

Regular Meeting
September 6, 2011



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

Regular Meeting

September 6, 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 **Absent**
- 20 Councillor Sharon Thomas, District 6

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

I. OPENING CEREMONIES

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

28 Jordyn Haggard, LCHS student sang the National Anthem.

30 Presentation of Certificates of Appreciation/Proclamations.

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

35 Mayor Miyagishima presented the Mayor's Citation for Public Service Award to Eli Duran, Meter
36 Reader for his grateful deed and willingness to return a wallet that he found which contained \$515
37 in cash, to the owner.

39 Mayor Miyagishima presented a Proclamation to Eric Montgomery and declared 2011 as the year
40 of the Las Cruces Farmers and Crafts Market, America's Favorite.

42 Mayor Miyagishima presented a Proclamation to Jackie Beaty and Judy Conroy and declared
43 September and October 2011 as Make Las Cruces Warm Blanket Drive Months.

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2 Mayor Miyagishima presented a Proclamation to Rebecca Courtney and the GFWC Progress Club
3 and declared September 6, 2011 as Lest We Forget Day.

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5 Mayor Miyagishima presented a Proclamation to Steven DeGiulio and Paula Leighton and declared
6 September 7, 2011 and September 2011 as International Literacy Day and Month.

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8 Mayor Miyagishima presented a Proclamation to David Almaguer and declared September 2011 as
9 National Preparedness Month.

10
11 Mayor Miyagishima presented a Proclamation to Richard Weaver and declared October 30, 2011
12 as The Friends of the Community Candy Drop Day.

13
14 Martin Poel, D.M.D gave an overhead presentation regarding the New Mexico Mission of Mercy.

15
16 Patrick Peck, South Central Solid Waste Authority Director gave a presentation regarding Curbside
17 Recycling.

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

25

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

27

28 None given.

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32 **III. PUBLIC PARTICIPATION**

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34 Ron Camunez, Member of the Public said last week, we were at the Convention Center for the
35 Domenici Conference and the one thing that caught my attention was that there were people going
36 in and out of the center but I never heard any doors close. We spent all these millions of dollars on
37 this City Hall facility and yet, all the doors here make noise all the time. I would suggest that the City
38 Manager look into it and see if maybe you can change the hinges so that the doors can be quiet
39 because it is very distracting and it makes it difficult to hear what is going on in the meetings.

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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 Items 5, 8, 13 and 14 need to be removed from the Consent Agenda for discussion.

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

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

V. CITY COUNCIL MINUTES

- * (1) Regular Meeting of August 1, 2011
- * (2) Regular Meeting of August 15, 2011

VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

* (3) Resolution No. 12-037: A Resolution Authorizing the Whole Enchilada Fiesta, Inc. to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer and Wine Within the Fiesta Garden, a Restricted and Secured Area, at the 31st Annual *the Whole Enchilada Fiesta* to Be Held September 23, 24, and 25, 2011 at 1600 East Hadley Avenue, Las Cruces, New Mexico.

* (4) Resolution No. 12-038: A Resolution Authorizing the Dona Ana Arts Council, Inc. To Continue With the Permitting Process to Allow for the Sale and Consumption of Beer and Wine Within a Restricted and Secured Area at the 40th Annual Renaissance Artsfaire to be Held November 5 and 6, 2011 at Young Park, Las Cruces, New Mexico.

- 1 *(6) Resolution No. 12-040: A Resolution Approving Exceptions to the Home Rehabilitation
2 Handbook, Including Paying Off a Second Mortgage, for a Home Rehabilitation Project for
3 the Residence Located at 1010 Luna Street.
4
- 5 *(7) Resolution No. 12-041: A Resolution Approving a Reconstruction Project and Exceptions
6 to the Home Rehabilitation Handbook for the Residence Located at 1104 Luna Street.
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- 8 *(9) Resolution No. 12-043: A Resolution Authorizing Las Cruces Senior Programs to Accept
9 a Capital Appropriation From the State of New Mexico Aging and Long-Term Services
10 Department Furnished Through a General Obligation Bond in the Amount of \$75,000.00
11 With No Match Requirement for Improvements at Mesilla Park Senior Center, to Ratify the
12 City Manager's Signature on the Appropriation Agreement, and to Adjust the FY 2012
13 Budget.
14
- 15 *(10) Resolution No. 12-044: A Resolution Authorizing Las Cruces Senior Programs to Accept
16 a Capital Appropriation From the State of New Mexico Aging and Long-Term Services
17 Department Furnished Through a General Obligation Bond in the Amount of \$178,500.00
18 With No Match Requirement for Improvements at Munson Senior Center, to Ratify the City
19 Manager's Signature on the Appropriation Agreement, and to Adjust the FY 2012 Budget.
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- 21 *(11) Resolution No. 12-045: A Resolution Obligating the Las Cruces International Airport to
22 Apply and Accept a Federal Airport Improvement Program Grant in the Amount of
23 \$418,589.00 with a Local Match Requirement of \$11,016.00 from the Federal Aviation
24 Administration (FAA) for the Electronic Airport Layout Plan and to Adjust the FY 2012
25 Budget.
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- 27 *(12) Resolution No. 12-046: A Resolution Obligating the Las Cruces International Airport to
28 Apply and Accept a Federal Airport Improvement Program Grant in the Amount of
29 \$5,483,879.00 with a Local Match Requirement of \$144,314.00 from the Federal Aviation
30 Administration (FAA) for the Rehabilitation of Taxiway "A" and to Adjust the FY 2012
31 Budget.
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35 **VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**
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- 37 *(5) Resolution No. 12-039: A Resolution to Authorize and Approve Submission of a
38 Completed Application for Financial Assistance and Project Approval to the New Mexico
39 Finance Authority (NMFA).
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- 41 Councillor Silva Moved to Adopt Resolution No. 12-039 and Councillor Small Seconded the
42 motion.

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Councillor Silva said this is for two Fire Department trucks but the title didn't really state what this resolution was for so I think it would have been nice to have that information included in the title. The equipment was not listed in the budget narrative and I think we should have some kind of an idea on the cost of it and if it is included in the budget.

Robert Scaling, Treasurer said the title is a very typical title for any NMFA financing and all we are doing today is asking for your permission to submit an application to borrow money. We are looking at the \$900,000 to \$920,000 range and the reason we didn't list the amount is because we won't have a specific amount until we actually place the order. There will also be a cost for the actual borrowing of the money which will need to be included in the cost but I do believe we have the money already in the budget.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-039 and it was APPROVED. 6-0 Councillor Sorg was Absent.

*(8) Resolution No. 12-042: A Resolution Approving the Painting of a Mural by Local Artists on the Exterior West Facing Wall of the Meerscheidt Recreation Center.

Councillor Connor Moved to Adopt Resolution No. 12-042 and Councillor Thomas Seconded the motion.

Councillor Connor said I pulled this off because I can't find a picture of the actual mural in the packet.

Mark Johnston, Parks and Recreation Director said there is a sketch of the mural in the packet; it is a drawing of Mother Nature blowing balloons that become hot air balloons.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-042 and it was APPROVED. 5-0 Councillor Sorg and Councillor Thomas were Absent.

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2 *(13) Resolution No. 10-11-537: A Resolution to Award the Purchase of Two (2) New
3 Chevrolet Camaros From Bravo Chevrolet-Cadillac of Las Cruces, New Mexico, in the
4 Amount of \$75,598 and to Adjust the Budget for Fiscal Year 2012.

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6 Councillor Small Moved to Adopt Resolution No. 10-11-537 and Councillor Silva Seconded the
7 motion.

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11 Councillor Silva said I pulled this off because I wanted to let people know what we are
12 purchasing these vehicles for.

13

14 Don Haskins, Fleet Manager said they will be used for the Police Traffic Units.

15

16 Councillor Connor asked does the price include the cost of installing the equipment?

17

18 Don Haskins said no, that will be a separate cost.

19

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22 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-537 and it
23 was APPROVED. 6-0 Councillor Sorg was Absent.

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27 *(14) Resolution No. 11-12-358: A Resolution Awarding the Fourth Year of a Possible Five-
28 Year Contract for Airport Architectural and Engineering Services to Delta Airport
29 Consultants, Inc., of Albuquerque, New Mexico.

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31 Councillor Connor Moved to Adopt Resolution No. 11-12-358 and Councillor Silva Seconded
32 the motion.

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36 Councillor Silva asked why do we keep having to extend their contract?

37

38 Lisa Murphy, Airport Manager said with the type of engineering that airport projects typically
39 require, it's common practice among airports to keep an airport engineering firm on retainer.

40 Actually retainer isn't a good term because we don't pay them unless we use them.

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2 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-358 and it
3 was APPROVED. 6-0 Councillor Sorg was Absent.

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7 (15) Resolution No. 12-047: A Resolution to Adjust the Adopted Fiscal Year 2012 Budget
8 Allowing for Carry Over Budget of Operating and Capital Costs from Fiscal Year 2011 for
9 the City of Las Cruces, New Mexico.

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11 Councillor Connor Moved to Adopt Resolution No. 12-047 and Councillor Small Seconded the
12 motion.

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16 Dick Gebhart, Budget Director gave an overhead presentation and said this is the carryover budget
17 adjustment and it is a routine adjustment that happens every year. The purpose of the adjustments
18 is to carryover appropriations that were for some reason not used until the next fiscal year. Some of
19 the reasons for the funding to have to be carried over are items ordered but not received,
20 goods/services received but there was a delay in receiving the invoice, construction projects that
21 weren't completed, input actual grant amounts, input actual ongoing project amounts used, fund
22 balance maintenance and City organizational changes. There were 54 funds adjusted and 189
23 separated budget items adjusted, 147 expenditures, 34 revenues and 8 transfers.

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27 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-047 and it was
28 APPROVED. 6-0 Councillor Sorg was Absent.

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32 (16) Resolution No. 11-12-328: A Resolution Awarding the Contract for the Union Avenue and
33 Stern Drive Intersection Improvements Project to G. Sandoval Construction, Inc., of Las
34 Cruces, New Mexico, in the Amount of \$124,885.00 plus \$9,444.43 for New Mexico Gross
35 Receipts Tax. The City Manager Is Authorized to Approve Change Orders in an Amount Not
36 to Exceed \$6,244.25, for a Total Project Authorization of \$140,573.68.

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38 Councillor Thomas Moved to Adopt Resolution No. 11-12-328 and Councillor Small Seconded the
39 motion.

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1 Mike Johnson, Public Works Director gave an overhead presentation and said in March 2010,
2 Council approved Resolution 10-223 which directed staff to apply for NMDOT Local Government
3 Road Funding for the Union Avenue and Stern Drive intersection. In July 2010 Council approved
4 Resolution 11-019 which accepted the grant monies from NMDOT in the amount of \$40,500 and
5 the City was required to provide a minimum match funding of \$13,500 towards the project. This
6 project will consist of new asphalt paving, installation of new sidewalks, installation of the north leg
7 of the traffic signal and the installation of new street lighting at the intersection.

8

9 Councillor Connor asked are you going to be removing the trees?

10

11 Mike Johnson said yes, I believe we will be removing two of them.

12

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15 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-328 and it was
16 APPROVED. 6-0 Councillor Sorg was Absent.

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20 (17) Resolution No. 11-12-365: A Resolution Authorizing a General Services Agreement (GSA)
21 Purchase of a 4th Alarm Four Story Training Tower from Jahnke & Sons Construction, Inc.,
22 DBA WHP Trainingtowers for a Purchase Prices of \$286,814.

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24 Councillor Small Moved to Adopt Resolution No. 11-12-365 and Councillor Connor Seconded the
25 motion.

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29 Chief Travis Brown, LCFD gave an overhead presentation and said this is for authorization for a
30 general services agreement to purchase a training tower. The purchase price is \$286,814 and the
31 funding is coming from gross receipts revenue bonds as part of the \$3 million for Station 7 and a
32 training structure. The construction associated with the installation will be done through local
33 contractors. This training tower will fulfill great training needs for the Police and Fire Departments
34 by providing a City owned structure for training purposes, it will improve the safety of personnel
35 during training exercises, offer training to surrounding organization and capitalize on economy of
36 scale by combining Fire Station and training structure projects. The site will be located north of the
37 water tower by the Las Cruces International Airport and will be on approximately 12 acres of City
38 owned land.

39

40 Councillor Small said I want to thank you for your leadership with this project and hopefully, this
41 will help with increasing activity up in the West Mesa area.

42

1 Councillor Silva asked will you be having fires at this facility?

2

3 Chief Travis Brown said we're not going to torch it but there are burn rooms that have a special type
4 of material on the walls and we will be simulating fires in those areas.

5

6 Councillor Silva asked have you considered having regional training for the small towns around us?

7

8 Chief Travis Brown said yes, that is something that we anticipate doing and we have spoken with
9 the State so this might also become a facility we can use for certifications.

10

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13 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-365 and it was
14 APPROVED. 6-0 Councillor Sorg was Absent.

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18 (18) Council Bill No. 12-008; Ordinance No. 2630: An Ordinance Authorizing the Execution
19 and Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Las
20 Cruces, New Mexico (The "Governmental Unit") and the New Mexico Finance Authority,
21 Evidencing a Special, Limited Obligation of the Governmental Unit to Pay a Principal
22 Amount of \$2,045,000, Together with Interest Thereon, for the Purpose of Refunding the
23 Gasoline Tax Improvement Revenue Bonds, Series 2000A and Paying a Loan Processing
24 Fee; Providing for the Payment of the Principal and Interest Due under the Loan Agreement
25 Solely from the Pledged Gasoline Tax Revenues of the Governmental Unit Distributed to the
26 Governmental Unit by the State Taxation and Revenue Department, Providing for the
27 Distribution of Those Pledged Gasoline Tax Revenues to Be Redirected by the State
28 Taxation and Revenue Department to the New Mexico Finance Authority or its Assigns for
29 the Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept
30 Agreement; Approving the Form and Terms Of, and Other Details Concerning the Loan
31 Agreement and the Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing All
32 Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in
33 Connection with the Execution and Delivery of the Loan Agreement and Intercept
34 Agreement.

35

36 Councillor Small Moved to Adopt Council Bill No. 12-008; Ordinance No. 2630 and Councillor
37 Silva Seconded the motion.

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1 Robert Scaling, Treasure said about a month ago, Council approved staff to submit an application
2 to NMFA for the purpose of refunding the remaining balance on our 2000 gas revenue bonds which
3 was slightly of \$2 million.

4

5 Kevin Powers, RBC gave an overhead presentation and said these bonds were issued for a number
6 of street projects and the average interest rate is about 5.5% which the current rates are much lower.
7 They became callable on June 1st and at that time we began discussing having the City refinance and
8 take advantage of the lower interest rates.

9

10 Councillor Silva asked where are the savings going to go?

11

12 Robert Garza, City Manager said it will be going back to the Street Maintenance Fund but it won't
13 be seen all at once, it will be over a year's time.

14

15 Duane Brown, Finance Advisor said once the ordinance is approved today then we will work through
16 the rest of the procedures from there. We will need to send notices to the bond holders that their 5%
17 gravy-train is going to end and those notices need to be send by September 13th so the bonds can be
18 paid off by October 14th which is the closing date. We will also be working on finalizing other
19 closing documents with the Finance Authority so everything will be in order by the closing date.

20

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23 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 12-008; Ordinance
24 No. 2630 and it was APPROVED. 6-0 Councillor Sorg was Absent.

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28 **VIII. BOARD APPOINTMENTS**

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30 Mayor Miyagishima appointed John Jensen to the Ratepayer Advisory Board.

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34 Councillor Connor Moved to Approve the Mayor's Board Appointment of John Jensen to the
35 Ratepayer Advisory Board and Councillor Small Seconded the motion.

36

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39 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment
40 of John Jensen to the Ratepayer Advisory Board and it was APPROVED. 6-0 Councillor Sorg was
41 Absent.

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IX. REVIEW OF PROPOSED ORDINANCE(S)

(19) Council Bill No. 12-010; Ordinance No. 2632: An Ordinance Approving a Zone Change from PUD (Planned Unit Development) to R-2 (Multi-Dwelling Low Density) for 15.64 ± Acres of Land Located at 1571 Medina Drive. Submitted by Thomas Hassell, Executive Director on Behalf of the Housing Authority of the City of Las Cruces, Property Owner (Z2838).

Mayor Miyagishima and Council agreed to bring this item back.

(20) Council Bill No. 12-011; Ordinance No. 2633: An Ordinance Approving a Zone Change From C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for 7.10 ± Acres of Land Located at the Northeast Corner of Bataan Memorial West and Morningside Road; Parcel ID# 02-22393 and 02-22394. Submitted by Manuel and Martha Moreno, Rafael E. Marquez, Property Owners (Z2839).

Mayor Miyagishima and Council agreed to bring this item back.

X. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I received an email stating that we'd be able to buy HUD type homes for one dollar and I'd like staff to look into it.

I'd like to donate \$2,500 from my \$10,000 budget to SNAP so I'm not sure if a resolution needs to be in place or what paper is needed for that to happen but I'd like to have it done by the next meeting.

2. CITY COUNCIL

Councillor Thomas said I just want to remind everyone that the talk regarding the Army's Sustainability will be this Thursday, here in Chambers at six o'clock.

We are working with the County and other entities across the County to apply for a HUD Sustainable Community Grant; we made it through the pre-app process so now we are moving forward to the

1 second step of the process which is due the 26th. I'd like to ask if we could bring forward a
2 resolution on the 20th because we will need to send in letters of support and suggest some in-kind
3 that we can offer.

4

5 Regarding robo-calls, it is much cheaper for us to do robo-calls instead of mailing out notifications
6 for meetings but we stopped using it until after the redistricting which is now done so I'd like for
7 us to get it going again.

8

9 I want to report on the New Mexico Municipal League meeting that I went to last week, there were
10 quite a few resolutions regarding water and water plans and there was a resolution regarding trapping
11 on State lands.

12

13 Mayor Miyagishima said I just want to say that I don't feel right using City funds to advertise things
14 like my district meetings so I use things like email and the press to get the word out.

15

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18 Councillor Small said from Hadley, off of Valley, all the way to the railroad tracks, the road is being
19 resurfaced which has caused some traffic control issues toward the western side of the road but I
20 think with the restriping it should go a lot faster. I would like to see another traffic study done and
21 have any enhancements put in pretty soon after the completion of the resurfacing.

22

23 I am glad to see us moving forward with Fire Station 7. It is a very exciting time for the west side
24 of our City because we will be having a couple of grand openings for some new businesses in that
25 area and we are beginning to see a lot of good things happening along Picacho.

26

27 Regarding Mayfield, now that the football games are starting up and the 3 on 3 basketball
28 tournament is coming up, there can be really horrendous parking issues so I would like for us to look
29 at the western end of Tashiro because it would help with the pedestrian issues.

30

31 We have chosen not to redo the entire Sign Code but instead just focus on banners and I'd like to
32 know where we are in that process?

33

34 Brian Denmark, Assistant City Manager said staff has completed their report and we are in the
35 reviewing process right now but as soon as that is completed then we will be bringing it before
36 Council.

37

38 Councillor Small said I would like for us to have Codes allow banners during this peak time for
39 businesses who need to advertise with banners.

40

41 Chief Williams, Commander Nunley and Officer Rodriguez have been doing a very good job at
42 working with our Neighborhood Watch Programs. We have created form to make it easier for people

1 to find out about how to join this type of program in their neighborhood. I would like for us to be
2 able to have that available on our website and have it available at all our meetings.

3

4 There was an item that appeared in the City Manager's newsletter regarding power purchase
5 agreements and I think we need to circle back to that issue very soon. Christine Logan has facilitated
6 a tour of the Sapphire Energy facility which is located in our West Mesa area and there has been a
7 very large contract put out there by the U.S. Navy which would be great for Sapphire. I would like
8 to allow Sapphire the opportunity to give us a presentation at the September 26th Work Session.

9

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11

12 Councillor Pedroza said I would like to wish everyone in Las Cruces a belated Happy Labor Day.

13

14 I want to let everyone know that we now have a school garden at Sierra Middle School.

15

16 I would like to thank my legal colleagues for helping teach the 5th graders about the Constitution.

17

18 I want to thank the church, but I don't remember which church it is, but they are going to be coming
19 into District 3 next Saturday to paint a house for a needy family.

20

21 There is going to be a Bike Visibility Run on Monday starting at the Railroad Museum and going
22 to the Starbucks on University. It is to show the visibility of sharing the road with bikes and I hope
23 everyone will participate.

24

25 I was reading the Senior Messenger and there is going to be an outdoor meal to celebrate Fall on
26 September 23rd at the Munson Center.

27

28 There is going to be a Food Summit during the weekend of September 30th to October 1st at the Court
29 Youth Center and there is a fee of \$15 for both days or \$10 for one day to participate and that charge
30 includes the meal.

31

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34 Councillor Connor said there is going to be a Remembrance of 9/11 Ceremony on Sunday, here at
35 City Hall at 4:00 p.m.

36

37 I was asked by Andrea Sandoval who has served in Iraq and Kuwait, if they could bring forward her
38 Graffiti of War project that they are going to be showcasing in November in Washington, D.C. This
39 is a mission where she and others went back to Iraq and Kuwait this past summer to photograph the
40 art that is being done by the American Soldiers there. I would like for us to be able to display this
41 project next week in our City Hall lobby for our Remembrance of 9/11. (the Mayor motioned that
42 it was okay)

1

2 Regarding our billing, I know there were some late bills sent out so I wanted to know if we are
3 caught up; is there anyone who hasn't been billed yet?

4

5 Robert Garza, City Manager said we will be getting you a more detailed report but it is my
6 understanding that there were only issues with the printing of the bills; not with the data, so some
7 people did receive their bills after the due date but it is my understanding that everything is back on
8 track and in order.

9

10 Jorge Garcia, Utilities Director said that is correct but I will have to get back to you regarding anyone
11 who hasn't been billed yet.

12

13 Councillor Connor said when we do a storm project such as the El Molino project that affects a
14 whole neighborhood, how do those individuals get a re-certification to their insurance agent so they
15 are no longer considered in a flood zone?

16

17 Robert Garza said when we do areas like that, we have the Army Corp. of Engineers do a map
18 revision and basically re-map the flood plain, then we have to submit a letter of map revision to
19 FEMA, then they will take the conditions off.

20

21 Councillor Connor said so, does that mean that the people living in the El Molino area have to keep
22 paying the higher insurance until that area is fully completed?

23

24 Robert Garza said there are thirteen neighborhoods included in the El Molino area that are affected
25 by this project so there are about 600 homes but only about 80 homes will be removed from the flood
26 plain. The remaining homes will go from having about 3 feet of water in the front yards to about 8
27 inches of water which is still too much for FEMA so they will still be considered in the flood plain.

28

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30

31 Councillor Silva said I would encourage everyone to see the Graffiti of War display. I have met the
32 artist and her photos are very powerful to see.

33

34 Regarding today's agenda, I pulled off certain items from the consent agenda because I felt there was
35 a lot of information missing from the titles so I would like to have them include more information
36 so the public will know what these items are for.

37

38 In the City Manager's newsletter, it stated that we won't be able to receive energy credits because
39 of tariff conditions or commitments with El Paso Electric so my question is why would we continue
40 with the solar panels?

41

1 Robert Garza, City Manager said Councillor Small was referring to third-party power agreements;
2 since currently El Paso Electric doesn't have the ability to provide those types of services to us, if
3 we had a third party install the panels then they would get credits like tax credits and provide their
4 services to us at a lower cost but I don't think it will be necessary for us to even have a third party
5 involved.

6

7 Councillor Silva said I want to say that I really appreciate the progress report that Robert Garza put
8 together for Council, it is very informative.

9

10 I want to thank the Salsa Fest Committee, all the 125 volunteers and all the participates for making
11 it a great event.

12

13 I want to say congratulations to the Farmers Market for being voted the #1 Farmers Market. I would
14 like to suggest that we put a sign up in the Downtown that would read something like "Home of the
15 #1 Farmers Market."

16

17 It was suggested to me that we have a competition between districts to see which districts could
18 collect the most blankets and I think it would be a great idea.

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3. CITY MANAGER

23

A. Other items - Information Only.

24

25 Robert Garza, City Manager said the Governor did kick-off the Legislature Special Session today
26 and our lobbyist is there monitoring it for us. We are interested in the things like the Capital
27 Outlay, the 911 and Triage Center and the Fireworks Bill.

28

29 I want to mention that the Sonoma Ranch Cell Tower item is going before the Planning and
30 Zoning Commission this Thursday at 6:00 p.m. and it will be held here in City Hall on the
31 second floor. I would ask the Council not to engage in this meeting because there is a zone
32 change and a special use permit tied to it. This item will be back before Council on the 19th for
33 your final action on it.

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37 David Dollahon, Neighborhood Services Director said I have a quick disclosure statement for
38 your information. Gilda Dormant who is the President of the CAA Board of Directors is also the
39 insurance provider through her company Encompass, she provides the medical and other
40 insurance services to CAA. That presents us with a home conflict of interest requirements
41 because CAA receives home funds through the City, the award. She does not participate in the
42 decision making role because that is made by the administrative staff, the Chief Operating

1 Officer, the Chief Financing Officer, and the Executive so she is really only their broker but
2 under HUD's rules we must make a public disclosure and ask for a conflict of interest exception
3 from HUD so this meeting presents the public disclosure and our next steps are going to HUD
4 and asking for the exception. Gilda was actually assigned the insurance broker business about ten
5 years ago, before she went on the Board of Directors, she now serves on the board and ultimately
6 is in a home decision making role but she's not in the direct decision making role for their
7 insurance and so this is just more information than anything else.

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11 **Meeting Adjourned at 4:10 p.m.**