



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

**Regular Meeting**

**May 6, 2013**

**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

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

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**I. OPENING CEREMONIES**

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

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.

Jennifer Martinez, PIO presented awards to the CLC-TV Student Video PSA Contest winners.

Mayor Miyagishima presented a Distinguished Service Award to Julio De la Pena.

Mayor Miyagishima presented a Community Citation to Rabbi Emeritus Gerald M. Kane.

Councillor Small presented a Proclamation to Delia Alvarez and declared May 4 thru May 12, 2013 as National Travel & Tourism Week.

Councillor Small presented a Proclamation to Ted Sweetser, LCFD and declared May 5 thru May 11, 2013 as National Arson Awareness Week.

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2 Councillor Small presented a Proclamation to Chief Williams and Randy Maxey and declared May  
3 12 thru May 18, 2013 as Las Cruces Police Week.

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

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

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14 Councillor Pedroza said I did work for New Mexico Legal Aide for many years but I'm not on the  
15 Board of Directors so I don't believe there is any conflict.

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19 **III. PUBLIC PARTICIPATION**

21 Captain Walt Baker, Member of the Public presented a plaque to the City of Las Cruces on behalf  
22 of AARP for "Top 10 Cities to Retire on \$100 per day."

24 Charles Wendler, Member of the Public read a letter that he submitted to Council.

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

32 Mayor Miyagishima said Item 6 and Item 12 need to be removed from the Consent Agenda for  
33 discussion.

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37 Councillor Pedroza Moved to Approve the Agenda as Amended and Councillor Smith Seconded the  
38 motion.

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

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**V. CITY COUNCIL MINUTES**

\* (1) Regular Meeting of April 1, 2013

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

\* (2) Resolution No. 13-145: A Resolution Authorizing the Game Sports Bar & Grill to Continue With the Permitting Process to Allow for the Sale and Consumption of Beer Within a Restricted and Secured Area During the 2013 Las Cruces Sun Rays Baseball Season at Apodaca Park, 801 East Madrid, Las Cruces, New Mexico.

\* (3) Resolution No. 13-146: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to the Game Sports Bar & Grill for Its Special Dispenser Permit Applications Which Request Approval to Sell Beer for Consumption at the Las Cruces Country Music Festival to be Held May 17, 18 and 19, 2013, on Main Street.

\* (4) Resolution No. 13-147: A Resolution Authorizing the Game Sports Bar & Grill to Continue With the Permitting Process to Allow for the Sale and Consumption of Beer From Two Tents Within a Restricted and Secured Area During the Las Cruces Country Music Festival to be Held May 17, 18 and 19, 2013, on Main Street.

\* (5) Resolution No. 13-148: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico, to Accept a Grant Award Increase in the Amount of \$18,637.00 for Grant Award Number G11SN0006A From the Executive Office of the President, Office of National Drug Control Policy, to Ratify the Mayor's Signature on the Grant Award Supplement, and to Adjust the FY 2013 Budget.

\* (7) Resolution No. 13-150: A Resolution Approving a Joint Powers Agreement Between the City of Las Cruces, Doña Ana County, and the Town of Mesilla for the Governance of the Mesilla Valley Metropolitan Planning Organization.

\* (8) Resolution No. 13-151: A Resolution Amending the Fiscal Year 2012/2013 Budget in the Street Maintenance Operations Fund.

1 \*(9) Resolution No. 13-152: A Resolution Amending the Fiscal Year 2012/2013 Budget in the  
2 Special Street Projects (Philippou Settlement) Fund.  
3

4 \*(10) Resolution No. 12-13-360: A Resolution to Award an Indefinite Quantity, Indefinite Cost  
5 Price Agreement for Oil, Lubricants, and Antifreeze to Conservancy Oil Co., of  
6 Albuquerque, New Mexico for a Term of Five (5) Years Subject to Approved Budget  
7 Appropriations and Annual Renewal From Original Bid No. 12-13-360.  
8

9 \*(11) Resolution No. 12-13-370: A Resolution Awarding the Bid for the South Telshor A.D.A.  
10 Improvement Project to Highland Enterprises, Inc., of Las Cruces, New Mexico in the  
11 Amount of \$142,094.00, Plus \$10, 745.86 for New Mexico Gross Receipts Tax and the City  
12 Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$14,209.40,  
13 for a Total Project Authorization of \$167,049.26.  
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17 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**  
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19 \*(6) Resolution No. 13-149: A Resolution Approving the 2013 Action Plan as Part of the 2011-  
20 2015 Consolidated Plan for the City of Las Cruces. The Resolution Authorizes City Staff  
21 to Submit the 2013 Action Plan to the U.S. Department of Housing and Urban Development  
22 and Incorporate Necessary Agreements With Outside Partnering Agencies.  
23

24 Councillor Small Moved to Approve Resolution No. 13-149 and Councillor Thomas Seconded the  
25 motion.  
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29 Councillor Small said on some of these issues, especially related to affordable housing, there are  
30 some current State policies regarding money allocations to agencies and this coming up fiscal year,  
31 Las Cruces will not be receiving any funding for new affordable housing units; so, I'd like to ask that  
32 we look at ways to focus more on affordable housing.  
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36 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-149 and it was  
37 Unanimously Approved. 7-0  
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41 \*(12) Resolution No. 12-13-422: A Resolution Awarding the Bid for the Sonoma Ranch Sandhill  
42 Channel Project to G. Sandoval Construction Company, Inc., of Las Cruces, New Mexico,  
43 for the Base Bid, Plus Additive Alternative Number One, Two, and Three, in the Amount

1 of \$649,885.00, Plus \$49,147.55 for New Mexico Gross Receipts Tax and the City Manager  
2 is Authorized to Approve Change Orders in an Amount Not to Exceed \$32,494.25, for a  
3 Total Project Authorization of \$731,526.80.  
4

5 Councillor Thomas Moved to Approve Resolution No. 12-13-422 and Councillor Sorg Seconded  
6 the motion.  
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10 Loretta Reyes, Public Works Director gave an overhead presentation and said the City of Las Cruces,  
11 as part of a settlement agreement with the Philippou Group, agreed to rectify drainage deficiencies  
12 along the Sandhill Arroyo related to the Sierra Norte Heights Phase I Subdivision. The Sonoma  
13 Ranch Sandhill Channel project will consist of the construction of a concrete drainage channel and  
14 the installation of rip-rag material along the Sandhill Arroyo to control the soil erosion adjacent to  
15 the residential homes in the Chandler Hills and Ranchers Club subdivisions. We received three bids  
16 and the lowest bidder was G. Sandoval Construction. The funding source for this project will be the  
17 Flood Control Fund and the contract duration will be 210 working days.  
18

19 Councillor Sorg said I want to express my appreciation for this project finally happening because the  
20 residents in this area are in jeopardy of losing their rock walls. Will the funds we receive from the  
21 Philippou settlement reimburse the funding we use from our Flood Control Fund?  
22

23 Loretta Reyes said yes.  
24

25 Councillor Smith said I was pleased to hear that you are looking at the rip-rag and rocks to slow the  
26 water down. I do remember during my college days, one of the things that was common during that  
27 time was the long straight stretches of concrete for drainage that exacerbated the problems. Slowing  
28 the water down either with vegetation or rip-rag or other forms of use of concrete is very hardening  
29 so I know we want to avoid the situation where water is shooting out at whatever point it gets to and  
30 then becomes an additional problem so I think this will help that.  
31

32 Councillor Silva asked did they just build the dirt up to be able to build the houses?  
33

34 Loretta Reyes said the houses were built prior to the channel being cut.  
35

36 Councillor Silva said so that channel isn't a natural channel, it's a manmade channel.  
37

38 Loretta Reyes said that is correct.  
39

40 Councillor Silva asked do we now have a policy in place to prevent this type of thing from  
41 happening again?  
42

1 Loretta Reyes said we do take a close look at the drainage plans for new developments.

2

3 Councillor Sorg said I was a surveyor for this area and the natural flow channel was actually close  
4 to where Sonoma Ranch Boulevard is now.

5

6 Robert Garza, City Manager said what we hope to do in the future is to leave our natural arroyos as  
7 natural arroyos and use those areas for things like recreation areas but this is the best solution for that  
8 area.

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12 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 12-13-422 and it  
13 was Unanimously Approved. 7-0

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17 (13) Resolution No. 13-153: A Resolution Adopting the Municipal Budget for Fiscal Year  
18 2013/2014 for the City of Las Cruces, New Mexico.

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20 Councillor Thomas Moved to Approve Resolution No. 13-153 and Councillor Sorg Seconded the  
21 motion.

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25 Dick Gebhart, Budget Director gave an overhead presentation and said the fiscal year begins July  
26 1, 2013 and runs through June 30, 2014. The national outlook seems to be gaining a little bit of  
27 strength and inflation is under control. The employment in Las Cruces is remaining flat with about  
28 a 1% growth in FY14. The total budget amount that it is being proposed for FY14 is just slightly  
29 over \$280 million and there was a change of almost 50% in the amount budgeted for capital projects  
30 due to the fact that several projects were completed in FY13. There is an estimated total amount of  
31 \$76.1 million in Gross Receipt Taxes of which the majority of it goes into our General Fund account.  
32 There is a slight decrease in full-time employees which is due to the elimination of three vacant  
33 positions at Municipal Court. In summary, the budget is based on a gradual recovery, there is no tax  
34 increases, no layoffs, no furloughs; we have budgeted for step increases, salary raises and increases  
35 for health care; this will be a full year with the loss of legislative revenue (SB184 & SB256); we are  
36 beginning to invest in affordable housing; there are three fewer City positions; we're largely  
37 restoring recessionary budget cuts; we're maintaining twice the required reserve; we continue  
38 alignment with the Strategic Plan and we have appropriated \$1 million for Council directed projects.

39

40 Councillor Sorg said regarding the General Fund expenditures, do we know where the 1.7% capital  
41 is going to be spent?

42

1 Dick Gebhart said we have a very good idea; about \$250,000 of it is going toward street lighting,  
2 about \$50,000 is going toward IT and the remainder which is about \$1 million is for the Council  
3 directed projects.

4  
5 Councillor Small said you did point out some of the positives but I think this is a stark reminder that  
6 we are in perilous times and we need to support creating good paying jobs in our community.

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10 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-153 and it was  
11 Unanimously Approved. 7-0

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15 (14) Resolution No. 13-154: A Resolution Approving the Five-Year Infrastructure Capital  
16 Improvement Program as Required by the New Mexico Department of Finance and  
17 Administration for the 2014 Legislative Session for the City of Las Cruces, New Mexico for  
18 Fiscal Years 2014/2015 Through 2018/2019.

19  
20 Councillor Silva Moved to Approve Resolution No. 13-154 and Councillor Sorg Seconded the  
21 motion.

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25 Brian Denmark, Assistant City Manager gave an overhead presentation and said almost half of the  
26 funding that is used to support this program is utilities based and the other half is for Public Works  
27 Flood-Control, Public Works Streets/Drainage, Transportation, Parks and Public Works Facilities  
28 Management. The funding that is associated with programs varies quite a bit from State/Federal  
29 grants, fees/services, local taxes and bonds.

30  
31 Councillor Sorg asked how many Public Works Street projects are in District 5?

32  
33 Brian Denmark said I don't know right this moment.

34  
35 Councillor Sorg asked can you tell me what the "Gateway Entry Point Signage" is?

36  
37 Brian Denmark said that is a project that has been going on for some time now and the first phase  
38 has to do with relocating the Roadrunner from the West Mesa Rest Stop area and basically there  
39 would be a gateway sign representing the City of Las Cruces as you're entering the city.

40  
41 Councillor Sorg said I see on the list that there is \$150,000 for the Parkhill Estates neighborhood  
42 park and I thought the developer was going to pay for that park.

1  
2 Brian Denmark said that development is two-phased and in the first-phase the park was not  
3 associated with the development at that time so impact fees were collected and then in the second-  
4 phase's approval was tied into a park, thus the fees were waived. So, the developer has the right to  
5 be reimbursed for the front-end of his development as it relates to the building of a park.  
6  
7 Councillor Sorg said so that is the reimbursement of the park impact fees that were collected.  
8  
9 Brian Denmark said that is correct.  
10  
11 Councillor Small said it is hard to put together projects and I think the Pavement Management  
12 Program is a good approach to funding the streets that need the most repair. Regarding the vehicle  
13 and airplane remote control park, can you explain that a bit more?  
14  
15 Mark Johnston, Parks and Recreation Director said regarding the airplane portion, we are looking  
16 at building that in conjunction with the model airplane group here in town, on top of the old existing  
17 landfill on Lohman. The off road remote control track will need to have electricity in order to charge  
18 the battery systems so we will need some seed money but we have groups that are willing to work  
19 with us to create a multi-use hundred thousand dollar park system up on the Lohman property. We  
20 are still waiting for clearance from BLM.  
21  
22 Brian Denmark said this group actually approached Mark and I about six or seven years ago and the  
23 Utilities Department is still in the process of capping the old landfill. We were trying to think of a  
24 place where they wouldn't impact any neighbors and that property was the first place we thought of  
25 because it is flat on top and away from everybody so it is the perfect spot. We are very limited on  
26 what we can do on that site so we thought this would be a perfect use for that property.  
27  
28 Councillor Small said the archery range is suppose to be in that general area as well; correct?  
29  
30 Brian Denmark said this will be a multi-use park that will be used for a archery range, rocket  
31 launching, remote control cars and remote control airplanes.  
32  
33 Councillor Small said as we progress in being able to put this all together, maybe we can put a CVB  
34 package together to let people know about it.  
35  
36 Councillor Silva asked how much space do we have up there?  
37  
38 Mark Johnston said around 100 acres.  
39  
40 Councillor Silva said we are still receiving green waste up there so how much longer are we going  
41 to continue to receive green waste?  
42

1 Jorge Garcia, Utilities Director said the area we are talking about is not the same area that we are  
2 receiving green waste on so we will continue to accept green waste as long as we have customers  
3 that are willing to bring it.

4  
5 Councillor Silva asked have there been any other groups that have approached you to have things  
6 like walking paths up there?

7  
8 Brian Denmark said no, not at this time but we haven't even started the master planning process for  
9 the site so when we get to that point, that is when we will start receiving public input.

10  
11 Councillor Silva said maybe we can also partner up with the solar industry and they could get some  
12 free advertisement out of it.

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15  
16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-154 and it was  
17 Approved. 6-1 Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor  
18 Thomas and Mayor Miyagishima voted Aye. Councillor Sorg voted Nay.

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21  
22 (15) Resolution No. 13-155: A Resolution Adopting Funding Priorities and Allocations to  
23 Various Las Cruces Non-Profit Organizations for Fiscal Year 2014 to Provide Health-  
24 Related Public Services Needs and Authorizing the Incorporation of the Funding Amounts  
25 into the City's Fiscal Year 2014 Budget.

26  
27 Councillor Small Moved to Approve Resolution No. 13-155 and Councillor Thomas Seconded the  
28 motion.

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31  
32 Natalie Green, Neighborhood Program Specialist gave an overhead presentation and said this is for  
33 health related services which is funded out of the Telshor Facility Fund. Awards are funded on a two  
34 year cycle contingent on the overall program performance and a satisfactory monitoring review.

35  
36 Councillor Small said I am comfortable with moving forward with this today but I know there have  
37 been some thoughts on looking at different funding streams so it might be good to have a work  
38 session to discuss it.

39  
40 Councillor Pedroza said the grant to La Casa was reduced but the grant to Legal Aide made up for  
41 that reduction because they are going to be giving legal services at La Casa; correct?

42

1 Natalie Green said the Legal Aide grant was part of the CDBG Public Service Programs that was  
2 previously approved and they will be offering services at the Community of Hope campus.

3  
4 Councillor Silva asked what was the total number of applicants and what was the total amount  
5 requested?

6  
7 Natalie Green said there were 24 request, 11 agencies were funded, and we had \$645,000 in requests.

8  
9 Councillor Silva said we were only able to fund about half of that amount; correct?

10  
11 Natalie Green said correct.

12  
13 Councillor Small said I think we do need to have a work session to discuss this fund because we are  
14 earning more in interest each year than is going out of the fund each year.

15  
16 Robert Garza, City Manager said the Telshor Fund is earning interest higher than what we are  
17 allocating through this process but we are trying to avoid spending all the interest accrued only  
18 because that fund will loose it's value over time if we don't continue to add money to it in order to  
19 keep pace with inflation.

20  
21 Councillor Small said I think we should have a work session around the end of 2013 to discuss this  
22 issue.

23  
24 Councillor Sorg said I also agree with having a work session.

25  
26 Pamela Angel, Member of the Public said I'm with St. Luke's Health Care Clinic and I just want to  
27 thank you because this funding is really crucial to all these agencies.

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31 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-155 and it was  
32 Unanimously Approved. 7-0

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36 (16) Council Bill No. 13-026: Ordinance No. 2681: An Ordinance to Amend the Municipal  
37 Code, Article V, Section 38-49.2 South Mesquite Neighborhood Overlay Zone District to  
38 Enact Text Changes Which Clarify Existing Provisions, Standards, Procedures, Purposes and  
39 Intent of the Overlay District and Which are Non-Substantive in Nature. Submitted by the  
40 Community Development Department, Case ZCA-12-01.

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42 Councillor Silva Moved to Adopt Council Bill No. 13-026; Ordinance No. 2681 and Councillor  
43 Small Seconded the motion.

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Carol McCall, Planner gave an overhead presentation and said this is an amendment to the South Mesquite Overlay to correct some administrative errors. The problems are that the text is inaccurate in places, the map is hard to read, the Design Standards are vague and there are some loopholes. These problems can be solved without changing the content or meaning by simply removing the second "D" because there are currently two section "Ds", adding a section "H" and subsection labels given to statements/paragraphs that are not labeled. The errors for the map are corrected by removing reference to "A-2" zoning districts because they no longer exist; and removing reference to the 1981 Zoning Code because it was repealed in 2001 and is no longer in effect. Some of the loopholes are really minor, for example, it talks about garages but not carports so we need to include carports in that text; and it talks about materials used for new construction and remodeling projects but we need to include wood or other natural materials in that text; and it talks about fences but not walls so we need to include walls in that text. The changes to the outline include "Permitted Uses" it is given it's own section and no longer a subsection; the Design Review section is rearranged for better text transitions; and the Appeals is given it's own section to be universally applied to the entire overlay. The most important change that was made was to the Duties of the South Mesquite District Review Board which now clearly lists the duties of the board.

Councillor Silva said the Design Review Board are the ones who made these changes and they are just administrative type changes; correct?

Carol McCall said that is correct.

Nancy Ackberry, Member of the Public said I live in the Mesquite District that has the Overlay and I rewrote a portion of this document to consolidate overlapping and clearing up some of the language. I would ask that the change to the 2005 Zoning Code not be included in it.

Carol McCall said it is true that in the administrative update that we deleted reference to the 1981 Code but we did not delete any of content that was contained in the Overlay indirectly from the 1981 Code. The reason we deleted the direct reference to the 1981 Code is because it is no longer in existence.

Councillor Smith asked Ms. Ackberry does that drive with what you are understanding?

Nancy Ackberry said no, that is not my understanding. The reference to the basic code, regardless of whether or not it is in existence, does not preclude language, it's the language and the concepts.

Councillor Smith said if I understood Ms. McCall, I thought she was saying that even though the reference to the 1981 was removed, the actual language, preserving some of what you are concerned about is there but perhaps...

1 Nancy Ackberry said I don't think she said that; it is my understanding from the Las Esperanza  
2 Group that this is a very important issue and that changing it to the 2005 Code would significantly  
3 effect the zoning. I would simply ask that, that particular clause be tabled.

4  
5 Councillor Smith said if that is indeed the issue then we would certainly want to take that into  
6 consideration but I thought I was hearing Ms. McCall saying that, that coverage was still in play so  
7 Ms. McCall can you elaborate here?

8  
9 Carol McCall said I'm a little confused; the changing of the administrative updates to the South  
10 Mesquite Overlay don't change the zoning in it. The land use zones that are in place will stay in  
11 place unless one of the property owners comes forward and wants to change the zoning. This  
12 document does not change the zoning at all and we only eliminated reference to the 1981 Code but  
13 we did not delete anything related to the content. We did not change the Development Standards or  
14 the land uses.

15  
16 David Weir, Community Development Director said the Overlay is it's own zoning district and  
17 basically, the 1981 Code was cut and all that language was placed in the Overlay. So by eliminating  
18 the reference to the 1981 Code, you're not changing anything because everything from 1981 was  
19 transferred into the Overlay.

20  
21 Councillor Smith said thank you for clarifying that. Can you confirm that the properties on Mesquite  
22 are still commercial and residential, as they were going into this process, and that has not changed?

23  
24 David Weir said that is correct.

25  
26 Councillor Thomas said it is my understanding that if someone wants to do something different then  
27 they go through the Overlay because it has its own set of rules and uses.

28  
29 David Weir said that is correct but from the process standpoint, the zone change would be reviewed  
30 by the Design Review Board and they would make a recommendation which would then go to the  
31 Planning and Zoning Commission and ultimately to Council.

32  
33 Councillor Silva said if you look on pages 695 to 723, all the land uses are defined there and the  
34 process for applying for permits. I don't see any strikeouts in that area so the document is staying  
35 pretty much in tact as far as the land uses and so forth.

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39 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 13-026; Ordinance  
40 No. 2681 and it was Unanimously Approved. 7-0

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1 **VIII. BOARD APPOINTMENTS**

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3 Mayor Miyagishima appointed Kevin R. Kay (At-Large position) to the Parks & Recreation Board.

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7 Mayor Miyagishima appointed Susan Frary (Position 1-4yr term), Robin Hutchins (Position 2-4 yr  
8 term), John B. Northcutt (Position 3-4 yr term) and Greg Gendall (Position 6-2 yr term) to the City  
9 Art Board.

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12  
13 Councillor Silva Moved to Approve Mayor Miyagishima’s board appointments of Susan Frary  
14 (Position 1-4yr term), Robin Hutchins (Position 2-4 yr term), John B. Northcutt (Position 3-4 yr  
15 term) and Greg Gendall (Position 6-2 yr term) to the City Art Board and Councillor Smith Seconded  
16 the motion.

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19  
20 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima’s board  
21 appointments of Susan Frary (Position 1-4yr term), Robin Hutchins (Position 2-4 yr term), John B.  
22 Northcutt (Position 3-4 yr term) and Greg Gendall (Position 6-2 yr term) to the City Art Board and  
23 it was Unanimously Approved. 7-0

24  
25 -----

26  
27 Mayor Miyagishima appointed James Carmichael (term effective July 1, 2013 upon vacancy) to the  
28 Board of Commissioners for the Las Cruces Utilities Board.

29  
30 -----

31  
32 Councillor Small Moved to Approve Mayor Miyagishima’s board appointment of James Carmichael  
33 (term effective July 1, 2013 upon vacancy) to the Board of Commissioners for the Las Cruces  
34 Utilities Board and Councillor Thomas Seconded the motion.

35  
36 -----

37  
38 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima’s board  
39 appointment of James Carmichael (term effective July 1, 2013 upon vacancy) to the Board of  
40 Commissioners for the Las Cruces Utilities Board and it was Unanimously Approved. 7-0

41  
42 -----

43

1 Mayor Miyagishima appointed Kyle Trout (Special Forces Association, Chapter 80) to the Veterans  
2 Advisory Board.

3  
4 -----  
5  
6 Councillor Thomas Moved to Approve Mayor Miyagishima’s board appointment of Kyle Trout  
7 (Special Forces Association, Chapter 80) to the Veterans Advisory Board and Councillor Silva  
8 Seconded the motion.

9  
10 -----  
11  
12 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima’s board  
13 appointment of Kyle Trout (Special Forces Association, Chapter 80) to the Veterans Advisory Board  
14 and it was Unanimously Approved. 7-0



15  
16  
17  
18 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
19 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

20  
21 (17) Council Bill No. 13-027; Ordinance No. 2682: An Ordinance Repealing LCMC 1997,  
22 Article II. Campaign Practices, Sections 8-31 Through 8-67 in Its Entirety and Enacting New  
23 Sections Entitled Article II. Campaign Code, Sections 8-31 Through 8-39.

24  
25 Councillor Smith said there needs to be some administrative changes done for this item. On page 4,  
26 Item H and page 5, Item B1, we used an apostrophe for candidate’s and then an “s” needs to be  
27 added to contributions.

28  
29 Esther Martinez-Carrillo, City Clerk said we will take care of those changes administratively.

30  
31 Mayor Miyagishima and Council agreed to bring this item back.

32  
33 -----  
34  
35 **X. CITY COUNCIL MEMBER BOARD REPORTS**

36  
37 None given.

38  
39 -----  
40  
41 **XI. GENERAL DISCUSSION**

42  
43 a.) Mayor

1  
2 Mayor Miyagishima asked how many old police cars do we still have?  
3  
4 Chief Williams, LCPD said last time I checked, we still had twenty of them on the road.  
5  
6 Mayor Miyagishima said so when we get those ten new ones then you'll only have ten.  
7  
8 Chief Williams said actually we'll have fifteen because five of those are going to be detective cars.  
9  
10 Mayor Miyagishima said those old cars just don't fit in any more since we got the Dodge Chargers.  
11  
12 Robert Garza, City Manager said we did talk about police car replacement in our budget and we  
13 don't want to replace them all at the same time because then they will all age at the same time.  
14  
15 Mayor Miyagishima said many of you joined me and other officials from Hatch and Elephant Butte  
16 for a discussion regarding the Spaceport but no action was taken. I'd like to know if we have to have  
17 someone taking minutes? What is the procedure for something like that? It is kind of an informal  
18 meeting and we do post notices that there may be Council members there.  
19  
20 Harry (Pete) Connelly, City Attorney said the Open Meetings Act requires that if you are going to  
21 discuss public policy, which doesn't always require a vote, that you have to have a notice of the  
22 meeting and if you have a notice of a meeting then you should also have informal minutes of the  
23 meeting.  
24  
25 Mayor Miyagishima said I did take some informal minutes so we will continue that practice and I  
26 will give the City Clerk a copy of them with a list of who was present. Next time I will just take a  
27 tape recorder and then give the tape to the Clerk.  
28  
29 -----  
30  
31 b.) City Council  
32  
33 Councillor Thomas said the Joint Land Use Policy Committee met again to approve the Public  
34 Participation Plan and it looks like they have a pretty good system with the public.  
35  
36 I talked to Mr. Denmark regarding the median landscaping and given our current severe water issues,  
37 I would like for us to look at this again to see if there are ways to do landscapes that don't use as  
38 much water.  
39  
40 Robert Garza, City Manager said that is already scheduled to be discussed at the July 8<sup>th</sup> Work  
41 Session.

1  
2 Councillor Thomas said tomorrow night, there is a District 5 and District 6 meeting at the Dona Ana  
3 Community College auditorium at 6:30 p.m.

4  
5 -----  
6  
7 Councillor Sorg said I just wanted to repeat what Councillor Thomas said about the meeting being  
8 tomorrow night.

9  
10 -----  
11  
12 Councillor Small said I think there is a need for the City to look for the best ways to partner and  
13 participate in discussions with the Public Regulations Commission. I would just like to see a show  
14 of hands of those who support this and I would like to have a resolution brought forward to show  
15 our support.

16  
17 Mayor Miyagishima said I would ask that you conform to the past practices which are to draw up  
18 something on paper and then provide a copy of it to us at a Council meeting.

19  
20 Councillor Small said I will definitely do that and then I will present it to the City Clerk.

21  
22 Mayor Miyagishima said just run it by me.

23  
24 Councillor Small said sure.

25  
26 One of the suggestions mentioned today was to apply for NMFA grants and I do have access to the  
27 City of Santa Fe's grant application so I will send that to the City Manager.

28  
29 There were modular buildings being used at Fort Bliss and there are a lot of challenges when charity  
30 appears but I know there was some interest in seeing if they could be adopted here in Las Cruces so  
31 I think we should look into seeing if we could accommodate these opportunities and possibly see if  
32 they could be used at Camp Hope.

33  
34 I understand that we have hired a new Sustainability Officer so this is a good opportunity for that  
35 person to be a part of our discussions regarding renewable energy.

36  
37 Robert Garza said that would be out of their job description but if Council wishes, we could identify  
38 someone as a lobbyist or someone who would represent us in that arena.

39  
40 Councillor Small said we were discussing perhaps to have an informational session here at City Hall  
41 that would be attended by local legislators, local housing experts and advocates. We will definitely  
42 keep the public in the loop and hopefully have wide participation.

1 The Water Report from last year's Water Conference was released by Senator Udall and it is clear  
2 that folks hold the City of Las Cruces Utilities and Water Conservation Departments in high stead.

3  
4 Regarding the Noise Ordinance, we had a work session where we spoke about the potential of having  
5 more conative measurements because there are devices out there that can measure noise so that could  
6 lead up to updates to the Noise Ordinance. I think we should have another work session to discuss  
7 that issue.

8  
9 Mayor Miyagishima said if you're going to have meetings in a broad sense then it probably needs  
10 to be in your district with your district being your audience instead of constant work sessions.

11  
12 Councillor Small said I think it would great to have full work sessions dedicated to affordable  
13 housing; especially since Council has dedicated funding to it and we should include our State  
14 Legislators.

15  
16  
17  
18 Councillor Pedroza said the Doña Ana Soil and Water Conservation District is going to be having  
19 an election and residents of Las Cruces are eligible to vote in that election. There is a meeting this  
20 Thursday at 9:00 a.m. at the EBID conference room and I'm urging anyone who is interested to  
21 attend this meeting.

22  
23 Councillor Sorg said I believe that election is tomorrow.

24  
25 Councillor Pedroza said there was an editorial today by Bill Soles regarding minimum wage and I  
26 would urge everyone to read it. There is also a very good book by Joseph Stiglitz called "The Price  
27 of Inequality" and there is also an article titled "History of New York City" that I would also  
28 recommend people to read.

29  
30 -----  
31  
32 Councillor Smith said one of the things that comes to my mind is that it has become very clear with  
33 the statics given by Mr. Gebhart today that Las Cruces continues to grow and the term that keeps  
34 coming to my mind is "are we ready for prime time?" I believe that we have so many things going  
35 on for us; the fact that our economy is actually out shining many other parts of the State; the fact that  
36 we get awards, like the one today from AARP; the fact that the Spaceport is going to be impacting  
37 our economy; and the attention that our community gets; the list goes on and on. I think that we  
38 really have to be a community that is ready for the attention that it is going to be getting and for the  
39 people who are either going to be coming to live here or go through here on their way to other  
40 activities.

41

1 I want to reintegrate my support for the Tribal Gateway which I gave \$20,000 of the money that  
2 came from the sell of Club Fusion and the ARC. I do want to point out that I do own property next  
3 to where the Tribal Gateway might go; I'm not suggesting that is the only place that the Tribal  
4 Gateway can go; I suggest that it is important wherever it goes, and by the time anything moves  
5 forward with it, I more than likely will have sold that property but I do want to make that public  
6 statement.

7  
8 Given recent events with our public facilities and some of the activities that have gone on at those  
9 facilities, and the Attorney General's opinion, it might be worthy to talk about having an ad-hoc  
10 facility use committee to determine what we are expecting, what is expected, and how we might be  
11 able to accommodate those who are providing services to members of our community even though  
12 they are not part of the city so that kind of service can continue and our public facilities can continue  
13 to be centers that are actively engaged in helping the community through non-profits and other  
14 volunteer groups.

15  
16 Also, recently there have been a couple of mentions in the newspaper about the possible increase in  
17 GRT and we may have been portrayed as wanting to rush to a decision on that; I will simply say that  
18 we need to look at the question quickly, whether we want to do it at this time or not. If we decide  
19 it is something that we want to do then the sooner we have looked at it and determined that is  
20 something we want to do, the sooner we start it, then the more the benefits increase regardless of  
21 when the Hold Harmless eventually gets phased out.

22  
23 Finally, I want to congratulate NMSU President Garrey Carruthers on his selection today and I look  
24 forward to him helping us and NMSU to be ready for prime time. I look forward to continuing to  
25 serve on the Town and Gown Commission and working with NMSU so this community and this area  
26 do put their best foot forward as people come through this area.

27  
28 -----  
29  
30 Councillor Silva said regarding renewable energy, I do think our new Sustainability Coordinator or  
31 someone else within the organization should be the point of contact.

32  
33 Regarding the Noise Ordinance, I think we do need to tighten the regulations or at least go to a more  
34 quantitative verse qualitative form.

35  
36 Mr. Garza sent out an email regarding changing the policy of going to D.C. and our lobbying efforts  
37 and that they be more focused. I definitely support that because on this last trip we got caught up in  
38 doing work for a wilderness group while we were there and that wasn't on our list of things to do.  
39 I don't think our resolution regarding the Preservation Monument favored one plan over the other  
40 so I do think we need to be very careful.

41

Regular Meeting  
May 6, 2013

Page 19

1 We are constantly being asked about the Affordable Care Act and it is a very complex topic. I would  
2 like to ask one of the doctors to do a future presentation to Council to give us a general overview of  
3 it and maybe we can schedule it for June or July.

4

5 I want to compliment the City Manager and staff on the new utility drop box.

6

7 The Movie Series in the Park is starting up again and we have four movies scheduled for May. The  
8 first one was last weekend and we had about 500 people come out to Young Park to attend it.

9

10

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11

12 Mayor Miyagishima said regarding the Affordable Care Act, I don't think that is something that  
13 should be at a Council meeting but I am willing to work with you on it and maybe have it presented  
14 to the public in Council Chambers on a Tuesday evening.

15

16 Councillor Thomas said I have been contacted by the local AARP and they would like to give a  
17 presentation on the Affordable Care Act so maybe we can have several different groups give  
18 presentations.

19

20 Councillor Small said there have been informational sessions at NMSU so we may want to include  
21 them and our federal delegation in this presentation.

22

23

-----

24

25 c.) City Manager

26

27 Robert Garza, City Manager said we only have one work session in May which is on May 13<sup>th</sup> and  
28 there are a lot of items to discuss at that meeting. Also, we will be discussing the Hold Harmless  
29 issue at our June 10<sup>th</sup> Work Session meeting.

30

31

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32

33 **Meeting Adjourned at 4:58 p.m.**