

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL SPECIAL MEETING
ON TUESDAY, SEPTEMBER 27, 2011 AT 4:00 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Alfonso E. Ortiz, Jr.

COUNCILORS: Andrew Feldman
Tonita Gurule-Giroń
Diane Moore
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 4:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Mayor Ortiz, Jr. asked for a moment of silence for the loss of former Mayor Henry Sanchez and former Mayor Tony Marquez, Jr.

APPROVAL OF AGENDA

Councilor Moore moved to approve the agenda. 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-Giroń	Yes
Diane Moore	Yes	David Romero	Yes

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

PUBLIC INPUT

Mr. Bruce McAllister congratulated the City on moving forward with the preliminary reports, awarding contracts and so forth and appreciates administrations efforts. Mr. McAllister concluded by inquiring further information on business item three.

OUT OF STATE TRAVEL

Approval/Disapproval for out-of-state travel for Mayor Alfonso E. Ortiz, Jr. to travel to the National League of Cities, Congress of Cities and Exposition in Phoenix, Arizona scheduled for November 9-12, 2011.

Mayor Ortiz, Jr. stated that he would like to attend this particular meeting as water is an item included on the agenda and would like to convey that water is a critical issue in this country as well in this world we live in and provide as much input in the meeting to all the participants.

Councilor Moore pointed out that all of Council had the opportunity to attend and with that moved to approve the out-of-state travel for Mayor Ortiz, Jr. to travel to the National League of Cities, Congress of Cities and Exposition. Councilor Feldman seconded the motion. 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.

BUSINESS ITEMS

1. Conduct a Public Hearing and Approval/Disapproval to Adopt Ordinance 11-16, the City of Las Vegas Master Plan.

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

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

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

City Attorney Dave Romero swore in the individuals that would be speaking on the issue to include Community Development Director, Elmer Martinez, Contractor, Steve Bernstein and Melanie Gallegos, City Planner.

Community Development Director stated it had been since 1997 since the City updated and adopted a comprehensive master plan which is a long-range policy guide to decisions concerning the physical development of the City; to include land use, transportation and storm water management, economic development, public facilities and parks, utilities, greenhouse gas emissions, hazard mitigation and implementation. The Planning and Zoning Commission has adopted Resolution 7-11-11 recommending approval of the Master Plan.

Community Development Director Martinez stated that he did receive a comment from the Rough Rider Museum during the publication of the Comprehensive Master Plan stating that the correct name of the museum is the City of Las Vegas Rough Rider Memorial and asked that Council incorporate the correct name into the plan.

Mr. Bernstein stated it has been a great opportunity on behalf of Architectural Research and Consultants to work with Council, staff, the Planning and Zoning Commission and the public. The plan will be very helpful as a guide and a lot of strategic recommendations that will assist the City of Las Vegas.

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:

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

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

Councilor Feldman moved to approve adoption of Ordinance 11-16 the City of Las Vegas Comprehensive Master Plan. Councilor Romero seconded the motion.

Ordinance 11-16 was presented as follows:

CITY OF LAS VEGAS

ORDINANCE NO. 11-16

AN ORDINANCE ADOPTING THE

CITY OF LAS VEGAS UPDATED COMPREHENSIVE MASTER PLAN

WHEREAS, the comprehensive master plan is a long-range policy guide to decisions about the physical development of the city, addressing: land use, transportation and storm

drainage, economic development, facilities and parks, utilities, greenhouse gas emissions, hazards mitigation and implementation; and

WHEREAS, the comprehensive master plan gives long-range and comprehensive context and support for the Infrastructure Capital Improvement Program, Community Development Block Grant (CDBG) infrastructure development grants, as well as other state and federal grants and loans that the city can apply for; and

WHEREAS, the City of Las Vegas has an adopted community master plan from 1997 and needs to update this plan based on changes in the community, a current and more detailed assessment of conditions and ways to better meet needs of the community, changes in city priorities, and clarifications and changes in policy directions; and

WHEREAS, the City Council of the City of Las Vegas is enabled through New Mexico State Statutes to adopt a comprehensive plan which makes recommendations on a variety of subjects; and

WHEREAS, , the city's grant agreement with the New Mexico Department of Finance and Administration Local Government Division for the receipt of a CDBG planning grant for the preparation of this plan requires that the plan be adopted by means of an ordinance; and

WHEREAS, adoption by ordinance of a plan signifies that the City Council believes that the plan is a very important document that should be regularly referred to when making decisions; however, adoption by ordinance does not change the advisory nature of the plan, it does not mandate that all recommendations be followed, nor does it make the plan a regulatory document; and

WHEREAS, the city developed the 2011 comprehensive master plan through a detailed review of the 1997 Community Master Plan, research and analysis of current demographic and socio-economic information, various analyses of land use, streets, storm drainage, city facilities, and parks and infrastructure, and evaluation of the city zoning code; and

WHEREAS, the city conducting a series of five public input meetings on the plan held on December 22, 2010 (land use and economic development), January 12, 2011 (facilities and parks, transportation, storm drainage and utilities), February 2, 2011 (economic development) and February 9, 2011 (economic development), a joint workshop meeting of the City Council and the Planning and Zoning Commission on April 13, 2011, extensive discussions with city staff; and

WHEREAS, the city posted information on its website and on Facebook to keep residents informed about the plan as it developed; and

WHEREAS, a special public hearing was held by the Planning and Zoning Commission on July 11, 2011 and August 15, 2011.

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

1. Hereby adopts the City of Las Vegas Updated Comprehensive Master Plan shown in Attachment A.
2. Finds that the comprehensive master plan is a long-range policy guide to decisions about the physical development of the city.
3. Recognizes that if any section, paragraph, sentence, clause, word or phrase of this ordinance for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this

ordinance and each section, paragraph, sentence, word, or phrase therefore irrespective of any provisions being declared unconstitutional or otherwise invalid.

PASSED, ADOPTED, AND APPROVED this _____ day
of _____.

Alfonso E. Ortiz, Jr., Mayor

ATTEST:

Casandra Fresquez, City Clerk

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

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

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

2. Approval/Disapproval to advertise Request for Proposal for Professional engineering consulting services for design, environmental and permitting for the rehabilitation and reservoir enlargement of Peterson Dam.

Utilities Director Ken Garcia stated that Peterson Reservoirs maximum allowable storage capacity is approximately 211 acre feet and the reservoir water surface level must be maintained at the dam crest elevation of 6789 feet MSL to store maximum volume of water. The raw water technical report done by WH Pacific suggests alternatives to increase storage capacity in this dam. In order for this project to be considered for state funding, the project needs to be further developed in order to meet readiness to proceed requirements.

Utilities Director Garcia further stated that the Utility Advisory Committee recommends moving forward on the RFP, however would like to see some format changes and he could describe those changes to Council or continue the item for the next Council meeting should Council want to review such format changes.

Councilor Gurule-Giroń asked what the recommended changes were.

Utilities Director Garcia stated they were organizational changes as to how the RFP is organized and they are extensive.

Councilor Gurule-Giroń stated she would like to see the format changes prior to approving to move forward with RFP.

Councilor Feldman pointed out that Section B that describes the criteria for the acceptance in evaluation of proposals and the Utility Advisory Committee is proposing to change in terms of the format is the criteria for acceptance of the proposals is a separate section from the evaluation criteria so the language will break it up into part b being format; submittal and content of proposal and part c being the ranking criteria so that the proposals are not being ranked on their submission but ranked on the substance of the submission.

City Manager Dodge asked Utilities Director Garcia if the P tab advisor had reviewed the changes and if he had any issues with proposed changes.

Utilities Director Garcia stated the P tab advisor had reviewed proposed changes and not problems with such changes.

City Manager Dodge recommended proceeding with approval to advertise RFP.

Councilor Moore asked if the City had a project manager on the presented water projects.

Utilities Director Garcia stated that the project administration is done by the engineering companies and the Utility Project Manager position is currently vacant.

Councilor Moore stated that it is important to have a project manager on these types of projects and would like to see that position filled.

City Manager Dodge stated they will address filling the vacancy for project manager.

Councilor Feldman pointed out that the addition of twelve hundred acre feet storage to the City's property rather than paying Storrie project is a major benefit to the City and therefore Councilor Feldman moved to approve to advertise for request for proposals. Councilor Gurule-Giroń 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-Giroń	Yes	David Romero	Yes

3. Approval/Disapproval to advertise Request for Proposals for Professional engineering consulting services for design, environmental and permitting for desalination of Taylor Well No. 7 brackish groundwater.

Utilities Director Garcia stated in light of the current water situation, the City of Las Vegas has been seeking out alternatives to increase water supply. The alternative suggested by Stephens & Associates would allow

for desalination of a constant stream of 250 gallons per minute of water from Taylor Well No. 7.

Utilities Director Garcia added that this RFP would also need to have the proposed formatting changes as with the previous RFP.

Councilor Feldman stated that the Utilities Advisory Committee unanimously agreed to approve moving forward; also discussed was that with any cleaning up of brackish water, you end up with some reject water which is not addressed in the proposal, however it would be expected that a competent engineer would address the disposal of this reject water product from this process.

City Manager Dodge pointed out that this issue is covered in the permitting process.

Councilor Feldman moved to approve to advertise the request for proposals for Professional engineering consulting services for design, environmental and permitting for desalination of Taylor Well No. 7 brackish groundwater. 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	Andrew Feldman	Yes
Tonita Gurule-Giroń	Yes	Diane Moore	Yes

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

4. Approval/Disapproval of Resolution 11-62 the purchase of water rights from Bill and Betty Noble.

Utilities Director Ken Garcia stated the City entered into a water rights purchase agreement with Bill and Betty Noble on October 13, 2010 that outlines the purchase. All paperwork has been approved by the Office of the State Engineer. This resolution will allow the City to complete the purchase. Utilities Director Garcia added that the Utilities Advisory Committee recommended approval of Resolution 11-62.

Councilor Gurule-Giroń asked if it would be irrigated or consumptive use and would there be a loss of about fifty percent of the water from the irrigated land to the consumptive use during the transfer.

Utilities Director Garcia stated it would be consumptive use minus historical use that was determined through the application through the State Engineer and there is an evaporative loss, however the net transfer will be 4.41 acre feet.

Councilor Moore moved to approve Resolution 11-62. Councilor Gurule-Giroń seconded the motion.

Resolution 11-62 was presented as follows:

CITY OF LAS VEGAS
RESOLUTION NO. 11-62

WHEREAS, the City of Las Vegas entered into a water rights purchase agreement with Bill and Betty Noble on October 13, 2010; and

WHEREAS, the water rights purchase agreement was approved by the governing body at the October 13, 2010 City council meeting; and

WHEREAS, the Purchase Agreement outlines the purchase of 4.41 acre feet of water for payment of \$17,640.00 which is \$4,000 per acre foot; and

WHEREAS, all transfer paperwork has been approved by the Office of the State Engineer; and

WHEREAS, available funding for this purchase has been identified;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAS VEGAS, NEW MEXICO that the governing body authorizes and supports the purchase of 4.41 acre feet of water from Bill and Betty Noble in the amount of \$17,640.00.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2011.

Alfonso E. Ortiz, Jr., Mayor

ATTEST:

Casandra Fresquez, City Clerk

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

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

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

City Manager Dodge advised that he, the Mayor and Utilities Director will be traveling to Santa Fe in an effort to obtain funding and asked if there was any objections for the City Manager, the Mayor and the Utilities Director to travel to Washington DC in October in which they have a meeting set up with Secretary of the Department of Interior, Ken Salazar in which they've been working with him to access some additional water resources in times of drought and help with improving their system to help with more efficient management of water resources.

After some discussion and concerns from Councilors, City Manager Dodge stated he would request a special meeting to provide additional information to Council so that they may properly evaluate and bring to them an action item for their consideration.

EXECUTIVE SESSION

City Manager Dodge stated there were no items for Executive Session.

ADJOURN

Councilor Feldman made a motion to adjourn. 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	Andrew Feldman	Yes
Diane Moore	Yes	David Romero	Yes

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



Mayor Alfonso E. Ortiz, Jr.

ATTEST:



Casandra Fresquez, City Clerk