



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

Regular Meeting

August 4, 2014

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

- 14 Mayor Ken Miyagishima
- 15 Councillor Miguel Silva, District 1
- 16 Councillor Greg Smith, District 2
- 17 Councillor Olga Pedroza, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gill Sorg, District 5
- 20 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 Smith led the Pledge of Allegiance.

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

Councillor Smith presented a Proclamation to Andrea Camuñez and declared August 1 thru August 7, 2014 as World Breast-Feeding Week.

Councillor Small Moved to Approve a five minute recess and Councillor Levatino Seconded the motion.

1 Mayor Miyagishima called for the roll on the Motion to Approve a five minute recess and it was
2 Approved. 6-0 Councillor Sorg was absent.

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6 The meeting recessed at approximately 1:08 p.m. and reconvened at approximately 1:15 p.m.

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

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

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17 There were no conflicts mentioned.

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21 **III. PUBLIC PARTICIPATION**

23 Alice Anderson, Member of the Public said there was a lady named Mrs. Hilbert who moved into
24 a house that had 21 cats and she got them spayed and neutered. Fifteen years later she is now down
25 to only one cat which shows she was a responsible cat colony manager. On the flip side, NMSU cat
26 managers had a cat colony with four cats in February 2002 and they quickly increased those four cats
27 to about 60 to 70 cats. There was a vacant house put up for sale in my neighborhood and I saw a car
28 stop in front of it and a woman got out of the car and walked to the back of the house. After she left,
29 I went to the back of the house and saw three cats eating food from a big dish that she had left for
30 them. The feeder was trespassing on private property and she left food unattended which can attract
31 other animals. So what kind of cat colony would you prefer; a colony like Mrs. Hilbert's or one like
32 the one at the vacant house? You will soon be considering two amendments to our existing animal
33 ordinance which the first one was presented by Councillor Sorg that allows for registered managed
34 cat colonies with restrictions and oversight. The second one is supported by the Humane Society
35 of Southern New Mexico which decriminalizes stray cat feeding. I think the second proposal is bad
36 news and I'd ask that you support Councillor Sorg's version.

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1 **IV. READ CLOSED MEETING STATEMENT INTO RECORD**

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3 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
4 Closed Session at 2:42 p.m. on July 21, 2014. The following members were in attendance: Mayor
5 Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor
6 Sorg, Councillor Levatino, Assistant City Manager Brian Denmark, Assistant City Manager Mark
7 Winson, Acting Director of Transportation David Maestas, City Attorney Harry (Pete) Connelly, and
8 Deputy City Attorney Rusty Babington. The meeting adjourned at 2:58 p.m. and only those limited
9 items as stated in the posted notice were discussed which was pending litigation in the matter of
10 Linda Haywood v. City of Las Cruces, Third Judicial District Court No. D-307-CV-2013-01977.

11

12 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
13 Closed Session at 2:43 p.m. on July 28, 2014. The following members were in attendance:
14 Councillor Silva, Councillor Smith, Councillor Small, Councillor Sorg, Councillor Levatino and City
15 Manager Robert Garza. The meeting adjourned at 4:44 p.m. and only the limited items stated in the
16 posted notice were discussed which was the limited personnel matters relating to City Manager
17 Robert Garza.

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

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25 Mayor Miyagishima said Item 2 needs to be removed from the Consent Agenda for discussion.

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29 Councillor Smith Moved to Approve the Agenda as Amended and Councillor Silva Seconded the
30 motion.

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

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39 **VI. CITY COUNCIL MINUTES**

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

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

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7 *(3) Resolution No. 15-014: A Resolution Authorizing the City of Las Cruces to Accept a Grant
8 Award for FY2015 in the Amount of \$725,186.00 With a Local Contribution of \$825,018.00
9 From the North Central New Mexico Economic Development District Non-Metro Area
10 Agency on Aging to Provide Core Services to Eligible Senior Clients, to Ratify the City
11 Manager's Signatures on the Agreements, and to Adjust the City's Adopted FY2015 Budget.

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13 *(4) Resolution No. 15-015: A Resolution Approving the Quarterly Financial Report to the New
14 Mexico Department of Finance and Administration for the Period Ending June 30, 2014.

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16 *(5) Resolution No. 12-13-301A: A Resolution Authorizing Amendment Number Four to the
17 Agreement Between the City of Las Cruces and Williams Design Group, Inc., of Las Cruces,
18 New Mexico for the Design of the East Mesa Public Safety Complex Authorizing an Increase
19 of \$35,000.00 in the Fee Amount From \$882,868.90 to \$917,868.90, Plus an Allowance of
20 \$2,778.13 for New Mexico Gross Receipts Tax, and a Contingency of \$37,000.00; for a
21 Total Amendment Authorization of \$74,778.13.11

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25 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

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27 *(2) Resolution No. 15-013: A Resolution Authorizing the City of Las Cruces to Continue an
28 Agreement With the South Central Council of Governments for Fiscal Year 2014-2015 and
29 to Provide an Annual Membership Fee of \$11,140.00.

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31 Councillor Small Moved to Approve Resolution No. 15-013 Councillor Smith Seconded the motion.

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35 Mayor Miyagishima said it is difficult for me to attend these meetings so the alternate is usually the
36 primary person attending them. In the past it was former Mayor Pro-tem Thomas so I think it
37 automatically went to Mayor Pro-tem Smith.

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39 Councillor Smith said I have attended some of these meetings and I would like to continue to attend
40 them.

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Councillor Small Moved to Amend Resolution No. 15-013 to appoint Councillor Smith as the Alternate Representative and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 15-013 to appoint Councillor Smith as the Alternate Representative and it was Unanimously Approved. 7-0

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-013 as Amended and it was Unanimously Approved. 7-0

(6) Resolution No. 15-016: A Resolution in Support of Interest Fee Caps on Small Loan Companies in New Mexico.

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Councillor Sorg Moved to Approve Resolution No. 15-016 and Councillor Pedroza Seconded the motion.

Councillor Pedroza said I wish to table this resolution because I didn't understand the differences between resolutions and ordinances so I thought this was only a first reading and that there would be another opportunity for people to come and speak on this item at another meeting. I wasn't prepared to have it heard today; therefore, I'm asking that we table this item until August 18th.

Councillor Pedroza Moved to Table Resolution No. 15-016 until August 18, 2014 Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 15-016 until August 18, 2014 and it was Unanimously Approved. 7-0

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(7) Resolution No. 15-017: A Resolution Recommending Approval by the City Council of an Agreement for Purchase and Sale of Water Utility Assets of the Mesa Development Center Water Company; Providing for the Phased Upgrade of Water Company Distribution Lines and Extension of City Water Service; and, Further Providing for Customer Conversion and Customer Billing.

Councillor Small Moved to Approve Resolution No. 15-017 Councillor Smith Seconded the motion.

Jorge Garcia, Utilities Director gave an overhead presentation and said this is a privately owned small water company with approximately 305 customers. The negotiated cost of the acquisition is \$425,000 for the system and an additional amount of \$200,000 for any additional water rights. We have the funding in place for the acquisition that were obtained through prior utility revenue bonds.

Councillor Pedroza asked how many acre feet of water rights is there possible to have in the future?

Jorge Garcia said the original filing was about 900 acre feet but realistically, with the proper conditions, we think we might be able to double the 107 acre feet.

Councillor Pedroza asked will that additional water only be used for that service area?

Jorge Garcia said until such time that additional rights are perfected, they have to be used in that area but once they are perfected then we can commingle them with the rest of our water rights in the East Mesa.

Councillor Levatino asked what is the meaning of abandonment of services?

Jorge Garcia said it is just a PRC term. They are really selling the company to us with the evidence that we can take over the customers.

Marcy Driggers, Assistant City Attorney said Mesa Development will be acting very responsibly in securing the PRC's authorization to not only abandon its operation of the system but to transfer the operation to the City of Las Cruces. The City will have to convince the PRC that they can provide an equal or better level of service.

Councillor Smith asked why are we pursuing this particular water right?

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2 Jorge Garcia said in 2005-2006, the City Council wanted to complete the East Mesa area to our level
3 of service and what has prevented us from doing that is the legal disputes with another water
4 company that may have had claim to the same service area. Now we have a Supreme Court decision
5 on that issue and we are able to move forward.

6

7 Councillor Small asked assuming the PRC approval, is there a time line on when the additional
8 perfected water rights are possible?

9

10 Jorge Garcia said lets say the PRC process will take six months, we would first repair and deepen
11 one of the wells and add pumps, so it could take up to a few years to get to the 100 acre feet.

12

13 Councillor Small said the Supreme Court decision resolves the Moongate issue so are there any other
14 ongoing or potential actions?

15

16 Marcy Driggers said we have been successful with the litigation approach and the Supreme Court
17 decided that Moongate Water Company did not have an exclusive service area against the City.
18 Which means that the City and Moongate can compete in the East Mesa area where both are able to
19 provide utility services but there are legislative problems that we may encounter. Local legislators,
20 with the support of Moongate Water Company and Jornada Water Company, sought to amend an
21 existing state statute which would require that cities with a population of 95,000 or above would be
22 subject to PRC jurisdiction if we sought to provide water service within a PRC water company's
23 service area. That legislation did not make it through last session but we suspect that similar
24 legislation will try to make it through this coming up session. We don't know if that will go through
25 or not but that is why we want the PRC to provide the City of Las Cruces with some protection so
26 that if we spend the necessary money to improve the existing water system, that we can compete with
27 Moongate or any other water company that is entitled to provide water service there, on a fair basis.

28

29 Councillor Small said this is the preliminary step that triggers the opportunity to go to the PRC
30 where those protections will be sought to protect the City and the taxpayers. At the end of the day,
31 this is an opportunity to provide a fair, competitive opportunity for customers who need water
32 service to be provided by whomever can provide better service to them. I do feel comfortable with
33 us moving ahead.

34

35 John Apell, Attorney said I represent Mesa Development and it has been several years since this
36 process has started. We are hoping to get an application into the PRC within the next month or so
37 and ideally get a decision from them within two or three months. Hopefully, we will be able to close
38 this transaction by the end of the year and Mesa Development will discontinue water service and turn
39 it over to the City.

40

1 J.D. Rodriguez, Member of the Public said I have been a resident of Mesa Development since about
2 1970 and I would ask that you consider the fair market value of this water system. This water system
3 is very substandard and has a lot of issues with the infrastructure.

4

5 Mayor Miyagishima said staff has gone through this very carefully and we are aware of the condition
6 of the pipes. We are probably going to replace all the pipes so you'll probably have a brand new
7 water system and all of that was considered in the price negotiations.

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11 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-017 and it was
12 Unanimously Approved. 7-0

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16 (8) Resolution No. 15-018: A Resolution Reviewing and Approving the Certification of
17 Signatures on an Initiative Petition Proposing Adoption of an Ordinance Setting Minimum
18 Wages.

DRAFT

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20 Councillor Sorg Moved to Approve Resolution No. 15-018 Councillor Silva Seconded the motion.

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24 Esther Martinez-Carrillo, City Clerk said this is a resolution asking you to approve the certification
25 that was conducted by myself and reviewed by my staff. In front of you are copies of the petitions
26 that we reviewed and there were enough valid signatures to go forth to the next step.

27

28 Mayor Miyagishima asked did you review all the signatures that were turned in or did you just stop
29 when you got to the number of signatures needed?

30

31 Esther Martinez-Carrillo said we stopped verifying once we got the necessary 2,257 valid signatures.
32 We did finish the final signature page which gave us a total of 2,263 valid signatures and those are
33 included in your packet.

34

35 Councillor Silva asked how many total signatures did you have to review to obtain the needed 2,257
36 signatures?

37

38 Esther Martinez-Carrillo said we reviewed 5,063 signatures.

39

40 Councillor Silva asked who comes up with the actual language on the above part of the petition?

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2 Esther Martinez-Carrillo said I put the language for the header portion of the petition page based on
3 the requirements of the state statute.

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5 Councillor Silva said the ordinance talks about an election on September 5th but we don't meet on
6 September 5th.

7
8 Esther Martinez-Carrillo said roman numeral three states September 5th and that is the first possible
9 date that you would be able to review and approve or deny the ordinance.

10
11 Councillor Silva said it states that we will do the first review on August 18th and normally we do the
12 first review and then the adoption at the next following meeting but this states on September 5th and
13 we don't meet on September 5th.

14
15 Esther Martinez-Carrillo said our City Charter has certain provisions on how soon we can call it and
16 the first date of those 60 days is September 5th but you could go up to September 8th.

17
18 Councillor Silva said it states in here that it will go up for adoption on September 5th so to me, it
19 reads that there is going to be a meeting on September 5th which is a Friday. It seems to me that it
20 should have read "at a special election at its earliest convenient time". I would even agree to
21 amending this to state "a special election at its earliest convenient date in September". We haven't
22 even decided on a date yet, on a special meeting, so how can we put one in on an ordinance?

23
24 Esther Martinez-Carrillo said this paragraph is saying that the City Council will schedule a special
25 election resolution for adoption on September 5th. Meaning that I am bringing forth to you a
26 resolution on that date; not that we are going to have an election on that date.

27
28 Councillor Silva said I understand that but it seems to me that is presumptuous that we are calling
29 for a special meeting when we haven't even discussed a special meeting. As I understand the
30 process, today's action is just to approve the signatures and the next step is to put it on August 18th
31 for a first read. It seems to me that we would decide about having a special meeting at the August
32 18th meeting.

33
34 Robert Garza said today's action is only to approve the certification work that Esther has done and
35 the first reading will be on August 18th. On that date, Council can talk about subsequent meetings
36 that would take place.

37
38 Mayor Miyagishima said I'm okay with us calling a special meeting for that so it could be held on
39 November 4th. I did speak with the Attorney General and he told me that we are going to be getting
40 an opinion stating that it could be held concurrently; not necessarily combined, but concurrently.

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2 Councillor Silva said so today we are only certifying the signatures and on August 18th we can decide
3 whether or not to have a special meeting; correct?

4
5 Mayor Miyagishima said sure.

6
7 Councillor Small said this is the first initiative that has come to this point in last seven or eight years;
8 correct?

9
10 Esther Martinez-Carrillo said that is correct.

11
12 Councillor Small said I would like to compliment you and your staff on your recognition for your
13 excellence.

14
15 Councillor Pedroza said I also want to recognize you and your staff's excellence as well. I also want
16 to compliment the people who brought together the public participation. This is the first time I've
17 seen this number of people willing to engage and participate so I'd like to say congratulations to
18 everyone who was involved with it.

19
20 Esther Martinez-Carrillo said I don't know if you would feel comfortable with amending roman
21 numerals two and three which references the adoption on September 5th. We could add "and may
22 schedule" or whatever is appropriate.

23
24 Mayor Miyagishima asked what would you suggest as City Clerk?

25
26 Esther Martinez-Carrillo said I believe we could go up to September 8th.

27
28 Mayor Miyagishima said then we could change it to read "no later than September 8, 2014".

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30 Esther Martinez-Carrillo said that will be fine for roman numerals two and three.

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34 Councillor Small Moved to Amend Resolution No. 15-018 to change roman numerals two and three
35 to read "no later than September 8, 2014" and Councillor Pedroza Seconded the motion.

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39 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 15-018 to change
40 roman numerals two and three to read "no later than September 8, 2014" and it was Unanimously
41 Approved. 7-0

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Sarah Nolan, Member of the Public said I just want to thank the many of you at City Council and the City that helped us navigate this process.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-018 as Amended and it was Unanimously Approved. 7-0

IX. BOARD APPOINTMENTS

Mayor Miyagishima appointed Bill King (Frank O'Brien Papen Center Representative) to the Senior Programs Advisory Board.

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Councillor Small Moved to Approve the Mayor's board appointment of Bill King (Frank O'Brien Papen Center Representative) to the Senior Programs Advisory Board and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment of Bill King (Frank O'Brien Papen Center Representative) to the Senior Programs Advisory Board and it was Unanimously Approved. 7-0

X. 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).

(9) Council Bill No. 15-004; Ordinance No. 2723: An Ordinance Approving a Zone Change from C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) to C-3C/R-4C (Commercial High Intensity-Conditional/Multi-Dwelling High Density & Limited Retail and Office-Conditional) in Order to Add Additional Permitted Uses to 4.4 ± Acres of Land Located at the Northwest Corner

1 of Mars Avenue and Del Rey Boulevard. Submitted by Kary Bulsterbaum on Behalf of
2 Shared Equity Holdings, LLC, Property Owner (Z2873).

3

4 Mayor Miyagishima and Council agreed to bring this item back.

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6 (10) Council Bill No. 15-005; Ordinance No. 2724: An Ordinance Approving a Zone Change
7 From M-1/M-2 (Industrial Standard) to C-3 (Commercial High Intensity) on 6.06 ± Acres
8 of Land Located at 960 S. Triviz Drive. Submitted by Laura Stull-Kaczmarek & Nancy
9 Abeyta on Behalf of Ann F. Stull, Property Owner (Z2874).

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11 Mayor Miyagishima and Council agreed to bring this item back.

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15 **XI. CITY COUNCIL MEMBER BOARD REPORTS**

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17 There were no City Council Member Board Reports given.

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21 **XII. GENERAL DISCUSSION**

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23 b.) City Council

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25 Councillor Silva asked what is the difference between an ordinance and a resolution?

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27 Esther Martinez-Carrillo said an ordinance is a law and ends up being in the Municipal Code Book;
28 with the exception of things like the zone changes, and a resolution usually adopts or approves
29 policies and things like agreements.

30

31 Councillor Silva asked isn't that all spelled out in the City Charter?

32

33 Esther Martinez-Carrillo said I'm not sure if it is in the Charter or the Municipal Code.

34

35 Councillor Silva asked do we ever have a first reading for a resolution or is it only for ordinances?

36

37 Esther Martinez-Carrillo said only ordinances have first reads.

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39 Councillor Silva said and for clarity, we passed a resolution today regarding accepting signatures and
40 then we are coming back with an ordinance. An ordinance is what we are empowered as a council
41 but the public can also bring forward an ordinance as well.

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2 Esther Martinez-Carrillo said that is correct.

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4 Councillor Silva said regarding the franchise agreement that came before us awhile back, the City
5 of El Paso is now considering raising their franchise fees to raise revenues for their general fund. The
6 County Commission raised the franchise fees although they used different language but basically it
7 is the same thing. They are charging El Paso Electric Company for the right-of-way and El Paso
8 Electric has the right to pass that cost on. We chose not to raise it and stay at two-percent and I am
9 very comfortable with that decision. I am hoping that the task force that was created can work
10 quickly and bring something forward that is acceptable to Council.

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14 Councillor Pedroza said there will be a book sale at the Border Book Festival on Saturday and
15 Sunday, August 9th and 10th, from 10 a.m. to 6 p.m.

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17 The League of Women Voters is going to be having candidate forums for the November election on
18 September 9th, October 7th, and October 14th.

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22 Councillor Small said I want to compliment the County Commission on the extension of the foreign
23 trade zone to all parts of Doña Ana County. That combined with Wage Plus and the Jobs to Careers
24 Boot Camp along with other economic initiatives, I think are positioning us very well to compete
25 in a very competitive arena of advancing economic opportunities for our citizens.

26
27 I want to compliment Mr. Denmark and other entities for handling issues with our latest amount of
28 rainfall.

29
30 Regarding a special meeting on September 8th, is there only one item on the agenda for the work
31 session on that date?

32
33 Robert Garza, City Manager said yes, there is only one item on that agenda but it is split into two
34 sections which are the landscaping ordinance and the sign ordinance.

35
36 Councillor Small asked is having the special meeting on September 8th the most efficient time?

37
38 Robert Garza said we do recommend that the special meeting be held on September 8th at 1:00 p.m.

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1 Councillor Sorg said I apologize for being late today, I was held up at Phoenix Airport due to delays.

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5 Councillor Levatino said this Saturday there is an event called Butterfly Flutterby at the Chihuahuan
6 Desert Park from 9 a.m. to noon.

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8 There was another article on the front page of this morning's paper regarding the struggles of our
9 Veterans. The City of Hope has done an amazing job helping our Veterans and they are working with
10 other agencies to find apartments for them. The apartment building they found has a lot of problems
11 with it like drug dealings and other issues. I know this is probably a private enterprise that is helping
12 them but if there is anything we could do for them then we should try to help them in some way.

13

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16 Councillor Smith said tomorrow evening is the National Night Out event that starts at 6 p.m.
17 Downtown.

18

19 I continue to be concerned about the Anti-Donation Clause and how it impacts what we do at several
20 levels. It might be something that we can address at the legislative level and we might be able to
21 better understand what we can do locally.

22

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a.) Mayor

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27 Mayor Miyagishima said the Men Who Cook event is this Saturday from 6 to 9 p.m. at the Las
28 Cruces Convention Center.

29

30 Every year we do the Tri-Service Banquet and we like to give certificates to our service men and
31 women. This year I'm going to have a donation from a local business on the behalf of City Council
32 but you can add something to it if you want to because I know in the past I've asked you to donate
33 \$25. The banquet will be held on Saturday, August 16th.

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c.) City Manager

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1 Robert Garza, City Manager said regarding the PAL Boxing Club, this morning our staff had to lock
2 the doors and close the facility because after months and months there is still no signed agreement
3 for the use of the facility. We're confident that we're going to find a way to allow them to continue
4 to use our City facility but they have to do so within the confines of a formal agreement.

5

6 I also want to give Kudos to Mr. Denmark and his staff, the Utilities Department, the Police
7 Department and also our Fire Department for their distribution of sand bags during the rain storms.

8

9 Regarding Munson Senior Center, at our last meeting we discussed all the improvements that will
10 be happening there but we didn't mention that we will be closing down Munson Center and
11 suspending the activities for about a month. During that time, we're moving the staff to the old City
12 Hall building. We will make sure that the other services, like the meals, are offered at other facilities.
13 We will be publishing all the information and informing you so you can distribute that information
14 further to your constituents.

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18 J.D. Rodriguez, Member of the Public said I want to know why the Mayor wants to do away with
19 the Anti-Donation Clause?

20

21 Mayor Miyagishima said I didn't say I wanted to do away with the Anti-Donation Clause. I think
22 there are pros and cons to the Anti-Donation Clause because I think there are some cases where we
23 should be allowed to help places like local non-profits.

24

25 J.D. Rodriguez said that is State Statute and it serves a purpose.

26

27 Councillor Silva asked can PAL continue to operate under the previous agreement or are we saying
28 they can't operate until this new agreement is signed?

29

30 Robert Garza, City Manager said their previous agreement expired a long time ago and we have been
31 going month to month to month with promises that we're going to have a new agreement. We have
32 extended ourselves considerably, to a point of discomfort, and as long as they were going to be able
33 to keep doing what they are doing then they wouldn't sit down to hammer it out.

34

35 Councillor Silva asked is there a time line for this?

36

37 Mayor Miyagishima said I think it's a matter of coming to the table to sign the agreement.

38

1 Robert Garza said that is correct. We have given them an agreement that is very clear and consistent
2 with a lot of flexibility. We have included in our agreement structured methods to mitigate their costs
3 and expense of occupying a public building but within a comfort level so we are inline with the Anti-
4 Donation Clause.

5

6 Councillor Silva said thank you.

7

8

9

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

11

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

13

14 Council said "Aye."

15

16 **Meeting Adjourned at 2:49 p.m.**

DRAFT