

Item #1
Regular Meeting
November 18, 2013



City Council
of the
City of Las Cruces

Regular Meeting

November 18, 2013
1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Gregory 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, City Clerk

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I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

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

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?

There were no conflicts given.

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 3 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
 4 Closed Session at 1:05 p.m. on November 13, 2013. The following members were in attendance:
 5 Moss Adams staff: Brandon Valentine, Ryan Luetkemeyer, Lupita Martinez, Monica Guerrero;
 6 Mayor Miyagishima, City Attorney Harry (Pete) Connelly, Finance Director Victoria Fredrick,
 7 Assistant City Manager Brian Denmark, Accounting Supervisor Maria Villa, Government Funds
 8 Supervisor Melissa Nelson, Internal Auditor Viola Perea, City Auditor Audrey Evins, and Assistant
 9 City Manager Mark Winson. The meeting adjourned at 2:00 p.m. and only the limited items stated
 10 in the posted notice were discussed which was to conduct an Audit Exit Conference for the City of
 11 Las Cruces FY13 Audit.

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 14
 15 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
 16 Closed Session at 12:34 p.m. on November 18, 2013. The following members were in attendance:
 17 Mayor Miyagishima, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg,
 18 Councillor Thomas, City Manager Robert Garza, HR Director Andre Moquin, Community
 19 Development Director David Weir, Attorney David Lutz, City Attorney Harry (Pete) Connelly,
 20 Assistant City Manager Mark Winson and Assistant City Manager Brian Denmark. The meeting
 21 adjourned at 12:52 p.m. and only the limited items stated in the posted notice were discussed which
 22 was pending litigation regarding Gary D. Hembree v. City of Las Cruces, Third Judicial District
 23 Court No. CV-2011-0827.

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 27 **III. PUBLIC PARTICIPATION**

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 29 There was no public participation.

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

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

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 41 Mayor Miyagishima called for the roll on the Motion to accept the Agenda and it was Unanimously
 42 APPROVED. 7-0

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V. CITY COUNCIL MINUTES

* (1) Regular Meeting of October 21, 2013

VI. UNFINISHED BUSINESS:

(2) Resolution No. 14-082: A Resolution Repealing and Replacing the Existing Identified Neighborhood Association Information and Notification Policy With a New Policy Title Identified Neighborhood Association/Group Information and Notification Policy. Submitted by the City of Las Cruces. *(Tabled from November 4, 2013)*

Councillor Small Moved to Remove Resolution No. 14-082 from the Table and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 14-082 from the Table and it was Unanimously Approved. 7-0

Vincent Banegas, Community Development Deputy Director gave an overhead presentation and said the Council's comments were that the existing policy's entity reference was too narrow so we have broadened it throughout the document. Council also wanted us to take a look at simplifying and relaxing the formality of the document so we went through the document and simplified it in several areas. I have passed out several pages to Council indicating a memo that outlines all the changes. There is an exhibit in those documents that is intended to be a substitution for the exhibit that is in the original documents and the resolution itself is modified to reflect the name change to the Notification Policy. So, if Council approves this resolution then staff would recommend substitution of the exhibit and the proposed resolution would take place pursuant to what has been handed out.

Councillor Thomas said I like the addition of the "other neighborhood groups" and I think we are making great progress towards developing a better communication system. Do we need to make some modifications to the actual resolution?

Vincent Banegas said yes, I recommend that you substitute Exhibit A and the resolution itself with what is reflected in the hand-out.

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2 Councillor Thomas said there is also probably some language within the resolution that needs to be
3 changed which I wrote down and I will pass it out to Council so they can look at it.

4
5 Councillor Small said I think by adding the "other neighborhood groups" it shows a greater attempt
6 to reach out to as much of the community as possible.

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10 Councillor Thomas Moved to Amend Resolution No. 14-082 to accept the substitute Exhibit A and
11 the language with the resolution be edited to use Development Notification Policy and use
12 Neighborhood Entities as appropriate and Councillor Sorg Seconded the motion.

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16 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 14-082 to accept the
17 substitute Exhibit A and the language with the resolution be edited to use Development Notification
18 Policy and use Neighborhood Entities as appropriate and it was Unanimously Approved. 7-0

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22 Councillor Silva said I do like that we will be able to modify this if we need to sometime down the
23 road so I am comfortable with where we are with this right now.

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27 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-082 as
28 Amended and it was Unanimously Approved. 7-0

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

33
34 (3) Council Bill No. 14-014; Ordinance No. 2699: An Ordinance Repealing Las Cruces
35 Municipal Code (LCMC) 1997, Sections 32-136 Through 32-144, Design Standards, in its
36 Entirety and Enacting New LCMC 1997 Sections 32-136 Through Section 32-144, Design
37 Standards; and to Amend LCMC 1997 Section 38-60(B), Walls and Fences-Retaining Walls;
38 and LCMC 1997 Section 30-233(6)A.8, Submittal Requirements-Retaining Walls.

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40 Councillor Thomas Moved to Adopt Council Bill No. 14-014; Ordinance No. 2699 and Councillor
41 Sorg Seconded the motion.

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3 Louis Grijalva, Project Development Administrator gave an overhead presentation and said in cases
4 of the rock walls shown in the presentation, there is varying mortar depths along with poor quality
5 of mortar which is leading to early erosion and rock loss. So with this proposed change to the Design
6 Standards we are going to increase the mortar strength to accommodate this type of situation. The
7 next picture shows a finished wall but there are some obvious gaps between the rocks so the
8 proposed changes includes clearer requirements for these types of situations. This ordinance would
9 repeal and replace Las Cruces Municipal Code, Chapter 32, Article III, Division 3, Section 32-136
10 through 32-144 and edits the references. It amends Section 30-233 a.8; retaining wall with elevations
11 shown on both sides of the wall height and dimensions, drainage and all design calculations. It
12 amends Section 38-60B; Retaining wall is a designed wall constructed of brick, block, rock,
13 concrete, MSE, or reinforced concrete, to retain a specific depth of soil or surcharge. This wall type
14 is designed to resist the sum of all specific soil and surcharge pressures with a predetermined safety
15 factor. Also, it documents the steps and data to ensure fences, walls, retaining walls, and slope
16 protection are designed for their intended use through credible engineering practices. It identifies soil
17 properties and subsurface investigation requirements to ensure that proper engineering analysis is
18 applied to the design and construction of fences, walls, retaining walls, and slop protection. It
19 provides simple and clear language to the design engineer, architect, developer, builder, and general
20 public to ensure both credibility of the final design and uniformity in its application.

21
22 Mayor Miyagishima asked did you receive any feedback from the stakeholders?

23
24 Louis Grijalva said yes, but it was very minimal. One comment was from a local engineering firm
25 suggesting that we use a certain semantic equation and analysis. Another suggestion was that we
26 were more specific on the type of compaction that we are using.

27
28 Robert Garza, City Manager said the problem with rock walls is that every rock is unique and
29 different in size so it makes them more unpredictable compared to blocks or cinder blocks. We've
30 had homeowners, developers, and contractor ask us to come up with more uniformed and predictable
31 standards. We're not raising the bar, we're just adding definitions so that everyone is mixing,
32 measuring and stacking everything the same way.

33
34 Councillor Thomas said this is a big problem in District 6. One time a rock wall had fallen down and
35 there were pieces of aluminum inside it; do you have any idea why it was there?

36
37 Louis Grijalva said we are hoping to stop that from happening. We have found all kinds of things
38 like cement bags, brown lunch bags, aluminum foil, and other various things inside rock walls.

39
40 Councillor Smith said the concern that I have is that whenever we further try to elaborate or clarify
41 then sometimes we have the unintended consequences of making it harder for some people to do

1 business so I am looking forwarding to hearing from people who do build the rock walls and
2 hopefully they will concur with what we are specifying is going to be helpful in making sure the
3 walls are solid. I didn't see any mention of the gabions; rocks that are put into metal cages which are
4 sometimes used to help solidify and help stabilize arroyo edges; is that something that might be
5 useful in some of the situations that you've described?

6

7 Robert Garza said the rock gabions and other things like that are already defined in another section
8 of our Design Standards as part of the drainage section.

9

10 Councillor Sorg asked when you have a wall that divides two properties, who is responsible for
11 maintaining it?

12

13 Louis Grijalva said if it is on the property line then it is a joint responsibility.

14

15 Councillor Pedroza asked will the mortar be better under the new code?

16

17 Louis Grijalva said yes, we are increasing the strength of the mortar.

18

19 Councillor Pedroza asked who will be enforcing things like the strength of the mortar?

20

21 Louis Grijalva said it would be handled during the inspections.

22

23 Councillor Silva asked where in this document is it determined that a retaining wall is needed?

24

25 Louis Grijalva said it would be part of the subdivision plan and it would have to be designed
26 accordingly.

27

28 Councillor Silva said you would think that someone in city staff would make a site visit before it is
29 even built instead of relying on the public to determine if a retaining wall is needed or not.

30

31 Robert Garza said Section 32-142, Section A states that all designs will be reviewed by the City to
32 ensure compliance with City Codes and ordinances prior to installation.

33

34 Councillor Silva asked what did we replace Section 32-144 with?

35

36 Robert Garza said we are repealing the entire old rock wall ordinance with the ordinance that is in
37 front of you today.

38

39 Councillor Silva said I'm just concerned that not everything regarding retaining wall designs,
40 requirements and so forth, were transferred over or covered in the new one.

41

1 Steve Chavira, Member of the Public said I like the idea that the footing will be increased but I don't
2 recall the Home Builders Association receiving a copy of the letter seeking our input and I would
3 like for us to be part of this process.

4

5 Oscar Vasquez-Butler said I agree that you should have regulations on the materials.

6

7 Councillor Sorg said when the residents have problems they usually go to the City so it is important
8 for us to have these codes in place.

9

10 Councillor Small said this is a legitimate issue and it makes sense for us to continue to take a look
11 at it but I do feel comfortable with moving forward with this today.

12

13 Councillor Silva asked what kind of feedback did you receive?

14

15 Louis Grijalva said we received very minimal feedback; we only received two comments.

16

17 Councillor Silva said I think it would be appropriate to table this item in order for them to get more
18 public feedback because I don't think receiving two comments out of the 40 people notified is
19 sufficient.

20

21 Mayor Miyagishima said this can't be tabled because it is old business. We have to either vote it up
22 or down.

23

24 Esther Martinez-Carrillo said this cannot be tabled because it is old business so if it is tabled then
25 it would die.

26

27 Councillor Silva said I can't support this today with the way it is currently written.

28

29 Mayor Miyagishima asked if this is voted down then how soon could you bring it back to Council?

30

31 Louis Grijalva said probably early next year.

32

33 Councillor Smith said the City is trying to do what we think is best for our constituents and our
34 citizens and we are sometimes overactive in that role. I would agree with voting no on this today and
35 having it brought back to us.

36

37 Mayor Miyagishima said we should go ahead and amend this to include the 30-days compaction test
38 to be used, just in case it is approved today.

39

40 Councillor Small said I'm not sure we can make that amendment because it would affect other parts
41 of it.

42

1 Mayor Miyagishima asked Pete, would we be able to make that type of amendment?

2

3 Harry (Pete) Connelly, City Attorney said my recommendation is no.

4

5 Councillor Thomas asked so when they do the wall then they have to do another compaction test?

6

7 Louis Grijalva said I'm just saying that they need to follow the existing City of Las Cruces Standards
8 when it comes to compaction so if it is deemed necessary then it needs to be done.

9

10 Councillor Thomas asked what deems something necessary?

11

12 Louis Grijalva said as long as the compaction is there and the tests say they are in the right window
13 with the correct amount of moisture and density; then that's what is needed.

14

15 Robert Garza said there is discretion by the people in the field on whether or not another compaction
16 test is necessary.

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DRAFT

20 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 14-014; Ordinance
21 No. 2699 and it was Approved. 5-2 Councillor Pedroza, Councillor Small, Councillor Sorg,
22 Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva and Councillor Smith
23 voted Nay

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27 **VIII. CLOSING CEREMONIES**

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29 Councillor Thomas gave an overhead presentation regarding members of the Council and
30 administration staff.

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34 **IX. RECESS OF OLD COUNCIL**

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36 Councillor Smith moved to recess the old Council and Councillor Small seconded the motion.

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40 Mayor Miyagishima called for the roll on the Motion to Recess the old Council and it was
41 Unanimously Approved. 7-0

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Meeting recessed at 3:03 p.m.

MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Gregory Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Ceil Levatino, District 6

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

Mayor Miyagishima called the meeting to order at approximately 3:03 p.m.

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X. OPENING CEREMONIES

- I. Administration of Oath of Office to Municipal Judge II Kieran F. Ryan
- II. Administration of Oath of Office to Councillor Olga Pedroza
- III. Administration of Oath of Office to Councillor Gill M. Sorg
- IV. Administration of Oath of Office to Councillor Cecelia H. Levatino

XI. ORGANIZATIONAL CEREMONIES

- a.) Selection of Mayor Pro-tem from among Council.

Mayor Miyagishima asked for nominations for Mayor Pro-tem.
Councillor Silva nominated Councillor Sorg.
Councillor Smith nominated himself.
Councillor Pedroza nominated Councillor Small

1 Mayor Miyagishima asked the City Clerk to call each council member's name and have them state
2 which councillor they wanted selected as Mayor Pro-tem.

3

4 Councillor Silva said Councillor Sorg.
5 Councillor Smith said Councillor Smith.
6 Councillor Pedroza said Councillor Small.
7 Councillor Small said Councillor Small.
8 Councillor Sorg said Councillor Sorg.
9 Councillor Levatino said Councillor Smith.
10 Mayor Miyagishima said Councillor Smith.

11

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14 Councillor Levatino Moved to nominate Councillor Smith as the next Mayor Pro-Tem. Mayor
15 Miyagishima called for the roll on the Motion to Approve the Selection of Councillor Smith as the
16 Mayor Pro-Tem and it FAILED. 3-4 Councillor Smith, Councillor Levatino and Mayor Miyagishima
17 voted Aye. Councillor Silva, Councillor Pedroza, Councillor Small and Councillor Sorg voted Nay.

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21 Councillor Silva Moved to nominate Councillor Sorg as the next Mayor-Pro-tem. Mayor
22 Miyagishima called for the roll on the Motion to Approve the Selection of Councillor Sorg as the
23 Mayor Pro-Tem and it FAILED. 2-5 Councillor Silva and Councillor Sorg voted Aye. Councillor
24 Smith, Councillor Pedroza, Councillor Small, Councillor Levatino and Mayor Miyagishima voted
25 Nay.

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29 Councillor Pedroza Moved to nominate Councillor Small as the next Mayor Pro-tem. Mayor
30 Miyagishima called for the roll on the Motion to Approve the Selection of Councillor Small as the
31 Mayor Pro-Tem and it FAILED. 3-4 Councillor Pedroza, Councillor Small and Councillor Sorg
32 voted Aye. Councillor Silva, Councillor Smith, Councillor Levatino and Mayor Miyagishima voted
33 Nay.

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37 Mayor Miyagishima said it is between Councillor Smith and Councillor Small and the one with the
38 most votes will be Mayor Pro-tem.

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40 Councillor Silva voted for Councillor Smith.

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1 Councillor Smith voted for Councillor Smith.

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3 Councillor Pedroza voted for Councillor Small.

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5 Councillor Small voted for Councillor Small.

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7 Councillor Sorg voted for Councillor Small.

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9 Councillor Levatino voted for Councillor Smith.

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11 Mayor Miyagishima voted for Councillor Smith.

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15 Councillor Smith was selected as the Mayor Pro-Tem.

16

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19 Councillor Silva Moved for a recess until 3:35 p.m. and Councillor Smith Seconded the motion.

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23 Mayor Miyagishima called for the roll on the Motion to recess until 3:35 p.m. and it was
24 Unanimously Approved. 7-0

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28 The meeting recessed at approximately 3:22 p.m.

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32 The meeting reconvened at approximately 3:37 p.m.

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

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

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2 There were no conflicts given.

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6 **XIII. PUBLIC PARTICIPATION**

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8 There was no public input given.

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

15
16 Mayor Miyagishima said Items 4, 5 and 6 need to be removed from the Consent Agenda for
17 discussion.

DRAFT

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21 Councillor Silva Moved to Approve the Agenda as Amended and Councillor Pedroza Seconded the
22 motion.

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

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

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33 *(7) Resolution No. 14-092: A Resolution Authorizing the Las Cruces Parks and Recreation
34 Department to Accept a Grant Award From the Active Schools Acceleration Project (ASAP)
35 in the Amount of \$1,000.00 for After School Program Supplies and to Adjust the City's
36 Adopted FY 2014 Budget.

37
38 *(8) Resolution No. 14-093: A Resolution Approving Agreements Between the Federal Bureau
39 of Investigation and the City of Las Cruces, on Behalf of Its Police Department, to Accept
40 Funding to Cover Police Officer Overtime Expenses as Related to the Organized Crime Drug

1 Enforcement Task Forces, to Ratify the City Manager’s Signature on the Agreements and to
2 Approve a Budget Adjustment to the FY 2014 Approved Budget.
3

4 *(9) Resolution No. 14-094: A Resolution Authorizing the City of Las Cruces to Accept
5 Legislative Appropriation Funding in the Amount of \$321,000.00 From the Sate of New
6 Mexico Environment Department Under 2013 Legislative Grant Agreement No. 13-1449-
7 STB and to Adjust the FY 14 Budget.
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11 **XVI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**
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13 *(4) Resolution No. 14-089: A Resolution Authorizing High Desert Brewing Company to
14 Continue With the Permitting Process to Allow for the Sale and Consumption of Beer Within
15 a Restricted and Secured Area During Winterfest, an Event Sponsored by the Farmers
16 Market of New Mexico, to be Held at La Placita, 145 North Main Street, From 5:00 P.M. to
17 10:00 P.M. on Friday, December 6, 2013.
18

19 Councillor Small Moved to Approve Resolution No. 14-089 and Councillor Smith Seconded the
20 motion.
21

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23
24 Robert Garza, City Manager said there is not going to be a Winterfest this year therefore this
25 resolution is not necessary.
26

27 Councillor Silva asked was there a permit given for this event?
28

29 Robert Garza said no.
30

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33 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-089 and it
34 FAILED. 0-7
35

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38 *(5) Resolution No. 14-090: A Resolution to Support the Concept of a Mesilla Valley Food
39 Policy Council.
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41 Councillor Small Moved to Approve Resolution No. 14-090 and Councillor Smith Seconded the
42 motion.

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4 Councillor Silva asked what is the purpose of this resolution?
5
6 Christina Aguilar, Mesilla Valley Food Policy Council Coordinator said we would like to have a
7 formal advisory board to the City and County regarding the food system spectrum.
8
9 Councillor Silva asked would we at some point need to create a JPA or something?
10
11 Councillor Pedroza said this has been before us before and was approved by Council but the steps
12 have been a little bit different because we are including the County so this is to formalize that and
13 move it forward.
14
15 Councillor Small said this is relevant to both the City and the County in terms of supply and in terms
16 of land within the City limits. This is kind of a statement of intention and I think a JPA is a fantastic
17 idea on a way to formalize it. This is just a great first step.
18
19 Councillor Sorg said as a former food producer, I understand why we would want to do this; it will
20 help promote our local agriculture community and promote buying locally grown food.
21
22 Councillor Smith said regarding public transportation, the way it is included in this resolution is a
23 little concerning because it sounds like there could be redundancy or at least an opportunity for
24 collaboration.
25
26 Christina Aguilar said we included that because it was something that was continually brought up
27 and our public meetings. A lot of people don't have vehicles in the rural areas so they have
28 difficulties reaching full service grocery stores and we wanted to show that this was a big concern.
29
30 Councillor Pedroza said there are several different groups cooperating with this and things like
31 obesity in school children can be helped by making sure there are fresh fruits and vegetables
32 delivered to the school cafeterias.
33
34 Councillor Silva asked do you foresee the County providing any staff for this group venture or is
35 there going to be staff provided elsewhere?
36
37 Christina Aguilar said it is too early in this process to determine that at this point.
38
39 Councillor Silva said I'd hate to form a committee just to form a committee so I would recommend
40 that we put this item on a work session and on a joint meeting agenda.
41
42 Councillor Small said I believe we already had a work session on this item several months ago and

1 it seems to me that this isn't committing us to anything so I think we should pass this resolution.

2

3 Councillor Pedroza said I agree that we should pass this resolution because it is just stating that we
4 are willing to discuss these issues and ideas. I also want to mention that the County has already
5 passed their resolution regarding this item so I suggest we also move forward with it.

6

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9 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-090 and it was
10 Unanimously Approved. 7-0

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14 *(6) Resolution No. 14-091: A Resolution to Support the Hispanic and Women Farmers and
15 Ranchers of America and Its Efforts to Ensure Parity Between Claims Processes Provided
16 by the United States Department of Agriculture.

17

18 Councillor Small Moved to Approve Resolution No. 14-091 and Councillor Smith Seconded the
19 motion.

20

21

22

23 Councillor Silva said I'm still trying to figure out what we're trying to accomplish with this
24 resolution because from my research, this has already been corrected.

25

26 Councillor Pedroza said this is just a letter of support for supporting the plaintiffs who in this
27 particular case where second in suing the Department of Agriculture for discrimination in the way
28 they give out loans.

29

30 Oscar Vasquez-Butler, Member of the Public said all four protected group members went to court
31 on the same issue regarding discrimination by the USDA. This has been going on for a couple of
32 decades so the Blacks, the Native Americans, the Hispanics and the women filed lawsuits. The
33 Blacks and the Native Americans were allowed to file a class action lawsuit but the Hispanics and
34 the women were denied so they are appealing that decision which has not yet been resolved.

35

36 Councillor Levatino asked how many local members are there?

37

38 Oscar Butler-Vasquez said the numbers are kinda fluid because a lot of them cannot afford the
39 membership fee but I would say there are approximately 150 local farmers.

40

41 Councillor Silva asked how many of those local members were affected by this decision?

42

43 Oscar Butler-Vasquez said I don't know that answer.

1
2 Councillor Silva asked so are you saying that Hispanics and women received less than Blacks and
3 Indian minorities?
4

5 Oscar Butler-Vasquez said there is a disparity in the process; Hispanics and women have been
6 capped at \$50,000 as a resolution to their claims but Blacks have unlimited damages.
7

8 Councillor Silva said okay, now I understand what the purpose is of this resolution.
9

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11
12 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-091 and it was
13 Unanimously Approved. 7-0
14

15 -----

16
17 (10) Resolution No. 14-095: A Resolution Authorizing the Extension of City Water and/or
18 Wastewater Utility Service to Real Properties Outside of the City Limits Generally Located
19 Southeast of the Intersection of Interstate 10 and South Motel Boulevard.
20

21 Councillor Small Moved to Approve Resolution No. 14-095 and Councillor Sorg Seconded the
22 motion.
23

24 -----

25
26 Jorge Garcia, Utilities Director gave an overhead presentation and said we have had several public
27 meetings and there are 17 lot owners who are interested in water and/or sewer service for the 22
28 potentially affected lots. The Council would need to approve the service to the outside of City limits
29 first and then the next steps would be to enter into agreements with the property owners to reimburse
30 us over a period of time and budget this project into our FY 2015 budget.
31

32 Mayor Miyagishima said I assume that all of these people are currently on septic tanks.
33

34 Jorge Garcia said that is correct and some of these properties that are in the City limits are on wells.
35

36 Councillor Small said this is a strong component of economic development and this nicely
37 corresponds with the work that is currently being done on I-10.
38

39 Councillor Sorg asked is there going to be any other utility infrastructure added to this area?
40

41 Jorge Garcia said the gas system is already in place so I'm not aware of any other extensions.
42

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3 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-095 and it was
4 Unanimously Approved. 7-0

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8 (11) Resolution No. 14-096: A Resolution to Adopt Comprehensive Plan 2040.

9

10 Councillor Small Moved to Approve Resolution No. 14-096 and Councillor Sorg Seconded the
11 motion.

12

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14

15 Paul Michaud, Senior Planner gave an overhead presentation and said we are currently in Phase 1
16 which is the administration update and adoption process. We made changes to reflect the current
17 operational procedures, updated the data and content, reorganized and formatted it, deleted code-like
18 policies and completed items, and prepared the scope for the next phases. The scope of work for the
19 Blueprint includes identifying city-wide components, collecting data, having stakeholder meetings
20 and public input period, drafting the Blueprint plan and go through the adoption process which we
21 estimate will be in the Fall of 2014. There was a suggestion at the last work session to add transit
22 to Goal 28 so we did add the policy references to Table 17. It was also suggested that we add trails
23 to Policy 49.11 so we did go ahead and add it to that policy. We also modified Policy 13.3 and Policy
24 13.5 to add the definitions of gray-water and reclaimed water.

25

26 Councillor Silva said so basically this is just an update to the plan and we still have the other phases
27 that will take us all the way to 2016 which will be the final adoption date for this document; correct?

28

29 Paul Michaud said that is correct.

30

31 Councillor Silva said I do think we should have a work shop at some time to consider changing the
32 way we do this process. The way I see this document is that you are giving Council the green light
33 to take it a step further and go out and do staff's work regarding goals and objectives.

34

35 Councillor Small said I do like the addition of clarifying the adoption process and it seems to me that
36 things are on a very good schedule.

37

38 Robert Garza, City Manager said we keep having discussions to debt goals verses objectives so I
39 have asked that issue be addressed at our December 12th Strategic Planning Retreat.

40

41 Councillor Sorg asked at what time will Council be able to question these policies?

1
2 Paul Michaud said this is a time and there will be other times but the main time would be during
3 Phase 4 of the process.

4
5 Councillor Sorg said this is such a big document that there isn't enough time to do it now but there
6 were some things that I didn't understand; so as we go forward, I'd like to explore those definitions.

7
8 Paul Michaud said we will be coming back in a couple of years which gives staff enough time to go
9 over the document to find any flaws or other things that we would need to deal with or correct. You
10 can also report to us any issues you find so we can address them as well. You can formally submit
11 your concerns to the City Manager and he will get them to our office.

12
13 Mayor Miyagishima said we could have a work session next year just for this item to just kinda go
14 through it.

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18 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-096 and it was
19 Approved. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor
20 Smith and Mayor Miyagishima voted Aye. Councillor Levatino voted Nay.

21
22
23
24 (12) Resolution No. 13-14-330A: A Resolution Approving an Agreement for Employee Health
25 Benefits With Blue Cross Blue Shield of New Mexico.

26
27 Councillor Small Moved to Approve Resolution No. 13-14-330A and Councillor Sorg Seconded the
28 motion.

29
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32 Councillor Sorg Moved to Suspend the Rules and discuss Items 12, 13, and 14 concurrently and
33 Councillor Small Seconded the motion.

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36
37 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 12, 13,
38 and 14 concurrently and it was Unanimously Approved. 7-0

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2 Andre Moquin, HR Director gave an overhead presentation and said we were self-insured up until
3 2004 at which time we went with the State but recent changes at the State level made us stop and
4 take a look at what we were doing regarding the benefits that we were offering. We went through
5 a three-phase process which included a review, matching three years of history, and a bidding
6 process. We are recommending that Blue Cross Blue Shield become our sole medical and
7 prescription insurance provider. We are keeping Delta Dental and VSP which are solely paid for by
8 the employee and we are keeping ASI for the Flexible Spending Accounts and Standard Life for
9 short and long-term disability and basic life insurance.
10
11 Mayor Miyagishima asked is the cost to the City going to remain the same?
12
13 Andre Moquin said there will be an approximate \$1.2 million savings for the 60/40 City/Employee
14 so we should see several thousands in savings.
15
16 Councillor Smith said I just want to be reassured that the level of service is anticipated to be as good
17 if not better with taking this route.
18
19 Andre Moquin said yes, the plan designs have been improved with going through Blue Cross Blue
20 Shield.
21
22 Councillor Sorg asked will there be a reduction in premiums as well as costs?
23
24 Andre Moquin said yes.
25
26 Councillor Levatino asked are pre-existing conditions covered?
27
28 Andre Moquin said yes.
29
30 Councillor Small asked will the Wellness Program be changed or will it remain the same?
31
32 Andre Moquin said the Wellness Program will evolve from where it is today because Blue Cross
33 Blue Shield also supports wellness.
34
35 Councillor Pedroza asked does this cover all employees?
36
37 Andre Moquin said we offer insurance to all the employees who work more than 30 hours per week.
38
39 Ron Camuñez, Member of the Public said as a taxpayer, I would have liked to see the numbers for
40 the differences between what you had before and with this new policy.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-330A and it was Approved. 6-0 Councillor Silva was Absent.

(13) Resolution No. 13-14-330B: A Resolution Approving an Agreement for Employee Dental Services Insurance Benefits with Delta Dental of New Mexico.

Councillor Small Moved to Approve Resolution No. 13-14-330B and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-330B and it was Unanimously Approved. 7-0

(14) Resolution No. 13-14-349: A Resolution Approving an Agreement for Employee Life Insurance Benefits With the Standard.

Councillor Small Moved to Approve Resolution No. 13-14-349 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-349 and it was Unanimously Approved. 7-0

(15) Resolution No. 13-14-360: A Resolution Approving Services Agreement With Gallagher Benefit Services, Inc. of Greenwood Village, Colorado to Provide Benefits Consultation and Support Services and to Adjust the FY 14 Budget.

Councillor Sorg Moved to Approve Resolution No. 13-14-360 and Councillor Smith Seconded the motion.

Regular Meeting
November 18, 2013

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Andre Moquin, HR Director said Gallagher Benefits Services is the company that helped us with the three initial phases and we would like to contract with them for the first year of our implementation.

Councillor Small asked why are they such an essential function?

Andre Moquin said we are going with Gallagher because they have already helped us with the three phases so they are well acquainted with who we are and the biggest thing that they will bring to the table is the analytics of information that will be derived based on our utilization.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-360 and it was Approved. 6-0 Councillor Silva was Absent.

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XVII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Eugene W. Suttmiller to the Ratepayer Advisory Committee.

Councillor Smith Moved to Approve Mayor Miyagishima's board appointment of Eugene W. Suttmiller 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 appointment of Eugene W. Suttmiller to the Ratepayer Advisory Committee and it was Approved. 6-0 Councillor Silva was Absent.

Mayor Miyagishima appointed Fortunato S. Gonzalez to the Americans with Disabilities Act Advisory Committee.

1 Councillor Sorg Moved to Approve Mayor Miyagishima's board appointment of Fortunato S.
2 Gonzalez to the Americans with Disabilities Act Advisory Committee and Councillor Small
3 Seconded the motion.

4

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7 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board
8 appointment of Fortunato S. Gonzalez to the Americans with Disabilities Act Advisory Committee
9 and it was Approved. 6-0 Councillor Silva was Absent.

10

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13 **XVIII. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) There will be no public discussion.**

14 **2.) A councillor may ask staff for clarification on the proposed ordinance(s).**

15

16 There were no proposed ordinances.

17

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20 **XIX. CITY COUNCIL MEMBER BOARD REPORTS**

21

22 There were no City Council Member Board Reports.

23

24 Councillor Small said I would like to give a report on the Animal Services Board at our next
25 meeting.

26

27 Councillor Smith said I would like to give a presentation regarding the National League of Cities
28 Congress of Cities at our next regular meeting.

29

30 Councillor Pedroza said I'm not volunteering but I would like to get somebody to give a presentation
31 on Viva Doña Ana in the next few weeks.

32

33

34

35 **XX. GENERAL DISCUSSION**

36

37 a.) Mayor

38

39 Mayor Miyagishima said I handed out information regarding information for the International
40 Boundary and Water Commission, they are interested in board members to serve on their board.

1 Councillor Sorg said I already applied for it.

2

3 Mayor Miyagishima said I'd like to congratulate Councillor Levatino and I look forward to working
4 with you over these next few years.

5

6

7

8 b.) City Council

9

10 Councillor Smith said I'd also like to welcome Councillor Levatino. Councillor Silva and I were at
11 the National League of Cities Congress of Cities in Seattle and I did bring back a lot of experience
12 and exposure and inspiration so I look forward to sharing that with Council.

13

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16 Councillor Levatino passed.

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20 Councillor Sorg said I'd like to thank our well-managed Las Cruces Utility Department for the
21 program they put on called "Water 101" on October 30th. The program was very informative and I
22 had a lot of positive reactions from the public.

23

24 Councillor Sorg gave a verbal presentation regarding climate change and said I will be presenting
25 a draft resolution to ask for Council's support for climate change legislation in Washington, D.C.

26

27

28

29 Councillor Small said I intend to bring forward a Safe Routes to School resolution to continue to
30 support and participate with that program.

31

32 The Farmers Market in Mesilla will have a work shop for Viva Doña Ana on Friday from 2:00 to
33 4:00 p.m.. Then you can go to the Rio Grande Winery in Mesilla on Friday from 6:00 to 8:00 p.m.
34 Then there is going to be another one at the Farmers Market in Sunland Park and another one in
35 Hatch on Saturday afternoon. So as you can see there are a number of these meetings going on
36 throughout our County.

37

38 Regarding affordable housing, the tax credit applications will go in, in early 2014 so I'd like to see
39 this item in one of our December work sessions.

40

1 Robert Garza, City Manager said we are having a Strategic Planning Work Session on December 12th
2 and affordable housing should be one of the topics at the meeting.

3

4 Councillor Small said I would also like to welcome Councillor Levatino.

5

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7

8 Councillor Pedroza said I agree that the topic of climate change is an important topic and also that
9 water is very critical so I will also be applying for the Water Board membership. Also, Councillor
10 Sorg and I will be attending Water Conference in Albuquerque this week.

11

12 I saw in the Sound-Off that someone stated that there was nothing to do in Las Cruces but there are
13 a lot of activities going on, like the Potters Guild of Las Cruces is having their annual Las Cruces
14 Holiday Sale this Friday from 1:00 to 6:00 p.m. and on Saturday from 10:00 a.m. to 4:00 p.m. at the
15 Las Cruces Association of Realtors.

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c.) City Manager

DRAFT

21 Robert Garza, City Manager said I also want to welcome Councillor Levatino and remind everyone
22 that the Council Orientation is on Thursday from 9:00 a.m. to 12:00 p.m.

23

24 Also, we have a Joint Work Session with the Las Cruces Public Schools on December 3rd and it will
25 most likely be held here in Chambers.

26

27

28

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

30

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

32

33 Council said "Aye."

34

35 **Meeting Adjourned at 6:07 p.m.**