



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

**Regular Meeting**

**February 18, 2014**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

12 Mayor Ken Miyagishima **Absent**  
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14 Councillor Miguel Silva, District 1  
15 Councillor Greg Smith, District 2  
16 Councillor Olga Pedroza, District 3  
17 Councillor Nathan Small, District 4  
18 Councillor Gill Sorg, District 5  
19 Councillor Ceil Levatino, District 6  
20  
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Robert Garza, City Manager  
Harry (Pete) Connelly, City Attorney  
Esther Martinez-Carrillo, City Clerk

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22  
23 **I. OPENING CEREMONIES**

24  
25 Mayor Pro-tem Smith called the meeting to order and asked for a moment of silence. Councillor  
26 Pedroza led the Pledge of Allegiance.

27  
28 Mayor Pro-tem Smith and a representative from the Animal Services Center of the Mesilla Valley  
29 presented the Pet of the Week.

30  
31 Councillor Pedroza and Chief Brown presented a trophy to Chief Montoya for the Annual LCPD  
32 Finest vs. LCFD Bravest Flag Football Game which was won by LCPD by one point in quadruple  
33 overtime.

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37 **III. PUBLIC PARTICIPATION**

38  
39 Alice Anderson, Member of the Public said you are considering an animal ordinance with an  
40 amendment that would decriminalize feeding stray and free roaming cats. The County passed such  
41 an ordinance in December and their ordinance defined a “cat manager” as someone who is not the  
42 owner, harbinger, keeper, holder, possessor, custodian, or caretaker of cats. They also set a new  
43 license fee of \$50 and a \$100 permit fee for owners of intact cats and dogs and a \$50 litter fee if

1 these pets have a litter. There is also a \$20 fee if you have more than six dogs and cats. These fees  
2 apply only to owned dogs and cats so cat managers are exempt from all of these fees. So they don't  
3 want owned cats getting pregnant and having litters that are sent to the animal shelter but cat  
4 managers can have all these stray cats getting pregnant and having their litters sent to the animal  
5 shelter. Please do not follow the County Commission in their lack of logic. My suggestion for  
6 alternatives to decriminalization is to say "if you feed it then you own it" and either you put them  
7 in your own fenced yard or you put them in a sanctuary of a few acres. You can also have TNR  
8 without feeding them which would be that you catch a stray cat, get it fixed, and then release it to  
9 have it fend for itself without you feeding it.

10

11 Bob Butler, Member of the Public said I would like to have the Key to the City given to Ms. Curry.  
12 Also, I am campaigning for Udell Vigil for our next Governor.

13

14 Maggie Follin, Member of the Public said I serve on the Las Cruces Tennis Players Association  
15 Board and we'd like to give a presentation at the March 24<sup>th</sup> Work Session regarding options for  
16 resurfacing the tennis courts at Lyons Park.

17

18 Robert Garza, City Manager said the issue is whether or not the City will be able to budget for those  
19 improvements so at the Work Session on April 14<sup>th</sup> we will be discussing budget issues and I would  
20 suggest that you plan on attending that meeting.

21

22 Councillor Pedroza said I would suggest that you include the number of people who use the tennis  
23 courts at Lyons Park in your presentation.

24

25 Councillor Silva said I think that should be brought forward to the Parks and Rec. Board first. I  
26 would agree with us looking at all the different options available for the resurfacing.

27

28 Councillor Pedroza said it would also be helpful to know if there are other funding avenues  
29 available.

30

31 Duane Mosley, Member of the Public gave an overhead presentation and said I am with the Farmers  
32 and Craft Market and we have been completely a vendor ran organization since July and so far it is  
33 going very well. We have 223 permanent vendors and 76 temporary vendors and we are continuing  
34 to advertise our market as well as having events to bring more people to our Main Street.

35

36 Councillor Silva asked how many permanent spaces do you have available?

37

38 Duane Mosley said there is no firm number.

39

40 Councillor Silva said we have been told by some people that they want to become permanents but  
41 they are told there aren't any spaces available; so, what is the total number of spaces?

1  
2 Duane Mosley said we have a total of 368 spaces but some of those spaces are in places where  
3 people don't want to be so we utilize them for smaller table setups.

4  
5 Councillor Silva said so you are about at 70% capacity and still have potential for growth; correct?  
6

7 Duane Mosley said that is correct.  
8

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10  
11 **II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC**  
12 **SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask*  
13 *if any member of the city council, city manager, or any member of the city staff has any*  
14 *known conflict of interest with any item on the agenda.*  
15

16 Mayor Pro-tem Smith asked if anyone had any conflicts with anything on the agenda?  
17

18 There were no conflicts given.  
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21  
22 **IV. READ CLOSED MEETING STATEMENT INTO RECORD**  
23

24 Mayor Pro-tem Smith read a Closed Meeting Statement and said the Las Cruces City Council met  
25 in Closed Session at 4:00 p.m. on February 7, 2014. The following members were in attendance:  
26 Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Sorg, City  
27 Attorney Harry (Pete) Connelly, Attorney David Lutz, Assistant City Manager Mark Winson and  
28 Assistant City Manager Brian Denmark. The meeting adjourned at 4:20 p.m. and only those limited  
29 items stated in the posted notice were discussed which was pending litigation in the matter of Zia  
30 Shadows, LLC, et al. V. City, et al., U.S. District Court No. 09cv00909.  
31

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33  
34 **V. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**  
35 **AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**  
36 **BY ONE MOTION.**  
37

38 Councillor Silva Moved to Approve the Agenda and Councillor Sorg Seconded the motion.  
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1 Mayor Pro-tem Smith called for the roll on the Motion to Approve the Agenda and it was Approved.  
2 6-0 Mayor Miyagishima was absent.

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6 **VI. CITY COUNCIL MINUTES**

7

8 \*(1) Regular City Council Meeting of January 21, 2014

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

13

14 \*(2) Resolution No. 13-14-326: A Resolution Approving a Contract With Diamond Construction  
15 Inc., of Las Cruces, NM for the Construction of Burn Lake Phase II Landscape  
16 Improvements Project for the Base Bid Plus Additive Alternates Number One, Two, and  
17 Three in the Amount of \$263,433.82, Plus New Mexico Gross Receipts Tax of \$19,922.18,  
18 and Authorizing the City Manager to Approve Change Orders Up to \$26,343.38 for a Total  
19 Authorization of \$309,699.38.

20

21 \*(3) Resolution No. 13-14-365: A Resolution Approving Multiple Indefinite Cost, Indefinite  
22 Quantity Professional Services Contracts for Legal Services to Holt Mynatt Martinez P.C.;  
23 Jarmie & Associates; Keleher & McLeod, P.A.; Martin, Lutz, Roggow & Eubanks, P.C.; and  
24 Miller Stratvert, P.A.; for Up to Five Years Conditioned Upon Annual Renewals and  
25 Approved Budgets.

26

27 \*(4) Resolution No. 13-14-383: A Resolution Awarding a Contract for the Crack Sealing  
28 Maintenance 2013-2014 Project to G. Sandoval Construction, Inc., of Las Cruces, New  
29 Mexico in the Amount of \$191,755.66 Plus \$14,501.52, for New Mexico Gross Receipts  
30 Tax; the City Manager is Authorized to Approve Change Orders in an Amount Not to  
31 Exceed \$9,587.78, for a Total Project Authorization in the Amount of \$215,844.96.1

32

33 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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35 (5) Resolution No. 14-131: A Resolution Opposing the 2014 Annual Predator Masters Hunt and  
36 Convention of February 6, 7, and 8, 2014.

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38 Councillor Sorg Moved to Approve Resolution No. 14-131 and Councillor Pedroza Seconded the  
39 motion.

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3 Councillor Small said I am prepared to support this resolution today but I would like to make two  
4 small amendments to it.  
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8 Councillor Small Moved to Amend Resolution No. 14-131 to remove the 2<sup>nd</sup> paragraph “THAT the  
9 Las Cruces City Council supports current efforts by the New Mexico Legislature to regulate such  
10 events” and renumber and move other paragraphs up and Councillor Pedroza Seconded the motion.  
11

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13  
14 Mayor Pro-tem Smith called for the roll on the Motion to Amend Resolution No. 14-131 to remove  
15 the 2<sup>nd</sup> paragraph “THAT the Las Cruces City Council supports current efforts by the New Mexico  
16 Legislature to regulate such events” and renumber and move other paragraphs up and it was  
17 Approved. 5-1 Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino and  
18 Mayor Pro-tem Smith voted Aye. Councillor Silva voted Nay. Mayor Miyagishima was absent.  
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22 Councillor Small Moved to Amend Resolution No. 14-131 to add a new Whereas and make it the  
23 3<sup>rd</sup> paragraph “Whereas, the City of Las Cruces has consistently recognized and honored National  
24 Hunting and Fishing Day and supports strongly the rights of properly licensed hunters and anglers”  
25 and Councillor Pedroza Seconded the motion.  
26

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28  
29 Mayor Pro-tem Smith called for the roll on the Motion to Amend Resolution No. 14-131 to add a  
30 new Whereas and make it the 3<sup>rd</sup> paragraph “Whereas, the City of Las Cruces has consistently  
31 recognized and honored National Hunting and Fishing Day and supports strongly the rights of  
32 properly licensed hunters and anglers” and it was Approved. 6-0 Mayor Miyagishima was absent.  
33

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35  
36 Kevin Bixby, Southwest Environmental Center said I think this is a very strong resolution that will  
37 send a strong message that the City of Las Cruces does not support these kinds of events.  
38

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1 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-131 as  
2 Amended and it was Approved. 6-0 Mayor Miyagishima was absent.

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6 (6) Resolution No. 14-132: A Resolution Authorizing the City of Las Cruces to Formally  
7 Accept Grant Funding in the Amount of \$1,901,298.00 From the U.S. Department of  
8 Transportation, Federal Transit Administration, to Obligate a Local Match Amount of  
9 \$1,810,192.00 for Various Operations Expenses Related to Roadrunner Transit, and to  
10 Adjust the FY 2014 Budget.

11  
12 Councillor Sorg Moved to Approve Resolution No. 14-132 and Councillor Small Seconded the  
13 motion.

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17 Lisa Murphy, Transportation Director gave an overhead presentation and said this is a routine item  
18 that accepts our annual Federal Transit Administration Section 5307 Formula Funds. We would use  
19 these funds for our transit operations and some of it will be used to replace part of a dial-a-ride van,  
20 to buy a mini van to transport drivers as they are changing shifts, purchase some shop equipment and  
21 some security cameras.

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Councillor Pedroza asked is any of this going to be used to expand services?

25 Lisa Murphy said this is pretty much a status quo for operations.

26  
27  
28

Councillor Pedroza said there was a suggestion that giving juveniles some type of a card that would  
let them ride the buses for free would allow them to use our recreation facilities more often because  
a lot of them don't drive and their parents work so they have no transportation to these facilities. Is  
that something we could possible do?

31  
32  
33

32 Lisa Murphy said that is something that we can look into doing.

34 Councillor Small asked what would be the forum for us to be able to explore some of the other  
35 creative options for routes and services in our community?

36  
37  
38

37 Robert Garza, City Manager said that could be the subject of a work session but I would caution us  
38 all that any expansion would cost us a lot of money so maybe we can begin the dialog during our  
39 budget process.

40

1 Councillor Silva said I think that every two years we update the Long-Range Transit Plan; when is  
2 the next time it is due to be updated?

3  
4 Lisa Murphy said I don't believe there is any specific requirement on the timing of updates. This  
5 Transit Plan is very long ranged and it ranges up to twenty years into the future.

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9 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-132 and it was  
10 Approved. 6-0 Mayor Miyagishima was absent.

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14 (7) Resolution No. 14-133: A Resolution Authorizing the City of Las Cruces to Approve the  
15 City's Comprehensive Annual Financial Report for the Year Ending June 30, 2013.

16  
17 Councillor Silva Moved to Approve Resolution No. 14-133 and Councillor Sorg Seconded the  
18 motion.



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22 Brandon Valentini, Moss-Adams gave an overhead presentation and said these are the results of the  
23 2013 external audit which were submitted to the New Mexico State Auditor and have now been  
24 released to be presented in a public format so that is what we are doing here today. There five major  
25 federal awarded grant programs that we tested which were the Community Development Block  
26 Grant, Public Safety Partnership and Community Policing Grants - ARRA, Airport Improvement,  
27 Energy Efficiency and Conservation Block Grant - ARRA, and the Staffing for adequate Fire and  
28 Emergency Response. Our opinion for this is an unmodified opinion which is the highest level of  
29 assurance that an external audit service can provide.

30  
31 Ryan Luetkemeyer, Moss-Adams continued the overhead presentation and said there were three  
32 findings for internal controls which were material weakness (South Central Solid Waste), a  
33 significant deficiency with the internal service fund billings which is a repeat from last year, and the  
34 need for continual improvements in the IT structure in order to prevent compromise of the integrity  
35 and/or availability of confidential data. Regarding South Central Solid Waste, during the course of  
36 our audit we identified certain construction accounts that were not reconciled appropriately; so back  
37 in 2008/2009 the construction for sides 3A and 3B, those expenditures that were considered  
38 construction costs were not reconciled and depreciated over the course of the life of those assets so  
39 it required a material impact to the South Central Solid Waste's accounting records.

40  
41 Brandon Valentini said I want to mention that in landfills it get tricky to estimate so you are basically  
42 estimating how long a certain site will last before it gets filled up. This relates to some work that was

1 done over opening a new site so costs were expended, they were capitalized as construction in  
2 progress and this particular cell was broken up into two parts, an A and a B. So when the "B" came  
3 online it was time to move those costs from construction in progress to service because it was being  
4 used. We found that there were some costs associated with "A" that should have been placed in  
5 service sooner but they weren't identified earlier. Once it was found we went back and recognized  
6 it as it would have been placed in service with the appropriate date.

7  
8 Ryan Luetkemeyer continued the presentation and said the other finding we had was significant  
9 deficiency on the Internal Service Fund allocations; primarily in the Vehicle Maintenance Fund. It  
10 is important to capture the costs and show where the costs are going and the billings need to be done  
11 in a timely and accurate manner. This is a repeat finding; we didn't see that those billings were being  
12 conducted on a timely basis and that is carried over to Fiscal Year 13 as well. In summary, there was  
13 operating losses in the fund of about \$581,000 and under budget revenues of about \$916,000 which  
14 supports the concerns that the billing wasn't been done appropriately.

15  
16 The next finding with Information Technology, we had a couple of concerns noted but I wanted to  
17 mention that this finding has been in the report for several years now and it is a very lengthy finding.  
18 However, the City has taken measures to try to resolve a lot of those issues but what remains are  
19 issues with access controls, the firewall between Mesilla Valley Regional Dispatch Authority and  
20 the City, as well as with IT specifically because there is not an official disaster recovery plan  
21 implemented for IT. The other concern was when terminations occur, we would want to see the  
22 Human Resources Department communicate more timely with IT to eliminate access for terminated  
23 employees.

24  
25 Brandon Valentini said we did a pretty in depth analysis on IT and some of these are worse case  
26 scenarios so the idea is to formalize the disaster plan and test it.

27  
28 Ryan Luetkemeyer continued the overhead presentation and said regarding the findings for the City's  
29 grant compliance; the first finding is with payroll, there was a case with the CBDG program where  
30 costs according to the personal action notice was inconsistent with what was charged to the program  
31 so the costs of the employees were not adequately supported. We are required to report any programs  
32 that exceed budget and there were none for the City so that is great to see.

33  
34 Brandon Valentini said I do want to mention that the issue with South Central Solid Waste has  
35 already been resolved.

36  
37 Mark Winson, Assistant City Manager said regarding IT, we have a consultant that is doing work  
38 right now on our enterprise resource program Munis to help us identify the issues with access so we  
39 can correct it. Regarding the firewall, MVRDA is going to be changing their location which will  
40 resolve those issues immediately and in the meantime we are taking appropriate actions to make sure  
41 our firewall isn't breached. Regarding the disaster plan, we have done tests with our provider on their

1 backups of our financial data so we do have that in place.

2

3 Ryan Luetkemeyer continued the overhead presentation and said the City's governmental funds  
4 reported a combined ending fund balance of \$113.7 million which is a decrease of \$3.6 million for  
5 the prior year. The City's General Fund decreased by \$2.2 million during FY13 which is less than  
6 the budgeted decrease of \$8.6 million; primarily due to an increase in tax revenue combined with  
7 prudent controls and fiscal monitoring of expenditures.

8

9 Regarding the City's STOP program, there were no material noncompliance with requirements but  
10 we did find that 5 out of 59 violations tested, the fines were not paid within 35 days from the  
11 effective date and the correct late fine was not assessed as required by the contract between the City  
12 and the service provider. There was a purchase order in the amount of \$75,000 issued to Darden Law  
13 Firm without having a July 1, 2012 to June 30, 2013 contract which the City's procurement policy  
14 is anything greater than \$50,000 needs to have a contract.

15

16 Brandon Valentini said it is important to look at the City as a whole. We tested a lot of transactions  
17 and we reported some things today but I think you have a very able finance team and management  
18 team so from our perspective, we see a wide range of quality and you are at the good end of that  
19 range.

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23 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-133 and it was  
24 Approved. 6-0 Mayor Miyagishima was absent.

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28 (8) Resolution No. 14-134: A Resolution Adopting the 2014 Strategic Plan for the City of Las  
29 Cruces

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31 Councillor Sorg Moved to Approve Resolution No. 14-134 and Councillor Small Seconded the  
32 motion.

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36 Barbara DeLeon, Senior Management and Operations Analyst gave an overhead presentation and  
37 said the 2014 Strategic Plan is going to be based on four major themes which are fiscal  
38 responsibility, service delivery excellence, infrastructure development, and quality of life/community  
39 identity. The 25 goals of the Strategic Plan also set goals for staff for the next five years of the plan.  
40 Once the plan is adopted, staff would like to initiate brainstorm discussions with Council to set top  
41 priority goals, then develop an Administrative Strategic Plan, align resources and operations,  
42 implement and assess.

1  
2 Mayor Pro-tem Smith said this process was measured and we had many opportunities to contribute  
3 which I believe added to the quality of this document.

4  
5 Councillor Sorg said for the work session, are we only going to discuss the top 5 or all 24 goals?

6  
7 Robert Garza, City Manager said the thought is that we are not going to be able to address all 24 of  
8 these at one sitting. So, on February 24<sup>th</sup> we will be discussing the strategic initiative which will be  
9 the first of 25 work sessions that we will have because we want to be able to allow at least an hour  
10 for discussion on each one of these initiatives.

11  
12 Councillor Sorg said some of these goals are overlapping so I'm not sure how you want to schedule  
13 a work session to take that into consideration.

14  
15 Councillor Silva said I want to compliment you all because the overall intent was to dwindle down  
16 our prior Strategic Plan which had more than 200 goals and you have gone from having seven  
17 themes to having only four themes. This is going to help make us a more effective organization.

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21 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-134 and it was  
22 Approved. 6-0 Mayor Miyagishima was absent.

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25  
26 (9) Resolution No. 14-135: A Resolution to Support the Restoration of a 1930 American La  
27 France Fire Engine to be Placed at Fire Station One, 201 E. Picacho Avenue, Las Cruces,  
28 New Mexico.

29  
30 Councillor Sorg Moved to Approve Resolution No. 14-135 and Councillor Pedroza Seconded the  
31 motion.

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34  
35 Chief Brown, LCFD gave an overhead presentation and said this fire truck was first registered by  
36 the City in 1932 and it served as a front line engine for the community into the 1950s. We are  
37 uncertain exactly when it was placed in Klein Park but we do know it was over 30 years ago. The  
38 engine was becoming deteriorated and unsafe to stay in the park so it was removed in May 2013.  
39 There were several meetings to discuss the options on what to do with it and the result of those  
40 meetings were two options which are to repair and alter it so it can go back in Klein Park as a piece  
41 of playground equipment or we can do a cosmetic restoration and place it in front of Fire Station  
42 One. The estimated cost to repair and alter it would be between \$60,000 and \$70,000 and the

1 estimated cost to restore it would be between \$35,000 and \$40,000.

2

3 Dolores Archuleta, Mayor Pro-tem Emeritus said I am the president of Las Esperanzas and the  
4 removal of Lizzy from Klein Park was very emotional because it had been there since 1958. We have  
5 attended all the briefings regarding Lizzy and we support having Lizzy restored and placed at Fire  
6 Station One. We would also like to have some type of monument be put in place at Klein Park in  
7 honor of Lizzy as well as direct people to see her at Fire Station One.

8

9 David Chavez, Member of the Public said I am the president for the Mesquite Historic Preservation  
10 Society and I'd like to thank you for saving this part of our history. We are hoping that you will vote  
11 yes to restoring this engine.

12

13 Councillor Small said during the budget process, I also allocated funding for this restoration and I  
14 would like to say "kudos" to all those who have participated in this project.

15

16 Councillor Pedroza said I think history is extremely important and when we have a chance to  
17 preserve some history then we should do it.

18

19 Councillor Silva said regarding having a memorial placed in Klein Park, I would hope that it could  
20 not only include the history of Lizzy but also include the history of the Mesquite District.

21

22 Councillor Levatino said I love the idea of doing this and I think it is a great opportunity for us to  
23 restore a historical piece of equipment. Was there any attempt to raise private funding to do this  
24 project?

25

26 Chief Brown said when this first came up, we did make efforts to try to work with people in the  
27 community to see if they could perhaps provide some of the restoration but it just didn't pan out.  
28 During the past few presentations, the community has made it clear that if we did not have enough  
29 City funds to finish this project then they feel very strongly that they would be able to come together  
30 and raise additional funds to make sure the unit was restored.

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34 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-135 and it was  
35 Approved. 6-0 Mayor Miyagishima was absent.

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39 (10) Resolution No. 14-136: A Resolution Authorizing the Application for 2014/2015 Co-Op  
40 Funding With the New Mexico Department of Transportation for the \_\_\_\_\_  
41 Project.

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1 Councillor Silva Moved to Approve Resolution No. 14-136 and Councillor Pedroza Seconded the  
2 motion.

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6 Loretta Reyes, Public Works Director gave an overhead presentation and said this funding is in a  
7 typical amount of \$55,000 which NMDOT would pay 75% and the City of Las Cruces would pay  
8 the remaining 25% as match funding. The projects that most effectively serve the needs of the public  
9 have the best chance of being funded. We have selected three projects to choose from and the one  
10 that is selected must be designed and constructed by December 31, 2015. The three potential projects  
11 are the Solano Drive ADA Sidewalk Improvements project which would be from Cactus Street to  
12 Mulberry Avenue, the Telshor Boulevard ADA Sidewalk Improvements which would be from  
13 Terrace Drive to Huntington Drive, and the Amador Avenue ADA Sidewalk Improvements Project  
14 which would be from McSwain Drive to Valley Drive and Valley Drive to Archuleta Road. Option  
15 1, the Solano Project, would cost \$109,700 so NMDOT's share would be \$82,275 and the City's  
16 share would \$27,425; Option 2, the Telshor Project, would cost \$76,000 so NMDOT's share would  
17 be \$57,000 and the City's share would be \$19,000; Option 3, the Amador Project, the cost would  
18 be \$111,500 so NMDOT's share would be \$83,625 and the City's share would be \$27,875.

19

20 Councillor Silva said if we were to select Option 1 which is the Solano Project, then we would  
21 probably only need one more phase to complete this project; correct?

22

23 Loretta Reyes said that is correct.

24

25 Councillor Silva said Option 2, the Telshor Project, received funding last year; correct?

26

27 Loretta Reyes said that is correct.

28

29 Councillor Silva asked how far north are we going with this project?

30

31 Loretta Reyes said to Lohman.

32

33 Councillor Silva asked where are we going with Option 3, the Amador Project?

34

35 Loretta Reyes said we recently resurfaced Amador in these two regions so we wanted to complete  
36 the portion west of Valley Drive and fill in the gaps east of Valley Drive.

37

38 Councillor Silva asked is there alternative funding besides grant funding to pay for one of those  
39 particular projects?

40

41 Robert Garza, City Manager said yes, and we will be talking more about them during our budgeting  
42 process. We had talked about issuing revenue bonds to our Street Maintenance Program and we

1 would be talking about \$8 million but we would suggest a piece of that be used for accessibility  
2 projects because Federal Law states that we have to bring our entire public space into compliance  
3 with the ADA. I do want to mention that NMDOT looks at roads that have the highest degree of  
4 influence on their system and I believe Valley Drive in this corridor is a state highway so I would  
5 believe that the Highway Department would look most positively on the Amador Project.

6

7 Councillor Levatino asked is there a time frame for us to come in to compliance?

8

9 Robert Garza said yes, we should of been in compliance about fifteen years ago. When we did an  
10 inventory of our entire city, it was estimated to be about \$80 billion worth of work that needed to  
11 be done citywide in order to bring us into 100% compliance. Since we don't have \$80 billion, we  
12 have an ADA officer on staff and a concrete crew that are very responsive; so when we have a  
13 member of our community stating they need to get from here to there then our goal becomes to make  
14 that an accessible route. Also, whenever we do a road project, we fix that corridor to bring it into  
15 ADA compliance at the same time.

16

17 Councillor Small said these are all very worthy projects and there is a need to increase funding for  
18 infrastructure maintenance.

19

20 Councillor Pedroza said if we choose the Solano Project then there would need to be some extra  
21 coordination with NMDOT. The Telshor Project has a number of hills that possibly make it a little  
22 less pedestrian friendly than Amador or Solano. I'm leaning toward supporting the Amador Project.

23

24 Councillor Sorg asked are these projects for ADA only?

25

26 Loretta Reyes said yes.

27

28 Mayor Pro-tem Smith said Telshor is a relatively new area so perhaps the need isn't as great there  
29 so I would put that lowest on my priorities list. The Amador area, comparing that with pedestrian  
30 traffic, I would anticipate that Solano would have more pedestrians. To me, the Solano Project would  
31 seem to be more helpful for people using the sidewalks in that area.

32

33

34

35 Councillor Sorg Moved to Amend Resolution No. 14-136 to select Option 3, the Amador Project and  
36 Councillor Silva Seconded the motion.

37

38

39

40 Mayor Pro-tem Smith called for the roll on the Motion to Amend Resolution No. 14-136 to select  
41 Option 3, the Amador Project and it was Approved. 4-2 Councillor Silva, Councillor Pedroza,

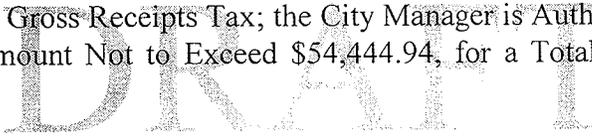
1 Councillor Small and Councillor Sorg voted Aye. Councillor Levatino and Mayor Pro-tem Smith  
2 voted Nay. Mayor Miyagishima was absent.

3  
4 -----  
5

6 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-136 as  
7 Amended and it was Approved. 5-1 Councillor Silva, Councillor Pedroza, Councillor Small,  
8 Councillor Sorg and Mayor Pro-tem Smith voted Aye. Councillor Levatino voted Nay. Mayor  
9 Miyagishima was absent.

10  
11 -----  
12

13 (11) Resolution No. 13-14-364: A Resolution Awarding the Bid for the Pavement Replacement  
14 2013-2014 Project to Burn Construction Company, Inc., for the Base Bid, Plus Additive  
15 Alternate Number One, Two, and Three, in the Amount of \$1,010,000.85, Plus \$76,381.31,  
16 for New Mexico Gross Receipts Tax; the City Manager is Authorized to Approve Change  
17 Orders in an Amount Not to Exceed \$54,444.94, for a Total Project Authorization of  
18 \$1,140,827.10.1



19  
20 Councillor Silva Moved to Approve Resolution No. 13-14-364 and Councillor Small Seconded the  
21 motion.

22  
23 -----  
24

25 Louis Grijalva, Public Works Administrator gave an overhead presentation and said Pavement  
26 Replacement is a new construction method that is stretching the City's funding. It is used on existing  
27 streets that need repair but do not require extensive utility work and have acceptable curb, gutter and  
28 sidewalks. Staff estimates that this will save up to 50% of the costs of a full reconstruction and will  
29 result in faster construction time. We received five bids and the lowest bid was with Burn  
30 Construction. The funding source will be from the Street Maintenance and Utility Funds and the  
31 contract duration is 100 working days.

32  
33 Ron Camuñez, Member of the Public said I was glad to hear that when they repair these streets there  
34 isn't anything else that needs to be repaired because I have seen when they have repaired a street and  
35 a month later they have to come back and tear it up in order to make other repairs.

36  
37 -----  
38

39 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 13-14-364 and  
40 it was Approved. 5-0-1 Councillor Sorg Abstained. Mayor Miyagishima was absent.

41

1 -----

2

3 **IX. BOARD APPOINTMENTS**

4

5 There were no board appointments.

6

7 -----

8

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

11

12 (12) Council Bill No. 14-020; Ordinance No. 2705: An Ordinance Approving a Zone Change  
13 From C-2 (Commercial Medium Intensity) to C-3/R-4 (Commercial High Intensity/Multi-  
14 Dwelling High Density & Limited Retail and Office) on 5.95 ± Acres of Land Located at 299  
15 E. Montana Avenue. Submitted by Michael Johnson, P.E. on Behalf of Mesilla Valley  
16 Hospice, Inc., Property Owner (Z2867).

17

18 Mayor Pro-tem Smith and Council agreed to bring this item forward.

19

20 (13) Council Bill No. 14-021; Ordinance No. 2706: An Ordinance Approving a Zone Change  
21 From O-1 (Office, Neighborhood-Limited Retail Service) to C-3 (Commercial High  
22 Intensity) on 0.97 ± Acres of Land Located at 3401 W. Picacho Avenue. Submitted by Tony  
23 Trevino on Behalf of Jamie Dryden, Property Owner (Z2868).

24

25 Mayor Pro-tem Smith and Council agreed to bring this item forward.

26

27 -----

28

29 **XI. CITY COUNCIL MEMBER BOARD REPORTS**

30

31 There were no City Council member board reports.

32

33 -----

34

35 **XII. GENERAL DISCUSSION**

36

37 a.) Mayor

38

39 Mayor Pro-tem Smith said the Casas de Antaño tour that was held this weekend was a very  
40 successful event.

41

1 I had several people express their concerns with the Aerosol Paint Program that has begun with our  
2 Parks and Rec Department. I think the issue may be with how it is described so maybe we can take  
3 the word "graffiti" out of it.

4

5 I believe there will be further comments regarding the RedFlex camera situation because I believe  
6 there is ongoing concern from the public as far as what we are doing to make sure people are safe.  
7 So I look forward to us finding other solutions for those corners where we see that kind of activity.

8

9

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10

11 b.) City Council

12

13 Councillor Silva said regarding the RedFlex cameras, I also encourage City staff to seek other  
14 solutions as we move forward.

15

16 Two people have approached me regarding bringing a watershed item to Council; it has to do with  
17 a Watershed Program and having a speaker brought here from Tucson. They'd like to know if the  
18 City would sponsor bringing this person in from Tucson to speak at the Rio Grande Theater. So if  
19 we can have a consensus to sponsor this speaker then we can get more information on him and bring  
20 that information to Council.

21

22 Councillor Sorg said I can't remember his name but he wrote the book on a green infrastructure as  
23 far as storm water goes, and storm water harvesting. He is only going to be here on April 10<sup>th</sup> so we  
24 were hoping that we could rent the Rio Grande Theater for that purpose and if not, then we would  
25 have to find a secondary location. He is charging just a couple hundred dollars and we are trying to  
26 possibly find an alternative funding source; not the City, to pay for it. All we want is for the City to  
27 allow us to use the Rio Grande Theater if it is available at that time.

28

29 Robert Garza, City Manager said the Rio Grande Theater is operated by the Doña Ana Arts Council  
30 and they control the calendar events so the best thing to do would be to go through them.

31

32 Mayor Pro-tem Smith said Mr. Garza, it looks like there is a consensus from Council.

33

34 Robert Garza said I think it is clear enough that there is sufficient enough support and as for if we  
35 are going to reimburse anybody; I would just need invoices before the event.

36

37 Councillor Silva said I spoke with Christian Aguilar from Food Management regarding what would  
38 be the next step in formulating the Food Management Resolution that we passed last fall; for forming  
39 a JPA agreement with the County? I suggested that she just approach the Council during one of the  
40 Council meetings. The resolution states that we "may" do something like this in the future and I  
41 would suggest that we just convert it from "may" and commit ourselves to do it.

42

43

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1  
2 Councillor Pedroza said in terms of Christian Aguilar, I think a little bit of technical support would  
3 be really good because they are ready to go.

4  
5 Robert Garza, City Manager said I would suggest that Christine Aguilar meet with me to discuss  
6 what they would like to do.

7  
8 Councillor Pedroza said there is a workshop on February 20<sup>th</sup> regarding the Affordable Healthcare  
9 Act at the Roadrunner Room in the Branigan Library.

10  
11 There is a workshop tonight at 5:30 p.m. at the First Christian Church at 1809 El Paseo regarding  
12 minimum wage.

13  
14 There is a conference by the Institute for Community Engagement on March 1<sup>st</sup> at Peace Lutheran  
15 Church at 1701 Missouri.

DRAFT

16  
17  
18  
19 Councillor Small said there have been a lot of people asking “why is the City keeping the amount  
20 of pets limited to two?” There is a great deal of research and effort to saying that a slightly higher  
21 limit would be better for pets and would lead to less issues and problems at the shelter. I would like  
22 to get a consensus from Council to have that discussion when our Animal Ordinance comes up for  
23 adoption.

24  
25 The Legislative Session is winding down so I think we will hopefully have a clear picture on a  
26 number of different things soon.

27  
28 -----  
29

30 Councillor Sorg said Randy Harris came before us at one of our last meetings and suggested that we  
31 have a great conversation here regarding minimum wage so it could be publicized. I think that  
32 would be something very valuable for us to have here so I would like to see us move forward with  
33 it.

34  
35 Robert Garza, City Manager said we will be discussing that issue at our February 24<sup>th</sup> Work Session.

36  
37 Councillor Sorg said there is an organization called Walkable and Livable Communities Institute and  
38 it supports communities in their efforts to improve the health and well-being through better built  
39 environments in the cities. We have the opportunity of having Dan Burden who is an expert in this  
40 field, here in Las Cruces in May and we are trying to get the funding to bring him here from other

1 sources other than the City and the Las Cruces Realtors are considering helping us with some of the  
2 funding.

3  
4 -----  
5

6 Councillor Levatino passed.

7  
8 -----  
9

10 c.) City Manager

11  
12 Robert Garza, City Manager said the Legislative Session is about to end and we will provide a  
13 summary of all our things that we had in that arena.

14  
15 The Mayor's State of the City Address is tomorrow at 12:15 p.m. here in Council Chambers.

16  
17 Regarding the RedFlex Contract, I have reviewed that situation and it was clear at our work session  
18 that there were a lot of unanswered questions so I intend to move ahead and keep our current  
19 ordinance intact because we should still have a STOP program in place. We are having problems  
20 with our contractor which is causing us problems in achieving our goals so I will be contacting them  
21 this week to advise them that we are going to terminate our contract. So we will not be continuing  
22 our contract with RedFlex but we will continue with our STOP program. We will be looking into  
23 alternatives that would work for us and show us that we are making a measurable difference.

24  
25 -----  
26

27 Councillor Pedroza Moved to Adjourn and Councillor Sorg Seconded the motion.

28  
29 Mayor Pro-tem Smith said all of those in favor signify by saying "Aye."

30  
31 Council said "Aye."

32  
33 **Meeting Adjourned at 5:14 p.m.**