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

**Regular Meeting**

**May 5, 2014**
**1:00 P.M.**
**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

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

**STAFF:**

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. Mayor Miyagishima led the Pledge of Allegiance.

Debbie Calderon sang the National Anthem.

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

Mayor Miyagishima presented a Proclamation to George Pearson and declared May 2014 as National Bike Month.

Mayor Miyagishima presented a Proclamation to Denise Chavez which was accepted by Councillor Pedroza and declared May 2014 as Border Book Festival Month.

Mayor Miyagishima presented a Proclamation to Esther Martinez-Carrillo and declared May 4 thru May 10, 2014 as National Clerks Week.

Mayor Miyagishima presented a Proclamation to Ted Sweetser and declared May 4 thru May 10, 2014 as Arson Awareness Week.

Mayor Miyagishima presented a Proclamation and declared May 6 thru May 12, 2014 as National Nurses Week.

Mayor Miyagishima presented a Proclamation to Chief Jaime Montoya and declared May 11 thru May 17, 2014 as Police Week and Peace Officers' Memorial Day.

Stephen Fischmann, Tierra Del Sol gave an overhead presentation regarding predatory lending.

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## II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).

*At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.*

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

There were no conflicts given.

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Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Joint Closed Session with the Doña Ana Board of County Commissioners at 1:10 p.m. on April 30, 2014. The following members were in attendance: 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, Commissioner Ben Rawson, Commissioner David Garcia, Commissioner Leticia Duarte Benavidez, Commissioner Wayne Hancock, County Manager Julia Brown, County Attorney John Caldwell, Deputy County Attorney David Medeiros, Assistant County Manager Chuck McMahon, and Director of Public Health Jamie Michael. The meeting adjourned at 2:30 p.m. and only those limited items stated in the posted notice were discussed which was the threatened litigation concerning a contract in which the City may become a party.

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## III. PUBLIC PARTICIPATION

Clifford Standridge, Member of the Public said I used to work for the Gas Department so I know how to read meters and this is the third year that my meter has been estimated or read wrong. I came in and spoke with Estela and showed her my bill and after she looked at it she said "well it's only $7 over." which I replied "it may only be $7 to you but I'm on a fixed income." Now they are trying to decide if they want to move my meter to the front of my property or leave it where it's at but it's not only my meter that is being misread, they have also misread three of my neighbor's meters. When I informed Estela that I had also read my neighbor's meters, she replied "their accounts are none of your business." I can't afford to have my meter moved to the front and it doesn't matter anyway because my neighbor's meters are at the front and they were misread.

Mayor Miyagishima said if you can give us the street you live on then I'm sure we can go take a look at it.

Clifford Standridge said I live on Rexview.

Larry Tucker, Member of the Public asked what if it was one of your kids in a wheelchair and the bus won't pick them up because ADA laws are not being met in Las Cruces? There are bus stops on Highway 70 that need to be moved about 50 feet so they'd be on a sidewalk and you can be dropped off but apparently the City doesn't want to move them. You cannot be dropped off at all on Main Street if you are in a wheelchair. They can drop you off at Walmart but then you'd have to roll yourself a good seven blocks to get to Main Street and a lot can happen to you in those seven blocks. I'd like to know what you think should be done since you are not going to obey the ADA laws.

Mayor Miyagishima said the City of Las Cruces does adhere to ADA requirements but we need to know specifically what areas you are talking about because it's kinda hard to send someone out in general terms. I'd ask that you provide us with a diagram so we can see exactly what you are talking about specifically.

Dolores Archuleta, Mayor Pro-tem Emeritus said I'd just like to remind everyone that the 3rd Annual Memorial Day Candlelight Ceremony is scheduled for May 26th at 8 o'clock at Veterans Park. This is a Mayor-sponsored event and the Veterans Wall Committee is hosting it. We are honoring 203 Veterans whose names are on the Veterans Wall and who were killed in action from WWI to Iraq/Afghanistan. We are including the six WSMR 2nd Engineer Battalion Soldiers killed in Afghanistan and their representatives will be present to honor them. Our goal is to get a sponsor for each of the 203 to light a candle for them. Also, five of them were killed in Normandy and I bring that up because June 6th is the 70th Anniversary of "D" Day.

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**IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.**

Mayor Miyagishima said Items 3 and 5 need to be removed from the Consent Agenda for discussion.

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

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

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**V. CITY COUNCIL MINUTES**

*(1) Regular City Council Meeting of April 7, 2014

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

*(2) Resolution No. 14-175: 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 at an Event Sponsored by the Farmers Market of Las Cruces, to be Held at La Placita, 145 North Main Street, From 5:00 P.M. to 11:00 P.M. on Saturday, May 17, 2014.

*(4) Resolution No. 14-177: A Resolution Approving a Cooperative Project Agreement and Accepting a Grant From the New Mexico Department of Transportation (NMDOT), for the Design of El Paseo Road Safety Improvements Project in the Amount of $30,500.00 and to Amend Fiscal Year 2013/2014 Budget.

*(6) Resolution No. 13-14-371: A Resolution Awarding the Bid for the Wyatt Drive Reconstruction Project to Burn Construction Company, Inc., for the Base Bid, in the Amount of $755,998.45, Plus $57,172.38, for New Mexico Gross Receipts Tax; the City Manager is

Authorized to Approve Change Orders in an Amount Not to Exceed $12,946.86, for a Total Project Authorization of $826,117.69.

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

*(3) Resolution No. 14-176: A Resolution Approving the 2014 Action Plan as Part of the 2011-2015 Consolidated Plan for the City of Las Cruces. The Resolution Authorizes City Staff to Submit the 2014 Action Plan to the U.S. Department of Housing and Urban Development and Incorporate Necessary Agreements With Outside Partnering Agencies.

Councillor Small Moved to Approve Resolution No. 14-176 and Councillor Pedroza Seconded the motion.

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Vera Zamora, Acting Senior Planner gave an overhead presentation and said as required by HUD, this resolution is for the 2014 Action Plan and there were two public hearings which were held in December and in April. The total funding expected to be received from HUD is estimated at $1,185,529 and there are five year strategies that are listed on the slide before you.

Councillor Small asked is there an increasing need for affordable housing and are there any new affordable housing units on the horizon?

Vera Zamora said there is always an increasing need for affordable housing and I am not aware of any big future projects at this time.

Councillor Small said I look forward to approving this resolution today and we need to continue to challenge ourselves to close that gap bit by bit because this problem continues to have a negative effect on our community.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-176 and it was Unanimously Approved. 7-0

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*(5) Resolution No. 14-178: A Resolution Authorizing the City of Las Cruces to Enter into a Memorandum of Agreement (MOA) with the New Mexico Department of Transportation (NMDOT) for the Improvements of Missouri Avenue, Triviz Drive, and Don Roser Drive as Part of the NMDOT Interstate-25 Bridge Replacement at Missouri Avenue Project.

Councillor Silva Moved to Approve Resolution No. 14-178 and Councillor Small Seconded the motion.

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Louis Grijalva, Project Development Administrator gave an overhead presentation and said NMDOT has programmed $13.8 million for the construction of this project and NMDOT has designated $750,000 from the $13.8 million for the roadway improvements of Missouri Avenue, Triviz Drive and Don Roser Drive. This project is being funded by the Federal Highway Administration and State funds. The improvements include new traffic signals, additional turning lanes, raised center medians, new ADA curb ramps, sidewalks, and the realignment of the Triviz multi-use trail. NMDOT is requesting the City enter into an MOA and participate in the cost sharing of the proposed roadway improvements above the allocated $750,000.

DRAFT

Councillor Silva said the balance of that $13.8 million is going to be for the bridge reconstruction; is there a planned off-ramp for that area or will it be just an overpass?

Louis Grijalva said it will just be an overpass but they will be adding additional lanes to I-25 between Lohman and University.

Jack Valencia, South Central Transit said I think there needs to be a dedicated lane coming off of the interstate and have the ability to turn right on Triviz.

Louis Grijalva said there will be a designated turning lane approximately from Missouri to University.

Councillor Levatino asked can you tell me where the medians will be in this area?

Louis Grijalva said there is going to be a raised median along Missouri, a raised median along Triviz and Don Roser. It's just a safety issue at the intersections for access control.

Councillor Levatino said so the medians are only going to be at the intersection; correct?

Louis Grijalva said no, there is going to be a raised median along Missouri and west of Triviz.

Councillor Levatino asked won't that affect the access to the businesses?

Robert Garza, City Manager said I think you are asking about the access to the Health Center; all their driveways will have to function as a right in and right out only. NMDOT won't fund projects unless they meet our current Design Standards which is what we are doing here.

Louis Grijalva said we have to meet the Federal Design Standards on this one since they are funding a portion of the project.

Councillor Smith said we can all appreciate the need to address the safety issues at intersections.

Councillor Pedroza asked could we have dedicated U-turn lanes?

Louis Grijalva said I would have to go back to the TIA and see if that was looked at in the study.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-178 and it was Unanimously Approved. 7-0

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(7) Resolution No. 14-179: A Resolution Adopting the Municipal Budget for Fiscal Year 2014/2015 for the City of Las Cruces, New Mexico.

Councillor Sorg Moved to Approve Resolution No. 14-179 and Councillor Smith Seconded the motion.

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Dick Gebhart, Budget Administrator gave an overhead presentation and said with the slow economy and slow growth of Las Cruces, we are only projecting our total FY15 total gross receipts tax, with the exclusion of the replacement Hold Harmless, to increase by 0.8%. We will be eliminating 17 unfilled full-time positions and these positions will not layoff anyone because they are all vacant positions. The Public Safety Gross Receipts Tax has been in effect since 2002 and this money is being brought into the General Fund where as before it was being budgeted in a separate fund. That money is still being allocated to Police and Fire which is a requirement for the Public Safety Gross Receipts Tax. The Replacement Hold Harmless GRT goes into effect on July 1, 2014 and those funds will be set aside, no new spending is proposed in the budget because of it's uncertainty. This budget is looking to replace 38 vehicles which most of them are for the Police Department. Our beginning General Fund balance is $22.5 million, $97.8 million in revenue, $104.1 million in expenditures, which gives us an ending balance of $16.2 million. We will still continue to have twice

the required reserve at the end of FY15. The summary of this budget is that the Public Safety GRT and expenditures are moved to the General Fund, it recognizes the Replacement Hold Harmless GRT but does not recommend any new expenditures, it funds step increases for union employees and pay increases for unrepresented employees, it allocates funds for citywide classification/compensation implementation, it eliminates 17 vacant positions and uses those savings to fund increased services and expand programs, it funds debt services and expands programs, it funds debt service costs for bond cycling for East Mesa, Streets, Flood Control, and Joint Utilities, it continues City support for Arts Council and Downtown Las Cruces, it continues to fund affordable housing, it increases MVRDA support for relocation, equipment upgrades and personnel costs, it increases support to the ASCMV for personnel costs, it maintains City funding for grants to non-profits for health related activities, it replaces 38 vehicles at a cost of $1.5 million, it moves Weed & Seed plus Juvenile Citation into Parks and Recreation, it funds nine firefighters in the General Fund for FY15, it maintains twice the required reserve in the General Fund and it contains funded capital projects totaling $35 million.

Councillor Smith said on page 280 you listed $30,000 for Art in Public Places; does that include the $50,000 that we set aside for the bronze sculptures or is it just something that is set aside for Art in Public Places?

DRAFT

Dick Gebhart said I believe it is inclusive of the $50,000.

Councillor Smith said so the $50,000 has become $30,000. Is that still only for the bronze sculptures?

Dick Gebhart said I believe it is for the bronze sculptures but I'd have to double check on it.

Councillor Smith said on the same page, there is $90,000 for Health and Safety and Environmental type things. I'm assuming that means that if something comes up it can be spent then, its not already allocated for a particular direction; correct?

Dick Gebhart said that is correct.

Councillor Sorg asked what is the total amount that the State charges for them to collect our GRT?

Dick Gebhart said I believe it will be a little more than a million dollars.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-179 and it was Unanimously Approved. 7-0

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(8) Resolution No. 14-180: A Resolution Approving the Six-Year Capital Improvement Program as Required by the City Charter and the New Mexico Department of Finance and Administration for the 2015 Legislative Session for the City of Las Cruces, New Mexico for Fiscal Years 2014/15 Through 2019/20.

Councillor Small Moved to Approve Resolution No. 14-180 and Councillor Pedroza Seconded the motion.

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Loretta Reyes, Public Works Director gave an overhead presentation and said the Capital Improvement Program is a six year program and it addresses capital needs to build, replace, expand, and improve the City's infrastructure and systems. It contains two components which are the FCP (Funded Capital Projects) and the ICIP (Infrastructure Capital Improvement Plan) which are non-funded capital projects. Projects with funding in hand are shown in FY15 and projects with funding that has not been received and are not approved by Council are shown in FY16 thru FY20. As funding is approved, budget adjustments will be brought to Council to move the projects into FY15. The amendments to the CIP are the Farney Lane Project which is added to FY16 at $205,000; the Roadrunner Parkway to U.S. 70 to Settlers Pass Project is added to FY16 at $560,000; and the Amador/Melendres Signal Project is added to FY16 at $400,000. We are requesting that Council substitute the current "Exhibit A" that is already in the packet, with the new "Exhibit A" that includes these amendments.

Councillor Smith said regarding the gateway entry point signage, that's the signage as we are coming into Las Cruces; correct?

Loretta Reyes said yes.

Councillor Smith said regarding the General Building Renovations Program and the General Facilities Rehabilitation, similar to the budget that we just passed, these are items that are not necessarily all spoken for but can be directed as needed or are they spoken for?

Loretta Reyes said the $450,000 for the General Facilities, I believe, is for the Young Park restrooms and we may already have programs designated for the General Building Renovations Program.

Councillor Smith said regarding the $30,000 for Art in Public Places, is that separate from the budget item that we just passed or is it the same $30,000?

Loretta Reyes said this $30,000 is an annual amount set aside for artwork at new buildings.

Councillor Levatino asked is the East Mesa Park construction the construction that is going to occur on Porter Road or is this a new park?

Mark Johnston, Parks and Recreation Director said yes, it will be the mini park that is between the Sage Café and the pool.

Councillor Small said as far as any changes to the Capital Improvement Program, those can be brought up by resolution after this date; correct?

Robert Garza, City Manager said absolutely.

Councillor Small said we have roads and infrastructure that would be graded at the "D" level and there is more of those in the older parts of the city.

Loretta Reyes said you will find more issues in the older parts because that infrastructure has been in place for a longer amount of time.

DRAFT

Councillor Small asked is there a way we could get to a "B" level? A way we can get about ten more years of service out of them.

Loretta Reyes said one way to do that would be to use a cape seal which is what you used in a neighborhood off of Valley Drive and that could add about ten to it.

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Councillor Silva Moved to Amend Resolution No. 14-180 to substitute Exhibit "A" with the updated version which was presented and Councillor Smith Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 14-180 to substitute Exhibit "A" with the updated version which was presented and it was Unanimously Approved. 7-0

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-180 as Amended and it was Unanimously Approved. 7-0

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(9) Resolution No. 14-181: A Resolution Repealing Resolution No. 99-123 Approving a Policy Concerning Joint Water and Wastewater Utility Service.

Councillor Sorg Moved to Approve Resolution No. 14-181 and Councillor Smith Seconded the motion.

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Marcy Driggers, Assistant City Attorney said there is a mistake in the 2nd WHEREAS paragraph of the resolution and the subdivision Estados Serrenos and Brittney Estates were incorrectly listed so in their place we need to insert Dove Crossing Subdivision. This resolution seeks to repeal a resolution that Council approved 16 years ago concerning joint water/waste water utility service.

Councillor Pedroza asked are we putting something in its place or are we doing that later?

Marcy Driggers said we're seeking to repeal a policy that simply required that if you wanted City water service then you had to obtain City wastewater service and vice-a-versa. But a lot has changed over the past 16 years so we are seeking to repeal this policy and are not replacing it.

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Councillor Smith Moved to Amend Resolution No. 14-181 on the 2nd WHEREAS, by replacing Estados Serrenos and Brittney Estates subdivisions with the Dove Crossing Subdivision and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 14-181 on the 2nd WHEREAS, by replacing Estados Serrenos and Brittney Estates subdivisions with the Dove Crossing Subdivision and it was Unanimously Approved. 7-0

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-181 as Amended and it was Unanimously Approved. 7-0

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(10) Resolution No. 14-182: A Resolution Authorizing Payment of $48,809.00 to the South Central Council of Governments (SCCOG) for the Operation of the South Central Regional Transit District (SCRTD).

Councillor Silva Moved to Approve Resolution No. 14-182 and Councillor Smith Seconded the motion.

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Lisa Murphy, Transportation Director gave an overhead presentation and said this resolution is to authorize a payment of $48,809 to the South Central Council of Governments for the Operation of the South Central Regional Transit District. The primary mission of the South Central Regional Transit District is to coordinate transit services within the region, including providing rural access to urban centers. The South Central Regional Transit District was originally funded by a $250,000 start-up grant from NMDOT. In 2012, the South Central Regional Transit District asked for fifty cents per capita from the member governments to help cover expenses until the November 2014 referendum potentially provides a permanent funding stream. The MOA between the City of Las Cruces and the South Central Regional Transit District outlines the responsibilities of both parties, including this annual payment. The payment actually goes to the South Central Council of Governments because they act as the fiscal agent for the South Central Regional Transit District.

DRAFT

Councillor Silva said this money is just for one year so what about long-term funding?

Lisa Murphy said this funding is only for one year and there have not been any additional provisions made for funding of the RTD.

Jack Valencia, South Central Transit District said this is actually the second of three years that we have sought funding from our members. We are going to be seeking one more fiscal year of contributions from our members so we can rollout collectively our approximately $400,000 pilot demonstration projects.

Councillor Smith asked where are we at with the Passenger Rail Feasibility Study?

Jack Valencia said we received $55,000 out of Capital Outlay Funds to do an updated feasibility study from El Paso to the Spaceport. We are working on acquiring the necessary contracts so we can go out to bid.

Councillor Levatino asked how much is the providing customer support going to cost and are other municipalities going to help with it?

Lisa Murphy said we are in the process of determining the cost of these services but we don't expect them to be significant. We will plan on invoicing the RTD for these services.

Councillor Pedroza asked what plans does the Regional Transit District have for connecting with Santa Teresa?

Jack Valencia said that is a component to what we are working towards and we are trying to get everyone in alignment to what we are trying to do but the difficulty is that this is a minimally funded pilot program so we can't have the tentacles out in every location.

Councillor Small said it certainly seems exciting for our community to be able to offer goods and services to a wider range of folks throughout our region.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-182 and it was Unanimously Approved. 7-0

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(11) Resolution No. 14-183: A Resolution Adopting Funding Priorities and Allocations to Various Las Cruces Non-Profit Organizations for Fiscal Year 2015 to Provide Health-Related Public Services Needs and Authorizing the Incorporation of the Funding Amounts into the City's Fiscal Year 2015 Budget.

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Councillor Small Moved to Approve Resolution No. 14-183 and Councillor Pedroza Seconded the motion.

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Natalie Green, Neighborhood Program Specialist gave an overhead presentation and said the Health-Related Public Services is funded by the interest earning from the Telshor Facility Fund to support physical, mental, developmental, emotional or social, safety, or improvement to the lives of the sick, indigent or low-income people. The funds are awarded on a two year cycle and it is contingent on the overall performance. This year there were 14 non-profit agencies recommended for funding by the Health and Human Services Advisory Committee.

Councillor Small said the amount that it generates is smaller than the amount that is collected from the Telshor Fund so what would different increments to increase funding allow for this program?

Natalie Green said that would either increase the amount of funding for the selected agencies or allow funding to the agencies that were not selected.

Councillor Small said I am very comfortable and very supportive with moving this forward but I am also interested in looking at the great resources with greater clarity.

Councillor Levatino asked are any of these agencies new?

Natalie Green said yes, we have five new agencies this year.

Councillor Silva said the average amount of this funding has been about $500,000; correct?

Natalie Green said that is correct.

Douglas Johnson, Member of the Public asked how do you determine the points?

Natalie Green said each committee member is given a score sheet for five questions that are used to rank each agency.

Audrey Hartley, Jardin de Los Niños said we are one of five of our kind in the nation and we have a five star certification. We are presently in a rebuilding year and we greatly appreciate this funding.

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Sue Campbell, Mesilla Valley Community of Hope said we have the highest number of applications in for SSI so far and about 40% of them have been approved.

Amy Johnson-Basford, La Casa said this funding helps us to serve the 452 children we see every year, who are child witnesses to the violence and abuse that happens daily in their homes. This is critical funding that we desperately need to continue these services and I would encourage you to look at the available funds in order to increase the amount of funding that is given to us.

Susan Oliver, Southern New Mexico Diabetes Outreach said I just want to say thank you for allowing us to receive this funding.

Pamela Angel, St. Luke's Health Care Clinic said we have been serving people who are indigent and homeless since 1991 and we have been doing it with a very small staff and volunteers. We are in a time of transition and your funding is very helpful to us.

Lorenzo Alba, Casa de Peregrinos said I'd like to thank all of you for your support over the last few years and it makes a big local impact with our mission. I also would encourage you to look to see if you can fully fund us because we are getting $4,000 less this year and that does have a big impact on our budget.

Sonnie Wheeler, El Caldito said I just want to thank you for the grants that you are providing for these non-profits in our area and it certainly has helped us feed the hungry.

Councillor Sorg said I also think we need to look at the funding formula for our Telshor Fund.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-183 and it was Unanimously Approved. 7-0

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

Councillor Sorg Moved to Approve Council Bill No. 14-027; Ordinance No. 2712 and Councillor Small Seconded the motion.

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Robert Scaling, Treasurer said this is to ask for your approval to submit a loan agreement to the New Mexico Finance Authority for the purpose of supporting the South Central Solid Waste Authority by refunding their existing debt and adding a million-six to that for purposes of creating a waste gathering facility in Chaparral. The Finance Authority has asked for two amendments which are to add the words "for the Authority" on page 4 and to add the loan number "3116-PP" on the footer of every page.

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Councillor Silva Moved to Amend Council Bill No. 14-027; Ordinance No. 2712 to add the words "for the Authority" on page 4 and to add the loan number "3116-PP" on the footer of every page and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 14-027; Ordinance No. 2712 to add the words "for the Authority" on page 4 and to add the loan number "3116-PP" on the footer of every page and it was Unanimously Approved. 7-0

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Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 14-027; Ordinance No. 2712 as Amended and it was Unanimously Approved. 7-0

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## VIII. BOARD APPOINTMENTS

Mayor Miyagishima said Councillor Pedroza appointed Douglas James Johnson (District 3) to the Thomas Branigan Memorial Library Advisory Board.

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Mayor Miyagishima said Councillor Sorg appointed Tony R. Chavez (District 5) to the Health and Human Services Advisory Committee.

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Mayor Miyagishima appointed Nancy A. Ritter (DACC Representative Position), Antonio M. Ringo (Senior Representative Position), and Aditi Sarkar (Citizen Representative Position) to the Transit Advisory Board.

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Councillor Sorg Moved to Approve the Mayor's board appointments of Nancy A. Ritter (DACC Representative Position), Antonio M. Ringo (Senior Representative Position), and Aditi Sarkar (Citizen Representative Position) to the Transit Advisory Board and Councillor Levatino Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointments of Nancy A. Ritter (DACC Representative Position), Antonio M. Ringo (Senior Representative Position), and Aditi Sarkar (Citizen Representative Position) to the Transit Advisory Board and it was Unanimously Approved. 7-0

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Mayor Miyagishima reappointed Ricardo Gonzales (Position 7) to the City Art Board.

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Councillor Sorg Moved to Approve the Mayor's board reappointment of Ricardo Gonzales (Position 7) to the City Art Board and Councillor Smith Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointment of Ricardo Gonzales (Position 7) to the City Art Board and it was Unanimously Approved. 7-0

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

(13) <u>Council Bill No. 14-028; Ordinance No. 2713:</u> An Ordinance Approving a Zone Change From R-4 (Multi-Dwelling High Density & Limited Retail and Office) and OS-R (Open Space-Recreation) to PUD (Planned Unit Development); and a Request for Approval of a Concept Plan for a PUD Known as Sunset Grove PUD. The Subject Properties Encompass 24.23 ± Acres of Land and Are Located at the Southern Dead-End of Calle de Ninos, North of Farney Lane. Submitted by DVI on Behalf of Deko Properties, LLC, Property Owner (PUD-13-02).

Mayor Miyagishima and Council agreed to bring this item back.

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**X. <u>CITY COUNCIL MEMBER BOARD REPORTS</u>**

There were no City Council Member Board Reports given.

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## XI. GENERAL DISCUSSION

b.) City Council

Councillor Silva said we'll be hosting a neighborhood meeting this Wednesday at the WIA Building at 6:00 p.m. regarding the Alameda Historic District.

I would like to say "great job" to all the people who were involved in handing all the events at the Downtown a week ago.

Last week we had the Movie in the Park which was a great event and we will be doing that every Saturday until the end of May.

There is a very unique art collection of Cheech Marin at the Las Cruces Art Museum and it will be there all month long.

DRAFT

I'd like to compliment the Las Cruces Police Department for how they handled the incident on Saturday.

Councillor Levatino and I have been working on a draft minimum wage ordinance and I'd like to submit it to the Mayor for him to bring it forward at our next meeting.

Mayor Miyagishima said I'll take a look at it and let you know if it will be on the agenda.

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Councillor Pedroza said there was a Summer Expo at the Convention Center over the weekend and it was a very interesting event.

Tomorrow is the 24-hour Giving Together Event which all the non-profits will be reaching out to everyone and all the money they collect will be matched and multiplied.

I'd like to wish everyone a Happy Cinco de Mayo and a Happy May Day.

I am concerned with the minimum wage and I want to remind everyone that we get data daily in the newspapers that we have to keep in mind.

The NAACP will be holding a Candidate Forum on May 7th in Council Chambers.

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Councillor Small said I would like to express my interest in further exploring the issue of predatory lending.

Last year we brought up Wage Plus which was the first incentive of its kind in the state and I'm very excited and hoping that we can chart new innovative economic policy. We're looking at a Job Boot Camp which is focused on providing some of the basic interview skills for jobs that will hopefully be available soon in our community.

Regarding minimum wage, I'm interested in reading Councillor Silva's proposal and I think that the public initiative is in the process of being certified so we will need to think about how Council will move forward. Without us having a work session, I think we might be a little ahead of ourselves so we will see how we proceed.

I was displeased to see on a recent news item that we are no longer on the top list of places to retire. We are in a competitive world so if we aren't working to bring forward innovative economic policy then we are going to be falling behind.

DRAFT

I would like to thank Chief Montoya and thank the officers for their handling of the situation this weekend.

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Councillor Sorg said I still haven't changed my mind regarding my views on predatory lending.

We need to rely on information so we can make good decisions as a council. There is good science and there is junk science. The process of good science is that it has people who do research, are highly educated and experienced and they write a paper that is submitted to a recognized journal and that journal will submit that paper to a review committee and that committee makes recommendations. However, there are times when it is being financed by the industry that the research is being done on so then you must always question that information.

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Councillor Levatino said I want to acknowledge the passing of Sam Graft who was a great friend of mine and a great friend to the City of Las Cruces. He will be greatly missed.

I attended the seminar by Cheech Marin on Saturday night at the Hotel Encanto and he did an amazing slide presentation of artwork from around the country.

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Councillor Smith said I want to express that I would like to have the predatory lending issue addressed.

I missed several things because on Friday I was on my way to Albuquerque to attend the Municipal League's honoring of Bill Fulginiti and it was a pleasure to be there.

On Friday, at the Rehabilitation Hospital, one of the things they pointed out was that strokes are still a major killer in our country and there are ways to look at people and tell if they have had a stroke.

I got to meet some of the folks from Chihuahua at Arrowhead Park and I think it was a great initiative and hopefully much will come from them visiting Las Cruces.

I noticed that the Branigan Library has received a national designation and they are one of 28 family placed libraries in the country.

Since we are getting close to the plaza, it would help to have a name for it so I would suggest that we start thinking about it and ways to select it. I'm passing out a handout on my ideas for an eight-step process for the naming of the plaza.

DRAFT

I would like to purpose a resolution regarding our historic structures. I want to point out that our historic structures provide a number of valuable assets for those communities that are able to keep them in good condition and in use.

I appreciate that today is Cinco de Mayo and it is a day of significance for many of our neighbors.

I'd also like to thank Chief Montoya and his people for the way they handle the situation on Saturday.

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Councillor Silva said I do support having an ordinance on this and we did have a preservation ad-hoc committee so there is already a lot of ground work that has already been done.

Regarding naming the plaza, I think we already named it when we were at the old city hall building. Councillor Archuleta proposed it and I think we voted on it so we may need to research it.

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a.) Mayor

Mayor Miyagishima said I do have a problem with Item 2 on Councillor Smith's proposal because I don't think we have the power to stop anyone from changing a structure and waiting until we tell them they can do it. But I will look at the rest of it over and maybe this will need to be a work session item.

Councillor Smith said this would be strictly for City owned facilities so we would be telling ourselves how to behave and no one else.

Mayor Miyagishima said the Mayor's Jazz Fest is being moved from Young Park to Downtown.

Also, the 4th of July events are being moved to the Field of Dreams.

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c.) City Manager

DRAFT

Robert Garza, City Manager passed.

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

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

Council said "Aye."

**Meeting Adjourned at 5:34 p.m.**