

Item 1  
Regular Meeting  
March 21, 2016



City Council  
of the  
City of Las Cruces

Regular Meeting

March 21, 2016  
1:00 P.M.

Council Chambers, City Hall

**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Kasandra Gandara, District 1  
Councillor Greg Smith, District 2  
Councillor Olga Pedroza, District 3  
Councillor Jack Eakman, District 4  
Councillor Gill Sorg, District 5  
Councillor Ceil Levatino, District 6

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

DRAFT

**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order. Councillor Eakman led the Pledge of Allegiance.  
Jennifer Martinez from PIO presented the Pet of the Week.  
Councillor Eakman recognized the Las Cruces Kings.

**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 was none.

1 **III. PUBLIC PARTICIPATION**

2

3 Vince Jeffers, Member of the Public said there was fraud involved in the mental health audit. There  
4 is an abuse of power.

5

6 Russ Smith, Member of the Public said Project Main Street has hosted many events that the Kings  
7 Football team has volunteered at.

8

9 Jean Conway, Member of the Public said I'm Vice President of Velo Cruces. We will continue to  
10 suggest the City hire a bicycle pedestrian coordinator.

11

12

13

14 **IV. READ CLOSED MEETING STATEMENT**

15

16 a.) Read March 7, 2016 Closed Meeting Statement into the record.

17

18 The Las Cruces City Council met in closed session at 2:55 p.m. on March 7, 2016. The following  
19 members were in attendance: Mayor Ken Miyagishima, Councillor Kasandra Gandara, Councillor  
20 Greg Z. Smith, Councillor Olga Pedroza, Councillor Jack Eakman, Councillor Gill M. Sorg,  
21 Councillor Cecelia H. Levatino, City Manager Robert Garza, Assistant City Manager Daniel Avila,  
22 and Assistant City Manager David Dollahon. The following individuals were present during part  
23 of the closed session: Damian Martinez, attorney at law, Director of Utilities Jorge Garcia, Senior  
24 Assistant Attorney Marcy DRiggers, Parks and Recreation Director Mark Johnston, Chief of Police  
25 Jaime Montoya, and Community Development Director David Weir. The meeting adjourned at 4:40  
26 p.m.

27

28 The Las Cruces City Council met in closed session and only discussed those items as stated in the  
29 posted notice (to discuss pending litigation).

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33 **V. ACCEPTANCE OF AGENDA**

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35 Councillor Sorg Moved to Approve the agenda as presented and Councillor Levatino Seconded  
36 the motion.

37

38 Mayor Miyagishima called for the roll on the Motion to Approve the agenda as presented and it  
39 was Unanimously Approved. 7-0.

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43 **VI. CITY COUNCIL MINUTES**

44

1 \*(1) Regular City Council Meeting of March 7, 2016

2 \*(2) Special City Council Meeting of March 9, 2016

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6 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

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9 \*(3) Resolution No. 16-169: A Resolution Authorizing the City of Las Cruces, on Behalf of the  
10 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,  
11 to Accept Grant Modification Seven for Grant Number G15SN0006A for an Increase in the  
12 Amount of \$25,000.00, from the Executive Office of the President, Office of National Drug  
13 Control Policy, to Ratify the Mayor's Signature on the Grant Agreement, and to Adjust the  
14 FY 2016 Budget.

15

16 \*(4) Resolution No. 16-170: A Resolution Authorizing the City of Las Cruces, on Behalf of the  
17 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,  
18 to Accept Grant Modification Eight for Grant Number G15SN0006A for a Decrease in the  
19 Amount of \$51,195.00, from the Executive Office of the President, Office of National Drug  
20 Control Policy, to Ratify the Mayor's Signature on the Grant Agreement, and to Adjust the  
21 FY 2016 Budget.

22

23 \*(5) Resolution No. 16-171: A Resolution Authorizing the City of Las Cruces (City) on Behalf  
24 of Its Branigan Cultural Center, to Accept a Grant Award in the Amount of \$250.00 from the  
25 National Endowment for the Humanities/American Library Association (NEH/ALA) Native  
26 Voices Grant; to Ratify the City Manager's Signature on the Grant Acceptance Form; and  
27 to Adjust the Fy2016 Budget.

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31 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

32

33 (6) Resolution No.16-172: A Resolution to Support the Petition with the United States  
34 Department of the Interior, Indian Affairs for the Piro/Manso/Tiwa Indian Tribe of the  
35 Pueblo of San Juan De Guadalupe.

36

37 Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-172 and Councillor Eakman Seconded  
38 the motion.

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41

42 Mayor Pro-Tem Smith gave an oral presentation. He said we have to recognize our history and be  
43 transparent. The Mayor has written three letters of support. I've been told that the PMT tribe is not

- 1 trying to take away land from the Tortugas. I've also been told that there is no desire to build a  
2 casino. I think we should be fair to all groups and offer our support.  
3
- 4 Ed Roybal, Cacique of the Tribe said we've been in this process for 46 years. We were the only ones  
5 here 525 years ago.  
6
- 7 Mayor Miyagishima asked can you share with us the importance of being recognized?  
8
- 9 Ed Roybal said we're looking for a place to do our ceremonies and continue our traditional way of  
10 life.  
11
- 12 Mayor Miyagishima asked does your tribe currently own any land and where is it located?  
13
- 14 Ed Roybal said we don't have any land except for a property on Amador.  
15
- 16 Councillor Eakman asked was your original petition denied?  
17
- 18 Ed Roybal said it's been put on hold four years ago because of a readjustment in the Bureau of Indian  
19 Affairs.  
20
- 21 Councillor Eakman asked have you been advised of the seven criteria?  
22
- 23 Ed Roybal said we have and we've answered all seven criteria. We're the only tribe in this area with  
24 a petition.  
25
- 26 Councillor Eakman asked would I be able to access that criteria?  
27
- 28 Mayor Pro-Tem Smith said the website is in the packet.  
29
- 30 Councillor Pedroza said I feel like I'm being asked to choose who is the rightful tribe and I don't feel  
31 I have sufficient information to do so.  
32
- 33 Mayor Pro-Tem Smith said I don't believe we're being asked to support one group and deny another.  
34 The other groups have not brought forth a petition but I think we would be able to support other  
35 groups as well.  
36
- 37 Councillor Pedroza said I don't think we have sufficient information to say to choose one group over  
38 another.  
39
- 40 Councillor Sorg asked what is a Cacique?  
41
- 42 Ed Roybal said it is a war chief, spiritual leader.  
43
- 44 Councillor Sorg asked are all the people here from Tortugas?

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1  
2 Ed Roybal said none of the people on our petition are from that area.  
3  
4 Councillor Sorg asked what will this recognition give you that you don't have now?  
5  
6 Ed Roybal said we don't have a place to gather or carry on our traditions.  
7  
8 Councillor Sorg asked will this give you a piece of land?  
9  
10 Ed Roybal said we don't know. It will just give us Federal recognition.  
11  
12 Councillor Sorg asked will it help you get this piece of land?  
13  
14 Ed Roybal said it would provide a lot of tourism.  
15  
16 Councillor Sorg asked would this recognition allow you to apply for programs?  
17  
18 Ed Roybal said yes.  
19  
20 Lamberto Trujillo said I'm an ancestor. We hired anthropologists to do the study.  
21  
22 Councillor Levatino asked will there be an opportunity for those against to speak?  
23  
24 Mayor Miyagishima said yes.  
25  
26 Mayor Pro-Tem Smith said tribal recognition should be extended to those who have a viable tribe.  
27 We are tasked at speaking on behalf of our community that this is the right thing to do. I've had  
28 several people tell me that they are okay with it as long as their land isn't taken away.  
29  
30 Councillor Pedroza said I think we should table this to get enough information.  
31  
32 Arianna Fierro, President of Los Indigenas to Nuestra Señora de Guadalupe read a letter opposing  
33 the resolution.  
34  
35 Mayor Miyagishima asked is the number one point that they could make some attempt on the land  
36 in Tortugas?  
37  
38 Arianna Fierro, said yes.  
39  
40 Mayor Miyagishima asked if there was a document that said that wouldn't happen, would your  
41 organization be okay with that?  
42  
43 Arianna Fierro said we met with the PMT and was not able to seek a resolution.  
44

- 1 Mayor Miyagishima asked is this something you have researched on your own?  
2
- 3 Arianna Fierro said we responded to most of their petitions. We've had representation. We've been  
4 opposed to it since they first filed their petition in 1973.  
5
- 6 Mayor Miyagishima asked if this was tabled, could we have a copy of the letter?  
7
- 8 Arianna Fierro said yes. This could have a detrimental effect on our community.  
9
- 10 Councillor Sorg asked are any of the Tortugas Tribe descendants of the PMT?  
11
- 12 Arianna Fierro said yes.  
13
- 14 Mayor Pro-Tem Smith asked has Tortugas ever sought Federal recognition?  
15
- 16 Arianna Fierro said we are considering it.  
17
- 18 Councillor Levatino asked is there anything that would protect you if the PMT chose to try to take  
19 some of the land?  
20
- 21 Arianna Fierro said not that we're aware of which is why we have to consider seeking Federal  
22 recognition.  
23
- 24 Councillor Levatino asked has the PMT established itself in the community?  
25
- 26 Arianna Fierro said I know they do similar events.  
27
- 28 Councillor Levatino said I think we should table this as I don't see both groups coming to an  
29 agreement.  
30
- 31 Councillor Gandara asked has BIA indicated to you that you would lose your land?  
32
- 33 Arianna Fierro said no, we're just an interested party.  
34
- 35 Councillor Gandara asked where is that assumption coming from?  
36
- 37 Arianna Fierro said we've been in legal battles with them before and don't expect it to cease.  
38
- 39 Councillor Gandara said I feel like I'm being asked to choose between two tribes and would like to  
40 table it.  
41
- 42 Councillor Eakman said I wonder if there is a way for you all to come together for a higher purpose.  
43

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1 Mayor Pro-Tem Smith said if we table this then it will not be included in this particular session.

2

3 Councillor Sorg said I think the packet was grossly inadequate and we should table it.

4

5 Lamberto Trujillo said the anthropology we did was based on 20 core families in the Oppenheimer  
6 Report.

7

8 Ed Roybal said in the petition you'll see that land was given to the Cacichei Felipe. I'm just looking  
9 for Federal recognition for our people.

10

11 Pat Beckett, Member of the Public said my studies showed there were more Indian groups involved.  
12 I think this divide goes back a long time. I think you would be wise to table it.

13

14 Bill McCamley, State Representative said I represent the current area of Tortugas. There are some  
15 concerns from my constituents. I think we could all do with some more time to figure out what the  
16 situation is and the consequences.

17

18 Councillor Pedroza Moved to Table Indefinitely and Councillor Levatino Seconded the motion.

19

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21

22 Mayor Miyagishima called for the roll on the Motion to Table Indefinitely and it was Approved. 6-1.  
23 Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino  
24 and Mayor Miyagishima voted aye. Councillor Smith voted nay.

25

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27

28 (7) Resolution No. 16-173: A Resolution Approving a Home Investment Partnerships Program  
29 (HOME) Recoverable Grant Agreement Between the City of Las Cruces and Mesilla Valley  
30 Habitat for Humanity (MVHFH) for the Construction of Five (5) Single Family Owner-  
31 Occupied Affordable Housing Units in Rincon Mesa Subdivision, Phase 1.

32

33 Councillor Sorg Moved to Approve Resolution No. 16-173 and Councillor Eakman Seconded the  
34 motion.

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38 Jan Lauterbach, Affordable Housing gave an overhead presentation.

39

40 Councillor Sorg asked is it possible to spread these out?

41

42 Jan Lauterbach said Habitat negotiates with the landowner to purchase the land.

1  
2 Councillor Sorg asked is that the only willing landowner?  
3  
4 Jan Lauterbach said there are only one or two willing to offer land at reduced prices.  
5  
6 Councillor Sorg said I'd like to see them spread out a little bit.  
7  
8 Maria Vasquez, Executive Director of Mesilla Valley Habitat said the developer gave us a great deal  
9 on the land. We try to get the best price to make it affordable for the homeowner.  
10  
11 Councillor Sorg asked is this landowner giving you a good price?  
12  
13 Maria Vasquez said yes because when we have looked elsewhere that has not been the case.  
14  
15 Councillor Gandara asked how is the developer selected?  
16  
17 Jan Lauterbach said Habitat does their own construction.  
18  
19 Councillor Gandara asked how are the candidates selected?  
20  
21 Jan Lauterbach said Habitat advertises a waiting list.  
22  
23 Councillor Gandara asked do you look at the districts that have those high percentages?  
24  
25 Jan Lauterbach said our nonprofit agencies do look at the infill area and are looking at infill  
26 properties for the next funding year.  
27  
28 Councillor Levatino asked have the families been chosen for these five homes?  
29  
30 Maria Vasquez said we have six families on our wait list right now and are working on home and  
31 budgeting classes, which is a 1-2 year process.  
32  
33 Councillor Levatino asked is the process intense?  
34  
35 Maria Vasquez said the 101 homes we've built still live in their homes.  
36  
37 Councillor Levatino asked what will the square footage be?  
38  
39 Maria Vasquez said 1100 square feet with three bedrooms or above.  
40  
41 Councillor Sorg said there is no park in this area.  
42

1 Maria Vasquez said they could not sell us some lots because of plans to build a park.

2

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5 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-173 and it was  
6 Unanimously Approved. 7-0.

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10 (8) Resolution No. 16-174: A Resolution Adopting the City of Las Cruces Short Range Transit  
11 Plan Update and to Amend the FY 2016 Budget.

12

13 Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-174 and Councillor Sorg Seconded  
14 the motion.

15

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17

18 Tom Murphy, MPO Officer gave an overhead presentation.

19

20 Mayor Miyagishima asked did we identify an additional busstop near Convergys?

21

22 Tom Murphy said yes, there will be one.

23

24 Mayor Miyagishima asked is that part of this plan?

25

26 Tom Murphy said transit has identified a spot and that bus stop will be paid for with an adjustment  
27 cost, but when you adopt this plan the service will run by Convergys.

28

29 Mayor Miyagishima asked do you know when?

30

31 Tom Murphy said I saw the drivers training on this last week so I imagine quickly once the plan is  
32 adopted.

33

34 Councillor Pedroza asked will these routes be going by grocery stores?

35

36 Tom Murphy said yes.

37

38 Councillor Sorg asked can Mr. Bartholomew give us a closer time to when the routes will be  
39 changed?

40

41 Mike Bartholomew, Transit Director said I would like to see it changed before school starts in the  
42 fall.

43

44 Councillor Sorg asked will you not start the bus stops until the brochures are done?

1  
2 Mike Bartholomew said it will be hard to explain to the public.  
3  
4 Councillor Sorg said it looks like the routes are picked out.  
5  
6 Mike Batholomew said 85% of the stops are picked out and we've identified 36 bus shelters that will  
7 need to be moved.  
8  
9 Councillor Levatino said my concern is that people needing transportation home at 9:30 or 10:00 at  
10 night is not going to be solved. I don't think we'll see improvement in ridership.  
11  
12 Tom Murphy said this is a plan and is not set in stone. We'll be doing a closer analysis of ridership  
13 patterns.  
14  
15 Councillor Gandara said time frames would be helpful. I think there are riders who need  
16 transportation late on Saturday and Sunday.  
17  
18 Tom Murphy said the time frames will depend on how the system performs and the Council needing  
19 to fund. I agree that the bus should go past 8 p.m. but we will be able to tell how it goes after  
20 extending from seven to eight.  
21  
22 Councillor Gandara asked do we have data to support the hours of operation at call centers?  
23  
24 Tom Murphy said based on what I know call centers end at 9 p.m.  
25  
26 Mayor Miyagishima asked how many bus drivers do we have?  
27  
28 Tom Murphy said 23.  
29  
30 Mayor Miyagishima said extending one hour would be an extra \$75,000. How much is the bus fare  
31 right now?  
32  
33 Tom Murphy said one dollar.  
34  
35 Mayor Miyagishima said maybe increasing the fare would help pay for the difference.  
36  
37 Councillor Pedroza asked how do we choose where the buses are going to run?  
38  
39 Tom Murphy said we have a transit propensity map that looks at households with one or fewer  
40 vehicles, low/moderate areas, and job density.  
41  
42 Councillor Pedroza asked how often is it reviewed?  
43

1 Tom Murphy said every five years.

2

3 Linda Dallas, Member of the Public said if it's going to cost an additional \$75,000 then why not save  
4 those resources instead of extending one hour.

5

6 Mayor Miyagishima said I believe they found it in their budget to extend one hour.

7

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9

10 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-174 and it was  
11 Approved. 6-0. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino,  
12 Councillor Smith and Mayor Miyagishima voted aye. Councillor Pedroza was absent.

13

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16 **IX. BOARD APPOINTMENTS**

17

18 Councillor Smith reappointed Nancy Davis to the Health and Human Services Advisory Committee.

19

20 Mayor Miyagishima appointed Beth O'Leary to the Historic Preservation Ad Hoc Committee.

21

22 Councillor Gandara appointed Sharon Shoemaker to the Thomas Branigan Memorial Library  
23 Advisory Board.

24

25 Councillor Eakman appointed Timothy McKimmie to the Thomas Branigan Memorial Library  
26 Advisory Board.

27

28 Councillor Eakman appointed Roger Hedrick to the Planning and Zoning Commission.

29

30 Mayor Miyagishima reappointed Harvey Gordon to the Planning and Zoning Commission.

31

32 Councillor Gandara appointed Angelica Rubio to the Parks and Recreation Advisory Board.

33

34

35

36 Mayor Miyagishima appointed Rebecca Courtney to the City Art Board.

37

38 Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's board appointment of Rebecca  
39 Courtney to the City Art Board and Councillor Sorg Seconded the motion.

40

41 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board  
42 appointments of Rebecca Courtney to the City Art Board and it was Unanimously Approved. 7-0.

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1  
2 Mayor Miyagishima reappointed Vincent Vaccaro and appointed Craig Massey and Debra Marks  
3 to the Convention and Visitors Bureau Advisory Board.

4  
5 Councillor Sorg Moved to Approve Mayor Miyagishima's board reappointment of Vincent Vaccaro  
6 and appointments of Craig Massey and Debra Marks to the Convention and Visitors Bureau  
7 Advisory Board and Councillor Levatino Seconded the motion.

8  
9 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board  
10 reappointment of Vincent Vaccaro and appointments of Craig Massey and Debra Marks to the  
11 Convention and Visitors Bureau Advisory Board and it was Unanimously Approved. 7-0.

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13 -----  
14  
15 Mayor Miyagishima appointed Brian Crawford to the Capital Improvements Advisory Committee.

16  
17 Councillor Sorg Moved to Approve Mayor Miyagishima's board appointment of Brian Crawford to  
18 the Capital Improvements Advisory Committee and Councillor Gandara Seconded the motion.

19  
20 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board  
21 appointment of Brian Crawford to the Capital Improvements Advisory Committee and it was  
22 Unanimously Approved. 7-0.

23  
24 -----  
25  
26 **X. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
27 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

28  
29 (9) Council Bill No. 16-017; Ordinance No. 2776: An Ordinance to Repeal and Replace, in Its  
30 Entirety, Chapter 4 "Alarm Systems and Private Security Firms" of the Las Cruces Municipal  
31 Code (LCMC), 1997, as Amended.

32  
33 Council agreed to bring back.

34  
35 -----  
36  
37 (10) Council Bill No. 16-018; Ordinance No. 2777: An Ordinance Approving a Zone Change  
38 from O-1 (Neighborhood Office) and R-4 (High Density Residential and Limited Office) to C-1C  
39 (Commercial Low Intensity Conditional) on Two Properties Located at 114 N. Campo St. (0.28  
40 Acres±) and 315 E. Griggs Ave. (0.11 Acres±) within the South Mesquite Overlay. Submitted by  
41 Michael Johnson on Behalf of Aguirre Land Holdings, LLC, Property Owner. (Z2892).

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43 Council agreed to bring back.

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(11) Council Bill No. 16-019; Ordinance No. 2778: An Ordinance Approving a Zone Change from R-3 (High Density Residential) to O-1 (Neighborhood Office) on a 0.065± Acre Property Located at 520 N. Campo St. within the South Mesquite Overlay. Submitted by Edward and Diane Krus, Property Owners. (Z2894).

Council agreed to bring back.

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**XI. CITY COUNCIL MEMBER BOARD REPORTS**

Councillor Sorg said I've been attending the steering committee for the Regional Water Planning for the Lower Rio Grande. The committee will be presenting a blueprint at a public meeting on April 5<sup>th</sup> at the County.

DRAFT

**XII. GENERAL DISCUSSION**

b.) Council

Councillor Pedroza said on September 15<sup>th</sup> there will be a second immigration forum.

She said there will be an educational meeting on March 31<sup>st</sup> at the Farm and Ranch Museum.

-----  
Councillor Eakman said there is a district 4 meeting this evening at City Hall.

-----  
Councillor Sorg said this is Sunshine Week at NMSU. There will be a forum Wednesday at 5:30 p.m. concerning local elections and transparency.

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Mayor Pro-Tem Smith said I apologize for wasting our time on recognition for the tribe.

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a.) Mayor

Mayor Miyagishima said thank you for bringing tribe resolution forward. I don't think it wasted my time but instead informed me.

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c.) City Manager

Daniel Avila, Assistant City Manager said we had the police academy graduation this past Friday and I would like to say congratulations. Special congratulations to Mike Danner from the Fire Department for being valedictorian.

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

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

Council said "Aye."

**Meeting Adjourned at 3:37 p.m.**

DRAFT