City Council
of the
City of Las Cruces

Regular Meeting

February 16, 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 (via telephone)
Councillor Gill Sorg, District 5
Councillor Ceil Levatino, District 6

STAFF:

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

I. OPENING CEREMONIES

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

Mayor Miyagishima and a volunteer from the Animal Services Center presented the Pet of the Week.

Mayor Pro-Tem Smith Moved to allow Councillor Eakman to participate by telephone and Councillor Sorg Seconded the motion. Unanimously Approved.

Councillor Gandara presented a Proclamation to the Silva Family and declared February 16, 2016, as Miguel G. Silva Hats, Hearts and Laughter Day. A Proclamation from the State Legislature was also presented to the Silva Family.

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

Donna O'Daniel, Member of the Public said I am the Chairman of the Las Cruces Support Your Local Police Committee. We are having our first public meeting on March 1st. We're concerned about the recent burdens placed on our local police. We will be discussing local versus national police.

Mayor Miyagishima said I just want to let the public know that this was something that you put together on your own and thank you.

Emma Murillo, Member of the Public said I want to bring awareness of Parkinson's Disease.

Kari Bachman, Member of the Public said I hope that we could recognize the struggles in others and have compassion. I want to thank the Council for funding a study for a potential mental health facility. Miguel tried to find a common ground and was not always recognized for that. I hope we can continue his legacy.

Yoli Diaz, Member of the Public said I'm Executive Director of CARE. We focus on providing financial assistance to those in active treatment for cancer. We have five different events this year and we thank you for supporting All Types of Cancer Awareness Month.

Vince Jeffers, Member of the Public said Susana Martinez is covering up what happened with the stolen social security numbers.

Emma Murillo said I'd like to donate a book.

IV. READ CLOSED MEETING STATEMENT

a.) Read February 2, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 3:35 p.m. on February 2, 2016. The following members were in attendance: Councillor Kasandra Gandara, Councillor Greg Z. Smith, Councillor Olga Pedroza, Councillor Jack Eakman, Councillor Cecelia H. Levatino, City Manager Robert Garza, Chief Jaime Montoya, City Attorney W.R. Babington, Jr., and Damian Martinez and Alex Cotoia with Holt, Mynatt and Martinez. The meeting adjourned at 4:35 p.m.

The Las Cruces City Council met in closed session and only discussed those limited items as stated in the posted notice (to discuss pending litigation).

V. ACCEPTANCE OF AGENDA

Councillor Sorg Moved to Approve the agenda as presented and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the agenda as presented and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of January 19, 2016
*(2) Regular City Council Meeting of February 2, 2016

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

*(3) Resolution No. 16-156: A Resolution Authorizing Beverly Hills Hall to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area at Events Sponsored by Crossroads City Derby at Meerscheidt Center, 1600 East Hadley Avenue.

*(4) Resolution No. 16-157: A Resolution Authorizing the Application for 2016/2017 Municipal Arterial Program Fund with the New Mexico Department of Transportation for the Amador Avenue and Melendres Street Traffic Signal and Medians Improvements Project.

*(5) Resolution No. 16-158: A Resolution Authorizing the Application for 2016/2017 Local Government Road Fund with the New Mexico Department of Transportation for the Solano Drive Americans with Disabilities Act (A.D.A.) Improvements Project.

*(6) Resolution No. 16-159: A Resolution Authorizing the City of Las Cruces (City), on Behalf of its Senior Programs, to Accept a Grant from the Stocker Foundation in the Amount of $4,737.50, for the Munson Center, to Ratify the City Manager's Signature on the Terms and Conditions of Funding Agreement, and to Amend the City's Adopted FY2016 Budget.

*(7) Council Bill No. 16-014; Ordinance No. 2773: An Ordinance Approving a Zone Change from A-2 (Rural Agricultural District from the 1981 Zoning Code) to RE (Single-Family Residential Estate) for Three (3) Different Parcels Located at 4024 Sotol Drive, 5025 Las Alturas Drive and 5035 Las Alturas Drive. Submitted by Leslie W. & Edna Gibbs, Property Owners. (Z2893).

*(8) Council Bill No. 16-016; Ordinance No. 2775: An Ordinance Repealing Chapter 38, Article IV, Section 38-33; Article V, Section 38-44 G 2; Article V, Section 38.49.3 J 1; and Article VI, Section 38-58 E 3 & 6 of the City of Las Cruces Municipal Code and Replacing it in its Entirety in Order to Eliminate Maximum Parking Requirements and References to Parking Ranges. Submitted by the City of Las Cruces. (Case ZCA-15-03)

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

(9) Resolution No.16-160: A Resolution Authorizing the City of Las Cruces Police Department to Accept $1,125,000.00 in Grant Funding from the U.S. Department of Justice, Community Oriented Policing Services (COPS) for the Recovery Act: FY 2015 COPS Hiring Program (CHP) Grant.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-160 and Councillor Sorg Seconded the motion.

Deputy Chief Justin Dunivan gave an overhead presentation.

Councillor Pedroza asked what is the broken windows theory?

Deputy Chief Justin Dunivan said that is putting officers back on the beat walking to get to know the community members.

Mayor Miyagishima said the Department of Justice gives us these funds to hire and train officers.

Emma Murillo, Member of the Public asked can I get more clarification on the funding?

Deputy Chief Justin Dunivan said the grant requires a 25/75 percent match.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-160 and it was Approved. 5-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman and Councillor Levatino were absent.

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(10) Resolution No. 16-161: A Resolution Approving the Use of Salary Savings to Complete Projects that are Currently Unfunded and to Adjust the FY 2015/2016 Budget.

Councillor Sorg Moved to Approve Resolution No. 16-161 and Mayor Pro-Tem Smith Seconded the motion.

Sonya Delgado, Recreation Administrator gave an overhead presentation.

Councillor Pedroza said I want to convey thanks from the Las Cruces Tennis Players Association. They are grateful because all but one of the courts at Young Park have been fixed and for the work on the parking lots.

Councillor Gandara asked how do you come up with the priorities?

Sonya Delgado said we get requests from the public that will come to Council and we prioritize like that. Sometimes we do it on the budget side or if it's a safety issue.

Councillor Gandara said I've had constituents come to me about the under utilization of the pickle ball courts and making them into tennis courts.

Sonya Delgado said Mr. Johnston is aware of that. We're looking at putting tennis court lines concurrently.

Councillor Pedroza said there is one court at Young Park that has both tennis and pickle ball lines.

Mayor Pro-Tem Smith said I want us to be cautious of the night sky ordinance.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-161 and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

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(11) Resolution No. 16-162: A Resolution to Adjust the Adopted Fiscal Year 2015-16 Budget Allowing for Adjustments within Various Line Item Budgets and Transfer Accounts Due to Mid-Year Development Regarding Revenues and Expenditures.

Councillor Sorg Moved to Approve Resolution No. 16-162 and Councillor Levatino Seconded the motion.

Robert Coleman, Budget Manager gave an overhead presentation.

Councillor Levatino asked how are we protecting the good fiscal condition?

Robert Coleman said we are continually vigilant. We are looking at the accounts on a daily basis.

Councillor Levatino asked are we looking at moving funds?

Robert Coleman said we're moving monies within individual accounts but not departments.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-162 and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

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(12) Council Bill No. 16-015; Ordinance No. 2774: An Ordinance Authorizing the Issuance and Sale of up to $9,500,000 City of Las Cruces, New Mexico Taxable Subordinate Lien State Shared Gross Receipts Tax Improvement Revenue Bonds, Series 2016A for Construction, Acquisition and Improvement of Roadways, Public Infrastructure and Drainage Projects.

Councillor Sorg Moved to Approve Ordinance No. 2774 and Councillor Levatino Seconded the motion.

Loretta Reyes, Public Works Director gave an overhead presentation.

Mayor Miyagishima said this is a public/private partnership working with members of the public. This is our protection that if something was to happen we would get paid before the bank. After the road is built, then it's turned back over to us.

Councillor Pedroza said I had some concern with the parcels not wanting to give the lien to the City. Has that been eliminated?

Loretta Reyes said that is correct.

Councillor Sorg said my only suggestion is to work on finishing Engler.

Mike Johnson, Member of the Public said the City has historically had problems building a whole road. This allows the developer to build a road in its entirety.

Erik Harrigan, RBC Financial Advisor gave an overhead presentation.

Mayor Miyagishima asked is there a yield maintenance clause?

Erik Harrigan said there is a penalty and it comes in the form of the interest rate you receive.

Mayor Miyagishima asked could the applicant pay us ahead?

Erik Harrigan said absolutely.

Mayor Miyagishima asked could we just put it in an interest bearing account?

Erik Harrigan said yes and then the City could prepay or hold onto it.

Erik Harrigan continued his overhead presentation.

Mayor Miyagishima called for the roll on Motion to Approve Ordinance 2774 and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

IX. BOARD APPOINTMENTS

Mayor Miyagishima reappointed Ken Erhard and Antonio Ringo to the Transit Advisory Board.

Councillor Sorg Moved to Approve Mayor Miyagishima's board reappointments of Ken Erhard and Antonio Ringo to the Transit Advisory Board and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board reappointments of Ken Erhard and Antonio Ringo to the Transit Advisory Board and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

Mayor Miyagishima reappointed Kathleen Squires to the City Art Board.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's board reappointment of Kathleen Squires to the City Art Board and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board reappointment of Kathleen Squires to the City Art Board and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

Mayor Miyagishima appointed David Boje to the Veteran's Advisory Board.

Councillor Pedroza Moved to Approve Mayor Miyagishima's board appointment of David Boje to the Veteran's Advisory Board and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of David Boje to the Veteran's Advisory Board and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Sorg, Councillor Levatino, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Eakman was absent.

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).*

There are none.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There are none.

XII. GENERAL DISCUSSION

Councillor Gandara said I had a meeting with personnel at J. Paul Taylor Academy regarding concerns of safety and traffic.

She said I've participated on the Animal Services Board. I'm enjoying it and have learned a lot.

Councillor Pedroza said Councillor Gandara can expect excellent engagement from J. Paul Taylor.

She said I urge everyone to vote. Some of the candidates have said they are going to refuse a replacement appointment for Justice Scalia, which is not what the constitution says.

She said there was an anniversary celebration with the Sisters of Assumption in Chaparral.

She said there are workshops for the Downtown Plaza today through Friday.

Councillor Sorg said I want to congratulate CVB and PIO on the Bri Bagwell video.

He said the person cutting my hair this week said she thought Las Cruces was nice and clean. She was from Iowa and has been here nine months.

He said tomorrow Pope Francis will be in Juarez.

Councillor Levatino said the Las Cruces International Film Festival is coming up.

Mayor Pro-Tem Smith said Visit Las Cruces did a wonderful job rolling out the Bri Bagwell video.

He said this past Friday Mesilla Park was designated a historic district by our State Cultural Properties Review Committee.

He said Mark Winson served as the City Manager Representative on the Animal Services Board and I hope the new Assistant City Manager can serve in his place.

Mayor Miyagishima said I would like to look into an alternate Mayor Pro-Tem when myself and Mayor Pro-Tem Smith are both unavailable.

He said next Wednesday at 12:15 p.m. will be the State of the City Address.

Mayor Miyagishima asked could you give us an update on Settler's Pass?

Robert Garza, City Manager said it was a narrow two lane road connecting Settler's Pass to Rinconada. It is open now and we're waiting for warmer temperatures to chip seal the road.

Mayor Miyagishima said I saw some road workers today and was wondering if Risk Management would want them to wear something other than earplugs.

He said I would like to see a copy of the lease with MMC and their requirements regarding mental health.

Robert Garza said the lease says that they will maintain an acute care hospital by sustaining the same type of level as currently provided including a 12 bed locked psychiatric and needs to notify 30 days before termination of service. MMC did notify us that they were having challenges but that has been rectified and the 12 bed facility is still fully functional.

Mayor Miyagishima asked is it possible to find out what they were spending in 2004 regarding mental health services and what it is today?

Robert Garza said a lot of other things are different than what they were in 2004 including the indigent care fund but we can ask for the information.

Mayor Miyagishima said I'm going to do everything I can to keep Robert as City Manager.

Robert Garza said my plan is to retire at the end of May.

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c.) City Manager

Robert Garza said I suggest we stop bringing the pet of the week into the council chambers and maybe take another approach with video presentations.

He said there is a vacancy for municipal court judge. The City Council must review and approve an appointment to the court.

Philip San Filippo introduced the Bri Bagwell video "Las Cruces."

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 3:21 p.m.

Mayor

City Clerk

(SEAL)