



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

**Regular Meeting**

**May 16, 2011  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1  
Councillor Dolores Connor, District 2  
Councillor Olga Pedroza, District 3  
Councillor Nathan Small, District 4  
Councillor Gill Sorg, District 5  
Councillor Sharon Thomas, District 6

Robert Garza, City Manager  
Harry (Pete) Connelly, City Attorney  
Esther Martinez, City Clerk

**DRAFT**

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**I. OPENING CEREMONIES**

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

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Miyagishima presented the Mayor's Citation for Community Service Award to Daniel Favela, Community Development Department for donating a kidney to his aunt.

Mayor Miyagishima presented a Proclamation to Chief Williams and Randy Maxey and declared May 15 thru May 21, 2011 as Las Cruces Police Week.

Mayor Miyagishima presented a Proclamation to Bill McFarland and declared May 15 thru May 21, 2011 as National Public Works Week.

1 Mayor Miyagishima presented a Proclamation and declared that the Environmental Science Students  
2 of Onate High School be recognized on May 16, 2011 as the Green Knights Environmental  
3 Defenders of Las Cruces.

4

5 Mayor Miyagishima presented a Proclamation from National Park Trust Let's Move City/Towns  
6 Organization of Rockville, MD and declared May 21, 2011 as National Kids to Parks Day.

7

8 Denise LaFrance-Ojinaga gave a presentation on the CLC-TV Student Video PSA Contest and  
9 handed out certificates to the winners.

10

11 Isaac Chavez, CEO of the Las Cruces Association of Realtors gave a presentation of a check for  
12 \$12,500 to the Housing Authority of Las Cruces which will be used to help qualifying applicants  
13 with \$500 interest free micro-loans to be used for security deposits.

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

21

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

23

24 None given.

25

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28 **III. PUBLIC PARTICIPATION**

29

30 Earl Nissen, Member of the Public said I have given Council a hand-out regarding school based  
31 healthcare in Dona Ana County. The centers at Onate and Las Cruces High are very important for  
32 meeting the health needs of our underserved youth in our high schools. The counselors for these  
33 centers are separate from the school nurses so the school based healthcare was seeking federal  
34 support out of the Healthcare Act but they voted down the funding that was going to go to these  
35 centers. I would like to ask Council to please talk to these people about supporting these centers.

36

37 Mayor Miyagishima said I would be happy to give you a letter of support for these centers.

38

39 Rudy Aragon, Member of the Public read from the Bible and said I want to say that the Las Cruces  
40 Fire Department is an outstanding organization and they tell the truth but Memorial, Mountain View  
41 and AMR don't tell the truth and I can prove it. I am a good father and I take care of my son but he  
42 still comes home with bruises.

1

2 Ryan Dailey, Member of the Public said I want to know what the perspective of Council is regarding  
3 immigration reform. I spoke with a staff member and he told me that the operation of the City  
4 Government is like a ship and it can go one way or the other way but I'm sure we will see a big  
5 difference come this November.

6

7 Mayor Miyagishima said to my knowledge, we haven't passed any type of resolution or ordinance  
8 promoting immigration reform.

9

10 Councillor Pedroza said I did host an immigration forum in January and there were experts in that  
11 field that presented facts about immigration simply to inform the public but the City Council was  
12 not asked to take a position on it.

13

14 Rudy Aragon said the Mayor said on April 4<sup>th</sup> "that's not true, I don't block anybody" but I have an  
15 email message dated March 31, 2011 that states "we are unable to deliver your message to  
16 [mayor@las-cruces.com](mailto:mayor@las-cruces.com)."

17

18 Mayor Miyagishima said it might not have gone through because you didn't have the address type  
19 correctly but I did call you and speak with you.

20

21 Rudy Aragon said so you didn't block me.

22

23 Mayor Miyagishima said no, I did not. We are unable to block anyone from our email.

24

25 Ben Widner, Member of the Public said I want to congratulate you on giving recognition to the  
26 bicyclists and being a bike friendly community. There are still issues with Roadrunner Parkway but  
27 the Mayor stated publicly that it was not a priority for the City. There was a child that was hit by a  
28 car at the intersection of Golf Club and Roadrunner and we need to address these issues.

29

30 Mayor Miyagishima said we have budgeted for a permanent traffic signal at that intersection but we  
31 don't have enough funds available right now to do all the work that needs to be done on Roadrunner.

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34

35 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in  
36 Closed Session at 5:07 p.m. on May 2, 2011. The following members were in attendance: Mayor  
37 Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Sorg, Councillor  
38 Thomas, City Attorney Harry (Pete) Connelly, Police Chief Richard Williams, Attorney David Lutz  
39 and Assistant City Manager Brian Denmark. The meeting adjourned at 5:14 p.m. and only the items  
40 listed in the posted notice were discussed which was pending litigation in the matter of Julio LaSanta  
41 v. City of Las Cruces, Third Judicial District Court No. D-307-CV-201001142.

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

Mayor Miyagishima said Item 1 and Item 4 need to be removed from the Consent Agenda for discussion.

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Councillor Connor Moved to approve the Agenda as Amended and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was Unanimously APPROVED. 7-0  
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**V. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

\*(2) Resolution No. 11-219: A Resolution Approving a Home Investment Partnerships Act (HOME) Recoverable Grant Agreement Between the City of Las Cruces and Community Action Agency of Southern New Mexico (CAASN) for the Acquisition and New Construction of Owner-Occupied, Single-Family Affordable Housing Units in Sierra Norte Heights Subdivision, Phase 1.

\*(3) Resolution No. 11-220: A Resolution Approving a Home Investment Partnerships Act (HOME) Recoverable Grant Agreement Between the City of Las Cruces and Mesilla Valley Habitat for Humanity (MVHFH) for the Acquisition and New Construction of Owner-Occupied, Single-Family Affordable Housing Units in the Paseo Del Oro Subdivision, Phase 1.

\*(5) Resolution No. 11-222: A Resolution Authorizing Change Order Number One for the Del Rey Boulevard/Sandhill Arroyo Crossing Project, City of Las Cruces Project No. 09-10-429, New Mexico Department of Transportation Project No. ECO-5557(1) CN: ES11230 to Increase the Contract Time By Thirty-One (31) Days.

\*(6) Resolution No. 10-11-492: A Resolution Awarding an Indefinite Cost, Indefinite Quantity Price Agreement for Financial Advisor Services to RBC Capital Markets, LLC of

1 Albuquerque, NM., for a Term of Up to Five (5) Years Conditioned Upon Annual Renewals,  
2 the Sale of Bonds, the Availability of Bond Proceeds and Approved Budgets.

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6 **VI. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

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8 \*(1) Resolution No. 11-218: A Resolution Approving the Five-Year Capital Improvement  
9 Program as Required by the New Mexico Department of Finance and Administration for the  
10 2012 Legislative Session for the City of Las Cruces, New Mexico for Fiscal Years 2012/2013  
11 Through 2016/2017.

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13 Councillor Small Moved to Adopt Resolution No. 11-218 and Councillor Thomas Seconded the  
14 motion.

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**DRAFT**

18 Councillor Thomas said I would like to have a short presentation on this item.

20 Eric Martin, Project Management Administrator gave an overhead presentation and said the  
21 Infrastructure Capital Improvement Program for the Facilities Department is made up of three  
22 departments, the Airport, Facilities and Park Recreation which have a total of twenty-five projects  
23 at a cost of approximately \$20 million. There are three projects for the Airport which are the Air  
24 Traffic Control Tower Phase I, Fuel Farm Upgrade, and the Taxiway "A" Reconstruction. The  
25 Facilities Department Capital Projects are the HVAC Renovation for the Animal Services Center,  
26 the automated bus wash for Transit, the East Side Public Safety Complex, Training Center for Fire  
27 Station 7, the Museum of Nature and Science, the Transit Intermodal Center and the Transit  
28 Operations and Maintenance Facility. The Facilities Department Capital Renewals are general  
29 facilities rehabilitation, HVAC replacement for the La Casa Shelter, the Safety, Health, Environment,  
30 Emergency, the Sinking Fund, upgrade the Transit Maintenance Facility and maintenance and  
31 upgrade for the Transit Service Building. The Parks and Recreation projects are grandstand repairs  
32 for Apodaca Park, Design and Construction of Burn Lake and Esslinger Park, Legends West Phase  
33 II, North Alameda Arroyo Trail, North Las Cruces Park Phase II, Parks and Recreation Master Plan,  
34 design and construction of Paseo de Onate Park, Outfall Channel Trail and the design and  
35 construction of Twin Parks. The proposed projects for the sinking fund are the Sage Café, lighting  
36 for Burn Lake, lighting retrofit, HVAC for the Police Department, roof repair, parking lot  
37 rehabilitation and general building repair.

38  
39 Councillor Sorg said regarding the North Las Cruces Park, Exhibit A of the packet shows no funding  
40 for the next five years but in your presentation you stated that there is going to be funding for it. Can  
41 you explain that for us?

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1 Eric Martin said the numbers we addressed in the presentation include any carryover for projects in  
2 the upcoming year. We have already placed the order for the play equipment and are expecting it to  
3 be delivered any day now. Depending on when we think a project may or may not be completed, we  
4 may have carryover funding for the next year.

5

6 Councillor Sorg said I also didn't see any funding for the Twin Parks in Exhibit A of the packet.

7

8 Eric Martin said what is shown in Exhibit A is starting with Fiscal Year 2013.

9

10 Councillor Silva said I think it would be helpful if you could provide us with a general synopsis of  
11 the source, what percent is grants, what percent is bonds, and what percent is coming out of the  
12 general fund.

13

14 Mike Johnson, Public Works Director gave an overhead presentation and said the projects for Streets  
15 include the El Molino Phase V, Jefferson Phase II, Main Street improvements, South Main Street  
16 reconstruction, Union Avenue/Stern Drive Intersection improvements, Midway, Amador Avenue  
17 improvements from 17<sup>th</sup> Street to Motel Boulevard, El Paseo/Idaho Intersection improvements,  
18 South Main Street Plaza Phase II, El Paseo/Idaho Median improvements, Sonoma Ranch Boulevard  
19 from Ross Court to Las Colinas Drive, South Extension of Sonoma Ranch Boulevard, general  
20 overlay, sealing and sidewalks/ADA repairs. Drainage Projects include El Molino Phase V, Jefferson  
21 Phase II, Sandhill Arroyo improvements, Calais Drainage Channel, Main Street improvements,  
22 South Main Street reconstruction, Midway, Amador Avenue improvements from 17<sup>th</sup> Street to Motel  
23 Boulevard, El Paseo/Idaho Intersection improvements, Mission Santa Clara Drainage improvements,  
24 Engler Road drainage system, Calico Central Drainage Channel, South Main Street Plaza Phase II,  
25 Las Cruces Dam Environmental Restoration ACOE and flood control infrastructure and land  
26 acquisition.

27

28 Councillor Pedroza said there is a section of a street that doesn't have any lights; is some of the  
29 money going toward those types of projects?

30

31 Mike Johnson said the retrofitting of lights project is referring to the last phase of the City and El  
32 Paso Electric street light conversion project but that project isn't currently funded. We need  
33 approximately \$2 million to move that project forward and complete it.

34

35 Jorge Garcia, Utilities Director gave an overhead presentation and said the highlights of the Utility  
36 CIP are the completion of master planned gas, water and wastewater projects, address projected  
37 rehabilitation needs, and no new debt issuance or impact to utilities rates for existing project funding.  
38 We need to continue to develop the necessary gas and water supply infrastructure to meet growing  
39 demands, complete projects that will provide wastewater and reclaimed water capacity to meet  
40 growth needs and continue to provide level of funding for rehabilitation of a utility infrastructure.

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1 Councillor Sorg said the line is blank for the septic tank high priority line, does that mean we have  
2 no plans for 2012?

3

4 Jorge Garcia said the high priority was part of the top thirty projects set by Council and when you  
5 prioritized them, the septic retrofits didn't make the list but we are continuing with the design, we  
6 just don't have the funds for the construction.

7

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10 Mayor Pro-tem Thomas called for the roll on the Motion to Adopt Resolution No. 11-218 and it was  
11 APPROVED. 6-0 Mayor Miyagishima was Absent.

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15 \*(4) Resolution No. 11-221: A Resolution Amending and Approving the Current Fee Schedule  
16 for Fire Inspection Permits.

17

18 Councillor Small Moved to Adopt Resolution No. 11-221 and Councillor Sorg Seconded the motion.

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22 Steve Mims, Fire Marshal gave an overhead presentation and said Resolution 98-382 was approved  
23 on June 1, 1998 and it established the Fire Department Fees for inspections on fire sprinklers, fire  
24 suppression for cooking operations and alarm systems. These fees have not been updated in thirteen  
25 years. The plan review process is the plans are submitted by an engineer, architect, contractor or  
26 owner, we ensure the plans are designed/engineered in compliance with the 2006 IFC and other  
27 applicable standards, we review the technical aspect of each system and review the component  
28 compliance for each system. We are requesting new fees as outlined in Exhibit A for tenant  
29 improvement, specialty system fees which include chemical, dry, foam, and pre-action and fire pump  
30 fees which include electric and diesel.

31

32 Councillor Connor asked what is the difference with going out to a new site verses a remodeled site?

33

34 Steve Mims said on remodeled sites, we have to research the old system and see if it is feasible to  
35 use the existing system with some modifications or if the old system isn't appropriate and must be  
36 replaced. The new fees would be the same for the inspection of a new system or an existing system.

37

38 Councillor Silva said some of these fees are greatly increased. Have you had any public meetings  
39 to get the public's input on this?

40

41 Steve Mims said no.

42

1 Councillor Silva said I would feel more comfortable if we got feedback from the public regarding  
2 this issue so I think we should table it.

3

4 Councillor Connor said we always have meetings with the stakeholders regarding these types of  
5 issues and I think we should do it for this issue as well.

6

7 Councillor Small said there does need to be some public outreach for this issue and I also think there  
8 needs to be a timeline created to make the process more efficient so when people send in plans, they  
9 get turned around as soon as possible.

10

11 Councillor Thomas said I agree that there needs to be a change and I also agree that we do need to  
12 get input from the public.

13

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15

16 Councillor Silva Moved to Table Resolution No. 11-221 to July 18, 2011 and Councillor Small  
17 Seconded the motion.

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21 Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 11-221 to July 18,  
22 2011 and it was Unanimously APPROVED. 7-0

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26 (7) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-223;**  
27 **A PUBLIC HEARING MUST BE HELD:**

28

29 Mayor Miyagishima said the Public Hearing for Resolution No. 11-223 is now open.

30

31

32

33 Steve Mims, Fire Marshal gave an overhead presentation and said this restriction is for where you  
34 can use fireworks, you will still be able to use the same type of fireworks that were allowed last year.  
35 The effects of the current drought conditions are the increased risk of fire and the effect it will have  
36 with our water supply.

37

38 Jorge Garcia, Utilities Director said regarding the water supply, we have about twenty-seven deep  
39 wells that supply the city so the drought impact is not immediate but more over a long term for  
40 recharge. Water conservation is even more important now because this drought could continue for  
41 another year or so.

42

1 Steve Mims continued with the overhead presentation and said according to the US Drought Map  
2 which is used by the National Weather Service, the region incorporating Las Cruces is currently in  
3 extreme drought and according to the US Forest Service and the State Forester, state wide  
4 restrictions, to include fireworks, have been imposed due to the drought conditions. The proposed  
5 restriction is that the use of permissible fireworks is limited to those areas that are paved, barren, or  
6 have a readily accessible source of water.

7

8 Councillor Silva said fireworks are banned outside the city limits; correct?

9

10 Steve Mims said the County has the same Safe and Sane Ordinance that we do but I'm not sure what  
11 the position is of areas like Hatch and Anthony. Mesilla has also passed some restrictions but I'm  
12 not sure of the exact language they used.

13

14 Councillor Silva asked do we require vendors to hand out this information to people buying  
15 fireworks?

16

17 Steve Mims said no.

18

19 Councillor Silva asked would we have to change the ordinance to require people be informed?

20

21 Harry (Pete) Connelly, City Attorney said a requirement for the City to notify each individual might  
22 be beyond our capability. PIO could do various public information things to let the public know  
23 about this restriction but I don't think we can put in our ordinance that we have to notify everyone.

24

25 Steve Mims said as part of the permitting process, there is certain signage that has to be up at the  
26 vendor's stands which states there are firework restrictions in place.

27

28 Councillor Connor asked can't we have our PIO office print out a bunch of cards with the restriction  
29 information and have the vendors put a card in each of the bags?

30

31 Robert Garza, City Manager said that is a possibility but there would be a cost and it involves other  
32 people's businesses so I'm not sure that would be best. I think if we advise them of their  
33 responsibilities of posting notices and advising their customers of the restrictions as they get their  
34 permits that would be a lower risk.

35

36 Councillor Connor asked can you forward to Council what Mesilla has passed regarding their rules?

37

38 Councillor Small said I have some concerns with printing out something for every customer but there  
39 clearly needs to be some kind of an increase in efforts to let people know.

40

41 Councillor Pedroza said I do think we need to get the word out but it could be done through  
42 television and I'm sure there will be something printed out in the newspaper.

1

2 Jim Harbison, Member of the Public said I support this resolution but you need to remember that not  
3 everyone has cable TV so don't only rely on your channel as a means of notification.

4

5 Ryan Dailey, Member of the Public asked is this going to affect the Fourth of July events and what  
6 are the consequences if someone gets caught breaking these regulations? I do think the best way to  
7 promote this is by television, email and the newspaper.

8

9 Mayor Miyagishima said it won't affect the Fourth of July events.

10

11 Steve Mims said the penalties fall inline with the Municipal Code. It is a misdemeanor with a  
12 potential ninety days in jail and a fine could be imposed. We aren't trying to put people in jail or fine  
13 them, we're trying to educate people of the hazzards with fireworks.

14

15 Jimmy Nevarez, Member of the Public said I'm with Planet Fireworks and we are in support of this  
16 proclamation. I would like to know if the Fire Marshal could send us a copy of the suggested poster  
17 that we could put up in our locations before the season starts? We would encourage you to pass this  
18 resolution.

19

20

21

22 Mayor Miyagishima closed the Public Hearing for Resolution No. 11-223.

23

24 Resolution No. 11-223: A Resolution Authorizing the Issuance of a Proclamation Declaring  
25 Extreme or Severe Drought Conditions Within the City Limits and Imposing Restrictions on  
26 the Use of Fireworks Within the City Limits.

27

28 Councillor Connor Moved to Adopt Resolution No. 11-223 and Councillor Sorg Seconded the  
29 motion.

30

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33 Councillor Silva said I think we should amend this to read "and have a readily available water  
34 source" instead of "or have a readily available water source."

35

36 Steve Mims, Fire Marshal said the wording of this is straight out of the State law and it is specific  
37 on what you can and cannot require from a legal stand point.

38

39 Councillor Silva said I just wanted to make sure there was a water source available.

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1 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-223 and it was  
2 Unanimously APPROVED. 7-0

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6 (8) Resolution No. 11-224: A Resolution to Support a Community Unity Coalition to Eliminate  
7 Bullying Throughout the Las Cruces Public School District and in Each Community and  
8 Neighborhood Where Children May be Subject to Ridicule and Harassment.

9

10 Councillor Small Moved to Adopt Resolution No. 11-224 and Councillor Sorg Seconded the motion.

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14 Chief Williams, LCPD gave an overhead presentation and said according to the U.S. Department of  
15 Justice, chronic bullying is suffered by elementary age children most and diminishes as the child  
16 moves up through grades. Victims of bullying often suffer humiliation, insecurity, and a loss of self  
17 esteem, and they may develop a fear of going to school. The Anti-Bullying Resolution is proposed  
18 to join the Dona Ana County Commission and other community organizations in support of the  
19 Community Unity Coalition. The Community Unity Coalition is a panel of community leaders who  
20 will outline their respective views on the issue and how the community can best act to stop bullying  
21 against children.

22

23 Commissioner Krahling said I had a community forum back in November regarding bullying in Las  
24 Cruces and after some discussion we concluded that this is a very complex issue. We decided to  
25 create a coalition to try to come up with some ideas on how we can try to reduce bullying and  
26 network with other organizations that are also working on this issue. The County has already passed  
27 a similar resolution and now we are asking for your support.

28

29 Councillor Sorg said I am very familiar with this subject myself, both personally and otherwise. I did  
30 substitute teaching and there were several occasions that I had to step in and stop the bullying.

31

32 Councillor Pedroza asked what are you asking City Council to do?

33

34 Chief Williams said we are asking for you to support this resolution which will show support for this  
35 type of organization and the reduction of bullying.

36

37 Commissioner Krahling said we are planning on presenting a presentation on what they come up  
38 with for some suggested solutions.

39

40 Mayor Miyagishima said this coalition will be working with other organizations in getting the  
41 information regarding bullying problems out to the public.

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2 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-224 and it was  
3 Unanimously APPROVED. 7-0

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7 Councillor Connor Moved for a Five Minute Recess and Councillor Sorg Seconded the motion.

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11 Mayor Miyagishima said all those in favor for a Five Minute Recess say Aye.

12  
13 Council replied Aye.

14  
15 The Meeting Recessed at approximately 3:50 p.m. and Reconvened at approximately 4:00 p.m.

DRAFT

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18  
19 (9) Resolution No. 11-225: A Resolution Adopting Funding Priorities and Allocations to  
20 Various Las Cruces Non-Profit Organizations for Fiscal Year 2012 to Provide Health-  
21 Related Public Services Needs and Authorizing the Incorporation of the Funding Amounts  
22 Into the City's Fiscal Year 2012 Budget. The Resolution Further Authorizes the  
23 Development of Purchased Services Agreements With Each Non-Profit Organization and for  
24 the Assistant City Manager to Execute the Agreements on the City's Behalf.

25  
26 Councillor Connor Moved to Adopt Resolution No. 11-225 and Councillor Small Seconded the  
27 motion.

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30  
31 David Dollahon, Neighborhood Services Director gave an overhead presentation and said there is  
32 \$300,000 in total funding allocations and fourteen non-profit agencies were recommended for  
33 funding by the Health and Human Services Advisory Committee on April 27, 2011. The funding  
34 provides support services to the homeless, disabled, low-income, battered spouses, abused and  
35 neglected children and community health education programs.

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39 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-225 and it was  
40 Unanimously APPROVED. 7-0

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1 (10) Resolution No. 11-226: A Resolution Adopting the Municipal Budget for Fiscal Year  
2 2011/2012 for the City of Las Cruces, New Mexico.

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4 Councillor Connor Moved to Adopt Resolution No. 11-226 and Councillor Sorg Seconded the  
5 motion.

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9 Dick Gebhart, Budget Director gave an overhead presentation and said the economic outlook for the  
10 US economy is there has been a moderate recovery, stable but higher energy prices, slowly declining  
11 unemployment and the housing market remains weak. The economic outlook for Las Cruces  
12 continues to out perform state job creation, there is a strength in health care and tourism,  
13 construction remains weak and the government employment is flat in all sectors. The revenue picture  
14 for FY12 is the gross receipts tax recovery is moderated by completion of public sector projects and  
15 there are Legislative changes regarding administrative charges. Regarding property taxes, there is  
16 slow growth in residential taxable value and there is a negative change in nonresidential taxable  
17 value. The sources of available funds for FY12 is FY11 actual spending was under budget, the  
18 revenue outlook is slightly improved, there have been seventeen vacant positions that were  
19 eliminated and 27% of the AMR was converted to permanent changes. The City Manager's FY12  
20 Budget maintains fiscally conservative stance, begins rebuilding replacement and repair capacity,  
21 invests in City employees, no layoffs or furloughs, there are fund reserves, begins revamping City  
22 staffing to meet current needs and converts past temporary spending reductions into permanent  
23 changes.

24

25 Councillor Connor said on page 235 it states there is \$513,000 toward merit increases for non-  
26 represented employees, how many employees are in the non-represented group?

27

28 Dick Gebhart said there is approximately 430 employees and the \$513,000 represents on an average  
29 about 2.6%.

30

31 Councillor Connor asked when was the last time those employees had a merit increase?

32

33 Dick Gebhart said last year it was 1.6% and the previous year it was zero.

34

35 Councillor Connor asked are we expecting a change in the workman's comp?

36

37 Dick Gebhart said right now we aren't anticipating a great change but there are items that I think we  
38 will have to address in the future.

39

40 Councillor Sorg said how many of the employees are going to get an increase?

41

42 Robert Garza, City Manager said this isn't going to be across the board, none of the executive staff  
43 are eligible for any of the increase. The employee's increase will be based upon their performance.

1  
2 Councillor Pedroza said I'm not a budget person but I felt very comfortable with this budget. I  
3 attended a meeting and there were issues with the County and the Union regarding pay raises for the  
4 represented workers so I would caution us to not get ourselves into that type of conflict.

5  
6 Robert Garza said we do have three Unions and we have ongoing negotiations with them. We do  
7 negotiate with them in good faith and in a very transparent way.

8  
9 Mayor Miyagishima said there have been times in the past when represented workers received an  
10 increase but the non-represented employees didn't receive anything.

11  
12 -----  
13  
14 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-226 and it was  
15 Unanimously APPROVED. 7-0

DRAFT

16  
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18  
19 **VII. BOARD APPOINTMENTS**

20  
21 Mayor Miyagishima appointed John S. Townsend to the Extra-Territorial Zoning Commission.

22  
23 -----  
24  
25 Councillor Small Moved to Approve the Mayor's Board Appointment of John S. Townsend to the  
26 Extra-Territorial Zoning Commission and Councillor Thomas Seconded the motion.

27  
28 -----  
29  
30 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment  
31 of John S. Townsend to the Extra-Territorial Zoning Commission and it was Unanimously  
32 APPROVED. 7-0

33  
34 -----  
35  
36 **VIII. REVIEW OF PROPOSED ORDINANCE(S)**

37  
38 (11) Council Bill No. 11-038; Ordinance No. 2618: An Ordinance Authorizing the Issuance and  
39 Sale of the City of Las Cruces, New Mexico State Shared Gross Receipts Tax Improvement  
40 Revenue Bonds, Series 2011A, in an Aggregate Principal Amount of \$10,000,000 for the  
41 Purposes of Paying Costs of \_\_\_\_\_ Improvements; Providing That the Bonds Will  
42 Be Payable and Collectible from the Pledged State Shared Gross Receipts Tax Revenues  
43 Distributed to the City; Approving Certain Other Agreements and Documents in Connection



1 Chief Williams said I am confident that our patrol officers can easily meet these performance  
2 standards. I have given everyone on Council a copy of the first draft of these plans and I think the  
3 newspaper misrepresented the plans in their article.

4

5

6

7           2.           **CITY COUNCIL**

8

9 Councillor Thomas said I think we were all at the Reading Foundation kick-off this past week and  
10 I talked to Terry Miller and Senator Fishman in Albuquerque and they have this Books on the Bus  
11 program. I would like for us to look into the City contributing to the Reading Foundation.

12

13 Last week I had a few conversations about Council appointed boards and what they are suppose to  
14 do or not do and I would like for us to look into providing some guidelines because I don't think it  
15 has been very clear due to some of the things that transpired last week.

16

17 Robert Garza, City Manager said we do have a board ordinance and that board ordinance delineates  
18 what boards are suppose to do and how they are suppose to act and how they communicate on behalf  
19 of the board and that language is very clear and very specific. I think as we move forward we can  
20 simply make sure that the board ordinance is part of any resolution used to create an ad-hoc  
21 committee and on the first day, I need to hand those rules to the board members so they know what  
22 they are expected to do.

23

24 Councillor Thomas said I think we just need to make sure that as part of the directions given to the  
25 group include that ordinance.

26

27 We had some issues about recycling; I put this in my weekly newsletter and I just want to say that  
28 the increase for curbside recycling was \$2.59, if it looked like \$5.62 on your bill that's because they  
29 didn't have an extra line to put in curbside recycling so they added it to the other recycling but it was  
30 actually \$2.59.

31

32 I went to a very interesting meeting last week about work that is being done on a Little Dam Arroyo  
33 and Patrick Peck is working with some other groups and they've come up with this plan to use these  
34 tire pads along the side of the arroyo to hopefully keep the water from washing out the side of the  
35 arroyo. They are probably going to be starting this next week and I'm probably going to go out and  
36 watch how they do it because it sounds very unique and interesting.

37

38 El Paso Electric is having a community meeting this week and they are looking for comments on  
39 their inter-graded resource plan, it's Wednesday at ten o'clock and it's at 555 Compress.

40

41

42

1 Councillor Sorg passed.

2

3

4

5 Councillor Small said I want to thank Karmela Espinoza and Dan Soriano for their work over on  
6 Daffodil Lane. We're going to be following up but they were able to complete the traffic study.

7

8 I want to thank Chief Williams and Alma Cortez and others within the Police Department for quickly  
9 following up on some graffiti issues that created a big issue, that were taken care of very quickly.

10

11 I would compliment Senator Fishman, Governor Martinez and the local Chamber of Commerce for  
12 putting together the Reading Foundation.

13

14

15

16 Councillor Pedroza said I enjoyed the Reading Foundation and I got to pick my school which was  
17 Conlee and I had a lot of fun with the children.

18

19 I want to thank the Neighborhood Association in District 3 for having their second annual block  
20 party.

21

22 I heard a comment about park attendance being down and I would encourage parents to take their  
23 kids to the parks. The Annual Candlelight event which is to remember people who have or have died  
24 from HIV was held at Young Park last night and the entire park was full of people who were not only  
25 attending this event but also having picnics and doing other things.

26

27 I want to congratulate all the Sierra Middle School students that participated in the PSA contest.

28

29

30

31 Councillor Connor said I want to thank Mike Johnson for his patience regarding the Mesilla Park  
32 development of the underground ditch and for all the work that has been done over the past four or  
33 five years. The project has now been completed and it has opened up more parking at the Mesilla  
34 Park Community Center.

35

36 I need to see if the striping at Fire Station No. 4 can be done; the part that reads "stay clear" of the  
37 fire trucks that are pulling out onto Missouri. It is very faded and hard to see.

38

39 There has been a lot of conversations regarding the redistricting and I'm not sure if the plan I  
40 previous chose is the most beneficial map.

41

1 I found out that Adventure Aviation has not renewed their lease at the airport and I think that is very  
2 unfortunate.

3

4 Councillor Sorg said they are taking bids for new tenants at the airport.

5

6 Brian Denmark, Assistant City Manager said staff has already submitted a Bid of Interest to  
7 determine if another fixed based operator would be interested in operating at the airport.

8

9 Councillor Connor said I think it is very important that this Council be informed when those types  
10 of things happen.

11

12 Robert Garza, City Manager said I wasn't aware of that either and I agree that we should all be  
13 informed of those types of things.

14

15 Councillor Connor said I was contacted by someone in District 6 of a street in a new subdivision that  
16 had been completed three years ago but the light poles have never been installed. Mike Johnson went  
17 out to the site and found out that it is the City's responsibility to put the poles up once it is turned  
18 over to the City so he got them installed.

19

20 Robert Garza said we usually don't install the poles until there is enough density in the subdivision.

21

22 Councillor Connor said it would be nice if resolutions passed by the County or Mesilla are included  
23 in resolutions before us that are similar to theirs so we know what they've already passed.

24

25 Councillor Connor said I would like to have an update on the top ten red-light camera violators.

26

27 Chief Williams, LCPD said we are planning on moving forward with immobilizing vehicles and we  
28 are currently compiling a list of the top offenders.

29

30 Councillor Connor said I would appreciate it if you keep us updated on that situation.

31

32

33

34 Councillor Silva said I want to clear up the record, both Councillor Small and myself ride our  
35 bicycles to work.

36

37 The historic signs are bent on the corner of Texas and Tornillo so we need to take a look at them.

38

39 We haven't followed up on the issue of a consensus to discuss items on the ballot. I suggested that  
40 we include Councillor terms and the creation of a committee for the assessment of items brought  
41 before us.

42

1 Mayor Miyagishima said I don't think there was a consensus from Council the last time you brought  
2 up that suggestion. Is there a consensus from Council to have a work session to discuss items that  
3 might be included on the ballot?

4

5 Councillor Connor said I wanted to include an item regarding the Country Club.

6

7 Councillor Thomas said I think it would be fine to have a discussion regarding these issues.

8

9 Mayor Miyagishima said usually a Councillor puts something in writing for us to review and then  
10 decided if we want a work session. I don't know if want to have a work session to just discuss if  
11 there are any items that we want to put on the ballot.

12

13 Councillor Silva said I can submit something in writing.

14

15 Mayor Miyagishima said that would be great.

16

17 Councillor Silva said Las Esperanza has the Entrada del Sol on Hadley Street and it is a great  
18 monument for the historic district.

19

20 I would like to congratulate all the kids that participated in the PSA.

21

22 This past Saturday we had the unveiling of the Mesquite Street section for the Onate Trail.

23

24 I want to send out some positive energy and prayers to Steve Ramirez with the Sun News because  
25 he is in the hospital.

26

27 -----

28

29 Mayor Miyagishima said I want to mention that the Mayor's Gala is on Friday night.

30

31 I want to thank Councillor Connor and staff for the Information Event that was held at Las Cruces  
32 High School. I was extremely impressed by all the different departments and all the information that  
33 was made available.

34

35 Councillor Connor said I received a suggestion that we should have an information event here in City  
36 Hall and every department could have its own booth.

37

38 -----

39

40 Councillor Small left the meeting at approximately 5:30 p.m.

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42 -----

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- 3. **CITY MANAGER**
- A. Other items - Information Only.

Robert Garza, City Manager said we are planning on having a joint meeting with the County Commissioners on June 23, 2011 at 1:00 p.m. We are also in the process of trying to schedule a date for a closed meeting with the City and the County as a follow up of our Superfund discussion.

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**Meeting Adjourned at 5:35 p.m.**

**DRAFT**