

Regular Meeting  
June 15, 2009



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

**Regular Meeting**

**June 15, 2009**

**1:00 P.M.**

**Council Chambers, City Hall**

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**MEMBERS PRESENT:**

**STAFF:**

- 14 Mayor Ken Miyagishima **Absent**
- 15 Councillor Miguel Silva, District 1 **by phone**
- 16 Councillor Dolores Connor, District 2
- 17 Councillor Dolores C. Archuleta, District 3
- 18 Councillor Nathan Small, District 4
- 19 Councillor Gil Jones, District 5
- 20 Councillor Sharon Thomas, District 6

- Terrence Moore, City Manager
  - Fermin Rubio, City Attorney
  - Esther Martinez, City Clerk
- 

**I. OPENING CEREMONIES**

25 Mayor Pro-tem Archuleta called the meeting to order and asked for a moment of silence.  
26 Councillor Jones led the Pledge of Allegiance.

28 Presentation of Certificates of Appreciation/Proclamations.

30 Mayor Pro-tem Archuleta and Jeannie Masaway presented the Pet of the Week.

32 JR Turner, Department of Veterans Services presented an Appreciation Medal to WWII Veteran  
33 Dale Green.

35 Councillor Thomas presented a Proclamation to Mathew Lee, Entomology Consultants and  
36 declared June 21<sup>st</sup> thru June 27, 2009 as National Mosquito Control Awareness Week.

38 Steve Newby, Architect gave a presentation on the energy efficiency grant for the Convention  
39 Center.

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1 Councillor Connor Moved to Allow Councillor Silva to attend the meeting by telephone and  
2 Councillor Jones Seconded the motion.

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6 Mayor Pro-tem Archuleta called for the roll on the Motion to Allow Councillor Silva to attend  
7 the meeting by telephone and it was APPROVED. 5-0 Councillor Silva and Mayor Miyagishima  
8 were Absent.

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12 Udell Vigil, PIO Director and Esther Martinez, City Clerk gave a presentation regarding the new  
13 process for streaming council meetings and recording minutes.

14

15 Councillor Thomas said I just received an email from my husband and he said he is watching the  
16 Council meeting for the first time online and it is helpful to have the agenda right next to it.

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

24

25 Mayor Pro-tem Archuleta asked if anyone had any conflicts with anything on the agenda?

26

27 Councillor Jones said there is an item on the agenda that deals with the awarding of a bid for Del  
28 Rey and my employer has several listings of real estate along that road but I don't think there is  
29 any conflict and I don't feel my vote would be compromised.

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33 **III. PUBLIC PARTICIPATION**

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35 Ron Camunez, Member of the Public said I have a concern with Council members receiving and  
36 sending text or email messages during the meeting. I think it is a conflict with the Open Meetings  
37 Act when you have a secret quorum and I expressed this concern to the City Attorney. I think  
38 staff needs to have a resolution to address this issue. You are here working for the people that  
39 elected you and we aren't able to use our personal cell phones during our working hours.

40

1 Fermin Rubio, City Attorney said I have discussed this issue with Council and given them legal  
2 guidance. We need to make sure there aren't any sidebar discussions going on and I think Mr.  
3 Camunez's comments are well taken.

4

5 Councillor Jones said I hope none of my colleagues email me during a meeting and I would never  
6 email any of you during a meeting.

7

8 Mayor Pro-tem Archuleta said I don't ever bring my phone to our meetings.

9

10 George Pearson, Member of the Public said Item 10 on today's consent agenda is regarding  
11 complete streets and today, I am speaking on behalf of the Mesilla Valley Bike Coalition and we  
12 would like to thank you for that resolution.

13

14 Frank Bryce, Member of the Public said I am the Vice-President of the Humane Society for  
15 Southern New Mexico and there has been a lot of discussion regarding the pet adoptions during  
16 the Farmers Market in the Downtown Mall. I sent a request to the City Attorney asking what the  
17 City's position is regarding this issue but I haven't received a reply yet. It is very important for us  
18 to have off site adoption events and we have had this event at the Farmers Market since February  
19 2008. I am asking that the City Council reinstate this event at the Farmers Market.

20

21 Councillor Connor said this was also brought up at our Animal Service board meeting and I  
22 agree that this needs to be allowed at the Farmers Market.

23

24 Terrence Moore said consensus was offered a few weeks ago and we will be bringing back a  
25 recommendation to Council at the July 6<sup>th</sup> meeting.

26

27 Christine Logan, Economic Development Administrator said there are other areas within the  
28 code that seems to be in conflict but there doesn't seem to be any opposition to allowing the  
29 Animal Services Center provide pet adoption services at that Farmers Market. We have to  
30 change the wording in Chapter 7 and Chapter 10 of the code to allow Animal Services as a  
31 government agency to hold these events but not allow people to show up at places like Young  
32 Park with a box of unwanted litters.

33

34 Mayor Pro-tem Archuleta said the Council has already expressed their consensus for this issue.

35

36 Ron Taylor, Member of the Public said regarding Item 10 on the consent agenda, I want to thank  
37 Council for the work they have done on this issue. I have been a bicyclist all my life and I think  
38 it is important for everyone to do their part to avoid the consumption of foreign oil.

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

4  
5 Mayor Pro-tem Archuleta said Item 11, 14 and 18 need to be removed from the Consent Agenda  
6 for discussion. Item 14 needs to be placed before Item 27 and we will suspend the rules to hear  
7 them concurrently.

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11 Councillor Connor Moved to approve the Agenda as Amended and Councillor Jones Seconded  
12 the motion.

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16 Mayor Pro-tem Archuleta called for the roll on the Motion to accept the Agenda as Amended and  
17 it was APPROVED. 6-0 Mayor Miyagishima was absent.

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20  
21 **V. CITY COUNCIL MINUTES**

- 22  
23 \*(1) Regular Meeting of May 4, 2009  
24 \*(2) Regular Meeting of May 18, 2009  
25 \*(3) Regular Meeting of May 26, 2009

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

30  
31 \*(4) Resolution No. 09-295: A Resolution Supporting Collaborative Programs in  
32 Energy Efficiency and Conservation in Southern New Mexico.

33  
34 \*(5) Resolution No. 09-296: A Resolution Amending the Adopted FY 2009 City  
35 Budget for MPO Fund 2090 Establishing a Year 1 Budget for the Two Year Grant Funded Safe  
36 Routes to School Program.

37  
38 \*(6) Resolution No. 09-297: A Resolution Authorizing the Write-Off of a Home  
39 Investment Partnerships (HOME) Program Loan From Program Year 2001 With Las Cruces  
40 Affordable Housing Incorporated (LCAHI) in the Amount of \$8,984.42.

41  
42 \*(7) Resolution No. 09-298: A Resolution Approving a Home Investment  
43 Partnerships Agreement (HOME) Between the City of Las Cruces and Mesilla Valley Habitat for

1 Humanity for the Development and Construction of Affordable Housing for Property at the  
2 Southeast Corner of Picacho and Virginia Streets. This Resolution Also Approves an Affordable  
3 Housing Grant Agreement and Real Estate Purchase Agreement for the Sale of City Owned  
4 Property to Habitat for Humanity.

5

6 \*(8)            Resolution No. 09-299: A Resolution Approving a Community Development  
7 Block Grant Agreement Between the City of Las Cruces and TRESKO, Inc. For the Use of  
8 Community Development Block Grant Funds Appropriated to the City of Las Cruces Under the  
9 American Recovery and Reinvestment Act of 2009 Funds (ARRA or CDBG-R) in the Amount  
10 of \$269,562 From the U.S. Department of Housing and Urban Development. This Agreement is  
11 Required by the CDBG Regulations and is in Accordance With the City of Las Cruces' 2006-  
12 2010 Comprehensive Plan and the 2008 Action Plan, as Amended.

13

14 \*(9)            Resolution No. 09-300: A Resolution Adopting Funding Amounts to Various Las  
15 Cruces Non-Profit Organizations for FY2010 to Provide Health-Related Public Services Needs  
16 and Incorporating the Funding Amounts Into the City's FY2010 Budget. The Resolution Further  
17 Authorizes the Development of Purchased Services Agreements With Each Non-Profit  
18 Organization, and for the City Manager to Execute the Agreements on the City's Behalf.

19

20 \*(10)          Resolution No. 09-301: A Resolution Adopting Complete Streets Guiding  
21 Principles so That Transportation Improvements are Planned, Funded, Designed, Constructed,  
22 Operated, and Maintained to Integrate Walking, Bicycling, Transit, and Motor Vehicle Use  
23 While Promoting Safe and Efficient Operations for All Users.

24

25 \*(12)          Resolution No. 09-303: A Resolution Authorizing the Mayor to Sign a  
26 Subordination of Lien in Favor of Citizens Bank of Las Cruces, for Lease Parcel 37 at the Las  
27 Cruces International Airport.

28

29 \*(13)          Resolution No. 09-304: A Resolution Approving an Increase to the Contract with  
30 Sites Southwest, LLC, for Additional Design Services for the Burn Lake Landscape  
31 Improvements Phase One Project, in the Amount of \$4,080.00, Plus New Mexico Gross Receipts  
32 Tax in the Amount of \$300.90, for a Total Increase of \$4,380.90.

33

34 \*(15)          Resolution No. 09-306: A Resolution Authorizing the City of Las Cruces to  
35 Accept a Contract From the State of New Mexico Aging and Long-Term Services Department  
36 for Fiscal Year 2009-2010 in the Amount of \$116,770 to Provide Adult Home Care Services.

37

38 \*(16)          Resolution No. 09-307: A Resolution Allowing Transit Section Staff to Apply to  
39 the Federal Transit Administration for Appropriated Federal Fiscal Year 2007, Section 5309  
40 Capital Funds in the Amount of \$58,730 Requiring a City Match of \$14,683 for the Purpose of  
41 Buying Support Equipment.

42

1 \*(17) Resolution No. 09-308: A Resolution Allowing Transit Section Staff to Apply to  
2 the Federal Transit Administration for Federal Fiscal Year 2009, Section 5307 (Formula)  
3 Funding in the Amount of \$1,291,703 as Apportioned to the City of Las Cruces by Congress.

4  
5 \*(19) Resolution No. 07-08-125A: A Resolution Authorizing Change Order Number  
6 One to Increase the Contract With Zia Engineering & Environmental Consultants, LLC of Las  
7 Cruces, New Mexico for Environmental Engineering Services for the Archival Documentation  
8 on the Artifacts Found at the 125 Acre Waterfalls Ponding Facility by \$52,770.53 Plus \$3,891.83  
9 for New Mexico Gross Receipts Tax.

10  
11 \*(20) Resolution No. 08-09-625: A Resolution Awarding the Bid for the Del Rey  
12 Boulevard Reconstruction Project to Burn Construction of Las Cruces, New Mexico in the  
13 Amount of \$917,216.40 Plus \$67,644.71 for New Mexico Gross Receipts Tax. The City  
14 Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$55,017.94 for a  
15 Total Project Authorization in the Amount of \$1,039,879.05.

16  
17 \*(21) Resolution No. 08-09-643: A Resolution Approving an Indefinite Quantity,  
18 Indefinite Cost for Copy Machine Pricing Agreement to Spectrum Imaging Systems for the  
19 Remaining Three (3) Years Subject to Approved Budget Appropriations and Annual Renewal.

20  
21 \*(22) Resolution No. 08-09-646: A Resolution Authorizing Purchase of Two (2)  
22 Replacement Pierce Pumps for the Fire Department from First In, Inc. Of Phoenix, Arizona, In  
23 the Amount of \$861,880.00 and Amend the Fiscal Year 08/09 Budget.

24  
25 \*(23) Council Bill No. 09-063; Ordinance No. 2526: An Ordinance Authorizing a Real  
26 Estate Purchase Agreement Between the City of Las Cruces and World Radio Network, for the  
27 Sale of a 0.9 Acres of Municipally Owned Land in the West Mesa Industrial Park for the  
28 Purchase Prices of Twenty Seven Thousand Dollars (\$27,000.00) in Accordance With Provisions  
29 of Section 3-54-1, NMSA, 1978, as Amended.

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

34

35 \*(11) Resolution No. 09-302: A Resolution Authorizing Amendment Number Four to  
36 the Contract Between the City of Las Cruces and Studio Southwest Architects of Albuquerque,  
37 New Mexico, for the Design of the New City Hall Complex as Originally Approved by Council  
38 Under Resolution Number 05-06-065, Authorizing an Increase of \$31,623.61, Including New  
39 Mexico Gross Receipts Tax, Plus a Contingency of \$29,345.14, for a Total Amendment  
40 Authorization of \$60,968.75.

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42 Councillor Jones Moved to Adopt Resolution No. 09-302 and Councillor Small Seconded the  
43 motion.

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Councillor Silva asked what was the initial cost of the new City Hall and what was the cost of the other three amendments?

Brian Denmark, Facilities Director gave a presentation and said this is an amendment to the designing contract for the I.T. enhancements. The original cost for the new City Hall was approximately \$23 million and this cost was only for the building itself, not for any site improvements.

Councillor Silva asked do you anticipate any additional cost to complete this building?

Brian Denmark said we are about 75% completed and we do have some contingency funds still remaining to hopefully cover any unforeseen cost but we don't anticipate that much of any additional cost.

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Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-302 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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\*(18)           Resolution No. 09-309: A Resolution Approving a Change Order to the Impact Fee Contract with Duncan Associates to Revise the Draft Impact Fee Capital Improvements Plan Document, to Add Additional Consultant Trips, and to Add a Time and Expense Budget to Cover the Cost for Implementation Assistance in the Amount of \$50,800.00 Plus \$3,746.50 (NMGRT) for a Total Amount of \$54,546.50 Bringing the Total Contract Amount to \$206,884.68 (Including NMGRT).

Councillor Connor Moved to Adopt Resolution No. 09-309 and Councillor Jones Seconded the motion.

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Isaac Chavez, Member of the Public said I am with the Association of Realtors and our concern is that we have already had three years of source material provided by Duncan and Associates and I don't see the need to approve another \$51,000 of taxpayer's money to ask the same consultant to come back here and present the final revisions; \$30,800 of it is just for traveling cost. There is no reason why City staff can't present the revisions to Council.

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1 Loretta Reyes, Engineering Services Administrator said the cost for a single trip is \$2,200 and  
2 the reason we need so many trips is that we are anticipating meetings with stake holders, the  
3 Capital Improvements Advisory Committee and meetings with the City Council but we will try  
4 to maximize their visits when they come into town.

5

6 Councillor Small said the key point is that this is an upper estimate and we do need to minimize  
7 the number of trips. I would like to be kept informed of their scheduled meetings.

8

9 Councillor Jones said this is an additional expense but we are talking about how to fund tens of  
10 millions of dollars worth of infrastructure improvements just in the road component alone. There  
11 is a huge amount of money at stake and it is very important that we address it because of the  
12 impact it has on our City.

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16 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-309 and  
17 it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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21 (24) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO.**  
22 **09-310; A PUBLIC HEARING MUST BE HELD.**

23

24 Mayor Pro-tem Archuleta said this item is now open for a public hearing. Is there anyone who  
25 objects to the issuance of this license?

26

27 None given.

28

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31 Resolution No. 09-310: A Resolution Approving the Issuance of a Restaurant Liquor License  
32 (Beer and Wine Only) to Chong Meskimen D/B/A 5 Brothers Chinese, Located at 1001 East  
33 University Avenue, Suites C-1 and C-2, Las Cruces, New Mexico.

34

35 Councillor Connor Moved to Adopt Resolution No. 09-310 and Councillor Small Seconded the  
36 motion.

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40 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-310 and  
41 it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(25) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 09-311; A PUBLIC HEARING MUST BE HELD.**

Mayor Pro-tem Archuleta said this item is now open for a public hearing. Is there anyone who objects to the issuance of this license?

None given.

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Resolution No. 09-311: A Resolution Approving the Transfer of Ownership and Location of Liquor License No. 0362 From Gianino's Too, Inc. D/B/A Gadsden Spirits & Gadsden Purchase To Pay and Save, Inc. D/B/A Lowe's Foods, Located at 1410 Missouri Avenue, Las Cruces, New Mexico.

Councillor Connor Moved to Adopt Resolution No. 09-311 and Councillor Small Seconded the motion.

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Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-311 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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(26) Resolution No. 09-312: A Resolution to Adjust the Adopted Fiscal Year 2008/2009 Budget to Provide for Allocation of Operating and Capital Costs Due to End-of-Year Review of Revenues and Expenditures.

Councillor Connor Moved to Adopt Resolution No. 09-312 and Councillor Jones Seconded the motion.

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Mark Sutter, Finance Director said this is the clean up step that we do every year for the end of the fiscal year.

Dick Gebhart, Budget Director gave a presentation and said this is for our end of the year adjustments and this process is recommended by the DFA. This includes unexpected things that come up, like an increase in postage cost. There are sixty eight funds that are being adjusted and nine of those funds are being closed.

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1 Councillor Silva asked are these adjustments from January to current because we already had a  
2 mid-year adjustment?

3

4 Mark Sutter said the adjustments are for things that have occurred since the mid-year adjustment.

5

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8 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-312 and  
9 it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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13 \*(14) Resolution No. 09-305: A Resolution Designating the Project Known as the Las  
14 Cruces Center, as the Las Cruces Convention Center.

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16 Councillor Jones Moved to Adopt Resolution No. 09-305 and Councillor Connor Seconded the  
17 motion.

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21 Councillor Connor Moved to Suspend the Rules and discuss Items 14 and 27 concurrently and  
22 Councillor Jones Seconded the motion.

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26 Mayor Pro-tem Archuleta called for the roll on the Motion to Suspend the Rules and discuss  
27 Items 14 and 27 concurrently and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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31 Ken Mompellier, CVB Executive Director gave a presentation and said there are three different  
32 designs to select from for the official name and logo of the Convention Center.

33

34 Councillor Silva said we need to take into consideration that we may have to convert these  
35 designs to black and white images to save on printing cost. I think the first design is the only one  
36 that works in color and in black and white.

37

38 Ken Mompellier continued his presentation and said we want the logo to have the feel and look  
39 of Las Cruces.

40

41 Councillor Connor said I would exclude option C and choose either option A or B. My  
42 preference would be option A.

43

1 Councillor Thomas said I agree with going with option A.

2

3 Councillor Small said I agree with option A but I would suggest having the color green within  
4 the logo.

5

6 Ken Mompellier said we can play with some of the coloring if you like the design.

7

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10 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-305 and  
11 it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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15 (27) Resolution No. 09-313: A Resolution to Select a Logo Design for the Las Cruces  
16 Convention Center.

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18 Councillor Connor Moved to Adopt Resolution No. 09-313 and Councillor Small Seconded the  
19 motion.

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23 Councillor Connor Moved to Amend Resolution No. 09-313 to include Exhibit A and Councillor  
24 Jones Seconded the motion.

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27

28 Ron Camunez, Member of the Public said I think you should have a real photo of the Organ  
29 Mountains on the logo.

30

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33 Mayor Pro-tem Archuleta called for the roll on the Motion to Amend Resolution No. 09-313 to  
34 include Exhibit A and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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38 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-313 as  
39 Amended and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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3 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 09-315 and  
4 it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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8 (30) Resolution No. 08-09-586: A Resolution Authorizing the Execution of a  
9 Construction Contract Between the City of Las Cruces and the Greenhouse, Inc. Of Las Cruces,  
10 NM for the FYI Transitional Housing Facility (08-09-586) for a Total Project Cost of  
11 \$2,157,700.00 Plus New Mexico Gross Receipts Tax of \$159,131.00, for a Total Project Cost of  
12 \$2,316,861.00.

13  
14 Councillor Connor Moved to Adopt Resolution No. 08-09-586 and Councillor Small Seconded  
15 the motion.

16  
17 -----

18  
19 David Dollahon, Neighborhood Services Administrator gave a presentation and said the City is  
20 the fiscal agent for this project due to the requirements of the Affordable Housing Act. Upon  
21 completion of the construction, the project will be owned by Resources for Children and Youth  
22 and it will be operated by FYI.

23  
24 Neil Wilkinson, Member of the Public said there has been a problem with FYI that has been  
25 turned over to the State Attorney's Office and we need to be very careful with this until it is  
26 checked out.

27  
28 -----

29  
30 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Resolution No. 08-09-586  
31 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

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35 (31) Council Bill No. 09-064; Ordinance No. 2527: An Ordinance Amending  
36 Ordinance No. 2495, *Safe Traffic Operations Program*, to Be Consistent With Legislative  
37 Amendments to New Mexico Statutes Annotated, Section 3-18-17, Including Fines,  
38 Appointment of a Hearing Officer, and the Conduct of Hearings, as Well as Making Various  
39 Stylistic Changes.

40  
41 Councillor Connor Moved to Adopt Council Bill No. 09-064; Ordinance No. 2527 and  
42 Councillor Jones Seconded the motion.

43

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2  
3 Mike Johnson, Public Works Director gave a presentation and said these are amendments to our  
4 red light and speeding enforcement that have come about because of changes with our State  
5 Legislature. We need to have them in place in order to be in conformance with the State Statute.  
6  
7 Councillor Small said we need to have some kind of signal infrastructure located on the left side  
8 of the intersections with red light cameras so that people who are turning don't have to keep their  
9 attention split between the light and other vehicles or pedestrians.  
10  
11 Mike Johnson said we are looking into that issue and we should have some information for you  
12 within the next four to six weeks.  
13  
14 Councillor Small asked are there provision on the tickets for people who only read and speak  
15 spanish?  
16  
17 Mike Johnson said I believe there is a number printed on the ticket that they can call if they have  
18 any questions and they can speak with someone who is bilingual.  
19  
20 Councillor Thomas asked can you only pay the fine online or is there a location available where  
21 you can go to pay it?  
22  
23 Lt. Chris Miller, LCPD said the Police Department doesn't accept any payments; however, they  
24 can pay online or send the payment by mail.  
25  
26 Mark Sutter, Finance Director said we made a decision to utilize the companies lockbox service  
27 which gets us out of having to keep track of thousands of receivables.  
28  
29 Councillor Thomas asked if someone wants to protest the ticket, do they go to the Police  
30 Department?  
31  
32 Lt. Chris Miller said each citation has three options included with it; how they can pay, how they  
33 can contest the citation or nominate another driver. If they come to the Police Department and  
34 give us the request for hearing form then we can process it or they can mail it in.  
35  
36 Mayor Pro-tem Archuleta said there was a comment on Sound Off that stated a person went  
37 through an intersection with a red light camera five times and received five citations for not  
38 wearing a seatbelt.  
39  
40 Lt. Chris Miller said the cameras only know if you are speeding and/or running a red light; not if  
41 you are wearing your seatbelt.  
42  
43 James McGee, Member of the Public said I don't think these cameras are user friendly.

1

2 Ron Camunez, Member of the Public said my concern is why did the State Legislature decide to  
3 do what it did after Las Cruces passed it's ordinance? I spoke with some of the legislators and  
4 they said they don't like the red light cameras and that was the only way they could express it to  
5 the cities. We are losing 50% of that income and then we have to pay Redflex their percentage  
6 out of the money that is left over. Who regulates the calibration of the cameras; if it is done by  
7 Redflex then that's not fair, it needs to be done by an outside agency.

8

9 Lt Chris Miller said Redflex checks them monthly and does the calibration for the cameras.

10

11 Mike Johnson said the State receives 50% of the net proceeds which is from the amount that is  
12 leftover after we pay Redflex.

13

14 Fermin Rubio, City Attorney said a big part of the States position is that when you receive a  
15 regular citation, they get a certain amount from that citation. This is a way for the State to get  
16 back some of the money they are losing.

17

18 Russ Warner, Member of the Public said please pass this ordinance.

19

20 Donald Hastings, Member of the Public said I come from a city that has red light cameras and  
21 they work fine for us.

22

23 Joe Bousha (sp?), Member of the Public said this whole thing is a violation of State Statute and  
24 everyone was too concerned about if we could do this project because Albuquerque did it. By the  
25 way, Farmington voted down this project. If you were worried about traffic accidents then you  
26 would just extend the yellow light time and create an all red interval.

27

28 Councillor Connor said the Mayor of Farmington is on my board and there were a whole lot of  
29 different reasons why they didn't accept the red light cameras and it was denied by only one vote.

30

31 Mike Johnson said there is a minimum of four seconds for the time of the yellow lights and there  
32 may be a longer yellow time for larger intersections. I don't recommend increasing the yellow  
33 time because drivers will adapt to that very easily. All of our intersections do have a minimum of  
34 one second for all red lights. I think there are a lot of benefits to this system and it is working  
35 very well at this time.

36

37 Fermin Rubio said the ordinance has already been passed; you are just being asked to make some  
38 minor changes to be in compliance with the State law.

39

40

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41

42 Mayor Pro-tem Archuleta called for the roll on the Motion to Adopt Council Bill No. 09-064;  
43 Ordinance No. 2527 and it was APPROVED. 6-0 Mayor Miyagishima was Absent.

1 -----

2

3 **VIII. BOARD APPOINTMENTS**

4

5 None given.

6

7 -----

8

9 **IX. REVIEW OF PROPOSED ORDINANCE(S)**

10

11 None given.

12

13 -----

14

15 **X. STATUS/UPDATES ON CURRENT PROJECT LIST**

16

17 1. **Strategic Plan** - *(Currently collecting information and obtaining feedback from*  
18 *executive leadership, elected officials, and citizens.)*

19 2. **Sustainability Officer** - *Posting closed. One hundred and thirty one (131)*  
20 *applicants. Initial screening of applicant underway.*

21 3. **Las Cruces Center** - *(Status report provided monthly on second, Regular City*  
22 *Council Meeting)*

23 4. **Downtown** - *Design of the project construction plans is moving forward. Efforts*  
24 *are being made to incorporate public comments received at recent public input*  
25 *meeting. Initial site assessment for environmental portion of project underway.*

26 5. **Impact Fees** – *Consultant is presently revising Phase II ICIP report to incorporate*  
27 *recent City Council comments. Change order forthcoming to Council to cover*  
28 *additional costs for project.*

29 6. **Aquatics Center** - *(Status report provided monthly on first, Regular City Council*  
30 *Meeting)*

31 7. **Vision 2040** - *(The consultants are finishing the drafts of the Vision 2040*  
32 *Regional Plan and Dona Ana County Comprehensive Plan. The draft of the Las*  
33 *Cruces Comprehensive Plan is under review by city staff. After staff review and*  
34 *revisions, the draft plans will be presented for public review.)*

35

36 -----

37

38 **XI. GENERAL DISCUSSION**

39

40 1. Mayor

41

42 Mayor Pro-tem Archuleta said Councillor Jones and I serve on the Utilities Board and we had a  
43 ribbon cutting ceremony on Friday.

1 Jorge Garcia, Utilities Director said the ribbon cutting ceremony was for the new expansion of  
2 our treatment plant.

3

4 Councillor Connor said I was at the ceremony and I am very please with the changes.

5

6 Mayor Pro-tem Archuleta said another event that is coming up is the ground breaking for the  
7 Spaceport.

8

9

10 2. City Council

11

12 Councillor Silva passed.

13

14 Councillor Connor said the Emerick family has been maintaining a median on south Main for  
15 several years; they recently did a complete rehab to it and I just want to thank them and let them  
16 know that it looks beautiful.

17

18 Tomorrow, from 11 to 7 p.m., there will be drawings and designs of the Convention Center at the  
19 Ramada Palms Hotel.

20

21 The kitchen area for the Mesilla Park Recreation Center has been redone through Capital Outlay  
22 funds and it will re-open on Monday.

23

24 There is a ground breaking ceremony for the Spaceport America and the events scheduled is for  
25 this Thursday. There will be a public meeting at the main NMSU campus in front of Hadley Hall  
26 or the Horseshoe at five o'clock and they will have live music, speakers and kids games there.  
27 The ground breaking will be at the site on Friday and there will be a bus available to take people  
28 to site.

29

30 Councillor Small said regarding the red light cameras, I think it would be smart, if there are any  
31 further changes to the policy that needs to be addressed by Council, that we continue to make  
32 those changes.

33

34 There was an email from the State to announce a grant that is up to \$500,000 based upon the  
35 climate change and the application will be due by July 22<sup>nd</sup>.

36

37 I would like to express my appreciation to all of those who have been working on controlling the  
38 mosquito problems in District 4.

39

40 Councillor Jones said I would like to thank the sponsors of the Veterans Appreciation Event.  
41 There were a lot of folks there and it was a great event.

42

43 I want to congratulate the Hispano Chamber of Commerce on the good turnout for their annual

1 meeting and dinner.

2

3 I would like to thank Ms. Grumet for including me at the dinner event with the Transit  
4 Department.

5

6 We received an updated response from the State Engineers Office on the 40 year water plan.

7

8 Can I get an update regarding the Waterfalls pond?

9

10 Mike Johnson said we are about 55% completed with that project. We do believe that it will help  
11 provide some additional protection during our rainy season which is coming up in July.

12

13 Councillor Jones said the residents in the Del Rey area are very excited about the bridging of the  
14 arroyo and the improvements along Del Rey.

15

16 Councillor Thomas said I am receiving reports that there is a reduction in dust at the Waterfalls  
17 area.

18

19 Last year, we applied for an EPA grant with NMSU that would enable us to have a dust expert  
20 here for a town hall meeting. There is another opportunity to apply for a larger grant and I  
21 wanted to know how we would go about doing it? I also wanted to get a consensus for us to  
22 participate with that application process again.

23

24 Terrence Moore, City Manager said we simply have to submit a similar format as we did last  
25 year. If there is a consensus then we will proceed accordingly.

26

27 Mayor Pro-tem Archuleta said I want to remind all the Councillors that if you are going to attend  
28 an event, let Margaret know so she can have it posted as a Potential Quorum.

29

30

31 3. City Manager

32 A. Update Regarding Development and Construction of New City Hall.

33

34 Brian Denmark, Facilities Director gave a presentation and said we are approximately 75%  
35 completed with this project and everything is running smoothly.

36

37 Councillor Small asked what is the status of the procurement for all of the fixtures and furniture?

38

39 Brian Denmark said the request for proposals has been advertised and it closes on June 19<sup>th</sup>.

40

41

42

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1                   B.     Update Regarding Development and Construction of New Las Cruces  
2                             Center.

3  
4 Brian Denmark gave a presentation and said there has been a delay in the fill material from the  
5 Aquatic Center so we are going to have to seek other sources for fill material.

6

7

8                   C.     **\*Update to City Council Concerning New Mexico Conservation Block**  
9                             **Grant.**

10

11 No presentation was given.

12

13 Councillor Silva asked can we get a list of all the upcoming grants that will be available?

14

15 Terrence Moore said I will make that arrangement beginning with the June 26<sup>th</sup> or July 10<sup>th</sup>  
16 information letter.

17

18

19                   D.     Other Items - Information Only

20

21 None given.

22

23                             -----

24

25 **Meeting Adjourned at 4:15 p.m.**