

Regular Meeting  
December 19, 2011



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

**Regular Meeting**

**December 19, 2011**

**1:00 P.M.**

**Council Chambers, City Hall**

**MEMBERS PRESENT:**

**STAFF:**

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Greg Smith, 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
- Linda Lewis, Deputy City Clerk

**I. OPENING CEREMONIES**

25 Mayor Miyagishima called the meeting to order and asked for a moment of silence. Mayor  
26 Miyagishima 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 Laura Holguin, Past President of NMGFOA presented a GFOA Certificate of Achievement for  
34 Excellence in Financial Reporting to Assistant City Manager Mark Winson.

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38 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in  
39 Closed Session at 5:25 p.m. on December 12, 2011. The following members were in attendance:  
40 Mayor Miyagishima, Councillor Smith, Councillor Pedroza, Councillor Sorg, Councillor Thomas,  
41 Assistant City Manager Brian Denmark, Assistant City Manager Mark Winson, Neighborhood  
42 Services Administrator David Dollahon and City Attorney Harry (Pete) Connelly. The meeting  
43 adjourned at 6:12 p.m. and only the limited items stated in the posted notice were discussed which

1 was the sale, lease, exchange or purchase of real estate and/or permanent interest in real estate owned  
2 by the City of Las Cruces or private individuals/entities in the Downtown area.

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

10  
11 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

12  
13 None given.  
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16  
17 **III. PUBLIC PARTICIPATION**  
18

19 Sam Barba, Member of the Public said in the Wall Street Journal it stated that natural gas is down  
20 29% but I heard that the City is considering raising our rates for natural gas.

21  
22 Mayor Miyagishima said we don't make a profit off the gas; we use the funds to help pay for  
23 infrastructure like the replacement of old gas lines.

24  
25 Jorge Garcia, Utilities Director said the Mayor is correct.  
26  
27 -----  
28

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

32  
33 Mayor Miyagishima said Items 9 and 11 need to be removed from the Consent Agenda for  
34 discussion.

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38 Councillor Silva Moved to Approve the Agenda as Amended and Councillor Thomas Seconded the  
39 motion.

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December 19, 2011

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1  
2 Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was  
3 Unanimously APPROVED. 7-0

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6

7 **V. CITY COUNCIL MINUTES**

- 8  
9 \*(1) Regular Meeting of November 21, 2011  
10 \*(2) Regular Meeting of December 5, 2011

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14 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

15  
16 \*(3) Resolution No. 12-093: A Resolution to Amend the Transit Holiday Schedule for Calendar  
17 Year 2011 by Adjusting Roadrunner Transit Service Hours on Saturday, December 24, 2011  
18 So That Day's Service Hours Will be From 6:30 AM Through 3:00 PM.

19  
20 \*(4) Resolution No. 12-094: A Resolution Approving Roadrunner Transit's Holiday Schedule  
21 for the 2012 Calendar Year.

22  
23 \*(5) Resolution No. 12-095: A Resolution to Accept Funding From the New Mexico Department  
24 of Transportation, Traffic Safety Division Operation Buckle Down Project on Behalf of the  
25 Las Cruces Police Department in the Amount of \$9,866.00 and to Adjust the FY 2012  
26 Budget.

27  
28 \*(6) Resolution No. 12-096: A Resolution to Accept Funding From the New Mexico Department  
29 of Transportation, Traffic Safety Division Click It or Ticket Project on Behalf of the Las  
30 Cruces Police Department in the Amount of \$6,845.00 and to Adjust the FY 2012 Budget.

31  
32 \*(7) Resolution No. 12-097: A Resolution to Accept Funding From the New Mexico Department  
33 of Transportation, Traffic Safety Division Community DWI Program on Behalf of the Las  
34 Cruces Police Department in the Amount of \$9,000.00 and to Adjust the FY 2012 Budget.

35  
36 \*(8) Resolution No. 12-098: A Resolution to Accept Funding From the New Mexico Department  
37 of Transportation, Traffic Safety Division Education and Enforcement Program on Behalf  
38 of the Las Cruces Police Department in the Amount of \$4,233.00 and to Adjust the FY 2012  
39 Budget.

40  
41 \*(10) Resolution No. 12-100: A Resolution Approving the Vacation of a 0.0405-Acre Portion of  
42 Remnant Right-of-Way Located at the Southwest Corner of Second Street and Madero

1 Avenue, and Transferring Ownership of the Remnant Right-of-Way to Metal Craft Co., as  
2 Adjacent Property Owners.

3

4 \*(12) Resolution No. 11-12-413: A Resolution Authorizing the Purchase of Twenty-Nine (29)  
5 Laptop Computers for the Police Department From PCS Mobile of Denver, Colorado in the  
6 Amount of \$115,928.00.

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

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12 \*(9) Resolution No. 12-099: A Resolution Approving an Adjustment to the FY11-12 General  
13 Fund Budget in the Amount of \$14,000 to be Used for Operational Expenses for the Las  
14 Cruces Police Athletic League, Inc. (PAL) Boxing Program.

15

16 Councillor Thomas Moved to Adopt Resolution No. 12-099 and Councillor Small Seconded the  
17 motion.

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21 Councillor Pedroza said I don't understand the fund expenditure summary for this item.

22

23 Robert Garza, City Manger said the \$57,000 amount is the amount that was budgeted for this line  
24 item in the budget and they are spending \$14,000 and there is a balance of \$5,000. This is not a  
25 mathematical item (A-B=C), these are three different numbers that have three different meanings.

26

27 Councillor Pedroza said maybe we should change the titles for those columns.

28

29 Robert Garza said I would agree that there are some inconsistencies with this particular  
30 communication.

31

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34 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-099 and it was  
35 Unanimously Approved. 7-0

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39 \*(11) Resolution No. 12-101: A Resolution Authorizing the Fourth Amendment of the Current  
40 Lease for the Las Cruces Museum of Natural History at the Mesilla Valley Mall and  
41 Authorizing the Mayor to Execute the Lease Extension for a Term of One Year With a  
42 Mutual Right of Termination for Either Party Upon a Ninety (90) Day Written Notice.

1  
2 Councillor Small Moved to Adopt Resolution No. 12-101 and Councillor Sorg Seconded the motion.

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6 Councillor Silva said it states the amount for the yearly rental and then it is asking for an additional  
7 \$20,000. I'd like to know where the funding is coming from for this item.

8  
9 Lori Grumet, Public Services Director said the fund summary is confusing because it crosses fiscal  
10 years and some of the utilities fluctuate from month to month so some of those numbers are  
11 estimated. One of the amounts is for the remainder of this fiscal year and the other is for the  
12 remainder of the lease which would take us from July 1 to December 31, 2012. We are renewing our  
13 lease at the mall for the Museum of Natural History and there are sufficient funds available for this  
14 year's lease and then we will have to budget for it during our next fiscal year budget process.

15  
16 Councillor Silva said if I'm not mistaken, this is for next year because we are starting up a new lease.

17  
18 Lori Grumet said the lease is done by calendar year not fiscal year so it is about \$60,000 for the  
19 whole lease. We are renewing it for about half a year and we have funds budgeted for that line item  
20 but we are adjusting for next year. We try to build in a little cushion because of the fluctuation of the  
21 cost for utilities.

22  
23 Eric Martin, Project Management Director said the lease is handled as a calendar year so we will be  
24 coming back this spring for the remainder of the budget for that year's lease.

25  
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27  
28 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-101 and it was  
29 Unanimously Approved. 7-0

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33 (13) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 12-102;**  
34 **A PUBLIC HEARING MUST BE HELD:**

35  
36 Mayor Miyagishima opened the Public Hearing for Resolution No. 12-102 and asked is there anyone  
37 who wishes to speak against this item?

38  
39 None given.

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41 Mayor Miyagishima closed the Public Hearing.

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Resolution No. 12-102: A Resolution Approving the Issuance of a Restaurant Beer and Wine License for on Premise Consumption Only to Swartz Investment Group, LLC D/B/A Fox's Pizza Den, Located at 1340 East Lohman, Las Cruces, New Mexico.

Councillor Thomas Moved to Adopt Resolution No. 12-102 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-102 and it was Unanimously Approved. 7-0

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(14) Resolution No. 12-103: A Resolution Authorizing the City of Las Cruces to Accept Awarded Funding from the New Mexico Finance Authority's Water Trust Board in the Amount of \$100,620.00 with a Match Requirement of \$11,180.00 and a Loan Component of \$11,180.00 and to Adjust the FY 2012 Budget.

Councillor Thomas Moved to Adopt Resolution No. 12-103 and Councillor Small Seconded the motion.

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Auguie Henry, Grants Administrator gave an overhead presentation and said the City received a grant award for \$100,620 which is to be used for the plan and design of the Burn Lake Project which includes things like landscape architectural services, civil engineering, electrical engineering, soccer field lighting design, environmental study and archaeological study. The grant requires a 10% match and it will be paid for out of budget funds from the 2005 Burn Lake bond and it requires a 10% loan. The purpose of this project is to allow Elephant Butte Irrigation District to use Burn Lake as a regulating reservoir. The City will purchase pumps to transfer EBID irrigation water to the Mesilla Drain.

Councillor Smith asked are we going to be doing anything to the lake so it will retain the water?

Robert Garza, City Manager said Burn Lake is essentially the water table, it's not being fed by any man-made causes so the water level fluctuates. It would be very costly to install a type of liner to hold water and fill it up with water. This lake is sand material so it will hold water for a period of time but EBID wants the ability to store water there and then move it up stream within a short period of time.

1 Councillor Small said regarding the soccer field lighting design, I thought the idea was to put the  
2 lights back where they were originally so why would we need another study done?

3  
4 Robert Garza said the lights will need to be replaced because they are rusted due to the age of them  
5 so anytime you replace a lighting system there has to be a study done by an electrical engineer.

6  
7 Councillor Small said I think this is a positive step forward and I would like to continue to see  
8 follow up done on this project.

9  
10 Councillor Pedroza asked is the PUD still going to take place in this area because I remember the  
11 developer had said he was going to do some improvements to Burn Lake. There is also some issues  
12 with the parking area of Burn Lake that I think need to be addressed.

13  
14 David Weir, Community Development Director said the Via Amador Project is still in the approval  
15 phases and they haven't come forward with any drawings or conditions of approval so there hasn't  
16 been any actual funds put forward. I don't believe they were going to do improvements to Burn Lake  
17 but that they were going to have some kind of a trail system to Burn Lake.

18  
19 Robert Garza said there is a future proposed parking lot for Burn Lake.

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23 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-103 and it was  
24 Unanimously Approved. 7-0

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28 (15) Resolution No. 11-12-410: A Resolution Increasing an Existing Contract With Cannon  
29 Cochran Management Services, Inc (CCMSI) of Albuquerque, NM by an Additional  
30 \$100,000.00 for a Total of \$149,999.00, Pending Available Budget, to Provide Worker's  
31 Compensation Third Party Administration Services.

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33 Councillor Thomas Moved to Adopt Resolution No. 11-12-410 and Councillor Silva Seconded the  
34 motion.

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38 Andre Moquin, HR Director said this is to increase funds to an existing contract for the management  
39 of Work Comp claims for the City. The increase is due to the third party administration moving  
40 forward a little more quickly with the review of existing claims. This contract is due to expire in June  
41 2012 so we will be going through the bidding process at that time.

42

1 Councillor Small asked when are we going to start doing this in-house again?

2

3 Andre Moquin said it could be several years. We are looking to go through a third party  
4 administrator for at least seven years to establish the actual cost and see if it is better to stay in a  
5 contract or do it in-house.

6

7 Councillor Pedroza said there seems to be some inconsistency with the numbers.

8

9 Andre Moquin said it is difficult to anticipate the cost for this area because we can't foresee how  
10 many accidents we will have or the cost of managing the contract.

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14 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-410 and it was  
15 Unanimously Approved. 7-0

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19 (16) Resolution No. 11-12-418: A Resolution to Award a Contract for the Purchase of Three (3),  
20 Twenty-Two Foot Glaval Bus Paratransit Vans Under the Houston-Galveston Area Council  
21 Cooperative Purchasing Program to National Bus Sales of Marietta, Georgia, for a Total  
22 Purchase Price of \$170,086.80, Plus Applicable Taxes and Fees.

23

24 Councillor Small Moved to Adopt Resolution No. 11-12-418 and Councillor Sorg Seconded the  
25 motion.

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29 Mike Bartholomew, Transit Administrator gave an overhead presentation and said this is to replace  
30 three of our 2004 paratransit vehicles. The recommended schedule for the replacement of these  
31 vehicles is every five years. The new vehicles will be similar to the old ones and they will also  
32 include security cameras. We have a FTA grant for a portion of this cost and the other funds for this  
33 project are already budgeted in the Fiscal Year 12 Transit Fund.

34

35 Councillor Smith asked are there any other changes to this type of vehicle?

36

37 Mike Bartholomew said the only other mechanical difference is that they use gasoline instead of  
38 diesel fuel.

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1 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-418 and it was  
2 Unanimously Approved. 7-0

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6 **VIII. BOARD APPOINTMENTS**

7  
8 Mayor Miyagishima appointed Ronald C. Johnson (District 2) to the Capital Improvement Advisory  
9 Committee.

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13 Councillor Small Moved to Approve the Mayor's board appointment of Ronald C. Johnson (District  
14 2) to the Capital Improvement Advisory Committee and Councillor Thomas Seconded the motion.

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18 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment  
19 of Ronald C. Johnson (District 2) to the Capital Improvement Advisory Committee and it was  
20 Unanimously Approved. 7-0

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24 **IX. REVIEW OF PROPOSED ORDINANCE(S)**

25  
26 (17) Council Bill No. 12-020; Ordinance No. 2642: An Ordinance Approving a Concept Plan and  
27 Final Site Plan for a Planned Unit Development (PUD) Known as Metro Verde Amendment  
28 No. 1. The Subject Properties Encompass 695 ± Acres and are Located in the Sierra Norte  
29 Area North of the Future Expansion of Arroyo Road and South of the City Limits; Parcel  
30 ID#S 02-36419, 02-36420, 02-36421, 02-36422, 02-37650, 02-38810, 02-38811. Submitted  
31 by DVI on Behalf of Sierra Norte Land Holdings, LLC & Barbara W. Johnson, Property  
32 Owner (PUD-11-01 & PUD-11-02).

33  
34 Mayor Miyagishima and Council agreed NOT to bring this item back.

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38 **X. GENERAL DISCUSSION**

39  
40 1. Mayor

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42 Mayor Miyagishima said I want to wish everyone a happy holiday and thanks for a great year.

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2. City Council

Councillor Thomas said I have received some complaints regarding the plane that has been flying around town.

Robert Garza, City Manager said it is my understanding that they are looking for sites for cell towers.

Councillor Thomas said there were a couple of public input meetings this week, one was regarding the proposed Lighting Ordinance and the other was regarding the final draft for the Wind Erosion Ordinance. I would like to thank Robert Kyle for doing such a nice job running those meetings.

I think we've decided to have the Neighborhood Organization Summit on February 11, 2012 and it will be held in this building.

We will be working on our Strategic Plan so if anyone has any items that they'd like us to consider please get them to me.

I would like to wish everyone a happy holiday.

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Councillor Sorg said I'd like to thank our Police Department for doing such a good job.

Regarding economic development, there is a 105 page report that was done by some Master Business Administration students that states ways that they think we could improve our airport and one of the things they think we should do is brand our airport as the official airport of Spaceport America. We also need to extend one of our runways by about 3,000 feet because there have been several times when that has caused problems with planes coming into or leaving our airport.

Regarding the community coalition that has been started in Dona Ana County, they have a goal for anti bullying in our county and in our schools. They'd like to have our PIO Department help with their marketing campaign next year.

I have been getting complaints about sonic booms and I've learned that they are being caused by F22 raptor jets. Normally they don't do this on our side of the mountains but under certain conditions we get them. Also, I'd like to let Council know that we have been invited to take a tour of Holloman Air Force Base.

I'd like to wish everyone a happy holiday.

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1  
2 Councillor Small said I wanted to report that there is some graffiti on the south side of the Tractor  
3 Supply on Picacho.

4  
5 I'd like to thank NMDOT for keeping the public updated on the road conditions during bad weather  
6 and the City crews for keeping the roadways salted.

7  
8 I think it is a good idea to have a work session to discuss things going on with the EBID.

9  
10 I'd like to thank staff for making everything possible and happy holidays to everyone.

11  
12 -----  
13  
14 Councillor Pedroza said I'd like to thank staff and Council and I want to wish everyone a Merry  
15 Christmas.

16  
17 I want to remind everyone that January 16<sup>th</sup> is Martin Luther King Day and on January 15<sup>th</sup> the  
18 NAACP is going to have a march through the Downtown area.

19  
20 -----  
21  
22 Councillor Smith said regarding Councillor Sorg's comment about making our airport the official  
23 airport of the Spaceport, we need to look how one would get from the airport to the Spaceport.

24  
25 Earlier today I joined the Mayor and others at the Convention Center to welcome home Soldiers. Our  
26 Soldiers are trained on how to use deadly force but it is my hope that we will eventually learn how  
27 to prevent or avoid situations where deadly force is deemed necessary.

28  
29 I'd like to wish everyone holiday time with loved ones that is peaceful.

30  
31 -----  
32  
33 Councillor Silva said I am glad that we are going to have a future work shop regarding our airport.

34  
35 I was at the Visitors Bureau in Deming and there wasn't any information from Las Cruces. We need  
36 to increase our advertising of Las Cruces and of our Farmers Market.

37  
38 I'd like to wish everyone in our community a happy holiday and new year.

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42 3. City Manager

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1 Robert Garza, City Manager said I want to mention that there will be Police Auditor community  
2 meetings on January 23 and 24 and they'd like for the Council to select two people each from  
3 your districts for communications with them.

4

5 I'd like to wish everyone a Merry Christmas and a happy new year.

6

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9 Councillor Silva said I wanted to remind everyone that the Centennial Parade is on January 7,  
10 2012.

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14 **Meeting Adjourned at 3:54 p.m.**