



City Council
of the
City of Las Cruces

Regular Meeting

September 2, 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
- Linda Lewis, Deputy City Clerk

DRAFT

I. OPENING CEREMONIES

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

Asiah Thomas-Mandleman sang the National Anthem.

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

Tom Murphy, MPO gave an overhead presentation regarding Transport 2040.

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.*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

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

There were no conflicts mentioned.

III. PUBLIC PARTICIPATION

Alice Anderson, Member of the Public said regarding the new animal ordinance, option D, alternative three. This option allows registered, managed, running at large cat colonies for five years to grandfather in existing illegal colonies. I think five years will be enough time because stray cats have a median life span of about two years.

Chris Kincaid, Member of the Public said I am a student at NMSU and am studying the theory and practices of government. I would like to ask Council to consider working with me and my classmates regarding their issues, concerns and local interests.

DRAFT

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.

Mayor Miyagishima said Item 6 needs to be removed from the Consent Agenda for discussion.

Councillor Smith Moved to Approve the Agenda as Amended and Councillor Small 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 *(1) Regular City Council Meeting of August 4, 2014

2

3

4

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

6

7 *(2) Resolution No. 15-029: A Resolution Authorizing High Desert Brewing Company to
8 Continue With the Permitting Process to Allow for the Sale and Consumption of Beer Within
9 a Restricted and Secured Area Inside of and in Front of the Rio Grande Theater, 211 North
10 Main Street, on September 21, 2014.

11

12 *(3) Resolution No. 15-030: A Resolution to Accept a Competitive Grant Award, on Behalf of
13 the Las Cruces Fire Department, in the Amount of \$615,393.00 With a Match Requirement
14 of \$68,377.00 From the Federal Emergency Management Agency's FY 2013 Assistance to
15 Firefighters Grant Program, and to Adjust the FY 2015 Budget.

16

17 *(4) Resolution No. 15-031: A Resolution Authorizing the City of Las Cruces, on Behalf of Its
18 Police Department, to Accept a Grant Award in the Amount of \$39,134.00 From the
19 Department of Justice, Bureau of Justice Assistance, FY14 Edward Byrne Memorial Justice
20 Assistance Grants (JAG) Program Local Solicitation, to Ratify the City Manager's Signature
21 on the Grant Agreement and to Approve a Budget Adjustment to the FY 2015 Approved
22 Budget.

23

24 *(5) Resolution No. 15-032: A Resolution to Adjust the Adopted Fiscal Year 2014-15 Budget
25 Allowing for Carryover Budget of Operating and Capital Costs from Fiscal Year 2013-14
26 for the City of Las Cruces, New Mexico.

27

28

29

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

31

32 *(6) Resolution No. 14-15-016: A Resolution Approving a Service Agreement for Event
33 Coordination and Logistics Planning for the Las Cruces Country Music Festival with Helping
34 Hands Event Planning, LLC of Las Cruces, New Mexico in the Amount of \$13,500, Plus
35 Applicable New Mexico Gross Receipts Tax, Plus Direct Expenses for a Total Award Not
36 to Exceed \$125,000 for a Period of One Year with the Option to Renew for Four Additional
37 Years, Subject to Approved Budget Appropriations and Annual Renewal.

38

39 Councillor Sorg Moved to Approve Resolution No. 14-15-016 and Councillor Smith Seconded the
40 motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Phil San Filippo, CVB Director said this resolution is part of the budget amount that we have set aside for the Country Music Festival. It is completely Lodgers Tax money and the funds are identical to what we have spent the past two years for this event. We're trying to create a signature event for this city and this event has been very successful. The amount of money that we spend on Helping Hands is for the things that we cannot do ourselves.

Councillor Silva said this reads that we are going to be paying Helping Hands \$13,500, not to exceed \$125,000. As I read further into the contract, it states that the \$13,500 is included in the \$125,000; is that correct?

Phil San Filippo said that is correct. The \$13,500 is included in the \$125,000. The \$13,500 is the fee that we pay Helping Hands and the \$125,000 is the amount that we set aside for the Country Music Festival.

Councillor Silva asked can we do the services that are provided by Helping Hands, in-house?

Phil San Filippo said Helping Hands has the equipment and experience that we don't have and it helps us save a lot of time and effort so we can continue to do our jobs.

Councillor Sorg asked was the wind a problem last year?

Phil San Filippo said yes, but luckily we still had a strong turnout. We always try to have this event in the last week of April to coincide with NMSU's rodeo event.

Councillor Smith said Mr. San Filippo, I just want to thank you for doing such a great job with this event.

Councillor Small asked can you speak about the media exposure and the mileage ratios for ticket sales?

Phil San Filippo said the first year, most of the exposure was through El Paso TV and radio and there was some in Tucson, Albuquerque and three other cities in the surrounding area. This year, we expanded it to include Santa Fe and we had a great article done on us in a Phoenix magazine and one in a Dallas newspaper. This year, we've had people come from Arizona, Colorado, Connecticut, New York, State of Washington, and on and on and on.

Councillor Silva asked is this year's event going to be at the same time as the NMSU Rodeo?

1
2 Phil San Filippo said yes, that is our intent.

3
4 Councillor Silva said I think that is a great blending of two great events.

5
6 -----
7
8 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-15-016 and it
9 was Unanimously Approved. 7-0

10
11 -----
12
13 (7) Resolution No. 15-033: A Resolution Authorizing Payment of \$48,809.00 to the South
14 Central Council of Governments (SCCOG) for the Operation of the South Central Regional
15 Transit District (SCR TD).

16
17 Councillor Small Moved to Approve Resolution No. 15-033 and Councillor Smith Seconded the
18 motion.

19
20 -----
21
22 Tom Murphy, MPO said this is a resolution to authorize payment to the South Central Council of
23 Governments who is the fiscal agent for the Regional Transit District in the amount of \$48,809. This
24 is the third fiscal year that Council is making this payment

25
26 Councillor Silva asked how long was this initial agreement?

27
28 Robert Garza, City Manager said the agreement is for three years and there are no plans to extend
29 it beyond that.

30
31 Councillor Smith said we did a survey and people commented that there is a need for more
32 transportation options in our area. I am very supportive of us continuing to work on this.

33
34 Councillor Small asked what are we seeing as far as interest in this modal transportation?

35
36 Jack Valencia, South Central Regional Transit District showed a diagram of connecting communities
37 and said we are trying to create seamless connectivity and many of our stops are at many of the
38 healthcare centers. We have also rolled out a new service to NMSU which started August 1st so there
39 is a magnitude of benefits.

40

1 Councillor Small said I want to mention that the Jobs to Careers event that was held at Gadsden had
2 folks from Las Cruces who used this transportation to attend it so I am very supportive of moving
3 forward with this resolution today.

4

5 Councillor Levatino asked what is the ridership from Alamogordo?

6

7 Jack Valencia said I don't have those numbers with me but I can get them to you.

8

9 Councillor Levatino asked what is the \$48,000 for?

10

11 Jack Valencia said it is to continue the operations for this project through November of this year.

12

13 Councillor Levatino asked are you going to be coming back in November to ask for more funding?

14

15 Jack Valencia said no, it is not our intent to come back because this is a three year assessment that
16 will be finalized this year.

17

18 Councillor Sorg said I just want to say that we do need to support transportation for job growth and
19 I will be supporting this resolution.

20

21 Councillor Pedroza said this is a very positive change and I will be supporting this resolution.

22

23 Councillor Silva asked what is your Plan B if it doesn't pass on the November election?

24

25 Jack Valencia said we have a number of different options.

26

27 Councillor Silva said this is a tax that would be put on the public and they will decide whether or
28 not to approve it. In the 60s and 70s there was a government bus that ran its employees to and from
29 White Sands because they needed to get their workers from Point A to Point B but we have evolved
30 away from doing that which is unfortunate. I do see a worthiness of having a county route system
31 so I am okay with approving the \$46,000 today.

32

33 Councillor Levatino said this money has already been budgeted; correct?

34

35 Robert Garza, City Manager said that is correct.

36

37

38

39 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-033 and it was
40 Unanimously Approved. 7-0

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

(8) Resolution No. 15-034: A Resolution Approving a Waiver from the Required Road Improvements for Saromi Lane and Cortez Drive Associated With a Proposed Subdivision Known as Gamboa Acres Subdivision on a 5.01 ± Acre Lot Located at 7486 Cortez Drive. Submitted by Western Lands Surveying on Behalf of Jose A. & Martha C. Gamboa, Property Owners. (S-13-030W)

Councillor Sorg Moved to Approve Resolution No. 15-034 and Councillor Small Seconded the motion.

Robert Kyle, Building and Development Services Administrator gave an overhead presentation and said this is to approve a waiver for the road improvement requirement of a proposed subdivision. The property is five acres and contains one existing single-family home. They are proposing to subdivide the one existing tract into two new lots and one lot will encompass 3.128 ± acres and the second lot will encompass 1.118 ± acres. Through the subdivision process, you are a required to dedicate your pro-rata share of right-of-ways as well as make improvements to that right-of-way in accordance with the City’s Design Standards. In the subdivision process, they are providing their pro-rata share of right-of-way which is approximately 42.5 feet along Cortez and 25 feet running north-south along Saromi that will be dedicated to the City but they are requesting that their pro-rata share of improvements be waived. The proposed subdivision is not being done to sell off land but to convey land to family and the required roadway improvements create a prohibitive financial hardship for the family. The Planning and Zoning Commission recommended denial for the waiver request at their July 22, 2014 meeting and they questioned the current condition of Cortez Drive and Saromi Lane. City staff has not received any comments from the public about this proposed waiver request.

Mayor Miyagishima asked does staff have a position on this?

Robert Kyle said staff recommended to the Planning and Zoning Commission that the waiver request be denied.

Anthony Gutierrez, Applicant Representative said one of the conditions for a waiver request is for health reasons and my client is suffering from cancer. The reason he is asking for this subdivision is to have his land split up for his children. I was not aware of my client’s health condition at the time of the P & Z meeting so that was never presented to them. I would ask that you amend this waiver request so that it can go back to the Planning and Zoning.

1 Mayor Miyagishima said I don't think we can send this back to Planning and Zoning.

2

3 Robert Kyle said the City Council has final authority on the waiver issue. I think he is referring to
4 going back to the Planning and Zoning to try for the initial request of subdividing the property into
5 four lots instead of two. The two lot subdivision was approved at staff level with the improvement
6 requirements which the waiver of those requirements is what is before you today. In order for them
7 to go back to Planning and Zoning for the four lot subdivision, they would have to start the entire
8 process over again which would take it back to Planning and Zoning.

9

10 Jose Gamboa, Applicant said we are doing this for my daughters and not for capital gain.

11

12 Kathy Becker, Member of the Public said I live near this property and we'd ask that you approve this
13 waiver.

14

15 Councillor Smith asked is there an overwhelming amount of support from the neighborhood for this
16 waiver?

17

18 Kathy Becker said I feel confident in saying the majority of people in the neighborhood are in
19 support of this waiver.

20

21 Councillor Levatino asked is this for the subdivision to two lots, not four?

22

23 Anthony Gutierrez said we would like to have four lots for his children.

24

25 Harry (Pete) Connelly said the issue before you is only for two lots.

26

27 Councillor Small said we can either approve this for the two lots or deny it and give them the
28 opportunity to start a new process and come back with the four lot option.

29

30 Councillor Pedroza said as I recall, subdivision was defined as creating a new development and
31 having more people in the neighborhood so that is why we put in the requirement of road
32 improvements. I would like for us to approve this waiver and then have the applicant resubmit the
33 paperwork for a four lot subdivision. Maybe sometime in the future, we can take another look at the
34 definition of subdivision because to enforce those rules on this type of situation seems to me to be
35 unfair.

36

37 Councillor Sorg said we need to look at the future and there is a subdivision planned near the
38 waterfall pond which I can see that Cortez Drive would need to be a second access point for that
39 subdivision so we can't keep Cortez Drive in the condition that it is currently in. However,
40 considering the situation with this family, I have no objection to approving this waiver.

1
2 Councillor Silva asked presently, what would it cost the applicant for his obligations?
3
4 Anthony Gutierrez said I think it would cost about \$1,200 per lot.
5
6 Robert Kyle said a very rough estimate of the cost, it would be approximately \$340,000 to do
7 everything that is required.
8
9 Councillor Silva asked do we have a system in place to pay this over time and put their payment on
10 their utility bill or something?
11
12 Robert Garza, City Manager said we couldn't put it on their utility bill but we could put them on a
13 payment plan through a development agreement.
14
15 Councillor Silva said the issue is with us continuing to waive this, these roads will never get
16 improved so I would hope that staff could work out something with today's cost and work with the
17 applicant over time.
18
19 Robert Garza said I just want to point out that you can't consider a payment agreement today; this
20 is only for the waiver.
21
22 Councillor Smith said for clarity, if the applicant wants four lots then do we approve this today and
23 have them come back with the four lots or do we deny it?
24
25 Robert Garza said you can only contemplate what is before you which is for the two lots.
26
27 Robert Kyle said regardless if it is for two or four lots, waiver requests will go through Council
28 because Planning and Zoning only has the authority to recommend. The two lot subdivision is done
29 at staff level so you aren't approving the subdivision, only the waiver. So if they want the four lots,
30 they will have to go through the process again and go through the Planning and Zoning and go
31 through Council for the approval of that waiver.
32
33 Anthony Gutierrez said I spoke with my client and he would like to move forward with just the two
34 lots at this time.
35
36 Councillor Levatino said our mission statement is "people helping people" and this is a way for us
37 to personally help somebody.
38
39 Councillor Pedroza said it is unfair for us to put this burden on the applicant for something that will
40 happen way in the future.

1
2 Councillor Sorg asked is this waiver good forever?

3
4 Robert Kyle said it is only good for the two lot subdivision. If they come back with a four lot
5 subdivision then they would have to get another waiver.

6
7 Mayor Miyagishima asked does the applicant want to move forward with the two lot subdivision?

8
9 Anthony Gutierrez said yes, he does want to move forward with the two lots today.

10
11 Jean McElmurry, Member of the Public said I live in this area and more horses travel these roads
12 than cars do so we are against pavement. I would ask that you vote to approve this waiver.

13
14 -----

15
16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-034 and it was
17 Approved. 5-2 Councillor Pedroza, Councillor Small, Councillor Levatino, Councillor Smith and
18 Mayor Miyagishima voted Aye. Councillor Silva and Councillor Sorg voted Nay.

19
20 -----

21
22 (9) Council Bill No. 15-006; Ordinance No. 2725: An Ordinance Approving a Zone Change for
23 a 50 ± Acre Portion of a 350 Acre Parcel 02-39551 Located at 100 N. Sonoma Ranch Blvd.
24 From H (Holding) to C-3C (High Intensity Commercial, Conditional). Submitted by the City
25 of Las Cruces. Property Owner, U.S. Bureau of Land Management (Z2875).

26
27 Councillor Small Moved to Approve Council Bill No. 15-006; Ordinance No. 2725 and Councillor
28 Sorg Seconded the motion.

29
30 -----

31
32 Susana Montana, Planner gave an overhead presentation and said the City seeks to lease this land
33 from the BLM for the proposed police and fire stations and for public trails. This land is currently
34 zoned "H" Holding which is suitable for vacant, undeveloped land so it needs to be re-zoned for any
35 development other than a single-family home. We are seeking a change to C-3C which would limit
36 the uses to those needed for the public safety complex and public recreation uses. There was a public
37 meeting on May 28th and residents expressed concerns with blockage of their mountain view because
38 the C3 designation allows for a 60 feet building height. They also stated that they would like parking
39 for the trail system to be at the head of it instead of on their neighborhood streets. They expressed
40 that they liked having the police and fire facility built but suggested that there be a 500 foot buffer

1 from the edge of the residential zone to the building footprint. There was a Planning and Zoning
2 meeting on June 24th and the residents brought up the same concerns as well as stated that they had
3 concerns with the noise from the emergency sirens. They also mentioned concerns with antennas
4 because they didn't want towers that would block their view of the mountains. The Planning and
5 Zoning Commission recommended approval with three conditions which were that a TIA (Traffic
6 Impact Analysis) be provided; that the City improve Sonoma Ranch Boulevard adjacent to the
7 complex; and that there be greater public outreach for future design meetings. The City has pretty
8 much already met all three of those conditions with the ordinance that is before you today.

9

10 Mayor Miyagishima said I just want to point out that if there is going to be a 200 foot buffer then I
11 think we could use the same type of buffer system that we used for the Intermodal Transit Center.
12 How tall is the tallest point of the structure?

13

14 Tomas Mendez, Architect said the height is approximately 42 to 43 feet and if you are standing on
15 the ridge, your view of the mountains will not be blocked by this tower.

16

17 Mayor Miyagishima asked are we going to disturb the ridge area?

18

19 Tomas Mendez said no, not at all.

20

21 Councillor Sorg said I think the issue isn't with the safety complex but with the potential of other
22 buildings being built on the rest of the 50 acres.

23

24 Tomas Mendez showed a diagram and said there are potential buildings on the diagram but those
25 are only potential buildings and they are all to the south and east of that ridge which are the low
26 places of the site.

27

28 Mayor Miyagishima said when I was the District 6 Councillor, I would put a 45 foot height limit on
29 buildings in my area.

30

31 Councillor Sorg said that is a good idea but what would keep future councils from allowing non-city
32 buildings to be built on this property?

33

34 Tomas Mendez said our lease agreement with BLM would prevent us from doing that.

35

36 Councillor Sorg asked would the police and fire need a communication tower on this property?

37

38 Russell Smith, Deputy Fire Chief said we will not need a tower because we will be putting our
39 antenna on the building next to the stairwell.

40

1 Councillor Levatino said I have received a lot of communications on this topic and there are
2 legitimate concerns from the residents along that border regarding a buffer. You are proposing that
3 there is going to be a 250 foot buffer; correct?

4

5 Susana Montana said no, there is no buffer proposed in this ordinance.

6

7 Mayor Miyagishima said that buffer was just my suggestion.

8

9 Councillor Levatino asked is there any reason why we couldn't put a 500 foot buffer there?

10

11 Tomas Mendez said we would have to flip the building and move the roadway which would put us
12 way over our budget. We would use the ridge as a buffer and we would continue to maintain it.

13

14 Councillor Levatino said from all the emails that I received, it doesn't seem they are concerned about
15 the public safety building or the complex; their major issue is with the buffer and I think you have
16 explained that well. They were also concerned with some of the allowed land uses of the C3 zoning,
17 like the noise levels of things like a firing range if one was put in. One of the condition was road
18 improvements so what improvement will be done to Sonoma Ranch Boulevard?

19

20 Kathy Matthews, Architect said currently, there aren't curbs and gutters or sidewalks on the east side
21 of that portion of the road so that is the improvement that is required.

22

23 Councillor Pedroza said I have received emails with concerns with the noise that would be created
24 by emergency vehicles so what can we do about that situation?

25

26 Russell Smith said we are already responding in that area, we went to approximately 1300 calls in
27 that district last year. We expect to be responding to about four calls per day out of that station and
28 a number of those will require us to go out with sirens and lights.

29

30 Councillor Pedroza asked what about the police?

31

32 Jaime Montoya, Police Chief said our units are out in the field the majority of the time so there might
33 be some noise but in general, we will be out in the field.

34

35 Councillor Sorg asked is the C3 zoning for all 50 acres or can we just have that zoning for the area
36 we are using?

37

38 Tomas Mendez said the 50 acres is to allow us enough space for this facility and maybe future
39 training facilities, as well as for the trails.

40

1 Councillor Sorg said I heard that this was going to connect with Mesa Grande; is that correct?

2

3 Tomas Mendez said it could extend that way or in another direction in the future. This is all State
4 property so we can't promise something that we have no control over.

5

6 Councillor Sorg said I think we need to make it clear that there can be no private or commercial built
7 on this property; correct?

8

9 Bill Hamm, Land and Real Estate Manager said there is absolutely no private enterprise allowed with
10 these arrangements.

11

12 Councillor Smith said I believe in other communities they have a requirement of putting up some
13 kind of scaffolding in the shape of the building, up where it is suppose to be, and I was wondering
14 if that would be something that we could do to show the neighborhood where it will be because I
15 think a lot of it will be blocked by the ridge. Also, regarding the color, I realize this is only
16 conceptional but you showed some earth tones but there is also some white in the stucco, so perhaps
17 if we say more confidently that we will be using certain earth tones that it would help it blend in
18 more for the people who are concerned. Regarding the height, I think we could probably talk about
19 making it a condition of this zone change, that the City would not build anything over a certain
20 height.

21

22 Councillor Levatino said the two conditions that I would want to be part of this is to have a 45 foot
23 maximum height for any building and to have assurances that the two parcels on the south side of
24 the service road would remain on that side of the service road.

25

26 Tomas Mendez said I think you're basing the 45 foot height on my comments and I would like to
27 have the architect make sure that is correct because I don't want to come in at 46 feet and have to
28 come back for a variance.

29

30 Councillor Levatino said I'm not basing it on what you stated; I just think that 60 feet is way too tall.

31

32 Councillor Smith said I'd like to point out that there is some topographical changes here and the
33 intent is to avoid the view shed; however, based on whether you build something on a higher or
34 lower piece of ground, the number might vary. So it might need to be an altitude number instead of
35 just a single number.

36

37 Councillor Small said I think we also need to make sure that we don't unduly limit the capabilities
38 for this facility. We are investing a great deal of money into this facility for many years to come.

39

1 Russell Smith said with the way the building is designed and with future expansion, we are planning
2 on going out opposed to going up so 45 feet should be good for us.

3

4 Councillor Small said that requirement would apply to things like antennas or other communication
5 equipment that might be necessary; correct?

6

7 Susana Montana said the communication antenna for the Police or Fire Department could reach 10
8 feet above the base height limit.

9

10 Tomas Mendez said the antenna is proposed to be attached to the stairwell, on the side of the wall
11 that is facing "A" Mountain instead of on the rooftop.

12

13 Sandy Langley, Member of the Public said we're not against having this facility in our neighborhood
14 but we request to prevent the C-3C High Intensity Commercial Zoning next to our property and to
15 have the addition of a 500 foot neighborhood buffer for our property. We urge you to vote no on the
16 proposal to re-zone this entire property because it would only take about 10 to 20 acres for the safety
17 complex.

18

19 Dave Langley, Member of the Public said we hike in this area and there is no need for the
20 redevelopment of our side of the hill so it is not a good reason to have this area re-zoned just for a
21 trail system. We do still want to have a 500 foot buffer in front of our homes to protect us from
22 hikers and bikers that would come close to our property.

23

24 Mayor Miyagishima said I just want to say that we do have to re-zone it in order to have those nature
25 trails and the government has been selling off land so if BLM doesn't sell this to us then they will
26 sell it to a private developer who could build a two-story house right next to you.

27

28 Dolores Connor, Member of the Public said I live near this property and if an antenna is going to
29 save my life then put it up. On page 298, Exhibit B, the part that references transportation,
30 wholesale, the second line includes retail service as a use and I would like to have that removed.

31

32 Ron Camuñez, Member of the Public said I am excited about the finalization of this project but we
33 do need to keep our options open for future development without putting limits on the structures.

34

35 Councillor Levatino said I think there is enough land out there that if they need to build something
36 it can go horizontal and not vertical.

37

38

39

1 Councillor Silva Moved to Amend Council Bill No. 15-006; Ordinance No. 2725 to remove Office,
2 Retail Services or Industry from the land uses allowed and limit the height of the building to 45 feet
3 and Councillor Levatino Seconded the motion.

4
5 -----
6

7 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-006; Ordinance
8 No. 2725 to remove Office, Retail Services or Industry from the land uses allowed and limit the
9 height of the building to 45 feet and it was Unanimously Approved. 7-0

10
11 -----
12

13 Councillor Sorg Moved to Amend Council Bill No. 15-006; Ordinance No. 2725 to strike the words
14 "Private" and "Religious" under Section 38-33F, Service Land Uses; and Councillor Smith Seconded
15 the motion.

16
17 -----
18

19 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-006; Ordinance
20 No. 2725 to strike the words "Private" and "Religious" under Section 38-33F, Service Land Uses;
21 and it was Approved. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg,
22 Councillor Smith and Mayor Miyagishima voted Aye. Councillor Levatino voted Nay.

23
24 -----
25

26 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-006;
27 Ordinance No. 2725 as Amended and it was Unanimously Approved. 7-0

28
29 -----
30

31 **VIII. BOARD APPOINTMENTS**

32
33 Mayor Miyagishima reappointed Bill Allen (Las Cruces Chamber of Commerce) and appointed Pat
34 Breeding (Bank Industry), Richard Aguilar (Hispanic Chamber of Commerce), Wayne Miller (Green
35 Chamber of Commerce), and Doris Nurenberg (Realty Industry) to the Affordable Housing Land
36 Bank & Trust Fund Advisory Committee.

37
38 -----
39

1 Councillor Small Moved to Approve the Mayor’s board reappointment of Bill Allen (Las Cruces
2 Chambers) and appointment Pat Breeding (Bank Industry), Richard Aguilar (Hispanic Chamber of
3 Commerce), Wayne Miller (Green Chamber of Commerce), and Doris Nurenberg (Realty Industry)
4 to the Affordable Housing Land Bank & Trust Fund Advisory Committee and Councillor Smith
5 Seconded the motion.

6

7 -----

8

9 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor’s board reappointment
10 of Bill Allen (Las Cruces Chambers) and appointment Pat Breeding (Bank Industry), Richard
11 Aguilar (Hispanic Chamber of Commerce), Wayne Miller (Green Chamber of Commerce), and
12 Doris Nurenberg (Realty Industry) to the Affordable Housing Land Bank & Trust Fund Advisory
13 Committee and it was Unanimously Approved. 7-0

14

15 -----

16

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

19

20 There were no proposed ordinances.

21

22 -----

23

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

25

26 There were no City Council Member Board Reports.

27

28 -----

29

30 **XI. GENERAL DISCUSSION**

31

32 a.) Mayor

33

34 Mayor Miyagishima passed.

35

36 -----

37

38 b.) City Council

39

1 Councillor Smith said there is a Mothers Against Drunk Driving walk at La Llorona Park on
2 Saturday.

3

4 There is expressed interest in us moving forward with having a full use pool at the Regional Aquatics
5 Center and both Senator Papen and Senator Soles have expressed their support and I believe it is
6 included in our ICIP. So I would hope that we could have a work session to discuss it.

7

8

9

10 Councillor Levatino passed.

11

12

13

14 Councillor Sorg passed.

15

16

17

18 Councillor Small said regarding the Noise Ordinance, there is a certain establishment that has had
19 calls on it for several years by different residents which shows something is lacking in the
20 enforcement of our ordinance.

21

22 Regarding the Hold Harmless discussion, I am looking forward to the Legislative Session and I hope
23 Council will be engaged and be part of the discussion.

24

25 There are a number of festivals and opportunities for wider public engagement during the next
26 couple of months which has a connection to expanding economic opportunities.

27

28 The last Jobs to Careers Boot Camp finishes up in Sunland Park on September 17th.

29

30

31

32 Councillor Pedroza said I was recently given a tree planting guide for this area so please let me know
33 if anyone is interested in having one.

34

35 There is going to be a celebration of Urban Ag on October 16th.

36

37 I received a letter regarding limited space at the Doña Ana County Detention Center and due to that,
38 they are not going to be accepting petty misdemeanors charged by Las Cruces so I would like to get
39 more information on this and how it is going to impact us.

40

1 -----
2
3 Councillor Silva said I would like to express my condolences to the family of former Mayor
4 Herculano Ferralez and I would like for us to do something to honor him.

5
6 We were very successful in having the New Mexico Municipal League accept the 18% cap and it
7 looks like we're going to have statewide support.

8
9 This Friday is the Downtown Art Ramble from five to seven and it is a great time to get out and
10 enjoy the September weather. Also, the White Sands Film Festival kicks off tomorrow evening.

11
12 -----
13
14 c.) City Manager

15
16 Robert Garza, City Manager said I just want to remind Council that we are already working with
17 NMSU so please funnel it through my office before you work with the students in the MPA program.

18
19 There has been some inquiries regarding campaign signs and I just want to mention that the City
20 does not remove campaign signs.

21
22 The Munson Center is going under construction starting today so all those activities have been
23 moved to other centers and the staff has been relocated to the old City Hall building.

24
25 The storms have stopped but the effects are still with us; we have gotten most of our streets cleaned
26 but there is still a lot of erosion that we need to take care of and a lot of weeds to handle.

27
28 We will be having a September 11th Ceremony next week, out front and we'd like to see you all
29 there.

30
31 -----
32
33 Councillor Sorg Moved to Adjourn and Councillor Smith Seconded the motion.

34
35 Mayor Miyagishima said all of those in favor signify by saying "Aye."

36
37 Council said "Aye."

38
39 **Meeting Adjourned at 5:59 p.m.**