



**City Council
of the
City of Las Cruces**

Regular Meeting

November 16, 2015

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Ceil Levatino, District 6

STAFF:

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

I. OPENING CEREMONIES

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

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Councillor Pedroza presented a Proclamation to Becky Horner and declared Tuesday, November 17, 2015, as Las Cruces Prematurity Awareness 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 is none.

III. PUBLIC PARTICIPATION

Steve Chavira, Member of the Public said I'm the Chief Executive Officer for the Las Cruces Homebuilders Association and want to congratulate Mayor and Councillor Smith on stepping back into their roles. I want to congratulate our two new City Councillors. We want to make sure we have an open dialogue with the new Councillors. We wish Councillor Silva and Councillor Small the best.

IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.

Mayor Pro-Tem Smith Moved to Approve the Agenda as presented and Councillor Sorg 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 October 19, 2015

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

(2) Council Bill No. 16-009; Ordinance No. 2768: An Ordinance in Accordance with the Local Economic Development Plan Authorizing the City of Las Cruces to Act as Fiscal Agent for a Local Economic Development Act Project Known as the Ol' Gringo Chili Company Project.

Mayor Pro-Tem Smith Moved to Approve Ordinance No. 2768 and Councillor Small Seconded the motion.

Cruz Ramos, Economic Development Specialist gave an overhead presentation.

Councillor Silva asked what type of jobs will be created?

Christine Logan, New Mexico Economic Development Department said the jobs being created are in the production.

Davin Lopez, CEO of Mesilla Valley Economic Development Alliance said this is one of the first projects we've seen that is using economic development dollars towards existing companies in the community.

Mayor Miyagishima asked do you want to expand on the award you just recently received?

Davin Lopez said New Mexico Idea is a statewide economic development advocacy and policy group. It's made up of economic practitioners from around the state. This week they awarded me Economic Developer of the Year for the State of New Mexico.

Councillor Sorg said at the recent National League of Cities Convention one of the themes was economic development and how cities across the country are teaming up with their sister cities.

Councillor Levatino asked how many employees do you have now and will this be an additional 10 to what you have now?

Rachel Snyder said we currently have four employees that are not full time so our first goal is to take them into permanent full time positions and then the 10 above the 4.

Councillor Levatino asked where are you located?

Rachel Snyder said it's off of Lakeside Drive.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2768 and it was Unanimously Approved. 7-0.

VII. CLOSING CEREMONIES

Mayor Miyagishima recognized Councillor Silva.

Mayor Miyagishima recognized Councillor Small.

Council recognized Councillor Silva and Councillor Small.

VIII. RECESS OF OLD COUNCIL

Councillor Silva Moved to Adjourn and Councillor Small Seconded the motion.

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

Council said "Aye."

Meeting recessed at 2:00 p.m.

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, Interim City Clerk

IX. OPENING CEREMONIES

- a.) Administration of Oath of Office to Presiding Municipal Judge Kieran F. Ryan
- b.) Administration of Oath of Office to Mayor Ken Miyagishima
- c.) Administration of Oath of Office to Councillor Kasandra A. Gandara
- d.) Administration of Oath of Office to Councillor Gregory Z. Smith
- e.) Administration of Oath of Office to Councillor Jack Eakman

X. ORGANIZATIONAL CEREMONIES

- a) Selection of Mayor pro tem from among Council.

Councillor Pedroza Moved to Appoint Councillor Sorg as Mayor Pro-Tem and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Appoint Councillor Sorg as Mayor Pro-Tem and it Failed. 3-4. Councillor Pedroza, Councillor Sorg, and Mayor Miyagishima voted aye. Councillor Gandara, Councillor Eakman, Councillor Levatino and Councillor Smith voted nay.

Councillor Levatino Moved to Appoint Councillor Smith as Mayor Pro-Tem and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Appoint Councillor Smith as Mayor Pro-Tem and it was Approved. 6-1. Councillor Gandara, Councillor Eakman, Councillor Sorg, Councillor Levatino, Councillor Smith and Mayor Miyagishima voted aye. Councillor Pedroza voted nay.

XI. 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 is none.

XII. PUBLIC PARTICIPATION

Dolores Archuleta, Member of the Public said the Veteran's Parade was very well attended and I would like to thank the National Guard for their support. Next year's parade will be on a Friday and will be on Downtown Main Street. We have honored 102 World War II veterans. On December 5th, we are going to have an Enchilada Fundraiser and the proceeds will go for the 42 children out of Weed and Seed who are in need of winter clothing. The City will be sponsoring Winterfest at Klein Park.

Wayne Hancock, County Commissioner said I would like to congratulate the new elected officials and the Commission looks forward to working with you.

Max Bower, President of the Las Cruces Homebuilders Association said I wanted to congratulate the Mayor and Councillors on their wins. We look forward to working with all of you. We would like impact fees, more modern permitting infrastructure and new ideas on consolidating field inspection processes looked at this coming year.

Dolores Connor, Member of the Public said congratulations to the Mayor on his third term, Mayor Pro-Tem on his reappointment, and congratulations to Councillor Gandara and Eakman. I want to tell you to stay strong and you have a lot of staff to help.

George Pearson, Member of the Public said I would like to request a shoulder on Main Street between Avenida de Mesilla and Boutz. Protected bicycle lanes should be added to the Amador Proximo area. If we can make Las Cruces known for Downtown bicycling, we will become nationally known. The City should look at a bicycle commuter program.

Mayor Miyagishima asked is it an ordinance that bicyclists riding at night have to have a light on the front?

George Pearson said it is state and city.

Mayor Miyagishima asked would you support if the City enforced that more?

George Pearson said I don't have problems with the City enforcing that.

Mayor Miyagishima asked would you support this as a bicyclist?

George Pearson said twice a year we go to the Community of Hope and put lights on their bikes. Maybe there could be some education efforts with the police department to get lights on bikes.

Davin Lopez, CEO and President of the Mesilla Valley Economic Development Alliance said we look forward to working with all the members of City Council. We invite you to get to know us. I hope we will put job creation as the number one priority.

Mayor Miyagishima said I think it would be nice to have a work session with you.

XIII. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.

Councillor Pedroza 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.

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

- * (3) Resolution No. 16-106: A Resolution Authorizing the City of Las Cruces, on Behalf of its Police Department, to Accept a Grant Award in the Amount of \$33,304.00 from the Department of Justice, Bureau of Justice Assistance, FY15 Edward Byrne Memorial Justice Assistance Grants (JAG) Program Local Solicitation, to Ratify the City Manager's Signature on the Grant Agreement and to Approve a Budget Adjustment to the FY 2016 Approved Budget.
- * (4) Resolution No. 16-107: A Resolution to Approve a Memorandum of Agreement Between the City of Las Cruces (City) and the New Mexico Department of Transportation (NMDOT), to Accept Grant Funding in the Amount of \$186,695.00 for the Purchase Replacement of Roadrunner Transit Vehicles, to Obligate a Local Match Amount of \$46,673.75, and to Adjust the FY2016 Budget.
- * (5) Resolution No. 16-108: A Resolution Approving an Indefinite Cost and Indefinite Quantity Price Agreement to Purchase Commercial Insurance Package (to Include: Airport Liability, Auto Physical Damage, Boiler & Machinery, Contractor's Equipment, Crime, Crisis Prevention, Cyber Liability, Fine Arts, Pollution, and Excess Workers' Compensation); Through the City Contracted Broker, Alliant Insurance Services, Inc., for a Term of up to Five (5) Years Conditioned Upon Annual Renewals and Approved Budgets.
- * (6) Resolution No. 15-16 046: A Resolution Awarding an Indefinite Quantity, Indefinite Cost Price Agreement for Road Construction Materials to Cemex, Inc.; Russel Sand & Gravel, Co.; and Mesilla Valley Concrete and Materials, All of Las Cruces, NM, for One (1) Year with the Option to Renew for Three (3) Additional One (1) Year Periods, Subject to Approved Budget Appropriations and Annual Renewal.
- * (7) Resolution No. 15-16-099: A Resolution Approving an Indefinite Quantity, Indefinite Cost Price Agreement for the Purchase of Uniforms for City Departments Via Existing Contract Nos. 16-086 Between Doña Ana County and Kel-Lac Uniforms of San Antonio, Texas; 16-101 Between Doña Ana County and Bazaar Uniforms and Men's Store, LLC of El Paso,

Texas with the Option to Renew for an Additional Three (3) one (1) Year Terms; and A1465-10 Between US Communities and ServiceWear Apparel, Inc. Of Nashville, Tennessee Subject to Approved Budget Appropriations and Annual Renewal.

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

- (8) Resolution No. 16-109: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for the Transfer of Location of Liquor License No. 2647 to Halo's, Located at 2460 South Locust Street, Suite F, Las Cruces, New Mexico.

Councillor Sorg Moved to Approve Resolution No. 16-109 and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima asked did we get any complaints?

Rusty Babington said we did not.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-109 and it was Unanimously Approved. 7-0.

- (9) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 16-110; A PUBLIC HEARING MUST BE HELD:** Resolution No. 16-110: A Resolution Approving the Transfer of Location of Liquor License No. 2647, with On Premise Consumption Only, to Halo's Located at 2460 South Locust Street, Suite F, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 16-110 is now open. Is there anyone who wishes to speak against this item?

No one spoke.

Mayor Miyagishima said the Public Hearing for Resolution No. 16-110 is now closed.

Councillor Sorg Moved to Approve Resolution No. 16-110 and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-110 and it was Unanimously Approved. 7-0.

- (10) Resolution No. 15-16-029: A Resolution to Award an Indefinite Quantity, Indefinite Cost Price Agreement for Paint and Body Repair Services for Fleet Vehicles to ABC Paint and Body, LLC of Las Cruces, New Mexico and the Body Works Collision and Refinishing of Las Cruces, New Mexico for a Term of Four (4) Years Subject to Approved Budget Appropriations and Annual Renewal.

Councillor Sorg Moved to Approve Resolution No. 15-16-029 and Mayor Pro-Tem Smith Seconded the motion.

Lecann DeMouche, Fleet Administrator gave an overhead presentation.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-16-029 and it was Unanimously Approved. 7-0.

XVI. BOARD APPOINTMENTS

Mayor Miyagishima appointed William J. Beerman to the Capital Improvements Advisory Committee.

Councillor Sorg Moved to Approve Mayor Miyagishima's board appointment of William J. Beerman to the Capital Improvements Advisory Committee and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of William J. Beerman to the Capital Improvements Advisory Committee and it was Unanimously Approved. 7-0

XVII. 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).

- (11) **Council Bill No. 16-010; Ordinance No. 2769:** An Ordinance Enacting a New Subdivision XX of Division 3 (Nonstandard Boards) of Article IV (Boards, Commissions, and Committees) of Chapter 2 (Administration) of the Las Cruces Municipal Code, 1997, as Amended, Establishing the Economic Development Committee.

Mayor and Council agreed to bring back.

Councillor Gandara asked how do you select someone from the district?

David Dollahon said we established this board by resolution and now we've determined that it is in the best interest of the City to make it a permanent board and we do this by amending the board ordinance. It will retain the existing membership structure.

XVIII. CITY COUNCIL MEMBER BOARD REPORTS

Councillor Levatino said the Airport Advisory Board met with Delta last Thursday. Delta gave us some issues that they were seeing and the direction we were wanting to go.

XIX. GENERAL DISCUSSION

b.) City Council

Councillor Gandara said November 21st is National Adoption Day and we'll be celebrating in Doña Ana County on November 23rd.

Councillor Pedroza said last week I attended a Veteran's Day Concert at Hermosa Heights Elementary and am going to work on the first and fourth graders to come sing the Star Spangled Banner at one of our Council meetings.

She said on November 14th I attended Superheros Training for parents at the detention center.

She said December 2nd at 7:00 p.m. the Veteran's Theater will be presenting at the Rio Grande Theater.

She said on December 12th at 6:30 p.m. the Bellas Artes Sin Fronteras will be at the Rio Grande Theater.

She said Rotary International had a essay contest for eighth graders on what they wanted from the City and we were invited.

She said the Chicano Programs at NMSU provides documents in Spanish on applying to school.

She said I received a letter from the Mesilla Valley Community of Hope with statistics on how they've helped the homeless.

Councillor Eakman said I'm humbled to be here and will speak when I have something to say.

Councillor Sorg said I suggest we have the three winners of the eighth grade essays by the rotary club come present their essays.

He said budget planning is coming soon and I propose we provide more funding to Parks and Rec for weed control.

He said I also would like to have a work session on the Affordable Housing budget.

He said the misunderstanding of our Hold Harmless Gross Receipts Tax misleads the public to how the Council is handling this.

He said the three things they emphasized at the National League of Cities was the economy, infrastructure and technology. It seems like we're right on track with the rest of the country. The new president of the league is from the City of Joplin.

Councillor Levatino said Mayor Pro-Tem Smith and I had the opportunity to attend the celebration of Doña Ana Community College's re-accreditation of the nursing program.

Mayor Pro-Tem Smith said I welcome our new members and for your trust in me to continue as mayor pro-tem.

He said as far as National Adoption day both my wife and mother-in-law were adopted.

He said as far as Bellas Artes, I've been in that building in Mexico.

He said I would like to thank the Parks Department for getting the Camino Real bronze structures installed.

a.) Mayor

Mayor Miyagishima said I want to congratulate and welcome our new Councillors.

He said down the road I may want to seek to put together a resolution about the bike lights.

He said I sent you a letter from the Dcan. Please read it and let me know if you want to support it.

He said the Conference of Mayors is looking to give out awards for community gardens and green spaces.

He said tomorrow night at NMSU they will be having a discussion on Japanese internment camps.

He said the Hold Harmless started when Governor Richardson said he wanted to replace lost revenues from gas and oil and hold them harmless by removing tax on food and medicine. When Governor Martinez takes over, they're looking at a shortfall and want to cut the Hold Harmless. So instead of having to pay 10%, we went with raising GRT.

c.) City Manager

Robert Garza said I would like to congratulate the Mayor, Mayor Pro-Tem Smith, and our two new Councillors.

He said the recount is scheduled for Wednesday and then a re-canvassing at 4 p.m.

He said Thursday we have a special meeting at 1:30 p.m. to accept the utility bonds.

He said Thursday evening our public safety staff is doing land use assumptions public hearing.

He said Monday we have a special work session at 8 a.m. for Council orientation.

He said there are thousands of permits coming in for re-roofing contracts and we need to discuss other viable options.

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

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

Council said "Aye."

Meeting Adjourned at 3:57 p.m.



Mayor



Interim City Clerk

(SEAL)