City Council
of the
City of Las Cruces

Regular Meeting

March 21, 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:

Robert Garza, 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.

Councillor Eakman recognized the Las Cruces Kings.

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

Vince Jeffers, Member of the Public said there was fraud involved in the mental health audit. There is an abuse of power.

Russ Smith, Member of the Public said Project Main Street has hosted many events that the Kings Football team has volunteered at.

Jean Conway, Member of the Public said I'm Vice President of Velo Cruces. We will continue to suggest the City hire a bicycle pedestrian coordinator.

IV. READ CLOSED MEETING STATEMENT

a.) Read March 7, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 2:55 p.m. on March 7, 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, Councillor Cecelia H. Levatino, City Manager Robert Garza, Assistant City Manager Daniel Avila, and Assistant City Manager David Dollahon. The following individuals were present during part of the closed session: Damian Martinez, attorney at law, Director of Utilities Jorge Garcia, Senior Assistant Attorney Marcy DRiggers, Parks and Recreation Director Mark Johnston, Chief of Police Jaime Montoya, and Community Development Director David Weir. The meeting adjourned at 4:40 p.m.

The Las Cruces City Council met in closed session and only discussed those items as stated in the posted notice (to discuss pending litigation).

V. ACCEPTANCE OF AGENDA

Councillor Sorg Moved to Approve the agenda as presented and Councillor Levatino 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 March 7, 2016
*(2) Special City Council Meeting of March 9, 2016

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

*(3) Resolution No. 16-169: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico, to Accept Grant Modification Seven for Grant Number G15SN0006A for an Increase in the Amount of $25,000.00, from the Executive Office of the President, Office of National Drug Control Policy, to Ratify the Mayor's Signature on the Grant Agreement, and to Adjust the FY 2016 Budget.

*(4) Resolution No. 16-170: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico, to Accept Grant Modification Eight for Grant Number G15SN0006A for a Decrease in the Amount of $51,195.00, from the Executive Office of the President, Office of National Drug Control Policy, to Ratify the Mayor's Signature on the Grant Agreement, and to Adjust the FY 2016 Budget.

*(5) Resolution No. 16-171: A Resolution Authorizing the City of Las Cruces (City) on Behalf of Its Branigan Cultural Center, to Accept a Grant Award in the Amount of $250.00 from the National Endowment for the Humanities/American Library Association (NEH/ALA) Native Voices Grant; to Ratify the City Manager's Signature on the Grant Acceptance Form; and to Adjust the Fy2016 Budget.

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

(6) Resolution No.16-172: A Resolution to Support the Petition with the United States Department of the Interior, Indian Affairs for the Piro/Manso/Tiwa Indian Tribe of the Pueblo of San Juan De Guadalupe.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-172 and Councillor Eakman Seconded the motion.

Mayor Pro-Tem Smith gave an oral presentation. He said we have to recognize our history and be transparent. The Mayor has written three letters of support. I've been told that the PMT tribe is not

trying to take away land from the Tortugas. I've also been told that there is no desire to build a casino. I think we should be fair to all groups and offer our support.

Ed Roybal, Cacique of the Tribe said we've been in this process for 46 years. We were the only ones here 525 years ago.

Mayor Miyagishima asked can you share with us the importance of being recognized?

Ed Roybal said we're looking for a place to do our ceremonies and continue our traditional way of life.

Mayor Miyagishima asked does your tribe currently own any land and where is it located?

Ed Roybal said we don't have any land except for a propery on Amador.

Councillor Eakman asked was your original petition denied?

Ed Roybal said it's been put on hold four years ago because of a readjustment in the Bureau of Indian Affairs.

Councillor Eakman asked have you been advised of the seven criteria?

Ed Roybal said we have and we've answered all seven criteria. We're the only tribe in this area with a petition.

Councillor Eakman asked would I be able to access that criteria?

Mayor Pro-Tem Smith said the website is in the packet.

Councillor Pedroza said I feel like I'm being asked to choose who is the rightful tribe and I don't feel I have sufficient information to do so.

Mayor Pro-Tem Smith said I don't believe we're being asked to support one group and deny another. The other groups have not brought forth a petition but I think we would be able to support other groups as well.

Councillor Pedroza said I don't think we have sufficient information to say to choose one group over another.

Councillor Sorg asked what is a Cacique?

Ed Roybal said it is a war chief, spiritual leader.

Councillor Sorg asked are all the people here from Tortugas?

Ed Roybal said none of the people on our petition are from that area.

Councillor Sorg asked what will this recognition give you that you don't have now?

Ed Roybal said we don't have a place to gather or carry on our traditions.

Councillor Sorg asked will this give you a piece of land?

Ed Roybal said we don't know. It will just give us Federal recognition.

Councillor Sorg asked will it help you get this piece of land?

Ed Roybal said it would provide a lot of tourism.

Councillor Sorg asked would this recognition allow you to apply for programs?

Ed Roybal said yes.

Lamberto Trujillo said I'm an ancestor. We hired anthropologists to do the study.

Councillor Levatino asked will there be an opportunity for those against to speak?

Mayor MIyagishima said yes.

Mayor Pro-Tem Smith said tribal recognition should be extended to those who have a viable tribe. We are tasked at speaking on behalf of our community that this is the right thing to do. I've had several people tell me that they are okay with it as long as their land isn't taken away.

Councillor Pedroza said I think we should table this to get enough information.

Arianna Fierro, President of Los Indigenas to Nuestra Señora de Guadalupe read a letter opposing the resolution.

Mayor Miyagishima asked is the number one point that they could make some attempt on the land in Tortugas?

Arianna Fierro, said yes.

Mayor Miyagishima asked if there was a document that said that wouldn't happen, would your organization be okay with that?

Arianna Fierro said we met with the PMT and was not able to seek a resolution.

Mayor Miyagishima asked is this something you have researched on your own?

Arianna Fierro said we responded to most of their petitions. We've had representation. We've been opposed to it since they first filed their petition in 1973.

Mayor Miyagishima asked if this was tabled, could we have a copy of the letter?

Arianna Fierro said yes. This could have a detrimental effect on our community.

Councillor Sorg asked are any of the Tortugas Tribe descendants of the PMT?

Arianna Fierro said yes.

Mayor Pro-Tem Smith asked has Tortugas ever sought Federal recognition?

Arianna Fierro said we are considering it.

Councillor Levatino asked is there anything that would protect you if the PMT chose to try to take some of the land?

Arianna Fierro said not that we're aware of which is why we have to consider seeking Federal recognition.

Councillor Levatino asked has the PMT established itself in the community?

Arianna Fierro said I know they do similar events.

Councillor Levatino said I think we should table this as I don't see both groups coming to an agreement.

Councillor Gandara asked has BIA indicated to you that you would lose your land?

Arianna Fierro said no, we're just an interested party.

Councillor Gandara asked where is that assumption coming from?

Arianna Fierro said we've been in legal battles with them before and don't expect it to cease.

Councillor Gandara said I feel like I'm being asked to choose between two tribes and would like to table it.

Councillor Eakman said I wonder if there is a way for you all to come together for a higher purpose.

Mayor Pro-Tem Smith said if we table this then it will not be included in this particular session.

Councillor Sorg said I think the packet was grossly inadequate and we should table it.

Lamberto Trujillo said the anthropology we did was based on 20 core families in the Oppenheimer Report.

Ed Roybal said in the petition you'll see that land was given to the Cacichei Felipe. I'm just looking for Federal recognition for our people.

Pat Beckett, Member of the Public said my studies showed there were more Indian groups involved. I think this divide goes back a long time. I think you would be wise to table it.

Bill McCamley, State Representative said I represent the current area of Tortugas. There are some concerns from my constituents. I think we could all do with some more time to figure out what the situation is and the consequences.

Councillor Pedroza Moved to Table Indefinitely and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Indefinitely and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino and Mayor Miyagishima voted aye. Councillor Smith voted nay.

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(7) Resolution No. 16-173: A Resolution Approving a Home Investment Partnerships Program (HOME) Recoverable Grant Agreement Between the City of Las Cruces and Mesilla Valley Habitat for Humanity (MVHFH) for the Construction of Five (5) Single Family Owner-Occupied Affordable Housing Units in Rincon Mesa Subdivision, Phase 1.

Councillor Sorg Moved to Approve Resolution No. 16-173 and Councillor Eakman Seconded the motion.

Jan Lauterbach, Affordable Housing gave an overhead presentation.

Councillor Sorg asked is it possible to spread these out?

Jan Lauterbach said Habitat negotiates with the landowner to purchase the land.

Councillor Sorg asked is that the only willing lanwdowner?

Jan Lauterbach said there are only one or two willing to offer land at reduced prices.

Councillor Sorg said I'd like to see them spread out a little bit.

Maria Vasquez, Executive Director of Mesilla Valley Habitat said the developer gave us a great deal on the land. We try to get the best price to make it affordable for the homeowner.

Councillor Sorg asked is this landowner giving you a good price?

Maria Vasquez said yes because when we have looked elsewhere that has not been the case.

Councillor Gandara asked how is the developer selected?

Jan Lauterbach said Habitat does their own construction.

Councillor Gandara asked how are the candidates selected?

Jan Lauterbach said Habitat advertises a waiting list.

Councillor Gandara asked do you look at the districts that have those high percentages?

Jan Lauterbach said our nonprofit agencies do look at the infill area and are looking at infill properties for the next funding year.

Councillor Levatino asked have the families been chosen for these five homes?

Maria Vasquez said we have six families on our wait list right now and are working on home and budgeting classes, which is a 1-2 year process.

Councillor Levatino asked is the process intense?

Maria Vasquez said the 101 homes we've built still live in their homes.

Councillor Levatino asked what will the square footage be?

Maria Vasquez said 1100 square feet with three bedrooms or above.

Councillor Sorg said there is no park in this area.

Maria Vasquez said they could not sell us some lots because of plans to build a park.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-173 and it was Unanimously Approved. 7-0.

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(8) Resolution No. 16-174: A Resolution Adopting the City of Las Cruces Short Range Transit Plan Update and to Amend the FY 2016 Budget.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-174 and Councillor Sorg Seconded the motion.

Tom Murphy, MPO Officer gave an overhead presentation.

Mayor Miyagishima asked did we identify an additional busstop near Convergys?

Tom Murphy said yes, there will be one.

Mayor Miyagishima asked is that part of this plan?

Tom Murphy said transit has identified a spot and that bus stop will be paid for with an adjustment cost, but when you adopt this plan the service will run by Convergys.

Mayor Miyagsihima asked do you know when?

Tom Murphy said I saw the drivers training on this last week so I imagine quickly once the plan is adopted.

Councillor Pedroza asked will these routes be going by grocery stores?

Tom Murphy said yes.

Councillor Sorg asked can Mr. Bartholomew give us a closer time to when the routes will be changed?

Mike Bartholomew, Transit Director said I would like to see it changed before school starts in the fall.

Councillor Sorg asked will you not start the bus stops until the brochures are done?

Mike Bartholomew said it will be hard to explain to the public.

Councillor Sorg said it looks like the routes are picked out.

Mike Batholomew said 85% of the stops are picked out and we've identified 36 bus shelters that will need to be moved.

Councillor Levatino said my concern is that people needing transportation home at 9:30 or 10:00 at night is not going to be solved. I don't think we'll see improvement in ridership.

Tom Murphy said this is a plan and is not set in stone. We'll be doing a closer analysis of ridership patterns.

Councillor Gandara said time frames would be helpful. I think there are riders who need transportation late on Saturday and Sunday.

Tom Murphy said the time frames will depend on how the system performs and the Council needing to fund. I agree that the bus should go past 8 p.m. but we will be able to tell how it goes after extending from seven to eight.

Councillor Gandara asked do we have data to support the hours of operation at call centers?

Tom Murphy said based on what I know call centers end at 9 p.m.

Mayor Miyagishima asked how many bus drivers do we have?

Tom Murphy said 23.

Mayor Miyagishima said extending one hour would be an extra $75,000. How much is the bus fare right now?

Tom Murphy said one dollar.

Mayor Miyagishima said maybe increasing the fare would help pay for the difference.

Councillor Pedroza asked how do we choose where the buses are going to run?

Tom Murphy said we have a transit propensity map that looks at households with one or fewer vehicles, low/moderate areas, and job density.

Councillor Pedroza asked how often is it reviewed?

Tom Murphy said every five years.

Linda Dallas, Member of the Public said if it's going to cost an additional $75,000 then why not save those resources instead of extending one hour.

Mayor Miyagishima said I believe they found it in their budget to extend one hour.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-174 and it was Approved. 6-0. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino, Councillor Smith and Mayor Miyagishima voted aye. Councillor Pedroza was absent.

IX. BOARD APPOINTMENTS

Councillor Smith reappointed Nancy Davis to the Health and Human Services Advisory Committee.

Mayor Miyagishima appointed Beth O'Leary to the Historic Preservation Ad Hoc Committee.

Councillor Gandara appointed Sharon Shoemaker to the Thomas Branigan Memorial Library Advisory Board.

Councillor Eakman appointed Timothy McKimmie to the Thomas Branigan Memorial Library Advisory Board.

Councillor Eakman appointed Roger Hedrick to the Planning and Zoning Commission.

Mayor Miyagishima reappointed Harvey Gordon to the Planning and Zoning Commission.

Councillor Gandara appointed Angelica Rubio to the Parks and Recreation Advisory Board.

Mayor Miyagishima appointed Rebecca Courtney to the City Art Board.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's board appointment of Rebecca Courtney to the City Art Board and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointments of Rebecca Courtney to the City Art Board and it was Unanimously Approved. 7-0.

Mayor Miyagishima reappointed Vincent Vaccaro and appointed Craig Massey and Debra Marks to the Convention and Visitors Bureau Advisory Board.

Councillor Sorg Moved to Approve Mayor Miyagishima's board reappointment of Vincent Vaccaro and appointments of Craig Massey and Debra Marks to the Convention and Visitors Bureau Advisory Board and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board reappointment of Vincent Vaccaro and appointments of Craig Massey and Debra Marks to the Convention and Visitors Bureau Advisory Board and it was Unanimously Approved. 7-0.

Mayor Miyagishima appointed Brian Crawford to the Capital Improvements Advisory Committee.

Councillor Sorg Moved to Approve Mayor Miyagishima's board appointment of Brian Crawford to the Capital Improvements Advisory Committee and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of Brian Crawford to the Capital Improvements Advisory Committee 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).***

(9) Council Bill No. 16-017; Ordinance No. 2776: An Ordinance to Repeal and Replace, in Its Entirety, Chapter 4 "Alarm Systems and Private Security Firms" of the Las Cruces Municipal Code (LCMC), 1997, as Amended.

Council agreed to bring back.

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(10) Council Bill No. 16-018; Ordinance No. 2777: An Ordinance Approving a Zone Change from O-1 (Neighborhood Office) and R-4 (High Density Residential and Limited Office) to C-1C (Commercial Low Intensity Conditional) on Two Properties Located at 114 N. Campo St. (0.28 Acres±) and 315 E. Griggs Ave. (0.11 Acres±) within the South Mesquite Overlay. Submitted by Michael Johnson on Behalf of Aguirre Land Holdings, LLC, Property Owner. (Z2892).

Council agreed to bring back.

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(11) Council Bill No. 16-019; Ordinance No. 2778: An Ordinance Approving a Zone Change from R-3 (High Density Residential) to O-1 (Neighborhood Office) on a 0.065± Acre Property Located at 520 N. Campo St. within the South Mesquite Overlay. Submitted by Edward and Diane Kruis, Property Owners. (Z2894).

Council agreed to bring back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

Councillor Sorg said I've been attending the steering committee for the Regional Water Planning for the Lower Rio Grande. The committee will be presenting a blueprint at a public meeting on April 5th at the County.

XII. GENERAL DISCUSSION

b.) Council

Councillor Pedroza said on September 15th there will be a second immigration forum.

She said there will be an educational meeting on March 31st at the Farm and Ranch Museum.

Councillor Eakman said there is a district 4 meeting this evening at City Hall.

Councillor Sorg said this is Sunshine Week at NMSU. There will be a forum Wednesday at 5:30 p.m. concerning local elections and transparency.

Mayor Pro-Tem Smith said I apologize for wasting our time on recognition for the tribe.

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a.) Mayor

Mayor Miyagishima said thank you for bringing tribe resolution forward. I don't think it wasted my time but instead informed me.

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c.) City Manager

Daniel Avila, Assistant City Manager said we had the police academy graduation this past Friday and I would like to say congratulations. Special congratulations to Mike Danner from the Fire Department for being valedictorian.

Councillor Sorg Moved to Adjourn and Mayor Pro-Tem Smith Seconded the motion.

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

Council said "Aye."

Meeting Adjourned at 3:37 p.m.

Mayor

City Clerk

(SEAL)