

Regular Meeting  
November 4, 2013

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

**Regular Meeting**

**November 4, 2013**

**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

DRAFT

**I. OPENING CEREMONIES**

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

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima presented the Mayor's Distinguished Service Award to Councillor Thomas.

Councillor Thomas presented a Proclamation to Yoli Diaz and declared February 2014 as All Types of Cancer Awareness Month.

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**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.*

1  
2 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?  
3  
4 There were no conflicts of interest.

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8 **III. PUBLIC PARTICIPATION**  
9

10 Michael Wise, Foundation of Museums in Las Cruces said when they reviewed the Downtown  
11 Charrette, concerns were raised regarding taking the former Post Office on Griggs and turning it over  
12 to commercial interest. I would like to remind Council that on May 18, 2009 you approved  
13 Resolution No. 09-270 which supported the rehabilitation of the Courthouse for a museum and it  
14 would be unethical and politically difficult to sell this property for commercial use or a use that  
15 would conflict with the principals of the historical property management.

16  
17 Robert Garza, City Manager said the Charrette brought up a lot of creative ideas and the final report  
18 of the Charrette will be coming forward for everyone to see but I do want to say that staff has no  
19 interest in selling that historical building.

20  
21 Councillor Silva said I agree with Mr. Wise and we intend for that building to stay in the City's  
22 inventory.

23  
24 Bob Butler, Member of the Public said I have contacted about 50 people regarding the GRT and  
25 people are not pleased with the way Council responded to that situation. I think it is important for  
26 you to have pride in what you are doing but I feel you stepped out of doctrine; people think you  
27 jumped and over reacted to the situation.

28  
29 Ryan Dailey, Member of the Public said I just want to say that we will miss Councillor Thomas.

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32

33 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**  
34 **AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**  
35 **BY ONE MOTION.**  
36

37 Councillor Thomas Moved to Approve the Agenda and Councillor Small Seconded the motion.

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

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**V. CITY COUNCIL MINUTES**

- \* (1) Regular Meeting of October 7, 2013
- \* (2) Emergency Meeting of October 9, 2013

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

\* (3) Resolution No. 14-085: A Resolution Authorizing the City of Las Cruces to Continue an Agreement with the Rio Grande Council of Governments for Fiscal Year 2013/2014 and to Provide an Annual Membership Fee of \$4,800.00.

\* (4) Resolution No. 14-086: A Resolution Authorizing an Assignment of Land Lease for Parcel 33 at the Las Cruces International Airport From MMMR, LLC to Stuart M. Hutson.

\* (5) Resolution No. 13-14-303: A Resolution Awarding an Indefinite Cost, Indefinite Quantity, Price Agreement to Maintenance Service Systems Inc., of Albuquerque, New Mexico, for Janitorial Services Contracted Up to Five (5) Years Conditioned Upon Approved Budgets and Annual Renewals.

\* (6) Resolution No. 13-14-351: A Resolution Authorizing a Final Change Order Number Six (6) to the Contract Between the City of Las Cruces and Jaynes Corporation, Inc. For Construction of the Las Cruces Regional Aquatic Center; to Increase the Contract Sum By the Amount of \$27,940.00.

\* (7) Resolution No. 13-14-354: A Resolution to Authorize a Change Order to the Contract for the Alameda Arroyo Recreational Trail Architectural and Engineering Design Project With ASA Architects for Additional Services Including a Drainage Study, Coordination and Plan Revisions, Increasing the Contract by \$17,625.00 Plus NMGRT in the Amount of \$1,332.89 for a Total Project Authorization Increase of \$18,957.89.

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**VII. UNFINISHED BUSINESS:**

(8) Resolution No. 14-082: A Resolution Repealing and Replacing the Existing Identified Neighborhood Association Information and Notification Policy With a New Policy Title

1 Identified Neighborhood Association/Group Information and Notification Policy. Submitted  
2 by the City of Las Cruces. *(Tabled from October 21, 2013)*  
3

4 Councillor Thomas Moved to Remove Resolution No. 14-082 from the Table and Councillor Sorg  
5 Seconded the motion.  
6

7 -----  
8

9 Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 14-082 from the  
10 Table and it was Unanimously Approved. 7-0  
11

12 -----  
13

14 Robert Garza, City Manager said this resolution is not ready to be contemplated by Council today  
15 so we would request that you table it to November 18<sup>th</sup>.  
16

17 -----  
18

19 Councillor Silva Moved to Table Resolution No. 14-082 to November 18, 2013 and Councillor  
20 Smith Seconded the motion.  
21

22 -----  
23

24 Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 14-082 to November  
25 18, 2013 and it was Unanimously Approved. 7-0  
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29 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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31 (9) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-087;**  
32 **A PUBLIC HEARING MUST BE HELD:**  
33

34 Mayor Miyagishima opened the Public Hearing for Resolution No. 14-087 and asked if there was  
35 anyone who wished to speak against this item?  
36

37

37 There was none given.  
38

39

39 Mayor Miyagishima closed the Public Hearing for Resolution No. 14-087.  
40

40

1        Resolution No. 14-087: A Resolution Approving the Issuance of a Restaurant Liquor  
2        License to Luong Phan D/B/A Pho Saigon Restaurant, Located at 1160 El Paseo Road, Suites  
3        D12-D14, Las Cruces, New Mexico.

4

5 Councillor Smith Moved to Approve Resolution No. 14-087 and Councillor Small Seconded the  
6 motion.

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10 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-087 and it was  
11 Unanimously Approved. 7-0

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15 (10) Resolution No. 14-088: A Resolution Approving “\_\_\_\_\_” as the Name of the  
16 New Intermodal Center Located at the Southwest Corner of Alameda Boulevard and Lohman  
17 Avenue (300 W. Lohman Avenue).

18

19 Councillor Sorg Moved to Approve Resolution No. 14-088 and Councillor Thomas Seconded the  
20 motion.

21

22

23

24 Mike Bartholomew, Transit Director gave an overhead presentation and said a process was  
25 developed to solicit name suggestions via email, online, mail, and on the buses and there were 49  
26 submissions submitted by the deadline which was August 16, 2013. The Transit Advisory Board  
27 reviewed all the submissions and the three recommended names are the Las Cruces Intermodal  
28 Transit Facility, the Mesilla Valley Intermodal Transit Facility, and the 3 Crosses Intermodal Transit  
29 Facility.

30

31 Councillor Smith said since all of these names are long, it sometimes resonates into an acronym and  
32 the acronym for the Mesilla Valley Intermodal Transit Terminal would be MVIT Terminal which  
33 it could become “Move It” Terminal.

34

35 Councillor Small said I also like the Mesilla Valley Intermodal Transit. Are there any immediate  
36 plans from the County on any other naming that is along that line?

37

38 Mike Bartholomew said no, I’m not aware of any.

39

40 Councillor Thomas said I also like the name Mesilla Valley.

41

1 Councillor Sorg said my first choice would be the Jeff Bingaman Intermodal Transit Facility but my  
2 2<sup>nd</sup> choice would be the Mesilla Valley Intermodal Transit Facility.

3

4 Councillor Pedroza said I agree with the Mesilla Valley name.

5

6 Councillor Silva said I like the name Trans-zia.

7

8 Councillor Sorg said I think Mesilla Valley is a more appropriate name.

9

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12 Councillor Smith Moved to Amend Resolution No. 14-088 to adopt the name as the Mesilla Valley  
13 Intermodal Transit Terminal and Councillor Small Seconded the motion.

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17 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 14-088 to adopt the  
18 name as the Mesilla Valley Intermodal Transit Terminal and it was Unanimously Approved. 7-0

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22 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-088 as  
23 Amended and it was Unanimously Approved. 7-0

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26

27 (11) Resolution No. 13-14-312: A Resolution Awarding the Bid to Kear Civil Corporation of  
28 Phoenix, AZ for Base Bid, Plus Alternate One, in the Amount of \$906,346.00, Plus  
29 \$68,600.00 for New Mexico Gross Receipts Tax and Approve Task Order No. One for  
30 Construction Management Services to Delta Airport Consultants, Inc. of Albuquerque, NM  
31 in the Amount of \$94,637.00, New Mexico Gross Receipts Tax Included, for a Total Project  
32 Award of \$1,069,583.00 for the Rehabilitation of the Fuel Farm Facility at the Las Cruces  
33 International Airport; Authorizing the Acceptance of a Grant Award in the Amount of  
34 \$537,291.00 from the New Mexico Department of Transportation Aviation Division and to  
35 Approve a Budget Adjustment to the FY 2013-2014 Approved Budget.

36

37 Councillor Small Moved to Approve Resolution No. 13-14-312 and Councillor Thomas Seconded  
38 the motion.

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1 Cheryl Rodriguez, Airport Manager gave an overhead presentation and said the Fuel Farm Facility  
2 is located at our airport and is owned by the City of Las Cruces. It was installed in the 1980s and is  
3 currently non-compliant with the New Mexico Environment Department Petroleum Tank Bureau  
4 Regulations and as the owner, the City is responsible for facility regulations compliance. In 2009 the  
5 New Mexico Environment Department Petroleum Storage Tank Bureau published the new  
6 regulations that applied to all owners and operators of ASTs and mandated that all facilities must be  
7 in compliance by July 1, 2013. The tanks must be double-wall, properly set, and the facility must  
8 have concrete-lined secondary containment area for loading/unloading of fuel. We took a two-phase  
9 approach to this project and Phase I has already been completed which was the design and bidding  
10 of services. The project was advertised for bid on July 12, 2013 and we received two bids. The  
11 construction of the Fuel Farm was awarded to Kear Civil Corporation with a total project cost of  
12 \$1,074,583.00 and the funding is anticipated to come from a NMDOT Aviation Grant in the amount  
13 of \$537,291.00 and the remaining \$537,292.00 will be paid by the City.

14

15 Councillor Small asked what is the time-table of this project?

16

17 Cheryl Rodriguez said the deadline was July 1<sup>st</sup> but I requested an extension from NMDOT. The  
18 project will take approximately 90-days and it would be in our best interest to start as soon as  
19 possible.

20

21 Councillor Small said I am more than comfortable with supporting this resolution.

22

23 Councillor Pedroza asked do we already have a commitment from the Department of Transportation  
24 for half of the funding?

25

26 Cheryl Rodriguez said yes.

27

28 Councillor Sorg asked does the City receive revenues from the Fuel Farm?

29

30 Cheryl Rodriguez said yes, we get six cents per gallon from each gallon sold.

31

32 Councillor Sorg said I also support this resolution.

33

34 Mayor Miyagishima asked does the EPA require any type of pollution liability?

35

36 Cheryl Rodriguez said I'm not aware of any requirements.

37

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40 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-312 and it  
41 was Unanimously Approved. 7-0

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**IX. BOARD APPOINTMENTS**

There were no board appointments.

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**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).***

(12) Council Bill No. 14-014; Ordinance No. 2699: An Ordinance Repealing Las Cruces Municipal Code (LCMC) 1997, Sections 32-136 Through 32-144, Design Standards, in its Entirety and Enacting New LCMC 1997 Sections 32-136 Through Section 32-144, Design Standards; and to Amend LCMC 1997 Section 38-60(B), Walls and Fences-Retaining Walls; and LCMC 1997 Section 30-233(6)A.8, Submittal Requirements-Retaining Walls.

Mayor Miyagishima and Council agreed to bring this item back.

DRAFT

**XI. CITY COUNCIL MEMBER BOARD REPORTS**

There were no City Council Member Board Reports.

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**XII. GENERAL DISCUSSION**

a.) Mayor

Mayor Miyagishima read the Emergency Response for the City of Las Cruces filing with the New Mexico Supreme Court.

Robert Garza, City Manager said the Supreme Court accepted our request regarding our filing with the New Mexico Taxation and Revenue which is very good news.

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b.) City Council

1 Councillor Thomas said we recently found a loophole in our Dust Ordinance so I am asking that it  
2 be brought back so we can look at the problem.

3

4 We had a meeting regarding gunfire in the desert so I am passing out an update on it to Council.

5

6 I would like to have Councillor Pedroza named as the representative for Viva Dona Ana and  
7 Councillor Small as an Alternate.

8

9 Councillor Pedroza said I agree with being the representative.

10

11 Councillor Small said I agree with being the alternate.

12

13

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14

15 Councillor Sorg said I want to congratulate Councillor Thomas on the award that was presented to  
16 her today.

17

18 Regarding the meeting for gunfire in the desert, I have submitted a letter to the Bureau of Land  
19 Management on my comments for shooting within the city limits.

20

21 Margaret Markham passed away a week ago and even though I didn't know her very well, she was  
22 the first member of the public to call me when I became a Councillor.

23

24 I have been patient about getting the streets fixed in District 5 but it's now time to start acting and  
25 get these streets finished. I am asking that we create a Special Assessment District to complete  
26 Roadrunner Parkway between Bataan and Settlers Pass; complete Settlers Pass, Engler Road and Del  
27 Rey. I would like for us to discuss this issue at the December 9<sup>th</sup> Work Session and determine the  
28 cost for finishing these streets.

29

30 I would like an update on the progress regarding changing our Infrastructure Development Code.

31

32 Also, I would like for us to take another look at our Sign Ordinance because there are some places  
33 where they have become an eye soar.

34

35 I think the Wind Erosion Control Ordinance needs to be rewritten to make the enforcement more  
36 effective.

37

38 I think it's time to explore the possibility of assisting in the development of our Downtown because  
39 it has been lingering for a long time and we need to spur it along.

40

41 Mayor Miyagishima said we can add your streets topic to the December 9<sup>th</sup> Work Session agenda.

42

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2  
3 Councillor Small said this Sunday is the Look Who's Dancing event and I am planning to attend it.

4  
5 Regarding Safe Routes to School, Council approved a resolution at an earlier meeting, addressing  
6 the cut in funding for the Safe Routes to School Coordinator and as I understand it there has been  
7 a different route taken.

8  
9 Robert Garza, City Manager said after we had already presented that resolution to Council, we found  
10 out that the City is not eligible to receive those funds because they are no longer giving those funds  
11 to city governments but they are giving them to school districts so the focus is going to the school  
12 arena. It doesn't mean that we are not supportive of that program and we are going to continue to  
13 interact with the schools but they are going to have to take the reins and take the lead.

14  
15 Councillor Thomas said funding is hard to get for this program because it was put in with a lot of  
16 other programs but they have requested that we appoint someone from City staff as a point of  
17 contact.

18  
19 Robert Garza said I haven't received any requests for that but we can surely appoint someone.

20  
21 Councillor Pedroza said I want to mention that the MPO is dealing with it but there was funding  
22 granted for one Safe Routes to School Coordinator but not the other so the MPO did send a letter  
23 asking them to fund the second coordinator as well and I think the City should also send a letter of  
24 support.

25  
26 Councillor Small said I'd like to thank all the participants of the Water Meeting. There were about  
27 60 to 70 folks that attended and it was a very informative meeting.

28  
29 I do think we need to have geographic fairness regarding infrastructure and I would agree that the  
30 focus be at a city level.

31  
32 -----  
33  
34 Councillor Pedroza said I agree with having geographic fairness and I would like to get an updated  
35 list of streets in need of improvements from our Pavement Management Program.

36  
37 I would like to thank Councillor Thomas for her inspirational work and for helping me through my  
38 first couple of years as a councillor.

39  
40 The Water Conference was an excellent event and it gave out a lot of very valuable information.

41  
42 I want to mention that even though it is not in the city limits, the Talavera area is also experiencing  
43 shooting in that area.

1

2 The winners of the Mayor's fund for school gardens were Centennial High School, Lynn Middle  
3 School, Sierra Middle School, University Hills and Valley View Elementary School.

4

5 Mayor Miyagishima said I want to mention that the \$25,000 funding is from grant money.

6

7 Councillor Pedroza said November 15<sup>th</sup> is Human Rights Day and it will be hosted by the First  
8 Christian Church at 9:30 a.m.

9

10 I want to mention that the Renaissance Fair was a great event and it showed off Young Park.

11

12

13

14 Councillor Smith said I still have messages on my personal phone from Margaret Markham of a list  
15 of things to do which I am still working on. She will be greatly missed.

16

17 I would like to present a polo shirt to the Mayor from the New Mexico Science Teachers  
18 Associations and the New Mexico Council of Teachers of Mathematics and the Environmental  
19 Association of New Mexico Joint Conference.

20

21 The same week that Margaret Markham passed away was the same week that Kris Turrentine passed  
22 away and it was very sad to loose both of these fine women.

23

24 I attended the Eagles Award Luncheon at University Hills Elementary on Friday and I had lunch with  
25 three wonderful young people.

26

27

28

29 Mayor Miyagishima said I just wanted to thank Chief Williams for extending his retirement.

30

31

32

33 Councillor Silva said I want to extend my condolences to the Turrentine and Markham families.

34

35 I agree with the city level of fairness and we do need to approach our funding and resources at a city  
36 level.

37

38 I think we might want to wait to discuss the Downtown until after the Charrettes update because  
39 there is going to be a priority list of where we want to go next regarding the projects.

40

41 Regarding our utility bills, the City sends out a termination letter and charges that person a \$15 fee  
42 for just sending that letter out. I think a \$15 fee for sending out a letter is excessive and I think that  
43 we need to review that policy.

1  
2 Jorge Garcia, Utilities Director said we can provide you a detail of that fee but that is a Utility Board  
3 issue.

4  
5 Councillor Pedroza said I just want to mention that there is a lot of personal attention paid to people  
6 who have problems with paying their bills.

7  
8 -----

9  
10 c.) City Manager

11  
12 Robert Garza said the Branigan Cultural Center is having a new roof installed so it will be closed  
13 for two weeks but their staff will be working at other facilities.

14  
15 -----

16  
17 Mayor Miyagishima said I received a letter from Fred (?) who is the Chair of the Professional  
18 Standards Council and it stated that our Police Department has been awarded Accredited Status so  
19 congratulations to the Chief and his staff.

20  
21 -----

22  
23 Councillor Sorg Moved to Adjourn and Councillor Small Seconded the motion.

24  
25 Mayor said all of those in favor signify by saying "Aye."

26  
27 Council said "Aye."

28  
29 **Meeting Adjourned at 3:16 p.m.**