



City Council
of the
City of Las Cruces

Special Meeting

June 24, 2014

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- Mayor Ken Miyagishima
- Councillor Miguel Silva, District 1
- Councillor Greg Smith, District 2
- Councillor Olga Pedroza, District 3
- Councillor Nathan Small, District 4
- Councillor Gill Sorg, District 5
- Councillor Ceil Levatino, District 6

- Robert Garza, City Manager
- Rusty Babington, Assistant City Attorney
- Esther Martinez-Carrillo, City Clerk

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

I. 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?

Mayor Miyagishima said I don't believe this is a conflict but I want to disclose that I have my Series 6, 63, and 26 security license but I don't sell anything.

II. RESOLUTION and ORDINANCES FOR DISCUSSION/APPROVAL

1. BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-204; A PUBLIC HEARING MUST BE HELD.

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Mayor Miyagishima said the Public Hearing for Resolution No. 14-204 is now open.

Ted Sweetser, Fire Marshal gave an overhead presentation and said this is for the re-issuance of the proclamation that was approved on June 2, 2014. The proclamation is only effective for 30 days but succeeding proclamation may be issued. The re-issuance of this proclamation will cover the 4th of July weekend and it will not restrict permitted public displays, or the sale of fireworks that are currently permitted by vendors, but it will restrict the use of fireworks to areas that are paved, barren, or have a readily available water source.

Mayor Miyagishima asked if there were any questions or comments from Council?

There were none given.

Mayor Miyagishima said the Public Hearing for Resolution No. 14-204 is now closed.

Resolution No. 14-204: A Resolution Authorizing the Re-Issuance of a Proclamation Declaring Severe or Extreme Drought Conditions and Imposing Restrictions on the Use of Fireworks Within the City Limits.

Councillor Sorg Moved to Approve Resolution No. 14-204 and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-204 and it was Unanimously Approved. 7-0

2. Council Bill No. 14-032; Ordinance No. 2717: An Ordinance Authorizing the Issuance and Sale of \$8,000,000 City of Las Cruces, New Mexico Revenue Bonds, Series 2014A, for Street Improvement Projects; and Authorizing the Issuance and Sale of \$1,500,000 City of Las Cruces, New Mexico Revenue Bonds, Series 2014B, for Flood Control Infrastructure Projects.

Councillor Small Moved to Approve Council Bill No. 14-032; Ordinance No. 2717 and Councillor Smith Seconded the motion.

1 Councillor Sorg Moved to Suspend the Rules and discuss Items two and three concurrently and
2 Councillor Small Seconded the motion.

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6 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Items two
7 and three concurrently and it was Unanimously Approved. 7-0

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11 Eric Harrigan, RBC Capital Markets gave an overhead presentation and said we provided the
12 information that the investors see online and both of these transactions had an eight year call option
13 so in the event that interest rates eight years from now are low enough to be able to refund, it gives
14 the City the option to that even though historically the City has sold its bond on ten year calls. There
15 were a total of six bidders and the lowest bid of 2.508 was from Robert W. Baird & Company, Inc.
16 and the highest bid of 2.79 came from Stifel Nicolaus & Company, Inc. We had the same bidders
17 on the State Shared Gross Receipts Tax Improvement Revenue Bonds and the winning bidder was
18 Morgan Stanley with 2.23%.

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20 Duane Brown, Modrall Sperling Law Firm continued the overhead presentation and said these two
21 ordinances are the same as the ones presented to you for the first reading but now that we have the
22 interest rates and the best bidder, we have filled in all of the blanks. Regarding the municipal gross
23 receipts tax transaction for street and flood control projects, because that was insured by Build
24 American Mutual Insurance Company, they have certain conditions that we have to add to the
25 ordinance so we have added that as an appendix to the ordinance.

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27 Councillor Silva said it looks like those 10 year bonds over the past years have hovered in the 2%
28 range so how much longer do you think it will be in that range?

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30 Eric Harrigan said the projection was about 350 but that didn't happen because a lot of it is driven
31 by the poor economic numbers in the beginning of the year so they updated their projection and now
32 it is at 330 but it is very difficult to gauge.

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36 Councillor Smith Moved to substitute the ordinance with the updated one presented and Councillor
37 Sorg Seconded the motion.

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1 Mayor Miyagishima called for the roll on the Motion to substitute the ordinance with the updated
2 one presented and it was Unanimously Approved. 7-0

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6 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-032;
7 Ordinance No. 2717 as Amended and it was Unanimously Approved. 7-0

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11 3. Council Bill No. 14-033; Ordinance No. 2718: An Ordinance Authorizing the Issuance and
12 Sale of \$10,000,000 City of Las Cruces, New Mexico State Shared Gross Receipts Tax
13 Improvement Revenue Bonds, Series 2014 for Construction, Acquisition and Improvement
14 of Roadways and Public Facilities.

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16 Councillor Smith Moved to Approve Council Bill No. 14-033; Ordinance No. 2718 and Councillor
17 Sorg Seconded the motion.

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21 Councillor Smith Moved to substitute the ordinance with the updated one presented and Councillor
22 Sorg Seconded the motion.

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26 Mayor Miyagishima called for the roll on the Motion to substitute the ordinance with the updated
27 one presented and it was Unanimously Approved. 7-0

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31 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-033;
32 Ordinance No. 2718 as Amended and it was Unanimously Approved. 7-0

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36 Councillor Sorg Moved to Adjourn and Councillor Small Seconded the motion.

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

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40 Council said "Aye."

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42 **Meeting Adjourned at 1:28 p.m.**