



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

Regular Meeting

**May 19, 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
Linda Lewis, Deputy City Clerk

DRAFT

I. OPENING CEREMONIES

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

Mayor Miyagishima recognized the NMSU Model United Nations Team.

Councillor Silva presented a Proclamation to Denise Chavez and declared May 2014 as Border Book Festival Month.

Brian Denmark, Assistant City Manager introduced new City employees' Gary Camarano, Economic Development Coordinator and Tim Fulton, Parks Administrator.

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.

9

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12 **III. PUBLIC PARTICIPATION**

13

14 Jerry Nachison, Café said we have some differences with today's proposal because \$8.50 an hour
 15 is a day late and a dollar short. Café's proposal would raise minimum wage by 35% over a three-year
 16 period.

17

18 Joanne Ferrary, Café said the proposal by Councillor Silva and Councillor Levatino is a compromise
 19 resolution and it is peanuts for our workers.

20

21 Sarah Nolan, Café said we think we deserve more than this proposal would do. Our proposal would
 22 do more for the people of Las Cruces.

23

24 Rich Ferrary, Café said I was part of the Great Conversation which started out as a discussion but
 25 has now turned into this proposal by this Council and it is very disappointing.

26

27 Larry Tucker, Member of the Public said I called the police to report things that were stolen from
 28 my house and I found out that the man I hired to help me which also lives with me, that I am unable
 29 to kick him out of my house. He no longer works for me so I should have the right to kick him out
 30 of my house.

31

32 I turned in the addresses for the bus stops that are trouble spots for people in wheelchairs and I would
 33 like for you to look into them.

34

35 Donna Mae, Member of the Public said the New Dawn people broke my heater, stole my food and
 36 my money. I don't think Senior Citizens should be treated like that and I think the City should buy
 37 the New Dawn properties, tear them down, and rebuild them.

38

39 Yoli Diaz, Member of the Public passed out information and said the CARE Program helps people
 40 with cancer and we are asking the City to allow the building of a plaza, to be known as the Jubilee
 41 Plaza, in a section of Young Park. The plaza would include a gazebo, CARE's logo, special
 42 inspirational plaques, and memorial bricks. The cost is yet to be determined but CARE will be using
 43 as many volunteers, donors, and sponsors that we can to make the Jubilee of Life Plaza.

1
2 Jane Ash, Café said no American full-time employee should have to live in poverty.

3
4 Randy Gomez, Member of the Public said I'm with PAL Boxing and our organization has been
5 around for over 40 years. We mainly take care of the at-risk, and low-income children and our
6 building is a City-owned building. I would like to thank the councillors that I have talked to and have
7 shown a great deal of interest in trying to help us. We hope that with the City's help, we can continue
8 our program there in the Sammy Burke Youth Boxing Center.

9
10 Jody Nachison, Café said you have a great opportunity to make Las Cruces shine by listening to Café
11 regarding the minimum wage issue.

12
13 Ron Camuñez, Member of the Public said I wonder how many Café members are business owners
14 in this community and realize what it takes to run a business. I do believe minimum wage does need
15 to be addressed but the question is, in what amount?

16
17 Regarding the upcoming 4th of July celebration, there is a lack of any type of recognition of the true
18 meaning of the 4th of July. There are no colors presented, no national anthem, nothing alluding to the
19 celebration of whom we are as a nation and I think that is very disrespectful.

DRAFT

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

26
27 Mayor Miyagishima said Item 9 needs to be removed from the Agenda.

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31 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the
32 motion.

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

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1 **V. CITY COUNCIL MINUTES**

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3 *(1) Regular City Council Meeting of April 21, 2014

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

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9 *(2) Resolution No. 14-184: A Resolution Authorizing the City of Las Cruces to Accept Grant
10 Funding in the Amount of \$8,668.75, on Behalf of the Las Cruces Fire Department, From
11 the New Mexico Department of Health, and to Adjust the FY14 Budget.

12

13 *(3) Resolution No. 14-185: A Resolution Authorizing the City of Las Cruces to Accept Grant
14 Funding in the Amount of \$4,000.00, on Behalf of the Las Cruces Fire Department, From
15 the Dona Ana County Office of Emergency Management, and to Adjust the FY14 Budget.

16

17 *(4) Resolution No. 13-14-364A: A Resolution Authorizing Change Order Number One to
18 Increase the Contract with Burn Construction Company, Inc., For the Pavement Replacement
19 2013-2014 Project by \$113,300.60, Plus \$8,568.36 for New Mexico Gross Receipt Tax, for
20 a Total Authorization of \$121,868.96.

21

22 *(5) Resolution No. 13-14-412: A Resolution Approving an Existing Contract Purchase for
23 Renewal of Cisco Smartnet Support From Presidio Networked Solutions, Inc. Of
24 Albuquerque, New Mexico Via State of New Mexico Price Agreement No. 40-000-13-0020
25 in the Amount of \$80,371.50.

26

27 *(6) Resolution No. 13-14-416: A Resolution Approving a Contract with Landscape and Design
28 Center, Inc., of Las Cruces, New Mexico for the Sonoma Ranch Boulevard Median
29 Landscape Project in the Amount of \$71,419.72 Plus \$5,401.11 for New Mexico Gross
30 Receipts Tax and Authorizing the City Manager to Approve Change Orders Up to \$7,142.00
31 for a Total Authorization of \$83,962.83.

32

33 *(7) Resolution No. 13-14-418: A Resolution Approving the Purchase of Aerial Articulated Lift
34 Equipment Between the City of Las Cruces (City) and One Source Equipment, LP., of
35 Throckmorton, Texas, Through Houston-Galveston Area Council (HGAC Buy) Contract No.
36 CM02-13 in an Amount of \$56,453.15.

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

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1 (8) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-186;**
2 **A PUBLIC HEARING MUST BE HELD:**

3
4 Mayor Miyagishima said the Public Hearing for Resolution No. 14-186 is now open. Is there anyone
5 who wishes to speak for or against this item?

6
7 There were no comments.

8
9 Mayor Miyagishima said the Public Hearing for Resolution No. 14-186 is now closed.

10

11 Resolution No. 14-186: A Resolution Approving the Issuance of a Restaurant Liquor
12 License to Jose Delgado D/B/A Los Tios Restaurant, Located at 525 East Madrid Avenue,
13 Suites 1 and 2, Las Cruces, New Mexico.

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15 Councillor Smith Moved to Approve Resolution No. 14-186 and Councillor Small Seconded the
16 motion.

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DRAFT

20 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-186 and it was
21 Unanimously Approved. 7-0

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25 (9) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-187;**
26 **A PUBLIC HEARING MUST BE HELD:**

27

28 Resolution No. 14-187: A Resolution Approving the Issuance of a Restaurant Liquor
29 License to LCE LLC D/B/A Pueblo Café, Located at 1100 South Main Street, Suite 116, Las
30 Cruces, New Mexico.

31

32 **Removed from the Agenda.**

33

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36 (10) Resolution No. 14-188: A Resolution Amending the Pay Plans for Managerial and Support
37 Positions and for Positions Represented by United Steel, Paper and Forestry, Rubber,
38 Manufacturing, Energy, Allied Industrial & Service Workers International Union (USW).

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40 Councillor Small Moved to Approve Resolution No. 14-188 and Councillor Sorg Seconded the
41 motion.

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Andre Moquin, HR Director gave an overhead presentation and said this is to amend the pay plans for managerial and support positions. There was a recent Classification and Compensation Study done and these are the recommended new pay tables.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-188 and it was Unanimously Approved. 7-0

(11) Resolution No. 13-14-391: A Resolution Awarding the Bid for the Safe Routes to School Improvements Project to Smith and Aguirre Construction Company, Inc., for the Base Bid Plus Additive Alternates 1, 2, and 3, in the Amount of \$450,513.75, Plus \$34,070.10 for New Mexico Gross Receipts Tax; the City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$15,416.15, for a Total Project Authorization of \$500,000.00.

Councillor Small Moved to Approve Resolution No. 13-14-391 and Councillor Smith Seconded the motion.

Louis Grijalva, Project Development Administrator gave an overhead presentation and said on August 5, 2013 the City Council approved Resolution 14-023 which accepted a \$500,000 grant from NMDOT for the Safe Routes to School Infrastructure Improvements. Ten schools were designated through the Safe Routes to School Action Plan and Tier I Priority Schools to get the infrastructure improvements. We received three bids and the lowest bid was from Smith and Aguirre Construction Company. The funding source will be the NMDOT grant and the contract duration is 50 working days.

Councillor Sorg said it is good that you are able to spread this money out and help several different schools but I think there is still a lot more that needs to be done so I'd encourage all of us to keep looking for additional funding.

Councillor Smith said I echo Councillor Sorg's comments and this is one way that the City can impact the joy of going to school so I do support this resolution.

1 Councillor Levatino said I am very excited about this program and I do support this resolution.

2

3 Councillor Pedroza said I would like to see us recognize the school crossing guards as well.

4

5 Councillor Small said this certainly deserves support but I'd also like for us to look for additional
6 funding next fiscal year for Safe Routes to School. Do we have someone in the City who oversees
7 coordinating with this program and what does the future funding look like?

8

9 Tom Murphy, MPO said we will be the ones that will be coordinating closely with the School
10 District on behalf of the City. Regarding future funding, at the Federal level, this program has been
11 altered into the Transportation Alternatives Program and we will be putting together our list of
12 projects for next fiscal year's funding in the next month or two.

13

14 Councillor Silva said I think these improvements will help to make this program successful and I
15 also look forward to expanding it as well.

16

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19 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-391 and it
20 was Unanimously Approved. 7-0

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24 (12) Council Bill No. 14-028; Ordinance No. 2713: An Ordinance Approving a Zone Change
25 From R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open
26 Space-Recreation) to PUD (Planned Unit Development); and a Request for Approval of a
27 Concept Plan for a PUD Known as Sunset Grove PUD. The Subject Properties Encompass
28 24.23 ± Acres of Land and Are Located at the Southern Dead-End of Calle de Ninos, North
29 of Farney Lane. Submitted by DVI on Behalf of Deko Properties, LLC, Property Owner
30 (PUD-13-02).

31

32 Councillor Small Moved to Approve Council Bill No. 14-028; Ordinance No. 2713 and Councillor
33 Smith Seconded the motion.

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37 Adam Ochoa, Planner gave an overhead presentation and said the purpose of this zone change is to
38 dissolve the condominiums via all State requirements, convert it into a fee-simple townhome
39 development with a total of 50 single-family residential lots and two tracts. There are no major
40 changes proposed for the new proposed PUD as compared to the original development. On March
41 25, 2014, the Planning and Zoning Commission recommended approval of this proposed PUD and

1 there was no public input at the meeting but staff has received one letter from an adjacent property
2 owner asking questions about the proposed PUD.

3

4 Sharon Marbre, Member of the Public said when they were working in this area about six years ago,
5 the heavy equipment they were using caused damage to my fence and to my home so I would ask
6 that you please be careful this time.

7

8 Harold Denton, DVI said we will not be using any heavy equipment.

9

10 Councillor Smith said I have checked with some of the residents in this area and no one has spoken
11 in opposition to this project.

12

13 Councillor Pedroza said I do have some concerns with this area only have one entrance/exit point.

14

15 Chief Brown, LCFD said this was started six years ago and the codes during that time did not require
16 secondary access for this number of homes. This has gone through our department and I believe if
17 there were any issues they would have been addressed, even though this is not an ideal situation.

18

19 Councillor Pedroza said I would just suggest that you look for an area for a secondary entrance for
20 the safety of the residents.

21

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24 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-028;
25 Ordinance No. 2713 and it was Unanimously Approved. 7-0

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29 **VIII. BOARD APPOINTMENTS**

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31 Mayor Miyagishima appointed Thomas E. Delgado (District 6) and William T. Laney (outside city
32 limits) to the Airport Advisory Board.

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36 Councillor Silva Moved to Approve the Mayor's board appointments of Thomas E. Delgado
37 (District 6) and William T. Laney (outside city limits) to the Airport Advisory Board and Councillor
38 Smith Seconded the motion.

39

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41

1 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor’s board appointment
2 of Thomas E. Delgado (District 6) and William T. Laney (outside city limits) to the Airport Advisory
3 Board and it was Unanimously Approved. 7-0

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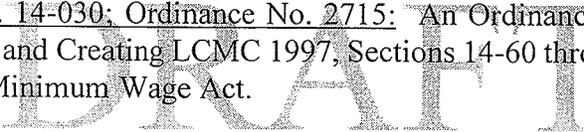
7 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) There will be no public discussion.**
8 **2.) A councillor may ask staff for clarification on the proposed ordinance(s).**
9

10 (13) Council Bill No. 14-029; Ordinance No. 2714: An Ordinance Repealing LCMC 1997,
11 Sections 2-707 Through 2-709 Pertaining to the Senior Programs Advisory Board and
12 Enacting New LCMC Sections 2-707 Through 2-710.

13
14 Mayor Miyagishima and Council agreed to bring this item back.

15

16 (14) ~~Council Bill No. 14-030; Ordinance No. 2715: An Ordinance Enacting the Las Cruces~~
17 ~~Minimum Wage and Creating LCMC 1997, Sections 14-60 through 14-68 and Division III~~
18 ~~the Las Cruces Minimum Wage Act.~~



19
20 Mayor Miyagishima and Council agreed to bring this item back.

21

22 (15) Council Bill No. 14-031; Ordinance No. 2716: An Ordinance Approving a Zone Change for
23 Parcels 02-19544 Located at 5110 Porter Drive, 02-19541 at 6121 Reynolds Drive, 02-19537
24 at 6141 Reynolds Drive, 02-19535 at 6151 Reynolds Drive, 02-28347 at 6171 Reynolds
25 Drive, 02-28345 at 6251 Reynolds Drive, 02-28348 at 6191 Reynolds Drive and 02-28346
26 at 6221 Reynolds Drive, for a Total of 5.41 Acres from R-4 (Multi-Dwelling High Density
27 and Limited Retail and Office Use) to C-3C (High Intensity Commercial, Conditional)
28 District. Submitted by the Property Owner, City of Las Cruces.

29
30 Mayor Miyagishima and Council agreed to bring this item back.

31

32 (16) Council Bill No. 14-032; Ordinance No. 2717: An Ordinance Authorizing the Issuance and
33 Sale of \$8,000,000 City of Las Cruces, New Mexico Revenue Bonds, Series 2014A, for
34 Street Improvement Projects; and Authorizing the Issuance and Sale of \$1,500,000 City of
35 Las Cruces, New Mexico Revenue Bonds, Series 2014B, for Flood Control Infrastructure
36 Projects.

37
38 Mayor Miyagishima and Council agreed to bring this item back.

39

1 (17) Council Bill No. 14-033; Ordinance No. 2718: An Ordinance Authorizing the Issuance and
2 Sale of \$10,000,000 City of Las Cruces, New Mexico State Shared Gross Receipts Tax
3 Improvement Revenue Bonds, Series 2014 for Construction, Acquisition and Improvement
4 of Roadways and Public Facilities.
5

6 Mayor Miyagishima and Council agreed to bring this item back.
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10 **X. CITY COUNCIL MEMBER BOARD REPORTS**
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12 There were no City Council Member Board Reports given.
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16 **XI. GENERAL DISCUSSION**

DRAFT

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18 b.) City Council
19

20 Councillor Silva said we will have some neighborhood meetings going on next week and we will
21 be sending out flyers with the information for these meetings.
22

23 Regarding Item 10 of today's agenda, we approved that pay table on the advise of consultants and
24 it is unfortunate that the minimum wage did not go through that same type of process. I would be
25 willing to table my minimum wage ordinance at our next meeting if Café is willing to postpone their
26 initiative until September which would give us three months to review this issue and work together
27 on it.
28

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31 Councillor Pedroza said I would like to do a report at the next meeting regarding the Foreclosure
32 Task Force.
33

34 The Urban Agriculture event that took place on Friday was a very educational and inspiring event.
35

36 I attended a mental health event on Saturday and like it or not, we are going to have to do something
37 to help assist the people in our community who may have mental health issues.
38

1 Last night I attended the HIV/AIDS Commemoration Day event and there were a lot of people there
2 who were talking about all the improvements that have been made for helping people with HIV/AIDS.

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6 Councillor Small said we attended the Grand Opening for Serto Plasti which is a manufacturing
7 business based in Germany and this will be a very positive thing for Las Cruces.

8
9 I will be submitting a resolution regarding the implementation of Wage Plus to the Mayor later on
10 this week.

11
12 The Workforce Boot Camp is an idea that is going with different representatives of our community
13 and I support this very strongly.

14
15 Regarding the minimum wage issues, I don't believe what has come before us has been truly
16 calibrated to our community and I would support fabling that ordinance. I would propose that this
17 would be a great opportunity for this Council to have a work session regarding this topic.

DRAFT

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21 Councillor Sorg said I would be okay with having more conversations regarding the minimum wage
22 issue.

23
24 I am handing out some more information regarding a trap, neuter, and release program.

25
26 I am handing out a draft resolution in support of the reduction of greenhouse gases and I would ask
27 that staff get the correct form for this resolution.

28
29 -----
30

31 Councillor Levatino said we have had a lot of discussions regarding minimum wage so I would not
32 be in favor of having another work session on it.

33
34 -----
35

36 Councillor Smith said I would like to thank Brian for helping one of my constituents with a tree that
37 was blocking her view.

38
39 I also attended the Serto Plasti Grand Opening event on Saturday and I do think it is exciting that a
40 building that was sitting vacant will now be put to use again.

41

1 The Ribbon Cutting event for the Union Pacific in Santa Teresa is this week and I think that will also
2 be a big game changer for our part of the world.

3

4 I heard that the evening Farmers Market went really well.

5

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7

8 a.) Mayor

9

10 Mayor Miyagishima said I will be going to Washington because the President will be signing in the
11 Organ Mountain Desert Peaks National Monument.

12

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14

15 c.) City Manager

16

17 Robert Garza, City Manager said there is no work session scheduled for next week but we have five
18 items to discuss at our June work session.

19

20 We have our end of the year procurement so if there is anything you want to do with your remaining
21 budget, we will need to know about it as soon as possible.

22

23 Last week, we conducted a bond rating presentation for Moody's which is the bond rating company
24 that will be establishing a bond rating for our new bonds that we will be putting in place. The
25 presentation went really well and we should be hearing back on the results of that effort.

26

27 I have been working with our auditor regarding our Annual Audit Plan so, please let me know if
28 there is anything you would like to include in our audit.

29

30

31

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

33

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

35

36 Council said "Aye."

37

38 **Meeting Adjourned at 3:30 p.m.**