



City Council  
of the  
City of Las Cruces

Regular Meeting

January 7, 2013

1:00 P.M.

Council Chambers, City Hall

**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

Robert Garza, City Manager  
Harry (Pete) Connelly, City Attorney  
Linda Lewis, Deputy City Clerk

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**I. OPENING CEREMONIES**

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

Dr. Bobbie Green 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.

Councillor Pedroza presented the Keys to the City to Earl R. Greene and Claude P. Malone and declared January 7, 2013 as Earl R. Greene and Claude P. Malone Day.

Councillor Pedroza presented a Proclamation to Bill Connor and declared January 19, 2013 as Military Community Covenant Day.

Councillor Silva presented a Proclamation to Greg Ingraham and declared January 8, 2013 as Dorothy Ingraham Day.

1 Mayor Miyagishima and Councillor Pedroza presented the Mayor's Coin to Israel Rodriguez who  
2 was honored with the 2012 New Mexico Municipal League Young Citizens Award.

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

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

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13 None given.

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19 Jasiyah Castro, Member of the Public said I'm a ticket sales representative for NMSU Athletics and  
20 I'd like to invite everyone to our game against UTEP on February 23<sup>rd</sup>.

21

22 George Pearson, Member of the Public said regarding the Outfall Channel multi-use path, there is  
23 still the issue with the area of the railroad crossing and I was wondering what we can do to solve that  
24 problem so we can have a safe crossing at that area?

25

26 There was a bike lane ordinance passed last October or November and it was stated that there would  
27 be information put out for the public to view so I am following up on that to see the status of that  
28 information.

29

30 Robert Garza, City Manager said the area where the path crosses the railroad is a challenge because  
31 that is private property and they have very strict rules about who crosses the railroads so the only  
32 thing we will be able to do is to provide alternate routes.

33

34 Regarding your other issue, we do intend to provide the public information and we will follow-up  
35 on it.

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39 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**  
40 **AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**  
41 **BY ONE MOTION.**

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1 Mayor Miyagishima said Item 2 and Item 9 need to be removed from the Consent Agenda for  
2 discussion.

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6 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Thomas Seconded the  
7 motion.

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

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16 **V. CITY COUNCIL MINUTES**

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18 \*(1) Regular Meeting of December 3, 2012

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

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24 \*(3) Resolution No. 13-090: A Resolution Authorizing the City of Las Cruces Museum System  
25 to Accept a Grant From the Target Corporation in the Amount of \$2,000.00 With No Match  
26 Requirement for an Afterschool Art Outreach Program and to Adjust the FY 2013 Budget.

27

28 \*(4) Resolution No. 13-091: A Resolution Authorizing the City of Las Cruces to Accept  
29 Awarded Funding on Behalf of the Thomas Branigan Memorial Library From the New  
30 Mexico State Library, Grants-in-Aid Program FY 2012/2013 in the Amount of \$11,344.12  
31 With No Match Requirements and to Adjust the FY 2013 Budget.

32

33 \*(5) Resolution No. 13-092: A Resolution to Accept Grant Funding, on Behalf of the Las Cruces  
34 Fire Department, in the Amount of \$99,436.80 From the New Mexico Public Regulation  
35 Commission, and to Adjust the FY 2013 Budget.

36

37 \*(6) Resolution No. 13-093: A Resolution Authorizing the City of Las Cruces to Formally  
38 Accept Various Pieces of Equipment Valued at \$42,960.00, on Behalf of the Las Cruces  
39 Police Department Targeting Neighborhood Threats Unit, From the Southwest Border High  
40 Intensity Drug Trafficking Areas-New Mexico Program.

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- 1 \*(7) Resolution No. 13-094: A Resolution Adopting the Revised “Community Development  
2 Block Grant (CDBG) Public Services Application Guide,” as Recommended by the Health  
3 and Human Services Advisory Committee.  
4
- 5 \*(8) Resolution No. 13-095: A Resolution Authorizing the Acceptance of Grant Agreement  
6 Amendment #5 for Continued FY2013 Funding Through June 30, 2013, on Behalf of the  
7 Doña Ana County Juvenile Justice Continuum in the Amount of \$129,793.50 From the State  
8 of New Mexico Children Youth and Families Department (CYFD). The Resolution Ratifies  
9 the City Manager’s Approval of the Agreement to Meet State-Mandated Deadlines and  
10 Necessary Sub-Agreements With Outside Partner Entities.  
11
- 12 \*(10) Resolution No. 13-097: A Resolution Approving a Traffic Signal Maintenance Agreement  
13 Between the City of Las Cruces and the Town of Mesilla to Provide for the Maintenance of  
14 Traffic Signals at the Intersection of State Highway 28 and Calle Del Norte.  
15
- 16 \*(11) Resolution No. 13-098: A Resolution Approving a Contract for Goods and Services  
17 Between the City of Las Cruces and Doña Ana County to Provide for the Maintenance of  
18 Traffic Signals and Roadway Lighting at the Intersection of Sonoma Ranch Boulevard and  
19 Dripping Springs Road.  
20
- 21 \*(12) Council Bill No. 13-019; Ordinance No. 2674: An Ordinance Enacting a New Subsection  
22 XIX of Division 3 (Nonstandard Boards) of Article IV (Boards, Commissions, and  
23 Committees) of Chapter 2 (Administration) of the Las Cruces Municipal Code, 1997, as  
24 Amended, Whereby Creating the City Art Board.  
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28 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**  
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- 30 \*(2) Resolution No. 13-089: A Resolution for the City of Las Cruces to Accept Legislative  
31 Reappropriation Funding in the Amount of \$20,000.00 From the Department of Finance and  
32 Administration, Local Government Division (DFA/LGD), General Fund Capital  
33 Appropriation Project and Adjust the FY 2013 Budget.  
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35 Councillor Sorg Moved to Approve Resolution No. 13-089 and Councillor Small Seconded the  
36 motion.  
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40 Councillor Silva Moved to Amend Resolution No. 13-089 to change the title to “A resolution for the  
41 City of Las Cruces to accept legislative reappropriation funding in the amount of \$20,000 from the  
42 Department of Finance and administration, Local Government Division (DFA/LGD), General Fund

1 Capital Appropriation for the Las Cruces Regional Aquatic Center and to adjust the FY2013 Budget”  
2 and Councillor Thomas Seconded the motion.

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6 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 13-089 to change  
7 the title to “A resolution for the City of Las Cruces to accept legislative reappropriation funding in  
8 the amount of \$20,000 from the Department of Finance and administration, Local Government  
9 Division (DFA/LGD), General Fund Capital Appropriation for the Las Cruces Regional Aquatic  
10 Center and to adjust the FY2013 Budget” and it was Unanimously Approved. 7-0

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14 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-089 as  
15 Amended and it was Unanimously Approved. 7-0

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19 \*(9) Resolution No. 13-096. A Resolution Approving the Distribution of Stipends to Local  
20 Youth Leagues and Organizations to Assist With Operational Expenses for the 2012 Season,  
21 in the Amount of \$4,450.28.

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23 Councillor Silva Moved to Approve Resolution No. 13-096 and Councillor Thomas Seconded the  
24 motion.

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28 Councillor Silva said this is for equipment, such as bases and so forth; correct?

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30 Sonya Delgado, Management Operations Analyst said this is for pitching mounds.

31

32 Councillor Silva asked why isn't that included in the regular flat fee that is charged to the leagues?

33

34 Sonya Delgado said they were in need of some new bases and they were able to get them a little  
35 sooner than we were and because of the different age groups, we have to put different mounds up  
36 and take others down during games which took up a lot of time so they also purchased portable  
37 mounds which are a little quicker to change out.

38

39 Councillor Silva said I'm sure those are used for other leagues as well.

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41 Sonya Delgado said yes, they are used for other leagues as well.

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1 Councillor Silva said so why are they paying 50% of it if they are used by everybody?

2

3 Sonya Delgado said that purchase was not authorized by the City and at the time, they were only  
4 going to use it for their league but then they came back and ask if we could help offset some of the  
5 cost for them so we asked if we could use them for the other leagues and they would be our property  
6 for us to maintain and they agreed to it as long as we provided 50% of the cost to them.

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8 Councillor Silva said maybe we should review the Parks Policy because to me it doesn't make sense  
9 to charge this league for something that is also being used by other leagues.

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13 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-096 and it was  
14 Unanimously Approved. 7-0

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18 (13) Resolution No. 13-099: A Resolution Directed to the Governor of the State of New Mexico  
19 and the Entire New Mexico Congressional Delegation to Show Support of the Governing  
20 Body of the City of Las Cruces, New Mexico, to the Restoration of the Fort Sill Apache  
21 Tribe to a Portion of Its New Mexico Homeland With All Rights Natural and Historical  
22 Associated to the Homeland.

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24 Councillor Small Moved to Approve Resolution No. 13-099 and Councillor Smith Seconded the  
25 motion.

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29 Mayor Miyagishima said I am going to have to abstain from this item because I have land in this  
30 area.

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32 Harry (Pete) Connelly, City Attorney said this resolution basically welcomes the Fort Sill Apache  
33 Tribe to approximately 50 acres of land. The tribe has been deeded the land by the United States  
34 Government and this resolution basically ask that they given all rights natural and historical  
35 associated with their return to their homeland.

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39 Councillor Pedroza Moved to Amend Resolution No. 13-099 the 6<sup>th</sup> WHEREAS, to include “..as a  
40 reservation at Akela 40 miles west of Las Cruces in New Mexico” and the last WHEREAS should  
41 read “WHEREAS the Fort Sill Apache Tribes planned casino will create jobs and help strengthen  
42 southwestern New Mexico’s economy.”; and Councillor Small Seconded the motion.

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Mayor Pro-tem Thomas called for the roll on the Motion to Amend Resolution No. 13-099 the 6<sup>th</sup> WHEREAS, to include “..as a reservation at Akela 40 miles west of Las Cruces in New Mexico” and the last WHEREAS should read “WHEREAS the Fort Sill Apache Tribes planned casino will create jobs and help strengthen southwestern New Mexico’s economy.”; and it was Approved. 6-0 Mayor Miyagishima was absent.

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Councillor Smith said I’d like to recognize the Chairman of the Fort Sill Apache, Jeff Hawses. Jeff Hawses, Chairman of the Fort Sill Apache said the Fort Sill Apaches wanted to return to our land but we didn’t have any support so the City’s support is very important to us.

Councillor Small said I am in support of this and I think it is a very important piece of education.

Councillor Sorg asked who has the authority to designate land for a reservation?

Jeff Hawses said the Federal Government which was done in 2011.

Councillor Sorg asked what are you asking this to be designated as now?

Jeff Hawses said we’re seeking support from neighboring governments as part of a packet we are putting together for all the same rights as other tribes.

Councillor Thomas said the same rights as other tribes in the state which includes being able to have a casino.

Jeff Hawses said yes.

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Mayor Pro-tem Thomas called for the roll on the Motion to Approve Resolution No. 13-099 as Amended and it was Approved. 6-0 Mayor Miyagishima was absent.

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(14) Resolution No. 13-100: A Resolution Authorizing the City of Las Cruces Utilities Department to Apply for the Watersmart: Water and Energy Efficiency Grant Through the U.S. Department of the Interior, Bureau of Reclamation in the Amount of \$200,000.00 With

1 a Fifty-Percent (50%) Total Project Cost Share Requirement (Cash or In-Kind) for the  
2 Procurement of Automatic Meter Readers.

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4 Councillor Small Moved to Approve Resolution No. 13-100 and Councillor Sorg Seconded the  
5 motion.

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9 Leeann DeMouche, Water Conservation Coordinator gave an overhead presentation and said the  
10 purpose of this grant is to assist with water conservation, energy efficiency, benefit to endangered  
11 species and water marketing programs. We will mainly be doing the water conservation and energy  
12 efficiency by allowing customers to view their consumption and hopefully making some changes to  
13 their habits. This is a two-year project and there is a cost share of 50% which will be provided by  
14 the Water Resources Administration. The proposed program is our Automatic Meter Reading Project  
15 which will provide a gateway that supports IP application connectivity to 1153 utility meters. The  
16 data will be received through the ERT (electronic receiver transmitter) from the meter and captured  
17 by the Digi device which will allow customers to view their water and electricity consumption  
18 through the gateway system.

19  
20 Councillor Smith said I assume this would reduce the personnel requirements for going out and  
21 collecting that information.

22  
23 Leeann DeMouche said there won't be any personnel changes. This only allows customers to track  
24 their own usage on an hourly basis.

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26 Councillor Small said this is very exciting. Are schools going to be eligible for this device?

27  
28 Leeann DeMouche said there are no limits for this but this is only Phase I which is only for  
29 commercial usage and as we move forward we may be offering it to residents.

30  
31 Councillor Small asked do you feel the chances of receiving this full grant are positive?

32  
33 Leeann DeMouche said we think our best chance for this is this year.

34  
35 Councillor Small asked is there a need to involve other parties on the state level and maybe send out  
36 a letter of support so we're not overlooked?

37  
38 Robert Garza, City Manager said I have a conference call scheduled for tomorrow with our lobbyist  
39 to put together our strategy for the appropriations process and we will be looking for letters of  
40 support from partners and anyone else who has an interest in this topic.

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42 Ken Gleason, Member of the Public said I have concerns with water conservation because places like  
43 banks and apartment buildings are watering their grass during the winter months which is a waste

1 of water. I think the City should put a memo in their bills asking them why they are watering their  
2 lawns during the winter.

3

4 Councillor Pedroza said this would help commercial businesses to monitor their usage and show  
5 them where they might be wasting water.

6

7 Mayor Miyagishima said although our population has increased, we have managed to reduce our  
8 water consumption by almost 15% through our water conservation efforts.

9

10 Leeann DeMouche said we are in the process of drafting a letter to some of those who did irrigate  
11 their lawns and had water flow into the streets which cause problems with ice forming on the streets.

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15 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-100 and it was  
16 Unanimously Approved. 7-0

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20 **VIII. BOARD APPOINTMENTS**

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22 Mayor Miyagishima said Councillor Thomas is appointing Laura Haas to the Parks and Recreation  
23 Board.

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

29

30 (15) Council Bill No. 13-020; Ordinance No. 2675: An Ordinance Repealing LCMC 1997  
31 Chapter 4 Sections 4-1 Through 4-133, "Alarm Systems and Private Security Firms", and  
32 Enacting a New LCMC 1997 Chapter 4.

33

34 Mayor Miyagishima and Council agreed to bring this item back.

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

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40 None given.

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1 **XI. GENERAL DISCUSSION**

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3 a.) Mayor

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5 Mayor Miyagishima said I'd like to wish everyone a Happy New Year and thanks for a great 2012.

6

7 I also want to remind you that there is a Closed Meeting directly following this meeting.

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11 b.) City Council

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13 Councillor Thomas said I am on a couple of committees that need us to agree on an alternate; one  
 14 is the HUD Grant Committee which Councillor Pedroza is my alternate and they'd like us to add a  
 15 couple of more names as alternates so I'd like to add Paul Michaud and Carol McCall as other  
 16 alternates to that committee. The other one is the Rio Grande Water Users Board and I'd like to have  
 17 Councillor Pedroza as my alternate and Councillor Sorg as the second alternate for that committee.

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19 Tomorrow at 6:30 p.m. at the East Mesa Dona Ana Community College Auditorium, Councillor  
 20 Sorg and I will be having a community meeting with some of the newly elected officials.

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24 Councillor Sorg said I would like to challenge Council to attend the UTEP game in February and I  
 25 think it would be great to have a full house, including all of Council.

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29 Councillor Small said I want to say that I am looking forward to getting an update from El Paso  
 30 Electric.

31

32 I think it is great that you are having a meeting with the newly elected legislators and I'd really like  
 33 to see the City take a more active role within the legislature.

34

35 White Sands Missile Range is unveiling the largest solar array in the country and I think it is a very  
 36 positive step forward for our region.

37

38 Mr. Garza, can you outline what happens when we have hazardous road conditions like we did on  
 39 Friday?

40

41 Robert Garza, City Manager said there are a lot of things that a lot of our crews do to make sure we  
 42 have safe streets. We have the Utilities Department checking the wells to make sure water is flowing,

1 the Transportation Department sanding and salting intersections as well as ramps, bridges and other  
2 areas that are problematic.

3

4 Councillor Small asked when is the information going to be compiled from the City surveys?

5

6 Mark Winson, Assistant City Manager said we anticipate having a preliminary report in about two  
7 to three weeks and we will be presenting the final report to Council on February 11<sup>th</sup>.

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11 Councillor Pedroza said regarding Camp Hope, it has been getting very cold and we do need to find  
12 a permanent solution for them.

13

14 The School Gardens have had quite a bit of success and there are close to 1,000 children getting  
15 experience in gardening per day.

16

17 I would like for us to work with El Paso Electric and others in taking advantage of the resources  
18 available in our city so people can use alternative energy.

19

20 Tomorrow night the League of Women Voters will be holding a Campaign Finance Forum here in  
21 City Hall.

22

23 I want to mention that I have been invited to Chicago to speak on immigration on Saturday.

24

25 I want to wish a Happy New Year to everybody.

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29 Councillor Smith said I want to wish everyone a Happy New Year greeting.

30

31 There are properties that don't help Las Cruces look its best and with the opening of Main Street,  
32 there has been progress on some of those properties so I am looking forward to our TIDD meeting  
33 next week. I also think we should look into having some kind of incentives for people to improve  
34 their properties.

35

36 On Wednesday MVRDA Board will be voting on the location so I would like for us to do a  
37 resolution in support of this selection at our next City Council meeting.

38

39 I filled out my New Mexico Main Street Survey yesterday regarding the Downtown Las Cruces  
40 Partnership and it is due by Wednesday so hopefully everyone will get it in.

41

1 I also want to mention that I was appointed to the National League of Cities Transportation  
2 Infrastructure and Services Committee.

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6 Councillor Silva said last year we started the process of addressing our voting guidelines and I  
7 thought that was supposed to be brought back to us.

8

9 Robert Garza, City Manager said that is going to be put on the agenda for first read on the January  
10 21<sup>st</sup> meeting.

11

12 Councillor Silva said I want to wish everyone a Happy New Year and I'd like to thank El Paso  
13 Electric for the amazing Christmas lights in the Downtown area.

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17 c.) City Manager

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19 Robert Garza, City Manager said we are going to be doing some coordination with our lobbyist  
20 regarding our legislative priorities and I'd like for you to be thinking about additional areas of  
21 interest for the next session. We are hoping to schedule a visit to the D.C. area in mid-April so please  
22 let me know if you are interested in attending this trip.

23

24 Next Monday we will be having our TIDD meeting and then immediately following that we will  
25 have our Work Session.

26

27 We are continually having a carbon monoxide problem at the Munson Center so we are bringing in  
28 an HVAC expert to try to find the source of this problem.

29

30 We are proposing to start the Council meeting for February 19<sup>th</sup> at 3:00 p.m. instead of 1:00 p.m. in  
31 order to accommodate the WSMR Commanders Luncheon which they would like to have most of  
32 the Councillors attend.

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36 Meeting Adjourned at 2:51 p.m.