



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

Regular Meeting

**April 21, 2014
1:00 P.M.**

Council Chambers, City Hall

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MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
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.

Jennifer Martinez, PIO presented CLC-TV Student Video PSA Awards to the winners of the Student Video PSA Contest.

Mayor Miyagishima presented the Mayor's Citation for Community Service to Larry Candelaria.

Councillor Smith presented a Proclamation to Larry Candelaria and declared April 21, 2014 as Larry Candelaria Day.

Councillor Smith presented a Proclamation to Luis Carrillo and declared May 2014 as Stroke Awareness Month.

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

5
 6 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

7
 8 There were no conflicts given.

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12 **III. PUBLIC PARTICIPATION**

13

14 James Connelli, Member of the Public read a letter regarding health, sanitation, and noise.

15

16 Mayor Miyagishima said you are welcome to leave a copy of that letter with the Clerk.

17

18 Douglas Grover Johnson, Member of the Public said I am with the Las Cruces Los Coyote Advocacy
 19 and I wanted to know if any of the councillors will be able to attend the Living Wage Rally on
 20 Wednesday?

21

22 Mayor Miyagishima said I don't know if any of us will be attending that event.

23

24 Bill Allen, Member of the Public said I am with the Greater Las Cruces Chamber of Commerce and
 25 there have been a lot of discussions regarding minimum wage. We do recognize that minimum wage
 26 does need to be addressed here in Las Cruces and we would like this Council to address that issue.

27

28 Richard Aguilar, Member of the Public said I am with the Greater Las Cruces Hispano Chamber of
 29 Commerce and I concur with everything that was said by Bill Allen.

30

31 Alice Anderson, Member of the Public passed out a handout and said Council rejected an
 32 amendment to our current Animal Ordinance at your last meeting and some of you have expressed
 33 a desire to continue that conversation. Based on a column in the Las Cruces Bulletin on an average,
 34 for \$600, a cat colony manager could spay all the female cats in their colony. I think we need to
 35 count the cats we have before we make any revisions to our current ordinance.

36

37 Mayor Miyagishima said we are going to be having a work session regarding that issue.

38

39 George Pearson, Member of the Public said there are more people using our transit system and riding
 40 bikes than ever before and many cities are installing bicycle facilities as an important component
 41 because of workforce demands. The MPO has recently passed a resolution that the member entities

1 designate a bike path contact which would be beneficial to the city. This would be a resource not
2 only for the citizens and visitors but also for staff. I want to mention that May is Bike Month and
3 there are several planned events which are a bike blessing on May 4th, a Ride your Bike to School
4 event on May 6, 7, and 8th, a Fix a Flat Clinic on May 10th, and the Mayor's Greet Event on May 28th.

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

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12 Mayor Miyagishima said Item 5 needs to be removed from the Consent Agenda for discussion.

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16 Councillor Small Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the
17 motion.

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

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

27

28 *(1) Resolution No. 14-168: A Resolution Authorizing the City of Las Cruces, on Behalf of the
29 Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico,
30 to Accept a Grant Award in the Amount of \$815,294.00 for Grant Award Number
31 G14SN0006A From the Executive Office of the President, Office of National Drug Control
32 Policy, to Ratify the Mayor's Signature on the Grant Agreement, and to Adjust the FY 2014
33 Budget.

34

35 *(2) Resolution No. 14-169: A Resolution Approving a Replat Known as Palmer's Subdivision,
36 Replat No. 15, Which Includes an Associated Vacation of a 20-Foot Alley for Property
37 Located East of Valley Drive, West of Sixth Street, South of McFie Avenue and North of
38 Hadley Avenue. Submitted by Diamondback Land Surveying Company, Inc. on Behalf of
39 the Edward Griffith Family Partnership.

40

1 *(3) Resolution No. 13-14-381: A Resolution Awarding the Bid for the Campo Street/Wyatt
 2 Drive Rehabilitation Project to Smith and Aguirre Construction Company, Inc., for the Base
 3 Bid, Plus Additive Alternate Number One, in the Amount of \$347,625.92, Plus \$26,289.21,
 4 for New Mexico Gross Receipts Tax; The City Manager is Authorized to Approve Change
 5 Orders in an Amount Not to Exceed \$20,113.78, for a Total Project Authorization of
 6 \$394,028.91.

7
 8 *(4) Council Bill No. 14-025; Ordinance No. 2710: An Ordinance Repealing LCMC, 1997,
 9 Section 2-977, Membership, Pertaining to the Veterans Advisory Board, and Enacting a New
 10 Section 2-977.

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14 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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 16 *(5) Council Bill No. 14-026; Ordinance No. 2711: An Ordinance to Authorize the Conveyance
 17 of a Parcel of City-Owned Property Located at Main Street and Picacho Avenue from the
 18 City of Las Cruces to Armstrong Development Properties, Inc., in Accordance with
 19 Provisions of LCMC-1997, Section 2-1312.

20
 21 Councillor Silva Moved to Approve Council Bill No. 14-026; Ordinance No. 2711 and Councillor
 22 Smith Seconded the motion.

23
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 25
 26 Councillor Silva asked regarding number six, there has been an exhibit (Exhibit E) added to that and
 27 under that exhibit, it recognizes an easement in favor of Mountain States Telephone and Telegraph
 28 Company which that company has not been in existence for a long time now. Do we still recognize
 29 in ground telephone easements?

30
 31 Bill Hamm, Land Manager said this easement would be of record.

32
 33 Robert Garza, City Manager said any easement that we have, even if it is with a company that no
 34 longer exists, will exist until it is vacated or abandoned in some way.

35
 36 Councillor Silva said Mountain States went to Mountain Bell and now I think it's Centurylink. So,
 37 do these easements belong to CenturyLink now?

38
 39 Bill Hamm said it could be possible that the easement has been reassigned or acquired by
 40 CenturyLink but I'm not 100% certain.

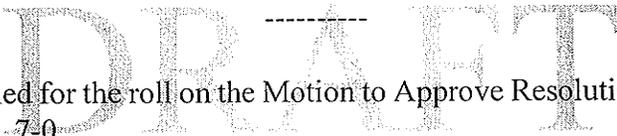
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Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-026;
Ordinance No. 2711 and it was Approved. 6-0 Councillor Pedroza was absent.

(6) Resolution No. 14-170: A Resolution Authorizing the Game Sports Bar & Grill to Continue
with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages
within a Restricted and Secured Area During the 2nd Annual Ultimate Gladiator Dash to be
Held on May 3, 2014 at Burn Lake, 1855 West Amador, Las Cruces, New Mexico.

Councillor Smith Moved to Approve Resolution No. 14-170 and Councillor Silva Seconded the
motion.



Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-170 and it was
Unanimously Approved. 7-0

(7) Resolution No. 14-171: A Resolution Authorizing St. Clair Winery & Bistro to Continue
with the Permitting Process to Allow for the Sale and Consumption of Wine within a
Restricted and Secured Area in Front of the Rio Grande Theater, 211 North Main Street, on
April 24, 2014.

Councillor Silva Moved to Approve Resolution No. 14-171 and Councillor Small Seconded the
motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-171 and it was
Unanimously Approved. 7-0

(8) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-172;**
A PUBLIC HEARING MUST BE HELD:

1 Mayor Miyagishima said the Public Hearing for Resolution No. 14-172 is now open. Is there anyone
2 who wishes to speak for or against this item?

3
4 There were no comments.

5
6 Mayor Miyagishima said the Public Hearing for Resolution No. 14-172 is now closed.

7
8 Resolution No. 14-172: A Resolution Approving the Transfer of Ownership and Location,
9 with Package Sales, of Liquor License No. 0836 to Wal-Mart Stores East, L.P. D/B/A Wal-
10 Mart Store #4601, Located at 3331 Rinconada Boulevard, Las Cruces, New Mexico

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12 Councillor Small Moved to Approve Resolution No. 14-172 and Councillor Sorg Seconded the
13 motion.

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17 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-172 and it was
18 Approved.6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor
19 Levatino and Mayor Miyagishima voted Aye. Councillor Smith voted Nay.

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23 (9) Resolution No. 14-173: A Resolution Accepting a Grant From the New Mexico Aging and
24 Long Term Services Department (NMALTSB) in the Amount of \$250,000.00 for Munson
25 Senior Center Improvements and to Authorize the City Manager's Signature on the
26 Agreement.

27
28 Councillor Small Moved to Approve Resolution No. 14-173 and Councillor Sorg Seconded the
29 motion.

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33 David Dollahon, Community and Cultural Services Director gave an overhead presentation and said
34 this is to accept Grant 12-1127 for \$250,000 which has an expenditure date of June 30, 2016. There
35 are two other grants that have already been accepted that will be used for the Munson Senior Center
36 improvements along with \$200,000 from the General Fund. The total cost of the project is \$878,500
37 and some change. Phase 1 of the project includes the re-roofing, HVAC work on the Recreation
38 Wing and Boiler Room, electrical upgrades, and plumbing to accommodate the remainder of the
39 project. Phase 2 of the project includes HVAC work on the Administrative Wing, Main Lobby, and
40 the Munson Library. Phase 3 of the project includes HVAC work on the Dining Hall and Kitchen.

41

1 Councillor Silva said one of the other grants expires June of this year so are you sure we will have
2 those funds spent by then?

3

4 David Dollahon said yes, we are ordering the supplies and the equipment in advance of the actual
5 construction.

6

7 Councillor Pedroza said I just want to mention that it is very important that we let people know when
8 the facility is going to be closed and for how long.

9

10 David Dollahon said we do have a plan in place for that notification.

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14 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-173 and it was
15 Unanimously Approved. 7-0

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19 (10) Resolution No. 14-174: A Resolution Amending the Tax Increment Development District
20 (TIDD) Plan to Include a Civic Plaza.

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22 Councillor Small Moved to Approve Resolution No. 14-174 and Councillor Sorg Seconded the
23 motion.

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27 Andy Hume, Senior Planner gave an overhead presentation and said this is to amend the TIDD Plan
28 to include a Civic Plaza as a project that is eligible for TIDD funds. The State Statute allows the
29 governing body to amend the TIDD Plan in order to make sure projects move forward in a timely
30 fashion.

31

32 Councillor Sorg asked what effect will this have on the TIDD funds?

33

34 Andy Hume said right now the Plaza is not on the priorities list so we cannot use TIDD funds. That
35 money would be used for the next project on the list which is the Church and Water Street project.

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39 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-174 and it was
40 Unanimously Approved. 7-0

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VII. BOARD APPOINTMENTS

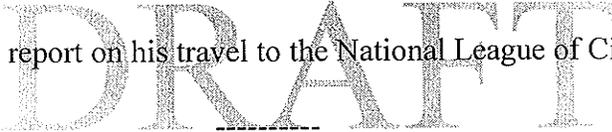
Mayor Miyagishima appointed Annaliza Gourneau to the Mesilla Valley Public Housing Authority.

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

There were no proposed ordinances.

IX. CITY COUNCIL MEMBER BOARD REPORTS

Councillor Smith gave a report on his travel to the National League of Cities Conference.



X. GENERAL DISCUSSION

b.) City Council

Councillor Silva said I would like to get an update on the lapel cameras and I don't know when the next Police Audit Report is due but I would like to get an update on that also.

I'd like to thank everyone who participated in our Great Conversations on minimum wage. I feel that what I'm hearing from the business community is that the business community is aware that something is going to occur regarding raising minimum wage and it's just a matter of finding something that is reasonable for this community.

This weekend our Downtown is going have a lot of events. In addition to our Farmers Market, we are going to have an English Car Show, the 3rd or 4th Annual Chalk Festival, the 2nd Annual County Festival, and the 20th Annual Book Festival.

I would like to thank all the persons who extended their condolences and prayers to myself and my family during this difficult time.

1 Councillor Pedroza said I want to mention that there are several smaller events connected to the
2 Book Festival and it is very well worth it to attend all these events.

3

4 This Thursday, the Rio Grande Citizen Forum will have a forum for the United States Section of the
5 International Boundary and Water Commission here in City Hall and everyone is invited.

6

7 Karly Martinez will have workshops on How to Manager Your Symptoms on May 8 thru June 12,
8 from 9:30 a.m. to 12:00 p.m., at the Doña Ana County Extension Service.

9

10 Tomorrow night there is a workshop on Transportation and Economy Development from 3:00 to
11 5:00 p.m. here in City Hall in room 2007 B on the second floor.

12

13 On Friday, April 25, at 7:00 p.m. there will be a Showcase at the West Wind Art Depot.

14

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16

17 Councillor Small said there are some areas of the city that may need Police Substations or places for
18 first responders to be, but the need is much greater in the newer areas of the East Mesa where the
19 planned East Mesa Public Safety Complex is going to be. There are needs in all parts of the city for
20 different street projects, but the need is greater in the older parts of the city. I think the budget
21 accurately reflects the greater need for the East Mesa Public Safety Complex but I'm not sure it
22 accurately reflects the greater need in the older areas. I hope we can make changes that reflect the
23 reality of our city.

24

25 We have a very positive culture in our Police Department and I'd like to give my compliments to
26 Chief Montoya.

27

28 I'd like to bring up the need for continuing efforts for a Workforce Boot Camp for after high school
29 youths to help advance their workforce skills.

30

31 It is good to know that the City is involved with all the events that are going on this weekend and
32 it is also involved in the Earth Day events that will be going on this Sunday at Young Park.

33

34 Also, the Dance Sport Team at NMSU is having a performance at NMSU this weekend.

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38 Councillor Sorg said there was a Water Festival held this past week at Young Park and it was very
39 successful. A lot of kids attended it and they were having a good time learning about water.

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1 Tomorrow afternoon is the New Mexico Department of Transportation 2040 Statewide Long Range
2 Multi-Modal Transportation Plan meeting at 3:00 p.m. and it will be held here in room 2007 B/C.

3

4 I'd like to thank Councillor Pedroza for mentioning the Rio Grande Citizens Forum.

5

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8 Councillor Levatino said the last week of April is the Showcase of Homes event and they will be
9 showcasing energy efficient homes. I would encourage the public to get out and view these homes.

10

11 I would like to commend Walt Rubel for the article that he wrote yesterday in the Sun News. I think
12 he absolutely nailed what happened with the Soil and Water District vote.

13

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16 Councillor Smith said I was honored to represent the Council at the New Mexico Municipal League
17 event where our City Clerk Esther Martinez-Carrillo received her award.

18

19 Regarding the Workforce Boot Camp, I know it is sort of breaking out of what we are traditionally
20 looking at but I do think it is a role that maybe we, as a government entity, could be able to make a
21 difference.

22

23 When we talk about alcohol licensing, I do have some questions, and one is what is our local DWI
24 numbers? Two is, what statistics do we have regarding the number of accidents, threats, nuisances,
25 and domestic abuse cases that involve alcohol? Do we have the number of people who are treated
26 for alcoholism or related illnesses in our local community? Have the numbers been on the increase
27 or decrease? I'm not asking for answers today but I think we should know these things.

28

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31 a.) Mayor

32

33 Mayor Miyagishima said the Run for the Wall event wants to use Veterans Park to spend the night
34 at for that night. It is going to be sponsored by my office so they should be able to spend the night
35 there with no fee.

36

37 The Glass Recycling is going to take off on April 27th at three locations and they are asking that you
38 please separate the colors.

39

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2 c.) City Manager

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4 Robert Garza, City Manager said I want to remind everyone that there is a Joint Closed Meeting with
5 Doña Ana County on April 30th.

6

7 Regarding the Downtown Plaza, I met with Mr. Pofhal on Friday and we are moving rather quickly
8 on the development agreement. We will be having a work session to discuss it before we bring it
9 forward for you to vote on.

10

11 I sent out letters to various organizations in the city and we are now starting to meet with those
12 groups to go through their list of priorities and issues to make sure we understand what they are
13 because our next step is to put together some changes to not only our policies but also to staff
14 procedures.

15

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

19

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

21

22 Council said "Aye."

23

24 **Meeting Adjourned at 2:38 p.m.**