City Council
of the
City of Las Cruces

Regular Meeting

June 20, 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

I. OPENING CEREMONIES

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

Jennifer Martinez from PIO presented the Pet of the Week.

Mayor Miyagishima presented a Mayor's Public Citation to Socorro Caballero, Bus Operator for her great customer service and honesty in finding and returning $680 to Ms. Kearns that she found on the bus route that she drives.

Mayor Miyagishima presented a Mayor's Public Citation to Loretta Covarrubia and Margaret Hensley (Transportation Department) and Mayor's Community Citation to Many Martinez, Security Guard for their participation/assistance in contacting Ms. Kearns.

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.

Councillor Eakman said my son was homeless but I don't think that biases me on #11.

Mayor Pro-Tem Smith said I don't believe that biases Councillor Eakman.

Mayor Miyagishima said as long as the award doesn't go directly to him then we're good.

III. PUBLIC PARTICIPATION

Michael White, Member of the Public said I own White's Music Box on the Downtown Mall. Parking is important and I think a board needs to be established.

Mayor Miyagishima said we could probably put together an ad hoc committee.

Michael Wright said I think we need a committee to do an ongoing study.

Mayor Miyagishima asked how soon were you looking to establish this?

Michael Wright said now.

Councillor Sorg asked is there such a committee?

Daniel Avila said we have a plan but there is no committee.

Councillor Levatino asked are you asking for a committee to go look at the old studies or a new study?

Michael Wright said both previous studies have suggested a parking commission to plan for future parking issues.

Donna O'Daniel, Member of the Public said I'm Chairman of the Las Cruces Support Your Local Police Committee. Resistant to police has been more prevalent. The purchase of body cameras will protect them from possible threats and allegations. We urge City Council not to become involved in national programs designed to destroy local control of police.

Jean Conway, Member of the Public said I'm Vice President of Velo Cruces. We want to encourage a full time staff for bicycles and pedestrians. The East Mesa is lacking bicycle facilities.

Mayor Miyagishima said I have people who want to volunteer as I don't think we can move forward with a full time position. What we have in Metro Verde is the gold standard we would like to see in all subdivisions.

IV. READ CLOSED MEETING STATEMENT

a. Read June 13, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 4:15 p.m. on June 13, 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, Councillor Cecelia H. Levatino, Interim City Manager Daniel Avila, David Dollahon, Assistant City Manager, Loretta Reyes, Assistant City Manager, Dr. Jorge Garcia, Utilities Director, William R. Babington, Jr., City Attorney, and Jaime Montoya, Chief of Police (part of the meeting). The meeting adjourned at 5:10 p.m. 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 personnel matters, pending litigation and real property matters).

V. ACCEPTANCE OF AGENDA

Councillor Sorg Moved to Approve the agenda as presented and Councillor Eakman 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.

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of June 6, 2016

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

*(2) Resolution No. 16-240: A Resolution Approving an Amendment to the Home Investment Partnerships Program Recoverable Grant Agreement Between the City of Las Cruces and Mesilla Valley Habitat for Humanity for the Construction of Five (5) Single Family, Owner-Occupied Affordable Housing Units in Rincon Mesa Subdivision, Phase 1.

*(3) Resolution No. 16-241: A Resolution Amending the Contract Between the City of Las Cruces and Community Strategies Institute for an Increase in Price of $2,410.00 Plus a Contingency of $10,000.00 for the Completion of the 2016-2020 Consolidated Plan and

Analysis of Impediments to Fair Housing Choice, 2016 Action Plan, and Affordable Housing Plan.

*(4) Resolution No. 16-242: A Resolution Accepting Funding in the Amount of $3,400.00 from the North Central New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (NMAAA) for Senior Programs and to Adjust the City's Adopted FY2016 Budget.

*(5) Resolution No. 16-243: A Resolution Approving a Roadway Lighting Maintenance Agreement Between the City of Las Cruces and the New Mexico Department of Transportation to Provide for the Maintenance of Roadway Lighting on Interstate 10 at Exit 135, Picacho Ave., NMDOT Control No. 9900362.

*(6) Resolution No. 15-16-092: A Resolution Approving an Indefinite Quantity, Indefinite Cost Price Agreement for the Purchase of Office Furnishings and Related Services and Workplace Solutions for City of Las Cruces (City) Departments Through Facilities Connection, El Paso, Texas, Haworth Preferred Dealer, via Existing Contract No. 4400003402 Between U.S. Communities, Government Purchasing Alliance, and Haworth, Inc., and Through Contract Associates, Albuquerque, New Mexico, Haworth Dealer, via Existing Contract No. 40-000-14-00048 Between the State of New Mexico and Haworth, Inc. for a Term of Four (4) Years, Subject to Approved Budget Appropriations and Annual Renewal.

*(7) Resolution No. 15-16-106: A Resolution Awarding an Indefinite Cost, Indefinite Quantity Price Agreement for Security Guard Services for Mesilla Valley Intermodal Transit Terminal (MVITT) to Security Concepts, Inc. of Las Cruces, New Mexico for Three Years Subject to Approved Budget Appropriations and Annual Renewals.

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

(8) Resolution No.16-244: A Resolution Approving a Senior Programs' Fees and Charges Schedule for FY2016/2017 and Repealing Resolution 14-202.

Councillor Sorg Moved to Approve Resolution No. 16-244 and Mayor Pro-Tem Smith Seconded the motion.

Sonia Saldana, Senior Programs Administrator gave an overhead presentation.

Mayor Pro-Tem Smith said the only thing I have to suggest is to change December 21, 2016 to 2015.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-244 and it was Unanimously Approved. 7-0.

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(9) Resolution No.16-245: A Resolution for Approval of an Amendment to the Management Agreement (Agreement) Between the City of Las Cruces (City) and the Dona Ana Arts Council (DAAC), for an Increase in the Original Contract Amount from $100,000.00 to $120,000.00 for Year Three of a Possible Five-Year Management Agreement, for Operation of the Rio Grande Theater (RGT), Located at 211 N. Main Street, Las Cruces, New Mexico, Subject to Annual City Council Approval.

Councillor Sorg Moved to Approve Resolution No. 16-245 and Councillor Gandara Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation.

Mayor Pro-Tem Smith said item 2 should give authorization to the City Manager.

Councillor Pedroza said it would be important to put measurable goals in the contract.

Eric Martin said it has been a work in progress.

Mayor Miyagishima asked can it go out for bid after the five years?

Eric Martin said it is renewable annually so you can recommend taking a different path.

Mayor Miyagishima asked what type of information does the City have to show whether or not it is deserving of an additional year of contract or increased funding?

Eric Martin said we only have two years of information so we recommend an additional year to gather data.

Mayor Miyagishima asked was there an increase or decrease?

Eric Martin said historically we've needed to subsidize the funding. They're supplementing their existing funding by $50,000.

Councillor Pedroza said I wanted to know what kinds of information we have in terms of what they are able to do, how well they are able to do it, are there plans to reach certain numbers, and what numbers are those.

Kathleen Albers, Executive Director of the Doña Ana Arts Council said we have a lot of data and those reports get sent to staff on a monthly basis. We've taken on the mission and deliverables of the Arts Council for the theater. We measure qualitative versus quantitative.

Mayor Miyagishima asked what was your budget last fiscal year?

Kathleen Albers said we received $100,000 from the Council and the budget was around $270,000.

Mayor Miyagishima asked what was the shortfall?

Kathleen Albers said the first year we operated at about a $45,000 shortfall and this year a similar situation.

Mayor Miyagishima asked if we give you the extra $20,000, how will you make up the $25,000 shortfall?

Kathleen Albers said this year we have an investment fund that we're pulling our funds from.

Councillor Gandara said I know there are two entities who were interested in possibly running the Rio Grande. I think we need clear, measurable outcomes. I have heard concerns about how often the theater sits idle. It may be time to hire a consultant.

Councillor Sorg said I want to make sure that the money is wisely spent. I suggest putting on one day art classes with artists.

Mayor Miyagishima asked did we go out to bid?

Eric Martin said we have not sent any type of request for proposal.

Mayor Miyagishima said I think we should move forward but maybe look at some of these comparisons in six months when we have more data. We also should come up with a vision statement for them.

Mayor Pro-Tem Smith said I think we should give them something sooner as to what we're looking for.

Kathleen Albers said if we had a lot of free shows, we wouldn't be generating income. It's a complex process that we have to take into account the quality and type of program.

Councillor Eakman said I'm confused about what we want the Rio Grande Theater to be. I would like the City staff to come back with what the mission is before December.

Mayor Pro-Tem Smith said we need to establish for them and for ourselves the expectations.

Councillor Pedroza said at a work session in September or October we could probably give feedback as to what direction we see the theater going.

Eric Martin said the board is requesting to release $10,000 in July, $5000 in December, and $5000 in June plus the normal monthly payment.

Councillor Pedroza asked is that a change from the information in the packet?

Eric Martin said yes, it would be a change to the actual agreement.

Rusty Babington, City Attorney said the agreement that implements the payments is a separate agreement.

Mayor Pro-Tem Smith Moved to Amend Resolution No. 16-245 to change Exhibit A to include the additional amounts of $10,000 to be released in July of 2016, $5000 to be released in December of 2016, and $5000 to be released in June of 2017 and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-245 to change Exhibit A to include the additional amounts of $10,000 to be released in July of 2016, $5000 to be released in December of 2016, and $5000 to be released in June of 2017 and it was Unanimously Approved. 7-0.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-245 as amended and it was Unanimously Approved. 7-0

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(10) Resolution No.16-246: A Resolution Declaring the Intent of the City of Las Cruces, New Mexico to Issue a Tax-Exempt Industrial Revenue Bond Entitled 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 up to $5,000,000 in Connection with the Engineering, Design and Installation of Manufacturing and Processing Equipment for a Dairy Processing Plant Located in the City of Las Cruces (The "Project"), for the Purpose of Inducing F&A Dairy or its Successors or Assigns, to Acquire and Install the Project and to Pay the Costs of the Project from Proceeds of the Bonds; and Concerning Related Matters.

Councillor Eakman Moved to Approve Resolution No. 16-246 and Councillor Sorg Seconded the motion.

Karin Byrum, Interim Treasurer gave an overhead presentation.

Peter Franklin, Bond Council from Modrall Sperling continued with the overhead presentation.

Mayor Miyagishima asked was the money used to purchase business property?

Peter Franklin said that is correct.

Mayor Miyagishima said this exempts them from having to pay property tax.

Councillor Sorg asked do we have personal or inventory taxes?

Peter Franklin said that is all part of the assessed value of a commercial piece of property.

Councillor Sorg asked will the new things they buy be exempt from the taxes?

Peter Franklin said yes.

Councillor Sorg asked where is the cheese sold relative to Las Cruces?

Casey Habersang, CFO of F&A Dairy said primarily they're sold domestically and a couple of local distributors in Las Cruces.

Councillor Sorg asked what brand name is the cheese?

Casey Habersang said our label is F&A. We do private label products. The Toucan Market has F&A cheese.

Councillor Sorg asked will there be change in your employment numbers?

Casey Habersang said we currently have 15-20 job openings. The bulk of the funding will go towards equipment, which will generate about 20 more jobs.

Mayor Miyagishima asked what is the average wage you pay?

Casey Habersang said $9.50. We also offer a performance incentive bonus for those who show up to work on time and follow the rules.

Mayor Pro-Tem Smith asked is the new equipment going to require new housing and is that going to be highly visible?

Casey Habersang said the salt drying pond will be a fenced in property with a couple of large dug in ponds.

Councillor Pedroza asked what do you do with the water?

Casey Habersang said the water will evaporate out of the salt ponds and then circulate the water back into the wastewater system.

Councillor Pedroza asked do you provide transportation to your employees?

Casey Habersang said a lot of that is by personal vehicles but we have discussed that.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-246 and it was Unanimously Approved. 7-0.

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(11) Resolution No.16-247: A Resolution Amending the City's FY2016 Budget Authorizing the Expenditure of City Council Contingency Funds to Supplement Funding to Mesilla Valley Community of Hope for Homeless Veterans Activities.

Councillor Sorg Moved to Approve Resolution No. 16-247 and Councillor Eakman Seconded the motion.

David Dollahon, Assistant City Manager gave an overhead presentation.

Mayor Miyagishima said we have a certain amount of money budgeted for the fiscal year and the money we have left in our contingency funds is being used to make up this difference.

Mayor Pro-Tem Smith said we might want to consider combining efforts with the state and federal government and look at what other efforts the City is making to help the Veterans long term.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-247 and it was Unanimously Approved. 7-0.

IX. BOARD APPOINTMENTS

There were none.

X. 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).*

(12) Council Bill No. 16-026; Ordinance No. 2785: An Ordinance Repealing Las Cruces Municipal Code (LCMC), Sections 34-1 Through 34-105, and Enacting New Sections LCMC 34-1 Through 34-107, Article II-Flood Damage Prevention, and Adopting the Federal Emergency Management Agency (FEMA) Revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM).

Mayor and Council agreed to bring back.

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(13) Council Bill No. 16-027; Ordinance No. 2786: An Ordinance Authorizing the Issuance and Sale of up to $5,500,000 City of Las Cruces, New Mexico Gross Receipts Tax Revenue Bonds, Series 2016, for Flood Control Improvement Projects.

Mayor and Council agreed to bring back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said we will move forward with the ad hoc committee on parking.

He said I'm proposing a resolution to take to the legislation about trying to reduce gun violence by enacting comprehensive background checks for firearm sales. This will primarily target private gun shows.

Councillor Pedroza said it is fine to put on the agenda.

Councillor Eakman asked would we be considering this because of the safety effects to the City of Las Cruces?

Mayor Miyagishima said this would be statewide.

Councillor Levatino said I would request that we have enough time to check all the statistics.

Councillor Gandara said I'm in agreement of bringing it forward.

Councillor Sorg asked could you add criminal and mental health background checks?

Mayor Miyagishima said the legislature did move forward with requiring both.

He said I thought we had purchased a software so that we could target an area in the City where there are utility outages.

David Dollahon said we'll check into it.

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b.) Council

Mayor Pro-Tem Smith said I appreciate the suggestion that Council members donate blood last week.

He said I hope we can start a public dialogue or convene a task force about gun control to take a different approach.

He said artwork has been submitted by the winning artists commissioned to produce art for the plaza. I do have some concerns about the plaza that need to be answered.

He said Friday I was included in the Juneteenth Banquet.

He said Saturday I was included in the Veteran's Appreciation Luncheon by El Caldito.

He said I know Verizon is looking at putting a cell tower at Locust and University. I hope that

consideration will be given to the architecture and being unobtrusive.

He said I concur with the parking commission.

Councillor Levatino said I also attended the luncheon Saturday and it was well attended.

Councillor Sorg said I have nothing.

Councillor Eakman said this evening is the District 4 meeting here at City Hall.

He said I applauded Daniel Avila on the Interim City Manager Newsletter because of the data involved. I encourage City staff to come up with more measurements.

Councillor Pedroza said Juneteenth was excellent. Chief Montoya was a keynote speaker and he did a marvelous job.

Councillor Gandara said I am agreement with moving forward with the parking commission.

She said our first meeting of the suicide task force will be this Wednesday from 6-8 p.m. at the Double Eagle.

She said we talked about looking at the Health and Human Services funding to help support the Community of Hope's shortfall.

Mayor Miyagishima said we don't have anything specific but we have something on the August 8th about the Veteran's Village Project proposal. We could talk about Community of Hope on September 26th.

Councillor Gandara said Daniel Avila has been very responsive and I'm very appreciative.

She said I was concerned about an article I read about the Weed and Seed Program and I think it would be important to have some dialogue.

She said I also want to say kudos to the utilities department on the two main waterline breaks.

Mayor Miyagishima said why don't we put the Weed and Seed on the agenda for September 26th.

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c.) City Manager

Daniel Avila, Assistant City Manager said there is going to be a workshop on June 23rd on terrorist attacks.

He said there will be no work session next Monday.

He said we have staff looking into Mayor Pro-Tem Smith's concerns with the plaza.

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

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

Council said "Aye."

Meeting Adjourned at 3:55 p.m.

Mayor

City Clerk

(SEAL)