City Council
of the
City of Las Cruces

Regular Meeting

September 6, 2016
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Daniel Avila, Interim 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	
Councillor Ceil Levatino, District 6	

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I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order. Mayor Miyagishima lead the Pledge of Allegiance.

Molly Shrader sang the National Anthem.

Jennifer Martinez from PIO presented the Pet of the Week.

Mayor Miyagishima presented a Mayor's Public Citation to Ricci Hadfield and Elisha Saenz.

Mayor Miyagishima presented a Proclamation to Jeanne Resendez/Mesilla Valley Hospital staff and declared September of 2016 as National Recovery 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 Miyagishima asked if anyone had any conflicts with anything on the agenda?

Mayor Miyagishima said for item #16 I've used Mr. Welch to re-pave my parking lot.

III. PUBLIC PARTICIPATION

Lisa Willman, Member of the Public said I'm the president of Velo Cruces. Sections of the Triviz multi use trail has separated and there are gaps. Jamey Rickman put me in contact with Tim Fulton who put me in contact with Willie Roman.

Frances Sheehan, Member of the Public said I recently relocated to Las Cruces. The Hadley Bicycle Boulevard and in the Downtown should be implemented.

Albert Flores, Member of the Public said I've been on a bicycle tour for the past five years. I'm here to support the designation of La Llorona Trail. The infrastructure here needs some work and maintenance.

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Donna O'Daniel, Chairman of Las Cruces Support Your Local Police Committee read a letter.

Vince Jeffers, Member of the Public said the county is going to implement the Veteran's Port and the review board for the correctional facility. I would ask that you volunteer for those.

IV. READ CLOSED MEETING STATEMENT

a. Read August 18, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 1:30 p.m. on August 18, 2016. The following members were in attendance: Mayor Ken Miyagishima, Councillor Kasandra Gandara, Councillor Greg Z. Smith, Councillor Olga Pedroza, Councillor Jack Eakman, Councillor Gill M. Sorg, and Councillor Cecelia H. Levatino. Staff present was William R. Babington, Jr., City Attorney part of the meeting; James Mercer, Mercer Group part of the meeting; and Daniel Avila, Interim City Manager part of the meeting. The meeting adjourned at 3:45 p.m. Statement for the record: The Las Cruces City Council met in closed session and only discussed those limited items as stated in the posted notice (to discuss limited personnel matters).

V. ACCEPTANCE OF AGENDA

Mayor Pro-Tem Smith Moved to Approve the agenda as amended with the removal of item 8 totally and the removal of items 4, 6 9, and 10 for discussion and Councillor Gandara Seconded

the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the agenda as amended with the removal of item 8 totally and the removal of items 4, 6 9, and 10 and it was Unanimously Approved. 7-0.

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of August 1, 2016
*(2) Regular City Council Meeting of August 15, 2016
*(3) Special City Council Meeting of August 22, 2016

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

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*(5) Resolution No. 17-032: A Resolution to Adopt a Change Order Policy to Supplement the City of Las Cruces Procurement Code, Chapter 24 of the Las Cruces Municipal Code, 1997, as Amended (LCMC).

*(7) Resolution No. 17-034: A Resolution to Approve the Amended Quarterly Financial Report to the New Mexico Department of Finance and Administration for the Period Ending June 30, 2016 and Repealing Resolution No. 17-010.

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

*(4) Resolution No. 17-031: A Resolution Establishing an Ad Hoc Committee to be Known as the Utility Customer Advisory Group, Made up of Five (5) Members to Participate in all Four (4) Utility Services Rate Reviews.

Councillor Sorg Moved to Approve Resolution No. 17-031 and Mayor Pro-Tem Smith Seconded the motion.

Councillor Gandara asked can we have a customer participate on the board?

Dr. Jorge Garcia said anyone who has had an experience with utilities are welcome.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-031 and it was Unanimously Approved. 7-0.

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*(6) Resolution No. 17-033: A Resolution Approving an Amendment to the Home Investment Partnerships Program Grant Agreement Between the City of Las Cruces (City) and Resources for Children & Youth Inc. (RCYI) and Families and Youth Inc. (FYI) for El Crucero, an Affordable Rental Housing Complex.

Councillor Sorg Moved to Approve Resolution No. 17-033 and Councillor Gandara Seconded the motion.

Jan Lauterbach, Affordable Housing gave an overhead presentation.

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Councillor Gandara asked is this transitional or permanent and are we giving additional funding?

Jan Lauterbach said the change is for permanent for 18 years and older. I believe they applied for CDBG funds.

Councillor Gandara asked how much was it?

Brian Kavanagh, CEO of FYI said it was around $27,000.

Councillor Gandara asked what kind of life skills are you providing?

Brian Kavanagh said the youth take a life skills assessment where we develop an individualized?

Councillor Gandara asked what other partners do you collaborate with?

Brian Kavanagh said Community of Hope, VA Office, St. Luke's

Councillor Gandara asked do the youth have a high school diploma?

Monique Lopez said we work with Nancy at the public schools to identify any youth who need housing. She provides referrals and we assess whether they fit the criteria.

Councillor Pedroza said I would appreciate a presentation on this.

Mayor Miyagishima said I think you've prepared them well.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-033 and it was Unanimously Approved. 7-0

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*(9) Resolution No. 17-036: A Resolution to Support the Designation of 4.5 Miles of La Llorona Trail as Part of the New Mexico Rio Grande Trail.

Councillor Sorg Moved to Approve Resolution No. 17-036 and Councillor Eakman Seconded the motion.

Representative Jeff Steinborn said the state is behind this. We would be the first city in New Mexico to have an official Rio Grande Trail adjoining our City. Trails are huge economic development.

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Councillor Sorg said this is also public health.

Peter Livingstone, Member of the Public said I'm on the Board of Directors of the Southern New Mexico Trail Alliance. Our mission is to coordinate these groups for support of ideas like this. It's a great economic opportunity.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-036 and it was Unanimously Approved. 7-0.

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*(10) Resolution No. 16-17-047: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Electronic Fuel Card Services to Wex Bank DBA Wright Express FSC (WEX) of Midvale, Utah for a Term of Four Years Subject to Approved Budget Appropriations and Annual Renewal.

Councillor Sorg Moved to Approve Resolution No. 16-17-047 and Councillor Eakman Seconded the motion.

Councillor Sorg asked is there any talk about expanding natural gas use?

Mayor Miyagishima said we can take that up at a work session.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-17-047 and it was Unanimously Approved. 7-0.

VIII. OLD BUSINESS

(11) Resolution No.17-019: A Resolution Approving "Downtown Plaza" as the Name of the New Plaza Located at the Northeast Corner of Main Street and Griggs Avenue (100 N. Main Street).

Mayor Pro-Tem Smith Moved to Remove Resolution No. 17-019 from the table and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 17-019 from the table and it was Unanimously Approved. 7-0.

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Jamey Rickman, Council and Constituent Services gave an overhead presentation.

Councillor Pedroza said I suggest Justice Plaza in honor of Dan Sosa.

Councillor Eakman said I prefer Plaza Las Cruces or Plaza de Las Cruces as it is about the entire City and not just the Downtown.

Councillor Gandara said St. Genevieve's Plaza or Plaza de Las Cruces.

Councillor Sorg said I would go with Plaza de Las Cruces.

Councillor Levatino said Downtown Plaza.

Mayor Pro-Tem Smith said I would go with Plaza de Las Cruces as it's simple and appropriate to our history.

Mayor Miyagishima said I'll throw out Amistad Plaza in honor of Dan Sosa.

Mayor Pro-Tem Smith Moved to Amend Resolution No. 17-019 to name the plaza Plaza de Las Cruces and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 17-019 to name the plaza Plaza de Las Cruces and it was Approved. 5-2. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino, and Mayor Pro-Tem Smith voted Aye. Councillor Pedroza and Mayor Miyagishima voted Nay.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-019 as amended and it was Unanimously Approved. 7-0.

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(12) Resolution No.17-037: 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).

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Mayor Pro-Tem Smith Moved to Approve Resolution No. 17-037 and Councillor Gandara Seconded the motion.

Amy Johnson Bassford, Grants and Contract Compliance Specialist gave an overhead presentation.

Councillor Pedroza asked is there a plan to have any kind of medians?

Amy Johnson Bassford said the project does include medians on Amador and Melendres.

Jerry Cordova, Civil Engineer Sr. said we are putting medians on all four legs of the intersection.

Amy Johnson Bassford continued with her overhead presentation.

Councillor Levatino said I'm concerned about the Plaza being a heat island. What was used to get the projections?

Lisa LaRocque, Sustainability Officer said there are several different climatic models that are used and fed into a computer system. The two major trends are a low scenario trend and a high scenario trend.

Councillor Levatino said I'm concerned that these projections have no basis.

Mayor Miyagishima said I think we need to look into cooling centers.

Councillor Levatino asked does this require us to match funds?

David Dollahon, Interim City Manager said there is no requirement to match funds. We have five designated facilities as cooling/warming stations.

Councillor Gandara said we should start talking now about plans for next year in a work session.

Donna O'Daniel, Member of the Public said there is evidence that the climate models are not backed by scientific evidence.

Mayor Miyagishima called for roll on the Motion to Approve Resolution No. 17-037 and it was Approved. 6-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Mayor Pro-Tem Smith, and Mayor Miyagishima voted Aye. Councillor Levatino voted Nay.

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(13) Resolution No.17-038: A Resolution Authorizing the Interim City Manager to Sign a Letter of Support for the Doña Ana Arts Council's (DAAC) and City of Las Cruces' Application for the National Endowment for the Arts (NEA) FY17 "Our Town" Grant in the Amount of $50,000.00; and to Obligate the Cash Match Amount of $11,000.00 in the FY18 City Budget.

Councillor Sorg Moved to Approve Resolution No. 17-038 and Councillor Gandara Seconded the motion.

Amy Johnson Bassford, Grants and Contract Compliance Specialist gave an overhead presentation.

Councillor Eakman asked who is the fiduciary on this grant?

Amy Johnson Bassford said it will be submitted by the Doña Ana County Arts Council and they will be the fiscal agent.

Councillor Eakman asked is there any liability on the City's part?

Amy Johnson Bassford said the Doña Ana Arts Council will take responsibility for the funds with liability language to cover the City if there is a problem with the grant we would get the funds back.

David Dollahon said this is just authorizing us for an application. There's no guarantee of funding.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-038 and it was Unanimously Approved. 7-0.

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(14) Resolution No.17-039: A Resolution Approving a Special Use Permit Application to Construct a New Wireless Communication Facility on a Property Located at 2499 El Camino Real. The Subject Property Encompasses 6.61± Acres and is Zoned M-1/M-2C (Industrial Standard-Conditional). Submitted by Wireless Resources, Inc./Central State Tower Behalf of Fiesta Properties, LLC, Property Owner (67384).

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Councillor Sorg Moved to Approve Resolution No. 17-039 and Councillor Pedroza Seconded the motion.

Adam Ochoa, Planner gave an overhead presentation.

Mayor Miyagishima asked is this for a particular company?

Adam Ochoa said it is for Verizon Wireless.

Councillor Eakman asked did you send out letters to the surrounding properties?

Adam Ochoa said yes.

Councillor Eakman asked did you only receive one response?

Adam Ochoa said yes.

Mayor Pro-Tem Smith asked how would the surrounding properties have first heard about this?

Adam Ochoa said the same amount of letters was sent out for the P&Z meeting and this Council meeting along with a sign located on the property. We also advertised in the Las Cruces Sun News.

Mayor Miyagishima asked do we not send certified mail anymore?

Adam Ochoa said we are required to send out certified mail within 200 feet of the property.

Councillor Pedroza asked what makes it the best available site?

Adam Ochoa said it's is rather technical and that's why we hired a consultant. This is the only industrially zoned area.

Councillor Pedroza asked are there any required setbacks between the residential and this type of communication facility?

Adam Ochoa said a tower is required to meet a one foot setback for each foot in height from any adjacent residential property plus 10%.

Councillor Gandara asked who gets certified mail and who doesn't?

Adam Ochoa said we send out certified mail outs for all adjacent property within 100 feet minus adjacent right-of-way. We send out regular mail outs to property owners within 500 feet.

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Councillor Gandara asked would there be a consideration to disguising the tower?

Mayor Pro-Tem Smith said there is nothing around the tower to help mask it so probably clean and simple would be best.

Councillor Pedroza asked would the tower decrease the value of property?

Adam Ochoa said we haven't seen any evidence showing that would happen but we have no data.

David Weir said the City doesn't establish property values. The property is already zoned industrial so it allows telecommunications towers to be placed in it.

Councillor Eakman asked is this a tower for future expansion?

Mike Gallagher, Wireless Resources said Verizon Wireless is proposing to use 60 feet and leaving two additional spaces above them.

Councillor Eakman asked is the tower owned by a third party?

Mike Gallagher said it will be owned by CST and Verizon Wireless will be the tenant.

Councillor Sorg asked would the applicant be opposed to concealing this tower?

Mike Gallagher said we did look into those options but it became a safety issue because the tower is taking over an existing unit.

Councillor Sorg asked can you explain the taking over part?

Mike Gallagher said there's an existing unit there now.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-039 and it was Approved. 6-0. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith, and Mayor Miyagishima voted Aye. Councillor Pedroza was absent.

X. BOARD APPOINTMENTS

Mayor Miyagishima appointed Susana Santillan to the ADA Advisory Committee.

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Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's appointment of Susana Santillan to the ADA Advisory Committee and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve his appointment of Susana Santillan to the ADA Advisory Committee and it was Approved 6-0. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted Aye. Councillor Pedroza was absent.

Mayor Miyagishima appointed Charles Caves to the Veterans Advisory Board.

Councillor Eakman Moved to Approve Mayor Miyagishima's appointment of Charles Caves to the Veterans Advisory Board and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve his appointment of Charles Caves to the Veterans Advisory Board and it was Approved. 6-0. Councillor GAndara, Councillor Eakman, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted Aye. Councillor Pedroza was absent.

Mayor Miyagishima appointed Etta Kaufman to the Affordable Housing Land Bank & Trust Fund Advisory Committee.

Councillor Eakman Moved to Approve Mayor Miyagishima's appointment of Etta Kaufman to the Affordable Housing Land Bank & Trust Fund Advisory Committee and Councillor Gandara

Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve his appointment of Etta Kaufman to the Affordable Housing Land Bank & Trust Fund Advisory Committee and it was Approved 6-0. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted Aye. Councillor Pedroza was absent.

XI. 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).***

(15) Council Bill No. 17-004; Ordinance No. 2790: An Ordinance Approving a Zone Change from C-3 (Commercial High Intensity) to PUD (Planned Unit Development) and a Request for Approval of a Concept Plan for a PUD Known as Las Cruces Dental Plaza PUD. The Subject Property Encompasses 1.99± Acres of Land and is Located at the Northeast Corner of Don Roser Drive and East University Avenue. Submitted by Zia Engineering & Environmental Consultants, LLC on Behalf of Mesilla Valley Dental Properties, LLC, Property Owners (65151).

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Mayor and Council agreed to bring back.

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(16) Council Bill No. 17-005; Ordinance No. 2791: An Ordinance Approving a Zone Change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to C-3 (Commercial High Intensity) on a 1.69± Acre Parcel Located at 2100 W. Hadley Avenue. Submitted by Paul Pompeo on Behalf of Boyd Lee Welch, Trustee, Property Owner (67825).

Mayor and Council agreed to bring back.

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(17) Council Bill No. 17-006; Ordinance No. 2792: An Ordinance Approving a Zone Change from R-2 (Multi-Dwelling Low Density) to R-3C (Multi-Dwelling Medium Density-Conditional) on a 14.2± Acre Parcel Located on the East Side of Bixler Drive, 855± Feet North of its Intersection with Bataan Memorial West. Submitted by Jared Curry, Managing Agent, on Behalf of Dillon Mountain Enterprises LLC, Property Owner (66940).

Mayor and Council agreed to bring back.

XII. CITY COUNCIL MEMBER BOARD REPORTS

Councillor Sorg said the Economic Development Committee has worked on a business survey for months and it is ready to go. We discussed the internet services in the City and are seeking to increase internet service within the City.

XIII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I would like to propose yard signs to support our police department.

Mayor Pro-Tem Smith asked do we have yard sign ordinances?

Mayor Miyagishima said it would be however we did the Respect Our Neighborhood signs.

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Councillor Levatino said there is a church in town who has yard signs saying We Love Our Church so I'm assuming there aren't any restrictions.

David Dollahon, Interim City Manager said per the City code as long as we're not advertising something we would look to see them on private property.

Mayor Miyagishima said I'd like to propose a resolution so that Motel Boulevard will be informally known as Jim Bradley Memorial Roadway.

Mayor Pro-Tem Smith said I think this is a good idea.

David Dollahon said I'll work with staff to look at this as a designation.

Mayor Miyagishima said I want to apologize about the bus services for the veterans to the clinic. They will be using Dial-A-Ride for door-to-door service.

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b.) Council

Councillor Pedroza said I would like to do something to commemorate Judge Justice.

She said Commissioner Garrett talked about a new MOU between the City and the Regional Leadership Consortium so if we could get that on the agenda soon.

David Dollahon, Interim City Manager said it has been turned over to the Community Development staff. I anticipate the resolution will be brought forward in October.

Mayor Pro-Tem Smith said I was at the Annual Conference of the New Mexico Municipal League last week and one of the presentations was on maker spaces.

Councillor Levatino said I want to express my sadness over the death of the office in Alamogordo.

She said my husband and I visited the museums. The exhibits were fascinating and educational. I want to encourage others to take advantage of this great system.

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Councillor Sorg said the City of Nienburg is very warm and friendly. I was taken on a tour of City Hall. They were interested in what we were doing in our City.

Councillor Eakman said next Monday at 6:00 p.m. in the Council Chambers will be the District 4 meeting.

Councillor Gandara said I attended the grand opening of the Mobile Fresh Market sponsored by La Semilla.

She said I attended the Mindfulness in Business Luncheon where they talked about a compassionate business district.

She said I attended a Green Chamber event where I met a lady who provides mentoring for startups. It's a wonderful resource for those starting up a business.

She said I attended a tour of the United States District Court where Arianna Parsons talked to Judge Breck about the crosswalks. He wants to help us get that done.

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c.) City Manager

David Dollahon, Interim City Manager said we have a closed meeting immediately after this meeting.

He said we've been requested to have a special meeting next Monday for a liquor license approval.

He said we have appointed Mandy Guss as the Interim Economic Development Coordinator. The position will be posted for a month.

He said we got an email about Downtown parking. I met with Ms. Allred from Bank of the West and reiterated our concern about parking.

He said we're working on the trees at the Plaza.

He said the FY17 budget was approved by the Department of Finance and Administration.

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

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

Council said "Aye."

Meeting Adjourned at 4:26 p.m.