

Item 1

Regular Meeting
December 21, 2015



City Council
of the
City of Las Cruces

Regular Meeting

December 21, 2015

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Kasandra Gandara, District 1
- 16 Councillor Greg Smith, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Jack Eakman, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Ceil Levatino, District 6

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

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order. Councillor Sorg led the Pledge of Allegiance.

Mayor Miyagishima and a volunteer from the Animal Services Center presented the Pet of the Week.

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

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

There is none.

III. PUBLIC PARTICIPATION

1 There was no public participation.

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5 **IV. READ CLOSED MEETING STATEMENT**

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7 (1) Read December 7, 2015 Closed Meeting Statement into the record.

8

9 The Las Cruces City Council met in closed session at 4:56 p.m. on December 7, 2015. The following
10 members were in attendance: Mayor Miyagishima, Councillor Kasandra Gandara, Councillor Greg
11 Z. Smith, Councillor Olga Pedroza, Councillor Jack Eakman, Councillor Gill M. Sorg, and
12 Councillor Cecelia H. Levatino. Staff present: City Manager Robert Garza, Assistant City Manager
13 Mark Winson, Assistant City Manager Daniel Avila, and City Attorney Rusty Babington. The
14 meeting adjourned at 6:25 p.m.

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16 Statement for the Record: The Las Cruces City Council met in closed session and only discussed
17 those limited items as stated in the posted notice (to discuss real property and pending litigation).

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21 **V. ACCEPTANCE OF AGENDA**

22

23 Mayor Pro-Tem Smith Moved to Approve the agenda as presented and Councillor Eakman
24 Seconded the motion.

25

26 Mayor Miyagishima called for the roll on the motion to Approve the agenda as presented and it
27 was Unanimously Approved. 7-0.

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31 **VI. CITY COUNCIL MINUTES**

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33 *(1) Regular City Council Meeting of November 16, 2015

34 *(2) Special City Council Meeting of November 19, 2015

35 *(3) Regular City Council Meeting of December 7, 2015

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

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41 *(4) Resolution No. 16-127: A Resolution Approving the Issuance of a Waiver of the
42 Church/School Distance Restriction to Bosque Brewing Co. for the Public Celebration
43 Permit Application Submitted for the Las Cruces Chili Drop to be Held on December 31,
44 2015.

- 1
2 *(5) Resolution No. 16-128: A Resolution Authorizing Bosque Brewing Co. to Continue with
3 the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted
4 and Secured Area at the Las Cruces Chile Drop to be Held on Main Street on December 31,
5 2015.
6
- 7 *(6) Resolution No. 16-129: A Resolution Authorizing the City of Las Cruces (City) on Behalf
8 of Thomas Branigan Memorial Library (Library), to Accept a Grant Award from the New
9 Mexico State Library (NMSL) for the FY15/16 Grants-in-Aid to Public Libraries in the
10 Amount of \$15,053.11, to Ratify the City Manager's Signature on the Grant Agreement, and
11 to Adjust the City's FY2016 Budget.
12
- 13 *(7) Resolution No. 16-130: A Resolution Authorizing the City of Las Cruces, on Behalf of the
14 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,
15 to Accept Grant Award Increase Modification Four for Grant Number G15SN0006A in the
16 Amount of \$125,000.00, from the Executive Office of the President , Office of National
17 Drug Control Policy, to Ratify the Mayor's Signature on the Grant Agreement and to Adjust
18 the FY 2016 Budget.
19
- 20 *(8) Resolution No. 16-131: A Resolution Authorizing the City of Las Cruces, on Behalf of the
21 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,
22 to Accept Grant Award Decrease Modification Five for Grant Number G15SN0006A in the
23 Amount of \$70,857.00, from the Executive Office of the President Office of National Drug
24 Control Policy, to Ratify the Mayor's Signature on the Grant Agreement and to Adjust the
25 FY 2016 Budget.
26
- 27 *(9) Resolution No. 16-132: A Resolution Repealing Resolution No. 11-234 and Replacing it in
28 its Entirety in Order to Update the Community Planning Blueprint Initiative.
29
- 30 *(10) Resolution No. 16-133: A Resolution Authorizing a 37.54% Pick-Up of PERA of PERA
31 Municipal Plan 3 Contributions for Employees Whose Positions are Represented by a
32 Collective Bargaining Agreement Between the City of Las Cruces and the Las Cruces Police
33 Officers' Association.
34
- 35 *(11) Resolution No. 16-134: A Resolution Authorizing a 30.90% Pick-Up of PERA Municipal
36 Police Plan 5 Contributions for Employees Whose Positions are Represented by a Collective
37 Bargaining Agreement Between the City of Las Cruces and the Las Cruces Police Officers'
38 Association.
39
- 40 *(12) Resolution No. 15-16-039: A Resolution to Award an Indefinite Quantity, Indefinite Cost
41 Price Agreement for Light Duty Automobile and Truck Parts and Labor for Fleet Vehicles
42 to USW, Inc. and 4 Rivers; Both of El Paso, TX and Borman Autoplex; Brewer Oil Co.;
43 Lohman Radiator; Luchini's Truck Parts; MG Diesel and Equipment Repair, LLC.; NAPA

1 Auto Parts Genuine Parts Co.; and Sisbarro Buick; all of Las Cruces, NM for a Term of Four
2 (4) Years Subject to Approved Budget Appropriations and Annual Renewal.
3

4 *(13) Resolution No. 15-16-074: A Resolution to Award an Indefinite Quantity, Indefinite Cost
5 Price Agreement for Fleet Medium Duty Parts and Labor for Fleet Vehicles to 4 Rivers of
6 El Paso, TX; RJ Border International; Brewer Oil Co.; Lohman Radiator; Luchini's Truck
7 Parts; MG Diesel and Equipment Repair, LLC.; Rush Truck Center; and NAPA Auto Parts
8 Genuine Parts Co.; all of Las Cruces, NM for a Term of Four (4) Years Subject to Approved
9 Budget Appropriations and Annual Renewal.
10

11 *(14) Resolution No. 15-16-075: A Resolution to Award an Indefinite Quantity, Indefinite Cost
12 Price Agreement for Fleet Heavy Duty Parts and Labor for Fleet Vehicles to Sierra
13 Machinery, Inc. of El Paso, TX; RJ Border International; Brewer Oil Co.; Lohman Radiator;
14 Luchini's Truck Parts; MG Diesel and Equipment Repair, LLC.; and Rush Truck Center; all
15 of Las Cruces, NM for a Term of Four (4) Years Subject to Approved Budget Appropriations
16 and Annual Renewal.
17

18 *(15) Council Bill No. 16-011; Ordinance No. 2770: An Ordinance Approving a Zone Change
19 from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on a 1.93±
20 Acre Parcel Located at 4301 E. Lohman Avenue. Submitted by JFAL Holding Company,
21 LLC. (Z2890).
22

23 *(16) Council Bill No. 16-012; Ordinance No. 2771: An Ordinance Approving a Zone Change
24 from C-2 (Commercial Medium Intensity) and R-2 (Multi-Dwelling Low Density) to C-3
25 (Commercial High Intensity) on 2 Parcels of 2.36± Acres Each and Located at 5101 Alba
26 Road. Submitted by Southwest Engineering, Inc. on Behalf of Manuel Carnero and Ramon
27 Carnero, Property Owners (Z2889).
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31 **VIII. UNFINISHED BUSINESS / *APPEAL PROCESS***

32
33 Council members shall not privately discuss with any interested person or persons the merits
34 of a case which is, or may be pending before the City Council. If there have been any such
35 discussion or discussions, they should be disclosed by the appropriate Councillor(s) or
36 individuals at this time.
37

38 Appeals to be presented before the Las Cruces City Council shall follow the procedure
39 outlined in LCMC 1997, Section 38-13.
40

41 (17) Resolution No. 16-104: A Resolution Appealing the Decision of Denial by the Planning and
42 Zoning Commission on September 22, 2015 for a Special Use Permit Application to
43 Construct a New Wireless Communication Facility on a Property Located at 4790 Stern
44 Drive. The Subject Property Encompasses 1.552± Acres and is Zoned C-3 (Commercial High

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1 Intensity). Submitted by Verizon Wireless/Tectonic Engineering on Behalf of A & E
2 Enterprises, Inc., Property Owner (Sup-15-01). **Tabled on November 2, 2015**

3

4 Councillor Sorg Moved to Remove Resolution No. 16-104 from the Table and Councillor Levatino
5 Seconded the motion.

6

7 Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 16-104 from the
8 Table and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman,
9 Councillor Sorg, Councillor Levatino, and Mayor Miyagishima voted aye. Mayor Pro-Tem Smith
10 voted nay.

11

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13

14 Councillor Pedroza asked if we remove from the table do we have to make a decision today?

15

16 Mayor Miyagishima said yes. We need clarification from Linda on voting to hear the appeal.

17

18 Linda Lewis, Interim City Clerk said I will need a motion and second to hear it but there will not be
19 a vote until after the discussion to approve it or not.

20

21 Councillor Pedroza said a little more information needed to be brought forth but the packet didn't
22 have any new information.

23

24 Rusty Babington, City Attorney said in November you asked for Verizon to provide additional
25 information, contact the university again, and contact Tortugas. Mr. Williams complied with that
26 and contacted me. When you table an item, it is to a time and date certain. If you want to kill an
27 item, it should be a motion to postpone indefinitely. Mr. Williams will make a presentation and then
28 Council will decide if the application should be granted.

29

30 Councillor Pedroza asked do you agree that nothing in the packet addressed the questions we made?

31

32 Rusty Babington said my understanding is that they did go back to the university and Tortugas, but
33 the ultimate concern the Council raised was is this the best location and that was addressed in the
34 packet.

35

36 Councillor Pedroza said the documents in the packet are from 2012 or early 2015. There's nothing
37 after the November meeting.

38

39 Linda Lewis said whenever I did the agenda the resolution had to be as it was previously. The new
40 information will be in their presentation.

41

42 Councillor Pedroza said I think they should have brought in the answers to our questions and then
43 we would be able to ask questions.

44

1 Rusty Babington said the applicants are ready to proceed today. We've postponed it for over six
2 months. They are entitled to an appropriate hearing before this body with a vote.

3
4 Councillor Pedroza said that would have been fine if they had submitted the information so we could
5 read it ahead of time. Can we table to date specific?

6
7 Rusty Babington said yes.

8
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11 Councillor Pedroza Moved to Table until January 19th and Councillor Smith Seconded the motion.

12

13 Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 16-104 and it was
14 approved 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg,
15 Councillor Smith and Mayor Miyagishima voted aye. Councillor Levatino voted nay.

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

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21 (18) Resolution No. 16-135: A Resolution Authorizing an Adjustment to the Fiscal Year 2016
22 Budget for the Bonds Designated as Hold Harmless Gross Receipts Tax Improvement
23 Revenue Bond, Series 2015A and 2015B, and to Amend the Fiscal Year 2016 Capital
24 Improvement Program (CIP).

25

26 Councillor Sorg Moved to Approve Resolution No. 16-135 and Mayor Pro-Tem Smith Seconded
27 the motion.

28

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31 Loretta Reyes, Public Works Director gave an overhead presentation.

32

33 Mayor Pro-Tem Smith asked do we have to take this protocol step in order to move forward?

34

35 Loretta Reyes said we have the funding in hand but we do not have the authority to spend those
36 funds.

37

38 Mayor Pro-Tem Smith said we're not looking at any changes but just moving forward.

39

40 Loretta Reyes said that is correct.

41

42 Mayor Miyagishima asked will new projects be stamped with the new logo?

43

1 Loretta Reyes said that is correct.

2

3 Councillor Sorg asked does the amended capital improvements project have the new projects?

4

5 Loretta Reyes said that is correct. They are the grayish highlights.

6

7 Councillor Sorg asked are the gray areas the CIP projects?

8

9 Loretta Reyes said those are the community investment projects.

10

11 Councillor Sorg asked said are we spending \$8 million on parks this year?

12

13 Mayor Miyagishima said their current budget is 8 or 9 million.

14

15 Robert Garza said there are no addition to the parks and rec community investment projects.

16

17 Councillor Sorg said I don't see any projects that add neighborhood parks so we should keep that
18 in mind for a future CIP program.

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22 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-135 and it was
23 Unanimously Approved 7-0.

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27 **VIII. BOARD APPOINTMENTS**

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29 Mayor Miyagishima reappointed David Chavez to the South Mesquite Design Review Board as
30 "teacher" position.

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32 Councillor Smith Moved to Approve Mayor Miyagishima's board re-appointment of David Chavez
33 to the South Mesquite Design Review Board and Councillor Gandara Seconded the motion.

34

35 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board re-
36 appointment of David Chavez to the South Mesquite Design Review Board and it was Unanimously
37 Approved. 7-0

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

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2 There are none.

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

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8 There are none.

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12 **XI. GENERAL DISCUSSION**

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14 b.) City Council

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16 Councillor Gandara said I attended the Winterfest and I thought it was a huge success.

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19 **DRAFT**

20 Councillor Pedroza said I received an invitation from the Community of Hope for a vigil for the
21 homeless who died in the streets tonight at 5:30 p.m. They are accepting donations of warm
22 clothing.

23
24 She said I would like for the veterans to make a condensed version of the presentation I saw at the
25 Rio Grande Theater on the drug spice.

26
27 She said tomorrow night at 5:30 p.m. there will be an awards ceremony at the boxing club.

28
29 She said there's a book called *The Golden Age* written by an economist who analyzes the economy.

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33 Councillor Eakman said I attended the Animal Services meeting and they need volunteers. The
34 Community of Hope is looking for volunteer opportunities so we could put this together.

35
36 He said I've handed out a proposal to assist Doña Ana County with the feasibility study of a mental
37 health hospital. I propose we contribute to the cost of the feasibility study and that a resolution be
38 drafted for discussion at the next City Council meeting.

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42 Councillor Sorg said I passed out a draft resolution supporting early childhood education.

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He said the City Council passed a resolution on predatory lending and it's recently been reported that 1/4th of title loans in 2014 resulted in foreclosure or repossession with 41,202 title loans and 9891 repossessed cars.

Councillor Levatino said at 11 a.m. on Christmas Eve there will be a party at the Community of Hope. They are asking for hats, gloves, heavy socks, batteries, blankets, and coffee.

Mayor Pro- Tem Smith said I received an email regarding our enforcement of the cell phone ordinance. We need enforcement and sign age.

a.) Mayor

I want to congratulate the NMSU basketball team on winning against the Miners.

DRAFT

c.) City Manager

Robert Garza said we get many special holiday requests for support in neighborhoods and most require overtime. I'm hesitant to have staff come in on Christmas Eve and Day so next year I want to have a work session topic on that.

Councillor Eakman Moved to Adjourn and Councillor Pedroza Seconded the motion.

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

Council said "Aye."

Meeting Adjourned at 1:54 p.m.