City Council
of the
City of Las Cruces

Regular Meeting

February 2, 2016
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima **(absent)**	Robert Garza, City Manager
Councillor Kasandra Gandara, District 1	Rusty Babington, City Attorney
Councillor Greg Smith, District 2	Linda Lewis, City Clerk
Councillor Olga Pedroza, District 3	
Councillor Jack Eakman, District 4	
Councillor Gill Sorg, District 5 **(absent)**	
Councillor Ceil Levatino, District 6	

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I. OPENING CEREMONIES

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

Hermosa Heights Elementary School sang the National Anthem.

Mayor Pro-Tem Smith and a volunteer from the Animal Services Center presented the Pet of the Week.

Mayor Pro-Tem Smith presented a Proclamation to Professor Kathleen Bettinger and declared the month of February as Children's Oral Health Care Month.

Mayor Pro-Tem Smith presented a Proclamation to Marty Galister and declared the month of February as For the Love of Art Month.

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 Pro-Tem Smith asked if anyone had any conflicts with anything on the agenda?

There is none.

III. PUBLIC PARTICIPATION

Emma Murillo, Member of the Public said I have experienced discrimination by PD and Roadrunner Transit. I'm asking that the transit director be replaced as he never returns my calls. I testified in the Jaime Bravo Project against the LCPD and there have been repercussions. There was an incident at Munson Center where I was grabbed by a police officer and I had a repeat incident at my house last week.

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Dolores Archuleta, Member of the Public said I'm representing Las Esperanzas, Inc and we are donating a tree in Klein Park in honor of Councillor Miguel Silva.

Mayor Pro-Tem Smith said there's a memorial coming from the New Mexico State Senate also.

Vince Jeffers, Member of the Public said the Verizon vote on the lack of due diligence bothered me. You're taking the rights away of those with mental illness, which is what happened to me.

IV. ACCEPTANCE OF AGENDA

Councillor Levatino Moved to Approve the agenda as presented and Councillor Eakman Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve the agenda as presented and it was Approved. 5-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Levatino and Mayor Pro-Tem Smith voted aye. Councillor Sorg and Mayor Miyagishima were absent.

V. CITY COUNCIL MINUTES

There were none.

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

*(1) Resolution No. 16-152: A Resolution Approving the Distribution of Stipends to Wild Chile BMX, Inc. to Assist with Operational Expenses for the 2015 Season in the Amount of $18,600.00.

*(2) Resolution No. 16-153: A Resolution Authorizing the Destruction of Records that have Satisfied Their Legal Retention Period.

*(3) Resolution No. 16-154: A Resolution Authorizing the City of Las Cruces (City), on Behalf of the Las Cruces Fire Department, to Accept Awarded Funding from the New Mexico Public Regulation Commission (NMPRC), State Fire Marshal Division, in the Amount of $100,000.00 with a 20% Required Match of $20,000.00, in Order to Purchase and Equip a New Squad Vehicle, Ratify the City Manager Signature Accepting the Grant and Adjust the FY2016 Budget.

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*(4) Resolution No. 15-16-060: A Resolution Approving an Indefinite Quantity, Indefinite Cost Contract for Vector and Pest Control Services Price Agreement Awarded to Entomology Consultants, LLC of Las Cruces, NM for a Three (3) Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

*(5) Council Bill No. 16-013; Ordinance No. 2772: An Ordinance Approving a Zone Change from C-2C (Commercial Medium Intensity/Conditional) to C-2C (Commercial Medium Intensity/Conditional) for the Purpose of Modifying the Conditions of Zoning on a 0.91± Acre Parcel Located at 3520 Foothills Road. Submitted by Raymond Carlson, Project Manager on Behalf of Greco-Rentals University, LLC. (Z2891).

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

(6) Resolution No.16-155: A Resolution to Establish the City of Las Cruces (City) Support or Opposition for Selected Bills for the 2016 New Mexico State Legislative Session.

Councillor Levatino Moved to Approve Resolution No. 16-155 and Councillor Gandara Seconded the motion.

Mayor Pro-Tem Smith asked Councillor Levatino are you questioning the structure of this resolution?

Councillor Levatino said I'm also questioning the purpose.

Robert Garza, City Manager said there are three separate initiatives identified. It supports items A and B and opposes item C.

Mayor Pro-Tem Smith said the assisted outpatient treatment bill is an attempt for the court and doctors to work together to follow through with medication of those in detention centers. The intent is to curtail the amount of those incarcerated who are able to function with medications.

Councillor Gandara said I was approached by a constituent in support of House Bill 106 to establish a neurodegenerative disease registry and will assist in maintaining that registry.

Councillor Pedroza said I received a phone call from someone encouraging me to vote in favor of this Bill but what bothered me was that they seemed to want to get the names of the people. So I would not vote in favor of that if people do not want their name on the registry.

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Mayor Pro-Tem Smith asked do we have an interpretation of how those bills are written, like someone involuntarily being included on the list?

Rusty Babington, City Attorney said I would have to go back and take a look at the Legislature.

John Hamilton, Member of the Public said I'm representing those who have Parkinson's disease and other neurological disorder. We are seeking your support for this Bill. My experience with registries is that there is no requirement that forces anyone to participate. The state will determine what they want on the registry and ask permission for information to be shared and must be done consistent with HIPAA regulations.

Councillor Pedroza said I would want it expressed in our registry that it is voluntary.

John Hamilton said I appreciate the concern as it has been discussed but voting on what should be in the registry is a bit premature. You want to vote on supporting a registry first.

Sally Schutte, Member of the Public said I'm a volunteer with the Local Parkinson's Registry Coalition New Mexico. If the Bill is passed, it will be up to the Department of Health to come up with the parameters of the registry.

Dr. David Garcia, Member of the Public and County Commissioner said I appreciate Councillor Gandara bringing up this Bill. We really don't know how many people have Parkinson's Disease. There has been a study on the link with pesticides.

John Hamilton said there is a group here today in support of this who have Parkinson's disease.

Councillor Pedroza said I'm not saying that the disease isn't important. If HIPAA protects their privacy, then go for it but if not I want it expressed in the Bill before I vote for it.

Mayor Pro-Tem Smith said I hope to an include an amendment encouraging that respect.

Councillor Pedroza said I would require it.

Councillor Levatino asked is there some purpose to the registry other than informational?

John Hamilton said the fundamental purpose of a registry is to provide appropriate information relative to a particular disease under discussion. We need a population of those with Parkinson's Disease to make themselves available for clinical trials.

Councillor Levatino said I'm not concerned about the privacy issue and I support this.

Councillor Eakman said registries are the fuel upon which medical research is conducted.

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Councillor Pedroza asked should I move to amend or table out acceptance of this?

Mayor Pro-Tem Smith said one last thing on the assisted outpatient bill is that this is for those who are a danger to themselves or others.

Councillor Pedroza asked are we voting on both at the same time?

Mayor Pro-Tem Smith said the resolution has them both.

Councillor Pedroza said we should have an amendment to separate all three for a vote.

Robert Garza said we will not have the opportunity to revisit this again before the session is over.

Councillor Gandara said I have the HIPAA rule via internet.

Jon Roberts, Member of the Public said I had concerns about identification. We don't know how many people have Parkinson's in Doña Ana County. By having a registry, we can help those who need help.

Councillor Pedroza said I have read the HIPAA rule and withdraw my objection.

Councillor Eakman moved to Amend Resolution No. 16-155 to remove section two and Councillor Pedroza Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Amend Resolution No. 16-155 to remove section two and it was Approved. 4-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, and Mayor Pro-Tem Smith voted aye. Councillor Sorg, Councillor Levatino, and Mayor Miyagishima were absent.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve Resolution no. 16-155 as amended and it was Approved. 5-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Levatino, and Mayor Pro-Tem Smith voted aye. Councillor Sorg and Mayor Miyagishima were absent.

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(7) Resolution No. 15-16-132: A Resolution Authorizing the Purchase and Contract for Accela Land Management Software Services Including the Configuration and Implementation from Carasoft Technology Corporation of Reston, Virginia via State of New Mexico Price Agreement No. 30-000-13-00060 and to Amend the FY2016 Budget.

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Councillor Levatino moved to Approve Resolution No. 15-16-132 and Councillor Eakman Seconded the motion.

Robert Kyle, Building Official gave an overhead presentation.

Councillor Gandara asked how much feedback did you get from the builders and contractors?

Robert Kyle said I haven't received specific input. We tried to find a product that best addressed the needs that we heard and what staff needs.

Councillor Gandara asked as far as training will you have to send people or will they come here?

Robert Kyle said that will occur here.

Councillor Gandara asked is this something that can be done easily?

Robert Kyle said there will be multiple approaches but it shouldn't be complicated if you're familiar with a computer.

Councillor Gandara asked is this going to have to come back to us for approval over the development of product charter governance document?

Robert Kyle said no. staff will put together the project team. What we liked about this particular product is that our permit techs can get into the same screen as you and walk you through the process.

Councillor Eakman asked will this have a step-by-step process that will be new to the City staff?

Robert Kyle said it's going to be modeled after our current process.

Councillor Eakman asked how cyber current is our present staff?

Robert Kyle said I think the system is intuitive enough that the impact will be minimal but we are going to have to train how to do it. In my opinion, we're quite behind the curve than other jurisdictions.

Mayor Pro-Tem Smith asked is there a security issue with the cloud?

Robert Kyle said there are some concerns but this company has been doing this for a long time and have as many security aspects in place as they can. There will be some coordination with IT.

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Robert Garza said we asked our IT Department to do a full assessment. They did have some concerns as they do with any new software. They will make sure we appropriate fire walls in place.

Mayor Pro-Tem Smith asked do we have regulations for hard copies?

Robert Kyle said we have to hold the official record for 10 years. Right now it's paper but if it's digital, then that's the official record. So we'll be able to clear out a lot of paper.

Mayor Pro-Tem Smith asked is the July rollout not only for structural implementation but also for training?

Robert Kyle said that is correct.

Councillor Gandara asked how much will the technology fee be?

Robert Kyle said we're going to take a look at establishing a sliding scale based on project types.

Steve Chavira, Member of the Public and CEO of Las Cruces Homebuilders Association said when Robert Garza brought this to us we immediately embraced it as it will expedite the process.

Jason Lorenzo, Member of the Public said I'm a homebuilder and president elect of the Las Cruces Homebuilders Association. I'm excited that we're on the same page that this is a win-win for everybody. We did this with my company back in 2007.

Michael Fraembs, Member of the Public and President of the Las Cruces Homebuilders Association said I'm on board with this. My company has also gone to a web based portal. My printing expenses have dropped by 80%.

Councillor Pedroza asked will the Council be involved in looking at the criteria for the sliding fee?

Robert Kyle said we can involve you.

Robert Garza said it will work like other ordinance developments. Staff will come up with a recommendation.

Mayor Pro-Tem Smith called the roll on the Motion to Approve Resolution 15-16-132 and it was approved. 5-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Levatino, and Mayor Pro-Tem Smith voted aye. Councillor Sorg and Mayor Miyagishima were absent.

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VIII. BOARD APPOINTMENTS

Mayor Pro-Tem Smith reappointed Joe Dearing, Gay Lenzo and Philip G. Leyendecker to the Airport Advisory Board.

Councillor Levatino Moved to Approve Mayor Pro-Tem Smith's board reappointments of Joe Dearing, Gay Lenzo and Philip G. Leyendecker to the Airport Advisory Board and Councillor Gandara Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve Mayor Pro-Tem Smith's board reappointments of Joe Dearing, Gay Lenzo and Philip G. Leyendecker to the Airport Advisory Board and it was Approved. 5-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Levatino and Mayor Pro-Tem Smith voted aye. Councillor Sorg and Mayor Miyagishima were absent.

Mayor Pro-Tem Smith appointed Ernie L. Campos to the South Mesquite Design Review Board as a "professional" position.

Councillor Eakman moved to Approve Mayor Pro-Tem Smith's board appointment of Ernie L. Campos to the South Mesquite Design Review Board as a "professional" position and Councillor Levatino Seconded the motion.

Mayor Pro-Tem Smith called for the roll on the Motion to Approve Mayor Pro-Tem Smith's board appointment of Ernie L. Campos to the South Mesquite Design Review Board as a "professional" position and it was Approved. 5-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Levatino, and Mayor Pro-Tem Smith voted aye. Councillor Sorg and Mayor Miyagishima were absent.

IX. 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).***

(8) Council Bill No. 16-014; Ordinance No. 2773: An Ordinance Approving a Zone Change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to RE (Single-Family Residential Estate) for Three (3) Different Parcels Located at 4024 Sotol Drive, 5025 Las Alturas Drive and 5035 Las Alturas Drive. Submitted by Leslie W. & Edna Gibbs, Property Owners. (Z2893).

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Council agreed to bring back.

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(9) Council Bill No. 16-015; Ordinance No. 2774: An Ordinance Authorizing the Issuance and Sale of up to $9,500,000 City of Las Cruces, New Mexico Taxable Subordinate Lien State Shared Gross Receipts Tax Improvement Revenue Bonds, Series 2016A for Construction, Acquisition and Improvement of Roadways, Public Infrastructure and Drainage Projects.

Mark Krawczyk said this is a Voluntary Assessment District and we have a developer who would like us to put these things in place. We anticipate pricing to be March 9th and a closing of April 1st.

Council agreed to bring back.

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(10) Council Bill No. 16-016; Ordinance No. 2775: An Ordinance Repealing Chapter 38, Article IV, Section 38-33; Article V, Section 38-44 G 2; Article V, Section 38.49.3 J 1; and Article VI, Section 38-58 E 3 & 6 of the City of Las Cruces Municipal Code and Replacing it in its Entirety in Order to Eliminate Maximum Parking Requirements and References to Parking Ranges. Submitted by the City of Las Cruces. (Case ZCA-15-03)

Councillor Levatino asked can we have more specific information on this one?

Robert Garza said about a year ago I talked to some of our customers who were unhappy with our business practices. We had rules on minimum and maximum amount of parking spaces that are overlapping.

Council agree to bring back.

X. CITY COUNCIL MEMBER BOARD REPORTS

There are none.

XI. GENERAL DISCUSSION

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b.) City Council

Mayor Pro-Tem Smith said Bri Bagwell is being honored this evening with a release of a new video about Las Cruces from 5:30-7:30 p.m. at the Farm and Ranch Museum.

He said several of us were in Santa Fe this weekend and I think we have a great partnership with our legislators.

Councillor Gandara said I spent Thursday and Friday at the Municipality Conference.

She said I would like to thank the Greater Chamber for putting on the Las Cruces Day events.

She said there will be an economics conference at the Las Cruces Convention Center on February 18th.

She said I had a successful district 1 meeting last week with 60 people where we did some strategic planning.

Councillor Pedroza said I would like to do something posthumously for Bonnie Burns.

Mayor Pro-Tem Smith said we could do a proclamation.

Councillor Pedroza said February is Black History Month with events at NMSU.

She said there was a panel discussion at First Christian Church and I think it would be good to bring the speaker before Council.

Councillor Eakman said I would like to extend all the blessings of Groundhog's Day.

He said I want to extend my deep gratitude to Robert, Daniel, David Weir, and Robert Kyle on working with our customers on perceived problems.

Councillor Levatino said we're going to miss Mark Krawczyk as he's been an asset.

She said Chief Brown's retirement is going to be a huge loss. He's done a tremendous job with the fire department.

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She said the weekend in Santa Fe was worthwhile. We met with legislators to encourage them to look at the issues we're facing down here.

She said Jennifer Martinez did a great job on the video we handed out to the legislators.

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c.) City Manager

Robert Garza said make sure you get a Doña Ana County Legislative Coalition handout.

He said the CVB contracted with Bri Bagwell on a song for the City. PIO produced it and shot the video.

He said PIO is taking on some new projects.

He said the TIDD special board meeting will be Tuesday, February 16th to talk about the Amador.

He said we have a closed session after this meeting.

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

Mayor Pro-Tem Smith said all of those in favor signify by saying "Aye."

Council said "Aye."

Meeting Adjourned at 3:27 p.m.

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