City Council
of the
City of Las Cruces

Regular Meeting

August 1, 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:

Daniel Avila, Interim City Manager
Robert Cates, Deputy City Attorney
Linda Lewis, City Clerk

I. OPENING CEREMONIES

Mayor Pro-Tem Smith called the meeting to order. Councillor Levatino led the Pledge of Allegiance.

Jennifer Martinez from PIO presented the Pet of the Week.

Councillor Levatino presented a Proclamation to Mr. Montoya and declared the week of August 7-13, 2016, as National Healthcenter 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.

There were none.

III. PUBLIC PARTICIPATION

There was none.

IV. ACCEPTANCE OF AGENDA

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

Mayor Pro-Tem Smith called for the roll on the Motion to Approve the agenda as presented and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino and Mayor Pro-Tem Smith voted Aye. Mayor Miyagishima was absent.

V. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of July 5, 2016

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

*(2) Resolution No. 17-012: A Resolution Authorizing Las Cruces Event Planning and Southwest Wines to Continue with the Permitting Process for 20 WineGrower and Small Brewer Liquor License Holders to Provide for the Sale and Consumption of Wine and Beer Within a Restricted and Secured Area at the Corks & Kegs Wine and Beer Festival to be Held September 2, 3, and 4, 2016 at Burn Lake, 1855 West Amador Avenue.

*(3) Resolution No. 17-013: A Resolution Approving a Roadway Lighting Maintenance Agreement Between the City of Las Cruces and the New Mexico Department of Transportation to Provide for the Maintenance of Roadway Lighting on Interstate 10 over Union Avenue and Interstate 10 over Ramp E, NMDOT Control No. 1100830.

*(4) Resolution No. 17-014: A Resolution Accepting a Grant from the New Mexico Department of Transportation, Local Government Road Fund Program, Fiscal Year 2016/2017, for the Solano Drive A.D.A. Improvements Project in the Amount of $37,947.00, Requiring a City Match in the Amount of $12,649.00; and to Amend the Fiscal Year 2016/2017 Budget and to Amend the Fiscal Year 2016/2017 Capital Improvement Program (CIP).

*(5) Resolution No. 17-015: A Resolution Authorizing the City of Las Cruces (City) on Behalf of the Museum of Nature & Science, to Accept a Grant Award in the Amount of $1,200.00

from the Museum of Science, Boston (MOSB) for the "Building with Biology" Stipend Grant; to Ratify the Interim City Manager's Signature on the Stipend Agreement; and to Adjust the FY2017 Budget.

*(6) Resolution No. 17-016: A Resolution Authorizing the City of Las Cruces (City) to Formally Accept Grant Funding in the Amount of $319,977.00 from the U.S. Department of Transportation, Federal Transit Administration (U.S. DOT/FTA), to Obligate a Local Match Amount of $56,467.00 for Various Capital Expenditures Related to Roadrunner Transit, and to Ratify the Executed Grant Award.

VII. OLD BUSINESS

(7) Resolution No.17-011: A Resolution Approving a Waiver from 100% of the Required Road Improvements to 331.98± Linear Feet of Bell Road Associated with a Proposed Subdivision Known as Cardon Estates Subdivision on a 2.40± Acre Parcel Located at 5301 Bell Road. Submitted by Donohue Land Surveys on Behalf of Sylvia Cardon, Property Owner (65729W). **(Tabled 7-18-16)**

Councillor Sorg Moved to Remove Resolution No. 17-011 from the table and Councillor Levatino Seconded the motion.

Councillor Sorg Moved to allow the Mayor to attend the meeting via telephone and Councillor Gandara Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to allow the Mayor to attend the meeting via telephone and it was Unanimously Approved. 7-0.

Katherine Harrison-Rogers, Acting Building & Development Services Administrator presented an overhead presentation.

Councillor Levatino asked do you have a cost for just chip seal?

Katherine Harrison-Rogers said it would be $2800 that lasts up to five years.

Councillor Pedroza said it looks like the subject property is outside of the City limits.

Katherine Harrison-Rogers said the City limits wrap around the property.

Councillor Pedroza asked is the third person moving into that lot going to be driving a lot?

Katherine Harrison-Rogers said I can't say how much the person will drive but when staff looks at this there's an average daily trip per single family home, which is typically 10 trips per day.

Councillor Pedroza asked will she be living alone?

Katherine Harrison-Rogers said that's personal information that we didn't delve into.

Daniel Avila, Interim City Manager asked Katherine, can you go over the cost for each options?

Katherine Harrison-Rogers said chip seal is $2800, chip seal and micro surface $6000, asphalt millings and chip seal $9500, and asphalt millings, chip seal, and micro surface $12,500.

Mayor Pro-Tem Smith asked are we putting pressure on them to change?

Katherine Harrison-Rogers said they can continue how they are but the mother would like to put her home on that location. They can subdivide, re-zone or do a variance.

Councillor Sorg asked will the neighbors across from the property be using the same road?

Katherine Harrison-Rogers said yes.

Councillor Sorg said I wish there was a way to share the cost between all five parcels.

Mayor Miyagishima asked would the applicant only be responsible for half the improvements?

Katherine Harrison-Rogers said the subdivision requires 100% of the road improvements. If it was an arterial, then they would only be responsible for half, but you have the option to do a pro rata share of improvements.

Mayor Miyagishima said it is an ordinance so we are going to have to require them to do some sort of improvement.

Mayor Pro-Tem Smith asked is Stanley Road within the City limits more substantial.

Katherine Harrison-Rogers said it has some pavement but is not to City standard.

Councillor Pedroza asked what kind of condition is Steely Lane in?

Katherine Harrison-Rogers said staff didn't look at Steely Lane.

Mayor Pro-Tem Smith said Steely Lane is in the county.

Councillor Sorg said I would prefer splitting cost 50/50.

Councillor Levatino asked what are the other alternatives the Council can consider?

Katherine Harrison-Rogers said there's the full improvement with fee in lieu, alternate cross-section and surfacing, and the no improvements. You could also take one of the alternate surfacing and do a pro rata share with three lots.

Councillor Levatino asked would it be the same amount of surface completed?

Katherine Harrison-Rogers said the City would probably take a fee in lieu because it would be challenging just to surface 10 feet. The City would keep the money until the time is right for improvements.

Councillor Levatino asked would adding to tax bill every year be more painless?

Mayor Miyagishima said that was the Special Assessment District whereby we would work with the County to apply a fee over 5-10 years.

David Weir, Community Development Director said it is easier to do a voluntary assessment district in which the subdivider would be entering into a contract with the City to pay this over a set period of time and then the City would have the ability to lien the property if the payments weren't made.

Councillor Levatino asked would that need approval of the other land owners?

David Weir said it would be an agreement with the individual property owners.

Gerald Donohue, Surveyor said I'm representing Sylvia Cardon. This is her property and her children have lived on it. We did discuss doing two lots and putting a variance on one but felt it was a better approach to bring this into conformance.

Councillor Sorg asked does doing chip seal only still not comply with the code?

Katherine Harrison-Rogers said no, it does not.

Councillor Sorg Moved to Amend Resolution No. 17-011 to allow staff to do an agreement in which the City would pay half and the subject property would pay over time. There was no second.

Councillor Eakman Moved to Amend Resolution No. 17-011 to have the property owner be charged $2800 for the chip seal option and the payment agreement to be worked out by City staff and Councillor Pedroza Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Amend Resolution No. 17-011 to have the property owner be charged $2800 for the chip seal option and the payment agreement to be worked out by City staff and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Mayor Pro-Tem Smith and Mayor Miyagishima voted Aye. Councillor Levatino voted Nay.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve Resolution No. 17-011 as amended and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Mayor Pro-Tem Smith and Mayor Miyagishima voted Aye. Councillor Levatino voted Nay.

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

(8) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 17-017; A PUBLIC HEARING MUST BE HELD:** Resolution No.17-017: A Resolution Approving the Issuance of a Restaurant Beer and Wine Liquor License with On Premise Consumption Only and Patio Service to TRB Inc. D/B/A Aqua Reef Euro Asian Cuisine, Located at 141 Roadrunner Parkway, Suite 115/111, Las Cruces, New Mexico.

Mayor Pro-Tem Smith said the Public Hearing for Resolution No. 17-017 is now open. Is there anyone who wishes to speak against this item?

Misty Chavez, Member of the Public said the President couldn't be here so I'm just here to see what the motion is.

Mayor Pro-Tem Smith said the Public Hearing for Resolution No. 17-017 is now closed.

Councillor Eakman Moved to Approve Resolution No. 17-017 and Councillor Gandara Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve Resolution No. 17-017 and it was Unanimously Approved. 7-0.

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(9) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 17-018; A PUBLIC HEARING MUST BE HELD:** Resolution No.17-018: A Resolution Approving the Transfer of Ownership and Location of Dispenser Liquor License No. 0084, with Package Sales for Off Premises Consumption, to Wal-Mart Stores East, L.P. D/B/A Wal-Mart Market #5782, Located at 150 North Sonoma Ranch Boulevard, Las Cruces, New Mexico.

Mayor Pro-Tem Smith said the Public Hearing for Resolution No. 17-018 is now open. Is there anyone who wishes to speak against this item?

Mayor Pro-Tem Smith said the Public Hearing for Resolution No. 17-018 is now closed.

Councillor Eakman Moved to Approve Resolution No. 17-018 and Councillor Levatino Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve Resolution No. 17-018 and it was Unanimously Approved. 7-0

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(10) Resolution No.17-019: A Resolution Approving "Downtown Plaza" as the Name of the New Plaza Located at the Northeast Corner of Main Street and Griggs Avenue (100 N. Main Street).

Councillor Sorg Moved to Approve Resolution No. 17-019 and Councillor Levatino Seconded the Motion.

David Weir, Community Development Director gave an overhead presentation

Mayor Miyagishima said I want to thank everyone who contributed to naming the plaza. I'm concerned that it is direct and maybe we should hold off and generate more interest using the media.

Councillor Eakman said I'd like to add the name Inspiration Plaza or Plaza Inspiracion.

Councillor Gandara said I liked "corazon" as part of the name. Olivia McDonald suggested Plaza de Consuelo. I think we should wait on this and use the media to generate more involvement.

Mayor Pro-Tem Smith said I received a note from Mr. Canales who suggested Meno Plaza, Camino Plaza and Plaza Festiva.

Councillor Sorg said I wouldn't be opposed to putting this out to the media. I suggest we pick four or five names that people can choose from.

Dolores Archuleta, Member of the Public said Las Esperanzas submitted some names but decided to remain neutral. I was disappointed with the names. I think we should name it Plaza de Las Cruces as it describes who we are.

Councillor Eakman Moved to Table Resolution No. 17-019 until September 6, 2016, and Councillor Pedroza Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Table Resolution No. 17-019 until September 6, 2016, and it was Unanimously Approved. 7-0.

Mayor Miyagishima left the meeting at 2:13 p.m.

IX. BOARD APPOINTMENTS

Mayor Pro-Tem Smith appointed Jesse Haas to the ADA Advisory Committee.

Councillor Eakman Moved to Approve Mayor Pro-Tem Smith's appointment of Jesse Haas to the ADA Advisory Committee and Councillor Sorg Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve the appointment of Jesse Haas to the ADA Advisory Committee and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino and Mayor Pro-Tem Smith voted Aye. Mayor Miyagishima was absent.

Mayor Pro-Tem Smith appointed Heather Zack Watenpaugh to the University District Citizen's Design Review Committee as the NMSU Architect Position.

Councillor Sorg Moved to Approve Mayor Pro-Tem Smith's appointment of Heather Zack Watenpaugh to the University District Citizen's Design Review Committee and Councillor Eakman Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve the appointment of Heather Zack Watenpaugh to the University District Citizen's Design Review and Committee and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino and Mayor Pro-Tem Smith voted Aye. Mayor Miyagishima was absent.

Mayor Pro-Tem Smith reappointed Carol Gaines to the Veterans Advisory Board as the United States Marine Corps League representative.

Councillor Levatino Moved to Approve Mayor Pro-Tem Smith's reappointment of Carol Gaines to the Veterans Advisory Board and Councillor Sorg Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve the reappointment of Carol Gaines to the Veterans Advisory Board and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino and Mayor Pro-Tem Smith voted Aye. Mayor Miyagishima was absent.

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

(11) <u>Council Bill No. 17-001; Ordinance No. 2787:</u> An Ordinance Repealing Las Cruces Municipal Code 1997, (LCMC) Chapter 24, Procurement Code, Sections 24-1, 24-61, 24-62, 24-91, and 24-94 in Its Entirety and Enacting New Las Cruces Municipal Code 1997, (LCMC) Chapter 24, Procurement Code, Sections 24-1, 24-61, 24-62, 24-91, and 24-94.

Council agreed to bring back.

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(12) <u>Council Bill No. 17-002; Ordinance No. 2788:</u> An Ordinance Authorizing the Issuance and Sale of the City of Las Cruces, New Mexico Tax-Exempt Industrial Revenue Bonds (F&A Dairy Products, Inc. Plant Equipment Upgrade Project) Series 2016 in an Aggregate

Principal Amount of $5,000,000; Ratifying Certain Actions Taken Previously; and Repealing All Actions Taken Previously; and Repealing All Actions Inconsistent with this Ordinance.

Council agreed to bring back.

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(13) Council Bill No. 17-003; Ordinance No. 2789: An Ordinance Authorizing the Issuance and Sale of up to $18,700,000 City of Las Cruces, New Mexico Joint Utility Improvement Revenue Bonds to Expand and Improve the City's Joint Utility System.

Council agreed to bring back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

XII. GENERAL DISCUSSION

b.) Council

Councillor Gandara said I don't have anything to share.

Councillor Pedroza said I read that Las Cruces is in the top 12 cities being well run and number one in terms of charitableness so congratulations.

She said I attended a meeting for the Disability Rights New Mexico Board and those with disabilities are not being taken care of properly.

She said last Thursday Mayor Pro-Tem Smith and I were at the Community of Hope for the dedication of the bathrooms and the showers, and want to thank Matt Holt for that.

Councillor Eakman said the Animal Services Center is using a bulletin board to reduce euthanasia and would like feedback.

He said McLean Knight, a resident of District 4, won a Blue Apron contest and met Mrs. Obama. I will bring forward a proclamation to honor him.

Councillor Sorg said I suggest we pick out the most popular names for the plaza to vote on.

He said I would like when we do the Pet of the Week to say why it is important to spay and neuter pets.

He said the first 1000 days of a child's life are important and would like to talk more about that at our poverty work session.

Councillor Levatino said I don't have anything today.

Mayor Pro-Tem Smith said Councillor Sorg and I were able to be at one of the trial runs of the fountain in the plaza.

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c.) City Manager

Daniel Avila, Interim City Manager said there will be an FBI news conference tomorrow at 10 a.m. to update on the church bombs.

He said tomorrow is National Night Out on Main Street.

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

Mayor Pro-Tem Smith said all of those in favor signify by saying "Aye."

Council said "Aye."

Meeting Adjourned at 2:29 p.m.

Mayor

City Clerk

(SEAL)