



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

Regular Meeting

March 3, 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

25 Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Small
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 Councillor Small presented a Proclamation to Pablo Martinez and declared February 16 thru
32 February 22, 2014 as LULAC Week.

34 Joe Delk, Doña Ana Soil and Water Conservation District gave an overhead presentation regarding
35 the Mil Levy Referendum and said our current budget is about \$15,000 which is insufficient to
36 adequately meet our unique responsibilities to our constituents. The DASWCD's mil levy resolution
37 was approved by the New Mexico Soil and Water Conservation Commission in June 2013. We will
38 be conducting a district-wide mil levy referendum on Tuesday, April 8, 2014 from 8:00 a.m. to 5:00
39 p.m. Although we are authorized to seek a rate of up to \$1 per \$1,000 net taxable value of property,
40 we are seeking an annual levy rate of \$0.092 per \$1,000. So, an owner with a property valued at
41 \$150,000 would pay about \$14 extra a year or about \$1.16 per month. This assessment is estimated
42 to generate approximately \$350,000 in annual revenue for DASWCD.

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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?
Councillor Smith said I will be asking that we pull Item 5 so I can recuse myself because my wife was recently appointed to the Hospice Board of Directors.
Mayor Miyagishima said I don't think we need to pull it off of the Consent Agenda if the rest of the Council doesn't see a conflict.
Councillor Smith said okay, I will be happy to leave that item on the Consent Agenda.

DRAFT

III. PUBLIC PARTICIPATION

Alice Anderson, Member of the Public said there was a column in the Las Cruces Bulletin regarding cat management and TNR. We have been talking about this for fifteen years and yet we still have stray cats out there. This article explains why TNR doesn't work because people who are feeding these cats are not getting them neutered or spayed. I would advocate that if you feed it you own it and I would ask that you include that in your ordinance.
Ryan Dailey, Member of the Public said the Governor signed a state law against texting while driving so I would like to know how that will affect our ordinance? I don't agree with the new state law fine of \$25.00 because I think it is too low.
Chief Montoya, LCPD said we can use the state or city ordinances and in this case, I think we will continue to use the city ordinance while in the city limits because I think it has more power behind it.

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

1 Mayor Miyagishima said Item 3 needs to be removed from the Consent Agenda for discussion.

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5 Councillor Silva Moved to Approve the Agenda as Amended and Councillor Smith Seconded the
6 motion.

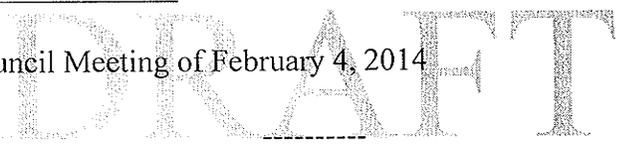
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10 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it was
11 Unanimously Approved. 7-0

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15 **V. CITY COUNCIL MINUTES**

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17 *(1) Regular City Council Meeting of February 4, 2014



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

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23 *(2) Resolution No. 14-137: 1A Resolution Authorizing the City of Las Cruces, as Fiscal Agent
24 on Behalf of the Animal Service Center of the Mesilla Valley, to Accept Legislative
25 Appropriation Funding in the Amount of \$215,000.00 From the State of New Mexico
26 Department of Finance and Administration, Local Government Division (DFA/LGD), Fund
27 892 Capital Appropriation to Purchase and Equip an Animal Transport Van.

28
29 *(4) Resolution No. 13-14-328: A Resolution Approving an Indefinite Quantity, Indefinite Cost
30 Price Agreement for Temporary Employment Services to Temporary Alternatives, Inc.,
31 ItsQuest, Inc., Kelly Services, Inc., and Manpowergroup Us for a Term of Up to Five (5)
32 Years Conditioned Upon Annual Renewals and Approved Budgets.

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

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

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

*** (3) Resolution No. 14-138: A Resolution to Authorize and Approve Submission of a Completed Application for Financial Assistance and Project Approval to the New Mexico Finance Authority.**

Councillor Silva Moved to Approve Resolution No. 14-138 and Councillor Small Seconded the motion.

Councillor Silva said I think the title of this is vague so I wanted to inform the audience what programs we are looking at with this resolution.

Robert Scaling, Treasurer said this is the general title that we use anytime we submit a loan application to the New Mexico Finance Authority and it is further supported in your resolution packet. We are submitting this application on behalf of the South Central Solid Waste Authority for up to \$1.6 million which would allow them to build a gathering facility in Chaparral, build an extension to their facility on Amador, and enhance the communication infrastructure at the Corralitos landfill.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-138 and it was Unanimously Approved. 7-0

(7) Resolution No. 14-139: A Resolution to Designate Former City Councillor and Mayor Pro Tempore Sharon Thomas as *Sharon Thomas, Mayor Pro Tempore Emerita*, in Accordance with the City Council Emeritus/Emerita Program.

Councillor Small Moved to Approve Resolution No. 14-139 and Councillor Smith Seconded the motion.

1 Mayor Miyagishima said Mayor Pro-tem Thomas served as Mayor Pro-tem for two years which is
2 a requirement for this designation and this is a way for us to show our appreciation for her service.

3

4 Sharon Thomas, Member of the Public said it is an honor to accept this designation.

5

6 Councillor Silva said I just want to say that I am thankful for all your work and I do miss working
7 with you.

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9 Councillor Pedroza said Sharon Thomas is still continuing her work so it is still an honor to continue
10 to work with her.

11

12 Councillor Small said I will only approve this if Sharon Thomas promises to continue her work.

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14 Councillor Sorg said I won't put any strings attached to my support of this resolution. I just want to
15 say thank you and congratulations to Sharon Thomas.

16

17 Councillor Levatino said I do appreciate your advice to me.

18

19 Councillor Smith said Sharon has been an excellent example for me in this role.

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23 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-139 and it was
24 Unanimously Approved. 7-0

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28 (8) Resolution No. 14-140: A Resolution Authorizing the City of Las Cruces to Accept
29 Legislative Appropriation Funding in the Amount of \$60,000.00 From the State of New
30 Mexico Department of Finance and Administration, Local Government Division
31 (DFA/LGD), Fund 892 Capital Appropriation for Construction and Renovation of the Ball
32 Fields in the Hadley Avenue Recreation Area.

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34 Councillor Sorg Moved to Approve Resolution No. 14-140 and Councillor Small Seconded the
35 motion.

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39 Mark Johnston, Parks and Recreation Director gave an overhead presentation and said we were lucky
40 to receive some funding for further improvements to the Hadley Complex. The thing with ballparks

1 is that ongoing maintenance is needed in order to keep them at the level we're all happy with and
2 there is a lot of work that needs to be done at the Hadley Complex. The project focus is for infield
3 and outfield enhancements to our baseball/softball fields and some of our future needs are fencing
4 and backstops, restrooms, concessions and score booth, scoreboards, and bleachers.

5

6 Councillor Sorg said I am very pleased that we are getting this funding. Would it help to have
7 additional ballfields in other parts of the city?

8

9 Mark Johnston said definitely; having additional ballfields in other parts of the city would help but
10 it would be an additional cost for us.

11

12 Councillor Small said it is great to see the continuous upgrades to these fields.

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16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-140 and it was
17 Unanimously Approved. 7-0

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21 (9) Resolution No. 14-141: A Resolution Accepting the Final Downtown Charrette Report.

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23 Councillor Silva Moved to Approve Resolution No. 14-141 and Councillor Small Seconded the
24 motion.

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28 Andy Hume, Senior Planner gave an overhead presentation and said the Downtown Revitalization
29 Plan was adopted in 2004 and the implementation is ongoing. On October 7th thru the 11th we had
30 the Downtown Charrette and PlaceMakers led multi-faceted public input sessions that included
31 downtown business owners, downtown residents, City staff, and many other interested citizens and
32 groups. Some of the key community comments included catalytic projects like the Plaza and
33 Water/Church Street two way conversion, residential units, services, food and beverage providers,
34 the promotion of it as an activity center and destination, and a parking management plan. This report
35 integrates a wide variety of input with current conditions into actionable proposals. City staff
36 supports this charrette report and will use it to guide the Downtown Revitalization Plan update.

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38 Councillor Silva said this charrette was a great process and it was a great model for how we can plan
39 certain areas within the city.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-141 and it was Unanimously Approved. 7-0

(10) Resolution No. 14-142: A Resolution Authorizing the Application for 2014/2015 Municipal Arterial Program (MAP) Funding With the New Mexico Department of Transportation (NMDOT) for the _____ Project.

Councillor Smith Moved to Approve Resolution No. 14-142 and Councillor Pedroza Seconded the motion.

Loretta Reyes, Public Works Director gave an overhead presentation and said this resolution is to authorize the application for NMDOT program funding. Typically the award is around \$500,000 and it requires a 25% match. Projects that benefit a state or municipal road systems have the best chance of getting funded and the project selected must be under contract by June 30, 2015. We have identified three potential projects. Option 1 is the Roadrunner Parkway Pavement Replacement Project which the total estimated project cost is \$1,032,000 and the City's 25% share would be \$258,000; Option 2 is the Elks Drive Widening Project which the total estimated project cost is \$884,000 and the City's 25% share would be \$221,000 ; and Option 3 is the Don Roser Drive Reconstruction and ADA Improvements Project which the total estimated project cost is \$636,000 and the City's 25% share would be \$159,000 .

Mayor Miyagishima said my primary residence is on Lookout Ridge so I will abstain from this item.

Councillor Sorg said we can only select one of these projects so is there any other funding sources for the other two projects?

Loretta Reyes said we do have these three projects listed on our funded projects list for this next fiscal year so there will be funds available.

Councillor Levatino said there has been three deaths on Roadrunner so maybe the loss of life would take precedence over the possibility of it happening on another road.

Loretta Reyes said the Roadrunner Parkway Project is only for the replacement of the pavement in order to improve the rideability of the road. We are not considering any type of widening or reconstruction of the roadway.

1 Councillor Small said I see benefits with us going with Option 2 which is the Elks Drive Project.

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3 Councillor Sorg said there are safety issues with Roadrunner Parkway but the proposed project
4 doesn't increase the safety on that road. I travel on Elks Road and it is very confusing because there
5 are areas where it goes from four lanes to two lanes and it is very easy to go the wrong way on it.
6 Also, there is drag racing that occurs on Elks which also concerns me.

7

8 Councillor Pedroza said the recommendation of the Elks Project sounds perfectly logical to me.

9

10 Robert Garza, City Manager said we want to pick a project that is going to be the most appealing to
11 the Highway Department and I think Elks Drive has proven itself because they have already given
12 us a MAP for Elks Drive so it as already met their tests and requirements for this program.

13

14 Councillor Silva said Project 3 is scheduled for FY17 funding; correct?

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16 Loretta Reyes said that project has already been identified on our Pavement Replacement
17 Management System for FY17 so we would be able to do it then.

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19 Councillor Silva said if we were to set Option 1 aside, at what point would we incorporate bike lanes
20 into this project and about how much would it cost?

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22 Loretta Reyes said bike lanes could be done in a different phase because we'd have to reconstruct
23 the medians to create additional space for the bike lanes.

24

25 Louis Grijalva, Project Development Administrator said it would cost somewhere in the range of
26 about \$800,000 to \$1 million.

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28 Councillor Silva said I would support doing Option 1, Roadrunner.

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32 Councillor Sorg Moved to Amend Resolution No. 14-142 to select Option 2 and Councillor Silva
33 Seconded the motion.

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37 Mayor Pro-tem Smith called for the roll on the Motion to Amend Resolution No. 14-142 to select
38 Option 2 and it was Unanimously Approved. 7-0

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1 Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-142 as
2 Amended and it was Unanimously Approved. 7-0

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6 **VIII. BOARD APPOINTMENTS**

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8 There were no board appointments.
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12 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.*
13 *2.) A councillor may ask staff for clarification on the proposed ordinance(s).***

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15 (11) Council Bill No. 14-022; Ordinance No. 2707: An Ordinance to Repeal Las Cruces
16 Municipal Code 1997, Article IV, Business Registration and Licensing, Division 1,
17 *Generally*, Sections 16-96 Through 16-125, and Division 2, *Business Registrations*, Sections
18 16-126 Through 16-165; and to Enact a New Las Cruces Municipal Code 1997, Sections 16-
19 96 Through 16-165.

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21 Mayor Miyagishima and Council agreed to bring this item forward.
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25 **X. CITY COUNCIL MEMBER BOARD REPORTS**

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27 There were no City Council Member Board Reports.
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31 **XI. GENERAL DISCUSSION**

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33 b.) City Council
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35 Councillor Silva asked do we have a master contract on file with the Spaceport?
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37 Robert Garza, City Manager said no, the City doesn't have any contracts with the Spaceport.
38

39 Councillor Silva said I would ask that we have a master file kept at the library regarding the
40 Spaceport for the public to view.

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1 This Saturday the City is hosting a Volunteer Fair at the Library and I would encourage everyone to
2 attend it.

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4 I would like to recognize and compliment some of my colleagues for attending the Celebrity Waiter
5 Contest.

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9 Councillor Pedroza said last Tuesday there was a Community Assessment event put on by HUD.
10 They didn't promise funding but I think that if they assess us then there is that possibility.

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12 Last Thursday I attended the Emergency Management class and I think it had very useful
13 information.

14

15 Last Friday I spoke with three groups from Sierra Middle School and I found all of them to be
16 extremely marvelous and intelligent.

17

18 Last Saturday I attended a meeting held by Engagement New Mexico and it was a very encouraging
19 event.

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23 Councillor Small said I would urge that we take a close look at our funding for different projects
24 during our budget process. Just because something has been budgeted for in the past doesn't mean
25 it should be funded in the future.

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27 The education discussion at Peace Lutheran Church was very exciting and there was a wide variety
28 of representation from within our city.

29

30 Regarding the Community Assessment, it shows the value of the projects and all the collaborative
31 efforts.

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35 Councillor Sorg said regarding the mil levy referendum, I was a little disappointed to learn that the
36 District did not do enough research to find other funding sources besides property taxes.

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40 Councillor Levatino said beginning on March 7th and continuing until March 29th the Branigan
41 Cultural Center will have a display of photographs of the construction of the Hoover Dam taken by
42 Winthrop Davis.

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2 Councillor Smith and I attended the Hispanic Chamber of Commerce Annual Dinner on Friday and
3 I would like to congratulate Fire Chief Brown for being named the Citizen of the Year.

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7 Councillor Smith said there has been some renewed conversations about the Convention Center
8 Hotel at NMSU. The location NMSU is talking about is the field that is next to their Police
9 Department and it is thought that some of the events that are held at the Convention Center would
10 bring business to the hotel.

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12 I have handed out a rough draft resolution and the portions in red are what Dan Hicks and WSMR
13 requested to change.

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15 I will be leaving this Friday to the Congressional Conference for the National League of Cities and
16 I will be back in time for our Work Session on Monday.

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20 a.) Mayor

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22 Mayor Miyagishima said Tesla is looking to build a \$5 billion manufacturing plant that would create
23 about 6,500 jobs and they have narrowed it down to four states which are Arizona, New Mexico,
24 Nevada, and Texas. We are thinking about sending a letter and a video to their CEO asking them to
25 consider building it here in Las Cruces.

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29 c.) City Manager

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31 Robert Garza, City Manager said regarding the capital outlay funds, it is now sitting in front of the
32 Governor and she will decide which projects to fund so we are in the process of doing questionnaires
33 for DFA and stating that we do need the funding and it will be put to productive use and all the
34 projects that were identified can be completed.

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36 At the Work Session last Monday we talked about having some great conversations and since then
37 we have developed a draft agreement with Mr. Harris for three specific meetings.

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41 Councillor Sorg Moved to Adjourn and Councillor Smith Seconded the motion.

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

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3 Council said "Aye."

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

DRAFT