

Regular Meeting  
July 5, 2011



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

**Regular Meeting**

**July 5, 2011  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Sharon Thomas, District 6

- Robert Garza, City Manager
- Harry (Pete) Connelly, City Attorney
- Esther Martinez, City Clerk

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**I. OPENING CEREMONIES**

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

28 Paul Ford, LCFD sang the National Anthem.

30 Presentation of Certificates of Appreciation/Proclamations.

32 Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley  
33 presented the Pet of the Week. Mayor Miyagishima said since this dog is heart worm positive, I will  
34 donate \$100 towards her treatment to anyone who adopts this dog.

36 Mayor Miyagishima and Dolores Archuleta, Emeritus presented the Medal of Honor to WWII  
37 Veteran Col. M.R. Buls (Retired) US Army.

39 Mayor Miyagishima presented the Distinguished Service Award to Elizabeth Alvarado.

41 Mayor Miyagishima presented the Mayor's Citation for Community Service Award to Nicolette  
42 Young.

1 Councillor Pedroza presented a Proclamation to Will Ticknor and declared July 2011 as Smithsonian  
2 Institution Affiliations Month.

3  
4 Will Ticknor gave a presentation regarding the Smithsonian Affiliates.

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8 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**  
9 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*  
10 *if any member of the city council, city manager, or any member of the city staff has any*  
11 *known conflict of interest with any item on the agenda.*

12  
13 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

14  
15 Robert Garza, City Manager said I want to disclose that I own property on Sedona Hills Parkway  
16 which is across from Sonoma Ranch.

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19

20 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in  
21 Closed Session at 1:31 p.m. on June 23, 2011. The following members were in attendance: Mayor  
22 Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small,  
23 Councillor Sorg, Councillor Thomas and City Manager Robert Garza. The meeting adjourned at 3:35  
24 p.m. and only the limited items that were stated in the posted notice were discussed which was  
25 limited personnel matters ( six month evaluation) relating to the City Manager Robert Garza.

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29 **III. PUBLIC PARTICIPATION**

30  
31 Jim Harbison, Member of the Public said there was an article in the Sun News regarding Mayor  
32 Miyagishima accusing the Redistricting Committee of trying to take out a Councillor through the  
33 redistricting process. I would like to point out that the members of the Redistricting Committee  
34 where appointed by this Council and the committee unanimously came up with their  
35 recommendation which was not based on taking someone out of office. I take the Mayor's comments  
36 as offensive to every member of that committee and I think he owes all of them an apology.

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38 Mayor Miyagishima said that article was referencing Plan G which was not one of two options but  
39 it would have disenfranchised the voters.

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**IV. 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.**

Mayor Miyagishima said Items 2, 3 and 8 need to be removed from the Consent Agenda for discussion.

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Councillor Connor Moved to approve the Agenda as Amended and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was Unanimously APPROVED. 7-0

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**V. CITY COUNCIL MINUTES**

\* (1) Regular Meeting of June 20, 2011

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**VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

\* (4) Resolution No. 12-003: A Resolution Approving a Budget Adjustment in the Amount of \$3000.00 to the FY 2012 Other Operating Fund for the Natural History Museum.

\* (5) Resolution No. 12-004: A Resolution Authorizing the Las Cruces Museum of Art to Accept a Grant From the Smithsonian Community Grant Program in the Amount of \$5,000.00 for the "NASA | Art: 50 Years of Exploration" Exhibit, to Ratify the City Manager's Signature on the Grant Acceptance Package, and to Adjust the FY 2012 Budget.

\* (6) Resolution No. 12-005: A Resolution to Extend the Fiscal Year 2011 Health-Related Public Services' Purchased Services Agreement Between the City of Las Cruces and La Casa, Inc., for an Additional Four (4) Months Through October 31, 2011. The Resolution Further Amends the City's Fiscal Year 2012 Budget to Reflect This Extension.

1 \*(7) Resolution No. 12-006: A Resolution Authorizing an Assignment of the Lease for Parcel  
2 8W at the Las Cruces International Airport From Adventure Aviation, Inc., to Joan Raabe-  
3 Asprey.  
4

5 \*(9) Council Bill No. 12-001; Ordinance No. 2623: An Ordinance Approving a Zone Change  
6 From C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 0.27 ±  
7 Acres of Land Located at 1300 S. Solano Drive. Submitted by Borderland Engineers &  
8 Surveyors, LLC on Behalf of Resources for Children & Youth Inc., Property Owner (Z2836).  
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12 **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**  
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14 \*(2) Resolution No. 12-001: A Resolution Authorizing Mountain States Constructors, Inc.,  
15 General Contractor for the New Mexico Department of Transportation's Valley Drive  
16 Rehabilitation Project, to Work Outside of the Hours of 7:00 A.M. to 6:00 P.M. as Required  
17 by the City of Las Cruces Municipal Code, Section 19-131.  
18

19 Councillor Small Moved to Adopt Resolution No. 12-001 and Councillor Thomas Seconded the  
20 motion.  
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23  
24 Jorge Garcia, Utilities Director and said this is a request from the New Mexico Department of  
25 Transportation to work on our utilities after hours which requires approval from Council. We agree  
26 that the work they will be doing would be less intrusive to the public if it is done in the evening.  
27

28 Councillor Small said the Valley Drive project has been in the making for a very long time and it is  
29 going to greatly improve that street. I would recommend that a hotline be set up so that it would  
30 make it easy for folks to contact the City.  
31

32 Jorge Garcia said we will work to facilitate that request.  
33

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36 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-001 and it was  
37 APPROVED. 6-0 Councillor Thomas was Absent.  
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1 \*(3) Resolution No. 12-002: A Resolution to Transfer Funds From the General Fund, Account  
2 Number 10100180-592001 in the Amount of \$14,180.00 to the 4001-40803020-20019  
3 General Building Capital Outlay Fund and Adjust the FY 2011/2012 Budget.

4  
5 Councillor Small Moved to Adopt Resolution No. 12-002 and Councillor Sorg Seconded the motion.

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9 Councillor Silva said I would suggest to staff that they be more specific with the title because it  
10 simply states that we are transferring funds from one account to the other but it doesn't state what  
11 the transfer is for. I know there will be more of these types of transfers in the future so I think we  
12 need to be more specific.

13  
14 Robert Garza, City Manager said I understand and we will keep a close eye out for that and make  
15 the titles clearer.

16  
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18  
19 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-002 and it was  
20 Unanimously APPROVED. 7-0

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24 \*(8) Resolution No. 11-12-324: A Resolution Awarding a Bid for the Fiscal Year 2011/2012  
25 Overlay Maintenance Project to Cutler Repaving, Inc. Of Lawrence, Kansas in the Amount  
26 of \$861,014.95 Plus \$65,114.26 for New Mexico Gross Receipts Tax. The City Manager  
27 is Authorized to Approve Change Orders in an Amount Not to Exceed \$43,050.75 for a Total  
28 Project Authorization \$969,179.96.

29  
30 Councillor Small Moved to Adopt Resolution No. 11-12-324 and Councillor Thomas Seconded the  
31 motion.

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33 -----  
34  
35 Mike Johnson, Public Works Director gave an overhead presentation and said this is our annual  
36 overlay project bid award. We have a committee in place that identifies the streets that are in need  
37 of overlay and our budget this year is \$2,500,000. We are in the process of purchasing a pavement  
38 management software which will give us a better way to analyze our streets. We also have another  
39 committee that looks at bike lanes for the streets that we are planning to overlay. We are asking that  
40 you award the bid of the overlay project to Cutler Repaving, Inc for the total amount of \$969,179.96  
41 which the funding will be coming out of our Street Maintenance Fund . They would begin in about  
42 two weeks and the project should take forty-five working days.

1

2 Mayor Miyagishima said would you consider taking a look at changing streets if a Councillor has  
3 a certain street that is in bad shape and the cost would be about the same as the one being  
4 exchanged?

5

6 Mike Johnson said we would take a look at it but we would prefer not to exchange streets because  
7 these streets have already been identified.

8

9 Councillor Connor said this list was put out about six or eight weeks ago and I did make some street  
10 changes in District 2.

11

12 Councillor Small said there are many more streets that need repairs. Is this process going to go  
13 animated with this new software?

14

15 Mike Johnson said no, it will just give us additional data to work with regarding our streets.

16

17 Councillor Small said we are very behind on our street maintenance and we do need to get caught  
18 up on it.

19

20 Robert Garza, City Manager said we are working in that direction and I think the only reason that  
21 we're not 100% is because we are paying debt services on decisions made by previous Councils to  
22 use some of those funds for major capital road projects.

23

24 Mayor Miyagishima said I just want to say that Public Works and the other departments do a good  
25 job considering the amount of money they have to work with and the number of roads we have in  
26 our city.

27

28 Councillor Pedroza said I heard a compliment about our streets which was that our streets are in  
29 much better shape than many other cities' streets. There are other streets that aren't included on this  
30 list but are going to get some kind of treatment; correct?

31

32 Mike Johnson said we do have other components that will be forwarded to Council shortly.

33

34 Mayor Miyagishima said there are lists of other streets to be done in the future.

35

36 Councillor Silva said will you be stripping the streets identified by the MPO for bicycle lanes?

37

38 Mike Johnson said we look at the streets that we are overlaying and adapted them to those plans.

39

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1 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-324 and it was  
2 Unanimously APPROVED. 7-0

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6 (10) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 12-007;**  
7 **A PUBLIC HEARING MUST BE HELD:**

8

9 Mayor Miyagishima said the Public Hearing for Resolution No. 12-007 is now open. Is there anyone  
10 who wishes to speak against this item?

11

12 None given.

13

14 Mayor Miyagishima closed the Public Hearing.

15

16 Resolution No. 12-007: A Resolution Approving the Issuance of a Restaurant Liquor  
17 License (Beer and Wine On-Premise Consumption Only) to El Tiburon Mariscos, Located  
18 at 504 East Amador Avenue, Las Cruces, New Mexico.

19

20 Councillor Connor Moved to Adopt Resolution No. 12-007 and Councillor Sorg Seconded the  
21 motion.

22

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25 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-007 and it was  
26 Unanimously APPROVED. 7-0

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30 (11) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 12-008;**  
31 **A PUBLIC HEARING MUST BE HELD:**

32

33 Mayor Miyagishima said the Public Hearing for Resolution No. 12-008 is now open. Is there anyone  
34 who wishes to speak against this item?

35

36 None given.

37

38 Mayor Miyagishima closed the Public Hearing.

39

40 Resolution No. 12-008: A Resolution Approving the Transfer of Location of State Liquor  
41 License #4012 to Wal-Mart Stores East, LP D/B/A Wal-Mart #5155, Located at 1550 South  
42 Valley Drive, Las Cruces, New Mexico.

1 Councillor Connor Moved to Adopt Resolution No. 12-008 and Councillor Silva Seconded the  
2 motion.

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6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-008 and it was  
7 Unanimously APPROVED. 7-0

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11 (12) Council Bill No. 12-002; Ordinance No. 2624: An Ordinance Approving a Zone Change  
12 From R-1B (Single-Family High Density) to C-1C (Commercial Low Intensity-Conditional)  
13 for 0.25 ± Acre Tract Located South of the Future Extension of Sedona Hills Parkway and  
14 East of Pagosa Hills Avenue; Parcel ID# 02-37615. Submitted by Sonoma Ranch  
15 Subdivision Ltd. Co. On Behalf of Area 51 LLC, Property Owner (Z2837).

16

17 Councillor Connor Moved to Adopt Council Bill No. 12-002; Ordinance No. 2624 and Councillor  
18 Small Seconded the motion.

19

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21

22 Adam Ochoa, Planner gave an overhead presentation and said this property is currently zoned R-1b  
23 and it is located in the Sonoma Ranch East II master planned area. The property is currently vacant  
24 and undeveloped land. The proposed zoning will allow for utility-related land uses such as antennas,  
25 towers, communication structures and other vertical structures and public/private utility installations  
26 only. Staff recommends approval of this zone change with the following conditions: the land use is  
27 limited to utility-related land uses for antennas, towers, communication structures and other vertical  
28 structures and public/private utility installations. On May 24, 2011 the Planning and Zoning  
29 Commission recommended approval for the proposed zone change and written comments were  
30 received by staff from the general public regarding the placement of a communication structure in  
31 their neighborhood but there was no one from public present at the Planning and Zoning  
32 Commission meeting.

33

34 Councillor Thomas said there were issues with the notification letters being sent to the Home  
35 Owners Association because it is still being ran by the developer so the residents didn't receive the  
36 notification.

37

38 Cheryl Rodriguez, Development Services Administrator said the neighborhood association that was  
39 informed of the application for a special use permit for the cell tower as well as the zone change is  
40 the neighborhood association that is registered with the City. We have met the requirements for the  
41 posting of this and the notification to the residents within a 200 mile radius.

42

1 Councillor Thomas said I know you have met all the requirements but I wanted to use this as an  
2 example and I hope we can change the way we notify people. The special use permit request will go  
3 before the Planning and Zoning and then Council; correct?

4

5 Adam Ochoa said no, the Planning and Zoning will have the final vote on that permit.

6

7 Councillor Thomas said then I would ask that we have more time on this item so we can meet with  
8 the residents of this neighborhood.

9

10 Councillor Connor said I received two emails in support of the cell tower because of the lack of  
11 service in that area. Can we condition this to require them to disguise the tower?

12

13 Adam Ochoa said yes.

14

15 Brian Soleman, Property Owner Representative said our proposal is to have it look like a palm tree  
16 and there will be matching rock walls so it will match the community.

17

18 Councillor Thomas said I did receive one email that was in support of this and twenty to thirty that  
19 were opposed to it. Do we have anything in our code on how the tower should look and the height  
20 of it?

21

22 Adam Ochoa said yes, our code does address those things.

23

24 Councillor Sorg said I agree with Councillor Thomas that we need to change our way of doing  
25 notifications. I think we should also address things like health issues and property values.

26

27 Mark Cobb, Member of the Public said I am the president of the neighborhood association and I am  
28 the one who received the notice in May of the meeting. We would like for you to table this so we  
29 could have more time to discuss all the factors.

30

31 Monte Shriver, Member of the Public passed out some handouts and said I am part of this area. I  
32 believe the notice was defective because it is suppose to be posted in a conspicuous site and none  
33 of us saw the posted notice. The majority of the mailed out notices went to a neighborhood that  
34 wouldn't even see the tower instead of to my neighborhood which would have a clear view of it. I  
35 am concerned with page 170 of the City's development statement which states that the applicant is  
36 not bound by the details contained in the development statement nor is the City responsible for  
37 requiring the applicant to abide by it.

38

39 Wayne Hancock, Member of the Public said I live about four houses down from where the tower is  
40 going to be; we just closed on our house in May and there was never any mention during this process  
41 that there was going to be a cell tower on that property. There is no lack of cellular services in this  
42 area so there is no need to have a cell tower there. I also have a petition from some of the residents

1 in my neighborhood who are very concerned about having their view of the Organ Mountains  
2 desecrated by a cell tower.

3

4 Mayor Miyagishima said I tried to put myself in this situation and I wouldn't like it.

5

6 Councillor Thomas said I would like to have the opportunity to gather more information so I think  
7 we should hold off on making a decision and table this item to a specific date.

8

9 Councillor Pedroza said I have read through several emails and a vast majority of them are opposed  
10 to this tower. I would be in favor of tabling this item.

11

12 Councillor Sorg asked how was the notification done?

13

14 Adam Ochoa said the notification of the Planning and Zoning meeting was sent out by regular mail  
15 and notification of this meeting was sent by certified mail to the residents that are within 200 feet  
16 of the subject property.

17

18 Councillor Sorg said we need to have a better way of communication. I would be in favor of tabling  
19 this item.

20

21 Justin Owen, Verde Com said there is poor cellular service in that area. As more people get cellular  
22 and internet services, it becomes necessary for us to put up more towers in residential areas. It cost  
23 Verizon about \$500,000 to invest in a palm tower so they wouldn't do it if it wasn't needed. These  
24 towers also enhance the 911 services and the GPS services.

25

26 Councillor Sorg asked is there any other location for this tower?

27

28 Justin Owen said they try to stay away from residential areas if they can but this location was  
29 selected because it was necessary.

30

31 Councillor Sorg said I would recommend that we have a neighborhood meeting to explain this to  
32 everyone in that area.

33

34 Councillor Connor asked is that a City well?

35

36 Jorge Garcia, Utilities Director said it is the Jornada Water Tank not a well.

37

38 Councillor Connor said I would suggest in the future that we use some students to hand deliver  
39 notices to people's front doors so they are aware of issues like this one. If we table this item and have  
40 a public meeting then since this is an ordinance, none of the Councillors could attend that meeting  
41 or have any correspondence regarding this item; correct?

42

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1 Harry (Pete) Connelly, City Attorney said zoning is both quasi judicial and legislative so you should  
2 not be involved or participate in neighborhood meetings. It would be in your discretion to handle  
3 correspondence but I would recommend that you try to keep it balanced.

4

5 Councillor Connor said that is why I don't answer emails in situations like this regarding ordinances.

6

7 Councillor Thomas said I would like for our Legal Department to look into what we can and can't  
8 do regarding towers?

9

10 Cheryl Rodriguez said I would ask that instead of tabling this item that we send it back to the  
11 Planning and Zoning Commission so they can review this again as well as look at the special use  
12 permit application. That would give the applicant more time to hold neighborhood meetings and then  
13 once it goes through Planning and Zoning it will come back to Council.

14

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16

17 Councillor Connor Moved to remand Council Bill No. 12-002; Ordinance No. 2624 back to the  
18 Planning and Zoning Commission and Councillor Thomas Seconded the motion.

19

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21

22 Mark Cobb, Member of the Public said I just want to mention that this tower would be located near  
23 a water supply facility and there could be possible contamination issues.

24

25

26

27 Mayor Miyagishima called for the roll on the Motion to remand Council Bill No. 12-002; Ordinance  
28 No. 2624 back to the Planning and Zoning Commission and it was Unanimously APPROVED. 7-0

29

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31

32 (13) Council Bill No. 12-003; Ordinance No. 2625: An Ordinance Redistricting the City of Las  
33 Cruces' Six (6) Districts, Redrawing District Lines, and Repealing LCMC 1997, Sec. 8-2 in  
34 Its Entirety and Enacting a New Sec. 8-2.

35

36 Councillor Sorg Moved to Adopt Council Bill No. 12-003; Ordinance No. 2625 and Councillor  
37 Small Seconded the motion.

38

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41 Mayor Miyagishima said there won't be a staff presentation on this item. I am just going to open this  
42 up and give everyone an opportunity to discuss this issue.

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1

2 Councillor Small said there was a recommendation that the Citizens Committee be established as  
3 a part of the City's redistricting process and I think it would be a wise idea to have this committee  
4 as part of the process. I would agree with selecting Plan F2.

5

6 Councillor Pedroza said my choice is Plan F2. We're not looking to make a huge division of the  
7 historic districts and they are all included in District 1 in both maps.

8

9 Councillor Silva said I appreciate the work of the ad-hoc committee and I think they did a great job.  
10 I think we should have held on to their concept but unfortunately we have moved beyond that and  
11 have narrowed it down to these two plans. Plan F3 holds the Alameda District in tack and F2 splits  
12 that district. Ms Lewis sent me an email and encouraged us to vote for Plan F3 (Councillor Silva read  
13 an email from Irene Oliver Lewis). I think the Council should begin looking at the redistricting  
14 process for 2020 in 2015. I am ready to vote to accept Plan F3.

15

16 Councillor Connor said our first discussion on the redistricting was on February 14<sup>th</sup> and there has  
17 been a lot of discussion on whether or not to displace Councillors. I made a request to begin looking  
18 at the redistricting in 2007 but there wasn't a consensus so it didn't move forward. I want to thank  
19 the committee for their work on this process and I totally support keeping neighborhoods together.  
20 I continue to struggle with what is in Districts 5 and 6 in both plans and my district continues to have  
21 the largest negative number. This is going to be in motion for ten years and I had hoped that we  
22 would be on more even ground when it came to District 2.

23

24 Councillor Sorg said I received over 80 emails and about 90% of them were in favor of one of the  
25 Plan F plans.

26

27 Councillor Thomas said there are pluses and minuses for both plans so it makes it very difficult. I  
28 received over 40 emails complaining about Plan G because people were not in favor of removing  
29 a Councillor.

30

31 Becky King, Member of the Public said I am a resident of District 4 and I am in support of Plan F2.

32

33 Wilma Hudson, Member of the Public said I support Plan F3.

34

35 Jim Moore, Member of the Public said I am a District 3 resident and I support Plan F2.

36

37 David Chavez, Member of the Public said we have worked for years to combine neighborhoods so  
38 I would support Plan F3.

39

40 Ryan Dailey, Member of the Public said I support Plan F3.

41

42 Tamie Smith, Member of the Public said I support Plan F3.

1 Ron Camunez, Member of the Public said I see that this Council is missing an opportunity to make  
2 history because Districts 5 and 6 are too large and none of you except Councillor Connor is willing  
3 to discuss that issue. I'm not for any of these plans at all.

4

5 Lori Meeks, Member of the Public said I live in the Mesquite neighborhood and I am in favor of Plan  
6 F3.

7

8 Marco Grajeda, Member of the Public said I don't think you should isolate the Downtown area so  
9 I am in favor of Plan F2.

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12

13 Councillor Silva Moved to Amend Council Bill No. 12-003; Ordinance No. 2625 to include Plan  
14 F3 and Councillor Connor Seconded the motion.

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17

18 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 12-003; Ordinance  
19 No. 2625 to include Plan F3 and it FAILED. 2-5 Councillor Silva and Councillor Thomas voted Aye.  
20 Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor Miyagishima  
21 voted Nay.

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24

25 Councillor Pedroza Moved to Amend Council Bill No. 12-003; Ordinance No. 2625 to include Plan  
26 F2 and Councillor Small Seconded the motion.

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30 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 12-003; Ordinance  
31 No. 2625 to include Plan F2 and it was APPROVED. 5-2 Councillor Pedroza, Councillor Small,  
32 Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva and  
33 Councillor Connor voted Nay.

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36

37 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 12-003; Ordinance  
38 No. 2625 as Amended and it was APPROVED. 5-2 Councillor Pedroza, Councillor Small,  
39 Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva and  
40 Councillor Connor voted Nay.

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2 Councillor Connor Moved for a five minute recess and Councillor Small Seconded the motion.  
3  
4 Mayor Miyagishima said all those in favor of a five minute recess say Aye. Council stated Aye.  
5  
6 Meeting Recessed at approximately 3:55 p.m. and Reconvened at approximately 4:08 p.m.

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10 **VIII. BOARD APPOINTMENTS**

11  
12 Mayor Miyagishima said Councillor Thomas appoints Wayne D. Hancock from District 6 to the  
13 Parks and Recreations Board.

14  
15  
16

17 **IX. REVIEW OF PROPOSED ORDINANCE(S)**

18

19 (14) Council Bill No. 12-004; Ordinance No. 2626: An Ordinance Authorizing a Real Estate  
20 Purchase Agreement Between the United States of America and the City of Las Cruces, for  
21 the Sale of 15 Acres of Municipally Owned Land in the West Mesa Industrial Park for the  
22 Purchase Price of Six Hundred Thousand Dollars (\$600,000.00) in Accordance with  
23 Provisions of LCMC 1997, Section 2-1312.

24

25 Mayor Miyagishima and Council agreed to bring this item back.

26

27 (15) Council Bill No. 12-005; Ordinance No. 2627: An Ordinance Amending Sections 13-102,  
28 13-105, and 13-106 of the City's Affordable Housing General Oversight Ordinance Within  
29 the Las Cruces Municipal Code, 1997, as Amended.

30

31 Mayor Miyagishima and Council agreed to bring this item back.

32

33

34

35 **X. GENERAL DISCUSSION**

36

37 **1. MAYOR**

38

39 Mayor Miyagishima said regarding the Utilities Department debt write-off, there are investors who  
40 invest in bad debt and try to collect it themselves for a profit. We have four years to collect a debt  
41 so maybe after the third year we could consider selling that debt.

42

1 -----

2

3 2. CITY COUNCIL

4

5 Councillor Thomas said I would like to get support from the rest of Council to create a neighborhood  
6 relations coordinator position to help with the communications between the City and the  
7 neighborhoods.

8

9 Councillor Connor said staff has policies that they have to follow and they do have to notify residents  
10 within 200 feet but there isn't anything to keep them from notifying people within 1,000 feet.

11

12 -----

13

14 Councillor Sorg said I agree with working on better communication policies.

15

16 -----

17

18 Councillor Small said we have a need to have a scanner at the dais or in the back so as we get  
19 materials, we can get them up.

20

21 Robert Garza, City Manager said there are different types of technology that we could use for that  
22 purpose so we will look into our options.

23

24 Councillor Small said I would like to get consensus and support for having a policy in place for the  
25 Redistricting Committee.

26

27 Mayor Miyagishima asked are you meaning for 2020?

28

29 Councillor Small said yes. I just want to guarantee that all the districts will have representation  
30 during the next redistricting.

31

32 Mayor Miyagishima said I suggest that you write down exactly what you are asking and bring it to  
33 our attention at the next meeting.

34

35 Councillor Small said there was a suggestion brought forward from some of the folks in the  
36 community about ways we can show our appreciation to the Navy Vets and having partnerships with  
37 the Navy airplane training programs.

38

39 Mayor Miyagishima said I could present a Proclamation to them.

40

Regular Meeting  
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1 Councillor Small said there is a concern with the Bantam Football League because it isn't a City  
2 league but it uses City facilities but I just want to let everyone know that there is an agreement that  
3 governs the usage of these facilities.

4

5 This is the beginning of the rainy season and I want to remind everyone about the diseases that are  
6 carried by mosquitos so we all need to remove any standing water from our yards.

7

8 There is a lot of room to improve and grow regarding public participation and I think we need to find  
9 a way to compile all the information from anyone who attends and speak at meetings here,  
10 neighborhood meetings or through email.

11

12

13

14 Councillor Pedroza said I would like to introduce a new resolution at the next meeting in support of  
15 the South Central Solid Waste Authority's position regarding solid waste disposal in New Mexico  
16 which was stated in a letter submitted to Secretary Martin.

17

18 Councillor Silva handed out a copy of that letter and said I would like to ask that we hold off on this  
19 resolution because there will be a closed session in August with the South Central Solid Waste  
20 District to decide on a strategy on how to move forward with addressing this item. We should be  
21 very cautious and just let this be handled at the board level before we decide on doing anything else.

22

23 Mayor Miyagishima said I think the best way to handle this is to first let the South Central Board  
24 meet then see what comes out of that meeting.

25

26 Councillor Pedroza asked would it be proper to ask Council to do a letter of support?

27

28 Mayor Miyagishima said I'm not really up to speed on this issue and I would prefer to wait and touch  
29 base with Patrick and Councillor Silva before I do anything.

30

31

32

33 Councillor Connor said I would like to get an update from Chief Brown on how things went on the  
34 4<sup>th</sup> of July.

35

36 Chief Brown, LCFD said we are gathering the preliminary data but I can tell you that there was a  
37 slight decrease in the number of complaints received and a little bit less activity. There weren't any  
38 significant fire incidents related directly to fireworks but there were some minor incidents.

39

40 Councillor Connor said that is great to hear and I want to thank you guys and the Police Department  
41 for all your work during the 4<sup>th</sup> of July. I want to thank Albertsons and Sam's Club for shutting down  
42 all their firework sales on the Thursday prior to the 4<sup>th</sup> of July.

1

2 Chief Brown said I would like to thank the community for listening to our pleas to not purchase  
3 fireworks this year.

4

5 Councillor Connor said I want to thank the 4<sup>th</sup> of July Committee for putting together a very  
6 successful event this year.

7

8 Mr. Garza, do you have our safety route information yet?

9

10 Robert Garza, City Manager said it isn't complete yet but as soon as it is we will put it on the agenda  
11 for you.

12

13 Councillor Connor said I would like to make a formal recommendation for us to use Toastmasters  
14 as a training tool for some of our middle managers.

15

16 District 2 got hit hard with some tagging on Espina and there was an old vacant restaurant that was  
17 tagged all around the building.

18

19

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20

21 Councillor Silva said I'd like to thank the 4<sup>th</sup> of July Committee for a great event and the Police and  
22 Fire Departments for keeping everyone safe. I also want to thank the residents because I think they  
23 made an extra effort to have a safe weekend.

24

25 I would recommend that we have recycle bins up here at the dais.

26

27 One of the issues that has come to the Downtown Revitalization Committee is issues with the  
28 signage in the Downtown parking lots. The parking lots are numbered instead of listed by business  
29 names and one of the businesses requested that it be changed from numbers to the business names  
30 and they are willing to pay for the signs themselves.

31

32 Robert Garza, City Manager said we will look into that issue and see if it is possible.

33

34

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35

36 Councillor Small said I just want to mention that our Codes Officers did also play a significant role  
37 in keeping everything safe during the 4<sup>th</sup> of July weekend.

38

39 Councillor Sorg said I want to thank staff for all the publicity that was put out regarding the safety  
40 of fireworks.

41

1 I would like to see if we could possibly have a policy to address if, how, when and what kinds of re-  
2 vegetation the City could do on disturbed open spaces of City property and I would like to have a  
3 discussion on how to discourage the use of these lands for off-road vehicles.

4

5

6

7 **3. CITY MANAGER**

8 A. Other items - Information Only.

9

10 Robert Garza, City Manager said I would like to not only thank the Police and Fire Departments  
11 but also everyone else who is behind the scenes like the Park and Recreation Department and the  
12 Street Department for all the work they do during the 4<sup>th</sup> of July weekend.

13

14 Dr. Garcia and I will be leaving for Santa Fe right after this meeting to meet with the Attorney  
15 General to discuss some water issues.

16

17

18

19 **Meeting Adjourned at 4:53 p.m.**