The following are minutes for the meeting of the City of Las Cruces Quality of Life Policy Review Committee held at 3:00 p.m. January 25, 2023, in City Hall, Conference Room 2007A.

MEMBERS PRESENT:
Councilor Tessa Abeyta – District 2 – Chair
Councilor Becki Graham – District 3 - Vice-Chair
Councilor Becky Corran – District 5
Dr. Marlena Fraune, Ex-Officio Member
Diego Medina, Ex-Officio Member

MEMBERS ABSENT:
None

OTHERS PRESENT:
Sonia Delgado, Assistant City Manager
Barbara De Leon, Chief Administrative Officer
Carol A. Brey, Quality of Life Director
Rebecca Slaughter, Quality of Life Assistant Director and PRC Staff Coordinator
Sergio Ruiz, Administration Policy Analyst
Christine Rivera, City Clerk
Chris Faivre, Deputy Director Economic Development
Gregory Shervanick, Member of the Public
Jim Wilcox, Member of the Public

I. CALL TO ORDER – Chairwoman Abeyta called the meeting to order at 3:00 p.m. Roll was called, and a quorum was established with all members present.

II. CONFLICT OF INTEREST – Chairwoman Abeyta read the conflict-of-interest statement. “Does any member of the City Council or any member of City staff have any known conflict of interest with any item on the agenda?” All members present indicated there were none.

III. ACCEPTANCE OF AGENDA - A motion was made by Councilor Corran and seconded by Chairwoman Abeyta to approve the agenda. Role was called and the agenda was accepted by the committee members present.

IV. APPROVAL OF MINUTES –Chairwoman Abeyta requested a motion for approval of the meeting minutes from the October 26, 2022, meeting. A motion was made by Councilor Corran and seconded by Chairwoman Abeyta to approve the minutes. Roll was called and minutes were approved by the committee members present.
V. ACTION ITEMS: Noise Ordinance – Presented by Sergio Ruiz, Administration Policy Analyst: Mr. Ruiz summarized the background of the current Noise Ordinance. He further detailed that the proposed amendments to the current ordinance would include:

- Noise shall be measured at a distance of at least twenty-five (25) feet from a noise source located within the public right-of-way, and if the noise source is located on private property or public property other than the public right-of-way, the noise shall be measured at the property line of the noise source.
- Sound level measurements shall be taken with a sound level meter reader and enforced by the Las Cruces Police Department.
  - The average cost of a sound level meter will range between $150 and $300 depending on the quality and brand.
  - There is a $150 calibration costs/device/year (manufacturing calibration recommended annually).
  - A budget adjustment is not being requested at this time.
- Decibel levels established by Federal Highway Administration guidelines.

<table>
<thead>
<tr>
<th>DECIBELS</th>
<th>ZONE</th>
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<tbody>
<tr>
<td>87 dB(A)</td>
<td>Residential</td>
</tr>
<tr>
<td>72 dB(A)</td>
<td>Commercial (Special use permits issued for special events)</td>
</tr>
<tr>
<td>67 dB(A)</td>
<td>Parks</td>
</tr>
<tr>
<td>72 dB(A)</td>
<td>Industrial</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>TYPE OF VEHICLE</th>
<th>NOISE LIMIT (IN dB(A))</th>
</tr>
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<tbody>
<tr>
<td>Any motor vehicle</td>
<td>80</td>
</tr>
<tr>
<td>Motorcycles</td>
<td>90</td>
</tr>
<tr>
<td>Motor Vehicles that exceed 8,000 pounds or more</td>
<td>85</td>
</tr>
<tr>
<td>UTV/ATV/Off-Road Vehicles</td>
<td>96</td>
</tr>
</tbody>
</table>

Mr. Jim Wilcox, inquired if the ATV decibels levels are to be applied to ATVs that are off-road or driven in the city. Mr. Ruiz specified that the decibels levels identified in this ordinance are specifically for off-road ATVs. Mr. Wilcox asked for further clarification if this would be for ATVs inside or outside of the city limits. Mr. Ruiz responded that this would cover ATVs within the city limits and would cover any ATVs that are close to residential or commercial areas. If the measurements taken of the decibels exceed the limit, a citation would be issued. Mr. Wilcox inquired about the difference of noise levels with a standard vehicle versus and ATV. Mr. Ruiz responded that ATVs, in general, are louder than standard vehicles that have not been modified which is why there is a breakdown of vehicle types.
regarding noise limits. Mr. Wilcox then inquired if ATVs were given a higher level of accepted decibels since they are generally louder than standard vehicles. Mr. Ruiz responded that this was correct. Mr. Ruiz continued his presentation.

- The Las Cruces Police Department will develop an education plan to inform the public of noise limits.
- The Las Cruces Police Department will work with the Public Information Office to develop Public Service Announcements such as educational videos for public dissemination.
- Temporary Permits - The City may grant a temporary permit which allows noncompliance with the limitations prescribed in this article for the purpose of amplified sound activities of short duration.
  - The issuance of such permits will only be from a time period between 7:00 AM and 12:00 AM at no cost to the applicant.
- Exemptions - The Federal Aviation Administration has guidelines that address noise at airports. Any aircraft engine operating within an aircraft during a landing, takeoff, or while moving upon the ground surface of an airport shall be exempt.
- Penalties

Mr. Ruiz informed that committee that as penalties have been an area of great concern with constituents and at the recommendation of the committee, Mr. Ruiz coordinated with the Legal Department regarding the penalty section. Last proposal detailed jail-time as a violation penalty. Legal advised that the penalties listed are within guidelines.

  - A violation of any of the provisions of this division shall be a petty misdemeanor. When an offender commits a violation of this division, the offender shall be sentenced to a fine of not less than $100.00 nor more than $500.00.
    - First Offense: $100
    - Second Offense: $200
    - Third Offense: $300
    - Fourth Offense: $400
    - Fifth Offense: $500
    - The minimum fine of $100.00 may not be suspended, deferred, or taken under advisement. The municipal court may, in its discretion, suspend the remainder of the fine, arrange for payment plans, or replace with community service.

Mr. Ruiz noted that jail-time provision has been removed. Unless there are extreme measures where violations are beyond the guidelines, the court at its discretion can issue a warrant for arrest.

  - Where the complaint alleges a violation of this division, any pleas of guilty or nolo contendere thereafter entered in satisfaction of the charges shall include at least a plea of guilty or nolo contendere to
a violation of this division or no other disposition by please of guilty
or nolo contendere to any other charge shall be authorized.

- Any commercial noise violation to exceed a third offense will be
reviewed by city administration with the possibility of the
commercial license being revoked.

Mr. Ruiz concluded his presentation. Chairwoman Abeyta opened up the floor to
members of the committee. Chairwoman Abeyta inquired if the statute could not
affect the option of jailtime, how were we able to remove it from the ordinance. Mr.
Ruiz that the Legal Department advised that the City could establish its own
guidelines, like we have with DWI guidelines. Chairwoman Abeyta inquired if this
would require an administrative hearing. Mr. Ruiz confirmed it wouldn’t, according
to the Legal Department. Councilor Graham stated that while she is happy to see
the penalty and definition of charging has been changed, the overriding concern is
with vehicle noise. This is what has been continuously brought to the committee,
but she does not see how this will address that issue. Councilor Graham continued
that she has had numerous conversations with law enforcement regarding this
matter. If someone were revving their engine in a driveway continuously for an
extended period, then a decibel level reading can be performed to address the
issue, but she cannot fathom a situation where she would feel comfortable to
advise police to engage in a pursuit of a loud vehicle. This remains the primary
sticking point for her. Mr. Chris Faiivre stated that when this ordinance change was
proposed previously, there was discussion of allowing an increase to the allowable
72 decibels for special permits regarding commercial property. Currently, this
would hold all commercial properties to the 72 decibels, 25’ from the property line.
Mr. Ruiz stated that the Legal Department and members of Council recommended
to move forward with the recommended decibel levels as listed in the noise study.
Mr. Faiivre further inquired what would the special permit grant. Would it just allow
for extra time, but no increases to the decibel level. Councilor Corran stated that
the special permit section seems to allow for an increase to allowable decibel level
as it is written. Mr. Faiivre added that it does read as it does increase the allowable
decibel level but does not increase the time. Mr. Ruiz stated that this is in alignment
with the noise study recommendation. He further stated that if it needs to be
amended, he could go back to the Legal Department to recommend and
amendment. Mr. Faiivre stated that it would be problematic with outdoor venues,
and any place that would have outdoor music. Mr. Faiivre thought that previous
conversations would allow for the special permits to raise the decibel levels to 125.
Ms. Sonia Delgado inquired that Section 19-124 – Baseline noise level standards,
in the section where it lists commercial, there is a note in parenthesis that stats
"special use permits issued for special events." Does this notation mean that these
requests are to be looked at on a case-by-case basis. Mr. Ruiz confirmed that it
would be reviewed on a case-by-case basis. Ms. Delgado then inquired, if the
requests are being reviewed on a case-by-case basis, would the allowable decibel
level be reviewed at that time? Mr. Ruiz stated that he thinks that a higher decibel
level can be accommodated at this time for a special event permit. Chairwoman
Abeyta inquired on which department would be issuing special permits. Mr. Ruiz
responded that the police department currently issues the permits. Councilor
Abeyta inquired if this process would be similar to the process for other type of
special noise permits related to construction or will this be a different process. Mr. Ruiz responded that it is his understanding that special permits for construction noise are requested as part of the permitting process for the construction process. Chairwoman Abeyta stated that she has concerns with implementation. Fluid noise from cars, people, and short-term events will be harder to track, in addition to the issue of staffing. Ms. Rebecca Slaughter requested clarification on jail-time. Jail-time would not be issued as a punishment for violation but could be issued for non-response to court summons or non-payment of fines issued. Mr. Ruiz stated that we have tried to minimize this possibility, but once it goes to the court, it is up to the discretion of the judge. If a bench warrant is issued, then jail-time could be a possibility. Mr. Faivre inquired about the next steps. Will this ordinance be revised and come back to the Quality of Life Policy Review Committee for review, or will it be going directly to Council. Chairwoman Abeyta responded that the ordinance has been reviewed thoroughly by the committee. At this point it needs to go to Council for approval. She further added that the presentation should include a cost assessment of purchasing and maintaining all equipment, and costs associated with education of the ordinance. Mr. Ruiz stated that he will coordinate with the Legal Department to determine if the changes related to special permits should be included. Chairwoman Abeyta opened the floor up to members of the public. Mr. Jim Wilcox distributed and presented to the committee a letter detailing his concerns, which has been attached for record.

Vehicle Noise Ordinance

As I read it, the current proposed noise ordinance doesn’t address the root cause of the problem: illegal mufflers. Instead, it proposes a decibel-based system which was dismissed in September of 2021 by officer Kari Daines. She said decibel-based enforcement is a challenge because "...these violations have to occur in the presence of the officer.”

Other problems are:

- Officers must notice a high noise level and then initiate a cumbersome measurement process. During the September 13th, 2021 work session, officer Daines said that using decibel levels makes it “...difficult to enforce [because] vehicles are not stationary.” Additionally, it was stated that when a noise complaint comes in, about 95% of the time, the noise has abated or the vehicle has left the area.

- Excessive vehicle noise is almost exclusively from high revving cars or trucks that are moving or stationary. Will officers measure the vehicle as it idles or direct the driver to rev the engine?

- The decibel meters create challenges. Will the meters be kept calibrated? If a motorist wants to contest the citation, will the city defend their findings by proving the meters have been kept calibrated? And what about background noises that are part of the landscape? Will vehicles be instructed to go to a quiet side street for a noise measurement?

- Enforcement: At the September council meeting, officer Daines said at that “We are going to ask for voluntary enforcement [because] we don’t want to get into heavy-handed enforcement.”

  I don’t see issuing a citation as being heavy-handed. Additionally, when asked about warnings, officer Daines said warnings are not documented. How can we keep track of enforcement if warnings are not recorded?

- I advise that those in charge of crafting a vehicle noise ordinance as it relates to return to develop an ordinance that focuses on modified mufflers. Identifying illegal mufflers is not difficult. I provided the city with a booklet on identifying illegal motorcycle mufflers, used for years by municipalities. As far as cars and trucks, officers can use a mirror to look under the suspect’s vehicle.

If staff do not believe a muffler-based ordinance is viable, then they should explain how such provisions are working across the nation and why they won’t work in Las Cruces.

Best regards,

Jim Wilcox
Councilor Corran added that there is an existing ordinance related to illegal mufflers. When performing research for another topic, she noted that there were no violations related to illegal mufflers. If there is an existing ordinance that is currently not enforced, what will adding an additional ordinance accomplish? Councilor Graham made a motion to not recommend approval of the noise ordinance when presented to Council. Councilor Corran seconded the motion. Roll was called and all members present approved.

VI. DISCUSSION ITEMS Quality of Life Director Introduction—Presented by Carol A. Brey, Quality of Life Director: Ms. Carol A. Brey began her introduction by stating how happy she is to return to the City of Las Cruces. Ms. Brey stated that she came to the City of Las Cruces because she believes in the City and the quality of life that we can provide. She believes the kind of programs that the Quality of Life Department (QOL) provides, are the heart and soul of a community. Ms. Brey stated that she has been a librarian for many years, she worked for the US Department of State for 12 years overseeing a program called American Spaces. These are 600 spaces around the world affiliated with embassies, in some cases, or in most cases with libraries, schools, museums, and educational institutions. Ms. Brey was the Library Administrator for the City of Las Cruces from 1996 to 2000.

Ms. Brey gave a brief presentation on the QOL budget to the committee members. Ms. Brey expressed that she feels the Elevate Las Cruces Plan is inspiring and that shows the direction that the City wants to go. She expressed that she is pleased to being part of its success. Ms. Brey identified the primary Elevate Las Cruces goals that affect QOL.

**Elevate Las Cruces Goals for QOL (Primary):**

- Education for All Ages (CP-5)
- Underserved Populations (CP-11)
- Neighborhood Identity (CL-1)
- Recreational Opportunity (CL-4)
- Supporting the Arts (CL-13)
- Enhance Tourism by Promoting Significant Arts and Cultural Amenities in Las Cruces (CL-14)
- Historic and Cultural Values (CL-15)

**Additional Elevate Goals:**

- Ready Workforce (CP-2)
- Areas of Special Consideration (CE-2)
  - (New Development/Downtown)

Ms. Brey next discussed the mission of QOL: "The Quality of Life Department is committed to improving the overall quality of life of the city’s residents, visitors, businesses, and communities – bringing together art and culture, library services,
"and senior programming." Ms. Brey expressed, that this mission is a tall order. However, the department has dedicated and capable staff that work to reach this goal. Ms. Brey next gave a snapshot of the FY24 budget increases that the department will request.

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<thead>
<tr>
<th>Program</th>
<th>Budget Increase FY2024</th>
<th>Item(s) Requested</th>
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<tbody>
<tr>
<td>Library</td>
<td>$67,177</td>
<td>• Extended security guard service</td>
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<td>• Computer replacement</td>
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<td></td>
<td></td>
<td>• Reclassification of staff</td>
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<td>Museums</td>
<td>$280,350</td>
<td>• New positions - Visitor Experience Manager &amp; Collections Curator</td>
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<tr>
<td></td>
<td></td>
<td>• Increased postage, freight, &amp; exhibit rental expense</td>
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<tr>
<td></td>
<td></td>
<td>• Reclassification of staff</td>
</tr>
<tr>
<td>Senior Programs</td>
<td>$636,559</td>
<td>• New positions - Recreation Coordinators, Case Manager, Office Assistants</td>
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<td></td>
<td></td>
<td>• Vehicle replacement</td>
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<tr>
<td></td>
<td></td>
<td>• Increased supplies cost</td>
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<tr>
<td></td>
<td></td>
<td>• Reclassification of staff</td>
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<tr>
<td>Administration</td>
<td>$315,304</td>
<td>• Increased marketing &amp; advertising</td>
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<td></td>
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<td>• Shared van with Library</td>
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<td></td>
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<td>• Volunteer Network Co-op</td>
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|                 |                        | • Public Art Maintenance                               

Ms. Brey closed her presentation by detailing why Council should support the Quality of Life department. Services provided by QOL strengthen the heart and soul of the community. This is done by remembering the heritage and, celebrating the artistic life, strengthening the economy by providing education opportunities, and enriching the lives of the underserved populations of the community. Chairwoman Abeyta thanked Ms. Brey for her presentation and being part of the Las Cruces community again. Chairwoman Abeyta stated that the role Ms. Brey has accepted is so important in so many different ways. Chairwoman Abeyta thanked Ms. Rebecca Slaughter for all the hard work she performed when acting in an interim role. Chairwoman Abeyta opened the floor up for any questions. Mr. Diego Medina introduced himself to Ms. Brey and stated that he looked forward to working with her on future projects.

**Update Committee Meeting Time and Date** – Chairwoman Abeyta opened the floor to discuss any alternate meeting dates and times that may better suit the schedules of the committee and participating staff members. After review of all calendars, it was decided that the current meeting date and time is the best time for all committee members.
VII. FUTURE DISCUSSION ITEMS AND TASK LISTING:

America 250 Update

NM Dream Team/Court Funds – Chairwoman Abeyta asked Councilor Graham if she could provide her connection in NM Dream Team to Ms. Rebecca Slaughter.

VIII. NEXT MEETING DATE – February 22, 2023

IX. ADJOURNMENT – A motion to adjourn was made by Councilor Corran and seconded by Councilor Graham. Roll was called and all members present approved. Meeting adjourned at 4:04 p.m.

[Signature]
Chairperson

May 24, 2023
Approved