



MINUTES

City Council

Tuesday, February 16, 2021 @ 1:00 PM

Remote via Zoom

PRESENT: Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

ABSENT:

1. OPENING CEREMONIES

1.1 Pledge of Allegiance - Mayor Pro Tem Gandara.

1.2 Pets of the Week.

Jennifer Martinez with the Communications Office presented the Pets of the Week.

1.3 Jobs of the Week.

Cindy Quillin, Workforce Connections presented the Jobs of the Week.

1.4 COVID-19 Update.

Mandy Guss, Communications Director gave an overhead presentation.

Eric Enriquez, Assistant City Manager continued with the overhead presentation.

Lynn Gallagher, Quality of Life Director continued with the overhead presentation.

Jason Smith, Interim Fire Chief continued with the overhead presentation.

Karin Byrum, Treasurer continued with the overhead presentation.

Leeann DeMouche, Chief Budget Office continued with the overhead presentation.

Dr. Griselda Martinez, Economic Development Director continued with the overhead presentation.

Councilor Abeyta-Stuve continued with the overhead presentation.

1.5 Presentation of Certificates of Appreciation/Proclamations - Mayor Pro Tem Gandara.

Mayor Pro Tem Gandara read a proclamation for “National LULAC Week”.

Natalie Green, Housing & Neighborhood Services Manager said the following is a public disclosure for Dr. Griselda Martinez and Jardin de Los Ninos in accordance with our Community Development Block Grant Federal Regulations. As you may know, Jardin de Los Ninos is a recipient of CDBG public service funding and they are also a recipient of our CDBG COVID funding and they would be a potential recipient of future grant funding. Dr. Griselda Martinez is the Economic Development Director. She is a former board member of Jardin de Los Ninos. She resigned on February 4th. The Community Improvement Program charged with the responsibility of ensuring compliance with federal regulations for both the CDBG and Home Program is being transferred to the Economic Development Department. As part of this transfer, Dr. Martinez would have had decision making authority for both the City and Jardin de Los Ninos. Under our federal regulations, specifically 24 CFR 570-611, this represents a conflict of interest. HUD has a process for these conflict of interest exceptions. The first is for the Disclosure to happen so we were notified about the transfer and that disclosure was made. Staff sought a legal opinion. The City Attorney's Office has offered their formal opinion that because the conflict was resolved through the resignation, it does not violate state or local law. The next step is public disclosure, which is this current action and then staff will submit a written request and documentation to HUD, and HUD will issue formal determination on any mitigating factors that we need to take into consideration.

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

2.1

Councilor Bencomo said I'm going to have to recuse myself from item 8.5 and 7.2 and 7.3 on the consent agenda. These are items that I'm actively working on through my role with New Mexico CAFE.

3. PUBLIC PARTICIPATION

4. READ CLOSED MEETING STATEMENT

4.1 Read February 1, 2021 Closed Meeting Statement into the record.

5. ACCEPTANCE OF AGENDA:

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

Councilor Gabe Vasquez moved, seconded by Councilor Kasandra Gandara, to accept the agenda as presented with removal of items 7.2, 7.3 and 7.4 for discussion.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez

SECONDER:	Councilor Kasandra Gandara
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

6. CITY COUNCIL MINUTES

6.1 (*)Regular City Council Meeting of January 19, 2021.

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

- 7.1 (*) RESOLUTION NO. 21-119: A RESOLUTION APPROVING CONTRACTS FOR MATERIALS TESTING SERVICES WITH ADVANCED TESTING & MATERIALS, INC., GEO-TEST, INC., TERRACON CONSULTANTS, INC., WOOD ENVIRONMENTAL & INFRASTRUCTURE SOLUTIONS, INC. ALL OF LAS CRUCES, NM, AND DESIGN TECHNOLOGIES OF FAIRACRES, NM IN AN AMOUNT NOT TO EXCEED \$500,000.00 ANNUALLY PLUS APPLICABLE TAXES, FOR A PERIOD OF ONE (1) YEAR WITH THE OPTION TO EXTEND FOR FOUR (4) ADDITIONAL ONE-YEAR TERMS, SUBJECT TO ANNUAL RENEWALS AND APPROVED BUDGET APPROPRIATIONS (PROCUREMENT NO. 20-21-031).
- 7.2 RESOLUTION NO. 21-120: A RESOLUTION IN SUPPORT OF THE NEW MEXICO STATE LEGISLATURE EXPANDING THE WORKING FAMILIES TAX CREDIT.

Christopher Dunn, Policy Analyst gave an overhead presentation.

Councilor Vasquez said I think this is a good deal for working families and includes some of the economic help that families with single parent households.

Councilor Kasandra Gandara moved, seconded by Councilor Gill Sorg, to Approve Resolution No. 21-120.

RESULT:	Carried
MOVER:	Councilor Kasandra Gandara
SECONDER:	Councilor Gill Sorg
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Gill Sorg, and Councilor Yvonne Flores
ABSTAINED:	Councilor Johana Bencomo

- 7.3 RESOLUTION NO. 21-121: A RESOLUTION IN SUPPORT OF THE NEW MEXICO STATE LEGISLATURE EXPANDING THE LOW-INCOME COMPREHENSIVE TAX REBATE.

Christopher Dunn, Policy Analyst gave an overhead presentation.

Councilor Vasquez said New Mexico is one of the states that needs this the most.

Councilor Gabe Vasquez moved, seconded by Councilor Tessa Abeyta-Stuve, to Approve Resolution No. 21-121.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez

SECONDER:	Councilor Tessa Abeyta-Stuve
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Gill Sorg, and Councilor Yvonne Flores
ABSTAINED:	Councilor Johana Bencomo

7.4 **COUNCIL BILL NO. 21-027; ORDINANCE NO. 2960: AN ORDINANCE APPROVING A ZONE CHANGE FROM C-3C (HIGH INTENSITY COMMERCIAL, CONDITIONAL) TO C-3 (HIGH INTENSITY COMMERCIAL) ON A 1.56 ACRE PROPERTY LOCATED AS 3830 E LOHMAN AVENUE. SUBMITTED BY THE PROPERTY OWNER, SAMRA LLC. (20ZO0500096)**

Katherine Harrison-Rogers, Senior Planner gave an overhead presentation.

Councilor Flores said I reviewed the minutes from the P&Z meeting and they were all talking about Indian Hollow. Not only is it not an issue, it's not up for review.

Patricia MacGregor-Mendoza (via email) said I am writing to add my voice to that of my neighbors in opposing any change or dissolution of the covenants agreed to in 2012 regarding the zoning of the property at 3830 Lohman Avenue which abuts our NE Foothills neighborhood. As a homeowner in the neighborhood since 1998 prior to the construction of the Lohman extension and the Foothills extension and the development of businesses along those streets, I, along with my neighbors, have observed a number of changes in the development of the area, and do not oppose the productive economic growth of the city, rather we object to changes that directly, and negatively, impact our neighborhood safety and quality of life. The City of Las Cruces and Doña Ana County in their written documents on urban planning have expressed desires to plan growth in a responsible manner. Doña Ana County notes that its role in development is to "maintain and protect residential areas from incompatible land uses" and in particular "promote and guide the development and location of commercial uses to balance economic growth and quality of life " (Doña Ana County 2040 Inventory, section 2.4.3). For its part, the City of Las Cruces has expressly indicated that "high intensity commercial uses and centers should not locate adjacent to rural or low density residential uses" and moreover that "The City shall encourage the development of professional office centers to allow for maximum convenience with minimal traffic and encroachment-related conflicts to adjacent uses" (Land Use Element, Commercial Uses, Goal 2, Objective 5, Policy 5.3g). The changes agreed to in 2012 when the most recent zoning change was requested (Council Bill No. 13-005; Ordinance No. 2660) were designed to do just that. Although my neighbors and I were opposed to the re-zoning of the parcel of land, in meetings with the developers at the time we made a series of concessions in order to avoid circumstances that would negatively impact the adjacent residential area where a number of families reside beyond the occupancy of the intended tenant at the time. The current landowner was fully cognizant of these conditions prior to developing the previously undeveloped parcel. The landowner seeks solely to improve his economic standing by the sweeping removal of the conditions that specifically protect our neighborhood. As in 2012, we continue to be concerned about any changes that would unnecessarily impose upon the safety of our residents as well as the character and integrity of our neighborhood and the

values of our property. As neighbors we maintain that the threats to our neighborhood remain in changing any of the conditions that were agreed upon several years ago and that the current landowner, who proceeded with the development of his land under these conditions, does not have grounds for requesting a change, nor is the City obligated to favor his individual concerns over those of the neighborhood which are more significant in number and gravity. We ask that you adhere to the sound principles of urban design that were codified over a decade ago, that you support the maintenance of the agreements that were established concerning the development of the land prior to the development of the land and with the full knowledge of the landowner, and that you continue to respect the current and future integrity of our neighborhood as you already have in the past, by voting to deny approval of Council Bill No. 21-027; Ordinance No. 2960.

William Beerman, Member of the Public gave an overhead presentation.

Megan Riley, Member of the Public said I'm against the removal of that gate. Me and my husband bought this home under the knowledge that Indian Hollow Road would not connect to East Lohman Avenue. I'm disappointed in the leaders of the City of Las Cruces for even considering the removal of the gate. It feels like the city isn't listening to those who know the neighborhood best. I am very concerned about increased collisions and accidents.

Alfred Montoya, Member of the Public said I'm opposed to the road being open but what I would propose to do is to make Chimney Rock Road a cul-de-sac instead of Indian Hollow. It would stop all the through traffic.

Mike Carvlin, Member of the Public said you're looking at about \$10 to \$15 a square foot for home devaluation on Chimney Rock Road if such condition were to happen but I agree with Mr. Montoya's observation regarding a better proposal.

Eugene Samuel, Member of the Public said before we closed the Indian Hollow access, traffic was ridiculous. On Roadrunner Circle, we don't have any sidewalks so we're walking on the road and after dusk there is no lighting.

Rodion Shishkov, Member of the Public said rezoning is the first step to opening of Indian Hollow Road. You will attract more cars to our neighborhood. What bothers me is the noise and air pollution associated with motor vehicles.

Chris Sautter, Member of the Public said the Elevate Las Cruces Plan states the health, safety, and wellbeing of our residents and businesses are a top priority for the city council and leadership of Las Cruces. Opening Indian Hollow is not in the best interest of the Foothills neighborhood and those traveling on East Lohman. It will increase the traffic in our neighborhood. Traffic in the neighborhood will decrease property value.

Armina Taylor (via letter) said my husband Herb and I own two units at Sombra Largo Condominiums at 701 Indian Hollow. These condominiums abut the 3830 property. We live at one of the units and our daughter rents the other unit. Herb is the president of Sombra Largo Condominiums, which has 12 units. A window

of two units which were recently purchased face Dr. Rizwan Khan's property. My husband and I lived there for 20 years. A few of you council members know well the issues that have plagued us for many years. I would like to address the issues and the impact of our quality of living on Indian Hollow Road, which was originally ended in a cul-de-sac next to the applicant's property prior to the city opening Indian Hollow from Lohman. As I look at the issues that stand out that will impact our quality of life: (1) The existing C3 zoning is the same as two properties on either side of the applicants property. In fact, all properties except the one on the south side of Lohman to Roadrunner Parkway are designated C3c. Our neighborhood fought hard for the C3c zoning on the applicant's property; (2) The existing conditions have cut down on traffic and noise in the 700 block of Indian Hollow, Chimney Rock, and Little Dam. In addition, quality of life has improved since a road was closed; (3) The mayor and council members who were involved in the last time we went through zoning issues know the portion of Indian Hollow Road adjacent to the applicant's property resulted without legal notification by the city thus causing all the issues that are plaguing us again; (4) The challenge of using Zoom for council meetings will affect many residents who will be unable to relate comments, concerns and questions. Use of Zoom for a meeting is a passive-aggressive way of making sure the council will not have to deal with a gallery full of people who will not want the zone change. I urge the council to table this request until the gallery is open when the pandemic is over. Then the gallery can be opened to the public for comments, concerns and questions. Finally, why now when Zoom is the only way for the council to hear from the public. What does the applicant plan to use the property for if the conditions are eliminated? Does the applicant think that it will easier to get its zone changes because council meetings can only be held via Zoom because the applicant knows that the pandemic will lower the number of residents participating against zone change?

Bassam Alhomsy, Applicant said this project was intended for the Natural Grocery Store but it fell through because of the parking permits and it was sold to somebody else who wanted to develop this property and that is why I got the land back. The C3 restriction is because of that. I've been trying for the last nine years to rent out. I want to develop this property to do more business. Everything I do I run by HUB International and the physicians.

Mayor Miyagishima asked in your application did you ask to have Indian Hollow opened?

Bassam Alhomsy said no.

Councilor Abeyta-Stuve asked were there any considerations that Chair Sharon Thomas gave when P&Z made this decision?

Katherine Harrison-Rogers said she was the one councilor who recused herself from the conversation per the request of the neighborhood association.

Councilor Abeyta-Stuve asked what was the reason for the neighborhood association asking her to do that?

Katherine Harrison-Rogers said it was because they felt that she had already

made some determinations and was already biased perhaps. Mr. Beerman was the gentleman who made the request.

Councilor Abeyta-Stuve asked so they didn't get the history from the councilor?

Katherine Harrison-Rogers said no, she was not allowed to participate.

Mayor Miyagishima asked if this zone change were to be approved, does that open Indian Hollow Road?

Katherine Harrison-Rogers said no. Any change to the conditions on rezoning does not reopen Indian Hollow Road. That would be a separate process requiring engineering studies and public outreach.

Councilor Vasquez said there were concerns about an unreasonable increase in traffic. Does this zone change in any way impact traffic?

Katherine Harrison-Rogers said the traffic section did review this particular zone change. They didn't determine that any significant traffic impacts would occur as a result of the increased uses. This roadway already serves a regional purpose. If there were to be some significant use changes at that site, we do have safety measures in our codes that would require traffic safety impact analysis.

Councilor Gabe Vasquez moved, seconded by Councilor Johana Bencomo, to Approve Ordinance No. 2961.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez
SECONDER:	Councilor Johana Bencomo
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

- 7.5** (*) COUNCIL BILL NO. 21-028; ORDINANCE NO. 2961: AN ORDINANCE AMENDING CHAPTER 15, LABOR MANAGEMENT RELATIONS OF THE LAS CRUCES MUNICIPAL CODE 1978, AS AMENDED RELATING TO COLLECTIVE BARGAINING FOR THE CITY OF LAS CRUCES, NEW MEXICO, PROVIDING RIGHTS, RESPONSIBILITIES, AND CONDITIONS OF CONTINUED EXISTENCE AND TRANSFER OF AUTHORITY UPON TERMINATION OF LOCAL BOARD.

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

- 8.1** RESOLUTION NO. 21-122: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT A BUDGET ADJUSTMENT FOR EMERGENCY ASSISTANCE FOR THE IMPACT FROM COVID-19 TO VARIOUS PROGRAMS FROM THE TELSHOR FACILITY FUND FOR \$977,000.00 THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2021 BUDGET.

Natalie Green, Housing & Neighborhood Services Manager gave an overhead presentation.

Councilor Abeyta-Stuve said I would like to get a little more information on the

type of issues that Parks is seeing for the need in the disinfectant.

Sonya Delgado, Parks & Rec Director said we started having security go through the parks to remind individuals to keep their distance and wear their masks. The PPE disinfectant and partitions were used for all our indoor facilities. We don't have enough staff currently to go out and disinfect the playgrounds as they get used daily.

Councilor Abeyta-Stuve asked how long will it take these funds to get into the hands of our programs?

Natalie Green said it's how long it takes to execute a service agreement. Staff will work with purchasing and legal to execute the contracts and get the funding out the door.

Councilor Abeyta-Stuve asked is it just a couple of weeks or does it generally take longer than that?

Natalie Green said Community Improvement can have those contracts to legal within a few weeks and it would depend on their staffing and their current workload.

Jennifer Vega-Brown, City Attorney said it just depends on if we're asked to draft the agreement or if that agreement is already going to come to us.

Mayor Miyagishima asked did we have Community of Hope on here?

Natalie Green said Community of Hope was a participant. We're awarding them an additional \$150,000.

Mayor Miyagishima asked is \$150,000 our limit?

Natalie Green said this is the limit that council allows staff to execute contracts without having to come back to council.

Councilor Bencomo asked is CAA not requesting funds or do they still have funds from last time?

Natalie Green said I have been in communication with CAA. They did not request an additional allocation. They have established funding.

Councilor Bencomo said as far as the reprogramming for the funeral funds, I was under the impression that that happened a long time ago. Can it be retroactive?

Natalie Green said that contract has been with legal for several weeks and is currently under review and I hope it will be executed soon. The way the program is currently structured is that the payment goes through the funeral homes. They do an initial intake on the family and the need for those services. It could be retroactive.

Councilor Bencomo said I'd be interested in exploring what a reimbursement process could look like for low income families who have lost a loved one.

Jennifer Vega-Brown said I'm not aware of a current pending contract. I'll have to double check. We do have anti-donation issues to deal with and I believe an answer was provided. We can look at the retroactive. I'll have to see what the parameters are and what exactly we are providing. The only thing we are able to provide is healthcare to the sick and indigent.

Mayor Pro Tem Gandara said we looked at contracting with media to help put a campaign together. I'd like to see that as a recommendation. I think that people are still not aware of the various services. We had at one time worked towards hiring a social worker.

Natalie Green said we did go out for RFQ and got some quotes. A nonprofit has been selected. It's just a matter of executing that final contract. The Communications Office and Jamey Rickman's office have been working on some different material.

Jamey Rickman, Community Outreach Manager said we're close to having it completed. There's a couple areas that we need to verify numbers from the city manager's office. It's a COVID report that humanizes the figures. It's full of testimonials. It's full of encapsulated information that is easy to read and digest. We hope that it will also help the nonprofits understand their role in all of this.

Ifo Pili, City Manager said we can do that in house or contract with local businesses. We shifted our focus to the Red to Green.

Mandy Guss, Communications Director said with the Red to Green we've done social media and radio spots as well as the website. We shifted our focus to the vaccine registration. We also added some print newspaper ads, which started last week.

Mayor Miyagishima asked do we do radio ads at the Spanish stations?

Mandy Guss said we have not done any for the Red to Green campaign but we can look into options. We are also taking a lot of the Department of Health messaging and resharing it out.

Mayor Pro Tem Gandara said we've talked about a local campaign addressing attitudes and support of local law enforcement surrounding folks who are mentally ill. We talked about partnering with FYI's Harm Reduction Program and giving \$40,000 to \$50,000 to initiate that program.

Natalie Green said we are funding FYI's Harm Reduction Program so I would like more information.

Councilor Sorg said I was in a Zoom meeting with the National League of Cities this morning and they presented the Biden Relief Package. A section of that is federal aid for municipal governments.

Councilor Vasquez said we have discussed employing other businesses to design marketing campaigns to assist the nonprofits. Initially I think we were talking about the FYI Food Initiative Program. I think it's imperative that as we're spending this money that we're working with our partners at FYI to make sure they can effectively market this program.

Natalie Green said I have been in contact with FYI. They have distributed approximately 18,000 vouchers and they've redeemed 8500. We are also extending the redemption period to the end of the fiscal year. Staff is going to request some clarification on council's desire to support locally owned franchises.

Councilor Vasquez said I think we wanted to target those small business owners. Brian Kavanaugh at FYI said if they had that marketing assistance they would use it. It would be good to see how these programs are having an impact on our community to see if we need to reallocate funds. How are the numbers determined around the distribution for nonprofits?

Natalie Green said we asked each of the NGO's to submit a proposal outlining the amount that they would need and what the use of that funding would be for. This amount will cover expenses from March 1st to June 30th.

Councilor Gabe Vasquez moved, seconded by Councilor Kasandra Gandara, to Approve Resolution No. 21-122.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez
SECONDER:	Councilor Kasandra Gandara
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

8.2 RESOLUTION NO. 21-123: A RESOLUTION AUTHORIZING THE CITY OF LAS CRUCES (CITY) TO ACCEPT VARIOUS GRANT AWARDS FOR VARIOUS CITY DEPARTMENTS THROUGH AN AMENDMENT TO THE CITY'S ADOPTED FY2021 BUDGET AND, AS APPLICABLE, THE FY2021 CAPITAL IMPROVEMENT PLAN (CIP) FOR THE MONTH OF FEBRUARY 2021.

William Blanchard, Budget Analyst gave an overhead presentation.

Mayor Pro Tem Gandara asked can Sonya talk a little bit about what the Pioneer Park improvements consist of?

Sonya Delgado, Parks & Rec Director said it is for the first portion of the gazebo.

Mayor Pro Tem Gandara said there was one grant for public safety radios and software. I know we've been trying to gather funding for PD to communicate with the sheriff and state police. How do we make that happen for them?

Chief Miguel Dominguez said it is for P25 compliance. Interoperability is a major issue for us. We would like very much to communicate with other agencies.

Councilor Gabe Vasquez moved, seconded by Councilor Kasandra Gandara, to Approve Resolution No. 21-123.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez
SECONDER:	Councilor Kasandra Gandara
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

8.3 **RESOLUTION NO. 21-124:** A RESOLUTION APPROVING A CONTRACT FOR THE COMPREHENSIVE LAND DEVELOPMENT CODE AMENDMENT WITH FREESE AND NICHOLS, INC. FOR AN INITIAL TERM OF ONE YEAR WITH A RENEWABLE TERM OF AN ADDITIONAL YEAR IN AN AMOUNT NOT TO EXCEED \$600,000 PLUS APPLICABLE TAXES. (PROCUREMENT NO. 20-21-014)

Katherine Harrison-Rogers, Senior Planner gave an overhead presentation.

Councilor Vasquez said I'm assuming this is essentially to provide recommendations to council to amend the code in alignment with Elevate Las Cruces.

Katherine Harrison-Rogers said you are correct.

Councilor Vasquez asked why can't staff do this in house?

Katherine Harrison-Rogers said it has to do with the time. A lot of times there is expertise that individual staff members may not have and it is a huge project that involves a huge amount of time and resources.

Councilor Vasquez asked will the contractor be working with council and have an overall picture of things already in the works?

Katherine Harrison-Rogers said they will be looking at all of the existing plans and policies that we have put into place and implemented. They will also be seeking advice from any committees and interviewing city council in development of this.

Larry Nichols, Community Development Director said we have been bringing several initiatives similar to this for your consideration. Some of these have not been updated in 15-20 years. It's a multi-departmental undertaking as well.

David Weir, Community Development Deputy Director said by hiring a consultant we're able to look at all those code requirements at one time. Ultimately, you would be the group that approves the code.

Councilor Vasquez asked what is the scope of work you have done for Las Cruces?

Wendy Shabay, Freese & Nichols said we are headquartered in Fort Worth. We have offices all over Texas, Oklahoma, Florida, Georgia, North Carolina, and an

office in Las Cruces. We have several engineers located in that office that will be working with you. We have several in El Paso for engineering support.

Councilor Vasquez asked can you briefly describe what your process would be?

Wendy Shabay said this is divided into three phases. We develop a public involvement plan. In phase one, we do a diagnostic which is looking at Elevate Las Cruces, some of the plans that you had in the past, and aligning that with your current code and where are the problems and issues and what you want to accomplish today that might be difficult because your codes are not aligning. The second phase will be getting into the manuals.

Erica Craycraft, Freese & Nichols said we do have a multidisciplinary team. We have planners, engineers, attorneys, community engagement specialists to help us throughout the two year process. We start out at the beginning with the five months that we're really reviewing the plans that you have in place and making sure that we are implementing the recommendations for the plans you have developed and then reviewing the codes that you already have and identifying the issues and identifying some proposed solutions and talking through that game plan before we jump into phase II and phase III to make sure everyone is on the same page. Then we move into phase II where we look at city code and work with staff on that process. We will present that to P&Z and city council. Then we will have workshops in phase III to work with P&Z and city council to refine that draft and get that ready for a second open house and community survey where we're getting community feedback and eventually proceeding to the adoption process.

Councilor Vasquez asked so the process from start to finish is two years?

Erica Craycraft said yes sir.

Councilor Vasquez asked what is the process for making changes along the way?

Larry Nichols said currently we handle those requests through variances and rezoning.

David Weir said while they're doing their review and putting together the new code, we will still have an opportunity to work on recommendations. There's nothing that would prevent us from doing that on a faster basis if it was something that council felt needed to be addressed immediately.

Mayor Miyagishima asked would it be fair to say it's like having a set of temporary staff that are fully knowledgeable on what needs to be done?

David Weir said there will still be a core team of the city that will be very involved with that and providing expertise and knowledge.

Wendy Shabay said we want you to consider us an extension of staff. We will rely on staff for day to day knowledge.

Mayor Miyagishima said I wonder if we could have a quarterly update as to how things are progressing.

Wendy Shabay said we have some periodic updates that we'll be working on. We will provide a monthly update of where we are.

David Weir said we anticipate having it placed on a council agenda or work session. Katherine is going to be the project manager for the Community Development Department.

Mayor Pro Tem Gandara asked do you have the number of codes that need to be changed and a priority level?

Katherine Harrison-Rogers said staff has a number of primary code chapters that do need to be modified. Part of this will be a code diagnostic to see if other parts of the code need to be pulled out.

Mayor Pro Tem Gandara said I'm wondering if we could prioritize the codes with infill. I want to remind staff that there are several associations that has done things with environmental impacts.

Mayor Miyagishima said I thought the whole purpose was to align with Elevate Las Cruces.

David Weir said you have already gone through the public input process and provided a vision and goals with Elevate Las Cruces. So this is the regulatory instrument to accommodate those goals. The public engagement from this standpoint will be looking at the process and zone change, and that they are clear moving forward. The building code is adopted by the state and we implement their standards. We will be sure to make outreach to those organizations and get their participation in this project.

Councilor Bencomo said zoning can be very political and tough and I'm wondering how you would navigate that.

Wendy Shabay said your vision has been established but it is important for us to educate the public as this goes forward.

Councilor Bencomo said I'm curious about your group's framework for ensuring equity through the zoning process.

Wendy Shabay said it's critically important for us and that's a big piece of what we're intentional about doing.

Councilor Flores asked is there any conflict of interest with Freese & Nichols?

Larry Nichols said there is no conflict of interest. I have no affiliation with Freese & Nichols.

Councilor Flores said I hope it can work in tandem with the El Paseo Corridor project. Hopefully it will take less than the two years and with the quarterly updates we'll be able to find out how the code revisions are going. Are you going to be working in tandem with legal to make sure the ordinances are updated?

Katherine Harrison-Rogers said it will be a joint effort. They have a legal consultant on board and our legal department will be part of the review process.

Councilor Flores asked do we have to pay that attorney separately?

Katherine Harrison-Rogers said it's part of the package.

Councilor Flores asked is this a two year contract renewable at the end of the first year?

Larry Nichols said there is an initial one year contract for \$300,000 and then the second year for the remaining portion. Progress payments are made as work is done.

Councilor Flores asked will there be a performance review?

Larry Nichols said as they complete certain aspects of their work, they will submit a progress payment, we'll review it, and then payment is done.

Councilor Gabe Vasquez moved, seconded by Councilor Gill Sorg, to Approve Resolution No. 21-124.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez
SECONDER:	Councilor Gill Sorg
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

8.4 RESOLUTION NO. 21-125: A RESOLUTION TO SUPPORT THE DEPLOYMENT OF ZERO-EMISSIONS AND LOW-EMISSION CITY FLEET VEHICLES AS PART OF THE CITY'S ADOPTED CLIMATE ACTION PLAN.

Richard Dewitt, Fleet Administrator gave an overhead presentation.

Councilor Sorg said it was my understanding that you would be charging these vehicles for the city when the vehicle is not being used.

Richard Dewitt said we don't have any charging stations here yet.

Councilor Sorg asked do you park all your vehicles at Fleet?

Richard Dewitt said we park vehicles here that are ready for pickup or awaiting some type of service.

Councilor Sorg asked why am I seeing all these vehicles parked at the city hall parking garage?

Richard Dewitt said they could be motor pool vehicles and department vehicles.

Councilor Sorg said I'm getting the impression that we're behind the ball on this. Our federal and state government are making huge advances in electric vehicles. They are going to identify new battery and cell technologies to reduce the cost by more than half, go 300 miles, and decrease charging time to 15 minutes or less. The Plug In Vehicle Tax Credit is incentive to take a credit of up to \$7500 for each vehicle that can be recharged from electricity. We can lease an electric vehicle to begin and the dealer would do all the work on it. The Biden Administration wants to replace the federal government's fleet with electric vehicles.

Councilor Abeyta-Stuve said I know there has been plans to move the location of Fleet. In the design, are there plans to build those new charging stations into the Fleet station?

Lisa Larocque, Sustainability Officer said my understanding is that there were tentative plans to move it over to Fleet but there wasn't sufficient funding. As far as the chargers, you have to have permission from El Paso Electric because they have new rates.

Councilor Sorg said I want to bring forward two amendments: that the city shall purchase all electric vehicles when they are available and competitively priced on the market and that the city participate in the National EV Support Programs and become a GoEV city. I want to emphasize that we need to have at least 22% by 2030.

Mayor Miyagishima said I think we should look at leasing a few vehicles first because we don't know have the infrastructure.

Jennifer Vega-Brown, City Attorney said we would probably have to re-advertise with that amendment. It significantly changes the substance of the resolution. We would also need to be careful in the language that you're using in binding future city council to purchase a certain type of vehicle.

Councilor Sorg asked can you come up with alternative language?

Jennifer Vega-Brown said if you send that to me we can change that and re-advertise.

George Vescovo, Member of the Public said one way to lower greenhouse gas emissions is through electrified vehicles. Electrified vehicles does not mean battery electric vehicles. You don't necessarily need charging stations. The resolution should state the definition of electric vehicle and should include all four hybrids.

Mayor Miyagishima asked how many regular vehicles do we plan on buying next year?

Richard Dewitt said I'm currently collecting VAF sheets so I can't give you a number.

Mayor Miyagishima said hypothetically, let's say 40. How many out of those 40 would be electric?

Richard Dewitt said currently none.

Leeann DeMouche, Chief Budget Officer said we do have two electric hybrids in the city. They're at city hall and part of the motor pool but they are not plugged in. We have a couple of battery and gasoline hybrids. We try to fulfill the police department first because they are emergency services. Typically we replace around 18 vehicles for the police department. That is a budget of close to \$950,000. We're also in the process right now of trying to replace motorcycles. Whatever we have left in the VAF, we look at the highest needs.

George Vescovo said hybrids are very inexpensive.

Councilor Gill Sorg moved, seconded by Councilor Yvonne Flores, to Table Indefinitely.

RESULT:	Carried
MOVER:	Councilor Gill Sorg
SECONDER:	Councilor Yvonne Flores
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

8.5 **RESOLUTION NO. 21-126:** A RESOLUTION IN SUPPORT OF THE NEW MEXICO STATE LEGISLATURE PASSING LEGISLATION THAT WOULD REQUIRE BUSINESSES IN NEW MEXICO TO OFFER PAID SICK LEAVE FOR ALL EMPLOYEES.

Christopher Dunn, Policy Analyst gave an overhead presentation.

Councilor Vasquez said paid sick leave should be a human right for everyone who works full time.

Councilor Abeyta-Stuve said I think this is a timely issue during this pandemic as we've seen workers facing this situation. One illness or accident could make or break a family.

Karissa Owen (via email) said my name is Karissa Owen with CAFE Accion in New Mexico. I stand in support of a resolution for us to have statewide paid sick leave. I've been in the service industry for 17 years and worked mostly front of house roles: coffee barista, server, bartender. In the restaurant industry, we often have to choose to work over getting healthcare. For example, at 19 there was a viral bronchial infection spread among servers and who could not miss work or pay for care. The general atmosphere within a restaurant is that you work through the illness, see how you feel and once you're there you must often attempt to get the shift covered before taking a sick day. Kitchen staff who are hourly workers often work paycheck to paycheck. Missing one shift can make it

hard to cover living expenses much less a medical visit or prescription. This bill also affects more than just the potential spread of illness. Recently a staff member had ankle surgery. She had medical insurance to cover the costs but the healing time would mean she would need to take 1.5 months off of work. Additionally the mental health and addiction treatment portions are one of the most exciting aspects of the bill. As a city, we have a choice on how we treat our workers. We have worked through this pandemic, often shifting our schedules and skillsets. I see this bill as an opportunity to secure the protection of all workers and encourage the restaurant industry to think about how to maximize business and consider the health and general welfare of workers and employees. For these reasons, I'm asking you to support these resolutions.

Father Tom Smith (via email) said as a religious leader in Southern New Mexico I am concerned about not only the faith life of the people around us but the economic health and security needs of all the people in our area. Statewide paid sick leave would allow workers to accrue time off for themselves and other family members. This keeps them from working while sick and possibly infecting others helps the business maintain trained workers and promotes good family care. The Working Family Tax Credit will especially benefit essential workers and their families who have been adversely affected by the COVID pandemic. They will put money back into the economy to support other businesses. The Low Income Tax Relief was originally enacted to counter the progressive nature of the state's gross receipts tax. While the gross receipts tax continues to go up, the LIT PRC has not been increased in 22 years. As a Franciscan and religious leader, I endorse these proposed bills and ask the legislators and governor to give New Mexico residents a place we can be proud to call our home. Thank you.

Aracela Zavala (via email) said I stand in support of the resolutions for statewide paid sick leave, the Working Families Tax Credit and Low Income Comprehensive Tax Rebate. I represent CAFe Accion and my church Nuestra Senora de la Salud in Las Cruces and am an immigrant and domestic worker. I am the mother of two daughters. My husband is a mechanic. At the time I needed to cover my medical expenses, two friends were generous enough to help me with the first payments for treatment and in the end I had to sell my bicycle just to finish paying off my medical expenses. I believe situations like these would not be so difficult for families if they had paid sick leave. We thank God for small businesses because my husband currently works for one of them. Recently he became ill and for fear that they would not pay him he did not want to miss work and continued to keep going. I strongly encourage you to vote in favor of these resolutions, provide important relief for workers with families across our state.

Abraham Sanchez (via email) said I'm a community organizer with CAFe Accion of Southern New Mexico. I stand in support of the resolutions for statewide paid sick leave, Working Families Tax Credit, and Low Income Comprehensive Tax Rebate. I grew up in Las Cruces. I was brought up by a hard working family. I've been a worker since I was 16 years old. I've spent many days working minimum wage jobs and today as a community organizer I spend a lot of time listening to heart wrenching stories, workers and families in Southern New Mexico fighting to make ends meet. It should not be normal to have a culture of working through illness and spreading illness. Businesses would not exist

without workers and all work is dignified. I strongly encourage you to vote in favor of these resolutions and provide important relief.

Edward Nieto (via email) said my name is Edward Nieto with CAFE Accion of Southern New Mexico. I stand in support of resolutions for statewide paid sick leave. I'm supportive of these bills for the fact that I have been working seven days a week since the beginning of the pandemic in 2020, also being on the frontlines of home healthcare and it has really taken a toll on me mentally and physically. I've already put my own health and family at risk attending to mentally and physically disabled individuals in our community who I care for on a daily basis. These individuals really depend on me and others in my work field. As a New Mexican born and raised in this beautiful city, we need to have these bills passed. Think of the children and their families. I strongly encourage you to vote in favor of this.

Viviana Arciniega (via email) said I stand in support today for the statewide paid sick leave. I've worked in the restaurant industry for five years. I've asked for only a week off for my healthcare because I had the flu in all the five years that I worked. I got the flu from a colleague who worked given though she knew she was sick and couldn't stop working. I went to the doctor because my illness would not improve after three days after I continued to go to work. My job did not provide paid sick leave at the time. I missed an entire week of work and was short on my paycheck. I was stressed that I wasn't going to be able to make my mortgage. Most of the time we can't afford to miss a day of work much less an entire week. Most of the time sickness happens without notice. We need change. That is why I strongly encourage you to support the resolutions for statewide paid sick leave, Working Families Tax Credit, and Low Income Comprehensive Tax Rebate.

Rosario Flores (via email) said my name is Rosario Flores with CAFE Accion. I stand in support of the resolutions for statewide paid sick leave. I come from a low income hard working family, which has been forced to work through illness to make ends meet. I worked in the hospitality industry for almost four years where I worked while ill. My mother is 62 years old and still working. She cannot afford to miss a day of work. I would like for her to know that she can miss a day of work if she is feeling ill without getting behind. I have held many jobs in different industries and it's very common for workers to come in sick. I worked at a small local restaurant where I saw coworkers sneeze and cough in their food. I encourage you to vote in favor of these resolutions to provide relief and support workers and families across our state.

Mayor Miyagishima said I provide paid sick leave for my employees. It's really hard right now and the timing is bad.

Councilor Flores said I share the sentiments of the letters that you read. I think paid sick leave should be universal.

Councilor Vasquez said under this bill, workers earn their time off.

Councilor Gabe Vasquez moved, seconded by Councilor Yvonne Flores, to Approve Resolution No. 21-126.

RESULT:	Carried
MOVER:	Councilor Gabe Vasquez
SECONDER:	Councilor Yvonne Flores
AYES:	Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Gill Sorg, and Councilor Yvonne Flores
NAYS:	Mayor Ken Miyagishima
ABSTAINED:	Councilor Johana Bencomo

8.6 RESOLUTION NO. 21-127: A RESOLUTION DECLARING THE INTENT OF THE CITY OF LAS CRUCES, NEW MEXICO, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS, TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (SAPUTO CHEESE PROJECT) SERIES 2021, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$13,500,000 FOR THE PURPOSE OF INDUCING SAPUTO CHEESE USA INC., A DELAWARE CORPORATION (SAPUTO), TO EXPAND ITS PLANT IN THE CITY.

Elizabeth Teeters, Business Development Administrator gave an overhead presentation.

Councilor Flores asked have there been any discussions about sick leave for the employees and on the job training? Is there health insurance for the workers?

Marc Drolet, Saputo said the hourly rates are the entry level rates. There's a 90 day raise that is offered. There is also a six month raise that is offered and we have annual raises. We have a full package of benefits. Employees have medical pay. The company pays 75% of the medical insurance. We have possibilities to acquire shares of the company and a match program. There are opportunities to grow within the culture of Saputo.

Councilor Flores asked do you have contracts that people sign that set forth all these benefits?

Marc Drolet said I know there is a pamphlet when they start working.

Councilor Flores asked does your company provide job development opportunities or incentives?

Marc Drolet said I don't know for sure what is offered. I have seen employees getting grants for education.

Alan Hall, Local Counsel for Saputo said this resolution won't authorize the bonds themselves. We'll be coming back in a month and a half for consideration of the bond ordinance. Between then and now, Saputo will provide all the information that the council would wish.

Councilor Flores said I feel very strongly that we need to have jobs that are humane and employers who care about people.

Marc Drolet said I found the pamphlet and it says medical coverage, pharmacy coverage, vision coverage, annual wellness incentive, dental coverage, health

savings, flexible spending account, life insurance coverage, work life resources, educational assistance program, scholarship program, adoption benefits, 401K, and employee share ownership plan.

Councilor Flores asked how much do they have to pay into all those benefits?

Marc Drolet said the medical and dental are 25% paid by the employee. There are two types of plans. If you work after 5 or 6, there is a pay raise.

Councilor Flores asked where will you be locating?

Marc Drolet said it's an expansion of the current plant that is located in Las Cruces.

Councilor Flores asked would you be providing transportation for your employees?

Marc Drolet said there have been discussions. There's a route and we're trying to get Saputo on that route of buses.

Mayor Pro Tem Gandara said the Economic Development PRC received a preview of this and it gave us an opportunity to speak to wages and benefits. We talked about the state's involvement and how MVEDA was involved, and the ability to provide transportation.

Councilor Kasandra Gandara moved, seconded by Councilor Tessa Abeyta-Stuve, to Approve Resolution No. 21-127.

RESULT:	Carried
MOVER:	Councilor Kasandra Gandara
SECONDER:	Councilor Tessa Abeyta-Stuve
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

- 8.7** RESOLUTION NO. 21-128: A RESOLUTION APPROVING A CONTRACT FOR THE PURCHASE OF POLICE AUDITOR SERVICES TO OIR GROUP, LLC OF PLAYA DEL REY, CALIFORNIA FOR AN INITIAL TERM OF ONE (1) YEAR, WITH THE OPTION TO RENEW FOR UP TO FOUR (4) ADDITIONAL ONE (1) YEAR TERMS, IN AN AMOUNT NOT TO EXCEED \$75,000.00 ANNUALLY PLUS APPLICABLE GROSS RECEIPT TAX, SUBJECT TO APPROVED BUDGET APPROPRIATIONS AND ANNUAL RENEWALS (PROCUREMENT NO. 19-20-077A).

Alex Liu, Purchasing Manager gave an overhead presentation.

Councilor Bencomo said I wanted to get some examples of the kind of work they've done and if they've provided advice in the past to municipalities on community oversight groups.

Viola Perea, Internal Auditor said OIR Group has a long history of serving communities and serve in this capacity for various cities in California. They'll be

reviewing audits of the investigation complaint process including the completed investigation by the police department's internal affairs division to ensure that the investigations were complete, objective, thorough and fair and that the findings and actions taken in response to this investigation is appropriate. They'll also be conducting audits of police operations, which includes all of the related policies, procedures and training that tie back to the investigations that they're auditing. We added an evaluation of tort claim notices and civil actions, follow-up audits as requested by city management, and statistical and trend analysis. They'll be comparing that information to the number of complaints that do not result in a complaint to the police department.

Councilor Vasquez said perhaps we could have a work session to allow this group to introduce themselves.

Councilor Tessa Abeyta-Stuve moved, seconded by Councilor Gill Sorg, to Approve Resolution No. 21-128.

RESULT:	Carried
MOVER:	Councilor Tessa Abeyta-Stuve
SECONDER:	Councilor Gill Sorg
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

8.8 RESOLUTION NO. 21-129: A RESOLUTION OPPOSING NEW MEXICO HOUSE BILL 4 AND SENATE BILL 227 AS PRESENTED AND IN CONTINUED SUPPORT FOR ONGOING POLICE REFORM EFFORTS AND FOCUSED MEASURES TO ADDRESS THE MENTAL HEALTH NEEDS OF RESIDENTS, LAW ENFORCEMENT ACCOUNTABILITY, AND PUBLIC SAFETY COMMUNITY ENGAGEMENT.

Jennifer Vega-Brown, City Attorney gave an overhead presentation.

Luis Robles, Outside Counsel said this puts officers more at risk than they already are and is making law enforcement officers second class citizens. The rules for using force are so restrictive as they must retreat or talk their way out of a situation. It states that the officer should bear the burden of what the suspect does. They will also be rendered second class employees. You can't terminate an employee without giving them due process but under this statute the employee would be rendered as if they had no rights. The city wants to be in control of their officers but now New Mexico State Police would be investigating any time there is use of force or an officer is injured. I would ask you to consider approving the resolution before you.

Councilor Vasquez said I think this is conflating two different bills in their nature.

Mayor Miyagishima asked if we could remove the language from HB 4, is that something you would consider?

Councilor Vasquez said that seems like a significant amendment to the resolution.

Jennifer Vega-Brown said it's always easier to remove something from a

resolution than to add something.

Councilor Vasquez said I support House Bill 4 but I don't have enough information about Senate Bill 227.

Councilor Flores said it would help if we could talk about the qualified immunity in HB 4.

Larry Horan, Lobbyist said House Bill 4 passed the House of Representatives today. It still has to go to the Senate before it goes to the governor for enactment. They made amendments to make it clearer that no individual state employee, law enforcement officer, or any other employee of a political subdivision cannot be personally held liable if a cause of action is brought under the New Mexico Civil Rights Act. It creates a new cause of action that is called the New Mexico Civil Rights Act that allows a citizen who has been injured to bring a lawsuit in New Mexico State Court for a violation of New Mexico Constitutional rights. They did insert a cap in damages of \$2 million per claim. There is a three year statute of limitations. They are eliminating the defensive qualified immunity.

Councilor Abeyta-Stuve said I see these items as very different and would prefer to vote on them separately. Can you expand upon the scope of who this applies to?

Larry Horan said it applies to any public employee so every employee in the City of Las Cruces, school districts, counties, political subdivisions, flood control districts.

Councilor Abeyta-Stuve asked so how does coverage look if we have to do this for our whole employment sector?

Larry Horan said we don't know because we've never had to have this expansive coverage.

Jennifer Vega-Brown said currently we do have to cover all city employees. It would require us to expand the coverage for potential causes of action.

Councilor Abeyta-Stuve asked within this possible new scope, is there or was there talk about training to make sure all employees know what those items are?

Luis Robles said when you look at both of the proposed legislation, there is no effort made to look at root causes and how to train your way out of those situations.

Councilor Abeyta-Stuve asked did this expand to our board and committee members as well?

Larry Horan said my initial response is that I don't believe they would be included because they're not public employees but I'll have to verify that.

Councilor Abeyta-Stuve said I do have concerns about SB 227. I've been advocating for transparency and improvement with policing. A lot of the language is vague on how to respond. Will there be other pieces to this that will help with training and implementation of systemic changes?

Larry Horan said it does cover boards and commissions. I don't see anything in there for funding or training. It includes comprehensive training for law enforcement officers statewide and changes the way the law enforcement academy board into a training board and creates a law enforcement certification board that does have a funding mechanism of \$6 million.

Peter Simonson, Executive Director of the ACLU said I would suggest that you take a closer look at SB 227. There are requirements that provide for the inspection of law enforcement misconduct, quarterly reporting of officer involved injuries and deaths, and use of force policies be published. We have the highest rate of officer involved shootings in the nation.

Councilor Abeyta-Stuve asked was there going to be additional requests for funding or training to accompany 227?

Peter Simonson said I'm not aware that the sponsor is planning on putting in an appropriation on the bill that would address training. I think the idea of the bill is that it sets basic standards that would have to be incorporated into police policy. There is another bill that has been introduced that would provide appropriations for training.

Councilor Abeyta-Stuve asked when did they expect this to go into law?

Peter Simonson said we have a long road before this becomes law.

Councilor Abeyta-Stuve asked do you have specific data for Dona Ana County and Las Cruces?

Peter Simonson said I don't know if we have that but I can find that out for you.

Councilor Bencomo asked could you address losing control of the department as it relates to SB 227 and how it relates to municipalities?

Peter Simonson said many of the provisions in 227 are standards that the Police Executive Research Forum has endorsed nationally. The basic provisions behind this law put requirements on using de-escalation. It's beginning to shift the culture of aggression. This is intended to improve safety in the police department.

Councilor Bencomo asked do you know how the bills are working in conjunction?

Larry Horan said neither bill has had its first hearing. Senate Bill 375 does have an appropriation. It's a training focus. What I suspect is that they will all end up in the same place or committee.

Barron Jones, Senior Policy Strategist at ACLU said I think the idea behind the funding is to allow departments to reallocate their funding to address these issues accompanied with the legislation of SB 375. We need the mechanisms to come together.

Councilor Bencomo said bill 227 is necessary with necessary adjustments to make it better. I believe police officers are public servants who have very difficult jobs. Police officers are granted a large amount of power in our community and an equal amount of accountability should follow. When power is misused, there is a loss of trust.

Councilor Vasquez said we can be very reactive but it does go both ways. It does come with a high threshold of responsibility to carry that badge. I don't think this is the best path forward in achieving the goals we have for our community. I can't support this at this point. We are dealing with two bills that are not distinctly related. We could move to divide the question.

Jennifer Vega-Brown said dividing a question is allowed under Robert's Rules, however, the way this resolution is drafted it doesn't necessarily have two separate questions involved. I think the easier thing to do would be to remove the reference language and creating another resolution if that is what you choose later.

Mayor Pro Tem Gandara asked would you recommend that we encourage that they combine those bills?

Larry Horan said this is a difficult and intricate policy decision between protecting your law enforcement and your community members. I forgot to mention that it also raises the tort claim limits to \$2.8 million. You could pass a resolution or have a policy statement from saying that you are for a comprehensive approach and support legislation or goals.

Peter Simonson said if council removed the language on HB 4, there are a few places in the resolution referring to cause of action. To my knowledge, there is no cause of action to SB 227.

Mayor Pro Tem Gandara said regarding lives lost here in Las Cruces, my heart is broken for the family and friends and community. By no means are my comments lessen the incidences and deaths that occurred or to say that I am against civil rights because it's quite the opposite. I speak today as a mom of two adult children of color that unfortunately have experienced racism, harassment, profiling here in our city and outside of New Mexico. I also see these things through the lens of a social worker, working in the child welfare environment where many times I partnered with law enforcement to investigate serious injuries of children, even deaths of kids. I've been yelled at, spat at, threatened my life, my kids life, my staff's life. The last investigation before I retired was attempting to intervene to take children out of a camp here that was open called Tierra Blanca, which was a ranch for youth who were being abused and exploited. The investigation that ensued and how police came out was actually the kind of equipment, the number of police officers that were at our disposal was very impressionable and some may say it was too much of use of force, frankly.

When I look at HB 4 and SB 227, there's major concerns and I won't speak to HB 4 because we've just heard that there's been a major amendments but what I can say from the city's perspective and I mentioned this today that myself, Councilor Vasquez and mayor sit on a public safety select committee. We've been working on an RFP for an auditor, an outside look at our law enforcement office and the goings on, talking about a crisis mobile unit and developed an RFP and trying to improve on that so that law enforcement officers aren't the first to respond to mental health calls, that it's a cadre of social workers, mental health counselors, people that have the experience, that can use those types of deescalating tools that we're trained in to do related to mental health calls. Currently our law enforcement officers have surveyed the community. I know that we've had some concerns about that survey and I've encouraged that that survey be on our transparency page. One of the things that I think our law enforcement officers and deputy chiefs understand is that we have to build better relationships and change the attitudes of our constituency as it relates to law enforcement. Some concerns that I have are these caps that are placed and the \$2 million for one incident. I wanted to ask if somebody in a case, if something happened they are filing a lawsuit against the City of Las Cruces, could they also file a tort claim and get sort of doubly compensated.

Barron Jones said the way I believe it would work is that there are robust systems in place.

Mayor Pro Tem Gandara said as far as developing a repository for incidents, I think it is absolutely necessary. I would agree with a third party. As far as removal of chokeholds, vascular neck restraints, and rubber bullets, it's something I could definitely get behind but I was confused because I thought chokeholds had been outlawed. I would like to see more detail in the revamping of training and addressing mental health services. We need to reexamine our policies.

Councilor Sorg said these are hard to interpret. Has there ever been a case in Las Cruces where they didn't get at least some dollar settlement?

Jennifer Vega-Brown said we have won on qualified immunity twice but I would have to ask Mr. Martinez because those cases came before I was here.

Councilor Sorg said I find it difficult to vote on a resolution like this when they're constantly changing every time they go through a committee.

Councilor Flores said the two bills together are apples and oranges. I don't want to support either one at this point because SB 227 is vague.

Councilor Yvonne Flores moved, seconded by Mayor Ken Miyagishima, to Amend Resolution No. 21-129 to remove the language of HB 4 and "create causes of action."

RESULT:	Carried
MOVER:	Councilor Yvonne Flores
SECONDER:	Mayor Ken Miyagishima
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gill Sorg, and Councilor Yvonne Flores

NAYS:	Councilor Gabe Vasquez and Councilor Johana Bencomo
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Councilor Gill Sorg moved, seconded by Councilor Yvonne Flores, to Approve Resolution No. 21-129 as amended.

RESULT:	DEFEATED.
MOVER:	Councilor Gill Sorg
SECONDER:	Councilor Yvonne Flores
AYES:	Mayor Ken Miyagishima, Councilor Kasandra Gandara, and Councilor Tessa Abeyta-Stuve
NAYS:	Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores

9. BOARD APPOINTMENTS

9.1

There were none.

10. NOTICE OF PROPOSED ORDINANCE(S)

- 1) There will be no public discussion.
- 2) A Councilor may ask staff for clarification on the proposed ordinance(s).

10.1 COUNCIL BILL NO. 21-029; ORDINANCE NO. 2962: AN ORDINANCE REPEALING CHAPTER 7.5, SECTION 124 - APPENDIX 3, REGARDING THE RATES AND CHARGES AT LAS CRUCES INTERNATIONAL AIRPORT, OF THE MUNICIPAL CODE 1978, AS AMENDED.

Council agreed to bring forward.

11. CITY COUNCIL MEMBER BOARD REPORTS AND COMMENT

11.1 Mayor Miyagishima

I will have my State of the City Address next Wednesday around noon. There are two banks that responded to look at various restaurants who may be needing a line of credit.

11.2 Mayor Pro Tem Gandara

I wanted to talk about presenting House Bill 111, which is the housing bill. It creates a statewide housing council, gives more provisions to the tenants, attempts to reduce discrimination to present at the next council meeting.

11.3 Councilor Flores

I want to thank everyone who presented today and to our staff who are still here.

11.4 Councilor Sorg

We had our MVEDA meeting last week and there are six different potential businesses with 509 jobs. Film Las Cruces has a lot of productions interested in coming to Las Cruces.

11.5 Councilor Bencomo

I want to thank you all for a respectful conversation even when we disagree. The Finance Select Committee met last week and we talked about the procurement code that will be coming to council soon. I'm working with a local organization where there are hundreds of deported veterans stranded in Mexico and other countries. There's going to be a mural in Las Cruces in honor of one of the deported veterans that served from 1997 to 2004. I'd like to hear from Interim Chief Smith what the plan is for asylum seekers. I want to thank the Parks and Rec Department. They have taken us on a parks tour. I wanted to thank Officer Klimeck and Lieutenant Heckler for taking me on a ride along of District 4 last week. We're going to do some major cleanup efforts at Burn Lake.

11.6 Councilor Vasquez

Thank you for sticking around for so long and for a rich and fruitful conversation.

11.7 Councilor Abeyta-Stuve

We had a meeting with our school board last week. We continue to work on our strategic plan and implementing the ideas we come up with. I want to thank Sonya and the Parks & Rec crew for our tour. There are a lot of continued services going on. I want us to track how many vaccines we've requested as a community and how many we are receiving. I thank everyone for having a wonderful discussion this evening.

12. CITY MANAGER REPORT

12.1 Ifo Pili

Requested work sessions for council procedures and gentrification will be discussed April 12th and May 24th. Staff has been discussing with the Las Cruces Economic Development Recovery Board and PRC discussions on housing from other communities and possibilities of grants. There have been 33 total requests over the last three council meetings, four outstanding are COVID related. I wanted to recognize our Finance Department receiving the CAFR and PAFR End Budget Award.

13. ADJOURNMENT

13.1 Councilor Yvonne Flores moved, seconded by Councilor Gill Sorg, to Adjourn at 9:05 p.m.

RESULT:	Carried
MOVER:	Councilor Yvonne Flores
SECONDER:	Councilor Gill Sorg
AYES:	Councilor Kasandra Gandara, Councilor Tessa Abeyta-Stuve, Councilor Gabe Vasquez, Councilor Johana Bencomo, Councilor Gill Sorg, and Councilor Yvonne Flores
ABSENT:	Mayor Ken Miyagishima

Mayor

City Clerk