City Council
of the
City of Las Cruces

Regular Meeting

September 19, 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 Gandara led the Pledge of Allegiance.

Jennifer Martinez from PIO presented the Pet of the Week.

Mayor Miyagishima introduced Mayor's Top Teens 2016-2017.

Councillor Gandara presented a proclamation to Steve DeGiulio and declared the month of September 2016 as International Literacy Awareness Month and September 8, 2016, as International Literacy Day.

Councillor Gandara presented a proclamation to Margaret Bernstein and Greg Smith and declared the month of September 2016 as Wireless Wizardry Month.

Councillor Gandara presented a proclamation to Steve Montaño and declared Monday, September 19, 2016, as Walk to End Alzheimer's Day in the City of Las Cruces.

Councillor Gandara presented a proclamation to Dolores Connor and declared Tuesday, September 27, 2016, as National Voter Registration Day.

Renee Frankel presented the winners of the Library Card Design Contest.

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?

Mayor Miyagishima said for Item #11 I use Welch to do my parking lot.

III. PUBLIC PARTICIPATION

Donna O'Daniel said the majority of scientists do not believe in global warming. We are in a CO2 famine. It is believed to be a manmade phenomenon.

Albert Flores, Bicycle advocate for Velo Cruces said we have a bike to Leesburg going on Friday, September 23rd to Sunday, September 25th.

Vince Jeffers said several organizations are involved in money laundering here in Las Cruces. You have the opportunity to make a difference.

IV. READ CLOSED MEETING STATEMENT

A. Read September 6, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 4:40 p.m. on September 6, 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, Chief of Police Jaime Montoya for part of the meeting, Interim Assistant City Manager Audrey Evins, City Attorney William R. Babington, Jr., and Assistant City Manager Daniel Avila. The meeting adjourned at 5:01 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).

B. Read September 7, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 9:00 a.m. on September 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, and Councillor Cecelia Levatino. Staff present was City Attorney William R. Babington, Jr. And James Mercer from the Mercer Group. The meeting adjourned at 1:30 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 limited personnel matters).

V. ACCEPTANCE OF AGENDA

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

*(1) Resolution No. 17-041: A Resolution Authorizing Pecan Grill & Brewery to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area at the Southwest Environmental Center's Gala Fundraiser to be Held on October 15, 2016.

*(2) Resolution No. 17-042: A Resolution Authorizing High Desert Brewing Company to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area at the Southwest Environmental Center's Gala Fundraiser to be Held on October 15, 2016.

*(3) Resolution No. 17-043: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to the Game Sports Bar & Grill for the Special Dispenser Permit Applications Submitted for Salsa Fest to be Held on September 30, October 1 and 2, 2016.

*(4) Resolution No. 17-044: 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 During Salsa Fest to be Held at the Plaza and on Main Street on September 30, October 1 and 2, 2016.

*(5) Resolution No. 17-045: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to High Desert Brewing Company for the Public Celebration Permit Application Submitted for the Southern New Mexico Pride Fall Festival to be Held on October 8, 2016.

*(6) Resolution No. 17-046: A Resolution Authorizing High Desert Brewing Company to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area During the Southern New Mexico Fall Festival to be Held on Main Street on October 8, 2016.

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

(7) Resolution No.17-047: A Resolution Approving the Issuance of a Waiver of the Church\School Distance Restriction for a Restaurant Beer and Wine License to Alas, LLC D/B/A Pastaggio's Italian, to be Located at 3000 Harrelson, Suite 1N, Las Cruces, New Mexico.

Councillor Sorg Moved to Approve Resolution No. 17-047 and Councillor Gandara Seconded the motion.

Mayor Miyagishima said we received one letter. He read it into the record.

Mayor Pro-Tem Smith said the property that belongs to NMSU is the Fabian Garcia Science Center and is the backside. It is further than 300 feet.

Councillor Pedroza is there a statute prohibiting the sale of alcohol within 300 feet of the university?

Rusty Babington, City Attorney said it is a state statute that allows the church and school to object to the liquor license. The church is 345 feet away. We also have to notify residents within 300 feet.

Mayor Miyagishima asked is the 300 feet from building to building?

Rusty Babington said the statute says property line to property but case law says from building to building.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-047 and it was Unanimously Approved. 7-0

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(8) Resolution No.17-048: A Resolution Approving the Issuance of a Restaurant Beer and Wine Liquor License with On Premise Consumption Only and Patio Service to Alas, LLC D/B/A Pastaggio's Italian, to be Located at 3000 Harrelson Street, Suite 1N, Las Cruces, New Mexico.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 17-048 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-048 and it was Unanimously Approved. 7-0

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(9) Resolution No.17-049: A Resolution Adopting the 1st Period Budget Adjustments Request Fiscal Year 2016-17.

Councillor Sorg Moved to Approve Resolution No. 17-049 and Mayor Pro-Tem Smith Seconded the motion.

Veronica MacGregor, Interim Budget and Grants Manager gave an overhead presentation.

Councillor Sorg asked where did the $2.6 million come from?

Veronica MacGregor said that's an unaudited balance that was left over at the end of fiscal year 16.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-049 and it was Unanimously Approved. 7-0

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(10) Resolution No.17-050: A Resolution Authorizing the City of Las Cruces (City) to Accept Various Grant Awards for Various City Departments; to Ratify the City Manager's or Mayor's Signature on the Contract Agreements; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP).

Councillor Sorg Moved to Approve Resolution No. 17-050 and Councillor Eakman Seconded the motion.

Amy Johnson Bassford, Grants and Contract Compliance Specialist gave an overhead presentation.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-049 and it was Unanimously Approved. 7-0.

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(11) Resolution No. 15-16-101: A Resolution Authorizing Payment in the Amount of $945,872.50 to Dona Ana County for the City's Pro-Rata Share of the Purchase of a Public Safety Software System, Including Software Licenses, Professional Services, and Maintenance and Support, from Tyler Technologies, Inc. of Yarmouth, ME for a Term of Five Years Subject to Approved Budget Appropriations and Annual Renewals.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 15-16-101 and Councillor Sorg Seconded the motion.

Jaime Montoya, Police Chief gave an overhead presentation.

Councillor Eakman asked is the dispatch center apart of this?

Chief Jaime Montoya said it will be housed at MVRDA

Councillor Eakman asked are you getting the full package from Tyler?

Chief Jaime Montoya said I believe we're getting the full package.

Councillor Eakman asked how will it sort information between agencies?

Chief Jaime Montoya said I don't know technically but when a call comes into dispatch they enter it, which will go to the appropriate agency.

David Dollahon, Interim City Manager said we opted for paying the County rather than doing a dual procurement. The County will own the system but we anticipate they will transfer the asset to MVRDA. The maintenance fees will be MVRDA's responsibilities. The system is also being worked on to integrate with Munis.

Councillor Eakman asked is the County taking advantage of the jail management system?

Chief Jaime Montoya said the jail system has a separate software.

Councillor Eakman asked is the court system apart of this?

Chief Jaime Montoya said no.

Councillor Sorg asked how is the information getting from device to device?

Chief Jaime Montoya said we're using Verizon air cards internally using an IP protocol.

Councillor Sorg asked do you worry about being hacked?

Chief Jaime Montoya said if you talk to Scott Marr he is worried and that's why we have IT involved.

Councillor Pedroza asked how will this effect an ordinary citizen who needs the police?

Chief Jaime Montoya said right now we don't have encryption on our air time so the media will get there first. So it will help public safety

Councillor Pedroza asked will there be benefit from increased capacity of system or is it for record keeping?

Chief Jaime Montoya said it is more for record keeping.

Councillor Gandara asked will there be an integration with CYFD workers and children in danger?

Chief Jaime Montoya said I don't believe we have an interface into the state system.

Councillor Gandara asked what are you doing to solidify training?

Chief Jaime Montoya said Kim and Kathleen have been working with Tyler on training.

Kim Peralta said we've got so many hours that they need to train, the training room at MVRDA and here, and we'll be training everyone.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-16-101 and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino and Mayor Miyagishima voted Aye. Councillor Smith was absent.

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(12) Council Bill No. 17-004; Ordinance No. 2790: An Ordinance Approving a Zone Change from C-3 (Commercial High Intensity) to PUD (Planned Unit Development) and a Request for Approval of a Concept Plan for a PUD Known as Las Cruces Dental Plaza PUD. The Subject Property Encompasses 1.99± Acres of Land and is Located at the Northeast Corner of Don Roser Drive and East University Avenue. Submitted by Zia Engineering & Environmental Consultants, LLC on Behalf of Mesilla Valley Dental Properties, LLC, Property Owners (65151).

Councillor Eakman Moved to Approve Ordinance No. 2790 and Councillor Sorg Seconded the motion.

Katherine Harrison-Rogers, Acting Building and Development Services Administrator gave an overhead presentation.

Mayor Pro-Tem Smith asked what was the thinking behind the orientation?

Katherine Harrison-Rogers said there is some limitation as to where these buildings can sit.

Mayor Miyagishima said during conflict of interest I didn't mention that I use this dentist.

Councillor Levatino asked is the entrance off University Avenue?

Katherine Harrison-Rogers said there's an entrance off Memorial Court and another one off Citizen's Place.

Councillor Levatino asked will all the offices be dental offices?

Katherine Harrison-Rogers said my understanding is it is all dental offices at this time.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2790 and it was Unanimously Approved. 7-0.

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(13) Council Bill No. 17-005; Ordinance No. 2791: An Ordinance Approving a Zone Change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity) on a 1.69± Acre Parcel Located at 2100 W. Hadley Avenue. Submitted by Paul Pompeo on Behalf of Boyd Lee Welch, Trustee, Property Owner (67825).

Councillor Eakman Moved to Approve Ordinance No. 2791 and Councillor Gandara Seconded the motion.

Katherine Harrison-Rogers, Acting Building and Development Services Administrator gave an overhead presentation.

Councillor Pedroza asked is that an inhabited house?

Katherine Harrison-Rogers said it is currently vacant and they intend to convert it into an office and a storage area.

Councillor Gandara asked are there mobile homes there?

Katherine Harrison-Rogers said there are mobile homes to the north of the property.

Councillor Gandara asked did you send letters in English and Spanish?

Katherine Harrison-Rogers said we sent letters 500 feet from the property and certified within 200 feet. We didn't receive anything back. We do them in English but have information available in case they need to be translated. We post giant yellow signs on the property, post on our website and in the paper.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2791 and it was Unanimously Approved. 7-0.

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(14) Council Bill No. 17-006; Ordinance No. 2792: An Ordinance Approving a Zone Change from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional) on a 14.2± Acre Parcel Located on the East Side of Bixler Drive, 855± Feet North of its Intersection with Bataan Memorial West. Submitted by Jared Curry, Managing Agent, on Behalf of Dillon Mountain Enterprises LLC, Property Owner (66940).

Councillor Pedroza Moved to Approve Ordinance No. 2792 and Councillor Gandara Seconded the motion.

Katherine Harrison-Rogers, Acting Building and Development Services Administrator gave an overhead presentation.

Councillor Sorg asked will Bixler Drive be completed from their property to Bataan Memorial?

Katherine Harrison-Rogers said yes.

Councillor Sorg asked is that a minor local?

Katherine Harrison-Rogers said the recommendation is to build to a local.

Councillor Sorg asked are there plans for Bixler to go further north?

Katherine Harrison-Rogers said right now it will dead end at this property but there is always potential.

Councillor Sorg asked why were the sidewalks exempted?

Katherine Harrison-Rogers said we're exempting them from eliminating the sidewalk on one side but they have to construct the sidewalk along their property and as other properties develop they will be required to develop the sidewalks.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2792 and it was Unanimously Approved. 7–0.

VIII. BOARD APPOINTMENTS

There were none.

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 were none.

X. CITY COUNCIL MEMBER BOARD REPORTS

Mayor Miyagishima said for the airport board, I'd like to give you some pictures of the airport in Laredo.

XI. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said the plaza opening was fantastic. Mayor Smith asked about designating a portion of Main Street for J. Henry Gustafson.

He asked how are the law enforcement signs coming along?

David Dollahon said it is a work in progress with our police department and public information office.

Mayor Miyagishima said there is a Blue Mass on September 29th.

He said I think we need cameras with continuous monitoring at some of our main buildings.

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b.) Council

Mayor Pro-Tem Smith said I believe the water feature at the plaza is being named for the Gustafsons and Cynthia Ott. It was great to see the plaza finished and so many people enjoying it. There are a lot of people to thank.

Councillor Levatino said it was a happy day Saturday and I can't wait to see how the plaza is used.

Councillor Sorg said the plaza was well done so kudos to the City staff and all involved.

He said Councillor Eakman, Councillor Gandara and I are proposing a resolution recognizing Federal public lands.

Mayor Miyagishima asked would this be used to give to our congressional delegation?

Councillor Sorg said correct.

Councillor Eakman said the dedication of the plaza was terrific and they did an excellent job.

He said I was invited to a resident's apartment rented by a physically and mentally challenged tenant. We need more low income housing in our community and more options.

He said we have a District 4 meeting tonight at 6:00 p.m.

Mayor Miyagishima said if we could get a list of things that can be regulated, we can look at them.

Councillor Eakman said I think regulating will have us chasing our tails in the long term. I think it's a culture change.

Councillor Pedroza said I think you can abate the rent if your apartment is in bad condition.

She said the plaza dedication was wonderful. My suggestion to honor Judge Sosa is a wall like the one on the second floor.

She said mental health issues were discussed at the Domenici Conference and we need to follow up on those.

She said on September 29th at 5:30 p.m. is the immigration forum.

Councillor Gandara said I was happy to participate in the festivities at the plaza. I want to thank our law enforcement for being out there.

She said I don't think that we're prepared for what is going to happen to our elderly population. I think we need to look at more low income housing.

Mayor Miyagishima said I'm going to look at how to go out to bid with City property and lend money to the developer to build.

Councillor Sorg said we took a tour of the affordable housing in El Paso and they have ways of doing this. We should encourage our affordable housing to take the lead on this.

Councillor Gandara said I reached out to the housing authority last week and we have a meeting next week.

Councillor Levatino asked did anyone call the health department?

Councillor Gandara said we thought of a lot of different avenues to take but you cannot call them.

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c.) City Manager

David Dollahon, Interim City Manager said there's a joint work session with the County tomorrow.

He said next week we have a very full work session.

He said we have implicit bias training tentatively scheduled for November 2nd and November 3rd.

He said we will have possible ham radio demonstration in December.

He said there is an extensive history with property maintenance issues. We have an ordinance from 2009 that I will have staff look at.

He said Daniel and I will be out of the office September 29 and September 30. Audrey Evins will be in charge.

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

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

Council said "Aye."

Meeting Adjourned at 3:52 p.m.

Mayor

City Clerk

(SEAL)