City Council
of the
City of Las Cruces

Regular Meeting

January 21, 2014
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima **ABSENT**	Robert Garza, City Manager
Councillor Miguel Silva, District 1	Brian Denmark, Assistant City Manager
Councillor Greg Smith, District 2	Harry (Pete) Connelly, City Attorney
Councillor Olga Pedroza, District 3	Esther Martinez-Carrillo, City Clerk
Councillor Nathan Small, District 4	
Councillor Gill Sorg, District 5	
Councillor Ceil Levatino, District 6	

DRAFT

I. OPENING CEREMONIES

Mayor Pro-tem Smith called the meeting to order and asked for a moment of silence. Mayor Pro-tem Smith led the Pledge of Allegiance.

Mayor Pro-tem Smith and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Pro-tem Smith read a Proclamation and declared January 20, 2014 as Dr. Martin Luther King Jr. Day.

Mayor Pro-tem Smith read a Proclamation and declared January 26th thru February 1, 2014 as School Choice Week.

Mayor Pro-tem Smith presented a Proclamation to Sharon Trujillo and declared January 26 thru February 1, 2014 as Catholic Schools Week.

Las Cruces Academy Students recited the Gettysburg Address.

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 Pro-tem Smith asked if anyone had any conflicts with anything on the agenda?

There were no conflicts given.

III. PUBLIC PARTICIPATION

Kevin Bixby, Southwest Environmental Center said every year for the past three years there is a group from Utah called Predator Masters that comes down to Las Cruces to hold their annual convention and coyote hunt. It is not illegal to shoot coyotes here but they go out to the desert to shoot them and just leave them there for sport. I am here to request that this body takes a position on these types of events so that they are not attracted to Las Cruces in the future. Last year the Animal Services Center of the Mesilla Valley passed a resolution discouraging these types of events and I would urge you to do the same.

DRAFT

Councillor Pedroza asked do these gentlemen that shoot the coyotes use them for any purpose at all?

Kevin Bixby said no, they don't even use the pelts because they are damaged from the high power weapons that they use.

Councillor Pedroza asked is your group going to demonstrate where this group meets again this year?

Kevin Bixby said yes, we intend to hold another rally. I also want to mention that the County passed this type of resolution last week.

Councillor Pedroza said I would agree with passing a resolution as well.

Councillor Sorg said coyotes are predators and they are very important to the food chain so reducing their numbers does have an impact on the ecosystem.

Councillor Levatino asked where do they go to hunt?

Kevin Bixby said they go onto BLM public lands. We have asked BLM to require them to get a recreational permit but they said that since it isn't labeled an organized event that they won't require permits. There are a lot of different people who use these lands for different reasons.

Councillor Levatino said it seems to me that this could also be a public safety issue because there are a lot of other people out in that area using the desert for a variety of reasons.

Kevin Bixby said it could be a safety issue. I live out behind A Mountain and there are areas out there where it is very hard to tell if you are on public or private land but I don't think it is anymore of a safety issue than any other form of hunting. We aren't anti-hunting but these people are using high powered weapons.

Councillor Silva said not too long ago we discussed passing a resolution regarding firing weapons without a purpose but I don't know what happened with it. I agree that this would be a safety issue.

Robert Garza, City Manager said we did discuss the shooting in the desert that was taking place and essentially we agreed with a process to put up signs and educate the public on the discharge of any firearms within the city limits which is illegal.

Councillor Pedroza said it seems to me that there is a consensus to have a proclamation so how do we move forward with it?

DRAFT

Mayor Pro-tem Smith said it does seem that we have a consensus so I believe the City Manager will direct staff to move forward with it.

Robert Garza said that is correct. We can simply get a copy of the County's resolution and just replicate it and then bring it forward at your February 3rd meeting.

J.D. Rodriguez said I would like to make a comment on Item 1 of the agenda.

Mayor Pro-tem Smith said that is on the Consent Agenda so someone will take that off consent to discuss and you will be able to speak on it at that time.

IV. READ CLOSED MEETING STATEMENT INTO RECORD

I. Read Closed Meeting Statement from January 6, 2014 into the record.

Mayor Pro-tem Smith read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 2:55 p.m. on January 6, 2014. The following members were in attendance for Item 1 which was to discuss pending litigation in the matter of Texico Conference of Seventh Day Adventist, et al. V. City of Las Cruces, USDCNM No. 13-CV-855: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino, City Manager Robert Garza, Assistant City Manager Brian Denmark, Assistant City Manager Mark Winson, City Attorney Harry (Pete) Connelly, Private Attorney Damian Martinez, and Private Attorney Casey Fetch. Item 1 meeting adjourned at 3:20 p.m.

The following members were in attendance for Item 2 which was to discuss an interest in real estate concerning the Philippou Groups Mortgage Debt to the City of Las Cruces: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino, City Manager Robert Garza, Assistant City Manager Brian Denmark, Assistant City Manager Mark Winson, and City Attorney Harry (Pete) Connelly. Item 2 meeting adjourned at 4:00 p.m.

The following members were in attendance for Item 3 which was to discuss limited personnel matters relating to City Manager Robert Garza (Annual Contract Review): Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, and Councillor Levatino. Item 3 meeting adjourned at 5:19 p.m.

V. 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.

DRAFT

Mayor Pro-tem Smith said Item 1 needs to be removed from the Consent Agenda for discussion.

Councillor Sorg Moved to Approve the Agenda as Amended and Councillor Small Seconded the motion.

Mayor Pro-tem Smith called for the roll on the Motion to Approve the Agenda as Amended and it was Approved. 6-0 Mayor Miyagishima was Absent.

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

*(2) Resolution No. 14-119: A Resolution Authorizing High Desert Brewing Company to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer Within a Restricted and Secured Area in Front of and Inside of the Rio Grande Theater at 211 North Main Street, From 6:00 P.M. to 11:00 P.M. on Saturday, February 15, 2014.

*(3) Resolution No. 14-120: A Resolution Authorizing the City of Las Cruces to Accept Awarded Funding on Behalf of the Thomas Branigan Memorial Library from the New

Mexico State Library, Grants-In-Aid Program for FY 2014 in the Amount of $13,705.59 with No Match Requirement and to Adjust the City's FY 2014 Budget.

*(4) Resolution No. 14-121: A Resolution Approving a Roadway Lighting Maintenance Agreement Between the City of Las Cruces and the New Mexico Department of Transportation to Provide for the Maintenance of Roadway Lighting Along US70 from Interstate 25 to Rinconada Boulevard, Control No. 1100930.

*(5) Resolution No. 13-14-305: A Resolution Authorizing the City of Las Cruces to Enter into Indefinite Cost, Indefinite Quantity Agreements with Parkhill, Smith & Cooper, Zia Engineering & Environmental Consultants, LLC., and Souder Miller & Associates, to Provide Civil Engineering Services to the City of Las Cruces on an As-Needed Basis for a Period of Up to Five Years Subject to Annual Renewals and Approved Budget Appropriations.

*(6) Resolution No. 13-14-309: A Resolution Authorizing the City of Las Cruces to Enter into Indefinite Cost, Indefinite Quantity Agreements with Parkhill, Smith & Cooper, Inc., Smith Engineering Company, and Stubbs Engineering, Inc., to Provide Structural Engineering Services to the City of Las Cruces on an As-Needed Basis for a Period of Up to Five Years Subject to Annual Renewals and Approved Budget Appropriations.

*(7) Resolution No. 13-14-310: A Resolution Authorizing the City of Las Cruces to Enter into Indefinite Cost, Indefinite Quantity Agreements with Zia Engineering & Environmental Consultants, LLC., Wilson & Company, Inc., and Lee Engineering, LLC., to Provide Traffic Engineering Services to the City of Las Cruces on an As-Needed Basis for a Period of Up to Five Years Subject to Annual Renewals and Approved Budget Appropriations.

*(8) Resolution No. 13-14-311: A Resolution Authorizing the City of Las Cruces to Enter into Indefinite Cost, Indefinite Quantity Agreements with Parkhill, Smith & Cooper, Inc., Zia Engineering & Environmental Consultants, LLC., and CH2M Hill, Inc., to Provide Utilities Engineering Services to the City of Las Cruces on an As-Needed Basis for a Period of Up to Five Years Subject to Annual Renewals and Approved Budget Appropriations.11

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

*(1) Resolution No. 14-118: A Resolution Approving Amendments to the Agreement Employing Robert L. Garza as City Manager.

Councillor Small Moved to Approve Resolution No. 14-118 and Councillor Silva Seconded the motion.

Councillor Small said I see many reasons to support this contract due to the high service that the City Manager provides to us and the positive direction that his leadership has helped set for our organization.

Councillor Pedroza asked what part of this is open to public discussion?

Harry (Pete) Connelly said the contract is open for public discussion but the negotiations that took place concerning the contract are not open for public discussion.

J.D. Rodriguez, Member of the Public said the taxpayers demand accountability. Why does the City Manager need to have such a high increment? I feel the City Manager should have a Performance Plan in place to show how he is going to do his job. What has he done to deserve such a high raise and are both of the Assistant City Managers going to get a high raise as well?

DRAFT

Mayor Pro-tem Smith said regarding the Performance Plan, that is largely between us and the City Manager as part of our personnel discussions. The City Manager is our only employee so we don't have any input on whether or not the Assistant City Managers will receive raises. We believe he is performing exceptionally well and we believe that the work he is doing for the City warrants the raise that we were able to give him.

Councillor Silva said we went to this evaluation format in 2010 in which we evaluate the City Manager in June or July and then we renew his contract in January.

Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-118 and it was Approved. 6-0 Mayor Miyagishima was Absent.

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(9) Resolution No. 14-122: A Resolution to Establish a Work Force 2014 Ad Hoc Committee.

Councillor Silva Moved to Approve Resolution No. 14-122 and Mayor Pro-tem Smith Seconded the motion.

Councillor Silva said this is going to be a committee that would focus on the minimum wage and the impact it has on the local businesses and the local residents. I don't think we can rely on this being addressed at the federal level so a lot of communities around the country are taking this topic into their own hands. I think the best people to look at this issue are the stakeholders who are involved with minimum wage; those who hire employees and the employees themselves.

Councillor Sorg said about six or seven years ago the Council set up a committee of stakeholders to discuss Pete Dominici's Wilderness Area surrounding Las Cruces and it was a complete waste of time. Not too long ago we set up another committee to look at wind erosion control and the results weren't much better. We ended up with a Wind Control Ordinance that needs to be rewritten today so I think that was also somewhat of a waste of time as well. I don't see what the end result is suppose to be for this committee therefore I am going to vote against it because we have other means of discussing the minimum wage issue. I strongly suggest that we do have a work shop. Also, in looking at the list of committee members, to me it looks like it is stacked one way. I count at least 15 pro-businesses out of the 20 members so I don't think it is fair anyway.

DRAFT

Mayor Pro-tem Smith asked do you think ad-hoc committees in general are a waste of time?

Councillor Sorg said no, but I think this one is and I think it is too large and it should be evenly split.

Mayor Pro-tem Smith asked would you be willing to support it if it was amended?

Councillor Sorg said I can't think of an amendment that would help.

Councillor Pedroza asked would the Council be bound to wait until the committee came to some kind of recommendation before acting?

Mayor Pro-tem Smith said we would want them to meet on a monthly basis and report back to us on a quarterly basis so we would hear from them every three months and we might hear something from them that we find actionable and helpful.

Councillor Pedroza said I find that very troubling. I think the size of the committee is not conducive to reaching an agreement and I agree with Councillor Sorg that the majority of the members would be expressing the concerns of the employers so I don't find this fair at all. I can't support this and I think the people in our city are crying for an increase in minimum wage and for us to tell them we are going to wait on a committee to bring us recommendations once a quarter; I cannot support it.

Mayor Pro-tem Smith said maybe you can consider an amendment to make it more balanced. Our intention is not to weigh this in one direction but it may have inadvertently came across that way.

Councillor Pedroza said I commend your efforts but I can't understand how you thought 13 groups that are pretty much all employers and only two groups that would be speaking for employees would be fair. I don't find that fair at all. I agree with Councillor Sorg's suggestion of having a work session to discuss this issue.

Councillor Small said I don't plan on supporting this today either so I don't think it would have the necessary support. I don't even recall having a consensus to put this resolution on the agenda. I don't feel this is the right approach for this issue so I would endorse a work session to look at our regional economy situation.

Councillor Levatino said I think it is dangerous for any of us to assume that we know what these stakeholders think and I would caution my fellow Councillors not to do that. We have a diversity of stakeholders in this city and they need to be part of the discussion. I don't agree with having a work session on this because we are discussing it now. I think it is important that we move forward with this and form this ad-hoc committee.

DRAFT

Councillor Silva said I don't think that this Council would have to wait to hear from this committee before we take action on something that has a consensus from Council. I do think the stakeholders would know what is best for this region and what would work. There would be nothing wrong with us tabling this until our next meeting to give us some time to collect input on creating a balanced group and looking at the size of the committee.

Councillor Pedroza said I just don't think forming a committee and asking them to report to us every three months is a good idea because that would just be a waste of their time. I don't think forming a larger committee would serve the purpose that we want and what we want is input from the people who pay the wage, the people receiving the wage and the people who can tell us how certain things in a community can affect it. I think a work session is a better idea.

Sarah Melton, New Mexico CAFé said we are thankful for you offering us the opportunity to sit on this committee. How many consumers will be sitting on the committee? Who are the general consumers and who appoints them to sit on the committee? Will there be representation for wage earners on the committee?

Mayor Pro-tem Smith said I'm not sure we had a set amount of consumers to sit on the committee and we originally had the consumers broken into several different groups but it was put together into this one group that is on the list. If this is brought forward then there would be further discussions on who would be making the appointments. Regarding wage earners, we would also need to have further discussions on that group as well.

Sarah Melton said it does look like there is more employer representation than employee representation on this committee so I am concerned with the effectiveness of this committee. I think

it would be a good idea to have a work session to further discuss this issue.

J.D. Rodriguez, Member of the Public said I think you should do something about this as a City Council instead of just forming a committee.

Ryan Dailey, Member of the Public asked is this committee going to be tasked with the minimum wage issue only? If the Council brings forward something then will it also have to be approved by the County since we are in Doña Ana County? Why hasn't Council just brought forward a resolution regarding the minimum wage so it can be voted either up or down? Also, what happens if this vote today is a tie?

Mayor Pro-tem Smith said the committee would look at a broader spectrum of the minimum wage situation. The County does not have to concur with us because we can set a minimum wage for the city. If this is a tie vote then it would fail because it has to be approved by a majority vote.

Councillor Silva asked if we put this on a work session, would it be for the formation of the committee or the minimum wage situation? I would be willing to table this item until it can be discussed further.

DRAFT

Robert Garza, City Manager said the focus of the work session would be up to Council and I would recommend that if you do have a work session that it be scheduled for February 10th.

Councillor Silva said we could table this until the first part of March and I would suggest that we discuss not only the formation of the committee but also their task.

Councillor Small said I don't think this resolution hits the mark for discussion and I think it should be voted on today. I would like to call for the question.

Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-122 and it FAILED. 3-3 Councillor Silva, Councillor Levatino and Mayor Pro-tem Smith voted Aye. Councillor Pedroza, Councillor Small, and Councillor Sorg voted Nay. Mayor Miyagishima was Absent.

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(10) Resolution No. 14-123: A Resolution to Adjust the Adopted Fiscal Year 2013-14 Budget Allowing for Adjustments Within Various Line Item Budgets and Transfer Accounts Due to Mid-Year Development Regarding Revenues and Expenditures.

Councillor Sorg Moved to Approve Resolution No. 14-123 and Councillor Small Seconded the

motion.

Dick Gebhart, Budget Director gave an overhead presentation and said there were 47 funds adjusted out of 197 funds and there was a total of 260 individual transactions which include 86 to reflect changes in revenue and 28 to reflect changes in transfers. There were 98 increases and 48 decreases in expenditures. We do have a weakness in revenues which is primarily in the GRT for FY14. The General Fund revenue has deceased by $1.9 million and the three significant reductions are in the GRT, the Franchise Fees (telephone) and in the Municipal Court fines. The local economy is weaker than we anticipated but we do still have an ending General Fund balance that remains twice the required reserve.

Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-123 and it was Approved. 6-0 Mayor Miyagishima was Absent.

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(11) Resolution No. 14-124: A Resolution to Amend the Fiscal Year 13-14 ICIP to Include "Film Infrastructure."

Councillor Small Moved to Approve Resolution No. 14-124 and Councillor Sorg Seconded the motion.

Loretta Reyes, Public Works Director said it was brought up at the January 10th Strategic Planning and Pre-Budget Retreat to include film infrastructure on the 2014 ICIP so that is being addressed with this resolution. This resolution would also enable the City to receive potential Capital Outlay funding through the Legislature.

Councillor Levatino said this is a wonderful opportunity for us to diversify our economic platform and it is something that is not going to cost us a great deal if anything at all. I am absolutely in support of this resolution

Russ Smith, Member of the Public said this is a strong economic opportunity for Las Cruces and it could set us up for further opportunities in the film industry.

Councillor Small said I am very excited to move forward with this today and I see a very positive

future for us with this program.

Councillor Silva said I do have some concerns with committing ourselves to a back lot and other stuff because there are several places that are going bankrupt with the idea of build it and they will come. However, I do hope we can move forward with this and that we are successful with obtaining funding from up north but even if we don't receive the funding, I do think we need to move forward with the film industry because it does have the potential of being a very viable industry down south.

Mayor Pro-tem Smith said I believe when we talk about back lots that we are only talking about infrastructure that has yet to be determined or defined; correct?

Loretta Reyes said that is correct.

Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-124 and it was Approved. 6-0 Mayor Miyagishima was Absent.

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(12) Resolution No. 14-125: A Resolution Approving a Waiver From 100% of the Required Road Improvements to Porter Drive Associated with a Proposed Subdivision Plat Known as Guadalajara Acres on a 2.107 ± Acre Parcel Located at 4660 Porter Drive. Submitted by the Lopez and Aispuro Families, Property Owners (S-13-023W).

Councillor Pedroza Moved to Approve Resolution No. 14-125 and Councillor Sorg Seconded the motion.

Susana Montana, Planner gave an overhead presentation and said the applicants are the property owners who are family members and they wish to split the property into two parcels so they can have utilities hooked up to the second mobile home that is on the property. Since there is an elevation change on the property, it is recommended that they share a driveway to the property so there aren't any curb cuts. Staff has recommended denial of this waiver. The Planning and Zoning Commission recommended approval of the waiver because of the financial hardship of the family and they feel the existing roadway currently works perfectly well.

Councillor Levatino said this is a two acre lot that would be subdivided into two one-acre lots. What types of utilities are available for this lot?

Susana Montana said the property is on City water and it is on septic; there is an existing septic tank and drain-fill. They will also be installing a second septic tank and drain-fill.

Councillor Sorg said don't we have a requirement that new structures must be hooked up to the City waste water system?

Susana Montana said yes, we do have that in place when waste water service is available. There are some lines in the area but due to the elevation of the area the City doesn't believe they could support being able to construct a required lift station for that area at this time.

Councillor Sorg said I do have concerns with Porter but I agree that it would be ridiculous to make four lanes just for that small section at this time. Who would be responsible to make improvements to Porter in the future?

Susana Montana said the City would be the principal sponsor and they may be able to secure federal funds.

Councillor Sorg said I wish we had something better in place so that property owners could pay a portion of the roadway improvements when it is done in the future.

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Susana Montana said we did ask the applicant if the family would be able to contribute a percent or a dollar amount at this time but they feel they simply can't afford it.

Brian Denmark, Assistant City Manager said in the future the City Council could contemplate forming a Special Assessment District for this particular corridor. Otherwise, the City would hold the burden of finding ways to fund it themselves.

Jorge Garcia, Utilities Director said I just want to mention that there is not a sewer line in front of their property and I want to clarify that Jornado Water Company is the water company for that area.

Councillor Silva asked could we set up an escrow account for the property owners to put funds into for a certain amount of time?

Susana Montana said we did discuss that with the applicants and the applicants have stated that they would not be able to contribute any funds at this time.

Councillor Silva said since they do have a hardship maybe this Council could just have them pay 50% of it and they could make monthly payments to an escrow account so that money would be there in 20-30 years from now when we are able to build out that road.

Councillor Pedroza said I would agree with going with Mr. Denmark's suggestion to look at creating a Special Assessment District in the future. I think we should approve this waiver for them now and in the future when there is more development in that area then all of them could be part of the Special Assessment District for that area and pay into it.

Christina Aispuro, Applicant said we are all currently living in the one mobile home that has the utilities and the only reason we need the subdivision is so that we can hook up the utilities in the other trailer. My mom has had two back surgeries and a tumor removed from her head so I would like to be able to take care of her. I am by myself and have two kids. I have gone around the neighborhood and got about fifty signatures from neighbors stating that they don't have any problem with us subdividing our property. The street is currently in good shape and this wouldn't increase the traffic or anything. I know this would be a future expense for the City but I am hoping to get the 100% waiver today.

Mayor Pro-tem Smith said we understand your circumstances and I think we are very compassionate regarding your circumstances but we also have the situation where time and again the City has found itself making these exceptions which is why you hear Council expressing their concerns with these situations.

Councillor Sorg said the right-of-way for this property has been dedicated; correct?

DRAFT

Susana Montana said that is correct and the applicant is dedicating 30 additional feet.

Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-125 and it was Approved. 6-0 Mayor Miyagishima was Absent.

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(13) Resolution No. 14-126: A Resolution Approving a Closed Circuit Television Camera Maintenance Agreement Between the City of Las Cruces and the New Mexico Department of Transportation to Provide for the Maintenance of a Closed Circuit Television Camera Located at the US70 and Interstate 25 Interchange, Control No. 1100930.

Councillor Sorg Moved to Approve Resolution No. 14-126 and Councillor Pedroza Seconded the motion.

Willie Roman, Traffic Engineer gave a verbal presentation and said there is a safety project that NMDOT is about to begin to installing jersey barriers on I-25 to Rinconada. They are also going to be making improvements to the roadway lighting system. This agreement is for a CCT camera system which NMDOT will own and operate the camera system, and they will be tying into the

service that the City currently has with the signal system. NMDOT is willing to grant administrative access to the City but the City won't have the ability to use the zoom feature for security reasons.

Councillor Sorg asked will the camera video be available to the public?

Willie Roman said yes, it is available to the public through the NMDOT website.

Charles Remkey, ITS Manager of Operations said the public has access to the cameras that we have all over the state through the NM Roads website.

Councillor Silva asked is it City policy that when NMDOT or someone puts a camera out in the field that they have to get Council's approval?

Brian Denmark, Assistant City Manager said yes, if there is an agreement.

Councillor Silva said this would be to monitor conditions and not to monitor driving habits; correct?

DRAFT

Willie Roman said that is correct, it is to monitor road conditions.

Mayor Pro-tem Smith said so this isn't a red light camera type situation.

Willie Roman said correct.

Mayor Pro-tem Smith called for the roll on the Motion to Approve Resolution No. 14-126 and it was Approved. 5-0 Councillor Small and Mayor Miyagishima were Absent.

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(14) Council Bill No. 14-018; Ordinance No. 2703: An Ordinance Supporting an Economic Development Project in Accordance with the City of Las Cruces Local Economic Development Plan 2013, Authorizing an Economic Development Project Participation Agreement Between the City of Las Cruces and La Clinica De Familia.

Councillor Sorg Moved to Approve Council Bill No. 14-018; Ordinance No. 2703 and Councillor Silva Seconded the motion.

Brian Denmark, Assistant City Manager said when this was brought before Council for the first reading it was missing some information and after reviewing the information that was provided by La Clinica, staff has made the determination that the information added was substance enough to create a second ordinance. Item 15 of this agenda is the second ordinance that will be replacing this ordinance. Therefore, staff recommends that this ordinance be postponed indefinitely.

Councillor Silva Moved to Table Council Bill No. 14-018; Ordinance No. 2703 Indefinitely and Councillor Sorg Seconded the motion.

Mayor Pro-tem Smith called for the roll on the Motion to Table Council Bill No. 14-018; Ordinance No. 2703 Indefinitely and it was Approved. 5-0 Councillor Small and Mayor Miyagishima were Absent.

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VIII. BOARD APPOINTMENTS

Mayor Pro-tem Smith for Mayor Miyagishima appointed Shelly Sanders to the Mesilla Valley Public Housing Authority.

Mayor Pro-tem Smith for Mayor Miyagishima appointed Barbara Kuhns (property owner/resident position) to the South Mesquite Design Review Board; reappointed Chris Cruz, Maria Ridgway, Kari L. Shepan, and Alesia Dutton to the Fourth of July Committee; appointed Daniel L. Banks (Position DAV #10) to the Veterans Advisory Board; appointed Councillor Pedroza and Councillor Sorg to the Board of Commissioners for Utilities; appointed Councillor Pedroza (Alternate) to the ETZA; appointed Councillor Pedroza to the Lower Rio Grande Users Group; appointed Councillor Pedroza, Councillor Sorg and Councillor Small to the MPO Policy Committee; appointed Councillor Pedroza to the South Central Solid Waste Authority; appointed Councillor Pedroza to the West Mesa Strategic Planning Committee; appointed Councillor Levatino to the Airport Advisory Board; appointed Councillor Sorg to the Transit Board; and appointed Councillor Levatino (Alternate) to MVRDA.

Councillor Silva Moved to Approve the Mayor's board appointment of Barbara Kuhns (property owner/resident position) to the South Mesquite Design Review Board; reappointment of Chris Cruz, Maria Ridgway, Kari L. Shepan, and Alesia Dutton to the Fourth of July Committee; appointment

of Daniel L. Banks (Position DAV #10) to the Veterans Advisory Board; appointment of Councillor Pedroza and Councillor Sorg to the Board of Commissioners for Utilities; appointment of Councillor Pedroza (Alternate) to the ETZA; appointment of Councillor Pedroza to the Lower Rio Grande Users Group; appointment of Councillor Pedroza, Councillor Sorg and Councillor Small to the MPO Policy Committee; appointment of Councillor Pedroza to the South Central Solid Waste Authority; appointment of Councillor Pedroza to the West Mesa Strategic Planning Committee; appointment of Councillor Levatino to the Airport Advisory Board; appointment of Councillor Sorg to the Transit Board; and appointment of Councillor Levatino (Alternate) to MVRDA and Councillor Small Seconded the motion.

Mayor Pro-tem Smith called for the roll on the Motion to Approve the Mayor's board appointment of Barbara Kuhns (property owner/resident position) to the South Mesquite Design Review Board; reappointment of Chris Cruz, Maria Ridgway, Kari L. Shepan, and Alesia Dutton to the Fourth of July Committee; appointment of Daniel L. Banks (Position DAV #10) to the Veterans Advisory Board; appointment of Councillor Pedroza and Councillor Sorg to the Board of Commissioners for Utilities; appointment of Councillor Pedroza (Alternate) to the ETZA; appointment of Councillor Pedroza to the Lower Rio Grande Users Group; appointment of Councillor Pedroza, Councillor Sorg and Councillor Small to the MPO Policy Committee; appointment of Councillor Pedroza to the South Central Solid Waste Authority; appointment of Councillor Pedroza to the West Mesa Strategic Planning Committee; appointment of Councillor Levatino to the Airport Advisory Board; appointment of Councillor Sorg to the Transit Board; and appointment of Councillor Levatino (Alternate) to MVRDA and it was Approved. 6-0 Mayor Miyagishima was Absent.

IX. NOTICE OF PROPOSED ORDINANCE(S) ----- *1.) There will be no public discussion. 2.) A councillor may ask staff for clarification on the proposed ordinance(s).*

(15) Council Bill No. 14-019; Ordinance No. 2704: An Ordinance Supporting an Economic Development Project in Accordance with the City of Las Cruces Local Economic Development Plan 2013, Authorizing an Economic Development Project Participation Agreement for the City of Las Cruces to Convey the Former City Office Center to La Clinica De Familia for Use as a Central Community Health Center.

Mayor Pro-tem Smith and Council agreed to bring this item back.

X. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council Member Board Reports given.

XI. MINUTE ACTION REQUIRED – ***Date and Time Change for next Regular City Council Meeting.***

Discussion on date and time change for the Regular City Council meeting scheduled on February 3, 2014 at 1:00 p.m. to Tuesday, February 4, 2014 at 3:00 p.m. ***(Motion/Second and Vote required).***

Councillor Sorg Moved to Approve changing the date and time for the Regular City Council meeting scheduled for February 3, 2014 at 1:00 p.m. to Tuesday, February 4, 2014 at 3:00 p.m. and Councillor Pedroza Seconded the motion.

DRAFT

Mayor Pro-tem Smith called for the roll on the Motion to Approve changing the date and time for the Regular City Council meeting scheduled for February 3, 2014 at 1:00 p.m. to Tuesday, February 4, 2014 at 3:00 p.m. and it was Approved. 6-0 Mayor Miyagishima was Absent.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Pro-tem Smith said I think we are fortunate to not have things like radio towers on our beautiful Organ Mountains and I look forward to us being able to maintain those mountains in that beautiful state for all eternity if possible.

Tomorrow I will be representing the Mayor at a luncheon in El Paso with the Mayors of El Paso and of Juarez. I look forward to the opportunity to discuss regional health issues and other regional issues that might come up in side conversation.

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b.) City Council

Councillor Levatino said there was an article in today's paper about a family who owned a food truck and at their own expense they put together a fabulous meal for the residents of the tent city. I thought that was a perfect example of private individuals, private companies, working with different agencies

and different charities to do something good. The family said they did this to pay it forward and I would encourage anyone to ask a business if they would finance one meal a month to the residents at tent city. I think that would set such a wonder example and model for other cities to do the same thing.

Councillor Sorg said Mayor Pro-tem Smith and I attended a luncheon today for the kick-off of a March of Dimes Team Zane Celebrity Waiter Event on March 1st and I would encourage everyone to get their tickets soon because there is a limited amount of tickets available.

Councillor Small said I would like to thank Chief Brown and the firefighters that were there for showing off the new fire engine in detail.

DRAFT

Councillor Pedroza said yesterday was Martin Luther King Day and there was a march on Sunday and a breakfast yesterday.

There was an article on the new Pope and the changes that he is trying to make in the Catholic Church and I think it is absolutely amazing.

Economist Dr. West is going to be speaking on February 8th at NMSU in the Corbett Center and I would encourage everyone to be there.

There will be a free private screening of the Last White Knight on February 21st from 5:30 to 8:30 p.m. at the East Mesa Doña Ana Community College in the auditorium.

Councillor Silva said we are moving to a solid waste volume based fee system and I would like to know how that will effect senior citizens?

Jorge Garcia, Utilities Director said the notice to customers that is posted on our web page indicates that the senior rate is no longer available because we are replacing it with a compact saver service which is open to everyone. They would have their current container replaced with a smaller 64 gallon container and their price would be very similar to what seniors pay today.

Councillor Silva gave an overhead presentation regarding a comprehensive film economic plan.

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c.) City Manager

Brian Denmark, Assistant City Manager said Robert Garza is in Santa Fe today and tomorrow so I will be available to address any issues. Also, I will be out of the office on Thursday and Friday.

We have a work session scheduled for Monday and there are three items on the agenda.

Councillor Small Moved to Adjourn and Councillor Smith Seconded the motion.

Mayor Pro-tem Smith called for the roll on the Motion to Adjourn and it was Approved. 6-0 Mayor Miyagishima was Absent.

DRAFT

Meeting Adjourned at 4:52 p.m.