



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

Regular Meeting

**August 3, 2015
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Greg Smith, District 2 (via telephone)
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Ceil Levatino, District 6

Robert Garza, City Manager
Rusty Babington, City Attorney
Linda Lewis, Interim City Clerk

I. OPENING CEREMONIES

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

Jaime Montoya, Police Chief gave an update on the church bombs.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Miyagishima presented Ms. Maria Marcolfa Lopez with a Mayor Citation for her 105th birthday.

Councillor Pedroza presented a Proclamation to John Muñoz of Sitel and declared Friday, July 31, 2015 as Sitel Appreciation and Future Growth Day.

Councillor Pedroza presented a Proclamation to Commander Greg Long and Rod Gajewski and declared Friday, August 7, 2015 as Purple Heart Day.

Councillor Pedroza presented a Proclamation to Elizabeth Britton and declared Friday, August 14, 2015, as Social Security's 80th Anniversary.

Councillor Sorg Moved to allow Councillor Smith to participate via telephone and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to allow Councillor Smith to participate via telephone and it was Unanimously Approved. 7-0

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 was none.

III. PUBLIC PARTICIPATION

Lyndon Nutt, Member of the Public said I was arrested in 2010 and have been trying to get answers from Councillor Small and the Police Department regarding how people who are arrested are to be treated.

Rod Gajewski, Member of the Public said the first Purple Heart sign will be revealed Friday at 9:30 a.m. here at City Hall. Ten signs will be placed within the City and ten more have been ordered.

Will Grumet, Member of the Public said Dozer is my service animal. He is my buffer but also trained in various mobility tasks.

Michael Quintana, District Resource Manager with New Mexico State Land Office said we have 13 million acres of state land in New Mexico. We exist to survive our civic institutions. If we didn't lease the 13 million acres, New Mexico citizens would have to pay more in taxes. Commissioner Aubrey Dunn has complete control of the land. We can only utilize the land if we charge. We're here to help the City utilize acreage around the City for recreation.

Councillor Small asked is it the policy of this current commissioner to keep, modify or do away with the community partnership agreements?

Michael Quintana said you will have to talk to him about that but he has made it clear that he wants to work with every community.

Councillor Silva asked have you read the City's Arroyo Plan?

Michael Quintana said I haven't read the whole thing but I was part of the team that did the filming. We did some quick environmental assessment work.

Councillor Silva asked once you go through that document, who would be addressing it from the State's point of view?

Michael Quintana said it will be both the commissioner and the district resource manager.

Councillor Sorg asked what film are you talking about?

Michael Quintana said it was a film developed by planning where we filmed the lands around the City.

David Weir said the film was part of the Presidios Project.

Mayor Miyagishima gave away a mini iPad to Ashley Chavarria of the Boys and Girls Club.

IV. READ CLOSED MEETING STATEMENTS

- (1) Read July 20, 2015 Closed Meeting Statement into the record.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 3:00 p.m. on July 20, 2015. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino, and City Manager Robert Garza. The meeting adjourned at 4:12 p.m. and only those limited items posted in the notice were discussed which was to discuss limited personnel matters.

V. 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.**

Councillor Silva Moved to Approve the Agenda as Presented and Councillor Sorg 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 July 6, 2015
- * (2) Special City Council Meeting of July 8, 2015

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

- * (3) Resolution No. 16-013: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to Amaro Winery for the Public Celebration Permit Application Submitted for the Ladies' Brunch at the Amador Hotel, 180 West Amador, to be Held on August 30, 2015.
- * (4) Resolution No. 16-014: A Resolution Authorizing Amaro Winery to Continue with the Permitting Process to Allow for the Sale and Consumption of Wine Within a Restricted and Secured Area at the Ladies' Brunch at the Amador Hotel, 180 West Amador, to be Held on August 30, 2015.
- * (5) Resolution No. 16-015: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to Amaro Winery for the Public Celebration Permit Application Submitted for the Safe Haven Animal Fashion Show to be Held on Main Street on September 27, 2015.
- * (6) Resolution No. 16-016: A Resolution Authorizing Amaro Winery to Continue with the Permitting Process to Allow for the Sale and Consumption of Wine Within a Restricted and Secured Area at the Safe Haven Animal Fashion Show to be Held on Main Street on September 27, 2015.

- ***(7)** Resolution No. 16-017: A Resolution Authorizing the City of Las Cruces to Continue an Agreement with the South Central Council of Governments for Fiscal Year 2015-2016 and to Provide an Annual Membership Fee of \$11,140.00.
- ***(8)** Resolution No. 16-018: A Resolution Calling for the Election of a Mayor-At-Large; Councillors for Districts 1, 2, and 4; and a Presiding Municipal Judge on Tuesday, November 3, 2015.
- ***(9)** Resolution No. 16-019: A Resolution Approving Agreements Between the Federal Bureau of Investigation and the City of Las Cruces, on Behalf of its Police Department, to Accept Funding to Cover Police Officer Overtime Expenses as Related to the Organized Crime Drug Enforcement Task Forces, to Ratify the City Manager's Signature on the Agreements and to Approve a Budget Adjustment to the FY 2016 Approved Budget.
- ***(10)** Resolution No. 16-020: A Resolution to Approve Amendments to the Agreement for Construction of Northrise Drive and Portions of Rinconada and Sonoma Ranch Boulevards to US Highway 70 Between the City of Las Cruces and Sonoma Ranch Subdivision LTD. CO.
- ***(11)** Resolution No. 16-021: A Resolution Authorizing the City of Las Cruces, on Behalf of its Senior Programs, to Accept Legislative Appropriation Funding A14-1136 in the Amount of \$160,000.00, from the New Mexico Aging and Long-Term Services Department (NMALTS) to Purchase and Equip Four "Meals on Wheels" (MOW) Vehicles, to Ratify the City Manager's Signature on the Contract Agreement; and to Amend the City's Adopted FY2016 Budget.
- ***(12)** Resolution No. 16-022: A Resolution Authorizing the City of Las Cruces to Accept Grant Funding in the Amount of \$314,326.00, on Behalf of the Dona Ana County Juvenile Justice Continuum, from the State of New Mexico Children, Youth and Families Department; to Ratify the City Manager's Signature on the Contract Agreement with CYFD; to Ratify the City Manager's Signature on the Sub-Agreement with Families & Youth, Inc.; and to Adjust the FY16 Budget.
- ***(13)** Resolution No. 16-023: A Resolution Accepting a Grant in the Amount of \$761,352.00 with a Local Contribution of \$839,514.00 from the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (NMAAA) to Provide Core Services to Eligible Senior Clients, to Ratify the City Manager's Signatures on the Agreements, and to Adjust the City's Adopted FY2016 Budget.
- ***(14)** Resolution No. 14-15-144: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Unleaded and Diesel Fuel to Rio Valley Biofuels, LLC of Anthony,

New Mexico and for B20 Biodiesel to Brewer Oil Co. Of Albuquerque, New Mexico for a Term of Five (5) Years Subject to Approved Budget Appropriations and Annual Renewal.

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

- (15) Resolution No. 16-024: A Resolution Designating the City of Las Cruces as a Purple Heart City.

Councillor Sorg Moved to Approve Resolution No. 16-024 and Councillor Pedroza Seconded the motion.

Travis Brown, Fire Chief gave an overhead presentation.

Councillor Levatino asked where is this going to be put up?

Travis Brown said it will be installed in the entryway coming in from Main Street.

Councillor Sorg asked can you tell us what the figure on the Purple Heart Metal represents?

Travis Brown said I believe that is George Washington.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-024 and it was Unanimously Approved. 7-0

- (16) Resolution No. 16-025: A Resolution Authorizing the City of Las Cruces to Designate a Voting Delegate and an Alternate to Attend the Annual Business Meeting of the 58th Annual Conference of the New Mexico Municipal League on Thursday, September 3, 2015.

Councillor Sorg Moved to Approve Resolution No. 16-025 and Councillor Small Seconded the motion.

Robert Garza, City Manager said the New Mexico Municipal League has a conference in which each City represented needs to identify a voting delegate and an alternate.

Councillor Silva Moved to Amend Resolution No. 16-025 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-025 to insert the voting delegate as Councillor Smith and the alternate as Councillor Silva and it was Unanimously Approved. 7-0.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-025 as Amended and it was Unanimously Approved. 7-0

(17) Resolution No. 16-026: A Resolution to Adopt the South Jornada Community Blueprint.

Councillor Small Moved to Approve Resolution No. 16-026 and Councillor Pedroza Seconded the motion.

David Weir gave an overhead presentation.

Councillor Silva asked what are the biggest challenges they were facing?

David Weir said the biggest issue was how to maintain the rural character and flavor.

Councillor Silva asked was the prioritization process organic through the staff leading the meetings?

David Weir said the neighborhood was very strong in their opinions on that. Staff encouraged them to do a zone change and not a plan. They went to all the property owners to get a statement of support and got 80%.

Councillor Sorg said I would like to see this go into effect because we should be all inclusive so that people in the City can have choices as to how and where they live.

Robert Fishback, Member of the Public said I'm the last homeowner in Jornada South. We've had a hard time trying to sell that piece of property we brought. I'm not against this but I need to figure out a way to recover land that I lost.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-026 and it was Unanimously Approved. 7-0

(18) Resolution No. 16-027: A Resolution Supporting the Endangered Species Act (ESA).

Councillor Sorg Moved to Approve Resolution No. 16-027 and Councillor Small Seconded the motion.

Michael Dax, New Mexico Outreach Representative for Defenders of Wildlife gave an overhead presentation.

Councillor Sorg said the reason I brought this to the Council is because I think we need a voice for our wildlife. The Organ Mountain Chipmunk is an animal that is found only in the Organ Mountains.

Councillor Levatino asked what is the annual budget for the ESA?

Michael Dax said I can get you that number.

Councillor Levatino said it is my understanding from going to the ESA website that it is several billion dollars a year and yet less than 6% of the 1371 species listed as threatened have been removed from the list. Do you have an explanation for that?

Michael Dax said take any species and think about how long it took to drive down the population versus building it back up.

Councillor Levatino said the website stated that most of the delisted species were removed because they were already extinct or were wrongly listed in the first place. Can you elaborate?

Michael Dax said I know the Obama Administration as delisted more species than any other administration. I think this shows that after 35 years species are being recovered.

Councillor Levatino asked are you familiar with the Threatened and Endangered Species Recovery Act of 2005?

Michael Dax said I am not familiar with that.

Councillor Levatino asked why didn't the Senate vote on it?

Michael Dax said I couldn't say.

Councillor Pedroza said some of the species that are endangered are very important and more emphasis on that is important.

Councillor Small said the Endangered Species Act effects us in a positive way given our location.

Councillor Silva said I feel that this is something alone that stands on its merits.

Jean Osorio, Member of the Public said I've been testifying at State and Federal hearings for endangered species since 2000. I hope you will pass this resolution.

Ken Kawata, Member of the Public said I'm a retired zoo man and was on the committee to preserve New Mexico wolves in the 1980s. I hope this resolution will be passed.

Dr. Luis Quiñones, Member of the Public said this resolution brought Cesar Chavez to my mind as he was an advocate for animal rights. We can make New Mexico a gem of the United States by protecting animal rights.

Patricia Snyder, Member of the Public said I've chosen to stay in New Mexico because of the biodiversity. The Endangered Species Act is one of the best pieces of legislation on the books.

Peter Osorio, Member of the Public said I support this resolution because of the first amendment right petition. The goal is not just to save species but the habitats.

Catherine Jobling, Member of the Public said I'm here to support the Endangered Species Act.

Elisa Cundiff, Member of the Public said I urge you to take a look at an article in The Economist called The Cost of Doing Nothing.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-027 and it was Unanimously Approved. 7-0

IX. BOARD APPOINTMENTS

Councillor Pedroza appointed Sue Patterson (District 3 position) to the Library Board.

Mayor Miyagishima appointed Charles Clements (City Resident Representative position) to the Transit Advisory Board.

Councillor Sorg Moved to Approve Mayor Miyagishima's board appointment of Charles Clements (City Resident Representative position) to the Transit Advisory Board and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of Charles Clements (City Resident Representative position) to the Transit Advisory Board 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).***

There were none.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council member board reports.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I want to thank Chief Montoya and his staff, Sheriff Vigil and his staff, along with State Police for how quickly you responded and took care of the situation. We're fortunate that nobody got hurt.

b.) City Council

Mayor Pro-Tem Smith said our service personnel did a superb job. I ask that we respond to the actions with intelligence, diligence, and careful determination.

Councillor Levatino said the incident on Sunday does not reflect the City of Las Cruces.

She said NMSU has a summer program dance camp. They did a performance Saturday night at the Performing Arts Center.

Councillor Sorg said I am amazed at how the number of African animals have gone down.

He said the explosions that happened at the two churches yesterday are distressing and heartbreaking, but we should not become afraid because of these events but we must become vigilant.

Councillor Small said with the neighborhood blueprint today for South Jornada I'm hopeful that the Amador Proximo effort will soon be able to come for review and discussion. I appreciate the support of Council and the funding for the charette.

He said I think we need to provide guidance for Valley Drive.

He said it is important that we take interest and support the study that is beginning for mental health. We should stay open to the opportunities this will bring in helping our community.

He asked Mr. Garza what is the status of the testimony for the El Paso Rate Cases?

Robert Garza, City Manager said there's a lot going on. I will give you a more comprehensive update within the week.

Councillor Small said I wanted to echo the thanks to the First Responders who responded to the incidents yesterday. There was very active communication about the incidents.

Councillor Pedroza said this weekend there was a USTA Sponsored Tennis Match at the NMSU Tennis Courts and brought in children of many different age groups.

She said on the church attacks I thank all the First Responders. I didn't know who organized the memorial in Pioneer Park but I congratulate them.

She said on November 14th, A Concert for Homeless Youth will be at the Rio Grande Theater at 7 p.m. Tickets are \$22.

She said I was invited to a graduation for 3 and 4 year olds and most of the parents were Spanish speaking.

She said on the next regular City Council meeting on the 17th I've invited Bob Diven to give a presentation.

She said I think it's important to show how working together can achieve good results. There is a church across from Las Cruces High that has been impacted negatively by the work on El Paseo. We held a meeting with representatives from the City, the schools, and the church and came up with some good results.

Councillor Silva said I want to start by complimenting our First Responders and everyone for handling the situation yesterday.

He said on August 14th we have the Spirit of 45 event and the Green Chamber will be hosting their Dream Fest downtown. On August 29th is the Seventh Annual Salsa Fest.

He said I want to thank the streets department for completing the installation of the LED lights in the historic downtown Mesquite area. I want to thank Representative Steinborn and Senator Carter for providing the funding.

c.) City Manager

Robert Garza, City Manager said I appreciate you all thanking our First Responders and officials.

He said Tuesday we have the National Night Out Event downtown from 6-9 p.m. You can go and thank our law enforcement personally for all they've done for us.

He said our library will be closed August 10th thru 14th.

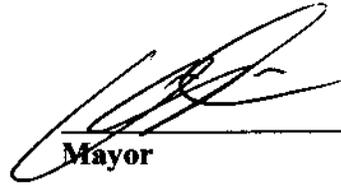
He said our Branigan Cultural Center is closed until September 4th for construction.

Councillor Small Moved to Adjourn and Councillor Pedroza Seconded the motion.

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

Council said "Aye."

Meeting Adjourned at 3:27 p.m.



Mayor

Interim City Clerk

(SEAL)