City Council
of the
City of Las Cruces

Regular Meeting

October 17, 2016
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Kasandra Gandara, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Jack Eakman, District 4
Councillor Gill Sorg, District 5
Councillor Ceil Levatino, District 6

STAFF:

David Dollahon, Interim City Manager
Rusty Babington, City Attorney
Linda Lewis, City Clerk

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order. Councillor Eakman led the Pledge of Allegiance.

Jennifer Martinez from PIO presented the Pet of the Week.

Mr. Hawkins presented and recognized the Veterans Day Parade Poster Contest participants and Winner, Adam Mssika.

Councillor Eakman presented a Proclamation to Dolores Connor and Barbara Hubbard and declared Tuesday, October 18, 2016, as Keith Urban and Border Avenue Day in Las Cruces.

Councillor Eakman presented a Proclamation and declared Sunday, October 30, 2016, as the Friends of the Community Candy Drop Day.

Councillor Gandara presented a Proclamation to Chuck and Helen Davis and declared Monday, October 19, 2016, as Chuck and Helen Davis Day.

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?

There were none.

III. PUBLIC PARTICIPATION

Vincent Jeffers, Member of the Public said I'm glad the credential process is difficult.

Donna O'Daniel, Member of the Public read a letter on global warming.

IV. READ CLOSED MEETING STATEMENT

A. Read October 3, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 4:32 p.m. on October 3, 2016. The following members were in attendance: Mayor Ken Miyagishima, Councillor Kasandra Gandara, Councillor Greg Z. Smith, Councillor Olga Pedroza, Councillor Jack Eakman, Councillor Gill M. Sorg, and Councillor Cecelia H. Levatino. Staff present was Interim City Manager David Dollahon, City Attorney William R. Babington, Jr., Dan Avila, Assistant City Manager of Operations, Audrey Evins, Interim City Manager for Administration, and Utilities Director Dr. Jorge Garcia for part of the meeting. The meeting adjourned at 5:07 p.m. Statement for the record: The Las Cruces City Council met in closed session and only discussed those limited items as stated in the posted notice (to discuss pending litigation and real property matters).

V. ACCEPTANCE OF AGENDA

Councillor Levatino Moved to Approve the agenda as presented and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the agenda as presented and it was Unanimously Approved. 7-0.

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of September 19, 2016

VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA

*(2) Resolution No. 17-068: A Resolution Authorizing Adams Radio Group to Continue with the Permitting Process for Whiskey Dick's to Provide for the Sale of Alcoholic Beverages within a Restricted and Secured Area at Petoberfest to be Held October 29, 2016 at Young Park, 1905 Nevada Avenue.

*(3) Resolution No. 17-069: A Resolution Authorizing Five Alcoholic Beverage Providers to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer and Wine within a Restricted and Secured Area at the 45th Annual Renaissance ArtsFaire to be Held November 5 and 6, 2016 at 1905 East Nevada (Young Park), Las Cruces, New Mexico.

*(4) Resolution No. 17-070: A Resolution Authorizing the Game Sports Bar & Grill to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area at a Kickball Tourney to be Held on October 29, 2016 at 1601 East Hadley Avenue.

*(5) Resolution No. 17-071: A Resolution Authorizing Adams Radio Group to Continue with the Permitting Process for Halo's to Provide for the Sale of Alcoholic Beverages within a Restricted and Secured Area at Petoberfest to be Held October 29, 2016 at Young Park, 1905 Nevada Avenue.

*(6) Resolution No. 17-072: A Resolution Authorizing the Las Cruces Fire Department to Accept Various Emergency Preparedness Equipment Valued at $17,939.59 and Funded by the New Mexico Department of Homeland Security Office of Emergency Management Pursuant to a Grant Funded by the United States Department of Homeland Security Office Homeland Security Grant Program for FY 2014.

*(7) Resolution No. 17-073: A Resolution Authorizing the City of Las Cruces (City) to Accept a Grant Award; to Ratify the City Manager's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: Cinematic Infrastructure Legislative Appropriation 15-1122; Granting Agency: The New Mexico Department of Finance & Administration (NMDFA); Total Grant Award of $555,000.00.

*(8) Resolution No. 17-074: A Resolution Authorizing the City of Las Cruces (City) to Accept a Grant Award; to Ratify the City Manager's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: Senior Programs Incentive Funding; Granting Agency: Non-Metro Area Agency on Aging (NMAAA); Total Grant Award of $8,787.00.

*(9) Resolution No. 17-075: A Resolution Authorizing the City of Las Cruces to Continue an Agreement with the Rio Grande Council of Governments for Fiscal Year 2016/2017 and to Provide an Annual Membership Fee of $4,828.00.

*(10) Resolution No. 17-076: A Resolution Approving Amendments to the Collective Bargaining Agreement Between the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union (USW) and the City of Las Cruces.

VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION

(11) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 17-077; A PUBLIC HEARING MUST BE HELD:** Resolution No.17-077: A Resolution Approving the Issuance of a Restaurant Beer and Wine License with On Premise Consumption Only and Patio Service to Sakura Steak House, Inc. D/B/A Sakura Japanese Hibachi Grill & Sushi Bar, 3961 East Lohman Avenue, Suite 1, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 17-077 is now open. Is there anyone who wishes to speak against this item?

Mayor Miyagishima said the Public Hearing for Resolution No. 17-077 is now closed.

Councillor Pedroza Moved to Approve Resolution No. 17-077 and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-077 and it was Unanimously Approved. 7-0.

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(12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 17-078; A PUBLIC HEARING MUST BE HELD:** Resolution No.17-078: A Resolution Approving the Issuance of a Restaurant Beer and Wine License with On Premise

Consumption Only and Patio Service to May Entertainment, LLC D/B/A A Bite of Belgium, 741 North Alameda Boulevard, Suites 14, 15 and 16, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 17-078 is now open. Is there anyone who wishes to speak against this item?

Mayor Miyagishima said the Public Hearing for Resolution No. 17-078 is now closed.

Councillor Sorg Moved to Approve Resolution No. 17-078 and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-078 and it was Unanimously Approved. 7-0.

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(13) Resolution No.17-079: A Resolution Designating a Voting Delegate and Alternate(s) to Attend the Annual Business Meeting of the National League of Cities on Saturday, November 19, 2016, in Pittsburgh, Pennsylvania.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 17-079 and Councillor Levatino Seconded the motion.

Councillor Sorg Moved to Amend Resolution No. 17-079 to appoint Councillor Smith as the voting delegate with no alternate and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 17-079 to appoint Councillor Smith as the voting delegate with no alternate and it was Unanimously Approved. 7-0.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-079 as amended and it was Unanimously Approved. 7-0.

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(14) Resolution No.17-080: A Resolution Approving a Memorandum of Understanding for City Participation in the Camino Real Consortium to Advance Regional Collaboration and Sustainable Development.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 17-080 and Councillor Levatino Seconded the motion.

David Weir, Community Development Director gave an overhead presentation.

Councillor Pedroza said I do not think it is necessary to appoint Councillor Eakman today. This gives us the opportunity to work together.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-080 and it was Unanimously Approved. 7-0.

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(15) Resolution No.17-081: A Resolution Recognizing the Value of Federal Public Lands to the Residents of Las Cruces.

Councillor Gandara Moved to Approve Resolution No. 17-081 and Councillor Eakman Seconded the motion.

Mayor Pro-Tem Smith said this will be an added value for our community.

Carrie Hamblen, CEO and President of the Las Cruces Green Chamber said this has the opportunity to bring people to our community. We are looking for ways to harness economic opportunities.

Tony Pop, Member of the Public said we are also talking about all the forest land around here that is not designated as a special area so please include them.

Ben Gabriel, Executive Director of the Friends of Organ Mountain and Desert Peaks said we've been working to get kids out on the public lands.

Steve Henry, Member of the Public said public lands need to stay in public hands.

Gabriel Vasquez, Member of the Public said I'm representing New Mexico Wildlife Association and Latino Outdoors. This is a vote to not only keep our lands public but to protect our Hispanic heritage.

Senator Bill Soules said we are fortunate to have a national monument here. We never want our public lands turned over for private profit. They belong to everyone.

Jerry Nachison, Member of the Public said I want to thank you for bringing this forward and we need to do anything we can to keep these lands public.

Joe Herman, Member of the Public said part of the reason I live here is for access to the public lands.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-081 and it was Unanimously Approved. 7-0.

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(16) Resolution No. 17-082: A Resolution Approving the City of Las Cruces Museum System Fees and Charges Schedule for FY2016/2017 and Repealing Resolution No. 12-212.

Councillor Sorg Moved to Approve Resolution No. 17-082 and Councillor Gandara Seconded the motion.

Rebecca Slaughter, Museum Systems Administrator gave an overhead presentation.

Councillor Gandara asked could we reach out to CYFD?

Rebecca Slaughter said I will look into that.

Councillor Pedroza said I would like us to work with the foster children.

Rebecca Slaughter said we've been working with Big Brothers and Big Sisters.

Councillor Eakman asked do we have a program of getting regular feedback from the public?

Rebecca Slaughter said last fiscal year we funded a project to look at how we're serving our Latino community but we can do better.

Mayor Pro-Tem Smith Moved to Amend Resolution No. 17-082 to replace Exhibit A as presented and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 17-082 to replace Exhibit A as presented and it was Unanimously Approved. 7–0.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-082 as amended and it was Unanimously Approved. 7-0.

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(17) Council Bill No. 17-007; Ordinance No. 2793: An Ordinance to Authorize the Conveyance of a Parcel of City Owned Property Located at 2834 North Telshor Boulevard from the City of Las Cruces (City) to GMB Investments, Inc. (GMB), in Accordance with Provisions of LCMC 1997, Section 2-1312.

Councillor Sorg Moved to Approve Ordinance No. 2793 and Mayor Pro-Tem Smith Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2793 and it was Unanimously Approved. 7-0.

IX. BOARD APPOINTMENTS

Mayor Miyagishima appointed Jerry Nachison to the Capital Improvements Advisory Committee.

Councillor Pedroza Moved to Approve Mayor Miyagishima's appointment of Jerry Nachison to the Capital Improvements Advisory Committee and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the appointment of Jerry Nachison to the Capital Improvements Advisory Committee and it was Unanimously Approved. 7-0.

Mayor Miyagishima appointed Shirley Clark and Eugene Suttmiller to the Utility Customer Advisory Group.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's appointments of Shirley Clark and Eugene Suttmiller to the Utility Customer Advisory Group and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the appointments of Shirley Clark and Eugene Suttmiller to the Utility Customer Advisory Group and it was Unanimously Approved. 7-0.

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

(18) Council Bill No. 17-010; Ordinance No. 2796: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and X2NSAT, Corp., for the Sale of 12.6023 Acres of Municipally Owned Land in the West Mesa Industrial Park for the Purchase Price of Three Hundred Fifteen Thousand and Fifty-Seven Dollars ($315,057.00) in Accordance with Provisions of Section 3-54-1, NMSA, 1978, as Amended, and for an Option for the Purchase of Ten (10) Additional Acres.

Mayor and Council agreed to bring back.

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(19) Council Bill No. 17-011; Ordinance No. 2797: An Ordinance Supporting Investment of $150,000 in an Economic Development Project in Accord with the City of Las Cruces Local Economic Development Plan, Authorizing and Economic Development Project Participation Agreement Between the City and X2NSAT, Inc. and Entering into an Agreement to Serve as the Fiscal Agent for the State of New Mexico's Participation in the Project.

Mayor and Council agreed to bring back.

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(20) Council Bill No. 17-012; Ordinance No. 2798: An Ordinance Approving the Annexation and Inclusion in Council District 2 of Four Parcels and a Portion of Elephant Butte Irrigation District Right-Of-Way Totaling 7.165± Acres Located Southwest of Turrentine Drive, South and Adjacent to University Avenue, and West of the Las Cruces Convention Center. Submitted by New Mexico State University (Case 66694).

Mayor and Council agreed to bring back.

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(21) Council Bill No. 17-013; Ordinance No. 2799: An Ordinance Approving the Initial Zoning of a Property to Convention Zone (UD-CZ) and an Amendment to Figure 1 of Section 38-44 D of the Las Cruces Municipal Code, 1997, as Amended (LCMC) in Order to Reflect the Zoning and Boundary Changes to the University District Overlay (UDO). The Property Consists of Four Parcels and a Portion of Elephant Butte Irrigation District Right-Of-Way Totaling 7.165± Acres and is Located Southeast of Turrentine Drive, South and Adjacent to University Avenue, and West of the Las Cruces Convention Center. Submitted by New Mexico State University. (Case 67662).

Mayor and Council agreed to bring back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I was in Juarez last week and viewed the Maquilas. I asked the general manager where they get their products and he said overseas. So I talked to Davin Lopez and Steve Pacheco about talking to national businesses about coming down here. I also thought about starting a plant and selling it at cost.

He said I want us to have something similar to what traffic has for monitoring so we can be more proactive in monitoring our assets.

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b.) Council

Councillor Smith said when we were doing the minimum wage review we said we were going to hear from the Federal Reserve Bank of El Paso.

David Dollahon, Interim City Manager said I'll send you the most current report. I made outreach to them and they didn't know we were looking for specific information on Las Cruces.

Councillor Levatino said I have nothing.

Councillor Sorg said there's an electric bus in town and it will be at City Hall tomorrow.

He said this is Manufacturing Week and ARCA is going to have an open house on Friday morning at the airport.

He said Councillor Pedroza and I attended the statewide WRRI Water Convention in Silver City where we learned about five myths.

Councillor Eakman said I've been getting good feedback on the physician reimbursement.

He said I spoke to the Governor last week and proposed a way to have a mental health hospital here.

Councillor Pedroza said I want to congratulate former Councillor Connor as voting has been extraordinary the last few days.

She said the Water Conference was very good. Students need to be introduced to water issues.

She said I will be out of town October 22-25, 2016.

Councillor Gandara said I've received positive remarks about our work session last week.

She said I want to thank David Dollahon for his support and keeping on track with the work session on September 26th.

She said I will be having a district meeting on October 27th.

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c.) City Manager

David Dollahon, Interim City Manager said we have a closed meeting following this.

He said we need to have a joint session with the county to discuss animal control and the JPA related to the ETZ.

He said early voting starts at the library on Saturday.

He said this Thursday at La Llorona Park the Governor and dignitaries will be there for designation of the park as part of the Rio Grande Trail.

He said we're adding an update on the GO Bond to the November 14th work session.

He said next week's TIDD Board meeting has been canceled and will be rescheduled.

He said the Governor has only acted on Senate Bills 4 and 7, which are related to public schools.

Councillor Smith asked are we still on schedule for the joint meeting with LCPS on Wednesday?

David Dollahon said yes.

Councillor Levatino Moved to Adjourn and Councillor Eakman Seconded the motion.

Mayor Miyagishima said all of those in favor signify by saying "Aye."

Council said "Aye."

Meeting Adjourned at 3:15 p.m.

Mayor

City Clerk

(SEAL)