

MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING ON WEDNESDAY, NOVEMBER 16, 2011 AT 6:00 P.M. IN THE CITY COUNCIL CHAMBERS

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: Tonita Gurule-Giroñ
Diane Moore
Andrew Feldman
David L. Romero

ALSO PRESENT: Tim Dodge, City Manager
Casandra Fresquez, City Clerk
Dave Romero, City Attorney
Christian Montano, Sergeant at Arms

CALL TO ORDER

Mayor Alfonso E. Ortiz, Jr. called the meeting to order at 6:10 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz asked for a moment of silence in celebration of the upcoming Thanksgiving Holiday and in memory of all the veterans.

APPROVAL OF AGENDA

City Manager Dodge recommended that Business Items four, five and six be removed from the agenda and proposed a consent agenda to include Business Items one, two, three, seven, eight with the recommendation that Option 1 be the preferred option as it is in the best interest of the City to retain all original polling locations; also included on proposed consent agenda Business Items nine, eleven and twelve. Councilor Feldman moved to approve the agenda with proposed changes by City Manager Dodge. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giron	Yes	David Romero	Yes
Andrew Feldman	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

APPROVAL OF MINUTES

Councilor Feldman moved to bring back the continued September 13, 2011 minutes from the last council meeting. Councilor Moore seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Diane Moore	Yes
Andrew Feldman	Yes	Tonita Gurule-Giron	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Feldman pointed out that on the September 13, 2011, page 20; he moved to approve Resolution 11-53 and roll call vote reflected his vote as No and should read yes and with that noted change moved to approve the September 13, 2011 minutes and October 19, 2011 minutes. Councilor Moore seconded the motion. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	David Romero	Yes
Andrew Feldman	Yes	Tonita Gurule-Giron	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

MAYOR’S RECOGNITION/PROCLAMATIONS

Mayor Ortiz, Jr. recognized and thanked the Lucero Family for the twenty one members who served in the armed forces and City Clerk Fresquez read the Recognition award and each member received an original certificate from Mayor and Council.

PUBLIC INPUT

Mr. Bob Wessely gave an overview about the City’s water situation and strongly encouraged the Governing Body to continue to focus and work on all the water projects listed on the preliminary engineering report.

Mr. Felix Alderete stated he was concerned about the possibility of not keeping the original polling places in his ward and is very happy that the recommendation was to keep all original polling places.

PRESENTATIONS

Police Chief Montano introduced and recognized four police officers; Officer Jason Gage, Officer Timothy Leyva, Officer Chris Lopez and Officer Michael Morse who completed twenty one weeks of training and graduated the Police Academy. Police Chief Montano mentioned that Officer Chris Lopez was the class leader and brought home the physical fitness award.

CITY MANAGER’S INFORMATIONAL REPORT

Finance Report

Deputy Finance Director Tana Vega stated the finance report is for the month ending October 31, 2011. Deputy Finance Director Vega stated that thirty three percent of the year has lapsed and the General Fund revenues are at thirty one percent and expenditures are at thirty percent. The Enterprise fund revenues for Waste Water are at twenty six percent, Natural Gas at thirteen percent, Solid Waste at thirty five percent and Water at thirty two percent with an overall of twenty six percent. On the expenditure side Waste Water is at twenty eight percent, Natural Gas at fifteen percent, Solid Waste at twenty nine percent, Water at twenty eight percent with an overall of twenty three percent.

Deputy Finance Director Vega reported the Recreation Department has collected an overall of thirty percent in revenues and thirty seven percent in expenditures.

City Manager Dodge pointed out that since recently a workshop had been conducted he would conclude his city manager report unless there was something specific the Governing Body would like him to address.

OUT OF STATE TRAVEL

Approval/Disapproval for Out of State Travel for Solid Waste Employee(s) to attend the “Keep America Beautiful 58th National Conference in New Orleans from 11/29/11 through 12/2/11.

Utilities Director Ken Garcia requested that Keep America Beautiful Coordinator Anita Bradford be approved for out of state travel to attend the Keep America Beautiful National Conference in New Orleans which is funded through the KAB fund.

Councilor Moore moved to approve the out of state travel for Anita Bradford. Councilor Feldman seconded the motion and added that the Utility Advisory Committee unanimously approved the out of state travel. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	David Romero	Yes
Diane Moore	Yes	Tonita Gurule-Giroń	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

NEW HIRES

1. Approval/Disapproval to hire a Safety Officer, pending completion of pre-employment screening requirements. **City Manager Tim Dodge**

City Manager Dodge stated that previously the City had a safety position that was under the Direction of the Human Resource Manager and in the last few months Council approved a new Safety Officer position and job description that would be directly under the City Manager. City Manager Dodge added that he appointed a committee comprised of two members from each of the three unions along with two management members to develop a new safety policy and develop the safety position in relation to the safety policy.

City Manager Dodge further added that the position was advertised in accordance with the hiring policy and the recommended candidate holds the credentials that are needed for the Safety Officer position identified by the hiring committee as well as several directors who had the opportunity to review such credentials.

City Manager Dodge distributed an outline of the training process that will be set forth in building competency within that position and is proposing that Mr. Andrew Quintana remain as the back up/alternate safety officer. City Manager Dodge recommended hiring Mr. Arturo Marlow for the Safety Officer position and noted that he has met all pre-employment requirements.

Councilor Moore moved to approve Mr. Arturo Marlow for the Safety Officer position. Councilor Feldman seconded the motion.

Councilor Gurule-Giroń commended City Manager Dodge for recommending Mr. Marlow for the Safety position as she had reviewed his credentials and found them to be exceptional.

Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Diane Moore	Yes
Andrew Feldman	Yes	Tonita Gurule-Giroń	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Feldman stated for the record and verbatim;

“The governing body does not get involved with hiring or pay for that matter, our job is a formality to approve recommendations by our City Manager, so I was a

little mystified when we received these manila envelopes the other day, Mr. Marlow this is no reflection on you at all, this is a procedural matter so don't take it personal. We should not be getting applications, Mr. Dodge who requested these?"

Councilor Gurule-Giron stated she requested the information.

Councilor Feldman stated "It is not our function".

Councilor Gurule-Giron stated the fact that this position is such a critical position to the City of Las Vegas given the circumstances and stated for the record that she did request the credentials because of the severity of the situation and she believes that if anyone is going to be hired for that position that the credentials must be looked at and based on the credentials that were submitted, she commended Administration for the hire as Mr. Marlow is incredibly qualified for the position.

Councilor Moore stated for the record and verbatim;

"That is not our position to be hiring, as a governing body we leave that up to the City Manager and the interviewing committee and with that I think we should welcome Mr. Marlow."

Councilor Feldman stated that the City has a code of ethics and rules of what the governing body is supposed to follow and hiring is not part of the job, Council's job is a formality to approve what is recommended by the City Manager and should act as a governing body not as individuals.

Councilor Gurule-Giron stated for the record and verbatim; "I would like to remind both of you, Councilor Moore and Councilor Feldman that in the past their history has followed them and preceded any statements that they make here today regarding the involvement of employees, when they made the recommendation and were involved with Mayor Marquez in the past regarding employee Dufour and Councilor Feldman did make a public apology on behalf of that."

BUSINESS ITEMS

Consent Agenda

City Clerk Fresquez read into the record Business Items to be included under consent agenda:

1. Approval/Disapproval of revised Financial Specialist job description.
2. Approval/Disapproval of Resolution 11-71 to apply for funding through the New Mexico Finance Authority.

Resolution 11-71 was presented as follows:

RESOLUTION NO. 11-71

AUTHORIZING AND APPROVING SUBMISSION OF A COMPLETED APPLICATION FOR FINANCIAL ASSISTANCE AND PROJECT APPROVAL TO THE NEW MEXICO FINANCE AUTHORITY.

WHEREAS, the City of Las Vegas, New Mexico ("Governmental Unit") is a qualified entity under the New Mexico Finance Authority Act, Sections 6-21-1 through 6-21-31, NMSA 1978 ("Act"), and the City of Las Vegas, New Mexico ("Governing Body") is authorized to borrow funds and/or issue bonds for financing of public projects for benefit of the Governmental Unit; and

WHEREAS, the New Mexico Finance Authority ("Authority") has instituted a program for financing of projects from the public project revolving fund created under the Act and has developed an application procedure whereby the Governing Body may submit an application ("Application") for financial assistance from the Authority for public projects; and

WHEREAS, the Governing Body intends to undertake purchase of police vehicles and related equipment ("Project") for the benefit of the Governmental unit and its citizens; and

WHEREAS, the application prescribed by the Authority has been completed and submitted to the Governing Body and this resolution approving submission of the completed Application to the Authority for its consideration and review is required as part of the Application.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO:

Section 1. That all action (inconsistent with the provision hereof) heretofore taken by the Governing body and the officers and employees thereof directed toward the Application and the Project, be and the same is hereby ratified, approved and confirmed.

Section 2. That the completed Application submitted to the Governing Body, be and the same is hereby approved and confirmed.

Section 3. That the officers and employees of the Governing Body are hereby directed and requested to submit the completed Application to the Authority for its review, and are further authorized to take such other action as may be requested by the Authority in its consideration and review of the Application and to further proceed with arrangements for financing the Project.

Section 4. All acts and resolutions in conflict with this resolution are hereby rescinded, annulled and repealed.

Section 5. This resolution shall take effect immediately upon its adoption.

PASSES APPROVED AND ADOPTED this 16th day of November 2011.

CITY OF LAS VEGAS, NEW MEXICO

By _____

Title: _____

(Seal)

ATTEST:

Authorized Officer

3. Approval/Disapproval of Resolution 11-74, the Purchase of five additional police units.

Resolution 11-74 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 11-74**

A RESOLUTION TO APPROVE THE PURCHASE OF FIVE ADDITIONAL POLICE VEHICLES.

WHEREAS, the Police Department is in need of police vehicles;

WHEREAS, the Police Department is seeking funding for five police vehicles through New Mexico Finance Authority;

WHEREAS, the Police Department will pay that debt with Law Enforcement Protection Funds;

WHEREAS, this resolution is requesting to purchase five additional vehicles thru appropriated money in the Police Departments budget;

WHEREAS, the Governing Body of the City of Las Vegas met on November 16th, 2011 and approved to purchase five police units.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEW MEXICO, THAT:

The City of Las Vegas, New Mexico on behalf of the Police Department respectfully submits a request to purchase five additional police vehicles.

DONE this _____ day of _____, 2011.

Mayor Alfonso E. Ortiz, Jr.

ATTEST:

Casandra Fresquez, City Clerk

Approved as to Legal Sufficiency Only:

Dave Romero, City Attorney

7. Approval/Disapproval of Resolution 11-72 budget adjustment to increase the FY 2012 budgeted revenues and expenditures within various funds.

Resolution 11-72 was presented as follows:

STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
BUDGET ADJUSTMENT RESOLUTION NO. 11-72

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget for fiscal year 2012, and;

WHEREAS, said budget adjustments were developed on the basis of an increase in revenues and expenditures in fund 261 and 471;

Increase revenues and expenditures in 2011 Bulletproof Vest PTR (261)- Increase revenues and expenditures in the amount of \$12,325 to be funded by a grant from the Bureau of Justice Assistance Bullet Proof Vest Partnership;

Increase expenditures in Housing Planning Grant (471)- Increase revenues in the amount of \$10,000 for a grant from Mortgage Finance Authority and increase expenditures in the amount of \$6,256 funded by unbudgeted cash balance;

WHEREAS, the City of Las Vegas is in need of making adjustments in the 2012 fiscal year budget;

WHEREAS, it is the majority opinion of this Council that the budget adjustments meet the requirements as currently determined for fiscal year 2012;

NOW, THEREFORE, the Governing Body of the City of Las Vegas passes this budget resolution for budget adjustments, **PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF NOVEMBER, 2011.**

Alfonso E. Ortiz, Jr. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Dave Romero, City Attorney

8. Approval/Disapproval of Resolution 11-73 2012 Election Resolution (English and Spanish) as one of the following options:

Option 1: All Original Polling Locations

Due to the length of Resolution 11-73 2012 Election Resolution a complete copy may be obtained from the City Clerk's Office.

9. Approval/Disapproval of Certified Local Government Contract with the New Mexico Historic Preservation.

11. Approval/Disapproval to award Request for Proposals 100-08 professional engineering services for rehabilitation and reservoir enlargement of Peterson Dam.

12. Approval/Disapproval to enter into storage tank and ground lease agreement with Public Service Company of New Mexico

Councilor Moore moved to approve consent agent including Business Items one, two, three, seven, eight, nine, eleven and twelve. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	Diane Moore	Yes
Andrew Feldman	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Business Items Continued

10. Approval/Disapproval of MOU with the Las Vegas-San Miguel Economic Development Corporation.

Community Development Director Martinez stated that the memorandum of agreement with the Las Vegas-San Miguel Economic Development Corporation addresses items within the City's Comprehensive Master Plan and briefly gave an overview of those items in the agreement.

City Manager Dodge pointed out that he did get involved in the negotiation and creation of the contract and he and the Mayor attended an EDC meeting to meet with the Executive Committee and feels there's an understanding of what the expectations are. City Manager Dodge added that the contract is a good guiding document, it's a good investment in the community and the deliverables outlined in it will bring back some value and help accomplish the goals and objectives outlined and it is his recommendation to approve the contract.

After some discussion on how deliverables will be measured, the City Manager requested a five minute recess to speak to the City Attorney and Community Development Director.

Mayor Ortiz, Jr. called for a five minute recess.

After five minutes, the Mayor called the meeting back into order.

City Attorney Romero recommended financial disclosure be included on the contract upon request from the City Council.

City Manager recommended that financial disclosure be included on the contract upon request from the City Manager rather than from Council as that would be an administrative function.

City Attorney Romero then read the final recommendation agreed upon to be included on the agreement to read: Disclosure to the City, At such times and in such form as the City Manager or designee may require, the Contractor shall furnish to the City such statements, financial records, reports, data and information as the City may request pertaining to matters covered by this Contract.

Councilor Moore moved to approve the Memorandum of Agreement between the City of Las Vegas and San Miguel Economic Development Corporation to include the recommendation from City Attorney Romero regarding the disclosure statement. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Diane Moore	Yes
Tonita Gurule-Giroń	Yes	Andrew Feldman	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Manager Dodge stated for the record that he is open to negotiation of any contract that isn't working for any contractor that the City has contracts with.

13. Conduct a Public Hearing and Approval/Disapproval adopting Ordinance 11-20 vacating a portion of 9th Street between Columbia Avenue and a public ally south of the City Schools Early Childhood Development Center.

Councilor Feldman moved to go into Public Hearing. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Diane Moore	Yes	Andrew Feldman	Yes
Tonita Gurule-Giroñ	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

City Attorney Romero swore in those individuals to speak on the issue to include Community Development Director Elmer Martinez.

Community Development Director Martinez stated this matter was presented to Council at the last Council Meeting in October and Council gave the direction to publish Ordinance 11-20 which was published with the amendments as recommended. Community Development Director Martinez requested that Council consider the Record Proper.

Councilor Feldman moved to accept the Record Proper. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	Andrew Feldman	Yes
Diane Moore	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Community Development Director Martinez gave an overview of the conditions set forth and agreed upon and stated that the Planning and Zoning Commission heard and is recommending approval with the conditions.

Councilor Moore moved to close Public Hearing. Councilor Feldman seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Andrew Feldman	Yes	Tonita Gurule-Giroñ	Yes
Diane Moore	Yes	David Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Feldman moved to adopt Ordinance 11-20. Councilor Gurule-Giroñ seconded the motion.

Ordinance 11-20 was presented as follows:

**CITY OF LAS VEGAS
CITY COUNCIL
ORDINANCE NO. 11-20**

AN ORDINANCE VACATING A PORTION OF 9TH STREET BETWEEN COLUMBIA STREET AND A PUBLIC ALLEY SOUTH OF THE CITY SCHOOLS EARLY CHILDHOOD DEVELOPMENT CENTER.

WHEREAS, Section 67-2-7 NMSA 1978 allows for any owner of lands abutting any highway, street or road to petition the state or any commission, department, bureau, agency or political subdivision thereof, who believes that any section of public road, street or highway is [not] no longer needed for public purposes [and] may petition the state or any commission, department, bureau, agency or political subdivision thereof for a formal determination of abandonment or vacation.

WHEREAS, the City of Las Vegas has received a petition application from New Mexico Highlands University to vacate a platted street being a portion of 9th Street being a 60' foot by 683.41' foot right-of-way between Columbia Street to the south and north to a Public Alley south of the City Schools Early Childhood Development Center; and

WHEREAS, New Mexico Highlands University (NMHU) desires to increase its student parking resources in the area as a result of new construction which has and is currently taking place in the southern quadrant of the campus; and

WHEREAS, the City of Las Vegas Development Review Team's evaluation of the petition for the vacation of a portion of 9th Street has identified that utilities are present within the area requested to be vacated and require the petitioner to execute a utility easement and such be recorded at the San Miguel County Clerk's Office; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on September 26, 2011 wherein after hearing public testimony the Planning and Zoning Commission has recommended approval of said vacation; and

WHEREAS, a public hearing on October 19, 2011 has wherefore been held before the City Council of the City of Las Vegas and the Council has determined that the granting of the portion of 9th Street herein described would not be detrimental to the interest of the citizens of the City of Las Vegas; and

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Las Vegas hereby **GRANTS** the vacation of a 60' x 683.41' foot right-of-way being a portion of 9th Street between Columbia Street and a Public Alley south of the Las Vegas City Schools Early Childhood Development Center. It is further ordained by the Governing Body of the City of Las Vegas that the granting of such vacation is made upon the following findings of fact and conditions:

1. That the granting of the vacation of such portion of 9th as herein described does
not adversely affect the general public.
2. That this portion of street is no longer needed for the general public purposes.
3. That a condition of such granting of street vacation shall require the petitioners
(New Mexico Highlands University) the following:
 - a. The petitioner (NMHU) shall cause to be made at petitioners expense a survey of the property vacated and shall execute all required easements for utilities and such documents shall be recorded at the San Miguel County Clerk's Office.
 - b. That prior to any improvements by NMHU on the vacated area that an assessment of the 4" inch and 8" water mains located thereon be inspected for its reliability and if such inspection reveals needed repair or replacement of said water mains that NMHU shall pay for the cost of such repair or replacement.

DONE THIS _____ DAY OF _____, 2011

ALFONSO E. ORTIZ, JR., MAYOR
ATTEST:

CASANDRA FRESQUEZ, CITY CLERK

REVIEWED AND APPROVED AS TO FORM

DAVID ROMERO JR. ESQ, CITY ATTORNEY

Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

David Romero	Yes	Tonita Gurule-Giroń	Yes
Andrew Feldman	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

14. Approval/Disapproval to Publish Ordinance 11-22 authorizing the City of Las Vegas to enter into a grant/loan agreement with the New Mexico Environment Department to obtain Wastewater construction loan funding.

Utilities Director Ken Garcia stated that this grant/loan is for the purpose of acquiring, constructing, modifying and otherwise improving the Wastewater facilities of the City, specifically for the upgrade of the sewage plant sludge handling facilities which was the only part of the Wastewater Plant that has not been upgraded. Utilities Director Garcia pointed out that the City has to haul the liquid sludge over to the airport site, the upgrade will allow for a more efficient process. Utilities Director Garcia further stated that eighty percent of the amount was a grant and the other twenty percent is a loan.

Councilor Feldman stated that the Utilities Advisory Committee unanimously voted for approval. Councilor Feldman moved to approve the publication of Ordinance 11-22. Councilor Gurule-Giroñ seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroñ	Yes	David Romero	Yes
Andrew Feldman	Yes	Diane Moore	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

COUNCILORS REPORTS

Mayor Ortiz, Jr. requested that City Manager Dodge give a brief summary on some of the efforts being exerted in terms of contacts that are continued to be made at the state and federal level for funding.

City Manager Dodge deferred to Utilities Director Garcia.

Utilities Director Garcia stated that with the adoption of the preliminary engineering report came the push towards funding and briefly gave an overview of the grant applications thus far totaling almost twenty seven million dollars through the Water Trust Board. Utilities Director Garcia added that there is continuous contact with congressional staff and the director of the New Mexico Finance Authority regarding the serious drought conditions.

EXECUTIVE SESSION/CLOSED SESSION

There were no items for Executive Session.

ADJOURN

Councilor Gurule-Giroń moved to adjourn. Councilor Romero seconded the motion. Mayor Ortiz Jr. asked for roll call vote. Roll Call Vote was taken and reflected the following:

Tonita Gurule-Giroń	Yes	David Romero	Yes
Diane Moore	Yes	Andrew Feldman	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.



Mayor Alfonso E. Ortiz, Jr.

ATTEST:



Casandra Fresquez
City Clerk