

Regular Meeting
October 17, 2011



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

Regular Meeting

October 17, 2011

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Sharon Thomas, District 6

- Robert Garza, City Manager
- Harry (Pete) Connelly, City Attorney
- Esther Martinez, City Clerk

I. OPENING CEREMONIES

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

28 Presentation of Certificates of Appreciation/Proclamations.

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

33 Mayor Miyagishima introduced Burgermeister Henning Onkes of Nienburg/Weser Germany, his
34 family and citizens of Nienburg affiliated with the Las Cruces Sister Cities.

36 Mayor Miyagishima and Councillor Pedroza recognized Adrian Guzman and Denise LaFrance with
37 the City's Public Information Office for winning a Regional Emmy for writing the Jack and Lupe
38 video public announcement.

40 Councillor Pedroza and Councillor Small recognized the Planting of Picacho Avenue Project.

42 Councillor Pedroza presented a Proclamation to Barbara Williams and Letha Rushing and declared
43 October 21, 2011 as Potters Guild of Las Cruces Day.

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2 Councillor Pedroza presented a Proclamation to Dr. Gilbert and declared November 1, 2011 as
3 Bright Star Dental Halloween Candy Buy Back Day.

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5 Paul Gutierrez, NMSU gave a presentation on the School Garden Partnership.

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9 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**
10 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*
11 *if any member of the city council, city manager, or any member of the city staff has any*
12 *known conflict of interest with any item on the agenda.*

13
14 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

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16 None given.

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20 **III. PUBLIC PARTICIPATION**

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22 Melissa Daniel, Member of the Public said I am with the NMSU Human Nutrition and Food Science
23 Association. We are doing a food drive which starts today and continues on through November 21,
24 2011 and the drop-off location is at the Sisbarro Dealership on the corner of Valley and Boutz. We
25 are also having an event on October 24th with the Mesilla Valley Diabetic Association at the Sisbarro
26 Dealership.

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

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34 Councillor Connor Moved to Approve the Agenda and Councillor Small Seconded the motion.

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38 Mayor Miyagishima called for the roll on the Motion to accept the Agenda and it was Unanimously
39 APPROVED. 7-0

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V. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

- * (1) Resolution No. 12-065: A Resolution Authorizing the Destruction of Records that Have Satisfied Their Legal Retention Period.
- * (2) Resolution No. 12-066: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award in the Amount of \$8,000.00 From the New Mexico Department of Public Safety, to Ratify the Mayor's Approval of the Grant Award and to Adjust the FY 2012 Budget.
- * (3) Resolution No. 12-067: A Resolution Approving the Vacation of Internal Rights-of-Way, Utility Easements, and Drainage Tracts Dedicated to the City of Las Cruces Through the Sonoma Ranch North Rights-of-Way Dedication Plat on October 10, 2002, Plat Book 20, Pages 148-151. Submitted by Sonoma Ranch North, LLC, Property Owners (S-11-020)
- * (4) Resolution No. 12-068: A Resolution Accepting Additional One-Time Special Distribution Federal Highway Administration (FHWA) Funding For the Las Cruces Metropolitan Planning Organization (LCMPO) and Amending the Adopted FY2012 City Budget for MPO Fund 2090 to Reflect the \$93,992 Increase in the MPO Planning Program as Per the New Mexico Department of Transportation (NMDOT) Work Authorization.
- * (5) Resolution No. 12-069: A Resolution Extending the Art on Loan Program Ad Hoc Board for One Additional Year and Authorizing the Mayor to Appoint All Members to the Ad Hoc Board in Accordance With This Resolution and Chapter Two of the Las Cruces Municipal Code, 1997, as Amended.
- * (6) Resolution No. 12-070: A Resolution Authorizing the Acceptance of Grant Agreement Amendment #3 for Continued FY2012 Funding on Behalf of the Dona Ana County Juvenile Justice Continuum in the Amount of \$194,690.00 From the State of New Mexico Children Youth and Families Department (CYFD). The Resolution Ratifies the City Manager's Approval of the Agreement to Meet State-Mandated Deadlines and Necessary Sub-Agreements With Outside Partner Entities.
- * (7) Resolution No. 11-12-335: A Resolution Authorizing the Option to Renew for an Additional Year the Use of the Existing New Mexico State University Job Order Contracts with LC Structural Construction Inc., Duran Construction Inc., Sun City Builders Inc. (Based Out of Las Cruces, NM), Basic Idiq, Inc. (Based Out of El Paso, TX), Bixby Electric, Donnor Plumbing & Heating Inc., Esa Construction Inc., Lynx Electric Company Inc. (Based out of Albuquerque, NM); And, the Use of the Existing University of New Mexico Contract for Pricing Index Software Services, the Gordian Group, Inc., (Based in Mauldin, SC), in an Aggregate Amount Not to Exceed \$2,000,000.

1 *(8) Resolution No. 11-12-389: A Resolution Approving Extension of an Indefinite Cost,
2 Indefinite Quantity Price Agreement for Road Structures Price Agreement to Sandoval
3 Construction LLC, of Las Cruces, NM for Year Three (3) Through Five (5) of a Five (5)
4 Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

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6 *(9) Resolution No. 11-12-392: A Resolution Authorizing Change Order No. 2 in the Amount
7 of \$28,779.87 to the Contract Between the City of Las Cruces and DPW Solar Corporation
8 for the Construction of a Solar Photovoltaic (PV) System at the Las Cruces Convention
9 Center, as Originally Approved by City Council Via Resolution No. 10-11-448, and
10 Amending the Fiscal Year 2011-2012 Budget.

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14 **VI. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

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16 (10) Resolution No. 12-071: A Resolution Approving an Intergovernmental Agreement Between
17 the City of Las Cruces and Doña Ana County Establishing the Mesilla Valley Public Housing
18 Authority and Authorizing Those Other Actions Necessary to Facilitate the Agreement.

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20 Councillor Small Moved to Adopt Resolution No. 12-071 and Councillor Thomas Seconded the
21 motion.

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25 David Dollahon, Neighborhood Services Director gave an overhead presentation and said this is to
26 establish the Mesilla Valley Public Housing Authority which will be between the City and the
27 County. This essentially is merging the City's Housing Authority with the County's Housing
28 Authority and if this is approved then the effective date would be January 1, 2012. The Board would
29 have five members, two will be appointed by the Mayor, two by the County Commission and the
30 fifth member would be appointed by both the Mayor and County Commission as a Resident
31 Commissioner. The quorum requirement will be a simple majority but there must be at least one City
32 representative and one County representative in that quorum. They would serve as their own fiscal
33 agent but the Authority won't have access to the City's CDBG and Home Program or the County's
34 Colonia Program. The new Housing Authority would have the power of eminent domain in
35 accordance to State Law. We are requesting that there be an amendment made for the removal of the
36 loan repayment which is Article IV of the resolution and the renumbering of the remaining items.
37 The County is schedule to take their action on this resolution on October 25, 2011.

38
39 Councillor Pedroza asked how does this merge affect the City's current housing programs?

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41 David Dollahon said they won't be affected.

1 Councillor Pedroza asked does the current Housing Authority currently have eminent domain
2 powers?

3

4 David Dollahon said yes.

5

6 Councillor Silva asked can we put in there that they would be required to have a certain amount of
7 public meetings?

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9 David Dollahon said I would recommended that once the board is established that you express your
10 concerns and recommendations to the new board.

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14 Councillor Connor Moved to Amend Resolution No. 12-071 to remove the loan repayment which
15 is Article IV of the resolution and renumber the remaining items and Councillor Small Seconded the
16 motion.

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20 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 12-071 to remove
21 the loan repayment which is Article IV of the resolution and renumber the remaining items and it
22 was Unanimously Approved. 7-0

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26 Mayor Miyagishima said they will have the same fiscal year as we do; correct?

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28 David Dollahon said that is correct. There will be double reporting for the next fiscal year.

29

30 Mayor Miyagishima asked is there going to be an audit done prior to the new board taking place so
31 it will start fresh as a new entity?

32

33 David Dollahon said the current City's board will be included in the City's next audit. The new
34 entity would have a stand alone audit in 2013.

35

36 Councillor Silva asked what are we looking at for taxpayer's savings?

37

38 David Dollahon said currently, they are sharing clients so there is double paperwork. This would
39 merge the two so there would only be one set of books instead of two.

40

1 Tom Hassell said I think it would be impossible to put an actual dollar figure to it because there will
2 still be the same number of staff members working on the combined program as there is now. I think
3 where we will end up saving is with the paperwork; instead of having two separate audits, there will
4 be one; instead of two annual plans and reports, there will be one.

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8 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-071 as Amended
9 and it was Unanimously Approved. 7-0

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13 (11) Resolution No. 12-072: A Resolution Repealing Resolution 10-271, Guidelines for the
14 Distribution of City Funds/Stipends, and Approving the New Parks and Recreation Advisory
15 Board Authority Over Leagues/Organizations That Utilize City Fields and/or Facilities
16 Policy.

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18 Councillor Connor Moved to Adopt Resolution No. 12-072 and Councillor Small Seconded the
19 motion.

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23 Councillor Sorg Moved to Suspend the Rules and discuss Items 11 and 12 concurrently and
24 Councillor Connor Seconded the motion.

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28 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items 11 and
29 12 concurrently and it was Unanimously Approved. 7-0

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33 Mark Johnston, Parks and Recreation Director gave an overhead presentation and said this is to
34 repeal the stipends policy from about a year ago and establish a new policy. The City has received
35 numerous inquiries and complaints concerning the operations of certain leagues and organizations
36 which are not City programs but the general public believes the City is in control of the leagues. This
37 new policy will give the Parks and Recreation Advisory Board authority over league and
38 organization operations that utilize City owned or managed properties. The Board would act as an
39 appellate body for issues and complaints and the Board may review financials and may recommend
40 changes to operations. The Board will continue to recommend the disbursement of stipends based
41 on needs. This also develops one standard code of conduct that everyone must live by. The local
42 recreational youth leagues and/or organizations that have met the criteria will receive the stipend as

1 outlined. Financially stable leagues will not receive stipends. Stipends should be used for new or
2 start-up recreation opportunities and any stipends that are not received by leagues will be used by
3 the Parks and Recreation Section for maintenance.

4

5 Councillor Thomas asked what if the Board feels like they need more money?

6

7 Mark Johnston said there is a definitive amount of \$23,000 for this year and last year the amount was
8 \$54,500.

9

10 Councillor Silva asked who sets the funding amounts?

11

12 Mark Johnston said the amount goes through the budget process which is approved by Council.

13

14 Councillor Small said we will be providing finance training for the board and I think we should also
15 provide information on this to the leagues so we can get their input and answer any questions they
16 may have.

17

18 Mark Johnston said this is another step in the direction that we are going and hopefully we will have
19 standard operation procedures in another year or two for all the leagues and organizations. We are
20 going to be available to guide the leagues through the process.

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24 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-072 and it was
25 Unanimously Approved. 7-0

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29 (12) Resolution No. 12-073: A Resolution Approving the Distribution of Stipends to Local
30 Youth Leagues and Organizations to Assist with Operation Expenses for the 2011 Season,
31 in the Amount of \$11,000.

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33 Councillor Connor Moved to Adopt Resolution No. 12-073 and Councillor Small Seconded the
34 motion.

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38 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-073 and it was
39 Unanimously Approved. 7-0

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1 (13) Resolution No. 11-12-329: A Resolution Approving a Bid Award to CF Jordan
 2 Construction, LLC, of El Paso, Texas, in the Amount of \$4,467,096.00 for the Rehabilitate
 3 Taxiway Alpha Phase Two Project at the Las Cruces International Airport, Approving Award
 4 of a Contract to Delta Airport Consultants, Inc., of Albuquerque, New Mexico, in the
 5 Amount of \$878,409.00, Authorizing the Acceptance of a Grant in the Amount of
 6 \$144,312.00 from the New Mexico Department of Transportation Aviation Division, and
 7 Adjusting the FY 2011/2012 Adopted Budget.

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 9 Councillor Small Moved to Adopt Resolution No.11-12-329 and Councillor Thomas Seconded the
 10 motion.

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14 Lisa Murphy, Airport Manager gave an overhead presentation and said Taxiway Alpha is a heavily
 15 used taxiway but portions of the pavement have deteriorated significantly and it doesn't meet current
 16 design standards. It will also need to be moved south approximately 43 feet. Bids for this project
 17 were opened July 26, 2011 and we received four bids. The lowest bid came from CF Jordan
 18 Construction, LLC of El Paso, Texas and the total amount of the project is \$5,772,505. The FAA
 19 Airport Improvement Program is giving us a grant for 95% which is \$5,483,879, the NMDOT
 20 Aviation Division is giving us a grant for 2.5% which is \$144,312 and the City will have to supply
 21 a match of 2.5% which is \$144,314. Staff is asking for an amendment on page 537, II; it states that
 22 the amount is including NMGRT but it should read plus NMGRT.

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26 Councillor Connor Moved to Amend Resolution No.11-12-329 to state on page 537, Paragraph II,
 27 the contract amount plus NMGRT and Councillor Small Seconded the motion.

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31 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-12-329 and it was
 32 Unanimously Approved. 7-0

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36 Councillor Sorg said this is a very important project and I'm glad that we are getting it done.

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38 Councillor Small asked will this change the types of airplanes that can use this runway?

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40 Lisa Murphy said no.

41

1 Councillor Small said I would suggest that we have a work session to discuss all the things that are
2 going on at the Airport.

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4 Mayor Miyagishima said I think that is a good idea and we'll see if we can get it on the agenda.

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8 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-329 as
9 Amended and it was Unanimously Approved. 7-0

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13 **VII. BOARD APPOINTMENTS**

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15 None given.

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19 **VIII. REVIEW OF PROPOSED ORDINANCE(S)**

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21 (14) Council Bill No. 12-017; Ordinance No. 2639: An Ordinance Authorizing the Execution and
22 Delivery of a Loan Agreement by and Between the City of Las Cruces, New Mexico (The
23 "City") and the New Mexico Finance Authority, Evidencing a Special Limited Obligation
24 of the City to Pay a Principal Amount of \$900,000, Together with Interest and
25 Administrative Fees Thereon, for the Purpose of Defraying the Cost of Acquiring Solid
26 Waste Collection Vehicles for the Solid Waste Department and to Fund the Loan Agreement
27 Reserve Account; Providing for the Payment of the Principal of and Interest on the Loan
28 Agreement Solely From the Net System Revenues Received by the City From the Operation
29 of Its Solid Waste System; Approving the Form and Terms of and Other Details Concerning
30 the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action Inconsistent
31 With This Ordinance; and Authorizing the Taking of Other Actions in With the Execution
32 and Delivery of the Loan Agreement.

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34 Mayor Miyagishima and Council agreed to bring this item back.

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38 **IX. GENERAL DISCUSSION**

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40 1. **MAYOR**

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42 Mayor Miyagishima passed.

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2. CITY COUNCIL

Councillor Thomas passed.

Councillor Sorg passed.

Councillor Small said I'd like to thank Chief Williams and Alma Cortez for their help with some graffiti issues.

There have been some really good dialogues with the Community of Hope regarding some of the issues with homelessness in our City. I think we need to clearly state that there are several entities in that area that are doing great things and need to be included in the planning for the City.

Robert Garza, City Manager said there are a lot of homeless people moving from the north to this area which happens every year because of the weather so we have people who are just camping outdoors throughout the City. There are property owners that are wanting to ask these people to move off of their property and we have asked them to hold off until we can speak with the different entities that help with these types of situations.

Councillor Small said I would like to thank the people in our Streets and Drainage Departments for their efforts to go out to sites and address some of the neighborhood's issues.

We had a chance to go to the Juvenile Citation Project and I think it is a great idea to have these types of forums.

Councillor Pedroza said I'd like to thank Chief Williams for his help this weekend with a family who was concerned about some of its members who were in a serious traffic accident.

Casa de Peregrinos is going to be having a Turkey Drive to help feed needy families.

I admire the work of the Juvenile Citation Program and I think a teen council would be one more way to help out.

1 Last winter, I spoke about homeless people who have died in our City and I think we need to be
2 prepared for this situation ahead of time. There are many ideas on what to do and I think one of the
3 ideas that could be explored is to have port-a-potties and have some kind of a tent city which could
4 come from the National Guard.

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8 Councillor Connor said last week, we all received a list of names from a Las Cruces High
9 neighborhood regarding the music there; I think that is a public school issue and I have passed that
10 information onto Stan Rounds.

11

12 For the seventh year in a row, Team WSMR was another success last Thursday; there were 14
13 restaurants to get samples from and they provided some great music.

14

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17 Councillor Silva said regarding the list of signatures that were given to us, I think we need to revisit
18 our noise ordinance.

19

20 I would like to thank Mr. Fenske and his group for their amazing work cleaning up the Mesquite
21 Historic area on Saturday.

22

23 I have been speaking with some people regarding foreclosures in Las Cruces and I think we should
24 have a work shop regarding those social concerns within our community.

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28 3. CITY MANAGER

29 A. Other items - Information Only.

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31 None given.

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35 Meeting Adjourned at 3:12 p.m.