

ITEM #1
Regular Meeting
March 16, 2015



City Council
of the
City of Las Cruces

Regular Meeting

March 16, 2015
1:00 P.M.

Council Chambers, City Hall

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
- Rusty Babington, City Attorney
- Esther Martinez-Carrillo, City Clerk

DRAFT

I. OPENING CEREMONIES

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

Bobbi Hergenreter, USPS Real Estate Department spoke about the relocation of the Las Cruces Post Office.

Mayor Miyagishima presented a Proclamation to Cornell Menking and declared March 21, 2015 as International Day in Las Cruces.

Mayor Miyagishima presented the Mayor's Citation for Community Service to Valerie Redington.

Mayor Miyagishima presented a Proclamation to Valerie Redington and declared April 2015 as GFWC Progress Club of Las Cruces Month and April 24, 2015 as GFWC Progress Club of Las Cruces Day.

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1 Mayor Miyagishima presented a Proclamation to Susan Brown and declared April 2015 as Donate
2 Life Month.

3

4 Mayor Miyagishima presented a Proclamation to David Weir on behalf of Vera Zamora and declared
5 April 2015 as Fair Housing Month.

6

7 Mayor Miyagishima presented a Proclamation to Priscilla Wilson and declared April 4, 2015 as
8 Arbor Day Las Cruces.

9

10 JR Turner, Veteran Services Office of the State of New Mexico presented the Fallen Men and
11 Women Poster.

12

13 Chief Montoya, LCPD presented a trophy to Chief Brown and the Las Cruces Fire Department for
14 winning the LCPD Finest vs. LCFD Bravest Flag Football game.

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

22

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

24

25 Councillor Silva said I have a conflict of interest with Item 11; my brother-in-law is the pastor of that
26 church. That item is on the consent agenda so someone would need to pull it off if they felt I had a
27 conflict of interest.

28

29 Mayor Miyagishima said I don't think it is a conflict but we will go ahead and pull it off in case you
30 wish to abstain from voting.

31

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34 **III. PUBLIC PARTICIPATION**

35

36 Dan Carter, Member of the Public said I am with the Southern New Mexico Trail Alliance and we
37 are a voice for trail users as well as a supportive of trails and trail events. One of our goals is to do
38 groundwork and improve the trails that are here. We would like to ask the City to support our group
39 by sharing data for a map project that we want to put together and create a trail map of our area and
40 also possible funding for our projects. We also want to invite you to our Public Meet and Greet on
41 April 16th from 6:30 to 7:45 p.m. at the Southwestern Environmental Center.

42

1 Councillor Pedroza said there is a current program between the City and the County called Viva
2 Doña Ana and part of what they are working on is designing and improving the trails so it would be
3 useful for you to come to one of their meetings.

4

5 Councillor Sorg said I would ask that this alliance be connected with our Parks and Rec Department
6 and our CVB.

7

8 Dr. Thomas Paz, Member of the Public said regarding the La Entrada Monument, this monument
9 was donated to the City by my father in 1998 and it was removed from its location in the Downtown
10 Mall in 2006. At that time the City made an agreement with my family that the monument would be
11 rebuilt and relocated at the City Plaza. We weren't notified of the possible new location at Klein
12 Park and that location would not be in keeping with our agreement. We are not in favor of that
13 location and we would like to hear from the City what viable options can be considered.

14

15 Mayor Miyagishima said I would like to have a meeting with you and staff to discuss that issue so
16 perhaps some time in early April.

17

18 Dr. Thomas Paz said that will fine.

19

20 Councillor Smith said I want to thank you for bringing that forward today and I want to make sure
21 that we are respecting the agreements made with your family.

22

23

24

25 **IV. READ CLOSED MEETING STATEMENTS**

26

27 a. Read March 9, 2015 Closed Meeting Statement into the record.

28

29 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
30 Closed Session at 4:25 p.m. on March 9, 2015. The following members were in attendance: Mayor
31 Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor
32 Sorg, Councillor Levatino, City Manager Robert Garza, Assistant City Manager Brian Denmark,
33 Chief of Police Jaime Montoya, Assistant City Attorney Robert Cabello and City Attorney W.R.
34 Babington, Jr. The meeting adjourned at 5:12 p.m. and only those limited items posted in the notice
35 were discussed which was to discuss pending or threatened litigation.

36

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39 **V. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**
40 **AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**
41 **BY ONE MOTION.**

42

1 Mayor Miyagishima said Items 5, 10 and 11 need to be removed from the Consent Agenda for
2 discussion.

3

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6 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the
7 motion.

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

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16 **VI. CITY COUNCIL MINUTES**

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18 *(1) Regular City Council Meeting of February 17, 2015

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22 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

23

24 *(2) Resolution No. 15-156: A Resolution Authorizing the Game Sports Bar & Grill to Continue
25 With the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages
26 Within Restricted and Secured Areas on April 24th and 25th, 2015, During the Las Cruces
27 Country Music Festival.

28

29 *(3) Resolution No. 15-157: A Resolution Authorizing High Desert Brewing Company to
30 Continue With the Permitting Process to Allow for the Sale and Consumption of Beer Within
31 a Restricted and Secured Area at Events Sponsored by Project Mainstreet at La Placita on
32 Main Street on April 3, 2015 and June 5, 2015.

33

34 *(4) Resolution No. 15-158: A Resolution Authorizing the City of Las Cruces to Accept
35 Legislative Appropriation Funding in the Amount of \$295,850.00, From the State of New
36 Mexico Department of Finance and Administration, Local Government Division
37 (DFA/LGD), Fund 892, Capital Appropriation, to Plan, Design, Construct, Renovate, Equip
38 and Furnish a Health Facility Within a City-Owned Building Located at 999 W. Amador
39 Ave., Which is Leased to the Mesilla Valley Community of Hope.

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41 *(6) Resolution No. 15-160: A Resolution Endorsing the Southern New Mexico - El Paso, Texas,
42 Joint Land Use Study Report and Approving Continued Regional Land Use Planning
43 Participation.

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*(7) Resolution No. 15-161: A Resolution Adjusting the City’s Adopted FY 2015 Budget for Move Salary and Benefit Savings to Program Food Purchases for Congregate and Home-Delivered Meals Within City Senior Programs.

*(8) Resolution No. 15-162: A Resolution Approving the Use of Salary Savings to Complete Projects at the Regional Aquatic Center and Meerscheidt Recreation Center.

*(9) Resolution No. 15-163: A Resolution Authorizing an Adjustment to the 2014-15 Solid Waste NMFA Projects Budget for the Purchase of Solid Waste Vehicles.

VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION

*(5) Resolution No. 15-159: A Resolution Approving Use of Fund Balance From the Public Safety Impact Fee Fund for the Purpose of Procuring Professional Services for the Public Safety Development Impact Fee Study Update in the Amount of \$75,000.00 and to Adjust the FY2015 Budget.

Councillor Small Moved to Approve Resolution No. 15-159 and Councillor Levatino Seconded the motion.

Councillor Levatino said I assume they want to use the fund balance from last year’s fees; I was wondering how much was actually raised last year in comparison to the \$75,000?

Chief Brown, LCFD said Exhibit “A” shows what the fund balance was and what the adjusted would be. As far as last year specifically, I don’t have those numbers with me but there was roughly \$300,000 raised through impact fees last year.

Councillor Levatino asked what is the purpose of having this study done?

Chief Brown said every five years we have to do an update to the fee so this would allow us to go ahead and execute the contract with the consultant who will do the land use assumptions as well as evaluate the fee.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-159 and it was Unanimously Approved. 7-0

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3 *(10) Council Bill No. 15-029; Ordinance No. 2748: An Ordinance Repealing LCMC, 1997,
4 Section 2-977, Membership, Pertaining to the Veterans Advisory Board, and Enacting a New
5 Section 2-977.

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7 Councillor Sorg Moved to Approve Council Bill No. 15-029; Ordinance No. 2748 and Councillor
8 Smith Seconded the motion.

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12 Councillor Silva said I just think we need to notice the Veterans that have passed away defending
13 our country and this is our Veterans Advisory Board which you are enhancing to 13 members so I
14 just wanted to make note of that.

15
16 Chief Brown, LCFD said we are adding a 13th representative for the Purple Heart Association and
17 it will not change the quorum requirements of the meetings.

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21 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-029;
22 Ordinance No. 2748 and it was Unanimously Approved. 7-0

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26 *(11) Council Bill No. 15-030; Ordinance No. 2749: An Ordinance Approving a Zone Change
27 from M1/M2 (Industrial Standard) to M1/M2/C-2C (Industrial Standard and Commercial
28 Medium Intensity-Conditional) for a 0.45 Acre Parcel 02-37626 Located at 340 Southgate
29 Court. Submitted by the Living Word Family Church for the Property Owner, Picacho
30 Valley Group, LLC. (Z2882)

31
32 Councillor Smith Moved to Approve Council Bill No. 15-030; Ordinance No. 2749 and Councillor
33 Small Seconded the motion.

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36
37 Katherine Harrison-Rogers, Senior Planner gave an overhead presentation and said the applicant is
38 looking to do this zone change in order to operate a church. There is currently a warehouse located
39 on the property and there are seven parking spaces available. The church is currently operating
40 without the appropriate zoning and without the correct Building and Fire Code. There are issues with
41 parking so if this is approved and they make the necessary improvements then maybe there can be
42 a parking agreement with the other businesses in this area since the church will be used on Sunday
43 and the businesses are usually closed on that day. This is an industrial area and it is one of the areas

1 of town where adult oriented businesses can be located. There was a P & Z hearing on January 27,
2 2015 and there was a lot of discussion about the church's ability to relocate to a more suitable
3 location and about their knowledge of the zoning and building violations and how those could be
4 remedied. There was no public input outside the church itself and the P & Z recommended denial
5 of this with a vote of 6-0. The locations for where the adult oriented businesses can be located is very
6 limited and they have to be at least 1,000 feet away from any church or school so the approval of this
7 church in this area would further limit the locations of those types of businesses.

8

9 Maria Silva-Sutton, Applicant said we're asking for this zone change so we can come into
10 compliance with the City's ordinance and continue to hold our church services there for the
11 remainder of our lease which is two years.

12

13 Pastor Jeff Sutton, Applicant said we have already been there for about two and half years trying to
14 get to a point where we could get in compliance.

15

16 Maria Silva-Sutton said we have met with the Fire Department and we have complied with
17 everything except a door that they would like us to put in and the sprinkler system. We felt we
18 needed to get through this step before we put any further funds into the building.

19

20 Councillor Smith said given that this alters where certain businesses can be located, has that ever
21 been a part of your discussion about why you are located there or how that impacts your location?

22

23 Pastor Jeff Sutton said sure, it seems like that would be a benefit to the current business in that
24 location because for example, no one else could come in and compete with them. We personally
25 don't have any issues with them but I think it is good for the city and we are just there for a period
26 of time.

27

28 Councillor Smith said regarding parking, your services will be during the time when most of the
29 other businesses are not in place so has your experience so far been that you can use the other
30 parking that is already available so new parking would not be required or are you looking at needing
31 to put in more parking?

32

33 Maria Silva-Sutton said actually it is a cul-da-sac and we have parking agreements with all of the
34 businesses. During the week they use our parking spaces and we use their parking spaces on the
35 weekend.

36

37 Councillor Smith said with the location of their church, how does that impact the existing adult
38 businesses in that area and have they expressed any concerns?

39

40 Katherine Harrison-Rogers said they are actually outside the notification range ratios. We haven't
41 received any issues from them and ultimately they would be able to continue with their use.

42

- 1 Councillor Smith said unless there is something I'm missing, it seems this would be an acceptable
2 change to make.
3
- 4 Councillor Pedroza said the New Mexico Nuisance Statute states that if the newest business or
5 resident comes into a situation that is already established then they can't sue to get rid of the
6 nuisance. Was there no permit required for them to establish a church?
7
- 8 Katherine Harrison-Rogers said we were approached as part of the regular business registration
9 process in 2012 for this church and it was subsequently denied because it wasn't allowed in the
10 zoning and the building was a warehouse which doesn't allow occupancy. We spoke with them
11 regarding ways they could rectify the situation which is why the Fire Department went out to look
12 at some of the issues and then the Suttons sat down with us to discuss the possible zone change.
13
- 14 Councillor Small asked do you intend to move your church after your lease is up?
15
- 16 Maria Silva-Sutton said we would just like to complete the lease which only has two more years
17 remaining then we will look for another location.
18
- 19 Councillor Small asked what do you plan to do if this is not approved.
20
- 21 Pastor Jeff Sutton said then we will move. It would just be better for us financially if we could stay
22 there for the remainder of our lease.
23
- 24 Councillor Small said I would be okay with moving forward with this zone change for the two years
25 but we need to be cognizant that there may be issues that may arise with limiting that area.
26
- 27 Councillor Smith said if I understand correctly, the reason for the 0-6 vote from the Planning and
28 Zoning was because there was a misunderstanding about what it would be doing to the existing
29 businesses and basically they wanted to throw it back to Council for us to make the decision; is that
30 correct?
31
- 32 Katherine Harrison-Rogers said I put up the findings that were made by the Commission in the
33 Notice of Decision and they had multiple concerns regarding the zone change that included traffic,
34 parking and the adult service use in the area.
35
- 36 Councillor Pedroza said if I'm not mistaken, the City has been sued once before for the same thing
37 we are being asked to do today and I don't like to put the City in that type of situation.
38
- 39 Rusty Babington, City Attorney said my recollection of that incident was that Eros Bookstore was
40 located at one location and then they moved to a different location and there was a question on
41 whether or not that was a legal move. They sued the City and we settled with them so we have been
42 sued on this type of issue.
43

1 Councillor Sorg said currently it is M1 and M2 zoning and they want to add C-2C zoning; how
2 compatible are those zoning designations?

3

4 Katherine Harrison-Rogers said C2 is sort of a medium intensity commercial and it would be for
5 things like a daycare or small shopping center. The M1 and M2 is our industrial standard and it
6 includes things like flammable gases, combustible materials, dust, noise and fumes. These two uses
7 don't always mess very well but they can sometimes and we do have some areas of the city where
8 we have some nonconforming uses next to one and other. The problem we could see is with some
9 possible neighborhood conflicts occurring in a situation like this one.

10

11 Councillor Levatino said it seems to me that there doesn't seem to be any dissatisfaction among the
12 people who are there and they have been working together quite well to this point. There hasn't been
13 any negative comments made by the other people working in there and everyone seems to be
14 working together very well.

15

16 Katherine Harrison-Rogers said currently we haven't heard any complaints based on the uses that
17 are there now. The concern isn't necessarily with what is there now but what could be coming in.

18

19 Councillor Levatino said we are adults and we can deal with that in the future but we are dealing
20 with this today and I'm not seeing any reasons why we shouldn't approve this.

21

22 Councillor Smith said given the diverse issues and concerns, it might be worth considering tabling
23 this item until we can have some clarification on the distances of the adult businesses.

24

25 Pastor Jeff Sutton said I just wanted to say that there isn't any evidence of any problems whatsoever
26 at this point and I give you my word that when our lease is up we will move. If you want us to, we'll
27 even apply to change the zoning back to M1.

28

29 Katherine Harrison-Rogers said regarding the clarification of the distance for the adult uses, they are
30 less than a thousand feet but more than five hundred feet which is the distance for our notice mailing.

31

32 Councillor Smith asked what happens if this is approved and we have both of them within one
33 thousand feet of each other?

34

35 Katherine Harrison-Rogers said they would become nonconforming based on the distancing
36 requirements but if the church leaves then they'd go back to normal.

37

38 Councillor Smith said so we are in the situation of having to approve something but we need to
39 consider the first amendment right. We are saying it's okay for you to be here but now we're say it's
40 not okay.

41

1 Katherine Harrison-Rogers said they will still be able to continue with their use; we're not going to
 2 kick them out but it may impact them if they wanted to expand and any new business coming in
 3 would be impacted because they would be limited in terms of the available land.

4

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7 Councillor Smith Moved to Table Council Bill No. 15-030; Ordinance No. 2749 to April 6, 2015
 8 and Councillor Pedroza Seconded the motion.

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12 Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 15-030; Ordinance
 13 No. 2749 to April 6, 2015 and it Failed. 2-6-1 Councillor Pedroza and Councillor Smith voted Aye.
 14 Councillor Small, Councillor Sorg, Councillor Levatino and Mayor Miyagishima voted Nay.
 15 Councillor Silva abstained

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19 Councillor Small said this is a bit of a judgement call and with some reservation, I still feel
 20 comfortable with moving ahead with this today.

21

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23

24 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-030;
 25 Ordinance No. 2749 and it was Approved. 5-1-1 Councillor Small, Councillor Sorg, Councillor
 26 Levatino, Councillor Smith and Mayor Miyagishima voted Aye. Councillor Pedroza voted Nay.
 27 Councillor Silva abstained.

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31 (12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 15-164;**
 32 **A PUBLIC HEARING MUST BE HELD:**

33

34 Mayor Miyagishima said the Public Hearing for Resolution 15-164 is now open. Is there anyone who
 35 wishes to speak against this item?

36

37 No one spoke.

38

39 Mayor Miyagishima said the Public Hearing for Resolution 15-164 is now closed.

40

41 Resolution No. 15-164: A Resolution Approving the Transfer of Ownership of Liquor
 42 License No. 2772 to Las Cruces Country Club, Inc. D/B/A Sunset Grill, Located at 1274
 43 Golf Club Road, Las Cruces, New Mexico.

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2 Councillor Silva Moved to Approve Resolution No. 15-164 and Councillor Levatino Seconded the
3 motion.

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7 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-164 and it was
8 Unanimously Approved. 7-0

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12 (13) Resolution No. 15-165: A Resolution Authorizing the City of Las Cruces to Approve the
13 City's Comprehensive Annual Financial Report for the Year Ending June 30, 2014.

14
15 Councillor Sorg Moved to Approve Resolution No. 15-165 and Councillor Smith Seconded the
16 motion.

DRAFT

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20 Ryan Luetkemeyer, Moss Adams gave an overhead presentation and said the Auditor's Report on
21 the financial statement is an Unmodified Opinion which is the highest we can give and it states that
22 the financial statements are presented fairly in accordance with the accounting principals generally
23 accepted in the United States of America.

24
25 Lupita Martinez, Moss Adams continued the overhead presentation and said the other auditors
26 reports are the GAGAS Report on internal control over financial reporting and on compliance and
27 other matters which we found no material weaknesses but there was one significant deficiency with
28 the fleet maintenance allocations and there was an issue reported with your Information Technology.
29 The other report is the report on compliance requirements that could have a direct and material effect
30 on each major federal program and on internal control over compliance; we have an unmodified
31 opinion over compliance and there were findings noted that included reporting and allowable costs.

32
33 Councillor Levatino asked how long has staff been aware of these deficiencies?

34
35 Lupita Martinez said the deficiencies that were repeated were the Fleet, Information Technology,
36 Human Resources, and the actual expenditures exceeding the budget findings.

37
38 Councillor Levatino asked what is staff doing to correct these issues?

39
40 Victoria Fredrick said we ask for Management's response to the Auditor's findings and everyone
41 involved with it is required to give a recommendation or outline on how they are going to clear the
42 findings. I follow-up with them on a quarterly basis because some of these findings are extensive to

1 get corrected. For example, the issue with I.T. is due to a firewall issue with MVRDA, Sunland Park
2 and ourselves and part of the issue is with the funding but we know it will be corrected once
3 MVRDA is in their new building. Fleet has made remarkable strides and have corrected a lot of their
4 processes.

5

6 Lupita Martinez said most of the findings are being worked on and we do have discussions with the
7 Internal Auditor and Management.

8

9 Ryan Luetkemeyer continued the overhead presentation and said your financial statements are broken
10 out between you governmental activities, business type activities, governmental funds and the
11 general fund.

12

13 Lupita Martinez continued the overhead presentation and said the Safe Traffic Operations Program
14 had no material noncompliance with requirements and we have performed the procedures which
15 were agreed to by the City of Las Cruces, solely to assist you. The findings were that for 13 out of
16 59 violations tested, there was no evidence supporting the date a hearing was requested and therefore
17 we could not determine if the hearing occurred within 90 days of being requested, as required by the
18 ordinance. For one of four violations reviewed, there was no evidence of when the hearing requested
19 was received by the Police Department. Therefore, although a hearing was conducted, we were
20 unable to determine whether it occurred with the 90 day time line as required by the ordinance.

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24 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-165 and it was
25 Approved. 6-0 Councillor Small was absent.

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29 (14) Resolution No. 15-166: A Resolution Approving a Community Development Block Grant
30 (CDBG) Agreement Between the City of Las Cruces and Mesilla Valley Habitat for
31 Humanity for the Acquisition of Five (5) Vacant Land Parcels in the Amount of \$100,000.00
32 for Affordable Housing Development in Rincon Mesa Subdivision, Phase 1.

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34 Councillor Silva Moved to Approve Resolution No. 15-166 and Councillor Sorg Seconded the
35 motion.

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39 Jan Lauterbach, Planning and Neighborhood Services gave an overhead presentation and said this
40 resolution is to approve a community block grant agreement between the City and Mesilla Valley
41 Habitat for Humanity for land acquisition of five lots for a future affordable housing development.

42

1 Councillor Sorg said this is in my district and I will be approving this resolution. There are still
2 several empty lots and it is far from any City parks so they desperately do need a park in this area.

3

4 Councillor Small said these will be single family units; correct.

5

6 Jan Lauterbach said correct.

7

8 Councillor Small said I am always glad to support affordable housing but there is still a great need
9 for more of it.

10

11 Councillor Levatino said I support Habitat for Humanity but I just want to be clear that these lots
12 belong to a private entity and we are giving \$100,000 to Habitat for Humanity so they can buy
13 property; correct?

14

15 Jan Lauterbach said correct.

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19 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-166 and it was
20 Unanimously Approved. 7-0

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24 (15) Resolution No. 15-167: A Resolution Approving a Community Development Block Grant
25 (CDBG) Agreement Between the City of Las Cruces and Mesilla Valley Community of Hope
26 for the Sue's House Solar Upgrade Project.

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28 Councillor Small Moved to Approve Resolution No. 15-167 and Councillor Smith Seconded the
29 motion.

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33 Ray Burchfield, CDBG Environment Comprehension Specialist gave an overhead presentation and
34 said Sue's House is a program that is providing shelter for chronically homeless women and this
35 solar project will greatly reduce their monthly operating expenses. The grant amount is \$10,000 and
36 there is a 50% match of \$10,000 so there is a total funding amount of \$20,000 for the installation of
37 the Solar PV System on the home located on College Avenue.

38

39 Councillor Smith said regarding the profile on the roof ; is the location of the panels something that
40 has been consider regarding the neighbors?

41

42 Ray Burchfield said the winning contractor gave them an updated estimate but I don't know the
43 answer to your question.

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2 Councillor Smith said I would just want to be sure that a low but efficient profile will be used in this
3 situation.

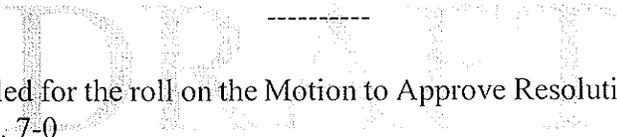
4
5 Nicole Martinez, Community of Hope said they will be placing them on the backside of the roof so
6 they shouldn't be very visible to the neighbors.

7
8 Councillor Silva said this isn't the first time we've worked with Community of Hope in installing
9 solar units; correct?

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11 Ray Burchfield said I believe this is the first time we've done a solar project with Community of
12 Hope.

13
14 Councillor Small said I just want to praise Community of Hope for their positive efforts.

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18 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-167 and it was
19 Unanimously Approved. 7-0



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23 (16) Resolution No. 15-168: A Resolution Authorizing the City of Las Cruces to Accept
24 Legislative Appropriation Funding in the Amount of \$45,000.00, From the State of New
25 Mexico Department of Finance and Administration, Local Government Division
26 (DFA/LGD), Fund 892, Capital Appropriation, to Plan, Design, and Construct, Fencing and
27 an Irrigation System on City-Owned Property Located at 999 W. Amador Ave., Which is
28 Utilized Via a Lease Agreement by the Mesilla Valley Community of Hope.

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30 Councillor Small Moved to Approve Resolution No. 15-168 and Councillor Sorg Seconded the
31 motion.

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33
34

35 Eric Martin, Facilities Management Administrator gave an overhead presentation and said this is for
36 acceptance of a grant from the State Legislature to plan, design, and construct fencing and irrigation
37 at Mesilla Valley Community of Hope. The funding comes from the State of New Mexico,
38 Department of Finance & Administration, Local Government Division through the Legislature. The
39 capital appropriation is \$45,000 and the period of performance is from January 20, 2015 to June 30,
40 2018. The chain link fence will be 469 linear feet with two gates and privacy slats. The benefits of
41 this project are that it meets the PUD requirements, it improves aesthetic and it provides a wind
42 block.

43

1 Councillor Pedroza asked will the irrigation be going to the community garden area?

2

3 Nicole Martinez, Community of Hope said no, it will be used for the landscaping requirements of
4 shrubs, ground cover, and trees within the camp.

5

6 Councillor Smith said I'm glad we're getting to this point where it'll be an additional benefit to what
7 is available at Community of Hope.

8

9 Councillor Small asked do we have a list of legislators that contributed to the appropriation?

10

11 Eric Martin said I don't have that list with me but I can get that information to you.

12

13

14

15 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-168 and it was
16 Unanimously Approved. 7-0

17

18

19

20 (17) Resolution No. 15-169: A Resolution to Amend the Terms and Conditions of the New
21 Mexico State University and City of Las Cruces Ground Lease Concerning the Convention
22 Center and Adjoining Property.

23

24 Councillor Smith Moved to Approve Resolution No. 15-169 and Councillor Sorg Seconded the
25 motion.

26

27

28

29 Eric Martin, Facilities Management Administrator gave an overhead presentation and said the
30 original lease was for \$3,500 per year and included the option to lease additional NMSU land to
31 expand the Convention Center. NMSU is proceeding with a hotel project near the Convention Center
32 and they are building it on the parcel of land that we had the option to use for the expansion of the
33 Convention Center which is why we are amending our lease agreement. Staff has assessed that a 2.74
34 acre tract of land will be secured for the future growth of the Convention Center.

35

36 Robert Garza, City Manager said NMSU was originally going to build the hotel across from Union
37 Avenue which would mean people would have to cross a busy street to get to our Convention Center
38 so we urged them to build it on the parcel that is just west of our center. A lot of our Convention
39 Center growth would happen next to our center and the other area would be used to expand parking.

40

1 You all should have received a memo from Esther and we need to replace the agreement that you
2 have in your packet with that version of agreement because there was a change made regarding the
3 lien of a greenhouse that has past due utility bills so we are going to get this property at no cost for
4 three years to satisfy the lien. We had that in there twice, we were asking to get credit for the lease
5 and also get three years without payment so we struck the requirement that we would get credit for
6 their lease.

7

8 Councillor Levatino said parking is a real issue for some of the events so is it possible that the
9 driveway that we are closing, can't that be turned into additional parking?

10

11 Robert Garza said maybe for short-term but we need a second access to the parking lot. The
12 challenge with adding parking closer to the building is that there is an irrigation structure that goes
13 through that area that belongs to EBID so we don't own that area and we will never own it.

14

15 Councillor Smith said south of this property is the Seed House which is the oldest building at NMSU
16 and that historic structure is possibly going to become some sort of a feature. Also, to the southwest,
17 President Carruthers is looking at having a heritage garden or heritage fields where additional crops
18 can be planted. So there are some connecting things there that I think will be exciting for both the
19 hotel and the Convention Center.

20

21 Councillor Sorg asked what is the water part about in the lease agreement?

22

23 Dr. Jorge Garcia, Utilities Director said the original land agreement had a supplemental agreement
24 for water. NMSU wanted us to help them in perfecting the water rights so we helped them and we
25 got to use 22 to 25 acre feet of their water. When we began negotiating the 2015 agreement for the
26 additional land, we saw the opportunity that maybe the City should get some benefit for perfecting
27 additional water rights.

28

29 Robert Garza said I just want to clarify that this water pumping relationship is only in this calendar
30 year, 2015, because that is the maximum that we can pump.

31

32 Marcy Driggers, Utilities Attorney said 2015 is a good year for this to happen because we are re-
33 drilling three separate wells so it is a good year to be receiving this extra water.

34

35

36

37 Councillor Smith Moved to Amend Resolution No. 15-169 to substitute Exhibit "A" and Exhibit "C"
38 with the amendment received on March 13, 2015 and Councillor Levatino Seconded the motion.

39

40

41

1 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 15-169 to substitute
2 Exhibit "A" and Exhibit "C" with the amendment received on March 13, 2015 and it was
3 Unanimously Approved. 7-0

4
5 -----
6

7 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-169 as
8 Amended and it was Unanimously Approved. 7-0
9

10 -----
11

12 **IX. BOARD APPOINTMENTS**

13
14 There were no board appointments.
15

16 -----
17

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

20
21 There were no proposed ordinances.
22

23 -----
24

25 **XI. CITY COUNCIL MEMBER BOARD REPORTS**

26
27 There were no City Council member board reports.
28

29 -----
30

31 **XII. GENERAL DISCUSSION**

32
33 a.) Mayor

34
35 Mayor Miyagishima passed.
36

37 -----
38

39 b.) City Council

40
41 Councillor Smith said we received that poster today and I would like to know where we are planning
42 on putting it because it should be put in an appropriate location.

43

1 The Soil and Water Conservation District has an election coming up on May 5th and the three
2 positions on that board, people can apply for those positions but the deadline is tomorrow.

3

4 In Mr. Garza's newsletter on Friday, he mentioned that the money that the City had given to the
5 South Central Transportation District has been spent. My question is, do we as a Council continue
6 to wish to be part of the South Central Transportation Regional District? I would say there are a lot
7 of reasons for us to do that but this might be a good point at which we might ask that question.

8

9 Regarding the mental health issue at Memorial Medical Center, questions have come to me about
10 what is currently happening there so I have asked Mr. Garza if he'd be able to give us an update on
11 that situation.

12

13 Robert Garza, City Manager said I don't have the update at this time. I was told that the board would
14 be getting an update on Wednesday evening so as soon as I get the update I will pass it onto Council.

15

16 Councillor Smith gave a verbal presentation and said regarding the CVB location presentation that
17 was given last week, I have to say that I felt a little like I was herded into a shoot and loaded on a
18 train so my question to Council is if there is anyone who feels comfortable with the Amador falling
19 down or us tearing it down or selling it to someone who would tear it down; I would assume that
20 none of us would want to do that. I would say that our three options are to continue to own it and let
21 the Amador Foundation continue to fix it up very slowly; or sell it to someone on the condition that
22 they fix it up; or be an example of a property owner and maintain and creatively re-purpose a
23 historical structure. In short, I believe it falls on the City's shoulders to set an example so that greater
24 historical sensibility can grow in our community along with more cultural awareness and sensitivity
25 which can be reasonably expected to bring increased economic development, especially in the
26 entertainment, arts, and tourism sectors.

27

28

29

30 Councillor Levatino said I want to compliment everyone who was involved in the Arts Fair this past
31 weekend at the Convention Center. It was absolutely an amazing event.

32

33 I want to congratulate the men's and women's basketball teams for going to the Sweet 16.

34

35 Tomorrow is St. Patrick's Day so I want to wish all of my Irish compatriots a happy St. Patrick's
36 Day.

37

38

39

40 Councillor Sorg said I just want to wish everyone a happy St. Patrick's Day as well.

41

42

43

1 Councillor Small said I appreciated Susan Brown and the presentation for Donate Life Month.

2

3 Amador redevelopment efforts continue to build steam and we've seen really great things out there
4 at Franco Whole Foods. There is a building consensus amongst the property owners and the
5 stakeholders that having more transit presence within and near the campus of Community of Hope
6 would be preferable along Amador Avenue.

7

8 The Valley reconstruction is scheduled to start in 2017 and I'm hopeful that we can see the different
9 options and opportunities for making that area come alive.

10

11 I want to comment on the scheduling and the discussion on the solar project opportunities and the
12 hold harmless funding on March 30th.

13

14

15

16 Councillor Pedroza said I want to commend the After School Program for taking an opportunity to
17 clean a cemetery.

18

19 There is a John Paul Taylor symposium on social justice on March 17th- 18th at the College of Arts
20 and Sciences.

21

22 My good friend Denise Chavez is no longer holding the Border Book Festival and we need to
23 acknowledge her contributions to Las Cruces.

24

25

26

27 Councillor Silva said I agree that this Council needs to come to some kind of a consensus on what
28 we are going to do with the Amador Hotel.

29

30 We recently received the crunch time on what is going on in Santa Fe; is there anything we need to
31 be informed about?

32

33 Robert Garza, City Manager said the Municipal League sends out that newsletter every week or so
34 and the version you are referring to is already outdated. The session ends at noon on Saturday so we
35 are going to see a lot of changes and things that we didn't predict. We are monitoring over 200 bills
36 that are still active and I intend on giving Council a briefing upon the close of the session.

37

38 Councillor Silva said regarding the La Entrada project, I would like to be invited to that meeting if
39 possible. I appreciate the Paz family coming up and expressing their thoughts and concerns but I was
40 surprised to hear that they didn't want it put at Klein Park.

41

42 Mayor Miyagishima said absolutely.

1
2 Councillor Silva said recently I read about Mr. Estrada not proceeding with the Whole Enchilada
3 project. I did speak with him and there was a lot more to the story than just what was mentioned in
4 the article. A lot of it has to do with finances and I don't know how that can be addressed or how we
5 can help him with the project but to have a Whole Enchilada without the whole enchilada is going
6 to be like having a hole in the middle. I would encourage us to invite Mr. Estrada to speak with the
7 City Manager about this issue.

8
9 I would like to thank Chief Brown for coming forward with that poster for the fallen soldiers. We
10 need to honor those that fight for our safety, our security and our freedom.

11
12 Ron Camuñez has been missing from our audience because he has had some health problems so I'd
13 like to say that our prayers are with him and we hope he gets well soon.

14

15

16

17

c.) City Manager

18

19 Robert Garza, City Manager said there will not be a meeting next Monday but the following
20 Monday, there will be a TIDD board meeting and work session. There will also be a special meeting
21 on April 8th at 1:00 p.m. regarding the selling of our utility bonds.

22

23 Two of our high school teams have won the State Championship; one is the Centennial High School
24 Boys Basketball Team and the other is Mesilla Valley Christian School so we will be inviting them
25 to be recognized at one of our meetings.

26

27 I have received dozens of emails and several phone calls regarding the bathrooms at Young Park so
28 Mr. Denmark is going to give you an update on what is going on with those bathrooms.

29

30 Brian Denmark, Assistant City Manager said we are in the process of replacing the restroom
31 facilities at Young Park because they had been vandalized and burned. We will be building two
32 restrooms; one will be located next to the tennis courts and the other one will be located off Nevada
33 Avenue. Most of the costs are related to utilities and it is a 30 acre park. We are moving the location
34 of the bathrooms and we are installing time electrical lock system to these buildings so we won't
35 have to manually close these facilities down. We are also installing anti-vandalism fixtures, anti-
36 graffiti wall finishings, ADA drinking fountains and hose bibs on the outside of the buildings. We
37 still have demolition costs for the damaged existing building. We have compared the costs of this
38 project with other similar projects that we've done and I'm pretty confident that what staff has done
39 is in compliance with all of the rules, regulations, and policies with procurement and costs.

40

41 Councillor Levatino said I think we are all getting emails and bad press about this so is it possible
42 for you to put all those points in an email for us so we can send it out in response?

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1

2 Brian Denmark said yes, I will be happy to.

3

4 Councillor Pedroza said I just want to say “thank you” for giving us that explanation. I would just
5 like to ask that you look at the water pressure for the drinking fountains because right now, it is very
6 low.

7

8

9

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

11

12 Mayor Miyagishima said all of those in favor signify by saying “Aye.”

13

14 Council said “Aye.”

15

16 **Meeting Adjourned at 5:10 p.m.**

DRAFT