



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

**Regular Meeting**

**July 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

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**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Levatino 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 Levatino presented a Proclamation to Bob Jeska and declared July 21, 2014 as Las Cruces Gospel Rescue Mission Recognition Day.

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

2

3 Mayor Miyagishima said regarding Item 8, I just want to say that about two years ago I inquired  
4 about buying this property but they never returned my message.

5

6 There were no other conflicts mentioned.

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10 **III. PUBLIC PARTICIPATION**

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12 Ron Camuñez, Member of the Public said I want to mention that Mr. Jeska is the Executive Director  
13 of the Gospel Rescue Mission but he doesn't take a salary.

14

15 My mother and I were locked out of our house so I called Central Dispatch and asked them to contact  
16 the Fire Department near my home and so they sent out a fire truck. They tried to get me into my  
17 house and these men were so professional and they found a way to get into my home without making  
18 one scratch. Chief Brown has a fantastic staff and I would like to thank them as well as Chief  
19 Montoya for also having such a great department.

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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 7 needs to be removed from the Consent Agenda for discussion.

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31 Councillor Small Moved to Approve the Agenda as Amended and Councillor Smith 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**

- 2  
3 \*(1) Regular City Council Meeting of June 16, 2014  
4 \*(2) Special City Council Meeting on June 24, 2014  
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8 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

- 9  
10 \*(3) Resolution No. 15-009: A Resolution Authorizing High Desert Brewing Company to  
11 Continue With the Permitting Process to Allow for the Sale and Consumption of Beer Within  
12 a Restricted and Secured Area at an Event Sponsored by the Farmers Market of Las Cruces,  
13 to be Held at La Placita, 145 North Main Street, from 6:00 P.M. to 12:00 A.M. on Saturday,  
14 August 2, 2014.  
15  
16 \*(4) Resolution No. 15-010: A Resolution Authorizing the City of Las Cruces to Accept Grant  
17 Funding in the Amount of \$335,950.00, on Behalf of the Dona Ana County Juvenile Justice  
18 Continuum, From the State of New Mexico Children, Youth, and Families Department, and  
19 to Adjust the FY15 Budget.  
20  
21 \*(5) Resolution No. 15-011: A Resolution Authorizing the City of Las Cruces to Accept Grant  
22 Funding in the Amount of \$10,000.00 from the National Recreation and Park Association,  
23 Grow Your Park Grant Program and to Adjust the FY2015 Budget.  
24  
25 \*(6) Resolution No. 15-012: A Resolution Authorizing the City of Las Cruces to Formally  
26 Accept Legislative Appropriation Funding in the Amount of \$250,000.00 from the State of  
27 New Mexico Aging and Long-Term Services Department, Through State Capital  
28 Appropriation Fund 89200 for Improvements for Building Code Compliance and to Adjust  
29 the FY2015 Budget.  
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33 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

- 34  
35 \*(7) Resolution No. 13-14-405: A Resolution Authorizing a Contract Between the City of Las  
36 Cruces and ESA Construction, Inc., for Construction of the Munson Senior Center HVAC,  
37 Reroofing, Renovation, and Multi-Purpose Room Addition for the Base Bid Plus Additive  
38 Alternate Number One in the Amount of \$705,000.00, Plus \$55,959.38 for New Mexico  
39 Gross Receipts Tax, and Authorizing the City Manager to Approve Change Orders Up to  
40 \$70,500.00; for a Total Project Authorization of \$831,459.38.1  
41

1 Councillor Small Moved to Approve Resolution No. 13-14-405 Councillor Silva Seconded the  
2 motion.

3

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5

6 Councillor Silva said I would like a brief explanation about what is going on with this project.

7

8 Eric Martin, Facilities Director gave an overhead presentation and said the overall scope of work is  
9 to address some interior changes, improve heating and cooling throughout the building, replace the  
10 existing roof, and construct a multi-purpose room addition. The funding for this project will come  
11 from the State of New Mexico Aging & Long Term Services Department and the City of Las Cruces  
12 Capital Improvement Fund. We did put it out for bid and we received four bids, of which ESA  
13 Construction had the lowest bid and was awarded the contract. If this is approved today then the  
14 contractor would be ready to get started this coming August with the goal of closing out the contract  
15 by February 2015.

16

17 Councillor Silva said none of this was grant funding from Santa Fe; correct?

18

19 Eric Martin said there are two grants from the Aging and Long Term Services Division that total  
20 about \$500,000 for this project.

21

22 Councillor Silva asked has there been any thought to bringing this on line as a solar facility?

23

24 Eric Martin said we are picking up our renewable energy replacement through the HVAC system by  
25 using high efficiency units. We did not have money from the state allocation to actually start  
26 investing in solar for this building at this time.

27

28 Councillor Silva asked can you check the structure's integrity when you are constructing the new  
29 roof to see if it could be made solar ready?

30

31 Eric Martin said we did perform a structure analysis of the roof for the change over to the package  
32 units and we are putting the package units in specific spots so we won't run into any structural  
33 issues. With what I know about the roof's structure, I don't think it would be feasible to put a large  
34 solar unit on this roof so it would make more sense to look at a ground solar system.

35

36 Councillor Silva said it would be nice if we could have that information before the legislative session  
37 in January.

38

39 Eric Martin said I will get with staff and we should be able to have that information for Council prior  
40 to that session.

1  
2 Councillor Smith said it looks like the two access areas to the new addition would be through the  
3 kitchen and what is the other one on the southeast side?

4  
5 Eric Martin said there is access from the outside and the other doorway is for access to the  
6 mechanical room.

7  
8 Councillor Smith said so the real access to that room is through the north entrance; correct?

9  
10 Eric Martin said it is on the westside.

11  
12 Councillor Small asked is the electric conduit being built to be solar ready?

13  
14 Eric Martin said that is something that we can add in because we'd potentially be looking at the north  
15 parking lot so we'll see what we can do with the existing funding for this project.

16  
17 Councillor Small said I don't think that the City has approached El Paso Electric with interest in a  
18 power purchase agreement for this or other facilities.

19  
20 Eric Martin said I would need to visit with Legal to discuss the power purchase agreement. We can  
21 certainly put the conduit in but the main thing that has changed is that the renewable energy credit  
22 has dropped substantially and is down to something like two cents so it will take longer for our cost  
23 recovery time.

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27 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-405 and it  
28 was Unanimously Approved. 7-0

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32 (8) Council Bill No. 15-001; Ordinance No. 2720: An Ordinance Approving a Zone Change  
33 from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) on 2.2 ±  
34 Acres of Land Located at 2295 Bataan Memorial West. Submitted by Borderland Engineers  
35 and Surveyors on Behalf of Paul Waddell & Riyad Nehlawi, Property Owners (Z2872).1

36  
37 Councillor Small Moved to Approve Council Bill No. 15-001; Ordinance No. 2720 Councillor Sorg  
38 Seconded the motion.

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2 Robert Kyle, Building & Development Services Administrator gave an overhead presentation and  
3 said the subject property is approximately 2.2 acres which makes it nonconforming in terms of its  
4 current zoning. The zone change to C3 would bring this property into compliance. There currently  
5 is a vacant house on the property and an existing commercial billboard. There is no proposed use at  
6 this time but it is located along a minor arterial roadway where high intensity zoning and uses are  
7 encouraged. The Planning and Zoning Commission recommended approval of the proposed zone  
8 change request at their meeting held on May 27, 2014.

9

10 Mayor Miyagishima said just for the record, I had inquired about the property that is across the street  
11 from this property.

12

13 Councillor Smith said the house that is on that property has been there for a number of years so do  
14 we have any idea of the history of that house?

15

16 Robert Kyle said staff isn't aware of the history of it and the applicant's representative is indicating  
17 that they don't know it either.

18

19 Councillor Sorg said there is some vacant land to the west of this property, is that property owned  
20 by a different entity?

21

22 Robert Kyle said yes, that is a separate property.

23

24 Councillor Sorg asked what is the zoning of that property?

25

26 Robert Kyle said it is C2.

27

28 Councillor Sorg said that is the same zoning that this property is currently. Are there different uses  
29 allowed?

30

31 Robert Kyle said the uses allowed in C2 and C3 are basically the same but the difference is with the  
32 lot size.

33

34 Mayor Miyagishima said I think this land would only be used for habitational because it can't be  
35 accessed from the highway so it would be difficult to see and be able to get to a business.

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39 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-001;  
40 Ordinance No. 2720 and it was Unanimously Approved. 7-0

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**VIII. BOARD APPOINTMENTS**

There were no board appointments.

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**IX. 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).***

(9) Council Bill No. 15-003; Ordinance No. 2722: 1An Ordinance Repealing LCMC 1997, Chapter 28, Article VII, Known as the Water Conservation Ordinance, In Its Entirety and Enacting a New LCMC 1997, Chapter 28, to Also be Known as the Water Conservation Ordinance.1



Mayor Miyagishima and Council agreed to bring this item back.

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**X. CITY COUNCIL MEMBER BOARD REPORTS**

There were no City Council Member Board Reports given.

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**XI. GENERAL DISCUSSION**

b.) City Council

Councillor Silva said I was speaking with some of the members of the call centers and it seems that an issue they're having with filling some of these jobs is people have trouble with getting transportation. One of the suggestions from Katherine Ramirez with Convergys is to put a bus stop in front of their business. I suggest that maybe we should call all the managers of the call centers and meet with them individually or have a work session to get some of their suggestions on getting workers to their facilities.

The Mayor Pro-tem and I were up at the New Mexico Municipal League putting forth a set of resolutions that will be coming forth in January. There was some discussion on the gross receipt tax

1 and the number of alcohol licenses. Senator Fishman has been very persistent in moving forward  
2 with a proposal for predatory lending and it was presented to the Municipal League and they were  
3 very receptive of it. They are thinking of putting that on their agenda and moving forward with it in  
4 January as well. These resolutions will be discussed again in August prior to moving forward with  
5 them in January. So we'll have more of an idea of what will be moving forward in August.

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9 Councillor Pedroza passed out a draft resolution and said this is a draft resolution in support of  
10 interest and fee caps on non-bank lending institutions in New Mexico.

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12 Mayor Miyagishima said I would support bringing this resolution forward.

14 Councillor Silva asked is this for supporting it at the state level?

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16 Mayor Miyagishima said yes.

18 Councillor Levatino asked what would prohibit the City from passing an ordinance lowering the  
19 interest rates being charged within the city limits?

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21 Harry (Pete) Connelly, City Attorney said the City has no power over anything having to do with the  
22 small loan companies because it is all regulated by the state.

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24 Councillor Levatino said okay, then I absolutely do support this resolution.

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28 Councillor Small said I am in support of that resolution and this is also being proposed in other  
29 states.

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31 The Jobs to Careers Boot Camp event was very successful and it was attended by many different  
32 folks.

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36 Councillor Sorg said I also support the resolution for interest and fee caps.

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38 On Friday I attended a stakeholders meeting with the Department of Veteran Affairs and at that  
39 meeting Secretary Gibson underscored the shortcomings of the VA healthcare system. He also stated  
40 that there is a bill that is now in Congress that would provide \$5 million just to the El Paso VA.

1 There was also mention of the lack of transportation for Veterans to get to the clinic and back home  
2 and the Secretary stated that was a hard issue because it was like being between a rock and a hard  
3 place but he did make notes of everything that was stated. Doña Ana Commissioner Wayne Hancock  
4 pointed out that it could be beneficial to have a collaboration with the VA and our new transit bus  
5 service in the region.

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9 Councillor Levatino said I want to congratulate everyone who was involved with the boot camps.  
10 I attended the one that was at the Doña Ana East Mesa Campus and it was standing room only.

11  
12 On Friday I attended a great event that was put on by the Department of Defense to award employers  
13 who support their employees who are members of the Reserves and National Guard. I was able to  
14 take a fabulous ride in a military helicopter which was very cool. The City of Las Cruces was  
15 recognized and received the Above and Beyond Award for our ongoing and strong support of our  
16 employees who are members of the National Guard and Reserves.

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DRAFT

20 Councillor Smith said regarding Buena Vida Park, there have been some concerns expressed by my  
21 constituents about the condition of the park and when I brought those concerns to Mr. Denmark's  
22 attention, the crews were quickly at the park cleaning it up. People complimented on how quickly  
23 they responded and how good the park looks now.

24  
25 Regarding the progress at the Frank O'Brien Papen Community Center, the building is looking  
26 fantastic and a lot of things are happening there that I think are going to serve the city and the  
27 community well into the future.

28  
29 There is a new light at the corner of Stern and Agave which one of my constituents had pointed out  
30 the need of a light in that area since the convenience store closed and I'd like to thank staff for  
31 following through on that.

32  
33 I am handing out three resolution; one is concerning lots on Missouri Avenue; one is regarding a  
34 media blitz; and one is regarding historical designation for the Frank O'Brien Papen Center. On the  
35 infill housing project, the language for the first "Whereas", it probably should not say "currently not  
36 being used for any productive use or perhaps not as productive as they could be"; certainly we have  
37 some nice pocket parks but I know we could be making more use of those. So, this is intended to  
38 kick off, if I have the Mayor's or Council's support, to take five properties that are on Missouri,  
39 between Esperanza and Solano, and taking one of them with the interest of the community to see if  
40 there is an interest in trying to get some interesting housing in. We would be taking some City

1 property that has to be maintained and is not contributing as much as it could, and adding the  
2 opportunity for there to be homes on it.

3

4 Councillor Small said this is an interesting approach and I would suggest that this be part of a work  
5 session focusing on affordable housing.

6

7 Mayor Miyagishima said I agree with you. I think this has a lot of potential but I'd like staff to be  
8 able to look at it and then make it a work session item.

9

10 Councillor Smith said that works for me.

11

12 Councillor Pedroza said at that work session, I think it would be good if staff could give us  
13 information on each of those lots.

14

15 Councillor Smith said my second resolution is regarding a media blitz program which was something  
16 that we did to get the word out about the need to spay and neuter your pets. So I thought that was  
17 something we could do on a semi-regular basis to get the word out.

18

19 Mayor Miyagishima said I think that is a little bit of a gray area because we'd be using a resolution  
20 to tell staff how to run on a day to day thing. We might be able to work with Animal Services since  
21 that comes out of their budget, to see if this would be beneficial for them.

22

23 Robert Garza, City Manager said I do think this particular issue is something that is kind of an  
24 operational issue so I'm not sure a resolution is the appropriate way to handle it. Staff could probably  
25 take a look at this and maybe put together some kind of plan to address these issues without it being  
26 a formal resolution.

27

28 Councillor Smith said if that can be approached in that alternate way then I would appreciate it.

29

30 My third resolution is regarding the Historical Registry and designation for the Frank O'Brien Papen  
31 Community Center; given the resolution that we passed here recently and the fact that a young lady,  
32 Frannie Cochran, who is working on getting a registration for the Frank O'Brien Papen Community  
33 Center; she needs a letter indicating that the City is giving permission to pursue that on that  
34 particular building and she is talking to the State Historic Preservation Office this Thursday and so  
35 with that, I would like for us to go ahead and pursue a resolution saying that we are going to do that  
36 but I am also asking if we might be able to or if it is considered within the realm of what we've  
37 already said we wanted to do with our historical properties, to allow City Manager Garza to pass  
38 along a letter like that to Ms. Cochran?

39

1 Mayor Miyagishima said finally, I think we have one that we can put on the agenda. I think that  
2 should be okay. You're basically asking the City to pursue the Frank O'Brien Papen Center as a  
3 National Registry.

4

5 Councillor Smith said that is correct and the only part that is sort of "ify" at the moment is, but I  
6 believe that given the resolution that we did pass about a month ago, that we would probably be  
7 within reasonable grounds of expecting the City Manager would be okay to sign a letter saying that  
8 the City gives it's permission preliminarily with perhaps the expectation that we're going to have  
9 this coming before the Council in August if that sounds reasonable Mr. Mayor I'm fine with that.

10

11 Robert Garza, City Manager said I was just going to make the same point that Mayor Pro-tem Smith  
12 ended with and that is my comfort level, I'd be more than happy to get a letter out if you could pass  
13 on the who's, where's, and all that, I'll make sure to get it done.

14

15 Mayor Miyagishima said thanks Robert.

16

17 Councillor Smith said thank you Mr. Garza. Thank you Mr. Mayor. That concludes my resolution  
18 flurry.

19

20 I noticed there was still a sign at the corner where CVS Pharmacy is putting in their facility but they  
21 finally took it down. However, there are still other signs up from businesses that are no longer there,  
22 like Tommy's Roller Rink, so I was wondering if anyone could tell me why sometimes these signs  
23 stay up for such a long time?

24

25 Robert Garza said there is probably a lot of answers but I will get you a detailed report based on our  
26 Sign Code and a copy of our Sign Code. Our Sign Code has evolved and changed over time and as  
27 it does, there are some signs that are grand-fathered in so there are a lot of older signs, like Tommy's  
28 Roller Rink, that are permissible and remain up as long as the uses don't change.

29

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31

32 a.) Mayor

33

34 Mayor Miyagishima said I will be out of town next Monday so the Mayor Pro-tem will run the work  
35 session and agenda setting.

36

37 Also, I will be participating in the "Men Who Cook" event at the Convention Center on August 9<sup>th</sup>  
38 to benefit the Mesilla Valley Hospice.

39

1 I want to let Robert know that in his absence, his staff did a fantastic job and there weren't any  
2 problems at all.

3

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5

6 c.) City Manager

7

8 Robert Garza, City Manager said thank you for your kind works regarding my staff and I'm glad  
9 they showed you their abilities while I was out.

10

11 I want to remind you that there is a Closed Meeting following today's meeting and there is a  
12 Special Meeting scheduled for this Wednesday at 1:30 p.m.

13

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15

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

17

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

19

20 Council said "Aye."

21

22 **Meeting Adjourned at 2:30 p.m.**