



City Council
of the
City of Las Cruces

Regular Meeting

February 4, 2014

3:00 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

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

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

31 Mayor Miyagishima presented the Mayor's Distinguished Service Award to Lorenzo Renteria
32 (Engineering Technician), Horacio Marmolejo (Equipment Operator), and Jose Baca (Equipment
33 Operator).

35 Councillor Silva presented a Proclamation to Councillor Pedroza for Curtis Rosemond and declared
36 February 2014 as Black History Month.

38 Councillor Silva presented a Proclamation to April Johnson, Shirley Daniels and Ricardo Rivera and
39 declared February 9, 2014 as Race Relations Sunday.

41 Councillor Silva presented a Proclamation and declared February 2014 as For the Love of Art
42 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.*

Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?
There were no conflicts given.

III. PUBLIC PARTICIPATION

Alice Anderson, Member of the Public gave Council a handout and said regarding the draft Animal Ordinance and decriminalizing cat abandonment; there is a clause in Section 7-44-F that refers to the release of feral cats and it states that they cannot be released unless they are sterilized and have their rabies shots but that is only referring to cats that are released from the Animal Shelter. Please copy that clause into the definitions of abandonment, harbor, owner, and into Section 7-14. Also, please consider adding "if you feed it, you own it" as an alternative to the decriminalization. There are three other amendments that I would like you to consider which are listed in the handout that I gave you.

Chris Kincaid, Member of the Public said I grew up in Las Cruces but I joined the military and am just coming back after being gone for over 20 years. I think this city is better now than when I left it so I thank Council for your service and I look forward to getting back involved with my hometown.

Kevin Bixby, Member of the Public said I am the Director of the Southwest Environmental Center and I was here at your last meeting to inform you of the coyote hunt that will be taking place this week and it is held by Predator Masters. This is not an illegal event because you can kill as many coyotes as you want in New Mexico which we feel is an oversight in State Law and we intend to try to get that changed. I asked that you consider a resolution in opposition of these kinds of wildlife killing events but it was not put on the agenda for this meeting so I am asking you again to consider doing a resolution even though it won't be approved until after this event.

Mayor Miyagishima said the resolution wasn't prepared prior to the agenda setting meeting for this meeting which is why it wasn't on today's agenda but I can do a personal letter stating my displeasure with this event.

1 Kevin Bixby said I appreciate your offer but I would suggest that you go forward with a resolution
2 even though it would be done after this year's event.
3
4 Councillor Sorg said I would like for us to move forward with doing a resolution for this issue.
5
6 Councillor Small said I think it would be best for us to do a resolution and since it would be done
7 after this event I think we should focus the resolution on the area of changing this policy which is
8 mostly with the New Mexico Game and Fish.
9
10 Councillor Pedroza passed out a resolution and said this is a sample resolution but it doesn't have
11 what Councillor Small was just suggesting to include in it. I do agree with us putting a resolution
12 on the agenda soon even though it would be after this event.
13
14 Mayor Miyagishima said I would suggest that you and Councillor Small work together on a
15 resolution to bring forward.
16
17 Councillor Pedroza said that will be fine.
18
19 Councillor Smith said I also support what Councillor Small was talking about in addition to what
20 Councillor Pedroza's suggesting.
21
22 Councillor Silva read letters from some of his constituents regarding the killing of coyotes and said
23 I don't support this activity and I would also support us passing a resolution that includes our
24 opposition to the senseless killing of not only coyotes but all wildlife.
25
26 Randy Harris, Member of the Public said regarding the minimum wage issue, it seems there is a need
27 for a full and legitimate civic engagement based on public input so I would suggest that we have a
28 discussion regarding the pros and cons with a full circle of citizens right here in Chambers with the
29 cameras rolling so it can be watched by people who are unable to attend it.
30
31 Dr. Hildegard Reiser, Member of the Public said I have 35 years of experience in wildlife, ecology
32 and natural resources management and I would like to urge Council to draft a very strongly worded
33 resolution that would permanently ban the practice and blood sport of any predator or wildlife killing
34 activity, contests, conventions and all those types of events in our county.
35
36 Ryan Dailey, Member of the Public said the State Constitution is very specific regarding that you
37 have the Right to Bear Arms when hunting and recreational gun use so even though I am against it,
38 coyote hunting is legal. I think you would need to contact the State to see if you can do a resolution
39 to totally ban it.
40
41 Councillor Smith said I just want to say that we can't pass any ordinances that would impact what
42 people do in the county.

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2 Councillor Silva said this resolution would not have anything to do with banning guns.

3
4 Ron Camuñez, Member of the Public said I just wanted to inform you that the front entrance to City
5 Hall is covered with bird do-do and it is very unsightly.

6
7 Regarding the coyote event situation, I have a friend who is hired by different states to hunt certain
8 animals in order to keep their populations down. He said there isn't enough hunters to hunt these
9 animals. I would recommend that you invite the Game and Fish people to attend the work session
10 and ask them why they allow this to happen so you can get both sides of the story. You need to
11 consider if it is really any of your business to be involved with what happens in the county.

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

18
19 Mayor Miyagishima said Item 4 needs to be removed from the Consent Agenda for discussion.

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23 Councillor Small Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the
24 motion.

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26 -----

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28 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it was
29 Unanimously Approved. 7-0

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33 **V. CITY COUNCIL MINUTES**

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35 *(1) Regular City Council Meeting of January 6, 2014

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

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1 *(2) Resolution No. 14-127: A Resolution to Accept Grant Funding From the U.S. Department
2 of Transportation, Federal Transit Administration for the Purchase Replacement of
3 Roadrunner Transit Vehicles in the Amount of \$278,050.00, to Obligate a Local Match
4 Amount of \$56,950.00, and to Adjust the FY 2014 Budget.
5

6 *(3) Resolution No. 14-128: A Resolution to Approve a Memorandum of Agreement Between
7 the City of Las Cruces and the New Mexico Department of Transportation, to Accept Grant
8 Funding in the Amount of \$192,672.00 for the Purchase Replacement of Roadrunner Transit
9 Vehicles, to Obligate a Local Match Amount of \$48,168.00, and to Adjust the FY 2014
10 Budget.
11

12 *(5) Resolution No. 13-14-380: A Resolution Approving a Contract Between the City of Las
13 Cruces (City) and Molzen-Corbin and Associates, Inc., of Las Cruces, New Mexico to
14 Provide General Engineering Services for the Development of an Emergency Action Plan
15 and an Operation Maintenance Manual for the Sandhill Arroyo Dam in an Amount Not to
16 Exceed \$139,470.00, Plus \$10,547.42, for New Mexico Gross Receipt Tax and the City
17 Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$6,973.50,
18 for a Total Project Authorization in the Amount of \$156,990.92.
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22 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**
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24 *(4) Resolution No. 14-129: A Resolution Authorizing Payment of \$50,000.00 to the South
25 Central Council of Governments (SCCOG) for the Operation of the South Central Regional Transit
26 District (SCRTD).
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28 Councillor Small Moved to Approve Resolution No. 14-129 and Councillor Smith Seconded the
29 motion.
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32
33 Jack Valencia, South Central Regional Transit District said I do have a brochure that lists all the pilot
34 programs and activities that this allocation of funding will go towards.
35

36 Robert Garza, City Manager said last year the City Council committed \$50,000 for this same purpose
37 and it was kind of a three-year commitment so this is the second year of that commitment.
38

39 Jack Valencia said as I understand it, this is a special allocation as a result of discretionary monies
40 that the Council had at one time.

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2 Brian Denmark, Assistant City Manager said the City Council had a little over one million dollars
3 in discretionary funds that were subdivided among a variety of different projects and activities. One
4 of those line items was an additional \$50,000 to the Regional Transit Initiative so we are talking
5 \$100,000 for this year and \$50,000 next year. This was already approved through the budget which
6 has already been approved by Council.

7

8 Councillor Silva said I have always been a big supporter of mass transit and this was really the
9 product of former Councillor Thomas who really spearheaded this and put a lot of effort into it. I
10 know you also attained \$250,000 start-up from the New Mexico Department of Transportation and
11 I was wondering if you are going to receive that funding from them again this year?

12

13 Jack Valencia said that \$250,000 actually came about in 2005 and part of those monies where to be
14 used to effectuate a service and a financial plan for the consideration of the services. Approximately
15 \$180,000 of the \$250,000 was spent on a study and we are trying to update that study and get it
16 adopted so that we can reach out and provide the services. There are not any more specific monies
17 coming from the Department of Transportation but I would encourage the Council to support House
18 Bill 206 which seeks appropriation for some assistance to the Regional Transit District in order to
19 provide additional services during the pilot program phase.

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23 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-129 and it was
24 Unanimously Approved. 7-0

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28 (6) Resolution No. 14-130: A Resolution Formally Approving and Adopting a Multi-
29 Jurisdiction All Hazards Plan with Doña Ana County, City of Las Cruces, City of Sunland
30 Park, Town of Mesilla, and the Village of Hatch; the Mitigation Plan Ensures Continuing
31 Eligibility to Receive Federal Assistance From Both the Robert T. Stafford Disaster Relief
32 Act and the Emergency Assistance Act.

33

34 Councillor Sorg Moved to Approve Resolution No. 14-130 and Councillor Silva Seconded the
35 motion.

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39 Loretta Reyes, Public Works Director gave an overhead presentation and said in July 2002 the City,
40 Doña Ana Flood, and the Office of Emergency Management approved procedures for the preparation
41 of the county wide All Hazard Mitigation Plan. In May 2005, the City Council approved Resolution
42 05-334 to adopt a Multi-Jurisdiction All Hazard Mitigation Plan which enable the City to be eligible

1 for financial assistance under the Federal Emergency Management Agency and Flood Mitigation
2 Assistance programs. The plan needs to be updated every five years and it is now updated so it
3 requires another formal approval/adoption for continued eligibility for federal financial assistance
4 in the event of a disaster.

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8 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-130 and it was
9 Unanimously Approved. 7-0

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13 (7) Council Bill No. 14-019; Ordinance No. 2704: An Ordinance Supporting an Economic
14 Development Project in Accordance with the City of Las Cruces Local Economic
15 Development Plan 2013, Authorizing an Economic Development Project Participation
16 Agreement for the City of Las Cruces to Convey the Former City Office Center to La Clinica
17 De Familia for Use as a Central Community Health Center.

18

19 Councillor Smith Moved to Approve Council Bill No. 14-019; Ordinance No. 2704 and Councillor
20 Small Seconded the motion.

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23

24 Elizabeth Vega, Interim Economic Development Administrator gave an overhead presentation and
25 said in essence we are going to be conveying the old City Office Center building which is located
26 at 575 South Alameda, to La Clinica in exchange for jobs. The City can do this because of the Local
27 Economic Development Act (LEDA) which is exempt from the Anti-Donation Clause. La Clinica
28 will be renovating the building to create a central clinic which will have some very positive
29 economic implications for our community. In October 2013, we updated the City Plan to include a
30 clawback provision which is a mechanism we use to secure the public resource which in this case
31 is the 575 South Alameda property. For the purposes of this specific project, a letter of credit in the
32 agreed upon amount of \$979,000 will be taken out by La Clinica until certain job creations and
33 milestones have been reached. The benefits of this for the City of Las Cruces is that it will create a
34 minimum of 55 new jobs over a three year period of which 35% will be high-medium salaried
35 professionals; it will have positive implications for GRT; and it will be an appropriate use of a
36 currently vacant building.

37

38 Suzan Martinez de Gonzales, La Clinica de Familia gave an overhead presentation and said this
39 resolution is very important to La Clinica and once the old hospital building is fully renovated it will
40 once again provide needed health services to our community. In the estimated three years, Las
41 Cruces Central will be fully staffed with 142 people and we project that it will provide an additional
42 83,600 primary care visits. In Phase 1 of the project we will be doing the asbestos abatement and

1 once that is done then we will be able to secure the funding for the project and commence the
2 rehabilitation. In Phase 2 we will be hiring 55 staff members with a minimum of 13 high salaried
3 and at least six mid-range salaried employees to work at the new Las Cruces Center by the end of
4 year two. In Phase 3 our goal is to house 142 professional, mid-ranged, students and ancillary staff
5 members at the new Las Cruces Center by the end of year three.

6

7 Dr. Daniel Armistead, La Clinica de Familia said the major impact that we hope this project will
8 have is to provide increased access to primary care. There is a high need and every time we have
9 occupied a facility we have always hoped it was bigger due to the high demand so this is an
10 opportunity to start with a size that can actually help us with that need.

11

12 Dr. Toby Casci, La Clinica de Familia said the dental office will occupy the south wing of this
13 building and we plan on having a five chair open format pediatric bay with one full-time pediatric
14 dentist. Also, we will have eight chairs dedicated to general dentistry and five full-time dentists on
15 staff. We are planning to have extended hours to provide dentistry care and eventually 24-hour
16 emergency dental care seven days a week. We will also have four full-time dental hygienists, 12 full-
17 time registered dental assistants and four full-time dental receptionists; so it is our intent to create
18 26 new employment opportunities just on the dental side. It is also our intent to make this a teaching
19 facility where we would partner with several programs and host interns in a teaching environment.

20

21 Mayor Miyagishima said I am glad to see this has come to this point because this is going to be very
22 beneficial to this community.

23

24 Councillor Smith said we are returning a building that was built in 1949 to its original purpose and
25 sometimes it is very difficult to give away real estate but this will be bringing back the productive
26 use of this building which is in a centralized location. I appreciate La Clinica de Familia's interest
27 in doing this and I think this is a good use of LEDA.

28

29 Councillor Levatino asked when this is completed, will all your other locations merge into this one?

30

31 Suzan Martinez de Gonzales said we have a waiting list of patients so we would keep all of our
32 existing locations and open this one up as a new facility to serve an additional 13,000 patients.

33

34 Councillor Pedroza said I am familiar with La Clinica de Familia and I applaud this addition. I am
35 excited that you will also be offering behavior health services.

36

37 Councillor Small said this is a tremendous project and it is going to help folks in so many different
38 ways.

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40 Councillor Silva said it is good to see something positive come out of the old hospital building.

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2 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-019;
3 Ordinance No. 2704 and it was Unanimously Approved. 7-0
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7 **VIII. BOARD APPOINTMENTS**
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9 Mayor Miyagishima reappointed Felix Cordero to the Mesilla Valley Public Housing Authority.
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13 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***
14 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***
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16 There were no proposed ordinances.
17

DRAFT

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20 **X. CITY COUNCIL MEMBER BOARD REPORTS**
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22 There were no City Council Member Board Reports.
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26 **XI. GENERAL DISCUSSION**
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28 a.) Mayor
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30 Mayor Miyagishima said I just want to mention that there is a Closed Meeting on Friday at 4:00 p.m.
31

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34 b.) City Council
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36 Councillor Smith said lately I have heard how family members have been the first in their family to
37 graduate high school or the first to go to college and often the first is not the last because they have
38 set an example for them. It occurred to me that with all the assets and all the potential that we have
39 here in Las Cruces that we could be that family member for the rest of our state. Our state definitely
40 has a lot of needs and a lot of negative publicity sometimes about some things and it is upsetting so
41 given where we are and what we feel we are poised to do, we could not only very well set the
42 example but also help pull along the rest of our state.

1
2 I hope I can get a consensus from at least three other Council members to be able to say that we as
3 a Council supports maintaining the integrity of White Sands Missile Range for making sure our
4 weapons systems are still working.

5
6 Yesterday I was at the House Committee meeting and they were talking about the possible changes
7 to the Hold Harmless GRT. I would like to thank Representatives McCamley and Steinborn for their
8 comments on behalf of Las Cruces regarding this situation.

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12 Councillor Levatino passed.

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16 Councillor Sorg passed. **DRAFT**
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20 Councillor Small said regarding the Hold Harmless, I would echo Councillor Smith’s comments and
21 also thank the City Manager and the team of folks who are getting our voice heard.

22
23 -----

24
25 Councillor Pedroza said I also want to thank both Representatives’ McCamley and Steinborn and
26 I hope they will continue with their efforts.

27
28 This Friday and Saturday there will be activities for the celebration of Black History Month at the
29 Corbett Center.

30
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32
33 Councillor Silva said it was interesting in Santa Fe this weekend regarding the Hold Harmless Tax
34 and I didn’t support it when it first came through because I figured we would get into this cat and
35 mouse game with the State.

36
37 Regarding the film lot, I hope we have success in obtaining it but whether or not we receive funds
38 I think there are some questions that we need to ask ourselves; “does the City want to enter into the
39 film lot business” and “do we support the film industry as a viable economic growth in the South?”
40 I do support the film industry but I think we need to think about at what level do we want to commit
41 ourselves to it?

42

1 Regarding the coyote predator discussion, I would like to know how something gets put on the
2 agenda after the fact?

3

4 Robert Garza, City Manager said I will include a copy of that information in my newsletter this
5 Friday; it's Section 2-27 and basically once the Mayor sets the agenda which is done the Monday
6 prior to that meeting, that agenda is set and you cannot amend it. The only other way to address an
7 additional item would be to have a special meeting for that issue.

8

9 Councillor Silva said I don't know if there was some funding for Council to obtain outside legal
10 counsel but I know we have done that in some special occasions so I think it would be nice if we had
11 an outside opinion and advice for Council from our perspective. The state is trying to give us
12 \$100,000 for the Rio Grande and our Legal Department said we cannot accept it because of LEDA.

13

14 Mayor Miyagishima said I have full confidence in our legal staff and I don't think we'd be covered
15 if an outside attorney gives us the wrong advice. The bottom line is we have a very experienced legal
16 team and their job is to keep us out of trouble.

17

18 Councillor Silva said I also have confidence in our legal team but their best interest is the city
19 organization and I think there are times that we can look at things differently.

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23 c.) City Manager

24

25 Robert Garza, City Manager said we have a Work Session scheduled for next Monday and we
26 will be discussing the RedFlex contract. Our next Council Regular Meeting will be on Tuesday,
27 February 18th at 1:00 p.m. due to the Presidents Day holiday on Monday.

28

29 The Las Cruces Day in Santa Fe was a great event and there was a very good turnout.

30

31 Mayor Miyagishima said I won't be able to attend next Monday's Work Session but I want to say
32 that I believe the cameras have been effective and we need to decide wether we go with RedFlex
33 or another company.

34

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36

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

38

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

40

41 Council said "Aye."

42

43 **Meeting Adjourned at 5:27 p.m.**