



City Council
of the
City of Las Cruces

Regular Meeting

March 17, 2014

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Greg Smith, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Ceil Levatino, District 6

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

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I. OPENING CEREMONIES

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

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

31 Mayor Miyagishima presented the Mayor's Citation for Community Service to Christina Little.

33 Councillor Sorg presented a Proclamation to Tom Acklin and declared March 2014 as Athletic
34 Training Month.

36 Councillor Sorg presented a Proclamation to Shirley Daniels and declared April 2014 as Civitan
37 Awareness Month.

39 Councillor Sorg presented a Proclamation to Judy Baca and declared April 6 thru April 12, 2014 as
40 Crime Victims' Rights Week.

42 Councillor Sorg presented a Proclamation to John Hathaway and declared March 21, 2014 as World
43 Down Syndrome Day.

1
 2 Councillor Sorg presented Certificates to Kathleen Squires and each of the members of the Art on
 3 Loan Program.
 4
 5 Carrie LaTour, Downtown Las Cruces Partnership gave a presentation regarding an update on the
 6 Downtown.

7
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10 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**
 11 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*
 12 *if any member of the city council, city manager, or any member of the city staff has any*
 13 *known conflict of interest with any item on the agenda.*

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

16
 17 There were no conflicts given.

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21 **III. PUBLIC PARTICIPATION**

22
 23 Alice Anderson, Member of the Public gave a verbal presentation regarding stray cats and said there
 24 have been places that have practiced TNR and they still have big cat populations so TNR does not
 25 work. We don't know how many stray cats we currently have in Doña Ana County so we need to
 26 count our cats to know the extent of our problem.

27
 28 Neil Goodell, Member played a recording of dogs barking and said the purpose of this recording is
 29 so you can have an understanding of some of the issues with the current ordinance regarding dog
 30 barking.

31
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 33

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

37
 38 Mayor Miyagishima said Item 7 needs to be removed from the Agenda.

39
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 41

1 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Pedroza Seconded the
2 motion.

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4 -----
5

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

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11 **V. CITY COUNCIL MINUTES**

12
13 *(1) Regular City Council Meeting of February 18, 2014

14
15 -----
16

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

18
19 *(2) Resolution No. 13-14-378: A Resolution Awarding the Bid for the El Molino Phase VII
20 Project to Burn Construction Company, Inc., in the Amount of \$900,209.95, Plus
21 \$68,078.38, for New Mexico Gross Receipt Tax; the City Manager is Authorized to Approve
22 Change Orders in an Amount Not to Exceed \$45,010.50, for a Total Project Authorization
23 of \$1,013,298.83.

24
25 *(3) Resolution No. 13-14-386: A Resolution Approving the Purchase of Land Surveying
26 Equipment Between the City of Las Cruces (City) and Trimble Navigation, Ltd., of Dayton,
27 Ohio, in an Amount of \$52,425.60 Through New Mexico State Pricing Agreement Number
28 40-000-13-00017.

29
30 *(4) Council Bill No. 14-022; Ordinance No. 2707: An Ordinance to Repeal Las Cruces
31 Municipal Code 1997, Article IV, Business Registration and Licensing, Division 1,
32 *Generally*, Sections 16-96 Through 16-125, and Division 2, *Business Registrations*, Sections
33 16-126 Through 16-165; and to Enact a New Las Cruces Municipal Code 1997, Sections 16-
34 96 Through 16-165.

35
36 -----
37

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

39

1 (5) Resolution No. 14-143: A Resolution Authorizing High Desert Brewing Company to
 2 Continue With the Permitting Process to Allow for the Sale and Consumption of Beer Within
 3 a Restricted and Secured Area at an Event Sponsored by the Farmers Market of Las Cruces,
 4 to be Held at La Placita, 145 North Main Street, From 5:00 p.m. to 11:00 p.m. on Saturday,
 5 April 12, 2014.
 6

7 Councillor Small Moved to Approve Resolution No. 14-143 and Councillor Smith Seconded the
 8 motion.
 9

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 11
 12 Harry (Pete) Connelly, City Attorney said there were no protests and there is no need for a waiver
 13 for this item.
 14

15
 16
 17 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-143 and it was
 18 Unanimously Approved. 7-0
 19

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 21
 22 (6) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-144;**
 23 **A PUBLIC HEARING MUST BE HELD.**
 24

25 Mayor Miyagishima said the Public Hearing for Resolution No. 14-144 is now open. Is there anyone
 26 who wishes to speak for or against this item?
 27

28 There was no one who wished to speak for or against this item.
 29

30 Mayor Miyagishima closed the Public Hearing for Resolution No. 14-144.
 31

32 Resolution No. 14-144: A Resolution Approving the Issuance of a Restaurant Liquor
 33 License to Chef Services, LLC D/B/A Bradley D & William B Restaurant, Located at 2540
 34 El Paseo Road, Suite A, Las Cruces, New Mexico.
 35

36 Councillor Smith Moved to Approve Resolution No. 14-144 and Councillor Small Seconded the
 37 motion.
 38

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1 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-144 and it was
2 Unanimously Approved. 7-0

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6 ~~(7) Resolution No. 14-145: A Resolution to Amend the Metropolitan Redevelopment Area~~
7 ~~(MRA) Plan to Align the MRA Boundary With the Tax Increment Development District~~
8 ~~(TIDD) Boundary.~~

9

10 **Removed from the Agenda**

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14 **VIII. BOARD APPOINTMENTS**

15

16 Mayor Miyagishima reappointed Janet Acosta to the ETZ Commission.

17

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19

20 Councillor Smith Moved to Approve the Mayor's board reappointment of Janet Acosta to the ETZ
21 Commission and Councillor Pedroza Seconded the motion.

22

23

24

25 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointment
26 of Janet Acosta to the ETZ Commission and it was Unanimously Approved. 7-0

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

32

33 (8) Council Bill No. 14-023; Ordinance No. 2708: An Ordinance Repealing LCMC 1997,
34 Chapter 7, Animals, Article I Through Article V, in Its Entirety and Enacting New LCMC
35 1997, Chapter 7, Animal Control Ordinance, Article I Through Article IV.

36

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

38

39 (9) Council Bill No. 14-024; Ordinance No. 2709: An Ordinance Repealing Las Cruces
40 Municipal Code, 1997, Section 27-7, Safe Traffic Operations Program, and Enacting a New
41 Section 27-7. 11

1
2 Mayor Miyagishima and Council agreed to bring this item back.

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6 **X. CITY COUNCIL MEMBER BOARD REPORTS**

7
8 Councillor Smith said I would like to give a report of my recent travels to the National League of
9 Cities at our next Council meeting.

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12

13 **XI. GENERAL DISCUSSION**

14
15 a.) Mayor

16
17 Mayor Miyagishima said I'd like to thank City Manager Robert Garza and Police Chief Montoya for
18 agreeing to send the cold case of our bowling alley massacre to the TV show Cold Justice.

19
20 I just want to mention that I talked to Commissioner Billy Garrett about sending a letter to the CEO
21 of Tesla to let him know about Las Cruces being a better location for his expanding company.

22
23 -----
24

25 b.) City Council

26
27 Councillor Smith said it is exciting to see the Aggies doing so well and we will all be cheering for
28 them against San Diego State.

29
30 There are efforts being made to see if the Tesla Battery Factory would make a good fit to our area.
31 I do see a lot of great benefits in having it in the Santa Teresa area or somewhere in this part of New
32 Mexico and hopefully this will all resonate well with the Tesla folks.

33
34 Father Fernando Salazar and Caryl Porter both passed away last week. They were both personal
35 friends of mine and they both contributed a lot to our community.

36
37 I would like to have a work session to discuss a number of topics regarding our Senior Citizens.

38
39 I would like to thank Assistant City Manager Brian Denmark for the list of properties that he shared
40 with us and I believe there are a number of opportunities for us to move forward with a new look at
41 some of the properties that have been considered marketable in the past.

1
 2 I'd like to congratulate Jamey Rickman on the Neighborhood Expo which had a great public turnout.
 3
 4 There was a dog attack in the park across from our house last week and maybe we need to have signs
 5 posted on the doggie bag dispensers that are in the parks to remind people that their dogs need to be
 6 on a leash.

7
 8 -----
 9
 10 Councillor Levatino said I just want to wish everyone a happy St. Patrick's Day.

11
 12 -----
 13
 14 Councillor Sorg said the Neighborhood Expo was a very successful event and I look forward to
 15 seeing it done again next year.

16
 17 Regarding the mysterious bowling alley murders, maybe we should also say a word about the
 18 mysterious disappearance of the Malaysia 370 flight.

19
 20 Regarding Tesla, I had a meeting with Davin Lopez on Friday morning and they are also thinking
 21 about doing something too so we are on the same page.

22
 23 I heard over the weekend that science has become political and that saying has bothered me for years.
 24 There was a time when science brought us facts and knowledge instead of arguing about facts and
 25 making them political. We need to accept facts as facts and not debate them.

26
 27 -----
 28
 29 Councillor Small said I am looking forward to the Aggies winning and also the team from up north
 30 winning.

31
 32 We will be discussing economic issues at next Monday's Work Session and this is an important issue
 33 because there is a whole lot that needs to be done to set ourselves up and our citizens up for success.

34
 35 I'd like to congratulate Jamey Rickman on the very successful Neighborhood Summit.

36
 37 -----
 38
 39 Councillor Pedroza said the Neighborhood Expo was very good and very successful and I would
 40 encourage us to do it again next year.

41

1 Regarding the proposed battery factory, I think it would be marvelous and the number of jobs it
2 would provide would be very good but I would like to keep an eye on the wages that would be
3 offered because we need to be sure that we don't allow low paid wages.

4

5 I want to remind everyone that there are three educational great conversations regarding minimum
6 wage coming up; one is on April 1st; the second is on April 3rd; and the third is on April 8th and they
7 all start at 6:00 p.m. here in Council Chambers and they will also be televised.

8

9 I went to the Art Fair at the Convention Center and the art was gorgeous.

10

11 I attended the Ribbon Cutting Ceremony for Mr. Pennoch's water tank and it is gorgeous.

12

13

14

15 Councillor Silva said I also want to thank Jamey for the Neighborhood Meeting on Saturday. It was
16 a great event.

17

18 Recently there were some discussions regarding the red lights and there was a comment made that
19 the City was just trying to raise money; my comment to that is that the bottom line is it takes money
20 to support the services that we provide, like fire and police; and we have to come up with those funds
21 from somewhere.

22

23 Regarding vacant properties that the City doesn't use, the question was asked "why don't we just sell
24 those properties?" I'm not a fan of offloading our assets unless we were in a financial situation like
25 Detroit is currently in. We are currently in a very positive situation because we have had very
26 positive management and fiscal guidance by our staff.

27

28 I want to say congratulations to our Legislative Delegation and Governor Martinez; we received
29 quite an amount of legislative funding from this past Legislation Session. I think we received
30 \$500,000 for movies and films so the question now is, "is the City going to enter into the backlot
31 business?" I think at some point we are going to have to come up with a business plan on how we
32 are going to get from Point A to Point B and how we are going to manage this funding.

33

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36 c.) City Manager

37

38 Robert Garza, City Manager said we inadvertently advertised a TIDD Board Meeting for today
39 which was a staff error and should not have gone out. Our next TIDD Board Meeting is scheduled
40 for April 14th.

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- 2 Councillor Sorg Moved to Adjourn and Councillor Smith Seconded the motion.
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- 4 Mayor Miyagishima said all of those in favor signify by saying "Aye."
- 5
- 6 Council said "Aye."
- 7
- 8 **Meeting Adjourned at 3:04 p.m.**

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