City Council
of the
City of Las Cruces

Regular Meeting

August 15, 2016
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:

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

STAFF:

Daniel Avila, Interim City Manager
Rusty Babington, City Attorney
Linda Lewis, City Clerk

DRAFT

I. OPENING CEREMONIES

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

Jennifer Martinez from PIO presented the Pet of the Week.

Mayor Miyagishima presented the Mayor's Distinguished Service Award to Jack Nixon.

Mayor Pro-Tem Smith and Councillor Eakman presented a Proclamation to McLean Knight and declared Monday, August 15, 2016, as McLean Knight Day.

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 were none.

III. PUBLIC PARTICIPATION

Kimberly York, Member of the Public said there is a new free resource for the citizens of Doña Ana County. It is a Methodist Children's Home, which is a nonprofit agency that has opened a new office here. We are entering a collaboration with the City's Senior Programs for support of those grandparents who are parents.

Vincent Jeffers said I want a written report on all matters involving myself because I want justice because of all the fraud in Las Cruces.

Yoli Diaz, Executive Director of CARE said I want to extend an invitation to our community for our new event September 23-25 called the Big Event.

DRAFT

IV. ACCEPTANCE OF AGENDA

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

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

V. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of July 18, 2016
*(2) Special City Council Meeting of July 20, 2016

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

*(3) Resolution No. 17-020: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program-New Mexico, to Accept Grant Modification Nine for Grant Number G15SN0006A for a Decrease in the Amount of $42,327.00, from the Executive Office of the President, Office of National Drug Control Policy, and to Ratify the Mayor's Signature on the Grant Agreement.

*(4) Resolution No. 17-021: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program-New Mexico, to Accept Grant Modification Ten for Grant Number G15SN0006A for an Increase in the Amount of $22,559.00, from the Executive Office of the President, Office of National Drug Control Policy, and to Ratify the Mayor's Signature on the Grant Agreement.

*(5) Resolution No. 17-022: A Resolution Authorizing the City of Las Cruces, on Behalf of Its Keep Las Cruces Beautiful (KLCB) Program to Accept a Grant Award in the Amount of $21,500.00 from the New Mexico Tourism Department, for the FY 2017 New Mexico Clean and Beautiful Grant Program, to Ratify the City Manager's Signature on the Grant Agreement, and to Adjust the FY2017 Budget.

*(6) Resolution No. 15-16-143: A Resolution Authorizing an Indefinite Cost, Indefinite Quantity Price Agreement for the Purchase of Risk Management Information System, Including License and Data Storage, from Origami Risk, LLC of Chicago, IL for a Term of Three Years Subject to Approved Budget Appropriations and Annual Renewals, and to Adjust the FY2017 Budget.

DRAFT

*(7) Council Bill No. 17-001; Ordinance No. 2787: An Ordinance Repealing Las Cruces Municipal Code 1997, (LCMC) Chapter 24, Procurement Code, Sections 24-1, 24-61, 24-62, 24-91, and 24-94 in Its Entirety and Enacting New Las Cruces Municipal Code 1997, (LCMC) Chapter 24, Procurement Code, Sections 24-1, 24-61, 24-62, 24-91, and 24-94.

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

(8) Resolution No.17-023: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to Halo's for the Special Dispenser Permit Application Submitted for the Big Event to be Held at the Civic Plaza Between East Las Cruces Avenue and East Organ Avenue on September 23, 24, and 25, 2016.

Councillor Sorg Moved to Approve Resolution No. 17-023 and Mayor Pro-Tem Smith Seconded the motion.

Councillor Sorg Moved to Suspend the rules and discuss items 8 and 9 concurrently and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Suspend the rules and discuss items 8 and 9 concurrently and it was Unanimously Approved. 7-0.

Monica Campbell, Office Manager Senior in the Legal Department gave verbal presentation.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-023 and it was Unanimously Approved. 7-0.

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(9) Resolution No.17-024: A Resolution Authorizing Halo's to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within Two Restricted and Secured Areas at the Big Event to be Held September 23, 24, and 25, 2016 at the Civic Plaza Between East Las Cruces Avenue and East Organ Avenue.

Councillor Eakman Moved to Approve Resolution No. 17-024 and Councillor Sorg Seconded the motion.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-024 and it was Unanimously Approved. 7-0.

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(10) Resolution No.17-025: A Resolution Authorizing the City of Las Cruces to Designate a Voting Delegate and an Alternate to Attend the Annual Business Meeting of the 59th Annual Conference of the New Mexico Municipal League on Thursday, September 1, 2016.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 17-025 and Councillor Sorg Seconded the motion.

Councillor Levatino Moved to Amend Resolution No. 17-025 appointing Councillor Smith as the designated voting delegate with no alternate and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 17-025 appointing Councillor Smith as the designated voting delegate with no alternate and it was Unanimously Approved. 7-0.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-025 as amended and it was Unanimously Approved. 7-0.

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(11) Resolution No.17-026: A Resolution Approving a Street Name Change for a Segment of Tashiro Dr. Between N. Valley Dr. And Motel Blvd. to the Name of Jim Bradley Dr.

Councillor Eakman Moved to Approve Resolution No. 17-026 and Councillor Levatino Seconded the motion.

Katherine Harrison-Rogers, Acting Building & Development Services Administrator gave an overhead presentation.

Mayor Miyagishima said I think the world of Jim Bradley but the Tashiro family has owned this land throughout their lifetime and whoever bought the land from them probably made an arrangement to keep it named that. I will not be supportive of this because this is the only Japanese name in the entire City. It would make more sense to change Bruins Lane.

DRAFT

Mayor Pro-Tem Smith said the Tashiro name is well known and it is part of our culture so I think it is somewhat disrespectful. I think we should look at Motel Boulevard or Roadrunner.

Councillor Pedroza said I'm not going to vote for this because it will erase some history. We have other streets available.

Councillor Sorg said I think it is a good idea to name a street after Coach Bradley but not Tashiro Drive. Motel Boulevard or Bruins Lane is fine with me.

Councillor Eakman said I agree that if we change the name it should be continuous. I would ask for us to table this to another time so those in Legends West can voice their opinion.

Councillor Gandara said I was at the school board meeting when they discussed this and there was some opposition from the student representative because all the high schools play at the stadium. I think we need to see what was done to check with the other schools. I like the idea of changing Motel Boulevard but there are businesses there. I'd like to see this tabled.

Katherine Harrison-Rogers said one option that was discussed was naming the private access way within the Field of Dreams but that would be a private decision on the school board's part.

Mayor Pro-Tem Smith said we do have two Roadrunners in Las Cruces.

Councillor Pedroza said I don't think it's our call to pick the street.

Councillor Levatino asked are there any members of the Tashiro family still in Las Cruces?

Mayor Miyagishima said I'm not aware of any.

Councillor Levatino said so we don't know if they would be opposed to this or not.

Mayor Miyagishima said I would be willing to venture that they would prefer not.

Councillor Levatino said I'm always opposed to naming roads after people because someone's feelings are always hurt. I like the idea of naming Bruins Drive. I would like to see the name split so one side is Bradley and the other Tashiro. I can't see changing Motel Boulevard because of the businesses.

Jimmy Michael said there were some schools who objected to the naming but that was when we were trying to name the field itself so Stan Rounds and Robert Garza suggested the street. I spoke to some of the family members who have no objection to the naming.

Mayor Miyagishima asked what do you think of Bruins Lane or Roadrunner Lane?

Jimmy Michael said we would have to talk to the other people involved. We wanted to name the turf at the field but that drew resistance.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-026 and it Failed. 0-6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Mayor Pro-Tem Smith and Mayor Miyagishima voted Nay. Councillor Levatino Abstained.

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(12) Resolution No.17-027: A Resolution Adopting the City of Las Cruces (City) Sponsored Events from the City's General Fund for the Application Award Period of July 15, 2016.

Councillor Sorg Moved to Approve Resolution No. 17-027 and Councillor Gandara Seconded the motion.

David Dollahon, Assistant City Manager gave an overhead presentation.

Mayor Miyagishima asked can you expand on the Tough Enough to Wear Pink?

David Dollahon said we received additional information throughout the application process that required us to reconsider our initial decision. We're bringing it forward as a separate resolution rather than amending this one at the last minute.

Mayor Miyagishima asked did NMSU basketball apply?

David Dollahon said part of the application was submitted incomplete and there's opportunity for them to seek submittal at the December deadline.

Mayor Pro-Tem Smith asked do we have an informal understanding that we're splitting the funds in half?

David Dollahon said there was no formal decision made. The staff discussed that we should try to do a 50/50 split. It just worked out that way.

Mayor Pro-Tem Smith asked did they request the amounts that they're getting?

DRAFT

David Dollahon said they are getting what they requested with $6000 as our cap.

Councillor Pedroza asked would it be appropriate to know who else may have applied?

David Dollahon said I will provide you with an email or memo outlining who applied, who was awarded funding and who was denied.

Councillor Gandara asked what are the performance outcomes of each event?

David Dollahon said we can include that on the memo. They get operating expenses and we get naming rights and recognition.

Mayor Miyagishima asked is some of this from CVB?

David Dollahon said this is from the general fund for quality of life and economic development.

Yoli Diaz, Executive Director of CARE said when I submitted my application I did ask for more and I would like to ask for the max of $6000.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-027 and it was Unanimously Approved. 7-0.

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(13) Resolution No.17-028: A Resolution Authorizing the City of Las Cruces (City) to Accept Various Grant Awards for Various City Departments; to Ratify the City Manager's or Mayor's Signature on the Contract Agreements; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP).

Mayor Pro-Tem Smith Moved to Approve Resolution No. 17-028 and Councillor Sorg Seconded the motion.

David Dollahon, Assistant City Manager gave an overhead presentation.

Amy Johnson Bassford, Grants and Contract Compliance Specialist continued with the overhead presentation.

Councillor Pedroza asked is there an adult daycare?

DRAFT

David Dollahon said there are privately funded senior day cares.

Henry Magallanez, Member of the Public asked if you remove it from the consent agenda, will all the grants be removed or just that one item?

David Dollahon said all the grants would be available for discussion.

Henry Magallanez asked will you be combining similar grants?

David Dollahon said it will be any type of grant.

Kimberly York, Director of NCH Family Outreach said we support the Grandparents as Parents and are allocating to provide in home support.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-028 and it was Unanimously Approved. 7-0.

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(14) Resolution No.17-029: A Resolution Approving a Waiver from 100% of the Required Road Improvements to Aldrich Road and Wilt Avenue Associated with a Proposed Subdivision Known as East Miller Tracts Subdivision on a 4.294± Acre Parcel Located at 6501 Aldrich

Road. Submitted by Moy Surveying, Inc. on Behalf of Steve Miller, Property Owner (66370W).

Councillor Sorg Moved to Approve Resolution No. 17-029 and Councillor Gandara Seconded the motion.

Katherine Harrison-Rogers, Acting Building & Development Services Administrator gave an overhead presentation.

Councillor Eakman asked I was wondering the reasons for the fee in lieu of road improvements?

Daniel Avila, Interim City Manager said in this subdivision they are providing right-of-way so in lieu of the fee we are looking for dedication because it is significant.

Councillor Eakman asked how much would a third of an acre be worth?

DRAFT

Katherine Harrison-Rogers said my guess is $20,000.

Councillor Levatino said in that area a quarter of an acre is selling between $20,000 to $25,000.

Councillor Pedroza asked would no improvements be built or would the City do the improvements?

Katherine Harrison-Rogers said only the right-of-way would be given. There would be no improvements built out. The City already has it on their schedule to do improvements to that road.

Councillor Pedroza asked if the owners put in the improvements, is that the same as dedicating the road?

Katherine Harrison-Rogers said if they don't devote they would have to recoup the costs.

Councillor Sorg asked do you know the type of work that will be done on Aldrich Road?

Katherine Harrison-Rogers said I believe it's just a surfacing treatment.

Loretta Reyes said it will be a crack seal, chip seal, and micro surfacing.

Councillor Gandara asked why was a waiver given to Porter?

Katherine Harrison-Rogers said it was low density and family. The roadways surrounding the properties had some improvements.

Councillor Gandara asked is this for estate planning?

Katherine Harrison-Rogers said it is for when they are preparing the will they can give it to various family members.

Councillor Levatino asked are the other parcels smaller than this one?

Katherine Harrison-Rogers said this is double the size of the others that were granted a waiver.

Councillor Levatino asked is there any reason why access to that property would go onto Jefferson?

Katherine Harrison-Rogers said in theory you could do that. We like to see properties access off of local roads.

Councillor Levatino said many don't want road improvements. I would support a waiver.

Councillor Gandara asked was the phone call from the Browns?

Katherine Harrison-Rogers said it was in addition to the Browns.

DRAFT

Councillor Pedroza asked if they decided to put in more homes would they be required to fix the roads?

Katherine Harrison-Rogers said yes.

Councillor Pedroza asked how would the uniform development code effect our decision today?

Katherine Harrison-Rogers said a full subdivision requires road improvements.

Henry Magallanez, Moy Survey said the access will be from Jefferson and Aldrich. There are curb cuts already made.

Councillor Eakman asked why do you feel like taxpayers should be paying for the curb and gutters?

Henry Magallanez said I think taxpayers should be paying for road improvements regardless of where it is. It's a burden for these two lot splits.

Councillor Eakman said I would like to see us become one City with our codes.

Mayor Miyagishima asked why couldn't we have an amount that we would need to have it done properly and then have a lien on it that would be enacted when other family members try to sell it?

Rusty Babington, City Attorney said you could create an ordinance but you would need the community developers and public works for accurate estimates.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-029 and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Councillor Smith and Mayor Miyagishima voted Aye. Councillor Eakman voted Nay.

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(15) Council Bill No. 17-002; Ordinance No. 2788: An Ordinance Authorizing the Issuance and Sale of the City of Las Cruces, New Mexico Tax-Exempt Industrial Revenue Bonds (F&A Dairy Products, Inc. Plant Equipment Upgrade Project) Series 2016 in an Aggregate Principal Amount of $5,000,000; Ratifying Certain Actions Taken Previously; and Repealing All Actions Taken Previously; and Repealing All Actions Inconsistent with this Ordinance.

Mayor Pro-Tem Smith Moved to Approve Ordinance No. 2788 and Councillor Sorg Seconded the motion.

DRAFT

Karin Byrum gave an overhead presentation.

Katherine Creagan continued with the overhead presentation.

Councillor Sorg Moved to Amend Ordinance No. 2788 to delete any reference of the City entering into a covenant agreement and Councillor Pedroza Seconded the motion.

Councillor Pedroza said I'm sure people will want to know what the City gets out of this.

Mayor Miyagishima said it's an incentive to bring in businesses to this area and expand their operations to add more jobs.

Mayor Miyagishima called for the roll on the Motion to Amend Ordinance No. 2788 to delete any reference of the City entering into a covenant agreement and it was Unanimously Approved. 7-0.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2788 as amended and it was Unanimously Approved. 7-0.

VIII. BOARD APPOINTMENTS

Mayor Miyagishima reappointed Christine Sautter to the Veteran's Advisory Board.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's reappointment of Christine Sautter to the Veteran's Advisory Board and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the reappointment of Christine Sautter to the Veteran's Advisory Board and it was Unanimously Approved. 7-0.

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).*

There were none.

DRAFT

X. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

XI. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I want to thank the Chief and the other law enforcement agencies for helping bring Officer Chavez home.

He said let us know if there is anything the police department needs from the City Council in the form of funding to help.

He said I like to have the City flag fly at half staff for Officer Chavez.

He said Loretta Swit from MASH will be in Las Cruces in September 16 and 17. I invited her to ride in the Mayor's convertible for the opening of the plaza.

He said I attended the Burrell College White Coat Ceremony and they were from all over the world.

He said the Donate Life car show is this Saturday from 10-3 at Young Park.

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b.) Council

Mayor Pro-Tem Smith said Officer Chavez was a resident of Las Cruces and went to the academy here. There will be a ceremony at the Pan Am on Sunday.

Councillor Levatino said there will be a bunch of us on Lohman waiting for the procession of Officer Chavez.

Councillor Sorg said I want to extend my condolences to the Chavez family

He said this Saturday there is a free comedy show by Tony Baker.

He said I will be visiting our sister city in Germany at the end of the month.

DRAFT

Councillor Eakman said I have nothing today.

Councillor Pedroza said on Saturday I was invited to Albuquerque for a meeting on how to develop more youth leadership programs.

She said a group from Ngage is coming to City Council to talk about community schools. Lynn Middle School has been designated a community school for next year.

She said I want to say thank you to Mr. Thiel for sending me a card and gift certificate.

She said I received an email from Randy Harris asking about a continuing dialogue on divisive issues.

She said starting next Monday from 7 a.m. to 2 p.m. there will be a food truck and catering service at the bail bonds across the street.

Councillor Gandara said I want to extend my condolences to Officer Chavez's family.

She said last week I attended the Historic Preservation Committee and look forward to the good things they'll be bringing forward.

She said I appreciated staff's attendance in a neighborhood meeting.

She said I attended the Stepping Up meeting and I'm looking forward to how the City can help facilitate a positive relationship.

She said on Friday we attended a Housing Authority tour in El Paso. They are changing the way they're looking at housing.

She said I attended the Juvenile Citation Program on Friday and I spoke to some youth who are attending the program.

She said I'm in agreement with the Randy Harris email and continuing dialogue.

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c.) City Manager

Daniel Avila said on Thursday, August 18th at 1:30 p.m. we have a closed meeting for the City Manager search.

Mayor Pro-Tem Smith 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 4:09 p.m.