City Council
of the
City of Las Cruces

Regular Meeting

April 18, 2016
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Robert Garza, City Manager
Councillor Kasandra Gandara, District 1	Rusty Babington, City Attorney
Councillor Greg Smith, District 2	Linda Lewis, City Clerk
Councillor Olga Pedroza, District 3	
Councillor Jack Eakman, District 4	
Councillor Gill Sorg, District 5	
Councillor Ceil Levatino, District 6	

DRAFT

I. OPENING CEREMONIES

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

Jennifer Martinez from PIO presented the Pet of the Week.

Councillor Levatino presented a Proclamation to Marsha Hokkanen and declared Tuesday, April 12, 2016 as Equal Pay Day.

Councillor Levatino presented a Proclamation to Hope E. Harrison and her parents Rachel and Bobby and declared Sunday, April 24, 2016, as Hope E. Harrison Day.

Councillor Levatino presented a Proclamation to Alicia Trujillo's coworkers and declared April 23-29, 2016, as Money Smart Week.

Councillor Levatino presented a Proclamation to Nuffie Hernandez and John Pickett and declared Thursday, April 30, 2016, as Convoy of Hope Day

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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 was none.

III. PUBLIC PARTICIPATION

Andrea Pollock, Member of the Public said I was at a Farmer's Market meeting and it was brought out that Andy Hume and five members ran an emergency meeting. It was a disciplinary committee and it seems like they didn't follow the bylaws.

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Mayor Miyagishima said the Farmer's Market is run independently of the City but the City Manager will look into it.

Andrea Pollock said he was representing the City.

Mayor Miyagishima said we will have the City Manager contact you.

Vincent Jeffers, Member of the Public said two weeks ago there was the condemnation of the Pettes property and it seems like he lost any right to negotiate.

Mayor Miyagishima said Mr. Pettes has been trying to sell his water company to us since 2003. He did a voluntary condemnation and said he agreed with this.

IV. ACCEPTANCE OF AGENDA

Councillor Sorg Moved to Approve the agenda as amended with the removal of item 2 from the consent agenda and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the agenda as amended with the removal of item 2 from the consent agenda and it was Unanimously Approved. 7-0.

V. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of April 4, 2016

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

*(3) Resolution No. 16-198: A Resolution Authorizing the Game Sports Bar & Grill to Continue with the Permitting Process to Provide Alcoholic Beverages within a Restricted and Secured Area Known as the Green Room, in the Branigan Cultural Center During the Las Cruces Country Music Festival, on April 29 and 30, 2016.

*(4) Resolution No. 16-199: A Resolution Authorizing the City of Las Cruces (City), on Behalf of its Parks and Recreation Department (P&R), to Approve a Memorandum of Agreement with the New Mexico Department of Health (NMDOH), Providing Grant Funds in the Amount of $50,000.00 for the Healthy Kids Healthy Communities Initiative; to Ratify the City Manager's Signature on the Memorandum of Agreement; and to Amend the City's Adopted FY2016 Budget.

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*(5) Resolution No. 16-200: A Resolution Approving Roadrunner Transit's Triennial Title VI Program Update.

*(6) Council Bill No. 16-020; Ordinance No. 2779: An Ordinance to Repeal and Replace Chapter 22 (Personnel) of the Las Cruces Municipal Code (LCMC), 1997, As Amended, to Make the City Manager Directly Responsible for Administration of the City of Las Cruces Personnel System.

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

*(2) Resolution No. 16-197: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to the Game Sports Bar & Grill for the Special Dispenser Permit Application Submitted for a Green Room at the Branigan Cultural Center During the Las Cruces Country Music Festival on April 29 and 30, 2016.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-197 and Councillor Sorg Seconded the motion.

Councillor Gandara asked where is the green room in proportion to the museum and what efforts are made to keep the integrity of that building?

Marci Dickerson from the Game Sports Bar & Grill said the green room will be utilized during non-museum hours. We are also using some draping to divide the area and will have staff present. The alcohol provided will be minimal. We will be responsible for any damage.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-197 and it was Unanimously Approved. 7-0.

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(7) Resolution No.16-201: A Resolution to Authorize the City Manager to Execute a Commercial Lease Agreement Between the City of Las Cruces and Las Cruces Community Partners for a Parcel of City-Owned Property Located 200 North Water Street Known as the Camunez Building.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-201 and Councillor Gandara Seconded the motion.

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Councillor Pedroza Moved to Amend Resolution No. 16-201 to change the address to 201 North Water Street and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-201 to change the address to 21 North Water Street and it was Unanimously Approved 7-0

Mayor Pro-Tem Smith asked as the agreement with Community Partners has lapsed will those buildings be excluded in historic preservation?

Robert Garza, City Manager said historic preservation will be included with the Camuñez building.

Eric Martin, Project Management Administrator gave an overhead presentation.

Councillor Gandara asked has the stability of the second floor been corrected?

Eric Martin said all we have done is the asbestos abatement and heating and ventilation that was running across floors.

Councillor Levatino asked what protection does the City have if the business fails?

Robert Garza said most of that will lie in the negotiations. The reason it was set at 20 years is because of the fact that there will be a lot of repairs necessary.

Irene Oliver Lewis, Member of the Public said I was part of the team that went to the State Legislature to get the Camuñez Building as part of the City. The reason it's called the Camuñez Building is because Joseph Camuñez owned the building.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-201 As Amended and it was Unanimously Approved. 7-0.

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(8) Resolution No. 16-202: A Resolution Accepting the City of Las Cruces Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2015.

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Councillor Sorg Moved to Approve Resolution No. 16-202 and Mayor Pro-Tem Smith Seconded the motion.

Ryan Luetkemeyer of Moss Adams gave an overhead presentation.

Councillor Eakman asked is there a standard you recommend for revenues over expenses in utilities?

Ryan Luetkemeyer said we look at percentages of people who don't pay their bill and if it is making too much money.

Mayor Miyagishima said the utilities is separate because it is run as an enterprise zone.

Robert Garza, City Manager said we have a cost of service methodology for setting our utility rates.

Councillor Gandara asked could you go into greater detail about the fire walls?

Ryan Luetkemeyer said the MVRDA building has a firewall that doesn't provide all the necessary safeguards and the City can't do anything about it until they move into another building.

Robert Garza said MVRDA will be moving into the new building within a month and fire walls will be built.

Councillor Gandara asked was there more on the procurement issue?

Ryan Luetkemeyer said there is a procurement policy that says if the City is going to spend money from Federal grants of more than $25,000 that a check be done to make sure the vendor hasn't been suspended.

Councillor Gandara asked can you explain the money for judicial education?

Ryan Luetkemeyer said that fund over expended their budget.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-202 and it was Unanimously Approved. 7-0.

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(9) Resolution No. 16-203: A Resolution to Establish a Strategy for the Development of a Sound Stage in Las Cruces and to Advance the Expansion of the Las Cruces Convention Center.

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Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-203 and Councillor Sorg Seconded the motion.

Loretta Reyes, Public Works Director gave an overhead presentation.

Mayor Pro-Tem Smith said I would like to propose an amendment on the exhibit hall that is specific to the film industry.

Councillor Gandara asked have we done our due diligence in communicating with our legislators about this plan?

Mayor Miyagishima asked was Representative Steinborn the author of this?

Robert Garza, City Manager said there were two appropriations given for film related support that is collectively $1 million. Representative Steinborn was the first person who saw a draft of the document.

Councillor Gandara said I want to make sure we are transparent with the Convention Center staff.

Robert Garza said one of the proposals is to expand the parking. We negotiated with NMSU for more land.

Councillor Gandara asked is that a secure agreement?

Robert Garza said the lease has been approved but designs have not been done.

Councillor Gandara asked where are we at as far as a letter of intent?

Robert Garza said we have put out an RFI especially to studios.

Councillor Gandara said Film Las Cruces is concerned about having the space for the sound stage and convention center.

Robert Garza said the use of the convention center as a sound stage would be short lived. We need to focus on building a stand alone studio.

Councillor Pedroza said I'm confused about the phases.

Loretta Reyes said the first phase would be extending the Las Cruces Convention Center.

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Councillor Pedroza asked do you have a time period for the first phase?

Loretta Reyes said about 12-18 months.

Councillor Pedroza asked where will the money for that phase come from?

Loretta Reyes said it would be our hold harmless.

Councillor Pedroza asked what about the money from the Legislature?

Robert Garza said I'm recommending that we not phase the center.

Councillor Pedroza asked do we have the money to complete that phase?

Robert Garza said yes. The idea is to take the funds we have set aside and move them to fully fund the convention center.

Councillor Pedroza asked would the legislature be okay with us using that money?

Robert Garza said there is support to do that as long as the exhibit hall is built in a way that can be used for shooting films.

Councillor Pedroza asked where will we get more money for phase II?

Robert Garza said phase I is using the Convention Center as a sound stage and phase II is building a stand alone facility somewhere else. I'm suggesting you take money out of the hold harmless fund and earmark for that studio.

Councillor Pedroza asked what was the amendment?

Mayor Pro-Tem Smith said the amendment takes the first article and states that this will be built to the best degree possible to film industry standards.

Councillor Sorg said this is a large chunk of our economic development project. There may be a little problem with parking. I propose simplifying the amendment to say "A new exhibit hall built to film industry standards."

Mayor Miyagishima said in my opinion the ideal situation is to move forward with this resolution. I think it's a speculative risk while the convention center is a calculated risk.

Robert Garza said what we have proposed will not take up more than a quarter of the fund balance. As long as the facility is capable of providing amenities for filming, then we've met their requirements. We are going to expand the parking. Using the language of "building to film industry standards" will require us to do things that might not be used by anybody.

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Councillor Sorg said to allow film to use the space it has to have certain standards.

Councillor Eakman said I think this could be an economic driver for our community. We need to have firm rules for the collocation of the film industry and the convention center.

Councillor Levatino said this is a great economic generator for the area. I'm concerned about moving ahead without a business plan and the time line. I support the amendment. Have we had any RFI responses?

Robert Garza said I don't believe we have.

Councillor Sorg said a business plan will be done in a couple of months. Maybe we could put up something temporary in the parking lot.

Heather Sesmas, Member of the Public said I have to go to Albuquerque to work and I want to stay here.

Irene Oliver Lewis, Member of the Public said I'm the Vice Chair of Film Las Cruces. I feel like we were represented today. Passing this resolution will make you the most innovative Council in the state of New Mexico.

Vincent Jeffers, Member of the Public said you may not have a lot of responses for the RFI because it's not posted correctly. WESST Studio wanted to come to Las Cruces but they ended up going up north.

Mark Medoff, Member of the Public said I appreciate your support on this project. I was asked to work on a movie in Georgia and asked them to come to New Mexico. We found the house we want to shoot but it would be easier to build on a sound stage.

Dan Williams, Member of the Public said I'm the film technician training program instructor at DACC. This semester I've trained eight people capable of working in the industry. If the building is not up to industry specs, it's not going to be rented.

Councillor Sorg asked will this come back for Council approval?

Robert Garza said that is correct.

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Mayor Pro-Tem Smith Moved to Amend Resolution No. 16-203 to amend the end of Article I to remove "capable of providing film related activities" and replace it with "to the fullest degree possible with the resources available built to film industry standards" and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-203 to amend the end of Article I to remove "capable of providing film related activities" and replace it with "to the fullest degree possible with the resources available built to film industry standards" and it was Unanimously Approved. 7-0.

to amend the end of Article I to remove "capable of providing film related activities" and replace it with "to the fullest degree possible with the resources available built to film industry standards"

Mayor Miyagishima called for the roll on the Motion to Approve Resolution 16-203 as amended and it was Unanimously Approved. 7-0.

IX. BOARD APPOINTMENTS

Mayor Miyagishima appointed Karin Davidson to the Affordable Housing Land Bank and Trust Fund Advisory Committee.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's board appointment of Karin Davidson to the Affordable Housing Land Bank and Trust Fund Advisory Committee and Councillor Pedroza Seconded the motion.

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

Mayor Miyagishima appointed Joy Goldbaum, William M. Kinsella, Morgan Lyman, and Paul D. Vaughn as Alternative Municipal Judges.

Councillor Pedroza Moved to Approve Mayor Miyagishima's appointments of Joy Goldbaum, William M. Kinsella, Morgan Lyman, and Paul D. Vaughn as Alternative Municipal Judges and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's appointments of Joy Goldbaum, William M. Kinsella, Morgan Lyman, and Paul D. Vaughn and it was Unanimously Approved. 7-0.

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Mayor Miyagishima reappointed Janet Acosta to the ETZ Commission.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's board reappointment of Janet Acosta to the ETZ Commission and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board reappointment of Janet Acosta to the ETZ Commission and it was Unanimously Approved. 7-0.

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

(10) <u>Council Bill No. 16-022; Ordinance No. 2781:</u> An Ordinance Repealing and Replacing Chapter 39, Outdoor Lighting of the Las Cruces Municipal Code in its Entirety to Correct Typographical Errors, Amend Definitions, Revise Submittal Requirements and Special Lighting Permit Requirements, Clarify Non-Conforming/Grandfathering Provisions and Amend Provisions for Billboard Lighting Options.

Mayor and Council agreed to bring back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said James Hallinan is the Attorney General's communication director and he said they would like to give an update from time to time on what the attorney general office is doing and that they are expanding services down here.

He said we should congratulate LCPS as their high school graduation rate is one of the highest in the state.

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b.) Council

Mayor Pro-Tem Smith said on Friday I attended a meeting with the South Central Council of Governments at Elephant Butte. We're fortunate to be able to provide services that other communities depend on. It is important for us to network at these meetings.

Councillor Levatino said I'm astonished by the support we give to organizations like the Celebrity Waiter event this past Saturday. We raised over $45,000.

Councillor Sorg said Sophia Moore won the State Championship in Girls Tournament of Champions Chess Tournament and will be representing the State of New Mexico for the National Girls Tournament in Indianapolis.

Councillor Eakman said I have nothing today.

Councillor Pedroza said I went to a meeting on community schools by Ngage.

She said I went to the Juvenile Justice Symposium. There were adults who had been in jail as teenagers and have succeeded.

Councillor Gandara said Ngage has helped us write the Century 21 Grant.

She said I think the City needs to do something more on suicide as it is becoming more prominent especially in the schools.

She said I'd like our Health and Human Services Committee to be apart of looking at the prevention and intervention of spice.

She said I want to commend Robert and his staff for their response to a citizen.

She said it is Child Abuse Awareness Month. The governor will be coming on May 5th for the Pull Together Las Cruces Kickoff.

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She said May is Foster Parent Appreciation Month.

Mayor Miyagishima said I can look at convening a task force for the teen suicide issue.

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c.) City Manager

Robert Garza said we have the City's preliminary budget posted on our web page. We have a public hearing next Monday as part of the budget process.

He said next Monday starting at 11 a.m. we are going downtown to look at the plaza and walking through the Camuñez building and Bank of the West building followed by a TIDD board meeting about the Amador. After that is the public hearing and then the work session.

Councillor Levatino Moved to Adjourn and Councillor Eakman Seconded the motion.

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

Council said "Aye."

Meeting Adjourned at 4:29 p.m.