



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

**Regular Meeting**

**March 7, 2016**

**1:00 P.M.**

**Council Chambers, City Hall**

**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Kasandra Gandara, District 1  
Councillor Greg Smith, District 2  
Councillor Olga Pedroza, District 3  
Councillor Jack Eakman, District 4  
Councillor Gill Sorg, District 5  
Councillor Ceil Levatino, District 6

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

DRAFT

**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order. Councillor Pedroza led the Pledge of Allegiance.

Jennifer Martinez of PIO presented the Pet of the Week.

Councillor Pedroza presented a Proclamation to Tim "Doc" Acklin and declared March 2016 as Athletic Training Month in Las Cruces.

**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?

There is none.

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**III. PUBLIC PARTICIPATION**

Frank Bryce, Member of the Public said taking in animals at the shelter has nothing to do with the way it functions. I'm concerned about the way animal control conducted a cat colony investigation. Linda Lopez tried to get the permit three different times.

Mayor Pro-Tem Smith asked did this woman go to animal control or the Animal Services Center?

Frank Bryce said animal control.

Mayor Pro-Tem Smith said I was wondering where she tried to get the permit.

Frank Bryce said Med Park on Idaho.

Mayor Miyagishima said I wonder if it would be helpful to have another joint meeting.

Frank Bryce said I just want them to issue the permit to Ms. Lopez. There's no reason to have another work session. We just need to follow the rules.

DRAFT

Robert Garza, City Manager said Mr. Bryce filed a formal complaint and PSU is doing an investigation.

Frank Bryce said I have a series of emails that determine that these are pet cats.

Liz Reed, Manager of Doña Ana County's Constituent Services Office said the countywide Read Across America Celebration was on March 2<sup>nd</sup>. The LCPD, LCPS, and network volunteer center in Las Cruces were partners.

Father Gabriel Rochelle, Member of the Public said I'm on the Bike and Pedestrian Advisory Committee and Velo Cruces, the local bicycle advocacy. We want to commend the City for the progress in improving cycling opportunities and roadways. We achieved the Bronze Level for Bike Friendly Community from the League of American Cyclists. I would like to see the City hire a bike and pedestrian coordinator.

Mayor Miyagishima said the thanks goes to Andy Hume.

Vince Jeffers, Member of the Public said I saw in the newspaper someone grieving by a grave that was attended to by the fire department and this has happened to me twice in the same location.

**IV. ACCEPTANCE OF AGENDA**

1 Mayor Pro-Tem Smith Moved to Approve the agenda as presented and Councillor Eakman Seconded  
2 the motion.

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4 Mayor Miyagishima called for the roll on the Motion to Approve the agenda as presented and it was  
5 Unanimously Approved. 7-0.

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9 **V. CITY COUNCIL MINUTES**

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11 \*(1) Regular City Council Meeting of February 16, 2016

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

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17 \*(2) Resolution No. 16-163: A Resolution Authorizing Beverly Hills Hall to Continue with the  
18 Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within  
19 a Restricted and Secured Area at the Event Sponsored by Crossroads City Derby on April 9,  
20 2016 at Meerscheidt Center, 1600 East Hadley Avenue.

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22 \*(3) Resolution No. 16-164: A Resolution Approving a Memorandum of Agreement Between  
23 the Amador Hotel Foundation, Inc. and the City of Las Cruces for the Restoration of the  
24 Amador Hotel.

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26 \*(4) Resolution No. 16-165: A Resolution Authorizing the City Las Cruces (City), on Behalf of  
27 the Parks & Recreations Department (Parks), to Accept Legislative Appropriation No. 15-  
28 0772 in the Amount of \$40,000.00, Through the New Mexico Department of Finance &  
29 Administration (NMDFA) to Plan, Design, Purchase and Install Plaques at Veterans  
30 Memorial Park in Las Cruces; to Ratify the City Manager’s Signature on the Contract  
31 Agreement; and to Amend the City’s Adopted FY2016 Budget and FY2016 Capital  
32 Improvement Plan (CIP).

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34 \*(5) Resolution No. 16-166: A Resolution Authorizing the City of Las Cruces, on Behalf of Its  
35 Police Department to Accept a Grant Award for a Total Amount of \$151,503.00 from the  
36 New Mexico Department of Transportation, to Ratify the City Manager’s Signature on the  
37 Consolidated Project Agreement, and to Adjust the FY 2016 Budget.

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

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1 (6) Resolution No.16-167: A Resolution to Appoint a Municipal Judge II to Serve Until the  
2 Next General Municipal Election.

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4 Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-167 and Councillor Sorg Seconded  
5 the motion.

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9 William R. Babington, City Attorney said we have a vacancy as Municipal Judge II after Kieran  
10 Ryan ran for Municipal Judge I and won. In December of 2015 per the municipal code, Kent Yalkut  
11 was appointed as an alternate. We convened a board and advertised for candidates to fill the  
12 position. We received five candidates, which were reviewed if they were members of the New  
13 Mexico Bar and lived in the City limits. The candidate appointed would serve until next  
14 November's municipal election.

15

16 Councillor Pedroza said I received two phone calls on this item as to why this process was changed  
17 and by whom.

18

19 Rusty Babington said I believe Judge Ryan was selected 3 years ago and all of Council sat in on  
20 interviews. We had 14 candidates, it took about two days, and then there was some discussion.  
21 There is a school for municipal judges on March 14<sup>th</sup> and is why we did it this way. Mr. Yalkut was  
22 already an alternate judge and that is why we felt he was qualified. He was also once a municipal  
23 judge. The other candidates were attorneys in good standing.

24

25 Councillor Pedroza said I'm not questioning the choice but the process.

26

27 Rusty Babington said the procedure is vague. The charter says the Council may appoint.

28

29 Councillor Pedroza asked was the committee three years ago ad hoc?

30

31 Rusty Babington said there is no procedure so yes.

32

33 Councillor Pedroza said I just want to have consistency.

34

35 Mayor Miyagishima said I think you're right and I share some of the same concerns, but this position  
36 is only going to be for a year and a half. These concerns will be brought up during the reelection  
37 when they'll have to stand on their own.

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39 Councillor Pedroza asked would this be a proper subject for a work session?

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41 Mayor Pro-Tem Smith said I echo some of the same concerns. There was very little information in  
42 the packet as far as qualifications.

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1 Councillor Gandara said I received a call and emails from a concerned who was interested in  
2 applying. I don't believe the process was clear.

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4 Councillor Levatino said I was uncomfortable not knowing about the other candidates but I received  
5 some emails from people supporting this candidate.

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9 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-167 and it was  
10 Unanimously Approved. 7-0.

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14 (7) Resolution No. 15-16-145: A Resolution Awarding a Contract to Infrastructure  
15 Management Services of Tempe, Arizona to Collect Data for the Pavement (City) Assets  
16 within City Right-of-Way, in the Amount of \$592,840.00, Plus \$49,279.83 for Gross  
17 Receipts Tax, for a Total Project Authorization of \$642,119.83.

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19 Mayor Pro-Tem Smith Moved to Approve Resolution No. 15-16-145 and Councillor Gandara  
20 Seconded the motion.

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24 Hector Terrazas, Civil Engineer gave an overhead presentation.

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26 Councillor Sorg asked when was the last time we did this?

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28 Hector Terrazas said in 2011 they surveyed the streets.

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30 Councillor Sorg asked did they do the sidewalks and ADA?

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32 Hector Terrazas said we did and budgeted for it. They collected the information but didn't develop  
33 the database.

34

35 Councillor Sorg said I'm looking for a justification of doing this again.

36

37 Louis Grijalva, Public Works Administrator said when they drove the streets they just took a video.  
38 They didn't compile that data into some sort of a database. They held the data at their office for one  
39 year but we didn't have the money so we opted not to do that.

40

41 Councillor Sorg asked can we not do that in house?

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43 Robert Garza, City Manager said they will document where there are any obstructions and  
44 driveways. We didn't do it the first time because the cost was double.

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2 Councillor Sorg asked does this new system detect the difference between the two?

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4 Louis Grijalva asked are you talking about aesthetics?

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6 Councillor Sorg said how it drives.

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8 Louis Grijalva said yes, it does distinguish between both.

9

10 Councillor Gandara asked have you thought about using this as a communication tool to our  
11 constituents as the priority of serving the streets?

12

13 Louis Grijalva said public works uses this program as a tool. There are still steps that we have to  
14 take from the time the program gives us the list until the project gets started. When we present the  
15 information in the neighborhoods, we present the information on a need basis.

16

17 Councillor Gandara asked are there other companies in New Mexico that have this sort of technique?

18

19 Louis Grijalva said I don't know if another company can do this type of work within New Mexico.  
20 We went with this company because it integrates well with our GIS system.

21

22 Councillor Pedroza asked how far along are we in completing the repairs from the first time?

23

24 Louis Grijalva said we are making great strides in completely what the original report indicated.  
25 Originally we needed \$6 million annually towards this program. Over the last 4-5 years we've  
26 gotten closer to that amount.

27

28 Councillor Eakman asked is there a way to keep this data current?

29

30 Louis Grijalva said keeping it current is up to City staff.

31

32 Robert Garza said we didn't have this depository back in 2011 but we do now so it will be  
33 updated more often. There are still some things staff will not be able to detect so periodically  
34 we'll have to do condition assessments.

35

36 Loretta Reyes, Public Works Director said we were collecting data for our storm drain system  
37 and our GIS analyst was able to be integrated into that project.

38

39 Councillor Eakman said from an economic development standpoint, this is the type of company  
40 we'd like to attract to Las Cruces.

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42 Mayor Pro-Tem Smith said I think it's helpful to us to have a system in place to address this in a  
43 more scientific manner.

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Linda Dallas, Member of the Public said I'd like to know what your process is for what kind of RFP you put out and how a sole source won the bid.

Mayor Miyagishima said we're not putting out a bid.

Linda Dallas asked are you not putting out an RFP?

Mayor Miyagishima said no. A sole source is very rare but the procurement codes in New Mexico allow for us to piggyback off of another City who uses them. If the government can show that this particular company has information that no other company has, it allows us to move in that direction.

Robert Garza said we want to benchmark the data against 2011 and this company is the only one that can do that.

Linda Dallas asked would it not be more cost effective and expeditious to gather with several cities to contract more than one company to provide the same data?

Mayor Miyagishima said we have worked with Doña Ana County on GIS mapping.

Robert Garza said this company does provide services in New Mexico and I'm not sure that there are other companies providing these type of services to any city in New Mexico. There are only three cities in the state that have a computerized pavement management system.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-16-145 and it was Unanimously Approved. 7-0.

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**VIII. BOARD APPOINTMENTS**

Councillor Smith reappointed Susan Pinkerton to the Thomas Branigan Library Advisory Board.

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Councillor Levatino reappointed Susan J. Fletcher to the Thomas Branigan Memorial Library Advisory Board.

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Councillor Gandara reappointed William Stowe to the Planning and Zoning Commission.

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Councillor Eakman reappointed Earl Nissen to the Health and Human Services Advisory Committee.

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Mayor Miyagishima reappointed Tina Hancock to the Health and Human Services Advisory Board.

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Mayor Miyagishima appointed Ross Palmer to the Airport Advisory Board.

Councillor Levatino Moved to Approve Mayor Miyagishima's board appointments of Ross Palmer to the Airport Advisory Board and Councillor Sorg Seconded the motion.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of Ross Palmer to the Airport Advisory Board and it was Unanimously Approved. 7-0.

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Mayor Miyagishima appointed Troy Tudor and reappointed Shelly Sanders to the Affordable Housing Land Bank and Trust Fund Advisory Committee.

Councillor Eakman Moved to Approve Mayor Miyagishima's board appointment of Troy Tudor and reappointment of Shelly Sanders to the Affordable Housing Land Bank and Trust Fund Advisory Committee and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of Troy Tudor and reappointment of Shelly Sanders to the Affordable Housing Land Bank and Trust Fund Advisory Committee and it was Unanimously Approved. 7-0.

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Mayor Miyagishima reappointed W. Ron Camuñez to the Parks and Recreation Advisory Board.

Councillor Levatino Moved to Approve Mayor Miyagishima's board reappointment of W. Ron Camuñez to the Parks and Recreation Advisory Board and Councillor Pedroza Seconded the motion.

1 Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board  
2 reappointment of W. Ron Camuñez to the Parks and Recreation Advisory Board and it was  
3 Unanimously Approved. 7-0.

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

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10 There are none.

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

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16 Mayor Pro-Tem Smith said as chairman of MVRDA we had a ribbon cutting and I would like to  
17 thank everyone here and on the board who helped make this facility come into being.

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21 **XII. GENERAL DISCUSSION**

22

23 a.) Mayor

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25 Mayor Miyagishima said I have a thank you to Daniel Avila and Councillor Levatino from Allan  
26 Lindley who appreciates the new signs on Roadrunner Parkway.

27

28 He read a poem from Maria Hardget Scott thanking Las Cruces.

29

30 He asked Chief Brown are they allowed to eat in the proximity of their fire station as long as they  
31 go with their truck?

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33 Chief Travis Brown said we do allow them to stay within their district and go eat to interact with the  
34 community but it's usually only on the weekends because during the week we have a pretty busy  
35 schedule. Please don't hesitate to refer those to me who have specific questions.

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39 b.) City Council

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41 Mayor Pro-Tem Smith said the impact of Jose Fietze will be felt for a long time especially in youth  
42 services. My condolences to his family.

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Councillor Levatino said in my community meetings I'm getting some concerns about the level of noise along Route 70 so I was wondering if we could ask our staff to do a study of noise abatement techniques and the cost.

Robert Garza said there was an environmental assessment done and noise was one of the environmental impacts identified. There were alternatives including building sound walls but because of the cost it was decided to elevate the corridor. Now we're seeing that wasn't the best idea.

Councillor Levatino asked is there any reason why we should update it?

Robert Garza said the solution would be to contact NMDOT and ask them for a followup environmental assessment. We can bring a resolution to Council to show that we have a concern and are petitioning the state.

Councillor Levatino said I wanted to publically thank staff for taking time to be at the community meetings.

DRAFT

Councillor Eakman said we'll have a district wide meeting for district 4 two weeks from tonight and listen to presentations from our finance department.

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Councillor Pedroza said I'd like to thank Good Sam of Las Cruces because they initiated Project Dignity, which consisted of building showers in restrooms for Community of Hope.

She said there is something on Facebook called Face-to-Face created by some religious leads and a few others to create cooperation and understanding amongst religious and ethnic groups.

She said I also send my condolences to the family of Mr. Fietze.

She said there was a picture in the paper of workers in a chile field so please remember that sometimes they're working for less than minimum wage.

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Councillor Gandara said I want to publically thank Robert Garza and Jamey Rickman for their conversations regarding some concerns from my constituents. I've asked Robert to put out a schedule of the cleaning crews out there.

1 She said I've had many community meetings and have met with the Mira Vista apartment complex.  
2 They brought up the idea of a block party and Jamey and I have talked about it.

3

4 She said I've also extended my meetings to the parent-teacher organizations. I met with Central  
5 Elementary and J. Paul Taylor Academy. They're providing safe opportunities for their kids to cross  
6 the street. They're looking at developing a project for the park there.

7

8 She said Jose Fietze and I were colleagues for a long time and my condolences go out to his staff  
9 and family.

10

11 She said I also met with Kari Bachman from Place Matters. She discussed the concept of time  
12 banking. It builds community trust.

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16 c.) City Manager

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18 Robert Garza said Mark Johnston told me that he will be retiring at the end of April.

19

20 He said we have a closed session following this meeting.

21

22 He said we have a special meeting this Wednesday at 1:30 p.m. to approve bond sales for the VAD.

23

24 He said our budget development process is moving along well. We are avoiding use of our hold  
25 harmless gross receipts tax. We're looking to schedule a work session/public hearing for April 25<sup>th</sup>  
26 with a goal of adoption of the budget on May 2<sup>nd</sup>.

27

28 He said we have road maintenance projects starting at Peachtree Hills and Settler's Pass.

29

30 He said we will be adding a device in the Council Chambers for those presenting to show the  
31 Council documents from the podium.

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35 Councillor Levatino Moved to Adjourn and Mayor Pro-Tem Smith Seconded the motion.

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

38

39 Council said "Aye."

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41 **Meeting Adjourned at 2:42 p.m.**