19

20 Councillor Small said this is a house that is in a good neighborhood where the residents are  
21 concerned about where they live and I think folks are up to the task of making sure this program  
22 continues its success. I am excited to be able to move forward with this and within legal bounds I  
23 am looking forward to the additional information, support and facilitation.

24

25 Councillor Smith said regarding Mr. Bullock's remarks and the opinions of the neighborhood on the  
26 impact; I must tell you that after I met with members of the community it was clear that one of the  
27 overriding concerns was what this would do to the property values. I was faced with the question of  
28 "do I go around saying hey we've got this issue coming up in our district and everyone needs to be  
29 a part of this" or do I keep it relatively quiet out of deference to the concerns that were being  
30 expressed; so without a lot of guidance I chose to downplay it and let the neighbors and the  
31 community choose their role on how widely this information was disbursed. I do apologize for not  
32 taking the "alright lets tell everybody" role because apparently that's where we have ended up and  
33 perhaps that's where we needed to be in the first place. I would like that the next time this sort of  
34 thing gets considered that there is the opportunity for us to pull together as a community and say  
35 "yes, we want to do this and we want to do it here." One of the concerns that has come to my mind  
36 is that by virtue of demonstrating that some folks might not be good neighbors that, that would  
37 present anxiety or concerns on the part of those deciding whether or not these people will go into this  
38 neighborhood. I would ask that if the vote is positive today and the property does get deeded to the  
39 Community of Hope and the four women do move into that neighborhood, that we all do what we  
40 can to make sure that this is a positive result for the women in the house as well as for the  
41 neighborhood.

42

1 Councillor Pedroza said Mr. Bullock stated that property values are subjective which has a lot to do  
2 with perception. So in some respect it is in the neighbors own hands as to whether or not this will  
3 negatively effect their property values.

4  
5 Councillor Thomas said we do get complaints about public input and I do think in some cases we  
6 do need to get more public input earlier in the process but I'm not sure about this situation because  
7 this is a situation where a family is moving into a neighborhood and I'm not sure why they have to  
8 be vetted. We don't do that to people who move into our neighborhoods so that really disturbs me.  
9 Also, I just want to say that I would be perfectly fine with having this family living next door to me  
10 and I do support this resolution.

11 -----  
12  
13

14 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-169 and it was  
15 Unanimously Approved. 7-0

DRAFT

16  
17  
18  
19 (11) Resolution No. 13-170: A Resolution Repealing Resolution No. 12-025 in Its Entirety.  
20 Resolution No. 12-025 Approved the Major Road Impact Fees.

21  
22 Councillor Sorg Moved to Approve Resolution No. 13-170 and Councillor Silva Seconded the  
23 motion.

24 -----  
25  
26

27 Councillor Silva Moved to Suspend the Rules to discuss Resolution No. 13-170, Resolution No. 13-  
28 171 and Resolution No. 13-172 concurrently and Councillor Smith Seconded the motion.

29 -----  
30  
31

32 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules to discuss Resolution No.  
33 13-170, Resolution No. 13-171 and Resolution No. 13-172 concurrently and it was Unanimously  
34 Approved. 7-0

35 -----  
36  
37

38 Brian Denmark, Assistant City Manager gave an overhead presentation and said on May13, 2013  
39 Council directed staff to consider amendments to the Design Standards in lieu of having drainage  
40 and road impact fees. What is before you today has nothing to do with park impact fees or utility  
41 impact fees; it's strictly roads and drainage and the question is, is Council willing to approve these  
42 resolutions which would repeal previous resolutions regarding these fees and would make these fees

1 effective July 1, 2013. Staff has spent a considerable amount of time on this issue and have come  
2 up with a two-prong approach where a short-term alternative is looked at where by an amendment  
3 would be made to the Design Standards to address Council's concerns regarding infrastructure. Once  
4 that is approved then staff would follow up with a more detailed development code amendment that  
5 would tie down all the specific rules and regulations. Council asked us to look into information  
6 changes as it relates to the development review so from a GIS point of view, we are headed to the  
7 ability for Council, the Planning and Zoning Commission, staff and the public to have access to  
8 various maps and information as it relates to development proposals. The second step is to amend  
9 the Design Standards to establish a framework for not only subdivisions and master plans but also  
10 major development. We would be amending the Design Standards to require all major thoroughfares  
11 and infrastructure to be constructed as part of the standard up-front within the development to make  
12 sure connectivity and offsite improvements are addressed. This would mean that in the short-term  
13 we would establish development agreements which Council would have to approve how  
14 infrastructure would be built, when it would be built and how it would be completed as it relates to  
15 the overall development. Obviously, there is a lot of different situations that exist out there and  
16 everything is a case by case basis so you have to allow for flexibility and staff would have to have  
17 some authority in order to address certain types of developments. The second thing is the  
18 development agreement itself will give Council a lot of discretion because this is where a  
19 development or master plan is processed for approval and a development agreement will be  
20 processed to define how infrastructure will take place and the agreement will have to be approved  
21 by Council.

22  
23 Councillor Thomas said so what you are saying is that these development agreements are the place  
24 where we would address things like connectivity and how a particular development fits into the  
25 overall systems in the city.

26  
27 Brian Denmark said that is correct. It would be a separate section within the Design Standards, at  
28 least the short-term approach, until we have the time in which to detail out the specific standards.

29  
30 Councillor Thomas said I still think we need to have maps available that show where the roads are,  
31 where the parks are, where the utilities are, and where we need to have connectivity. I'm a little leery  
32 to say "lets do this short-term thing" when we don't know how long it is going to take and we don't  
33 know exactly what we are going to get in terms of maps and information.

34  
35 Brian Denmark said a lot of that will have to be City generated; developers won't have access to that  
36 information. We are in the process of hiring a GIS analysis and we are headed toward having the  
37 applicant, Council, and staff the ability to access those types of maps and information. Right now  
38 master plans do not go before Council for approval so by having the development agreement in place  
39 it would get those developments in front of the City Council.

40  
41 Councillor Small said I am very open to supporting this and I know there will be an increase in both  
42 administrative cost and the cost for the developers but that is going to help inform us about the actual  
43 updates for the Design Standards.

1  
2 Councillor Pedroza said this sounds like a reasonable approach but it also sounds like a lot of work.  
3 Are you proposing to get the City Council involved much sooner in the development process?  
4  
5 Brian Denmark said yes, we're talking about the bigger major developments. I do want to say that  
6 staff does not support implementation of the road and drainage impact fees in their current form  
7 because the fees are not at a level sufficient to address the current ICIP. So our concern is that if  
8 action isn't taken today then those impact fees go into effect in July and that is a bigger risk from  
9 staff's point of view than taking this other approach. It is impossible to amend the entire Design  
10 Standards in a quick fashion because there is too much detail, too much work, so it could be two  
11 years out before we finally have the details for it and are able to bring it back before Council.  
12  
13 Councillor Pedroza said I would suggest that in the short-term, staff is prepared to come to Council  
14 with a short-term project and I will definitely need those maps in order to make a good decision.  
15 Also, regarding the long-term changes to the Design Standards, I think it would be a good idea to  
16 give them to us in parts and not hold off for a year and a half to bring us all the changes at once.  
17  
18 Brian Denmark said sure, we can do that through a series of work sessions.  
19  
20 Councillor Sorg said I think this looks good and I think we need to try to make this one of our  
21 priorities. I also agree that we should have it given to us in sections.  
22  
23 Councillor Thomas said one of the things that has happened in the past couple of weeks is that the  
24 County is looking at developing a plan for every Colonia. They have already done a couple which  
25 took a couple of years so it takes about a year for every Colonia and there are 37 Colonias so it'd  
26 take about 37 years to finish all of them. So instead they put those into planning areas which made  
27 up about 6 areas so that makes it much easier and there is less work that needs to be done. We do  
28 have the idea of sectors in our Comprehensive Plan so if we don't want to look up everything for the  
29 entire city every time we want to do something then we should do sector planning instead.  
30  
31 Loretta Reyes, Public Works Director gave an overhead presentation and said these three resolutions  
32 would repeal Resolutions 12-025 (major road impact fees), 12-026 (drainage impact fees) and 13-  
33 087 (postponing the effective date to July 1, 2013). All these actions must be repealed in order to  
34 resend the drainage and major road impact fees.  
35  
36 Steve Chavira, Member of the Public said I am with the Las Cruces Home Builders Association and  
37 changes do need to be made and we want to be a part in the making of those changes. We urge you  
38 to vote to repeal these impact fees and work together with us to do what is right for our city.  
39  
40 Kimball Hakes, Member of the Public said I am under the impression that the road and drainage  
41 impact fees will be repealed today and we recognize that there are road, drainage, infrastructure and  
42 connectivity challenges in our city but we also recognize that the road and drainage impact fees are  
43 fatally flawed. We need to find a solution and we believe that the answer is not with impact fees.

1  
2 Max Bower, Member of the Public said I am with the Las Cruces Home Builders and I think the  
3 proposal we have on the table is the first step in making this work because even though it is a short-  
4 term fix, it is a stepping stone. I think we are your direct link to understanding afford ability in this  
5 city because a lot of us go through those transactions every day and you need us in the room to be  
6 able to accomplish what you need to accomplish.  
7  
8 Latson Maya (?), Member of the Public said I am a originator at Citizens Bank and impact fees do  
9 effect a person being able to qualify for a home loan. So, I'd like to ask that you don't increase those  
10 fees in order to allow below income families the ability to purchase a home.  
11  
12 Councillor Thomas said it is my understanding that most affordable housing is built by non-profits  
13 like Tierra del Sol and Habitat for Humanity so how do those people get funding.  
14  
15 Latson Maya (?), said I don't know how they get their funding, I can only speak on how we at  
16 Citizens do the process.  
17  
18 Councillor Thomas said if this is a problem then I'd like to see Tierra del Sol and Habitat here to  
19 speak with us about how it effects what they do.  
20  
21 Councillor Sorg said there are a lot of foreclosed houses that could also be used for affordable  
22 housing and there wouldn't be any impact fees.  
23  
24 Councillor Pedroza said I agree that we do need to work with all of the stakeholders.  
25  
26 Arturo Murrufo, Member of the Public said I am with Tierra del Sol and I am also the Vice-Chair  
27 of the Mesilla Valley Public Housing Authority. It is true that this does effect the affordability of a  
28 mortgage which is what we are having problems with as a non-profit developer because we are not  
29 waived from anything.  
30  
31 Arnold Forrester, Member of the Public said I am a private citizens and we are working with a  
32 contractor on building a new home and impact fees do have an impact which may effect people who  
33 are moving into this area to retire. My contractor told me that the total amount of my impact fees  
34 would be about \$10,000 and I'm not opposed to impact fees but when you go to redo these fees, I  
35 think they should be done in a reasonable manner and kept within the cost of living.  
36  
37 John Hadley, Member of the Public said I am an ex-builder and new homes will not take care of  
38 what you need to spend in building infrastructure so I do think you should repeal these impact fees.  
39  
40 Alfonso Archuleta, Member of the Public said almost everyone that has talked here is a builder, not  
41 a developer and a lot of the times there are overlaps in things like doing flood studies for each home  
42 instead of a whole area; so we need to be speaking with the developers.

1  
2 Councillor Silva said I would like to applaud staff because they have brought forward a remarkable  
3 presentation on a way for us to move forward and I think we are headed in the right direction. We  
4 do have the same mission so we do all need to work together in order to provide a good quality of  
5 life for everyone.

6  
7 -----  
8  
9 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-170 and it was  
10 Unanimously Approved. 7-0

11  
12 -----  
13  
14 (12) Resolution No. 13-171: A Resolution Repealing Resolution No. 12-026 in Its Entirety.  
15 Resolution No. 12-026 Approved the Drainage Impact Fee.

16  
17 Councillor Small Moved to Approve Resolution No. 13-171 and Councillor Thomas Seconded the  
18 motion.

19  
20 -----  
21  
22 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-171 and it was  
23 Unanimously Approved. 7-0

24  
25 -----  
26  
27 (13) Resolution No. 13-172: A Resolution Repealing Resolution No. 13-087 in Its Entirety.  
28 Resolution No. 13-087 Deferred the Effective Date for the Major Road and Drainage Impact  
29 Fees From January 1, 2013 to July 1, 2013.

30  
31 Councillor Silva Moved to Approve Resolution No. 13-172 and Councillor Small Seconded the  
32 motion.

33  
34 -----  
35  
36 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-172 and it was  
37 Unanimously Approved. 7-0

38  
39 -----  
40

1 (14) Council Bill No. 13-029; Ordinance No. 2684: An Ordinance Repealing LCMC 1997,  
2 Chapter 10, Farmers and Crafts Market, Sections 10-1 Through 10-43 in its Entirety and  
3 Placing the Chapter in Reserve.  
4

5 Councillor Small Moved to Adopt Council Bill No. 13-029; Ordinance No. 2684 and Councillor  
6 Sorg Seconded the motion.  
7

8 -----  
9

10 Andy Hume, Senior Planner gave an overhead presentation and said Chapter 10 of the Las Cruces  
11 Municipal Code lays out the City’s governance for the Market and since we are transitioning from  
12 City governance to the Farmers and Crafts Market of Las Cruces, Inc., we need to repeal Chapter 10  
13 to avoid dueling governance documents and it will take effect on July 1, 2013.  
14

15 Councillor Silva said I just want to applaud Andy for all his hard work on this and in helping this  
16 whole process move forward.  
17

18 Councillor Pedroza asked is there a provision in the MOU in case things needed to change back?  
19

20 Andy Hume said if things were to revert back then we would reinstall Chapter 10 and the City may  
21 also consider other governance options.  
22

23 Councillor Pedroza asked is that mentioned in the MOU?  
24

25 Robert Garza, City Manager said I don’t believe there is any specific language in there but we are  
26 reserving that section of our code for the event that they do come back to us.  
27

28 Andy Hume said it isn’t outlined in here but in Section 9 there is a dispute resolution clause so  
29 hopefully disputes would be handled way before it got to that point and there is also a termination  
30 clause in the MOA.  
31

32 -----  
33

34 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-029; Ordinance  
35 No. 2684 and it was Unanimously Approved. 7-0  
36

37 -----  
38

39 **VIII. BOARD APPOINTMENTS**

40  
41 There were no board appointments.  
42

43 -----

1  
2 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
3 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***  
4

5 (15) Council Bill No. 13-030; Ordinance No. 2685: An Ordinance Amending the Las Cruces  
6 Municipal Code, Section 2-27(C)(2)B and 2-27(C)(3)B Concerning *Rules of Order,*  
7 *Procedure,* and Therefore Complying with the Open Meetings Act.  
8

9 Mayor Miyagishima and Council agreed to bring this item back.  
10

11 -----  
12  
13 **X. CITY COUNCIL MEMBER BOARD REPORTS**  
14

15 There were no board reports.  
16

17  
18  
19 **XI. GENERAL DISCUSSION**

20  
21 b.) City Council  
22

23 Councillor Silva said I was at the Community of Hope this weekend and there is an empty space  
24 towards the south of that building.  
25

26 Mayor Miyagishima asked are you talking about the Child Crisis Center area?  
27

28 Councillor Silva said I believe so.  
29

30 Councillor Pedroza said I believe that is going to be St. Luke's Clinic.  
31

32 Councillor Silva asked has it already been committed by someone else?  
33

34 Councillor Pedroza said as I understand it, they are already in the process of moving in.  
35

36 Robert Garza, City Manager said I do know that St. Luke's is moving in there and there were some  
37 legislative appropriations to do some enhancements. I will look to see if there is any additional  
38 available space.  
39

40 Bob Hearn, Member of the Public said St. Luke's is going to be moving into those spaces and then  
41 vacating the spaces to the south so there is still some opportunity for something,  
42

Regular Meeting  
June 17, 2013

Page 22

1 Councillor Silva said I want to mention that we are going to have a summer movie, The Great  
2 Escape, on June 29<sup>th</sup> at the Downtown Mall.

3

4

5

6 Councillor Smith said I was concerned or curious, we mentioned support for a Veterans Advisory  
7 Board report to us so do we know when that might be?

8

9 Chief Brown, LCFD said we are meeting next week and we are hoping that a report can be presented  
10 at the July 1<sup>st</sup> Council meeting.

11

12 Councillor Smith said in addition to taking some heat for the housing situation in Mesilla Park, I  
13 have also heard from constituents about a GRT increase and one constituent took all of us to task for  
14 even considering an increase. So I do believe that it needs to be made clear that, that is part of our  
15 job and it is more than considering or disguarding something but I believe that out of this process  
16 we can also look at what other options we do have available to us. I don't think that by merely  
17 cutting off discussions of the GRT increase we actually are able to then look at other options as well.  
18 I guess I'm not being very clear but frankly when someone says you shouldn't even consider, I think  
19 they perhaps block us from discussing the other options and I do think that is important. So I do hope  
20 we will continue to fully discuss the GRT; I was one of the people pushing for it to be done early,  
21 that doesn't necessarily mean that we have to vote for it; it's something that we need to discuss. I  
22 might be getting something in the paper as an editorial comment on that subject but I do think it is  
23 worthwhile to be moving forward with that discussion.

24

25

26

27 Councillor Pedroza said I want to bring to everyone's attention that Young Park is thriving and  
28 beautiful. It is full of ducks, humming birds, and it has been kept very clean. There is an organization  
29 that is putting an additional 500 trees in different parks which will provide many benefits to us once  
30 they are established.

31

32 I attended the Juneteenth Celebrations that was held on Saturday at Young Park and it was very  
33 successful.

34

35 Also, I want to thank Jamey Rickman for her excellent work here.

36

37

38

39 Councillor Small said I want to thank staff for moving forward with the repaving project for the tree  
40 streets which have needed repaving for a very long time. It is equally important that we maintain  
41 these streets after they have been repaved.

42

1 At our last regular meeting the park impact fees were passed and one thing that was mentioned was  
2 to expand the area to all the infill zones for dismissal of the fees instead of how it was currently  
3 proposed which was only inside of the TIDD area. I do recall that there was a consensus that, that  
4 needs to be expanded to the entire infill area and I would suggest that we need to look at that as one  
5 of the changes that needs to be accomplished as we move forward.

6  
7 Councillor Pedroza said I thought it had expanded it to the entire infill area.

8  
9 Brian Denmark, Assistant City Manager said what the City Council approved as per the resolution  
10 was impact fees for the entire city with the exception of the central business district and there was  
11 not an amendment made to the resolution. The reason staff did not make that recommendation was  
12 primarily because of the old Country Club area which will be coming before Council for  
13 consideration and we wanted to make sure that the Council had the opportunity to consider if park  
14 development should be included as a part of that overall development. That doesn't mean that  
15 Council can't reconsider that policy and expand it to the infill area.

16  
17 Councillor Smith said as a point of order, that is not something we can consider as a consensus item.

18  
19 Mayor Miyagishima said we can probably make it another work session item. I thought the infill was  
20 included in the business district.

21  
22 Councillor Small said it is a smaller area than what the infill area is and I would like to see it  
23 scheduled for a work session.

24  
25 -----  
26

27 Councillor Sorg said regarding Councillor Pedroza's comment on the trees, we need to remember  
28 that we have trees that are burning up in our state right now so replacing them is a positive thing.

29  
30 I agree that we should have a work session regarding the park impact fees.

31  
32 -----  
33

34 Councillor Thomas said there have been people talking to me regarding the water problems and  
35 asking why are we planting trees when we need to use less water so can we have some discussion  
36 on that or some type of report on our water issues?

37  
38 Robert Garza, City Manager said yes, we will put that on our work session calendar.

39  
40 Councillor Thomas said I am also getting questions about the fact that we get all of our broadband  
41 from Century Link and Comcast and the possibility of us talking to City Link because they have a  
42 faster connection. So are we going to be talking with them?

43

1 Robert Garza said yes, we already have an initial draft agreement with them and once they have  
2 looked it over we will have a work session at which they will give us a presentation.

3  
4 Councillor Thomas said as part of the HUD project, on Friday, July 28<sup>th</sup> at one o'clock in the County  
5 Commission Chambers, we're having Scott Bernstein from the Center of Neighborhood Technology  
6 give a presentation regarding how things like zoning and planning impacts development.

7  
8  
9

10 a.) Mayor

11  
12 Mayor Miyagishima asked will you guys contribute to the Tri-Service Banquet that is going to be  
13 next month or in August? Every year the White Sands Missile Range honors the NCO of the Year,  
14 the Airman of the Year, the Seaman of the Year, and the Soldier of the Year so it would be nice if  
15 you guys could sponsor an Airman of the Year, the Seaman of the Year, or the Soldier of the Year.

16  
17 Also, later on we will probably need to get a consensus to move the fireworks to the NMSU Stadium  
18 for next year.

19  
20  
21

22 c.) City Manager

23  
24 Robert Garza, City Manager said I just want to remind everyone that there is Closed Session  
25 immediately following this meeting.

26  
27  
28

29 Councillor Sorg Moved to Adjourn and Councillor Smith Seconded the motion.

30  
31  
32

33 Council said "Aye."

34

35 **Meeting Adjourned at 5:18 p.m.**