City Council
of the
City of Las Cruces

Regular Meeting

May 2, 2016
1:00 P.M.
Council Chambers, City Hall

MEMBERS PRESENT:	**STAFF:**
Mayor Ken Miyagishima	Robert Garza, City Manager
Councillor Kasandra Gandara, District 1	Rusty Babington, City Attorney
Councillor Greg Smith, District 2	Linda Lewis, City Clerk
Councillor Olga Pedroza, District 3	
Councillor Jack Eakman, 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.

Jennifer Martinez from PIO presented the Pet of the Week.

Mayor Miyagishima presented a Mayor's Citation for Community Service to Princess Sophia Moore.

Mayor Pro-Tem Smith presented a Proclamation to George Pearson and declared the month of May as National Bike Month, the week of May 2-6, 2016 as Las Cruces Ride Your Bike Week, and May 20, 2016 as Las Cruces Ride Your Bike to Work Day.

Mayor Pro-Tem Smith presented a Proclamation to Dale Windler and declared Thursday, May 5, 2016, as A Day of Prayer.

Mayor Pro-Tem Smith presented a Proclamation to Leigh DeRoos and Nursing Graduates and declared May 6-12, 2016, as National Nurses 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?

Robert Garza said regarding Items 9 and 10, my niece and her husband are the owners of NYC Pizza so I won't be making any further comments on those items.

Mayor Miyagishima read a HUD disclosure statement and said as part of our agreement with HUD (Housing Urban Development) an additional Conflict of Interest Disclosure is requested regarding the following agencies, who are being considered today for funding as part of the 2016 Action Plan on the Consent Agenda. They are Mesilla Valley CASA, Casa de Peregrinos, St. Luke's, La Casa, Mesilla Valley Community of Hope, Jardin de los Niños, Mesilla Valley Habitat for Humanity, Tierra de Sol, and Tresco, Inc.

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Councillor Sorg said I have no conflict.

Councillor Pedroza said I like them all but I have no conflicts or any financial interests whatsoever.

Councillor Gandara said I work closely in my other job with Mesilla Valley CASA so I don't know if that would serve as a conflict in you all's eyes but I just want to say that out loud.

Mayor Miyagishima said just disclosing it is good and I appreciate that.

Mayor Pro-Tem Smith said my wife is former President or Chairman of the Board for Jardin de los Niños. I don't believe that is any conflict for me but I do want to bring that out in case there might be a perceived issue there.

III. PUBLIC PARTICIPATION

Dolores Archuleta, Member of the Public said I'm here representing the Veteran's Memorial Wall Committee. We will be having our 5th annual candlelight ceremony at Veteran's Park on Memorial Day. Parks and Rec permanently installed Miguel's bow tie. I would also like to thank Robert Garza for all he has done for the City of Las Cruces.

Vincent Jeffers said I want Resolution No. 16-208 removed from the agenda. There is corruption in the City.

George Pearson, Member of the Public said I'm a board member of Velo Cruces. Adding capacity to North Telshor will only create more congestion.

IV. READ CLOSED MEETING STATEMENT

a. Read April 29, 2016 Closed Meeting Statement into the record.

The Las Cruces City Council met in closed session at 8:40 a.m. on April 29, 2016. The following members were in attendance: Mayor Ken Miyagishima, Councillor Kasandra Gandara, Councillor Greg Z. Smith, Councillor Olga Pedroza, Councillor Jack Eakman, Councillor Gill M. Sorg, Councillor Cecelia H. Levatino, and James Mercer. The meeting adjourned at 2:30 p.m.

Statement for the record: The Las Cruces City Council met in closed session and only discussed those limited items as stated in the posted notice (to discuss limited personnel matters).

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V. ACCEPTANCE OF AGENDA

Councillor Sorg Moved to Approve the agenda as amended with the removal of items 6, 7 and 8 from the consent agenda and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the agenda as amended with the removal of items 6, 7, and 8 from the consent agenda and it was Unanimously Approved. 7-0.

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of April 18, 2016

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

*(2) Resolution No. 16-204: A Resolution Authorizing the Continued Practice for Collecting and Using a Pet License Fee by the Animal Services Center of the Mesilla Valley for Pets within the City Limits.

*(3) Resolution No. 16-205: A Resolution Adopting the 2016-2020 Consolidated Plan and Analysis of Impediments to Fair Housing Choice for the City of Las Cruces, as Required by the U.S. Department of Housing and Urban Development. The Resolution Also Adopts the

2016 Action Plan for the Community Development Block Grant and Home Investment Partnerships Program.

*(4) Resolution No. 16-206: A Resolution to Accept Amendment No. 1 in the Amount of $4,062.00 and Amendment No. 2 in the Amount of $20,445.00 to Contract #2015-16-64014 from the North Cental New Mexico Economic Development District (NCNMEDD) Non-Metro Area Agency on Aging (NMAAA) on Behalf of Senior Programs, to Ratify the City Manager's Signature on the Amendments, and to Adjust the City's Adopted FY2016 Budget.

*(5) Resolution No. 16-207: A Resolution to Authorize the City Manager to Negotiate a Purchase Agreement Between the City of Las Cruces (City) and GMB Development NM, LLC (GMB) for a Parcel of City-Owned Property Located at 2834 North Telshor Boulevard.

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

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(6) Resolution No. 16-208: A Resolution to Authorize the City Manager to Negotiate and Execute a Commercial Lease Agreement with Option to Purchase Between the City of Las Cruces (City) and Las Cruces Community Partners (LCCP) for Two Parcels of City-Owned Property Located at the Northwest Corner of North Water Street and West Griggs Avenue.

Councillor Sorg Moved to Approve Resolution No. 16-208 and Mayor Pro-Tem Smith Seconded the motion.

Eric Martin, Project Management Administrator gave an overhead presentation.

Andy Hume, Downtown Coordinator gave an overhead presentation.

Councillor Gandara asked was there an RFP put out several years ago?

Andy Hume said before my time an RFP was put out for several properties in the Downtown area but we did not receive any response.

Councillor Gandara asked what will they do with the property?

Andy Hume said mixed use.

Councillor Gandara said there was some concern with how children are being picked up at Central Elementary.

Andy Hume said I'm aware of that but not aware of a resolution.

Councillor Levatino said what didn't work in 2006?

Andy Hume said the tax credits they were seeking would fill some of the financial gap of this project but was not successful.

Councillor Pedroza asked which area are we talking about?

Eric Martin said the northwest corner of Griggs and Water.

Councillor Pedroza asked are there any suggestions for preferred use?

Eric Martin said mixed use development.

Councillor Pedroza said my only suggestion is mixed income.

Mayor Pro-Tem Smith said it would be helpful to have assurances that we're sticking to the parking neutral.

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Andy Hume said some parking will be provided on site. They backed off from the idea of being parking neutral but we are looking at other parking structures.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-208 and it was Unanimously Approved. 7-0.

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(7) Council Bill No. 16-021; Ordinance No. 2780: An Ordinance Repealing Las Cruces Municipal Code 1997 (LCMC), Section 2-1347, Entitled "Water Acquisition and Management Fund," and Enacting Replacement LCMC, Section 2-1347 to be Entitled "Water Rights Fund."

Councillor Sorg Moved to Approve Ordinance No. 2780 and Mayor Pro-Tem Smith Seconded the motion.

Dr. Jorge Garcia, Utilities Director gave an overhead presentation.

Councillor Gandara asked can we implement another program for water conservation?

Dr. Jorge Garcia said this additional funding with expand the program.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2780 and it was Unanimously Approved. 7-0.

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(8) Council Bill No. 16-022; Ordinance No. 2781: An Ordinance Repealing and Replacing Chapter 39, Outdoor Lighting of the Las Cruces Municipal Code in its Entirety to Correct Typographical Errors, Amend Definitions, Revise Submittal Requirements and Special Lighting Permit Requirements, Clarify Non-Conforming /Grandfathering Provisions and Amend Provisions for Billboard Lighting Options.

Councillor Sorg Moved to Approve Ordinance No. 2781 and Mayor Pro-Tem Smith Seconded the motion.

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Councillor Sorg said I just want to be reassured that the changes we're making will not increase our light pollution.

Robert Kyle said the majority is clean up and changing requirements. We're increasing lighting levels and top/bottom lighting for digital billboards.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2781 and it was Unanimously Approved. 7-0.

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(9) Resolution No.16-209: A Resolution Approving the Issuance of a Waiver of the Church/School Distance Restriction for a Restaurant Liquor License (Beer and Wine) to NY Pizza Slice House, LLC, Located at 1001 East University Avenue, Suite D2, Las Cruces, New Mexico.

Mayor Pro-Tem Smith Moved to Approve Resolution No. 16-209 and Councillor Gandara Seconded the motion.

Rusty Babington, City Attorney said we received two comments from homeowners on Mesa. Carol Cummings is the apartment manager for Duplex and objects as it will decrease the value of property. Robert T. Mitchell is a homeowner and object as it will set a precedent to allow liquor licenses within 300 feet of schools and churches.

Councillor Levatino asked where is 1001 University?

Mayor Miyagishima said it's the plaza where Kinkos is located.

Rusty Babington said it's the shopping center that starts at Espina.

Councillor Levatino said there are already restaurants in there with beer and liquor licenses.

Mayor Miyagishima called for the roll on the motion to Approve Resolution No. 16-209 and it was Unanimously Approved. 7-0.

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(10) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 16-210; A PUBLIC HEARING MUST BE HELD:** Resolution No.16-210: A Resolution Approving the Issuance of a Restaurant Liquor License (Beer and Wine) to NY Pizza Slice House, LLC, Located at 1001 East University Avenue, Suite D2, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 16-210 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. 16-210 is now closed.

Councillor Eakman Moved to Approve Resolution No. 16-210 and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-210 and it was Unanimously Approved. 7-0.

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(11) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 16-211; A PUBLIC HEARING MUST BE HELD:** Resolution No.16-211: A Resolution Approving the Transfer of Location of Retailer Liquor License No. 4034 to Western Refining Retail, LLC D/B/A Giant Store #336, Located at 1998 Bataan Memorial East, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 16-211 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. 16-211 is now closed.

Councillor Sorg Moved to Approve Resolution No. 16-211 and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-211 and it was Unanimously Approved. 7-0.

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(12) Resolution No.16-212: A Resolution Adopting Funding Priorities and Allocations to Various Las Cruces Non-Profit Organizations for Fiscal Year 2017 to Provide Health-Related Public Services Needs and Authorizing the Incorporation of the Funding Amounts into the City's Fiscal Year 2017 Budget.

Mayor Pro-Tem Smith Moved to Approve Resolution 16-212 and Councillor Eakman Seconded the motion.

Natalie Green, Housing Development Coordinator gave an overhead presentation.

Mayor Pro-Tem Smith said my wife represents Roadrunner Food Bank as a legislative consultant and will be happy to recuse myself.

Mayor Miyagishima said that would probably be in the best interest.

Councillor Pedroza said the amount of funding hasn't changed in quite some time so I hope there is some effort to fund from another place

Councillor Gandara asked what are we paying for?

Natalie Green said for Boys and Girls Club it will increase scholarships. For Casa de Peregrinos, it will pay for their pantry within the City limits. Community Action Agency is the fiscal agent for CARE and will be providing services for their clients. The FYI El Crucero will be paying for an onsite social worker. Jardin de los Niños will do healthcare checks. La Casa pays for an advocate of child witnesses. La Clinica de Familia is paying for extended clinic hours. La Pinon handles the collection of evidence for victims of rape. For Mesilla Valley CASA, it will pay for their volunteer coordinator. Mesilla Valley Community of Hope will pay for a representative that helps expedite social security claims. Mesilla Valley Hospice will be doing pain control and hospice care. Roadrunner Food Bank gives food to seniors and a backpack program. Southern New Mexico Diabetes will do outreach education. St. Luke's Healthcare is doing a client support program.

Councillor Gandara asked do we have deliverables or outcomes?

Natalie Green said we have monthly reporting requirements. There are also performance measures built into the contract.

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Councillor Gandara asked how often do you meet with the Health and Human Services Board?

Natalie Green said we meet every four years and it's a two year grant cycle. This is year one and then I would do monitoring review and performance reporting. Next year I would bring this to the Council at the next budget meeting and you would award year two funds based on the committee's recommendations.

Councillor Levatino asked can you explain to me the two year cycle?

Natalie Green said the year one award is the competitive application cycle. Then we do a performance monitoring and report in which the committee recommends who should be awarded year two.

Councillor Levatino asked how many agencies applied this year?

Natalie Green said 18 applied and we funded the top 14.

Councillor Levatino asked are these all new?

Natalie Green said yes.

Councillor Levatino asked have any of these received money in the past?

Natalie Green said they may have been funded in the past through the same application cycle but this is for year one awards. The last two years were a separate competitive application.

Councillor Levatino asked how many years in a row have Boys and Girls Club received money?

Natalie Green said last application cycle was their first year to receive money so this is their third year.

Councillor Levatino asked are there any restrictions on how many times someone can receive money?

Natalie Green said there is no limitation on the amount of times they can be awarded but due consideration will be given to new applicants.

Councillor Levatino asked are there any agencies that have not received funds because they've received it several times before?

Natalie Green said that's not an application question that we ask.

Councillor Levatino said my concern is that they will become dependent on this and would feel more comfortable if there was a limit.

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Councillor Sorg asked what have the revenues been?

Robert Garza, City Manager said we have almost $30 million invested and yielding close to half a million a year.

Councillor Sorg said I suggest a work session to explore what this fund would be used for.

Councillor Eakman said I'd like to see a side by side comparison based on health data against needs.

Dr. Earl Nissen, Chairman of Health and Human Services Advisory Committee said I think it would have been good for you to see the application process. We lean toward those that provide for children's needs. Last year I did request an increase of $100,000. The application process is wide open to the community. We have a very transparent process.

Councillor Levatino asked do the county contribute to this?

Dr. Earl Nissen said they produce zero dollars.

Mayor Miyagishima said the Federal government gives them so much money to give to nonprofits.

Natalie Green said the health related public services is only to be used within City limits.

Councillor Eakman said the county has the constitutional responsibility of the health of the county.

Councillor Gandara said Jamie Michael from the county would like us to collaborate more with them.

Lorenzo Alba, Director of Casa de Peregrinos said I want to thank you for funding us over the years. I've gone to the county to tell them how the RFP program works in the City in hopes that they'll make improvements. I also recommend that you look at increasing your funding.

Candace Gilfillan, El Caldito said I'm impressed with this grant process.

Theresa Phillips, El Caldito board member said people who are hungry need our help. We appreciate your funding and hope you will consider increasing it.

Gabe Anaya, acting president of the El Caldito Board said a lot of our food is donated so that is why we asked for operations so I ask you to reconsider us.

DRAFT

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-212 and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Councillor Levatino, and Mayor Miyagishima voted aye. Mayor Pro-Tem Smith abstained.

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(13) Resolution No.16-213: A Resolution Approving the City of Las Cruces (City) Six (6) Year Capital Improvements Program for Fiscal Year 2017 Through Fiscal Year 2022, as Required by the City Charter and the New Mexico Department of Finance and Administration.

Councillor Sorg Moved to Approve Resolution No. 16-213 and Mayor Pro-Tem Smith Seconded the motion.

Loretta Reyes, Public Works Director gave an overhead presentation.

Mayor Pro-Tem Smith Moved to Amend Resolution No. 16-213 by replacing exhibit A with what was presented and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-213 by replacing exhibit A with what was presented and it was Unanimously Approved. 7-0.

Councillor Sorg asked where is the sound stage in CIP?

Robert Garza, City Manager said it does need to be reflected in our budget.

Loretta Reyes said page 3

Robert Garza said the funds we have listed are for legislative appropriations. We will have to amend for the $5 million.

Councillor Sorg asked why is it $9 million for the Convention Center expansion?

Robert Garza said $9 million includes bonds and additional bonds from the HHGRT.

Councillor Sorg Moved to Amend Resolution No. 16-213 to include additional $5 million commitment in 2018/2019 column regarding HHGRT and Councillor Pedroza Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-213 to include additional $5 million commitment in 2018/2019 column regarding HHGRT and it was Unanimously Approved. 7-0.

Kari Bachman, Member of the Public said I work for Doña Ana Communities United said I've been in favor of the competitive pool for awhile. This facility will help us train children how to swim. I think it would be good to put out a GO bond for this project.

Jerry Wagner, Member of the Public said I've been going to Frenger Pool but there are recurring problems so it's time for a new pool.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-213 as amended and it was Unanimously approved. 7-0.

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(14) Resolution No.16-214: A Resolution Amending the City's Adopted FY2016 Budget to Commit Hold Harmless Gross Receipts Tax (HHGRT) Funds to the Development of the Amador Project as a Joint Project Between the City of Las Cruces, the City of Las Cruces Downtown Tax Increment Development District, and GMB, Inc.

Councillor Sorg Moved to Approve Resolution No. 16-214 and Mayor Pro-Tem Smith Seconded the motion.

Max Bower, GMB. Inc. said it has been an honor to work with everyone and this is the right deal with everyone.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-214 and it was Unanimously approved. 7-0.

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(15) Resolution No.16-215: A Resolution Adopting the Municipal Budget for Fiscal Year 2016-2017 for the City of Las Cruces, New Mexico.

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Councillor Eakman Moved to Approve resolution No. 16-215 and Mayor Pro-Tem Smith Seconded the motion.

Robert Coleman, Budget Manager gave an overhead presentation.

Mayor Pro-Tem Smith Moved to Amend Resolution No. 16-215 to include those items amended in the CIP and Councillor Gandara Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 16-215 to include those items amended in the CIP and it was Unanimously Approved. 7-0.

Councillor Levatino asked what is the $20,000 for the turtle logo?

Robert Coleman said the parks department has to license the turtle on a yearly basis.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 16-215 as amended and it was Unanimously Approved. 7-0.

IX. BOARD APPOINTMENTS

Councillor Smith appointed La Vonne Muniz to the Planning and Zoning Commission.

Mayor Miyagishima reappointed Steven Baumgarm, Dr. Harry Johnson, and William Little to the Las Cruces Utilities Commission Board.

Councillor Sorg Moved to Approve Mayor Miyagishima's board reappointments of Steven Baumgarm, Dr. Harry Johnson, and William Little to the Las Cruces Utilities Commission Board and Councillor Eakman Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Approve Mayor Miyagishima's board reappointments of Steven Baumgarm, Dr. Harry Johnson, and William Little to the Las Cruces Utilities Commission Board and it was Unanimously Approved. 7-0.

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

There were none.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said I would like support or consensus for the next Council meeting to do a one time transfer of $21,248 for El Caldito.

He said I would also like to bring forward a resolution to appoint Mr. Daniel Avila as City Manager for the next three months with the appropriate pay increase.

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b.) Council

Mayor Pro-Tem Smith said we have the most current issue of Robert's Rules of Order for everyone.

Councillor Levatino said I want to congratulate the CVB and Philip San Filippo and his team for doing a magnificent job with the Country Music Festival.

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Councillor Sorg said I also want to congratulate Philip San Filippo and his staff for putting on a great festival.

He said I also want to thank Mr. Garza and his staff for all the hard work on the budget.

He said as far as the Convention Center, I don't think we should be judging the exhibit hall as a benchmark for future sound stage use.

Councillor Eakman said our physicians are earning less that those in northern New Mexico and they deserve the same amount of pay.

He said Mayor Pro-Tem Smith and I attended a forum at the invitation of Senator Papen about the new assisted outpatient treatment program, which I think is something good for us to support.

Councillor Pedroza said I read an article that I think everyone should read about a woman who committed suicide in prison.

She said I'm glad something is being done about making mental health treatment more accessible here.

She said I got some thank you letters from the children of a program called Asombro.

She said I think the Sun News lately has been picking up more of our information.

Councillor Gandara said I also want to thank the CVB.

She said the suicide task force is having preliminary meetings on how to move forward and what to do.

She said I attended the climate change presentation with Councillor Smith and Sorg.

She said I attended the public safety meeting and want to thank Chief Brown and Montoya for answering my questions.

She said six months ago I donated for a student from the New American School to go to Cuba and I'd like for the students to come do a presentation.

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c.) City Manager

Robert Garza said next Monday's Work Session is a followup discussion about spice. We will also be discussing neighborhood holiday requests because in December we were being inundated with special requests from our City staff.

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

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

Council said "Aye."

Meeting Adjourned at 4:39 p.m.