



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

Regular Meeting

December 21, 2015

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, Interim City Clerk

I. OPENING CEREMONIES

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

Mayor Miyagishima and a volunteer from the Animal Services Center presented the Pet of the Week.

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 is none.

III. PUBLIC PARTICIPATION

There was no public participation.

IV. READ CLOSED MEETING STATEMENT

- (1) Read December 7, 2015 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 4:56 p.m. on December 7, 2015. The following members were in attendance: Mayor 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: City Manager Robert Garza, Assistant City Manager Mark Winson, Assistant City Manager Daniel Avila, and City Attorney Rusty Babington. The meeting adjourned at 6:25 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 real property and pending litigation).

V. ACCEPTANCE OF AGENDA

Mayor Pro-Tem Smith 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 November 16, 2015
- * (2) Special City Council Meeting of November 19, 2015
- * (3) Regular City Council Meeting of December 7, 2015

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

- * (4) Resolution No. 16-127: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to Bosque Brewing Co. for the Public Celebration Permit Application Submitted for the Las Cruces Chili Drop to be Held on December 31, 2015.

- * (5) Resolution No. 16-128: A Resolution Authorizing Bosque Brewing Co. to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area at the Las Cruces Chile Drop to be Held on Main Street on December 31, 2015.
- * (6) Resolution No. 16-129: A Resolution Authorizing the City of Las Cruces (City) on Behalf of Thomas Branigan Memorial Library (Library), to Accept a Grant Award from the New Mexico State Library (NMSL) for the FY15/16 Grants-in-Aid to Public Libraries in the Amount of \$15,053.11, to Ratify the City Manager's Signature on the Grant Agreement, and to Adjust the City's FY2016 Budget.
- * (7) Resolution No. 16-130: 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 Award Increase Modification Four for Grant Number G15SN0006A in the Amount of \$125,000.00, 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.
- * (8) Resolution No. 16-131: 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 Award Decrease Modification Five for Grant Number G15SN0006A in the Amount of \$70,857.00, 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.
- * (9) Resolution No. 16-132: A Resolution Repealing Resolution No. 11-234 and Replacing it in its Entirety in Order to Update the Community Planning Blueprint Initiative.
- * (10) Resolution No. 16-133: A Resolution Authorizing a 37.54% Pick-Up of PERA of PERA Municipal Plan 3 Contributions for Employees Whose Positions are Represented by a Collective Bargaining Agreement Between the City of Las Cruces and the Las Cruces Police Officers' Association.
- * (11) Resolution No. 16-134: A Resolution Authorizing a 30.90% Pick-Up of PERA Municipal Police Plan 5 Contributions for Employees Whose Positions are Represented by a Collective Bargaining Agreement Between the City of Las Cruces and the Las Cruces Police Officers' Association.
- * (12) Resolution No. 15-16-039: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Light Duty Automobile and Truck Parts and Labor for Fleet Vehicles to USW, Inc. and 4 Rivers; Both of El Paso, TX and Borman Autoplex; Brewer Oil Co.; Lohman Radiator; Luchini's Truck Parts; MG Diesel and Equipment Repair, LLC.; NAPA

Auto Parts Genuine Parts Co.; and Sisbarro Buick; all of Las Cruces, NM for a Term of Four (4) Years Subject to Approved Budget Appropriations and Annual Renewal.

- * (13) Resolution No. 15-16-074: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Fleet Medium Duty Parts and Labor for Fleet Vehicles to 4 Rivers of El Paso, TX; RJ Border International; Brewer Oil Co.; Lohman Radiator; Luchini's Truck Parts; MG Diesel and Equipment Repair, LLC.; Rush Truck Center; and NAPA Auto Parts Genuine Parts Co.; all of Las Cruces, NM for a Term of Four (4) Years Subject to Approved Budget Appropriations and Annual Renewal.
- * (14) Resolution No. 15-16-075: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Fleet Heavy Duty Parts and Labor for Fleet Vehicles to Sierra Machinery, Inc. of El Paso, TX; RJ Border International; Brewer Oil Co.; Lohman Radiator; Luchini's Truck Parts; MG Diesel and Equipment Repair, LLC.; and Rush Truck Center; all of Las Cruces, NM for a Term of Four (4) Years Subject to Approved Budget Appropriations and Annual Renewal.
- * (15) Council Bill No. 16-011; Ordinance No. 2770: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a 1.93± Acre Parcel Located at 4301 E. Lohman Avenue. Submitted by JFAL Holding Company, LLC. (Z2890).
- * (16) Council Bill No. 16-012; Ordinance No. 2771: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) and R-2 (Multi-Dwelling Low Density) to C-3 (Commercial High Intensity) on 2 Parcels of 2.36± Acres Each and Located at 5101 Alba Road. Submitted by Southwest Engineering, Inc. on Behalf of Manuel Carnero and Ramon Carnero, Property Owners (Z2889).

VIII. UNFINISHED BUSINESS / *APPEAL PROCESS*

Council members shall not privately discuss with any interested person or persons the merits of a case which is, or may be pending before the City Council. If there have been any such discussion or discussions, they should be disclosed by the appropriate Councillor(s) or individuals at this time.

Appeals to be presented before the Las Cruces City Council shall follow the procedure outlined in LCMC 1997, Section 38-13.

- (17) Resolution No. 16-104: A Resolution Appealing the Decision of Denial by the Planning and Zoning Commission on September 22, 2015 for a Special Use Permit Application to Construct a New Wireless Communication Facility on a Property Located at 4790 Stern Drive. The Subject Property Encompasses 1.552± Acres and is Zoned C-3 (Commercial High

Intensity). Submitted by Verizon Wireless/Tectonic Engineering on Behalf of A & E Enterprises, Inc., Property Owner (Sup-15-01). **Tabled on November 2, 2015**

Councillor Sorg Moved to Remove Resolution No. 16-104 from the Table and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 16-104 from the Table and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino, and Mayor Miyagishima voted aye. Mayor Pro-Tem Smith voted nay.

Councillor Pedroza asked if we remove from the table do we have to make a decision today?

Mayor Miyagishima said yes. We need clarification from Linda on voting to hear the appeal.

Linda Lewis, Interim City Clerk said I will need a motion and second to hear it but there will not be a vote until after the discussion to approve it or not.

Councillor Pedroza said a little more information needed to be brought forth but the packet didn't have any new information.

Rusty Babington, City Attorney said in November you asked for Verizon to provide additional information, contact the university again, and contact Tortugas. Mr. Williams complied with that and contacted me. When you table an item, it is to a time and date certain. If you want to kill an item, it should be a motion to postpone indefinitely. Mr. Williams will make a presentation and then Council will decide if the application should be granted.

Councillor Pedroza asked do you agree that nothing in the packet addressed the questions we made?

Rusty Babington said my understanding is that they did go back to the university and Tortugas, but the ultimate concern the Council raised was is this the best location and that was addressed in the packet.

Councillor Pedroza said the documents in the packet are from 2012 or early 2015. There's nothing after the November meeting.

Linda Lewis said whenever I did the agenda the resolution had to be as it was previously. The new information will be in their presentation.

Councillor Pedroza said I think they should have brought in the answers to our questions and then we would be able to ask questions.

Rusty Babington said the applicants are ready to proceed today. We've postponed it for over six months. They are entitled to an appropriate hearing before this body with a vote.

Councillor Pedroza said that would have been fine if they had submitted the information so we could read it ahead of time. Can we table to date specific?

Rusty Babington said yes.

Councillor Pedroza Moved to Table until January 19th and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 16-104 and it was approved 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Smith and Mayor Miyagishima voted aye. Councillor Levatino voted nay.

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

- (18) **Resolution No. 16-135:** A Resolution Authorizing an Adjustment to the Fiscal Year 2016 Budget for the Bonds Designated as Hold Harmless Gross Receipts Tax Improvement Revenue Bond, Series 2015A and 2015B, and to Amend the Fiscal Year 2016 Capital Improvement Program (CIP).

Councillor Sorg Moved to Approve Resolution No. 16-135 and Mayor Pro-Tem Smith Seconded the motion.

Loretta Reyes, Public Works Director gave an overhead presentation.

Mayor Pro-Tem Smith asked do we have to take this protocol step in order to move forward?

Loretta Reyes said we have the funding in hand but we do not have the authority to spend those funds.

Mayor Pro-Tem Smith said we're not looking at any changes but just moving forward.

Loretta Reyes said that is correct.

Mayor Miyagishima asked will new projects be stamped with the new logo?

Loretta Reyes said that is correct.

Councillor Sorg asked does the amended capital improvements project have the new projects?

Loretta Reyes said that is correct. They are the grayish highlights.

Councillor Sorg asked are the gray areas the CIP projects?

Loretta Reyes said those are the community investment projects.

Councillor Sorg asked said are we spending \$8 million on parks this year?

Mayor Miyagishima said their current budget is 8 or 9 million.

Robert Garza said there are no addition to the parks and rec community investment projects.

Councillor Sorg said I don't see any projects that add neighborhood parks so we should keep that in mind for a future CIP program.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-135 and it was Unanimously Approved 7-0.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima reappointed David Chavez to the South Mesquite Design Review Board as "teacher" position.

Councillor Smith Moved to Approve Mayor Miyagishima's board re-appointment of David Chavez to the South Mesquite Design Review Board and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board re-appointment of David Chavez to the South Mesquite Design Review Board and it was Unanimously Approved. 7-0

**IX. 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 are none.

X. CITY COUNCIL MEMBER BOARD REPORTS

There are none.

XI. GENERAL DISCUSSION

b.) City Council

Councillor Gandara said I attended the Winterfest and I thought it was a huge success.

Councillor Pedroza said I received an invitation from the Community of Hope for a vigil for the homeless who died in the streets tonight at 5:30 p.m. They are accepting donations of warm clothing.

She said I would like for the veterans to make a condensed version of the presentation I saw at the Rio Grande Theater on the drug spice.

She said tomorrow night at 5:30 p.m. there will be an awards ceremony at the boxing club.

She said there's a book called *The Golden Age* written by an economist who analyzes the economy.

Councillor Eakman said I attended the Animal Services meeting and they need volunteers. The Community of Hope is looking for volunteer opportunities so we could put this together.

He said I've handed out a proposal to assist Doña Ana County with the feasibility study of a mental health hospital. I propose we contribute to the cost of the feasibility study and that a resolution be drafted for discussion at the next City Council meeting.

Councillor Sorg said I passed out a draft resolution supporting early childhood education.

He said the City Council passed a resolution on predatory lending and it's recently been reported that 1/4th of title loans in 2014 resulted in foreclosure or repossession with 41,202 title loans and 9891 repossessed cars.

Councillor Levatino said at 11 a.m. on Christmas Eve there will be a party at the Community of Hope. They are asking for hats, gloves, heavy socks, batteries, blankets, and coffee.

Mayor Pro- Tem Smith said I received an email regarding our enforcement of the cell phone ordinance. We need enforcement and sign age.

a.) Mayor

I want to congratulate the NMSU basketball team on winning against the Miners.

c.) City Manager

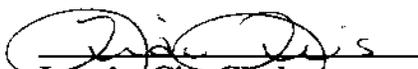
Robert Garza said we get many special holiday requests for support in neighborhoods and most require overtime. I'm hesitant to have staff come in on Christmas Eve and Day so next year I want to have a work session topic on that.

Councillor Eakman 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 1:54 p.m.


Interim City Clerk

(SEAL)


Mayor