

# CITY COUNCIL AGENDA

Mayor  
Ken Miyagishima

Mayor Pro-Tem  
Sharon K. Thomas

Councillors  
Miguel G. Silva  
Dolores Connor  
Olga Pedroza  
Nathan P. Small  
Gill M. Sorg



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Council Meets  
1<sup>st</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Mondays

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The following Agenda will be considered at a **Regular Meeting** of the City Council of the City of Las Cruces, New Mexico to be held **Monday, July 19, 2010 at 1:00 p.m.** in the City Council Chambers, City Hall.

If you need an accommodation for a disability to enable you to fully participate in this event please contact us 48 hours before this event at [541-2115/V](tel:541-2115) or [541-2182/TTY](tel:541-2182). The agenda cover sheet and complete packet of information are on the web at: [www.clctv.com](http://www.clctv.com). Copies of the agenda packet are available at the Branigan Library, Information Desk at City Hall and City Clerk's Office.

## **CITIZEN PARTICIPATION**

Attendees at City Council meetings are encouraged to pick up a copy of the City's "*Public Participation at City Council Meetings*" brochure that is available in the front lobby of City Hall. This brochure will answer the most often asked questions concerning citizen participation at these meetings.

## **CONSENT AGENDA**

Items Marked with an Asterisk * Are Considered Routine Items and Will Be Voted on with One Motion Unless a Councillor Requests That a Specific Item Be Removed. There Will Be No Discussion. If You Wish to Have an Item Discussed, Contact Your District Councillor, the Mayor or the City Clerk Before the Beginning of the Meeting.
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## **COUNCIL VOTES**

This meeting will be conducted by a form of Robert's Rules of Order. It takes an 'Aye' vote of four members of the City Council to approve a Resolution or an Ordinance. A Councillor may make a motion for passage or second a vote for passage of an item, yet vote "No" on the motion. A Councillor may vote in favor of an amendment to a motion, because of the contents of the amendments, and also vote "No" on the main motion.

## **COUNCIL APPOINTED BOARDS**

All information from advisory boards must be submitted in writing and contained in the agenda package. This will ensure that all Council members have access to the same information.

Members of Council appointed boards/commissions will not publicly discuss any actions or discussions of their board at City Council meetings, unless requested by the City Council.

## **PROTOCOL**

All Speakers are to conduct themselves orderly and law-abiding. Otherwise, a recess will be immediately declared until order and decorum are restored.

### **I. OPENING CEREMONIES**

1. Pledge of Allegiance – Mayor Miyagishima
2. Presentation of Certificates of Appreciation/Proclamations – Mayor Miyagishima
3. Presentation on Erosion Control

**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.*

### **III. PUBLIC PARTICIPATION**

**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.**

### **V. CITY COUNCIL MINUTES**

\* (1) Regular Meeting of June 28, 2010

### **VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

\* (2) Resolution No. 11-013: A Resolution Adopting Amendment No. 1 to the Lease Agreement Between the City of Las Cruces and La Casa, Inc. and Ratifying the Assistant City Manager's Approval to Meet Legislative Appropriation Deadlines.

\* (3) Resolution No. 11-014: A Resolution Authorizing the City of Las Cruces to Accept the New Mexico Energy, Minerals and Natural Resources Department (EMNRD), State Energy Program and Energy Efficiency Conservation Block Grant Program, 2009 Clean Energy Demonstration Program Grant With No Match Requirement for the City, and Ratify the City Manager's Execution of the Contract.

\* (4) Resolution No. 11-015: A Resolution Authorizing the Las Cruces Sustainability Program to Accept the New Mexico Environment Department's "New Mexico Recycling and Illegal Dumping Alliance" Grant Award in an Amount Up to \$5,000.00, With a

Voluntary In-Kind Match of \$3,340.00, to Rafity the City Manager's Signatures on the Letter of Acceptance and Grant Agreement, and Adjust the FY 2011 Budget.

- \* (5) Resolution No. 11-016: A Resolution Authorizing the Community Development Department to Apply to the New Mexico Environment Department (NMED) for Two Targeted Brownfields Assessments (TBA) to be Conducted for the El Paseo Corridor and for the City Office Center.
- \* (6) Resolution No. 11-017: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award Modification in the Amount of \$15,000.00 From the Office of National Drug Control Policy and to Adjust the Fiscal Year 2011 Budget.
- \* (7) Resolution No. 11-018: A Resolution That Will Allow the City of Las Cruces Fire Department (City) to Accept Various Emergency Preparedness Equipment Valued at \$16,878.48 Pursuant to a Grant Funded by the United States Department of Homeland Security, Office of State and Local Government Coordination and Preparedness Through the New Mexico Department of Public Safety, Office of Emergency Management and the Dona Ana County / City of Las Cruces Office of Emergency Management for FY 2006 Grant.
- \* (8) Resolution No. 11-019: A Resolution Accepting a Grant from the New Mexico Department of Transportation, Local Government Road Fund Program, Fiscal Year 2010/2011 in the Amount of \$40,500.00 for the Union Avenue/Stern Drive Intersection Improvements Project and to Amend the Fiscal Year 2010/2011 Budget. A \$13,500.00 City Match Is Required.
- \* (9) Resolution No. 10-11-315: A Resolution Approving the Award of a Contract for Design Through Bidding Phase Services for the Rehabilitation of Taxiway "A" at the Las Cruces International Airport to Delta Airport Consultants, Inc., of Albuquerque, New Mexico, in the Amount of \$366,372 Plus New Mexico Gross Receipts Tax in the Amount of \$25,800 for a Total of \$392,172, and Adjusting the City of Las Cruces Fiscal Year 2010-2011 Budget in the Amount of \$392,172.

## **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

- (10) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-020; A PUBLIC HEARING MUST BE HELD:** Resolution No. 11-020: A Resolution Approving the Transfer of Ownership and Location of Liquor License No. 652 From T. D. Industries, Inc. To Pic Quik Stores, Inc. D/B/A Pic Quik Store #3, to be Located at 1501 East Amador, Las Cruces, New Mexico.
- (11) Resolution No. 10-11-331: A Resolution Authorizing Adjustment of the Budget and the Purchase of Furnishings for the Las Cruces Convention Center in the Amount Not to Exceed \$1,100,000.

- (12) Council Bill No. 11-001; Ordinance No. 2581: An Ordinance Amending Las Cruces Municipal Code, Section 27-12-14-4 Penalty Assessment Misdemeanor; Definition; Schedule of Assessments to Add Certain Violations of Las Cruces Municipal Code to this Ordinance and Thereby Convert Them into Penalty Assessments and Further Establishing the Amount of Those Penalty Assessments.
- (13) Council Bill No. 11-002; Ordinance No. 2582: An Ordinance Amending Ordinance 2558, Which Concerns the Use of a Mobile (Cell) Telephone While Driving, to Make this Offense a Penalty Assessment Under Las Cruces Municipal Code, Section 27-12-14-4.

### **VIII. BOARD APPOINTMENTS**

### **IX. REVIEW OF PROPOSED ORDINANCE(S)**

- (14) Council Bill No. 11-004; Ordinance No. 2584: A Supplemental Ordinance Authorizing the Issuance and Sale of \$\_\_\_\_\_ City of Las Cruces, New Mexico Joint Utility Refunding Revenue Bonds, Series 2010, to Be Issued to Refund, Refinance, Prepay and Discharge the City's Outstanding New Mexico Finance Authority Utility System Loans; Establishing the Maturity Dates, Interest Rates, Redemption Provisions and Other Details of the Bonds; Approving the Execution of Certain Documents Relating to the Bonds; Ratifying Certain Actions Previously Taken in Connection with the Bonds; Repealing All Action Inconsistent with this Ordinance.

### **X. STATUS/UPDATES ON CURRENT PROJECT LIST**

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior near complete; most construction is interior with limited site work at this time. Parking lot grading and other site work to begin later in July. Construction completion remains on schedule at this time with the facility being operational by an anticipated December, 2010 time frame.)*
3. **Downtown Main Street Construction** - *(Construction of Main Street Plaza - Phase II North was awarded by Council to Jaynes Corporation on May 03, 2010. Construction begin with the installation of safety fencing on July 1<sup>st</sup>. Existing trees, plants, and bricks on Main Street are being removed with some of the salvageable items being transported to the City yard between Motel Blvd. and Westgate.)*
4. **Impact Fees** – *(The project is on-going and is in Phase II - Development of the Impact Fee Capital Improvements Plan (IFCIP). City Council solidified their direction to staff to proceed with exempting the "In-fill" area of the city; keeping the Public Safety fee as a city-wide fee; and, to consider excluding or showing the West Mesa Industrial Park separately by approving the change order to the contract with James Duncan and Associates on May 17, 2010. Staff will work with the consultant to modify the LUA and the draft IFCIP and to bring them forward for review and approval through the appropriate process.)*
5. **Vision 2040** – *(Staff has taken over the Vision 2040 project from the consultant and is moving ahead with the action plan reviewed by the elected officials on April 15, 2010.*

Staff is preparing a vision statement for endorsement in May and a working draft of the regional vision document using the Table of Contents presented. Staff is restructuring the Advisory Committee to add stakeholders and define responsibilities, with the next meeting tentatively scheduled in the first part of June. The Advisory Committee will review updated versions of the working draft in sections over the next several months with regular updates to the elected officials. Information and draft documents on Vision 2040 are available online at <http://vision2040.nmsu.edu>.)

6. **Regional Recreational & Aquatic Center** – (Most interior work is complete with tube slide installed and water in the pool. Clean up work and minor details remain to be completed. Most work devoted to site completion. Parking lot constructed, landscaping in process among other amenities. Anticipation of a Certificate of Occupancy during the month of July with the opening of the facility towards the end of summer.)
7. **Las Cruces Intermodal Facility** -(Contract award complete and finalizing paperwork, primarily related to DBE in order begin the project.)
8. **Bicycle Facilities Planning** - (May is National Bicycling Month. The Education and Encouragement Work Group of the Bicycle Friendly Community Task Force (BFC) is working on several ideas for events in May. The proposals include a series of neighborhood bicycle rides, a series of articles promoting bicycling in Las Cruces, Bike to Work Day on May 21<sup>st</sup>, the Ride of Silence on May 19<sup>th</sup>, and a proclamation declaring May as National Bicycle Month.)
9. **EPA Smart Growth Implementation Assistance Program (SGIA)** - (This project, known on our application for the EPA Smart Growth Implementation Assistance (SGIA) program as Making Redevelopment Work for the Neighbors: The El Paseo Project, now has an identity more suitable for its purpose which is to engage people in planning their community. Welcome: **Picturing El Paseo—Share Your Vision for the Corridor**. A ‘soft’ outreach campaign has begun in the area along and within walking distance of El Paseo Road between Downtown and the University District. The team is promoting events like Coffee Hour at popular spots such as International Delights, Mountain View Coop, Grandy’s and Si Bistro when people can stop and talk with staff. The City and partners are producing the **Green Infrastructure Conference** on August 26<sup>th</sup>, a 3-day **Road Safety Audit** September 30<sup>th</sup> through October 2<sup>nd</sup>, and a **Visioning Charrette** November 18-20. The EPA staff team and federal partners from the Departments of Transportation (DOT) and Housing and Urban Development (HUD) are collaborating with City staff from multiple departments, policy makers, residents and businesses. Las Cruces staff is continuously reaching out to a diverse set of public and stakeholders in the El Paseo area, and is available to discuss this project with any interested parties or individuals. Regular conference calls occur on Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)
10. **New City Web Site** – (The new web site is scheduled to go live in the July-August time frame. Content from the current web site is being migrated to the new site. Some significant re-work of content is required to provide a unified design and user interface functionality, and to upgrade existing content to ADA and Section 508 standards. Departmental stakeholders (who will be responsible for authoring content) have been involved in a number of meetings to provide inputs on the new web site as well. The new site will support greater citizen engagement by providing citizens the ability to receive information via RSS feeds, newsletters, and alerts, as well as providing new content and

*capabilities. The next phase in the project will involve training departmental authors in the use of the content management system editor, authoring methods, and pertinent standards, guidelines, and laws.)*

11. **Downtown Revitalization Activities** - (*Construction on La Placita has started and is expected to take 9 months. City staff is in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.*)
12. **Grants/ARRA Status** - (Matrix.)

**XI. GENERAL DISCUSSION**

1. **MAYOR**
2. **CITY COUNCIL**
3. **CITY MANAGER**
  - A. Update Concerning Revenues Forecasts and Projections.
  - B. Role and Function of Community Relations Coordinator.
  - C. Other Items - Information Only.