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

**Regular Meeting**

**July 5, 2016**
**1:00 P.M.**
**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

Mayor Ken Miyagishima
Councillor Kasandra Gandara, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Jack Eakman, District 4
Councillor Gill Sorg, District 5
Councillor Ceil Levatino, District 6

**STAFF:**

Daniel Avila, Interim City Manager
Rusty Babington, City Attorney
Linda Lewis, City Clerk

DRAFT

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## I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order. Councillor Eakman lead the Pledge of Allegiance.

Debbie Calderon sang the National Anthem.

Jennifer Martinez from PIO presented the Pet of the Week.

Jamey Rickman gave an update on the City and County Blanket and Towel Competition.

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## 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 none.

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## III. PUBLIC PARTICIPATION

Dolores Connor, Member of the Public said I'm here to present the results of the primary and effects of the Election Advisory Council. We registered 17 year olds eligible to vote in the primary. This was the first time we did online registration. We had 24,247 people voted in the primary. Dial-A-Ride and City Beat were a huge success for us. September 27th is Get Out the Vote Day.

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## IV. ACCEPTANCE OF AGENDA

Mayor Pro-Tem Smith Moved to Approve the agenda with moving item 8 to be heard as item 6 and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the agenda with moving item 8 to be heard as item 6 and it was Unanimously Approved. 7-0.

DRAFT

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## V. CITY COUNCIL MINUTES

*(1) Special City Council Meeting of June 13, 2016

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

*(2) Resolution No. 17-001: A Resolution Authorizing an Assignment of Land Lease for Parcel 13 at the Las Cruces International Airport from Wooten Construction Company and Lynco Electric Company, Inc. to Amador Holding and Leasing Company, LLC.

*(3) Council Bill No. 16-026; Ordinance No. 2785: An Ordinance Repealing Las Cruces Municipal Code (LCMC), Sections 34-1 Through 34-105, and Enacting New Sections LCMC 34-1 Through 34-107, Article II-Flood Damage Prevention, and Adopting the Federal Emergency Management Agency (FEMA) Revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM).

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

(4) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 17-002; A PUBLIC HEARING MUST BE HELD:** Resolution No.17-002: A Resolution Approving the Transfer of Location of Liquor License No. 2779, with On Premise Consumption Only, to M5, LLC D/B/A Game II, Located at 4131 Northrise Drive, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 17-002 is now open. Is there anyone who wishes to speak against this item?

Mayor Miyagishima said the Public Hearing for Resolution No. 17-002 is now closed.

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Councillor Eakman Moved to Approve Resolution No. 17-002 and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-002 and it was Unanimously Approved. 7-0.

DRAFT

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5) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 17-003; A PUBLIC HEARING MUST BE HELD:** Resolution No.17-003: A Resolution Approving the Transfer of Ownership of Liquor License No. 0190, with On Premise Consumption and Package Sales, to Las Cruces Hotel Management Corporation D/B/A Hotel Encanto De Las Cruces, Located at 705 South Telshor Boulevard, Las Cruces, New Mexico.

Mayor Miyagishima said the Public Hearing for Resolution No. 17-003 is now open. Is there anyone who wishes to speak against this item?

Mayor Miyagishima said the Public Hearing for Resolution No. 17-003 is now closed.

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Councillor Sorg Moved to Approve Resolution No. 17-003 and Councillor Pedroza Seconded the Motion.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-003 and it was Unanimously Approved. 7-0.

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(8) Resolution No.17-006: A Resolution Calls on the New Mexico Legislature to Reduce Gun Violence by Enacting Legislation Requiring Comprehensive Background Checks for Firearms Sales and Strengthening the Criminal Background Check System.

Councillor Pedroza Moved to Approve Resolution No. 17-006 and Councillor Sorg Seconded the motion.

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Mayor Miyagishima said the City is not implementing anything. It is a resolution to be sent up to the Legislature in this upcoming session in 2017 and basically what it's calling for is a resolution asking the Legislature to reduce gun violence by enacting legislation that requires a background check for firearm sales and strengthening the criminal background check system, and primarily what this is for is years ago it took days to do a background check. It is my understanding that background checks can be completed in 90 seconds, one and a half minutes. Recently at a gun show an organization voluntarily had a booth set up that allowed anyone that was purchasing a weapon other than from a Federal guns dealer to go to the booth, have them checked out within 90 seconds that they're cleared to buy a weapon and they proceeded with the sale. Basically in a nutshell that is what this is for and I know there's plenty of people who want to discuss for and against this and in a moment I'll be asking you to raise your hand to get an idea of who wants to talk. Well, let me just share a few things and then we'll kind of move forward with that without putting anybody on the spot. I just want to share with you my comments.

DRAFT

You may or may not be aware that there already is a Federal gun law and I just want to read two things from that Federal gun law. One of them it says right here no guns for felons. If you're a felon, you can't have a gun. The other one is no guns after misdemeanor, criminal or violence conviction and no guns during times that the DVPO is in effect. So I want to highlight those two things but the first one I want to say is this. Unfortunately 2.5% of the population is a convicted felon. So out of 100 people, that's 2.5 people. So out of 50, let's just say it's 1.25. One out of 50 people is a convicted felon. So if you are at a gun show, there's a good chance that there's a possibility that there's a convicted felon there based on the statistics. So, do you know how to spot one? Most people, no. Even probably trained law enforcement can't. To be able to have a mechanism to check with a person whether or not they can be allowed to purchase a weapon is all this resolution is doing to send to the Legislature. That's all it is doing. There's nothing else. We're not enacting anything. We're merely trying to be proactive and moving forward with this mechanism.

Now I am a believer in the second amendment. I am a member of the NRA. I do have a carried concealed weapons license. I have been using pistols and riffles since I was a young boy. I still continue to do so. I believe it's every American's right to bear arms, but as I mentioned earlier I think it's also important to make sure, and I know what a lot of you are going to say, well that's our right to do that. That's our second amendment right. And you're absolutely correct, but let's look at the first amendment. The first amendment guarantees freedoms concerning religion expression and assembly. So when you have someone that by not allowing them that opportunity to be able to

assemble where they want to, whether it's in a movie theater or it's in a church or whether it's in a nightclub, you're infringing on their first amendment rights. So I believe as elected officials, as Americans, it's important that we do our best to make sure that society is as safe as possible while still keeping and upholding the amendments that is the Bill of Rights and the Constitution. Again I can't state it enough that by moving forward with this all we're doing is asking the Legislature to consider implementing this so that if you are, for example, at a gun show...it doesn't specifically state a booth but you could have a booth to have it checked to see if you qualify to have...if you're not on that list to have or own a weapon. I wanted to talk a little bit about that. I know that there are going to be people who want to discuss this. I'm going to let Council speak first and then I'm going to ask how many people would like to talk about this. So with this I'm going to turn it over to my colleagues.

Mayor Pro-Tem Smith said thank you so much for bringing forward a resolution encouraging our state legislators to be proactive regarding a safety issue, which could impact our community. It is this sort of message that is the most powerful. We the elected officials and we the larger community can substantially agree upon and vote unanimously to support. Therefore, I would be happy to support the resolution and vote yes today if we can ascertain that there is that broad range of support today. If that is not the case, I plan to propose that we table the resolution until our August 15th meeting so that we may seek a broader base of consensus on this Council and this community. For those who believe this must be voted on today, let me point out that our legislators cannot vote themselves on what we may be proposing until after the January 2017 start date for the Legislature when our next session begins. For the sake of early bill filing in Santa Fe and the possible state interim committee discussion and recommendation, I would suggest that we could have voted on this before September. So a vote in August would still be quite timely. Either way as you may remember at our last Council meeting, I asked that we endeavored to find the ways in which we can be proactive for our community and help ensure that we are safer here. I am today asking that we add that discussion to our July 25th work session, specifically what are other communities doing, which has reduced violence in those communities, what has already been done here to improve our safety and what else can we do in Las Cruces to reduce violence and the chances of mass killing here. I believe we owe this community that effort to find solutions that work for us here.

Councillor Pedroza said it is a difficult topic with a difficult subject. Nevertheless, I think that it is incumbent on us and I will vote for it. I don't know that setting it forward to July 25th or another date is going to help to resolve whether or not we have consensus. I think there will be as much agreement in that position in July or in August as there is today. So I'm just letting you know that my vote will be yes.

Councillor Eakman said I appreciate this being on our agenda today because it has given me great time to reflect on this issue itself and of course every one of us has our own beliefs and then sometimes it's good to get away from our beliefs and look at some other information and so if I may I'll just pass a couple of things on that impressed me. First of all, the purpose of a firearm is only to thrust a projectile from zero velocity to a set velocity such as 1200 feet per second while being able to control that projectile's direction. So that firearm doesn't have a good intent or a bad intent.

DRAFT

That is merely its job. It is the holder of that firearm that declares what the intention is going to be used.

Another thing I looked at is the very first census of the United States is pretty timely to our constitution in 1790 and the population of the United States at that time was exactly 3,929,214 compared to the best approximation we have today of 319 million people, which is 100 times what we had when the constitution was written. And then the amendment itself I've been reminded of that by countless people over the weekend. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. That sounds like it absolutely can't be touched until I think based on the second amendment do the police have the authority to take a firearm away from a person who is committing a crime? Do the police have authority by the second amendment being what it is that everyone has the right to keep and bear arms, can the police take the gun away from somebody who has committed a crime and we all accept that they can. So stretching that a little bit are we infringing on the right of a person to purchase a firearm by checking their background to reasonably assure society that they have not disqualified themselves by prior action and I have to think society has a right to see what the prior actions of a person has been to determine whether or not how they will use a firearm from now and so based on that I'm going to also be voting for this resolution today.

DRAFT

Riley Mayer, Member of the Public said I have lived here since the 1990s and I've been in law enforcement here for nearly 10 years now. I'd like to begin by asking a couple of questions about this resolution and get an understanding of your knowledge on the subject matter. How many of you have ever purchased a firearm? What do you think goes on for a person to acquire a firearm from an online purchase?

Mayor Miyagishima said when I found one online that I wanted to purchase I had to go to a Federal arms dealer. Then they called me, I had to go in there and do the background and as long as I passed they gave it to me.

Riley Mayer asked so essentially you had to purchase it from a gun store in town?

Mayor Miyagishima said well, I think I bought it out of town and it had to be shipped to a local gun dealer here in town.

Riley Mayer said you went to the local gun store to acquire the firearm to get in your possession.

Mayor Miyagishima said right but I bought it online.

Riley Mayer said right but the FFL had to transfer it here to complete a form 4473 through the ATF, correct?

Mayor Miyagishima said I don't know what the forms were. I just had to fill them out.

Riley Mayer said right. So you had to go through the background check to buy the firearm online.

Mayor Miyagishima said absolutely.

Riley Mayer asked are you familiar with what checks are done through that FFL when purchasing a firearm?

Mayor Miyagishima said I presume that it would go through the Department of Justice to see if you're on a particular list.

Riley Mayer said it does through the NICS, which is the National Incident Criminal Background System, the NII, which is the database of criminal history records, and also the NCIC, which is an FBI database. So that is what the checks are currently by New Mexico state law that are necessary to purchase a firearm for online and through a gun store. Now the last question, true or false. When you're purchasing a firearm in New Mexico, is a mental health record check?

Mayor Miyagishima said I don't believe it is.

DRAFT

Riley Mayor said well the answer is actually true because NICS consults medical records submitted by each state. So on to this resolution the statistics that are provided here....

Mayor Miyagishima said excuse me. Can you tell me why last Legislature it was vetoed what you just said about mental health, people having weapons....

Riley Mayer asked which legislature?

Mayor Miyagishima said the New Mexico Legislature. There was a bill that did not pass and it specifically asked to those with mental illness not be allowed. There was some type of a background check for them and it didn't pass.

Riley Mayer said I can't speak on that specifically but if you have ever been determined to be of mental illness by any sort of court system or judge or it's in the state system, it does show up in NICS, which is in the FBI database. The statistics provided here in this resolution are incredibly skewed to the point of being preposterous and they don't even garner the respect to be acknowledged but I will provide you with some accurate data and these statistics come from the New Mexico DOT, the Department of Transportation, and the FBI. Not a Facebook page where I conveniently found the same numbers from the resolution originated from and seemed to be copy and pasted. According to the FBI reports, New Mexico ranked 31st for murders and 31st for deaths with a firearm. California, New York, Illinois, Maryland, New Jersey, Massachusetts, states that are notorious for having the strictest firearm regulations. Regulations that you are on track to create but are obviously ineffective if we look at the amount of crime that goes on with firearms there. For the year there were 67 firearm deaths in New Mexico, that includes law enforcement shootings, self defense,

suicides and accidental deaths among others. You're heading down a slippery slope of reckless and dangerous Legislation. Unfortunately criminals do not follow the laws. Hence that's why they're called criminals. No matter how many resolutions and policies and legislation you pass, you're only making it more difficult for law abiding constituents to defend themselves. These so called resolutions only keep honest people honest and the bad guys armed.

In closing, I'd like to address these Council members that are in favor of this resolution. I understand you're voting in favor of this based on a based on a misguided sense of public good, based on erroneous statistics that are skewed, and without having an actual understanding of what you're proposing or why you're proposing it. As a law enforcement officer I'm curious to know about the true resolve. Since voting to take away someone's rights is completely different from being asked to enforce it I want you to consider this. If you support this resolution, are you willing to stand with me and lead from the front to enforce this and what I mean by that is that if a constituent of yours feels his rights are being trampled by this cowardice and refuses to comply, are you willing to strap on body armor and line up at his door to go inside to enforce this. I bet if there was a clause in this resolution that required you to go in first you would not be in favor of this.

DRAFT

Mayor Miyagishima said I hope you're not speaking for all law enforcement but I can tell you from both my father, my three cousins who are in the Los Angeles Police Department and I just visited everybody, about every six months. Two of them are motorcycle cops and they literally have to cover their face not showing their eyes. I mean it is so bad over there it's incredible. What I find hard to believe as a police officer that you wouldn't want..obviously you don't want any bad guys but if there was a way that could stop one felon from getting a gun that could possibly kill a police officer, it did its job. And I just find it....this is just common sense measures.

Riley Mayer said the issue with these measures for that one felon that you prevent from getting a firearm, you're preventing 10 other law abiding citizens from protecting themselves.

Mayor Miyagishima said all I know is that our law enforcement officers are under attack and that's why I just think that if we can just make our streets a little bit safer for both law enforcement and emergency personnel now and general public as a whole, that's what we're supposed to do. We're supposed to make sure our City is as safe as possible. Again, I appreciate your philosophy, your thoughts, and I appreciate you serving in the community in the capacity that you do. Unfortunately, this is the time we live in. These are the things that we have to do to make sure we're as safe as possible. I hope to God that if something was to happen that I would still be able to help my fellow citizens, but nonetheless this I think is a common sense measure. It's not prohibiting you. You talk about law abiding citizens. If they're law abiding citizens, you know what? They're not going to have any problem with it. How's that going to stop them from purchasing a weapon? I don't understand. A minute and a half of your time? I don't want Joe Criminal buying a gun that might eventually hurt a member of my police department or sheriff's department or anyone. I just think that this is good common sense measures that the Legislature will see that I would hope that a majority of the City Council supports and let them say hey, the City of Las Cruces it looks like a

majority of them support this. That's for them to discuss. Now this is just a resolution to send up to them.

Riley Mayer said according to what you're talking about everybody has been paying attention to the media and the buzzwords and mass shootings and such, all those firearms were purchased through those checks. So what you're trying to do here would have prevented none of that. How would this 90 second check have prevented the Orlando shooting or something similar to that happening in New Mexico?

Mayor Miyagishima said I can't tell you that it would or wouldn't. All I'm telling you is that this is a common sense measure. There's no reason why they had to send a weapon to a Federal arms dealer for me to pick up instead of sending it to me directly. If it's half a percent, one tenth of one percent it saves from somebody doing something wrong, it's done its job. I appreciate you giving me your philosophy. I just wanted to know if you were a police officer, sheriff or City officer who was right in the street every moment. Every day I thank them. I really do. I thank them very much for keeping our City safe because that...and you have a tough job as well.

DRAFT

Lori Mayer, Member of the Public said I live in the City of Las Cruces between Mesa Grande and Mesa. I would just like to say first of all I do not have a problem with background checks but I think this measure, this resolution, is a waste of time. It's a waste of my time. It's a waste of your time. It's a waste of the City's time. These measures are already in effect in this country nationwide. Mr. Mayor, you refer to officers, friends and family that live and work in Los Angeles, one of the country's crime ridden cities in the country along with Chicago, Atlanta and a few others like New York. So I'm not discounting California but I am discounting what you have to say because criminal activity in California is rampant, in Chicago and many other cities that have much stricter, tighter control on weapons. Second of all, obviously I have nothing to hide as a criminal. I'm standing here in front of God and everybody with my face possibly on national television if I know anything about the City. So I have no problem with a background check but it's already enforced. I feel sorry for those of you on the Council that have already made up your mind to vote in favor of this proposition because there's really no reason for any of us to be here and wasting your time talking.

Second of all, you cannot buy a gun online. It is impossible to buy a gun online. I have done it several times. You cannot buy a gun without going through a background check of some way, shape or form. In response to your question, Mr. Mayor, about the mental health legislation at the state level, that legislation was presented by a representative who actually tries to target American veterans and have American veterans profiled as possibly being mental health cases and having a veteran put on our license. That's going too far and that's why it was defeated overwhelmingly in the House of Representatives. So when it comes to background checks, yes we need them but we have them in place nationwide. Why duplicate it? What you're doing right now is you're taking a measure as a resolution, submitting it through the State of New Mexico Legislature for them to consider as legislation, possibly ending up as law. So, what you're doing is you're misdirecting the rights of the individual to purchase and bear arms. Private ownership of a weapon is my right as a citizen. Whether I choose to use it for hunting and if for hunting those purposes are already protected under the fish and game laws. They are not the business of the City of Las Cruces to

enforce. If it is for some other reason like self protection, let me tell you right now I'd rather have a gun in my hand if somebody breaks into my house than my telephone in my hand waiting for a police officer to show up to cover me. So, I ask you those of you who have already narrow mindedly made up your mind to support this resolution to please bear in mind that you're duplicating something that's already in effect in this country nationwide and there is no need for this resolution to begin with other than to make the City of Las Cruces duplicate work that is already in process.

Mayor Miyagishima said I misspoke on the mental health information. Apparently, it did pass and the Governor did sign it so it is law. Second, background checks are not just legal here in New Mexico so that's why we're doing what we're doing.

Ken Murray, Member of the Public said my wife and I have a house in Gill Sorg's district and I'm retired air force. I also was a civil service employee of the air force. The good news is that 2/3 of the households in this country don't have a gun. The bad news is 33,000 people every year die from a gun. I think originally the militias were formed by the farmers, people who lived in the state. They weren't rich. The state had to pass out rifles and I believe this was written to make sure that the people that got the rifles and served in the militia could take them home and keep them and bear them whenever necessary. That's a long shot from where we are today. I think there's over 300 million guns in the country. And if only affordable households have them stockpiling some very dangerous stuff and we've got to pin down the people that shouldn't have guns. Felons, mental health people, people who are under felony charges, people who have threatened their family in a marital situation and are under a court order to stay away. There's good reasonable reasons why people should not have guns and I hope this Council approves the resolution.

DRAFT

Jim Radel, Member of the Public said I would like to ask this Council today before voting on this Resolution 17-006, the so called universal background check, set aside your political affiliation in this thing we call political correctness. Use your intelligence and common sense before deciding on how you're going to vote for this. Some of the problems that we have is we support laws that don't work. Let me give you an example. No talking or texting while driving on the highway. Red light cameras. Banning fireworks. The gun free zones. I would be interested to know in how many of these Council members have read or studied the universal background check laws. Is this another one of these things that we've got to pass it so we know what's in it. This has gone too far. All I'm asking you is if you want to before you vote on this make sure you understand what you're voting for and if the law that you are supporting with this resolution if it will in fact be effective because if it's not, if it cannot be enforced, a law that cannot be enforced is wasted time.

Anna Ransom, Member of the Public said I'm from District 4. I'm a volunteer here in Las Cruces with Moms Demand Action. My family and I have read this resolution through in its entirety and we want to thank you for writing a resolution that fully represents what we believe for common sense background checks. If you don't have a reason to fear the background checks, what's the problem? My family, myself included, has a gun prevention volunteer and activist to our NRA members and a number of gun owners. Your resolution reflects our desires as well as what the recent polling is showing that 90% of Americans and 85% of Republicans actually desire and we want to thank you.

Louise VonTress, Member of the Public said I live in Gill Sorg's district. I feel like if you're passing this you're saying the whole City of Las Cruces agrees with you and I'd like to go on record. I don't agree with this. I have no problem running a background check on myself. I have purchased firearms. I have a conceal and carry. So it's not that I have anything to hide. I've never been arrested. I feel like by passing this type of thing you're saying that we're going to have to do background checks if I want to give my grandson without doing a background check. I feel like you're trying to take away more of our rights. It's not going to stop the criminal. The criminal is going to get the gun if he wants a gun and a criminal doesn't even need a gun. If somebody wants to kill somebody, they're going to do it so I think your passing this is totally worthless. It's not going to stop anything. It's not going to help anything and you're sending the message that we are in Las Cruces agreeing with you and I for one don't.

Mayor Miyagishima said I appreciate you bringing that up. That is a very good point. If that legislation that has been written for the Legislature would have a clause regarding immediate family members guns being transferred and they are excluded so the two examples you gave me about your son, the father leaving it to a family member they would not be required to have a background check for immediate family members.

DRAFT

Clay Garrett, Member of the Public said I've been a resident here for well over 50 years. Prior to that I was one of the occupying troops in Germany after World War II. They had laws that have done exactly what you're talking about. Everybody who wanted a gun after World War I had to register that they were seeking a permit. The ones that didn't get a permit. When guns are outlawed, only outlaws will have guns. So you think about that.

Joanne Ferrary, Member of the Public said I appreciate you bringing this resolution forward because it is not a waste of time. We do need to let the Legislature know that you're considering this just as you're looking for constituent approval that they have communities around the state who also support a resolution to include and expand the background checks. According to the 2014 report by the group Every Town for Gun Safety, more than half of all women are murdered with guns in American and are killed by partners or family members, and people with a history of domestic violence are five times more likely to murder their partner if a gun is in the house and I have a niece and nephew who lost their mother due to a crime like this. My ex-sister-in-law was murdered by a domestic partner who had just gotten out of jail because of a domestic violence action against her and he went to her place of business in Albuquerque in 2003. He murdered her boss and then chased her down to another business close by where he shot and killed her and then the Good Samaritan who tried to help her was also murdered. This is something that I think could have been prevented. He would not have been allowed to pass a background check and get a gun legally. He might have otherwise but at least it would have been a preventive measure. This is something that happens all the time and over 30,000 people are killed. That's twice as many as any DWI fatality number that we have so it is a big problem that we need to address.

Rich Ferrary, Member of the Public said I just want to clarify one legal point on the law that was discussed. That was on the mental health issues, and this is legislation that was sponsored by

Republican Nate Gentry in the last session and it went directly to reporting mental health issues for individuals into the Federal system so that information could be checked on and a person not allowed to get a firearm if they could not pass the background check due to mental health issues. So, it was a bipartisan law and it was approved at the last session.

Jim Robinson, Member of the Public said I'm a member of the NRA. I have a concealed carry permit. I really wanted to mention something, Mayor. When the gentleman from the Border Patrol at the conclusion you mentioned to him something about appreciating his philosophy. I don't really think he gave us a philosophy. I think he gave us facts and cited areas where those facts were taken from. I had a different example. I've always used in my defense of gun ownership and that is if you or anybody here had a pile of guns and anyone who has gone over and looked at those guns and said get up and kill somebody, would it? No. How about the person who would go pick the gun up and use it? And I think that's the crux that we're trying to get at in background checks. I'm all in favor of background checks. If I'm incorrect, please correct me but isn't there a three day period after an application at a gun show I believe and that if you're denied in that 90 second application that they have the right to deny you that. Is that correct? Am I understanding that?

DRAFT

Mayor Miyagishima said I couldn't tell you. I have no idea. Can you restate that again, sir? You're saying that if you're at a gun show and you get denied the opportunity to purchase a weapon and I'm sorry, you lost me there.

Jim Robinson said I was asking a question clarified to me. I think there's a three day waiting period and if within that three days if that person got clarification that a permit is denied not only is it there but as a concealed carry we do go through finger prints and background checks as you have done and anybody else has done that has that. I think that's the way to do it. I appreciate what you did have to say, Mayor, when you said you had written to exclude transferring of firearms to family and things like this. Am I correct? Okay, I do appreciate that and I think that needs to be sent up. You know I look at the second amendment as one of the virtues of the constitution and I believe it is a constitutional right to have the bearing of arms. I don't see anybody here who if somebody were to approach you, came up to you and wanted to be able to protect your life would you deny that? Criminals will get guns regardless and I think we need know that by this act and gun free zones are very, very targets. They are the targets.

Councillor Sorg said I got this straight from a legislator who dealt with this very issue. Gun shows by their nature are retail events. Often there are many registered dealers that sell at gun shows. Registered gun dealers have to use the background check in order to sell at a gun show so he says. However, the private collectors, people that have guns that they take to a gun show and they can sell their guns and there's no background check on those according to him and that could be a problem.

Jim Robinson said what we're proposing, not that we're going to do it but you set this up, how is this going to effect the situation?

Councillor Sorg said that's what we're going to determine today.

Mayor Miyagishima said if this resolution passes, then it will be forwarded to the Legislature. If they decide to take it up and it passes both House and Senate or the governor decides to sign it then as mentioned in my earlier comments at this particular gun show I envision say a booth that you would go for your background check, 90 seconds, you're either good or you're not and that way there it kind of levels the playing field that if they see a gun from a Federal arms dealer or somebody else they're going to say oh, this goes with this person because I don't have to give them a background check to go through the arms dealer.

Andre Gonzales, Member of the Public said first of all I want to thank you guys for bringing this issue and having a discussion about it. This is definitely something that needs to be talked about at the local level, at the state level, and the nationwide level and we're seeing that taking place today. You know I personally don't think this is a waste of time. This is a worthwhile discussion from both sides because I don't think any of us know exactly how to address this. It takes courage to bring up issues like this. My question is what is the purpose of a governing body if they're not going to be bringing up key issues such as this. .

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Mayor Miyagishima said a few years back when the President took over office he realized that Congress was not doing anything and then he realized that the states' governors weren't doing anything and so he shifted focus. This is a true story. He shifted focus to the mayors and city councillors of the United States and he realized that they are getting things done. So, what you just brought forth Andre is what you're seeing cities around the state doing. There needs to be common sense legislation and if Congress doesn't want to do it and state governor doesn't want to do it then it's up to the cities and counties to do it.

Jerry Nachison, Member of the Public said I'm a resident of District 3. I personally sat in the emergency room and intensive care with close friends who has had children fighting for their lives because they've been shot by guns in the hands of people who should not have had them. I have family members who are hunters, many of them, some of which are NRA members. Everyone that I talk to supports this proposed resolution. They believe in hunting. They believe in personal safety. They believe in not free guns for any person who wants to have one, particularly the mentally ill among others. You know that 1500 Americans have been killed since 1968. That's more than all American wars very simply. Why do we ignore our history or pretend to? There has been various forms of gun oversight in different ways and different states and cities since the 1600s. It goes all the way back to various kinds of registered guns, bullets and powder back to the 1700s. We're not talking anything new here. What we're talking about is recognition of some things that do not work well and someone said let's just get rid of it. I don't think that's the way to do it. I think we need to take steps to try to deal with it.

Ronald Carter, Member of the Public said I just wanted to put some facts out because there was some misinformation on this stuff. When I lived in the south suburb of Chicago I worked with the police department up there and I had a Federal firearms license. A couple of things. One, these are books

from 2000. There's 20,000 laws in here. Now they're up to 30,000 laws. When I was doing this, Bill Clinton was in office. We did a background check. It hasn't changed. It was when Janet Reno was in charge of the justice department. This happened to lots of FFA owners. As far as the background checks, they held up pretty good. The automatic weapons, you can't get since the early 1930s. They were outlawed. It takes about five grand to get a special license. Now semiautomatic is different. Once it comes and hits you, that's about it but my point was they're still not checking these when people turn them it.

Sampson Matkin, Member of the Public said criminals aren't going to pay attention to background checks. I can almost guarantee you they're not here. I can understand what you're doing. I really do, but you go to a gun show they're not going to be there. They're not going to be at a gun show. Ask the captain. They get guns elsewhere. They go to black market. They steal them. You name it. Growing up my dad taught me how to handle a gun. I taught my son how to handle a gun. It's not the gun. A knife, a domestic abuse, it could be a knife, it could be poison, it could be a pot, it could be a frying pan, it could be a car. There's a bunch of states...there's Chicago, LA. You've got the tightest gun restrictions there and you have the most murders there. That's just the way it is. People that carry guns, responsible gun carriers save lives. They save their own lives. They save other people's lives. Criminals don't care. That's the whole point. Every time that you guys go and put more laws on the books against people that can legally own a gun those criminals don't care. The cartel doesn't care. The gang bangers don't care. The drug users don't care. They're going to get a gun regardless, no matter. Look at France. Gun free country walking with AK-47s and now you've got a bunch of people dead. It doesn't matter. It just doesn't matter. Those things don't prohibit criminals. They prohibit gun owners, legal gun owners. That's the only people they prohibit. They're not going to prohibit anybody else.

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John Wingard, Member of the Public said I'm Army retired. I'm not going to bring up any comments but I'm asking you lawmakers in particular what you think the state will do. First off you do realize that background checks are a Federally mandated thing from commercial sales, correct? Second off, two types of online sales. There's the kind that are commercial, which will be shipped tot he Federal firearm license dealer, which will get a background check, right? There's a second type, which is where I speak with somebody who wants to sell a firearm in my state according to Federal law and I meet with them person-to-person and they sell their private property to me. Mind you if I was a felon and somebody sold their firearm to me that's already a Federal felony to do so, correct? I know it's correct. I'm a gun owner. These things are already illegal. Third, without a registry saying who owns what gun specifically how do you intend to enforce background checks on private sales person to person selling private property. And last, do you intend to punish private citizens who have their firearms stolen from them and assuming the registry is in place, their firearms are stolen, do you intend to punish those citizens when crimes are committed with those firearms that were stolen from them. As a parting statement, I would simply like to say that laws are reactive, not proactive. Laws do not prevent crimes. Laws do not prevent criminals from committing crimes. Laws are there to describe what is a crime, not to punish it or prescribe punishment.

Mayor Miyagishima said keep in mind we're not looking to make any type of law. This is strictly a resolution. This is something to send to the Legislature. We support them primarily for gun show for background checks.

John Wingard said there are laws already prescribed for what is legal and illegal. As the legislating body, your job is also to create laws so you rule us and you recommend what the people in charge of you rule the state. That's my concern is what do you intend to do about this. This is why I ask these questions.

Mayor Miyagishima said this is the reason why we're doing a resolution to the state. If this should pass, this is something here that the state would see that the majority of Las Cruces City Council supports this. This is something here that is out of our purview. The maximum we can put any type of ordinances is $500 fine and 90 days in jail. The State Legislature is the one who has more teeth. This is something for them to show that we are in support of trying to do and let them deal with that. That's where you deal with your state reps and state senators.

John Wingard said but the idea is the things that are illegal you're trying to add additional background checks for are either not enforceable without a registry, which we do not have and is a Federal law against creating a Federal registry and secondly these items are already illegal I cannot sell my firearm, which is a private property to a felon. That's already against the law. If I get caught doing that, that's Federal prison, not state prison time, not city prison time. These things are already illegal.

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Donald Kapowski, Member of the Public said I'm an old guy. I'm half crippled. I don't move very fast but in my house I need to have the opportunity and the ability to protect myself. People like you are looking to make it more difficult for people like me and other law abiding citizens to be able to protect themselves. Samuel Gold said "A six gun makes you equal to a 300 pound man" or something of that nature. Anyhow, I urge you even though it's obvious that you've already made up your mind to send this resolution to the legislature to look at it again and say this is silly. The people have to be able to protect themselves and as a gentleman said when a leak in a dyke starts it becomes a torrent and you guys have created a torrent.

Elliott Sparks, Member of the Public said I'm in the ETZ. One gentleman was up here already and showed you a booklet. He said there were tens of thousands of Federal gun control laws and they cannot enforce a fraction of those. There's just way too many. What are your basic civil rights? Life, liberty and the pursuit of happiness. Well if you kill somebody don't you take their life, their liberty, their pursuit of happiness? Go ahead and pass your resolution. Send it up. But who's going to enforce it if it becomes law? We had ATF at a gun show recently that arrested a dealer on firearms and ammunition charges. They didn't know the law well enough. They didn't get the case put together well enough and it was dismissed. Who's going to enforce it if your resolution is to become law?

Mayor Miyagishima asked do you support jail time for a person who kills somebody with a DWI and driving drunk?

Elliott Sparks said yes and how many of those get out time after time?

Mayor Miyagishima asked do you know in 1976 that was legal? They never put anybody in jail. Did you know that if you killed somebody in 1976 and you were drunk they said oh, he was drunk, he didn't know what he was doing. What I'm trying to say is laws evolve and they evolve because people start taking advantage of things and the country had to deal with this and in 1983/1984 judges started saying you know what? You don't have a right to kill people while you're drinking. So what I'm trying to say is I appreciate what you're trying to get at but what I'm also trying to say is the general public is just asking for some common sense measures. They're not trying to take anyone's right to bear arms away. They just want to make sure that the felons and the bad guys who shouldn't have a gun...it may not like this one gentleman before me said solve a whole lot of problems but if it solves one person it has helped. That's all it takes. That one person that is stopped. We're not looking to end the entire population by outlining this. We know that there's always going to be where there's a will there's a way. If it stops that one person, that one example that I shared with this gentleman earlier I think is just one opportunity that this might work. Again I appreciate your comments. I just wanted to ask you your thought on that but I was just telling you that.

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Elliott Sparks said as your example you stated DWI you killed somebody, he had two priors, he killed somebody and now he's out driving again. Who's going to enforce the 30,000 gun control laws? Who's going to enforce this which you wish to put forth? It's going to take man power and it's going to take money. I just wanted everybody to think about that.

Jennifer Sensiba, Member of the Public said I live in District 3 but I also represent Pink Pistols of Las Cruces. We're a programmed LGBT group here in the City. I find it very disheartening that in the wake of the Orlando shooting, the deaths of people in our community used against us at this point. You're going to have to forgive us but as members of the LGBT community we don't really trust our government. Until just recently we were mistreated by them officially as a matter of law. Background checks create a paper trail. Universal background checks create universal paper trails that can be used to track down gun owners at some future point. We don't want that being used against us in the future. Census records, some are as innocuous and census records was used to round the Japanese for internment. Those records, we don't want them laying around everywhere where they can find out who owns a gun and who doesn't own a gun. There are people who publically want to take away our rights and beyond just taking away our rights in the LGBT community. I know some people say we should be killed very publically. Some of them are politicians. We don't want those politicians at some future point if they do by some miracle manage to get their way come and round up our guns. We'd rather defend ourselves with pink pistols. I'm a firearms instructor and we train people to defend themselves and I offer free training to members of the LGBT community and that's an offer if anybody within the sound of my voice wants it, just contact me and look me up on Facebook. We want to defend ourselves. We don't trust our government and we don't want a perfect paper trail to be able to round us up at some future point.

Peter Goodman, Member of the Public said I live in Doña Ana County and I don't want to take anybody's guns. I've actually been in the situation where a lot of these people hypothesize the government doesn't like you very much and might do anything. When I was a southern civil rights worker I fear very reasonably that they might do to us what they had done to others so I share that idea that I might like to have a gun if they come for me. On the other hand we have a problem, not just in the Orlando shooting but generally you look at us versus other countries that we compare ourselves to and we have way more guns and way more fatalities, which is not to say the guns are the only reason for that but they're a factor. It's also apparently true that toddlers killed more people in the U.S. this year so far than Muslim terrorists. We have a problem. What you propose to do you should do. It's a very small step but what's a more important problem that we have is that we can't talk to each other. I think everyone who has spoken today on both sides has probably been sincere, but we tend to throw out a bunch of platitudes and statistics and I do it as much as the next and we don't go to the second or third level talking to each other.

Penelope McClarin, Member of the Public said I had a big speech written but as I sat here listening it seems to me the bigger problem is that people who are pro-guns, second amendment, feel like we're being demonized and everybody thinks we're these horrible creatures who are walking the face of the earth. We also feel like we're always the ones who have to give a little bit more and a little bit more and a little bit more and finally it appears to me that what we're worried about is that this is what you say, this is going to go up as a resolution. This is the beginning. What's to follow? We've already given in so much. We've been silent. We've been quiet. We're law abiding citizens. We go to work every day. A lot of us do community outreach. We're good people yet we are demonized and maybe you guys have the best of intentions, I don't know. We already have background checks and I understand this does seem like common sense. It's just that it feels like what else is going to come with this. It's not that we're bad people. We do care about America. We want America to be safe and that's why we do carry our guns. We're not demons. We're not crazy. Like I said we're good law abiding citizens but the crux of it is and it appears to me listening to what's going on today is what else is coming down the pipe. Is this one more step toward more government control? We're very concerned because a lot of things that are already on the books they're not helping. It's not that we don't want to compromise or are unreasonable. We're just worried. Why are we always the ones that are having to compromise and it seems like the government is doing pretty much whatever they want. And we have some big concerns because there's a very big lack of transparency going on right now and thank you very much for hearing me.

Reyes Gonzales, Member of the Public said I'm in the third district, Councillor Pedroza's district. There has been a lot of issues here and just to get down to the meat of it, my brother committed suicide when I was 16 years old with a handgun. It wasn't the handgun that changed his mind. It was the alcohol. So, it's not that we put a gun into someone's hand and it automatically makes them a felon or not a felon. There are extenuating circumstances to every event. As far as felons are concerned, a felon cannot walk into a gun store. It's actually illegal for him to do so. I would assume that that would extend to gun shows as well since it's a retail event. Now isn't that incumbent upon the ATF to enforce? We have a district attorney who cannot even get a conviction of one officer shooting another and we're trying to hand him more legislation to cover? You know we were talking about a lot of negatives here. How about a positive? How about the Council

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members and Mayor and using the media and saying we encourage you to only sell to a person with a concealed carry because a person with a concealed carry has had a background check. We know that they are permitted to carry a firearm and we know that they have no warrants, no felonies or anything else. The state is required to take that away if they do. As far as domestic violence is concerned, if you have a domestic violence charge you cannot buy a firearm. So there's a lot of laws already on the books. We just have to enforce those laws. We as firearm holders try to get ATF involved but we have a lack of them doing anything.

Mayor Miyagishima said there used to be a time when we knew who the enemy was. There was a war and there was a battlefield and they fought, but what I'm trying to get at is we don't know who the enemy is anymore. We don't know why they're doing the things that they do. All we know is that our job is to uphold the public trust and keep the City as safe as possible and perhaps even our nation if we can do that. This is just a common sense measure to allow people if they don't qualify to have a gun, they don't have a gun. Will they get it some place else? Well, hopefully not. Could they? Maybe. But if what we did...look at it as preventative. Is it going to solve 100%? No. It's not an end all. It's not a cure all, but it's something. It's a small step. When we got sworn in, we promised to uphold the constitution and the constitution says Americans have a right to bear arms. We're just saying, just like this Federal gun law, if you're a felon or you have something pending on domestic violence, you shouldn't have a gun. As I mentioned before, one out of 50 people are a convicted felon, if you go off the percentages do you know where they're at? No. Nobody can guess where they're at. So, this is just one small measure to determine do they qualify to have a weapon or not. It's that simple. So, I say that because you suggested I use my bully pulpit and I wanted to say those comments, and I wanted to take this time to thank our members of law enforcement for all these issues that are happening throughout the United States. We're constantly seeing brave men and women of the police departments, fire departments, emergency personnel running in to save those people when everyone else is running out. It's a thankless job and I wish we could pay them more, but they don't do it for the pay. They do it because that's who they are and if we can help make their lives a little bit safer and our lives a little bit safer, I think that's our job and I'm supportive of this. This is something I believe in. It's always brought up that this is one thing that can lead to something else. I never said I'm going to support removing weapons. This is just a gun check. This is just a resolution for the legislature to take up. It's just that simple.

John Williams, Member of the Public said I'm in 88012. I just wanted to say that there's so many laws and we've been through this and I've heard other people talk and it's just one more thing you're going to throw in, which I don't think a criminal for the most part is going to go to a gun show anyway. And if he does he sure as hell isn't going to go through one 90 minute check and I don't think a criminal really needs to go there because there's so many other places they can get guns. I mean I can think of one place right now. How much is it going to matter what we say because aren't you guys going to do what you're already going to do in the first place? You kind of decided that when you walked in but for me personally I don't think this proposition you talk about is going to matter one bit and you always say it's not going to lead to this or that but that gives us citizens something to think about. We don't want to cause any trouble. I don't want anymore stuff coming down on us. I enjoy what I have and just want to be left alone.

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Louis Southard, Member of the Public said I live off of Triviz. I'd like to point out the interesting time for this. Yesterday we celebrated our nation's 240th birthday and here we are looking to the right of the people shall keep and bear arms but it also says shall not be infringed. I didn't grow up with guns. My mom hated guns and I taught myself everything I knew and I wasn't active during the assault weapons ban of 2004 but I told myself I'm not going to stand around and let my voice not be heard when stuff like this comes up. And I think I can speak for most gun owners, not all but most, that yes there are concerning things about this law, in particular like the ones you pointed out, that they don't pass to immediate family members, but it's another nail in the coffin so to speak. This isn't just another unenforceable law, but this is another law that could lead to another one and as many people have already said up here it's not enforceable unless you have a registration and you can't confiscate guns if there's not a registration. So, as someone who does sell guns and does background checks on a daily basis, the system does work. The universal background system that is being proposed won't.

Brad Cates, Member of the Public said I'm a local attorney. I was a State Legislator for eight years and a Federal prosecutor. Members of the commission, I mention that because we have a background and we do something each day and we have a role. We wear a hat and to think the hat that you're wearing is different from the hat you're trying to wear with this resolution. You have an excellent legislative delegation from this county. Representative Zimmerman is here today and he represents his people very well as you all are members of their legislative delegation. It is their responsibility to figure these things out. Now you and the police department, you run the fire department, you fix the roads. You do a lot of good things. I don't think a national gun policy is one of them that you ought to be doing. It's clear from your comments that most of you don't know the details of the National Firearms Act or various laws and this needs to be put into a forum where it can be properly addressed. For example in the 1980s there were 10,000 Federal laws. Now there are 300,000 Federal laws. Do you all know what they all are? Nobody can know what they all are. We keep passing laws and passing laws. Half bad written laws that are supposed to apply to everybody. So as we wrestle with this gun issue we have to ask ourselves do we want to just pass something foolish, another law added to the rest. Let's let them deal with it in the right forum. Every year for the last 10 years or so for example, there have been over 70,000 criminals that have broken the law, committed a felony and tried to buy a gun at a gun store after they filled it out. Do you know how many of those people got prosecuted? Each year less than 100. Who commits the crimes in this country? We don't pass laws because of one person who has done one thing. We pass it to solve the general problem, not a specific problem with one person who commits the crime. It's repeat career criminals who are committing the crimes. They're out on our streets. They're committing the crimes and not in jail where they ought to be. Look, anybody can make a mistake one time and we need to have social programs that deal with drugs and such and for people who are not a first timer but a second timer and a third timer. Those are the people who commit the crimes. They need to be in jail. A convicted felon who tries to buy a weapon turns his name in. What if 70,000 people were put in jail for trying to illegal buy it? I'd take them off the street. Mental health is another. Nobody wants a crazy person with a gun, do they? Nobody wants that but what is mental health? You're entitled to a hearing in a judicial forum represented by a lawyer before you can be

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called crazy and they're just wanting to say anybody who has had medical treatment. You had a rough spell during a divorce, some time a little bit of depression and all of a sudden your rights are gone. No, you need to be properly adjudicated.

Kevin Dent, Member of the Public said I'm represented by Mr. Sorg. I'd ask that you oppose Resolution 17-006. City Council support for such legislation would reflect poorly on Las Cruces. Comprehensive or also known as universal background check legislation only adds cost and additional burden to those already inclined to follow the law. It's inconceivable for this body to believe that criminals seeking to purchase a firearm or comply with a law ignore so many others. The resolution cites 798 murders and 2020 suicides over 10 years but offers nothing to explain how many of them would have been prevented by this legislation. It asks you to take as an article of faith that it just would. It also does not explain why if background checks are so important the justice department prosecuted less than 1% of prohibit persons who try to buy a gun or who were caught by a check in 2010. This resolution talks to preventing mass shootings. Yet these high profile murders lately passed background checks or stole the firearms that they used. Universal background checks would have done nothing but what are the effects? Safety and familiarization training becomes all but impossible through background check requirements each time a gun is handed from one person to another. Taking a friend for a spontaneous day out on the range would be a thing of the past. Ultimately this deters people from becoming involved in shooting sports and is an attack on the American sports shooting culture. The only way to enforce such a law is to honor a sport and registration system that is vulnerable to misuse with intended use of inspection by police such as is contrary to our constitutional traditions, repugnant to liberty and unacceptable in our society. To support legislation that burdens the ability of Americans to obtain or use firearms for protected purposes is fundamentally disrespectful to civil rights. To champion them as necessary protection against violence is naive at best and a disingenuous attack on the public at worst.

Linda Dallas, Member of the Public said if you're in charge of taking forth the Las Cruces view, you've heard a majority of your constituents talk against this resolution and there are certain things in it that are undefined. Tell me, what is severe mental illness? Totally undefined. It could mean anything from here to here. What is comprehensive background check? Define comprehensive for me. I'll tell you how to use common sense to prevent death. There is one country in this world that has the lowest crime rate of any country. Does anybody know what it is? Switzerland. Do you know what happens in Switzerland? Every citizen is required to own a firearm. There are no criminals to speak of in Switzerland because they know everybody is armed.

Dolores Connor, Member of the Public said I have a concealed carry permit. I have a gun. I'm going to stand here and tell you something totally different than what's been discussed. The Mayor will remember when we discussed fireworks and Safe and Sane. And the gentleman who spoke earlier is very true. If you watched last night what we passed in 2005 is not working. People go to another state. They go to another place and they buy the illegal fireworks and I'm going to tell you that those two guys yesterday had a very busy crew the last weekend. The difference I tell you is that when we discussed fireworks, when we discussed banning cell phones we had a work session, we had another work session, and we had a third work session and we listened to all these people. We

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didn't make a decision on the day that you're going to vote on the resolution. That's what's missing from this process. And Mr. Mayor, I understand you have the authority to build the agenda and that's totally your right to do so but you have a lot of people not just in this room who have a lot to say and you're not listening yet and there's no hurry because the legislation doesn't start until January 17, 2017. So you have time, months, to get this to senators and representatives across the state and I know that this is going to pass and I hope that all seven of you stand up in Santa Fe and represent this resolution if you favor it today because I've worked at the legislation and I don't see Councillors show up to represent what they've already passed. So, the process should be slowed down. You're still going to have the same result but you didn't have public input long enough.

Jan Young Walter, Member of the Public said I'm a resident and citizen of this City. First of all, I just want to say I did not vote for my councilman to speak for me at the state level. I hope the City would rather just take care of City business and let us citizens with our representatives at the state level talk about these issues with them. I mean if you want to do good as individuals, that's fine but I didn't pay taxes for you to speak for me to my representatives at the state level. I don't like that. You've done it before. You did it with the National Monument. It was not a unanimous thing. You do not speak for all the residents of this City. So don't talk to the state and put my name in there. The other thing is as far as this legislation, there has been no gun control legislation that stopped at the very beginning. It always moves on like our taxation. It didn't stop. It keeps moving on and moving up. It's like the abortion issue. It started with the first three months. It's gone up now to almost full term abortion. It doesn't stop and I really feel like this is eventually going to lead to limiting our access and our being able to protect ourselves. So, you're not just saving one person. By adding that you're potentially killing a lot more people.

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Phil Harvey, Jr., Member of the Public said I live in Greg Smith's area. In fact, I'm a close neighbor of his. I'm here, however, to speak in opposition of this resolution. I think first off it's not an effective way to reduce crime and it's not a good crime proposal. In April of 2013, Police One conducted an actual survey of 13,000 active and retired law enforcement officers of all ranks and department sizes on gun control and crime control. Eighty percent said that a prohibition on non-dealer transfers of firearms, private transactions, would not reduce violent crime. Current laws are not being enforced as we've heard people discuss today. According to a 2012 report for the U.S. Department of Justice, more than 70,000 people, and I believe Mr. Cates discussed this, turned down for gun purchase because they didn't clear a background check and 62 of those cases or 85 hundredths of a percent were prosecuted. So these laws are not being enforced and gun shows, which are specifically mentioned, they're not a source of gun crime and fear of justice statistic survey of prison inmates that had used or possessed firearms in the course of committing crimes found that 77% acquired their firearms on the street or from illegal sources or from friends and family. Only eight tenths of 1% obtained a firearm at a gun show. So, we're being regulated to death, especially in the gun control area. We have a right to the second amendment and the citizens of this country and we're being encroached upon that way and every other area of our lives and we don't need this and I feel that you all are out of place going to the legislature with this type of proposal.

Garrett Jordan, Member of the Public said I'm from 88007 and I actually just have a couple of major questions about the resolution you're looking at. The first is there's no substance that I can find behind it. All it is is a set of guidelines. What you want to do is go and try to add to what the Federal government has already done but with the same thing that happened at the Federal level you have no real substance to say well if you break this, this is going to be the punishment. This is what's going to happen to you. You need to have the extra to it. You just can't claim that we're going to do this and hopefully for the best. Second, there are orders of protection out there that have been on the books, on the records, for quite a long time now and in an order of protection it says that that person is no longer able to own, operate or be associated with any firearms but there's no check to see if those people who had firearms ever turned them in or released them or got rid of them so they're no longer in their possession. So adding to this you're still going to have this gap that doesn't seem to get closed with this resolution. Third, who's going to pay for the background check that you brought up earlier at the gun shows? So, we have private sellers. We now have to have them show that they passed a background check and maybe set up a booth. Where does the person, the staffing, the equipment come from?

Daniel Check, Member of the Public said I was born here. I'm opposed to this resolution. I believe that the background checks to a point are necessary but this new thing you're trying to do there's been all kinds of political experiments. You go back to the Grady Bill and it conclusively proved if you read both sides of the story that it is ineffective. And if you want to go back history wise to one of the earliest famous gun disasters, and believe me my heart bleeds for the people who got hurt in all of them, but the people who got hurt in McDonald's in California, if that person that had the gun that day had been prosecuted and properly jailed like he was supposed to have been, he would have been in jail for another 10 years at the point when he got that gun and shot those people. And saying that it's not for being able to pass guns down to your family, the whole thing with that and it started at a lot higher level than the Federal government is blatant. What they're trying to do is get every gun in the country registered. If my grandfather gave me a gun, if my father gave me a gun, I can't pass it to my children or grandchildren without having to go register that gun or get a Federal firearms check. That's really a slap in the face to the constitution.

Ann Stradley, Member of the Public said I live in 88007. You talk a lot about how this would make us safer. I have yet to hear anything in the basis of this resolution that would make us safer. I do not think that this is a common sense issue as much as it is an infringement of your authority. I do not believe as the lady said that this is something that the City should be representing us at the state level for. This is a state issue. It is not a City issue. The people who commit mass murders have religious beliefs. They have mental illnesses, and what they have done in the past is generally they have used arms that they have acquired illegally from licensed dealers after background checks. I'm not sure how this resolution changes that. If we have background at the Federal level, which of course we do, and people are getting guns anyway. How does this resolution effect that? I do not see this as a common sense or as an issue that will make us safer. I see this as an effort to show that you care, an effort to show that you are trying to do something sort of like the 1947 polio epidemic when the City fathers had fly and mosquito control in order to prevent more polio, which at the time the scientists knew was not the vector. It's a feel good thing and I for one don't feel good about it.

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Mayor Miyagishima said you said you didn't see anything in the resolution that would provide anything of safety and I guess I just look at these statistics where in the last three years in New Mexico background checks blocked 5739 sales to prohibited people so that is one. The second thing you talked about state issue and I know this has been brought up a few times. How many of you in here believe that it's the Federal government to take care of the veterans? I think all of you do. It's not a state issue. It's not a City issue. How many of you were upset at this City Council voted to give money to the Community of Hope to take care of our veterans who are homeless? That's a Federal issue but we stepped up because we believe that the veterans wouldn't have the things without them. So, that's a Federal issue and I didn't hear anyone complain about us dealing with that. I'm sorry but earlier I said the president looks to us mayors and City Council because the state legislature aren't getting things done and much less is our congress getting things done. So that's why if the second largest city in New Mexico and the majority of it and whether it's three members or four members, I don't know what it's going to pass with, choose to help our legislators get a feel for what it is our constituents are thinking then that's why we're doing it.

Ann Stradley said I'm not sure how what you said actually applies to this resolution. There was nothing I said implied or intended to imply that said I was not for background checks. I have no problem with background checks. They are already the law. They need to be enforced. I do not see how this resolution changes or makes better anything. That was the point I was trying to make. This resolution is pointless, inappropriate, and falsely claims that it will make us safer.

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Donna O'Daniel, Member of the Public said I live in Las Cruces and I live in Councillor Pedroza's area. When considering whether or not to put more restrictions on gun ownership in New Mexico, it is important to remember that we need to look at the statistics in the resolution you are being asked to adopt. The first one states "Whereas an average of 91 Americans are killed with guns every day" but according to New York Mayor Carey Booker in 2012, nearly three dozen Americans are killed by firearms every day. There are other problems with these statistics. There are no references pointing to the presiding studies or numbers that would back up the figures quoted in Resolution 17-006. Caution is in order. A National Academy of Sciences commissioned and published in 2004 analyzed data from 253 journal articles, 99 books and 43 government publications along with some of its own work. Their report was not able to identify a single gun control regulation. For example, background checks, gun buy backs, assault weapon bans, limits on gun sales, regulating gun dealers that clearly reduced violent crime, suicide or accidents. Gun rights are virtually impossible to destroy all at once. Progressives start small and each crisis brings yet another common sense regulation and restriction. Confiscation is being accomplished incrementally. Eric Holder said "We just need to brainwash people." Our right to keep and bear arms is in the constitution.

Councillor Gandara said I have not made a decision about this. I support what people are trying to do here with this common sense legislation but let me tell you. I've been going and conducting home visits in homes without armor, without a gun, sometimes in situations that you would never imagine. So, when that individual talked about would I stand in the front lines, I have for many, many years in situations where at times I don't know what I'm faced with other than because the

children code has given me the authority to go into homes to make sure children are safe in their home.

So, with that said I want everybody to understand that in 2013 there was bipartisan support from our legislators both Democrats and Republicans supporting common sense legislation. Ninety-two percent support this. If this measure is passed, it reducing 48% of gun trafficking. Forty-six percent of women are shot to death by intimate partners. I have to say reading this resolution I can see why there are a lot of folks that are concerned and confused. For one, it's not clear in the resolution in terms of if my grandparent had a gun and wanted to leave me a gun that they are required by this resolution or if the law was passed by our state legislators that they would have to get a background check if you will. What this is indicating specifically is that when someone goes to a gun show that they're required to get a background check. Why is it okay for some to get a background check and others not to get a background check? Shouldn't it be fair for everybody across the board?

When I was young my father took me out and actually taught me how to hold a gun, respect a gun. He would take me out to the shooting range and he would also take me to hunt. So, I'm not here to take anybody's rights away. A woman said today that I'm demonizing you all that own guns and that's not what I'm about. I have not heard from any of you since I started in November, a small percentage of you. I'm happy to meet each and every one of you with an appointment at my office to have these conversations but as a very young individual indicated that's what we're supposed to be doing here is to bring up common sense resolution or legislation and have the dialogue and today I've sat up here and there have been times that I've felt that you've disrespected one group over another and I don't think that's okay. We need to go back to having this dialogue, conversing or respecting each other, and coming up with the best resolution. Many of you know if you have been in any sort of meeting with me that I'm happy to hear what your point of view is but I didn't hear a lot of solutions from you all. You were clear that you were not happy with this resolution. So, I employ you, what are the solutions to this? One such is common sense as the dais or the Mayor tried to present today. Now there are many, many according to you all laws that are not enforced. Who's going to enforce those laws? It is a shared responsibility to ensure that we're following the law, that if people are breaking the law that in fact there is law enforcement here that are here to help uphold those laws. So, I'm employing you all at any point in time I'm available to speak to any of you but I'm not here to demonize any of you. I'm here to represent you all the best way that I know how. What happened in Florida was a horrible, horrible thing. Many of you also know that my brother is gay and came out to us years and years and years ago and we spent a lot of time having conversations about what he does to keep himself safe when he came out. I'm not here to suggest that I'm taking your right away to bear arms, nor would I suggest his right to be who he is. Whether you're in a free zone or not in a free zone people have a right to be where they need to be and protect themselves. This is not what this is about. If we need to write this resolution where people understand and we're clear about what this is going to be I'm happy to put forth that effort. But I believe for sure that I'm here to collaborate not only with you all but with the state and Federal government on these issues because I think that's what you voted me in to do.

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Mayor Miyagishima said if you wanted to include an amendment in this resolution about immediate family members and household members are exempt from background checks, feel free to do so now or after Council members speak.

Councillor Levatino said the right to own a firearm is a fundamental right expressly guaranteed in both the U.S. and New Mexico constitutions. In the Federal Bill of Rights and in the minds of the founders, the right to bear a firearm is second only to the right of free speech and religion. I think that should tell us an awful lot about how important the right to bear arms was to the founders. Our attention has been seized by a number of mass shooting incidents that have occurred in the United States over the last 20 years. The latest in Orlando claimed the lives of 49 people and wounded 43 others who were out for an evening of fun at a local club. The Orlando massacre was a clear and obvious attack by a radical Muslim terrorist who went out of his way to contact authorities by phone and pledge his allegiance to ISIS and specifically to Abu Bakr al-Baghdadi, its leader. Despite the perfectly obvious, many have seized on this appalling incident to once again push the agenda of gun control, ignoring the real problem of stopping radical Islamic terror within our borders. I'm as horrified and sickened by the Orlando terrorist attack as anyone. As an elected Councilwoman in Las Cruces, I am ever mindful of my obligations to the residents in my district and the City as a whole.

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At our last meeting Mayor Pro-Tem Smith stated what so many of us felt when he shared his desire to "do something about the senseless slaughter in Orlando." His expressed purpose was to "make Las Cruces safer from such attacks." He talked about all parties agreeing to act and encouraging a public dialogue that I am in complete agreement with. Now, however, we have before us a proposed resolution that says nothing whatsoever about the threat of radical Islam and instead calls on the New Mexico legislature to "reduce gun violence." This is just one more example in my opinion of Ron Emmanuel saying "You never let a serious crisis go to waste. And what I mean by that is it's an opportunity to do things you think you could not do before." The resolution begins with a number of undocumented assertions about the number of Americans killed each day and year by guns but when you break down the numbers, over 2/3 of those deaths are attributed to suicide or accidental deaths. It then states the 798 New Mexican residents were murdered by guns over the last decade. It goes on to reveal that in the same period 2020 New Mexicans committed suicide using a firearm. According to the CDC, 72% of all deaths from firearms in New Mexico over the last 10 years were suicides. That is a tragic figure to be sure but has nothing to do with mass shootings. None of the victims committed suicide. The resolution goes on to speak of keeping guns out of "dangerous hands" while respecting the Second Amendment rights of law abiding gun owners. Who exactly are the dangerous hands being addressed? Some are enumerated in the resolution to include felons, fugitives, and people convicted of domestic violence offenses or with protection orders. The resolution then states that 5739 gun sales to prohibited people were blocked by existing New Mexico gun laws over a three year period. Let's state that another way. Existing New Mexico law is highly effective in blocking gun sales to those who have no right to possess a firearm under the law. Many of the statements made in the preamble of the resolution are wildly speculative with no documentation of the source in this entire resolution. In addition, you stated at our last meeting, Mr. Mayor, that the goal of any resolution that would be brought forth before the Council was to require

a booth at gun shows to do onsite background checks and would not affect private gun sales between family members. That is not stated anywhere in this resolution. It is not specifically mentioned anywhere in this resolution. Nothing in this resolution addresses the issue of requiring a booth at gun shows to perform background checks either in the City or statewide. The recommendation made to the New Mexico Legislature in this resolution is vague and overly broad. Federal law allows private sellers to sell guns. Contrary to this assertion in the resolution that such sales are to "strangers" with "no questions asked." The vast majority of private sales are to friends and relatives as reported by the peer research.

So, how many criminals actually get their guns legally at unregulated gun shows? The U.S. Justice Department has been studying that question of legal versus illegal sources of guns used in crimes for over two decades, the Justice Department concluded and this should not come as a surprise to anyone, but the vast majority of guns used in crimes illegally were outside the legal purchase regimen including gun shows. Twenty percent stole their guns, 40% obtained guns through the black market and another 37% through other illegal means, and 0.7% of criminals brought guns at gun shows. I might want to mention here anecdotally. Legally purchased firearms that follow all non-firearm transfer rules account for between 6% and 8% of all murders and the majority of these are domestic violence incidents. The resolution goes on to state that New Mexico had the highest national statewide rate of law enforcement officers killed with a handgun not their own but according to the FBI Uniform Crimes Report from 2002 to 2011, 10 New Mexico officers were murdered feloniously, 11 died accidentally in a decade. In 2012, the next year, were no deaths of officers in New Mexico. In 2013, no officers were feloniously noted, one died accidentally and the same number held in 2014 with zero murders and one accidental death. So, I have no idea where you came up with the highest national statewide rate of law enforcement officers killed. Now another whereas states that 92% of gun owners support background checks for all gun sales. These statistics come from a pair of surveys reported by the gun control group, Mayors Against Illegal Guns from which you are a member. That is also part of the group Cities for Safe Guns, which are all part of Mayor Bloomberg's $50 million attempt to take away our gun rights. The statistics are interesting coming from those two groups since that group was caught stacking survey responses by polling left of center mailing lists. I'm shocked at those numbers. It has been shown repeatedly that gun violence is most common in poor urban areas and is frequently associated with gang violence often involving young males. Again according to the FBI Uniform Crime Report, in 2012 there were 8899 total firearm homicides. That number is actually down from 2010 with 11,078. Much has been said about how we need stricter gun control laws in the U.S. yet everyone here knows or should know that one of the cities with the strictest gun control laws is Chicago and yet they have one of the highest murder rates in the country. Gun murders in Chicago surged 89% in the first three months of this year over last year. There have been 141 gun murders to date and 677 shootings in the first three months. If you need further example of the futility of strict gun laws, you need look no further than our neighbor Mexico. Mexico has extremely strict gun laws and yet has a far higher number of gun homicides than the U.S.

Which brings me back to Orlando, Florida. Omar Mateen worked for a British based security firm for nine years prior to his death. Two screens were conducted by the security company in 2007 and

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again in 2013 with no red flags raised. He had an active concealed weapon permit and an armed security guard license. He had no criminal record. He purchased his guns illegally at a gun shop, not a gun show. This resolution calls for comprehensive background checks for all firearm sales. No additional gun laws passed as a result of this resolution would have in any way prevented this act. The overriding issue in Orlando was terrorism, not gun ownership. I agree and I am sympathetic to the sentiments expressed by Mayor Pro-Tem Smith about the strong emotional drive to "do something." Like him I want to do anything I can in a meaningful way to keep Las Crucens safe. This resolution does not in any way accomplish that goal. In conclusion, I will not support this resolution and encourage the Council to agree with Mayor Pro-Tem Smith and have public dialogue. Thank you, Mr. Mayor.

Councillor Sorg said the last four years we have been at this controversial topic. I just keep thinking that we forget our history. It seems like when I was growing up we didn't have this conversation. Why? I'm not sure. Maybe there wasn't so much gun violence. I'm sure there was some gun silence. In the last 30-40 years, this has become more and more a topic for people to talk about. I told the Council in the last meeting that I owned some guns when I was in Montana. There was bird hunting, a little target shooting. When I came to Las Cruces, I just didn't think I needed them anymore and come to find out living here for the last 18 years I realized I think I'm pretty safe with our police department and I very much agree with Councillor Levatino, but there are some things here that trouble me. For one thing, this Council will never speak for 100% of our population. We won't speak for 100% of the people in our districts. We're lucky to get 51%. I did some math. Of all the emails and all the people who have talked here today, I've heard from 3/1000th of the population in Doña Ana County, not all of Doña Ana County because a lot of these emails came from outside the City of Las Cruces. As a fellow resident of Las Cruces, I was troubled a little bit by that when I saw the addresses and saw they came from everywhere such as Sunland Park, Santa Teresa, Hatch, Alamogordo, Rio Rancho, Albuquerque, Roswell, Clovis, Huntington Park, California, St. Louis, Missouri, and St. Cloud, Minnesota. That also ties in with what I've been hearing today and heard before many, many, many times with talking points from the NRA. This is the NRA speaking today who are opposed to this resolution whether you think it is or not it's what I've heard for years now. I just think that if we keep going the way there's going to be another mass shooting in the state of New Mexico. I also have some other information that the State Legislature. Legislation that has been proposed in the state legislature recently have actually accounted for gun transfers between family members and friends and so forth as well as other exceptions. So, that is not part of this resolution at all. We aren't trying to do that whatsoever nor is the state legislature trying to do that. I know we've been saying this before. Nobody's trying to prevent all gun violence with this. I only hope that one life will be saved. One life is worth a lot. It's a lot to me and a lot to everybody else. If we could save one life with this resolution is worth passing. And last but not least, I will never forget the words of Gabby Gifford when she went to Congress and said "Do something. Just do something." Thank you, Mr. Mayor.

Mayor Pro-Tem Smith said I heard you saying that part of the former Mayor of New York City's effort and what you heard the President saying was getting things down to the local level and I appreciate that because I do think that that's what I've been asking for is what do we do here locally

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that makes a difference for us here locally. So, I'm a little confused when we say we want to do something and yet what we're going to do is ask our state legislators to do something. So, I'm going to bring it back to what do we do locally and that is my point. That's why I'm asking for the work session on the 25th of this month to include the topic of what we can do locally. It might include a resolution going to the State Legislature, which is why since I'm the last one speaking I'll go ahead and make that tabling motion at the end of what I'm going to say, but I appreciated that Mr. Goodman, Mr. Gonzales, and Ms. Connor all talked about the importance of dialogue, all talked about the importance of including ur community. I heard also Councillor Levatino and Councillor Gandara saying something very similar, how important it is that we have an indepth discussion, something that includes all this so that what we're saying, what we're doing, regardless of what percent that ends up being representative of in the end that we've had that discussion. We may very well, if we decide to table today, continue to support by a majority or perhaps even a unanimous vote on August 15th if we can table to that date this resolution, but I would like for us to find our way to something that we agree is the effective thing for us to do as a City Council and as a community so that we are able to say we did something that actually makes us safer and that is my bottom line, Mr. Mayor. I look at this resolution. I understand your intent was good. I understand that we do want to do something, but I feel that at this particular point you're asking our community to say you all signed off for us and took it to the state level and as I said previously the state doesn't get to vote on this until some time after January 17th and even if our legislators take this up at an interim committee meeting or decide to file early, we still have lots of time between now and when they have to do that so I think at the very least we need to give this the public airing, the opportunity to actually do research on what communities do, to ask our fire department and our police department those other community service agencies who actually make a difference in our community so often that it's the sort of thing that we're talking about. What do we do here locally? That is my primary concern and if we go from there we'll say you know we still need to do a resolution to our state legislators or to our national congress, that's fine. I feel like we've given that opportunity to our local community, to each other, and to those people who can bring us factual statistical data. It helps us make the most informed, best decision possible and so Mr. Mayor, I go back to the motion that I suggested earlier.

Councillor Pedroza said I think I have some concerns that are similar in that I did not receive the numbers that I heard from some of my colleagues of emails. I think that generally because of the recent Orlando and some of the other mass shootings that we know about and learn about there's a mood in the country and we cannot or should not ignore that mood. And that mood is reflected not only in the people who said yes, do the resolution but also in the people who said no, don't do the resolution because what I hear is government is too strong. Is that really relevant to you taking away our guns. We're talking about identifying felons who might want guns or people with mental illness who might want guns or people who have committed acts of domestic violence who might want one. Is it perfect? No, it's not perfect. I will tell you that when I was living in northern New Mexico before I came here, and I came here 26 years ago. My husband and I taught our children how to use guns because in Northern New Mexico there is a great interest in hunting. I got pictures of them. So, if any one of the three of them were to be deemed to have some sort of mental illness then I would be the first to say don't give them guns or if one of them were to say "I hit my spouse" or show that sort of thing, I wouldn't want them to have access to guns, but the mood I believe we

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really, really have to deal with it and the mood is very broad so I would love to have a dialogue. I would not like to hear from people who live in Sunland Park.

Councillor Eakman said this has been a great discussion and I have been listening and I'm very impressed. And I'm very impressed with the differing viewpoints. I am discouraged that there is so much disagreement on what we call my facts don't agree with your facts or your facts don't agree with somebody else's facts and that's something missing in our conversation. This is a very highly divisive issue. In my world, I'm trying my best to bring us together to see what we can do to reduce the violence that might come of a felon, somebody who's abused their family before with a weapon and somebody who I know this severe mental illness is that is being called out in the Federal gun control laws that deals with very specific entities. It isn't with somebody who has a little bout with depression. It's a lot more severe than that and those people on their good days don't want to have done either but on their bad days that's exactly what we don't want them to have a weapon and I hear you that there are folks who are afraid that is something comes to pass here that we have background checks, which by the way nobody is against background checks. If we have background checks, then some new requirement will automatically be presented and then another law and then another law. I hear that. That is not my attention and also hear that we have so many laws here they're not doing any good but we are a nation of laws and we are people with flaws and so laws do get broken. That is no reason not to have laws in the first place. So I thank you very much for giving me this opportunity to express the fact that I wish this was not so highly divisive but have to acknowledge it is.

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Mayor Pro-Tem Smith said I would like to have this on the work session agenda for July 25th.

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Mayor Pro-Tem Smith Moved to Table Resolution No. 17-006 until the August 15, 2016, meeting and Councillor Levatino Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 17-006 until the August 15, 2016, meeting and it failed. 3-4. Councillor Sorg, Councillor Levatino and Mayor Pro-Tem Smith voted aye. Councillor Gandara, Councillor Pedroza, Councillor Eakman, and Mayor Miyagishima voted nay.

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Councillor Gandara Moved to Amend Resolution No. 17-006 to include in paragraph one the last sentence being excluding transfers to immediate family members and Councillor Pedroza Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 17-006 to include in paragraph one the last sentence being excluding transfers to immediate family members and it was

Approved. 6-0-1 Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Mayor Pro-Tem Smith and Mayor Miyagishima voted aye. Councillor Levatino abstained.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-006 as amended and it was Approved. 5-1-1. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg and Mayor Miyagishima voted aye. Councillor Levatino voted nay. Mayor Pro-Tem Smith abstained.

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(6) Resolution No.17-004: A Resolution Amending the Membership of the Ad Hoc Committee to Assist in Developing Criteria for a Historic Preservation Ordinance.

Councillor Sorg Moved to Approve Resolution No. 17-004 and Councillor Eakman Seconded the motion.

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Andy Hume, Downtown Planning and Development Coordinator gave an overhead presentation.

Mayor Pro-Tem Smith asked were the Councillors from Districts 1 and 2 previously voting members?

Andy Hume said Councillors from 1 and 2 are and will remain ex-officio.

Councillor Gandara said there has been some concern with the regularity of meetings. I think this is a very worthwhile and needed committee.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-004 and it was Approved. 6-0. Councillor Gandara, Councillor Pedroza, Councillor Eakman, Councillor Sorg, Mayor Pro-Tem Smith, and Mayor Miyagishima voted aye. Councillor Levatino was absent.

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(7) Resolution No.17-005: A Resolution Authorizing the Condemnation of the Water Utility Assets of Jornada Water Company.

Councillor Eakman Moved to Approve Resolution No. 17-005 and Councillor Sorg Seconded the motion.

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

Mayor Miyagishima asked does the Jornada Water System primarily use the Jornada basin?

Dr. Jorge Garcia said they use some. The largest water right use is in the Mesilla basin.

Mayor Miyagishima asked do we have the capability to still use the Mesilla basin to service customers out there?

Dr. Jorge Garcia said yes.

Marcy Driggers, Utilities Attorney said if Council approves the resolution the next step would be the legal process in which the petition for condemnation would be filed. Jornada Water Company has the right to respond to the petition for condemnation. If we're not able to finalize all aspects of the acquisition, it would be decided by District Court in a contested hearing. The City would purchase the company based upon the agreed valuation when the bonds are sold.

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Matthew Holt, Attorney said I'm representing Jornada Water Company. My clients approached the City and said they were interested in selling.

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Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-005 and it was Unanimously Approved. 7-0.

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**VIII. <u>BOARD APPOINTMENTS</u>**

There were none.

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

There were none.

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## X. CITY COUNCIL MEMBER BOARD REPORTS

There were none.

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## XI. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said at the Mayors Meeting in Indianapolis the CDC said the Zika Virus is extremely dangerous and they suggested to work with our state health departments.

He said regarding children in poverty, there is an organization called Blessings in a Backpack that would coordinate food distribution and I think would help us reduce childhood poverty.

Mayor Pro-Tem Smith said I think we should have a work session on that topic.

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Mayor Miyagishima said I propose that Council members for reelection be prohibited from having any district meetings 60 days before the election.

Councillor Levatino asked would that be for candidates who use public finance?

Mayor Miyagishima said it's two separate issues.

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b.) Council

Mayor Pro-Tem Smith said I want to congratulate the Mayor on receiving an award in Indianapolis.

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Councillor Levatino said I just want to say congratulations.

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Councillor Sorg said I also say congratulations.

He said I agree with your childhood poverty initiative.

He said I had a meeting with MVEDA last month and the City was awarded this bobble head for being part of the MVEDA.

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Councillor Eakman said I've mentioned physician reimbursement in New Mexico and how low it is. It will hurt our medical community.

Mayor Miyagishima asked could you give me an example of how it would work and how much money you were thinking?

Councillor Eakman said the physicians are 40% underpaid.

Mayor Miyagishima asked is there a different formula in different states?

Councillor Eakman said the reimbursement is set by third parties.

Mayor Miyagishima said I think that would be with the Department of Insurance.

Councillor Levatino said the problem isn't with reimbursement from private insurers but the reimbursement from Medicaid and Medicare.

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Mayor Miyagishima said we should have a work session with the board of directors from Memorial and MountainView.

Councillor Gandara said we should have a representative at the Health and Human Services meeting.

Mayor Miyagishima said we may be able to do this on October 10th.

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Councillor Pedroza asked what will the format be for the minimum wage discussion on Monday?

Mayor Miyagishima said we'll hear from interested parties.

Councillor Pedroza said September 29th there will be an update on the immigration problem.

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Councillor Gandara said congratulations on your honor.

She said I agree with a campaign to reduce poverty. CYFD is doing a backpack drive and we could join forces.

She said I need some guidance on moving forward with the suicide taskforce. They would like to do a presentation.

Mayor Miyagishima said it would be best as a work session item. I think we should also bring it forward as a resolution. We could do the August 22nd or September 26th work session.

Councillor Gandara said I met with the ATV group who had the unsupported City activity. I think there's an economic opportunity for the City. They want to designate an area for ATV use.

Mayor Miyagishima said I think we can take a look at that area that we lease from the BLM.

Councillor Gandara said there has been some confusion that it was designated by a resolution or ordinance.

Mayor Miyagishima said to my knowledge we have not passed a resolution designating that area for ATVs.

DRAFT

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c.) City Manager

Daniel Avila said we are requesting to modify the PRC final order in the El Paso Electric rate case.

He said the United States Pilot Association will be flying in our airport from September 29th to October 2nd.

He said Sage Café is now serving meals for seniors two times a week.

He said Dr. Garcia is already working with the Jornada Water Company to make it a smooth transition.

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

Mayor Pro-Tem Smith said all of those in favor signify by saying "Aye."

Council said "Aye."

**Meeting Adjourned at 5:25 p.m.**