

ITEM #1  
Regular Meeting  
December 3, 2012



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

**Regular Meeting**

**December 3, 2012  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima **Absent**  
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**

**II. SELECTION OF CHAIR AS REQUIRED BY LCMC SECTION 27-27(e)(1). *If neither the Mayor or Mayor Pro Tem is present, the Council shall, by majority vote, select one of its members to chair the meeting.***

Councillor Sorg Moved to select Councillor Silva as the Chair and Councillor Small Seconded the motion.

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City Clerk Esther Martinez-Carrillo called for the roll on the Motion to select Councillor Silva as the Chair and it was Approved. 5-0 Councillor Thomas and Mayor Miyagishima were absent.

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**I. OPENING CEREMONIES**

Chair Councillor Silva led the Pledge of Allegiance.  
Presentation of Certificates of Appreciation/Proclamations.

1 Chair Councillor Silva and a representative from the Animal Services Center of the Mesilla Valley  
2 presented the Pet of the Week.

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6 Councillor Smith Moved to allow Councillor Thomas to participate in the meeting via telephone and  
7 Councillor Sorg Seconded the motion.

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11 Chair Councillor Silva called for the roll on the Motion to allow Councillor Thomas to participate  
12 in the meeting via telephone and it was Approved. 6-0 Mayor Miyagishima was absent.

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16 **III. READ CLOSED MEETING STATEMENT INTO RECORD.** Closed Meeting  
17 Statement from November 19, 2012 Closed Meeting.

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19 Chair Councillor Silva read a Closed Meeting Statement and said the Las Cruces City Council met  
20 in Closed Session at 4:38 p.m. on November 19, 2012. The following members were in attendance:  
21 Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small,  
22 Councillor Sorg, Councillor Thomas, City Manager Robert Garza, Assistant City Manager Brian  
23 Denmark, Utilities Director Jorge Garcia, Senior Assistant City Attorney Marcy Driggers and  
24 Assistant City Manager Mark Winson. The meeting adjourned at 5:02 p.m. and only the limited  
25 items as stated in the posted notice were discussed which was the purchase or acquisition of real  
26 property and water rights.

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

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35 Chair Councillor Silva asked if anyone had any conflicts with anything on the agenda?

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37 None given.

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41 **V. PUBLIC PARTICIPATION**

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1 None given.

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5 **VI. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**  
6 **AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**  
7 **BY ONE MOTION.**

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9 Councillor Smith Moved to Approve the Agenda as presented and Councillor Sorg Seconded the  
10 motion.

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14 Chair Councillor Silva called for the roll on the Motion to Approve the Agenda as presented and it  
15 was Approved. 6-0 Mayor Miyagishima was absent.

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19 **VII. CITY COUNCIL MINUTES**

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21 \*(1) Regular Meeting of November 5, 2012

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25 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

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27 \*(2) Resolution No. 13-077: A Resolution Approving Roadrunner Transit's Holiday Schedule  
28 for the 2013 Calendar Year.

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32 **IX. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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34 (3) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 13-078;**  
35 **A PUBLIC HEARING MUST BE HELD.**

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37 Chair Councillor Silva opened the Public Hearing for Resolution No. 13-078 and asked if there was  
38 anyone who wanted to comment on this item?

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40 None given.

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1 Chair Councillor Silva closed the Public Hearing for Resolution No. 13-078.

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3 Resolution No. 13-078: A Resolution Approving the Issuance of a Restaurant Liquor  
4 License to World Class Gourmet, LLC D/B/A Savoy de Mesilla, to be Located at 1800-B  
5 Avenida de Mesilla, Las Cruces, New Mexico.

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7 Councillor Smith Moved to Adopt Resolution No. 13-078 and Councillor Sorg Seconded the motion.

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11 Chair Councillor Silva called for the roll on the Motion to Adopt Resolution No. 13-078 and it was  
12 Approved. 6-0 Mayor Miyagishima was absent.

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16 (4) Council Bill No. 13-018; Ordinance No. 2673: An Ordinance Approving a Zone Change  
17 From A-2 (Rural/Agricultural) to an R-1A (Medium-Density, Single-Family Residential)  
18 District on a 2-Acre Parcel Located at 900 McCoy Avenue. Submitted by William D.  
19 Wright, Property Owner (Z2856).

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21 Councillor Smith Moved to Adopt Council Bill No. 13-018; Ordinance No. 2673 and Councillor  
22 Sorg Seconded the motion.

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26 Susana Montana, Planner gave an overhead presentation and said the applicant seeks to build a 1,500  
27 square foot metal storage structure to store his classic cars so rezoning is necessary to allow him to  
28 apply for a Tier 3 Accessory Structure permit. The Planning and Zoning Commission recommended  
29 approval of the rezoning without any conditions at their October 23<sup>rd</sup> meeting.

30

31 Councillor Sorg said I think this is a good rezoning situation but I would like to know what it would  
32 take to upgrade that section of the Lavender roadway?

33

34 Robert Garza, City Manager said at such time as there is development adjacent to this particular area,  
35 then at that time we will need to look at those types of issues.

36

37 Councillor Sorg asked is this going to be far enough away from the arroyo so it won't be at risk for  
38 flooding?

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40 Susana Montana said in my opinion, yes.

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42 Councillor Smith said I can appreciate that he has old cars that he would like to protect and I don't  
43 have any intention of blocking this or disagreeing with the Planning and Zoning Commission but the

1 yellow sign was posted in such a way that only someone coming to visit Mr. Wright would see it so  
 2 I would like to be sure that the neighbors have been contacted.  
 3  
 4 Susana Montana said the property was posted twice, once for the Planning and Zoning Commission  
 5 and once for Council. Property owners within 250 feet were mailed notice by certified mail and  
 6 notice has been posted on our website. There have been no calls, no inquires, no complaints and no  
 7 protest from those notices.

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 11 Chair Councillor Silva called for the roll on the Motion to Adopt Council Bill No. 13-018;  
 12 Ordinance No. 2673 and it was Approved. 6-0 Mayor Miyagishima was absent.

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16 **X. BOARD APPOINTMENTS**

DRAFT

18 None given.

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22 **XI. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
 23 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

25 None given.

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29 **XII. CITY COUNCIL MEMBER BOARD REPORTS**

31 None given.

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35 **XIII. GENERAL DISCUSSION**

37 b.) City Council

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 39 Councillor Thomas said I just want to remind everyone about the Tree Lighting Ceremony and the  
 40 Christmas Celebration at the Depot this Friday.

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1 Robert Garza, City Manager said the Tree Lighting is scheduled for this Friday at 5:30 p.m. in front  
2 of City Hall and coinciding with that is the Lighting of Main Street.

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6 Councillor Sorg said I'd like to extend my congratulations to boxer Austin Trout for his win in New  
7 York City. I would like to see some kind of event here in Las Cruces to honor him for his success.

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11 Councillor Small said there is going to be a Charrette on Wednesday to talk about a proposal called  
12 "Cross Town Station" and it will be at the Western Art Depot at 6:00 to 8:00 p.m. on December 5<sup>th</sup>.

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16 Councillor Pedroza said I also want to congratulate Austin Trout and I think he did a wonderful job.  
17 I would agree with Councillor Sorg that we need to have some kind of recognition for him and for  
18 the Police Athletic League.

19

20 There is a very interesting video regarding immigration that was done in conjunction with the New  
21 Mexico Attorney General's Office and it is available on their website.

22

23 This is the season for people asking for donations and I have received a request for children toys  
24 which will be given to children with parents that have AIDS so please contact me if you'd like to  
25 make a donation.

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29 Councillor Smith said I spent most of last week in Boston at the National League of Cities Congress  
30 of Cities and I'd like to give a report on it at our next meeting. There were discussions regarding the  
31 fiscal cliff and I would encourage people to get informed so they'll know what kind of impacts it  
32 might have on us.

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a.) Mayor

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38 Chair Councillor Silva said I also want to congratulate Mr. Trout, his family and the entire Police  
39 Athletic family, this is a great victory for everyone.

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41 I'd like to thank City Staff, the Solid Waste Department, City Utilities, Mr. Denmark and so forth  
42 for assisting Las Esperanzas with a neighborhood clean up.

43

1 Next week, the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup>, is the Tortugas Annual Lady of Guadalupe Festival.

2

3 I would like to encourage everyone to come out this weekend for the Christmas Lighting on  
4 December 7<sup>th</sup>. I'd like to thank Joe Novak for his help with putting up all the lights, Sandoval  
5 Construction for volunteering, workers and everyone else that pitched in.

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9 c.) City Manager

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11 Robert Garza, City Manager said I would be interested in knowing what Council has in mind for  
12 recognizing Austin Trout so please let me know what you have in mind; otherwise, we are planning  
13 on having him at your next gathering on CLC-TV and presenting him with a plaque.

14

15 Regarding the El Molino project, we have worked with the contractor and we will be modifying the  
16 work schedule to defer the Alameda area until after the holidays.

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18 Camp Hope went to the Planning and Zoning Commission last month so they will be coming  
19 forward to City Council with their Planned Unit Development zoning in January.

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23 **Meeting Adjourned at 1:36 p.m.**