City Council
of the
City of Las Cruces

Regular Meeting

August 17, 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	Linda Lewis, Interim 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 Small 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?

Mayor Pro-Tem Smith says I might have two conflicts of interest with the Art Board as my mother is a well known artist and my wife and I have a collection from local artists.

Mayor Miyagishima said I don't think you have one.

III. PUBLIC PARTICIPATION

Susan Brown, Member of the Public said I'm here for St. Andrew's Hospitality House. We'll be having a groundbreaking on September 12th at 12 p.m. The Donate Life Car Show is this Saturday from 9 a.m. to 3:30 p.m.

Ernest Apodaca, Member of the Public said I just got back from Russia and ran into Love Locks. It's a tradition and I thought it would be a neat thing for Las Cruces to do in the plaza.

Councillor Sorg asked have you ever heard of the Love Lock Bridge in Paris?

Ernest Apodaca said absolutely, that's close to it.

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Councillor Levatino asked is this strictly for people celebrating their anniversaries?

Ernest Apodaca said absolutely.

Councillor Levatino said this must be relatively new because I was in Moscow in 1991 and we didn't see any.

Ernest Apodaca said I'm not sure. I figure 10 or 15 years.

Councillor Silva said if you could stick around for the Public Art Board this fits into their strategy.

Bob Diven gave an overhead presentation about the AdobeHenge Trails Project.

Mayor Miyagishima said it's a nice addition to the City/County. I support doing a resolution.

Mayor Pro-Tem Smith asked have you considered that there might be an annexation involved?

Bob Diven said I have thought about that but I don't have the knowledge of how that process works.

Mayor Miyagishima said BLM would be a little difficult to get them to annex to the City but if the Council wants to help with public art fund in the future I think that's a possibility.

Councillor Levatino asked is there going to be any public input?

Bob Diven said yes. All this land is outside of the City boundaries right now. I've already been in contact with several residents of that neighborhood.

Councillor Levatino asked what are you using as a basis for saying it will increase tourist attraction?

Bob Diven said I have no studies at this point.

Councillor Levatino asked where would people go on Facebook to find you?

Bob Diven said just look up AdobeHenge.

Mayor Miyagishima asked will there be lights to use in the evening?

Bob Diven said we're looking at some sort of lighting on the monument but that will be the only place there will be any sort of light.

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Mayor Miyagishima said it's not only a great addition to the community but also blocks that land from being used for something else.

Councillor Levatino said my concern is that this will bring in a lot of people and disturb that area.

Bob Diven said there's already quite a few trails that people are already using but that's why we're going to survey the land and make sure our trails match the existing ones.

Councillor Pedroza said I volunteer to draft the resolution.

Councillor Silva asked were some of the trails already semi-established?

Bob Diven said there are two heavily traveled trails. We're going to walk the existing trails with GPS. We'll also be doing an archaeological assessment. We're going for minimum impact.

Councillor Sorg said we're going to need some mapping around this piece of land.

Bob Diven said I can supply that to you.

Mayor Miyagishima said on our website is an MPO map that you can place onto your map.

Councillor Small asked can you give us a time frame for the letter of support and resolution?

Bob Diven said it's at the Council's convenience.

Marianne Hendrickson, Member of the Public said I'm here to talk about Frenger Pool and swimming. I swam at Frenger Pool even with the boiler broken. It's the only pool of this type in Las Cruces. It concerns many of us that there is no support to make the pool operational again so I'm asking that you please support Frenger Pool.

Mayor Miyagishima said I was told five years ago that the pool only had a life expectancy of two years. The State has regulations and we can't keep it to the level the State requires.

Marianne Hendrickson asked if you let Frenger die, what would be the alternative?

Mark Johnston said the boiler system began to fail 7-8 years ago. The latest failure was catastrophic. The new boiler systems are efficient and a $25,000 system may work but my fear is the calcification in the pipes. I'll be working with the project manager to get someone smarter than me to look at it.

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Mayor Miyagishima asked did we work something out with the University to use their pool?

Mark Johnston said yes, we approached them 5-6 years ago but there's not a lot of available space.

Mayor Pro-Tem Smith said we'll be talking about Phase II of the Aquatic Center next week, which will include what's happening at Frenger.

Councillor Levatino asked what is the age demographic for the people who use Frenger Pool?

Marianne Hendrickson said there's one lady in her mid 80s and then a bunch of us who are retired.

Councillor Levatino asked are the pipes as old as the pool?

Mark Johnston said yes and they're underneath the decks.

Mayor Miyagishima asked did we ever ask Tom Young's to rent their pool for certain times of the day?

Mark Johnston said yes, we did and they asked us if we were interested in the sale but it's getting older too.

Mary Lee Soules, Member of the Public said I'm one of those lifelong swimmers and am concerned about when Frenger Pool shuts down in September that it will not be reopened.

Mayor Pro-Tem Smith asked were your parents the founders of swimming team in 1965?

Mary Lee Soules said yes and I was one of those original swimmers.

Michael DeMeulenaere, Member of the Public said there is an ongoing violation of codes in my neighborhood, in particular a house across the street.

Mayor Miyagishima said there is something that we can do that we don't do very often and that is to condemn a property, but if you could leave you're information we'll be in contact.

Michael DeMeulenaere asked who will make that decision?

Mayor Miyagishima said after you meet with the Chief we'll coordinate with the City Attorney.

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

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Mayor Miyagishima said Item 13 will be removed from the Consent Agenda for discussion.

Councillor Small Moved to Approve the Agenda as Amended and Mayor Pro-Tem Smith 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

V. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of July 20, 2015

*(2) Special City Council Meeting of July 30, 2015

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

*(3) Resolution No. 16-028: A Resolution Authorizing Dublin's Street Pub to Continue with the Permitting Process to Allow for the Sale and Consumption of Alcoholic Beverages within a Restricted and Secure Area at the Tacos & Tequila Event on September 4, 2015 at La Placita, 145 North Main Street.

*(4) Resolution No. 16-029: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to Amaro Winery and High Desert Brewing Company for the Public Celebration Permit Applications Submitted for the Urban Planning Reception to be Held on September 23, 2015.

*(5) Resolution No. 16-030: A Resolution Authorizing Amaro Winery to Continue with the Permitting Process to Allow for the Sale and Consumption of Wine within a Restricted and Secured Area During the Urban Planning Reception to be Held on Main Street on September 23, 2015.

*(6) Resolution No. 16-031: A Resolution Authorizing High Desert Brewing Company to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area During the Urban Planning Reception to be Held on Main Street on September 23, 2015.

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*(7) Resolution No. 16-032: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to High Desert Brewing Company for the Public Celebration Permit Application Submitted for the Safe Haven Animal Fashion Show to be Held on Main Street on September 27, 2015.

*(8) Resolution No. 16-033: A Resolution Authorizing High Desert Brewing Company to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and Secured Area at the Safe Haven Animal Fashion Show to be Held on Main Street on September 27, 2015.

*(9) Resolution No. 16-034: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction to Bosque Brewing Co. and Amaro Winery for the Public Celebration Permit Applications Submitted for the Seventh Annual Salsa Fest to be Held on August 29 and 30, 2015.

*(10) Resolution No. 16-035: A Resolution Authorizing Amaro Winery to Continue with the Permitting Process to Allow for the Sale and Consumption of Wine within a Restricted and Secured Area During the Seventh Annual Salsa Fest to be Held on Main Street on August 29 and 30, 2015.

*(11) Resolution No. 16-036: A Resolution Authorizing Bosque Brewing Co. to Continue with the Permitting Process to Allow for the Sale and Consumption of Beer within a Restricted and

Secured Area During the Seventh Annual Salsa Fest to be Held on Main Street on August 29 and 30, 2015.

*(12) Resolution No. 16-037: Authorizing the City of Las Cruces to Accept Grant A Resolution Funding for up to Five Years for a Shelter Plus Care (S+C) Grant from the United States Department of Housing and Urban Development (HUD). The Resolution Further Authorizes the City to Pursue Renewal Agreements with or Transfer to the Sponsoring Agency and Incorporation of the Grant Funds for Future City Budgets, as Applicable.

*(14) Resolution No. 16-039: A Resolution Authorizing the City of Las Cruces, on Behalf of Its Keep Las Cruces Beautiful (KLCB) Program to Accept a Grant Award in the Amount of $31,000.00 from the New Mexico Tourism Department, for the FY 2016 New Mexico Clean and Beautiful Grant Program, Ratify the City Manager's Signature on the Grant Agreement, and to Adjust the FY 2016 Budget.

*(15) Resolution No. 16-040: A Resolution Authorizing the City of Las Cruces, on Behalf of Its Senior Programs Section, to Accept a Grant from Banfield Charitable Trust in the Amount of $2,500.00, for the City's Meals on Wheels (MOW) Pet Food Assistance Program, to Ratify the City Manager's Signature on the Terms and Conditions of Funding Agreement, to Carry Over Remaining FY2015 Funds, and to Amend the City's Adopted FY2016 Budget.

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

(13) Resolution No. 16-038: A Resolution Authorizing the City of Las Cruces on Behalf of the Branigan Cultural Center, to Accept a Grant Award in the Amount of $10,000.00 from the National Endowment for the Humanities/American Library Association (NEH/ALA), Latino-Americans: 500 Years of History Grant; to Ratify the City Manager's Signature on the Grant Acceptance Form; and to Adjust the FY2016 Budget.

Councillor Small Moved to Approve Resolution No. 16-038 and Councillor Silva Seconded the motion.

Councillor Silva asked is this just an outright fund that someone at the museum wrote for?

Rebecca Slaughter, Museum Manager said it is just an outright grant of $10,000.

Councillor Silva asked has just the planning part of it started?

Rebecca Slaughter said the project won't start until September.

Councillor Silva asked what are the four additional programs?

Rebecca Slaughter said the grant application required us to show a series of documentaries that were produced for the National Endowment for the Humanities and the American Library Association on the history of Latino Americans. Then we are going to have a humanities scholar lead a discussion with the audience in English and Spanish, and we have a year to do this. We've added a lecture series. We're also partnering with NMSU and La Semilla to bring food ways and starting an oral history program.

Councillor Silva asked have you set a date yet?

Rebecca Slaughter said I don't know the date but it's in September. We're developing a mini website about it and producing a program with all the year long programs in it.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-038 and it was Unanimously Approved. 7-0

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(16) Resolution No. 16-041: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for the Issuance of a Small Brewer Off-Site License with Patio Service to Bosque Brewing Co., LLC to be Located at 901 East University Avenue, Building 945, Las Cruces, New Mexico.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-041 and Councillor Small Seconded the motion.

Mayor Miyagishima asked did we have any opposition to this?

Rusty Babington, City Attorney said no.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-041 and it was Unanimously Approved. 7-0

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(17) Resolution No. 16-042: A Resolution Approving the Issuance of a Small Brewer Off-Site License with Patio Service to Bosque Brewing Co., LLC to be Located at 901 East University Avenue, Building 945, Las Cruces, New Mexico.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-042 and Councillor Sorg Seconded the motion.

Mayor Pro-Tem Smith said the Cervantes Plaza where this is to be located exhibits walkability and the urban face that presents to University Boulevard. It will make it less likely for people to drink and drive.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-042 and it was Unanimously Approved. 7-0

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(18) Resolution No. 16-043: A Resolution Approving the City Art Board's Strategic Plan.

Councillor Sorg Moved to Approve Resolution No. 16-043 and Councillor Small Seconded the motion.

Mark Johnston, Parks and Recreation Director gave an overhead presentation.

Mayor Pro-Tem Smith said this art board sends a message about the possibilities here, the creativity here, and the quality of life here.

Councillor Levatino asked what is the current involvement of the City?

Mark Johnston said the Art Board is a recommending board to the City for action.

Councillor Levatino asked are we already building activities and programs that make City owned public art broadly accessible in City public spaces and buildings?

Mark Johnston said yes. New locations for art will be a recommendation to this body.

Councillor Levatino asked what is the part about increasing City staff?

Mark Johnston said there is a desire by many boards to put that in their strategic plan, however, that will be a City Manager and budget process.

Councillor Levatino asked are these essentially recommendations being brought to us by the Art Board and not requirements of the City?

Mark Johnston said yes. This is a strategic plan.

Councillor Levatino asked are we there with getting MVEDA and Convention and Visitor's Bureau involved?

Mark Johnston said we aren't but that's the collaborative component of this.

Mayor Miyagishima said if this passes I would think the Council is going to follow a lot of these recommendations and move forward.

Councillor Silva asked what do you see as components of this plan?

Mark Johnston said one of the pieces will be to actually take an inventory of what we have, putting together a maintenance program, a vision of what we want the overall City to look like and what we want to look at, what areas in the City are we lacking.

Councillor Silva asked are fostering economic and cultural growth of the reason parallel things that we want to accomplish?

Mark Johnston said they're parallel courses. The strategic plan is the vision for our future.

Councillor Silva asked where do we go after we pass the strategic plan?

Mark Johnston said we're looking at the Camino Real Statues in October. They're also looking at a piece for the Public Safety Campus. The next component will be determining how much money from the budget process and picking the next project.

Councillor Silva asked is the committee going reevaluate how to make this an economic driver?

Mark Johnston said by being open to that diversity component. In six months to one year from now, we will have another work session and take a look at where we want to go next.

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Councillor Silva said down the road it would be good to ask how do the arts drive the economy.

Mayor Miyagishima said what I envision the art board elevating the City to a mecca for artists.

Mayor Pro-Tem Smith asked is there a tie-in with the Arts and Culture District?

Mark Johnston said there is knowledge of the effort and we are in the beginning stages.

Councillor Levatino said my comments were not meant to show a displeasure with this. I fully support this. I'm just concerned with some of the wording.

Irene Oliver-Lewis, Member of the Public said the Art Board is here to recommend to you as a Council. This is the beginning of a very wise choice where in five years you will see differences in the City.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-043 and it was Unanimously Approved. 7-0

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(19) Resolution No. 16-044: A Resolution Endorsing the Vision and Goals of the Amador Proximo Blueprint.

Councillor Small Moved to Approve Resolution No. 16-044 and Councillor Sorg Seconded the motion.

David Weir, Community Development Director gave an overhead presentation.

Mayor Pro-Tem Smith asked is there a different soil base in this area?

David Weir said as redevelopment takes place looking at drainage and how you will handle that will need to be a component of redevelopment.

Mayor Pro-Tem Smith asked will doing this pull resources from Downtown or will it be running parallel?

David Weir said other areas have been looked at to feed off the momentum of the Downtown area.

Councillor Levatino asked can you give specifics of what will be going into this area?

David Weir said in the plan there's a recommended intensity of usage.

Councillor Levatino asked do we have a time frame on this?

David Weir said if you approve today, the vision and goals will be in place for any development. If somebody had a proposal and it met the zoning, staff can approve the project. If they proposed use that zoning did not allow, we could call it an infill development project. Long term, we're looking to develop a concept plan and creating a mixed use district. Later this month we'll have the document submitted to the Planning and Zoning Commission for recommendation and then in September being brought to you for adoption.

Councillor Levatino asked is this project going to be entirely private investment?

David Weir said it's in the hands of the individual property owners and so it would be private.

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Councillor Levatino asked how much of the property is privately owned?

David Weir said the majority is private ownership. The ownership we have would be the Branigan Park area.

Councillor Levatino asked could a private investor could build there by the end of the year?

David Weir said yes, but we would have to go through our zoning and subdivision.

Councillor Levatino asked are there going to be restaurants and breweries over there?

David Weir said those were the envisioned uses of what would be allowed. The majority of the property is zoned industrial.

Councillor Levatino said my concern is the negative impact on Main Street. I would prefer that we wait until the Plaza is done.

David Weir said it's good to have a neighborhood think about the future and what kind of neighborhood they want to live in. Also this area is already zoned for certain uses. One of the goals for this area was to leverage their industrial and agricultural history.

Councillor Small said this will help Downtown by having the potential for additional employment.

Councillor Pedroza said this has been good in engaging the public but it's also a beginning to engage them in the running of their City.

Councillor Silva asked was there any discussion of where we're headed with this?

David Weir said we're at the conceptual level right now but there are some tangible projects. The City has a plan to work on the infill areas and improving neighborhoods wherever we can. The improvements that take place would be a partnership.

Councillor Silva asked how many private landowners are in this area?

David Weir said I don't have a number off the top of my head.

Councillor Silva asked what percentage do you think was contacted?

David Weir said I would say 80% to 90% had the opportunity to participate.

Councillor Silva asked how many were actually contacted?

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David Weir said the City made the best effort to contact everyone.

Councillor Silva asked at what point will they actually be part of the discussion as far as zoning changes?

Councillor Small said each property owner received the postcard in the mail and an individual went around the contacted them directly. Individual businesses were also brought into this and there's the ongoing website. There are updates sent out by email.

David Weir said in public notifications of zoning the property owners and a buffer of 100-200 feet outside of that area are identified.

Councillor Silva asked what kind of discussion took place about bringing in media box retail?

David Weir said it would be supporting type of retail.

Councillor Silva said my concern is about converting the baseball park into a walkable park.

David Weir said staff talked about how this would have to be coordinated with Parks and Rec.

Councillor Sorg said this project fits well with our infill. I see this area as a place to live and work. I think we should include the Las Cruces Public Schools in the future.

Davin Lopez, Member of the Public said I'm with Mesilla Valley Economic Development Alliance and I support the blueprint going forward. This plan gets private sector talking. I like the fact that this will bring in economic development opportunities. It also seems like the use is integrated with the surrounding area. Lastly, I think this will blend well with Downtown.

Hilary McDaniel Douglas, Member of the Public said I'm with Project in Motion. The seven prime landlords were at the charette. This is going to support those vibrant businesses that are already there and get rid of crime in that area.

Arianna Parsons, Member of the Public and Executive Director of the Downtown Las Cruces Partnership said I would be the first to let you know if I had fears about this but I do support this project. This is a great way to compliment what's already happening Downtown.

Gil Jones, Member of the Public said there's a win for infrastructure in that area because of Valley Drive. We hope to attract employers to that area. It will help Downtown and not compete with it.

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Jerry Paz, Member of the Public said I'm with Molzen Corbin and Associates. Our firm has been contracted with design Valley Drive. We're looking for guidance as there is a $2 million differential between what we had proposed and what Amador Proximo is proposing so the Valley Drive study has been put on hold.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-044 and it was Unanimously Approved. 7-0

X. BOARD APPOINTMENTS

Mayor Miyagishima appointed Dustin Anthony Chavez (NMSU Student Representative position) to University District Citizens Design Review Committee.

Mayor Pro-Tem Smith Moved to Approve Mayor Miyagishima's board appointment of Dustin Anthony Chavez (NMSU Student Representative position) to the University District Citizens Design Review Committee and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board appointment of Dustin Anthony Chavez (NMSU Student Representative position) to the University District Citizens Design Review Committee 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).***

Mayor Miyagishima and Council agreed to bring this item back.

XII. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council member board reports.

XIII. GENERAL DISCUSSION

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Jaime Montoya, Police Chief said we are actively investigating the church bombings with our Federal counterparts. We're working with Stan Rounds to make sure the schools are safe. The suspicious package at the post office was just a package.

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b.) City Council

Mayor Pro-Tem Smith said we will be talking about the aquatic center at next week's work session.

Councillor Levatino said I wanted to congratulate those who put together the Spirit of 45 event on Friday.

Councillor Small said I wanted thank the Council and community for their excitement about Amador Proximo.

Councillor Pedroza said tomorrow there will be two public hearings on the El Paso Electric rate increase.

She said I went to Good Sam's for a Veteran's theater group about the Community of Hope.

She said I went to the Chihuahua Desert Nature Park for an annual event.

Councillor Silva said I want to congratulate Russ and the Spirit of 45.

He said I want to compliment Councillor Small and his work on the Proximo.

He said I hope the Economic Development Committee can take the Art Board's plan into consideration.

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c.) City Manager

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Mark Winson, Assistant City Manager said I would like to thank Mark Johnston, David Weir, and Rebecca Slaughter for the information they provided today. I thank Mark Krawczyk being here all day.

Mayor Pro-Tem Smith Moved to Adjourn and Councillor Small Seconded the motion.

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

Council said "Aye."

Meeting Adjourned at 4:13 p.m.