City Council
of the
City of Las Cruces

Regular Meeting

July 6, 2009
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Terrence Moore, City Manager
Councillor Miguel Silva, District 1	Fermin Rubio, City Attorney
Councillor Dolores Connor, District 2	Esther Martinez, City Clerk
Councillor Dolores C. Archuleta, District 3	
Councillor Nathan Small, District 4	
Councillor Gil Jones, District 5	
Councillor Sharon Thomas, District 6	

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Silva led the Pledge of Allegiance.

Harry Whalen, US Marines sang the National Anthem.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and Jeannie Massaway presented the Pet of the Week.

Councillor Silva presented a Medal of Appreciation to WWII Veteran Dale Clutter.

Councillor Silva presented a Proclamation to Dawn Sanchez, Department of Health and declared July 6, 2009 as Healthy Kids Las Cruces Day.

Dave and Judy Bess gave a presentation on Heart Disease and Strokes in New Mexico.

Terrence Moore said if we can get a consensus from Council then we can bring forward a resolution in support of the pending legislation regarding this issue.

Mayor Miyagishima and Council gave consensus.

David Roewe gave an update on direction with building a community, relative to dust control measures.

Mayor Miyagishima said we can have a work session regarding this issue on August 6th.

Councillor Thomas gave a presentation on dust issues.

Terrence Moore, City Manager said the work session for this issue will be scheduled for August 6th from 2:00 to 4:00 p.m.

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?

Councillor Silva said regarding Item 23, I just wanted to say that my family use to be in the solid waste business but they are no longer involved with it.

III. PUBLIC PARTICIPATION

Molly McGraw, Member of the Public said I am here to show support for the recycling program resolution that I believe is before you today.

Russ Warner, Member of the Public said you need to figure out the difference between a regular council meeting and a work session. The discussion we just had regarding dust control should have been held first as a work session.

Clift Pelton, Member of the Public said I am here to support the recycling resolution.

Jade Boswell, Member of the Public said I am also here to support the recycling resolution.

Michael Wise, Member of the Public said I am here to support the recycling resolution.

Art Lucero, NMSU Solid Waste Manager said I am here to support the regional recycling program.

Allen McBrayer, Member of the Public said I am here to support the regional recycling program.

Matt Myers, Member of the Public said I am here to support Resolution 10-020.

Bob Butler, Member of the Public said I think the City and Municipal Court needs to work together for the citizens.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a closed session at 11:30 a.m. on July 6, 2009. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Archuleta, Councillor Jones, Councillor Thomas, City Manager Terrence Moore, City Attorney Fermin Rubio, Senior City Attorney Marcy Driggers, Senior City Attorney Jared Abrams, Public Works Director Mike Johnson, Utilities Director Jorge Garcia, Community Development Director David Weir and Development Services Administrator Cheryl Rodriguez. The meeting adjourned at 12:30 p.m. and only the items stated in the posted notice were discussed which was to discuss any threatened or pending litigation involving companies in which Philippos T. Philippou is an owner, director, principal or has an interest.

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

Mayor Miyagishima said Items 2, 3, 6 and 9 need to be removed from the Consent Agenda for discussion.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Archuleta Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was Unanimously APPROVED. 7-0

V. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(1) Resolution No. 10-001: A Resolution Authorizing the City of Las Cruces to Renew Membership With the New Mexico Municipal League for Fiscal Year 2009/2010 and Pay Dues in the Amount of $60,000.00.

*(4) Resolution No. 10-004: A Resolution to Accept Grant Agreement No. 1 to the 2006 Legislative Grant Agreement From the State of New Mexico, Department of Finance & Administration, Local Government Division Contract Accepted by Resolution 06-332 Dated May 15, 2006. Acceptance Will Adjust the FY 2009/2010 Budget and Ratify the City Manager's Approval to Meet DFA Deadline.

*(5) Resolution No. 10-005: A Resolution Authorizing the City of Las Cruces Police Department to Apply for the U.S. Department of Justice, Bureau of Justice Assistance Bulletproof Vest Program Grant in the Amount of $25,071 and Ratify the City Manager's Approval to Meet Grant Deadlines.

*(7) Resolution No. 10-007: A Resolution Authorizing the City of Las Cruces Police Department to Receive $18,007 in Grant Funding From the New Mexico Department of Transportation for the Selective Traffic Enforcement Program (S.T.E.P.) 100 Days and Nights of Summer Campaign, to Ratify the Mayor's Signature to Accept the Award and to Adjust the Fiscal Year 2010 Budget.

*(8) Resolution No. 10-008: A Resolution Approving a Memorandum of Agreement (MOA) With the City of Las Cruces, Doña Ana County and the Town of Mesilla, and Agreeing to Provide a Total of $37,500 ($12,500 Per Year for Three Years) for Groundwork Doña Ana, a Newly-Formed Environmental Organization.

*(10) Resolution No. 10-010: A Resolution Authorizing the City of Las Cruces a Grant Award Modification in the Amount of $1,005.44 From the Office of National Drug Control Policy.

*(11) Resolution No. 10-011: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award in the Amount of $800,277.00 From the Office of National Drug Control Policy and to Adjust the Budget.

*(12) Resolution No. 10-012: A Resolution Approving "Jardin de Esperanza - Sponsored by Representative Antonio Lujan" as the Name for the Community Garden, Located at the Southwest Corner of Spruce Ave. And N. San Pedro St.

*(13) Resolution No. 10-013: A Resolution Approving the Removal of "The Arc Life Center" Signage on the Building Located at 2225 E. Griggs, Which is Used for Therapeutic Programs Offered by the Recreation Section.

*(14) Resolution No. 10-014: A Resolution Approving "Las Cruces Dog Park" as the Name of the New Off-Leash Dog Park, Located South of the Meerscheidt Recreation Center and East of N. Hermosa St.

*(15) Resolution No. 10-015: A Resolution Approving the Bus Service Agreement Between the City of Las Cruces and New Mexico State University for the Term of August 1, 2008 to May 31, 2010.

*(16) Resolution No. 10-016: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award for Fiscal Year 2009-2010 in the Amount of $61,131 From the Corporation for National and Community Service and $15,785 From the State of New Mexico Aging and Long-Term Services Department With the City Contributing $107,020 for a Total of $183,936 for the Rio Grande Valley Retired and Senior Volunteer Program and to Adjust the Fiscal year 2009-2010 City Budget.

*(17) Resolution No. 10-017: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award for Fiscal Year 2009-2010 in the Amount of $14,250 From Doña Ana County Health and Human Services Department for the Rio Grande Valley Retired Senior Volunteer Program and to Adjust the Fiscal Year 2009-2010 City Budget.

*(18) Resolution No. 08-09-610: A Resolution Awarding the Bid for the Telshor Boulevard / Lohman Avenue Intersection Improvements Project to Morrow Enterprises, Inc. Of Las Cruces, New Mexico in the Amount of $1,872,241.72 Plus $139,247.98 for New Mexico Gross Receipts Tax. The City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed $274,832.36 for a Total Project Authorization in the Amount of $2,286,322.06 and to Amend the Fiscal Year 2009/2010 Budget.

*(19) Resolution No. 09-10-305: A Resolution Approving an Indefinite Quantity, Indefinite Cost for Occupational Medical Services to Desert Health Care of Las Cruces, NM Under the Same Terms and Conditions for the Remaining Three (3) Years of a Possible Five Year Contract Subject to Approved Budget Appropriations and Annual Renewal.

*(20) Resolution No. 09-10-309: A Resolution to Award Indefinite Cost, Indefinite Quantity Price Agreements for Four-years to Automated Recovery Systems of New Mexico, Inc. of Farmington, NM and NCO Financial Systems, Inc. of Rancho Cordova, ca for Collection Services, Conditioned upon Available Budget.

VI. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(2) Resolution No. 10-002: A Resolution Approving Amendments to the Current Collective Bargaining Agreement Between the Las Cruces Police Officers' Association and the City of Las Cruces.

Councillor Archuleta Moved to Adopt Resolution No. 10-002 and Councillor Small Seconded the motion.

Councillor Silva asked what is the current system in place and how different is it from what is being proposed?

Andre Moquin, HR Director said the changes are that now their rights during the interview process are listed within the contract and in Section J, concerning false reports, the language has been tweaked a little bit to have the false reports as part of the PSU report to the Chief. Another change was in Section L, which allowed us to add "sustain another" when there is an investigation for a particular charge; if the investigating body finds there are other issues that aren't part of the initial charge then they can come back and report to the Chief that there is a sustained other. A major change was with Section M, which adds a time line once the investigation is completed.

Councillor Silva asked what effect will this have on the budget, do we have the funds to cover the overtime?

Andre Moquin said currently, our Police Department is fully staffed so the effect on overtime will depend on the situation. It is hard to tell if or what the impact will be on the budget at this time.

Terrence Moore, City Manager said there is no anticipation of any impact on our budget but if there is a change then we will bring it forward to you during the mid-year adjustment.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-002 and it was Unanimously APPROVED. 7-0

---

*(3) Resolution No. 10-003: A Resolution to Accept the Amended City Council, City Manager's Policy 2.2: Grant Application Process to Allow the City Manager to Approve Applying for Grants in Value Up-To $500,000 and Replace the Grant Overview Worksheet With an Updated Grant Overview Worksheet.

Councillor Jones Moved to Adopt Resolution No. 10-003 and Councillor Connor Seconded the motion.

Councillor Small said I pulled this off the consent agenda so we can have a discussion regarding the grant process.

Terrence Moore, City Manager said this type of authorization is a stream line approach and we have received updates regarding the process of the American Recovery and Reinvestment Act.

Mayor Miyagishima said maybe you can put an update and status of grants in your City Manager Comments section.

Terrence Moore said I am including an update in this week's information letter regarding grants and I will be including any future updates in the agenda packets.

Councillor Thomas said my concern isn't with the amount of this but that by the time these grant proposals get here, it comes down to who chooses the project. We are getting funding that can be used for a wide variety of projects and I would like to get the information early on in the process so we can select the project.

Terrence Moore said that will be done through my grant updates.

Councillor Silva said this issue will keep coming up due to the need of a speedy response for these types of grants.

Fermin Rubio said this is only giving the City Manager the authority to apply for a grant up to this amount. It doesn't mean he is authorized to accept the grant.

Councillor Silva said we are giving one person the power to apply for these grants and we are the ones who will have to answer for what we did with these grants. I think the Council should have more of the say on what projects will be brought forward for these funds.

Terrence Moore said we aren't compromising that process at all, this is just to stream line the process in a quick matter.

Mayor Miyagishima asked when we apply for a grant, do we not have to be specific on the project?

Auguie Henry, Grant Writer gave a presentation and said a competitive grant is offered by a specific department or organization for a specific purpose. A formulary grant is an award of a specific dollar amount and list areas of performances that they would like to see accomplished with those funds. The stimulus funding grants have a very restrictive time frame for action, sometimes it has to be submitted within nine to thirty days and it takes about five weeks to get something on the agenda to bring forward to you. We need to be able to act quickly to just get the application filed.

Mayor Miyagishima asked can we put grant issues on the agenda, even if it is under the City Manager Comments, to give direction or get the status of a grant application.

Fermin Rubio said the problem is that you have to comply with the Open Meetings Act. You can only act on resolutions or ordinances and you have to give the public advanced notice on what you are going to be discussing and acting on.

Mayor Miyagishima asked how much notice do we have to give to have something added to the agenda?

Fermin Rubio said you are required to have 24 hour notice but we post our agendas by Thursday to give everyone enough time to review it before the meeting on Monday. Legally, we can do it on Sunday but then no one would know about it.

Esther Martinez said you can also call for a special meeting to discuss an upcoming issue.

Councillor Archuleta said we are making this difficult; all we are being asked is to give him permission to apply for grants. It's not necessary to make a big issue of this item.

Councillor Thomas said the problem is with the selection of a project for these funds. Other Councils make those decisions and we aren't being allowed to make those decisions with this item.

Fermin Rubio said you can do a resolution that gives direction to the City Manager to apply for areas in X, Y and Z; that would give him some direction on what areas you want to use for the funding.

Councillor Connor said these types of funds are going to last for only about a year, correct?

Auguie Henry said yes and no, we are not sure how long they will last but for the most part, it will settle down. This is a normal policy and it is only to allow us to apply for grants, not pick projects.

Councillor Connor said I can see this growing into a big animal because there will be three Councillors that will get together and decide they want a project done with this funding and that will bring us big problems concerning the Open Meetings Act.

There was an issue earlier with this Council not agreeing with the City Manager's decision to use funding for a project that was on a list that was approved by this Council. That is a dead issue and we shouldn't be arguing that battle.

Another issue that has been so argumentative is the issue of stimulus dollars; having to do with Mr. Moore approving the funding for ten additional officers for three years. If we already had this in place then we wouldn't have had that issue before us after the fact.

This Council should approve a resolution that gives direction on the types of projects that we would like to have the stimulus dollars go toward.

Councillor Small said I'm comfortable with this resolution and do support having updates on these grant issues.

Mayor Miyagishima said I'm not sure I'm comfortable with this resolution being for all grants and not just stimulus grants.

Auguie Henry said we have applied for many grants with the approval of the City Manager because of the deadline requirements. We then bring it forward to Council and if for any reason the Council doesn't want that grant then we can withdraw our application at any time. The problem is, if we don't get the application in on time then we don't have the opportunity to get those funds.

Mayor Miyagishima said the problem is when a project is selected for funding during the application process. I won't support this under the current format.

Councillor Jones said staff brought this forward to us because there is an issue with timing and we need to work with our staff to maximize their ability to apply for grants.

Councillor Jones Moved to Call for the Question and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Call for the Question and it FAILED. 2-5 Councillor Connor and Councillor Jones voted Aye. Councillor Silva, Councillor Small, Councillor Thomas, Councillor Archuleta and Mayor Miyagishima voted Nay.

Mayor Miyagishima said we do support our staff but we want to have the choice of choosing the projects for these funds.

Councillor Jones said I think we need to support and trust our staff.

Councillor Small said there is already policy in place that states the City Manager can't approve funding without Council's consent, if there is a financial liability for the City. I think it is a great idea to have staff give us weekly updates on the status of any grants available to us.

Mayor Miyagishima said I could understand doing this if it was for a certain amount of time and for a certain amount of money.

Councillor Small said I think having the updates will alleviate any issues.

Terrence Moore said I would be fine with having this applied to only the American Recovery and Reinvestment Act grant opportunities.

Councillor Archuleta Moved to Amend Resolution No. 10-003 to amend the policy on page 24 to include "for ARRA (American Recovery Reinvestment Act) grants only and with additional weekly updates to the Council" and Councillor Small Seconded the motion.

Terrence Moore said we will take care of the updates administratively.

Ron Camunez, Member of the Public said it is the City Manager's responsibility to be the chief administrator for the City and be responsible to the Council for the administration of all City affairs which is including but not limited to the administration of all organizational units placed in by the City Manager. We want the City to be run by professionals and not by politicians.

Mayor Miyagishima said I believe we are doing exactly what the people elected us to do.

Russ Warner, Member of the Public said you people amaze me; this is a replay of the same thing we did two weeks ago. You folks keep hanging onto things and you have a heck of an ego problem. You need to put your egos aside and give the City Manager the ability to respond to these grants in a timely manner.

Mayor Miyagishima said before we didn't have a voice and over the past few years, we have started to be able to speak for the people. I swore when I became Mayor that I would give every Councillor the ability to speak for their constituents.

Councillor Connor said if that is the case then why am I the one who is never listened too? I will argue that you are being fair to everyone because for the last two years, I have been made the exception and not the rule. I am tired of the four of you being on one side and I am on the other side.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-003 and it was APPROVED. 5-2 Councillor Silva, Councillor Small, Councillor Thomas, Councillor Archuleta and Mayor Miyagishima voted Aye. Councillor Connor and Councillor Jones voted Nay.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-003 as Amended and it APPROVED. 6-1 Councillor Silva, Councillor Small, Councillor Jones, Councillor Thomas, Councillor Archuleta and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

---

*(6) Resolution No. 10-006: A Resolution Authorizing the City of Las Cruces Police Department in Collaboration With the Doña Ana County Sheriff's Department to Accept Awarded Funding From the FY 2009 Recovery Act: Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Offered by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to Ratify the Grant Acceptance by the City Manager Under City Policy 2.2 to Meet the Grant Acceptance Deadline, and to Adjust the City of Las Cruces' FY 2010 Budget in the Amount of $447,870.

Councillor Archuleta Moved to Adopt Resolution No. 10-006 and Councillor Small Seconded the motion.

Councillor Silva asked for the long term funding, is that required?

Chief Romero said I don't understand the question but this isn't a competitive grant; it is a grant that was offered to us and I believe it is going to be used for a online reporting system for vehicles.

Mayor Miyagishima said I think Councillor Silva is asking about the cost after it is set up.

Councillor Silva said that's correct.

Chief Romero said this is a one time cost.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-006 and it was Unanimously APPROVED. 7-0

---

*(9) Resolution No. 10-009: A Resolution Delegating Authority to the City Manager to Approve Real Estate Purchase Agreements on Behalf of the City of Las Cruces in Order to Expedite and Complete Transactions Under the City's Neighborhood Stabilization Program (NSP).

Councillor Archuleta Moved to Adopt Resolution No. 10-009 and Councillor Silva Seconded the motion.

Councillor Silva asked how are the properties selected?

David Dollahon, Neighborhood Services Administrator said we are hiring a licensed real estate broker to help identify eligible properties. We are limited in the dollar amount and it will be for foreclosed properties. We will have to move quickly on these types of properties because they are usually owned by banks or real estates so we have to move quickly to get any discounts.

Councillor Silva asked can the City Manager include this in his weekly updates.

David Dollahon said it states on page 121 that staff shall give monthly updates to Council on all transactions. The City Manager needs to have the authority for authorizing these transactions because we will have to move very quickly on these properties.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-009 and it was Unanimously APPROVED. 7-0

BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 10-018; A PUBLIC HEARING MUST BE HELD

Mayor Miyagishima said this item is now open for a public hearing. Is there anyone who wants to speak against this item?

None given.

(21) Resolution No. 10-018: A Resolution Approving the Transfer of Ownership and Location of Liquor License No. 4012 From Sam's East, Inc. D/B/A Sam's Club #4961 (Roswell) To Wal-Mart Stores East, LP D/B/A Wal-Mart Supercenter #4601, to be Located at 3331 Rinconada Road, Las Cruces, New Mexico.

Councillor Archuleta Moved to Adopt Resolution No. 10-018 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-018 and it was Unanimously APPROVED. 7-0

---

(22) Resolution No. 10-019: A Resolution Approving Requests to Connect Real Properties Located in the Vicinity of Ortega Road to the City's Wastewater System.

Councillor Jones Moved to Adopt Resolution No. 10-019 and Councillor Small Seconded the motion.

Jorge Garcia, Utilities Director gave a presentation and said we received a request for wastewater service in the vicinity of Ortega Road and the system has been extended to a subdivision in that area that is in the City limits so we are anticipating more request for our services in that area. We are asking for a general approval for the properties on Ortega Road so that as properties request to be connected, we can connect them without having to come back to the Utility Board and Council for approval.

Councillor Jones said I believe it is always better to connect to our wastewater system.

Councillor Archuleta said this was approved unanimously by the Utilities Board.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-019 and it was Unanimously APPROVED. 7-0

---

(23) Resolution No. 10-020: A Resolution Approving the Agreement Concerning A Regional Recycling Program and Regional Solid Waste Collection Services Provided by South Central Solid Waste Authority.

Councillor Thomas Moved to Adopt Resolution No. 10-020 and Councillor Archuleta Seconded the motion.

Klaus Kemmer, Solid Waste Administrator gave a presentation and said this is the final step for moving the recycling to under the authority of the South Central Solid Waste Authority.

Mayor Miyagishima said I just passed out information regarding a recycle bank that scans in recyclables and gives the customer a credit that can be used at any participating store. How much would a Clean Murf System cost?

Klaus Kemmer said a new system is very expensive. The problem here is our volume isn't sufficient enough to make this type of system feasible.

Councillor Archuleta said I just want to make it clear that this is only to approve the agreement.

Klaus Kemmer said this is just to turn it over to Mr. Peck; he is considering a whole lot of changes and there will be more discussions between the County and the City on how to move forward with future changes.

Councillor Connors said on page 11, section F, concerning City employees, it states that positions will be terminated and attempts will be made to reassign them as recycling personnel; will these employees have to reapply for their positions?

Klaus Kemmer said there are currently eleven positions at the recycling center and Mr. Peck will be looking at filling seven positions. I will need two positions to keep the compost and yard waste operations and two positions will stay within utilities. The eleven people will receive descriptions of the job positions and they can apply for one or all of them.

Councillor Connor asked are these positions open to the general public?

Klaus Kemmer said no.

Councillor Connor said then these people aren't in jeopardy of losing their jobs.

Klaus Kemmer said this is a closed process and no one from the outside or other City employees will be allowed to apply for these positions.

Councillor Connor asked will they still get the same benefits as they did with the City?

Patrick Peck, South Central Solid Waste Authority said we are a public employer and we do fall within PERA.

Councillor Small said I think there is still a long way to go with this but making this change does make it an easier process.

Councillor Silva said I have received calls regarding County residents that were upset that the Authority is going out in their area but they can't come into the City to provide services. I can understand where they are coming from but I think we are heading in the right direction.

Klaus Kemmer said we are also offering this service outside the City limits at the same rate as we offer it to the City customers.

Councillor Silva said we do have to get the consent of the County before we do anything in the County.

Councillor Archuleta said this agreement was passed by the County on consent so there wasn't any discussion on it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-020 and it was Unanimously APPROVED. 7-0

---

(24) Resolution No. 10-021: A Resolution Authorizing the City of Las Cruces Fire Department to Submit an Application to the Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters FY 2009 American Recovery and Reinvestment Act Fire Station Construction Grant for $5,000,000. If the Grant is Awarded the City of Las Cruces Will Provide a Local Match of $2,150,000 Over a Three Year Time Period.

Councillor Jones Moved to Adopt Resolution No. 10-021 and Councillor Archuleta Seconded the motion.

Chief Adolf Zubia, Fire Chief gave a presentation and said this is an opportunity for the construction of a Fire Station through a grant from the American Recovery and Reinvestment Act. This will be a great job opportunity for not only the construction of the building but also for additional fire fighters. This will also help with improving our response time for this area. I spoke with someone at the National level and they said they are expecting about eight thousand applicants for this grant and they are going to award it to about forty to eighty applicants so we have about a one percent chance of getting this grant. There is no match for this grant but there would be costs that the City will incur with this facility which would total about $2.1 million.

Councillor Small said we have been inquiring about constructing a fire station in the West Mesa area for quite a while now and I think this is a great opportunity for us.

Councillor Connor said we will be allowed three years to build this fire station, correct?

Chief Zubia said that is correct.

Councillor Thomas said I think this is an excellent project but what kind of budget impact will this have on the Fire Department?

Chief Zubia said this would create jobs and it is definitely needed for our public's safety. I don't know the exact impact it will have on the budget but this will be two or three years down the line and hopefully the economy will be in a better state so the impact won't be that great.

Councillor Thomas said I would suggest that we start including the impact of these projects within the resolution.

Councillor Archuleta said right now, we are only applying for the grant and hopefully, it will be awarded to us so we can reduce our response time to around five minutes.

Councillor Silva asked what fund will the long term cost come out of?

Chief Zubia said normally, it would come out of the general fund.

Terrence Moore, City Manager said budgeting arrangements won't be made until or if the grant is funded and at that time we will be coming before you with specific recommendations.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-021 and it was Unanimously APPROVED. 7-0

---

(25) Resolution No. 10-022: A Resolution Approving Either a Substantial Home Rehabilitation or Reconstruction for the Residence Located at 5311 Midway.

Councillor Jones Moved to Adopt Resolution No. 10-022 and Councillor Small Seconded the motion.

David Dollahon, Neighborhood Services Administrator gave a presentation and said this house includes an add on which seems to be an old travel trailer or mobile home. It is a two bedroom, one bath home and there is currently one person living in the home. She is currently living on an income of $1,452 a year which is clearly under the maximum income requirement of $24,000. She would receive a $12,000 grant for the rehab of the home and the remaining amount would be a deferred payment which means it would be due upon the resell or transfer of the home with no interest. The maximum amount we are allowed to use for the reconstruction is $52,000 but the needed repairs exceed that amount and this Council has the authority to approve an exceeded amount. The options

available are option 1 which is to rehabilitate the home at a cost of approximately $107,000 or option 2 which is to demolish and reconstruct the home and that would cost approximately $110,000. Staff recommends that we demolish and reconstruct the home.

Councillor Archuleta said I thought that the client wouldn't be able to sell the house.

David Dollahon said they wouldn't be able to sell the house without the debt being repaid back to the program.

Councillor Archuleta asked where will she go while the house is being rebuilt?

David Dollahon said generally, we get them to stay with friends or family; however, this client doesn't have anywhere she can stay so we will move her stuff into storage and work with the housing authority to find her a place to stay.

Councillor Connor asked how will she be able to pay her utilities due to her low income?

David Dollahon said we will be installing energy saving appliances and I believe she receives help from her children to make ends meet.

Councillor Connor said I think it would be better if we reconstructed the house because when you try to rehabilitate a home in this condition, there are always problems.

Councillor Silva asked does Ms. Lopez agree with going with option 2?

David Dollahon said we discussed our options with her and she is in favor of option 2.

Councillor Jones said I think option 2 would benefit everyone.

Councillor Jones Moved to Amend Resolution No. 10-022 to include Option 2 and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-022 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-022 as Amended and it was Unanimously APPROVED. 7-0

---

(26) Resolution No. 10-023: A Resolution Authorizing the City of Las Cruces to Submit the Legislative Capital Outlay Funding Application With the New Mexico Aging and Long-Term Services Department For Fiscal Year 2010 Requesting Funds Totaling $5,961,300 to Complete the Central Kitchen for the Home Delivered Meals Program; Complete the East Mesa Sage Café; Correct Code Violations at the Munson Center; and Purchase Vehicles for the Senior Nutrition Program.

Councillor Archuleta Moved to Adopt Resolution No. 10-023 and Councillor Jones Seconded the motion.

Shelly Modell, Senior Programs Administrator gave a presentation and said this packet is due on the 17th and I have been advised that there is a limited amount of funding available. We would like for you to approve adding $75,000 to this proposal for the Mesilla Park Recreation Center's bathroom renovations.

Mayor Miyagishima said this is a program that is definitely needed in this community.

Councillor Small said I strongly support this resolution.

Councillor Jones Moved to Amend Resolution No. 10-023 to add an additional $75,000 to the amount and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-023 and it was Unanimously APPROVED. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-023 as Amended and it was Unanimously APPROVED. 7-0

VII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Christine Courtney to the Senior Programs Advisory Board and Kirk Clifton to the Capital Improvement Advisory Committee.

Councillor Archuleta Moved to Approve the Board Appointments and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Board Appointments and it was Unanimously APPROVED. 7-0

VIII. REVIEW OF PROPOSED ORDINANCE(S)

(27) Council Bill No. 10-001; Ordinance No. 2530: An Ordinance Amending Various Sections of the Municipal Code to Allow for Government Agencies to Promote Animal Adoptions at Events Held on City Property.

Mayor Miyagishima and Council agreed to bring this item back.

IX. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Strategic Plan** - *(Meetings held with Elected Officials and executive staff. Draft report should be submitted by 6/22/09)*
2. **Sustainability Officer** - *(Recruitment is in process. Preliminary phases of selection process have been undertaken, interviews to be scheduled shortly.)*
3. **Las Cruces Center** - *(Status report provided monthly on second, Regular City Council Meeting)*
4. **Downtown** - *(A public meeting was held on Thursday, May 7, 2009. Design of the project construction plans is moving forward. Efforts are being made to incorporate public comments received at the meeting.)*
5. **Impact Fees** - *(Project is ongoing – next scheduled work session with City Council is May 6th at 1:00 p.m. in the City Council Chambers.)*
6. **Aquatics Center** - *(Status report provided monthly on first, Regular City Council Meeting)*
7. **Vision 2040** - *(The consultants have completed preliminary drafts of the CLC Comprehensive Plan and DAC Comprehensive Plan. Both preliminary drafts are*

being reviewed by city and county staff. The consultants are working to complete the preliminary draft of the Vision 2040 Regional Plan.)

X. GENERAL DISCUSSION

1. Mayor

Mayor Miyagishima said I would like to commend our Fourth of July Committee for all their work on this year's events. Would you like me to explore the possibility of using the NMSU football stadium for our firework display event?

Councillor Archuleta said that was brought up about two years ago and I think there was an issue with the cost of using their field.

Terrence Moore, City Manager said that is correct.

Mayor Miyagishima asked how much were they asking?

Terrence Moore said I don't have the exact numbers in front of me but it was pretty exorbitant.

Councillor Connor said there was also a cost for their personnel because it couldn't be City personnel due to the liability issues.

Mayor Miyagishima asked have we had a chance to look into the MVRDA facility?

Councillor Connor said the 911 building has leaked again and they have put out notifications that the 911 calls are being delayed. I have visited with Congressman Lujan regarding funding that may be available to help us get a new facility.

Mayor Miyagishima said I would like for you to keep us updated on that issue.

2. City Council

Councillor Archuleta said I would like to congratulate the PIO staff on receiving the Telly Awards.

We are continuing to have problems with yard sale notices that are being posted on stop signs in my district. I would appreciate it if people stopped doing that because Codes will get after you.

Councillor Thomas said I just wanted to say that I think Christine Courtney will be a good addition to the Senior Programs.

Councillor Jones said this is a hard time in the East Mesa due to the rains and I want to thank Public Works for their work out in this area.

I think it's great that we are looking into replacing the MVRDA center.

I would like to get information on the maintenance and what chemicals will be used for the Aquatic Center.

Councillor Small said I am passing out the first pages of the grant for the Convention Center and there is now a new grant available that would provide for some significant updates.

Councillor Connor said the groundbreaking ceremony for the Convention Center was an historic event and there was a great attendance.

We all received a call from Robert Hernandez and he has scheduled to meet with us on July 14th at 9:00 a.m. for a tour of the Downtown in a wheelchair. I have been asking for about a year to have the ADA Board reinstated and there still haven't been any applications or attempts to get it going again.

The closing date for the City Sister Board applications was on July 1st and I will be following up with Esther to see if we have received any applications.

Two weeks ago, I attended the annual meeting for the Memorial Medical Center which is the meeting that is required as per the 2004 lease agreement. There was an excellent presentation of all of the things that are happening at that particular campus. The Board of Trustees has requested that in the future, we can video tape their annual meeting and replay it on our TV channel.

Terrence Moore said we are already working on those arrangements and hopefully, tomorrow, we will get a copy of their meeting and then we can begin showing it on CLC-TV.

Councillor Connor said I have also had discussions with Mr. Moore about showing updates of the Spaceport on CLC-TV and we should begin showing those events soon.

Councillor Silva said I felt we got off track regarding Item 3 and I can understand where Councillor Connor is coming from but I do think the City Manager's limit of $50,000 should be upgraded.

Regarding Item 4, how does a program get added to that list?

Terrence Moore said it can be added by recommendation of City administration and City Council.

Councillor Silva said I have spoken with several people who are involved with the Farmer's Market and they want to know what we are going to do with the old bricks? I was thinking that we could get a non-profit agency to help with the demolition and then sell the bricks.

Terrence Moore said we can look into that.

Councillor Silva said I want to congratulate Adrian Guzman for his work on the documentary he did for CLC-TV and I think he is very talented.

Regarding Item 12, it is changing the name of the Community Garden to Jardin de Esperanza - Sponsored by Representative Antonio Lujan to show our appreciation for all the hard work that he has done for us.

3. City Manager

A. Status of Citywide Swimming Pool Enhancement Program.

Brian Denmark, Facilities Director gave a presentation and said the Regional Recreation and Aquatic Center is moving along smoothly and it is about 20% completed.

B. Status of Development of Construction of the Intermodal Facility.

Lori Grumet, Public Services Director gave a presentation and said we are finalizing the RFP and our funding is still in place.

C. Other Items – Information Only.

None given.

Meeting Adjourned at 5:30 p.m.