



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

**Regular Meeting**

**December 7, 2009**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

Mayor Ken Miyagishima  
Councillor Miguel Silva, District 1  
Councillor Dolores Connor, District 2  
Councillor Olga Pedroza, District 3  
Councillor Nathan Small, District 4  
Councillor Gill Sorg, District 5  
Councillor Sharon Thomas, District 6

**STAFF:**

Terrence Moore, City Manager  
Harry (Pete) Connelly, Deputy City Attorney  
Esther Martinez, City Clerk

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**I. OPENING CEREMONIES**

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Connor led the Pledge of Allegiance.

Debbie Calderon sang the National Anthem.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and Jordan Simons presented the Pet of the Week.

Councillor Connor gave a Proclamation to Jack and Peggy Petrowsky and the U.S. Marine Corps Toys for Tots Program and declared December 12, 2009 as Jack and Peggy Petrowsky and the U.S. Marine Corps Toys for Tots Program Las Cruces Unit Day.

Kathleen Squires, Dona Ana Arts Council Board President and Larry Broxton, Executive Director gave a presentation on the Renaissance Artsfaire.

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**II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.*

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

None given.

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**III. PUBLIC PARTICIPATION**

Russ Warner, Member of the Public said this Council is the most inexperienced Council since we came here in 2000 and you need to be very careful with making any changes to this City.

John Hamilton, Member of the Public said I would like to urge you to approve the cell phone ordinance.

Robert Green, Member of the Public said the situation on Fairbanks has been going on for 26 months and now we've had a wall fall down. I would like to ask the City to be a good neighbor and repair and stabilize the walls.

John Schephy (?), Member of the Public said I am in favor of the cell phone ban but I would like the Council to consider some kind of exception for people who are hard of hearing.

Karim Martinez, Program Director for the Dona Ana County Cooperative Extension Service said I would like to thank Council Sorg for attending our 4-H Awards Night event.

Terry McBrayer, Member of the Public said I support the cell phone ban because it is a safety issue. If phone use is suspected in an accident, will the police pull the cell phone records of the people involved in the accident?

Mayor Miyagishima said if the people in the accident get an attorney, then that attorney will do an investigation and pull the records.

Fermin Rubio, City Attorney said that is correct.

Carl Jensen, Member of the Public said I am the President of the Las Cruces Country Club Association and we paid about \$1,000 in the past to inform you that the wall was in failure mode. Mr. Garza stated that there would be a scientific evaluation of the wall and if our findings contribute to your findings then I would like to see our \$1,000 come back to us.

Mick Nichol, Member of the Public said regarding the cell phone ban, I don't think you addressed two way radios. Nextel has cell phones that are also two way radios. There are also CB radios, G.P.S. devices and many other types of distractions which are not covered in this proposed cell phone ban.

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

Mayor Miyagishima said Items 9, 10 and 11 need to be removed from the Consent Agenda for discussion.

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Councillor Connor Moved to approve the Agenda as Amended and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was Unanimously APPROVED. 7-0

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**V. CITY COUNCIL MINUTES**

- \* (1) Regular Meeting of October 5, 2009
- \* (2) Regular Meeting of October 19, 2009
- \* (3) Special Meeting of October 26, 2009

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**VI. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA**

- \* (4) Resolution No. 10-145: A Resolution Establishing Dates for Holiday Observance for City Employees in 2010.
- \* (5) Resolution No. 10-146: A Resolution Providing for Determination of Reasonable Notice of Meetings of the City Council and its Boards and Committees.

- \* (6) Resolution No. 10-147: A Resolution Authorizing the City of Las Cruces Police Department to Receive \$5,898 in Grant Funding From the New Mexico Department of Transportation for the Operation Buckle Down Campaign, to Ratify the Mayor's Signature to Accept the Award and to Adjust the Fiscal Year 2010 Budget.
- \* (7) Resolution No. 10-148: A Resolution Authorizing the City of Las Cruces to Modify and Decrease Grant Award in the Amount of \$9,700 From the Office of National Drug Control Policy and to Adjust the Fiscal Year 2010 Budget.
- \* (8) Resolution No. 10-149: A Resolution Authorizing the City of Las Cruces to Enter Into a Memorandum of Understanding With Resources for Children & Youth Incorporated to Accept Additional Funds to Cover Construction Costs Above the State Allocated and City of Las Cruces Home Funding Amounts. The Resolution Amends the City's Adopted FY 2009/10 Budget to Reflect the Actions of This Resolution.

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**VII. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION**

- \* (9) Resolution No. 10-150: A Resolution Accepting the United States Environmental Protection Agency Unilateral Administrative Order for Remedial Design Regarding the Griggs/Walnut Superfund Site Project.

Councillor Small Moved to Adopt Resolution No. 10-150 and Councillor Silva Seconded the motion.

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Councillor Silva said I pulled this because when people see contamination of ground water, there is usually a concern for that issue.

Mayor Miyagishima said this occurred back in 2000 and with the help of the County, we now have it under control.

Jorge Garcia, Utilities Director gave a verbal presentation and said this project dates back to 2001 and the contaminated wells have been removed so the drinking water is safe. This resolution is to proceed with the clean up system which will take about 12 months and then we will begin a consent decree which is the settlement of all the other issues.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-150 and it was Unanimously APPROVED. 7-0

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- \*(10) Resolution No. 09-10-386: A Resolution Awarding Price Agreements for the Senior Nutrition Program to Creamland Dairies LLC, of El Paso, TX; Shamrock Foods Company of Albuquerque, NM; Sysco New Mexico of Albuquerque, NM and U.S. Foodservice of Albuquerque, NM, for Fiscal Year 2009/2010 for a Budgeted Amount Not to Exceed \$299,353, for the Period January 1, 2010 Through June 30, 2010.

Councillor Connor Moved to Adopt Resolution No.09-10-386 and Councillor Thomas Seconded the motion.

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Councillor Connor said regarding the bid solicitation, why isn't there a local preference?

Lori Grumet, Public Services Director said these are federal funds and local preferences are not permitted.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-386 and it was Unanimously APPROVED. 7-0

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- \*(11) Resolution No. 09-10-445: A Resolution Authorizing the City of Las Cruces to Amend the Contract with Tyler Technologies Inc., Munis Division by \$42,025.00 to Provide Additional ERP (Enterprise Resource Planning) Software; This Would Increase the Projected Authorized Amount for This Project to \$1,325,564.04.

Councillor Connor Moved to Adopt Resolution No.09-10-445 and Councillor Silva Seconded the motion.

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Councillor Sorg said it isn't clear to me as to why this extra money is needed.

Peter Gilbert, Munis Implementation Manager said this is an on-going contract and in that contract, the number of hours of service and training is estimated. Due to the utility billing system, it took a lot longer to implement and it used up a lot more of these hours than was anticipated.

Councillor Sorg asked where is this extra money coming from?

Peter Gilbert said when this was originated, there was \$1.8 million set aside for it and these funds will be coming out of the balance of those funds.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 09-10-445 and it was Unanimously APPROVED. 7-0

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- (12) Resolution No. 10-151: A Resolution Determining That the City of Las Cruces Shall Not Serve as the Fiscal Agent for the Administration of State Appropriations to be Made During the 2010 Legislative Session for Non-Profit Agencies Outside the City Organization.

Councillor Connor Moved to Adopt Resolution No.10-151 and Councillor Silva Seconded the motion.

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David Dollahon, Neighborhood Services Director gave an overhead presentation and said this is proposing that the City not serve as the fiscal agent for outside agencies for next year's legislation funding process because of the current State budget crisis and it also competes with current City projects for both State funds and City staff time. This only applies to new capital operating request that are made in the upcoming session.

Councillor Connor asked are we going to be reviewing this on an annual basis?

David Dollahon said yes.

Councillor Pedroza asked is there another agency that can serve as the fiscal agent?

David Dollahon said most likely, it would be the County but they can go through the School District or other municipalities.

Councillor Pedroza asked what if they can't find another fiscal agent? Wouldn't we be denying them an opportunity for funding?

David Dollahon said that is a potential problem but they can contact us and we can consider bringing another resolution forward for that certain situation.

Councillor Thomas asked what kind of signal does this send to the State and are other cities doing this?

David Dollahon said I haven't heard from anyone directly that they aren't going to serve as a fiscal agent but I hear that Dona Ana County is leaning toward it. We are only signaling fiscal responsibility in light of the current budget situation.

Councillor Silva said I'm concerned with the message that this might send to the State and to our local community. We should include in this that if an organization gets the opportunity for funding then we would consider being the fiscal agent for them.

David Dollahon said we could amend the resolution to state; roman numeral one: "the City of Las Cruces does hereby declare that it shall not serve as the fiscal agent through its normal application process for the administration of the State of New Mexico appropriations during the legislation session" and then I was going to add at the end, "(comma), unless specifically requested by an organization during the legislative session. This restriction does not apply to existing previously funded projects made in prior legislative sessions and/or State budgets."

Councillor Thomas said I still have an issue with the wording of the title.

David Dollahon said we can change it to read, "A Resolution determining that the City of Las Cruces shall not undertake the formal fiscal agent process for the administration of State appropriations to be made during the 2010 legislative session for non-profit agencies outside the City's organization"; however, I think you seriously should consider the other restrictions that have been proposed if you change this title.

Amy Johnson Bassford, La Casa Grant Writer said we don't oppose this idea and we understand why it is happening.

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Councillor Connor Moved to Amend Resolution No.10-151 to change the title to read as " A Resolution determining that the City of Las Cruces shall not undertake the formal fiscal agent process for the administration of State appropriations to be made during the 2010 legislative session for non-profit agencies outside the City's organization" and to change roman numeral one, "the City of Las Cruces does hereby declare that it shall not serve as the fiscal agent through its normal application process for the administration of the State of New Mexico appropriations during the legislation session" and add at the end, "(comma), unless specifically requested by an organization during the legislative session. This restriction does not apply to existing, previously funded projects made in prior legislative sessions and/or State budgets" and Councillor Thomas Seconded the motion.

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Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 10-151 to change the title to read as " A Resolution determining that the City of Las Cruces shall not undertake the

formal fiscal agent process for the administration of State appropriations to be made during the 2010 legislative session for non-profit agencies outside the City's organization" and to change roman numeral one: "the City of Las Cruces does hereby declare that it shall not serve as the fiscal agent through its normal application process for the administration of the State of New Mexico appropriations during the legislation session" and add at the end, "(comma), unless specifically requested by an organization during the legislative session. This restriction does not apply to existing, previously funded projects made in prior legislative sessions and/or State budgets." and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-151 as Amended and it was Unanimously APPROVED. 7-0

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- (13) Resolution No. 10-152: A Resolution Authorizing the Acceptance of the Historic Amador Hotel Adaptive Reuse Study Completed by Kells & Craig Architects and Adopting Design Option Three Described in the Study as the Preferred Option for the Development of the Adaptive Reuse of the Historic Amador Hotel.

Councillor Connor Moved to Adopt Resolution No. 10-152 and Councillor Thomas Seconded the motion.

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Tomas Mendez, Project Management Architect gave an overhead presentation and said this is to accept the final report for the Amador Hotel.

Jonathan Craig, Architect gave an overhead presentation and said this plan includes uses for an Event Center, a restaurant, office space and a small museum. The first phase of the plan includes environmental studies to see if there are any hazardous materials present. There is also an architectural phase that will include estimated future cost for future phases. The second phase and third phases would be building repairs and to complete the historic building. The forth phase would be the build out of the small museum. The fifth phase would add the additions to the east side which include the restaurant, kitchen, bar and patio addition. The sixth phase would basically be build out improvements.

James Fletcher, President of the Amador Hotel said we have gotten great support from your staff and this community. The people of Las Cruces want us to maintain the Amador Hotel in some form or fashion and we are trying to come up with an idea on how to utilize the facility with the most flexibility. Approval of this will allows us to move forward with grants and other funding sources.

Councillor Silva asked when would this be available for events?

James Fletcher said there have been safety issues and facility issues that I believe we've resolved; so hopefully, our first fundraising event will be in mid-January.

Councillor Sorg said I have a constituent that has some concerns with the structural soundness of the walls.

James Fletcher said you just have to cross your fingers when you're dealing with old structures like this one. Cornerstone did do some specific section evaluations and obviously, there is some leakage in the building but all in all, it is a fairly well constructed building.

Jonathan Craig said the Cornerstone study did find that there was very little moisture in the adobe walls which is a very good sign but until we get the stucco off of the walls, we're not going to know the status of the structure.

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Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-152 and it was Unanimously APPROVED. 7-0

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- (14) Council Bill No. 10-019; Ordinance No. 2548: An Ordinance Amending the Las Cruces Municipal Code, Sections 27-12-6-12.18, Prohibited Activities While Driving, to Add as a Further Prohibited Activity the Use of a Mobile Telephone to Engage in a Call or to Create, Send or Read Text Messages, With Certain Exceptions that Include the Use of Hands-Free Devices.

Councillor Connor Moved to Adopt Council Bill No. 10-019; Ordinance No. 2548 and Councillor Small Seconded the motion.

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Mayor Miyagishima said I have about 3,000 emails addresses that I have collected throughout the City and I sent out a poll to all of them but only received about 100 back and of that 100, 90% agreed with banning texting and about 75% wanted to see something done with cell phone usage.

Fermin Rubio, City Attorney gave an overhead presentation and said these are the changes that you wanted added from the first reading. On page 280 of your electronic version are the changes in legislative format which would be easier for you to look at as we discuss this issue.

Mayor Miyagishima said I believe there are sometimes where officers do need to use their cell phones which is why that is included in this ordinance.

Chief Bradley, LCPD said there are occasions where cell phones are the preferred communication for law enforcement due to the security of the transmission.

Mayor Miyagishima asked if a citizen pulls over to the side of the road to use the phone and has the engine running, they won't receive a citation; correct?

Fermin Rubio said that is exactly what we'd like to see them do.

Mayor Miyagishima said I want to make sure that they won't be cited because if someone has been drinking and they are sitting in their car with the engine running, they will be cited for DUI.

Chief Bradley said this ordinance specifically states driving which is being in motion so that won't be a problem.

Councillor Connor said I received a recommendation for an amendment to page 280 F, after the words text messages, that these types of uses are legal from an off way area. Which would clarify that you have to pull off the road; not be at a stop light and think that just because you're not in motion that you can make a call.

Councillor Pedroza said most of the residents I spoke to in my district are in favor of this ban. I think the language that Councillor Connor is wanting to add is already within the ordinance.

Councillor Sorg said Chief Bradley, be sure to tell your officers that they have to obey this as well.

Mayor Miyagishima said they will only be allowed to use it in emergency situations.

Ron Camunez, Member of the Public said the problem is going to be with the enforcement of this ordinance. Where is the teeth for this ordinance; just to get a ticket? This has gotten ridiculous. What about driving while eating a burrito or smoking a cigarette? Is that the next thing that you are going to take away from us?

Mayor Miyagishima said this would give Police a reason to pull someone over and discover other issues like they are wanted or they have a gun in the car.

Fermin Rubio said I just want to remind everyone that only the stuff that is underlined is being added to the ordinance. Everything else has already been included in it for years.

Bob Beginder, Member of the Public said I don't like to see the Council keep messing with the people. I think all the stuff you need is already in the ordinance.

— Russ Warner, Member of the Public said I don't own a cell phone and they are very dangerous to use while driving.

John Hamilton, Member of the Public said I am a bicyclist, pedestrian and motorist and all three are very dangerous when you have someone who is distracted. I would ask that you vote for this item.

Tom Devine, Member of the Public said if this passes, I won't use my cell phone while I'm driving. How are you going to be able to tell if someone is using their phone with the dark tint that is on some of these vehicles?

Chief Bradley said there is an ordinance that covers window tinting and we do enforce it.

Emily Coss, Member of the Public said I am in favor of passing this ordinance but I think there needs to be a little bit more detail or definitions, like emails; is that the same as texting?

Alan McBrayer, Member of the Public said I am in favor of this ordinance just as it is written.

Bruce Turner, Member of the Public said there are all types of hands free devices out there and I have almost been hit five or six times by people texting on their phones. I am in favor of banning everything.

— Tom Devine, Member of the Public said I hope that you consider having the Police check the cell phone records of the people involved when there is an accident.

Randy (?), Member of the Public said I don't know if the NMSU Police has authority on University?

Mayor Miyagishima said that is the one street that the City Police, County Sheriff, Mesilla and NMSU have authority on.

Mick Nichol, Member of the Public said it appears to me that the definition of hand-held device changes if it is on speaker phone or those types of things. You need to be careful on how all of this is worded.

Jason Smith, Member of the Public said Albuquerque has this law in place and it is totally ignored. This isn't enforceable and the real issue is bad drivers which are the ones that get into accidents.

Al Perez, Member of the Public said I agree that this is a safety issue.

Pam Nichol, Member of the Public said public safety is a relevant point but it's not a valid argument to say that this will give them another reason to pull people over to see if they are breaking any other laws. There has to be a balance with individual rights and public good.

— Mayor Miyagishima said it's kinda like when they made the seatbelt law. It's for your own safety.

Dan Townsend, Member of the Public gave an overhead presentation and said there have been studies done that clearly show collision frequency and cell phone usage.

Councillor Connor said we will need to educate the community. This is a generational thing; my 21 year old can text and still be looking at me but I wouldn't dare get my 85 year old father a cell phone because he would think he had to answer it even though he was driving. I'm not in favor of adding more road rules but we do have to look at the safety issue first.

Councillor Silva read a letter from Tamie Smith and said she urges the Council to pass the banning of cell phones while driving.

Councillor Small said I think it is important that we compile data from this as we move forward.

Councillor Thomas said we need this ordinance to send a message and there could be some changes to it in the future as technology changes.

Councillor Sorg said I do agree with educating the community and I think we should put up signs stating the cell phone ban.

Councillor Connor said Chris Miller sent me some language from our seat belt ordinance which is "that when a vehicle is in motion and on any street or highway"; motion being the optimum word. It is his suggestion that we put this somewhere in this ordinance.

Fermin Rubio said I think we should add that as G on page 281 as the definition of drive.

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Councillor Connor Moved to Amend Council Bill No. 10-019; Ordinance No. 2548 to add item G on page 281, "The definition of Drive is when a vehicle is in motion on any street or highway and to include emails" in item F on page 280 and Councillor Small Seconded the motion.

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Councillor Small asked if someone is stopped at a traffic light, is that considered in motion?

Mayor Miyagishima said if they are stopped then they aren't in motion but if they take off and that device is in their hand; I don't know if we need to get into that kind of detail.

Fermin Rubio said if you didn't have your seat belt on when you are at a stop light, you would still be cited so I think this would be the same analysis.

Chief Bradley said the vehicle is still being operated when it is on a roadway.

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Mayor Miyagishima called for the roll on the Motion to Amend Council Bill No. 10-019; Ordinance No. 2548 to add item G on page 281, "The definition of Drive is when a vehicle is in motion on any street or highway and to include emails" in item F on page 280 and it was Unanimously APPROVED. 7-0

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-019; Ordinance No. 2548 as Amended and it was Unanimously APPROVED. 7-0

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(15) Council Bill No. 10-020; Ordinance No. 2549: An Ordinance Amending Las Cruces Municipal Code, Sections 27-12-7-1 Through 27-12-7-10, Special Rules for Motorcycles and Off-Highway Vehicles, to Conform With Amendments Made to New Mexico Statutes Annotated, Sections 66-3-1001.1, ET Seq. By the 49<sup>th</sup> Legislature of the State of New Mexico, 2009.

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Councillor Connor Moved to Adopt Council Bill No. 10-020; Ordinance No. 2549 and Councillor Small Seconded the motion.

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Fermin Rubio, City Attorney gave an overhead presentation and said this is to bring our ordinance up to date with our State Statutes.

Councillor Connor asked since we are home ruled, would we have the option of opting out of it?

Fermin Rubio said we don't have to adopt the changes but some of our certifications would then be outdated.

Councillor Connor said so, we don't know what the consequences are; that would be a reason why I wouldn't support it.

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Mayor Miyagishima called for the roll on the Motion to Adopt Council Bill No. 10-020; Ordinance No. 2549 and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

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**VIII. BOARD APPOINTMENTS**

None given.  
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**IX. REVIEW OF PROPOSED ORDINANCE(S)**

None given.  
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**X. STATUS/UPDATES ON CURRENT PROJECT LIST**

1. **State Legislative Fall Back**
2. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
3. **Las Cruces Convention Center** - *(Foundation preparation and plumbing rough-in is near complete to allow for the pouring of floor slabs in early December. Additional concrete work for the exterior portions of the facility continues on schedule.)*
4. **Downtown** - *(The project design is ongoing with Bohannan-Huston, Inc. Bohannan-Huston has completed the design for the north end portion of the project. The City is currently in the process of receiving final prices for the northern portion and should be going to Council for approval on December 21, 2009. Bohannan-Huston has begun the design of the southern portion of the project)*
5. **Impact Fees** - *(The project is on-going. Staff is currently reviewing the latest draft of the Impact Fee Capital Improvements Plan (IFCIP) with the Consultant. Before the new draft IFCIP is finalized, the Consultant prepared a summary of the options discussed by the City Council during the Work Sessions held in March, April, and May of this year. The summary is a separate document and includes a table listing the actions that will have to be taken in order to move forward with each option (e.g., Do the land use assumption have to be revised?, etc.). The purpose of this summary is to provide information in a concise format for the CIAC and City Council to use in making their decision on which option to use in the IFCIP document to calculate the impact fees. Staff presented the summary document to the CIAC on November 19, 2009. The CIAC will further discuss the options presented in the summary document and the recommendation of an option at their next meeting on December 17, 2009.)*
6. **Vision 2040** - *(The current drafts are posted on the Vision 2040 website (<http://vision2040.edu>) and are available on CD and in print upon request. Staff is compiling the comments from the public input meetings held during the week of October 19<sup>th</sup> and the written comments received. The formal public comment period concluded on*

*November 7, 2009. However, staff will continue to accept further written comments. These comments will be used to evaluate and revise the current drafts.)*

7. **Citywide Swimming Pool Enhancement Program** – *(Structural steel installation for the entrance area of the facility and the second floor continues, including completion of the roof for these areas. EIFS work progresses with color coat soon to be completed; electrical, HVAC and plumbing construction continues as well. The consultant continues to work with the New Mexico Environment Department on obtaining a pool permit.) (The design consultants for the future planned Natatorium have started the project with a series of meetings with interested groups such as swimming clubs to solicit input. A public hearing was also held for the purposes of collecting ideas on a proposed design of the planned facility. Additional input is expected prior to finalization of schematic design.)*
8. **Development and Construction of New City Hall** – *(The contractor has removed the temporary flooring in the council chambers in order to complete the necessary finishes in the room. Interior finishes in other parts of the building continue with punch list items being completed in order to conduct scheduled inspections within the next month. Commissioning of the building continues including start up of the back up generator as well as continued construction in site improvements. Evaluation of furnishing needs remains in process.)*
9. **Development and Construction of the Intermodal Facility** – *(Finalization of the RFP complete for architectural and engineering services, currently in the process of being advertized and reviewed by the Selection Advisory Committee.)*
10. **Bicycle Facilities Planning**
11. **Amador Hotel Update**
12. **Grants/ARRA Status** - (Matrix.)

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## **XI. GENERAL DISCUSSION**

### 1. Mayor

Mayor Miyagishima said I have been using our website to view the agendas for our meetings and I don't find it necessary to have a CD provided to me.

Concerning the title Mayor Pro-tem, I would like for former Mayor Pro-tem Archuleta and Mayor Pro-tem Gene Kennon to be permitted to carry the title as Mayor Pro-tem only as an honorary title.

### 2. City Council

Councillor Thomas said the Tortugas documentary for CLC TV that was done by Adrian Guzman was extremely well done.

Councillor Sorg said on Thursday, I will be participating in a Town Hall Meeting at the Mesilla Valley Hospital on Del Rey Boulevard at 6:00 p.m. regarding infrastructure projects.

I want to remind everyone that next Monday is the Work Session which we are going to ride the bus to City Hall.

Councillor Small said I want to thank Dan Soriano for coming out on Saturday for our Neighborhood Meeting. There are a lot of landscape issues in a couple of neighborhoods that we are working on.

Councillor Pedroza said Councillor Sorg and I attended the Land Use Law Conference last Thursday and Friday in Albuquerque and it was extremely interesting.

It was brought to my attention that the red light cameras on Walnut; the fines are extremely severe. I am concerned that the potential of the loss of your vehicle is too severe and I would like to open it up for discussion at some future time.

Councillor Connor said we have already discussed the impoundment of vehicles and I think some changes were made.

Mayor Miyagishima said we did discuss it but I don't think we ever changed the wording.

Fermin Rubio, City Attorney said it is not enforceable because it's not a criminal citation so there isn't a way to tell if someone had a previous citation.

Councillor Pedroza said if it's not enforceable then it should be stricken from the language on the citation.

Fermin Rubio said well, it is enforceable, it is a duly passed ordinance; however, the changes of that actually happening are very small. We did bring it back one time for an amendment but I don't remember if that was struck out or not. I will have to check on it.

Councillor Connor said there are crossing islands on University Avenue and Hagerty and at night, it is very difficult to see if anyone has entered on them. I would recommend that we look into putting solar lights and warning signs in that area.

I have received more requests that there be signage installed on the Triviz pathway stating there is a marked bicycle pathway.

Regarding the removal of the awnings in the Downtown Mall, the businesses in that area use to put their business signs on the awnings so when the awnings came down so did the business signs. Is there going to be a fee for them to put their signs on the building? I don't need a response today but we do need to look into it.

Councillor Silva said I would like to thank everyone for the success of the Winterfest.

- 3. City Manager
  - B. CIAC Update

Dan Soriano, Traffic Engineering Administrator said Judd Singer is in the process of preparing the annual report and it should be available by the end of the month.

- A. Conflict of Interest Disclosure – HOME Program – David Dollahon

David Dollahon, Neighborhood Services Administrator said this is a requirement of the HOME Program and it requires no action on your part. We are simply making a public disclosure as per HUD's regulations and the established City's policy. Veronica Molina is employed by Tierra del Sol Corporation and her daughter Janet is seeking assistance through Tierra del Sol to become a homeowner. The City was notified of this conflict by Tierra del Sol and they have assigned Art Murrufu who is their Homebuyer Director to handle all the loan application processing and underwriting regarding Janet's case.

Fermin Rubio, City Attorney said this is a conflict of interest but it doesn't violate any City or State laws. It will be up to HUD to decide if they'll grant an exception for this case.

- C. Other Items - Information Only

None given.

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**Meeting Adjourned at 5:29 p.m.**



\_\_\_\_\_  
Mayor

ATTEST:



\_\_\_\_\_  
City Clerk

(SEAL)