



City Council
of the
City of Las Cruces

Regular Meeting

June 15, 2015

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
Rusty Babington, City Attorney
Linda Lewis, Interim City Clerk

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Mayor Pro-Tem Smith 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 Pro-Tem Smith presented a Proclamation to Alexis Duprey and declared June 15, 2015 as Alexis Victoria Duprey Day.

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 Councillor Levatino said I want to disclose that I'm an associate broker with Steinborn and the
2 Steinborn Company is representing the group in Item #9.

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6 **III. PUBLIC PARTICIPATION**

7
8 Ed Frank, Member of the Public said I'm the treasurer of the Las Cruces Tennis Players Association.
9 I bought a house in Las Cruces because of the Lions Tennis Courts but 10 years later they are now
10 in need of maintenance. The courts at Apodaca Park have been converted into pickle ball courts but
11 we need to get the tennis nets and posts back.

12
13 Jamie Borsodi, Member of the Public said I am the President of the United States Tennis Association
14 Southern New Mexico District. I am here today to encourage your support in maintaining the
15 existing tennis facilities in our community, especially at Lions Park.

16
17 Josh Zeal, Member of the Public said it is our job as a community to put in place facilities where
18 young adults can thrive in a positive and safe way. I'm looking for a City funded venue without
19 alcohol that focuses on the arts.

20
21 Harry Zwible, Member of the Public said I want to say a few words in support of the Lions Tennis
22 Courts. I'm one of the octogenarians that plays there six days a week.

23
24 Vince Jeffers, Member of the Public said I want to talk about profit and revenue streams.

25
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27

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

31
32 Mayor Miyagishima said Items 3 and 4 will be removed from the Consent Agenda for discussion.

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36 Councillor Small Moved to Approve the Agenda as Amended and Mayor Pro-Tem Smith Seconded
37 the motion.

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

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3 **V. CITY COUNCIL MINUTES**

4
5 *(1) Regular City Council Meeting of May 18, 2015

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8
9 **VI. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

10
11 *(2) Resolution No. 15-227: A Resolution Authorizing High Desert Brewing Company to
12 Continue with the Permitting Process to Allow for the Sale and Consumption of Beer Within
13 a Restricted and secured Area at an Event Sponsored by Project Mainstreet at La Placita, 145
14 North Main Street, on Friday, July 17, 2015

15
16 *(5) Resolution No. 15-230: A Resolution to Adjust the Adopted Fiscal Year 2014-15 Budget
17 Allowing for Adjustments Within Various Line Item Budgets and Transfer Accounts Due
18 to End-of-Year Review of Revenues and Expenditures.

19
20 *(6) Resolution No. 15-231: A Resolution Adjusting the City of Las Cruces Adopted Fiscal Year
21 2015 Budget to Move Salary and Benefit Savings to Operational Expenditures Within the
22 Street and Traffic Operations Section.

23
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25
26 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

27
28 (3) Resolution No. 15-228: A Resolution Authorizing a Biennial Memorandum of
29 Understanding Between the City of Las Cruces, the New Mexico Mainstreet Program,
30 and the Downtown Las Cruces Partnership.

31
32 Mayor Pro-Tem Smith Moved to Approve Resolution No. 15-228 and Councillor Sorg Seconded
33 the motion.

34
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36
37 Councillor Silva moved to Suspend the Rules to discuss Item 3 and 4 concurrently and seconded
38 by Mayor Pro-Tem Smith.

39
40 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules to discuss Item 3 and
41 4 concurrently and it was Unanimously Approved. 7-0

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2
3 Andy Hume, Downtown Coordinator from Community Development gave an overhead
4 presentation on the first resolution, which is between the City of Las Cruces, the Downtown Las
5 Cruces Partnership, and New Mexico Main Street. It's a renewal biannual MOU between the
6 three. The second resolution is an MOU between the City and Downtown Las Cruces
7 Partnership to fund some of their activities with \$70,000 a year for the next two years.
8
9 Councillor Silva asked do we have a resolution in place that the Downtown Las Cruces
10 Partnership would oversee the callecitas project?
11
12 Andy Hume said we do not have any designs that have come before City Council yet nor have we
13 assigned this project to DLCP.
14
15 Councillor Silva asked do we want to solidify that through resolution or do we even have to
16 formalize it?
17
18 Robert Garza said when there is a proposal to do it, then responsibilities can be put into the
19 agreement.
20
21 Councillor Silva asked what kind of challenges do you see facing Downtown Las Cruces
22 Partnership?
23
24 Arianna Parsons, Executive Director of Downtown Las Cruces Partnership said there are so
25 many different stakeholders involved and making sure they're all on the same page is a
26 challenge.
27
28 Councillor Silva asked of the 12 goals, do you see prioritizing and re-analyzing those goals?
29
30 Arianna Parsons said I just redid my work plan for the next two years and will make that
31 available to you.
32
33 Councillor Levatino asked who is the steward of the Las Placitas?
34
35 Andy Hume said the City is the steward on behalf of the public.
36
37 Councillor Sorg asked are there reasons that have been identified as to why more businesses
38 haven't moved in?
39
40 Andy Hume said in some situations there's improvements that need to be made to a building.
41
42 Robert Garza said my office has heard that a lot of people are anxiously awaiting the Plaza being
43 built.

1
2 Councillor Small asked is there an update on the Arts and Culture District?
3
4 Andy Hume said we are planning to go through a public involvement process in late July.
5
6 Arianna Parsons said it is moving forward and there are lots of stakeholders represented. We're
7 doing a survey of the arts and culture in Las Cruces.
8
9 Mayor Pro-Tem Smith asked how did that callecita mentioned before get developed since it
10 didn't come through City Council?
11
12 Andy Hume said the New American School came to us with a project and it was appropriate for a
13 lease situation.
14
15 Mayor Pro-Tem Smith asked if the lease agreement does not preclude any other development?
16
17 Andy Hume said that is correct.
18
19 Councillor Pedroza said work the history into Downtown Las Cruces.
20
21 Mayor Pro-Tem Smith said plaques will be put up where some of the historic events took place.
22
23 Councillor Pedroza said the schools are an excellent place to go for sharing history.
24
25 Arianna Parsons said we are finding a lot of crossover between the Arts and Culture and historic
26 preservation so we can use this as an educational component.
27
28 Josh Zeal, Member of the Public said it will also be good to show the public ways they can get
29 involved.
30
31 Mayor Miyagishima called for the roll on Motion to Approve Resolution No. 15-228 and it was
32 Unanimously Approved. 7-0
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35
36 (4) Resolution No. 15-229: A Resolution Authorizing a Memorandum of Understanding
37 Between the City of Las Cruces and the Downtown Las Cruces Partnership for Planning
38 and Development Services Related to Downtown Revitalization in the Amount of
39 \$70,000.00 Per Year, Which Includes Gross Receipts Tax, for a Period of Two Years.
40
41 Councillor Silva Moved to Approve Resolution No. 15-229 and Councillor Sorg Seconded the
42 Motion.
43

1 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-229 and it
2 was Unanimously Approved. 7-0

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6 (7) Resolution No. 15-232: A Resolution Authorizing the City of Las Cruces to Reimburse
7 Doña Ana County for the Purchase of Radio Consoles as Part of the New Mesilla Valley
8 Regional Dispatch Authority Facility for a Total Cost of \$320,073.00.

9
10 Mayor Pro-Tem Smith Moved to Approve Resolution No. 15-232 and Councillor Small Seconded
11 the Motion.

12 -----
13

14 Mark Winson, Assistant City Manager gave an overhead presentation and said that as part of the
15 move to the new MVRDA building they are putting in radio consoles because the old ones are 15
16 years old and analog based.

17
18 Mayor Pro-Tem Smith asked are we just following through with what we said we would do?

19
20 Mark Winson said that is correct.

21
22 Councillor Levatino asked do you know what percentage we are reimbursing them for?

23
24 Mark Winson said the cost to go up to the P25 is approximately \$626,000, so we're paying
25 approximately half.

26 -----
27

28 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-232 and it was
29 Unanimously Approved. 7-0

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32 (8) Resolution No. 15-233: A Resolution Approving a Community Development Block Grant
33 (CDBG) Agreement Between the City of Las Cruces and St. Luke's Healthcare Clinic for the
34 HVAC Upgrade Project.

35
36 Mayor Pro-Tem Smith Moved to Approve Resolution No. 15-233 and Councillor Sorg Seconded
37 the Motion.

38 -----
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40 Raymond Burchfield, Community Development gave an overhead presentation and said this is a
41 component of a public facility renovation/rehab project for the new clinic.

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3 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-233 and it was
4 Unanimously Approved. 7-0

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6

7 (9) Council Bill No. 15-037; Ordinance No. 2756: An Ordinance Authorizing a Real Estate
8 Sales Agreement Between the City of Las Cruces and High Range LLC, for the Sale of 1.35
9 Acres of Municipally Owned Land at 200 N. Church Street for the Purchase Price of One
10 Million One Hundred Forty Thousand Dollars (\$1,140,000.00), in Accordance with
11 Provisions of LCMC 1997, Section 2-1312.

12

13 Councillor Sorg Moved to Approve Ordinance No. 2756 and Mayor Pro-Tem Smith Seconded the
14 Motion.

15 -----

16

17 Eric Martin, Facilities Management Administrator gave an overhead presentation and said this is to
18 authorize a real estate sales agreement for the former City Hall building. Due to its age and layout,
19 we cannot identify any viable long term uses for the property. High Range, LLC will be purchasing
20 it on behalf of the Federal government. This will reduce a liability from our assets.

21

22 Mayor Pro-Tem Smith said I have a question from one of our citizens who asked as far as this going
23 to the High Range, LLC how often does this sort of transaction happen?

24

25 Robert Garza said when it comes to the Federal government using other properties they like to have
26 a private owner where they can lease the building.

27

28 Councillor Silva asked do we know what their intent is for this property?

29

30 Robert Garza said they're going to use it as functional office space for attorneys who work as
31 prosecutors for the Federal government. They will be gutting the inside of the building and leaving
32 the perimeter.

33

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36 Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2756 and it was
37 Unanimously Approved. 7-0

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41 X. BOARD APPOINTMENTS

1
2 There were no board appointments.

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

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11

12 **XII. CITY COUNCIL MEMBER BOARD REPORTS**

13
14 There were no City Council member board reports.

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17 **XIII. GENERAL DISCUSSION** DRAFT

18
19 b.) City Council

20
21 Councillor Silva said there are a couple of people who have died from the drug spice and we
22 need to get the word out.

23
24 Robert Garza said we talked about that in our exec meeting this morning and Chief Travis Brown
25 had some information from several calls, but we don't have any conclusions as to where the
26 substance came from.

27
28 Councillor Silva said I've heard public officials say that the City has new GRT funding and we
29 need to lobby them to fund your cause. We've already had several events ask for funding and we
30 need to brace ourselves for more of this.

31
32 Councillor Silva said I support public transit but I think we should approach it very cautiously in
33 the amount of participation the City is involved.

34
35 Councillor Silva said Music in the Park has started again and we need to emphasize what's
36 happening at the smaller neighborhood parks.

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40 a.) Mayor

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1 Mayor Miyagishima said the County transit is a good collaboration and helps people to get to
2 where they can support and care for their families. \$50,000 goes a long way.

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6 Councillor Pedroza said I think the need for transportation for needy residents is very important
7 and needs to be funded.

8
9 Councillor Pedroza said this Friday and Saturday will be the NAACP's 150th Anniversary
10 Celebration of Juneteenth.

11
12 Councillor Pedroza said on Friday, June 26th there will be a public testimony hearing at La Fe
13 Culture and Technology Center in El Paso, Texas.

14
15 Councillor Pedroza said St. Luke's is asking for sun safety donations.

16
17 Councillor Pedroza said there will be two public information meetings about the University
18 Boulevard corridor.

19
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21

22 Councillor Small said there was a Veterans dinner at El Caldito Soup Kitchen.

23
24 Councillor Small said next Thursday the 25th through the 29th Alma D'Arte Charter High School
25 will be hosting the redevelopment effort for the Amador Proximo.

26
27 Councillor Small said MacArthur Elementary hosted Tierra Del Sol for celebration of Home
28 Ownership Week.

29
30 Councillor Small said the spice issue effects many parts of the town and I am for airing it in a
31 public forum for awareness.

32
33 Councillor Small said there is a need to collaborate with the County on many different efforts
34 like we did with Certoplast. So we need to collaborate with them on the transit to better serve
35 residents.

36
37 Councillor Small said there is a behavioral health committee that is recommending additional
38 efforts on addressing mental health challenges and I would like for them to come talk to the
39 Council about what they're doing.

40
41 -----
42

1 Councillor Sorg said Mayor Pro-Tem, Councillor Small, and I were at the last Juvenile Citation
2 Program forum and they said spice is the most dangerous thing they hear about.

3

4 Councillor Sorg said on the RTD gross receipts tax all the money was not going to go to rural
5 transit. The present rural transit is going to operate for less than \$1 million as long as they get
6 grants.

7

8 Councillor Sorg said I am pleased to see STEM jobs alive and well here in the City.

9

10

11

12 Councillor Levatino said I want to acknowledge the recognition that Las Cruces is getting for the
13 STEM program.

14

15 Councillor Levatino said I want to encourage people to participate in the activities going on
16 around the City.

17

18

19

20 Councillor Smith asked if there is anything new to report on the Plaza?

21

22 Robert Garza said I plan to give you a comprehensive report in my newsletter this Friday. We
23 have set a closing date on the property July 15th.

24

25 Councillor Smith said my concern remains over clapping and cheering from audience members.

26

27 Councillor Smith said I believe Meerscheidt could be used on Friday and Saturday nights to be
28 geared toward our youth.

29

30 Councillor Smith said the collaboration with the County on behavioral health is worth further
31 exploration.

32

33

34

a.) Mayor

36

37 Mayor Miyagishima said I don't mind when people clap as long as it doesn't interfere with the
38 running of our meetings.

39

40 Mayor Miyagishima said I got an email from a resident who is happy with the two week program
41 we put on and would ask Chief Jaime Montoya to briefly talk about what that program entails.

42

1 Chief Jaime Montoya said this was a push to get our community more engaged so we did a
2 Youth Leadership Academy.

3

4 Mayor Miyagishima asked did the County ever sign off on our reimbursement from Memorial
5 Medical Center?

6

7 Robert Garza said no, that hasn't taken place. I did raise the issue to Mr. Harris and the County
8 manager to revive the issue.

9

10 Mayor Miyagishima asked are we earning interest while it's sitting there?

11

12 Robert Garza said the interest accrued is less productive than any of our investments.

13

14 Mayor Miyagishima asked if Robert should turn over the information that was collected in the
15 recall attempt to determine if there were any irregularities that occurred during that process and if
16 so send it to either the County or State to avoid any appearance of impropriety?

17

18 Robert Garza said our City Attorney's Office has advised me that the City has turned over to the
19 State Police about concerns that were expressed in the process. We can remind them that we had
20 concerns that needed to be expressed.

21

22

23

24 c.) City Manager

25

26 Robert Garza said you'll be seeing quite a few changes to your Work Session calendar for June
27 and July.

28

29 Robert Garza said on Monday, we have our new Assistant City Manager/Chief Operating Officer
30 Daniel Avila beginning work and I want to thank Loretta Reyes for stepping up and for a job
31 done well.

32

33

34 Mayor Pro-Tem Smith Moved to Adjourn and Councillor Sorg Seconded the motion.

35

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

37

38 Council said "Aye."

39

40 **Meeting Adjourned at 3:18 p.m.**