



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

**Regular Meeting**

**January 20, 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  
Esther Martinez-Carrillo, City Clerk

---

**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Small led the Pledge of Allegiance.

Councillor Small presented a Proclamation to Sharon Trujillo-Kolosseus and students and declared January 25 thru January 31, 2015 as Catholic Schools Week.

Tamika Jackson, Council Co-op for District 4 introduced herself and gave a summary of her goals.

Andy Hume, Downtown Planning and Development Coordinator introduced Downtown presenters.

Heather Pollard, Amador Hotel Foundation gave an overhead presentation.

Kathleen Albers, Dona Ana Arts Council gave an overhead presentation.

Ariana Parsons, Las Cruces Downtown Partnership gave an overhead presentation.

Duane Mosley, Farmers and Crafts Market of Las Cruces gave an overhead presentation.

-----

**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 no conflicts mentioned.

-----

Mayor Miyagishima read a Conflict of Interest statement and said as part of our agreement with HUD, an additional Conflict of Interest disclosure is requested regarding 2015 HOME funding allocation for a Multi-family Low Income Housing Tax Credit Project for Mesilla Valley Public Housing Authority as General Partner with JLG Properties, LLC for West Wind Terrace Limited Partnership. Conflicts prohibited are that no persons who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.

There were no conflicts mentioned.

-----

**III. PUBLIC PARTICIPATION**

Olivia Lerma-McDonald, Member of the Public said before Christmas I attended a public open house for the proposed plans for the Downtown Plaza and I learned that there is an opportunity to name a undesigned street. I spoke with some of the planners and suggested my mother's name as the street name. I heard that there may be a church in there so of course I would defer to the church name for the street but I would like to have my mother's name entered as a street name suggestion. I have handed out a sheet of information about my mother and it was my hope to honor her with something like "Calle de Lerma" or "Lerma Lane." My mother was a native to Las Cruces and she was born in 1917. She came to City Council to get help with the deteriorating neighborhoods and when it didn't happen, she formed an organization named "Las Esperanzas" which the current president of that organization is here in the audience. She was presented with a proclamation and flag on her birthday and a memorial bill was passed at the time of her death at the state level. She was Citizen of the Year by the Hispanic Chamber of Commerce and honored at the Border Book Festival.

Mayor Miyagishima said we can have that as a discussion item at one of our TIDD Board meetings.

-----  
**IV. READ CLOSED MEETING STATEMENTS**

- I. Read January 12, 2015 Closed Meeting Statement into the record.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 5:50 p.m. on January 12, 2015. The following members were in attendance: Mayor Ken Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino, and City Manager Robert Garza. The meeting adjourned at 6:40 p.m. and only the limited items stated in the posted notice were discussed which was limited personnel matters relating to City Manager Robert Garza's annual contract review.

-----  
**V. 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 Silva Moved to Approve the Agenda and Councillor Smith Seconded the motion.

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

-----  
**VI. CITY COUNCIL MINUTES**

- \*(1) Regular City Council Meeting of December 15, 2014

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

- \*(2) Resolution No. 14-15-079: A Resolution Approving an Indefinite Cost, Indefinite Quantity Price Agreement for Occupational Medical Services to Workmed, Inc. of Las Cruces, NM for a Term of Up to Five (5) Years Conditioned Upon Annual Renewals and Approved Budgets.

- \* (3) Resolution No. 14-15-110: A Resolution Awarding a Contract for the Crack Sealing Maintenance 2014-2015 Project to G. Sandoval Construction, Inc., of Las Cruces, New Mexico in the Amount of \$175,339.73, Plus \$13,917.59 for New Mexico Gross Receipts Tax; Authorizing the City Manager to Approve Change Orders in an Amount Not to Exceed \$8,766.99, for a Total Project Authorization in the Amount of \$198,024.31.

-----

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

- (4) Resolution No. 15-135: A Resolution Approving the Allocation of Program Year (PY) 2015 Home Funds to a Federal Low Income Housing Tax Credit (LIHTC) Project for an Affordable Multi-Family Housing Rehabilitation and New Development Project.

Councillor Small Moved to Approve Resolution No.15-135 and Councillor Sorg Seconded the motion.

-----

Jan Lauterbach, Housing Development Coordinator Affordable Housing gave an overhead presentation and said this is to approve an allocation of HOME funds from PY2015 for a low income housing multi-family tax credit project. Our department asked for applications and Mesilla Valley Public Housing Authority applied as a general partner with West Wind Terrace, LLLP. The project consists of rehabilitation of an existing 20 unit complex and new construction of an additional 40 units for the low income housing tax credit project located at 1310 Pecos Street and the property to be acquired for the new units is located at 1300 and 1320 Pecos Street. The project will target households at 60% or below the area median income and the 60 units will include one, two, and three bedroom units.

Councillor Pedroza asked is this a follow-up from last year?

Jan Lauterbach said yes, this project was applied for two years ago but they were met with a holding regulation from MFA so now they have met that holding regulation and are applying again.

Councillor Smith said I'm assuming that the new units would look like the existing units; correct?

Jan Lauterbach said correct.

Councillor Smith said just in general, when we are doing this sort of thing, we want to be sure that the neighborhood integrity is taken into consideration.

Councillor Small said I think this is exciting and I think this might be the highest City match or commitment for a single project; is that correct?

Jan Lauterbach said I would rank it up there with the highest.

Councillor Levatino said this is really needed and I was so happy when it came up. If this is approved today, when would construction begin and end so people can start applying for these units?

Jan Lauterbach said I know the HOME funds have a completion requirement of four years so hopefully it will be completed before then.

Jeff Curry, Developer said we are working in partnership with the Mesilla Valley Public Housing Authority on this project and this is going towards an application for federal tax credits. It is a very competitive application and there are approximately 20 applications with four or five awards each year. We will submit this application on January 31<sup>st</sup>, actually February 2<sup>nd</sup>, and we will find out sometime in the middle of April whether or not we have a reservation of tax credits. If we are awarded it then we will begin the designing process with full plans so we can go out to bid and hopefully begin construction by spring of 2016. The longest we could wait to start construction would be the fall of 2016.

-----

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-135 and it was Unanimously Approved. 7-0

-----

- (5) Resolution No. 15-136: A Resolution for the City of Las Cruces Convention and Visitors Bureau to Look at a Possible Assessment of Assuming the White Sands Film Festival, Including Changing the Name to the Las Cruces Film Festival.

Councillor Small Moved to Approve Resolution No.15-136 and Councillor Smith Seconded the motion.

-----

David Dollahon, Community and Cultural Services Director gave an overhead presentation and said there was an article in the Sun News announcing the dissolution of the White Sands International Film Festival. This resolution puts forth a request for the Convention and Visitors Bureau to undertake an assessment to look at the possibility of assuming both the financial and logistical undertaking of putting on the Film Festival itself and also looking at possibly changing the name to the Las Cruces Film Festival.

Mayor Miyagishima said the reason I support changing the name is because when it says "White Sands" you have problems with sponsors and you don't know if it's in White Sands, White Sands

Missile Range, or White Sands Monument; but it's here in Las Cruces. The name change also adds to the visibility of the City of Las Cruces and I just think it is a great thing. I hope Council moves forward to at least make that assessment.

Councillor Sorg said I am a very strong supporter of the Film Festival and I think it is very advantageous to the City of Las Cruces as well as our film industry. I assume there is some time factor here because the last one was in August and it is an annual event so I think we'd want to move on with this very fast therefore I support this resolution. I would suggest that we might consider calling it the "Las Cruces White Sands Film Festival".

Councillor Smith said I would oppose changing the name because I think perhaps the White Sands International Film Festival has some following with that name and some sense of history and regionalism. The concern I have is as we go into asking our Convention and Visitors Bureau to research this, do we have a sense of how much time it might require of them and how much that will cost us as a city?

David Dollahon said I can't honestly answer that today. We just put this resolution together early last week and this is the very start of the process so there is no financial commitment reflected in the council packet. We are assuming we can absorb the assessment process through the CVB operational expenses.

Councillor Smith said I think it might be wise of us to table this resolution and think about what it will cost us.

David Dollahon said we are planning on using in-house staff for this undertaking so it would be operational cost at this point.

Councillor Small said I support this resolution and I think it is an excellent idea but I do think there should be flexibility on the naming of it.

Councillor Levatino said I think this could be a very interesting addition to our inventory of events and I don't think it would take more than a couple of years of advertising as the "Las Cruces Film Festival formally known as" before people caught on that it is now the Las Cruces Film Festival. I love this idea. It would be held in August; correct?

David Dollahon said it was usually held in August but at this point, staff is not prepared to state that we would have it in August.

Councillor Levatino said I would prefer for us to do it slowly and carefully.

Councillor Silva said I think there is a difference between supporting the Film Festival and supporting this assessment. I don't think just changing the name of the Film Festival will make a

difference with it succeeding or failing. I do encourage staff to go through this honest assessment and be honest enough to tell us if this is not a good path for us to walk on.

Mayor Miyagishima said David is just the messenger; when I heard about them shutting down the Film Festival, I quickly put this on the agenda and I made up the title and the name change for it so that's why David doesn't have that much information on it.

Mark Stephan, Member of the Public said I have a lot of experience with film festivals and part of the problem with the White Sands Festival was that it was completely volunteer and you can't expect people to work year after year for free. I do think that the film festival is a great way to promote Las Cruces as a film making destination.

KC Cherkasky, Member of the Public said I am a teacher and I understand the bottom line is money but it is also our future. I have taken my students to this Film Festival and it was an excellent opportunity for them to see how films are put together.

Councillor Pedroza said my grandson, who is in high school, is interested in making films and this is a way for us to have more economic development so I am in favor of it.

-----

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-136 and it was Unanimously Approved. 7-0

-----

**IX. BOARD APPOINTMENTS**

There were no board appointments.

-----

**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).***

- (6) Council Bill No. 15-027; Ordinance No. 2746: An Ordinance Repealing Las Cruces Municipal Code 1997, Chapter 24, Procurement Code, Sections 24-4, 24-32, 24-62, 24-64, 24-66, 24-91, 24-94, 24-99 and 24-228 in Its Entirety and Enacting New Las Cruces Municipal Code 1997, Chapter 24, Procurement Code, Sections 24-4, 24-32, 24-62, 24-64, 24-66, 24-91, 24-94, 24-99 and 24-228.

Mayor Miyagishima and Council agreed to bring this item back.

-----  
**XI. CITY COUNCIL MEMBER BOARD REPORTS**

There were no City Council member board reports.

-----

**XII. MINUTE ACTION REQUIRED – *Date and time change for next Regular City Council Meeting.***

Discussion on date and time change for the Regular City Council meeting scheduled on February 2, 2015 at 1:00 p.m. to Tuesday, February 3, 2015 at 3:00 p.m. (**Motion/Second and Vote required**).

Councillor Sorg Moved to Approve the date and time change for the Regular City Council meeting scheduled on February 2, 2015 at 1:00 p.m. to Tuesday, February 3, 2015 at 3:00 p.m. and Councillor Smith Seconded the motion.

-----

Mayor Miyagishima called for the roll on the Motion to Approve the date and time change for the Regular City Council meeting scheduled on February 2, 2015 at 1:00 p.m. to Tuesday, February 3, 2015 at 3:00 p.m. and it was Unanimously Approved. 7-0

-----

**XIII. GENERAL DISCUSSION**

a.) Mayor

Mayor Miyagishima said I want to say happy belated birthday to Martin Luther King.

There was a press conference regarding the Spanish Market which is something that has taken place since 1926 in Santa Fe so it is an opportunity to bring a little bit of Santa Fe and New Mexico history here to Las Cruces. They are going to be here at the Hotel Encanto on February 21<sup>st</sup> and February 22<sup>nd</sup> and there is going to be a lot of wonderful arts and crafts available for sale.

My State of the City Address will be on February 18<sup>th</sup> at 12:15 p.m. here so hopefully all of you can attend.

-----

b.) City Council

Councillor Smith said the recall effort continues and there continues to be remarks made about the people who are conducting the recall and about members of the Council for whom this recall is being made. Our Charter provides for that as a remedy and I think many of us feel that it is being misapplied in this instance. This is an uncomfortable topic to bring up; however, as we are members of three of the Las Cruces Chambers of Commerce and one of those chambers is being accused of somehow being involved in this; that is where I would say that if we are members of organizations that are in anyway actively seeking to unduly influence the efforts of this council, that we might have to consider removing ourselves from one of those organizations. Hopefully, that is an unfounded rumor but certainly it is something that I want to make clear in my feelings about it.

Another topic is how we approached some of the items on the agenda recently. I realize that some things are timely, like the White Sands Film Festival, but having to be one of the councillors who has experienced "no, you don't get to put that on the agenda" thing without my approval; I think perhaps a little broader inclusion on how things get on the agenda would be helpful so we don't feel like we are being disrespected or that something is being capriciously put on the agenda.

Mayor Miyagishima said I am a member of all three chambers but I don't condone any actions by any of the three, I don't think they'd do anything to necessarily target; I just want to mention that I am a member of all three of them.

How you get on the agenda is that I can put it on the agenda or four members of the Council can wish to put it on the agenda.

-----

Councillor Levatino read part of an article that will be published in the Sun News on Thursday and said they needed \$60,000 to complete the Vietnam Memorial and at this point, I think they are down to about \$45,000 to \$50,000. Individuals, organizations and businesses can sponsor things like flagpoles, benches, and palm trees and they are having a drawing at the end of March. They also have hats, t-shirts, pins, commemorative bricks, and posters of the monument available for sale and they also accept donations.

Councillor Sorg and I met with some of the board members of the Senior Advisory Board this morning concerning the Sage Café which is pretty much dead in the water at this point, and we are going to be working together to help them to try to come up with some ideas as to what will attract people to this facility.

Councillor Levatino said I want to commend former Mayor Pro-tem Dolores Connor and Francis Williams for starting the process to try to figure out a way to have someone on the County payroll, removed.

-----

Councillor Sorg said judging by some of the comments, I see a connection between the Film Festival and the Convention and Visitors Bureau in our film industry and maybe we should have our Film Liaison connected to that process.

The Spanish Market is a great way to connect this state, the north to the south.

This Thursday night the Sage Café is going to have a "Night at the Sage Café" event which will include a dinner and a public hearing to discuss a few things and there is a free dance afterward.

Regarding the Vietnam Memorial, I lived through that period in time and it was never about the people who fought in that war, it was about the leaders who brought us into the war. I do have great respect for those who went through this war and this past month we lost one of those people, Mr. John Muir.

-----

Councillor Small said regarding Community of Hope, we continue to get great interest with it and I look forward to seeing the next phase and the next steps.

I would like to thank Gary Camarano with LEDA and I think we need to look at as many opportunities within that realm as possible.

I agree with having the discussion for taking over the White Sands Film Festival and I also agree with including our Film Liaison with that process.

Dr. Rogers gave a very moving presentation at the Martin Luther King Breakfast event and I thought it was very impressive.

Regarding the Spanish Market, I think it is a very timely example of how Las Cruces continues to grow within the arts and culture and economic opportunities.

-----

Councillor Pedroza said the Martin Luther King Breakfast was sold out and there were about 100 or more people who participated in the march.

I was in Albuquerque on Thursday and Friday for the Disability Rights New Mexico Board meeting and we were given an investigative writing title "Tragic and Preventable" and I have one copy available for anyone who wishes to read it.

The City of Albuquerque is looking at how to reach out to the Legislature to get funding for those who have been homeless for five or more years and I would like for us to look into this as well to see if there is some way we can also get funding for the homeless.

-----

Councillor Silva said I remember there was some discussion regarding moving the Film Liaison position to Economic Development instead of under the Convention and Visitors Bureau which makes more sense and I also think the CVB should be under the Economic Development Director as well.

I want to thank the Downtown Las Cruces Partnership, the Rio Grande Theater, the Amador Hotel and the Farmers Market for their presentations earlier. It has been really good to see them flourish and move forward throughout the years.

I made a request last year and hopefully we can follow through with it, I would like to recognize the Mayfield High School Football Team for reaching the Championship Game and coming in second.

Mayor Miyagishima said we can reach out to them if it has not already been done.

Robert Garza, City Manager said it was brought to my attention that the Centennial girls team won the first ever State Championship in volleyball so we have a list of schools that we need to reach out to at the high school level.

Councillor Silva said at one time we were recognizing World War II Veterans and maybe now is the time to extend it to Korean and Vietnam Veterans.

The school bond election is on February 2<sup>nd</sup> and early voting has already started.

Councillor Levatino said tomorrow night at the Las Cruces Central School District Offices, there is going to be a public forum for the School Board candidates.

-----

c.) City Manager

Robert Garza, City Manager said I want to thank all of you for attending our Pre-Budget Retreat; we received a lot of good discussion and direction.

The Legislative Session starts this Thursday in Santa Fe and I will be sending all of you the calendar for those events.

We are going to be bringing forward a volunteer special assessment for Sierra Norte and we will be discussing it at a work session.

Regarding solar projects, we have identified several solar projects and we have a request for interest out on the street right now. We are looking at having a work session in March to discuss this issue.

We brought a resolution to Council in late December regarding an employee personal day for their birthday in exchange for Columbus Day and we are now realizing that not every employee can take their birthday off so we are going to be bringing forward another resolution to change it so they can take that day off at any time during the year.

There have been a lot of questions regarding vehicles purchased for the Animal Services Center. We received legislative appropriations to purchase transport vehicles to transport pets from Las Cruces to areas where they can more easily be adopted but those vehicles have not been delivered yet. I will be providing Council with more updates on that situation.

-----

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

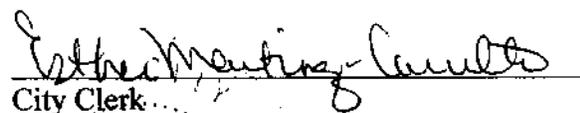
Mayor Miyagishima said all of those in favor signify by saying "Aye."

Council said "Aye."

**Meeting Adjourned at 3:38 p.m.**

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk