



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

Regular Meeting

April 16, 2012

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Greg Smith, 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

- Brian Denmark, Assistant City Manager
- Harry (Pete) Connelly, City Attorney
- Esther Martinez, City Clerk

Draft

I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Councillor Silva presented a Proclamation to Judith Baca and declared April 22 thru April 28, 2012 as National Crime Victim's Rights Week.

Councillor Silva presented a Proclamation to Meredith Hildreth and declared April 16 thru April 22, 2012 as Earth Week.

State Senator Mary Jane Garcia gave a presentation regarding the GFWC Progress Club of Las Cruces.

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

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

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 8 None given.

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12 **III. PUBLIC PARTICIPATION**

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14 David Montes, Member of the Public said I am an independent film maker and I think there is a lot
 15 of potential out there for the film liaison position with the City so I think you should fill that position
 16 and not do away with it.

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18 Joe T. Meyer, Member of the Public read a thank you letter to all the sponsors of the Harp
 19 Screenplay.

20

21 Lamaya Vaughn, Member of the Public said I currently teach at the Dona Ana Community College
 22 and I just want to encourage Council to consider the film liaison position as a very positive influence
 23 for our community.

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25 David Salcedo, Member of the Public said I am the Rio Grande Theater Manager and our concern
 26 regarding the recently vacated film liaison position is that it won't be filled and will be discontinued
 27 and as a community we can't let that happen. Las Cruces is the second largest city in New Mexico
 28 and it would be a tragedy to loose all the ground we have covered in the film industry over the past
 29 few years. I ask Council to give careful consideration to the importance of film making in Las
 30 Cruces, New Mexico.

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32 Mayor Miyagishima said I just want to say that the position is vacant and we just wanted to wait to
 33 fill it until the hiring of the Director for the CVB so they could give their input in the hiring process.

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37 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
 38 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
 39 **BY ONE MOTION.**

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41 Mayor Miyagishima said Item 3 needs to be removed from the Consent Agenda for discussion.

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Councillor Small Moved to Approve the Agenda as Amended and Councillor Thomas Seconded the motion.

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

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

* (1) Resolution No. 12-172: A Resolution Authorizing the City of Las Cruces Branigan Cultural Center to Accept a Grant From the National Endowment for the Humanities in the Amount of \$1,000.00 With No Local Match Requirement and to Adjust the FY 2012 Budget.

* (2) Resolution No. 12-173: A Resolution Authorizing the City of Las Cruces Senior Programs Section to Accept a Grant From the Corporation for National and Community Service, Retired and Senior Volunteer Program (RSVP) in the Amount of \$50,372.00 With a Local Match Requirement of \$23,331.00 and to Adjust the FY 2012 Budget.

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

* (3) Council Bill No. 12-032; Ordinance No. 2654: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 5.00± Acres of Land With the Parcel Identification Number 02-31275. Submitted By Chad Sells on Behalf of Raci Management Company, Inc., Property Owner (Z2850).

Councillor Thomas Moved to Adopt Council Bill No. 12-032; Ordinance No. 2654 and Councillor Sorg Seconded the motion.

Councillor Thomas said I just want to clarify that it should read that this is located on the west side of the Las Cruces Flood Control Dam, not the east side of it.

1 Katherine Rogers, Senior Planner said that is correct, it should say the west side but I want to
2 mention that the ordinance is correct and it does state the west side.

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6 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 12-032; Ordinance
7 No. 2654 and it was Unanimously Approved. 7-0

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11 (4) Resolution No. 12-174: A Resolution Approving a Budget Adjustment to Increase
12 Expenditures in the Amount of \$200,000 for Airport Pavement Repair, Crack Sealing and
13 Seal Coating, and a Transfer in the Amount of \$750,000 and to Adjust the 2011-12 Airport
14 Operation Budget.

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16 Councillor Small Moved to Adopt Resolution No. 12-174 and Councillor Thomas Seconded the
17 motion.

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21 Lisa Murphy, Public Works Director gave an overhead presentation and said the City is responsible
22 for the maintenance of the non-airfield pavements and currently, the Airport Improvement Fund has
23 a balance of \$750,000 so with this money we are hoping to authorize \$200,000 for the repair of the
24 Airport pavement to include crack sealing and seal coating as well as complete pavement
25 replacement in some areas. This resolution is to transfer the \$750,000 from the Airport Improvement
26 Fund and move it to the Airport Operations Fund so we can easily access these funds.

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28 Councillor Smith said this would make our runways a safe place for people to land their airplanes
29 so I think this is well warranted.

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33 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-174 and it was
34 Unanimously Approved. 7-0

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38 (5) Resolution No. 12-175: A Resolution Approving a Standard Operating Policy (SOP) for
39 Public and Private Use of Main Street and the Surrounding Downtown Area.

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41 Councillor Small Moved to Adopt Resolution No. 12-175 and Councillor Sorg Seconded the motion.

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2 Mark Johnston, Parks and Recreation Director gave an overhead presentation and said we are getting
3 a lot of requests for events like weddings and films in the Downtown area so Council directed staff
4 to develop a policy and seek public input. The draft policy was completed with input from various
5 City departments, the Farmers Market, businesses, Downtown Las Cruces Partnership and the
6 general public. There was a public meeting held on February 15th and it was well attended. This
7 policy establishes priority uses which includes City sponsored/co-sponsored events, the Farmers
8 Market, private rentals and commercial events. It also creates one point of contact for customer
9 service, a fee structure and streamlines the permit process.

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11 Councillor Smith asked how was the fee schedule generated?

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13 Mark Johnston said it is based loosely on our current park fee structure.

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15 Councillor Smith asked usually alcohol isn't allowed so are you going to allow beer and wine?

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17 Mark Johnston said alcohol isn't allowed with facility use but City Council has the ability to waive
18 that for certain events but that is a separate process.

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20 Mayor Miyagishima said the fees seem a little high; do they cover our cost as well?

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22 Mark Johnston said the fees do not cover our cost.

23

24 Brian Denmark, Assistant City Manager said the Downtown fees are slightly higher than our park
25 fees because we are dealing with the Mainstreet roadway so there are additional departments and
26 additional costs involved with renting out an area in our Downtown.

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28 Councillor Silva said the fee for four hours at a park is only \$50, not \$200 so I think there should be
29 a uniformed cost across the board and the fee to rent the Downtown should be the same as if were
30 renting a park. We need to be clear on the cost and what is included in that cost.

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32 Carrie Latour, Downtown Las Cruces Partnership said I would ask that the fees for the Downtown
33 be the same as the fees for parks to make it easier for us to market. Since we are a non-profit
34 organization but we have to solicit funding for events, if we hold an event that is open to the public
35 would we have to pay a fee?

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37 Mark Johnston said no, if the event is free and open to the public then there would be no fee. The
38 fee is based on how restrictive the event is to the public.

39

40 Councillor Small said there is a compelling need to get folks Downtown so there should be
41 incentives in place but I don't see that the Downtown should be the same as parks because there
42 aren't things like retail shops in a park. Is the fear that the fees are too high so people will go
43 elsewhere?

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2 Carrie Latour said sure, that is a concern.

3

4 Councillor Silva said I think this fee structure will discourage Downtown activities.

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6 Councillor Small said we want the Downtown to be separate and to be recognized as unique but we
7 also don't want to dissuade people from going down there.

8

9 Councillor Thomas said we do need to have a single point of contact to avoid multiple events going
10 on at that same time and we do need to keep documentation as to what is going on down there. How
11 much does the Whole Enchilada event pay to rent that entire area with all the things like the port-a-
12 potties?

13

14 Mark Johnston said for a number of years, they paid the City \$5,000 per year just for the park space
15 but over the past two years they have paid nothing to use the park space; however, they provided all
16 the security, all the port-a-potties, garbage bags and service. The only thing they didn't pay for were
17 the utilities cost.

18

19 In order to be consistent, we could change the Downtown fee to \$50 per four hour increment for
20 either profit or non-profit event. We could try it for a while and then we could come back before
21 Council in six months or a year with a report on how we did.

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23 Councillor Silva asked approximately how many events occurred in 2011?

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25 Mark Johnston said about eighteen. It is very important that we have a calendar to schedule the
26 events and I do like the \$50 per four hour increment because it would make it easier on my staff.

27

28 Councillor Silva said I think we need more information to analyze this but the quick fix would be
29 to have the same fee uniformed across the board.

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31 Councillor Smith asked how many events have been put on hold because we don't have this policy
32 in place?

33

34 Mark Johnston said right now I have six wedding requests for La Placita.

35

36 Councillor Smith said I think we should have the same fee structures as we do for our parks and then
37 in six months come back before Council for a review of it.

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41 Councillor Silva Moved to Amend Resolution No. 12-175 to have the fee structure consistent with
42 the park fee of \$50 per four hour increments and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 12-175 to have the fee structure consistent with the park fee of \$50 per four hour increments and it was Unanimously Approved. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-175 as Amended and it was Unanimously Approved. 7-0

VII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Charles Scholz to the At-Large Position of the Planning and Zoning Commission.

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Councillor Small Moved to Approve the Mayor's board appointment of Charles Scholz to the At-Large Position of the Planning and Zoning Commission and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment of Charles Scholz to the At-Large Position of the Planning and Zoning Commission and it was Unanimously Approved. 7-0

Mayor Miyagishima appointed Eugene Pettit (Business Representative) and Elizabeth Van Lauwe (Senior Position) to the Transit Advisory Board.

Councillor Thomas Moved to Approve the Mayor's board appointment of Eugene Pettit (Business Representative) and Elizabeth Van Lauwe (Senior Position) to the Transit Advisory Board and Councillor Small Seconded the motion.

1 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
2 of Eugene Pettit (Business Representative) and Elizabeth Van Lauwe (Senior Position) to the
3 Transit Advisory Board and it was Unanimously Approved. 7-0

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7 Mayor Miyagishima appointed Don Hirsch (Benavidez Center Representative) and Pleddie Baker
8 (District 4 Representative) to the Senior Programs Advisory Board.

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12 Councillor Sorg Moved to Approve the Mayor's board appointment of Don Hirsch (Benavidez
13 Center Representative) and Pleddie Baker (District 4 Representative) to the Senior Programs
14 Advisory Board and Councillor Small Seconded the motion.

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18 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
19 of Don Hirsch (Benavidez Center Representative) and Pleddie Baker (District 4 Representative) to
20 the Senior Programs Advisory Board and it was Unanimously Approved. 7-0

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24 **VIII. REVIEW OF PROPOSED ORDINANCE(S)**

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26 None given.

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30 **IX. GENERAL DISCUSSION**

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32 1. Mayor

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34 Mayor Miyagishima passed.

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38 2. City Council

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40 Councillor Thomas said I have had complaints about a plane flying around again so are you looking
41 into it?

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1 Brian Denmark, Assistant City Manager said we are looking into all leads and as soon as we receive
2 any information we will share it with Council.

3

4 Councillor Thomas said I just handed out a suggestion for a resolution to support establishing the
5 Organ Mountains Desert Peaks National Monument and I'm asking if we could put this on the next
6 Work Session agenda for discussion?

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8 Mayor Miyagishima said sure.

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10 Councillor Thomas said we received a flyer regarding Earth Week and I'd like to get a digital copy
11 of it so we can forward it to our email list.

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15 Councillor Sorg said I just want to say I've already asked Meredith to send me a digital copy of it.

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19 Councillor Small asked Mr. Denmark, do we have an update on the film industry work session or
20 will that be provided later in the week?

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22 Brian Denmark, Assistant City Manager said if Council wishes, we can put it on as a work session
23 item but the position does still exist and is being considered to be filled so we can put it on as a work
24 session item to discuss the position and the status of the program.

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26 Mayor Miyagishima said we can put it on the May 14th work session.

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28 Councillor Small said that sounds fantastic. It wouldn't be to just focus on the film liaison but a
29 venue for an update on the industry.

30

31 I think it is great that we are following up on the fixes at the Airport and we need to keep
32 highlighting the advancements and improvements with our transportation.

33

34 I'd like to thank Lisa Murphy, Chief Williams, Alma Cortez and others for some follow up on some
35 items.

36

37 I want to congratulate John Munoz with Sitel for the successful announcement and the continuation
38 of showcasing job growth in our economy.

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40 I want to mention again that I won't be participating in the discussion or voting on any issues relating
41 to the Organ Mountain Desert Peak region.

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2 Councillor Pedroza said I want to congratulate the City staff that cleans the parks because I took my
3 morning walk the Monday after Easter and Young Park which had been heavily used over the
4 weekend, and it was very clean by Monday evening. I want to mention that I won't be doing my
5 morning walk on Friday because I will be out of town.

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9 Councillor Smith said regarding discussions about Premier Park and Pegasus Global Holdings, I
10 think we would be wise to enter into discussions with our eyes open and be extremely careful.

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14 Councillor Silva asked can staff provide us an update on the Transit Center as part of a work
15 session?

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17 Mayor Miyagishima asked can you write something up to send to us and also have available with
18 the Clerk's office?

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20 Brian Denmark, Assistant City Manager said we can come up with a written status report but I do
21 know that they are currently going through the bidding process.

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25 3. City Manager

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27 Brian Denmark, Assistant City Manager said I just want to remind you that this Thursday we
28 have a Special Work Session to discuss the Strategic Plan and it begins at twelve o'clock and is
29 scheduled to last until five o'clock. We will be providing lunch for Council at 11:30 a.m. and the
30 meeting information was provided in Mr. Garza's weekly report.

31

32 Just a reminder that next Monday, as part of the Work Session, we will be discussing the
33 proposed budget which has been printed out and is available for the public to view and give us
34 their comments. The budget is set for Council's approval at the May 7th Council meeting.

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38 Meeting Adjourned at 2:49 p.m.