



City Council
of the
City of Las Cruces

Regular Meeting

September 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

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

I. OPENING CEREMONIES

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

Paul Ford, Firefighter sang the National Anthem.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima presented the Mayor's Citation for Community Service to Steven Smith.

Councillor Sorg presented a Proclamation to Steve De Julio and declared September 2013 as International Literacy Awareness Month.

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.*

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2 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?
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4 There were no conflicts of interest.

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8 **III. PUBLIC PARTICIPATION**
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10 Ryan Dailey, Member of the Public said I just want to say how much we are going to miss Chief
11 Williams after his retirement.

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13 Penny Duke Baca, Member of the Public said I'm here regarding Case Z2863 which is the rezoning
14 of some property on East Madrid. I am the property owner of 140 East Madrid and I do have a barber
15 shop on that property which has been there for 13 years. The rezoning is for 150 East Madrid which
16 is across the street and I believe the reason they want this zone changed is because they want to put
17 a barber shop on that property. That would make four hair salons within walking distance between
18 Main Street and Solano on Madrid. This being directly across the street from my property I feel it
19 would be detrimental to the business that is one my property. I would ask that Council consider the
20 impacts of having four hair salons within walking distance from each other before granting the zone
21 change or building permit for this new barber shop

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

29 Mayor Miyagishima said Items 4, 6, 10, 11, 14 and 15 need to be removed from the Consent Agenda
30 for discussion.

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34 Councillor Silva Moved to Approve the Agenda as Amended and Councillor Small Seconded the
35 motion.

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

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- 1 **V. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**
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- 3 *(1) Resolution No. 14-035: A Resolution to Adjust the Adopted Fiscal Year 2014 Budget
4 Allowing for Carry Over Budget of Operating and Capital Costs From Fiscal Year 2013 for
5 the City of Las Cruces, New Mexico.
6
- 7 *(2) Resolution No. 14-036: A Resolution Authorizing the City of Las Cruces, on Behalf of Its
8 Police Department, to Enter into a Mutual Gang and Special Task Force Units and
9 Emergency Response Agreement With the City of Sunland Park and to Ratify the City
10 Manager's Signature on the Agreement.
11
- 12 *(3) Resolution No. 14-037: A Resolution Authorizing the City of Las Cruces, on Behalf of Its
13 Police Department, to Enter Into a Service Agreement for School Resource Officers With
14 the Board of Education for the Las Cruces Public Schools, to Ratify the City Manager's
15 Signature on the Agreement, and to Adjust the FY14 Budget.
16
- 17 *(5) Resolution No. 14-039: A Resolution Approving the Vacation of Right-Of-Way of Hopi
18 Court, Nidah Drive, Raven Drive, Isleta Court, Tewa Court and Yavapai Court Located
19 Within the Pueblos at Alameda Ranch, Phase 2 Subdivision. Submitted by the Homeowners
20 Association, Pueblos at Alameda Ranch Association Inc.
21
- 22 *(7) Resolution No. 14-041: A Resolution Establishing an Unlimited Access Agreement Between
23 New Mexico State University (NMSU) and the City of Las Cruces (City) for the Provision
24 of Transit Service for the 2013-2014 School Year and to Adjust the FY14 Budget.
25
- 26 *(8) Resolution No. 14-042: A Resolution Approving Roadrunner Transit's Title VI Program.
27
- 28 *(9) Resolution No. 14-043: A Resolution Authorizing La Calerita Construction LLC, General
29 Contractor for the New Mexico Department of Transportation Interstate 10 and New Mexico
30 State Road 28 Interchange Project, to Work Outside of the Hours of 7:00 A.M. to 6:00 P.M.
31 as Required by the City of Las Cruces Municipal Code, Section 19-131.
32
- 33 *(12) Resolution No. 12-13-440: A Resolution Authorizing a Contract Between the City of Las
34 Cruces and Studio D Architects, P.A., for Architectural Services for the Castañeda Service
35 Center Renovations, CLC RFP No. 12-13-440 for a Fee of \$58,571.00, Plus an Allowance
36 of \$4,429.43 for Gross Receipts Tax and an Authorized Change Order Contingency of
37 \$5,857.00; for a Total Authorization of \$68,857.43.
38
- 39 *(13) Council Bill No. 14-006; Ordinance No. 2691: An Ordinance Amending the Las Cruces
40 Municipal Code, Section 2-189(B)(3) Concerning Meetings for Boards.
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VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION

* (4) Resolution No. 14-038: A Resolution Re-Appointing Members to the New Mexico Municipal Energy Acquisition Authority Board of Directors.

Councillor Small Moved to Approve Resolution No. 14-038 and Councillor Sorg Seconded the motion.

Councillor Pedroza said I just wanted to get a little more information regarding the Municipal Energy Acquisition Authority.

Jorge Garcia, Utilities Director said it is a group of cities that got together to acquire long-term gas supplies. It is an administrative function of the different cities and we get together once or twice a year to manage the long-term gas contract.

Councillor Pedroza asked does that relate to a gas savings for the cities involved?

Jorge Garcia said yes, we get a discount on the market price by buying in large amounts. We get about 8% of our gas from this contract.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-038 and it was Unanimously Approved 7-0

* (6) Resolution No. 14-040: A Resolution Approving a Settlement Agreement Between the Boulders at Sonoma Ranch Homeowners Association and the City of Las Cruces.

Councillor Thomas Moved to Approve Resolution No. 14-040 and Councillor Sorg Seconded the motion.

Councillor Sorg said as I understand it, this resolution will turnover the maintenance of those streets to the City; correct?

1 Lisa Murphy, Transportation Director said no, that is not correct. The maintenance of the streets will
2 still remain the responsibility of the Boulders Homeowners Association. This agreement only allows
3 for a one-time only surface treatment to the streets in that gated community.

4
5 Councillor Sorg said we are doing this because of broken waterlines under the streets; correct?

6
7 Lisa Murphy said that is correct.

8
9 Councillor Sorg said when will this be done?

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11 Lisa Murphy said we have to wait for the streets to be in poor enough condition that the surface
12 treatment will adhere which should be in about three years.

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16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-040 and it was
17 Unanimously Approved 7-0

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21 *(10) Resolution No. 14-044: A Resolution Supporting the Balanced Renewable Energy Policy
22 Adopted by the New Mexico Public Regulation Commission.

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24 Councillor Small Moved to Approve Resolution No. 14-044 and Councillor Thomas Seconded the
25 motion.

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29 Councillor Pedroza said I wanted to know if the Renewable Energy Policy that was adopted stated
30 that we supported it?

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32 Councillor Small said there is a case pending at the Public Regulation Commission that deals with
33 two interpretations that the PRC has; one concerns the diversity requirement which the PRC is
34 recommending getting rid of that requirement and this resolution states we are in support of keeping
35 that requirement. Additionally, there is something called "the reasonable cost threshold" which is
36 how costs are calculated and the PRC's definition of that has prevented utilities in communities from
37 taking advantage of some of the new renewable energy opportunities so this resolution states that
38 what was put in place has worked well in a number of different areas and the balanced approach is
39 to keep that consistent.

40
41 Councillor Thomas said so we are talking about distributed energy here; correct?

42
43 Councillor Small said exactly.

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2 Councillor Thomas said then I support that.

3
4 Councillor Smith asked does this directly connect to the transmission line that was cutting across the
5 northern part of White Sands?

6
7 Councillor Small said no.

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11 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-044 and it was
12 Unanimously Approved 7-0

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16 *(11) Resolution No. 12-13-373: A Resolution to Approve an Amended Price Agreement With
17 Moetiv8 Marketing, Inc. Of Hallandale, Florida for a Projected Cost Not to Exceed \$88,000
18 Plus Applicable Taxes for Graphic Design, Destination, and Direct Media Purchases, With
19 Authorization for Direct Media Purchases Limited to \$500,000 Per Fiscal Year, Subject to
20 Available Budget.

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22 Councillor Thomas Moved to Approve Resolution No. 12-13-373 and Councillor Small Seconded
23 the motion.

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26
27 Councillor Silva said I have some major concerns with this increase in fees. It seems that when we
28 first approved this contract it was for \$44,000 and there were two bidders of which one was a local
29 bidder and the other one was from Florida. Now it looks like they are asking to almost double the
30 price of the contract for the second year. I'd like to know what we are receiving for the additional
31 cost of the contract?

32
33 Philip San Filippo, Executive Director of the Convention and Visitors Bureau said the initial contract
34 was just to start the re-branding process and the second one is to do a complete rollout of the brand
35 so everything has to be changed and adjusted to set-up the new brand. By the way, when we were
36 working with the last advertising agency we were paying them \$72,000 plus commissions which cost
37 us somewhere around \$150,000 a year so this is about half the price of our last contract.

38
39 Councillor Silva said this Council has really pushed to support local businesses and given that we
40 are doubling the amount of this contract, I would like to table this until September and maybe ask
41 other members that provide this service to come forth and see if they can either match the \$88,000

1 or do it for \$79,000 minus the commission fees. This states that they would be coordinating and
2 completing media buys which I don't see why we can't do that in-house.

3
4 Mayor Miyagishima said I have always said we need to stay away from the two "Ps" which are
5 personnel and procurement. We have the processes in place and I think for us to open this up would
6 set a precedence that I don't think this Council wants to get into.

7
8 Councillor Silva said I don't see the logic in double this contract for labor when we already are going
9 to be paying them \$44,000. Sometimes firms will low bid a contract just to get it then increase it
10 after that so to double this contract just doesn't make sense to me.

11
12 Philip San Filippo said we've already started the process and there is still a lot of work that needs
13 to be done on our website. When we did the bidding process it wasn't strictly based on price; we also
14 asked for companies with destination marketing experience and that's why the company that was
15 chosen won.

16
17 Councillor Silva said I would think that there would be a company at least in this state that can do
18 that work and has that type of experience.

19
20 Philip San Filippo said we did have a company that was located within the state and we were
21 disappointed with them.

22
23 Councillor Silva said I would like to bring this forth and see if there are any local companies.

24
25 Philip San Filippo said the cost of the contract has increased but we are also asking more of them
26 because now we have to build on what we have in place.

27
28 Councillor Silva said that concerns me even more because if that is the case then next year the
29 contract will probably increase even more. If anything, I would like for this to come back and maybe
30 even have a work shop to discuss it.

31
32 Mayor Miyagishima said we need to remember that this is CVB money and not General Fund money
33 so it's not taking away from the operations of the City. I still think that would be setting a precedence
34 that we wouldn't wish to do.

35
36 Councillor Small said I do think it would be worthwhile to see the process that has taken place to
37 get to this point and the measurables and matrixes that would come from the second portion of this
38 contract.

39
40 Philip San Filippo gave an overhead presentation and said in January 2013 the CVB Advisory Board
41 approved the new branding. The current CVB contract with Moetiv8 included graphic design
42 services and re-branding consultation and because of the expanded marketing efforts and re-branding

1 process, CVB has already allocated the total amount of the contract to continue with the expanded
2 marketing efforts. I want to stress that if we don't move forward one way or the other then we would
3 be without advertising for a few months which would put us in a bad situation.

4

5 Robert Garza, City Manager said this was put out in an RFP through our Purchasing Department in
6 November 2012 and as part of that solicitation for bids we do give a local bid preference. Today you
7 are being asked to take a contract that I approved because it was under \$50,000 and help spin it into
8 a different direction. We think there is a lot more work that needs to be done and this is a pricing
9 agreement so we will only be paying for services as needed. Mr Filippo is just asking to be given
10 permission to spend up to an additional amount that he thinks is reasonable for the rest of the year.

11

12 Councillor Smith said I can appreciate the question about the amount of money however I do think
13 that the Mayor's point about procurement and personnel has to be well taken. I do appreciate the new
14 logo and I think it more appropriately represents Las Cruces. I couldn't get into the thick of what a
15 reasonable price would be but I know a few years ago the branding for Downtown cost something
16 like a quarter of a million dollars and it didn't seem like there was that much of a result from the
17 amount of money being spent.

18

19 Councillor Thomas said I think what we are hearing is some dissatisfaction with past marketing.
20 Whenever I go out of town there are flyers from other cities but not ours. I think we need a little
21 more assurance so it would have been helpful to have some examples of what this company has done
22 in the past or to see how what they are doing fits into the overall plan.

23

24 Philip San Filippo said I share your anxiety and that is exactly why we are doing what we are trying
25 to do. We need to do a better job in competing with places like Albuquerque and Santa Fe and the
26 only way we can do that is by having a professional marketing approach. We are about two to three
27 years behind our competitors and that's why things like social apps and social media are essential
28 for the destination marketing business.

29

30 Councillor Small said I appreciated seeing your presentation. It's good that you have been able to
31 keep increases strictly limited to work product and to new marketing. So based on all of that I
32 certainly would feel comfortable with moving forward with this today.

33

34 Councillor Pedroza said it seems to me that there a lot of interesting things going on in our area, like
35 the Film Festival and the Wine Festival, and I think it would be a good idea to do marketing so
36 people would know what they can do here. Would this marketing let people know the events as well?

37

38 Philip San Filippo said one of the things we learned from the focus groups is that people need a
39 reason to come here so events are very important to our marketing plan.

40

1 Councillor Silva said it seems to me that expanding the website should have been include in the
2 \$49,000 that we are already paying. I would think that in doubling this contract it becomes a new a
3 contract and I find it hard to believe that there is no one locally who can do it.

4
5 Tamie Smith, Member of the Public said the cost bothers me and the fact that we have local people
6 in graphic arts and yet we are using a company from Florida. I think you need to support our art
7 community and I agree with the suggestion of tabling this until you can look into it a little bit more.

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11 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 12-13-373 and it
12 was Approved 5-2 Councillor Smith, Councillor Small, Councillor Sorg, Councillor Thomas and
13 Mayor Miyagishima voted Aye. Councillor Silva and Councillor Pedroza voted Nay.

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17 *(14) Council Bill No. 14-007; Ordinance No. 2692: An Ordinance Approving a Zone Change
18 From R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2 (Office,
19 Professional - Limited Retain Service) on 0.35 ± Acres of Land Located at 330 E. Boutz
20 Road. Submitted by Nava-Tech Inc. On Behalf of Thomas A. & Janet L. Paz, Property
21 Owners (Z2862).

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23 Councillor Sorg Moved to Approve Council Bill No. 14-007; Ordinance No. 2692 and Councillor
24 Thomas Seconded the motion.

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27
28 Councillor Sorg said I am disappointed that I didn't see this map until the day of meeting. Can you
29 tell me what businesses are on the sides of this property?

30
31 Robert Kyle, Building and Development Services Administrator said to the west there is a funeral
32 home, to the east there is a church and to the south is Las Cruces High School. The applicants are
33 seeking an expansion of their business on their property.

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37 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-007;
38 Ordinance No. 2692 and it was Unanimously Approved 7-0

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1 *(15) Council Bill No. 14-008; Ordinance No. 2693: An Ordinance Approving a Zone Change
2 From C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on 1.42 ±
3 Acres of Land Located at 150 E. Madrid Avenue. Submitted by Emilio C. Perez & Henry
4 L. Bernal, Property Owners (Z2863).

5
6 Councillor Small Moved to Approve Council Bill No. 14-008; Ordinance No. 2693 and Councillor
7 Sorg Seconded the motion.

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10
11 Councillor Sorg asked is there connections for this property and the surrounding properties?
12
13 Robert Kyle, Building and Development Services Administrator said this is a non-conforming piece
14 of property and the owners want to use the property to put it back into beneficial use. Off the top of
15 my head I am not aware if there is through access between the properties. These properties are owned
16 by different property owners so through access would require things like legal agreements and an
17 easement to be filed.

18
19 Councillor Thomas said we really need to look at ways people can get from one place to another
20 without going out into the busy streets.

21
22 Robert Kyle said that is something we can look at in terms of our rewrite of the Development Code.

23
24 Mayor Miyagishima said maybe we can have a work session to discussion that item.

25
26 Councillor Smith said I do want to caution that we do have some nightmarish parking lots in Las
27 Cruces where several businesses are located on the same parking lot and people are speeding through
28 them so I think we do need to be careful about making any kind of overall ordinance that simply
29 states they have to connect.

30
31 Councillor Pedroza said I think if we are going to look at a new ordinance we're going to have to be
32 very careful because each area is different.

33
34 Henry Bernal, Member of the Public said I am the co-owner of this property and this other area is
35 also part of the property which at some point in the future we may want to turn it into a retail area.

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39 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-008;
40 Ordinance No. 2693 and it was Unanimously Approved 7-0

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(16) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-045;
A PUBLIC HEARING MUST BE HELD.**

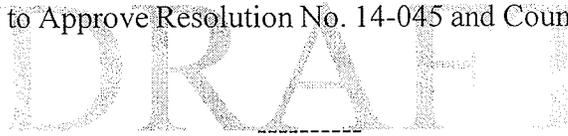
Mayor Miyagishima opened the Public Hearing for Resolution No. 14-045 and asked if there was anyone who wished to speak against this item?

No one spoke for or against this item.

Mayor Miyagishima closed the Public Hearing for Resolution No. 14-045.

Resolution No. 14-045: A Resolution Approving the Transfer of Location of Liquor License No. 4053 to Walgreen Co. D/B/A Walgreens #13927, to be Located at 3490 Northrise Drive, Las Cruces, New Mexico.

Councillor Smith Moved to Approve Resolution No. 14-045 and Councillor Pedroza Seconded the motion.



Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-045 and it was Unanimously Approved 7-0

(17) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-046;
A PUBLIC HEARING MUST BE HELD.**

Mayor Miyagishima opened the Public Hearing for Resolution No. 14-046 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. 14-046.

Resolution No. 14-046: A Resolution Approving the Transfer of Ownership and Location of Liquor License No. 0228 to M & S Group, Inc. D/B/A Wing Daddy's Sauce House, to be Located at 775 South Telshor Boulevard, Las Cruces, New Mexico.

Councillor Thomas Moved to Approve Resolution No. 14-046 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-046 and it was Unanimously Approved 7-0

(18) Resolution No. 14-047: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for a Winegrower 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 Small Moved to Approve Resolution No. 14-047 and Councillor Thomas Seconded the motion.

DRAFT

Harry (Pete) Connelly, City Attorney said the University was notified and they have not protested or objected.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-047 and it was Unanimously Approved 7-0

(19) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-048; A PUBLIC HEARING MUST BE HELD.**

Mayor Miyagishima opened the Public Hearing for Resolution No. 14-048 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. 14-048.

Resolution No. 14-048: A Resolution Approving the Issuance of a Winegrower 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.

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2 Councillor Thomas Moved to Approve Resolution No. 14-048 and Councillor Smith Seconded the
3 motion.

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7 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-048 and it was
8 Unanimously Approved 7-0

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12 (20) Resolution No. 14-049: A Resolution Amending the Infrastructure Capital Improvement
13 Program (ICIP) to Reflect Additions, Deletions, or Modifications to Funding Scope,
14 Location, or Priority for Various Projects and to Include Council Adopted Discretionary
15 Projects for Fiscal Year 2014.

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17 Councillor Small Moved to Approve Resolution No. 14-049 and Councillor Thomas Seconded the
18 motion.

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22 Eric Martin, Facilities Management Administrator gave an overhead presentation and said this is a
23 resolution to amend the Infrastructure Capital Improvement Program and the projects listed in the
24 ICIP are based upon estimated available expenditures but sometimes those expenditures don't pan
25 out. We send the project list to the State of New Mexico in the early fall so the legislators know what
26 the City Council's priorities are in terms of projects for legislative funding. The Public Works
27 Department has been made responsible for the Capital Improvements Programs so we are proposing
28 to establish a more formalized process in order to show updates in the interest of transparency and
29 we will be bringing this back before Council two or three times a year. This resolution before you
30 and the attachments in your packet are a list of changes, additions, modifications or deletions which
31 some where just changes in the funding. In addition, we are showing the ICIP with the funding
32 balances as they stand with the carryover.

33
34 Councillor Sorg said there are 19 projects that are modified or added, listed in transportation; are we
35 talking about streets and buses here?

36
37 Eric Martin said those are like bus shelters and security lights which were added through the
38 Council's discretionary fund and also the carryover funds to finish the Transit Intermodal Center
39 were included.

40
41 Councillor Sorg said regarding the Budget Guide that was included in our packet, I just want to point
42 out that there are commons in the years.

1
2 Also, isn't there something on the list that deals with the median on north Sonoma Ranch
3 Boulevard?
4
5 Eric Martin said yes, it is included in the Council's discretionary funds.
6
7 Councillor Sorg said so, Exhibit B, all those projects should be listed in the Budget Guide; correct?
8
9 Eric Martin said yes, the Capital Budget Guide reflects what is in the budget.
10
11 Councillor Sorg said in Exhibit B, under Parks, there is a number four, future neighborhood parks;
12 I don't understand why that is listed because I thought we just passed impact fees for those parks.
13 Why do we need another quarter million dollars for parks?
14
15 Mark Johnston, Parks and Recreation Director said we have that category included as a "just in case"
16 category so we can move forward with projects because if it isn't reflected in the ICIP then we can't
17 move forward with it.
18
19 Councillor Sorg said I thought the developers were going to be building those parks so why do we
20 need to use City funds?
21
22 Mark Johnston said there are times where the developer will collect the fees and build the park
23 themselves but there are times when we reimburse the developer or sometimes there are mixed
24 funding where there is developer and City funding. So, this is sort of an open-ended option to
25 negotiate deals.
26
27 Councillor Small said regarding the regular updating of the ICIP, it seems like we are going in the
28 direction where there is broader transparency and additional opportunities for public comment and
29 I think that is a good way to go. Is there a set amount like two, three or four times for discussion or
30 is going to be on a as-needed basis?
31
32 Eric Martin said this is an evolving process so we have not put together anything at this point in
33 time. We are looking at discussing it again during the budget process and maybe even quarterly.
34
35 Councillor Thomas said on page 465 there was this MAP match and I'd like to know what we
36 applied for?
37
38 Loretta Reyes said we asked for MAP funding for Campo Street between El Paseo and Lohman.
39
40 Councillor Thomas said there is \$245,000 for Safe Routes to School but I understood that we lost
41 the money for the person to do Safe Routes to School; is that correct?
42

1 Loretta Reyes said that is correct.

2

3 Councillor Thomas said so we have money to do projects but we don't have a person to do them.

4

5 Brian Denmark, Assistant City Manager said the MPO funding that was provided at the state level
6 for the Safe Routes to School Coordinator has been removed and will no longer be provided by the
7 state. So, staff is looking into potentially reclassifying an existing position in order to accommodate
8 that function.

9

10 -----

11

12 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-049 and it was
13 Unanimously Approved 7-0

14

15 -----

16

17 (21) Resolution No. 12-13-446: A Resolution to Award a Contract to Clever Devices of
18 Woodbury, New York, for the Purpose of Developing and Implementing an Integrated
19 Computer Aided Dispatch/Automated Vehicle Location (CAD/AVL) System for the
20 Roadrunner Transit Service, in the Amount of \$688,141.00, Plus New Mexico Gross
21 Receipts Tax of \$52,041.00, Plus a Contingency of \$34,818.00, for a Total Award Amount
22 Not to Exceed \$775,000.00.

23

24 Councillor Thomas Moved to Approve Resolution No. 12-13-446 and Councillor Pedroza Seconded
25 the motion.

26

27 -----

28

29 Michael Bartholomew, Transit Administrator gave an overhead presentation and said the FTA
30 awarded an ARRA grant to the City in 2009 which included a CAD/AVL project. The desired
31 CAD/AVL project is a "hosted" solution that will operate in the "cloud" and not on the City's
32 servers. The CAD/AVL system would enhance data communication between transit vehicles and
33 transit operations, the real time GPS tracking of buses that can provide arrival information to
34 passengers, provide statistical information on route performance, provide the ability for automated
35 bus stop call-outs, and allow Dial-a-Ride manifests to become paperless. The City was awarded the
36 ARRA funds in 2009 with the funds set to expire in September 2015; however, the Federal OMB
37 changed the expiration date to September 2013 so the City has requested a waiver from FTA to
38 extend the funding for another 14 months to allow the project to continue. The contract award to
39 Clever Devices of Woodbury, New York but it is contingent upon the FTA granting the funding
40 extension.

41

42 Councillor Small asked does this contract apply to vehicles that we don't yet have but will have in
43 the future?

1

2 Michael Bartholomew said no, this is to install the equipment in our existing rolling stock.

3

4 Councillor Smith said I do think we are talking about something that will help our transportation
5 become a more reliable and a more efficient system. This is 100% covered by the FTA grant; is that
6 correct?

7

8 Michael Bartholomew said correct.

9

10 Councillor Smith said I think this is a very beneficial project to move forward with.

11

12 Councillor Thomas asked did this come from the 2009 ARRA funding?

13

14 Michael Bartholomew said yes.

15

16 Councillor Thomas said so we weren't able to do it then?

17

18 Michael Bartholomew said when that funding was awarded we had a short time-line to put our
19 projects together and they were all brought to Council. It was a very rapid grant and it was quite a
20 process to go through what the City felt comfortable doing and working with the IT Department to
21 see how it would work.

22

23 Councillor Thomas said you're comfortable that this project is most likely to help us move forward
24 with getting a better transit system.

25

26 Michael Bartholomew said yes, I do feel this will be very beneficial.

27

28 Councillor Sorg said I was in Portland, Oregon recently and they have this type of transit system and
29 I thought it was really slick. I do support this resolution.

30

31 Councillor Silva asked how much extra cost would there be for the signs that use this software
32 system?

33

34 Michael Bartholomew said the proposal included having some of these signs at individual bus bays
35 at the transfer points at the transfer center which we pulled back but we will have monitors there that
36 will show the real time information once this system is installed.

37

38 Councillor Silva said we would still be able to have them at the individual bus stops; correct?

39

40 Michael Bartholomew said that is a possibility but there is the issue of getting the utilities out there
41 to the individual bus stops. More and more people are using smart phones now so in the future we
42 would even be able to have an app for the Roadrunner Transit System.

1

2

3

4 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 12-13-446 and it
5 was Unanimously Approved 7-0

6

7

8

9 (22) Council Bill No. 14-009; Ordinance No. 2694: An Ordinance Adopting a Municipal Hold
10 Harmless Gross Receipts Tax of Three-Eighths of One Percent (3/8%).

11

12 Councillor Thomas Moved to Approve Council Bill No. 14-009; Ordinance No. 2694 and Councillor
13 Small Seconded the motion.

14

15

16

17 Mark Winson, Assistant City Manager gave an overhead presentation and said in 2004 the
18 Legislature amended the Municipal GRT to exempt tax on food and medicine and promised to hold
19 the City harmless and give Hold Harmless payments equal to losses. The 2013 Legislative Session
20 approved to phase out the local Hold Harmless provision beginning in FY 15/16 and reduce annually
21 by 6-7% over 15 years but it also allows the City to impose a new Hold Harmless GRT offset tax for
22 up to three 1/8% increments. We have had two work sessions with Council to discuss this item and
23 we have also had three district/neighborhood public meetings. One of the questions that has come
24 up is "why don't we reduce costs instead of raising taxes" but we are already doing more with less.
25 Our General Fund expenditures have dropped over \$8 million between 2008 and 2012, the City
26 workforce has remained virtually flat while the population has grown almost 7%, we are spending
27 at 2008 levels despite the growth in population and higher costs for everything.

28

29 Councillor Smith said the New Mexico Municipal League is putting forward a proposal to the
30 Legislature which would reimpose the GRT on food but not on medicine which as the City's
31 representative I did vote for that resolution but we have had no indication on whether or not the
32 Legislature will follow through with it. Even though Las Cruces is Home Ruled, we have no
33 requirement in our Charter that states tax increase must be put to referendum but if it did then that
34 would have trumped the GRT legislation and at least given us a cause to question it. So, without that
35 language we have no choice but to follow the requirements of the legislation and there will be no
36 referendum on this question which is also what our attorneys have told us; correct?

37

38 Mark Winson said that is correct.

39

40 Councillor Smith said this is an uncomfortable position from which we have to consider this
41 question because a little over a month ago a majority of 56% of those who voted in a Doña Ana
42 County Special Election rejected a similar increase in the GRT. We have substantial loses facing us

1 as the Hold Harmless funds from the state are discontinued so we are obliged to consider this and
2 the recourse that is offered by House Bill 641 allows us to impose this increase in the local gross
3 receipt tax. This entire increase will come to the City if we vote for it. I would like to point out that
4 this legislation was passed by many of our duly elected representatives and our duly elected
5 Governor signed. I have seven questions which my first question has to do with what this GRT
6 represents; my annual salary as a Councillor is just under \$30,000 and as such it is about what is
7 considered as the median in Las Cruces; that is not my take-home pay, that is what the City pays me
8 before taxes and insurance is withheld. Nonetheless, if I were able to take home all \$30,000 and I
9 spent every bit of it on taxable items and not on food or medicine; this GRT increase would amount
10 to a little over \$110 a year so even though about \$10 a month doesn't sound like that much to me;
11 however, some of my constituents have expressed concerns that those living in poverty or on fixed
12 incomes in our community would be impacted by this increase. Do we have statistics available from
13 HUD or other agencies pertaining to what a GRT increase could do to those on fixed incomes or
14 living below the poverty line?

15
16 Mark Winson said I personally have not done any research on that but we have made some
17 suppositions with the regard of the effect on the person with a median income in our community. So,
18 if you look at a person with a median income and take the taxes and expenses for lodging, food and
19 other items from that median income then you get their discretionary income which is for goods
20 and/or services which the additional tax for that amount comes out to about \$21 annually.

21
22 Councillor Smith said it would be helpful if someone can located some hard numbers on that because
23 it has been a concern that has been expressed a number of times. Several of my constituents have
24 also said that this would be unfriendly to businesses so do we have any statistics or anything on how
25 businesses would respond to different tax rates?

26
27 Mark Winson said again, I personally have not done that research. We need to look at the broader
28 scope of this particular tax increase with regard of our current tax burden. When we look at our
29 neighboring communities like El Paso, their sales tax which is equivalent to our GRT, is at 8% and
30 with this increase our's will be approximately 7.9685%. It is my experience that companies and
31 people looking to relocate to a community tend to look at issues like quality of living and the quality
32 of the school districts rather than amount of sales tax.

33
34 Councillor Smith said I did find something online that seems to be the same type of information and
35 they list the first priority as price, second is infrastructure, third is employee pool, forth is the tax
36 structure, fifth is friendly government, sixth is customer base and seventh is incentives. I've also seen
37 on other sites that things like economic gardening and vicinity to parks are incentives as well. So I
38 do think we need to keep those other factors in mind when we are trying to look at all the moving
39 pieces on something like this but I do think that more or less concurs with what you are saying; that
40 the tax structure or tax rate is not the top priority but it is part of the mix.

41

1 Robert Garza, City Manager said regarding household impacts on median incomes; the last census
2 data for Las Cruces has our median gross income at \$36,101 and the net income at \$27,763 and if
3 you took 20% of that which is a reasonable number to assume as disposal income, you're looking
4 at \$460 per month and if you paid GRT tax on all of that amount then it amounts to \$20.72 per year.

5
6 Mayor Miyagishima said the GRT tax in El Paso is actually 8.25% and property taxes here for a
7 \$125,000 house it is about \$1,100 per year and in El Paso it is about \$3,700 and last week El Paso
8 approve a rate increase so that cost will go up even more.

9
10 Councillor Smith said today's newspaper gives the impression that we will be putting windfalls from
11 the early increase in GRT into an account like the Telshor Fund but there is a passage in the State
12 Legislation that stipulates that revenue bonding which is tied to the GRT increase cannot by statute
13 be taken away.

14
15 Mark Winson said my understanding of that is that if you were to take and bond against this
16 additional GRT the Legislature could not impair your ability to make your debt service payments.
17 There is no requirement that you take and do a revenue bond with this revenue; it is up to each
18 individual local government entity that imposes the additional tax but should we take and use a
19 revenue bond and pledge this Hold Harmless GRT against that, there is an impairment clause that
20 requires the state to make us whole or hold us harmless with regard to our debt service. There really
21 isn't a guarantee because if you have other sources to make that bond or that debt service payment
22 then you would be required to use that before the state pony-ups that cash.

23
24 Councillor Smith said couldn't we say that this is the funding source for those bonds?

25
26 Mark Winson said yes, we could pledge that particular revenue source towards the bond debt service.

27
28 Councillor Smith said some in our community believe that the city government is wasteful and
29 inefficient. Just last month we had an instance where \$10,000 was paid for a set of plans that were
30 very quickly dismissed by this Council who were sitting as the Tax Increment Development District
31 Board. Examples such as that hardly give the impression that we are being careful with our money.
32 I realize it is a small amount but nonetheless these things do have an impact. Can you share how
33 much has been cut from our budget in recent years and what that has meant as far as service cuts and
34 projects curtailed?

35
36 Robert Garza said the actual amounts varied by year; since 2008 we're looking at an average of about
37 \$3.6 million per year that we have cut, reduced or not spent. Many of those things are reoccurring
38 savings that we've permanently put in place and some were deferrals. So we have done very well
39 with managing our budgets and coming in under our budgets. In anticipation that we need to be ready
40 with eventually having to further reduce our services, we put benchmarks in place and from those
41 benchmarks we are down about 10% of our total General Fund expenditures so the accumulative
42 amount of our savings is about \$9.1 million.

1

2 Councillor Smith said you're basically saying that we have been able to maintain services under
3 some duress for the past five years but that is going to be hard to maintain. Do we have some sense
4 of where the cuts are going to be the deepest at this point?

5

6 Robert Garza said the best way to describe the reductions that we've seen so far; primarily it has
7 been in staffing and in operations but as time goes forward there could be cutting back in hours of
8 operation for some of our services and potentially have fewer people doing this out in the streets like
9 public safety, sweeping/cleaning the streets, replacing burned out street lights; across the full
10 spectrum I think we would really have to look at every single thing we do and come to Council
11 during our budget process because not only do we have to cut cost for that year but we'd have to cut
12 that same amount plus more the following year. At this point we'd have to look at reoccurring
13 savings not just one time savings and we really need to think about if we ready to scale back what
14 we do.

15

16 Councillor Smith said then is it fair to say that as we take longer to replace vehicles, repair roads,
17 and some of those things; the expense actually becomes higher in the long-term?

18

19 Robert Garza said yes, the cost will go up not only because of inflation but the magnitude of the
20 harm, like not doing preventative maintenance on our streets and buildings, it will cost us more.

21

22 Councillor Smith said there have been intimidations that there could be repercussions if we vote for
23 this increase in the GRT. Our Governor might line item veto capital outlays for Las Cruces in the
24 2014 State Budget; she could choose to ask the Legislature to end the Hold Harmless payments all
25 at once or move up the start date of the phase out and our legislators might go along with one of
26 those requests. They could do that even if we decide not to increase the GRT. If we do take a full
27 Hold Harmless hit with no increase in the GRT, what part of the gap can be reasonable expected to
28 be made up with as serious belt-tightening, salary freezes, efficiency audits; what would we have to
29 leave alone; what would have to take bigger hits; is there anything you can add?

30

31 Mark Winson pointed to a graphic slide on his overhead presentation and said roughly we would be
32 talking about a 11% to 12% decrease in our General Fund revenues immediately in the next fiscal
33 year and that difference continues to grow through the future fiscal years.

34

35 Councillor Smith said I continue to hear from constituents that they feel that we do have other
36 options and if we do, then I certainly want to know what they can be. Aside from raising the GRT
37 the available 3/8%; what other avenues do we have to fill that gap like raising property taxes?

38

39 Mark Winson said when you talk about raising property taxes, currently our property taxes are in the
40 range of about \$10.5 to \$11 million annually so we would be looking at almost doubling the price
41 of the property tax on all of the properties in the community in order to make up this amount.

42 Regarding other bonding opportunities, bonding is just kinda like kicking a can down the road so

1 you never want to bond for operational cost. We are always looking at Private and Public
2 Partnerships but we're not going to make up what is currently a \$9.3 million shortfall when we lose
3 the Hold Harmless contributions.

4

5 Robert Garza said you mentioned that the Municipal League is lobbying to have the legislature look
6 at other options which is something that needs to be done but I don't believe it is going to be possible
7 in the near horizon. This ordinance does include a statement that if the state can come up with a
8 method to keep us whole then we would bring back the question to repeal these Hold Harmless GRT
9 increments.

10

11 Councillor Smith said I want to point out that we do need to be cautious about not giving the
12 perception that we are being greedy so if we are looking at capital investments or projects along
13 those lines, we need to be sure that we are making the case that it is for the betterment of our
14 community and that this is forward long-term thinking and not about us making a grab but it is about
15 us being provident for our community. If we choose to use the initial increase to bond capital
16 projects, what features do we have a sense of as multipliers that are deemed to be most attractive to
17 businesses, individuals, and families who are considering relocating?

18

19 Mark Winson said we haven't gone into a great deal of depth to determine any persist projects
20 because that would be putting the cart before the horse but some ideas that have been talked about
21 are things like improvements to our infrastructure, our streets, our mini-parks, and there have been
22 some discussions on what improvements can we do to position Las Cruces better for economic
23 development.

24

25 Councillor Smith said I believe it would be most helpful as we confront those who use threats to try
26 to sway our votes, if we could arrive at a consensus on this issue which I believe such a consensus
27 would let our community know that we have carefully considered the options and put the best
28 interest of this community above political philosophy and aspirations. A consensus leading to an
29 unanimous vote is a power thing and it is my sincere hope that we can achieve that however it will
30 be difficult if we have no plan in place on how we would use the funds.

31

32 Councillor Small said the City has remained fiscally responsible and as we have continued to grow,
33 our spending has fallen per capita for residents. We have been able to increase our reserves in order
34 to give additional safety and security through some very tough times. So that fiscal responsibility is
35 something that is facing us here today and if we chose not to take this route then we would be putting
36 our future community in some very difficult strains where there would have to be a reduction in
37 services and essential staffing.

38

39 Councillor Thomas said I have also received comments that the City is being fiscally irresponsible
40 but this Council came on at a time of recession and the fact that this city made it through the
41 recession without any major problems and still increased our reserves shows that we have tightened
42 our belt year after year after year. I don't think that is a valid criticism; I think that the City has not
43 mishandled funds in anyway and has been very fiscally conservative.

1
2 Councillor Pedroza said the reaction I have received is that people don't like it but they understand
3 why this needs to be done. We have to deal with this and if we need to impose a 3/8% Hold
4 Harmless GRT then that's what needs to be done so we can avoid cutting some of our programs.
5
6 Councillor Sorg said there is a lot of uncertainty here but this GRT could be looked at as an
7 insurance policy because we don't know what the state is going to do in the future. It comes down
8 to the idea of what kind of city do we want; do we want a city that is second rate or do we want
9 something that we can be proud of? If want a city that we can be proud of then we have to pay for
10 it and I'm willing to pay \$20 more a year to have a great city.
11
12 Pat Fitzgerald, Member of the Public said it was a duly elected Governor, a duly elected Legislature
13 and a duly elected Finance Officer who gave us this GRT problem and they said it was going to be
14 a bed of roses but it isn't, which is why you have been working pretty hard on it for awhile. The
15 choice before the Council is too risky either way you go so I wish you good luck in your decision.
16
17 Tamie Smith, Member of the Public asked what are the other cities in New Mexico doing? This
18 increase will effect our utilities, our phone bill, our internet service and also one of the things we will
19 be paying for now are impact fees for new development. All of these things pile up. Can you tell me
20 in what state document that it states that it is prohibited for the public to vote on this issue? There
21 was an article in Sunday's paper that stated the repeal would not take effect for two years and then
22 it will be phased in over fifteen years so it will be seventeen years down the road before the City
23 faces the full brunt of their loss. There should be an option for you to enact this increase during the
24 2030 fiscal year if other options on attempts to improve your revenue are not successful because
25 increasing taxes now should not be your first option.
26
27 Mayor Miyagishima said I did support us doing a little increase now and a little increase later but
28 we have been hearing that if we do any type of increase then the Legislature is going to stop our
29 funding so we have to be prepared and this would make us whole.
30
31 Tamie Smith said I just want to mention that all of you sitting at the table make considerably higher
32 income annually per capita than the average person in Las Cruces because according to the Census
33 Bureau, the Las Cruces per capita income is \$20,428 and the median is \$37,576.
34
35 Councillor Smith said I have some information from the Municipal League regarding what other
36 cities are doing. There are 21 municipalities that fall into this category and 12 of them will loose
37 money over time which includes Las Cruces. Albuquerque will gain money over time if they enact
38 the 3/8% and only one city in New Mexico so far has imposed the 3/8% which is Corrales.
39
40 Robert Garza said also, Rio Rancho went to their voters on August 20th to repeal a Higher Education
41 Facility GRT and depending upon the outcome of that, they intended to take action and replace it
42 with the Hold Harmless GRT which I think they are in the process of developing that right now but
43 I think they're watching to see what we do.

1

2 Ryan Dailey, Member of the Public said I am for this proposal because I know that if we don't have
3 this then there is going to be tremendous consequences. Does the City have the ability to tax certain
4 items like alcohol or tobacco?

5

6 Mayor Miyagishima said that is something that the Legislature would have to give us the power to
7 do.

8

9 Robert Garza said any taxing authority that we have we get from the Legislature and it is very
10 specific on what we can tax and almost anything we tax the state does get a share of it. However, this
11 GRT we are not sharing with the state or anyone else so it will stay in Las Cruces.

12

13 Councillor Smith read comments from Ginny Robertson.

14

15 Councillor Silva said I understand the ramifications of this but in principal I don't support this
16 increase. I think it is ill-crafted legislation as we all know and it has been ill-crafted since the very
17 beginning in 2004. What hasn't been brought before us is a list of what projects we can eliminate
18 and I don't think we have done a detailed analysis of that option. This doesn't go into effect for
19 another two years so I agree that we need to look at our needs and wants. They didn't even allow us
20 to go to the voters and I think the voters should of had that opportunity. So the fact that it is forced
21 upon locally elected officials shows that there isn't much collaborative efforts between the state,
22 legislators and local legislators.

23

24 Mayor Miyagishima said this was passed on July 1st of this year so you have had roughly two months
25 to get an idea of where you would have wanted to see cuts made so I will support you if you can tell
26 me where you want \$8 million cut. It is real easy to say I'm not for this; I'm not for this but I have
27 to commend Councillor Sorg and Councillor Pedroza because they stated they understand why this
28 has to be done so they are supporting it.

29

30 Councillor Silva said we have people at the administrative level who make nice salaries and I think
31 that is a task that we should put on them because we should have options brought before us.

32

33 Mayor Miyagishima said I was hoping you would spell out what you wanted cut because I'm sure
34 we would all like to hear how you would cut \$8 million. This isn't something any of us is enjoying
35 doing but we are just putting us back into the position we were in before all of this took place at no
36 fault of our own. The legislature stated that "this shall be passed without a referendum" which means
37 we have to do it and it can't be taken to the voters. This resolution states that Council may reconsider
38 this if they change the Hold Harmless and make us whole so we could change the word "may" to
39 "shall."

40

41 Harry (Pete) Connelly, City Attorney said when you change the word "may" to "shall" then you are
42 telling a future Council that they have no discretion which is exceeding your power. You have no
43 authority to tell a future Council that they shall repeal this ordinance.

1
2 Councillor Pedroza said the word is “reconsider” so it would be telling them they “shall repeal” but
3 that they “shall reconsider.”

4
5 Harry (Pete) Connelly said you would still be telling a future Council that they “shall reconsider” and
6 I don’t think you have the authority to tell a future Council “they shall” but “they may” is just asking
7 them to look at it; not telling them they have to look at it.

8
9 Councillor Pedroza said I disagree.

10
11 Councillor Smith said there is a quote, “nothing was anything great achieved without danger” and
12 there will be potential repercussions but I think we have to vote our consciences and vote on what
13 we believe is going to benefit this community. I realize there is still some questions out there and I
14 would have felt more comfortable if we had known how we might actually put the early increases
15 to use but that is still undecided at this point. I heard a number of reasons from my constituents both
16 for and against and largely the four reasons were that we are at a good place in this city and we need
17 to continue to move forward; there are people in need and addressing their needs would be better
18 done by a standpoint of being in a position of strength. The reason against this largely came down
19 to people being tired of being taxed and no amount of tax was going to be acceptable to many of
20 them. They’re still uncertain about how much we have cut the budget and how willing we are to
21 making the necessary deep cuts. I still struggle with this but I have to come back to the fact that there
22 is an opportunity here for us to leverage something. In addition to paying for what we are losing with
23 the Hold Harmless there is an opportunity for us to be very smart and that gives me an edge in my
24 mind to take the leap and say that the GRT increase will afford us an opportunity to move Las Cruces
25 forward in a smart and strong way.

26
27 Councillor Small said the risk of us not acting is very high so I also plan to support this ordinance.

28
29 Mayor Miyagishima asked Mr. Connelly, is there anything that would prevent us from passing a
30 resolution in the next month or so stating that we believe that they strongly reconsider a repeal
31 should the state do that so that way it is a resolution and is not bidding like an ordinance?

32
33 Harry (Pete) Connelly said a resolution is a policy and an ordinance is a law so you could pass a
34 resolution stating you’d like to do this or that just as long as you don’t try to repeal this with a
35 resolution.

36
37 Mayor Miyagishima said then at our next meeting we will bring forward a resolution stating that this
38 Council or a future Council should at least reconsider if not repeal it.

39

40

41

1 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-009;
2 Ordinance No. 2694 and it was Approved 6-1 Councillor Smith, Councillor Pedroza, Councillor
3 Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva
4 voted Nay.

5
6
7

8 **VII. BOARD APPOINTMENTS**

9

10 Mayor Miyagishima appointed John F. Walker (DACC Position) to the Transit Advisory Board.

11

12

13

14 Councillor Small Moved to Approve the Mayor's board appointment of John F. Walker (DACC
15 Position) to the Transit Advisory Board and Councillor Thomas Seconded the motion.

16

17

18

19 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
20 of John F. Walker (DACC Position) to the Transit Advisory Board and it was Unanimously
21 Approved 7-0

22

23

24

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

27

28 There were no proposed ordinances.

29

30

31

32 **IX. CITY COUNCIL MEMBER BOARD REPORTS**

33

34 There were no City Council Member Board Reports.

35

36

37

38 **X. GENERAL DISCUSSION**

39

40 a.) Mayor

41

1 Mayor Miyagishima said I just want to remind the public that on September 21st at 9:00 a.m there
2 is the City of Las Cruces Surplus Auction at 1501 E. Hadley.

3
4 Regarding my discussion with Greyhound; I found out that the City would prefer that they have their
5 own employee, the City would only pay for security during their opening hours which would be from
6 8:00 to 5:00, and Greyhound would have to pay rent. So, the gentleman I spoke with from
7 Greyhound said they would provide their own employee, they are willing to pay for security after 5
8 o'clock and on weekends, and they are willing to pay rent. They also stated that if their sales go up
9 there then they are willing to share that increase with the City.

10

11

12

13 b.) City Council

14

15 Councillor Thomas said I attended the Sustainability Business Summit last week in Albuquerque and
16 it was very impressive. They had 14 companies or people that they honored for what they were doing
17 for sustainability.

18

19 There are some workshops that are coming that are part of the HUD grant, the Viva Doña Ana, and
20 one of the projects is to develop a unified development code for the entire county.

21

22

23

24 Councillor Sorg said I heard that our City staff and the City Council have made tremendous efforts
25 in becoming more resilient which is another word for sustainability, in our city environment because
26 of things like our Sustainability Plan, our curbside recycling, and our use of solar energy. I would
27 like Las Cruces to get the recognition that we deserve; therefore, I have begun to take part in the
28 World Wildlife Earth Our City Challenge.

29

30 There was a zone change on the agenda today and I just want to make clear what I feel is important;
31 not all businesses have to have access to everything around them; an open parking lot in some cases
32 is not good but a way to either walk, bike, or drive from one business to another without having to
33 go out on the street in many cases is a very good thing.

34

35

36

37 Councillor Small said I intend to bring forward a resolution at the next meeting regarding our support
38 of affordable housing and the economic benefits it can bring to our community.

39

40

41

1 Councillor Pedroza said I would gladly support Councillor Small's resolution but I would like to get
2 more information regarding it.

3

4 I would like to thank Udell Vigil for allowing me to go on the Spanish radio to talk about the Hold
5 Harmless GRT Tax issue.

6

7 There are some Water Conferences coming up which I will be attending two of them and I will be
8 more than happy to share any information I get from these conferences.

9

10 Labor Day is a day that celebrates all of the gains that have been made, such as the 8 hour day and
11 40 hour week.

12

13

14

15 Councillor Smith said I had a great experience this past week; I was at a business and this young man
16 looked at me and asked "do you remember me" and I replied "yes, you look familiar" and it turned
17 out that he was one of the young people that we met at the Juvenile Citation Program. He seemed
18 to be very happy to be working at a job and I think he could credit his turnaround with that program.

19

20

21

22 Councillor Silva said I want to wish a happy retirement to Chief Williams and it is unfortunate that
23 we are going to be losing a great chief. He did a great job and whoever comes in will have some big
24 shoes to fill.

25

26 I spoke with some business persons in Mesilla and a lot of them were asking questions regarding the
27 timing of construction projects that are occurring in the city but they affect the Mesilla businesses
28 but some of those projects aren't city projects; they are also state projects. For example, we were
29 paving Boutz which is a city project and at the same time the state was doing their project on
30 Avenida de Mesilla which both of those streets are main entries to Mesilla so they wanted to know
31 why there wasn't any coordination between the city and the state regarding these types of projects?
32 Mr. Garza, I'm sure somehow you could bring that up to staff because there are other major projects
33 that are coming up.

34

35 I have been asked about some incidents like the one that happened at the mall a few months ago and
36 a few weeks ago at Sam's; I think there needs to be some follow-up on certain incidents of that
37 nature and on how we work with the public.

38

39 This Saturday the Movies in the Park event begins at Young Park and there is also the 6th Annual
40 Mesilla Valley Film Festival event at the Mesilla Valley Mall.

41

42

1
2 c.) City Manager

3
4 Robert Garza, City Manager said I just want to thank all of you for thoughtfully working through this
5 GRT question. I know it was a very difficult thing for all of you and I appreciate all your efforts.
6 Staff is preparing to move forward and in moving forward we will be transparent and complete in
7 all of our efforts and budget presentations so the public can understand where their tax dollars are
8 going.

9
10 -----

11
12 Councillor Smith Moved to Adjourn and Councillor Small Seconded the motion.

13
14 Mayor said all of those in favor signify by saying "Aye."

15
16 Council said "Aye."

17
18 **Meeting Adjourned at 5:26 p.m.**

DRAFT