City Council
of the
City of Las Cruces

Regular Meeting

November 7, 2016
1:00 P.M.
Council Chambers, City Hall

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:

Stuart Ed, City Manager
David Dollahon, Assistant City Manager
Rusty Babington, City Attorney
Linda Lewis, City Clerk

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order. Councillor Sorg led the Pledge of Allegiance.

Jennifer Martinez from PIO presented the Pet of the Week.

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).

At the opening of each council meeting the chairperson shall ask if any member of the City Council, City manager, or any member of the City staff has any known conflict of interest with any item on the agenda.

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

There were none.

III. PUBLIC PARTICIPATION

Vince Jeffers, Member of the Public said I'm here to talk about Resolution number 17-092. I'm not going to stay for the length of the meeting or till this is on, but this is one of the things I have an issue with. It's saying that you're going to use the City of Las Cruces purchasing authority to

buy personal property which to me when I reviewed it looked more like medical equipment than personal property. And I know in the past there's been some difficulties with this type of purchase when the City of Las Cruces got involved and namely with the hospital, namely with an imaging center, naming with a few other medical practices that didn't go the way things were supposed to go. So I just ask Mr. Babington just to kind of make sure that this one issue is done properly if it is public funds being used to purchase these items. I'm sure that you guys know exactly how it's done the right way and know how it's done the wrong way. Having seen it done the wrong way and then deals be made with the City of Las Cruces and Community Partners, Community, whatever the name was, Joe Cervantes and Jennifer Cervantes and that crew of people over there. So I don't want to see the same thing repeated and it looks to me as though when you are going to purchase you're going to use the medical license of Francis Casci, C-A-S-C-I. Again, that goes back to a deal which this person apparently has been practicing for 17 years but that is one of the stolen identities from many years ago and they dropped the one letter off. I don't, it's Francis and the last name was spelled Cascia, C-A-S-C-I-A. Again he was part of my agreement September 11th which you guys are referring to September 12, 1988, the Sonoma Ranch properties. That was one of those that you, the City of Las Cruces, Dona Ana County, and the State of New Mexico had agreed to things, you took in the money, then you reneged on your obligations. So I'm just asking please make sure if you're going to use medical equipment, you're going to purchase it with public dollars, you don't want them to be misused as other resources and tools have been misused in this community. Thank you.

Mayor Miyagishima said thank you Mr. Jeffers. Just real quickly without go into much detail the Anti-Donation Clause allows the municipal governments, county governments to use money for the sick and the indigent and typically La Clinica will serve those. I'm not asking for a response Mr. Jeffers. In fact I'm going to ask that you not even respond to that. I'm just saying as a point of reference …

Vince Jeffers, Member of the Public said but it's public funds and you get your purchase authority from somewhere. Federal acquisition regulations many times are the supreme laws that you're, guidance you're supposed to be following and to use whatever purchasing authority, wherever it was granted from either by yourselves, by the County, or by the State you still have to follow guidelines and I saw you not do that in the past. I'm not saying anything about indigent, I'm talking about durable medical equipment being misused. Thanks.

IV. READ CLOSED MEETING STATEMENT

A. Read October 17, 2016 Closed Meeting Statement into the record.

Mayor Miyagishima said now I have to read a Closed Meeting Statement. Las Cruces City Council met in closed session at 3:08 p.m. on October 17, 2016. The following members were in attendance; Councillors Levatino, Sorg, Eakman, Pedroza, Smith, Gandara, and myself, Ken Miyagishima. Staff present was Interim City Manager David Dollahon; William Babington City Attorney; Bob Cates Deputy City Attorney; Dan Avila Assistant City Manager Operations; and

Audrey Irvine-Evans, I don't know who writes all this, Interim City Manager Administration, Dr. Jorge Garcia Utilities Director, part of the session, and David Weir Community Development Direct, part of the session. The meeting adjourned at 5:15 p.m. And for the record the Las Cruces City Council met in closed session and only discussed those limited items as stated in the posted notice to discuss real estate matters pending litigation and limited personnel matters.

V. ACCEPTANCE OF AGENDA

Councillor Eakman Moved to Approve the agenda as presented and Councillor Levatino Seconded the motion.

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

VI. CITY COUNCIL MINUTES

*(1) Regular City Council Meeting of October 3, 2016

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

*(2) Resolution No. 17-083: A Resolution Authorizing the City of Las Cruces (City) to Accept a Grant Award; to Ratify the City Manager's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: Alternative Sentencing Program Contract #17-072 for the City's Juvenile Citation Program; Granting Agency: Doña Ana County (DAC); Total Grant Award of $41,354.00.

*(3) Resolution No. 17-084: A Resolution Authorizing an Assignment of Land Lease for Parcel 36 at the Las Cruces International Airport from Mesilla Capital Investments, LLC to Icarus Aero, LLC.

*(4) Resolution No. 17-085: A Resolution Authorizing an Assignment of Land Lease for Parcel 24 at the Las Cruces International Airport from Mesilla Capital Investments, LLC to Icarus Aero, LLC.

*(5) Resolution No. 17-086: A Resolution Authorizing the City of Las Cruces (City) to Accept a Grant Award; to Ratify the City Manger's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: Las Cruces

Central-Cervantes Complex Equipment Legislative Appropriation 15-0754; Granting Agency: The New Mexico Department of Finance & Administration (NMDFA); Total Grant Award of $643,000.00.

*(6) Resolution No. 17-087: A Resolution Authorizing the City of Las Cruces (City) to Accept Two Grant Awards; to Ratify the City Manager's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: Health Facility at Mesilla Valley Community of Hope (MV COH) Legislative Appropriation 15-0764; Granting Agency: The New Mexico Department of Finance & Administration (NMDFA); Total Grant Award of $505,000.00; and Project Name: Health Facility at MV COH Legislative Appropriation 15-1123; Granting Agency: NMDFA; Total Grant Award of $50,000.00.

*(7) Resolution No. 17-088: A Resolution Authorizing the City of Las Cruces (City) to Accept a Grant Award; to Ratify the City Manager's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: The Southwest Border High Intensity Drug Trafficking Areas (HIDTA) Program; Granting Agency: Executive Office of the President Office of National Drug Control Policy; Total Grant Award of ($46,786.00).

*(8) Resolution No. 17-089: 15.A Resolution Authorizing the City of Las Cruces (City) to Accept a Grant Award; to Ratify the City Manager's or Mayor's Signature on the Contract Agreement; and to Amend the City's Adopted FY2017 Budget and, as Applicable, the FY2017 Capital Improvement Plan (CIP) for the Following: Project Name: FY17 Edward Byrne Memorial Justice Assistance Grant Agreement 2016-DJ-BX-0713; Granting Agency: U.S. Department of Justice, Office of Justice Program; Total Grant Award of $31,665.00.

*(9) Council Bill No. 17-010; Ordinance No. 2796: An Ordinance Authorizing a Real Estate Purchase Agreement Between the City of Las Cruces and X2NSAT, Corp., for the Sale of 12.6023 Acres of Municipally Owned Land in the West Mesa Industrial Park for the Purchase Price of Three Hundred Fifteen Thousand and Fifty-Seven Dollars ($315,057.00) in Accordance with Provisions of Section 3-54-1, NMSA, 1978, as Amended, and for an Option for the Purchase of Ten (10) Additional Acres.

*(10) Council Bill No. 17-011; Ordinance No. 2797: An Ordinance Supporting Investment of $150,000 in an Economic Development Project in Accord with the City of Las Cruces Local Economic Development Plan, Authorizing and Economic Development Project Participation Agreement Between the City and X2NSAT, Inc. and Entering into an Agreement to Serve as the Fiscal Agent for the State of New Mexico's Participation in the Project.

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

(11) Resolution No.17-090: A Resolution Approving an Agreement to Employ Stuart C. Ed as City Manager.

Councillor Sorg Moved to Approve Resolution No. 17-090 and Councillor Pedroza Seconded the motion.

Mayor Miyagishima said are there any questions or anything you'd like to discuss?

Mayor Pro-Tem Smith said Mr. Mayor.

Mayor Miyagishima said yes Mayor Pro-Tem.

Mayor Pro-Tem Smith said I look forward to us approving the agreement to employ Stuart Ed and I believe that he will serve this community well and that we will help him do a great job, so I look forward to us moving that forward very quickly and hopefully unanimously. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Councillor Pedroza do you have something? No. Okay. I just want to take a quick moment to first off apologize to Dave Dollahon and Dan Avila for not putting something a little bit more together. I been a little preoccupied these last eight or nine days but I want to thank the both of you gentlemen for your service to the City for running the City these last almost six months. I think to the outside public and really for the most part for the internally you really wouldn't notice a whole lot of changes. You guys ran a very smooth operation and I can't thank you very much for all that you do. And like I said I'm sorry I don't have anything to give you. We will get to that. I just, like I said I've been kind of preoccupied these last few days. So thank you very much. I really mean it. I, we're very fortunate to have as I mentioned such a deep bench and we really appreciate all the hard work you guys have done. Okay. If this item is passed we'll probably take a little five-minute recess and then I believe Mr. Ed is in the building and then he would like to, he's really ready to hit the ground running so you may see him trade places here. So if there's nothing further.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-090 and it was Unanimously Approved. 7-0.

Mayor Miyagishima called for a motion to take a five-minute recess.

Mayor Pro-Tem Smith Moved to Approve the Motion to take a five-minute recess and Councillor Levatino Seconded the motion.

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

Council said "aye."

Mayor Miyagishima reconvened the meeting at 1:19 p.m. and welcomed Mr. Ed as the new City Manager.

Stuart Ed, City Manager said well thank you Mayor. I want to first and foremost thank Mayor and Council for their support and their confidence in me. This is really a fantastic opportunity. I'm very humbled at the opportunity to serve the citizens of Las Cruces, Mayor, and Council, and join really an outstanding team. I also want to take a moment to thank my family for their support. This is really an important moment for me personally and professionally. Just looking forward to it. I'm coming back to Las Cruces. It all started for me back in 1982 and I did a few summer jobs in town and it's just really wonderful to be back in the community. So I want to thank you again Mayor and Council for your support. Again it's very humbling and I'm just looking forward to working with a great team of professionals here at the City of Las Cruces and serving the citizens of this great City. Thank you.

Mayor Miyagishima commented on Mr. Ed's qualifications and the reasons why he was chosen and thanked him for accepting the position.

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(12) Resolution No.17-091: A Resolution Authorizing the City Manager to Approve, on Behalf of the City Council, Special Dispenser Permit Applications, Public Celebration Permit Applications and Waivers of the Church/School Distance Restriction for Alcoholic Beverages to be Sold and Consumed at Events Held on City Property.

Councillor Sorg Moved to Approve Resolution No. 17-091 and Councillor Eakman Seconded the motion.

Mayor Miyagishima said Mr. Rusty Babington will discuss.

Rusty Babington, City Attorney said Council and May you have before you a resolution basically asking you to delegate authority concerning liquor licenses involving Special Dispenser Permit applications, Public Celebration Permit applications, and Waiver of the Church/School Distance Restriction for alcoholic beverages to be sold and consumed at events held on City property. As I indicated there will not be a PowerPoint presentation so this comes from your

CAES summary that you have before you. Council, what we've experienced over the last couple of years as indicated in the CAES summary is that a large number of organizations have asked permission of Council to use City property to hold various social events. These events basically sometimes include the sale of alcoholic beverages and so really we have two different types of beverages being sold and two different licenses. The Special Dispensary License is a license that normally a restaurant would have. They ask permission from City Council to use their liquor license on a piece of property, it's designated, there's certain requirements that go internally that we look at such as fire, police, security looks at this, the area to be used of City property has to be cordoned off, basically security has to be there. The other group is the Public Celebration which involve craft distillers, breweries, and then wine growers. They have the ability to sell their product off of their premises and they can ask permission to use City property. What normally occurs is we find that a nonprofit organization will normally come and say, "I want to have an event on government property, City property." They want to use the new Plaza de Las Cruces, for example. They're not really aware of the circumstances and the requirements to get a license through the system, and what I mean by the system I mean Alcohol and Gaming Division up in Santa Fe and then through City Council and then back up to Santa Fe. Sometimes what then occurs is we're required to push the resolution forward, sometimes we've been required to have a special meeting, sometimes we've been, had to indicate to the individual, "You simply don't have enough time to get it to Council and get up to Santa Fe to get approval." The regulations do allow, and what we're asking for Council to do is to give the City Manager the approval under these regulations to approve these types of permits. This is different than the regular license permit where I'd like a wine and alcohol license for my business. This is simply the ability under these limited circumstances to allow the City Manager, after it's been reviewed by the staff, to have the authority to sign the application and then forward it to Santa Fe. As indicated in our CAES handout, you can see that the number of requests for the number of resolutions for, as you can see from the CASE management documents the number of requests continues to increase for these types of permits. We found, and I can blame our management analyst, Ms. Campbell, for pointing this out that it might be a better and quicker way and really looking for the efficiency to allow City Manager to make that determination. I stand for questions at this time.

Mayor Miyagishima said thank you Rusty. I think you explained it pretty well. Just basically if, as you noticed more and more of these have been coming on City Council agenda and we've had to stop and approve them and I don't, to my knowledge I don't think we've ever denied one and this just allows the City Manager to be able to sign off on them and fair to say that every single one of these will already have a liquor license permit. They're not, it's not something new. This is just for this particular permitting process. Councillor Pedroza, Councillor Gandara.

Councillor Pedroza said thank you Mr. Mayor. Rusty, I think we are familiar with these and last weekend we had the Renaissance Faire and they had, is that the type of event that you're talking about? Has there ever been anything negative connected with any of those permits?

Rusty Babington said Mayor, Councillor Pedroza. To answer your question it's, that's the example we normally talk about where they're using Young Park for the Renaissance. It's being put on by a nonprofit. To be honest with you I've never heard a negative comment with respect

to somebody complaining about the 300-foot rule. I think we have heard comments but even those comments have been generally, "Well I understand why you're doing it. I'd prefer not to but I really have no objection." Those are the, those are sort of the odd comments. Generally we have no comments on giving permission or having City Council approve these types of permits.

Councillor Pedroza said thank you Mr. Babington. And I haven't ever heard anything very negative either. Every once in a while somebody will come and say, "Well have it, was that really measured perfectly," and so on. But thank you.

City Attorney Babington said yes, ma'am. Thank you ma'am.

Mayor Miyagishima said thank you. Councillor Gandara.

Councillor Gandara said thanks Mayor, thank you Mr. Babington for your presentation. My question is how, then what would the process be in the event that these are coming forward to the manager and manager approving in the event maybe we get an e-mail from someone that says, "I have a problem with this," how will that work then?

Rusty Babington said yes, ma'am. Councillor what we, right now the staff reviews it and then we get comments as I say from our Public Safety folks, Community Development, Downtown Coordinator. We also coordinate it within my office with respect to any negative comments or comments. So for example if you were to receive a comment from a … so once again so the process would be if you received a comment from a constituent you would bring it to the, in my opinion the City Attorney's Office, we would then give that information to the City Manager, and then he gets to evaluate, "Okay, do I need to bring this to City Council or is the comment where I can address the comments?" That would be my process right now ma'am.

Councillor Gandara said okay, thank you.

Rusty Babington said yes ma'am.

Mayor Miyagishima said thank you. Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor. So Mr. Babington, basically if that situation would be basically just relinquishing that aspect of it to the City Manager, would there be an appeal process if somebody felt like they were either being ignored or that this was an inappropriate situation?

Rusty Babington said Mayor and Council, Councillor Smith, or Mayor Pro-Tem Smith. I believe that the process is that we do have public participation so that if an individual does believe he's not being given the opportunity to have Council, he can certainly bring it to Council's attention particularly if after giving notice of this event people don't want to have it in their neighborhood. So that would be the primary way I think it would be going to City Manager who then I believe, since you've just hired your only employee, would then inform Council about what's going on with this particular request for a permit.

Mayor Pro-Tem Smith said well thank you Mr. Babington. And I think as long as we're adhering to all the requirements from the State this makes a lot of sense. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Anyone else? Members of the Public? Okay. Seeing none, Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-091 and it was Unanimously Approved. 7-0.

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(13) Resolution No.17-092: A Resolution to Approve an Agreement for Acquisition of and License to Use Personal Property; and to Ratify the Interim City Manager's Signature on the Agreement; Between the City of Las Cruces (City) and La Clinica De Familia, Inc. (La Clinica) Entered into on July 13, 2016 in Order to Facilitate the Purchase of Equipment for the Las Cruces Central-Cervantes Complex Located at 575 S. Alameda Blvd. Through Legislative Appropriations.

Councillor Sorg Moved to Approve Resolution No. 17-092 and Councillor Eakman Seconded the motion.

Mayor Miyagishima said Mr. Eric Martin, Facilities will be discussing.

Eric Martin said good afternoon Mr. Mayor, Members of Council, City Manager Ed. Eric Martin with the Public Works Department, Facilities Management section. What I have before you is an approval for a license agreement to allow personal property to be used between the City of Las Cruces and La Clinica de Familia. La Clinica is the medical provider that is currently occupying the building that was formerly known as the City Office Center which we made available to them under a Local Economic Development Act or LEDA agreement. Although we know them as La Clinica, the grant agreement also refers to them as the Las Cruces Central Cervantes Complex. The City vacated that building back in 2010 and that was because as we constructed our new City Hall we consolidated all of our various operations to this location. Through the Local Economic Development Act that facility became available and La Clinica was interested in that. It had been our former hospital and much of the building was laid out exactly as it had been before. Some remodeling had been done and what have you but they thought that would be the perfect venue and then they would also be right across the street from our new Intermodal Transit Facility. So they received a Legislative Appropriation from 2015, that's $643,000. That was also item five on the agenda earlier today, and the purpose for the use of those funds is to basically provide equipment such as medical and dental in their various exam

rooms. They also are interested in purchasing and installing various types of technology including telephone systems and there's also supporting equipment, furnishings, and infrastructure that will be needed to help make that become a reality. In addition this license agreement covers this appropriation as well. In the last Legislative Session they were also awarded $280,000 to purchase and install an electronic health record system. We have not received that grant agreement yet from the State of New Mexico but when it comes forward then we'll bring that back to Council at that time, but this license agreement covers both. So why do we have such an agreement? Basically there's been a focus of late on Anti-Donation issues and the way the State works with it is the Legislature may make funding available to a nonprofit but then we need to get into what's called fiscal agency so that we manage and maintain those funds so they don't go directly to the agency itself. And so what we're looking at is the use and disposition of those assets and then establishing a relationship between that requesting entity and the City. This is something new. Normally when we've gotten funding from the State Legislature for a local nonprofit and we're the fiscal agent we go out, buy the equipment, provide it to them, and then monitor it. Now the State as of this last legislative cycle is requiring us to put license agreements together to account for all of this. So generally fiscal agency means a New Mexico governmental entity has to own the property that's acquired with the funds. In this case we do not own the building. No items will be permanently attached. What happens and the reason we make note of that is that if we install something that's permanently attached to the building for instance we generally are required to own the building or the property to which that is attached. And so we've met with the agency and all of those things that they will be procuring through us could be removed or returned back to the State if that eventuality ever occurred. So what'll happen is La Clinica's going to provide us a list of items. The basic list was attached to the resolution that's before you. We will be conducting the procurement following our City Procurement Code and then La Clinica has the opportunity to install those items. They will always need to maintain a current inventory and at such time as an item meets its useful life, broken, or is otherwise no longer useable then they'll need to contact the City to arrange for disposition of those items. This license that's before you is basically for ten years and that's the anticipated useful life of the equipment being purchased. They'll only be able to use those items for their intended purpose as basically in a medical facility. We're not charging for it. They may not transfer the items to anyone else and the City does have the right to inspect with proper notice so that we can go verify that our assets that have been acquired are still there. And so our standard options are there before you and I'll be glad to stand for any questions.

Mayor Miyagishima said thanks Eric. Councillor Eakman.

Councillor Eakman said thank you Mr. Mayor and thank you so much for the presentation today Mr. Martin. I fully understand the agreement. I'm curious about what you think the additional costs are to the taxpayer with this Anti-Donation Clause and now we're setting up this arrangement over a ten-year period for the City to be the fiscal agent. Is there any approximation of how much extra this might be adding to the bill for the taxpayer?

Eric Martin said Mr. Mayor, Councillor Eakman. I do not have a number right off the top of my head. One of the processes that we're going through right now is our Munis reimplementation and there is a project ledger module where we could set up something potentially like this and

track administrative costs associated with managing the procurement and actually going out and seeing those kinds of things.

Councillor Eakman said thank you so much. It's wonderful that the Legislature appropriated these funds for this very necessary purpose and hopefully in the future we can get rid of a few steps in the process. Thank you.

Mayor Miyagishima said thank you Councillor. Any other questions? Councillor Pedroza.

Councillor Pedroza said thank you Mr. Mayor. Mr. Martin, I attended a meeting last week and I believe that they were also talking about having La Clinica, or possibly La Clinica de Familia is already working at the Detention Center. Do we know that none of these things that we're going to be purchasing for the building on Alameda, will stay there and not travel to the Detention Center, or what's the arrangement there?

Eric Martin said Mr. Mayor, Councillor Pedroza. No, the arrangement is this equipment must stay at the Central Cervantes Complex there at the former City Office Center and so part of our responsibility as various City departments will be monitoring and keeping track. We'll make sure the, those equipment and materials and things are delivered to that site, etc. But that's part of the ongoing monitoring process and part of the license agreement.

Councillor Pedroza said on the other hand, as I understood it the services that La Clinica was providing at the Detention Center which might have had to do with behavioral health issues and mental health for the detainees. I think it might be good to start to think about how to provide that. What steps might be taken or might be needed in order to, if at some point in the future, within the next ten years the equipment would be useful at the Detention Center, how would they be able to do that?

Eric Martin said Mr. Mayor, Councillor Pedroza. Under the legislative appropriation we have a whole contract that goes with that and one of those clauses that's in the contract is that we would need as the fiscal agent to go back to the State Board of Finance or their representative agency to seek permission to reallocate or otherwise make adjustments with the concurrence of that agency that's utilizing the equipment.

Councillor Pedroza said thank you very much.

Mayor Miyagishima said any other questions? I just have a couple. One, this one's probably for Rusty, do we need to change the, where it says "Ratify the Interim City Manager's Signature" or do we need to delete that? Cause that would mean then David would sign this.

Rusty Babington, City Attorney said Mayor, City Council. I'm not, I don't consider that to be a substantive matter. The key thing is that the City Manager must sign that. So I don't believe we need to change the resolution to indicate …

Mayor Miyagishima said okay, good. And the second thing is Members of the Public, you have any questions? Since I see so many of our younger residents here let me just give you like about a three-minute synopsis of a couple things on how this building came about in case you ever get asked, okay. So a long time ago it used to be the old hospital and then the City took it over and then we used it as our City Office Center for almost, not quite like City Hall but you would get permits, you'd get, our Community Development was there, and Codes, a few, not Codes but a few other places were in there. And then of course we built City Hall and then we moved and then we tried to sell the place. And believe it or not we even tried to give it away and we couldn't and, because there was some problem with asbestos. And so invariably La Clinica de Familia which serves a lot of our residents that either don't have health insurance or are maybe below the income level, decided to go ahead and take it over and remodel it. And so we have many thanks to them as well as the Cervantes family. I know Orlando Cervantes, a very prominent businessman here who's helped the community throughout the many decades and Imogene Cervantes as well who used to serve on the Board of Directors of Memorial Medical Center. She was a nurse and also owned, and the Cervantes Enterprises, that farm and chili processing plant in La Mesa. So thanks to the Cervantes family, they made significant contributions. That's why it's called the Cervantes Complex as well and so you're seeing members of our community who literally gave back, the La Clinica who's worked together to help provide health care for our, some of our residents who are in, unfortunately don't have either quite the resources or the health insurance to have that. So this is really a great partnership with all involved and we're fortunate that we're able to find someone who could use this building and turn it back into its old purpose. That's why they really liked it, cause it once upon a time it used to be a hospital. So I just wanted to share that with you so you know I'm just trying to figure out why you guys are here but that's good. I'm glad you guys are here so okay. If there's nothing further, Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-092 and it was Unanimously Approved. 7-0.

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(14) Resolution No. 17-093: A Resolution Authorizing an Adjustment to the Fiscal Year 2017 Budget for the Bonds Awarded for the Acquisition of the Jornada Water Company, the New Mexico Environment Department Grant No. 16-A2258-STB, the Griggs Walnut Plume Site, and to Amend the Fiscal Year 2017 Capital Improvements Program.

Councillor Sorg Moved to Approve Resolution No. 17-093 and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima said Dr. Jorge Garcia, Utilities Director will discuss.

Dr. Jorge Garcia said Mr. Chairman, Councillors, Mr. Ed. The purpose of this budget adjustment for the utility is fourfold. The first two items deal with the acquisition of Jornada Water Company. In August you issued the approval to go for utility revenue bonds to acquire Jornada Water Company. In September we sold the bonds, actually September 15th. In order to utilize those bonds we need to put them in the budget and therefore we can actually pay for the company. So what this does, even though the bond funds have come to the City, actually October 19th, what you're doing is putting these bonds into the budget. The second item deals with adjusting the revenues and expenditures of the operating utility to receive revenues from the new customers and expenditures associated with that new part of the system. The third amendment deals with wastewater. In 2016 legislative session, thanks to Representative McCamley, we got some funds to construct sewer system in the area of Rios Encantados subdivision that is in the vicinity of Tombaugh Elementary School. It's been our service area for many years. What this does is incorporates $540,000 of those funds for construction of the sewer system into the budget. The last item, the fourth item is an amendment of the budget for the Griggs/Walnut project, the Griggs/Walnut Superfund project. It is to incorporate insurance recovery monies that came from a County policy into the Griggs/Walnut project and we'll be able to use those funds for continuing with the project legal expenses. The following slide is just a table that shows the $17.5 million of bond issuance. The net amount for the project is really $17 million and the payment to Jornada is $16.4 million. As the Council was informed before we will be making some computer automation improvements upfront and that's going to cost approximately $300,000 so we did bond that amount. The second table before you is the amendment of revenues and expenditures. It is estimated that the annual revenues from the company's about $1.5 million. We pro-rated that to about eight months and we have $992,000 going to revenues and expenditures of the fund. We're adjusting the water rights fund. Some of the debt service payments are coming from the water rights fund and therefore $137,000 is going to come out of that fund for purposes of debt service on the bonds. The third table before you is the grant amount is $540,000, that goes again to the sewer system construction. And last but not least, the last table is $1.39 million in terms of revenues and expenditures, again bringing those insurance recovery monies into the Griggs/Walnut fund. With that, I will be able to answer any questions you may have.

Mayor Miyagishima said thank you Dr. Garcia. Questions? Yes Councillor Pedroza.

Councillor Pedroza said thank you Mr. Mayor. Dr. Garcia does any of these have to do with what was in the cartoon section of the Sun News, when was it? Okay. I won't talk about that. All right.

Dr. Jorge Garcia said Mr. Chairman, Councillor Pedroza. The cartoon dealt with the fact that the Utility Board as you know issued the award of the solar photovoltaic system at the reclamation facility and now once the project's completed that small plant will during daylight hours, will run on solar. So I think that was the cartoon on the paper and …

Councillor Pedroza said yes it was, it was very cute. Thank you.

Mayor Miyagishima said anybody else? Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor. And thank you Dr. Garcia. I think that overall we're talking about things we know we need to do and things that will benefit both the City's future planning and the community. I know that out there are several lawsuits and law cases that could complicate things but I think going forward we're still looking at a situation where this is going to help us be more secure in our water delivery in the future and, and that sort of thing. And of course barring a couple of bad decisions we should be in very good shape. Is that fair enough to say?

Dr. Jorge Garcia said Mr. Chairman, Councillor Smith. You're absolutely correct. As we discussed before the acquisition of Jornada, a lot of the value is the additional water rights that now under the City system have a 40-year protection under State law. Jornada peaked use, the peak use was about 2,400 acre-feet. We're acquiring 5,900 acre-feet. Under the private scenario those rights may not be protected. However, under the municipal ownership those rights are more protected. But you're right, there is challenges and there is water litigation. But we're incorporating all of that portfolio, all of those rights into our portfolio and they'll be managed and defended just like the rest of our rights.

Mayor Pro-Tem Smith said well thank you very much Dr. Garcia. I think we're in good shape and I appreciate all your hard work on this. Thank you Mr. Mayor.

Mayor Miyagishima said thank you. Anyone else? Members of the Public? I'm tempted to do another little miniseries here, just a couple things that were mentioned. My goal is to make you smarter about City government when you leave this at 5:00 or whatever time. There were two things that they talked about; one was the sewer hookups. One of the things that the City identified a few years back is that we had about over 2,000 septic tanks and our goal was to eventually get rid of those and help the residents be able to hook up to City sewer. And why would we want to do that? Because eventually that could hurt our water table and our drinking water. So that was our goal. We're very fortunate the State works with us. Dr. Garcia has that vision that we can work together and allow the residents the opportunity to hook up one time and do away with their septic tanks. So that's that. And then you heard him mention also about a water reclamation plan. We're very proud of that and Dr. Garcia started that several years back. Basically what it does, it turns wastewater, sewer water into near-potable water so that we can save up to a million gallons of fresh drinking water every day and that can be used obviously to drink. And so this reclaimed water is what's going to be used, someday you're going to see a house probably in certain subdivisions with purple pipe. When you see purple pipe it's reclaimed water and you can use that to wash your car, to water your plants. You don't want to drink it. It's near potable but nonetheless that's water conservation. So in case you hear those two terms, water reclamation and why we're doing that, there you go. All right. It's kind of fun in a way, I have to mention. Okay, anything, yes Councillor Gandara.

Councillor Gandara said Mayor I just wanted to add Dr. Garcia and his staff offered Councillor Eakman and I the second tour to the plants and it was an amazing, amazing tour and I learn so much more every time that I go there about what the City's functions and all of that and I guess I'm mentioning that because I think it's important for the students that are out there, they're

always offering tours and I would really encourage you to do the tour. It's amazing. His staff is very professional, they're kind, they're so informative and experienced and I think, I was very appreciative of that so I think he's okay that I extend the invitation out to them, to the citizenry. Yes. Thank you Mayor.

Mayor Miyagishima said thank you Councillor. Councillor Sorg.

Councillor Sorg said thank you Mr. Mayor and I thank you Dr. Garcia. I have to take this opportunity to thank Dr. Garcia and his whole staff. They do a wonderful job. It's one of the best utilities I think in the state we have and the many things they do to give us our steady, good water supply, conservation, our trash pick-up and of course the wastewater as you mentioned. They do an excellent job and I want to thank them for this, for the wonderful work they do. Thank you.

Mayor Miyagishima said yes Councillor Eakman.

Councillor Eakman said I have shared with Dr. Garcia a slogan that I saw on a solid waste container in another city that could be replicated. It said, "Satisfaction Guaranteed or Double your Garbage Back."

Mayor Miyagishima said okay. I did forget one last thing: Why the City is purchasing this water utility because obviously before you all were born water was really free. In fact nobody even thought that water would cost today probably more than, almost than gas. But water is liquid gold, and for our community to continue to grow and be able to provide the necessary fresh drinking water, we have to be visionary and that's what we're doing here today. So that's the reason why we're able to do this. And the money that we have from the customers pays basically the loan on it for lack of a better term. So anyways that's your City Utilities working hard to make sure that we have water for many, many years, decades to come. Okay. If there's nothing further, Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-093 and it was Unanimously Approved. 7-0.

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(15) Resolution No. 17-094: A Resolution Approving the Memorandum of Agreement (MOA) Between the City of Las Cruces (City) and the New Mexico Department of Transportation (NMDOT) and Authorize the City Manager to Execute a Road Transfer Agreement Accepting Jurisdiction of Valley Drive from Avenida de Mesilla to the Northern City Limits.

Councillor Sorg Moved to Approve Resolution No. 17-094 and Councillor Gandara Seconded the motion.

Mayor Miyagishima said Ms. Loretta Reyes, Public Works Director will discuss.

Loretta Reyes said thank you Mr. Mayor. Mr. Mayor, Members of the City Council. For the record, my name is Loretta Reyes and I am the Public Works Director for the City of Las Cruces. The resolution before you today, we're asking for you to agree to two items. One is to approve a Memorandum of Agreement between the City and the NMDOT for Valley Drive and the other is to authorize the City Manager to execute a Road Transfer Agreement accepting Valley Drive into our operation and maintenance. Just a little bit of background and general timeline: In 1992 the NMDOT Highway Commission directed highway districts to work towards a comprehensive statewide movement to transfer ownership of state routes that are within a local government's jurisdiction to those agencies for operation and maintenance. In 2012 NMDOT reconstructed Valley Drive from Picacho north to the city limits, and I have a map here to show you what that looks like. That's the area along this red line here. In spring of 2015 NMDOT approached the City with a proposal to transfer Valley Drive between Avenida de Mesilla to the northern city limits for our operation and maintenance and that's basically this portion of the roadway here. In September 2015, Resolution 16-078, you passed that resolution to authorize the Public Works Director to negotiate a Road Transfer Agreement between the City and the NMDOT. A little bit of project background: The NMDOT is currently working on preliminary design of a portion of Valley Drive which is from US-70 south to Avenida de Mesilla, and Avenida de Mesilla from Valley Drive to Hickory Drive. And just so you know what that looks like, that is this portion of the roadway. Here's Picacho, Avenida de Mesilla, and Hickory Drive right in this area here. NMDOT and the City have had several meetings to discuss and negotiate a possible Road Transfer Agreement and that brings us to this point right here. It's been a little over a year since the City and NMDOT began its discussions. We've now come to a negotiated agreement in the form of basically the first step which is a Memorandum of Agreement. And basically what we've come to an agreement on is NMDOT has agreed to a $14 million project with improvements that include over-sizing the storm drain system within Valley Drive. What that will do is that will give the City the opportunity to drain some of these neighborhoods that are adjacent to Valley Drive between Picacho and Avenida de Mesilla. What's shown in the light blue here are some small watersheds that will be able to drain into the storm drain system. As some of you are aware and as Councillor Eakman is aware these areas have some drainage issues. This is very flat area in the valley. This will give us the opportunity to drain these areas into a larger system. The agreement will include roadway improvements to Avenida de Mesilla from Valley Drive to Hickory Drive. The City does actually have ownership of that portion of Avenida de Mesilla. Without this agreement and without the negotiations that we've done the City would then be responsible for constructing this portion of roadway. So under this agreement they will do that under this project. We will also have street infrastructure elements that will be constructed within the right-of-way proposed as part of the Amador Proximo Community Blueprint and I'll show you some pictures a little bit later in my presentation. The project will also include new traffic signals, ADA ramps, sidewalks, curb and gutter, medians,

bike lanes, and street lighting. This is the cross section that is proposed in the preliminary design to be built along these areas I show here with the red dashed line. It'll include two lanes in each direction, a bike lane with a buffer zone, sidewalk, and curb and gutter. The cross section that I alluded to between Hadley and Amador that is part of the Amador Proximo project will be built along where this red dashed line is here and what I've delineated with the green line is the Amador Proximo area between Hadley and Amador. As you can see there are areas in this cross section, there are parallel roads, little roadways to Valley Drive that will be there providing some access and parking for future businesses along these smaller conceptualized roads. This is basically the concept from the Amador Proximo Community Blueprint. You see the road here where this truck is and this gentleman is walking. Future development could occur along this portion of Valley to include smaller stores or other types of businesses and then the cross-section that I show here basically shows you the lanes, two lanes in each direction, a bike lane, these smaller parallel roads to Valley with the businesses on each side. So typically a Road Transfer Agreement is not executed until all improvements are completed and accepted. We would not take over the roadway and transfer that roadway to the City until we know that everything that we've negotiated as part of this MOA has been completed. The Memorandum of Agreement will solidify the final project scope. Right now the project is on hold until the NMDOT knows that the City is on board with proceeding forward. What will happen with the approval of this MOA is that NMDOT will be able to provide direction to their consultant on the final design. And this Memorandum of Agreement will serve as the agreement to ensure a Road Transfer Agreement be executed as the final action of this process. NMDOT really needs to know that the City is committed, that we are in agreement with the improvements that we have had them include in the project for that cost of $14 million before proceeding forward with this project. The Road Transfer Agreement, at the end of the project when everything is completed and has been accepted by the City will mirror all the requirements that are listed in the Memorandum of Agreement. If the Memorandum of Agreement is not approved the NMDOT will proceed with their original project scope for Valley Drive and Avenida de Mesilla. Basically they won't construct anything on Avenida de Mesilla and Valley Drive will be to their minimum standards. We have worked with them and negotiated some use of other City facilities, City ponding areas for the drainage. If they proceed with the roadway as they would like to design it, it is possible that we may end up with roadside swales on that road, or some other type of drainage there. And of course if the MOA is not approved it will not include any of the improvements the City is requesting be part of the project. So I have some additional information here. We have entered within Road Transfer Agreements with the NMDOT previously. Here are some listed between the years of 2000 and 2004. In exchange for these we've received funding for other projects and we've received the construction of roadway improvements along these corridors as well. This is the estimated project timeline for Valley Drive, they hope with the approval of this MOA and the subsequent execution of the Road Transfer Agreement by the City Manager. They will complete the design by summer 2017. They tentatively will begin construction in the fall or winter of 2017 and then construction is anticipated to take 18 months. The City is in constant contact with NMDOT with regard to this project. We attend all of the stakeholder meetings and provide our input and have worked very hard to negotiate this Memorandum of Agreement. These are your standard Council options and with that I will stand for questions.

Mayor Miyagishima said thank you Loretta. Councillor Eakman, Councillor Levatino, Mayor Pro-Tem.

Councillor Eakman said thank you Mr. Mayor and thank you Ms. Reyes. I would like to say that District 4 held a meeting on this a couple of months ago and there was significant interest from the residents and businesses of District 4 that are adjacent to this property and discussing the future of Amador Proximo and its potential for that area and the City. I would like to say I'm very grateful to you Ms. Reyes and your staff on how open you are to visit with these people who are most concerned about how this will affect them into the future. You and your staff have been super responsive to them. I'm getting very positive feedback that you're hearing them and you're understanding their concerns. The future, the significance of this project cannot be overstated. It is very important to us and I fully support this MOU and the subsequent transfer in the future of Valley Drive to the City. We need these improvements. We need them in this form. Thank you.

Mayor Miyagishima said thank you Councillor. Let's see, Councillor Levatino and then Mayor Pro-Tem Smith.

Councillor Levatino said thank you Mayor. I think Jack answered my questions. But if you could go back a couple of slides to the diagram of how the street, there you go. My only concern was if you look at the center which is Valley Drive as it is essentially and then you add, you widen it on either side, from this picture it looks like it's almost tripling the width of Valley. My concern was is there private property on either of those sides and if there is private property how are we dealing with, it looks like taking the private property to extend that width?

Loretta Reyes said Mr. Mayor, Councillor Levatino. There is adequate right-of-way along Valley Drive to accommodate these improvements that are shown on this cross-section.

Councillor Levatino said perfect, and without ever impinging on …

Loretta Reyes said yes, when you drive along Valley Drive you will see that many of the businesses are already respecting quite a bit of width from the edge of Valley Drive to where their fence or their wall is. There has been some development in that area and we have, in the past when I was over the plan review staff we worked with them to provide some landscaping and things in that right-of-way just for aesthetics, but they are aware that basically that land there in front of their property is part of the street right-of-way and will be used for future expansion so there's ample right-of-way.

Councillor Levatino said terrific. Thank you. Thank you Jack.

Loretta Reyes: You're welcome.

Mayor Miyagishima said thank you Councillor. Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor and thank you Ms. Reyes. I think one thing I want to be sure we're clear on is that the additions that Councillor Levatino was just asking about, a lot of that is either ditches or the setbacks that you're talking about currently, I believe that's sort of unused area but also that those are both one-way in each of those directions, is that not correct, much like you see on Golf Club Road.

Loretta Reyes said Mr. Mayor, Councillor Smith. If you are referring to these areas here, yes they are one-way.

Mayor Pro-Tem Smith said and I think that ties in, thank you, with what Councillor Eakman was talking about with all the discussion that we've had about Amador Proximo and the need for a slightly different way to access some of the things that we're talking about and sort of slow down the pace perhaps next to some of the development we expect there. So I think this is a very positive direction for us to be going. I look forward to seeing us vote yes on this. Thank you Ms. Reyes. Thank you Mr. Mayor.

Mayor Miyagishima said thank you. Anyone else? Councillor Pedroza.

Councillor Pedroza said thank you. I really look forward to seeing it happen. Right now when you travel on Valley it's kind of sad because it looks unfinished. It looks like you can, there's very few sidewalks. How much of, will some of the other parts of Valley also get improved?

Loretta Reyes said Mr. Mayor, Councillor Pedroza. Yes, the plan is to improve Valley Drive from Picacho to Avenida de Mesilla, to that portion there. That portion is still under the jurisdiction of the NMDOT and those are the limits of the project on Valley Drive at this point. So all of that will be improved with new pavement, sidewalk, curb and gutter, street lights, everything.

Councillor Pedroza said right, yeah. I think it looks beautiful and I almost envy the people who live around there.

Mayor Miyagishima said Councillor Sorg, Mayor Pro-Tem.

Councillor Sorg said thank you Mr. Mayor and thank you Ms. Reyes. I appreciate it too as Councillor Eakman is talking about, you do a great job in this. I was looking forward to seeing the design of this, what are we calling this, remodeling a street, or there's a better term I'm sure, redoing it. Anyway been looking forward to that and I really do like the design. As you know I like to see the sidewalks, I like to see the bike lanes, bike lanes that are separated from the traffic, and this is really good and especially when it's retrofitting an existing road we have already. I've always been concerned about some of our older streets don't have these facilities and don't always have sidewalks even, but especially bike lanes. So it's good to see that we're doing this and I'm glad you're doing it and great job. Thank you.

Mayor Miyagishima said thank you Councillor. Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor. One other thing that occurred to me, Ms. Reyes you're showing that section, the median as red and I know that in some parts of our town we've done the embossed or pressed concrete that looks sort of like bricks but I also know that there are parts of Valley and Main Street, well Main Street really more so than Valley where we've done the median landscaping. So can you describe for us what's planned for the median in that area? Obviously there'll be some cut-throughs and that sort of stuff but are we planning on landscaping that or are we planning on paving it with the red-looking concrete?

Loretta Reyes said Mr. Mayor, Mayor Pro-Tem Smith. I think as we proceed forward in the design those are questions that we'll be able to discuss with the NMDOT as to how we will handle those medians at this point. Right now the cross-sections do give the appearance that there will be something solid within there but I believe that we will be discussing those issues with them at that time so I don't have a definitive answer for you on the medians.

Mayor Pro-Tem Smith said that's quite all right Ms. Reyes. I don't want to be premature on that but I also want to put my hope that we can be landscaping as opposed to simply paving. Thank you. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Anyone else? Members of the Public? Seeing none, Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-094 and it was Unanimously Approved. 7-0.

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(16) Resolution No. 17-095: A Resolution to Amend Resolution No. 16-203 to Separate Las Cruces Convention Center Expansion and Film Studio Sound Stage Development Project Funding and to Amend the Fiscal Year 2016/2017 Budget.

Councillor Sorg Moved to Approve Resolution No. 17-095 and Councillor Eakman Seconded the motion.

Mandy Guss, Interim Economic Development Coordinator said Mayor, City Council. Yes, I'm here about the proposed amendment to Resolution 16-203 to separate the Las Cruces Convention Center Expansion and Sound Stage projects. Earlier this year the Resolution 16-203 was passed that established the Convention Center Expansion Project, include an exhibit hall that's built to film-friendly standards, and that resolution was created as a compromise so that both projects of the Convention Center expansion and building a film-friendly sound stage could proceed. Since that passed Film Las Cruces has identified alternate locations for a film and media sound stage that would better serve film and emerging media-related activity. So that was taken to the City's

Economic Development Committee and they looked at what was previously agreed to, as well as what was being currently recommended and it was voted on by the Economic Development Committee to recommend City Council separate these projects. So the proposed amendment, the current resolution amends that portion of the previous Resolution 16-203 that the Convention Center be built to accommodate the film industry. It authorizes City staff to separate the Las Cruces Convention Center Expansion and Sound Stage Development and it authorizes City administration to negotiate the purchase of property or a facility for the development of a media sound stage. So your options are to vote "yes" to approve separating the projects, vote "no," amend, or table.

Mayor Miyagishima said okay, before I go to Council let me ask you some clarifying questions. Mandy was the name?

Mandy Guss: Yes

Mayor Miyagishima said okay. So the Council had thought, appropriated, or we put in the budget up to $5 million to build this sound stage, or am I talking about two different things?

Mandy Guss said two different things. So the original resolution said that this project would go forward. I don't know if there was an amount said to it but the $5 million was for a future sound stage depending on, after the Convention Center Expansion happened.

Mayor Miyagishima said okay. So let me just ask you this. So if we move forward with what you're proposing here, are you saying that we still won't have the $5 million for the Convention Center?

Mandy Guss said actually I think I have an additional slide for it. So the version, I'm sorry. I should've when you first asked this question, so there's current funding available which is $3 million along with the State appropriations of $1 million. If additional funding is required for the current Sound Stage Project that will be presented for City Council approval and then if the Sound Stage is successful and demand grows, need for building an additional sound stage will be evaluated at a later date.

Mayor Miyagishima said okay. So what you're saying is the million from State appropriations, this Committee wants the City to use $3 million plus this $1 million to build a sound stage in a completely different location.

Mandy Guss said correct. Correct.

Mayor Miyagishima said okay. I don't know if I'm going to be supporting that because that goes contrary to what we had discussed about in our funding for, one of the reasons why we were going to expand the Convention Center was, let me start all over again. So if we go and build this $4 million facility, who's going to rent it?

Mandy Guss said I'm sorry, what was the question?

Mayor Miyagishima said who's going to rent it?

Ms. Guss said it would be used for future film and media production.

Mayor Miyagishima said right. And so, but as I mentioned to the supporters of this project, I said, "You know one of the things to get my support is you're going to have to show me a stream of income." Like for example earlier in today's meeting we bought a water system. Well when we bought that water system we also bought customers and those customers who pay us so much money is what was used to pay the bond, to pay for that. So hypothetically if we're going out and spending $4 million then we need to know that it's going to be being paid back. And so one of the things that I've always spoken to some of the big supporters of this was to provide us some type of a business plan as to exactly how are you going to pay this back, because obviously this is taxpayer money and we don't want to put ourselves out in a way that, like for example let's take Studio I-25 I think in Albuquerque. They're on a month-to-month. They're not on any long-term lease. They could leave the next month. And so if we're building a $4 million building with debt service of, let me see I'm going to guess probably $30,000 a month, $360,000 a year, okay. So if a film studio rents it and pays us a couple hundred thousand, where are we going to get the $160,000? So I've yet to see a business plan meet with this organization that really wants to move forward this and I think it would be irresponsible for the City to move in this direction. So I know you're just a messenger but I just want to make sure that …

Councillor Sorg said Mr. Mayor. Could I explain?

Mayor Miyagishima said sure, of course.

Councillor Sorg said thank you Mr. Mayor. As part of our packet in this resolution here a business plan was included and it shows that after, well there's two different ways of looking at this I guess. As part of that business plan of ultimately getting to as many as 60 months of rental the City could realize $2.8 million in revenue from this sound stage. Mind you we have to get to that point and also in the packet there's I think a, if I get to it here I'll try to explain it. There is a schedule of use of the sound stage that, reading it sideways, you get to in the third year of use revenues could be as high as, well we're talking about a revenue income of $36,000 per month of use. Now subtracting the O&M of the building you'll have approximately as I recall $20,000 to $30,000 per month of use, that would be revenue that is above O&M. So anyway it's in the packet, the business plan. It's in your packet.

Mayor Miyagishima said but Councillor, I guess, but where are the contracts? I mean I agree there is always that potential for revenue to come in, but just like anything else I mean it's not guaranteed. One time I even asked a movie studio would they be willing to put a certain percentage of their revenues to, of course not. They're not going to do that.

Councillor Sorg said right. I understand that.

Mayor Miyagishima said so they're wanting us to build this with no guarantee that we're going to have the money to make payment on it. You know when we built the Convention Center we knew exactly how much money was coming in from our lodger's tax and the lodger's fee and we took that amount and then we worked backwards. We said, "Okay we're going to have this much money for debt service. That debt service is going to provide a larger loan and from this loan this is how big of a convention center we're going to build." I just don't think this is a fiscally responsible way to build a sound stage.

Councillor Sorg said well let me ask you this. Is the Convention Center, did that have assured occupants or rentals of the Convention Center when we build it? No, we had to sell it.

Mayor Miyagishima said okay. The difference with that is that we knew that there's been discussion, there's been customers who've wanted more space that we couldn't accommodate them. So we felt, and I have to give credit to Robert because he came up with this idea, Garza, that by having a larger facility when needed these film companies can rent that larger space plus the other part of the Convention Center for as long as they needed, and then on the off time if they didn't use it, then it would be available for the general public or other businesses or whoever wanted to rent it. I thought that was a good compromise to be able to provide the necessary revenues to pay for the Convention Center plus the fact that we're able to utilize the more space when needed and then take it away when it's not needed. This one here, we're going to be holding onto a building and we may or may not have the necessary commitment year after year, month after month to make sure it's paid.

Councillor Sorg said well I would like to have the people that are in the business explain how it will be used but I want to point out the fact that we have two academic programs here in the City here, one at the NMSU, the CMI and one at the Dona Ana Community College, that's the CMT and they could use the facility also. So there will be some times when it isn't commercially being used that the university and community college can use it.

Mayor Miyagishima said is the university willing to rent it and sign an agreement with the money behind it to make sure that we're paid year-round, month-round?

Councillor Sorg said we haven't gotten to that point in the negotiations yet.

Mayor Miyagishima said but we're willing to just move the money without, I just don't think it's a very fiscally …

Councillor Sorg said I'll also point out this resolution doesn't talk about any money anyway. We're not talking about money. We're just talking about separating the sound stage from the Convention Center to another facility yet to be determined.

Mayor Miyagishima said okay. So I said my piece, just wanted to get that out. I think if anything this should've been a work session item really, to discuss, to bring in the stakeholders, our financial people from the City, and able to sit down and really discuss whether or not this is viable really.

Councillor Sorg said I think there's people here in the audience that could shed some information on this, what your questions are.

Mayor Miyagishima said okay, well we'll go to the Council here and then we'll go out to the Members of the Public. Councillor Eakman, Smith, and Pedroza. Sorry, he put the light on.

Councillor Eakman said thank you. Mr. Mayor, Mandy good presentation. Mr. Mayor I respect the fact that you have not been privy to the business plan or a step-through on how that is worked and I think that is an oversight on everyone's part. The Economic Development Committee has reviewed the plan and reviewed the prospects. I'll go back to the fact that when we approved the idea of this being a joint usage between the Convention Center and Film Las Cruces I was very skeptical of that going together, thinking that that type of a compromise had so many difficulties for both parties. And the option we're talking about now is most likely not a new construction. It's probably an existing building or two in the City that could be retrofitted for minimal dollars. Now, none of that is in front of us today, the specifics of that, how it works, what the due diligence would be, and things like that. And I really do understand how that could make someone's decision not fully effective. But as someone who has read quite a few business plans before and as someone who does believe in this venture and the talent of the venture, I would like to do whatever we need to do to get consensus of the Council that really this does have feet to it. This does have very positive attributes for the City in the long term and so I would like to do what is necessary so that everyone feels comfortable with this even if they want to vote for it or against it. So I respect the fact that Members of the Council are not up to speed on that and I feel badly about that right now. Thank you.

Mayor Miyagishima said well thank you Councillor. As you mentioned probably what would be nice is to probably table this and have a work session item on it so that we can discuss it and so that the full Council can see the business plan on it. But I would love to be able to support it but I've got to, I've got to make sure all of us, we have to uphold that public trust. We have to, when we're spending the taxpayer money we have to have even more diligence than if it was just our own. And so it's one thing if everybody here is willing to put a personal guarantee on it. But when we're spending the taxpayers' money it better be, it better have gone through many hoops to make sure that it's viable. Councillor Pedroza, I'm sorry, and then Mayor Pro-Tem Smith and then Levatino. So Councillor Pedroza.

Councillor Pedroza said thank you Mr. Mayor. I really would feel much more comfortable if we did have a work session first because as I recall there are, I may be wrong, maybe I'm not remembering correctly, but I thought that we already had a film person on staff and this is kind of like a, "We'll jump here, well no let's jump over there, well no let's jump over …," and I don't feel comfortable with that. So I would, I don't know if that would be proper. Would it be proper to move that we …

Mayor Miyagishima said if we could Councillor let's listen to the other Members and they had something they say and then perhaps at the end if we could ask if that's the direction please. Mayor Pro-Tem and then Councillor Levatino.

Mayor Pro-Tem Smith said thank you Mr. Mayor. And I can certainly appreciate your concern. I think any time we're talking about the issues that we sort of rolled into our desire to use the Hold Harmless GRT money in a way to develop economic opportunities, there's going to be a certain amount of risk involved. We've talked about having a warehouse or a work building structure and certainly with the interjection of almost a million dollars from our legislators this particular direction has looked promising as far as a way to diversify our economy. So I recognize that concern but I also think that several points need to be considered. One, there is a property but there's a desire not to be too specific because that particular property is on the market and might be something that could be complicating the negotiations. So there are several properties but certainly one that has been looked at. One of the comments that's been made is that if this particular venture shouldn't be productive and should not be successful that we would still then end up with warehouse space or workspace that could be used in another way by the City. So we're not looking at something that's completely without merit standing on its own. The other point, and I think the one that's most salient to what we're talking about today is the fact that it's always been a difficult fit talking about taking a part of the Convention Center and trying to wedge the film aspect into that. I think we've heard from the people with the film industry who've had difficulty with that and on the convention side that also has had some difficulties, so I think probably at the time that Mr. Garza came up with that idea he was looking at ways to preserve the money because we were looking at claw-backs being very likely at the state level and some way then to save that money and put it to its intended use without having it just simply be clawed back. I think having survived that particular initial threat we're looking at a situation where we might be able to put it to a more productive use, a way that could actually be more likely to bring film and that industry here, as well as allow our Convention Center then to move forward in a way that's not tying it up too much either. So I would say that a work session might very well be something in order to further clarify where we're trying to go with the film aspect of this but I would urge us to go ahead and vote yes today simply because the combination of the film and the Convention Center piece is really cumbersome for all aspects on that side of it. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Councillor Levatino.

Councillor Levatino said thanks Mr. Mayor. A couple of points I just want to make and as with Councillor Eakman I apologize that those of us who have sat on the Economic Development Committee and some of us who have been involved in this since day one did not appreciate the need to make sure that the rest of the Council knew the deliberations that went on at the meetings. So I also apologize for that. I don't have any particular problem with having a work session. That's probably not necessarily a bad idea if we could schedule it rather quickly, but I do want to make sure that the other Members of the Council and the public understand that the Members of that Committee and the Members of Film Las Cruces have worked diligently to put together a project vision that I believe will work for Las Cruces. They've done their due diligence. They've gone down every single road. They've investigated every possibility. There's always some risk but I can attest to the absolute seriousness with which Film Las Cruces and the Economic Development Committee has given to this project. They really have. So I just want to make sure that everybody understands that this, nothing that was done on behalf of the taxpayers

was done lightly. Every contingency that we could think of was examined. So I just want to put that out there so that everybody understands that they've worked very, very hard. And so I'll leave it up to the Council to decide whether they want to vote this through today or go for a work session. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Councillor Levatino and I appreciate and do respect you and those that do serve on that Committee. I think for a couple of reasons, one, and I apologize for that, I was trained as a banker and so I have to think like that and I can't, it's hard for me not to. But the second thing is if we do use money that we receive from when we pass the gross receipts tax increase I think that's even yet another reason why we really have to be as diligent and transparent to the public because we had said, "We're not using this for just projects. We're using this for projects that are going to not only help increase revenue to the City," because that was the whole reason why we did that increase, because the State's taking money, they're currently trying to take money away and we want to make sure that this money that we're using, that we get at the very minimum our money back and then some. Many of the projects that we've done, whether it's renewable energy or LED lighting, the initial amount is going to be bringing in monies to the City ten, 15 years down the road and then after that it's just pure gravy. And like I said I respect you and the Members that serve on that Committee. I think that if it will stand the diligence of a work session and like I said I want to support this. I think the film industry is good. I will tell you this much and I know I received this a while back, never felt any need to bring it forward, but I'll share with you the gross receipts tax from the City of Albuquerque during the last ten years and then I'll let you look at it to see how much the film industry has contributed to their coffers, and I have tell you you're not going to be finding it to be a whole lot, okay. Contrary to what you might think, I specifically looked at certain areas, and they don't have it quite broken down to the degree as ours but I just want you to know that you're not going to see these huge spikes that many people have talked about and so I think, again it's, I think it's good for the community. It's always nice to have people working and putting money back into the community but by doing this, by having a, I think it's just important that we not rush into it. I think we can have the work session scheduled rather quickly. I can't recall what we have going on. We don't have too much going on. Let's see here, probably December 12th is one that we could look at and then of course the new year. So nonetheless I think, and I would be supportive of doing something quickly because again I want very much so to support this but I have to feel that we've done, so I can ask the questions that need to be asked. And I'm not saying that you haven't or the Committee hasn't but in order to get that sense of comfort I feel that I really need to do that.

Councillor Sorg said understand. May I say a word or two?

Mayor Miyagishima said yes Councillor.

Councillor Sorg said thank you Mr. Mayor. I want to say again that some of the words that our colleagues up here said are very true, the capital outlay from the State and so forth, but I want to remind that this is a resolution that just separates the Convention Center from the Sound Stage. It does not commit us to buy or purchase anything for a sound stage yet. That has to come, and I agree we could have a work session before we go to that point, absolutely and I think we should.

That'll be our due diligence and make sure that we're spending or using the revenues, taxpayer money very wisely, and I think we can prove that if we have a work session. And so I'm all for that. We're a little bit concerned about the capital outlay from the State. As you know the State is very concerned about their budget. Who knows what's going to happen come in January? And we would like to have some kind of action that would encumber that capital outlay money before the State can claw it back. And so we're looking at a narrow window here and so I think if we have the work session I think it's important that we do have it soon, like you say maybe December 12th is enough. I don't know. But again this is just separating the Convention Center from the Sound Stage, which by the way the Convention Center itself and the Convention and Visitors Bureau do approve and encourage us to do this. They do not think that having a sound stage connected, or part of the Convention Center is a good idea. They're going to have trouble to have that sound stage part, because we will be committed to at least 12% of the time having it be used as a sound stage if we use the capital outlay money there. Just don't forget that. And then they'll have trouble with scheduling, trying to get that 12% per year into it. So it's simply separating the two and by doing so we can proceed to assess the facilities that might be able to be used for a sound stage and we have to do that in order to find out that this is going to be a viable project or not. We have to go and assess the different possibilities for a sound stage and we can't do that without the separation in this resolution. So I say let's go ahead, approve this resolution, and then have as soon as possible a work session for the purpose of determining what to use for a sound stage or not have a sound stage. Okay, do you understand? Am I making clear?

Mayor Miyagishima said yeah. In fact I was going to try to put Phil on the spot here but before I do, Mayor Pro-Tem.

Councillor Sorg said okay. Thank you.

Mayor Pro-Tem Smith said thank you Mr. Mayor. I just want a quick follow-up to what Councillor Sorg is saying. We're also putting on hold basically the progress on the Convention Center waiting for this decision to be made and so what we know from the standpoint of the security of what probably Mr. San Filippo is going to share with us is that there are conventions and activities that can't happen currently and all of the planning and all of the forward motion on that has to wait until we make this decision. So that's one reason I would concur with Councillor Sorg as far as making this decision now, following up with some of the others. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Phil let me just ask you, I know when this was done latter, early part of this year, probably done pretty quick and I don't recall whether or not CVB chimed in on it. Will you share with us your comments, concerns please?

Philip San Filippo said sure. Mr. Mayor, Members of the Council. At the time I think we all thought it was a great idea and the first thing that we did is we sat down with Film Las Cruces and we did a SWOT analysis. And it didn't take us too long to realize that it created issues for both of us. We need breakout space. When you do breakout space you can't have soundproofing, so just basic things like that. Getting into the booking of the Center whether it's for film or whatever creates some difficulty. Conventions tend to book two, three years out and

films want to come in and they give you maybe 30 days' notice. So once again we have conflict. After the SWOT analysis I think we both felt, "If this is the way we have to go we'll figure out a way to make it work," but it was going to be pretty difficult to make it work. I did sit in on the Economic Development Committee meetings and as we started speaking and as other alternatives came up, it became clear to me that it was in the best interest for the separation. I know Film Las Cruces has done a lot of work on their business plan. I can't speak for them but I can tell you from the Convention and Visitors' standpoint it makes a lot of sense to have a separate entity. As I said at that time, "I never felt so good about asking for less money." But actually having less for the purposes of exclusively a convention center would make it easier for us and make it easier for Film Las Cruces.

Mayor Miyagishima said okay. Thanks Phil. I appreciate that. Stuart I don't know if you've met Phil yet but since Phil's come on board he really has taken our Convention and Visitors Bureau to a whole different level. I have tremendous amount of respect for this man and has done a fantastic job and so if you say so, okay, I'll trust you. And, but not that I don't trust you guys but what I'm going to say is this, but I still think we need to have the work session. I'd still like to see that. If that's something there that this would impede having conventions then okay. He knows more about it than I do. Councillor Gandara.

Councillor Gandara said thank you Mayor. Thank you everybody for their presentation and the hard work that each of you sitting up here on the dais has done as it related to the Economic Development Committee. One of the things that I want to just say very clearly is that I'm very supportive of the film industry. I think it's going to do some really wondrous things here when it does get to Las Cruces. But I'm with the Mayor in terms of I'm feeling a little anxious about spending taxpayer dollars when I'm not really a part of the Committee. I haven't really had any reports given as it relates, I mean I'm happy that the SWOT analysis is done and your presentation Phil I think was really informative. But I also want to make it clear and this was something I said earlier when we did pass a resolution was the money that was identified and given to us by the legislators was given for a specific thing and I wanted to make clear that we were communicating, the staff, City, the Manager, whoever is responsible for this, that they're communicating clearly with the legislators that gave that money. Because I think there was some concern about what we were doing, how we were doing it, and it wasn't ever clear that there was the communication with each one of those legislators that gave a portion of their capital outlay money. So again, I'm going to say that again. I think it's important. I know that Jeff Steinborn sits on the Economic Development Committee and is really driving a lot of this but I know from others that have been giving this money that there's concern about it because I don't know that we're communicating as effectively as we should. And so I want to say that I feel that needs to be done. The other thing is I'm a little concerned about voting on something today because I thought the compromise was just that, to put it with the Convention Center, not separating the Sound Stage out. So I'm still a bit concerned about doing that. Thank you.

Mayor Miyagishima said thank you Councillor. Councillor Pedroza.

Councillor Pedroza said thank you Mr. Mayor. I'm very, very grateful for all of the information that we've gotten today. It seems almost like a work session. And I was a little concerned that

possibly the Economic Development Committee misunderstood my concern, possibly that of other people, this is not in any way saying that we believe that any Members of the Council, any Members of the Economic Development Committee acted in bad faith at all. It's not that. It's not we're saying, "Well you didn't communicate with us so hey we're not going to approve," it's not. So please don't feel bad about that. We know that you did your best and so on. That we still have questions, I do, and I would really appreciate a real work session even though we've gotten a lot of information right now but I think it would make me much more comfortable to know from a lot of different people exactly what it is we're talking about. Because if we discussed this previously and voted to do it together and now suddenly we're going to just suddenly say, "No, no, no. Let's separate it out." Well tell me the reasons. Give me good reasons. So I would again ask for a work session. Thank you.

Mayor Miyagishima said thank you. Councillor Eakman.

Councillor Eakman said yes. And Mr. Mayor I wondered if there was any flexibility for the November 14th work session to wedge this in. It seems like we have two issues on that work session and I'm asking this because I think I know how I would feel if I had not been informed before the City Council meeting on an issue like this. I would not feel good about it even though it was a wonderful project. So just wondering if there was flexibility to work this in next week.

Mayor Miyagishima said it doesn't appear to be a very heavy agenda, the 14th. You think the Committee can be ready to make a, basically revamp a lot of the discussion here?

Councillor Eakman said they were ready a month ago so I'm sure they could be ready in a week, yes.

Mayor Miyagishima said all right then. That's fine then. Let's go ahead and set that up for the 14th. Okay then, if that's the case then Councillor Pedroza if you want to make a motion to …

Councillor Pedroza said I move that we table, is that what we would be doing, this particular item and that we schedule a work session on it on November 14th.

Councillor Sorg said wait a minute.

Mayor Miyagishima is there, we need a second. There's a motion. Is there a second?

Councillor Gandara said second.

Mayor Miyagishima said okay. Moved and second to table with a work session on November 14th and then if we move, decide to immediately get it on the agenda thereafter. Okay. Linda.

Mayor Miyagishima called for the roll on the Motion to Table Resolution No. 17-095, to have a work session on November 14th to discuss whether it'll be brought back and it passed 4-3.

Councillors Gandara, Pedroza, Eakman, and Mayor Miyagishima voted Aye. Councillors Sorg, Levatino, and Smith voted No.

Councillor Eakman made a motion that we have a special City Council meeting be held immediately after the work session.

Mayor Miyagishima said yeah, I don't think we can do that Councillor. I think we can, yeah, we'll, right now I'll tell you this much. If it needs to be separated I'm okay with it. I think it's important that the public knows what's happening in a public venue and see how it's going to be, how it's going to work out. And if you want to name this building "Building X" that's fine. I understand that, whatever you're talking about. The Committee has worked hard like you said and if it is something that's viable I'll support it.

Councillor Eakman said is it okay if I make my motion and see if it fails?

Mayor Miyagishima said no, I don't think we can, you can do that.

Linda Lewis, City Clerk said excuse me Mayor, Councillor Eakman. We don't need to have a motion to set a special meeting. That is something that staff can take care of and we can post it accordingly.

Mayor Miyagishima said and I'm giving you my commitment, or I can call a special meeting. I'm giving you my commitment that after that work session if we need to expedite it we'll have to, if we hold it on a different day, if it needs to be in the month of November we'll do it in November.

Councillor Eakman said Mr. Mayor I would like to retract my previous vote then on the motion.

Councillor Smith said I believe he can do that Mr. Mayor having voted in the majority.

Mayor Miyagishima said let's get some clarification from Linda.

Linda Lewis said Mayor, Councillor Eakman. Yes, since he did vote in the majority he may retract his vote and I can re-vote, call the roll again on that item. Yes sir, on the tabling.

Mayor Miyagishima said okay and called for the recount vote on the Motion to Table Resolution No. 17-095, to have a work session on November 14th to discuss whether it will be brought back and it failed 2-5. Councillor Pedroza and Mayor Miyagishima voted Aye. Councillors Gandara, Eakman, Sorg, Levatino, and Smith voted No.

Mayor Miyagishima said but we're still going to have the work session.

Councillor Sorg said yes. Mr. Mayor, if I could. I know there's some people in our audience that would like to make a comment or two on this before we go to a final vote on the resolution.

Mayor Miyagishima said okay.

Councillor Sorg said thank you.

Mayor Miyagishima said this one's still active isn't it? Okay. How many people here would like to talk about this issue? One, two, just three? That's it, three. Okay. No more. Three minutes each, okay. So Karen, who else had their hand up? Okay. All right. Just you three. Go ahead and come on down. Just need you to state your name and that's it.

Cathie Fern said my name's Cathie Fern. I am presently the chairman, chairperson of the Las Cruces SCORE Office and I am moving to become the District Director for New Mexico and El Paso in about a week. Our staff, our mentors, our volunteers at the Las Cruces SCORE Office played a major part in writing this plan. And the person I asked to do this, you'll appreciate this I hope, Ken, is a banker of 30 years who was a commercial banker in Chicago who funded or approved over $500 million a year in loans for that bank and I asked him to help us with this plan. He was thrilled to do this and we spent many, many hours researching the possibility of making money. And he did the numbers up one side and down the other, we have reams and reams of data for you. I'm sorry you have not seen that. We also went with, I didn't but my people did, went with the film people in Albuquerque, Santa Fe and their response was that this was very, very viable. They are overwhelmed with work. They don't have the facilities they need and/or staff to meet the need they have and if we have capacity in Las Cruces it helps them because what they can say to their people who hire them is that they can assure that there will be support in New Mexico. I also want to make the point that many millennials are training for this job, many millennials in this state who are from New Mexico are going to our schools and they're coming out of college hoping to get these jobs in New Mexico. Their parents are paying their way through school. It's very difficult to get through school. Some of those kids go to school five and six years. They have to work their way through, they're getting trained, and we would be providing jobs for them. And from all of our knowledge so far, those jobs will be there. And I personally have to say to you that I am very much a private sector person. I grew up in a business community. I believe in free trade, I really do. I think an industry just goes where it can go and it will create itself, and it's creating itself already in this town. We have this coming to us. We have had major film request meeting with our Film Las Cruces people who would be here if we had a sound stage. That's what we've heard and we hear that by hearsay, or I can't document it but that's what I hear. So I think you should think a little bit about the possibility that the film will just, the industry will just take care of itself. According to our analyst, the mentor I mentioned to you, this sound stage will pay for itself within a year, year and a half. There is not a lot of fear of the taxpayers' money not being paid to you. I can't speak to that very intelligently but that's what I heard.

Mayor Miyagishima said okay. Now I'm allowed to ask you questions even though your time is out. So as Councillor Sorg mentioned it'd be about $30,000 a month revenue, is that what you

said? And you just said it'll pay for itself in a year, year and a half. So that's less than half a million dollars.

Cathie Fern said so the purchase would be, well I can't give you the details.

Mayor Miyagishima said okay. And that's what we just want to see.

Cathie Fern said what I know is that this is not a high risk and we can show you the data, I can have my guy talk to you.

Mayor Miyagishima said okay. And believe me I'm looking forward to it. I'd love nothing more to be able to stand behind it and sign off on it but I just want to see the details.

Cathie Fern said the other thing I want to say to you is this.

Mayor Miyagishima said I'm sorry Karen, Cathie your time … yeah.

Cathie Fern said I know, I don't have time but I do think that Las Cruces is ready for prime time. I work with a lot of people in Las Cruces, I've been here a while. And we have tremendous talent and capability in this town. There's no reason not to go for that.

Mayor Miyagishima said okay. All right. Thank you. There's two other people that wanted, I'm sorry sir, I've got these other two unless you're one of the three people that said they were going to speak. I asked twice. You were out of the room?

Irene Oliver-Lewis said Mayor, City Council Members. I'm Irene Oliver-Lewis and I'm Vice-Chair of Film Las Cruces. I'm here to urge you to vote yes for this resolution which is simply to separate the Convention Center to Film Las Cruces. I have to echo what Phil said because I was at that meeting on the SWOT. We worked hours to discuss what was the best thing. We all went for it when you as City Council and when the City Managers tried to compromise to see what we could do with that money. Everybody was a little bit hesitant on putting those monies together, including that all the legislators who gave their monies and their appropriations for capital outlay needed to be included in that decision. We went with it and then we did our due diligence both as Film Las Cruces and as the City, and went through that SWOT, the threats, etc. etc. You all know what a SWOT is, and we came down to it that both groups were going to compromise. The City was going to lose money and Film Las Cruces was never going to grow. We are here to create an economic development aspect from one-third of the Hold Harmless money which was to be looked at in how to create economic development in our city. The film industry is $340 million, aside from the statistics you have Mayor on the gross receipts tax. It is brought in $340 million into New Mexico. That's jobs, that's businesses, that's selling of lumber, that's hiring welders, that's putting craft services. It is incredible what will happen in that industry and we need to make that happen in Southern New Mexico so that we have the young millenniums and the old veterans to stay here in our town and make higher-waged earning. It is proven that if you work in the film industry you start with at least a $46,000 a year job. That's higher, up to millions of dollars depending on what you do in that film industry. So again, as Film Las Cruces

we are simply here today to urge you to pass, to say yes for the resolution that is here today. We can discuss all the things that you have brought up and rightfully so, in the work session because we have all the statistics and we are ready to give you the answers for what you need for economic development and what it will bring in jobs and great fun you guys to our City. And I want to invite you to our open house at the WIA on Wednesday night at six, between six to eight for our new offices for Film Las Cruces. And I thank you for your continued support.

Mayor Miyagishima said thank you Irene. Before we get to the third person who asked to speak, I don't know if it's Mandy, or how about you Councillor Sorg. Since you said this is just mere, there's no money involved. Can you explain why on item number three it says the City Administration authorized to reallocate Hold Harmless Gross Receipts Tax Bond funding and then of course the approximately one million of State Legislative appropriated funding from the LCC Expansion project. And then it says on item number four, it says "City Administration is authorized to negotiate the purchase of property and/or facility for development of a film stage. So if it was just merely to separate the two … are you telling me you'd be supportive of removing these from this resolution? Because this sure sounds like - it says it's authorizing the City to go ahead and go out and get a building and also spend money.

Councillor Sorg said we're not going to buy and we're not going to build.

Mayor Miyagishima said but it says right …

Councillor Sorg said with this resolution, but we need to find out more information. In order to find out more information we must separate the sound stage from the Convention Center.

Mayor Miyagishima said and I'm okay with that but, let's separate it but okay we can probably amend this but …

Councillor Sorg said okay.

Mayor Miyagishima said I mean I'm just going off what you told me and like I said I've been a little preoccupied these last few days here and I just pulled it up right now and it flat-out says …

Councillor Sorg said look at it this way. We cannot do an assessment of a separate …

Mayor Miyagishima said sure we can, yeah.

Councillor Sorg said facility if it's together with the Convention Center.

Mayor Miyagishima said we can assess …

Councillor Sorg said and that's all we want to do here is do an assessment, a site assessment of another facility.

Mayor Miyagishima said when this City Council votes in the majority and they tell staff to do an assessment of this building, they can do an assessment of the building and it doesn't have to say spend money. I'm sorry. The City Council can direct staff to, management to do what they need to do so.

Councillor Sorg said right. Okay.

Mayor Miyagishima said all right. There's a third person who wanted to speak. Just need you to state your name sir.

Scott Murray said good afternoon Mr. Mayor, Councillors. My name is Scott Murray. I am Film Liaison for Film Las Cruces. I'm also a 35-year veteran of the film industry in the Art Department. I would just, everything that's been said I don't need to say again. The Convention Center would really not be a viable solution for a sound stage. It may well get used from time to time for productions when they need extra space for short periods of times, but the scheduling conflicts would just make it nearly impossible for a production to even consider it because they're looking at months-long usage and if there's a convention in the middle of that they're going to look somewhere else. They're going to take their production somewhere else altogether. That is all. Thank you very much.

Mayor Miyagishima said okay. So let's look at this resolution here. And as I mentioned, calling attention to item number three, says that "City Administration is authorized to reallocate Hold Harmless Gross Receipts Tax Bond funding and approximately the one million of State Legislative Appropriated from the LCC Expansion Project to the purchase and renovation of a film sound stage property." I mean it just flat-out says it. I don't know what else to tell, and then item number four that "City Administration is authorized to negotiate the purchase of a property and/or facility for the development of sound stage to film industry standards, generally but not limited to the following conditions: six to 15 acre site, 40,000 to 100,000 square foot facility, and a 20 to 40 foot ceiling height for sound and sound stage space." Councillor this resolution if passed gives authority to go ahead and purchase a building. I don't care what, it separates it. I'm okay with separating. I understand that, but this is, this isn't right.

Councillor Sorg said I'll be glad to make that amendment, that we remove number three and number four but we add in there a wording that says we will do an assessment on possible sound stage …

Mayor Miyagishima said sure. That's fine.

Councillor Sorg said possible sound stage, would that be a good way, locations and facilities, yes.

Mayor Pro-Tem Smith said I will second that amendment.

Mayor Miyagishima said okay. Motion made to the amendment by Councillor Sorg and second by Mayor Pro-Tem Smith to remove items number three and four but to add a provision,

presumably item number three that the City will look at, staff will look at possible buildings, locations for facilities for, what did you say?

Councillor Sorg said facilities for a sound stage, yes.

Mayor Miyagishima said okay. But under, but we're not authorizing anything.

Councillor Sorg said no, just the site assessments.

Mayor Miyagishima said other than separating the two.

Councillor Sorg said separating them and assessing other facilities.

Mayor Miyagishima said right, okay.

Councillor Sorg said for a sound stage.

Mayor Miyagishima said it's been moved and second. Any more questions from Council? Okay. On the amendment, Linda.

Linda Lewis said this is on the Motion to Amend Resolution No. 17-095, removing number three and four and adding as number three the wording "and to do an assessment on a possible sound stage."

Rusty Babington, City Attorney said excuse me Mayor, Council.

Mayor Miyagishima said yes.

Rusty Babington said if I could make a suggestion.

Councillor Levatino said Mr. Mayor. I think, I'm sorry Mr. Babington. I was just going to say if we could clarify that a little more and just say, could you read it back, I'm sorry, oh I'm sorry. Are you going to read it back?

Rusty Babington said yes ma'am. Council what I might make a suggestion is that we keep number three there but add the phrase "and to do an assessment on a separate sound stage" and then just do away with paragraph four.

Mayor Miyagishima said excuse me. Rusty it still says the City Administration's authorized to reallocate Hold Harmless, we're reallocating the money that we have set aside in the funding of the Las Cruces Convention Center expansion. I can't support that. As sloppy as it may sound, I'd rather go with what wording that Councillor Sorg wanted to put in there, just do an assessment of some building.

Councillor Sorg said that can be explained. If staff doesn't want to explain it I'll give it a stab. There's a certain amount of money that's been tagged for the Convention Center. Approximately $3 million of that was to make it film friendly, so we're taking that $3 million from that budgeted item from the Convention Center and separating that for a possible sound stage in the future.

Mayor Miyagishima said I understand Councillor but items three and four says we're taking that money that you just said and we're going to go find a building and buy it. And that's what, yeah that's what it says, three and four. If I was …

Councillor Sorg said well we're just going to hold the money and just, and then …

Mayor Miyagishima said well it doesn't say hold it, it says …

Councillor Sorg said only the City Council can buy or build a piece of property.

Mayor Miyagishima said it says, "Stuart, go ahead and go find a building and here's the parameters." So I'm sorry it doesn't. But what you said, by removing two and three it does, or three and four it does. And I think in fairness to members of the public and all those involved, after all it's their money, I think we need to do this.

Councillor Levatino said Mr. Mayor. I was just proposing that we continue to remove three and four but just clarify what Councillor Sorg wanted to inject or insert into it.

Mayor Miyagishima said Eric, did you want to make a comment or something? Excuse me Councillor.

Eric Martin said Mr. Mayor, Members of the Council, City Manager Ed. Eric Martin, Public Works Facilities Management. We've been involved in part of this process in terms of looking at what's before you right now. One of the things that we're working with is the State Legislative Appropriations and I understand Mr. Garza was trying to protect the funds at that point in time. We're also, given that the Department of Finance and Administration of course released all the funds back and everything, we've been working with the Grants Office and basically what we've been asked to do is attempt to at least encumber some of these State Legislative Appropriations by December 31st, in other words so that we can show activity on those funds. At this point in time, if I may for us it's not so much making any changes on the Hold Harmless as far as re-budgeting or authorizing a change in the budget on that at this point in time based on item number three, but to give us permission to, if you were to leave the Hold Harmless in but take the State Legislative Appropriation out, to give us authority to go ahead and assess an alternative location because the language for those two appropriations is "plan, design, construct" and we can use those funds for planning, and planning does allow us to use and to perform assessments. The other thing that we need to do if this resolution passes with that exception called out that I'm asking for, then our Grants Office can then also go back to the Department of Finance Administration and say, "Hey, we've looked at this and we would like to go ahead and assess an alternative location and we're trying to do all this before December 31st."

Mayor Miyagishima said so Eric you're wanting us to give you the authorization to use this million dollars to look at a particular building, yes?

Eric Martin said Mr. Mayor. A particular building or property based …

Mayor Miyagishima said that almost boxes us in to using that building. I mean why would we go and spend up to a million dollars on building and, to assess it and may not buy it? I don't think, I don't want to give any false hope that I'm not supportive of this, I am. It's just the way, we just need to, it was first communicated to me that this is just merely separating the two and "Okay, so I'll just check this resolution out here," and it's not. And it's more to it than that and so all we're looking to do is just, I think if we remove three and four we're good. We don't even have to have it in the resolution, I think staff knows, "Let's just look at this particular building here or buildings and start looking at it," but in the meantime we'll have the work session and then we'll get to see exactly, what I'm envisioning from this work session is narrowing down exactly how much we're going to spend and how we're going to pay it back and who are the potential customers and why they feel that this is so viable, just some simple basic things.

Eric Martin said I understand Mr. Mayor. The only clarification I'd like to make on those two Legislative Appropriations that up to the million dollars, we're not asking for permission or authority to go ahead and just spend that million dollars. We're trying to work within the State's guidelines of encumbering 5% of those appropriations basically within six months of authorization. And so what we're looking at, we'd already gotten a quote from one of our on-call architects and engineers to help us conduct site assessments. We could proceed, that contract's only about $25,000 to $30,000 and so what we're looking for is the ability to at least proceed with some assessment processes as part of that planning process. The State typically recognizes that we may assess multiple locations for viability and that normally is a legitimate use of those funds in that type of situation. So I just wanted to provide that clarification sir.

Mayor Miyagishima said okay. I appreciate that Eric. Yes Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor. And Mr. Martin thank you. And I understand the difficulty and the concern about the encumbering of the money. A question though, because it gets involved in how we amend this particular resolution. Has the City not already been spending some of its own money doing an assessment of various possible locations and would it be possible to continue doing that without encumbering any of this State money, and then if we're in a rush to encumber it before December 31st we simply have to make our due diligence happen after this work session and after the assessment. But at this point if we just go ahead and eliminate items three and four, would the City not be able to go ahead and perform the assessment using existing City money and resources, and just leave this money alone because it is complicated at this point?

Eric Martin said Mr. Mayor, Mayor Pro-Tem. I would need to go back to City Management and see where that funding would come from to proceed with that level of service.

Mayor Pro-Tem Smith said okay. Well thank you Mr. Martin. I appreciate that clarification. I think given what I perceive to be the consensus on the Council and what I perceive to be the direction that we want to go, I would suggest that we leave the amendment as removing items three and four and we signify in one way or another that we're clear that what we're hoping can continue to happen is the assessment and that the City Management then can make sure that happens, although I realize we can't really do that as a resolution at this point but from the standpoint of offering direction I think that we can do that in the context of this meeting. Thank you Mr. Martin, thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. I'm giving you a commitment. I'm pretty confident we can get this thing cleared up by this month, with the work session and then just seeing exactly the components of what needs to be done. If we need to call a special meeting to do what we need to get done I think it's fine. I just think that, you know I'm just trying to make sure that we're not moving too fast here and giving authority to start reallocating money. One thing to separate the two, I'm okay. I heard from the experts in that and okay. If it's going to harm our Convention Center which I don't want to do I'm fine. But now it's talking about spending money. So I'd rather just have that component out. Let's move forward on this, have that work session next Monday, hopefully if everything gets settled, Councillor Eakman I can call a special meeting within 72-hour notice, if need be. Yes Councillor.

Councillor Sorg said last word Mr. Mayor. Thank you. I appreciate your concerns here very much so. I share them. I don't want to do what you're afraid of doing, is spending money not wisely and I agree. I would just like to ask one question, is can staff give us a reasonable assessment by our work session whether or not this would be, give us a clue as to whether or not this would be viable given the business plan that we have in front of us? We'll go through that. I think the staff and Film Las Cruces and anybody else can provide answers to any questions about the business plan, can provide details, can explain it to everybody's satisfaction. I just want to know if the staff can do all that by a week from now and if so, fine. Let's proceed and just eliminate three and four with the understanding that staff will provide us further information, further assessments of other facilities for a sound stage.

Mayor Miyagishima said Councillor. I can't speak for staff but I will say, I guess I, I thought I overheard someone saying that they're ready to do a presentation now and so all I want to hear is just the presentation that was probably provided to Members of the Economic Committee would be sufficient for me. That gives me time to just take a look at some of the numbers and ask some questions and just tie up exactly where these monies would be coming from and the likelihood of them and kind of go from there.

Councillor Sorg said okay. Thank you. Thank you.

Mayor Miyagishima said Councillor Pedroza.

Councillor Pedroza said thank you Mr. Mayor. I think that removing three and four to me is very important. I really and frankly feel a little bit bad that the Council was presented with one thing approve separating but when you read more carefully there's a lot more to it than that, and that I

don't think is right. I would have no problem with also adding looking for facilities but not authorizing spending a lot of money. And I think that the plan to have a work session and then schedule a special meeting to go ahead and vote on it would work for everybody so that's simply my position.

Mayor Miyagishima said okay. So Linda did we have a motion to remove just three and four and I think there was something, what else did we add?

Linda Lewis said Mayor. We do have a motion on the floor to remove items three and four and then add the wording for the assessment. If Councillor Sorg and Councillor Smith wish to change that and just remove item three and four that, if that is okay with them they can make that as so but we would need to vote on that amendment before further discussion.

Councillor Sorg said yes. Thank you.

Mayor Pro-Tem Smith said I'm agreeable to that. Thank you.

Mayor Miyagishima said okay. So it's been moved and second to …

Councillor Levatino said I think Mr. Martin has something he wants to say.

Eric Martin said Mr. Mayor, Members of Council. In reference to your question Councillor Sorg as far as completing some type of facility assessment to the level that we need to do for due diligence is not something we would be able to have by a work session here a week from now. The type of assessment that we're looking at when we talk about environmental, structural integrity, things like that. If we look at a site whether it's a building, grounds, etc. we're looking at 30 to 60 days or longer. Just wanted to make that clarification.

Mayor Miyagishima said thank you Eric. I think Councillor Sorg's assessment was the building, and what you're talking about is really more into detail. I don't think he was looking at it from that end. You were just talking about an assessment of whether or not it can pay for itself. You weren't looking to see if it was built on environmental-friendly ground or not or things of this nature, or if it's going to fall apart. I don't think you were looking at that. You're just thinking, "Okay if we get this building for X amount of dollars, is this going to work, is this large enough?" things of this nature. I'm just guessing, I don't know. Okay. All right. So it's been moved and second.

Councillor Sorg said you guessed pretty well.

Mayor Miyagishima said okay. Been moved and second to remove items three and four, is that correct? Okay. So this is on the amendment.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 17-095, to remove paragraphs three and four and it was Unanimously Approved. 7-0.

Mayor Miyagishima said okay. Now we're back to the main motion, okay. So the main motion basically is just, in theory is separating the two and of course we're still moving forward with our work session next Monday, okay. But there is no purchasing of any building or directing staff to do so. Okay? Questions? No? Okay Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 17-095 as Amended and it was Unanimously Approved. 7-0.

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(17) Council Bill No. 17-012; Ordinance No. 2798: An Ordinance Approving the Annexation and Inclusion in Council District 2 of Four Parcels and a Portion of Elephant Butte Irrigation District Right-Of-Way Totaling 7.165± Acres Located Southwest of Turrentine Drive, South and Adjacent to University Avenue, and West of the Las Cruces Convention Center. Submitted by New Mexico State University (Case 66694).

Mayor Pro-Tem Smith Moved to Approve Ordinance No. 2798 and Councillor Gandara Seconded the motion.

Mr. Dollahon said Mr. Mayor. Before we get too far on items 17 and 18, I dropped the ball. We would like to discuss them together because they're interrelated.

Mayor Miyagishima said oh, okay. Yeah.

Mr. Dollahon said can we ask a motion to …

Mayor Miyagishima said need a motion to suspend the rules and discuss items …

Linda Lewis said excuse me Mayor. We first need a motion and a second to listen to Ordinance 2798. After that motion and second we can make another motion and a second to suspend the rules.

Mayor Pro-Tem Smith said and so moved Mr. Mayor to discuss Ordinance number 2798.

Councillor Gandara said second.

Mayor Miyagishima said motion made by Mayor Pro-Tem Smith, second by Councillor Gandara and then we'll need another motion to, to suspend the rules.

Councillor Sorg said I'll make the motion to …

Mayor Pro-Tem Smith said don't we have to vote on that first, or no? No.

Councillor Sorg said no. I'll make a motion to suspend the rules and discuss both resolutions together.

Mayor Pro-Tem Smith said I'll second that.

Councillor Sorg Moved to Suspend the Rules and discuss items 17 and 18 concurrently and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the motion to suspend the rules and discuss items 17 and 18 concurrently and it was Unanimously Approved. 7-0.

Mayor Miyagishima said okay. Item number 17, Council Bill 17-012, Ordinance 2798. I know your name's Katherine and I know it's Rogers, Harrison, Harrison-Rogers. Okay.

Katherine Harrison-Rogers, Acting Building and Development Services Administrator said either one works. It's fine. All righty. Let me go ahead and begin this. This is a request by NMSU to annex lands, it's adjacent to the Convention Center. It's approximately a little over seven acres, specifically for, not only in conjunction with the expansion of the Convention Center but also for a hotel development proposed along this corridor. This currently consists of four parcels as well as EBID right-of-way. Again it's being proposed by NMSU. General location is southeast of Turrentine Drive South and adjacent to University Avenue and west of the Convention Center. Current use, it's that big empty field; right now it's agricultural, it's used by the university. You can see here on this aerial where it is in conjunction to the Convention Center and a couple of ag buildings on the property. They are proposing to annex this into the City. They're also proposing as part of the process an initial zoning of the Convention Zone as part of the University Avenue Corridor and this Convention Zone is something that was designated as part of the original plan for this corridor and this area's encompassed in that. As part of the process we would have to amend the Zoning Code which depicts this zone as well as the University District Overlay in which it lies, and of course the purpose of this is that expansion of the Convention Center and the development of a multistory hotel. You can see here by this plat, this is the actual annexation plat, the area being carved out. This darker hashed line of course is the current city limits. You can see that it just sort of goes around the

Convention Center area, and then this area would be incorporated into the city limits and would become part of Council District 2. Again here's that amended figure that I discussed that's in the Zoning Code. The way it's depicted now is this area is excluded and of course we want to include that as part of this process. The annexation process consists of a multi-part process. Ultimately there's the annexation itself that incorporates the land into the city limits. There's the master planning process that says this is how we want to use the land, and then there's the initial zoning. One of the things as I had described earlier, the Convention Zone area was already contemplated in the University Overlay and part of the University District Avenue Plan. And so we're not requiring a separate master plan as part of the process, just the initial zoning and the annexation itself. The site design ultimately when it comes down to that will be subject to review by the Design Review Committee that's part of the University Overlay right now and again they're proposing a hotel and convention center expansion at this location. It's consistent with the University District Plan and the Comprehensive Plan and it is in compliance with our Zoning and Subdivision Codes as we went through the process, and as was reviewed by staff. And one of the things you of course you'd like to note is this already has access to city services. There isn't going to be an extension of infrastructure as is often typical of annexations in other parts of the city. And also hotel uses, convention center uses are compatible with what's currently in this corridor. One of the things that was discovered during the review of this is the Convention Zone actually doesn't have any design standards. The district, the University District Overlay is really heavy on design standards in terms of trying to create a very pedestrian-friendly and lively corridor and so as part of the process staff as well as Planning and Zoning Commission and the Design Review Committee recommended that we utilize the University Avenue zones, design standards in terms of the development of the site. Of course, any design waivers that might be needed to accommodate any of these special uses could be granted by the Design Review Board as part of this. We did have a little public input in regard to this annexation and this initial zoning. We did have one person in opposition. Specifically they were concerned that there were too many hotels in the city. We also had one person call in support who felt that this was actually a very good utilization of the land. The Design Review Committee did meet August 1, 2016 and they unanimously voted on all of these amendments as well as the annexation with that recommendation that there be that condition that the design standards of the University Avenue Zone be followed. Planning and Zoning Commission met shortly thereafter, on August 23rd. Again there was no public input. There was also a unanimous recommendation for approval on all of these items as well as that recommended condition of approval following the standards, those design standards of the University Avenue Zone. And so I do want to specify that as part of the process the Board of County Commissioners also looks at annexations. They don't comment on the zoning itself but on the annexation. They remained neutral in their review of this. They met at the very end of September, September 27th and ultimately they just wanted to make aware that this is in a FEMA flood zone and that during the construction of the site that all of those standards be followed in terms of any sort of flood issues. And so today your options on the annexation, I split this out into two parts because you would have to vote on the annexation first and then on the initial zoning as well as that text amendment that goes along with that initial zoning separately. So these are your options for the annexation: To vote "yes" and that will be incorporated, that land, that seven acres will be incorporated into the City and will become part of Council District 2; to vote "no;" to vote to amend it in case you do feel as though there are any

conditions that are appropriate; or table in case you want staff to provide additional information on this. And then your options for the initial zoning and code amendment of course are very similar: To vote "yes," if you do vote "yes" it will be zoned Convention Zone and that figure one that we discussed will be amended and incorporated into the Zoning Code; you could vote "no," if you do vote "no" it should be noted that this would require any new information and facts that weren't identified during the staff review or the Planning and Zoning meeting; you could vote to amend, this could mean that you could add any other conditions or remove the condition that was presented before you; or you could vote to table in case you had some additional questions or information that you wanted to bring forward. And with that we do have a representative from NMSU, Scott Eschenbrenner and I stand for any questions that you might have regarding this.

Mayor Miyagishima said Katherine, before I go to Mayor Pro-Tem, did you say you've already taken this to the County Commission?

Katherine Harrison-Rogers said yes. Mr. Mayor, Members of City Council. When the process begins as part of State Statutes it does have to go before the Board of County Commissions for their consideration before your consideration. So they have to review it prior to you actually making a final vote.

Mayor Miyagishima said unless it's changed it usually goes after we vote and then they get it for 30 days, they get to review it. They can't stop it but it's just out of courtesy that they get to review it. It's really not, it's not going to be anything detrimental but I just wanted to, I'll take it up with the City Attorney. I know the City's position in the past, they used to say, "Okay once we even think about doing the annexation let's just give it to the County so the 30 days runs concurrently." But I think it was determined in 2006 or 2007 that the Attorney General said, "That's not how it works. It starts 30 days after the City Council approves it." So just for whatever it's worth because I, okay. Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor. And I've got three points. One, thank you Ms. Harrison-Rogers. One, the first point is that the university originally was on board to put a hotel next to the Convention and Visitors Bureau. It's an essential component to what the convention needs to, and I think I included the Visitors Bureau, I'm sorry. But it's an essential piece of that interaction that needs to be happening there and so we're very fortunate and thankful that the university is back on board for doing that and wants to do that, because it will increase the opportunities for people to use the Convention Center, bringing in the GRT, the lodgers, those kinds of things. The second part is that I've served on both the Campus Planning Committee, I'm not a voting member of that but I am on the Citizens' Advisory Design Committee and I'm getting that jumbled up but anyways a bunch of acronyms and that has been discussed extensively in both of those situations and it is a very positive opportunity, is viewed as a positive opportunity in those areas. And the third is that regarding the historic, or not historic structures, there were two structures in the larger portion that have already been torn down by the university. They were not considered historic and the one that's included in that smaller section on the other side of the irrigation ditch is also not considered historic. However adjacent to that is the Seed House which is the original first building of NMSU and it's considered very historic and hope is that once all of this happens in that area that it can become

sort of an opportunity for the university to use the Chili Pepper Institute and other things that might connect both the history and the historic aspect of the building with what's going on at the Convention Center, possible retail opportunities. So there's a lot of excitement about that building then regaining some of its use as a historic structure in this mix. So I'm very supportive of this. I'm pleased that we're at this point and I would urge that we move forward, vote "yes," possibly amending one or two small things but I think frankly the way it exists, both resolutions would be, or are we on an ordinance, ordinances, thank you. I'm sorry. Both ordinances I believe should be passed. Thank you. Thank you Ms. Harrison-Rogers. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Any other questions? Members of the Public? Okay. Seeing none, thank you Katherine. So we have a motion and a second on Council Bill 17-012, Ordinance No. 2798. If there's no further questions, Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2798 and it was Unanimously Approved. 7-0.

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(18) Council Bill No. 17-013; Ordinance No. 2799: An Ordinance Approving the Initial Zoning of a Property to Convention Zone (UD-CZ) and an Amendment to Figure 1 of Section 38-44 D of the Las Cruces Municipal Code, 1997, as Amended (LCMC) in Order to Reflect the Zoning and Boundary Changes to the University District Overlay (UDO). The Property Consists of Four Parcels and a Portion of Elephant Butte Irrigation District Right-Of-Way Totaling 7.165± Acres and is Located Southeast of Turrentine Drive, South and Adjacent to University Avenue, and West of the Las Cruces Convention Center. Submitted by New Mexico State University. (Case 67662).

Mayor Pro-Tem Smith Moved to Approve Ordinance No. 2798 and Councillor Sorg Seconded the motion.

Mayor Miyagishima said motion made by Mayor Pro-Tem Smith, second by Councillor Sorg. Any questions from Council on this item? Members of the Public? Seeing none, Linda.

Mayor Miyagishima called for the roll on the Motion to Approve Ordinance No. 2799 and it was Unanimously Approved. 7-0.

IX. BOARD APPOINTMENTS

Mayor Miyagishima appointed William Daly and Robert Schneider to the Utility Customer Advisory Group.

Councillor Sorg Moved to Approve Mayor Miyagishima's appointment of William Daly and Robert Schneider to the Utility Customer Advisory Group and Councillor Eakman Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the appointment of William Daly and Robert Schneider to the Utility Customer Advisory Group and it was Unanimously Approved 7-0.

Mayor Miyagishima appointed Gilbert Lujan to the Capital Improvement Advisory Committee.

Councillor Sorg Moved to Approve Mayor Miyagishima's appointment of Gilbert Lujan to the Capital Improvement Advisory Committee and Mayor Pro-Tem Smith Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the appointment of Gilbert Lujan to the Capital Improvement Advisory Committee and it was Unanimously Approved 7-0.

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

There were none.

XI. CITY COUNCIL MEMBER BOARD REPORTS

Councillor Sorg said this is from the Economic Development Committee. This last week we had a work session to do a SWOT analysis, the Strengths, Weaknesses, Opportunities, and Threats for economic development in Las Cruces. The staff is compiling that analysis and we will accept input from anyone else in the city that might, or on the Council or in the City that might have some Strength, Weaknesses, Opportunities, or Threats for Las Cruces. I also would like to, well no, that's going to be for comments later.

Mayor Miyagishima said yes Mayor Pro-Tem.

Mayor Pro-Tem Smith said thank you Mr. Mayor. And I also serve on the South Central Regional Transit District. We have a Board meeting coming up on Wednesday. If there are thoughts or concerns you're certainly welcome to join us at that meeting, or if there are things

that you feel like need to be looked at more closely or shared, I'm certainly open to those comments. I'll be happy to share the agenda with anyone who's interested. Thank you Mr. Mayor.

Mayor Miyagishima said thank you Mayor Pro-Tem. Anyone else? Okay.

XII. GENERAL DISCUSSION

a.) Mayor

Mayor Miyagishima said next we're going to go to general discussion and I have a few things. First off I passed out to you all a little bio on a sculptor by the name of Sebastian and he's a world-renowned sculptor who's built buildings or works all over the world. Now the other day I was with the Consul General Marcos Bucio from the Consul General Mexico and I haven't got the confirmation yet but he said that this sculptor, Sebastian would like to build a sculpture here in the City of Las Cruces free. The only thing he asked is that we just provide his transportation from Mexico City to here and that's it. So I just want to leave this with you. Once we get some more details then maybe invite the public where they'd like this monument to be. And just the latest one that he built is the X in Juarez, Mexico, that Red X. But his foundation is willing to pay for the entire, foot the entire bill. So just thought I'd throw that out there and that's pretty generous. Like I said I haven't, I did see Sebastian. He was at the Mayor Juarez' inauguration a few weeks ago. He flew into Mexico City for that and he didn't mention anything about the building, so this came from the Consul General a couple days ago. Okay, so a few things here. This is like a little to-do list here with our new City Manager. So one of the things, Stuart, we had and perhaps there might be an update from staff but one thing I was remiss in getting to David was we were going to do these signs for law enforcement that basically just said "We Support Law Enforcement" and when they went to go get the prices of those campaign signs they were astronomical. So my job was to get, and I did, I just got it, to David so that he can, I mean these signs here, people running for office, I don't think they pay more than $1.50 per sign so, or $2, I don't know. Well yeah but they're nice, not real fancy with your picture on it. This is just a real plain, yeah.

David Dollahon, Assistant City Manager said Mr. Mayor may I help you out real quickly? You didn't drop the ball. A special thanks to Jamey Rickman who is your Council and Constituents Liaison. She picked up the ball and has found reasonably priced signs and we've ordered them.

Mayor Miyagishima said all right, perfect. Let's see here. How about a little update on, we were going to try to do something with Jim Bradley and the memorial drive. Any update on that?

David Dollahon said Mr. Mayor. We're waiting on answers back from Community Development. We're evaluating options but it's something that we can do relatively easily. There's internal coordination that we have to do but that's going forward. We're going to bring back a resolution.

Mayor Miyagishima said okay. Jim Bradley was an iconic football coach who passed away earlier this year or last year and this is a way, a tribute leading up to the Field of Dreams for him. Ironically I came across and I purchased it, it's on its way of a football program and I'm pretty sure it was Jim Bradley in 1973 was the head coach of the Aggies so once I get it I'll show it to you all. I was talking with Secretary Tom Church, he's the Secretary of the Department of Transportation and kind of on the heels of Councillor Levatino, as I see more and more businesses on Telshor I do share that concern that the traffic there so I asked him if the State would be willing to give a right-of-way between Discount Tire and Sam's Club to hopefully look at expanding Telshor. So Tom Church who's our Secretary of Transportation said he's going to reach out to the City of Las Cruces but in the meantime if staff wants to reach out to him, I forgot who he was talking to. Who's our representative? Do you guys remember, here locally?

David Dollahon said Trent Doolittle is the district, Trent Doolittle is the district surveyor.

Mayor Miyagishima said Doolittle, there you go. I think he talked to Doolittle, he said, "Go ahead and work with the City of Las Cruces," and see about letting us have that land and then it's up to us to build it, okay. And the last one is I'd asked management if we could have the Director of Community Development David Weir spend a few minutes to discuss the Uniform, the UDC, Uniform Development Code. This has a lot of not necessarily City residents concerned, but residents outside the City, there's so many things going on here and I would just like to hear from, because obviously this is a partnership, the ETZ with the City and the County although all the land does rest in the County. But David can you share with us just a very short summary of what exactly is the UDC and how, can you share with us maybe the pros and cons of it if it should pass there at the County?

David Weir, Community Development Director said Mayor, City Council. UDC stands for Uniform Development Code and basically it's the County's Development Code. It's their zoning, their signs, their subdivision design standard for street and drainage, and environmental issues. If you were to look at the similar codes for the City, it's Book 2 of our Municipal Code. That's where we have everything at, so by going by it with a Unified Development Code basically put all their regulations for land use and development of land into one place. From a City resident's standpoint it should have very little to no impact on us. It doesn't change our zoning, our building permit application process, subdivision of land, what type of environmental regulations you have to follow. As I said that's basically our zoning, subdivision, sign code, design standards, and so all that is unchanged from the City. What indirectly may happen is there's been a request to modify the ETZ Joint Powers Agreement so that the formation of that changes and so the City would no longer process subdivisions. So indirectly you'd have more staff to deal with issues on the City and as two members of the City Council may know it also proposes doing away with the ETZ authority so that'd be one less meeting you'd have to attend in regards to that. So that would be the impact from the City. On the County it really doesn't change the ETZ so much in that they already have zoning regulations in place and there's been districts proposed that are analogous to those districts in addition to what they call a transit set or an urban form-based code in which there's more flexibility, the same amount of review, there's just less approval process to take place but it's just another track that can go forward on that. It expands

their options within that area and then the county, it replaces their performance zoning standards that they have now and so it's just a little bit of a change as to how they do things. In the city we spell out specific districts, they will maintain that in the County. It's just the flexibility and what process they follow will slightly change. It still will have the same review that takes place in regards to streets, drainage, land uses, and the building permits process you'd still have to go to the County. What that does for the County residents, they no longer get bounced between the County Government Building and City Hall when they ask to subdivide their property. They can just go to the County Government Building for that. The JPA has currently been reviewed, back to the ETZ, our Legal Department has looked at what the County's proposed on it, just a real quick overview. It proposes that the County Planning and Zoning Commission would be the same as the ETZ Commission and that the Board of County Commissioners would act as the authority, basically the final approval for any rezoning or if there's any waivers on a subdivision request. And the City, through that modified JPA would remain as a reviewing department within that five-mile area of the city so we'd still have the opportunity to do that. So that's a real back of the envelope summary of the UDC. I'll be happy to answer any questions that you may have on that or anything related to the City's involvement in the ETZ area.

Mayor Miyagishima said well thank you. That, when you said, when you compared it to our Municipal Development Code that made things a lot easier for me to kind of digest and understand where the County's going. So right now the five-mile boundary that exists outside the City will still remain so I guess in theory if the ETZ was to go away, that name goes away but the restrictions that still reside within that five miles now just shifts to the County.

David Weir said Mayor and City Council. The term ETZ is by definition something that's in the State Statutes and the City has the ability to have planning and platting jurisdiction within that area. And then the Statutes go on further that you can enter into a Joint Powers Agreement with the County and any other entity that's in that area to determine how that land use will be taking place. What staff is working on, well let me take another step back. Back in 1989 the City and the County entered a Joint Powers Agreement and it said the City would deal with all subdivisions and review all plans in the five-mile area and the County would deal with the planning and the zoning that would take place and they'd go through their normal building permit and approval process. What's being proposed now is that the ETZ area by definition of State Statutes remains but our involvement changes. We're choosing not to exercise our ability to actually administer the subdivisions. But what's being proposed is that staff would continue to review plans, zone changes, and subdivisions in that five-mile area but the County would fully administer those programs. So we would have an opportunity to review and see what's taking place just outside of our City limits, we just wouldn't be responsible for staffing those approvals and keeping all the records of development that takes place in the five-mile area.

Mayor Miyagishima said okay. Thank you David. You're helping me clarify this a lot from my understanding. So was there something, I don't know why I keep thinking that within that five-mile radius was there something that was given to the City for the first mile or mile and a half? I don't know why I'm thinking that, that, some special consideration.

David Weir said I think I'm going to call a friend and ask Mr. Babington to help me with that one.

Rusty Babington, City Attorney said Mayor, City Council. Mayor, you're correct. Initially it was essentially a mile but then what happens is with the ETZ creation you can agree to a different mileage and so both the County and the City said, "Looking at our boundaries here, let's go out to five miles." So if you look at the Statute, it does say a minimum, but there's been modifications to allow those governmental entities to change the amount of area that would be in the ETZ or where they would both have input.

Mayor Miyagishima said okay. Thanks Rusty. So, okay last question. I think one of the biggest concerns, just flat-out, won't sugarcoat it, is residents who live in neighborhoods are concerned that people with other structures that aren't necessarily homes can just move in there and what are your comments on that?

David Weir said Mayor, City Council. My understanding is that is not the case. Like I said there are basically two tracks you can develop under. One of them is where you have the specific districts called out and the requirements for what land uses can take place and what building conditions, setbacks, uses of those property. Then there's another system, the form-based code which again has use restrictions. It's very similar to what we adopted for the downtown and basically you have some use requirements, you have intensities. It's just that there are certain thresholds have to be met. In my mind it's probably more similar to what the County does outside of the ETZ area, the City's ETZ area and wherever they have performance standards. Basically if you meet certain uses and you place the buildings in certain ways they can take place, but there still is a development standard and there are limitations in what can be done within those zoning districts. It's all within this new Uniform Development Code under what the conditions are. So it's not a situation where a residential area, suddenly you're going to have a feedlot put right next to you. There are conditions and separations and requirements. But it is within that code and when a development comes in they have all these criteria they have to meet to go forward with it. I know just what I've seen in the reports there was concern about the type of housing product that will be put in. They'll still be able to differentiate between a site built or manufactured home and mobile homes. As you may have been aware in cases that the City's dealt with before manufactured homes are treated just the same as a stick-built home and they cannot be precluded. But there's a totally different definition and building standard for a mobile home and the County will still have the ability to differentiate between the two.

Mayor Miyagishima said okay. Thanks David. And couple more questions. So you said that the County Commission then would act as the final authority if let's say something was undesirable to a group of neighbors and they wanted to appeal it. They could under, to your knowledge to the County Commission. They could actually go yes or no.

David Weir said Mayor. My understanding is that's, it would be very similar to what takes place out in the County now. You have a Planning and Zoning Commission would make a recommendation on a zone change and then the final approval would be the Board of County Commissioners, just like in the City you have a Planning and Zoning Commission that makes

recommendation and City Council makes the final approval. In that ETZ area the difference is instead of going to the ETZ Commission which is basically the planning commission for that five-mile area, making decision for certain things and the ETZ Authority which is currently made up of three County Commissioners and two City Councillors basically their duties are being assumed by the County Planning and Zoning Commission and the Board of County Commissioners. But there's still that due process requirement.

Mayor Miyagishima said okay. And in some respects I think if let's say I was a County resident now all five are County Commissioners whereas in the past you theoretically, what if there were as you mentioned two City Council Members on that ETZ and one County Commissioner who was for a project, they could actually say, "You know I can't even vote for this City Councillor who just voted to put this in my neighborhood." So okay. You've clarified a lot of things for me. I appreciate it very much. I think the Members of the Public who've heard as well, sounds like it's okay. I mean in some respects if you're a County resident which they're all County residents, now they have five County Commissioners that they can hold accountable instead of just three.

David Weir said correct.

Mayor Miyagishima said okay. Thank you very much for that. Appreciate it. Okay. Mayor Pro-Tem.

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b.) Council

Councillor Smith said thank you Mr. Mayor. And I wanted to point out given the discussion about the potential for sculpture, I want to stay away from saying positive or negative but we do have a member of our Art Board, the Chairman George Griffin here and I do hope that anytime we're discussing public art we include our Art Board. That is specifically why we set them up and that they would be part of the discussion before we made a decision on anything that was going to be part of our public art. The second item I wanted to share is that on Friday, we were all invited but I was able to go largely because I was already in Socorro for the South Central Council of Governments meeting there, but I went on up to the Yellow Ribbon ceremony that was held in Albuquerque for the returning soldiers of the 126th New Mexico National Guard Military Police Company. It was a very moving ceremony, very good to see all of them back safely. Five are still in El Paso in the hospital there and five chose to remain in country but we didn't lose anyone on this one and I think they were very proud to serve in the name of New Mexico and so I was pleased and honored and proud to be able to be there representing Las Cruces. Thank you Mr. Mayor.

Mayor Miyagishima said Mayor Pro-Tem. Excellent idea about having George and his Committee being involved. George, you take care of it. Figure out what it's going to be and where it's going to go, okay. Because I have no idea where we're going to put this sculpture. So thank you for that suggestion Mayor Pro-Tem. Ceil. Councillor Levatino, I apologize, yes.

Councillor Levatino said thank you Mr. Mayor. Just a couple of things. I just wanted to make a public comment and publicly thank Rebecca Bolton who has been running the Convention Center for about three years now I think. She will be leaving us at the end of the month and taking, yes it's public information now so I can say something.

Mayor Miyagishima said my job was to find something to make sure she doesn't leave here.

Councillor Levatino said well I hope you do. I hope you do. But she's going to be going back to North Carolina, closer to family and she'll be taking over the Convention Center and another entity that's attached to the Center in Durham, North Carolina. And so I'm personally going to miss her. She's become very important to me and I'm going to miss her. But this is about she's done a great job at the Convention Center. She's really worked very, very hard, raised the bar on the professionalism that is exhibited there and I just want to wish her the very best and somebody's going to have big shoes to fill to take her place. The other thing I wanted to mention was last week I had the opportunity to attend the Salvation Army Red Kettle Kickoff for this year and it was a really nice luncheon. We got to officially ring the first bells of the season and they're, last year they raised about $50,000 locally to help families and individuals and their goal is to double that this year and raise $100,000. Last year they had eight locations that they had the kettles at. So far this year they already have commitments to 20 locations. So they have a new, I can't remember what you call the people who are in charge of the …

Mayor Miyagishima said lieutenant. He's lieutenant something.

Councillor Levatino said yeah. Anyway

Mayor Miyagishima said commander I guess. Let's call him commander.

Councillor Levatino said it's a husband and wife team that came to New Mexico from Alaska but they are, they're just, they've jumped in and I think are going to be great additions to the community and they're working very, very hard to increase the presence of the Salvation Army in our City. And I mentioned to them, and I don't know whether this is possible but I'm putting you kind of on the hot seat Mayor but I suggested that they get in touch with you to see if we could have a kettle out front. I don't know why we couldn't but I suggested that they give you a call to see if we could. We have a lot of people coming in and out of the building every day and I think this would be a prime location for one of them. So I'm just giving you a heads-up that they may be contacting you.

Mayor Miyagishima said no that'd be great. Make sure I have cameras on the Council Members to see if they give.

Councillor Levatino said but anyway it was a great kickoff to this year's kettle season. Thank you.

Mayor Miyagishima said instead of just walking around it saying you gave at the office. Thank you Councillor. Councillor Sorg.

Councillor Sorg said thank you Mr. Mayor. I'd like to begin by giving you an apology about our Film Las Cruces and the sound stage resolution we had today. I've been involved with this so long it's kind of second nature to me as to what we're dealing with here and I forget not everybody is all up to speed as some of us are and so I apologize and I hope we can correct that with the resolution. But I've come across in the past week or two a question that I'd like to propose to the Council or anybody in fact. The question is "How can the City of Las Cruces become more competitive?" And in thinking of that I'm thinking "What is a City for?" This is very simple stuff. In the past we've been looking for a big idea and I think what we need to do is become as much citizen-centered as we can be. We have our slogan, our City slogan is "People Helping People" which of course that's what we're talking about. Our former City Manager Mr. Garza has spoken about this in the past, we've talked about it and I know the staff and the City government in general have made many improvements in that very slogan. But I'd like to talk about that some more in the future and I think it's time to remind ourselves that we have to be a city of "yes" and to be of course proactive. And the last thing I wanted to mention was that we need, we don't need, actually the RoadRUNNER Transit tomorrow is free. You can have free rides tomorrow so I think that we should have that publicized as much as possible so everybody knows you can ride the bus free tomorrow because of the election. Thank you.

Mayor Miyagishima said thank you Councillor. Councillor Eakman.

Councillor Eakman said thank you Mr. Mayor. I'd like to give an update on a County initiative called Stepping Up. Stepping Up is a jail diversion project at its core and right now it is a central panel is putting together the foundational elements of it which also includes the Police Department of Las Cruces as a vital member of that. The amount of recidivism of people with mental health problems into our detention center is higher than I ever imagined. There was a case study of someone who started being detained for their mental health problems 40 years ago and is now in a latest incarceration and now has onset of dementia with over, so that's complicating quite a bit of things just in that one instance. It's amazing to see the various people being a part of this, the Detention Center itself, Corizon the medical provider and the mental health provider for the Detention Center, La Clinica de Familia which one week after being contacted is now working in the prison system for these folks. It is aimed at those who have been incarcerated with misdemeanors at this point because touching the felony population is just something that's beyond the realm of the capabilities at this time. In seeing what they are trying to do, we can look at this in many ways. One way to look at is the financial contribution this would make to the City and County. I think I've heard from Mr. Dollahon that we're spending over a million dollars a year incarcerating people from the City in the Detention Center and if we accept the fact that 40% of those persons have a mental illness we can see right away what is being spent, or may I say misspent, and in order to get those people to find another path, I think

this is very workable. It's going to include what we've known all this time as the Crisis Triage Center being repurposed as a transition center from incarceration to having all the support they need outside. And so it would be a place where people could start to understand how to live positively in a civilian life, getting the mental health they need, getting the other support they need without needing to be detained as their only life support. And so I'll keep you updated on this as much as I possibly can into the future. The City should play an integral role in this, in assisting the County because it means so much to our joint populations. The idea that we're wasting human resources and wasting money in the way we have in the past, and now we have a way to prevent this in the future, I think we should take advantage of that. So I'm happy to answer any questions but I am not the expert. My kudos go out to the people from the County and the people from the City and the others who are working to make this happen. Thank you.

Mayor Pro-Tem Smith said thank you Councillor Eakman. And I know that we do have people at the City but also Jamie Michael at the County has been hugely involved in this and so a lot of kudos to her and the County on that. Councillor Pedroza.

Councillor Pedroza said thank you Mayor Pro-Tem. I also went to that Stepping Up program and I found it very, very encouraging. It has been long in coming and there have been some small setbacks but all in all it's very good. I also wanted to thank Chief Montoya because on Thursday or Wednesday, I can't remember which one it was, there was a gentleman here, Dr. Mark and I can't remember his name or that may be his last name who did a training, and it was especially geared to the Police Department and so Chief Montoya had all of his, yes, yes. It was the Implicit Bias training and he had a lot of his, both uniformed police and also undercover police, people who I would have never guessed were police. They looked like, they were dressed in cowboy clothes, but the training itself, the implicit bias proved to me and I think it proved to an awful lot of people, I didn't hear too many saying, "No, I didn't get anything out of that," proved to me that in fact we grow up and the more we are exposed to certain things the more we accept them. And that's what implicit bias is. Maybe some people grow up and learn to question or possibly look differently at people who have disabilities or at people who are black or at people who are Mexican or at people who are tall or short or, one of the very interesting things was he said that age is one of the most biased, that people when they look at me for instance see a very old woman. And that that puts me in a different category for those people. He also showed several little snippets of videos and the one that made the biggest impression on me was where there were little three- and four-year-old black girls and they were being videotaped as somebody was talking to them. The person who was talking to them was not in the video but the person who was talking to them asked them questions like, "Okay. These two dolls that you have in front of you," there was a little black baby doll and a little white baby doll, and the person asked them, "Show me which one of those dolls you think is pretty." And the little three- and four-year-old girl would sit there and then reach out to the little white baby doll and she said, "This one is pretty." "Why? Why did you pick that one?" "Because she's white." There could not have been any coaching. And then the person who's speaking to the little three- and four-year-old says, "And which one are you more like?" And the little girl hesitates a minute and then she says, "I'm like this little black baby doll." So at the age of three and four years old

they are already capturing the implicit bias. It was fascinating and what I have asked Chief Montoya is whether possibly in conjunction with a few other people we might be able to bring Dr. Mark back and possibly open it up not just to the police but to the general public. I think that the schools would be wonderful for going through some of this, and it doesn't have to be him. It could be anybody else. Okay. I also went to the Pete Domenici Follow-Up on Mental Health and again I thought it was excellent. Jamie Michael did a wonderful job and I think that we do have to do our part. And if there is money available because there will be less need for incarcerating people then there will be money available for other purposes. And so we need to think very, very carefully about what purpose we're going to use that for and possibly triage centers or mental health beds might be the answer. I also went to the Lynn Community School and we are very, very close to interviewing for the coordinator, for the Needs Assessment Coordinator. The Needs Assessment Coordinator will be the person in charge of reaching out to all of the stakeholders, and in a community school the stakeholders are the teachers, the administrative staff, the students, the parents of the students, and the community at large. So you're going to reach out to all of those people and find out from them, "What does this community need? Do they need access to sporting facilities? Do they need access to a cafeteria? Do they need access to libraries? Do they need access to mental health services? Do they need access to clinics and nurses and medical personnel?" and then try to provide that so that the schools will then be open not just from seven to four but late into the evening. I think that's a very, very hopeful process that is being started here in our school and I would ask all of you to help with that. I think that in terms of the sculpture, Mr. Mayor I think that's an extremely nice, and I have seen the X in Mexico but I think that Las Cruces has a huge art community, like George and also the gentleman, I can't remember his name, who did the roadrunner. Wait a minute, it'll come to me.

David Dollahon said Mr. Mayor, Councillor Pedroza. His name is Olin Calk.

Councillor Pedroza said oh that, exactly. Thank you. Olin and all of the Dona Ana people so that where it's placed and what exactly it is can be decided among a lot of people.

Mayor Miyagishima said yeah, George. George back there.

Councillor Pedroza said yes. George. Thank you George. I'm going to, David Boje has been here several times and he has asked whether or not he can get some help on paying to rent the Alma de Arte school because he has a new performance and if you recall he is in charge of the Veterans' Theater. And so I don't know anything about that but I'm willing to, I'll pass this down so you can answer, I don't know whether we can help him with that.

Mayor Miyagishima said what kind of help?

Councillor Pedroza said renting the Alma de Arte.

Mayor Miyagishima said how much does it cost?

Councillor Pedroza said I don't know.

Mayor Miyagishima said okay.

Councillor Pedroza said okay. Yes, please. And finally, and this is a repeat. When Chief Justice Dan Sosa died there had been several other things and so that we never followed through on that. I still think that that's very important. He was lying in state at the Santa Fe Rotunda for several years. He was, as I understand it, the only Las Crucen who has ever been the Chief Justice of the State Supreme Court of New Mexico. That deserves something. That deserves some recognition. So I would like to get people's suggestions as to what we can do and I don't think that naming the municipal court after him is the right thing because the municipal court might not very long, much longer be the municipal court. So again I'm just asking "What can we do?" Thank you Mr. Mayor.

Mayor Miyagishima said I brought something for you. I left it at the house. I'll bring it to you and I think you'd like it and it might help you with your decision. Councillor Gandara.

Councillor Gandara said thank you Mayor. I was approached by a representative from the DA's Office asking for an update on the ordinance that we had the work session on spice and so I wasn't sure where we were at, where were at with that.

David Dollahon said Mr. Mayor, Councillor Gandara. I believe that staff from the City Attorney's Office has completed a first draft for consideration sometime by the end of the calendar year.

Councillor Gandara said oh good. Thank you. I was approached by a constituent with concern about the parking, or excuse me the structures, the bus structures and the line, I guess there's a yellow line for no parking that leads up to the parking structure, so I wrote an e-mail to David and company. And Saturday she was so excited, in the morning she took a picture of it, it was in the area of the Historic Mesquite District. They had removed that and so thank you to David and Daniel and staff that did that so quickly. Jamey, I know I put it out to Jamey as well. Thank you for that. They were thrilled. They said, "Okay great. We have more parking now for La Casita, Nueva Casita and Beck's Coffee." So it leads me to the next question in updating around moving those structures, the bus structures and where are we at with that? I know there's several, and she recommended a place that she knew didn't have a structure but just benches there, which was the CVS, around the CVS store. So I wasn't sure where we were at. We had been talking about it. I wanted to give a special thank, two weeks ago, two Thursdays ago I had another district meeting. We had about 35 people in attendance. A special thank-you to Jamey Rickman. She put on the most extensive program together for our constituents which included things like phone numbers, updates on where we were at with our street improvements, and I think everybody came away with that. I was very impressed and I know I got several people saying, so I wanted to give a special thank-you. We also had Kari Bachman come and do an orientation on time banking. There's been a real desire at least from my district to collaborate, come together, and organize themselves, and we've been talking about different apps and also the time banking. So she

brought the orientation to us and it was real exciting and I've talked about the time banking before. It's an opportunity I feel to build community by sharing your talents, your treasures. And so if for example I like to garden and if someone needed assistance gardening, wanted to put a garden together, maybe it was an elderly folk or Councillor Pedroza, somebody younger and I put in two hours, those two hours would be banked so I could use that for whatever I wanted or needed to happen. And so there seemed to be some interest from the district and so I was really pleased with that. I wanted to see if we could talk about putting together a heart gallery out in the lobby. For those of you that don't know what the heart gallery is, it's pictures of children waiting to be adopted. And we put this together in my work with Children Youth and Families Department and I've been seeing several pictures on my Facebook feed, and I thought it would be awesome to do that. They have it there at New Mexico State University at the Pan Am Center. I don't know if you remember, there's all these photos along as you're walking of children that are waiting and free for adoption. So I thought it would be, as Councillor Levatino indicated there's a lot of people that frequent our building and that would be an awesome way to highlight kids that are free for adoption, needing a home, frankly. And so I'd love to see the City participate in that. I went to a March of Dimes kickoff. Jamie Michael from the County was there along with several other agencies and they're getting ready to basically kick off their campaign and there's a desire to compete with us in terms of raising money for the March of Dimes. And so I know that the City is chomping at the bit because we lost the last drive, or blanket drive that we had right, for the animals and such, although I've heard differently from different folks but anyway I thought that that would be a cool thing to put together with all our employees, to raise money for March of Dimes for premature babies and such. I wanted to see if there was a way that we could come up with a standard maybe report in lieu of what occurred earlier today as it related to the Economic Development Committee, but I know I don't do a good job of reporting out the boards that I attend and the things that are going on. And so I wonder if we could come up with a form that we could use so that it enhances and helps us sort of report out cause I think that's really important. And I'm happy to help with that report. I know I'm putting on a lot of stuff with staff but I'm happy to help. I too participated in the Stepping Up initiative. I think it's something that is really going to springboard whatever will happen as it relates to addressing the mental health in our detention centers. I think that the City needs to take a front seat, a seat at that table and really continue the dialogue with the County. I'm really concerned, as several of us have already mentioned there's been some hiccups as it relates to how we are addressing our mentally ill in the detention centers and I too am very, very concerned about that. And I just want to reiterate that I think as City we need to take a really, really active role in addressing that and coming together as it relates to kind of having a common message about how we're going to address our mentally ill. Two weeks ago I attended a mapping session also put together by Kari Bachman and her group. It was really fascinating and I was very appreciative of Mr. Weir and Loretta Reyes, thank you for attending, and other staff from the City attended as well, but they were so open and actually supportive of the information. So we had two, we had several presentations but two that really stand out in my mind were a group from Community of Hope that started to do mapping as it related to the crossings and concerns about safety and moving through those crossing with children and such, and people are just really speeding up through there. And so they gave several examples of ways in which to colorfully but within the code and the law to color the crossings. And so I thought it was really innovative and I think so did Loretta and David and others. And so the other presentation was by

a youth who was very articulate as it related to a youth that had completed their juvenile, it was the Citation Program. And he also did a mapping of some of the streets around the area specifically to the Citation Program but also the Weed and Seed. And so he remarked that he was very concerned with the fact that there were no curbs and gutters and sidewalks and such, but one thing that really stuck out for me was a picture of a needle and he was extremely concerned about that, and should be; it's around lots of places where children frequent. We have our Weed and Seed Program near there and such, but what struck me also was his love for his community and what he's doing, and so I know that both Loretta and David were hit, and me with "Okay, what are you going to do next about this?" And so we, what I said I would do and I've done is send an e-mail to David about the issues and concerns. I've also reached out to Public Health, Dawn Sanchez, the Director there, and they have some harm reduction programs and I made mention that maybe we needed to work on possibly doing a campaign to educate the community about how to safely dispose of needles and such, and maybe the possibilities and I don't know this and that will be left for staff to decipher, putting the biohazardous boxes in the parks and such. And so I'm having a meeting in fact in about five minutes with them if I can get myself out of here, to start the discussions about the campaign and just next steps and strategies and I'll be sure to involve David and others, and you Mr. Ed as it relates to that. I was going to participate in the Implicit Bias training. There was an issue with technology, either love it or hate it and sometimes when you're out, I was out of state last week and so I actually took the test. There's a test that accompanies the, that you needed to take prior to and so I was a little, I took the test and I was a little skeptical right, but I really wanted to be a part of the training. I apologize for not being able to do that. But I'd love to have another opportunity and I think Councillor Pedroza's idea or strategy or solution about having an additional one and inviting our partners, different agencies I think is an excellent one. Last, I met with Washington Elementary's PTO. It's really exciting the things that are going on. They have a new administration. They're really wanting to reach out into the community similar to Community in the Schools and I think that would be a really nice next school, or next step for that school. But they're doing some money management programs like how to use banking and checking and those sorts of things and the community has been really awesome when I've reached out and Craig specifically through U.S. Bank. His last name is escaping me, is willing to work, Buchanan, is willing to work with the group because there's some programs that they want to scale out to the parents and the kids as it relates to savings and such that I think would be really exciting and they've been so supportive. The other thing is they're beginning to start their Ballet Folklorico program again and they're needing to raise some money as it relates to the equipment and the costumes and such and so I've been reaching out to various places to see if there's some interest in raising funds or if the City can help and maybe some of the funding opportunities that may arise. And so I'm really excited. I mean those that don't know, my kids went to Washington Elementary School. I was the PTO president there when the kids were in school and I also started their first Girl Scout troop, and so when I left some of that stuff sort of fell through the cracks and so I'm really excited with the things that they're doing there and so if I could get your help in trying to figure out some sources of funding that we might go after so that we can fund this. The fourth and fifth graders are really excited about the dancing and I thought it was really important what the Principal said, we're trying to bring our culture back into the school. We think it's important. And so I thought it was a very good thing. So thank you.

Mayor Pro-Tem Smith said Mr. Mayor if I may make a comment on the request that Councillor Gandara is making. There are probably a number of ways that can be approached. One, they can certainly put in a request with the process that we've developed. The other is that we do have some discretion with our district money and so you might issue a challenge or something like that, but those might be two different ways that they could get help with that. Thank you Mr. Mayor. Thank you Councillor Gandara.

Mayor Miyagishima said thank you Mayor Pro-Tem. Thank you Councillor. Okay. In the late '70s, early '80s there was a commercial, when E.F. Hutton talks everybody listens. So now we're going to go to the man, the new City Manager and see if he has anything to say.

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c.) City Manager

Stuart Ed, City Manager said well there's no pressure there with that introduction. I just want to say a couple things and I believe that it's a beautiful day. It's a great day today. I believe that life is made up of moments, special moments and I want to take this moment to congratulate Mayor and Council. There's a lot of great things that are happening in Las Cruces and there's a lot of reasons why I really coveted this opportunity. But this Council meeting today, you set the standard for public political discourse. You agreed to disagree and you demonstrate an amazing example of positive respectful civic discourse. And as your City Manager and as somebody who's a public administrator, as your employee I want to thank you for that because that helps the community, it helps your administrative team to work hard and do a good job for you, and it's the leadership that makes this community very special. And so I want to thank you for that. Like I said today there was a good discussion and it was always respectful and it was always positive and you know Tuesday's Election Day and this election cycle has not always been that way, and you're an example of how it should be so congratulations. I'm a fresh set of eyes so I get to say that. I do want to say that as the new City Manager I'm really looking forward to working with the community, with you all as well as the community, and my fellow associates that make up the administration of Las Cruces. My e-mail address is sed@las-cruces.org, sed, very short, @las-cruces.org. I do want to say that Thursday morning staff is going to be working on a funding proposal that was submitted by the Mayor for the meals program from Public Schools so we'll be meeting this week to take a look at that. And lastly because Councillor Gandara's got to get out of here so I'll make this brief. Veteran's Day is Friday November 11th and so it's a great day, this community's made up of a strong military presence. It's a proud military community. I'm a veteran myself, serving eight and a half years in the Army as a Field Artilleryman and so Veteran's Day is a wonderful day to thank our veterans and those important folks in our community. And so staging for the parade will start at nine a.m. and the location of that is at Main and Lohman and then the parade will start promptly at 11 in the morning and the parade route gets to use Main this year. So it's very exciting and it's going to be a wonderful opportunity to thank and honor our veterans so I hope the whole community comes out. On that day City Hall will be closed, but open, of course Public Safety will be open for business so sorry Chiefs but public safety's always happening, so our fine men and women in blue and red will be working hard that day. RoadRUNNER Transit will also be running as well as solid waste and

recycling collection. The Foothills Landfill will also be operating for their normal hours. The Regional Aquatic Center will be open from 12 to 6 and the East Mesa Center will be open from 10 to 2. So I just wanted to share that with the community. Lastly, today it's not only a chance for the community to get to meet and greet me but it's my chance to meet and greet the community and so this afternoon at 5:30 out in the foyer in front of City Hall Chambers we'll have a meet and greet and it's really a chance for me to meet the community so I hope the community will come out because I'll look forward to meeting everybody. So once again thank you for your vote of confidence. I look forward to working with each and every one of you. This is a tremendous honor. I'm very privileged and I'm very humbled and I just want to thank you from the bottom of my heart for the opportunity. Thank you.

Mayor Miyagishima said okay. If there's nothing further, entertain a motion to adjourn.

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

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

Council said "Aye."

Meeting Adjourned at 4:35 p.m.