City Council
of the
City of Las Cruces

Regular Meeting

March 21, 2011
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Robert Garza, City Manager
Councillor Miguel Silva, District 1	Harry (Pete) Connelly, Interim City Attorney
Councillor Dolores Connor, District 2	Linda Lewis, Deputy City Clerk
Councillor Olga Pedroza, District 3	
Councillor Nathan Small, District 4	
Councillor Gill Sorg, District 5	
Councillor Sharon Thomas, District 6	

I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

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

Mayor Miyagishima and Councillor Pedroza recognized the Lady Trojans of Mayfield High School for winning the Girls 2011 NM State High School District 5A Basketball Championship.

Mayor Miyagishima and Councillor Pedroza recognized the Sonblazers of Mesilla Valley Christian School for winning the Boys 2011 NM State High School District 2A Basketball Championship.

Mayor Miyagishima and Councillor Pedroza recognized the Knights of Oñate High School for winning the Boys 2011 NM State High School District 5A Basketball Championship.

Councillor Pedroza presented a Proclamation to Virginia Maria Romero and declared March 2011 as Irish-American Heritage Month.

Carlos Galvan, Lt. Col. USAF-Ret. gave an overhead presentation regarding the Las Cruces Airport Economic Development.

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?

None given.

III. PUBLIC PARTICIPATION

Moved to the end of the meeting.

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 Miyagishima said Public Participation needs to be moved to the end of the meeting.

Councillor Thomas Moved to approve the Agenda as Amended and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was APPROVED. 6-1 Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva voted Nay.

V. CITY COUNCIL MINUTES

*(1) Regular Meeting of February 22, 2011

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Resolution No. 11-194: A Resolution to Adjust the FY 2011 Budget to Include Legislative Appropriation Contract #04099 in the Amount of $25,000.

*(3) Resolution No. 11-195: A Resolution Authorizing a Contract with the New Mexico High Intensity Drug Trafficing Areas (HIDTA) Investigate Support Center for Reimbursement of Law Enforcement Overtime Expenses for Domestic Highway Enforcement (DHE) Operations in the Amount of Approximately $5,696, to Ratify the City Manager's Approval of the Contract, and to Adjust the FY2011 Budget.

*(4) Resolution No. 11-196: A Resolution Authorizing the City of Las Cruces to Accept Awarded Funding on Behalf of the Las Cruces Museum of Natural History in the Amount of $3,000 and to Adjust the City of Las Cruces FY 2011 Budget.

*(5) Resolution No. 11-197: A Resolution Authorizing a Memorandum of Understanding Between the City of Las Cruces and the Downtown Las Cruces Partnership (DLCP) for Planning and Development Services Related to Downtown Revitalization in the Amount of $50,000 Which Includes Gross Receipt Tax for a Period of Two Years.

*(6) Resolution No. 11-198: A Resolution Approving a Lighting Agreement Between the City of Las Cruces and the New Mexico Department of Transportation for Maintenance of an Interstate Lighting System at the Interstate 25/University Avenue Interchange.

VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

(7) Resolution No. 11-199: A Resolution Allowing Transit Section Staff to Apply to the Federal Transit Administration for Appropriated Federal Fiscal Year 2010 Section 5307 Formula Funds in the Amount of $394,000, Requiring a City Match of $98,500, for the Purpose of Obligating the Third and Final Planned Funding Component of the Transit Intermodal Center, to be Built in FY 2012.

Councillor Connor Moved to Adopt Resolution No. 11-199 and Councillor Thomas Seconded the motion.

Mike Bartholomew, Transit Administrator gave an overhead presentation and said this is a request to apply to FTA for Section 5307 Funds that will be used for the planned final funding component of the Transit Intermodal Center. These are non-competitive funds that have already been apportioned to the City in the amount of $394,000 and there is a required local match of $98,500 which brings the total funding to $492,500. These funds are critical to the construction phase that will begin in FY12.

Councillor Small said there were requests made to the contract relating to quantifying some of the noise and air pollution from the buses; do you know if that is underway yet?

Mike Bartholomew said Project Management is working with the contractor on those issues.

Councillor Small said I just need to hear that it is in process.

Brian Denmark, Assistant City Manager said yes, it is in process.

Councillor Silva said as we are going through this design process, is there still some flexibility to scale it down, the design still has to be approved, this is only for the funding; correct?

Mike Bartholomew said that is correct.

Councillor Thomas said my concern is that we haven't discussed the budget yet and there are other projects that will also need matching funds.

Mike Bartholomew said this is already programmed into next year's budget. It has been unchanged for over a year.

Councillor Thomas said I would appreciate it that when we get these kinds of requests that we get some kind of assurance that we have the funding budgeted.

Councillor Sorg said so, the Intermodal Center can be built for this amount?

Mike Bartholomew said yes.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-199 and it was Unanimously APPROVED. 7-0

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(8) Resolution No. 11-200: A Resolution Allowing Transit Section Staff to Apply to the Federal Transit Administration for Appropriated Unobligated Federal FY 2009, Section 5309 Capital Funds in the Amount of $617,500 Requiring a City Match of $154,375 for the Purpose of Creating an Architectural and Engineering Design for the Proposed Transit Maintenance and Operations Facility to be Located on Motel Boulevard.

Councillor Connor Moved to Adopt Resolution No. 11-200 and Councillor Thomas Seconded the motion.

Mike Bartholomew, Transit Administrator gave an overhead presentation and said this will allow the Transit Administrator to setup a grant to fund the A&E design of the proposed Transit Maintenance and Operations Facility. Federal funds are already earmarked to the City in the amount of $617,500 and there is a required local match of $154,375 which brings the total funding to $771,875. This project is expected to start in FY12 and the design will create a shovel-ready project for the Transit Facility should additional Federal funding become available. This funding will lapse on September 30, 2011 if the appropriation has not been obligated into a grant.

Councillor Silva asked could this location eventually house the headquarters for your offices? Could we scale down the Intermodal Center and house the Operations on Motel Boulevard?

Mike Bartholomew said it could eventually house whatever we have funding for out there but most of the Operations, like customer service, drivers, mechanics, need to be centrally located at the Intermodal Center.

Councillor Silva said I was thinking more of the administrative offices but we can discuss that as we move forward.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-200 and it was Unanimously APPROVED. 7-0

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(9) Resolution No. 11-201: A Resolution to Amend the Novation of Cooperative Project Agreement Between the New Mexico Department of Transportation and the City of Las Cruces for the Right-of-Way and Reconstruction of South Main Street from Griggs Avenue to Lohman Avenue Adding an Additional $489,060.00 for a Total Grant Award of $1,665,060.00. A 20% City Match of $122,265.00 is Required for a Total Project Funding Amount of $1,787,325.00, and to Adjust the FY 2010-2011 Budget.

Councillor Small Moved to Adopt Resolution No. 11-201 and Councillor Thomas Seconded the motion.

Mike Johnson, Public Works Director gave an overhead presentation and said this is a Novation of Cooperative Project Agreement between the City and NMDOT for the reconstruction of South Main from Griggs to Lohman and by approving this agreement, it would add an additional $489,060 to Phase III of the Downtown Project.

Councillor Silva asked will we have to rebid this project or will we just continue with the company that is constructing the north end?

Mike Johnson said it will be bid out.

Councillor Silva said the estimate is without utilities; correct?

Mike Johnson said that is correct.

Councillor Silva asked how much will it be with utilities?

Mike Johnson said approximately $250,000 but the Utilities Department will have that included in their budget.

Councillor Sorg asked when would the RFP be due?

Mike Johnson said the bid will go out early this summer.

Greg Smith, Member of the Public said I am the Past-President of the Downtown of Las Cruces Partnership and I would encourage you to continue with this project. The opening up of Main Street is a major improvement and something we can all be proud of.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-201 and it was Unanimously APPROVED. 7-0

VIII. BOARD APPOINTMENTS

Mayor Miyagishima Appointed Dr. Harry Johnson, Re-Appointed, Lloyd Covens and Doug Cowen to the Ratepayers Advisory Board.

Councillor Connor Moved to Approve the Mayor's Board Appointment of Dr. Harry Johnson (Re-Appointment), Lloyd Covens and Doug Cowen to the Ratepayers Advisory Board and Councillor Thomas Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment of Dr. Harry Johnson (Re-Appointment), Lloyd Covens and Doug Cowen to the Ratepayers Advisory Board and it was Unanimously APPROVED. 7-0

Councillor Silva appointed Molly Molloy to the Redistricting Ad-Hoc Committee.

Councillor Pedroza appointed Ruben Alvarado to the Redistricting Ad-Hoc Committee.

Councillor Sorg appointed Miguel Sosa to the Redistricting Ad-Hoc Committee.

Mayor Miyagishima appointed James Harbison to the Redistricting Ad-Hoc Committee.

Councillor Silva Moved to Approve the Mayor's Board Appointment of James Harbison to the Redistricting Ad-Hoc Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment of James Harbison to the Redistricting Ad-Hoc Committee and it was Unanimously APPROVED. 7-0

Mayor Miyagishima appointed Judith Finch (District 1), John B. Northcutt (District 5), Robin Hutchins (District 6) and Alison Keyes (Member at Large) to the Art on Loan Program Ad-Hoc Committee.

Councillor Connor Moved to Approve the Mayor's Board Appointments of Judith Finch (District 1), John B. Northcutt (District 5), Robin Hutchins (District 6) and Alison Keyes (Member at Large) to the Art on Loan Program Ad-Hoc Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of Judith Finch (District 1), John B. Northcutt (District 5), Robin Hutchins (District 6) and Alison Keyes (Member at Large) to the Art on Loan Program Ad-Hoc Committee and it was Unanimously APPROVED. 7-0

IX. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I just want to thank Council and the City for sponsoring the Foreign Trade Summit.

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2. CITY COUNCIL

Councillor Thomas said I want to congratulate the Streets Department, I have noticed several potholes that have gotten filled in.

The District 5 and 6 meeting went very well and I received a request from a constituent regarding Public Notices, they would like to have the number in big letters so it can be read from the street and they can look the number up later.

Councillor Sorg said tomorrow at the Farm and Ranch Museum there is going to be a Green Jobs Forum starting at 10:30 a.m.

Councillor Small said I want to thank the staff that took the time to attend a Neighborhood Meeting and answer questions from the residents.

I have had a few comments from constituents, they would like to see better handwriting on the whiteboards in City Hall.

I'd like to ask if there would be any value in publically reporting about the graffiti in neighborhoods?

Chief Williams, LCPD said we do conduct gang related training and we show pictures of the graffiti and what the graffiti means; we can give additional public information if Council gives us direction.

Councillor Small said no, it's great that you are already doing it.

Councillor Pedroza said there was an article in the newspaper regarding a fence and the person did come to me with his concerns and I told him what I believed the remedy to his situation was but he was not happy with my response. He was upset that he wasn't able to collect a judgement from his neighbor and I just want to say that collecting a judgement is sometimes difficult.

There is a District 3 meeting on March 29th at Lynn Middle School at 7:30 p.m.

There is an Earth Day event at Young Park on April 16th.

I want to thank all the different departments; everything that I have asked for has been given to me in a very timely matter.

Councillor Connor said it is unfortunate that Public Participation was moved to the end of the meeting because Mr. Charles missed work and was sitting here waiting to address Council.

There is an ATM machine in the Convention Center and I would like for us to get an ATM machine for City Hall.

Councillor Silva said I would like for us to have a work shop on items like term limits for Councillors, who the auditor should report to and the purchase of Premier Park, that potentially should be on the ballot.

The official kick-off for the Centennial is in August 2011 and we are also going to have a parade on January 7th so I think we should invite all the cities in New Mexico to attend and bring a float for the parade.

I would like to know what is happening with the bronze structures that were on Main Street?

Robert Garza, City Manager said they are currently in storage and we will have a work session to discuss the future location of them.

Councillor Silva said I would like to thank everyone who sponsored me for the shaving for kids with cancer event.

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3. **CITY MANAGER**

A. Other items - Information Only.

Robert Garza said I spoke with NMDOT and they will be putting up signs along I-10 indicating a truck bypass to encourage truck drivers to stay on I-10 and I-25 instead of going through town.

We have a City employee who donated a hover-round to the Transit Department so they can do training on how to help people with these types of devices and on handling those types of devices. We have a policy on recognizing employees with those types of contributions so we will be thanking him at our next meeting.

Mike Johnson, Public Works Director gave an overhead presentation regarding the Goat Project and said the goats have been very successful in eating away the majority of the weeds and grass in the arroyo behind Munson Center and we will be using them again in other areas.

III. PUBLIC PARTICIPATION

Mark Stephson, Member of the Public said I have a house that is currently vacant because I am doing some renovations on it but I do have water service to it. I would like to know if there is some kind of exception for vacant homes so that I don't have to pay for a recycling bin?

Marcy Driggers, Assistant City Attorney said currently there is no existing procedure for an appeal process. Council approved that any home with an active service would have a recycling bin. He could terminate all of his services then he would not have the cost of the recycling bin.

John Allen, Member of the Public said I would like to invite Council to our Kids, Kows and More event at the Farm and Ranch Museum on March 29th, 30th and 31st.

Paul Borunda, Member of the Public gave an handout to some of the members of Council and said the article that Councillor Pedroza mentioned is included in the packet that I handed out and I think that issue could of been handled if the rules that I have attached in the handout where followed by the courts. I had the same type of problem with a $14,000 rock wall that I had built and I would like to ask this Council to provide the citizens the safety that is needed with codes. I believe the City Charter is being violated because it gives exclusive rights to the Municipal Court.

Ryan Dailey, Member of the Public said I now understand why you moved Public Participation to the end of the meeting but I really don't want to hear complaints from the Council because everyone voted for it except Councillor Silva.

Regarding the RV Ordinance, I wasn't able to attend the work session where it was discussed but I think Council should adopt an ordinance that includes everything like jet skis and boats in one ordinance instead of having an ordinance that only addresses RVs.

I want to thank the Legislature for all the work they have done during their last session.

I would like to thank all the department heads for meeting with me as a constituent and answering my questions.

Ron Camunez, Member of the Public said the public participation form states that public participation is held at the beginning of the meeting and we can speak on any topic so I have an issue on why you moved Public Participation to the end of the meeting. I understand there was an issue but you are going down a slippery slope when you try to limit individual's Freedom of Speech.

Councillor Connor said I want to clarify that the vote had to do with the items one thru six on the consent agenda which is what I was voting for; not for moving Public Participation to the end of the meeting.

Jim Harbison, Member of the Public said I have been the Block Captain for my Neighborhood

Watch group for four years and we meet every quarter; the Police Department has come and spoken with us regarding graffiti issues at several of our meetings.

Emma Moreno, Member of the Public said I want to say thank you to all the wonderful people who have come to my assistance. I would like to invite Council to attend my family style picnic event at Klein Park on April 3, 2011.

Meeting Adjourned at 4:00 p.m.

Mayor

ATTEST:

City Clerk

(SEAL)