



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

Regular Meeting

**July 1, 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 via telephone

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

DRAFT

I. OPENING CEREMONIES

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

28 Presentation of Certificates of Appreciation/Proclamations.

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

33 Councillor Silva presented a Proclamation and wooden key to Terry McCatherin, Jack Burroughs,
34 along with other vendors and declared July 1, 2013 as Farmers and Crafts Market of Las Cruces Day.

36 Councillor Silva presented a Proclamation to Donald Booth and the Grimes family and declared July
37 5, 2013 as Lula Yancy Grimes Day.

IV. READ JUNE 17, 2013, CLOSED MEETING STATEMENT INTO RECORD

1 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
2 Closed Session at 5:30 p.m. on June 17, 2013. The following were in attendance: Mayor
3 Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor
4 Sorg, Councillor Thomas, City Manager Robert Garza, Assistant City Manager Brian Denmark,
5 Assistant City Manager Mark Winson, City Attorney Harry (Pete) Connelly, Deputy City Attorney
6 Rusty Babington, Parks and Recreation Director Mark Johnston, Planner Susanna Montana, and
7 Community Development Director David Weir. The meeting adjourned at 6:10 p.m. and only those
8 limited items stated in the posted notice were discussed which was the sale or exchange of real estate
9 with Park Ridge Development.

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

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

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20 No conflicts were noted.

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24 Kevin Dasing, Chairman gave a verbal presentation regarding the Veterans Advisory Board.

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28 **III. PUBLIC PARTICIPATION**

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30 George Pearson, Member of the Public said the MPO has put out a call for projects for the
31 Transportation Alternative Program so I hope the City will do whatever is necessary to keep the Safe
32 Routes to School Program through the Transportation Alternative Program.

33

34 The Las Cruces Bicycle Ordinance went into effect on January 1st and there was supposed to be a
35 period of public education but I still haven't noticed any education being done. One of the things that
36 is required is that bicyclists dismount their bicycles and walk them across crosswalks as a pedestrian
37 but there still is no signage to inform them of this requirement.

38

39 I also want to mention that the Main Street Movie was a great event and I hope it continues.

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1 Councillor Sorg Moved to allow Councillor Thomas to attend the meeting via telephone and
2 Councillor Smith Seconded the motion.

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6 Mayor Miyagishima called for the roll on the Motion to allow Councillor Thomas to attend the
7 meeting via telephone and it was Unanimously Approved. 7-0

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

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15 Councillor Smith Moved to Approve the Agenda and Councillor Sorg Seconded the motion.

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

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24 **VI. CITY COUNCIL MINUTES**

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26 *(1) Regular Meeting of June 3, 2013

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

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32 *(2) Resolution No. 14-001: A Resolution Amending Resolution No. 13-069 and Providing for
33 Determination of Reasonable Notice of Meetings of the City Council and Its Boards and
34 Committees for the Remainder of Calendar Year 2013.

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36 *(3) Resolution No. 14-002: A Resolution Authorizing a Biennial Memorandum of
37 Understanding Between the City of Las Cruces, the New Mexico Mainstreet Program, and
38 the Downtown Las Cruces Partnership.

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40 *(4) Resolution No. 14-003: A Resolution Approving and Accepting a Grant Agreement
41 Between the City and the State of New Mexico Children, Youth, and Families Department
42 (CYFD) in the Amount of \$275,000.00 for the Doña Ana County Juvenile Justice

1 Continuum. The Resolution Authorizes the City Manager to Sign the Agreement on the
2 City's Behalf and Further Authorizes Staff to Develop and the City Manager to Execute the
3 Necessary Sub-Agreements with Outside Partnering Entities of the Continuum for Eligible
4 Grant Activities for FY2014.

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6 *(5) Resolution No. 13-14-301: A Resolution Awarding the Bid for the 2013/2014 Hot Mix for
7 Overlay to Jobe Materials, L.P., of El Paso, Texas, in the Amount of \$212,800.00, Plus
8 \$16,093.00, for New Mexico Gross Receipts Tax; the City Manager is Authorized to
9 Approve Change Orders in an Amount Not to Exceed \$10,640.00, for a Total Authorization
10 of \$239,533.00.

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14 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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16 (6) Resolution No. 14-004: A Resolution Approving the Issuance of a Waiver of the
17 Church/School Distance Restriction for a Small Brewer's Liquor License, With On-Premise
18 Consumption and Package Sales, to Roadrunner Brew House LLC D/B/A Roadrunner Brew
19 House to be Located at 901 East University Avenue, Building 945A, Las Cruces, New
20 Mexico.

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22 Councillor Smith Moved to Approve Resolution No. 14-004 and Councillor Sorg Seconded the
23 motion.

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27 Robert Garza, City Manager said there were no public concerns submitted regarding this proposal.

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29 Councillor Smith said I do want to note that the University was one of the people contacted so I
30 wanted to know if the University has expressed any type of concerns for this item or do we assume
31 that they are okay with it since we did not hear back from them?

32
33 Mayor Miyagishima said I have been on Council since 2001 and we have not yet turned down a
34 liquor license application. Oh ya, there was one that was turned down.

35
36 Councillor Smith said thank you, and I assumed that wasn't an issue. I just wanted to make sure we
37 were contacting all the interested parties.

38
39 Councillor Sorg said so the University has not responded at all.

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41 Harry (Pete) Connelly, City Attorney said I personally contacted the University Counsel by telephone
42 and he acknowledged that he had received the information regarding this matter and he didn't
43 comment on it one way or the other.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-004 and it was Unanimously Approved. 7-0

(7) BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-005; A PUBLIC HEARING MUST BE HELD.

Mayor Miyagishima opened the Public Hearing for Resolution No. 14-005 and asked if there was anyone who wished to speak against this item?

No one spoke for or against this item.

Mayor Miyagishima closed the Public Hearing for Resolution No. 14-005

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Resolution No. 14-005: A Resolution Approving the Issuance of a Small Brewer’s Liquor License, With On-Premise Consumption and Package Sales, to Roadrunner Brew House LLC D/B/A Roadrunner Brew House to be Located at 901 East University Avenue, Building 945A, Las Cruces, New Mexico.

Councillor Sorg Moved to Approve Resolution No. 14-005 and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-005 and it was Unanimously Approved. 7-0

(8) Resolution No. 14-006: A Resolution Authorizing a Memorandum of Understanding Between the City of Las Cruces and the Downtown Las Cruces Partnership for Planning and Development Services Related to Downtown Revitalization in the Amount of \$70,000.00 Per Year, Which Includes Gross Receipts Tax, for a Period of Two Years.

Councillor Small Moved to Approve Resolution No. 14-006 and Councillor Sorg Seconded the motion.

1 Andy Hume, Senior Planner gave an overhead presentation and said one of the things that is crucial
2 for going forward with this is that there is a financial investment on the part of the City of \$70,000
3 per year for the next two fiscal years. Since today is the first day of the next fiscal year, these funds
4 have already been adopted into that fiscal year's budget.

5

6 Carrie LaTour, Executive Director of the Downtown Las Cruces Partnership gave a verbal
7 presentation and said we want to thank the City of Las Cruces for continuing our coordinated effort
8 in making the Downtown happen. Some of the things we are doing for you is we are serving as a
9 liaison between the Downtown stakeholders and the City and we are also educating the public on
10 what the City has done for the Downtown. We also coordinate Downtown events and we are open
11 to helping with the Movies on Main Street event. We are also open to helping other organization
12 who need assistance for doing an event in the Downtown.

13

14 Councillor Sorg asked what is the status of the Camuñez Building?

15

16 Carrie LaTour said we were awarded \$100,000 in Capital Outlay funds so we have been working
17 with City staff and we are in the process of getting quotes for services that need to be done to the
18 building.

19

20 Councillor Sorg asked what is that status of the Plaza?

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22 Carrie LaTour said I don't have any updates available for the Plaza at this time.

23

24 Councillor Smith said I do think that there are things happening Downtown and it is important that
25 we continue to highlight that but if it's not happening fast enough then that could be another story.
26 It is exciting to see the Farmers and Craft Market going forward independently and the conversations
27 will continue about things like the Plaza. Regarding the finances, would it be possible, since I know
28 it is expensive to keep the operation going and doing everything; is there a possibility outside of the
29 \$70,000 that the City is paying to the Las Cruces Downtown Partnership, is there a possibility that
30 there could be other services which the City could be charged or are all services done by your
31 organization to be paid for with the \$70,000?

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33 Carrie LaTour said we'd be open to being able to offer more services and I guess we would have to
34 do a needs assessment to find out what the City feels they could use us for, for the Downtown. The
35 funds that you are supplying us is about half of our budget and we take in grants and private
36 donations.

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38 Robert Garza, City Manager said I just want to say that the total amount we are paying to the
39 Downtown Partnership will be \$70,000 and there are no triggers for paying any additional amounts.

40

41 Councillor Smith said we have a set amount of expectations and that is what is being paid for with
42 this MOU but they do have connections with other organizations and expertise so is it possible that

1 the City might at some point contract for additional services?

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3 Robert Garza said I think that is always a possibility but if we did take additional things on then that
4 would be subject to a contract amendment which would come back before Council.

5

6 Councillor Silva said I think one of your bigger roles is being the liaison for the Downtown and the
7 City. You all are a key component in keeping things happening Downtown and I really appreciate
8 all the work that you all do. I think the \$70,000 is well worth the investment and it would be nice
9 if we added a little bit more to it.

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13 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-006 and it was
14 Unanimously Approved. 7-0

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18 (9) Resolution No. 14-007: A Resolution to Accept the Donation of a Used Ambulance From
19 American Medical Response.

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21 Councillor Sorg Moved to Approve Resolution No. 14-007 and Councillor Smith Seconded the
22 motion.

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26 Councillor Pedroza said I don't consider this a conflict of interest but I want to disclose that my son
27 is the Director of American Medical Response.

28

29 Chief Brown, LCFD gave an overhead presentation and said this is a donation of a 2007 ambulance
30 with a little over 252,000 miles on it, from American Medical Response. If this unit is accepted then
31 it will be added to our fleet and we will stripe it to look like a Fire Department unit. It has been
32 looked over by our Fleet Department and they have found no major problems with the unit. This unit
33 would be housed at Fire Station Two which is our busiest station, and it would be used to respond
34 to predetermined call types that generally two people can handle. Some of the types of calls that
35 would be responded to with this unit would be for abdominal pain, minor falls, eye pain, ill person;
36 those types of calls that normally don't call for transport or need four or five people to respond to
37 it. We are not getting into the transport business so we will not be responding and taking individuals
38 to the hospital but this could be used for transporting only when a critically ill or critically injured
39 person needs transportation in cases where there is an ambulance overload and no other units are able
40 to respond. Most of our units are available 24 hours a day but we will only have this unit available
41 from 8:00 a.m. to 8:00 p.m. which is our highest call period and it will be cheaper to have it available
42 for 12 hours a day instead of the regular 24 hours a day.

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2 Councillor Smith said just to be clear, we are not getting into competition with the other ambulance
3 companies; correct?

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5 Chief Brown said that is correct but if we do need to transport a critical patient then we are
6 potentially taking away a revenue source because that patient will not be billed for that service since
7 it is being provided by us as apposed to American Medical Response. We are not in competition with
8 them but there could be a situation where our transport could result in some minor revenue loss.

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10 Councillor Smith said I do appreciate them doing this and I think we will all recognize that this will
11 be a better service. Typically the Fire Department is one of the first to respond to situations so it'll
12 also be more efficient to be able to respond in this unit instead of the big fire engine. I think this is
13 a great idea and a great project and I anticipate that it will do well.

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15 Councillor Silva said I think this will save the City a lot of money in the big picture and I think this
16 is something that has been overdue for a long time.

DRAFT

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20 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-007 and it was
21 Unanimously Approved. 7-0

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25 (10) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-008;**
26 **A PUBLIC HEARING MUST BE HELD.**

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28 Mayor Miyagishima opened the Public Hearing for Resolution No. 14-008 and asked if there was
29 anyone who wished to speak against this item?

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31 No one spoke for or against this item.

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33 Mayor Miyagishima closed the Public Hearing for Resolution No. 14-008

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35 Resolution No. 14-008: A Resolution Authorizing the Re-Issuance of a Proclamation
36 Declaring Extreme or Severe Drought Conditions Within the City Limits and Continuing
37 Restrictions on the Use of Fireworks Within the City Limits.

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39 Councillor Smith Moved to Approve Resolution No. 14-008 and Councillor Pedroza Seconded the
40 motion.

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Ted Sweetser, Fire Marshal gave an overhead presentation and said on June 3rd Council approved a Proclamation that limited fireworks to paved or barren surfaces and/or with a readily available water source and that Proclamation expires on July 3rd therefore I am here today to ask for another 30 day Proclamation. We are currently still in extreme drought conditions and this will not restrict permitted public displays or the sale of permitted fireworks but it will restrict the use of fireworks to areas that are paved, barren and/or have a readily available water source.

Councillor Smith said we have gotten some rain but that still isn't enough; correct?

Ted Sweetser said that is correct.

Councillor Smith said we don't want to put folks in danger and we certainly don't want to put our community in danger.

Councillor Sorg said I heard that school properties are also not allowed to have fireworks on it; is that correct?

Ted Sweetser said I spoke with Todd Gregory who is the Head of Security for Las Cruces Public Schools and he did state that fireworks are banned from all school premises.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-008 and it was Unanimously Approved. 7-0

(11) Council Bill No. 13-030; Ordinance No. 2685: An Ordinance Amending the Las Cruces Municipal Code, Section 2-27(C)(2)B and 2-27(C)(3)B Concerning *Rules of Order, Procedure*, and Therefore Complying with the Open Meetings Act.

Councillor Small Moved to Approve Council Bill No. 13-030; Ordinance No. 2685 and Councillor Sorg Seconded the motion.

Harry (Pete) Connelly, City Attorney said this is an amendment to the Municipal Code regarding the Rules of Order and Procedure to enact the three day provision which was just passed by the Legislature and goes into effect on July 1st.

1 Mayor Miyagishima said so basically in order for us to have a meeting we have to give 72 hour
2 notice.

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4 Harry (Pete) Connelly said correct.

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6 Councillor Smith said so essentially we are required by State law to do this at this point and it is
7 basically a housekeeping type thing.

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9 Harry (Pete) Connelly said correct.

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13 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 13-030;
14 Ordinance No. 2685 and it was Unanimously Approved. 7-0

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20 **IX. BOARD APPOINTMENTS**

21 There were no board appointments.

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

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27 There were no proposed ordinances.

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31 **XI. CITY COUNCIL MEMBER BOARD REPORTS**

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33 There were no City Council Member Board Reports.

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37 **XII. GENERAL DISCUSSION**

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39 b.) City Council

40
41 Councillor Silva said I want to thank the Downtown businesses for hosting the classic movie on
42 Main Street. We had about 100 people come out and we have received a lot of great feedback.

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1 I want to wish everyone a happy and safe 4th of July.

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5 Councillor Smith said regarding our 1st Amendment Rights, when we receive resolutions for the
6 good work that some in our community have done, sometimes they come with what seems to be an
7 endorsement of a particular religious faith and that might be uncomfortable for some and might seem
8 like an endorsement of a particular religion so I would hope that we could be cautious in that regard.

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10 I hope we all have a wonderful and safe celebration of our Nation's independence.

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14 Councillor Pedroza said I just want to wish everyone a safe and happy holiday.

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18 Councillor Small said regarding the Border Book Festival, I think it would be very beneficial to have
19 them give Council a presentation.

20

21 I want to remind everyone that along with our much needed rain comes the issues with mosquitos
22 so please be sure to check for even small amounts of water collection where mosquitos can breed.

23

24 Regarding the Mortgage Finance Authority, they have a lot to do with several housing projects
25 within our city so I asked them to give us a presentation on all the ways they can help communities
26 and we are in the process of scheduling that presentation.

27

28 We have so many water experts in our community that I think we should have a type of public forum
29 to discuss things like water issues and policies; especially during our time of drought.

30

31 I'd like to wish everyone a happy 4th and remember to come out to our 4th of July celebration.

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35 Councillor Sorg said I attended a conference on water issues and I agree that we need to get that
36 information out to the public.

37

38 At our last meeting the City Manager spoke about the Tax Task Force and I would like to see a recap
39 of that item.

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1 Councillor Thomas said I want to thank everyone who attended the Scott Bernstein talk last week
2 on how to lower the cost of living for people in our area.

3

4 I have received a lot of emails lately regarding how zone changes are handled so maybe the City
5 Manager can put something in a newsletter or put something on our website regarding that process.

6

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9 a.) Mayor

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11 Mayor Miyagishima said the County is having their election on July 31st so we will wait until August
12 1st to start advertising for our district meetings.

13

14 I'd like to wish our residents a happy 4th of July.

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18 c.) City Manager

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DRAFT

20 Robert Garza, City Manager said I want to remind you that we do have a closed meeting
21 following this meeting.

22

23 There was a lot of misunderstanding regarding our utility write-offs so I want to make it clear
24 that those debts were not forgiven by the City and we are continuing with our collection process
25 for those accounts.

26

27 I want to mention that City Hall and all the City Administrative Offices will be closed for the 4th
28 of July.

29

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32 Councillor Smith Moved to Adjourn and Councillor Sorg Seconded the motion.

33

34 Mayor said all of those in favor signify by saying "Aye."

35

36 Council said "Aye."

37

38 Meeting Adjourned at 3:01 p.m.