City Council
of the
City of Las Cruces

Regular Meeting

March 2, 2015
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Robert Garza, City Manager
Councillor Miguel Silva, District 1	Rusty Babington, City Attorney
Councillor Greg Smith, District 2	Esther Martinez-Carrillo, City Clerk
Councillor Olga Pedroza, District 3	
Councillor Nathan Small, District 4	
Councillor Gill Sorg, District 5	
Councillor Ceil Levatino, District 6	

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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 Timothy Acklin and declared March 2015 as Athletic Training Month.

Councillor Smith presented a Proclamation to Yoli Diaz and declared March 2015 as Colectoral Cancer Awareness Month.

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?

There were no conflicts.

III. PUBLIC PARTICIPATION

Eddie Gutierrez, El Paso Electric said regarding our rate case that is coming up, we will be filing with the Public Regulation Commission around April or May and the process takes anywhere from six months to a year. The impact of any billing increase in New Mexico is still being reviewed and when we have any information we would be more than happy to present it to Council.

Mayor Miyagishima asked would El Paso Electric consider having a Town Meeting to discuss the rate case with the public?

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Eddie Gutierrez said yes, that is one of the many different outreach opportunities we are planning.

Mayor Miyagishima asked why are the rates different in El Paso than they are in Las Cruces?

Eddie Gutierrez said we are regulated by the PRC in New Mexico and there are a number of different local regulators; one is the City of El Paso and the other is the Public Utility Commission of Texas and their rate process is different than it is in New Mexico.

Frank Gutierrez, Member of the Public said Hess Terrence Park is two acres of land that was dedicated by Fred Hess many years ago with two stipulations which are that there would be a sidewalk around the park and that there would be no trees. This park is being used for a variety of things and it has really gotten out of hand. There use to be a soccer team that used it for practice until 4:00 or 5:00 p.m. and that was a little inconvenient but we worked it out. However, last summer and fall, two to three times a week, we started getting a soccer team on one end and a football team with coaches, whistles and a cheerleading squad on the other end and they would be there until 8:30 at night or until it got dark. We want to be good neighbors but all the noise has gotten to be annoying. We know it is a public park but we are part of the public too. I have a video of a FedEx truck that was delivering medication to one of my neighbors who was unable to drive around the park during one of these events because of all the cars parked on the street and they even park in front of my driveway. They have people sitting in their chairs out in the street and kids are running around; we've had yard decorations broken, they are even hitting the cactuses in the area with bats and they are urinating on the trees. It has gotten out of control and something needs to be done about it. We would like to suggest that you limit the usage of the park to end at 5:30 p.m.

Mayor Miyagishima said please leave your contact information with us and we can have staff look into this situation.

Councillor Sorg said this issue shows that we need more parks.

Councillor Silva said I think it shows that we need guidelines for neighborhood pocket parks.

Councillor Pedroza said we should also involve the schools because maybe we can also use the school yards.

Charlotte Johnson, Member of the Public said I am one of Frank's neighbors and our house backs Reymond Street so there are times when we have to have people visiting us, park on Reymond and go to the back of our house because there is no parking.

Lori Meeks, Member of the Public said I would encourage Council to revisit the idea of a Historic Preservation Ordinance because Las Cruces has a unique history which could be a valuable asset if preserved.

Councillor Smith said we did pass an ordinance last year regarding nine structures that the City owns and in that ordinance it states that we support a historic preservation ordinance so perhaps we can bring up the previously proposed ordinance and discuss any further refinements to that ordinance at our work session in June.

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Rocky Bacchus , Member of the Public gave an overhead presentation regarding the El Paso Electric rate case.

Robert Garza, City Manager said I just want to say that the City does intervene in El Paso Electric rate cases and we have an attorney who has done so and understands that publication and many others that fold into this. We have a lot of issues that the City needs to be taken up by the PRC in this rate case and we have ongoing discussions regarding things that we need specifically for the City of Las Cruces as a major rate payer and for our citizens.

Councillor Small said I think this is very important so we should have a work session on this issue.

Robert Garza, City Manager said it is one thing to have a work session to have parties express their views but I would not recommend that we have a rate making debate in these chambers instead of at the PRC.

Councillor Pedroza said I would be interested in having a work session and I would like to have more information of the effect on the alternative energy sources and information on the rate process itself.

Councillor Silva said I could see us doing an informative work session. I do have some difficulty with the slide suggesting Ms. Soules as an expert consultant because she came up to me when I was in Santa Fe and I don't know if she was lobbying me for a position but I see a big conflict of interest with a person being suggested for a position that we don't even have in place. I think it may show

some kind of hidden agenda for this presentation and potential work session other than just to be informative of this rate case.

Councillor Smith asked when was the last rate case and did the City intervene?

Robert Garza said I don't have the date of the last filing but the City did intervene.

Eddie Gutierrez said the last rate case was in 2009 but I would have to look it up to see if the City intervened at that time.

IV. READ CLOSED MEETING STATEMENTS

a. Read February 17, 2015 Closed Meeting Statement into the record.

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Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 5:43 p.m. on February 17, 2015. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, City Manager Robert Garza, Assistant City Manager Brian Denmark and City Attorney W.R. Babington, Jr. The meeting adjourned at 6:05 p.m. and only those limited items posted in the notice were discussed which was to discuss pending or threatened litigation.

b. Read February 23, 2015 Closed Meeting Statement into the record.

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in Closed Session at 5:15 p.m. on February 23, 2015. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Levatino, City Manager Robert Garza, Assistant City Manager Brian Denmark, Chief of Police Jaime Montoya, Outside Counsel Damian Martinez and City Attorney W.R. Babington, Jr. The meeting adjourned at 5:55 p.m. and only those limited items posted in the notice were discussed which was to discuss pending or threatened litigation.

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

Mayor Miyagishima said Items 3 and 4 need to be removed from the Consent Agenda for discussion.

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

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

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of February 3, 2015

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

*(2) Resolution No. 15-153: A Resolution to Accept the First Amendment to the Memorandum of Agreement Between the City of Las Cruces and the New Mexico Department of Transportation, for a Grant Award Increase in the Amount of $186,481.00, to Purchase Replacement Transit Vehicles, to Obligate an Increase in Local Match Amount of $46,620.25, and to Adjust the FY 2015 Budget.

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

*(3) Resolution No. 15-154: 1A Resolution for the City of Las Cruces on Behalf of Its Police Department to Accept the Balance of Sub-Grant Award in the Amount of $20,932.56, From the New Mexico Department of Homeland Security and Emergency Management Through Doña Ana County, and to Approve an Adjustment to the FY 2015 Budget.

Councillor Silva Moved to Approve Resolution No. 15-154 and Councillor Smith Seconded the motion.

Councillor Pedroza asked what is Stone Garden?

Justin Dunivan, Deputy Chief of Operations LCPD said it is a federal grant that has been provided to the Doña Ana County Sheriff's Department and we are a sub-recipient of that grant.

Councillor Pedroza said so it is not in anyway related to enforcement of federal immigration laws.

Justin Dunivan said no ma'am; that is correct.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-154 and it was Approved. 6-0 Councillor Levatino was Absent.

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*(4) Resolution No. 13-14-403: 1A Resolution Authorizing the City of Las Cruces, on Behalf of the Mesilla Valley MPO, to Contract with Bohannan-Huston for Development of Two Corridor Studies in the Estimated Amount of $320,092. One Looking at Potential Improvements on University Avenue From Main Street to NM 28. The Other to Study the Possible Extension of Missouri Avenue to Sonoma Ranch Boulevard.

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Councillor Silva Moved to Approve Resolution No. 13-14-403 and Councillor Smith Seconded the motion.

Councillor Silva said I would like to get a brief description of this project.

Tom Murphy, MPO Officer said this is a study of two corridors to establish a purpose and need for future, if any, work for those two corridors. There aren't any construction projects identified for either one of them at this point.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 13-14-403 and it was Unanimously Approved. 7-0

VIII. UNFINISHED BUSINESS

(5) Resolution No. 15-151: A Resolution Establishing Fees Authorized in Las Cruces Municipal Chapter 7 Entitled Animal Control Ordinance, and Replacing all Animal Related Fees Previously Approved by Council or Developed and Used by Staff with the New Fees. ***(TABLED from FEBRUARY 17, 2015)***

Councillor Small Moved to Remove Resolution No. 15-151 from the Table and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Remove Resolution No. 15-151 from the Table and it was Unanimously Approved. 7-0

Marcy Driggers, Utilities Attorney gave a verbal presentation and said Exhibit "A" is a suggested fee schedule for the existing Animal Ordinance. Some of the fees are just increases to fees that previously existed and others are for new fees for services that did not exist under the old ordinance. This does include fees for the unenclosed and enclosed types of feral cat colonies which are $50 for the initial application per unenclosed site and $150 annual permit fee per site. The fees for the enclosed cat colony site are $10 for the initial application per site and $50 for the annual permit fee per site.

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Councillor Small said the $50 fee is more reasonable than the initial proposed $100 fee even though part of me wants to go even lower.

Councillor Sorg said regarding the dangerous dog section, is the annual fee $150, $200, or both?

Marcy Driggers said there are two different categories; one is for dogs that have the potential to be deemed dangerous and the other is for dogs that have been deemed dangerous so the fee is higher for dogs that have been deemed dangerous.

James Chavez, Chief Codes Officer said the difference is basically the actions of the animal and there is a court process for determining it potentially dangerous or dangerous.

Councillor Levatino said for the most part, application and permit fees are relatively low but the unenclosed cat colony fee is really high. I don't understand why it is so high because these cats are being cared for and it seems like we are almost punishing the people who are caring for them.

Marcy Driggers said part of the reason for the higher fees for the unenclosed is because the Council had previously indicated that they wanted the Codes Department to keep statistics to measure the success or failure of the program. So there was the belief that there would need to be additional record keeping by the Codes Department which in our opinion warranted a higher fee. Many of the comments we received from the public were concerning the necessity of a higher fee for the unenclosed feral cat colonies.

Councillor Levatino said for someone who is taking care of these cat colonies to come up with these high fees; is that not going to discourage people from coming out of the shadows and actually registering. I think they would be the best people to keep track of how many cats are in their colony instead of having a codes officer trying to do it so I would like to see these fees drastically reduced. Another thing is that the organization that applies for grants, the grants usually don't pay these types of fees so they would still have to come out of their own pockets

Councillor Small said I do see a need for a fee, especially for the first year, to provide record keeping and follow up but if the fees are too high and no one participates in the program then that clearly is an issue so I think we need to find that balance.

Councillor Pedroza said I think the issue with grants wasn't that they wouldn't cover fees but that they wouldn't cover doing something that was contrary to the law so if we remove that then we wouldn't have that problem to deal with. We have put a sunset clause on unenclosed cat colonies because of the problems they present to other animals so I think we need to consider that before we just start lowering the fees. I think it will be difficult for us to be able to track the cats in the unenclosed colonies because the colonies do move around so if we keep the higher fees then it would encourage people to take care of these cats and then maybe we'd be able to get good numbers to see if this works or if it doesn't work. I would be in favor of keeping it for a couple of years to know if this is having an effect on the feral cat population.

Councillor Smith said I had a number of people call me regarding the fees for unenclosed colonies; do we know if other communities impose such fees and if so, has that had a negative impact on the registration of these colonies?

Chief Codes Officer James Chavez said we did a lot of research on this and other communities had various fees depending on their size but we did find out that many of them have the people come in and pay the registration fee but then they turn a blind eye to it and just let the program run. We want to get some hard data to see if we want to continue with the sunset clause or not so we want to have checks and balances with the program. We aren't just going to have people come in and issue them a permit on the spot; it will take about 30 to 45 days because we will have an officer go out there and take pictures and get identity details on all the cats and make sure they are microchipped and vaccinated.

Councillor Smith said I do believe we want the data and the follow-up but if we didn't have that high of a fee, how else may we be able to pay for the additional work by staff?

Chief Codes Officer James Chavez said basically, get me two more officers. I need at least one person dedicated to only this project.

Councillor Smith said so we will either need to collect a fee which might impact how willing people will be to participate; or we have to budget for this during our upcoming budget cycle.

Regarding the $20 fee for relinquishing a pet, wouldn't that might be encouraging people to keep a pet in a wrong situation or having it end up on the street?

Chief Codes Officer James Chavez said we have considered doing this for years and it would make people be responsible. We see on a daily basis when people just don't want their animal anymore so they just call Animal Control to come by and pick it up.

Councillor Sorg asked do you have some kind of matrix to show that the application and annual permit fees for the unenclosed colony costs three times more than an enclosed colony?

Marcy Driggers said it's just kinda common sense that when you're making an application fee and describing a general area where an unenclosed cat colony is, then you have to go out there and try to find all these cats at that site. There is a lot more record keeping involved with unenclosed colonies because it is potentially difficult to keep track of them but an enclosed site is at a specific location and you don't have to try to herd the cats. We felt the group that is harder to keep track of should be more than the easier one which the easier one is the enclosed one. However, it is up to the Council to set the amount of the fees.

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Councillor Silva said it sounds like we still haven't addressed the enforcement component.

Chief Codes Officer James Chavez said we will be doing quarterly checks on this situation more than any other because of the data required so it is going to take a lot of man hours. A lot of the fees are based on the number of man hours it will take for the permit.

Councillor Silva said I am kinda concerned with the fees and where they're set. I'm not too fond of charging an initial fee and then an additional fee on top of that so I think the initial fee should be a straight flat fee for all the types. There are a few feral cats in my neighborhood and a lot of people claim them, not just one person, so I think that might be a bit of a challenge.

Regarding the residential multi-animal permit, I think the number three is a bit low because it is pretty common for people to have three pets.

Chief Codes Officer James Chavez said they can have three animals but when they get to four, that's when a permit is required and it is capped at seven animals.

Councillor Silva asked where do the fees we collect go?

Chief Codes Officer James Chavez said they go to the General Fund.

Councillor Silva said maybe we could designate those funds to go back to the department so they can hire additional personnel.

Councillor Levatino said people aren't that hard to keep track of and to put this extra financial burden on them when they are trying to be responsible and trying to minimize the number of fertile feral cats out there; it just doesn't make sense to me. I appreciate that there needs to be some application fee and some yearly fee but in my opinion, these fees will discourage people which is the opposite of what we are trying to do here. I would really like for us to reconsider these fees.

Mayor Miyagishima said I would suggest that we have them write down the amount of care they will be giving to these cats during the years; for example, $150 for food and care, and then they wouldn't have to pay because they are committing to spending at least $150 on the cats for that year.

Marcy Driggers said they'd still pay some application fee but the yearly fee would be drastically reduced or waived in exchange for the services they provide; correct?

Mayor Miyagishima said if you have members of the public who are willing to do this and then they have to pay these fees on top of it; it might defeat their willingness to do it. This way they could register and list the services they will be providing to care for these feral cats and as long as that value is $150 or more then there is no fee.

DRAFT

Jess Williams, ASCMV Board Chair said I want to applaud the City's movement toward manageable fees for pet owners. However, I do oppose the annual fees for enclosed and unenclosed cat management programs because it is my opinion that the proposed fees are so high that they will actually drive the feral cat colonies underground. We know that these feral cat colonies are already being managed without any oversight or standards in the city and in the county. We also know that the largest cat colonies are in low income areas where people have big hearts but shallow pockets. We should offer cat managers tools not road blocks. We will know if the program is working over time by the Animal Shelter's numbers; if there is a decrease in the number of intakes and euthanasia rates so it doesn't have to monitored on a daily basis.

Alice Anderson, Member of the Public said if any cat manager thinks the fees for an unenclosed cat colony are too high then they can move their colony inside a fence and pay a lower fee. Also, cat colony feeders are already exempt from the seven dollar license tag fee that everybody else has to pay so they are already getting a big subsidy from the City.

Frank Bryce, Member of the Public said I am the President of the Southern New Mexico Humane Society. I would ask that you simply table the fee structure for the TNR to allow the other advocacy groups involved time to gain footholds with the participants and receive data details of those involved. We have already registered 12 colonies but we don't even have the communication with Mr. Chavez to get that information to him. I am asking that you table this for one year so we can gain the information and get comfortable with our clients.

Councillor Small said I'm confused with the offering of permits for cat colony sponsors with no communication with the animal control officers. It seems to me that there is a vast opportunity there to undermine exactly what we all agree needs to happen which is good trust and communication. If

people feel they can get a permit without talking to animal control officers then the entire premise of this program seems to me that it would be significantly undermined.

Frank Bryce said the program is set up so that there would be an advocacy group working with the participant and with Animal Control when there is a problem to rectify that problem but communication and trust is really lacking.

Councillor Small asked is it your sense that any fee is too much?

Frank Bryce said I wouldn't say any fee is too much but to me there is no sensible fee since this is a program to reduce, eliminate these colonies within a certain amount of time. We are trying to correct a problem that has been here for years and we need to work together to do it.

Emil Bordea, Member of the Public said these fees are punitive and the people you are impacting will not obey the new law because they can't afford it. Don't punish the people who are trying to do good by feeding these cats who would otherwise die in the streets.

DRAFT

Rebecca Stanger, Member of the Public said I do a lot of TNR and cat rescue and I am completely opposed to these yearly fees on the cat colony caretakers. These fees do nothing but punish people who are voluntarily spending already tight budgets to spay, neuter, vaccinate and microchip free roaming cats. Please do not pass this fee schedule because it is a huge setback and does nothing to help reduce the cat population.

Dr. Beth Vesco-Mock, Mesilla Valley Animal Service Center said in 2014 there were 2,519 cats that were killed at the shelter and 1,760 of them were deemed feral. We have a tremendous problem with feral cats in this community so we need to work together with Animal Control and the colony managers. It was my understanding that the cat managers would be the ones keeping all the records on their cat colony so if that is the case then that would help ease the work on the animal control officers. These animal caregivers are putting a lot of money into these animals so I think you need to consider all of the issues because this isn't suppose to be punitive, we are suppose to be encouraging the process in order to help the cat over population.

Councillor Sorg said if we lower these fees to zero then who is going to pay for this extra work? If the cat managers are the ones who keep the records then maybe that is a way around that extra work. I would like to know if we are still on track for the zero in seven.

Dr. Beth Vesco-Mock said we are doing much better and I will be giving my annual report next week which will include a break down and show where we are in reducing the euthanasia rates. We are getting there but we need to stop the reproduction.

Councillor Sorg said I think we can come to a compromise and have a reduction in the unenclosed cat colony fees so I would suggest that we charge the same amount for both and make the colony keepers be the ones who are responsible for keeping the records of their cats.

Jess Williams said regarding zero in seven, we are making great progress but the target keeps moving. Three years ago, if an animal came in with a severe ear infection we would put it down but now we are seeing heroic efforts to try to save these animals. So our definition of healthy and adoptable animals is growing and our euthanasia rates are still dropping.

Councillor Small said I would agree with lowering the fees but I don't agree with not having any fees because we would be singling out this one group from not having to pay fees. Everyone else who has pets and gets them spayed, neutered and vaccinated has to pay a license fee so it wouldn't be fair to single out this one group of animal owners.

Councillor Pedroza said regarding the Mayor's idea, instead of giving credit for the money spent by the cat managers on food and such, we give them credit for them turning in receipts for them having the cats spayed, neutered and chipped. That way we get what we wanted which is to have the animals spayed, neutered and chipped and at the same time providing a record keeping instrument that they could then use.

DRAFT

Councillor Small said I would suggest that the fee amount be the same for both types of colonies which would be $50 permit fee per year and $25 for the one time application fee.

Councillor Silva said I would agree with just having a $10 initial fee for all of it.

Councillor Smith said I think having a single $10 fee across this particular special animal permit section actually makes a lot of sense to me. I think we will still need to look at our animal control officers during our budget cycle because regardless of how well people comply or don't comply, we need to make sure that we are up to the plan for keeping our end of the deal.

Councillor Small Moved to Amend Resolution No. 15-151 in Section 7-31 to have all application fees be $10.00 and Councillor Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 15-151 in Section 7-31 to have all application fees be $10.00 and it was Unanimously Approved. 7-0

Councillor Small Moved to Amend Resolution No. 15-151 in Section 7-31 and under the permit fee for unenclosed feral cat colony, it shall be $50.00 per site per year; changing it from $150.00 and Councillor Pedroza Seconded the motion.

Councillor Smith said I would like to ask for some input from those who felt strongly on this issue regarding the likelihood of compliance.

Emil Bordea said we have a Cat Management Program and we have caregivers that have signed an agreement stating that they will keep track of each animal and get it fixed and all that; all that paperwork has been done by an individual, not a City employee. It's just a matter of passing the data to Animal Control and someone in the office can tabulate the data and measure the progress. The drop to $50 is nice but you still have to remember who is taking care of these cats, where is the money going to come from; I think it should be much lower.

Councillor Small said the individual who adopts the fifth, sixth or seventh animal, takes excellent care of those animals, is still required to pay a $7 per year annual registration fee even after they've paid for all those animals medical expenses and keeping them fed. Why remove the fee from only those who take care of feral cats but not remove that fee from individuals who adopt a fifth, sixth or seventh animal from the Animal Shelter.

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Emil Bordea said the individuals who adopts an animal from the Shelter, that animal has already been spayed, neutered, vaccinated and microchipped and if it is a dog it has it's dog license. The feral cats, the person that feeds them is not legally the owner, they're feeding them out of the goodness of their hearts to save the cats lives. The $50 is going to go to the General Fund so what is it going to do to help with this situation?

Councillor Silva asked how much do you think the fee should be?

Emil Bordea said $15 seems fair.

Councillor Levatino said I liked the Mayor's suggestion of getting them to submit an application and justify what they are spending to take care of these cats and if it is more than a particular number then that fee is waived. The whole purpose of this is to know who is taking care of the cats, how many cats are there, have they been taken care of and have they been spayed, neutered, vaccinated, ear tipped, microchipped, all these things would add up to much more than these numbers. I would suggest that we waive the yearly fee altogether.

Mayor Miyagishima said I would support a zero amount.

Frank Bryce said the end result we want is to have no more cats so we need to get people in. I would like to suggest that if people sign up within the next 60 or 90 days then they're in but if you wait until after that time frame then you have to pay the fee.

Councillor Smith said we can keep the $50 fee but just delay it from becoming effective to encourage people to sign up.

Councillor Sorg said I would like staff to give us a rough estimate on what this is going to cost the City if we lower the fees over the next five years.

Marcy Driggers said I have no idea because we don't know the number of colonies that are waiting to sign up.

Councillor Sorg said I would go along with just waiving the annual fee for the first year.

Councillor Small said I like Mr. Bryce's idea of delaying the effective date by 90 days.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 15-151 in Section 7-31 and under the permit fee for unenclosed feral cat colony, it shall be $50.00 per site per year; changing it from $150.00 and it was Approved. 5-2 Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Smith and Mayor Miyagishima voted Aye. Councillor Silva and Councillor Levatino voted Nay.

DRAFT

Councillor Silva said I also like the idea of the grace period and I would delay the annual fee until January 1, 2016.

Mayor Miyagishima said I would support that because it would give us time to send out notices and educate the public.

Councillor Small said I would propose a grace period of three months because it creates a time window to give people an incentive to participate in the program and if we keep the window open too long then it doesn't provide the "let's act now" incentive.

Councillor Sorg Moved to Amend Resolution No. 15-151 to implement the fees to become effective July 1, 2015 for enclosed and unenclosed cat colonies and Councillor Small Seconded the motion.

Councillor Smith asked Councillor Sorg, did you say that you wanted those people who signed up prior to July 1st to have their first year annual fee waived?

Councillor Sorg said yes.

Councillor Smith said then that wording will need to be included in the amendment.

Councillor Levatino said I appreciate what we are trying to do here but this doesn't solve the problem. I still think $50 is too high and giving them a year off is just kicking the can down the road.

Councillor Smith said we still have time to amend it again if we see that will be an issue.

Councillor Sorg said if that is a financial hardship then maybe having a colony isn't the right thing for that person to do.

Mayor Miyagishima said they are saving taxpayer money when they adopt and prevent euthanasia so I think this is a good step and we're moving in the right direction.

Esther Martinez-Carrillo, City Clerk said the amendment will be under Section 7-31 and it will be the last sentence.

DRAFT

Councillor Smith said we did discuss exempting the people who signed up before July 1st from their first year so are we leaving that out at this point?

Esther Martinez-Carrillo said it is pretty clear that the fees won't be effective until July 1, 2015 so anything before that won't have annual fees for the enclosed and unclosed cat colonies.

Councillor Smith said so if they sign up before July 1, 2015 then they won't have to pay an annual fee until July 1, 2016; correct?

Rusty Babington, City Attorney said that is our understanding.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 15-151 to add the following language under Section 7-31; With respect to the enclosed and unenclosed cat colonies the annual fees will be effective on and after July 1, 2015; and it was Approved. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Smith and Mayor Miyagishima voted Aye. Councillor Levatino voted Nay.

Councillor Silva said I think the fee of $50 per unsterilized animal is a pretty steep fee. I know what we are trying to accomplish but that is still high.

Mayor Miyagishima said if I remember correctly, the reason for this price differential is to give people an incentive to have their pet spayed or neutered because their fee is a lot less.

Councillor Silva said I just think that number is pretty steep and we are penalizing responsible people who breed their pets because of the irresponsible people.

Mayor Miyagishima said the people who breed pets sell their offspring so it is a business for them and I think $50 is a reasonable fee.

Councillor Smith said I understand what Councillor Silva is saying but we continue to have a problem with unclaimed animals at the Animal Shelter and we continue to have the problem of having too many animals so I think under the circumstances that if someone wants to breed their animal then there should be a cost for it.

Chief Codes Officer James Chavez said we did speak with a lot of the breeders in the community and they just chalk it up as a business expense. They don't mind paying the $50 fee because people in the County pay almost double that amount.

DRAFT

Councillor Silva said then I'm also okay with it.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-151 as Amended and it was Unanimously Approved. 7-0

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

(6) Resolution No. 15-155: A Resolution Approving a Community Development Block Grant (CDBG) Agreement Between the City of Las Cruces and Tresco Inc. for Parking Facilities at 391 N. 17th Street.

Councillor Small Moved to Approve Resolution No. 15-155 and Councillor Smith Seconded the motion.

Raymond Burchfield, CDBG Environment Compliance Specialist gave an overhead presentation and said this is to approve Block Grant funds for the Tresco parking lot rehabilitation. This project will improve working conditions for persons with disabilities employed by Tresco. The grant amount is $17,500 and there is a 50% match in the amount of $17,500 so the total project amount is $35,000.

Councillor Small said it is exciting to be able to move forward with this project. This isn't the total amount allocated to the City's Block Grant; correct?

Raymond Burchfield said no sir, that is correct.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 15-155 and it was Unanimously Approved. 7-0

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(7) Council Bill No. 15-028; Ordinance No. 2747: An Ordinance in Accord with the City of Las Cruces Local Economic Development Plan, Authorizing the City of Las Cruces to Act as Fiscal Agent for a Local Economic Development Act Project Known as the Franco Whole Foods - Southwest LLC Project.

DRAFT

Councillor Small Moved to Approve Council Bill No. 15-028; Ordinance No. 2747 and Councillor Smith Seconded the motion.

Gary Camarano, Economic Development Coordinator gave an overhead presentation and said Franco Whole Foods is a Local Economic Development Act Project. Franco Foods is expected to provide 160 jobs to Las Cruces and they are putting in over $3,500,000 in facility investments. The Local Economic Development Act has a grant in the amount of $75,000 from the City of Las Cruces and $75,000 from the State of New Mexico. There are clawbacks in place which are that they create 50 jobs by the third year, maintain those 50 jobs for two consecutive years and that they have a Performance Bond in the amount of $150,000.

Councillor Sorg said the creation of only 50 jobs seems a little low to me. I thought they were going to create 160 jobs.

Gary Camarano said they are expecting to create 160 but for the clawback provision, only 50 jobs are required.

Councillor Smith said the bar is set at 50 but they are expecting to create 160 jobs.

Councillor Sorg said I just wanted to voice my concerns that I think 50 jobs is a little low.

Councillor Small said the funding is going to be used mainly for underground ponding to allow for onsite parking and that amount of funding is comparable to 50 jobs.

Mayor Miyagishima called for the roll on the Motion to Approve Council Bill No. 15-028; Ordinance No. 2747 and it was Unanimously Approved. 7-0

X. BOARD APPOINTMENTS

Mayor Miyagishima reappointed Greg Gendall (Position 6) and Ricardo Gonzales (Position 7) to the City Art Board.

Councillor Smith Moved to Approve the Mayor's board reappointments of Greg Gendall (Position 6) and Ricardo Gonzales (Position 7) to the City Art Board and Councillor Pedroza Seconded the motion.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board reappointments of Greg Gendall (Position 6) and Ricardo Gonzales (Position 7) to the City Art Board and it was Unanimously Approved. 7-0

XI. 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).*

(8) Council Bill No. 15-029; Ordinance No. 2748: An Ordinance Repealing LCMC, 1997, Section 2-977, Membership, Pertaining to the Veterans Advisory Board, and Enacting a New Section 2-977.

Mayor Miyagishima and Council agreed to bring this item back.

(9) Council Bill No. 15-030; Ordinance No. 2749: An Ordinance Approving a Zone Change from M1/M2 (Industrial Standard) to M1/M2/C-2C (Industrial Standard and Commercial Medium Intensity-Conditional) for a 0.45 Acre Parcel 02-37626 Located at 340 Southgate Court. Submitted by the Living Word Family Church for the Property Owner, Picacho Valley Group, LLC. (Z2882)

Mayor Miyagishima and Council agreed to bring this item back.

(10) Council Bill No. 15-031; Ordinance No. 2750: A Supplemental Ordinance Authorizing the Issuance and Sale of Up to $17,000,000 City of Las Cruces, New Mexico Joint Utility Refunding and Improvement Revenue Bonds to Be Issued to Refinance the City's Series 2006 Joint Utility Revenue Bonds and to Improve the City's Joint Utility System.

Mayor Miyagishima and Council agreed to bring this item back.

XII. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council member board reports.

DRAFT

XIII. GENERAL DISCUSSION

b.) City Council

Councillor Silva said this past Saturday was the El Paseo Realizing and there were several presentations given by numerous student groups from NMSU. It was a great example of NMSU being a partner and I want to thank all the students who came forward and presented their ideas.

This Friday is the March Art Ramble in the Downtown area.

I want to thank all of those who were involved with the Love of Art project which was during the month of February.

I want to thank the Las Cruces Hispano Chamber for their gathering on Friday night.

Councillor Pedroza said I want to underscore one of the articles that was in the newspaper regarding the restoration of the cemetery by Loma Heights school. They have received a lot of help from the public and the children who are doing this project will be giving a presentation to this Council.

Regarding Councillor Silva's comment, I think our history and the history of the Hispano Chamber is very important. There is a school in Albuquerque that is going to be named after the Hispanic leader Dr. George L. Sanchez and I have more information available on him if anyone wishes to read it.

Councillor Small said this past week we had a public meeting with a neighborhood and it was a very attention filled meeting. We had folks from Codes Enforcement, Officer Glymph from the LCPD Neighborhood Watch and a multitude of other stakeholders. It was a very productive meeting and there was a lot of positive dialog.

Regarding El Paso Electric, I think it is good to note that El Paso Electric has a more climate friendly mix of energy than PNM and I think it is appropriate that we work to balance the negotiation and give and take that is inherent at the PRC process.

We just passed our second LEDA agreement today and that is 150 to 160 new jobs that Franco Foods is looking to create for our community. I also hope that this is the right time for this Council to get the opportunity to consider the redevelopment of the Amador corridor.

Tamika Jackson, who is our intern, wants to make sure to let everyone know that March 6th at Pete Dominici Hall from 5:30 to 6:30 p.m. is the official kick-off of Women's History Month.

DRAFT

I want to thank the City Manager and City Administration for their update last week regarding the discussion of the safe structures at Camp Hope. I think that is the right approach, accompanied with additional infrastructure enhancements including a fence along the sidewalk.

Councillor Sorg said regarding the El Paseo Realizing project, the students presented a lot of options on ways to go on El Paseo and two of those students joined Councillor Pedroza and I to San Diego to share those kinds of issues with two other communities in Duluth, Minnesota and Auburn, Alabama. One of the conclusions that came out of the roundtable was that there will be more discussions and more engagement with the businesses in the Downtown area.

Councillor Levatino said I also attended the Hispanic Chamber dinner and it was really a magnificent evening. I want to congratulate Chief Montoya and Chief Brown for being awarded the Distinguished Community Service Award.

Councillor Smith said I want to recognize our Fire Department because I was in Santa Fe when our Fire Department got recognized for their Vecino Program.

I want to thank you for the consensus to move forward with a preservation ordinance and we should be able to move forward with it this year.

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a.) Mayor

Mayor Miyagishima said the last time I attended the Mayor's Conference there was a challenge to end Veteran homelessness and New Orleans was the first city to accomplish it. The White House is wanting us to be a functional zero and the plan involves about $100,000 but we only need to come up with half so Councillor Small allowed us to use some of his unused funds to cover that amount. Hopefully there will be a press conference in the next week or two and we'll be able to say we are at functionally zero for Veteran homelessness.

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c.) City Manager

DRAFT

Robert Garza, City Manager said our Police Department completed their annual report and I think our Chief distributed copies to you so please take a look at it and you can ask him any questions you might have.

Las Cruces Airport Francis Aviation received the Federal designation to receive the jet fuel service at the airport.

We received the patten for the East Mesa Landfill so now we can move forward with the Archery Range and Remote Control Airport.

Regarding the ICMA Surveys, we have done our second City Survey and it will be able to give us a lot of information about the changes in view of our residents and the sorts of things that they'd like to see. We are hoping to have it wrapped up in a month or so and get the reports out to you all.

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

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

Council said "Aye."

Meeting Adjourned at 5:26 p.m.