

Item #1  
Regular Meeting  
April 7, 2014



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

**Regular Meeting**

**April 7, 2014**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1 **Absent**  
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  
Harry (Pete) Connelly, City Attorney  
Esther Martinez-Carrillo, City Clerk

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**I. OPENING CEREMONIES**

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

Paul Ford sang the National Anthem.

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

Councillor Levatino presented a Proclamation to Susan Brown and declared April 2014 as Donate Life Month.

Councillor Levatino presented a Proclamation to Jon Roberts and declared April 2014 as Parkinson's Awareness Month.

Councillor Levatino presented a Proclamation to Lisa LaRocque and declared April 2014 as Environmental Awareness Month.

Councillor Levatino presented a Proclamation to Vera Zamora and declared April 2014 as Fair Housing Month.

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2 Councillor Levatino presented a Proclamation to Elizabeth Ramirez-Valdez and declared April 7  
3 thru April 11, 2014 as Cancer Registrar’s Week.

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5 Councillor Levatino presented a Proclamation to Connie Candelaria and declared April 7 thru April  
6 11, 2014 as Prehistoric Trackways National Monument Week.

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8 Councillor Levatino presented a Proclamation to Debra Lopez and declared April 13 thru April 19,  
9 2014 as National Public Safety Telecommunications Week.

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

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

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There were no conflicts given.

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**III. PUBLIC PARTICIPATION**

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Larry Tucker, Member of the Public said I went around town with the Mayor and I didn’t know the public didn’t own the sidewalks and that the public has no right to the sidewalks because they are owned by the people who own the businesses.

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Mayor Miyagishima said the sidewalks we saw were on undeveloped properties so once that property is developed then the businesses turn them over to the City and they become public property.

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Bernie Digman, Member of the Public said regarding the minimum wage topic, I own a restaurant and I propose that the Council take a more active role in this issue. There is going to be an initiative coming forward so I would suggest that Council pass an ordinance setting Las Cruces minimum wage at \$8.50 an hour with an index for every year.

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Vincent Vacarro, Member of the Public said I own Lorenzo’s restaurant and regarding the minimum wage topic, there is a group outside of our community that wants it to go to \$10.10 by 2017. I’d like to see a resolution go forward setting the minimum wage at \$8.50 with an index to \$10.10 by 2017 and by doing this, Council would show their commitment to this community.

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 2 Rebecca Wiggins-Rhinehart, Member of the Public said in 2012 the Mayor received a national award  
 3 for his leadership with the 5210 Program and he gave \$3,000 of the award money to the Las Cruces  
 4 School Garden Partnership. So, I would like to present an edible peppermint plant to the Mayor.

5  
 6 Bob Hearn, Member of the Public said there have been conversations regarding minimum wage that  
 7 Councillor Silva has done on his own and we have met with Café to talk about the issues. At no  
 8 point during these meetings have there been any business owners present that have said they don't  
 9 want to raise minimum wage. Café is concentrating on the employee issues and the business owners  
 10 are concentrating on the business side of it. The City Council will be the ones to make the decision  
 11 in a form of an ordinance which is usually done when two or more groups approach Council. The  
 12 Council can bring the two sides together and negotiate a solution that would work for everyone.

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16 **IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY**  
 17 **AN ASTERISK (\*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON**  
 18 **BY ONE MOTION.**  
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20 Mayor Miyagishima said Item 5 needs to be removed from the Consent Agenda for discussion.

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24 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the  
 25 motion.

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29 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it was  
 30 Approved. 6-0 Councillor Silva was absent.

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34 **V. CITY COUNCIL MINUTES**

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 36 \*(1) Regular City Council Meeting of March 3, 2014  
 37 \*(2) Regular City Council Meeting of March 17, 2014

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

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3 \*(3) Resolution No. 14-146: A Resolution Authorizing the City of Las Cruces to Accept  
4 Legislative Appropriation Funding in the Amount of \$50,000.00 from the State of New  
5 Mexico Department of Finance and Administration, Local Government Division  
6 (DFA/LGD), Fund 892 Capital Appropriation for Mesquite Historic District Street Lighting  
7 and to Adjust the FY2014 Budget.

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9 \*(4) Resolution No. 14-147: A Resolution Authorizing the City to Submit and the City Manager  
10 to Sign an Application for Capital Funding Request to the New Mexico Aging and Long  
11 Term Services Department for Senior Programs for the 2015 Legislative Session.

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13 \*(6) Resolution No. 14-149: A Resolution Approving a 2014 Settlement Agreement Between the  
14 Estate of Philippos T. Philippou, The Philippou Group, and the City of Las Cruces.

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16 \*(7) Resolution No. 14-150: A Resolution to Approve the Continued Investment of a Portion of  
17 the Proceeds of the Prepaid Lease of the Telshor Facility in the Equity Pools of the State  
18 Investment Council.

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20 \*(8) Resolution No. 13-14-376: A Resolution Awarding the Bid for a Pricing Agreement for the  
21 Purchase of Street Lighting Poles and Fixtures to Consolidated Electrical Distributors (CED)  
22 of Las Cruces, NM in the Amount of \$78,212.50 Plus \$5,914.82, for New Mexico Gross  
23 Receipts Tax for a Total Authorization in the Amount of \$84,127.32 for a Period of One  
24 Year with the Option to Renew for Two Additional Years.

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26 \*(9) Resolution No. 13-14-402: A Resolution Approving a Contract with G. Sandoval  
27 Construction, Inc., of Las Cruces, NM for the Animal Service Center of the Mesilla Valley  
28 Puppy Room Improvement Project for the Amount of \$190,859.70 Plus New Mexico Gross  
29 Receipts Tax of \$14,433.76 and Authorizing the City Manager to Approve Change Orders  
30 Up to \$6,206.54 for a Total Authorization of \$211,500.00.

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

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36 \*(5) Resolution No. 14-148: A Resolution in Support of the Value of the Mission of White Sands  
37 Missile Range.

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39 Councillor Smith Moved to Approve Resolution No. 14-148 and Councillor Sorg Seconded the  
40 motion.

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Councillor Pedroza said I do not agree with this because the way it is written it appears to lean toward a more hypothetical need for defense as opposed to a real need for alternative energy transmission so I would say no to this resolution.

Councillor Smith said I did write this resolution; WSMR has been doing their work since 1945 and now something new is coming in and trying to change it for the transmission line. WSMR's mission remains important and their work is important.

Councillor Pedroza said I don't believe they are saying WSMR is a nuisance. I just want to make sure I'm clear to the public regarding my stand on this issue.

Councillor Small said I want to mention that it's not accurate to say that since one was there first that there can't be changes. However, I will be voting in favor of this resolution.

Councillor Sorg said we have two competing for a resource in this State and I don't know which is right and which is wrong. We do need to improve our renewable energy but we also need to support White Sands Missile Range. So I can only go by what was stated in the Lincoln Institute Study which shows their support of White Sands side of this issue.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-148 and it was Approved. 5-1 Councillor Small, Councillor Sorg, Councillor Levatino, Councillor Smith and Mayor Miyagishima voted Aye. Councillor Pedroza voted Nay. Councillor Silva was absent.

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(10) Resolution No. 14-151: A Resolution Authorizing the Game Sports Bar & Grill to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secured Area on April 25<sup>th</sup> and 26<sup>th</sup>, 2014, During the Las Cruces Country Music Festival.

Councillor Sorg Moved to Approve Resolution No. 14-151 and Councillor Smith Seconded the motion.

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1 Councillor Sorg said this music festival is going to be awesome and it will fill up Main Street. I  
2 wanted to know if our law enforcement has any provisions in place to prevent underage drinking and  
3 drinking while driving?

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5 Chief Montoya, LCPD said we will participate as much as possible in this event.

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9 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-151 and it was  
10 Approved. 6-0 Councillor Silva was absent.

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14 (11) Resolution No. 14-152: A Resolution Approving the Issuance of a Waiver of the  
15 Church/School Distance Restriction to the New Mexico Brewers Guild for the Public  
16 Celebration Permit Applications Submitted for the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held  
17 on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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19 Councillor Smith Moved to Approve Resolution No. 14-152 and Councillor Small Seconded the  
20 motion.

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24 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-152 and it was  
25 Approved. 6-0 Councillor Silva was absent.

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29 (12) Resolution No. 14-153: A Resolution Authorizing Abbey Brewing Co. To Continue with  
30 the Permitting Process to Allow for the Sale and Consumption of Beer Within a Restricted  
31 and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on  
32 Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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34 Councillor Sorg Moved to Approve Resolution No. 14-153 and Councillor Smith Seconded the  
35 motion.

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39 Councillor Small Moved to Suspend the Rules to discuss Items 12 thru 25 concurrently and  
40 Councillor Levatino Seconded the motion.

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3 Mayor Miyagishima called for the roll on the Motion to Suspend the Rules to discuss Items 12-25  
4 concurrently and it was Approved. 6-0 Councillor Silva was absent.

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8 Mayor Miyagishima said these resolutions are for several organizations that are asking to be allowed  
9 to sell and allow consumption of alcohol.

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11 Councillor Sorg said this will definitely showcase our lovely Main Street. I just want to make sure  
12 there are provision to prevent things like underage drinking.

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14 Harry (Pete) Connelly said the area will be fenced and there will be security in the area. Also,  
15 everyone will be carded prior to entering and drinking in the area.

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17 Councillor Small said this event was successful last year and it will have private security to make  
18 sure there aren't any minors served or drinking alcohol.

19

20 Carrie LaTour, Downtown Las Cruces Partnership said we had this event last fall and there was  
21 about 1,000 people there and we didn't have any problems with underage drinking. There will be  
22 security on site and everyone will be carded as they come in.

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26 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-153 and it was  
27 Approved. 6-0 Councillor Silva was absent.

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31 (13) Resolution No. 14-154: A Resolution Authorizing Bosque Brewing to Continue with the  
32 Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and  
33 Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on  
34 Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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36 Councillor Sorg Moved to Approve Resolution No. 14-154 and Councillor Small Seconded the  
37 motion.

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41 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-154 and it was  
42 Approved. 6-0 Councillor Silva was absent.

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(14) Resolution No. 14-155: A Resolution Authorizing La Cumbre Brewing Co. To Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

Councillor Small Moved to Approve Resolution No. 14-155 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-155 and it was Approved. 6-0 Councillor Silva was absent.

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(15) Resolution No. 14-156: A Resolution Authorizing High Desert Brewing Co. to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

Councillor Small Moved to Approve Resolution No. 14-156 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-156 and it was Approved. 6-0 Councillor Silva was absent.

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(16) Resolution No. 14-157: A Resolution Authorizing Little Toad Creek Brewery to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

Councillor Sorg Moved to Approve Resolution No. 14-157 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-157 and it was Approved. 6-0 Councillor Silva was absent.

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(17) Resolution No. 14-158: A Resolution Authorizing Marble Brewery to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer with a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

Councillor Small Moved to Approve Resolution No. 14-158 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-158 and it was Approved. 6-0 Councillor Silva was absent.

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(18) Resolution No. 14-159: A Resolution Authorizing Santa Fe Brewing Co. to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

Councillor Sorg Moved to Approve Resolution No. 14-159 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-159 and it was Approved. 6-0 Councillor Silva was absent.

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(19) Resolution No. 14-160: A Resolution Authorizing Second Street Brewery to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

1 Councillor Sorg Moved to Approve Resolution No. 14-160 and Councillor Small Seconded the  
2 motion.

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6 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-160 and it was  
7 Approved. 6-0 Councillor Silva was absent.

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11 (20) Resolution No. 14-161: A Resolution Authorizing Sierra Blanca Brewing Company to  
12 Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within  
13 a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Beer Fest, to be Held on Main  
14 Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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16 Councillor Sorg Moved to Approve Resolution No. 14-161 and Councillor Small Seconded the  
17 motion.

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21 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-161 and it was  
22 Approved. 6-0 Councillor Silva was absent.

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26 (21) Resolution No. 14-162: A Resolution Authorizing Stumbling Steer, LLC to Continue with  
27 the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted  
28 and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on  
29 Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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31 Councillor Small Moved to Approve Resolution No. 14-162 and Councillor Sorg Seconded the  
32 motion.

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36 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-162 and it was  
37 Approved. 6-0 Councillor Silva was absent.

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1 (22) Resolution No. 14-163: A Resolution Authorizing Taos Mesa Brewing to Continue with the  
2 Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and  
3 Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on  
4 Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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6 Councillor Sorg Moved to Approve Resolution No. 14-163 and Councillor Small Seconded the  
7 motion.

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11 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-163 and it was  
12 Approved. 6-0 Councillor Silva was absent.

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16 (23) Resolution No. 14-164: A Resolution Authorizing Tractor Brewing Company to Continue  
17 with the Permitting Process to Allow for the Sale and Consumption of Beer within a  
18 Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Beer Fest, to be Held on Main  
19 Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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21 Councillor Sorg Moved to Approve Resolution No. 14-164 and Councillor Small Seconded the  
22 motion.

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26 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-164 and it was  
27 Approved. 6-0 Councillor Silva was absent.

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31 (24) Resolution No. 14-165: A Resolution Authorizing Turtle Mountain Brewing Co to Continue  
32 with the Permitting Process to Allow for the Sale and Consumption of Beer within a  
33 Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main  
34 Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

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36 Councillor Small Moved to Approve Resolution No. 14-165 and Councillor Sorg Seconded the  
37 motion.

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41 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-165 and it was  
42 Approved. 6-0 Councillor Silva was absent.

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(25) Resolution No. 14-166: A Resolution Authorizing Wellhead Restaurant & BrewPub to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the 2<sup>nd</sup> Annual Blazin' Brew Fest, to be Held on Main Street on Saturday, May 3, 2014 from 4:00 P.M. to 9:00 P.M.

Councillor Sorg Moved to Approve Resolution No. 14-166 and Councillor Small Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-166 and it was Approved. 6-0 Councillor Silva was absent.

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(26) Resolution No. 14-167: A Resolution Approving an Amendment to the Management Agreement Between the City of Las Cruces and Global Spectrum, LP Related to the Management and Incentive Fees for the Operations of the Las Cruces Convention Center through June 30, 2015.

Councillor Sorg Moved to Approve Resolution No. 14-167 and Councillor Pedroza Seconded the motion.

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Phillip San Filippo, CVB Executive Director gave an overhead presentation and said Council approved a new nine month contract with Global Spectrum in September 2013 that expires in June 2014. Since the new agreement has been signed there has been significant progress in the working relationship between the CVB and Global Spectrum. Efforts are focusing on driving out of town business and Global Spectrum is ahead of budget for this current fiscal year. The stipulations under the new agreement are that the management fee will be adjusted each subsequent year based on the percentage increase of the Consumer Price Index for the Las Cruces area and it also stipulates that in all subsequent years there shall be an incentive program for Global Spectrum in place that should be mutually agreed upon.

Councillor Small said I want to compliment you all for finding something that better reflects community priorities and it will be good to see the report on this when it is completed.

1 Neil Goodell, Member of the Pubic said when the Convention Center first opened, I know there were  
2 concerns that it was taking business away from other local businesses so I wonder if this incentive  
3 system is something that has a higher incentive for businesses that come out of the area than when  
4 businesses comes from within the area?

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6 Phillip San Filippo said yes, that is the way the agreement is written. I think it is important to note  
7 that since Rebecca has come aboard, the Las Cruces Convention Center has been completely on  
8 bringing in out of town business to our area.

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10 Councillor Pedroza said I would like to get some kind of update on how many conventions they have  
11 brought in.

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13 Phillip San Filippo said I think the soonest we would be able to do that would be sometime in  
14 September or October of next year.

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18 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-167 and it was  
19 Approved. 6-0 Councillor Silva was absent.

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23 (27) Council Bill No. 14-023; Ordinance No. 2708: An Ordinance Repealing LCMC 1997,  
24 Chapter 7, Animals, Article I Through Article V, in Its Entirety and Enacting New LCMC  
25 1997, Chapter 7, Animal Control Ordinance, Article I Through Article IV.

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27 Councillor Small Moved to Approve Council Bill No. 14-023; Ordinance No. 2708 and Councillor  
28 Smith Seconded the motion.

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32 Marcy Driggers, Senior Assistant City Attorney said this is for a total replacement of our current  
33 Animal Ordinance and there is a summary of the changes on agenda page 267. I would like to  
34 propose an amendment to correct three typographical errors that need to be corrected; on agenda  
35 page 272, the article of Roman Numeral Three (III) be changed from “permitted license and  
36 prohibited animals” to read “permitted and prohibited animals”; on agenda page 272, change the title  
37 from Section 7-30 from “kennel license” to “multi-animal site permit”; and on agenda page 290,  
38 delete the words “kennel licensure” to “multi-animal site permit.”

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1 Councillor Smith Moved to Amend Council Bill No. 14-023; Ordinance No. 2708 on agenda page  
2 272, that the title for the article of Roman Numeral Three (III) be changed from “Permitted Licenses  
3 and Prohibited Animals” to read “Permitted and Prohibited Animals”; on agenda page 272, change  
4 the title from Section 7-30 from “Kennel License” to “Multi-Animal Site Permit”; and on agenda  
5 page 290, delete the words “Kennel Licensure” in the 4<sup>th</sup> line of Section 7-30(B) to “Multi-Animal  
6 Site Permit”and Councillor Levatino Seconded the motion.

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10 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 14-023; Ordinance  
11 No. 2708 on agenda page 272, that the title for the article of Roman Numeral Three (III) be changed  
12 from “Permitted Licenses and Prohibited Animals” to read “Permitted and Prohibited Animals”; on  
13 agenda page 272, change the title from Section 7-30 from “Kennel License” to “Multi-Animal Site  
14 Permit”; and on agenda page 290, delete the words “Kennel Licensure” in the 4<sup>th</sup> line of Section 7-  
15 30(B) to “Multi-Animal Site Permit”and it was Approved. 6-0 Councillor Silva was absent.

16  
17  
18

DRAFT

19 Marcy Driggers, Senior Assistant City Attorney said Mr Goodell had expressed significant concerns  
20 regarding the proposed Noise wording in Section 7-18. The proposed changes are continued on  
21 agenda page 289, specifically Subsection 7-18 (E) entitled “Noise”. We’d like to reword it to read  
22 as follows, “a person owning or having the care, custody, or control of an animal shall not permit  
23 that animal to cause frequent or long continued howling, barking, or noise which disturbs the  
24 comfort and repose of any person of ordinary sensibilities in the vicinity.“Frequent or long  
25 continued” as used in this section shall not mean continued or uninterrupted in time or without  
26 cessation. It shall be a violation of this section if the frequent or long continued howling, barking,  
27 or noise is audible behind the property line of the premises on which the animal is located.” Existing  
28 Sections E(1) and E(2) remain as drafted.

29  
30  
31

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32 Councillor Small Moved to Amend Council Bill No. 14-023; Ordinance No. 2708 to reword Section  
33 7-18, (E), Noise, on agenda page 289 reword it to read as follows, “a person owning or having the  
34 care, custody, or control of an animal shall not permit that animal to cause frequent or long continued  
35 howling, barking, or noise which disturbs the comfort and repose of any person of ordinary  
36 sensibilities in the vicinity.“Frequent or long continued” as used in this section shall not mean  
37 continued or uninterrupted in time or without cessation. It shall be a violation of this section if the  
38 frequent of long continued howling, barking, or noise is audible behind the property line of the  
39 premises on which the animal is located” and Councillor Sorg Seconded the motion.

40  
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1  
2 Councillor Small said I will be making several points which might lead to several amendments so  
3 we may want to consider tabling this item to a specific date.  
4  
5 Neil Goodell, Member of the Public said the main issue here is that there is no definition for  
6 continuous or frequent so it is open to interpretation.  
7  
8 Mayor Miyagishima asked would repeat offenders have a higher penalty?  
9  
10 Marcy Driggers said there is no provision for repeat offenders getting a higher penalty so this section  
11 would not include any unique provisions. The Municipal Court Judge has the discretion to fine  
12 and/or imprison somebody based on prior convictions.  
13  
14 Councillor Smith said we could possibly add the word “solely” after “this section shall not” so that  
15 it would read, “frequent and long continued as used in this section shall not solely mean continued  
16 or uninterrupted in time.”  
17  
18 Councillor Pedroza said I find that language is critical and I don’t think adding the word “solely” will  
19 be helpful. I don’t think this is quite ready because there are still too many places for questions and  
20 interpretations within it.  
21  
22 Councillor Levatino said I am content with the wording suggested by Mrs. Driggers, but am I correct  
23 that there are no penalties?  
24  
25 Marcy Driggers said agenda page 302, Section 7-45, states that “a violation of this chapter shall be  
26 enforced and punishable as provided in Section 1-10 of the Code.” Mr. Goodell is wanting to make  
27 sure that if there is a second conviction or a third conviction that the penalties incrementally go up.  
28  
29 Councillor Levatino said I would prefer to be assured that there is a penalty in the first place because  
30 there is no incentive for the dog owner to stop their dog from barking if there is not some type of  
31 mandatory penalty. I am very uncomfortable with that and I would like to see some kind of  
32 mandatory penalty put into this document.  
33  
34 Marcy Driggers asked just for this section or this entire chapter?  
35  
36 Councillor Levatino said that is a good question but I don’t know the answer. I just think there needs  
37 to be a mandatory penalty as an incentive for them to get their dog to behave.  
38  
39 Mayor Miyagishima said there might be some kind of extenuating circumstances for the dog to be  
40 barking so I think that is why it should be left up to the judge to determine the penalty.  
41

- 1 Councillor Small said as far as us setting mandatory penalties, the question is should penalties be  
2 applied only to this section or the entire chapter and I think it is worthwhile for us to discuss that  
3 issue.  
4
- 5 Mayor Miyagishima said keep in mind that we can still move forward with this and then have a work  
6 session regarding some of these issues at a later date.  
7
- 8 Councillor Sorg said I agree that this is worthy of a work session and further discussion.  
9
- 10 Rob Hoffman, Member of the Public said I served as the chairman for the first committee that  
11 rewrote this animal ordinance which was submitted quite a while ago and then immediately  
12 dismissed by Commissioner Garrett. In the document we created we proposed that citations be  
13 available for animal control officers to give to people who have nuisance animals. Those citations  
14 would take it out of the realm of the courts and it would be like when you get a speeding ticket and  
15 pay the fine.  
16
- 17 Ron Camuñez, Member of the Public said we have an ordinance on the books that we have had on  
18 the books for a long time but we don't have the equipment to measure noise so we cannot enforce  
19 it. Dogs bark naturally and we are trying to pass an ordinance that is unnatural to them because dogs  
20 bark when they are hungry or when they see something in their area.  
21
- 22 Tim McKimmie, Member of the Public said it looks to me that it would close a loophole to take out  
23 the word continuous. There are two kinds of dogs, those that bark when someone walks by and the  
24 one that barks all night long because they are left alone outside.  
25
- 26 Neil Goodell said animal control doesn't work throughout the night so they won't be able to hear a  
27 dog that is barking all night.  
28
- 29 Mayor Miyagishima said we could have a work session to have further discussions on this but I  
30 would suggest that we move forward with this ordinance. We can bring it back in a few months to  
31 discuss the penalty portion and other parts of it again.  
32
- 33 Councillor Small said I would be interested in hearing from the Codes Enforcement Officers to see  
34 if they have any issues with this because they will be the ones who will have to enforce it.  
35
- 36 Rudy Adame, Animal Control Supervisor said we really don't have a problem with this because it  
37 is similar to what we already have in place. We have not had any problems with charging people but  
38 the problems we do have is with having people go to court who witnessed it and it is up to the judge  
39 to decide on the penalty.  
40
- 41 Councillor Small asked are there problems we now have that would say that we need to have this  
42 amendment?

1  
2 Rudy Adame said the wording has not been a problem with us in court.

3  
4 Councillor Small said I just want to say that I will be voting against this amendment.

5  
6 Councillor Pedroza said I agree that the definitions are not clear so I won't be voting for this  
7 amendment. I would like to make a correction to the word "uninterpreted" because I think it should  
8 be "uninterrupted".

9  
10 Marcy Driggers said that is correct, that is a typo.

11  
12 -----  
13  
14 Councillor Pedroza moved to Amend Council Bill No. 14-023; Ordinance No. 2708 to change the  
15 word "uninterpreted" to "uninterrupted" and Councillor Smith Seconded the motion.

16  
17  
18  
19 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 14-023; Ordinance  
20 No. 2708 to change the word "uninterpreted" to "uninterrupted" and it was Approved. 6-0 Councillor  
21 Silva was absent.

22  
23 -----  
24  
25 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 14-023; Ordinance  
26 No. 2708 to reword Section 7-18, (E), Noise, on agenda page 289 reword it to read as follows, "a  
27 person owning or having the care, custody, or control of an animal shall not permit that animal to  
28 cause frequent or long continued howling, barking, or noise which disturbs the comfort and repose  
29 of any person of ordinary sensibilities in the vicinity. "Frequent or long continued" as used in this  
30 section shall not mean continued or uninterrupted in time or without cessation. It shall be a violation  
31 of this section if the frequent or long continued howling, barking, or noise is audible behind the  
32 property line of the premisses on which the animal is located" with the amendment of the word  
33 uninterrupted and it Failed. 3-3 Councillor Sorg, Councillor Levatino and Mayor Miyagishima voted  
34 Aye. Councillor Pedroza, Councillor Small and Councillor Smith voted Nay.. Councillor Silva was  
35 absent.

36  
37 -----  
38  
39 Marcy Driggers said regarding TNR, staff has recommended that we adopt the same wording that  
40 was approved by the County in their Animal Control Ordinance.

41  
42 Mayor Miyagishima said I just want to clarify that no city funds are going to be used for the TNR

1 Program.

2

3 Marcy Driggers said that is correct.

4

5 Councillor Smith said last Friday, Ms. Bartwell suggested to me that if this TNR program is to work  
6 then perhaps it should just be tried out in one neighborhood to see if it would work before we make  
7 it for the whole city.

8

9 Mayor Miyagishima said I just think it would be very hard to collect that data and to keep the cats  
10 in that one neighborhood.

11

12 Councillor Smith said if that's the case then I'd say that any data we've received from NMSU would  
13 also be suspect because the cats don't necessarily stay on campus either.

14

15 Councillor Small said although it isn't outlined in this ordinance, one of the goals is to reduce the  
16 cat population which has to be done scientifically.

17

18 Councillor Pedroza said there really is no certainty that TNR works and decriminalization might  
19 open up the City for lawsuits.

20

21 Councillor Levatino said we have been kicking this issue back and forth for a long time and we have  
22 received information from both sides of this issue. I think they are coming to us and expecting us  
23 to make a decision on this issue so I would like to see a resolution of this issue today. I also think  
24 we need to come up with a strong education component to this issue.

25

26 Councillor Sorg said there are two options brought before us today which are to decriminalize or not  
27 but there is another option available which is the TENVAC Program. It is a program that is being  
28 proposed in the State of Georgia and it is relatively new.

29

30 Mayor Miyagishima said I would ask that you not discuss that because it has not been advertised as  
31 being part of this conversation so we need to stay focused on what is before us today.

32

33 Wilma Hudson, Member of the Public said we built a patio and in a very short time it began to smell  
34 like cats so we started trapping the feral cats that were coming into our yard. Soon after that we  
35 started getting mice so now I am in favor of TNR and having feral cats around to keep things like  
36 the mice population down.

37

38 Alice Anderson, Member of the Public said New Mexico State Law states that each municipality and  
39 each county shall make provisions by ordinance for the seizure and disposition of dogs and cats  
40 running at large. Some people think that euthanizing cats is such a great evil and protecting cats lives  
41 is such a great good that we should sacrifice the law in order to protect the cats but I disagree and

1 I think we should support the law. The law was enacted to protect the public from the diseases like  
2 rabies that are carried by cats and dogs. Please do not legalize the feeding of stray cats.

3

4 Marcy Scott, Member of the Pubic said releasing stray animals to roam at large violates New Mexico  
5 State Law and there are many local scientists and professionals that have expressed strong opposition  
6 to free roaming cat colonies. Also, free roaming cat colonies are a violation of private property rights  
7 because it presumes all neighbors will be tolerant of these nuisances. By inserting all these  
8 exceptions into this ordinance, by allowing unrestricted feral cats feeding and allowing TNR cats to  
9 be at large, it completely under minds the rest of the very good Animal Ordinance. It places increased  
10 responsibility and costs for pet owners to register, microchip, spay/neuter, vaccinate and keep their  
11 animals on their property. How is that at all fair or logical? Who would be responsible if a feral cat  
12 causes property damage or bites/scratches a child since the cat feeder would not be deemed the legal  
13 owner? I had suggested that you allow another option which is to trap, neuter and provide sanctuary  
14 programs and that would be a safer and healthier option than to allow for free roaming cats but I have  
15 yet to receive any response from you. I sent you all information about Savannah, Georgia and the  
16 results of their TNR program which they concluded that TNR would no long even be considered as  
17 an option because their attorney's opinion was that there are potential liabilities and that feral cats  
18 should only be permitted on private property with the expressed permission of the owner. After about  
19 20 years of trying TNR in the U.S. we have the data that shows it does not reduce the numbers of  
20 feral cats so TNR with free roaming cat colonies is pointless. I ask you to please enact the excellent  
21 draft animal ordinance as is, without any of the exceptions that decriminalize cat feeders and TNR  
22 practitioners. Instead, amend the ordinance to provide for more humane measures to reduce shelter  
23 euthanasia such as to provide a sanctuary that would be better for the cats, better for our native birds,  
24 and better for the health and well being of our entire community.

25

26 Frank Bryce, Member of the Public asked how would you decide which section of the city to  
27 decriminalize? I don't think that is something that you can really do and I don't think it would make  
28 much sense to do it. We just need to do this and give it a try to see if it will work.

29

30 Rob Hoffman, Member of the Public said I was the chairman of the ad-hoc committee that wrote the  
31 original draft Animal Ordinance and the committee did not support the inclusion of TNR or  
32 decriminalization in the proposed ordinance. As a responsible pet owner, I have to provide for my  
33 animal, microchip it, vaccinate it, and have respect for my neighbors but the proponents of  
34 decriminalization like cats and want everyone to accept cats as part of their life because they feed  
35 them and let them run free. I don't think it is fair for me, as a pet owner, to have to do all of these  
36 things but they don't.

37

38 Kathy Billing, Member of the Public said I started the cat camp at NMSU in 2002 and we started out  
39 with about 250 to 300 cats and today we are down to about 50 cats. All of the cats we handle have  
40 been spayed or neutered, vaccinated and microchipped.

41

1 Ann Markman, Member of the Public said if you just have one area then you will probably see some  
2 positive results in the area but there are a lot of other areas that have these cats and they will continue  
3 to reproduce. We are only asking that you put TNR in the ordinance so we can apply for grants so  
4 we can spay or neuter these cats. A cat manager will still have to come up with money to microchip  
5 and vaccinate their cats. They will have to take care of their colony and if a cat goes onto a  
6 neighbor's property and is picked up by the shelter, they will have three chances to change their  
7 behavior but after their third strike they will be euthanized. We are just asking that you allow TNR  
8 so we can attempt to deal with the problem that we currently have with feral cats.

9

10 Tim McKimie, Member of the Public said the TNR movement is misguided. Unwanted cats do  
11 deserve whatever help we can give them but not at the expense of everything else. We can't count  
12 out Las Cruces becoming a liable party if it sanctions cat colonies because decriminalization does  
13 not translate as relieve from liability and lawsuits.

14

15 Tom Townsend, Member of the Public said over the past two years we have successfully brought  
16 the number of animals brought into the shelter down to a number that is the lowest we have seen  
17 since 1996. So the plans that we are using are actually working to reduce euthanasia in our  
18 community. We have developed a plan that would closely monitor these cat colonies and require the  
19 colony managers to meet certain standards and if those standards are not meet then those cats will  
20 fall into the authority of the animal control officers.

21

22 Jake Sims, Member of the Public said we act like what we are doing now is effective. One option  
23 that has not been mentioned is eradication which is essentially what a lot of people would like to see  
24 but unfortunately that does work in a settled community because you would have to do things like  
25 poison them, introduce diseases, or shoot them. The problem is people get a cat, they don't spay or  
26 neuter it, they let it roam everywhere, it gets lost, it starts breeding and then those cats start breeding.  
27 Decriminalizing the behavior that humanly treats free roaming cats is not just to save cats but it is  
28 to bring in resources to reduce the population.

29

30 Maryln Zahler, Member of the Public said we already have the problem so now we need a solution.  
31 I have an indoor cat and I feed the birds and I've been doing that for about sixteen years and I have  
32 only had one bird killed by a feral cat.

33

34 Dr. Beth Vesco-Mock, Mesilla Valley Animal Service Center Director said the cats are already there  
35 and they need to be altered which will reduce the numbers. They are also going to be vaccinated for  
36 rabies so you're not adding to the risk of rabies. I don't know if this is going to work or not but it  
37 surely won't hurt. I think it is absurd that we're even talking about if feeding an animal is criminal  
38 or not but with that said, what we are currently doing in this community is not working. I have  
39 transferred a lot of cats to other communities with strong TNR programs but the R in their program  
40 is for return, not release, so they are returning the cats to the person who is taking care of them, not  
41 releasing them. That is what we are proposing here. So, if a citizen brings in an animal, we are not  
42 going to alter that animal and take it back where they caught it. We are only doing this if an animal

1 is being taken care of by people. These cats will also be vaccinated, ear tipped, and microchipped  
2 so that if it is caught by one of their neighbors and brought into the shelter, we will scan the  
3 microchip, call the colony manager and they will have the opportunity claim the cat and they will  
4 have to pay the \$28 release fee. However, if they don't claim the cat then it will be euthanized.

5

6 Councillor Sorg said there seems to be a lot of mystery about this whole program and there are parts  
7 of it that don't make sense to me. What happens if someone brings in a cat that they don't want?

8

9 Dr. Beth Vesco-Mock said if a cat is feral and it is not microchipped and/or ear tipped then they are  
10 going to heaven. I think it is better to have a community cat program than not to have any community  
11 cat program at all.

12

13 Councillor Sorg asked what about the cats that are being fed but are not altered or microchipped;  
14 isn't this decriminalizing the person who is feeding those cats?

15

16 Dr. Beth Vesco-Mock said no, it is not decriminalizing those people because in order to be  
17 decriminalized the animal must be altered, microchipped, and the microchip must be registered to  
18 a colony manager, vaccinated and ear tipped.

19

20 Councillor Sorg asked will these colonies be registered?

21

22 Dr. Beth Vesco-Mock said no, because that would make the board liable.

23

24 Councillor Small said this is a very difficult issue for me because my mom traps cats and takes care  
25 of them or finds them a home at some other shelter but she does not release them out into the wild.  
26 However, I am unable to support the full decriminalization approach for this issue. I have seen  
27 catteries work with about ten cats been confined and that would be something that could maybe work  
28 within the community. We could strip the additional language from this proposed ordinance and go  
29 back to where it was, then discuss it further at a work session. Another option would be to strictly  
30 define what is currently in the ordinance in terms of a cattery being an enclosed space.

31

32 Councillor Pedroza said some of the suggestions that I have heard seem to me are a little bit not  
33 inline with reality so I cannot support the decriminalizing because there are way too many problems  
34 with it.

35

36 Councillor Sorg said I feel very strongly about pets and having to put them down but I don't think  
37 this is the way we should go. There are other ways to handle this problem and I think it is very  
38 important that we educate people on their pet responsibilities.

39

40 Mayor Miyagishima said I think we just need to vote this item up or down.

41

1 Councillor Small said I just want to make sure that if this is a negative vote that we will still have  
2 a work session so we can bring back another ordinance soon.

3

4 Robert Garza, City Manager said we can bring back an ordinance to you as soon as we have direction  
5 on what you'd like us to include in it.

6

7 Councillor Small said I would like to include the authorization of catteries and not an unenclosed  
8 facilities.

9

10 Councillor Levatino said we have a number of city residents that deeply care about this issue and Dr.  
11 Beth Vesco-Mock has the most experience in the room and she is the one who runs our shelter. It  
12 would seem to me that us asking for her opinion and then dismissing it, in my opinion is fool-hardy.

13

14 Councillor Smith said I do think it is clear that we need to have another work session on this issue.

15

16

17

18 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-023;  
19 Ordinance No. 2708 as Amended and it Failed. 2-4 Councillor Levatino and Mayor Miyagishima  
20 voted Aye. Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Smith voted Nay.  
21 Councillor Silva was absent.

22

23

24

25 (28) Council Bill No. 14-024; Ordinance No. 2709: An Ordinance Repealing Las Cruces  
26 Municipal Code, 1997, Section 27-7, Safe Traffic Operations Program, and Enacting a New  
27 Section 27-7.1

28

29 Councillor Small Moved to Approve Council Bill No. 14-024; Ordinance No. 2709 and Councillor  
30 Smith Seconded the motion.

31

32

33

34 Robert Cabello, Assistant City Attorney gave an overhead presentation and said this is to repeal our  
35 current STOP (Safe Traffic Operations Program); the red light ordinance, and replace it with Exhibit  
36 A which essentially is a new version. Attachment 1 in your packet has all the proposed changes  
37 highlighted and these changes will make the ordinance more consistent with New Mexico law.

38

39 Councillor Smith asked is this an appropriate time for us to discuss our next steps or are we simply  
40 cleaning up the language to take out references to RedFlex?

41

1 Robert Garza, City Manager said we are not launching any new programs at this time. This is only  
2 to address our ordinance and reword it in a way so that in the future if Council decides to move  
3 forward with another camera program then we would be able to move forward with it.

4  
5 -----  
6

7 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-024;  
8 Ordinance No. 2709 and it was Approved. 6-0 Councillor Silva was absent.

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12 **VIII. BOARD APPOINTMENTS**

13  
14 Mayor Miyagishima read the board appoints to the Planning and Zoning Commission and said this  
15 is to reappointed Ruben Alvarado (by Councillor Pedroza, District 3), Joanne Ferrary (by Councillor  
16 Sorg, District 5) and appointed Kirk M. Clifton (by Councillor Levatino, District 6) to the Planning  
17 & Zoning Commission.



18  
19 -----  
20

21 Mayor Miyagishima read the board appoints to the Health and Human Services Advisory Committee  
22 and said this is to appointed Rosa Ann Vasquez (by Councillor Pedroza, District 3), Nancy Davis  
23 (by Councillor Smith, District 2), and Gerald Byers (by Councillor Levatino, District 6) to the Health  
24 and Human Services Advisory Committee.

25  
26 -----  
27

28 Mayor Miyagishima read the board appoints to the Parks and Recreation Advisory Board and said  
29 this is to appointed W. Ron Camuñez (At-Large Position), Frances Witt (by Councillor Levatino,  
30 District 6) and reappointed Mark O'Neill (by Councillor Sorg, District 5) to the Parks and Recreation  
31 Advisory Board.

32  
33 -----  
34

35 Mayor Miyagishima read the board appoints to the Thomas Branigan Memorial Library Advisory  
36 Board and said this is to appointed Jose L. Aranda ( by Councillor Sorg, District 5) and reappointed  
37 Ellen Roberts Young (by Councillor Levatino, District 6) to the Thomas Branigan Memorial Library  
38 Advisory Board.

39  
40 -----  
41

1 Mayor Miyagishima appointed Sharlene Wittern (District 3), Sarah Kinglow (District 6), and James  
2 L. Gibson (Munson Senior Representative) to the Senior Programs Advisory Board.

3  
4 -----  
5

6 Councillor Small Moved to Approve the Mayor's board appointment of Sharlene Wittern (District  
7 3), Sarah Kinglow (District 6), and James L. Gibson (Munson Senior Representative) to the Senior  
8 Programs Advisory Board and Councillor Sorg Seconded the motion.

9  
10 -----  
11

12 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment  
13 of Sharlene Wittern (District 3), Sarah Kinglow (District 6), and James L. Gibson (Munson Senior  
14 Representative) to the Senior Programs Advisory Board and it was Approved. 6-0 Councillor Silva  
15 was absent.

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18  
19 Mayor Miyagishima reappointed Fortunato S. Gonzalez, Richard Hass, Charles Harvey, and Cory  
20 D. Valencia to the ADA Advisory Committee.

21  
22 -----  
23

24 Councillor Sorg Moved to Approve the Mayor's board reappointment of Fortunato S. Gonzalez,  
25 Richard Hass, Charles Harvey, and Cory D. Valencia to the ADA Advisory Committee and  
26 Councillor Smith Seconded the motion.

27  
28 -----  
29

30 Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointment  
31 of Fortunato S. Gonzalez, Richard Hass, Charles Harvey, and Cory D. Valencia to the ADA  
32 Advisory Committee and it was Approved. 6-0 Councillor Silva was absent.

33  
34 -----  
35

36 Mayor Miyagishima reappointed Robert W. Wood and Dennis J. Zaklan to the Airport Advisory  
37 Board.

38  
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40

41 Councillor Small Moved to Approve the Mayor's board reappointment of Robert W. Wood and  
42 Dennis J. Zaklan to the Airport Advisory Board and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor’s board reappointment of Robert W. Wood and Dennis J. Zaklan to the Airport Advisory Board and it was Approved. 6-0 Councillor Silva was absent.

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Mayor Miyagishima reappointed Ophelia Watkins (NMSU Representative Position) to the Transit Advisory Board.

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Councillor Sorg Moved to Approve the Mayor’s board reappointment of Ophelia Watkins (NMSU Representative Position) to the Transit 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 reappointment of Ophelia Watkins (NMSU Representative Position) to the Transit Advisory Board and it was Approved. 6-0 Councillor Silva was absent.

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**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).**

(29) Council Bill No. 14-025; Ordinance No. 2710: An Ordinance Repealing LCMC, 1997, Section 2-977, Membership, Pertaining to the Veterans Advisory Board, and Enacting a New Section 2-977.

Mayor Miyagishima and Council agreed to bring this item back.

(30) Council Bill No. 14-026; Ordinance No. 2711: An Ordinance to Authorize the Conveyance of a Parcel of City-Owned Property Located at Main Street and Picacho Avenue from the City of Las Cruces to Armstrong Development Properties, Inc., in Accordance with Provisions of LCMC 1997, Section 2-1312.

Mayor Miyagishima and Council agreed to bring this item back.

1 (31) Council Bill No. 14-027; Ordinance No. 2712: An Ordinance Authorizing the Execution and  
 2 Delivery of a Loan Agreement by and Between the City of Las Cruces, New Mexico (the  
 3 “Governmental Unit”) and the New Mexico Finance Authority, Evidencing a Special Limited  
 4 Obligation of the City to Pay a Principal Amount of \$2,780,000, Together with Interest  
 5 Thereon, for the Purpose of Defraying the Cost of (1) Refunding the Governmental Unit’s  
 6 Outstanding South Central Solid Waste Authority Environmental Services Gross Receipts  
 7 Tax/Project Revenue Refunding Bonds, Series 2004, and (2) Acquiring, Constructing,  
 8 Extending, Enlarging, Bettering, Repairing or Otherwise Improving or Maintaining Solid  
 9 Waste Disposal Equipment, Equipment for Operation and Maintenance of Sanitary Landfills,  
 10 Sanitary Landfills, Solid Waste Facilities, or any Combination of the Foregoing; Providing  
 11 for the Payment of the Principal of and Interest on the Loan Agreement Solely from the Net  
 12 System Revenues from the Operation of the South Central Solid Waste Authority Solid  
 13 Waste Facilities and Governmental Unit and Doña Ana County Environmental Services  
 14 Gross Receipts Tax Revenues; Approving the Form and Terms of and Other Details  
 15 Concerning the Loan Agreement; Ratifying Actions Heretofore Taken; Repealing All Action  
 16 Inconsistent with this Ordinance; and Authorizing the Taking of Other Actions in Connection  
 17 with the Execution and Delivery of the Loan Agreement.

18  
 19 Mayor Miyagishima and Council agreed to bring this item back.  
 20

21 -----  
 22  
 23 **X. CITY COUNCIL MEMBER BOARD REPORTS**

24  
 25 Councillor Smith said I will be giving my report regarding the National League of Cities Conference  
 26 at the next council meeting.  
 27

28 -----  
 29  
 30 **XI. GENERAL DISCUSSION**

31  
 32 a.) Mayor

33  
 34 Mayor Miyagishima passed.  
 35

36 -----  
 37  
 38 b.) City Council

39  
 40 Councillor Smith said it was announced at the Senior Expo on Saturday that Mesilla Valley  
 41 Preservation has determined that there is a home in Mesilla Park that is the former home of President  
 42 Garrison and the home is 105 years old.

1 I'd like to say how pleased I am that each one of the councillors has attended the Great  
2 Conversations regarding minimum wage.

3  
4 -----

5  
6 Councillor Levatino passed.

7  
8 -----

9  
10 Councillor Sorg said regarding TENVAC, the key to any program is that we advertise intensely. I  
11 really think we need to concentrate on advertising the need to spay/neuter our pets.

12  
13 I'd like to congratulate the Las Cruces Police Department, the District Attorney, the Court, and all  
14 the others who participated in last Saturdays' National Crime Victims Walk.

15  
16 I'd also like to congratulate Esther Martinez-Carrillo, our City Clerk, on receiving the Clerk Award  
17 from the New Mexico Municipal League.

18  
19 Harry (Pete) Connelly, City Attorney said she has received her Master Municipal Clerk certificate.

20  
21 -----

22  
23 Councillor Small said I will be bringing forward a Workforce Boot Camp as a way for us to better  
24 develop our workforce in our community.

25  
26 -----

27  
28 Councillor Pedroza said I received a picture from the Munson Center Community Gardens Poster  
29 Contest and it was done by a little girl who received a laptop for her drawing of fruits and vegetables.

30  
31 The Border Book Festival will be April 24<sup>th</sup> thru April 27<sup>th</sup>.

32  
33 There is going to be a conference regarding rainwater harvesting on Thursday at the Rio Grande.

34  
35 On May 16<sup>th</sup> Gary Naphand, I might be saying his last name incorrectly, but he will be speaking  
36 about urban agricultural.

37  
38 I would like to remind everyone to get out and vote no tomorrow against the additional tax.

39  
40 -----

41  
42 c.) City Manager

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1  
2 Robert Garza, City Manager said I will be out of town Thursday, Friday, and Monday. Next Monday  
3 you have a TIDD Board Meeting and a Work Session so Mr. Denmark will be taking care of that on  
4 my behalf.

5

6

7

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

9

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

11

12 Council said "Aye."

13

14 **Meeting Adjourned at 5:51 p.m.**

DRAFT