



City Council
of the
City of Las Cruces

Regular Meeting

December 1, 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
- Rusty Babington, Deputy City Attorney
- Esther Martinez-Carrillo, City Clerk

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Mayor Miyagishima 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.

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

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

Councillor Smith said I want to mention that my wife lobbies for the New Mexico Restaurant Association. According to my reading of the Charter and the Governmental Conduct Act, I do not have a conflict of interest but each time we talk about the minimum wage issue I mention it and the Mayor, City Manager and City Attorney have said that there is no conflict of interest.

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2 Councillor Pedroza asked are you recusing yourself?
3
4 Councillor Smith said no. The way the Charter states, that would be at the result of the rest of the
5 Council deciding that I should.

6
7 Councillor Pedroza said I would feel more comfortable because of the appearance of the impropriety
8 of your situation.

9
10 Councillor Levatino said I don't see any conflict.

11
12 Councillor Sorg said I have no conflict.

13
14 Robert Garza, City Manager said regarding Item 23 on the agenda, I want to disclose that my niece's
15 husband owns this business so I will not be participating in it and the City Attorney will answer any
16 of your questions regarding that item.

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20 **III. PUBLIC PARTICIPATION**

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22 Ron Gurley, Member of the Public said I am the President of the National Alliance of the Mentally
23 Ill in Doña Ana County and I saw an advertisement for MMC but we remain alarmed for the care
24 of our community's mentally ill wounded minds. The ER continues to take in patients for assessment
25 but then they either discharge them or they send them by medicaid-paid ambulance to Alamogordo,
26 Roswell, El Paso or Mesilla Valley Hospital. If a mentally ill patient is released or transferred,
27 privacy laws prohibit them from informing anybody of their whereabouts without signed releases.
28 The bottom line is that MMC's psychiatric ward is not closed but they are not accepting any patients.
29 They are down because they won't pay the going rate for a doctor. We ask that the Council join the
30 County Commission in requesting that CEO Harris be removed from the management of our public
31 hospital and immediately open up our psychiatric ward.

32
33 Scott Bannister, Member of the Public said I gave Council a handout regarding a proposed site on
34 Tashiro and Valley where we are looking to put in a new baseball complex. I'm just presenting this
35 today to give you a heads-up on what we are moving forward with and we'd like you to take a look
36 at it to see what kind of feedback or support you would be able to give to us.

37
38 Mayor Miyagishima said I would like to have a work session on this item and invite you to give us
39 a little more information on it.

40
41 Scott Bannister said I would love to.

42

1 Violet Coffin, Member of the Public made a statement regarding what money can and cannot do.

2

3 Frank D. Gomez, Member of the Public said regarding minimum wage, I survived minimum wage
4 for sixty years and you have the help of the 6,000 signatures to help you make a decision.

5

6 Erica Mock, Member of the Public said I am 12 years old and I am a competition swimmer. I was
7 so happy when I heard that the City of Las Cruces was going to make a competitive swimming pool
8 because that would mean we could hold so many swimming meets here. We currently have over 100
9 kids on my swimming team and there are two other swimming teams out there. There aren't enough
10 lanes for all of us to practice and there are a lot of older folks who also swim competitively so there
11 is a great need for a competitive swimming pool here.

12

13 Mayor Miyagishima said we're probably going to need some legislative support so please give me
14 a copy of your letter so we can send it to the legislators.

15

16 Richard Ferrary, Member of the Public said I received a call on October 14th from someone from the
17 Republican Party asking me if I would support recalling my city councillor which is Councillor Sorg.
18 According to the City Charter, you can recall a city councillor or the Mayor and for the signatures,
19 it states that it should be 15% of the past two elections for petitions and referendums and it is 10%
20 for recalling a councillor but it doesn't say whether that is 10% of the past two elections or the past
21 two elections from that district. I would like to read you the information for the councillors who are
22 not targeted for this recall. (Mr. Ferrary read the information on the numbers for Councillor Silva,
23 Councillor Smith, Councillor Levatino, and Mayor Miyagishima.)

24

25 Peter Osorio, Member of the Public said I would hope that this might be a springboard for a
26 resolution or ordinance examining the requirements, within the Constitutional limits, for the
27 transparency of disclosing who and what is going on in our city.

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31 **IV. READ CLOSED MEETING STATEMENTS**

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a. Read November 24, 2014 Closed Meeting Statement into the record.

34

35 Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in
36 Closed Session at 3:35 p.m. on November 24, 2014. The following members were in attendance:
37 Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small,
38 Councillor Sorg, City Manager Robert Garza, Assistant City Manager Brian Denmark, Assistant City
39 Manager Mark Winson, and Deputy City Attorney Rusty Babington. The meeting adjourned at 4:20
40 p.m. and only those limited items stated in the notice were discussed which was the possible sale of
41 real estate owned by the City of Las Cruces.

1 **b. Read December 1, 2014 Closed Meeting Statement into the 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 11:35 a.m. on December 1, 2014. The following members were in attendance:
5 Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small
6 (excused himself at 12:05 p.m.), Councillor Sorg, Councillor Levatino, Assistant City Manager Brian
7 Denmark, Assistant City Manager Mark Winson, Utilities Director Jorge Garcia, Assistant City
8 Attorney Marcy Driggers, and Deputy City Attorney Rusty Babington. The meeting adjourned at
9 12:20 p.m. and only those limited items stated in the notice were discussed which was pending
10 litigation in the matter of Moongate Water Company, Inc. Vs. City of Las Cruces, Third Judicial
11 District Court No. D-307-CV-06-1289.

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

18
19 Mayor Miyagishima said Items 9, 16 and 17 need to be pulled from the Agenda in their entirety and
20 Items 3, 12, and 18 need to be removed from the Consent Agenda for discussion.

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24 Councillor Small Moved to Approve the Agenda as Amended and Councillor Smith 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 Unanimously Approved. 7-0

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34 **VI. CITY COUNCIL MINUTES**

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36 *(1) Regular City Council Meeting of November 3, 2014

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

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42 *(2) Resolution No. 15-096: A Resolution Amending the Personnel Manual.

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2 *(4) Resolution No. 15-098: A Resolution Approving the Issuance of a Waiver of the
3 Church/School Distance Restriction to Amaro Winery for the Public Celebration Permit
4 Application Submitted for the 1st Annual Las Cruces Chile Drop to be Held on December
5 31, 2014.
6
- 7 *(5) Resolution No. 15-099: A Resolution Authorizing Amaro Winery to Continue With the
8 Permitting Process to Allow for the Sale and Consumption of Wine Within a Restricted
9 and Secured Area at the 1st Annual Las Cruces Chile Drop to be Held on Main Street on
10 December 31, 2014.
11
- 12 *(6) Resolution No. 15-100: A Resolution Approving the Issuance of a Waiver of the
13 Church/School Distance Restriction to High Desert Brewing Company for the Public
14 Celebration Permit Application Submitted for the 1st Annual Las Cruces Chile Drop to
15 be Held on December 31, 2014.
16
- 17 *(7) Resolution No. 15-101: A Resolution Authorizing High Desert Brewing Company to
18 Continue With the Permitting Process to Allow for the Sale and Consumption of Beer
19 Within a Restricted and Secured Area at the 1st Annual Las Cruces Chile Drop to be Held
20 on Main Street on December 31, 2014.
21
- 22 *(8) Resolution No. 15-102: A Resolution Authorizing the City of Las Cruces on Behalf of
23 Its Museum of Art to Accept a Grant Award in the Amount of \$6,067.00 From the New
24 Mexico Department of Cultural Affairs, New Mexico Arts Division, With a \$13,550.00
25 Cash Match and a \$4,440.00 In-Kind Match Requirement for the "Fragile Waters"
26 Exhibit, Ratify the City Manager's Signature on the Grant Agreement, and to Adjust the
27 FY 2015 Budget.
28
- 29 *(9) Resolution No. 15-103: A Resolution Authorizing the City of Las Cruces to Accept
30 Capital Appropriation Funding in the Amount of \$1,036,000.00 From the State of New
31 Mexico Department of Transportation to Plan, Design and Construct Street
32 Improvements in Las Cruces, to Ratify the City Manager's Signature on the Agreement
33 and to Adjust the FY 2015 Budget.
34
- 35 Pulled from the Agenda in its entirety.
36
- 37 *(10) Resolution No. 15-104: A Resolution Authorizing the City of Las Cruces to Accept
38 Capital Appropriation Funding in the Amount to of \$80,000.00 From the State of New
39 Mexico Department of Transportation to Plan, Design and Install Transit System Bus
40 Shelters and Acquire Rights of Way in Central Las Cruces, Ratify the City Manager's
41 Signature on the Agreement and to Adjust the FY 2015 Budget.
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1 *(11) Resolution No. 15-105: A Resolution Authorizing the City of Las Cruces to Accept
2 Capital Appropriation Funding in the Amount of \$50,000.00 From the State of New
3 Mexico Department of Transportation to Plan, Design and Install Transit System Bus
4 Shelters and Acquire Rights of Way in Central Las Cruces, Ratify the City Manager's
5 Signature on the Agreement and to Adjust the FY 2015 Budget.

6
7 *(13) Resolution No. 15-107: A Resolution Approving a Reimbursement Agreement With
8 Sierra Norte Development Inc., for Construction of One Neighborhood Park Within
9 Metro Park Village Phase I Subdivision and Amending the FY 2015 Capital
10 Improvement Program (CIP).

11
12 *(14) Resolution No. 15-108: A Resolution Authorizing the Mayor to Sign the Grant
13 Application for the Public Art Challenge from Bloomberg Philanthropies.

14
15 *(15) Resolution No. 15-109: A Resolution Authorizing the Las Cruces International Airport
16 to Accept a New Mexico Department of Transportation, Aviation Division Grant in the
17 Amount of \$8,997.00 With a Local Match Requirement of \$1,000.00 for Airport
18 Maintenance Supplies and Services, to Ratify the City Manager's Signature on the Grant
19 Agreement, and to Adjust the FY 2015 Budget.

20
21 *(16) Resolution No. 15-110: A Resolution to Adopt the Arroyo Management Plan (PA-14-
22 01).

23
24 Pulled from the Agenda in its entirety.

25
26 *(17) Resolution No. 15-111: A Resolution in Support of Developing the Film & Television
27 Industry in Las Cruces. **(PACKET IS NOT AVAILABLE FOR THIS ITEM.)**

28
29 Pulled from the Agenda in its entirety.

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

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35 *(3) Resolution No. 15-097: A Resolution Establishing Dates for Holiday Observance for
36 City Employees in 2015.

37

38 Councillor Silva Moved to Approve Resolution No. 15-097 and Councillor Small Seconded the
39 motion.

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1 Councillor Silva asked have any of the holidays been added or removed?

2

3 Robert Garza, City Manager said we removed the Columbus Day Holiday and Item 2 which was
4 approved on your Consent Agenda, amended our personnel manual to give our employees an
5 additional 8 hours personal day for their birthday. This allows the City to be open to the public for
6 one more day a year and it still allows our employees to take a day off during the pay period of their
7 birthday.

8

9 Councillor Silva said so even though we lose a Federal holiday, we still have the same amount of
10 time off.

11

12 Robert Garza said correct.

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16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-097 and it was
17 Unanimously Approved. 7-0

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21 *(12) Resolution No. 15-106: A Resolution Approving the Distribution of Stipends to Local
22 Youth Leagues and Organizations to Assist With Operational Expenses for the 2014
23 Season, in the Amount of \$13,000.00.

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25 Councillor Smith Moved to Approve Resolution No. 15-106 and Councillor Sorg Seconded the
26 motion.

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30 Councillor Silva said I pulled the wrong item.

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34 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-106 and it was
35 Unanimously Approved. 7-0

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39 *(18) Council Bill No. 15-019; Ordinance No. 2738: An Ordinance Authorizing the Execution
40 and Delivery of a \$2,795,970 Loan Agreement to Finance the Costs of Acquiring Solid
41 Waste Collection Vehicles.

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1 Councillor Sorg Moved to Approve Council Bill No. 15-019; Ordinance No. 2738 and Councillor
2 Pedroza Seconded the motion.

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6 Robert Garza, City Manager said this is a loan for almost \$2.8 million to buy some solid waste
7 vehicles to replace some of the fleet and this was previously approved for the amount that has now
8 gone down so we need you to amend it to the lower amount.

9

10 Mark Krawczyk, Treasurer said this needs to be amended to lower the amount than what this Council
11 had previous approved which was in the amount \$2,795,970 but now needs to be amended to
12 \$2,775,819. We always ask for about half a percent more as a cushion but now the real cost is in and
13 we are saving \$20,151.

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17 Councillor Pedroza Moved to Amend Council Bill No. 15-019; Ordinance No. 2738 to change the
18 amount to \$2,775,819 and Councillor Smith Seconded the motion.

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22 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-019; Ordinance
23 2738 to change the amount to \$2,775,819 and it was Unanimously Approved. 7-0

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27 Councillor Silva asked does that amount include the aluminum wheels or not? They have those to
28 improve the gas mileage.

29

30 Mark Krawczyk said I've never paid attention to the rims.

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34 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-019;
35 Ordinance 2738 as Amended and it was Unanimously Approved. 7-0

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39 (19) Resolution No. 15-112: A Resolution Approving the Issuance of a Waiver of the
40 Church/School Distance Restriction for the Issuance of a Small Brewer Off-Site Liquor
41 License to Bosque Brewing Co., LLC to be Located at 901 East University Avenue,
42 Building 985, Suite 1B, Las Cruces, New Mexico.

1
2 Councillor Silva Moved to Approve Resolution No. 15-112 and Councillor Small Seconded the
3 motion.

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7 Rusty Babington, Deputy City Attorney said we didn't receive any comments on this waiver.
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11 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-112 and it was
12 Unanimously Approved. 7-0

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16 (20) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 15-**
17 **113; A PUBLIC HEARING MUST BE HELD.**

18
19 Mayor Miyagishima said the Public Hearing for Resolution No. 15-113 is now open. Is there anyone
20 who wishes to speak against this item?

21
22 No one spoke.

23
24 Mayor Miyagishima said the Public Hearing for Resolution No. 15-113 is now closed.

25
26 Resolution No. 15-113: A Resolution Approving the Issuance of a Small Brewer Off-Site Liquor
27 License to Bosque Brewing Co., LLC, to be Located at 901 East University Avenue, Building
28 985, Suite 1B, Las Cruces, New Mexico.

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30 Councillor Smith Moved to Approve Resolution No. 15-113 and Councillor Silva Seconded the
31 motion.

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35 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-113 and it was
36 Approved. 6-0 Councillor Small was absent.

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40 (21) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 15-**
41 **114; A PUBLIC HEARING MUST BE HELD.**

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1 Mayor Miyagishima said the Public Hearing for Resolution No. 15-114 is now open. Is there anyone
2 who wishes to speak against this item?

3

4 No one spoke.

5

6 Mayor Miyagishima said the Public Hearing for Resolution No. 15-114 is now closed.

7

8 Resolution No. 15-114: A Resolution Approving the Issuance of a Restaurant (Beer & Wine)
9 License for on Premise Consumption to May Entertainment, LLC d/b/a A Bite of Belgium,
10 Located at 741 North Alameda Boulevard, Suites 15 & 16, Las Cruces, New Mexico.

11

12 Councillor Silva Moved to Approve Resolution No. 15-114 and Councillor Pedroza Seconded the
13 motion.

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17 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-114 and it was
18 Approved. 6-0 Councillor Small was absent.

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22 (22) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 15-**
23 **115; A PUBLIC HEARING MUST BE HELD.**

24

25 Mayor Miyagishima said the Public Hearing for Resolution No. 15-115 is now open. Is there anyone
26 who wishes to speak against this item?

27

28 No one spoke.

29

30 Mayor Miyagishima said the Public Hearing for Resolution No. 15-115 is now closed.

31

32 Resolution No. 15-115: A Resolution Approving the Transfer of Ownership of Inter Local
33 Dispenser Liquor License No. 2674 to Cattle Baron Restaurants, Inc. d/b/a Cattle Baron Steak
34 and Seafood Restaurant, Located at 790 South Telshor Boulevard, Las Cruces, New Mexico.

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36 Councillor Sorg Moved to Approve Resolution No. 15-115 and Councillor Pedroza Seconded the
37 motion.

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41 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-115 and it was
42 Approved. 6-0 Councillor Small was Absent.

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BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 15-116; A PUBLIC HEARING MUST BE HELD.

Mayor Miyagishima said the Public Hearing for Resolution No. 15-116 is now open. Is there anyone who wishes to speak against this item?

No one spoke.

Mayor Miyagishima said the Public Hearing for Resolution No. 15-116 is now closed.

Resolution No. 15-116: A Resolution Approving the Issuance of a Restaurant (Beer & Wine) Liquor License With Patio Service for On and Off Premise Consumption to NY Pizza Slice House, LLC d/b/a NY Pizza Slice House, Located at 2001 East Lohman, Suite 111, Las Cruces, New Mexico.

Councillor Silva Moved to Approve Resolution No. 15-116 and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-116 and it was Approved. 6-0 Councillor Pedroza was Absent.

BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 15-117; A PUBLIC HEARING MUST BE HELD.

Mayor Miyagishima said the Public Hearing for Resolution No. 15-117 is now open. Is there anyone who wishes to speak against this item?

No one spoke.

Mayor Miyagishima said the Public Hearing for Resolution No. 15-117 is now closed.

Resolution No. 15-117: A Resolution Approving the Transfer of Ownership of Liquor License No. 2787, with on Premise Consumption Only, to Iron Horse Entertainment, L.L.C. d/b/a Hurricane Alley, Located at 1490 Missouri Avenue, #A, Las Cruces, New Mexico.

1 Councillor Smith Moved to Approve Resolution No. 15-117 and Councillor Sorg Seconded the
2 motion.

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6 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-117 and it was
7 Approved. 6-0 Councillor Pedroza was Absent.

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11 (25) Resolution No. 15-118: A Resolution Supporting Full Vehicular Access to Spaceport
12 America from Interstate 25, Exit 32, Upham Road.

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14 Councillor Smith Moved to Approve Resolution No. 15-118 and Councillor Sorg Seconded the
15 motion.

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DRAFT

19 Robert Garza, City Manager said this was brought forward by one of the councillors and it is a
20 resolution supporting Doña Ana County's request to people and authority up north who have the
21 potential to help aide in funding a southern road to the Spaceport. This resolution simply supports
22 Doña Ana County's efforts.

23

24 Councillor Sorg said I would encourage the Council to approve this because it is an important part
25 of the Spaceport enterprise.

26

27 Councillor Small said I intend to support this resolution because the Spaceport is very important to
28 our area.

29

30 Councillor Smith said this is an opportunity and unfortunately without that road we are not able to
31 fully take advantage of it so I do intend to support this resolution.

32

33 Councillor Pedroza said I had doubts with their progress but after speaking with several people and
34 keeping in mind that if we don't go forward with this then we would lose more money than we will
35 make so I will reluctantly support it.

36

37 Councillor Silva asked what is the costs for this road, the bridge, everything listed here?

38

39 Councillor Sorg said it is an all weather road and it may cost as much as \$23 million and they only
40 have around \$11 million so they are asking the State for more funds to properly finish the road.

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1 Councillor Silva said I think we should table this and have the County give us a presentation on what
2 they are asking us to support and explain the amounts for this project. We don't even have a cost
3 comparison to see if this is cost effective. I think we need to have a discussion on how long we will
4 support this and when we will cut our losses. I have difficulty with this so I would suggest that we
5 table it until we can further discuss it.

6
7 Mayor Miyagishima said the road to get to the Spaceport from here is very difficult to get to; we
8 have to go through T or C which is about 120 miles instead of making a road and accessing it in
9 about 45 miles which would make a difference, especially to the people who work out there. Doña
10 Ana County has done the blueprint for this four lane road and I support this resolution. I think we
11 need to move forward with this because it will be going to the legislature for their session next year.

12
13 Councillor Pedroza said I agree with Councillor Silva and I would like to get more information on
14 this project.

15
16 Councillor Sorg said it has always been the plan to have this all weather road and currently there are
17 people who live in Las Cruces and work at that facility.

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21 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-118 and it was
22 Approved. 5-2 Councillor Small, Councillor Sorg, Councillor Levatino, Councillor Smith and Mayor
23 Miyagishima voted Aye. Councillor Silva and Councillor Pedroza voted Nay.

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27 (26) Council Bill No. 15-018; Ordinance No. 2737: An Ordinance Repealing and Replacing
28 Section 30-146 Definitions, Section 30-201 Exempt Building Permits, Section 30-272
29 Pre-Application Procedure, Section 30-352 Pre-Application Procedure, Section 30-457
30 Pre-Application Procedure and Division 17 Building Standards of Chapter 30, Buildings
31 and Building Regulations of the Las Cruces Municipal Code (LCMC). Submitted by the
32 City of Las Cruces.

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34 Councillor Small Moved to Approve Council Bill No. 15-018; Ordinance No. 2737 and Councillor
35 Smith Seconded the motion.

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39 Robert Kyle, Building and Development Services Administrator gave an overhead presentation and
40 said these are some amendments to the Las Cruces Building Code which most of them are just
41 housekeeping items, like definitions and grammatical corrections, and to bring the City up to the
42 State Code. The largest reason for the amendments is to help implement process improvements that

1 were undertaken by the City Manager's office. The first item I want to talk to you about for the
2 process improvements is the Pre-Submittal Meeting which is a mandatory meeting for commercial
3 projects valued at \$100,000 and higher and development projects. It is attended by the owner, design
4 professionals, and review staff and the hope is that this initial action will help the review process go
5 smoother and quicker. We are also proposing exemptions for wall/fence permits; the walls and
6 fences that would be exempt from permits and inspections are ones that are six feet and lower, not
7 a retaining wall, and not adjacent to public right of way which means there will be a reduction in
8 construction costs associated with new homes but zoning verification would still occur. We are also
9 proposing to adopt the 2014 National Electric Code as amended by the State of New Mexico which
10 would bring the City in line with the State for building code compliance. If adopted, it would go into
11 effect January 1, 2015.

12

13 Councillor Small said I support moving ahead with this but can you confirm that there are no
14 changes related to the installation of alternative energy systems?

15

16 Robert Kyle said to my knowledge, they have not limited renewable energy and actually, they have
17 provided some guidance that did not exist in the past.

18

19 Councillor Silva asked what is the feedback from the building industry?

20

21 Robert Kyle said I meet with the Home Builders Association on a monthly basis and the feedback
22 we have received so far is supportive. I have not received any negative feedback from the industry
23 or the public at this point.

24

25 Bill Allen, Member of the Public said I am with the Greater Las Cruces Chamber of Commerce and
26 I want to thank Mr. Garza and Mr. Denmark for taking the time to gather input from about 50 to 60
27 individuals and for taking their comments into account.

28

29 Steve Chavira, Member of the Public said I'm with the Home Builders Association of Southern New
30 Mexico and I would like to thank Robert Kyle for all his hard work and for meeting with us on a
31 monthly basis. I would also like to thank Council for creating an ongoing dialog with our industry
32 and the public. We are in agreement with the proposed changes that Mr. Kyle has presented to you
33 today and this is one more step toward making home ownership easier and less expensive.

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37 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-018;
38 Ordinance No. 2737 and it was Unanimously Approved. 7-0

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1 (27) Council Bill No. 15-020; Ordinance No. 2739: An Ordinance Authorizing the Issuance
 2 and Sale of the City of Las Cruces, New Mexico State Shared Gross Receipts Tax
 3 Refunding Revenue Bonds, Series 2015 in an Aggregate Principal Amount Not to
 4 Exceed \$25,000,000 for the Purpose of Refunding the City’s State-Shared Gross Receipts
 5 Tax Improvement Revenue Bonds, Series 2005.

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 7 Councillor Small Moved to Approve Council Bill No. 15-020; Ordinance No. 2739 and Councillor
 8 Smith Seconded the motion.

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11
 12 Mark Krawczyk, Treasurer gave an overhead presentation and said this ordinance is for the potential
 13 of issuing up to \$25,000,000 in bonds for the refinancing of the dollars that were used for this
 14 particular building. The document that was published did have eleven grammatical and date errors
 15 that will need to be corrected. These corrections are not material in nature and do not affect the
 16 content or purpose of the ordinance.

17
18
19
DRAFT

20 Councillor Sorg Moved to Amend Council Bill No. 15-020; Ordinance No. 2739 to correct the
 21 eleven grammatical and date errors and Councillor Levatino Seconded the motion.

22
23 -----

24
 25 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-020; Ordinance
 26 No. 2739 to correct the eleven grammatical and date errors and it was Unanimously Approved. 7-0

27
28 -----

29
 30 Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-020;
 31 Ordinance No. 2739 as Amended and it was Unanimously Approved. 7-0

32
33 -----

34
 35 (28) Council Bill No. 15-022; Ordinance No. 2741: An Ordinance Amending Ordinance No.
 36 2726 Which Created “The Las Cruces Minimum Wage Ordinance” Which Is to Be
 37 Codified as Article III – Minimum Wage, Las Cruces Municipal Code 1997, Sections 14-
 38 60 Through 14-66, by Adding a New Section 14-67 to the Las Cruces Municipal Code
 39 1997 Entitled Exemptions, and Amending Section 14-64(b).

40
 41 Councillor Silva Moved to Approve Council Bill No. 15-022; Ordinance No. 2741 and Councillor
 42 Smith Seconded the motion.

1

2

3

4 Mayor Miyagishima said I received a call from a friend of mine who was concerned that I had caved
5 into Café and I assure you, that is not the case. I helped my son with a school project which happened
6 to involve life insurance situations and we used minimum wage job scenarios and it was very eye
7 opening to me. I know we need to increase the minimum wage. We are the second largest city in
8 New Mexico and our per capita income rate really isn't that strong. I made a list of all the cities with
9 the highest minimum wages and I compared the minimum wage of those cities to their per capita
10 income. I'm embarrassed to say that the City of Las Cruces's per capita income is \$15,704 and I take
11 full responsibility for that situation. If you take Doña County, then the per capita income, at \$8.40
12 an hour, is at 88% which is an amazing number. I would like to see an amendment to this ordinance
13 to have a review every six months and to make sure that the tipped workers make \$8.40 an hour. I
14 want to say as a reminder that unless we have Café's support and buy into the spirit of the ordinance,
15 I think there may be changes here that go against Café and the 2,600 signers; I don't want to see us
16 go against the spirit of this ordinance. I would like to ask Sarah if she would like to make any
17 opening comments?

18

19 Councillor Silva asked what are the two amendments that you are suggesting?

20

21 Mayor Miyagishima said one is to include a review every six months and regarding the tipped
22 workers, give them 30% which is \$2.52 an hour and allow them to still get their tips.

23

24 Councillor Silva asked is it proper protocol to have the public talk before the councillors have the
25 opportunity to give their initial comments? Also, if you are going to allow Mrs. Nolan to speak then
26 are you going to let other members of the public speak as well?

27

28 Mayor Miyagishima said I do plan on allowing the public to speak but I decided to give my
29 comments first and then have Sarah give here thoughts on it.

30

31 Sarah Nolan, Café said we would like our ordinance to be carried out as it was presented in
32 September. This further re-establishes trust with the democratic process and the City Council and
33 gives us time to deepen our relationship with the business community and city councillors. We do
34 not support drawing out the time line beyond 2017 or carving out what we believe is the biggest
35 exemption, excluding tipped workers. We do agree that a review should take place in 2015 but it
36 should not be tied to a vote. Our original goal and intent of our initiative was to go to \$10.10
37 immediately on January 1, 2016 and eliminate the tipped wage completely in this city but after
38 meeting with Councillor Silva, we compromised to what we had in September. Every councillor
39 agreed to meet with us with the exception of Councillor Levatino and the Greater Las Cruces
40 Chamber who refused to discuss this issue with us at all. That made feedback very difficult for us.
41 We are hoping that by allowing our ordinance to go through with a review of it in 2015, a path of
42 communication can be made with the leadership of those in Council and those in our community.

1 Lets put this issue to rest today and give businesses the opportunity to forecast and people the
2 opportunity to budget.

3

4 Councillor Pedroza said I believe the residents in District 3 would greatly benefit from an increase
5 in minimum wage and I agree with the minor amendments that were proposed by the Mayor but I
6 want to know if the six month review will determine if the next increase will take place?

7

8 Mayor Miyagishima said Council would meet in July to see if we need to reduce the next amount
9 or not.

10

11 Councillor Pedroza said in that case, I agree with that as well but we also need to look at how the
12 businesses are being affected and how the families are being affected.

13

14 Councillor Small said there are three parts to this law which are wage increases, a time line, and
15 tipped workers. I would like to pass out an amendment that I would like to propose which would
16 exclude part of what is on the docket today but it would not add any new exemptions to the
17 ordinance. It does add one strengthening piece to the enforcement which clarifies that any employee
18 shall recover any unpaid wages and interest thereon and reasonable attorney fees and costs. The
19 \$10.10 wage will be met in 2019 as contained in Paragraph B; Section 3; the first increase to \$8.40
20 happens January 1, 2015; the second increase to \$9.20 would happen January 1, 2017; and the third
21 increase to \$10.10 would happen January 1, 2019. The increase for tipped workers would be capped
22 at 40%. This would also allow for consumer price indexing every other year beginning in 2021 and
23 allows for reviews on or before July 1, 2016 and on or before July 1, 2018.

24

25 Mayor Miyagishima said I think we need to stay with the spirit of the ordinance so this would be a
26 good suggestion in July if the Council decides to have a discussion about it in a work session. It
27 sounds good but I think it takes away from the spirit of the ordinance.

28

29 Councillor Smith said currently, twelve cities have raised their minimum wage and I have passed out
30 a map to show them. Half of those are in California and there is only one on the east coast which is
31 Washington D.C. Dr. Dube states that the minimum wage should be 50% of the local medium
32 income for an hourly worker so it seems \$10.10 an hour is based on something other than what
33 makes sense for us locally. I appreciate the fact that the Mayor and Councillor Small and others on
34 this Council are certainly thinking about what this means to this community but I would ask that we
35 think very carefully before we jump on January 1st to a number that is that much higher than what
36 appears is required of us and also is much higher than what we are accustomed to paying here.

37

38 Councillor Silva gave an overhead presentation and said I think the community is ready for us to
39 move forward and put this to rest. We need to agree that we disagree and work together. We all agree
40 that we want to raise minimum wage but I don't think the September time line will work. Our goals
41 for this ordinance are to improve the quality of life for minimum wage workers, decrease the overall
42 impact on our local businesses, and to build a certainty to predictability into the process with the

1 local workforce and the business community. We need to create a long range plan because we don't
2 want to keep having this same argument every six months or so. From the very beginning, I would
3 have liked to see an \$11.00 an hour minimum wage and that is what I'm proposing; that we stretch
4 this out and have a long range plan so businesses can do what they need to do and the workforce is
5 assured that they are going to be guaranteed an increase in pay down the road. This would give the
6 worker more money and there would be less of an impact on the businesses.

7

8 Mayor Miyagishima said there is no right or wrong answer but we need to stay focused on keeping
9 the spirit of this ordinance in tact.

10

11 Councillor Levatino said this has been a long process and I appreciate that everyone has a sincere
12 interest in promoting an increase in the minimum wage. It is frequently said that some of us,
13 including me, are opposed to raising the minimum wage; that has never been true. It's not about
14 raising the minimum wage; it's about raising it to a point that is fair and equitable to everyone. This
15 isn't just about the low wage earners and the employers; it's about the elderly, those who are on fixed
16 incomes, the teenagers and the college students who are having problems finding a job at \$7.50 an
17 hour so how are they going to find one at \$10.10; it's about the non-profit organizations; and the
18 schools who depend on our local small businesses for support. So this is not just about the low wage
19 earner and their employers; it is about the entire community. That is what I have always tried to focus
20 on and I will be suggesting amendments with that in mind. We were elected to make the hard
21 decisions and we are to make those decisions based on the information given to us; not for political
22 reasons.

23

24 Councillor Pedroza said on September 8th, the majority of the Council voted for the initiative and
25 now we are back tracking. You voted for it and now you want to change it. It bothers me when
26 someone votes on something just so they can change it. I move that we accept the Mayor's proposed
27 amendments and go forward with this today.

28

29 Mayor Miyagishima said I want to wait for amendments until everyone has had a chance to speak.

30

31 Councillor Pedroza said okay.

32

33 Councillor Silva said I voted for this in September because it needed to be passed. We need to take
34 care of business sooner rather than later. The initiative process is over and I don't see a democratic
35 process being broken or any laws being broken so we need to move forward.

36

37 Mayor Miyagishima said I don't recall us ever having a citizens initiative so this is new ground for
38 us and how we deal with this sets precedence for the future. I think we need to stay focused on the
39 intent and the spirit of this ordinance. You all have great ideas but I think those need to be discussed
40 in July.

41

1 Councillor Small said I did vote no for this in September and I did so with the expressed purpose to
2 have the citizens of Las Cruces be able to register their support or non-support of this in an election.
3 Regarding tipped workers, a key part of this law is that tipped workers rise to 40% of the minimum
4 wage in 2015; 50% in 2016; and to 60% in 2017. Mayor, you are proposing to leave that as is;
5 correct?

6
7 Mayor Miyagishima said the way I understood it is that the employer had to make up the difference
8 in wages if the hourly rate and tips didn't equal to the minimum wage hourly rate but I didn't realize
9 that if a worker made like \$20 an hour in tips then they still just got the \$2.13 hourly rate. This way,
10 their base rate goes up.

11
12 Councillor Small said I wish to point out that it seems to me that we would be removing entirely 1/3
13 of the policy of this law which was that over time it would return tipped workers to 60% of the
14 regular minimum wage. If we excluded that in moving forward today, it would be 1/3 of this
15 ordinance that is being excluded right before implementation. The best thing for this Council to do
16 is to simply pass nothing.

17
18 Mayor Miyagishima asked did you get a buy-in from Café and their supporters for your amendment?

19
20 Councillor Small said no.

21
22 Mayor Miyagishima said they wanted to make sure that all workers, tipped or otherwise, get raised
23 to the minimum wage. So even at 30%, tipped workers would still make more than their colleagues
24 but that still might be something we can discuss in July.

25
26 Councillor Smith read what Richmond California did with the raise in their minimum wage and said
27 I believe that the January 1st start date is very problematic given the level of confusion that we have
28 about this topic.

29
30 Councillor Silva said the Seattle ordinance doesn't go into full implementation until seven years
31 from now so they recognized the impact of this type of ordinance on the community. I agree that the
32 January 1st start date is too soon so I would like to see it start on July 1st. I am also in favor of the
33 review but I would like to see it be a review with a vote. The way the Federal Law is written, tipped
34 workers do get minimum wage but I know there is probably exploitation and if there is then we want
35 to know about it because we don't want to be a community that allows businesses to exploit others.
36 I support leaving it at \$2.13 which allows these workers to have the help from the State Employment
37 Office and even from the Federal Labor System when they have an issue with getting their wages.

38
39 Violet Coffin, Member of the Public read a letter from Grady Esterling.

40

1 Sara Melton, Member of the Public said I want to thank Council and the councillors who are
2 advocates for workers for taking on this complicated issue. This has always been about people who
3 work hard and don't get a break; for people who are trying to raise a family the best they know how;
4 for people who generate profits for others; and people who are the backbone of our families and our
5 community. I ask that you to keep your promise to the workers, including tipped workers; and that
6 you keep the spirit of the ordinance but include tipped workers.

7

8 Phillip Archuleta, State Representative said during my campaign I went to a lot of homes and it is
9 heartbreaking to see how some of these people are living that only make \$7.50 an hour. We did try
10 to get the State to raise the minimum wage to \$10.10 but it didn't go through so we are going to try
11 again.

12

13 Bill Allen, Member of the Public said I'm from the Greater Las Cruces Chamber and we still support
14 your June minimum wage ordinance because having it at \$10.10 an hour would have unintended
15 consequences. I ask that you consider all of the pluses and minuses when you vote today.

16

17 Tom Hutchinson, Member of the Public said I own the La Posta restaurant and the real story isn't
18 how one of the councillors changed his position on minimum wage but how he was crucified,
19 threatened and bullied by Café for doing so. Café receives funds from outside this city and they
20 continue to try to hold our policy makers hostage with a threat of doing another ballot initiative or
21 removing them from office simply because they didn't get their way. Café does not own the initiative
22 process and those of us who are incensed by Café's attempt to hijack this process and bully this
23 community will wage our own ballot initiative to counter them. So we strongly encourage you to do
24 what is right for Las Cruces and don't be intimidated by their threats and abuse of the process.

25

26 Russell Allen, Member of the Public said I own Allen Theaters and I hire a lot of minimum wage
27 and part-time employees. We own theaters throughout this state and I pay my employees between
28 \$8.50 to \$9.00 an hour because there is a demand for their labor. I don't see that there is anything
29 this council or Café is doing to help these employees gain better employment; all they're doing is
30 putting forth an arbitrary number with no basis to it. I hope you make a good and proper decision.

31

32 Fredrick Brideman, Member of the Public said the minimum wage would be \$10.10 now if the
33 Federal Government had indexed the minimum wage to inflation. It is hypocritical to adopt an
34 ordinance to avoid having it go to a vote and then substantially change it with amendments. There
35 are factual studies that show that raising the minimum wage actually helps a community. I am sick
36 and tired of my tax money being used to subsidize businesses who don't want to pay their employees
37 a living wage.

38

39 Bob Hearn, Member of the Public said I'm impressed that nothing has taken the attention of the
40 Council as this issue has done. Everyone wants the minimum wage to be increased so let's work
41 together and make it work.

42

1 Cassandra Calway, Member of the Public said I found it disheartening that Mr. Hutchinson thinks
2 this is a game because this is not a game to me and my family. I feed my family on my tips and I'm
3 taxed on my wages and my tips. If they take me off the floor to scrub walls they still pay me at the
4 \$2.13 rate so we do get screwed. People in this town are hungry and they are not just hungry for
5 food. I don't want your money; I just want a fair shot.

6

7 Cassidy Calway, Member of the Public said my mother struggles to support us and I am starving for
8 something better for my family. I ask that you pass the ordinance as it was originally in September.

9

10 Debra Bautista, Member of the Public said I am the CEO of Tresco and I grew up poor. I don't mind
11 the raise to \$8.40 an hour but I do have concerns with the second and third wave of this ordinance
12 because we would be paying entry level people the same wage as some of people who have been
13 employed with us for five or six years. I'm asking that you consider what \$8.40 an hour will do for
14 your people here but what it will do to businesses when it hits \$10.10 an hour.

15

16 Allie Booker, Member of the Public said if voters had the opportunity to vote on this then we
17 wouldn't be here today but since you denied them that, we are here today. People don't want change
18 but change has to come.

19

20 Richard Aguilar, Member of the Public said I'm with the Hispano Chamber of Commerce and we
21 are asking for a reasonable amount of time for this increase. We ask that you consider everyone who
22 would be affected by this and also consider that with this, businesses will consider moving to El Paso
23 because minimum wage is less there.

24

25 Peter Osorio, Member of the Public said I support \$10.10 and I think the Mayor has nailed it. Let's
26 get this in place and then monitor it.

27

28 Dolores Connor, Member of the Public said the Mayor is so correct today, it is the first time you are
29 charting in these territories and all seven of you are public servants. You didn't become public
30 servants to hurt people but there are a lot of people hurting today and you have already accepted the
31 petition so you need to keep going with it. You need to move forward with it but take your time
32 because six months isn't enough time to collect the necessary data.

33

34 Liz Rodriguez-Johnson, Member of the Public said I support raising the minimum wage to \$10.10.
35 The signatures were collected and the people of Las Cruces have spoken.

36

37 Charlotte Lipson, Member of the Public said a few weeks out of the year I live in New York and the
38 cost of living is about the same as it is here. The only thing cheaper here is the cost of housing. I
39 don't know what the cost of this recall is costing but it is probably about \$50,000 to \$100,000 and
40 that money could be better spent on raising the minimum wage.

41

1 Tamie Smith, Member of the Public said you have been elected by all the people in this room and
2 you've had to listen to numerous passionate cries on why this council is even debating whether the
3 people should have a livable wage. I haven't heard one single comment from the councillors about
4 how many jobs or how many businesses were closed in the cities that have decent wages.

5
6 Sister Michelle, Member of the Public said I took a vow of poverty but that doesn't mean that I don't
7 go to Allen Theater and buy popcorn but it does mean that I don't have an expendable amount of
8 money. I wish each and every one of you peace and all good.

9
10 Joanne Ferrary, Member of the Public said we followed the democratic process and when we listen
11 to businesses above the people then you have an oligarchy. We cannot let that happen in our city,
12 in our county, in our state, or in our country. I would appreciate it if you would pass this and keep
13 it the way it was originally passed.

14
15 Richard Ferrary, Member of the Public said in 2007 Congress passed a minimum wage increase from
16 \$5.15 to \$7.25 an hour which is a 40% increase in the space of three years and most of the businesses
17 here existed in 2007 and were able to survive. This is standard operating procedure for minimum
18 wage that keeps getting kicked to the curb year after year until you can't stop it anymore. California
19 has had huge increases in their minimum wage and they also don't have any tipped wages so
20 everyone gets minimum wage.

21
22 Susan Fitzgerald, Member of the Public said it has been almost a year since Café held its first public
23 meeting regarding minimum wage and there have been many meetings since then. We are hoping
24 that today will be Council's final decision and I encourage you to stay the course and vote to allow
25 the ordinance to go forward.

26
27 Dana Wortham, Member of the Public said I own Caliche's and do know what it is like to live on
28 minimum wage. We moved here in 1992 and I worked minimum wage jobs until we opened our
29 business in 1996. We take care of our employees and we value them.

30
31 Javier Morales, Member of the Public said I'm the General Manager for Caliche's and I think there
32 is a misconception here that small businesses are taking boat loads of money to the bank. I balance
33 our books and do payroll and it is a very difficult thing to do. If we have to go to \$10.10 an hour,
34 about 20% of our staff will have to be let go. I also agree that January 1st is too soon for a big
35 decision like this one.

36
37 Karen Wooten, Member of Public said I am discouraged when I hear people talk about the business
38 community in a hostile way and when I hear people say disrespectful things about people who earn
39 minimum wage. As a resident of Las Cruces for 20 years and as a lawyer for more than 20 years, I
40 think you need to figure out what the right answer is, vote to do it, and then figure out the proper
41 procedural legal steps to make it legitimate.

1 Oscar Andrade, Member of the Public said I am the owner of Pic Quik stores and I have asked many
2 times to meet with Café and they have refused to meet with me. I have 310 employees and I had to
3 do a stress test on my company to see if I can survive the next ten years. I love the idea of making
4 this a livable increase over the next ten years verses three immediate increases which would be
5 devastating to the business community. Obamacare kicks in the first of the year; I pay 100% of my
6 employees health insurance, including family coverage, and last week I had to have a meeting with
7 my employees to tell them that under the new law I can only pay a certain percentage of a single
8 employee. That is devastating to the folks who now have to pay \$250 a week to cover what I was
9 covering.

10

11 Jason Sandoval, Member of the Public said I have been employed at Pic Quik for five years and I
12 have been able to advance within this organization. However, with the challenges of the minimum
13 wage increase and the Obamacare Act have presented new obstacles and have threatened the
14 sustainability of a lot of businesses. I feel that Councillor Small's compromise would best fit the
15 needs of all the parties.

16

17 Arthur Crawmer, Member of the Public said it is amazing that the debate here today is over \$36 a
18 week.

19

20 Marcy Dickerson, Member of the Public said I have 130 employees and I pay \$1.4 million a year in
21 payroll. I have some employees who are paid minimum wage and I have tipped employees. I think
22 it is important that we look at something that we can all live with and have an increase in minimum
23 wage in time span that allows businesses to forecast their costs. Councillor Small's amendment
24 would allow the time to be spaced out and allow businesses time to absorb those costs. Regarding
25 tipped wages, if a tipped employee makes \$800 a week in tipped wages, their tax burden is \$120,
26 their paycheck may only be \$80, if you give them a dollar raise then government is going to get it.
27 So I don't support giving an increase in tipped wages but I can live with the 40% increase. .

28

29 Bernie Digman, Member of the Public said I own Milagro Coffee Espresso and I have a successful
30 business model to employ students going to the university at minimum wage. It gives them a flexible
31 schedule and they don't have other responsibilities to support. Minimum wage does work in a
32 business that is designed for it and not everyone is trying to raise two kids and make house payments
33 on minimum wage. I support Councillor Small's incremental move even though I would prefer it just
34 stay at \$8.50. The business community is part of this community and I think Councillor Small has
35 a reasonable compromise.

36

37 Maury Castro, Member of the Public said there are two parties to a business transaction and it has
38 to be of equal value. In this case, it is between the employer and the employee and when one party
39 is weak and vulnerable and the other party takes advantage of that, that is exploitation. It is an
40 injustice and justice delayed is justice denied. Do the right thing for these people.

41

1 Will McCorder, Member of the Public said you need to talk about what you are going to do publicly
2 before two or three of you get together because it is against the law to have a public meeting after
3 you have already decided what you want in the backroom.

4

5 Jack Eichmann, Member of the Public said when I was a hospital administrator, we went through
6 11 minimum wage increases and our supervisors also needed to enjoy the bounce or they would
7 wonder why they have extra responsibilities without compensation. The bottom line is that there was
8 never any negative effect on the hospital or the community from any of the minimum wage increases.
9 So please support the minimum wage increase that you passed on September 8th.

10

11 Peter Goodman, Member of the Public said I agree with Councillor Levatino about wanting to help
12 the minimum wage workers without unduly hurting businesses or the surrounding community. I do
13 kinda disagree with some of your statements that you are here to make the tough decisions because
14 the petition took that out of your hands. The City Charter states "adopted exactly as it is" and I know
15 you technically did that but you have a loophole that might allow that to stand if you change things
16 but there's a pretty good argument that a court would look at that and say "well we can see what they
17 meant in the City Charter" and imply a term. If you wait six to eight months down the road to look
18 at this and then decide whether or not to make changes then you would be less likely to get sued and
19 they would be less like to win. I also think that you would gain a lot of the community's trust by
20 waiting six to eight months and it won't cost you anything but if you make changes now then a court
21 could make you go back to the way it was and Café and others might very well circulate another
22 petition and you'd be right back there.

23

24 Ron Camuñez, Member of the Public said most of the people who are behind Café probably have
25 never owned a business and are retired from some corporation or the government but yet they are
26 trying to tell businessmen how to run a business. I'm also sick and tired of hearing about this outside
27 money because if you look up Café you will find out how much money they have collected and
28 where it came from; so, stop throwing stones at thing that are not true.

29

30 Tom Bigland, Member of the Public said I was a petition signer and Councillor Smith came up with
31 a good point about the problems that are going on with this council regarding this issue. I suggest
32 that you let the minimum wage ordinance stand exactly as it was passed in September and then
33 tomorrow you can start working on some of the issues with it, like the enforcement and exemptions
34 and work on the more technical issues, like tipped wages, over the next year. I don't see the seven
35 months as a magical number that you have to work with on these issues.

36

37 Eden Luchaeu, Member of the Public said I think we should move forward but in a different way.
38 I do believe we need a fair and equitable wage for all people. Tresco is the only place that hires
39 people with disabilities which I appreciate because my daughter works there and people with
40 disabilities should not be exempted from any type of pay raises because they work just as hard in
41 their capacity and are valued members of this community.

42

1 Cassandra Gondola, Member of the Public said I am a resident of Las Cruces and I shop at a lot of
2 the local small businesses. I am a social worker and I have seen the struggles of our working poor.
3 We have over 200 children in foster care and in my opinion, if we give people a livable wage it
4 would help reduce the number of issues faced by our community. Please vote to keep the ordinance
5 as is.

6

7 Alfonso Archuleta, Member of the Public said I am one of those guys who produces jobs in this city
8 and I had a business which we hired people above minimum wage and after two years we had to
9 close it down because we couldn't make it with paying higher wages. I was looking at opening up
10 a new business but the two financing opportunities I had, backed down because of the increase in
11 the minimum wage.

12

13

14

15 Councillor Small Moved for a five minutes break and Councillor Levatino Seconded the motion.

16

17

18

19 Mayor Miyagishima called for the roll on the Motion for a five minute break and it was Unanimously
20 Approved. 7-0

21

22

23

24 Council was in recess at 5:56 p.m. and reconvened at 6:05 p.m.

25

26

27

28 Mayor Miyagishima said I would like to look at this in three parts; the first part is regarding exempt
29 employers, I would support not having any exempt employers; the second part is enforcement, under
30 the current ordinance there is no enforcement and I think that needs to be put in; the third part is the
31 meat of the matter and I would suggest that we put in the wording "every July the Council will have
32 a work session to gather data and input from members of the public and all the stakeholders to see
33 if the Council wants to make changes accordingly, if there is no consensus or if we don't meet then
34 Phase 2 goes into play automatically. I think that would keep the spirit of the ordinance and it doesn't
35 change it dramatically. I got the impression that Councillor Small wanted to have 40% for tipped
36 wages; is that correct?

37

38 Councillor Small said yes.

39

40 Mayor Miyagishima said if I concede to that, because I was offering 30%, would you come along
41 with it? I think everyone had great ideas but I think they should be discussed in July and that we
42 should pass this today basically intact.

1 Councillor Sorg said I agree with the Mayor's proposal to go forward with this and keep the
2 ordinance as is with the change to the enforcement. The changes that were talked about today
3 wouldn't go into effect until 2016 so they're not something that has been decided on tonight. I would
4 like to ask the Mayor to form a group of stakeholders that are diverse but not numerous and they can
5 work out their differences in the next six months or less. We will let them know that if they don't
6 work it out in that time then the Council will have to decide on it.

7

8 Mayor Miyagishima said I will say that in July I might be willing to have Phase 2 delayed for a year
9 because I'm okay with \$8.40 but the next hit may be a little too much.

10

11 Councillor Small said I believe there is a need to provide clear direction on policy and try to capture
12 with certainty in ways that everyone can live with substantively. We need to realize that we might
13 not have the perfect solution but we have to work within the opportunities as they come up and seize
14 them. I would like to offer an amendment which I am passing out.

15

16 Councillor Silva asked can we listen to everyone before amendments are offered?

17

18 Councillor Small said I would like to offer it now and I want us to all consider that a perfect solution
19 might not exist for this issue.

20

21 Mayor Miyagishima said I would like for us to go in order of the three parts that I previously
22 mentioned. So, exempt employers would be the first one and there would be three separate
23 amendments.

24

25 Councillor Levatino asked what if someone wants to make an amendment that doesn't have to do
26 with those three sections?

27

28 Mayor Miyagishima said this is the cleanest way to do it but we could take a look at it.

29

30 Robert Garza, City Manager said I spoke with Legal and once we do sections one, two and three then
31 you can look at addressing other amendments within the range of what was published.

32

33

34

35 Councillor Pedroza Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to strike Item
36 1 and Councillor Small Seconded the motion.

37

38

39

40 Councillor Silva said so basically you're striking Section 14-67; correct.

41

42 Mayor Miyagishima said yes, exempt employers.

1
2 Councillor Small said I think that is the right thing to do.

3
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6 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
7 No. 2741 to strike Item 1 and it was Unanimously Approved. 7-0

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9 -----

10
11 Mayor Miyagishima said now we can look at Item 2 which is enforcement and was not included in
12 the original ordinance. So I am looking for a motion to add Section 2.

13
14 Robert Garza said Roman Numeral (II) adds the words “unpaid wages and interest thereon” and I
15 suggest that you leave those words alone because everyone up here has expressed that you all are in
16 favor of adding those protections for the workers and this proposed amendment as written and as
17 published, does that.

18
19 Councillor Levatino said it would be less confusing to us if you would refer to them by section
20 instead by roman numeral because that is what we are looking at.

21
22 Robert Garza said the problem is that any amendments that are made need to be made to the
23 document that was published. The portion we are looking at is Roman Numeral II which pertains to
24 Section 14-64b.

25
26 Mayor Miyagishima said okay, so no one has a problem with leaving that in there. So now we’ll go
27 to Item 3 for amendment.

28
29 -----

30
31 Councillor Pedroza Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 on page 781,
32 Subsection (e), under Roman Numeral (III), change it to “the City Council will meet prior to July
33 1, 2015 to determine if there should be a change in the ordinance” and Councillor Sorg Seconded
34 the motion.

35
36 -----

37
38 Councillor Silva said I don’t think we need to change this because is means the same thing as what
39 is already there.

40
41 Mayor Miyagishima said this is a compromise so if this wording makes Councillor Pedroza feel
42 better then great.

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Councillor Silva said I would feel comfortable with just leaving it as it is.

Councillor Pedroza said I would agree with making this change.

Mayor Miyagishima said I think you also have to include 2016 and 2017 because it's not in there.

Councillor Pedroza asked can I change my motion?

Esther Martinez-Carrillo, City Clerk said no, but you can withdraw it.

Councillor Pedroza said then I withdraw my original motion.

Councillor Sorg said I withdraw my second.

Esther Martinez-Carrillo said I need to take a vote on the motion to withdraw.

DRAFT

Councillor Pedroza Moved to withdraw her amendment to Council Bill No. 15-022; Ordinance No. 2741 and Councillor Sorg withdrew his Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Withdraw the Amend to Council Bill No. 15-022; Ordinance No. 2741 and it was Unanimously Approved. 7-0

Councillor Pedroza Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 for Subsection (e), under Roman Numeral (III), to read "the City Council will meet prior to July 1, 2015, 2016, and 2017 to determine if there should be any change to the ordinance" and Councillor Levatino Seconded the motion.

Councillor Sorg said the way it is written now without this change, does the way it is written mean that there won't be any additional increase in minimum wage unless we meet on July 1st?

Robert Garza said yes. If the amendment that was just made states that you are going to meet before you increase it and (a), (b), (c), and (d) remain as written then it will only be for the first step.

1 Mayor Miyagishima said then we could add under (b) to identify January 1, 2016 at \$9.20 and
2 January 1, 2017 at \$10.10.

3

4 Robert Garza said I would recommend that you strike (a) through (d) which would take you back to
5 what is in the original ordinance.

6

7 Councillor Silva said there is a motion on the floor so I call the question.

8

9 Mayor Miyagishima said okay.

10

11 Councillor Smith said I believe if there are still questions then there can still be further discussion
12 instead of going to the vote.

13

14 Esther Martinez-Carrillo said we can have a vote on calling for the question.

15

16 Mayor Miyagishima said okay.

17

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19

20 Councillor Silva Moved to Call for the Question and Mayor Miyagishima Seconded the motion.

21

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23

24 Mayor Miyagishima called for the roll on the Motion to Call for the Question and it was Approved.
25 5-2 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor
26 Miyagishima voted Aye. Councillor Levatino and Councillor Smith voted Nay.

27

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29

30 Esther Martinez-Carrillo read the amendment to be voted on.

31

32 Councillor Pedroza said I thought my motion to amend included the ending "if there should be a
33 change in the ordinance."

34

35 Esther Martinez-Carrillo said I have it as "if there should be any change in the minimum wage."

36

37 Councillor Pedroza said okay.

38

39

40

1 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
2 No. 2741 for Subsection(e), under Roman Numeral (III), to read "the City Council will meet prior
3 to July 1, 2015, 2016, and 2017 to determine if there should be any change in the minimum wage"
4 and it was Approved. 5-2 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg
5 and Mayor Miyagishima voted Aye. Councillor Levatino and Councillor Smith voted Nay.

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8

9 Mayor Miyagishima said I think it would be best for us to do this as (a), (b), (c) and we already voted
10 on (e). Do we bring (a) forward?

11

12

13 Robert Garza said just for clarification, Section 3 deals solely with Section 14-62 and it is proposed
14 that you completely strike all of 14-62 and replace it with a new 14-62 which is what is on the
15 screen. So the question is "do you want to strike the original 14-62 and replace it with the new one?"

16

17 Councillor Pedroza said then I move to amend it so that Section 14-62 A not be changed as it appears
18 in Exhibit A.

19

20 Esther Martinez-Carrillo said if you are leaving it as it appears and not changing it, then we don't
21 need a motion to amend.

22

23 Mayor Miyagishima said okay. So now we go to (b) and I envision this to state "on January 1, 2016
24 it is going to be \$9.20 and on January 1, 2017 it is going to be \$10.10." If you want to leave it as it
25 is on the original ordinance then this item needs to be stricken.

26

27

28

29 Councillor Pedroza Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to strike
30 Subsection (b) of Roman Numeral (III) and Councillor Sorg Seconded the motion.

31

32

33

34 Councillor Small said if this passes then I plan on offering another amendment to Section (b) to state
35 January 1, 2017 to \$9.20 an hour and January 1, 2019 at \$10.10 an hour.

36

37 Councillor Levatino said I will also want to propose an amendment to Section (b).

38

39

40

1 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
2 No. 2741 to strike Subsection (b) of Roman Numeral III and it Failed. 3-4 Councillor Pedroza,
3 Councillor Sorg, and Mayor Miyagishima voted Aye. Councillor Silva, Councillor Small, Councillor
4 Levatino and Councillor Smith voted Nay.

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8 Councillor Small Moved to Amend Council Bill No. 15-022; Ordinance in Section 14-62,
9 Subsection (b) change it to read “on January 1, 2017 the minimum wage shall be an hourly rate of
10 \$9.20 an hour and on January 1, 2019 the minimum wage shall be an hourly rate of \$10.10 an hour
11 and Councillor Silva Seconded the motion.

12
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14

15 Councillor Silva said we need to revisit the amendment to “E” if this amendment is approved.

16
17 Councillor Small said this is a very difficult amendment to contemplate but I did it because I believe
18 that we have to chart a way through this increase.

19

20 Councillor Sorg said I voted to delete (b) and I am opposed to this amendment because it drastically
21 changes the original ordinance. We don’t need to do this because these changes won’t go into effect
22 until 2016 so we have time.

23
24
25

26 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
27 No. 2741 in Section 14-62, Subsection (b) strike it and change it to read “beginning on January 1,
28 2015, the minimum wage shall be an hourly rate of \$8.40 an hour; beginning on January 1, 2017 the
29 minimum wage shall be an hourly rate of \$9.20 an hour and on January 1, 2019 the minimum wage
30 shall be an hourly rate of \$10.10 an hour and it Failed. 3-4 Councillor Silva, Councillor Small, and
31 Councillor Smith voted Aye. Councillor Pedroza, Councillor Sorg, Councillor Levatino and Mayor
32 Miyagishima voted Nay.

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36 Councillor Levatino Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to delete (b)
37 in Section 14-62 and replace it with the following language: beginning on July 1, 2015 the minimum
38 wage shall be an hourly rate of \$8.40 an hour; further increases shall be implemented as follows:
39 \$9.00 an hour on July 1, 2017; \$9.60 an hour on July 1, 2019; \$10.10 an hour on July 1, 2021; and
40 \$10.60 an hour on July 1, 2023 and Councillor Smith Seconded the motion.

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42

1
2 Councillor Smith said I think delaying until July 1st would give us a better opportunity to be prepared
3 for what we are doing and perhaps to be certain that is what we need to be doing.

4
5 Councillor Sorg said this drastically changes the ordinance and I think it is too soon to do this change
6 so I oppose this amendment.

7
8 Councillor Silva said I am for having it on July 1st because that would not only give businesses an
9 opportunity to prepare, it'd also give ourselves an opportunity to go through this thoroughly.

10
11 -----

12
13 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
14 No. 2741 to delete (b) in Section 14-62 and replace it with the following language: beginning on July
15 1, 2015 the minimum wage shall be an hourly rate of \$8.40 an hour; further increases shall be
16 implemented as follows: \$9.00 an hour on July 1, 2017; \$9.60 an hour on July 1, 2019; \$10.10 an
17 hour on July 1, 2021; and \$10.60 an hour on July 1, 2023 and it Failed. 3-4 Councillor Silva,
18 Councillor Levatino and Councillor Smith voted Aye. Councillor Pedroza, Councillor Small,
19 Councillor Sorg and Mayor Miyagishima voted Nay.

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22
23 Councillor Silva Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to have Section
24 (b) read that on January 1, 2015 it would \$8.40 an hour; January 1, 2017 it would be \$9.00 an hour;
25 January 1, 2019 it would be \$9.75 an hour; January 1, 2021 it would be \$10.50 an hour; and January
26 1, 2023 it would be \$11.00 an hour and Councillor Levatino Seconded the motion.

27
28 -----

29
30 Mayor Miyagishima said this would be something to talk about in July but right now, I cannot
31 support this because it violates the spirit of this ordinance.

32
33 -----

34
35 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
36 No. 2741 to Roman Numeral (III), Section 14-62, Subparagraph (b) read that on January 1, 2015
37 it would \$8.40 an hour; January 1, 2017 it would be \$9.00 an hour; January 1, 2019 it would be
38 \$9.75 an hour; January 1, 2021 it would be \$10.50 an hour; and January 1, 2023 it would be \$11.00
39 an hour and it Failed. 3-4 Councillor Silva, Councillor Levatino and Councillor Smith voted Aye.
40 Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor Miyagishima voted Nay.

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42 -----

1
2 Councillor Smith Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to start with \$8.00
3 an hour on January 1, 2015 and each subsequent year increased by 3% CPI and Councillor Levatino
4 Seconded the motion.

5
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7

8 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
9 No. 2741 in Roman Numeral (III), Section 14-62, Subparagraph (b) to start with \$8.00 an hour on
10 January 1, 2015 and each subsequent year increased by 3% CPI and it Failed. 3-4 Councillor Silva,
11 Councillor Levatino and Councillor Smith voted Aye. Councillor Pedroza, Councillor Small,
12 Councillor Sorg and Mayor Miyagishima voted Nay.

13
14 -----
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16 Councillor Small Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to strike Roman
17 Numeral (III), Subsection (b) and Mayor Miyagishima Seconded the motion.

18
19 -----
20

21 Mayor Miyagishima said by eliminating "B", the original numbers come back into play which are
22 \$8.40 on January 1, 2015, \$9.20 on January 1, 2016, and \$10.10 on January 1, 2017.

23
24 -----
25

26 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
27 No. 2741 under Roman Numeral (III), Section 14-62, to strike Subparagraph (b) and it was
28 Approved. 4-3 Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor Miyagishima
29 voted Aye. Councillor Silva, Councillor Levatino and Councillor Smith voted Nay.

30
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33 Mayor Miyagishima said now we go to Subsection (c). I'm okay with changing it to 40% and I think
34 that will be a good compromise so we don't need to change it.

35
36 -----
37

38 Councillor Silva Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 to replace (c) with
39 tipped employees shall be paid no less than the following minimum wage beginning January 1, 2015
40 of 30% of the minimum wage required in Subsection (b) and Councillor Levatino Seconded.

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1 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
2 No. 2741 to replace Roman Numeral (III), Section 14-62, Subparagraph (c) with tipped employees
3 shall be paid no less than the following minimum wage beginning January 1, 2015 of 30% of the
4 minimum wage required in Subsection (b) and it Failed. 3-4 Councillor Silva, Councillor Levatino
5 and Councillor Smith voted Aye. Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor
6 Miyagishima voted Nay.

7

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9

10 Robert Garza said in the original ordinance there is an Item (c) that deals with CPI and in the revised
11 version there is no reference to CPI. So the (c) that you just dispensed with, that (c) needs to become
12 (d).

13

14 Mayor Miyagishima asked do we need to make an amendment to make (c) become (d)?

15

16 Esther Martinez-Carrillo said that can be done administratively because we're not changing any of
17 the content.

18

19 Mayor Miyagishima said I think (d) is okay so we can go on to (e). Can you tell us what the previous
20 amendment was for (e)?

21

22 Esther Martinez-Carrillo said it was amendment to read as follows: the City Council will meet prior
23 to July 1, 2015, 2016, and 2017 to determine if there should be any change in the minimum wage.

24

25 Mayor Miyagishima said I think that's it for the subsections so we're ready for the main motion.

26

27 Robert Garza said we need to go back to where you started which is the item we called (e) at the
28 time, it needs to be (f).

29

30 Esther Martinez-Carrillo said that can also be done administratively.

31

32 Councillor Levatino said I would like to bring up Councillor Small's amendment again.

33

34 Mayor Miyagishima said for Item (b), the one that goes out every two years?

35

36 Councillor Levatino said yes. I would like to ask Councillor Small if he would be willing to changing
37 the start date to July 1, 2015?

38

39 Councillor Small said no, I would not because folks are expecting an increase in January and it
40 creates more pressure on this and there should be movement.

41

42 Councillor Levatino said then I request that we revisit that amendment.

1
2 Esther Martinez-Carrillo said you can move to reconsider the amendment.

3
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5
6 Councillor Levatino Moved to Reconsider and discuss the Amendment to Council Bill No. 15-022;
7 Ordinance No. 2741 by Councillor Small stating that in Section 14-62, Subsection (b) change it to
8 read "on January 1, 2017 the minimum wage shall be an hourly rate of \$9.20 an hour and on January
9 1, 2019 the minimum wage shall be an hourly rate of \$10.10 an hour and Mayor Miyagishima
10 Seconded the motion.

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12 -----
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14 Mayor Miyagishima called for the roll on the Motion to Reconsider and discuss the Amendment to
15 Council Bill No. 15-022; Ordinance No. 2741 by Councillor Small stating that in Section 14-62,
16 Subsection (b) change it to read "on January 1, 2017 the minimum wage shall be an hourly rate of
17 \$9.20 an hour and on January 1, 2019 the minimum wage shall be an hourly rate of \$10.10 and it was
18 Approved. 4-3 Councillor Silva, Councillor Small, Councillor Levatino and Councillor Smith voted
19 Aye. Councillor Pedroza, Councillor Sorg and Mayor Miyagishima voted Nay.

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21 -----
22
23 Councillor Levatino Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 in Roman
24 Numeral (III), Subsection (b) to state that beginning on January 1, 2015 the minimum wage shall be
25 an hourly rate of \$8.40 an hour; on January 1, 2017 the minimum wage shall be an hourly rate of
26 \$9.20 an hour and on January 1, 2019 the minimum wage shall be an hourly rate of \$10.10 an hour
27 and Councillor Smith Seconded the motion.

28
29 -----
30
31 Councillor Sorg said this is a drastic change to the original initiative so I cannot support it.

32
33 Mayor Miyagishima said I will not be supporting this either.

34
35 -----
36
37 Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance
38 No. 2741 in Roman Numeral (III) in Subparagraph (b) to state that beginning on January 1, 2015 the
39 minimum wage shall be an hourly rate of \$8.40 an hour; on January 1, 2017 the minimum wage shall
40 be an hourly rate of \$9.20 an hour and on January 1, 2019 the minimum wage shall be an hourly rate
41 of \$10.10 an hour and it was Approved. 4-3 Councillor Silva, Councillor Small, Councillor Levatino
42 and Councillor Smith voted Aye. Councillor Pedroza, Councillor Sorg and Mayor Miyagishima
43 voted Nay.

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Councillor Silva Moved to Amend Council Bill No. 15-022; Ordinance No. 2741 that Section (e) shall read that the City Council will meet on or before July 1, 2015, July 1, 2016, and July 1, 2018 to determine if there should be any change in the minimum wage and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 15-022; Ordinance No. 2741 that Section (e) shall read that the City Council will meet on or before July 1, 2015, July 1, 2016, and July 1, 2018 to determine if there should be any change in the minimum wage and it was Approved. 5-2 Councillor Silva, Councillor Pedroza, Councillor Sorg, Councillor Levatino and Councillor Smith voted Aye. Councillor Small and Mayor Miyagishima voted Nay.

DRAFT

Councillor Sorg said since the amend was passed that drastically changed the ordinance, I can not support this ordinance.

Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-022; Ordinance No. 2741 as Amended and it was Approved. 5-2 Councillor Silva, Councillor Pedroza, Councillor Sorg, Councillor Levatino and Councillor Smith voted Aye. Councillor Small and Mayor Miyagishima voted Nay.

Mayor Miyagishima asked Councillor Pedroza how did you vote?

Councillor Pedroza said I voted to approve but I think I made a mistake and would like to change my vote.

Councillor Small Moved to Reconsider the vote on Council Bill No. 15-022; Ordinance No. 2741 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Reconsider the vote on Council Bill No. 15-022; Ordinance No. 2741 as Amended and it was Approved. 4-3 Councillor Pedroza, Councillor Small, Councillor Sorg and Mayor Miyagishima voted Aye. Councillor Silva, Councillor Levatino and Councillor Smith voted Nay.

Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-022; Ordinance No. 2741 as Amended and it was Approved. 4-3 Councillor Silva, Councillor Small, Councillor Levatino and Councillor Smith voted Aye. Councillor Pedroza, Councillor Sorg and Mayor Miyagishima voted Nay.

(29) Council Bill No. 15-021; Ordinance No. 2740: An Ordinance Repealing Ordinance No. 2715, the Las Cruces Minimum Wage, Which Created LCMC 1997, Sections 14-60 Through 14-68 and Division III the Las Cruces Minimum Wage Act.

Councillor Small Moved to Approve Council Bill No. 15-021; Ordinance No. 2740 and Councillor Sorg Seconded the motion.

Mayor Miyagishima said this it to repeal the initial ordinance that was placed by Council.

Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-021; Ordinance No. 2740 and it was Approved. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino and Mayor Miyagishima voted Aye. Councillor Smith voted Nay.

IX. BOARD APPOINTMENTS

There were no board appointments.

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**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).***

(30) Council Bill No. 15-023; Ordinance No. 2742: An Ordinance Repealing Sections 16-67 and 16-69 of the Las Cruces Municipal Code, 1997, as Amended, and Enacting New Sections 16-67 and 16-69 to Bring the City's Lodger's Tax Ordinance in Alignment With the State Statutes Related to Late Payment Penalties and to Clarify Due Date of Payment.

Mayor Miyagishima and Council agreed to bring this item back.

(31) Council Bill No. 15-024; Ordinance No. 2743: An Ordinance Approving a Zone Change From UR (Urban Ranch) to EE (Single Family Equestrian Estate & Agriculture) for a 2.34 Acre Parcel 02-18631 Located at 4860 Dunn Drive. Submitted by the Property Owner, Erica Lee. (Z2881)

Mayor Miyagishima and Council agreed to bring this item back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council member board reports.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I appreciate everyone's input and willingness to work hard on this issue.

b.) City Council

Councillor Smith said several us went to the National League of Cities in Austin and if a report is desired then I believe the members that went would be able to give a report.

Also, given the amendments with the passage of the minimum wage ordinance, I would again like to present a resolution to promote economic development with data collection and business support.

1 I have only slightly revised it from when I previously presented it and I believe it is really clear that
2 we need to have real data that will help us make these decisions. The data that comes from before
3 we started the new minimum wage will help us recognize what difference it has made and I would
4 simply ask that we put this forward sooner rather than waiting until February.

5

6 Mayor Miyagishima asked can we discuss that at our December 15th meeting?

7

8 Councillor Smith said I would be happy to discuss it then.

9

10 -----

11

12 Councillor Levatino passed.

13

14 -----

15

16 Councillor Sorg said this year in May, Seattle Mayor Ed Murray announced that he had broken a deal
17 to raise the City's minimum wage from \$9.32 to \$15.00 an hour which is the highest in the country.
18 The mayor put business leaders, union bosses, and committee advocates in a room for four months
19 with instructions to work out their differences or else. This is something that perhaps we should look
20 at which is why I asked the Mayor to get a group of stakeholders in the city to work out their
21 differences.

22

23 -----

24

25 Councillor Small passed.

26

27 -----

28

29 Councillor Pedroza said I like the idea put forward by Councillor Sorg and I would like to include
30 input from the unions and employees as well.

31

32 -----

33

34 Councillor Silva said I support what Councillor Smith is bringing forward and I think it is much
35 needed.

36

37 The Chili Drop on December 31st made the Washington Times and I think that is great.

38

39 I will be having some community meetings over the next three days and a meeting on Saturday
40 regarding Klein Park.

41

42 -----

- 1 c.) City Manager
- 2
- 3 Robert Garza, City Manager passed.
- 4
- 5 -----
- 6
- 7 Councillor Smith Moved to Adjourn and Councillor Small Seconded the motion.
- 8
- 9 Mayor Miyagishima said all of those in favor signify by saying "Aye."
- 10
- 11 Council said "Aye."
- 12
- 13 **Meeting Adjourned at 8:08 p.m.**

DRAFT