



City Council  
of the  
City of Las Cruces

Special Meeting

September 8, 2014

1:00 P.M.

Council Chambers, City Hall

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**MEMBERS PRESENT:**

**STAFF:**

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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

DRAFT

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22

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

25

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

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

35

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

37

38 Councillor Smith said my wife works with the New Mexico Restaurant Association which lobbies  
39 in Santa Fe and they have a position on the minimum wage in the State of New Mexico. I don't  
40 believe that interferes with my ability to make a decision that is reasonable for Las Cruces.

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2 Mayor Miyagishima said as mentioned before, I don't think so.

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6 **II. RESOLUTIONS AND ORDINANCE FOR DISCUSSION**

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8 1. **RESOLUTION NO. 15-035:** A Resolution Authorizing High Desert Brewing  
9 Company to Continue With the Permitting Process to Allow for the Sale and  
10 Consumption of Beer Within a Restricted and Secured Area During an Event  
11 Sponsored by the Southwest Environmental Center, in and Around 275 North Main  
12 Street, on Saturday, September 27, 2014.

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14 Councillor Small Moved to Approve Resolution No. 15-035 and Councillor Smith Seconded the  
15 motion.

16 DRAFT  
17 -----  
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19 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-035 and it was  
20 Approved. 7-0

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24 2. **RESOLUTION NO. 15-036:** A Resolution Authorizing St. Clair Winery & Bistro  
25 to Continue With the Permitting Process to Allow for the Sale and Consumption of  
26 Wine Within a Restricted and Secured Area During an Event Sponsored by the  
27 Southwest Environmental Center, in and Around 275 North Main Street, on  
28 Saturday, September 27, 2014.

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30 Councillor Sorg Moved to Approve Resolution No. 15-036 and Councillor Small Seconded the  
31 motion.

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35 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-036 and it was  
36 Approved. 7-0

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1 Mayor Miyagishima said if this is approved, people would wonder if this one would take precedence  
2 over the existing one or does it just join the one that is there.

3

4 Harry (Pete) Connelly said the latest ordinance on the same subject would seem to be the latest  
5 thought but if it is still inconsistent with the prior ordinance then you would have to resolve the  
6 conflict.

7

8 Mayor Miyagishima asked did the City Attorney's office draft this or was it done by the applicant?

9

10 Harry (Pete) Connelly said the drafting of the ordinance was done by the organization and whoever  
11 they used to help them draft it.

12

13 Casandra Calway, Member of the Public said I am representing the tipped workers that didn't get  
14 a raise in the previous ordinance that you passed. I am presenting you with a cardboard check for \$10  
15 million which is the amount that will flow into this community just one year after our initiative. We  
16 ask that you support our effort today and allow this to go to the voters.

17

18 Nancy Anderson, Member of the Public said I reside in District 2 and we are asking that you vote  
19 for the workers.

20

21 Mike Beckett, Member of the Public said I am a business owner and the Board Chair of the Greater  
22 Las Cruces Chamber of Commerce. My wishes are the same as Café and my family and I want  
23 people to have dignity and the ability to better themselves and their families. We put people to work  
24 and we pay what our business can afford. I am opposed to a vote that goes out to the general public  
25 that's only intent is to generate a voter turnout for other progressive issues. I am confident that this  
26 governing board will make a decision for the better of our community.

27

28 Sarah Nolan, Member of the Public said I am the Director of Café and we are concerned with the  
29 language "reconciliation". I want to make it clear that we are going to be here throughout the end of  
30 the year and we will be here to continue to conserve and protect this ballot initiative.

31

32 Pam Lillibridge, Member of the Public said I am the CEO of Tresco and the last time that the  
33 minimum wage was raised, the most vulnerable of our population, people with disabilities who are  
34 working, experienced a large decrease in their hours and some even lost their jobs. I also represent  
35 several non-profit organizations that depend on businesses for their contributions and support so our  
36 fear is that in raising minimum wage to \$10.10 an hour, that those dollars being invested into the  
37 community will not be there. My organization employs about 250 direct staff that make more than  
38 minimum wage but in a couple of years they'd only be making minimum wage because we won't  
39 be able to afford to raise the minimum wage workers and the medium wage workers as well.

40

1 Maria Flores, Member of the Public said I am here to ask that you think about our children because  
2 they are affected by our economy. If they are economically stressed, it effects the students and it  
3 affects their scores. We expect teachers to fix everything but this is one thing they cannot fix.

4

5 John Simmons, Member of the Public said I support raising the minimum wage to \$10.10 because  
6 I am very concerned with the human rights issue as well as the justice issue.

7

8 Tamie Smith, Member of the Public said we should redefine the term minimum wage as liveable  
9 wage. New Mexico has more hungry children than any other state. I encourage you to pass this  
10 because everyone would have to pay the cost if it goes to an election.

11

12 Peter Osorio, Member of the Public said I am concerned that the Council hasn't provided for tipped  
13 employees and I am glad that a citizen's initiative has brought this discussion forward.

14

15 Margaret Mendoza, Member of the Public said I spend money in Las Cruces and I support having  
16 a living wage.

17

18 Jerry Nachison, Member of the Public said I am here to speak for hard working workers and right  
19 now we only have a poverty wage so I am asking that Council approve this legislation and if not,  
20 then allow a combined election with the County in November.

21

22 Sara Melton, Member of the Public said I work with Café and I hear different stories of struggling  
23 families and their hope. I ask that you pass this ordinance today or if this ordinance does not pass  
24 then we ask that you take it to the voters on November 4<sup>th</sup>.

25

26 Paul O'Connell, Member of the Public said I am an economist and I strongly support this ordinance.

27

28 Maury Castro, Member of the Public said I have lived here for 81 years and I lived through the  
29 Depression. We need to do something about this and you can start by doing this now.

30

31 Joanne Ferrary, Member of the Public said I am running for office right now and everyone I talk to  
32 gets that we can make a difference so I urge you to vote for this right now and if not, then allow it  
33 go to the November election.

34

35 Jim McMahon, Member of the Public said passing this is the right thing to do.

36

37 Paula Root, Member of the Public said being poor is not a character flaw and I am willing to make  
38 sacrifices and work hard. You can work hard your whole life and have nothing to show for it. We  
39 deserve work, dignity and respect.

40

1 Angelica Rubio, Member of the Public said I am the campaign manager for Café and I hear stories  
2 everyday on how people are struggling to survive. I ask that you vote for this proposal and know that  
3 if there is any chance of you going after our proposal later on, we are going to make sure it stays.

4

5 Jack Crook, Member of the Public said I am a retired small business owner and you get what you  
6 pay for so a small increase in minimum wage would help decrease the stress on your employees.

7

8 Ryan Dailey, Member of the Public said I am against this raise to \$10.10 an hour. The County needs  
9 to speak on this issue and if this passes then we should have an agreement with them stating that they  
10 will also raise it to \$10.10 an hour.

11

12 Luis Ignacio Quiñones, Member of the Public said this is a win, win, win situation because it would  
13 benefit everyone. This is a reasonable increase and I ask that you seriously consider it.

14

15 Will McCorder, Member of the Public said I am in District 1 and I don't understand why we  
16 wouldn't consider this because it would help everything in town.

17

18 Sam Quathen, Member of the Public said most small businesses fail because of leadership and if this  
19 passes then it will put money into this community.

20

21 Carol Tuck, Member of the Public said this is a step in the right direction. It isn't perfect and it won't  
22 solve the problem but it is an easy, simple step so lets just do it.

23

24 Ron Camuñez, Member of the Public asked what happen to no applause during meetings?

25

26 Mayor Miyagishima said it is up to me and I think it is a freedom of expression.

27

28 Ron Camuñez said we now have Obamacare so there is no need for any mother to tell their sick child  
29 they don't have money to take them to the doctor. I went to several different fast food restaurants  
30 over the past couple of weeks and it occurred to me that I will be paying this teenager \$10.10 an hour  
31 and they can't even give me the correct change back. I have a problem with that.

32

33 Councillor Smith said I have held my tongue on the applause issue but I would ask that the members  
34 of this audience respect all voices because making rude noises when they say something you don't  
35 agree with is not appropriate.

36

37 Tom Hutchinson, Member of the Public said I own La Posta and there are nearly one million  
38 restaurants nationwide and as a result of steep competition, margins are driven low, often as low as  
39 three to five percent. We are a low wage industry that requires very little to no education or skill to  
40 obtain employment and the pricing of our product typically reflects that, so if we increase the cost

1 of doing business then our prices will increase. Tipped employees are our sales force and they choose  
2 the flexible hours as an upside to a tip/sales environment over the certainty of an hourly employee.  
3 Café wants you to believe that they get paid slave wages but the reality is that it goes up every time  
4 prices increase, the 10% is now 15% to 20%, so they make \$10 to \$25 an hour before the \$2.13 is  
5 even added in. It is insulting that Café suggests that we pay slave wages under deplorable working  
6 conditions and you know that is not true at all. Café is more concerned with taking this to the ballot  
7 box in November than working toward a reasonable solution with the stakeholders in this  
8 community.

9

10 Jake Redfearn, Member of the Public said we fight El Paso for jobs and I feel that if you pass this  
11 minimum wage increase, it will further complicate and make it difficult to recruit new businesses  
12 to Las Cruces.

13

14 Dan Schneider, Member of the Public said the question here is the right for workers to have a living  
15 wage and the MIT Institute has determined that to be \$8.12 an hour for Doña Ana County.

16

17 Mary Beth Reinhard, Member of the Public said I am a retiree and my retirement has not been  
18 increasing in the same rate as my gas, food, and other goods and services. I would hate to consider  
19 having to go out and get a job at my age of 76. I volunteer for some non-profits and we are finding  
20 out that as prices increase, people have less discretionary income so they are unable to help people  
21 with the non-profit organizations.

22

23 Rich Ferrary, Member of the Public said Moo, Cluck, Moo is a restaurant in Detroit that pays their  
24 employees \$15 an hour and there are seven states that have abolished tipped workers which are still  
25 in business. Your credibility is on the line with this issue and I would suggest that you either  
26 unanimously approve it or unanimously disapprove it and put it on the ballot to let the people decide.  
27 I think you should deny it and put it on the ballot on November 4<sup>th</sup>.

28

29 Phil Harvey Jr, Member of the Public said my wife and I operate a couple of small businesses here  
30 and we are very concerned about the minimum wage. Our margin is so tight that if we have to  
31 increase our minimum wages then it may lead to us having to shut down our businesses. We can  
32 probably make it with the first increase amount but we couldn't with the \$10.10 amount.

33

34 Oscar Andrade, Member of the Public said I own Pic Quik stores and we employ over 300  
35 employees. I have spoken with Roberto Estrada, the owner of Roberto's, and he told me that if  
36 minimum wage goes up to \$10.10 an hour that he would be out of business. We cannot afford the  
37 minimum wage increase of \$10.10 an hour.

38

39 Monica Denton, Member of the Public said I own a hotel and I have 50 to 60 workers. If this  
40 increase is approved then I would have to downsize my workforce.

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2 Susan Fitzgerald, Member of the Public said the facts are that states and communities that have  
3 raised the minimum wage are thriving and their economies are growing. I ask that you approve this  
4 today or allow it to go to the election in November.

5

6 Representative Steve Fishman said my personal opinion is that we should go forward with the  
7 \$10.10 increase for minimum wage because our costs keep going up but our wages don't go up.

8

9 Liz Rodriguez-Johnson, Member of the Public said there is no greater respect for the community  
10 than the commitment to try to minimize the gap between wage earners.

11

12 Richard Aguilar, Member of the Public said I am the President of the Las Cruces Hispanic Chamber  
13 of Commerce and I want to thank you for approving the previous minimum wage increase to \$8.50  
14 an hour. We believe that is a reasonable increase for this community and we feel that the  
15 unreasonable increase to \$10.10 an hour would cause an increase in prices so the purchasing power  
16 of wage earners will be less. There would also be a cut in worker's hours and even layoffs.

17

18 Bill Allen, Member of the Public said I am the CEO of the Greater Las Cruces Chamber of  
19 Commerce and there have been numerous meetings to discuss both sides of the minimum wage issue  
20 and we endorsed your efforts this summer to increase the minimum wage to \$8.50 an hour by  
21 January 2016. We've heard numerous times that \$10.10 an hour just won't work here. We support  
22 the previous decision that Council made to establish a reasonable wage rate so please continue to be  
23 reasonable.

24

25 Councillor Small said I want to mention that I did offer amendments to our existing minimum wage  
26 ordinance that were not approved by the majority of Council.

27

28 Councillor Pedroza said we are witnessing something historic and I do believe low wage workers  
29 do need an increase in wages but I would like this to be resolved by the community through a vote.

30

31 Councillor Smith said we sometimes have to make hard decisions and this is certainly one of those  
32 issues. We are given the number \$10.10 which is a national number and since Congress is incapable  
33 of addressing many of our Nation's needs, I understand the need to take a national number and  
34 impose it state by state or community by community. As an elected official, I have to consider the  
35 impacts on this community of decisions we make as a Council. I plan to vote yes on this ordinance  
36 today so that we may address this issue as part of our job and on behalf of this community.

37

38 Councillor Sorg said I just want to say that in this ordinance it states that it excludes teenagers 18  
39 years old and younger so as I read it, it wouldn't apply to teenagers. Although I support the increase  
40 to \$10.10, if this is not passed unanimously then I feel it should go to the voters.

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2 Councillor Silva said basically, we would have conflicting ordinances so at some point we will need  
3 to reconcile these conflicts; correct?

4  
5 Harry (Pete) Connelly said correct.

6  
7 Councillor Silva said so we would need to take that action as soon as possible.

8  
9 Harry (Pete) Connelly said my recommendation would be that after this becomes effective, you all  
10 meet and tell staff what you would like done.

11  
12 Mayor Miyagishima said if it does pass then we would probably have another work session to  
13 discuss it and have public input on it.

14  
15 Councillor Silva said if we deny this today and then the voters pass it in November, then we would  
16 be right back where we are today.

17  
18 Harry (Pete) Connelly said yes.

19  
20 Mayor Miyagishima read a statement from Abraham Lincoln.

21  
22 Councillor Small said it doesn't seem to me that there is a conflict between the two ordinances until  
23 2016 and I think the last thing passed is considered the will of that elected body. As much as I want  
24 to vote yes today, I feel I have to vote no on this today because it would be disrespecting the chance  
25 for compromise and would continue to put our community through hoops.

26  
27 Councillor Silva said we had the opportunity to create a task force back in January and if we had  
28 done that, I wonder if we would be here today. I think we missed a golden opportunity for us to be  
29 a community and come up with a true solution.

30  
31 Councillor Pedroza said there were several people who questioned the motivation of this but I don't  
32 think they had valid arguments. I think we should just let the people vote.

33  
34 Councillor Levatino said I thought this was about raising the minimum wage but my fellow  
35 councillors that supported that now are stating that they are going to vote against it so it can go to  
36 an election. Is this about raising minimum wage or it is about putting something on the ballot? It  
37 seems to me that if we vote to accept the Café petition, that is exactly what they wanted because it  
38 would raise the wage to what they proposed. I don't understand why they are not supporting this.  
39 There are a minimum of 1,000 jobs in Las Cruces that pay over \$10.00 an hour so I don't understand  
40 that if you want a job that pays more than minimum wage, why aren't you applying for them?

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Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-007; Ordinance No. 2726 and it was Approved. 4-3 Councillor Silva, Councillor Levatino, Councillor Smith and Mayor Miyagishima voted Aye. Councillor Pedroza, Councillor Small and Councillor Sorg voted Nay.

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4. **The following RESOLUTION NO. 15-037, will only be heard if Council Fails to Adopt COUNCIL BILL NO. 15-007; ORDINANCE NO. 2726; RESOLUTION NO. 15-037:** A Resolution Calling for a Special Municipal Election to be Held in the City of Las Cruces, New Mexico, on Tuesday, November 4, 2014; Submitting to a Vote a Question Regarding Setting Minimum Wages as a Result of an Initiative Petition Process to the Qualified Voters of the City of Las Cruces.

Resolution No. 15-037 was not considered by Council.

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

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

Council said "Aye."

**Meeting Adjourned at 3:17 p.m.**