



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

**Regular Meeting**

**January 6, 2014  
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 Ceil Levatino, District 6

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

DRAFT

**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Smith 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.

Councillor Smith and Philip San Filippo introduced Rebecca Bolten as the Las Cruces Convention Center District Manager.

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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.***

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

1 Councillor Sorg said I just want to say that one of the companies on the consent agenda is a company  
2 that I use to work for but I no longer work for them.

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6 **III. PUBLIC PARTICIPATION**

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8 Bill Conner, Dona Ana County Legislation Coalition said I have given Council a copy of our 2014  
9 Legislative Supported Initiatives. We have been doing this for the past seven years and it is a  
10 collaborative process that includes the City of Las Cruces, Doña Ana County, New Mexico State,  
11 the Greater Las Cruces Chamber, the Hispanic Chamber, Las Cruces Public School District, Hatch  
12 Public School District, Gadsden Public School District, the Bridge of Southern New Mexico and the  
13 Mesilla Valley Economic Development Alliance.

14

15 Ryan Dailey, Member of the Public said I think Council should consider giving Veterans a fifty-  
16 percent discount on the fees to use facilities like the Aquatic Center and Meerscheidt.

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18 Len Lo Presto, Member of the Public said I have learned that we have an extreme shortage of  
19 specialized surgeons and I think we really need to work on getting more of them here.

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

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27 Councillor Silva Moved to Approve the Agenda and Councillor Small Seconded the motion.

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

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36 **V. CITY COUNCIL MINUTES**

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38 \*(1) Regular Meeting of December 2, 2013

39 \*(2) Regular Meeting of December 16, 2013

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

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3 \*(3) Resolution No. 14-108: A Resolution Authorizing the City of Las Cruces to Accept  
4 Legislative Appropriation Funding in the Amount of \$75,000.00 from the State of New  
5 Mexico Department of Finance and Administration, Local Government Division  
6 (DFA/LGD), Fund 892 Capital Appropriation for Klein Park.

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8 \*(4) Resolution No. 14-109: A Resolution Authorizing the City of Las Cruces, on Behalf of its  
9 Police Department, to Enter into an Agreement with Lojack Corporation for the Installation  
10 and Use of Equipment, Software and Systems Owned by Lojack Corporation and to  
11 Participate in the Lojack Stolen Vehicle Recovery Network.

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13 \*(5) Resolution No. 14-110: A Resolution Authorizing the City of Las Cruces to Accept  
14 Legislative Re-Appropriation Funding in the Amount of \$55,000.00 from the State of New  
15 Mexico Department of Finance and Administration, Local Government Division  
16 (DFA/LGD), Fund 892 Capital Appropriation for a Vietnam War Memorial in Veterans  
17 Memorial Park and to Adjust the FY 2014 Budget.

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19 \*(6) Resolution No. 14-111: A Resolution Authorizing the City of Las Cruces to Accept  
20 Legislative Appropriation Funding in the Amount of \$25,000.00 from the State of New  
21 Mexico Department of Finance and Administration, Local Government Division  
22 (DFA/LGD), Fund 892 Capital Appropriation for a Vietnam War Memorial in Veterans  
23 Memorial Park.

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25 \*(7) Resolution No. 14-112: A Resolution Approving "Sage Café" as the Name of the East Mesa  
26 Multi-Generational Facility Located at the Northeast Corner of Porter Drive and Reynolds  
27 Drive (6121 Reynolds Drive).

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29 \*(8) Resolution No. 14-113: A Resolution Authorizing the Las Cruces International Airport to  
30 Accept a New Mexico Department of Transportation, Aviation Division Grant in the Amount  
31 of \$8,994.33 With a Local Match Requirement of \$999.37 for Airport Maintenance Supplies  
32 and Services, to Ratify the City Manager's Signature on the Grant Agreement, and to Adjust  
33 the FY 2014 Budget.

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35 \*(9) Resolution No. 12-13-302A: A Resolution Authorizing Change Order Number One to  
36 Increase the Contract with Smith and Aguirre Construction Company, Inc., for the El Molino  
37 Phase VI Reconstruction Project by \$207,723.49, Plus \$15,709.09 for New Mexico Gross  
38 Receipts Tax for a Total of \$223,432.58.

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40 \*(10) Resolution No. 13-14-306: A Resolution Authorizing the City of Las Cruces to Enter into  
41 Indefinite Cost, Indefinite Quantity Agreements with Parkhill Smith and Cooper, RBM  
42 Engineering, and TME Inc., to Provide Electrical Engineering Services to the City of Las

1 Cruces on an As-Needed Basis for a Period of up to Five Years Subject to Annual Renewals  
2 and Approved Budget Appropriations.

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4 \*(11) Resolution No. 13-14-307: A Resolution Authorizing the City of Las Cruces to Enter into  
5 Indefinite Cost, Indefinite Quantity Agreements with Zia Engineering & Environmental  
6 Services, Daniel B. Stephens, and Souder Miller and Associates, to Provide Environmental  
7 Engineering Services to the City of Las Cruces on an As-Needed Basis for a Period of up to  
8 Five Years Subject to Annual Renewals and Approved Budget Appropriations.

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10 \*(12) Resolution No. 13-14-308: A Resolution Authorizing the City of Las Cruces to Enter into  
11 Indefinite Cost, Indefinite Quantity Agreements with Parkhill Smith and Cooper, RBM  
12 Engineering, and TME Inc., to Provide Mechanical Engineering Services to the City of Las  
13 Cruces on an As-Needed Basis for a Period of up to Five Years Subject to Annual Renewals  
14 and Approved Budget Appropriations.

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

19  
20 (13) Resolution No. 14-114: A Resolution in Support of Dona Ana County and Sierra County's  
21 Opposition to the Reclassification of the Spaceport Gross Receipts Tax Revenue.

22  
23 Councillor Small Moved to Approve Resolution No. 14-114 and Councillor Sorg Seconded the  
24 motion.

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28 Councillor Silva said the reason I brought this resolution forward was that there has been discussions  
29 stating that the original funding mechanism for the Spaceport is being considered at the State level  
30 to be changed so that the portion of the tax that was going to go to the schools in the areas that  
31 passed it would now be distributed statewide. Sierra and Doña Ana Counties have both already  
32 passed resolutions so I feel it is appropriate for the City Council to pass a similar resolution.

33  
34 Councillor Smith said I do think New Mexico suffers from a number of issues with the education  
35 in this State and we are working to improve that situation locally and across the State but a few folks  
36 at the Legislature are talking about taking what had been going to certain programs locally and  
37 distributing it across the State. I think it would have a minimal impact on what the State could do  
38 but a devastating impact on what some of these programs have been doing here locally. So I support  
39 this letter of support and I believe this will help encourage those at the State level to keep it here.

40

1 Irene Oliver Lewis, Member of the Public said I work at Alma d'arte Charter School and we receive  
2 about \$9,000 from this which has enabled to us to add to our technology in our classrooms. I  
3 applaud you for doing this resolution.

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7 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-114 and it was  
8 Unanimously Approved. 7-0

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12 (14) Resolution No. 14-115: A Resolution Appointing a Board Member and an Alternate to the  
13 Board of Directors of the South Central Regional Transit District.

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15 Councillor Sorg Moved to Approve Resolution No. 14-115 and Councillor Small Seconded the  
16 motion.

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20 David Weir, Community Development Director said this is to appoint a member to the South Central  
21 Regional Transit District. The City has been a member since the beginning of this and former Mayor  
22 Pro-tem Thomas was the board member so now we need to appoint someone to take her place. Staff  
23 has inserted Mayor Pro-tem Smith as the board member and Councillor Small as the alternate so you  
24 can either vote it that way or change it.

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28 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-115 and it was  
29 Unanimously Approved. 7-0

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33 (15) Resolution No. 14-116: A Resolution Approving Roadrunner Transit's Holiday Schedule  
34 for the 2014 Calendar Year.

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36 Councillor Small Moved to Approve Resolution No. 14-116 and Councillor Smith Seconded the  
37 motion.

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1 Councillor Smith said I was hoping to bring up the possibility that we might look at more offerings  
2 in our transit services in the future.

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4 Mayor Miyagishima said this is only for the transit's holiday schedule.

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6 Councillor Smith said each of the days listed has a level one, two, three or four so I'd like to know  
7 how we arrived at each one of those designations for each one of those days?

8

9 Mike Bartholomew, Transit Director said we don't have a formal process for anticipating the  
10 ridership so this schedule is pretty much just what we have always provided and it includes the minor  
11 holidays which businesses tend to be open on.

12

13 Councillor Smith said I would ask that we possibly do a survey or some other method where we  
14 could get a better sense of how many people would actually use the service if it was provided but I  
15 don't have a problem with the days that were chosen or the specific service levels.

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19 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-116 and it was  
20 Unanimously Approved. 7-0

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24 (16) Resolution No. 14-117: A Resolution Approving a One-Year Lease Agreement and an  
25 Option for a One-Year Extension Between Jose R. Coronado and Ruben Coronado and the  
26 City of Las Cruces for Use of the Building Located at 211 North Water Street for Operation  
27 of the City Convention and Visitors Bureau.

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29 Councillor Smith Moved to Approve Resolution No. 14-117 and Councillor Sorg Seconded the  
30 motion.

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34 Eric Martin, Facilities Administrator gave an overhead presentation and said this is for the approval  
35 of a lease agreement for the Visitors Bureau which is located at 211 Water. An issue we have with  
36 this location is that there is very limited parking so we are still looking for a permanent location in  
37 the downtown area for the CVB. This lease is for one year with the option for another year so we  
38 could be there for another two years. The first year lease amount is around \$4,800 per month and the  
39 second year will have a three-percent increase so it would be around \$4,950 per month.

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1 Councillor Smith said I know we want to make sure our Convention and Visitors Bureau is visible  
2 and it is well situated from the stand point of being able to use the facility without being cramped.  
3 We do have vacant properties that aren't immediately spoken for so it make sense to try to find a  
4 permanent location.

5  
6 Councillor Sorg said I think we do need to find a better location for the Convention and Visitors  
7 Bureau. I was wondering, why do we want to keep it in the downtown area?

8  
9 David Dollahon, Community and Cultural Services Director said the downtown is under  
10 revitalization and we feel it is important for the Convention and Visitors Bureau to maintain a  
11 presence in the downtown area.

12  
13 Councillor Small asked do we have the ability to terminate the lease during the first year as long as  
14 we provide them with a 60-day notice?

15  
16 Eric Martin said yes.

17  
18 Councillor Pedroza said I do think it is important that we keep the downtown revitalizing itself but  
19 I also think we need to look at things like the distance to hotels because more than likely visitors will  
20 be spending time at hotels.

21  
22 Councillor Silva said I do feel strongly that the Convention and Visitors Bureau should stay in the  
23 Downtown area and I think we should have a work session to discuss possible sites for it.

24  
25 Robert Garza, City Manager said we could probably put some ideas together in the next couple of  
26 months and then put it on the calendar.

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30 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-117 and it was  
31 Unanimously Approved. 7-0

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35 **VIII. BOARD APPOINTMENTS**

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37 There were no board appointments.

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41 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
42 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

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(17) Council Bill No. 14-018; Ordinance No. 2703: An Ordinance Supporting an Economic Development Project in Accordance with the City of Las Cruces Local Economic Development Plan 2013, Authorizing an Economic Development Project Participation Agreement Between the City of Las Cruces and La Clinica De Familia.

Mayor Miyagishima and Council agreed to bring this item back.

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**X. CITY COUNCIL MEMBER BOARD REPORTS**

There were no City Council Member Board Reports.

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**XI. GENERAL DISCUSSION**

a.) Mayor

Julia Brown, Doña Ana County Manager addressed the Council.

Mayor Miyagishima said I want to congratulate Chief Montoya on his first Council meeting as our new Police Chief.

Just a reminder, the City Clerk gave all of you a disclosure statement and she'd like to have them returned to her by the end of the month.

I will be out for the next Council meeting. I will be attending the Mayors Conference in Washington so Mayor Pro-tem Smith will be attending the meeting in my place.

Robert Garza, City Manager said the Las Cruces Day in Santa Fe events will extend through Monday, February 3<sup>rd</sup> so we are proposing that we move our regular council meeting on Monday to Tuesday afternoon at 3:00 p.m. We can do it through minute action at our next meeting.

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b.) City Council

Councillor Smith said the Sun News had an article on our Police Department regarding tort claims being in decline so I think that is a great note for Chief Montoya to come in on.

1 There was also an article in the Sun News regarding an entrepreneur effort in one of the businesses  
2 in District 2 with a combination of effort with Arrowhead Center. This is the sort of entrepreneur  
3 activity that we can look forward to seeing more of it if we are able to be appropriately supportive.

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5 I am thrilled that 2014 has gotten off to such a great start and I look forward to more good things  
6 with our meetings later this week as part of our planning.

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10 Councillor Levatino passed.

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14 Councillor Sorg passed.

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18 Councillor Small said there have been several positive developments regarding Regional Film Doña  
19 Ana County with a growing consensus to possibly have legislative funding for it. So we need to  
20 make sure that it is appropriately noted on our Capital Improvements Plan structure.

21

22 Robert Garza, City Manager said we will be talking about our ICIP on Friday and we feel there will  
23 be more things that will need to be adjusted in our ICIP. We do have sufficient time between now  
24 and the time that the session starts and it will depend upon on the funding source as to whether or  
25 not we can be the fiscal agent.

26

27 Councillor Small said I would like to congratulate Chief Montoya on becoming our new chief.

28

29 Also, regarding boards and committees, it would be helpful to have a resolution that lists all the  
30 boards and committees that Council members serve on so hopefully we can bring one forward and  
31 continue to bring one forward every election so everyone can just reference that one resolution.

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35 Councillor Pedroza said there is going to be a series of workshops regarding the Affordable Care Act  
36 and there is a phone number listed for further information.

37

38 There is going to be a private screening of the movie "Last White Knight" on Friday, February 21<sup>st</sup>  
39 from 5:30 to 8:00 p.m. at the Doña Ana Community College East Mesa Campus in the auditorium.

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41 There is going to be a Foreclosure Work Shop on January 11<sup>th</sup> from 1:00 to 3:00 p.m. at Tierra Del  
42 Sol Housing Corporation.

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Councillor Silva said as we move forward with the film industry, even though we've already had two presentations, I think it would be nice if we had more solid numbers to work with so we should have another presentation given to Council that provides more solid evidence before we make any type of commitment.

Last December there were several neighborhood meetings and one of the streets that was brought to my attention and was in need of resurfacing was Pinon Street. We are trying to obtain \$1.2 million in our street investment programs so maybe we can have a presentation on the process of prioritizing streets to get repaved and resurfaced.

Historic Mesquite has been working on an overlay for some time now and I would like to know where we are in the process of bringing it forward and I'd like to know where we are with updating the North Mesquite zoning regulations? Also, I want to mention that we have narrowed down the final locations for Lizzy the Fire Truck.

Chief Brown, LCFD said we have narrowed it down to two locations which one is to sit it in front of Fire Station 1 and the second is to restore it as playground equipment and put it back into the park but we currently don't have the funding for that option.

Councillor Silva said regarding Item 3 on today's agenda, I want to thank Representative Steinborn for getting us that funding.

Regarding the ICIP process, do we have to do a resolution to put something on the ICIP list?

Robert Garza, City Manager said we are in the process of changing the procedure but currently, the Council adopts the ICIP annually through the budget process. We bring forward two resolutions and one of those is for the ICIP so that would be the appropriate time to change the ICIP list but there is nothing in place to prevent Council from amending it at any time.

Councillor Silva said Representative Cote is working legislation for the Anti-Donation Clause and I agree that it is an outdated piece of legislation so hopefully we can show our support for the finished product.

I'd like to wish a happy new year to everyone and I hope they have a blessed 2014.

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c.) City Manager

1 Robert Garza said on Thursday we have a Pre-Legislative Briefing at the Las Cruces Convention  
2 Center and we have invited a lot of different agencies to attend as well. Friday, we have a follow-up  
3 Budget Retreat Meeting scheduled to start at 8:30 a.m. and it will probably last five or six hours.

4  
5 Also, there is a TIDD Board Meeting scheduled for Monday right before the Work Session  
6 meeting.

7  
8 The Navy is back in Las Cruces and they're flying out of our Las Cruces Airport which brings a  
9 lot of positive things but it also brings in phone calls. Cheryl Rodriguez will be hosting an Open  
10 House at the Airport tomorrow evening so we are inviting anyone who has any questions or  
11 concerns to come on out to our airport.

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15 Councillor Small Moved to Adjourn and Councillor Smith Seconded the motion.

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

18

19 Council said "Aye."

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21 **Meeting Adjourned at 2:40 p.m.**