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

**Regular Meeting**

**February 22, 2011**
**1:00 P.M.**
**Council Chambers, City Hall**

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| **MEMBERS PRESENT:** | **STAFF:** |
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| Mayor Ken Miyagishima | Robert Garza, City Manager |
| Councillor Miguel Silva, District 1 | Harry (Pete) Connelly, Interim City Attorney |
| Councillor Dolores Connor, District 2 | Esther Martinez, City Clerk |
| Councillor Olga Pedroza, District 3 | |
| Councillor Nathan Small, District 4 | |
| Councillor Gill Sorg, District 5 | |
| Councillor Sharon Thomas, District 6 | |

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## I. OPENING CEREMONIES

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

Presentation of Certificates of Appreciation/Proclamations.

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

Mayor Miyagishima presented the Mayor's Citation for Public Service Award to the City of Las Cruces Senior Programs Volunteers.

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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.*

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

None given.

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## III. PUBLIC PARTICIPATION

Kevin Dasing, Member of the Public said I am the Veterans Advisory Board Chairman and we are an advisory group that is made up of twelve Veterans. My mission is to come before you once a month and tell you our concerns for this community. We would like to thank the City for flying the flag yesterday which was a holiday. We are going to have a Vietnam Veterans Day on March 26th and there will be an all day event at Veterans Park. We do have some concerns with Veterans Park because we were told that it is going to cost $150 for the Vietnam Veterans to rent the park but five years ago, the Veterans Affairs Advisory Board voted that Veteran organizations should be able to use the park for free. We spoke with Mark Johnston and we were informed that was only for park use on Veterans Day. We would like to get rid of this clause so that Veteran organizations can use the park anytime for free and we would like to see a waiver for the Vietnam Veterans event. I have spoken with the Mayor and I think that anything that has to do with Veterans should go through our Board.

Mayor Miyagishima said since you are planning on giving us monthly updates, would it be possible for you to print out the information and submit it to the City Clerk?

Kevin Dasing said yes, that would be possible.

Ryan Dailey, Member of the Public said regarding the Ride Along Program that I suggested for constituents and the Police Department a few months ago, I would like to thank Chief Williams for allowing it.

Regarding the new fire trucks that were displayed outside, were those already purchased and if so, when? I would like to know if these are pump trucks or a ladder truck; I want to know if there are any environmental regulations that prohibit certain trucks from being in the City; I want to know the cost, the benefits of these trucks; I want to know if it's every ten years or five years?

Mayor Miyagishima said I would ask that you email those questions to us or the Chief so he can respond to you.

Ryan Dailey asked can you just answer if they were already purchased?

Robert Garza, City Manager said yes, they have already been purchased by the City.

Ryan Dailey said I will follow up with an email.

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JD Rodriguez, Member of the Public submitted documents to the City Clerk and said I originally met with City Manager Miller in 1989 regarding weeds and nothing was done at that time. In 1999, I was approached by Codes staff and I came back before Council; I was taken to Municipal Court and I prevailed. Twenty two years have passed since my original request for three classifications/categories of land use and I have once again been provided with another criminal summons by Codes personnel. I am once again petitioning Council to review document two as originally intended and perform a 90-day study to provide your constituents with the proper designation of urban, rural and suburb areas.

Mayor Miyagishima said this is a good point; we will have management talk with Legal and maybe have a future Work Session regarding this issue.

JD Rodriguez asked can you address my request for a 90-day study?

Mayor Miyagishima said we will probably have management and legal take a look at it but it will be independent from your actions regarding your current citation with Municipal Court.

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Ben Whitner, Member of the Public said we have been told that Foothills is wide enough to have a striped bike lane and I wanted to know when that might be done? There are also several issues with Roadrunner and I would suggest that it be put on the Capital Improvement Projects list.

Mike Johnson, Public Works Director said it'll be done around late summer or early fall of this year.

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**IV. <u>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.</u>**

Mayor Miyagishima said we will be adding the board appointment of Ben Longwill, Jr to the Senior Program Advisory Board and Items 4, 6 and 7 need to be removed from the Consent Agenda for discussion.

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

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

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## V. CITY COUNCIL MINUTES

*(1) Regular Meeting of February 7, 2011

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## VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

*(2) Resolution No. 11-172: A Resolution to Accept Funding in the Amount of $26,000 From Various Entities for the Keep Las Cruces Beautiful Libby Recycling and Waste Reduction Children's Book and to Amend the Fiscal Year 2011 Budget.

*(3) Resolution No. 11-173: A Resolution Approving a Budget Adjustment in the Amount of $2,340 to the FY 2011 Police Department Gifts and Memorials Fund.

*(5) Resolution No. 11-175: A Resolution Approving a Reconstruction Project and an Exception to the Home Rehabilitation Handbook for the Residence Located at 641 E. Lucero Avenue.

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## VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

*(4) Resolution No. 11-174: A Resolution Designating the Assistant City Manager as the Authorized Representative and/or Certifying Officer for Various Agreements and Documents for All U.S. Department of Housing and Urban Development (HUD) Programs for the City of Las Cruces.

Councillor Small Moved to Adopt Resolution No. 11-174 and Councillor Sorg Seconded the motion.

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Councillor Silva said there is an alternate resolution and I did have a question; will one specific City Manager be assigned this task? What will happen if you have two Assistant City Managers and they disagree?

David Dollahon, Neighborhood Services Administrator said our first priority would be the Assistant City Manager for Operations would oversee the Community Development Department and in the event that he is absent, it would defer to the other Assistant City Manager then the City Manager. We have had the situation in the past where no one was there to sign things but it very rarely happens. This is just to streamline things and to try to eliminate some of the things for the City Manager. The substitute resolution includes a section that relates to non-procurement items which are items that go between the City and HUD or are related to HUD specific projects.

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Councillor Connor Moved to Amend Resolution No. 11-174 to include the substitute resolution and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-174 to include the substituted resolution and it was APPROVED. 6-0 Councillor Thomas was absent.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-174 as Amended and it was APPROVED. 6-0 Councillor Thomas was absent.

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*(6) Resolution No. 10-11-446: A Resolution Awarding a Contract for Planning Services for Update of the Parks & Recreation Master Plan and Park Impact Fee, RFP #10-11-446, to Conservation Technix, Portland, OR, for a Contract Amount of $82,525.00, Plus $6,240.95 for New Mexico Gross Receipts Tax, Plus a Project Contingency of $8,253.00; for a Total Authorization of $97,018.95.

Councillor Sorg Moved to Adopt Resolution No. 10-11-446 and Councillor Small Seconded the motion.

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Councillor Sorg said I see so many resolutions where we are contracting out a lot of work that cost the City a lot of money. How much park can we pay for with $97,000? I spoke with one of my constituents this morning and they also had the same concerns with how much the City is contracting out. I would like an explanation on why we are contracting so much work away from staff?

Mayor Miyagishima said the City is doing this because of the depth of this type of plan which requires a lot of time.

Brian Denmark, Assistant City Manager said we have taken this approach because of the time commitment and the impact on our other priorities. We are on a strict timeline and we had to make a determination on the Park Impact Fees by June 2012. Staff is doing a lot of the prep work and we will have the basic draft completed from a preliminary point of view, then the consultant will take it and add the community input component to the master plan to create a final draft.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-446 and it was Unanimously APPROVED. 7-0

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*(7) Council Bill No. 11-026; Ordinance No. 2606: An Ordinance Authorizing an Option to Lease Agreement Between the City of Las Cruces and SunEdison, for the Thirty Year Lease of up to 200 Acres of Municipally Owned Land in Section 2, South of the West Mesa Industrial Park, for the Purpose of Developing a Solar Energy Project.

Councillor Silva Moved to Adopt Council Bill No. 11-026; Ordinance 2606 and Councillor Thomas Seconded the motion.

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Christine Logan, Economic Development Administrator gave an overhead presentation and said there is a potential solar project on the West Mesa. Sun Edison has tested two sites and are picking one site for this project. The proposal that has come before you is for a one year option to study approximately 270 acres. In order to make this financially feasible for them, we changed it from a land purchase to a lease which would include $1,000 due upon approval and the lease terms would be for a term of thirty years and the property use would be for photovoltaic power generation development. Sun Edison would be responsible for the development of the land, insurance, and assume all liability. The yearly lease payments would be $75,000 for years 1-5, $90,000 for years 6-10, $105,000 for years 11-15, $120,000 for years 16-20, $135,000 for years 21-25 and $150,000 for years 26-30.

Councillor Silva asked at some point down the line would Sun Edison have the option to purchase the property?

Christine Logan said they would be able to negotiate a purchase at any time but it is very unlikely.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 11-026; Ordinance 2606 and it was Unanimously APPROVED. 7-0

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(8) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-176; A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima said the Public Hearing for Resolution No. 11-176 is now open. Is there anyone who wishes to speak against this item?

None given.

Mayor Miyagishima closed the Public Hearing for Resolution No. 11-176.

Resolution No. 11-176: A Resolution Approving the Issuance of a Winegrower Off-Site "C" Liquor License (On-Premise Consumption and Package Sales of Wine) to Luna Rossa Winery, Inc. To be Located at 1321 Avenida de Mesilla, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-176 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-176 and it was Unanimously APPROVED. 7-0

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(9) Resolution No. 11-177: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) for Okazuri Floating Sushi Las Cruces, to be Located at 1715 East University Avenue, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-177 and Councillor Thomas Seconded the motion.

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Robert Garza, City Manager said I just want to mention that there weren't any protest or complaints from the University, the Church or any of the other areas regarding this item.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-177 and it was Unanimously APPROVED. 7-0

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(10) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-178; A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima said the Public Hearing for Resolution No. 11-178 is now open. Is there anyone who wishes to speak against this item?

None given.

Mayor Miyagishima closed the Public Hearing for Resolution No. 11-178.

Resolution No. 11-178: A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Okazuri Floating Sushi Las Cruces, to be Located at 1715 East University Avenue, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-178 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-178 and it was Unanimously APPROVED. 7-0

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(11) Resolution No. 11-179: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) for Zeffiro Pizzeria Napoletana, Located at 136 North Water Street, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 11-179 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-179 and it was Unanimously APPROVED. 7-0

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(12) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-180; A PUBLIC HEARING MUST BE HELD:**

Mayor Miyagishima said the Public Hearing for Resolution No. 11-180 is now open. Is there anyone who wishes to speak against this item?

None given.

Mayor Miyagishima closed the Public Hearing for Resolution No. 11-180.

Resolution No. 11-180: A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine On-Premise Consumption Only) to Zeffiro Pizzeria Napoletana, Located at 136 North Water Street, Las Cruces, New Mexico.

Councillor Silva Moved to Adopt Resolution No. 11-180 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-180 and it was Unanimously APPROVED. 7-0

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(13) Resolution No. 11-181: A Resolution to Create a Citizens Ad Hoc Committee to Work With Research & Polling, Inc. To Evaluate City Council Redistricting Proposals.

Councillor Small Moved to Adopt Resolution No. 11-181 and Councillor Sorg Seconded the motion.

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Councillor Connor said regarding Item 1, it states that each Councillor and the Mayor appoint two people but it states there are three members in Item C.

Robert Garza, City Manager said those three members would be the representatives from Common Cause.

Councillor Connor said so there will be fourteen members plus those three?

Robert Garza said that is correct.

Councillor Sorg said I kinda question there being three members from Common Cause; wouldn't two be enough?

Mayor Miyagishima said that is up to Council.

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Councillor Connor Moved to Amend Resolution No. 11-181 to change Section C to include one member of the committee from Common Cause instead of three members and Councillor Sorg Seconded the motion.

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Councillor Small said I want to clarify that a Councillor can appoint someone who is from Common Cause but only one member will be appointed from Common Cause; correct?

Robert Garza said each Councillor can appoint up to two people and the only requirement is that they must be City residents.

Bonnie Burn, President of the League of Women Voters said I am here to support Common Cause. We did research regarding re-districting back in 2009 and I am glad to see you moving ahead with this issue. I would like to see someone from the League of Women Voters appointed to this committee.

Mayor Miyagishima said if you can get the names of some people who'd like to be on this committee I can use my appointments for them.

Robert Garza, City Manager said we would like to have the names of everyone's appointments submitted to the City Clerk by next week.

JD Rodriguez, Member of the Public said I am in Councillor Sorg's district and I would like to be considered for appointment to this committee.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-181 to change Section C to include one member of the committee from Common Cause instead of three members and it was Unanimously APPROVED. 7-0

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Councillor Sorg Moved to Amend Resolution No. 11-181 to change the amount of committee members from up to fourteen to up to fifteen members and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-181 to change the amount of committee members from up to fourteen to up to fifteen members and it was Unanimously APPROVED. 7-0

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Ryan Dailey, Member of the Public asked is the only requirement that the members are City residents? Would it be a conflict of interest if someone was appointed that was working within someone's campaign?

Mayor Miyagishima said it will be the Councillor's choice for their appointments.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-181 as Amended and it was Unanimously APPROVED. 7-0

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(14) Resolution No. 11-182: A Resolution to Adopt a Sustainability Action Plan.

Councillor Small Moved to Adopt Resolution No. 11-182 and Councillor Thomas Seconded the motion.

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Tom Schuster, Sustainability Officer gave an overhead presentation and said sustainability meets the needs of the present without compromising the ability of future generations to meet their own needs and I have outlined in the plan a number of guiding principles to help expand on this broad definition. The purpose of the plan is to provide medium and long-term goals with short-term (3-year) action items. The plan would provide a work plan for the Sustainability Officer that would outline actions to be accomplished and it is divided up into two types of goals and actions which are Community-wide and City operations. Some of the current plan goals are to increase energy efficiency, accelerate deployment of renewable energy, ensure a sustainable water supply, reduce and recycle solid waste, prevent air and water pollution, encourage sustainable development and

transportation options, conserve habitats and ecosystems and support local food networks. There have been public meetings and public input as well as staff's input which has been submitted. The public comments that we have received are mostly positive feedback but they would like to have clarification of terms and concepts, there is a need for real time consumption data, issues with the term social equity, concerns with curbside recycling costs and they'd like to see more disincentives for unsustainable development and more regionalism. The plan calls for the creation of a Sustainability Task Force that would work with departments to implement this according to schedule and track progress. There will be annual reports given around December or January that would include the project status, indicator tracking and recommendations for plan amendments.

Councillor Thomas said I really like how this plan is set-up.

Councillor Silva said this is a good plan but I think we need to have a work shop for this document before it is put into place.

Councillor Sorg said as far as I'm concerned, this is a very fine document and an outstanding plan. I would like to see a portion of the monies that are saved by implementing this plan be put back into the Sustainability office.

Robert Garza, City Manager said we have created a Sustainability Fund so we can track all of our expenditures and our savings. If there is a program implemented that saves the Utilities Department money then those funds do have to stay within the Utilities Department.

Councillor Pedroza said I agree that this is a very good plan.

Councillor Connor said I agree that there are a lot of good things in this plan but I don't agree that we should move forward with it today because I do have some concerns with some of the policy making things that are included in this document. There has been mention of a revolving fund that has been created but this Council has not approved it so how can it be put in a plan. Is there a rush to have this done today or do we have some time to have a Work Session to discuss it further?

Robert Garza said as far as I know there is no driving force behind the timeline. We could discuss this at the February 28 Work Session but if you want to have it as the only discussion item then we could schedule it for the May 9 Work Session.

Councillor Connor asked has Legal looked at this document?

Harry (Pete) Connelly, Interim City Attorney said yes.

Councillor Connor said I'm not trying to delay this but I can't be in support of this document today.

Mayor Miyagishima asked if this is passed today, is there any reason why you couldn't add to it in the future?

Robert Garza said this is not an ordinance, it's a plan and it can be amended.

Councillor Small said I would suggest that we run some of it by our Department Directors to get some feedback from them and to make sure they understand it because they are the ones who will be implementing it. This is a good resolution and I don't think we need to nick-pick it apart but I do agree with having a Work Session to further discuss it.

Mayor Miyagishima said I'm not sure where you are going with this; are you trying to table it?

Councillor Small said I would be fine with the option of tabling this to a specific date and have them bring back answers to the different Councillor's questions so they can be addressed, as well as feedback from staff.

Mayor Miyagishima said so, you want it tabled to March 7th?

Councillor Small said that is correct.

Councillor Sorg said I am in favor of passing this now. This is a living document and it needs to be dynamic. There will be changes made to this document as time goes on and there has already been public input for it over a long period of time.

Mayor Miyagishima said March 7th is only two weeks away.

Councillor Sorg said okay, I can go with that.

Tom Schuster said if this is tabled, can Council send me a written summary of the changes that they'd like to have for this document?

Mayor Miyagishima said I would prefer that you meet with the Council.

Harry (Pete) Connelly, Interim City Attorney said this is a resolution and you can table it to date specific and Council can communicate with Mr. Schuster.

Robert Garza, City Manager said I would recommend that each Councillor summarize your questions and submit them to Tom to bring back to the March 7th meeting to address them.

Councillor Pedroza said I would like to see all of the questions prior to the meeting.

Mayor Miyagishima said I don't see a problem with doing that.

Robert Garza said I think we can do that but I think all the Councillors should give Tom your questions before the end of this week so he'll have time to compile them for you and include it in the packet.

Councillor Connor said I think a Work Session would give us the opportunity to discuss this and then he could bring us a corrected resolution because we can only amend so much of a resolution.

Mayor Miyagishima said I would agree if this were an ordinance but it's only a resolution which is going to be used for guidance.

Harry (Pete) Connelly said this is not an ordinance, it is the adoption of a Sustainability Plan and as long as you stay close to the document, add a few things, take away a few things, I really don't see a problem. You would be notifying the public by the action today that this item will be brought back on March 7th so as long as you don't drastically change the document, it should be fine.

Tom Schuster said I could also present an amended version of the plan that is based upon the comments that I receive from Council.

Robert Garza said I would suggest that Tom take your input to incorporate the agreed upon issues and create an amended resolution in advance of this next review.

Councillor Silva said I think it would be appropriate to have a Special Work Session to discuss this issue before bringing it back.

Councillor Thomas said I have some issues with the goals and objectives listed; I think we should list the objectives as titles.

Tom Schuster said most of our documents are structured as goals being the highest level and the objectives as the second highest level.

Councillor Thomas said I think there is still a lot of confusion but this is just a plan and none of this will become policy. I would prefer to pass this today because I don't see that many big issues here.

Mayor Miyagishima said I would also agree with passing this today but I recognize my colleagues who would like to add a few things. I could call a Special Work Session on March 16th if that is something that you would want to do.

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Councillor Small Moved to Table Resolution No. 11-182 until March 7, 2011 and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 11-182 until March 7, 2011 and it was APPROVED. 4-3 Councillor Pedroza, Councillor Small, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Silva, Councillor Connor and Councillor Sorg voted Nay.

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(15) Resolution No. 11-183: A Resolution Authorizing the Application for the 2011/2012 Municipal Arterial Program Funding with the New Mexico Department of Transportation for the _____ Project.

Councillor Connor Moved to Adopt Resolution No. 11-183 and Councillor Small Seconded the motion.

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Councillor Connor Moved to Suspend the Rules and discuss Item 15 and Item 17 concurrently and Councillor Thomas Seconded the motion.

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Esther Martinez, City Clerk asked Mr. Johnson, did you want these items to be heard separately?

Mike Johnson, Public Works Director said this is actually a MAP and a Co-Op, they're both funding with the Department of Transportation and there is a little bit of a different scenario for each one. I did ask that the Co-Op project follow after the El Paseo Corridor Approval Study which is the next item after this but we can discuss them together if that is the desire of Council.

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Mayor Miyagishima called for the roll on the Motion to Suspend the Rules and discuss Item 15 and 17 concurrently and it was Unanimously APPROVED. 7-0

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Mike Johnson gave an overhead presentation and said there are three potential projects identified which are (Option 1) the Amador Avenue Improvements from 17th to West Gate, (Option 2) Sonoma Ranch Boulevard Widening Project from Ross Court to Las Colinas Drive and (Option 3) Elks Drive from Reina Drive to Engler Road. The Amador Improvements Phase IIA has pavement that is in

need of re-surfacing, there needs to be removal and replacement of drive pads and wheel chair ramps for ADA compliance, removal and replacement of damaged sidewalks for ADA compliance and rehabilitation of utilities. The Sonoma Ranch Widening Project includes widening to the east from existing two lane roadway to four lanes, major arterial connection to Bataan Memorial West, provide full arterial section to northern development and this project is currently funded in our $3 million Street Bond. The Elks Drive Widening Project from Reina to Engler includes sidewalks, drivepads, curb and gutter, median curb, street lighting and storm drain improvements, full construction and widening of the roadway to a five lane street and six foot bike lanes. We would ask that Council selects one of these three projects so we can submit it to NMDOT for consideration.

Councillor Thomas said regarding the east side of Sonoma Ranch, you didn't state how that is going to be a direct benefit to NMDOT.

Mike Johnson said that provides direct connection to Bataan Memorial West which is an NMDOT owned and maintained roadway and it will help with the Highway 70 traffic.

Councillor Thomas asked if we selected the Amador Phase II Project would it complete that project?

Mike Johnson said no, there is a Phase III which is the reconstruction of the Valley Drive and Amador intersection.

Councillor Sorg said I would support the Sonoma Ranch Project because it is unfinished business that was started over twenty years ago, it would be a connection for the two new schools and I have been getting complaints that Jornada Road is being overused.

Councillor Connor said the worst part of the road for the Amador Project is the section that is going to be done in Phase III. It is a very busy intersection with bad turning lanes and I think it should be changed to Phase II of the project. Regarding the Elks Project, do you know if Engler is going to be completed within the next twelve months?

Mike Johnson said that is what we were told.

Councillor Connor said we were told that the entire DOT system is being reviewed right now in Santa Fe so I'm more sceptical that will be pushed back because there isn't going to be funding for it. I am looking at what would serve the most number of people and that is trying to do a two lane from the high school to Lohman Avenue. I wish we could do all of the projects but if I had my way, I would choose to do the Valley Intersection.

Mayor Miyagishima said your choice is the Valley Intersection but that isn't an option.

Councillor Connor said I know but in my opinion that should be Phase II of the Amador Project, not Phase III. My first choice would be the high school roadway.

Councillor Small asked is the Valley Intersection Phase III of the project because of the utilities?

Mike Johnson said we didn't submit the Valley Drive Intersection as an option today because there is a very tight timeline to design and bid the project. We can do it if that is Council's desire but we will have to do a right-of-way for this project which does add additional cost and time to it.

Councillor Small said I think fiscally it doesn't make sense for us do that project at this time. I would support doing Phase II of the Amador Project because we have already put a lot of work into Burn Lake and Seventeenth Street.

Councillor Pedroza said in terms of where the most good would be done, I would agree with finishing Amador.

Councillor Silva said I agree with Councillor Connor; I think we need to finish Sonoma Road for the high school and we need to have it on our list. Today, I would vote for doing the Amador Project.

Councillor Sorg asked if we chose the Sonoma Project, would that change the timetable for starting that project?

Mike Johnson said no, it would just free up existing City funds.

Councillor Sorg said in that case, I would support the Amador Project.

Councillor Thomas said I also support the Amador Project. I do agree that we need to complete the roadway to the high school and maybe we can look at including it as a CIP project.

Mike Johnson said I agree.

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Councillor Connor Moved to Amend Resolution No. 11-183 to select Option 1 which is the Amador Project and Councillor Small Seconded the motion.

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Councillor Sorg said don't we have to remove the suspension of the rules?

Mayor Miyagishima said I realized I shouldn't have done that so we will just retract the motion and the second.

Esther Martinez, City Clerk said the motion and seconded have been removed; correct?

Councillor Connor and Councillor Small said correct.

Esther Martinez said you can continue with the presentation for the second item (Item 17).

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Mike Johnson gave an overhead presentation and said this is an NMDOT application for the 2011-2012 calendar year. The amount averages in the amount of about $55,000 and it has been very consistent for about the last five years. The DOT will provide 75% and we have a minimum of 25% match funding. In the past, we have used this funding for projects like the Solano ADA Improvements Project. It is a smaller amount of money so we have used it to focus on things like the ADA improvements and street lights. The next item we will have ready to go out for bid is the Union and Stern Intersection Improvements. We are looking at three projects, Solano Drive from Cactus to Mulberry that still needs to be completed, we've looked at starting ADA improvements for Telshor from University Avenue to the north and the third project is the El Paseo Road Median Improvements from Wyatt to Boutz. All three of the projects can be revised to reflect different amounts so if we only get a certain amount of funding then we can use it to different sections of these streets. The Solano Project would cost about $109,000 and the City's share would be about $27,000, the Telshor Project would be about $98,000 and the City's share would be about $50,000 and the El Paseo Project would be about $198,000 and the City's share would be about $50,000.

Mayor Miyagishima said let's go back and un-suspend the rules for Item 15 then we can do motion and a second to discuss this item and then we'll do the same process.

Esther Martinez said we don't have to un-suspend the rules, we can't do anything on this part of it because I don't have a motion and a second to approve it. We need to go back to Item 15 and then I'll need a motion and a second to amend it to include the option you select then call for the vote to approve the amendment and then another call for the final vote to approve it. We will then go to Item 16 because when we did the acceptance of the agenda, we didn't amend it to change the order of the items. We will do Item 16 and vote on it then we can go onto Item 17.

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Councillor Connor Moved to Amend Resolution No. 11-183 to select Option 1 which is the Amador Project and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-183 to include Option 1 which is the Amador Project and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-183 as Amended and it was Unanimously APPROVED. 7-0

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(16) Resolution No. 11-184: A Resolution Endorsing the El Paseo Road Safety Assessment Final Report and Recommendations.

Councillor Connor Moved to Adopt Resolution No. 11-184 and Councillor Small Seconded the motion.

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Andy Hume, MPO Associate Planner gave an overhead presentation and said in 2009 we received a Smart Growth Implementation Assistance Award and we were the only ones who received input from the EPA, USDOT and the Urban Housing Development. FHWA which is a section of the DOT sponsored this Roadway Safety Assessment that was done at the end of October 2010. There are several safety issues and one of them is the crossing for the Las Cruces High school students which is currently extremely dangerous. As per the report, the Traffic Operations Department is already looking at replacing older and deficient mast arms and scheduling additional signal head installation.

Councillor Small said El Paseo has several issues and thankfully, today we have the opportunity to start addressing some of those issues and the first step is for us to officially accept this document.

Councillor Thomas said access management is a huge problem for El Paseo and part of the problem is that parking lots don't connect in this area. There are also a lot of pedestrian problems and there are several obstacles on the sidewalks which causes people to have to walk on the street. Is our Complete Streets Resolution enough or do we need to do something more to address this issue?

Andy Hume said I think the Complete Streets Policy is a good step forward and another step will be to review the Design Standards which is currently underway.

Councillor Thomas said it sounds like there are enough other policies that are being looked into to help with this situation so I do support this item.

Councillor Silva said I attended some of these meetings and it was phenomenal to be a part of it.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-184 and it was Unanimously APPROVED. 7-0

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(17) Resolution No. 11-185: A Resolution Authorizing the Application for 2011/2012 Co-Op Funding with the New Mexico Department of Transportation for the _____ Project.

Councillor Small Moved to Adopt Resolution No. 11-185 and Councillor Thomas Seconded the motion.

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Councillor Small said it was appropriate to discuss this item after the El Paseo item. We need to accept this challenge in order to move forward. I would support the third option which is the medians.

Mike Johnson, Public Works Director said I also want to mention that we are also looking into placing new asphalt overlay along El Paseo from University to South Main Street over the next several years, in several phases.

Councillor Silva said the problem is some of these other smaller projects are stopped and then we keep putting them off so they don't get funded and completed. If this grant is only for $55,000 how do we make up the remainder?

Mike Johnson said we can scale the El Paseo Project back depending upon the amount of funding we receive. We do sometimes have funding leftover from other projects which can be used to help complete some of the other projects.

Councillor Thomas said I would support the El Paseo Project.

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Councillor Thomas Moved to Amend Resolution No. 11-185 to select Option 3 the El Paseo Project and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-185 to select Option 3 the El Paseo Project and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-185 as Amended and it was Unanimously APPROVED. 7-0

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Councillor Small Moved for a Recess and Councillor Sorg Seconded the motion.

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

Council said "Aye".

Meeting recessed at approximately 4:30 p.m. and reconvened at approximately 4:37 p.m.

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Councillor Silva left the meeting at approximately 4:30 p.m.

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(18) Council Bill No. 11-025; Ordinance No. 2605: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and the United States of America, for the Sale of 15 Acres of Municipally Owned Land in the West Mesa Industrial Park for the Purchase Price of Six Hundred Thousand Dollars ($600,000.00) in Accordance with Provisions of Section 3-54-1, NMSA, 1978, as Amended.

Councillor Thomas Moved to Adopt Council Bill No. 11-025; Ordinance No. 2605 and Councillor Connor Seconded the motion.

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Christine Logan, Economic Development Administrator gave an overhead presentation and said this is for a proposed land sale and it is a standard agreement but the Federal Government is the buyer and they are prohibited from buying land that has restrictions or covenences. The land does have covenences which have been in place since the late 80's and the City cannot waive covenences. We are still looking into this situation and our recommendation is that Council table this item indefinitely.

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Councillor Connor Moved to Table Council Bill No. 11-025; Ordinance No. 2605 Indefinitely and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Table Council Bill No. 11-025; Ordinance No. 2605 Indefinitely and it was APPROVED. 6-0 Councillor Silva was Absent.

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## VIII. BOARD APPOINTMENTS

Mayor Miyagishima appointed Frank Lujan (Chapter #80 of the Special Forces Association) to the Veterans Advisory Board.

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Councillor Connor Moved to Approve the Mayor's Board Appointment of Frank Lujan (Chapter #80 of the Special Forces Association) to the Veterans Advisory Board and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment of Frank Lujan (Chapter #80 of the Special Forces Association) to the Veterans Advisory Board and it was APPROVED. 6-0 Councillor Silva was Absent.

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Mayor Miyagishima re-appointed Jim Ericson and Leeann DeMouche to the Las Cruces Utilities Board.

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Councillor Connor Moved to Approve the Mayor's Board Re-Appointment of Jim Ericson and Leeann DeMouche to the Las Cruces Utilities Board and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Re-Appointment of Jim Ericson and Leeann DeMouche to the Las Cruces Utilities Board and it was APPROVED. 6-0 Councillor Silva was Absent.

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Mayor Miyagishima said Councillor Pedroza would like to appoint Ben Longwill, Jr. to the Senior Program Advisory Board.

Esther Martinez, City Clerk said that board appointment is to be done by the Mayor with the advice and consent of Council.

Mayor Miyagishima appointed Ben Longwill Jr. to the Senior Programs Advisory Board.

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Councillor Pedroza Moved to Approve the Mayor's Board Appointment of Ben Longwill, Jr. to the Senior Programs Advisory Board and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointment of Ben Longwill, Jr. to the Senior Programs Advisory Board and it was APPROVED. 6-0 Councillor Silva was Absent.

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## IX. REVIEW OF PROPOSED ORDINANCE(S)

(19) Council Bill No. 11-027; Ordinance No. 2607: An Ordinance Approving a Zone Change from O-2c (Office, Professional-Limited Retail Service-Conditional) to C-2c (Commercial Medium Intensity-Conditional) for 0.60 ± Acres of Land Located at 775 S. Telshor Boulevard. The Proposed Zone Change Would Allow the Use of a Restaurant/Café on the Subject Property. Submitted by Jake Redford on Behalf of Mactimski, LLC, Property Owner (Z2822).

Mayor Miyagishima and Council agreed to bring this item back.

(20) Council Bill No. 11-028; Ordinance No. 2608: An Ordinance Approving a Zone Change from A-2c (Rural Agriculture-Conditional) to WMIP (West Mesa Industrial Park) for 120.14 ± Acres of Land Located at 0 Crawford Boulevard (Parcel Id 02-24501). The Proposed Zone Change Would Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by the City of Las Cruces. (Z2824).

Mayor Miyagishima and Council agreed to bring this item back.

(21) Council Bill No. 11-029: Ordinance No. 2609: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 1.377 ± Acres of Land Located at 3425 Bataan Memorial West. The Proposed Zone Change Would Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by DVI on Behalf of Mesilla Valley Commercial Tire, Inc., Property Owner (Z2826).

Mayor Miyagishima and Council agreed to bring this item back.

(22) Council Bill No. 11-030: Ordinance No. 2610: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3 (Commercial High Intensity) for 1.55± Acres of Land Located on the North Side of US 70/Bataan Memorial West at the Intersection of Saturn Circle. The Proposed Zone Change Would Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by Christian Ricky Sr. Et Al. (Z2827).

Mayor Miyagishima and Council agreed to bring this item back.

(23) Council Bill No. 11-031; Ordinance No. 2611: An Ordinance Approving a Zone Change from R-4 (Multi-Dwelling High Density & Limited Retail and Office) to O-2 (Office, Professional-Limited Retail Service) for 0.31 ± Acres of Land Located at 780 S. Walnut Street. The Proposed Zone Change Would Bring the Subject Property into Compliance with the 2001 Zoning Code, as Amended. Submitted by Kary Bulsterbaum on Behalf of Mesilla Capital Investment, LLC, Property Owner (Z2829).

Mayor Miyagishima and Council agreed to bring this item back.

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## X. GENERAL DISCUSSION

### 1. MAYOR

Mayor Miyagishima said during the State of the City Address, I forgot to mention that we are proud of Lisa Murphy and our Airport which was ranked number one in the State.

Regarding the CDBG, we have received over approximately $727,000 in funding that went to several different projects. I would like to ask that we contact Congressman Pearce and tell him how important this is and to ask him to vote against the elimination of the CDBG.

I will be holding a "Mayor's Night In" meeting tomorrow from 5:00 to 7:00 p.m. here in chambers.

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2. **CITY COUNCIL**

Councillor Connor said regarding the vacant buildings and land that is outside of the West Mesa Industrial Park, Good Start vacated the building on Nevada and I think there is a way we can handle the RFPs to be able to counteroffer within 24 hrs. I have some examples of this type of situation that was done by the County and I would like to pass this on to Mr. Garza to find a way for us to respond quicker.

I spoke with the DOT Secretary regarding Picacho Avenue and North Main which are State roadways that run within our City and I want to suggest that we find a way to require semi-trucks to use the interstate instead of going down these streets and causing damage to the old structures within our City.

Councillor Sorg said I agree with regulating semi-trucks within the City because trucks increase the wear and tear of our roadways 30% over cars. The interchange from I-25 to I-10 is scheduled to be completed very soon and that will help this situation.

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Councillor Connor left the meeting at approximately 4:52 p.m.

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Councillor Pedroza said there is going to be a District Meeting on March 29th at Lynn Middle School from 7:00 to 9:00 p.m.

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Councillor Small said I think the semi-truck suggestion makes good sense with the exception of those who have property within the City limits.

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Councillor Sorg said since Rio Grande Natural Gas Association has dissolved and the City is taking over new customers, there has been some unintended consequences from it. One of those is with the Solid Waste, customers that have other utilities like water, gas and sewer are required to have a solid waste container but there is a case where a customer has services with the City and others and they have their own septic tank then all of a sudden they get natural gas service because of the change and are required to have solid waste service. I think this may become a problem and a burden for those

people in that type of situation that are low income so I think we should consider changing that requirement for this type of situation.

Robert Garza, City Manager said that is something that should probably be presented to the Utility Board.

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Councillor Thomas passed.

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3. **CITY MANAGER**

A. Other items - Information Only.

Robert Garza, City Manager said we are having our legislative luncheon on Thursday in Santa Fe and there will be a van here at 7:00 a.m.

There is going to be a Public Hearing regarding the RV Ordinance on March 2nd in City Council Chambers and then on March 14th at your regular Work Session, we will be discussing what was discussed at the Public Hearing and get some direction from Council.

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**Meeting Adjourned at 4:59 p.m.**