



City Council
of the
City of Las Cruces

Regular Meeting

September 17, 2012
1:00 P.M.

Council Chambers, City Hall

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MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1 arrived at 1:14 p.m.
Councillor Greg Smith, District 2 arrived at 2:51 p.m.
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6

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

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Pedroza 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.

Mayor Miyagishima and Dolores Archuleta presented a Medal of Honor to WWII Veteran Lieutenant Colonel Henry (Hank) Schaller.

Mayor Miyagishima, Councillor Pedroza and Robert Garza presented a Years of Service Award and Pin to City of Las Cruces employee Frances Silva-Gordon with 20 years of service.

Mayor Miyagishima and Councillor Pedroza presented Certificates to the P&R Summer Recreation Program Summer Staff.

Mayor Miyagishima and Councillor Pedroza presented Certificates to the Mayor's Top Teens.

1 Councillor Pedroza presented a Proclamation to Sandy Schemntiz and Jim Bates and declared
2 September 22, 2012 as National Hunting and Fishing Day.

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

10

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

12

13 Mayor Miyagishima said regarding Item 9, I had a piece of property listed with Mr. Whatley in the
14 past but it is no longer listed and I have since ceased any communications with him. I also want to
15 mention that I do still insure the condominiums that are directly affected by this issue.

16

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19 **III. PUBLIC PARTICIPATION**

20

21 Ron Camuñez, Member of the Public said I would like to know what I need to do to get the new 911
22 Center constructed because I have heard from several members of the public who are having
23 problems getting through to 911 so we desperately need to get this new center built.

24

25 Mayor Miyagishima said I am puzzled with that situation as well. I did get a suggestion that maybe
26 we should temporarily put it in the old State Police building; we just need to focus on finding a
27 location and getting this center construction as soon as possible.

28

29 Ron Camuñez said the ad-hoc committee did spend a lot of time and resources to give Council the
30 direction we thought would be a good way to go so maybe you should have a joint work session with
31 the County and give the members of the public the opportunity to speak and try to get this center
32 moving forward.

33

34 Sheila Johnson said I would like you to know the definition of three words which are willful, neglect
35 and discrimination. You have willfully neglected the one and only center for special needs
36 individuals for years in hopes to just get rid of it and make us go away but we are not going away.

37

38

39

1 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
2 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
3 **BY ONE MOTION.**
4

5 Mayor Miyagishima said Item 4 needs to be removed from the Consent Agenda for discussion.
6
7 -----
8

9 Councillor Silva Moved to Approve the Agenda as Amended and Councillor Thomas Seconded the
10 motion.
11
12 -----
13

14 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it
15 was Approved. 6-0 Councillor Smith was Absent.
16

17 **DRAFT**
18

19 **V. CITY COUNCIL MINUTES**
20

- 21 *(1) Regular Meeting of August 6, 2012
- 22 *(2) Regular Meeting of September 4, 2012
- 23
- 24 -----
25

26 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**
27

28 *(3) Resolution No. 13-040: A Resolution Authorizing the City of Las Cruces, on Behalf of the
29 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,
30 to Accept a Grant Award Reduction in the Amount of \$5,342.17 for Grant Award Number
31 G11SN0006A From the Executive Office of the President, Office of National Drug Control
32 Policy, to Ratify the Mayor's Signature on the Grant Award Supplement, and to Adjust the
33 FY 2013 Budget.
34

35 *(5) Resolution No. 13-042: A Resolution Approving an Agreement to Form a Partnership
36 Between Las Cruces Running Club and the City of Las Cruces Parks and Recreation
37 Department.
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39 *(6) Resolution No. 13-043: A Resolution Approving a Partnership Agreement With the Las
40 Cruces Aquatic Club, Inc., a New Mexico Limited Liability Corporation and the City of Las
41 Cruces Parks and Recreation Department.

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*(7) Resolution No. 13-044: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award in the Amount of \$570,857.00 With an Additional Allocation of \$63,594.00 for a Total of \$634,451.00 With a Required Local Contribution of \$761,190.00 From the North Central New Mexico Economic Development District Non-Metro Area Agency on Aging for FY 2013 to Provide Congregate and Home-Delivered Meals, Health Promotion, In-home Respite, Caregiver Support, to Authorize the City Manager to Accept the Agreement and Funding, and to Adjust the FY 2013 Budget.

*(8) Resolution No. 12-13-311: A Resolution Awarding an Indefinite Quantity / Indefinite Cost Pricing Agreement for Police Department Uniforms for a Five-Year Term Pending Annual Renewals and City Council Approved Budget Appropriations to Neve’s Uniforms, Inc. Of Albuquerque, NM.

VII. UNFINISHED BUSINESS

DRAFT

(9) Council Bill No. 13-005; Ordinance No. 2660: An Ordinance Approving a Zone Change From O-2C (Office, Professional-Limited Retail Service-Conditional) to C-3C (Commercial High Intensity-Conditional) on 1.56 ± Acres of Land Located on the Southeast Corner of Lohman Avenue and Indian Hollow Road; 3830 E. Lohman Avenue. Submitted by Tom Whatley on Behalf of Samra, LLC, Property Owner (Z2853). *Tabled from August 6, 2012.*

Councillor Thomas Moved to Remove Council Bill No. 13-005; Ordinance No. 2660 from the Table and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Council Bill No. 13-005; Ordinance No. 2660 from the Table and it was Approved. 6-0 Councillor Smith was Absent.

Katherine Rogers, Senior Planner handed out correspondence to Council, gave an overhead presentation and said the applicant was directed to host a public meeting with the neighborhood to discuss this proposal and options for it and it was held on September 11, 2012.

Tom Whatley, Applicant Representative said this property is already zoned commercial so we are just changing the type of commercial zoning to allow for different uses. Our plan has been reviewed by staff and it came back without any comments on it which means they support it. Also, we are going to develop this property above City standards and we are going to abide by the new version of the City’s Dark Sky Ordinance. We did have a public meeting and there were a lot of suggestions

1 given but obviously we cannot incorporate all those ideas. However, we did agree to cut back on
2 some of the allowed uses for that zoning designation.

3

4 David Groomes, Vega Architecture gave an overhead presentation and said we are going to have
5 70% more trees and 10% more shrubs than the City requires for the landscaping and buffer area. We
6 will improve our share of Indian Hollow, address traffic safety, all exterior lighting will be designed
7 to Dark Sky standards, we will fully develop the 30-foot landscape buffer, we will also provide a
8 rock wall behind the loading area to the height permitted by the City Code, we will lower the
9 southern wall in the back of the building to 25-feet and we will screen all the roof top equipment.
10 We have also agreed to keep the finish floor of the building as low as reasonable to still allow
11 adequate drainage for the site. We are willing to do a small neighborhood park in the buffer area
12 which would be an amenity to the neighborhood. We have also agreed that we will not have a large
13 detention pond on the site so we will take care of the detention underground and/or with smaller
14 retention areas located throughout the site. We have agreed to amend the allowed uses to exclude
15 an auto/truck parts store, building material, convenience store, department store, hardware store, and
16 variety store but we have added to allow all the uses currently allowed in the O2-C zoning.

17

18 Councillor Thomas asked is there any slope to this lot?

19

20 David Groomes said yes, it slopes mainly to the south-southwest down toward the condos so the high
21 point is at the northeast corner of the lot.

22

23 Councillor Thomas asked are there going to be any sidewalks on Lohman?

24

25 David Groomes said yes, it is our intent to have a sidewalk there.

26

27 Councillor Thomas said we do want it to be a pedestrian friendly area. Are there any other lots
28 available for this project?

29

30 Tom Whatley said we've looked at many other lots with our clients but they were smaller so this lot
31 works the best for our client.

32

33 William Beerman, Member of the Public gave an overhead presentation and said I am speaking on
34 behalf of the Northeast Foothills Neighborhood Association and the main point of this presentation
35 is the traffic dangers for this area. This would bring more traffic to this area and cause more traffic
36 issues. There have already been sixteen traffic accidents on Indian Hollow since June 1, 2010
37 including one accident that killed an off-duty police officer. The traffic count already has counted
38 about 900 vehicles on Chimney Rock and this is proposed to generate about 700 trips per day by
39 itself which hundreds would probably intrude into the neighborhood to use it as a shortcut to town.
40 The more traffic we have in this area the more accidents there will be which is unacceptable,
41 unnecessary and unjustified for this zone change. The pedestrians and children of this neighborhood
42 should be able to walk along the streets without all these traffic risks. We have been working with

1 the City for two years to try to calm traffic along Indian Hollow and Chimney Rock in order to try
2 to make our streets safer. This proposed zone change is contrary to the public interest and it would
3 have serious public safety ramifications.

4

5 Dr. Patricia MacGregor-Mendoza continued the overhead presentation and said I am also a member
6 of the Northeast Foothills Neighborhood Association. We did meet with the developers and they did
7 agree to some conditions but there wasn't an agreement reached between us. Our position is that the
8 change in zoning is inappropriate because of the size, shape and location which is directly adjacent
9 to a neighborhood. We also think the zone change is inconsistent with the plan that the City laid out
10 over a decade ago and it is also inconsistent with the other developed properties that are adjacent to
11 the neighborhood. We don't understand why they chose this location because none of their other
12 sixty stores are located next to a neighborhood. Also, there hasn't been a traffic study done or any
13 type of study done on what the impacts of this would be for the neighborhood.

14

15 Councillor Thomas asked what was the number of vehicles on this street now?

16

17 William Beerman said in one section there were 951 and in another section there were 851 vehicles
18 per day.

19

20

21

22 Councillor Smith arrived at the meeting at approximately 2:51 p.m.

23

24

25

26 Councillor Thomas asked is 900 vehicles high or average for this type of area?

27

28 Katherine Rogers said I don't know that answer but the traffic engineer did recommend approval of
29 this zone change and there will be a traffic analysis done at a later date.

30

31 Councillor Thomas said there was a review done as part of the Development Review process; right?

32

33 Robert Kyle said that is correct.

34

35 William Beerman said these traffic counts were done at our request in 2010 and I heard that the
36 Traffic Department recommended approval without doing a traffic study.

37

38 Robert Kyle said the Traffic Engineering Department recommended that the TIA be performed at
39 the time of the site development.

40

41 Councillor Thomas said the thing that concerns me the most is the lack of notification to the condo
42 owners.

43

1 Robert Kyle said that issue has been resolved. We worked it out through the County Assessor's
2 Office so we now have access to the information of the condo owners.

3

4 Councillor Thomas said the original plan shows the condos there and that area as a transition area
5 so the condos were put there as a transition from the commercial to the single family owners. I would
6 like to know what our take is regarding spot zoning.

7

8 Harry (Pete) Connelly, City Attorney said normally spot zoning has to do with small properties but
9 that's not the issue. Spot zoning is more of a benefit to the community as whole instead of the
10 property owner and if it fits within the Comprehensive Plan then spot zoning is permissible.

11

12 Councillor Thomas said I have spoken with some people in this neighborhood that do want this
13 grocery store there so I have heard from both sides of the neighborhood. There are three benefits to
14 this neighborhood which are better health, better capital and the value of the homes. It has been
15 shown that when you have a neighborhood that it is very walkable and there are things nearby,
16 people do have better health and it gives you more social capital. This could also increase the value
17 of your homes because most people base connectively and pedestrian friendly areas for buying their
18 homes. The biggest complaint here is with the traffic but I don't think all the traffic will go through
19 Chimney Rock. I would like to know if the traffic count for this neighborhood is way out of line for
20 a typical street? I do think we need to come to some kind of compromise and I would like to suggest
21 that we put Indian Hollow back as a cul-de-sac like it use to be and we put an entrance there so that
22 pedestrians and traffic can get through and we accept the grocery store there with good connections
23 to Lohman so when we start working on Lohman as a pedestrian friendly corridor that area will
24 already have their access.

25

26 Mayor Miyagishima said Robert has already drawn a schematic of what this is going to look like and
27 the cul-de-sac does block traffic coming in off Indian Hollow so basically it would stop traffic from
28 the condos in but there would still be access to things like the bank.

29

30 Robert Garza, City Manager showed an overhead slide of his drawing.

31

32 Dr. Patricia MacGregor-Mendoza said with the creation of a cul-de-sac, it would need the consent
33 of the Fire Department to make sure that emergency vehicles have plenty of access.

34

35 Chief Brown, LCFD said we did review the possibility of a cul-de-sac and because of the other
36 access it would meet the Fire Code for the entire area. We would just have to make sure the cul-de-
37 sac was large enough for us to turn around our apparatus but it is something we could work through.

38

39 Armena Taylor, Member of the Public said we live right next door to this property. There is a lot of
40 noise that will come from the trucks and the trash trucks and it would be open after 5:00 p.m. and
41 on weekends which the banks and other offices are not open during those hours. It might help to
42 have a wall that is higher than the trucks and that might help a little with the noise.

1
2 David Groomes said we have agreed to build an 8 to 10-foot rock wall. This is a small grocery store
3 so most of the deliveries will be by FedEx or box trucks.
4
5 Rob Wood, Member of the Public said I think this issue should be tabled at this point because there
6 needs to be a lot more information gathered. This is a zone change for an out of town tenant and once
7 the zone change is approved then there is no way to change it back.
8
9 Mayor Miyagishima said if we move forward and grant them the zone change it will not have the
10 same availability of businesses that other areas with that zone designation would have so it wouldn't
11 have that flexibility.
12
13 Councillor Thomas said this is an ordinance which is like a law so whatever we say in there it has
14 to happen and they can't change it unless they come back before Council.
15
16 Mayor Miyagishima asked Tom, can you tell us what uses you have agreed to for this zone change?
17
18 Tom Whatley showed an overhead slide of the list of uses and said auto/truck parts store, building
19 material, convenience store, department store, hardware store and variety store have been struck out.
20 Carpet/window treatments, clothing store, delicatessen/produce/meat market, furniture store, garden
21 supply, grocery store, home furnishings, plant nursery, specialty foods, specialty store and all the
22 currently allowed uses in O2-C zoning have been left on the list.
23
24 Mayor Miyagishima said this would be a special zoning so even if they move out only this list of
25 uses would be allowed.
26
27 Tom Whatley said we also agreed to have putting up an 8 to 10-foot rock wall inside the buffer area
28 and we would agree to the cul-de-sac.
29
30 Harry (Pete) Connelly said the maximum height allowed by the Building Code for the rock wall is
31 8-feet and there is no provision for making it higher.
32
33 Councillor Sorg said then I would request that they plant trees that will grow higher than 8-feet.
34
35 Tom Whatley said agreed.
36
37 Councillor Smith said my first priority is the concerns of the residents and my second concern is that
38 we don't get in the habit of changing our zoning every time someone gets a different idea. I do think
39 a lot of thought went into this and I think having landscaping on both sides of the rock wall will help
40 keep down some of the noise. I also think the T-shape would work on the commercial side if it works
41 for the Fire Department.
42

1 Chief Brown said it would depend on the layout of the parking lot.

2

3 Councillor Smith said my decision will be driven largely by how the residents feel and if we get to
4 a point where the residents appreciate the efforts and are more agreeable to this happening then that
5 would be my first thing.

6

7 Robert Garza said I would suggest that when you get to the point of maybe offering some
8 amendments regarding the cul-de-sac that you just focus on the closure of the road instead of getting
9 into the design.

10

11 Tom Whatley said I would concur with allowing City staff to make the design.

12

13 Mayor Miyagishima said I'm not sure what "T" you are referring to but if we do a cul-de-sac on one
14 end then we need to also look at the other end because people will look for a loophole and it
15 becomes problematic.

16

17 Councillor Pedroza said I think the most serious question which is regarding the traffic has been
18 addressed by putting in one or two cul-de-sacs. It seems to me that 1 ½ acres won't be big enough
19 but I hope there will be room enough for a small park.

20

21 Councillor Small said closing the streets by means which are mutually agreed upon is technically the
22 best fit solution. I do think we need to keep the dialog open but we are in a good place to keep this
23 moving forward.

24

25 Armena Taylor said I would like to ask the developer if they could move the trucks to the other side
26 of the building because an 8-foot wall isn't going to stop the noise? I would also like to have the
27 home furnishings, furniture stores and the speciality stores removed from the list.

28

29 Dr. Patricia MacGregor-Mendoza said we still feel that offices would be best for that site. This is
30 going to be about a 14,000 square foot building on a very small piece of property and the parking
31 spaces where reduced to 40 spaces so I think you need to consider everything that is going to be put
32 on this small property.

33

34 Tom Whatley said regarding the uses, this is pretty much a stuck list because we do have to allow
35 for some flexibility for down the road just in case something were to happen. We do have a City plan
36 and we are going to make sure we have the right number of parking spaces.

37

38 Councillor Thomas asked how big are the delivery trucks?

39

40 Tom Whatley said there will be large trucks but most of the deliveries are made by UPS, FEDEX
41 or smaller box trucks. All the trucks are turned off during deliveries and they do use propane
42 forklifts.

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Councillor Thomas Moved to Amend Council Bill No. 13-005; Ordinance No. 2660 to included the amended list of uses, a small park, the closure of Indian Hollow and a combination wall and shrubbery sound mitigation and to reduce the south wall to 25-feet and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 13-005; Ordinance No. 2660 to included the amended list of uses, a small park, the closure of Indian Hollow and a combination wall and shrubbery sound mitigation and to reduce the south wall to 25-feet and it was Unanimously Approved. 7-0

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-005; Ordinance No. 2660 as Amended and it was Approved. 5-2 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Thomas and Mayor Miyagishima voted Aye. Councellor Smith and Councillor Sorg voted Nay.

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

*(4) Resolution No. 13-041: A Resolution Approving the First Amendment to \$3,535,000 Amended and Restated Drinking Water State Revolving Fund Loan Agreement Solely to Extend the Expenditure and Reporting Deadline From June 30, 2012 to October 29, 2012 or Such Later Date as Approved by the New Mexico Finance Authority.

Councillor Silva Moved to Adopt Resolution No. 13-041 and Councillor Small Seconded the motion.

Councillor Silva said for clarification, we're not going from one baseline to another; correct?

Marcy Driggers, Assistant City Attorney said yes.

Councillor Silva asked so we are just borrowing \$3.5 million and not moving the baseline. Where is the money being placed?

1 Adrienne Widmer, Regulatory Environmental Services Administrative said all the money has already
2 been budgeted through the Griggs/Walnut Fund.

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6 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-041 and it was
7 Unanimously Approved. 7-0

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11 (10) Resolution No. 13-045: A Resolution Approving the Issuance of a Waiver of the
12 Church/School Distance Restriction for a Restaurant Liquor License to Zeffiro, LLC D/B/A
13 Main Street Bistro & Alehouse, Located at 139 North Main Street, Space B, Las Cruces,
14 New Mexico.

15
16 Councillor Silva Moved to Adopt Resolution No. 13-045 and Councillor Smith Seconded the
17 motion.

DRAFT

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21 Harry (Pete) Connelly, City Attorney said there has been no oppositions for this item submitted to
22 the City Attorney's Office.

23
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26 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-045 and it was
27 Unanimously Approved. 7-0

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31 (11) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 13-046;**
32 **A PUBLIC HEARING MUST BE HELD.**

33
34 Mayor Miyagishima said the Public Hearing for Resolution 13-046 is now open. Is there anyone who
35 wishes to speak against this item?

36
37 None given.

38
39 Mayor Miyagishima closed the Public Hearing for Resolution 13-046.

40
41 Resolution No. 13-046: A Resolution Approving the Issuance of a Restaurant Liquor
42 License to Zeffiro, LLC D/B/A Main Street Bistro & Alehouse, Located at 139 North Main
43 Street, Space B, Las Cruces, New Mexico.

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2 Councillor Silva Moved to Adopt Resolution No. 13-046 and Councillor Smith Seconded the
3 motion.

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7 Councillor Silva said this is part of the Downtown Revitalization and I think this will be a successful
8 establishment.

9

10 Councillor Small said this has a good track record and I think this is an exciting step.

11

12 Mayor Miyagishima said I want to mention that they do have excellent food.

13

14

15

16 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-046 and it was
17 Unanimously Approved. 7-0

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21 (12) Council Bill No. 13-010; Ordinance No. 2665: An Ordinance Authorizing a Real Estate
22 Purchase Agreement Between the City of Las Cruces and Union Avenue LLC, for the Sale
23 of 2.08 Acres of Municipally Owned Land at 101 E. Union Avenue for the Purchase Price
24 of Eight Hundred and Fifty Thousand Dollars (\$850,000.00), in Accordance with Provisions
25 of LCMC 1997, Section 2-1312.

26

27 Councillor Thomas Moved to Adopt Council Bill No. 13-010; Ordinance No. 2665 and Councillor
28 Small Seconded the motion.

29

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31

32 Bill Hamm, Land Management Administrator gave an overhead presentation and said the City has
33 owned the Club Fusion property since 1994 and there is a T-Mobile cell tower on the site which has
34 a current lease in place and that lease will be transferred to the new property owner. The proceeds
35 from this sale which will be approximately \$799,000 will be deposited into the Vehicle Requisition
36 Fund for future consideration.

37

38 Councillor Sorg said this looks like a good deal to me.

39

40 Councillor Smith asked how much were we getting as payment for the cell tower?

41

42 Bill Hamm said the City was receiving about \$1,400 ground rent per month.

1
2 Councillor Smith said I would like to see if some of the proceeds could go toward funding for some
3 youth programs or facilities.

4
5 Councillor Pedroza asked where have the youth facilities been relocated?

6
7 Mark Johnston, Parks and Recreation Director said the teen programs have been moved over to
8 Meerscheidt and to the Aquatics Center.

9
10 -----

11
12 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-010; Ordinance
13 No. 2665 and it was Unanimously Approved. 7-0

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17 (13) Council Bill No. 13-011; Ordinance No. 2666: An Ordinance Authorizing a Real Property
18 Sale and Use Agreement Between the City of Las Cruces and Jal Properties, LLC, A/K/A
19 “Angel Care” for Municipally Owned Property Located at 2225 E. Griggs Ave., Las Cruces,
20 NM 88001 For the Amount of \$45,000 and Additional Consideration for the City’s
21 Continued Use of the Property for the City’s Parks & Recreation Department’s Therapeutic
22 Programs at No Cost to the City for a Period of Five (5) Years, With the Option to Renew
23 in Five (5) Year Increments from the Closing Date in Accordance with the Provisions of
24 New Mexico State Statute Section 3-54-1.

25
26 Councillor Sorg Moved to Adopt Council Bill No. 13-011; Ordinance No. 2666 and Councillor
27 Small Seconded the motion.

28
29 -----

30
31 Mayor Miyagishima said we are going to need to table this indefinitely because there were some
32 things that needed to be added to the original contract so it has been redone as Item 16.

33
34 -----

35
36 Councillor Silva Moved to Table Council Bill No. 13-011; Ordinance No. 2666 indefinitely and
37 Councillor Thomas Seconded the motion.

38
39 -----

40
41 Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 13-011; Ordinance
42 No. 2666 indefinitely and it was Unanimously Approved. 7-0

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3 **IX. BOARD APPOINTMENTS**

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5 None given.

6

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9 **X. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***

10 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

11

12 (14) Council Bill No. 13-012; Ordinance No. 2667: An Ordinance Repealing and Replacing
13 Division 17, Building Standards of Chapter 30, Buildings and Building Regulations of the
14 Las Cruces Municipal Code (LCMC) and Enacting the 2009 Edition of Certain International
15 and Uniform Building-Related Construction Codes. Submitted by the City of Las Cruces.

16
17 Mayor Miyagishima and Council agreed to bring this item back.

18

19 (15) Council Bill No. 13-013; Ordinance No. 2668: An Ordinance Amending Article II, Fire
20 Prevention Code, of Chapter 11, Fire Prevention and Protection, of the Las Cruces Municipal
21 Code (LCMC) by Enacting the 2009 Edition of the International Fire Code as Amended With
22 Certain Related Appendices and Repealing the Adopted 2006 Edition of the International
23 Fire Code.

24
25 Mayor Miyagishima and Council agreed to bring this item back.

26

27 (16) Council Bill No. 13-014; Ordinance No. 2669: An Ordinance Authorizing a Real Property
28 Sale and Use Agreement Between the City of Las Cruces and Jal Properties, LLC, A/K/A
29 "Angel Care" for Municipally Owned Property Located at 2225 E. Griggs Ave., Las Cruces,
30 NM 88001, Consisting of Approximately 1.338 Acres+/- for the Amount of \$45,000 and
31 Additional Consideration for the City's Continued Use of the Property for the City's Parks
32 & Recreation Department's Therapeutic Programs at No Cost to the City for a Period of Five
33 (5) Years, With the Option to Renew in Five (5) Year Increments From the Closing Date in
34 Accordance with the Provisions of LCMC 1997 Section 2-1312.

35
36 Mayor Miyagishima and Council agreed to bring this item back.

37

38 -----

39

40 **XI. CITY COUNCIL MEMBER BOARD REPORTS**

41

42 Councillor Thomas said I was assigned to the South Central Regional Transit District and the HUD
43 Grant but we've already heard about the HUD Grant at the Joint City County Meeting. I am passing

1 out legislation that was passed by the State regarding the Regional Transit District and we are
2 working on getting a Service and Financial Plan together for our district which must be done by
3 December 14, 2012.

4

5 Councillor Sorg said regarding the Las Cruces Utilities Board, every month the administrative report
6 talks about customer service and this year our Utilities Department has taken that over and has been
7 working on making the customer service and billing more efficient. One of the problems we have
8 is with uncollected utilities bills and they have been very aggressively working on collecting these
9 unpaid bills which is starting to pay off. They are also going to begin a meter reading system where
10 meters are read wirelessly and there have been changes made to make fire hydrant flushing more
11 efficient. There has recently been some new landscaping done in front of the building which will
12 show the public three different ways to water grass and trees.

13

14 Councillor Thomas said I would like to request a report on what resolutions they are bringing
15 forward to the Legislature.

16

17 Councillor Sorg said there is also going to be a new utility bill in the future that is going to look a
18 little different from our current bills.

19

20 Councillor Smith said regarding the MVRDA site, we lobbied this past Legislature and did get some
21 funds which were disbursed to the County which that pretty much left it in their hands to see that the
22 facility was built. I do support the East Mesa site that was suggested by the Mayor but the County
23 has come up with another site on Sonoma which is problematic due to the power lines so to my
24 knowledge there has not been a site agreed upon. The County stated that the BLM would take a long
25 time to transfer the land in the East Mesa so they are talking about selecting a site on land that they
26 already own.

27

28 Robert Garza, City Manager said it would take the BLM about two or three years which one year has
29 already passed so we're only about two years away.

30

31

32

33 **XII. GENERAL DISCUSSION**

34

35 a.) Mayor

36

37 Mayor Miyagishima said I won't be here next Monday because I will be attending the Mayors
38 Conference in Dallas.

39

40 The NMSU Aggies lost so I will be flying the UTEP flag in front of City Hall on Friday.

41

1 A long time ago the City made a trip to Juarez available to the residents through the Senior Center
2 and I saw the Mayor of Juarez this weekend and he assured me that they could set it up so that their
3 people could welcome us during a day trip to Juarez. I would like to know if there is any interest in
4 us having this trip to Juarez available?

5

6 Councillor Pedroza said I would go.

7

8 Mayor Miyagishima said I feel they have a better handle on the violence in Juarez now and people
9 are beginning to move back there.

10

11 Councillor Silva said I think the intent is very noble and we do need to think regionally which for
12 us includes Juarez so I would support a trip like this to Juarez.

13

14 Mayor Miyagishima asked Robert, can you look into it?

15

16 Robert Garza, City Manager said yes, we will look into it. I don't think we should have our Senior
17 Programs as a focal point of it but there are ways we could charter a vehicle for it. We would have
18 to assess the costs and then we will get back to you.

19

20 Mayor Miyagishima said the residents would have to pay for the trip and I want to be sure that no
21 more than three Councillors attend.

22

23

24

25 b.) City Council

26

27 Councillor Thomas said I will be here next week but I won't be here the week after that because I
28 will be in Denver.

29

30 I would like to thank the Police Department for going out and checking on the noise situation at the
31 Sunset Grill.

32

33 I spoke with Andy Hume about getting better maps of the bike facilities and so when he gets it done
34 I would like for him to present it to Council so we can see what has already been done and what still
35 needs to be done.

36

37

38

39 Councillor Sorg said I will be traveling to Ruidoso to attend the Airport Conference later on this
40 week.

41

42

1
2 Councillor Small said I would like to thank Mr. Johnston and others for addressing the issues with
3 mosquitos.

4
5 -----
6

7 Councillor Pedroza said I would like to thank Klaus Kemmer and the Codes Enforcement for their
8 help with trash in my district.
9

10 Today is Constitution Day and it is also the anniversary of the Occupy Movement.

11
12 I attended the Water Conference in Sante Fe and it was extremely interesting. An interesting topic
13 they discussed was regarding the pros and cons of drip systems.

14
15 -----
16

17 Councillor Smith said there are other consequences that need to be studied for drip systems.

18
19 The Mesilla Park 125th Anniversary celebration was very successful and about 70 people attended
20 the event.

21
22 I recently took a trip to the Foxcon Plant in Mexico and it did take a long time to get through the
23 border to return to the U.S.

24
25 There has been a rift between the City and the County regarding the Regional Dispatch Center and
26 I just want to remind everyone that we don't have a single site selected yet but we are working on
27 it.

28
29 I spoke with NMSU President Couture and they are very interested in talking to us regarding the
30 nursing situation and the WAC as well as other things that are going on at NMSU. They have stated
31 that October 15th will not work for them so we will need to come up with a date that will work with
32 everyone.

33
34 -----
35

36 Councillor Silva said I have no problem providing a report regarding the New Mexico Municipal
37 League and I just want to say that it was a very vibrant meeting.

38
39 Regarding the Farmers Market, I think we need to put up signs stating that people need to look both
40 ways before crossing Las Cruces Street because pedestrians are crossing the street like it is an open
41 street when we still have traffic going across it.

42

1 As we move into developing the East Mesa area, I think we should look at having roundabouts to
2 slow down the traffic.

3

4 We are going to be having a Fall Field Film in the Park series starting in October so we will start off
5 by having four films in Klein Park, Young Park and Apodaca Park and we will be putting out the
6 schedule for it this week.

7

8

9

10 c.) City Manager

11

12 Robert Garza, City Manager said I just want to point out that section ten of today's agenda has
13 been rewritten as we had discussed last time. The rewrite makes things much clearer and
14 hopefully we won't have as many questions in the future.

15

16

17

18 Meeting Adjourned at 4:52 p.m.

DRAFT