



City Council
of the
City of Las Cruces

Regular Meeting

December 2, 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 Ceil Levatino, District 6

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

DRAFT

I. OPENING CEREMONIES

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

The Ron Leone Group sang the National Anthem.

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

III. PUBLIC PARTICIPATION

Larry Tucker, Member of the Public said the sidewalks in this city need to be addressed immediately because they are hazardous for people in wheelchairs.

Mayor Miyagishima said I would be more than happy to go with you to the areas around town that you are having issues with and we are working on getting all the areas in town to be ADA accessible.

1 Robert Garza, City Manager said we need you to tell us exactly where you are seeing these issues
2 so we can have a crew go out there and correct them as soon as possible.

3
4 Larry Tucker said we are in the process of making a movie so you can see these areas and how
5 difficult it is for someone in a wheelchair and we will get that movie to you as soon as it is done.

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

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

15
16 There were no conflicts of interest.

DRAFT

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20 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
21 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
22 **BY ONE MOTION.**
23

24 Mayor Miyagishima said Item 5 needs to be removed from the Consent Agenda for discussion.

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

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

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38 **V. CITY COUNCIL MINUTES**
39

40 *(1) Regular Meeting of November 4, 2013

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

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4 *(2) Resolution No. 14-097: A Resolution Establishing Dates for Holiday Observance for City
5 Employees in 2014.

6
7 *(3) Resolution No. 14-098: A Resolution Providing for Determination of Reasonable Notice
8 of Meetings of the City Council and its Boards and Committees for Calendar Year 2014.

9
10 *(4) Resolution No. 14-099: A Resolution Authorizing the City of Las Cruces Senior Programs
11 to Accept Additional Incentive Funding in the Amount of \$30,162.00 from the North Central
12 New Mexico Economic Development District Non-Metro Area Agency on Aging for
13 Operational Expenses and to Adjust the City's FY 2014 Adopted Budget.

14
15 *(6) Resolution No. 14-101: A Resolution Authorizing the City of Las Cruces, on Behalf of its
16 Police Department, to Accept a Grant Award for a Total Amount of \$134,557.00 from the
17 New Mexico Department of Transportation, to Ratify the City Manager's Signature on the
18 Consolidated Project Agreement, and to Adjust the FY 2014 Budget.

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

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24 *(5) Resolution No. 14-100: A Resolution Approving a Memorandum of Agreement Between the
25 City of Las Cruces, on Behalf of its Police Department, and Doña Ana County to Award
26 Grant Funding to the City in the Amount of \$62,500.00 from the New Mexico Department
27 of Homeland Security and Emergency Management through Doña Ana County, to Ratify the
28 City Manager's Signature on the Memorandum of Agreement and to Approve an Adjustment
29 to the FY 2014 Budget.

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31 Councillor Small Moved to Approve Resolution No. 14-100 and Councillor Sorg Seconded the
32 motion.

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36 Councillor Silva said this states "as approved by DASO" so is the City subject to the Sheriff's
37 Department's commands; do we have any say?

38
39 Chief Williams, LCPD said we do have a say in what the operation is, what type of monies will be
40 spent on it and if they were to demand something that we don't believe in then we would not move
41 forward with that operation. We would not participate in an operation that does not comply with our
42 policies.

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3 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-100 and it was
4 Unanimously Approved. 7-0

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8 (7) Resolution No. 14-102: A Resolution Approving the Issuance of a Waiver of the
9 Church/School Distance Restriction for a Restaurant Liquor License to JR Investments Co.,
10 LLC D/B/A Main Street Bistro & Ale House, Located at 139 North Main Street, Space B,
11 Las Cruces, New Mexico.

12

13 Councillor Smith Moved to Approve Resolution No. 14-102 and Councillor Small Seconded the
14 motion.

15

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17 DRAFT

18 Harry (Pete) Connelly, City Attorney said this is a church/school waiver request for a liquor license
19 located on Main Street and we have not received any objections from the church.

20

21 Councillor Smith said this is the same location that we have previously approved waivers for in the
22 past.

23

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26 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-102 and it was
27 Unanimously Approved. 7-0

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31 (8) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-103;**
32 **A PUBLIC HEARING MUST BE HELD:**

33

34 Mayor Miyagishima opened the Public Hearing for Resolution No. 14-103 and asked if there was
35 anyone who wished to speak against this item?

36

37 There was none given.

38

39 Mayor Miyagishima closed the Public Hearing for Resolution No. 14-103.

40

1 Resolution No. 14-103: A Resolution Approving the Issuance of a Restaurant Liquor
2 License to JR Investments Co., LLC D/B/A Main Street Bistro & Ale House, Located at 139
3 North Main Street, Space B, Las Cruces, New Mexico.

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5 Councillor Smith Moved to Approve Resolution No. 14-103 and Councillor Pedroza Seconded the
6 motion.

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10 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-103 and it was
11 Unanimously Approved. 7-0

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15 (9) Resolution No. 14-104: A Resolution Approving Amendments for Two Home Investment
16 Partnerships Act (HOME) Agreements Between the City of Las Cruces and Tierra Del Sol
17 Housing Corporation for the Development and Construction of Owner-Occupied, Single-
18 Family Affordable Housing Units.

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20 Councillor Pedroza Moved to Approve Resolution No. 14-104 and Councillor Sorg Seconded the
21 motion.

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25 David Weir, Community Development Director said Tierra Del Sol has received HUD funds for
26 some of their programs and they have requested to transfer those funds from the Vista Del Oro
27 project to another project. They have already gone to the regional HUD office and requested
28 approval of this transfer and our resolution requires that our Action Plan for those funds needs to be
29 amended to reflect this proposed change by Tierra Del Sol.

30

31 Jan Lauterbach, Affordable Housing Planner gave an overhead presentation and said the amendment
32 is basically to change the property location for an affordable housing development. Through
33 Resolution 11-048, Program Year 2009 and 2010 HOME Agreements were executed for affordable
34 housing development in the Paseo Del Oro Subdivision Phase 3 and the funds totaling \$299,594
35 were expended on acquisition, design and engineering related services for the proposed 84 lot
36 subdivision which included 15 HOME assisted units. Tierra Del Sol feels resolution of drainage
37 issues would be cost prohibitive and would not allow fulfillment of the agreement in a timely fashion
38 so they have purchased lots in the Tierra Grande Subdivision which they are requesting to be
39 substituted for the 15 HOME assisted units that are in the Paseo Del Oro Subdivision Phase 3. The
40 local HUD office has approved the transfer of the home credits to the Tierra Grande Subdivision and
41 the amendments to the agreement would complete the requirements for the property substitution.

42

1 Councillor Smith asked is there anything about the sites or the preparation that we should be
2 concerned about?

3

4 Jan Lauterbach said as far as I understand, the sites in the Tierra Grande area are build ready but the
5 Paseo Del Oro area is vacant land at this point.

6

7 Councillor Pedroza asked are there going to be the same number of homes built in the proposed new
8 area as was going to be built in the old area?

9

10 Jan Lauterbach said yes, there will be 15 HOME assisted single family homes.

11

12 Councillor Sorg said I think it is a good idea to do this and having more houses built in that area is
13 another reason why we need more things like parks in this area.

14

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16

17 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-104 and it was
18 Unanimously Approved. 7-0

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22 **VIII. BOARD APPOINTMENTS**

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24 There were no board appointments.

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

29

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31 (10) Council Bill No. 14-015; Ordinance No. 2700: An Ordinance Repealing and Replacing
32 LCMC 1997, Chapter 13, Article 1, Fair Housing, Sections 13-1 through 13-149 in its
33 Entirety.

34

35 Mayor Miyagishima and Council agreed to bring this item back.

36

37 (11) Council Bill No. 14-016; Ordinance No. 2701: An Ordinance to Amend the LCMC 1997,
38 Chapter 38, Article V, Section 43, Entitled Central Business District to Enact a Provision
39 Permitting Main Street Business Owners to Operate a Sidewalk Display on Public Property.

40

41 Mayor Miyagishima and Council agreed to bring this item back.

1
 2 (12) Council Bill No. 14-017; Ordinance No. 2702: An Ordinance to Amend the LCMC 1997,
 3 Chapter 38, Article V, Section 43, Entitled Central Business District to Enact a Provision
 4 Permitting Business Owners in the Central Business District to use One A-Frame Sign on
 5 Public Property.
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7 Mayor Miyagishima and Council agreed to bring this item back.
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 11 **X. CITY COUNCIL MEMBER BOARD REPORTS**
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13 Councillor Smith gave an overhead presentation regarding the National League of Cities Congress
 14 of Cities.
 15

16 Councillor Silva gave an overhead presentation regarding the National League of Cities Congress
 17 of Cities.
 18

19 Councillor Small said I would like to give my presentation regarding the Mesilla Valley Animal
 20 Services Center at the December 16th meeting.
 21

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 24 **XI. GENERAL DISCUSSION**
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26 a.) Mayor

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 28 Mayor Miyagishima said I just want to mention that the Christmas Tree Lighting Ceremony will be
 29 this Friday at 5:30 p.m.
 30

31 Tomorrow we have a work session with Las Cruces Public Schools and it starts at 1:00 p.m.
 32

33 I wasn't aware that Sierra Middle School dedicated some of their garden products to Casa de
 34 Peregrinos.
 35

36 Councillor Pedroza said yes, they have one bin in their greenhouse that they donate everything that
 37 is produced in that bin to Casa de Peregrinos.
 38

39 Mayor Miyagishima asked do other schools do that besides Sierra?
 40

41 Councillor Pedroza said I don't think the other schools have that capability but I will check on it.
 42

1 Mayor Miyagishima said I might be able to get you another small grant for that because I think that
2 is a great idea.

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b.) City Council

8 Councillor Smith said in yesterday's Sun News it stated that the number of homeless people has
9 increased and this is a local trend but it is also something that is happening nationwide. Certainly,
10 we don't have the option to say we are going to send the homeless somewhere else but I do think that
11 we have unique opportunities here in Las Cruces to look at what we are doing for our people here
12 that may help us find some unique solutions. It is something that I think we need to keep our eyes
13 on and with technology taking more and more of the entry type jobs and older aged people working
14 at some of those jobs; what are we going to do that is going to make a difference here?

15
16 Also in today's paper it states that there is an Innovation Hub coming to Albuquerque and I think the
17 collaboration between UNM and Albuquerque gives us some impetus to also continue to work with
18 NMSU with some of the things that are going on here.

19
20 In about an hour General Bingham is going to get her second star; she will become a Major General
21 and I would like to congratulate her.

22
23
24

25 Councillor Levatino said I am absolutely intrigued by the information that was brought back by
26 Councillor Smith and Councillor Silva regarding the National League of Cities Congress of Cities
27 and I would like for us to discuss it further to see how we can do some of those things here.

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31 Councillor Sorg passed out copies of a proposed resolution and said it is likely to be drier in New
32 Mexico in the upcoming decades than it has been in the past few decades. Future water supplies will
33 not meet the future water demands in New Mexico.

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37 Councillor Small passed out copies of a proposed draft resolution and said this resolution is for the
38 continuing support for the Safe Routes to School program.

39

1 I read that there is a proposal for addition funding offered by the Governor for the Water Resource
2 and Research Institute at NMSU and that ties into what Councillor Sorg just mentioned. It would be
3 nice to get an update on what the City's role is with these types of efforts.

4

5 Regarding the Wage Plus Program, which is something I have brought to Council in the past, we
6 have taken a positive, proactive and a first of its kind, step toward that already as a city.

7

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10 Councillor Pedroza said there was an article in yesterday's paper regarding the increasing number
11 of homeless and it stated that the holidays bring more domestic attacks. I think those are two very
12 important issues that we need to see what we can do about them. We are getting some notoriety for
13 being proactive and making our Camp Hope a permanent zone.

14

15 In this week's Community Bulletin there were 19 foreclosure notices listed and there are foreclosures
16 listed in it week after week after week. Mayor Gayle McLaughlin of Richmond, California is
17 working on a plan to use eminent domain to acquire troubled loans in order to stop foreclosures and
18 I think that is an exciting plan.

19

20 I think there is too much emphasis in the TV, radio, newspaper, and so on, to go out and buy and use
21 your credit cards as if the economy were resting on the backs of all the people who don't have the
22 businesses and who aren't employees who work for living; which many of them are making less than
23 minimum wage. I think that is a total misrepresentation and I think that we will be seeing a plan to
24 increase the minimum wage in the future.

25

26 On December 4th at the Corbett Center and on December 7th at the Fountain Theater at four o'clock
27 there is going to be a film screening of the movie "Girl Rising."

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31 Councillor Silva said regarding the Noise Ordinance, I would like for us to bring it back because I'm
32 not sure if we resolved everything and in looking back at my notes, there was an item that we were
33 going to bring back for discussion at a work shop.

34

35 Robert Garza, City Manager said we can add that item to an upcoming work session.

36

37 Councillor Silva said this week we were given the annual report for the Convention and Visitors
38 Bureau and it would be nice to have them give us a presentation sometime in January or February.

39

40 This Saturday is the Christmas Tree Lighting and the Mesquite District will be holding a Winterfest
41 event at Klein Park.

42

1 Next week we are going to have a work session but unfortunately I won't be able to attend it because
2 I will be attending the week long Tortugas Festival events.

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6 c.) City Manager

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8 Robert Garza, City Manager said the Grand Opening Ceremony for the Mesilla Valley Intermodal
9 Transit Center will be this Friday morning at 10:00 a.m.

10

11 There was a Ribbon Cutting Ceremony for the Sage Café and sometime in early January we will be
12 having a Ribbon Cutting Ceremony for our new Fire Station.

13

14 Also, I want to mention that we will not be having a work session on December 23rd.

15

16 This Wednesday, Thursday, and Friday, Mark Winson and I will be in Albuquerque attending the
17 City Managers Conference.

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21 Councillor Smith Moved to Adjourn and Councillor Pedroza Seconded the motion.

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

24

25 Council said "Aye."

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27 **Meeting Adjourned at 2:56 p.m.**