

51  
**City of Las Cruces**<sup>®</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 2      Ordinance/Resolution# 15-001

For Meeting of \_\_\_\_\_  
 (Ordinance First Reading Date)

For Meeting of July 7, 2014  
 (Adoption Date)

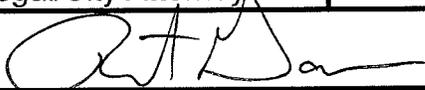
Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE:** A RESOLUTION APPOINTING ROBERT L. GARZA, P.E., CITY MANAGER, AS THE PROJECT MANAGER FOR CONSTRUCTION OF THE DOWNTOWN CIVIC PLAZA.

**PURPOSE(S) OF ACTION:**

To appoint a project manager.

<b>COUNCIL DISTRICT: 1</b>		
<b><u>Drafter/Staff Contact:</u></b> Monica Campbell	<b><u>Department/Section:</u></b> Legal/City Attorney	<b><u>Phone:</u></b> 541-2128
<b><u>City Manager Signature:</u></b> 		

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

At a Special Meeting held on June 24, 2014, the Tax Increment Development District ("TIDD") Board approved TIDD Resolution No. 14-003. The resolution approved the agreement reached between the TIDD Board and Las Cruces Community Partners, L.L.C. ("LCCP"), which resulted in the Contract for Sale of Improved Real Estate ("Agreement") to build a downtown civic plaza.

The resolution also provided that "the City Manager, with concurrence of the Las Cruces City Council, shall be the point of contact and project manager on behalf of the TIDD Board and is hereby authorized to sign the ... contract ..., in an amount not to exceed \$5,397,000...."

The appointment of Robert L. Garza, P.E., City Manager, as Project Manager for construction of the downtown civic plaza will authorize him to sign the Agreement. Further, Mr. Garza's appointment will provide consistent oversight of the performance based Agreement with provisions that include LCCP conveying title to the TIDD of the plaza land, LCCP completing plaza improvements, and the City making incremental progress payments as elements of the civic plaza are completed

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", TIDD Board Resolution No. 14-003.

(Continue on additional sheets as required)

**SOURCE OF FUNDING:**

Is this action already budgeted?  N/A		
	Yes	<input type="checkbox"/> See fund summary below
	No	<input type="checkbox"/> If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/> Expense reallocated from: _____. <input type="checkbox"/> Proposed funding is from a new revenue source (i.e. grant; see details below) <input type="checkbox"/> Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?  N/A		
	Yes	<input type="checkbox"/> Funds will be deposited into this fund: _____ in the amount of \$_____ for FY__.
	No	<input type="checkbox"/> There is no new revenue generated by this action.

**BUDGET NARRATIVE**

N/A
-----

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the appointment of Robert L. Garza, P.E., City Manager, as the Project Manager and point of contact for construction of the downtown civic plaza.
2. Vote "No"; this will not approve Mr. Garza's appointment as Project Manager and point of contact for construction of the downtown civic plaza.
3. Vote to "Amend"; this could delay appointment of a project manager.
4. Vote to "Table"; this could mean that there would be no point of contact or project manager for construction of the downtown civic plaza.

**REFERENCE INFORMATION:**

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

N/A

**RESOLUTION NO. 15-001****A RESOLUTION APPOINTING ROBERT L. GARZA, P.E., CITY MANAGER, AS THE PROJECT MANAGER FOR CONSTRUCTION OF THE DOWNTOWN CIVIC PLAZA.**

The City Council is informed that:

**WHEREAS**, at a Special Meeting held on June 24, 2014, the Tax Increment Development District (“TIDD”) Board approved TIDD Resolution No. 14-003; and

**WHEREAS**, the resolution approved the agreement reached between the TIDD Board and Las Cruces Community Partners, L.L.C. (“LCCP”), which resulted in the Contract for Sale of Improved Real Estate (“Agreement”) to construct a downtown civic plaza; and

**WHEREAS**, the resolution also provided that “the City Manager, with concurrence of the Las Cruces City Council, shall be the point of contact and project manager on behalf of the TIDD Board and is hereby authorized to sign the . . . contract . . . , in an amount not to exceed \$5,397,000...; and

**WHEREAS**, the appointment of Robert L. Garza, P.E., City Manager, as Project Manager for construction of the downtown civic plaza will authorize him to sign the Agreement. Further, Mr. Garza’s appointment will provide consistent oversight of the performance based Agreement with provisions that include LCCP conveying title to the TIDD of the plaza land, LCCP completing plaza improvements, and the City making incremental progress payments as elements of the civic plaza are completed.

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

(I)

THAT Robert L. Garza, P.E., City Manager, is hereby appointed as the project manager and point of contact for construction of the downtown civic plaza, as further described in Exhibit "A" attached hereto and made a part hereof.

(II)

THAT City staff, as directed by the City Manager, is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

(SEAL)

VOTE:  
Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney Deputy

**TIDD BOARD RESOLUTION NO. 14-003****A RESOLUTION APPROVING A CONTRACT FOR SALE OF IMPROVED REAL ESTATE BETWEEN THE TAX INCREMENT DEVELOPMENT DISTRICT OF THE CITY OF LAS CRUCES AND LAS CRUCES COMMUNITY PARTNERS, L.L.C. TO BUILD A DOWNTOWN CIVIC PLAZA.**

The TIDD Board is informed that:

**WHEREAS**, a plaza is a traditional outdoor gathering place for regular and special events within a community; and

**WHEREAS**, the concept of a civic plaza as part of Mainstreet Downtown Las Cruces has long been a vision, as well as a requirement, for the success of a revitalized downtown; and

**WHEREAS**, the location of a civic plaza, generally between Griggs and Main Streets, will be the focus of Mainstreet Downtown Las Cruces; and

**WHEREAS**, the Tax Increment Development District ("TIDD") with the assistance of City of Las Cruces staff and Las Cruces Community Partners, L.L.C. ("LCCP") have negotiated a proposed Contract for Sale of Improved Real Estate ("Agreement") in substantial form as shown in Exhibit "1" attached hereto, in an amount not to exceed \$5,397,000; and

**WHEREAS**, the terms, provisions and conditions of the performance based Agreement include LCCP conveying title to the TIDD of the plaza land, LCCP completing plaza improvements consistent with a conceptual plan previously prepared and adopted as an amendment to the Downtown Master Plan; and the City making incremental progress payments as elements of the civic plaza are completed.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces Tax Increment Development District:

(I)

THAT the Contract for Sale of Improved Real Estate between the Tax Increment Development District of the City of Las Cruces and Las Cruces Community Partners, L.L.C., is hereby approved.

(II)

THAT the City Manager, with concurrence of the Las Cruces City Council, shall be the point of contact and project manager on behalf of the TIDD Board and is hereby authorized to sign the form of contract in substantial form and content for the sale of improved real estate, in an amount not to exceed \$5,397,000 as shown on Exhibit "1" attached hereto.

(III)

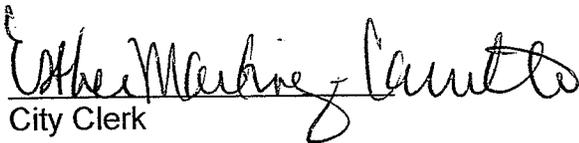
THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the hereinabove on behalf of the TIDD Board.

**DONE AND APPROVED** on this 24th day of June, 2014.

APPROVED:

  
\_\_\_\_\_  
TIDD Chair

ATTEST:

  
\_\_\_\_\_  
City Clerk

(SEAL)

Moved by: Smith

Seconded by: Pedroza

VOTE:

Chair Miyagishima: Aye  
Board Member Silva: Aye  
Board Member Smith: Aye  
Board Member Pedroza: Aye  
Board Member Small: Aye  
Board Member Sorg: Absent  
Board Member Levatino: Aye

APPROVED AS TO FORM:

  
City Attorney