



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

Regular Meeting

**November 5, 2012
1:00 P.M.**

Council Chambers, City Hall

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MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6 (via telephone)

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. Mayor Miyagishima led the Pledge of Allegiance.

The NMSU Gospel Choir sang the National Anthem.

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 presented the Mayor's Distinguished Service Award to Pamela Cort.

Mayor Miyagishima presented a Proclamation and declared November 2012 and future Novembers as Native Ancestors Month.

Councillor Small Moved to Allow Councillor Thomas to attend the meeting via telephone and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Allow Councillor Thomas to attend the meeting via telephone and it was Unanimously Approved. 7-0

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

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

None given.

DRAFT

III. PUBLIC PARTICIPATION

MarylN Zahler, Member of the Public passed out a pamphlet to Council and said I am the Vice-President of the Humane Society of Southern New Mexico. In the very near future you will be presented for your review the revised County and City Animal Ordinance before it is presented to the general public for their comments. The booklets I am providing for you will provide you information that will assist you in reviewing the ordinance. The booklet contains information regarding the tethering of dogs and the tethering, neutering, releasing and tracking of feral cats which is not included in the ordinance right now but I'm sure it will be brought up when it is presented to the public. I have already presented this packet to the County Commissioners and today I am presenting it to all of you. I do think that the County and City Officials need to put pressure on the County Attorneys and City Attorneys because they are still holding back on the ordinances. The Animal Services Board did put together an ad-hoc committee that did an ordinance about a year ago and they're still being reviewed so I think it is time that you all got together and said enough is enough because I think it is ludicrous to have this waiting for a year to be reviewed.

Alvin Busby, Member of the Public said I think it is ludicrous to close the Munson Senior Center during the weekends and to deny the Seniors access to the center for Saturday night dances.

Mayor Miyagishima said one of the things we are looking to do, we have four centers with pool rooms which each room has to have staff in it and only one or two people play pool at each center so we are just going to have one large pool room at Munson with one staff member in it and

1 eliminate the other pool rooms. Regarding the dances, we could try to use the Mesilla Park Center
2 on Friday evenings for those dances.

3

4 Alvin Busby said the only thing is that some Seniors have to work Monday thru Friday and by the
5 time they get off work on Friday they are too tired to do anything so Saturday is perfect for them.

6

7 Brian Denmark, Assistant City Manager said the Saturday night dances aren't a City program, they
8 are actually handled by a non-profit agency called Senior Corp and the City has not advised Senior
9 Corp that they can no longer conduct their dances. The information that went out a few weeks ago
10 about closing Munson on the weekends was in reference to City programs. I would suggest that Mr.
11 Busby express his concerns to Senior Corp as to why they are no longer conducting the dances.

12

13 Mayor Miyagishima asked Mr. Busby, were you aware of the Seniors being given an option to pay
14 a small fee to allow the dances to continue?

15

16 Alvin Busby said we were told that they were denied by the City to have the dances on Saturday. So
17 are you saying that the dances are allowed?

18

19 Mayor Miyagishima said I'm going to say that they will be charging a fee.

20

21 Alvin Busby said the non-profit group already pays rent of \$140 every week that they hold a dance
22 which includes a security guard and they also pay for the entertainment.

23

24 Brian Denmark said it is correct that the participants have been charged a fee to attend the dance. I
25 will make sure staff contacts Senior Corp and advises them that the City is not the ones telling them
26 they can no longer hold the dances. Since they are a non-profit agency, they cannot use a City facility
27 for free so they would have to enter into an agreement with the City but we will get in touch with
28 them and clarify this issue.

29

30 Maryln Zahler said I have some arguments regarding the Munson Senior Center. I was a part of the
31 advisory board for about eight years and I was also the President for the Senior Corporation for
32 several years. There was a contract signed with the City during Mr. Moore's time and since we did
33 so much volunteer work, we had a lease amount of one dollar for the use of the building. I
34 understand that now Mr. Garza or Mr. Denmark is asking ten dollars per square-foot which I think
35 is ludicrous. I think you need to look at that agreement again and I will also be requesting a copy of
36 it as a Freedom of Information request.

37

38 Mayor Miyagishima said this is a different time and there have been cuts in our budget but we will
39 look into it and we will get you a copy of the lease.

40

41 Maryln Zahler asked Mr. Garza, are you thinking of privatizing the Meals on Wheels program?

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 2 Robert Garza, City Manager said no, absolutely not. Regarding us charging for the use of the facility,
 3 that is something that is happening statewide right now and it has to do with constitutionality and
 4 our First Amendment. Our Attorney General has come out with a pamphlet and I think it would be
 5 very useful for us to get a copy of it so we can share it with all the members of the Council and the
 6 members of Senior Programs. Basically, the pamphlet states that we cannot continue to give away
 7 public services without charging for it and that it would be an anti-donation violation to allow people
 8 to use City facilities at no cost.

9
 10 Maryln Zahler said I agree they should pay but we need to decide how much is fair.

11
 12 Mayor Miyagishima said regarding the Meals on Wheels, I met with the Mayor of Mesilla and she
 13 mentioned that they were trying to find monies to buy a stove for their Meals on Wheels so I
 14 suggested that when we build our new senior kitchen to expand our Meals on Wheels program, we
 15 could look at trying to help Mesilla by doing the cooking for them and they could come by and pick
 16 the food up and deliver it.

17
 18 Ryan Dailey, Member of the Public said I had an issue with my toilet and sink having an awful smell
 19 and brown water and it was about 4:58 which I thought everything would be closed but I was able
 20 to get through to someone. It lasted about three days and I would like an explanation on what causes
 21 that type of issue.

22
 23 I have noticed that there is an unidentified police unit in our City limits speeding through red lights
 24 and I would like to know if it is one of the City's units or someone else's unit.

25
 26 Mayor Miyagishima said we will have an email sent to you with that information.

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

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 34 Councillor Silva Moved to Approve the Agenda and Councillor Sorg Seconded the motion.

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

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1 **V. CITY COUNCIL MINUTES**

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3 *(1) Regular Meeting of October 1, 2012

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

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9 *(2) Resolution No. 13-057: A Resolution Authorizing the Destruction of Records that Have
10 Satisfied Their Legal Retention Period.

11
12 *(3) Resolution No. 13-058: A Resolution Authorizing the City of Las Cruces to Continue an
13 Agreement With the Rio Grande Council of Governments for Fiscal Year 2012/2013 and to
14 Provide an Annual Membership Fee of \$4,734.00.

15
16 *(4) Resolution No. 13-059: A Resolution Authorizing the City of Las Cruces, on Behalf of the
17 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,
18 to Accept a Grant Award Increase in the Amount of \$18,000.00 for Grant Award Number
19 G11SN0006A From the Executive Office of the President, Office of National Drug Control
20 Policy, to Ratify the Mayor's Signature on the Grant Award Supplement, and to Adjust the
21 FY 2013 Budget.

22
23 *(5) Resolution No. 13-060: A Resolution Approving Amending the Pay Tables for Fire
24 Department Cadets and Trainees.

25
26 *(6) Resolution No. 13-061: A Resolution Approving Amending the Pay Tables for Police
27 Sergeants, Lieutenants, and Deputy Chiefs and Fire Battalion Chiefs and Deputy Chiefs.

28
29 *(7) Resolution No. 13-062: A Resolution Approving Amendments to the Collective Bargaining
30 Agreement Between the City of Las Cruces and the Las Cruces Police Officers' Association.

31
32 *(8) Resolution No. 13-063: A Resolution Approving an Agreement Concerning Emergency
33 Water Delivery With Picacho Mutual Domestic Water Consumers Association.

34
35 *(9) Resolution No. 13-064: A Resolution Approving the Distribution of Stipends to Local
36 Youth Leagues and Organizations to Assist With Operational Expenses for the 2012 Season,
37 in the Amount of \$6,500.

38
39 *(10) Resolution No. 13-065: A Resolution Supporting the Animal Services Center of the Mesilla
40 Valley (ASCMV) Legislative Proposal Seeking Funding For a Transport Van, Amending the
41 City of Las Cruces Infrastructure Capital Improvement Plan (ICIP) FY 2014-2018, and
42 Serving as Their Fiscal Agent.

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 2 *(11) Resolution No. 13-066: A Resolution Expressing Opposition to the United States Supreme
 3 Court Ruling in *Citizens United v. Federal Elections Commission* Concerning Campaign
 4 Spending and Requesting Congress to Propose an Amendment to the United States
 5 Constitution.

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

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11 (12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 13-067;**
12 **A PUBLIC HEARING MUST BE HELD.**

13
14 Mayor Miyagishima said the Public Hearing for Resolution No. 13-067 is now open. Is there anyone
15 who wishes to speak regarding this item?

16
17 None Given.

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19 Mayor Miyagishima closed the Public Hearing for Resolution No. 13-067.

20
21 Resolution No. 13-067: A Resolution Approving the Transfer of Ownership of State Liquor
22 License No. 2779 to M5 LLC D/B/A M5 Martini Bar, to be Located at 901 Avenida de
23 Mesilla, Las Cruces, New Mexico.

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25 Councillor Smith Moved to Adopt Resolution No. 13-067 and Councillor Small Seconded the
26 motion.

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30 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 13-067 and it was
31 was Unanimously Approved. 7-0

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35 (13) Resolution No. 12-13-327: A Resolution Awarding a Contract to Landscape and Design
36 Center, Inc., of Las Cruces, NM for Construction of Paseo de Oñate Neighborhood Park, in
37 the Amount of \$178,661.45 Plus New Mexico Gross Receipts Tax of \$13,511.27 and
38 Authorizing the City Manager to Approve Change Orders Up to \$17,866.20 for a Total
39 Authorization of \$210,038.92.

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41 Councillor Small Moved to Adopt Resolution No. 12-13-327 and Councillor Sorg Seconded the
42 motion.

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Eric Martin, Facilities Management Administrator gave an overhead presentation and said this is for the construction of the Paseo de Onate Neighborhood Park. This will be a new neighborhood park and we will be using the park impact fees to construct it. This is BLM property which has previously been before Council to transfer it from the County to the City. It is about ten acres and it does include a small cemetery that is located in the northeast corner of the property. We have put in all the paperwork for a recreation and public purpose so this is our first step in compliance with that lease and to build-out this park. Over time, as we finish the layout, we will be able to apply for a property transfer so it can be transferred over to us. Currently, Parks and Recreation does maintain the cemetery and there are some existing recreational trails which over time we do plan on building onto those trails. We are treating the entire ten acres as a park and with the award of this contract we will be developing the front end of the park. We bid this back in July and the bids we received were out of our budget so we re-bid it in August and two bids were received of which Landscape and Design was selected.

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Councillor Thomas said I just want to compliment staff for coming up with this idea and working with the neighborhood.

Councillor Smith said I think the neighborhood will enjoy having this park. Regarding the climbing feature, it does look very natural and I hope rather than having brightly colored things that we continue to have things that look natural like this one.

Brian Denmark, Assistant City Manager said staff always solicits the neighborhood's input and Cathy Mathews and myself attended the first neighborhood meeting regarding this project and at that meeting they said they wanted natural looking features.

Councillor Sorg asked who owns the land to the south of this property?

Cathy Mathews, Landscape Architect said the surrounding properties are BLM land.

Councillor Small said it is good to see that the park impact fees are being used and it is encouraging to see the continued collaboration with BLM. It sounds like the rest of the property will remain natural so is there any long-term plans for this area?

Brian Denmark said the long-term intent is to keep it as natural open space but we do want to enhance the trails.

Councillor Small said since this borders other BLM land, I assume there is some wildlife in the area so I just want to make sure we accommodate that like we do at the Las Cruces Dam.

Councillor Pedroza said I would also suggest quiet areas where people can enjoy the nature.

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3 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-13-327 and it was
4 was Unanimously Approved. 7-0
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8 (14) Resolution No. 12-13-341: A Resolution Authorizing a Contract Between the City of Las
9 Cruces and Lynco Electric Co., Inc., of Las Cruces, New Mexico, for the Construction of a
10 Solar Photovoltaic (PV) System at the City Hall Parking Deck for the Contract Sum of
11 \$439,635.00, Based on a Unit Cost of \$4,187.00 Per kW, Plus a Contingency of \$60,000.00;
12 for a Total Project Authorization of \$499,635.00.
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14 Councillor Small Moved to Adopt Resolution No. 12-13-341 and Councillor Sorg Seconded the
15 motion.
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19 Eric Martin, Facilities Management Administrator gave an overhead presentation and said this is for
20 a Solar Photovoltaic System for City Hall which will be located on the upper parking deck. We went
21 out to bid during this past summer and there were six bids received. The low bidder was Lynco
22 Electric Company. The contract will be awarded based on a unit price of \$4,187.00/kW and Lynco
23 Electric will provide a turnkey approach to the design and construction. If Council awards this
24 contract today then construction would start in January 2013 and be completed in March 2013. The
25 total amount of the project is \$499,635 and there is no gross receipt taxes included because the State
26 of New Mexico has an exemption for solar energy projects so we are not required to pay GRT on this
27 project. There are two funding sources for this project which are \$361,935 from the Infrastructure
28 Rehab Fund and \$137,700 from the NMFA Parking Deck Fund. This is going to be a follow-through
29 system and the system size will be 105kW, the system cost is \$440,000, the estimated energy
30 generation is 187,500kWhours per year and the estimated energy savings per year will be a little over
31 \$23,000. The panels will be set east to west and angled toward the south and these panels will also
32 provide some shaded parking spaces on the upper deck.
33

34 Councillor Small said it is very exciting for us to move to the next step and we do owe a lot of
35 gratitude to the NMSU solar research folks for their help with the conduit plans. Is there an estimate
36 of how much this would cost if the conduit had not been previously done and this was not a solar
37 ready building?
38

39 Eric Martin said no, we did not back figure that cost but it probably would have added quite a bit to
40 the expense because we would of had to cut up the parking deck.
41

42 Councillor Small said I think it would be interesting to have a rough estimate of what we would have
43 had to have paid if it would have not been made solar ready.

1
2 Councillor Thomas said I just want to point out that Councillor Small did take the lead on this
3 project and he deserves a lot of the credit.
4
5 Councillor Sorg said I am excited about this project going forward. Can you give us a rough estimate
6 on what percentage of electricity is used by this building?
7
8 Eric Martin said the average electric bill for this building is about \$14,000 so this will reduce it by
9 about ten to fifteen percent.
10
11 Councillor Smith said this is a clean looking structure and I hope it is attractive for our neighbors
12 as well as us in this building. I remember at some point we talked about having electric cars hooked
13 up to a direct current so it didn't have to go through the transformers but I'm assuming that we are
14 not looking at that at this point.
15
16 Eric Martin said although the electric plug-in station is not part of this project specifically, power
17 can be re-routed so we could incorporate that kind of a station in the future.
18
19 Councillor Pedroza said I think this whole idea is a very good one.
20
21 Councillor Silva said I want to congratulate Councillor Small and Councillor Thomas on this project
22 and I know there was a delay in the beginning because of the funding so I think we need to take a
23 look at funding opportunities for future solar projects.
24
25 Councillor Sorg said at the recent Green Chamber of Commerce meeting regarding renewable
26 energy, I was approached by a few people from Albuquerque that envied our renewable energy
27 efforts so I'd like to claim that "Las Cruces is the number one renewable energy city in New
28 Mexico."
29
30 Russ Warner, Member of the Public said I just want to thank the City for doing clean air projects like
31 this one.
32
33 Thomas Lee, Member of the Public said I am with Sun Spot Solar Energy Systems of Las Cruces
34 and we were one of the bidders for this project but we were disqualified. The resolution states we
35 withdrew our bid but that is not the case so I just want it clarified that we had an oversight on our
36 bid which disqualified us. We were disqualified because two documents were not submitted with
37 our bid; however, I noticed that Lynco also did not submit one of those documents so I was
38 wondering if that was just an oversight?
39
40 Robert Garza, City Manager said my understanding is that the errors and omission form is a proof
41 of insurance and the items that were accepted by our Procurement Office are items included in the
42 Procurement Code. If you are protesting the recommendation to award this bid, there is a process to
43 do that through our Purchasing Department.

1
2 Thomas Lee said Mr. Telles gave us that information and we declined to protest it at that point
3 because it seemed to be our fault that we did not submit those documents and everyone else did but
4 when we saw this resolution we saw some discrepancies. I just want it on the record that we were
5 the lowest bidder and we did not withdraw our bid.

6
7 Robert Garza said we can acknowledge that you did have the lowest bid but it was incomplete.

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11 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-13-341 and it was
12 was Unanimously Approved. 7-0

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16 (15) Council Bill No. 13-015; Ordinance No. 2670: An Ordinance Repealing and Replacing
17 Various Sections of Articles I and VI and All of Article VIII of the Las Cruces Municipal
18 Traffic Ordinance. Submitted by the City of Las Cruces.

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20 Councillor Small Moved to Adopt Council Bill No. 13-015; Ordinance No. 2670 and Councillor
21 Sorg Seconded the motion.

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25 Andy Hume, MPO Planner gave an overhead presentation and said these are the proposed bicycle
26 laws for the City of Las Cruces. Overall we have made the language simpler and clearer to
27 understand. We have also removed the requirement for bicycle registration and have added some
28 definitions that don't exist in the current ordinance. We are including a new section discussing
29 threats to vulnerable users which can be bicyclist or pedestrians and we are outlining passing
30 distances. We have included language for impaired cyclist which is someone who is riding a bicycle
31 under the influence of alcohol or other drugs and we have included language that matches the New
32 Mexico helmet laws. We have updated the hand signals to allow a bicyclist to use their right hand
33 to signal when they are turning right and their left hand when they are turning left. The quick
34 message I would give as the three points to bicycling is to ride with traffic; not against traffic, use
35 hand signals, and obey all traffic signs and signals.

36

37 Councillor Sorg said it is good that we are updating our bicycle laws and one of the hottest topic at
38 the NMSU forum was bicycle use on campus. They would like to have the laws in Las Cruces to
39 match the laws on campus so I'd like to know if we know who the responsible party is at NMSU that
40 makes up the bicycle rules on campus?

41

42 Andy Hume said I had an opportunity to meet with the sustainability counsel and their bicycle sub-
43 group so I have made contact with them and they are very interested in seeing our laws as presented

Regular Meeting
November 5, 2012

1 today. They are also interested in meeting with Chief Lopez who is with the NMSU Police and work
2 with him to see how they can get the laws in place on campus.

3
4 Councillor Sorg asked can the City squeeze enough funding out so that we could create a brochure
5 to inform the public of the bicycle laws?

6
7 Andy Hume said there is a brochure available through the Share the Road Campaign which is
8 available on the website and we make it available to bike shops and other government offices in the
9 area. We were holding off on doing things like door hangers and pocket sized booklets until these
10 changes were approved so if they are approved today then we will look into moving forward with
11 these educational items.

12
13 Councillor Smith said some of us visited Camp Hope this weekend and some of those people are
14 using bicycling so maybe we can do something like have a bike lane in that area.

15
16 Councillor Silva said I'd like to thank Andy for all the great work he has done with this project.

17
18 Councillor Thomas said I am currently in Oregon and it has a high percentage of people who walk,
19 ride bikes or use public transportation and it is amazing how well everyone follows the rules here.

20
21 Councillor Pedroza said there is a method where employers can encourage their employees to ride
22 their bikes to work and I would like to invite them to give us a presentation to show us, as an
23 employer, how we can encourage our employees to ride their bikes to work.

24
25 Councillor Small said I'd like for us to continue to look for ways to promote bike use in our
26 community.

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30 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-015; Ordinance
31 No. 2670 and it was Unanimously Approved. 7-0

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35 **VIII. BOARD APPOINTMENTS**

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37 Mayor Miyagishima reappointed Gail Estell, Timothy Farr and appointed Kay Lilley (District 4) to
38 the Americans with Disabilities Act Advisory Committee.

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1 Councillor Small Moved to Approve the Mayor's board reappointment of Gail Estell, Timothy Farr
2 and appointment of Kay Lilley (District 4) to the Americans with Disabilities Act Advisory
3 Committee and Councillor Smith Seconded the motion.

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7 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointment
8 of Gail Estell, Timothy Farr and appointment of Kay Lilley (District 4) to the Americans with
9 Disabilities Act Advisory Committee and it was Unanimously Approved. 7-0

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13 Mayor Miyagishima appointed Monika Denton (General Manager of the Ramada Palms Hotel) to
14 the Convention & Visitors Bureau Advisory Board.

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18 Councillor Sorg Moved to Approve the Mayor's board appointment of Monika Denton (General
19 Manager of the Ramada Palms Hotel) to the Convention & Visitors Bureau Advisory Board and
20 Councillor Smith Seconded the motion.

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24 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
25 of Monika Denton (General Manager of the Ramada Palms Hotel) to the Convention & Visitors
26 Bureau Advisory Board and it was Unanimously Approved. 7-0

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30 Mayor Miyagishima reappointed Janet Acosta to the Extra-Territorial Zoning Commission.

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34 Councillor Sorg Moved to Approve the Mayor's board reappointment of Janet Acosta to the Extra-
35 Territorial Zoning Commission and Councillor Pedroza Seconded the motion.

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39 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointment
40 of Janet Acosta to the Extra-Territorial Zoning Commission and it was Unanimously Approved. 7-0

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Regular Meeting
November 5, 2012

1 Mayor Miyagishima appointed Dr. Harry Johnson and Steven Baumgarn to the Las Cruces Utilities
2 Board.

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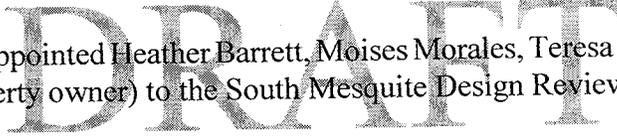
6 Councillor Sorg Moved to Approve the Mayor's board appointments of Dr. Harry Johnson and
7 Steven Baumgarn to the Las Cruces Utilities Board and Councillor Smith Seconded the motion.

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11 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointments
12 of Dr. Harry Johnson and Steven Baumgarn to the Las Cruces Utilities Board and it was
13 Unanimously Approved. 7-0

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17 Mayor Miyagishima reappointed Heather Barrett, Moises Morales, Teresa Renn and appointed Faith
18 Hutson (District 4 property owner) to the South Mesquite Design Review Board.



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22 Councillor Small Moved to Approve the Mayor's board reappointments of Heather Barrett, Moises
23 Morales, Teresa Renn and appointment of Faith Hutson (District 4 property owner) to the South
24 Mesquite Design Review Board and Councillor Sorg Seconded the motion.

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28 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointments
29 of Heather Barrett, Moises Morales, Teresa Renn and appointment of Faith Hutson (District 4
30 property owner) to the South Mesquite Design Review Board and it was Unanimously Approved.
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35 Mayor Miyagishima appointed Terry Kebbel (At-Large) to the Veterans Advisory Board.

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39 Councillor Small Moved to Approve the Mayor's board appointment of Terry Kebbel (At-Large) to
40 the Veterans Advisory Board and Councillor Silva Seconded the motion.

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2 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor’s board appointment
3 of Terry Kebbel (At-Large) to the Veterans Advisory Board and it was Unanimously Approved. 7-0
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7 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***
8 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***
9

10 (16) Council Bill No. 13-017; Ordinance No. 2672: An Ordinance Approving a Zone Change
11 from R-1A (Single-Family Medium Density) to R-3 (Multi-Dwelling Medium Density) on
12 6.00 ± Acres of Land Located on the Northwest Corner of Espina Street and Idaho Avenue;
13 1240 S. Espina Street. Submitted by the Immaculate Heart of Mary Cathedral, Property
14 Owner (Z2855).
15

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

18 **DRAFT**
19

20 **X. CITY COUNCIL MEMBER BOARD REPORTS**

21
22 a.) NMML – Councillor Miguel G. Silva
23

24 Council Silva said the conference was held on August 30th here in Las Cruces and they went through
25 many items so the board narrowed it down to three items of priorities which were the Local
26 Development Act, the Convention Center Finance Act, and the Law Enforcement Protection Fund.
27 Those are the three things that will be coming forward that the Municipal League is supporting with
28 the new legislation. They also drafted three policies which were in the Municipal Reporter and I also
29 asked City Manager Garza if he would include his comments in his past newsletter which he did. The
30 first policy statement is in regard to the Hold Harmless Agreement which basically states that we
31 really want to keep it in place. The second policy statement is opposing any state legislation that
32 prevents local taxing authority and the third policy statement is for the utilization of the water
33 conservation fee. The Municipal League will be having a follow-up meeting in October up north.
34

35 -----

36
37 Councillor Thomas said I would like to get a report on the thing we voted on today regarding the Rio
38 Grande Council of Governments and I would be happy to give a report regarding the South Council
39 of Governments because I belong to that one.
40

41 Mayor Miyagishima said sure, we can do that.
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XI. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said the reopening of Main Street event will be on Saturday, November 17th between 2:30 and 4:00 p.m.

b.) City Council

Councillor Thomas passed.

DRAFT

Councillor Sorg said regarding the Citizens United Resolution that was passed today, there is going to be over three billion dollars spend on this current election and just think what good that money could do for the recovery of the Hurricane Sandy victims. Therefore, I am hoping that we can get some kind of campaign financing reform not only at the federal level but at the state and local levels.

Due to the fatal accidental that occurred on Highway 70 last week, I have received emails from some of my constituents and one stated "it is so frustrating that even though cell phone use while driving is against the law, I continue to see drivers on the phone and even texting. I am a mom and I have children and this accident has hit too close to home. I just can't imagine what the family is going through with the loss of two family members, a young student and a mom, and I was shocked to see the barriers installed along I-25 before it was installed on 70. Last year alone there were two crashes within weeks of each other so doesn't the New Mexico Department of Transportation look at the highways and determine which ones are the most deadly and which have more accidents? Sadly, drivers have no consideration for others and do not respect the law. It infuriates me to see people speeding in areas that are clearly marked 45 and they are still doing 60. Thank you so much for your help in addressing my concerns." Another constituent wrote "I am a survivor of a Highway 70 crash but unfortunately I lost my best friend. He was killed as the truck we were driving in rolled three times. We were driving home from high school on that faithful day. It seems to me that this highway has been a killer highway for decades, even with the improvements that were made in 2002, there wasn't enough done for prevention at that time and even up to this day." I'd like to further make a comment that it is up to everyone, not only the governments that are involved here, to take responsibility for obeying the laws in order to keep the accidents down on our roads, highways and streets. I'd like to have our Police Department make a comment on what we are doing right now to make Highway 70 a little safer.

1 Chief Williams, LCPD said we have an operation that is addressing the peak commute hours which
 2 starts from 7:00 to 9:00 a.m. and resumes again from 3:00 to 6:00 p.m. and we are hoping the
 3 visibility will help with the perception of risk and slow some folks down. We will work with the
 4 Highway Department on any engineering solutions that can be developed to make that roadway safer.
 5 They are getting ready to set out some speed trailers that will indicate the levels of speed for a
 6 particular vehicle. I also authorized overtime to be used during those peak hour segments so we don't
 7 take away from our other areas of responsibility.

8

9 Mayor Miyagishima said I believe they are going to start installing the barriers in January and finish
 10 sometime in May. I will also contact Redflex and see if there are any options with them for that area.

11

12 Chief Williams said Redflex does have a speed van that can be utilized and I think they currently
 13 have one in Santa Fe right now to assist with speed enforcement so they do have that technology
 14 available.

15

16

17

18 Councillor Small said I want to thank Mr. Mark Winson for his help with the Animal Service Center.

19

20 I'd like to congratulate the Museum team as they move forward with the very exciting effort at the
 21 Museum of Nature and Science.

22

23 Tomorrow is Election Day and the most important thing is that everyone gets out there and votes.

24

25 I'd like to commend the NMSU Dance Department. I was privileged to be a part of "Look who's
 26 Dancing" and I highly recommend that experience. It is impressive how much public outreach the
 27 Dance Team does by doing things like going out to the schools and I think that speaks very highly
 28 of the University.

29

30 I am excited to see some personnel changes that will be coming forward at a later date and I think
 31 there will be an opportunity to look at some balanced proposals that track other communities efforts
 32 in implementing the veterans hiring preference.

33

34

35

36 Councillor Pedroza said so far I think the voting in Dona Ana County has been remarkable so if you
 37 haven't voted yet, please get out tomorrow and vote.

38

39 I'd like to thank everyone who attended the NAACP event and I thought it was an extremely
 40 interesting and informative event. Brigadier General Gwen Bingham of WSMR gave the keynote
 41 address and she said she would like to come and meet with Council so I'm bringing that up to Mr.
 42 Garza.

1

2 I'd like to thank everyone involved with the Utilities Department for their response to one of my
3 constituents who was about to be evicted because he had not made a payment plan with the Utilities
4 Department. It was taken care of and he was not evicted.

5

6 This Saturday at Ardivino's in Sunland Park there is going to be a fundraiser dinner for La Semilla.

7

8

9

10 Councillor Smith said New Mexico is the fifth largest State in square miles and the 36th largest in
11 population but it continues to rank in the bottom ten for education and in the top ten for violent
12 crimes. The State is right in the middle for what we spend on our students and we have just above
13 80% of high school graduates. We rank in the top 20 for the number of people over the age of 25
14 with Bachelor Degrees. We rank in the top ten States for teen pregnancies and we are in the top three
15 for the percentage of the population living below the poverty level. Las Cruces is the second largest
16 city in New Mexico and around the 300th largest city in the United States. I hope to see during my
17 time as a Councillor is the continued collaboration with other schools, municipalities, governments
18 and other agencies. I plan to attend the next Congress of Cities which is put on by the National
19 League of Cities and it will be held in Boston at the end of November.

20

21 I also encourage everyone to get out and vote tomorrow.

22

23

24

25 Councillor Silva said regarding a couple of items that were on today's Consent Agenda. One is
26 regarding the Police pay item and I want to say that whenever their pay or the Fireman's pay is
27 affected it is done through Union negotiations, staff and so forth.

28

29 Robert Garza, City Manager said every year when we go through our budget, we look at our
30 expectations with our Union to have the same type of pay increase as our other employees so we
31 budget reasonably and fair. So when we go into negotiations, the negotiations team sits down with
32 the various Unions and they only have so much to negotiate with which is what is approved with the
33 budget.

34

35 Councillor Silva said I just wanted to point out that it takes a lot of planning so it just doesn't happen
36 overnight.

37

38 I would like for us to review the Franchise Fee because the old agreement has been in place for quite
39 awhile now and I think it is time we reviewed it.

40

1 I noticed there has been some conversations regarding the Convention Center so I would like to see
2 if we could have David Hicks come in and give us an end of the year report on the Convention
3 Center.

4

5 I want to thank the staff and everyone involved with the Natural History Museum project and I am
6 looking forward to having them in the Downtown area.

7

8 As we prepare ourselves for the next funding, I would like for us to take a look at MVEDA. I don't
9 think they have ever given us a formal presentation or its been awhile so I think it would be nice to
10 revisit MVEDA and their operations.

11

12 Mayor Miyagishima said they have a meeting every third Wednesday of the month at eight o'clock
13 and it is open for any member of Council to attend but please let Esther know if there is going to be
14 a quorum so we can post a PQN.

15

16 Councillor Silva said I think we need to have a work shop with them so we can ask them some
17 questions and some clarity on some issues.

18

19 Mayor Miyagishima asked what are you looking to discuss regarding the Franchise Fee?

20

21 Councillor Silva said we are still on the old agreement and I think it is something worth talking about
22 and discuss if we should redo it.

23

24 Councillor Small said one of the other things that we can discuss is the power of purchase
25 agreements.

26

27 Robert Garza said I am meeting later this week with Rico Gonzales to talk about various things and
28 one of the topics on our list is the status of our existing Franchise Agreement which we are going
29 month to month on because it is an expired agreement. I will talk to Rico about having a work
30 session to discuss this because I do think it is a good time to revisit it.

31

32

33

34 c.) City Manager

35

36 Robert Garza, City Manager said Council has brought up the topic of impact fees and on January
37 1, 2013 we do the roads and drainage impact fees going into effect if we do nothing. We do have
38 a credit process where we give a developer credit if they do work in lieu of paying the fees but
39 with roads and drainage, it is very different from the other credit programs we have in place. So,
40 staff does need to do some amendments to it and we want to make sure Council is okay with it. I
41 would recommend moving the implementation date from January 1, 2013 to July 1, 2013 and
42 that would give staff enough time to work on the amendments. If Council is okay with it, we can

1 bring a resolution forward at the November 19th meeting to move the date by six months.

2

3 Councillor Smith asked regarding our projections, can we handle moving this ahead six months?

4

5 Robert Garza said we are able to go forward with it on January 1, 2013 but regarding the credit
6 process, that will be moved to July 1, 2013, depending on what is done with the IDZ.

7

8 Councillor Pedroza said regarding the IDZ, is there any idea on how soon folks can come back to
9 it?

10

11 Robert Garza said I believe folks want to come back to it soon. I do have a meeting with them
12 later on this week to debrief on what they have heard from you already and hopefully they will
13 have new answers and new information so we can put them on the calendar for a work session.

14

15 Councillor Pedroza said on one hand, I think it may be a good faith gesture to wait on imposing
16 the impact fees but on the other hand, I kinda have a problem with saying we will wait again
17 when we have already waited six months to implement it. I don't think the impact fees are going
18 to discourage or encourage building because that has much more to do with the economy. I just
19 can't give you a firm answer.

20

21 Robert Garza said this is not on the agenda and its not an action item so we're not voting on it
22 today. I was just looking for a consensus which I don't think there is one so I think there are more
23 things to discuss before we move forward.

24

25 Councillor Small said I'm okay with addressing this issue before the end of the year and it might
26 be best to discuss it in a work session forum.

27

28 Councillor Sorg said it would be approximately a year and a half since this was first passed. I feel
29 that is a long time and I'm worried about further delaying it.

30

31 Robert Garza said we will look at a potential work session date to discuss that issue.

32

33 We will be rearranging the room for our work sessions, starting with our next work session, and
34 have Council sit around a table to have a more interactive session.

35

36 This Saturday is the Veterans Parade and it will start at nine o'clock and it will be Downtown.

37

38 The Grand Opening Ceremony for Main Street will be on November 17th in the afternoon.

39

40

41

42 **Meeting Adjourned at 3:29 p.m.**