



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

Regular Meeting

**October 1, 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
17 Councillor Olga Pedroza, District 3
18 Councillor Nathan Small, District 4
19 Councillor Gill Sorg, District 5
20 Councillor Sharon Thomas, District 6 **Absent**

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

DRAFT

I. OPENING CEREMONIES

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

28 Eula Mae Alkire 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.

35 Councillor Small presented a Proclamation to Rebecca Mitchner and declared October 2012 as
36 Dyslexia Awareness Month.

38 Councillor Small presented a Proclamation to Shirley Gonzales and declared October 2012 as
39 National Disability Employment Awareness Month.

41 Councillor Small presented a Proclamation to Pamela Field and declared October 7th thru October
42 13, 2012 as Mental Illness Awareness Week.

1 Councillor Small presented a Proclamation to Eva Madrid and declared October 7th thru October 13,
2 2012 as National 4-H Week.

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4 Councillor Small presented a Proclamation to Devashree Desai and declared October 3, 2012 as
5 International Walk and Roll to School Day.

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7 Councillor Small presented a Proclamation to Guadalupe Nunez and Sylvia Sapien and declared
8 October 13, 2012 as National Promotora Day.

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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?

18

19 Councillor Smith said regarding Item 5, my wife served as President of the Jardin de los Ninos Board
20 and was also a board member but she is no longer in any of those positions.

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24 **III. PUBLIC PARTICIPATION**

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26 Ryan Dailey, Member of the Public said LCPD attempted to seize my vehicle when I got my DWI
27 but I had no prior convictions so they didn't seize it. I just wanted you to be aware that they tried
28 to seize my vehicle even though according to the ordinance they can only do that if the person has
29 one or more convictions.

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

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37 Councillor Sorg Moved to Approve the Agenda and Councillor Smith Seconded the motion.

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41 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda and it was Approved.
42 6-0 Councillor Thomas was Absent.

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

* (1) Resolution No. 13-047: A Resolution to Accept Funding From the New Mexico Department of Transportation, Traffic Safety Division Community DWI Program on Behalf of the Las Cruces Police Department in the Amount of \$5,284.00, Ratify the City Manager's Signature on the Project Agreement and to Adjust the FY 2013 Budget.

* (2) Resolution No. 13-048: A Resolution Authorizing Las Cruces Senior Programs to Accept a Capital Appropriation From the State of New Mexico Aging and Long-Term Services Department in the Amount of \$150,000.00 With No Match Requirement for Construction and Project Completion at the East Mesa Senior Center, to Ratify the City Manager's Signature on the Appropriation Agreement, and to Adjust the FY 2013 Budget.

* (3) Resolution No. 13-049: A Resolution Authorizing the City of Las Cruces to Accept Awarded Funding on Behalf of the Thomas Branigan Memorial Library From the State of New Mexico, Department of Cultural Affairs, State Library Division in the Amount of \$6,666.67 With a \$740.74 Cash Match Requirement, to Ratify the City Manager's Signature on the Agreement, and to Adjust the FY 2013 Budget.

* (4) Resolution No. 12-13-310: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Diesel Fuel to Petroleum Traders Corporation of Fort Wayne, Indiana, and for Unleaded Fuel to Southern Counties Oil Co., a California Limited Partnership of Orange, California for a Term of Five (5) Years Subject to Approved Budget Appropriations and Annual Renewal from Original Bid No. 12-13-310.

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

(5) Resolution No. 13-050: A Resolution for the City of Las Cruces to Accept Legislative Appropriation Funding in the Amount of \$50,000.00 From the Department of Finance and Administration, Local Government Division (DFA/LGD), Severance Tax Bond Capital Appropriation Project.

Councillor Small Moved to Adopt Resolution No. 13-050 and Councillor Sorg Seconded the motion.

1 Auguie Henry, Grants Administrator said this is a straight forward contract with the State for the
2 repair of the roof for the City-owned facility of Jardin de los Ninos.

3

4 Robert Garza, City Manager said both this item and the next item reflect legislative appropriations
5 that were made during the last session.

6

7 Councillor Sorg asked when would the construction begin?

8

9 Auguie Henry said I don't know the actual time table for this but the process will begin after you
10 approve the receiving of the funds. The money would revert back to the State if it isn't used by June
11 2016 so technically they have until then to get it done.

12

13 Councillor Sorg asked will there have to be an RFP done?

14

15 Auguie Henry said that would be up to Facilities but they will probably go out to bid.

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19 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-050 and it was
20 Approved. 6-0 Councillor Thomas was Absent.

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24 (6) Resolution No. 13-051: A Resolution for the City of Las Cruces to Accept Legislative
25 Appropriation Funding in the Amount of \$1,214,000.00 From the Department of Finance and
26 Administration, Local Government Division (DFA/LGD), Severance Tax Bond Capital
27 Appropriation Project Less One Percent for Art in Public Places in the Amount of
28 \$12,140.00 for a Total Project Funding Amount of \$1,201,860.00, and to Adjust the FY 2013
29 Budget.

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31 Councillor Sorg Moved to Adopt Resolution No. 13-051 and Councillor Smith Seconded the motion.

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35 Auguie Henry, Grants Administrator said this is another piece of legislation funding that we've
36 received and it is for the public safety campus. It will be used to plan, design and construct; however,
37 I don't think we can get the entire campus constructed for \$1.2 million but it will go a long way.

38

39 Councillor Smith said I want to thank our Legislators for helping us provide a safer environment.
40 How far will this funding get us with the construction?

41

42 Auguie Henry said we should be able to at least get to the construction phase at which time we can
43 try to obtain additional funding.

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2 Robert Garza, City Manager said this funding is for the purpose of planning, designing and/or
3 construction of this project. We will have a bond cycling program in 2013 so we can try to us those
4 funds to fund this project.

5
6 Councillor Silva asked will we designate 10% of this funding for art?

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8 Robert Garza said I believe 1% of the State funds is allocated for art.

9
10 Councillor Silva said I think we should try to commit 10% for art.

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14 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-051 and it was
15 Approved. 6-0 Councillor Thomas was Absent.

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

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24 Councillor Pedroza Moved to Adopt Council Bill No. 13-012; Ordinance No. 2667 and Councillor
25 Sorg Seconded the motion.

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29 Robert Kyle, Building and Development Services Administrator gave an overhead presentation and
30 said this is to amend Chapter 30 of the Building Code which is an administrative code that defines
31 the permitting and inspection processes and requirements. The benefits of adopting the 2009 Code
32 series is that it will create consistent building codes between the State of New Mexico, Dona Ana
33 County and the City of Las Cruces and it complies with the State Statutes. It will also allow for a
34 better relationship between the construction industries and the City.

35

36 Mayor Miyagishima said I would like to have a future work session to discuss allowing the City
37 Manager to at least get us even with the State requirements so they don't have to keep coming back
38 to Council for this type of situation.

39

40 Councillor Silva said I know staff has been working on this for a while and this would take us one
41 step closer to having our one-stop shop.

42

1 Jesus O. Carrasco, Member of the Public said I think this is a great way to partner-up and it is a big
2 plus to move forward with it.

3

4 Councillor Smith asked were architects and builders included on discussions regarding the impacts
5 of implementing these standards?

6

7 Robert Kyle said staff fast-tracked the amendment largely because of the request by CID for us to
8 get up-to-date. These are the State's minimum standards and whether or not we adopt them we are
9 required to enforce them. Staff did invite the Home Builders Association and the local architects to
10 two brief public input meetings that were held on September 12th and September 13, 2012. If this is
11 approved today then staff is planning on rewriting Chapter 30 of the City's Building Code which will
12 help incorporate the City's one-stop shop and during that process we do anticipating forming
13 working groups that will work closely with all those entities.

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17 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-012; Ordinance
18 No. 2667 and it was Approved. 6-0 Councillor Thomas was Absent.

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

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28 Councillor Sorg Moved to Adopt Council Bill No. 13-013; Ordinance No. 2668 and Councillor
29 Small Seconded the motion.

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33 Ted Sweetser, Fire Marshall gave an overhead presentation and said a new edition of the IFC is
34 published every three years to keep provisions updated and current. The 2009 International Building
35 Code has been adopted by the State and is recommended for local adoption. The City's adoption of
36 the 2009 IFC would be consistent with local building code adoption and County adoptions. We did
37 have two public meeting and there were no significant concerns brought forward by the industries
38 or the public. We will need to add two new sections to the ordinance that were inadvertently left out.
39 The first section should read "a grace period for enforcement of the 2009 edition until January 1,
40 2013. Until such time, a project may proceed under the 2006 or 2009 IFC editions." The second
41 section will include the following language "on January 1, 2013 all new plans will be utilizing the
42 IFC 2009 edition."

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Councillor Sorg Moved to Amend Council Bill No. 13-013; Ordinance No. 2668 to add "THAT a grace period from the date of adoption will be in place allowing use of either 2006 or 2009 editions until January 1, 2013." And "THAT 2009 editions will be fully enforced starting January 1, 2013."; and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 13-013; Ordinance No. 2668 to add "THAT a grace period from the date of adoption will be in place allowing use of either 2006 or 2009 editions until January 1, 2013." And "THAT 2009 editions will be fully enforced starting January 1, 2013."; and it was Approved. 6-0 Councillor Thomas was Absent.

DRAFT

Councillor Pedroza said I think it is good housekeeping for us to periodically bring ourselves up to compliance with the State regulations.

Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-013; Ordinance No. 2668 as Amended and it was Approved. 6-0 Councillor Thomas was Absent.

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

Councillor Pedroza Moved to Adopt Council Bill No. 13-014; Ordinance No. 2669 and Councillor Smith Seconded the motion.

Mark Johnston, Parks and Recreation Director gave an overhead presentation and said the Life Center is one of our buildings that provides special needs services and our goal as a City is to have

1 inclusion and not isolation. Angel Care of Las Cruces has approached the City to purchase this
2 building which some of Angel Care's clients utilize during our programs at this facility. This
3 building is failing and the City does not have funds identified for the needed repairs. The selling of
4 this building would reduce the number of square footage owned by the City and the staff would be
5 able to concentrate on offering programs instead of staffing a building. The programs at this building
6 will continue as well as other programs throughout the City. The vast majority of our clients have
7 paid care givers that use the programs and facilities so a monthly event calendar will continue as well
8 as the continuation of special events. The only thing that would change is the ownership of the
9 building and the new owner will make the much needed repairs and updates to the building. The
10 programs, events and classes at the Life Center will not change and the City will continue to offer
11 services and access to facilities for all its customers. The proposal is that the City will continue to
12 use the Life Center rent free for at least five years for our programming and after the five years is up
13 there will be an option available to renew status quo or develop a rental agreement. The goal here
14 is to have a long term continuous partnership with Angel Care who is a licensed certified provider
15 of special needs services which the City is not a licensed certified provider. The City will retain
16 ownership of the land east of the Life Center for the purpose of providing the land for the City's
17 Affordable Housing Land Bank.

18
19 Mayor Miyagishima said they would be required to connect to the City's sewer system; correct?

20
21 Mark Johnston said that is correct.

22
23 Mayor Miyagishima said I want to mention that there is a reversionary clause which states that the
24 building would come back to the City if Angel Care does not maintain any of the clauses included
25 in the contract and the City would just reimburse Angel Care for any expenses they had for the
26 building.

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28 Councillor Pedroza said if the City were to keep this building then there would be interruptions in
29 service because of the needed repairs.

30
31 Mark Johnston said if the City were to keep the building we would be running into the same type of
32 issues we currently have with all our programs which is that our budget is shrinking so something
33 has to give and we have to remember that the City isn't a licensed provider.

34
35 Councillor Smith asked how will the services be continued in this facility?

36
37 Mark Johnston said there is a mutual benefit to this partnership, we are not the direct care provider
38 so we just provide the programs for the client and the provider to participate in.

39
40 Angela Ledesma, Angel Care said we have been in operation for over ten years and we created this
41 business because I have an uncle with Down Syndrome and we decided we could create our own
42 agency to help provide services for him.

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2 Councillor Sorg asked what is Angel Care's benefit to purchasing this building?

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4 Mark Johnston said they have a facility across the street from this facility and they have been looking
5 at constructing their own building for almost two years now. The Life Center is known as being a
6 place for folks with and without disabilities to come so our customers are also their customers and
7 this building is a familiar place for them.

8

9 Angela Ledesma said we continue to see the Life Center being used for the same programs and we
10 feel strongly that this building needs to be continued to be used for this purpose.

11

12 Victor Hagg, Member of the Public gave an overhead presentation, gave the Council a hand-out and
13 said I am opposed to the selling of the Life Center. I don't think the City has lived up to their
14 obligations and I don't think this agreement with Angel Care is workable. I don't think you can
15 morally vote yes to this right now because there are too many questions that need to be answered.

16

17 Jean Hagg, Member of the Public said this building has been neglected for the past nine years and
18 is in terrible condition so your solution is to just get rid of it. It's not just the building, it is the
19 location because it is centrally located for everyone. I would just ask that you keep this building and
20 keep it open for the clients.

21

22 Victor Hagg said you also have to consider where the current staff is going to go because Angel Care
23 would be using up all the office space in the building.

24

25 Mayor Miyagishima asked who took over the building once the Arc left?

26

27 Jean Hagg said we did but there were issues with funding. I was on the Board of Directors at that
28 time and I was against giving it to the City because I knew they wouldn't fulfill their obligations but
29 then I was voted off the board.

30

31 Mayor Miyagishima said that's how the City got involved and about a year and a half ago we gave
32 you the option to take it over but there were no takers. These programs are all going to remain the
33 same and if they don't then it will come back to us. The City has to be prepared for more funding
34 cuts from the government and I would like for us to have a work session to see if there are other
35 buildings that we could offer organizations to take them over. I feel that the City has been as
36 accommodating as possible in this situation.

37

38 Jean Hagg said we didn't know that if we owned it that the City would continue with the programs
39 and it does take a long time to develop a non-profit organization so we just need more time.

40

41 Mayor Miyagishima said this has been going on for about a year and a half now and one of the
42 conditions of the agreement between you and the City is that you would become a non-profit

1 organization which has not been done. Nothing is changing here, the programs are still going to
2 happen and the building is going to be upgraded and maintained.

3

4 Victor Hagg said we were stuck in a catch 22 situation because we couldn't become a non-profit
5 without funding and we couldn't get funding unless we were a non-profit.

6

7 Mayor Miyagishima said in the past year and a half none of you have come to me and asked me how
8 you could get this building back.

9

10 Councillor Smith said I do appreciate your dedication for this and it is something that the whole
11 community needs to look at and from my perspective, we must pay attention to how we care for
12 every member of our community.

13

14 Councillor Pedroza said we have an old building that needs repairs and there has been a very creative
15 solution suggested with assurances that the programs will continue. I don't think this would be doing
16 you a disservice but it would be adding to the services because the City would still have their
17 programs and Angel Care would also be offering their programs.

18

19 Jean Hagg said it is our believe that Angel Care cannot and will not provide the space for all the
20 people that go in there who are not her clients.

21

22 Councillor Pedroza asked does the City provide the lunch program?

23

24 Mark Johnston said no, my staff sets up and tears down the tables and chairs but it is a drop in type
25 of lunch setup.

26

27 Councillor Pedroza asked will that time still be available by Angel Care?

28

29 Angela Ledesma said I do plan to keep that open lunch hour available.

30

31 Jean Hagg said they aren't just there for an hour for lunch, they go in at 11:00 a.m. and sometimes
32 stay there until 3:00 p.m. so they don't need any restrictions placed on their activities.

33

34 Arnie Smith, Member of the Public said my son is with Angel Care and he also goes to the Arc. I
35 would like to know from Angel Care if it will still be available from 9:00 to 3:00 because that would
36 be my only concern.

37

38 Councillor Small said it seems to me that the issues are with having a dedicated space and the
39 amount of time for the activities so I think coordination is definitely needed because there is a need
40 to continue the services that are currently available. I think it is good to move ahead with Angel Care
41 but what concerns me is what will happen after the five years is up.

42

1 Mark Johnston said I think Angel Care would want to continue our partnership and I see our
2 programs expanding to other facilities.

3

4 Mayor Miyagishima asked would you consider that after five years you would agree not to charge
5 the City more than 15% of the average market rates for that area?

6

7 Angela Ledesma said that would be something we could consider but I would like to see the City to
8 continue the therapeutic recreation programs.

9

10 Mayor Miyagishima said I was just informed by our Legal staff that we can't discuss any future
11 negotiations.

12

13 Victor Hagg said I think the Parks and Recreation Department should be running our programs.

14

15 Mayor Miyagishima said Angel Care is a licensed provider and the City isn't licensed for those types
16 of services.

17

18 Sheila Johnson, Member of the Public said you should sell one of your five senior centers instead
19 of your one special needs center.

20

21 Vince Jeffers, Member of the Public said the City accepted this building which was valued at
22 \$250,000 in 2003 by Resolution 03-283 so was there any notice given that the resolution was
23 nullified? One of our biggest concerns is that when a client acts up in the private sector they are
24 taken out of there so what will happen if someone is asked to leave? I also want to know if an
25 appraisal was done on the property and in way there are public funds being spent here so is the City
26 required to do an RFP?

27

28 Mayor Miyagishima said regarding the resolution being null and void, it is my understanding that
29 when they lost their non-profit status this contract became null and void. There was an appraisal
30 done and because it is real estate we aren't required to do an RFP.

31

32 Vince Jeffers said there is still a service being offered so it is still a contract for services in a way so
33 is it required to have an RFP?

34

35 Mayor Miyagishima said the City is still going to be providing the services and Angel Care would
36 be moving her business in there as well.

37

38 Harry (Pete) Connelly, City Attorney said this is done as part of the purchase price and included in
39 the purchase price is our ability to have our services in that building at no cost to us for five years.

40

41 Councillor Small asked what would be the time-frame for updates on this public/private partnership?

42

43 Mark Johnston said I believe we could check-in on about a six months to a year basis.

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2 Councillor Sorg said the agreement addresses the concerns of those who oppose this so it seems to
3 me that it must be an issue with trust or the fear that the programs won't continue. We do have issues
4 with some of our buildings and our budget is not very secure so we have to be concerned with issues
5 like the cost of building repairs. I am convinced that this private/public partnership can work and it
6 can be a good thing so I do support this resolution.

7
8 Councillor Pedroza said I don't know if there is a type of grievance procedure in place but I would
9 suggest that there be a customer grievance procedure or something like a suggestion box in place for
10 the future.

11
12 Mayor Miyagishima said that would be up to Angel Care.

13
14 Councillor Pedroza said yes, that way if someone feels they are being mistreated in some way they
15 can inform them of it.

16
17 Sheila Johnson asked have you checked with DDS to see if this agency can work with other
18 agencies or if this will violate the HIPPA regulations?

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20 Mayor Miyagishima said we rely on our Legal staff and if they have signed off on it then we move
21 forward.

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25 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-014; Ordinance
26 No. 2669 and it was Approved. Councillor Thomas was Absent.

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30 **VII. BOARD APPOINTMENTS**

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32 None given.

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36 **VIII. MINUTE ACTION REQUIRED – *Time Change for next Regular City Council Meeting.***

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38 a.) Discussion on time change for the Regular City Council meeting of *October 15, 2012* from
39 1:00 p.m. to 9:00 a.m. (*Motion/second and vote required*)

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41 Councillor Smith Moved to Approve the time change for the Regular Council meeting of October
42 15, 2012 from 1:00 p.m. to 9:00 a.m. and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the time change for the Regular Council meeting of October 15, 2012 from 1:00 p.m. to 9:00 a.m. and it was Approved. 6-0 Councillor Thomas was Absent.

IX. CITY COUNCIL MEMBER BOARD REPORTS

Councillor Small said I would be happy to provide a report on the Animal Services Center Board but I will do it at the next regular meeting.

Councillor Silva said Councillor Thomas asked for a report from the Municipal League so I will be providing that report at the next regular meeting.

Councillor Sorg said I could say a few words about the Airport Advisory Board.

Mayor Miyagishima said you have to provide us with a handout; correct?

Robert Garza, City Manager said I think we need to either have you agree today about what you want to talk about next time or if someone has a report they want to give today then you would need the consent of the Council.

Councillor Sorg said I can provide my report at the next meeting.

Councillor Smith said I can provide a report on the Mesilla Valley Regional Dispatch Authority at the next meeting.

X. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I think we should look at other City buildings and see if we can have this same type of private/public deal like the one we just passed for some of our other buildings.

b.) City Council

1 Councillor Sorg said Los Angeles, Oakland, California; Boulder, Colorado; Chicago, Illinois;
2 Albany, New York City, Portland, Oregon; the State of Montana, and New Mexico have all passed
3 resolutions or have State Supreme Court Rulings of opposition to Citizens United. The total amount
4 of monies spent in this election has not been added up yet but it will prove to be the largest amount
5 ever spent. The U.S. Supreme Court ruled two years ago that corporations are people and as people
6 because of the First Amendment of the Constitution allows for Free Speech, that decision was called
7 Citizens United verses the Federal Election Commission. Super Pacs are organizations that receive
8 and spend unlimited amounts of money from any source and by forming a social welfare 504 non-
9 profit segment can hide the sources of the donated money. This is not transparency and it leads
10 directly to conflict of interest and because of the Supreme Court's decision, corporations can be
11 unlimited and unidentified. In New Mexico, State Legislators proposed a memorial expressing strong
12 opposition to the Citizens United decision and it states " Article 5 of the U.S. Constitution empowers
13 and obligates the people and the States of the United States of America to use the constitution
14 amendment process to correct those egregiously wrong decisions of the United States Supreme
15 Court. It passed both Houses of Santa Fe and it was a victory for small businesses. Senator Udall and
16 Michael Bennet of Colorado have proposed a constitutional amendment in the U.S. Senate to take
17 control of the campaign spending and we can agree that the Supreme Court's decision threatens our
18 Nation's democracy. This is the time for Las Cruces to join with the other sound minded local
19 governments across the country in passing a resolution against the Supreme Court's decision.

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21 Mayor Miyagishima said you can draw-up what you want to be said in that resolution and then let
22 me see it so we can work with Legal to get it on the agenda.

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26 Councillor Small said I want to congratulate Commissioner Garrett and John Paul Taylor for a very
27 successful symposium event that was held on Saturday that focused on different models of
28 communities and local government interaction drawing on an extensive wealth of community
29 capacity. I would be interested in inviting Commissioner Garrett and others to a future work session
30 to give us a presentation of their journey through the symposium.

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33

34 Councillor Pedroza said I am in favor of Gill Sorg's request and we can certainly draft a resolution.
35 I believe the Citizens United decision by the Supreme Court was wrong and I'm certainly not alone.

36

37 In New Jersey there is a tent city just like here in Las Cruces and I know soon we will be faced again
38 with how do we protect the homeless and try to prevent them from getting sucked into schemes that
39 will put them in worse conditions than they already are in. I also want to say that the amount of
40 homeless across the entire country is increasing because of the bad economy and increase job loss.

41

42 Robert Garza, City Manager said regarding the homeless, I have a feeling that this topic will come
43 up due to the change in our weather and there will be questions on our position regarding this

1 situation so I want to say that our position has not changed and we are staying on the path that we
2 said we would which is to propose a zoning change for our property to do a PUD to legitimizing the
3 use of the tents on that property.

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6

7 Councillor Smith said there is probably going to be a permit appeal coming before Council and there
8 are things that we can and can't say regarding that topic so is it possible for us to get some
9 clarification on what can and can't be said regarding that topic?

10

11 Mayor Miyagishima said I would suggest that you just refer all comments to the City Attorney.

12

13 Councillor Smith said there is going to be an award done in Rio Rancho for Our Valley Our Vision
14 2040 Plan and I think it would be good if we sent someone to represent us at that event which if no
15 one else would like to go then I would volunteer to go.

16

17 We had several Centennial events over the weekend and both myself and Councillor Small played
18 parts in the Bells of Mesilla. I am also looking forward to the opening of both Main Street and the
19 Museum of Nature and Science as Centennial projects.

20

21

22

23 Councillor Silva said I'd like to compliment the Whole Enchilada Committee for putting on another
24 great festival.

25

26 I also want to compliment Dr. Colby, Mr. Gurley and everyone else that is involved with Mental
27 Illness in our community and I appreciate all the work that Mr. Gurley has done.

28

29 I want to compliment staff for improving the agenda format but I would suggest that you include a
30 purpose statement for each item.

31

32 Robert Garza, City Manager said thank you for that feedback and one thing we will begin to do is
33 to make sure that the resolution title sufficiently describes what it is that we are asking you to do. We
34 still have a couple more steps to go to get it in a better condition but thank you for the feedback.

35

36 Councillor Silva said the first Movie in the Park event will be at Klein Park and the movie will be
37 Willie Wonka and The Chocolate Factory.

38

39

40

41 c.) City Manager

42

- 1 Robert Garza, City Manager said I want to mention that there will not be a Work Session next
- 2 Monday due to the holiday but there will be an Agenda Setting meeting on Tuesday at 1:30 p.m.

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- 6 **Meeting Adjourned at 4:41 p.m.**

DRAFT