

Item 2

Regular Meeting  
October 5, 2015



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

**Regular Meeting**

**October 5, 2015**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1  
Councillor Greg Smith, District 2  
Councillor Olga Pedroza, District 3  
Councillor Nathan Small, District 4  
Councillor Gill Sorg, District 5  
Councillor Ceil Levatino, District 6

Robert Garza, City Manager  
Rusty Babington, City Attorney  
Linda Lewis, Interim City Clerk

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**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order. Mayor Pro-Tem Smith led the Pledge of Allegiance.

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

Dolores Archuleta, Mayor Pro-Tem Emeritus recognized WWII Veteran Barney Reeves. Mayor Miyagishima presented him with a medal.

Bill Hawkins, Chairman of the 2015 Veteran's Parade recognized the winner of the Veteran's Day Parade Poster Contest, Jaylene Willis.

Mayor Pro-Tem Smith presented a Proclamation to Maria Estella Aroybo Sanchez and declared October 5, 2015, as Estella Sanchez Day.

Mayor Pro-Tem Smith presented a Proclamation to Jack Soules and declared 2015 as LCAT Golden Anniversary Year.

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1 Mayor Pro-Tem Smith presented a Proclamation to Rose Zamora and declared October 2015 as  
2 National Disability Employment Awareness Month.

3

4 Mayor Pro-Tem Smith presented a Proclamation to Brandi Lazado Johnson and declared OYE!  
5 Celebrating Visions for the Future.

6

7 Mayor Pro-Tem Smith presented a Proclamation to Karim Martinez and declared October 4-10,  
8 2015, as National 4-H Week.

9

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

16

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

18

19 There is none.

20

21

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23 **III. PUBLIC PARTICIPATION**

24

25 Emma Murrillo, Member of the Public said there are no sidewalks on Las Cruces Avenue.

26

27 Mayor Miyagishima said please give us a map of exactly where it's at and we'll take a look at it.

28

29 Emma Murrillo asked would you recommend that I talk to the neighbors and get signatures?

30

31 Mayor Miyagishima said call my assistant and I'll try to contact you so you can show me.

32

33 Emma Murrillo said I was arrested at the Munson Senior Center and then locked up at Mesilla  
34 Valley Hospital for a month. I will be making an appointment to resolve my issues with Las Cruces  
35 PD.

36

37 Alice Anderson, Member of the Public gave a summary on Nutter's thesis on TNR and cat colonies.  
38 Please keep cat colony registration.

39

40 Merrie Lee Soules, Member of the Public said I'm here to compliment you on the intervention the  
41 City has undertaken in the El Paso Electric Rate Case. I also ask for your support in noticed  
42 interruptible rates.

43

1 Allen Downs, Member of the Public said the City did intervene in the El Paso Electric Rate Case.  
2 Time of use rates and curtailment rates help users save, but El Paso Electric wants to increase rates  
3 on their noticed interruptible service.

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7 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA**  
8 **INDICATED BY AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND**  
9 **WILL BE VOTED ON BY ONE MOTION.**

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11 Mayor Miyagishima said Items 11 and 13 will be removed from the Consent Agenda for discussion.

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15 Mayor Pro-Tem Smith Moved to Approve the Agenda as Amended and Councillor Silva Seconded  
16 the motion.

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20 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it was  
21 Unanimously Approved. 6-0. Councillor Sorg was absent.

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25 **V. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

26

27 \*(1) Resolution No. 16-082: A Resolution Approving the Issuance of a Waiver of the  
28 Church/School Distance Restriction for a Special Dispenser Permit Application from  
29 Dublin’s Street Pub for “Music on Main Street” to be Held on Friday, October 16, 2015.

30

31 \*(2) Resolution No. 16-083: A Resolution Authorizing Dublin’s Street Pub to Continue with the  
32 Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages During  
33 “Music on Main Street” to be Held on Friday, October 16, 2015.

34

35 \*(3) Resolution No. 16-084: A Resolution Authorizing Bosque Brewing Co. to Continue with  
36 the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted  
37 and Secured Area at the 44<sup>th</sup> Annual Renaissance Artsfaire to be Held November 7 and 8,  
38 2015 at 1905 East Nevada (Young Park), Las Cruces, New Mexico.

39

40 \*(4) Resolution No. 16-085: A Resolution Authorizing High Desert Brewing Company to  
41 Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within

- 1 a Restricted and Secured Area at the 44<sup>th</sup> Annual Renaissance Artsfaire to be Held November  
2 7 and 8, 2015 at 1905 East Nevada (Young Park), Las Cruces, New Mexico.  
3
- 4 \*(5) Resolution No. 16-086: A Resolution Authorizing Pecan Grill & Brewery to Continue with  
5 the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted  
6 and Secured Area at the 44<sup>th</sup> Annual Renaissance Artsfaire to be Held November 7 and 8,  
7 2015 at 1905 East Nevada (Young Park), Las Cruces, New Mexico.  
8
- 9 \*(6) Resolution No. 16-087: A Resolution Authorizing St. Clair Winery to Continue with the  
10 Permitting Process to Allow for the Sale and Consumption of Wine within a Restricted and  
11 Secured Area at the 44<sup>th</sup> Annual Renaissance Artsfaire to be Held November 7 and 8, 2015  
12 at 1905 East Nevada (Young Park), Las Cruces, New Mexico.  
13
- 14 \*(7) Resolution No. 16-088: A Resolution Authorizing a Variance to Ordinance No. 1814  
15 Allowing Construction Work Between the Hours of 6:00 p.m. and 7:00 a.m. for the Drilling  
16 and Development of Wells 29, 31, and 32 Because of Urgent Public Necessity.  
17
- 18 \*(8) Resolution No. 16-089: A Resolution Approving a Memorandum of Agreement Between  
19 the City of Las Cruces and the New Mexico Department of Transportation Allowing Shared  
20 Use of Fiber Infrastructure Owned by Either the City or New Mexico Department of  
21 Transportation.  
22
- 23 \*(9) Resolution No. 16-090: A Resolution to Approve the Second Amendment to the  
24 Memorandum of Agreement Between the City of Las Cruces (City) and the New Mexico  
25 Department of Transportation (NMDOT), to Accept a Grant Period Extension Through  
26 September 30, 2017 for the NMDOT Section 5339 Grant Agreement for Contract No.  
27 M01284/2.  
28
- 29 \*(10) Resolution No. 16-091: A Resolution Authorizing an Agreement Between the City of Las  
30 Cruces and the Mesilla Valley Economic Development Alliance to Provide for Economic  
31 Development Services in Fiscal Year 2016 in the Amount of \$200,000.00 with the Option  
32 to Extend the Agreement for up to Three Additional One Year Periods for a Maximum Term  
33 of Four Years Subject to Annual City Council Budget Approval.  
34
- 35 \*(12) Resolution No. 14-15-145: A Resolution Awarding an Indefinite Cost, Indefinite Quantity  
36 Price Agreement for Barricade Rental Services to Las Cruces Barricades and R2 Contractors  
37 Specialty, Inc., both of Las Cruces, New Mexico, for Four (4) Years Subject to Approved  
38 Budget Appropriations and Annual Renewals.  
39
- 40 \*(14) Council Bill No. 16-004; Ordinance No. 2763: An Ordinance Approving a Five Year Lease  
41 Agreement (with an Option to Renew for an Additional Five Years) Between the City of Las  
42 Cruces (City) and Mesilla Valley Community of Hope (MVCH) for the Operation and

1 Management of the City-Owned Community of Hope Campus Located at 999 West Amador  
2 Avenue, in Accordance with Provision of LCMC 1997, Section 2-1312.

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6 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

7  
8 (11) Resolution No. 16-092: A Resolution Approving a Memorandum of Agreement Between  
9 the City of Las Cruces, on Behalf of its Police Department, and Doña Ana County to  
10 Award Grant Funding to the City in the Amount of \$58,350.40 from the New Mexico  
11 Department of Homeland Security and Emergency Management through Doña Ana  
12 County, to Ratify the City Manager's Signature on the Memorandum of Agreement and  
13 to Approve an Adjustment to the FY 2016 Budget.

14  
15 Councillor Small Moved to Approve Resolution No. 16-092 and Mayor Pro-Tem Smith  
16 Seconded the motion.

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20 Councillor Pedroza asked what kind of cooperation is planned, what is the stone garden and will  
21 it cause City staff to be doing Federal enforcement of immigration?

22  
23 Robert Garza, City Manager said the Operation Stone Garden is not for immigration purposes.  
24 This just provides overtime.

25  
26 Councillor Pedroza asked what does the term "stone garden" encompass?

27  
28 Jaime Montoya, Police Chief said stone garden is Federal monies that we get for interdiction  
29 operations. We apply through the County for funding and this is just for overtime.

30  
31 Councillor Pedroza asked what does interdiction mean?

32  
33 Jaime Montoya said we're on the interstates looking for criminal interdictions, crimes and  
34 money.

35  
36 Councillor Pedroza asked will this time be used to enforce immigration?

37  
38 Jaime Montoya said we don't have the right to take them in for an immigration offense.

39  
40 Robert Garza said the intended purposes are for terrorist and all hazard events.

41  
42 Yvonne Magdalena Flores asked what is the overtime work and what Federal agency is funding  
43 them?

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Mayor Miyagishima said the Department of Justice gives us funds for this type of overtime.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution 16-092 and it was Unanimously Approved. 7-0

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(13) Council Bill No. 16-003; Ordinance No. 2762: An Ordinance Approving a Zone Change from C-1 (Commercial Low Intensity) to C-2 (Commercial Medium Intensity) for a 0.39 ± Acre Property Located at 3207 Oak Street, Parcel 02-13098. Submitted by Frank Hambrick on Behalf of Ralph and Almeda Emerson, Property Owners (Z2887).

Councillor Small Moved to Approve Ordinance 2762 and Mayor Pro-Tem Smith Seconded the motion.

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Mayor Pro-Tem Smith said there is an effort in the historic part of District 2 to restore the integrity.

Councillor Pedroza asked what is the reason for the change and what effects will it have?

David Weir, Community Development Director said the reason for the zone change is for a landscaping business and they wanted to have outdoor storage. C-1 zoning district doesn't allow that but C-2 does.

Janet Clements, Member of the Public said my husband and I are working on the Mesilla Park Historic District nomination and this property is part of that district. We ask that Mr. Hambrick respect the nature of the historic neighborhood and we can recommend some guidance in that direction.

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Mayor Miyagishima called for the roll on the Motion to Approve Ordinance 2762 and it was Unanimously Approved. 7-0

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1 (15) Resolution No. 16-093: A Resolution Approving a License and Service Agreement with  
2 Tyler Technologies Inc. Munis Division, for the Reimplementation of the City's Enterprise  
3 Resource Program (ERP) System in the Amount of \$1,612,010.00.

4

5 Councillor Sorg Moved to Approve Resolution No. 16-093 and Mayor Pro-Tem Smith Seconded  
6 the motion.

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10 Andre Moquin, Director of Human Resources gave an overhead presentation.

11

12 Councillor Levatino asked could you give us a synopsis on why we're investing another \$1.5  
13 million?

14

15 Robert Garza, City Manager said this is the backbone of all of our financial management systems.  
16 After 10 years, we realized we weren't using this system to its fullest capacity. If we bought a new  
17 management system, it would 5-10 times the cost. We told Munis we were thinking of going  
18 somewhere else because their system wasn't doing what we needed it to do for us and they told us  
19 we could do a lot more than we're doing but you don't ask us to do it. This is not a new cost  
20 proposal. We budgeted to do assessments for an alternative so we canceled those contracts and  
21 saved those funds.

22

23 Councillor Small asked is there the flexibility to work with Munis to terminate or adjust in the  
24 future?

25

26 Andre Moquin said the issue is how it was implemented in 2005 and how it's going to be  
27 implemented now. Their project management has changed. We're dealing with issues that come  
28 up right away.

29

30 Councillor Sorg asked can you give us a demonstration of what might look different?

31

32 Andre Moquin said I can't give you a demonstration right now.

33

34 Councillor Sorg asked can you describe what might be different?

35

36 Andre Moquin said we're increasing citizen self serve, electronic plan review, and simplify utility  
37 billing.

38

39 Councillor Sorg asked are you familiar with the open gov programs?

40

1 Andre Moquin said I sat in a presentation last week with a vendor who offers open gov and we're  
2 going to move forward with this implementation.

3

4 Mark Winson, Assistant City Manager said there will be more efficient, quicker response from our  
5 employees as they look for information.

6

7 Councillor Pedroza asked what money from before that we approved didn't get spent?

8

9 Robert Garza said we didn't have an ongoing maintenance contract for upgrading so there will be  
10 a cost, but that will be brought before you each year with the budget.

11

12 Councillor Pedroza said next time I would like to see the amounts that weren't spent and how it will  
13 apply to future maintenance.

14

15 Mark Winson said we can do that. Initially we were intending to use Schaeffer to work with us but  
16 as we looked into Tyler more we found a great duplication of services. So, we ended the contract  
17 with Schaeffer and put the money toward Tyler. In next year's budget, we'll bring forward the  
18 additional amount that we need.

19

20 Councillor Silva asked do we not have an exact number of savings?

21

22 Robert Garza said there's a fund expenditure summary on page 185.

23

24 Mark Winson said the savings from the Schaeffer contract was \$391,000.

25

26 Councillor Silva asked will that be applied to this contract?

27

28 Mark Winson said that is correct.

29

30 Jack Eakman, Member of the Public asked will information be coming back to the Council and to  
31 the public on the efficacy?

32

33 Robert Garza said periodic updates will be available.

34

35

36

37 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-093 and it was  
38 Unanimously Approved. 7-0

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41

1 (16) Resolution No. 16-094: A Resolution Amending Paragraphs 8 and 13 of the 2000  
2 Agreement for Construction of Northrise Drive and Portions of Rinconada and Sonoma  
3 Ranch Boulevards to US Highway 70 Between the City of Las Cruces and Sonoma Ranch  
4 Subdivision LTD. Co.  
5

6 Councillor Sorg Moved to Approve Resolution No. 16-094 and Mayor Pro-Tem Smith Seconded  
7 the motion.  
8

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11 Marcy Driggers said there is a need to make three minor amendments regarding the percentage  
12 additional cost, 5% amended to 4%.  
13

14 Mayor Pro-Tem Smith Moved to Amend Resolution No. 16-094 and Councillor Silva Seconded the  
15 motion.  
16

17 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-094 and it was  
18 Approved. 6-0. Councillor Silva, Councillor Small, Councillor Sorg, Councillor Levatino, Mayor  
19 Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Pedroza was absent.  
20

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22

23 Mayor Miyagishima asked how much have they paid back in the last 15 years?  
24

25 Marcy Driggers said I don't know exactly. Mr. Rawson or Mr. Zaldo would know.  
26

27 Robert Garza said there were three main property owners. We initially did this because Highway  
28 70 was a two lane road so we looked at the community benefit of putting in frontage roads. We  
29 needed an alternate route, which was Northrise Drive. So, I would say about 70% has been paid off.  
30

31 Mayor Miyagishima asked what was the total amount borrowed?  
32

33 Robert Garza said it was about \$8.5 million so 1.13 is left of that amount. The debt service  
34 payments that were budgeted have been paid and we will be making our final payment in July of  
35 2016. So, what's being asked of us now is that they not be required to pay their final \$1,135,000 in  
36 September of 2016 but add five years to it and they will make interest payments to us at 4%.  
37 Previously over the 15 years, the City got 1% plus what the issuance of the debt was so this would  
38 give the City \$230,000 in revenue.  
39

40 Marcy Driggers said we bonded construction costs and the partners repay us as lots are sold. Then  
41 there was a balloon payment if there were not able to sell the lots. The balloon payments are  
42 becoming heavy to bear and so they would like to extend the balloon payment due date from 15 years  
43 to 20 years.

1  
2 Mayor Miyagishima asked if the lots are sold, would a portion of that money go to pay off the lien?  
3  
4 Marcy Driggers said the City has an obligation to pay the bonds whether or not the lots are sold.  
5  
6 Mayor Miyagishima said if we extend this and they sell a piece of property, they want to be able to  
7 sell that without putting towards the lien?  
8  
9 Marcy Driggers said they are proposing to be allowed to sell parcels subject to the lien without  
10 having to pay the lien. The lien would go with the land and paid by the new owner who chose to pull  
11 a building permit for the property.  
12  
13 Mayor Miyagishima asked do they want to have credit for some of the savings?  
14  
15 Marcy Driggers said they're not seeking to refinance the debt but seeking to extend by five years the  
16 balloon payments. In August the City was able to refinance the bonds that built this.  
17  
18 Councillor Pedroza asked was that not conditioned upon whether or not the lien holders were willing  
19 to accept that the City's lien had a priority?  
20  
21 Marcy Driggers said not that I'm aware of.  
22  
23 Councillor Levatino asked does the lien remain?  
24  
25 Marcy Driggers said yes.  
26  
27 Councillor Levatino asked as the parcels are sold are they asking that the lien not be paid?  
28  
29 Marcy Driggers said this is a five year extension for balloon payment.  
30  
31 Robert Garza said there were three partners joined with the City and Mike Johnson wanted to work  
32 with them on a new assessment district to finish Rinconada Boulevard and portions of Sonoma  
33 Ranch. When they came to us with new improvements, they agreed to pay off this debt. After the  
34 downturn in the economy, they said we would like the City Council to reconsider the balloon  
35 payments.  
36  
37 Councillor Silva asked what are the pluses of us extending it out?  
38  
39 Robert Garza said the time value of money.  
40  
41 Councillor Small asked does this provision include the financial backing of whatever subsequent  
42 owner may take over these tracts?

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1  
2 Rusty Babington, City Attorney said a municipal lien has priority over any other lien. New owners  
3 should be made aware of our lien and consent to it.  
4  
5 Councillor Small asked did the other lien holders not consent to having a municipal lien?  
6  
7 Rusty Babington said Metro Verde is still working on that process and we're asking for the same  
8 kind of acknowledgment from Sonoma Ranch Subdivision.  
9  
10 Councillor Small asked what is the process of informing the buyers that there is a municipal lien?  
11  
12 Rusty Babington said the resolution before you is to change the agreement with the understanding  
13 that the City is looking for a subordination. If Sonoma Ranch is unable to do that, then we don't  
14 have an agreement.  
15  
16 Councillor Small asked can the tracts not be transferred before a subordination agreement?  
17  
18 Rusty Babington said that is my opinion.  
19  
20 Councillor Small said it seems like that language is not in the resolution now.  
21  
22 Rusty Babington said there is a provision that sets forth the condition.  
23  
24 Councillor Small asked does the financial owner have to consent to this as well?  
25  
26 Rusty Babington said that's the way it was written.  
27  
28 Councillor Silva asked what are those concerns from staff?  
29  
30 Rusty Babington said we expressed those concerns in the CAES. The City Charter has a provision  
31 that says we will not lend money indirectly. The terms have been changed and we can do it but we  
32 need some additional consideration.  
33  
34 Councillor Silva asked does the 4% interest address the staff concerns?  
35  
36 Rusty Babington said yes and on the subordination agreement, will the municipal lien be a priority?  
37 So, that is what we're trying to achieve.  
38  
39 George Rawson, Partner of Sonoma Ranch said Sonoma Ranch was created to attract people of the  
40 retirement age. In 1998, we came up with the final design to build Sonoma Ranch from the north.  
41 In the process, we found out that Highway 70 was going to be rebuilt and it would be a three year  
42 project so we decided to build Northrise. The 4% request is what I'm seeing in the market today.  
43 We're asking for a five year extension because we lost the first three years. The only property that

1 hasn't been paid is the residential property south of Northrise because of the economy so we've  
2 agreed to pay the interest annually.

3

4 Mayor Miyagishima asked would it be a one time sale to transfer the property?

5

6 George Rawson said that would be correct. The 165 acres that are left would be a one deal.

7

8 Councillor Sorg asked whoever takes control of the land can't build there until the lien is paid off?

9

10 George Rawson said yes.

11

12 Councillor Sorg asked if you get cash, then are the liens paid off?

13

14 George Rawson said yes.

15

16

17

18 Councillor Levatino Moved to Amend Resolution No. 16-094, Roman numeral, paragraph 8 stating  
19 Sonoma Ranch will sell the approximate remaining 165 acres one time to a subsequent owner  
20 provided that the subsequent owner consents in writing to the City's municipal lien on the tract and  
21 that any other lien holders on the tract signs a subordination agreement in favor of the City's  
22 municipal lien and that the City manager approves the sale and Councillor Sorg Seconded the  
23 motion.

24

25 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-094, Roman  
26 numeral, paragraph 8 stating Sonoma Ranch will sell the approximate remaining 165 acres one time  
27 to a subsequent owner provided that the subsequent owner consents in writing to the City's  
28 municipal lien on the tract and that any other lien holders on the tract signs a subordination  
29 agreement in favor of the City's municipal lien and that the City manager approves the sale and it  
30 was Unanimously Approved. 7-0

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34 Mayor Pro-Tem Smith Moved to Amend Resolution No. 16-094 striking "prior to the issuance of  
35 a building permit" and Councillor Levatino Seconded the motion.

36

37 Councillor Sorg asked does that allow the owner to start building before the lien is paid?

38

39 Rusty Babington said it would allow they can sell but would still be required to pay off the land.

40

41 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-094 striking  
42 "prior to the issuance of a building permit" and it was Unanimously Approved. 7-0.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-094 as amended and it was Unanimously Approved. 7-0.

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(17) Resolution No. 16-095: A Resolution Adopting the Amador Proximo Community Blueprint.

Councillor Small Moved to Approve Resolution No. 16-095 and Councillor Sorg Seconded the motion.

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Andy Hume gave an overhead presentation.

DRAFT  
Mayor Pro-Tem Smith asked should we consider handling differently the role of the Planning and Zoning Commission concerning our visions and goals?

Andy Hume said I believe Councillor Small represented the Council very well.

Councillor Levatino asked why is Tierra Del Sol no longer part of this?

Andy Hume said this is a framework for moving forward. Tierra Del Sol has expressed their interest in continuing with the project.

Councillor Levatino asked does the blueprint supercede what they want to do with that property?

Councillor Small said I believe the option was for a limited time period. If the time period ran its course without the development happening, then the time period passed.

Councillor Levatino asked are they cut out if they don't comply with the vision?

Councillor Small said low income is part of the mix.

Councillor Levatino asked will there be food trucks in place if not?

Councillor Small said if private investment supports it.

1 David Weir said this is just a framework for development so the graphic doesn't preclude Tierra Del  
2 Sol proposing a project.  
3  
4 Councillor Levatino asked where are all the retail offices, restaurants, entertainment and employment  
5 centers going to come from and in what time frame?  
6  
7 Andy Hume said the money is going to come from the private sector and we will work with the  
8 public sector to make sure we have the proper utilities in place. It would be market driven.  
9  
10 Councillor Levatino asked what is our role in the development?  
11  
12 David Weir said they wanted to build on the existing uses of the area. The benefit to the City would  
13 be use of the buildings vacant and underutilized.  
14  
15 Councillor Levatino said I believe this is a wonderful but unrealistic vision.  
16  
17 David Weir said the participants said this will take awhile. This is just a catalyst.  
18  
19 Councillor Levatino said my concern is that buildings will be built and there won't be any occupants.  
20  
21 Andy Hume said an example of this actually working is Downtown. This is a vision of what we  
22 want and a roadmap.  
23  
24 Councillor Levatino asked are businesses going to have to go through the City process?  
25  
26 Andy Hume said yes.  
27  
28 Councillor Levatino asked will there be a process in place to make it a little easier than it is today?  
29  
30 Andy Hume said yes.  
31  
32 Councillor Silva asked how much concern was put towards the neighborhoods north of Hadley?  
33  
34 Andy Hume said my understanding is that it is spread out across the entire neighborhood and were  
35 invited to participate in the process.  
36  
37 Councillor Silva asked how many participated?  
38  
39 Andy Hume said I couldn't answer that question.  
40  
41 Christopher Brown, Member of the Public said I've been in discussions on this project for the past  
42 year. The plan provides a cohesive idea for the work/live environment. We did involve the residents  
43 in discussion.

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1  
2 Dolores Connor, Member of the Public asked will the infrastructure on Valley be prepared for what  
3 is needed?  
4  
5 Robert Garza said Valley Drive is being developed closely with this property.  
6  
7 Dolores Connor asked how much of the Branigan Estate is left in that area?  
8  
9 Robert Garza said the baseball field off of Hayner and a small portion to the east and west that the  
10 water well sits on.  
11  
12 Dolores Connor asked do you plan to sell that?  
13  
14 Robert Garza said the Branigan Estate is a separate entity.  
15  
16 Dolores Connor asked will it be available if someone were to purchase it?  
17  
18 Robert Garza said yes.  
19  
20 Dolores Connor asked are you looking at improving the fire station for the increased neighborhood?  
21  
22 Robert Garza said we are looking at either moving from that parcel or expanding.  
23  
24 Dolores Connor said we should include the neighborhood to the north into this project. The roads  
25 haven't been paved in 45-50 years. Also I would include the school system as to what MacArthur  
26 Elementary will look like.  
27  
28 Robert Garza said the roads do need to be updated. The school district doesn't have in their long  
29 range plan to expand.  
30  
31 Gil Jones, Member of the Public said this project doesn't compete with the Downtown. We've had  
32 conversations with Tierra Del Sol. The probability of having spec buildings is very low. We've  
33 never discussed reducing publically held property.  
34  
35 Davin Lopez, Member of the Public said I'm with the Mesilla Valley Economic Development  
36 Alliance. I like that we're talking about a blueprint because it's not marketable. This plan will be  
37 a boost to encourage more cross transportation.  
38  
39 Art Marrujo, Member of the Public and Housing Director and Developer for Tierra Del Sol Housing  
40 said at one time we did have a project there, but MFA did not award the tax credits. We are still  
41 interested in providing a project in the area. We want to see concentrate efforts north of Hadley.  
42

1 Councillor Small said this shows the value of a charette approach. A week ago we decided to  
2 negotiate for Valley Drive and we have the opportunity to get the right design. MacArthur  
3 Elementary is the highest priority area because it has suffered.

4

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6

7 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-095 and it was  
8 Unanimously Approved. 7-0.

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11

12 (18) Resolution No. 16-096: A Resolution to Adopt the Arroyo Management Plan (PA-14-01).

13

14 Councillor Silva Moved to Approve Resolution No. 16-096 and Mayor Pro-Tem Smith Seconded  
15 the motion.

16

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18

19 David Weir gave an overhead presentation.

20

21 Councillor Pedroza asked what was the amendment you suggested?

22

23 David Weir said it was to allow staff to make amendments to the implementation section.

24

25 Councillor Sorg asked would this allow a developer to put in a concrete channel for storm water?

26

27 David Weir said it leaves flexibility that depending on the conditions of the arroyo.

28

29 Councillor Silva asked how is the compensation being addressed?

30

31 David Weir said the plans allows flexibility to address those issues. It is encouraged to be as natural  
32 as possible. There will be additional analysis of the flood plain.

33

34 Councillor Silva asked would the process be more effective if there was a ratio in place for  
35 compensation?

36

37 David Weir said that's when you start getting into the implementation. There is maximum  
38 flexibility.

39

40 Councillor Silva asked do you think it would make sense to have a baseline?

41

1 David Weir said that's difficulty between a plan and an ordinance. An ordinance has requirements  
2 while a plan has to be factored into the property.

3

4 Kevin Bixby, Member of the Public said I'm from the Southwest Environmental Center. We support  
5 this plan and preserving our arroyos will save taxpayer money.

6

7 Steve Chavirra, Member of the Public said I'm here with the Las Cruces Homebuilders Association  
8 and we are against this plan. It's a very broad plan.

9

10 Helen Zagona, Member of the Public said I think this plan is addressing the problem of culverts and  
11 drainage and I support it.

12

13 George Pearson, Member of the Public said this is an important health and safety plan.

14

15 Sharron Thomas, Member of the Public said we've had many years and lots of meetings for this plan.  
16 There's a high level of support and need.

17

18 Dolores Archuleta, Member of the Public said I've seen the damage an arroyo can do but I've also  
19 seen the beauty.

20

21 Renee Frank, Member of the Public said I'm a realtor and long time resident. I believe this plan will  
22 move our community forward in the way of storm management and flood control. It will promote  
23 economic development.

24

25 Craig Johnson, Member of the Public and Director of the Commercial Resources Division at the  
26 New Mexico State Land Office said we remain in opposition to this plan. With the amount of  
27 uncertainty and specificity in this plan, it makes it difficult for the Land Office to partner with the  
28 development.

29

30 Councillor Silva asked how can we work this so it works for both parties?

31

32 Craig Johnson said where we need specificity is what areas are going to be impacted, how much land  
33 is going to be impacted, how would the City compensate the State Land Office for an easement, etc.

34

35 Councillor Silva asked where do we go from here?

36

37 Robert Garza said you can compare this to our MPO Thoroughfare Plan. There are no time  
38 constraints. It doesn't say who's paying for it or what funding mechanism you will use. The next  
39 steps are design standards.

40

41 Councillor Silva asked how do you envision drainage studies happening?

42

43 Robert Garza said we currently have a requirement for drainage studies.

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Councillor Silva asked would a compensation ratio be put into effect in the design standards?

Robert Garza said the design standards don't talk about dollars. We do have some cost allocation policies.

Mayor Pro-Tem Smith said what we do with our arroyos is critically important and I recognize the desire to plan appropriately.

Councillor Levatino said this concerns me as it strikes at the heart of a person's rights and I think it needs to be worked on a little bit more. I propose that we table it.

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Councillor Levatino made a Motion to Table Resolution No. 16-096 and Councillor Silva Seconded the motion.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 16-096 and it Failed 3-4. Councillor Silva, Councillor Levatino, and Mayor Pro-Tem Smith voted aye. Councillor Pedroza, Councillor Small, Councillor Sorg, and Mayor Miyagishima voted nay.

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Mayor Miyagishima asked Councillor Levatino where does it say anything about property rights?

Councillor Levatino said if you're imposing rules and regulations on people who own property, then you're imposing on their private property rights.

David Weir said it is not a total taking of someone's property rights. They're just having to deal with the constraints in place.

Councillor Pedroza said it is a more important obligation to protect public safety.

-----

Councillor Pedroza made a Motion to Amend Resolution No. 16-096 and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-096 and it was Approved. 6-1. Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Mayor Pro-Tem Smith, and Mayor Miyagishima voted aye. Councillor Levatino voted nay.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution 16-096 as amended and it was Approved. 6-0. Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Mayor Pro-Tem Smith, and Mayor Miyagishima voted aye. Councillor Levatino voted nay.

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**VII. BOARD APPOINTMENTS**

Mayor Miyagishima appointed Noreen Lehmann to ADA Advisory Committee.

Councillor Small Moved to Approve Mayor Miyagishima’s board appointment of Noreen Lehmann to the ADA Advisory Board and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima’s board appointment of Noreen Lehmann to the ADA Advisory Board and it was Unanimously Approved. 7-0



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Mayor Miyagishima appointed Renee Short (District 6) to the Senior Programs Advisory Board.

Councillor Sorg Moved to Approve Mayor Miyagishima’s board appointment of Renee Short to the Senior Programs Advisory Board and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima’s board appointment of Renee Short to the Senior Programs Advisory Board and it was Unanimously Approved. 7-0

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

(19) Council Bill No. 16-005; Ordinance No. 2764: An Ordinance Repealing and Replacing Part II, Chapter 2, Article IV, Division 3, Subdivision XVI. - South Mesquite Design Review Board, Sec. 2-928. - Duties and Procedure, of the City of Las Cruces Municipal Code in Order to Remain Consistent with Modifications to Article V, Section 38-49-2, South Mesquite Neighborhood Overlay Zone District, of the City of Las Cruces Municipal Code. Submitted by the City of Las Cruces.

1 Mayor Miyagishima and Council agreed to bring this back.

2

3

4

5 (20) Council Bill No. 16-006; Ordinance No. 2765: An Ordinance Repealing Article V, Section  
6 38-49-2, South Mesquite Neighborhood Overlay Zone District, of the City of Las Cruces  
7 Municipal Code and Replacing it in its Entirety in Order to Update the South Mesquite  
8 Neighborhood Overlay Zone District (SMO) and Expand the Authority of the South  
9 Mesquite Design Review Board (SMDRB). Submitted by the City of Las Cruces (Case ZCA-  
10 15-02).

11

12 Mayor Miyagishima and Council agreed to bring this back.

13

14

15

16 **IX. CITY COUNCIL MEMBER BOARD REPORTS**

17

18 There were no City Council member board reports.

19

20

21

22 **X. GENERAL DISCUSSION**

23

24 b.) City Council

25

26 Councillor Silva said I'd like to provide a Klein Park update at a future session.

27

28 He said there was a community meeting in the Alameda District and two questions that came  
29 forward were the Memorial Center update and then there was discussion that the Lofts  
30 Apartments were built higher than what was zoned for that area.

31

32

33

34 Councillor Pedroza said October 12<sup>th</sup> is Dia de la Raza.

35

36 She said Councillor Sorg and I will be attending a water law conference put on by the Research  
37 and Resources Institute in Taos.

38

39 She said Oye will be doing presentations this weekend and talking about Eco City.

40

41 She said on October 17<sup>th</sup> the United Universalist Church will have a Humanitarian Responses to  
42 Border Immigration.

1  
2 She said tomorrow in the Council Chamber at 6 p.m. the NAACP will be hosting their candidate  
3 forum.

4  
5 She said I received a letter from La Semilla saying they were grateful for the fund-raising efforts  
6 and raised \$51,250.

7  
8 She said this morning I went by Young Park and there are beautiful restrooms so thank you.

9  
10 She said St. Luke's Clinic has been able to raise a lot of money through the efforts of their staff  
11 so I'm glad we were able to continue with the same support, but they're requesting winter  
12 clothing.

13  
14  
15  
16 Councillor Small said there's going to be a location tour for the film industry on November 6<sup>th</sup>.

17  
18 He said we move forward with renewing the lease for Camp Hope and part of Amador Proximo  
19 consists of helping with smaller structures.

20  
21 He said it was great to see the public recognition from members in our community regarding the  
22 El Paso Rate Case.

23  
24 He said I want to compliment Mr. Winson on the Munis transition.

25  
26 He said we mentioned tax credits for low and moderate income developments and is something  
27 to bear in mind.

28  
29 He said the thankfulness is endless in all those who helped with the Amador Proximo and to the  
30 Mayor for the original charette.

31  
32  
33  
34 Councillor Sorg said Dolores Archuleta has done an excellent job in honoring our veterans.

35  
36 He said next Monday we will have our regular meetings even though it's Columbus Day.

37  
38  
39  
40 Councillor Levatino said tomorrow I'll be in Albuquerque for a national conference on

41 entrepreneurship.  
42

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1 She said October is Breast Cancer Awareness Month and I encourage all women to get a breast  
2 exam.

3

4

5

6 Mayor Pro-Tem Smith said NMSU has taken the lead in a couple of cancer efforts.

7

8 He said the two cases upstairs have great exhibits from our museums.

9

10

11

12 c.) City Manager

13

14 Robert Garza said the things I was going to share I will put in my newsletter this Friday.

15

16

17

18 Councillor Small Moved to Adjourn and Mayor Pro-Tem Smith Seconded the motion.

19

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

21

22 Council said "Aye."

23

24 **Meeting Adjourned at 6:25 p.m.**

25