



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

Regular Meeting

July 2, 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

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

28 Presentation of Certificates of Appreciation/Proclamations.

30 Councillor Thomas presented a Proclamation to Barbara Hubbard and declared July 12, 2012 as
31 Barbara Hubbard Day.

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

36 Councillor Thomas presented a Proclamation to Christine Courtney and declared June 15, 2012 as
37 Elder Abuse Awareness Day.

39 Councillor Thomas and Mark Winson recognized Pat Degman, Comptroller who is retiring after 25
40 years of service.

42 Robert Caldwell gave a presentation regarding the 100 years of Statehood July 3rd and July 4th events.

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3 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
4 Closed Session at 5:05 p.m. on June 18, 2012. The following members were in attendance: Mayor
5 Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor
6 Sorg, Councillor Thomas and City Manager Robert Garza. The meeting adjourned at 5:45 p.m. and
7 only those items stated in the posted notice were discussed which were personnel matters (annual
8 evaluation) relating to City Manager Robert Garza

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

16
17 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

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19 None given.

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22
23 Mayor Miyagishima said this weekend I was able to work with Jeff Steinborn regarding the wording
24 of the Organ Mountain Monument and I think he produced a better product than what was previously
25 brought before us. There were two new things that were included which is a sentence that states
26 “whereas the Desert Peak Organ Mountain Monument shall allow for the continuation of ranching
27 and hunting in the lands of Dona Ana County” and the other part states “Whereas, regarding
28 potential future land acquisitions, parcels of state or private land that are in-holdings within the
29 National Monument will only be for sale or trade with the Federal Government with the willing
30 consent of land owners. And additionally, eminent domain will not be used to acquire State or
31 private lands within the monument.” So these changes are very inclusive and sends the message that
32 everyone is included in this monument and I am looking forward to putting this on the July 16th
33 agenda.

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37 **III. PUBLIC PARTICIPATION**

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39 Clifford Elton, Member of the Public said I have been a resident of this area for sixteen years and
40 I am totally in support of the new revisions.

41

1 Russ Smith, Member of the Public said I am also in support of the Organ Mountain National
2 Monument initiative.

3

4 Ben Gabriel, Member of the Public said I have been involved with the outdoors for about a decade
5 now and the outdoor recreation industry has contributed about \$644 billion to the economy and it
6 provides about 6.1 million jobs so I think it is important economically that this proposal is passed.

7

8 Roberta Salazar-Henry, Member of the Public said sport hunting is a very crucial part of this
9 community and it is important that the public lands remain open to the public. We are in support of
10 this proposal because we believe that the National Monument status will protect our rights to
11 continue hunting on these properties.

12

13 Richard Majestic, Member of the Public said I am also in support of this National Monument.

14

15 Jeff Steinborn, Southern New Mexico Wilderness Alliance Director said this monument will serve
16 a huge range of users which would include ranchers and hunters. We did add new language to the
17 resolution but the law is very clear in that Federal lands within a monument cannot impact State or
18 private lands. This would help protect these lands and help make us a destination and preserve the
19 quality of life for our citizens forever.

20

21 Jerry Schickedanz, Chairman of People for Preserving Our Western Heritage said I didn't see
22 anything about the Desert Peaks on today's agenda so I told all the people who wanted to come down
23 here today not to come so I am the only one here to speak against this item. I would like to know why
24 you are in such a hurry now to do this resolution? Will my group have an opportunity to say
25 something about this resolution and say what we'd like to have included in it since Mr. Steinborn
26 was able to give his input? We all agree that we need to save the Organ Mountains so why can't we
27 just do that now and then set some priorities on the other areas of concern.

28

29 Mayor Miyagishima said there isn't anything on the agenda regarding this item which is why none
30 of the Councillors are saying anything. These people are speaking strictly under public participation
31 and I was aware that they were going to be speaking on this because I am on various email lists and
32 someone forwarded me an email stating that there was going to be a lot of people speaking about this
33 at today's meeting. This item will be on the July 16th agenda and you and your people will be given
34 the opportunity to speak on it when we beginning discussing that item.

35

36 Councillor Silva said there have been three proposals presented to us regarding the monument so I
37 think the proposal should include options A, B or C and it should be clear on what it is being
38 presented and what is being proposed.

39

1 Mayor Miyagishima said I will give a copy of what is being proposed during the Mayor's Comments
2 portion of the meeting but it is the Desert Peaks Monument that is being proposed. It has always
3 been just one proposed resolution, and there were just three different views presented.
4

5 Joel Hoffman, Member of the Public said I grew up in Organ and I am totally in support of the
6 600,000 acre Organ Mountains Monument.
7

8 Bob Jaska, Member of the Public said the claims of advocate groups need evaluation and the
9 government has a duty to be objective. It needs to be stated why this is the best solution for the City
10 of Las Cruces and the County of Dona Ana. There are claims that this will increase jobs and tourism
11 but I would think that there would already be people visiting here if that were the case. I would like
12 to know what BLM is doing wrong since they are the ones that have been managing the land up to
13 this point and what will they be doing differently from this point on? Council needs to review this
14 objectively and review the course of action.
15

16 William Soles, Member of the Public said I was born and raised in Las Cruces and I would
17 encourage you to take this opportunity to preserve these areas.
18

19 Jason Burke, Member of the Public said I was confused and a little worried about someone coming
20 up here and suggesting that our Council wasn't an interest group themselves and that they didn't
21 carefully consider everything. I think that was a serious allegation and I don't see any proof of it. I
22 want to thank the Mayor and Council for working through this and carefully considering it without
23 allowing politics and interest groups to sway their decision.
24

25 Peter Goodman, Member of the Public said I want to express my sympathy to Mr. Schickedanz for
26 Mr. Jaska getting up and stating that you shouldn't listen to interest groups because interest groups
27 like the one Mr. Schickedanz is representing should be listened to just like anybody else.
28

29 Ron Camuñez, Member of the Public said it amazes me to see how this issue has been a polarizing
30 issue in this community and I resent the fact that this Council and the County Government are asked
31 to take a side on an issue that is volatile and so unclear about the impact it will have on this
32 community. I come to these meetings week after week and I have seen how these interest groups
33 pack this place to take advantage and fail to let the other side know anything. It also bothers me that
34 the Mayor allows clapping/applause to go on in this Council when in the past this Council has
35 forbidden public outbursts which to me is a lack of respect for this body and for the rest of us who
36 refrain from taking a side and clapping. I would like to see it stopped because it is not necessary and
37 those of us who are involved in the political process of this community can see what is really going
38 on.
39

40 Mayor Miyagishima said I allow clapping to occur because I look at that as a form of Free Speech.
41

42 Ron Camuñez said I look at it as a form of intimidation.
43

1 Peter Osorio, Member of the Public said I just want to say that I am in support of the National
2 Monument and I hope on July 16th that this Council will move forward with it.

3

4 Fernando Comende, Member of the Public said I am a business owner in Las Cruces and we need
5 to protect our children and the wildlife in New Mexico. I would like to ask for you to help in
6 conserving these lands for us and for future generations.

7

8 Wayne Hancock, Member of the Public said we live in a very beautiful place and people will only
9 get to see it if it is preserved. I was told that a wilderness and a park designation have more
10 restrictions on them than a monument does so the BLM would protect this as a monument which
11 would have less restrictions on it but we would all get to benefit from it. I would ask that you support
12 this for our future generations.

13

14 Oscar Vasquez-Butler, Member of the Public said as a former County Commissioner I know we
15 passed several wilderness resolutions and we were able to work with the ranchers so everyone
16 benefitted from it. We need quality of life for our children and I would ask for your support on this
17 item.

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19 Bonnie Burns, Member of the Public said I am the President of the League of Women Voters and
20 we are in support of this wilderness preservation issue. I am asking you as elected officials to think
21 about your responsibility to everyone in our community when you are making your decision
22 regarding the monument initiative. I also want to say that I agree with Mr. Camuñez regarding the
23 applause at meetings.

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

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31 Mayor Miyagishima said Item 8 needs to be removed from the Agenda.

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

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

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3 **V. CITY COUNCIL MINUTES**

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5 *(1) Special Meeting of June 11, 2012

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

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11 *(2) Resolution No. 11-12-345: A Resolution Awarding the Bid for the Del Rey Boulevard /
12 Engler Road Intersection Improvements Project to Highland Enterprises, Inc., for the
13 Amount of \$288,580.30 Plus \$21,823.88 for New Mexico Gross Receipts Tax. The City
14 Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$15,230.62,
15 for a Total Project Authorization of \$325,634.80.

16

17 *(3) Resolution No. 12-13-303: A Resolution Awarding the Bid for the 2012/2013 Hot Mix for
18 Overlay to Jobe Materials, L.P., of El Paso, Texas and Cemex Construction Materials, L.P.,
19 of Las Cruces, New Mexico.

20

21 *(4) Resolution No. 12-13-306: A Resolution to Award a Contract for the Purchase and
22 Installation of Various Firefighter Training Equipment as Stipulated Under Federal
23 Emergency Management Agency, Assistance to Firefighters FY 2011 Grant Award Number
24 EMW-2011-FO-06514 to Fireblast 451, Inc. of Corona, California, for a Contract Award of
25 \$398,065.00, plus \$484.00 for NMGRT: For a Total Contract Amount of \$398,549.00; and
26 to Adjust the FY 2013 Budget.

27

28 *(5) Council Bill 13-001; Ordinance No. 2656: An Ordinance Repealing Las Cruces Municipal
29 Code, Section 2-766 Through 2-768, Entitled "Subdivision XI Retired Senior Volunteer
30 Program Advisory Board."

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

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36 (6) Resolution No. 13-001: A Resolution Approving a Memorandum of Understanding Between
37 the City of Las Cruces and Doña Ana County for the Camino Real Regional Consortium and
38 the Camino Real Regional Plan for Sustainable Development Project from the U.S.
39 Department of Housing and Urban Development and Authorizing the Mayor to Sign on the
40 City's Behalf.

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42 Councillor Small Moved to Adopt Resolution No. 13-001 and Councillor Sorg Seconded the motion.

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3 David Dollahon, Chief Community Development Director gave an overhead presentation and said
4 the County applied for and received a \$2,000,000 grant from the U.S. Department of Housing and
5 Urban Development for three years. The grant was for the creation of the Camino Real Regional Plan
6 for Sustainable Development for all of the County which includes Las Cruces. The grant requires
7 that the County establishes a governing body for the overall lead of the project, the principal City
8 must be a part of that consortium, and the implementation of the consortium requires a MOU to
9 participate. The project includes a Regional Plan for Sustainable Development, a model sub-area
10 plan for the Camino Real Corridor, a Bi-Natural Border Plan, a Colonias Master Plan, a Regional
11 Capital Needs Plan, a Unified Development Code and also there must be an education and
12 engagement request for proposal which the County staff has issued the RFP's for the remaining
13 items. The City is required under the MOU to have representatives to the Consortium which are
14 Mayor Pro-tem Thomas as the primary and Councillor Pedroza as the alternate.

15

16 Mayor Miyagishima said I just want to thank Mayor Pro-tem Thomas and Councillor Small for all
17 their hard work on helping with getting this grant.

18

19 Councillor Thomas said we were only one of four that received the EPA Technical Assistance
20 Program a few years ago for the El Paseo Project and that also helped with us getting this grant. I
21 also want to say that we have finished interviewing the companies that submitted proposals for the
22 Regional Plan and those offers will be made by the end of this week.

23

24 Councillor Pedroza said I just want to say that I do support this and I think going the regional route
25 and including everyone that is going to be affected is the best way to go.

26

27 Councillor Sorg said I read the packet and the MOU and I didn't see any mention of the words "One
28 Valley One Vision 2040" in the documents so I was wondering if that was going to be used in this
29 project?

30

31 David Dollahon said yes, the words "One Valley One Vision or Vision 2040" is a primary backbone
32 to this project and even though it isn't in the MOU, there is a lot of background documented within
33 the application and the RFP's that have been previously issued.

34

35 Councillor Small said it seems the economic and the planning framework regarding transportation
36 really fits into the efforts that began several years ago so this is a continuation that has brought
37 several different stakeholders together and I do look forward to supporting this project.

38

39 Councillor Thomas said I would like to thank David Dollahon and his staff for everything they have
40 done to help move this along.

41

42 Councillor Silva said this wasn't the original proposal; correct?

43

1 David Dollahon said no, this is not the original full grant agreement. Attachment "A" is one of the
2 requirements that HUD required under the MOU for continuing participation with the overall project
3 and is intended to be a summary of the project's overall accomplishments at the end.

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7 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-001 and it was
8 Unanimously Approved. 7-0

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12 (7) Resolution No. 13-002: A Resolution Approving a Joint Planning Agreement for New
13 Mexico State Trust Lands Between the City of Las Cruces and the Commissioner of Public
14 Lands for the State of New Mexico and Authorizing the Mayor to Sign the Agreement on the
15 City's Behalf.

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17 Councillor Sorg Moved to Adopt Resolution No. 13-002 and Councillor Small Seconded the motion.

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21 David Dollahon, Chief Community Development Director gave an overhead presentation and said
22 Ray Powell is the New Mexico Commissioner of Public Lands and there is about 8,000 acres of
23 public land within the city limits of Las Cruces. The Commissioner has authority to direct, control,
24 care for, and dispose of all state trust lands per the New Mexico Constitution. The Commissioner
25 desires to work cooperatively with the City on common issues in a transparent manner and in good
26 faith. There are eleven parts to the agreement which are joint planning, annexations, joint marketing,
27 land exchanges, conveyances to third parties, leases with the City, planning and development or
28 business leases with third parties, dedications of Rights of Way, impact mitigation and infrastructure.
29 Assuming that this resolution is approved today, the Joint Signing Ceremony will be held on July
30 12th at 11:00 a.m. and it will be here in Council Chambers.

31

32 Councillor Small said there are so many positive features of this agreement but I want to mention
33 that under roman numeral eight the word "of" needs to be added before the word "all" and that
34 should be able to be done administratively.

35

36 Councillor Pedroza said in District 3 there is about two acres that have unpaved streets and as I
37 understand, the reason they aren't paved is because they don't belong to the City so does this
38 agreement have anything included in it that would allow for these streets to be paved?

39

40 David Dollahon said I would say no because we would need to know who owns that land and then
41 we can figure out what department would handle it so once we get that information then we will
42 report it to the City Manager's Office.

1
2 Councillor Sorg said I just want to say that I welcome this agreement and I have been looking
3 forward to it for a long time.

4
5 Councillor Thomas said I want to say that this agreement will allow for greater transparency and
6 coordination.

7
8 Wayne Hancock, Member of the Public said this is a very important agreement for the County and
9 for the City.

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13 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-002 and it was
14 Unanimously Approved. 7-0

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18 (8) Resolution No. 13-003: A Resolution Approving the Quarterly Financial Report to the New
19 Mexico Department of Finance and Administration for the Period Ending June 30, 2012.
20 (Packet not available)

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22 **Removed from the Agenda.**

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26 **VIII. BOARD APPOINTMENTS**

27
28 Mayor Miyagishima appointed Val Maltese to the Airport Advisory Board.

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32 Councillor Small Moved to Approve the Mayor's board appointment of Val Maltese to the Airport
33 Advisory Board and Councillor Thomas Seconded the motion.

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37 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
38 of Val Maltese to the Airport Advisory Board and it was Unanimously Approved. 7-0

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

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1 (9) Council Bill No. 13-002; Ordinance No. 2657: An Ordinance Repealing Article V.
 2 Standards for Erosion Control From Chapter 32 of the Las Cruces Municipal Code, as
 3 Amended and Replacing it With a Revised Article V. Standards for Erosion Control for
 4 Chapter 32 of the Las Cruces Municipal Code, as Amended.

5
 6 Mayor Miyagishima and Council agreed to bring this item back.

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10 **X. GENERAL DISCUSSION**

11

12 1. Mayor

13

14 Mayor Miyagishima passed out a proposed resolution and said this is the Organ Mountain resolution
 15 that includes the two changes which will be on the July 16th agenda for adoption.

16

17 Last week Mayor Pro-tem and I attended a meeting in El Paso with Mayor Cook and Mayor Vendilla
 18 and it was to let everyone know that we recognize each other as one large region and everything that
 19 happens in each of our sectors affects all of us. We are going to continue to work together for the
 20 betterment of our residents and for economic development as well as other things. I think we need
 21 to look at starting up the trips to Juarez that our Senior Center use to have and start having that
 22 available again since the violence has gone down from eight killings a day to one a day. We would
 23 make it a very publicized event so everyone would be aware that we were going once or twice a
 24 month and our residents would feel safe going over there.

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28 2. City Council

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30 Councillor Thomas said the Mayor and I attended another meeting last week for the South Central
 31 Transit District and a group of people from Alamogordo asked if they could come and do a
 32 presentation at the beginning of one of our Work Sessions. They have discovered that they have eight
 33 hundred students who travel from Alamogordo to Las Cruces to go to school so they have been
 34 working with the Department of Transportation to try to get some transit and the Department of
 35 Transportation is willing to fund half of the cost for it. They are trying to get stakeholders for this
 36 project to help fund the other half of the cost of having a bus run three times a day from Alamogordo
 37 to Las Cruces.

38

39 Mayor Miyagishima said this could also be used for people who are coming for Doctor
 40 appointments. I would suggest that you ask them to put together a cost analysis to be presented to
 41 Council and then we could move forward.

42

1 Councillor Thomas said I was talking to Chief Brown about the fireworks thing because we have
2 been receiving emails about the Fourth of July fireworks so I asked him to give us a brief summary
3 on what we need to look for and what we need to do.

4

5 Chief Brown, LCFD said you passed a resolution a few weeks ago in reference to firework usage and
6 restricting fireworks to areas that are paved, barren and have a water source so that is something we
7 are asking the community to follow through on. We also want to remind everyone that if you
8 purchase fireworks somewhere other than within the City limits and they are aerial or ground audible
9 fireworks, you are in violation of our City ordinance.

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13 Councillor Sorg said I'd like to thank the Mayor for his work on the resolution for the Organ
14 Mountains.

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18 Councillor Small said regarding the weather forecast.

19

20 Councillor Sorg said for the first time in months the weather forecast is very promising for rain this
21 week.

22

23 Councillor Small said we need to make sure the Mosquito Hotline is displayed on all the various City
24 materials like the website and maybe even on the utility bills.

25

26 I want to clarify that regarding any matters coming up for the conservation in resolutions or
27 legislation coming to Council, as in the past, I don't participate in the discussion or the vote.

28

29 I compliment the Mayor and Mayor Pro-tem on their leadership in showcasing the Regional Center.

30

31 I certainly support the City of Las Cruces being a stakeholder with the proposed initiative for the
32 transit from Alamogordo and there might be other stakeholders like the hospitals that should be
33 brought into this discussion as well.

34

35 The Fire, Police and Codes Department are going to be out enforcing our ordinances and I think it
36 is good to see and I'd like to thank them for all their work.

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40 Councillor Pedroza said I want to let people know that the NAACP is spearheading a voter
41 registration project together with the League of Woman Voters, Café, and the Southwest Voter
42 Registration Project and we would welcome anyone or any group that would like to help with this
43 project.

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I think it is correct that history is very important so I will be giving a brief historical presentation during my comments at each Council meeting.

I would like to invite Mr. Connelly and Councillor Small to engage in a conversation at your convenience about what exactly is a conflict of interest because I think we are being a little restrictive.

Councillor Smith said I recently had to visit the Memorial Medical Center and I just want to thank the emergency room and the third floor staff for providing me with such good care.

I want to thank staff for helping with questions that I have received regarding water and street lights.

I want to thank Ron Camuñez for bringing up the issue with applause and I would rather be moved by the thought instead of how loudly people can applaud.

DRAFT

I am a very strong supporter of the National Monument and I think it is probably the best direction that we can go.

Mayor Miyagishima said it makes no difference to me on the clapping.

Councillor Silva said I'd like to thank Mayor Pro-tem and Christine Logan for bringing forward the gentleman who spoke about Economic Gardening and hopefully we can move that forward.

I want to thank Rob Caldwell and the Fourth of July Committee for putting on a class-act every year.

3. City Manager

Brian Denmark, Assistant City Manager said I want to mention that next Monday we have a TIDD meeting at 1:00 p.m. and there will be some updates and a resolution included in that meeting. The Work Session will follow the TIDD meeting and we will be discussing Economic Gardening at that meeting.

Another issue that has come up recently and is a concern of the public are comments regarding the Dial-a-ride fees but those comments are not correct. The City has not raised the rates for the Dial-a-ride service but staff is engaging the public for their comments on potential future fee changes.

1 I would like to wish the Council a happy Fourth of July and I hope everyone stays safe.

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5 Councillor Silva said I also want to commend the Council for recognizing Ms. Hubbard because
6 she has committed a life time to this community.

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10 **Meeting Adjourned at 3:34 p.m.**

DRAFT