



City Council
of the
City of Las Cruces

Regular Meeting

July 18, 2011
1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 Councillor Sharon Thomas, District 6

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

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Small 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.

Steve Newby gave a presentation regarding the Downtown Las Cruces Partnership.

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

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

1 None given.

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5 **III. PUBLIC PARTICIPATION**

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7 Leo Miranda, Member of the Public handed the City Clerk signed petitions and said we need a one-
8 stop V.A. hospital; there are 724 signatures on the petition and there is more on the way. We need
9 to support our troops while they are over there fighting or now that they are Veterans.

10

11 Steven Cohn, Member of the Public said I helped gather signatures for this petition and it was
12 directed to Veterans and their families, not the general public. Veterans move here and they're
13 shocked when they find out that we don't have a V.A. hospital here so they have to go to El Paso.

14

15 James (Jimmy) Jaramillo, Member of the Public said several of the leases for buildings that currently
16 house Veteran services are coming up soon so the old hospital would be an ideal location for a lot
17 of these services.

18

19 Mayor Miyagishima said we could start working on a resolution to send up to the U.S. Department
20 of Veterans Affairs to let them know that we'd like to have a V.A. hospital here in Las Cruces. We
21 can also arrange for you to take a tour of the old hospital so you can actually see the condition that
22 the building is in and you'd see how difficult it would be. It would be more beneficial for us to try
23 to get a new building for a full service V.A. hospital.

24

25 Fredrick Swenson, Member of the Public said I am a full-time student at the Dona Ana Branch
26 Community College and I'd like to know if they were requesting a Veterans hospital or a facility that
27 also handles administrative issues?

28

29 Leo Miranda said we are asking for everything; a one-stop facility.

30

31 Fredrick Swenson said I'd like to thank the City's Roadrunner Bus for having free transportation
32 from the mall to the East Mesa Branch because it helps many of us to attend the classes that are only
33 offered at that campus. There have been times when the bus hasn't been reliable and I was told that
34 it was due to the lack of staff so I'm asking you to take a look at that situation.

35

36 Mayor Miyagishima said maybe we could have comment cards available so residents can give us
37 suggestions on how we can improve our bus service.

38

39 Lori Grumet, Public Services Administrator said we do have comment cards available on all our
40 vehicles and we do encourage members of the public to use them.

41

1 Russ Warner, Member of the Public said there was an article in the Sun News and a Codes Officer
2 referred to shopping carts as trash but they are not trash and they should not be allowed in our
3 landfills. Those carts should be returned to the owner or recycled, not just thrown away.

4

5 Robert Garza, City Manager said we don't have a written policy for shopping carts but if that kind
6 of action is taking place I will see that it is ceased. We can try to find the owners but we can't be in
7 the delivery business because that would become very costly and time consuming.

8

9 Leroy Lozier, Member of the Public said regarding us trying to put the old hospital on the National
10 Historic Register as a historic building, I'd like to remind you that just across the street from this
11 building is the old County Courthouse which is currently being restored. There was a member of
12 Council that stated the old hospital building is ugly and it should be torn down but I want to remind
13 you that building is one of the most structurally sound buildings in Las Cruces.

14

15 Lola Lestrick, Member of the Public said I'm the President of the Dona Ana NAACP and we are
16 coordinating a summer jobs program for youth. I would like to ask Council and the community at
17 large to give us some help by creating jobs or creating something for our youth to do.

18

19 Mayor Miyagishima asked who would employers pay?

20

21 Lola Lestrick said they would pay the youth and we are asking that they start off paying them at least
22 minimum wage.

23

24 Eddie Gray, Member of the Public said I support the Veterans regarding the building and I would
25 like to go on the tour to see if the building is still structurally stable.

26

27 Ryan Dailey, Member of the Public said regarding the item for pay increases for administration, I
28 thought there would be more discussion on it because I think they do a good job but they are already
29 making enough money. How do the officers feel about this? I was wondering if there were pay
30 increases for officers prior to this, since they are the first responders or firefighters.

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

37

38 Mayor Miyagishima said Items 1 and 7 need to be removed from the Consent Agenda for discussion.

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Regular Meeting
July 18, 2011

Page 4

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

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6 Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was
7 Unanimously APPROVED. 7-0

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11 **V. CITY COUNCIL MINUTES**

12

13 *(1) Regular Meeting of July 5, 2011

14

15 Taken off consent for discussion.

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19 **VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

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21 *(2) Resolution No. 12-009: A Resolution Authorizing the City Manager to Execute a Contract
22 with Doña Ana County for Rental of Voting Machines and Election Services for Use in
23 Municipal Elections for a Three (3) Year Period.

24

25 *(3) Resolution No. 12-010: A Resolution Authorizing the City of Las Cruces Police Department
26 to Accept Various Emergency Preparedness Equipment Valued at \$43,230.66 Pursuant to
27 a Grant Funded by the United States Department of Homeland Security, Office of State and
28 Local Government Coordination and Preparedness Through the New Mexico Department
29 of Public Safety, Office of Emergency Management and the Doña Ana County / City of Las
30 Cruces Office of Emergency Management for FY 2007 Grant.

31

32 *(4) Resolution No. 12-011: A Resolution Approving Amending the Pay Tables for Police
33 Sergeants, Lieutenants, and Deputy Chiefs and Fire Battalion Chiefs and Deputy Chiefs.

34

35 *(5) Resolution No. 12-012: A Resolution Authorizing the City of Las Cruces to Accept a Grant
36 Award in the Amount of \$791,896.00 From the Office of National Drug Control Policy and
37 to Adjust Fiscal Year 2012 Adopted Budget.

38

39 *(6) Resolution No. 12-013: A Resolution Authorizing the City of Las Cruces to Accept a Grant
40 Award Modification to Decrease Grant Award Number G10SN0006A by the Amount of
41 \$4,834.19 from the Office of National Drug Control Policy for the Support of the Regional
42 Interagency Drug Task Force and the Warren Reese Southern New Mexico High Intensity

1 Drug Trafficking Area Law Enforcement Center at the Southwest Border of New Mexico
2 High Intensity Drug Initiative, to Ratify the Mayor’s Approval of the Modified Contract and
3 to Adjust FY 2012 Adopted Budget.
4

5 *(8) Resolution No. 11-12-303: A Resolution Awarding One Year Term Contracts for
6 Architectural and Engineering Services, RFP Number 11-12-303, to ASA Architects, Studio
7 D Architects, PA, and Williams Design Group Inc., All of Las Cruces, NM, for Contract
8 Amounts Not to Exceed City Council Approved Budgets.
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12 **VIII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**
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14 *(1) Regular Meeting of July 5, 2011
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16 Councillor Sorg Moved to Approve the Minutes of the July 5, 2011 Regular Meeting and Councillor
17 Thomas Seconded the motion.
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21 Councillor Sorg said there needs to be a correction on page 8 line 41; it should state 200 feet not
22 miles.
23

24 Mayor Miyagishima said that correction can be made administratively.
25

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28 Mayor Miyagishima called for the roll on the Motion to Adopt Minutes of the July 5, 2011 Regular
29 Meeting and it was Unanimously APPROVED. 7-0
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33 *(7) Resolution No. 12-014: A Resolution Accepting a Grant From the New Mexico Department
34 of Transportation, Local Government Road Fund Program, Fiscal Year 2011/2012, in the
35 Amount of \$38,875.00 for the El Paseo Road Median Improvements Project and to Amend
36 the Fiscal Year 2011/2012 Budget, a \$12,958.00 City Match is Required.
37

38 Councillor Thomas Moved to Adopt Resolution No. 12-014 and Councillor Connor Seconded the
39 motion.
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1 Mike Johnson, Public Works Director gave an overhead presentation and said this is to accept
2 funding from the New Mexico Department of Transportation which will be used for the El Paseo
3 Median Improvements Project. This project was selected due to the results of the Road Safety
4 Assessment that was done in October 2010 on the El Paseo Corridor. The assessment identified the
5 need to put medians in at the major intersections on El Paseo. This would limit the number of access
6 points and would help reduce the number of crashes and help with traffic congestion. We would need
7 to provide a match for this funding in the amount of \$12,958 which give us a total grant amount of
8 \$51,833.

9

10 Councillor Thomas said there were a lot of concerns regarding pedestrian traffic and I think this will
11 help with that situation and it is a good first stop.

12

13 Councillor Connor said the funding is good for one year; correct?

14

15 Mike Johnson said I believe this funding would have to be spent by the end of 2012.

16

17 Councillor Silva said we will be acquiring property from about 4 or 5 property owners; correct?

18

19 Mike Johnson said we've already had some property donated to us but there is a total of 7 properties.

20

21 Councillor Silva asked has there been funding set aside for the purchasing of the property or are we
22 just trying to get it all donated to us?

23

24 Mike Johnson said we do have money set aside to purchase property.

25

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28 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-014 and it was
29 Unanimously APPROVED. 7-0

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33 VII. UNFINISHED BUSINESS:

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35 (9) Resolution No. 11-221: A Resolution Amending and Approving the Current Fee Schedule
36 for Fire Inspection Permits. (Tabled from May 16, 2011)

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38 Councillor Small Moved to Remove Resolution No. 11-221 from the Table and Councillor Sorg
39 Seconded the motion.

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Regular Meeting
July 18, 2011

Page 7

1 Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 11-221 from the
2 Table and it was Unanimously APPROVED. 7-0

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6 Steve Mims, Deputy Chief Fire Marshall gave an overhead presentation and said we held four
7 meetings which were held on June 15 (met with the Building Industry Association), July 13 (met
8 with local businesses), July 13 evening (open public meeting) and on July 15 (alarm and suppression
9 companies which there were no attendees). The results we got from these meetings were good and
10 the need to increase the fees was recognized but there were concerns with raising the fees all at one
11 time. There were suggestions of having a phase-in approach to the fees or having a forecast approach
12 which would be stating that on this day five years from now our fees will be in this amount. Our
13 new proposal is to have a phase-in plan for a period of five years to get us where we need to be and
14 then we will evaluate it every two to three years so we won't be in this situation again. We are also
15 proposing a delay in the implementation of this increase until November 1, 2011.

16

17 Councillor Connor said I am pleased to see this being phased-in and I think you should continue with
18 the communication as the yearly increases are about to take place.

19

20 Councillor Small said I think it is very clear that you made a deliberate attempt to seek public input
21 from a number of different groups and I am supportive of this proposal.

22

23 Mayor Miyagishima said not all is lost with this fee because if a business shows a certification then
24 they can get up to 20% off of their insurance.

25

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28 Councillor Connor Moved to Amend Resolution No. 11-221 to include the substituted Exhibit A
29 which shows the new fee schedule and Councillor Small Seconded the motion.

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33 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-221 to include
34 the substituted Exhibit A which shows the new fee schedule and it was Unanimously APPROVED.

35 7-0

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39 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-221 as Amended
40 and it was Unanimously APPROVED. 7-0

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2 **VIII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

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4 (10) Resolution No. 12-015: A Resolution Authorizing the City of Las Cruces to Designate a
5 Voting Delegate and an Alternate to Attend the Annual Business Meeting of the 54th Annual
6 Conference of the New Mexico Municipal League on September 1, 2011.

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8 Councillor Connor Moved to Adopt Resolution No. 12-015 and Councillor Thomas Seconded the
9 motion.

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13 Esther Martinez, City Clerk said this is a resolution that is done annually and it is done because the
14 New Mexico Municipal League asks us to select a voting delegate and an alternate to attend their
15 Annual Business Meeting.

16

17 Councillor Silva said I would like to volunteer to be the delegate.

18

19 Councillor Sorg said I'd like to nominate Councillor Thomas to be the delegate.

20

21 Councillor Thomas said I am planning on attending that meeting.

22

23 Councillor Connor said we also need to select an alternate. I have been the voting delegate for the
24 past four years but I will not be attending the meeting this year so I would nominate Councillor Sorg
25 as the alternate since he is already planning on attending the meeting.

26

27

28

29 Councillor Sorg Moved to Amend Resolution No. 12-015 to select Councillor Thomas as the Voting
30 Delegate and Councillor Sorg as the Alternate and Councillor Small Seconded the motion.

31

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34 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 12-015 to select
35 Councillor Thomas as the Voting Delegate and Councillor Sorg as the Alternate and it was
36 Unanimously APPROVED. 7-0

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40 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-015 as Amended
41 and it was Unanimously APPROVED. 7-0

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BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 12-016;
A PUBLIC HEARING MUST BE HELD:

Mayor Miyagishima said the Public Hearing for Resolution No. 12-016 is now open. Is there anyone who wishes to speak against this item?

None given.

Mayor Miyagishima closed the Public Hearing for Resolution No. 12-016.

Resolution No. 12-016: A Resolution Approving the Transfer of Location of State Liquor License #4065 to Diamond Shamrock Stations, Inc. D/B/A Corner Store #1289, Located at 1401 East Lohman Avenue, Las Cruces, New Mexico.

DRAFT

Councillor Connor Moved to Adopt Resolution No. 12-016 and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-016 and it was Unanimously APPROVED. 7-0

Resolution No. 12-017: A Resolution Approving the Lease of a Fifteen-foot by Thirty-foot Parcel of City-owned Property Located at 101 E. Union Avenue to Verizon Wireless, LLC, for \$3,600.00 a Year for the Purpose of Locating Ground Equipment Needed to Operate on the Existing T-mobile Cellular Antenna Site.

Councillor Connor Moved to Adopt Resolution No. 12-017 and Councillor Sorg Seconded the motion.

Bill Hamm, Land Management Administrator gave an overhead presentation and said this is for a lease agreement with Verizon Wireless for a 450 square feet parcel of land which is located adjacent to an existing cell site. The property is located on the City owned Club Fusion property and the existing tower has been in place since 2000. Verizon Wireless has received approval from T-Mobile to co-locate their network equipment on the existing tower so Verizon is seeking to enter into a lease agreement with the City for the 450 square feet site for the purpose of installing ground equipment

1 that will be necessary to tie into the existing tower. The lease terms for the 450 square feet parcel
2 will be for an initial five-year term with five five-year options at a 15% rent escalation for each new
3 term.

4
5 Councillor Silva asked is there any way possible that we could use the funding generating from this
6 transaction towards youth activities at Club Fusion?

7
8 Robert Garza, City Manager said there currently isn't any active programs at Club Fusion. The
9 funding goes directly into our General Fund and some of the funding from that fund already goes to
10 recreation.

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13
14 Esther Martinez, City Clerk said before I call the roll I would like to state that previously I might
15 have mistakenly said I was calling the roll for 12-017 and just for the record I want to state that the
16 previous action was for 12-016.

DRAFT

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20 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-017 and it was
21 Unanimously APPROVED. 7-0

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25 **IX. BOARD APPOINTMENTS**

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27 Mayor Miyagishima appointed Steven P. George to the Capital Improvement Advisory Committee.

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31 Councillor Small Moved to Approve the Mayor's board appointment of Steven P. George to the
32 Capital Improvement Advisory Committee and Councillor Thomas Seconded the motion.

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36 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment
37 of Steven P. George to the Capital Improvement Advisory Committee and it was APPROVED. 6-0
38 Councillor Connor was Absent.

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42 **X. REVIEW OF PROPOSED ORDINANCE(S)**

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2 None given.

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6 **XI. GENERAL DISCUSSION**

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8 **1. MAYOR**
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10 Mayor Miyagishima said yesterday, Councillor Connor and I attended a gathering for Miracle, the
11 dog that unfortunately passed away, and I think we really need to do something about the pet over
12 population. I would like to call for a meeting on August 16th with the Vet Board, the Board of County
13 Commissioners and Council to discuss the Spay and Neuter Program and impounding verses' owner
14 retention and return. I would also like to invite the County's Animal Control, the Sheriff and our
15 Animal Control to attend the meeting.

16
17 Councillor Silva said regarding the animal overcrowding at the shelter, the past month has been
18 especially hard because most of the agencies that help take some of our animals haven't been able
19 to due to the northern fires.

DRAFT

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23 **2. CITY COUNCIL**
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25 Councillor Thomas said I want to thank Lori Grumet for meeting with the group to discuss the Books
26 on the Bus program.

27
28 I want to express again the need for us to establish the Robo Call System so we can communicate
29 with people.

30
31 Last week we discussed the El Paseo report and we talked about the fact that we don't want to lose
32 the usefulness of all that work so I'm asking that we look at applying for a Sustainability Community
33 Grant.

34
35 Robert Garza, City Manager said I don't see a problem with working on that.

36
37 -----
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39 Councillor Sorg passed.

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1 Councillor Small said we are finally starting to get some rain and I'd like to ask Robert to work with
2 Mr. Johnston on mosquito control and abatement within our community.

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6 Councillor Pedroza said there was an article in the paper on a farm food to school program and it
7 stated that program is snowballing. It is important that there is food for our community and the
8 Department of Health is also trying to get some funding for nutritious food in the community.

9

10 I received a notice that stated the State Bar Association will be open to receiving requests from
11 different schools to partner with teachers and help teach fifth graders about the U.S. Constitution.
12 There is also a mock trail competition for high school students which the students learn a lot from
13 it and many of them pursue that field as a career.

14

15 I received a notice that the Emergency Homeowners Program's deadline for receiving applications
16 for help from the Federal Government is this Friday. The funding is to help with up to \$50,000 for
17 mortgage assistance to eligible people.

18

19 There is going to be an interesting movie on August 6th call La Cosecha (the harvest) and it will be
20 shown at the East Mesa Dona Ana Community College in their auditorium. It is about farm workers
21 and children in the fields.

22

23 There was an announcement about a White House Internship that students can apply for and if
24 anyone is interested I have the information available on how to apply.

25

26 I want to mention that Young Park is absolutely wonderful right now and I am still walking at 7:00
27 a.m. on Monday, Wednesday and Friday.

28

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30

31 Councillor Connor passed.

32

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35 Councillor Silva said regarding the Vet Hospital, I agree that we should try to obtain a hospital here
36 and be a partner in some shape or form. I think we'd have a better chance if we contacted our
37 surrounding towns like Silver City to work with us because I think we'd be more successful doing
38 that than going solo.

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40 I want to mention that the Roadrunner Bank is another program that also tries to provide food to our
41 community.

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3. CITY MANAGER

A. Other items - Information Only.

Robert Garza, City Manager said I will be out of the office until August 1st and there won't be any newsletters for the next two weeks.

We are getting a lot of emails regarding the drainage on Cedardale Drive and in that area and I'm going to leave a note for Mr. Denmark to take the lead on that issue.

Meeting Adjourned at 3:20 p.m.

DRAFT