



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

**Regular Meeting**

**June 16, 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 **Absent**

Robert Garza, City Manager  
Harry (Pete) Connelly, City Attorney  
Esther Martinez-Carrillo, City Clerk

DRAFT

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**I. OPENING CEREMONIES**

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

Councillor Small presented a Proclamation and declared July 4, 2014 as Independence Day for All.

Councillor Small presented a Proclamation to Les Finley and Matthew Lee and declared June 22 thru June 28, 2014 as National Mosquito Awareness Week.

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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.***

1  
2 Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?  
3  
4 There were no conflicts mentioned.

5  
6 -----  
7

8 **III. PUBLIC PARTICIPATION**

9  
10 There was no public participation.

11  
12 -----  
13

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

17  
18 Councillor Silva Moved to Approve the Agenda and Councillor Sorg Seconded the motion.

19  
20 -----  
21

22 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda and it was Approved.  
23 6-0 Councillor Levatino was absent.

24  
25 -----  
26

27 **V. CITY COUNCIL MINUTES**

28  
29 **\*(1) Regular City Council Meeting of May 19, 2014**

30  
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32

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

34  
35 **\*(2) Resolution No. 14-197: A Resolution Authorizing High Desert Brewing Company to**  
36 **Continue with the Permitting Process to Allow for the Sale and Consumption of Beer Within**  
37 **a Restricted and Secured Area at an Event Sponsored by the Farmers Market of Las Cruces,**  
38 **to Be Held at La Placita, 145 North Main Street, from 6:00 P.m. to 12:00 A.m. on Saturday,**  
39 **June 28, 2014.**

40

- 1 \*(3) Resolution No. 14-198: A Resolution Approving the Collective Bargaining Agreement  
2 Between the International Association of Firefighters Local 2362 and the City of Las Cruces.  
3
- 4 \*(4) Resolution No. 14-199: A Resolution Accepting a Grant from the New Mexico Department  
5 of Transportation, Local Government Road Fund Program, Fiscal Year 2014/2015, for the  
6 Amador Avenue A.D.A. Improvements Project in the Amount of \$51,238.00, Requiring a  
7 City Match in the Amount of \$17,079.00; and to Amend the Fiscal Year 2013/2014 Budget.  
8
- 9 \*(5) Resolution No. 13-14-314: A Resolution Approving an Indefinite Cost, Indefinite Quantity  
10 Purchase of Uniforms for City Departments via Existing Contract No. 12-049 Between Dona  
11 Ana County and Bazaar Uniforms and Men's Store, LLC of El Paso, Texas.  
12
- 13 \*(6) Resolution No. 13-14-362: A Resolution Awarding a Contract Starting July 1, 2014 for  
14 Management of the City-Owned Rio Grande Theater in the Amount of \$100,000.00 to the  
15 Dona Ana Arts Council, Inc., of Las Cruces, New Mexico, for Year One of a Possible Five-  
16 Year Management Contract, Subject to Annual Las Cruces City Council Approval.  
17
- 18 \*(7) Resolution No. 13-14-406: A Resolution Awarding the Bid for the El Paseo Road – Boutz  
19 Road Traffic Signal and Medians Project to RT Electric, Inc., for the Base Bid and Additive  
20 Alternate Number One, in the Amount of \$329,665.63, plus \$24,930.96 for New Mexico  
21 Gross Receipts Tax; the City Manager Is Authorized to Approve Change Orders in an  
22 Amount Not to Exceed \$16,483.28, for a Total Project Authorization of \$371,079.87.  
23
- 24 \*(8) Resolution No. 13-14-424: A Resolution Approving an Existing Contract Purchase for  
25 Thirty-Four (34) Laptops From PCS Mobile of Denver, Colorado via National  
26 Intergovernmental Purchasing Alliance Contract Number CNR-04540-V37T-120471 in the  
27 Amount of \$112,948.00.  
28
- 29 \*(9) Resolution No. 13-14-425: A Resolution Approving an Existing Contract Purchase for  
30 Thirty-Five (35) Laptop Mounts for Police Units from Don Chalmers Ford of Rio Rancho,  
31 New Mexico via State of New Mexico Price Agreement Number 10-000-00-00093 in the  
32 Amount of \$55,568.80.  
33
- 34 \*(10) Resolution No. 13-14-426: A Resolution Approving an Existing Contract Purchase for  
35 Twelve (12) Sets of Harley Davidson Upgrades for Police Motorcycles From Don Chalmers  
36 Ford of Rio Rancho, New Mexico via State of New Mexico Price Agreement Number 10-  
37 000-00-00093 in the Amount of \$62,790.20.  
38

1 \*(11) Resolution No. 13-14-440: A Resolution Approving a Contract with Commercial Roofing,  
2 LLC, of Albuquerque, New Mexico, for Roof Replacement at Fire Station #5 for the Amount  
3 of \$53,111.70 plus \$4,016.58 for New Mexico Gross Receipts Tax and Authorizing the City  
4 Manager to Approve Change Orders Up to \$4,115.62; for a Total Authorization of  
5 \$61,243.90.

6  
7 \*(12) Council Bill No. 14-034; Ordinance No. 2719: An Ordinance Approving a Zone Change  
8 From A-2 (Rural Agricultural District From the 1981 Zoning Code) to R-4 (Multi-Dwelling  
9 High Density & Limited Retail and Office) on 2.5 ± Acres of Land Located on the South  
10 Side of Northrise Drive, 0.29 ± Miles Northeast of its Intersection With Roadrunner  
11 Parkway. Submitted by Cheryl Reome on Behalf of Marcos Chapunoff, Property Owner  
12 (Z2871).

13  
14 -----  
15  
16 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

17  
18 **(13) BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-200;**  
19 **A PUBLIC HEARING MUST BE HELD:**

20  
21 Mayor Miyagishima said the Public Hearing for Resolution No. 14-200 is now open. Is there anyone  
22 who wishes to speak for or against this item?

23  
24 Councillor Silva asked how many times has this license been transferred?

25  
26 Mark Rhodes, Attorney said I represent CNG Ranch and this is the first time it has been transferred.

27  
28 Mayor Miyagishima said the Public Hearing for Resolution No. 14-200 is now closed.

29  
30 Resolution No. 14-200: A Resolution Approving the Transfer of Ownership of Liquor  
31 License No. 4022, With Package Sales, From Pro's Ranch Market of Las Cruces to CNG  
32 Ranch, LLC, Located at 3200 Wyatt Drive, Las Cruces, New Mexico.

33  
34 Councillor Smith Moved to Approve Resolution No. 14-200 and Councillor Small Seconded the  
35 motion.

36  
37 -----  
38  
39 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-200 and it was  
40 Approved. 6-0 Councillor Levatino was absent.

41

1 -----  
 2  
 3 (14) Resolution No. 14-201: A Resolution to Adjust the Adopted Fiscal Year 2013/2014 Budget  
 4 to Provide for Allocation of Operating and Capital Costs Due to End-of-Year Review of  
 5 Revenues and Expenditures.

6  
 7 Councillor Small Moved to Approve Resolution No. 14-201 and Councillor Sorg Seconded the  
 8 motion.

9  
 10 -----  
 11  
 12 Dick Gebhart, Budget Director gave an overhead presentation and said the end of the year  
 13 adjustments focus on compliance and alignment, it is not a request for budget enhancements, it is  
 14 a regular process as the fiscal year winds down. There are 29 funds being adjusted, two funds are  
 15 being prepped for closing, and there are 58 individual budgetary items. General Fund changes  
 16 include no revenue and the expenditures include \$76,000 reduction for a grant match and \$239,000  
 17 in budget savings used to fund grant match in Facilities improvements so basically there is no bottom  
 18 line change. The end of year summary is that there are no new programs/policy initiatives; the  
 19 adjustments focus on compliance and alignment, not budget enhancement; and there is a slight  
 20 increase in the General Fund ending balance.

21  
 22 Councillor Smith said this is just to clean up the loose ends for the end of the fiscal year; correct?

23  
 24 Dick Gebhart said yes, this is just to clean up the loose ends.

25  
 26 -----  
 27  
 28 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-201 and it was  
 29 Approved. 6-0 Councillor Levatino was absent.

30  
 31 -----  
 32  
 33 (15) Resolution No. 14-202: A Resolution Approving a Fees and Charges Schedule for Senior  
 34 Programs Effective July 1, 2014.

35  
 36 Councillor Sorg Moved to Approve Resolution No. 14-202 and Councillor Silva Seconded the  
 37 motion.

38  
 39 -----  
 40

1 David Dollahon, Community and Cultural Services Director gave an overhead presentation and said  
 2 this is to propose changes to our non-grant funded activities under Senior Programs starting next  
 3 fiscal year. These are activities that are set-up and controlled by the City of Las Cruces and we are  
 4 doing this because the current market rate has gone up on certain things that we are buying for these  
 5 activities. There was a public input meeting earlier this year which we had limited participation but  
 6 some prices were adjusted due to the input we did receive from that meeting.

7

8 Councillor Pedroza asked what is included in the professional instruction classes?

9

10 David Dollahon said it varies by the type of class.

11

12 Councillor Smith said I see that we had the Board's consensus for the Senior Program fees so that  
 13 is great from the standpoint that they are looking at it and saying it was okay to bring this to the City  
 14 Council. There is an 85% cost recovery; correct?

15

16 David Dollahon said that is correct.

17

18 Councillor Smith said I understand the desire to recover as much as possible but I would hope that  
 19 in the process we are not losing people who might otherwise take advantage of these classes.

20

21 Councillor Small said I was pleased to see that this was reviewed by the Senior Programs Board. Do  
 22 we expect any change as far as addition or deletion of what is offered?

23

24 David Dollahon said there may be deletions due to the amount of participation and if there is interest  
 25 in new sessions then we would work with the Advisory Board so we may bring back an amendment  
 26 to this fee structure if we felt we were unable to keep it inline with our other fees.

27

28 Councillor Small asked would the professional instruction increase or decrease the out of pocket  
 29 cost?

30

31 David Dollahon said it depends on the participation.

32

33

34

35 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-202 and it was  
 36 Approved. 6-0 Councillor Levatino was absent.

37

38

39

1 (16) Resolution No. 14-203: A Resolution to Adopt a Sustainability Action Plan 2014-2017.

2  
3 Councillor Sorg Moved to Approve Resolution No. 14-203 and Councillor Small Seconded the  
4 motion.

5  
6 -----  
7  
8 Lisa LaRocque, Sustainability Officer gave an overhead presentation and said the goals of the  
9 Sustainability Action Plan is the triple bottom line which covers economic viability, environmental  
10 health, and social responsibility. The objectives are organized in four different categories which are  
11 energy, water, materials, and community. The new change that I feel very strongly about is the  
12 metrics. We will be setting baseline data for each of the objectives and goals and will continue to  
13 use these to metrics as we report our progress each year. In response to Council's suggestions, I have  
14 added an environmental education resource section and a glossary to our website. I am also working  
15 on initiating a work group with other sustainability professionals in the area and I'm exploring youth  
16 conservation core green collar jobs. Also, I am applying to the Earth Hour City Challenge and have  
17 reinitiated the data entry.

18  
19 Councillor Pedroza said I bought a manual called "Worm, eat my garbage" and it is instructions on  
20 how to build a kitchen compost container. I just want to thank you for all your work and keep going.

21  
22 Councillor Sorg said this is wonderful and you are doing excellent work on this plan. In the energy  
23 section, E6, the increase of alternative transportation option by 7% by the end of year 2013; an  
24 incentive we could use for using public transportation would be allowing WIC recipients to use their  
25 WIC cards. The water section, W4, states green infrastructure capabilities for City owned properties  
26 would include harvesting rain water and I would like to see if we could retrofit some of our  
27 landscaping to harvest rain water but certainly any new infrastructure should have rain water  
28 harvesting. I will be glad to approve this action plan today.

29  
30 Councillor Smith said I think the graphics of your presentation helps in a lot of ways by showing us  
31 how it all ties together. I do appreciate all the work you have done on this plan.

32  
33 Councillor Silva said this is a very professional document and it is something that we can move  
34 forward with.

35  
36 Councillor Small said I appreciated the staff contributors page. I thought that was an excellent way  
37 to detail all the levels of departments that participated. As far as the metrics and accountability, do  
38 you foresee getting that back in half your increments or over a full year?

39

1 Lisa LaRocque said I anticipate updating the baseline after working with all of the departments. I  
2 plan on giving an internal update in six months to help staff determine how they need to adjust any  
3 of their actions and I plan on giving a report to Council in a year.

4  
5 Ron Camuñez, Member of the Public said I was at a City sponsored event yesterday and Facilities  
6 stated that they are an all green facility but yet I saw a tremendous amount of styrofoam and plastic  
7 being used. If we're going to be green then let's be green and do it across the board.

8  
9 Alice Anderson, Member of the Public said this plan looks great to me but there is another way that  
10 you can become more environmental friendly and that is when it is Whole Enchilada time in the fall  
11 and we eat ground up parts of dead animals; you could ask Chef Roberto to make the enchilada out  
12 of pinto beans instead of beef.

13  
14 -----  
15  
16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-203 and it was  
17 Approved. 6-0 Councillor Levatino was absent.

18  
19 -----  
20  
21 **VIII. BOARD APPOINTMENTS**

22  
23 Mayor Miyagishima appointed Inez Benavidez (District 1) to the Senior Programs Advisory Board.  
24  
25 Councillor Silva Moved to Approve the Mayor's board appointment of Inez Benavidez (District 1)  
26 to the Senior Programs Advisory Board and Councillor Pedroza Seconded the motion.

27  
28 -----  
29  
30 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment  
31 of Inez Benavidez (District 1) to the Senior Programs Advisory Board and it was Approved. 6-0  
32 Councillor Levatino was absent.

33  
34 -----  
35  
36 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) There will be no public discussion.**  
37 **2.) A councillor may ask staff for clarification on the proposed ordinance(s).**

38  
39 There were no proposed ordinances.

40  
41 -----  
42

1 **X. CITY COUNCIL MEMBER BOARD REPORTS**

2

3 Councillor Pedroza gave a report on the Foreclosure Task Force.

4

5

6

7 **XI. GENERAL DISCUSSION**

8

9 b.) City Council

10

11 Councillor Silva said I would like to thank Pic Quik and their owner Oscar Andrade for the recent  
12 Movies in the Park event that we had in May. It was very successful and I believe they were  
13 averaging 400 to 500 people per movie. The series is now over but it will start up again in August.  
14 I also want to thank Mark Johnston and the Parks Department for all their help with this event as  
15 well.

16

17 I'd like to thank the Farmers Market, Dwayne Mosley and all the Farmers Market persons who were  
18 out there doing their work. I think they are doing a great job which was evident last week during their  
19 Wednesday evening market.

20

21 I'd like to pass out some information and make a request to the City Manager regarding the  
22 minimum wage. My request is for us to have the City Manager move forward and request a living  
23 minimum wage study for Las Cruces from Governing Magazine so we can get closer to pinpointing  
24 what a minimum wage, a living wage, for this area. It has also been difficult to try to get an amount  
25 of minimum wage workers and I think we need to work on getting that number.

26

27

28

29 Councillor Pedroza said I would like to congratulate the Kiwanis Club for their annual car show that  
30 they put on every year for the non-profits.

31

32 Next week June 21<sup>st</sup> is the NAACP Juneteenth Celebration and I have tickets if anyone is interest.

33

34 I want to congratulate Jack Valencia and Sharon Thomas because the South Central Regional Transit  
35 is now up and running.

36

37 I was appointed by the New Mexico Municipal League to the economic community committee, I  
38 forge the name, and I asked certain people to review certain proposals and the response has been very  
39 good so thank you.

40

1 Regarding the minimum wage discussion, I was very pleased to see the stand that the Sun News took  
2 on the minimum wage issue. I would like to suggest that we broaden our scope and look a little bit  
3 higher up. I would volunteer to put on some lectures on the broader issues involved with minimum  
4 wage.

5  
6 I would like to congratulate Mark Johnston because I went to the Valley View Arroyo Park in  
7 District 3 and it is beautiful.

8  
9 -----  
10  
11 Councillor Small said on Monday Franco Whole Foods announced that they were moving to 875  
12 West Amador. They are reusing and reinvesting into a center and they will be creating 160 new jobs  
13 which the average wage will be at approximately \$37,000 a year.

14  
15 I would like to get a consensus from Council to enable staff and administration to fully support and  
16 participate in the jobs, career readiness boot camp. We now have this unique opportunity to help  
17 attract companies here and to help businesses here grow. The areas that are contemplated in this are  
18 things like childcare and transportation so maybe we can have a free fare day when this event is held  
19 at the Doña Ana Community College campus. I have already committed funds from my council  
20 account and this is an opportunity for us to be part of an innovative workforce opportunity that is  
21 going to translate into real jobs for our citizens. So if I can get a consensus and get at least four head  
22 nods.

23  
24 Mayor Miyagishima asked is this going to require money spent?

25  
26 Councillor Small said yes.

27  
28 Mayor Miyagishima said then we can't do that right now in this forum. You can present your  
29 proposal and we can take a look at it but we have to retract what we just did here.

30  
31 Councillor Small said I would like to point out that we each have council accounts.

32  
33 Mayor Miyagishima said this is formulating policy without it being disclosed to the public.

34  
35 Councillor Small said there would be no money spent until the Council approves it or an individual  
36 councillor account is utilized for that. This would be discussed at the first meeting in July which is  
37 very close to the event date so it was suggested that I bring this up at this meeting.

38  
39 Mayor Miyagishima said I would prefer that you offer some type of written information so it would  
40 be available to members of the media. What amount are you talking about?

- 1 Councillor Pedroza said as I understand it, some of the people don't have transportation to this so  
2 we could bring that matter before Council at the July 7<sup>th</sup> meeting; correct?  
3
- 4 Mayor Miyagishima said we don't know how much is going to be needed to be spent on this and I  
5 think that is important but if you are only talking about Roadrunner buses only then that might be  
6 something under Robert's purview.  
7
- 8 Robert Garza said if we were to offer free fares to these events then you would have to have citywide  
9 free bus rides on those dates and I believe that needs to have the City Council's approval.  
10
- 11 Councillor Pedroza said so could we put that on the July 7<sup>th</sup> agenda if four of us nod our heads?  
12
- 13 Robert Garza said we will draft a resolution and it will be up to the Mayor to put it on the agenda.  
14
- 15 Councillor Small said I would like to thank Chief Montoya because there are some pretty rough  
16 situations that have developed in our community and I appreciate the communication that is coming  
17 from the Chief.  
18
- 19 I also want to thank Chief Brown. We recently had a very bad house fire in the Hoagland area and  
20 the Fire Department responded very quickly to it.  
21
- 22 Regarding minimum wage, I want to clarify that the data calculator released by MIT is a bit out of  
23 date and the very lowest level only reflects a single individual within our community.  
24
- 25 -----  
26
- 27 Councillor Sorg said I will be going to Albuquerque on Saturday to attend an Environment, Energy,  
28 and Natural Resources Committee meeting with the New Mexico Municipal League. Most of the  
29 Municipal League's resolutions are dealing with water so I may need some guidance from our  
30 Utilities Department.  
31
- 32 I am very interested in the jobs boot camp that was mentioned by Councillor Small and I look  
33 forward to getting more details on it.  
34
- 35 I passed out a draft resolution regarding climate change and I would Council to have a look at it. I  
36 would ask the Mayor to poll Council to see if there is an agreement to bring it to Council at our next  
37 meeting.  
38
- 39 Mayor Miyagishima said this resolution looks a lot better than the last you had given us but I have  
40 concerns with this because we don't have information on what you want us to support. But I will ask  
41 Council if there are four members who like to put this on the agenda.

1  
2 Councillor Smith said I think we can iron out some of the issues with it during the discussion of the  
3 resolution so I would support bringing it forward.

4  
5 Mayor Miyagishima said okay, there are four members so there you go. We will bring it up to  
6 Council but it will be very difficult for me to support it.

7  
8 -----  
9  
10 Councillor Smith said we got news today that there is going to be a movie in the park event on June  
11 21<sup>st</sup> and July 19<sup>th</sup> at Young Park.

12  
13 Regarding resolutions coming before Council, we all got an email from Kenneth Murray last week  
14 regarding a truck accident on the interstate and I realize that we don't have jurisdiction for truckers  
15 but he is asking that we send a letter of support for a particular type of work week which would be  
16 against what the Senate had just voted on for an 82-hour work week for long distant truckers. Is that  
17 something that I can ask we do?

18  
19 Mayor Miyagishima said when I was a councillor I would just send a letter to Congress expressing  
20 my views on issues that would come up but didn't have the full approval to do by Council.

21  
22 Councillor Smith said I certainly understand that we can take our own personal initiative as elected  
23 officials. I was just bringing it up because he requested that we do that as a council.

24  
25 Councillor Small said since truckers use Picacho, I would be in support of bringing forward a  
26 resolution addressing that issue.

27  
28 Councillor Silva said I think that before we move forward with a resolution we should speak with  
29 Mr. Royal Jones who is the owner of Mesilla Valley Trucking.

30  
31 -----  
32  
33 a.) Mayor

34  
35 Mayor Miyagishima said there seems to be problems escalating with the noise created by people with  
36 boom boxes in their vehicles. I would like to have a work session regarding this problem.

37  
38 Robert Garza, City Manager said we will try to find the soonest work session date to schedule that  
39 item.

40  
41 -----

1  
2 c.) City Manager  
3  
4 Robert Garza, City Manager said I want to remind you that there is a Closed Meeting today right  
5 after this meeting. We have a Work Session scheduled on the 23<sup>rd</sup>; on Tuesday there is a Special  
6 Council Meeting to award bonds and after that meeting we will be having a Closed TIDD Meeting  
7 and a Special TIDD Board Meeting.

8  
9 -----

10  
11 Councillor Small Moved to Adjourn and Councillor Smith Seconded the motion.

12  
13 Mayor Miyagishima said all of those in favor signify by saying "Aye."

14  
15 Council said "Aye."

16  
17 **Meeting Adjourned at 3:11p.m.**

DRAFT