



City Council  
of the  
City of Las Cruces

Regular Meeting

January 5, 2015

1:00 P.M.

Council Chambers, City Hall

**MEMBERS PRESENT:**

**STAFF:**

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Greg Smith, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Ceil Levatino, District 6

- Robert Garza, City Manager
- Rusty Babington, City Attorney
- Esther Martinez-Carrillo, City Clerk

**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Pedroza 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 presented the Mayor's Citation for Community Service to Doña Ana County, NM State Adult Probation and Parole, US District Court, Get it Right Nutrition, LCPD, and Mesilla Valley Hospice for their contribution to the Gospel Rescue Mission Blanket and Coat Drive.

-----

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

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

1 There were no conflicts mentioned.

2

3 -----

4

5 **III. PUBLIC PARTICIPATION**

6

7 Vince Jeffers, Member of the Public said I need to know how to get the tapes for the Jonathan Smith  
8 incident because I need them for a case.

9

10 Mayor Miyagishima said I don't know what tapes you are looking for but you can submit a records  
11 request with the City Clerk.

12

13 Vince Jeffers said I have done that in the past and I was referred to other agencies but I will try again.

14

15 -----

16

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

20

21 Councillor Smith Moved to Approve the Agenda and Councillor Pedroza Seconded the motion.

22

23 -----

24

25 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda and it was  
26 Unanimously Approved. 7-0

27

28 -----

29

30 **V. CITY COUNCIL MINUTES**

31

32 \*(1) Regular City Council Meeting of December 1, 2014

33

34 -----

35

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

37

38 \*(2) Resolution No. 15-127: A Resolution Authorizing the City of Las Cruces on Behalf of Its  
39 Branigan Cultural Center, to Accept a Grant Award in the Amount of \$1,000.00 From the  
40 National Endowment for the Humanities (NEH), for Programming Expenses Related to the  
41 NEH On-The-Road "House and Home" Exhibit, and to Adjust the FY2015 Budget.

42

- 1 \*(3) Resolution No. 15-128: A Resolution Authorizing the City of Las Cruces on Behalf of Its  
2 Thomas Branigan Memorial Library, to Accept a Grant Award From the New Mexico State  
3 Library for the FY14/15 Grants-In-Aid to Public Libraries in the Amount of \$15,560.00, to  
4 Ratify the City Manager's Signature on the Grant Agreement, and to Amend the City's  
5 Adopted FY 2015 Budget.  
6
- 7 \*(4) Resolution No. 15-129: A Resolution Authorizing the City of Las Cruces, on Behalf of its  
8 Senior Programs Section, to Accept a Grant From Banfield Charitable Trust in the Amount  
9 of \$2,500.00, With No Match Required, For the City's Meals on Wheels (MOW) Pet Food  
10 Assistance Program, to Ratify the City Manager's Signature on the Funding Agreement, and  
11 to Amend the City's Adopted FY2015 Budget.  
12
- 13 \*(5) Resolution No. 15-130: A Resolution Authorizing the City of Las Cruces, On Behalf of Its  
14 Senior Programs Section, To Accept A Grant From the Meals on Wheels/Subaru  
15 Opportunity-Based Grant Program in the Amount of \$2,000.00, With No Match  
16 Requirement, for the City's Meals on Wheels (MOW) Program; Ratify the City Manager's  
17 Signature on the Grant Application Package; and to Amend the City's Adopted FY2015  
18 Budget.  
19
- 20 \*(6) Resolution No. 15-131: A Resolution Authorizing the City of Las Cruces, on Behalf of the  
21 Southwest Border High Intensity Drug Trafficking Areas Program - New Mexico (HIDTA),  
22 to Accept Grant Award Modification Seven in the Amount of \$10,049.00 for Grant Award  
23 Number G14SN0006A from the Executive Office of the President, Office of National Drug  
24 Control Policy, to Ratify the Mayor's Signature on the Grant Award Documents, and to  
25 Adjust the FY 2015 Budget.  
26
- 27 \*(7) Resolution No. 15-132: A Resolution Authorizing A 18.77% Pick-Up of PERA Municipal  
28 General Member Coverage Plan 3 Contributions for Employees Who's Positions Are  
29 Represented by a Collective Bargaining Agreement, Between the City of Las Cruces and the  
30 Las Cruces Police Officers' Association.  
31
- 32 \*(8) Resolution No. 15-133: A Resolution Approving Amendments to the Collective Bargaining  
33 Agreement Between the City of Las Cruces and the Las Cruces Police Officers' Association.  
34
- 35 \*(9) Resolution No. 15-134: A Resolution Authorizing a 15.45% Pick-Up Of PERA Municipal  
36 Police Member Coverage Plan 5 Contributions for Employees Who's Positions are  
37 Represented by a Collective Bargaining Agreement Between the City of Las Cruces and the  
38 Las Cruces Police Officers' Association.1  
39  
40  
41

-----

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

43

1 (10) Resolution No. 14-15-072: A Resolution Awarding the Bid for the Pavement Replacement  
 2 2014-2015 Project to Smith and Aguirre Construction Company, Inc., in the Amount of  
 3 \$1,164,131.87, Plus \$92,402.97, for New Mexico Gross Receipts Tax; Authorizing the City  
 4 Manager to Approve Change Orders in an Amount Not to Exceed \$58,206.59, for a Total  
 5 Project Authorization of \$1,314,741.43. 1

6  
 7 Councillor Small Moved to Approve Resolution No.14-15-072 and Councillor Silva Seconded the  
 8 motion.

9

10 -----

11

12 Louis Grijalva, Project Development Administrator gave an overhead presentation and said we  
 13 received five bids and Smith and Aguirre Construction Company was awarded the bid with the  
 14 lowest bid in the amount of \$1,164,131.87. The funding source for this project is our Street  
 15 Maintenance and Flood Control funds and the contract duration is 160 working days.

16

17 Councillor Smith asked what it the oldest stretch of road that this was done to and how has it held  
 18 up?

19

20 Louis Grijalva said we only started this process two years ago but it is estimated to last around  
 21 twenty years.

22

23 Councillor Pedroza said I want to thank you for getting me the information I requested regarding a  
 24 list of streets in my district that have been repaired.

25

26 Councillor Levatino asked is there a time frame for this and will all the streets be done at once?

27

28 Louis Grijalva said it takes about a month or so for the contract process and then they will generally  
 29 do one area at a time.

30

31 Councillor Levatino asked can you please let me know when they are going to do Roadrunner?

32

33 Louis Grijalva said yes, we will inform you at that time.

34

35 Councillor Sorg said I just want to mention that District 5 doesn't have any streets on this list but  
 36 we did have some work done earlier this year and most of our issues with streets is not so much the  
 37 condition but the missing of streets.

38

39 Councillor Silva asked how did you select these streets?

40

41 Louis Grijalva said the first step is the pavement management software and then we base it on the  
 42 budget, whether or not there is any needed utility work, and if the sidewalks are ADA compliant and  
 43 in good condition.

1  
2 Councillor Small asked are these FY15 or FY16 funds?

3  
4 Louis Grijalva said they are FY15 funds.

5  
6 -----  
7  
8 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-15-072 and it  
9 was Unanimously Approved. 7-0

10  
11 -----  
12  
13 **VIII. BOARD APPOINTMENTS**

14  
15 Mayor Miyagishima appointed Paul P. Mach (District 1, Professional Position) to the South Mesquite  
16 Design Review Board.

17  
18 Councillor Small Moved to Approve the Mayor's board appointment of Paul P. Mach (District 1,  
19 Professional Position) to the South Mesquite Design Review Board and Councillor Sorg Seconded  
20 the motion.

21  
22 -----  
23  
24 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment  
25 of Paul P. Mach (District 1, Professional Position) to the South Mesquite Design Review Board and  
26 it was Unanimously Approved. 7-0

27  
28 -----  
29  
30 **IX. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.***  
31 **2.) *A councillor may ask staff for clarification on the proposed ordinance(s).***

32  
33 (11) Council Bill No. 15-025; Ordinance No. 2744: An Ordinance Granting a Franchise to  
34 Moongate Water Company for the Operation of Its Potable Water Distribution System in the  
35 City of Las Cruces.

36  
37 Mayor Miyagishima and Council agreed to bring this item back.

38  
39 (12) Council Bill No. 15-026; Ordinance No. 2745: An Ordinance Repealing Las Cruces  
40 Municipal Code 1997, Chapter 16, Article VI, Secondhand Dealers in Its Entirety and  
41 Enacting a New Las Cruces Municipal Code 1997, Chapter 16, Article VI, Pawnbrokers and  
42 Secondhand Dealers and Amending Las Cruces Municipal Code 1997, Section 16-171 (8),  
43 for the Purpose of Conforming with the New Chapter 16, Article VI.

1  
2 Mayor Miyagishima and Council agreed to bring this item back.

3  
4 -----  
5

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

7  
8 There were no City Council member board reports.

9  
10 -----  
11

12 **XI. GENERAL DISCUSSION**

13  
14 a.) Mayor

15  
16 Mayor Miyagishima said sometime in December I attended a Christmas celebration at PAL Boxing  
17 and one of the boxers said that it was a shame that the City wanted to tear down PAL and I told him  
18 that we had no intention of doing that and that I was very supportive of PAL. He said he must have  
19 heard it from a staff member and I told him Council would make that decision and there are no plans  
20 to knock PAL down. Robert, have you heard anything about wanting to knock PAL down for a  
21 parking lot?

22  
23 Robert Garza, City Manager said no, there has not been any discussion by staff regarding knocking  
24 down the Police Athletic League Boxing Club on Solano. We are talking about potentially building  
25 a swimming pool in conjunction with our Aquatics Center but that does not include knocking down  
26 that facility.

27  
28 Mayor Miyagishima said the other thing I heard was regarding closing down the Dream Center.

29  
30 Robert Garza said there are no plans or City projects or anything that would include closing down  
31 the Dream Center.

32  
33 Mayor Miyagishima said regarding the coyotes that were killed, I understand there isn't a law right  
34 now pertaining to that but do we know anything about this incident?

35  
36 Chief Jaime Montoya, LCPD said the coyotes are not a protected species, it is a hunted species like  
37 a jack rabbit, and as long as people are not violating the City Code by firing weapons inside the city  
38 limits then there is no law against what they did. I understand that people do not like what is going  
39 on with the coyotes but as long as they are following the law then there isn't anything we can do  
40 about it.

41  
42 -----

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43

b.) City Council

Councillor Smith said I noticed in the paper that there was going to be a delay on the Plaza and it seems to have to do with some questions regarding the design so I was wondering if someone can clarify that situation?

Robert Garza, City Manager said the process of getting the Plaza done is contingent on us getting an absolute final product defined so until the TIDD Board meets on the 12<sup>th</sup>, we won't be able to tell anybody that we are done designing the Plaza because it is ultimately up to the TIDD Board to make that final determination.

Councillor Smith said yesterday I was able to represent the City at the General's New Year's Reception at White Sands Missile Range and I thought that perhaps it might help us to consider how we address protocol and how we make sure we are responding appropriately when others include us. We may need to be looking at budgeting or otherwise addressing how we demonstrate we're ready to be in the position that we're in as far as a local presence.

I want to mention that Laura Roach passed away January 1<sup>st</sup> at the age of 94 years old. She was a great example of how one can live life well and keep going until the very last day.

Mayor Miyagishima said I also knew Laura and I want to send my condolences to her family and friends.

Can you expand on what you were wanting to do with the General Consulate?

Councillor Smith said we're invited to events at White Sands and the Consul in El Paso, or other things along those lines, so it would be good to know what we might be allowed to do or what is considered appropriate in international and military circles.

-----

Councillor Levatino said I also think it would be great for us to learn how to address people and what is the appropriate way to address the Consulate General or the Commander or other people as we attend different events.

I want to thank everyone who helped with the Chili Drop. It was an amazing and really fun event.

-----

Councillor Sorg said I also would like to learn about relationships between the military and the Mexican Consulate.

1 I also think the Chili Drop was a great event and I stayed until the chili dropped and it was green.

2

3

4

5 Councillor Small said I'm looking forward to the local Economic Development Act agreements  
6 being brought to Council which were integral to bringing both Franco Whole Foods and the  
7 manufacturing up on the West Mesa.

8

9 There was a great article regarding the Community of Hope and the way they are helping people  
10 getting into housing and finding employment.

11

12 Regarding energy, I would look to Mr. Garza to find steps for how we move forward to increase  
13 renewable energy and to continue strong steps forward with energy conservation and perhaps to help  
14 spur job creation and economic opportunities through the renewal energy and energy efficiency  
15 here in the city.

16

17 I would like to know that with the Legislature coming up, will there be weekly feedback or regular  
18 feedback?

19

20 Next Tuesday is our Pre-Budget Retreat which is the kick-off to deciding the budget for FY16 and  
21 it is a very important time.

22

23

24

25 Councillor Pedroza said I want to thank the Mayor for clarifying the rumors about the Police Athletic  
26 Center and the Dream Center. While I was at my daughter's house, which is in District 5, someone  
27 came to her door with a petition and they said I should sign this petition so the PAL Center wouldn't  
28 be closed down and when I read the petition it was for the recall of Councillor Sorg. At some point,  
29 I would like to know how we can address these types of misrepresentations with petitions.

30

31 Rusty Babington, City Attorney said it is important for everyone to read before signing something.  
32 If someone is approached by someone asking them to sign a petition and they read the petition and  
33 it's not what it's suppose to be, notify the City Clerk. We have already received a number of  
34 complaints and the City Clerk and I have sent out a letter to the petitioners suggesting that they have  
35 to make sure that the circulators know and follow all the rules.

36

37 Councillor Pedroza said I want to mention that there are other people who have died and will be  
38 sorely missed, Claude Malone; Phillip Archuleta; and John Muir.

39

40 I also think we need to look at the structures at Community of Hope because I don't think a tent in  
41 20 degree weather is the best we can do.

42

1 I think that job creation and renewable energy do go together and there was an article about how  
2 many jobs have been created by alternative energy producers.

3

4

5

6 Councillor Silva said Edgar Lopez was another great person who passed away during the holidays.

7

8 I would really like an update regarding the finances and the future of the Transit District.

9

10 Robert Garza, City Manager said the Regional Transit District was being funded partially by the City  
11 Council who allocated \$50,000 a year for three years; that allocation was not a direct allocation from  
12 us to the Regional Transit District, it was funneled through the South Central Council of  
13 Governments. We have twice officially requested in writing to Mr. Jay Armijo who is the  
14 Administrator, to do a complete audit of that particular program. We have been given some  
15 information but not a comprehensive audit which we are still asking for and we are going to continue  
16 to pursue that until we receive it.

17

18 Councillor Silva said I want to compliment Russ Smith and the entire New Year's Eve Committee  
19 for the New Year's Eve project. They also received some City funding so I would like to get some  
20 type of report from Russ Smith. I think that event was a great success and I think the City should  
21 considered being more involved with it in the future.

22

23 I have drafted up an ordinance regarding tightening up the signature process for referendums and  
24 initiatives and I hope Council will support me on it.

25

26 Councillor Smith said I would support moving that forward.

27

28 Mayor Miyagishima said I think it would be best for us to take a look at it first and we could  
29 probably make it a work session item.

30

31 Robert Garza said the City Clerk has also identified some areas within this process that she would  
32 like to have some recommendations on so I think a work session would make great sense.

33

34 Councillor Silva said I also want to wish everyone a Happy New Year and a great 2015.

35

36

37

38 c.) City Manager

39

40 Robert Garza, City Manager said we are having a Pre-Legislative meeting this Thursday morning  
41 at the Convention Center and next Monday we have a TIDD Board Meeting and a Work Session and  
42 also a Closed Meeting after the Work Session. Tuesday, we will be having a special work session  
43 which will be our Pre-Budget Retreat.

1  
2 -----  
3  
4 Councillor Smith Moved to Adjourn and Councillor Sorg Seconded the motion.  
5  
6 Mayor Miyagishima said all of those in favor signify by saying "Aye."  
7  
8 Council said "Aye."  
9  
10 **Meeting Adjourned at 2:36 p.m.**

DRAFT