

Item 1  
Regular Meeting  
September 8, 2015



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

**Regular Meeting**

**September 8, 2015  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

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Mayor Ken Miyagishima (**via telephone**)  
Councillor Miguel Silva, District 1  
Councillor Greg Smith, District 2  
Councillor Olga Pedroza, District 3 (**absent**)  
Councillor Nathan Small, District 4  
Councillor Gill Sorg, District 5  
Councillor Ceil Levatino, District 6 (**absent**)

Robert Garza, City Manager  
Rusty Babington, City Attorney  
Linda Lewis, Interim City Clerk

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**I. OPENING CEREMONIES**

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Mayor Pro-Tem Smith called the meeting to order. Councillor Sorg led the Pledge of Allegiance.

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Mayor Pro-Tem Smith and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

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Councillor Sorg presented a Proclamation to Lorenzo Alba, Jr. and declared September 2015 as Hunger Action Month.

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Councillor Sorg presented a Proclamation and declared September 2015 as International Literacy Awareness Month and September 8, 2015 as International Literacy Day.

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Councillor Sorg presented a Proclamation to Josie Ramirez and declared Saturday, July 25, 2015, as Avance Day and Dia de Las Familias.

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Councillor Small Moved to Allow the Mayor to Participate via Telephone and Councillor Sorg Seconded the motion.

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1 Mayor Pro-Tem Smith called for the roll on the Motion to Allow the Mayor to Participate via  
2 Telephone and it was Approved. 5-0. Councillor Silva, Councillor Small, Councillor Sorg, Mayor  
3 Pro-Tem Smith, and Mayor Miyagishima voted Aye. Councillor Pedroza and Councillor Levatino  
4 were absent.

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

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13 Mayor Pro-Tem Smith asked if anyone had any conflicts with anything on the agenda?

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15 There is none.

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19 **III. PUBLIC PARTICIPATION**

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21 Abrahm Overcast, Member of the Public asked how did the pool go from \$5 million to \$18.7 million  
22 and why are we taking tax money for something that won't go into full effect for 15 years?

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24 Mayor Pro-Tem Smith said we're not using the Hold Harmless GRT for the pool. As time goes by,  
25 costs go up.

26

27 Robert Garza said in 10 years our cost has doubled and we're not looking at using our Hold  
28 Harmless funds for funding of this project.

29

30 Abram Overcast asked how is the hotel being attached to the Convention Center being handled?

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32 Mayor Pro-Tem Smith said the City has annexed the location for the hotel. It will be operated by  
33 NMSU.

34

35 Robert Garza said we wanted to do an Economic Development Project with the Convention Center.  
36 We're not going to physically attach to the hotel. We're looking at making more breakout rooms  
37 at the Convention Center.

38

39 Abram Overcast asked what is the difference in standpoints for the City between education and  
40 entertainment?

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42 Mayor Pro-Tem Smith said we are looking at a broader scope with Frenger pool than just recreation.  
43 As far as the Mesquite Neighborhood Learning Center, I've heard two different stories on the subject

1 and perhaps we can get some clarification.

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3 Robert Garza said the issue was one of modernizing their lease and they were given the option to  
4 come into compliance. It was the community college's decision to not renew that lease and provide  
5 their services at alternative locations.

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7 Jim Erickson, Member of the Public and Director of Property Management for Steinborn Realtors  
8 said I have some questions about codes enforcement and who is responsible for violations.

9

10 Robert Garza said we need to go over what the officers are doing.

11

12 Jim Erickson said I was wondering if it is something that needs to be tweaked in the ordinance or  
13 if it's a procedural type issue.

14

15 Robert Garza asked do you have language in your leases that deals with assignment of  
16 responsibilities?

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18 Jim Erickson said we do have specific language. We have one provision that states they will be in  
19 compliance with all applicable City, County, State and Federal laws and regulations. There is one  
20 that says they are responsible for maintenance of the landscaping or for a codes violation. I think  
21 the simplest approach would be to cite the person occupying the property.

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

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29 Mayor Pro-Tem Smith said Item 7 will be removed from the Consent Agenda for discussion.

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33 Councillor Silva Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the  
34 motion.

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38 Mayor Pro-Tem Smith called for the roll on the Motion to Approve the Agenda as Amended and  
39 it was Approved. 5-0. Councillor Silva, Councillor Small, Councillor Sorg, Mayor Pro-Tem  
40 Smith, and Mayor Miyagishima voted Aye. Councillor Pedroza and Councillor Levatino were  
41 absent.

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**V. CITY COUNCIL MINUTES**

- \* (1) Regular City Council Meeting of August 3, 2015
- \* (2) Special City Council Meeting of August 17, 2015

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

- \* (3) Resolution No. 16-045: A Resolution Authorizing Beverly Hills Hall to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area at Events Sponsored by Crossroads City Derby at Meerscheidt Center, 1600 East Hadley, on September 19, September 26, October 17, and October 24, 2015.
- \* (4) Resolution No. 16-046: A Resolution in Support of the Downtown Las Cruces Partnership's FY 2015 Application for Grant Assistance from the New Mexico Mainstreet Capital Outlay Program in an Amount up to \$150,000.00 with an Estimated Match up to \$30,000.00, in Cooperation with the Amador Hotel Foundation, for Continuation of the Amador Hotel Restoration Project and for the City of Las Cruces to Act as the Fiscal Agent if Awarded Funds.
- \* (5) Resolution No. 16-047: A Resolution to Approve Amending Pay Tables for Fire Department Battalion Chiefs and Deputy Chiefs and Police Department Sergeants, Lieutenants, Commanders, and Deputy Chiefs.
- \* (6) Resolution No. 16-048: A Resolution Approving Amendments to the Agreement Between the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union (USW) and the City of Las Cruces.
- \* (8) Resolution No. 16-050: A Resolution Authorizing the City of Las Cruces, to Accept the Cooperative Project Agreement - Construction Work from the New Mexico Department of Transportation (NMDOT), for the Construction of the El Paseo Road Safety Improvements Project in the Amount of \$396,300.00, to Ratify the City Manager's Signature on the Grant Award Document, and to Adjust the FY2016 Budget and FY2016 Capital Improvement Program (CIP).
- \* (9) Resolution No. 16-051: A Resolution Granting the First of Two Possible Ten-Year Land Lease Extension Options For Parcel 12 at the Las Cruces International Airport (Lessees Ronald G. And Lisa M. Karp).

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\*(10) Resolution No. 16-052: A Resolution Authorizing the City of Las Cruces, on Behalf of the Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program - New Mexico, to Accept Grant Award Decrease Modification Two for Grant Number G15SN0006A in the Amount of \$25,000.00, From the Executive Office of the President, Office of National Drug Control Policy, to Ratify the Mayor’s Signature on the Grant Agreement and to Adjust the FY 2015 Budget.

\*(11) Resolution No. 16-053: A Resolution Authorizing the City of Las Cruces, on Behalf of its Senior Programs, to Accept Legislative Appropriation A14-1137 in the Amount of \$141,000.00, Through the New Mexico Aging and Long-Term Services Department (NMALTS) to Construct, Equip, Furnish and Install a Senior Outdoor Recreation Area Adjacent to the Munson Senior Center, to Ratify the City Manager’s Signature on the Contract Agreement; and to Amend the City’s Adopted FY2016 Budget.

\*(12) Resolution No. 15-16-038: A Resolution Awarding a Contract to San Bar Construction Corporation of Albuquerque, New Mexico for Striping Maintenance Services Utilizing State of New Mexico Price Agreement Number 40-805-13-10335 in the Amount of \$215,896.70 plus \$17,946.41 for New Mexico Gross Receipts Tax for a Total Project Cost of \$233,843.11.

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

(7) Resolution No. 16-049: A Resolution Authorizing the City of Las Cruces, to Accept a Grant from the New Mexico Department of Transportation (NMDOT), for the Construction of the Las Cruces Dam Trail Improvements Project in the Amount of \$384,480.00, with a Required Match Amount of \$65,520.00, to Ratify the Mayor’s Signature on the Grant Award Document, and to Adjust the FY2016 Budget and FY2016 Capital Improvement Program (CIP).

Councillor Sorg Moved to Approve Resolution No. 16-049 and Councillor Small Seconded the motion.

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Tony Trevino, Civil Engineer Senior gave an overhead presentation.

Councillor Silva asked what are we doing here again?

Tony Trevino said we have to stay 50 feet from the dam for any construction.

1 Councillor Silva asked what will you be doing with the road?

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3 Tony Trevino said they will be maintained

4

5 Councillor Silva asked what will be at the 50 foot point?

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7 Tony Trevino said they will be asphalt channels. We'll be excavating slightly below.

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9 Councillor Silva asked is that to prevent it from eroding?

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11 Tony Trevino said yes.

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13 Councillor Silva asked will it be an asphalt trail?

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15 Tony Trevino said it will be an asphalt trail but we will be putting some header curb to prevent future  
16 erosion. It is out to bid right now and hopefully able to proceed this fall.

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18 Councillor Silva asked do we have 600 total acres?

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20 Tony Trevino said I believe so.

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24 Mayor Pro-Tem Smith called for the roll on the Motion to Approve Resolution No. 16-049 and it  
25 was Approved. 5-0. Councillor Silva, Councillor Small, Councillor Sorg, Mayor Pro-Tem Smith,  
26 and Mayor Miyagishima voted Aye. Councillor Pedroza and Councillor Levatino were absent.

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30 (13) Council Bill No. 16-001; Ordinance No. 2760: An Ordinance Authorizing the Issuance and  
31 Sale of up to \$28,500,000 City of Las Cruces, New Mexico Hold Harmless Gross Receipts  
32 Tax Improvement Revenue Bonds, in One or More Series, for Construction, Acquisition and  
33 Improvement of Streets, Roadways, Public Facilities and Infrastructure and Economic  
34 Development Purposes.

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36 Councillor Sorg Moved to Approve Resolution No. 16-001, Ordinance No. 2760 and Councillor  
37 Small Seconded the motion.

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41 Robert Garza said we need a super majority for issuance of bonds so my suggestion is to table until  
42 September 21<sup>st</sup>.

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2 Councillor Small Moved to Table Resolution No. 16-001, Ordinance No. 2760 to September 21,  
3 2015 and Councillor Sorg Seconded the motion.

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7 Mayor Pro-Tem Smith called for the roll on the Motion to Table Resolution No. 16-001, Ordinance  
8 No. 2760 until September 21, 2015 and it was Approved. 5-0. Councillor Silva, Councillor Small,  
9 Councillor Sorg, Mayor Pro-Tem Smith, and Mayor Miyagishima voted Aye. Councillor Pedroza  
10 and Councillor Levatino were absent.

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14 (14) Resolution No. 16-054: A Resolution Approving a Memorandum of Agreement Between  
15 the City of Las Cruces and Doña Ana County Transferring Partial Ownership of Existing City Fiber  
16 Infrastructure to Doña Ana County for \$46,750.00 and to Adjust the FY16 Budget.

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18 Councillor Small Moved to Approve Resolution No. 16-054 and Councillor Sorg Seconded the  
19 motion.

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23 Mayor Miyagishima exited at 1:58 p.m.

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25 Scott Marr gave an overhead presentation.

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27 Mayor Pro-Tem Smith asked does this impact our capacity to expand or use what's existing?  
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29 Scott Marr said no, it doesn't impact us because it's only 25%.

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31 Councillor Small asked does this herald more collaboration with the County on information  
32 technology?

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34 Scott Marr said this just takes care of this current situation. All these services are City based to  
35 provide operational needs.

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39 Mayor Pro-Tem Smith called for the roll on Approval of Resolution No. 16-054 and it was Approved.  
40 4-0. Councillor Silva, Councillor Small, Councillor Sorg, and Mayor Pro-Tem Smith voted Aye.  
41 Councillor Pedroza, Councillor Levatino, and Mayor Miyagishima were absent.

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(15) Resolution No. 16-055: A Resolution Adopting the 1<sup>st</sup> Period Budget Adjustments Request Fiscal Year 2015-16.

Councillor Sorg Moved to Approve Resolution 16-055 and Councillor Small Seconded the motion.

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Robert Lundein gave an overhead presentation.

Mayor Pro-Tem Smith asked are there any trends or should be aware of?

Robert Lundein said not at this point. We'll continue to monitor all of it.

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Mayor Pro-Tem Smith called for the roll on Approval of Resolution No. 16-055 and it was Approved. 4-0. Councillor Silva, Councillor Small, Councillor Sorg, and Mayor Pro-Tem Smith voted Aye. Councillor Pedroza, Councillor Levatino, and Mayor Miyagishima were absent.

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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).***

(16) Council Bill No. 16-002; Ordinance No. 2761: An Ordinance in Accord with the City of Las Cruces Local Economic Development Plan, to Amend the Fiscal Year 2015/2016 Budget, Authorize the City of Las Cruces to Fund and Act as Fiscal Agent for a Local Economic Development Act Project Known as the ARCA LEDA Project.

Mayor Pro-Tem Smith 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.

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**XI. GENERAL DISCUSSION**

b.) City Council

Mayor Pro-Tem Smith said we have to look very carefully at what we do not only fiscally but what it means to our future.

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Councillor Sorg said this past weekend I was in Boston and I'm proud of Las Cruces because some of the infrastructure I saw was in rough shape.

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Councillor Silva said I attended the New Mexico Municipal League last week and there was a lot of discussion on economic development. We are on the same trend with other cities.

He said I'd like to mention that Councillor Small will not be running again and it's been an honor and pleasure to work with him.

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c.) City Manager

Robert Garza said I had a staff meeting today and want to share some of the "good" from our meeting. Mark Johnston said 960 youth soccer games are scheduled over the next three months. Patriot Day is taking place Friday at 10:30 a.m. The airport was allowed to land a 737 on Sunday with the Aggie Football Team. Community Development reported they are looking at automated software packages.

Mayor Pro-Tem Smith said I was asked about the structures of the museum and maybe we can get a presentation on that in the future.

Robert Garza said we'd be glad to put that on the work session schedule.

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- 2 Councillor Small Moved to Adjourn and Councillor Sorg Seconded the motion.
- 3
- 4 Mayor Pro-Tem Smith said all of those in favor signify by saying "Aye."
- 5
- 6 Council said "Aye."
- 7
- 8 **Meeting Adjourned at 2:24 p.m.**
- 9

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