

Item # 1  
Regular Meeting  
April 2, 2012



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

**Regular Meeting**

**April 2, 2012  
1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

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14 Mayor Ken Miyagishima  
15 Councillor Miguel Silva, District 1 **by Phone**  
16 Councillor Greg Smith, 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 **by Phone**

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

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**I. OPENING CEREMONIES**

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

27

28 The Mesilla Valley Christian School Instrumental Quartet played the National Anthem.

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30 Presentation of Certificates of Appreciation/Proclamations.

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

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37 Councillor Sorg Moved to Allow Councillor Silva to attend the meeting via telephone and  
38 Councillor Pedroza Seconded the motion.

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42 Mayor Miyagishima called for the roll on the Motion to Allow Councillor Silva to attend the meeting  
43 via telephone and it was Approved. 5-0 Councillor Silva and Councillor Thomas were Absent.

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Mayor Miyagishima presented a Proclamation to Susan Brown and declared April 2012 as Donate Life Month.

Mayor Miyagishima presented a Proclamation to Liz Ramirez-Valdez and declared the second week of April as Cancer Registrars Week.

Mayor Miyagishima presented a Proclamation to Craig Fenske, Les Finley and Kimberly Hanson and declared April 7, 2012 as Arbor Day.

Mayor Miyagishima presented a Proclamation to Lynette Schurdevin and declared April 8 thru April 14, 2012 as National Library Week.

Mayor Miyagishima presented a Proclamation to Romelia Enriquez and declared April 14, 2012 as Pan American Day.

Mayor Miyagishima presented a Proclamation to John Christopher and declared April 21, 2012 as Comcast Cares Day.

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Councillor Smith Moved to Approve the appointment of Kieran Ryan to the Municipal Judge II position and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the appointment of Kieran Ryan to the Municipal Judge II position and it was Approved. 6-0 Councillor Thomas was Absent.

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Administration of Oath of Office to Municipal Judge II Kieran Ryan.

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

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

None given.

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Councillor Sorg Moved to Allow Councillor Thomas to attend the meeting via telephone and Councillor Smith Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Allow Councillor Thomas to attend the meeting via telephone and it was Unanimously Approved. 7-0

Draft

**III. PUBLIC PARTICIPATION**

Leo Miranda, Member of the Public said I have gathered petitions from the Veterans to see if we could bring a clinic to Las Cruces. We need to also consider the new Veterans that are coming into town because they will also be looking for medical services. The last time we spoke to Council we were considering the old hospital building but we now realize that building isn't as big as we first thought and it doesn't have enough parking so it wouldn't be a good location. I know you have an advisory board but I have attended some of their meetings and for some reason there seems to be a very negative feeling with them. We need to give this a chance because our Veterans deserve it.

Mayor Miyagishima said please hand the petitions to the City Clerk and we do appreciate your efforts.

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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.**

Councillor Pedroza Moved to Approve the Agenda and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Agenda and it was Unanimously Approved. 7-0

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**V. CITY COUNCIL MINUTES**

\* (1) Regular Meeting of March 19, 2012

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

\* (2) Resolution No. 12-162: A Resolution Authorizing Amaro Winery to Continue With the Permitting Process to Allow for the Sale and Consumption of Wine Within a Restricted and Secured Area During a Film Screening Reception to be Held on April 7, 2012 Inside the Rio Grande Theatre, 211 North Downtown Mall, Las Cruces, New Mexico.

\* (3) Resolution No. 12-163: A Resolution Authorizing the Game Sports Bar & Grill to Continue With the Permitting Process to Allow for the Sale and Consumption of Beer and Wine Within a Restricted and Secured Area at Apodaca Park, 801 East Madrid, Las Cruces, New Mexico, During the 2012 Las Cruces Vaqueros Baseball Season.

\* (4) Resolution No. 12-164: A Resolution Authorizing the Planning and Funding of the 2012 City of Las Cruces Fourth of July Celebration.

\* (5) Resolution No. 12-165: A Resolution Approving Amendments to the Agreement Between the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial & Service Workers International Union (USW) and the City of Las Cruces.

\* (6) Resolution No. 12-166: A Resolution to Accept Grant Funding in the Amount of \$4,673.00 on Behalf of the City of Las Cruces Fire Department from the United States Department of Homeland Security, Office of State and Local Government Coordination and Preparedness Through the New Mexico Department of Public Safety, Office of Emergency Management and the Dona Ana County/City of Las Cruces Office of Emergency Management, and to Adjust the FY 2012 Budget.

\* (7) Resolution No. 12-167: A Resolution Authorizing the Las Cruces International Airport to Accept a New Mexico Department of Transportation Aviation Division Grant in the Amount of \$9,553.00 with a Local Match Requirement of \$1,061.00 for Airport Maintenance Supplies, to Ratify the City Manager's Signature on the Grant Agreement, and to Adjust the FY 2012 Budget.

\* (8) Resolution No. 12-168: A Resolution Authorizing the Las Cruces International Airport to Accept a New Mexico Department of Transportation, Aviation Division Grant in the Amount

1 of \$173,415.00 with a Local Match Requirement of \$173,415.00 for Upgrades to the Fuel  
2 Farm, to Ratify the City Manager’s Signature on the Grant Agreement, and to Adjust the FY  
3 2012 Budget.

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5 \*(9) Resolution No. 12-169: A Resolution Authorizing the City of Las Cruces to Accept a  
6 Nutrition Service Incentive Program (NSIP) Agreement Amendment for Cash-In- Lieu of  
7 Commodities from the North Central New Mexico Economic Development District Non-  
8 Metro Area Agency on Aging for Fiscal Year 2012, Increasing the Contract Amount to  
9 \$172,435, and to Adjust the City’s Fiscal Year 2012 Budget.

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11 \*(10) Resolution No. 11-12-477: A Resolution Authorizing Change Order Number One to the  
12 Agreement Between the City of Las Cruces and CliftonLarsonAllen, Formerly Meyners +  
13 Company, for the Recovery of Gross Receipts Tax Paid During the Construction of Certain  
14 City Facilities From a Contingency Fee Contract to a Fixed Fee Contract and to Adjust the  
15 Fiscal Year 2012 Budget.

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

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21 (11) Resolution No. 12-170: A Resolution Establishing the Campaign Finance Ad Hoc  
22 Committee.

23  
24 Councillor Small Moved to Adopt Resolution No. 12-170 and Councillor Sorg Seconded the motion.

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28 Councillor Pedroza said regarding the appointment of two past elected officials, how will the  
29 selection be done?

30  
31 Robert Garza, City Manager said we will do local advertising and anyone who is interested will fill  
32 out the appropriate form, then Council will decide on the appointments.

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36 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-170 and it was  
37 Unanimously Approved. 7-0

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41 (12) Resolution No. 12-171: A Resolution Extending a Commitment of a Parcel of City-Owned  
42 Property Containing Approximately 5.117 Acres to Mesilla Valley Habitat for Humanity for

1 Development of Affordable Housing, Authorization for the Pursuit of State Tax Credits for  
2 Development of the Property, and Right to Obtain an Appraisal of the Subject Parcel.

3  
4 Councillor Sorg Moved to Adopt Resolution No. 12-171 and Councillor Small Seconded the motion.

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7

8 David Dollahon, Chief Planning Administrator gave an overhead presentation and said this is for the  
9 extension of a City-owned parcel to the Mesilla Valley Habitat for Humanity. Resolution 11-210  
10 approved the City's one-year commitment of the parcel to Habitat for Humanity with additional one-  
11 year extensions as may be necessary for an affordable housing development. A public meeting was  
12 held on February 9, 2012 to gather input and address concerns as part of the subdivision design  
13 process but there was limited attendance and participation from the adjacent property owners.

14

15 Councillor Smith said I think this would have a lot of connectivity opportunities for a Habitat  
16 project.

17

18 Councillor Pedroza asked are some of the proposed homes going to actually be in the flood zone?

19

20 David Dollahon said no, the developers would have to address that issue when they go through the  
21 platting process.

22

23 Mayor Miyagishima said they'd also have to get the approval on what they are doing from FEMA.

24

25 William Daley, Member of the Public said we asked our neighbors about what they thought about  
26 this opportunity to share our neighborhood with Habitat and we are opposed to the way this is being  
27 done. We don't have anything against Habitat but we are opposed to the proposal that is currently  
28 on the table. The only usable access to the Habitat's subdivision would be a road built onto Aguilera  
29 Court because Habitat's proposed property is land-locked. The connecting road from Habitat's  
30 property to Aguilera Court would be built through our subdivision's only effective water retention  
31 basin.

32

33 Lawrence Chandler, Member of the Public said I am a resident of the Pradera Dorada subdivision  
34 and we have a flood retention pond in our subdivision that was turned over to the City and if we  
35 don't have that pond then Aguilera can be flooded.

36

37 William Daley continued the overhead presentation and said the land on the Habitat portion is much  
38 higher than the properties on Aguilera Court and the only thing dividing them is a stone wall so if  
39 that area behind the wall is breached with a road then there would be all kinds of issues with  
40 flooding. Our neighborhood has several concerns with this project which include concerns with  
41 safety, drainage, flooding, traffic impacts and access for emergency vehicles. We believe  
42 engineering studies should be required from the developer and the residents of the Pradera Dorada  
43 subdivision should be allowed a voice in the consultant selection process for these studies.

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2 Mayor Miyagishima said this is only a resolution to extend our commitment which means we are  
3 extending the time for them to come back before us with information on how they are going to  
4 address some issues and obtain an appraisal; so, today's resolution is not giving them the land.

5

6 Lawrence Chandler said we do understand the resolution but we want to get in on the ground floor  
7 to express our concerns.

8

9 Mayor Miyagishima said I'm sure there is still going to be one or two more public hearings after this  
10 resolution.

11

12 William Daley said I just want to say that if that stone wall isn't breached then most of the  
13 neighborhood problems go away but because Habitat's plan is to go right through that wall into our  
14 subdivision which would create forty plus homes on a dead-end street with only one access.

15

16 Lawrence Chandler said we also have a petition that has been signed by the residents.

17

18 Mayor Miyagishima said please hand it to the City Clerk and I just want to mention that the Fire  
19 Department would probably require another access.

20

21 Ed Johnson, Habitat for Humanity said the drainage that currently comes down Aguilera Court goes  
22 into the Elephant Butte irrigation but I have to agree that it was a bad design. (Pointing to the  
23 overhead slide) We would change it to have the road here catch the water that is coming down that  
24 street to a ninety degree angle at Aguilera Court and then the water from there would go down the  
25 street into this one acre irrigation pond. I have been working with the Fire Department and there will  
26 be a gate here which the Fire Department would have access to it in case of an emergency. I did  
27 speak with Elephant Butte Irrigation and they said we could not put a road on the edge of their  
28 irrigation channel so our other option is to go through that wall. We have had a public meeting and  
29 I have also gone door to door to the residents on Aguilera Court and spoke with about fifty percent  
30 of them which none of the people I spoke with objected to this new subdivision but they did have  
31 concerns with the street traffic.

32

33 Mayor Miyagishima asked would you considered going through the City's property for access?

34

35 Ed Johnson said yes.

36

37 Robert Garza, City Manager said that area was considered as a roadway for connectivity to Dona  
38 Ana Road and maybe even to Valley Drive but we would have to get the Army Corps of Engineers  
39 to approve that there isn't any disruption of the water flow and it would cost the City a lot of money  
40 to do it.

41

42 Councillor Pedroza said we need to look at the access situation and maybe we should have all the  
43 road work done before we approve the subdivision.

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2 Ed Johnson said we are just asking for more time to study everything.  
3  
4 Councillor Sorg said the streets of this subdivision would have to be lower than the streets in the  
5 Aguilera subdivision.  
6  
7 Ed Johnson said that is correct and the houses would be a little higher than the street.  
8  
9 Councillor Small said this is an isolated parcel so I don't think it is a bad way to go to allow Habitat  
10 some time to try to come up with something for that area.  
11  
12 Councillor Silva said Mr. Daley has a lot of background with these types of things and I don't think  
13 they have a problem with the project but they do have some concerns with the design. I don't think  
14 that having one public meeting was enough so I think there should be more opportunities for the  
15 public to give their input on this project. This City is continuing to grow and I think we need to put  
16 some thought into east and west access. I am okay with extending them one more year so they can  
17 address some of the neighbors concerns but I don't like how the ordinance states "multiple of years"  
18 so I'd like to have that removed from it.  
19  
20 Mayor Miyagishima said this is a resolution not an ordinance and there is a lot of things that they  
21 will have to do, like talk with FEMA, so I think that is why that language is included in it.  
22  
23 Councillor Small said regarding the option for additional renewals, it is an option so there is no  
24 guarantee of multiple years.  
25  
26 Councillor Thomas said I think Habitat should be given the time to work on this project and as it  
27 moves along I'm sure there will be all kinds of studies to give us more information on it.  
28  
29 Councillor Silva said the way I read this resolution is that they don't have to come back before  
30 Council if they want another year extension after this one so the City Manager or staff can grant them  
31 additional years.  
32  
33 Mayor Miyagishima said it is City property so it will eventually have to come back before Council  
34 before anything can be done.  
35  
36 David Dollahon said I think we are getting confused on what the resolution states; Roman Numeral  
37 One is the section that mentions multiple years and Roman Numeral Two states the City Manager,  
38 City Attorney and various departments are authorized to make the determination regarding the  
39 affordable housing tax credit funding so if they don't have the approval for the extensions by Council  
40 then they won't be pursuing the tax credit application.  
41  
42 Councillor Smith said it is my understanding that this will come before us again a year from now.  
43

1 Mayor Miyagishima said yes, I think we're okay. Pete, is it correct that they will have to come before  
2 us again if they want another year?

3

4 Harry (Pete) Connelly, City Attorney said he would have to come back at the end of this year for  
5 another year.

6

7 Ed Johnson said Habitat cannot do anything on land that they do not own. We will be back before  
8 you a year from now to show you what we have worked out and show you our plan or we will tell  
9 you that it isn't feasible for Habitat.

10

11 Lydia Serafin, Member of the Public said I am a resident of Aguilera Court and I would probably be  
12 impacted the most from this project. We are concerned about what this will do to our quality of life,  
13 to the values of our properties and what impact it would have on the traffic in our area.

14

15 Mayor Miyagishima said the drainage system would help the area and they will be doing studies to  
16 see the effectiveness of this project and the impacts it would have on things like the traffic in the  
17 area.

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21 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 12-171 and it was  
22 Unanimously Approved. 7-0

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26 (13) Resolution No. 11-12-416: A Resolution Awarding the Bid for the N. Sonoma Ranch  
27 Boulevard Widening Project to Highland Enterprises, Inc., for the Base Bid Plus Additive  
28 Alternates Number One and Two in the Amount of \$661,852.00 Plus \$50,052.56 for New  
29 Mexico Gross Receipts Tax. The City Manager is Authorized to Approve Change Orders in  
30 an Amount Not to Exceed \$40,895.90, for a Total Project Authorization of \$752,800.46.

31

32 Councillor Sorg Moved to Adopt Resolution No. 11-12-416 and Councillor Small Seconded the  
33 motion.

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37 Councillor Silva left the meeting at 3:00 p.m.

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41 Loretta Reyes, Public Works Director gave an overhead presentation and said this is for the bid  
42 award for the North Sonoma Ranch Boulevard Widening Project to Highland Enterprises. This  
43 project will consist of widening the current roadway to accommodate two additional traveling lanes,

1 a mill/overlay of the existing paving on the western side, installation of new sidewalks and drive  
2 pads to meet ADA requirements, installation of new curb and gutters, installation of street lights,  
3 installation of additional storm drain drop inlets, minor utility modifications to the water and sanitary  
4 sewer systems and the installation of a new 6" HP steel gas line. There were six bids received for this  
5 project and the engineering estimate base bid plus alternatives was \$722,312 and the lowest bid came  
6 from Highland Enterprise for \$661,852.00. The funding source for this project is the 2010 Street  
7 Bonds and the flood control and utility funds and the contract duration is 120 working days.

8

9 Councillor Sorg said I fully support this project. When was this street built?

10

11 Loretta Reyes said it was built in the early 80s.

12

13 Councillor Pedroza asked is this project in the same pool as the other street projects and if so, how  
14 was this project pushed to the top of the list?

15

16 Loretta Reyes said we looked at the road in its current condition and there are safety concerns with  
17 it.

18

19 Councillor Pedroza asked is the money that is being proposed for these improvements, is that going  
20 to diminish the funds that would be available for some of the streets in my district?

21

22 Robert Garza, City Manager said this segment of road has been in our Capital Improvement Plan for  
23 almost ten years and the biggest reason this needs to be done is for the safety concerns with this  
24 roadway. The money that we are using for this project are not funds that are used for street  
25 maintenance, they are funds that were earmarked out of our bond cycling so this roadway isn't  
26 competing with other roadway maintenance projects.

27

28 Mayor Miyagishima said we need to get this road taken care of ASAP because of the safety issues.

29

30 Councillor Thomas asked is there going to be a multi-use trail on the northern side of Sonoma  
31 Ranch?

32

33 Loretta Reyes said I don't believe there is going to be a multi-use path on either side of the roadway.

34

35 Councillor Thomas asked are there going to be sidewalks right next to the roadway like there are on  
36 Roadrunner Parkway?

37

38 Loretta Reyes said there are sidewalks and they are next to the curb.

39

40 Councillor Thomas asked are we going to continue to have our sidewalks right next to the road?

41

42 Robert Garza said we can look at shifting the sidewalk away from the curb for this project.

43

1 Councillor Thomas asked can we get some assurance that they won't be built next to the street?

2

3 Robert Garza said if Council wishes we can state that we won't build them like that and if there are  
4 any issues with it then we would come back before Council.

5

6 Mayor Miyagishima said I would agree with that because it is scary to walk down a sidewalk with  
7 cars three or four feet away from you. I don't want to start discussing that as a policy for sidewalks  
8 but I think Robert can do this administratively for this project.

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12 Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-12-416 and it was  
13 Approved. 6-0 Councillor Silva was Absent.

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17 (14) Council Bill No. 12-030; Ordinance No. 2652. An Ordinance Authorizing the Execution and  
18 Delivery of a Loan Agreement and Intercept Agreement by and Between the City of Las  
19 Cruces (The "Governmental Unit") and the New Mexico Finance Authority, Evidencing a  
20 Special, Limited Obligation of the City to Pay a Principal Amount of \$2,325,000 with  
21 Interest Thereon, for the Purpose of Refunding, Paying and Discharging the Governmental  
22 Unit's Gross Receipts Tax Refunding and Improvement Revenue Bonds, Series 2003 and  
23 Paying a Loan Processing Fee; Providing for the Payment of the Principal and Interest Due  
24 under the Loan Agreement Solely from the Pledged State Shared Gross Receipts Tax  
25 Revenues Distributed to the City; Providing for the Contingent Distribution of the Pledged  
26 Revenues to Be Redirected to the New Mexico Finance Authority or its Assigns for the  
27 Payment of Principal and Interest Due on the Loan Agreement Pursuant to an Intercept  
28 Agreement; Setting the Maximum Rate of the Loan; Approving the Form and Terms of the  
29 Loan Agreement and Intercept Agreement; Ratifying Actions Heretofore Taken; Repealing  
30 All Action Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions  
31 in Connection with the Execution and Delivery of the Loan Agreement and Intercept  
32 Agreement.

33

34 Councillor Small Moved to Adopt Council Bill No. 12-030; Ordinance No. 2652 and Councillor  
35 Sorg Seconded the motion.

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39 Robert Scaling, Treasurer said this is to allow the City to execute an agreement with the New Mexico  
40 Finance Authority for the purpose of refunding the revenue bonds that the City issued back in 2003.

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42 Duane Brown, Modrall Sperling Law Firm said I am serving as the bond counsel for the City of Las  
43 Cruces and this ordinance authorizes the loan agreement with the New Mexico Finance Authority.

1 We would need for Council to adopt this ordinance then we will report the financial results to the  
2 Department of Finance Administration because they are required to sign off on refunds such as this  
3 one, and then we will proceed with the closing documents and the closing would be on June 1, 2012.

4  
5 Kevin Powers, RBC gave an overhead presentation and said the average rate for the 2003 bonds was  
6 4.05% and the average rate on this new debt will be 1.41% so that is where we are getting the  
7 savings. The New Mexico Finance Authority only does these types of transactions on Fridays and  
8 the date we are needing to close this is June 1<sup>st</sup> which is on a Friday so it will be a clean transaction.

9  
10 Duane Brown said there is a change in the numbers from the first reading of this ordinance so there  
11 will need to be an amendment. The change is the reduction of the principle amount from \$2,325,000  
12 to \$2,280,000.

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16 Councillor Sorg Moved to Amend Council Bill No. 12-030; Ordinance No. 2652 to change the  
17 principle amount from \$2,325,000 to \$2,280,000 throughout the ordinance and Councillor Small  
18 Seconded the motion.

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22 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 12-030; Ordinance  
23 No. 2652 to change the principle amount from \$2,325,000 to \$2,280,000 throughout the ordinance  
24 and it was Approved. 6-0 Councillor Silva was Absent

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28 Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 12-030; Ordinance  
29 No. 2652 as Amended and it was Approved. 6-0 Councillor Silva was Absent.

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33 (15) Council Bill No. 12-031; Ordinance No. 2653: An Ordinance Approving a Concept Plan and  
34 Final Site Plan for a Planned Unit Development (PUD) Known as Metro Verde Amendment  
35 No. 1. The Subject Properties Encompass 695 ± Acres and are Located in the Sierra Norte  
36 Area North of the Future Expansion of Arroyo Road and South of the City Limits; Parcel  
37 ID#s 02-36419, 02-36420, 02-36421, 02-36422, 02-37650, 02-38810, 02-38811. Submitted  
38 by DVI on Behalf of Sierra Norte Land Holdings, LLC & Barbara W. Johnson, Property  
39 Owner (PUD-11-01 & PUD-11-02).

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41 Councillor Sorg Moved to Adopt Council Bill No. 12-031; Ordinance No. 2653 and Councillor  
42 Small Seconded the motion.

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Robert Kyle, Building and Development Services Administrator said this is for the approval of a Concept Plan for a PUD that will be located in the central part of the city and it will be approximately 687 acres and it is a multi land use and multi amenity planned unit development.

Drew Denton, DVI gave an overhead presentation and said this is to amend the original Metro Verde area and bringing in new zones. The site benefits would be that village plaza and commercial areas will reduce dependency on cars by providing daily necessities close to home. It'll interconnect neighborhoods and connects Metro Verde with Metro Verde South for a consistently master planned area. The park and trail areas will be doubled the required park area, both neighborhood and regional parks will be easily accessible, multi-use paths and sidewalks will provide pedestrian connectivity and there will be land donated to the City for parks and for civic services. The entire project is a sustainable design and we will require Green construction.

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Councillor Sorg said I fully support this project and I like the fact that there are plenty of roundabouts.

Councillor Pedroza asked is this the same area that we had considered a couple of months ago but we were told that there were some questions about the ownership of several of the lots and we were advised not to go forward with it?

Harry (Pete) Connelly, City Attorney said yes, but those issues have been resolved.

Councillor Pedroza said so you are satisfied that the City will not incur any liability should there be problems with the ownership of any lots in that PUD.

Harry (Pete) Connelly said yes, I'd say by about 99% that there should not be a lawsuit.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 12-031; Ordinance No. 2653 and it was Approved. 6-0 Councillor Silva was Absent.

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**VIII. BOARD APPOINTMENTS**

Mayor Miyagishima said Councillor Thomas is appointing Ray Shipley to the Planning and Zoning Commission.

1 Mayor Miyagishima said Councillor Silva is appointing Debora Rindge to the Thomas Branigan  
2 Library Board.

3  
4 Mayor Miyagishima said Councillor Silva is appointing Eli Guzman and Councillor Smith is  
5 appointing Elizabeth Brown to the Parks and Recreation Advisory Board.

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9 **IX. REVIEW OF PROPOSED ORDINANCE(S)**

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11 (16) Council Bill No. 12-032; Ordinance No. 2654: An Ordinance Approving a Zone Change  
12 From C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 5.00±  
13 Acres of Land With the Parcel Identification Number 02-31275. Submitted By Chad Sells  
14 on Behalf of Raci Management Company, Inc., Property Owner (Z2850).

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16 Mayor Miyagishima and Council agreed to bring this item back.

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20 **X. GENERAL DISCUSSION**

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22 1. Mayor

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24 Mayor Miyagishima said I just want to thank the members of the Council for your participation in  
25 the previous District meetings.

26  
27 -----

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29 2. City Council

30  
31 Councillor Thomas said I want to remind everyone that we did send out the notice for our District  
32 5 and District 6 meeting and if anyone needs the minutes or presentations from the meeting, just  
33 contact me.

34  
35 -----

36  
37 Councillor Sorg said we just received an email notifying us that the White House is honoring Rose  
38 Garcia who is the Executive Director of Tierra Del Sol for being a Champion of Change.

39  
40 -----

41  
42 Councillor Small said I just want to congratulate the organizers of the J. Paul Symposium. It was an

1 extensive process and hats off to all the various organizations and entities who collaborated with a  
2 very impressive effort.

3

4

5

6 Councillor Pedroza said I want to remind everyone that Earth Week is coming up and there will be  
7 activities scheduled all week long.

8

9 There was an article in the Las Cruces Sun News internet site about the Candle Light Vigil that was  
10 held last Friday in front of the Branigan Library to honor the life of Treyvon Martin. There were  
11 about fifty people in attendance and it was a very moving ceremony.

12

13 I was glad that Lynette was given the Library Proclamation and I was reminded how important  
14 Libraries are to our community last week when I was researching several books at the Library.

15

16 I will be starting my walks at Young Park next week on Monday, Wednesday and Friday at 7:00 a.m.

17

18

19

20 Councillor Smith said I'd like to thank our Police Department for acting quickly and arresting several  
21 suspects this morning in District 2.

22

23 I'd like to thank all the City Departments I have visited and thank all the people who keep this City  
24 running.

25

26 I had the opportunity to see the new Las Cruces High School plans and they are doing something  
27 great to the street to make a gateway district.

28

29 I would hope that any Dust Ordinance we make will include a reasonable and fair expectation of  
30 property owners regarding the soil and the impact on neighboring properties when the wind blows  
31 or equipment stirs up the dust, practical and inexpensive measures that can be suggested to  
32 accomplish the desired results without dually wasting capital or resources, flexibility to allow for  
33 alternative solutions and consistent monitoring.

34

35

36

37 3. City Manager

38

39 Robert Garza, City Manager said there will be a TIDD meeting prior to the Work Session next  
40 Monday and there will be a lot of updates given, a finance report for the TIDD and there will be a  
41 resolution to set projects for the Downtown.

42

43 Things are going to start ramping up for our Budget staff and I will be meeting with each of you

Regular Meeting  
April 2, 2012

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- 1 to start going over some of the budget highlights.  
2  
3 I want to congratulate our Las Cruces Downtown Partners for getting a \$100,000 grant for the  
4 Camuñez Building.  
5  
6 The Reference Guide is wrapping up to be sent out this week to about 53,000 households and it  
7 will be replacing our Community Connection.  
8  
9 -----  
10  
11 **Meeting Adjourned at 4:14 p.m.**

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