



**City Council  
of the  
City of Las Cruces**

**Regular Meeting**

**August 24, 2009  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Dolores C. Archuleta, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gil Jones, District 5
- 20 Councillor Sharon Thomas, District 6 **By Phone**

- Terrence Moore, City Manager
- Fermin Rubio, City Attorney
- Esther Martinez, City Clerk

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**I. OPENING CEREMONIES**

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

28 Presentation of Certificates of Appreciation/Proclamations.

30 Mayor Miyagishima and Jeannie Massaway presented the Pet of the Week.

34 Councillor Archuleta Moved to allow Councillor Thomas to participate in the meeting by telephone  
35 and Councillor Connor Seconded the motion.

39 Mayor Miyagishima called for the roll on the Motion to allow Councillor Thomas to participate in  
40 the meeting by telephone and it was Unanimously APPROVED.

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

5  
 6 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

7  
 8 None given.

9

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12 **III. PUBLIC PARTICIPATION**

13

14 Precilliana Sandoval, Member of the Public said I am almost a life long vendor of the Farmers  
 15 Market and that market is how I was able to get off of welfare. I have a grievance against the  
 16 moving and its process. We were suppose to be moved mirrored to the way we were at the north end  
 17 and that has not happened. I have been asking for several months to have a permanent spot and I, as  
 18 well as other Hispanic vendors, have been ignored by Ms. Hennessey for the past year or more. We  
 19 need to have a fairer system of spot selections for the vendors.

20

21 Mayor Miyagishima said it was my understanding that all the vendors were moved according to the  
 22 way they were set up previously.

23

24 Precilliana Sandoval said all of the spots were changed during the moved. I would recommend  
 25 moving us all under the tent so it would be fair to all of us.

26

27 Christine Logan, Economic Development Administrator said the Committee took the vendors that  
 28 had permanent assigned spaces and they just slid everyone down. There were over fifty vendors that  
 29 were on a waiting list for permanent spaces but there weren't any permanent spaces available. The  
 30 move to the south end created more spaces so people on that list were given spaces on the forth  
 31 block.

32

33 Mayor Miyagishima said I would like to have a meeting with Terrence Moore and Christine Logan  
 34 after this meeting to have Mrs. Logan show us a diagram of how the vendors were set up previously  
 35 and how they are currently set up.

36

37 Jean Williams, Member of the Public said I am a member of the Farmers Market Committee and we  
 38 really did try to keep everyone set up like they were previously but we did have to do some shuffling  
 39 with some of the spaces. The issues with the shading is a bigger issue but I do have questions  
 40 regarding where the funding will come from for these canopies and if the City buys them then rents  
 41 them out, where would that money go? I think the canopies would only be a temporary solution to  
 42 the shade issues with the Farmers Market.

1  
2 Mayor Miyagishima said I would assume that if we did purchase these tents and then rent them out,  
3 that money would go back to the General Fund which is the fund that would be used to purchase  
4 these tents.

5  
6 Terrence Moore, City Manager introduced Tom Schuster as the new Sustainability Officer.

7  
8 Tom Schuster, Sustainability Officer said we are going to have a work session in the upcoming  
9 weeks to discuss the details of a 120 day plan and one of our priorities is to focus on cutting our  
10 energy cost.

11  
12 Mayor Miyagishima said there were reports that stated your salary was \$98,000.

13  
14 Tom Schuster said the \$98,000 is the amount of the entire program; my salary is substantially less  
15 than that amount.

16  
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18  
19 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**  
20 **AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**  
21 **BY ONE MOTION.**

22  
23 Mayor Miyagishima said Item 1 needs to be removed from the consent agenda for discussion.

24  
25 -----

26  
27 Councillor Connor Moved to approve the Agenda as Amended and Councillor Archuleta Seconded  
28 the motion.

29  
30 -----

31  
32 Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was  
33 Unanimously APPROVED.

34  
35 -----

36  
37 **V. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

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39 -----

40  
41 **UNFINISHED BUSINESS ----- APPEAL PROCESS**

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- 1 1. Council members shall not privately discuss with any interested person or persons  
2 the merits of a case which is, or may be pending before the City Council. If there  
3 have been any such discussion or discussions, they should be disclosed by the  
4 appropriate Councillor(s) or individuals at this time.  
5
- 6 2. Appeals to be presented before the Las Cruces City Council may follow the appellate  
7 procedures mandated by the State ex rel. *Battershell v. Albuquerque*. These  
8 procedures are intended to protect the due process rights of all parties to the appeal.  
9 However, the *Battershell* procedure will only be followed when any party in the  
10 appeal wishes to use this procedure.  
11
- 12 3. Persons wishing to give testimony on any item shall wait to be recognized, then go  
13 to the lectern, give their name and address, be sworn in (if using the *Battershell*  
14 procedure), and limit their comments to three minutes. If there is a properly  
15 identified neighborhood spokesperson, attorney or real estate agent for one of the  
16 parties, the time limit shall be ten (10) minutes. You may speak more than once  
17 provided you avoid being repetitious. Proponents shall speak first, followed by  
18 opponents.  
19

20 **A. BATTERSHELL PROCEDURES FOR APPEALS PRESENTED TO THE CITY**  
21 **COUNCIL**  
22

23 **1. PRE-APPEAL HEARING REQUIREMENTS:**

- 24 a. Any party to be represented by an attorney, at the appeal hearing, shall present to the  
25 City Attorney's Office, at least 5 business days before the hearing, a memorandum  
26 with citations of authority substantiating the party's position. This memorandum is  
27 different from the appeal summary submitted 15 days after the public hearing by the  
28 Board of Adjustment or the Planning and Zoning Commission.
- 29 b. All parties in the appeal that desire to have a specific City staff person present at the  
30 appeal, need to present to the City Planning Department, at least 5 business days  
31 before the appeal hearing, a letter requesting that the specific staff person be present  
32 at the appeal hearing. This allows ample opportunity to notify the staff person to  
33 assure attendance.  
34

35 **2. AT THE BEGINNING OF THE *BATTERSHELL* APPEAL HEARING, THE**  
36 **COUNCIL WILL:**

- 37 a. Identify all parties to the appeal, including all witnesses that wish to give testimony.
- 38 b. All persons who give testimony, including City staff, will be sworn-in by the clerk  
39 or person authorized to administer oaths.
- 40 c. All persons giving testimony will be subject to cross-examination by other parties  
41 within the appeal, including City staff.
- 42 d. All items presented in the appeal, whether in *Battershell* or not, will be limited to the

1 relevant matter being appealed and the City Council may place a reasonable limit on  
2 the number of persons to be heard and their amount of testimony.

3  
4 **B. PROCEDURES FOR PRESENTATION OF ALL APPEALS**

5  
6 The following procedures will be used whether an appellant chooses to utilize the *Battershell*  
7 procedure or not.

8  
9 **1. ORDER OF ALL PRESENTATIONS:**

- 10 a. City Staff Presentation  
11 b. Appellant Presentation  
12 c. Other parties' presentation  
13

14 **2. APPLICABLE STEPS FOR ALL PRESENTATIONS:**

- 15 a. Opening statements about the case by the party.  
16 b. City Council may question the presenter/party.  
17 c. Cross-examination by other parties, which must be done in the form of questions to  
18 be answered by the presenter(s).  
19 d. City Council may question the presenter/witness.  
20 e. Continue to other witnesses for the party until complete.  
21 f. Once all parties are through with giving testimony, closing statements can be made  
22 by each party, in same order as above (A).  
23

24 **3. CITY COUNCIL ACTION:**

- 25 a. A City Council member makes a motion, followed by a second.  
26 b. There may be discussion of the motion.  
27 c. The Council is prepared to vote. In the vote, the City Council may reverse, modify,  
28 affirm, or change any decision or determination of the Official, Board, or  
29 Commission from which the case was appealed.  
30 d. The City Clerk takes roll call of the City Council; the decision is announced.  
31

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33  
34 **VII. APPEAL(S)**

- 35  
36 (2) Resolution No. 10-042: A Resolution to Appeal the Denial Decision of the Planning  
37 and Zoning Commission on a Request for an Eighteen (18) Foot Variance From the  
38 Maximum Allowed Height of Twelve (12) Feet for a Freestanding Sign for Property  
39 Located at 4820 Mesa Grande Avenue. Submitted by Property Owner O'Reilly  
40 Automotive, Inc. (A1694).  
41 **(TABLED 07-27-09)**  
42  
43

1 Councillor Jones Moved to Remove Resolution No. 10-042 from the Table and Councillor  
2 Archuleta Seconded the motion.

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5

6 Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 10-042 from the  
7 Table and it was Unanimously APPROVED. 7-0

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10

11 Cheryl Rodriguez, Development Services Administrator said the applicant is seeking a variance to  
12 allow him to have an approximately 30 foot freestanding sign. Council tabled this item to allow the  
13 applicant time to meet with the residents in that area and try to resolve some of their issues.

14

15 Greg Franzcek, O'Reilly District Manager said the neighborhood had concerns regarding some  
16 lighting issues with our store. There were some communication problems with our main store which  
17 controls our lighting system but those issues have been corrected and our lights are now turning off  
18 at 9:30 p.m. It was our understanding that if we corrected our lighting system that the neighborhood  
19 would be fine with allowing the 30 foot sign. We want this sign so people on the highway and the  
20 overpass can find us.

21

22 Mayor Miyagishima said I recall that some of the Councillors wanted the sign to be lower.

23

24 Greg Franzcek said I believe that we agreed that we could lower it to 26 feet.

25

26 Councillor Jones said I received some correspondence from the neighbors that stated they were  
27 willing to compromise to allow a sign in the 18 foot range.

28

29 Greg Franzcek said having the sign only an additional 6 feet won't allow it to be seen from the  
30 overpass or the highway. Our sign has a reader board to show what we have on sale and at that  
31 height, they won't be able to see the board and it would be at a height that it can be vandalized. We  
32 need to have a 26 to 30 foot sign.

33

34 Steve Northrup, Neighborhood Representative said we had a neighborhood meeting and we all feel  
35 that we would have no objection to a sign that was the same height as their building. We have  
36 concerns that if we allow them to have a 30 foot sign then as other businesses come into that area,  
37 they are going to want a 30 foot sign as well.

38

39 Councillor Jones asked is the highest you would agree to is 18 feet.

40

41 Steve Northrup said between 18 and 20 feet, we would be ok with 20 feet.

42

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1  
2 Councillor Connor Moved to Amend Resolution No. 10-042 to limit the sign height to 20 feet and  
3 Councillor Jones Seconded the motion.

4  
5 -----  
6

7 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-042 to limit the  
8 sign height to 20 feet and it was Unanimously APPROVED. 7-0

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11

12 Councillor Silva said once the 60% of commercial threshold is met in that area, then they can legally  
13 have a 30 foot sign.

14  
15 Cheryl Rodriguez said yes, they could conceivably go to a higher sign.

16  
17 Win Jacobs, Member of the Public said I agree with keeping this sign at 20 feet but it sounds like  
18 later applicants would have an unfair advantage and O'Reilly's would have an additional expense  
19 to boost up their sign at that time. The Council should set this 20 foot height as a precedence and  
20 amend the existing ordinance.

21  
22 Emil Borde, Member of the Public said there is a McDonalds in that area and they have a 30 foot  
23 sign.

24  
25 Mayor Miyagishima said they were allowed to have a 30 foot sign because they are on the frontage  
26 road.

27  
28 Cheryl Rodriguez said regarding Win Jacob's comments, there is commercial and residential in this  
29 area and I don't think amending the code can be done at this time because of the zoning in that area.

30  
31 -----  
32

33 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-042 as Amended  
34 and it was Unanimously APPROVED. 7-0

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38 **VIII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

39  
40 \*(1) Council Bill No. 10-002; Ordinance No. 2531: An Ordinance Approving a Zone  
41 Change From M1/M2 (Industrial Standard) to R-4C (Multi-Dwelling High Density  
42 & Limited Retail and Office-Conditional) for 3.42 +/- Acres Located at 1089 W.  
43 Amador Avenue. The Zone Change Will Facilitate the Placement of a Transitional

1 Living Facility for at Risk Youth. Submitted by Southwest Engineering, Inc. For  
2 Resources for Children & Youth, Inc (Z2790).

3  
4 Councillor Connor Moved to Adopt Council Bill No. 10-002; Ordinance No. 2531 and Councillor  
5 Jones Seconded the motion.

6  
7 -----  
8

9 Gary Hembree, Development Services Senior Planner gave a presentation and said this item is a zone  
10 change from M1M to R4 multi-dwelling and this was approved by the Planning and Zoning  
11 Commission; however, subsequently, it was determined that the subject property didn't meet the  
12 minimum density standards of R4 zoning. Council can vote yes and affirm the recommendation of  
13 the Planning and Zoning which would change this property to R4 zoning with the hopes that it will  
14 eventually meet the density requirements or you can vote no and the property would remain with the  
15 current zoning. You can also amend the ordinance or recommend that it be sent back to the Planning  
16 and Zoning Commission.

17  
18 Councillor Silva asked are there going to one or two story buildings on this property?

19  
20 Gary Hembree said the applicant stated there would be one story buildings.

21  
22 -----  
23

24 Councillor Jones Moved to Amend Council Bill No. 10-002; Ordinance No. 2531 to change the  
25 zoning to R3C multi-dwelling medium density conditional /R4C multi-dwelling high density limited  
26 retail and office conditional and Councillor Small Seconded the motion.

27  
28 -----  
29

30 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-002; Ordinance  
31 No. 2531 to change the zoning to R3C multi-dwelling medium density conditional /R4C multi-  
32 dwelling high density limited retail and office conditional and it was Unanimously APPROVED. 7-0

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36 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-002; Ordinance  
37 No. 2531 as Amended and it was Unanimously APPROVED. 7-0

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41 (3) Council Bill No. 10-004; Ordinance No. 2533: An Ordinance Amending the 2001  
42 Las Cruces Zoning Code, as Amended by Adding a New Section Entitled 38-63  
43 Demolition Delay, Reuse and Adaptive Reuse - Historic Structures for the Purpose

1 of Establishing a Mandatory Sixty Day Time Period Prior to Demolition (Either in  
2 Part or in Whole) of Registered Historic Structures in Which Investigation of  
3 Alternatives to the Demolition May Occur.  
4

5 Councillor Jones Moved to Adopt Council Bill No. 10-004; Ordinance No. 2533 and Councillor  
6 Connor Seconded the motion.  
7

8 -----  
9

10 Councillor Archuleta Moved to suspend the rules and discuss Item 3 and Item 4 concurrently and  
11 Councillor Connor Seconded the motion.  
12

13 -----  
14

15 Mayor Miyagishima called for the roll on the Motion to suspend the rules and discuss Item 3 and  
16 Item 4 concurrently and it was Unanimously APPROVED. 7-0  
17

18 -----  
19

20 Vincent Banegas, Planning and MPO Administrator gave a presentation and said these items involve  
21 the proposed demolition delay ordinance and this issue was brought before Council several months  
22 ago. Information was presented on how the City could better protect the historic structures in the  
23 community and seek out ways on how we could avoid the demolition of these structures. This was  
24 heard by the Planning and Zoning Commission and they recommended it be approved. This would  
25 allow for a sixty day delay period before any structure could be demolished which would give  
26 property owners a cooling off period to decide if they really want to have it demolished. This will  
27 also allow us to see if there is a possibility that the structure can be reused. We don't seek to  
28 eliminate the emergency demolition provision as it is currently written in the code. When structures  
29 are in danger of falling and create a safety issue for the residents, the building official would retain  
30 their ability to look at the structure, identify what is wrong with it and document his findings to  
31 support an emergency demolition of the structure. We will allow flexibility regarding the property  
32 uses but in return we will be asking that they not make any additions to the front of structures and  
33 try to preserve the original historic structure as much as possible. This would only apply to properties  
34 that are already registered as historical structures. There might be issues with this because usually  
35 when someone applies for a demolition permit, it is done fairly fast and in the case of someone with  
36 a historical structure, there would be a sixty day delay. The property owners must be in agreement  
37 with the application process for a historical structure so there won't be any issues with people trying  
38 to get structures on the register without the property owners consent. At the first reading of this  
39 ordinance, it was proposed that when this came back to Council which is today, that Council would  
40 table it until the September Land Use meeting to give us additional time for a public meeting  
41 regarding this issue. We do have a public meeting scheduled for September 1<sup>st</sup> at 6:00 p.m. in  
42 Council Chambers.  
43

- 1 Mayor Miyagishima asked can someone buy a historical building and choose to knock it down?  
2
- 3 Vincent Banegas said yes, as long as there hasn't been any federal funds used toward the  
4 reconstruction of the property.  
5
- 6 Councillor Connor said I think we need to give the public time to express their view points  
7 concerning this issue.  
8
- 9 Mayor Miyagishima said I want to be very careful with this, if the property owner doesn't want to  
10 preserve his property then it is his right to have it demolished.  
11
- 12 Councillor Archuleta said I think we need to have another meeting or two to get more input  
13 regarding this issue.  
14
- 15 Mayor Miyagishima said I want to make it clear that we can't make a owner keep a historic structure.  
16
- 17 Fermin Rubio, City Attorney said outright stopping an owner from doing that; you get into the same  
18 problem if you set up requirements and obstacles to make it almost impossible for the owner to do  
19 something with their property.  
20
- 21 Councillor Thomas said I have been contacted by several people who want to be able to give their  
22 input regarding this issue. I think we need to have a work session and give the public an opportunity  
23 to express their views and ideas. I would like to change the date from September 2<sup>nd</sup> because that is  
24 the week of the Municipal League.  
25
- 26 Mayor Miyagishima said we need to let the public know that it is ultimately up to the property owner  
27 to either keep or destroy the structure.  
28
- 29 Councillor Silva said I just found out about the meeting on Saturday and I was a little irate about it.  
30 It is to be held in my district and I didn't even know about it. I think more time is needed to go  
31 through the information regarding this issue. I would suggest that the September 2<sup>nd</sup> meeting either  
32 be changed or moved to another district.  
33
- 34 Vincent Banegas said the meeting date is scheduled for September 1<sup>st</sup> at 6:00 p.m., here in Chambers  
35 and it is only intended to gather input from the citizens regarding these proposed ordinances.  
36
- 37 Councillor Archuleta asked when would the second meeting be scheduled?  
38
- 39 Vincent Banegas said it hasn't been set yet and we are open to any date suggestions.  
40
- 41 Mayor Miyagishima said I don't think there will be a need for a second meeting.  
42

1 Councillor Silva said there is another neighborhood meeting in my district on that date and I would  
2 like my residents to have an opportunity to give their input on this issue.

3

4 Sandy Geiger, Member of the Public said I would like to request that you have a work session or  
5 public meeting regarding this issue because there are some key questions that need to be answered.

6

7 Councillor Jones said we do to give the public the opportunity to give us their input and we also need  
8 to outline our role regarding properties that have had federal dollars used to preserve their historical  
9 value. I think we should have a second meeting for those individuals that are unable to attend the  
10 first meeting on September 1<sup>st</sup>.

11

12 Vincent Banegas said it is my understanding that the issue of federal dollars that are invested in  
13 historic properties; it does not prohibit demolition of the property at some point. It require that they  
14 go through a process to try to find alternative uses for that property.

15

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17

18 Councillor Silva Moved to Table Council Bill No. 10-004; Ordinance No. 2533 until the October  
19 19<sup>th</sup> meeting and Councillor Jones Seconded the motion.

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22

23 Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 10-004; Ordinance  
24 No. 2533 until the October 19<sup>th</sup> meeting and it was APPROVED. 6-1 Councillor Silva, Councillor  
25 Connor, Councillor Small, Councillor Jones, Councillor Archuleta and Mayor Miyagishima.  
26 Councillor Thomas voted Nay.

27

28

-----

29

30 Councillor Thomas said I do want to have a work session scheduled because I don't want the only  
31 time that Council can discuss this issue to be at the time we are voting on it.

32

33 Mayor Miyagishima said I will schedule a special work session before October 19<sup>th</sup> to discuss this  
34 issue.

35

36

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37

38 (4) Council Bill No. 10-005; Ordinance No. 2534: An Ordinance Repealing and  
39 Replacing Division 11, Section 30-491 (Demolition: Residential and  
40 Commercial/Nonresidential, Building Permit and Inspection Process - Application  
41 Procedure) of the 2009 Las Cruces Building Code in Order to Provide Procedural  
42 Requirements Consistent With 2001 Las Cruces Zoning Code Provisions When  
43 Demolition of Registered Historic Structures in Whole or In Part Is Proposed.

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1  
2 Councillor Jones Moved to Adopt Council Bill No. 10-005; Ordinance No. 2534 and Councillor  
3 Connor Seconded the motion.

4  
5 -----  
6

7 Councillor Jones Moved to Table Council Bill No. 10-002; Ordinance No. 2533 until the October  
8 19<sup>th</sup> meeting and Councillor Small Seconded the motion.

9  
10 -----  
11

12 Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 10-002; Ordinance  
13 No. 2533 until the October 19<sup>th</sup> meeting and it was Unanimously APPROVED. 7-0

14  
15 -----  
16

17 **IX. BOARD APPOINTMENTS**

18  
19 None given.

20  
21 -----  
22

23 **X. REVIEW OF PROPOSED ORDINANCE(S)**

24  
25 None given.

26  
27 -----  
28

29 **XI. STATUS/UPDATES ON CURRENT PROJECT LIST**

- 30  
31 1. **Strategic Plan** - (Meeting held with Council and executive staff on July 23 to review  
32 draft. Report due in early August.)  
33 2. **Sustainability Officer** - (Interviews continuing through the first week of August.  
34 Hiring recommendations shortly thereafter)  
35 3. **Las Cruces Convention Center** - (Status report provided monthly on second,  
36 Regular City Council Meeting)  
37 4. **Downtown** - (The project design is ongoing with Bohann-Huston, Inc. The city is  
38 working on final details for the proposed cul de sac on Lucero Ave. The anticipated  
39 completion of the design for the north end portion is August 28, 2009.)  
40 **Considerations for Temporary Farmers Market Temp Positioning.**  
41 5. **Impact Fees** - (A change order to revise the draft impact fee capital improvements  
42 plan (IFCIP) document, to add additional consultant trips, and to add a time and  
43 expense budget to cover the cost for implementation assistance was approved by City

1 Council on June 15, 2009. We anticipate that the new draft of the IFCIP will be  
2 submitted to the City the first week of August 2009.)

3 6. **Aquatics Center** - (Status report provided monthly on first, Regular City Council  
4 Meeting)

5 7. **Vision 2040** - (The consultants have completed preliminary drafts of the Regional  
6 Vision, and CLC and DAC Comprehensive Plans. The Regional Vision is being  
7 reviewed by staff, and the consultant is revising the CLC and DAC Comprehensive  
8 Plan drafts based on staff comments. When revisions to all three documents are  
9 complete, the preliminary drafts will be released for public comment, and public  
10 input meetings will follow.)

11 8. **Grants/ARRA Status** - (Matrix.)  
12

13 Christine Logan, Economic Development Administrator gave a presentation regarding (4)  
14 Downtown and said at the last meeting, we discussed options for providing shade for the Farmers  
15 Market. One of the options was to have vendors bring their own shade structures to set up on the  
16 south side of the Downtown Mall and another option was to set up tents at the parking lot next to  
17 the Electric Company and move them to that location. The cost associated with the option of having  
18 each vendor supply their own shade is in the current budget. The tent option is not within that  
19 budget; it would cost \$125,000 to have the canopies set up for one year, it would be \$165,000 to  
20 have them set up for eighteen months and it would cost \$191,000 for two years. To purchase the four  
21 tents, it would cost \$122,500 but we would be responsible for the set up and maintenance of them.  
22 The market is moving on September 5<sup>th</sup> so if Council wants to pursue the tents option then we would  
23 need direction today and we would also need direction on how to fund it. We did get these options  
24 out to the vendors of the Farmers Market and two-thirds of them responded that they wanted to stay  
25 at the Downtown Mall and only about one-third responded that they wanted to move to the parking  
26 lot.

27  
28 Mayor Miyagishima asked can we just postpone the move of the Farmers Market?  
29

30 Christine Logan said there has already been a lot of advertisement for the move and there are already  
31 events and entertainment scheduled for that day. Also, we need to move so we can begin  
32 construction of the revitalization project for the north end of the Downtown Mall.  
33

34 Mayor Miyagishima said it would be hard for me to agree to spend that much money on tents when  
35 we could delay the move and go out to bid for these tents. I did a quick search on the internet and  
36 found these types of tents for \$5,000 each.  
37

38 Fermin Rubio, City Attorney said you don't have to tie the shade issue with the move; you can still  
39 move and then decide what to do about the shade.  
40

41 Councillor Archuleta said I heard that the majority of the vendors wanted to stay Downtown.  
42

1 Christine Logan said that is correct. Only 90 vendors responded to our survey, out of the about 200  
2 vendors of the Farmers Market.

3

4 Councillor Archuleta said I would prefer to allow the vendors to move to the south end of the  
5 Downtown Mall instead of delaying the move.

6

7 Councillor Connor said we are in a very tough situation and it wouldn't be fiscally responsible if we  
8 went into our budget reserves at this time. We have asked every department to cut their budgets and  
9 didn't give any salary increases to our staff. I don't agree with cutting into our fund balances for any  
10 purpose. I have a problem with having to postpone construction of the revitalization project and I  
11 think we need to move forward with the plans that we already have in place.

12

13 Councillor Connor left the meeting at 3:30 p.m.

14

15 Councillor Silva said I spoke with some of the vendors during the walk through on Thursday and the  
16 majority of them did express that they wanted to stick with the plan.

17

18 Councillor Thomas asked did anyone speak with the business owners in the Downtown Mall to get  
19 their input on this issue?

20

21 Christine Logan said I did have some informal conversations with some of the business owners on  
22 the north end and it won't have any impact on them whatsoever. I spoke with some of the business  
23 owners on the south end and they just want to get it over with, the sooner the better. All of the  
24 businesses just want the construction to be completed as soon as possible.

25

26 Councillor Thomas left the meeting at 3:55 p.m.

27

28 Priscilla Sandoval, Vendor asked why did our fees go down if you are in need of money? I would  
29 suggest that you scrap all these committees and let the City staff handle the Farmers Market.

30

31 Sylvia Hendrickson, Vendor said Christine Logan gave us a form that had a diagram of where the  
32 vendors would be located and the floaters were taken out of the sequence and given their own little  
33 block area. I think it would be a waste of money to move us to the parking lot.

34

35 Sharon Grassy, Vendor said I think we can all put up with the inconvenience of moving to the south  
36 end until the north end is completed.

37

38 Debbie Bond, Vendor said the committees are made up of anyone who wants to volunteer for them  
39 and anyone can attend the meetings. I think the committee and the City have done a great job even  
40 though we do have a few bugs to work out.

41

42 Dottie Sanders, Vendor asked what parking lots can we use on the south end?

43

1 Christine Logan said the allowed parking lots are shown on the diagram.

2

3 Councillor Small said it would be easier to continue with the move to the south end. Ultimately,  
4 there does need to be shade provided at the permanent location of the market.

5

6 Cheryl Christianson, Vendor said I agree with moving us to the south end. It would be too expensive  
7 to move us to the parking lot.

8

9 Sandra Lance, Vendor said some of the vendors have items that can't be in the sun so we do need  
10 some kind of shade in this area.

11

12 Mayor Miyagishima said the vendors can bring their own tents to set up in their area.

13

14 Marty Art, Vendor said I think staff has done a great job and everything has been fair.

15

16 Councillor Archuleta said I appreciate that the vendors realized that the tents were too expensive and  
17 that we couldn't spend that amount of money at this time. I think this is going to work out and they  
18 won't be losing any customers during the south end move.

19

20 Mayor Miyagishima said I think we are all in agreement that the market will be moved to the south  
21 end of the Downtown Mall.

22

23 Councillor Small left at 4:25 p.m.

24

25

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26

27 **XII. GENERAL DISCUSSION**

28

29 1. Mayor

30

31 Mayor Miyagishima said I want to thank Andre and Terrence for the new way we handled the City  
32 Manager's annual evaluation.

33

34 Terrence Moore, City Manager said I would be more than happy to get together with you and the  
35 Council on a more periodical basis in order to be more productive with our objectives.

36

37 Mayor Miyagishima said there are some concerns regarding the University crosswalk because there  
38 are drivers that aren't paying attention to students that are trying to cross the street. I would like for  
39 us to look into having flashing lights or something in that area. It can get pretty congested on I-25  
40 and you know that most of that traffic is heading into the University area.

41

42

43 2. City Council

1 Councillor Archuleta said I represented the City at the Change of Command at WSMR and it was  
2 a very good ceremony. White Sands is very good for Las Cruces and I was able to hand out flyers  
3 to show them where our parks are and what we have available for their families to do in town.

4

5 Councillor Jones said I would like to thank Mark Sutter for his report on our GRT income. It  
6 reminded us that we still need to be careful on spending our funds.

7

8 There have been some issues regarding the Four Hills Park area, we are working on it and I would  
9 ask that residents in that area have patience regarding that issue.

10

11 Councillor Silva said I would support meeting with the Dona Ana County on a quarterly basis.

12

13 I think that meeting with Mr. Moore on a regular basis is a very good idea.

14

15 I believe that the Police Review Board issue is on the September Work Session agenda and I wanted  
16 to know if they are going to be presenting the final report?

17

18 Terrence Moore said yes, they will be presenting the final report.

19

20 Councillor Silva said I want to remind everyone that this Saturday is the Salsa Fest Event at the  
21 Downtown Mall.

22

23

24 3. City Manager

25 A. Other Items - Information Only.

26

27 Terrence Moore, City Manager said I just want to again express my agreement with meeting on a  
28 regular basis with Council.

29

30

31

32 **Meeting Adjourned at 4:42 p.m.**