

Regular Meeting  
March 4, 2013



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

**Regular Meeting**

**March 4, 2013**

**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 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Sharon Thomas, District 6

- 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. Mayor  
26 Miyagishima led the Pledge of Allegiance.

28 Bobbie Green, Ph.D. 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 Mayor Miyagishima presented Certificates of Recognition to Artists with the Art on Loan Program.

37 Mayor Miyagishima presented a Proclamation to Tim "Doc" Acklin and declared March 2013 as  
38 Athletic Training Month.

40 Mayor Miyagishima presented a Proclamation to Dawn Sanchez and declared March 2013 as  
41 National Nutrition Month.

1 Carrie LaTour gave a presentation regarding DLCP History Lesson on their Accomplishments for  
2 the Year.

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

10

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

12

13 None given.

14

15

16

17 **III. PUBLIC PARTICIPATION**

18

19 Frederick Hansel, Member of the Public said I am here for a little while from my home in San Diego  
20 and I would like to donate my rock collection to the City.

21

22 Mayor Miyagishima said thank you and just give them to the City Clerk's Office.

23

24

25

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

29

30 Councillor Smith Moved to Approve the Agenda and Councillor Thomas Seconded the motion.

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

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37

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

40

41 \*(1) Resolution No. 13-120: A Resolution Authorizing the Destruction of Records That Have  
42 Satisfied Their Legal Retention Period.

1  
2 \*(2) Resolution No. 13-121: A Resolution Authorizing Senior Programs to Accept an Increase  
3 of \$20,572.00 (Up From \$159,446.00 to \$180,018.00) for Cash-In-Lieu of Commodities  
4 Under the Nutrition Incentive Program (NSIP) Agreement From the North Central New  
5 Mexico Economic Development District Non-Metro Area Agency on Aging for FY 2013.  
6 The Resolution Further Authorizes the Ratification of the City Manager's Signature on the  
7 Agreement and Amends the City's Adopted FY 2013 Budget to Reflect the Increased  
8 Funding.  
9

10 -----  
11  
12 **VI. UNFINISHED BUSINESS**  
13

14 (3) Council Bill No. 13-022; Ordinance No. 2677: An Ordinance Repealing LCMC 1997,  
15 Article II. Campaign Practices, Sections 8-31 Through 8-67 in its Entirety and Replacing  
16 with New Sections Entitled Article II. Campaign Code, Sections 8-31 Through 8-39. *Tabled*  
17 *from February 19, 2013.*  
18

19 Councillor Small Moved to remove Council Bill No. 13-022; Ordinance No. 2677 from the Table  
20 and Councillor Sorg Seconded the motion.  
21

22 -----  
23  
24 Mayor Miyagishima called for the roll on the Motion to remove Council Bill No. 13-022; Ordinance  
25 No. 2677 from the Table and it was Unanimously Approved. 7-0  
26

27 -----  
28  
29 Harry (Pete) Connelly, City Attorney gave an overhead presentation and said there were some  
30 questions asked by Council at the last meeting so we have put together a presentation to answer those  
31 questions. Section 8-37 states you must submit a letter from your bank stating that your account has  
32 been closed which the State also requires that the bank account is closed. Section 8-37 also states  
33 that you can donate funds from your account to another candidate seeking election to a municipal  
34 office which the State also allows donation to be made to a political committee or to another  
35 candidate seeking election to a public office. We added a late fee of \$100 per each regular working  
36 day that a report is filed late which our current late fee is \$50 for each regular working day.  
37 Albuquerque has a \$500 fine, Rio Rancho has a \$10 per day fine, Santa Fe has a \$100 fine for  
38 unexcused late filing and the State has a fine of \$500 for the first day and then \$50 for each  
39 subsequent working day with a maximum of \$5,000. There is still one candidate that has their  
40 campaign open from the 2009 Election and there are three candidates that currently have their  
41 campaigns open from the 2011 Election.

1  
2 Councillor Thomas said regarding Section 8-34, the State constitutes that as a misdemeanor and we  
3 are also going to consider that a misdemeanor.  
4  
5 Harry (Pete) Connelly said the most we can do is a petty misdemeanor which is punishable by 90  
6 days in jail or \$500 or both.  
7  
8 Councillor Thomas asked are you changing the part that says we can donate leftover funds to a non-  
9 profit?  
10  
11 Harry (Pete) Connelly said no, that is still an alternative.  
12  
13 Councillor Thomas said the question that came up earlier was whether or not a candidate can keep  
14 funds in their account for their next campaign which is not a choice for us; correct?  
15  
16 Harry (Pete) Connelly said the campaign should be closed within two years after an election.  
17  
18 Councillor Thomas said if we have to close it within two years after an election then that would  
19 mean we'd have to close it before our next election. Why is that a problem? If you are allowed to  
20 give funds to another candidate then that seems like a looser way of using the money.  
21  
22 Esther Martinez-Carrillo, City Clerk said the consensus of the committee was that they wanted  
23 accounts to be closed so there would be a clean slate for each election and everyone would be on the  
24 same level. Regarding donations made to other candidates, in my opinion, this would also allow  
25 candidates who have excess funds to help other candidates who are in debt with their campaign fund.  
26  
27 Councillor Thomas said I still don't see how that makes it equal because if you're allowed to give  
28 funds to another candidate then that wouldn't make it equal.  
29  
30 Mayor Miyagishima said I still owe \$25,000 on my last campaign so I just pay the interest on it  
31 because I haven't gotten around to holding fundraisers in order to pay it off. I might pay it off in two  
32 years but I have no idea so I don't think people understand the mechanics of the necessary funds  
33 needed to run in an election. The committee makes their suggestions but ultimately we make the  
34 final say. Are the old candidates going to be grandfathered in?  
35  
36 Harry (Pete) Connelly said if there's still money for the old candidates then this ordinance would be  
37 prospective so if we pass a new law then they would remain under the old law.  
38  
39 Mayor Miyagishima said I can see future candidates having this problem with leftover debt so that  
40 might be something we want to strongly look at and maybe leave that part out.  
41

1 Councillor Thomas said it might make a difference in deciding whether or not you are going to run  
2 again because my second campaign cost a lot more than my first campaign did so I don't agree with  
3 that one. I also understand that we will no longer be notified when the filings are due.

4

5 Harry (Pete) Connelly said that is correct. The candidate would need to be familiar with the  
6 ordinance and the clerk would no longer be burdened with having to send out certified letters.

7

8 Councillor Thomas said I don't understand how sending out the letters is a burden because it should  
9 be an automatic thing. I also think we really need to discuss the fines because I think it is really over  
10 reaching quite excessively.

11

12 Esther Martinez-Carrillo said I'd like to mention that you would only have to pay the fine if you are  
13 late in filing your report. I do give every candidate a packet when they come to my office inquiring  
14 about running for office and I do include a calendar in that packet that has all the filing dates and  
15 deadlines so they have all that information.

16

17 Councillor Thomas said everyone is usually really good about dates during the election but after we  
18 are elected we are busy with other issues so that is the time that we need to have reminders.

19

20 Councillor Small said it can be very difficult to get funding for campaigns and it sometimes seems  
21 to favor either the wealthy or candidates that are tied into different interests so it seems to me that  
22 there is a very strong public interest to provide the widest pool possible of candidates. It doesn't  
23 seem to me that the specific provision requiring that the accounts are closed out in two years is  
24 necessary. Regarding the fines, is the fine by Santa Fe per day for late filings?

25

26 Esther Martinez-Carrillo said I don't recall but the way I would read it would be for every time your  
27 filings are due.

28

29 Councillor Small said it seems to me that our current fine of \$50 per workday is as strict or more  
30 strict than other communities so I don't see the need to double the amount. Also, why are we striking  
31 the certification reminder letters?

32

33 Esther Martinez-Carrillo said it isn't very effective because a lot of the time the letters are returned  
34 to me unclaimed.

35

36 Councillor Small said I think there should be some kind of notice to the candidates so maybe we can  
37 try another method like using email instead.

38

39 Councillor Pedroza said I also think the \$100 per day fine might be excessive. Regarding Councillor  
40 Small's suggestion for sending out notification by email, I think that would be a very good idea. I  
41 thought that I read in here that if a candidate has debt after the election then there was an additional  
42 fine until it was paid off.

1

2 Harry (Pete) Connelly said we tried to stay away from the issue of debt because the City has no  
3 ability to basically say to the candidate that they won't have any debt beyond a certain period. The  
4 issue is that the fact that the bank account is open does not extinguish debt.

5

6 Councillor Pedroza said so I read it wrong?

7

8 Harry (Pete) Connelly said I think you read it wrong. The only thing we are saying is when you close  
9 your account you have to get a letter from the bank.

10

11 Councillor Pedroza said it sounded like to me that if you have debt then the City was going to charge  
12 you a fee for not paying it off in a certain amount of time.

13

14 Esther Martinez-Carrillo said Section 8-37-A-6 states candidates having debt on their campaign shall  
15 file a report a year after an election and every six months thereafter so long as the debt remains. A  
16 \$100 fee is imposed and due each time a report is filed so long as the campaign debt remains. Once  
17 the debt is resolved, a candidate shall file a final report. No where in here does it state that you have  
18 to close that campaign in two years if you continue to have debt so it can remain open longer than  
19 the two years.

20

21 Councillor Pedroza said so it does say that if you do not pay the debt then every time you file a report  
22 you incur a fine.

23

24 Esther Martinez-Carrillo said yes, and the reason that was put in there was to encourage the  
25 candidates to try to close their campaigns as fast as they can.

26

27 Councillor Pedroza said I disagree with that section.

28

29 Mayor Miyagishima asked if you were to close the checking account and then afterward have a  
30 fundraiser, where would you put the money? Would you open a new account to pay old debt?

31

32 Esther Martinez-Carrillo said you don't close the account until the debt is paid.

33

34 Councillor Smith said I do agree that we do need notification whether it is through email or mail and  
35 I am also uncomfortable with being able to donate funds to another candidate so I would be  
36 comfortable with that option being removed.

37

38 Councillor Sorg said it states that the third report should be filed no later than 30 days after the  
39 election and the final report should be filed no later than six months but you stated that we can have  
40 our account open for up to two years.

41

42 Esther Martinez-Carrillo said the account has to be closed within six months unless you have debt.

43

1 Councillor Sorg said what if there isn't a worthy candidate to donate funds to until a year afterward?  
2  
3 Harry (Pete) Connelly said you can have your account with a debt until that time and then close it  
4 out and disburse your funds then.  
5  
6 Councillor Sorg said but I also see that there is a \$100 fee every time you file a report with debt.  
7  
8 Harry (Pete) Connelly said that is correct. You would have to pay to play.  
9  
10 Mayor Miyagishima said we could change it to allow you to keep the account open whether you have  
11 debt or too much money leftover. You'd just pay the \$100 every six months or so.  
12  
13 Councillor Sorg said I don't want to have to pay \$100 every time I file.  
14  
15 Mayor Miyagishima said we can tweak it a little then. I think the main thing is that the public knows  
16 where the money came from and what you are spending it on.  
17  
18 Councillor Sorg said Number 1 in that same section states the report should list all contributions  
19 made since January 1<sup>st</sup> of the election year. Can't we change that to eliminate the specific date so you  
20 would have to disclose all your contributions on the first report regardless of when you received it?  
21 Also, what if a candidate doesn't use a bank account and strictly uses cash?  
22  
23 Esther Martinez-Carrillo said I have had candidates who only use cash and in that instance when they  
24 turn in their report they certify and sign an Avadavat stating they have closed their accounts and have  
25 no further debt.  
26  
27 Councillor Sorg said my point is that as long as you have the transparency and openness and file your  
28 reports then I don't think the details of opening and closing of an account are necessary.  
29  
30 Esther Martinez-Carrillo said I do want to mention that it does state that once a candidate starts  
31 receiving contributions then they must report it within 60 days of receiving it.  
32  
33 Councillor Sorg said even if it is before they pick up a packet and announce they are running for  
34 office?  
35  
36 Esther Martinez said yes. Every year candidates start receiving contributions earlier and earlier so  
37 when do we say that you cannot receive contributions prior to this date? What if someone says that  
38 they are going to run for mayor and start collecting funds now, how far in advance am I going to  
39 have to start keeping tabs on that person and notifying them on when their reports are due? I would  
40 have to hire another staff member just to keep track of these types of situations.  
41

1 Councillor Sorg said we can just drop the 60 days and make it that everything has to be reported on  
2 the first report that is due 42 days prior to the election. We could also have it so that if a person has  
3 funds leftover then they can use that as a carryover on the next election report.

4

5 Mayor Miyagishima said so far I have counted about five items that I think there is a consensus on  
6 so maybe we should go through this line by line and insert some of the things that were discussed.

7

8 Councillor Silva said if we start making a lot of changes to this then we can't pass this today. It  
9 would need to be amended and brought back to us.

10

11 Harry (Pete) Connelly said we can't table this item anymore so you could just let it go and we then  
12 we can bring it back to you.

13

14 Mayor Miyagishima said that sounds good to me.

15

16 Councillor Silva said I just want to say that I have no problem with us closing out our accounts  
17 because I think that would prevent a candidate from building up a war chest. Everyone who has run  
18 for office knows it is difficult to run against an incumbent and to allow an incumbent to build up a  
19 war chest creates an unfair advantage for others who want to run for office. I am also comfortable  
20 with the fines because if a person isn't responsible enough to file on time then maybe they're not  
21 responsible enough to hold office.

22

23 Councillor Thomas said I don't feel ready to vote on this so I think it would be best if we move on  
24 and have them come back to us.

25

26 Mayor Miyagishima said what I've gotten so far is under Section 8-37-A-6 include both debt and  
27 cash on hand with no fee incurred, A-7 closing the bank account or certify that no account was used,  
28 B-4 donation to another candidate, I think they wanted it to be for any candidate, not just a municipal  
29 candidate. A lot of times you attend fundraisers for other candidates, like State candidates, so how  
30 do you address that situation?

31

32 Harry (Pete) Connelly said it is addressed on the basis that people contributing through the municipal  
33 election have picked a person to run for that election and didn't pick that person to take their money  
34 and contribute it to a statewide or presidential election.

35

36 Mayor Miyagishima said I thought I heard that there wasn't a lot of support for that one.

37

38 Councillor Smith said my perspective is that if we are limiting where that money can go afterward  
39 then perhaps doing so much as giving it to another candidate in a municipal race is still taking it  
40 away from the original intent of that donation so sending it back to contributors or giving to the  
41 City's General Fund, but even giving it to a 501C-3 might be taking it away from where they  
42 originally intended it to go. I personally think that donations to another candidate seems to sort of  
43 subvert the intention here so I would personally agree with taking out Number 4 entirely.

1  
2 Mayor Miyagishima asked was there a limit of \$2,300 on contributions from an individual?  
3  
4 Harry (Pete) Connelly said yes sir.  
5  
6 Mayor Miyagishima asked what about corporations?  
7  
8 Harry (Pete) Connelly said we've limited it to \$2,300 from an individual, political committee or any  
9 other committee.  
10  
11 Mayor Miyagishima said in the past my own corporation would donate to my campaign so basically  
12 it was my own money but it was through my corporation so is there a limit on what an individual can  
13 put in?  
14  
15 Harry (Pete) Connelly said it's the same amount.  
16  
17 Mayor Miyagishima said so the maximum a candidate can put into their own campaign is \$2,300.  
18  
19 Esther Martinez-Carrillo said if it is a loan then you can put in more money and then you can pay that  
20 loan back.  
21  
22 Mayor Miyagishima asked can a corporation give a loan then pay it back?  
23  
24 Harry (Pete) Connelly said you are asking a question that was not perceived by us at that time we  
25 drafted this ordinance.  
26  
27 Mayor Miyagishima said that was something that I did years ago.  
28  
29 Harry (Pete) Connelly said the definition states that your contribution means a gift, proceeds from  
30 any fundraiser, subscription, loan, loan guarantee, advance, pledge, deposit, contract agreement or  
31 promise of money, anything of value or other obligation including but not limited to in-kind services  
32 or contributions, etc. So I would say you are probably limited to the amount of \$2,300 in any kind  
33 of contribution.  
34  
35 Mayor Miyagishima said including loans.  
36  
37 Harry (Pete) Connelly said yes, including loans.  
38  
39 Mayor Miyagishima said I would have a problem with that because I think that would hurt any  
40 candidate. They could have been planning to run for office for 15 years and have been putting money  
41 aside all that time. I think the candidates that use their own money are the ones people would like  
42 to see in office because they'd have a lot of skin in the game. I'm okay with limiting the amount of  
43 contributions to \$2,300 but not for loans.

1  
2 Harry (Pete) Connelly said then we would have to separate loans from contributions.  
3  
4 Mayor Miyagishima said campaigns are getting more and more expensive so we need to have some  
5 kind of a mechanism so that candidates can loan themselves a larger amount of money.  
6  
7 Harry (Pete) Connelly said a lot of our definitions came from the State law and State law has so far  
8 been upheld.  
9  
10 Mayor Miyagishima said I don't recall the State having a limit on the amount of money you can loan  
11 yourself.  
12  
13 Harry (Pete) Connelly said we can look into that.  
14  
15 Councillor Small said maybe we should schedule a work session to discuss this item further.  
16  
17 Mayor Miyagishima said I can give this information to the clerk and then we can have a work session  
18 prior to them bringing forward another ordinance.  
19  
20 Robert Garza, City Manager said we have a full work session schedule for the next two months so  
21 I would suggest that you have one in conjunction with one of your regular meetings.  
22  
23 Councillor Small said that is an excellent suggestion.  
24  
25 Erika Graf-Webster, Member of the Public said I was the Vice-Chair of the committee and I do like  
26 your suggestion of discussing this during a work session. Personally, I would recommend that you  
27 have a work session to discuss it then pass it for this upcoming election with whatever modification  
28 you agree on but I would recommend that sometime in the future that you consider having public  
29 financing for municipal elections.  
30  
31 Harry (Pete) Connelly said I want to mention that I spoke with Alex Burr about speaking today but  
32 he has declined to speak.  
33  
34 -----  
35  
36 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-022; Ordinance  
37 No. 2677 and it Failed. 0-7  
38  
39 -----  
40  
41 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**  
42

1 (4) Council Bill No. 13-023; Ordinance No. 2678: An Ordinance Approving a Zone Change  
2 from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on 4.412±  
3 Acres of Land Located 2600 S. Valley Drive. Submitted by Borderland Engineers and  
4 Surveyors, LLC on Behalf of Reliance Lodging, LLC, Property Owner (Z2857).  
5

6 Councillor Small Moved to Adopt Council Bill No. 13-023; Ordinance No. 2678 and Councillor  
7 Sorg Seconded the motion.

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10

11 Robert Kyle, Building and Services Development Administrator gave an overhead presentation and  
12 said the subject property contains about 4.4 acres and this zone change is to facilitate redevelopment  
13 of the property. This property is currently non-conforming because it exceeds the 1 acre maximum  
14 lot size permitted in the C-2 zoning district. The Planning and Zoning Commission met on January  
15 22, 2013 and recommended approval of the proposed zone change request without any conditions.  
16 There was a letter of concern submitted to us regarding this request which was forwarded to the City  
17 Manager's office.

18

19 Ted Scanlon, Applicant Representative gave an overhead presentation and said this is basically a  
20 conversion zoning to bring the property into compliance with the current Code. The Teakwood Inn  
21 is in declining condition and in need of redevelopment. The owners of the property are interested in  
22 building another hotel and some pad sites for accessory buildings on that site.

23

24 Mayor Miyagishima asked did any of the other property owners have any issues with this change?

25

26 Ted Scanlon said Mr. Carmel Davis who is the owner of Whataburger did submit an email to Mr.  
27 Garza expressing some of his concerns with it.

28

29 Councillor Sorg asked do you have any designs for the new structures?

30

31 Ted Scanlon said no, not at this time.

32

33 Councillor Sorg asked is there a bus stop in that area?

34

35 Robert Garza, City Manager said there is a bus stop on University between Valley and Main Street.

36

37 Councillor Sorg said I would like the owner of this property to maintain the current access to the  
38 surrounding businesses.

39

40 Ted Scanlon said we will look at that when we begin the design concept.

41

42 Councillor Smith said I understand that they are trying to make this area a traveler's destination by  
43 having multiple reasons like entertainment and shopping, so people would want to visit that location.

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Ted Scanlon said that is also my understanding.

Councillor Silva said I like what you are trying to do with this and I'd like to wish you "good luck."

Carmel Davis, Whataburger Owner said I have concerns with this spot zoning because all the surrounding properties are zoned C-2 with the exception of the Holiday Express property. This is not a strip center, it is going to be a hotel with pad sites so I am requesting that this zone change be denied at this time.

Mayor Miyagishima asked is this zone change just to bring it into compliance?

Robert Kyle said that is correct. It is currently non-conforming with the current zoning due to the lot size so the sole purpose of this zone change is to bring it into compliance.

Mayor Miyagishima said also this zone change is crucial for them to be able to get bank financing for their project.

Councillor Pedroza asked Mr. Davis, do you see some kind of detriment to your business due to this zone change?

Carmel Davis said I don't know. I am the operator of the business so I didn't actually receive notification of this until I saw it in the newspaper this morning so that is why I said "to not allow it at this time" in order to give me more time to understand the situation.

Councillor Smith said I'm sorry the owner didn't notify you of the situation but I think we are just cleaning up a compliance issue by rezoning this property.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-023; Ordinance No. 2678 and it was Unanimously Approved. 7-0

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(5) Council Bill No. 13-024; Ordinance No. 2679: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on 4.412± Acres of Land Comprised of Ten (10) Different Parcels and a Portion of One (1) Other Parcel Located on the Northeast Corner of Main Street and Picacho Avenue. Submitted by Bohannan Huston, Inc. (Z2858).

Councillor Small Moved to Adopt Council Bill No. 13-024; Ordinance No. 2679 and Councillor Thomas Seconded the motion.

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Robert Kyle, Building and Services Development Administrator gave an overhead presentation and said we have a redevelopment proposal for this property and rezoning request for this property from C-2 to C-3 due to the property size which would bring it into compliance with our current Code. The Planning and Zoning Commission recommended approval of the proposed zone change without conditions at their January 22<sup>nd</sup> meeting.

Scott Stephan, Applicant Representative said this proposal is for the second CVS Pharmacy site in Las Cruces and this is a joint redevelopment with the adjacent Las Cruces Fire Station No. 1 property. On December 17, 2012, Council passed a resolution regarding property conveyance and an agreement between the City and CVS Pharmacy so we are here today requesting this zone change due to the size of the property so it can be in compliance with the current Code.

Mayor Miyagishima said this could give the impression that the City could be benefitting from this so can you describe the property situation?

Scott Stephan said the CVS property line will run north and south and there is a section of property that is owned by the City that will be purchased by CVS and it is part of the land conveyance but CVS would be responsible for constructing the improvements to the Fire Station. So there is no net gain by CVS from acquiring more property than they are conveying to the City.

Councillor Smith said I can see that this would have a lot of benefits but there has been a lot of concerns expressed to me regarding the way it is going to be situated on the property. Has there been any discussions regarding maybe locating it closer to the street with the parking lot behind it to encourage walk ability?

Scott Stephan said we have considered that and CVS does a lot of pedestrian traffic research but in this particular case it does not meet the threshold for putting the building close to the street and the parking behind it. Also, there are a lot of issues from an operational standpoint with having the parking behind the building. However, there might be some other pedestrian friendly enhancements for the property as we move through this process.

Councillor Sorg said I am glad that CVS is in Las Cruces but there are some current traffic issues at the North Main location so I hope you do a very good traffic study for this new location.

Councillor Silva said I am the Councillor for this area and I have spoken with a lot of people that are happy that this is coming to this area. I just want to mention that this is a high pedestrian area and I will be riding my to bike to this location. Also, I'd like to ask that you take the store lighting into consideration to avoid issues with light pollution. When are you going to begin construction?

1 Chris Armstrong, Armstrong Development said we're planning on starting construction in late spring  
2 of next year.

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4 Councillor Silva asked would it be possible to tie this into the bike route that is behind the Police  
5 Station?

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7 Robert Kyle said I think that could be incorporated.

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11 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-024; Ordinance  
12 No. 2679 and it was Unanimously Approved. 7-0

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16 **VIII. BOARD APPOINTMENTS**

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18 Mayor Miyagishima reappointed Nancy A. Cano (District 1), Doug Boberg (District 2), Earl Nissen  
19 (District 4), and Tina U. Hancock (At-Large) to the Health and Human Services Advisory  
20 Committee.

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24 Councillor Silva reappointed William Stowe, Councillor Small reappointed Godfrey A. Crane and  
25 Councillor Sorg appointed Joanne Ferrary to the Planning & Zoning Commission.

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

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32 None given.

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

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38 None given.

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42 **XI. GENERAL DISCUSSION**

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b.) City Council

Councillor Silva said I'd like to congratulate everyone who participated in the Celebrity Waiter event. Everyone did a great job and it was for a great cause.

On February 7<sup>th</sup> at 7:00 p.m. we are going to be hosting a community meeting regarding the future of the fire truck at Klein Park.

I would like to get an update on the future of Burn Lake because I have had several people ask me what the intent is of the City for putting water into the lake.

Robert Garza, City Manager said I think it would be best to have staff write a paper on it so it can be distributed to others. We want to be very careful about water issues right now for various reasons but in short, we don't have a plan to dump water into Burn Lake because there isn't any water available to dump into it.

DRAFT

Councillor Smith said water is a huge issue for us at multiple levels due to the drought and because of the current lawsuits and litigations so we do have to be careful about our water issues.

I also want to thank those of us who participated in the Celebrity Waiter event.

I will be in Washington for two different conferences which one is for the National League of Cities and the other one is for the Transportation Infrastructure Commission so I will have to miss next week's work session.

Councillor Pedroza said on March 10<sup>th</sup> from 3:00 to 4:30 p.m. at the University United Methodist Church there is going to be a presentation called "Understanding and Responding to Human Trafficking" and there will be another presentation regarding human trafficking on March 20<sup>th</sup> at City Hall.

On March 11<sup>th</sup> at 7:00 p.m. at the Rio Grande Theater there is going to be a presentation called "Minds Interrupted."

Last week I went to Santa Fe to speak to the C.A.M.P. students whose families are farm workers and the biggest thing I did was encourage them to go to law school.

1 Last week I represented the Mayor and I tried to emphasize the points of his letter. The trip was  
2 sponsored by the Border Network for Human Rights and others to express upon on congressional  
3 delegation the importance of immigration reform.

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7 Councillor Small said I want to thank the New Mexico House for passing the licensor for military  
8 spouses.

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10 As mentioned, water is a hot topic and there is a booklet available that I will try to get copies to the  
11 members of Council. I think it is important that we are involved in the discussions regarding the  
12 water issues for our area. We are facing a crisis and I think it is important that we look at cost-  
13 effective ways to move forward.

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17 Councillor Sorg said I just want to say that I agree with what the rest of the Councillors have said  
18 here.

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20 Regarding the March of Dimes Celebrity Waiter event, I think the new nickname for Chief Brown  
21 should be John Travolta.

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25 Councillor Thomas said I want to thank Brian Denmark for meeting with me and the bike  
26 community.

27

28 I also want to thank the people from Community Development who met with the residents along  
29 Sonoma Ranch Boulevard last week to talk about the commercial plans for that area.

30

31 On April 13<sup>th</sup> and 14<sup>th</sup> there is going to be a conference called "Ready to Run" in Anthony at the  
32 Women's Intercultural Center and the purpose of this conference is to encourage women to run for  
33 office.

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37 a.) Mayor

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39 Mayor Miyagishima said I just got back from Washington a few days ago and the Mayors that I  
40 spoke with stated they are already having to layoff people due to the sequestration cuts. In speaking  
41 with Robert, the City is already prepared so you're not going to see any layoffs and we'll be able to  
42 absorb those cuts. When the President did these sequestration cuts, he was looking for the closing

1 of loopholes and one of the things they want to do is take away tax-free exempt financing which is  
2 how we do our municipal bonds and that can be detrimental to both the City and the County so I will  
3 be following that up with a letter and maybe in the future we'll do a resolution.

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c.) City Manager

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1. Conflict of Interest Disclosure – CDBG Public Services Program (Mesilla  
Valley CASA's Executive Director, Doreen Gallegos) – Vera Zamora

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12 Vera Zamora, Housing Development Coordinator gave an overhead presentation and said this is a  
13 procedural disclosure for Mesilla Valley CASA which is the recipient of CDBG Program Year 2012  
14 Public Services funding in the amount of \$20,000. Ms. Gallegos is the Executive Director for  
15 Mesilla Valley CASA and recently she was elected as the New Mexico State Representative for  
16 District 52 of the New Mexico State Legislature. HUD's requirement for the conflict of interest  
17 exceptions begins with the disclosure which was made by Ms. Gallegos. The legal opinion must be  
18 sought and provided by the City Attorney and he has determined that the interest for which exception  
19 is sought would not violate state or local law. The next step would be a public disclosure which is  
20 today's action and there is no Council action required, we are just required to disclose the conflict  
21 publically. The next step would be a written request to the local HUD field office for determination  
22 on the exception to the conflict of interest and they will notify the City of their decision.

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26 Robert Garza, City Manager said we have long contemplated the hiring of a full-time Community  
27 Relations Coordinator and the great news is that we are introducing our new Community Relations  
28 Coordinator to you today.

29

30 Mark Winson, Assistant City Manager introduced Jaime Reichmann as the new Community  
31 Relations Coordinator.

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35 Robert Garza said there will be an update on the Amador Hotel at next week's work session and  
36 they've invited members of Council to go to the Amador Hotel at 11:30 a.m. for a walk through  
37 and lunch prior to the work session.

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41 Meeting Adjourned at 4:22 p.m.