



City Council
of the
City of Las Cruces

Regular Meeting

June 3, 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 (via telephone)

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

DRAFT

I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Miyagishima presented a Proclamation to Curtis Rosemond which was accepted by Councillor Pedroza, and declared June 15, 2013 as Juneteenth Celebration Day.

Councillor Smith Moved to allow Councillor Thomas to attend the meeting via telephone and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to allow Councillor Thomas to attend the meeting via telephone and it was Approved. 6-0 Councillor Thomas was absent.

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

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

No conflicts were noted.

III. PUBLIC PARTICIPATION

There was no public participation.

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

Mayor Miyagishima said Item 7 needs to be removed in its entirety from the agenda.

Councillor Smith Moved to Approve the Agenda as Amended and Councillor Small Seconded the motion.

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

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of May 6, 2013

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

* (2) Resolution No. 13-158: 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 \$12,000.00 for Grant Award Number G12SN0006A 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.

* (3) Resolution No. 13-159: A Resolution to Accept a Competitive Grant Award, on Behalf of the Las Cruces Fire Department, in the Amount of \$31,200.00 With a Match Requirement of \$7,800.00 From the Federal Emergency Management Agency's FY12 Fire Prevention and Safety Grants Program, and to Adjust the FY 2013 Budget.

* (4) Council Bill No. 13-028; Ordinance No. 2683: An Ordinance Approving a Zone Change from M1/M2 (Industrial Standard) to M1/M2/C-2c (Industrial Standard/Medium Intensity Commercial Conditional) for a 0.7 Acre Parcel, Number 02-17413, Located at 1810 and 1820 W. Amador Avenue (Case No. 2859). Submitted by the Property Owner, the Burris Brothers LLC.

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

(5) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 13-160; A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima opened the Public Hearing for Resolution No. 13-160.

Ted Sweetser, Fire Marshal gave an overhead presentation and said it has been really hot, dry and windy over the past few months which has led to some serious conditions that we believe led to the need for us to implement firework restrictions. By State Statute and by Municipal Code, it states that I have to come before Council 20 days prior to a holiday to present this proposal. If this proclamation is enacted then it will be effective for 30 days from today which means this would expire July 3rd so I would have to come back before you on July 1st to extend it if these conditions still exist. These restrictions will not restrict permitted public displays and will not restrict the sale of fireworks that are currently permitted by vendors but it will restrict the use of fireworks to areas that are paved, barren or have a readily available water source.

Mayor Miyagishima asked is there anyone who wishes to speak for or against this item?

1 No one came forward.

2

3 Mayor Miyagishima closed the Public Hearing for Resolution No. 13-160

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5 Resolution No. 13-160: A Resolution Authorizing the Issuance of a Proclamation Declaring
6 Extreme or Severe Drought Conditions Within the City Limits and Imposing Restrictions
7 on the Use of Fireworks Within the City Limits.

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9 Councillor Smith Moved to Approve Resolution No. 13-160 and Councillor Sorg Seconded the
10 motion.

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14 Councillor Smith said the restrictions that we are able to impose are also dictated by State law;
15 correct?

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17 Ted Sweetser said that is correct.

18

19 Councillor Smith said obviously what is visible to us by eye and by experience is also being
20 upheld by what you've seen in the reports and as much as I believe our democracy and the way
21 our government is set up and the way we celebrate it, so often with fireworks, is a very special
22 thing and something I enjoyed as a child. I also think the lives of our firemen, the property
23 values and all of the things that can be in danger by not being careful with fireworks; I think we
24 have to move forward with this restriction at this time.

25

26 Councillor Sorg said this is an issue that is pretty straight forward and New Mexico has been
27 designated as number one in drought. I believe this was also passed last year and it is even drier
28 this year so there is no question that it should be passed now.

29

30 Councillor Pedroza said I think we need to communicate with White Sands to see if they will ban
31 some of their rockets because a couple of years ago there was a fire because of their testing.

32

33 Alice Anderson, Member of the Public said there is a lot of dead trees in this city and the wind
34 has been blowing for several weeks so we should not allow people to set those trees on fire with
35 fireworks.

36

37 Councillor Silva said I just want to mention that if anyone has any questions then they should
38 contact their councillor or the Fire Department.

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40 Ron Camuñez, Member of the Public said this is just a band-aid so I would ask that the public
41 contact their legislators or representatives in order to put more meat into the legislation at the
42 State level.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-160 and it was Unanimously Approved. 7-0

(6) Resolution No. 13-161: A Resolution Approving Updates to the Park Development Fees, Parks and Recreation Master Plan, Land Use Assumptions, and Park Capital Improvement Plan; and Repealing Resolution No. 07-342 and Resolution No. 12-204, All Effective July 1, 2013.

Councillor Small Moved to Approve Resolution No. 13-161 and Councillor Sorg Seconded the motion.

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Mark Johnston, Parks and Recreation Director gave an overhead presentation and said City Council must take action on this issue before June 30, 2013. The Parks and Recreation Advisory Board has recommended approval of the plans and the Capital Improvement Advisory Committee recommended approval of the plans and a Park Impact Fee. The Las Cruces Home Builders Association recommends the elimination of the Park Impact Fee and not allow mandated minimum standards for parks and to allow the developers to build parks as they see fit for their own development. They also want us to utilize General Obligation Bonds to fill in the gaps and to develop a City policy for voluntary SADs and IDZs. The options for Council to consider is option 1: Vote "yes" approving the plans and an Impact Fee of \$1,300 per dwelling unit; Option 2: Vote "yes" approving the plans and an Impact Fee of \$2,600 per dwelling unit raising the LOS to 3 acres per 1,000; Option 3: Vote "yes" approving the plans and eliminate the Park Impact Fees; Option 4: Vote "no" this will not approve the resolution and may result in the violation of the City's Development Impact Fee Ordinance; and Option 5: Vote "to table" and provide staff with further direction.

Councillor Thomas said there is a list of major recommendations included in the packet; can you talk about those recommendations?

Mark Johnston said we went out to the general public and received feedback on what they would like to have and there were a couple of common themes which were connectivity and walk-ability. So the Park Impact Fee Study had about \$4,400 per dwelling unit for all park types. Council gave staff direction to simplify this and that is how we came up with the \$1,300 or \$2,600 per dwelling unit or to eliminate the Park Impact Fee as options for Council today.

Councillor Thomas said we are only talking about neighborhood parks, not regional parks; correct?

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- 1 Mark Johnston said that is correct.
2
3 Councillor Thomas asked would it include connectivity.
4
5 Mark Johnston said if we had the \$4,400 impact fee that would be totally inclusive so this would
6 primarily be focused on neighborhood parks; however, having the impact fee does provide us with
7 a little bit of leverage.
8
9 Councillor Thomas said so the option of \$2,600 per dwelling simply makes the parks bigger?
10
11 Mark Johnston said that is correct.
12
13 Councillor Sorg said regarding the level of service, in the infill areas like the area of the westside
14 of I-25; what is our level of service for parks?
15
16 Mark Johnston said I would be guessing because I don't have that number off the top of my head
17 but our acres per thousand is quite high in the infill area.
18
19 Councillor Sorg asked what about waiving the impact fee for the infill areas that we have for roads
20 and bridges or drainage? We have this infill area that is west of I-25, north of University Avenue,
21 south of Main Street; there is no impact fee in our current ordinance for that area so would that also
22 apply for the Park Impact Fee?
23
24 Mark Johnston said in the Central Business District only; not the entire infill area.
25
26 Brian Denmark, Assistant City Manager said the Central Business District is primarily the
27 Downtown area, to Picacho, US-70, then down toward Amador. The reason we included that
28 language in the resolution was mainly to support housing in the Downtown area.
29
30 Councillor Sorg said I'm not really pleased with the ICIP list. I question whether the Oro Vista Park
31 is really a park because it is a retention pond and the only thing it has in it is irrigation and weeds.
32
33 Mark Johnston said the Oro Vista drainage pond area has the potential to become a very nice park.
34 Through our new tree planting program, we will be planting trees along the rim so it will kinda look
35 like the High Noon Soccer Fields and the long-term vision is to have a walking path along the top.
36
37 Councillor Sorg said I'd like to bring our attention to the area west of Mesa Grande Drive, if we
38 don't count Oro Vista then there is only one tiny park for that whole area and I think we should
39 include the improvements to Oro Vista on our ICIP list.
40
41 Mark Johnston said we will take the recommendation of adding that to the list for next year or for
42 the next time we amend the ICIP; staff will add that to the list for the next time it is brought before

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1 Council. The primary focus of the ICIP that is currently in front of you is for the Park Impact Fees
2 that are going towards neighborhood parks.

3

4 Councillor Sorg asked are there any requirements on when a park is built?

5

6 Mark Johnston said when we get into the negotiations with the developer regarding a neighborhood
7 park, we will put a "trigger" in there so at 25% build, 50% build, at that time it would cause a park
8 to be built.

9

10 Councillor Sorg said by not having mandates, especially in this day and age when we have such a
11 low level of service in certain areas in the East Mesa, I would like to see it changed some how so
12 that the parks are built in a timely manner. It is to their advantage to have a park put in early in the
13 development so it would help them to sell the lots and the homes. I would like to have some kind
14 of assurance that the parks will be built early on in the development.

15

16 Councillor Pedroza said I have heard several times that it is cheaper for a developer to build
17 something rather than the City and I would like to know why is it cheaper for them?

18

19 Robert Garza, City Manager said some of the reasons for that is that we use scale wages; if we use
20 Federal funds then there is the Federal wage determination, if we use State funds then there is State
21 wage determination, and those wages are typically 5% to 10% higher than the market requires. Other
22 things that make it higher are things like we require labor and material payment bonds, performance
23 bonds, insurance, bid bonds and all these other things; so, if we build it then we put it out to bid and
24 those companies and contractors that are bidding on the contract have to provide all of that for us.

25

26 Councillor Pedroza said that is very informative and I would like to have that information in a brief
27 type document.

28

29 Robert Garza said we would be glad to do that for you. It is actually Chapter 23 of our Municipal
30 Code but we will summarize it and get it to you.

31

32 Councillor Pedroza said amenities are what makes our city so attractable and I think it is important
33 that we have some reliable means to continue these amenities. I also think it is important that we
34 have standards so I think we should continue the impact fees and we should not agree to not put any
35 standards because that would be opening the door to them putting whatever they wanted.

36

37 Councillor Smith said the bulk of the packet is labeled as coming from April 2013 but I noticed that
38 a large portion of it is coming from 2011 and so I realize we have moved forward in a lot of areas
39 but one area, Club Fusion, even though it is only half acre and no longer part of our inventory, is
40 listed on page 20, table 6. I think it would be helpful if we had some of the more recent things listed.
41 We all want to see this community thriving with the quality of life, with the parks, with you doing
42 the great job that you do to bring the resources together to make all of things happen and it is
43 unfortunately more of a struggle than any of us think it ought to be. But I do hope that we can be

1 including as much up to date information and as much connectivity both in the trail system and in
2 the park connectivity as well as at the other levels where we're including the input from these folks,
3 as well as the most current survey that we have to make sure we are addressing the needs of the
4 community.

5

6 Councillor Small said I have a couple of concerns with this resolution. First, I'm concerned about
7 the limitation on the infill and second, I'm not sure how this action would either aide or potentially
8 hinder or may be neutral to the perspective of citywide connectivity. It seems important that we have
9 standards because we need to be able to present a level of service that if possible would increase.
10 I am open to creative ways for filling the costs so it doesn't all have to be impact fees by themselves
11 but we do need to have an identified level of service. June 30th is the deadline for this and we do
12 have another regular meeting on June 17th so final action on this could take place at that meeting
13 because I don't think we are at that point today.

14

15 Mark Johnston said in my opinion, having an impact fee gives us leverage on negotiations and our
16 MPO process identifies where the routes should be located. The impact fee was first initiated in 1995
17 and it was proposed to be about \$2,300 per dwelling unit but Council decided to change it to only
18 \$249 per dwelling unit which immediately put us behind the eight-ball so we are slowly coming up
19 but every year we are going backwards.

20

21 Councillor Sorg said I would definitely like to see connectivity and if I have to choose an option for
22 this, I would select Option 2 which is \$2,600 per dwelling unit. I would also like to see something
23 put in it that would ensure the parks are built in a timely manner.

24

25 Steve Chavira, Member of the Public said I am with the Home Builders Association and we would
26 like Council to consider Option 3 or Option 4 because adding an impact fee right now will make it
27 harder to purchase a home for a lot of people.

28

29 Kimbal Hakes, Member of the Public said we've already discussed how developers can build things
30 at a cheaper cost than the City can so a better option would be to allow the developer to do it and
31 be responsible for the park. In 2007-2008 there was a boom in the housing industry and people
32 didn't care if there was a park or not, they just wanted a house. I think by allowing the developer to
33 build the parks it would be more efficient, it'd be less of an administration burden on the City, and
34 it'd be a better use of money.

35

36 Eddie Binns, Member of the Public said I have been a developer for 50 years and I currently have
37 a situation in Rancho Del Rey where I have about 550 homeowners that don't have a park; they paid
38 for a park which I added that cost to the house but from what I understand those funds have been
39 shifted to some other location. At the time of my development I was told that it wasn't necessary for
40 me to set aside land for a park because they were going to take care of it with land from BLM so I
41 didn't set aside any land but money was collected for a park to be built at a later day which has never
42 been done. So, this is a good example of money being collected but then shifted to another site.

43

1 Max Bower, Member of the Public said I am with the Home Builders Association and I just want
2 to take this opportunity to thank all of you for your openness and willingness to meet with all of us.
3 It seems like we are really close to making some decisions and whatever the final outcome is we are
4 still very interested in continuing to work with all of you.

5
6 Councillor Thomas said there is no guarantee that we're not going to go back to the same view that
7 Mr. Hakes talked about regarding people just wanting homes and not needing parks but I do think
8 we need to have some standards and some requirements and I'm more fond of having people being
9 within half a mile of some kind of recreation facility which doesn't necessarily have to be a park.
10 I think Options 1 and 2 do give the developers the option to build the park and then get reimbursed
11 so that seems to me to be perfectly reasonable. I'm concerned about trying to say that subdivision
12 requirements are going to get this done because it doesn't get the connectivity which is the number
13 one thing that people are asking for; we need to have a plan that looks across the whole city. I would
14 like to have a presentation that shows us where the neighborhoods are and where there is and where
15 there isn't a sufficient level of service and what steps can be taken to remedy any problems. I heard
16 the Home Builders Association say they want to work with us but we can't rely on that because it
17 hasn't worked for us in the past. I am concerned about Eddie Binns's situation regarding fees being
18 collected and no park being built. I believe we have to have standards, I believe we need to collect
19 some fees, I believe that the developers can avoid those fees if they agree to put in the park
20 themselves and then we reimburse them. What is the amount of the current Park Impact Fee?

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22 Mark Johnston said it is \$800 per dwelling unit.

23
24 Councillor Thomas asked what do we have in place to make sure these parks are built and that they
25 are built in a strategic location?

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27 Mark Johnston said we utilize the Gap Analysis.

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29 Councillor Thomas said I would like to have a presentation that includes a map that shows where
30 the needs are and what we need to do for the areas that were left without any type of recreation.

31
32 Mark Johnston said the problem was in 1995 it was proposed to collect about \$2,300 per dwelling
33 unit but Council decided to only collect \$249 so since that money was only to be used to put a park
34 in the area in which it was collected there wasn't enough funds available to build a park.

35
36 Councillor Thomas said I am in favor of either Option 1 or Option 2 but I do still want to have a
37 presentation in the future.

38
39 Mayor Miyagishima asked what would be the ramification of tabling this so we can have a work
40 session to discuss it?

41

1 Mark Johnston said we have already extended these fees for a year and we could become in violation
2 of our Development Ordinance which requires action or we'd have to check with Legal to see if a
3 non-determination could be met again.

4
5 Mayor Miyagishima asked does staff feel that Option 1 is still workable?

6
7 Mark Johnston said Option 1, that \$1,300 is directly from the Park Impact Fee Study, that is what
8 our consultants came up with as a cost per residential dwelling unit to provide a service level of 1.54
9 acres at today's dollars.

10
11 Councillor Silva said we have thought about this long enough and I would be comfortable enough
12 to make a decision today. I do agree with Councillor Thomas about having another discussion
13 regarding service gaps at a future date and I also agree that the current \$800 fee is too low. How did
14 they come up with the \$1,300 per dwelling unit?

15
16 Mark Johnston said the number is driven by putting a dollar figure on acreage, on amenities, on
17 community parks, neighborhood parks, regional parks, public pathways, and bicycle trails so when
18 you add all those up there is a cost of about \$4,400 and when you take out the cost for a
19 neighborhood park and the park amenities then it will pull about \$1,300 off of that \$4,400.

20
21 Councillor Silva said I think maintenance is more of a problem for us than additional parks and it
22 is unfortunate that we can't use these fees for maintenance. If I'm not mistaken, we have to spend
23 this in about four to seven years; right?

24
25 Mark Johnston said correct, in seven years. Council does have the ability to redefine the Design
26 Standards in addition to this action so we can take action today and then come back to you to address
27 the Design Standards at a later date.

28
29 Councillor Silva said I am comfortable in saying that the fees do need to be increased and we do
30 need to have a discussion on how many is too many parks because we are having a difficult time
31 maintaining our current parks. It is possible that they can use those fees to add new amenities to an
32 existing park in that area as well. I am comfortable with selecting Option 2 and I do realize that the
33 private industry can build parks at a lower fee so maybe we should amend it to read "our impact fees
34 are going to be \$2,600 per dwelling unit and if they can build them at a lower fee then we could have
35 a minimum of \$1,300 per dwelling." In other words, I think we need to have a high and low amount
36 in partnering up with the private sector.

37
38 Mayor Miyagishima said that makes a lot of sense but it would be difficult to negotiate because the
39 fee is per dwelling unit. My thought process is leaning more toward the selection of Option 1.

40
41 Councillor Small said I'm not convinced that allowing an additional two weeks to discuss possible
42 other paths would not be an option. We have to raise the level of service, we have to make a more
43 attractable city so people would want to come here and I'm not convinced that the only way to do

1 that is through Option 1 or Option 2. The deadline for this is the end of June so there is at least one
2 more regular meeting to be able to discuss it and I think there needs to be a very clear sense
3 communicated about whether or not the combination of Development Standards and level of service
4 is sufficient to raise what is being offered to our citizens or if it is insufficient and there needs to be
5 a raise in the impact fees.

6

7 Mark Johnston said the impact fee is only one small tool in the tool belt and we haven't filled our
8 tool belt with other ways to approach things like how are we going to build a recreation center on
9 the East Mesa? This impact fee is for neighborhood parks only and there are bigger ticket items that
10 need to be looked at as well, but those are outside of this item.

11

12 Councillor Small asked are there ways of having impact fees as an alternative instead of the norm?

13

14 Mark Johnston said yes, there are ways to amend the Design Standards. I have found our
15 development community is really good to work with so a fee could be eliminated and we could
16 count on the development community to put parks in; I think many of them yes but some of them
17 no. So, having a fee or changing the Design Standards where there is a mandatory level of service
18 is something that we would have to have in there.

19

20 Councillor Smith said I know we are at a point where we want to make something decisive happen
21 and move forward. We all agree that our parks are important and that is a great starting place but I'm
22 not hearing that a consensus has been arrived at for the building community or between the City and
23 that group. I realize that two weeks is a very short time-frame and we might be finding ourselves
24 asking the same question in the same way again but I would feel a lot more comfortable if I felt there
25 had been more conversation with the different elements who are stakeholders in this situation and
26 hopefully there would be a point at which we found enough things to agree on but at this point, as
27 much as it is tempting to say "we need this much money to make it happen and we're going to
28 require this much per dwelling unit," I'm not completely comfortable with that scenario at this point.
29 If possible, I would like that in the next two weeks or at a special meeting sometime before June 30th,
30 to be able to say that we really did address as much as possible with the various possibilities but I'm
31 not comfortable with any of the choices today so I'd be perfectly willing to have a special meeting
32 if that was necessary before June 30th.

33

34 Councillor Pedroza said I'm a little bit leery of asking Mr. Johnston to go back to find some other
35 alternatives because this question was put aside a year ago and here we are trying to put it off for
36 another two weeks. I'm not sure that is wise because this issue has been discussed for quite awhile
37 already. We have been told by staff that the impact fees were set at such a low amount that it was
38 destined to fail and there wasn't enough money available to do the things that we need to do. I would
39 choose Option 2 plus a review of the standards.

40

41 Councillor Sorg said I didn't hear any alternatives to what we have before us from any of the
42 developers that spoke today. The growth areas need to have the same level of service as our infill
43 areas and our parks that are located in the center part of the city are heavily used and we even have

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1 some issues with being able to keeping them maintained. I have people in my district that are asking
2 me “where is our park” and I tell them that they have to pay for it so I do think these impact fees
3 have to be higher.

4

5 William Bonsak, Member of the Public said that is a lot of money for Options 1 and 2 and a lot of
6 people don’t have that kind of money. The investors want to build the parks and want Option 3 but
7 you’re not letting them.

8

9 Councillor Thomas said there are a lot of other issues like septic tanks that we are dealing with but
10 this is only for neighborhood parks. Everyone does want parks but we can’t buy them individually
11 so we all have to go in it together. The developers would still have the option to build the parks and
12 then we can reimburse them. I do like Option 2 but I am also willing to go with Option 1 if that is
13 the better compromise but I do think we need to choose one or the other.

14

15 Mayor Miyagishima asked do you think \$1,300 is enough to do a neighborhood park?

16

17 Mark Johnston said yes, Option 1 and Option 2 are enough for neighborhood parks but Option 2
18 raises the level of service from 1.54 acres up to 3 acres.

19

20 Mayor Miyagishima said I would strongly suggest that we favor Option 1.

21

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24 Councillor Silva Moved to Amend Resolution No. 13-161 to support Option 1 and Mayor
25 Miyagishima Seconded the motion.

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29 Councillor Small said there is an agreement to increase standards, there is a desire to be as sensitive
30 as possible to the private sector by saying what we really want is a higher level of service but
31 because of our current times we’re going to compromise with basically half of that level of service
32 which leaves me a bit unsatisfied. I am going to move that we table this until June 17th after this
33 motion. My perspective remains that we need additional time to determine how we get the highest
34 level of service for parks in our community so I will not be supporting the current motion.

35

36 Mayor Miyagishima asked if Option 1 is approved then would we be able to come back in six
37 months to evaluate it?

38

39 Mark Johnston said I believe we would have to take another look at the Land Use Assumptions, the
40 ICIP, and make updates to them again.

41

42 Councillor Thomas said I think if we select Option 1 then that would be the minimum and in
43 negotiations with the developer, if they can build them for less than we can, and they could add

1 additional amenities so I think it is at least worth trying it because it does leave a lot of room for
2 flexibility and it leaves room for the developers to do more if they want to.

3

4 Councillor Silva said I think moving forward with this option is a great starting point and we can
5 also waiver a fee if a certain project comes before us or add to it at some point in the future.

6

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9 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 13-161 to support
10 Option 1 and it Failed. 3-4 Councillor Silva, Councillor Thomas and Mayor Miyagishima voted Aye.
11 Councillor Smith, Councillor Pedroza, Councillor Small and Councillor Sorg voted Nay.

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15 Councillor Small Moved to Table Resolution No. 13-161 to June 17, 2013 and Councillor Smith
16 Secended the motion.

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20 Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 13-161 to June 17,
21 2013 and it Failed. 3-4 Councillor Smith, Councillor Pedroza and Councillor Small voted Aye.
22 Councillor Silva, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Nay.

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26 Councillor Thomas Moved to Amend Resolution No. 13-161 to adopt Option 2 and Councillor Sorg
27 Secended the motion.

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31 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 13-161 to adopt
32 Option 2 and it was Approved. 4-3 Councillor Silva, Councillor Pedroza, Councillor Sorg and
33 Councillor Thomas voted Aye. Councillor Smith, Councillor Small and Mayor Miyagishima voted
34 Nay.

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38 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-161 as
39 Amended and it was Approved. 4-3 Councillor Silva, Councillor Pedroza, Councillor Sorg and
40 Councillor Thomas voted Aye. Councillor Smith, Councillor Small and Mayor Miyagishima voted
41 Nay.

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(7) Resolution No. 13-162: A Resolution Approving a Master Agreement Between the City of Las Cruces and Mesilla Valley Community of Hope (MVCH), a New Mexico Non-profit Organization, for Use of the Property Purchased Through the City's Neighborhood Stabilization Program (NSP). The Resolution Also Approves the Transfer of Deed for the Property From the City to MVCH. (PACKET NOT AVAILABLE)

Removed from Agenda.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Patrick Ramirez (VFW Post 10124) to the Veterans Advisory Board. Councillor Smith Moved to Approve Mayor Miyagishima's board appointment of Patrick Ramirez (VFW Post 10124) to the Veterans Advisory Board and Councillor Small Seconded the motion.



Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of Patrick Ramirez (VFW Post 10124) to the Veterans Advisory Board and it was Unanimously Approved. 7-0

Mayor Miyagishima reappointed Felix Vega (Eastside Center Representative) and appointed Sharlene Wittern (Munson Center Representative) to the Senior Programs Advisory Board.

Councillor Small Moved to Approve Mayor Miyagishima's board reappointment of Felix Vega (Eastside Center Representative) and board appointment of Sharlene Wittern (Munson Center Representative) to the Senior Programs Advisory Board and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board reappointment of Felix Vega (Eastside Center Representative) and board appointment of Sharlene Wittern (Munson Center Representative) to the Senior Programs Advisory Board and it was Unanimously Approved. 7-0

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Mayor Miyagishima appointed Susan G. Landin (Property Owner/Business Owner position) to the University District Citizen’s Design Review Committee.

Councillor Smith Moved to Approve Mayor Miyagishima’s board appointment of Susan G. Landin (Property Owner/Business Owner position) to the University District Citizen’s Design Review Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima’s board appointment of Susan G. Landin (Property Owner/Business Owner position) to the University District Citizen’s Design Review Committee and it was Unanimously Approved. 7-0

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

(8) Council Bill No. 13-029; Ordinance No. 2684: An Ordinance Repealing LCMC 1997, Chapter 10, Farmers and Crafts Market, Sections 10-1 Through 10-43 in its Entirety and Placing the Chapter in Reserve.

Mayor Miyagishima and Council agreed to bring this item back.

X. CITY COUNCIL MEMBER BOARD REPORTS

There were no board reports given.

XI. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said if there is a consensus I would like to possibly create another Mayor’s Advisory Board regarding either the film commission or film industry.

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3 b.) City Council

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5 Councillor Thomas passed.

6

7 -----

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9 Councillor Sorg passed.

10

11 -----

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13 Councillor Small said just as a quick reminder, any place where water collects is a breeding ground
14 for mosquitos so please look around your yards and eliminate those places.

15

16 -----

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18 Councillor Pedroza said I just want to thank the Parks and Recreation for adding more port-a-potties
19 at Young Park.

20

21 I want to remind everyone that on Saturday, June 15th there will be a car show at Young Park and
22 there will also be the NAACP Juneteenth Celebration.

23

24 I want to thank the Dona Ana, I forgot their name, but they have planted a lot of trees.

25

26 The whole issue of immigration reform is coming to the front burner and I want to thank the Las
27 Cruces Police Department on the stand that they take on this issue.

28

29 -----

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31 Councillor Smith said I'm not sure how we are to interact with the advisory boards but I would
32 appreciate it if we could hear from our Veterans Advisory Board and maybe we can hear from all
33 of our advisory boards on an annual basis.

34

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37 Councillor Silva said I attended the Main Street Conference in New Orleans on April 14th thru 16th
38 and the theme of the conference was culture economy. Culture is one of our assets and we need to
39 take advantage of our assets. You can find all the information on the different sessions that they
40 offered at the Main Street National Conference website.

41

42 I want to thank the Parks Department for the Movie in the Park. I think we had on average about 400
43 to 500 people per viewing so it was really a great success. The reason we don't continue the movies

1 is due to the timing of the sunset because now the sun doesn't really set until about 9:00 p.m. but
2 we are looking at doing a Movie under the Stars event at the Downtown Mall.

3

4 I also want to commend the Parks Department for the Music in the Park event which are also very
5 successful events.

6

7 The fire truck has been moved from Klein Park to the City yard on Hadley. We had a neighborhood
8 meeting last week and we came up with three options for the fire truck which are to refurbish it and
9 return it to the park, or refurbish it and put it in a museum, or give it to a private group in town and
10 let them refurbish it. Our new Risk Manager Carl Conley made a great presentation regarding the
11 fire truck and I would like to have him give Council that presentation at one of our meetings.

12

13 Last week many of us attended the Healthy Kids Las Cruces Anniversary event and I want to thank
14 everyone who was involved with that event. Carrie Bachman is a Nutritionist with NMSU and I
15 would like for us to have a work shop regarding fast food zones and have Carrie give Council a
16 presentation at that meeting.

17

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19

20 c.) City Manager

21

22 Robert Garza, City Manager said we are preparing for our Work Session next Monday and we will
23 only be discussing the Hold Harmless issue.

24

25 Last Friday I went to Santa Fe to attend a Tax Task Force meeting and I am working on a recap of
26 that meeting to give to Council.

27

28 PIO has a new series called "City Jobs" which is available on our website.

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32 Meeting Adjourned at 4:03 p.m.

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