City Council
of the
City of Las Cruces

Regular Meeting

October 7, 2013
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6 **via Telephone**

STAFF:

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 Silva led the Pledge of Allegiance.

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

Presentation of Certificates of Appreciation/Proclamations.

Robert Garza, City Manager presented a 20 years of service award and pin to City employee Lena Reta.

Councillor Silva presented a Proclamation to Shirley Gonzales and declared October 2013 as National Disability Employment Awareness Month.

Councillor Silva presented a Proclamation and declared October 2013 as Medicine Abuse Awareness Month.

Councillor Silva presented a Proclamation to Karim Martinez and declared October 6 thru October 12, 2013 as National 4-H Week.

Councillor Silva presented a Proclamation to Fire Marshal Ted Sweetser and declared October 6 thru October 12, 2013 as Fire Prevention Week.

Councillor Silva presented a Proclamation to Melanie Grant and Richard Magee and declared October 6 thru October 12, 2013 as Mental Illness Awareness Week.

Councillor Silva presented a Proclamation to Ashley Curry and declared October 9, 2013 as International Walk and Roll to School Day.

Councillor Silva presented a Proclamation to Larry Lorenzo and declared October 15, 2013 as White Cane Safety Day.

DRAFT

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).

At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.

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

Esther Martinez-Carrillo, City Clerk said regarding Item 7, my husband is the President of the United Steelworkers of America.

Robert Garza, City Manager said I just want to inform you that at the end of the meeting, during the City Manager's report, we will have an employee come forward for a general disclosure of a conflict of interest but it is not germane to any item on the agenda.

Also, there is a topic on the agenda that deals with Memorial Medical Center and I am a trustee on that board. Today I will be telling you what the content of this proposal is; however, I am not a voting member of this Council so I just wanted to disclose that for the record.

III. PUBLIC PARTICIPATION

Bob Butler, Member of the Public said regarding the election for a judge; several years ago Kieran Ryan was the Assistant District Attorney for Sierra County and he approached me with a Police Officer and asked me if I had been taking my medication. He had no right to ask me that question so I responded to him "it is none of your business" and then he had me arrested. I found out he had an office here in town and when I went to see him to discuss this incident, he would not talk to me. I feel he needs to be held accountable for his actions and he needs to apologize to me.

Ron Gurley, Member of the Public said there are some very serious situations that we have around this country regarding people not getting the care that they need and we don't have the appropriate statutes compared to other states in order to help people before the situation becomes dangerous. We don't have an Assistant Out Patient Treatment Statute like other states have and as a result of that Police Officers are limited in being able to help people. The upcoming Triage Center will help the situation a little bit but one out of every five families has someone with a mental illness and I think we need to do everything we can to get them the help they need and keep them out of the jails.

Alice Anderson, Member of the Public gave Council a hand out and said I have just given you the 2012 Annual Rabies Report from the Journal of the American Veterinary Medical Association and as usual the most human exposure to rabies was from house cats. Rabies in dogs has been controlled and one of the control mechanisms was to control the stray dog population but by doing this it has increased the stray cat population because the stray dogs controlled the stray cat population. Also there are a lot of people who feed stray cats which increases their survivability and gives them better reproduction. The Stray Cat Lobby states that they vaccinate these stray cats; however, there has been no proof of it, such as shot records or shot tags on these stray cats. We need to spay the house cats because when house cats are abandoned then they become strays and then reproduce more stray cats.

DRAFT

Councillor Smith Moved to Allow Councillor Thomas to attend the meeting via telephone and Councillor Sorg Seconded the motion.

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

Robert Pigerette, Member of the Public said I work with Kids Kare, P.C. and each year we have a Children's Health Fair so we would like to invite the City Council and the Mayor to attend the official kick-off of the 3rd Annual Children's Health Fair at Lynn Middle School on November 17th at 12:00 p.m.

Bob Libby, Member of the Public said on August 13th I was at the Community College in Sonoma Ranch and I was impressed with the Mayor's explanation of the GRT increase. I would encourage this Council to be a leader and encourage other cities by passing a resolution urging the State Legislature to repeal HB 1-C/HB 641 which is for the Hold Harmless reimbursement and I have a copy of what I feel the resolution should state.

Mayor Miyagishima said if you'd like you can leave a copy of it with the Clerk.

Councillor Silva said I want to mention that the Municipal League has drafted two pieces of legislation that they will be introducing in January.

Ron Camuñez, Member of the Public said in the newspaper today there is a published letter from the New Mexico Taxation and Revenue Department regarding the GRT that was recently passed by the City. I spoke against that item and I believe the City jumped the gun. The letter states that the City acted inappropriately by passing the GRT tax and I do have a copy of the letter available.

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

DRAFT

Mayor Miyagishima said Items 7 and 8 need to be removed from the Consent Agenda for discussion.

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

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

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of September 3, 2013

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

*(2) Resolution No. 14-059: A Resolution Authorizing the Dona Ana Arts Council, Inc. To Continue With the Permitting Process to Allow for the Sale and Consumption of Wine Within a Restricted and Secured Area at the Renaissance Artsfaire to be Held November 2 and 3, 2013 at Young Park, 860 South Walnut Street, Las Cruces, New Mexico.

*(3) Resolution No. 14-060: A Resolution Authorizing the City of Las Cruces, on Behalf of the Police Department, to Accept a Grant Award in the Amount of $21,208.00 From the State of New Mexico Crime Victims Reparation Commission With a $5,302.00 Cash Match Requirement and to Ratify the City Manager's Signature on the Grant Contract.

*(4) Resolution No. 14-061: A Resolution Authorizing the City of Las Cruces, on Behalf of Its Police Department, to Accept a Grant Award in the Amount of $38,554.00 From the Department of Justice, Bureau of Justice Assistance, FY 13 Edward Byrne Memorial Justice Assistance Grants (JAG) Program Local Solicitation, to Ratify the City Manager's Signature on the Grant Agreement and to Approve a Budget Adjustment to the FY 2014 Approved Budget.

*(5) Resolution No. 14-062: A Resolution Declaring the Eligibility and Intent of the City of Las Cruces to Submit an Application to the New Mexico Department of Transportation for the Transportation Alternative Program Funds for Federal Fiscal Year 2013/2014.

DRAFT

*(6) Resolution No. 14-063: A Resolution Declaring the Eligibility and Intent of the City of Las Cruces to Submit an Application to the New Mexico Department of Transportation for the Transportation Alternative Program Funds For Federal Fiscal Year 2014/2015.

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

*(7) Resolution No. 14-064: A Resolution Approving Amendments to the Collective Bargaining Agreement Between the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union (USW) and the City of Las Cruces.

Councillor Sorg Moved to Approve Resolution No. 14-064 and Councillor Silva Seconded the motion.

Esther Martinez-Carrillo, City Clerk said we need to substitute the pages I provided to you because some of the members are no longer there so these pages have the corrected current members names.

Councillor Silva said I noticed there were 22 items that were negotiated so can you go over the top two or three items?

Andre Moquin, HR Director said the item that generated the most lively discussion during the negotiations was the Safety Article. The Union felt there needed to be more specificity regarding

some of the terms and the position of the Union regarding how safety was important to incorporate. The second most discussed issue was concerning the wages.

Councillor Silva said regarding Article 11, how will we be handling furloughs?

Andre Moquin said I don't anticipate that we will be having any furloughs. In the past there have been furloughs done in the private sector and the way our article was written it could be construed that furloughs were layoffs and they would require reverse seniority order; so, we felt clarification was needed regarding how furloughs were to be implemented in the future.

Councillor Silva asked do you foresee changing that title or is it not necessary to clean up that language?

Andre Moquin said we feel that the title is appropriate.

Councillor Silva said I believe it stated that each person was to receive $270; where did that number come from?

DRAFT

Andre Moquin said there was a search in the budget for money to provide employees with a sum to help offset the cost of the increase in insurance; so, the maximum amount that we could find equaled to $270.

Councillor Silva asked was that enough to cover the entire amount for each employee?

Andre Moquin said no it wasn't but it was the most we could find.

Councillor Sorg Moved to Amend Resolution No. 14-064 to substitute pages 40 and 41 with the pages provided and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 14-064 to substitute pages 40 and 41 with the pages provided and it was Unanimously Approved. 7-0

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-064 as Amended and it was Unanimously Approved. 7-0

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*(8) Resolution No. 14-065: A Resolution Approving Amendments to the Collective Bargaining Agreement Between the City of Las Cruces and the Las Cruces Police Officers' Association.

Councillor Silva Moved to Approve Resolution No. 14-065 and Councillor Sorg Seconded the motion.

Councillor Silva said I am assuming that the $270 was derived the same way as it was in the previous item.

Andre Moquin, HR Director said yes.

Ryan Dailey, Member of the Public asked how often do they get increases and does this include the Officers Association?

DRAFT

Mayor Miyagishima said recently the Legislature had to redo the PERA requirements and they required that employees increase their contributions to PERA so this is basically a response to that requirement. This is just to make the employees whole again so they really won't see any type of increase in their paycheck.

Ryan Dailey said I praise the Police Officers Association and staff and I'm glad that the negotiations went well.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-065 and it was Unanimously Approved. 7-0

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(9) Resolution No. 14-066: A Resolution Approving the First Amendment to the Asset Purchase Agreement Between the City of Las Cruces, the County of Dona Ana, and PHC-Las Cruces, Inc. Concerning Memorial Medical Center.

Councillor Small Moved to Approve Resolution No. 14-066 and Councillor Pedroza Seconded the motion.

Robert Garza, City Manager said back in 2004, the City of Las Cruces and Doña Ana County entered into a Prepaid Lease with Providence Health Care for Memorial Medical Center. At that time we had

two Liability Funds which one was for medical malpractice and the other one was for general liabilities; and we had proceeds that were divided between the City and the County. This resolution is for a proposed amendment to our Lease Agreement that would reduce the capital reinvestment requirement from 4% to 5% down to a minimum of 2% of their net profits. There are 32 years left on our lease for that facility and I have received a report from Life One Hospitals that outlines all of the work that they have done on the facility since 2004. I think the bottom line is that they have a hospital to run and they'd like it to stay in well operating condition so they are going to continue to invest in that facility. Another issue is releasing another liability fund; there was a general liability fund set aside for the purpose of paying claims that resulted from actions dating back to MMCI which was the former operator and owner of Memorial Medical Center. There was an existing liability fund that has about $8 million in it and if you approve this resolution today, you would be agreeing to receiving half of that fund from the escrow. Doña Ana County will be contemplating an almost identical resolution at their meeting tomorrow morning to accept their half of those funds. We think this is a good proposal and the reason this is coming forward right now is because of the pending departure of the CEO of Memorial Medical Center which he was instrumental in helping us draft this resolution to release those funds. We would continue to be liable for claims dating back to the former owner but those are few and very limited in scope and scale. The Council will be deciding how we actually spend those funds as you develop your budget next fiscal year.

DRAFT

Councillor Smith said I want to be sure that it is clear that we are looking at this as a fairly clean process whereby what is coming from the hospital and to us in this situation is not leaving anybody high and dry or otherwise walking away from obligations that we have or that they have; so, if you just make sure that we have that assurance and that belief then I think that helps us in this situation.

Robert Garza said there is one known potential claim that could be outstanding on this liability fund and it relates to former employees or employees that worked for MMCI, if their pension fund isn't solvent at a distant point in the future. We believe the PPGC which is a pension fund corporation, will kick in before any claims come to us so the risk is very small.

Councillor Sorg said I think this demonstrates the very good negotiations that our staff is doing so I want to congratulate them.

Councillor Silva asked what do we presently put into our own building replacement fund?

Robert Garza said the City of Las Cruces falls way short of the 2%. We strive to put 1.5% into our buildings and 1% into our streets and other infrastructure but we are not able to do that at this point.

Councillor Silva asked do you feel the 2% is sufficient for the Memorial Medical building?

Robert Garza said yes, especially with the way this agreement is worded, "at a minimum of 2%."

Councillor Silva asked do they have the option to purchase this building?

Robert Garza said yes, they do have the First Right of Refusal for that property at a relatively low cost because they have already prepaid so much up front.

Mayor Miyagishima asked where was this money kept because it has probably been sitting around for two or three years and we could have been collecting interest on it during that time?

Robert Garza said the $8 million was managed by Scott Moore who was selected by MMCI; however, he passed away so the court appointed an accounting firm to handle it.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-066 and it was Approved 6-0 Councillor Pedroza was absent.

DRAFT

(10) Resolution No. 14-067: A Resolution to Adopt the East Mesa Community Blueprint.

Councillor Sorg Moved to Approve Resolution No. 14-067 and Councillor Small Seconded the motion.

Srijana Basnyat, Planner gave an overhead presentation and said this Blueprint planning area is located south of Highway 70 and the neighborhood is largely residential with unpaved streets. There is also a lot of natural desert open space and there is the availability to have horses or other large animals in this area. The Blueprint process was initiated by members of the public who approached their councillor and staff to create this for their neighborhood. There were three public meetings as well as the Planning and Zoning Commission meeting to discuss this issue and the main discussions were regarding roadways, preservation, the night sky and access to public land. The biggest opportunity in the area is to establish a trail network and have a public/private correlation to develop the access points and recreation options which would benefit the city at large and not just that area. The goals are to maintain the existing rural community character; ensure that future infrastructure design and development takes into consideration the surrounding community; expand recreational opportunities and access points; and to provide public facilities and future services that support residents and visitors. The Blueprint recommends a set of actions of which the first action is to convert the defunct zone designation to a comparable current zoning district; develop appropriate design and roadway standards that enhance and protect the rural environment; and encourage the design of a multi-modal trail pathway network within and around the planning area to enhance and facilitate non-vehicular access to the proposed public park off Cortez Road, as well as access to the Alameda Arroyo and surrounding open area.

Councillor Thomas said I went to several of these meetings and there was a high degree of community and staff participation which I think has resulted in an excellent product.

Councillor Sorg said the residents of this neighborhood were really concerned about preserving the character of their neighborhood.

Councillor Pedroza asked if this is approved then who is bonded by the Blueprint; is it the City who won't be able to change any zoning without amending it? How does this affect future development?

Srijana Basnyat said if this Blueprint is approved today then it would behave as a policy plan and guide for this area. So, if there is any future development that is not previously vested then it should reflect the policies, goals, and actions of this Blueprint.

Councillor Thomas said there has been some discussion about updating the defunct zoning district of Urban Ranch so is that a possibility in moving forward with this Blueprint?

DRAFT

Srijana Basnyat said if this Blueprint is adopted then that should be an action item for the City to consider and be on staff's agenda. The Blueprint will start the process and the rezoning will follow it through the City's rezoning procedures.

Councillor Thomas asked do we need to do anything to start that process?

David Weir, Community Development Director said if adopted, the actions in this Blueprint would be something that the Community Development Department could put on their Work Program and if there is a consensus from Council then we could start forwarding a rezoning of those properties to a zoning district that would comply with the plan and with our Zoning Code.

Councillor Thomas said I would suggest that we move forward in whatever way we can to begin to implement some of the things from the Blueprint.

Councillor Small asked will staff continue to work with the neighborhood in being successful with some of the goals and helping advise them on some of the points that were outlined?

Srijana Basnyat said the Blueprint itself identifies a couple of other City departments that can also work with the residents to achieve some of the things that were discussed during the Blueprint process.

Councillor Silva asked how many people attended your public meetings?

Srijana Basnyat said there were about 14 to 20 people.

Councillor Silva asked were they the same people at each meeting.

Srijana Basnyat said in most cases, yes.

Councillor Silva asked how many people live in this area?

Srijana Basnyat said we sent out notifications to approximately 200 parcels.

Councillor Silva said so we may be moving forward with this without the full backing of the people in that area. I want to say that I do have concerns with the notification process.

Srijana Basnyat said we did post the meeting notices on our website as well as sent out notices and the East Mesa Neighborhood Association also posted them on their website.

Councillor Silva said it does sound like you did make an effort to notify the residents in that area and I do see the value of this Blueprint.

DRAFT

Srijana Basnyat said we also notified and met with the property owners surrounding this Blueprint area as well.

Councillor Silva said I would suggest that when you do your update or review that you are consistent with the number of issues listed because the number varies throughout the report.

Srijana Basnyat said in the Blueprint documents we only listed the top four priorities and then listed the other issues.

Councillor Smith said I just want to compliment you on the Vision Statement and I do think you pulled together a lot of important elements. I do think we are still on an emerging program, as far as how we do these Blueprints, so I feel there is room for flexibility and movement there. Regarding balancing the needs and activities of pedestrians, cyclists and motorist with those of owners of large animals; I do think that speaks to the fact that there is an existing sort of culture and existing atmosphere there. So when we talk about progress and future uses with existing uses, I think the language there speaks to the current situation and how we are moving forward so I don't have a problem with that particular language. Regarding the goals and actions, I think it is going to take some time to get to some of those things but sometimes it is helpful to have some general deadlines.

Councillor Pedroza said I just want to compliment you on the amount of engagement and I would encourage you to continue to be engaged with the community and with the City as a whole.

John Haas, Member of the Public said I am the President of the East Mesa Neighborhood Association and we endorse this Blueprint. I would like to thank your staff for all the hard work they did and their work with the community on this project.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-067 and it was Unanimously Approved 7-0

VIII. BOARD APPOINTMENTS

Mayor Miyagishima re-appointed Matt Holt, Robert Peterson and Philip Benson to the Labor Board.

Councillor Sorg Moved to Approve Mayor Miyagishima's board re-appointments of Matt Holt, Robert Peterson and Philip Benson to the Labor Board and Councillor Smith Seconded the motion.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board re-appointments of Matt Holt, Robert Peterson and Philip Benson to the Labor Board and it was Unanimously Approved 7-0

Mayor Miyagishima re-appointed Nick Andrews and Doug Cowen to the Ratepayer Advisory Committee.

Councillor Sorg Moved to Approve Mayor Miyagishima's board re-appointments of Nick Andrews and Doug Cowen to the Ratepayer Advisory Committee and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board re-appointments of Nick Andrews and Doug Cowen to the Ratepayer Advisory Committee and it was Unanimously Approved 7-0

Mayor Miyagishima appointed Ronald C. Johnson, Chrys Uhlig and William J. Daly to the Ratepayer Advisory Committee.

Councillor Sorg Moved to Approve Mayor Miyagishima's board appointments of Ronald C. Johnson, Chrys Uhlig and William J. Daly to the Ratepayer Advisory Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointments of Ronald C. Johnson, Chrys Uhlig and William J. Daly to the Ratepayer Advisory Committee and it was Unanimously Approved 7-0

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

(11) Council Bill No. 14-010; Ordinance No. 2695: An Ordinance Approving a Zone Change for a 0.23 Acre Portion of a 1.98 Acre Parcel 02-14428 Located at 2969 Claude Dove Drive From R-2 (Multi-Dwelling Low Density Residential) to R-3 (Multi-Dwelling Medium Density Residential). Submitted by the Property Owner, 2969 Claude Dove-Teke LLC.

Mayor Miyagishima and Council agreed to bring this item back.

(12) Council Bill No. 14-011; Ordinance No. 2696: An Ordinance Approving a Zone Change From UR (Urban Ranch From the 1981 Zoning Code) to REM (Single-Family Residential Estate Mobile) on 1.60 ± Acres of Land Located at 4684 Weaver Trail. Submitted by Lawrence T. Alderete on Behalf of Santos B. Alderete, Property Owner (Z2864).

Mayor Miyagishima and Council agreed to bring this item back.

(13) Council Bill No. 14-012; Ordinance No. 2697: An Ordinance Repealing the Las Cruces Local Economic Development Plan 2004 Adopted by Ordinance No. 2122 and Adopting the Las Cruces Local Economic Development Plan 2013 to Reflect Revised Project Security Requirements Adopted by the New Mexico Legislature in House Bill 352 of the 2013 Regular Legislative Session.

Mayor Miyagishima and Council agreed to bring this item back.

X. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council Member Board Reports.

XI. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said Mr. Ben "Chico" Segura was one of the founders of PAL Boxing and they wanted to do some type of recognition for him; whether through a park or some type of memorial for Mr. Segura. So, they asked if we could look into it.

I think Robert wanted to say something regarding EBID.

Robert Garza, City Manager said during our last rain event we had ponding issues on Valley Drive and one night we received a lot of complaints regarding how deep the water was getting so we sent some of our crews to pump out the water and they put it in one of the canals. EBID has very strict rules on how those systems are used and they expressed concerns to us about city employees dumping water into one of their systems without a specific permit or some other documentation or at the minimum giving them a phone call. We have a few problem areas that we are aware of so we will be pursuing specific permits for those locations so we can pump water from those locations into the EBID system.

Mayor Miyagishima said I handed out a letter that I received from the Taxation and Revenue Department that was dated September 30th and it stated that since we add the words "food and medicine exemption" and omitted something regarding the satellite dish; that they we not going to honor our resolution. That is concerning because we're talking about approximately $4 million that it could cost us. They claim that they had talked to someone in the City regarding these concerns so I responded with a few questions that I asked them to answer for me; however, they still haven't responded to me. We have scheduled a Closed Meeting and a Work Session to discuss this issue.

Robert Garza said we are having a Closed Meeting to discuss some of our legal options for this situation and then we will have a Work Session on it. Our Plan B is to present another ordinance to Council that exactly meets their requirements but if we do that then it won't go into effect until July 2014 so we wouldn't be able to collect GRT from January to July 2014 which would add up to about $4 million.

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b.) City Council

Councillor Thomas said I want to remind everyone that we are coming up on the week for the Downtown Charrette. The kick-off is at 6:00 p.m. tonight at the Rio Grande Theater.

DRAFT

I am having a problem in a neighborhood that is near my neighborhood, over the use of kennels so I would like to ask for us to revisit that issue at one of our work sessions.

Mayor Miyagishima said we can discuss that at our October 28th meeting.

Councillor Sorg showed some overhead slides and said we still have issues with incomplete and insufficient infrastructure in District 5 and in other areas throughout the city so I am asking that we keep this in mind during our strategic planning process.

One week from today the State Legislature is holding a Water Interim Committee, which is also called a Drought Committee, hearing at the Pan Am Center. Also our Utilities Department is holding a Water Seminar on October 30th here in Chambers and it will also be broadcasted on CLC-TV so I would ask that we publicize it so we can fill up the room.

DRAFT

Councillor Small passed.

Councillor Pedroza said on October 27th the La Semilla Food Center will be having a fundraiser dinner so just me let me know if you are interested in attending it.

A few weeks ago Oscar Butler-Vasquez requested our support of an effort involving Hispanic and women farmers in this area. I read up on it so I am passing out a draft resolution for what I think he wanted us to state in the resolution and if there is enough support from Council then staff can work on finalizing it.

Mayor Miyagishima said I think there is support from Council but I do think we need to have staff and Legal look through your draft and make any necessary changes.

Councillor Pedroza said I am a member of the Board of Directors of the Disability Rights New Mexico which is a statewide organization and they are addressing the closure of the mental health facilities due to the cutting off of their medicaid funding because of allegations of fraud and misuse. I think in the future that this might require a resolution from us as well so I will make copies of their letter and get it to everyone.

Councillor Smith said I do hope that there will be significant representation from us at the Downtown Charrette. The first Open Studio Charrette will be tomorrow from 3:00 to 5:00 p.m. at the Community Enterprise Center. There will be other meetings for certain stakeholders and on Wednesday the Open Studio Charrette will be from 1:30 to 6:00 p.m. at the Community Enterprise Center; Thursday it will be from 10:00 to 11:30 a.m. and from 1:30 to 6:00 p.m. at the Community Enterprise Center. On Friday the closing and public comment session will be from 6:30 to 7:30 p.m. at the Rio Grande Theater.

In today's paper there was a very good article on an analysis by Dan Balz of the Washington Post and I would encourage everyone to read it.

Currently, flag poles are being stuck up in front of City Hall and I might have not been on the Council when decisions were being made regarding this building but I have asked questions as to why this was being done and was told is had something to do with a commitment to the Veterans. I'm still not sure why this is being done at this time with a cost of approximately $60,000. I do support our Veterans and I do believe in having flags but I do think we need to look at the different priorities.

DRAFT

The Rachel Ray Contest netted $15,000 for our Animal Services Center of the Mesilla Valley and I think that is a significant accomplishment.

Mayor Miyagishima said we did have all the different flags flying at the old City Hall and I think when we moved to the new City Hall that was something that we wanted to have but we didn't have the money at the time. We were asked by Veteran organizations if we were still going to maintain the same type of tradition so Robert was able to find some money to have the flag poles done. I think this is just a small token to all our service men and women for all that they do.

Councillor Smith said my concern is with how those types of decisions are made; I do recognize the important contributions made by our Veterans which is significant and important but I do question the process.

Robert Garza, City Manager said the original plan for this building did incorporate flag poles for the Veterans because we did have them at the old City Hall. Staff and Council set priorities for the City Hall project so it was planned as part of this facility and it is being funded as part of the original construction of this facility.

Councillor Smith said I did not realize the plans included all of those flag poles so this means we are following through with the plan as it was originally approved. That was not clear to me so hence my question.

Councillor Silva said regarding this draft resolution that was passed out to us, I'm still not sure what we are trying to accomplish with this resolution. The draft resolution does say "agrees with Senators Udall and Martin" so I think we should include the letter of support as an exhibit to the resolution.

Councillor Pedroza said that letter was the one that was passed out to us by Oscar Vasquez. This resolution is to show support for their efforts to get the same type of relief from the courts as the African-Americans and Native Americans Farmers.

Councillor Silva said I just read that they can go back and get relief so I'm just not sure what we are trying to support.

In the City Manager's report there was a comment about the Convention Visitors Bureau and that they are having plans on our CLC regarding "Heads in Beds" and I would like to know if someone could present that plan to us?

Regarding the Hold Harmless agreement, I agree with providing a repeal ordinance. The New Mexico Municipal League has drafted two pieces of legislation that they are going to take forward in January which one is to go back to the 2004 plan and what would be applied is the local tax for that community; the second is similar to the first but it has that the State would make up the difference in the amount of funds we'd be short at that point. I don't know how much weight that will carry but those are the two pieces of legislation that they have drafted and they will be circulating them to the municipalities.

I'd like to thank Mr. Robert Estrada for bringing back the whole enchilada. It was nice to have him and his entire crew back out there.

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c.) City Manager

Robert Garza, City Manager said there needs to be a disclosure of a conflict of interest given for Natalie Green who works with our Community Development Neighborhood Services section.

Vera Zamora, Housing Development Coordinator said the City's Home Rehab Program is funded through Community Development Block Grants and Neighborhood Stabilization Funds for projects completed in the city. Contracts are awarded for jobs through a competitive bidding process. Summit Building and Development has been awarded contracts for construction and is eligible to bid on future contracts. Natalie Green is the spouse of an employee of Summit and discloses her conflict of interest which is a requirement through HUD to request the exception. Also, the City Attorney has provided their opinion and their opinion stated that interest for which the exception is being sought does not violate state or local law. Today's action is to disclose to the public the nature of the conflict. The next step would be a written request for exception to the HUD field office and then the HUD field office responds with their determination. That concludes our disclosure. Thank you.

Robert Garza said Police Chief Richard Williams has agreed to extend his retirement date to December 31, 2013 which will be very helpful to us as we continue with the selection process of a new chief.

There have been questions regarding the status of the Intermodal Center; we are anticipating a Certificate of Occupancy this week but there are issues with the furniture and fixtures and equipment which will cause a little more time to go by before we can actually open the facility. We are looking at late October or early November for a final opening date. I was also advised that a resolution will be coming before Council, probably at your next meeting, to choose the final name of the facility.

Absentee Voting begins on Wednesday of this week and I just want to remind everyone that there are campaign restrictions in and around City Hall beginning on Wednesday.

I was just informed that some of the White Sands employees that were off on furloughs have been allowed to go back to work today.

DRAFT

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

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

Council said "Aye."

Meeting Adjourned at 4:00 p.m.